



PORT ORCHARD POLICE DEPARTMENT  
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**POLICY REVIEW – IR# 20-092**


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DATE: February 10, 2021

IR# 20-092

SUBJECT: Pursuit D20-002519

BY: Josh Horsley, Sergeant



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**REQUIRED REPORTING – POPD [PURSUIT POLICY 307]**

**Date/Time:** December 23, 2020 @ 2219 hrs.

**Length of Pursuit:** 2.21 miles, Approximately 2 minutes

**Involved Units/Officers:** J. Gapsch

**Initial Reason for the Pursuit:** Suspected stolen vehicle

**Starting Point:** 3497 Bethel Rd, Walmart Parking lot

**Termination Point:** Lincoln @ McKinley PL

**Disposition:** Officer Terminated

**Injuries/Property Damage:** None

**Medical Treatment:** None

**Supervisor:** None on duty

**Preliminary Determination:** Within Policy

**Additional Review/Investigation Needed:** None

**Related Reports:** D20-002517

**APPLICABLE POLICY SECTION(S):**

Policy 307- Vehicle Pursuits

**BACKGROUND:**

On 12-23-2020 at approximately 2219 hours, Officer Gapsch was checking the parking lot of 3497 Bethel Rd Se. (Wal-Mart) for an earlier reported stolen gold 2000 Honda Accord.



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While in the parking lot of Wal-Mart he observed a late 90s/early 2000s gold colored Honda Accord in the south end of parking lot. As Officer Gapsch got closer to that end of the parking lot, the Accord slowly drove northbound away from him. Officer Gapsch was able to get close enough to the vehicle to see it had two white males in it and had no front plate.

Eventually he was able to see the rear plate, WA# BOU8455. He checked the plate and it returned to a 1999 Toyota Corolla, owned by a Michael Jackson. Officer Gapsch was familiar with the plate and the Corolla from previous LE contacts.

The vehicle continued to circle the parking lot as if trying to keep a distance and not get Officer Gapsch attention. Officer Gapsch believed that the Honda was the stolen vehicle earlier reported to him, only with switched license plates.

Officer Gapsch provided the plate to CENCOM and attempted to get closer to perform a traffic stop. As the vehicle was travelling toward Bethel Rd Se., he activated his overhead lights to conduct a traffic stop on the vehicle.

The vehicle immediately accelerated and turned N/B onto Bethel Rd SE. Officer Gapsch then activated his audible siren in conjunction with his emergency overhead lights that were already activated. Upon seeing that the vehicle was attempting to elude, Officer Gapsch informed CENCOM that he was in pursuit of the vehicle. He also broadcasted the reason for the stop, road conditions, speed, weather, and directions and throughout the pursuit.

The pursuit went N/B Bethel Rd, crossing over SE Lund Ave then turned N/B on Mitchell Ave. At that time, Officer Gapsch requested assistance from any unit to the north with spike strips. Officer Huibregtse responded via radio, stating that he could have spike strips ready at the intersection of Mitchell Ave/Plisko Ln. Officer Gapsch continued to pursue the vehicle as it approached the intersection where Officer Huibregtse was waiting. Just before arriving at his location, the vehicle quickly turned into the parking lot of 1800 SE Mile Hill Dr. (South Kitsap Towne Square Mall).

The vehicle continued E/B through the parking lot as it travelled toward the SK Mall Access Road (Road that connects the mall to Lincoln Ave SE). The vehicle then turned S/B onto Lincoln Ave where it continued to flee.

As the vehicle approached the 2600 Blk of Lincoln Ave, which leads to a turn in the roadway, near South Kitsap High School Transportation Offices, it abruptly slammed on its brakes and attempted to navigate the turn, almost leaving the roadway. The vehicle quickly turned E/B onto McKinley Pl SE.

Due to the driver of the suspect vehicle almost crashing and no longer having spike strips in position Officer Gapsch determined continuing the pursuit was a danger to the public and he



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terminated it. Officer Gapsch advised CenCom that he shut down his lights and siren at the intersection of Lincoln Ave Se/ McKinley Pl Se. He last observed the vehicle as it turned S/B onto Harris Rd Se.

### **ANALYSIS:**

To conduct this policy review, I reviewed all written reports, pursuit report, and all audio files provided by Kitsap 911 related to this incident.

Officer Gapsch initiated a vehicle stop on a suspected stole vehicle with switched plates. The vehicle refused to stop and immediately accelerated. Officer Gapsch advised he was in pursuit, the reason for the stop, the direction, speeds and traffic/road conditions. Officer Gapsch continuously broadcast his location, direction of travel, speed, traffic, roadway conditions, and number of occupants. Officer Gapsch remained calm throughout the incident and did not appear to be overwhelmed by the event.

POPD policy states, "It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits". It also states, to terminate a pursuit when "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."

In this case, the initial factors are compelling to continue the pursuit for a brief amount of time are justified. Officer Gapsch self-terminated the pursuit after only 2.21 miles and spike strips were not in position using the above criteria.

Officer Gapsch demonstrated in his radio transmissions that he was actively monitoring speed, road, and driving conditions throughout the event. I would submit that Officer Gapsch decision to discontinue the pursuit further demonstrates that he continually weighed the importance of apprehending the suspects against the risk factors associated with the pursuit.

### **CONCLUSION**

It is my opinion that based upon the totality of the events, Officer Gapsch's actions in this incident are within policy.

### **RECOMMENDATION:**

None