### **Connie Small**

From:

noreply@civicplus.com

Sent:

Thursday, March 23, 2017 2:05 PM

To:

**PDRecords** 

Subject:

Online Form Submittal: E-mail The Police Records Unit

# E-mail The Police Records Unit

To contact the Records Unit, please fill out the information below. Items marked with a red \* are required.

First Name:

Lori

Last Name:

Halstead

E-mail Address:

4b

Phone Number:

Your Message:

I would like to request a copy of the police report for Case #16-B09381. I have the Police Traffic Collision Report and am requesting the entire police investigation. Please do not send photos. This agency, Utilities and Transportation Commission, Rail Safety, investigates serious injury and fatality incidents that involve railroads. I appreciate your help.

Email not displaying correctly? View it in your browser.

12/20/16 16:05

### BURLINGTON POLICE DEPARTMENT LAW Incident Table:

Page:

887

Incident

Incident Number: 16-B09381 Nature: TRAIN VEH

Case Number: Image:

Address= 531 GREENLEAF AVE ; RR TRACKS

City: BURLINGTON State: WA ZIP: 98233 Area: RCBSE BPD AREA- SOUT Contact: TYLER

Complainant

Numbr:

Last: Fst: Mid:

DOB: SSN: Adr:

Race: Sx: Tel: Cty: ST: ZIP:

Details

Offense Codes: TAFA Reported: Observed:

Circumstances:

Rspndg Officers: PAYNE P WILSON S HOFKAMP T

Rspnsbl Officer: PAYNE P Agency: BPD CAD Call ID: C16121569 Received By: JONELI A Last RadLog: 02:01:34 11/21/16

How Received: 9 911 CALL Clearance:

When Reported: 20:51:30 11/20/16 Disposition: INA Disp Date: 12/12/16

Occurrd between: 20:50:53 11/20/16 and: 20:50:57 11/20/16 Judicial Sts:

Misc Entry: PHOTOS

MO:

Narrative

Narrative: See completed report E614186

Supplement: (See below) (See below)

INVOLVEMENTS: Type Record # Date Description Relationship NELSON, CHRISTOPHER SCOTT 117362 MK WITNESS ENOS, CALE E NM 146964 WITNESS MM 385897 AMTRAK, INVOLVED MM 576779 VANDERFANGE, ERIK INVOLVED BROWN, JASON PATRICK 60961 NM INVOLVED POHREN, ZACHARY ALAN MN 348082 DECEASED MARQUEZ, LETICIA REGINA 466264 MM INVOLVED 479170 SECOR, PHILIP JOHN MM WITNESS MM 558034 DAVIS, BRAD W INVOLVED BEHLA, SUZANNE DEE INVOLVED MM 576728 AC

16-B221 11/20/16 Accident \*Related Incident

271599 BLK 2000 JEEP CHEROKEE WA VH VICTIM VH

```
GRY 1994 FORD EXPLORER WA
                                                              INVOLVED/DAMAGED
VH
       330424
                11/20/16
                            20:51 11/20/16 TRAIN VEH
CA
    C16121569
                                                             *Initiating Call
                                                              16497-1/PAYNE
PR
       568862
                            DISC PHOTOS $0
PR
       568863
                            DISC ALL WSP CASE INFO
                                                              16497-2/PAYNE
PR
       567747
                            BOTTLE SMIRNOFF VODKA BOTTL $0
                                                              17421-1/LEWIS
PR
       567748
                            PILLS UNMARKED RED $0
                                                              17421-2/LEWIS
PR
       567848
                            GUN REMINGTON SHOTGUN
                                                    $0
                                                              16434-1/PAYNE
       567851
                                                              16434-2/PAYNE
PR
                            GUN PARTS/SUPP SHOTGUN SHEL $0
PR
       567852
                            GUN PARTS/SUPP RIFLE ROUNDS $0
                                                              16434-3/PAYNE
PR
       567853
                            PILLS RED $0
                                                              16434-4/PRD
PR
       567854
                            BLK BACKPACK $0
                                                              16434-5/RTO
PR
       567855
                            CAMP EQUIP GREEN COT
                                                              16434-6/RTO
PR
                            CAMP EQUIP DECOY DUCKS $0
                                                              16434-7/RTO
       567856
PR
                            CAMP EQUIP COOLER $0
                                                              16434-8/RTO
       567857
PR
                            CAMP EQUIP DUCK CALLERS
                                                              16434-9/RTO
       567858
PR
                            MISC PERSONAL ITEMS $0
                                                              16434-10/RTO
       567859
PR
       567860
                            CLOTHING MISC $0
                                                              16434-11/RTO
       567861
                            SPORTS EQUIP FOOTBALL/FRISB $0
                                                              16434-12/RTO
PR
```

### LAW Incident Offenses Detail:

Offense Codes

Seq Code Amount
1 TAFA Traffic Accident, Fatal 0.00

## LAW Incident Responders Detail

Responding Officers
Seg Name Unit

) Eq	Manic	OILL
1	PAYNE P	H23
2	WILSON S	H11
3	HOFKAMP T	H5
4	JUTTE J	H18
5	KRAMER J	Н6
6	DODDS R	H10
7	TEWTS P	H25

X //	D - 11 -	T	Table:	
חוד הויו	RACTO	Lina	Table:	

