

https://www.bendbulletin.com/localstate/police-officer-violated-policy-in-bend-doughnut-shop-crash/article_4dff4fa8-a562-5d23-ba73-3a629a0ffe85.html

Police: officer violated policy in Bend doughnut shop crash

Chief says it was one mistake in an otherwise exemplary career

By Aubrey Wieber
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Andy Tullis / The Bulletin file photo In March, a Bend Police patrol car driven by Cpl. Robert Emerson smashed into the Dough Nut Midtown shop at NE Eighth Street and Greenwood. Emerson was cited for failing to obey a traffic control device and fined \$260.

An Oregon State Police investigation shows Bend Police Department Cpl. Robert Emerson violated department policy by illegally running a red light, leading to him hitting a truck, pedestrian and doughnut shop in March.

Emerson was cited by OSP for running the light, and was also found to have not been wearing his seat belt at the time. Emerson was injured significantly, and has since been disciplined by Bend PD.

Bend Police Chief Jim Porter said Emerson failed to exercise proper caution for public safety while responding to the call.

“Our investigation found that he was in violation of our vehicle operation policies,” Porter said. “Furthermore, a circuit court judge found that he violated state law. So there’s no doubt that on that day he was in violation of policy and state law, and that he made a mistake. There is absolutely no doubt about that.”

However, Porter said while Emerson made a mistake, he has otherwise been an exemplary cop, with eight citizen commendations and 10 internal commendations over his 13-year career. Porter said this is Emerson’s only violation, and it occurred while he was trying to keep the community safe.

“In his zeal to apprehend suspects he could have been more alert to his situation,” Porter said. “His intent was to try and arrest felons, not to try and better a personal agenda.”

The crash occurred at 6:52 a.m. March 5 at the Greenwood Avenue and Eighth Street intersection in Bend. Emerson had been on duty since 6 a.m., and was the supervisor of four other on-duty officers. A report came in for a stolen vehicle that had fled police and was driving on the train tracks. In a written statement Emerson gave to OSP, he said he believed this was an impaired driver, and he wanted to get in front of the vehicle to deploy spike strips.

Data from Emerson's squad car computer show he was traveling 66 mph in a 35 mph zone with lights and sirens on 1.5 seconds before he T-boned a green 1997 Chevrolet truck driven by Eric Olson. At the point of impact, he had slowed to 47 mph. Emerson wrote in his statement to OSP that after hitting Olson, he was thrown to the passenger's seat, and could not access the brake pedal. His vehicle then moved in a southwest trajectory and struck a pedestrian, Brian Zacher, before hitting the Dough Nut doughnut shop.

Zacher was in town for National Guard training and he and Ambrosio Rafael Siller were going for an early morning run up Pilot Butte. In an interview after the crash, Siller said Zacher was knocked to the ground and had trouble breathing. He said Zacher was "out" for two to three minutes. Afterward, Zacher told investigators he didn't remember the collision.

Witness Todd Wells told investigators the scene was something out of a show. "The best way I can describe what happened is 'Wildest Police Chases,'" he said.

Both Emerson and Zacher were seriously injured and transported to St. Charles Bend. OSP redacted injury information for both, saying publishing Emerson's injury sustained in March could allow criminals to target the injured area. OSP said releasing Zacher's injury would be an unreasonable invasion of his privacy. Efforts to reach Zacher at his home in Tualatin and his workplace were unsuccessful.

Due to personnel laws, Porter would not disclose Emerson's injury, but said it was likely caused or worsened due to him not wearing a seat belt, and it caused him to miss work for a "significant amount of time." Porter said he does not know if the injury continues to impact Emerson, but he has returned to duty.

Emerson declined to comment.

While OSP conducted an investigation, the report did not include a conclusion explaining what missteps took place and deferred to the Deschutes County District Attorney's Office for review for possible criminal charges. District Attorney John Hummel said his office doesn't deal with traffic citations, such as Emerson's citation for not wearing a seat belt, but he did not believe a crime was committed.

Emerson was convicted of his traffic signal violation in July, and has since filed an appeal to the decision. Porter said appealing is Emerson's personal right, and the department has no stance on the decision.

OSP investigators never interviewed Emerson regarding the crash. Investigator Jason Hansen did go to see Emerson in the hospital, but Emerson said he was on pain medication, and would rather do the interview in the next couple days. In lieu of the interview, OSP accepted a written statement Emerson submitted March 16 detailing his account of the event.

While Porter was unequivocal in saying Emerson did not properly account for public safety in responding to the call, a subsequent internal investigation found that Bend PD is better with Emerson than without him, he said. Porter said Emerson's intent was to apprehend a possibly dangerous criminal, and as a 13-year veteran, Bend PD had invested a lot in Emerson. In addition, Porter said he was impressed with how Emerson took ownership of his mistake.

“He volunteered to go to every officer in the department and provide them with training on how not to do that,” Porter said. “You think about that. He's going to stand in front of 94 of his peers and say, ‘I made this mistake; you don't do it.’”

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