

Marysville Police Department

Use of force Report

Incident Details

Date Received 07/06/2022

Entered By Police Officer
Brad Smith -
0099

Date/Time of Occurrence 07/05/2022 16:25

Date/Time Entered 07/06/2022 12:57

Record ID Number 2190

Case No 2022-00031615

IA No 22UOF-027

Marysville PD [Pending
BlueTeam Assigned assignment]

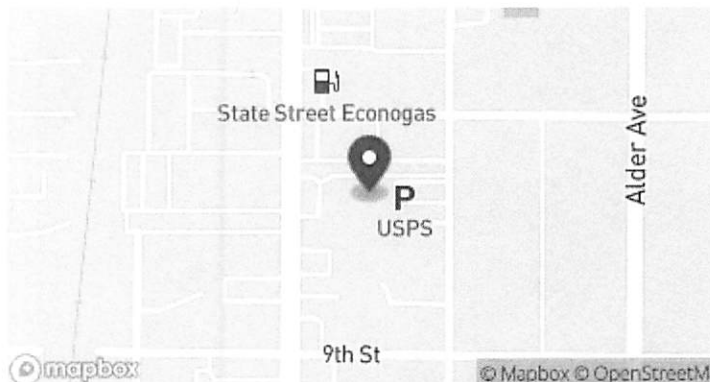
Investigator

IAPro Assigned Police
Investigator Commander Brad
Akau

Incident Location

Location of Occurrence Marysville

1010 State Avenue
Marysville, WA, 98270
-122.17607, 48.05750



Precinct: Marysville

Incident Summary

A taser was deployed during the arrest of a vehicle prowl suspect.

Use of Force Details

More Than 1 Citizen Involved	No	Reason For Using Force	Active Resistance
Citizen Arrested	Yes	Distance to Citizen	7 feet to 10 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	Large
Weather Condition	Clear	Citizen Height	5'10" to 6'0"

Light Condition

Day

Citizen Influence
Assessment

Unknown

Reporting/Involved Citizen

spencer T cook

Date of Birth

11/21/1991

Gender

Male

Race

White

Ethnicity

Non-Hispanic

Role

—

Address

Homeless
Marysville, 98270

Phone Numbers

[None Entered]