Time/Date	Тур	Unit	Code	Zone	Agnc	Description
02:01:34 11/21/16	1,	H23	CMPLT	CB	BPD	incid#=16-B09381 COMPLETED CAL
02:01:34 11/21/16	1	H25	CMPLT	CB	BPD	incid#=16-B09381 COMPLETED CAL
01:59:31 11/21/16	1	H10	CMPLT	CB	BPD	
01:59:31 11/21/16	1	н6	CMPLT	CB	BPD	
01:54:38 11/21/16	1	H10	1	CB	BPD	ADV NO PENDING
01:54:34 11/21/16	1	H10	1	CB	BPD	PENDING?
01:50:39 11/21/16 1	1	H25	ARRVD	CB	BPD	incid#=16-B09381 RR OFF AVON c
01:27:31 11/21/16	1	H10	S4	CB	BPD	
01:27:31 11/21/16	1	H25	S4	CB	BPD	
01:25:58 11/21/16 1	1	H6	1	CB	BPD	THE VEH WAS PICKED UP BY TOW A
00:58:26 11/21/16	1	H11	CMPLT	CB	BPD	
00:30:56 11/21/16 1	1,	H25	ARRVD	CB	BPD	incid#=16-B09381 ARRIVED ON SC
00:18:55 11/21/16 1	L	H11	1	CB	BPD	ADV PETERS TOW
00:15:55 11/21/16 1	L	H11	1	CB	BPD	VEH IS IN SEVERAL PIECES NEED

```
Time/Date
                      Typ Unit
                                  Code
                                              Agnc Description
                                        Zone
 00:07:18 11/21/16
                          H25
                                  ARRVD CB
                                              BPD
                                                    incid#=16-B09381 RR OFF AVON c
 00:01:43 11/21/16
                          H25
                                  ARRVD CB
                                              BPD
                                                    c = 2381
 00:01:23 11/21/16
                          H10
                                  ARRVD CB
                                              BPD
                                                    c = 2381
23:27:25 11/20/16
                          H11
                                        CB
                                              BPD
                                                    NO CHECKS
23:27:11 11/20/16
                          H11
                                  S4
                                        CB
                                              BPD
                                                    incid#=16-B09381 NO PROBLEM ca
23:27:11 11/20/16
                          H23
                                  S4
                                        CB
                                              BPD
                                                    incid#=16-B09381 NO PROBLEM ca
23:27:11 11/20/16
                                                    incid#=16-B09381 NO PROBLEM ca
                          H6
                                  S4
                                        CB
                                              BPD
22:59:41 11/20/16
                          H10
                                  CMPLT CB
                                              BPD
22:53:38 11/20/16
                          H5
                                  CMPLT CB
                                              BPD
22:52:52 11/20/16
                          H10
                                  ARRVD CB
                                              BPD
                                                    c = 2381
22:50:59 11/20/16
                          H11
                                        CB
                                              BPD
                                                    case gvn
22:50:00 11/20/16
                          H18
                                  CMPLT CB
                                              BPD
22:40:52 11/20/16
                      1
                          H18
                                        CB
                                              BPD
                                                    case qvn
22:36:56 11/20/16
                          H6
                                 ARRVD CB
                                              BPD
                                                    c = 2381
22:25:32 11/20/16
                          H18
                                  S4
                                        CB
                                              BPD
22:25:28 11/20/16
                          H11
                                        CB
                                              BPD
                                                    female was walking towards the
22:14:15 11/20/16
                          H11
                                 S4
                                        CB
                                              BPD
                                                    incid#=16-B09381 NO PROBLEM ca
22:14:15 11/20/16
                          H18
                                 S4
                                        CB
                                              BPD
                                                    incid#=16-B09381 NO PROBLEM ca
22:14:15 11/20/16
                          H23
                                 S4
                                        CB
                                              BPD
                                                    incid#=16-B09381 NO PROBLEM ca
22:14:15 11/20/16
                      1
                          H5
                                 S4
                                        CB
                                              BPD
                                                    incid#=16-B09381 NO PROBLEM ca
22:06:08 11/20/16
                          H23
                                 CMPLT CB
                                              BPD
22:02:50 11/20/16
                          1811
                                 CMPLT BFD
                                              BFD
                                 CMPLT BFD
22:02:50 11/20/16
                          1819
                                              BFD
21:58:45 11/20/16
                     I
                          H18
                                        CB
                                              BPD
                                                   case gvn
21:48:55 11/20/16
                     1
                          H11
                                 S4
                                        CB
                                              BPD
                                                    incid#=16-B09381 NO PROBLEM ca
21:48:55 11/20/16
                     1
                          H18
                                 S4
                                        CB
                                              BPD
                                                    incid#=16-B09381 NO PROBLEM ca
21:48:55 11/20/16
                     1
                          H23
                                 $4
                                        CB
                                              BPD
                                                   incid#=16-B09381 NO PROBLEM ca
21:48:55 11/20/16
                     1
                          H5
                                 S4
                                        CB
                                              BPD
                                                   incid#=16-B09381 NO PROBLEM ca
21:43:00 11/20/16
                     f
                          603
                                 CMPLT BFD
                                              FD06
21:40:05 11/20/16
                     f
                          602
                                 CMPLT BFD
                                              FD06
21:39:30 11/20/16
                     1
                          H5
                                 1
                                        CB
                                              BPD
                                                   no one avail
21:39:26 11/20/16
                     1
                          H23
                                 1
                                        CB
                                              BPD
                                                   train blocking rd on sr 20 and
21:34:22 11/20/16
                     1
                          H5
                                 1
                                        CB
                                              BPD
                                                   updated
21:32:40 11/20/16
                     1
                          H5
                                 1
                                        CB
                                              BPD
                                                   east side of crossing on green
21:31:02 11/20/16
                     1
                          H5
                                 1
                                        CB
                                              BPD
                                                   STATE DEM CALLED TO ADVISE THE
21:24:33 11/20/16
                     f
                          M4
                                 HOSP
                                       BFD
                                              SMO
                                                    (MDC) Completed call incid#=16
21:24:32 11/20/16
                     1
                          H11
                                 VHINQ CB
                                              BPD
                                                   p1=AFA4412
21:18:41 11/20/16
                     1
                          H23
                                        CB
                                              BPD
                                                   TO 5
21:17:16 11/20/16
                     f
                          617
                                 CMPLT BFD
                                              FD06
21:17:12 11/20/16
                     f
                                 CMPLT BFD
                         MSO1
                                              SMO
                                                    (MDC) Completed call incid#=16
21:16:20 11/20/16
                     1
                         H5
                                 7
                                       CB
                                              BPD
                                                   ADV WSP SEE IF THEIR TOTAL STA
21:15:30 11/20/16
                     f
                         M4
                                 ENRT
                                       BFD
                                              SMO
                                                   incid#=16SM09417 SKAGIT call=2
21:12:46 11/20/16
                     1
                                                   WSP ADVISED THAT TRAIN IS BLOC
                         H5
                                 1
                                       CB
                                              BPD
21:11:36 11/20/16
                     f
                          602
                                       BFD
                                              FD06 COPIED
                                 1
21:09:48 11/20/16
                     1
                         H18
                                 ARRVD CB
                                                   incid#=16-B09381
                                              BPD
                                                                     HAVE GREENLE
21:01:03 11/20/16
                     1
                         H18
                                 VHINQ CB
                                              BPD
                                                   p1=AAA2823
20:59:09 11/20/16
                     £
                          617
                                 ARRVD BFD
                                              FD06 incid#=16-06-564 ARRIVED ON SC
                                                   PER M4 HAVE AIRLIFT FLY TO SKA
20:58:40 11/20/16
                     f
                          1811
                                       BFD
                                              BFD
20:57:48 11/20/16
                     f
                         18DC
                                 CMPLT BFD
                                              BFD
20:56:41 11/20/16
                     f
                          617
                                 ENRT
                                       BFD
                                              FD06 incid#=16-06-564 ENROUTE TO A
                                                   p1=AGK6834
20:56:35 11/20/16
                     1
                         H5
                                 VHINQ CB
                                             BPD
20:56:29 11/20/16
                     f
                          617
                                 ARRVD BFD
                                              FD06 incid#=16-06-564 ARRIVED ON SC
                                              FD06 incid#=16-06-564 ARRIVED ON SC
20:56:00 11/20/16
                     f
                          602
                                 ARRVD BFD
```

