

## Grand Jury finds trooper's PIT maneuver causing driver's death "appropriate"

by Cheryl McDermott

The Lake County Grand Jury; after reviewing evidence related to the death of a man who stole a police vehicle, led officers on a high-speed chase, and crashed when a trooper performed a "PIT" maneuver to stop him; has found that "the actions of the officers in general, and those of Sergeant Yates in particular, were not only appropriate, but necessary, upholding the finest traditions of law enforcement".

On Wednesday, the grand jury heard testimony and reviewed evidence associated with the March 25 incident that ultimately led to the death of Anthony M. Nickerson, 20, of Nampa, Idaho. Nickerson died on March 30 at St. Charles Medical Center in Bend, where he was being treated for his injuries sustained in the crash.

Grand Jury: Law enforcement actions "appropriate, necessary" related to the death of 20-year old Anthony M. who died of injuries received when he crashed a stolen police vehicle after police used spike strips and a PIT maneuver to stop him from traveling into Lakeview, Oregon city limits on Mar. 25 "OSP photo Nickerson was a passenger in a vehicle stopped by Klamath County Sheriff Deputy Tracy Weiland on Highway 140E near milepost 61 for a speed violation. During the stop, the deputy determined the Dodge Durango was reported stolen from Nampa, and other law enforcement officers including OSP troopers and deputies from Klamath and Lake County Sheriff's Offices responded to the scene.

The three occupants of the stolen vehicle -- driver Randy Laules Schmiede, 20, passenger Jennifer D. Alexander, 22, and Nickerson, all of Nampa, were taken into custody and placed into separate police vehicles, troopers said.

Nickerson was seated in the back of Lake County Reserve Deputy Jim Robinson's 2003 Chevrolet Tahoe, handcuffed behind his back, but someone managed to slip his hands in front of his body, climb through a sliding window, and drive away in the SUV past the officers.

Police on scene took chase, traveling eastbound on Highway 140 at speeds exceeding 100-mph. About five miles west of Lakeview near milepost 91, OSP Sergeant Steve Yates successfully deployed spike strips, and one tire of the stolen police vehicle deflated as the suspect continued to drive recklessly toward the city of

Lakeview. Troopers reported Nickerson drove into the westbound lane directly into the path of oncoming vehicles, nearly colliding with at least ten other vehicles head-on.

About one-half mile from the city limits, the OSP Sergeant Yates intentionally collided with the stolen police vehicle's rear quarter panel, using a PIT maneuver, also known as a "TVI" (tactical vehicle intervention), in an effort to stop it from reaching Lakeview. Nickerson lost control of the SUV, traveled off the eastbound shoulder and rolled the vehicle. OSP reported Nickerson was ejected during the crash, and sustained injuries to which he eventually succumbed.

The Grand Jury released the following statement of finding:

"We, the Lake County Grand Jury, have had the opportunity to hear testimony and review the evidence surrounding the events that occurred on March 25th, 2007. We find that Anthony Nickerson, while handcuffed and secured in a patrol vehicle, managed to get into the driver's seat and steal the patrol vehicle. At speeds exceeding 100 miles per hour, Mr. Nickerson proceeded toward the town of Lakeview, using the vehicle to run from the pursuing officers. Officers attempted to stop the vehicle by using a spike strip, but Mr. Nickerson failed to stop. In the last clear straight stretch before reaching town, Sergeant Steve Yates performed a "TVI" (tactical vehicle intervention) maneuver in an attempt to prevent Mr. Nickerson from reaching Lakeview. Mr. Nickerson lost control of the law enforcement vehicle he had stolen, was ejected, and in the days following the pursuit, died from his injuries. We find that the actions of the officers in general, and those of Sergeant Yates in particular, were not only appropriate, but necessary, upholding the finest traditions of law enforcement." Sergeant Yates is returning to his regular assigned duties.

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