

## 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) Other

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: F13-067 Received: Aug 05, 2013

Incident No: 13-260522

Type of service being performed at time of incident: Call For Service Reason for use-of-force: Fleeing (Felony) Officer assessment of citizen condition: Alchohol 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: 19 feet to 21 feet Involved Citizen Build: Medium Involved Citizen Height: 5'7" to 5'9" **Involved citizen:** 

#### **James P Jones**

Resistance(s):

Life Threat/Suicidal

Injuries/conditions:

No injuries noted or visible

Charges against citizen in relation to the incident:

Arrest - Felony

Linked address(s): Home Address:

#4a

#### Officers involved:

SPO Traci R Douglas [405/]

#### Officer current info:

Bureau: Operations Unit: Uniform Operations Assignment: NRO

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

Badge/ID no: 405 Bureau: Operations Unit: Uniform Operations Assignment: NRO Rank/title: SPO Age: 46 Years of employment: 18 Years with unit: Off duty: Off duty employed:

Use(s) Of Force:

Arrest Tactics: Effective

Injuries/conditions:

No injuries noted or visible

#### Summary:

Ofc. Douglas responded to an armed robbery at the listed address. She arrived onscene and saw a male matching the suspect description. As she contacted him, he immediately pulled a knife out of his pocket. He was approximately 20 feet away from her. She pointed her firearm at him and gave him verbal commands. He complied with commands and she then lowered her firearm to the low ready position.

In Compliance with Policy per Captain Richards, 8/21/2013.

#### When/where:

Date/time occurred: Aug 05 2013 10:10

Incident location: 1708 Northwest BLVD W Spokane WA 990205 Home Address: #4a County: Spokane County

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#### Linked files:

reportscad printouts (tif)

#### Status/assignment information:

Status: Completed

Opened: Assigned: Due: Completed: 08/21/2013

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: NRO

#### **BlueTeam chain routings**

# Aug 05, 2013 14:28: Sent from Sergeant Charles J Reynolds [558/11758] to Lieutenant Rex J Olson [1096/10400]

Instructions:

Use of Force on a robbery suspect at 1708 W. Northwest Blvd. A firearm was pointed at the suspect while he was holding a knife.

Reviewed by Lieutenant Rex J Olson [1096/10400] on Aug 08, 2013 at 09:43

#### Decision: Approved

Reviewer comment:

Officer Douglas responded to an attempted armed robbery with a knife at Walgreens at 1708 Northwest Blvd. As she entered the area she noticed a subject matching the suspect's physical and clothing descriptions on the east sidewalk of Ash just north of Northwest Blvd. The subject looked directly at Officer Douglas, who was in a marked police car and wearing the uniform of the day. She observed the subject pull out a black straight object that she immediately recognized as an exacto knife, but could not tell if the blade was open or closed from her distance of about twenty feet. She had information the suspect was armed with an exacto knife. Officer Douglas exited her patrol car, drew her firearm, and pointed it at the suspect because of the deadly threat of the knife. She gave him verbal commands and the suspect immediately threw the knife to the east of himself about fourteen feet. After he threw the knife, she lowered her firearm to the low ready position. Officer Douglas ordered the suspect to sit down on the sidewalk and he laid down on his stomach. She ordered him to put his hands on the back of his head and he complied. Officer Christensen arrived, the suspect was padded down for more weapons and detained in the back of Officer Douglas' patrol vehicle. The suspect was arrested for attempted 1st degree robbery. Officer Douglas used good officer safety in drawing and pointing her firearm at the suspect when he pulled out the exacto knife creating a deadly force situation and in positioning her firearm to the low ready after the threat of the exacto was lessened when he tossed it away and complied with her commands. This use of force was proper and complies with department policy.

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

# Aug 08, 2013 09:43: Sent from Lieutenant Rex J Olson [1096/10400] to Captain David W Richards [119/10779]

#### Instructions:

For your review!

Reviewed by Captain David W Richards [119/10779] on Aug 21, 2013 at 15:15

Decision: Approved

Reviewer comment:

Officer T. Douglas observed the suspect as she arrived in the area of the

Page: 4

attempted armed robbery. According to her incident report, it wasn't until the suspect observed her arrival that he removed the knife from his pocket. This could show an awareness that he has now observed the arrival of the police and it was then he decided to take out his knife. A reasonable officer would observe this behavior and believe there was a hightened level of threat because of his actions. Officer Douglas, upon seeing the knife (besides the suspect matching the description of the robbery suspect), had an obligation to react to the suspect with the knife to keep her and other citizens out of harms way. The suspect had just displayed violent behavior at the store. Officer Douglas' deployment of her firearm and her pointing it at the suspect was reasonable and within policy. Also, once the suspect threw the knife away and nothing else was visible in his hands, her decision to lower her weapon was also appropriate. She appropriately waited for backup to secure the suspect where he was subsequently arrested for robbery.

