

MEMORANDUM
Police Department



City of Bothell™

DATE: March 15th, 2022

TO: Clint Beck, Deputy Chief, Bothell Police Department

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

SUBJECT: Pursuit Review Summary for case 2021-23047

Call Summary:

On December 14th, 2021, at about 0859 hours, Bothell officers responded to the 19200 block of 129th Ave NE in Bothell. The reporting person called to say that there was an adult male in a gold colored car that appeared to be passing out at the wheel while driving, and almost hit a parked car. The vehicle was located in the Hollyhills area parked on the side of the road, with the adult male driver slumped over the wheel. Officers arrived and learned that the plate affixed to the vehicle was reported stolen out of Redmond Police Department (RPD).

Officers started to position their vehicles to the front and back of the suspect vehicle in order to stop the suspect vehicle should it start to leave. However, the male driver woke up, started the vehicle up, and began to accelerate his vehicle forward, which pushed the unoccupied patrol vehicle several feet backwards. Officers identified themselves as they tried to break out the front driver's side and passenger's side windows, all the while giving commands to stop. The driver was able to put the car in reverse and create enough space to leave around the unoccupied patrol vehicle. The suspect vehicle then left at a high rate of speed on NE 192nd Place, towards Woodinville. Master Patrol Officer (MPO) Hayter, and Officers Thorvilson and Midstokke pursued the vehicle for a short distance, before MPO Hayter called the pursuit off. The suspect vehicle was last seen traveling northbound on 130th Ave NE.

Using Google Maps, the pursuit was determined to last about 1720 feet, and according to the Computer Aided Dispatch (CAD) notes, it lasted less than one minute.

Reason for the Pursuit:

Based on the facts and the totality of the circumstances, the officers had reasonable suspicion to believe that the driver was driving under the influence of drugs and or alcohol. The officers attempted to stop the driver before he could endanger the community, but their attempt was not successful. 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 driver, they also verbally identified themselves, so it seems reasonable that the suspect driver should have known they were police officers.

Supervision:

Sergeants (Sgt.) E. Brown and B. Bernard were on-scene during the initial contact, and MPO Hayter was enroute to the scene.

Authorized Pursuit Units:

As the suspect vehicle took off from the initial scene, Sgt. Brown came over the air and stated that the pursuit had been initiated. MPO Hayter, Officers Thorvilson and Midstokke began to pursue the suspect vehicle, but as the suspect vehicle headed towards Woodin Elementary, MPO Hayter shut down the pursuit. MPO Hayter had passed by Woodin Elementary while enroute to the call, so he was aware of the heavy foot traffic in the area. When the suspect vehicle headed northbound towards Woodin Elementary at a high rate of speed, MPO Hayter decided to discontinue and deactivate his emergency lights. However, he activated his siren in an attempt to alert pedestrians in the area, which later was discovered to have been helpful.

Recommendation:

I reviewed all case reports and CAD for this incident (attached). I found that the Officers and Sergeants actions were reasonable and in compliance with Bothell Police Department Policy BPD-0212. Additionally, I believe that MPO Hayter's situational awareness helped him to make a critical decision to terminate the pursuit, and his use of the siren (without emergency lights) was a prime factor in no resulting injuries. He should be commended for his actions.

I recommend no further action be taken.

This report is submitted for your perusal.


Kendall Smith, Acting Captain
Bothell Police Department / Operations