



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). <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 |

| | | | |
|-----------------------------|---|--|---|
| | 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) |
| ACCESS Database Info | | | |
| #3a | Information from WACIC/NCIC (ACCESS): <u>Criminal history information</u> | 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): <u>License Plate Information</u> | 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): <u>Vehicle Registered owner information</u> | 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): <u>Wanted persons information</u> | 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): <u>Officer safety information</u> | 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): <u>Gun information</u> | 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): <u>DOL Information</u> | 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): <u>Stolen Vehicle Information</u> | 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): <u>Missing Persons Information</u> | 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): <u>Runaways or endangered persons</u> | 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): <u>DOC Information</u> | 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 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) |
| 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 identocard 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). |

| | | | |
|-------------------------|--|---|--|
| | | 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) <i>Hangartner v. Seattle</i> , 151 Wn.2d 439 (2004). |
| #13a | <u>Name/Identity</u> 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 | <u>Date of birth</u> 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 | <u>Personal work, home, or cell phone number</u> 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 | <u>Residential address</u> 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 | <u>E-mail address</u> 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 (Confidential information and records) |

Use of force IA No: F13-084 Received: Aug 14, 2013

Incident No: 13-271747

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

Reason for use-of-force: Harming self

Officer assessment of citizen condition: Mentally unstable

Citizen was injured: Yes

Citizen was taken to hospital: Yes

Citizen was charged/arrested in relation to the incident: No Officer was injured: No

Officer was taken to hospital: No

Distance Officer was from Involved Citizen: 11 feet to 14 feet

Involved Citizen Build: Medium

Involved Citizen Height: 5'7" to 5'9"

Involved citizen:

#14

Resistance(s):

Life Threat/Suicidal

Injuries/conditions:

Transport to Hospital

Charges against citizen in relation to the incident:

Institutional - Not Arrested

Linked address(s):

Home Address: 424 Gettysburg CT E Spokane WA 99208

Linked phone(s):

Home Phone: (509) 217-3493

Officers involved:

Officer Trevor W Nollmeyer [786/]

Officer current info:

Bureau: Operations

Unit: Uniform Operations

Assignment: Patrol

Snapshot - officer information at time of incident:

Badge/ID no: 786
Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol
Not Used: Team 16 - Graves - N
Rank/title: Officer
Age: 34 Years of employment: 7 Years with unit:
Off duty: Off duty employed:

Use(s) Of Force:

Impact Tools: Effective

Injuries/conditions:

No injuries noted or visible

Officer witnesses:

SPO Dustin S Howe [680/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Corporal Michael J McNab [689/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Witnesses:

Misty M Hayes

Linked address(s):
Home Address: 424 Gettysburg CT E Spokane WA 99208 -

Linked phone(s):
Home Phone: (509) 217-3493

Summary:

On 8-13-13 at 2240, Officer T. Nollmeyer #786, Officer A. Potter #938, and Corporal M. McNab #689 were dispatched to 424 E Gettysburg Ct on a report of a 16 year old with a knife threatening to harm himself and others. At 2242, radio updated the call stating that there were an additional 8 people in the house and that [REDACTED] #14 was in possession of a knife and was threatening to harm himself and others in the house.

Crime:

- There was a possibility of felony harassment,
- The potential for a felony level assault,
- Threats to harm himself.

Threats:

- Male was in possession of a least one deadly weapon (knife),
- The male had stated his intent to harm himself and others inside the house,
- There were at least 8 other people inside the house,
- The layout and other possible weapons in the home were unknowns for the responding officers.

Resistance/Assaultive behaviors:

- The male was not putting down the knife for family members.

Officer Nollmeyer arrived on scene at 2244. Corporal McNab, Officer Potter, Officer D. Howe # 680, and Corporal K. Busch #625, arrived at the house within a couple minutes of Officer Nollmeyer. At 2248, Corporal McNab advised that bean bag rounds had been deployed. I arrived at 2255. Medics were on scene when I arrived.

I contacted Officer Nollmeyer. He told me that he brought his bean bag shotgun with him into the house to be used as a blunt impact device. He, along with Corporal McNab, ensured that the shotgun was only loaded and equipped with bean bag rounds. When he, along with Corporal McNab and Officer Howe, approached the doorway he could see #14 sitting on a mattress on the floor. They were approximately 10 to 12 feet from #14. They were not able to create any further distance from #14 due to the layout of the house. He could not see #14 hands. He heard Officer Howe order #14 several times to drop the knives. When #14 ignored the commands Officer Howe advised Officer Nollmeyer "index". Officer Nollmeyer confirmed with Officer Howe that #14 was still in possession of the knives. Officer Howe told Officer Nollmeyer that #14 still had the knives. Officer Nollmeyer yelled "index" and fired one bean bag round at #14 right thigh. Officer Howe said "again". Officer Nollmeyer understood that to mean that #14 still had possession of the knives. Officer Nollmeyer again yelled "index". He fired an additional bean bag round at #14 right hip. Officer Howe then said "move", which Officer Nollmeyer understood to mean that the second bean bag round was effective in getting #14 to drop the knives. #14 was then handcuffed in a prone position.

