



# SPOKANE POLICE DEPARTMENT

## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Spokane Police Department Comprehensive Analysis of 2014 Reportable Use of Force Incidents

#### **Use of Force Defined**

Use of Force is the application of physical techniques or tactics, chemical agents or weapons to another person. When a person allows him/herself to be searched, escorted, handcuffed or restrained, it is not considered a reportable use of force; it is considered compliance. Less intrusive control tactics are not normally deemed a "Reportable Use of Force." For example, when an officer uses his body weight to control a suspect while handcuffing the person in a prone position, that situation would not require a use of force investigation. However, if an injury occurred that is not consistent with that tactic, a use of force investigation would occur. Most reportable use of force incidents involve an officer using a tactic such as a baton or Taser. Spokane Police Department also categorizes the "draw and direct" technique a reportable use of force incident. The "draw and direct" involves an officer pointing his/her firearm directly at a person while giving commands.

#### **Use of Force Investigation**

Incidents are reported by the officer's supervisor using Blue Team software. Blue Team reports contain the administrative review and supplemental documents such as police reports, radio transmissions, and investigative summary narratives. Incidents are reviewed by the chain of command (sergeant, lieutenant, captain) before being sent to the Assistant Chief for the final decision. This review process ensures that the application of force is within policy, law and meets department expectations.

This review process measures the objective reasonableness of each application of force considering the following:

- The threat factors pertaining to victims, public, officers and the involved subject.
- The subject's resistance level/ability and attempts to flee officer control efforts.
- The severity of the crime or community care-taking elements of the incident.

This review also takes into consideration the involved officers' level of training and experience and the fact that officers are often forced to make split-second decisions during situations that are tense, uncertain and rapidly evolving. Completed incident reports are then sent to representatives of Internal Affairs, the Office of Police Ombudsman, Academy staff, and defensive tactics subject matter experts, patrol captain, and executive staff. The average length of time for investigation and review is 30 days. All of the 2014 reportable use of force incidents were found to be within policy.



## **SPOKANE POLICE DEPARTMENT OFFICE OF PROFESSIONAL ACCOUNTABILITY**

### **Total Reportable Use of Force Incidents**

In 2014, Spokane Police Officers used force in 114 incidents out of 129, 338 contacts with individuals in the community. 9,255 of the contacts involved arrests, 3,228 involved warrant arrests and 9,984 involved citations. Reportable force was used in less than one-tenth of a percent of overall community contacts, .08%.

In 22 incidents, a Use of Force report was created because an officer pointed a firearm, but no physical force was needed. 92 incidents involved other types of force. Two incidents occurred outside of Spokane (Spokane County), due to inter-agency cooperation. The incidents in this analysis do not include the four deadly force incidents from 2014.

### **Total Incidents over the Past Five Years:**

- 2010: 99 incidents
- 2011: 126 incidents
- 2012: 125 incidents
- 2013: 147 incidents (firearm-pointing included)\*
- 2014: 114 incidents (firearm-pointing included)\*

\*SPD began tracking firearm-pointing as Use of Force in May of 2013.

### **Calls for Service versus Officer-Initiated Contacts**

76% use of force incidents resulted from officers being dispatched to calls rather than officer-initiated activity. 24% incidents involved officers initiating contact, such as officers following up with potential suspects from a crime from the day before, or officers discovering a stolen car and deciding to contact the suspect driving the vehicle.

### **Type of Call**

Domestic Violence-related calls were the most common type of call resulting in a reportable use of force. DV-related calls (include a wide variety of classifications from DV protection order violations to DV Assault) made up 15% of incidents. Other common types of calls resulting in force included serving a warrant (9%), Person with a Weapon (8%), and Suspicious Person (7%). 7% of calls involved suicidal persons, the same percentage as 2013. The rest of the calls varied and included classifications such as Burglary, Robbery, Argument, Shooting, Stabbing, Check Welfare, Assist Other Agency, Disorderly Conduct, Trespassing, Vehicle Theft, and so on



## SPOKANE POLICE DEPARTMENT OFFICE OF PROFESSIONAL ACCOUNTABILITY

### **Type of Force**

Many of the incidents involved multiple officers and more than one type of force. For example, one officer might use a Takedown Technique while another officer used a Personal Impact tool while taking a subject into custody. In 2014, the most frequent types of force included: Body weight/manual force (also labeled Arrest Tactics), pointing a firearm, and deploying Tasers.

- Body Weight/Manual Force was used in 28 out of 114 incidents, a total of 44 applications. An example of body weight/manual force would be an officer using his/her body weight to hold a subject on the ground while another officer assisted with handcuffing.
- Officers pointed their firearms (the “draw and direct” tactic) 34 times in 2014.
- Officers deployed Tasers 27 times.
- Reportable Takedown Techniques also were used commonly, with 20 applications. An example of a Takedown Technique is an officer guiding the subject to the ground for prone handcuffing.
- Reportable Lateral Neck Restraint applications totaled 10 for the year.
- Personal Impact Tools (such as baton strikes) were used 12 times.
- Less common types of force involved chemical applications and specialty-impact munitions (such as bean bag rounds).

K9 contacts are also a reportable use of force, but they are unique in that only five officers are able to use K9s, and SPD K9s are used extensively. From January 1<sup>st</sup> to December 31<sup>st</sup>, K9s were deployed 1415 times, to assist with tracking, building searches, perimeter security, evidence finds, and suspect apprehension. K9 contacts occurred 24 times, representing of 1.7% of total K9 deployments.

### **Reason Force was used:\***

- Resisting Arrest: 25%
- Fleeing (Felony): 23%
- Assaulting Officer/s: 19%
- Threat to Harm Others: 13%
- Fleeing (Misdemeanor): 9%
- Suicidal/Harming Self: 7%
- Assaulting Citizen/s: 4%

\*The Blue Team software utilized by Spokane Police Department has a limitation in this regard, as the person entering the incident can only select one reason force is used. However, there are often many reasons in one incident why force is used (for example, a person may threaten to use a knife to cut themselves and officers in the same incident) but only one reason can be selected.



