



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, 122 Wn.App. 84, 94 (2004)</i>
#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: F13-129 Received: Oct 26, 2013

Incident No: 13-3611063

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

Reason for use-of-force: Resisting Arrest

Officer assessment of citizen condition: Alcohol

Citizen was injured: Yes

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: 4 feet to 6 feet

Involved Citizen Build: Medium

Involved Citizen Height: 5'10" to 6'0"

Involved citizen:

Nestor J Guzman

Resistance(s):

Assaultive

Injuries/conditions:

Injured During Incident

Photos Taken

Treatment at Scene

Charges against citizen in relation to the incident:

Arrest - Misdemeanor

Linked address(s):

Home Address: 2301 Wilber AV N Spokane WA 99206

Linked phone(s):

Home Phone: (509) 591-1681

Officers involved:

Officer Holton A Widhalm [989/]

Officer current info:

Bureau: Operations

Unit: Uniform Operations

Assignment: Patrol

Snapshot - officer information at time of incident:

Badge/ID no: 989
Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol
Not Used: Team 4 - Swing - N
Rank/title: Officer
Age: 36 Years of employment: 5 Years with unit:
Off duty: Off duty employed:

Use(s) Of Force:

Verbal/Other: NOT effective

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: Yes
Darts penetrated subject's skin: Yes
Subject wearing heavy clothing: Yes
Location of projectile/probe contact:

Officer witnesses:

Officer Ronald E VanTassel [844/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Witnesses:

Brenda Yates

Linked address(s):
Home Address: 817 12th AV W Spokane WA 99202 -

Linked phone(s):
Home Phone: (509) 456-3439

Jason M Snead

Linked address(s):
Home Address: 824 12th AV W Spokane WA 99202 -

Linked phone(s):
Cell Phone: (509) 795-9945

Miles C Mikklesen

Linked address(s):
Home Address: 121 Henley DR Pasco WA 99301 -

Linked phone(s):
Cell Phone: (208) 260-2395

Devan A Vega

Linked address(s):
Home Address: 2301 Wilber N 60 Spokane WA 99206 -

Linked phone(s):
Cell Phone: (509) 994-9944

Summary:

On 10-25-2013 at about 2353 hr. Officer Widhalm and Officer Van Tassel responded to an argument call at 834 W. 12th. Officer Widhalm arrived and went to the back of the residence as Officer Van Tassel went to the front of the residence. At the back of the residence Officer Widhalm could hear a subject in the residence cursing at others, asking for his keys. Another male was yelling at a subject to stop and leave her alone. A male then told someone not to drive because he would kill someone. The voices became louder and then he heard a physical altercation. Officer Widhalm called for Officer Van Tassel.

The back door of the residence was open and Officer Widhalm saw Nestor Guzman hitting Miles Mikklesen in the face. Mr. Mikklesen was holding on to Mr. Guzman's shirt trying to duck down. The situation was tense, uncertain, and rapidly evolving. Officer Widhalm entered the residence and announced himself as a police officer. He ordered the subjects to stop fighting and get on the ground. He took out his Taser and held it down at his side.

Mr. Mikklesen responded by getting on the ground. Mr. Guzman continued standing and faced Officer Widhalm. Officer Widhalm ordered him again to get on the ground and he did not comply. The occupants in the residence pleaded with Mr. Guzman to get on the ground and Mr. Guzman did not. Officer Widhalm activated his Taser and pointed the laser light at the ground. He again ordered Mr. Guzman to get on the ground. Mr. Guzman just stared at Officer Widhalm. Officer Widhalm then pointed his Taser at Mr. Guzman and warned him he was going to be Tased if did not get down on the ground. Officer Widhalm told Mr. Guzman he did not want to use his Taser and that it would hurt. Other occupants of the residence were telling Mr. Guzman to comply. Mr. Guzman continued to willfully disobey Officer Widhalm's lawful commands. Mr. Guzman then balled up his fists. Seeing Mr. Guzman ball up his fists and not following lawful commands, Officer Widhalm discharged his Taser in prong mode for the following reasons:
Crime: Officers responded to an argument call at a residence and found two subjects physically fighting. The situation appeared to be a DV. Mr. Guzman refused to follow lawful commands and was obstructing Officer Widhalm.

