

LEESA MANION (she/her)  
PROSECUTING ATTORNEY



Office of the Prosecuting Attorney  
CRIMINAL DIVISION  
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February 21, 2024

TO: Seattle Police Detective Brett Schoenberg, Traffic Collision Investigation Squad

FROM: Leesa Manion, Prosecuting Attorney; Amy Freedheim, Chair Felony Traffic Unit; Adam Eucker, Senior DPA Felony Traffic Unit – Seattle

Memorandum regarding Seattle Police Department case # 2023-22231

This case was referred to the King County Prosecuting Attorney's Office (KCPAO) by law enforcement for a review only and without the recommendation for any charges. No Certification for Determination of Probable Cause was included, and the lead detective did not believe he could sign one under penalty of perjury.

### **Summary of Decision**

After a full and thorough review of all available evidence and applicable law by senior deputy prosecuting attorneys within the KCPAO and independent experts specifically retained to complete an analysis of the collision events, the KCPAO has determined that it cannot file felony charges against Seattle Police Department (SPD) Officer Kevin Dave for the events relating to SPD case #2023-22231 because there is insufficient evidence to prove felony charges beyond a reasonable doubt.

### **Facts**

The KCPAO reviewed the facts submitted in the investigative reports submitted by the SPD, including three audio interviews with civilian witnesses and digital evidence. The KCPAO requested and was provided all body worn video (BWV), in car video (ICV), surveillance, investigatory video, photography, and diagrams available. The KCPAO also reviewed all facts and opinions contained in the Reconstruction Report provided by The ACES Inc (ACES), a collision reconstruction firm retained by the KCPAO to conduct an independent analysis of the collision events. (See Appendix A).

ACES is a nationally accredited collision reconstruction and collision analysis firm. ACES has been retained by defense attorneys who routinely handle vehicular homicide and vehicular assault cases in King County and ACES' work is highly respected by the KCPAO's Felony Traffic Unit.

The KCPAO retained ACES to conduct an independent analysis and evaluation of the collision events relating to SPD case # 2023-22231. ACES was retained to review the evidence presented and was also authorized to supplement any additional investigation necessary to complete its analysis.

As part of its analysis, ACES verified every calculation, time, and measurement relating to the collision events. Included in its analysis, ACES reported that the investigation completed by Seattle Police Traffic Collision Investigation Squad (TCIS) and the primary detective, Brett Schoenberg was “thorough, detailed, and transparent.”

The following factual narrative is based on the evidence provided by SPD investigative reports, the ACES independent analysis, and other evidence:

On Monday, January 23, 2023, just after 8:00 pm, SPD Ofc. Kevin Dave started his patrol shift from the West Precinct, located at 810 Virginia St. SPD dispatch reported as high priority call that a man was overdosing at a lower Queen Anne address.<sup>1</sup>

Ofc. Dave replied to dispatch that he would respond to the priority call and began driving towards the address. Moments later, SPD dispatch updated its initial high priority call to let all responding officers know that that the man who was overdosing was on the line with 911 and was waiting outside the address for police to arrive. Ofc. Dave was driving a fully marked SPD patrol vehicle equipped with emergency lights and sirens. Ofc. Dave, when responding to the priority call, turned on his emergency overhead lights and was using the patrol vehicle’s sirens only when he proceeded through red lights on the way to the lower Queen Anne address. According to ACES analysis and expert opinion, the use of patrol vehicle sirens only while traveling through intersections is common police practice and is often referred to as “chirping.” Although Ofc. Dave was traveling at high speed between intersections, his BWV shows that he also slowed his vehicle some when traveling through traffic-controlled intersections, as if appearing to proceed with caution through red lights and stop signs.

The weather was cold (42 degrees Fahrenheit) and dry. The collision events occurred during the hours of darkness, yet there was ambient lighting from streetlights and some businesses.

Ofc. Dave drove northbound on Dexter Avenue North, over Mercer Street, and slowed at the intersection of Dexter Avenue North and Denny Avenue, which is traffic-light controlled (i.e. traffic lights). Ofc. Dave had turned on a red light on his patrol vehicle and used the patrol vehicle’s sirens (“chirping” it) to alert pedestrians and cross traffic before proceeding through the intersection.

A vehicle traveling northbound on Dexter Avenue North, one block in front of Ofc. Dave’s patrol vehicle, pulled over to the right, in an apparent reaction to the patrol vehicle’s lights and sirens as the vehicle traveled through the Denny intersection.

Dexter Avenue North has one lane northbound, one lane southbound, and a center shared turn lane. There is an additional parking lane and a designated bike lane alongside the eastern curb of Dexter Avenue North. A solid white fog line divides the parking lane from the travel lane on Dexter Avenue North. The posted speed limit is 25 mph. The east side of Dexter Avenue North

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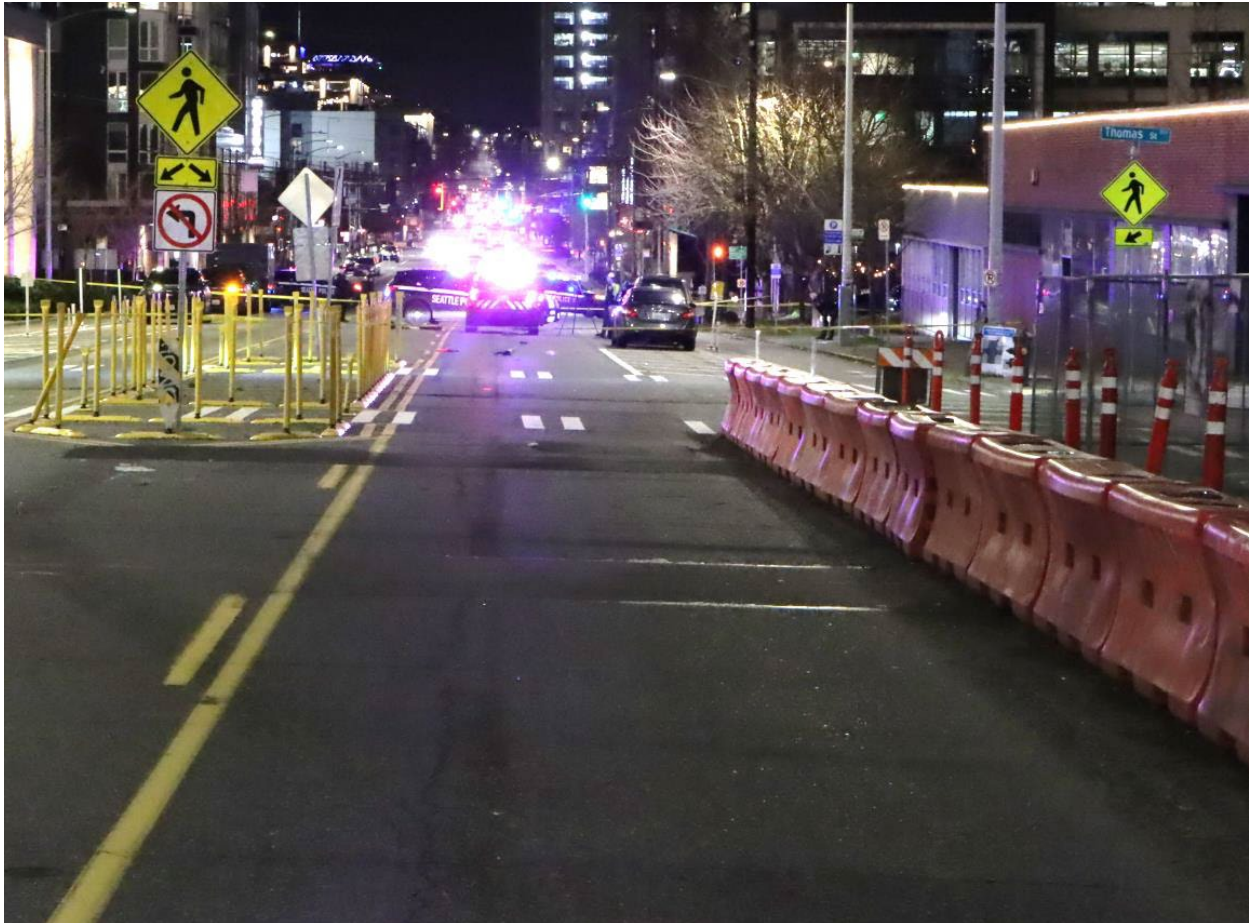
<sup>1</sup> According to the King County Medical Examiner’s Office, the number of overdose deaths have been increasing in King County every year since 2015. In 2023 we saw a record confirmed 1,322 overdose deaths – a 32% increase from the year before (1,001).

(both sidewalk, bike, and parking lane), as the road approached Thomas Street was closed due to construction. The construction zone on Dexter Avenue North was marked off with concrete jersey barriers that were placed along the fog line. The image below depicts an overhead Google map. On the map, north is located at the top, and the concrete jersey barriers are identified in red.



Thomas Street runs east and west. At the intersection with Dexter Avenue North, vehicle traffic on Thomas Street is regulated by stop signs. Dexter Avenue North has no traffic signals or stop signs at the same intersection and vehicle traffic has the right of way. There is a marked crosswalk with pedestrian crossing signs for Dexter Avenue North traffic, but there are no traffic control devices for pedestrians using the crosswalk.

The following image depicts Dexter Avenue North looking northbound to the intersection with Thomas Street. The lighting conditions depicted in the image below are brighter than the actual lighting conditions at the time of the collision events.



After slowing to cross Denny Avenue, Ofc. Dave sped up as he drove the patrol vehicle northbound on Dexter Avenue North. A car traveling one block further ahead on Dexter Avenue North had already pulled over to the right to let the patrol vehicle pass. Ofc. Dave continued to drive the patrol vehicle northbound, and the vehicle reached a speed of 74 mph according to the Ofc. Dave's BWV, which periodically showed the patrol vehicle's speedometer. The BWV also showed that Ofc. Dave turned on the patrol vehicle's sirens, and "chirped" the siren as his patrol vehicle passed through the intersection of Dexter Avenue North and John Street, which is one block prior to the intersection of Dexter Avenue North and Thomas Street when traveling northbound on Dexter Avenue North.

Jaahnavi Kandula was walking westbound on Thomas Street on the north sidewalk. A witness-pedestrian, who will be referred to as "witness-pedestrian," was also walking westbound on the north sidewalk of Thomas Street and was passed by Ms. Kandula. Witness-pedestrian said that Ms. Kandula was walking at "a faster pace with purpose to a destination." Witness-pedestrian said that she could not tell if Ms. Kandula was wearing or using wireless earbuds but did note that Ms. Kandula was wearing a dark-colored hooded winter jacket, dark-colored pants, and a dark-colored backpack. According to witness-pedestrian, Ms. Kandula had the hood of her hooded winter jacket up, covering her head. Witness-pedestrian did not notice whether or not Ms.

Kandula looked or paused before entering the crosswalk to cross Dexter Avenue North at the intersection with Thomas Street. Witness-pedestrian said that she heard police sirens. Witness-pedestrian also stated that she saw Ms. Kandula suddenly start to move faster upon entering the crosswalk located at intersection of Dexter Avenue North and Thomas Street. Witness-pedestrian said she then heard the thud of the patrol vehicle striking Ms. Kandula.

There was a second witness, referred to as “crossing-witness,” who was crossing Dexter Avenue North while traveling westbound and was two blocks north of Thomas Street at the time of the collision events. Crossing-witness saw the patrol vehicle, saw the patrol vehicle’s emergency lights, and said that they believed they also heard the patrol vehicle’s sirens. Crossing-witness noted that the patrol vehicle was “two blocks away and driving quickly” but they were not concerned with being able to finish crossing Dexter Avenue North and did so. Crossing-witness recalled hearing a loud noise and thought it was the patrol vehicle hitting a curb.

A third witness, referred to as “cycling-witness,” was riding a bicycle southbound on Dexter Avenue North’s west sidewalk and approaching Thomas Street. Cycling-witness saw the patrol vehicle, the patrol vehicle’s emergency lights, and heard the patrol vehicle’s emergency sirens. Cycling-witness observed that the patrol vehicle was driving very fast and traveling northbound. He also stated that it appeared to him that Ms. Kandula did not take notice of the patrol vehicle before stepping into the crosswalk in order to cross Dexter Avenue North. The cycling witness observed that Ms. Kandula approached the crosswalk “without stopping or pausing.” Cycling-witness saw the collision. He later told police that it was “a bit dark in that area” and that he did not think a driver could really see Ms. Kandula, who was wearing dark-colored clothing at the time of the collision.

A review of Ofc. Dave’s ICV showed when Ms. Kandula left the sidewalk and entered the road at the crosswalk located at Dexter Avenue North and Thomas Street. Ms. Kandula was in the outside lane (closest to the curb) in the north crosswalk. This lane of Dexter Avenue North was closed to traffic directly south of the Thomas Street intersection because of construction. Dexter Avenue North was closed to traffic directly north of the Thomas Street intersection because it was a designated parking lane. Vehicle traffic moving northbound on Dexter Avenue North at the intersection of Thomas Street was using the inside lane (closest to center line) only. The ICV showed that the patrol vehicle appeared to dip downward and shift lower in front, which is consistent with the act of braking and steering input, indicating that Officer Dave was reacting to Ms. Kandula crossing the street.

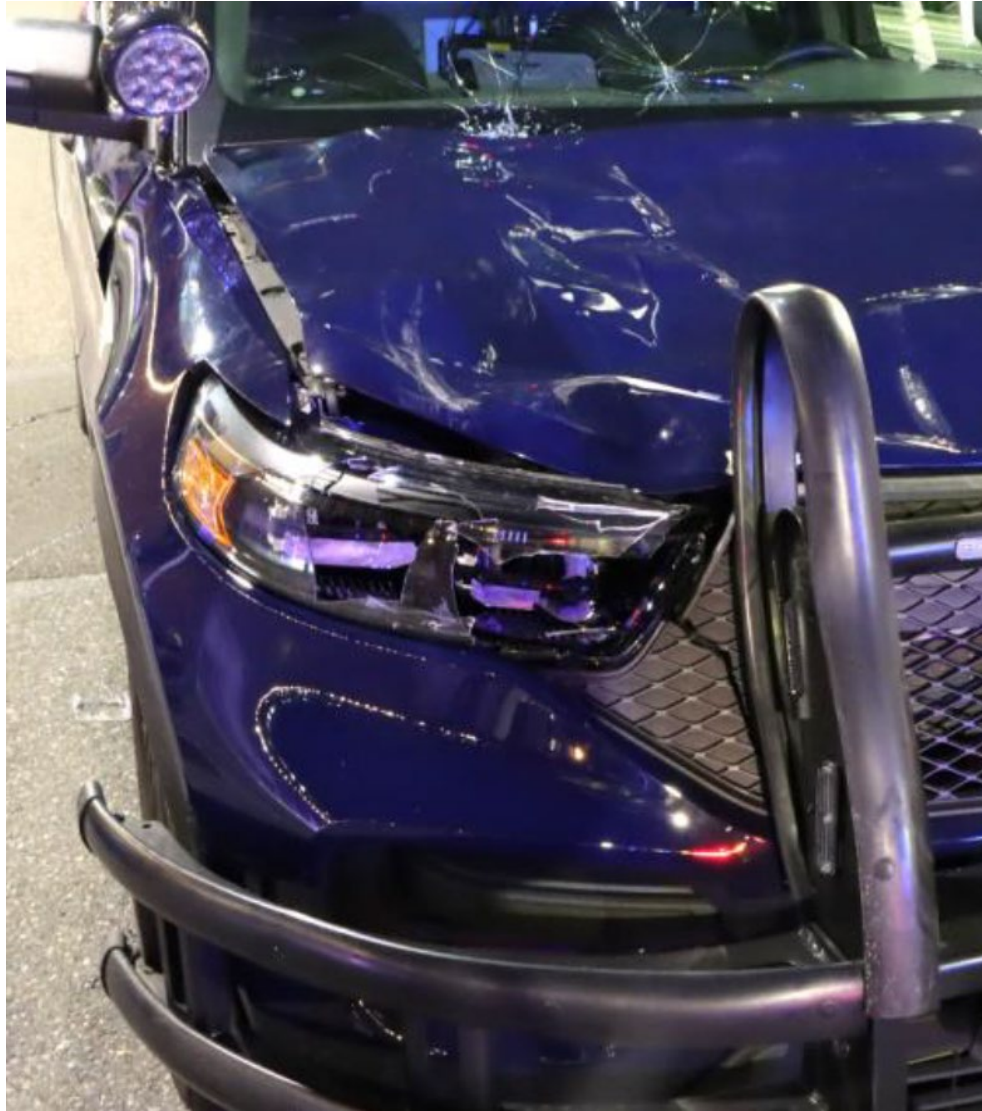
The ICV also shows that Ms. Kandula appears to realize that the patrol vehicle was rapidly approaching just as she was a few steps from the inside lane. Ofc. Dave’s ICV shows that Ms. Kandula changed her walk into a run, and she appeared to start to run across Dexter Avenue North while she was still within the outside lane.



