



2019-20025950

February 12<sup>th</sup>, 2019  
Approximately 1230  
5<sup>th</sup> & Custer



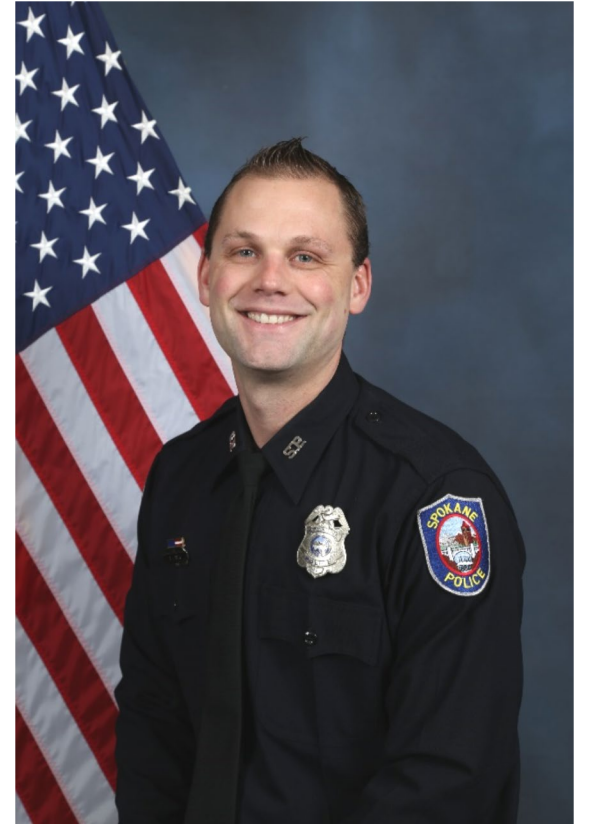
# Senior Police Officer Dan Lesser

- Former Reserve Officer
- Hired in 1995
- Involved in five OIS incidents
- Specialties over career: TAC, SWAT, K-9
- Pacific Northwest Violent Offenders Task Force
- Awards: Two Chief's Citations, Medal of Merit, two Life-saving Awards, Purple Heart (K-9 Var)



# Senior Police Officer Scott Lesser

- Former Reserve Officer
- Hired in 2008
- Involved in two OIS incidents
- Specialties over career: TAC, SWAT, FTO, ECIT, PACT
- Pacific Northwest Violent Offenders Task Force
- Awards: Employee of 2<sup>nd</sup> Quarter 2013



# Facts known by Officer D. Lesser prior to engaging Lucas Ellerman

- Active Felony DOC Escape warrant with original charge 2<sup>nd</sup> Degree Assault.
- Felony Warrant for Unlawful Possession of a Firearm and Possession of a Controlled Substance.
- 11 previous Felony convictions including 2<sup>nd</sup> Degree Unlawful Possession of a Firearm, 2<sup>nd</sup> Degree Assault, Theft of a Firearm, Taking a Motor Vehicle without Permission (x2), 1<sup>st</sup> Degree Theft, and 2<sup>nd</sup> Degree Theft.
- Misdemeanor convictions of 4<sup>th</sup> Degree Assault (x2), and Criminal Trespass.



# Facts known by Officer D. Lesser prior to engaging Lucas Ellerman

- Listed in WACIC as a violent offender and may be armed.
- On 8/1/18, a DOC Officer was inside the Walmart at 9212 N. Colton. He observed Ellerman purchasing .380 caliber ammunition. DOC was unable to arrest him at that time but was able to obtain video of Ellerman purchasing the ammunition.
- Arrested on 8/21/18 by SPD PACT for Possession of a Controlled Substance with intent to distribute (7 counts). During this arrest, he was also in possession of a .380 handgun with the serial number removed.



# Facts known by Officer D. Lesser prior to engaging Lucas Ellerman

- Ellerman was involved in two pursuits with SPD PACT on 1/28/19.
- PACT had also very recently developed information through a confidential informant that Ellerman was currently armed with a silver handgun and that he had made several statements that he would not go back to jail.



# Facts leading up to the encounter

- SPD PACT and US Marshalls were conducting surveillance of a residence where they believed Ellerman was hiding.
- A silver Chevy crew cab pickup was observed leaving.
- Officers made an investigative stop to determine if Ellerman was inside or if the occupant knew his location.
- Officer Scott Lesser and Officer Mark Brownell stop the truck.
- Officer Dan Lesser arrives shortly afterwards.



# Facts leading up to the encounter

- The driver of the vehicle complies with officers and exits the truck.
- Unknown to the officers, Ellerman is hiding in the back seat. He jumps into the front and flees from the officers in the truck. Officers pursue.
- Officer Scott Lesser makes several unsuccessful attempts to PIT the truck.
- Ellerman slides into snow bank and vehicles at a “T” intersection at 5<sup>th</sup> and Custer.
- Both Officer Dan Lesser and Officer Scott Lesser attempt to block the vehicle from moving. Officer Dan Lesser’s vehicle is at the driver’s door. Officer Scott Lesser is at the rear.





