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
Witness Exemptions			
#1a	**Name / Identity** 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	**Date of birth** 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	**Personal home, work or cell phone number** 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	**Residential address** 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	**E-mail address** 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)
Juvenile Information			
#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). *Deer v. DSHS, 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

	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). *Deer v. DSHS, 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)
ACCESS Database Info			
#3a	Information from WACIC/NCIC (ACCESS): **Criminal history information**	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. 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): **License Plate Information**	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. 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): **Vehicle Registered owner information**	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. 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): **Wanted persons information**	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. 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): **Officer safety information**	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. 28 CFR 20.38 Access to FBI systems subject to

		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): **Gun information**	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. 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): **DOL Information**	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. 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): **Stolen Vehicle Information**	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. 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): **Missing Persons Information**	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. 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): **Runaways or endangered persons**	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. 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): **DOC Information**	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. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
Personal Identifiers and Financial Info			
#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), RCW 42.56.230 (Personal information), 42.56.250(3)(8) (Employment and

			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 Identicard	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)
Employees Files			
#5a	**Photos** 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	**Birthdates** 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)

#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)
Criminal History			
#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)
Officer Safety or Intelligence			
#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 *Comm'n, 16 Wn.App.* 830, 836 (1977).

		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.	
Photos			
#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) 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) 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) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
Protected by Law			
#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). 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)
#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)

		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 (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) (Privileged communications) *Hangartner v. Seattle*, 151 Wn.2d 439 (2004).
#13a	**Name/Identity** of accused police officers	This redaction protects names/identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 172 Wash.2d 398 (2011)
#13b	**Date of birth** of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 172 Wash.2d 398 (2011)
#13c	**Personal work, home, or cell phone number** of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 172 Wash.2d 398 (2011)
#13d	**Residential address** of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 172 Wash.2d 398 (2011)
#13e	**E-mail address** of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 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 (Confidential information and records)

F13-081

Use of force **IA No: F13-081** **Received: Aug 04, 2013**

Incident No: 13-258808

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

Reason for use-of-force: Assaulting Officer

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: 15 feet to 18 feet

Involved Citizen Build: XLarge

Involved Citizen Height: > 6'3"

Involved citizen:

Ricco A. P. Gonzales

Resistance(s):

Assaultive
Active Resistance

Injuries/conditions:

abrasions

Charges against citizen in relation to the incident:

Arrest - Misdemeanor

Linked address(s):
Home address: 1618 Garland AV E Spokane WA 99207

Linked phone(s):
Home Phone: (509) 534-1415

Officers involved:

Officer Christopher A McMurtrey [1047/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Snapshot - officer information at time of incident:

Badge/ID no: 1047
Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol
Not Used: Team 5 - Swing - S
Rank/title: Officer
Age: 33 Years of employment: 4 Years with unit:
Off duty: Off duty employed:

Use(s) Of Force:

Taser: Effective
Less-lethal/CED force-related
Accidental discharge: No
Device was displayed only:
Arc display: No
Citizen painted with laser: Yes
Direct/drive stun contact:
# of drive stuns: 0
Injury caused:
Location of injury:
Projectile/probe contact: Yes
air cartridges used: 1
cycles through probes: 1
dart hits: 2
Total # darts fired: 2
Injury caused: No
Darts penetrated subject's skin: Yes
Subject wearing heavy clothing: No
Location of projectile/probe contact:

Injuries/conditions:

No injuries noted or visible

Officer witnesses:

Officer Christopher Brasch [952/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Witnesses:

Mary L Whitacre

Linked address(s):
Home Address: 1622 Garland AV E Spokane WA 99207 -

Linked phone(s):
Home Phone: (509) 251-8274

Patrecia R Gonzales

Linked address(s):
Home Address: 1618 Garland AV E Spokane WA 99207 -

Linked phone(s):
Home Phone: (509) 868-0149

Gary W Jones

Linked address(s):
Home Address: 1603 Garland AV E Spokane WA 99207 -

Linked phone(s):
Home Phone: (509) 443-5744

Douglas W Murray

Linked address(s):
Home Address: 1603 Garland AV E Spokane WA 99207 -

Linked phone(s):
Home Phone: (509) 443-5744

Summary:

See typed Word narrative.

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

When/where:

Date/time occurred: Aug 03 2013 19:38

Incident location: 1618 Garland AV E Spokane WA 99207
Home address: 1618 Garland AV E Spokane WA 99207
Home Address: 1622 Garland AV E Spokane WA 99207
Home Address: 1618 Garland AV E Spokane WA 99207
Home Address: 1603 Garland AV E Spokane WA 99207
Home Address: 1603 Garland AV E Spokane WA 99207
County: Spokane County

Linked files:

CAD, reports, taser info (tif)
Sgt Braun's review in word (tif)
corrected copy of Braun's review in word (doc)

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: Patrol
Not Used: Team 5 - Swing - S

BlueTeam chain routings

Aug 04, 2013 17:14: Sent from Sergeant Steven S Braun [647/11952] to Lieutenant Eric S Olsen [255/11040]

Instructions:

> Please let me know if you need any additional information. I had to type my review in Word due to size.

Reviewed by Lieutenant Eric S Olsen [255/11040] on Aug 04, 2013 at 23:40

Decision: Not approved
Insufficient information

Reviewer comment:

> Per our conversation.

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

Aug 04, 2013 23:40: Sent from Lieutenant Eric S Olsen [255/11040] to Sergeant Steven S Braun [647/11952]

Instructions:

> Per our conversation.

Reviewed by Sergeant Steven S Braun [647/11952] on Aug 04, 2013 at 23:44

Decision: Approved

Reviewer comment:

> [Forwarded by Sergeant Steven Braun]

Aug 04, 2013 23:44: Sent from Sergeant Steven S Braun [647/11952] to Lieutenant Eric S Olsen [255/11040]

Instructions:

> with corrected review. disregard second attachment

Reviewed by Lieutenant Eric S Olsen [255/11040] on Aug 04, 2013 at 23:45

Decision: Approved

Reviewer comment:

Ofc. McMurtrey's use of force was reasonable within Department Policy.

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

Aug 04, 2013 23:45: Sent from Lieutenant Eric S Olsen [255/11040] to Captain David W Richards [119/10779]

Instructions:

For your review.

Reviewed by Captain David W Richards [119/10779] on Aug 21, 2013 at 13:30

Decision: Approved

Reviewer comment:

When officers arrived on scene of the DV, Officer Brasch contacted the visibly upset victim and witness. Officer McMurtrey observed the suspect walking back towards the residence where the females were and where the DV assault had taken place.

Several uninvolved witnesses, family members and the officers were all interviewed as part of the investigation. After reviewing their statements and other attached documents, the suspect, Ricco Gonzales, was definitely displaying assaultive behavior toward Officer McMurtrey. Not only was Gonzales refusing to listen to Officer McMurtrey's repeated commands to stop and sit down, he was verbally responding to Officer McMurtrey indicating that he had no intention of adhering to the commands and was, in fact, making verbal challenges to Officer McMurtrey. The one comment Gonzales made of "tase me" after he was ordered twice to stop and when Officer McMurtrey had clearly told him what he was prepared to do if he didn't stop, shows that Gonzales was aware of what the commands were and what Officer McMurtrey had communicated to him.