Officer Nollmeyer stated that Officer Howe was his lethal cover and that Corporal McNab was there to go hands on when the knives could be removed from #14.

Additional threats:

- #14 was still in possession of two deadly weapons, knives,
- #14 refused to drop the knives when ordered to do so,
- The officers were 10 to 12 feet from #14

I contacted #14. He admitted that he was in possession of two knives. He heard the officers order him to drop the knives and admitted to ignoring the orders. He said, "I didn't want to listen". #14 also admitted that he would have possibly stabbed a person, depending on who, if anyone entered his room.

I saw that #14 had a contusion on his the outside of his lower right buttock and a second contusion on the outside of his right thigh, approximately half way between his right knee and right hip. Corporal Busch took photographs.

I contacted #14 mother, Misty Hayes. She stated that #14 has ADHD, ODD, OCD, and Asperger's Syndrome. She stated that #14 was upset earlier in the day because one of his DVD's would not work properly. He went into his bedroom to calm down. When she entered his bedroom a short time later to bring him an ice cream cone she could see that his hooded sweatshirt was zipped up covering his face. When she got closer to him she could see that he two knives in his hands. #14 told her that he would hurt himself and possibly someone else if she did not leave his room and if anyone else entered his room.

Misty stated that she was still in shock that #14 had armed himself with two knives and that he had made a threat to harm himself and others. She stated that #14 had never acted this way in the past and she did not know what triggered the behavior.

Misty told me that she was aware that #14 had been hit with two bean bag rounds. She

said, "I would rather him get hit with bean bags than stab himself".

#14 was transported to Sacred Heart for medical treatment and a mental health evaluation. Misty stated that she wanted #14 treated for mental health.

I contacted Corporal McNab. He stated that he was not in position to see if #14 had any knives in his hands but heard Officer Howe and Officer Nollmeyer order #14 to drop the knives several times. He heard Officer Nollmeyer yell "index". Officer Nollmeyer then deployed one bean bag round. The initial bean bag round was not effective. He heard Officer Howe continued to order #14 to drop the knives. #14 again did not respond to the lawful order. Officer Nollmeyer again yelled "index". Officer Nollmeyer deployed a second bean bag round. The second round was effective in getting #14 to drop the knives. #14 was then detained in handcuffs.

Officer Howe stated in his report that when he entered the house he heard a female, identified as Misty, calmly telling #14 to put down the knives. Officer Howe directed Misty to step back from the doorway, she complied. When Officer Howe reached the doorway he could see that #14 was holding a knife in each hand and that one of the knives was pointed toward his upper pelvic/thigh area. Officer Howe ordered #14 to drop the knives several times but #14 did not respond or comply. Officer Howe noted that as he was trying to talk to #14 that #14 was tightening his grip on the knives, gritting his teeth, and that his face was turning red. He also noted that it appeared that #14 was putting more pressure against his femoral artery with the knife in his right hand. At one point #14 while in a seated position, turned his body toward Officer Howe.

Officer Howe stated in his report that he was within 10 to 12 feet of #14. Due to the layout of the house it would have been very difficult to retreat without maintaining visual contact with #14 and getting to adequate cover.

Additional threats:

- #14 was still in possession of deadly weapons, knives,
- #14 was ignoring lawful commands to drop the knives,
- #14 was tightening his grip on the knives,
- #14 was gritting his teeth and his face was turning red,
- #14 was pivoting his body toward officers while in a seated position,
- Due to the layout of the house officers had to be in close proximity to #14,
- Due to the layout of the house it would have been very difficult for the officers to retreat without losing visual contact with #14 or finding adequate cover.

Officer Howe alerted Officer Nollmeyer of his observations. He heard Officer Nollmeyer yell "index". Officer Nollmeyer deployed one bean bag round. The initial round was not effective in getting #14 to drop the knives. Officer Howe told Officer Nollmeyer that the first bean bag round was not effective and that #14 was still in possession of the knives. Officer Nollmeyer yelled "index" and delivered a second bean bag round. The second round was effective in getting #14 to drop the knives. #14 was then taken into custody.

The force used by Officer Nollmeyer was within Spokane Police Department Policy and Procedure, Washington State Law, and the use of force factors set forth in Graham V Connor. The officers at the scene established a plan using an impact device while still having lethal cover and an officer assigned to go hands on when the knives were away from #14.