# Facts leading up to the encounter

- Ellerman attempts to drive out, accelerating rapidly, tires spinning, and pulling forward and to the rear.
- Officer Dan Lesser is able to turn his camera on at this point. (First minute, no audio).
- Officers have to drive forward into Ellerman's vehicle to keep it pinned in.
- A civilian approaches and officers order him away. Other civilians are present.
- The truck windows are tinted and very difficult to see in. Officer Dan Lesser sees movement inside and decides to break out the window for better visibility.



# Things to watch for in the video

- The truck shifting, tires smoking, and snow flying as Ellerman attempts to escape the vehicle block.
- After Officer Dan Lesser breaks open the window, Ellerman reaches for his waist band. Officer Dan Lesser yells, “Gun!” twice. He also orders him, “Don’t reach!” multiple times.
- Officer Scott Lesser then breaks out the remainder of the window.
- Ellerman then twice states, “I got a pistol.” Ellerman turns and looks to the backseat. Officer Dan Lesser warns Officer Scott Lesser multiple times that Ellerman has a gun.
- Officer Scott Lesser breaks out the passenger side window.



# Things to watch for in the video

- Ellerman then jumps into the back where he was concealed shortly before.
- Officer Dan Lesser then asks Officer Scott Lesser to retrieve his police K-9 from his vehicle.
- Officer Dan Lesser orders Ellerman multiple times to come out.
- Ellerman shows no compliance and says he is going to smoke a cigarette.
- Ellerman starts moving forward, stating he is coming out with cigarette in hand.



# Things to watch for in the video

- Officer Dan Lesser then deploys his police K-9 to apprehend Ellerman for the following reasons (quotes from Officer Dan Lesser's report):
  - It appeared to me that he was always calculating and looking for a way to escape and was feigning cooperation.
  - Ellerman had showed time and time again that he would go to any length to avoid capture for example multiple vehicle pursuits and fleeing on foot.
  - He also devised an elaborate plan to enter and hide in the back seat of a truck covered up.
  - I still could not see anything behind the front seats where Ellerman was at. There were numerous locations where a gun or any other type of weapon could be hidden or just lying on the backseat and I would not be able to see it.



# Things to watch for in the video

- Officer Dan Lesser the deploys his police K-9 to apprehend Ellerman for the following reasons (quotes from Officer Dan Lesser's report):
  - He had still not been searched and he had told me that he was armed with a pistol.
  - There was no safe way to enter the vehicle to effect an arrest in a small confined area.
  - We were unable to open any of the vehicle doors due to that they were blocked on both sides.



# Things to watch for in the video

- Officer Scott Lesser breaks out the back window of the truck to obtain a visual.
- Ellerman again moves into the back.
- Officer Lesser deploys the K9.
- Officers pull Ellerman out of the vehicle.
- Officer Scott Lesser reports feeling Ellerman reaching towards his waistband. He delivers strikes toward his head to gain control of his arms.



# Follow-up

- Ellerman tells Officer Dan Lesser after the incident that he wanted Officer Lesser to shoot him.
- Officer Dan Lesser makes a flippant inappropriate comment to this.
- Officer Dan Lesser administers first aid to Ellerman.
- After the arrest, Ellerman feigns a Heroin overdose in a later admitted attempt to escape.
- Ellerman pleads guilty to all charges and is serving 70 months followed by 12 months community custody for Eluding, Manufacturing a Controlled Substance, and Unlawful Possession of Firearm. Currently at Airway Heights Correctional Center.



# Chain of Command Review

- This incident necessitated four separate chain of command reviews:
  - K-9 contact & Pointing of a Firearm
  - Officer strikes
  - Pursuit
  - PIT
- CoC is - Sergeant, Lieutenant, Captain, Major
- This review had the finding for the K-9 contact and Pointing for a firearm complete when the Ombudsman filed his complaint.





# Internal Affairs investigation & Administrative Review Panel

- After the complaint was filed, Internal Affairs conducted an investigation, interviewing those involved. Once the investigation was complete, it was turned over to the ARP. Their findings were:
- Uses of force:
  - Intentional Pointing of a Firearm Officer Dan Lesser- In Policy; Exonerated
  - Intentional Pointing of a Firearm Officer Scott Lesser- In Policy; Exonerated
  - K-9 Utilization Officer Dan Lesser- In Policy; Exonerated
  - Level II Tactics Officer Scott Lesser- In Policy; Exonerated



# Internal Affairs investigation & Administrative Review Panel

- Findings:
- Demeanor:
  - Officer Dan Lesser- Outside Policy; Sustained
  - Officer Mark Brownell- In Policy; Exonerated
- Body Camera Activation:
  - Officer Dan Lesser- Outside Policy; Sustained
  - Officer Mark Brownell- Outside Policy; Sustained