Based on Gonzales' words, non verbal behavior and aggressive stride toward Officer McMurtrey, there was clear indication that Gonzales was going to attack and assault Officer McMurtrey. Additionally, besides the imminent danger that Officer McMurtrey was in, there was a documented concern for the victims left at the residence to which Gonzales was attempting to return to. Officers had an obligation to stop Gonzales' advances back to the residence to keep the other involved parties safe. It should also be noted that this was a quickly unfolding event. Based on the CAD review, Officer McMurtrey and Brasch arrived on scene at 1937 hours and then requested medics due to a taser deployment at 1938 hours. It appears that Gonzales began his assaultive behavior immediately upon officers' arrival and forcing officers to react to his actions.

The taser probes were deployed and the device functioned as designed and stopped his advancement. However, even after the deployment, it took three officers to successfully get Gonzales into custody due to his continued violent stuggling. Officers also had to apply leg restraints.

Based on Gonzales active assaultive behavior and Officer McMurtrey needing to protect himself and others at the scene, the use of the taser probes and leg restraints in this incident weer within policy.

Entered via BlueTeam by: Sergeant Steven S Braun [647/11952] on Aug 04, 2013 at 14:22

Use of force review narrative for incident #13-258808.

On 8-3-13 at 1937, I heard A224, unknown if it was Officer McMurtrey or Officer Brasch who were working together as a two-officer patrol unit, request an additional unit and advise of a taser deployment. As I was enroute I heard Officer McMurtrey advise that they were leg restraining a subject and requested that medics meet them at the jail to remove the taser probes.

I arrived on scene at 1944. I saw that Ricco Gonzales had been placed in the back of fully marked patrol vehicle #362. I could also see that he was in leg restraints. Shortly after Ricco was secured in the back of the patrol vehicle Officer McMurtrey started his transport of Ricco to jail with Officer Vaughn riding with him. Officer Brasch remained at the scene to interview victims/witnesses.

I contacted Mary Whitacre. She stated that she has lived next door to Ricco for approximately four years. She stated that Ricco is typically very friendly and does not cause problems in the neighborhood. She and Ricco often exchange friendly greetings and pleasantries when they see each other.

Mary stated that she pulled up in front of her house prior to seeing police officers in the area. She waved at Ricco as he walked passed her but he did not acknowledge her which she felt was odd. She then went into her house. She did not hear or see Ricco fighting with any of his family members. Shortly after she had initially saw Ricco she went outside and saw two uniformed police officers in front of Ricco's house. She then saw Ricco walking westbound in the middle of Garland. She stated that Ricco looked angry. He was very rigid and tense with his posture as he walked. She also stated that he appeared to be "puffing" out his chest. She did not see if Ricco had his hands clinched into fists. Mary stated that she has never seen Ricco posturing in this manner. She heard Ricco say, "You'll have to taze me". She stated that Ricco started walking directly toward the officers. She heard one of the officers order Ricco to stop and warn him that he would be tased if he did not stop. Ricco continued to walk toward the officers and was telling them to taze him. One of the officers then tased Ricco causing him to fall to the ground.

I attempted to contact Officer Brasch on the front porch of 1618 E Garland. There were two females on the porch with him. As I started to speak with him an unknown male and female walked into the yard. One of the females on the porch, identified as Ricco's grandmother, Patrecia Gonzales, turned to the two people that had walked into the yard and said, "They had to taze him. He came at the officers".

I contacted Gary Jones. He stated that he was standing outside his home at 1603 E Garland when he saw two uniformed police officers outside of 1618 E Garland. He then saw Ricco walking westbound in the middle of Garland. Ricco had his arms up at shoulder level. Gary stated that Ricco appeared aggressive with his posture and did not feel that Ricco had his hands up to surrender. Gary heard one of the officers order Ricco to sit down or he would be tased. Ricco continued to walk toward the officers in an aggressive manner. Gary heard Ricco tell the officers to taze him. One of the officers

ordered Ricco a second time to stop and again warned him that he would be tased. Ricco ignored the command and continued to walk toward the officers in an aggressive manner. One of the officers then deployed his taser on Ricco causing him to fall to the ground.

Gary stated that people should always obey commands given to them by police officers. He added that he feels it is "stupid" to walk toward police officers in an aggressive manner.

I contacted Douglas Murray. He stated that he was standing outside of 1603 E Garland when he saw two uniformed police officers outside of 1618 E Garland. He then saw Ricco walking westbound in the middle of Garland with his arms extended out from his shoulders. Douglas stated that it appeared to him that Ricco was using his body to non-verbally say, "What's up, bring it on". Douglas heard one of the officers order Ricco to sit down and warn him that he would be tazed if he did not stop. Ricco continued to walk toward the officers in an aggressive manner and told the officers to taze him. The officer again ordered Ricco to sit down and gave an additional warning that a taser would be used. Ricco again ignored the commands and continued to walk toward the officers in an aggressive manner. One of the officers then deployed his taser on Ricco causing Ricco to fall to the ground.

I contacted Ricco at the Spokane County Jail. I could smell the obvious odor of intoxicants coming from his person and saw that his eyes were bloodshot. I saw that Ricco had abrasions to his knees and a slight abrasion underneath his right eye.

Ricco stated that he is a heavy drinker and described himself as "tipsy" but not drunk. He also admitted that he was already angry prior to contacting the police because one of his sisters had been hanging out with a "tweeker" that day.

Ricco stated that when he saw the officers outside his residence he approached them and immediately put his hands behind his back. He claimed that he was then tazed with no warning. He stated that he did not resist the officers at any time. He did, however, admit to calling the officer "little bitches" because they had tased him.

I responded to the Public Safety Building and downloaded Officer McMurtrey's taser, serial #X00-243165. I saw a taser deployment logged at 1938:54 on 8-3-13. Officer McMurtrey told me that he had tested his taser at the beginning of his shift.

I reviewed Officer McMurtrey's reports. Officer McMurtrey stated that he was wearing the uniform of the day and working as part of a two-officer patrol unit with Officer Brasch, who was also wearing the uniform of the day. On 8-3-13 at 1926, Officer Brasch and McMurtrey were dispatched to a DV at 1618 E Garland. The complainant stated in the call that a male named Ricco was intoxicated and had assaulted a female at the residence. The complainant also stated that he had walked away from the scene to an unknown location.

Prior to arriving on scene Officer McMurtrey was aware that he was investigating a possible DV assault, that the suspect was outstanding, and that the suspect was possibly intoxicated.

Shortly after Officer McMurtrey and Officer Brasch arrived on scene Officer McMurtrey observed a male walking west in the middle of Garland. Officer McMurtrey described the male as having an angry grimace and an ominous glare. He also stated that the male was rigid, his muscles appeared tensed, and that his hands were clinched into fists. He stated that the male appeared to be walking with a purpose. The male, identified as Ricco, initiated verbal contact with Officer McMurtrey by saying, "Yeah, you're looking for me, nigga".

