

MEMORANDUM
Police Department



City of Bothell™

DATE: February 16, 2024

TO: Ken Seuberlich, Chief of Police
Julie Beard, Deputy Chief
Darren Timpe, Captain

A handwritten signature in black ink, likely belonging to Ken Seuberlich, is written over the names of the recipients.

FROM: Dave Nelson, Sergeant

A handwritten signature in blue ink, likely belonging to Dave Nelson, is written over the name of the sender.

SUBJECT: 2023 Annual Pursuit Audit (January through December)

Per Policy BPD – 0212, the Risk Management Division is responsible for reviewing all pursuit review forms as well as the associated pursuit review summaries for analysis at the end of each year. For 2023 there were five Vehicular Pursuit Review forms submitted by officers/supervisors. The pursuits were documented in the following case report:

1. 23-550 – Pursuit of an assault 2nd degree suspect. During the pursuit an outside agency assisted and truncated it with a successful PIT maneuver. The suspect was taken into custody.

Findings: This pursuit was within policy. Officers were investigating possible narcotics observed in plain view in a vehicle. An officer attempted to detain the suspect who utilized the vehicle as a weapon to assault and injure the officer. The report identified the crime as vehicular assault, but assault 2nd or attempted assault 2nd might better capture the nature of this crime. This pursuit was authorized and monitored by the shift sergeant. Three points of consideration were identified for coaching:

- 1) Policy requiring a fully marked vehicle assume the primary – The primary officer was operating an unmarked patrol vehicle.
- 2) Policy requiring a completed pursuit report be completed by the conclusion of an officer's shift or the officer's next work day with supervisor approval – The pursuit review was submitted almost three months after the incident.
- 3) Discuss considerations of having an injured officer participate in the pursuit – The injured officer was also the primary officer in this incident.

It has been confirmed coaching for the identified concern was completed.

2. 23-924 – Pursuit of a mental/emotional subject who was possibly intoxicated and operating a vehicle in an extremely reckless manner. The suspect vehicle was successfully spiked, but continued driving erratically on deflated tires. The shift sergeant authorized a "box-in" maneuver. Prior to the execution of that maneuver the suspect collided head on with an officer. The suspect was taken into custody.

Findings: This pursuit was within policy.

3. 23-3961 – Pursuit of a robbery 1st degree (carjacking) suspect. The pursuit was terminated once officers lost sight of the suspect vehicle.

Findings: This pursuit was within policy. Although the pursuit was legal and within policy, the policy requires supervisory authorization and control. Authorization was never expressly obtained despite the inference of approval. Reviewing captain recommended coaching session with the shift supervisor and for the supervisor to relay the information with coaching sessions with the officers involved. Coaching and policy reviews were completed by May 15th.

4. 23-7393 – Pursuit of a suspected DUI. A DUI suspect was contacted during a traffic stop. The suspect was uncooperative to such an extreme degree officers believed he was a flight risk and a Piranha tire deflation device was deployed. The suspect fled the traffic stop and a tire was deflated by the Piranha. The suspect did not attain high speeds, possibly due to the deflated tire, but did travel the wrong way on multiple occasions. The pursuit was terminated when the suspect traveling the wrong way in SR 522 entered I-405 also traveling the wrong way. The suspect was later involved in a head on collision traveling north in the south bound lanes of I-405. After a search the suspect was located hiding in vegetation and apprehended.

Findings: This pursuit was within policy.

5. 23-18388 – Pursuit of a suspected drive-by shooter. A witness reported a fight that included the sound of a gunshot. Involved subjects got into a silver SUV. As the vehicle left the scene the witness heard what he believed were additional gun shots. An officer observed a vehicle matching the suspected drive-by vehicle and initiated a pursuit. The shift sergeant arrived at the location of the incident and was unable to find a victim or establish probable cause for drive-by shooting. The pursuit was immediately terminated by the on-duty supervisor.

Findings: This pursuit was within policy.

An additional component of this audit is a review of all cases during the year with the incident type of Eluding (or Eluding Police Officer in NORCOM RMS). I checked both legacy RMS and NORCOM RMS and reviewed forty incidents. I discovered one incident (Case #23-383) that clearly involved a pursuit, but was lacking the pursuit review report. That incident was forwarded to an Operations captain.

With that one exception I did not identify any unreported pursuits. I did discover officers occasionally terminating pursuits and continuing to follow suspects after deactivating their emergency equipment for various reasons. This occurred in seven of the forty incidents reviewed. Following a suspect after termination of a pursuit is contrary to our policy even if not prohibited. **BPD 0212.8: When possible, an officer should attempt to change course so that the subject no longer sees the officer behind them, as that may reduce their reckless flight.**

This audit confirmed except where noted officers and sergeants are following policy and exercising good judgement.

MEMORANDUM Police Department



City of Bothell™

DATE: March 7, 2024

TO: Ken Seuberlich, Chief of Police
Julie Beard, Deputy Chief *JSB*
Darren Timpe, Captain *DT*

FROM: Dave Nelson, Sergeant *DN*

SUBJECT: 2023 Annual Pursuit Audit – Addendum

Per Policy BPD – 0212, the Risk Management Division is responsible for reviewing all pursuit review forms as well as the associated pursuit review summaries for analysis at the end of each year. A review of cases with the call type Eluding revealed a pursuit that lacked an associated pursuit review report. Captain Smith subsequently reviewed that incident with the following findings:

1. 23-383 – Pursuit of DUI suspect. During the pursuit the suspect began traveling in the wrong direction on Bothell Way NE. The pursuit was terminated by the pursuing officer.

Findings: This pursuit was within policy.

This addendum is consistent with and confirms the previous conclusions of the 2023 Annual Pursuit Audit.