Time/Date	Typ Unit	Code Zone Agn	
20:55:31 11/20/16	f 1811	1 BFD BFD	
20:55:12 11/20/16	f MSO1	ARRVD BFD SMC	
20:54:51 11/20/16	f 1811	7 BFD BFD	BURL COMMAND, call=238f
20:54:45 11/20/16	f 1811	1 BFD BFD	CAR VS TRAIN, TRAIN IS NOT ONS
20:54:35 11/20/16	1 H5	1 CB BPD	TRAIN VS VEH NOTIFY BURLINGTON
20:54:27 11/20/16	f 1811	ARRVD BFD BFD	incid#=16-B01794 ARRIVED ON SC
20:54:25 11/20/16	f 1819	ARRVD BFD BFD	(MDC) Arrived on scene incid#=
20:54:24 11/20/16	f 602	ENRT BFD FD0	6 incid#=16-06-564 ENROUTE TO A
20:54:20 11/20/16	1 H5	1 CB BPD	BLOCK ROADWAY
20:54:01 11/20/16	f M4	ARRVD BFD SMC	(MDC) Arrived on scene incid#=
20:54:00 11/20/16	f 603	ENRT BFD FD0	
20:53:58 11/20/16	1 H18	ARRVD CB BPD	incid#=16-B09381 ARRIVED ON SC
20:53:52 11/20/16	1 H11	ARRVD CB BPD	incid#=16-B09381 ARRIVED ON SC
20:53:48 11/20/16	1 H5	ARRVD CB BPD	
20:53:30 11/20/16	f 617	ENRT BFD FD0	6 incid#=16-06-564 ENROUTE TO A
20:53:23 11/20/16	f 1811	ENRT BFD BFD	
20:53:14 11/20/16	f 1819	ENRT BFD BFD	
20:53:00 11/20/16	1 H23	ARRVD CB BPD	
20:52:35 11/20/16	f M4	ENRT BFD SMO	
20:52:15 11/20/16	1 H11	ENRT CB BPD	incid#=16-B09381 ENROUTE TO A
20:52:10 11/20/16	1 H23	ENRT CB BPD	
20:51:34 11/20/16	f 1811 f 1819	ASSGN BFD BFD	
20:51:34 11/20/16	f 1819	ASSGN BFD BFD	
20:51:34 11/20/16	f 18DC	ASSGN BFD BFD	incid#=16-B01794 ASSIGNED TO A
20:51:34 11/20/16	f 617	ASSGN BFD FD0	
20:51:34 11/20/16	f M4	ASSGN BFD SMO	incid#=16SM09417 ASSIGNED TO A
	the transfer of		

് പ്രധാന പ്രധാന പ്രധാന വരുന്ന വരുന്ന പ്രധാന പ്രധാന പ്രധാന പ്രധാന വരുന്ന വരുന്ന വരുന്ന വരുന്ന വരുന്ന പ്രധാന വരു പ്രധാന പ്രധാന പ്രധാന പ്രധാന പ്രധാന പ്രധാന വരുന്ന പ്രധാന വരുന്ന പ്രധാന വരുന്ന പ്രധാന പരിച്ച പരിച് പരിച്ച പരവരിച്ച പരവരിച്ച പരിച്ച പരിച്ച പരിച്ച പരിച്ച പരിച്ച പരിച്ച പരിച്വ പരിച്ച പരിച്ച പരിച്ച പരിച്ച പരിച്ച പരിച്ച പരവരിച്ച പരവരിച്ച പരിച്ച പരിച്ച പരവരിച്ച പരിച്ച പരവരിച്ച പരിച്ച പരിച്ച പരവരിച്ച പരവരിച്ച പരവരിച്ച പരവരിച്ച പരവരിച്ച പരിച്ച പരവരിച്ച പരവരിച്ച പരവരിപ

The second control of the second control of

Supplemental Narratives Narrative

Seq Name 1 PAYNE P 23:29:49 11/20/16

Date

Officer Payne Train/Vehicle 16-B09381

On November 20, 2016 at approximately 2052 hours I was dispatched to a train verses vehicle collision located at the railroad tracks in the 500 block of Greenleaf Ave. Upon arrival I observed approximately 6 people in the area, debris in the center of the tracks and approximately 20 feet north of the tracks, a smashed vehicle on the east side of the tracks approximately 20 feet from the road, and a subject on the ground in the westbound road lane with a female subject kneeling down beside the subject. The subject was lying on his left side with his feet pointing to the east and his head pointing to the north, his body was in an L shape. As I approached I observed the subject was a white male approximately 30 years of age. There was blood on the ground under the subjects head and blood on the subject's face that appeared to be from his eyes and ears. The subject was breathing and groaning. The subject's eyes were barely cracked open. The subject could not respond to any questions. I observed debris from the vehicle had punctured the subject's upper right buttock. I informed dispatch to send a med unit and advised dispatch of what I saw.