# SPOKANE POLICE DEPARTMENT

## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Environmental Characteristics

#### Police District (Neighborhood)

- Northeast District: 20%
- Nevawood District: 18%
- Downtown District: 16%
- Garry (also known as East Central): 13%
- Central District (also known as West Central): 11%
- Northwest District: 11%
- Southwest District: 8%
- Southeast District: 2%
- Other: 2 incidents took place in the County

#### Day of the Week

The majority of incidents happened on Sunday: 23%.

- Sunday: 23%
- Monday: 18%
- Tuesday: 9%
- Wednesday: 15%
- Thursday: 15%
- Friday: 8%
- Saturday: 12%

#### Time of Day

Force was most frequently used between 1800 and 2059 hours.

- 000-0259 12%
- 0300-0559 7%
- 0600-0859 6%
- 0900-1159 9%
- 1200-1459 12%
- 1500-1759 19%
- 1800-2059 21%
- 2100-2359 14%



# SPOKANE POLICE DEPARTMENT

## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Subject Characteristics

#### Subject Age

The average age of the subjects was 34 years old.

#### Subject Gender

89% of subjects were male; 11% of the subjects were female.

#### Subject Racial/Ethnic Demographics

The majority of subjects were White. 15 subjects were Black, 10 subject were Native American, 4 subjects were Asian, and 3 subjects were Hispanic.

#### Drug and Alcohol Impairment

55 of the 114 (48%) of the involved subjects appeared to be impaired by alcohol and/or drugs, as documented in officer reports. Alcohol was known to be involved in 33 of the 114 incidents, 29%. Subjects were intoxicated by alcohol only in 19 incidents, and appeared to be under the influence of both drugs and alcohol in 14 incidents. Subjects in 36 of the 114 incidents (32%) appeared to be using drugs, usually unknown drugs. Specifically, methamphetamine was known to be involved in six cases and LSD in another. It is difficult to determine the extent of drug and alcohol use in the incidents, as sometimes subjects are in possession of drugs but claim not to be using. It's also difficult to discern which drug/s subjects are using. In one case, the suspect admitted to recently using marijuana but not meth, even though the person who called 911 reported that he was under the influence of meth.

#### Mental Health Status

Subjects appeared mentally unstable in 36 of the incidents (32%). 15 of those incidents involved mental health factors and known drug use. Attempted suicide was a factor in 8 of the 114 incidents, or 7%.

#### Warrant status

In 42 (37%) of the incidents, subjects had outstanding warrants.



# SPOKANE POLICE DEPARTMENT

## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Officer Characteristics

#### Officer Age

The average age of officers involved in use of force incidents was 34 years old.

#### Officer Gender

6% of the officers were female; 94% were male.

#### Officer Racial/Ethnic Demographics

4 of the officers were Hispanic; 2 were Black; 1 was biracial; 1 was Native American, and 88 were White.

#### Officer Assignment

80% of officers were functioning as Patrol officers during incidents. 8 were corporals, 6 were sergeants, 4 were detectives, and one employee was a Captain. Reportable Use of Force incidents most commonly occurred with officers assigned to Power shift (38%). 28% of officers were assigned to Swing shift and 22% were assigned to Graveyard shift. 12% were assigned to Day shift.

#### Officer Experience

Officers involved in incidents had been employed with Spokane Police Department an average of 11 years. Officers' previous law enforcement experience was not factored, only their time with SPD.

#### Frequency of Force

96 officers were involved in Use of Force incidents in 2014, the majority involved in one incident. Six officers were involved in four or more incidents. Of those officers, three officers were patrol officers, one assigned to Power shift and two assigned to Graveyard shift. Three were K9 officers. K9 officers tend to be involved in more use of force incidents because their K9s are used so extensively.



# SPOKANE POLICE DEPARTMENT

## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### **Citizen Complaints**

Internal Affairs received five Excessive Force complaints during the year. Four of the complaints had been closed with no improper conduct findings for the involved officers. The last complaint's investigation is still open at the time of this report (the first week of February 2015).

### **Training Issues Identified during the Incident Review Process**

Although officers' actions were within policy, SPD's extensive review of incidents often identify opportunities for training. When additional training was needed in report writing, two officers were provided use of force report writing training. One incident prompted a review of the foot patrol policy; another incident prompted a sergeant to review how warnings should be better documented and how de-escalation efforts need to be described. Taser dart placement was also reviewed with officers. Another incident resulted in a sergeant reviewing the types of reportable force with his team.

Safety issues for officers and citizens were identified in a few incidents. Captain Torok arranged for shift-level training for officers regarding responding to priority calls with back up officers if possible. Other individual officers received counseling about responding to calls alone. Finally, when a subject injured himself in the back of a patrol car, leadership discussed ways to prevent injury to subjects in cars, including adding padding to the partition. Assistant Chief Dobrow is currently looking into that issue.

### **Trends**

Use of force incidents significantly went down in 2014—a reduction of 22%.

Many suicide attempt calls were successfully de-escalated without the use of force. In 2014, officers responded to 941 suicide calls; force was used in only 8 of those calls.

Domestic Violence-related calls continue to be the most common type of call resulting in force, involving 15% of calls. In our analysis of incidents from 2009-2013, DV-related calls were always the most common type of call involving force, making up between 15-24% of total calls during the five year span.

## 2014 Use of Force Incidents Involving Asian Subjects

In 2014, Asian subjects were involved 3 incidents out of 114. In 2 incidents, contact was initiated by an officer, while the other use of force incident resulted from officers being dispatched to 911 calls.

