



## SPOKANE POLICE DEPARTMENT

FRANK G. STRAUB, JR.  
CHIEF OF POLICE



We have released the portions of the record(s) which are not exempt from disclosure by RCW 42.56.210 and/or other statutes. Information redacted or withheld are exempt from public disclosure for the following reason(s):

1. If individuals file complaints with investigative or law enforcement agencies, and disclosure of the individual's name would endanger any person's life, physical safety, or property, then the person's name is confidential (RCW 42.56.240(2)).

2. The names of juvenile individuals are confidential, and may not be released to the public except by court order under provisions of RCW 13.50.050 and RCW 13.50.100 (4) (a) and (b).

3. Record includes intelligence information and its non-disclosure is essential to effective law enforcement. (RCW 42.56.240 (1)).

**3a) Person's name and criminal history/warrant status , derived from a law enforcement database**

**3b) Vehicle license plate search results, derived from a law enforcement database**

**3c) Vehicle registration information, derived from a law enforcement database**

**3d) Tactical information**

**3e) Field Interview**

**3f) Confidential Informant**

**3g) Matters relating to an ongoing active criminal investigation**

**3h) Undercover Officer**

4. Record contains personal identifying information and its non-disclosure is necessary for the protection of a person's right to privacy. (RCW 42.56.230 or RCW 42.56.240 as defined by RCW 42.56.050).

**4a) Address, phone number**

**4b) Date of birth**

**4c) Social Security number**

**4d) Identification number, such as Driver's License, FBI, SPURS photo**

**4e) E-mail address**

**4f) Identifying relationship to protected person such as a juvenile**

**4g) Personnel records**

5. Jail records, including booking photos, are protected under RCW 70.48.100.

6. Information is protected under the Criminal Records Privacy Act (RCW 10.97).

7. Traffic accident reports prepared by citizens are confidential and protected under RCW 46.52.080 and RCW 46.52.083.

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Spokane Police Department - Internal Affairs



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8. Information associated with vehicle registrations are protected under RCW 46.12.635. The registered owner's name and address are confidential.

9. An individual's medical records are protected under RCW 70.02.005 and HIPAA (45 CFR 164.502).

10. Credit card numbers, debit card numbers, electronic check numbers, card expiration date or bank or other financial account numbers are confidential and protected under RCW 42.56.230(4).

**10a) Account number**

**10b) Credit/debit card number**

**10c) Expiration date**

**10d) Transaction number**

**10e) Other**

11. Autopsy and postmortem records and reports in their entirety are confidential and protected under RCW 68.50.105.

12. The Attorney-Client Privilege protects against disclosure of any confidential communications between attorney and client.

13. The names of accused officers in Internal Affairs Investigations and Inquiries are protected, if they receive findings of Exonerated, Unfounded, or Not Sustained: *Bainbridge Island Police Guild v. City of Puyallup*, 172 Wash.2d 398 (2011)

14. The identity of a person receiving mental health services, whether voluntary or involuntary, is confidential under RCW 71.05.390.

**Use of force**      **IA No: F13-039**      **Received: May 16, 2013**

Incident No: 13-157960

Type of service being performed at time of incident: Call For Service

Reason for use-of-force: Resisting Arrest

Officer assessment of citizen condition: None detected

Citizen was injured: Yes

Citizen was taken to hospital: Yes

Citizen was charged/arrested in relation to the incident: Yes      Officer was injured: No

Officer was taken to hospital: No

Distance Officer was from Involved Citizen: 1 feet to 3 feet

Involved Citizen Build: Medium

Involved Citizen Height:

**Involved citizen:**

**Francis T Harris**

Resistance(s):

Active Resistance

Injuries/conditions:

Sore Shoulders

Sore Neck

Charges against citizen in relation to the incident:

Arrest - Felony

Arrest - Misdemeanor

Linked address(s):

Home Address: [REDACTED] #4a

Linked phone(s):

Home Phone: [REDACTED] #4a

**Officers involved:**

**Officer Kurtis W Reese [1012/]**

**Officer current info:**

Bureau: Operations

Unit: Uniform Operations

Assignment: Patrol

**Snapshot - officer information at time of incident:**

Badge/ID no: 1012  
Bureau: Operations  
Unit: Uniform Operations  
Assignment: Patrol  
Not Used: Team 12 - Power - N  
Rank/title: Officer  
Age: 33 Years of employment: 4 Years with unit:  
Off duty: Off duty employed:

Use(s) Of Force:

