



PORT ANGELES

WASHINGTON, U.S.A.

POLICE DEPARTMENT

Date: January 15, 2020

To: Chief Brian Smith

From: Deputy Chief Jason Viada

RE: Pursuit Summaries 2019

Chief Smith,

Listed below are summaries from the five 2019 pursuits. I have reviewed the pursuit memorandums for each incident. The pursuit incidents were all reviewed by command staff soon after each occurrence. All pursuits by full time officers were within policy. The pursuit initiated by a tribal officer who was also cross-commissioned by the department was not within policy. That officer's employment was terminated by his home agency, which ended his cross-commission with our agency.

July 14, 2019 – Case 19-12737 Sgt. Josh Powless and Officer Whitney Fairbanks. Multiple hit and run incidents. Pursuit initiated southbound Race at 8th, continued south on Hurricane Ridge Road. Pursuit went about 4.7 miles in 4 minutes. Female driver drove over embankment, collided with tree, fled into woods, and was apprehended by K-9 Copper, Officer Fairbanks, Officer Kyle Cooper, and Sergeant Powless.

July 29, 2019 – Case 19-13829 Officer T.J. Mueller responded to report of vehicle prowling just occurred and located suspect vehicle near 11th and Peabody. Suspect vehicle fled north on Peabody and west into the 11/10 alley. Officer Mueller initiated pursuit near 11th and Chase. Vehicle fled east on 12th at about 80 mph in a 25 mph residential zone. Acting Supervisor Officer Kyle Cooper ordered Officer Mueller to terminate, which he did.

August 1, 2019 – Case 19-14059 Lower Elwha Tribal Police Officer Ricardo Gonzales initiated a pursuit in an area of Clallam County near the border between the Elwha Reservation and the City. The pursuit was not within policy. The suspect entered the City, crashed, and fled on foot. A passenger was apprehended at the scene, and the driver was apprehended later. 58 seconds elapsed between Officer Gonzales' radio transmission indicating he was in pursuit to his transmission indicating suspect vehicle crashed. During that time the suspect vehicle traveled 1.73 miles. Officer VanDusen, Officer Ryan, and Corporal Fernie (who was the on duty supervisor) arrived to investigate the incident as soon as they could after being made aware of it.

September 11, 2019 – Case 19-17014 Officer Luke Brown pursued a vehicle in which driver and passenger were wanted on DOC warrants. Pursuit went .3 miles in about 15 seconds. Vehicle stopped, occupants fled on foot. Officer Brown pursued passenger on foot. Passenger apprehended a two days later. The driver was pursued on foot and apprehended by Officer

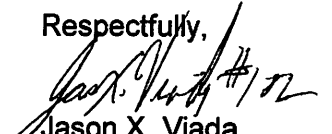
Johnson and Officer Moore.

October 15, 2019 – Case 19-19490 OPNET Detectives observed suspect wanted for violent felonies at Safeway East. Suspect also wanted on a DOC warrant and stated he would shoot it out with police if stopped. Deputy Leiter initiated pursuit east of City. Officer JJ Smith took over pursuit backed by Officer VanDusen. Sergeant Powless, who was the on duty supervisor joined at 101 and Monroe. Pursuit came west into the City and ended at 201 North Liberty when suspect stopped his vehicle, got out, attempted to run into an apartment, and was arrested by Officer JJ Smith. The pursuit covered about 1.58 miles.

Analysis: All pursuits involving full time PAPD Officers were within policy. Only 1 officer was involved in more than 1 pursuit. Sergeant Powless was the supervisor in two of the incidents. He performed exceptionally well as a field leader under rapidly changing adverse conditions, and the incidents were handled lawfully and within policy. The one incident that was outside of policy involved a cross commissioned tribal officer whose employment was terminated by his home agency which resulted in the revocation of his cross-commission.

A further analysis number of pursuits in 2019 is consistent with the last several years during which PAPD has engaged in 4 or 5 pursuits each year.

Respectfully,



Jason X. Viada
Deputy Chief of Police

MEMO



PORT ANGELES

WASHINGTON, U.S.A.

