

Marysville Police Department

Use of force Report

Incident Details

Date Received 06/23/2022

Entered By Police Officer
Lazara Schreck -
0186

Date/Time of Occurrence 06/23/2022 09:20

Date/Time Entered 06/23/2022 12:10

Record ID Number 2185

Case No 2022-00029419

IA No 22UOF-026

Marysville PD [Pending
assignment]

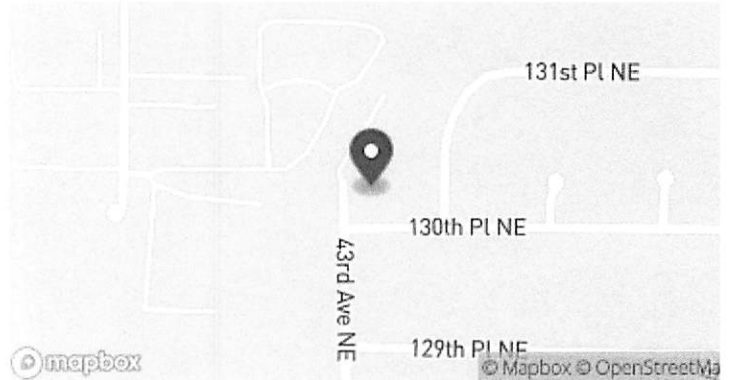
Investigator

IAPro Assigned Police
Investigator Commander Brad
Akau

Incident Location

Location of Occurrence Marysville

4305 130th Place Northeast
Marysville, WA, 98271
-122.17308, 48.11360



Precinct: Marysville

Incident Summary

Substance incident, court order violation, and warrant subject in vehicle. Warrant subject and respondent in court order was non-compliant. Physical control techniques used.

Reviewed by Assistant Police Chief James Lawless [0191] on Aug 16, 2022 at 14:53

Decision:

Reviewer comment:

UOF within policy, no further action.

Use of Force Details

More Than 1 Citizen Involved	Yes	Reason For Using Force	Active Resistance
Citizen Arrested	Yes	Distance to Citizen	Contact
Officer(s) Injured	Yes	Citizen Injured	No
Officer(s) Taken to Hospital	No	Citizen Taken to Hospital	No
Service Being Rendered	Self Initiated	Citizen Build	Medium
Weather Condition	Clear	Citizen Height	5'7" to 5'9"
Light Condition	Day	Citizen Influence Assessment	Unknown

Reporting/Involved Citizen

BRANDON EMANUEL KELLER

Date of Birth	03/10/1995	Gender	Male
Race	Unknown	Ethnicity	Unknown
Role	—		
Address	[None Entered]	Phone Numbers	[None Entered]
Type of Resistance Citizen Used Against Officer	Active Resistant Passive Resistant		
Charges Against Citizen	Obstructing Felony-Person Crime Make False Statement to Public Servant Warrant Resisting		

Injuries Sustained By Citizen

No injuries noted or visible —
Points:

Breawna C Barr

Date of Birth	03/13/1995	Gender	Female
Race	Unknown	Ethnicity	Unknown

Role —
Address , Suite/Apt #514 Phone Numbers (425) 322-6416
Maple Ave
Apt#105,
Snohomish ,
98290

Type of Resistance Passive Resistant
Citizen Used Against
Officer

Charges Against Obstructing
Citizen

Injuries Sustained By Citizen

No injuries noted or visible —

Points:

Involved Officers

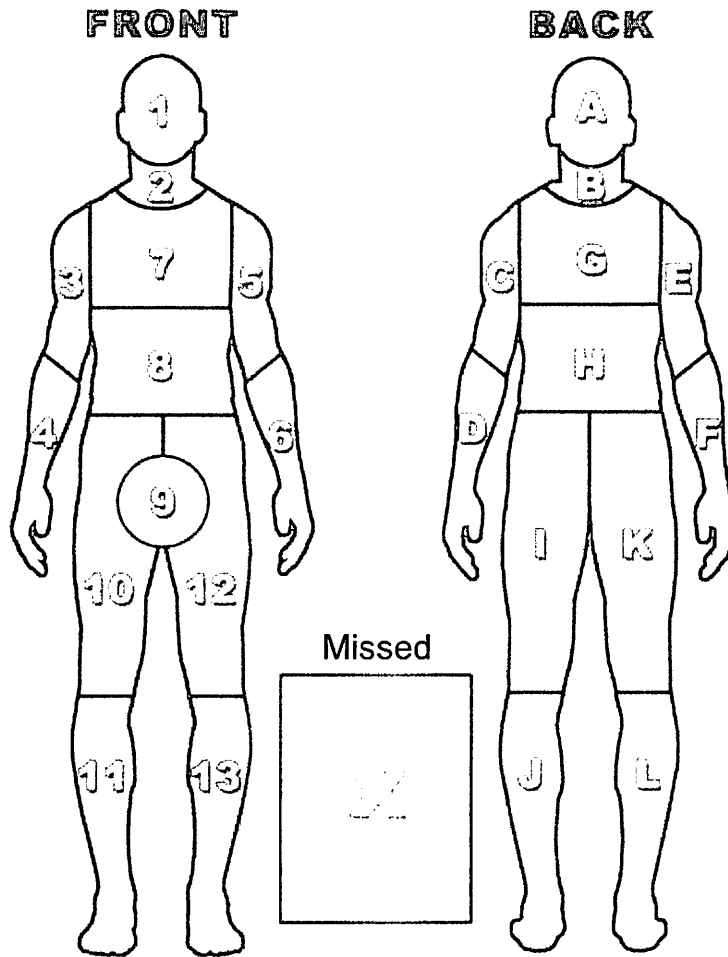
Police Officer Lazara Schreck - 0186

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

Role —

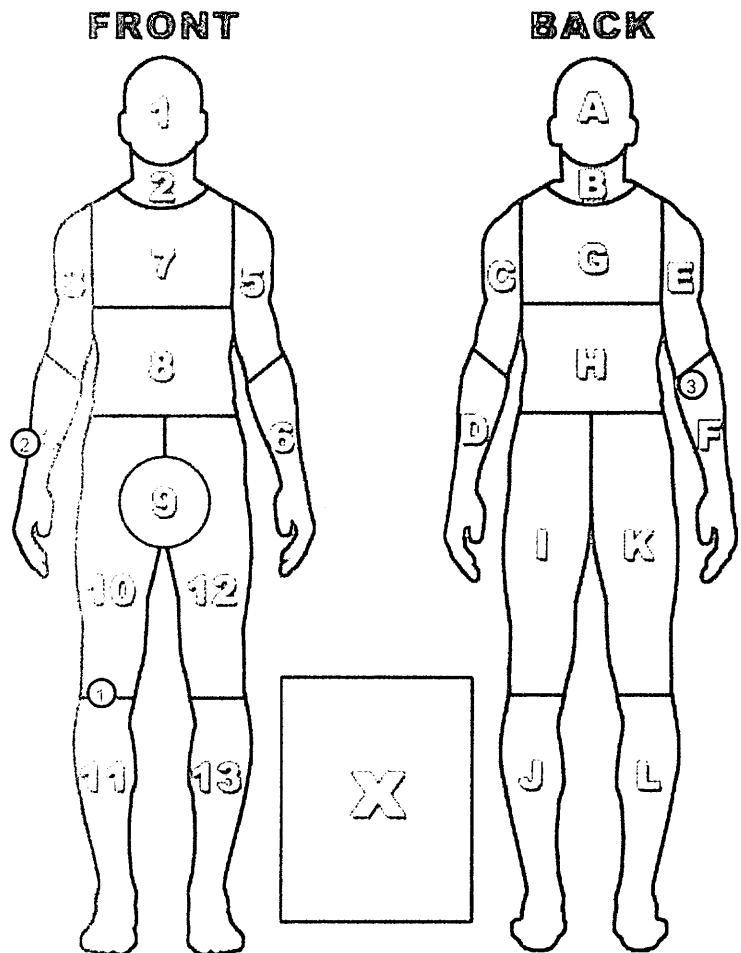
Force used by this Officer against Citizen

- o Verbal Commands - Force Effective: No — Points: Non-Contact
- o Physical Controls - Force Effective: No — Points: Force Location Unknown
- o Physical Controls - Force Effective: Yes — Points: Force Location Unknown



Injuries Sustained By Officer

Minor Injury — Points: 1, 2, 3



Officer Witnesses

Police Corporal David McKenna - 0160

Assignment at time of incident: Police Officer Patrol Operations/Traffic/Traffic Officer