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

Entered via BlueTeam by: Sergeant Charles J Reynolds [558/11758] on Aug 05, 2013 at 14:07

#### INCIDENT REPORT CONTINUED 1 01

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On 08/05/2013, at about 1012 hours, I responded to 1708 W Northwest Blvd (Walgreens) reference a Robbery.

The complainant Kathleen called 911 to report a H/M who she described as wearing a Black T-shirt, black shorts, sunglasses who was balding with a tattoo on his neck attempted to steal two bottles of alcohol. He displayed a utility knife. The male was last seen N/B on Ash.

Officer Douglas was first on-scene and contacted a male to the east of Walgreens who matched the description. I arrived on scene and saw that Officer Douglas had a male proned out on the east

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## INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ROBBERY	×	13-260522

sidewalk next to Safeway. Officer Douglas informed me that she saw the male throw the knife. I assisted her in handcuffing the male. I then pat searched the male for weapons and placed him in the back of her car. The male was identified as James P Jones.

I then went to Walgreens and contacted Kathleen. She told me the male had come into the store. He selected a .175 ml bottle of Black Velvet and .175 ml bottle of R&R. As the male was walking to the front of the store Kathleen could see that the male was staggering and looked intoxicated. She put her hands out and said, "I will help you with those." She said she reached out and took both the alcohol bottles from him. The male then grabbed the bottles back from her. They struggled over the bottles for a few seconds. She said the male never touched her but they did tug back and forth with the bottles. The male then let go of the bottles. At this point Ryan the manager was standing on the opposite side of the male closer to the front door. The male turned and looked at Ryan. Kathleen said she heard a click sound. At this time Ryan said the male had a knife. She said she never saw the knife. The male said something to Ryan. Ryan put his hands up and let the male walk out the front door.

Kathleen told me the male was wearing a black t-shirt, black shorts, sunglasses, and he had a tattoo on the right side of his neck. She said he looked to be an H/M, who was in his thirties. I asked her if she would be able to identify the male again. She said yes.

I then spoke to Ryan. He said he was at the front of the store by the registers. He saw a male who he described as a H/M, who was wearing a black t-shirt and black shorts. The male was carrying a bottle of Black Velvet and R&R. He saw Kathleen walk up the male and offer to take the bottles to ring them up for him. Kathleen was now holding the two bottles. The male then grabbed the two bottles from her. Kathleen and the male struggled over the two bottles. Ryan said he stepped closer to the male. The male then let go of the bottles and faced him. The male was now holding a grey utility knife in his right hand. The knife was out and being held towards him. Ryan said, something like its not worth this. He stepped aside and the male said, "I will fight you in the parking lot." The male then left the store N/B on Ash. I asked Ryan how high the male was holing the knife. He said it was above his waist about chest high. I asked him if he felt like the male was threatening him with it. He said, Yes.

Ryan advised he left the two bottles behind. The Black Velvet was valued at \$16.99 and the R&R was \$17.99. Ryan asked for the male to also be trespassed from the store.

I then walked Kathleen outside into the parking lot. Officer Douglass got the male out of her car. Kathleen looked at the male and positively identified him as the suspect.

I then spoke with Officer Douglas. She said she arrived on-scene and saw the male on the East side of the Ash and North of Northwest Blvd who matched the description. She said the male looked at her in her marked police car and grabbed the grey knife out of his right short pocket and threw it to

Incident Report #1

CONTINUED ON NEXT PAGE 08/05/2013 14:19:57.631

### INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION	ATTEMPTED INCIDENT NUMBER	
ROBBERY	x 13-260522	

the east of him. Cpl Lundgren responded and took photos of the knife which was lying next to the Safeway building.

After talking to Officer Douglas we developed probable cause to charge Jones for Attempted First Degree Robbery. I transported him to jail and booked him. At jail I collected his clothing as evidence. Officer Douglas took the knife, two bottles of alcohol and the males clothing and sunglasses to property as evidence. It should be noted that Jones had no money on his person.