Ricco's posture, demeanor, and the manner of his verbal communication at this point increased the threat level to the officers at the scene.

Officer McMurtrey stated that Ricco appeared to be walking toward the house. Officer McMurtrey ordered Ricco to stop and sit on the curb. Ricco responded by saying, "Fuck you, I aint sitting down for shit, nigga". Ricco then held out his arms, puffed out his chest, and started to advance toward Officer McMurtrey. Officer McMurtrey displayed his taser and pointed it at Ricco. Officer McMurtrey again ordered Ricco to stop and sit down. Officer McMurtrey also warned Ricco that he would be tased if he did not comply. Ricco responded by telling Officer McMurtrey to taze him. Officer McMurtrey noted that Ricco was approximately 4 inches taller and 60 pounds heavier that himself. Ricco then started advancing on Officer McMurtrey with a quicker pace. Officer McMurtrey then deployed his taser in probe mode. The probes struck Ricco in his abdomen just right of his center line. One 5 second cycle of the taser was deployed.

Ricco had become assaultive toward the officers. He ignored lawful commands to stop and sit down, after ignoring those commands he was warned that a taser would be deployed, he advanced toward the officers in a quickened pace while telling the officers to taze him.

After Ricco was tased he fell to the ground. Officer McMurtrey was able to take control of Ricco's left arm but Ricco was able to pull his right arm underneath his body. It took Officer McMurtrey and Officer Brasch several attempts to pull Ricco's right arm from underneath his body. Ricco was screaming and yelling during the entire arrest. Ricco was able to "buck" Officer Brasch off of his legs more than once during the arrest. Ricco had to be placed in leg restraints due to his continued physical resistance in order to aid in preventing the officers from being assaulted and Ricco from injuring himself.

Officer McMurtrey stated that members of the Spokane Fire Department removed the taser probes from Ricco at the jail.

Officer Vaughn placed the taser cartridge and probes on property as evidence.

Officer Brasch stated in his report that when he arrived at 1618 E Garland he saw an empty 750ml bottle of Black Velvet in the front yard. One of the victim's, Patrecia Gonzales, told him that her grandson, Ricco, was intoxicated. She then pointed down the street to a male that was walking westbound and identified the male as Ricco. Officer Brasch heard Officer McMurtrey order Ricco to sit down. Officer Brasch stated that Ricco had both hands clinched into fists and that he was flexing his arm muscles. Officer Brasch estimated that Ricco was 6'4" and weighed between 250-280lbs.

Ricco was yelling that he was not going to sit down and started advancing toward Officer McMurtrey at a quick pace. Officer Brasch stated that he was worried about his safety as well as the safety of Officer McMurtrey. Officer Brasch heard Officer McMurtrey warn Ricco that he would be tased if he did not stop and sit down. Ricco responded by telling Officer McMurtrey to "fucking taze" him. Ricco continued to advance on Officer McMurtrey. Officer McMurtrey was able to successfully deploy his taser causing Ricco to fall to the ground. Once on the ground Ricco was able to conceal his right hand underneath his body. Ricco was also kicking his legs and attempting to pull away from the officers. The officers were finally able to gain control of Ricco's arms and place him in handcuffs. After Ricco was handcuffed he continued to kick his legs. Officer Brasch placed Ricco in leg restraints in attempt to keep him from kicking at the officers.

Crime: DV assault.

Accumulated threats:
-Ricco was reported to have assaulted at least one person,
-Ricco was intoxicated,
-Ricco had initially fled the scene to an unknown location,
-A large empty liquor bottle was found outside the home (showing Ricco's possible intoxication level and it could have been used as a weapon),
-Ricco's size advantage on the officers,
-Ricco displaying an angry grimace to the officers,
-Ricco displaying an ominous glare to the officers,
-Ricco had both of his hands clinched into fists when he contacted the officers,
-Ricco maintained a rigid and tense posture with the officers,
-Ricco ignored lawful commands to stop advancing toward the officers,
-Ricco ignored lawful commands to sit down,
-Ricco verbally challenging the officers upon contact.

Assaultive behavior:
-Upon contact with the officers Ricco had both hands clinched into fists,
-Ricco maintained a rigid and tense posture with the officers,
-Ricco advanced on Officer McMurtrey after ignoring lawful commands to stop and sit down,
-Ricco kicking his legs at the officers during handcuffing.

I, Sergeant Braun #647, feel that the level of force used by Officer McMurtrey was reasonable and in accordance with Spokane Police Department Policy and Procedures,

The Spokane Police Department Defensive Tactics Manual, and the use of force standard set forth in Graham V Connor.

08/03/13 23:22:41 PRINT REQUESTED BY TERMINAL PPTN03
Incident History for: #SP130258808

Entered 08/03/13 19:25:30 BY 91102 911165
Dispatched 08/03/13 19:26:51 BY PCC01 1160
Enroute 08/03/13 19:26:51
Onscene 08/03/13 19:37:34
Closed 08/03/13 23:11:58

Initial Type: ASLT Final Type: ASLT (ASSAULT)
Initial Priority: 1 Final Priority: 2
Disposition: 1E Source: 9 Primary Unit: A224
Police BLK: SPB4BE
Group: P4 Beat: Map Page: 32
Loc: 1618 E GARLAND AV ,SPK btwn N HELENA ST & N PITTSBURG ST <3900> (V)
Name: FERGUSON, RAEANN Addr: 1603 E GARLAND Phone: 2087989336

/192530	(911165)	ENTRY		NEIGHBORS ARE ARGUING. MALE NEIGHBOR PUSHED TH E FEMALE. UNK IF MEDICS N EEDED. MALE IS INTOX . NO WEAPONS SEEN. CALL CAME IN 911 A.
/192551		SUPP		TXT: MALE: UNK, RICO 25-35 Y/O STRIPED TANK TO P
/192600	(1160)	HOLD		
/192604	(911165)	SUPP		TXT: MALE IN BLK SHORTS.
/192622	(1160)	HOLD		PRI/2
/192635	(911165)	SUPP		TXT: FEMALE: WHF 20-25 Y/O .
/192651	(1160)	DISPER	A224	#952 BRASCH, CHRISTOPHER #1047 MCMURTREY, CHRISTOPHER
/192657	(911165)	SUPP		TXT: MALE NOW WALKING TOWARDS CRESTLINE.
/192719		CHANGE		NAM: ANON --> FERGUSON, RAEANN, ADR: ANON --> 1603 E GARLAND
/192734		SUPP		TXT: LOC IS WHI HOUSE.
/192746		SUPP		TXT: SUSP MALE WAS YELLING AT COMP AND CALLING HER NAMES. ###
/193733	(1160)	MISC	A224	,TAKE ANOTHER UNIT TAZER DEPLOYMENT
/193733	(647)	*ASSTER	L226	[1618 E GARLAND AV ,SPK] #647 BRAUN, STEVEN SCOTT
/193734	(1160)	ONSCNE	A224	
/193749		ASSTER	P316	[1618 E GARLAND AV ,SPK] #689 MCNAB, MICHAEL
/193823	(688)	*ASSTER	B239	[1618 E GARLAND AV ,SPK] #688 CURTIS, JASON
/193825	(620)	*ASSTER	B245	[1618 E GARLAND AV ,SPK] #620 ATKINS, RICHARD
/193833	(1160)	CALLBK	A224	T/PCC06 ,START/STAND OFF MEDICS TAZER DEPLOYMENT UNK W HERE THE PRONGS ARE
/193908		ONSCNE	P316	
/193913	(657)	CALLBK	A224	T/PCC01 ,MEDICS ADV TO STAGE
/194128	(1160)	MISC	A224	,NEED ANOTHER PATROL CAR WITH LEG RESTRAINTS
/194240		ASSTOS	B340	[1618 E GARLAND AV ,SPK] #566 VAUGHN, KEVIN L
/194408		CALLBK	A224	T/PCC02 ,ADV MEDICS WERE GONNA TRANSPORT TO JAIL MEET US THERE FOR THE PROBES
/194443	(647)	*ONSCNE	L226	
/194457	(1144)	CALLBK	A224	T/PCC01 ,MEDICS ADVISED
/194609	(952)	*TRANS	A224	[JAIL] M/00

