



EAST WENATCHEE POLICE DEPT

Incident Report for 19E01681

19E01681

Nature: MISCELLANEOUS **Address:** 80 9TH ST NE; CEDARS INN, EAST WENATCHEE WA 98802

Complainant: EWPD **When Reported:** 23:30:50 04/01/19

Last: EAST WENATCHEE POLICE DEPT **First:** **Mid:**

DOB: **/**/** **Dr Lic:** **Address:** 50 SIMON ST # 1; EWPD

Race: **Sex:** **Phone:** (509)884-9513 **City:** EAST WENATCHEE, WA 98802

Offense Codes

Reported: NC Not Classified

Observed: FLNE Felony Elude

Additional Offense: FLNE Felony Elude

Additional Offense: TOFF Traffic Offense

Involvements

Date	Type	Description	
04/02/19	Name	DICKS TOWING, 5129	INVOLVED
04/01/19	Name	EAST WENATCHEE POLICE DEPT,	Complainant
04/01/19	Name	SMITH, DUSTIN RAY	ARRESTED/PLED GUILTY
04/01/19	Offense	SMITH , DUSTIN RAY : ATTEMPT TO ELUDE - F	Charged With
04/01/19	Offense	RECKLESS DRIVING - M	Charged With
04/01/19	Offense	NVOL without ID - M	Charged With
04/01/19	Offense	DOC HOLD - F	Charged With
04/02/19	Vehicle	GRY 1999 HOND CIVIC WA	TOWED
04/01/19	Cad Call	23:30:50 04/01/19 MISCELLANEOUS	Initiating Call
04/02/19	Property	BLK Backpack/Duffle BACKPACK WITH CLOTHING/TOOLS	Property
04/02/19	Property	TAN Backpack/Duffle BACKPACK WITH SPEAKER/MISC	Property

Narrative

STOLEN/RECOVERED/DAMAGED/VALUE:

1. N/A

EVIDENCE:

1. Body Cam Video

CHARGE(S):

1. RCW 46.61.024 - Attempt to Elude a Police Vehicle
2. RCW 46.61.500 - Reckless Driving
3. RCW 46.20.005 - No Valid Operator's License w/out ID

INVESTIGATOR'S NAME(S):

1. J. Virnig #1DO8

INVESTIGATION:

On 04-01-19 at about 2330 hours, I was working uniformed patrol for the City of East Wenatchee and driving a marked patrol car equipped with emergency lights and a siren.

I was driving northbound on Sunset Hwy approaching 9th St NE behind a gray 1999 Honda Civic (WA/BKW2463). The vehicle turned eastbound on 9th St NE and then quickly turned into the Cedar's Inn parking lot. This caught my attention. I stopped at the entrance to Cedar's Inn and watched the vehicle travel southbound through the parking lot. The vehicle was traveling at an unsafe speed through the parking lot. I estimated the vehicle to be going about 30mph. I drove through the parking lot in an attempt to catch up to the vehicle.

I got behind the vehicle as it approached the Valley Mall Pkwy Cedar's Inn entrance/exit. The vehicle entered the 800 blk of Valley Mall Pkwy. The vehicle did not stop before entering the roadway and fishtailed while entering the roadway. It was apparent the driver of the vehicle was willfully driving the vehicle with disregard for the safety of others. It was apparent the driver was trying to get away and it appeared it was only the driver in the vehicle.

After I observed the reckless driving, I activated my emergency lights and sirens in an attempt to stop the vehicle. The vehicle turned eastbound on Standerfer St and fishtailed the corner. The vehicle then turned northbound on French Ave. Speeds were about 35mph. The speed limit on this stretch of roadway

is 20mph. The vehicle approached the 9th St NE intersection and failed to stop for the posted stop sign. The vehicle turned eastbound on 9th St NE and fishtailed the corner, almost spinning out. The vehicle almost collided with an approaching East Wenatchee Police Car (Officer Cooper). I pursued the vehicle eastbound on 9th St NE at speeds of about 40mph. The speed limit on this stretch of roadway is 30 mph. The weather was clear, the roadway was bare and dry, and there was little to no traffic.

The vehicle turned southbound on Eastmont Ave and reached speeds of about 60mph. The speed limit on this stretch of roadway is 30mph. The driver of the vehicle dynamited the brakes at the 5th St NE intersection, almost losing control and spinning out. The vehicle struck the curb on the southwest corner of the intersection and continued southbound on Eastmont Ave.

The vehicle came to the Grant Rd intersection and turned eastbound. I pursued the vehicle eastbound on Grant Rd at speeds in excess of 80mph. There was still little to no traffic on the roadway. We passed S. Kentucky Ave and the driver increased the vehicle's speed, exceeding 100mph. We approached the S-curve on Grant Rd near the airport. The vehicle's speed was about 80mph entering the S-curve. The driver of the vehicle lost control, spun out, and rolled off the roadway, taking out a fire hydrant. The vehicle rolled once and came to a stop right side up. I immediately notified Rivercom to dispatch Fire and Aid.

Sergeant Garcia, Officer Cooper, and Officer Caballero arrived on scene. We had our service pistols drawn. I could see the male in the driver's seat. I ordered him to show his hands. He complied. I ordered him out of the car and to the ground. I recognized him as Dustin R. Smith (DOB: 08-23-88). I could see blood on his face. I placed him under arrest with handcuffs. We minimized his movement until the aid crew arrived. No one else was located in the vehicle.

