




## ***CLOSED CASE SUMMARY***

ISSUED DATE: MAY 12, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN  
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2022OPA-0422

### **Allegations of Misconduct & Director's Findings**

#### **Named Employee #1**

<b>Allegation(s):</b>		<b>Director's Findings</b>
# 1	13.031 – Vehicle Eluding/Pursuits, 13.031-POL-4. Officers Will Not Pursue Without Articulable Justification that the Public Safety Need to Stop the Eluding Vehicle Outweighs the Inherent Risk of Pursuit Driving (Effective May 7, 2019)	Not Sustained - Unfounded
# 2	5.100 – Operations Bureau Individual Responsibilities, 5.100-POL-I. Patrol Officers, A. Responsibilities (Effective July 20, 2010)	Not Sustained - Lawful and Proper
# 3	13.031 – Vehicle Eluding/Pursuits, 13.031-POL-5. Officers Will Cease Pursuit When the Risk of Pursuit Driving Outweighs the Need to Stop the Eluding Driver (Effective May 7, 2019)	Not Sustained - Unfounded
# 4	13.031 – Vehicle Eluding/Pursuits, 13.031-POL-7. Officers Must Notify Communications of Pursuits (Effective May 7, 2019)	Not Sustained - Unfounded
# 5	13.031 – Vehicle Eluding/Pursuits, 13.031-POL-9. Supervisors Approve Pursuits Leaving the City and Assisting in Pursuits by Other Agencies (Effective May 7, 2019)	Not Sustained - Unfounded

***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:**

Community Member #1 (CM#1) traveled northbound on I-5 using the shoulder, passed Named Employee #1 (NE#1) and a Bellevue Police Department officer (BPD#1), and collided with the Complainant in the high occupancy vehicle (HOV) lane, resulting in a multi-vehicle accident. The Complainant alleged that NE#1 initiated a vehicular pursuit for a minor traffic violation during heavy traffic, which was outside of NE#1's jurisdiction, failed to obtain permission from his chain of command to engage in the pursuit, failed to terminate the pursuit when public safety was at risk, and failed to communicate with BPD#1 during the pursuit.

#### **ADMINISTRATIVE NOTE:**

On March 28, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.



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**SUMMARY OF INVESTIGATION:**

**A. OPA Complaint**

On December 8, 2022, the Seattle City Attorney's Office submitted a lawsuit initiated by the Complainant to OPA. The complaint, filed in King County Superior Court, argued the following:

On October 31, 2019, the Complainant (passenger) and her daughter (driver) were traveling northbound on Interstate 5 (I-5) during heavy traffic caused by an accident. CM#1 stole a black sport utility vehicle (SUV) and traveled northbound on I-5. Two off-duty motorcycle officers—NE#1 and BPD#1—were commuting separately to work in the HOV lane when CM#1 passed them on the left shoulder. NE#1 and BPD#1 moved to the left shoulder and pursued CM#1. CM#1 lost control of the black SUV upon encountering a roadblock in the shoulder, resulting in a collision with the Complainant's vehicle.

The Complainant alleged that NE#1 negligently pursued CM#1 for a minor traffic violation; that NE#1 failed to obtain permission from his chain of command before pursuing CM#1; that NE#1 negligently conducted and maintained the pursuit during heavy traffic and directed the pursuit toward a known roadblock several miles north of the pursuit's starting point; and that NE#1 failed to communicate with BPD#1 during the pursuit.<sup>1</sup>

OPA investigated the complaint by reviewing the query log, computer-aided dispatch (CAD) call report, police traffic collision report (PTCR), court documents, and body-worn video (BWV).<sup>2</sup> OPA also interviewed multiple community members and NE#1.

**B. Query Log, Computer-Aided Dispatch (CAD) Call Report, and Police Traffic Collision Report (PTCR)**

NE#1's query log showed that on October 31, 2019, at 8:21 AM, NE#1 logged into service. At 8:51 AM, NE#1 recorded a car maintenance entry. At 9:02 AM, NE#1 recorded a motor vehicle collision in Federal Way and continued to handle the call until it was cleared at 3:45 PM.

