

Marysville Police Department

Use of force Report

Incident Details

Date Received 07/31/2022

Entered By Sergeant Brandon Lawrenson - 0123

Date/Time of Occurrence 07/31/2022 01:32

Date/Time Entered 07/31/2022 03:43

Record ID Number 2208

Case No 2022-00036116

IA No 22UOF-033

Marysville PD [Pending assignment]

BlueTeam Assigned

Investigator

IAPro Assigned Police Commander Brad Akau

Investigator

Incident Location

Location of Occurrence North Sector

10013 Shoultes Road
Marysville, WA, 98270
-122.17066, 48.08615



Incident Summary

Force applied to overcome passive resistance.

Reviewed by Assistant Police Chief James Lawless [0191] on Sep 07, 2022 at 09:31

Decision:

Reviewer comment:

Within policy, no further action.

Use of Force Details

More Than 1 Citizen Involved	No	Reason For Using Force	Passive Resistance
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Citizen Arrested	Yes	Distance to Citizen	1 feet to 3 feet
Officer(s) Injured	No	Citizen Injured	Yes
Officer(s) Taken to Hospital	No	Citizen Taken to Hospital	No
Service Being Rendered	Dispatched Call	Citizen Build	Medium
Weather Condition	Clear	Citizen Height	5'10" to 6'0"
Light Condition	Street Light	Citizen Influence Assessment	Alcohol

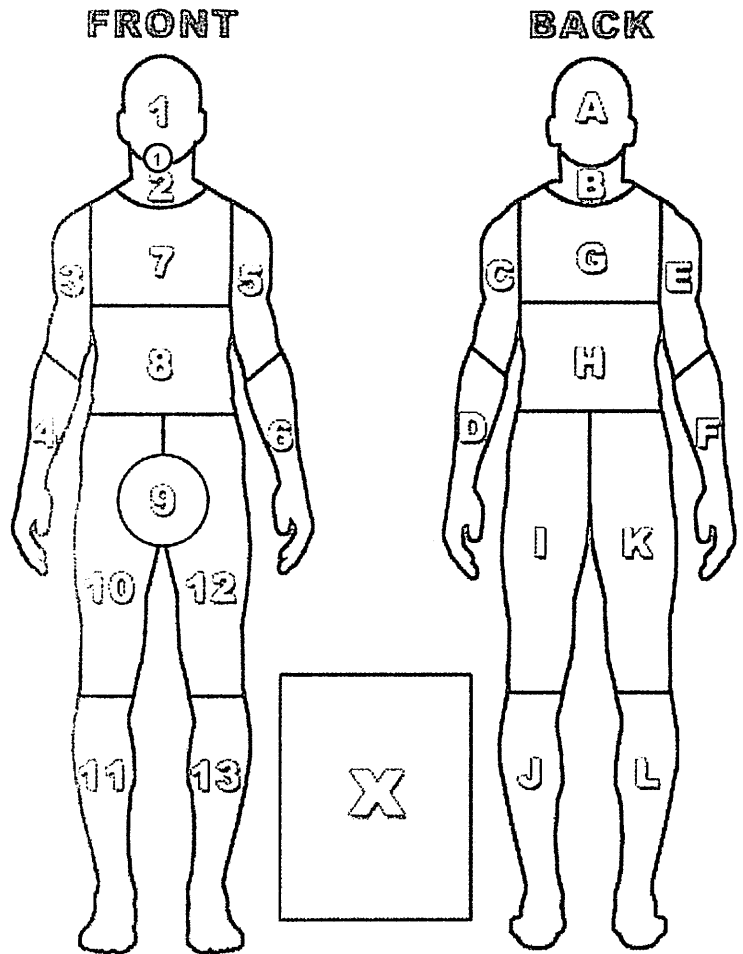
Reporting/Involved Citizen

David A Gunderson

Date of Birth	10/26/1973	Gender	Male
Race	White	Ethnicity	Non-Hispanic
Role	—		
Address	1302 Park Hill Drive Arlington, WA, 98223	Phone Numbers	[None Entered]
Type of Resistance Citizen Used Against Officer	Passive Resistant		
Charges Against Citizen	Misdemeanor- Property Crime Resisting		

