

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



Employer Agency: Sonoma County Sheriff's Department

Investigating Agency: California Highway Patrol

Decedent: Jon Michael Debettencourt

Date of Incident: 03/16/15

Report Prepared by:

SONOMA COUNTY DISTRICT ATTORNEY

FOR PUBLIC DISSEMINATION

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I. INTRODUCTION

On March 16, 2015, Jon Michael Debettencourt died as a result of a solo motor vehicle collision which occurred when traveling at a high rate of speed to evade law enforcement. Mr. Debettencourt was northbound on Highway 1 north of Bodega Highway, when he suddenly veered left, crossed the road and hit a tree on the opposite side of the roadway. Due to the attempted traffic stop, California Highway Patrol was called in to conduct the investigation regarding the solo motor vehicle collision according to the established protocol.

The purpose of this protocol is to set forth procedures and guidelines to be used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. Under this protocol, in order to eliminate the risk or appearance of conflicts of interest, an outside law enforcement agency is to investigate law enforcement employee-involved fatalities. Accordingly, members of the California Highway Patrol (CHP) assumed responsibility for the investigation of the solo vehicle collision.

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

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

II. SCOPE OF REVIEW

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

III. STANDARD OF REVIEW

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

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

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

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

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

IV. SUMMARY OF FACTS

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

Summary of Pursuit

Jon Michael Debettencourt (hereafter Debettencourt) died on March 16, 2015, as a result of a solo motor vehicle collision which occurred when he veered into a tree while traveling northbound on Highway 1 at a high rate of speed while evading a traffic stop by the Sonoma County Sheriff's Department.

On March 16, 2015 at approximately 1822 hours, Sonoma County Deputy Sheriff Erick Gelhaus was on patrol in full uniform and driving a marked patrol vehicle equipped with LED overhead lights, two side spotlights, and a middle spotlight. Deputy Gelhaus was on patrol on Bodega Highway at Two Rock Road when he received a dispatch at 1822 hours regarding a man with a gun at the

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

Washoe House, located at the intersection of Stony Point and Roblar Roads, Petaluma. Deputy Gelhaus responded immediately, activating his overhead lights. While responding, dispatch updated the call, and advised the suspect made threats to shoot people inside the bar and displayed a weapon. Dispatch gave a description of the suspect as a large white male and the vehicle as a blue over tan Subaru with a license plate consisting only of numbers. As Deputy Gelhaus continued to drive towards the Washoe house, he neared the area of Walker and Pepper Roads and saw a vehicle matching the description provided by dispatch. He made a U-turn, advised dispatch he had a possible match and drove toward the suspect vehicle, having activated his lights and siren. The suspect vehicle continued at the same speed it had been going and turned right onto westbound Walker Rd, and stopped in a dirt driveway at 188 Walker Rd. The suspect vehicle was parked entirely on the dirt of the driveway.

Deputy Gelhaus stopped his vehicle behind the suspect vehicle at an angle, with his tires on the dirt. The driver of the suspect vehicle opened his driver's side door but remained in the vehicle. Deputy Gelhaus attempted to conduct a high risk stop, opening his door and using it for concealment with his firearm out and pointed at the low ready position. Deputy Gelhaus shouted verbal commands at the driver to show his hands. The driver, later identified as Debettencourt, was unresponsive to Deputy Gelhaus's commands, failed to even acknowledge the commands or verbally respond, and instead closed his vehicle door and drove westbound on Walker Road.

Deputy Gelhaus notified dispatch that the vehicle was fleeing and requested additional units and assistance from allied agencies. Deputy Gelhaus initiated a pursuit, and followed the vehicle with his lights and sirens activated. Debettencourt continued westbound on Walker Rd, initially at speeds around sixty miles per hour, and Deputy Gelhaus observed an object come out of the driver's side window. (A search of the roadway of this area of the pursuit was conducted and nothing was found.) The vehicle later accelerated and reached speeds between 80 and 100 miles per hour, while traveling the narrow two lane roads. The suspect vehicle turned from Walker Rd to westbound Valley Ford Rd. and continued at a high rate of speed. Traffic conditions were moderate, and Deputy Gelhaus requested a helicopter if available. While continuing down Valley Ford Rd, the suspect vehicle approached Roblar Rd and Deputy Gelhaus observed Debettencourt turn and reach for something but was unable to determine what, if anything, was retrieved. As the vehicles approached Bloomfield Rd, Debettencourt slowed momentarily, but then accelerated up to 100 mph at Gericke Rd.

