

**MEMORANDUM**  
**Police Department**



City of Bothell™

**DATE:** October 9<sup>th</sup>, 2023

**TO:** Susy Johnson, Deputy Chief  
Bryan Keller, Captain

**FROM:** Kendall Smith, Operations Captain, Bothell Police Department

**SUBJECT:** Pursuit Review Summary for case 23-18388

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**Call Summary:**

On September 23<sup>rd</sup>, 2023 at about 0517 hours, a call was dispatched of a disturbance at the Chevron Station located at 15900 116<sup>th</sup> Ave NE, Bothell WA.

The Reporting Person said that he observed three to four males fighting across the street at the Chevron gas station. While the Reporting Person was on the line with Dispatch, he said that he heard a gunshot, and all of the male subjects got into a silver colored SUV. The silver SUV then left the location and there were no other people left at the Chevron station. While in route to the call, the RP stated that he heard two more gunshots as the vehicle drove towards I-405. The vehicle was last seen getting onto I-405, from the NE 160<sup>th</sup> Street onramp.

As other units arrived on scene, Officer A. Thorvilson, with Student Officer C. Peterson, positioned himself on the NE 195<sup>th</sup> Street onramp to north bound I-405. While there, he observed a silver SUV, that matched the description of the involved vehicle, traveling north bound on I-405 at a high rate of speed. He pulled onto I-405 as well and began to try and catch up to the silver SUV, which then exited I-405 at exit number 26, onto SR 527. Officer Thorvilson followed the silver SUV onto SR 527, as he reasonably believed that this vehicle was involved with the shooting at the Chevron. As he was closing distance with the vehicle, he could see that the vehicle was a newer Hyundai Tucson. The vehicle took continued northbound on SR 527 until the 220<sup>th</sup> St SE intersection, when Officer Thorvilson was finally able to catch up with it. There, the vehicle made a U-turn, and headed southbound on SR 527, and Officer Thorvilson did the same. With the vehicle now heading southbound on SR 527, it exited SR 527 onto southbound I-405 with Officer Thorvilson behind it with emergency lights and siren on. Student Officer E. Ramadani, with Field Training Officer C. Russell, were behind Officer Thorvilson.

Sergeant M. McCabe was on scene, stated that he was unable to find a victim in the crime. While there was Probable Cause for Aiming or Discharging Firearms, Dangerous Weapons, and Eluding, the officers did not have Probable Cause for a Drive-by Shooting. As such, Sergeant McCabe ordered the pursuing units to discontinue because the Probable Cause for was for

crimes that do not meet the criteria for a pursuit. The pursuing units turned off their emergency equipment, but continued to follow the vehicle until they lost sight of it in Redmond.

Through investigation, they were able to determine that the vehicle was an un-reported stolen out of Lake Forest Park.

### **Time and Distance of Pursuit:**

Using Google Maps, the pursuit was determined to last about 4.9 miles, and according to the Computer Aided Dispatch (CAD) notes, it lasted about 3 minutes.

### **Reason for the Pursuit:**

Based on the facts and the totality of the circumstances, the officers had reasonable suspicion to believe that a Drive-by Shooting had occurred. Once officers on scene determined that there was no Probable Cause for a crime that allowed for a pursuit, the pursuit was immediately terminated.

The officers were dressed in their full patrol uniforms, including Bothell Police Department shoulder patches, external vests with police patches and badges displayed. While attempting to stop the suspect they were in marked and unmarked police patrol vehicles, both with emergency lights and sirens.

### **Supervision:**

Sergeant M. McCabe was the on-duty supervisor that night when this call occurred, he had supervisory oversight of the pursuit, and he was on-scene to determine the facts of the case.

### **Authorized Pursuit:**

As the suspect vehicle took off from the initial scene, Officer Thorvilson had reasonable suspicion to believe that the vehicle was involved in a Drive-by Shooting. (RCW 10.116.060 Vehicular Pursuit (1) A peace officer may not engage in a vehicle pursuit unless: (a) There is reasonable suspicion to believe that a person in the vehicle has committed or is committing: (i) A violent offense as defined in RCW 9.94A.030.) A Drive-by shooting is listed as one of the violent offenses which allows for a police pursuit, both in the RCW and Bothell PD Policy 0212.

Once it was determined that the facts and circumstances did not amount to a Drive-by shooting, Sergeant McCabe terminated the pursuit.

BPD 0212.2 definition. Vehicle Pursuit: *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.*

### 212.3 AUTHORIZED PURSUITS

It is the policy of the Bothell Police Department that pursuits are permissible only when the need for immediate capture outweighs the danger created by the pursuit itself. A police officer may only engage in a vehicular pursuit when the following criteria is met:

- The police officer has reasonable suspicion to believe that a person in the vehicle has committed or is committing a violent offense, or sex offense as defined in RCW 9.94A.030, or an escape as defined in chapter 9A.76; or
- A person in the vehicle has committed or is committing a driving under the influence offense under RCW 46.61.502 or a vehicular assault offense under RCW 46.61.522. The impaired or reckless driving must have occurred independent of any attempt to stop the suspect and cannot be solely a result of the suspect's attempting to flee from the officer regardless of the activation of an officer's emergency lights or siren. If the pursuit of a suspected impaired or reckless driver results in the pursued driver displaying an increased level of dangerous driving, the pursuit shall be immediately discontinued, and
- The pursuit is necessary for the purpose of identifying or apprehending the person, and
- The person poses a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicle pursuit under the circumstances, and
- The pursuing officer notifies a supervising officer immediately upon initiating the vehicles pursuit and there is supervisory oversight of the pursuit, and

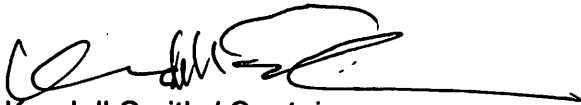
Pursuits for other crimes are strictly prohibited. Even when the above criteria are met, the decision to initiate a pursuit or continue a pursuit must be balanced against the greater concern for the safety of the community and the public safety employees. The officer in consultation with the supervisor must consider alternatives to the vehicle pursuit and the supervisor must consider the justification for the vehicular pursuit and other safety considerations. The suspected crime of eluding will not, in and of itself, justify a pursuit. The fact that an officer had to move from the path of a fleeing vehicle may not constitute a violent offense for the purposes of this policy. In order to participate in the pursuit, the pursuing officer must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operator training in the previous two years and must be certified in at least one pursuit intervention option. Emergency vehicle operator training must include training on performing the risk assessment analysis described in this policy.

**If any of the requirements or criteria listed above are not met, the pursuit shall be terminated.**

**Recommendation:**

I reviewed all case reports and CAD for this incident (attached). I found that the officer's and supervisor's actions were reasonable and in compliance with Bothell Police Department Policy BPD-0212. I recommend no further action be taken.

This document concludes the review of this pursuit.

A handwritten signature in black ink, appearing to read 'Kendall Smith', with a long horizontal flourish extending to the right.

Kendall Smith / Captain  
Bothell Police Department / Operations