

Summary of OIS/In-Custody Death

Decedent Name: Jesse S SAREY

Decedent DOB: 07/10/1992

Decedent DOD: 05/31/2019

Manner of Death Opined by KCMEO: Homicide

Involved Agency: Auburn Police Department

Involved Agency Incident Numbers: APD Incident #19-06470

Date of Incident: 5/31/2019

Incident Location: 1402 Auburn Way North, Auburn WA

Investigation Number: POSPD Case #19-38910

Investigating Agency: Port of Seattle PD

Lead Detective: Det. Doug Carlton

Phone: 206-787-4086

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Names of Involved Officers:

Name and Rank: Officer Jeff Nelson K945

Agency: Auburn PD

Role in Incident/Force Used: Used sidearm (handgun) to fire two shots

Legal Counsel: Alan Harvey – Northwest Legal Advocates

Summary of Events:

The suspect in this case was 26 year-old Jessey Sarey. Sarey was a local transient who had numerous contacts with various law enforcement agencies, including multiple involuntary commitments. Sarey had an active warrant for escape from community custody for failing to register as a sex offender and his criminal history showed multiple arrests with five gross misdemeanor convictions and six misdemeanor convictions.

Sarey was the subject of multiple disturbances on 5/31/19. These were in the vicinity of the eventual incident location: the Sunshine Grocery located at 1402 Auburn Way North (AWN). Two of these disturbances led to 911 calls: At 17:20, the Dollar Tree at 1241 AWN reported a man throwing garbage around and banging on windows. At 17:52, the Walgreens at 1416 Harvey Rd reported a man throwing items outside at vehicles and hitting and kicking the walls and a Redbox machine. Further investigation showed Sarey had also caused disturbances at the nearby Alano club, Starbucks, and Saar's grocery. Multiple witnesses were interviewed and video from many of the above businesses confirmed the male in question was Jesse Sarey.

APD K9 Officer Jeff Nelson responded to the call at the Dollar Tree but was unable to locate Sarey. Nelson then responded to the call at the Walgreens and contacted Sarey in the parking lot between the

Starbucks and Walgreens. Sarey was pacing back and forth, cursing, and was antagonistic in his interaction with Officer Nelson. Nelson told Sarey he had received multiple complaints about his behavior and that Sarey needed to just be cool.

Officer Nelson witnessed Sarey leave the area on foot, jaywalking westbound across a busy arterial and causing vehicles to slow down to avoid hitting him. When Sarey reached the other side he entered the parking lot for the Sunshine Grocery and slapped a sign. He then went to a dumpster, opened the lid, and threw items around. Additionally, after Sarey had departed, the manager of the nearby Starbucks informed Officer Nelson that Sarey had been attempting to access cars in the Starbucks parking lot. Officer Nelson then relocated his vehicle to the parking lot of the Sunshine Grocery with the intent of arresting Sarey for Disorderly Conduct.

At about 18:06, Officer Nelson attempted to arrest Jesse Saray in front of the Sunshine Grocery. When Nelson approached Sarey, he was squatting next to a freezer just east of the grocery entrance. This was captured by two exterior cameras on the Merchants Acceptance building at the south end of the parking lot. One camera was about 194 feet from Saray's location and the other camera was about 142 feet. Due to the distance of the cameras and the obstruction of parked vehicles, it is difficult to make out exactly what happens during the contact. It appears that Officer Nelson initially speaks with Sarey as he is squatting down and eventually Sarey begins to get up or is pulled up by Officer Nelson. There appears to be a violent struggle as Nelson attempts to arrest Sarey.

There were also two witnesses to the event. Steven Woodard had been sitting in his car, which was parked in front of the Sunshine Grocery. Officer Nelson contacted Sarey on the sidewalk directly in front of Woodard's car. Quincy Williams walked out of the Sunshine Grocery while Officer Nelson initiated his contact with Sarey. Williams then got into his car, which was also parked in front of the grocery but a couple spots to the west of Nelson and Sarey. Williams was sitting in his car when the struggle and shooting occurred.

Due to the position of Officer Nelson's vehicle, his COBAN in-car camera did not capture video of the event. Officer Nelson was wearing a mic which picked up audio, although it can be hard to hear due to the barking of his K9 (which remained in his vehicle throughout the event). The Sunshine Grocery had an internal camera which captured the inside of the store as well as audio of the gunshots.