					,W/ MALE
/194610	(688	)	*ONSCNE	B239	
/194634	(1160	)	CALLBK	A224	T/PCC02
					,ADV JAIL BRINGING UNCOOP IN WITH LEG RESTRAINTS
/194640			MISC	A224	,VAUGHN RIDING
/194654			CHGLOC	B340	[JAIL]
/194724	(1144	)	CALLBK	A224	T/PCC01
					,JAIL ADV
/194741	(689	)	*CHGLOC	P316	[JAIL]
/195159	(1160	)	MISC	A224	,############
/195315			TRANSC	A224	
/195403			MISC	L226	,WILL NEED CORP BACK TO GARLAND ADDRESS FOR PHOTOS OF PROPERTY DAMAGE
/195511			$PREMPT	B245	
/195511			PREDSP	B245	HOLD1 #SP130258519 T/ACCHR [802 E BRIDGEPORT AV ,SPK]
/195602	(566	)	*ONSCNE	B340	
/195627	(952	)	*TRANSC	A224	[STATION] M/4.1
/195807	(689	)	*ONSCNE	P316	
/195908	(688	)	*CLEAR	B239	,PSTAT/ASST
/200436	(657	)	NEWLOC	A224	[JAIL]
/200441			NEWLOC	P316	[1618 E GARLAND AV ,SPK]
/200902	(647	)	*CHGLOC	L226	[JAIL]
/201115	(566	)	REMINQ	B340	[redacted]
/201216	(689	)	*ONSCNE	P316	
/201819	(566	)	*MISC	B340	,TASER CART. C41028WD5
/201919	(647	)	*ONSCNE	L226	
/202229	(566	)	*CHGLOC	B340	[PROPERTY]
/202322	(552	)	CALLBK		T/PCC01
					,ALL THIS TAKING PLACE AT 4917 N MARTIN, FEMALE DOESNT APPEAR TO BE IN DISTRESS. STILL AT LOCATION IN THE BLUE DODGE DURANGO. INITIALLY COMP HEARD ONE OF THE MALES YELL "BITCH BETTA HAVE MY MONEY"
/202412			MISC		,DISREGARD LAST INFO....MEANT FOR #853
/202934	(689	)	*CLEAR	P316	,PSTAT/ASST
/203022	(647	)	*NEWLOC	L226	[1]
/203606	(566	)	*ONSCNE	B340	
/205730			*CLEAR	B340	,PSTAT/ASST PSTAT/RPT
/210850	(647	)	*CLEAR	L226	,PSTAT/ASST
/211620	(952	)	*MISC	A224	,PSTAT/CFS PSTAT/MISD PSTAT/MISD PSTAT/MISD PSTAT/MISD
/211647			*MISC	A224	,DV ASSAULT, DV MAL MIS, OBSTRUCT, RESISTING ARREST
/220847			*NEWLOC	A224	[STATION]
/222527	(1069	)	OK	A224	
/231158	(952	)	*CLEAR	A224	DSP: 1E
/231158			CLOSE	A224	

#3a

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION	EVIDENCE NUMBER	INCIDENT NUMBER
SPD		13-258808

INCIDENT TYPE	INCIDENT CLASSIFICATION #1	ATTEMPTED	INCIDENT CLASSIFICATION #2	ATTEMPTED
Arrest, Domestic Violence	ASSAULT-SIMPLE	☐	MALICIOUS MISCHIEF	☐
	INCIDENT CLASSIFICATION #3	ATTEMPTED	INCIDENT CLASSIFICATION #4	ATTEMPTED
	OBSTRUCT OFFICER	☐	RESISTING ARREST	☐
	RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	

REPORTED ON / DATE/TIME	OCCURRED ON / DATE/TIME	OCCURRED TO / DATE/TIME	DISTRICT
Sat 08/03/2013 19:26	Sat 08/03/2013 19:26	Sat 08/03/2013 21:00	

DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE	REPORT TIME	EST. TOTAL PROPERTY LOSS
			08/03/2013	20:54	

PRIMARY CHARGE	UCR/NIBRS CODE
M-10.11.010 CITY ASSAULT	/13B

ADDITIONAL CHARGES
M-10.12.020(A)(1) MALICIOUS MISCHIEF PERSONAL PROPERTY, M-10.07.032 OBSTRUCTING, M-10.07.034 RESISTING

LOCATION OF INCIDENT	LOCATION NAME (IF APPLICABLE)
1618 E Garland, Spokane, WA 99207	

SOLVABILITY FACTORS
Crime Scene Processed, PC Affidavit Completed, Suspect Arrested, Witness to Crime

RELATED INCIDENT NUMBERS	INCIDENT XREF

ADDITIONAL REPORTING OFFICERS
C. McMurtrey

VICTIM/WITNESSES/OTHERS V-Victim - Individual, RU-Runaway, S-Suspect, RO-Registered Owner, VB-V Bus - Business, OV-Owner of Property, D-Driver, G-Legal Guardian, P-Pedestrian, Cyclist, PS-Passenger, PE-Pedestrian, O-Other, C-Complainant, MIR-Person Mentioned in Missing, IN-Informational, CV-Complainant is Victim, CON-Contact, V-Deceased, A-Arrested Person, W-Witness

CODE	NAME: LAST, FIRST, MIDDLE	SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
A-1	Gonzales, Ricco A.P.	M	I-American Indian or	06/09/1994 19

HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
6'04"	242	Heavy	Black	BRO - Brown	

CONFIDENTIALITY	ADDRESS: STREET, CITY STATE ZIP	RESIDENTIAL STATUS	PHONE
☐	1618 E Garland Avenue, Spokane, WA 99207		534-1415

PLACE OF EMPLOYMENT/SCHOOL/ADRESS	OCCUPATION	EMPLOYER PHONE

ADDITIONAL PHONES
(Home) 534-1415

CHARGE LEVEL	DESCRIPTION	UCR/NCIC CODE
Gross Misdemeanor	M-10.11.010 CITY ASSAULT	/13B

