

**MEMORANDUM**  
**Police Department**



City of Bothell™

**DATE:** November 25, 2020  
**TO:** Clint Beck, Deputy Chief  
**FROM:** Susy Johnson, Operations Captain  
**SUBJECT:** Pursuit Review Summary **20-21453**

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**Call Summary**

On October 30, 2020, at 1408 hours, Officer Rees was dispatched to a suspicious circumstance call at the Home Depot (18333 120<sup>th</sup> Avenue NE, Bothell, Wa) regarding two men who appeared to be shoplifting expensive items as a team. Officer Rees called one of the Asset Protection Specialists (APS) while on her way to the store, ultimately getting on a three-way call with the second on-duty APS. Officer Rees gave updates over the radio to the other officers who were responding, which included that the suspects had run from the store with the merchandise. As officers coordinated their arrival into the area by radio, Officer Rees gave updates to include suspect descriptions and the car that they got into, a black Mitsubishi Lancer. Officer Muro parked her patrol car near to a parking lot exit, with her overhead strobe lights activated, in order to contain the suspect vehicle in the lot. Officer Muro exited her vehicle to direct other vehicles out of the way when the suspects drove directly at her. Officer Muro was able to jump out of the way and broadcast they "...just tried to run me over." Officers heard that radio communication from Officer Muro and believed they now also had probable cause (PC) for attempted Assault 3 or attempted Vehicular Assault on Officer Muro. Officer Rees believed that voice came from her three-way phone call, specifically APS officer Chavez, thinking she was almost run over as the suspects were fleeing with merchandize (Officer Rees later discovered this error).

Officer Rees then arrived on 120<sup>th</sup> Avenue NE in time to see the suspect vehicle fleeing from the parking lot, so she immediately got behind the vehicle with her strobe lights on. The vehicle initially was going around 35 MPH but failing to yield. When the suspect accelerated to over 60 MPH in the 35 MPH zone, she initiated pursuit and turned-on her siren. Her backing unit was a two-officer unit (Officer Thorvilson and FTO MPO Hayter), who properly transitioned to start providing the radio traffic for the pursuit as they travelled behind Officer Rees. The suspect vehicle traveled eastbound on 180<sup>th</sup>, then southbound on 132<sup>nd</sup>, then westbound on SR 522, then northbound on I-405. The driver was reckless and speeds estimated to be 100 MPH on I-405. The pursuit lasted less than three minutes and was terminated by Sgt. Nguyen for public safety reasons. Officer Polzin was on I-405 when the pursuit was terminated and he was able to give the last known location of the suspect as last seen going northbound on SR 527. The vehicle was found on 11-15-20 by Bellevue PD and impounded for Bothell PD for a search warrant. The suspects have yet to be identified. See case 20-21453 for full details.

### **Reason for the Pursuit**

Officer Rees articulated in her report that the initial reason for the pursuit was for Robbery 1 (use of a dangerous weapon against the security employee, the suspect's car, as a means to flee with merchandise) and attempted Assault 3. Later Officer Rees realized that it was actually Officer Muro that the suspects drove directly at. Officers Thorvilson and MPO Hayter communicated they assisted in the pursuit as a result of the attempted striking of Officer Muro and the crime of attempted Assault 3 / Vehicular Assault. The fact that the suspect's vehicle drove directly at a person while fleeing was PC for attempted Assault 3 or Vehicular Assault and falls under the definition of a dangerous felony, consistent with pursuit policy BPD-0212.

### **Supervision**

Sgt. E. Martin was in training as a new supervisor with Sgt. Nguyen when this called occurred. They were in two different vehicles and not physically with each other when the pursuit was initiated. Sgt. Martin did an excellent job by getting on the radio briefly, early in the pursuit, stating he was monitoring. This provided everyone notice that the pursuit was being actively monitored by a supervisor. Approximately two minutes later Sgt. Nguyen got on the radio and directed officers to terminate the pursuit. Sgt. Nguyen terminated due to the public safety risk. I met with Sgt. Martin a short time later and he advised he was also moments away from terminating the pursuit. I was monitoring as well at the time and also planned to terminate soon.

### **Authorized Pursuit Units**

There were initially two marked patrol units involved in this pursuit. As Officer Polzin heard the suspects fleeing, he anticipated that they would end-up heading northbound on I-405, so he changed directions to try to get ahead of the suspect. Officer Polzin did observe the suspect vehicle just as they got onto northbound I-405, just as Officer Rees lost sight of the vehicle. The pursuit was terminated moments later. Officer Polzin's addition into the pursuit was the third unit. Policy limits two units to a pursuit, but gives great latitude to expanding that number ("An officer or supervisor may request additional units to join a pursuit ..."). Having two suspects in the vehicle and their aggressive act in driving directly at Officer Muro are both good reasons to have more officers involved in the pursuit. It is preferred for the addition of the third or more units to be specifically articulated over the radio.

### **Recommendation**

I reviewed all case reports and the audio recording for this incident (attached). This pursuit was **within policy**. The supervision and actions of the officers were appropriate and well executed. The decision to terminate at the time was prudent given the increase in aggressive driving. My only recommendation is for there to be more communication relative to radio traffic in the future by officers. I recognize that is a tough balance to add information in between changes in direction by the suspect, but there were some time gaps in the radio traffic that would have allowed for more details, which helps a supervisor assess things constantly. For example, everyone on the radio heard the initial shoplifting updates and the reason for the pursuit was expected to be known as it was 'communicated as it occurred', however Officer Rees was on a different page from others (she thought she had a Robbery in miss-identifying who said they had almost been hit by the suspects). Taking a moment to verify the reason for the pursuit succinctly by the initiating officer would insure everyone is on the same page. The decisions made and actions taken were reasonable and appropriate. A copy of this review will be given to Sergeants Martin and Nguyen for crew discussion purposes.