



CLOSED CASE SUMMARY

ISSUED DATE: JULY 6, 2024

FROM: DIRECTOR GINO BETTS, JR. 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0022

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	13.030 – Emergency Vehicle Operations, 13.030-POL-3. Officers Shall Modify Their Emergency Response When Appropriate	Not Sustained - Lawful and Proper

Named Employee #2

Allegation(s):		Director's Findings
# 1	13.030 – Emergency Vehicle Operations, 13.030-POL-3. Officers Shall Modify Their Emergency Response When Appropriate	Not Sustained - Lawful and Proper

Named Employee #3

Allegation(s):		Director's Findings
# 1	13.030 – Emergency Vehicle Operations, 13.030-POL-3. Officers Shall Modify Their Emergency Response When Appropriate	Not Sustained - Unfounded

Named Employee #4

Allegation(s):		Director's Findings
# 1	13.031 – Vehicle Eluding and Pursuits, 13.031-POL-2 When Sworn Employees May Pursue and Supervisor Responsibilities, 7. Controlling Supervisors Will Approve and Monitor All Pursuits (Effective May 19, 2023)	Not Sustained - Lawful and Proper

Named Employee #5

Allegation(s):		Director's Findings
# 1	13.030 – Emergency Vehicle Operations, 13.030-POL-3. Officers Shall Modify Their Emergency Response When Appropriate	Not Sustained - Lawful and Proper

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.



EXECUTIVE SUMMARY:

Named Employees #1, #2, #3, and #5 (NE#1, NE#2, NE#3, and NE#5) pursued Community Member #1 (CM#1) for allegedly threatening and pointing a gun at several community members. The Complainant alleged that the named employees operated their police vehicles recklessly, endangering nearby community members and nearly colliding with him. It was alleged that Named Employee #4 (NE#4)—a sergeant who authorized and monitored the pursuit—failed to terminate that pursuit.

ADMINISTRATIVE NOTE:

On June 27, 2024, the Office of Inspector General certified OPA’s investigation as timely, thorough, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

On January 9, 2024, the Complainant filed an OPA complaint, writing that police vehicles chased CM#1 on a “narrow residential street during lunchtime traffic at dangerously high speeds” near a high school. The Complainant wrote that police vehicles nearly struck cars, pedestrians, and himself. The Complainant wrote that the chase almost caused CM#1 to collide with him.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, police reports, in-car video (ICV), use of force reports, and training records. OPA also interviewed the Complainant and named employees.

B. Computer-Aided Dispatch (CAD) Call Report

On January 9, 2024, at 12:30 PM, CAD call remarks noted, “[JUST OCCURRED], MALE POINTED A GUN AT [REPORTING PARTY] AND THREATENED HIM.” At 12:54 PM, CAD call remarks noted, “1 MIN[UTE] AGO, A SUSP[ECT] POINTED A GUN AT [REPORTING PARTY]. SUSP[ECT] DEPARTED IN A VEH[ICLE] HEADING [SOUTHBOUND] ON [ADDRESS].” At 1:28 PM, CAD call remarks noted, “3 MIN[UTES] AGO [REPORTING PARTY] SAW MALE DRIVING A VEH[ICLE] WHILE HOLDING A GUN, [LAST SEEN] GOING [NORTHBOUND] ON RENTON, GUN SHOWN TO [REPORTING PARTY] AS SHE DROVE PAST BUT NOT BRANDISHED.”

C. Police Reports

Witness Officer #1’s (WO#1) incident report documented multiple community members reporting that a person—later identified as CM#1—brandished a gun, demanded money, and threatened them. WO#1 wrote that the community members provided the offender’s description, matching CM#1, and his vehicle’s description. WO#1 wrote that officers arrested CM#1 for attempted robbery after a vehicular pursuit.

NE#5’s supplement report documenting the pursuit was consistent with OPA’s in-car video observations (described below).



D. In-Car Video (ICV)

NE#5's and NE#1's ICV captured the following:

NE#5 drove a police vehicle with NE#3 in the front passenger seat. NE#1 drove behind NE#5. NE#5 approached an intersection where CM#1's car was stopped. CM#1 immediately reversed. NE#5 turned left at the intersection and radioed, "It's driving reverse." CM#1 performed a U-turn and sped through a residential neighborhood. NE#5 and NE#1 followed CM#1 with their emergency equipment activated. NE#4 radioed authorization to pursue¹ CM#1. CM#1 drove into oncoming traffic to get around vehicles in his travel lane. NE#5 and NE#1 did the same. NE#1 radioed speed and location updates. CM#1 (red arrow) also drove in the middle of the road, forcing vehicles (green and blue arrows) in both lanes to pull over:



CM#1 reached an intersection, drove into oncoming traffic, and turned left. NE#5 and NE#1 did the same. The Complainant (purple arrow) stopped in the middle of the intersection to allow CM#1, NE#5, and NE#1 to pass:

¹ A pursuit is "an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle, and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer (RCW 10.116.060)." SPD Interim Policy 13.031-POL-1 (effective May 19, 2023).