I gave Ryan and crime victim card with a report number. I advised him to call when the video was available for pickup.

See Officer Douglas' report for more details.

Officer J. Christensen #671, N42.

Incident Report #1

### SUPPLEMENTAL REPORT Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBST/	EVIDENCE	EVIDENCE NUMBER		INCIDENT NUMBER 13-260522					
REPORT PURPOSE			REPORTED ON DATE Mon 08/05/2013				NCIDENT XREF		
INCIDENT CLASSIFICAT	TION #1				SIFICATION #2				
INCIDENT CLASSIFICAT	FION #3		INCIDENT CLASSIFICATION #4						
DISPATCH TIME	CLEARED TIME	REPORT DATE 08/05/2013				REPORT TIME 10:57			
PRIMARY CHARGE						([	JCR/NIBRS CODI	E	
NARRATIVE									

On 080513, about 1010 hrs, I responded to 1708 W Northwest Blvd, Walgreens reference a possible attempted robbery that had just occurred.

Radio had given an alarm tone that came across the hardmounts in the patrol car.

En route radio advised that the male suspect had left northbound on Ash from the store and turned west bound on the first street to the north. I headed to York and Ash as I am familiar with this neighborhood.

Updated information came to me by radio and stated the suspect had an exacto knife with him.

As I approached the area I had to request a description. The employee described the male as bald, Hispanic male, wearing black basketball shorts, black shirt and sunglasses. Possibly intoxicated.

I arrived just north of the store and observed a male, later identified as James P Jones, now on the east sidewalk of Ash just north of Northwest blvd. I had responded with lights and sirens due to the mention of the suspect being armed with a knife (exacto later turns out) and shut down my sirens only a few blocks before arriving.

As I pulled up, Jones who was walking southbound on the sidewalk, turned and looked at me. I was in a marked police car equipped with emergency lights and was wearing the uniform of the day. Jones turned to face me and used his right hand pulled out a black straight object I immediately recognized as the exacto knife. The item came from his front right shorts pocket.

From my distance of about 20 feet I could not tell if the blade was open or closed. I exited my patrol car and drew my firearm pointing it as Jones and giving him verbal commands. I used my firearm in a draw and direct technique for compliance. I did not know if he had more knives but thought he would.

Jones immediately threw the knife to the east and about 14 feet from him. He remained on the sidewalk and put his hands up in the air.

At the time he threw the knife I lowered my firearm to lower ready and continued giving him verbal

ID NO /NAME OF REPORTING OFFICER			DISTRIBUTION
#405 - Douglas, Traci			
APPROVAL	DATE/TIME		
#647 - Braun, Steven S	08/05/2013	14:01	

Supplemental Report #1

## SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ROBBERY	×	13-260522

commands to sit on the sidewalk. Jones complied and laid down on his stomach. I gave him commands to keep his hands on the back of his head and he complied. When I asked him to cross his feet and stated he could not from an injury.

I noticed he was wearing the black t shirt and shorts and his sunglasses had fallen onto the sidewalk in front of him.

I advised radio of my location and Officer Christensen responded. Jones was detained and patted down for further weapons. He was placed in the back of my patrol car pending the investigation.

I read Jones his constitutional rights, in which he stated he understood and waived. I could tell Jones was somewhat intoxicated and asked him how much he had been drinking. I could smell the odor of an alcoholic beverage coming from him. Jones stated he had drank a fifth of tequila starting yesterday.

Initially Jones denied going in to Walgreens. When I told him they probably had surveillance cameras he stated "I'm drunk. I might have gone in the store'. I asked him what happened and he denied doing anything. When I questioned him on why he went into the store he stated "to get toothpaste and deodorant'. I asked him if he got those items and he said 'No. They are took expensive'.

Several times Jones stated "I do not recall ma'am" when asked about going in to the alcohol aisle or selecting alcohol. I asked him about the exacto knife and he stated 'I do not have an exacto knife. I dont pull weapons on anyone'.

I confronted Jones about throwing the exacto knife when I pulled up and he said "I didnt throw a knife".

A show up was completed with Officer Christensen and the witness. It was a positive identification on Jones.

Officer Christensen advised that the items that Jones had were two bottles of alcohol. One R & R Whiskey 1.75 liters 80 proof alcohol and one Black Velvet Whiskey 1.75 liters also 80 proof. Cpl Lundgren responded for photographs.

Officers determined there was probable cause to arrest Jones for Attempted 1st degree Robbery. He was advised of this new charge and searched. Jones did not have a wallet on his person nor did he have any money.

