



PORT ORCHARD POLICE DEPARTMENT
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POLICY REVIEW – IR# 21-012

DATE: April 23, 2021

IR# 21-012

SUBJECT: Pursuit D21-000760

BY: *Andy Brandon*
Andy Brandon, *Sergeant*

REQUIRED REPORTING – POPD [PURSUIT POLICY 307]

Date/Time: April 23, 2021 @ 1144 hrs.

Length of Pursuit: 5.1 miles

Involved Units/Officers: M. Bell, B. Schaibly, A. Walton

Initial Reason for the Pursuit: Reported Robbery

Starting Point: SE Lund Ave at Bethel Ave

Termination Point: Se Lund West of Jackson Ave

Disposition: Pursuit was terminated by supervisor

Injuries/Property Damage: None

Medical Treatment: None

Supervisor: Sgt A. Brandon

Preliminary Determination: No Policy Violation

Additional Review/Investigation Needed: None

Related Reports: D21-000760



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APPLICABLE POLICY SECTION(S):

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects (RCW 43.101.226(3)).

Attempting to Elude - Refers to the actions of a vehicle operator who after being given a visual or audible signal to bring the vehicle to a stop fails or refuses to immediately stop the vehicle and drives in a reckless manner while attempting to elude a uniformed officer operating a pursuing police vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.2 POLICY

307.3 OFFICER RESPONSIBILITIES

307.3.1 WHEN TO INITIATE A PURSUIT

307.3.2 WHEN TO TERMINATE A PURSUIT

307.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

307.5 PURSUIT DRIVING

307.12 REPORTING REQUIREMENTS



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BACKGROUND:

On April 23rd 2021 at 1139 hours, officers were dispatched to the Starbucks parking lot at 1960 Se Lund Ave for a possible auto theft in progress. It was then updated that people were attacking each other in the parking lot. The suspects were described as being in a red Honda Civic and the vehicle they were attempting to take was a silver BMW.

KCSO Deputy Sergeant Twomey #16 was first to arrive and contact victim Anthony Munoz. POPD Officer Bell came into the area and located the suspect vehicle, WA BYC3787 traveling E/B on Lund. Officer Bell pulled behind the vehicle and activated his emergency lights and the vehicle pulled into the Staples parking lot.

Sergeant Twomey at this time advised over the radio that there was PC for Robbery and that the suspects were in the vehicle Officer Bell was attempting to stop.

The vehicle did not stop for Officer Bell and continued through the Staples parking lot and turned N/B on to Bethel Rd then N/B on to Mitchel Ave. Officer Schaibly was in the area and joined in at this time as the second unit and took over calling out the pursuit. I (Sgt Brandon) advised I was monitoring and would attempt spike strips at Mitchell and Bay. Officer Walton advised she was at South Kitsap High school and would also attempt spike strips. Neither of us were able to get into place prior to the vehicle reaching those locations. Officer Walton then joined the pursuit as the third vehicle.

The pursuit continued E/B on Bay St, S/B on Retsil Rd, continued S/B on Kartcher Rd, Lincoln Ave, McKinley Ave and Harris Ave. The speeds were reported between 30MPH and 50MPH. Attempts to PIT were made but the vehicle would speed up over 40 MPH when officer attempted to get into PIT position. Requests were made by me for assistance in setting up spike strips but nobody was available.

The suspect vehicle ran a stop sign at Harris and Lund, turning E/B on Lund and accelerated to 70 MPH. I was on Lund and observed heavy traffic and advised units to discontinue the pursuit. Officers discontinued the pursuit and the vehicle continued E/B on Lund.

Approximately distance for the pursuit was 5.1 miles and it lasted approximately 5 minutes and 34 seconds. The suspect driver was not apprehended. Two passengers of the vehicle were located and detained and identified the driver as Jordan McFarland Galey. The suspect vehicle was found abandoned in the 2400 block of Red Spruce shortly after the pursuit ended and was called in by a resident of the neighborhood. It was still running and had ammunition in the front passenger seat.

It was later determined that the suspect vehicle had blocked the victims vehicle in the Walmart parking lot and 3-4 persons exited the vehicle and began threatening Munoz. Fearing for his



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safety, he reversed out of his parking spot, colliding with the suspect vehicle and fled. The suspect vehicle chased Munoz around the city and county until he pulled into the Starbucks parking lot with a blown-out tire.

Multiple subjects exited the vehicle and attempted to assault Munoz and Munoz fled into the Starbucks store. The suspects then entered Munoz's vehicle and took keys and possibly other items from his vehicle and fled just prior to the arrival of Sergeant Twomey.

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. I also interviewed the Officers involved.

Upon observing the suspect vehicle, Officer Bell attempted to stop the vehicle at Lund and Bethel. Sergeant Twomey who was with the victim stated that there was PC for Robbery, a BARRK Felony for the subjects in the vehicle. When the vehicle fled, Officer Bell began the pursuit, in a marked patrol vehicle in his patrol uniform, with his emergency lights activated and sirens activated. He advised his location, road conditions and speed, along with how many occupants were in the vehicle and descriptions when he was able to.

Officer Schaibly joined second in the pursuit and took over radio. He too advised speeds, conditions and traffic during the pursuit. When Officer Schaibly lost sight of Officer Bell and the suspect vehicle, Officer Bell took back over radio control until Officer Schaibly was able to catch back up and again took control of the radio.

Officers tried to deploy stop sticks and utilize the PIT maneuver early in the pursuit in an attempt to safely end the pursuit quickly. Officers were not able to get into a safe position to deploy the stop sticks. The suspect counter maneuvered the officers attempt to safely utilize the PIT maneuver.

Upon the vehicle reaching a populated area and reached high speeds, the pursuit was terminated. All officers pulled over and discontinued the pursuit.

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".

In this case, the initial factors are compelling to continue the pursuit and were justified. The pursuit lasted for 5 minutes and 34 seconds and covered 5.1 miles at which time Officers were advised by me to terminate the pursuit and they did.



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CONCLUSION

It is my opinion that based upon the totality of the events and what was known at the time, the officers involved actions in this incident are within the policy of this department.

RECOMMENDATION:

None