CM#1 accelerated. NE#1 radioed that CM#1 was traveling around 70 MPH. CM#1 drove in the median lane, avoiding vehicles in his travel lane. CM#1 also drove into oncoming traffic, avoiding islands on the median. NE#5 performed the same maneuvers while NE#1 drove in the median lane or the correct travel lane. Nearby vehicles braked and pulled over. NE#1 continued radioing speed and location updates. NE#3 told NE#5, "You're doing good, [NE#5]. You're doing good." CM#1 braked and maneuvered between two vehicles, and NE#5 performed the same maneuvers.

NE#1 took the lead position, with NE#5 positioned second. CM#1 reached a red light intersection, turned right, and accelerated. NE#1 and NE#5 performed the same maneuvers. NE#5 radioed, "Speed 60. Zero cars in front of us at this time." For about five minutes, CM#1 drove in the correct lane of travel, the median lane, or the opposite lane. NE#5 continued radioing speed and location updates. Nearby vehicles continued to brake and pull over. ICV captured speeds generally between 60 MPH and up to 99 MPH.

CM#1 and the officers entered an area with heavier traffic, decelerated, and maneuvered through that traffic. At a red light intersection, NE#2 overtook NE#5, positioning NE#2 as second and NE#5 as the third pursuing vehicle. CM#1 made a sharp left turn at a green light intersection and drove over two curbs, causing damage to the wheels:



NE#1 radioed, "This vehicle might be disabled." CM#1 entered a Safeway parking lot and decelerated. CM#1 threw a gun out the window as NE#1's police vehicle simultaneously contacted the rear of CM#1's vehicle:²



² NE#1's type II use of force report documented that his police vehicle unintentionally contacted the rear of CM#1's vehicle when CM#1 suddenly braked.



NE#1 radioed that CM#1 ditched a gun. CM#1 exited the parking lot, turned right at a red light intersection, and decelerated. NE#5 radioed, "Front right tire is disabled. [The] car's coming to a stop." NE#1's police vehicle pinned CM#1's vehicle against the sidewalk:³



Officers drew their guns and arrested CM#1.

NE#2's ICV captured the following:

NE#2 activated his emergency equipment and headed toward the pursuit. Nearby vehicles braked and pulled over as NE#2 accelerated and maneuvered through them. NE#2 approached the Complainant (purple arrow), who drove in the opposite lane of travel and pulled into a parking lot, avoiding NE#2:

³ NE#1's type II use of force report documented that he pinned CM#1's vehicle against the curb to end the pursuit and prevent further threats to public safety. NE#1 believed CM#1 posed a significant threat to public safety based on CM#1's extreme and unsafe driving and the crimes for which officers had probable cause.



A few minutes later, NE#2 caught up to NE#5 and NE#1 and engaged in the pursuit. NE#2's driving pattern was consistent with NE#1's and NE#5's, as captured on ICV.

E. OPA Interviews

1. The Complainant

On January 24, 2024, OPA interviewed the Complainant. The Complainant said he was stopped at an intersection waiting to turn left when he heard but did not see sirens. The Complainant said he initiated his left turn but braked when CM#1 approached, nearly struck the front of his vehicle, and was closely pursued by two police vehicles—one of which the Complainant said almost struck him. The Complainant said he completed his left turn, drove northbound, and was nearly struck by another police vehicle traveling southbound. The Complainant said that the police vehicle went into oncoming traffic, forcing the Complainant to pull into a spot to avoid a collision. The Complainant believed officers drove recklessly in a school area where students, pedestrians, and drivers were present.

2. Named Employee #3 (NE#3)

On March 11, 2024, OPA interviewed NE#3. NE#3 said he was NE#5's field training officer on the incident date. NE#3 said officers had probable cause to arrest CM#1 for robbery and felony harassment. NE#3 said CM#1 pointed a gun at multiple community members. NE#3 said he saw CM#1's vehicle and told NE#5 to pursue it. NE#3 believed NE#5 drove well and could not recall specific maneuvers NE#5 performed to avoid close collisions. NE#3 estimated their police vehicle was two car lengths away as they passed the Complainant's vehicle, which was stopped at the intersection. NE#3 said the area was not crowded. NE#3 said neither he nor NE#4 told NE#5 to terminate the pursuit. NE#3 believed the need to apprehend CM#1 outweighed the public safety risks since CM#1 continued to commit crimes. NE#3 denied seeing injuries or collisions from the pursuit.