Officer Nelson is heard on COBAN as he walks up to Sarey and reminds him he had been told to stop kicking stuff and throwing stuff and that he needs to put his hands behind his back. When Sarey says he hasn't done anything, Nelson tells him he is under arrest for disorderly conduct. Shortly later, Sarey tells Officer Nelson to keep his hands off him and a scuffle is heard on audio. Sarey asks Officer Nelson what the hell he's doing to him and Nelson again tell him he is under arrest. Witness Woodard, who had stepped out of his car, is heard telling Sarey to stop resisting and just go down. Shortly later, two shots are heard. The shots are just over three seconds apart.

Officer Nelson provided a statement describing a struggle in which Sarey actively resisted him and then began striking him. At one point, Sarey reached around Nelson as they grappled and attempted to take the gun from his holster. Sarey also grabbed a folding knife out of Nelson's jumpsuit pocket. Officer Nelson believed Sarey was about to stab him in the face or neck when he drew his firearm with his right hand and used his left hand to block Sarey from grabbing the gun. Officer Nelson fired one round to Sarey's torso as Sarey stood with his back against the freezer. Nelson believed his gun had a malfunction due to his left forearm pushing downward on the pistol slide. Officer Nelson stated Sarey

fell against the cooler and then rotated to the ground in a kneeling position. Officer Nelson cleared the malfunction by pulling the slide to the rear and then visually scanned his peripherals. Officer Nelson believed Sarey continued to pose a threat and may still have been armed with his knife. Officer Nelson then shot Sarey a second time in the head.

Steven Woodard stated prior to Officer Nelson's arrival, he had been sitting in his car in front of the grocery when Sarey approached and asked for change. Woodard described Sarey's demeanor as odd and attributed it to drugs or mental health issues. When Officer Nelson contacted Sarey, he told him to get up and put his hands behind his back. When Sarey got up he started flailing about. Woodard said when Officer Nelson tried to restrain him everything went crazy and they began fighting like Tasmanian Devils. During the struggle, Woodard saw Sarey reach around Nelson and grab his gun. Woodard then jumped out of his car, wondering if Nelson needed help and what he should do. A folding knife fell on the ground by Woodard and he picked it up and put it on the hood of his car. Officer Nelson began punching Sarey, but the punches didn't have any affect. Woodard said Sarey fell to the ground and Officer Nelson shot him in the stomach. Officer Nelson looked over at Woodard, then looked back at Sarey and shot him a second time in the head. Woodard believed the second shot was unnecessary.

Quincy Williams witnessed the incident from his parked car. Williams described Officer Nelson and Sarey as grabbing each other under the collar and wrestling. At some point, Officer Nelson unsuccessfully attempted to hip-throw Sarey to the ground. Officer Nelson had his back towards Williams when Nelson pinned Sarey to the freezer with his left hand and shoot him once in the chest. Sarey fell out of Williams view when Officer Nelson shot him a second time.

During crime scene processing an indentation, believed to possibly be a bullet strike, was noted in the freezer approximately 44" above the ground. This would have been consistent with the wound location on Sarey's torso had he been standing against the freezer during the first shot. Items found in the vicinity of the freezer included 2 .45 caliber casings and one live .45 caliber round (Officer Nelson's gun was a Kimber .45 Tactical Entry II and it was down three rounds). The recovered round would be consistent with Officer Nelson clearing a malfunction.

The autopsy report documents a gunshot entrance wound in the upper right of Sarey's abdomen. The wound channel is through the liver and exits the body cavities through the right 11th back rib. The bullet was recovered from the subcutaneous soft tissues of the back, about 43.5" above Sarey's heels. The bullet left a laceration in Sarey's back (this initially led investigators to believe the bullet had exited Sarey's body). The back laceration would be consistent with Sarey's back being against the freezer when he was shot in the torso. The second wound entrance is in Sarey's left forehead and the wound channel was left to right, downwards, and front to back. The bullet was recovered from the soft tissues of Sarey's right neck.

This synopsis is based on crime scene survey, police reports, officer and witness statements, video, and other evidence related to this incident. For further details, refer to the original documents attached to this case report.

PREPARED BY: Detective Doug Carlton/POSPD

DATE: 8/16/19