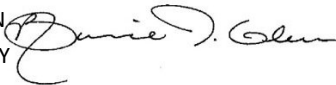




## CLOSED CASE SUMMARY

ISSUED DATE: JUNE 11, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN  
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2024OPA-0418

### Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	13.030 - Emergency Vehicle Operations, 13.030-POL 3. Sworn Employees May Drive in an Emergency Response Only When the Need Outweighs the Risk	Sustained
# 2	13.030 - Emergency Vehicle Operations, 13.030-POL 5. Sworn Employees Will Use Emergency Lights and Sirens for Emergency Response	Sustained

#### Proposed Discipline

9 Hours (1 Day) to 27 Hours (3 Days) Suspension

#### Imposed Discipline

9 Hours (1 Day) 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:

It was alleged Named Employee #1 (NE#1) drove substantially outside of a normal traffic pattern (emergency response) without justification and without his emergency equipment continuously activated.

### ADMINISTRATIVE NOTE:

On March 5, 2025, OIG certified OPA's investigation as thorough, timely, and objective.



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**STATEMENT OF FACTS:**

The Complainant filed a web-based complaint alleging NE#1 nearly caused a collision by entering an intersection without the right of way on October 27, 2024, at about 8:25pm. The Complainant wrote<sup>1</sup> they were facing westbound at the intersection of South Lander Street (S Lander) and 1<sup>st</sup> Avenue South (1<sup>st</sup> Ave), waiting to make a left turn from S Lander onto 1<sup>st</sup> Ave (southbound). The Complainant wrote that they had the green left arrow and, as they made their left turn, NE#1 entered the intersection from the oncoming direction (eastbound) on S Lander, “without their headlights on, failing to yield to the left turn arrow.” The Complainant alleged NE#1 made a “wide right turn,” entering the left southbound lane of travel on 1<sup>st</sup> Ave before crossing the yellow line and parking in the wrong direction on 1<sup>st</sup> Ave. The Complainant described having to swerve and stop in the middle of the intersection to avoid a collision. The Complainant noted approximately six other SPD vehicle had already arrived at the location.

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

The CAD call report showed that, on October 27, 2024, NE#1 was attached to a priority 2<sup>2</sup> burglary call. The call was initiated at 7:29pm, and the CAD call remarks noted the reporter was security for the building who encountered a broken door. The reporting party noted they were unsure how long the door had been that way, they had not checked inside, and the building was “vacant.” Another officer was marked as arrived at the location at 8:12pm, noting it was a “large building” and requesting a “couple more units to assist.” NE#1 was marked enroute to the call at 8:16pm. At 8:17pm, the officer on scene noted seeing “wet footprints” inside the building and requesting “due to size is there a K9 to assist?” That officer updated at 8:20pm that a K9 was “not necessary,” noting a building search would be easier with K9 assistance. Officers indicated they were checking inside the building at 8:21pm, keeping the “air routine.”<sup>3</sup> At 8:33pm an officer indicated the building check was clear. The incident report for the call noted that no suspects were located inside.

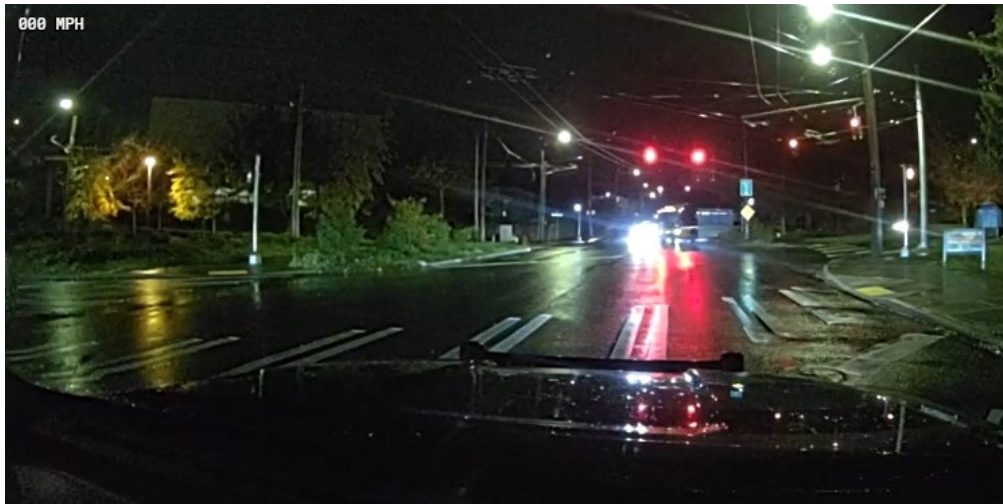
NE#1’s ICV captured his response to the location. NE#1’s ICV was activated at about 8:16pm. NE#1 was at the intersection of South Myrtle Street and Beacon Avenue South. The conditions were nighttime with light precipitation and wet roads.