Level 1 LNR: Effective

Takedown Technique: Effective

Injuries/conditions:

sore elbow  
sore shoulder

**Officer Lance R Fairbanks [1022/]**

**Officer current info:**

Bureau: Operations  
Unit: Uniform Operations  
Assignment: Patrol

**Snapshot - officer information at time of incident:**

Badge/ID no: 1022  
Bureau: Operations  
Unit: Uniform Operations  
Assignment: Patrol  
Not Used: Team 10 - Power - N  
Rank/title: Officer  
Age: 29 Years of employment: 4 Years with unit:  
Off duty: Off duty employed:

Use(s) Of Force:

Arrest Tactics: Effective

**Witnesses:**

Casey B Blaine

Linked address(s):

Home address [REDACTED] #4a

Linked phone(s):

message [REDACTED] #4a

Tina M Chotpot

Linked address(s):

Home Address: [REDACTED] #4a

Linked phone(s):

Home Phone: [REDACTED] #4a

### Summary:

On 05-16-13 at approximately 1828 hours Ofc. K. Reese and Ofc. L. Fairbanks were dispatched to a domestic violence call at 1802 W. Gardner Ave. #7 in Spokane, WA. Dispatch advised an anonymous complainant reported a male and female yelling at the listed location. The complainant heard banging and the female say, "Ow." The complainant advised both people live together. The complainant described the male as a black male in his 50's, 5'08", thin, and said he goes by the name of Francis. The complainant described the female as a white female, about 49 years old, 5'05", heavy build, and said she goes by the name of Tina.

Ofc. Reese was close to this call when it came out and quickly arrived at the scene. He knew his backup, Ofc. Fairbanks, was responding from the other side of town. (5400 N Market) Ofc. Reese slowly approached the address in order to gather information without trying to contact the involved parties until he had backup.

[REDACTED] #3a

A male in front of #7, later identified as the suspect, Francis Harris, looked over the railing and spotted Reese at the apartment complex. The male matched the suspect description and Reese contacted the suspect.

Ofc. Reese explained that he was investigating a possible fight at the listed location and asked the male for his name. The suspect said his name was, "Frank." Harris was wearing loose fitting baggy clothes. Harris immediately put his hands in his pockets and Ofc. Reese quickly told him to remove his hands from his pockets. Harris was scanning, fidgety, looking around, and constantly rubbing his hands together. Harris put his hands back in his pockets again while looking around and moving away as if he was making a plan to escape. Ofc. Reese ordered him to remove his hands again and was trying to buy time until his backup arrived. Harris complied for a moment but put his hands back in his pockets a third time.

Ofc. Reese knew Harris was at the location of the reported domestic violence call and matched the description of the male wanted on a felony warrant. Domestic violence calls can be dangerous and unpredictable. Harris was wanted for a warrant related to 1st degree robbery, a violent crime where force or weapons are used during the commission of the crime. Harris refused numerous commands by Ofc. Reese to keep his hands visible and continued to move his hands into the pockets of his loose fitting pants where a weapon could easily be concealed. Harris also made movements that indicated to Ofc. Reese that Harris was planning his escape.

Ofc. Reese ordered Harris to place his hands on the back of his head so he could check him for weapons. Ofc. Reese moved in to control Harris' wrists and Harris pulled his hands in towards the front of his chest. Ofc. Reese told Harris to put his hands behind his back because he was being detained and has a warrant for his arrest. Harris continued to actively resist Ofc. Reese's attempts to move Harris' arms behind his back. Ofc. Reese continued to give verbal commands for Harris to relax and listen.

Harris tried to pull away and Ofc. Reese placed Harris in a level one neck restraint. Harris tried to escape the neck restraint by pulling away and trying to grab at Ofc. Reese's right arm. Ofc. Reese moved Harris to the ground to further control the suspect's movements. Harris tried to pull Ofc. Reese's arms away and also tried to reach into the cargo pocket of his pants. Ofc. Reese did not want to lose control of the suspect and did not know if the suspect was trying to

access a weapon in his pocket. Ofc. Reese tried to apply a level two neck restraint but he was unable to render the suspect unconscious because he had to reposition himself when the female, Chopot, exited the apartment door and began screaming.

