



October 4, 2019

Director Andrew Myerberg
Office of Professional Accountability
PO Box 34986
Seattle, WA 98124-4986

Dear Director Myerberg,

Please see the below Management Recommendation response

Case Numbers:

2018OPA-0074; 2018COMP-0097

Topic:

Emergency Vehicle Operations

Summary of the Management Action:

Allegation that named Employees violated Department policy by performing a vehicle takedown without lights and sirens and nearly colliding with several vehicles.

Original Recommendation:

Amend SPD Policy 13.030-POL-4 to allow for an exception to the use of lights and sirens during emergency vehicle operations when it would jeopardize an approved vehicle operations.

Action Taken:

The Department declines to take action on this recommendation. The language “when necessary” is drawn from statute (RCW 46.61.035). There is no statutory exception. That said, the purpose of the language is directed towards the duty towards other drivers on the road – i.e., to warn them of the emergency nature of the circumstances and to alert them of their obligation to yield the right of way. An officer proceeding without emergency equipment has no right to claim the right-of-way outside of normal traffic operations, and thus the standard of care to “drive with due regard for the safety of other” is heightened. While it is easy to accept circumstances in which a more covert response would be appropriate under the circumstances, this speaks more to the need for a “reasonable deviation from policy may be accepted depending on the totality of circumstances” exception to policies, in general.

SPD Considers this Management Action:

Declined

Please don't hesitate to contact me if you have additional questions or concerns.

Sincerely,


Carmen Best
Chief of Police