

**LAW ENFORCEMENT EMPLOYEE-INVOLVED FATAL
INCIDENT REPORT**



Employer Agency: Sonoma County Sheriff's Department

Investigating Agency: California Highway Patrol

Decedent: Keila Medina Verdusco

Date of Incident: 2/28/15

Report Prepared by:

SONOMA COUNTY DISTRICT ATTORNEY

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I. INTRODUCTION

On February 28, 2015, Keila Medina Verduco died as a result of a solo motor vehicle collision which occurred when she exited highway 101, traveling southbound at Hearn Avenue at a high rate of speed to evade a traffic stop by law enforcement for excessive speed. Due to the attempted traffic stop, California Highway Patrol was called in to conduct the investigation regarding the solo motor vehicle collision according to the established protocol. The purpose of this protocol is to set forth procedures and guidelines to be used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. Under this protocol, in order to eliminate the risk or appearance of conflicts of interest, an outside law enforcement agency is to investigate law enforcement employee-involved fatalities. Accordingly, members of the California Highway Patrol (CHP) assumed responsibility for the investigation of the solo vehicle collision.

The role of the Sonoma County District Attorney's Office in a law enforcement employee-involved fatal incident is to review the investigation to determine if there exists any criminal liability on the part of the law enforcement employee; to provide assistance to the investigating agency regarding legal issues; to supplement the investigation when necessary; and, when appropriate, prosecute those persons believed to have violated the criminal law.

Once the investigation is complete, the District Attorney is required to complete a thorough review of the investigation and prepare a report summarizing the investigation and documenting her conclusions. A copy of this report is to be submitted to the foreman of the Sonoma County Grand Jury. The following report has been prepared by the Sonoma County District Attorney. It includes a summary of facts surrounding the death of Keila Medina Verduco, specific conclusions, and a report of autopsy.

II. SCOPE OF REVIEW

The sole purpose of this criminal investigation and review is to establish the presence or absence of any criminal liability on the part of the involved law enforcement employee(s).

III. STANDARD OF REVIEW

The District Attorney, as the chief law enforcement official of Sonoma County, and as the person responsible for deciding what cases to prosecute within this jurisdiction, has the responsibility to review and approve the filing of all criminal cases. The discretion to exercise this function, i.e. to charge a person with a crime, is not without limit.

The standard to be applied by the District Attorney in filing criminal charges is accurately expressed in a publication of the California District Attorneys Association entitled, *Uniform*

Crime Charging Standards.¹ It provides:

The prosecutor should consider the probability of conviction by an objective fact-finder hearing the admissible evidence. The admissible evidence should be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact-finder after hearing all the evidence available to the prosecutor at the time of charging and after hearing the most plausible, reasonably foreseeable defense that could be raised under the evidence presented to the prosecutor.

Additional restraint on the charging authority is found in *The California Rules of Professional Conduct, Rule 5-110*, which provides that an attorney in government service (this definition includes prosecutors) shall not institute or cause to be instituted criminal charges when the member knows or should know that the charges are not supported by probable cause.

Simply put, the standard for charging a crime is high because the burden of proof required at trial is quite high, i.e. proof beyond a reasonable doubt: the highest burden of proof under the law.

IV. SUMMARY OF FACTS

The following is a summary of facts intended to assist the reader in understanding this report and its conclusions. It is not a substitute for the reports, interviews, and other evidence from which it is derived. It is, however, an accurate composite of what the District Attorney believes the material facts in this case to be.

Summary of Pursuit

Keila Medina Verduco (hereafter Verduco) was born on June 27, 1997. She died on February 28, 2015, as a result of a solo motor vehicle collision which occurred when she exited highway 101 traveling southbound on Hearn Avenue at a high rate of speed while evading a traffic stop by the Sonoma County Sheriff's Department. She was 17 years old at the time of her death.