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<sup>1</sup> In addition to their web-based submission, the Complainant clarified the factual details of their complaint to OPA by email.

<sup>2</sup> SPD categorizes calls by priority type. Priority 1 and Priority 2 calls are considered higher priority calls compared to Priority 3 and Priority 4 calls. Whereas Priority 1 calls involve “life-threatening emergencies, serious crimes in progress, and other circumstances where police are immediately needed with a target response time of seven minutes,” Priority 2 calls include “threats of violence, major property damage, incidents where officer presence is required to avoid escalation, disturbances involving weapons, [and] serious vehicle collisions.” Seattle Police Recruitment and Retention Plan, p. 1 and fn. 2, available at <https://harrell.seattle.gov/wp-content/uploads/sites/23/2022/07/SPD-Recruitment-and-Retention-Plan.pdf>.

<sup>3</sup> On calls that could become emergent and require uninterrupted radio communication, SPD officers will request that dispatch and other officers “hold the air,” limiting transmissions that could interrupt clear radio communication. “Air routine” is an indication to continue normal radio traffic.



*NE#1 ICV at about 20:16:28 hours*

As NE#1 proceeded northbound along South Myrtle Street, he averaged speeds in the high 40s miles per hour (mph)—topping out at 63mph—on a street with a 25mph speed limit. NE#1’s windshield wipers were activated, and traffic appeared light to moderate. NE#1’s emergency equipment was not activated.



*NE#1 ICV at about 20:16:54 hours*

As NE#1 continued, he drove 55mph as traffic increased with multiple oncoming vehicles. NE#1’s emergency equipment remained inactive.<sup>4</sup>

<sup>4</sup> The OPA investigator noted the possibility NE#1’s lightbar activated for some amount of time; however, it does to appear there was an indication of this in the ICV “overlay”.



*NE#1 ICV at about 20:17:04 hours*

Continuing westbound along South Myrtle Street and northbound along Swift Avenue South,<sup>5</sup> NE#1 reached 68mph without his emergency equipment activated. NE#1 maintained speeds between 60mph and 68mph for about nine seconds within emergency equipment activated, with almost no visible traffic. NE#1 then slowed to speeds in the 50s as traffic increased.



*NE#1 ICV at about 20:17:15 hours*

<sup>5</sup> Along this section of road, South Myrtle Street becomes Swift Avenue South as the road bends northbound. The speed limit along these sections of both roads is 25mph.



Approaching the intersection with South Graham Street, NE#1 had a red light. NE#1 activated his emergency equipment, slowed, and cleared the intersection before proceeding through the red light.



*NE#1's ICV at about 20:17:29 hours*

As NE#1 pulled onto the I-5 North onramp, he deactivated his emergency equipment and accelerated rapidly, reaching speeds of 83mph on I-5. The speed limit along this section of I-5 is 60mph. Traffic appeared light to moderate as NE#1 passed multiple cars to his left.

NE#1 took the exit for the West Seattle Bridge maintaining speeds from about 40mph to about 50mph. As NE#1 merged onto the West Seattle Bridge, he accelerated rapidly, reaching speeds of about 74mph to pass a vehicle on his left. NE#1 did not activate his emergency equipment. The speed limit on the West Seattle Bridge is 35mph.







*NE#1's ICV at about 20:19:49 hours*

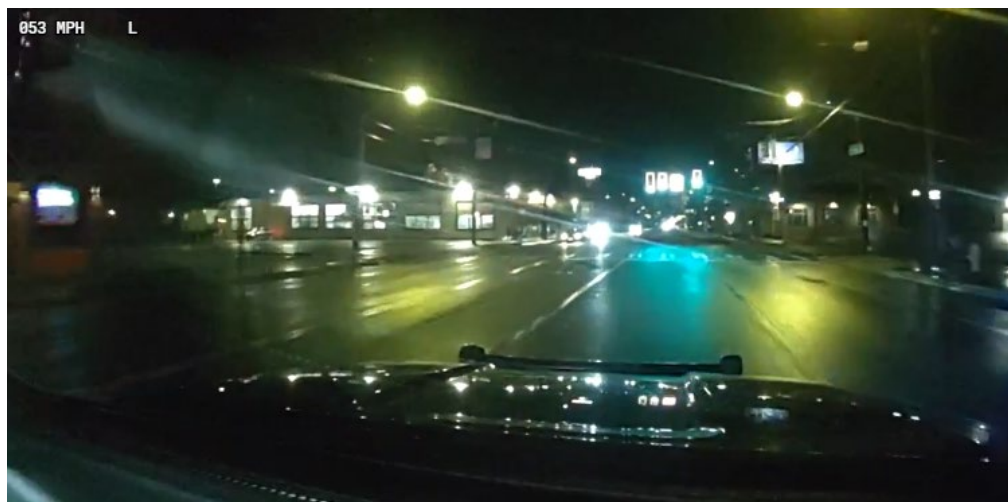
Around this time, NE#1's radio is audible broadcasting the officer on scene noting a K9 was not necessary. The officer stated, "We will be able to handle it."