Type of Resistance
Citizen Used Against
Officer

Active Resistant

Charges Against
Citizen

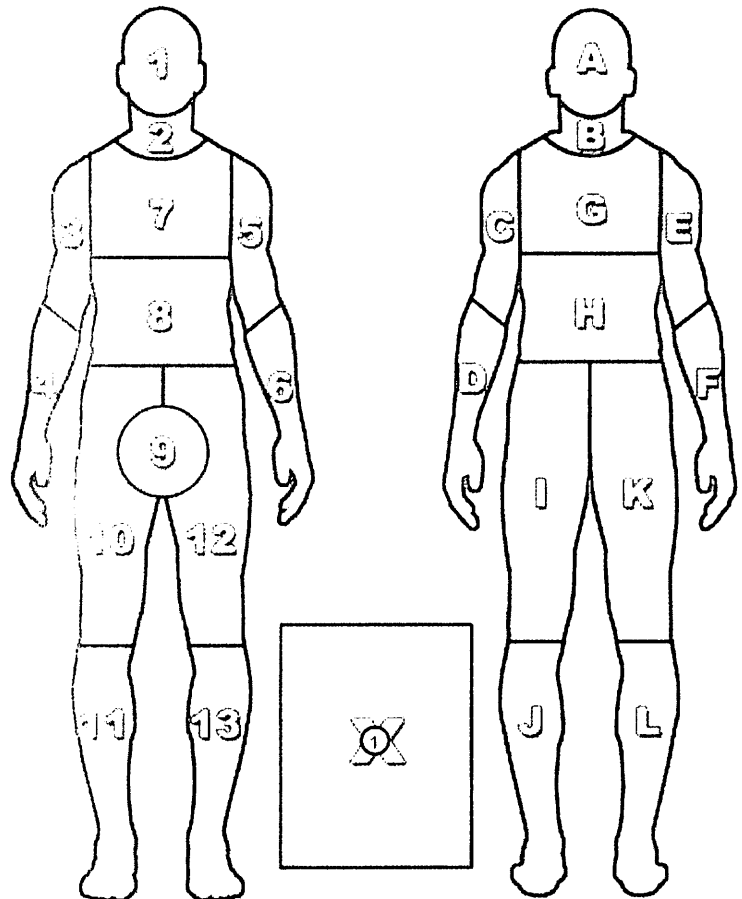
Resisting
Misdemeanor-
Property Crime

Injuries Sustained By Citizen

No Injury — Points: 1

FRONT

BACK

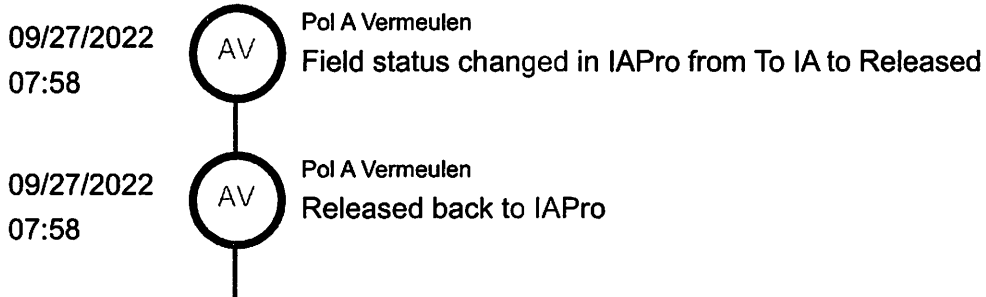


Role —

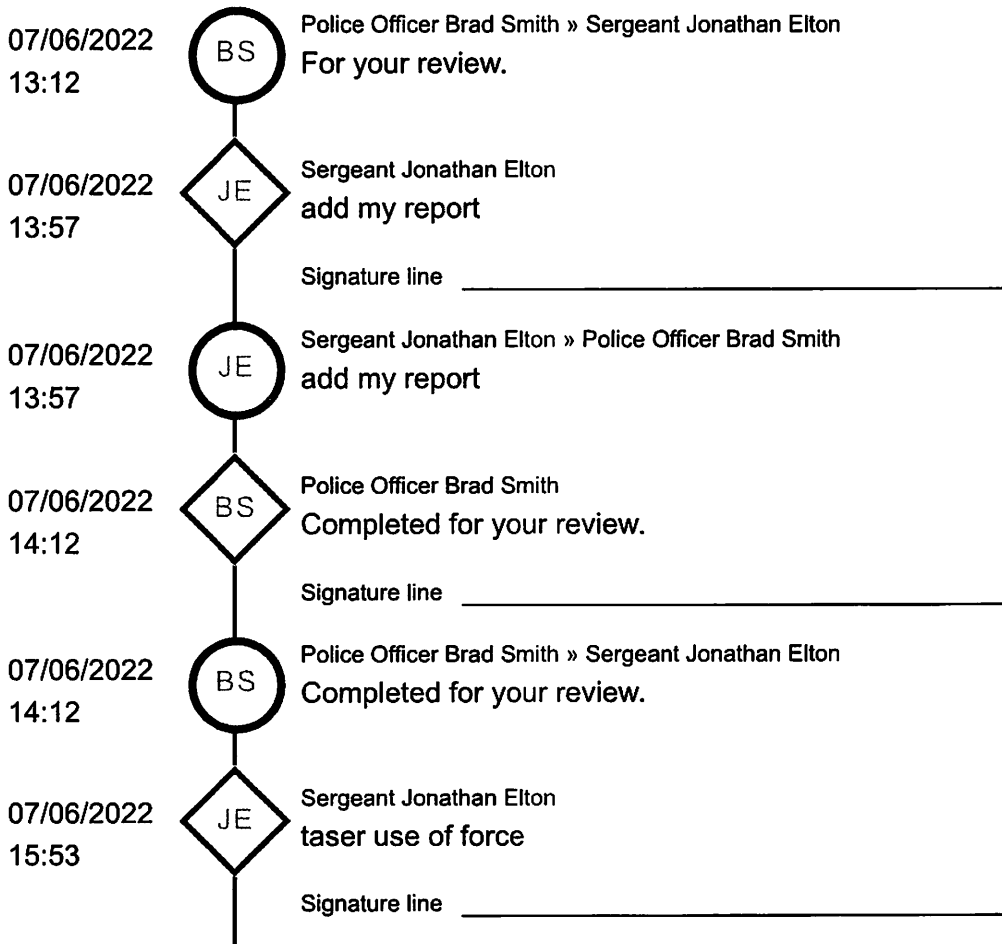
Attachments

Date Attached	Attachment Description	Attachment Type
07/06/2022	MP2022-00031615	doc
07/06/2022	MP22-00031615 Elton Report	docx

Assignment History



Chain of Command History



07/06/2022
15:53



Sergeant Jonathan Elton » Police Commander Bradley Akau
taser use of force

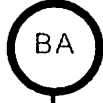
07/11/2022
12:00



Police Commander Bradley Akau
within policy

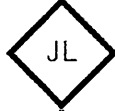
Signature line _____

07/11/2022
12:00



Police Commander Bradley Akau » Assistant Police Chief James
Lawless
for your review

07/22/2022
11:24



Assistant Police Chief James Lawless
UOF within policy.

However, there are two concerns that need to be addressed with Officer Smith, one related TASER deployment and one related to BWC. First, he stated that he attempted a second cycle of the TASER by deploying the second cartridge; absent some issue with the first cartridge deployment a second cycle can be achieved without deploying the second cartridge. There needs to be clarification of this detail and perhaps remedial training regarding second cycle activation of he new TASER 7.

Second, he stated that there was not BWC footage as he had responded from the station and left his camera in the docking bay. There should perhaps be remedial training and a reminder that the camera can be removed from the dock even if actively downloading and per policy, officers are to have their cameras with them at all times when engaging the public/suspects.

