



## 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.

**Use of force**      **IA No: F13-045**      **Received: May 28, 2013**

Incident No: 13-171277

Type of service being performed at time of incident: Self Initiated

Reason for use-of-force: Resisting Arrest

Officer assessment of citizen condition: Unknown Drugs

Citizen was injured: No

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: 1 feet to 3 feet

Involved Citizen Build: Medium

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

**Involved citizen:**

**Barry R Bush**

Resistance(s):

Active Resistance

Injuries/conditions:

No injuries noted or visible

Charges against citizen in relation to the incident:

Arrest - Misdemeanor

Linked address(s):

Home Address: [REDACTED] #4a

**Officers involved:**

**Officer Dale M Harvey [1136/]**

**Officer current info:**

Bureau: Operations  
Unit: Uniform Operations  
Assignment: Patrol

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

Badge/ID no: 1136  
Bureau: Operations  
Unit: Uniform Operations

Assignment: Patrol  
Not Used: Team 12 - Power - N  
Rank/title: Officer  
Age: 29 Years of employment: 1 Years with unit:  
Off duty: Off duty employed:

Use(s) Of Force:

Takedown Technique: Effective

**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:

Personal Impact Tools: Effective

**Summary:**

On 05-28-13 at approximately 0030 hours Ofc. D. Harvey conducted a traffic stop on a vehicle in the alley behind 406 E. Montgomery. He stopped the vehicle for speeding. The driver appeared to be traveling at about 40 to 45 M.P.H. in a 25 M.P.H. zone. It should be noted that Ofc. Harvey was driving a fully marked patrol car and wearing his patrol uniform.

Ofc. Harvey knew the area where the traffic stop took place is currently listed as a "Hot Spot" due to the high level of criminal activity in the area. This address in particular, 406 E. Montgomery, is a known problem / drug location and Ofc. Harvey was actively looking for the suspect in a shooting, Barry R. Bush, in and around this location. Bush was reported to be armed with a handgun, an additional report stated he threatened another person with a gun several days ago, and he was making claims to shoot it out with the police. It was also known to Ofc. Harvey that Bush has an outstanding domestic violence assault warrant for his arrest.

Ofc. Harvey immediately recognized the passenger that exited the vehicle he stopped as the suspect he was looking for, Barry Bush. Ofc. Harvey ordered Bush to stop, told him not to move, and informed him he was not free to go. Bush took off running to the west into a dark alley and ran behind an abandoned car. Ofc. Harvey told Bush he was under arrest and ordered him to lay down on the ground. Bush refused. Ofc. Harvey advised over the radio that he was in foot pursuit with Barry Bush.

Ofc. Reese responded to the scene. Ofc. Reese is also familiar with the listed location, the fact that Bush is a suspect in a recent shooting, reports that he was armed with a gun, and wanted for a domestic violence assault warrant.

Ofc. Harvey closed distance with Bush as Ofc. Reese arrived. Ofc. Harvey took Bush to the ground but was unable to get control of Bush's left arm / hand because Bush tensed up and pulled it underneath him towards his lower abdomen. Ofc. Reese gained control of Bush's right

arm but observed Bush's actions with his left hand. Ofc. Reese feared the suspect may be trying to access a weapon and used a closed fist technique to deliver two strikes to the suspects lower abdominal area in an attempt to momentarily disrupt the suspect's mental process in order to facilitate a control technique. The technique worked and Ofc. Harvey was able to gain control of the suspect's left arm / hand.

I spoke to Bush at the scene. Bush was yelling and tried to talk over the top of me when I first contacted him but he eventually calmed down. Although he calmed down, his whole body continued to twitch and move despite being in handcuffs. His speech was also rapid. Based on my training and experience Bush appeared to be under the influence of a controlled substance. (stimulant)

Bush admitted he was aware he missed a court date that would result in a warrant for his arrest. He stated he has been arrested on six prior occasions and has spent most of his adult life in prison. He initially attempted to claim he did not know it was illegal to run from the police. However, he changed his story and admitted he has been arrested for running from the police on two prior occasions. He confirmed he heard Ofc. Harvey identify himself as a police officer and order him to the ground. He claimed he did not think he had to go to the ground unless he was ordered to the ground by a Sargent. He stated, "That's the way it works in prison." He claimed he went down to his knees and was taken to the ground by an officer. He stated a second officer moved in and hit him in the right side of his lower abdomen. Bush said he was not injured during the incident and allowed me to lift his shirt so I could see his lower abdominal area.

