



Rail Incident Investigation Report

Docket No: TR- Report Date:

Railroad Owning Track: Railroad Operating on Track:

FRA Investigation: Yes No Inspector:

I. Type of Accident

Public Crossing Private Crossing Trestle Pedestrian at Crossing

Pedestrian Not at Crossing Other (explain)

II. Time and Location of Accident

Date: Time:

USDOT Crossing No.: UTC Crossing No.:

Railroad Milepost: GPS Identifier: Lat: Lon:

Number of Tracks: City: County:

Road name, yard name, bridge:

III. Conditions Surrounding the Accident

Weather: Clear to cloudy Fog Rain Snow

Road Condition: Dry Wet Snow Ice

Visibility Due to Weather: Daylight Darkness Unknown

Train Type: Freight Passenger Locomotive only Cars only Train Speed:

Haz-Mat on Train: Yes No N/A Remote Control: Yes No N/A

Type of Haz-Mat:

IV. Pedestrian, Driver, or Passenger Fatalities

Does this section apply? Yes No

Number of Fatalities: of a vehicle accident, number of passengers:

Name:

Driver: Passenger Pedestrian Age: Gender: Male Female non-binary

Pedestrian trying to get on/off train? Yes No Suicide: Yes No Undetermined

Alcohol: Yes No Undetermined Information supplied by:

Drugs: Yes No Undetermined Information supplied by:

Names of additional fatalities:

Docket No: TR- 190731

V. Pedestrian, Driver, or Passenger Injuries Does this section apply? Yes No

Number of people injured: _____ If a vehicle accident, number of passengers: _____
Name: _____
Driver: _____ Passenger: _____ Pedestrian: _____ Age: _____ Gender: Male _____ Female _____ non-binary _____
Pedestrian trying to get on/off train? Yes _____ No _____
Drugs: Yes _____ No _____ Undetermined _____ Alcohol: Yes _____ No _____ Undetermined _____
Names of additional injured persons: _____

VI. Pedestrian Access (not at a Crossing) Does this section apply? Yes No

Obvious signs of consistent pedestrian trespass? Yes _____ No _____
If yes, describe: _____
Pedestrian (not at a crossing) information: Accessing public area? Yes _____ No _____
If yes, describe: _____
Deterrents at site, e.g. fence, signs, other? Yes _____ No _____
If yes, describe: _____
Previous collisions at or near site? Yes _____ No _____
If yes, describe: _____

VII. Crossing History Does this section apply? Yes No

Prior accidents at this crossing? Yes No How many?
Dates of prior accidents:
Description of prior accidents (fatalities, injuries, property damage)
Last inspection date?
Defects? Yes No If yes, describe:

VIII. Attachments

Railroad incident report? Yes No Local law enforcement report? Yes No
Coroner/medical examiner report? Yes No Pictures? Yes No
Death Certificate? Yes No Copy of most current inventory? Yes No
Other (describe): _____

IX. Comments

Event Summary:

On August 31, 2019 at approximately 4:03 a.m., Jason Foust BNSF conductor advised that while approaching the railroad crossing at Boulevard Park heading southbound, he noticed what appeared to be a cone of some sort laying in the middle of the train track. Jason Foust stated the train was traveling at approximately 35 miles per hour. As the train approached the object, he noticed it was a person laying on the track. Jason Foust stated that he and the engineer, Ryan Arganti, tried to stop the train before hitting the pedestrian, but they were unable to stop in time.

Once the train stopped, Jason Foust exited the train to meet law enforcement at the train crossing. Law enforcement approached the train track and observed a male subject approximately 20 to 30 feet south of the train crossing laying underneath the train. The male subject received severe blunt force trauma to the head and what appeared to be a severed foot or leg. Bellingham Fire Department personnel arrived on scene moments later and confirmed what appeared to be an obvious death.

Site Description:

Bayview Drive, USDOT 084805C is in the city of Bellingham, in Whatcom county. This crossing is located in downtown Bellingham and is highly traversed. The crossing is equipped with lights and gates which were functioning properly at the time of the incident.

Inspector Recommendations:

No recommendations

Docket No: TR-190731

Rail Safety Supervisor Comments/Sign Off:

Reviewed and approved 10/15/2020 - EE

Director of Transportation Safety Comments/Sign Off:

Reviewed and approved to close - 10/27/2020 - KH

Looking South from crossing surface.

Body was found here >



Looking North from crossing surface



UTC Rail Safety Program - Crossing Inventory Record

USDOT #	084805C	Last Inspection Date	7/7/2020	Oil by Rail yes
UTC #	2B94.27	Road Name	Bayview Drive	
Type of Crossing	Public	Section.Township.Range		
County	Whatcom	Latitude	48.73019	
City/Nearest City	Bellingham	Longitude	-122.50334	
In City Limits	Yes	Type of Development		

ROADWAY		Road Surface Grades	-1	Grade Direction	East
State Highway	No	Road Surface Grades	6	Grade Direction	West
Down a Street	No	AADT	800	AADT Year	2007
Highway Milepost		% of Trucks Using Crossing	1		
Vehicle Speed	25	Number of School Bus Trips			
Road Surface	PAV	WSDOT Region	1		
Road Type	2W	Truck Pullout Lanes	No		
Number of Road Lanes	2	Intersecting Highway	0-75'	75-200'	200-500'
Road Width	24	Crossing Angle (degree)	0-29	30-59	60-90
On Emergency Services Route			NW	NE	SW
Sight Distance - Take measurement 6' back from stop line. If no stop line, measure at 25'.			300	200	75
				SE	500

PASSIVE PROTECTION		N	S	E	W
Advance Warning Signs	Count			1	1
Road Markings	Count			1	1
Reflective Crossbucks	Count			1	1
Reflective Posts (req. 1/2020)	Count				
Median Barriers	Count				
Stop Lines	Count			1	1
Stop Lines	Distance			17	20
Emergency Notification Signs	Count				
Illuminaries (within 50 ft. of crossing)	0				
Miscellaneous		Device Count		Direction	

ACTIVE PROTECTION				
Protective Device	Direction	Device Count	Cantilever Length	Gate Length
Mast Mntd - gates & 12" lens	Both	2	0	15

Four Quadrant Gates	No	# of Flashing Light Pairs	4
Power Off Indicator Light	Yes	Cantilever Lights Over All Traffic Lanes	No
# of Bells	1	Traffic Light interconnection/Preemption	
TRAIN SPEEDS Freight		Passenger	

CHARACTERISTICS			
Crossing Structure		Wayside Horn	No
Crossing Surface	Concrete	Quiet Zone	No
Other Crossing Surface:		Bike Lane	No
# Main Tracks	1	USDOT # Posted	Yes
# Sidings / # Yard Tracks		Railroad Emergency # Posted	Yes # 800-832-5452
# Industry / # Transit Tracks	0	Crossing Length / Width	48
Sidewalk	None	Sidewalk stops at crossing	10
		Sidewalk	

COMMENTS
 Constant warning (HXP3R). Train signals - yes. M ke Cowles, BNSF, verified on 8-23-2004 that this is a public crossing. Other sources had shown this crossing as private. Accesses public park.

From: Service, Interruption Desk
 To: OPR DL (SI Desk Use ONLY) North Region Incident; OPR DL (SI Desk Use ONLY) Cargorelated; OPR DL NOC GDT; Lee, Kellen; Hughes, Michael J; Morehouse, Craig; Moyer, Jason; Clark, Daniel P; Wessler, Richard W; Noel, Tamara T; Huston, Scott T; UTC DL WUTC Rail Reporting; Halstead, Lori (UTC); Melonas, Gus S; Wallace, Courtney
 Subject: 083119 ERBCSCM146F Trespasser - Bellingham, WA
 Date: Saturday, August 31, 2019 10:13:01 AM

One trespasser was fatally injured.

BNSF Fort Worth – Network Operations Center – INCIDENT REPORT

Date:	08-31-19	Time:	0603CT	MP:	94.3	D-Code:	198248
Time & Date Last Revised:						Divn:	Northwest
Subdivision:	Bellingham	State:	Washington	County:	Whatcom		
Line Segment:	0050						
Nearest Station:	Bellingham, WA						
Nearest Major Terminal (distance/direction):	Bellingham, WA						
Weather Conditions (Temp, wind, precipitation):	62°, Wind Calm, Overcast						

Injuries or Fatalities?	(1) Fatality	Employee?	No
Name:		Craft:	

Symbol:	E RBCSCM1 46F	If Yard Job, is it Remote Control Operation?	
Lead Locos:	BNSF 8321, BNSF 4404, BNSF 6057, BNSF 9971	L-E-T-F:	0-126-2667-6689'
DP Locos:		Direction:	Southbound
Conductor:	JL Foust	Engineer:	RA Arganti
Prior Rest		Prior Rest	
On Duty Time/Date:	0030CT/31	Origin/Destination:	Everett, WA / Vancouver, BC
Crew Interviewed by:	TM Kellen Lee and General Claims		
Event Recorder/Camera:	RFE Michael Hughes and Work request submitted to Everett Mechanical		

Locomotives video equipped?									
Lead Locos	Y/N		Y/N		Y/N		Y/N		Y/N
BNSF 8321	Y	BNSF 4404	Y	BNSF 6057	Y	BNSF 9971	Y		

Crossing Name:	Bayview Drive	DOT:	084805C
Equipped with:	Crossbucks, Gate arms, Flashing lights	Functioning?	Yes
Vehicle Direction:		Vehicle Description:	
Law Enforcement Agency:	Bellingham Police Department	Citations?	

Haz Material ?	No	Release (Y/N):		# Cars, Amount:	
Commodity:					

Derailed Locomotives / Cars:				
Init. Number:	Line:	Position (upright?):	Contents:	Disposition:

Heavy equipment ordered:				
Equip. ETA:		Equipment Arrived:		Equipment Released:
Main Blocked?	Yes - SMT	Estimated Reopen:		Actual Reopen: 1148CT

Estimated Damages and Costs:			
\$	0	Track	Track, Track Structures, and Roadbed Damages.
\$	0	Signal	
\$	0	"Other"	Adjacent buildings, other private property, etc.
\$	0	Car Damages	Car damage, incl. flat cars but excluding their trailers/containers and contents.
\$	0	Locomotive Damages	
\$	0	FRA Reportable Subtotal	2017 FRA Reportable \$10,700
\$	0	Contractor Expense	Rerailing & clearing expenses only. Do not include environmental cleanup, air monitoring, etc.
\$	0	Estimated Lading Recovery Costs	Source is usually Damage Prevention/LARS. This figure includes trucking charges and site remediation charges.
\$	0	Prelim. Lading Loss Estimates	Railcar/Trailer/Container Contents ONLY

	0	Trailer/Container Damages	Excludes contents. (Mktg-Equip Mtce Team – Ev ta Murdock)
\$	0	Not FRA Reportable Subtotal	
\$	0	Estimated Grand Total	(FRA Reportable Subtotal + Not FRA Reportable Subtotal)

Cause Code:		Description:	
Brief Narrative of Incident:			
<p>0603CT – E RBCSCM1 46F reported striking a trespasser on single main track at MP 94.3 on the Bellingham Subdivision. This incident did occur at a road crossing (Bayview Drive) equipped with crossbucks, gate arms, and flashing lights. There are no injuries to the crew and the extent of injuries to the trespasser are currently unknown.</p> <p>Lead locomotive (BNSF 8321) is camera equipped.</p> <p>Division personnel enroute –0800CT.</p> <p>07 trains projected through in the next 04 hours, including 02 passenger trains.</p> <p>1148CT: Trespasser was fatally injured. Engineering clear. Ok to resume normal operations once Track and Time/Blocks are completed.</p>			
Post Accident Testing (FRA):			
Did this incident meet FRA Post Accident Testing criteria?	No		
Contact MEH Dept at: (817) 352-1648 during normal business hours. (817) 352-1613 after hours, weekends and holidays. If no answer, page email Chris Kowalkowski and Julie Murphy when the following applies: -Employee/Contractor Fatality. -Damage to railroad property exceeding \$1.5 million. -Collision with injury or \$150,000 damage -Passenger train accident with reportable injury -Human Factor Grade-Crossing Accident? If Yes, Name of Claims Agent. -A release of hazardous material that results in an evacuation or a reportable injury.			
Does the NOC GDT agree with the above analysis?	Yes		
Craft being Post Accident Tested:	N/A		

