

Marysville Police Department

Use of force Report

Incident Details

Date Received 08/05/2022

Entered By Sergeant Garrett Wiseman - 0153

Date/Time of Occurrence 08/04/2022 14:19

Date/Time Entered 08/05/2022 07:13

Record ID Number 2209

Case No 2022-00036845

IA No 22UOF-035

Marysville PD [Pending assignment]

BlueTeam Assigned assignment]

Investigator

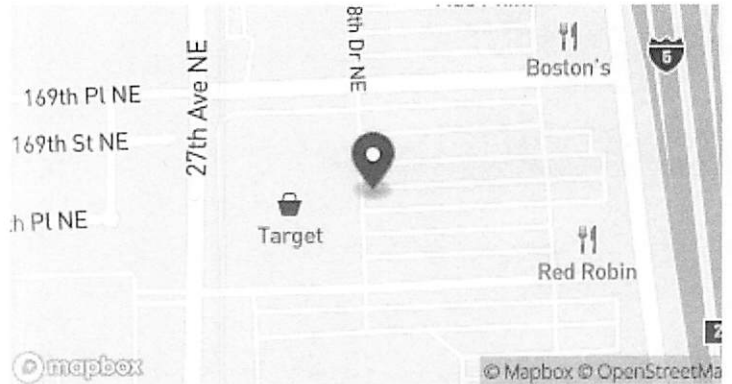
IAPro Assigned Un-assigned

Investigator

Incident Location

Location of Occurrence Marysville

16818 Twin Lakes Avenue
Marysville, WA, 98271
-122.19183, 48.14900



Precinct: Marysville

Incident Summary

Felony warrant subject with gang ties ran from Officers. Officers engaged in foot pursuit and gave several warnings to stop. Because of the totality of circumstances, as subject was actively resisting arrest I deployed my taser. Subject was arrested shortly after.

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	Yes	Citizen Injured	No
Officer(s) Taken to Hospital	No	Citizen Taken to Hospital	Yes
Service Being Rendered	Dispatched Call	Citizen Build	Medium
Weather Condition	Clear	Citizen Height	5'7" to 5'9"

Light Condition

Day

Citizen Influence
Assessment

Unknown Drugs

Reporting/Involved Citizen

Michael A Pappas

Date of Birth

09/26/1985

Gender

Male

Race

Hispanic

Ethnicity

Hispanic

Role

—

Address

[None Entered]

Phone Numbers

[None Entered]

