

He didn't respond to commands, so deputies fired, - Daily Herald, The (Everett, WA) - May 13, 2019

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LYNNWOOD — An Edmonds man wasn't responding to commands when he was shot and killed in October by a Snohomish County sheriff's deputy, new documents say.

A girlfriend who witnessed the shooting, however, has claimed those orders were conflicting and confusing.

Detectives with the Snohomish Multi Agency Response Team recently finished their investigation into the confrontation with **Nickolas Peters**, 24, who led deputies on a pursuit that reached triple-digit speeds in south Snohomish County.

SMART is a county-wide task force of detectives assigned to cases in which police have used potentially fatal force. The documents were obtained by The Daily Herald through a public records request.

The findings have been forwarded to Snohomish County Prosecutor Adam Cornell, who will determine whether the shooting was lawful and if any charges will be filed. He said Friday that the case is under review.

On the night of Oct. 23, Peters and his girlfriend, Britt Jakobsen, were in a Ford F-150 with dark tinted windows. Jakobsen told detectives they had visited friends in Mount Vernon and were headed to her parents' home in Brier.

Sheriff's deputy Art Wallin attempted to pull over Peters around 10 p.m. on the way to a disturbance call in the 19500 block of Sixth Drive SE east of Lynnwood. Peters sped off and led deputies on a brief but frantic pursuit, going over 100 mph.

"He is all over the road," Wallin said over the radio, after trying to pin the truck. "This guy is going to kill someone."

Seconds later, Wallin said, "We have to take this guy out, he's going to kill someone."

A deputy performed a PIT maneuver, striking a corner of the patrol car into a corner of the truck, causing it to spin out off Damson Road. Another patrol car drove head-on into the truck, twice, to pin it against some bushes and prevent Peters from escaping, documents say.

One deputy jumped on the hood of the truck and shined a flashlight through the windshield, according to the report. Wallin positioned himself outside the passenger door.

Deputies shouted commands at Peters, telling him simultaneously to turn off the truck, open the

door and put his hands up, SMART detectives wrote.

Witnesses in the neighborhood recorded the incident.

"Turn it off, turn it off," a deputy was heard saying in audio, according to the SMART report.

At the same time, someone was shouting, "Hands up, hands up, hands up. Get your (expletive) hands up."

The commands conflicted, Jakobsen later said at a press conference.

In the police account of events, Peters did not appear to be complying with any order, and only his left hand could be seen.

Wallin fired two shots. Both bullets went through Peters' right arm. One embedded in his ribs, while the other pierced the right lung and landed in the spine.

Wallin declined to speak with SMART detectives. His gun was reportedly missing two rounds.

Jakobsen had covered her eyes, the other deputy told SMART detectives. Jakobsen later said that wasn't true.

Deputies then ordered the couple to get out of the truck, documents say, and someone dragged Jakobsen out by the hair.

Another grabbed Peters by the arm. When the deputy "felt resistance," he punched Peters in the head at least twice, SMART detectives wrote.

Peters went limp. He was bleeding from his shoulder. Deputies removed him from the truck and gave him first aid.

He later died at Harborview Medical Center in Seattle. The Snohomish County medical examiner determined the cause of death was two gunshot wounds.

A toxicology report reportedly came back positive for fentanyl, amphetamine and methamphetamine.

Deputies found 100 oxycodone pills in Peters' pockets. After obtaining a search warrant, SMART detectives discovered a loaded .45-caliber semi-automatic pistol in a green zippered case underneath the center console of the truck, as well as boxes of ammunition, drugs and drug paraphernalia.

At the press conference in November, Jakobsen disputed key details. She and Peters both raised their hands in response to law enforcement's orders, she said.

She also said that they had been confused by the flurry of orders.

Lawyers with Seattle-based firm Campiche Arnold have been considering a civil rights lawsuit. They had not filed a complaint as of Friday.

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