Notifications:																							
Time:	Entity:	Person Notified:	Reminders:																				
0603CT	Service Interruption:	FS by DS 81	Include who notified SID.																				
0607CT	Resource Operations:	Lisa Reames																					
	OPR DL Cargorelated	Copy of this report	Copy of this report																				
	DTM/Terminal Manager:	Kellen Lee - notified by others	Get ETA, check Cell number.																				
	RFE:	Michael Hughes - notified by others	Get ETA, check Cell number.																				
0613CT	Signal Desk:	David Greenlee	817-593-5998																				
	MOW Desk:		817-593-6823 Option 1																				
	Mechanical Desk:		817-593-9128																				
0611CT	NOC GDT:	Tyrone Fitzgerald																					
This rpt	Div. General Manager:	Craig Morehouse																					
This rpt	Div. GDT:	Jason Moyer																					
This rpt	Corridor Supt:	Daniel Clark																					
	Div. Sup Ops / Term Sup:																						
0614CT	MDPR	via Remedy Email	817-352-1312																				
0614CT	Passenger Service:	Claire Held - passenger route	Email report to Rich Wessler and Tamara Noel.																				
This rpt	Superintendent Safety and Operating Practices	Scott Huston	<table border="0"> <tr> <td>California</td> <td>Coleman, Herbert T</td> </tr> <tr> <td>Chicago</td> <td>Wazny, William A</td> </tr> <tr> <td>Red River</td> <td>Cleveland, Scott M</td> </tr> <tr> <td>Kansas</td> <td>Valencia, Randy J</td> </tr> <tr> <td>Montana</td> <td>Boggs, Landon S.</td> </tr> <tr> <td>Heartland</td> <td>Musgrove, Chris E</td> </tr> <tr> <td>Northwest</td> <td>Huston, Scott T</td> </tr> <tr> <td>Powder River</td> <td>Hein, Joshua B</td> </tr> <tr> <td>Southwest</td> <td>Strot, Benjamin K.</td> </tr> <tr> <td>Twin Cities</td> <td>Lund, Michael E</td> </tr> </table>	California	Coleman, Herbert T	Chicago	Wazny, William A	Red River	Cleveland, Scott M	Kansas	Valencia, Randy J	Montana	Boggs, Landon S.	Heartland	Musgrove, Chris E	Northwest	Huston, Scott T	Powder River	Hein, Joshua B	Southwest	Strot, Benjamin K.	Twin Cities	Lund, Michael E
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	The following group list is for the following departments: Safety, Law, Rules, Workforce		Page for the following events: Major derailments or train collisions which are expected to exceed 16 hours or \$1,000,000 in damages, 4-8 hour range after the 1st conference call.																				

	<p>Management, Rules and field Support, Corporate Relations, Government Affairs, and Evidence Preservation</p> <p>Major event group page list (Not MIP) Also page Region VP.</p> <p>(It is located with the SID Locomotive group lists)</p>		<p>Derailments or collisions with evacuations, explosions, or involving crude oil trains.</p> <p>Major Hazardous Incidents</p> <p>Employee Fatalities, life threatening injuries, or amputations.</p> <p>Add "Preliminary Report" to the subject line.</p>
	Conference Calls:		If Conf Call is being established: Notify: NOC MECH/MOW Desk & ROC
	Hazardous Incidents: Contact East/West On-call Manager		Page for all Hazardous Incidents: Pat Brady, Piper, Justin, Reid, Clay D, Howard Horn, David C Clark, John D. Lovenburg, Allen Stegman
	ChemTrec (USA) 800-424-9300		Call Emergency Number listed on the Waybill whenever a HAZ MAT car is involved in a derailment or damaged; whether leaking or not.
	CanuTec (Canada) 888-226-8832 or 613-996-6666		Run TSS: WBCOPY & HAZ & EXCR
0704CT	<p>NRC: 800 - 424 - 8802 (Initial SID Analysis) Examples for notifying: Passenger Train/Route \$150,000 incident Employee/Contractor Fatality</p>	Obrien - 1256933	Obtain their Report Number and name of person who took the report.
0616CT	State:	Chris w/WA EOC #19-3112 copy of this report to: WUTCRailReporting@utc.wa.gov and Lori.Halstead@utc.wa.gov	
	California - CUPA		
	Foreign Railroad:		
	Page "Go Team"		If appropriate notify Mark Schulze.
This rpt	State Corporate Relations:	Gus Melonas / Courtney Wallace	<p>Copy of this report:</p> <p>Maia LaSalle: MT, WY Jeanelle Davis: AL, AR, LA, MS, TN, TX Lena Kent: AZ, CA, TX, LA, MS, AR, AL, TN Amy McBeth: MB, MN, ND, SD, WI Joe Sloan: CO, OK, NM, UT, NV Gus Melonas/Courtney Wallace: BC, ID, OR, WA Andy Williams: KS, MO, NE, IL, KY, IA</p>
	Energy Desk:		<p>Notify the Energy Desk of crude oil train derailments: OPR DL Energy Desk managers 817-867-0021</p>

From: [State Emergency Operations Officer \(MIL\)](#)
To: [DeVoe, Danielle \(ECY\)](#); [Whatcom County Unified \(WCSODEM@co.whatcom.wa.us\)](#); [Hunter, Kathy \(UTC\)](#); [Kenneth W. Holgard](#); [Mark Daniels \(FRA\)](#); [Michael Pirato](#); [Stacey Thompson \(Fed Railroad Association Reg 8\)](#); [Stacey Weller](#); [Steven Travers](#); [UTC DL WUTC Rail Reporting](#)
Subject: Empty Coal Train vs Trespasser, Bellingham
Date: Saturday, August 31, 2019 4:25:25 AM

Please see the below information involving a railroad that has been reported the State Emergency Operations Center (EOC). Please reply to this email to confirm receipt of this message.

Thank you,

Name of the Railroad(s) involved: BNSF

Reporting Party Name, Position and Contact Number: Cisco @ 817-352-2832

Time and Date Called in to the State EOC: 0415, 08/31/19

Time and Date of the Event: 0403, 08/31/19

Mile post and/or Address of Event: Bayview Dr, Bellingham

Circumstances of the Incident: Empty Coal Train vs Trespasser

Number of Injuries and/or Fatalities: Unknown

Type of Rail Cars Involved (tank, hopper, box, flat, etc.): Empty Coal Train

Type and Amount of HAZMAT spilled: None at this time

Any Additional Details That Will Assist in Identifying the Necessary Response:

Name and Phone Local POC: Cisco @ 817-352-2832

Railroad Incident Number:

State EOC Incident Number: 19-3112

Christopher R. Jager
State Emergency Operations Officer
Washington Emergency Management Division
Building 20: MS: TA-20
Camp Murray, WA 98430-5122
dutyofficer@mil.wa.gov

24-hr contact number:
1-800-258-5990

From: [State Emergency Operations Officer \(MIL\)](#)
To: [DeVoe, Danielle \(ECY\)](#); [Whatcom County Unified \(WCSODEM@co.whatcom.wa.us\)](#); [Hunter, Kathy \(UTC\)](#); [Kenneth W. Holgard](#); [Mark Daniels \(FRA\)](#); [Michael Pirato](#); [Stacey Thompson \(Fed Railroad Association Reg 8\)](#); [Stacey Weller](#); [Steven Travers](#); [UTC DL WUTC Rail Reporting](#)
Subject: RE: Empty Coal Train vs Trespasser, Bellingham
Date: Saturday, August 31, 2019 5:16:32 AM

Please see the NRC below. Incident was previously reported at 0403. State Incident # 19-3112.

Please reply to this email to confirm receipt of this message.

Thank you,

Christopher R. Jager
State Emergency Operations Officer
Washington Emergency Management Division
Building 20: MS: TA-20
Camp Murray, WA 98430-5122
dutyofficer@mil.wa.gov

24-hr contact number:
1-800-258-5990

-----Original Message-----

From: HQS-PF-flDr-NRC@uscg.mil <HQS-PF-flDr-NRC@uscg.mil>
Sent: Saturday, August 31, 2019 5:14 AM
To: DUTYOFFICER@EMD.WA.GOV; State Emergency Operations Officer (MIL) <Dutyofficer@mil.wa.gov>; State Emergency Operations Officer (MIL) <Dutyofficer@mil.wa.gov>
Subject: NRC#1256933

NATIONAL RESPONSE CENTER 1-800-424-8802

GOVERNMENT USE ONLYGOVERNMENT USE ONLY***

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 1256933

INCIDENT DESCRIPTION

*Report taken by NRC at 08:06 on 31-AUG-19

Incident Type: RAILROAD NON-RELEASE

Incident Cause: TRESPASSER

Affected Area:

Incident was discovered on 31-AUG-19 at 06:03 local incident time.

Affected Medium: RAIL REPORT (N/A) / TRESPASSER INJURY

REPORTING PARTY

Name: CISCO SANCHEZ
Organization: BNSF RAILWAY
Address: 2200 LOU MENK DRIVE
FORT WORTH, TX 76131
Email Address:

PRIMARY Phone: (817)3522832
Type of Organization: PRIVATE ENTERPRISE

SUSPECTED RESPONSIBLE PARTY

Name: UNKNOWN
Organization:
Address:

Type of Organization: UNKNOWN

INCIDENT LOCATION

MP 94.3 County: WHATCOM
BELLINGHAM SUB
City: BELLINGHAM State: WA
GRADE CROSSING / BAYVIEW DRIVE

RELEASED MATERIAL(S)

DESCRIPTION OF INCIDENT

CALLER STATED THAT A FREIGHT TRAIN STRUCK A TRESPASSER ON A PASSENGER LINE / GRADE CROSSING, RESULTING IN AN INJURY.

SENSITIVE INFORMATION

INCIDENT DETAILS

Grade Crossing: YES
Location Subdivision: BELLINGHAM
Railroad Milepost: 94.3
Type of Vehicle Involved:
Crossing Device Type: OTHER
Device Operational: YES
DOT Crossing Number: 084805C
Date and Time Service was/will be Restored:

Brake Failure: NO
Federal Post-Accident 219.201 Sub Part C Testing Required: NO
Passenger Train Route: YES
Passenger Train Delay Expected: NO
Passenger Train Delay Handling:
---RAILROAD INFORMATION---
Railroad Involved: BNSF RAILWAY
Train Number: ERBCSCM 146
Train Type: FREIGHT Train Direction: S
Train Speed: Track Speed:
Locomotives: 4 Cars: 126 Derailed:
Suspected DOT Regulation Non Compliance: UNKNOWN
DERAILED CARS:
Pos. Car number Type Cargo

IMPACT

Fire Involved: NO Fire Extinguished: UNKNOWN

INJURIES: YES 1 Sent to Hospital: Empl/Crew: Passenger:
FATALITIES: NO Empl/Crew: Passenger: Occupant:
EVACUATIONS:NO Who Evacuated: Radius/Area:

Damages: NO

	Hours	Direction of
Closure Type Description of Closure	Closed	Closure

Air: NO

Road: YES BAYVIEW DRIVE	Major	Artery:NO
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Waterway:NO

Track: YES SINGLE MAIN LINE	N/S
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Passengers Transferred: NO
Environmental Impact: UNKNOWN
Media Interest: UNKNOWN Community Impact due to Material:

REMEDIAL ACTIONS

UNDER INVESTIGATION.
Release Secured: UNKNOWN
Release Rate:
Estimated Release Duration:

WEATHER

Weather: OVERCAST, 62°F

ADDITIONAL AGENCIES NOTIFIED

Federal:

State/Local: WA EOC

State/Local On Scene: PD

State Agency Number: 19-3112

NOTIFICATIONS BY NRC

CENTERS FOR DISEASE CONTROL (GRASP)

31-AUG-19 08:13 (770)4887100

CGIS D13 FIELD OFFICE (CGIS D13 COMMAND CENTER)

31-AUG-19 08:13 (206)2207141

DEPT OF HEALTH AND HUMAN SERVICES (SECRETARY'S OPERATION CENTER (SOC))

31-AUG-19 08:13

CUSTOMS AND BORDER PROTECTION (INTEL BRANCH/BLAINE SECTOR)

31-AUG-19 08:13 (360)4107222

DHS DEFENSE THREAT REDUCTION AGENCY (CHEMICAL AND BIOLOGICAL TECHNOLOGI

31-AUG-19 08:13 (703)7673477

NATIONAL COORDINATING CTR FOR COMMS (NCC COMM-ISAC)

31-AUG-19 08:13 (703)2355626

DHS CYBER & INFRASTRUCTURE SECURITY (OFC OF INFRASTRUCTURE PROTECTION R

31-AUG-19 08:13 (202)8215301

OFFICE OF INFRASTRUCTURE PROTECTION (WA STATE PROTECTIVE SECURITY ADVIS

31-AUG-19 08:13 (202)8053379

DOT CRISIS MANAGEMENT CENTER (MAIN OFFICE)