Injuries Sustained By Citizen

No Injury — Points: 1



Involved Officers

Police Corporal Keegan Stuver - 0173

Assignment at time of incident Police Officer Patrol Operations/Patrol/A Nights

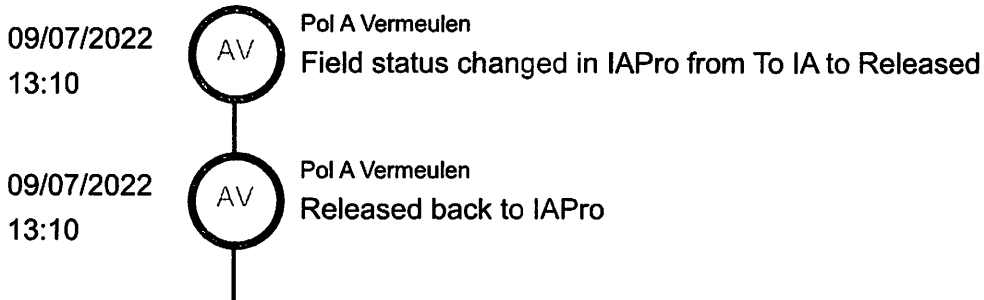
Role —

Role —

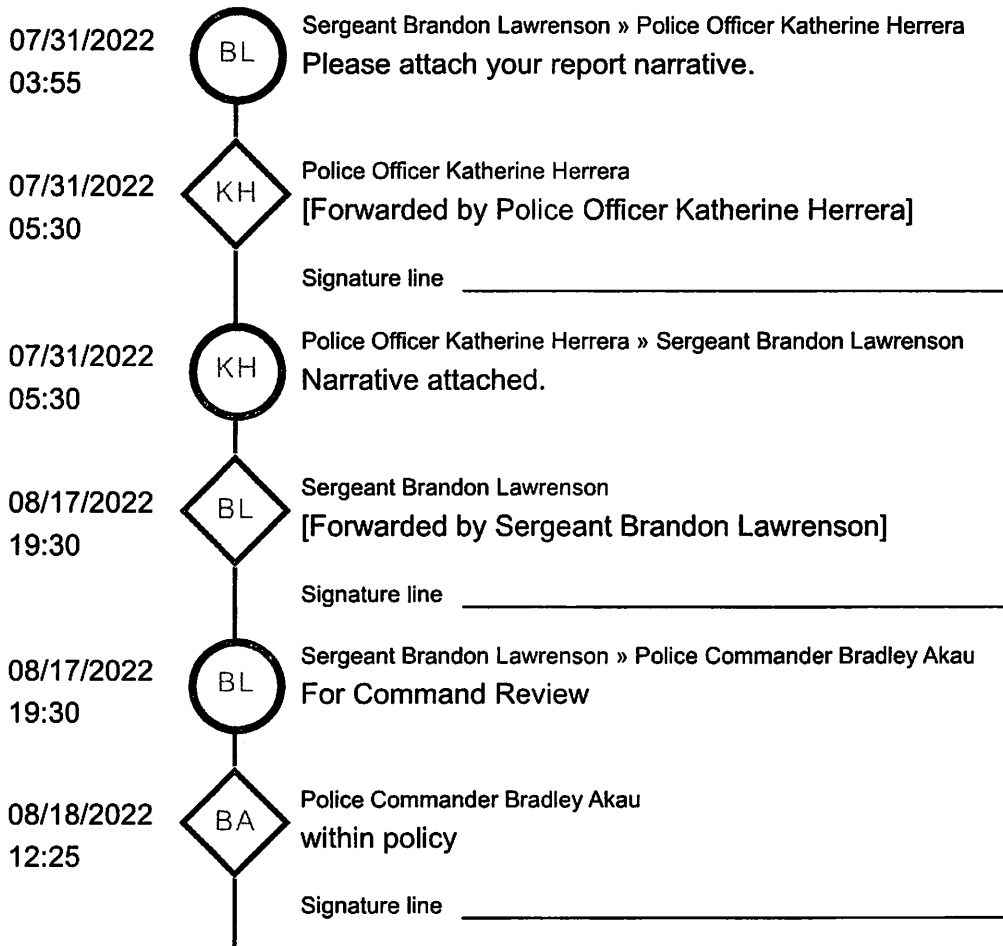
Attachments


Date Attached	Attachment Description	Attachment Type
07/31/2022	22-36116 DISTURBANCE	doc
07/31/2022	22-00036116	docx


Assignment History





Chain of Command History



08/18/2022 12:25  Police Commander Bradley Akau » Assistant Police Chief James Lawless
for your review

09/07/2022 09:31  Assistant Police Chief James Lawless
Within policy, no further action.
Signature line _____

09/07/2022 09:31  Assistant Police Chief James Lawless » Police Commander Adam Vermeulen
Within policy, no further action required.

09/07/2022 13:08  Police Commander Adam Vermeulen
[Ready for IAPro by Police Commander Adam Vermeulen]
Signature line _____

Assigned Investigator Signature Line

[Pending assignment]

**Marysville Police Department
Sergeant B. Lawrenson / #0123**

Date: 07/31/2022

Time: 0058

Address: 10013 Shoultes Rd B1

Report: Supplement

Case #: 22-00036116

Officer Assignment: I, Sergeant Lawrenson, am a fully commissioned Police Officer assigned to the Marysville Police Department, Patrol Division. On 07/31/22, I was wearing an authorized Marysville Police Department badge, and uniform which clearly identifies me as a Police Officer. I was riding in a fully marked Marysville Police Department patrol car equipped with emergency lights, siren and decals.

During this incident, I was wearing my department issued body worn camera. Recording(s) were later uploaded to evidence.com.

Officer Action:

On 07/31/22, about 0120 hours, Officer Roberts requested I respond to a disturbance at the District 13 Bar.

I arrived on scene and saw Officers Roberts, Stuver and Herrera speaking to a bald, white male in a blue t shirt and shorts, identified as David GUNDERSON.