Threat Factors: Officer Widhalm was in a residence with an unknown number of people. Mr. Guzman had assaulted one person and was now standing in front of Officer Widhalm, who was giving him lawful commands to get down, and he willfully refused. Officer Widhalm, displaying his Taser, advised him he would be Tased if he did not follow commands, and Mr. Guzman disregarded this show of force and balled up his fists. Mr. Guzman had not been searched and could possess weapons that could hurt or harm the officer.

Resistance: Mr. Guzman willfully refused to follow lawful orders to get on the ground. He refused requests from other occupants on the residence to get down on the ground. While facing Officer Widhalm he balled up his fists, displaying a continued assaultive behavior. Officer Widhalm deployed his Taser in dart mode, striking Mr. Guzman in the right upper shoulder

and on his coat near his bellybutton area. Mr. Guzman fell to the ground and he was detained in handcuffs.

Medics responded and removed one dart that struck Mr. Guzman in the shoulder. Officers investigated the assault at the residence. Mr. Guzman had assaulted Mr. Mikklesen; however, he refused to press charges. There was no DV relationship between the two men. Mr. Guzman was arrested for obstructing.

I talked to Mr. Guzman while he was sitting in the back seat of a patrol car. Mr. Guzman indicated he had been out drinking this night. He stated he had 5 hard alcoholic drinks in a three hour period. His speech was slurred and he repeated himself numerous times. He stated he had been fighting with Mr. Mikklesen when the officer entered the house. He stated the officer then Tased him. He said he was not "discooperating" with the officer and "I deserved everything that happened to me tonight." Mr. Guzman had a cut on his lip and I asked how that occurred. Mr. Guzman stated he fell on the sidewalk when he got back from the bar. The only other injury I could see on Mr. Guzman was from the Taser probes. Photos were requested.

Seeing how the chest is not a primary aiming point for the Taser in probe mode, I talked to Officer Widhalm about this. He indicated he was unable to get to the subjects back as he was facing him, balling up his fists. The only other target area, besides his groin, was his chest. He felt he could not transition to an impact tool because he was within about 5 feet of Mr. Guzman and this would open him up to an assault, as the situation was tense, uncertain, and rapidly evolving. He then aimed and deployed his Taser to the far right side of his body, creating the greatest hart to dart distance.

The Taser device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. Mr. Guzman was assaulting a subject and Officer Widhalm intervened. Officer Widhalm gave lawful commands for him to get on the ground and Mr. Guzman willfully disobeyed those commands. Officer Widhalm gave a warning that a Taser would be deployed, displayed the Taser, and again ordered Mr. Guzman to the ground. Mr. Guzman continued to willfully disobey. Mr. Guzman then clenched his fists while facing Officer Widhalm. Mr. Guzman was demonstrating, by action, the intent to be violent or to physically resist, and reasonably appeared to present the potential to harm the officer, or others. Due to the dynamics of the situation Officer Widhalm was not able to target the lower center mass of Mr. Guzman, as Mr. Guzman was facing him. Officer Widhalm deployed his Taser in a manner to create the greatest hart to dart distance he could, given the situation. Mr. Guzman was monitored until paramedics examined and removed the Taser barb from Mr. Guzman. Officer Widhalm's actions were objectively reasonable based on facts and circumstances known to him at the time he deployed his Taser. Officer Widhalm acted within department guidelines and state law.

Sgt. Kannberg #271

In compliance with policy per Captain Dobrow, 11/14/2013.

When/where:

Date/time occurred: Oct 26 2013 23:47

Incident location: 824 12th AV W Spokane WA 99202
 Home Address: 2301 Wilber AV N Spokane WA 99206
 Home Address: 817 12th AV W Spokane WA 99202
 Home Address: 824 12th AV W Spokane WA 99202
 Home Address: 121 Henley DR Pasco WA 99301
 Home Address: 2301 Wilber N 60 Spokane WA 99206
 County: Spokane County

Linked files:

Reports (pdf)

Status/assignment information:

Status: Completed

Opened: Assigned: Due: Completed: 11/14/2013

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 4 - Swing - N

BlueTeam chain routings

Nov 04, 2013 22:01: Sent from Sergeant Eric M Kannberg [271/11092] to Lieutenant Tracie A Meidl [372/11398]

Instructions:

For your review

Reviewed by Lieutenant Tracie A Meidl [372/11398] on Nov 10, 2013 at 00:03

Decision: Approved

Reviewer comment:

Officer Widhalm had witnessed an assault and was confronting and attempting to detain both subjects involved, for investigation. Due to the assaultive behavior, Officer Widhalm brought out his taser and held it to his side when giving commands to stop and get on the ground. One subject complied and the other did not. Even after the laser was turned on and then pointed at the subject, he refused to comply. The subject then balled up his fists, making Officer Widhalm believe he was going to be assaulted by the subject.