WARRANT #	BAIL	TYPE OF ARREST	MULTIPLE ARRESTEE SEGMENTS INDICATOR
			☐

CHARGE LEVEL	DESCRIPTION	UCR/NCIC CODE
Gross Misdemeanor	M-10.12.020(A)(1) MALICIOUS MISCHIEF PERSONAL PROPERTY	290/290

WARRANT #	BAIL	TYPE OF ARREST	MULTIPLE ARRESTEE SEGMENTS INDICATOR
			☐

CHARGE LEVEL	DESCRIPTION	UCR/NCIC CODE
Gross Misdemeanor	M-10.07.032 OBSTRUCTING	

WARRANT #	BAIL	TYPE OF ARREST	MULTIPLE ARRESTEE SEGMENTS INDICATOR
			☐

CHARGE LEVEL	DESCRIPTION	UCR/NCIC CODE
Gross Misdemeanor	M-10.07.034 RESISTING ARREST	

WARRANT #	BAIL	TYPE OF ARREST	MULTIPLE ARRESTEE SEGMENTS INDICATOR
			☐

ID NO./NAME OF REPORTING OFFICER	DISTRIBUTION
#952 - Brasch, Chris	

APPROVAL	DATE/TIME
#647 - Braun, Steven S	08/03/2013 23:35

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	13-258808

CITATION #	DATE	TIME	BOOKED WHERE	DATE	TIME
N043332	08/03/2013	19:25	Spokane County Jail	08/03/2013	19:25

ARREST LOCATION	STATEMENT	CHARGES	SUSPECT ARMED WITH
1618 E Garland Avenue, Spokane, WA 99207	☐ ORAL ☐ WRITTEN	☐ ADMITTED ☐ DENIED	

JUV. PAR/GRD. Notified	NAME/RELATIONSHIP OF PERSON NOTIFIED	DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE
☐ YES ☒ NO				

CODE	NAME: LAST, FIRST, MIDDLE	SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
V-1	[redacted] #1	F	W-White	09/07/1948 64

HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
5'04"	130	Light	Black	BRO - Brown	

CONFIDENTIALITY	ADDRESS: STREET, CITY STATE ZIP	RESIDENTIAL STATUS	PHONE
☐	1618 E Garland, Spokane, WA 99207		534-1315

PLACE OF EMPLOYMENT/SCHOOL/ADRESS	OCCUPATION	EMPLOYER PHONE

ADDITIONAL PHONES
(Home) 534-1315

REALTIONSHIP TO SUSPECT	VICTIM OF	OFNDR. #
Victim was Grandmother	Offns. # M-10.12.020(A)(1) MALICIOUS MISCHIEF PERSONAL	A-1

CODE	NAME: LAST, FIRST, MIDDLE	SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
V-2	[redacted] #1	F	W-White	04/10/1986 27

HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
5'10"	125	Light	Black	BRO - Brown	

CONFIDENTIALITY	ADDRESS: STREET, CITY STATE ZIP	RESIDENTIAL STATUS	PHONE
☐	2109 W Fairview Avenue, Spokane, WA 99205		

PLACE OF EMPLOYMENT/SCHOOL/ADRESS	OCCUPATION	EMPLOYER PHONE

ADDITIONAL ADDRESSES	ADDRESS TYPE
1618 E Garland, Spokane, WA 99207	

DRIVER'S LICENSE	☐ FAKE	STATE	SOCIAL SECURITY NO.	☐ FAKE	OTHER ID
[redacted] #4b					

REALTIONSHIP TO SUSPECT	VICTIM OF	OFNDR. #
Victim was Sister	Offns. # M-10.11.010 CITY ASSAULT	A-1

CODE	NAME: LAST, FIRST, MIDDLE	SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
W-1	Ferguson, Raeann L	F	W-White	08/21/1967 45

HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS

CONFIDENTIALITY	ADDRESS: STREET, CITY STATE ZIP	RESIDENTIAL STATUS	PHONE
☐	1603 E Garland, Spokane, WA 99207		443-5744

PLACE OF EMPLOYMENT/SCHOOL/ADRESS	OCCUPATION	EMPLOYER PHONE

ADDITIONAL PHONES
(Home) 443-5744, (Cell) (208) 798-9336

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	*13-258808*

NARRATIVE

On 080313, at 1925 hours, Officer McMurtrey and I responded to a report of an assault that was occurring at 1618 E. Garland, in the City of Spokane. We were in a fully marked patrol vehicle wearing Spokane Police Uniforms with patches and badges.

SPD Radio advised that the male suspect had pushed a female at the residence. The male was described as a male "Ricco" with a striped tank top and black shorts. The male was last seen walking eastbound towards Crestline.

As we were arriving on scene, I observed a male matching the description walking westbound, on Garland, towards the residence. The male was wearing a tank top and dark colored shorts.

I was walking into the yard to contact a female that was walking out to meet us. I observed an empty bottle of Black Velvet in the front yard. It was a 750 ml sized bottle.

The male began to walk towards Officer McMurtrey, who was still in the road at the time.

The female, who was later identified as [redacted] #1 was crying and said her grandson, Ricco, was "drunk". [redacted] #1 pointed at the male walking up the street and said that was her grandson.

I heard Officer McMurtrey tell the male to sit down. I looked over and observed the male was clenching his fists and had his arms out at his sides flexing his muscles.

I observed the male was very tall and heavily built. The male, who was later identified as Ricco Gonzales was 6'04 and about 250-280lbs. I was worried about the safety of myself and Officer McMurtrey if we were forced to defend ourselves against a person as large and clearly unstable as Ricco appeared to be.

Ricco started yelling that he was not going to sit down. I heard him swearing and saying the word "nigger". I began to walk towards Ricco, at an angle to his left side. Ricco continued to scream that he was not going to sit down.

Ricco was advancing towards Officer McMurtrey at a quick pace and it appeared he was going to assault him as he got closer.

Ricco was making no attempts to slow down or follow the commands to sit down. Ricco was swearing at Officer McMurtrey and had his fist clenched. I heard him yell at Officer McMurtrey to "Fucking Taze" him. Ricco was staring intently at Officer McMurtrey and seemed completely fixed on getting to him. Ricco did not deviate his path in anyway and was striding straight at Officer McMurtrey.

I heard Officer McMurtrey give a verbal warning to Ricco that he was going to be Tazed.

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	*13-258808*

Ricco began to quicken his pace even more and I believed that the assault on Officer McMurtrey was imminent. I started to move up along Ricco's left side, as Officer McMurtrey deployed the Tazer.

The Tazer deployment was effective and Ricco fell to the ground. I ran up to Ricco in an attempt to place him into handcuffs. Ricco rolled over onto his back and then onto his side. Officer McMurtrey and I attempted to get Ricco into handcuffs.

I observed the Tazer had stopped and Ricco again had control over his limbs. Ricco refused to give me his right hand. I reached under his body and pulled on his right forearm trying to get it behind his back. Ricco pulled against me and tried to free his arm and place it back under his body. I was concerned Ricco might be trying to access a weapon. It has been my experience that most weapons are hidden in the waistband area of people's clothing.