At about 2338 hours, I activated my body camera. I asked Dustin where he was hurting. He stated his right side. He stated he wasn't wearing his seatbelt at the time of the collision. I asked him how his head was feeling. He stated his adrenaline was still running. I told him aid was on their way. Deputy Lemons and Deputy Williams arrived on scene to assist.

I read Dustin his Constitutional Rights from a Miranda card. He stated he understood his Rights. Dispatch advised Dustin had a felony warrant for his arrest out of Department of Corrections (DOC). I asked Dustin if that's why he ran. He stated it was. I asked him about the car and if it was stolen. He stated he borrowed it from Molli. I knew he was referring to Molli J. Dunckel (DOB: 09-02-86). I asked him if it was Molli's car. He stated he didn't know.

I was explaining the incident to Deputy Lemons and what caught my attention about the vehicle. Dustin could hear me and stated, "You weren't even coming

after me?" I told him I wasn't and he stated, "What the fuck." I told him his driving through the parking lot is what caught my attention. He stated he was sorry.

Ballard Ambulance transported Dustin to the hospital and Officer Caballero followed. The vehicle was completely totaled. Deputy Lemons stated he would handle the collision investigation (See case #19D01637) and he took photographs of the vehicle. Dick's Towing responded to the scene and impounded the vehicle.

It was determined the registered owner for the vehicle, identified as Alejandro Herrera-Garcia (DOB: 01-01-80), was no longer the owner. The vehicle was sold last year and now belongs to James T. Brooks (DOB: 03-13-87) who was confined at the Chelan County Jail. At this time the vehicle has not been reported stolen.

The pursuit lasted about 5 minutes and the distance traveled was about 5 miles. Dustin's speeds through the City were reckless and he had no regard for the safety of others. He also did not have a valid license to drive.

Dustin was medically cleared at the hospital and he was booked at the Chelan County Jail. He was booked on his DOC warrant, for Reckless Driving (due to the reckless driving through the Cedar's Inn parking lot and fishtailing onto Valley Mall Pkwy), Attempting to Elude a Police Vehicle (due to his willful disregard for the safety of others in an attempt to evade arrest, and for No Valid Operator's License w/out ID.

I certify (declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (RCW 9A.72.085)

Investigating Officer

Date

Approved by

Date

Vehicles

Vehicle Number:

246298

License Plate: BKW2463

License Type: PC Regular Passenger Automobile

State: WA **Expires:** 08/25/19
Vehicle Year: 1999 **VIN:** 2HGEJ6579XH5828
00
Make: HOND Honda **Model:** CIVIC
Color: GRY / **Doors:** 4
Vehicle Type: PC Passenger Car **Value:** \$0.00

Owner:**Last:** HERRERA-GARCIA **First:** ALEJANDRO **Mid:****DOB:** 01/01/80 **Address:** 1G-Personal Info**Race:** H **Sex:** M **Phone:** 1G-Personal Info **City:** 1G-Personal Info

Vehicles

Agency: DCSO Douglas County Sheriffs **Date Recov/Rcvd:** **/**/**
Office

Officer: LEMONS M**Area:****UCR Status:****Wrecker Service:** TIM***Local****Storage Location:****Status:****Status Date:** **/**/****Release Date:** **/**/****Comments:**

Property

Property Number: 1900420 **Item:** Backpack/Duffle **Brand:** BACKPACK WITH
Total Value: \$0.00 **Owner:** SMITH DUSTIN RAY 52258 **Model:** CLOTHING/TOOLS
Serial:

Property Number: 1900421 **Item:** Backpack/Duffle **Brand:** BACKPACK WITH
Total Value: \$0.00 **Owner:** SMITH DUSTIN RAY 52258 **Model:** SPEAKER/MISC
Serial:

Name Involvements:**ARRESTED/PLED GUILTY:** 52258

Last: SMITH **First:** DUSTIN **Mid:** RAY

DOB: 08/23/88 **Address:** 1G-Personal Info

Race: I **Sex:** M **Phone:** 1G-Personal Info **City:** 1G-Personal Info

INVOLVED : DICKS

Last: DICKS TOWING **First:** **Mid:**

DOB: **/**/** **Address:** 110 THURSTON ST

Race: **Sex:** **Phone:** (509)663-1623 **City:** WENATCHEE, WA 98801

Complainant : EWPD

Last: EAST WENATCHEE POLICE DEPT **First:** **Mid:**

DOB: **/**/** **Address:** 50 SIMON ST # 1; EWPD

Race: **Sex:** **Phone:** (509)884-9513 **City:** EAST WENATCHEE, WA 98802

Redaction Log

Total Number of Redactions in Document: 6

Redaction Reasons by Page

Page	Reason	Description	Occurrences
5	1G-Personal Info	Personal Information and or Invasion of Privacy - A record used to prove identity, age, address, or other information required to apply a a driver's license is exempt from public inspection and copying. Or, (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. RCW 42.56.230(7)(a); 42.56.590)10)(a)(i)(F); 42.56.505	3
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Redaction Log

Redaction Reasons by Exemption

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