

## KITSAP COUNTY SHERIFF'S OFFICE INCIDENT/INVESTIGATION REPORT

Arrest Made/Citation Issued

Dispatched: 20:04  
Arrived: 20:25  
Cleared: 21:58

Date/Time Reported: 05/09/2020 20:04

ORI: WA0180000

Case Number: K20-003915

### Notes/Narrative

On 5/9/2020 at approx. 2004 hrs. I was working patrol for the Kitsap County Sheriff's Office in my fully marked patrol car and uniform. I was dispatched to a single vehicle collision into a ditch with a possibly injury located in the 2500 block of Lake Tahuyeh Lake Rd NW in Bremerton, WA. The vehicle was a silver 2003 Honda Civic hatchback LIC/ WA AYJ3680 registered to AUSTIN KELLER at 2009 Magnuson Way Apt. 1 in Bremerton, WA.

I responded to the scene and noticed the vehicle approx. 25 feet into the ditch with heavy damage. I contacted the driver, AUSTIN, who was being treated by medics at the scene. AUSTIN was sitting on the back of the fire truck with some dry blood on his T-shirt holding some gauze to the right side of his head, above his ear. AUSTIN appeared to be okay and was walking and talking normally with the medics. I got AUSTIN's information from him and he told me he was on his way home from his mother's house on Lake Tahuyeh. AUSTIN had some of his friend there that had drove by and stopped after seeing him crash. AUSTIN mom was also on scene, she had rushed from the house after hearing he was involved in a collision.

The medics on scene cleared him from any further medical attention and advised he would not need to go to the hospital via the ambulance. I asked the medics on scene if they sense any sort of impairment and they told me they did not.

Initially when I spoke with AUSTIN, I didn't notice any impairment but when I got closer to him I could smell the odor of intoxicants. I asked AUSTIN if he had anything to drink today and he hesitated but told me he had not. I asked AUSTIN if he would be willing to perform some field sobriety tests and he stated he would. The fire truck on scene was blocking the road and I performed my field sobriety tests facing away from the flashing lights. It was still light outside, so I did not notice any flashing from the emergency lights.

I had AUSTIN stand on the shoulder of the road which was straight and level. I asked AUSTIN if there was anything medically wrong with his eyes and he told me there was not. I asked AUSTIN if he wore contacts or glasses and he told me he did not.

I first administered the horizontal gaze nystagmus test and received 6/6 clues with a lack of smooth pursuit, distinct and sustained nystagmus at maximum deviation, and nystagmus prior to 45 degrees. I was surprised to see so many clues of impairment because he was walking and talking so normally.

I then administered the walk and turn test and received 1/8 clues. AUSTIN was able to follow instructions well and completed the test in sandals. The only clue I received was when AUSTIN missed heel to toe contact by approx. 3 inches during his second step on his first nine steps and his second nine steps.

I then administered the one leg stand test and received 0/4 clues. AUSTIN was able to follow instruction correctly and balance well during the one leg stand test. I then asked AUSTIN if he would be willing to provide a break sample in a PBT and he stated he would.

Because of AUSTIN's performance I began to think that he may just have a natural nystagmus in his eyes but when I

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used the PBT he returned with a result of 0.132 g/100mL. With this result I placed AUSTIN into custody for DUI and read him his Miranda warnings from my department issued card. I placed AUSTIN into handcuffs, checking for proper fit and double locking them.

I then transported AUSTIN to the KCSO central office where I administered the Draeger test. On the way to the office AUSTIN admitted to drinking at the lake for his girlfriends 21st birthday but didn't think he was doing anything wrong when driving. AUSTIN remembered the collision, he stated he was turning the corner and lost control. AUSTIN over corrected and ended up in the ditch.

### Draeger Test Results:

Sample One IR Result: 0.117  
ER Result: 0.116

Sample Two IR Result: 0.117  
ER Result: 0.116

After the Draeger test I transported AUSTIN to Harrison hospital in Silverdale to be treated for his injuries. After a triple I ran on AUSTIN I confirmed he had not been arrested for DUI before. Because of the long waits at the hospital with COVID-19 I decided release AUSTIN from my custody at the hospital and clear the scene. I provided AUSTIN the necessary paperwork with the case number attached.

I turned the Washington State DUI Arrest Report into the Central office after emailing it to DOL.

FORWARD TO PROSECUTOR

T. JUSTIN #138

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Approved By: (20) DICKSON, SCOTT P Approved On: 05/10/2020 01:33:55

(Signature, Date) (138) JUSTIN, TANNER D  
KITSAP COUNTY, WA