Policy states that the taser may be used for the following circumstances:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

The subject's actions satisfied both a and b options on the use of the taser. Officer Widhalm applied the taser probes and initiated one cycle. The taser was effective and allowed Officer Widhalm to take the subject into custody.

The placement of the taser probes was in the torso area; one landing on the front of the right shoulder and the other in the area of the belly button. The chest area is not the most favorable target for the probes

but Officer Widhalm attempted to move the targeted area as far to the subject's right side as possible. Officer Widhalm also monitored the subject until medics arrived and were able to assess the subject's condition.

This use of force was reasonable and falls within the policy guidelines. It should also be noted that the day following this incident a training memo was sent out regarding the taser target areas, making reference to the "heart to dart" distance.

Nov 10, 2013 00:03: Sent from Lieutenant Tracie A Meidl [372/11398] to Captain Daniel J Torok [242/11015]

Instructions:

Please review.

Reviewed by Captain Daniel J Torok [242/11015] on Nov 13, 2013 at 15:28

Decision: Approved

Reviewer comment:

Officer Widhalm's use of the taser was within policy. His decision to use the taser is well articulated and prudent based on all of the circumstances of the call.

Nov 13, 2013 15:28: Sent from Captain Daniel J Torok [242/11015] to Captain Patrick M Dobrow [403/11482]

Instructions:

For your review.

Reviewed by Captain Patrick M Dobrow [403/11482] on Nov 14, 2013 at 08:10

Decision: Approved

Reviewer comment:

Use of force is reasonable and within policy.

**Entered via BlueTeam by: Sergeant Eric M Kannberg [271/11092]
on Oct 29, 2013 at 14:45**

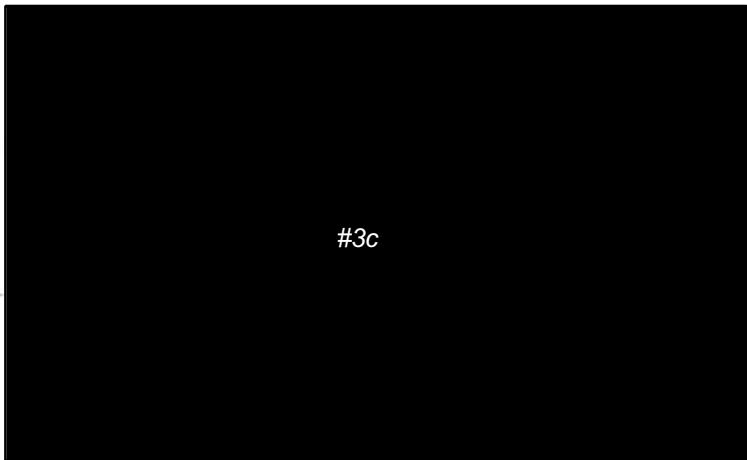
Incident History for: #SP130361063

Received 10/25/13 23:45:18 BY 91108 911181
Entered 10/25/13 23:47:30 BY 91108 911181
Dispatched 10/25/13 23:51:04 BY PCC03 1144
Enroute 10/25/13 23:51:04
Onscene 10/25/13 23:55:03
Closed 10/26/13 05:44:11

Initial Type: ARGUE Final Type: ARGUE (ARGUMENT)
Initial Priority: 2 Final Priority: 2
Disposition: 1E Source: 9 Primary Unit: D472
Police BLK: SPD7CH
Group: P7 Beat: Map Page: 33
Loc: 824 W 12TH AV ,SPK btwn W 13TH AV & W CLIFF DR <800> (V)
Name: YATES, BRENDA Addr: SAME Phone: 5094563439