Signature line _____

07/22/2022
11:24

JL

Assistant Police Chief James Lawless » Police Commander Adam Vermeulen
UOF within policy.

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07/25/2022
11:31

AV

Police Commander Adam Vermeulen
[Forwarded by Police Commander Adam Vermeulen]

Signature line _____

07/25/2022
11:31

AV

Police Commander Adam Vermeulen » Sergeant Jonathan Elton
Please see Assistant Chief's comments. Please provide remedial training to Officer Smith. Once training is completed, please document and forward this BlueTeam directly to me. Thank you.

08/18/2022
08:07

JE

Sergeant Jonathan Elton
spoke with Officer Smith regarding the taser and how to operate it differently than the previous models

Signature line _____

08/18/2022
08:07

JE

Sergeant Jonathan Elton » Assistant Police Chief James Lawless
addressed the concern with Officer Smith regarding the taser

09/14/2022
12:41

JL

Assistant Police Chief James Lawless
Within policy, for further action required.

Signature line _____

09/14/2022
12:41



Assistant Police Chief James Lawless » Police Commander Adam Vermeulen

Within policy, for further action required.

09/27/2022
07:17



Police Commander Adam Vermeulen

[Ready for IAPro by Police Commander Adam Vermeulen]

Signature line _____

Assigned Investigator Signature Line

[Pending assignment]

Marysville Police Department
Officer B. Smith #0099 Report

Case: MP2022-00031615

Date: 07/05/2022

Time: 1625 hours

Weather: Clear

Location: 801 State AVE

Incident: Vehicle Prowl 2, Attempted Theft 3 and Resisting Arrest.