31-AUG-19 08:13 (202)3661863

FEDERAL RAILROAD ADMIN. (BRENDAN GERARDO)

31-AUG-19 08:13 (202)4656922

FEDERAL RAILROAD ADMIN. (MAIN OFFICE (AUTO))

31-AUG-19 08:13 (202)4930636

FEMA REGION 10 (MAIN OFFICE)

31-AUG-19 08:13 (425)4874704

LUMMI INDIAN BUSINESS COUNCIL (NATURAL RESOURCES DEPARTMENT)

31-AUG-19 08:13 (360)3127119

NTL ENVMTL EMERG CENTRE CANADA (MAIN OFFICE)

31-AUG-19 08:13 (514)2832333

NATIONAL INFRASTRUCTURE COORD CTR (MAIN OFFICE)

31-AUG-19 08:13 (202)2829201

NOAA RPTS FOR WA (MAIN OFFICE)

31-AUG-19 08:13 (206)5264911

NTSB RAIL (MAIN OFFICE)

31-AUG-19 08:13 (202)3146293

OREGON TITAN FUSION CENTER (FUSION COMMAND CENTER)
31-AUG-19 08:13 (877)6204702
WA STATE EMERGENCY MANAGEMENT (MAIN OFFICE)
31-AUG-19 08:13 (800)2585990
TSA OFFICE OF SECURITY OPERATIONS (SURFACE OPS/PSAT - OREGON OFFICE)
31-AUG-19 08:13 (614)7328440
TSA SURFACE TRANSPORTATION SECURITY (TWIC ENFORCEMENT)
31-AUG-19 08:13 (206)3875236
VOLPE CENTER (TRANSPORTATION HUMAN FACTORS)
31-AUG-19 08:13 (617)4942000
WASHINGTON STATE FUSION CENTER (FUSION COMMAND CENTER)
31-AUG-19 08:13 (877)8439522
WASHINGTON STATE NATIONAL GUARD (COMMAND CENTER)
31-AUG-19 08:13 (253)5128159
WA UTILITIES & TRANSPORTATION COMM (PIPELINE SAFETY)
31-AUG-19 08:13 (360)6641182

ADDITIONAL INFORMATION

Christopher R. Jager
State Emergency Operations Officer
Washington Emergency Management Division
Building 20: MS: TA-20
Camp Murray, WA 98430-5122
dutyofficer@mil.wa.gov

24-hr contact number:
1-800-258-5990

From: State Emergency Operations Officer (MIL)
Sent: Saturday, August 31, 2019 4:25 AM
To: 'Danielle DeVoe' <ddev461@ecy.wa.gov>; Whatcom County Unified (WCSODEM@co.whatcom.wa.us) <WCSODEM@co.whatcom.wa.us>; Kathy Hunter <KHunter@utc.wa.gov>; Kenneth W. Holgard <kenneth.holgard@dot.gov>; Mark Daniels (FRA) <mark.daniels@dot.gov>; Michael Pirato <michael.pirato@dot.gov>; Stacey Thompson (Fed Railroad Association Reg 8) <stacey.thompson@dot.gov>; Stacey Weller <wellers@amtrak.com>; Steven Travers <steven.travers@amtrak.com>; WA State UTC Rail Safety Office <WUTCRailReporting@utc.wa.gov>
Subject: Empty Coal Train vs Trespasser, Bellingham

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Reporting Party Name, Position and Contact Number: Cisco @ 817-352-2832

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Time and Date of the Event: 0403, 08/31/19

Mile post and/or Address of Event: Bayview Dr, Bellingham

Circumstances of the Incident: Empty Coal Train vs Trespasser

Number of Injuries and/or Fatalities: Unknown

Type of Rail Cars Involved (tank, hopper, box, flat, etc.): Empty Coal Train

Type and Amount of HAZMAT spilled: None at this time

Any Additional Details That Will Assist in Identifying the Necessary Response:

Name and Phone Local POC: Cisco @ 817-352-2832

Railroad Incident Number:

State EOC Incident Number: 19-3112

Christopher R. Jager
State Emergency Operations Officer
Washington Emergency Management Division
Building 20: MS: TA-20
Camp Murray, WA 98430-5122
dutyofficer@mil.wa.gov

24-hr contact number:
1-800-258-5990



David Doll, Chief of Police

505 Grand Avenue, Bellingham, WA 98225

Telephone: (360) 778-8800

Fax: (360) 778-8701

Case No.:	19B52981
Requested Date:	August 12, 2020
Requested By:	HALSTEAD, LORI
Agency:	
Processed By:	MB (BP910)
Processed Date:	8/22/2020 4:59:00 PM

Enclosed is a copy of the record you requested. If deletions have been made according to Washington state law, we have provided the statutory references supporting those deletions on the last page of this report.

All information pertaining to social security numbers and driver's licenses have been automatically deleted from any record requested by the public per RCW 42.56.240.1.

If you believe that information has been deleted without cause, please contact a records supervisor at (360) 778-8800.

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19B52981 COLLISION - FATAL

HEADER

Primary

Author: **LANGBOTTOM, STEVEN**

Appvd: **183**

Location: **400 BAYVIEW DR**

Date Reported: **Aug 31 2019 4:08AM**

Press Summary: **Officers investigated a fatality collision in which a pedestrian was struck by a freight train.**

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19B52981 COLLISION - FATAL

NARRATIVE

Primary	Report 1 of 17	Author: Longbottom, STEVEN	Rpt Date: Aug 31 2019 4:08AM	Appvd: 183
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BWC Activated

On 08/31/2019 at approximately 0408 hours, I was dispatched to the 400 block of Bayview Dr for a train vs pedestrian.

I arrived on scene and contacted train conductor, JASON FOUST (W1). JASON FOUST (W1) advised that while approaching the railroad crossing at BOULEVARD PARK (R1) heading southbound, he noticed what appeared to be a cone of some sort laying in the middle of the train track. JASON FOUST (W1) stated that the train was traveling at approximately 35 mph.

As the train became closer to the object, he noticed it was a person laying on the track. JASON FOUST (W1) stated that he and the engineer, RYAN ARGANTI (W2), tried to stop the train before hitting the pedestrian, but it was too late.

Once the train was stopped, JASON FOUST (W1) exited the train to meet law enforcement at the train crossing.

I approached the train track and observed a male subject approximately 20 to 30 feet south of the train crossing laying underneath the train. The male subject received severe blunt force trauma to the head and what appeared to be a severed foot or leg. Bellingham Fire Department personnel arrived on scene moments later and confirmed what appeared to be an obvious death.

Ofc Sturlaugson and I walked down the track and contacted RYAN ARGANTI (W2) in the lead engine. RYAN ARGANTI (W2) confirmed that he is the engineer for the train and is responsible in making the train move (drive). RYAN ARGANTI (W2) advised that he noticed something on the train track that looked like a possible plastic bag or backpack. As the train approached the item, he observed a person laying parallel in the train track. The unknown subject appeared to be laying on his stomach with his head on the track and his legs hanging off of the train crossing platform.

RYAN ARGANTI (W2) stated he attempted to stop the train, but was unable before colliding into the subject.

I walked around the front of the train and observed blood and other matter on the front panel of the train engine.

I walked around the other side of the train and noticed what appeared to be a foot or partial leg detached from the body next to the track.

I walked down to BOULEVARD PARK (R1) and located an unoccupied red Honda Civic WA/BLL2255. The registered owner is MILTON JIMENZ FACUNDO (R2) who has a local address at 500 STERLING DR, APT 106. The deceased person from the fatality collision did not appear to match the DOL photograph of MILTON JIMENZ FACUNDO (R2). Officer Keller and Officer Huyber to contact MILTON JIMENZ FACUNDO (R2) at 500 STERLING DR, APT 106. No answer at the residence, however, there appeared to be a parking space for the unit that was missing a vehicle.

Other officers on scene located possible phone numbers for MILTON JIMENZ FACUNDO (R2) and were unsuccessful in making contact. They also attempted to contact MILTON JIMENZ FACUNDO (R2)'s father via phone and that was also unsuccessful.

At this time, the victim remains unidentified.

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CSI's and traffic officers arrived on scene to take over the investigation.

I remained for scene security.

This ended my involvement in this case.

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19B52981 COLLISION - FATAL

PROPERTY

Primary Report 1 of 17 *Author:* **Longbottom, Steven** *Rpt Date:* **Aug 31 2019 4:08AM** *Appvd:* **183**

Reference Only

Article: Vehicles-Automobiles

Serial #: 1HGEJ6120VL013618
Year: 1997
Brand: HONDA
Model: CIVIC

1st Color: Red

Value:

Recovered:
Impounded:

Owner: JIMENEZ FACUNDO, MILTON
NMI

License: BLL2255

State: WA

Expires:

Description:

Features:

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19B52981 COLLISION - FATAL

ASSOCIATES

Follow-Up Report 2 of 17 Author: **SCANLON, MICHAEL** Rpt Date: **Aug 31 2019 2:45PM** Appvd: 211

C2 GUILLEN, ERNASTINE NMI *DOB:* Jun 23 1967 *Age:* 52 *Sex:* F *Race:* W
SSN: RCW 42.56.240.1 *Ht:* 501 *Wt:* 180
Drivers Lic.: RCW 42.56.240.1 *Lic. St:* AZ *Eyes:* BRO *Hair:* Black
Res Address: 6980 W MONTABELLO RD, GLENDALE, AZ 85303
Bus Address: , WA
Res Phone: (602) 497-9295 *Bus Phone:*
Cell Phone:
AKAs:
Features:

C3 GUILLEN, ROBERT *DOB:* *Age:* *Sex:* M *Race:* U
SSN: RCW 42.56.240.1 *Ht:* *Wt:*
Drivers Lic.: RCW 42.56.240.1 *Lic. St:* *Eyes:* *Hair:*
Res Address: , BLAINE, WA
Bus Address: , WA
Res Phone: (360) 819-5403 *Bus Phone:*
Cell Phone:
AKAs:
Features:

C4 BITTRICK, HAMILTON EDGAR JOAO *DOB:* Dec 10 1986 *Age:* 32 *Sex:* M *Race:* B
SSN: RCW 42.56.240.1 *Ht:* 507 *Wt:* 132
Drivers Lic.: RCW 42.56.240.1 *Lic. St:* *Eyes:* BRO *Hair:*
Res Address: 1713 CAROLINA ST 201, BELLINGHAM, WA 98225
Bus Address: , WA
Res Phone: (360) 812-1108 *Bus Phone:*
Cell Phone:
AKAs:
Features:

C5 GUILLEN, ELESE YOLANDA *DOB:* Apr 13 1987 *Age:* 32 *Sex:* F *Race:* W
SSN: RCW 42.56.240.1 *Ht:* 504 *Wt:* 210
Drivers Lic.: RCW 42.56.240.1 *Lic. St:* WA *Eyes:* BRO *Hair:* Brown
Res Address: 2312 KING ST, BELLINGHAM, WA 98225-3838

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Bus Address:

Res Phone:

Bus Phone:

Cell Phone: (360) 988-3318

AKAs: PUFFER, ELESE YOLANDA

Features:

R3 GUILLEN, DANIEL NMI

DOB: Mar 23 1980

Age: 39

Sex: M

Race: W

SSN: RCW 42.56.240.1

Ht: 509

Wt: 170

Drivers Lic.: RCW 42.56.240.1

Lic. St: AZ

Eyes: BRO

Hair: Black

Res Address: 2312 KING ST, BELLINGHAM, WA 98225

Bus Address: , WA

Res Phone: (360) 988-3395

Bus Phone:

Cell Phone:

AKAs: BABY, CRIPPLE; X, DANNY; X, LILCRIPPLE; X, DAN; GUILLEN, MICHAEL

Features: ; TAT ABDOM - Abdomen; TAT R ARM - Arm; TAT CHEST - Chest

the window.

While I was getting ready to leave, I was called by ROBERT GUILLEN (C3) (another brother in Birch Bay) who wanted me to know that he was texting/talking to the guy that had his brother's cell phone and he said that his brother had been involved in a fight last night while he was out. No sooner was I on the phone with ROBERT GUILLEN (C3), a male I had not seen on this call thus far, walked up to me with his young child and said that he was the guy with JONATHAN GUILLEN (V1) cell phone and was the guy that JONATHAN GUILLEN (V1) went out drinking with.