/234730 (911181) ENTRY SUBJS IN VEH:2TONE BLU CHEV TRUCK. 2 MALES AND
2 FEMALES. PULLED UP AT LOC AND WERE YELLING
AT EACH OTHER. NO MENTION OF WEAPONS, NO ASLT
. SUBJS POSS INTOX.
/234811 SUPP TXT: VEH:BLU TRUCK LIC# B36431Z/WA.
/234824 SUPP TXT: SUBJS WENT INTO LOWER LEVEL APT ACROSS TH
E STREET.
/234859 SUPP TXT: COMP AND HUSB RETIRED LE, SAYS ITS NOT US
UAL ACTIVITY FOR THEIR NEIGHBORH OOD.
/234929 (1144) HOLD
/235002 MISC
/235002 MISC
/235002 MISC
/235002 MISC
/235002 MISC
/235002 MISC
/235002 MISC
/235002 MISC
/235002 MISC
/235002 MISC
/235002 MISC
/235017 (911181) CHANGE NAM: CURALLI BRENDA --> YATES, BRENDA,
TXT: COMP REQ LE CHECK OUT THE APT, TARGET LOC
: 824 W 12TH. POSS PARTY GOING ON AT THE APT.

/235032 (1144) CHANGE LOC: 817 W 12TH AV ,SPK --> 824 W 12TH AV ,SP
K
/235104 DISPER D472 #989 WIDHALM, HOLTON
/235104 ASSTER D480 #844 VANTASSEL, RONALD
/235238 \$PREMPT D472
/235320 ASSTER D472 [824 W 12TH AV ,SPK]
#989 WIDHALM, HOLTON
/235503 (844) *ONSCNE D480
*** New Date: 10/26/13 ***
/000228 (1144) ONSCNE D472
/000724 (733) *ASSTER P303 [824 W 12TH AV ,SPK]
#733 ENNIS, GORDON



#3c

/000726	(1144	)	MISC	D480	,STEP IT UP
/000729	(1147	)	*ASSTER	C350	[824 W 12TH AV ,SPK]
					#1147 GOBBLE, NATE
/000732	(730	)	*ASSTER	C356	[824 W 12TH AV ,SPK]
					#730 HANEY, SCOTT
/000739	(1144	)	MISC	D480	,TAZER DEPLOYED
/000743	(882	)	*ASSTER	B348	[824 W 12TH AV ,SPK]
					#882 VALDEZ, ADAM
/000747	(740	)	*ASSTER	C458	[824 W 12TH AV ,SPK]
					#740 JUAREZ, MAURIO
/000755	(1136	)	*ASSTER	A310	[824 W 12TH AV ,SPK]
					#1136 HARVEY, DALE
/000757	(1144	)	MISC	D480	,ONE IN CUSTODY
/000807	(882	)	*PREMPT	B348	
/000810	(1147	)	*PREMPT	C350	
/000817	(1106	)	*ASSTER	C362	[824 W 12TH AV ,SPK]
					#1106 CONRATH, CHRIS
					#250344 BUNGE, KYLE
/000836	(1144	)	ASSTER	L202	[824 W 12TH AV ,SPK]
					#367 HALLOCK, BRAD
/000850	(1139	)	*ASSTER	N46	[824 W 12TH AV ,SPK]
					#1139 BRYER, TOBY
					#1024 PRIM, MICAH
/000859	(730	)	*PREMPT	C356	
/000900	(1144	)	ASSTOS	D481	[824 W 12TH AV ,SPK]
					#987 SCHNEIDER, MICHAEL
/000922	(1139	)	*PREMPT	N46	
/000950	(1136	)	*PREMPT	A310	
/000957	(1144	)	MISC	D480	,UNRESTRICT
/001024	(367	)	*ONSCNE	L202	
/001036	(1069	)	ASSTOS	L220	[824 W 12TH AV ,SPK]
					#271 KANNBERG, ERIC M
/001047	(1106	)	*PREMPT	C362	
/001150	(1069	)	MISC	L220	,CHEST FOR TAZER NEED MEDS
/001223			MISC	L220	,MEDS ADVISED
/001256			REMINQ	D472	
/001312			REMINQ	D472	#3a
/001419	(740	)	*PREMPT	C458	
/001630	(733	)	*ONSCNE	P303	
/001645	(1144	)	REMINQ	D480	#3a
/003840	(367	)	*ONSCNE	L202	
/003941	(987	)	*MISC	D481	,PSTAT/ASST
/004149	(844	)	*CLEAR	D480	,PSTAT/ASST PSTAT/RPT
/004311	(989	)	*TRANS	D472	[JAIL] M/0.0
/004339	(271	)	\$PREMPT	L220	
/004402	(987	)	\$PREMPT	D481	
/005154	(989	)	*REMINQ	D472	#3a
/005435	(367	)	*CLEAR	L202	,PSTAT/ASST
/005800	(733	)	*MISC	P303	,PSTAT/ASST
/005915			*CLEAR	P303	,8K...PIX OF TASER DEPLOYMENT
/010042	(989	)	*TRANSC	D472	M/1.9
/011400	(1144	)	OK	D472	
/012319	(271	)	*MISC		,PSTAT/ASST
/024841	(989	)	*CHGLOC	D472	[PROPERTY]
/025249			*REMINQ	D472	#3b
/025629			*ONSCNE	D472	