Med units arrived and I assisted by holding the subject on his left side while med units removed the subjects clothing and stabilized his head. While removing clothing I felt what appeared to be a wallet it the right hand pocket of the subjects jacket. I removed the wallet and handed it to a med unit so they could get his ID. I held my light for the med units to see while they secured the subject.

Once the subject was secure and med units were transporting him to the ambulance I contacted Sergeant Hofkamp who advised Amtrak employees were on the scene. I contacted the train conductor identified as Brad W. Davis DOB 08/11/64 and the assistant conductor identified as Suzanne D. Behla DOB 09/29/55. They advised the train was stopped approximately 100 yard north of the next intersection which was E. Fairhaven Ave. They advised the train was traveling 79 MPH coming from south to north. Davis and Behla advised they were in the back of the train, but the engineer Philip J. Secor DOB 01/13/57 was in the front, driving the train.

I went to the train located approximately 200 feet from the Avon Ave. intersection. I contacted Secor who advised he witnessed the vehicle go around intersection. I contacted Secor who advised he witnessed the vehicle go around the lowered arms, traveling from west to east. Secor advised he was sounding the horn, the lights on the arms were flashing, the bells were sounding, and the lights on the front of the train were fully illuminated. Secor advised the train was traveling at 79 MPH when it struck the SUV. Secor advised the train had a video recorder attached to the dash inside the cab of the train. Secor advised I would need to call Chris Bradasich or Jeff Ward to get the footage and Davis later provided me with the phone numbers to reach them. I asked Secor if he would be willing to provide me with a PBT sample of his breath to rule out any intoxication. Secor declined to provide a PBT, but it is important to note I saw no signs of intoxication from Secor. Secor filled out a witness statement that has been added to the case packet. has been added to the case packet.

During my contact with Secor I observed vehicle parts stuck to the front of the train. I took pictures of the vehicle parts prior to them being removed from the train. The parts were placed on the side of the tracks. Within the parts of the vehicle taken off the front of the train I located a hunting bag with decoy ducks inside. I marked the tracks with yellow spray paint showing where the

front wheel of the train had stopped. The train was later identified as Amtrak Cascades Train 516 northbound from Portland OR. There were 104 passengers onboard the train. I was advised by Davis the impact was not felt by the passengers of the train and no one was injured. A passenger list has been placed in the case packet.

Upon returning to the department I uploaded the pictures I had taken to the department "I" drive. I was advised by Sergeant Hofkamp that Burlington Northern Police were going to provided video from the train. I received an agency message from Leticia Regina Marquez asking for a phone call. I contacted Marquez who advised she was the subject's girlfriend's mother and the subject had a dog in the vehicle with him. I advised Marquez we had not found any evidence of a dog, but that we would advise her if we did. Officers later found the body of the deceased dog. Marquez was notified and advised she could collect the dog on 11/21/16.

Upon returning to work on Monday 11/21/16 I was advised the subject had passed away earlier this morning. I located an email advising me the subject's property that was located at the scene had been collected and placed in a temporary storage locker.

Sergeant Hofkamp received still photos from the train. The photos show the arms down with the lights flashing as the SUV drives around the arms and is struck by the train. Sergeant Hofkamp also showed me a video we received from Skagit Breaking. The video is from the dash camera of the first car stopped in front of the no crossing arms on the west side of the tracks. I observed the vehicle come up to the flashing arms as they come down. The vehicle stops and a few moments later the SUV passes the vehicle and the no crossing arm onto the tracks right as the train comes through and is stuck. The video was downloaded to Skagit Breaking's Facebook page by Macs Erick. I sent an email to the Hotmail account attached to Macs Ericks facebook page advising him I would like to speak with him.

I was contacted later this evening by John Gallar the investigator for King County Medical Examiner. Gallar advised the initial cause of death was said to be cardiac arrest/shock, blunt force trauma caused from the collision. Gallar advised we could get copies of the autopsy report and toxicology report once they were complete. Burlington detectives have already requested those documents.

Typed 11/22/16 at 1628 hours PKP Approved 11/22/16 H23

Supplemental Narratives

Seq Name Date
4 HOFKAMP T 21:44
Sgt. Troy Hofkamp

Narrative

21:44:50 11/21/16

16-B09381

Accident- Train vs Car

On 11/20/16 at about 8:51 pm Burlington Police were dispatched to a possible train vs car accident at the RR crossing in the 400 block of Greenleaf Ave. in Burlington. Dispatch advised that there was a subject laying in the roadway at that location.

While a was responding Officer Payne arrived and advised that aid needed to responded quickly, as the subject had debris sticking out of his back and was bleeding from the head. Fire and Aid crews arrived at the same time I did and began working on the subject in the roadway, later identified as 22 yr old Zachary Pohren. As they worked on him I observed debris scattered over the entire roadway and all around Mr. Pohren, including what appeared to be the barrel and trigger assembly of a shotgun, but the stock was missing. I then observed what appeared to be the front half of a vehicle laying about 60 feet north of Greenleaf on the east side of the easternmost tracks (there are three sets of RR tracks at this location). Mr. Pohren was laying on the northern shoulder of Greenleaf between the middle set of tracks and the eastern most tracks.

I then checked the vehicle and surrounding area for any further possible victims, but was unable to locate any. I started looking for the license number of the vehicle but could not locate it on or near the vehicle. I then walked back up to the roadway and found the rear bumper and license plate for the vehicle laying in the roadway near the center tracks. The registration was AGK6834 and came back to a 2000 Jeep Cherokee registered to a Laurie R Pohren, Zachary's mother.

While the aid crew was tending to Mr. Pohren we were contacted by two Am Track employees who had been on the train. They advised that the train had stopped just north of Avon Ave. and they had walked back to our location to see if they could provide any information. They advised that no one on the train realized that they had even been involved in an accident, except for the engineer who was driving. When the train came to a quick stop was the first indication to any of them that something was wrong. They further advised that this was Am Track passenger train that had started from Portland and was en route to Vancouver, BC. They advised that they believed they had been traveling around 70 mph at the time of the collision.

While speaking with the train crew I looked towards the east and observed the rear wheel/axle assembly of Mr. Pohren's vehicle laying against a gray ford explorer, with washington license #AFA4412, in the driveway of 531 Greenleaf Ave. Officer Payne then responded to the location of the train engine and advised that the rear portion of the vehicle, minus the wheel assembly, was still attached to the front of train.