Officer Roberts told me GUNDERSON had been removed from the bar after harassing female patrons. Officer Roberts said GUNDERSON was refusing to leave and wanted to return to his vehicle in the parking lot. Officer Roberts stated he believed GUNDERSON should not be driving a vehicle. Officer Roberts said staff at the bar wanted GUNDERSON trespass from the location for a period of one year.

GUNDERSON was seated on the bumper of a patrol vehicle in the turn lane. As I approached GUNDERSON, I could see he was exhibiting symptoms of alcohol intoxication. GUNDERSON speech was slurred and his eyes were bloodshot and watery. As I got closer to GUNDERSON, I could clearly smell the odor of alcohol about his person.

GUNDERSON was yelling at Officer Herrera, and aggressively waving his arms around, demanding that something be done about him being thrown out of the District 13 bar. GUNDERSON continually displayed a reddened area on his left arm and referred to being drug.

I watched Officer Herrera attempt to interact with GUNDERSON. GUNDERSON would ask Officer Herrera a question and ask she began to try to answer him, GUNDERSON would begin yelling over the top of her, not allowing an opportunity to answer.

I saw Officer Herrera attempt to hand GUNDERSON his copy of a trespass notice for the District 13 property, which he refused to accept. GUNDERSON continued to yell at Officer Herrera, eventually becoming frustrated. At this point, GUNDERSON began walking directly toward the parking lot of the property he had just been trespassed from. It appeared to me that GUNDERSON's intent was to walk back into the parking lot. I was concerned that

GUNDERSON would attempt to get into his vehicle based on what I had been told by Officer Roberts. I told GUNDERSON he would be arrested if he went into the parking lot.

After warning GUNDERSON not to enter the parking lot, he turned to yell at me. GUNDERSON told me he was going home and pointed toward Shoultes Rd to the north of the location across the parking lot.

I pointed out to GUNDERSON that a public sidewalk was available to him, which would not require him to enter the parking lot, and that he could walk around it. GUNDERSON said he was not going to walk around, turned away from me and stepped into the parking lot, committing the crime of Criminal Trespass 2nd in my view and presence, which I had just warned him not to.

Due to GUNDERSON's intoxication level and state of general agitation, I took control of his right arm and told him he was under arrest. GUNDERSON immediately tensed his arm, then loudly stated, "I'm not resisting," and dropped to his knees. GUNDERSON's left arm was controlled by Officer Stuver, who handcuffed him without incident.

I saw Officer Stuver escort GUNDERSON to the front of his patrol vehicle. GUNDERSON yelled at Officer Stuver that he had been disrespectful then started calling Officer Stuver a, "bitch."

Officer Stuver conducted a search incident to arrest, then escorted GUNDERSON to the rear of a patrol vehicle, while GUNDERSON continued to yell.

GUNDERSON sat in the back of the patrol vehicle with his legs hanging out of the door, refusing to sit fully in the patrol vehicle.

I told GUNDERSON to slide himself into the patrol vehicle and he again refused, demanding an attorney be provided to him immediately at the scene. I began explaining to GUNDERSON that was not how things worked but he started yelling again and probably did not hear me.

GUNDERSON refused several orders to seat himself fully in the vehicle and I informed he would be charged with resisting arrest.

I have previously been kicked, head-butted, kned and bitten by resistant and aggressive subjects under similar circumstances who have refused to seat themselves and had to be forced into a patrol vehicle. I also know that forcing a non-compliant subject into a patrol vehicle requires an Officer to enter close quarters with them.

I recognized that GUNDERSON was not going to voluntarily seat himself in the vehicle after being given multiple opportunities to comply voluntarily.

I applied a chin lift on GUNDERSON, which forced his head backward into the vehicle while Officer Stuver pulled him from the opposite side. The technique was intended to overcome passive to moderate resistance and is not a pain compliance technique. While pushing GUNDERSON into the vehicle, my body worn camera was knocked loose onto the floor near GUNDERSON's legs. Because I would have had to bend over GUNDERSON's extended legs, it would have place me in a position of disadvantage where GUNDERSON would be able to kick or knee me in the face. I made a conscious decision to leave the camera in the vehicle until GUNDERSON had been removed from it.

Once GUNDERSON was secured in the vehicle, he was transported to the Marysville Jail by Officer Herrera. I advised Custody Officers to stand by with a restraint device because I did not believe GUNDERSON would be compliant with their instructions. Officer Stuver and I followed Officer Herrera to the jail.

On arrival, I saw Custody Officers Cikauskas and Lee as well as Corporal Burtis. Corporal Burtis attempted several times to convince GUNDERSON to exit the patrol vehicle voluntarily. GUNDERSON repeatedly confused, stating he would not exit until a, "Captain," was brought there to speak to him.

GUNDERSON had to be pulled from the vehicle by Custody personnel and was immediately placed in a restraint chair.

While being secured in the chair, GUNDERSON repeatedly yelled that he was not resisting, even when nobody was touching him.

GUNDERSON then focused back on Officer Stuver, who he said was standing too close to him. GUNDERSON demanded that Officer Stuver move away from him and threatened to assault Officer Stuver if given the opportunity, stating if he got the chance, he would kick Officer Stuver in, "the balls."

GUNDERSON was booked into the Marysville Jail.

See Officer Hererra's report for further details.

This document was submitted on a device that is owned, issued or maintained by the Marysville Police Department which is an identified criminal justice agency in Washington State.

I certify under penalty of perjury under the laws of the State of Washington the foregoing is true and correct (RCW 9A.72.085) and I am entering my authorized user ID and password to authenticate it.