Role: —

Police Officer Seiya Kitchens - 0181

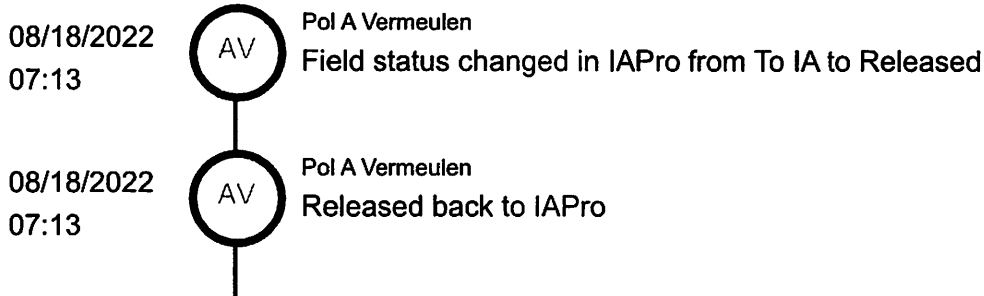
Assignment at time of incident: Police Officer Patrol Operations/Patrol/B Nights

Role: —

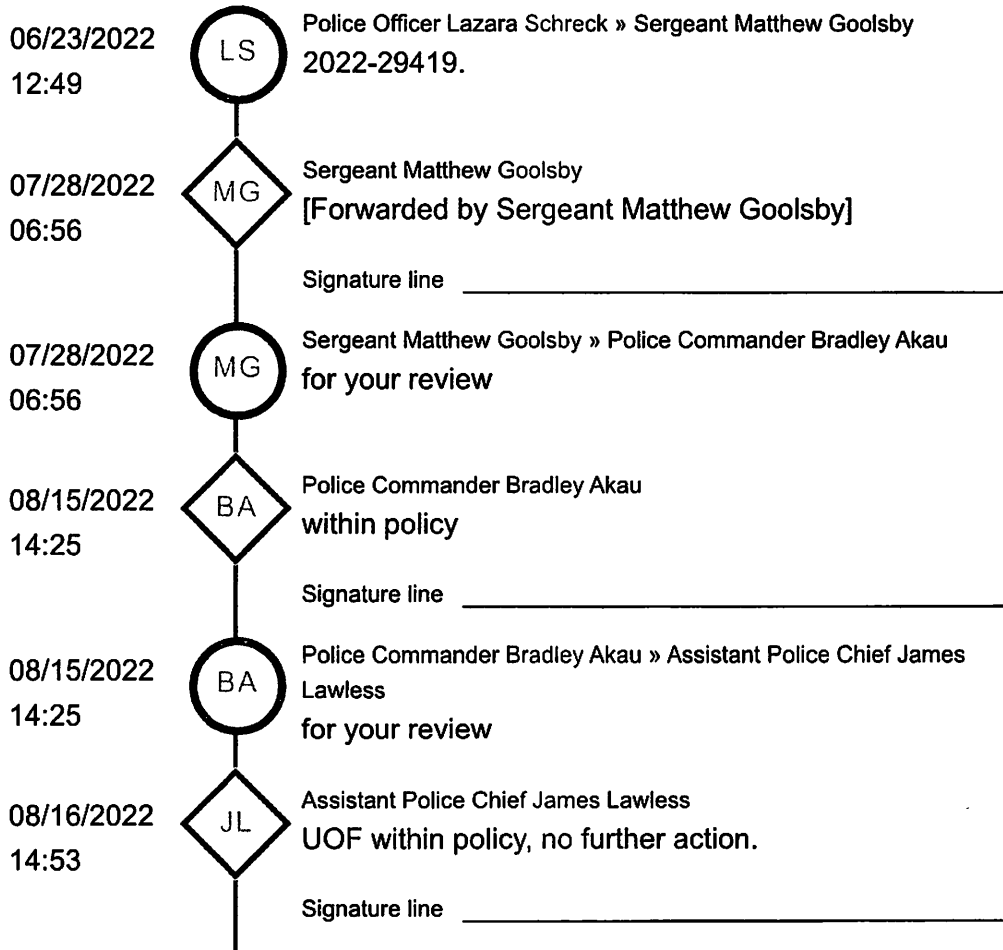
Attachments

Date Attached	Attachment Description	Attachment Type
06/23/2022	MCKENNA NARRATIVE	docx
06/23/2022	SCHRECK NARRATIVE	doc
06/23/2022	KITCHENS NARRATIVE	doc

Assignment History



Chain of Command History



08/16/2022
14:53



Assistant Police Chief James Lawless » Police Commander Adam Vermeulen
UOF within policy, no further action.

