



**SPOKANE POLICE DEPARTMENT**

FRANK STRAUB, JR.  
CHIEF OF POLICE



**Internal Affairs  
Exemption Log**

| Number                      | Material Withheld  | Brief Explanation of Why Material Withheld   | Legal / Statutory Basis   |
|-----------------------------|--|--|---|
| <b>Witness Exemptions</b>   |  |  |   |
| #1a                         | <u>Name / Identity</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed                          | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)  |
| #1b                         | <u>Date of birth</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed                            | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)  |
| #1c                         | <u>Personal home, work or cell phone number</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)  |
| #1d                         | <u>Residential address</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed                      | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)  |
| #1e                         | <u>E-mail address</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed                           | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)  |
| <b>Juvenile Information</b> |  |  |   |
| #2a                         | Names of Juveniles who are in the Juvenile court system  | Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.     | RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</i> , 122 Wn.App. 84, 94 (2004) |
| #2b                         | Records relating to commission of Juvenile   | Redacted to protect the personal information of a juvenile in the court  | RCW 13.50.050 (Juvenile Courts and Juvenile   |

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|                             | offenses.   | system. May not be released to the public except by court order.   | Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</i> , 122 Wn.App. 84, 94 (2004) |
| #2c                         | Child Victim of Sexual Assault  | This redaction protects information revealing the identity (name, address, location, or photograph) of child victims of sexual assault who are under age eighteen.   | RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)  |
| #2d                         | Child victims or child witnesses  | Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians. | RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)  |
| <b>ACCESS Database Info</b> |   |  |   |
| #3a                         | Information from WACIC/NCIC (ACCESS):<br><b><u>Criminal history information</u></b>         | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.                         | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3b                         | Information from WACIC/NCIC (ACCESS):<br><b><u>License Plate Information</u></b>            | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.                         | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3c                         | Information from WACIC/NCIC (ACCESS):<br><b><u>Vehicle Registered owner information</u></b> | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.                         | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3d                         | Information from WACIC/NCIC (ACCESS):<br><b><u>Wanted persons information</u></b>           | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.                         | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3e                         | Information from WACIC/NCIC (ACCESS):<br><b><u>Officer safety information</u></b>           | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except   | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to   |

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|  |   | to criminal justice agencies; audited by the FBI and the WSP.  | cancellation for failure to comply with use provisions of part C.   |
| #3f  | Information from WACIC/NCIC (ACCESS):<br><b><u>Gun information</u></b>                | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3g  | Information from WACIC/NCIC (ACCESS):<br><b><u>DOL Information</u></b>                | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3h  | Information from WACIC/NCIC (ACCESS):<br><b><u>Stolen Vehicle Information</u></b>     | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3i  | Information from WACIC/NCIC (ACCESS):<br><b><u>Missing Persons Information</u></b>    | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3j  | Information from WACIC/NCIC (ACCESS):<br><b><u>Runaways or endangered persons</u></b> | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3k  | WACIC/NCIC (ACCESS):<br><b><u>DOC Information</u></b>                                 | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| <b>Personal Identifiers and Financial Info</b> |   |  |   |
| #4a  | Social Security Number  | This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.                               | RCW 42.56.050 (Invasion of privacy),<br>RCW 42.56.230 (Personal information),<br>42.56.250(3)(8)<br>(Employment and   |

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|                        |  |  | licensing), 42.56.210(1) (Certain personal and other records exempt), 42 USC § 405(c)(2)(viii)(I) (Limits on Use and Disclosure of Social Security Numbers)  |
| #4b                    | Driver's License or Identocard   | This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.               | 18 USC § 2721 (Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records); RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt) |
| #4c                    | Credit/Debit Card Numbers  | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)   |
| #4d                    | Electronic Check/Check Numbers   | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)   |
| #4e                    | Card Expiration Dates  | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)   |
| #4f                    | Bank Account Number  | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)   |
| #4g                    | Financial Institution Account Number   | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)   |
| <b>Employees Files</b> |  |  |  |
| #5a                    | <b>Photos</b> of Spokane Police Department or other criminal justice employees | Photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy. | RCW 42.56.250(8) (Employment and licensing)  |
| #5b                    | <b>Birthdates</b> of criminal justice employees                                | Birthdates in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.  | RCW 42.56.250(8) (Employment and licensing)  |

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| #5c                                   | Personal Information in employee files                       | Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.  | RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)   |
| <b>Criminal History</b>               |  |   |  |
| #6a                                   | Criminal history <u>not</u> from ACCESS- Non-Conviction Data | Criminal history which has not led to a conviction or other adverse disposition is protected by state law and only released to Criminal Justice Agencies for law enforcement purposes.  | RCW 10.97 (Criminal Procedure)   |
| <b>Officer Safety or Intelligence</b> |  |   |  |
| #7a                                   | Intelligence, sensitive security, or tactical information    | Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.   | RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)   |
| #7b                                   | Undercover Officer identification                            | Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.   | RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement.                             |
| #7c                                   | ID Records revealing covert law enforcement activity         | Any record pertaining to a vehicle license plate, driver's license, or identicard revealing the identity of an individual performing undercover law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.   | RCW 42.56.230(7)(c) (Personal Information)   |
| #7d                                   | Law Enforcement Information Sheet                            | Contains confidential data used for law enforcement purposes. Disclosure has no legitimate value to the public and can endanger an individual's safety. Contains specific intelligence information the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. | RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)   |
| #7e                                   | Confidential Informant information                           | Contains identifying information which could reveal the identity of a confidential informant. Considered intelligence information, used in a confidential manner for law enforcement purposes, protected to preserve the life and personal safety of the informant and family. Specific intelligence information                | RCW 42.56.240(1) (Investigative, law enforcement, and crime victims). Ashley v. Public Disclosure <i>Comm'n</i> , 16 <i>Wn.App.</i> 830, 836 (1977). |

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|                         |  | compiled by law enforcement, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.   |  |
| <b>Photos</b>           |  |   |  |
| #8a                     | Photos showing a deceased person         | Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.   | RCW 42.56.050 (Invasion of privacy)<br>RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)  |
| #8b                     | Photos showing highly sensitive material | Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.   | RCW 42.56.050 (Invasion of privacy)<br>RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)  |
| #8c                     | Photo Montages                           | Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.   | RCW 42.56.050 (Invasion of privacy)<br>RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)  |
| <b>Protected by Law</b> |  |   |  |
| #9                      | Medical Records                          | Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person. | RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502).<br>RCW 42.56.050 (Invasion of privacy)<br>RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt) |
| #10a                    | Jail records                             | This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.  | RCW 70.48.100 (Jail register)  |
| #10b                    | Jail booking photos                      | This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined  | RCW 70.48.100 (Jail register)  |

