

MEMORANDUM
Police Department



City of Bothell™

DATE: July 29, 2022
TO: Susy Johnson, Deputy Chief
FROM: Darren Timpe, Operations Captain
SUBJECT: Pursuit Review Summary for case 2022-12246

Call Summary

On July 2nd, 2022, at just before 1000 hours, Officer Thorvilson observed a recklessly ridden motorcycle operating in the 24000 block of SR 527. Officer Thorvilson attempted to affect a traffic stop, however, the motorcycle fled. Officer Thorvilson did not pursue at that time. Officer Thorvilson conducted an area check and located the motorcycle in the area of Bothell High School. The motorcycle/rider was at a dead end behind a landscaped area in the middle of the road. Officer Thorvilson parked and attempted to contact the rider on foot, however, the rider sped off, nearly striking Officer Thorvilson while fleeing. Believing the rider's intent was to strike him, Officer Thorvilson informed others the fleeing motorcycle nearly ran him over. As such, Sergeant Brown approved pursuit of the motorcycle. Officer Thorvilson pursued the motorcycle for about three throughout south Bothell. Officer Thorvilson ultimately decided to terminate the pursuit due to the danger posed by continuing the pursuit being too great. The motorcyclist was last seen leaving the City eastbound.

Reason for the Pursuit / Offense

Officer Thorvilson believed the rider intentionally tried to run him over. Sergeant Brown's authorization of the pursuit was based on the rider having committed vehicular assault under the driving in a reckless manner prong. Sergeant Brown subsequently authorized the pursuit over the radio.

Authorized Pursuit Units

Officer Thorvilson was driving patrol vehicle #11, which is an unmarked police car equipped with emergency lights visible to both the front and rear of the vehicle (without roof lights) and siren. The pursuit was terminated just as marked patrol vehicles were in position to assume the pursuit.

Officer's Responsibilities

Subsequent to nearly being struck by the motorcycle rider, Officer Thorvilson broadcast the attempted assault (motorcycle vs. himself), and pertinent motorcycle/rider information. Officer Thorvilson initiated a pursuit, but did not immediately notify the Communications Center of the pursuit. Sergeant Brown asked him if he was in pursuit, and Officer Thorvilson replied something similar to, "If I can get eyes on." Officer Thorvilson provided location and direction of travel information and ultimately requested Officer Sands handle radio communication. Officer Sands requested permission to pursue, which was granted by Sergeant Brown.

Supervision

Sergeant Brown asked multiple times (before the attempted assault and after) if officers were in pursuit. Once asked for permission to pursue, Sergeant Brown provided authorization. Once the pursuit led to the motorcycle rider entering oncoming lanes of travel, Sergeant Brown requested that units terminate the pursuit.

Recommendation

Vehicular assault is deemed a violent, pursuable offense, per RCW 10.116.060 and department policy BPD-0212. Per policy, "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." Officer Thorvilson described in detail that the rider had alternative routes by which to flee, but instead chose to "tuck" his body towards the motorcycle as if preparing for impact, and rode directly at Officer Thorvilson, who was standing in the street. For these reasons, I believe this pursuit was lawful and within policy.

I recommend Officer Thorvilson receive remedial training relative to notifying the Communications Center of the pursuit, and waiting for authorization prior to engaging in pursuit. After listening to the recorded radio traffic, I believe that although this ultimately occurred via Officer Sands' request, Officer Thorvilson was in pursuit prior to authorization being given by the supervisor.