Ofc. Fairbanks arrived and observed Ofc. Reese on top of Harris and Harris was on the ground in the prone position. Harris had his hands on the ground in front of his chest and was pushing up to the point that there was distance between himself and the ground. Ofc. Fairbanks tried to gain control of the suspect's right hand but the suspect pulled away from him. Eventually, Ofc. Fairbanks was able to get the suspect's right hand behind his back and place it into a handcuff. Ofc. Reese gained control of the suspect's left hand and they handcuffed Harris in the prone handcuffing position.

The investigation determined that no domestic violence crime occurred on this date. Harris was arrested for his outstanding felony warrant and obstructing. Although Harris never lost consciousness, he was transported to Deaconess Hospital to be evaluated as a precaution so he could be cleared for jail booking.

Ofc. Fairbanks contacted a witness at the scene, Casey Blaine. Blaine observed Ofc. Reese contact Harris when Harris stepped out of apartment #7. He heard Ofc. Reese ask Harris if he had any weapons. He heard Harris reply that he did not have any weapons. Blaine observed Harris put both of his hands in his pockets. Blaine heard Ofc. Reese tell Harris not to put his hands in his pockets. Blaine observed Ofc. Reese grab the suspects hands and the suspect pull his hands into his chest, away from the officer. Ofc. Reese took the suspect to the ground and the suspect continued to tense up. Blaine heard Ofc. Reese tell the suspect to relax. Blaine stated the suspect was handcuffed when other officers arrived.

I spoke to Chopot at the scene. She told me she exited her apartment and observed Ofc. Reese struggling with Harris. Ofc. Reese had his arm around Harris' neck and she did not know what was going on. She claimed she did not see what took place prior to this moment and she did not see anything else because she went back in her apartment.

I spoke to the suspect, Harris, at the hospital. Harris claimed he was familiar with the arrest process because he has been arrested more than 20 times and he spent 22 years in prison. Harris admitted he knew he had a warrant for his arrest and he did not want to go to jail today. He admitted resisting Ofc. Reese but denied fighting with him. Harris did not have any visible injuries. He claimed his neck was sore from the neck restraint and his shoulders were sore from being taken to the ground. Cpl. N. Lundgren photographed the lack of any visible injuries.

Based on the totality of the circumstances, the amount of force used by Ofc. Reese and Ofc. Fairbanks was reasonable, appropriate, and within policy.

Approved per Captain Richards, 05/26/2013.

**When/where:**

Date/time occurred: May 16 2013 18:30

Incident location: 1802 Gardner AV W 7 Spokane WA 99201

Home Address:

Home address:

Home Address:

#4a

County: Spokane County

**Linked files:**

CAD, Reports for Reese and Fairbanks (pdf)

**Status/assignment information:**

Status: Completed

Opened: Assigned: Due: Completed: 05/26/2013

Disposition: In Compliance w/ Policy

Unit assigned: Un-assigned  
Handled at field/unit level: No  
Investigator assign: Un-assigned  
Supervisor assign: Un-assigned  
Source of information:

**Organizational component(s):**

Bureau: Operations  
Unit: Uniform Operations  
Assignment: Patrol  
Not Used: Team 12 - Power - N

**BlueTeam chain routings**

**May 18, 2013 01:15: Sent from Sergeant Kevin P Keller [636/11917] to Lieutenant Dean E Sprague [093/10712]**

Instructions:

Chain of command review on use of force during arrest.

Reviewed by Lieutenant Dean E Sprague [093/10712] on May 21, 2013 at 01:50

Decision: Approved

Reviewer comment:

Use of force was reasonable and within policy, given an uncooperative subject with a felony warrant attempting to avoid arrest. Injury was negligible.

CC(s) of this routing were sent to the following:

**May 21, 2013 01:50: Sent from Lieutenant Dean E Sprague [093/10712] to Captain David W Richards [119/10779]**

Instructions:

Forward through patrol chain of command.

Reviewed by Captain David W Richards [119/10779] on May 26, 2013 at 21:12

Decision: Approved

Reviewer comment:

The use of force against the suspect was reasonable and within policy. The suspect was a wanted felon and, based on his own statements, is

very familiar with the arrest process and the criminal justice system.