I then contacted this male, who identified himself as HAMILTON BITTRICK (C4). He stated that he and JONATHAN GUILLEN (V1) had been out drinking last night at several bars, but around closing time or just before, they went down to the Kambucha Town bar. While there, JONATHAN GUILLEN (V1) apparently got into a verbal disagreement with several (eight supposedly) guys and HAMILTON BITTRICK (C4) stated that he had to step in and tell the guys to back off. Seeing that there was going to be a problem if they stayed there, HAMILTON BITTRICK (C4) brought JONATHAN GUILLEN (V1) over to State St for pizza (believed to be Rudy's) to forget about those guys. HAMILTON BITTRICK (C4) stated that when he turned around he saw that JONATHAN GUILLEN (V1) was gone, and when he looked for him, he saw that JONATHAN GUILLEN (V1) was getting into another fight with the same guys as before.

HAMILTON BITTRICK (C4) stated that he and JONATHAN GUILLEN (V1) began to fight these eight guys, but JONATHAN GUILLEN (V1) ultimately disengaged with them and went wondering off while HAMILTON BITTRICK (C4) was still fighting them. Once the fight stopped the guys that HAMILTON BITTRICK (C4) was fighting apologized, and left the area. HAMILTON BITTRICK (C4) stated that he picked up the left shoe of JONATHAN GUILLEN (V1), his black sunglasses which were broken and was handed his cell phone from some kid who was in the area. HAMILTON BITTRICK (C4) stated that he had no idea who this kid was.

HAMILTON BITTRICK (C4) then stated that he went walking all over downtown (believed to be between 0300 to 0400 hrs) looking for JONATHAN GUILLEN (V1) but when he couldn't find him, he thought he must have gotten back home, so he walked from downtown to the 1300 Texas and knocked on his apartment door with no success. Figuring he was passed out somewhere, HAMILTON BITTRICK (C4) went to his residence and went to bed, as he was going to be getting his son for the day, and he wanted to be awake for it. I then collected the shoe, broken glasses and cell phone of JONATHAN GUILLEN (V1). As a courtesy to HAMILTON BITTRICK (C4) I brought he and his young son down to the Herald Building at his request.

I then responded back to the PD where I impounded all of the aforementioned items given to me by HAMILTON BITTRICK (C4).

Phone was placed into airplane mode. Number to phone is 360-305-5804.

Nothing follows at this time.

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19B52981 COLLISION - FATAL

PROPERTY

Follow-Up Report 2 of 17 Author: **SCANLON, MICHAEL** Rpt Date: **Aug 31 2019 2:45PM** Appvd: 211

Found / Seized

Article: **Clothes/Furs**

Serial #:

1st Color: White

Recovered:

2nd Color: Black

Impounded: Aug 31 2019 4:45PM

Brand: NIKE

Model:

Value:

Owner: GUILLEN, JONATHAN N

License:

State:

Expires:

Description: SHOE

Features: Left shoe

Found / Seized

Article: **Radios/TV's/VCR's/DVD/Cameras-(Equipment)**

Serial #:

1st Color:

Recovered:

Impounded: Aug 31 2019 4:46PM

Brand: MOTOROLA

Model:

Value:

Owner: GUILLEN, JONATHAN N

License:

State:

Expires:

Description: Cell Phone

Features: Motorola cell phone possibly G5 G6 or G7
Placed in Airplane Mode

Found / Seized

Article: **Clothes/Furs**

Serial #:

1st Color: Black

Recovered:

Impounded: Aug 31 2019 4:47PM

Brand:

Model:

Value:

Owner: GUILLEN, JONATHAN N

License:

State:

Expires:

Description: Glasses

Features: Broken glasses
Black frames
Dark lenses

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19B52981 COLLISION - FATAL

ASSOCIATES

Follow-Up Report 4 of 17 *Author: KINGERY, ERIC* *Rpt Date: Aug 31 2019 4:24AM* *Appvd: 196*

R4 BURLINGTON NORTHERN, *DOB:* *Age:* *Sex:* *Race:*

SSN: RCW 42.56.240.1

Ht:

Wt:

Drivers Lic.: RCW 42.56.240.1

Lic. St:

Eyes:

Hair:

Res Address: , WA

Bus Address: 630 CORNWALL AV, BELLINGHAM, WA 98225

Res Phone:

Bus Phone: (800) 832-5452

Cell Phone:

AKAs:

Features:

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device's scanned image of JONATHAN GUILLEN (V1)'s right index finger for an AFIS submission through the FBI database. I received a qualified candidate return in the number 1 position for JONATHAN GUILLEN (V1) with a higher score than the other candidates. I conducted a further comparison of the victim's right index fingerprint with JONATHAN GUILLEN (V1)'s known right index finger. I found the two to be in agreement, therefore JONATHAN GUILLEN (V1) was identified as the victim in this fatal collision. I authored a BPD latent print report and provided it to Evidence and ID Officer DeRuiter for verification. See documents tab.

Nothing further.

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19B52981 COLLISION - FATAL

ASSOCIATES

Follow-Up Report 6 of 17 Author: DERUITER, MICHAEL Rpt Date: Aug 31 2019 4:36AM Appvd: 246

C1 PARKE, TRAVIS KAY DOB: Jan 2 1992 Age: 27 Sex: M Race: W

SSN: RCW 42.56.240.1

Ht: 510

Wt:175

Drivers Lic.: RCW 42.56.240.1

Lic. St: WA

Eyes: HAZ

Hair:

Res Address: 5858 SEMIAHMOO RD, BLAINE, WA 98230

Bus Address: 4816 OUTRIGGER LOOP, BLAINE, WA 98230

Res Phone:

Bus Phone: (360) 393-9964

Cell Phone:

AKAs:

Features:

V1 GUILLEN, JONATHAN N DOB: Jan 16 1988 Age: 31 Sex: M Race: W

SSN: RCW 42.56.240.1

Ht: 504

Wt:168

Drivers Lic.: RCW 42.56.240.1

Lic. St:

Eyes: BRO

Hair: Black

Res Address: 43635 W BACA RD, MARICOPA, AZ 85138

Bus Address: , WA

Res Phone:

Bus Phone:

Cell Phone:

AKAs:

Features:

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19B52981 COLLISION - FATAL

NARRATIVE

Follow-Up Report 6 of Author: DERUITER, MICHAEL Rpt Date: Aug 31 2019 4:36AM Appvd: 246

17

I was called in at about 0436 hrs to assist with an apparent suicide at BOULEVARD PARK (R1). Sgt. C Johnson informed me a male had laid on the tracks and was run over by a train. CSI Kingery was called in as well.

Kingery and I rode to the scene together. We arrived around 0530. There were a number of BPD Officers and Burlington Northern personnel on scene. Burlington Northern Law Enforcement Officer Dan Sartain was our main contact for that organization.

CSI Kingery assumed responsibility for photography and Traffic Officers Stewart & Wright conducted scene scanning.

As seen in the photographs, the deceased, later identified as JONATHAN GUILLEN (V1) was a short distance south of the railroad crossing/drive through entrance to BOULEVARD PARK (R1). Information shared with us was that GUILLEN had been laying on the 'pad' of the roadway railroad crossing. GUILLEN's torso was on the pad and his legs were on the rock bed. His entire body was in between the railroad tracks. Later in the investigation, a Burlington Northern Employee shared a still image from the locomotive's camera. In that black and white image a person could be seen laying in between the tracks with their head toward the oncoming train.

In regard to the train, it was traveling south. I tried to find out the train's speed at the time of the incident but Burlington Northern personnel did not have that information available. One person estimated the train was traveling 7-9 mph.

While CSI Kingery took overall photos, I walked the tracks to search for evidence. I marked body parts & tissues with orange spray paint. As seen in the photos, GUILLEN's body was in between the tracks roughly 31 feet south of the crossing. The top of his head had been crushed. His left foot had been amputated and was laying on the bay side of the tracks. The toes to his right foot had also been amputated and were near the body. His right shoe was a short distance further south, laying in between the railroad tracks. The left shoe was never found.

I climbed under the train and tried to find some sort of wallet or ID in the back pockets, but found nothing. CSI Kingery retrieved the Mobile ID unit. I cleaned GUILLEN's fingers and submitted a query but there was with no hit in the 3 databases searched.

While Traffic Officers conducted scene scans, CSI Kingery and I walked the approximate 700 feet to the front of the train. We walked both sides of the track in an effort to find the missing shoe, but it was not located. Also, CSI Kingery photographed evidence/ tissues on the 'cattle guard' at the front of the locomotive.

I notified the Medical Examiner at about 0700. The ME assumed jurisdiction and Dr. Goldfogel contacted TRAVIS PARKE (C1) for the removal.

After the scene scans were finished, I asked BN Officer Sartain to have the train moved to prepare for the removal. Once the train was gone, the scene was examined again. While CSI Kingery was taking detailed photos of the deceased, he noticed a wallet in a front pants pocket. I retrieved the wallet and found an AZ ID bearing the name JONATHAN GUILLEN (V1). I took photos of the wallet and contents with my department issued iPhone. They are pictures 136-138. As seen in these photos, the

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wallet held no cash and on only a few cards. A debit card also had GUILLEN's name on it.

JONATHAN GUILLEN (V1)'s body was removed some time after 8 am. GUILLEN's ID went with body.

BFD responded to wash the scene.

Once at the station, CSI Kingery submitted an ABIS query of the index fingerprints obtained at the scene. He received a 'hit' from the FBI. Kingery conducted a side by side comparison and confirmed the deceased was JONATHAN GUILLEN (V1). I verified the results and the information was shared with Sgt. Scanlon for Next of Kin notification.

Nothing further at this time.

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PROPERTY

Follow-Up Report 6 of 17 Author: DERUITER, MICHAEL Rpt Date: Aug 31 2019 4:36AM Appvd: 246

Found / Seized

Article: **Purses/Handbags/Wallets**

Serial #:

1st Color:

Recovered:

Impounded: Aug 31 2019 10:24AM

Brand:

Model:

Value:

Owner: GUILLEN, JONATHAN N

License:

State:

Expires:

Description: Wallet with Chain and assorted cards

Features:

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19B52981 COLLISION - FATAL

NARRATIVE

Follow-Up Report 7 of *Author:* **STEWART, SCOTT** *Rpt Date:* **Aug 31 2019 8:40AM** *Appvd:* **191**
17

On 08/31/2019, I was called at home and asked to come to Boulevard Park for a death investigation. T.O. Wright and I responded and shot the scene using a FARO 3D laser scanner according to what CSI's had requested. Both sides of the train as well a separate scan of the front were taken. 2 SD cards were then impounded as evidence. This concluded my involvement in this case.

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19B52981 COLLISION - FATAL

PROPERTY

Follow-Up Report 7 of 17 Author: STEWART, SCOTT Rpt Date: Aug 31 2019 8:40AM Appvd: 191

Found / Seized

Article: **Computer Hardware/Software**

Serial #:

1st Color:

Recovered:

Impounded: Aug 31 2019 8:43AM

Brand:

Model:

Value:

Owner:

License:

State:

Expires:

Description: SD card

Features: SD card #1 sides of rail cars

Found / Seized

Article: **Computer Hardware/Software**

Serial #:

1st Color:

Recovered:

Impounded: Aug 31 2019 8:45AM

Brand:

Model:

Value:

Owner:

License:

State:

Expires:

Description: SD card

Features: SD card #2 - Front of train

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19B52981 COLLISION - FATAL

NARRATIVE

Follow-Up Report 10 of 17 Author: COURTNEY, JOHN Rpt Date: Sep 3 2019 2:00PM Appvd: 196

On Tuesday 09/03/2019 at approximately 1400 hours, Sgt D. JOHNSON made contact and requested my assistance in obtaining video footage from the City of Bellingham Avigilon Camera System to assist in this investigation.

From my assigned City of Bellingham workstation, I accessed the City of Bellingham Avigilon Camera System and from the below listed cameras I located the following video:

Chestnut / State (2) camera, at approximately
2:13:20 hours, a male wearing a white shirt is seen playing / dancing near the UNDERGROUND NIGHTCLUB
2:18:50 hours, near the PYE HOLE (R7) somebody goes to the ground
a male wearing white shirt, dark pants, and white shoes
arrives
2:29:25 hours, a male wearing a white shirt walks across E Chestnut St and later comes back

Railroad / Chestnut (3) camera, at approximately
2:30:44 hours, multiple individuals arrive in camera view
2:37:55 hours, JONATHAN GUILLEN (V1) arrives
2:44:28.94 hours, JONATHAN GUILLEN (V1) throws the first punch
2:45:56.595 hours, JONATHAN GUILLEN (V1) throws another punch and a fight develops

2:46:08.129 hours, JONATHAN GUILLEN (V1)'s white shoe comes off from left foot
2:46:35.511 hours, JONATHAN GUILLEN (V1) gets up from sidewalk and walks away
2:46:43.239 hours, JONATHAN GUILLEN (V1)'s shoe gets thrown out onto Railroad Avenue by a tall white male with very large bushy hair
2:46:47.660 hours, JONATHAN GUILLEN (V1) runs across Chestnut Street followed by at least one other
2:47:02.979 hours, JONATHAN GUILLEN (V1) crosses Railroad Avenue still followed by at least one other
2:49 hours, JONATHAN GUILLEN (V1) walks out of camera view at Chestnut Street and Cornwall Avenue

I made contact with the following businesses in an attempt to obtain additional video footage to assist in this investigation:

WOODS COFFEE, 470 Bayview Drive
I made telephone contact and was advised that there was no manager currently on duty. I made telephone contact with WOODS COFFEE Corporate office and spoke with NATALIE. NATALIE placed me on hold and later advised that the WOODS COFFEE, 470 Bayview Dr, camera system does NOT record.