Ms. Kandula was attempting to run across the inside lane of Dexter Avenue North before the patrol vehicle crossed Thomas Street, but she was struck by the patrol vehicle before reaching the other side.



Ofc. Dave was unable to stop the patrol vehicle in time to avoid a collision with Ms. Kandula. Ms. Kandula was struck by the patrol vehicle. The front passenger side of Ofc. Dave's patrol vehicle collided with Ms. Kandula. At the time of the collision, the patrol vehicle's speed was reduced to 63 mph. The damage to the patrol vehicle (which appears as a diagonal dent along the hood of the vehicle) is consistent with the type of damage that would occur if the patrol vehicle collided with Ms. Kandula while she was running.



Ofc. Dave's reaction and response was appropriate following the collision of his patrol vehicle with Ms. Kandula. Ofc. Dave immediately notified SPD dispatch and informed dispatch of his location. Ofc. Dave informed dispatch to send aid, and immediately began providing CPR to Ms. Kandula. Ofc. Dave's BWV also showed that he was upset by the collision of his patrol vehicle with Ms. Kandula. At times, Ofc. Dave appeared to be despondent over the collision with Ms. Kandula and asked responding medics to take over rendering aid to Ms. Kandula because he was upset.

Ms. Kandula suffered catastrophic injuries and despite Ofc. Dave's and responding medics administration of medical aid at the scene of the collision, she was pronounced dead at Harborview Medical Center later that evening.

### **Legal Analysis**

In determining whether to file criminal charges, prosecutors must complete a full, transparent, and careful analysis of the law as applied to the individual facts unique to each referral. An officer is



not exempt from criminal prosecution or civil liability. Nor does an individual's status as a police officer change or alleviate a prosecutor of their duty to conduct a careful, individual analysis of a case when determining whether criminal charges are appropriate because there is sufficient admissible evidence to prove all elements of a crime beyond a reasonable doubt. The decision of whether or not to file charges in a vehicular homicide collision is never a value judgment of the life that was lost; rather, it is a legal determination relating to the specific laws and facts of the case presented.

Vehicular homicide collisions affect not only those involved in the collision, but also the loved ones of the decedant, the driver, and those who witness the collisions. Vehicular homicide collisions can impact an entire community because everyone shares in the use of public roads. The Washington State legislature has provided prosecutors the laws and the courts rule on those laws to address vehicular homicide and other traffic collisions.

Vehicular homicide charges can only be filed when there is sufficient credible evidence to support (a) impairment from drugs or alcohol; (b) driving in a reckless manner; or (c) driving with disregard for the safety of others (DSO). RCW 46.61.522.

An officer is not exempt from criminal prosecution or civil liability for a vehicular fatality. However, in determining the criminal culpability of an officer for an unintentional fatality collision in a fully marked patrol vehicle, the KCPAO must take into consideration the law that permits emergency vehicles, which include police patrol vehicles, to not follow standard traffic laws.

RCW 46.61.035 states:

**Authorized emergency vehicles.**

(1) The driver of an authorized emergency vehicle, **when responding to an emergency call** or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) park or stand, irrespective of the provisions of this chapter;

(b) Proceed past a red or stop signal, but only after slowing down as may be necessary for safe operation;

**(c) Exceed the maximum speed limits so long as he or she does not endanger life or property;**

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, ....

(4) The foregoing provisions **shall not relieve the driver** of an authorized emergency vehicle from the duty **to drive with due regard for the safety of all persons**, nor shall such provisions protect the driver from the **consequences of his or her reckless disregard for the safety of others**. (emphasis added).

The statutory exemptions granted to police and other emergency personnel does not absolve a police officer from liability, even "on code" with legitimate intentions if their driving endangers

life or property. However, Washington State law requires an even higher mental burden in evaluating a criminal charge and requires proof beyond a reasonable doubt.

The impairment prong of vehicular homicide requires proof of impairment from drugs or alcohol that affected the driving (if not per se impairment).

The reckless manner-prong of vehicular homicide requires proof that the person was driving "in a rash or heedless manner, indifferent to the consequences." This definition is distinct from the definition of reckless driving that applies the "willful or wanton disregard for the safety of person or property." See State v. Roggenkamp, 153 Wn.2d 614, 106 P.3d 196 (2005). It has been recognized as a lower proof requirement than the gross misdemeanor crime of reckless driving. "The degree of reckless behavior in vehicular assault [or homicide] (reckless manner) is less than in the 'willful or wanton disregard' of reckless driving." State v. Thompson, 90 Wn. App. 41, 950 P.2d 977 (1998).

After a careful analysis of applicable law, the legal definitions for police on code, and relevant and applicable case law relating to vehicular homicide and vehicular assault, the KCPAO has determined that there is no evidence to prove beyond a reasonable doubt that Ofc. Dave was driving impaired and insufficient evidence of driving in a reckless manner.

Cases without sufficient evidence to file a vehicular homicide under reckless manner are then evaluated under the "disregard for the safety of others" (DSO)-prong. In State v. Eike, the Washington Supreme Court determined that driving with disregard for the safety of others means driving with "an aggravated kind of negligence or carelessness, falling short of recklessness but constituting a more serious dereliction than the hundreds of minor oversights and inadvertences encompassed within the term 'negligence.'" 72 Wn.2d 760, 766-67, 435 P.2d 680 (1967).

"[D]isregard for the safety of others is conduct more culpable than 'driving 'in such a manner as to endanger or be likely to endanger any persons or property' (RCW 46.61.525--negligent driving)." Id. at 779.

Courts have continued to recognize that death plus the culpable behavior of driving in a negligent manner does not amount to vehicular homicide. The fact that a driver is responsible for another's death does not rule out the possibility that the driver's only offense is driving in a negligent manner. See State v. Gostol, 92 Wn. App. 832, 965 P.2d 1121 (1998); State v. Thompson, 90 Wn. App. 41, 950 P.2d 977 (1998); State v. Rogers, 70 Wn. App. 626, 855 P.2d 294 (1993), rev. denied, 123 Wn.2d 1004, 868 P.2d 872 (1994).

Ordinary negligence is the failure to exercise ordinary care. It is the doing of some act which a reasonably careful person would not do under the same or similar circumstances of the failure to do something which a reasonably careful person would have done under the same or similar circumstances. Ordinary negligence in operating a motor vehicle does not render a person guilty of vehicular homicide.

A full evaluation looks to the statutory exemptions granted to police officers in RCW 46.61.035 and must consider the duty of drivers of authorized emergency vehicles but also the exemptions granted. An officer is permitted to exceed the speed limit under certain circumstances.

The breach of a statutory duty is admissible, but not conclusive on the issue of whether or not a driver is negligent. The Lopez Court held that “[s]ome evidence of the defendant’s conscious disregard of that danger is necessary to support vehicular homicide.” State v. Lopez, 93 Wn. App. 619, 970 P.2d 765 (1999), See also State v. Vreen, 99 Wn. App. 662, 994 P.2d 905 (2000), aff’d 143 Wn.2d 923, 26 P.3d 236 (2001).

In this case, Ofc. Dave responded to a priority call involving an emergency. In responding to the call, Ofc. Dave used appropriate emergency warning equipment (i.e. lights and sirens) when driving his patrol vehicle in response to the scene of the emergency. Although some may argue that use of a continuous siren may have better alerted Ms. Kandula to the presence of an oncoming police patrol vehicle, there is no legal authority or law enforcement guidance requiring the use of a continuous siren when responding to an emergency at high speed. Also, other pedestrians said that they heard the patrol vehicle’s emergency siren. Furthermore, defense would very likely argue that Ms. Kandula was wearing or using wireless earbuds, which may have obscured her hearing and may have caused her to be distracted when crossing Dexter Avenue North.<sup>2</sup>

Some may argue that the speed at which the officer was travelling at the time of the collision may rise to negligence. Even if prosecutors could prove beyond a reasonable doubt that a uniformed police officer traveling at 74 mph in response to a legitimate emergency call in a fully marked patrol car with lights with lights and sirens was negligent, negligent driving does not meet the legal threshold for felony criminal charges under Washington State law.

Under Washington State law, a civilian speeding on the road is evaluated differently than a police officer responding to an emergency. In determining whether there is sufficient evidence to prove conscious disregard in this case, the signaling to warn traffic, the care to avoid collisions, and the reason for the officer’s speed are paramount in determining whether prosecutors can prove DSO beyond a reasonable doubt. While the speed at which Ofc. Dave drove his patrol vehicle was extremely fast, there is insufficient evidence, under these circumstances, to prove beyond a reasonable doubt that he showed conscious disregard for others safety.<sup>3</sup> SPD dispatch characterized the call Ofc. Dave responded to as the highest level of emergency -- one involving a threat to a human life. Ofc. Dave, in responding to the emergency, used his patrol vehicle’s emergency signals (full overhead lights and chirping siren). Ofc. Dave’s ICV showed that he appeared to see Ms. Kandula just as she stepped into the crosswalk and while she was in the non-travel outside lane. He reacted to her by a slight left steering input and braking moments before she appeared to react to his approaching patrol vehicle. However, Ofc. Dave’s response was not enough to prevent the collision.

In the case at hand, there is insufficient evidence to prove beyond a reasonable doubt that Ofc. Dave was *consciously* disregarding safety. The collision occurred in part due to Ofc. Dave’s speed.

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<sup>2</sup> Wireless earbuds were found in the road and believed associated with the collision but are not conclusively known to have been Ms. Kandula’s. Apple Airpod Pro earbuds were found in debris north of the crosswalk and consistent with the pedestrian wearing them (one rubber insert was found separate from its earbud and the other earbud still had the rubber insert). Airpod Pros do have a noise cancelling function that can be wirelessly activated.

<sup>3</sup> The officer was not on a lark. He was on a legitimate emergency call. Lark has been used by Courts to describe when an officer is not responding to official business.

## Contributory Negligence/Superseding Intervening Cause

A traffic collision review includes analyzing the actions of the pedestrian. The law states that it is unlawful for a pedestrian to “suddenly leave a curb . . . and move into the path of a vehicle which is so close that it is impossible for the driver to stop.” RCW 46.61.235(2). To that end, a pedestrian has a duty to exercise reasonable care for her own safety whether she’s in a **marked** or unmarked or no crosswalk. RCW 46.61.240(1).

According to the collision reconstructions, when Ms. Kandula was standing on the curb, she would not have seen the approaching patrol car to her left; however, within 1-2 steps, the patrol vehicle would have been in her line of sight. She did not react at all and continued on her path. When she did appear to react to the patrol car, she was still in the unused outside lane. She decided to attempt to run across the street. According to the analysis by ACES, had she stopped, the patrol car would have passed her; had the patrol car been speeding 50 mph and not slowed at all, she *might have made it to the center line but only by a very slim margin*.

Contributory negligence is a legal term, and it is not a defense to a felony vehicular homicide. To escape criminal liability the victim’s contributory negligence must rise to the level of a “superseding cause” without which the accident would not have occurred. The fact that the victim may have contributed to the cause of the accident in a legal sense is not a defense to vehicular homicide except in the most extreme circumstances. The law states that if the victim’s contributory negligence rises to the level of a superseding cause and the actions could not have been reasonably anticipated by the defendant, it is a defense to the crime of vehicular homicide.

This is not a judgement call on the value of a human life. This is the required evaluation of a car versus pedestrian collision.

See Roggenkamp, 115 Wn. App. at 945-947: To be a superseding cause sufficient to relieve a defendant from liability, an intervening act must be one that is not reasonably foreseeable. Factors to consider in determining whether an intervening act is a superseding cause include whether (1) the intervening act created a different type of harm; (2) the intervening act constituted an extraordinary act; and (3) the intervening act operated independently. Thus, when the intervening act is one which the defendant should not have anticipated as reasonably likely to happen, then there is a break in the causal connection between the defendant's negligence and the plaintiff's injury, and the intervening act is the superseding cause of the plaintiff's injury.

Proximate cause has two components: legal cause and actual cause. State v. Frahm, 193 Wn.2d 590, 596, 444 P.3d 595 (2019) (quoting State v. Rivas, 126 Wn.2d 443, 453, 896 P.2d 57 (1995)). The former is for the court to decide, the latter for the jury. Id. (quoting Hartley v. State, 103 Wn.2d 768, 778, 698 P.2d 77 (1985)); Colbert v. Moomba Sports, Inc., 163 Wn.2d 43, 51, 176 P.3d 497 (2008).

Actual cause is also known as “ ‘but-for’ ” causation. Frahm, 193 Wn.2d at 596, 444 (quoting Hartley, 103 Wn.2d at 778). There can be more than one but-for cause of any given injury. However, an action is not a but-for cause of an injury if it is interrupted by a separate, intervening act. Id. at 600, 444 P.3d 595. In such circumstances, the intervening act is a superseding cause and eliminates the causal relationship between the defendant's conduct and the

victim's injury. State v. Vanderburgh, 18 Wn. App. 15, 17-18, 489 P.3d 272 (2021), review denied, 198 Wn.2d 1022, 497 P.3d 384 (2021).

If the pedestrian's choice to run across the street when she could have stayed still and not been struck, is seen as a superseding intervening cause under the law, then even **if** the officer had driven with "disregard for the safety of others (DSO)," the actions of the pedestrian would be a defense to the felony. The officer had already begun his avoidance maneuvers when she was walking across the outside lane. This occurred well before she was in a dangerous position.

The defense in this case would certainly be able to argue a superseding intervening cause.

Our Filing and Disposition Standards are transparent:

1. Vehicular Assault and Homicide cases will be filed if sufficient admissible evidence exists which when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.
  - a. Vehicular Homicide cases based on a disregard for the safety of others (DSO) theory shall not be filed unless the disregard is a gross deviation from the care a reasonable person would exercise in the same situation.

It is important to note that the KCPAO review of the collision involving Officer Dave is not related to the appalling comments by Officer Daniel Auderer captured on a body-worn camera. By law, a disciplinary investigation into the conduct of Officer Daniel Auderer's conduct as captured on his body-worn video is not the responsibility of the KCPAO. The Office of Police Accountability is responsible for establishing and managing processes to initiate, receive, classify, and investigate individual allegations of SPD employee misconduct.