NE#1 took the exit onto 1<sup>st</sup> Ave northbound. Without emergency equipment activated, NE#1 reached speeds of 52mph. The speed limit on this offramp is 30 mph.



*NE#1's ICV at about 20:20:13 hours*

As NE#1 approached the intersection with South Horton Street, NE#1 slowed, activated his emergency equipment, passed vehicles on his left, then proceeded through the intersection with a green light. Once through the intersection, NE#1 accelerated to about 53mph with emergency equipment activated. The speed limit on this section of 1<sup>st</sup> Ave is 30mph.



*NE#1's ICV at about 20:20:27 hours*



NE#1 then turned westbound onto South Forest Street and, with his emergency equipment deactivated, turned right opposite against the traffic northbound on Utah Avenue South.



*NE#1's ICV at about 20:20:52 hours*

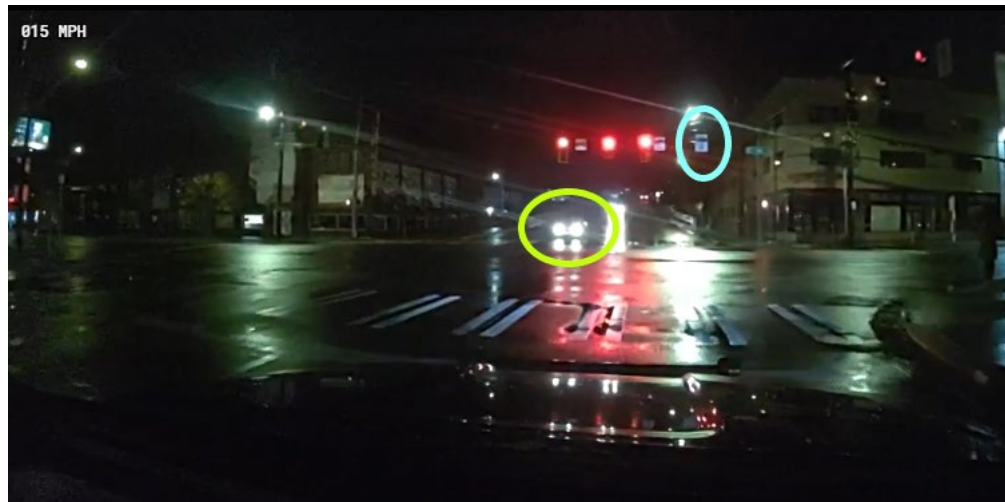


NE#1 then turned right, heading eastbound on S Lander. NE#1 approached the intersection with 1<sup>st</sup> Ave without his emergency lights activated.<sup>6</sup> NE#1 had a solid red light.



*NE#1's ICV at about 20:21:14 hours*

As NE#1 approached the intersection, he slowed to about 15mph. NE#1 continued to have a solid red light. The Complainant's vehicle was visible (circled in green). A rectangular white sign (circled in blue) hung on the right side of the light pole, just left of the green 1<sup>st</sup> Ave S identification sign.



*NE#1's ICV at about 20:21:16 hours*

<sup>6</sup> The Complainant alleged NE#1 did not have his "headlights" on. This appears mistaken. NE#1's headlights were visible illuminating various items throughout NE#1's response, such as the wall in the image above (20:20:52 hours) and the Complainant's vehicle below (20:21:23 hours).



