



Attempt to Elude /
Vehicle Pursuit Review
Form

Case # (e.g. B21-001234)

Tracking Number

Related Incident #

Incident Case Instruction

Routing	
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Pursuit / Attempt to Elude Date	04/04/22	Time of Pursuit / Attempt to Elude	1351	
Report Date	04/05/22	Report Time	2255	

Supervisor Monitoring Pursuit / Attempt to Elude Incident

Rank	Corporal	Name	Jason Vertefeuille	ID #	429
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Other On-Duty Supervisor

Rank	Captain	Name	Randy Plumb	ID #	403
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Pursuit / Attempt to Elude Data

Initial Reason for Stop	Other (Explain in Narrative)		
On-viewed/ Dispatched	On-Viewed		
Pursuit / Attempt to Elude Start Time	1351		
Pursuit / Attempt to Elude End Time	1353		
Duration of Pursuit (if pursuit initiated)	2 Minutes	Highest speed during pursuit (if engaged)	55 MPH
Traffic Pattern	Heavy	Weather Condition	Other Weather
Distance of Pursuit (if engaged) in miles		How was the incident terminated?	Policy Compliance (Officer Decision to Terminate)
Reason for Terminating	Pursuit not permitted by policy	Intervention Tactics (if used)	
Supervisor Approval?	No	Assisting Law Enforcement Agencies	

Incident Attachment

Is there a document attached to this report?	No
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Additional Resources

Resources Involved in the Pursuit	
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Justification for Continuing the Pursuit	
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Officer - Trevor Donnelly**Officer Information**

Principal/Primary Officer?	Yes	Officer ID#	432		
First Name	Trevor	Middle Name		Last Name	Donnelly
Age	33	On Duty?	Yes	Permanent Assignment	Blue Swings
In Uniform?	Yes	Race	White	Gender	Male
Education	16+	Years With Agency	9	Total Years in Law Enforcement	9
Driver's License #	8A	Driver's License Date of Expiration			
Type of formal Pursuit Training?	Academy, In-Service				

Officer Injury

Injured?	No
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Vehicle Information

Vehicle #	1444				
Vehicle Type	SUV	Vehicle Make	Ford	Vehicle Model	Explorer
Year	2019	Tag	2019	State	WA
Vehicle Owner	BPD				

Vehicle Damage

Damage to Vehicle?	No	Damage Type		Approximate Amount	
Vehicle Towed?	No				

Officer - Cory Ditmer**Officer Information**

Principal/Primary Officer?	No	Officer ID#	435		
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First Name	Cory	Middle Name		Last Name	Ditmer
Age	58	On Duty?	Yes	Permanent Assignment	Blue Swings
In Uniform?	Yes	Race	White	Gender	Male
Education		Years With Agency		Total Years in Law Enforcement	33
Driver's License #		Driver's License Date of Expiration			
Type of formal Pursuit Training?	Academy, In-Service				

Officer Injury

Injured?	No
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Vehicle Information

Vehicle #	171430				
Vehicle Type	SUV	Vehicle Make	Ford	Vehicle Model	Explorer (patrol)
Year	2017	Tag	2017	State	WA
Vehicle Owner					

Vehicle Damage

Damage to Vehicle?	No	Damage Type		Approximate Amount	
Vehicle Towed?	No				



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Subject - Tyrus Gilbertson**Subject Information**

First Name	Tyrus	Middle Name		Last Name	Gilbertson
Address		City		State	WA
DOB	05/08/98	Race	White	Gender	Male
Height		Weight			
Driver's License #		Driver's License Date of Expiration			

Subject Injury

Injured?	No
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Arrest

Arrested	No
Why Not Arrested?	Pursuit not allowed per policy
State Statutes	

State Statutes	Felony	Misdemeanor	Infraction	Warrant	Other
46.61.024 ATTEMPTING TO ELUDE PURSUING POLICE VEHICLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Vehicle Information

Vehicle Type	Car	Vehicle Make	Honda	Vehicle Model	Accord
Vehicle Year	1996	Vehicle Tag	CAC5508	Vehicle State	WA

Vehicle Damage

Damage to Vehicle?	No	Damage Type		Approximate Amount	
Vehicle Towed?	No				

Narrative**Supervisor Summary**

I reviewed the elude referenced in this case. I looked at the body cam and dashcam footage. Below is a synopsis of the event and my findings.