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LA FIAMMA WOOD FIRE PIZZA / PYE HOLE (R7), 200 East Chestnut Street
I made telephone contact and was advised that there was no managers currently on duty. I left a message requesting a return telephone call. I later received a telephone call from manager MO, who stated he would request someone to review their camera system for any potential video footage to assist in this investigation. MO later called again and stated that LA FIAMMA WOOD FIRE PIZZA / PYE HOLE (R7) does not have any video footage to assist in this investigation. MO also advised that one of the PYE HOLE (R7) employees, COLLEEN HART (480-432-6335), remembers interacting with JONATHAN GUILLEN (V1) that evening.

On Thursday 09/05/2019 at approximately 1100 hours, Detective McGINTY, CSI Officer KOLBY and Medical Examiner GOLDFOGEL met in my office to view the video footage I identified from the City of Bellingham Avigilon Camera System concerning this investigation.

The City of Bellingham Avigilon Camera System video footage Bookmarked from eight (8) cameras beginning on Saturday 08/312019 at 0000 hours through 0400 hours concerning this investigation was exported as file:

19B52981 ACC Export - 2019-10-24 01.21.02 PM.ave

The export process also makes available the Avigilon StandAlone Player software application.

Due to the large size of the video footage file (86.6 GB), the City of Bellingham Avigilon Camera System video footage was not placed onto media at this time and impounded as evidence. The video footage file was copied onto the Forensics Unit file server for archival purposes and is available upon request. A MD5 hash value of the file on the file server was obtained.

See Video Forensics Examiner Detective YODER's Follow Up Report for additional information.

Nothing further at this time. PR #256

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19B52981 COLLISION - FATAL

ASSOCIATES

Follow-Up Report 11 of 17 Author: **JOHNSON, DAVID** Rpt Date: **Sep 3 2019 2:00PM** Appvd: 191

R1 JUST POKE VERVE BOWLS, 0 *DOB:* *Age:* *Sex:* *Race:*

SSN: RCW 42.56.240.1 *Ht:* *Wt:*

Drivers Lic.: RCW 42.56.240.1 *Lic. St:* *Eyes:* *Hair:*

Res Address:

Bus Address: 201 E CHESTNUT ST

Res Phone: *Bus Phone:* (360) 922-3388

Cell Phone:

AKAs:

Features:

R5 KOMBUCHA TOWN, *DOB:* *Age:* *Sex:* *Race:*

SSN: RCW 42.56.240.1 *Ht:* *Wt:*

Drivers Lic.: RCW 42.56.240.1 *Lic. St:* *Eyes:* *Hair:*

Res Address:

Bus Address: 210 E CHESTNUT ST, BELLINGHAM, WA 98225

Res Phone: *Bus Phone:* (360) 325-1386

Cell Phone:

AKAs:

Features:

R6 CAP HANSENS TAVERN, *DOB:* *Age:* *Sex:* *Race:*

SSN: RCW 42.56.240.1 *Ht:* *Wt:*

Drivers Lic.: RCW 42.56.240.1 *Lic. St:* *Eyes:* *Hair:*

Res Address: , WA

Bus Address: 209 E CHESTNUT ST, BELLINGHAM, WA 98225

Res Phone: *Bus Phone:* (360) 733-0878

Cell Phone:

AKAs:

Features:

R7 PYE HOLE, 200 E CHESTNUT ST *DOB:* *Age:* *Sex:* *Race:*

SSN: RCW 42.56.240.1 *Ht:* *Wt:*

Drivers Lic.: RCW 42.56.240.1 *Lic. St:* *Eyes:* *Hair:*

Res Address: , WA

Bus Address: 200 E CHESTNUT ST, BELLINGHAM, WA 98225

Res Phone: *Bus Phone:*

Cell Phone:

AKAs:

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19B52981 COLLISION - FATAL

NARRATIVE

Follow-Up	Report 11 of	Author: JOHNSON, DAVID	Rpt Date: Sep 3 2019 2:00PM	Appvd: 191
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BWC Activated during interview with HAMILTON BITTRICK (C4) when down town

On 09/02/19, I viewed an email that was sent from Sergeant Scanlon to Officer Yoder in which Sergeant Fountain and I were carbon copied. In the email, it asked Officer Yoder to contact Fred Schacht at KOMBUCHA TOWN (R5) regarding video for the Train-Pedestrian Collision. The email indicated that the deceased appeared to have been in a fight at KOMBUCHA TOWN (R5) sometime prior to the incident at the park. Then, on 09/02/19, I received a phone call from Sergeant Scanlon indicating that family members of JONATHAN GUILLEN (V1), the deceased, may be calling me on Tuesday (09/03/19). I advised him that I would refer the family to the Traffic Division since the Traffic Division had investigated the death.

On 09/03/19, I received a phone call from ELESE GUILLEN (C5) which had been forwarded from the Traffic Division. ELESE GUILLEN (C5) indicated that she heard there had been a fight near KOMBUCHA TOWN (R5) and she thought that it was suspicious. ELESE GUILLEN (C5) said that a relative had seen a picture that JONATHAN GUILLEN (V1) either sent or posted on social media at 0200 hours on 08/31/19. The venue appeared to have a comedy club background. Since then, it appeared that JONATHAN GUILLEN (V1)'s facebook account had been deleted. I told ELESE GUILLEN (C5) that an officer had already been assigned to collect the video from KOMBUCHA TOWN (R5) but that I had not seen the video. I told her that a detective had not been assigned yet, and I provided her with my desk phone number as a point of contact.

I received a voicemail from HAMILTON BITTRICK (C4) on 09/03/19, and he indicated that he had questions about whether or not video had been located of the fight. I reviewed Longarm and found that HAMILTON BITTRICK (C4) had spoken with Sergeant Scanlon earlier and was the one who originally advised of the fight near KOMBUCHA TOWN (R5). I phoned HAMILTON BITTRICK (C4) and learned the following from him:
--The fight had occurred around 0230 or 0300 hours.
--JONATHAN GUILLEN (V1) had no vehicle, and they had taken a taxi to get down town.

--They had been at KOMBUCHA TOWN (R5) and then gotten pizza at PYE HOLE (R7). The fight occurred near a gray building across the street.
--The fight was JONATHAN GUILLEN (V1) and HAMILTON BITTRICK (C4) versus about eight people.
--JONATHAN GUILLEN (V1) just walked off from the fight and never looked back, and he headed toward Boundary Bay Brewery.
--HAMILTON BITTRICK (C4) walked across the street to get one of JONATHAN GUILLEN (V1)'s shoes, and then HAMILTON BITTRICK (C4) walked toward Boundary Bay Brewery to try to find JONATHAN GUILLEN (V1). He eventually took a taxi back to JONATHAN GUILLEN (V1)'s apartment believing that JONATHAN GUILLEN (V1) may have gone back there, but JONATHAN GUILLEN (V1) did not answer.
--They had left HAMILTON BITTRICK (C4)'s residence at about 2000 hours the previous evening, gone to the Kulshan K2 Brewery and had a few drinks there, and then had taken a cab to down town.
--HAMILTON BITTRICK (C4) estimated that they had consumed about four drinks throughout the evening.
--HAMILTON BITTRICK (C4) had been trying to get JONATHAN GUILLEN (V1) some pizza at PYE HOLE (R7) because JONATHAN GUILLEN (V1) was intoxicated.
--HAMILTON BITTRICK (C4) believed that JONATHAN GUILLEN (V1) was a marijuana user but did not use other drugs. He did not believe that JONATHAN GUILLEN (V1) had used marijuana that night.

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At the end of the call, HAMILTON BITTRICK (C4) agreed to me picking him up the next morning and driving him to the area where the fight occurred so that he could point out specific locations.

On 09/04/19, Detective McGinty and I picked up HAMILTON BITTRICK (C4) from his apartment and drove him to the intersection of Railroad Avenue and E Chestnut Street. We exited the vehicle, and I advised HAMILTON BITTRICK (C4) that an audio and video recording would be occurring, and then I activated my body worn camera. (The following is a summary of what HAMILTON BITTRICK (C4) told Detective McGinty and me. Please see BWC footage for exact verbiage.) HAMILTON BITTRICK (C4) confirmed that they had been drinking at the KOMBUCHA TOWN (R5), and we also determined that the second bar that they had been drinking at down town was CAP HANSENS TAVERN (R6). He said that they went back and forth between the two bars several times that night. They had taken a taxi from K2 and it had dropped them off in front of the Herald building. After the bars closed, there was a big line at PYE HOLE (R7) and they were getting pizza. JONATHAN GUILLEN (V1) seemed upset and said 'those guys over there are talking trash to me.' HAMILTON BITTRICK (C4) said he did not hear the group of guys saying anything to JONATHAN GUILLEN (V1). HAMILTON BITTRICK (C4) had gotten his slice of pizza and had started eating it, but JONATHAN GUILLEN (V1) didn't want the slice that HAMILTON BITTRICK (C4) had gotten for him. JONATHAN GUILLEN (V1) then started across the street towards the group, and HAMILTON BITTRICK (C4) followed him. HAMILTON BITTRICK (C4) pointed out the location where the fight had occurred, and it was near the sculpture on the northeast corner of the intersection near JUST POKE (R9). JONATHAN GUILLEN (V1) and HAMILTON BITTRICK (C4) started talking to the guys, and HAMILTON BITTRICK (C4) was trying to tell the other group that JONATHAN GUILLEN (V1) was just drunk. There was a tall white male with an afro that seemed to be the main guy having a problem with JONATHAN GUILLEN (V1). JONATHAN GUILLEN (V1) and the male with the afro then ended up fighting, and JONATHAN GUILLEN (V1) ended up on the ground in front of JUST POKE (R9). JONATHAN GUILLEN (V1) then suddenly got up and walked away down the street. Several of the guys from the fight walked away northbound on Railroad Avenue (not the same direction as JONATHAN GUILLEN (V1)). One of JONATHAN GUILLEN (V1)'s shoes had come off during the fight, and one of the males had thrown it across the street. HAMILTON BITTRICK (C4) walked across the street to grab the shoe, and when he walked back, an uninvolved male then walked up to HAMILTON BITTRICK (C4) and handed him both HAMILTON BITTRICK (C4)'s phone and JONATHAN GUILLEN (V1)'s phone. HAMILTON BITTRICK (C4) said that he then checked around the block yelling for JONATHAN GUILLEN (V1), and when he couldn't find him, he took a cab back to JONATHAN GUILLEN (V1)'s residence.

Detective McGinty and I then dropped off HAMILTON BITTRICK (C4) at his work site at Sehome High School. He was working for a construction company that was finishing up the high school building/grounds project.

Officer Yoder later located video of the fight on the City of Bellingham Avigilon system. Detective McGinty and I watched the fight. The fight was very much as how HAMILTON BITTRICK (C4) had explained it, but there were fewer subjects involved than what HAMILTON BITTRICK (C4) had estimated. JONATHAN GUILLEN (V1) was seen taking the first swing during the fight. His attempted punch missed badly, so it appeared to me that JONATHAN GUILLEN (V1) must have been moderately to heavily intoxicated. At one point during the fight, JONATHAN GUILLEN (V1) walked away from the group southbound and then westbound down toward Cornwall Avenue. It appeared that he stopped at least once to turn around and possibly yell or gesture back toward the group, but he did not return and eventually walked out of the view of the camera.

I later learned that Officer Yoder was able to locate several additional sources of video which showed JONATHAN GUILLEN (V1) walking/running southbound on Cornwall Avenue south of E Chestnut Street. At no time did it appear that anyone was following JONATHAN GUILLEN (V1) on foot or by vehicle. The most likely route

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JONATHAN GUILLEN (V1) would have traveled to get to the train tracks at the entrance to BOULEVARD PARK (R1) would have been along the railroad tracks after having accessed them near or before the intersection of Cornwall Avenue and Pine Street. From there, it would have been extremely unlikely that JONATHAN GUILLEN (V1) could have come across anyone who was involved in the fight prior to him being located on the railroad tracks at the entrance to BOULEVARD PARK (R1).