The actions of the officers at the scene were well thought act, effective, and reasonable especially considering the extremely dangerous and high stress nature of the incident.

In compliance with policy per Captain Richards, 8/26/2013.

When/where:

Date/time occurred: Aug 13 2013 22:48

Incident location: 424 Gettysburg CT E Spokane WA 99208
Home Address: 424 Gettysburg CT E Spokane WA 99208
Home Address: 424 Gettysburg CT E Spokane WA 99208
County: Spokane County

Linked files:

CAD, expideter 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 16 - Graves - N

BlueTeam chain routings

Aug 14, 2013 17:06: Sent from Sergeant Steven S Braun [647/11952] to Lieutenant Tracie A Meidl [372/11398]

Instructions:

Please review and let me know if you need any additional information.

Reviewed by Lieutenant Tracie A Meidl [372/11398] on Aug 15, 2013 at 23:57

Decision: Approved

Reviewer comment:

The subject, who was armed with knives, posed a deadly threat to occupants of the house and the officers who responded. The subject refused to drop the knives and appeared to increase his agitation level as the incident progressed. Officer Nollmeyer's use of beanbag rounds to force the subject to drop the knives was well thought out and an extremely effective tool. The force was reasonable and with policy guidelines.

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

Aug 15, 2013 23:57: 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 Aug 26, 2013 at 14:47

Decision: Approved

Reviewer comment:

The mother of the individual in crisis indicated to officers that this was the first time that he had threatened to harm himself and/or others. As officers contacted him and began speaking to him, it was clear to them that he had the means of harming himself and was taking significant steps towards doing so. He was holding at least one of the knives against vulnerable parts of his body. Besides the threats to harm himself, he had indicated that he would harm others as well. There were other people inside the residence at the time. Officers were obligated to take appropriate measures to ensure the safety of the individual and others in the house as the threats from the suspect appeared credible. Additionally, officers described his agitation level as increasing as they continued to attempt to talk to him and attempt de-escalation verbals with him. Officers opted to deploy a kinetic energy projectile in the form of two bean bag rounds. They followed proper procedure in loading the bean bag rounds and ensuring the safety of others in doing so, established lethal cover and calling in medics to treat and care for the individual after he was disarmed and taken into protective custody. The use of the bean bag rounds in this incident were within policy and most probably kept the person from following through with the threats he had been making.

Entered via BlueTeam by: Sergeant Steven S Braun [647/11952] on Aug 14, 2013 at 16:06

08/14/13 16:03:25 PRINT REQUESTED BY TERMINAL PPTN03

Incident History for: #SP130271747

Entered 08/13/13 22:40:04 BY 91102 911195
Dispatched 08/13/13 22:40:54 BY PCC01 1141
Enroute 08/13/13 22:40:54
Onscene 08/13/13 22:44:31
Closed 08/14/13 00:02:39

Initial Type: DVW Final Type: DVW (DOMESTIC VIOLENCE W/WEAPON)
Initial Priority: 1 Final Priority: 1
Disposition: 1A Source: 9 Primary Unit: F33
Police BLK: SPB3NL
Group: P3 Beat: Map Page: 31
Loc: 424 E GETTYSBURG CT ,SPK high xst: E GETTYSBURG DR <300> (V)
Name: ROCHELLE Addr: SAME Phone: 5092181536