He was permanently trespassed from the store. The alcohol bottles, his clothing and a mp3 player, as well as sunglasses and the exacto knife were collected as evidence and placed on property book.

## SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER	
ROBBERY	X	13-260522	

Latent fingerprints were requested on the knife.

Officer Christensen transported Jones to jail where he was booked. See his report.

Sgt Reynolds was advised of the incident.

OFFICER/NUMBER/CALL SIGN

Officer T. Douglas #405/N36

Incident History for: #SP130260522 Xref: #SP130260528 08/05/13 10:08:19 BY 91108 Received 22 08/05/13 10:09:17 BY 91108 22 Entered 08/05/13 10:10:07 BY PCC01 Dispatched 455 08/05/13 10:10:07 Enroute Onscene 08/05/13 10:11:35 Initial Type: ROB Final Type: ROBC (ROBBERY, BUSINESS, HOLDUP) Initial Priority: 1 Final Priority: 1 Source: 9 Primary Unit: N42 Disposition: Police BLK: SPA2EG Group: P2 Beat: Map Page: 25 Loc: 1708 W NORTHWEST BL , SPK -- WALGREENS btwn N ASH ST & N OAK ST (V) Name: KATHLEN Addr: SAME Phone: #4a /100917 (22 ENTRY ATT ARMED ROB W/KNIFE, XFER >>> ) /100954 (456 SUPP TXT: COMP IS EMPLOYEE AT THE STORE ) /100957 SUPP TXT: SUBJ LEFT NB ON ASH /101005 TXT: SUBJ WAS ON FOOT SUPP (455 ) DISPER N36 #405 /101007 DOUGLAS, TRACI /101020 ASSTER N42 #671 CHRISTENSEN, JAMES A TXT: SUBJ THEN WENT WB ON 1ST STREET NORTH OF /101022 (456 ) SUPP STORE /101033 (22 1 CHANGE TYP: ROB --> ROBC TXT: SUBJ IS HM, BLACK SHORT, BLACK SHIRT, SUN /101038 (456 ) SUPP GLASSES, INTOX, BALDING /101056 SUPP TXT: SUBJ HAD A UTILITY KNIFE OUT, BUT DIDN'T THREATEN WITH IT /101117 SUPP TXT: SUBJ WAS TRYING TO LEAVE WITH BLACK VELVE T AND R AND R BOTTLES, DIDN'T GE T EITHER TXT: DIDN'T ASK FOR MONEY /101126 SUPP (405 /101135 ) \*ONSCNE N36 /101138 (455 ) ASSTER M20 #420 APPLEWHAITE, KEN /101141 (456 ) SUPP TXT: MANAGER HASN'T SEEN SUBJ IN THE STORE BEF ORE TXT: UNK SHOES /101149 SUPP /101150 (455)N36 ,W/SUSPECT, HANDS UP ) MISC /101201 (456 ) SUPP TXT: SHORTS WERE BASKETBALL OR SPORT SHORTS /101209 SUPP TXT: NO FACIAL HAIR /101213 TXT: TATTOO ON HIS NECK SUPP TXT: POSS THE RIGHT SIDE /101217 SUPP /101223 (455 ) NEWLOC N36 [WEST SIDE OF SAFEWAY] , THREW KNIFE ) SUPP #4a IS BETTER CALL BACK NUMBER (456 /101234 TXT: /101237 (455 ) ONSCNE N42 [W.SAFEWAY] /101243 (456 ) SUPP TXT: MANAGER AND CLERK AND ID SUBJ ) MISC /101312 N36 ,1 DETAINED, (455 MISC /101318 N36 , UNRESTR /101344 **\$CROSS** #SP130260528 /101453 NEWLOC N42 [WALGREENS] M20 , PSTAT/ASST /101836 (420 ) \*CLEAR /102013 (455 ) MISC N42 (405 , POSITIVE ID /102737 ) \*MISC N36 /103144 (455 ) CALLBK N42 T/PCC05 , REQ PIO ) ASST /103243 (456 L125 [WALGREENS] #205 KING, KEVIN /103446 (671 ) \*TRANS N42 [JAIL] M/O.O /103458 (455 ) ENROUT L125

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/112557		*CLEAR	N36	
/113114	(669	) *CLEAR	P319	, PSTAT/ASST PICTURES
/115516	(671	) *CHGLOC	N42	[DTP]
/120004		*ONSCNE	N42	
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