Ricco was thrashing his body around and resisting our efforts to place him into handcuffs. Ricco was kicking his legs around and was screaming at us that we were "bitches". Officer McMurtrey and I were finally able to place Ricco into handcuffs (double locked).

I had to place all of my weight onto Ricco's legs to keep him from kicking me and throwing Officer McMurtrey off of his body. We called for another unit for assistance and I placed Ricco into leg restraints.

Ricco continued to violently resist our efforts to restrain him and thrashed around as he was placed in the rear of our patrol vehicle.

-See Officer McMurtrey's report for further details.

Officer McMurtrey and Officer Vaughn transported Ricco to SCSO Jail.

I contacted [redacted] and asked her what had happened. [redacted] was very upset and said that Ricco had become intoxicated. She said that she would not allow him into her residence and he became angry.

[redacted] said Ricco was mad because her grand-daughter, "Valendra" had apparently gone to use methamphetamine. Ricco was mad that his sister was allowed in the house, but he wasn't because he had been drinking.

[redacted] said Ricco started screaming at his other sister, [redacted]. [redacted] was crying and told me Ricco had begun to "shove and push" [redacted]

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	*13-258808*

#1 confirmed that #1 and Ricco are both currently residing with her at the residence on Garland. #1 said Ricco went inside the residence and punched a mirror, breaking it.

#1 continued to cry and said, "I wouldn't be able to do anything the way he is." #1 went on to say, "How could I control him when he goes after you cops."

I contacted #1 and asked her to tell me what had happened. #1 was extremely upset and said that Ricco is only like this when he has been drinking.

#1 said Ricco was upset over their other sister using drugs. #1 said Ricco began to push her, while they were on the porch. #1 said Ricco pushed her several times.

I provided #1 and #1 with a victim rights card and an incident number. I explained to #1 about protection orders and the steps to obtain one.

I contacted the original witness, Raeann Ferguson, and asked her to tell me what she had observed.

Raeann told me she was inside her house and heard a male and female screaming outside her residence. Raeann said she looked out and observed a male, later identified as Ricco, pushing a female. Raeann described both #1 and Ricco.

Raeann said Ricco pushed #1 several times while they were on the front porch. Raeann was very concerned for #1 safety and ran up the street to see if she was alright.

Raeann said she yelled at #1 asking her if she was hurt. Raeann said #1 refused to answer her and Ricco continued to shove her.

Raeann told me Ricco was screaming, "Call the fucking cops go ahead, bitch!" Raeann observed Ricco push #1 into the banister on the porch and then throw a lawn char into the yard.

Raeann said Ricco was "uncontrollable". Raeann told me that she called the police because she was concerned for everyone's safety inside the house. She said Ricco went inside and she could hear banging and yelling all the way down the street.

Ricco was booked for the City Assault DV against #1 and Malicious Mischief against #1 for breaking the mirror. A Corporal responded and took photographs of the damage.

Ricco was also booked for Obstructing and Resisting Arrest.-See Officer McMurtrey's report for further details.

Officer P. Brasch, #952

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	*13-258808*

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION	EVIDENCE NUMBER	INCIDENT NUMBER
SPD		13-258808

REPORT PURPOSE	REPORTED ON DATE	TIME	INCIDENT XREF
	Sat 08/03/2013	19:25	

INCIDENT CLASSIFICATION #1	ATTEMPTED	INCIDENT CLASSIFICATION #2	ATTEMPTED
ASSAULT-SIMPLE	☐	RESISTING ARREST	☐
INCIDENT CLASSIFICATION #3	ATTEMPTED	INCIDENT CLASSIFICATION #4	ATTEMPTED
OBSTRUCT OFFICER	☐	MALICIOUS MISCHIEF	☐

DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE	REPORT TIME
			08/03/2013	21:40

PRIMARY CHARGE	UCR/NIBRS CODE

NARRATIVE

On 080313 at approximately 1926 hours, Officer C. Brasch #952 and I were a two man patrol unit and responded to a report of an assault at 1618 e Garland in Spokane, WA.

Both Officer Brasch and I were dressed in department issued uniform which included police badge and police patches affixed to both shoulders. We arrived in a marked police Crown Victoria with police markings affixed to the sides. I parked the vehicle approximately one house to the West of the target address and on the North side of the street, facing the East.

The initial 911 call from Reann Ferguson indicated a male named Rico was intoxicated and pushed a female at the residence. The male was reported to have walked away EB towards Crestline.

Upon our arrival, I observed two females outside the target address, 1618 E Garland. I could see a male walking WB towards us in the middle of the street, approximately three to four houses away.

As Officer Brasch approached the front porch and contacted the females, I stayed in the street and watched the male. He initially did not appear to me to be wearing the clothing described by the witness, however I was immediately concerned by his posture. He was walking in the middle of the street, despite having sidewalks on with side of the street for pedestrian traffic. He had a flushed face, and an angry looking grimace. The look on his face was immediately concerning to me as it gave off an ominous glare. I could see his arms were rigid, muscles tensed and his fists were balled as he walked. He appeared to be breathing heavily, not consistent with merely walking. I observed sweat on his brow and he appeared to be walking with a purpose.

The male called to me saying something to the effect of, "Yeah, you're looking for me, nigga". I heard a female from the house call out to him and addressing him as "Rico", the same name as the suspect.

At that time, I had probable cause to believe he was the suspect, Rico.

He was still in the middle of the street walking toward me. I was standing at the East side of the property line of 1618 E Garland in the roadway near the sidewalk. As he approached the property line, he turned and started walking towards the house.

ID NO./NAME OF REPORTING OFFICER		DISTRIBUTION
#1047 - McMurtrey, Christopher		
APPROVAL	DATE/TIME	
#647 - Braun, Steven S	08/03/2013 23:32	

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	*13-258808*

I called to him to stop and sit on the curb. He replied, "Fuck you, I aint sitting down for shit, Nigga". He held his arms out to the side, puffed his chest out and advanced on me. I pulled my department issued Taser X-26 from my uniform pocket. I activated the Taser, pointed it at him and allowed the illuminated laser to strike his chest. I warned him again to "Stop and sit on the curb or you will be Tased".

Ricco replied, "Tase me". He quickened his pace and walked directly towards me with his arms flexed at his side and chest out.

At that time, I had been called to the address to investigate an assault between a male and female. The male was named "Rico" in my initial report. I heard a female address the male as "Ricco" when the male approached. I believed him to be the suspect of the assault at that time.

Ricco was much larger than me in size. I estimated his height to be 6'4" and I estimated his weight to be about 275 lbs. I am 6'0" and weigh 215 lbs. Officer Brasch, who was on the porch at the time is 6'0" and weighs 170 lbs. He was reported by other parties to be intoxicated.

At that time, based on the above described physical posturing and demeanor of Ricco, I believed that an assault on myself, officer Brasch and the females on the porch was imminent. I have been a police officer for over seven years and have encountered numerous intoxicated individuals with consistent body language and verbal responses to my commands. Many of such incidents have resulted in assaults, physical resistance and total noncompliance.

The situation was tense, uncertain and rapidly evolving.

