

## **Narratives of Use of Force Incidents Involving Native American/American Indian Subjects 2016**

### **How did the incidents begin? Did officers initiate contact?**

There were a total of 11 use of force incidents in 2016 involving Native American/American Indian subjects. All of the use of force incidents involving Native American/American Indian subjects were non-discretionary contacts; they were a result of an officer responding to a call for service, i.e., 911 call.

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

Six of the 11 incidents ended with felony arrests. Four incidents involved gross misdemeanors (e.g., Harassment-DV, Violation of No Contact Order). One incident involved a community caretaking situation. The subject had tried to commit suicide; medical personnel transported him to the hospital for an involuntary mental health hold and medical treatment for the self-inflicted lacerations.

### **How many incidents would have occurred if SPD was operating under the previous Use of Force Policy?**

Spokane Police Department's revised Use of Force policies, in place January 1, 2016, added new categories of force (not tracked previously). Two of the incidents involved a Level I Neck Restraint, a control technique that involves an officer placing pressure on the sides of the subject's neck, impacting the circulatory system while leaving the airway unobstructed and protected. The Level I LNR involves lighter pressure than a Level II application as the officer does not intend to render the subject unconscious. Had SPD been operating under the previous policy, the incidents involving Native subjects would total 9 rather than 11.

### **Are the same officers repeatedly using force on Native American/American Indian subjects and are their contacts officer-initiated?**

Only one officer was involved in two incidents with a Native subject.

### **Calls for Service:**

#### **F16-032 / 16-118564**

Officers Valencia (Hispanic) and Brasch (White) responded to a Suspicious Person call. The caller said the subject (Native) was featured on Crime Stoppers and she gave a tip about his location. Officers confirmed he had a warrant for Extortion/Identity Theft Second Degree. Officers contacted the subject and told him he was under arrest. The subject refused to put his hands behind his back. Valencia took his left arm for handcuffing and told him to relax. Brasch took his right arm, but he immediately tensed up and made a fist with his hand. He used muscular tension and pulled away to resist officers' attempts to handcuff him. Brasch could see he had a knife clipped to his right hand pocket. Brasch applied a Level I Lateral Neck Restraint with his left arm while using his right hand to control the subject's left arm. He did not apply pressure to the neck restraint. He saw two more knives on the shelf next to the subject. He quickly released the restraint and grabbed onto the male's forearm to prevent him from accessing the knives. Both officers applied

wrist lock control. Finally the subject relaxed some and Brasch and Valencia were able to bring his hands behind his back and apply handcuffs. After he was searched, incident to arrest, another knife was found in his left-hand pocket. Force was used because of the subject's resistance to arrest: an officer may use force which reasonably appears necessary to effect an arrest if, after notice of the intention to arrest the person, the subject either flees or forcibly resists (RCW 10.31.050). The subject appeared to be uninjured, but said his wrist hurt. He was examined by the jail nurse and given an ice pack and told he could see the doctor the next day. The subject was booked for the felony warrant of five counts of Identity Theft and also Resisting Arrest.

#### **F16-034 / 16-125659**

Officers Guzzo, Brown-Bieber, and Stadelman (all White) were dispatched to a Warrant call. The anonymous caller reported that the subject (Native) was at the location with a felony warrant, and he had taken his ankle monitor off and would run. The caller also said that the subject was possibly high on heroin and was known to carry knives. SPD Radio confirmed that he had two valid warrants for Domestic Violence Order for Protection Violation. Officers went to the residence, arrested the subject and put him in handcuffs. While searching the subject post-arrest, officers located heroin and pills. The subject told officers he had swallowed 7 points of heroin and 11 OxyContin pills so officers requested medics. Medics evaluated the man and said he needed to go to the hospital. The subject also said at that point that he had swallowed a razor blade. He was transported to the hospital by ambulance. While at the hospital, the subject's behavior was erratic, hitting his head on the bed rail and shouting. He told officers he was schizophrenic. The doctor who treated the subject confirmed he did not swallow anything and he was cleared for jail. The subject advised he would not go peacefully, threatening to grab officers' guns, shoot at them, and force officers to shoot him. An ambulance and additional officers were dispatched for the transport to jail. A supervisor, Lieutenant Cowles (White), arrived to help. Officers tried to transfer the subject from the hospital stretcher to the ambulance stretcher but the subject tensed up and grabbed his pocket so that officers could not get control of his arm. Officer Rogan (White) took upper body control of the subject with a Level I Lateral Neck Restraint as they moved him. Cowles held him as they secured him to the gurney. The subject was uninjured. Once restrained, the subject made specific threats to kill Guzzo and his family. He was booked into jail on his warrants and felony Harassment without further incident. Guzzo notified the jail nurse of his mental health diagnosis and filled out the mental health referral form.