It should be noted that Officer Auderer's chain of command and the Office of Police Accountability (OPA) found he acted unprofessionally and faces discipline. The KCPAO was equally troubled by Officer Auderer's comments captured on the body worn video. His comments were egregious, unprofessional, and deeply troubling.

## **Conclusion**

It is the conclusion of the KCPAO that there are no felony charges to be filed in this case. We are returning the case to SPD for their further determination.

# APPENDIX A



The **ACES**

The **A**ccredited **C**ollision **E**xamination **S**pecialists Inc

To: King County Prosecutor's Office  
516 Third Avenue, W554  
Seattle, WA 98104  
Attn: **DPA Amy Freedheim**

Case # **Seattle PD case 2023-022231**  
Date of Collision: **01-23-2023**

Ms. Freedheim,

The ACES Inc has completed a review of the materials provided and the findings are summarized on the following pages.

**Review Materials**

- A three-page Washington State Traffic Collision Report as completed by Officer H. Wicken of the Seattle Police Department (SPD); Report #3907296
- A fifty-page Case Investigation Report completed by Detective B. Schoenberg of the SPD Traffic Collision Investigation Squad (TCIS)
- SPD Traffic Crash-1 Report completed by Officer P. Lacey
- SPD Traffic Supplemental-2 Report completed by Officer A. Kral
- SPD Traffic Supplemental-3 Report completed by Officer D. Auderer
- SPD Traffic Supplemental-4 Report completed by Officer B. Schoenberg
- SPD Traffic Custodial Property Summary Report completed by Officer A. Kral
- SPD audio file taped statement of Jakub Kablan
- SPD audio file taped statement of Melissa Rice
- SPD audio file taped statement of Daniel Sahn
- SPD Axon Body Cameras (22)
- SPD Fleet Cameras (15)
- SPD Scene photographs
- SPF Scene2go
- Seattle Fire Department (SFD) CAD reports
- SFD Patient Case Record for Alex Johnson
- SFD Patient Case Records for Jane Doe
- SFD Patient Case Records for Lisa Doe
- Winston Wachter Fine Arts surveillance video (1)
- Venture General Contracting surveillance videos (7)
- King County Medical Examiner's report for Jaahnavi Kandula and autopsy photos
- Bosch CDR report for a 2020 Ford Explorer Police SUV 4WD
- Inspection of the 2020 Ford Explorer Police SUV 4WD on 11-07-2023

- Photographs of a 2020 Ford Explorer Police SUV 4WD
- Published data of a 2020 Ford Explorer Police SUV 4WD
- Site visit on 11-28-2023
- Google aerial and street view imagery

### **Incident Review**

On January 23, 2023, at about 8:07 PM, Officer Kevin Dave was the restrained driver of a 2020 Ford Explorer Police SUV as it was traveling northbound on Dexter Ave N at Thomas St in the City of Seattle. Officer Dave was in uniform and driving a marked Seattle Police vehicle that was equipped with overhead emergency lights and a siren.

Jaahnavi Kandula was a pedestrian who was attempting to cross Dexter Ave N at Thomas St. Ms. Kandula was crossing in the westbound direction. She was in a marked crosswalk on the north side of the intersection where she was struck by the patrol car driven by Officer Dave.

### **Roadway Description:** (From Detective Schoenberg's report)

Dexter Ave N was a minor arterial street for northbound and southbound traffic. The speed limit on Dexter Ave N was 25 MPH. There is one lane for vehicles in each direction with solid white fog lines painted on the roadway in the standard configuration (though the fog line was covered by construction barricades). There was a two-way center left turn lane in the middle that was marked with solid and dashed yellow lines painted on the roadway in the standard configuration leading up to and after Thomas St. There were yellow plastic pylons attached to c-curbing that were affixed to the roadway. These were placed south of the southern crosswalk with Thomas St and extended northbound past the north crosswalk. The pylons prevented vehicular traffic from crossing Thomas St but allowed pedestrians to cross. There were pedestrian crossing signs placed in the center two-way left turn lane where Thomas St and Dexter Ave N intersected. The roadway surface consisted of asphalt in good repair. Northbound motorists on Dexter Ave N approaching Thomas St experienced an approximate 2-3 percent downhill grade.

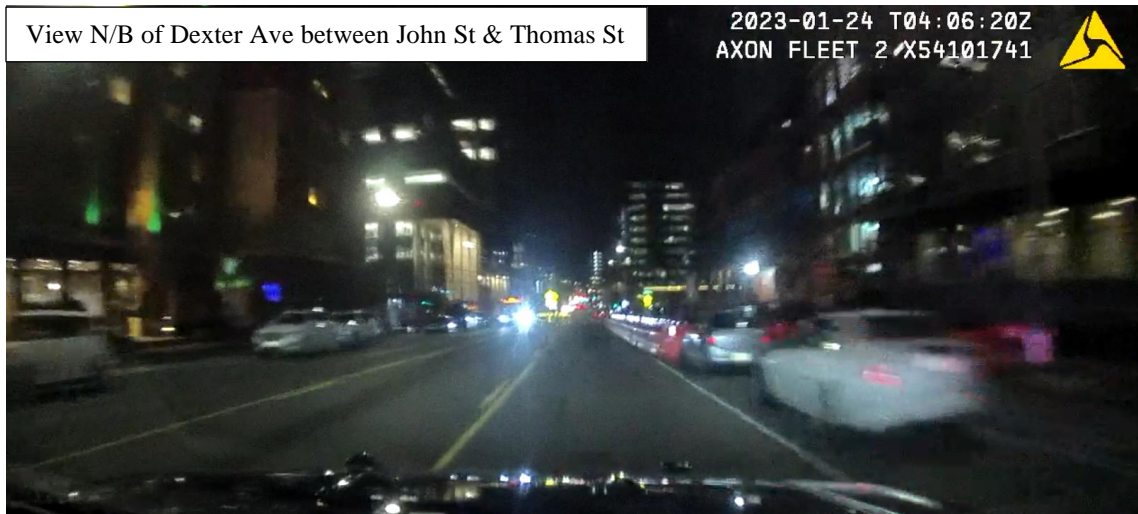
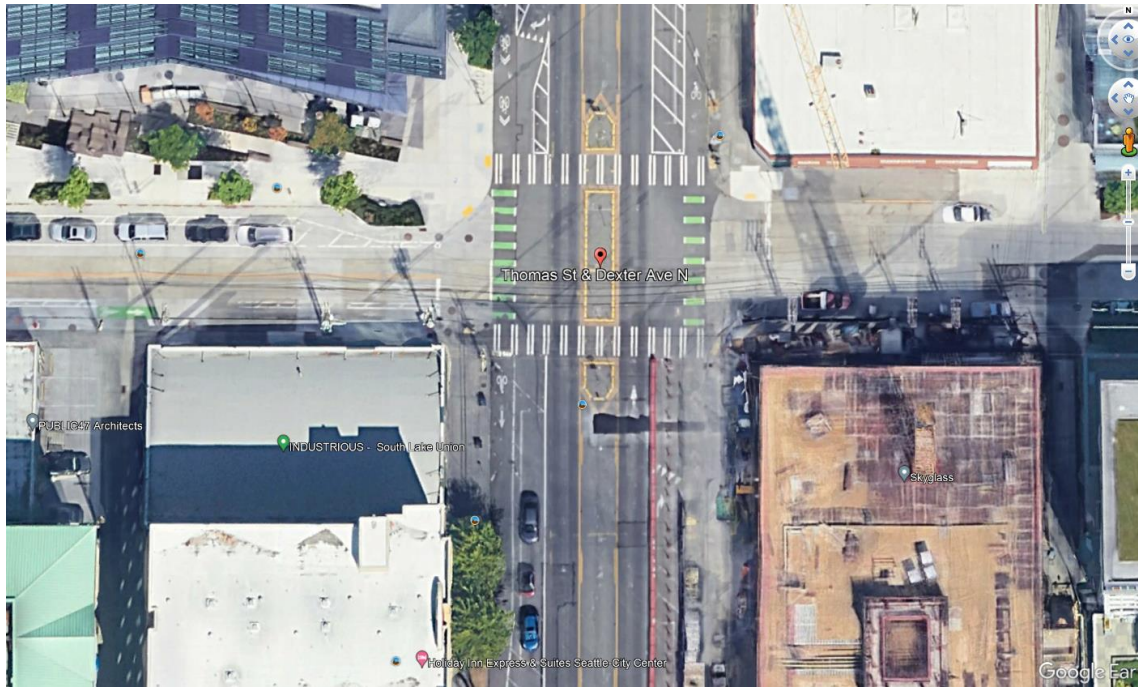
On the eastern side of Dexter Ave N north of Thomas St there was a bike lane and a portion of the roadway that contained prohibited street parking. This no parking zone was indicated by diagonal white solid lines painted on the roadway and signs. The west side of Dexter Ave N was configured similarly with a bike lane and a zone of prohibited parking.

Between Thomas St and John St, Dexter Ave N had construction barricades that created the eastern limit of the northbound lane. There was metal chain link fencing that extended out to the edge of the roadway. The fencing had portions that contained a black partially see-through mesh affixed to the fence. This necessitated the usage of the construction barricades to push the sidewalk into the northbound bike lane. This guarded space was then shared by bicycles and pedestrians. These barricades were approximately 2.5 feet tall and extended along the length of the construction site and up to the southern crosswalk where Thomas St intersected Dexter Ave N. There were no alterations to the northbound lane of travel for vehicles.



The **ACES**  
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There were two marked crosswalks at the intersection of Thomas St. One was on the south side and the other was on the north side of Thomas St. These were identified by solid white lines painted on the roadway in the standard configuration. There were also signs in the middle of the roadway noting the presence of a crosswalk. There were streetlights on the northeast and northwest corners of the intersection. There were no traffic control devices for northbound or southbound vehicles. Pedestrians crossing Dexter Ave N had no traffic control devices at this intersection.

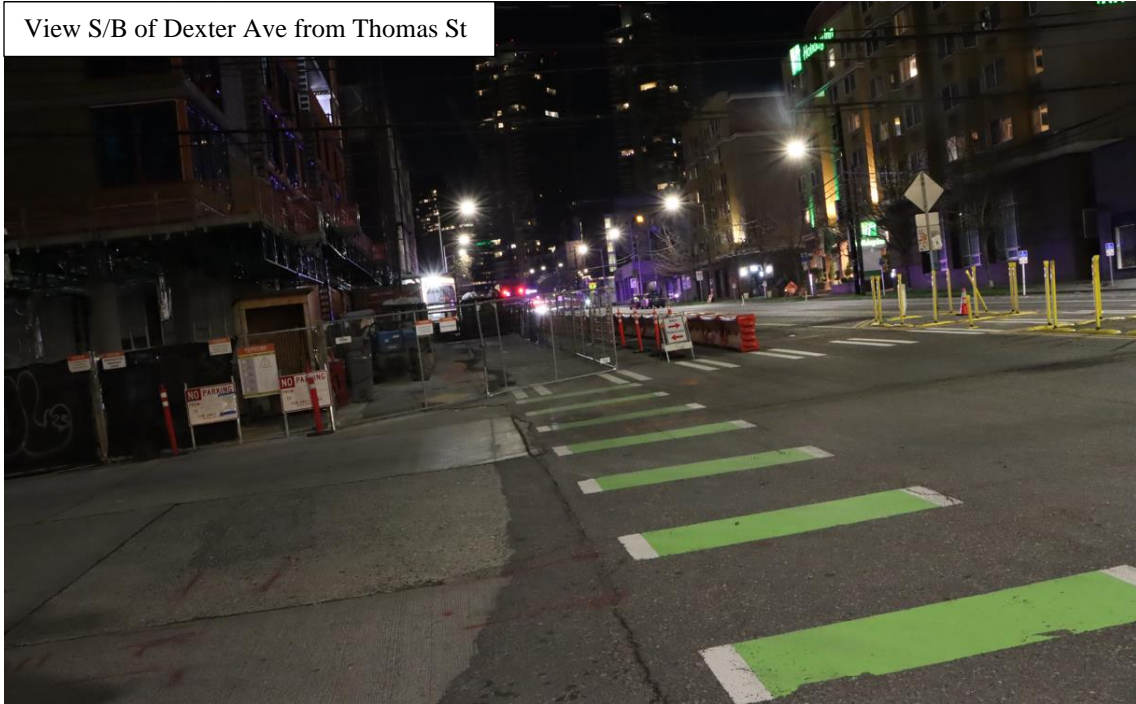


View N/B of Dexter Ave at Thomas St

2023-01-24 T04:06:22Z  
AXON FLEET 2 X54101741



View S/B of Dexter Ave from Thomas St



## Vehicle Description

**2020 Ford Explorer Police SUV 4WD**  
VIN: 1FM5K8AW9LGD02122

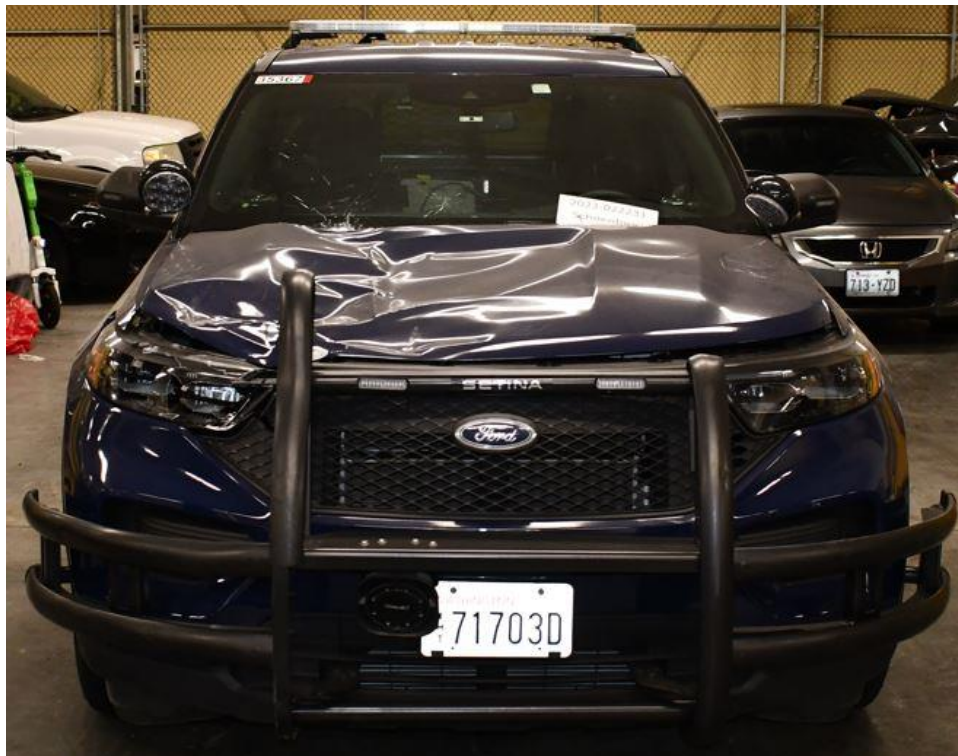
Published data shows this vehicle is about 16.58 feet long, 6.58 feet wide and 5.83 feet high with a curb weight of about 4860 pounds. I added 500 pounds for one occupant and miscellaneous police equipment for a total weight of about 5360 pounds. The patrol car was equipped with the manufacturer's recommended tire size of 255/60R18.

