



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



SPOKANE POLICE DEPARTMENT

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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.

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Spokane Police Department - Internal Affairs

Use of force IA No: F13-043 Received: May 17, 2013

Incident No: 13-158134

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

Reason for use-of-force: Assaulting Officer

Officer assessment of citizen condition: Unknown

Citizen was injured: Yes

Citizen was taken to hospital: No

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:

Involved Citizen Build: Medium

Involved Citizen Height: 5'10" to 6'0"

Involved citizen:

Kevin V. Gabriel

Resistance(s):

Assaultive

Injuries/conditions:

Treatment at Scene

Photos Taken

Charges against citizen in relation to the incident:

Arrest - Misdemeanor

Linked address(s):

Home Address: [REDACTED] #4a

Linked phone(s):

Cell Phone: [REDACTED] #4a

Officers involved:

SPO James W Erickson [465/]

Officer current info:

Bureau: Operations

Unit: Uniform Operations

Assignment: Patrol

Snapshot - officer information at time of incident:

Badge/ID no: 465
Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol
Not Used: Team 15 - Graves - S
Rank/title: SPO
Age: 41 Years of employment: 17 Years with unit:
Off duty: Off duty employed:

Officer witnesses:

SPO James A Christensen [671/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Summary:

Body Weight/Manual Force
Level 1 LNR

Incident:

This report is to review a Use of Force incident that occurred on the evening of 5/16/13 at The New Washington Apartments 327 W. 2nd Avenue, Apt. #A5. It involved a Use of Force by Officer J. Erickson upon citizen Kevin Gabriel. Officers Erickson and J. Christensen responded to the New Washington for a violation of at the request of manager, Markis Turner. Turner is the petitioner on a served antiharassment order against Gabriel. Ofc. Christensen was a witness to the use of force as he was assisting Ofc. Erickson.

Summary of Incident:

Officers interviewed the victim and were directed to Gabriel's apartment. They were told Gabriel had a machete in his apartment. Gabriel was talked to through the open doorway of his apartment and he made statements confirming the violation of the order. He did not want officers to come into his apartment. Officers stated they coaxed Gabriel into stepping into the common hallway at which point Ofc. Erickson grabbed hold of Gabriel's arm and told him he was under arrest. Gabriel pulled back into his apartment with Ofc. Erickson holding on. He struggled hard against Ofc. Erickson, was swearing and acting aggressively. Ofc. Erickson and Gabriel down onto the bed in the room. Gabriel hit his head on one of the many items lined up along the far side of the bed. Ofc. Erickson told him repeatedly that he was under arrest. Gabriel rapidly moved his right fist towards Ofc. Erickson trying to hit him. Ofc. Erickson applied two elbow strikes and one open palm strike to Gabriel's face. He and Ofc. Christensen were able to somewhat control Gabriel. They lost some control and Gabriel's aggression elevated. Gabriel began to pull his arm under himself. Ofc. Erickson applied a Neck Restraint Control Hold. They were able to handcuff Gabriel. He never lost consciousness.

Approved by Captain Richards, 6/12/13.

Gabriel sustained a bleeding approximate 3" cut on the back of his head from striking it when they were falling onto the bed. Medics treated him. The cut was shallow and did not require stitches. While being treated Gabriel said he "sorry for coming at the officers." Cpl. Kakuda photographed Gabriel's injury and the apartment.

I, Sgt. Gilmore, responded to assist as officers were radioing for help. Upon arrival, Gabriel was cuffed. I observed the very tight quarters in the small apartment. I saw blood on the bed. I saw a number of knives in an open drawer and basket within a few feet of the location of the struggle. I observed what appeared to be a minor injury on Gabriel's head. There were no other witnesses to the force used. I took statements from both officers.

At jail, I interviewed Gabriel. He said he went to the office to get a rent receipt but was refused so went back to his apartment. Officers came and talked to him at his door. They came in and tackled him. He denied going into the hall. They mentioned the Order, but never told him he was under arrest. He said he doesn't like people in his apartment. He refused to give further statements. He said aside from the cut to the head he also sustained a sore left shoulder, but I was the first person he told. Jail staff was notified.

Conclusion:

In reviewing the use of force circumstances, I noted:

- Officers were attempting to arrest suspect Gabriel for a violation of an antiharassment order and he was remaining in the same building as the victim.
- Gabriel had pulled Ofc. Erickson into his very small one room apartment that was very cluttered. Residences generally have kitchen knives in them and this one had several kitchen knives in the open. Gabriel was reported to have a machete in the apartment.
- Gabriel was refusing to comply with arrest as he was struggling hard, swearing and trying to strike officers.

Considering the circumstances above and the types of force used by Ofc. Erickson (level 2 strikes and neck restraint control hold) to overcome resistance and protect from assaultive behavior, it appears Ofc. Erickson's actions were reasonable in this situation. His use of force appears to be within police policies outlined in Policy 300 as "An officer may use force which reasonably appears to be necessary to effect an arrest if, after notice of the intention to arrest the person, he/she either flees or forcibly resists."

Officer reports, CAD and Photos are attached.

Approved by Captain Richards, 6/12/2013.

When/where:

Date/time occurred: May 16 2013 21:23

Incident location: 327 2nd AV W A5 Spokane WA 99201

Home Address: [REDACTED] #4a

County: Spokane County

Linked files:

- photo gabriel (JPG)
- photo gabriel cut (JPG)
- CAD (pdf)
- officer reports (pdf)
- 13-158134 Report (pdf)

Status/assignment information:

Status: Completed

Opened: Assigned: Due: 05/17/2013 Completed: 06/12/2013

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 15 - Graves - S

BlueTeam chain routings

May 26, 2013 03:08: Sent from Sergeant Chester J Gilmore [206/10922] to Lieutenant David E McCabe [210/10921]

Instructions:

for review on use of force

Reviewed by Lieutenant David E McCabe [210/10921] on May 31, 2013 at 21:31

Decision: Approved

Reviewer comment:

Officers attempted to arrest a suspect for violating an anti-harassment order. He was advised that he was under arrest and an officer grabbed his arm (which was outside the threshold to his apartment). The suspect violently pulled against the officer and actually pulled the officer into the apartment. He became very angry and told officers that he was not going to be arrested. As the officer was trying to control the suspect, they fell onto a bed among much clutter in the very small apartment. The suspect began trying to punch the officer and yell obscenities at him. The suspect was under arrest and unlawfully, violently resisting officers' attempts to take him into custody. Two elbow strikes and an open palm to the face helped bring him under control, but not in a way where he could be handcuffed. In positioning the suspect so he could be handcuffed, some control was lost and the suspect gained confidence in his fight against the officers. Only after a neck restraint control hold were officers able to handcuff the suspect. The suspect was treated for his injuries and apologized to the officers for "coming at them". The officer involved used reasonable force given the nature of the resistance that he faced. The use of force was within departmental policy and training.

Lt. Dave McCabe
Graveyard Patrol

May 31, 2013 21:31: Sent from Lieutenant David E McCabe [210/10921] to Captain David W Richards [119/10779]

Instructions:

Please review.

Reviewed by Captain David W Richards [119/10779] on Jun 12, 2013 at 17:30

Decision: Approved

Reviewer comment:

The suspect displayed assaultive behavior towards Officer Erickson during the arrest process. Officer Erickson's use of force against the suspect was within policy and appropriate considering the totality of the circumstances and the suspect's behavior and actions.

Jun 25, 2013 09:12: Sent from Sergeant David W Singley [480/11607] to Sergeant Chester J Gilmore [206/10922]

Instructions:

Returned for additional info

Reviewed by Sergeant Chester J Gilmore [206/10922] on Jul 03, 2013 at 20:45

Decision: Approved

Reviewer comment:

Corrections requested sent to secretary

Jul 03, 2013 20:45: Sent from Sergeant Chester J Gilmore [206/10922] to Sergeant David W Singley [480/11607]

Instructions:

corrections requested sent to secretary

Reviewed by Sergeant David W Singley [480/11607] on Jul 09, 2013 at 15:28

Decision: Approved

Reviewer comment:

[Forward to IAPro by Sergeant David Singley]

Entered via BlueTeam by: Sergeant Chester J Gilmore [206/10922] on May 17, 2013 at 23:39

F13-043

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 13-158134	
INCIDENT TYPE Arrest, Information		INCIDENT CLASSIFICATION #1 COURT ORDER VIOLATION		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2 RESISTING ARREST	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #4	
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON Thu 05/16/2013 21:25	DATE/TIME	OCCURRED ON Thu 05/16/2013 21:23	DATE/TIME	OCCURRED TO Thu 05/16/2013 22:00	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 05/16/2013	REPORT TIME 23:41	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE 10.14.170 VIOL CIV ANTIHARRASS ORDER					UCR/NIBRS CODE /90Z
ADDITIONAL CHARGES 9A.76.040 PUB OFFICER(RESIST ARREST)					
LOCATION OF INCIDENT 327 W 2nd Avenue, Spokane, WA 99201			LOCATION NAME (IF APPLICABLE) New Washington Apts		
SOLVABILITY FACTORS Suspect Arrested, Suspect Can Be Located, Suspect Named, Useful Physical Evidence, Witness to Crime					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Ofc. Christensen					
VICTIM/WITNESSES/OTHERS					
CODE A-1	NAME: LAST, FIRST, MIDDLE Gabriel, Kevin V			SEX M	RACE/ETHNICITY W-White
DATE OF BIRTH/AGE #4b					
HEIGHT 6'00"	WEIGHT 200	BUILD Medium	HAIR Gray or Partially	EYES BLU - Blue	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP #4a			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES #4a					
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION 10.14.170 VIOL CIV ANTIHARRASS ORDER			UCR/NIC CODE /90Z
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Misdemeanor		DESCRIPTION 9A.76.040 PUB OFFICER(RESIST ARREST)			UCR/NIC CODE /13A
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # 3Z0362250	DATE 05/16/2013	TIME	BOOKED WHERE Spokane County Jail		DATE 05/16/2013
			TIME 21:52		
ARREST LOCATION 327 1/2 W 3rd #A5, Spokane, WA 99201				STATEMENT <input checked="" type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input checked="" type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED
SUSPECT ARMED WITH					
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE
DRIVER'S LICENSE <input type="checkbox"/> FAKE	STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE	OTHER ID #4d		
ID NO./NAME OF REPORTING OFFICER #465 - Erickson, James				DISTRIBUTION	
APPROVAL #013 - Giannetto, Anthony			DATE/TIME 05/17/2013 08:22		

Incident Report #1

05/17/2013 08:29:08.786

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION COURT ORDER VIOLATION				ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-158134
CODE CV-1	NAME: LAST, FIRST, MIDDLE Turner, Markis A			SEX M	RACE/ETHNICITY W-White
DATE OF BIRTH/AGE #4b					
HEIGHT 6'00"	WEIGHT 170	BUILD	HAIR Brown	EYES BLU - Blue	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP #4a			RESIDENTIAL STATUS	PHONE #4a
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES #4a					
RELATIONSHIP TO SUSPECT Victim was Acquaintance			VICTIM OF Offns. # 10.14.170 VIOL CIV ANTIHARRASS ORDER	OFNDR. # A-1	
NARRATIVE					

On 05/16/13 at 2133 hours Ofc. Christensen #671 and I responded to 327 W. 2nd, Spokane, WA to contact the victim/complainant, Markis Turner, reference a violation of a civil Anti-Harassment Order violation that just occurred. Turner was reporting that another resident of the building (and Respondent on the order), Kevin Gabriel, had just contacted him. Turner advised that Gabriel kept a machete in his apartment. Radio sent me an electronic copy of the order on my email, and I read the order. The order restricted Gabriel from "coming near or having any contact or conversation" with Turner. The order showed to have been served on Gabriel, and showed to be valid (Case # 13720230).

Upon arriving on scene, I contacted Turner in the office of the building. Turner was the night manager for the building. He said that at approximately 2 minutes before he called (2125 hours) he was in the office, working as the manager. He said Gabriel walked from his apartment (#A5), straight to the office. He said Gabriel asked Turner where "Ray" was (Ray Gandee, the day manager for the building; who also had an Anti-Harassment Order against Gabriel). He said he shut the door to the office, to keep Gabriel away from him, and called 911. He said Gabriel had been told that if he needed anything reference the building or his living situation, he needed to get a hold of the owner of the building. He said Gabriel had been given the owner's phone number, and had permission to call the owner 24 hours a day. I asked Turner where Gabriel was, and he told me he was in his (Gabriel's) room (#A5).

We approached Gabriel's room. The door to the room from the hallway was open. As I neared the opening, I saw Gabriel laying on his bed inside. He saw me and angrily asked, "What do you want?" I asked Gabriel if I could come into the apartment to talk with him. He stated that he did not want me in his apartment. I asked him why he contacted Turner. He said that he wanted a receipt. I asked him why he contacted Turner while having the order restricting him from doing that. Gabriel said, "I just wanted a damn receipt, it's not like I threatened him."

Based on the information available, I determined I had PC for the arrest of Gabriel for violating the order. I asked Gabriel to show me where this all happened at, and backed away from

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION COURT ORDER VIOLATION	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-158134
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the door. Gabriel approached, while yelling, "Why, where did they say it happened?" He stepped into the hallway. I grabbed onto Gabriel's right arm (which was outside of the threshold), and told him he was under arrest. Gabriel retracted his right arm in towards his body, and stepped back into his apartment (with me still holding onto his arm). Gabriel was yelling at me, "You mother fucker!" His facial expression was one of extreme anger and aggression. He was attempting to free his right arm, and was able to bring it by his head. I was restraining his right arm with my left arm, and I used Gabriel's momentum to push him off of balance to better control him. He continued to struggle against me and Ofc. Christensen had moved to his left side, attempting to control that arm (see his additional). Gabriel and I fell back onto his bed, and his head hit one of the various items that was stored near the bed. It should be noted that the small apartment and the large amount of clutter in it, made for very tight quarters to operate. I told him several more times that he was under arrest; to which he responded that he was not under arrest. Gabriel was still angrily yelling obscenities at me, and began rapidly jarring his right fist towards me in an attempt to strike me (though I was keeping that from occurring by holding onto that arm with my left hand). I applied 2 right elbow strikes and an open palmed strike to Gabriel's face. Gabriel's efforts slowed, and I was able to get his right arm locked behind his back (though I was still face-to-face with him on the bed). Ofc. Christensen said he had also secured Gabriel's left arm.

We were still unable to handcuff Gabriel due to our position, and we agreed to move him onto the floor. We moved Gabriel into a prone position onto the floor, but in the transition (mainly due to the confined area we were working in), lost some of the control of him. Gabriel's aggressive demeanor elevated again, and he began to twist his upper body and drag his right hand under him. I applied a Neck Restraint to Gabriel. Gabriel relaxed his arms, and we were able to get him handcuffed (DL and PS). Gabriel never lost consciousness.

Gabriel had an open cut on the back of his head that was approximately 3" in length. He had no other apparent injury. We requested medics for Gabriel. They responded and cleaned up the cut, saying it did not require stitches. The cut stopped bleeding. Gabriel said he was "sorry for coming at the officers".

Cpl. Kakuda responded for photos of the scene, and Sgt. Gilmore responded for the Use of Force.

We transported Gabriel to jail where he was booked on the order violation and Resisting Arrest.

J. Erickson #465

Incident Report #1	END OF INCIDENT REPORT
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05/17/2013 08:29:09.177

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 13-158134	
REPORT PURPOSE			REPORTED ON DATE Wed 05/15/2013	TIME 21:25	INCIDENT XREF
INCIDENT CLASSIFICATION #1 COURT ORDER VIOLATION		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 RESISTING ARREST		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 05/16/2013	REPORT TIME 23:38
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 05/16/2013, at about 2146 hours, Officer Erickson and I responded to 327 and 1/2 W 2nd reference a Civil Anti Harassment Order Violation.

The complainant Turner called into report he had a Civil Anti Harassment Order protecting him from Kevin Gabriel. He said Ray Gandee also has a Civil Anti Harassment Order against Gabriel as well. Turner advised Gabriel came up to him and asked him where Ray was.

Radio was advised there was a valid Temporary Anti-Harassment Protection Order listing Turner as the petitioner and Gabriel as the respondent. Officer Erickson brought up a copy of the order on our computer. The order number is 13720230 and signed by Judge Patty Walker on 05/09/2013. The order states that Gabriel is not to be near (within 20 feet) or have any contact with Turner. It also states that the petitioner is a manger at the above complex, respondent will not contact the petitioner for any reason but will direct all inquiries regarding housing issues to another manager or to whomever the owners direct him to address housing inquiries. The order also includes the respondent can not be with in 20 feet of the managers office when the petitioner is working. See attached copy of order.

Once on-scene we spoke to Turner who said he was in the managers office. Gabriel came up and asked him where Ray was. Turner said he did not say anything to Gabriel he just shut and locked the managers office door and called police. Turner and Ray advised that Gabriel is violent to staff, police and MHP. They stated that Gabriel is known to have a machete in his room.

Officer Erickson and I went to Gabriel's room A15. The door was partially open. I could see Gabriel sitting on his bed in the room. Officer Erickson made verbal contact and asked if we could step inside and talk to him. He said, "No." He said, "What do you want." "What did they say." Gabriel was becoming agitated. Officer Erickson continued to talk with Gabriel. Officer Erickson told Gabriel he could not hear him over the pop machine and the radio. Officer Erickson stepped away from his door and started to point to the manager's office. He asked him to show him where he was at down by the office. Gabriel said, "I just went down there and asked where Ray was." "I wanted to get a receipt." At this time Gabriel stepped out into the hallway partially and started to point down the hall with his right arm towards the managers office. At this time Officer Erickson grabbed his right arm and told him he was under arrest for Violating the Order. Gabriel immediately pulled his arm back and started

ID NO./NAME OF REPORTING OFFICER #671 - Christensen, James		DISTRIBUTION	
APPROVAL #013 - Giannetto, Anthony	DATE/TIME 05/17/2013 08:08		

Supplemental Report #1

05/17/2013 08:18:11.626

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION COURT ORDER VIOLATION	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-158134
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to pull officer Erickson back into the apartment. The apartment was about eight by twelve feet and was very congested inside. Officer Erickson appeared to use Gabriel's body weight and pushed him back on to his bed. Gabriel went down onto the bed on his back. I could see that his head hit some glass items beside his bed. Officer Erickson was on top of Gabriel trying to get control of his right arm. At this point I was able to move up to the bed and take a hold of Gabriel's left arm. Gabriel continued to try and pull his arm away from me and he was tensing his body. I told Gabriel several times he was under arrest and to stop resisting. We were able to then roll Gabriel over onto his stomach. Once on his stomach Gabriel continued to try and pull his arm away from me. Officer Erickson was trying to control Gabriel's upper body. Officer Erickson said to move Gabriel onto the floor. We then pulled him onto the floor to try and get control of his arms. Gabriel continued to tense his muscles and try and pull away. I was then able to take control of his left arm and handcuff his hand. A short time later we were able to get his right arm and handcuff it. Inside the apartment were several large knives that were a concern to our safety.

I could see that Gabriel was bleeding from the back of his head. I believe this is where he struck his head when they first went to the bed. I looked at his bed. I could see fresh blood on the side of his bed and sheets. Medics were called to treat him. Cpl Kakuda responded and took photos. Sgt Gilmore was informed of the call and also responded.

We transported Gabriel to jail and booked him for a Civil Court Order Violation and Resisting Arrest.

Officer J. Christensen #671, D485.

Supplemental Report #1

END OF ADDITIONAL REPORT

05/17/2013 08:18:11.657

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 13-158134	
REPORT PURPOSE arrest supplemental		REPORTED ON DATE Sun 05/26/2013	TIME 21:25	INCIDENT XREF
INCIDENT CLASSIFICATION #1 COURT ORDER VIOLATION	ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		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 05/26/2013	REPORT TIME 02:34
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

I, Sgt. Gilmore, responded to the New Washington Apartments. to assist as officers were radioing for help. Upon arrival, Gabriel was cuffed. He was still on the floor in his apartment. I observed the very tight quarters in the small apartment. Officers carried him out into the common hallway to be treated by medics who were summoned to treat Gabriel. I saw blood on the bed. I saw a number of knives in an open drawer and basket within a few feet of the location of the struggle. I observed what appeared to be a minor injury on Gabriel's head. There were no citizen witnesses to the force used. Officers apprised me of the situation. See their reports for information.

I interviewed Gabriel at jail for an administrative review because of the injuries. He said aside from the cut to the head he also sustained a sore left shoulder, but I was the first person he told. Jail staff was notified.

Sgt. Chet Gilmore #206
Team 15 Graveyard Patrol

ID NO./NAME OF REPORTING OFFICER #206 - Gilmore, Chet	DISTRIBUTION	
APPROVAL #206 - Gilmore, Chet	DATE/TIME 05/26/2013 02:58	

Incident History for: #SP130158134

Entered 05/16/13 21:25:31 BY 91104 82
Dispatched 05/16/13 21:33:20 BY D485 671
Enroute 05/16/13 21:33:20
Onscene 05/16/13 21:46:54
Closed 05/16/13 23:16:43

Initial Type: CIVILV Final Type: CIVILV (CIVIL ORDER VIOLATION)

Initial Priority: 3 Final Priority: 3

Disposition: 1E Source: A Primary Unit: D485

Police BLK: SPD8RS

Group: P8 Beat: Map Page: 33

Loc: 327 W 2ND AV #A17 ,SPK -- NEW WASHINGTON APT btwn S BERNARD ST & S WASHINGTON ST (V)

Name: TURNER, MARKIS A #4b Addr: SAME/MANAGER Phone: #4a

/212531 (82) ENTRY RESIDENT FROM APT #A5 CONTACTED MARKIS 2 MIN A GO. MARKIS HAS A SERVED ANTI HARASSMENT ORDER ON THE RESIDENT: GABRIEL, KEVIN V #4b NO T HREATS OF VIOLENCE MADE

/212537 (1160) PISEEN
/212705 (82) SUPP TXT: KEVIN WAS ASKING WHERE RAY WAS. RAY IS TH E DAY MANAGER, WHO ALSO HAS ORDER AGAINST KEVI N. KEVIN LAST SEEN STANDING OUTSIDE THE OFFICE . KEVIN: W/M 600/210 WHI HAIR, NO SHIRT, BLK S HORTS.

/212743 (1160) MISC #3a

/212746 (82) CHANGE NAM: TURNER, MARKIS --> TURNER, MARKIS A 0105 89, TXT: KEVIN KEEPS A MACHETE IN HIS APARTMENT. # ##

/212747 (1160) HOLD
/213136 MISC #3a

/213320 (671) *DISPER D485 #671 CHRISTENSEN, JAMES A
#465 ERICKSON, JAMES

/214654 (1160) ONSCNE D485
/214706 (671) *ONSCNE D485
/215244 (1160) ASSTER D384


/215255 ASSTER L206 [327 W 2ND AV #A17 ,SPK] #1015 KIRBY, AARON
[327 W 2ND AV #A17 ,SPK] #206 GILMORE, CHET

/215320 ONSCNE L206
/215415 ASSTER C459 [327 W 2ND AV #A17 ,SPK] #1046 ROGAN, GREGORY

/215416 (1015) *PREMPT D384
/215420 (1160) ASSTER C461 [327 W 2ND AV #A17 ,SPK] #923 MCVAY, JEREMY

/215427 ONSCNE C459
/215427 ONSCNE C461
/215519 CALLBK C459

/215557 (761) CALLBK T/PCC05 ,MEDICS 56 YO MALE CONS/BREATHING LACERATION T O HEAD
T/PCC03 ,FIRE ADV RETURNED

/215707	(1160)	ASSTOS	N45	[327 W 2ND AV #A17 ,SPK] #1107 DOTSON, JOSEPH
/215707		ASSTOS	N46	[327 W 2ND AV #A17 ,SPK] #1139 BRYER, TOBY
/215808	(443)	*ASSTER	P307	[327 W 2ND AV #A17 ,SPK] #443 KAKUDA, BLAINE
/220212		*ONSCNE	P307	
/220938	(1107)	*CLEAR	N45	
/221212	(923)	*CLEAR	C461	,PSTAT/ASST
/221226	(1046)	*MISC	C459	,PSTAT/ASST
/221229		*CLEAR	C459	
/221528	(1160)	CLEAR	N46	
/221533	(671)	*TRANS	D485	[JAIL] M/000000
/221835	(206)	*CHGLOC	L206	[JAIL]
/221928	(671)	*REMINQ	D485	 #3a
/222101		*TRANSC	D485	M/1.4
/222631	(206)	*ONSCNE	L206	
/222831	(443)	*CLEAR	P307	,PSTAT/ASST PHOTOS
/224310	(1160)	OK	D485	
/224312		OK	L206	
/224754	(671)	*CHGLOC	D485	[1 CLEAN UP]
/225134		*ONSCNE	D485	
/231047	(206)	*CLEAR	L206	,PSTAT/ASST PSTAT/RPT 8B
/231401	(1160)	OK	D485	
/231643	(671)	*CLEAR	D485	DSP: 1E ,PSTAT/CFS PSTAT/MISD PSTAT/MISD PSTAT/RPT CIT /J
/231643		CLOSE	D485	