#### **F16-037 / 16-129200**

Officers Marquez (Hispanic), Lyons (White) and D. Eckersley (White) responded to an Assault call. The caller, a parking enforcement officer, reported that a man had just assaulted her co-worker. Officers approached the male who was talking to the two parking enforcement officers. Marquez advised the male subject (Native) to take his hands out of his pockets and that he wanted to check him for weapons. Officers saw he had access to his utility belt which had a box cutter, but they had not conducted a pat down for weapons as the subject was agitated and had told officers to not touch him. Officers gave several verbal commands and attempts at de-escalation but were unsuccessful. Officers had probable cause to arrest the subject for obstructing their investigation. Officers attempted right and left arm control to handcuff the subject, but he used his size and strength to defeat their efforts at securing him. Lyons applied a takedown to the ground but the subject still resisted control, clenching his fists and attempting to roll onto his side. Lyons immediately applied a Level I Lateral Neck Restraint. Marquez and Eckersley were able to

handcuff the subject. No injuries were visible but the subject complained of shoulder pain. Officers placed the subject in the police vehicle during further investigation. It was determined that the subject was not the person who had assaulted the parking officer; it was his son. Officers cited and released the subject for Obstruction and arrested his son for the Assault charge.

#### **F16-050 / 16-176577**

Officers Downing and Lyons (both White) responded to a Suicide Attempt call. The caller reported her son had cut his wrists earlier and was refusing to go to the hospital. He was hearing voices and was angry. Upon their arrival, officers developed information that supported involuntarily detaining the subject (Native) for a mental evaluation. The male had already cut his wrists. Officers decided to take protective custody of the male. While he had not committed a crime, he needed to go to the hospital. Officers used verbal de-escalation techniques but were not successful. The subject resisted their attempts to detain him, pulling away when they tried to gain arm control, and making a fist with his right hand. Officer Lyons applied a Level II Lateral Neck Restraint, rendering the subject unconscious. Officers were then able to handcuff the male with the help of Detective Hensley (White). Medical personnel transported the subject to the hospital by ambulance. Lyons provided the evaluation paperwork to the hospital.

#### **F16-070 / 16- 291346**

Officer Buchmann (White) and his K9 partner Talon responded to a Person with a Weapon call. The subject (Native) had threatened to shoot another male in a store parking lot, pointing a gun at him. The victim had wrestled the gun away from the subject. The subject fled on foot, but the victim did not know if he had any other weapons with him. Officers interviewed other witnesses and developed probable cause to charge the subject with 2<sup>nd</sup> degree Assault and Harassment-Threats to Kill. SPD used K9 tracking to locate the suspect. While officers were trying to locate the subject, a citizen yelled there was someone on her back porch. Officers found the subject and ordered him to raise his hands. He raised his hands but began moving them around, lowering them and moving them quickly. Officers repeatedly gave him commands to keep his hands up and to turn around and face away from officers. The subject stood in a narrow passage near a garage, about 20 feet in front of officers. Despite the commands to keep his hands raised, the subject shoved his hand quickly into his pocket. Buchmann feared he was attempting to access a weapon. He deployed K9 Talon to apprehend the subject because the subject matched the description of the person wanted for two violent felonies, he had fled into a citizen's fenced yard, he was possibly still armed, and he was not obeying commands. K9 Talon apprehended the subject and contacted him in the hip area. Officers handcuffed the subject. Officers transported the subject to the hospital for treatment of his injuries and medical clearance. The subject was booked into jail for the charges listed above plus unlawful possession of a firearm since he had multiple felony arrests and 3<sup>rd</sup> degree Assault on Law Enforcement for kicking Buchmann in the leg at the hospital.