/224004 (911195) ENTRY 16YO GRANDSON IN HIS ROOM, HAS A KNIFE, THREAT
S TO HURT HIMSELF AND OTHER S XFER
/224049 (1123) CALLBK T/PCC01
,FIRE ADVISED TO START AND STAGE
/224054 (1141) DISPER A420 #938 POTTER, ADAM
/224054 ASSTER B438 #786 NOLLMEYER, TREVOR
/224054 ASSTER P316 #689 MCNAB, MICHAEL
/224118 (552) SUPP TXT: SUBJECT HAS MENTAL HEALTH ISSUES. NOBODY
IS IN THE BED ROOM WITH HIM. MOM IS STANDING I
N THE DOOR WAY. SUBJECT STILL HAS THE KNIFE.
/224120 (625) *ASSTER P317 [424 E GETTYSBURG CT ,SPK]
#625 BUSCH, KEVIN
/224211 (552) SUPP TXT: HE IS #14 DOB 16 YO, WEARING BL
K JEANS, WHITE MULTICOLORED HOOD IE,
/224313 SUPP TXT: TOTAL OF 8 OTHER PEOPLE IN THE HOUSE TRYI
NG TO TALK HIM FROM THE KNIFE. H E HAS THE KNI
FE IN HIS AND IS MAKING THREATS TO HURT HIMSEL
F AND OTHERS
/224431 (1141) ONSCNE B438 , AREA
/224456 MISC B438 ,RESTRICTED
/224458 (552) SUPP TXT: COMP IS GETTING EVERY BODY OUT THE HOUSE
NOW
/224526 (647) *ASSTER L226 [424 E GETTYSBURG CT ,SPK]
#647 BRAUN, STEVEN SCOTT
/224557 (1141) MISC B438 ,ONE BLOCK JSO LINCOLN OFF STANDARD
/224613 (552) SUPP TXT: LINE D/C, TRYING TO CB
/224627 (1141) ONSCNE P316
/224632 (680) *ASSTOS F33 [424 E GETTYSBURG CT ,SPK]
#680 HOWE, DUSTIN
/224646 (1141) MISC B438 ,NEXT UNIT PULL UP WHERE WHI JEEP IS
/224657 MISC B438 ,MADE CONTACT AT HOUSE
/224752 (625) *ONSCNE P317
/224754 (1141) ONSCNE A420 , AREA
/224839 MISC P316 ,BEAN BAG ROUNDS DEPLOYED
/224843 MISC P316 ,TAKING HIM INTO CUSTODY
/224852 EMSREQ P316 T/PCC05
,SEND IN MEDICS
/224911 (552) CALLBK T/PCC01
,MEDICS ENR IN
/225110 (1141) CONTCT B438 Contact Timer Canceled
,AIR
/225301 MISC P317 ,UNRESTRICT
/225504 (647) *ONSCNE L226

/225722 (1141) MISC A420
/230605 (680) *REMINQ F33
/230613 *REMINQ F33
/230751 *REMINQ F33

#3b
#3g
#3a

/231051 (786) *MISC B438
/231059 *CHGLOC B438
/231110 (938) *MISC A420
/231141 (647) *CLEAR L226
/231330 (625) *CLEAR P317
/232148 (786) *ONSCNE B438
/232349 (689) *MISC P316
/232353 *CLEAR P316
/232408 (1141) REMINQ F33

,MOM'S INFO MISTY M HAYES 06-10-76 217 3493
[SHER]
,1B PSTAT/ASST PSTAT/RPT
,PSTAT/ASST
,PSTAT/ASST

,PSTAT/RPT
,PSTAT/ASST

/232427 REMINQ F33

#3a

/232447 REMINQ F33

/232527 CALLBK F33

T/PCC05
,CONF/SEND HIT TO FOLLOW

/232543 REMINQ F33

#3a

/232619 REMINQ F33

/232704 REMINQ F33

/232927 (552) CALLBK F33

T/PCC01
,COTTRILL CONFIRMED AND FAXED

/233408 (938) *CLEAR A420

/235017 (1123) OK B438

/235052 (786) *CLEAR B438

DSP: 1A
,PSTAT/CFS PSTAT/RPT

*** New Date: 08/14/13 ***

/000145 (680) *REMINQ F33

/000204 *REMINQ F33

/000239 *CLEAR F33

/000239 CLOSE F33

#3b

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

| | | | | | |
|--|--|--|----------------------------------|---|---|
| AGENCY NAME/SUBSTATION SPD | | EVIDENCE NUMBER | | INCIDENT NUMBER 13-271747 | |
| INCIDENT TYPE Information | | INCIDENT CLASSIFICATION #1 PERSONS-ATT-SUICIDE | | ATTEMPTED <input type="checkbox"/> | |
| | | INCIDENT CLASSIFICATION #3 | | ATTEMPTED <input type="checkbox"/> | |
| | | INCIDENT CLASSIFICATION #2 | | ATTEMPTED <input type="checkbox"/> | |
| | | INCIDENT CLASSIFICATION #4 | | ATTEMPTED <input type="checkbox"/> | |
| RESPONDING TO (Officer Assault) | | | | ASSIGNMENT (Officer Assault) | |
| REPORTED ON Tue 08/13/2013 22:40 | DATE/TIME | OCURRED ON Tue 08/13/2013 22:40 | DATE/TIME | OCURRED TO Tue 08/13/2013 22:45 | DISTRICT |
| DISPATCH TIME | ARRIVED TIME | CLEARED TIME | REPORT DATE 08/14/2013 | REPORT TIME 03:57 | EST. TOTAL PROPERTY LOSS |
| PRIMARY CHARGE | | | | | UCR/NIBRS CODE |
| LOCATION OF INCIDENT 424 E Gettysburg Court | | | | LOCATION NAME (IF APPLICABLE) | |
| SOLVABILITY FACTORS None | | | | | |
| RELATED INCIDENT NUMBERS | | | | | INCIDENT XREF |
| ADDITIONAL REPORTING OFFICERS Howe, Potter | | | | | |
| VICTIM/WITNESSES/OTHERS <small>V-Victim, I-Individual, RD-Runaway, S-Suspect, PO-Roadblock, L-Lowrider, VB-Victim - Business, CV-Owner of Property, D-Driver, C-Legal Guardian, PC-Police Officer, CY-Cyber, PS-Passenger, PE-Pedestrian, O-Other, C-Complainant, MR-Person Mentioned, M-Missing, IN-Individual, CV-Complainant, Victim, CCN-Confidential, D-Deceased, A-Arrested Person, W-Witness</small> | | | | | |
| CODE IN-1 | NAME: LAST, FIRST, MIDDLE #14 | | | SEX M | RACE/ETHNICITY I-American Indian or |
| | | | | DATE OF BIRTH/AGE 01/18/1997 16 | |
| HEIGHT 5'07" | WEIGHT 150 | BUILD Medium | HAIR Black | EYES BRO - Brown | DESCRIPTORS |
| CONFIDENTIALITY <input type="checkbox"/> | ADDRESS: STREET, CITY STATE ZIP 424 E Gettysburg Court | | | RESIDENTIAL STATUS | PHONE |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS | | | | OCCUPATION | EMPLOYER PHONE |
| NARRATIVE | | | | | |