**Entered via BlueTeam by: Sergeant Kevin P Keller [636/11917] on  
May 16, 2013 at 21:52**



' Incident History for: #SP130157960

Entered 05/16/13 18:28:02 BY 91109 911211  
 Dispatched 05/16/13 18:28:57 BY A327 1012  
 Enroute 05/16/13 18:28:57  
 Onscene 05/16/13 18:30:00

Initial Type: DV Final Type: DV (DOMESTIC VIOLENCE)  
 Initial Priority: 2 Final Priority: 2  
 Disposition: Source: 9 Primary Unit: A327  
 Police BLK: SPA2WC  
 Group: P2 Beat: Map Page: 25  
 Loc: 1802 W GARDNER AV #7 ,SPK btwn N ASH ST & N ELM ST <1000> (V)  
 Name: ANON Addr: ANON Phone: ANON

/182802 (911211) ENTRY MALE AND FEMALE YELLING, FEMALE SAYING OW, HEARS BANGING, NO MENTION OF WEAPONS, UNK MEDICS NOT ADV. BOTH LIVE TOGETHER  
 /182830 SUPP  
 /182857 (1012 ) \*DISPER A327 TXT: MALE: FRANCIS, BM, 50S, 508/THIN #1012 REESE, KURTIS  
 /182900 (911211) SUPP  
 /182919 CHANGE TXT: FEMALE:TINA, WF, 49YO, 505/HVY  
 /182922 (676 ) ASSTER A216 TXT: IF LEFT, WOULD BE ON FOOT ### #711 MCCASLAND, MICHAEL  
 /183000 (1012 ) \*ONSCNE A327  
 /183029 (676 ) \$PREMPT A216  
 /183029 \$ASSTER C368 #1022 FAIRBANKS, LANCE  
 /183029 PREDSP A216 C368  
 /183054 MISC  
 /183250 REMINQ A327 #3a  
 /183448 ASSTER B240 [1802 W GARDNER AV #7 ,SPK]  
 /183511 ASSTER A216 #527 ERIKSEN, DEVIN D  
 [1802 W GARDNER AV #7 ,SPK]  
 /183832 MISC A327 #711 MCCASLAND, MICHAEL  
 #3a  
 /183917 MISC A327 , FIGHTING W/MALE  
 /183919 (1053 ) \*ASSTER B336 [1802 W GARDNER AV #7 ,SPK]  
 #1053 JONES, CASEY  
 #1136 HARVEY, DALE  
 /183920 (676 ) MISC A327 , RESTRICTED  
 /183928 (605 ) \*ASSTER B238 [1802 W GARDNER AV #7 ,SPK]  
 #605 RALEIGH, ERIN  
 /183933 (636 ) \*ASSTER L224 [1802 W GARDNER AV #7 ,SPK]  
 #636 KELLER, KEVIN  
 /183936 (676 ) ONSCNE C368  
 /184007 (478 ) \*ASSTER A217 [1802 W GARDNER AV #7 ,SPK]  
 #478 BROWNLEE, TODD  
 /184008 (676 ) CALLBK A327 T/PCC02  
 #3a  
 /184031 MISC A327 , ONE DETAINED, CAN SLOW IT DOWN  
 /184104 NEWLOC A327 [CORPORAL ]  
 /184118 (527 ) \*ONSCNE B240  
 /184122 (681 ) \*ASSTER C264 [1802 W GARDNER AV #7 ,SPK]  
 #681 HEUETT, KYLE  
 #701 STEWART, JAMES

/184124 (711 ) \*ONSCNE A216  
/184124 (711 ) \*ONSCNE A216  
/184125 (1053 ) \*ONSCNE B336  
/184159 (676 ) MISC B336  
/184200 (681 ) \*PREMPT C264  
/184226 (478 ) \*PREMPT A217  
/184331 (605 ) \*PREMPT B238  
/184416 (1144 ) CALLBK A327

,C4, RESUME NORMAL

T/PCC01

#3a

/184548 (676 ) MISC A327  
/184709 (676 ) MISC A327  
/184806 (1160 ) ASSTER P319

,IN CUSTODY  
,FOR L224: LVNR  
[CORPORAL ]  
#669 LUNDGREN, NICHOLAS J  
[1802 W GARDNER AV #7 ,SPK]  
[1802 W GARDNER AV #7 ,SPK]

/184820 (676 ) NEWLOC A327  
/184822 (676 ) NEWLOC P319  
/184824 (636 ) \*ONSCNE L224  
/184825 (676 ) ONSCNE A327  
/185119 (527 ) \*CLEAR B240  
/185249 (711 ) \*REMINQ A216

,PSTAT/ASST

#3b

/185300 (711 ) \*REMINQ A216  
/185318 (711 ) \*REMINQ A216  
/185330 (711 ) \*REMINQ A216

#3a

#3b

MWANT,,,,,,,,,,,,CURRIRM195B6,

/185532 (636 ) \*CHGLOC L224  
/185542 (1012 ) \*TRANS A327  
/185548 (711 ) \*CLEAR A216  
/185701 (1053 ) \$PREMPT B336  
/185713 (1022 ) \*CHGLOC C368  
/185720 (676 ) CHGLOC P319  
/185852 (1012 ) \*REMINQ A327