/054251 *MISC D472 ,PSTAT/CFS PSTAT/RPT PSTAT/MISD
/054411 *CLEAR D472 DSP: 1E
 ,MILES DIDN'T WANT CHARGES AGAINST NASTOR. NAS
 TOR BOOKED FOR OBSTRUCTION.

/054411 CLOSE D472

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 13-361063	
INCIDENT TYPE Arrest, Domestic Violence, Information		INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 ASSAULT-SIMPLE
		INCIDENT CLASSIFICATION #3 DISORDERLY CONDUCT		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON Fri 10/25/2013 23:45	DATE/TIME	OCURRED ON Fri 10/25/2013 23:45	DATE/TIME	OCURRED TO Sat 10/26/2013 00:05	DISTRICT
DISPATCH TIME 23:51	ARRIVED TIME 23:55	CLEARED TIME 01:30	REPORT DATE 10/26/2013	REPORT TIME 03:46	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE M-10.07.032 OBSTRUCTING					UCR/NIBRS CODE /
LOCATION OF INCIDENT 824 W 12th Avenue, Spokane, WA 99203				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS Suspect Arrested, Useful Physical Evidence, Witness to Crime					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Vantasstel					
VICTIM/WITNESSES/OTHERS					
CODE A-1	NAME: LAST, FIRST, MIDDLE Guzman, Nestor J			SEX M	RACE/ETHNICITY W-White
HEIGHT 5'10"	WEIGHT 185	BUILD Medium	HAIR Brown	EYES BRO - Brown	DATE OF BIRTH/AGE 09/14/1989 24
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2301 N Wilbur Avenue, Spokane, WA 99206			RESIDENTIAL STATUS	PHONE (509) 591-1681 x.1
PLACE OF EMPLOYMENT/SCHOOL/ADRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Home) (509) 591-1681 x.1					
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION M-10.07.032 OBSTRUCTING			UCR/NCIC CODE
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # 320768656	DATE 10/26/2013	TIME 00:02	BOOKED WHERE Spokane County Jail		DATE 10/26/2013
ARREST LOCATION 824 W 12th Avenue, Spokane, WA 99203				STATEMENT <input checked="" type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input checked="" type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED	DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE	
DRIVER'S LICENSE #4b	<input type="checkbox"/> FAKE STATE	SOCIAL SECURITY NO. #4a	<input type="checkbox"/> FAKE	OTHER ID	

ID NO./NAME OF REPORTING OFFICER #989 - Widhalm, Holton	DISTRIBUTION	
APPROVAL #271 - Kannberg, Eric	DATE/TIME 10/26/2013 21:27	

Incident Report #1

10/26/2013 21:28:21,146

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION OBSTRUCT OFFICER				ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-361063
CODE W-1	NAME: LAST, FIRST, MIDDLE Yates, Brenda			SEX F	RACE/ETHNICITY W-White
DATE OF BIRTH/AGE 02/11/1958 55		HEIGHT	WEIGHT	BUILD	HAIR
EYES		DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 817 W 12th Avenue, Spokane, WA			RESIDENTIAL STATUS	PHONE (509) 456-3439
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES (Home) (509) 456-3439					
NARRATIVE					

On 102513 at approximately 2345hrs, Brenda Yates called to report that subjects in a two-tone blue Chevy pickup with two males and two females parked across the street from 824 W 12th and went into that address. The group was yelling at each other.

Officer Vantassel and I responded in full uniform, complete with police badge, patches, duty belt, firearm, handcuffs, radio, etc. When I arrived I was on 12th Ave, about 200 feet from the house and could hear males yelling. I walked up to the house and from the walkway could see two males inside arguing. I then saw a female inside and a male was yelling at her. She appeared to be trying to stay away from the male. I was unable to make out faces through the window.