We then blocked off the street between S. Spruce and Cherry St. and placed crime scene tape around the area of the debris field. Many residents from the surrounding area had come out of their homes by this time as they had all heard the impact of the collision. None of them however actually saw the collision occur, however Cale E. Enos 4b advised that he immediately looked out his window after hearing the crash and observed the railroad arms still flashing and were just raising back to an upright position.

I had officer Wilson work on obtaining a blood sample from Mr. Pohren however aid crews were too busy with life saving measures to obtain the blood for us, they then transported Mr. Pohren and advised that he would be sent to Harborview due to the extent of his injuries. I then made several phone calls to Am Track investigators, Burlington Northern investigators, the EPA, Emergency management, and my supervisors. I also requested that State Patrol Detectives respond with their Total Station to map and measure the scene. Once they arrived I cleared the scene and had officer Wilson stand by with them to assist in any way she could.

On 11/21/16 I was advised that Mr. Pohren did not survive his injuries and had passed away shortly after 7:00 am. Later the same day Detective Vanderfange of the AMTRAK Police Department sent me several still photos of the collision that he had obtained from the dash cam video of the locomotive. These photos showed that the RR arms had been activated and were in the down position when Mr. Pohren went around the arms and was crossing the tracks when the train struck him. I later transferred these photos to the "I" drive for safe keeping.

On 11/21/16 at about 7 pm I was contacted at the Burlington Police Department by Chris Nelson, who runs the Skagit Breaking on line news site. Mr. Nelson advised that he had a subscriber post dash cam video of the collision from a personal vehicle onto his web site. He said that he had removed it as soon as they could but thought that we might be interested in having it, so he downloaded it and tried to send it to Det. Rogge earlier in the day but it did not send. He advised the he decided to just bring it in to us and handed me a thumb drive that contained the video. I then downloaded the video to our "I" drive and returned the thumb drive to him. He told me that his understanding from the online communication that he had with the subject who posted the video was that the car belonged to this individual but a friend of his had been driving it at the time of this incident and didn't realize that there was dash cam video in the car.

I asked him who this person was and he said that his on line name is "macs erik", but while communicating with him he identified himself as "Eric M.". Mr. Nelson said that he believes that he is actually Eric Machias, but he could not tell me how he came to that conclusion. He also provided me with the e-mail address that this subject uses:

I then viewed the video and observed the vehicle that the dash cam is mounted in approaching the Greenleaf crossing, traveling eastbound, when the RR arms light up and come down. The car then stops for the train. Approximately 10-15 seconds later Mr. Pohren's vehicle is observed passing this car on the left and going around the RR arms just as the train arrives at about 70 mph, and they collide.

As this is Officer Payne's case he was advised of the photos and video that I had obtained, and where they had come from.

Hofkamp approved dictated 11/22/16

Supplemental Narratives Narrative

Seq Name 7 WILSON S Date 17:08:25 11/24/16

Officer Stacy Wilson

16-B09381

On November 20, 2016 at about 2052 hours Burlington Police were dispatched to a possible train versus vehicle accident on Greenleaf at the railroad tracks. En route officers were advised that the reporting party believed a train hit a vehicle and that there was a male on the ground. Upon arrival other officers were already on scene. I used my patrol vehicle to block traffic westbound on Greenleaf at Cherry St. I approached the scene and saw Officer Payne with a subject on the ground in the roadway. Officer Payne was searching the victim's clothing as medics cut it off. Officer Payne located a wallet which I took possession of. I located the victim's identification. The victim was identified via Washington State Driver's License as Zachary A Pohren 40. I called dispatch and provided the victim's name.

I could see pieces of a vehicle scattered from Greenleaf northbound around the railroad tracks. I began trying to photograph the scene. The victim vehicle was identified as a Jeep Cherokee registration AGK6834. The vehicle bumper and license plate were located on Greenleaf at the railroad tracks. A large portion of the vehicle was located just north of Greenleaf and just east of the railroad tracks. This portion of the vehicle included the two front seats. Another portion of the vehicle was located in the driveway of the residence located at 531 Greenleaf, just east of the tracks on the north side of the road. This part of the Jeep struck a vehicle that was parked in the driveway causing noticeable damage. This portion was part of the rear of the Jeep and included the gas tank which appeared empty. The gas was sprayed out in between the tracks on the north side of Greenleaf.

Amtrak employees arrived and advised they had struck a vehicle at the crossing. They advised the train was stopped north of Fairhaven. They further advised that a third portion of the vehicle was still attached to the train. Other officers responded to contact the train employees at the scene. I continued photographing the scene and searching for any other possible victims.

Later officers received a message advising that a dog was also in the car at the time of the accident. Firefighters used thermal imaging and located the deceased dog northeast of the scene. The dog's body was hidden by debris and stuck through a fence.

After transporting the victim, medics Yvonne M North
Sias 4b returned to the scene. They advised that the victim had head
trauma as well as a penetrating wound on the right side of his hip. They advised
that a piece of metal was embedded in the hip and possibly embedded in the bone.
Due to other debris in the wound the medics were unable to identify the metal
object.

WSP detectives were requested for a total station. I remained on scene to assist with the total station mapping. A second trooper responded and photographed the scene. He advised that it appeared as though the victim was wearing his seatbelt at the time of the collision, but the buckle itself was not visible. Troopers recommended inspecting the seatbelt after the vehicle was righted. After WSP detectives completed their tasks and released the scene I began collecting personal property belonging to the victim as well as shotgun shells and empty liquor bottles found at the scene. Several vodka bottles were located, but due to the location of the scene and the nature of the accident it was not possible

to tell if the bottles were from the vehicle or had been there prior to the accident. After collecting personal items I requested the next rotational tow. Peter's Tow responded. I provided the driver with the impound form and cleared the scene.

11/24/16 1708 sw

Supplemental Narratives Narrative

Seq Name 8 JUTTE J Date 17:42:32 12/04/16

Ofc J Jutte

Train vs Car 16-B09381

On 11/20/16 at about 2052 hours Burlington Police were dispatched to the train crossing located at 531 Greenleaf Ave in Burlington in Regards to a train vs car accident. Dispatch advised that RP's were advising that they believed that a train hit a car, there is a male on the ground, unknown if conscious, has a head injury and possibly bleeding from back and head.