#### **F16-071 / 16- 310298**

Officers Heuett and O'Brien (both White) responded to a stolen property call. The caller had found her family's stolen bicycles with several individuals gathered under the freeway overpass. While looking for the bikes in the area, O'Brien observed a subject (Native) injecting another person in the leg with a syringe of brown liquid. O'Brien approached the subjects and told the subject to remove the syringe from the person's leg and set it on the ground. He picked up the syringe and told the people they were both under arrest. The subject began walking away. O'Brien told her to

come back as she was not free to leave. He asked Heuett to try to catch her. The suspect continued to run and both officers pursued her on foot. They ordered her to get on the ground several times. Heuett caught up with her and attempted a foot sweep. He pushed her to the ground and took arm control. He and O'Brien handcuffed her. The subject complained of having an injured collarbone, aggravated from a previous injury, so Heuett requested medical attention. While at the hospital, O'Brien checked the subject's name and found she had an outstanding DOC warrant for drug possession. The brown liquid from the syringe also field-tested positive for heroin. After obtaining medical clearance at the hospital, O'Brien booked the subject into jail for Possession of a Controlled Subject, Resisting Arrest, Obstructing, and the warrant.

#### **F16-076 / 16-303980**

Officers responded to a Suspicious Person call. The caller reported that a murder suspect was at the location. Officers arrived and were told by 6 people there that they were positive they had seen the murder suspect and that he had been around throughout the week. The caller provided additional information about a possible vehicle the homicide suspect had been seen in. Officers did not see the subject on the property. As officers were leaving the location they saw a vehicle matching the description they had just been provided drive by their location. The vehicle sped off and at one point stopped, a male exited the vehicle and fled on foot. Although there was conflicting information as to who the fleeing subject was, given the original information, Officer Hamilton (White) and his K9 partner Leo decided to track the area, making numerous K9 announcements over the PA system. A resident reported having seen the subject officers were searching for and provided a direction of travel. A short time later K9 Leo contacted a male (Native) sitting on a step. Hamilton called Leo off the contact. Officer Brooks (Black) recognized the male and said he was not the murder suspect. The subject was extremely intoxicated and did not remember the events of the night, but told a supervisor that he had heard the K9 warnings. Officers summoned Spokane Fire medics to treat him. The subject's injuries were minor rake marks as Leo had slipped off his leg and was holding onto the man's shorts. Medics wanted to take the subject to the hospital for a tetanus shot but he refused. The man signed a waiver refusing medical attention and transport to the hospital. Once medics left, officers asked him to leave the area since he did not live there. Later that evening, the subject would not leave the perimeter and challenged officers to a fight. He then laid on the ground and insisted on not leaving, and then attempted to walk through the perimeter again. At this time, Brooks arrested him for Obstructing Law Enforcement. Due to his intoxication level and earlier K9 contact, Brooks transported him to the hospital. He was cleared and released by hospital staff and then booked into jail for Obstructing.

#### **F16-080 / 16-356434**

Officer LeQuire (White) responded to a Check Welfare call. An STA security employee reported a person lying on the ground with his or her feet in the roadway. The caller alerted Spokane Fire as well. LeQuire arrived before the fire department and contacted a male (Native) who was lying on the ground on his back with his eyes open. The subject began groaning and was unresponsive to LeQuire's questions. He seemed to be under the influence of alcohol or drugs. LeQuire confirmed the man's identity while Fire personnel began giving aid and prepared transport to the hospital. LeQuire confirmed the subject had a warrant for a No Contact Order. He advised the subject he would be going to jail for the warrant after treatment at the hospital. The male stood up and attempted to walk away. LeQuire applied left arm control but the subject tried to pull away. LeQuire wrapped his arms around the man and took him to the ground. The subject resisted and

kicked at LeQuire and the fire department personnel who were trying to assist. Hice (White) arrived and helped hold the subject down while giving him commands to stop resisting. He rolled the man onto his stomach to get his hands free for handcuffing, but the subject continued to kick and swing his arms around violently. LeQuire applied a Level II Neck Restraint to stop the assaultive behavior. LeQuire rendered the male unconscious for about two seconds and officers successfully handcuffed him and secured him on a gurney. He sustained minor injuries to his mouth consistent with resisting prone cuffing on a hard surface. Ambulance personnel transported him to the hospital. When hospital staff cleared the subject for jail, they called police to transport him.