I elected to deploy the Taser based on the fact that I was initially alone in the fight. The suspect appeared intoxicated, was advancing on me despite my clear verbal warnings to stop or he would be Tased. He had a clear and distinct size advantage over me. We were on a hard surface, a roadway open to traffic (which was uncontrolled at the time). The surface was hard asphalt and there was a curb near us. The terrain, coupled with the suspect's size and disregard for my Taser warnings exponentially increased the likelihood that a physical confrontation would likely result in injury to the suspect and myself.

Ricco interjected himself in to my official assault investigation by walking back to the house, trying to walk back onto the property. He willfully delayed my investigation by disregarding my verbal commands to stop and sit on the curb. I had reasonable suspicion to stop and detain Ricco as an assault suspect that was trying to re-enter the scene of the crime where innocent women and victims were standing. He was currently committing the crime of obstructing, an arrestable offence. I had no choice to intervene to keep Ricco away from the females for their protection.

I deployed the Taser probes, which contacted Ricco in the right of center abdomen. The Taser

functioned as desired. He immediately fell to the ground and rolled on to his stomach. The Taser deployed one time, completing a single five second cycle.

Officer Brasch and I then attempted to place Ricco under arrest for Obstructing my assault investigation. I told him he was under arrest. I warned him multiple times to stop resisting. Ricco continually physically resisted arrest. I was able to place a handcuff on his left arm. He pulled his right arm into his abdomen, underneath his body. It took Officer Brash and myself numerous attempts to pull his hand from his body. He screamed and cursed at us the entire time, ignoring my verbal commands to stop resisting and to free his arm. He smelled very strongly of an intoxicant. was extremely strong and appeared to be feeling no pain. Ricco was able to buck Officer Brasch off of his legs more than one time. We were able to detain him in handcuffs (D/L). He continued to kick and scream, trying to get away from Officer Brasch and I. Officer Brasch used leg restraints to control his legs, fearing he would be able to assault us by kicking and continue to physically resist arrest.

I requested additional units to assist as well as a patrol supervisor. Sgt. Braun responded, see his additional report.

Upon the arrival of Cpl. Mcnabb and Officer Vaughn, we placed Ricco on to a wool blanket and secured him in the back of my patrol vehicle. We ensured he was lying on his side (left lateral recumbent position). I used the back seat of Officer Vaughn's patrol car to wedge in the gap of the floor boards to keep him from slipping down.

Officer Vaughn and I immediately transported Ricco to SCSO Jail to be booked. I notified jail staff while transporting him. Ricco screamed at us, calling us a plethora of names to include "Bitches, Niggers, Cunts" and various other names. He screamed and cursed at us the entire trip to jail, about 4.1 miles.

I requested SFD respond to the jail sally port to remove the Taser probes, which they did.

Officer Vaughn placed the Taser probes and cartridge on to property.

This report is additional to Officer Brasch's arrest report.

C. McMurtrey 1047/A224

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	*13-258808*

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION	EVIDENCE NUMBER	INCIDENT NUMBER
SPD		*13-258808*

REPORT PURPOSE	REPORTED ON DATE	TIME	INCIDENT XREF
	Sat 08/03/2013	*19:25*	

INCIDENT CLASSIFICATION #1	ATTEMPTED	INCIDENT CLASSIFICATION #2	ATTEMPTED
OBSTRUCT OFFICER	☐	*RESISTING ARREST*	☐
INCIDENT CLASSIFICATION #3	ATTEMPTED	INCIDENT CLASSIFICATION #4	ATTEMPTED
	☐		☐

DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE	REPORT TIME
			08/04/2013	*00:34*

PRIMARY CHARGE	UCR/NIBRS CODE

NARRATIVE

On 08-03-13 I responded to 1618 E Garland to assist officers with a resisting subject. Officers on scene at the location requested additional units respond to assist.

I arrived on scene and assisted loading Ricco Gonzales into the back of the patrol car. Gonzales was already in leg restraints upon my arrival. I rode in the patrol car with Ofc Mcmurtrey per policy on transporting leg restrained subjects. Gonzales was transported to Spokane County Jail where he was booked of various charges.

Throughout my whole contact with Gonzales he cussed at officers calling them "niggers, bitches and cowards." Gonzales cussed about being tased and called officer cowards because they called for back up. Gonzales rambled on and on through the whole transport never being quiet.

I then assisted by placing taser cartridge C41028WD5 on property as evidence.

ID NO./NAME OF REPORTING OFFICER		DISTRIBUTION
#566 - Vaughn, Kevin		
APPROVAL	DATE/TIME	
#647 - Braun, Steven S	*08/04/2013 01:02*	

13-258808

TASER

PROTECT LIFE

TASER Information		Downloaded By	
Serial #	*X00-243165*	**Name**	*Steven Braun*
Model #	*X26*	**Dept**	*SPD*
X26 Software Version	*22*	**Rank**	*Sgt*
Dataport CD Version	*17.4*	**Windows Version**	*Microsoft® Windows NT(TM) Service Pack 3*
Record Date Range	*All Data*		
Computer Time Zone	*Pacific Standard Time *DST*	**Report Generated**	*08/03/13 20:36:45 (local)*
Using Daylight Savings Time	*Yes*		
X26 Warranty Date	*12/14/07 State: Expired*		

Recorded Firing Data

Seq	GMT Time	Local Time	Duration	Temp	Battery
0001	04/27/10 18:23:23	04/27/10 11:23:23	1	30	55
0002	04/27/10 18:21:16	04/27/10 11:21:16	1	30	55
0003	04/27/10 22:40:23	04/27/10 15:40:23	1	25	99
0004	07/05/10 09:31:10	07/05/10 02:31:10	1	25	99
0005	07/05/10 09:31:12	07/05/10 02:31:12	1	25	99
0006	07/05/10 09:31:13	07/05/10 02:31:13	1	26	98
0007	10/12/10 15:02:14	10/12/10 08:02:14	2	19	18
0008	10/12/10 15:02:17	10/12/10 08:02:17	1	19	17
0009	10/20/10 18:11:29	10/20/10 11:11:29	2	26	99
0010	01/01/00 00:00:27	12/31/99 16:00:27	1	26	99
0011	01/01/00 00:00:29	12/31/99 16:00:29	1	26	99
0012	01/05/00 09:50:54	01/05/00 01:50:54	1	25	99
0013	01/10/00 22:47:33	01/10/00 14:47:33	1	24	99