Upon arrival I noticed a few people standing around in the area, there was lots of debris starting from the center of the road and crossing, that looked to continue north on the tracks. There was a vehicle that looked to be ripped apart from being hit by a train. There was a white male subject lying on the ground with his head towards the north, facing the east. I noticed there was blood on the ground near his head and it looked like something was impaled near his hip on his right side. Officer Payne immediately contacted the subject. The subject on the ground was later identified as Zachary Pohren 45

I then started to try and protect the scene by blocking off Greenleaf Avenue at Spruce Street. I then went to the Burlington Street department to pick up roadblocks, signs and cones so that we could block off the entire scene. I then assisted in keeping people out of the area.

A short time later, officers heard subjects yelling and looking around an area just northwest of the scene. I went over and contacted a male and female subject later identified as Leticia R Marquez because and a Bryan L Kuebler because As I contacted Bryan he advised that they were Zachary's girlfriend's parents. They told me that Zachary had a one-year-old, black lab, wearing a purple collar, named Avery in the vehicle with him and that they were looking for it. They advised that they had already heard about the accident and were also making sure that the dog was okay. They said that the dog belonged to Zachary's girlfriend, their daughter Rubi Anna J Marquez Ab As I was speaking with them other officers showed up to my location and advised that the dog had been located and was deceased. This news was passed on to Bryan and Leticia.

Leticia advised that they would like to pick up the dog if they could, they were advised that they could possibly come in tomorrow to pick up the deceased animal after the crime scene was processed.

I then cleared the call, went back to the PD and sent an email to all patrol in regards to Leticia and Bryan possibly calling in or coming in to the PD to pick up the dog.

Ofc J Jutte typed 12/04/16 at 1716 hours.

Approved 12/04/16 JJ

Supplemental Narratives Narrative

Seq Name 3 LEWIS P

05:31:20 11/21/16

Officer Paul Lewis

16-B09381

Train/Vehicle Collision

On 11-21-16 at approximately 0001 hours I contacted Sgt. Kramer on scene at the railroad tracks on Greenleaf Ave. reference this case. Sgt. Kramer advised that someone needed to respond to the railroad tracks off Avon Ave. where there was some metal from the victim vehicle and a bag of duck hunting decoys from within the victim vehicle just north of Avon Ave. I responded to that location and observed the rear hatch of the victim vehicle, a black Jeep Cherokee, and the bag of duck decoys next to the railroad track approximately 150 yards north of Avon Ave. I had walked to the location of the items, and I then drove my patrol vehicle up to the items to attempt to bring them to the collision scene on Greenleaf Ave. I was unable to fit the rear hatch in my patrol vehicle, but did place the duck decoys in my patrol vehicle. I took digital photographs of the metal from the vehicle as well as the duck hunting decoys.

I responded to the collision scene on Greenleaf Ave and contacted Sgt. Kramer, advising him of the location of the rear hatch. I assisted in collecting items that had been thrown from the victim vehicle. I placed the items officers had recovered into my patrol vehicle so I could later transport them back to the BPD office. Peter's Towing was called to tow the victim vehicle from its location near the tracks, and when they flipped the vehicle right-side-up I took digital photographs of the interior, including the speedometer and the driver's seatbelt. I observed the speedometer was at zero, and the driver's seatbelt was still attached in its adapter. After tow loaded up the victim vehicle from the collision scene I led them to the location of the rear hatch. The tow truck driver collected the rear hatch as well as some miscellaneous pieces of metal near it and transported these to the tow yard to be placed with the victim vehicle.

On the same date at approximately 0217 hours I returned to the BPD office where I placed the majority of the recovered items into a temporary evidence locker. I found within the recovered items 4 empty plastic bottles of Smirnoff vodka and 2 red capsules with no markings on them. I logged these two items into evidence under impound #16421. The red capsules were placed into an envelope which was then weighed, with a total packaged weight of 12.0g. Sgt. Kramer witnessed the packaging of the capsules and signed the evidence envelope as such. I took digital photographs of the evidence which I later uploaded to the BPD I-Drive.

This concludes my involvement with this case.

Officer Lewis dictated 11-21-16 Modified 11-27-16 Approved PL H25

Supplemental Narratives

Seq Name 2 DODDS R ate Narrative

05:20:56 11/21/16

Ofc Ron Dodds 16-B09381

#### Train Vehicle MVA

On Sunday November 20, 2016 upon arrival at work I was advised of a vehicle verses Train MVA that the other units were on. I was advised by Sgt Kramer I would be needed to assist in the collecting of items and policing the area as soon as the WSP was finished with the total station of the scene.

At about 2359 hrs I assisted in checking the area and collecting personal items and checking the area for items of possible evidentiary value from the scene. I located the drivers dog which was deceased and collected it for the family to recover in the morning. The dog was placed into a bag and put in the kennel area for storage until it could be turned over to the family. After checking the area I stood by until the vehicle was removed and the Fire Department cleaned the roadway.

No further involvement by this officer.

Approved

11-21-16

RD

Detective Sgt. Eddie Rogge

Supplemental Narratives

Seq Name

Date

Narrative

5 ROGGE E

15:28:10 11/22/16

16-B09381

MVA

On 11-21-16 I was contacted by Sgt. Troy Hofkamp reference this case. Sgt. Hofkamp was investigating a car versus train motor vehicle accident that occurred the previous evening. The collision occurred at the intersection of Greenleaf Avenue and BNSF railroad tracks in the city of Burlington. He was requesting assistance obtaining the medical records being that the victim of the collision had died. The victim was identified as Zachary A Pohren

I advised him that I would contact the King County Medical Examiner's Office being that the victim died at Harborview Medical Center in Seattle, WA. I advised him that they would more than likely be involved being that the victim died in their jurisdiction. I advised him that they would more likely have a cause of death and medical information.

I received an email from Chris at the Facebook page Skagit Breaking. He indicated that a subject had contacted Skagit Breaking with a dash cam video that showed the vehicle being struck by the train. He advised it was initially posted to the Facebook page but a moderator immediately took it down. He asked if we would like a copy of the footage.

I responded indicating that we would like a copy of the footage and I inquired as to where the footage came from. I did not receive a response prior to ending my shift.