On February 28, 2015 at approximately 0120 or 0130, Sonoma County Sheriff Deputy Parks was on patrol in full uniform and driving a marked patrol vehicle equipped with windshield lights, side view mirror lights, rear ambers, flashing LED lights in the headlights and siren. While entering southbound US-101 from the Central Windsor on ramp, he noticed a silver sedan traveling in lane #1. He visually estimated the speed to be between 85-100 mph. Deputy Parks accelerated his vehicle to attempt to catch up to the silver sedan. At this point he did not

¹ California District Attorneys Association, *Uniform Crime Charging Standards* (1996) p. 12.

have any lights or sirens on because the vehicle had pulled substantially ahead of his location. Deputy Parks wanted to get closer before activating his lights and siren. Deputy Parks reached speeds of 100 mph and began to gain on the silver sedan. Deputy Parks estimated the silver sedan was then traveling at over 90 mph and he activated his code 3 (indicates a use of lights and sirens when responding to call or emergency) lights and siren and also advised dispatch he was attempting to overtake a high speed vehicle. Deputy Parks then observed the silver sedan slow momentarily to about 85 mph near Airport Boulevard and he believed the vehicle was going to yield, but instead the vehicle sped up again to over 100 mph as he pulled closer to it. Deputy Parks now advised dispatch there was a failure to yield. The silver sedan continued traveling southbound on US-101 at between 100 and 110 mph while Deputy Park continued to follow with full lights and siren activated. The driver of the silver sedan used the turn signals as it maneuvered between lanes #1 and #2 at high rates of speed. As they got to downtown Santa Rosa area, Deputy Clark joined the pursuit of the silver sedan in the #2 position. Deputy Parks estimated the distance to be 75-100 yards behind the silver sedan while still at 100 mph.

The silver sedan pulled to the far right lane near the Corby Avenue off ramp and almost collided with the wall. Deputy Parks thought the driver may take the off ramp, but instead it continued southbound at a high rate of speed. The silver sedan was traveling approximately 90 mph when it began to take the Hearn Avenue off ramp. Deputy Parks observed the driver try and brake about 150 feet before the turn. The driver was unable to negotiate the turn and collided into the embankment between the off and on ramps. After the collision, Deputy Parks began yelling verbal commands for the driver to show their hands. Deputy Parks saw some movement from the driver and continued yelling verbal commands. After a few moments he did not see any more movement from the driver. When sufficient units arrived on scene, Deputy Parks began to approach the vehicle. Deputy Parks observed a lot of smoke and steam coming from the vehicle. He approached the left rear of the silver sedan and observed a male passenger in the rear of the vehicle. He put away his K9 partner and returned to the vehicle, observing the driver slumped between the steering wheel and driver seat. The driver was extricated and treated by medical personnel but died as a result of her injuries.

Deputy Parks estimated the distance and length of time the pursuit lasted to be about 7-9 miles and 6-7 minutes. Deputy Parks when asked indicated he had assisted in or initiated about 15-20 pursuits throughout his career. He believed the driver knew she was being stopped and intentionally evaded.

Deputy Clark was on duty in full uniform and a marked patrol vehicle on February 28, 2015. His patrol vehicle is equipped with overhead lights, flashing LED lights in the headlights and siren. He was stopped at River Rd. Park and Ride when he heard Deputy Parks' radio broadcast regarding trying to catch up to a high speed vehicle. Deputy Clark pulled onto US-101 southbound at River Rd on ramp and waited a moment. He then saw a sedan pass his location going at least 100 mph. When asked to estimate the distance between the grey car and Deputy Parks car, he indicated about 10-12 car lengths. Deputy Clark activated his code 3 lights and attempted to catch up to Deputy Parks and the sedan. Deputy Clark caught up to the pursuit at

the Mendocino Avenue overcrossing. He positioned his patrol vehicle in lane #1 about 150-200 feet to the rear of Deputy Park's patrol vehicle with his code 3 lights and siren activated. He began calling the pursuit to dispatch and observed the sedan changing lanes. The sedan slowed briefly to 90 mph near College Avenue, but then it accelerated back to 100 – 105 mph. He thought the sedan was going to take Hwy 12 but it continued southbound on US 101 in the #2 lane at 100 mph. Traffic was light and he didn't observe other vehicles on the highway. As the sedan passed Corby Avenue it swerved hard to the right and nearly collided with the wall along the freeway. The sedan continued southbound and the driver attempted to exit on Hearn Avenue at a high rate of speed. The driver did not make the turn on the off ramp and ended up going straight and colliding with the embankment. He ordered the occupants out of the vehicle and observed a little movement, but no one exited. As sufficient units arrived, he approached the vehicle with Deputy Parks and the K9 and contacted the rear back passenger. Clark indicated that he has initiated about 5 pursuits and been involved in about 18 or more pursuits. He indicated he had no doubt the driver of the sedan knew she was being pursued by police.