### Self-Initiated:

#### F14-053

Officer Rogan (White) drove by a car, and heard someone say "Cops." Everyone quickly walked away from the vehicle. Rogan ran the car's license plate and discovered it was stolen. He contacted the subject (Asian), who had exited the driver's door of the stolen vehicle. Rogan told him to stop and asked if the vehicle was his. The suspect told Rogan the car was his and he began to back away and appeared to be getting ready to run. Rogan told the male he was under arrest for possession of a stolen motor vehicle. He grabbed the suspect's left arm and but the male tried to pull away. He reached his right hand into his waist band, possibly reaching for a weapon. Rogan transitioned to a Level One lateral neck restraint and took the suspect to the ground. Rogan advised him to stop resisting and to put his hands behind his back, but he did not comply with the order. The suspect continued to grab at his waist band and while attempting to pull away from Rogan. Rogan used a Level Two neck restraint and rendered him unconscious. Brasch (White) arrived at that moment and assisted Rogan with handcuffing. Fire Department paramedics were requested to examine the male. Upon arrival they determined no medical assistance was needed. A large knife in a leather sheath was found next to the sidewalk near the front of Rogan's patrol car. The suspect was booked into jail for Possession of a Stolen Motor Vehicle, Resisting Arrest, and for an outstanding felony warrant for forgery. Note: The male was listed as Asian in the report but described as Hispanic in the narrative. He is listed as Asian in the IDENT system.

#### F14-097

Sergeant Vigesaa (White) was in the process of conducting follow up on a shooting. He was outside the shooting suspect's residence, when a vehicle pulled up. The subject getting out of the car (Asian) matched the description of the shooting suspect. He ran as soon as he saw Vigesaa. As Vigesaa initiated a foot pursuit, he saw the male reach into his waist area as if trying to access a weapon. As Vigesaa was closing distance, he was able to tackle the male. The subject fell to his stomach and violently began trying to access his waist area. Vigesaa held him on the ground with his upper body control and began trying to pull his right arm away from his waist. While Vigesaa held onto his resisting right arm, the male began forcefully pushing his left arm to his waist area while trying to roll over on his side. Officer S. Kennedy (White) arrived to assist and took control of his right arm and Vigesaa began trying to pull out his left hand in an effort to get it out of his waist area. The situation was tense and uncertain and due to the violent resistance and reach for the waist area, Vigesaa delivered a knee strike to the male's ribcage area. The knee strike was effective in allowing Vigesaa to get the suspect's left hand out of his waist area. However, the suspect continued to resist. It was later determined that he was under the influence of methamphetamine. Kennedy was able to get one handcuff on his right hand and Sgt. Vigesaa

got one on his left, but had to deliver two to three more knee strikes to his ribcage. This loosened him up enough temporarily to get the two handcuffs connected. Even with two handcuffs on, the male was flexible enough to continue to reach into his waist area. Detective Willard (White) arrived and assisted with handcuffing. Once he was safely contained, the suspect explained that he was not armed, but he panicked and had been reaching towards his waistband as he had meth on his person. He was not the shooting suspect but explained he always ran from police. He advised his arm was hurting and had previously been broken (from an altercation with another police agency a few months ago) and his side hurt. Medics were called and the male was transported to the hospital; no injuries were found. The suspect was then transported to jail and booked for Possession of a Controlled Substance (Meth), second degree Possession of Stolen Property, and a warrant. There was also probable cause for Obstructing and Resisting Arrest.

**Assisting another Agency:**

**F14-026**

This incident took place outside of Spokane city limits; Spokane Police were assisting Spokane County with a burglary in process. Lieutenant Hendren (White) was the first unit to arrive, and he pointed his firearm briefly at the suspect (Asian). Lieutenant Hendren ordered the suspect to put his hands where they could be seen and to get on the ground. The intoxicated suspect complied and Hendren holstered his weapon. He was handcuffed and turned over to Spokane County Sheriff's deputies. Note: Although the suspect's race was not identified in the report, he was listed as Asian in the IDENT system.

## **2014 Use of Force Incidents Involving Black Subjects**

In 2014, Black subjects were involved in 15 incidents out of 114. In two incidents, contact was initiated by an officer, one was court-ordered contact, and the other 11 use of force incidents resulted from officers being dispatched to 911 calls.

### **Self-Initiated Incidents:**

#### **F14-098**

Officer Spolski (White) initiated a bike stop on a subject for a minor violation (no rear reflector). As he activated his emergency lights, the subject (Black) attempted to flee, riding recklessly into traffic and almost causing a collision. Spolski sped up and stopped his car in front of the bike. He told the male to take his hands out of his pockets and get on the ground, but the male refused to comply and continued searching for something in his pocket. Spolski was unable to get arm control but grabbed his puffy coat and escorted him to the ground. The bike fell during the struggle and the male fell on the bike. Spolski used body weight to hold the subject while C. Johnson (White) arrived to assist. Officers handcuffed him and saw that the subject sustained a cut above his eye during the take down and cuffing process. Medics were summoned and they advised that stitches might be necessary. He was taken to the hospital for stitches and then booked for his warrant.

#### **F14-099**

The Targeted Crimes Unit was conducting follow up on a suspect on a string of recent armed robberies when Detective Tofsrud (White) located the robbery suspect (Black). Tofsrud attempted to take him into custody, but the suspect attempted two punches towards the Detective (but neither one made contact) and fled into a nearby apartment. Tofsrud called for backup; Sergeant Preuninger (White) arrived. Both officers entered the apartment and gave repeated commands which were ignored. They attempted to grab the man's arms for handcuffing but he pulled away. Tofsrud attempted a foot sweep takedown but all three men fell. Tofsrud tried to use body weight to control the suspect but the male continued to struggle, reaching into his waistband and secreting his hands under his body. It was a very unsafe situation; Tofsrud saw a pistol and several knives close by in addition to being in an unsecured room. Tofsrud applied a Level One neck restraint to the subject, making him docile for a few seconds, but as soon as he released pressure, the subject struggled again. His hands would break free and he would reach toward his waistband again. Preuninger's backup pistol had dislodged from its holster and was on the floor in close proximity to the subject. Preuninger delivered one hand strike and 3-5 knee strikes to the man's torso. The man seemed to be under the influence of some type of drug and continued to violently resist. C. Johnson (White) arrived to assist, delivering 4-6 knee strikes to the man's torso. The subject finally quit resisting and was handcuffed. He did have a knife in the pocket he was reaching for, along with a suicide note. Witnesses stated that the suspect had taken too much of a drug and they had never seen a person resist in that manner. The subject was transported to the hospital to be cleared for booking. He was booked for first degree Robbery, second degree Robbery, and his warrant.

