

3-2-15 DJ

# Grand Forks Police Department

122 South Fifth Street, P.O. Box 5548, Grand Forks, ND 58206-5548  
(701) 787-8000 FAX (701) 780-8253

## PROBABLE CAUSE SUMMARY - District Court

GFPD ICR Number: 201501332

PC Summary Date: 02/28/2015

Incident Location: 20<sup>th</sup> Ave S/ S 20<sup>th</sup> St

Investigating Officer's Name/Badge#: D. Harvala #604

Reviewing Supervisor Name/Badge#: Sgt. K. Kallinen #405


Adult Suspect's Name/DOB: David James Elliott (07/06/1973)


Juvenile Suspect's First/Last Initials/DOB:

Based upon the probable cause synopsis information, this investigating officer has reasonable cause to believe probable cause exists that David James Elliott has committed the crime of Fleeing or Eluding Police Officer in a Motor Vehicle or other violations of law.

### Synopsis

- On 02/27/15, I initiated a traffic stop on a pickup bearing ND license plate JZK910 at the intersection of 20<sup>th</sup> Ave S and S 20<sup>th</sup> St for disregarding a stop sign. The pickup, which was in front of me, did not come to a full and complete stop at the stop sign. The driver of the pickup was identified as David Elliott. David called 911 during the pursuit and said he was driving, David also was the male registered owner of the pickup.
- Upon initiating the traffic stop, the pickup did not stop and accelerated away at a high rate of speed. I advised PSAP that I was pursuing the pickup. In the course of the pursuit, I kept up with the pickup as best as I could. During the pursuit, I reached speeds in the approximate range of 80-100 mph within the City of Grand Forks. These minimum speeds were also reached by the pursued vehicle in speed zones marked between 25-40 mph.
- As the pursued vehicle was traveling northbound and I was in active pursuit of it, the pickup ran a red light at the intersection of 13<sup>th</sup> Ave S and S Columbia Road. There was no attempt by David Elliott to slow or stop at that intersection or at that traffic signal.
- When David and the pickup ran the red light at 13<sup>th</sup> Ave S and S Columbia Road, a white van that appeared to be a taxi cab was turning southbound onto S Columbia Road from 13<sup>th</sup> Ave S and had the green light. David continued through the intersection and almost struck the van at a high rate of speed. David's pickup and the white van would have collided at a right angle, with the driver's side of the van receiving the most force.
- David continued to drive in an erratic manner within the City of Grand Forks, weaving in and out between cars and traffic on both Columbia Road and Gateway Drive.

  
Investigating Officer's Signature

  
Reviewing Supervisor's Signature

06-13-14

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201501332

- At the intersection of Gateway Drive and Interstate 29 on/off-ramps, David drove his vehicle over a concrete island for the traffic signal support and around vehicles stopped at the intersection in his attempt to elude police officers.
- Officers continued to pursue David southbound on Interstate 29 from Gateway Drive, driving in speeds excess of 100 mph towards Grand Forks city limits and through Grand Forks county towards Thompson. The pursuit was terminated by Sgt. Ellingson, the shift supervisor, prior to deployment of spike strips by GFSD and David continued southbound on Interstate 29 after officers had terminated their pursuit.

Don S. Wade #1604  
Investigating Officer's Signature

Ken Kallis  
Reviewing Supervisor's Signature

3-11-15 0182

GRAND FORKS COUNTY SHERIFF'S OFFICE  
AFFIDAVIT OF PROBABLE CAUSE

Case #: 201520271

Date: 3/2/15

Reporting Officer: Sgt Andrew Schneider

Investigating Officer: Sgt Andrew Schneider, Deputy Nathan Moen

Type of Offense: Fleeing in a Motor Vehicle (2<sup>nd</sup> offense), Reckless Driving, Reckless Endangerment

Statute: 39-10-71, 39-08-03, 12.1-17-03

Date of offense: 2/27/15

Location of offense: I-29 Southbound from Manvel to Grand Forks, Gateway Drive to Columbia Rd, to Altru Emergency Room Entrance

Time: 10:41 PM

Arrested: \_\_\_ Yes \_\_\_X\_\_\_ No

Cited: \_\_\_ Yes \_\_\_X\_\_\_ No

Victim: Society, GFPD Officers, Sgt. Schneider

Suspect: David James Elliot      DOB: 7/6/73  
ELL-73-9874

Synopsis:

- On 2/27/15 and 2/28/15 David James Elliot did operate a motor vehicle in Grand Forks County between the times of approximately 10:41 PM and 12:52 AM.
- David James Elliot did Flee in a Motor Vehicle from Sgt. Schneider and Deputy Moen when given a visual and audible signal to stop by driving eastbound on Gateway Drive at a high rate of speed, continuing southbound on Columbia Rd and eventually turning into Altru parking lot where he struck Sgt. Schneider's patrol vehicle in a head-on collision.
- David James Elliot did inform PSAP/GFPD officers that he was not going to stop for law enforcement several times by phone.
- David James Elliot was allowed to keep driving due to him communicating that he was going to stop for Altru Ambulance on I-29 at the North Washington Exit.
- Upon reaching the Exit David James Elliot stated he would not stop for anybody.
- Officers followed David James Elliot without emergency lights activated on I-29.
- David James Elliot did commit the offense of reckless driving by driving recklessly in disregard of the rights or safety of others and at a speed and manner that endangered others.
- David James Elliot was southbound on I-29 and was weaving from shoulder to shoulder on the interstate at times.

- David James Elliot was attempted to be 'boxed in' by officers at the intersection of Gateway Drive and the southbound I-29 Exit.
- David James Elliot drove over the center curb striking a road sign and proceeded over the median curb into the eastbound lane and continued eastbound at speeds reaching around 70 MPH.
- Multiple vehicles were in the area at the time of offense.
- David James Elliot did commit the offense of reckless endangerment by creating a substantial risk of serious bodily to others which manifested an extreme indifference to human life.
- David James Elliot provided <sup>the</sup> potential for harm to exist.
- David James Elliot did accelerate towards officers at the intersection of Gateway Drive and I-29, causing Schneider to accelerate out of the way to avoid a collision.
- In addition, David James Elliot did manifest an extreme indifference to human life in Altru parking lot by accelerating towards Sgt. Schneider's patrol vehicle in a reckless manner while GFPD Sgt. Ellingson was reaching in David James Elliot's vehicle to shift it into park.
- David James Elliot did create a risk of serious bodily injury to persons including but not limited to Ellingson and Schneider by accelerating while Ellingson was partially in David James Elliot's vehicle and by striking Schneider's vehicle on a head-on manner.