POLICE DEPARTMENT

DATE: 07-29-2019
TO: Chief of Police B. Smith
CC: Corporal S. Sexton
From: Officer K. Cooper
Subject: Pursuit 2019-13829

rcvd 7/29/19
EX #102

On 07-29-2019, at approximately 0530 hours, Officers responded to 114 E. Lauridsen Boulevard (SAARS) for a vehicle prowl that had just occurred. Officer Mueller located the suspect vehicle (an older, white, Acura, unknown license plate) parked at the intersection of E. 11th Street and S. Peabody Street, on the south-west corner. Officer Mueller turned around and attempted to contact the suspect vehicle. The suspect vehicle accelerated northbound on S. Peabody, then turned westbound into the 11/10 alley (0534 hours). Officer Mueller activated his emergency lights and siren and began pursuing the vehicle. Officer Mueller reported that the vehicle turned south on S. Chase Street, then west on E. 12th Street. Officer Mueller estimated the suspect vehicle speed at 80 mph, and then reported a near collision between the suspect vehicle and a civilian. I, Officer Cooper, was the acting supervisor and verbally advised Officer Mueller to "Terminate" via radio. He immediately complied (0535 hours). The suspect vehicle was last seen southbound on S. Oak Street from 12th Street. The distance of the pursuit was approximately half a mile. My preliminary determination was that this pursuit was in compliance with our policy, and it is unlikely that any follow-up will be needed.

Respectfully,

Kyle Cooper #467
Port Angeles Police Department

A handwritten signature in blue ink, appearing to read "K. Cooper", with a stylized flourish at the end.



PORT ANGELES

WASHINGTON, U.S.A.

POLICE DEPARTMENT

321 East 5th Street
Port Angeles, WA 98362

Date: July 14th, 2019

To: Chief Brian Smith

From: Sergeant Joshua Powless

RE: Vehicle Pursuit – 2019-12737

On 07/13/2019 at approximately 1706 hours, PAPD Officers were involved in the pursuit of a suspect vehicle that attempted to elude them. The incident unfolded as follows:

- On 07/13/2019 at approximately 1700 hours, dispatch advised that there was a hit and run collision at the intersection of SR-101 and Brook Avenue. The suspect vehicle reportedly struck multiple vehicles and was heading west into Port Angeles. Officer Fairbanks and I responded to look for the suspect vehicle, located it and attempted to stop it.
- The driver drove at a high rate of speed (faster than 70 MPH in a 45 MPH zone), disregarded two red lights and a stop sign, and drove in the oncoming lane of travel during some of the pursuit.
- The driver, later identified as Brittany C Russell (10/07/1992), was in a collision with a tree on Hurricane Ridge Road. No other vehicles or persons were involved in the collision.
- Russell fled the vehicle and was apprehended after a K9 track. Russell was uncooperative and a Taser was used to subdue her. The Taser probes were the only injury caused by officers. Russell sustained other injuries from her collision.
- Russell was transported to OMC for treatment and then booked into the Clallam County Jail for Attempting to Elude a Police Vehicle and Possession of Heroin. Charges of DWLS 3 and Obstructing a Law Enforcement Officer have also been sent to the prosecutor.
- The pursuit lasted approximately 4 minutes and spanned a distance of approximately 4.7 miles. I began pursuing the vehicle when it was at the intersection of E 8th and S Race Streets. The pursuit terminated at the collision site, on Hurricane Ridge Road, south of mile marker 3.

- A WSP Trooper is investigating the hit and run collision(s) prior to the pursuit. An Olympic National Park Ranger is investigating a hit and run collision that occurred on Hurricane Ridge Road as I was attempting to catch up to the suspect vehicle.
- Officers involved in the pursuit were Officer Fairbanks and myself. Officer Cooper was involved in the tracking and apprehension of the suspect.
- No city-owned equipment was damaged in the pursuit. A guardrail at the collision site was struck and the suspect's vehicle was totaled.
- I was the supervisor during the incident.

Based on my review of the incident, I believe the pursuit is in compliance with applicable policy.

Sincerely,



223

Sergeant Joshua Powless #223
Port Angeles Police Department
Cell: (360)912-0240
Email: jpowless@cityofpa.us



PORT ANGELES

WASHINGTON, U.S.A.