Summary of Events Prior to the Pursuit

Jane Doe (a minor) was sitting in the front passenger seat of the silver sedan at the time of the collision. At her first interview, Jane Doe stated she spent the night at Verduco's house Thursday night (2/27). On Friday (2/28) she spent the day with Verduco until Verduco's mom returned home from work. Then, they took Verduco's mom to a meeting, picked her up later and drove her home. After that, they went to a party at a friends' house in Ukiah, around 10 pm. While at the party Jane Doe admitted drinking 3 beers, but was unsure if Verduco had anything to drink. At some point they decided to leave the party, along with Samuel Alvarez. Alvarez got into the back (behind the driver seat) and Jane Doe got into the front passenger seat. They put a seat belt on Alvarez and he fell asleep. Jane Doe indicated right before the crash they were driving at a high rate of speed, maybe 90 mph and the music was up loud. Jane Doe noticed cop lights in the rear view mirror before the crash and noticed Verduco appeared panicked. The two did not say anything before Verduco lost control and crashed. The next thing Jane Doe remembers is lying in "pokey" bushes.

Jane Doe was interviewed again later. At her second interview (with her mother and sister present), she stated that she has known Verduco since the 8th grade. She spent Thursday night and Friday during the day at Verduco's house. Later on Friday she and Verduco went out to get some food and later picked up Alvarez (Verduco's boyfriend) from Boonville and went to get food. Throughout the day and evening only Verduco drove the car, with Jane Doe in the front passenger seat and Alvarez in the back. They ended up at a friend of Alvarez's named Eric at around 6:00 pm or 6:30 pm. While at Eric's house they began drinking beer. Jane Doe indicated Eric had two 24 packs of Corona. Jane Doe stated she drank 4 beers between 6:00 pm and 9:30 pm. She estimated that Verduco drank 3 beers or so and wasn't sure how many Alvarez drank. She stated she didn't know where the beer came from, that it was already there when they arrived. She stated her intoxication level as "buzzed". She wasn't sure about the

intoxication level of Verduco but remembered she was mad at Alvarez for being “drunk”.

Verduco, Jane Doe and Alvarez left Eric’s house around 11 pm and were driving southbound on US 101 to go to a friend of Alvarez’ named Francisco. Alvarez was intoxicated and needed help getting into the back seat of the car. Jane Doe again sat in the front passenger seat. She didn’t know who Francisco was or where he lived. She initially indicated Verduco was driving about 100 mph on the freeway. Jane Doe stated she didn’t notice the police lights until she took off her seatbelt and reached behind her into the backseat for her purse and cigarettes. When she turned around she then noticed the lights of the patrol car behind them. She stated she didn’t hear a siren. When asked if she noticed the police lights illuminated the inside of the car at all, she stated they did not. Jane Doe stated the side mirrors and rear view mirror were turned down. She stated they crashed right after she reached behind her for her purse and the next thing she remembered was waking up in the bushes and being treated by medical personnel. At his point, Jane Doe was unaware of Verduco’s death. The officer involved felt that Jane Doe may be withholding information to protect Verduco, as she had not yet been informed of her death. As a result, the officer informed Jane Doe’s mother of the death of Verduco and that is was important that Jane Doe communicate all she remembered of the events prior to the crash. The officer returned about a half hour later to speak to Jane Doe again. Jane Doe was visibly upset and emotional. Jane Doe indicated at this time that Verduco was initially driving about 80 mph down the freeway. They were almost to Santa Rosa when Verduco suddenly began to speed up to about 100 mph. Verduco indicated that the “pigs are chasing us.” Jane Doe turned around and saw police lights approaching. When asked, Jane Doe indicated Verduco was driving 100 mph with police behind her for about 4-5 minutes. She indicated during the pursuit the music was up loud and they weren’t really talking that much. Verduco was changing lanes using her signal and driving about 100 mph and mentioned getting off of an exit so it would be easier to hide from the police. Verduco also said they were “fucked” shortly before they crashed. Jane Doe stated that when she turned around to grab her purse shortly before the crash the police cars were about 3-4 car lengths behind them. When asked why Verduco would try and run from the police, she stated that is was probably because Verduco didn’t have a license.