08/18/2022
07:12



Police Commander Adam Vermeulen
[Ready for IAPro by Police Commander Adam Vermeulen]

Signature line _____

Assigned Investigator Signature Line

[Pending assignment]

**Marysville Police Department
Officer Lazara Schreck #0186**

Case #: 2022-00029419

Date: 06.23.2022

Time: 0920 hours

Address: 43rd Ave NE and 130th Pl NE, Marysville, WA

Report Type: Supplement

I, Officer Lazara Schreck #0186, am a commissioned police officer in the State of Washington, County of Snohomish and employed by the City of Marysville. On the above date and time, my assignment was as a patrol officer. I was wearing an authorized Marysville Police Department patrol uniform complete with shoulder patches and badge. I was driving in a fully marked Marysville Police Department patrol vehicle equipped with emergency lights, siren, and decals.

***At the time of this incident I was equipped with an Axon Body Worn Camera 3 (#X60A3288K) that was operational. My body worn camera captured this incident and the video was uploaded to Evidence.com. Prior to writing this report I reviewed my body camera footage.**

On 06.23.2022 at about 0920 hours I responded to assist Marysville PD Officer S. Kitchens on a substance related call for service near 43rd Ave NE and 130th Pl NE, Marysville, WA county of Snohomish.

Officer Kitchens provided information over the radio that he was with subjects that are associated with vehicle Washington State license plate BDY0829. Officer Kitchens advised that there may be a court order violation occurring as well. Dispatch confirmed there was an active court order between the Registered Owner of the vehicle (Barr, Breawna C. DOB 03.13.1995) who is listed as the protected party and Keller, Brandon E. DOB 03.10.1995 who is listed as the respondent. Brandon showed an active warrant out of Snohomish County Sheriff Office for DV (Domestic Violence) No Contact/Protection Order Violation (#3774A22D).

Upon arrival at the location I observed Officer Kitchens' marked patrol vehicle parked north of 130th Pl NE on 43rd Ave NE. I observed Officer Kitchens standing next to a silver sedan bearing Washington State license plate BDY0829. I parked my marked patrol vehicle (#P206) at the intersection of 43rd Ave NE and 130th Pl NE and made contact with Officer Kitchens who walked back from the silver sedan. Officer Kitchens advised that Breawna was sitting in the driver seat and he believes Brandon was in the back seat.

Officer Kitchens and I approached the vehicle on foot. I walked to the rear passenger side of the vehicle and looked through the rear window. I observed a subject under a blanket in the rear passenger side seat. The rear passenger side window was rolled down a few inches. I was unable to view any descriptive characteristics of the subject under the blanket. I did see movement under the blanket from a subject. Officer Kitchens and Officer D. McKenna were speaking with Breawna on the driver side while I maintained visual on the subject under the blanket. The subject under the blanket yelled that their name was not Brandon it was Jake. A short time later, Breawna exited the vehicle and was detained. The subject under the blanket removed the blanket and Officer Kitchens visually confirmed the subject was Brandon. Brandon opened the door and began to exit the vehicle. I verbally instructed Brandon to face the vehicle as I grabbed his left wrist to assist in turning him to face the vehicle.

Brandon failed to turn towards the vehicle. Brandon took a couple of steps away from me as I maintained hold on his left wrist and forearm area. Brandon then pulled his left arm upwards and then threw it downwards towards the ground in an attempt to shake off my grip. I did not let go of Brandon's wrist as

he lunged away from me southbound towards 130th Pl NE. After Brandon took a few running steps away from me he turned around and faced me while continuing to attempt to break my grip of his wrist. While Brandon was continuing to walk backwards away from me, Brandon swung his right hand and struck my wrists. Based on Brandon's actions (failing to follow verbal instructions, attempting to run away from me, and striking my wrists to break my grip) I felt that Brandon was actively resisting my attempts to detain him for his warrant and court order violation. I utilized my right foot and kicked Brandon's left ankle in an attempt to sweep his feet so he would fall to the ground. Brandon did lose his balance because of my kick. As Brandon began to fall I pushed Brandon towards the ground. Officer Kitchens made contact with Brandon, in addition to me. Brandon was laid on the ground on his side. Officer Kitchens and I rolled Brandon over to a prone position where Officer Kitchens placed Brandon in handcuffs.

