OLEO2024-002

Executive Summary

Date of Incident	October 17, 2024
Location of Incident	Burien
Date of Complaint	October 18, 2024
Corresponding IIU Case Number	IIU2024-272
Allegation Types	Excessive Force; Failure to Report

On April 25, 2025, the King County Sheriff's Office (Sheriff's Office) Internal Investigations Unit (IIU) notified the Office of Law Enforcement Oversight (OLEO) of an internal complaint filed by a supervisor following a use of force investigation. During the use of force investigation, a supervisor witnessed a subject employee make contact with a suspect's body with his knee and believed that contact to constitute an unreported use of force. Upon additional review, OLEO also recognized that the three involved subject employees simultaneously deployed their Tasers at the suspect who appeared to be solely fleeing at the time. Therefore, OLEO requested the additional allegation of Excessive Use of Force for the Taser deployments be added to the IIU investigation. As a part of its investigation, OLEO reviewed Sheriff's Office reports; body-worn camera and surveillance footage; and conducted interviews of the subject employees jointly with Sheriff's Office IIU investigators.

OLEO finds that the allegation of Excessive Use of Force against all three subject employees is **Sustained** because the simultaneous deployments of a Taser at a suspect who was solely fleeing violates Sheriff's Office use of force and less lethal weapons policies. OLEO further finds that one subject employee is **Exonerated** of the allegation of Failure to Report Use of Force because although he made physical contact with the suspect, it appeared to be unintentional and instead, the result of the suspect's unanticipated fall and the subject employee's speed at which he pursued the suspect on foot.

Allegations and Findings

Sheriff's Office Personnel	Allegation	Finding
Detective Daniel R. McCreary	Excessive Use of Force	**Sustained**
	Failure to Report Use of Force	**Exonerated**
Detective Sean R. Quintanilla	Excessive Use of Force	**Sustained**
Deputy Joshua D. Tracy-Seeley	Excessive Use of Force	**Sustained**

Applicable Laws and GOM Policies[1]

1. GOM 3.00.015(2)(d): Excessive or Unnecessary Use of Force Against a Person
2. GOM 3.00.015(2)(e): Failure to Report Use of Force
3. GOM 6.00.000 Use of Force
4. GOM 6.03.000 Less Lethal Weapons

Investigative Summary

Interviews

OLEO conducted interviews with:

1. Detective Daniel. McCreary (subject employee)
2. Detective Sean R. Quintanilla (subject employee)
3. Deputy Joshua D. Tracy-Seeley (subject employee)

OLEO did not seek out an additional interview with [redacted] (suspect) because his statement would not speak to the mindset or intentions of the subject employees at the time that force was used.

Evidence

OLEO reviewed the following additional evidence:

1. Body-worn camera footage from Deputy Joshua Tracy-Seeley[2], and all additional body-worn camera footage from the incident (10/17/2024)
2. Third-party surveillance footage obtained from Taco Bell (10/17/2024)
3. Written Taser subject matter expert analysis of the use of force provided by Deputy Jesse Herrera (2/6/25)
4. 911 call recordings (10/17/24)
5. Police radio traffic recordings (10/17/24)
6. Sheriff's Office reports of case #C24035038 (10/17/24)
7. TASER 10 and TASER X2 data for each subject employee (10/17/24)
8. CAD[3] history for police event #K24285172 (10/17/24)
9. Photograph evidence associated with the use of force (10/17/24)
10. Audio recorded statement of reporting party [redacted] (10/17/24)
11. Audio recorded statement of suspect [redacted] (10/17/24)
12. Use of force supervisor investigation report for UOF2024-151 (10/24/24)

OLEO did not seek additional third-party evidence from the documentary film crew present during the incident[4] as the third-party surveillance from Taco Bell and Deputy Joshua Tracy-Seeley's body-worn camera footage did not indicate the film crew were present at the point use of force occurred.

[1] The General Orders Manual (GOM) contains policies of the King County Sheriff's Office. Policies applied are those that were in effect when the underlying incident giving rise to the complaint occurred.
[2] Detectives Daniel McCreary and Sean Quintanilla were not wearing body-worn cameras at the time due to the lack of a requirement to do so in their current duty assignment with the Burien Crime Reduction Unit.
[3] Computer-Aided Dispatch (CAD) from the Sheriff's Office Communications center.
[4] On May 29, 2025, the CW Network aired the footage captured during IIU2024-272 on *Police 24/7*. A review of that footage further confirmed the film crew did not capture the use of force.