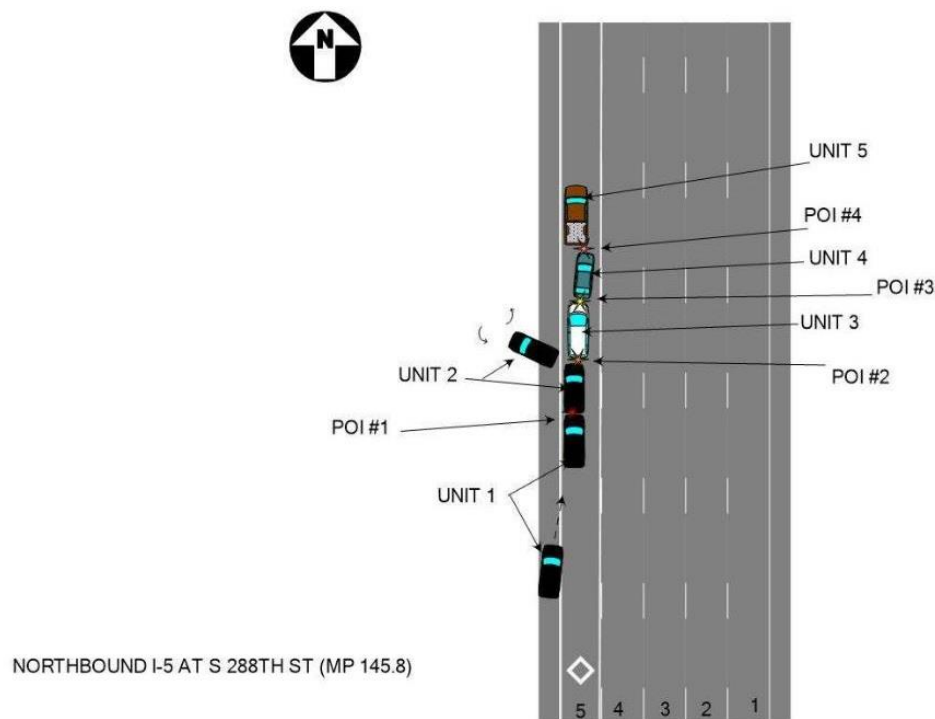
On October 31, 2019, at 9:02 AM, "[MOTOR VEHICLE COLLISION] – WITH INJURIES (INCLUDES HIT AND RUN)" was coded into CAD.

A Washington State Patrol (WSP) trooper prepared a PTCR. It stated that unit 1 (CM#1) was traveling northbound on I-5 along the left shoulder and passing heavy traffic until it collided with unit 2 (the Complainant and her daughter), resulting in a multi-vehicle accident involving units 3 through 5.

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<sup>1</sup> The Complainant's allegations also included BPD#1, but OPA will focus solely on the allegations against NE#1 in this DCM.

<sup>2</sup> NE#1's BWV began recording after he arrived at the collision site. As such, its evidentiary value was limited.



*The image above was taken from the PTCR. "POI" refers to point of impact.*

### C. Court Documents<sup>3</sup>

#### City of Seattle's Motion for Summary Judgment

On November 15, 2024, the City of Seattle filed a motion for summary judgment in King County Superior Court, arguing the following pertinent details:

On October 31, 2019, NE#1 and BPD#1 were about half a mile apart, with NE#1 leading BPD#1, as they rode their police motorcycles in the left HOV lane of northbound I-5. They were traveling slowly due to heavy traffic caused by an accident ahead. CM#1, under the influence of methamphetamine and marijuana, stole a vehicle and drove recklessly along the I-5 shoulder in Federal Way. CM#1 sped past BPD#1 and NE#1 on the left shoulder at an estimated speed of 100 MPH, prompting the officers to pull onto the shoulder and travel at a maximum speed of 20 MPH to investigate. NE#1 and BPD#1 activated their emergency lights but did not activate their sirens. NE#1 did this to alert motorists and encourage drivers ahead to move right to avoid the dangerous situation. NE#1 did not close the distance on the black SUV and did not observe any change in its speed after it passed him. By the time BPD#1 maneuvered onto the shoulder, the black SUV had already disappeared. NE#1 estimated that CM#1 collided with the Complainant about 6 seconds after passing him, while the City of Seattle's accident reconstruction expert estimated the time to be between 9.8 and 17.6 seconds. NE#1 and BPD#1 were involved in what the City of Seattle described as a "fictional police pursuit." There was "no admissible evidence" indicating that the officers pursued CM#1, that their presence affected CM#1's "dangerous driving" in any manner, or that CM#1 was aware of the officers' presence before colliding with the Complainant.

<sup>3</sup> Court documents incorporated, among other things, declarations from expert witnesses and depositions from the officers.