POLICE DEPARTMENT

321 East 5th Street
Port Angeles, WA 98362

Date: October 15th, 2019

To: Deputy Chief Jason Viada

SV #102

From: Sergeant Joshua Powless

RE: Vehicle Pursuit – 2019-19490

On 10/15/2019 at approximately 1535 hours, OPNET Detectives located wanted subject Christopher M. White (09/26/89) driving a gold colored Chevy pickup truck in the area of Safeway East. White has history of violent felonies, including Assault 2 and Assault 3. White had a confirmed DOC Warrant and is listed as High Violent, according to the DOC return. Recent intelligence from DOC was dispersed by email that indicated that White had made statements that he would not go back to prison and would engage in a firefight with law enforcement if stopped.

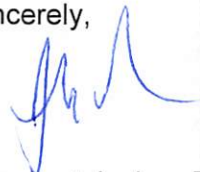
OPNET Detectives, PAPD Officers, and CCSO Deputies located the vehicle and Deputy Leiter began to pursue the vehicle at Safeway East. Deputy Leiter stated he was on Maple, but I believe that he meant Myrtle Street.

- The pursuit lasted approximately three minutes from the time Deputy Leiter announced that he was in pursuit to the time that the suspects were in custody.
- The pursuit spanned the distance of approximately 1.58 miles, starting on Myrtle Street, traveling west on Highway 101, north on Liberty Street, and then several loops through the parking lot at 201 N Liberty Street. The pursuit terminated in this parking lot.
- Ofc. JJ Smith, VanDusen, and Deputy Leiter were in the pursuit and I joined at Monroe Road. All of them were driving their assigned, fully marked, patrol vehicles.
- After investigation, White was booked for his warrant, Felony Attempt to Elude a Police Vehicle, Possession of Methamphetamine with Intent to Deliver, Possession of Heroin with Intent to Deliver, and multiple counts of Hit and Run.
- White was arrested on the porch of the apartment complex at gunpoint. He complied once confronted at gunpoint.
- A passenger in the vehicle, Lexus Hagar, was detained and interviewed before being released.
- There were no reported injuries to either the suspect or any of the officers involved.
- Three known vehicles were struck by the suspect vehicle during the pursuit, as well as

- a temporary fence, constructed of posts and netting.
- I was the supervisor on scene at the time of the incident.

I have reviewed the facts of the case, as well as the pursuit policy and find that the pursuit appears to be in compliance with the policy.

Sincerely,

 77)

Sergeant Joshua Powless #223
Port Angeles Police Department
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PORT ANGELES

WASHINGTON, U.S.A.

POLICE DEPARTMENT

321 East 5th Street
Port Angeles, WA 98362

September 17, 2019

To: Deputy Chief Jason Viada

From: Corporal Clay Rife

Re: Officer Brown Vehicle Pursuit on September 11th, 2019, PAPD 2019-17014

Deputy Chief Viada,

The following information pertains to the above referenced vehicle pursuit:

Date/Time/Duration/Speed of pursuit: 09112019 at 0636, 15 seconds (according to the dispatch CAD. Speed was 35 mph in a 25 mph zone.

Initial reason/circumstances for pursuit: It was believed by Officer Brown that Nathan Terry, who had an active DOC, warrant was the passenger in the vehicle. Additionally, the driver of the vehicle, later identified as Kyle Constant, made a moving violation.

Length of pursuit, start/termination points: .3 miles, starting point: 2000 Block S. Lincoln Street, termination point: Dolan and Oak (see attached map). Terry jumped out of the vehicle at the termination point, Officer Brown terminated the vehicle pursuit then pursued Terry on foot from there. The vehicle traveled (unpursued) to the 300 Block of W. 15th Street where Constant exited the vehicle and fled on foot, westbound into the Valley.

Involved Vehicles/Officers: Pursuit vehicle: #1710, 2017 Dodge Charger, driven by Officer Brown. Pursued vehicle: Red 1993 Honda Accord, WA registration: BOH8555, driven by Kyle Constant, registered to Leslie Spires. Officers Johnson, Moore and Corporal Rife were involved but were not part of the initial vehicle pursuit nor the foot pursuit.

Alleged Offense: DOC Warrant, RCW 46.61.024 Attempting to Elude a Police Vehicle.

Suspect Apprehended/Means/Use of Force: Terry not apprehended that day but was apprehended later on September 13th, no force used. Constant was apprehended by Officer Johnson and Officer Moore, Taser displayed but not actuated. Constant also had a DOC warrant.