I conducted a pat down of Brandon and inquired if he was alright. Brandon did not request medical attention. I assisted Officer McKenna in escorting Brandon to Officer McKenna's marked patrol vehicle.

Officer Kitchens requested Dick's Tow for an evidence impound. I obtained photos of the vehicle and later uploaded them to Evidence.com. I remained on scene until the tow truck arrived at about 0953 hours. I followed Dick's Tow to Marysville Impound Lot located at 1635 Grove St with starting miles 86.9 and arrived with ending miles 90.9. Once the vehicle was unloaded from the tow truck and into the garage, I rolled up the two rear windows of the vehicle. I removed a lanyard attached to the keys. I locked the doors that were able to be locked then secured the vehicle with red evidence tape. I initialed and dated all the red evidence tape pieces. I obtained photos of the secured vehicle and later uploaded them to Evidence.com.

I re-located to Marysville PD located at 501 Delta Ave. I provided Officer Kitchens with the lanyard with keys and at 1050 hours I provided the Dick's Tow goldenrod carbon copy to billing.

Disposition:

This narrative is for supplemental purposes.

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 Lazara Schreck #0186
Marysville Police Department
Date: 06.23.2022**

Marysville Police Department

Case#: 2022-00029419

Date & Time: 06/23/22 @ 0920 Hours

Officer: S. Kitchens

Incident: Location: 43rd Ave NE/130th Pl NE

ASSIGNMENT

I, Officer Kitchens, am a fully commissioned Police Officer assigned to the Marysville Police Department in the capacity of a Patrol Officer, Field Training Officer, and Tactical Response Team Operator. 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. The following report is a summary and not a direct translation of any footage captured on the body worn camera.

INVESTIGATION

On 06/23/22 at approximately 0920 Hours, I was travelling northbound on 43rd Ave NE near the intersection of 130th Pl NE in Marysville, WA. At the dead end of 43rd Ave NE, I saw a vehicle (WA/BDY0829) stopped that appeared to be occupied. As I approached the vehicle, I saw that there was a female slumped in the passenger seat. At first, I thought the female was unresponsive as she had a coin pouch with tin foil in it located between her legs in the driver's seat. As I watched more closely, I noticed that her chest was rising and falling. In the passenger seat appeared to be someone lying under a blanket, but I was unable to make out who the person was.

I went back to my patrol vehicle and ran the license plate on my MDC. The DOL return showed that the registered owner was Breawna C. Barr (03/13/95). I immediately recognized the name as the female sleeping in the driver's seat because of a previous contact (22-21409) where I contacted her, and her boyfriend Brandon E. Keller (03/10/95), who is the respondent in an order with her, inside of the vehicle. During that contact, Breawna and Brandon were in possession of drug paraphernalia. I seized the vehicle during that previous contact because both were in possession of drug paraphernalia. I was denied a search warrant during that seizure and the vehicle was returned to Breawna.

I waited for Officer Schreck to arrive on scene before I contacted Breawna. My body worn camera was activated prior to attempting contact with Breawna. Once with me, Officer Schreck and I attempted to contact Breawna and the person in the passenger seat. I knocked on the front, driver's side window and awoke Breawna. She immediately grabbed the coin purse and began stuffing it somewhere low toward the floorboard of the driver's seat. I demanded several times that she open the driver's side door, which she blatantly told me that she would not do. I told her that she was being detained and that I

suspected that the person in the passenger seat was Brandon. The male would later scream out from under the blanket that his name was Jake and not Brandon. Breawna continued to be non-compliant, forcing Officer McKenna to open the back, driver's side door. Breawna would finally comply and stepped out of the vehicle. I attempted to place her in handcuffs and she tensed her body up, stating she did not know why she was being placed in handcuffs.

After securing Breawna in handcuffs, Officer McKenna placed her into the back of my patrol vehicle. We then attempted to have the passenger open the passenger side door. The subject refused to uncover themselves from under the blanket. The male would eventually take the blanket off and I was immediately able to recognize him as Brandon. Brandon reached down on the floorboard at his feet. I jumped into the driver's seat of the vehicle and attempted to prevent him from drinking out of the skinny container he was holding. Brandon was non-compliant with my order to open his car door, where Officer Schreck was awaiting to contact him. Brandon, again, told me his name was not Brandon. He would finally open the door and step out of the vehicle. I watched as Officer Schreck controlled Brandon's wrist. As I was walking toward the backside of the vehicles, I saw Brandon make a quick movement and pull away from Officer Schreck.