While I waited for Ofc. Vantassel I could hear one male yelling something similar to, "fuck you, give me my keys I'm leaving." Another male yelled for him to stop and leave her alone. The first male said he was leaving and the others in the house pleaded with him not to drive. One of the males told the first male that he was going to end up in jail. The first male was just cursing and I could see the female trying to stay off in the dark by what appeared to be the dining room. All of a sudden the subjects moved quickly towards the back of the house and they started yelling louder. One male told the first not to drive because he would kill someone. The voices were louder towards the back of the house and it sounded like the back door was open.

I came around the corner and heard cursing followed by banging noises. It sounded like a physical altercation had started. I called for Ofc Vantassel to come around back and went to look inside. The back door was wide open and two males where physically fighting. I observed one male, later identified as Nestor Guzman repeatedly punching the other male, later identified as Miles Mikklesen in the face. Mr. Mikklesen was holding onto Mr. Guzman's shirt and trying to duck his head down. I announced myself as a police officer and ordered the two to stop and get on the ground. I took out my taser and held it down by my waist.

Mr. Mikklesen immediately got on the ground but Mr. Guzman continued to stand and face me. His shirt was off but he was wearing a coat that was hanging open at the front revealing his bare chest. I ordered Mr. Guzman again to get on the ground but he still would not comply. The other subjects

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-361063
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pleaded with him as well to get on the ground but Mr. Guzman just stood there starring at me. I turned on my taser and displayed the laser light on the ground. I told Mr. Guzman again to get on the ground. He just staired at me some more.

I pointed the taser at Mr. Guzman's chest and warned him that I was going to tase him if he didn't get down on the ground. The other subjects were telling him to listen to me. I told Mr. Guzman that I didn't want to have to use the taser on him and that it would hurt. I again ordered him to get on the ground. This time Mr. Guzman not only refused, he started to ball both fists like he wanted to fight.

At this point I had the following information:

- 1) There has been an argument that turned into a physical confrontation with Mr. Guzman assaulting another person in front of me. This incident also appeared to be a DV situation which would require an arrest for the assault if the two males were roommates.
- 2) Mr. Guzman had not been searched and could possess weapons that could harm or kill me, the other occupants of the house, other officers, and, if he were to get out of the house, other citizens.
- 3) Mr. Guzman was refusing my lawful orders for him to get on the ground, he was balling his fists like he was ready to assault me, and I couldn't leave him alone and let him continue assaulting the other occupants and drive away intoxicated.

With this in mind, I determined it necessary to deploy my taser on Mr. Guzman to stop his assaultive behavior with minimal risk to him and all involved. Mr. Guzman's back was to the wall and it would not be safe for me to get behind him to deploy my taser into his back as I would prefer. He also had a thick coat on, which makes it difficult for the probes to penetrate and work effectively. The the only area I had to target without possibly hitting his groin, was his chest. To transition to any other form of defense would only open me up to this assault as we were only about five feet apart. I could see no other options at that point and with what I interpreted as an imminent threat of assault, I fired the taser at his chest. To obtain the greatest heart to dart distance, I aimed as far to the right side of his body as possible.

One probe struck near his right shoulder and the other struck on his coat, near his bellybutton. The taser initially didn't seem to work and Mr. Guzman started to move. All of a sudden Mr. Guzman tensed up and started to fall to the ground. I later determined that the probe near the bellybutton had not penetrated the skin and was stuck in the coat. It appeared that when Mr. Guzman started to move, the probe layed against his stomach and completed the circuit.

The taser completed its 5 second cycle and I assured Mr. Guzman that he would be okay. I told him to put his hands behind his back and he complied. I had Mr. Guzman roll onto his side so he wasn't laying on the probes. That was when I saw that the probe which stuck in the coat near his belly

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-361063
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button was barely staying in the coat fabric. The probe by the shoulder was stuck through the coat and into his skin. I had other officers call for medics to come take the prob out. Mr. Guzman was slurring his speech and reeked of alcohol. His eyes were droopy and bloodshot.

I told Mr. Guzman he was under arrest for Obstructing. I told him I was going to read him his rights and he told me he knew them. He recited the rights almost word for word before I actually read them to him. I then read Mr. Guzman his rights from a department issued CR card. Mr. Guzman stated he understood them and would answer my questions. I asked him to tell me what happened and in summary, he gave me the following statement: He and Miles, his friend of about 10 years were at the Baby Bar downtown with his boss and girlfriend. He and Miles got into an argument and he was trying to talk to him. He said he was from the Tri-Cities and where they handle things by fighting. He thought Miles could handle him and he had no intention of hurting Miles.