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|      |  | in RCW 43.43.705.  |   |
| #11  | Autopsies, postmortems   | Reports and records of autopsies or postmortems are confidential and exempt from public disclosure, but certain officials with authority to examine and obtain copies of such reports may access.  | RCW 68.50.105<br>(Autopsies, postmortems – Reports and records confidential)                              |
| #12  | Confidential Attorney Client Communications  | This redaction protects confidential communications between an attorney and his/her client.  | RCW 5.60.060(2)(a)<br>(Privileged communications)<br><i>Hangartner v. Seattle</i> , 151 Wn.2d 439 (2004). |
| #13a | <b><u>Name/Identity</u></b> of accused police officers                             | This redaction protects names/identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #13b | <b><u>Date of birth</u></b> of accused police officers                             | This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #13c | <b><u>Personal work, home, or cell phone number</u></b> of accused police officers | This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #13d | <b><u>Residential address</u></b> of accused police officers                       | This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #13e | <b><u>E-mail address</u></b> of accused police officers                            | This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #14  | Information concerning Mental Health Services                                      | This redaction contains confidential information concerning services to either voluntary or involuntary recipients of mental health services. Such information, if disclosed, would invade an individual's privacy and possibly cause unintended consequences for that individual. | RCW 71.05.390<br>(Confidential information and records)   |

**Use of force**      **IA No: F13-074**      **Received: Jul 06, 2013**

Incident No: 13-221804

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

Reason for use-of-force: Assaulting Officer

Officer assessment of citizen condition: Alcohol

Citizen was injured: No

Citizen was taken to hospital: Yes

Citizen was charged/arrested in relation to the incident: Yes      Officer was injured: Yes

Officer was taken to hospital: No

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

Involved Citizen Build: Large

Involved Citizen Height: > 6'3"

**Involved citizen:**

**Keith G Hamilton**

Resistance(s):

Assaultive

Linked address(s):

Home Address: 707 Monroe ST N 8 Spokane WA 99201

Linked phone(s):

Home Phone: (509) 847-8111

**Officers involved:**

**Officer Ronald E VanTassel [844/]**

**Officer current info:**

Bureau: Operations

Unit: Uniform Operations

Assignment: Patrol

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

Badge/ID no: 844

Bureau: Operations

Unit: Uniform Operations

Assignment: Patrol

Not Used: Team 13 - Graves - S

Rank/title: Officer

Age: 32      Years of employment: 7      Years with unit:

Off duty: Off duty employed:

Use(s) Of Force:

Level 1 LNR: Effective

Injuries/conditions:

Blow to the Head

**Officer Holton A Widhalm [989/]**

**Officer current info:**

Bureau: Operations  
Unit: Uniform Operations  
Assignment: Patrol

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

Badge/ID no: 989  
Bureau: Operations  
Unit: Uniform Operations  
Assignment: Patrol  
Not Used: Team 4 - Swing - N  
Rank/title: Officer  
Age: 35 Years of employment: 5 Years with unit:  
Off duty: Off duty employed:

Use(s) Of Force:

Personal Impact Tools: NOT effective

Personal Impact Tools: Effective

Injuries/conditions:

Sore Hand

**Summary:**

On 7-5-2013 Officer Van Tassel took a burglary DV report at 2014 W. 9th from Karyna Hamilton. Ms. Hamilton was separating from her husband, Keith Hamilton, due to him being an alcoholic. He moved out of the residence on 7-4-2013. At that time Mr. Hamilton moved out his personal belongings, placed his other belongings in the garage, turned over the house keys to Ms. Hamilton, and obtained an apartment at 707 N. Monroe #8.

On 7-6-2013 Mr. Hamilton returned to 2014 W. 9th and Ms. Hamilton was not home. Mr. Hamilton broke out a window in the residence, opened the back door, and took the family dog. He then returned to his residence at 707 N. Monroe #8. Mr. Hamilton then sent a text message to Ms. Hamilton informing her of his actions. Ms. Hamilton then contacted police and stated Mr. Hamilton had no right to be at the residence.

Officer Van Tassel and Officer Widhalm contacted Mr. Hamilton at his residence at 707 N. Monroe #8. Officers asked to speak with him and he exited his apartment to talk with the officers in the hallway. Officer Widhalm could see the dog in the residence. Mr. Hamilton admitted to breaking out the window to gain entry into the residence. When asked why he did this he stated, "It's my house, I pay the bills." Mr. Hamilton admitted to having property only in the garage and that he gave his key to the residence to Ms. Hamilton.

From Mr. Hamilton obtaining an apartment, moving his belongings out of the residence, moving his extra belongings into the garage, and turning over the key to the residence, Mr. Hamilton relinquished his residency status at 2014 W. 9th. Officer Van Tassel advised Mr. Hamilton he was

under arrest for burglary DV.

Mr. Hamilton is 6'5", 250# and a large man, larger than Officer Van Tassel and Officer Widhalm. Officer Van Tassel took Mr. Hamilton by left wrist control and had him face away from him switching over to right wrist control. Officer Widhalm then took left wrist control of Mr.

Hamilton. Mr. Hamilton then tensed up his arms and pulled them into the center of his chest stating "No, you can't do this." Mr. Hamilton was told not to resist. Mr. Hamilton then swung his right elbow at Officer Van Tassel, hitting him in the forehead. (Officer Van Tassel stated he had not been hit that hard in a very long time.) Officer Van Tassel received a cut on his forehead from the blow. Officers then used force for the following Graham Factors:

Crime: Mr. Hamilton had committed the crime of burglary DV and 3\* assault on a police officer.

Threat Factor: Mr. Hamilton is larger and heavier (6"5" and 250#) than Officer Widhalm and Officer Van Tassel. Mr. Hamilton had already pulled his arms into his chest despite having an officer holding onto each of his arms. Mr. Hamilton told the officers, "No, you can't do this" as they were holding onto his arms.

Resistance Factors: Mr. Hamilton used his strength and body mass to stiffen up his arms and pull his arms into his chest even though officers were holding on to his arms. Mr. Hamilton then became assaultive by hitting Officer Van Tassel in the forehead.

The situation for the officers was tense and rapidly evolving. Officer Widhalm then struck Mr. Hamilton in the face with a closed fist trying to get him to stop; however, Officer Widhalm did not see any response from Mr. Hamilton. Officer Widhalm then delivered knee strikes to Mr. Hamilton's left thigh. Mr. Hamilton reacted to this, as his body lowered. Officer Van Tassel then applied neck restraint on Mr. Hamilton rendering him unconscious. Officers were then able to place handcuffs on Mr. Hamilton.

Due to the neck restraint, Mr. Hamilton was checked by medics at the scene and then taken to Deaconess Hospital for medical clearance. I did see a small cut on Officer Van Tassel's forehead that was bleeding and Officer Widhalm advised his hand was hurting.

I contacted Mr. Hamilton at Deaconess Hospital and talked with him about the incident. Mr. Hamilton was having mood swings as he was crying, and then he was angry. Mr. Hamilton stated he was not injured in the incident. I asked Mr. Hamilton what happened with the officers. Mr. Hamilton was upset that he was arrested for breaking out the window of "his house" and getting "his dog." He admitted moving his personal things out, moving things to the garage, and giving up the house key to Ms. Hamilton. He stated he was lonely and went to the residence, broke out the window, and took the dog. He admitted to only having a key to the garage and a vehicle. He had some items in the garage. Talking to Mr. Hamilton it sounded like the garage was not attached to the residence.

