

Narratives of Use of Force Incidents Involving Hispanic Subjects 2016

How did the incidents begin? Did officers initiate contact?

Two of the five use of force incidents involving Hispanic subjects resulted from officers being dispatched to 911 calls; contact was non-discretionary. Two calls were officer-initiated. Officers responded to a fight downtown in the first incident. The other officer-initiated call involved a bike stop for a bike that matched the description of a stolen bike. One incident was an Assist other Agency classification; a Spokane Police officer served on a multi-agency team in Central Washington and deployed his K9 as the subject was fleeing from felony arrest.

What was the severity of the crime or need for community caretaking in each situation?

Two of the five incidents ended with felony arrests. Two incidents involved misdemeanor arrests (Assault and Disorderly Conduct). In one incident, officers took protective custody of the subject and transported him to the hospital for an involuntary mental health hold and medical treatment; the male had tried to commit suicide and had harmed himself with a broken bottle.

How many incidents would have occurred if Spokane Police Department was operating under the previous Use of Force Policy?

The department's revised Use of Force policies, in place January 1, 2016, added new categories of force that were not tracked previously. The five use of force incidents in 2016 would also have been reportable under the previous policy.

Are the same officers repeatedly using force on Hispanic subjects and are their contacts officer-initiated?

None of the officers were involved in more than one use of force incident with a Hispanic subject.

Calls for Service:

F16-025 / 16-112634

Multiple officers responded to a Suicide Attempt call. The caller reported that the subject (Hispanic) was distressed, drinking, and taking pills. The male had a history of mental health problems and past suicide attempts. While officers were on their way, the subject's wife reported that he had taken "a bunch of pills" and had locked himself inside the house. Lyons (White) approached the house and saw the subject in a nearby walkway. He asked the male to have a seat but the male refused and challenged the officer while holding a large glass bottle in his hand, backing away. Lyons continued to talk to the male, asking him to put down the bottle but the male continued to hold the bottle like a weapon. Lyons asked Radio for more resources to deal with the situation and advised the subject that he was concerned that the male had taken pills. The subject confirmed he had taken several medications. Officers staged medics and called Hostage Negotiators to the scene. Additional officers arrived and talked with the male, asking him to drop the bottle. Officers had multiple force options ready (e.g. TASER, beanbag munitions). Officers tried having the subject's wife talk to him but it seemed to escalate the situation. The subject made

comments about making officers shoot him. Officers spent 30 minutes trying to resolve the situation peacefully. At one point, the male broke the bottle and held the bottle around the neck like a weapon. He began cutting his wrist with the bottle and then pulled out a large piece of plastic. He held the plastic like a shield in one hand with the bottle in the other. Despite officers' commands, he began to walk towards the gate, towards officers. Fearing he would charge at the police and force a shooting, Lyons deployed his TASER at the male but it had no effect. The subject pulled a probe out of the shield. Baldwin (White) deployed a beanbag round, hitting the subject in the lower back. Lyons deployed his TASER a second time and this time the deployment was effective and he fell forward. Officers handcuffed the subject. Medics checked the subject and removed the TASER probes. AMR transported the subject to the hospital for an involuntary mental health hold and medical treatment.

F16-089 / 2016-20018431

Officers responded to an Assault call at a group home. The caller reported that a juvenile male had kicked her in the stomach multiple times. He had also grabbed her wrists and tried to pull her to the ground. She wanted to press charges as the male had assaulted her in the past as well. Officers arrived to the scene and spoke to the complainant, confirming visible injuries. Willard (White) approached the subject (Hispanic) and told him he was under arrest for assault. Donaldson (White) grabbed the subject's left arm and Willard grabbed his right arm to handcuff him, but the subject pulled away. Donaldson took the male to the floor and applied a Level I Lateral Neck Restraint. He ordered the subject to stop resisting but the male pulled his arm away and tried to grab Donaldson's arm. Donaldson then transitioned into a Level II Lateral Neck Restraint, applying enough pressure to render the subject unconscious for a few seconds. The technique allowed Donaldson and Willard to detain the subject in handcuffs. Medics arrived and cleared the subject for booking. Willard transported the male to the juvenile detention facility on Assault and Resisting Arrest charges.

