

Appendix A

Tort Claim in Wrongful Death of Andrew Urban Seay

Summary

Andrew Seay, a 36-year-old man, entered the Seattle Police Department (“SPD”) Southwest Precinct parking lot from the adjoining Home Depot parking lot. He was surrounded by numerous officers, at least one of whom was armed with a Taser. Another officer was armed with a 40mm less lethal weapon. Officers could see Mr. Seay was having a mental health episode.

Mr. Seay’s movements were random, moving away from officers, then toward officers, then away again. After a few minutes, Mr. Seay pulled out a small pocketknife. He continued to meander around, confused, for at least a minute. A supervisor told an officer to use the 40mm less lethal launcher. Mr. Seay jogged away from one group of officers and toward another group. After a delay, an officer fired the 40mm. Almost simultaneous to this, Officer Hay, who was approximately 35 feet from Mr. Seay, shot four rounds from his handgun and killed Mr. Seay.

Evidence shows SPD officers were negligent in how they approached a known and clear mental health crisis. Additionally, at 35 feet away from the shooter, Mr. Seay did not pose an immediate threat that justified deadly force, especially given the available non-lethal alternatives. Mr. Seay’s death was preventable.

SPD officers had notice of mental health crisis

On March 19, 2025, Urban Seay’s wife called for help after receiving a message that her husband, a DocuSign employee, was in a state of extreme mental distress. Seattle Police Department dispatch received and broadcast a priority suicide call identifying the Home Depot area adjacent to SPD’s Southwest Precinct.

Officers spotted Mr. Seay in the SPD parking lot. Numerous officers were present. Officers spoke to Mr. Seay, directing him out of the SPD lot. They could see Mr. Seay was confused and displaying mental health issues. He would start to follow directions to leave and then he would turn around, change direction. One of the officers remarked, “He might be a little off.”

SPD policy required officers to recognize this type of mental health crisis and adjust their tactics accordingly. Policy directs officers, when safe and feasible, to seek voluntary compliance through communication, time, distance, and shielding. Policies specifically require officers to consider whether noncompliance with commands reflects a mental impairment, behavioral crisis, fear, anxiety, or psychological inability rather than deliberate resistance. Policy likewise defines reasonable care to include use of available de-escalation before force, selection of the least amount of force necessary, and consideration of whether a person displays mental or behavioral impairment or is suicidal.

Patrol vehicles and structures provided cover and shielding so officers had opportunities to reposition, maintain distance and shielding, and continue de-escalation. At least one officer had a Taser. Another officer, a trained 40mm operator, arrived with a launcher, sometimes called a “sponge gun,” a less lethal weapon. Resources and time gave SPD officers the ability to follow policies, contain Mr. Seay, communicate with him, bring the suicide-call information into the tactical plan, and safely de-escalate and resolve the mental health episode.

Shooting

After meandering around, and repeatedly changing direction, Mr. Seay pulled out a folding pocketknife. Officers told him to drop the knife. Mr. Seay continued to meander around, confused, and not follow directions. This went on for over a minute.

One of the officers at the scene instructed the officer with the 40mm launcher to fire the less lethal weapon. Mr. Seay began jogging away from the officer with the 40mm and toward another group of officers. About seven seconds after the initial command to fire the 40 mm, the officer fired – and a split-second later Officer Hay shot four rounds from his firearm. On video, it's clear Officer Hay discharged his firearm almost simultaneously with the officer firing the 40mm.

At the time he was shot, Mr. Seay was approximately 35 feet away from the shooter, based on body-camera perspectives and scene measurement. That is well beyond the commonly cited 21-foot reaction-distance benchmark.

This 21-foot benchmark is not a rule of law and does not by itself decide whether force is reasonable, but Mr. Seay did not have the ability to reach the shooting officer without first crossing approximately 35 feet in view of multiple armed officers with guns already drawn. Officers had distance, reaction time, numerical superiority, cover, vehicles, and two different less-lethal options. Nonetheless, one officer escalated to deadly force.

Washington law permits deadly force only when necessary to protect against an immediate threat of serious physical injury or death, which means the threatening person has the present and apparent ability, opportunity, and intent to cause serious harm immediately. SPD uses the same rule. SPD's definition of an immediate threat likewise requires present and apparent ability, opportunity, and intent. The force used must be "necessary," which means that no reasonably effective alternative appears to exist.

At 35 feet, armed with only a folding pocketknife, Mr. Seay did not present the immediate threat required for deadly force under Washington law or SPD policies. Additionally, to the extent any officers were in potential danger, this potential danger was caused by the negligent actions of the officers. There were a series of negligent failures that resulted in Mr. Seay's death.

Officers should have prevented Mr. Seay's death by following Washington law and SPD policies. They should have established clear command, designated one communicator, slowed the encounter, maintained distance and shielding, connected Mr. Seay to the suicide information SPD already possessed, coordinated the available Taser 10 and 40mm options, given a warning before using deadly force, and de-escalated the encounter.

SPD officers did not use taser

SPD had adopted the Taser 10 as an authorized less-lethal tool. According to the manufacturer, the effective range is 45 feet. SPD's policy authorizes its use when a subject presents an immediate threat of harm or when public safety requires custody and hands-on force is likely to cause greater injury. Further, SPD policy requires certified issued officers to carry it during their shift. At least one of the many officers at the scene was armed with a Taser.

Washington's reasonable-care statute requires departments to make less-lethal alternatives available to officers, and officers, when reasonable, to use appropriate less-lethal alternatives before deadly force. SPD policy likewise requires the Department to make less-lethal tools reasonably available and requires officers to use less-lethal tools when appropriate.

40mm deployment was negligent

Officers at the scene correctly recognized that the 40mm launcher was an appropriate less-lethal option. They failed, however, to effectively use the less-lethal weapon.

After repeated calls to use the 40mm, the delayed shot was poorly timed, poorly coordinated, and the officer fired at Mr. Seay's neck from to the side and behind. The shot drove Mr. Seay into abrupt movement toward the shooting officer about 35 feet in front of him.

SPD policy states the 40mm is designed to interrupt dangerous behavior so officers can take enforcement action with less danger of injury or death. More generally, SPD policy states that less-lethal tools are used to interrupt behavior so officers may take control with less risk, and that backing officers should be ready to exploit the brief opportunity and take control if safe.

Here, there was no prepared apprehension team moving on a coordinated signal, no separation between less-lethal deployment and reassessment, and no meaningful chance to determine whether the round worked. These failures add up to negligence.

No warning

SPD policy requires a verbal warning, when safe and feasible, to the subject and fellow officers before a firearm is discharged, followed by a reasonable period for compliance.

Despite ample time to issue commands, and the ongoing communication between officers and Mr. Seay, no SPD officer gave a warning to Mr. Seay that deadly force would be used.

Claims

Claimants allege negligence, excessive force, wrongful death, violations of the Americans with Disabilities Act, negligent training and supervision, and municipal liability. Additional state and federal claims may arise as the investigation continues.

Damages

Claimants ask for \$30 million in total damages, including the estate's economic losses, the wife's loss of her relationship, her emotional distress, and other associated damages. Claimants' demand is subject to amendment as the investigation continues.

Signed electronically on September 29, 2026, on behalf of claimants by attorneys:

Mark Lindquist & Angus Lee