Officer Donnelly was working a traffic emphasis and he attempted traffic stop on a vehicle with a smashed windshield and no front bumper. The vehicle was eastbound on Burwell St and made a right turn onto Pacific Ave in the ferry lane. As the vehicle approached the tool booth with Officer Donnelly behind it and his emergency lights activated it did a U-turn and fled northbound in the southbound only one-way section of Pacific Ave. The vehicle just about hit a truck head on which was driving southbound. Due to the foot traffic in the area, Officer Donnelly followed the vehicle to warn pedestrians and other drivers of the wrong way vehicle with his lights. The only other option would be to go around the block, and it would leave other motorists and pedestrians to deal with a vehicle coming from the "wrong direction". The vehicle continued by going through a red light and almost hitting two pedestrians as it was making a left turn coming the wrong way on Pacific Ave and turning westbound Burwell St. One pedestrian even threw a bottle at the car.

Officer Donnelly made a left turn to follow the vehicle. This was a reasonable and prudent decision due to





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where he was (facing traffic) and it would be the safest choice to make. Officer Donnelly advised Officer Avery the vehicle was coming back toward him. (Officer Avery was in front of the police station spotting cars for the emphasis).

Officer Donnelly provided a description of the vehicle and driver. He observed the vehicle drive westbound in the eastbound inside lane of the travel as it went around the tunnel exit.

At this point Officer Donnelly advised he was no longer trying to stop the vehicle.

In the video, you can see the vehicle gaining distance from Officer Donnelly as he slows down. Two Officers are in front of Officer Donnelly then turn off onto Chester Ave and go westbound on 4th St, appearing to obey the traffic laws.

I heard Captain Plumb come on the radio and request dispatch notify WSP and KCSO of the elude.

Officer Donnelly continues past Park Ave and uses his siren to clear the intersection at Burwell and Warren Ave when an Officer advises the vehicle may be struck in traffic. He then turns right onto State Ave.

BPD policy states:

When a supervisor directs the pursuit to be terminated, officers shall immediately stop following and take the first turn off the suspect's path to get out of the suspect's line of sight. This is to encourage the suspect to slow their escape.

Although no supervisor ever took control of the incident from the radio traffic it may be because the entire elude incident from initiation to where Officer Donnelly advised he was terminating was 32 seconds. I believe 403 (Capt. Plumb) was aware of the issue as he wanted WSP and KCSO notified, and he understood Officer Donnelly was no longer actively trying to stop the vehicle.

In this case, Officer Donnelly did not take the first turn out of the suspect's path as the policy states, however he was no longer pursuing the vehicle and the suspect vehicle was no longer in view as evidenced by his dash camera.

Officer Donnelly had slowed in the area of the tunnel on Burwell St and de-activated his lights. He went past Park Ave, Warren Ave, and Chester Ave, before turning onto State Ave.

Therefore, I find this to be out of policy based on following the vehicle the wrong way up the one way and not making the first turn as the policy requires. I believe Officer Donnelly's intention to warn other vehicles was admirable, but misguided in this situation. His failure to turn off the path was a second violation of the policy. I do not think, as he had de-activated his lights, he intended to continue the pursuit, rather start a search of the area to see if the suspect ditched the car.

Verbal counseling was conducted and noted in the supervisory notes for evaluation.

Officer Ditmer had dash cam video evidence of the vehicle speeding westbound on Burwell St approaching Warren Ave. In the video the vehicle goes past Officer Ditmer as he is turning around in the intersection of Warren Ave and Burwell St. He has his lights and siren on to warn on-coming traffic as it is a very busy intersection and not an expected movement of a vehicle in the intersection. Officer Ditmer does not pursue the vehicle, shuts down his lights and turns off onto Chester Ave. His use of lights and siren was both prudent and expected where he was turning around.

The other Officer I believe may be Officer Avery. He was running the stationary Lidar/Radar for the traffic emphasis. He used his lights to enter the roadway, then turned them off as he approached Chester Ave to turn right. It is acceptable to use the emergency lights to enter the roadway from the BPD parking lot in this





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situation. He did not attempt to pursue the vehicle. There is no dash cam of the incident from that car I am aware of. This may be due to the warm up time if the car was parked. It takes about 90 seconds for the video to come and be able to be activated by the light bar. If it was Officer Avery, his lights were only on about 4 seconds.

Sgt. Tim Garrity #411

Supervisor Review

Reviews

Name	Date
Garrity, Timothy-411	05/06/2022, 8:13 PM
Byers, Todd-407	06/22/2022, 2:14 PM
Davis, Mike-402	06/27/2022, 12:12 PM
Plumb, Randy-403	06/28/2022, 2:59 PM