

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



Employer Agency: California Highway Patrol  
Investigating Agency: Petaluma Police Department  
Decedent: William Alexander Moncada  
Date of Incident: February 14, 2016

**SONOMA COUNTY DISTRICT ATTORNEY**

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## **I. INTRODUCTION**

William Alexander Moncada (hereafter “Moncada”) was born on January 28, 1978. He died on February 14, 2016 as a result of a solo motor vehicle collision. The collision occurred when Moncada lost control of a motorcycle that he was driving at a high rate of speed while evading California Highway Patrol officers who had attempted to perform a traffic enforcement stop on him. Moncada was 38 years old at the time of his death.

Pursuant to established protocol, the Petaluma Police Department was called in to conduct the investigation of this collision. The purpose of this protocol is to set forth procedures and guidelines to be used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. Under the protocol, in order to eliminate the risk or appearance of conflicts of interest, an outside law enforcement agency is to investigate law enforcement employee-involved fatalities. Accordingly, detectives with the Petaluma Police Department assumed responsibility for the investigation of this solo motor vehicle collision.

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

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

## **II. SCOPE OF REVIEW**

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

## **III. STANDARD OF REVIEW**

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

The standard to be applied by the District Attorney in filing criminal charges is accurately expressed in a publication of the California District Attorneys Association entitled, *Uniform Crime Charging Standards*.<sup>1</sup> It provides:

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

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

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

#### **IV. SUMMARY OF FACTS**

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

##### **Evasion and Pursuit**

On February 14, 2016, at 1:03 a.m., California Highway Patrol Officers Jeremy Porter and Richard Adams were on duty and travelling northbound on US-101, approaching Rohnert Park Expressway. The officers were travelling tandem in the same patrol car. Officer Porter was driving the patrol vehicle, and Officer Adams was seated in its front passenger seat.

The officers were dressed in full California Highway Patrol uniform. Their badges were displayed on the front of their persons, and the agency's patches were displayed on each shoulder. Their patrol car was a fully marked California Highway Patrol utility patrol vehicle, which was black and white in color and displayed the agency's emblems on each of its front passenger doors.

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

The patrol vehicle was equipped with an LED light bar mounted to its roof, LED lights on both side mirrors, and LED lights affixed to the front bumper. The activation of the patrol vehicle's CODE-3 emergency lighting system results in alternating red and blue LED lights on the overhead light bar, a fixed forward facing red LED light, alternating red LED lights on each side mirror, alternating red lights on the front bumper, and alternating white wig-wag lights on the front bumper. The patrol vehicle was further equipped with an audible siren.

At that time and location, the officers observed a motorcycle in the #3 lane driving slowly. Moncada was driving the motorcycle and its sole occupant. The officers ran a rolling registration check on the motorcycle using their vehicle's mobile computer device. The check revealed that the motorcycle had been reported as stolen, and its recovery outstanding. The officers advised their dispatch of the situation and followed the motorcycle as it exited US-101 at Golf Course Drive. After both vehicles had exited the freeway, the officers activated their patrol vehicle's CODE-3 emergency lighting system to initiate a traffic enforcement stop on Moncada and investigate him for suspected vehicle theft.

Officer Adams noted the intensity of the brightness of the emergency lights at that location, and that the lights were reflecting off of the surrounding buildings. Officer Adams further noted that Moncada turned his head at that time in a manner consistent with having knowledge that he was being pulled over by law enforcement officers. Moncada ignored the emergency lights, turned southbound onto Commerce Boulevard and accelerated away from the patrol vehicle at a high rate of speed. The officers notified their dispatch that the motorcyclist was failing to yield to them, and pursued Moncada on Commerce Boulevard with their patrol vehicle's emergency lighting system and audible siren fully activated.

Vehicular and pedestrian traffic along the route of the pursuit at that time of the morning was light and at times, non-existent. The weather conditions at that time were clear and cool, and the roadways along the pursuit route were dry. Throughout the pursuit, the officers maintained a safe distance of several hundred feet between themselves and Moncada.

Moncada proceeded to evade the officers at 70 to 80 miles per hour through the city streets of Rohnert Park. Moncada reached the intersection of Rohnert Park Expressway and Commerce Blvd and ran a red traffic light, nearly colliding with vehicular cross-traffic. Moncada then fled southbound on Commerce Boulevard at a high rate of speed, at times crossing over its double yellow lines and driving in the lane of opposing traffic. Moncada ran a second red traffic light at Avram Avenue. Moncada then turned left onto Old Redwood Highway against a third red traffic light. Moncada ran a fourth red traffic light as he turned westbound onto SR-116, before running a fifth red traffic light where US-101 crosses over the route. Moncada accelerated to approximately 100 miles per hour on SR-116 and maintained that speed from the city of Cotati to Stony Point Road with the officers in pursuit. As Moncada approached Lone Pine Road, he nearly collided with two other vehicles that were attempting to pull to the right of the roadway to yield to the emergency lights and siren. Moncada continued accelerating away from the officers on SR-116.

