



Oregon State Police

Incident: SP23199807

Incident Details:

Incident Type: Crash - Injury
Incident Time: -
Reported Time: 07/02/2023 06:02
Incident Location: 101 HWY and N BAYSHORE DR, (155 101) (Beat: NPO, Region: NWR)
Incident Status: Cleared by Citation
Summary: I was dispatched to a crash on highway 101 near milepost 155. I arrived and investigated the crash. One of the drivers was found to be at fault for the crash and cited.

Other Involved Persons

Name: DERBY, DAMON ALFRED

Gender: Male

Classification: Driver

DOB: [REDACTED] 1977

DL:

Address: [REDACTED] WALDPOR, OR USA [Residence]

Telephone: (Cell phone) [REDACTED] [Residence]

Name: MCCLEMAN, KATIE

Gender: Unknown

Classification: Complainant

DOB:

DL:

Telephone: (Cell phone) [REDACTED] [Residence]

Involved Property:

- P23016473 / Police recording / Evidence / PHOTOS / VIDEO / (MC E1 - DVD with body cam video of crash; MC E2 - CD with photos of crash.)

Involved Vehicles:

- Involved in crash / LNDR DIS 2016 VIN:SALCP2BG1GH620827 / [Automobile: SUV] OR Reg #634LUC Colors: Charcoal / Charcoal
- Involved in crash / HD C1U 2009 VIN:1HD1CX3199K449539 / [Motorcycle/moped: Motorcycle] OR Reg #M639600 Colors: Black / Black

Involved Addresses:

- 101 HWY / Dispatch address; Incident address / Mile post 155 155, , Lincoln (155 101) (Beat: NPO, Region: NWR)

Involved Officers:

- Reporting Officer/Case Lead: CATES, MALERI / #58110 — MARINE FISHERIES TEAM
- Dispatcher/TC2: SCHREINER, JUSTIN / #54250 — DISPATCH

General Report:

Author: #58110 CATES, MALERI

Report Time: 07/11/2023 15:37

Entered By: #58110 CATES, MALERI

Entered Time: 07/11/2023 15:37

Narrative:

I was dispatched to a crash on highway 101 near milepost 155. Dispatch advised me that fire personnel which were on scene had requested law enforcement and asked for an expedited response. When reading the call for service on my MDT I saw the driver of the motorcycle told fire personnel on scene he did not want law enforcement called. When I arrived at the location, Highway 101, and N Bayview Rd. I observed a large amount of trash/debris in the middle of that intersection. I observed no vehicles in the roadway.

I contacted who I know to be the Chief of Central Coast Fire, Jamie Mason. As I approached Mason, I observed him hugging who I later identified as Damon Darby, the driver of the motorcycle. Mason told me he was not there as the Chief; he was there as a family member and his wife was involved in the incident. Mason then told me what happened concerning the crash. Mason then told me things had gotten heated between his wife and the driver of the motorcycle. Mason stated things also had gotten heated between him driver of the motorcycle. I later found out he was not there at the time of the crash.

I took photos of the motorcycle and the damage. I then spoke to the driver of the motorcycle, Damon Derby. The following is a summary of the interview with Damon, which is summarized below. The purpose of this summary is to render an overview of what was discussed; however, it is not intended to be a transcription of the interview. It is intended to provide the reader with a general understanding of what was stated and is not necessarily in the order it was discussed. For exact details or wording, refer to the recording.

I asked Damon how much damage he thought was caused to his motorcycle. Damon told me it could have been a lot worse. I observed Damon limping, and I asked him if he needed medical attention. Damon told me he was going to go to the hospital later. Damon stated there was not a lot of damage to his motorcycle and it would be approximately \$1,000 to repair. Damon stated he would order the parts and do the work himself.

Damon gave me his recollection of the crash. Damon told me he was traveling northbound from Waldport across the Waldport bridge at approximately 55mph. Damon told me as he came around the bend in the road, he saw a car in the road making a left-hand turn, southbound. Damon told me he was in the furthest lane to the right, also known as the B lane. Damon told me he started to downshift his motorcycle and slowdown. Damon told me he observed the car start to turn further into his lane of travel, the northbound B Lane, and the car was still travelling southbound. Damon told me he thought at that point he would swerve around the car into the A lane, to the left side avoiding the car. Damon stated he saw the car's front-end lift indicating the car was accelerating and the car started to travel back across the northbound lane toward the southbound lane. Damon stated at this point he decided his only option was to lay his motorcycle down to avoid a collision with the car. Damon stated he did not think his motorcycle hit the car.