Detective McGinty made contact with JONATHAN GUILLEN (V1)'s family and advised them of our findings. At this time, there is no reason to believe that JONATHAN GUILLEN (V1)'s death was the result of any foul play. In addition, Investigator deRuitter attended the autopsy of JONATHAN GUILLEN (V1)'s body, and nothing to suggest foul play was immediately identified at that time.

End of report.

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19B52981 COLLISION - FATAL

ASSOCIATES

Follow-Up Report 12 of 17 Author: MCGINTY, ADAM (BO) Rpt Date: Sep 5 2019 9:30AM Appvd: 246

C7 WOODS, KARINDA S DOB: Feb 17 1988 Age: 31 Sex: F Race: W

SSN: RCW 42.56.240.1

Ht:

Wt:

Drivers Lic.: RCW 42.56.240.1

Lic. St:

Eyes:

Hair:

Res Address: 516 TREMONT #103, BELLINGHAM, WA 98276

Bus Address: , WA

Res Phone: (360) 410-7750

Bus Phone:

Cell Phone:

AKAs:

Features:

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NARRATIVE

19B52981 COLLISION - FATAL

Follow-Up Report 12 of Author: MCGINTY, ADAM (BO) Rpt Date: Sep 5 2019 9:30AM Appvd: 246

17

On 09-05-19 KARINDA WOODS (C7) came into the Bellingham Police Department to speak with me. KARINDA WOODS (C7) is the soon to be ex-wife of HAMILTON BITTRICK (C4). She had questions as to the incident that HAMILTON BITTRICK (C4) was involved in. They have a common child together and KARINDA WOODS (C7) was wanting to make sure that it was safe to send the child with HAMILTON BITTRICK (C4) as they had scheduled parenting times.

KARINDA WOODS (C7) explained that HAMILTON BITTRICK (C4) had contacted her and gave her a very simple statement about the incident at first and then over the next few following days, his story became more evolved and was giving more details and some of them seemed outlandish to her. HAMILTON BITTRICK (C4) had detailed to her how he and JONATHAN GUILLEN (V1) had been down town drinking and that they had gotten into a fight, with what he said was 8 other people, and how JONATHAN GUILLEN (V1) lost a shoe, and he had JONATHAN GUILLEN (V1)'s phone, so that's why police contacted him, and that JONATHAN GUILLEN (V1) later got hit by a train and died.

Everything that KARINDA WOODS (C7) said that HAMILTON BITTRICK (C4) had told her, he had already told us. I told KARINDA WOODS (C7) that HAMILTON BITTRICK (C4) had been extremely cooperative with us (police) and that his statement had been verified through surveillance footage. I asked if there were any other reasons, other than this incident, for which she thought she should question HAMILTON BITTRICK (C4) parenting; she said no. KARINDA WOODS (C7) seemed to be relieved by knowing that there did not seem to be any foul play concerning HAMILTON BITTRICK (C4) or the incident.

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ASSOCIATES

Follow-Up Report 13 of 17 Author: MCGINTY, ADAM (BO) Rpt Date: Sep 6 2019 8:00AM Appvd: 246

C6 GOLDFOGEL, GARY ALAN *DOB:* Nov 12 1958 *Age:* 60 *Sex:* M *Race:* W

SSN: RCW 42.56.240.1 *Ht:* 508 *Wt:* 175
Drivers Lic.: RCW 42.56.240.1 *Lic. St:* WA *Eyes:* BLU *Hair:* Brown
Res Address: 1309 8 ST, BELLINGHAM, WA 98225
Bus Address: 1500 N STATE ST 200, BELLINGHAM, WA 98225
Res Phone: (360) 734-2244 *Bus Phone:* (360) 738-4557
Cell Phone:
AKAs:
Features:

R8 KULSHAN BREWING COMPANY, KENTUCKY ST *DOB:* *Age:* *Sex:* *Race:*

SSN: RCW 42.56.240.1 *Ht:* *Wt:*
Drivers Lic.: RCW 42.56.240.1 *Lic. St:* *Eyes:* *Hair:*
Res Address:
Bus Address: 1538 KENTUCKY ST, BELLINGHAM, WA 98226
Res Phone: *Bus Phone:* (360) 389-5348
Cell Phone:
AKAs:
Features:

R9 JUST POKE, 201 E CHESTNUT DRIVE *DOB:* *Age:* *Sex:* *Race:*

SSN: RCW 42.56.240.1 *Ht:* *Wt:*
Drivers Lic.: RCW 42.56.240.1 *Lic. St:* *Eyes:* *Hair:*
Res Address:
Bus Address:
Res Phone: *Bus Phone:*
Cell Phone:
AKAs:
Features:

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NARRATIVE

Follow-Up Report 13 of 17 Author: MCGINTY, ADAM (BO) Rpt Date: Sep 6 2019 8:00AM Appvd: 246

On 09-06-19 I, Detective McGinty along with Sergeant Johnson, met with HAMILTON BITTRICK (C4). We had requested that HAMILTON BITTRICK (C4) physically walk around downtown and show us where the events of the fight had taken place. While driving towards downtown, the following was learned from conversation with HAMILTON BITTRICK (C4): HAMILTON BITTRICK (C4) currently works for Carson Steel and JONATHAN GUILLEN (V1) worked for at "Gundies".

We drove to the corner of Railroad Avenue and E Chestnut Drive where we then walked around on foot. The following was learned from HAMILTON BITTRICK (C4): He, JONATHAN GUILLEN (V1), and one of JONATHAN GUILLEN (V1)'s friends that HAMILTON BITTRICK (C4) did not know, started drinking together at KULSHAN BREWING COMPANY (R8) around 8 o'clock in the evening. Around two hours later, they caught a cab with the company that has "blue vans" and were dropped off on E Chestnut Drive in front of the Herald Building. They then went between CAP HANSENS TAVERN (R6) and KOMBUCHA TOWN (R5) drinking beers at both places.

HAMILTON BITTRICK (C4) told us that around 0300 hours, they were standing at the corner of Railroad Avenue and E Chestnut Drive when they were approached by, according to HAMILTON BITTRICK (C4), eight male subjects. Later, video evidence confirmed that it was only five male subjects. A confrontation ensued between JONATHAN GUILLEN (V1) and the male subject that was white, tall, thin build, with an afro style hair. When the confrontation became physical, everyone started fighting. The fight ended up in front of JUST POKE (R9) where JONATHAN GUILLEN (V1) ended up on the ground, and he lost a shoe. JONATHAN GUILLEN (V1) was able to get up and he then left walking west on E Chestnut Drive, with one shoe on. This was the last time that HAMILTON BITTRICK (C4) saw JONATHAN GUILLEN (V1).

HAMILTON BITTRICK (C4) added that the tall white male with the afro, picked up the shoe that JONATHAN GUILLEN (V1) lost and threw it towards the west side of Railroad Avenue. HAMILTON BITTRICK (C4) walked around for a while looking for and calling out for JONATHAN GUILLEN (V1) but he never found him. A younger guy came up to him and handed him his cell phone, as well as JONATHAN GUILLEN (V1)'s cell phone. He said that he must have lost them in the fight. HAMILTON BITTRICK (C4) also added that it was little weird since JONATHAN GUILLEN (V1) had actually lost his phone earlier in the night, but it could have very well been that he had both phones in his pocket. HAMILTON BITTRICK (C4) then went to JONATHAN GUILLEN (V1)'s house to check on him but he wasn't there either. HAMILTON BITTRICK (C4) was to keep his son in the morning, so he went back to his apartment to go to sleep.

Later, watching video footage from the city cameras located at the corner of Railroad Avenue and E Chestnut Drive, HAMILTON BITTRICK (C4)'s statement was confirmed. It all aligned everything that HAMILTON BITTRICK (C4) had stated. Even later so, the medical examiner, GARY GOLDFOGEL (C6) came to the department and viewed the video footage also. He stated that he wanted to see the video from the train also. Officer John Courtney outlined the surveillance footage in detail in his report.

On 09-09-19 CSI de Ruitter spoke with me and requested the information for the contact at Burlington Northern Railway, so that he could arrange GARY GOLDFOGEL (C6) being able to view the video. I gave him the contact of Greg Beam, in the claims department at number 425-330-1852.

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Follow-Up Report 14 of Author: MCGINTY, ADAM (BO) Rpt Date: Sep 9 2019 11:00AM Appvd: 221

17

On 09-09-19 I met with DANIEL GUILLEN (R3) along with three of his family members, at the Bellingham Police Department. DANIEL GUILLEN (R3) is the brother of JONATHAN GUILLEN (V1) and was wanting an update on the investigation. He had questions as to the fight that JONATHAN GUILLEN (V1) had gotten in on the night of the accident.

I told DANIEL GUILLEN (R3) that we (police) had spoken with HAMILTON BITTRICK (C4), who was with his brother that night and that we had viewed the video footage of the entire fight. JONATHAN GUILLEN (V1) was never was unconscious and he was not followed by anyone when he left walking/jogging.

I told DANIEL GUILLEN (R3) that the medical examiner was planning on conducting the autopsy this afternoon or first thing in the morning and that he would know more. The female that was with DANIEL GUILLEN (R3) was ELESE GUILLEN (C5). She asked what trauma JONATHAN GUILLEN (V1) had been through. I had to ask her to elaborate and she said that the receptionist at the medical examiner's office told her, in regards to planning services for JONATHAN GUILLEN (V1), to consider a closed casket, because of all of the trauma he went through. I informed her that most likely what she was doing was trying to find a really nice way to say that he was hit by a train, so plan on a closed casket funeral. This seemed to put ELESE GUILLEN (C5) at ease with her concerns.

DANIEL GUILLEN (R3) was very thankful for my talking with him and did not express any more concerns at this time, about the incident.

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19B52981 COLLISION - FATAL

NARRATIVE

Follow-Up Report 15 of 17 Author: DERUITER, MICHAEL Rpt Date: Sep 10 2019 8:00AM Appvd: 189

I attended JONATHAN GUILLEN (V1)'s autopsy and used my department issued Nikon D7100 camera for documentation. My understanding at the end of the procedure was [Deleted as per 11.02.005 & 20]

Pictures 140-146 show the deceased after he was removed from the body bag.

Pictures 147-149 show sock on the amputated left foot. Later, I cut the sock away from the foot and examined the sole. I saw no obvious cuts or scratches but neglected to photodocument this.

Pictures 150-164 show the body after clothing was removed and GUILLEN was cleaned. The photos show the various injuries and notable tattoos.

Picture 165 shows GUILLEN's back.

Picture 166 shows the results of the preliminary urinalysis. None of the drugs tested for were detected.

Nothing further.

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ASSOCIATES

Follow-Up Report 16 of 17 *Author: YODER, JEFFERY* *Rpt Date: Sep 16 2019 9:00AM* *Appvd: 155*

R1 FRANCIS PLACE, 1122 CORNWALL DOB:
1 AV

Age: *Sex:* *Race:*

SSN: RCW 42.56.240.1

Ht: *Wt:*

Drivers Lic.: RCW 42.56.240.1

Lic. St.:

Eyes:

Hair:

Res Address: 705 B ST, BLAINE, WA 98230

Bus Address: 1122 CORNWALL AV, BELLINGHAM, WA 98225

Res Phone: (360) 820-8373

Bus Phone: (360) 671-3529

Cell Phone:

AKAs: CATHOLIC COMMUNITY SERVICES

Features:

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NARRATIVE

Follow-Up Report 16 of 17 *Author: YODER, JEFFERY* *Rpt Date: Sep 16 2019 9:00AM* *Appvd: 155*

On 9 Sept 2019 I extracted video from the City of Bellingham Avigilon Camera System to a compact disc. I later impounded the compact disc into evidence as Evidence Item Number 174090.

I later responded to FRANCIS PLACE (R11) to obtain video for this case. I contacted the FRANCIS PLACE (R11) staff who provided me access and permission to extract video from the FRANCIS PLACE (R11) video security system for this case.

I then extracted video from the FRANCIS PLACE (R11) video security system to my forensic thumb drive. I later returned to the Bellingham Police Dept where I processed the thumb drive.

From my forensic workstation, I utilized the Tableau Forensic Bridge, a write blocking device, and the forensic software application AccessData FTK Imager to obtain hash values of the files on the USB thumb drive. I then extracted the files from the USB thumb drive to my forensic workstation and obtained a hash value of the files on my forensic workstation. When I compared the hash values of the files on the USB thumb drive to the files on my forensic workstation, the MD5 hash values for the files were identical, indicating that the files were successfully extracted.