I returned to work the following day and received a response. The email indicated that the subject that posted the video was contacted and had provided him with a copy. The email indicated that the subject that submitted the video and indicated his cousin was actually driving his car. Sounded like the driver the vehicle was stopped at the railroad crossing when the victim vehicle went around him and was struck by the train. He also stated that the subject that posted the video had the Facebook screen name Macs Erick.

I received a second email that indicated Chris had tried to send the file via email however he received a rejection that the file was too large. I requested that he send a copy of it to our office.

I received a return email indicating that he had actually brought a copy of the footage by the Burlington Police Department the previous evening. I later contacted Sgt. Hofkamp and confirmed that he had in fact brought by the footage.

I did call the King County Medical Examiner's Office at about 1000 hrs. I talked to a subject that identified himself as James. He stated that the autopsy was currently being performed and he would have more information in the afternoon. He advised that the toxicology report would take several weeks. I advised him that I would like to get a copy of the report. He provided me a fax number and stated that I could request a copy of the report. He stated that their associated case number was # 16-2225. He stated that the request needed to be done on department letterhead.

I did fill out a request for the King County Medical Examiner's report reference case 16-2225. I did fax it to the number he had provided.

I called back the King County Medical Examiner's Office at about 1400 hrs. I spoke to James and he stated that the autopsy had been completed. He stated that they had obtained medical records from Harborview Medical Center and therefore did not perform a full autopsy. He stated that the cause of death was determined to be blunt force trauma to the head and also penetrating trauma to the pelvis. He advised a complete report would be done after the toxicology report was returned. He advised this information would be forwarded once the report was completed.

I later contacted Officer Preston Payne and told him that I had sent a request for the medical examiner's report. Officer Payne is the investigating officer on the matter.

Dictated 11-22-16 at 1521 hrs. ER

Supplemental Narratives

Seq Name 6 PAYNE P Officer Payne Narrative

22:05:43 11/22/16 Train Vs Vehicle

16-B09381

On November 22, 2016 at approximately 2100 hours I placed the items that were in temporary storage into evidence for safe keeping. Items 1,2,3, and 4 were placed into evidence for safe keeping. Per the victims mother's (Laurie Pohren) request all the other items were released to Sergeant Hofkamp, who is her neighbor, to return to Laurie.

All the items were logged into safekeeping using impound number 16434.

Typed 11/22/16 at 2205 hours PKP Approved 11/22/16 H23

Supplemental Narratives Narrative

Officer Payne Train/ Vehicle MVA

16-B09381

On December 7, 2016 at approximately 1700 hours I received copies of WSP reports reference this case. WSP's case number is 16-034240. The files included reports, printed photos, and two CD's. One of the CD's contained photos taken by WSP of the crash. I uploaded the photos to the department "I" drive. The other CD appeared to contain not only the case photos but all the information WSP had sent me. I logged both CD's into evidence reference impound number 16497. All paper copies of the reports and printed photos were added to the case packet.

Typed 12/7/16 at 1746 hours PKP Approved 12/7/16 H23

Seq Name Date

Supplemental Narratives Narrative

10 PAYNE P

15:11:33 12/19/16

Officer Payne

Train collision

16-B09381

On December 19, 2016 after corresponding with WSP in reference to the collision report, I was contacted via email by WSP employee Tracy Perkins who advised the original collision report was completed correctly and needed no supplemental narrative or report.

Typed 12/19/16 at 1509 hours PKP Approved 12/19/16 H23

Approved JK 12/20/16

# BURLINGTON POLICE DEPARTMENT VOLUNTARY WITNESS STATEMENT

Y OLDIVIZARI WITI	CASELLIC POUTS
The following is a true and correct statement given to:	
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Phone: (14-b)	(work/other)
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WITNESS SIGNATURE: TRESTON PAYNA	
PAGE	OF 1

On 02-06-17 I received a report in my officer box from the King County medical examiner's office. The cover sheet was addressed to me and was dated 01-30-17. The cover sheet indicated that the associated King County medical examiner's office case was 16-02225 reference Zachary Pohren. The report indicated that the documents included were the autopsy and toxicology report along with the investigators full report.

The enclosed report indicated that the cause of death of the 22-year-old man identified as Zachary Pohren was blunt force injury of the head and penetrating injury of the pelvis sustained when the SUV he was driving was struck by a train. The manner of death was classified as accident. The report was signed by associate medical examiner Brian Mazrim and was dated 01-25-17. The report included a more thorough description of the injuries.

The documents included the WSP toxicology report. The report indicated that there was not any alcohol located in the system of the deceased. The drug analysis did show a positive test for cannabinoids, Midazolam, and THC. The report was dated 12-20-16 and signed by forensic scientist three Andrew J King grass.

I was not aware of what the drug Midazolam was. I looked it up on drugs.com. The information indicated that it was used for reducing anxiety or producing drowsiness or anesthesia before certain medical procedures or surgery. It is used continuously to maintain sedation or anesthesia in certain patients. I suspect this was used by the hospital in his treatment prior to his death.

The medical examiner's report and drug information will be added to the case file.

Dictated 02-06-17 at 1512 hrs. ER

Appr ER

# **WASHINGTON STATE PATROL**

### **CRIMINAL INVESTIGATION DIVISION**

### **Investigative Report**

File Title

Detective

Case Number

**Fatality Collision** 

Dan Comnick

16-034240

Type of Event: One Vehicle vs Train Fatality Collision

Location: Greenleaf Avenue, Just East of Spruce Street, Burlington, Skagit County

Date: November 20th, 2016

Time: ~9:00 P.M.

Subjects

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1.

Other Case Number

(D1) POHREN, Zachary A. /DOB

(V<sup>1</sup>4b black 2000 Jeep Cherokee

(V<sup>2</sup>) AMTRAK Passenger Train

### **Details**

On November 20th, 2016 at approximately 9:29 p.m., I received a phone call from WSP communications stating that my supervisor, Detective Sergeant Michael J. Marken of the WSP District 7 Criminal Investigation Unit, was requesting I respond to the scene of a one vehicle versus train serious injury collision to assist Burlington Police Department with forensically mapping the scene.

