

KITTITAS COUNTY
Board of County Commissioners

AGENDA STAFF REPORT

AGENDA DATE: July 1st, 2014

ACTION REQUESTED: Deny Claim for Damages from Ronald and Edna Slater
(#201405020044)

BACKGROUND: On April 30, 2014, Kittitas County Sheriff's Office (KCSO) officers pursued a vehicle suspected of criminal trespass and DUI. KCSO officers attempted to conduct a stop of the vehicle using their emergency lights and sirens. The vehicle did not stop and continued driving erratically, swerving, and driving in oncoming lanes. On Vantage Highway, the suspect drove over spike strips setup by KCSO officers that punctured one of the vehicles tires, but the driver continued. Due to the dangerous and erratic driving of the vehicle and its approach to areas of more traffic and residences, KCSO officers performed a precision immobilization technique or "PIT" maneuver to stop the vehicle. After the PIT was performed, the vehicle stopped off the roadway after breaking through a barbed wire fence.

INTERACTION: Claimant filed a claim for damages with the County, alleging \$1,500.00 in damages for replacement of the fence. The claim did not include formal estimate or repair bills, but states that the "(w)ork requires two days of fence labor + reconstruction + new wire and two workers".

The Prosecutors office requested additional information from the KCSO, which was received. The KCSO recommends denial of this claim, as the damage to the fence was caused by the driver of the suspect vehicle involved in a felony pursuit.

The Prosecutors office concurs with the KCSO recommendation for denial of this claim. Under the circumstances, the pursuing KCSO personnel had a duty to halt the vehicle, and exercised reasonable care in stopping the vehicle with due regard for the safety of all persons given the seriousness of the offense, the risks created by the pursuit, and the potential consequences of allowing the driver to continue driving. Moreover, the proximate cause for damage to the claimant's fence was the driver of the vehicle, whose negligent acts serve as a superseding, intervening cause to KCSO liability. Further, compensation for claimant's damage is best made through the criminal restitution process, as the property damage at issue here would not have occurred but for the drivers' failure or refusal to immediately bring the vehicle to a stop and continuing to drive the vehicle in a reckless manner while attempting to elude law enforcement.

RECOMMENDATION: Deny paying the claim as requested.

ATTACHMENTS: Claim of Ronald and Edna Slater
Written response to claim by KCSO

LEAD STAFF: Michael P. Nigrey, Deputy Prosecuting Attorney