On 8-13-13 at 2240 hours, I responded to 424 E Gettysburg Ct on a DV with a weapon call. Rochelle called from the location to report her 16 year old grandson had a knife and was threatening to hurt himself and others.

Dispatch advised SFD to start for the location and stand off. Rochelle advised that her grandson **#14** was in his bedroom alone. **#14** mother Misty was in the doorway. **#14** still had knives with him. Rochelle provided a description of **#14**

Upon arrival, I took my department issued Less than Lethal bean bag shotgun with me. I approached the house and saw Rochelle and several other people in the front yard of the home. I asked Rochelle who was inside the home. Rochelle said that **#14**'s mother Misty was still at his bedroom doorway. Rochelle described where **#14** bedroom was. She directed me upstairs and to the right.

I walked up the stairs. Ofc Howe and Cpl McNab joined me at the top of the stairs. I saw **#14**

| | |
|---|--------------------------------------|
| ID NO./NAME OF REPORTING OFFICER #786 - Nollmeyer, Trevor | DISTRIBUTION |
| APPROVAL #625 - Busch, Kevin | DATE/TIME 08/14/2013 05:23 |

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

| | | |
|---|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION PERSONS-ATT-SUICIDE | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 13-271747 |
|---|---------------------------------------|-------------------------------------|

mother, Misty Hayes standing in the open bedroom doorway. Ofc Howe told Misty to step away from the bedroom. She did, walking past me and down the stairs. Cpl McNab and I verified my bean bag shotgun was unloaded. We also inspected the six rounds contained in the side saddle shell carrier were "super sock" bean bag rounds. I loaded the bean bag shotgun.

The bedroom doorway was offset slightly to the right from the main path of the hallway. Ofc Howe stood in the center of the open doorway to the bedroom. I stood to his right and looked at a slight angle into the doorway. I could see #14 sitting on a mattress on the floor on the far side of the bedroom. #14 was facing to my right. I was not able to see #14 hands. I estimated #14 was 10-12 feet away from me.

Ofc Howe told #14 several times to drop his knives. I could see #14 move his head and torso slightly. I still never saw his hands. Ofc Howe told me "index". I asked if #14 still had the knives. He said yes. I yelled "index". I fired one beanbag round at #14 right thigh. I heard #14 groan. Ofc Howe said "again". I took this to mean that #14 still had the knives. I fired one more time at #14 right hip. I heard him yell and saw him rock backward. Ofc Howe said to move. I laid the bean bag shotgun down and followed Ofc Howe into the room. We were able to handcuff #14 in a prone position on the bed.

I saw two large knives on the bedroom floor near where #14 had been sitting. Both were kitchen knives with black handles. The knives were each 6-8 inches long.

Cpl McNab spoke to #14. #14 hung his head and was virtually emotionless for several minutes. He eventually said he was mad at his mother. He eventually agreed to walk out to the ambulance. Cpl Busch responded. He photographed #14 injuries. He had two large bruises/abrasions from the bean bags. One was on the side of his thigh about 1/3 of the way up from his knee. The second was close to his hip.

Ofc Howe located both bean bags from the bedroom floor. The bean bags appeared intact and no shot pellets had escaped. I also collected two shotgun shell casings from the hallway. I later took the bean bags, casings, and knives to the SPD property facility as evidence.