CM#1 later pleaded guilty to vehicular assault with substantial injuries. The statement of defendant on plea of guilty filed in CM#1's criminal case stated:

*On 10/31/19 in King County, WA, I did drive a vehicle in a reckless manner and caused substantial bodily harm to [the Complainant] [...]. To wit, I was speeding and passing on the shoulder after consuming marijuana and methamphetamine and caused a 5-car crash.*

The City of Seattle argued that the criminal proceedings did not indicate that a police pursuit occurred before the crash or that it was a causal factor for the crash. The City of Seattle also argued that NE#1 did not engage in a pursuit, as defined under SPD policy, and that CM#1 did not engage in eluding, as defined under SPD policy.

Complainant's Response in Opposition to the City of Seattle's Motion for Summary Judgment

On December 2, 2024, the Complainant filed a response in opposition to the City of Seattle's motion for summary judgment in King County Superior Court, arguing the following pertinent details:

On October 31, 2019, a WSP detective interviewed CM#1 and his passenger. CM#1 reported, "I told him, you do – watch out. There's a cop in front of us. Well, he said, I don't care. And I have three warrants. You [inaudible] get caught up. And I'm like [inaudible]. And he speed – and he's speeding. I didn't see no cop behind – behind us no more. You know, but we see more – I saw the lights. And I told him to slow down. Slow down, dude. There's [inaudible] slow down."<sup>4</sup> The passenger reported that CM#1 was driving on the left shoulder and passing stopped vehicles. The passenger also reported observing a motorcycle officer emerge and telling CM#1 to "stop," but CM#1 refused.

The Complainant's expert witness, a law enforcement practices expert, opined that NE#1's actions were consistent with a pursuit, as defined under SPD policy, because NE#1 drove in a manner outside of normal traffic patterns by moving onto the shoulder and activating emergency lights to prompt motorists ahead, including CM#1, to move to the right, despite NE#1 being about seven seconds behind the black SUV. CM#1 failed to yield the right of way while on the shoulder, allowing CM#1 to elude NE#1. This expert also opined that NE#1's actions caused CM#1 to accelerate while fleeing. The Complainant's second expert witness, an accident reconstructionist, opined that there were no visual obstructions between CM#1 and the officers. This expert also opined that CM#1 had between 5.4 to 8 seconds to either stop or avoid a collision after NE#1 moved onto the shoulder, providing CM#1 with reasonable time to yield.

City of Seattle's Reply in Support of its Motion for Summary Judgment

On December 9, 2024, the City of Seattle filed a reply in support of its motion for summary judgment in King County Superior Court, arguing the following pertinent details:

The Complainant speculated that after CM#1 sped past the officers, CM#1 observed them in the rearview mirror. The Complainant also speculated that CM#1 panicked, accelerated, and was forced onto the narrowed shoulder. CM#1 was already recklessly speeding on the shoulder, indicating that the collision would have occurred regardless of any alleged pursuit.

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<sup>4</sup> CM#1 denied operating the black SUV. CM#1's statement indicated that he considered himself to be the passenger, not the driver.



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Order Granting the City of Seattle's Motion for Summary Judgment

On December 17, 2024, a King County Superior Court judge granted the City of Seattle's motion for summary judgment, stating, "The Court does not find proximate cause. Specifically, the Court does not find that but/for [NE#1's] actions, the driver—who was speeding and driving under the influence of drugs—would not have caused the accident."

**D. OPA Interviews**

Community Members

On January 23, 2025, OPA interviewed several community members. One community member, whose vehicle was involved in the multi-vehicle accident, said he was in the carpool lane when he saw a black SUV rapidly approaching from the shoulder. He mentioned hearing that the police were pursuing the black SUV, though he did not see this himself. Another community member recounted witnessing a black SUV speeding along the shoulder and weaving through traffic. She said she saw a police vehicle but did not believe it pursued the black SUV. She said after CM#1 collided with another vehicle, he tried to steal her vehicle.