He was passed off to DOC Community Corrections Officers after apprehension. Officer Brown completed his report and referred the Eluding charge to the prosecutor.

Arrestee Information: Kyle Constant, 03141990, Nathan Terry, 12241988.

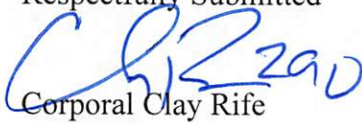
Injuries: Constant received injuries related to his flight from the vehicle into the valley. Constants injuries were consistent with having run through blackberry bushes. Constant also complained of shoulder pain from having jumped off of the bluff into the valley. Constant refused medical treatment.

Property/Equipment damage: None.

Name of Supervisor at the scene: Corporal Rife

Preliminary policy compliance determination: In compliance.

Respectfully Submitted


Corporal Clay Rife

MEMO



PORT ANGELES

WASHINGTON, U.S.A.

POLICE DEPARTMENT

Date: 8/8/2019

To: Chief Smith

From: Cpl. Fernie

Subject: Elwha Pursuit

Date/ Time: 8/1/2019 04:26.47

On 8/1/19 at 04:26.47, Elwha Officer Gonzales radioed dispatch informing them that he was in "pursuit of high speed vehicle on Lauridsen Rd going to truck route." Dispatch asked if Elwha Officer Gonzales was attempting to stop the vehicle. Elwha Officer Gonzales confirmed that he was attempting to stop and he had his lights on and it is still going at "high speeds at least 80 MPH". At 04:27.45 Elwha Officer Gonzales reported over the radio "Vehicle crashed, Vehicle Crashed" Dispatch asked for location. Elwha Officer Gonzales reported Airport Rd and the vehicle was upside down. Dispatch asked Elwha Officer Gonzales for an update at approximately 0429 hours and he responded that he had a juvenile in custody. It was later determined that Elwha Officer Gonzales was pursuing the vehicle from the intersection of Elwha Rd and Edgewood Dr. to Airport Rd. Elwha Officer Gonzales reported driving 80 MPH in a posted 40 MPH zone. According to one account the suspect vehicle was possibly driving an estimated 110 MPH.

Officer Vandusen arrived at approximately 0430 hours and interviewed David Murphy who was in the back of Elwha Officer Gonzales patrol vehicle. David Murphy reported that Braydon was driving the vehicle and that Braydon drove away from Elwha Officer Gonzales when he pulled in behind them somewhere on the Elwha. Officer Ryan arrived shortly after and ran the registration of the suspect vehicle. Officer Vandusen advised over the radio that the driver of the vehicle was Braydon Charles and that he fled the scene. I arrived on scene at approximately 0432 hours.

Elwha Officer Gonzales reported at the scene that a he noticed the vehicle parked on the side of the roadway, partially over the fog line near the intersection of Elwha Rd and Edgewood. Officer Gonzales attempted to contact the occupants of the vehicle to check their welfare and pulled up behind the vehicle. His overhead lights were not on at that time. When Elwha Officer Gonzales parked behind the vehicle the vehicle took off at a high rate of speed on

Edgewood Rd traveling towards Airport Rd. Elwha Officer Gonzales reported that he had his overhead lights on but no siren and was driving approximately 80 MPH to catch up to the fleeing vehicle. Elwha Officer Gonzales lost sight of the suspect vehicle and relocated it, flipped over on the northwest corner of Edgewood and Airport road. Elwha Officer Gonzales only saw David Murphy attempting to run from the vehicle and detained him. Officer Vandusen later told me that Elwha Officer Gonzales said that he told David Murphy to "stop or he would shoot" as Murphy was attempting to run away. Murphy stopped and Elwha Officer Gonzales ordered Murphy to lay on his stomach.

I left to contact Braydon's mother at 1203 E. First Street Apartment #3 and informed her that her vehicle had been in a collision and that Braydon was reported to have been the driver of the vehicle. She informed me that Braydon was not home and she last saw him around 2100 hours. She told me that her keys were missing from her purse. She told me that she wanted to pursue charges for taking a motor vehicle without permission.

