



Rod Underhill, District Attorney

1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.mcda.us

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Man sentenced to jail, probation after DUII crash injures two law enforcement officers

Today, Multnomah County District Attorney Rod Underhill announced 54-year-old Ken Neely received a jail and probation sentence for the vehicular assault of two officers assigned to the Portland Police Bureau.

On October 23, 2018, Neely pleaded guilty to two counts of felony assault in the third degree and one count of driving under the influence of intoxicants. On November 14, 2018, he was sentenced to 36 months of probation and 20 days in jail. The judge ordered that he make a payment of \$8,675.45 in restitution. As part of his sentence, Neely will have his driver's license revoked for five years.

This investigation started on January 13, 2018 when law enforcement responded to reports of a disabled vehicle on northbound Interstate 5, just south of the Interstate Bridge. The vehicle was reported to be a hazard to other drivers because it was blocking the right lane of traffic. Additionally, as officers were responding, they learned the driver may have been impaired.

When law enforcement arrived, they took the driver into custody. As police were waiting for a tow truck to arrive on scene, another driver, Neely, crashed into one of the police patrol vehicles, injuring Officer Kimberly Adams who was inside her patrol vehicle and Sgt. Nick Newby who was outside his patrol vehicle.

According to previously filed court documents, Sgt. Newby reported that he was walking behind his vehicle to put out several flares to help direct traffic. Both Sgt. Newby and Officer Adams had their overhead emergency lights activated. Sgt. Newby also had his amber lights on informing traffic to move to the left.

"Sgt. Newby saw Ken Neely's vehicle coming right for them so he moved as fast as he could in an attempt to get over the jersey barrier," Multnomah County Deputy District Attorney Nicole Jergovic said. "The defendant's vehicle hit Sgt. Newby and nearly pinned him against the jersey barrier. Sgt. Newby's decision to turn his patrol vehicle's steering wheel all the way to the left when he parked prevented this from being a more serious crash. Had he not done that maneuver, his patrol vehicle would have launched straight into the two officers."

Other law enforcement officers responded to the scene to assist the two injured officers and to conduct a crash investigation. During that investigation, officers spoke with the defendant and noticed that he had thick and slurred speech and that his responses were slow and that they could smell an odor of alcohol. Approximately 90 minutes after the crash, Neely provided a breath sample with a blood alcohol content (BAC) of .07%. Based on dissipation rates, it is estimated that the defendant's BAC was likely .09% at the time of the crash.

"We are thankful that neither police officer in this case was critically injured," Jergovic said after court. "This incident shows what could happen if someone chooses to drive while impaired. It also serves as a reminder for all other drivers that when you see emergency vehicles on the side of the road, you must abide by Oregon's move over law."

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Contact: Brent Weisberg, Communications Director
Phone: 503.988.6567
Email: Brent.Weisberg@mcda.us