Named Employee #1

On March 11, 2025, OPA interviewed NE#1, who identified himself as a traffic motorcycle officer since 2016. He described his commute to work while riding a marked police motorcycle and wearing his uniform. He said he had the discretion to enforce traffic laws within the state. He said he was traveling northbound on I-5 in Federal Way when a WSP trooper told him that an accident ahead would soon be cleared. He said he was in the HOV lane, traveling between 5 to 10 MPH, when he saw a black SUV pass by at what he estimated to be 100 MPH, so he wanted to see its direction. He said he ensured that the shoulder was clear before moving into it, but by then, the black SUV was about 1,000 to 1,500 feet ahead while maintaining a similar speed. He said he activated his emergency lights, without using sirens, and continued at a speed comparable to that of other vehicles. He maintained that his intention in activating his lights was to alert drivers ahead to move their vehicles to the right. Although he recognized that this was not a trained tactic, he said he used his discretion and common sense to enhance public safety. He estimated that his lights were on for about 7 to 9 seconds before CM#1 crashed and estimated the total time, from CM#1 passing him to the collision, to be about 10 to 15 seconds. He said the black SUV maintained its lane and speed as it approached a narrowing shoulder and went onto dirt, creating a cloud of dust.

NE#1 denied accelerating, attempting to stop CM#1, or pursuing CM#1, though he admitted to passing several vehicles. He recognized that his actions could be construed as an attempt to stop someone, but he estimated that CM#1 was about 2,000 feet ahead when he activated his lights. He suggested that his two "little" red and blue lights were probably not visible to CM#1, particularly since individuals could not see his lights when he was directly behind them on city streets. He denied pursuing the black SUV, as he did not match its speed, accelerate to catch up, or drive in a manner that deviated from normal driving. He did not believe CM#1 was eluding, as the black SUV maintained its path and was unaffected by any police action. He said CM#1 did not take evasive action or increase speed. He said he had no means to communicate with BPD#1 but believed it unnecessary since they were not engaged in a pursuit.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

***13.031 – Vehicle Eluding/Pursuits, 13.031-POL-4. Officers Will Not Pursue Without Articulable Justification that the Public Safety Need to Stop the Eluding Vehicle Outweighs the Inherent Risk of Pursuit Driving (Effective May 7, 2019)***



The Complainant alleged that NE#1 pursued CM#1 for a minor traffic violation during heavy traffic.

Officers will not pursue without articulable justification that the public safety need to stop the eluding vehicle outweighs the inherent risk of pursuit driving. SPD Policy 13.031-POL-4 (effective May 7, 2019). A pursuit occurs when an officer, to keep pace with and/or immediately stop or apprehend an eluding driver, drives in a manner that is outside of normal traffic restrictions. *Id.* Eluding occurs when 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, or refuses to stop. *Id.* The circumstances justifying the decision to pursue an eluding vehicle must be articulable at the time the officer initiates the pursuit. *Id.* Officers will not pursue solely for traffic violations, civil infractions, misdemeanors, gross misdemeanors, property crimes, and the act of eluding alone. *Id.*

As a threshold matter, OPA finds that the totality of the evidence did not indicate that NE#1 engaged in a pursuit or that CM#1 eluded the police.

The facts were insufficient to show that NE#1 drove in a manner outside of normal traffic restrictions to either keep pace with CM#1 or immediately stop or apprehend him. First, NE#1 did not keep pace with CM#1. NE#1's maximum speed was 20 MPH, whereas CM#1 was estimated to be traveling up to 100 MPH. This significant speed difference indicates that NE#1 was not keeping pace with CM#1. Second, NE#1 did not attempt to "immediately stop or apprehend" CM#1. NE#1 testified that he activated his lights to warn other drivers of the dangers posed by CM#1, which was consistent with his 20 MPH driving with only lights activated, while CM#1 continued to accelerate away. Overall, a preponderance of the evidence did not support the claim that NE#1 was engaged in a pursuit.

The facts were also insufficient to show that CM#1 eluded the police. Even if NE#1 signaled CM#1 to stop by activating his emergency lights—which appeared unlikely—there was insufficient evidence indicating that CM#1 altered his driving in reaction to NE#1's light activation. CM#1 was already speeding on the shoulder as he passed NE#1 and was only forced into the HOV lane due to a roadblock on the shoulder. These actions did not suggest an increase in speed or evasive action. It also cannot be concluded that CM#1 refused to stop in response to NE#1's activated lights, as CM#1 would have continued to speed regardless of NE#1's presence.

Moreover, there was insufficient evidence indicating that CM#1 saw NE#1's activated lights on the shoulder. Although CM#1 claimed to have seen NE#1's lights, his credibility was questionable due to being high on methamphetamine and marijuana during the incident and his contradictory claim of being a passenger. Furthermore, it was uncertain whether CM#1 could have seen NE#1's activated lights, especially considering that CM#1 was estimated to be as much as 2,000 feet ahead, the bright daylight conditions, CM#1's increasing distance as he accelerated away from NE#1, and the limited visibility of two "little" red and blue lights on NE#1's police motorcycle.

