



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 31, 2025

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS, JR.  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0225

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	13.031 – Vehicle Eluding and Pursuits, 13.031-POL-2 When Sworn Employees May Pursue and Supervisor Responsibilities, 1. Sworn Employees May Not Pursue Unless the Following Requirements Have Been Met: (Effective May 19, 2023)	Sustained
# 2	13.031 – Vehicle Eluding and Pursuits, 13.031-POL-3 Ending or Terminating Pursuits, 4. Sworn Employees will Disengage When Pursuit is Terminated (Effective May 19, 2023)	Sustained
# 3	13.030 – Emergency Vehicle Operations, 13.030-POL-5. Officers Are Responsible for the Safe Operation of Their Police Vehicle (Effective March 1, 2018)	Sustained

#### Proposed Discipline

27 (3 Days) to 45 Hours (5 Days) Suspension

#### Imposed Discipline

45 Hours (5 Days) Suspension

***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.***

### **ADMINISTRATIVE NOTE ON PROPOSED FINDINGS:**

*When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.*

### **EXECUTIVE SUMMARY:**

Named Employee #1 (NE#1) pursued<sup>1</sup> a stolen vehicle driven by Community Member #1 (CM#1). The Complainant—an SPD lieutenant—alleged that NE#1 engaged in an unauthorized pursuit, failed to terminate that pursuit when ordered by a supervisor, and operated his patrol vehicle unsafely after deactivating his emergency equipment.

### **ADMINISTRATIVE NOTE:**

<sup>1</sup> See SPD interim Policy 13.031-POL-1 (effective May 19, 2023) (defining "pursuit").



On December 6, 2024, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

### **SUMMARY OF INVESTIGATION:**

#### **A. OPA Complaint**

On May 20, 2024, the Complainant submitted an OPA complaint, alleging that NE#1 engaged in an unauthorized pursuit. The Complainant also alleged that NE#1 drove at excessive speeds and drove through red lights during the pursuit without his emergency equipment activated.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), in-car video (ICV), incident report, and use-of-force records. OPA also interviewed NE#1.

#### **B. Computer-Aided Dispatch (CAD) Call Report, Body-Worn Video (BWV), and In-Car Video (ICV)**

On April 16, 2024, at 4:05 PM, CAD call remarks noted, "CH[EC]K FOR NON[RESIDENT] OCCUPIED VEH[ICLE] ON GROUND [LEVEL] OF GARAGE BY THE REAR, VEH[ICLE] NOT RUNNING, NO DESC[RPTION] OF OCCUPANT BEYOND IS A MALE, NO [WEAPONS] SEEN."

BWV and ICV captured the following:

NE#1 and his partner, Witness Officer #1 (WO#1), responded to a parking garage. A community member told them that CM#1 appeared stoned and was parked in someone else's spot for three hours. The officers approached the vehicle and inspected it and its sole occupant, CM#1, who appeared asleep. Dispatch radioed confirmation that the vehicle was stolen. NE#1 applied a stationary tire deflation device (terminator) against the front driver's side tire. Backing officers arrived, and NE#1 applied another terminator against the rear passenger's side tire. A backing officer, using a public address system, ordered CM#1 to exit the vehicle, but CM#1 turned on the engine and reversed.<sup>2</sup> Tire deflating sounds were audible. NE#1 aimed his firearm at CM#1 as CM#1 reversed out of the garage and drove away.

NE#1 and WO#1 entered a patrol vehicle. NE#1 activated his emergency equipment after he began driving. CM#1 (indicated by the red arrow below) turned left:



<sup>2</sup> WO#1's incident report stated that CM#1 struck two vehicles and a concrete pole while attempting to exit the parking garage.



NE#1 drove through the stop sign, followed behind CM#1, and radioed, "Permission to pursue." About six seconds later, a sergeant denied that request, and NE#1 deactivated his emergency equipment.<sup>3</sup> NE#1 continued to follow CM#1. NE#1 drove through a four-way intersection without stopping:



WO#1 repeatedly advised, "Let him go." NE#1 drove a maximum speed of 37 MPH in the residential neighborhood while following CM#1. CM#1 turned left at a stop sign. NE#1 slowed, but did not stop, and turned left at the stop sign. WO#1 continued saying, "Let him go." CM#1 drove through a yellow light at a four-way intersection. NE#1 slowed, but did not stop, and drove through the red light:



CM#1 entered a plaza, and NE#1 followed. WO#1 said, "If you hit somebody, [NE#1]. Let him go." Foot and vehicle traffic were present there. CM#1 exited the plaza and turned left at a yellow light at a four-way intersection. NE#1 slowed, but did not stop, and turned left at the red light:

<sup>3</sup> The time from emergency equipment activation to deactivation was about 11 seconds.





A sergeant requested confirmation over radio that there was no pursuit. NE#1 responded, "I'm negative. Just [inaudible]. He is not going too far. Two flat tires." CM#1 was no longer visible.

NE#1 turned into a residential neighborhood. WO#1 said, "Stay right here." NE#1 slowed to a near stop and radioed, "Disengage. He's by the school." The school was to NE#1's right. Community members were nearby. NE#1 drove to a stop sign and asked a community member where CM#1 went. NE#1 drove through the stop sign, stopped again, and asked another community member where CM#1 went. That community member said CM#1 went straight. NE#1 accelerated through a residential neighborhood at a maximum speed of 52 MPH:



NE#1 stopped at a red light at a four-way intersection and then slowly drove through it:





NE#1 drove through a stop sign at a four-way intersection without stopping and performed a U-turn. NE#1 returned to a normal driving pattern and deactivated his ICV. Officers located the stolen vehicle unoccupied with deflated tires.