[DEAC]  
[DEACONESS] M/0  
,PSTAT/ASST

[DEACONESS]

[DEAC ]

#3a

/190118 ( ) \*TRANSC A327  
/190141 (1022 ) \*ONSCNE C368  
/190253 (669 ) \*ONSCNE P319  
/190909 (676 ) OK A327  
/190909 (676 ) OK C368  
/190909 (676 ) OK L224  
/190909 (676 ) OK P319  
/191244 (1053 ) \*ASSTER B336

M/1.8

[DEAC]

#1053 JONES, CASEY

#1136 HARVEY, DALE

/192612 ( ) \*ONSCNE B336  
/193215 ( ) \*CLEAR B336  
/194116 (669 ) \*CLEAR P319  
/194325 (636 ) \*MISC L224  
/194351 (636 ) \*CLEAR L224  
/202845 (1012 ) \*TRANS A327  
/203313 ( ) \*TRANSC A327  
/203843 (1022 ) \*CHGLOC C368  
/204520 ( ) \*ONSCNE C368  
/204658 ( ) \*PREMPT C368  
/210439 ( ) \*ASSTOS C368

,PSTAT/ASST PICTURES

,USE OF FORCE RPT FOR LVNR

,PSTAT/ASST NO VISIBLE INJURIES, PHOTOS TAKEN.

[JAIL] M/1.8

M/3.1

[PAPER]

[JAIL]

#1022 FAIRBANKS, LANCE

[PAPER]

/211114 ( ) \*NEWLOC C368  
/211126 (1144 ) OK A327  
/211126 (1144 ) OK C368  
/212509 (1012 ) \*NEWLOC A327

[PAPER NW]

# INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>13-157960</b>	
INCIDENT TYPE <b>Arrest, Information</b>		INCIDENT CLASSIFICATION #1 <b>WARRANT ARREST</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <b>OBSTRUCT OFFICER</b>
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Thu 05/16/2013 18:28</b>		DATE/TIME <b>Thu 05/16/2013 18:28</b>		OCCURRED TO <b>Thu 05/16/2013 18:28</b>	
DISTRICT					
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>05/16/2013</b>	REPORT TIME <b>22:15</b>	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE <b>M-10.07.032 OBSTRUCTING</b>					UCR/NIBRS CODE <b>/</b>
LOCATION OF INCIDENT <b>1802 W Gardner #7, Spokane, WA 99201</b>			LOCATION NAME (IF APPLICABLE)		
SOLVABILITY FACTORS <b>Suspect Arrested, Witness to Crime</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>Fairbanks</b>					
<b>VICTIM/WITNESSES/OTHERS</b> <small>V-Victim - Individual, RU-Runaway, S-Suspect, RO-Registered Owner, VB-Victim - Business, OW-Owner of Property, D-Driver, G-Legal Guardian, PC-Pedestrian, Cyclist, PS-Patrolman, PE-Pedestrian, O-Other, C-Complainant, MIR-Person Mentioned, M-Missing, IN-Individual, CV-Complainant is Victim, CCN-Contact, V-Deceased, A-Arrested Person, W-Witness</small>					
CODE <b>A-1</b>	NAME: LAST, FIRST, MIDDLE <b>Harris, Francis T</b>			SEX <b>M</b>	RACE/ETHNICITY <b>B-Black</b>
DATE OF BIRTH/AGE <b>#4b</b>					
HEIGHT <b>5'07"</b>	WEIGHT <b>188</b>	BUILD <b>Medium</b>	HAIR <b>Black</b>	EYES <b>BLK - Black</b>	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY, STATE, ZIP <b>#4a</b>			RESIDENTIAL STATUS	PHONE <b>#4a</b>
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES <b>#4a</b>					
CHARGE LEVEL <b>Gross Misdemeanor</b>		DESCRIPTION <b>M-10.07.032 OBSTRUCTING</b>			UCR/NCIC CODE
WARRANT #	BAIL	TYPE OF ARREST			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CODE <b>MIR-1</b>	NAME: LAST, FIRST, MIDDLE <b>Chopot, Tina M</b>			SEX <b>F</b>	RACE/ETHNICITY <b>I-American Indian or</b>
DATE OF BIRTH/AGE <b>#4b</b>					
HEIGHT <b>5'02"</b>	WEIGHT <b>210</b>	BUILD <b>Heavy</b>	HAIR <b>Brown</b>	EYES <b>BLU - Blue</b>	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY, STATE, ZIP <b>#4a</b>			RESIDENTIAL STATUS	PHONE <b>#4a</b>
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES <b>#4a</b>					
DRIVER'S LICENSE <input type="checkbox"/> FAKE	STATE	SOCIAL SECURITY NO. <b>#4e</b>	<input type="checkbox"/> FAKE	OTHER ID <b>#4d</b>	
ID NO./NAME OF REPORTING OFFICER <b>#1012 - Reese, Kurtis</b>				DISTRIBUTION	
APPROVAL <b>#636 - Keller, Kevin</b>				DATE/TIME <b>05/16/2013 23:49</b>	