I arrived on scene at approximately 10:05 p.m. and contacted Burlington P.D. Sergeant Hofkamp. Sergeant Hofkamp told me Zachary Pohren drove the Jeep Cherokee eastbound on Greenleaf Avenue from Spruce Street, ignored the activated railroad crossing lights, drove around the barrier arms, and attempted to cross the railroad tracks before the train. His vehicle was struck and broke into two main pieces as it came to rest to the northeast. The Amtrak train was reportedly traveling north at 79 mph at impact and stopped at the train track intersection with Avon Avenue. The driver of the Jeep was seriously injured and being airlifted to Harborview Medical Center.

Greenleaf Avenue travels east-west in this area. The west side of the railroad tracks is an industrial area, with a large building or warehouse along the south side of Greenleaf Avenue. This building blocks the line of sight between eastbound Greenleaf Avenue and the northbound railroad tracks. Greenleaf Avenue is a straight asphalt road, separated by solid double yellow lines and a 25 mph speed limit. The eastbound lane has a white painted railroad crossing advisory as the eastbound lane approaches the tracks. Railroad track crossing flashing warning lights, passive crossbucks, and quadrant barrier arms with lights are located on either side of the tracks and appeared to be working properly when the train company personnel tested them when I was there. There were three railroad tracks at Greenleaf Avenue; the west most track curves to the west, the center track continues north,

Page 1 of 2 Officer's Signature Officer

and the east track curves to the east. There were several more tracks for switching just to the south.

Trooper Jim Parzych arrived shortly after I did as the Certified Technical Specialist. We walked through the scene together. There was a tire scrub mark on the railroad track, in line with eastbound lane of Greenleaf Avenue, that appeared to be where the collision occurred. Scratches, gouges, and tire friction marks led northeast towards where the main vehicle pieces came to rest. There was numerous debris from the vehicle that spread out in a cone from near the point of impact to the northeast.

Blood and clothing were between the center and east most track where the driver came to rest and was treated. The rear axle and trunk/storage bed area of the vehicle, just behind the rear passenger seat, traveled through a chain link fence bordering the tracks and came to rest up against a vehicle in the driveway of a residence to the east of the tracks, on the north side of the road. The fence posts and vehicle piece made several gouge marks in the grass of the front lawn. The rest of the vehicle was farther north, laying on its roof between the east most track and the chain link fence.

I used the WSP District 7 C.I.U.'s issued Sokkia Set 5 30r3 total station and Nomad data collector to forensically map the scene. I placed a "PK" nail on the north side of Greenleaf Avenue, just west of the railroad tracks. After mapping the evidence and roadway, I saved the data in \*.PZD and \*.RAW formats in order to complete the scale diagram.

I cleared the scene at 12:21 a.m.

Type of Case	Vehicle	/ Train Serious Injury – Assist Case Number 16-034240
Date	Time	Notes
11/20/16	2145	Phone call received from Communications advising of collision and requesting availability to respond as CTS
11/20/16	2159	Enroute from residence
11/20/16	2224	Arrival on scene at Greenleaf level crossing
11/20/16	2345	Inspected and photographed remaining vehicle components at location where train came to rest near Avon level crossing
11/21/16	0020	CTS on-scene investigation complete
	-	
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Page 01 of 01



# REPORT OF INVESTIGATION Assisting Officer's Narrative

MICD	16-034240
Citation	

Officer's Name:	Parzych, J. M.		The state of	Badge No.:	481	
Video file name (i	if applicable): 16-03	4240				
Video viewed by	officer for this report:	☐ YES	⊠ NO	15.04		

On November 20, 2016 I received a call at my residence checking my availability to respond to a serious injury collision involving a passenger car and passenger train within the city of Burlington. I advised that I would be en route and arrived in the area at 10:24pm. The collision occurred at the level crossing on Greenleaf Avenue between Spruce and Cherry Streets. The collision had occurred earlier in the evening and representatives from several other investigating agencies were already on scene. I was informed that the involved train had come to a stop a significant distance to the north of the level crossing; I later traveled to that area where the location of the front of the train at rest had been marked with paint.

Upon my arrival the temperature as displayed on my vehicle's integrated digital thermometer was 51° Fahrenheit. The skies were overcast with dry roadways. Ambient lighting was limited to security lamps from a business on the southwest corner of the intersection.

I conferred with WSP Detective D. Comnick #463 who informed me that the train engineer had been interviewed, and reported that the involved vehicle had driven around the level crossing warning equipment directly into the path of the train. He directed me to photograph the available scene evidence while he took measurements with a Total Station. I took a total of 150 photographs over the course of the investigation, several of which were where the train had come to a stop north of Avon Avenue. By the time I traveled to that area the train had been released to continue to its destination. I completed my portion of the on-scene investigation at 12:20am on the 21st.

Greenleaf Avenue is a two-lane, east-west roadway within the city limits of Burlington. The roadway is asphalt in good repair. Non-arterial streets within the city limits have a speed limit of 25 miles per hour. There are several warning systems present for the level crossing: Painted legends on the roadway surface, standing gantries with "RAILROAD CROSSING" crossbucks, flashing red lamps, an audible bell, and articulated gates with lights that swing down to provide a physical barrier designed to deter vehicular and pedestrian traffic from crossing the tracks when a train is approaching. While conducting the on-scene investigation, representatives from Burlington Northern Santa Fe Railroad activated the audible and visual warning systems. I observed all the lights to be functional and the swing arms deployed properly. I photographed the equipment in an active state from the perspective of the approach path of the involved vehicle.

I observed what appeared to be a fresh tire friction mark just to the east of the second of three rail lines in the level crossing. The mark was short and oriented diagonally towards the northeast. A large debris field was present with the majority of the debris to the northeast of the mark, associating it with this collision. The mark was to the relative left of the swing arm for eastbound traffic indicating that the involved vehicle had driven around the swing arm to proceed through the level crossing. This was consistent with the account of the collision given by the train engineer.

The involved vehicle was a black 2000 Jeep Cherokee sport utility vehicle bearing Washington registration 4b. The vehicle is registered to and legally owned by Laurie Pohren of Mount Vernon. A check through NHTSA returned no open recalls on the vehicle.

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BURLINGTON POLICE DEPARTMENT EVIDENCE REPORT CONTINUATION SHEET FOR IMPOUND #\_\_\_

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