### **Court-Ordered Contact:**

**F14-029**

Officers from the Patrol Anti-Crime Team assisted the Gang Unit with locating a known 4th Street Crip gang member. The team was advised that the suspect (Black) had a felony material witness warrant for his arrest stemming from a shooting that occurred in the city with another gang member. Officers Howe and Cole (both White) and a U.S. Marshal located the suspect riding in the passenger seat of a vehicle. Officers stopped the vehicle to arrest him for his outstanding warrant. Howe approached the passenger side of the vehicle while the U.S. Marshal approached the driver's side of the vehicle. Howe immediately observed the suspect reaching into his right front pants pocket. Howe could see a large bulge in the suspect's right front pocket and a folding knife partially sticking out of the same pocket. Howe informed the suspect he was under arrest and ordered him to take his hand out of his pocket. The suspect refused to comply. Howe gave the suspect several more commands to remove his hands from his pockets and the suspect continued to refuse to comply. Howe was concerned for his safety given the suspect's actions, so he opened the door in an attempt to control the suspect's hands and extract him from the vehicle. Howe used both of his hands to pry the suspect's hand out of his pocket. However, the suspect became very animated, tensed up, and continued to resist despite Howe attempting to deescalate the situation by telling the suspect to relax and cooperate. Cole reached in and worked to control the suspect's right hand while Howe unbuckled the suspect's seat belt. Howe worked to control the suspect's left hand but he continued to resist both of them. Throughout the contact, the suspect was screaming racial epithets and things like, "White mother fuckers! Fucking dick head!" Howe used the back of his left hand to apply a tapping distraction technique to the nose area of the suspect's face in an attempt to disrupt the mental process of the suspect. The technique worked for a moment and Howe pulled the suspect's sweatshirt over his head in an attempt to further distract and control him. Both officers were able to get the suspect turned and partially out of the vehicle but the suspect continued to resist. The U.S. Marshal deployed his Taser from the driver's side, striking the suspect in the back area. The Taser deployment assisted Howe and Cole in removing the suspect from the vehicle. Despite the suspect's continued resistance, they used body weight and were able to take him into custody in the prone handcuffing position. Medics were called to the scene to remove the probes and check the suspect's medical condition. The suspect was cleared to be transported to the hospital. The suspect admitted he knew he had a warrant and did not want to go to jail. He admitted keeping his hand in his pocket despite being told to remove his hand and said he resisted because he did not want to go to jail. He confirmed that Howe used the back of his hand to strike him in the nose area while he was resisting and he did not have any injuries from this application. He did not have any complaints and added, "The officers were doing their job." He added that he has paranoid schizophrenia. He was booked into jail for his warrant.

**Calls for Service:****F14-014**

Officers Rosenthal, Donaldson, Briggs, Stewart, Gobble, and Johnson (all White) and Meyer (Hispanic) responded to a suicide attempt call. The caller reported that he was armed with a gun and a knife and felt like hurting himself. Officers were in the elevator when the subject (Black) entered while holding a knife to his throat. Rosenthal drew and directed her firearm while she told the subject to drop the knife. He dropped the weapon immediately and she returned her firearm to the low-ready position. Gobble spoke with the subject, who explained that he is a

transient and an Army veteran with Post-Traumatic Stress Disorder. He said he was ready to get help and wanted to receive treatment. Gobble transported him to the hospital for a mental health evaluation.

**F14-027**

Officers Coleman, Zinkgraf and Ponto (all White) responded to a stolen vehicle call. The complainant said there was a suspicious vehicle outside with the driver asleep or passed out, and the vehicle had been reported stolen. Officers approached the car and knocked on the window. Initially, officers could not see the driver's hands and did not know if he was armed. The suspect (Black) was slow to comply with orders to unlock the vehicle and show his hands. Although he put his hands up, Coleman felt he was getting ready to flee the scene because the keys were still in the ignition and he was looking around to see if he could drive away. She drew her firearm and pointed it directly at the suspect while continuing to give commands to open the door. After she repeated the order five times, the suspect finally exited the vehicle and was detained. He was arrested for Possession of a Stolen Vehicle and Possession of Stolen Property and was booked into jail. Coleman reported the incident to the ATF because the male had the bullets in his pockets, and as he is a convicted felon, he is not allowed to have ammunition.

**F14-048**

Officer Flynn (White) responded to a domestic violence call where the suspect (Black) had assaulted her stepfather. As Flynn approached the intoxicated suspect, she had a bottle of wine in her hand and threatened to hit the officer with it. Her boyfriend took the bottle away from her. She hit him in the jaw with an open hand. Flynn asked to talk to the suspect several times but she stood with clenched fists and refused to cooperate. Flynn was afraid she would be assaultive since he had just witnessed her hit her boyfriend and she had threatened him. He deployed his Taser to her torso area. The Taser application was not successful, so he deployed it two more times with some success. Rodriguez (Hispanic) arrived and helped handcuff the subject. After being seen by medics and cleared for jail, she was booked for two counts of DV Assault and Resisting Arrest.

**F14-057**

Officers Bode, C. Johnson, J. Kernkamp, and Brash (all White) responded to a Suicide call. The subject (Black) was observed stabbing the ground, talking to himself, and waving the knife around, and then holding the knife to his own body. Officers made contact and asked for his cooperation. He refused their help and would not put the knife down. Officers identified this as a mental crisis situation and called for additional resources, including SWAT and Hostage Negotiators, as SWAT is well suited to deploy multiple less-lethal options simultaneously (affording the best chance of resolving the situation without the need for deadly force) while Negotiators are the most highly trained in dealing with crisis interventions. Mental health professionals arrived to help as well. They advised that the subject had a paranoid schizophrenia diagnosis and had not been taking his medications for about six months. Negotiators worked with the subject for 5 hours without gaining any sort of dialogue or cooperation. Several times during negotiations he held the knife to his own body in apparently suicidal behavior. SWAT command had clearly communicated rules of engagement to its members. It was specifically planned that negotiations would continue until he surrendered, but that the subject would not be allowed to move toward officers or the many civilian onlookers with the weapon. After five