I spoke to Damon's wife, Tamera, who had arrived on scene. Tamera told me she was taking Damon to the hospital. I gave Tamera my business card and told Tamera to call me and let me know what the extent of Damon's injuries were after they made it to the hospital. I never received a call from Tamera. Damon and Tamera told me Tamera's parents were going to come get the motorcycle and take it to their house. I asked Damon if he had insurance on the motorcycle and he told me yes, he has insurance on everything. I asked to see a copy of his insurance. Damon pulled up a picture of his insurance on his phone. Damon told me it was through Liberty Mutual insurance company. I took a picture using my work cellphone of the insurance information Damon provided for me on his phone.

I then spoke to the driver of the car, Ericka Mason. Erica told me she was at the stop sign at North Bayview Rd and Highway 101. Ericka told me she was trying to turn left, southbound, but there was a large amount of garbage in the middle of the intersection. Ericka told me she looked both ways on highway 101 and observed no traffic coming from either direction. Ericka told me she "hugged to the

left side of the trash in the intersection". Ericka stated she was not in the lane of oncoming traffic. Ericka told me she estimated her speed of 15mph. Ericka told me when she was in the middle of the intersection, she saw the motorcycle come around the corner traveling north on highway 101. Ericka stated when she saw the motorcycle he slammed on his breaks and "skidded out". Ericka told me she parked her car along the southbound lane and went to see if the driver of the motorcycle, Damon, was ok. Ericka told me she asked Damon if he needed an ambulance and Damon started to scream and swear at her, saying things like "fuck you bitch". I asked Ericka how far she was to the left of the trash, and she told me 5-7 feet to the left side of the trash. I asked Ericka if she was ever driving in the northbound lane, and she told me "I shouldn't have been". Then Ericka stated from her recollection she was not in the northbound lane. I asked if it was possible that she was in the northbound lane and Ericka said yes, it was possible, but that's not how she remembers it. Ericka told me Damon's motorcycle never hit her car. Ericka told me when Damon started to go down, he was no where near her. I took photos of Ericka's car and found no indication of a collision between the motorcycle and her car. I took photos of Ericka's insurance information from her phone.

I then walked south along Highway 101 and observed skid marks and debris in the roadway from Damon's motorcycle. I took photos of the skid marks, debris, and the traffic pattern of the highway.

I noticed at this point Damon had not left the scene, so I walked back over to speak with him. Damon told me he was mad that the fire crew for laughing, and he felt this was not a time to laugh. Damon told me he knew of all the issues Chief Mason was having and "they", indicating members of the Waldport community, were trying to get him fired. Damon then said while looking at Mason and Ericka, "talk about knowing people". I told Damon who Ericka knew had no bearing on my decision in this situation. Damon then told me he changed his mind, and he thought the damage to his motorcycle would be approximately \$10,000. Damon stated after what he saw he was no longer going to "be nice" and he was going to take his motorcycle to Harley Davidson to get fixed.

I left the scene of the incident for a short while and returned to see if the motorcycle had been removed. When I arrived back on scene, I observed a truck had arrived. Damon told me it was his father in-law, and his father in-law was going to take the motorcycle back to his house for him. As Damon and his father in-law were assessing the damage of the motorcycle, I observed Damon pulling on the handlebars and attempting to straighten them. I asked to see Damon's helmet. Damon showed me his helmet and I observed an area which appeared to have contacted the roadway. I asked Damon how long he had been riding motorcycles and he told me his whole life. Damon told me he only had 123 miles on his motorcycle.

I drove into Waldport and parked in the Post Office parking lot to contact Ericka and arrange to meet with her again. While I was sitting in the parking lot, I observed Damon driving his motorcycle eastbound on Highway 34 at approximately 7:39am.

From the skid marks, debris, and information given to me by both drivers I concluded Ericka was at fault. I cited Ericka that morning for her actions driving that day.

On July 10, 2023, while working on the report for this case I realized the insurance information Damon had provided to me was not for his motorcycle. The insurance information was for his Chevrolet truck. I attempted to call Damon, but his phone went straight to voicemail. I called his wife Tamera, and she told me she could not provide that information to me, and she would have Damon call me back. Damon called me a few minutes later and while on the phone with him he indicated he also had his lawyer on the phone as well. I asked for Damon's insurance information, and he told me he had insurance through Safeco. I received the policy number from Damon and his lawyer provided me with the phone number of Safeco insurance. I called Safeco to confirm his insurance as he had given me a different company name the day of the crash. I spoke to three representatives from the company and all three told me Damon had obtained insurance the morning of the crash. One of the representatives told me Damon obtained the insurance online on July 2, 2023, at 8:35am. This would have been two and a half hours after the crash. One of the representative's name was Shauresse. I then called Liberty Mutual to confirm the coverage through that company. When speaking to Liberty Mutual they told me Damon did not have a motorcycle covered by them.