



Seattle Office of Police Accountability

March 15, 2019

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number

- 2018OPA-0198

Topic

- Pursuit Termination

Summary

- A Sergeant ordered the Named Employee to terminate a pursuit. After the order was issued, the Named Employee did not disengage from the pursuit by returning to a normal traffic pattern, obeying all traffic laws, or deactivating emergency equipment.

Analysis

- *SPD Policy 13.031-POL-17* requires that officers disengage from a pursuit when the pursuit is terminated by a supervisor. The policy defines disengaging as returning to a normal traffic pattern, obeying all traffic laws, and deactivating the vehicle's emergency equipment.
- When ordered to terminate, the Named Employee believed he was "already out of the pursuit." He reasoned that he transitioned from a pursuit to emergency vehicle operations to get to a crime scene or "impending" crime scene – namely, the subject's potentially crashed vehicle.
- OPA agrees that the policy is ambiguous and does not adequately define the transition from vehicle pursuit to emergency vehicle operations. However, OPA also recognizes that leaving this to the subjective intent of an officer would be equally problematic and unenforceable.

Recommendation(s)

- *Modify SPD Policy 13.031 - Vehicle Eluding/Pursuits 17. Officers will Disengage When Pursuit is Terminated* to clarify what steps officers are expected to take when transitioning from a vehicle pursuit to emergency vehicle operations.
- Consider establishing a requirement that the officer issue an oral advisement over the radio of the intent to transition to emergency vehicle operations to allow a Department supervisor to approve that decision – specifically where a supervisor has already terminated the pursuit.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

AM
Andrew Myerberg
Director, Office of Police Accountability