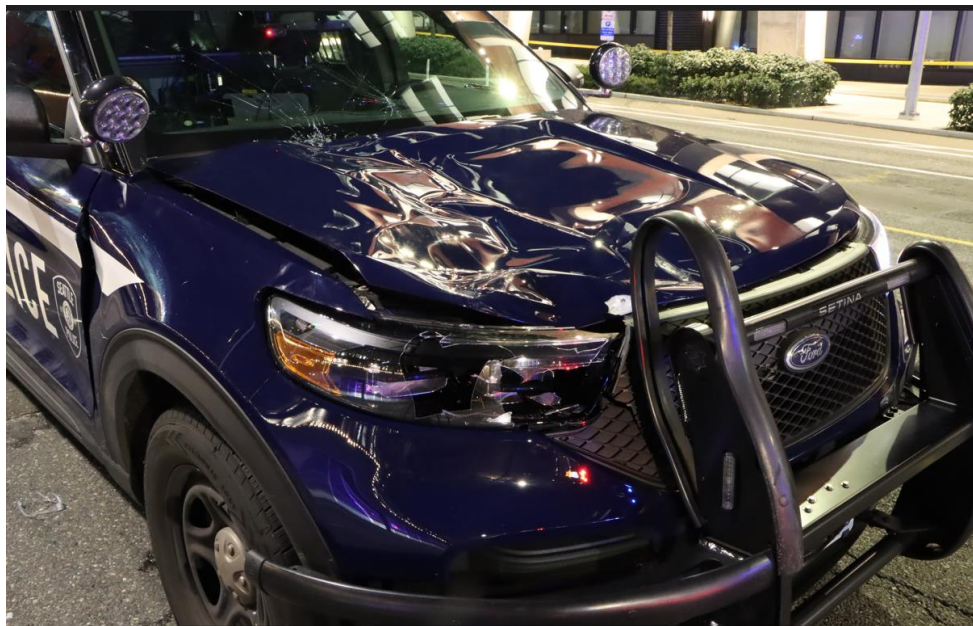
## Damage Description

Detective Schoenberg reported that the Ford was in the northbound lane of Dexter Ave N where it had come to a controlled stop. The engine was still running, and its overhead lights were still activated. The In-Car Video (ICV) system's forward-facing camera had a red intermittent flashing LED light indicating that it was still recording. The driver's side headlight was still illuminating and appeared to be operating normally. The passenger side headlight was not illuminating and appeared to have collision related damage.

The push bar and fender guard created the leading edge of the vehicle. There was contact damage to the right front push bar. The right push bar was bent rearward and upward. There was contact damage on the right front corner of the hood. The damage pattern continued rearward to the base of the windshield. The windshield was broken in two spots. There was a break at the base of the windshield at the end of the hood damage, somewhat in line with the right front occupant area. The second break was a few inches up from the base of the windshield and just to the right of center. There was induced damage to the front passenger side door and the passenger side front fender had damage to it. No airbags deployed inside the patrol car.

Detective Schoenberg noted that the slide switch for the overhead lights was all the way to the right in the fully activated position. The head light switch was in the "On" position.





### **Reconstruction**

On 09-14-2023, The ACES Inc. was retained to analyze this collision. On 11-07-2023, the 2020 Ford Explorer Police SUV was inspected at a Seattle Police Department evidence facility. On 11-28-2023, a crash site was completed. Google aerial and street view images were also located and used for illustrative purposes in this report.

### **Witness Jakub Kablan audio statement**

He was riding his bicycle southbound on the west sidewalk of Dexter Ave. Mr. Kablan stated he was approaching Thomas St and was about 20 meters from the intersection. He saw a Seattle Police Department car *“with the siren, kind of going quite fast.”* Mr. Kablan stated he is familiar with the area. Mr. Kablan stated the police car had its siren on, so he heard it coming, *“the usual siren sound.”* He also saw the lights flashing on the car. Asked if the siren sound was consistent, or going on and off, Mr. Kablan stated he doesn’t think he remembers to that level. The police car was going northbound. Asked where the police car was when it came to his attention, Mr. Kablan stated, *“I think it was, kind of when it came into the intersection (Thomas St).”*

Asked what he saw next, Mr. Kablan stated, *“the car drove past the sidewalk and there was a person crossing the road, not on the crosswalk, but I guess like 5 to 10 meters north of the crosswalk, and that was just as the car was going to go past them. They didn’t seem to be aware of the car and they kind of stepped into the car and they collided.”* The person was walking in the westbound direction. Mr. Kablan stated the person was on the same side of the street as him and that they were crossing to the other side. Mr. Kablan clarifies that they (Note Mr. Kablan continues to refer to the person in the plural) were walking from the east side to the west side (Note this is in conflict with him stating at the beginning that he was riding on the west sidewalk)

Mr. Kablan stated he noticed the person just as the patrol car was coming because he wasn't really paying particular attention to them or the car. Mr. Kablan could not describe what the person was wearing stating, *"between when I kind of gave them attention and saw the collision, there was maybe one or two seconds at most. It was very quick."* Mr. Kablan doesn't remember if the person was walking or running.

After the collision, the person got *"kicked by the car into the air and they flew, in the air, about 10 meters in the northbound direction. There was something that kind of flew out of them, I guess some of their possessions, then the police car immediately stopped. And then after that I didn't really see what happened in detail because, between me and where that person was lying, first of all there was a row of parked cars that kind of blocked my side, and then also the police car I think was kind of between me and where the person landed."*

Asked if there was anything else he wanted to talk about, Mr. Kablan stated, *"it is kind of quite dark there. I can see if I was the person driving the car, you know, at that speed it is kind of very hard to, I don't think I would have also known (unintelligible) I guess."*

#### **Witness Melissa Rice audio statement**

Ms. Rice states that she and the pedestrian (Jaahnavi Kandula) that was hit, were walking in the same direction, she was trailing behind her. Ms. Kandula was walking a bit quicker than Ms. Rice was. They were walking westbound on Thomas St towards Dexter Ave. They were walking on the north side of Thomas St because of the construction on the south side. Both Ms. Kandula and Ms. Rice had crossed Thomas St a block earlier to avoid the construction zone because the south sidewalk was closed. Ms. Rice stated that a couple blocks before Dexter Ave Ms. Kandula was behind her but was walking faster than her so she stepped off to the side and let her go in front of her. Ms. Kandula was wearing a dark colored hoodie and a backpack. She could not remember what color pants Ms. Kandula was wearing. Ms. Rice stated when Ms. Kandula passed by her, they did not say anything to each other. Asked if Ms. Kandula's hood was up, she replied, *"the hood may have been up, I know I recognized it was a hoodie, the hood may have been up, but I don't specifically recall."* She did not remember seeing anything in her ears, like headphones, when asked the question.

Ms. Kandula entered the crosswalk at Dexter Ave in front of her. Ms. Rice stated she was behind her by maybe a quarter to half a block at that time. Asked if she saw Ms. Kandula stop or pause before entering the intersection, she replied, *"no, not that I noticed."* Ms. Rice was asked as Ms. Kandula was entering the crosswalk, did she see or hear the approaching police vehicle. Ms. Rice replied, *"yes, I heard sirens."* Asked if the siren sound was consistent, or going on and off, Ms. Rice stated, *"it could have been echoing off the building, I distinctively recall hearing the siren. Had it been on for a while, I don't think so because it was really distinct like siren followed by accident."*

Asked about Ms. Kandula's pace, Ms. Rice stated, *"it wasn't a walk or jog, but it just a faster walking pace with purpose. As a female in the city, it's usually the same pace I have, you know, you're walking with purpose when its, you know dark in the city. Her demeanor to me was she*

*was just walking with purpose to a destination in a way that she wasn't going to attract any unwanted attention that could have been around."*

Asked what happened after the collision, Ms. Rice stated, *"I heard the siren, I observed, and I believe the pedestrian likely also heard the siren because I saw her start to move faster so like, look I need to get off the street there is a fire engine coming. Then I heard a loud thud, which I assumed would have been the car colliding with her and that is when I ran up to the intersection to offer aid if needed. She had appeared to slide a good way down the block. So, I turned the corner onto Dexter staying on the sidewalk and I saw the police had already jumped out of their vehicle and were administering CPR."*

### **Witness Daniel Sahn audio statement**

He was *"walking across the street, across the sidewalk on Republican across Dexter Avenue going west. I saw a police car coming, maybe two blocks away, and then I heard a loud noise."* He was on the south side of Republican St.

Mr. Sahn stated, *"I saw lights, and when I was walking across, I saw lights in the distance coming pretty quickly towards my direction. I mean, I was about two blocks away when I crossed the street, I mean by the time I crossed the street, it had gotten closer, and then, the police car, after the sound, slowed down and it didn't come, I mean at that point I walked over (unintelligible)." The sound he heard was like a car hitting a curb stating, "and that is what I thought at first, the police car was going fast, and it just hit a curb or something, and then I remembered (talking over each other) a curb on that street, it was just going straight, there was not any turns, there's no divider on Dexter Ave."*

Asked where he was when he heard the impact, he stated, *"I was on the crosswalk, looking, because it was a block and a half away, so I crossed the street, I had a signal. I was right in the middle (of Dexter) when I heard that noise. I think what threw me off is usually when you hear that noise of a collision of a car hitting something, a curb or something, another car, you hear brake beforehand, like either screeching of brakes and then you hear a, the hit, the crunch or whatever. But this time, there was no brake sound at all, just the sound of the front of the car hitting something."*

Mr. Sahn stated he believes he heard a siren when asked. Asked if the siren sound was consistent, or going on and off, Mr. Rice stated he didn't remember. Mr. Sahn stated when he was crossing Dexter Ave, there were no moving vehicles from Republican St all the way south down to Denny Ave except for the police vehicle. By the time he walked up to the scene he saw a person lying on the ground unresponsive and a police officer administering CPR.

### **Surveillance videos**

There were eight surveillance videos provided. All the videos were reviewed and summarized. The summaries were not included in this report for brevity. The videos that captured the patrol car confirmed that the patrol car had its emergency lights and its headlights on. Detective Schoenberg's summaries of the video were accurate. One of the videos was used to calculate Ms.

Kandula's walking pace. The surveillance videos also showed the police car brake lights on before the impact.

### **Police Traffic Collision Report**

The collision report was only a brief overview of the collision. The actual investigation was documented in Detective Schoenberg's Case Investigation Report. Officer Wicken completed the collision report and used coding to describe certain conditions. Officer Wicken used the codes for "clear/partly cloudy, dry, and dark streetlights on". The code for the roadway character was for "straight and level". For traffic control, the code for "no traffic control" was used for the vehicle and left blank for the pedestrian. For type of roadway, Officer Wicken used the code for "two-way divided-no barrier." The code for "blacktop" was used for roadway surface. The posted speed limit was listed as 25 MPH.

In the pedestrian section, the code for "roadway" was used for what the pedestrian was using. For clothing visibility, the code for "dark" was used. For pedestrian action, the code for "crossing non intersection no crosswalk" was used. *Note, Ms. Kandula was crossing at an intersection in a marked crosswalk.* For vehicle actions, Officer Wicken used the codes for "going straight ahead" and "no defects" for the police vehicle. For direction of movement, the code from "south to north" was used for the police vehicle and left blank for the pedestrian. For emergency vehicle use, the code for "emergency operation, warning equipment used."

For contributing circumstances, Officer Wicken used the code for "none" for the police vehicle and "failure to use crosswalk" and "other distractions" for the pedestrian. *Note again that Ms. Kandula was crossing in a marked crosswalk.* It is unknown what "other distractions" was being referred to. For unit impairment, the code for "not impaired" for the driver and "unknown" for the pedestrian. The code for "DRE not requested" was used for the driver. For alcohol result, the code for "test not given" was used for both the driver and the pedestrian. There were three witnesses listed on the collision report (Jakub Kaplan, Daniel Saha, Melissa Rice). Officer Wicken completed a narrative and diagram in his traffic collision report which are shown below. Unit 1 is the police vehicle and Unit 2 is the pedestrian.

The narrative and diagram from the PTCR are shown below.

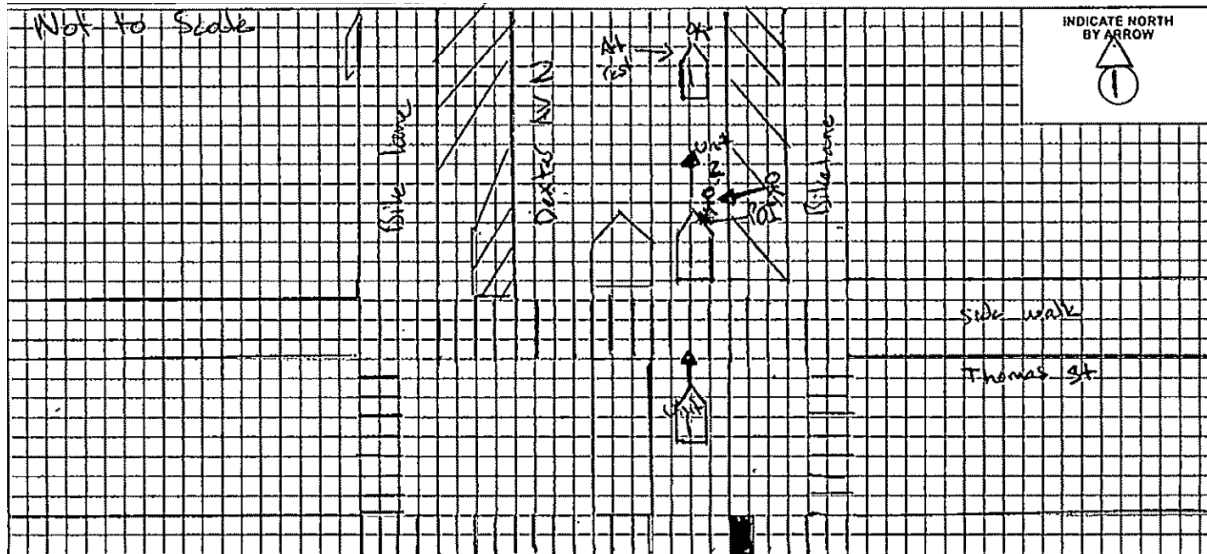
On 1/23/23 I was working uniformed patrol for the Seattle Police Department as "3M1" with my partner Officer Banks. At 20:22 I was dispatched to a collision at Dexter AV N/Thomas St.

The driver of vehicle #35367 is an on-duty Seattle Police Officer, who was driving a Seattle Police Department vehicle in the commission of his official duties. Officer Kevin Dave was operating fully marked Seattle Police vehicle WA/71703D, unit 1.

Unit 1 was responding to a priority one 911 call and was driving North bound on Dexter AV N while operating emergency lights and sirens. Unit 2, a pedestrian identified as Jaahnavi Kandula, entered the roadway and started crossing in the roadway Westbound across Dexter AV N.

Unit 2 was struck by unit 1 just North of Thomas St. Immediate medical aid was provided by officers and SFD responded. SFD transported unit 2 to HMC.

Officers interviewed witnesses on scene.



**Officer Lacey** completed a Traffic Crash-1 Report. He lists basic information about the parties involved and location. There is no narrative to the report.

**Officer A. Kral** completed a Traffic Supplemental-2 Report. Officer Kral worked scene security and collected the scene evidence. He placed the evidence items into evidence at the precinct.

**Officer D. Auderer** completed a Supplemental-3 Report. Officer Auderer is a DRE. He evaluated Officer Dave for signs of impairment with none found.

### **Detective B. Schoenberg Case Investigation Report**

Detective B. Schoenberg, assigned to the Traffic Collision Investigation Squad (TCIS), completed a fifty-page report. Acting Sgt. Bulawa, TCIS Detective Parker, TCIS Detective Reese, and Detective Schoenberg comprised the TCIS team, that responded to the collision scene. Detective Schoenberg arrived at approximately 2052 hours.