Officer-Initiated Incidents:

F16-023 / 16-110281

Officers Kester and Iverson (both White) were riding in a patrol car downtown when they observed a male riding a bike with distinctive wheels. The department had recently distributed a description of a stolen bike that resembled this bike. Officers noticed the rider (Hispanic) was short in stature but riding a bike with wheels that were much too large for his body type. He was also not wearing a helmet, as required. Iverson decided to investigate to see if the bike was indeed the stolen bike. She pulled her patrol car over to the subject and activated her emergency lights. Kester asked the male to come speak to her but he ignored her commands. Kester yelled, "Police! Stop!" but the subject pedaled faster. Iverson activated the car's siren and tried to catch up to the subject but lost sight of him. Kester saw the subject again and Iverson again activated her lights and siren and followed the subject. The subject refused to stop and rode the wrong way on a one-way street, riding against oncoming traffic, so Iverson was unable to follow him. Officers advised SPD Radio of the attempted bike stop and the suspect and bicycle description. Officer Hamilton (White) caught up to the male and used both hands to push him off his bike to stop the male as he was avoiding capture. He quickly handcuffed the male, who fell on the pavement. The subject sustained

minor injuries and a cut on the back of his head so officers summoned medics and transported him to the emergency room for treatment. The male said he ran because he had had a confrontation earlier in the day and thought that the male from the confrontation was chasing him. He later said he knew officers were chasing him and he had a warrant for his arrest. The subject said he had purchased the bike from another person. After closer inspection, officers determined his bike was likely not the stolen bike; Iverson took the bike to jail for the subject to retrieve later. The subject received an Obstructing charge in addition to his felony DOC warrant.

F16-056 / 16-231280

Lieutenant Stevens (White) was driving downtown for bar patrol at Hoopfest when he saw two males fighting and rolling around on the ground with a crowd gathering around. He approached in his patrol car and illuminated the scene with his spotlight, which scattered the crowd. A bar employee contacted him as he approached on foot and pointed out the two aggressors. Stevens saw the subject (Hispanic) advancing aggressively towards the other male who seemed to be retreating. Stevens approached the male from behind and yelled at the subject to stop, but the subject did not respond. Stevens again identified himself as Police and ordered the male to stop but the subject continued walking toward the other male with his fists clenched, yelling. Fearing an assault was imminent, Stevens deployed his TASER in probe mode towards the subject's back. The TASER application was effective; Stevens and Mohondro (White) were able to handcuff him and the subject was compliant. Medics responded to the scene to check on the subject and removed the TASER probes. The subject who was visiting Spokane from Central Washington said the other male had punched his wife in the face. Stevens confirmed the wife's facial injuries; medics advised she needed stitches. The subject said he went after the male because he was trying to protect his wife. He said he got "tunnel vision" during the altercation and did not hear officers' commands. Officers did not charge the subject with Assault due to the circumstances but cited and released him with Disorderly Conduct charges.

Assist Other Agency:

The following use of force did not take place in Spokane. The use of force counts towards our annual total but it was a federal law enforcement incident.

F16-093 / 16-344592

During this incident, SPD was assisting the Drug Enforcement Administration (DEA) and Washington State Patrol (WSP), trying to locate and apprehend felony suspects in a large illegal marijuana grow operation on federal land in Central Washington. (Although it is legal to grow a small amount of marijuana in Washington, it is illegal to conduct an outdoor growing operation on state and federal lands.) The DEA led the team and any charges would be through the U.S. Attorney's Office. Officer D. Lesser (White) and his K9 Murphy responded to assist the team. As Lesser and another officer approached the grow site, a subject (Hispanic) began running. A WSP officer announced police presence and ordered the subject to stop. The male continued running. Lesser deployed his K9 Murphy because they had probable cause to arrest him for Drugs-Manufacturing. Lesser noted that the subject had not been searched, and might be able to access a weapon or access a hiding spot allowing him to ambush officers. WSP had previously shared surveillance video that showed one of the subjects was carrying a rifle or shotgun. The subject

also would likely evade capture in the mountainous terrain. Lesser gave a verbal warning about his K9, but the subject kept running. K9 Murphy contacted the subject, bringing the subject to the ground. As K9 Murphy released his contact, the subject jumped up and began fleeing again. Lesser sent K9 Murphy a second time. K9 Murphy contacted and released the male, and the subject fled. Due to the threat factors listed above, Lesser deployed K9 Murphy a third time. K9 Murphy contacted the male again. Lesser released K9 Murphy as soon as he reached the subject and could see his hands were clear. Lesser and a DEA agent handcuffed the subject and rendered first aid to his injuries. The subject received rakes, punctures, and a large laceration on his calf from the contact. DEA agents transported him to the hospital, as the subject was in DEA custody.