



Seattle Office of Police Accountability

November 1, 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

- 2019OPA-0280/2019COMP-0031

Topic

- Pursuits

Summary

- It was alleged that the named employee violated Department policy during a potential Driving Under the Influence (DUI) pursuit.

Analysis

- *SPD Policy 13.031-POL-4* states that: “Officers will not pursue without articulable justification that the public safety need to stop the eluding vehicle outweighs the inherent risk of pursuit driving.” The policy additionally directs that, among the crimes for which a pursuit is impermissible, are gross misdemeanors and misdemeanors. However, the policy exempts DUIs from this restriction.
- The named employee attempted to effectuate a traffic stop; however, the subject ignored all commands to stop and continued driving. At this point, the named employee decided that the driver might be DUI, and, thus, made the decision to engage in a pursuit. From a review of the video, it does not readily appear to OPA that the driver of the subject car was intoxicated. It seems more likely that the subject car was trying to avoid being stopped.
- OPA is ultimately concerned that the expansion of the policy to permit pursuits for DUIs opens the door for officers to justify otherwise prohibited pursuits by describing drivers as potentially DUI. These concerns were also expressed by the chain of command at the discipline meeting for this case.

Recommendation(s)

- Add language requiring that reasonable suspicion for a DUI pursuit be established prior to the traffic stop being initiated.

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

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability