

**Narrative / Investigation**

On 02-06-2024 I was assigned as the day shift corporal, wearing the patrol uniform, and driving a marked police vehicle. I recorded this incident on my body worn camera, pausing recording to have discussions with medics and court personnel.

At approximately 1500 hours, I responded to the intersection of HWY 305 and Day RD with Ofc. B. MILLER and Ofc. N. QUINN, after a 911 caller reported a pickup truck had crashed into a ditch on the west side of the highway.

On arrival I found the truck, a Toyota Tundra, WA Temp [REDACTED] in a field on private property off the west side of the highway. The truck was undamaged, except for a passenger's side window that BIFD medics broke to provide emergency care to the driver, [REDACTED]. The truck did not collide with any objects, damage any property, and tire tracks left on scene indicated it slowly drove off the highway into the field.

Both front doors to the truck were open before my arrival. In the driver's side floorboard I observed a butane torch style lighter commonly used to smoke various narcotics. On the passenger's seat I observed a glass bowl style pipe I recognized as being commonly used to smoke cannabis. In the cup holders between the front seats I observed two alcoholic hard seltzer malt beverages, one being a White Claw brand beverage, and the other being a Beast brand beverage. Both cans indicated they contained alcohol. I recognized these items and potential use from my training and experience as a law enforcement officer, investigating numerous cases involving narcotics use, possession, distribution, and impaired driving.

Lt. Johnson from the Bainbridge Island Fire Department (BIFD) informed me that when they had arrived at the accident scene, which happened close enough to Fire Station 23 that they heard the collision, they had found the glass bowl pipe in [REDACTED]'s hands.

Ofc. MILLER and Ofc. QUINN interviewed [REDACTED] inside of a BIFD ambulance. Ofc. MILLER explained that he did what field sobriety tests were possible with [REDACTED] seated in the ambulance. Ofc. MILLER said he did not detect evidence of impairment when [REDACTED] took the field sobriety tests. [REDACTED] consented to a Preliminary Breath Test, and Ofc. MILLER explained the test returned .000 indicating no presence of alcohol in [REDACTED]'s system. Ofc. MILLER requested a Drug Recognition Expert respond if available through CENCOM dispatch, and CENCOM informed us there was not a DRE available to respond to evaluate [REDACTED] currently. The next available DREs would not be on duty for some time, and would be responding from Gray's Harbor.

Ofc. MILLER explained that [REDACTED] stated he had just "blacked out" and that he had experienced a sudden

loss of consciousness approximately one month prior. Ofc. MILLER spoke to [REDACTED]'s wife by phone, and she confirmed that [REDACTED] had experienced another black out recently.

Considering what I had discovered inside of [REDACTED]'s vehicle, I contacted the on-duty prosecutor for the Kitsap County Prosecutor's Office. The DPA on call advised that with [REDACTED]'s performance on the field sobriety tests, the facts of this incident did not rise to the level of probable cause to arrest [REDACTED] for DUI, or to obtain a warrant for [REDACTED]'s blood. The DPA advised we could see if [REDACTED] would consent to a voluntary blood draw, but that was our only other available investigative option. [REDACTED] did not consent to a blood draw when Ofc. MILLER requested one.

I spoke briefly BIFD Paramedic Turnbull, and explained that we would be discontinuing our criminal investigation. Paramedic Turnbull explained that when they located [REDACTED] he was in a significant state of hypoxia, had a very low oxygen saturation level (52%), and was blue in color. This would suggest that [REDACTED] had a depressed respiration rate leading to difficulty breathing. BIFD medics stated that they believed it was imperative that [REDACTED] go to the hospital for an evaluation by ambulance, so that if his condition deteriorated before he arrived at the hospital they could keep him alive.

I spoke with [REDACTED] to explain that he needed to go by ambulance to the hospital. [REDACTED] repeatedly argued against being transported, despite me explaining numerous times his condition was severe enough that he could die without immediate care if he traveled to the hospital not by ambulance. [REDACTED] eventually relented after his wife and father-in-law arrived on scene.

[REDACTED]'s father-in-law drove [REDACTED]'s vehicle back onto the roadway and drove it home. BIFD transported [REDACTED] by ambulance to St. Michael's Medical Center in Silverdale.

I photographed the scene and [REDACTED]'s truck, I have submitted those images to Evidence.com. Ofc. MILLER spoke to a WSP Trooper due to [REDACTED] having a CDL. WSP advised to submit a driver's license retest form so they could review [REDACTED]'s CDL status, as [REDACTED] having a medical condition causing him to suddenly blackout presents an extreme risk if Tyler is driving a commercial vehicle.

I am not completing a SECTOR report for this incident as there was no collision or damage, and [REDACTED] simply drove off the roadway.