hours, the subject abruptly stood up and began walking to the west (toward civilians) still armed with the knife. At this point Bode, Johnson, and Kernkamp (all White) deployed Blunt Impact Munitions. Bode and Johnson deployed bean bag rounds while Kernkamp fired a sponge round. Brasch fired his Taser. He stated that he believed it made contact with the male's baggy sweatshirt and may have contributed to him being knocked to the ground. As he was being hit with the munitions, SWAT Team Leader Preuninger (White) deployed a noise distraction device, commonly known as a flash bang. This was another part of the multi-force response SWAT uses in situations such as this to disrupt the subjects thought process and gain compliance. They began to move toward him with designated arrest operators to handcuff the male. The SWAT operators recognized that although the subject had gone down, he did not drop the knife and began pointing it toward officers. Brasch tried another Taser cycle, but the probes did not appear to have maintained proper contact for a circuit to be achieved. When the operators deployed another round of less-lethal special munitions, the man dropped the knife and surrendered. He was taken into custody without further incident. No permanent injuries resulted from the force used to take him into custody. Medical care was given immediately and he was subsequently taken to the hospital for a mental health evaluation.

#### **F14-073**

Officer Coleman and Captain Torok (both White) responded to a vehicle prowling in progress call. They contacted the subject (Black) in the parking lot and discovered he had a warrant for his arrest. He fled and officers chased him. The subject stumbled and fell, and Torok attempted to handcuff him. The male struggled to get away and Torok used his body weight to hold him on the ground while handcuffing. The subject complained of back pain but refused medics or ambulance to the hospital. He was booked for Vehicle Prowling, Resisting Arrest and Possession of a Controlled Substance (Heroin).

#### **F14-080**

Officer Rodriguez (Hispanic) responded to a suspicious person call at a youth homeless shelter. Rodriguez arrived and contacted the female (Black). When he asked her name, she pushed Rodriguez in the chest with both hands as she attempted to run. He tried to gain arm control and executed a takedown technique. They struggled on the ground while she attempted to jab him in the face with her keys. Brownell (White) arrived and helped handcuff the subject. Medics checked on the subject, who did not cooperate or allow photographs. Later, she explained that she fought because she did not want the officer to know she was a runaway. She was taken to juvenile detention with charges of Assault on Law Enforcement; Resisting Arrest, and Providing False Information.

#### **F14-083**

Officers Strassenberg and McCasland (both White) responded to a suicide attempt call. In addition to the threats to kill himself, the subject (Black) had also made statements about wanting law enforcement to come so he could reach for his gun and have police kill him. Strassenberg attempted to diffuse the situation verbally, but the subject appeared to be under the influence of drugs and was extremely agitated, telling the officers to shoot him. Strassenberg explained he was being detained until medics could see him, due to his statements. He attempted to handcuff the subject, but he spun and pushed himself away. Strassenberg attempted a Level One lateral neck restraint but was unsuccessful; the subject ran away. After a short foot pursuit, officers

caught him and handcuffed him. He was uninjured but evaluated by a medic and taken to the hospital for a mental evaluation. The subject's mother told officers that he had a Bi-Polar disorder but had not taken medications for a few years.

#### **F14-091**

Several officers responded to a robbery involving a mentally disabled victim who was severely beaten. Officer Hamilton (White) responded with his K9 Leo to set up a perimeter and find the fleeing suspects. Hamilton saw a man matching the description of a suspect (Black) and yelled at him to stop. He gave numerous commands but the suspect continued to run. K9 Leo found him, causing minor injuries consisting with small scratches, scrapes, and a tear on his thumb. He was taken to the hospital for treatment and then booked into jail for first degree Robbery, second degree Assault, and second degree Theft.

#### **F14-093**

Officer Wilkinson (White) responded to a Trespassing call at senior living apartments. Wilkinson contacted the intoxicated subject (Black), and asked him to remove his hands from his pockets. The subject refused and jammed his hands further into the pocket. The subject did not follow commands or heed the warning that he would be arrested if he didn't leave. Wilkinson called for backup and then tried to remove the man's hand from his sweatshirt. The man resisted, drew his arms away and bit the officer on the hand. The subject also struck Wilkinson in the head and arm with a closed fist. Bennett and Conrath (both White) arrived to help handcuff the subject and witnessed the subject's assault. The subject had not been searched and officers were afraid he was trying to access a weapon. During the struggle, the subject bit Conrath's thumb as well. Conrath administered a knee strike to his torso, and Wilkinson administered a Level Two neck restraint, rendering the man unconscious while officers handcuffed the subject. After being evaluated at the hospital, the subject was booked for two counts of Assault on Law Enforcement.

#### **F14-094**

Officer Wilkinson (White) responded to a Trespassing call where the subjects who had been evicted and trespassed from the location. Wilkinson arrived on scene and contacted a male (Black) who fit the description of the individual he was looking for. Wilkinson explained he was conducting his investigation, and the man needed to cooperate with him, but the male tried to leave. Wilkinson detained the male in handcuffs and called for backup. He read the male his rights and told him to sit down, but the male refused. Wilkinson grabbed him and pulled him to the ground, and held him down until other officers arrived on scene. Wilkinson then contacted the complainant and realized that although the complainant wanted the subject trespassed, the subject had not been at the location earlier when the eviction notice was served so there was no probable cause for arrest. Wilkinson instructed the subject that he was trespassed and would be arrested in the future if he returned. He removed the man's handcuffs and told him he was free to leave. The subject said his back hurt and wanted to talk to a supervisor. He was transported to a hospital for evaluation, but he refused treatment. He was discharged from the hospital.

#### **F14-104**

Officer Hamilton (White) and his K9 Leo were summoned to help other agencies find a wanted violent suspect (Black). He joined the U.S. Marshals Violent Fugitive Task force, and the Spokane Police Domestic Violence and Patrol Anti-Crime Team units. The suspect was

reportedly armed and unstable, running from the police for several weeks, with several felony warrants for domestic violence assaults and protective order violations. The suspect had fled into a backyard of a house in a nearby residential area, and Hamilton gave several K9 warnings before deploying Leo. Leo found the suspect in a shed. The suspect was taken to the hospital where he was treated for his minor injuries: raking on legs (not bleeding, just scraped). He was then booked into jail for his warrants.