I asked Mr. Guzman why he didn't get on the ground when I repeatedly told him to. He told me he was confused and did not intend to "discooperate" with me.

Mr. Mikklesen did not want to pursue charges of assault against Mr. Guzman. Mr. Guzman's girlfriend said he was trying to get his keys from her before police showed up and he was being very aggressive towards her to get them back. She said Mr. Guzman never assaulted her though. She told me that Mr. Guzman was so drunk he fell on the sidewalk when they got back form the bar and he cut his face. There was blood on his face when I contacted them and she said this was from his fall, not the fight between him and Mr. Mikklesen.

I transported Mr. Guzman to the Spokane County Jail and while driving there he continually apologized for the way he acted. I booked him for Obstructing an Officer. I issued criminal citation 3Z0768656 for the charge.

Widhalm #989
Team 13 D472
102613

Incident Report #1

END OF INCIDENT REPORT

10/26/2013 21:28:21.489

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 13-361063	
REPORT PURPOSE			REPORTED ON DATE Fri 10/25/2013	TIME 23:45
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 ARGUMENT	
INCIDENT CLASSIFICATION #3 DOMESTIC DSPT-FMLY		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 <input type="checkbox"/>	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 10/26/2013	REPORT TIME 18:58
PRIMARY CHARGE				UCR/NIBRS CODE

VICTIM/WITNESSES/OTHERS

CODE CON-1	NAME: LAST, FIRST, MIDDLE Snead, Jason M	SEX M	RACE/ETHNICITY W-White/Non-Hispanic	DATE OF BIRTH/AGE 01/24/1979 34
HEIGHT	WEIGHT	BUILD	HAIR	EYES
DESCRIPTORS				
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 824 W 12th Avenue, Spokane, WA 99203		RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) (509) 795-9945				

CODE W-1	NAME: LAST, FIRST, MIDDLE Mikklesen, Miles C	SEX M	RACE/ETHNICITY W-White/Non-Hispanic	DATE OF BIRTH/AGE 01/17/1990 23
HEIGHT	WEIGHT	BUILD	HAIR	EYES
DESCRIPTORS				
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 121 Henley Drive, Pasco, WA 99301		RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) (208) 260-2395				

CODE CON-2	NAME: LAST, FIRST, MIDDLE VEGA, DEVAN A	SEX F	RACE/ETHNICITY W-White/Non-Hispanic	DATE OF BIRTH/AGE 11/15/1989 23
HEIGHT	WEIGHT	BUILD	HAIR	EYES
DESCRIPTORS				
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2301 N WILBUR #60, Spokane, WA 99206		RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) (509) 994-9944				

NARRATIVE

On 10-25-13 I responded to 824 W 12th for an argument call. Upon arrival I was at the front door and Ofc Widhalm went around back. He asked over the Radio for me to come around back.

ID NO./NAME OF REPORTING OFFICER #844 - VanTassel, Ronald	DISTRIBUTION	
APPROVAL #271 - Kannberg, Eric	DATE/TIME 10/26/2013 19:52	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 13-361063
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When I came around and into the back door, Ofc Widhalm was deploying a taser at Nestor Guzman, see his report for additional.

There were 3 other people inside the residence and I brought them into a different room. I interviewed Vega. She said Guzman was her boyfriend. Vega said that he is heavily intoxicated and she has never seen him act like this. Vega said that he has been very mean to everybody and wanting to fight. Vega said that she was arguing with him because he wanted his car keys and she would not give them to him. Vega said that he never assaulted her, but was being very aggressive. Vega said that Mikklesen and Guzman got into a physical fight and that is when the Police showed up.

I contacted Mikklesen, who was heavily intoxicated. He was slurring his speech, stumbling around and had a hard time standing in one spot. Mikklesen said that Guzman is his long time friend. They were drinking tonight and Guzman was being aggressive. Mikklesen said that the two of them started fighting, but just messing around. Mikklesen said he did not want to pursue any charges.

Mikklesen started laughing at the fact that Guzman got tasered. Mikklesen then said, "I told him to get on the ground when the Cop told him to, I knew he was getting tased".