Mr. Hamilton said officers confronted him at his residence and he talked with them in the hallway. He later stated an officer pulled him out of his apartment and he did not talk with the officers. The officers arrested him and he "resisted" because it was his house that he broke into. He stated he "messed up." He then changed his statement and stated the officers threw him on the ground and he did not resist. When I told him he hit an officer he stated, "No" and had a stressed look on his face. I then advised Mr. Hamilton that he was going back and forth about what happened; as far as he did nothing to he resisted officers. Mr. Hamilton then stated he did nothing and they threw him down. He then asked to speak with an attorney.

Mr. Hamilton made a conscious decision to resist arrest and struck Officer Van Tassel. Officer Van Tassel and Officer Widhalm reacted appropriately to an assaultive subject as the situation became volatile. Officer Van Tassel's and Officer Widhalm's actions were objectively reasonable and within departmental guidelines and training.

Sgt. Kannberg #271

In Compliance with Policy per Captain Richards, 8/26/2013.

**When/where:**

Date/time occurred: Jul 05 2013 21:38

Incident location: 707 Monroe ST N 8 Spokane WA 99201

Home Address: 707 Monroe ST N 8 Spokane WA 99201

County: Spokane County

**Linked files:**

Reports (tif)

**Status/assignment information:**

Status: Completed

Opened: Assigned: Due: Completed: 08/26/2013

Disposition: In Compliance w/ Policy

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

**Organizational component(s):**

Bureau: Operations  
Unit: Uniform Operations  
Assignment: Patrol  
Not Used: Team 13 - Graves - S

**BlueTeam chain routings**

**Jul 13, 2013 22:04: Sent from Sergeant Eric M Kannberg [271/11092] to Lieutenant Tracie A Meidl [372/11398]**

Instructions:

For your review

Reviewed by Lieutenant Tracie A Meidl [372/11398] on Jul 23, 2013 at 00:50

Decision: Approved

Reviewer comment:

The use of force was reasonable, based on the assaultive behavior of the suspect. The use of force falls within policy guidelines.

**Jul 23, 2013 00:50: Sent from Lieutenant Tracie A Meidl [372/11398] to Captain David W Richards [119/10779]**

Instructions:

Please review the use of force report.

Reviewed by Captain David W Richards [119/10779] on Jul 24, 2013 at 16:00

Decision: Not approved  
Insufficient information

Reviewer comment:

Lt. Meidl -

Please make a finding recommendation reference to the use of force used against the suspect as to whether the force used was within policy or not along with any other comments or recommendations you may have.

Thanks

**Jul 24, 2013 16:00: Sent from Captain David W Richards [119/10779] to Lieutenant Tracie A Meidl [372/11398]**

Instructions:

Please see my comments

Reviewed by Lieutenant Tracie A Meidl [372/11398] on Jul 26, 2013 at 03:28

Decision: Approved

Reviewer comment:

Closed Fist Strikes-This amount of force was reasonable, as the suspect was assaultive and attempting to strike Ofc. VanTassel with an elbow. Although an exceptional technique, the area struck was the only available area at the time and, when the strikes did not seem to affect him, Ofc. Widhalm went to another technique.  
Knee Strikes-This amount of force was reasonable, as the suspect was still assaultive. The suspect was able to turn and give Ofc. Widhalm his thigh as a target, which then proved affective to get him to lower his torso.  
Level 2 Neck Restraint-This amount of force was reasonable, due to the suspect assaulting Ofc. VanTassel. When the suspect was bent over from the knee strikes, Ofc. VanTassel took the opportunity to apply the neck restraint and end the fight before injuries worsened.  
All levels of force used were within policy guidelines.

**Jul 26, 2013 03:28: Sent from Lieutenant Tracie A Meidl [372/11398] to Captain David W Richards [119/10779]**

Instructions:

Please review and note my comments.

Reviewed by Captain David W Richards [119/10779] on Jul 26, 2013 at 11:13

Decision: Not approved  
Needs further investigation

Reviewer comment:

In reviewing the review completed by Sgt. Kannberg and the arrest/incident reports, it appears that the suspect actually did strike Officer Van Tassel with his right elbow causing a cut and bleeding. In the review below, you wrote, "suspect was assaultive and attempting to strike Officer Van Tassel with an elbow".

Closed fist strikes to a combatants face is not a recommended technique. This technique has potential to cause injury to the officer and arrestee. There is also an increased chance of blood transfer by the suspect and the officer. Additionally, this type of technique is rarely effective.

There is no doubt that the suspect was uncooperative and argumentative from the very beginning of the contact. Additionally, there is no dispute that the suspect struck Officer Van Tassel in the forehead with his right elbow causing a visible, bleeding injury to Officer Van Tassel. Sgt. Kannberg indicates that it was a "tense and rapidly evolving" event. Officer Widhalm indicated that the suspect was assaulting Officer Van Tassel and that "it was apparent that (the suspect) was not going to cooperate". He stated that the only other part of the suspect's body that was visible (besides his face) was his shoulder and he didn't feel any technique would be effective on the shoulder of a person of the suspect's large stature so those were the reasons he delivered the closed fist strikes to the face. However, Officer Widhalm also stated in his report that "these strikes didn't seem to be effective". One can assume that this sequence of events in this incident occurred in a very short time frame. Decisions are made instantaneously by officers on the scene. However, officers also have to be aware of ineffective techniques versus other techniques that could be utilized in situations such as this.

Please meet with Officer Widhalm and Sgt. Kannberg and discuss the incident. In the verbal review of what occurred, discuss with Officer Widhalm other options that he may have been able to use on the suspect at the time of the arrest besides the closed fist strikes. My intent is for Officer Widhalm to be aware of other techniques he may have been able to use so if he is presented with this type of situation again, he may use something that is more immediately effective.

After speaking with Officer Widhalm and Sgt. Kannberg, please forward this incident back to me with the results of your conversations/training.

The delivery of the knee strikes to the suspect's left thigh was a necessary step in controlling the very large statures suspect and getting him controlled, handcuffed and in custody. He had already assaulted Officer Van Tassel. This use of force was within policy. Additionally, the level 1 and level 2 LVNR were also within policy and this was the technique that finally allowed officers to handcuff and take the suspect into custody. This use of force was within policy.

**Jul 26, 2013 11:13: Sent from Captain David W Richards [119/10779] to Lieutenant Tracie A Meidl [372/11398]**

Instructions:

Please see my comments

Reviewed by Lieutenant Tracie A Meidl [372/11398] on Aug 15, 2013 at 23:42

Decision: Approved

Reviewer comment:

I spoke with Sgt. Kannberg regarding this particular use of force. Sgt. Kannberg used to be a defensive tactics instructor and is knowledgeable in this area. He spoke with Officer Widhalm about the incident, the use of force, its limitations, and other alternatives that existed.

Officer Widhalm indicated he may not have painted the full picture of the environmental factors that lead him to choose the technique he chose.

He indicted officers were interviewing the suspect at the end of a hall way that was about 3 feet wide (in an older building). The suspect had stepped out into the hallway and left his door open with a dog just inside the door. As the officers informed the suspect he was under arrest they stepped up to the suspect, took arm control and began to handcuff the suspect. The suspect began resisting and hit Officer Van Tassel in the head with his elbow. Officer Van Tassel went to put on a neck restraint and was pushed up into a corner of the hallway. Do to the environmental factors they were standing very close to one another as if shoulder to shoulder. Because of the cramped environmental conditions he felt he had one target to strike and that was the suspects face. He indicted even then his strikes were difficult to deliver because the suspect was taller and bigger then both of the officers and he was leaning back into Officer Van Tassel.

I advised Sgt. Kannberg, who advised Officer Widhalm, that if this detailed information were in the original report, the use of force may have not been in question. It was also discussed that open palm strikes to the face are as effective as the closed fist, with less chance of injury to both parties.

I have also implemented a review of defensive tactics for roll call training. Sgt. Kendall created an outline and has instructed graveyard teams in the ineffectiveness of closed fist strikes to the head/face area. Other topics are also outlined and will be disseminated to defensive tactics instructors for all patrol shifts for roll call training.

**Aug 15, 2013 23:42: Sent from Lieutenant Tracie A Meidl [372/11398] to Captain David W Richards [119/10779]**

Instructions:

Please review my comments from the use of force review.

Reviewed by Captain David W Richards [119/10779] on Aug 26, 2013 at 14:05

Decision: Approved

Reviewer comment:

The additional detail provided by Officer Widhalm as to the circumstances that existed at the time of the use of force does assist the reviewer of this incident to more clearly understand what the officers were faced with. The use of force was within policy considering all the factors. Additionally, the training provided by Sgt. Kendall, the Defensive Tactics instructor, to the patrol roll calls will ensure that the information regarding strikes is disseminated broadly to the Patrol Division. The additional training provided to Officer Widhalm regarding providing sufficient detail in incident/arrest reports as to the specifics of uses of force and especially when that use of force is considered an exceptional technique will also help in his development in proper report writing.

**Entered via BlueTeam by: Sergeant Eric M Kannberg [271/11092]  
on Jul 06, 2013 at 21:36**

07/06/13 19:52:56 PRINT REQUESTED BY TERMINAL PREN22

Incident History for: #SP130221804 Xref: #SP130221822

Entered 07/05/13 21:38:31 BY 91113 911165  
Dispatched 07/05/13 21:40:00 BY D480 844  
Enroute 07/05/13 21:40:00  
Onscene 07/05/13 21:48:47  
Closed 07/06/13 00:46:55

Initial Type: BURGR Final Type: BURGR (BURGLARY REPORT, RESIDENTIAL)

Initial Priority: 2 Final Priority: 2

Disposition: 1E Source: 9 Primary Unit: D472

Police BLK: SPD7CH

Group: P7 Beat: Map Page: 26

Loc: 2014 W 9TH AV ,SPK low xst: S CANNON ST (V)

Name: HAMILTON, KARYNA K101982 Addr: SAME

Phone: 5098478111

/213831 (911165) ENTRY WITHIN THE PAST HOUR, HUSBAND BROKE A WINDOW AND ENTERED HER HOME AND STOLE A DOG. CLEARED.

/213904 SUPP TXT: HUSBAND: HAMILTON, KEITH G 091780 WM

/213929 SUPP TXT: KEITH IS AT HIS APT AT THE DELANEY APT ON MONROE UNK APT #. POSS 2ND ONE IN ON THE 2ND FLOOR.

/214000 (844 ) \*DISPER D480 #844 VANTASSEL, RONALD

/214007 (911165) SUPP TXT: KEITH ADMITTED BREAKING IN TO THE HOME IN A TEXT MSG. SHE HAS SAVED THE TEXT MESSAGE.

/214015 SUPP TXT: 2 CHILDREN AT LOC.

/214040 CHANGE NAM: KARYNA --> HAMILTON, KARYNA K101982

/214127 (1160 ) MISC [REDACTED] #3a

/214154 (911165) SUPP TXT: KARYNA'S FATHER: JERNBERG, KEN 65 WM LONG HAIR IS ENROUTE IN A SIL TOY T ACOMA, WTA UNK . ###

/214309 (1160 ) MISC [REDACTED] #3a

/214627 (844 ) \*REMINQ D480 [REDACTED] #3b

/214644 \*REMINQ D480 [REDACTED]

/214756 \*REMINQ D480 [REDACTED] #3g

/214821 \*REMINQ D480 [REDACTED]

/214847 \*ONSCNE D480 [REDACTED]

/215431 (1144 ) \$CROSS #SP130221822

/220617 CHGLOC D480 [707 N MONROE]

/220626 ASSTER D472 [707 N MONROE]

#989 WIDHALM, HOLTON

/220951 (989 ) \*ONSCNE D472

|         |       |   |          |      |   |
|---------|-------|---|----------|------|---|
| /220958 | (844  | ) | *ONSCNE  | D480 |   |
| /221012 | (989  | ) | *REMINQ  | D472 |   |
| /221102 |       |   | *REMINQ  | D472 |   |
| /221324 | (1144 | ) | CALLBK   | D480 | T/PCC02<br>,CALL DRESDEN APT MGR, 999-2731, CAN THEY LET OFFICERS IN? |
| /221420 | (1160 | ) | CALLBK   | D480 | T/PCC03<br>,MGR ER  |
| /221803 | (1144 | ) | MISC     | D480 | ,STEP IT UP   |
| /221806 | (987  | ) | *ASSTER  | D481 | [707 N MONROE]<br>#987 SCHNEIDER, MICHAEL                             |
| /221807 | (1144 | ) | NEWLOC   | D480 | [#8]  |
| /221813 |       |   | ASSTER   | C362 | [#8]<br>#1106 CONRATH, CHRIS  |
| /221816 | (969  | ) | *ASSTER  | A418 | [#8]<br>#969 SPOLSKI, NICHOLAS  |
| /221818 | (1144 | ) | MISC     | D480 | ,SLOW IT DOWN   |
| /221820 | (750  | ) | *ASSTER  | F34  | [#8]<br>#750 ANDERSON, JERRY C  |
| /221829 | (969  | ) | *PREMPT  | A418 |   |
| /221832 | (750  | ) | *PREMPT  | F34  | ,PSTAT/ASST   |
| /221833 | (1144 | ) | MISC     | D480 | ,C4   |
| /221837 |       |   | ASSTER   | P303 | [#8]<br>#733 ENNIS, GORDON  |
| /221842 | (987  | ) | \$PREMPT | D481 |   |
| /221853 | (1144 | ) | EMSREQ   | D480 | T/PCC05<br>,MEDICS FOR LVNR APPLICATION                               |
| /221913 | (761  | ) | CALLBK   |      | T/PCC03<br>,MEDICS ADVISED  |
| /221925 | (1144 | ) | CALLBK   | D480 | T/PCC05<br>,CALL COMP TO RESPOND TO PICK UP DOG FROM 707 N MONROE     |
| /221941 | (1106 | ) | *PREMPT  | C362 |   |
| /222026 | (761  | ) | CALLBK   |      | T/PCC03<br>,COMP ENR TO GET DOG, 5 MIN ETA                            |
| /222049 | (1144 | ) | NEWLOC   | D480 | [707 N MONROE #8]   |
| /222049 |       |   | NEWLOC   | D472 | [707 N MONROE #8]   |
| /222121 |       |   | ASSTER   | C362 | [707 N MONROE #8]<br>#1106 CONRATH, CHRIS                             |
| /222121 |       |   | \$ASSTER | L224 | [707 N MONROE #8]<br>#636 KELLER, KEVIN                               |
| /222145 |       |   | \$PREMPT | C362 |   |
| /222145 |       |   | \$ASSTER | D473 | #1067 LESSER, ROBERT SCOTT  |
| /222145 |       |   | PREDSP   | C362 | D473 #SP130221786 T/SEXCRI [101 W 8TH AV #11<br>7 ,SPK]               |

#3b

|                            |         |          |      |  |
|----------------------------|---------|----------|------|--|
| /222203                    |         | CHGLOC   | P303 | [707 N MONROE #8]  |
| /222203                    |         | CHGLOC   | D473 | [707 N MONROE #8]  |
| /222343                    |         | \$PREMPT | L224 |  |
| /222343                    |         | \$ASSTER | L220 | #271 KANNBERG, ERIC M  |
| /222343                    |         | PREDSP   | L224 | L220 T/1   |
| /222438                    |         | CHGLOC   | L220 | [707 N MONROE #8]  |
| /222450                    | (271 )  | *ONSCNE  | L220 |  |
| /222504                    | (1067 ) | *ONSCNE  | D473 |  |
| /222626                    | (733 )  | *ONSCNE  | P303 |  |
| /222735                    | (1144 ) | ASSTOS   | C466 | [707 N MONROE #8]<br>#929 LYONS, CORY  |
| /224120                    | (844 )  | *TRANS   | D480 | [DEACONESS] M/0  |
| /224150                    | (929 )  | *MISC    | C466 | ,PSTAT/ASST  |
| /224159                    |         | *CLEAR   | C466 |  |
| /224248                    | (989 )  | *CHGLOC  | D472 | [DEAC]   |
| /224303                    | (1067 ) | *CLEAR   | D473 | ,PSTAT/ASST  |
| /224406                    | (844 )  | *TRANSC  | D480 | M/.9   |
| /224452                    | (989 )  | *ONSCNE  | D472 |  |
| /224502                    | (271 )  | *CHGLOC  | L220 | [DEAC]   |
| /224530                    | (733 )  | *MISC    | P303 | ,PICS OF OFC VANTASSEL AND SUSPECT   |
| /224534                    |         | *MISC    | P303 | ,PSTAT/ASST  |
| /224536                    |         | *CLEAR   | P303 |  |
| /224612                    | (271 )  | *ONSCNE  | L220 |  |
| /225846                    | (1144 ) | OK       | D472 |  |
| /225846                    |         | OK       | D480 |  |
| /225846                    |         | OK       | L220 |  |
| /234737                    | (271 )  | *MISC    | L220 | ,PSTAT/ASST  |
| /234742                    |         | *CLEAR   | L220 |  |
| *** New Date: 07/06/13 *** |         |          |      |  |
| /000652                    | (1069 ) | TRANS    | D480 | [JAIL]<br>,MILES CONT  |
| /000842                    |         | TRANSC   | D480 | ,2.2   |
| /001100                    | (1144 ) | OK       | D480 |  |
| /001813                    | (989 )  | *MISC    | D472 | ,PSTAT/ASST PSTAT/RPT  |
| /002526                    |         | *NEWLOC  | D472 | [COPS DT]  |
| /003609                    | (844 )  | *CLEAR   | D480 | DSP: 1E<br>,PSTAT/CFS PSTAT/RPT PSTAT/RPT PSTAT/FEL PSTAT<br>/FEL PSTAT/MISD |
| /003816                    | (1144 ) | OK       | D472 |  |
| /004655                    | (989 )  | *CLEAR   | D472 |  |
| /004655                    |         | CLOSE    | D472 |  |

07/06/13 19:53:23 PRINT REQUESTED BY TERMINAL PREN22

Incident History for: #SP130221822 Xref: #SP130221804

Entered 07/05/13 21:54:31 BY PCC03 1144  
Dispatched 07/05/13 21:56:39 BY P303 733  
Enroute 07/05/13 21:56:39  
Onscene 07/05/13 22:02:52  
Closed 07/05/13 22:13:28

Initial Type: CHKEV Final Type: CHKEV (CHECK FOR EVIDENCE)

Initial Priority: 3 Final Priority: 3

Disposition: 8K Source: Primary Unit: P303

Police BLK: SPD7CH

Group: P7 Beat: Map Page: 26

Loc: 2014 W 9TH AV ,SPK low xst: S CANNON ST (V)

Name: HAMILTON, KARYNA K101982 Addr: SAME

Phone: 5098478111

/215431 (1144 ) COPY , PICS OF BROKEN BACK DOOR, TXT MSG  
/215431 \$CROSS #SP130221804  
/215547 HOLD  
/215639 (733 ) \*DISPER P303 #733 ENNIS, GORDON  
/220252 \*ONSCNE P303  
/221328 \*CLEAR P303 DSP: 8K  
, PIX OF DOOR AND TEXT MESSAGE.  
/221328 CLOSE P303

# INCIDENT REPORT

## Spokane Police/Spokane County Sheriff

|   |  |  |                                  |   |   |
|---|--|--|----------------------------------|---|---|
| AGENCY NAME/SUBSTATION<br><b>SPD</b>  |  | EVIDENCE NUMBER  |                                  | INCIDENT NUMBER<br><b>13-221804</b>   |   |
| INCIDENT TYPE<br><b>Arrest, Domestic Violence</b>   |  | INCIDENT CLASSIFICATION #1<br><b>BURGLARY-RESIDNTL</b> |                                  | ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2<br><b>DOMESTIC DSPT-FMLY</b> <input type="checkbox"/> |   |
|   |  | INCIDENT CLASSIFICATION #3<br><b>ASSAULT-SIMPLE</b>    |                                  | ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #4<br><b>RESISTING ARREST</b> <input type="checkbox"/>   |   |
| RESPONDING TO (Officer Assault)   |  |  |                                  | ASSIGNMENT (Officer Assault)  |   |
| REPORTED ON<br><b>Fri 07/05/2013 21:38</b>  | DATE/TIME  | OCCURRED ON<br><b>Fri 07/05/2013 21:00</b>             | DATE/TIME                        | OCCURRED TO<br><b>Fri 07/05/2013 21:30</b>  | DISTRICT  |
| DISPATCH TIME   | ARRIVED TIME   | CLEARED TIME   | REPORT DATE<br><b>07/06/2013</b> | REPORT TIME<br><b>05:00</b>   | EST. TOTAL PROPERTY LOSS                                      |
| PRIMARY CHARGE<br><b>9A.52.025(1) BURGLARY-RESIDENTIAL</b>  |  |  |                                  |   | UCR/NIBRS CODE<br><b>/ 220</b>                                |
| ADDITIONAL CHARGES<br><b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY), 9A.76.040 PUB OFFICER(RESIST ARREST)</b>   |  |  |                                  |   |   |
| LOCATION OF INCIDENT<br><b>2014 W 9th Street, Spokane, WA 99204</b>   |  |  |                                  | LOCATION NAME (IF APPLICABLE)   |   |
| SOLVABILITY FACTORS<br><b>PC Affidavit Completed, Suspect Arrested, Useful Physical Evidence</b>  |  |  |                                  |   |   |
| RELATED INCIDENT NUMBERS  |  |  |                                  |   | INCIDENT XREF   |
| ADDITIONAL REPORTING OFFICERS<br><b>Windhalm</b>  |  |  |                                  |   |   |
| <b>VICTIM/WITNESSES/OTHERS</b> <small>                 V-Victim, Individual; BU-Buyer; S-Suspect; RC-Registered Owner; VB-Victim - Business; OW-Owner of Property; D-Driver; GE-Equal Guardian; PO-Police Officer; PS-Passenger; PE-Pedestrian; O-Other; C-Complainant; MR-Person Mentioned; LM-Missing; IN-Investigation; CA-Complainant; S-Victim; CDN-Civil; V-Deceased; A-Assisted Person; W-Witness             </small> |  |  |                                  |   |   |
| CODE<br><b>A-1</b>  | NAME: LAST, FIRST, MIDDLE<br><b>Hamilton, Keith G.</b>   |  |                                  | SEX<br><b>M</b>   | RACE/ETHNICITY<br><b>W-White/Non-Hispanic</b>                 |
| DATE OF BIRTH/AGE<br><b>09/17/1980 0</b>  | HEIGHT<br><b>6'05"</b>   | WEIGHT<br><b>250</b>                                   | BUILD<br><b>Heavy</b>            | HAIR<br><b>Brown</b>  | EYES<br><b>BLU - Blue</b>                                     |
| DESCRIPTORS   | CONFIDENTIALITY <input type="checkbox"/> ADDRESS: STREET, CITY STATE ZIP<br><b>707 N Monroe Street #8, Spokane, WA 99201</b> |  |                                  | RESIDENTIAL STATUS  |   |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS  |  |  | OCCUPATION                       |   | EMPLOYER PHONE  |
| ADDITIONAL PHONES<br><b>(Cell) 847-8111</b>   |  |  |                                  |   |   |
| CHARGE LEVEL<br><b>Felony Class C</b>   | DESCRIPTION<br><b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>   |  |                                  |   | UCR/NCIC CODE<br><b>/13A</b>                                  |
| WARRANT #   | BAIL   | TYPE OF ARREST<br><b>On-View of Arrest</b>             |                                  |   | MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/> |
| CHARGE LEVEL<br><b>Felony Class B</b>   | DESCRIPTION<br><b>9A.52.025(1) BURGLARY-RESIDENTIAL</b>  |  |                                  |   | UCR/NCIC CODE<br><b>/220</b>                                  |
| WARRANT #   | BAIL   | TYPE OF ARREST<br><b>On-View of Arrest</b>             |                                  |   | MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/> |
| CHARGE LEVEL<br><b>Misdemeanor</b>  | DESCRIPTION<br><b>9A.76.040 PUB OFFICER(RESIST ARREST)</b>   |  |                                  |   | UCR/NCIC CODE<br><b>/13A</b>                                  |
| WARRANT #   | BAIL   | TYPE OF ARREST<br><b>On-View of Arrest</b>             |                                  |   | MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/> |

|   |                                      |  |
|---|--------------------------------------|--|
| ID NO./NAME OF REPORTING OFFICER<br><b>#844 - VanTassel, Ronald</b> | DISTRIBUTION                         |  |
| APPROVAL<br><b>#445 - Cordis, Tyler</b>                             | DATE/TIME<br><b>07/13/2013 21:08</b> |  |

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

|  |   |                      |  |   |                                     |
|--|---|----------------------|--|---|-------------------------------------|
| INCIDENT CLASSIFICATION<br><b>BURGLARY-RESIDNTL</b>  |   |                      |  | ATTEMPTED<br><input type="checkbox"/>   | INCIDENT NUMBER<br><b>13-221804</b> |
| CITATION #   | DATE  | TIME                 | BOOKED WHERE<br><b>Spokane County Jail</b>                                     | DATE<br><b>07/05/2013</b>   | TIME<br><b>21:30</b>                |
| ARREST LOCATION<br><b>707 N Monroe Street #8, Spokane, WA 99201</b>  |   |                      | STATEMENT<br><input type="checkbox"/> ORAL<br><input type="checkbox"/> WRITTEN | CHARGES<br><input type="checkbox"/> ADMITTED<br><input type="checkbox"/> DENIED | SUSPECT ARMED WITH                  |
| JUV. PAR/GRD. Notified<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  | NAME/RELATIONSHIP OF PERSON NOTIFIED  | DATE & TIME NOTIFIED | NOTIFIED BY  | DISPOSITION OF JUVENILE   |                                     |
| CODE: <b>CV-1</b> NAME: LAST, FIRST, MIDDLE: <b>Hamilton, Karyna K.</b> SEX: <b>F</b> RACE/ETHNICITY: <b>W-White/Non-Hispanic</b> DATE OF BIRTH/AGE: <b>10/19/1982 0</b> |   |                      |  |   |                                     |
| HEIGHT   | WEIGHT  | BUILD                | HAIR   | EYES  | DESCRIPTORS                         |
| CONFIDENTIALITY <input type="checkbox"/>   | ADDRESS: STREET, CITY STATE ZIP<br><b>2014 W 9th Avenue, Spokane, WA 99202</b>    |                      |  | RESIDENTIAL STATUS  | PHONE                               |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS   |   |                      | OCCUPATION   | EMPLOYER PHONE  |                                     |
| ADDITIONAL PHONES<br><b>(Cell) 847-8111</b>  |   |                      |  |   |                                     |
| RELATIONSHIP TO SUSPECT<br><b>Victim was Wife</b>  |   |                      | VICTIM OF<br>Offns. # <b>9A.52.025(1) BURGLARY-RESIDENTIAL</b>                 | OFNDR. #<br><b>A-1</b>  |                                     |
| CODE: <b>V-1</b> NAME: LAST, FIRST, MIDDLE: <b>Ofc Ronald Van Tassel, E</b> SEX: <b>M</b> RACE/ETHNICITY: <b>W-White</b> DATE OF BIRTH/AGE: <b>#5b</b>                   |   |                      |  |   |                                     |
| HEIGHT   | WEIGHT  | BUILD                | HAIR   | EYES  | DESCRIPTORS                         |
| CONFIDENTIALITY <input type="checkbox"/>   | ADDRESS: STREET, CITY STATE ZIP<br><b>1100 W Mallon Street, Spokane, WA 99260</b> |                      |  | RESIDENTIAL STATUS  | PHONE                               |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS   |   |                      | OCCUPATION   | EMPLOYER PHONE  |                                     |
| ADDITIONAL PHONES<br><b>(Work) (509) 242-8400 x.20844</b>  |   |                      |  |   |                                     |
| RELATIONSHIP TO SUSPECT  |   |                      | VICTIM OF<br>Offns. # <b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>    | OFNDR. #<br><b>A-1</b>  |                                     |

**NARRATIVE**

On 7-5-13 I responded to 2014 W 9th for a possible DV burglary incident. I contacted Karyna Hamilton. Karyna told me that she is separating from her husband Keith. Karyna said that Keith is an alcoholic and it is effecting their lives. They have an infant and a 2 1/2 year old at the residence.

Karyna said that Keith agreed to move out of the residence. Yesterday he moved all his belongings out. He took his clothing, bed and other items. Karyna said that Keith even gave over the key to the residence. He moved all his stuff into an apartment at 707 N Monroe. Karyna said that there is some furniture that he will eventually take when he has the room for it. The furniture is stored in the garage.

Karyna said that Keith has no right to be at the residence at all. He is not welcome, does not have a key and no other way to gain entry into the residence. Karyna said that all his personal property is

# INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

|   |                                       |                                     |
|---|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION<br><b>BURGLARY-RESIDNTL</b> | ATTEMPTED<br><input type="checkbox"/> | INCIDENT NUMBER<br><b>13-221804</b> |
|---|---------------------------------------|-------------------------------------|

gone.

Karyna said that tonight she was at a wedding with her kids. Keith sent her a text message asking if he could come over and get the dog. Karyna responded by texting no to him. Keith sent her back another text that said, "Already got him..What R U gonna do call the cops for breaking into my own house! Please took Dudu and a bag of food...we are no batchelors". Karyna said that "Dudu" is the dogs name.

Karyna said that she came home and the dog was gone. She went to the back door. The glass in the door had been broken out, right next to the door handle. She also noticed that the dog food was also taken.

Based on what Karyna told me, I felt there was PC to arrest Keith for residential burglary DV. I felt that he had no residency at the house at all. He moved his property out and handed over the key to Karyna. He also went and got his own apartment, in his name and is living there.

Photographs were taken of the damage to the back door. I also had photographs taken of the text message from Keith stating that he took the dog.

I responded to 707 N Monroe #8 to contact Keith. He opened the door and asked what I wanted. I told him that I was there about the incident involving the dog. Keith said, "It's my house, I can get my dog". Keith stepped out into the hallway to talk.

Keith was very argumentative with everything I said. He had a very angry look on his face during my contact with him. I asked Keith what happened tonight. He said that he went over to the residence and got his dog. I asked how he got into the residence. Keith said, "I broke the window". I asked why he broke the window. Keith tried to avoid the question and changed the topic. I again asked the same question. Keith said, "It's my house, I pay the bills".

I asked Keith if he has property at the residence and he said yes. Keith said that he has a dresser and a couch out in the garage. I asked Keith where his key to the residence was and he said he gave it to Karyna. I asked Keith if it made sense to him that if he hands over a house key, then he is no longer welcome there. Keith again said that he pays the bills and he can come and go as he pleases. I pointed out to Keith that if he has to break a window to get inside a location, then he probably can't be there. Keith told me I have no idea what I was talking about and I was waisting his time.

Keith then told me that I was violating his rights and I needed to leave. He stated that this conversation was over. I told Keith that based on the above, he was under arrest. I reached out and grabbed onto Keith's left wrist, in a wrist control position.

# INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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|   |                                       |                                     |
|---|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION<br><b>BURGLARY-RESIDNTL</b> | ATTEMPTED<br><input type="checkbox"/> | INCIDENT NUMBER<br><b>13-221804</b> |
|---|---------------------------------------|-------------------------------------|

I had Keith face away from me. I then grabbed onto his right arm and Ofc Windhalm grabbed onto his left. I could feel Keith's arm tense up. I told him several times to not resist us and put his arms behind his back. It should be noted that Keith is several inches taller and about 30-50 lbs heavier than I am.

Keith brought his arm to the front chest area of his body. I was trying to bring his arm back. Keith threw his arm backwards at me. His right elbow struck me in the middle of my forehead. This caused a cut on my head and some bleeding.

I reached up and placed Keith into a neck restraint hold. I tried bringing Keith straight down to a sitting position. Keith continued to flail around and tried to carry me down the hall. I was able to put enough weight on Keith and take him to the ground.

I applied more pressure to the neck restraint and rendered Keith unconscious. He was placed into handcuffs shortly after. Keith was unconscious for about 15 seconds. Once he regained consciousness, he became very verbal. Keith was read his constitutional rights at this point. He said, "That was good you fucking fag, take the cuffs off and try it again". Keith continued this demeanor for about 10 minutes. He swore at me constantly, saying, "Your a fag, do you feel good about yourself". I told him that he was under arrest for assaulting myself. Keith said, "Your barely bleeding, your OK you fucking pussy".

I had Medics check Keith out onscene. Photographs were taken of my injuries. Photographs were attempted of Keith, but he kept moving and was not happy about the photographs being taken.

Karyna's father responded to the apartment and took custody of the dog. I transported Keith to Deaconess for jail clearance for the neck restraint.

At the hospital Keith was very apologetic. He said he was sorry for hitting me and this is not usually him. Keith stated that he is an alcoholic and if he was sober, this would have never happened.

I transported and booked Keith into jail for the listed charges. He failed the booking process at jail due to his verbal confrontation with staff there.

R Van Tassel  
D480  
844

**SUPPLEMENTAL REPORT**  
**Spokane Police/Spokane County Sheriff**

|  |                                       |   |   |                             |
|--|---------------------------------------|---|---|-----------------------------|
| AGENCY NAME/SUBSTATION<br><b>SPD</b>                   |                                       | EVIDENCE NUMBER                                     | INCIDENT NUMBER<br><b>13-221804</b>       |                             |
| REPORT PURPOSE   |                                       |   | REPORTED ON DATE<br><b>Fri 07/05/2013</b> | TIME<br><b>21:38</b>        |
| INCIDENT CLASSIFICATION #1<br><b>BURGLARY-RESIDNTL</b> | ATTEMPTED<br><input type="checkbox"/> | INCIDENT CLASSIFICATION #2<br><b>ASSAULT-SIMPLE</b> | ATTEMPTED<br><input type="checkbox"/>     |                             |
| INCIDENT CLASSIFICATION #3<br><b>RESISTING ARREST</b>  | ATTEMPTED<br><input type="checkbox"/> | INCIDENT CLASSIFICATION #4                          | ATTEMPTED<br><input type="checkbox"/>     |                             |
| DISPATCH TIME  | ARRIVED TIME                          | CLEARED TIME  | REPORT DATE<br><b>07/06/2013</b>          | REPORT TIME<br><b>09:02</b> |
| PRIMARY CHARGE   |                                       |   |   | UCR/NIBRS CODE              |
| <b>NARRATIVE</b>                                       |                                       |   |   |                             |

On 070513 at approximately 2206hrs, I responded to 707 N Monroe Apartment #8 to assist Officer VanTassel with a residential burglary DV investigation. I was wearing the uniform of the day which was a black jumpsuit complete with badge, patches, duty belt with gun, radio, etc. Officer VanTassel told me the suspect, Keith Hamilton had broke into his wife's house and took their dog. Officer VanTassel knocked on Keith's door and he answered. Officer VanTassel asked Keith to step into the hallway to talk to him and he complied. Keith shut the door behind him and left the dog inside. I could see the dog through the doorway when Keith opened the door initially.