Incident Report #1

05/16/2013 23:50:46.634

**INCIDENT REPORT CONTINUED**  
**Spokane Police/Spokane County Sheriff**

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INCIDENT CLASSIFICATION <b>WARRANT ARREST</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>13-157960</b>
NARRATIVE		

I responded to a DV at 1802 W Gardner #7 on May 16, 2013 at 1828 hours. An Anonymous caller was reporting hearing a male and a female arguing and yelling at each other. The caller reported that the female was saying ouch and there was banging sounds going on. The caller said that the male and the female live together in the apartment. The male is named Francis and he is a black male around 50 years old about 5'8" tall. The female was named Tina and she was described as 49 years old, 5'5" and heavy.

I was close to this call when it came out so I arrived at the location quickly. Officer Fairbanks was my cover officer and he was responding from 5400 N Market. #3a

#3a

#3a

I slowly approached the address knowing how far off Officer Fairbanks was. I saw several people outside of their apartments and everything appeared to be calm and normal. I approached a little further and noticed that the door was shut to apartment #7. I could not hear any screaming or fighting coming from that apartment. I asked a few people outside of the apartment if they heard any arguing or fighting and they all said no. I was staying back and a female in apartment #4 opened her door and pointed upstairs to apartment #7. Apartment #4 was on the second level and was directly below apartment #7. Apartment #7 was on the third level. The female in #4 waved for me to come contact her.

I went and contacted the female in apartment #4 and went into her apartment. She said that the male and the female had been arguing and there was banging sounds coming from upstairs. She said that she did not see anything, only heard the fighting. I could hear a male and a female yelling at each other but I could not make out what they were saying. I heard the banging noises. It sounded to me like they were still fighting and arguing. I updated dispatch that they were still fighting and to start a third officer.

I then watched as a black male with a pit bull walked up the stairs to apartment #7. I could then hear the black male and another male, later identified as Francis Harris talking directly outside of #7. The female in #4 wanted to remain anonymous for fear of retaliation and did not want to be named in this report. I stepped out of her apartment so that she could remain anonymous as much as possible. I stayed back against the apartment outer wall and listened to the two males conversation while I waited for other officers.

About a minute or so passed by and then Francis looked over the railing and saw me standing there.

# INCIDENT REPORT CONTINUED

## Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION <b>WARRANT ARREST</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>13-157960</b>
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I had to make contact at this point, so I walked up the stairs and made conversation with Francis and the other male. After some small talk, I told the other male that I needed to talk to Francis about a fight at the location. The male left with his dog. I asked Francis what his name was and he said Frank. Francis immediately put his hands in his pockets and I quickly asked him to keep his hands out of his pockets while we talked. Francis was constantly scanning and looking around. His hands were fidgety and he kept rubbing his hands together. Francis told me that there was no one else in the apartment and that he had not been involved in any fight or argument.

Francis then put his hands back in his pockets and I again asked him to take his hands out of his pockets. Francis was slowly moving away from me as he kept changing his stance towards me. He also continued to look away from me. Based on my training and experience, Francis appeared to me to be making a plan to run. He was trying to covertly move away from me while at the same time trying to look around and see what his options were. It was clear to me that he was making a plan to get away from me.

Francis put his hands on the back of his head and stretched as he looked away from me. Francis was wearing cargo style pants that were baggy with pockets on the sides. He was wearing a button up shirt that was also very baggy. At this point, I was trying to buy time until other officers arrived at the location before I went hands on with Francis. I knew that Francis matched the description of Francis Harris who had the felony warrant. Francis also stated his name was Frank and Francis had history with the female at apartment #7. I was contacting Francis, but I still needed to contact Tina to see if there was a DV crime at the location. When I initially contacted Francis, the apartment door of #7 was open and Francis shut it.

Francis took his hands off his head and put them in his pockets again. I asked him if he had any weapons on him and he said no. I told him to put his hands on the back of his head and that I was going to frisk him for weapons. I moved toward Francis and grabbed his right wrist. I tried to assist Francis in putting his hands behind his head and he pulled both of his arms in front of him and in towards his chest. I then told Francis, put your hands behind your back you are being detained. I told him that he had a warrant and I was also detaining him while I investigated the DV call. I never got to do a weapons frisk because he tensed up and pulled his arms in towards his chest.

Francis was still not complying with my commands to put his hands behind his back and he was actively resisting my attempts to pull his arms behind his back. I repeatedly told Francis to relax and not to fight. I told Francis that he had a warrant and to relax. I kept trying to pull on his arms and get his hands behind his back. I was standing directly behind Francis and he was up against the railing looking out away from the building. I had control of both of Francis' wrists. A male was on the third floor a few apartments down. He was yelling at Francis to relax and not to fight me. I also told Francis again to relax and to listen to what the guy was saying and not fight. Francis continued to resist me putting his arms behind his back and then started trying to peel away from me. He was trying to get free from my grip on his wrists and began trying to pull away.

## INCIDENT REPORT CONTINUED

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INCIDENT CLASSIFICATION <b>WARRANT ARREST</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>13-157960</b>
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I was by myself and on the third story of an apartment complex. Francis was trying to get away from me and trying to pull away from me. I quickly put Francis in a level one neck restraint and attempted to control him as he tried to get away. After struggling with Francis trying to get away from me, he then started grabbing at my right arm. I did not want to get into a stand up fight with Francis on the third story of this building because of the low railing and potential for falling off the third floor. While maintaining the level one neck restraint, I did a take down on Francis and forced him to the ground. We landed with Francis on his right side and me directly behind him still maintaining the level one neck restraint.

I had not attempted the level two neck restraint at this point and was merely using the level 1 for control of Francis. While on the ground Francis grabbed my left arm with his left arm and pulled my left arm away from my right arm. At the same time Francis grabbed my right arm with his right arm and was trying to pull my arms away from his neck. I then went to a level two neck restraint and applied pressure. Francis started trying harder to pull at my arms and get away. He then reached his right hand down into his right side cargo pocket. I pulled his upper body and his neck to the left to get his right hand away from that pocket since I didn't know if he was reaching for a weapon. I continued to apply pressure.

I applied pressure for about 10 seconds and it appeared that Francis was about to go unconscious when the door to apartment #7 opened. I looked back and saw Tina standing in the door way. She was screaming at me to get off Francis and that he didn't do anything wrong. I yelled at her to get back and she did. As I turned, I must have released the pressure on Francis' neck and he did not go unconscious. He was moving and actively trying to get away from me during this entire incident. I went back to applying pressure to Francis while keeping Tina back away from me. I was also scanning the area looking for other subjects who may try and help Francis in this incident. People heard the commotion and came out of their apartments on the second and third floor to see what was going on.

I then looked and saw Officer Fairbanks coming up the stairs. Once I saw Officer Fairbanks, I stopped applying pressure and just held Francis down. Officer Fairbanks assisted me in handcuffing Francis. Even with Officer Fairbanks' help, Francis was still resisting putting his arms behind his back and he was trying to pull his arms in towards his chest. Francis did not have any visible injuries from the incident.

I contacted Tina who said that her and Francis live at the location together. She said that they were not arguing and that there was no fight. She said that she was not assaulted and nothing was broken. I looked around the apartment and everything was in order and I did not see anything broken. Tina did not have any signs of injury. There was no one else in the apartment. I explained to Tina what was going on and why Francis was going to jail.

## INCIDENT REPORT CONTINUED

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Sgt Keller responded to the location and I updated him about the incident. I transported Francis to Deaconess for medical clearance to go to jail. I had a Corporal respond to Deaconess and take photos of Francis and his lack of visible injuries. Francis said that his right should hurt and that his throat was sore like he had strep throat. Francis told me that he had injured his right shoulder in the past. He was treated at the hospital and released to go to jail. I then transported and booked Francis into jail for his outstanding warrants and obstructing.

I was in the uniform of the day displaying a badge. I had rug burns from rolling around with Francis on the ground. The Corporal took photos of my injuries. My right elbow and right shoulder were sore from the incident but did not require medical treatment at this time. See related reports for further.

K. Reese #1012  
Team 10

# SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>13-157960</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Thu 05/16/2013 18:28</b>	INCIDENT XREF	
INCIDENT CLASSIFICATION #1 <b>WARRANT ARREST</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <b>OBSTRUCT OFFICER</b>		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>05/16/2013</b>		REPORT TIME <b>21:15</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<small>V-Victim - Individual, RU-Runaway, S-Suspect, RO-Registered Owner, VB-Victim - Business, OW-Owner of Property, D-Driver, G-Legal Guardian, PC-Pedestrian, Cyclist, PS-Passenger, PE-Pedestrian, O-Other, C-Complainant, MIP-Person Mentioned, M-Mitigant, IN-Institutional, CV-Complainant is Victim, CON-Contact, V-Deceased, A-Arrested Person, W-Witness</small>					
CODE <b>W-1</b>	NAME: LAST, FIRST, MIDDLE <b>Blaine, Casey B</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
HEIGHT <b>5'09"</b>	WEIGHT <b>207</b>	BUILD <b>Medium</b>	HAIR <b>Brown</b>	EYES <b>BRO - Brown</b>	DATE OF BIRTH/AGE <b>#4b</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY, STATE, ZIP <b>#4a</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES <b>#4a</b>					
DRIVER'S LICENSE <input type="checkbox"/> FAKE STATE		SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
<b>#4d</b>					
NARRATIVE					

On 05-16-13 at approximately 1828 hours, I was dispatched to 1802 W Gardner #7 for a domestic dispute. Dispatch advised that an anonymous complainant called 911 and advised that a male and female were yelling and the female was saying ow. **#3a**

**#3a** I observed the most recent jail booking photo of Francis Harris while enroute.

Ofc. Reese arrived on scene prior to me and advised via radio that he was fighting with a male. I arrived on scene and from the ground level I observed Ofc. Reese on the third floor balcony of the apartment complex. I could see that Ofc. Reese was on the floor near the railing and appeared to be struggling to gain control of a male. I could also see a female next to Ofc. Reese standing in the doorway of an apartment, which was apartment #7. This female was within a few feet of Ofc. Reese and I could hear someone telling her to step back. I ran up the two flights of stairs to assist Ofc. Reese in gaining control of the male.

The male was a black male with a shaved head who matched the jail booking photo of Francis Harris. The male was on the ground in the prone position underneath Ofc. Reese and his body was tensed up with his hands planted on the ground in front of his chest creating distance between him and the ground. I attempted to gained control of the male's right hand. He tried to pull his arm away from me and keep it under his chest. He eventually loosened his arms and allowed me to move his hand around to his back and place his hand into a handcuff. Ofc. Reese gained control

ID NO./NAME OF REPORTING OFFICER <b>#1022 - Fairbanks, Lance R</b>		DISTRIBUTION
APPROVAL <b>#636 - Keller, Kevin</b>	DATE/TIME <b>05/16/2013 23:00</b>	



## SUPPLEMENTAL REPORT CONTINUED

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of the male's left hand and I then was able to get his left hand into handcuffs. The male identified himself as Francis.

I then assisted Francis in standing up. I adjusted the handcuffs to allow proper spacing and double locked the handcuffs. He was then escorted to Ofc. Reese's car.

I then contacted Casey Blaine. He advised that he was outside of the apartments and observed an officer standing on the second level of the apartment complex. He pointed to Ofc. Reese and advised that was the officer he saw. He said that he then came up to the third level and contacted Francis. He said that Francis stepped out of the apartment and Ofc. Reese asked him if he had any weapons. He said that Francis told him no. He said that Francis then reached both of his hands into his pockets. He said that Ofc. Reese told him not to reach into his pockets. He said that Ofc. Reese then grabbed his hands and Francis tried to pull his hands into his chest away from the officer. He said that Ofc. Reese took him to the ground and Francis continued to tense up. He heard Ofc. Reese tell Francis to relax while this was occurring. He said that other officers arrived and Francis was placed into handcuffs.

Ofc. Reese transported Francis to Deaconess Hospital to seek medical clearance for jail. I followed Ofc. Reese to the hospital and stood by with Ofc. Reese and Francis until he was medically cleared.

(See Ofc. Reese's report for further details.)

Ofc. L. Fairbanks 1022  
Spokane Police C368