Detective Schoenberg was advised by Sgt Dalan that an SPD patrol vehicle was northbound on Dexter Ave N in the northbound lane of travel with its emergency equipment activated. The patrol vehicle struck a pedestrian who was believed to have been crossing Dexter Ave N from the east to the west just north of Thomas St. It was believed that the pedestrian was outside of the crosswalk based on initial witness reports to the responding officers. The pedestrian was transported to Harborview Medical Center (HMC) and was in critical condition. The officer who had been driving was taken to the SPD's West Precinct and the patrol vehicle was left on scene in its final rest position after the collision. The officer involved in the collision was responding to a precedence 1 call.

Detective Schoenberg stated that at the time of his scene investigation, the sky was partially overcast. The air temperature was about 42° Fahrenheit, and the roadway surface was dry. There had been no recent precipitation. This collision occurred at approximately 2007 hours, during nighttime hours.



Detective Schoenberg described the roadway evidence as follows:

- A) There was a debris field of various items primarily in the northbound lane of Dexter Ave N just north of the northern marked crosswalk at Thomas St. The debris field consisted of dark blue paint flakes and clear plastic pieces (attributed to the passenger side headlight assembly on the Ford). There were pens, markers and other personal effects within the debris field.
- B) There was a small blue paint flake in the roadway approximately 6.6 ft north of the northern crosswalk for Thomas St in the northbound lane of Dexter Ave N.
- C) There was a rubber insert for an Apple Airpod Pro that was found about 28.3 feet north of the northern crosswalk. It was about 1.5 feet east of the northbound lane of Dexter Ave N.
- D) An Apple Airpod Pro was found about 57.5 feet to the north of the northern crosswalk and about 4 feet to the east of the northbound lane of Dexter Ave N. The Airpod had a rubber ear insert on the end of it.
- E) A second Apple Airpod Pro was found approximately 97.4 feet to the north of the northern crosswalk and 50.9 feet to the west of the eastern limit of the northbound lane of Dexter Ave N.
- F) The Ford PIU was left in the roadway where it had come to rest approximately 136 feet north of the northern crosswalk (north edge of crosswalk to front push bar).

Detective Schoenberg described the patrol car and its emergency equipment.

The involved vehicle was a 2020 Ford Police Interceptor Utility that was owned, equipped and maintained by the City of Seattle. This was a shared West Precinct vehicle where multiple officers were able to drive the vehicle when it was available and not assigned to one individual. The PIU was based on the Ford Explorer platform and was similar in appearance to a Ford Explorer. The vehicle was dark blue and was equipped with standard externally visible white Seattle Police decals. It was equipped with emergency lights consisting of overhead light emitting diode (LED) red, white and blue lights, red and blue LED lights affixed to the push bars, red and blue LED lights in the external side view mirror caps, and red, white and blue lights installed in the headlight assemblies. All these lights had a synchronized strobing effect when activated. An audible siren was also equipped to the Ford. The siren was emitted from a forward-facing speaker system affixed to the front push bar. The Ford was assigned an individual unique number of "035367" for City of Seattle identification purposes.

Detective Schoenberg reviewed Officer Dave's in car video (ICV).

02:00: Ofc. DAVE began accelerating and proceeded through the intersection of Denny Way and Dexter Ave. Ofc. DAVE continued to accelerate as he approached the intersection of Dexter Ave N and John St where he had no traffic control devices. Ofc. Dave chirped his siren.

02:04: Ofc. DAVE entered the area where there was construction on the east side of the street as he proceeded northbound on Dexter Ave N. KANDULA could be seen in the crosswalk initially walking from the east side to the west.

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02:05: KANDULA was wearing white shoes, black pants and a black jacket with a hood up over her head. KANDULA had a tan backpack on. This appeared to be purple or pink in the video based on the red and blue reflection from the emergency lights. Ofc. DAVE began to respond to KANDULA's presence by braking and steering. Almost simultaneously KANDULA transitioned from a walk to a run.

02:06: KANDULA ran into the northbound lane of Dexter Ave N where she was struck by the Ford. The collision occurred in the northern crosswalk of Thomas St on Dexter Ave.

Detective Schoenberg viewed the ICV in slow motion. He used this review to confirm both pedestrian and patrol vehicle positioning.

Detective Schoenberg summarized Officer Dave's body worn video (BWV)

01:51: Ofc. DAVE chirped his siren again before proceeding northbound on Dexter Ave N past the red traffic signal at Denny Way.

01:54: Ofc. DAVE accelerated northbound on Dexter Ave N and approached John St.

02:00: The siren was chirped again near the intersection with John St.

02:05: As Ofc. DAVE approached Thomas St; he activated the siren. The collision occurred shortly after. The siren was deactivated during or slightly after the collision.

Detective Schoenberg made several observations of the two videos.

*The tachometer and the speedometer appeared to be working properly prior to the collision. During the acceleration on Dexter Ave N after crossing Denny Way, the speed on the center display and the speedometer could be seen increasing. A peak speed of 74 MPH was seen displayed in the center display within the gauge cluster. This appeared to be a point where the speed leveled off and began to drop quickly. The tachometer which displayed engine Revolutions Per Minute (RPM) began to drop from approximately 5500 RPM after the speed of 74 MPH leveled off. It appeared that the drop in RPM and subsequently the speed was a result of transitioning off of the accelerator pedal and to the brake pedal and then braking.*

*Just prior to the collision, steering input behavior could be seen changing. Ofc. DAVE appeared to quickly turn the steering wheel, though slightly, as a collision avoidance tactic. The inputs in steering did not appear to alter the direction of the vehicle drastically. The pulsation of the anti-lock braking system could be heard after the collision as the Ford was coming to a stop. This would indicate that heavy braking occurred.*

*For slow motion analysis, the same video file was uploaded into Input Ace. In the report, a letter will be reported after the event in parenthesis that correlates to Addendum 1. The time duration and frame reported in Input Ace will be available on the addendum.*

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*A speed of 74 MPH can be seen displayed on the center display in the gauge cluster (F). Steering input from Ofc. Dave could be seen. It was slight and rapid. Steering changed where the wheel began to move to the left (G). Steering input then began to go back toward the center and beyond to the right (H). Steering input then went back toward center and beyond to the left. A speed of 68 MPH could be seen displayed in the center display. The RPM appeared to be around 4,250 (I). Steering input returned toward the center from the left (J). KANDULA's head with the hood up became visible in the windshield (K). As the collision was occurring, it appeared that KANDULA was in the process of going upward onto the hood. At this moment the center display was displaying either 68 MPH or 63 MPH range. It is believed that the speed was 63 but due to a blur in the video because of motion, it is difficult to discern if it is 63 or 68. It is believed to be 63 based on the RPM gauge displaying a RPM below 4,000 when it was displaying a higher RPM when 68 MPH was observed (L) KANDULA went up and out of view of the BWV (M). KANDULA could be seen entering the view of the driver's side view mirror as she was coming back down from the initial collision (N). KANDULA could no longer be seen in the driver's side view mirror (O) The vehicle continued to slow as shown in the center display until it showed 1 MPH (P). It continued to display 1 MPH until it transitioned to 0 MPH (Q).*

Detective Schoenberg summarized the call information and the radio traffic. *"Precedence 1 calls were considered the most important call for SPD and represent a call where life was in danger. The call precedence was determined by the call taker."*

*At 2000 hours 911 received a call of an overdose. It appeared that Call Taker 6 (CT6) answered the call. It was labeled in CAD as a precedence 1 call. The caller stated, "Um I did cocaine, and I don't know if I am having an overdose." The caller provided an address of 708 6 Ave N. The caller stated that he would be outside of the building and did not provide a unit number when asked by CT6. It was determined that SFD would be responding in conjunction with SPD to this incident as a "dual response."*

*The initial call details were entered in the "remarks" field of CAD. The remarks field contained "RP WAITING OUT FRONT, THINKS OVERDOSING ON COCAINE, SCREENING WITH SFD."*

*At 2001 hours the West Dispatcher (WD) broadcast over West air, "An overdose call in Queen Sector. 708 6 North. Caller is out front. Thinks they are overdosing on cocaine. 708 6 North." An update entry was entered in the CAD log that the call was broadcast.*

*At 2001 hours WD broadcast asking for "3Q" and received a response from Acting Sgt. MATTSON who was working as "3Q." WD stated "Just notifying you I'm holding a precedence 1 call at 708 6 North. It's an overdose and fire is now enroute." Ofc. MATTSON replied "Copy. Late roll call is getting logged in now. We should have some people here pretty quick." WD added "3Q notified" to the call log. CT6 then added "SFD ENROUTE" to the call log followed by additional logs, "BROADCAST" and "3Q ADV (advised) LATE ROLL CALL IS LOGGIN IN." from WD at 2002 hours.*

*At 2002 hours Ofc. DAVE broadcast "3M2." WD dispatch responded "3M2" Ofc. DAVE then asked, "Did you need someone to head to that overdose in Queen sector?" WD responded "I*

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*did, thank you and are you gonna be a one or two officer car?” Ofc. DAVE responded, “I am gonna be a single officer car. I can check and advise if he’s just saying that he is overdosing and is fire enroute?” WD responded “They are enroute. Let’s get you an x-ray. Is there a backing unit? 708 6 North” 3M1 got on the air and stated “M1, we can go.” WD stated “Received, thank you.” 3D33 answered as well stating “3D33, I’m logging in shortly. {If they are looking} for a backing unit, I can go.” WD then stated “Received.”*

*At 2004 hours, Ofc. DAVE logged into the MDT via an in-car computer that was installed in the Ford.*

*At 2005 hours WD put over the radio channel, “For units going to the overdose at 708 6 North, the person overdosing is calling it in himself. His name is Alex, he’s refused to give the rest of his name. He wants to stay on the phone with us until officers arrive. He said he is unarmed.” Ofc. DAVE acknowledged the transmission and stated “M2 I’m copying that, thanks.” At this point, Ofc. DAVE was making a left turn onto Bell St from 8 Ave. At this time, Ofc. DAVE and 3 additional officers were logged as enroute to this call (1 two officer car and 1 one officer car).*

*The next radio transmission was at 2006 hours from Ofc. DAVE notifying WD of the collision at Dexter Ave N and Thomas St.*

Detective Schoenberg located two AirPods at the collision scene. Detective Schoenberg reached the following conclusion. *“I was unable to determine what mode the AirPods were in or if they had even been on at the time of the collision. Had they been on, inserted into her ears, and in the noise cancelling mode, it would have been possible that KANDULA’s ability to hear the Ford’s siren and the noise from the engine accelerating would have been diminished. Alternatively, if they were on, inserted in her ear and in the “transparency” mode, KANDULA’s ability to hear would have possibly been slightly enhanced.”*

Detectives Schoenberg, Bulawa, and Parker returned to the collision scene on 02-02-2023. They brought an exemplar patrol car and conducted several sight distance studies. The patrol car was first seen from the yellow entry ramp on the east side of the north crosswalk when the patrol car was 421 feet away. The camera height is 5’3”.

Detective Parker, wearing his black SPD approved jacket with patches affixed to his arms near the shoulder, stood in the northern crosswalk in an approximate location where KANDULA was first observed in the ICV. Detective Schoenberg noted that the barrels obstructed Detective Parker’s leg movement, and it was difficult to detect him until Detective Schoenberg was able to see his legs moving.

Detective Schoenberg described Ms. Kandula’s crossing Dexter Ave. *“KANDULA was in the process of crossing Dexter Ave N at Thomas St within the northern crosswalk. Based on the witness account and the ICV, KANDULA entered the intersection and was walking as she crossed. KANDULA was approximately 18.7 feet into the crosswalk. At this position, KANDULA was still to the east of the lane for northbound vehicular travel for Dexter Ave N. Though she was in the roadway, and moving east to west, this position would have allowed vehicles to pass her without striking her. KANDULA began to transition to a run to continue her movement*

*westbound. KANDULA ran approximately 8.3 feet further westbound into the crosswalk. This placed her nearly in the center of the northbound lane of Dexter Ave N and in the path of the Ford.”*

Detective Schoenberg reached the following conclusions.

- *Ofc. DAVE was an on-duty law enforcement officer employed by SPD the night of the collision.*
- *Ofc. DAVE was a certified EMT and certified peace officer.*
- *Ofc. DAVE was driving an SPD 2020 Ford Police Interceptor Utility vehicle. The Ford was equipped with standard SPD markings on the exterior of the vehicle. It was also equipped with emergency equipment including a siren and red, white, and blue LED lights.*
- *Ofc. DAVE heard a call of an overdose and notified WD that he was responding. The overdose location was 708 6 Ave N.*
- *Ofc. DAVE left the West Precinct and began to respond to the 911 call location. During the response, it was updated that the person who was overdosing, was the person who was on the phone with 911 call takers. Ofc. DAVE acknowledged this over the West radio channel.*
- *Ofc. DAVE proceeded to Dexter Ave and Denny Way where he faced a red traffic signal. After clearing the intersection, Ofc. DAVE accelerated northbound on Dexter Ave N.*
- *The acceleration continued from Denny Way up to Thomas St.*
- *During the period of acceleration, the Ford reached a top speed of 74 MPH.*
- *During the emergency response, Ofc. DAVE did not have his siren activated continuously. Ofc. DAVE chirped his siren at intersections.*
- *KANDULA approached Dexter Ave N on Thomas St using the northern sidewalk.*
- *KANDULA was wearing a black jacket, black pants, a tan backpack and white shoes.*
- *KANDULA was possibly wearing Apple AirPods in both ears.*
- *KANDULA reached Dexter Ave N and began to cross from the east to the west in the north crosswalk.*
- *KANDULA was approximately 18 feet into the crosswalk (this included the bike lane and the prohibited parking zone) and was about to enter the northbound lane of travel for vehicles. KANDULA transitioned to a run and continued to proceed westbound in the crosswalk. This placed KANDULA approximately 7.5 further into the crosswalk.*
- *KANDULA needed approximately 5.5 feet to clear the northbound lane.*
- *KANDULA was struck by the Ford while it was at approximately 63 MPH and was thrown approximately 138 feet northwest where she came to a rest in the shared center turn lane.*
- *Ofc. DAVE began to perform CPR on KANDULA.*
- *SFD personnel responded to the scene and continued lifesaving efforts. KANDULA was subsequently transported to HMC.*
- *Ofc. DAVE was assessed by DRE Ofc. AUDERER, who reported that in his opinion, Ofc. DAVE did not display signs of impairment.*
- *KANDULA succumbed to her injuries and was pronounced deceased at HMC.*

*Summary:*

*Ofc. DAVE was driving a marked SPD Ford PIU and responding to an emergency call at 708 6 Ave N. In his response, he used his overhead lights and intermittent siren. Ofc. DAVE proceeded northbound on Dexter Ave N. KANDULA was crossing Dexter Ave N westbound in the northern crosswalk at Thomas St. KANDULA. KANDULA was struck by the Ford in the crosswalk as she was proceeding westbound in the crosswalk. Had Ofc. DAVE been travelling approximately 50 MPH at the point where they were both responding to the collision, KANDULA would have been able to run across the northbound lane of travel and would not have been struck by the Ford.*

*Proximate Cause:*

*The proximate cause of this collision was the speed at which Ofc. DAVE approached the intersection of Dexter Ave N and Thomas St. Ofc. DAVE accelerated to 74 MPH in a 25 MPH zone while headed to an emergency call. KANDULA entered the crosswalk, and had the right of way, when the Ford was about 475 feet to the south of the intersection. The speed at which Ofc. DAVE was travelling, did not allow KANDULA or him sufficient time to detect, address and avoid a hazard that presented itself.*

### **Video Analysis of Officer Dave's ICV and BWV**

Officer Dave was wearing an **Axon Body 3 X6039B1LM body camera**. The video starts with the date as 01-24-2023 at about time stamp 04:04:19. Officer Dave is sitting in his patrol car working on his computer in the SPD closed garage. The frame rate for this video is listed as 30.01 frames a second.