Fact Summary

On October 17, 2024, deputies were dispatched to the Taco Bell located at 15059 1st Avenue S in Burien. The call for service originated as a welfare check following a 911 call where a male was observed passed out in a running grey vehicle in the restaurant's parking lot. Detectives Daniel McCreary and Sean Quintanilla were the first to arrive on the scene in an unmarked police vehicle and observed the driver of the vehicle slumped over the steering wheel. After detectives ran the license plate of the vehicle, it was determined that the vehicle's registered owner had a prior history involving a DUI[5]; ramming a police vehicle; incurring a Taser deployment followed by the discovery of firearm magazines and ammunition in the vehicle; and having an obstruction charge for attempting to evade police. However, the identity of the driver behind the wheel of the vehicle at that time had yet to be identified. The detectives then decided to detain the driver based on a reasonable suspicion that he had been driving under the influence of alcohol or drugs. The detectives called additional units to the scene before approaching the suspect in the hopes of avoiding a possible pursuit.

While detectives waited for additional units, the suspect awakened and began to drive out of the south entrance of the parking lot. Due to the risk of the suspect possibly driving while impaired, Detectives McCreary and Quintanilla followed and boxed in the vehicle from behind as it entered the roadway on SW 152nd Street. Deputy Joshua Tracy-Seeley and a secondary police vehicle arrived and then boxed in the suspect's vehicle from the front. The detectives were in an unmarked police vehicle at the time but intervened due to the immediate risk and the unavailability of marked police vehicles nearby. The suspect reversed the vehicle, which resulted in a collision with Detective McCreary's front bumper. The suspect then fled the vehicle on foot and all three subject employees initiated a foot pursuit. The suspect ran through the drive-thru lane on the south and east side of the Taco Bell and fell to the ground outside of the southeast entrance to the restaurant's parking lot on 1st Avenue S. Deputy Tracy-Seeley, with Detective McCreary closely behind, followed the suspect's route, while Detective Quintanilla ran around the northwest side of the Taco Bell and regained contact with the suspect and his partners.

While in pursuit, Detectives McCreary and Quintanilla, and Deputy Tracy-Seeley unholstered and deployed their Tasers at the fleeing suspect. Prior to deployment, Deputy Tracy-Seeley had aimed his Taser at the suspect (captured on his body-worn camera) and issued two verbal warnings to either stop fleeing or risk being tased. When the suspect failed to comply, Deputy Tracy-Seeley deployed his Taser. In the exact same moment, Detectives McCreary and Quintanilla also deployed their Tasers.

Following all three Taser deployments, the suspect appeared to stumble and fall over a curb perpendicular to the sidewalk where he then landed onto his stomach. Once down on the sidewalk, Detective McCreary, running at high speed, made contact with the fallen suspect's torso, via his legs, at which point Detective McCreary's knees impacted the sidewalk just behind the fallen suspect. Detective McCreary then pivoted around, and Detective Quintanilla and Deputy Tracy-Seeley assisted to gain control of the suspect who was subsequently handcuffed and taken into custody. Detective McCreary did not report his knee contact with the suspect as a use of force to the supervisor who responded to the scene, but Detective McCreary reported he sustained a scrape to his knee in the process of arrest.

As the suspect was handcuffed, two Taser probes were found on the suspect's sweater. The first probe was located at his top left shoulder and the second probe positioned above his right buttock. After the suspect was brought to his feet and escorted back to Deputy Tracy-Seeley's patrol vehicle, several other Taser wires were visible, but it is unclear if they made complete contact with the suspect's skin or were simply attached to his clothing. A review of each subject employee's Taser data, and an analysis

[5] Driving Under the Influence (DUI).

provided by the Sheriff's Office Taser subject matter expert, revealed that each deployment failed to achieve connection which indicated each Taser deployment was ineffective. It wasn't until the suspect was in custody that deputies learned: the driver's name was [redacted]; there was a warrant for [redacted]'s arrest that was active within another jurisdiction; drug paraphernalia was found in the vehicle; and field sobriety testing, along with [redacted]'s self-report, revealed he was under the influence of narcotics at the time of his arrest.

Analysis

Excessive Use of Force (All subject employees): Sustained

The Utilization of Tasers

Per GOM 6.00.040(2), a Taser deployment is considered Intermediate Physical Force – a Level II use of force on the Sheriff's Office three-tiered force spectrum. A Level II use of force is considered reasonable when a person threatens imminent assault upon officers or others. Further, a Taser may be used to control a physically resistive, aggressive, or violent subject who poses a threat of physical harm to themself, the deputy(s), or to other persons or property[6] and should not be used on persons solely because they are fleeing.[7] It is established that in the moments prior to [redacted]'s flight, his use of his vehicle to hit other vehicles posed a threat to the safety of the deputies present. It is also acknowledged that [redacted]'s decision to drive while impaired put the safety of the community at risk. However, the moment that [redacted] abandoned the vehicle and fled on foot, he was no longer an active threat of imminent assault.

It was indicated through interviews obtained from all three subject employees that they did not hear [redacted] make any threats of violence nor give an indication that [redacted] was in possession of a weapon. Once [redacted] fell and was in the process of being handcuffed, there were no audible threats made nor did [redacted] demonstrate any violence or aggression towards deputies. A weapon was also not found on [redacted]'s person or in the vehicle he had fled from. Therefore, the deputies were absent of an aggressive or violent subject who posed a threat of physical harm to those involved.