Type of Resistance
Citizen Used Against
Officer

Active Resistant

Injuries Sustained By Citizen

—

Involved Officers

Sergeant Garrett Wiseman - 0153

Assignment
at time of
incident

Police Officer Patrol Operations/Patrol/A Days

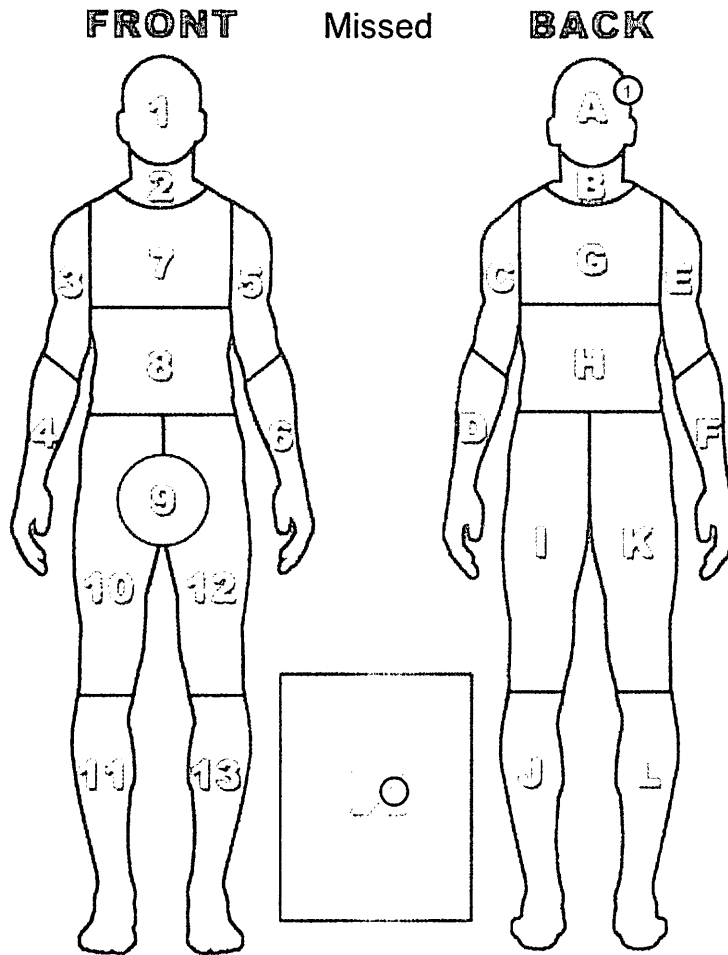
Role

—

Force used by this Officer against Citizen

- o Verbal Commands - Force Effective: No — Points: Non-Contact
- o Draw and Direct - Force Effective: No — Points: Non-Contact
- o Taser - Force Effective: No — Points: 1, 2

Serial Number	X4000HV2K
Cartridge Number	X4923F0PC
Type of Usage	Projectile/Probe Deployment
Number of Air Cartridges Used	1
Number of Cycles Through Probes	1
Total Number of Probes Deployed	2
Number of Probe Hits	1
Duration of Cycles	Automated
Reason Not Effective	Total miss
Application Cause Injury	Yes
Probe Penetrate Subjects Skin	Yes
Subject Wearing Heavy Clothing	Yes
Additional Cartridge Deployed	No
Follow Up Drive Stun Conducted	No
Accidental (unauthorized) Discharge	No
Arc Display	No
Citizen painted with laser/red dot	No



Injuries Sustained By Officer

No injuries noted or visible —

Points:

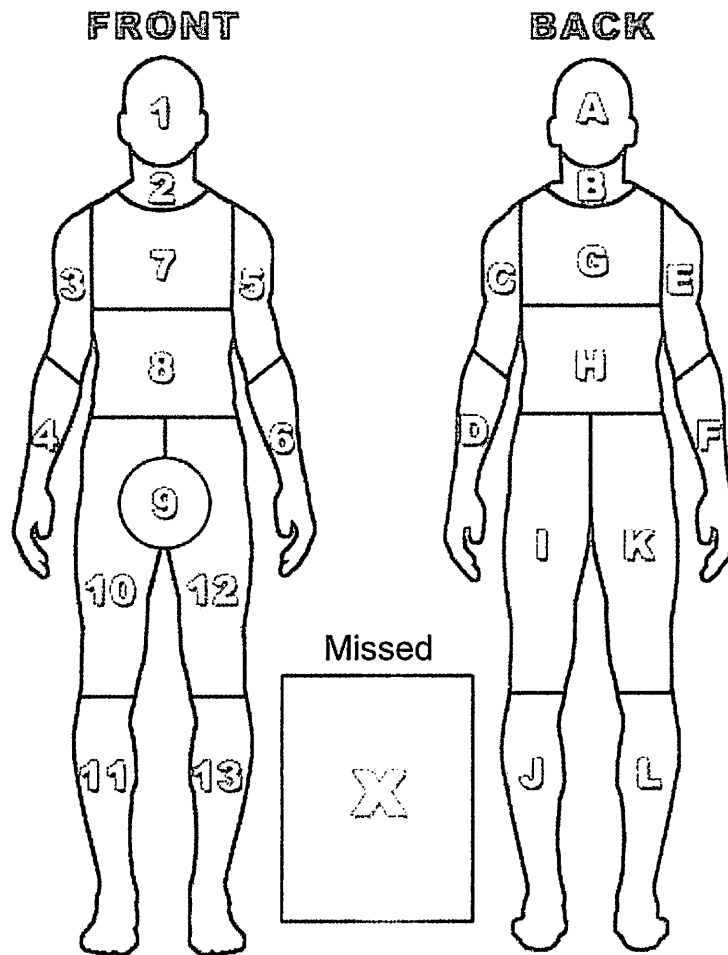
Police Corporal David McKenna - 0160

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

Role —

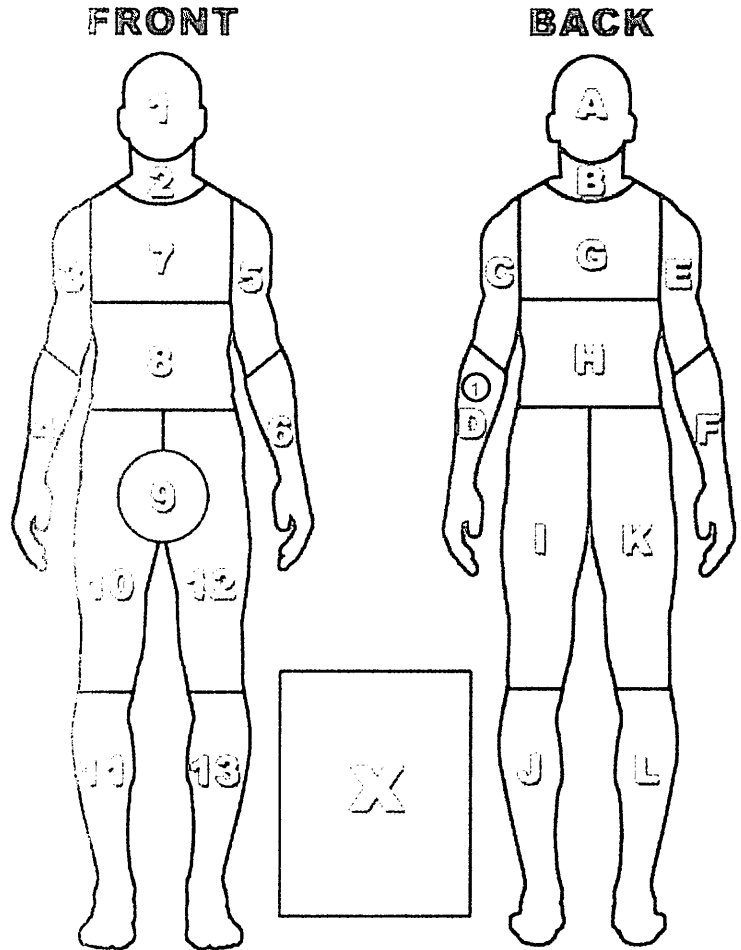
Force used by this Officer against Citizen

- o Verbal Commands - Force Effective: No — Points: Non-Contact



Injuries Sustained By Officer

Minor Injury — Points: 1



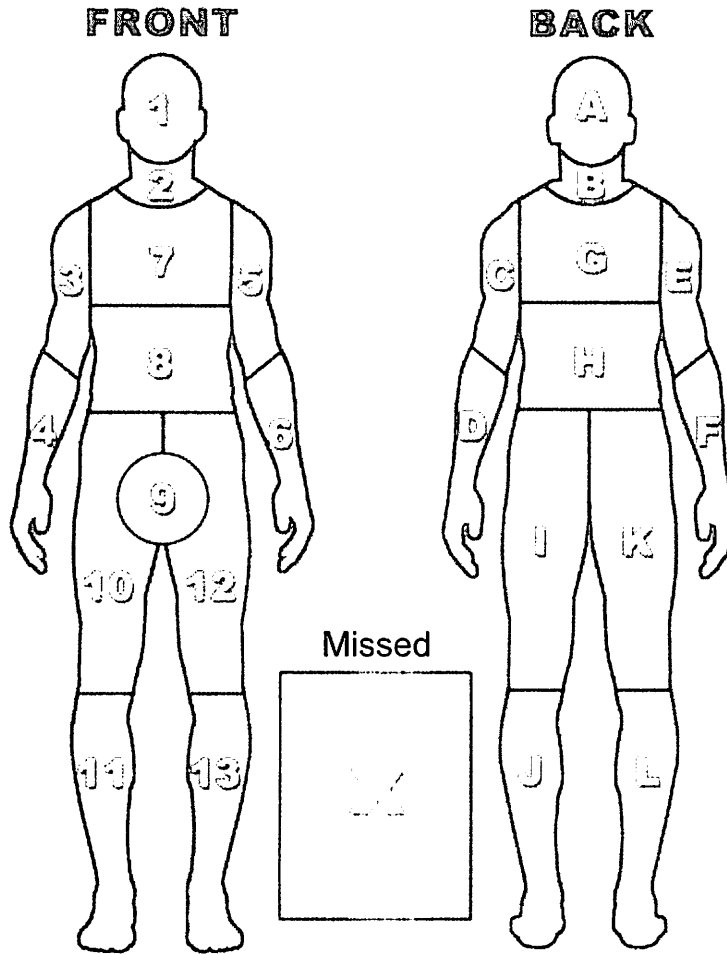
Police Commander Jonathan Elton - 0062

Assignment at time of incident Sergeant Patrol Operations/Patrol/B Days/Supervisor