At 1:08 a.m., Moncada approached the intersection of SR-116 and Old Gravenstein Highway. Officer Porter estimated that his patrol vehicle was between 300 and 400 feet behind Moncada at that time. As Moncada came up on the intersection, another vehicle travelling southbound on Old Gravenstein Highway slowed to a stop at the stop sign of the intersection. Moncada attempted to turn the motorcycle, but locked up its brakes in the process and lost control of it. The motorcycle fell onto its left side. Moncada had slowed the motorcycle to 40 to 50 miles per hour prior to impact. The motorcycle slid on its side, dug into the dirt shoulder, rotated and overturned before colliding with a wooden fence post. Moncada was fully ejected from the motorcycle during the collision, and contacted the road before sliding off it and over a dirt shoulder, where his forehead struck a wooden fence post. Moncada was wearing a motorcycle helmet at the time that was either too large for his head or improperly secured by its chin strap, allowing it to travel upward and expose his forehead between its frontal outer shell and chin bar. Impact with the wooden fence post occurred at this exposed portion of his forehead. Moncada's body came to a rest in a supine position. The motorcycle came to a rest several feet away, upside down and resting on its handlebars.

The officers exited their patrol vehicle and observed Moncada on the ground and lying on his back. His body was motionless. The officers approached Moncada to check his welfare and observed visible injury to his forehead. They determined that Moncada was not a threat, advised dispatch of the situation and requested emergency medical response. The officers retrieved medical equipment from their patrol vehicle and rendered medical attention to Moncada. Officer Porter held Moncada's C-spine while Officer Adams administered cardiopulmonary resuscitation. California Highway Patrol Sergeant Blair Hardcastle arrived on scene and continued cardiopulmonary resuscitation on Moncada until emergency medical personnel arrived and relieved him. Sonoma Life Support personnel transported Moncada from the collision scene to Santa Rosa Memorial Hospital. At 1:31 a.m., while en route to the hospital, Sonoma Life Support personnel declared Moncada deceased.

The California Multidisciplinary Accident Investigation Team thereafter performed a mechanical inspection of the motorcycle Moncada was driving. The inspection did not yield any evidence of pre-existing mechanical conditions or failures that would have affected the motorcycle's safe operation upon a highway. The inspection team further noted that the motorcycle's ignition had been punched and did not contain an ignition key. Punching a vehicle's ignition is a common method of stealing a vehicle, by overriding the requirement that the true owner's key be used to start it.

### **Autopsy and Cause of Death**

On February 16, 2016, Forensic Pathologist Jay Chapman M.D. conducted a postmortem examination on Moncada. Dr. Chapman is a medical doctor and board certified in the field of forensic pathology. Dr. Chapman examined Moncada and found that he had sustained skull fractures, subdural hemorrhage, bilateral subarachnoid hemorrhage, cerebral cortical contusions,

exsanguination, and marked aspiration of blood associated with hyper expansion of lungs. A presumptive urine test was completed during the autopsy, which presented presumptive positive results for the presence of methamphetamine, amphetamine and cannabinoids in Moncada's urine. Dr. Chapman determined that the cause of Moncada's death was blunt force craniocerebral injuries.

## **V. STATEMENT OF THE LAW**

The cause of Moncada's death was due to a solo vehicle collision caused by Moncada evading an attempted traffic enforcement stop at a high rate of speed with methamphetamine and other substances presumptively in his physiological system. As a result, no police conduct and/or use of force directly or indirectly caused Moncada's death.

California Highway Patrol officers are peace officers (See Penal Code § 830 et al). As a result, they are tasked with specific duties regarding the enforcement of laws. When there is reasonable suspicion to believe that a crime has occurred, a California Highway Patrol officer has a duty to investigate that crime. Moreover, during the course of an investigation, if additional violations of law occur in their presence, they have a duty to address those additional violations.

In this matter, the officers attempted to initiate an enforcement stop based on reasonable suspicion to believe that Moncada was driving a stolen motorcycle. When contacted, Moncada failed to yield to the attempted traffic stop, and the officers observed the violation of additional crimes relating to evading a peace officer in a wanton and reckless manner, as well as reckless driving on public roadways. The officers had a duty to attempt to stop Moncada as he was suspected of committing a felony offense, and they executed the ensuing pursuit in a careful and lawful manner. Moncada refused to yield to the attempted enforcement stop, and made the decision to evade the officers. Moncada evaded the officers in a wanton and reckless manner, at times reaching speeds of 100 miles per hour, driving in the lane of opposing traffic, running numerous red traffic lights and nearly causing several vehicle collisions. At the termination point of the pursuit, Moncada lost control of the motorcycle and caused a solo collision, during which he was ejected from the vehicle and sustained traumatic craniocerebral injury. As a result of Moncada's evading the officers, he caused the solo motor vehicle collision that resulted in his death.

## **VI. CONCLUSION**

As noted above, California Highway Patrol officers, as peace officers in the State of California, have specific duties regarding the enforcement of laws. Officers Porter and Adams were carrying out those duties in their attempt to contact Moncada for felony criminal conduct and for placing the public at risk of harm. Moncada refused to yield to the attempted enforcement stop, and made the decision to instead evade the officers. Moncada evaded the officers in a wanton and reckless manner, at times reaching speeds of 100 miles per hour, driving in the lane of opposing

traffic, running numerous red traffic lights and nearly causing several vehicle collisions. At the termination point of the pursuit, Moncada lost control of the motorcycle and caused a solo collision, during which he was ejected from the vehicle he was driving and sustained traumatic craniocerebral injury. As a result of Moncada's evading the officers, he caused the solo motor vehicle collision that resulted in his death. Therefore, there was no use of lethal force by any of the involved officers, and no basis for any criminal charges against them.

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Jill R. Ravitch  
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