

**MEMORANDUM**  
**Police Department**



City of Bothell™

**DATE:** October 26<sup>th</sup>, 2021  
**TO:** Clint Beck, Deputy Chief  
**FROM:** Darren Timpe, Operations Captain  
**SUBJECT:** Pursuit Review Summary for case 2021-18654

ADDITIONAL TRAINING  
FOR SGT. O'NEIL AND  
OFFICER PHILLIPS  
10/29/21

**Call Summary**

On October 2<sup>nd</sup>, 2021 at about 0315 hours, Bothell Officers were dispatched to a glass-breakage alarm at the 76 Gas Station located at 18015 Bothell Way NE. Arriving officers determined there had been a burglary, based on a broken window and product strewn about the business. Officers saw black pick-up leave the parking lot with its lights turned off (during the hours of darkness), for which they believed they had probable cause to stop for the burglary.

Officer Makayla Phillips followed the vehicle from NE 180 ST onto westbound Bothell Way (SR 522). Officer Phillips provided dispatch with the vehicle's license plate and subsequently learned the license plate was stolen. Officer Phillips activated her emergency lights and siren, however, the vehicle did not stop. According to Officer Phillips' report, the vehicle was driving at about 68 MPH in a posted 40 MPH zone. In about the 7700 BLK of Bothell Way (in Kenmore) the vehicle sped up to 85 MPH in what was now a posted 45 MPH zone. Shortly thereafter, the vehicle slowed to just under 70 MPH. Officer Phillips' emergency equipment was still activated, having not been turned off.

As the vehicle entered Lake Forest Park, Lake Forest Park officers offered to deploy spike strips. This was approved by Sergeant O'Neil. LFP officers successfully spiked the vehicle at NE 165 ST and SR 522. The vehicle slowed to just under 70 MPH near NE 145 ST and SR 522. The vehicle turned onto Erickson PL NE and slowed to about 45 MPH. The vehicle eventually turned back onto SR 522, heading south, and accelerated to about 60 MPH. As the vehicle approached Roosevelt Way NE, Sgt. O'Neil requested the pursuit be terminated. By this time, pieces of tire were being cast off by the vehicle.

This pursuit went on for about 6 minutes and covered 7.45 miles.

**Reason for the Pursuit**

Burglary 2<sup>nd</sup> degree and possession of a stolen motor vehicle license plate.

## **Supervision**

Sgt. O'Neil and Sgt. Saarinen were both working at the time of this incident. Sgt. Saarinen was on the air at the onset of this incident, having confirmed to units in pursuit there was probable cause for burglary. Sgt. O'Neil subsequently responded to an LFP officer's offer to deploy spike strips, stating "affirm, if you can get ahead of it." After an apparent successful deployment of spikes by LFP police, Sgt. O'Neil requested that Seattle be notified as well as a K9 be requested in case the occupant(s) fled on foot. As the vehicle continued deeper into north Seattle, the LFP sergeant can be heard requesting his officers return to the city because they were, "out of position." Sgt. O'Neil then requested the pursuit be terminated, which Officer Phillips acknowledged.

## **Authorized Pursuit Units**

Officers Stevie and Phillips were the primary units engaged in this pursuit. An LFP officer joined as unit #3 for a period of time, following deployment of the spike strips.

## **Recommendation**

I reviewed all case reports, CAD, and dispatch audio recordings for this incident. The point at which this pursuit began is somewhat subjective, and open to interpretation. Officer Phillips did not notify the Communications Center of the pursuit, as required by policy.

*Per policy 212.2, a vehicle pursuit is an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.*

Officer Phillips first radio traffic in which speed was mentioned, was as they passed Public Storage in the 9100 BLK of SR 522. At that point, the vehicle was driving at "68" in a posted 45 MPH zone. While this is over the speed limit, it is not uncommon for vehicles to exceed the speed limit by this margin under non-pursuit conditions. For that reason, I consider this pursuit to have begun in the 7700 BLK of SR 522. This is based on two factors: 1) officers had just learned the license plate affixed to the vehicle was stolen, and 2) Speeds increased to 85 MPH, in what was still a 45 MPH zone.

Because Officer Phillips did not advise she was in pursuit, Sgt. O'Neil had to assess the situation and at some point, assume this was a pursuit. Officer Phillip's siren can be heard in the dispatch audio recordings, which would lead me to believe her emergency equipment was activated. In addition, Officer Phillips continued to broadcast road conditions, speeds, and location information, which indicates she likely believed she was in a pursuit.

*Per policy 212.9, Supervisory and management control will be exercised over all vehicle pursuits involving officers from this department. No officer shall engage in a pursuit prior to receiving authorization to engage in the pursuit from a supervisor. If any criteria listed in policy section 212.3 are not met, the supervisor shall terminate the pursuit immediately.*

Burglary 2<sup>nd</sup> degree and/or possession of stolen license plate are not lawful reasons for a vehicular pursuit. Furthermore, those crimes do not satisfy the requirements for an authorized pursuit, outlined in policy 212.3.

I recommend Sgt. O'Neil receive remedial training relative to pursuit policy and related legislation. This would include a review of Bothell Police Policy BPD-0212, and review of legislative changes brought about by house bill 1054. I also recommend Officer Phillips undergo similar remedial training.