### **C. OPA Interview**

On November 13, 2024, OPA interviewed NE#1. NE#1 said the terminators prevented CM#1 from fleeing at a high speed. NE#1 said he activated his emergency equipment to alert nearby community members. NE#1 said he did not pursue CM#1 once a sergeant denied it. NE#1 said he followed, not pursued, CM#1 because CM#1 presented a safety risk to the public. NE#1 said he yielded and activated his emergency lights before driving through stop signs and red lights. NE#1 believed driving at speeds over 40 MPH in a residential neighborhood was within a normal driving pattern because he thought he could safely travel at those speeds without risking anyone's safety. NE#1 said he drove at speeds over 40 MPH to cover more ground since CM#1 was no longer in sight.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 – Allegation #1**

***13.031 – Vehicle Eluding and Pursuits, 13.031-POL-2 When Sworn Employees May Pursue and Supervisor Responsibilities, 1. Sworn Employees May Not Pursue Unless the Following Requirements Have Been Met: (Effective May 19, 2023)***

The Complainant alleged that NE#1 engaged in an unauthorized pursuit.

On the date of this incident, a pursuit was defined as “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).

On the date of this incident, sworn employees were not permitted to pursue unless the following requirements were met: (1) the pursuing sworn employee had completed an emergency vehicle operator's course (EVOC), had completed an updated EVOC within the previous two years, and had been certified in at least one pursuit ending option; (2) there was probable cause to believe that a person in the vehicle had committed or was committing a violent offense or sex offense (RCW 9.94A.030); (3) the person posed a significant imminent threat of death or serious physical injury to others such that, under the circumstances, the public safety risks of failing to apprehend or identify the person were greater than the inherent risk of pursuit driving; (4) the pursuing sworn employee had received authorization from a supervisor to continue the pursuit; and (5) a supervisor was actively monitoring and supervising the pursuit. SPD Interim Policy 13.031-POL-2(1) (effective May 19, 2023). A vehicle pursuit could not be initiated if these requirements were not met, and the pursuit must be terminated, unless circumstances changed. *Id.* Sworn employees were prohibited from pursuing for the sole crimes of eluding, escape, or DUI. *Id.* Sworn employees were required to terminate a pursuit when the risk to any person outweighed the need to stop the eluding vehicle. *Id.*

NE#1 engaged in—at the very least—an 11-second pursuit. He attempted to stop CM#1 by activating his emergency equipment. In response, CM#1 willfully ignored NE#1 by making evasive maneuvers and operating the vehicle in a reckless manner. That pursuit was unauthorized. NE#1 lacked probable cause that CM#1 committed a violent or sex



offense. NE#1 only had probable cause for possession of a stolen vehicle. Moreover, there was insufficient evidence suggesting CM#1 was so dangerous that failing to apprehend him seriously threatened the public. Overall, NE#1 lacked justification under SPD policy to initiate a pursuit.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #1 – Allegation #2**

***13.031 – Vehicle Eluding and Pursuits, 13.031-POL-3 Ending or Terminating Pursuits, 4. Sworn Employees will Disengage When Pursuit is Terminated (Effective May 19, 2023)***

The Complainant alleged that NE#1 failed to terminate a pursuit.

On the date of this incident, policy required that, when the primary sworn employee or a supervisor terminated a pursuit, pursuing officers would, with ICV and BWV still recording, return to a normal driving pattern, obeying all traffic laws; and deactivate all emergency equipment. SPD Interim Policy 13.031-POL-3(4) (effective May 19, 2023).

After the sergeant specifically denied NE#1's request to continue pursuing, NE#1 deactivated his emergency equipment while flouting traffic laws. NE#1 drove through a four-way intersection without stopping, traveled up to 52 MPH in residential neighborhoods, drove through two stop sign intersections without stopping, and drove through three red light intersections. Moreover, WO#1 repeatedly attempted to convince NE#1 to return to a normal driving pattern. NE#1's driving could hardly be described as returning to a "normal driving pattern."

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #1 – Allegation #3**

***13.030 – Emergency Vehicle Operations, 13.030-POL-5. Officers Are Responsible for the Safe Operation of Their Police Vehicle (Effective March 1, 2018)***

The Complainant alleged that NE#1 operated his patrol vehicle unsafely.

Officers are responsible for operating their police vehicles safely. SPD Policy 13.030-POL-5 (effective March 1, 2018). Officers must drive with due regard for everyone's safety. *Id.* Officers will drive no faster than reasonably necessary to safely arrive at the scene. *Id.*

NE#1 did not drive with due regard for everyone's safety. In addition to NE#1's driving pattern noted above, NE#1 flouted traffic laws in broad daylight during moderate to heavy foot and vehicle traffic, despite being ordered to disengage. NE#1 knew he was near a school, with community members nearby. In fact, he stopped to ask two of them about CM#1's whereabouts. Yet, his acceleration up to 52 MPH in a residential neighborhood—without emergency equipment activated to notify others of a speeding patrol vehicle—was particularly concerning. Overall, NE#1 failed to operate his patrol vehicle with due regard for the public's safety.



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Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**