Officer Dave's patrol car was equipped with an **Axon Fleet 2 X54101741 dash camera**. The video starts with the date as 01-24-2023 at about time stamp 04:04:16Z. Officer Dave is sitting in his patrol car working on his computer in a closed SPD garage. The frame rate for this video is listed as 29.97 frames a second. The frame rate for both videos are different by about 0.04 seconds

The body camera is about 48 seconds into the video and has a time stamp of 04:05:07 whereas the dash camera is at about 49 seconds into the video and has a time stamp of 04:05:06Z. The time stamps in both videos appear to be off by about one second at this point.

Officer Dave proceeds from the garage running with his emergency lights activated, no siren. He would stop for red lights and chirp his siren before continuing through the intersection. At about time stamp 04:05:30Z, the dispatcher tells units going to the overdose that the person is calling in himself and his name is Alex and he wants to stay on the phone with 911 until officers arrive. Mary-2 (Officer Dave) replies "*I copy (unintelligible).*"

At about time stamp 04:06:09Z, about 01:52 minutes into the dash camera video, he reaches the intersection with Denny Way traveling northbound on Dexter Ave N. Officer Dave slows to almost a stop at the red light as shown in the images below. He chirps his siren and goes through the intersection and accelerates. The body camera video is about 01:51 minutes into the video.

You can hear the engine rev up as Officer Dave accelerates through the intersection and continues northbound on Dexter Ave N. His siren is off at this point. Looking at Officer Dave's

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body camera, you can see he has accelerated up to 53 MPH according to his speedometer at about 2:00 minutes into the body camera video.

At about time stamp 04:06:19Z, Officer Dave chirps his siren on the south side of John St. As the patrol car is at the north crosswalk at John St, Officer Dave has accelerated up to 64 MPH according to his speedometer at about 2:02 minutes into the body camera video. There is a row of stopped/parked cars located to the right of the patrol car. As the patrol car is between John St and Thomas St, Officer Dave accelerated up to 66 MPH according to his speedometer at about 2:03 minutes into the body camera video. The green Holiday Inn sign on the left was used to help estimate the patrol car location. The construction zone consisting of a row of orange cones and fencing was coming up on the right of the patrol car.

As the patrol car is approaching Thomas St, Officer Dave has accelerated up to what appears to be 69 MPH according to his speedometer (yellow circle) at about 2:04 minutes into the dash cam video and 2:03 minutes into the body camera video. You can see the dark silhouette of the pedestrian (blue arrow) on the right side up at the intersection. The pedestrian is moving westbound. The building (green arrow) on the left is used as a fixed point to help place the two videos at about the same location. There is a construction zone consisting of a row of orange cones and fencing to the right of the patrol car. The patrol car has emergency lights activated with no siren and is still accelerating.



In the snapshot below, the patrol car is approaching the yellow center divider. The patrol car is near the second yellow dash centerline (yellow arrow). You can see the silhouette of the pedestrian (blue arrow).

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As the patrol vehicle is approaching Thomas St, Officer Dave has accelerated up to 74 MPH according to his speedometer (yellow circle) at about 2:05 minutes into the body camera video.

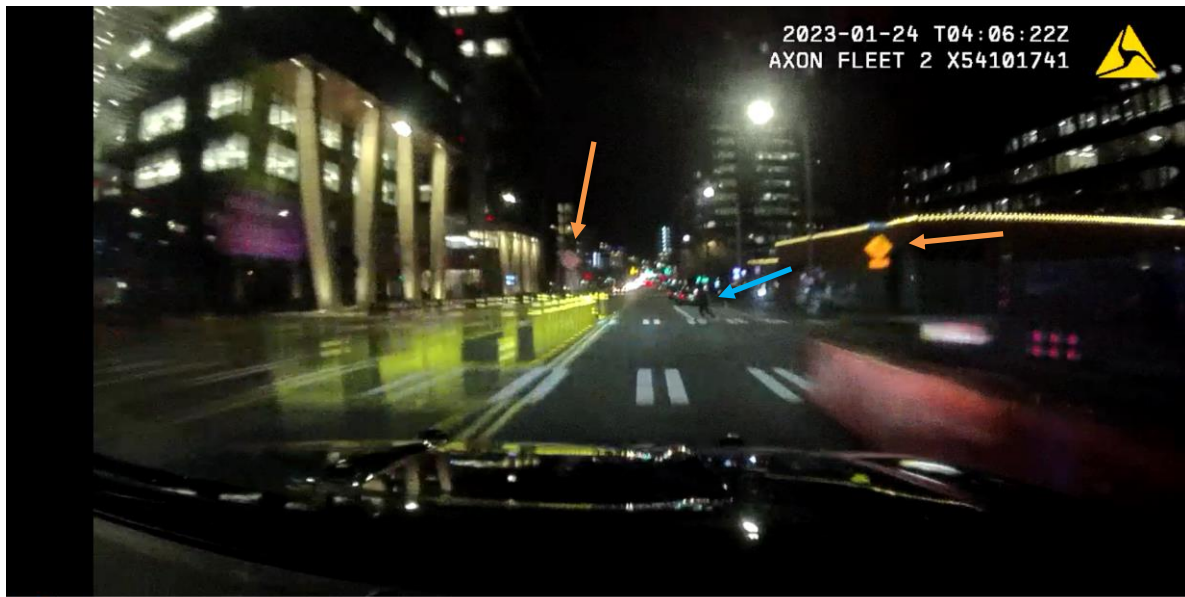


In the snapshot below, the patrol car is approaching the yellow center divider. You can see the yellow pedestrian signs (orange arrows) at the center divider and to the right side. You can see the dark silhouette of the pedestrian (blue arrow), in the crosswalk and about to enter the northbound lane walking westbound at about time stamp 04:06:22Z. The patrol car has

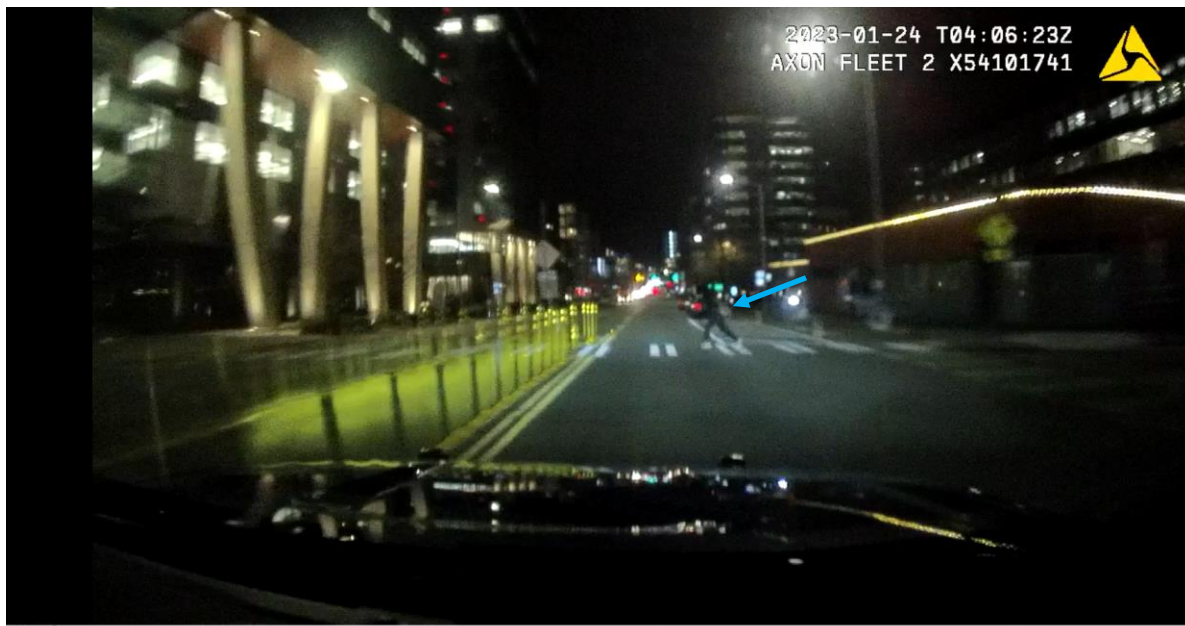


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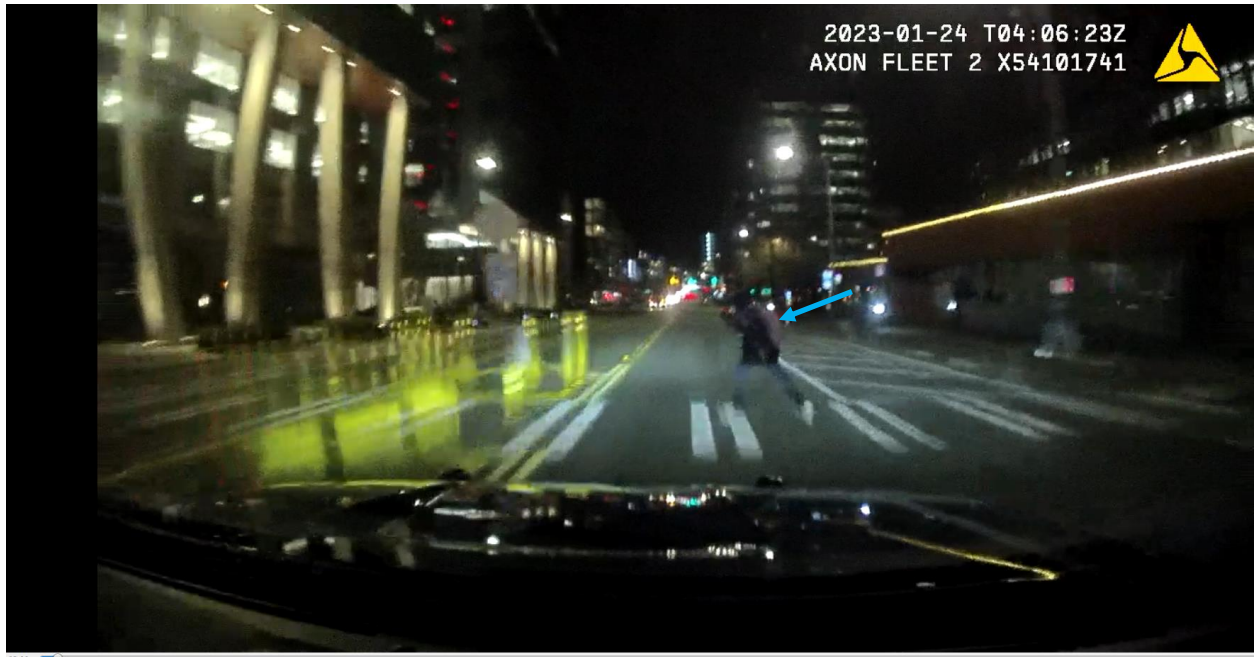
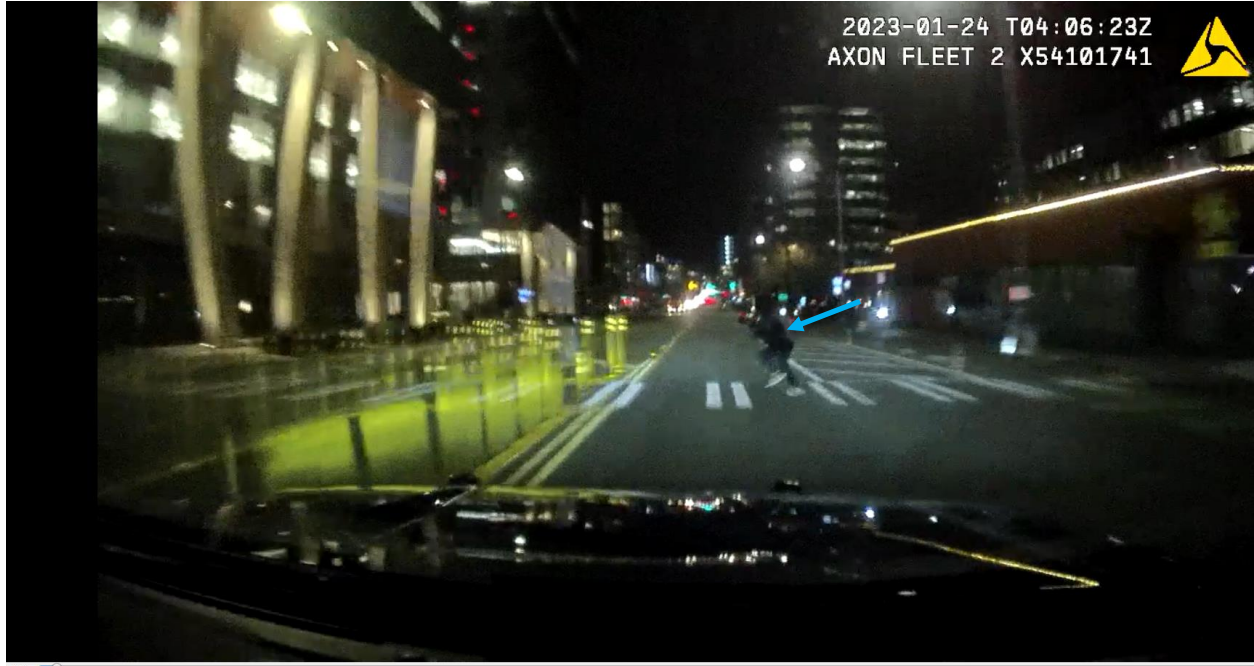
emergency lights activated and as the patrol car reaches the area of the south crosswalk, you can hear the siren come on and stay on until impact.



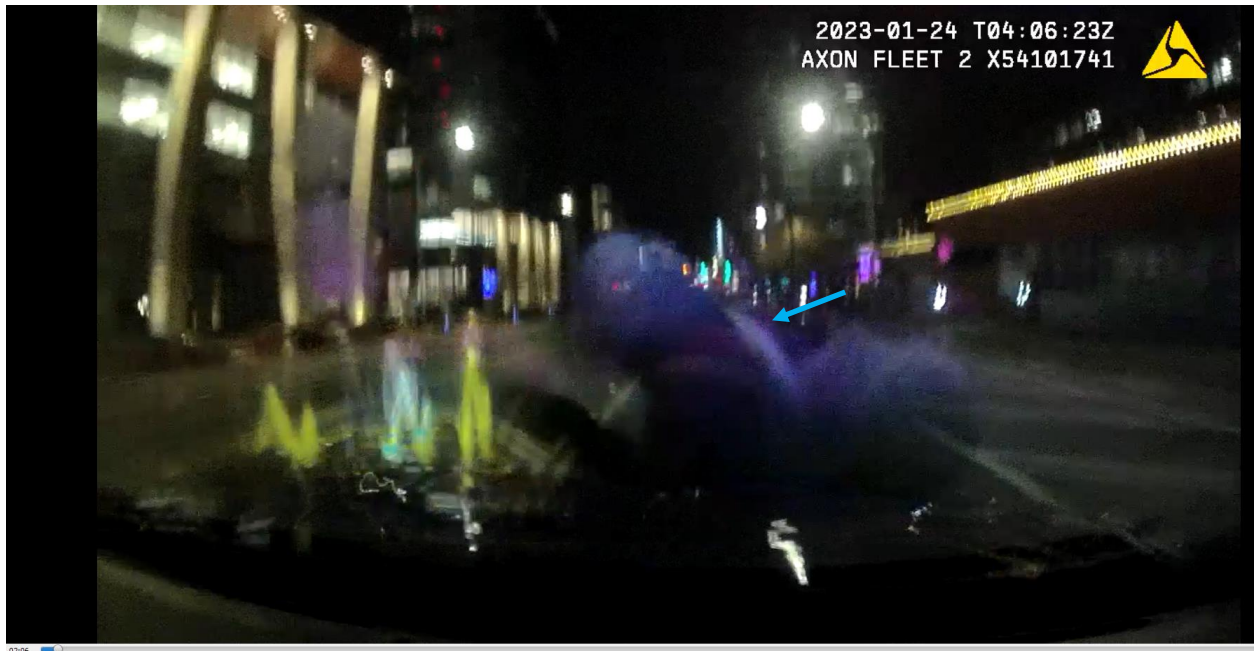
It is also at about time stamp 04:06:22Z, as Ms. Kandula reaches the area of the solid white fog line for the northbound lane, she starts running westbound into the northbound lane directly in front of the patrol car and she is subsequently impacted.