Assignment:

I Officer B. Smith am a fully commissioned Police Officer assigned to the Marysville Police Department K9 Unit. On the above date and time, my assignment on this day was as a K9 Handler/Police Officer. I was wearing an authorized Marysville Police Department K9 Unit uniform, and riding in a fully marked Marysville Police Department patrol car equipped with emergency lights, siren and decals.

Officers Actions:

On July 5, 2022 at approximately 1625 hours, I responded to a vehicle prowler at 801 State AVE Marysville, WA 98270.

The reporting party, Pamala Perez called 911 to report a white male had broken into her vehicle and was rummaging through her belongings.

Perez stated she was told by a co-worker that the suspect was inside her vehicle. Perez went outside and confronted the male who was seated in the front driver side seat of her vehicle.

Perez yelled for the male to get out of her vehicle.

Perez stated the male had removed a piece of paper from the inside of her vehicle as she confronted him.

The suspect dropped the document prior to walking northbound on State AVE.

I contacted Perez, who appeared distraught and was with several other ladies from Windermere Real Estate.

Perez showed me her vehicle, a 2010 Cadillac SRX SUV (WA# BVC5605) which was parked in the Windermere parking lot. There were several items strewn about on the front seats and floorboard of the vehicle.

I asked if the male was wearing just black shorts and had a bald head. They all stated "yes". I had previously watched a male matching this description walking northbound in the 500 block of the railroad tracks approximately 15 minutes prior.

I relayed the information via radio and Sgt. J. Elton made contact with the subject in the 900 block of State AVE. He was identified as Spencer Cook.

I confronted Cook as he continued walking northbound on State AVE. I told Cook that he was under arrest for vehicle prowl as I approached him.

Cook took off running eastbound toward the railroad tracks, then southbound toward the old Marysville Courthouse 1015 State AVE, eastbound across the 900 block of State AVE, northbound through the back of an apartment complex in the 900 block of Columbia AVE, northbound through the parking lot of the Post Office where patrol units began converging around Cook.

I confronted Cook in the parking lot of the Post Office. I told Cook he was under arrest for vehicle prowling and he needed to stop resisting. Cook gave me a 1000 yard stare as he began punching himself in the chest as he approached me quickly. Cook was yelling something that I wasn't able to understand. As Cook was approximately 20 feet from me, I was obvious Cook wanted to get into a physical altercation with me as he approached me as he continued smashing his fists into his chest.

I unholstered my department issued Taser 7 (X4000HTYV), 12 Degree (X4923EYNW) and 3.5 Degree (X4823DWMM).

I gave Cook a verbal warning that he was under arrest and to stop and get on the ground or he would be tazed. Cook continued walking toward me in a very aggressive manner (continuing to push his chest out and his hands in fists). Cook was within approximately 8 to 10 feet when I activated and deployed the Taser 7 center mass on the front of Cook's body.

Cook's body immediately locked up and he went to the ground landing on his side. After the initial cycle, Cook became aggressive once again beginning to tense up his body like he wanted to begin fighting. I attempted a second cycle using the second taser cartridge, but I missed Cook with one of the probes.

Other Officers arrived quickly to assist in securing Cook in handcuffs. Cook sat on the ground in the parking lot in handcuffs and still continued to tense up and fight with officers that were holding him down for his own safety.

Perez was brought to the arrest location and positively identified Cook as the person who unlawfully entered her vehicle, went through her property and took documents from it prior to fleeing. See Perez' written statement for more detail.

Officer D. Oates arrived on scene and stated he had previously been contacted by Jon Walker the City of Marysville Prosecutor about Cook attempting to steal his bicycle from a bike rack on his vehicle which was parked in the parking lot behind City Hall.

Walker was brought to the arrest location and positively identified Cook as the person who attempted to steal his bicycle off his bike rack on his vehicle just prior to his arrest. See Walkers' written statement for more detail.

I did not have my body worn camera activated, as I was dispatched from the police department. I forgot to activate/power it up following exiting the police department.

All photographs and spent Taser 7 Cartridges were secured per departmental policy.