**F14-110**

Officers Brownell and Prim (both White) were dispatched to a Trespassing call at a business. The caller indicated that a man was talking to himself and yelling at people passing by. He said he would press charges if the man did not leave willingly. They found the subject (Black) in a vehicle belonging to the business owner, talking incoherently and holding a knife to his throat. He appeared under the influence of drugs and/or alcohol. Other officers, including Hostage Negotiators, came to the scene to de-escalate the situation, trying to convince the man to drop the knife. Negotiator K. Gately (White) successfully got the man to come out of the vehicle, but he did not follow officers' commands and tried to walk away. Officer Brownell deployed his Taser to stop the man, but the probes got stuck in his coat sleeve, not making contact with the subject. The attempted Taser deployment did not causing any injury but surprised him. The subject stopped walking away and was taken into custody without incident. He was taken to jail for a second degree Trespassing charge, and Officer Watson made arrangements for a mental health evaluation.

## **2014 Use of Force Incidents Involving Hispanic Subjects**

In 2014, Hispanic subjects were involved in 3 incidents out of 114. None of the contacts were initiated by officers; all three use of force incidents resulted from officers being dispatched to 911 calls.

### **Calls for Service:**

#### **F14-004**

Officers responded to a "Shots fired" call. Officer Spiering (White) responded to assist officers that were in foot pursuit of suspects from the call. The suspects had caused an accident, hitting a citizen's car, after driving recklessly through downtown trying to evade officers. Spiering located one of the suspects (Hispanic) hiding in the Chili's restaurant. Due to the nature of the call originating from gunshots, he had his firearm drawn and at the low ready as he entered Chili's. When they saw each other, the male dropped the menu and then his hands, moving his hand out of sight and under the table. The male fit the description briefly given by officers as fleeing on foot from that vehicle, had been seen entering the same restaurant in which he was sitting, and was visibly out of breath as if from running. Upon seeing police, he had dropped his hands out of sight and right in front of him, and he was wearing baggy clothing easily able to conceal firearm(s). Spiering then pointed his firearm at the male's chest as a WSP Trooper was giving him commands to put his hands up. The male complied and was taken into custody. He was booked on four counts of Unlawful Possession of a Firearm, as he had thrown four guns out of the car, as well as Drive-by Shooting. The suspect had a criminal history out of California.

#### **F14-049**

Officer Conrath (White) responded to a subject (Hispanic) standing in the middle of Main Street waiving around a knife and threatening people. There were crowds of people on the sidewalk, as the downtown bars had just closed. Conrath pulled his vehicle up to the male with his emergency lights on and exited his vehicle while drawing his gun. Conrath gave verbal commands to the suspect to drop the knife, but he did not comply. He was waving the knife in the air. The citizens were very close by, and Conrath was the only officer on scene, so he felt the situation needed immediate action. Conrath pointed his gun at the suspect's chest while ordering him to drop the knife, explaining that he would shoot him if he did not. The suspect finally complied with Conrath's lawful orders and threw the knife on the ground. He went to the ground and he was taken into custody. The suspect stated he needed to kill all the black people because they were poisoning the children. Another officer interviewed the complainant, who explained that he felt threatened when the subject was only a few feet away from him, shouting about killing people. The suspect was booked for Display of a Dangerous Weapon, as the knife had an 8-inch long blade, and a misdemeanor warrant. The report was distributed to Spokane Mental Health for a future evaluation.

#### **F14-070**

Officers Dotson (White) responded to a robbery call at a grocery store. The suspect (Hispanic) fled on foot when he saw the officer. Dotson pursued the male on foot and ended up confronting him in an alley. Dotson could see the pepper spray attached to the top of the suspect's pants.

Dotson drew his firearm and brought it to the low ready position. Dotson issued commands but the subject did not immediately comply. Dotson was not sure if the subject had any more weapons. He pointed his gun directly at the subject as he moved in to handcuff him. When he got closer to the male, he holstered his weapon and placed him in handcuffs. Officer Christensen (White) arrived as Dotson was taking the male into custody. The subject was booked for second degree Robbery and warrants.

## **2014 Use of Force Incidents Involving Native American Subjects**

In 2014, Native American subjects were involved in 10 incidents out of 114. In one incident, contact was initiated by an officer. In three incidents, contact was court-ordered, and the other six use of force incidents resulted from officers being dispatched to 911 calls.

### **Self-Initiated Calls:**

#### **14-002**

Officer Wilkinson (White) observed erratic driving and attempted a traffic stop. He discovered that it was a stolen vehicle. As he stopped the car, the driver (Native) fled on foot to the north and left two females in the back seat. Wilkinson stayed with the passengers and Officer Lesser (White) responded with K9 Rav to find the suspect, who had fled into a residential area, putting innocent parties at risk. The subject had a history of theft and resisting arrest. Lesser gave verbal commands for the suspect to stop and give himself up, but he continued to flee even after hearing several PA announcements from perimeter officers that he was under arrest and a K9 would be deployed to locate him. Without the use of Rav's tracking ability, it was likely that the suspect would not have been located or identified. Rav apprehended the suspect, whose injuries consisted of a minor abrasion and one rake on the left buttocks. The injuries were cleaned and treated with a Band-Aid. The suspect was released to be booked for second degree Taking a Motor Vehicle without Permission (a Felony crime) and his warrants.

### **Court-Ordered Contacts:**

#### **14-054**

Officer Daniel (White) was on a proactive patrol when he spotted a vehicle belonging to a repeat offender's girlfriend. Daniel recognized the repeat offender and knew he had a Department of Corrections escape warrant. His lengthy criminal history included burglaries, assaults, possession of controlled substances with the intent to deliver, and possession of stolen property. He was also known as a suspect with which to use caution. Daniel attempted a traffic stop but the suspect (Native) ran from the vehicle. Daniel confirmed with the car's owner that the man who fled was the repeat offender he was looking for, so he requested a police perimeter to find the wanted suspect. Officer Hamilton (White) and his K9 Leo responded. Hamilton gave several K9 announcements while they tracked the area. Leo found the suspect in a nearby garage and apprehended him. Hamilton and Daniel handcuffed him and summoned medics to tend to his minor injuries, consisting of raking and punctures to the lower legs. He was transported to the hospital for treatment and booked into jail on his warrant.