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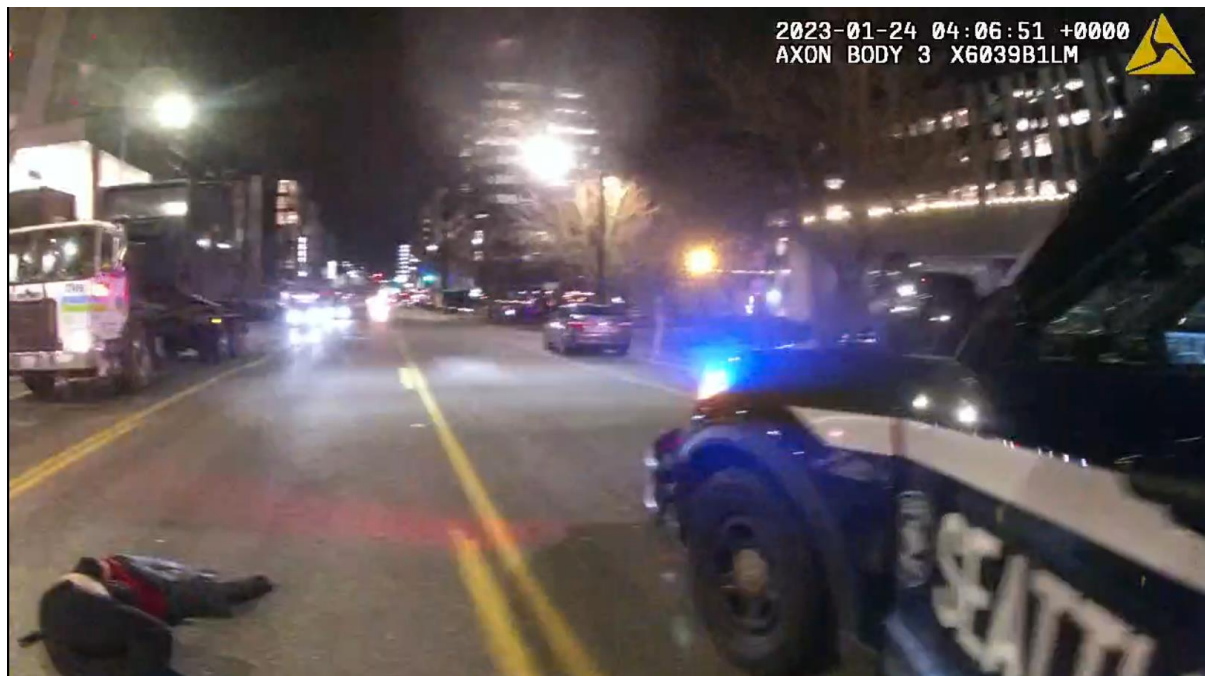


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The patrol continues to slow rapidly to a stop. Ms. Kandula is at final rest in the center two-way turn lane adjacent to the patrol car in the northbound lane.

Officer Dave immediately uses his radio to start a supervisor and fire for a struck pedestrian. The dispatcher asks if it is the same location and Officer Dave states “*negative, I’m going to be on Aurora.*” He then exits his patrol car. He looks around and then tells radio he is at Dexter and Thomas. Officer Dave then checks on Ms. Kandula and starts CPR.



At about time stamp 04:07:40, another officer arrives and asks what Officer Dave needs him to do. At time stamp 04:07:45, Officer Dave tells dispatch that CPR is in progress. The other officer assists by opening the airway. At about time stamp 04:08:55, a third officer arrives. Officer Dave tells him to take over the chest compressions so that he can “get air.” Officer Dave then goes to his patrol car and retrieves a CPR mask and starts to administer air to Jaahnavi Kandula at about time stamp 04:10:04. More sirens are heard, and additional officers arrive and take over CPR. Officer Dave stands back and sergeant asks him if he is all right and Officer Dave replies, “no, I’m not all right.” At about time stamp 04:11:01, Officer Dave tells the sergeant, “*what’s wrong, I was tripping the siren as I was going, she was in the crosswalk, she saw me, she started running flat through the crosswalk, slammed on my brakes, instead of staying back where she should before crossing, she (he stops talking as he becomes choked up).*” At about time stamp 04:11:43, Officer Dave states, “*she was in the crosswalk.*” Someone states, “*with your lights on then (unintelligible-siren noise in background) gotcha.*” Officer Dave is upset and starts crying and another officer (Officer Jay) comes over and hugs him. Officer Jay tells him to breathe, that they are going to get it all figured out. The sergeant tells Officer Jay to hang out with Officer Dave.

### **Seattle Police Body Worn Video**

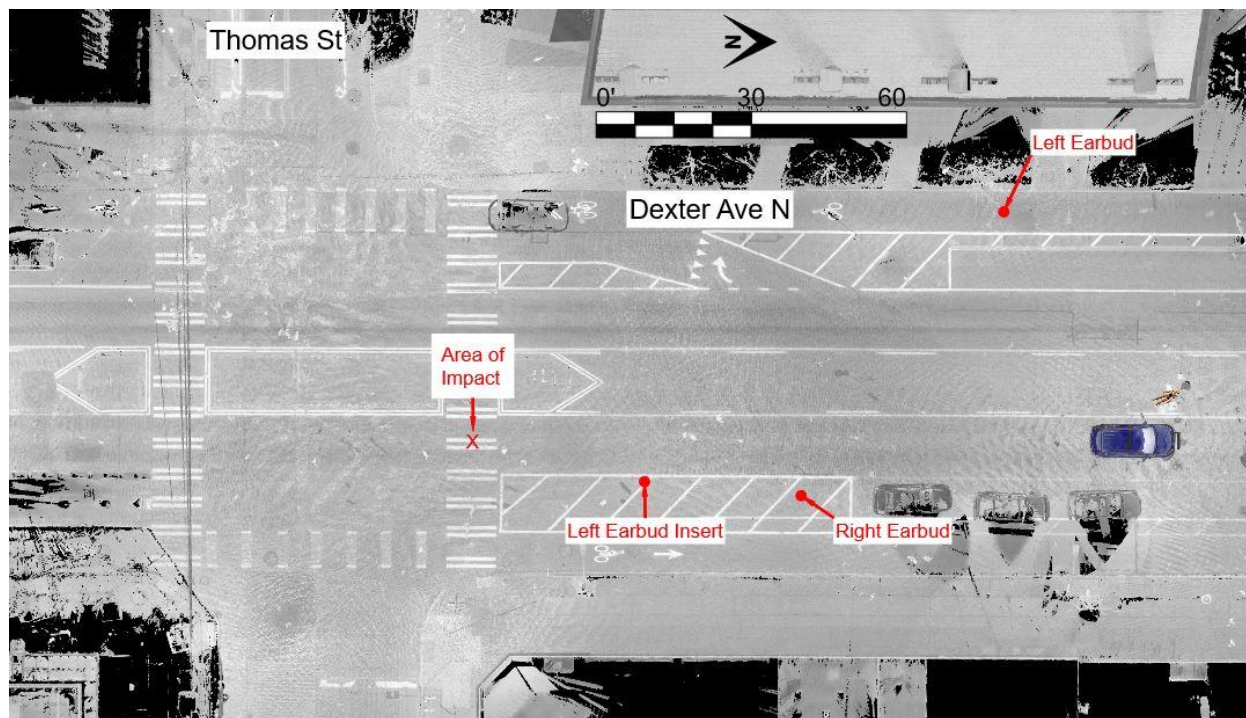
The body worn videos were all reviewed and summarized. They were not included in the final report for brevity and were not used in the collision reconstruction.

### **Bosch CDR report**

The airbag control module from Officer Dave’s patrol car was imaged by SPD on 01-25-2023. No events were recovered.

## Seattle Police Speed and Distance Validation

A scene diagram was made using the orthomosaic SPD created from their laser scan.

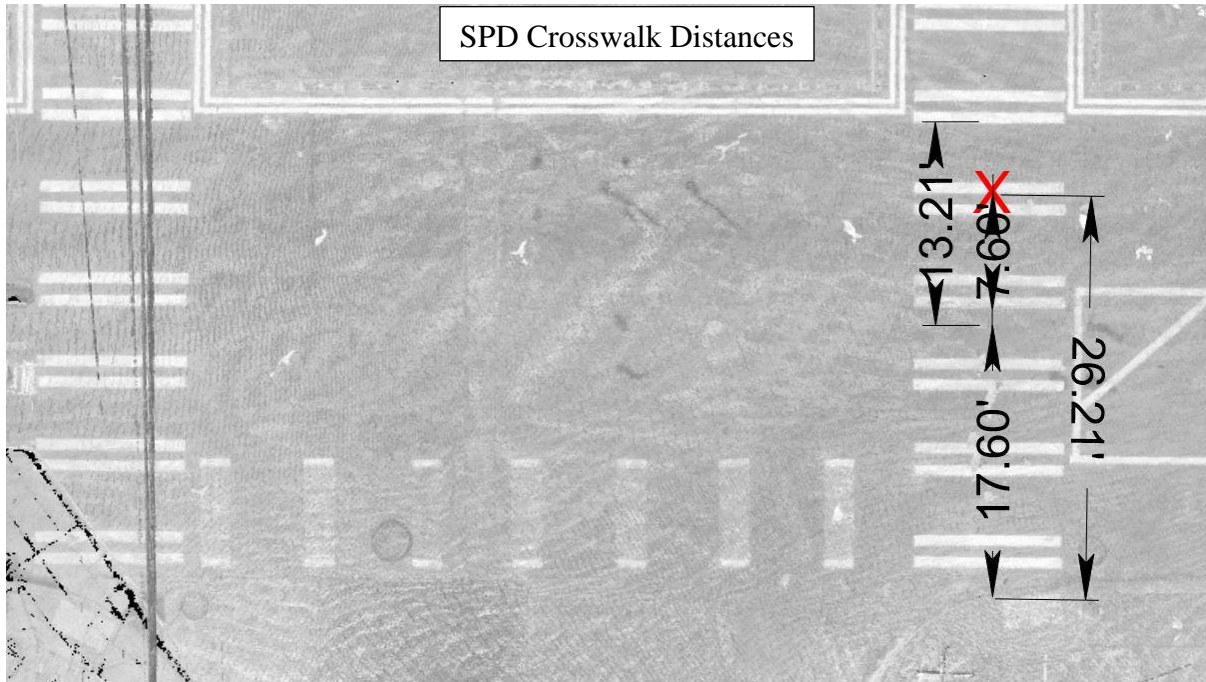


Detective Schoenberg used the ICV to calculate a walking speed for Ms. Kandula (pg. 30-31). He measured that it took Ms. Kandula approximately .667 seconds to walk approximately 3 feet. He calculated a walking pace of 6.60 fps (4.5 MPH). This is incorrect.  $3 \text{ ft} / .667 \text{ sec} = 4.5 \text{ fps}$  (3.06 MPH). Detective Schoenberg also used security video to calculate Ms. Kandula's walking speed over 47 feet in 11 seconds while Ms. Kandula walked westbound on Thomas St, east of Dexter Ave. Ms. Kandula's walking speed was 4.3 fps (2.9 MPH).

Detective Schoenberg used a study published in Field Studies of Pedestrian Walking Speed and Start-Up Time. R. Knoblauch, M. Pietrucha, and M. Nitzburg <https://journals.sagepub.com/doi/10.1177/0361198196153800104>. The average walking pace for a person of Ms. Kandula's age in the study was 4.09 fps. Greg Russell's charts (from the studies by Jerry Eubanks) show the average walking pace of a woman in her twenties is about 5.0 fps. Healthline.com lists it at 4.40 fps. Detective Schoenberg use of 4.3 fps is reasonable and the best evidence.

Detective Schoenberg measured that Ms. Kandula walked approximately 17.6 feet from the east curb to the point where she started to transition to a run. He used a walking pace of 4.3 fps to calculate that it took Ms. Kandula approximately 4.09 seconds to walk the 17.6 feet. Detective Schoenberg then used the ICV and backed it up 4.09 seconds from the point where Ms. Kandula started to transition to a run. The patrol car was approximately 475 feet south of the north crosswalk at Dexter and Thomas when Ms. Kandula left the east curb and entered the crosswalk.

Detective Schoenberg calculated Ms. Kandula's running pace over a distance of 7.6 feet. In the paragraph (pg.34) he typed 18.7 feet from the east curb as the start of Ms. Kandula's running. In his math and in the screenshot of the diagram the distance was 18.5 feet. I believe the 18.7 feet is a typo, not 18.5 feet. Detective Schoenberg calculated a running pace of 8.44 fps (5.75 MPH). The 8.44 fps run pace is below the 15<sup>th</sup> percentile (9.2 fps) for someone in Ms. Kandula's age group. Ms. Kandula was likely still accelerating when she was struck. The sample distance of 7.6 feet is short, but it is the only evidence. Detective Schoenberg's use of 8.44 fps is reasonable and appropriate.



Detective Schoenberg measured that Ms. Kandula needed to cover an additional 13.2 feet to cross the northbound lane and reach the center traffic island. It would have taken Ms. Kandula approximately 1.56 seconds to run the 13.2 feet if she continued to run at 8.44 fps. The 50<sup>th</sup> percentile of a jogging pace for a woman in Ms. Kandula's age group is 11.6 fps. If Ms. Kandula averaged 11.6 fps, then she would have covered the distance of 1.14 seconds. Detective Schoenberg used the ICV to measure that the patrol car was approximately 90 feet away from impact when Ms. Kandula began to run. Detective Schoenberg then calculated the average speed the patrol car would have had to have been travelling over the 90 feet to allow Ms. Kandula an additional 1.56 seconds to reach the center traffic island. The average speed of the patrol car would have been 39.3 MPH. If Ms. Kandula averaged a 11.6 fps pace over the 13.2 feet, then the average speed of the patrol over the 90 feet would have been 53.8 MPH (90 ft/1.14 sec=78.94 fps= 53.8 MPH).