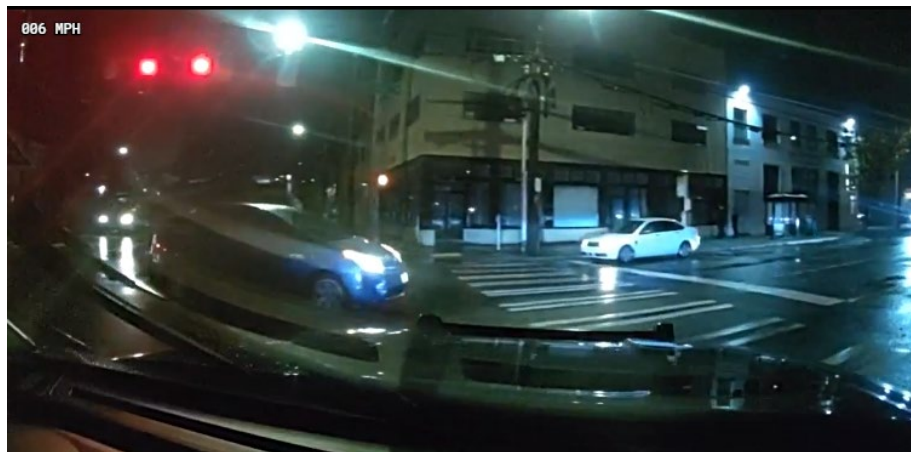


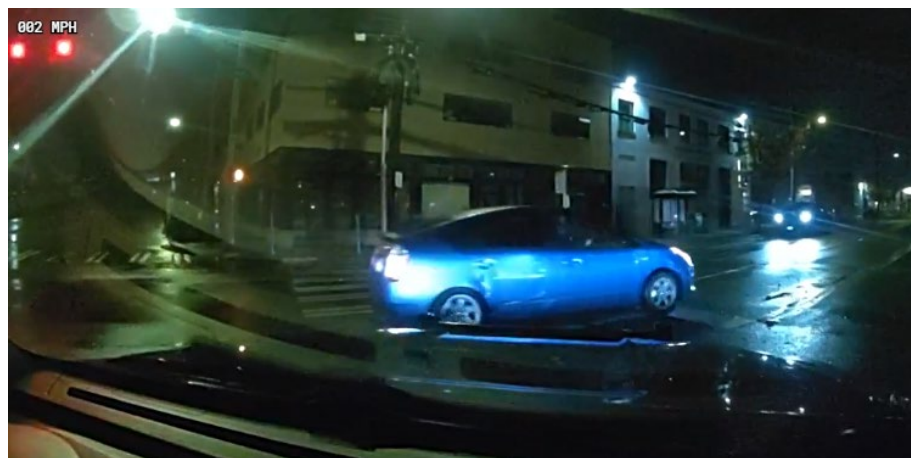
NE#1 entered the intersection against the red light at about 4mph, around the time the Complainant began his turn.



*NE#1's ICV at about 20:21:20 hours*

As NE#1 continued making his right turn, the Complainant's vehicle passed in front of NE#1, entering the opposing turning lane and proceeding southbound on 1<sup>st</sup> Ave.





*Three screenshots from NE#1's ICV at about 20:21:23 hours*

NE#1 then accelerated to about 17mph without his emergency equipment activated, going the wrong way in the 1<sup>st</sup> Ave northbound lanes, parking along the east side of 1<sup>st</sup> Avenue.





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*NE#1's ICV at about 20:21:27 hours*

From the intersection of South Myrtle Street and Beacon Avenue South,<sup>7</sup> it took NE#1 approximately five minutes to arrive on scene. Based on the ICV, NE#1 arrived at the location at approximately 8:21pm.<sup>8</sup>

In his OPA interview, NE#1 described responding to a burglary call at a location he was familiar with. NE#1 said he knew the building was reportedly vacant, but he believed it was connected to other possibly occupied structures. NE#1 described hearing there were “wet footprints” inside, which made him think, “In my mind, I am thinking, oh, there’s possibly still somebody in there.” NE#1 stated the call was “pretty fresh” and he responded believing it was urgent to arrive and provide backup.

NE#1 also described not activating his emergency lights close to the location believing there could be armed suspects in the building or other unknown threats. NE#1 agreed that he drove in emergency response to this call believing it was possible a crime was still in progress due to the wet footprints. NE#1 stated he felt the risk of emergency driving were outweighed by the risk of arriving later, as a suspect could possibly exit the building and NE#1 was unsure if any suspects were armed.

NE#1 agreed that he did not have his emergency equipment activated for his entire response. NE#1 explained different people have different reactions to emergency equipment and he felt it was safer to avoid activating the equipment so as not to startle drivers. NE#1 acknowledged this was not a trained tactic. NE#1 stated he did not request updates from officers on scene so as not to tie up the radio channel.

NE#1 denied almost hitting the Complainant, stating he maneuvered around the Complainant to avoid a line of sight from a potential shooter or threat. NE#1 denied that the Complainant had to swerve out of the way and disputed that the Complainant had the right of way. NE#1 stated he could make a right on red without his emergency lights.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 -- Allegation #1**

***13.030 — Emergency Vehicle Operations, 13.030-POL 3. Sworn Employees May Drive in an Emergency Response Only When the Need Outweighs the Risk***

It was alleged that NE#1 drove in emergency response when the risk of doing so outweighed the need.