Role —

Force used by this Officer against Citizen

- o Verbal Commands - Force Effective: No — Points: Non-Contact
- o Draw and Direct - Force Effective: Yes — Points: Non-Contact




Injuries Sustained By Officer

No injuries noted or visible —
Points:

Attachments

Date Attached	Attachment Description	Attachment Type
08/05/2022	36845	docx
08/05/2022	36845 Elton	docx
08/05/2022	36845 McKenna	docx

Assignment History

11/21/2022 07:23  Pol J Elton
Field status changed in IAPro from To IA to Released

11/21/2022
07:23



Pol J Elton
Released back to IAPro

Chain of Command History

08/05/2022
07:29



Police Officer Garrett Wiseman » Sergeant Matthew Goolsby
Please review and forward.

09/27/2022
00:30



Sergeant Matthew Goolsby
[Forwarded by Sergeant Matthew Goolsby]

Signature line _____

09/27/2022
00:30



Sergeant Matthew Goolsby » Police Commander Bradley Akau
For your review

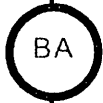
10/13/2022
11:27



Police Commander Bradley Akau
within policy

Signature line _____

10/13/2022
11:27



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

11/08/2022
14:37



Assistant Police Chief James Lawless
Sgt. Goolsby, per our discussion, please document your conversation/actions with Officer Wiseman regarding the TASER deployment and the associated policy concerns and resubmit.

Signature line _____

11/08/2022
14:37

JL

Assistant Police Chief James Lawless » Sergeant Matthew Goolsby (Police Commander Bradley Akau Police Commander Adam Vermeulen)

Sgt. Goolsby, per our discussion, please document your conversation/actions with Officer Wiseman regarding the TASER deployment and the associated policy concerns and resubmit.

11/08/2022
22:01

MG

Sergeant Matthew Goolsby

After reading Officer Wiseman's report and reviewing his body cam footage, I had a conversation with Officer Wiseman. We reviewed the Taser policy on Verbal and Visual warnings (308.4) and on Use of the Taser Device in regarding to fleeing subjects (308.5.1 a, b). Officer Wiseman stated that he understood and acknowledged the deployment of his Taser was not within policy.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the Taser device to apprehend an individual.

Signature line _____

11/08/2022
22:01

MG

Sergeant Matthew Goolsby » Assistant Police Chief James Lawless
The conversation and actions taken that I had with Officer Wiseman regarding the deployment of his Taser for this incident is attached in the Review Decision.

11/09/2022
10:38

JL

Assistant Police Chief James Lawless

Issues addressed, no further action required.

Signature line _____

11/09/2022
10:38

JL

Assistant Police Chief James Lawless » Police Commander Jonathan Elton (Police Commander Bradley Akau Police Commander Adam Vermeulen)

Issues addressed. No further action required.

11/21/2022
07:21

JE

Police Commander Jonathan Elton

[Ready for IAPro by Police Commander Jonathan Elton]

Signature line _____

Assigned Investigator Signature Line

[Pending assignment]

Marysville Police Department
Officer Wisemans Report

Date: 08/04/2022
Time: 1419 hours
Case: MP2022-00036845
Incident: Warrant, Resisting Arrest, False Statements
Location: 16818 Twin Lakes Ave, Marysville, WA 98271

Assignment: At the time of this incident, I, **Officer Wiseman**, am a fully commissioned Police officer assigned to the Marysville Police Department, Patrol Division. I was wearing an authorized Marysville Police Department uniform complete with a cloth badge. Because of my assignment on this day, my uniform consisted of an unmarked t-shirt, grey pants, a grey hat and my normal vest, marked by cloth badge and "police" patches. I drive a fully marked Marysville Police Department Patrol vehicle equipped with emergency lights and sirens. On the above date, I was wearing a Body Worn Camera (BWC), S/N X60A3234R. The narrative below is a summary of the call; see BWC for any specific details.