#### **F14-087**

SPD officers and detectives with the Domestic Violence Unit responded with Department of Corrections officers to arrest a subject (Native) on domestic violence charges stemming from an incident the day before. When confronted by officers, the subject barricaded himself in the bathroom and claimed to be armed with a knife. The Emergency Response Unit (ERU), the Hostage Negotiators Team, and mental health professionals were requested to respond. During nearly 5 hours of negotiations there was no measurable amount of success for a peaceful

surrender. The male refused to disarm and come out of the bathroom. He made statements such as, "You're going to have to kill me. I'm not leaving here alive. If you try to come in here, I'm going to fucking kill you. I'm going to stab you in the face." A search warrant was secured as ERU began taking measures to prevent a deadly force encounter. The measures included tying off the door to the bathroom to hold it shut to ensure that the male could not simply charge officers and force a "suicide by cop" scenario. ERU was directed to break out a part of the bathroom window and utilize a pole camera to view the subject. ERU was directed to deploy OC10 (a chemical application spray) into the bathroom through the window. Officer Stone (White) then sprayed liquid form OC10 through the window. As he did so, the man began stabbing at his hand and the canister through the window. This was the first confirmation that he did in fact have a knife. He continued to yell death threats to the officers and coughed some, but did not surrender. ERU was then authorized to use CS gas (a non-lethal chemical application spray causing excessive tearing of the eyes). Officer Stone deployed one of the CS munitions through the window, but the man threw it back out. They threw another munition inside and blocked the hole so it could not be thrown out. ERU members on the inside of the house then began to hear the CS affect the subject. He continued to make threats, but began hitting the door. Officer Baldwin interpreted this to mean he was giving up and released the rope holding the door shut. The subject emerged with the knife still in hand and refused to comply with numerous verbal commands to drop the knife and surrender. Officer S. Lesser (White) was in the closest proximity to him; he fired the Taser at the subject but one of the probes missed and there was no effect. McMurtrey (White) noted that the male had taken steps toward them (about 14 feet away) still holding the knife. McMurtrey then fired two bean bag rounds to the front of the male's left thigh, which had no effect. McMurtrey then fired an additional two bean bag rounds, this time at the hip area. Again, they did not have the desired effect. McMurtrey recognized that he only had two rounds left, and the chances of avoiding lethal force were dwindling. He elevated his sights and delivered a bean bag round to the man's right bicep. He re-evaluated after this shot and again saw it had no effect. He fired his last bean bag round while aiming for his hip area again. However the round struck him in the hand that was holding the knife. At this point the male dropped the knife but began looking for it, refusing to listen to verbal commands. McMurtrey took over S. Lesser's Taser and reloaded a new cartridge, firing toward the abdomen area and successfully achieving contact with both probes. The male was incapacitated by the TASER. S. Lesser pinned him to the ground with the shield and he was subsequently handcuffed without further use of force. The male received minor injuries from the encounter: bruising from the bean bag rounds and the TASER probe penetrations. He was then transported to the hospital for evaluation and later booked into jail for two counts of first degree Assault, City Assault, and felony DV Harassment (Threats to Kill).

#### **F14-108**

In his special police patrol assignment Downtown, Officer Prim recognized a subject (Native) with active warrants, including a felony escape warrant. He had a violent criminal history, including resisting police. Officers Prim, Dotson, and Christensen (all White) encountered Larson in the stairwell of an apartment building. Officers told him to stop, that he was under arrest, but he fled. Officers engaged him in a foot pursuit. He had not been searched and it was unknown if he had any weapons on him. He attempted to open the door to another apartment (not his). Prim did not know if the man was trying to break in or attempting to gain access to a weapon inside this apartment or barricade himself inside. H also did not know if there was

anyone else in the apartment that could render aid to the man or could be taken as a hostage. Prim decided to deploy his Taser in dart mode to the man's back as he was entering the apartment. He was uninjured and safely handcuffed. Corporal Harding photographed the area where the Taser darts contacted his shirt but did not penetrate the skin. The Taser cartridge and darts were placed on property. The suspect was booked for Resisting Arrest and his warrants.

#### **Calls for Service:**

##### **14-018**

Officers E. Bishop, Groom and Geren (all White) responded to a Person with a Weapon call. Dispatch advised that they had received several calls stating a male appeared high and was making threats with a handgun. Officers contacted several witnesses for confirmation and searched the complex. Witnesses all said they saw the suspect holding the handgun and acting in a threatening manner. Two witnesses expressed extreme fear for themselves and nearby children. The subject had a history of possessing illegal weapons and drugs. Officers located a male matching the suspect's description (Native) and ordered him to get on the ground. The suspect was initially uncooperative. Geren aimed his rifle at the suspect until Groom and Bishop safely detained him in handcuffs and searched him. The intoxicated suspect was arrested and booked into jail for Intimidation with a Weapon. Other officers located the weapon that had been partially hidden behind an electrical panel. It was an air soft pistol with a laser sight.

##### **14-022**

Officers responded to a report of an armed robbery (carjacking). The victim stated that the suspect put a gun to his head and took his dog, wallet, keys and vehicle. Officers located the car, but the suspect (Native) resisted arrest by driving recklessly from the pursuing officers. The vehicle pursuit was later terminated as officers lost sight of the vehicle. The suspect was a known repeat offender flagged to treat with caution, with a history of burglaries, assaults, drugs, illegal weapons, and vehicle thefts. Officer Hamilton (White) responded to the area to assist and observed the suspect vehicle. It had collided with a concrete wall. Moments later the suspect exited the passenger side of the vehicle and fled on foot through the alley. Hamilton exited his vehicle and gave the male a K9 announcement, ordering him to stop, but he refused. Based on the severity of the crime, the threats involved in this incident and the suspect's resistance, Hamilton utilized K9 Leo as an apprehension tool. The suspect was contacted by Leo on the right wrist, right ankle and scalp area. He was handcuffed and taken into custody. He was cleared for police transport from the scene by medics. He was transported to the hospital and treated for the K9 contact. Sergeant Kendall contacted the suspect at the hospital. He said that he heard the dog coming but denied hearing Hamilton give the K9 announcement. He said, "You need to keep that dog. He is really good." He was later booked into jail on felony charges of Armed Robbery and Attempt to Elude.