Cook was taken to Providence Regional Medical Center and cleared prior to being booked into the Snohomish County Jail for RCW 9A.52.100.1 Vehicle Prowling 2nd Degree, RCW 9A.56.050.A Theft 3 Attempt and RCW 9A.76.040 Resisting Arrest.

End 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 Brad Smith Badge #0099
Marysville Police Department
Marysville, WA 98270*

Date 07-05-2022

Sgt. Elton
Marysville Police Department

Case # MP22-00031615

Location: 801 State Avenue

Incident: Vehicle Prowl

I, Sgt Jon Elton, am a fully commissioned Police officer assigned to the Marysville Police Patrol Division located in the city of Marysville, county of Snohomish, state of Washington. I drive a fully marked patrol vehicle equipped with lights and sirens and I wear an authorized patrol uniform. I am equipped with a body worn camera (BWC).

The following is a summary of the events that occurred. For more detail, see recording. The recording was uploaded to evidence.com

On July 5, 2022 I responded to a vehicle prowling call located at 801 State Avenue. The reporting party, Dani Kunselman stated that a male broke into a car and left on foot. The suspect was described as a white male, wearing no shirt, bald head and with tattoos on the torso and arm.

I arrived in the area and I located a male matching that description in the 1000 block of State Avenue. I parked nearby and contacted the male. I immediately recognized the male to be Spencer Cook from multiple previous contacts with him. From my multiple contacts with Cook, I know that he has a history of fighting and running from the police.

I told Spencer the reason for the contact and I asked him if he was breaking into cars. Spencer denied doing so. I asked him if he had anything in his pocket and he stated that he did not.

Spencer said that since he did not do anything wrong he was going to leave. Spencer proceeded to walk northbound on State Avenue. At that point, Officer Smith notified me via radio that he had probable cause for the arrest of Spencer for vehicle prowling. I called Spencer back to me upon that notification. Spencer returned back and Officer Smith arrived on scene.

Officer Smith told Spencer that he was under arrest. Upon hearing that Spencer ran from our location. I notified dispatch that we were in a foot pursuit. We chased Spencer on foot in the 1000 block of State Avenue. I returned back to my patrol car and to continue in the chase of Spencer.

Officer Smith was able to locate Spencer in the parking lot of the Post Office. I entered the north side of the lot and I saw Officer Smith in the south end of the lot. I could see Spencer closing the

distance on Officer Smith. It appeared from my location that Spencer wanted to fight Officer Smith based on his body language such as his puffed up chest.

I observed Officer Smith tase Spencer and Spencer fell to the ground. While the taser was activated, I told Spencer to put his hands behind his back but refused to listen to commands. I rolled Spencer over on his stomach and I was able to handcuff Spencer.

Once handcuffed, Spencer tried to get up. I held Spencer down from the back of his shoulder muscles preventing him from standing up. Spencer continued to scream obscenities at us the entire time. I requested for the jail van to respond to the location just in case he needed to be restrain in the restraint chair. Spencer was placed on his stomach by Officer Burnett until he was able to calm down.

I told Spencer that we would sit him back up if he remained calm, which he did. Officer Burnett asked to remove the Taser probes. I saw one probe in the lower abandon area and his left thigh. Officer Burnett removed the probes. Officer Smith collected the probes for evidence and the cartridge. I read Spencer his Miranda rights verbatim my department issued card. Spencer stated that he understood his rights and but he did not want to talk.

Once the jail van, Spencer cooperated and was escorted to the jail van. The witness to the original vehicle prowl was transported to the scene and positively identified as the suspect.

Officer Oates later told me that the City Attorney, John Walker witnessed a male matching the description of Spencer attempted to steal his bicycle from the City Hall building about 1 hour ago. Officer Oates transported Walker to the Post Officer and he positively identified Spencer as the suspect.

Spencer was placed in the van and I cleared the scene.

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.

***Sgt. J. Elton #0062
Marysville Police Department
Date 07/06/2022***