3. Named Employee #5 (NE#5)

On March 11, 2024, OPA interviewed NE#5, a student officer. NE#5 said he responded to a felony harassment call involving CM#1 pointing a gun at community members, providing probable cause for CM#1's arrest. NE#5 said CM#1 and his car matched the victims' descriptions. NE#5 said CM#1 immediately fled, and NE#5 pursued him because CM#1 was dangerous to the public. NE#5 said NE#4 authorized the pursuit, and neither NE#3 nor NE#4 instructed him to terminate it. NE#5 denied seeing students walking in the area and believed traffic conditions were light. NE#5 discussed several maneuvers—like driving through intersections, maneuvering between two vehicles, and driving in the opposite lane—consistent with ICV observations. NE#5 denied being close to the Complainant. NE#5 believed he operated his police vehicle as safely as possible during the pursuit, noting that NE#3 rated him a "5"—the highest grade obtainable—on his daily operation report. NE#5 believed the pursuit was justified and outweighed the potential risk to the public because CM#1 repeatedly aimed his gun at community members. NE#5 said there were no reported injuries or collisions from the pursuit.

4. Named Employee #2 (NE#2)

On March 18, 2024, OPA interviewed NE#2, whose statements were consistent with the abovementioned evidence. NE#2 believed he operated his police vehicle safely. NE#2 said NE#4 authorized, but never terminated, the pursuit. NE#2 denied performing maneuvers to avoid close collisions. NE#2 denied being close to the Complainant, noting that there was sufficient space after the Complainant pulled over. NE#2 denied seeing many pedestrians and described traffic conditions as light to moderate. NE#2 believed the pursuit was justified and outweighed the risk to the public because NE#2 believed CM#1 would continue pointing his gun at community members.

5. Named Employee #4 (NE#4)

On April 29, 2024, OPA interviewed NE#4, whose statements were consistent with the abovementioned evidence. NE#4 said he authorized and monitored the pursuit via radio. NE#4 said no update during the pursuit warranted its termination. NE#4 believed the need to apprehend CM#1 outweighed any risk caused by the pursuit based on CM#1's repeated crimes that threatened public safety. NE#4 said he responded to the scene, screened the incident, and recalled no reported injuries or collisions from the pursuit.

6. Named Employee #1 (NE#1)

On June 25, 2024, OPA interviewed NE#1, whose statements were consistent with the abovementioned evidence. NE#1 believed he operated his police vehicle safely. NE#1 thought the pursuit was justified because CM#1 posed a significant threat to the public if officers did not apprehend him. NE#1 acknowledged physically contacting CM#1's vehicle twice during the pursuit but denied being close to the Complainant. NE#1 said the vehicle contact in the Safeway parking lot was unintentional while the vehicle contact at the end of the pursuit was intentional to prevent CM#1 from fleeing.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

13.030 – Emergency Vehicle Operations, 13.030-POL-3. Officers Shall Modify Their Emergency Response When Appropriate

The Complainant alleged that NE#1 operated his police vehicle recklessly.

Officers shall modify their emergency response when appropriate. SPD Policy 13.030-POL-3. Officers shall modify or terminate their emergency driving as ordered by a supervisor or when the totality of the circumstances indicates the risk of continuing the emergency driving outweighs the need. *Id.* The officers' decision shall be reviewed based on the information available to them at the time. *Id.* An "emergency response" is when an officer operates an authorized police vehicle in a manner that is substantially outside of a normal traffic pattern. SPD Policy 13.030-POL-1.

Although the Complainant alleged that NE#5 and NE#1 nearly struck him when NE#5 and NE#1 turned at an intersection, ICV disputed that account. The Complainant was stopped at an intersection when CM#1, driving in the opposite lane of travel, reached that intersection and turned left. NE#5 and NE#1 performed the same maneuvers while the Complainant remained stopped, waiting for those vehicles to pass. There was sufficient distance between NE#5 and NE#1 and the Complainant. OPA finds that NE#5 and NE#1 did not operate their police vehicles recklessly as they passed the Complainant.