Deputy Gelhaus continued to pursue Debettencourt as they approached the town of Valley Ford, where Valley Ford Rd turns into Highway 1. Debettencourt slowed to 65mph and Deputy Gelhaus also backed off his speed due to businesses and the possibility of pedestrians in the area. As they exited town, Debettencourt accelerated again, reaching speeds between 80 and 90 mph. Deputy Gelhaus continued the pursuit and once outside Valley Ford, Debettencourt crossed into an

oncoming lane of traffic to cut the apex of a left turn, causing an oncoming vehicle to swerve off the roadway. Debettencourt continued on Highway 1 toward the intersection of Highway 12/Bodega Highway. While in pursuit, the license plate of Debettencourt's vehicle came back with an address in Bodega Bay which had multiple occupied units associated with it. This caused Deputy Gelhaus additional concern for the potential safety of other occupants should Debettencourt arrive at this multi-unit location with a weapon. Deputy Gelhaus was concerned that the suspect, who was believed armed, may get to the address, barricade himself, take hostages, or threaten the lives of others who lived in proximity to his address.

Debettencourt continued on Hwy 1 at over 90 mph past Bodega Highway. At this point the highway is no longer curving but is a straight two lane road. As the pursuit continued, Debettencourt passed 18300 Hwy 1, when his vehicle suddenly veered left into the oncoming lane, continued left off the roadway and collided with a eucalyptus tree. Deputy Gelhaus estimated Debettencourt's speed as approximately 100 mph at the time of the collision. He related that he did not see any brake lights, braking application or indication of the vehicle slowing down as it veered off the roadway. Deputy Gelhaus also related that he observed the vehicle crumple into the tree, advised dispatch of the collision, and called for fire response because flames were coming from the engine compartment. No weapon was found in the wreckage.

Autopsy

On 3/17/15, a post mortem examination was conducted and the cause of death was determined to be caused by the fire. The toxicology report showed Debettencourt had a 0.22% alcohol level.

V. STATEMENT OF THE LAW

The cause of death was due to a solo vehicle collision caused by the driver evading a felony traffic stop at high speeds and while under the influence of alcohol. As a result, no police conduct and/or use of force directly or indirectly caused the suspect's death.

Sheriff Deputies are peace officers (See Penal Code § 830 et al). As a result they are tasked with certain duties in regards to enforcing laws. When there is reasonable suspicion to believe that a crime has occurred, a Deputy has a duty to investigate that crime. Additionally, during the course of an investigation, if violations of law occur in their presence, they have a duty to address those violations.

In this case, Deputy Gelhaus initiated an enforcement stop based on reasonable suspicion to believe the decedent brandished a firearm in a local bar. When contacted, the Decedent failed to yield, and Deputy Gelhaus then observed the violation of various vehicle codes relating to evading and reckless driving.

Deputy Gelhaus had a duty to attempt to stop the Decedent as he was suspected of committing a felony, and might be armed and dangerous. Thus, the ensuing pursuit was lawful.

Instead of yielding to law enforcement, the decedent chose instead to evade that enforcement stop and seemingly, purposefully drove into a tree at a high rate of speed. As a result, the collision that caused his death occurred.

VI. CONCLUSION

As indicated above, Deputies as peace officers in the State of California have certain duties in regards to the enforcement of laws. In this case Deputy Gelhaus was carrying out that duty in his attempt to stop a suspect for felony conduct that evolved into a pursuit at a very high rate of speed on a public two-lane highway. The driver chose to evade that stop and continued to drive at excessive speeds, into an oncoming lane of traffic, endangering others and eventually veering off the roadway and crashing into a tree. There is no indication that the driver lost control as a result of evading the enforcement stop. It is unclear if the collision was a deliberate act by Debettencourt or accidental. There was no use of lethal force by the involved officer, and there is no basis for any criminal charges.



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