At approximately 0513 hours, Elwha Officer Gonzales radioed dispatch "Be clear of my call turned over to PAPD". Elwha Officer Gonzales told Officer Vandusen that he would complete his report when he came back to work on 8/2/2019. I did not copy this radio traffic at that time as I was interviewing Braydon's mother who at that time was very distraught about leaning her vehicle and son were involved in a collision. I called Officer Ryan and learned that Elwha Officer Gonzales had left.

I learned that Elwha Officer Gonzales, before leaving asked Officer Vandusen if he could leave and turn in his report the following day. Officer Vandusen told me he asked Officer Ryan and they determined that he could leave. Elwha Officer Gonzales wrote in his report that he asked Officer Vandusen to ask his supervisor if he could leave and write his report when he returned to work. Officer Vandusen told me that Elwha Officer Gonzales only asked if he could leave and complete his report when he returned to work and did not ask him to check with a supervisor.

- **Starting location:** Intersection of Lower Elwha Rd and Edgewood Dr.
- **Ending location:** Intersection of Edgewood and Airport Rd.
- **Total distance traveled:** 1.73 miles
- **Total Pursuit time:** 58 seconds

- **Involved Officers in Pursuit:** Elwha Officer Gonzales has a (Limited commission) with PAPD

- **PAPD Officers responding to scene of collision:** Fernie, Ryan, Vandusen

- **Offenses investigated by Elwha PD:** Speeding and Eluding

- **Alleged Offenses investigated by PAPD:** Hit and Run, taking motor vehicle without permission, reckless driving

- Suspect Braydon was arrested at his residence 1203 E First Street apartment #3 at approximately 0606 hours when he returned home without incident.

- Suspect: Braydon J. Charles DOB 12/15/2005

- Braydon had minor injuries which he received from the collision and was transported to

OMC to be evaluated.

- **Property damaged:** A wooden power pole and electrical box was damaged along with the suspect vehicle.
- **Supervisor:** Cpl. Fernie

Preliminary Determination of Policy

Based upon the information available to me I find that Elwha officer Gonzales is in violation of the following Port Angeles Police Department Policies during his pursuit that started in the County and ending with suspect vehicle involved in collision just inside the city limits:

Vehicle Pursuits 307

307.3.1 WHEN TO INITIATE A PURSUIT

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protection the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorist and others.

Officer Gonzales initial reason for law enforcement contact was a self-initiated welfare check on a vehicle pulled to the shoulder of the roadway over the fog line. When he pulled up behind the vehicle it drove off at a high rate of speed. Officer Gonzales then attempted to stop the vehicle for an infraction for speeding. Officer Gonzales reported that he was traveling at a speed of 80 MPH in an attempt to catch up to the vehicle but lost sight of it indicating that the speed of the fleeing vehicle exceeded Officer Gonzales speed of 80 MPH. The infraction of speeding and excess speeds is not proportionate to the risk to officers, innocent motorists and others.

- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between pursuing vehicles and the dispatcher.

Officer Gonzales familiarity with the area he was in was not shown by his radio communication to dispatch. He reported that he was on Lauridsen Blvd heading to the truck route. When he was actually pursuing the vehicle on Edgewood Dr. near S. Elwha Rd. When pursuit started. This lead for confusion with PAPD Officers and Dispatch when he reported the suspect vehicle crashed at Airport Rd.

- (i) Vehicle speeds

Officer Gonzales reported driving 80 MPH and that he lost sight of the suspect vehicle indicating that the suspect vehicle was traveling over 80 MPH.

307.3.2 WHEN TO TERMINATE A PURSUIT

- b) The pursued vehicle's location is no longer definitely known.

Officer Gonzales lost sight of the suspect vehicle during the pursuit

- f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

The speeds that Officer Gonzales and the suspect vehicle were traveling posed a danger for both Officer Gonzales and the suspect. The risk to the public by allowing the suspect to remain at large was not present.

Use of Force 300

300.3 USE OF FORCE

Officer shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Officer Gonzales reported to Officer Vandusen that he told David Murphy to stop or he would shoot as Murphy was attempting to run away from the scene. Based upon the information available David was attempting to flee and was not acting hostile or displaying a threat to Officer Gonzales. Officer Gonzales threatened to use deadly force against David when there was no articulable justification for such actions.

Definition of Deadly Force from policy manual- Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.