13-258208

Seq	GMT Time	Local Time	Duration	Temp	Battery
0014	01/21/00 06:40:57	01/20/00 22:40:57	2	25	99
0015	01/21/00 23:45:17	01/21/00 15:45:17	1	28	99
0016	01/30/00 00:01:37	01/29/00 16:01:37	2	25	99
0017	01/30/00 23:49:09	01/30/00 15:49:09	1	24	99
0018	02/01/00 06:54:26	01/31/00 22:54:26	2	27	98
0019	02/01/00 06:56:35	01/31/00 22:56:35	2	27	98
0020	02/06/00 23:46:02	02/06/00 15:46:02	1	23	98
0021	02/11/00 02:34:39	02/10/00 18:34:39	5	23	98
0022	02/11/00 07:53:22	02/10/00 23:53:22	Old Time		
0023	02/20/12 02:41:33	02/19/12 18:41:33	New Time		
0024	02/20/12 02:47:58	02/19/12 18:47:58	5	30	97
0025	02/25/12 17:52:20	02/25/12 09:52:20	1	23	97
0026	03/05/12 18:41:41	03/05/12 10:41:41	3	24	97
0027	03/14/12 20:35:19	03/14/12 13:35:19	5	21	96
0028	03/16/12 16:56:52	03/16/12 09:56:52	2	23	96
0029	03/16/12 17:35:39	03/16/12 10:35:39	2	22	96
0030	03/24/12 17:48:14	03/24/12 10:48:14	2	25	95
0031	03/25/12 17:42:56	03/25/12 10:42:56	3	23	95
0032	04/11/12 17:25:19	04/11/12 10:25:19	1	24	95
0033	04/12/12 16:52:40	04/12/12 09:52:40	1	23	95
0034	04/22/12 17:22:30	04/22/12 10:22:30	1	26	95
0035	04/30/12 16:42:16	04/30/12 09:42:16	1	25	95
0036	05/10/12 17:26:25	05/10/12 10:26:25	1	23	94
0037	05/19/12 16:41:57	05/19/12 09:41:57	1	24	94
0038	05/28/12 16:53:52	05/28/12 09:53:52	2	24	94
0039	06/06/12 17:44:20	06/06/12 10:44:20	1	23	94
0040	06/10/12 01:48:29	06/09/12 18:48:29	2	27	94
0041	06/16/12 16:47:18	06/16/12 09:47:18	1	24	94
0042	07/16/12 20:11:37	07/16/12 13:11:37	1	33	93

13-252808

Seq	GMT Time	Local Time	Duration	Temp	Battery
0043	07/17/12 17:46:14	07/17/12 10:46:14	2	28	93
0044	07/23/12 16:57:47	07/23/12 09:57:47	1	25	93
0045	07/25/12 22:41:28	07/25/12 15:41:28	5	30	92
0046	07/25/12 22:41:50	07/25/12 15:41:50	5	31	91
0047	07/25/12 22:41:58	07/25/12 15:41:58	5	31	91
0048	07/25/12 22:42:06	07/25/12 15:42:06	5	31	91
0049	07/25/12 22:42:13	07/25/12 15:42:13	5	32	90
0050	07/25/12 22:42:29	07/25/12 15:42:29	5	33	90
0051	07/26/12 16:54:14	07/26/12 09:54:14	2	26	90
0052	07/27/12 02:04:46	07/26/12 19:04:46	2	32	88
0053	08/01/12 16:41:56	08/01/12 09:41:56	1	25	88
0054	08/29/12 16:57:21	08/29/12 09:57:21	2	25	88
0055	08/29/12 22:47:05	08/29/12 15:47:05	2	32	88
0056	09/07/12 18:41:00	09/07/12 11:41:00	1	25	87
0057	09/11/12 16:56:16	09/11/12 09:56:16	1	24	87
0058	09/17/12 18:18:57	09/17/12 11:18:57	1	24	87
0059	09/26/12 18:03:14	09/26/12 11:03:14	2	24	87
0060	10/08/12 17:40:02	10/08/12 10:40:02	1	24	87
0061	10/15/12 16:50:53	10/15/12 09:50:53	2	24	87
0062	10/24/12 17:32:07	10/24/12 10:32:07	1	22	87
0063	11/03/12 17:22:16	11/03/12 10:22:16	1	23	86
0064	11/06/12 18:38:02	11/06/12 10:38:02	Old Time		
0065	11/06/12 18:33:14	11/06/12 10:33:14	New Time		
0066	11/12/12 18:32:10	11/12/12 10:32:10	1	22	86
0067	11/13/12 18:30:39	11/13/12 10:30:39	1	23	86
0068	11/21/12 18:08:22	11/21/12 10:08:22	1	23	86
0069	11/21/12 18:08:50	11/21/12 10:08:50	2	22	86
0070	12/02/12 17:51:11	12/02/12 09:51:11	1	23	86
0071	12/04/12 18:40:13	12/04/12 10:40:13	1	23	86

13-358896

Seq	GMT Time	Local Time	Duration	Temp	Battery
0072	12/11/12 18:47:44	12/11/12 10:47:44	1	22	86
0073	12/19/12 17:47:20	12/19/12 09:47:20	1	22	85
0074	12/28/12 17:46:39	12/28/12 09:46:39	1	22	85
0075	12/31/12 03:50:44	12/30/12 19:50:44	5	20	85
0076	01/02/13 04:04:59	01/01/13 20:04:59	2	23	85
0077	01/06/13 21:30:49	01/06/13 13:30:49	1	23	85
0078	01/23/13 21:53:20	01/23/13 13:53:20	2	22	84
0079	02/02/13 22:16:45	02/02/13 14:16:45	1	23	84
0080	02/20/13 21:37:33	02/20/13 13:37:33	2	22	84
0081	03/02/13 21:31:53	03/02/13 13:31:53	2	22	84
0082	03/04/13 22:00:50	03/04/13 14:00:50	2	26	84
0083	03/11/13 20:32:50	03/11/13 13:32:50	4	22	83
0084	03/20/13 20:44:04	03/20/13 13:44:04	1	23	83
0085	03/22/13 20:29:48	03/22/13 13:29:48	Old Time		
0086	03/22/13 20:27:19	03/22/13 13:27:19	New Time		
0087	03/22/13 20:46:32	03/22/13 13:46:32	2	25	83
0088	03/30/13 20:30:49	03/30/13 13:30:49	1	23	83
0089	04/09/13 20:45:39	04/09/13 13:45:39	1	22	83
0090	04/27/13 21:48:12	04/27/13 14:48:12	1	23	82
0091	05/05/13 03:10:12	05/04/13 20:10:12	1	25	82
0092	05/15/13 20:48:57	05/15/13 13:48:57	1	24	82
0093	06/05/13 20:36:26	06/05/13 13:36:26	2	24	82
0094	06/11/13 16:39:52	06/11/13 09:39:52	1	24	82
0095	06/20/13 16:50:52	06/20/13 09:50:52	2	23	82
0096	06/26/13 16:50:39	06/26/13 09:50:39	2	23	81
0097	06/27/13 03:21:56	06/26/13 20:21:56	1	26	81
0098	06/28/13 17:48:19	06/28/13 10:48:19	1	26	81
0099	07/15/13 16:56:08	07/15/13 09:56:08	1	23	81
0100	07/24/13 16:55:03	07/24/13 09:55:03	1	24	81

13-282808

Seq	GMT Time	Local Time	Duration	Temp	Battery
0101	07/26/13 18:01:55	07/26/13 11:01:55	1	25	81
0102	07/29/13 02:21:45	07/28/13 19:21:45	3	32	81
0103	08/03/13 17:00:12	08/03/13 10:00:12	2	24	81
0104	08/04/13 02:38:54	08/03/13 19:38:54	5	29	80

End of Report.