#### **F15-106 / 2016-20046531**

Officer Kirby (White) responded to a Domestic Violence call. The caller reported she was afraid her son would hurt her. The 911 operator heard a lot of yelling in the background and noted that it sounded like the situation was escalating. When Officer Kirby arrived, he saw the male subject (Native) standing and leaning over a female, yelling at her. The male seemed to be heavily intoxicated. Kirby told the subject to sit down on the porch, but he challenged the officer and then went back to yelling at the female in close proximity. Kirby approached him from behind and attempted to get wrist control to escort him away from the female. The subject immediately tensed up and started pushing back into the officer, challenging the officer. Kirby was concerned about the male's large size, agitation level, and intoxication level. He used an exceptional technique and pushed the male off the porch. The subject fell about three feet but was uninjured and got back on his feet. The technique allowed Kirby to gain space between the male and the victim female and allowed him to "buy time" while Officer Carrell (White) arrived. Kirby tried to gain arm control again, but the subject turned towards him, raising his fist in a fighting stance. Kirby told the male to stop but he remained in an aggressive stance. Fearing an assault was imminent, Kirby deployed his TASER in probe mode from three feet away. The TASER seemed to have no effect, possibly due to interference of heavy clothing. Carrell arrived and grabbed the subject's arm. Both officers struggled with the subject, giving him commands to get on the ground. Kirby then used the TASER in the drive-stun mode. Carrell and Kirby were then able to get the man in the prone position and handcuffed. Kirby called for medics to respond to the TASER application. The TASER probes had not made contact. One probe was stuck in his shirt and the other was on the ground. After officers obtained medical clearance, the subject was booked into jail for Harassment-DV and Resisting Arrest.

#### **F16-109 / 2016-20045401**

SPD patrol officers requested K9 Officer Belitz (White) and K9 Zeus to assist them with locating and apprehending felony subjects who had fled from a stolen vehicle that had previously eluded officers. The original call type was listed as Suspicious Circumstances; the anonymous caller indicated that subjects had told her they had stolen a vehicle and the subjects and vehicle were at the location. Officers Rogan and Lesser (both White) had attempted a traffic stop but the driver sped away and eluded officers. Rogan found the vehicle, but the suspects had fled. Lesser confirmed that the vehicle was stolen. Officers developed probable cause to arrest the driver for Eluding, Reckless Driving, and Possession of a Stolen Motor Vehicle. Belitz and K9 Zeus began to track the area. Belitz made several K9 announcements before deploying his K9 to search. K9 Zeus found the subject (Native) hiding in a dark backyard. The K9 contact resulted in rake marks and a laceration requiring stitches. She was then booked into jail as a fugitive from justice, due to

an outstanding felony Burglary warrant out of Idaho. A search at jail revealed the subject had a large quantity of methamphetamine secreted in her person so she was also booked for Possession of a Controlled Substance-Meth. Charges were forwarded to the Prosecutor's Office for Possession of a Stolen Motor Vehicle.

**Assist Other Agency:**

**F16-051 / 16-197162**

Several SPD officers assisted Spokane County Sheriff's Office with a pursuit that had started in Spokane County but the vehicle had entered the City of Spokane. Multiple people had called in to report reckless driving, and deputies had initiated a vehicle pursuit for Reckless Driving charges with speeds exceeding 80 miles per hour. The subject had a warrant for a Domestic Violence Assault charge. The pursuit ended when an SCSO deputy deployed an emergency vehicle operations maneuver. Several units from both SCSO and SPD were on-scene to assist. The subject (Native) climbed out of the vehicle, yelling at the SCSO sergeant to shoot him. He took an aggressive stance, ran a short distance and then squared up again with officers, clenching his hands into fists. Officer Donaldson (White) yelled at him to get on the ground but he did not comply. SCSO deployed their K9. The subject was fighting with the K9 so Officer Conrath (White) deployed his TASER with the probes contacting the subject in the back. Medics removed the probes from his back and treated his injuries from the K9 contacts. He remained in SCSO custody, as SPD was the assisting agency.