##### **14-023**

Officer Brownlee (White) assisted Officer Erickson (White) on a shoplifting call. He looked up the suspect in the database and found a description based on a prior booking photo. He found the suspect (Native) walking outside. He approached her and explained he needed to speak with her. She began walking backward. Brownlee grabbed her arm and told her she was under arrest and not to resist, but she argued with him that she had done nothing wrong and tried to pull away. He

used an arm bar take down technique to handcuff her. She ended up on the ground with her knee underneath her and basically in a seated position. He repeatedly told the subject to stop fighting with him. After she was handcuffed, the subject told Brownlee she was pregnant and not to hurt her baby. After being placed in the car, she told him that her stomach hurt and she was bleeding. Brownlee called medics but she was uncooperative with them would not respond to their questions. Lieutenant Arnzen responded while she was in the police car being attended to by medics. Arnzen introduced himself and asked her if she had a complaint against the officer. She just moaned and wailed. He asked her if the officer hurt her and she again didn't respond. Arnzen noticed no visible injuries to her face/head or arms which weren't covered by clothing. Medics also discovered no injuries or sign of bleeding. She was cited and released for City Theft and Resisting Arrest. Medics took her to the hospital by ambulance for evaluation due to her pregnancy concern. Arnzen spoke with a witness who lives at the apartment complex where the arrest occurred in the parking lot. The witness said she saw the entire interaction and the female was clearly resisting, pulling away from the officer while he kept telling her she was under arrest. She said the officer brought the woman to the ground but it wasn't violent as the subject had her leg underneath her. The witness explained that officer tried to calm the female down. She said all the officer did was grab her arm and the female walked to the police car just fine. Although the subject did not claim an injury or wish to make a complaint, a use of force report was done because the subject went to the hospital with a possible pregnancy issue.

#### **F14-052**

Officer Lyons (White) responded to an Argument call. The complainant explained that a transient male (Native) unknown to them was trespassing-- would not leave his property and kept arguing. Lyons approached the subject, who was asleep. The suspect had a history of obstructing officers. He was initially cooperative but when Lyons asked to see his identification, he pulled a folding knife out of his pants pocket. Lyons drew his firearm and ordered him to drop his knife; the suspect dropped the knife. Lyons commanded him to get down on the ground, but the male yelled, "Make me," and something along the lines of "Come get me, bitch!" Lyons holstered his firearm and tried to gain arm control to handcuff him. The male tensed up and attempted to pull away. Lyons moved to a Level One neck restraint, and both men fell to the ground in a struggle. The subject threw his body weight on Lyons and rolled the officer onto his back and got on top of him. Lyons moved to a Level Two restraint and successfully rendered him unconscious long enough to radio for backup. The subject began fighting again, but Lyons was able to apply another Level Two neck restraint rendering him unconscious. He pinned him to the ground with his body weight until backup arrived and Officer Wells (White) assisted with handcuffing. Medics arrived and cleaned a small cut over the male's eye. No other medical assistance was needed. Sergeant Wuthrich tried to interview the intoxicated subject but he repeatedly threatened officers and paramedics on scene and said that he would kill all Spokane Police officers. The male was booked into jail for Assault on Law Enforcement and warrants for DUI, Obstructing, and Resisting Arrest.

#### **F14-066**

Several officers responded to a residence to arrest a suspect (Native) who was barricaded in a room in his house. The suspect had confirmed Felony arrest warrants including: first degree Robbery, Resisting Arrest, and Obstructing. The male had also been involved in an earlier assault with a neighbor. The suspect was intoxicated and possibly under the influence of other

substances, and had a violent criminal history dating back twenty years. He was given several verbal commands to open the door but refused to comply. He made numerous statements indicating he would fight with officers. After 20 minutes of talking to him through the door, officers forced the door open, and he aggressively advanced on them in an assaultive manner. Officer Childress (White) deployed his Taser, striking the male in the stomach. He was then handcuffed and taken into custody. Medics removed the Taser probes. The suspect was then taken to the hospital to be treated for his injuries from the earlier fight with his neighbor, as his wounds would need stitches. After treatment, he was booked for Resisting Arrest and his three warrants.

#### **F14-090**

Officer Buchmann (White) responded with his K9 partner Talon to assist with the arrest of a suspect with an active felony warrant for first degree Kidnapping, a Department of Corrections escape warrant, and a misdemeanor warrant. Responding officers advised that there was information that the male (Native) attempted to drown an unknown female earlier in the day, but the female was so scared of him that she went into hiding and refused to contact law enforcement. There was also a comment in the call that the male had made threats to kill his current girlfriend. Officers had information that the suspect was at his apartment picking up his belongings. Buchmann moved around to the backside of the apartment to apprehend him if he attempted to flee out the back of the apartment as officers made contact at the front. Officers made an announcement for the subject to come out, but he did not respond. Officers confirmed that he was the only person in the apartment. A few seconds later, a male matching the suspect's description ran out of the back of the apartment. Buchmann immediately yelled, "Police! Stop or my dog will bite you!" However, the male did not stop and continued to run. Buchmann decided to deploy Talon to apprehend him. Talon had a positive identification of the man and immediately gave chase, apprehending the subject. Sergeant Eckersley (White) handcuffed and searched the man. Buchmann retrieved his first aid supplies and began treating his head wounds with gauze to control the bleeding until medics arrived. Medics treated him and Officer Daniel transported him to Deaconess for treatment. The suspect's injuries consisted of superficial punctures on the back of his lower triceps area and two rake marks on the side of his arm with light bruising developing. He had another light puncture on his right arm on the outside of his arm and rake marks on the back side of his upper arm at the arm pit and three punctures on his head. After being released from the hospital, the suspect was transported to jail and booked for Resisting Arrest, Obstruction and his warrants.