I then copied the files from my forensic workstation to a compact disc and impounded it into evidence as Evidence Item Number 174091.

I then began checking the area for other cameras on Cornwall Ave. I noticed a security camera on a commercial building but did not see an address or name on the building. I knocked on the door and an employee answered. I advised them I was interested in looking at their security video for this case. I talked with one of the floor managers who told me the facility was a solar panel manufacturing company. We then reviewed security video towards the foot of Cornwall Ave, and I observed JONATHAN GUILLEN (V1) walking and jogging past the building. I asked if I could get a copy of the video and provided a forensic thumb drive. The manager downloaded the video to a forensic thumb drive.

From my forensic workstation, I utilized the Tableau Forensic Bridge, a write blocking device, and the forensic software application AccessData FTK Imager to obtain hash values of the files on the USB thumb drive. I then extracted the files from the USB thumb drive to my forensic workstation and obtained a hash value of the files on my forensic workstation. When I compared the hash values of the files on the USB thumb drive to the files on my forensic workstation, the MD5 hash values for the files were identical, indicating that the files were successfully extracted.

I then copied the files from my forensic workstation to a compact disc and impounded it into evidence as Evidence Item Number 174092.

Upon reviewing all video at no time did I observe anyone from the altercation at Railroad and Chestnut follow JONATHAN GUILLEN (V1) down Cornwall Ave.

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PROPERTY

Follow-Up Report 16 of 17 Author: YODER, JEFFERY Rpt Date: Sep 16 2019 9:00AM Appvd: 155

Found / Seized

Article: **Recordings-Audio Visual (Records/DVD/Tapes)**

Serial #:

1st Color:

Recovered:

Impounded: Sep 16 2019 9:41AM

Brand:

Model:

Value:

Owner:

License:

State:

Expires:

Description: DVD COB Avigilon video

Features: 3 discs of avigilon video

Found / Seized

Article: **Recordings-Audio Visual (Records/DVD/Tapes)**

Serial #:

1st Color:

Recovered:

Impounded: Sep 16 2019 9:42AM

Brand:

Model:

Value:

Owner:

License:

State:

Expires:

Description: CD Francis place video

Features: francis place security video

Found / Seized

Article: **Recordings-Audio Visual (Records/DVD/Tapes)**

Serial #:

1st Color:

Recovered:

Impounded: Sep 16 2019 9:42AM

Brand:

Model:

Value:

Owner:

License:

State:

Expires:

Description: CD Soloar plant security video

Features: solar panel manuf on cornwall security video

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Follow-Up Report 17 of 17 *Author:* DERUITER, MICHAEL *Rpt Date:* Sep 25 2019 9:30AM *Appvd:* 225

I retrieved JONATHAN GUILLEN (V1)'s AZ ID card from the Medical Examiner's Office and placed it in impound.

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PROPERTY

Follow-Up Report 17 of 17 Author: DERUITER, MICHAEL Rpt Date: Sep 25 2019 9:30AM Appvd: 225

Found / Seized

Article: **Other Property (Veh Trailers, All Other Property)**

Serial #:

1st Color:

Recovered:

Impounded: Sep 25 2019 10:22AM

Brand:

Model:

Value:

Owner: GUILLEN, JONATHAN N

License:

State:

Expires:

Description: AZ ID Card

Features:



Bellingham Police Department

505 Grand Avenue, Bellingham, Washington 98225
Telephone: (360) 778-8800, FAX: (360) 778-8801

LATENT PRINT REPORT

Examiner: E. Kingery 270

Date: August 31st, 2019

BPD Case Number: 19B52981

Evidence Description:

Item 1: Right Index Fingerprint From Mobile ID Scanner.


Item 2: Known Right Index Finger of Jonathan N. Guillen 01/16/1988, FBI # [REDACTED]

Examination Results: I compared Item 1 with Item 2 and found the two to be in agreement, therefore, Jonathan N. Guillen 01/16/1988 was identified as the victim in the Collision Fatal.

I certify under penalty of perjury:

- 1) I examined the fingerprints in question.
- 2) This is a true and accurate report from the Bellingham Police Department.
- 3) This document contains results of a comparison which I conducted. I have been a commissioned officer since 2014, a Crime Scene Investigator since 2017, and I have received training in The Science of Fingerprints, Fundamentals of Latent Fingerprint Examination, and Fingerprint and Palmprint Search Clues and Orientation.

Examiner: E. Kingery 270 **Date:** 08/31/19

Verification:  172 **Date:** 8.31.19

If examination and comparison of this evidence will require a court appearance, at least one week's notice is necessary for preparation of presentation materials.

Item 1

Right Index Fingerprint From Mobile ID Scanner.

Collision Fatal—19B52981

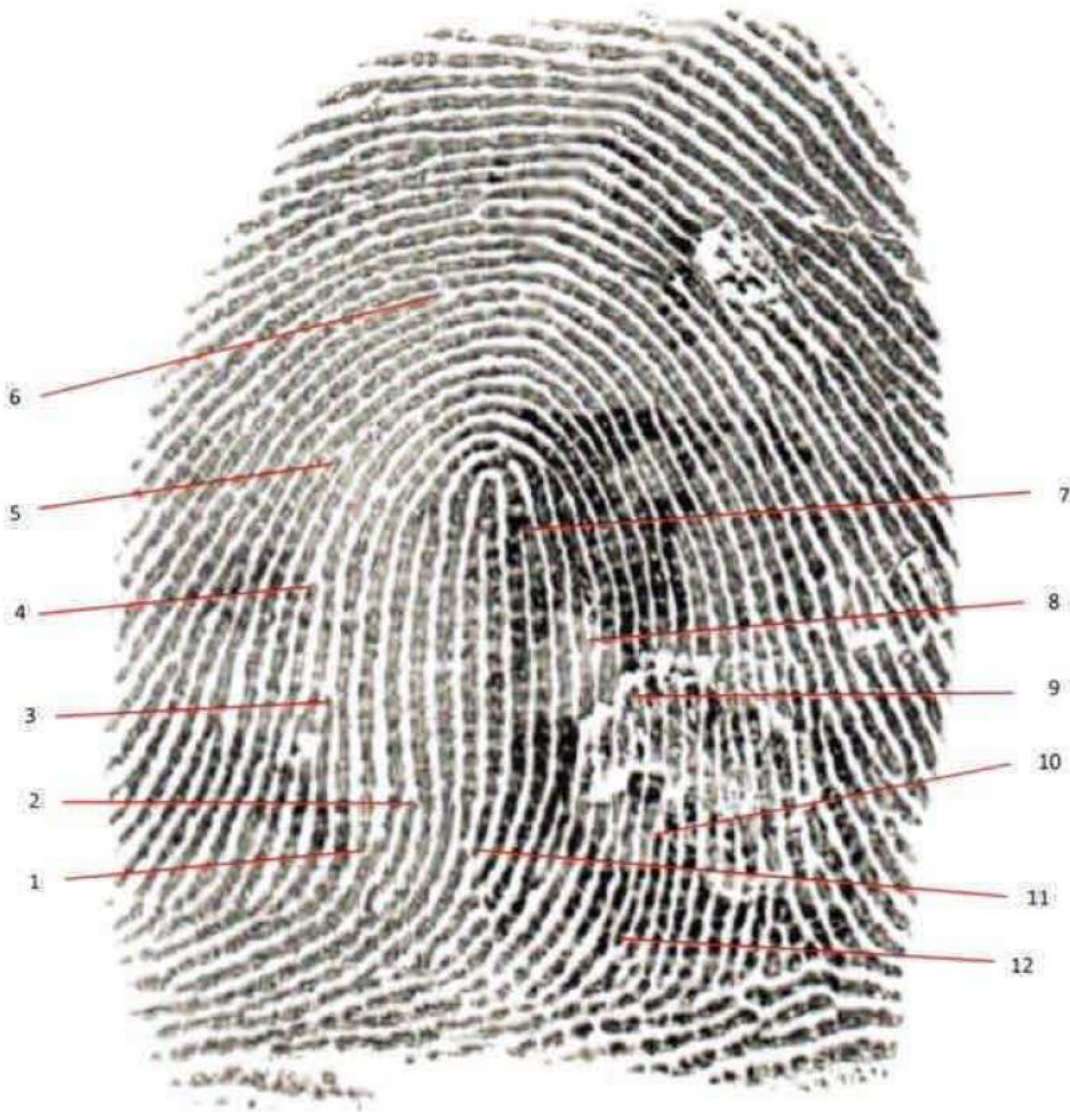


CSI Kingery 270

Item 2

Known Right Index Finger of Jonathan N. Guillen 01/16/1988, FBI # [REDACTED]

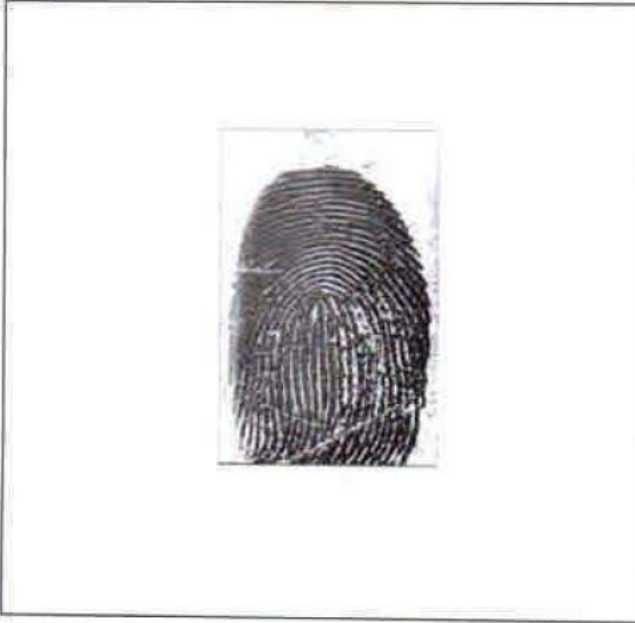
Collision Fatal—19B52981



CSI Kingery 270

Latent Verification Report

Search Print



File Print



Job Information

Case No.:	WA0219B52981	Created Time:	8/31/2019
Lift No.:	2	Verify Operator ID:	WABELEDK@WA
Terminal ID:	WIN-WA-IBW11	Verify 2 Operator ID:	
Operator ID:	WABELEDK@WA	Final Verifier ID:	

Search Information

Search Date Time:	8/31/2019 9:29:22 AM	Search Regions:	
Sex:		Search Finger Types:	
Race:		Pattern Type:	
Year of Birth:		Finger Numbers:	
Year of Birth Range:		Adj Pattern Types:	
Crime Code:	0014-0006	Minutia Count:	20
LOC Maximum:			
Memo:			

Candidate List

Rank	Decision 1	Decision 2	Final Decision	SID	Finger No.	Axis	Score	ELFT Score	Rolled Score	Slap Score
1	Hit	NoDecision	NoDecision	132413VC0	2		5678		5678	0
2	NoDecision	NoDecision	NoDecision	120120F	2		1736		1736	0
3	NoDecision	NoDecision	NoDecision	220656EC3	2		1504		1504	0
4	NoDecision	NoDecision	NoDecision	409906NAB	12		1468		0	1468
5	NoDecision	NoDecision	NoDecision	478599XAZ	2		1360		1360	0



19B52981 COLLISION - FATAL

DOCUMENT REDACTIONS

The following case documents have been redacted:

Document Date	Document Type	RCWcode	Exemption Code
10/31/2019	Forensic	11.02.005	20
9/10/2019	Other Agency Documents	11.02.005	20

Case
Date

City of Bellingham Police Department

Print Date

2019-08-31 04:08

CAD Report

August 22, 2020

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Incident History for: BP19000052981

Case Number: **19B52981**

Entered: **8/31/2019 4:09:00 AM**

Incident Op ID: **WC974**

Dispatched: **8/31/2019 5:01:00 AM**

Enroute: **8/31/2019 5:01:00 AM**

Dispatch Op ID: **WC983**

On Scene: **8/31/2019 5:38:00 AM**

Final Type:

Closed: **8/31/2019 2:51:00 PM**

Officer: **BP270**

Initial Type: **MVAINC**

Disposition: **R**

Police Block: **BP8220**

Location: **S S STATE ST**

Name:

Address:

Phone: **(800) 832-5452**

Case
Date

City of Bellingham Police Department

Print Date

2019-08-31 04:08

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Incident History for: BP19000052981