Ofc Potter contacted Misty Hayes, who told him that #14 had been upset. He told Misty that he wanted to kill himself and hurt others in the house. Misty saw him grab the knives and refuse to drop them. #14 had been diagnosed with ADHD, Asberger's syndrome, and OCD. See Ofc Potter's report.

Cpl McNab walked #14 to the ambulance. AMR staff evaluated #14 injuries, then transported him to the Sacred Heart ER for a mental health evaluation.

I followed after the ambulance. I completed the mental health form at Sacred Heart.

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

| | | |
|---|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION PERSONS-ATT-SUICIDE | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 13-271747 |
|---|---------------------------------------|-------------------------------------|

No probable cause exists for any crime. See Ofc Howe's report.

Nollmeyer #786

SUPPLEMENTAL REPORT
Spokane Police/Spokane County Sheriff

| | | | | |
|---|---------------------------------------|----------------------------|---|-----------------------------|
| AGENCY NAME/SUBSTATION SPD | | EVIDENCE NUMBER | INCIDENT NUMBER 13-271747 | |
| REPORT PURPOSE | | | REPORTED ON DATE Tue 08/13/2013 | TIME 22:40 |
| INCIDENT CLASSIFICATION #1 PERSONS-MENTAL | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #2 | ATTEMPTED <input type="checkbox"/> | |
| INCIDENT CLASSIFICATION #3 | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #4 | ATTEMPTED <input type="checkbox"/> | |
| DISPATCH TIME | ARRIVED TIME | CLEARED TIME | REPORT DATE 08/13/2013 | REPORT TIME 23:30 |
| PRIMARY CHARGE | | | | UCR/NIBRS CODE |
| NARRATIVE | | | | |

On 081313 at 2240 I responded along with officers Nollmeyer, Howe, and Potter to 424 E. Gettysburg Ct. on a report of domestic violence. The complainant was reporting that her 16 year old grandson, #14 #14, was in his room with a knife threatening to hurt himself and others.

I arrived on scene with officers Howe and Nollmeyer at 2246. Officer Nollmeyer had deployed his bean bag shotgun. I assisted him in making sure the control device was only equipped with bean bag rounds. We formed a plan that, if necessary, Officer Nollmeyer would utilize the control device, officer Howe would be prepared with lethal back-up, and I would detain the subject once the situation was rendered safe.

As we approached the bedroom #14 mother was standing in the doorway and I could see #14 sitting on the edge of his bed. I directed the mother to exit the residence for her safety. The entrance to the bedroom was a narrow hallway. I could see #14 sitting on the bed but was unable to see the knife(s) he had in his hands. Officer Howe and Nollmeyer were in a better position to see the weapon. Officer Howe and Nollmeyer ordered #14 to drop the knife several times. #14 was unresponsive to their directions. Officer Nollmeyer announced "index" indicating that he was going to fire the control device. He fired one round which hit #14 in the upper right thigh area but apparently did not cause #14 to drop his weapon. While verbal commands still being given by officer Howe, Officer Nollmeyer fired a second round hitting #14 in the same area causing him to roll onto his left side. Officer Howe indicated that #14 had now dropped the knife and we all three entered the room. #14 rolled onto his stomach and initially began to resist being handcuffed by pulling his arms away and kicking his legs. I took control of his legs while Officers Nollmeyer and Howe handcuffed him without further incident. After he was handcuffed I saw two large kitchen knives on the floor next to the bed where #14 was sitting.

After moving the knives away we sat #14 up and requested medics respond to check his condition.

I spoke with #14 while waiting for medics to arrive. He said that his right thigh and butt was hurting. He advised that he was angry at his step-father and mother and wanted out of the house. #14 would not respond when I asked him if he was intending to hurt himself.

Officer Nollmeyer and Potter determined after interviewing the family that #14 was a danger to himself or others and was in need of a mental evaluation.

Prior to #14 being transported to the hospital, I assisted Corporal Busch in exposing the area where the bean bag rounds had hit #14 so they could be photographed. In the privacy of the hallway I pulled #14 jeans down to where the wounds were exposed. #14 was wearing underwear which remained in place. The wounds were to his right upper thigh and right

| | | |
|--|--------------------------------------|--|
| ID NO./NAME OF REPORTING OFFICER #689 - McNab, Michael | DISTRIBUTION | |
| APPROVAL #647 - Braun, Steven S | DATE/TIME 08/14/2013 00:39 | |

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

| | | |
|--|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION PERSONS-MENTAL | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 13-271747 |
|--|---------------------------------------|-------------------------------------|

lower buttocks. At no time was #14 naked during the documentation of his injuries. The procedure was brief and I pulled his pants back up prior to escorting him out of the house. I removed his handcuffs and he was placed on a stretcher. His hands and legs were placed in restraints by medics.