Cpl. Hager photographed the lack of any visible injuries on Bush's body.

I attempted to gather more information from Bush but he suddenly blurted out, "I tripped and fell." I asked him to explain what he was talking about and he kept repeating the same statement over and over. Bush would not provide me with any further information. I ended my interview at this point.

Given the totality of the circumstances, the amount of force used by both officers was reasonable, appropriate, and within policy.

Approved per Captain Richards, 6/12/2013.

**When/where:**

Date/time occurred: May 28 2013 00:30

Incident location: 406 Montgomery AV E Spokane WA 99205

Home Address: [REDACTED] #4a

County: Spokane County

**Linked files:**

CAD and officers reports (pdf)

**Status/assignment information:**

Status: Completed

Opened: Assigned: Due: 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 12 - Power - N

**BlueTeam chain routings**

**May 29, 2013 01:32: Sent from Sergeant Kevin P Keller [636/11917] to Lieutenant Eric S Olsen [255/11040]**

Instructions:

Use of force for review.

Reviewed by Lieutenant Eric S Olsen [255/11040] on Jun 01, 2013 at 16:56

Decision: Approved

Reviewer comment:

The officers had prior knowledge that Bush had been armed, fired his gun last week and made statements about shooting it out with police. Bush was taken to the ground and the officers were able to get control of his right hand, but Bush was actively trying to move his left hand towards his waist area. The two closed fist strikes were reasonable to gain compliance of a possibly armed subject reaching to his waist - where weapons are most commonly carried.

The use of force was reasonable and within Departmental Policy.

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

**Jun 01, 2013 16:56: Sent from Lieutenant Eric S Olsen [255/11040] to Captain David W Richards [119/10779]**

Instructions:

For your review.

Reviewed by Captain David W Richards [119/10779] on Jun 12, 2013 at 17:49

Decision: Approved

Reviewer comment:

Based on the fact that the suspect had a warrant for domestic violence, his history of violence and firearm possession along with his attempt to flee and struggle with police and failure to comply, Officer Reese's actions were within policy and appropriate in order to gain control of the suspect.

**Entered via BlueTeam by: Sergeant Kevin P Keller [636/11917] on  
May 28, 2013 at 18:40**

Incident History for: #SP130171277

Entered 05/28/13 00:30:51 BY PCC01 1123  
Dispatched 05/28/13 00:30:51 BY PCC01 1123  
Enroute 05/28/13 00:30:51  
Onscene 05/28/13 00:30:51  
Closed 05/28/13 02:44:44

Initial Type: TS Final Type: TS (TRAFFIC STOP)  
Initial Priority: 3 Final Priority: 3  
Disposition: 1E Source: R Primary Unit: A310  
Police BLK: SPB4LO  
Group: P4 (P1 ) Beat: Map Page: 32  
Loc: N ASTOR ST/E MONTGOMERY AV ,SPK <2100,300> (V)  
Name: Addr: Phone:

/003051 (1123 ) \$OUTSRV ,NO MORE INFORMATION  
/003051 DISPOS A310 #1136 HARVEY, DALE  
,NO MORE INFORMATION  
/003057 (1067 ) \*ASSTER D473 [AST/MONTGOMERY]  
#1067 LESSER, ROBERT SCOTT  
/003059 (1123 ) MISC A310 ,W/M NB  
/003100 (973 ) \*ASSTER D388 [AST/MONTGOMERY]  
#973 DONALDSON, NATHAN  
/003101 (862 ) \*ASSTER B335 [AST/MONTGOMERY]  
#862 KERNKAMP, JAY  
/003104 (1012 ) \*ASSTER A327 [AST/MONTGOMERY]  
#1012 REESE, KURTIS  
/003109 (713 ) \*ASSTER K14 [AST/MONTGOMERY]  
#713 HAMILTON, CRAIG  
/003112 (733 ) \*ASSTER P303 [AST/MONTGOMERY]  
#733 ENNIS, GORDON  
/003112 (417 ) \*ASSTER K10 [AST/MONTGOMERY]  
#417 KENDALL, SHAWN  
/003112 (1123 ) MISC A310 ,GOING SB NOW  
/003114 (1085 ) \*ASSTER D376 [AST/MONTGOMERY]  
#1085 STONE, DAVID  
/003124 (1024 ) \*ASSTER D375 [AST/MONTGOMERY]  
#1024 PRIM, MICAH  
/003128 (1106 ) \*ASSTER C362 [AST/MONTGOMERY]  
#1106 CONRATH, CHRIS  
/003128 (740 ) \*ASSTER C458 [AST/MONTGOMERY]  
#740 JUAREZ, MAURIO  
/003132 (994 ) \*ASSTER C351 [AST/MONTGOMERY]  
#994 BODE, CHRISTOPHER  
/003132 (1135 ) \*ASSTER C363 [AST/MONTGOMERY]  
#1135 KIRN, CHRIS  
/003132 (844 ) \*ASSTER D480 [AST/MONTGOMERY]  
#844 VANTASSEL, RONALD  
/003144 (729 ) \*ASSTER A426 [AST/MONTGOMERY]  
#729 DADDATO, DAVID  
#614 ARREDONDO, JOHN  
/003158 (676 ) ASSTER C457 [AST/MONTGOMERY]  
#349 PREUNINGER, TERRY  
/003159 (1123 ) MISC A310 ,ONE BLOCK TO THE WEST. STILL UNCOOPERATIVE  
/003201 (401 ) \*ASSTER P308 [AST/MONTGOMERY]  
#401 BARTLETT, GLENN  
/003201 (1123 ) ONSCNE A327  
/003221 CHANGE LOC: AST/MONTGOMERY --> N ASTOR ST/E MONTGOME  
RY AV ,SPK,



DGP: P1 --> P4,  
 BLK: --> SPB4LO

/003226 (205 ) \*ASSTER L205 [N ASTOR ST/E MONTGOMERY AV ,SPK]  
 #205 KING, KEVIN

/003232 (636 ) \*ASSTER L224 [N ASTOR ST/E MONTGOMERY AV ,SPK]  
 #636 KELLER, KEVIN

/003249 (205 ) \*ONSCNE L205  
 /003254 (1123 ) MISC A310 ,ONE IN CUSTODY  
 /003304 (1085 ) \*PREMPT D376  
 /003317 (844 ) \*ONSCNE D480  
 /003338 (417 ) \*REMINQ K10  
 /003339 (1123 ) ASSTOS L282 [N ASTOR ST/E MONTGOMERY AV ,SPK]  
 #482 HENDREN, THOMAS

/003340 (713 ) \*PREMPT K14  
 /003402 (994 ) \*PREMPT C351  
 /003405 (1106 ) \*PREMPT C362  
 /003409 (733 ) \*PREMPT P303  
 /003411 (1024 ) \*PREMPT D375  
 /003418 (740 ) \*PREMPT C458  
 /003425 (729 ) \$PREMPT A426  
 /003457 (417 ) \*CLEAR K10 ,PSTAT/ASST  
 /003501 (973 ) \*PREMPT D388  
 /003508 (1135 ) \*CLEAR C363 ,PSTAT/ASST  
 /003528 (349 ) \*ONSCNE C457  
 /003536 (1123 ) MISC D480 ,CODE 4. BACK TO NORMAL  
 /003552 (862 ) \*ONSCNE B335  
 /003557 (1123 ) MISC L205 ,CAR INFRONT OF LE CAR IN THE ALLEY. CHECK THE  
 CAR FOR THE DRIVER WHO SHOULD BE THERE  
 ,PSTAT/ASST

/003600 (862 ) \*MISC B335  
 /003745 (636 ) \*ONSCNE L224  
 /003930 (1123 ) MISC D480 ,B/M JUMPED A FENCE HERE AT 406 E MONTGOMERY.  
 LIKELY WENT EAST

/003944 (401 ) \*PREMPT P308  
 /004025 (713 ) \*ASSTOS K14 [N ASTOR ST/E MONTGOMERY AV ,SPK]  
 #713 HAMILTON, CRAIG  
 /004034 (1123 ) MISC L205 ,NO PC ON THE PASSENGER  
 /004051 (417 ) \*ASSTER K10 [N ASTOR ST/E MONTGOMERY AV ,SPK]  
 #417 KENDALL, SHAWN

/004121 (1123 ) REMINQ D480

/004122 (417 ) \*ONSCNE K10 #3a  
 /004159 (862 ) \*REMINQ B335

/004214 (417 ) \*REMINQ K10 #3b  
 /004645 (482 ) \*CLEAR L282 ,PSTAT/ASST  
 /005014 (713 ) \*CLEAR K14 ,PATAT/ASST  
 /005023 (1067 ) \*MISC D473 ,PSTAT/ASS  
 /005027 (349 ) \*CLEAR C457 DSP: 8D  
 ,PSTAT/ASST  
 /005033 (1067 ) \*MISC D473 ,PSTAT/ASST  
 /005124 (417 ) \*CLEAR K10 ,PSTAT/ASST  
 /005142 (1123 ) \$PREMPT A327  
 /005145 \$PREMPT L205  
 /005325 (1067 ) \*CLEAR D473  
 /005441 (205 ) \*ASSTOS L205 [N ASTOR ST/E MONTGOMERY AV ,SPK]  
 #205 KING, KEVIN  
 /005449 \*CLEAR L205 ,PSTAT/ASST  
 /005724 (844 ) \*CLEAR D480 ,PSTAT/ASST  
 /010241 (862 ) \*CLEAR B335 ,PSTAT/ASST  
 /010253 (636 ) \*CHGLOC L224 [4]

/010327	(287	)	*ASSTOS	P301	[N ASTOR ST/E MONTGOMERY AV ,SPK] #287 HAGER, BILL
/010449			*MISC	P301	,TOOK PHOTOS OF DEFENDANT
/010528	(1136	)	*TRANSC	A310	[2.1]
/010532	(287	)	*CLEAR	P301	,8K PSTAT/ASST
/010747	(636	)	*ONSCNE	L224	
/010924	(1136	)	*REMINQ	A310	<b>#3a</b>
/011121	(636	)	*CHGLOC	L224	[1]
/014931	(1136	)	*TRANS	A310	[JAIL] M/0
/014934			*TRANSC	A310	[JAIL] M/2.1
/015247	(1123	)	OK	A310	
/015308	(1136	)	*REMINQ	A310	<b>#3b</b>
/015345			*REMINQ	A310	
/022520			*CHGLOC	A310	[1 PAPER]
/022741	(636	)	*CLEAR	L224	,PSTAT/ASST AND UOF RPT
/024444	(1136	)	*CLEAR	A310	DSP: 8D --> 1E
					,PSTAT/SI PSTAT/MISD PSTAT/WAR
/024444			CLOSE	A310	

# INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>13-171277</b>	
INCIDENT TYPE <b>Arrest</b>		INCIDENT CLASSIFICATION #1 <b>RESISTING ARREST</b>		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2 <b>WARRANT ARREST</b> ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #4 ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Tue 05/28/2013 00:30</b>	DATE/TIME	OCCURRED ON <b>Tue 05/28/2013 00:30</b>	DATE/TIME	OCCURRED TO <b>Tue 05/28/2013 01:45</b>	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>05/28/2013</b>	REPORT TIME <b>01:45</b>	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE <b>M-10.07.034 RESISTING ARREST</b>					UCR/NIBRS CODE <b>/</b>
LOCATION OF INCIDENT <b>406 E Montgomer Avenue, Spokane, WA 99205</b>				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS <b>Suspect Arrested</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>Ofc. Reese</b>					
VICTIM/WITNESSES/OTHERS <small>VI - Victim, Individual; BU - Runaway; S - Suspect; PO - Registered Owner; VB - Victim, Business; OW - Owner of Property; D - Driver; G - Legal Guardian/PO; PE - Perpetrator; CY - Child; PS - Passenger; PE - Perpetrator; O - Other; C - Complainant; MR - Person Marked; M - Misdemeanor; I - Indictment; CV - Complainant; V - Victim; CON - Control; V - Deceased; A - Arrested Person; W - Witness</small>					
CODE <b>A-1</b>	NAME: LAST, FIRST, MIDDLE <b>Bush, Barry R</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
DATE OF BIRTH/AGE <b>#4b</b>					
HEIGHT <b>6'00"</b>	WEIGHT <b>180</b>	BUILD <b>Medium</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
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL ADDRESSES <b>Transient</b>					ADDRESS TYPE <b>Transient</b>
ADDITIONAL ADDRESSES <b>#4a</b>					ADDRESS TYPE <b>Other Addresses</b>
ADDITIONAL PHONES <b>#4a</b>					
CHARGE LEVEL <b>Gross Misdemeanor</b>		DESCRIPTION <b>M-10.07.034 RESISTING ARREST</b>			UCR/NCIC CODE
WARRANT #	BAIL	TYPE OF ARREST <b>On-View of Arrest</b>			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # <b>3Z0496292</b>	DATE <b>05/28/2013</b>	TIME <b>01:10</b>	BOOKED WHERE <b>Spokane County Jail</b>		DATE <b>05/28/2013</b>
ARREST LOCATION <b>406 E Montgomer Avenue, Spokane, WA 99205</b>					SUSPECT ARMED WITH
STATEMENT <input type="checkbox"/> ORAL <input checked="" type="checkbox"/> WRITTEN		CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED		DISPOSITION OF JUVENILE	
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED	NOTIFIED BY	
DRIVER'S LICENSE	<input type="checkbox"/> FAKE	STATE	SOCIAL SECURITY NO.	<input type="checkbox"/> FAKE	OTHER ID <b>#4d</b>

ID NO./NAME OF REPORTING OFFICER <b>#1136 - Harvey, Dale</b>	DISTRIBUTION	
APPROVAL <b>#205 - King, Kevin</b>	DATE/TIME <b>05/28/2013 05:10</b>	

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

INCIDENT CLASSIFICATION <b>RESISTING ARREST</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>13-171277</b>
NARRATIVE		

On 05-28-2013 at approximately 00:30 hours, I (Ofc. Harvey) was working routine patrol in the Logan district. I was driving a fully marked patrol vehicle and I was wearing the uniform of the day. This area was labeled as a "Hot Spot" due to the recent rise in crime.

While traveling W/B on Montgomery Ave near Dakota St, I noticed a dark colored sedan turn onto Montgomery Ave, just ahead of me. The sedan took a few turns before it quickly accelerated W/B on Ermina Ave. The vehicle appeared to be trying to run from me, and appeared to be exceeding the speed limit. I estimated the vehicle's speed at approximately 40-45 mph. The vehicle turned into the South parking lot of 406 E. Montgomery, which is a well known problem/drug house.

Once the vehicle stopped I pulled directly behind it and activated my emergency lights. I noticed the passenger exiting the vehicle quickly. I immediately recognized the passenger as Barry R. Bush #4b

#4b

Barry was a suspect in a shooting from within the last week. Yesterday, other officers and I were trying to track down Barry, who also had a DV-Assault 4th warrant. I was advised that everyone that has had recent contact with Barry is afraid of him. One person claimed two days ago Barry threatened him with a gun. They also stated that Barry was making claims that he would shoot it out with police.

After recognizing Barry I yelled to him, "Stop, don't move." Barry had a handful of items and appeared to be in a hurry to walk away. I yield at him again, "Stop, your not free to go." I started to walk up to Barry, who then backed away from me. Barry started walking around the vehicle. I yelled at Barry again to stop.

Barry started running from me, W/B across Astor St and I gave chase to him. While chasing him I yelled, "Stop, your under arrest!" Barry continued to run, and went into the back yard of 2127 N. Astor St.

There was a vehicle parked in the back yard. Barry ran behind the vehicle and faced me. Barry had a jacket in his hand, and I could not see if he had a weapon on him. I drew my gun and I yelled at him, "Get on the ground, your under arrest!" As I tried to round the car towards Barry, he would walk the opposit direction around the car. We started to walk circles around the car. The entire time I continued to give him commands to get on the ground and to show his hands. Barry put his jacket on the back of the vehicle and put his hands up. Barry started to yell at me, "Are you a cop, whats your name?" I yelled back, "Yes, I'm Ofc. Harvey, get on the ground, your under arrest." We continued to make circles around the vehicle and he was not complying with my commands.

Ofc. Reese arrived on scene and pulled up behind Barry. Barry stopped for a second, which gave me time to approach him. I grabbed onto Barry and did a rear take down. Barry was then lying face down. Ofc. Reese and I gave him commands to put his hands behind his back. Barry's left hand

# INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION <b>RESISTING ARREST</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>13-171277</b>
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was under his stomach and he was lying face down. It was still unknown if he had a gun or other weapons. Barry tensed up and would not allow me to get his hand behind his back. Ofc. Reese struck Barry twice on his right side, which allowed me to get control of Barry's arms and we placed Barry into handcuffs.

I searched Barry incident to arrest. I did not find any weapons or anything of evidentiary value.

I transported Barry to the Spokane County Jail where he was booked on his warrant and for charges of Resisting Arrest (10.07.034), citation #3Z0496292. Barry also became uncooperative with the jail staff.

See Ofc. Reese's report for further information.

Ofc. Harvey #1136  
Team 10

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER	INCIDENT NUMBER <b>13-171277</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Tue 05/28/2013</b>	TIME <b>00:30</b>
INCIDENT CLASSIFICATION #1 <b>WARRANT ARREST</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2	
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>05/28/2013</b>	REPORT TIME <b>01:10</b>
PRIMARY CHARGE				UCR/NIBRS CODE

**NARRATIVE**

I assisted Officer Harvey who was in foot pursuit of Barry Bush on May 28, 2013 at 0030 hours. I knew that Barry was allegedly involved in a shooting incident around 1600 E Pacific. Barry was supposed to be armed with two hand guns and he also had an outstanding DV assault warrant. There was no probable cause for Barry regarding the shooting at this time. I heard Officer Harvey come on the air and say that he was in foot pursuit of Barry Bush.

I arrived on scene and saw Officer Harvey in the alley to the southwest of Montgomery and Astor. There was a broken down car near the alley. Officer Harvey was standing on the west side of the car facing east. He had Barry at gun point and was yelling at him to get on the ground. Barry was on the east side of the vehicle facing Officer Harvey. I pulled into the alley and got out of my patrol car as Officer Harvey approached Barry. I saw Officer Harvey grab Barry and then he did a take down. I was getting out of my patrol car so I did not see exactly how Officer Harvey grabbed Barry. I also did not see what Barry was doing as Officer Harvey approached him.

Barry landed on the ground face down with Officer Harvey on top of him. I ran up and grabbed Barry's right arm and pulled it out to his side. I heard Officer Harvey yelling at Barry to get his hand out from underneath him. I saw Officer Harvey trying to pull Barry's left arm out from underneath his body. I started telling Barry to put his hands behind his back. Barry was allegedly armed with two hand guns and had already shot at someone. His left hand started out at about his nipples and moved down to his belly button. I did not want Barry reaching for a weapon so I continued to yell for him to get his hands out to his side. Officer Harvey was still trying to pull Barry's left arm out and gain control of him.

Barry was still not complying and I was concerned that he was trying to access a weapon. I delivered two closed fist strikes to Barry's lower abdomen. He immediately pulled his left arm out to his side and was placed in handcuffs. Barry was not injured from the closed fist strikes and did not complain of injury. Sgt Keller was on scene and I advised him of the incident. Barry requested a supervisor and Sgt Keller contacted him. Barry was arrested on his outstanding DV assault warrant and transported to jail by Officer Harvey. See his report for further.

K. Reese #1012  
Team 10

ID NO./NAME OF REPORTING OFFICER <b>#1012 - Reese, Kurtis</b>		DISTRIBUTION	
APPROVAL <b>#205 - King, Kevin</b>	DATE/TIME <b>05/28/2013 02:35</b>		