*Sergeant Brandon Lawrenson Badge # 0123
Marysville Police Department
Date: 07/31/22*

Marysville Police Department

Case#: 2022-00036116

Date & Time: 7/31/2022 1801 Hours

Officer: K. Herrera

Incident: Trespass & Resisting Arrest

Location: 9925 State Ave, Marysville, WA

ASSIGNMENT

I, Officer Herrera, am a fully commissioned Police Officer assigned to the Marysville Police Department in the capacity of a Patrol Officer. On the above date and time, I was wearing an authorized Marysville Police Department (MPD) uniform complete with patches, a badge, and riding in a fully marked Marysville Police Department patrol car equipped with emergency lights, siren and decals. A body worn camera has been issued to me and was worn during the duration of the contact.

INVESTIGATION

On the above date and time, I was dispatched to a disturbance at District 1, 10013 Shoultes Rd B1, Marysville, WA. The reporting party, Gunderson, David A (DOB 10/26/1973) said he was removed by security. He said a verbal dispute occurred and he was dragged across the floor by security. Dispatch let me know he sounded as if he has been drinking.

I arrived on scene and the security guard was waiting. He let me know where the reporting party was. He said some women in the bar were complaining about David and he then escorted David out of the building. The security guard was unsure of how he got the cut on his elbow. I approached David and asked him what happened. He was showing obvious signs of being intoxicated. His speech was slurred, voice raised, delayed reaction time, and had red and watery eyes. His story was not making sense and he kept repeating himself. I asked for his driver's license and he gave it to me. I asked him to follow me to my patrol car. When he stood up he stood very close to me and when I started walking to my patrol car he followed. When he stood off the curb he fell and slammed himself into the side of his car. On the way to the vehicle I asked how he was planning on getting home and he said he'll either walk or get a ride from his roommate.

When we arrived to the vehicle I had him sit on the push bar of my patrol car. He was raising his voice and being verbally uncooperative. While I was writing his trespass paperwork in my patrol vehicle, he became aggravated with Officer Stuver and Roberts. He got up and left, walking back to his vehicle. The Officers followed him, making sure he did not get into his vehicle. He was becoming belligerent and left them, coming back to my patrol car. I asked him to take a seat again on my push bar. He did as I told him and I explained he has been trespassed from District 1 for a year. He started raising his voice, I continued to try to explain what was happening and he repeatedly yelled over me. David

refused to take the trespass paperwork and refused to leave. He was demanding the females that complained about him complain to his face. I told him that was not going to happen and he needed to leave. After arguing with me for a few minutes he got up to leave. Sgt. Lawrenson told him he is not allowed on the property and cannot walk into the parking lot. He started yelling at Sgt. Lawrenson and standing very close to him. He said he was trying to go home and he had to walk through the parking lot. Sgt. Lawrenson told him he needs to take the side-walk around the building and warned him if he walks onto the property he will be arrested for Criminal Trespass. David said okay and continued to walk onto the property. Officer Stuver and Sgt. Lawrenson put David into handcuffs and walked him to my patrol car. David was searched and once in the door frame of the back seat of my patrol car he started resisting. He was told to get into the vehicle and he became stiff and would not sit down. He was dragged into the back of the vehicle by Officers. He would still not let us close the doors and stiffened his legs in the door frame. David was laying in the back seat. Officer Stuver had to drag him in further but his legs were still in the way of us closing the door. I had to force his feet and quickly close the door so he could not keep the door open any longer. During the course of David resisting, we were telling David to sit upright and put his feet inside the vehicle. I placed David's belongings in a bag with his trespass form.

I transported David to the Marysville Jail where he also would not exit the vehicle and had to be forced to exit the vehicle by custody officers. Once taken out of the vehicle he immediately was put into a restraint chair. David was booked into the Marysville Jail for Criminal Trespass and Resisting Arrest. My body camera footage was later uploaded to evidence.com.

End of report.

This document was submitted on a device that is owned, issued or maintained by the Marysville Police Department which is an identified criminal justice agency in Washington State.

I certify under penalty of perjury under the laws of the State of Washington the foregoing is true and correct (RCW 9A.72.085) and I am entering my authorized user ID and password to authenticate it.

***Officer Katherine Herrera #0204
Marysville Police Department
Date: 07/31/22***