See additional reports for further details.

M. McNab #689 SPD

SUPPLEMENTAL REPORT
Spokane Police/Spokane County Sheriff

| | | | | | |
|--|---|---------------------------------------|---|-------------------------------------|---|
| AGENCY NAME/SUBSTATION SPD | | EVIDENCE NUMBER | | INCIDENT NUMBER 13-271747 | |
| REPORT PURPOSE | | | REPORTED ON DATE Tue 08/13/2013 | TIME 22:40 | INCIDENT XREF |
| INCIDENT CLASSIFICATION #1 PERSONS-ATT-SUICIDE | | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #2 | | ATTEMPTED <input type="checkbox"/> |
| INCIDENT CLASSIFICATION #3 | | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #4 | | ATTEMPTED <input type="checkbox"/> |
| DISPATCH TIME | ARRIVED TIME | CLEARED TIME | REPORT DATE 08/14/2013 | REPORT TIME 02:33 | |
| PRIMARY CHARGE | | | | | UCR/NIBRS CODE |
| <small>V-Victim; I-Individual; R-Runaway; S-Suspect; RO-Registered Owner; VB-Victim - Business; OW-Owner of Property; D-Driver; G-Legal Guardian; PG-Pedestrian; Cyclist; PS-Passenger; PE-Possession; C-Other; CC-Complainant; MR-Parrot Monitoring; M-Missing; N-Notational; CV-Complainant Victim; CON>Contact; V-Deceased; A-Arrested Person; W-Witness</small> | | | | | |
| CODE CON-1 | NAME: LAST, FIRST, MIDDLE Hayes, Misty M | | | SEX F | RACE/ETHNICITY W-White |
| HEIGHT | WEIGHT | BUILD | HAIR | EYES | DATE OF BIRTH/AGE 06/10/1976 37 |
| CONFIDENTIALITY <input type="checkbox"/> | ADDRESS: STREET, CITY STATE ZIP 424 E Gettysburg Court, Spokane, WA 99208 | | | RESIDENTIAL STATUS | PHONE |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS | | | OCCUPATION | EMPLOYER PHONE | |
| ADDITIONAL PHONES (Cell) (509) 217-3493 | | | | | |
| NARRATIVE | | | | | |

On 08-13-2013 at 2240, I responded to 424 E Gettysburg Court for a 16 year old male with a knife, threatening to hurt himself and others. The male was identified as [REDACTED] #14

When I arrived Officers Nollmeyer, Howe, and Corporal McNab were already on scene. They had already detained [REDACTED] #14

I talked to [REDACTED] #14 mother Misty Hayes. She told me around 2220, [REDACTED] #14 was mad because the DVD player was not working. [REDACTED] #14 walked out the back slider door and slammed it shut. Misty talked to [REDACTED] #14 about slamming the door. [REDACTED] #14 came back inside and went into his bedroom. Misty made up some ice cream cones for other kids and [REDACTED] #14. When she went to give [REDACTED] #14 his ice cream in his room he was sitting on his bed. He had his zip up hoodie zipped up above his head. She unzipped hit and asked him what was wrong. She saw the he was holding two kitchen knives, one in each hand. He told to get the "fuck" out of his room. She asked him again what was going on and he told her to get out of his room. [REDACTED] #14 told her he was going to hurt somebody or himself if they did not get out of his room. Misty told him she was not going to leave, but would give him his space. All the while [REDACTED] #14 was holding both of the knives and would not put them down. She had somebody in the house call 911. She stayed with him until the police arrived.

Misty told me that [REDACTED] #14 has been diagnosed with ADHD, ODD, OCD, and Asperger syndrome. He used to take medication for these, but with the doctors recommendations they slowly took him off the medication 6 to 7 months ago.

| | | |
|--|--------------------------------------|--------------|
| ID NO./NAME OF REPORTING OFFICER #938 - Potter, Adam | | DISTRIBUTION |
| APPROVAL #271 - Kannberg, Eric | DATE/TIME 08/14/2013 05:53 | |

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

| | | |
|---|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION PERSONS-ATT-SUICIDE | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 13-271747 |
|---|---------------------------------------|-------------------------------------|

#14 was taken to Sacred Heart Medical Center for a mental evaluation. Refer to Officer Nollmeyer's report for details.