As I quickly rounded the corner of the back of my patrol vehicle, I saw that Brandon had broken away from Officer Schreck and was running southbound on 43rd Ave NE. I was able to lie on top of Brandon which flattened his body onto the concrete. While lying on top of Brandon I was able to secure him in handcuffs. Brandon had a misdemeanor warrant for DV No Contact Order violation out of Snohomish County for violating the same order with Breawna. That warrant was later confirmed. Brandon is being charged with the new felony DV No Contact Order violation for being in the same vehicle as Breawna. I am also charging Brandon with Resisting Arrest for pulling away from Officer Schreck and running after he knew he was in violation of the DV No Contact Order. Brandon never identified himself and told Officers three times that he was not Brandon. For that reason, I am charging him with Obstructing a Law Enforcement Officer and False Statement to a Public Servant.

Breawna is being charged with Obstructing a Law Enforcement Officer for refusing to open the driver's side door and attempting to hide drug paraphernalia. She is also very aware of the order and was attempting to prevent Officers from knowing that Brandon was in the vehicle. Both subjects were transported to the Marysville Jail. Brandon would later be transported to the Snohomish County Jail as he has been convicted for DV No Contact Order violation on 01/24/22 and 04/11/22, rising the charge to a felony charge. The video footage was uploaded onto Evidence.com under the above case number. Breawna's vehicle was impounded by Dick's Evidence for the large amount of Drug Paraphernalia located in the vehicle. I will be attempting approval for a search warrant on the vehicle at a later date.

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 Seiya Kitchens #0181
Marysville Police Department
Date: 06/23/22***

Date: 0/0/2022

Location: 43rd AVE NE/ 130th PL NE

Report Type: Violation

Case #: 2022-00029419

Officer Assignment: I (Officer McKenna) was assigned to the Marysville Police Department Patrol Division on the above date and time. My assignment on this day was as the 8D5 covering Marysville as a 5 car. I was wearing the standard Marysville Police Department patrol uniform and driving a fully marked Marysville Police Department patrol car equipped with emergency lights, siren and decals.

Officer Action: Prior to writing this report I reviewed my body camera footage to verify the events that took place.

On 06/23/2022 at approximately 0921 hours, I responded to back Officer Kitchens on a substance complaint located at the above address. Upon my arrival, Officer Kitchens informed officers on scene it was a court order violation between Brandon Keller and Breawna Barr.

Officer Kitchens informed me that he believed Keller was the male hiding in the passenger area. I asked the male to step out of the passenger side and he said his name was Jack. I said, well Jake from State farm step out of the vehicle now. Keller continued to refuse.

Officer Kitchens informed Barr who was sitting in the driver's seat that he had already seen the drug paraphernalia and she needed to open the door. Barr was refusing to open the door so Officer Kitchens informed me that he was going to smash the window. I began talking to Barr through the back passenger window and I informed her she needed to open the door. I checked the door handle and it was unlocked. I opened the rear door, reached in to pull Barr out from the driver's seat. Barr pulled away from me and I told her to open the door or we are breaking the window because I was not going to crawl through the pile of belongs they had stuffed in the vehicle. Barr unlocked the door and Officer Kitchens began to pull her out of the vehicle.

As we attempted to place Barr under arrest she began to pull away and actively resist us from placing handcuffs on her wrists. She would tighten up and attempt to straighten up her arm until we were able to get her handcuffed. I took possession of Barr and I escorted her to my patrol vehicle. While attempting to get her in the back of the vehicle Barr was slowing down and refusing to sit in the vehicle. At this point Keller had jumped out of the vehicle and took off

running from Officer Schreck and Officer Kitchens. I was finally able to get Barr into the patrol vehicle, I ran over to assist Officers with taking Keller into custody.

Once in custody I searched Keller incident to arrest. I removed drug paraphernalia from the pockets of Keller. These items were collected by Officer Kitchens.

I transported Keller to Marysville Jail where he was booked into jail for his warrant, violation order and other charges.

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 D. McKenna Badge #0160
Marysville Police Department
06/23/2022**