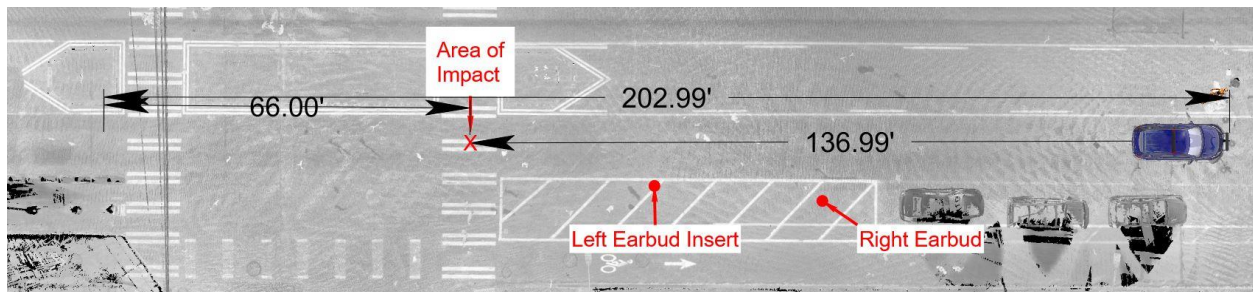
Detective Schoenberg used the ICV to estimate that the patrol car braked for .666 seconds before impact. He used the ICV to place the patrol car when it started to brake. The patrol car was approximately 66 feet south of the impact when the patrol car started to brake. Detective Schoenberg used the ICV to measure the stopping distance of the patrol car. It took 206 feet for the patrol car to stop. The BWV video showed the patrol car's speed was 72 MPH. The

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calculated drag factor for the patrol car was .838g and an acceleration rate of 26.96 fps<sup>2</sup>. Detective Schoenberg then calculated the initial speed of the patrol car based on the acceleration rate. The speed of the patrol over the 66 feet of pre-impact braking was 73.69 MPH. He then calculated an impact speed of 61.45 MPH if the patrol car was travelling 73.69 MPH at the start of the pre-impact braking. If the pre-impact braking speed of the patrol was 72 MPH as reported by the speedometer, then the impact speed would have been 59.4 MPH.

Speed Original	72.00 MPH	73.69 MPH
Velocity Original	105.62 fps	108.10 fps
Distance	66.00 ft	66.00 ft
f	-0.838	-0.838
Velocity Ending	87.15 fps	90.14 fps
Speed Ending	59.40 MPH	61.44 MPH

I measured the stopping distance at 203 feet.



If the patrol car was travelling at 72 MPH at the start of braking, then the drag factor would have been .851g or 27.41 fps<sup>2</sup>. Using the drag factor of .851g, then the speed of the patrol at the start of braking was 73.77 MPH. The analysis based on our distances, supports Detective Schoenberg's patrol car speeds.

Distance	66.0 ft
Time	.666 sec
f	-.851 g
a	-27.40 fps <sup>2</sup>
Velocity	108.22 fps
Speed	73.77 MPH

$$Vi = \frac{d}{t} - \frac{at}{2}$$

Detective Schoenberg calculated that there was .235 seconds between the time Ms. Kandula began to run and before the patrol car began to brake. The patrol car was travelling at a constant speed over the .235 seconds. The patrol car covered 25.4 feet during the .235 seconds. The patrol car was approximately 91.4 feet (66 ft + 25.4 ft) away from impact when Ms. Kandula began to



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run. If the patrol car had been travelling at 50 MPH instead of 72-73 MPH leading up to braking, then the patrol car would have coasted for 17.23 feet before braking. That would have allowed the patrol to brake for 74.17 feet before reaching impact. The patrol car would have slowed to 37.12 fps (25.3 MPH) and the pre-impact braking would have taken approximately 1.34 seconds.

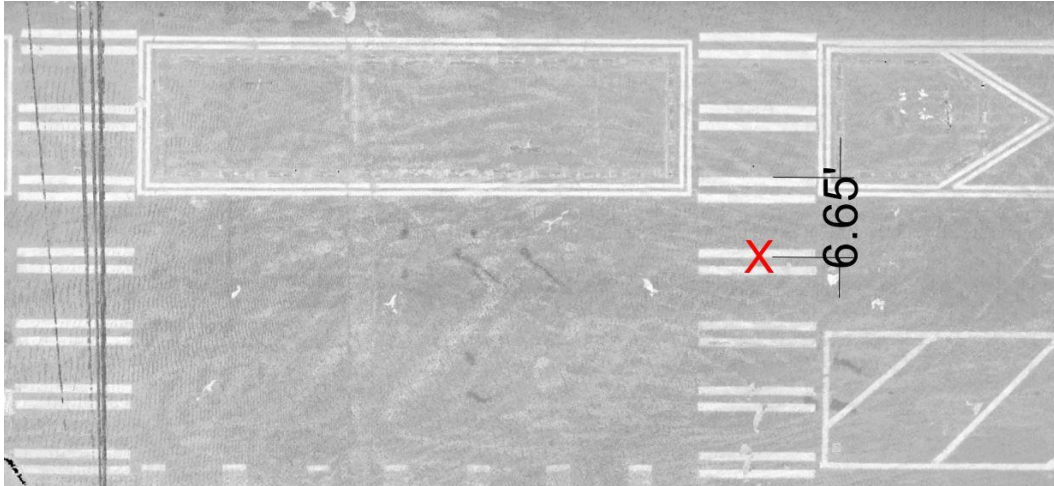
Speed Original	50.00 MPH
Velocity Original	73.35 fps
Distance	74.17 ft
f	-0.838
Velocity Ending	37.11 fps
Speed Ending	25.30 MPH
Time	1.34 sec

When the braking time (1.34 seconds) is added to the constant velocity time (.235 seconds), then Ms. Kandula would have had 1.575 seconds to reach the center traffic island. She needed 1.56 seconds. Detective Schoenberg believed the collision could have been avoided if both Ms. Kandula and Officer Dave had done everything the same with the exception that the patrol car was travelling at 50 MPH at the start of the collision sequence.

I agree with Detective Schoenberg's what if 50 MPH analysis. The patrol car was travelling between 72 to 73.69 MPH at the start of the collision sequence (or coasting time). The patrol car braked approximately .675 seconds before impact. At 50 MPH the patrol car would have braked for 1.34 seconds.

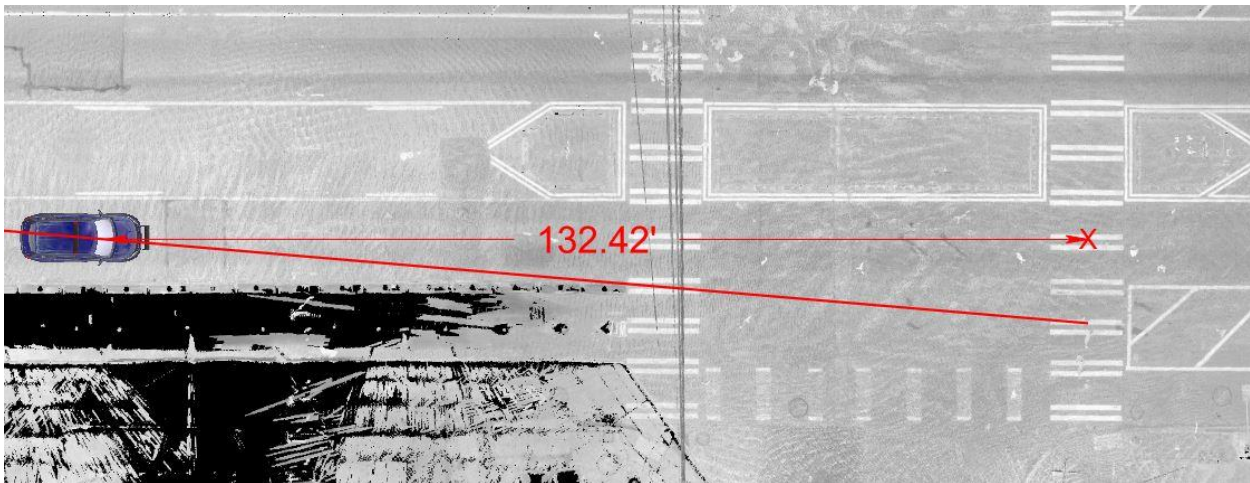
Speed Original	72.00 MPH	73.69 MPH	50.00 MPH
Velocity Original	105.62 fps	108.10 fps	73.35 fps
Distance	66.00 ft	66.00 ft	74.17 ft
f	-0.838	-0.838	-0.838
Velocity Ending	87.15 fps	90.14 fps	37.11 fps
Speed Ending	59.40 MPH	61.44 MPH	25.30 MPH
Time	0.68 sec	0.67 sec	1.34 sec

There would have been an additional .665 seconds (1.34 sec -.675 sec) for Ms. Kandula to travel towards the traffic island if the patrol car had been travelling at 50 MPH at the start of the collision sequence. Ms. Kandula was likely travelling between 8.44 fps and 11.6 fps during her run portion. Ms. Kandula would have covered between 5.61 to 7.71 feet, approximately 6.6 feet with the additional .665 seconds. Ms. Kandula would have likely reached the center traffic island.



### Analysis

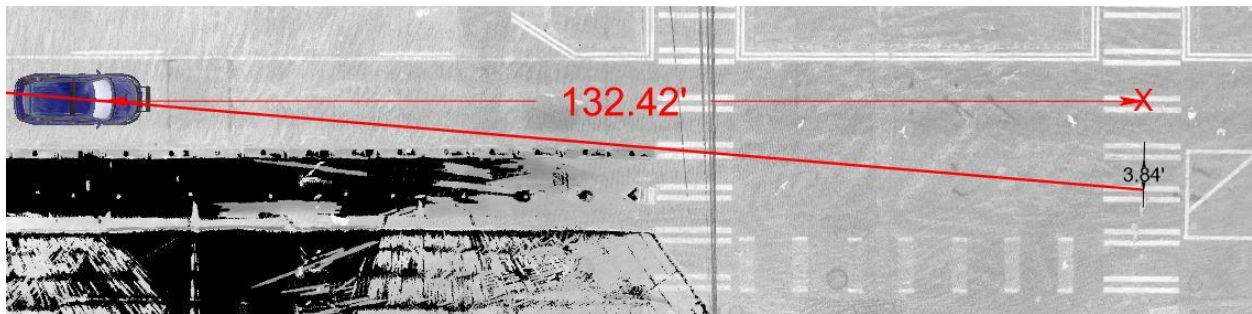
Using the patrol car's ICV Ms. Kandula became recognizable as a pedestrian about the time she was standing on the third crosswalk painted line. The patrol car was between 130 to 135 feet away from the point of impact.



Average perception reaction time to an easily identifiable hazard, at night, and at an intersection is approximately 1.3 seconds. At 73.69 MPH, the patrol car would have covered the 130 to 135 feet in about 1.20 to 1.25 seconds. At 73.6 MPH there was no way Officer Dave was going to avoid the collision. The ICV showed Officer Dave did start to apply his brakes about 66 feet before impact. Officer Dave was reacting to Ms. Kandula prior to the point she became easily identifiable as a pedestrian.

The reverse argument is also true. When the patrol car was 130 to 135 feet away from impact, Ms. Kandula had not yet entered the northbound lane. Ms. Kandula could have also seen the approaching patrol car. Ms. Kandula was still walking when she was crossing the third painted crosswalk line. Assuming she also needed 1.3 seconds to perceive and react to the patrol car and

her walking pace was between 4.3 to 5.0 fps, then she would have covered approximately 3.3 to 3.8 feet during the 1.3 seconds.



Ms. Kandula still would not have been in the northbound lane, and she could have stopped prior to entering the northbound lane.

Both the RCW and SMC have sections regarding emergency vehicles and what is allowed while driving with emergency lights and or siren. Both statutes note that the maximum speed limit can be exceeded as long as the driving does not endanger life or property (RCW 46.61.035 and SMC 11.12.080).

Under the Crosswalk and Pedestrian statutes, a pedestrian has the right of way at a marked crosswalk, however it is also noted that no pedestrian may suddenly leave a curb or place of safety and walk or run into the path of an approaching vehicle which is so close that it is impossible for the driver to stop. It is also noted that a pedestrian is required to yield the right of way to an emergency vehicle approaching that is using emergency light and or siren (RCW 46.61.235 and 46.61.264).

The above statutes factor into this collision for both Officer Dave and Ms. Kandula. The patrol car was traveling at nearly three times the 25 MPH speed limit, reaching 74 MPH (108.48 feet per second) as he approached Thomas St. The patrol car was approximately 475 feet south of the north crosswalk of Dexter Ave N and Thomas St when Ms. Kandula entered the roadway.

## Conclusions

**Based on my review of the materials provided, my analysis and opinions as set forth above and below, are offered on a more probable than not basis but are subject to change should new information be provided.**

**I declare under penalty of perjury under the laws of the State of Washington that the findings, opinions, and conclusions in this report are true and correct.**

1-Officer Keith Dave was on duty for the Seattle Police Department driving a 2020 Ford Explorer fully marked police SUV with an externally mounted siren.

2-Officer Dave was dispatched to a precedence 1 overdose call and he was responding to that call. During his initial response, Officer Dave was updated by his dispatcher that the possible

overdose victim was on the phone with the 911 call takers. Officer Dave acknowledged the update.

3-Officer Dave was driving northbound on Dexter Ave N approaching Thomas St. This is in the downtown area of Seattle. The speed limit in Dexter Ave N was 25 MPH. There was a construction zone around the area of the crosswalk with yellow pylons and orange barricades present. There were pedestrian crossing signs to both sides of the northbound lane.

4- Jaahnavi Kandula was a pedestrian walking westbound attempting to cross Dexter Ave N at Thomas St using the north crosswalk.

5- Ms. Kandula was wearing a dark jacket with a hood over her head, dark pants, white shoes and had a tan backpack on.

6- Officer Dave's patrol car had its emergency lights activated the entire time as it traveled northbound on Dexter Ave N from when it crossed Denny Way, all the way to the impact with Ms. Kandula.

7- Officer Dave "chirped" his siren as he crossed the intersection at Denny Way (red light) and then accelerated as he headed northbound on Dexter Ave N.

8- Officer Dave "chirped" his siren as he reached the intersection at John St but did not slow his acceleration.

9- Ms. Kandula was initially walking as she becomes visible at the northeast side of the intersection in Officer Dave's dash cam video.

10- As Ms. Kandula reached the area of the fog line, Officer Dave's patrol car, with its emergency lights activated, was in the area of the south side crosswalk. Officer Dave activated his siren at about the same time his patrol car crossed the south crosswalk. Ms. Kandula was about 18 feet into the crosswalk and just about to enter the northbound lane when she started running westbound.

11- Officer Dave activated his siren as he reached the intersection at Thomas St. He steered to the left and braked.

12- Officer Dave's patrol car speedometer is visible in his body camera and shows him traveling at about 74 MPH at the intersection with Thomas St.

13- Ms. Kandula was in a marked crosswalk on the north side of the intersection when she was struck by the patrol car.

14-The patrol car was likely travelling between 72 to 73.6 MPH at the start of the collision sequence.

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15- The patrol car's impact speed was likely between 59.4 to 61.4 MPH.

16- The patrol car was identifiable to Ms. Kandula prior to Ms. Kandula entering the northbound lane. Ms. Kandula had the time and distance to stop walking prior to entering the northbound lane. There was insufficient information to confirm or refute whether Ms. Kandula had Airpods in her ears.

17- Once Ms. Kandula moved into the northbound lane and continued to cross the road, the collision was unavoidable with the patrol car travelling between 72 MPH to 73.6 MPH.

18- Ms. Kandula had the right of way in the crosswalk. The patrol car was about 475 feet to the south when she was initially crossing, and it would have been difficult for her to assess the speed and acceleration of the approaching patrol car.

19- Officer Keith Dave is the proximate cause of the collision. He had accelerated to about 74 MPH in a 25 MPH zone while responding to an emergency call. The high speed and narrowed lane of travel did not provide for a reasonable escape route or the possibility of reacting and avoiding the hazard presented by Ms. Kandula.

20- The Seattle Police investigation calculated distances, velocities, and times were accurate and reasonable.

21- The overall investigation by the SPD traffic detectives was thorough, detailed and transparent.

Signed

Date: 12-29-2023

**David C. Wells ACTAR # 1912**



**Syb Hiemstra ACTAR #1861**