A. Potter #938

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

| | | | | |
|---|---------------------------------------|----------------------------|---|---------------------------------------|
| AGENCY NAME/SUBSTATION SPD | | EVIDENCE NUMBER | INCIDENT NUMBER 13-271747 | |
| REPORT PURPOSE | | | REPORTED ON DATE Wed 08/14/2013 | TIME 22:46 |
| INCIDENT CLASSIFICATION #1 PERSONS-MENTAL | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #2 | | ATTEMPTED <input type="checkbox"/> |
| INCIDENT CLASSIFICATION #3 | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #4 | | ATTEMPTED <input type="checkbox"/> |
| DISPATCH TIME | ARRIVED TIME | CLEARED TIME | REPORT DATE 08/14/2013 | REPORT TIME 01:11 |
| PRIMARY CHARGE | | | | UCR/NIBRS CODE |
| NARRATIVE | | | | |

On 08-13-13 (about 2246 hrs), I responded to 424 E. Gettysburg Ct, Spokane, WA to assist officers on a call of a DV W/A weapon. The complainant (id'd as Rochelle) called to advised that her grandson (#14) was armed with a knife and was threatening to harm himself as well as others with the knife. She further advised that #14 had mental health issues.

Upon arrival, Ofc.. Nollmeyer was already on-scene. He advised me to pull right up to the house. When I pulled up I saw numerous people outside in the front yard. Many of them appeared to be very emotional. I could see a few of them crying. I noticed there were several young kids in the group as well as adults.

I quickly spoke to Rochelle. She said #14 was inside the house and she pointed toward the front door. She told me #14 was still armed with a knife. I asked her if he was alone and she told me "No", and said his mother was in the room with him.

Myself and Ofc. Nollmeyer then entered the house. I could hear a female upstairs talking. I could hear her say several times in a very calm voice, " #14 Please put down the knives." It was at this point, I realized several things. The first was that there was a citizen in danger and second, #14 was armed with more than one knife.

I walked up the stairs and to my right to a back bedroom. I saw the female in the doorway. I asked her to step backward and to please wait outside. She complied. I then looked inside and saw #14 sitting on the end corner of his bed, closest to the doorway. I saw he had 2 knives. He had one knife appearing to be pointed into his upper pelvic area/thigh. The knife was a long chef's type kitchen knife. I then noticed he had another large chef/kitchen knife in his left hand. He was holding this knife by the handle.

I noticed he had a very tight grip on the knife and he tightened his hand several times, as if he was getting a better grip on it. I immediately began to give him verbal commands for him to drop the knife. He did not comply.

I attempted again to calm him by talking slow, calm, and clear to him. I told him several times to "please drop the knife" and told him "I didn't want him to get hurt or for him to hurt anybody else". He did not comply.

| | | |
|--|--------------------------------------|--------------|
| ID NO./NAME OF REPORTING OFFICER #680 - Howe, Dustin | | DISTRIBUTION |
| APPROVAL #625 - Busch, Kevin | DATE/TIME 08/14/2013 05:20 | |

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION
PERSONS-MENTAL

ATTEMPTED

INCIDENT NUMBER
13-271747

The more I spoke to him, I could see the more agitated he became. I now noticed he gritting his teeth, his face was turning red, and he was getting a tighter and tighter grip on the knife in his left hand. I noticed he was also putting more pressure against his body from the knife in his right hand. The knife in his right hand was up near his femoral artery, and I knew if he cut himself there, he could die very quickly from bleeding out.

I also noticed that #14 was beginning to slightly turn toward me. He once sat parallel with the bed facing the wall, but as he began to get more and more agitated, I saw his upper body slowly turning toward me, and he began to pivot his feet toward me.

It appeared to me as though he was beginning to take a fighting stance. I could see that as he once stared straight ahead toward the wall, he was now beginning to track me with his eyes, without moving his head. I could see his eyes were looking through me, as I have seen numerous times over the years when suspects are about to fight, also called the "1000 yard stare."

It should be noted that due to the way the house was laid out, we could not back out and still see #14. Due to the area of his body, he was holding the knife, I did not feel comfortable being further away at this point, if he did cut himself. This left us about 10-12 feet away from the armed subject.

It was at this point, I alerted Ofc. Nollmeyer of my observations. Moments later, I heard Ofc. Nollmeyer announce that he was deploying and index weapon.

Ofc. Nollmeyer delivered 2 bean bag (Supersock) rounds at #14. I noticed that the first round hit #14 near the right thigh area. I could hear #14 groan in pain, alerting me that the round hit him and that it caused the desired affect, however he did not drop the knives, despite my ongoing verbal commands for him to do so. Ofc. Nollmeyer then deployed a 2nd round, which struck him near the right buttocks area, this time he complied with my verbal commands and dropped the knives.

We then moved in and took custody of #14. He was detained him handcuffs (dl). We then had medics come in and check on #14.

Cpl. Busch arrived to photograph the scene. Sgt. Braun was advised of the incident and also arrived on scene. #14 was transported to the hospital for a mental eval.

See other officers reports for more information.