Actions: On the above date and time, I was the primary Field Training Officer (FTO) for Officer Ehr (8D4) in her shadow phase. She was responding to assist Officer McKenna with a trespass call and I was in route to the location to observe.

While in route, I heard Officer McKenna run two names over the radio (Maxwell Pappas and Jesslynn Guzman). I know Guzman from prior investigations, narcotics and warrant related, and know her to be currently dating a Michael Pappas. Michael Pappas currently has multiple felony warrants for his arrest. From prior calls, I have been told that Pappas is associated with gangs. I knew from a call in Everett last month that Pappas and Guzman were in a vehicle that fled from Law Enforcement. Because of this knowledge, I called Officer McKenna on the phone to advise him of this, in the event that the male identified as Maxwell was actually Michael. As I was doing this, dispatch was advising him of the name and date of birth similarity. From looking at his DOL picture on my MDC, I knew what Michael looked like prior to arriving on scene.

Upon arriving, I parked my patrol vehicle directly in front of Officer McKenna's, at the front entrance to Target. As I was parking, I identified the two individuals on the sidewalk as Guzman and Michael Pappas. For the rest of this report, "Pappas" shall reflect Michael. Pappas saw me arriving and began walking away, eastbound through the parking lot. I got out of my car, said, "Michael, stop!", and activated my BWC as he began to sprint away eastbound. I gave chase eastbound through the parking lot with Officer McKenna. We continued to run east through the target parking lot when we neared a Sushi Restaurant in the mini mall next to the Target lot. I watched as Officer McKenna fell and I knew that I was the only officer in the foot pursuit now. At this point in time, I gave Michael the first warning that I would taze him. He did not heed this warning and continued into the strip mall parking lot where I caught up to him with a parked vehicle in between us. I yelled "Taser, Taser, Taser" and told him to put his hands on the ground and he responded by only saying that he did not do anything. I told him again to get on the ground and then he ran east around the car and south through the parking lot.

At this point in time, I had given multiple lawful warnings to either stop or that he would be tased and Pappas refused to comply and willfully resisted arrest. Because he was known to me as a violent criminal (with an active warrant for unlawful imprisonment, per the MDC), I believed that

he would be an imminent threat to us at any moment. I know that gang members will often carry weapons on them for protection. I know that he is a criminal who has already taken the extra step to escape by running away and disobeying commands. Because of the totality of the circumstances, I deployed my Taser while he actively resisted arrest by running away. I aimed at his waistline as we ran south through the parking lot. I saw one probe that appeared to connect with his upper body and I saw another that missed. I continued running and found that the wires were no longer connected to his body as we ran. As he turned and began heading back into the Target parking lot, Sergeant Elton arrived on scene with his car and began chasing on foot, where the male ultimately gave up and was taken into custody.

While he was being dealt with by other officers, I overheard him say that he ran because he saw another unit arriving and he knows that he has his warrant. I was collecting the spent Taser cartridge when I noticed that only one prong was present. I asked Sergeant Elton if he found a prong in Pappas while searching him and he said no. I asked Pappas where the Taser had hit him and he said that it had hit his head, telling me that it got the right side of his head. He showed me the area that it hit and there was a small scratch there, consistent with the Taser probe grazing the area as it missed. The Taser cartridge used was serial number X4923F0PC, which I later booked into MPD evidence.

I cleared the scene shortly after.

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 Wiseman #0153
Marysville Police Department**

Sgt. Elton
Marysville Police Department

Case # MP22-00036845

Location: 16818 Twin Lakes Blvd

Incident: Warrant Arrest

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. The recording was uploaded to evidence.com

On August 4, 2022, I was responding to the Target Store as a backing officer for a trespass contact. The reporting party and loss prevention officer of Target, Isacc Hansen, wanted two subjects trespassed from the store due to that fact they have stolen from the store in the past.

Officer McKenna, Ehr and Wiseman were already on scene and identified the subjects as Jesslynn Guzman and Maxwell Pappas. As I was entering the parking lot, it was discovered that Maxwell was actually Michael Pappas and he had multiple felony warrant for his arrest. As Officer McKenna approached Pappas, he began to run from their location towards the freeway. I notified dispatch of the foot pursuit.

I entered my patrol vehicle and drove to the area where Pappas was last seen. I then saw Pappas running back to the Target Store. I exited my patrol vehicle and began to run after Pappas. I withdrew my Taser and yelled numerous times that he was going to get tased.