SPD policy specifies that “sworn employees may drive in emergency response only when the need outweighs the risk.” SPD Policy 13.030-POL-3. The policy notes that the “preservation of life is the highest priority,” with criminal apprehension and the preservation of property a secondary concern. In deciding whether to drive in emergency response, sworn employees are required to consider specific factors and modulate their response. The factors include the nature of the emergency, the priority level of the call, the opportunity for others to respond to their

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<sup>7</sup> The SPD South Precinct building is on South Myrtle Street, just East of the intersection with Beacon Avenue South.

<sup>8</sup> NE#1 was marked as “arrived” on the CAD call report at 9:10pm, which was the same time he was marked as “cleared.”



emergency driving, the character of the location, weather and roadway conditions, their speed, the time of day, traffic conditions, and the employee's skill and training with emergency driving. Finally, the policy notes that "misdemeanor or property crimes" do not justify an emergency response unless the employee is responding to an "in-progress" crime, or there is a "legitimate concern for human life." *Id.*

More likely than not, NE#1 violated this policy. NE#1's decision to drive in emergency response, and the specific deviations NE#1 made from a normal traffic pattern, were not justified. Under the factors in the policy, the concrete risk NE#1 posed from the speed and irregularity of his driving outweighed the speculative risk of arriving later.

This call was received at 7:29pm, at which time a security guard was already present and reporting that his vacant building had a broken door. About 43 minutes later, the first SPD officer arrived on scene at 8:12pm and requested a couple of other units to assist. In addition to the lengthy time delay from the initial call and absence of any reports of injuries, multiple other factors indicated this call—while important—did not require an emergency response. The nature of the call was a potential burglary of a vacant building, and the call priority was not Priority 1.<sup>9</sup> Also, neither the 911 caller nor SPD officer on scene indicated there was a specific threat. The 911 call taker noted at 7:32pm "nothing heard or seen from the door," and the on-scene officer specifically noted other units were needed because it was a "large building." NE#1 was driving at nighttime, in the rain, with wet roads. These circumstances did not outweigh the risk of driving well above twice the speed limit, running red lights, and driving the wrong way on streets.

Finally, NE#1's reliance on the wet footprints to justify his emergency response overstates their importance. While wet footprints indicated this property crime was potentially "in-progress," this was hardly conclusive given that the 911 caller reported the incident about 45 minutes in the past and neither the caller nor the on-scene officer reported observing a suspect. Moreover, even if the burglary were potentially in progress, the balance of the remaining factors did not justify driving in emergency response, recognizing that the "preservation of life is the highest priority."

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

#### **Named Employee #1 -- Allegation #2**

##### ***13.030 — Emergency Vehicle Operations, 13.030-POL 5. Sworn Employees Will Use Emergency Lights and Sirens for Emergency Response***

It was alleged that NE#1 drove in emergency response without his emergency lights and sirens activated.

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<sup>9</sup> Which could involve "life-threatening emergencies, serious crimes in progress, and other circumstances where police are immediately needed with a target response time of seven minutes."





SPD policy requires sworn employees to use emergency lights and sirens for emergency response. SPD Policy 13.030-POL-5. Sworn employees “may cease to use audible signals when necessary due to the nature of the situation to which they are responding.” *Id.*

Even if NE#1 had been justified in driving in emergency response to this call—which he was not—he still violated policy by driving in emergency response without his emergency lights and sirens activated. Although NE#1 briefly activated his emergency equipment at select moments of his response, the policy required their continuous use. While NE#1 could have argued that running a continuous siren would have been inappropriate as he neared the scene, most of his emergency response was done without *either* lights or sirens activated.

Separately, as to the interaction with the Complainant, OPA finds that NE#1 entered the intersection against a red light, without emergency equipment activated, despite the Complainant having the right of way. NE#1’s argument that the Complainant did not have the right of way because NE#1 could make a right on red is incorrect. Assuming NE#1 could make a lawful right on red at the intersection,<sup>10</sup> NE#1 was obligated to *remain stopped* to allow the Complainant to complete their turn. See RCW 46.61.055(3)(a). At minimum, NE#1 should have activated his emergency equipment.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

<sup>10</sup> This is doubtful. Although not relied on for reaching this decision, OPA takes notice of the white sign appearing in NE#1’s ICV around 20:21:16 hours. A Google Streetview photograph from September 2024 shows this was a “NO TURN ON RED” sign.