Additionally, NE#1's police vehicle physically contacted CM#1's vehicle twice during the pursuit. The first contact in the Safeway parking lot appeared unintentional as CM#1 suddenly braked. The second contact at the end of the pursuit was intentional but justified under the circumstances. NE#1 pinned CM#1 against the sidewalk to prevent CM#1 from fleeing. Each named employee articulated CM#1's danger to the public, and that failing to apprehend him posed a more significant public threat than the pursuit. CM#1 displayed no intent to surrender until his disabled vehicle was pinned against a sidewalk. OPA finds that NE#1's weaving through traffic, accelerating, decelerating, and physical contact with CM#1's vehicle were appropriate emergency responses. OPA observed no driving maneuvers posing an unreasonable danger to the public. Overall, NE#1 modified his emergency response when appropriate, balancing public safety with the need to pursue and apprehend CM#1.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper**

Named Employee #2 – Allegation #1

13.030 – Emergency Vehicle Operations, 13.030-POL-3. Officers Shall Modify Their Emergency Response When Appropriate

The Complainant alleged that NE#2 operated his police vehicle recklessly.

Although the Complainant alleged that NE#2 nearly struck him when NE#2 drove southbound, NE#2's ICV disputed that account. When NE#2 approached the Complainant, driving in oncoming traffic, the Complainant safely pulled into a parking lot with sufficient time and space to avoid NE#2. Additionally, OPA finds that NE#2's weaving through traffic, accelerating, and decelerating were appropriate emergency responses during the pursuit. OPA observed no close



collisions or driving maneuvers posing an unreasonable danger to the public. ICV also did not capture heavy foot or vehicle traffic as the Complainant suggested. Overall, NE#2 modified his emergency response when appropriate, balancing public safety with the need to pursue and apprehend CM#1.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper**

Named Employee #3 – Allegation #1

13.030 – Emergency Vehicle Operations, 13.030-POL-3. Officers Shall Modify Their Emergency Response When Appropriate

The Complainant alleged that NE#3 operated his police vehicle recklessly.

This allegation is unfounded because NE#3 did not drive a police vehicle. During the pursuit, NE#3 was in the passenger seat and coached NE#5 as his field training officer. Even if NE#5's driving was imputed to NE#3's coaching, NE#5 appropriately modified his emergency response as articulated in Named Employee #5 – Allegation #1.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #4 – Allegation #1

13.031 – Vehicle Eluding and Pursuits, 13.031-POL-2 When Sworn Employees May Pursue and Supervisor Responsibilities, 7. Controlling Supervisors Will Approve and Monitor All Pursuits (Effective May 19, 2023)

It was alleged that NE#4 failed to terminate the pursuit.

Controlling supervisors will approve and monitor all pursuits. SPD Interim Policy 13.031-POL-2(7) (effective May 19, 2023). The supervisor who approves the pursuit is the controlling supervisor of all aspects of the pursuit unless a higher-ranking supervisor takes over control. *Id.* The controlling supervisor will immediately establish radio contact with the primary pursuing unit and will gather relevant information as soon as practicable. *Id.* The controlling supervisor will actively monitor the pursuit to provide ongoing assessment and supervisory control. *Id.* Supervisors will terminate a pursuit when the risk to any person outweighs the need to stop the eluding vehicle. *Id.* "Eluding" means an officer operating an authorized police vehicle issues by hand, voice, or emergency lights or siren a visual and/or audible signal to the driver of a vehicle to stop, and, after a reasonable time to yield in response to the officer's signal, the driver increases speed, takes evasive actions, and/or refuses to stop. SPD Interim Policy 13.031-POL-1 (effective May 19, 2023).

NE#4 authorized the pursuit based on CM#1 posing an imminent threat to the public for multiple robbery attempts. NE#4 established radio contact with the pursuing officers, monitored the pursuit and heard no update that warranted termination of the pursuit. NE#4 also responded to the scene, screened the incident, and noted no reported injuries or collisions from the pursuit. OPA finds that NE#4 appropriately approved and monitored all aspects of the pursuit as the controlling supervisor.



Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper**

Named Employee #5 – Allegation #1

13.030 – Emergency Vehicle Operations, 13.030-POL-3. Officers Shall Modify Their Emergency Response When Appropriate

The Complainant alleged that NE#5 operated his police vehicle recklessly.

For many of the same reasons at Named Employee #1 – Allegation #1, OPA finds that NE#5 did not operate his police vehicle recklessly as he passed the Complainant. Additionally, OPA finds that NE#5's weaving through traffic, accelerating, and decelerating were appropriate emergency responses during the pursuit. OPA observed no close collisions or driving maneuvers posing an unreasonable danger to the public. Overall, NE#5 modified his emergency response when appropriate, balancing public safety with the need to pursue and apprehend CM#1.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper**