



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: F13-050** **Received: Jul 02, 2013**

Incident No: 13-209474

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

Reason for use-of-force: Resisting Arrest

Officer assessment of citizen condition: None detected

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: Small

Involved Citizen Height: 5'4" to 5'6"

Involved citizen:

#2

Resistance(s):

Active Resistance

Officers involved:

SPO Dustin S Howe [680/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Snapshot - officer information at time of incident:

Badge/ID no: 680
Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol
Not Used: Team 12 - Power - N
Rank/title: SPO
Age: 34 Years of employment: 12 Years with unit:
Off duty: Off duty employed:

Use(s) Of Force:

Level 2 LNR: Effective

Officer witnesses:

SPO Jerry C Anderson [750/]**Officer current info:**

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Summary:

Members of the PACT team were conducting surveillance on a known active drug house. They had information about a Repeat Offender with felony warrants at that location. Officer Howe and Officer Anderson contacted #2 after other PACT officers observed her arrive in the area with a male and meet up with a third person. The three talked before going into the target location for a short time. They left the residence and went their separate ways. They conducted a Terry Stop on all three subjects to determine their involvement in drug activity at that location. During the Terry Stop, #2 lied about her name. Howe and Anderson learned her real name through information developed by another PACT member at a different location. They learned that #2 was an active runaway and had 3 misdemeanor warrants for her arrest.

Officer Howe placed her under arrest for her warrants and handcuffed her. Officer Howe held her arm to maintain control while he walked her to his patrol car. During the walk, #2 was belligerent, loud, and vulgar by calling him a "fucking asshole". He tried numerous times to calmly talk to her and tell her to calm down, to relax, and stop screaming. #2 refused all requests and began screaming, "I hate Cops", and "Fuck the Police".

At the car, #2 tried spinning out of Officer Howe's grasp on her elbow. She planted both of her feet, and with the aid of her hips and shoulders she violently attempted to defeat the control techniques that were being lawfully applied. #2 demeanor became increasingly more aggressive and her attempts to defeat his control technique rapidly increased in intensity and determination. Officer Howe became concerned that she was going to try and hit or kick him because she was not pulling and twisting to get away, but rather to turn towards him to square up with him.

Officer Howe had to search her prior to transport per policy. He attempted to pin her body against his vehicle in order to control her twisting movements. He attempted this by placing his hand on the middle of her back and pushing her stomach area against the vehicle to use the vehicle for leverage. He was still unable to gain control as she refused to separate her feet and continued to physically resist by pushing away from the car and attempting to square up with Officer Howe. Officer Howe's other back up on scene was Officer Anderson who was dealing with an unsecured male associate of #2. She refused to comply with verbal commands and directions throughout the arrest. Officer Howe attempted to control her by holding her elbow and then later by holding her against his patrol car. Neither technique was effective which allowed her to become more agitated and work herself into a "frenzy".

Officer Howe applied a level 1, one arm neck restraint. During the application of the technique neither the subjects airway nor her breathing were compromised. During the application of the technique #2 continued to twist back and forth using the full force of her legs, hips and shoulders. With no intent of the officer to render #2 unconscious, she was inadvertently lose consciousness. Officer Howe had never increased the pressure of the controlling arm and the loss of consciousness was from #2 physiological response rather than the officers intent." Qualified medical assistance responded for the application per policy (300.3.4). #2 refused to allow medics to treat her. After the objective reasonable use of force #2 calmed down. She was oriented to time and place and did not appear to be negatively affected by the application of the Level 2 LVNR.

#2 suffered no visible injuries nor did she complain of any. When treated by qualified medical assistance she didn't complain of any to them. Having reviewed the application of the techniques, under the circumstances which the techniques were applied, the use of force by officer Howe was objectively reasonable and within department guidelines and training doctrines.

In compliance with policy per Captain Torok, 7/8/2013.

When/where:

Date/time occurred: Jun 27 2013 02:33

Incident location: 300 Baldwin ST E Spokane WA
County: Spokane County

Linked files:

Officers Howe and Anderson's reports (tif)
Howe's and Anderson's 2nd additional (pdf)

Status/assignment information:

Status: Completed

Opened: Assigned: Due: Completed: 07/08/2013

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

Jul 02, 2013 12:52: Sent from Sergeant Brian G Eckersley [649/11953] to Lieutenant Thomas J Hendren [482/11610]

Instructions:

For your review.

Reviewed by Lieutenant Thomas J Hendren [482/11610] on Jul 02, 2013 at 17:41

Decision: Not approved
Insufficient information

Reviewer comment:

The use of force appears to be within policy. The reason for contact is not well described in the officers reports. Both officers indicate that the reason for stop is an investigatory stop, but the reports lack a description of what the reasonable suspicion was that justified a stop of the suspect. The nature of the stop needs to be explained. Both of the officer's reports lacked what I consider appropriate detail when considering the potential seriousness of such a use of force incident.

Lt. Hendren #482

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

Jul 02, 2013 17:41: Sent from Lieutenant Thomas J Hendren [482/11610] to Sergeant Brian G Eckersley [649/11953]

Instructions:

Brian, I have rejected this use of force for the reasons listed and for what we discussed on the phone. Have both officers complete additional reports to document what the reasonable suspicion was for the stop and to describe why the LVNR was the technique chosen for this handcuffed suspect. Once the officers have completed those reports, forward the incident to me for further review.

Hendren

Reviewed by Sergeant Brian G Eckersley [649/11953] on Jul 07, 2013 at 20:52

Decision: Approved

Reviewer comment:

Officers Howe and J.C. Anderson were instructed to complete additional reports to better detail their reason for the stop and suspects actions leading to the use of force. I have reviewed those additional reports (see attached) and determined that they had a valid/legal investigative detention on the suspect. The use of force used was appropriate and within department policy.

Sgt. B. Eckersley #649

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

Jul 07, 2013 20:52: Sent from Sergeant Brian G Eckersley [649/11953] to Lieutenant Thomas J Hendren [482/11610]

Instructions:

For your review. Two new additional reports included.

Reviewed by Lieutenant Thomas J Hendren [482/11610] on Jul 08, 2013 at 07:35

Decision: Approved

Reviewer comment:

Upon my initial review I had requested for Sgt. Eckersley to have both officers involved document additional information. My greatest concern from the initial report was the lack of documentation for the reason for contact. The initial report stated the reason for contact was a Terry stop, but does not offer any documentation of actual reasonable suspicion to support such a stop. If the reason for contact was unjustified, the use of force would be unjustified. Officer Anderson's second report clarifies why he initiated a Terry stop. Based on his documentation it appears there is a good faith belief that there was reasonable suspicion to stop the suspects and investigate drug sales/activity.

Due to the fact I requested additional information from Officer Anderson, I suggested to Sgt. Eckersley that Officer Howe further document why he

chose a neck restraint for a handcuffed suspect versus another tactic. Officer Howe explained in detail the suspect's actions and the concern that a different technique could result in injury to the suspect because she was handcuffed. It has been the experience of officers that take down techniques or other techniques, often used to gain control of actively resisting suspects, create a likelihood of injury because the suspect is unable to protect their head and body with their hands behind their back. A neck restraint is very effective for gaining upper body control and potential compliance without the same risk of injury associated with other techniques. The officer stated in both reports that he did not intend to render the suspect unconscious, but as a result of applying the technique this occurred. Officer Howe stated that the suspect was not injured by the use of force and officers followed policy by ensuring the suspect was treated by medical personnel and by informing a supervisor of the use of force.

Using a reasonable officer standard, the use of the neck restraint in this situation appears reasonable. The female suspect was actively resisting at the time of the use of force.

Lt. Hendren

Jul 08, 2013 07:35: Sent from Lieutenant Thomas J Hendren [482/11610] to Captain Daniel J Torok [242/11015]

Instructions:

Captain, here is a use of force for your review. Be sure to see that there are two sets of additional reports for this incident due to poor report writing on the first attempt.

Lt. Hendren

Reviewed by Captain Daniel J Torok [242/11015] on Jul 08, 2013 at 10:52

Decision: Approved

Reviewer comment:

In an effort to use the least force necessary to control the defendant Ofc. Howe applied a level 1 lateral neck restraint. His intent was not to render her unconscious, but to control her without resorting to a foot sweep or other approved defensive tactic that could lead to injury.

The defendant was unintentionally rendered unconscious, but suffered no injury.

Given the totality of the situation, defendant's actions, and the officers intent, the use of force is within policy.

Entered via BlueTeam by: Sergeant Brian G Eckersley [649/11953] on Jul 02, 2013 at 12:32

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION WARRANT ARREST	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-209474
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I then walked over to Ofc. Anderson. I could hear that the female was giving the name of Sydney Morgon, but she was spelling it incorrectly and pronouncing it incorrectly.

It quickly became obvious that she was lying about her true name. As we continued our investigation, Another PACT officer (Wheeler) was able to collect information about who she was. He has us check the name of [REDACTED] #2

A name check of [REDACTED] #2 revealed she was a runaway and had a warrant out for her arrest. Once her true identity was revealed, her attitude completely changed. She changed from a quiet polite girl and acted like a loud, uncooperative, vulgar, criminal.

Once her warrants were confirmed, Ofc. Anderson and I placed her under arrest. She was handcuffed (DL). Even after confirming her ID [REDACTED] #3a she tried to continue her lie and say she was not [REDACTED] #2 but rather this MORGON lady.

I told her the gig was up and to stop lying. I then began trying to walk her back to my patrol car. As I grabbed her arm, she began to shrug away from me. She started yelling at the top of her lungs, "I aint [REDACTED] #2 and you can't arrest me"

She began to get very angry and began calling me names like "Fucking asshole". The entire time I walked her to my car, she was belligerent, loud, and vulgar. I tried numerous times to calmly talk to her and tell her to calm down, to relax, and to stop screaming. She refused.

Once at my car, she tried spinning out of my grasp and turning toward me. I feared she may try and either hit/kick me, as she was beginning to get very angry. Again, I tried verbal commands to get her to comply but it was not working. She was working herself up into a frenzy and was getting louder and even more aggressive.

After about the 3rd time of her attempting to twist and shrug her way out of my grasp, and my verbal commands were not working, I had to somehow get her searched before placing her in my car for the transport. I tried to pin her against the car to get her to stay still, I tried to get her to spread her feet apart, but she refused. After all these techniques failed, I then applied a Level 1 Neck Restraint. My intent was only to restrain her from spinning around on me to avoid any possible assaults that may come, however after applying the technique for just a few seconds (about 3-4), she became unconscious, and her legs went limp.

I held her up, and after just a few seconds she regained consciousness. She was now very cooperative and stopped the entire act of being a hard core criminal.

I had medics respond to come and check her out, but when they arrived, she refused to let

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION WARRANT ARREST	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-209474
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them treat her. She was oriented to time and place and did not appear to be negatively affected in any way.

I alerted Lt Sprague to the incident. He arrived and spoke to #2

On the way to jail, #2 attitude was much better. She was again polite and cooperative. She apologized for lying to me, trying to break away from my grasp, and for calling me names. She admitted that she was purposely trying to be difficult.

I completed a warrant settle as well as a runaway settle.

See Ofc. Anderson's report for more information.

D. Howe #680

SUPPLEMENTAL REPORT
Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 13-209474	
REPORT PURPOSE			REPORTED ON DATE Thu 06/27/2013	TIME 02:33	INCIDENT XREF
INCIDENT CLASSIFICATION #1 WARRANT ARREST		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 06/27/2013	REPORT TIME 03:00
PRIMARY CHARGE					UCR/NIBRS CODE
<small>Victim - V, Injured - I, R - Rape, S - Suspect, RO - Registered Owner, VB - Victim - Business OW - Owner of Property, D - Driver, G - General, C - Criminal, PC - Pedestrian, C - Child, P - Passenger, PE - Pedestrian, O - Other, C - Complaint, MR - Person Monitored, M - Missing, R - Residential, OV - Supplemental Victim, COE - Contact, D - Deceased, A - Arrested Person, W - Witness</small>					
CODE CON-1	NAME: LAST, FIRST, MIDDLE Frantz, Trevor C			SEX M	RACE/ETHNICITY I-American Indian or
HEIGHT 5'11"	WEIGHT 180	BUILD Medium	HAIR Black	EYES BRO - Brown	DATE OF BIRTH/AGE #4b
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP #4a			RESIDENTIAL STATUS	PHONE 292-0765
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES #4a					
DRIVER'S LICENSE		<input type="checkbox"/> FAKE	STATE	SOCIAL SECURITY NO. #4c	OTHER ID #4d
NARRATIVE					

On 6-27-13, I was with my team conducting surveillance and follow-up with other members of a Patrol Anti-Crime Team (PACT). We were attempting to ascertain the whereabouts of a wanted Repeat Offender who possibly was inside a nearby known drug house.

Officers observed a male and female on skateboards, meet up with another female nearby the residence and walk to the home on foot together. They were inside the home for a short time, returned to the location they initially met and parted ways. Myself and other officers went to conduct an investigative stop on the subjects to further gather information that pertained to our investigation and identify them.

I stopped the male and female on the skateboards near Baldwin/Lidgerwood. Ofc Howe responded to assist me as I separated them and identify them. The male had Identification and was found to be Trevor C Frantz #4b. The female attempted to identify herself as Sydney A Morgon #4b. She appeared to be very meek and was speaking very quietly, she attempted to make it appear that she was just caught up with the wrong crowd. She told me that she had no ID whatsoever, but could not tell me where she lived. It appeared that she was not being forthcoming with information pertaining to where she was, what she was doing and who she was. I also found it odd with the spelling of the last name, of "Morgon" was not common and she spelled her first name as it would be pronounced "Sydney" like the City in Australia. However she pronounced it as if it were spelled "Cindy". I still believed she was not telling the truth about her name, when another PACT

ID NO /NAME OF REPORTING OFFICER #750 - Anderson, Jerry C.		DISTRIBUTION	
APPROVAL #331 - Overhoff, David	DATE/TIME 06/27/2013 04:45		

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION WARRANT ARREST	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-209474
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officer who was nearby advised it was possibly, [redacted] #2 [redacted] #4b I confirmed that was who the female was [redacted] #3a and she continued with the soft voiced, meek acting routine for a few more moments until she finally said, "Okay, I am sick of this shit." Her voice inflection, body language and over all demeanor completely changed. She became verbally aggressive and was no longer attempted to pretend that she was a "unknowing" victim of circumstance.

Ofc Howe handcuffed her while I returned to deal with Frantz. Frantz was seated on the curb, approx 8-10' in front of Ofc Howe's patrol vehicle. [redacted] #2 was still carrying on and yelling at Ofc Howe as she had been once we discovered her true identity. She was continually yelling at Ofc Howe and he was talking back toward her giving verbal commands to comply and calm down. I was in front of Frantz and about to engage him again in conversation when I glanced back toward Ofc Howe. [redacted] #2 was still yelling just as I turned, and Ofc Howe was attempting to control her with a LVNR (See Ofc Howes report.)

From the short (less than 2 seconds) time I turned and began to move to assist Ofc Howe [redacted] #2 knees went slack and she appeared to lose consciousness. She quickly regained her footing and immediately started yelling at Ofc Howe again as I got close.

Frantz was released from the scene.

A supervisor was notified and responded.

See Ofc Howes report.

JC Anderson #750

SPd - F34

SUPPLEMENTAL REPORT
Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 13-209474	
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INCIDENT CLASSIFICATION #1 WARRANT ARREST	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 07/07/2013	REPORT TIME 01:58
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

This is an additional to the incident that occurred on 06-27-13, at about 0233 hrs, with the arrest of #2 Sgt. Eckersley requested I provide a few more details that were present at the time of the incident.

After placing #2 under arrest for her outstanding warrants, handcuffing (dl) and advising her of such, I then placed my right hand on the back of her left elbow, utilizing a very loose escort technique to escort her toward my car. Almost as soon as I touched her elbow, she tensed up arm and neck, and quickly jerked her left elbow out of my grasp. It was a single jerk and after breaking my grasp, she brought her arm back down. I then told #2 to relax and not pull away from me, however she did the opposite. She became even more uncooperative and vulgar.

Due to the fact that it was dark where we were walking, although it was only about 30 feet, I was not going refrain from using an escort technique. This, along with the fact that based on my training and experience, it is not safe for prisoners to not be escorted, due to the fact that they may fall and have no means of catching themselves, as well as the it provides them an opportunity to attempt escape and even an opportunity to assault officers or even other bystanders

Therefore I then grabbed her left elbow, holding it even tighter. It was only a moment after re grabbing her elbow that she, now with more force than the 1st time, strongly jerked her arm back and forth, and this time adding in an upper body twist, while planting her leg to provide a stronger base to resist my attempts to control her. However at this time she did not spin toward me but rather tried to get further away from me.

In a matter of about 30 feet, she had already twice attempted to break my control techniques and spin away from me. Each time she was doing this, I could tell she was getting more and more agitated and aggressive. Her voice began to steadily escalate louder and louder and she began to say things, like "fucking asshole" and "you can't arrest me".

At this point, I was learning based on #2 attempts to break my control techniques that she was very wiry, very flexible. She was able to twist and contort her body much further than most people, I have arrested.

But do to the fact that she was a 16 yr old female, I was hesitant to use other more secure

ID NO./NAME OF REPORTING OFFICER #680 - Howe, Dustin		DISTRIBUTION
APPROVAL	DATE/TIME	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION WARRANT ARREST	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-209474
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control techniques, like a wrist lock control. It was my intent to use the absolute least amount of control as I could, for two reasons. The first being she was a 16 yr old female and the 2nd being, just touching her appeared to be escalating her.

However, I am responsible for her safety, others safety, as well as my own. Her actions were dictating the entire incident. The fact that she was escalating and was becoming even more and more angry, screaming things out like, "God you're as asshole" and "I hate you", along with the fact that she had now had broken away from my grasp twice, verbal de-escalation techniques were not working, and she was extremely flexible, I quickly realized I was going to have to use a more secure technique.

So I applied a wrist lock control technique. I was only able to use the technique for a few steps until we reached my car. Once there, I released my control technique and attempted to use my body weight and strength to pin her against the side fender of the car, using my forearm in the small of her back.

It was at this point, where she escalated to her peak. Based on police policy, I had to search her before placing her in the backseat of my car. I asked her to spread her feet apart about 3 feet, so I could conduct the search.

It was at this point, where she violently tensed her arms and entire upper body. As she did this, she planted her right leg, creating a strong base, while also twisting her upper body toward me. Because of her extreme ability to contort her body, she had very quickly used her momentum, to defeat the amount of pressure I was using to pin her against the car.

It should be noted that this was a change in her behavior. The first 2 times she pulled away from me, she did not attempt to spin toward me. This time she did. This new change in behavior, the fact that she was escalating the entire time I was walking her toward my car, along with my training and experience from past arrests, when other suspects have spun and attempted to assault me, I feared she was going to do the same.

I have been spit on, kicked in the groin, head butted, and even been bitten, from suspects spinning around on me while, trying to finish the arrest process.

Again placing myself in danger, and intending to use the least amount of force possible, I had released my control technique. As she spun toward me, as described above, I had a split second to attempt to regain control, all the while in the back of my head, wanting to use the absolute least amount of force I could. I considered a foot sweep technique, a straight arm bar takedown, as well as a hair take down, all to regain control of #2

However based on my training and experience, when using these techniques on suspects

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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ID NO./NAME OF REPORTING OFFICER #680 - Howe, Dustin	DISTRIBUTION	
APPROVAL	DATE/TIME	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
WARRANT ARREST

ATTEMPTED

INCIDENT NUMBER
13-209474

control techniques, like a wrist lock control. It was my intent to use the absolute least amount of control as I could, for two reasons. The first being she was a 16 yr old female and the 2nd being, just touching her appeared to be escalating her.

However, I am responsible for her safety, others safety, as well as my own. Her actions were dictating the entire incident. The fact that she was escalating and was becoming even more and more angry, screaming things out like, "God you're as asshole" and "I hate you", along with the fact that she had now had broken away from my grasp twice, verbal de-escalation techniques were not working, and she was extremely flexible, I quickly realized I was going to have to use a more secure technique.

So I applied a wrist lock control technique. I was only able to use the technique for a few steps until we reached my car. Once there, I released my control technique and attempted to use my body weight and strength to pin her against the side fender of the car, using my forearm in the small of her back.

It was at this point, where she escalated to her peak. Based on police policy, I had to search her before placing her in the backseat of my car. I asked her to spread her feet apart about 3 feet, so I could conduct the search.

It was at this point, where she violently tensed her arms and entire upper body. As she did this, she planted her right leg, creating a strong base, while also twisting her upper body toward me. Because of her extreme ability to contort her body, she had very quickly used her momentum, to defeat the amount of pressure I was using to pin her against the car.

It should be noted that this was a change in her behavior. The first 2 times she pulled away from me, she did not attempt to spin toward me. This time she did. This new change in behavior, the fact that she was escalating the entire time I was walking her toward my car, along with my training and experience from past arrests, when other suspects have spun and attempted to assault me, I feared she was going to do the same.

I have been spit on, kicked in the groin, head butted, and even been bitten, from suspects spinning around on me while, trying to finish the arrest process.

Again placing myself in danger, and intending to use the least amount of force possible, I had released my control technique. As she spun toward me, as described above, I had a split second to attempt to regain control, all the while in the back of my head, wanting to use the absolute least amount of force I could. I considered a foot sweep technique, a straight arm bar takedown, as well as a hair take down, all to regain control of #2

However based on my training and experience, when using these techniques on suspects

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who are handcuffed, it creates a substantial risk of injury to the suspect. They do not have the ability to catch themselves as they fall, this along with my momentum, could cause injury.

So, I decided to use a level 1 Neck restraint, to lessen the distance, between us, which greatly reduced the amount of force she could use against me. I placed my right arm under her chin using the crook of my bent arm as a space/buffer, leaving her airway unobstructed and pulled her close to my chest, all the while, giving her verbal commands to calm down.

Again, trying to use the least amount of force I could, I did not apply the technique to it's fullest. I did not flex my chest outward which tightens the technique, nor did I use my left arm to constrict. I used only my right arm, and held her close to my chest.

As I did this she continued to twist her upper body left and right, shrug her shoulders back and forth, and use her legs and hips to plant into the ground, to spin toward me. As she was attempted to spin toward me while flailing around as described above, I used her momentum against her and continued to circle around behind her counter clockwise. Thus staying away from any of her danger areas that could assault me.

After about 3-4 seconds of her doing this, I felt her legs go limp and she stopped flailing and screaming at me. She was inadvertently rendered unconscious.

I was then able to spin her back around toward my car. I placed her upper body near the side trunk area and used the back of my car to help me hold her up.

After just a few seconds, she regained consciousness.

It should be noted that after she regained consciousness, her attitude changed completely. She then began to tell me that she was just scared and didn't want to go back to jail.

She gave several unsolicited statements as it related to #4a She confirmed that both Ty Temple and Chris Olsen, deal Meth out of there. She advised she knows that both of them are wanted by Law Enforcement.

She said there is a lot of bad people there. She advised she has seen Ty Temple with multiple guns in the past. She also implicated Danille Roper as a drug courier for Temple. She told me they deal multiple ounces of Meth from the house daily.

She told me that she obtained Meth from that house and confirmed that just prior to being contacted, she and FRANZ went to the house so FRANZ could obtain some Meth. She denied obtaining or using any Meth herself today.

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This information confirmed Ofc. Anderson's suspicion of the criminal activity that he suspected was going on, supporting the reason he initially began the Terry Stop.

This report is for informational purposes only.

D. Howe #680

SUPPLEMENTAL REPORT
Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 13-209474	
REPORT PURPOSE			REPORTED ON DATE Thu 06/27/2013	TIME 02:33
INCIDENT CLASSIFICATION #1 WARRANT ARREST		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 07/05/2013	REPORT TIME 16:21
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

This additional report is written per Sgt Eckersley with the request of additional information of a Investigative stop on 6-27-13.

On 6-26-13, other members of the Patrol Anti-Crime Team (PACT) developed information that possibly two wanted subjects were at the residence located at [REDACTED] #4a. In my approx 30 months as a PACT member I have received countless tips and information that has led back to that residence. These investigations mostly pertained to drug sales from the residence, however there has been homicide investigations, stolen property investigation and other criminal and fugitive investigations centered around that house. In the past I have observed countless times short stay traffic and myself or other members of my team have made numerous arrests from that location. I am aware that short stay traffic from subjects on foot as well as in vehicles is often associated with drug sales. The information we had at that time was that Christopher L Olson [REDACTED] #4b and Ty R Temple [REDACTED] #4b both were at the location and were selling drugs out of the residence. Temple and Olson were both currently wanted on outstanding felony warrants and are repeat offenders.

I have also observed people going to the house after parking at nearby locations and approaching the residence on foot. Also people leaving the residence taking strange routes across Ruby to the west and making U-turns. These are often referred to as "Heat Checks" to avoid police contact and to feign the appearance that they were not at a known drug house.

I was notified by another nearby officers that a small pickup had parked to the south of the location and 2 subjects on skateboards made contact with the driver. At that time the 3 of them went to the location on foot and stayed a short period of time, then returned to the pickup and parted ways. From my training and experience I know this short stay traffic is indicative of drug transactions.

On 6-27-13, at approx 0230 hrs, I conducted a Investigative Stop at Baldwin/Lidgerwood on the subject riding skateboards. My intent was an investigative or "Terry" stop on the subjects, in reference to drug sales and identify who was in the residence. I identified the male as Trevor C Frantz [REDACTED] #4b and the female was later identified an [REDACTED] #2 [REDACTED] #4b who was attempting conceal her identity. I asked both subjects individually about drug sales going on inside the residence as well as who was inside the home. I asked both subjects individually if they were in the home to purchase drugs and if they had drugs on their persons at that time. I also asked if they

ID NO./NAME OF REPORTING OFFICER #750 - Anderson, Jerry C.	DISTRIBUTION	
APPROVAL #287 - Hager, William	DATE/TIME 07/05/2013 17:19	

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witnessed drugs changing hands inside the home and if the wanted fugitives were in the home. Frantz denied there being drugs inside the home and #2 was pretending to be a victim of "wrong place at the wrong time" and that it was a "sketchy" atmosphere inside the residence. Ofc Howe had arrived a short time after I made the stop to assist and #2 was identified and found to have warrants for her arrest.

(See Ofc Howes additional report).

It should also be noted that a few days later information led us back to that location and we discovered that Frantz lives at the location and has his own bedroom. This investigation produced another wanted subject, Kenneth Luce, who had warrants from a previous Possession of a Controlled Substance and Possession of Stolen Motor Vehicle Charges. The warrants were from an investigation that took place approx a year or more prior that led us to a stolen vehicle at the #4a location.

No further information.

JC Anderson #750
SPD - F34