Detective Quintanilla and Deputy Treacy-Seeley[8] reported in their Mark43 report and interviews that they chose to tase [redacted] to keep him from leaving the scene, running through the adjacent roadway, or possibly gaining access to another vehicle (either from the nearby auto dealerships or via carjacking). The potential for [redacted] to gain access to a nearby vehicle is speculative and cannot be considered "imminent" to justify a Level II use of force, while the other two justifications presented demonstrate that [redacted] was tased to keep him from running away. Ultimately, none of the evidence presented is sufficient to show that a reasonable deputy in this situation would believe that [redacted] presented a threat of imminent harm sufficient to justify a Level II use of force.

Multiple Taser Deployment

Per GOM 6.03.030(12), members should not intentionally deploy multiple Tasers at the same person, unless the first deployed weapon clearly fails. In this instance, Deputy Tracy-Seeley, armed with a TASER 10, deployed two taser probes at approximately 15:42:48 and 15:42:50. Detective Quintanilla, also armed with a TASER 10, deployed four taser probes at approximately 15:42:52, 15:42:53, 15:42:53,

[6] GOM 6.03.030.
[7] GOM 6.03.030(9)(b).
[8] Detective McCreary neglected to justify the deployment of his Taser in his written report but reiterated what was said by his partners in his interview.

and 15:42:54. Detective McCreary, who was armed with a TASER X2, deployed one taser probe at 15:42:51. Based on that data, each subject employee deployed their Tasers at the exact same moment, and almost within the same second.

Detective Quintanilla reported in his interview that he did not know his partnering deputies deployed their Tasers, nor did he see any other deployments take place. Deputy Tracy-Seeley reported he was unaware that Detective Quintanilla's Taser was out or even that either detective was also in pursuit when he deployed his Taser at [redacted]. The Sheriff's Office Taser subject matter expert opined in his statement that because Detective Quintanilla had not been running with Deputy Tracy-Seeley or Detective McCreary, there was no way for him to know his partners' Tasers were out and being used at the same time he deployed his Taser at [redacted]. Detective McCreary, on the other hand, reported he heard Deputy Tracy-Seeley give a verbal warning to [redacted] to stop or be tased yet reported he didn't know his partners had deployed their Tasers. While it is undisputed that the subject employees all deployed their Tasers simultaneously, the evidence available does not prove that they did so intentionally. Therefore, because the GOM forbids *intentional* multiple Taser deployment, OLEO does not believe the subject employees violated GOM 6.03.030(12).

Though the *simultaneous* deployment was not intentional, the subject employees lacked justification to deploy their Tasers at all.

For the reasons indicated above, OLEO finds that the allegation of Excessive Use of Force for all three subject employees is **Sustained.**

Failure to Report Use of Force (Detective McCreary): Exonerated

It was alleged that Detective McCreary intentionally came down on the fallen [redacted] with both knees, resulting in an impact with [redacted]'s ribs and back area and that it did not get reported to the supervisor who conducted the use of force investigation. Had the knee strike occurred as alleged, it would be categorized as a Level II use of force under GOM 6.00.040(2)(f) which is required to be reported to a supervisor under GOM 6.01.020(1).

In his interview, Detective McCreary denied any intentional harm toward [redacted] or that he used his knees to strike [redacted]. Detective McCreary reported that his shins were used to pin down the suspect, which was in his opinion to be an approved and non-reportable use of force. There is video evidence, specifically Deputy Tracy-Seeley's body-worn camera footage, that corroborates Detective McCreary's account that his feet/shins, and not his knees, appeared to impact [redacted]. The footage also showed Detective McCreary's left knee never contacted [redacted] and that his right knee cleared [redacted]'s torso and came down onto the sidewalk. This would also explain why Detective McCreary reported sustaining a scrape to his knee in the process of effecting arrest.

Deputy Tracy-Seeley, when asked specifically during his interview about Detective McCreary's actions, expressed that while it had been unclear to him at the time, he firmly believed Detective McCreary had acted within policy and had not intentionally used force on [redacted]. Deputy Tracy-Seeley reported he originally alerted his supervisor about the "knee strike" only because at the time he wanted to make sure there wasn't any negative recourse for neglecting to report a colleague's possible misconduct. Deputy Tracy-Seeley further reported he and his partners had not anticipated that [redacted] would fall while being pursued. Since Detective McCreary was running at a high rate of speed when [redacted] fell, it suggested that he had mere fractions of a second to decide the trajectory he would take—to either go over [redacted] into the roadway beyond, or use the fallen [redacted] as a means to slow his momentum and at the same time, be in a position to keep [redacted] on the ground for handcuffing.

OLEO agrees with Deputy Tracy-Seeley's assessment and because the body-worn camera footage does not show that Detective McCreary's knees forcefully or intentionally impacted [redacted], Detective McCreary is **Exonerated** of the allegation of Failure to Report Use of Force.

-R.McPhail	6/10/2025
Ryan McPhail *Investigations Monitor*	Date