Officer VanTassel was trying to ask Keith some questions about the incident but he repeatedly told us he could go into his own house. Keith stated that even though he moved out of his house and gave up his keys he still had to right to break in to get his dog. I could smell the odor of alcohol on Keith's breath even though I was standing about five feet away.

Keith was yelling at us and not answering any other questions. Officer VanTassel advised Keith that he was under arrest and told him to turn around with his hands behind his back. Initially he complied and I took wrist control of Keith's left arm. Officer VanTassel had Keith's right arm. I then saw Keith pull his right arm in towards his chest and felt him tense up. Keith was cursing at us and telling us, "No, you can't do this." I saw Keith swing his elbow towards Officer VanTassel's head and he was trying to pull his right arm away from me.

At this point I had the following information:

- Officer VanTassel had PC to arrest Keith for the felony charge of Residential Burglary DV and he was attempting to arrest him for the charge.
- Keith was a large muscular man who had not been searched and could have weapons on him that could harm or kill us and if he had access to his door he could open it and let the dog attack us.
- Keith was being assaultive and resistive towards two police uniformed police officers.

Based on this information, and after it was apparent that Keith was not going to cooperate, plus he was assaulting Officer VanTassel, I delivered a couple of closed fist strikes to his face in hope of getting him to stop fighting. The only other part of his body that was presented to me was his shoulder and based on my experience this would be a

|   |                                      |  |
|---|--------------------------------------|--|
| ID NO./NAME OF REPORTING OFFICER<br><b>#989 - Widhalm, Holton</b> | DISTRIBUTION                         |  |
| APPROVAL<br><b>#436 - Adams, David L.</b>                         | DATE/TIME<br><b>07/13/2013 11:08</b> |  |

# SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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|   |                                       |                                     |
|---|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION<br><b>BURGLARY-RESIDNTL</b> | ATTEMPTED<br><input type="checkbox"/> | INCIDENT NUMBER<br><b>13-221804</b> |
|---|---------------------------------------|-------------------------------------|

completely ineffective area to strike. After the strikes Keith was still resisting and fighting and these strikes didn't seem to be effective. His body turned and I got enough leverage to deliver some knee strikes to Keith's left thigh. I delivered some knee strikes there and his body lowered. Officer VanTassel then was able to get a lateral vascular neck restraint on Keith. This was effective and Keith fell to the ground taking us with him. Keith lost consciousness and we were able to handcuff him. Keith's head was laying up against a door frame at a very odd angle. We lifted him off so he could breath easier. Officer VanTassel then called for medics.

Officer VanTassel complained that his head hurt. I looked and saw blood and a scratch on his forehead. The outside of my right fist started to swell from either the closed fist strikes or when Keith landed on it when he fell to the ground.

Keith quickly woke up and started yelling at us. He told me to take the handcuffs off and he would take care of us. I advised Keith that he had the right to remain silent and the right to an attorney. He continually said he had the right to break into his house and we had no right to arrest him. He told us we messed with the Coast Guard and he would like to kick our asses.

Medics checked out Keith and then I followed Officer VanTassel while he transported Keith to Deaconess Hospital to be medically cleared for jail booking. See Officer VanTassel 's report for further.

Widhalm #989  
Team 13 D472  
070613

RECEIVED  
SPOKANE POLICE RECORDS

2013 JUL 6 AM 11 06

**SPOKANE POLICE DEPARTMENT  
CHARGING REQUEST AND WITNESS LIST  
Superior Court State of Washington**

DATE: 7-5-13

REPORT NUMBER: 130221804

CHARGES REQUESTED: Residential burglary DV / 3<sup>rd</sup> assault (law enforcement) /  
Resisting arrest

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DEFENDANT: Hamilton, Keith G 9-17-80 w/m

STATUS: In Custody

---

VICTIM(S): Hamilton, Karyna K

DATE/TIME OF CRIME: 7-5-13 / 2100

LOCATION OF CRIME: 2014 W 9<sup>th</sup>

INVESTIGATOR: Van Tassel #844

APPROVED BY: *D. Beckley* 741

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| WITNESSES        | ADDRESS                | PHONE #  |
|------------------|------------------------|----------|
| Ofc Van Tassel   | 1100 W Mallon          | 242-8400 |
| Hamilton, Karyna | 2014 W 9 <sup>th</sup> | 847-8111 |

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EVIDENCE CONSISTS OF: Photographs

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SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**STATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON  
COUNTY OF SPOKANE

REPORT NUMBER: 13-221804

DEFENDANT: Hamilton, Keith G 9-17-80 w/m

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The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because:

**On 7-5-13 the def did commit the listed crimes in the city of Spokane as follows:**

**Karyna Hamilton can testify to the following:**

- That she is still legally married to the def, but going through a divorce.
- That yesterday he completely moved out of the residence and into his own apartment.
- That he took all of his belongings, clothing, personal affects and bed.
- That he gave her all keys that he has to the residence and has no residency whatsoever there.
- That tonight she was at a wedding and she received a text message from the def asking if he could have the dog.
- She texted back to him that he could not.
- The def texted her again stating that he just went over to the residence and took the dog anyways.
- That when she came home she noticed the glass on the back door was broken out and the dog was gone.

**Ofc Van Tassel will testify to the following:**

- Taking victim Karyna's statement.
- Observing a broken window in the rear door.
- Seeing the text message on Karyna's phone from the def, stating that he took the dog from the residence.
- Going to 707 N Monroe #8 to contact the def at his residence.
- That the def was not happy with our presence, was argumentative.
- That the def admitted to going to the residence, breaking the window and taking the dog.
- The def admitted that he does not live there, has his own place and the only property he has is a dresser and a couch in the garage at Karyna's residence.
- The def admitted that he does not have a key to Karyna's residence.
- That the def said it was OK for him to break into the residence because he still paid the bills there and it is his house.
- Telling the def that he was under arrest and to put his hands behind his back.
- The def initially cooperated, but then tensed up.
- Telling the def to relax and not to resist us.
- That the def started to struggle.
- That the def threw his right elbow straight back, striking me in the forehead.
- That the def was rendered unconscious by use of a neck restraint hold.
- That the def was taken into custody.
- That the elbow strike to my head caused a cut and some bleeding.
- Booking the def for the above charges.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A.72.085)

DATE: 7-5-13

PLACE: SPOKANE, WASHINGTON

SIGNATURE: 