

MEMORANDUM
Police Department



City of Bothell™

DATE: March 29, 2021
TO: Clint Beck, Deputy Chief
FROM: Darren Timpe, Operations Captain
SUBJECT: Pursuit Review Summary for case 2020-24237

03/29/21

In Preparation for the 2020 Pursuit Audit, the Professional Standards Unit reviewed 2020 cases in which eluding was charged. This case was forwarded to me in March of 2021 for review and, if applicable, a pursuit review.

Call Summary

On December 8th, 2020, at about 2250 hours, Officer Russell conducted a social contact on the driver of a Chevrolet pick-up in the parking lot of the Bothell Fred Meyer. Officer Russell believed the Chevrolet and driver were associated to an occupied Ford pick-up, also parked in the lot, which he had been watching for some time. Officer Russell parked his patrol car, as to not obstruct the Chevrolet's path, approached on foot, and engaged the male driver in conversation. The driver's answers were elusive, however, no criminal violations were observed. At some point during the interaction, the driver drove-off via the southern-most Fred Meyer exit. Officer Russell provided the license plate to dispatch and learned the license plate did not belong to a Chevrolet.

Officer Russell returned to his patrol car and followed the Chevrolet northbound on SR 527 SE, eastbound on Maltby RD, and northbound into the driveway behind the Safeway store in the 20700 BLK of SR 527 SE. The Chevrolet reached speeds of 60 MPH while on the private road behind Safeway. During this period, Officer Russell determined he initially provided the wrong license plate to dispatch. After running the correct license plate, Officer Russell learned the Chevrolet was stolen. Officer Russell activated his emergency lights and siren while still in the parking lot and the Chevrolet continued towards Dairy Queen "in excess of reasonable speeds." The Chevrolet exited the parking lot in the 20500 BLK of SR 527 SE and drove northbound. In doing so, the Chevrolet slid across all northbound lanes and nearly struck a Washington State Patrol Trooper's car driving in the opposite direction. The Chevrolet drove through the intersection of 196 ST SE and SR 527 SE, against a red traffic signal, at about 80 MPH (45 MPH speed limit) and into oncoming traffic. Officer Russell described traffic volumes as being light and road conditions as being wet. The Chevrolet continued northbound at about 80-100 MPH. In the 19200 BLK of SR 527 SE, Sergeant Saarinen requested the pursuit be terminated, which Officer Russell did.

Officer Russell maintained a visual of the Chevrolet as it continued northbound at about 60 MPH, in the oncoming lanes. In about the 18600 BLK of SR 527 SE, a Snohomish County Sheriff's Deputy spotted the Chevrolet and initiated a pursuit with it. Officer Russell joined, as secondary, following the SCSO car and Chevrolet northbound into Mill Creek. The Chevrolet ultimately turned around and drove southbound on SR 527 until additional SCSO units caught up to the pursuit. Officer Russell removed himself from the pursuit in about the 18600 BLK of SR 527 SE. Officer Russell would later learn SCSO lost sight of the vehicle on southbound SR 527 SE in about the 20600 BLK.

Reason for the Pursuit

Officer Russell articulated that he initially believed the Chevrolet and driver were associated to a second suspicious vehicle, parked at Fred Meyer. Officer Russell's contact of that driver was a social contact. At the time the Chevrolet left the parking lot, Officer Russell believed the Chevrolet had the wrong license plate affixed to it. Shortly thereafter, he would learn the Chevrolet was in-fact reported as stolen. Possession of a stolen motor vehicle does not fall under the definition of a dangerous felony, as listed in policy BPD-0212.

Regarding Officer Russell joining the pursuit, once initiated by SCSO; policy allows for Bothell Officers to join as secondary units when pursuits from other jurisdictions are entering Bothell. Since the pursuit was southbound at that point, I believe he was authorized under BPD-212.12 to assume the secondary role.

Supervision

Sgt. Saarinen was working as the supervisor when this call occurred. Due to the elapsed time between this call, and my review of it, audio of the radio communication was not available. Based on CAD entries, it appears Sgt. Saarinen terminated the pursuit upon learning the suspect vehicle was driving into oncoming traffic. I spoke with Sgt. Saarinen on March 20th, and from his recollection, radio traffic closely mirrored the CAD entries. Based on those CAD entries, I believe Sgt. Saarinen terminated Officer Russell's pursuit at his earliest possible opportunity.

Authorized Pursuit Units

Officer Russell's initial pursuit of the Chevrolet was terminated, per supervisor request. When the SCSO unit began pursuit of the Chevrolet, Officer Russell entered the pursuit as secondary due to their being one SCSO unit. Once additional SCSO units joined, Officer Russell discontinued.

Recommendation

I reviewed all case reports and CAD for this incident (attached). The initial pursuit by Officer Russell was **out of policy**. Per policy, *a vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid apprehension while operating a motor vehicle by using evasive tactics such as increasing speed, extinguishing lights, violating a traffic control device, driving off a highway, turning suddenly, or any other evasive manner to elude the officer.* When the Chevrolet first turned onto SR 527 in the 20500 BLK, after Officer Russell's emergency equipment had been activated, should have been the point at which Officer Russell recognized the situation had become a pursuit. If not at that point, then at least when the Chevrolet drove through the red traffic signal at 196 ST SE at 80 MPH, in the oncoming lanes. Officer Russell's continued pursuit of the Chevrolet until being terminated 192 ST SE, was out of policy.

I recommend Officer Russell receive remedial training on pursuit policy. A copy of this review will be given to Sergeant Martin for Officer Russell's performance file.