Even if NE#1 signaled CM#1 to stop and CM#1 saw NE#1's activated lights—scenarios unsupported by the evidence—CM#1 was not afforded a reasonable time to yield in response to NE#1's signal. The Complainant's own expert opined that CM#1 had between 5.4 to 8 seconds to react to NE#1's activated lights before the collision—a duration that cannot be deemed reasonable for a driver operating a vehicle at high speeds and under the influence of narcotics to respond to NE#1's activated lights. Overall, a preponderance of the evidence did not support the claim that CM#1 eluded the police.



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

Recommended Finding: **Not Sustained – Unfounded**

**Named Employee #1 – Allegation #2**

***5.100 – Operations Bureau Individual Responsibilities, 5.100-POL-I. Patrol Officers, A. Responsibilities (Effective July 20, 2010)***

The Complainant alleged that NE#1 pursued CM#1 outside of NE#1's jurisdiction.

Patrol officers must, among other things, remain in their area as much as possible unless they are dispatched by radio, in pursuit, responding to a major police incident, or given permission by a sergeant. SPD Policy 5.100-POL-I(A) (effective July 20, 2010).

As noted above, no pursuit occurred. To the extent that NE#1 responded to an incident outside of his jurisdiction, he was authorized to respond to a major police incident, such as a multi-vehicle collision that occurred in his vicinity, despite it being outside his jurisdiction. He was also permitted to “enforce the traffic or criminal laws of this state” in “response to an emergency involving an immediate threat to human life or property.” See RCW 10.93.070. NE#1's actions were lawful and proper under the circumstances.

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

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

**Named Employee #1 – Allegation #3**

***13.031 – Vehicle Eluding/Pursuits, 13.031-POL-5. Officers Will Cease Pursuit When the Risk of Pursuit Driving Outweighs the Need to Stop the Eluding Driver (Effective May 7, 2019)***

The Complainant alleged that NE#1 failed to terminate the pursuit when public safety was at risk.

Officers will cease pursuit when the risk of pursuit driving outweighs the need to stop the eluding driver. SPD Policy 13.031-POL-5 (effective May 7, 2019). Factors to be considered in weighing the risk of the pursuit include the underlying reason for the pursuit, location, direction of travel and roadway geometry or configuration, weather and roadway conditions, speed, traffic conditions (pedestrians and vehicles), and the speed and operation of the eluding vehicle. *Id.*

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**





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**Named Employee #1 – Allegation #4**

***13.031 – Vehicle Eluding/Pursuits, 13.031-POL-7. Officers Must Notify Communications of Pursuits (Effective May 7, 2019)***

The Complainant alleged that NE#1 failed to notify communications of the pursuit.

Officers must notify communications of pursuits. SPD Policy 13.031-POL-7 (effective May 7, 2019). The primary unit shall immediately advise communications when initiating a pursuit and shall update relevant details, including the reason for the pursuit, location, direction, description of the suspect vehicle and suspect(s), speed, and traffic conditions (pedestrians and vehicles). *Id.*

Even if a pursuit could somehow be construed under the facts described above, it would be unreasonable, if not unrealistic, for NE#1 to notify communications about the “pursuit” and all relevant details within 9.8 to 17.6 seconds — the estimated duration from when CM#1 overtook NE#1 to the moment of collision. Nevertheless, OPA finds that no pursuit occurred under the circumstances.

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

Recommended Finding: **Not Sustained – Unfounded**

**Named Employee #1 – Allegation #5**

***13.031 – Vehicle Eluding/Pursuits, 13.031-POL-9. Supervisors Approve Pursuits Leaving the City and Assisting in Pursuits by Other Agencies (Effective May 7, 2019)***

The Complainant alleged that NE#1 failed to obtain permission from his chain of command to engage in a pursuit and failed to communicate with BPD#1 during the pursuit.

Supervisors must approve pursuits leaving the city and assist in pursuits by other agencies. SPD Policy 13.031-POL-9 (effective May 7, 2019). Officers must receive authorization from a supervisor to continue pursuing outside the Seattle city limits. *Id.* When an SPD pursuit enters another jurisdiction, communications shall notify the appropriate agency and request assistance. *Id.* Officers will not join outside agency pursuits without supervisory approval. *Id.*

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**