Case Number: 19B52981

Time	Operator	Type	Unit	Text
8/31/2019 4:09:00 AM	WC974	ENTRY		TRAIN VS PEDESTRIAN THAT WAS LAYING ON THE TRACKS, UNK STATUS OF PEDESTRIAN
8/31/2019 4:09:00 AM	WC974	CHANGE		Related Call:FIRE:BF19-11856
8/31/2019 4:10:00 AM	WC974	SUPP		SB TRAIN STOPPED JUST SOUTH OF THERE
8/31/2019 4:10:00 AM	WC974	CHANGE		Comp.phone:CHANGED TO: 800 832-5452
8/31/2019 4:10:00 AM	WC922	DISPER	4P18	#BP293 LONGBOTTOM, STEVEN
8/31/2019 4:10:00 AM	WC922	DISP	4P18	#BP293 LONGBOTTOM, STEVEN
8/31/2019 4:10:00 AM	WC922	DISP	4P13	#BP280 STURLAUGSON, NICOLAS
8/31/2019 4:10:00 AM	WC922	DISPER	4P13	#BP280 STURLAUGSON, NICOLAS
8/31/2019 4:10:00 AM	WC974	SUPP		TICKET NUMBER 20842189
8/31/2019 4:11:00 AM	WC922	DISP	4P24	#BP183 JOHNSON, CRAIG
8/31/2019 4:11:00 AM	WC922	DISPER	4P24	#BP183 JOHNSON, CRAIG
8/31/2019 4:11:00 AM	WC922	DISP	4P16	#BP306 HUYBER, LUCAS #BP292 KELLER, SCOTT
8/31/2019 4:11:00 AM	WC922	DISPER	4P16	#BP306 HUYBER, LUCAS #BP292 KELLER, SCOTT
8/31/2019 4:14:00 AM	WC922	ONSCN	4P18	#BP293 LONGBOTTOM, STEVEN
8/31/2019 4:14:00 AM	WC922	ONSCN	4P13	#BP280 STURLAUGSON, NICOLAS
8/31/2019 4:16:00 AM	WC922	SUPP		4P13 C1 FOR OTHERS,BELIEVED TO BE DOAL
8/31/2019 4:16:00 AM	WC922	ONSCN	4P24	#BP183 JOHNSON, CRAIG
8/31/2019 4:19:00 AM	WC922	ONSCN	4P16	#BP306 HUYBER, LUCAS #BP292 KELLER, SCOTT
8/31/2019 4:25:00 AM	WC922	SUPP		4P13 @BLL2259
8/31/2019 4:45:00 AM	WC954	SUPP		BNSF WILL NEED PH CALL WITH DETAILS WHEN AVAIL. REQ TO REPORT TO THE STATE
8/31/2019 5:00:00 AM	WC922	CHANGE		Document deleted:- PIHOSPC242PE MKE/QPER.ST/WA. AUG-31-2019 04:31
8/31/2019 5:00:00 AM	WC922	CHANGE		Document deleted:4P13 - BLL2259 MKE/QVEH.LIC/BL AUG-31-2019 04:31
8/31/2019 5:01:00 AM	WC922	DISP	1P55	#BP185 WRIGHT, ALFREDO
8/31/2019 5:01:00 AM	WC922	DISPER	1P55	#BP185 WRIGHT, ALFREDO
8/31/2019 5:01:00 AM	WC922	DISPER	1P52	#BP227 STEWART, SCOTT
8/31/2019 5:01:00 AM	WC922	DISP	1P52	#BP227 STEWART, SCOTT
8/31/2019 5:01:00 AM	WC922	DISP	2P31	#BP270 KINGERY, ERIC

Case
Date

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Incident History for: BP19000052981

Case Number: **19B52981**

8/31/2019 5:01:00 AM	WC922	DISPER	2P31	#BP270 KINGERY, ERIC
8/31/2019 5:09:00 AM	WC922	DISPER	4P16	#BP306 HUYBER, LUCAS #BP292 KELLER, SCOTT
8/31/2019 5:34:00 AM	BP306	ONSCN E	4P16	#BP306 HUYBER, LUCAS #BP292 KELLER, SCOTT
8/31/2019 5:38:00 AM	WC922	ONSCN E	1P52	#BP227 STEWART, SCOTT
8/31/2019 5:38:00 AM	WC922	ONSCN E	1P55	#BP185 WRIGHT, ALFREDO
8/31/2019 5:38:00 AM	WC922	ONSCN E	2P31	#BP270 KINGERY, ERIC
8/31/2019 5:41:00 AM	BP306	CLEAR	4P16	#BP306 HUYBER, LUCAS #BP292 KELLER, SCOTT
8/31/2019 5:42:00 AM	BP183	CLEAR	4P24	#BP183 JOHNSON, CRAIG
8/31/2019 5:45:00 AM	WC922	CLEAR	4P13	#BP280 STURLAUGSON, NICOLAS
8/31/2019 6:05:00 AM	WC1000	CHANG E		Cleared by:CHANGED TO:R
8/31/2019 6:40:00 AM	WC1001	SUPP		DUPLICATE: BP19-52987: CALLER:JANAE MGR NIELSEN, (H) (509)481-1990, TELEPHONE ONLY
8/31/2019 6:40:00 AM	WC1001	SUPP		DUPLICATE: BP19-52987: RP IS A MGR AT THE BOULEVARD WOODS -- WANTS A PHONE CALL WHEN THE ACCIDENT IS CLEARED SO THAT SHE COULD GO AND OPEN THE BUSINESS
8/31/2019 6:40:00 AM	WC1001	CHANG E		Related Call:ADDED DUPLICATE:BP19-52987
8/31/2019 7:02:00 AM	WC1000	SUPP		PER 4P24 ADV'D POST POINT OF REQ FOR BARRICADES FOR NEXT 3 HOURS
8/31/2019 7:31:00 AM	BP302	DISP	1P5	#BP302 OTTO, MARTY
8/31/2019 7:31:00 AM	BP302	DISPER	1P5	#BP302 OTTO, MARTY
8/31/2019 7:37:00 AM	WC1000	ONSCN E	1P5	#BP302 OTTO, MARTY
8/31/2019 7:44:00 AM	WC1000	CLEAR	4P18	#BP293 LONGBOTTOM, STEVEN
8/31/2019 8:32:00 AM	WC955	SUPP		OPENING UP BLVD LET WOODS KNOW THEY CAN OPEN
8/31/2019 8:34:00 AM	WC955	CLEAR	1P5	#BP302 OTTO, MARTY
8/31/2019 9:10:00 AM	WC1000	CLEAR	1P55	#BP185 WRIGHT, ALFREDO
8/31/2019 9:10:00 AM	WC1000	CLEAR	1P52	#BP227 STEWART, SCOTT
8/31/2019 9:11:00 AM	WC1000	ONSCN E	2P31	#BP270 KINGERY, ERIC
8/31/2019 2:51:00 PM	WC983	CHANG E		Prime Unit changed:PRIME FOR BP19-52981 TO 2P31
8/31/2019 2:51:00 PM	WC983	CHANG E		Call was CLEARED:

Case
Date

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Incident History for: BP19000052981

Case Number: **19B52981**

8/31/2019 2:51:00 PM	WC983	CHANGE	Reporting Officer2:BP TO:
8/31/2019 2:51:00 PM	WC983	CHANGE	Cleared by:R TO:A
8/31/2019 2:51:00 PM	WC983	CLEAR 2P31	#BP270 KINGERY, ERIC
8/31/2019 2:51:00 PM	WC983	CHANGE	Cleared by:A TO:R
9/1/2019 2:05:00 AM	WC972	CHANGE	Related Call:ADDED FOLLOWUP:BP19-53190
9/1/2019 10:23:00 AM	WC1001	CHANGE	Related Call:ADDED FOLLOWUP:BP19-53225
9/1/2019 10:28:00 AM	WC960	CHANGE	Related Call:ADDED FOLLOWUP:BP19-53226
9/2/2019 2:49:00 AM	WC972	CHANGE	Related Call:ADDED RELATED FROM :BP19-53353

Case
Date

City of Bellingham Police Department

Print Date

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19B52981

Statutory and Exemption References

August 22, 2020
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Statutory References

Reference	Description
11.02.005 & 20	Definitions Reports and records of autopsies or post mortems shall be confidential.
42.56.240.1 & 71	Effective Law Enforcement - Protection of Privacy Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

STATE OF WASHINGTON
DEPARTMENT OF HEALTH

CERTIFICATE OF DEATH



CERTIFICATE NUMBER: 2019-039841

DATE ISSUED: 08/26/2020

FEE NUMBER: 80195408

FIRST AND MIDDLE NAME(S): JONATHAN NATHAN

LAST NAME(S): GUILLEN

COUNTY OF DEATH: WHATCOM

DATE OF DEATH: AUGUST 31, 2019

HOUR OF DEATH: 04:08 AM

SEX: MALE

AGE: 31 YEARS

SOCIAL SECURITY NUMBER: 4b

PLACE OF DEATH: OTHER PLACE

FACILITY OR ADDRESS: RAILROAD CROSSING AT BOULEVARD PARK

CITY, STATE, ZIP: BELLINGHAM, WASHINGTON 98225

RESIDENCE STREET: 1300 TEXAS STREET 5

CITY, STATE, ZIP: BELLINGHAM, WA 98229

INSIDE CITY LIMITS: YES

COUNTY: WHATCOM

TRIBAL RESERVATION: NOT APPLICABLE

LENGTH OF TIME AT RESIDENCE: 2 MONTHS

HISPANIC ORIGIN: YES, MEXICAN, MEXICAN AMERICAN, CHICANO

RACE: WHITE

BIRTH DATE: JANUARY 16, 1988

BIRTHPLACE: GLENDALE, AZ

FATHER: AUGUSTINE GUILLEN

MOTHER: INEZ CASTRO

MARITAL STATUS: SINGLE, NEVER MARRIED

SURVIVING SPOUSE: NOT APPLICABLE

METHOD OF DISPOSITION: CREMATION

PLACE OF DISPOSITION: GREENACRES MEMORIAL PARK CREMATORY

OCCUPATION: FORKLIFT DRIVER

INDUSTRY: AUTO SALVAGE

EDUCATION: NO DIPLOMA, 9TH - 12TH GRADE

US ARMED FORCES: NO

CITY, STATE: FERNDALE, WASHINGTON

DISPOSITION DATE: SEPTEMBER 17, 2019

INFORMANT: DANIEL GUILLEN

RELATIONSHIP: BROTHER

ADDRESS: 2312 KING STREET, BELLINGHAM, WA 98225

FUNERAL FACILITY: MOLES FAREWELL TRIBUTES - BELLINGHAM

ADDRESS: 2465 LAKEWAY DR

CITY, STATE, ZIP: BELLINGHAM, WASHINGTON 98229

FUNERAL DIRECTOR: BRIAN L. FLOWERS

CAUSE OF DEATH:

A: MASSIVE CRANIAL TRAUMA

INTERVAL: SECONDS

B: IMPACT WITH A RAILROAD LOCOMOTIVE

INTERVAL: SECONDS

C:

INTERVAL:

D:

INTERVAL:

OTHER CONDITIONS CONTRIBUTING TO DEATH: ALCOHOL INTOXICATION

MANNER OF DEATH: ACCIDENT

AUTOPSY: YES

WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE

CAUSE OF DEATH: YES

DID TOBACCO USE CONTRIBUTE TO DEATH: NO

PREGNANCY STATUS IF FEMALE: NO RESPONSE

DATE OF INJURY: AUGUST 31, 2019

HOUR OF INJURY: 04:08 AM

INJURY AT WORK: NO

PLACE OF INJURY: RAILROAD CROSSING AT BOULEVARD PARK

CERTIFIER NAME: GARY A. GOLDFOGEL, MD

TITLE: CORONER/ME

CERTIFIER ADDRESS: 1500 NORTH STATE STREET #200

CITY, STATE, ZIP: BELLINGHAM, WA 98225

DATE SIGNED: SEPTEMBER 10, 2019

LOCATION OF INJURY: 470 BAYVIEW DR.

CITY, STATE, ZIP: BELLINGHAM, WASHINGTON 98225

COUNTY: WHATCOM

DESCRIBE HOW INJURY OCCURRED: DECEDENT WAS LYING IN BETWEEN RAILROAD TRACKS WHEN HE WAS STRUCK BY A SOUTHBOUND TRAIN.

CASE REFERRED TO ME/CORONER: YES

FILE NUMBER: A-087-2019

ATTENDING PHYSICIAN: NOT APPLICABLE

IF TRANSPORTATION INJURY, SPECIFY: NOT APPLICABLE

LOCAL DEPUTY REGISTRAR: LEAH DEVRIES

DATE RECEIVED: SEPTEMBER 11, 2019