Pappas began to slow down and he turned towards me. I ordered Pappas to the ground, which he did. Once on the ground I placed my right knee on his lower back area so that he could not get up and run. I was then able to place him into handcuffs.

Once he was handcuffed and my backing officers arrived, we rolled him over and sat him up. I saw a small abrasion on the side of his head with some blood. Marysville Fire was requested to respond. Officer Wismean told me at the scene that he attempted to tase Pappas but he did not think he hit him with the probes.

Once MFD arrived, they evualted Pappas and said he was fine to be booked. I transported Pappas to the Snohomish County Jail. Once at the jail, Pappas disclosed that the taser probe hit him on

the side of his head. With this information, a clear to book from the hospital was needed. Pappas then disclosed to SCSO jail staff that he had some drugs in his shoe. SCSO custody staff removed his right shoe and sock and they found a small 1x1 plastic baggie. SCSO custody staff handed me the baggie. I examined the baggie and it contained a white crystal substance.

I recognized the white crystal substance to be methamphetamine. I transported Pappas to Providence Hospital for a clear to book. Officer McKenna later relieved me. I booked the 1x1 plastic baggie into MPD evidence.

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 07/30/2022***

Date: 08/04/2022

Location: 16818 Twin Lakes Ave

Report Type: Felony Warrant

Case #: 2022-00036845

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: On 08/04/2022 at approximately 1419 hours, I responded to Target located at 16818 Twin Lakes Ave for a Trespass. Upon my arrival, I spoke with the reporting party Isaac Hansen who informed me that he had two subjects in the store that have previously stolen from Target stores previously. Isaac informed me that he just wanted them trespassed from the store.

I contacted the male who verbally identified himself to me as Maxwell Pappes and the female provided me with her Washington State ID that identified her as Jesslynn Guzman. As I was escorting them out of the store, Pappes asked why they were being contacted. I informed him that Target has them on camera previously shoplifting from them and they want them escorted off of the property and trespassed. I told Pappes that it was only a trespass currently at this moment, but if you make it worse. That was me insinuating to him that if he does anything he would be catching charges for that.

As I reached my patrol vehicle, I asked them to stand near the front of my patrol vehicle as I filled out the trespass paperwork. I grabbed two trespass forms and I walked over to Maxwell and asked him how to spell his name. Maxwell stated, "Pappes" I wrote it down and showed him to verify that it was correct and he said yes. I asked him what his first name was and he stated "Maxwell". He provided me with his date of birth as "9/26/84". Officer Wiseman called me and informed me that he was sure that the male I was out with was possibly Michael Pappas and he is a runner.

As I asked dispatch to run a check on Michael I was informed that he had a felony warrant for his arrest out of Nevada. As dispatch was informing me of this, I attempted to verify that identity of the male from a DOL photo, but I was unsuccessful. Officer Wiseman was coming into the area. As Officer Wiseman pulled into the area the male pretending to be Maxwell was on his cell phone. He began to walk away as Officer Wiseman yelled Michael stop,

but, Michael took off running eastbound through the parking lot. As we gave chase I chased Michael eastbound through the parking lot before I fell to the asphalt. As I was getting up I could hear Officer Wiseman yelling I am going to tase you before I heard "Taser, Taser, Taser". Officer Wiseman was giving verbal commands to Michael, before I heard the "pop" of the Taser being deployed. The Taser deployment was unsuccessful as Michael continued running around the parking lot before heading back towards Target.

As Officer Wiseman and I were slowing down Officer Ehr and Sergeant Elton were coming into the area. Sergeant Elton informed dispatch that he had him running through the parking lot. I looked up and I observed Sergeant Elton running after Michael in the parking. Sergeant Elton and Officer Ehr were able to get Michael stopped and taken to the ground before placing handcuffs on him.

Dispatch confirmed on the Nevada warrant.

AID responded to my location and checked on Michael who had a laceration on the side of his forehead.

Sergeant Elton transported Michael to Providence hospital for a clear to book before transporting him to Snohomish County Jail where he was booked on his Felony warrant.

Officer Ehr issued Pappas a citation (2A0364369) for resisting arrest and false statement to a public servant.

Please see Officer Wiseman's supplement for additional information.

My body camera was 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 D. McKenna Badge #0160
Marysville Police Department**

08/04/2022