



Spokane County Sheriff's Citizens Advisory and Review Board

May 10, 2016

Ozzie Knezovich, Sheriff
Spokane County Sheriffs Office
Public Safety Building.
1100 W. Mallon
Spokane, Washington 99260

Sheriff Knezovich:

On October 12, 2015 the Citizen Advisory Board (CAB) was presented with the investigation files and Internal Affairs (I/A) investigation for the Ryan Holyk case. The goal was to determine if the investigation was handled in an appropriate manner and make recommendations of findings to you for your review.

The incident occurred on May 23, 2014 at approximately 10:24 pm and resulted in a traffic fatality of bicyclist Ryan Holyk. Also present were Deputy Joseph Bodman and a vehicle driven by Corey Millican. Several investigations and an autopsy were conducted as a result of this incident which included:

- 1) An autopsy report performed by Doctor John Howard, Medical Examiner, (6/5/14)
- 2) A forensic video analysis completed by Analyst Grant Fredericks, (7/20/14)
- 3) A Spokane Investigative Regional Response (SIRR) call-out and Collision Reconstruction Investigation performed by lead investigator Spokane Police Department (SPD) Detective Michael Carr, (7/21/14)
- 4) WSP patrol crime lab results reported by Anna Wilson, Forensic Scientist, (9/3/14)
- 5) A Major Accident Investigative Team (MAIT) investigation and case review conducted by Washington State Patrol (WSP) Detective Sergeant Jerry Cooper, (10/31/14)
- 6) Statement from the Spokane County Prosecutor, Larry Haskell, (4/15/15)
- 7) An I/A investigation by Spokane County Sheriff Office Sergeant Tim Hines, (7/1/15)
- 8) United States Department of Justice (USDOJ)/Federal Bureau of Investigation (FBI) review, (9/28/15) and
- 9) Forensic video analysis completed by Dr. Jarrod W. Carter, Origin Forensics LLC. (2/8/16).

After reviewing all investigations, evidence, witness statements, reports, surveillance footage from a car dealership, reconstruction videos, and subject matter expert witness inquiries, this board finds the following:

Ryan Holyk was riding his bicycle without a helmet, headlights, taillights, reflectors, or brakes (RCW 46.61.23, RCW 46.61.050, RCW 46.61.755, and RCW 46.61.780). Ryan failed to stop at the red light at Vista Road and Sprague Avenue, in Spokane Valley, Washington as required by law.



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Prior to the accident, Deputy Bodman was responding to a call involving Spokane County Sheriff Office (SCSO) Deputy Karnitz. Karnitz's subject had an active warrant and the deputy was not responding to radio traffic. Two additional officers were dispatched. Deputy Bodman states he put himself out on the call and responded to that location. All investigative reports show Deputy Bodman travelling at an high rate of speed without his emergency lights or siren activated at the time of the incident. (It should be noted in Washington State a siren is not mandated by law).

Officer Bodman admitted during questioning a code response was appropriate, but intentionally responded without emergency equipment activated. When questioned further by I/A, Deputy Bodman recognized this call to justify a code response. His understanding was if the call was "routine" to obey all traffic laws, and "code" meant you can exceed traffic laws but an officer needed to use due caution. Additional statements made by Deputy Bodman indicated his actions were justified by past practice and the actions of others in the department. He also alluded to supervisors allowing this practice.

The board agrees Deputy Bodman was in violation of several departmental rules and policies. These included Spokane County Sheriff Office policy 340.2 (Discipline Policy); 340.3 (Conduct Which May Result in Discipline); 316.4 (Initiating Code Response and Civil Service/RCW 41.14.110 (Tenure Grounds for Deprivation). Deputy Bodman accepted formal discipline in accordance with standards, was disciplined accordingly by Sheriff Knezovich and given a written reprimand.

Since the incident the board has learned additional training has been implemented to reinforce departmental policies, procedures, and standards governing the use/non-use of emergency equipment. The Board recommends the department policy to be reviewed, policies consistently enforced, and adjustments made where warranted. The board will review the department policy to determine that those policies are consistently enforced and adjustments made.

Deputy Bodman indicated a flashing light on his dashboard impaired his view of the speedometer. He referenced other vehicles had similar issues and leadership was aware. The Board recommends if a vehicle is found to be defective, it should not be placed into service. It is paramount that officer safety is essential when operating department vehicles. The Board recommends the department review safety vehicle standards involving the operation of department vehicles and implement changes accordingly.

Based upon all investigations, reports, and witness accounts, it is believed Ryan likely grounded his bike when confronted with the imminent danger approaching, as he came off the east curb of Vista Road. It is impossible to determine if Ryan reacted to Deputy Bodman's vehicle or Mr. Millican's vehicle, which was also driving westbound on Sprague Avenue.

After careful review of all materials, the Board concurs with the expert findings that no contact was made between Deputy Bodman's vehicle, Ryan, and his bicycle. This was illustrated and explained in all investigative reports.

An autopsy was performed on Ryan Holyk by the Spokane County Medical Examiner. The cause of death was due to blunt head injury and the manner ruled as an accident.



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All investigations and three independent accident reconstructions concluded Ryan hit the ground without any contact with any vehicle. Deputy Bodman missed impacting Ryan or his bicycle, swerving north of him. Deputy Bodman collided with a curb on the northwest corner of Sprague Ave/Vista Rd, travelled a short distance, and returning to the scene to render aid. One forensic video concluded Ryan was down one (1) second before Deputy Bodman's vehicle reached his location. The video analysis, using surveillance camera footage, showed no movement of Ryan or his bicycle after his initial solo impact with the ground until bystanders attended to him. Ryan's position and lack of any movement from his fall are indicative of singular fall/crash event with no impact from the passing vehicle.

It was determined through DNA testing, samples taken on the driver's side pit bumper of the Police SUV, matched Ryan in addition to a partial trace mixed profile. Based upon all available evidence the experts found the DNA was likely transferred by someone in close proximity to the Police SUV after rendering aid to Ryan. In addition it was found that fibers and other materials collected did not come from Ryan or the bike.

Based upon substantial reviews, the USDOJ/FBI had monitored the joint investigation and determined absent new significant information, they would decline further investigation.

Larry Haskell, the Spokane County Prosecutor stated, "Because there was no evidence that Deputy Bodman actually hit Ryan, no charges would be filed."

An additional forensic video analysis completed by Dr. Jarrod W. Carter, Origin Forensics LLC, was presented to the Board on 2/8/16. The Origin Forensics LLC was brought in as a consultant to validate the forensic video analysis completed by Analyst Grant Fredericks and render an overall review and opinion from their perspective. This analysis verified the findings of Mr. Fredericks and other investigations.

The Board made time available to the public at large and received input of this case from three individuals at various times. A citizen encouraged the Board to defer consideration of the case until the civil litigation process was concluded. It was inferred that there was evidence that was not provided to the Board by the Spokane County Sheriff's Office. An opportunity was offered to bring forth any missing evidence or information, but none was ever offered.

After careful review, the Board finds the investigation to be thorough with great detail given to reviewing all possible scenarios and outcomes and concurs with the conclusions of all the aforementioned agencies. Recommendations from the CAB are noted within. This was a tragic accident ending in the passing of a young person's life.

Respectfully submitted,

The Spokane Citizens Advisory and Review Board.