Samuel Alejandro Alvarez (age 19), was sitting in the back seat behind the drivers’ seat at the time of the collision. According to his statement, he went to work on February 27th around 6:30 am until about 3:30 pm at the Anderson Valley Brewery. After work he returned home where he showered and ate. Verduco picked him up around 4:30 pm. Later he was dropped off by Verduco at his friend, Miguel’s hours near Lake Mendocino. He later ended up at Food Maxx in Ukiah with Jane Doe, Verduco and Eric. He gave Eric \$20 to get beer and Eric went into Food Maxx and brought it. They then went back to the house (Eric’s) and he drank 6-7 beers and smoked marijuana. Alvarez admitted to being intoxicated. He said Verduco didn’t want to stay there anymore because another girl showed up that she didn’t get along with and they left. He remembered getting into the car with Verduco and Jane Doe but didn’t really remember anything afterwards and had no memory of the pursuit or collision.

After the collision the silver sedan came to rest on its wheels facing a southerly direction.

Jane Doe was ejected from the vehicle and came to rest in thick brush south of where the vehicle came to rest. She was removed by paramedics. Alvarez remained inside the vehicle until removed by paramedics. Both Jane Doe and Alvarez suffered injuries as a result of the collision and were transported to Santa Rosa Memorial Hospital for treatment. Verduco remained in the drivers' seat where paramedics pronounced her deceased at around 0137 hours. Verduco was transported to the Sonoma County Coroner's Office by J. Morris Mortuary Service (Coroner Case # 15-0242). The Department of Alcoholic Beverage Control (ABC) conducted a separate investigation into the purchase of alcohol by Eric.

Autopsy

On 3/2/15, a post mortem examination was conducted by Forensic Pathologist Dr. Josselson, a medical doctor certified in the area of forensic pathology. Dr. Josselson found multiple cutaneous abrasions, a tear of the thoracic aorta with left hemothorax, partial collapse of left lung and accessory spleen. In conclusion Dr. Josselson determined the cause of death to be blunt force chest injury due to motor vehicle accident. On 3/27/15 the Sonoma County Coroner's office received the final toxicology report submitted by NMS Labs, which showed 0.17% alcohol level.

V. STATEMENT OF THE LAW

Not applicable to this report, as cause of death was due to a solo vehicle collision caused by the driver evading a traffic stop at high speeds and under the influence of alcohol. As a result, no police conduct and/or use of force directly or indirectly caused the suspect's death.

Sheriff Deputies are peace officers (See Penal Code § 830 et al). As a result they are tasked with certain duties in regards to enforcing laws. When violations of law occur in their presence they have a duty to address those violations. In this case the deputies observed the violation of various vehicle codes relating to speed and eventually evading and reckless driving. For example, it is a violation of Vehicle Code § 22348 – 22366 to exceed certain speeds, and in this case the vehicle is estimated by both the passenger and the deputies of exceeding 90 mph. Both deputies witnessed various violations of law relating to the operation of a vehicle on a US Highway and attempted to make an enforcement stop on the vehicle. The driver of that vehicle chose instead to evade that enforcement stop for reasons we may never know, but her passenger and friend guessed it was due to her drivers' license status. As a result of that evasion, the collision that caused her death occurred.

VI. CONCLUSION

As indicated above, the deputies as peace officers in the State of California have certain duties in regards to the enforcement of laws. In this case they were carrying out that duty in their attempt to stop a vehicle for traveling at a very high rate of speed on a public highway. The driver instead chose to evade that stop and continued to drive at excessive speeds, make lane changes and eventually attempted to exit the highway at a high rate of speed. As a result of evading the enforcement stop, the collision occurred and thus there was no use of lethal force by any of the involved officers, and there is no basis for any criminal charges.

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