R Van Tassel
D480
844

Supplemental Report #1

END OF ADDITIONAL REPORT

10/26/2013 19:58:43.205

CRIMINAL

TRAFFIC NON-TRAFFIC LEA ORI#: **WA0320400** COURT ORI#: **WA032051J** CITATION #: **3Z0768656** REPORT #: **13-361063**

CITATION # 3Z0768656 SPP CN
13-361063



IN THE DISTRICT MUNICIPAL COURT OF **SPOKANE MUNICIPAL COURT**
 STATE OF WASHINGTON COUNTY OF CITY/TOWN OF **SPOKANE**, PLAINTIFF VS. NAMED DEFENDANT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. [REDACTED] #4b STATE [REDACTED] EXPIRES **09-14-15** PHOTO I.D. MATCHED YES NO NAME: LAST **GUZMAN** FIRST **NESTOR** MIDDLE **J** SFX CDL YES NO

ADDRESS **824 W 12TH AVE** IF NEW ADDRESS CITY **SPOKANE** STATE **WA** ZIP CODE **99203**

EMPLOYER LOCATION
 DATE OF BIRTH **09-14-89** RACE **W** SEX **M** HEIGHT **5'10"** WEIGHT **185** EYES **BRO** HAIR **BRO** RESIDENTIAL PHONE NO. **(509)591-1681** CELL/PAGER PHONE NO. WORK PHONE NO.

VIOLATION DATE **10/26/2013 0:02** INTERPRETER NEEDED AT LOCATION **W 12TH AVE** M.P. BLOCK # **824** CITY/COUNTY OF **SPOKANE/SPOKANE**

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEH LIC NO STATE EXPIRES VEH YR MAKE MODEL STYLE COLOR
 TR #1 LIC NO STATE EXPIRES TR YR TR #2 LIC NO STATE EXPIRES TR YR

OWNER/COMPANY IF OTHER THAN DRIVER

ADDRESS CITY STATE ZIP CODE

ACCIDENT BAC COMMERCIAL VEHICLE YES NO 16+ PASS YES NO HAZMAT YES NO EXEMPT VEHICLE FIRE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

- VIOLATION/STATUTE CODE **10.07.032** DV **OBSTRUCTING OFFICER**
- VIOLATION/STATUTE CODE DV
- VIOLATION/STATUTE CODE DV
- VIOLATION/STATUTE CODE DV
- VIOLATION/STATUTE CODE DV

RECEIVED
SPOKANE POLICE COURT
2013 OCT 26
APR 9 21

MANDATORY COURT APPEARANCE APPEARANCE DATE TIME RELATED # DATE ISSUED **10-26-13**

TICKET SERVED IN VIOLATOR TICKET REFERRED TO PROSECUTOR
 TICKET SENT TO COURT FOR MAILING BOOKED

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.
 OFFICER **H. WIDHALM** # **989**
 OFFICER #

COMPLAINT/ CITATION ABSTRACT OF JUDGMENT	CHG #	RESPONSE	CHG	DISPOSITION	FINES	SUSPENDED	SUB-TOTAL	FINDING/JUDGMENT DATE	TO SERVE _____ DAYS
	1	G NG		G NG D	\$	\$	\$		W _____ DAYS SUSP
	2	G NG		G NG D	\$	\$	\$	ABSTRACT MLD TO OLYMPIA	CREDITIVE SWD. Y/N
	3	G NG		G NG D	\$	\$	\$		IC SJRR D
	4	G NG		G NG D	\$	\$	\$	TOTAL COSTS	REC NONEXTENSION OF
	5	G NG		G NG D	\$	\$	\$		SUSP Y/N

GUZMAN, NESTOR J 091489

SEE AFR

Officer's Report for Citation/Notice of Infraction # 3Z0768656.
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: H. WIDHALM # 989

Date and Place: 10/26/2013 City/Town of Spokane, County of SPOKANE



TRAFFIC	WEATHER	PHONE		STREET	LIGHT	PHONE	
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP

WARNING OF CONSTITUTIONAL RIGHTS

Report # 13-361063

GUZMAN, NASTOR J
Subject Name (Last, First Middle)

9/14/89
Subject DOB

WIDHACM #989
Officer/Deputy/Investigator

SPD
Agency

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. If you are under the age of 18, anything you say can be used against you in a juvenile court prosecution for a juvenile offense, or in a prosecution in adult court.
4. You have the right to talk to an attorney at this time, and before answering any questions.
5. You have the right to have your attorney present during the questioning.
6. If you cannot afford an attorney, one will be appointed for you without cost, before any questioning, if you so desire.
7. Do you understand these rights? "Yes Sir"
8. With these rights in mind, do you want to answer my questions? "Yes"

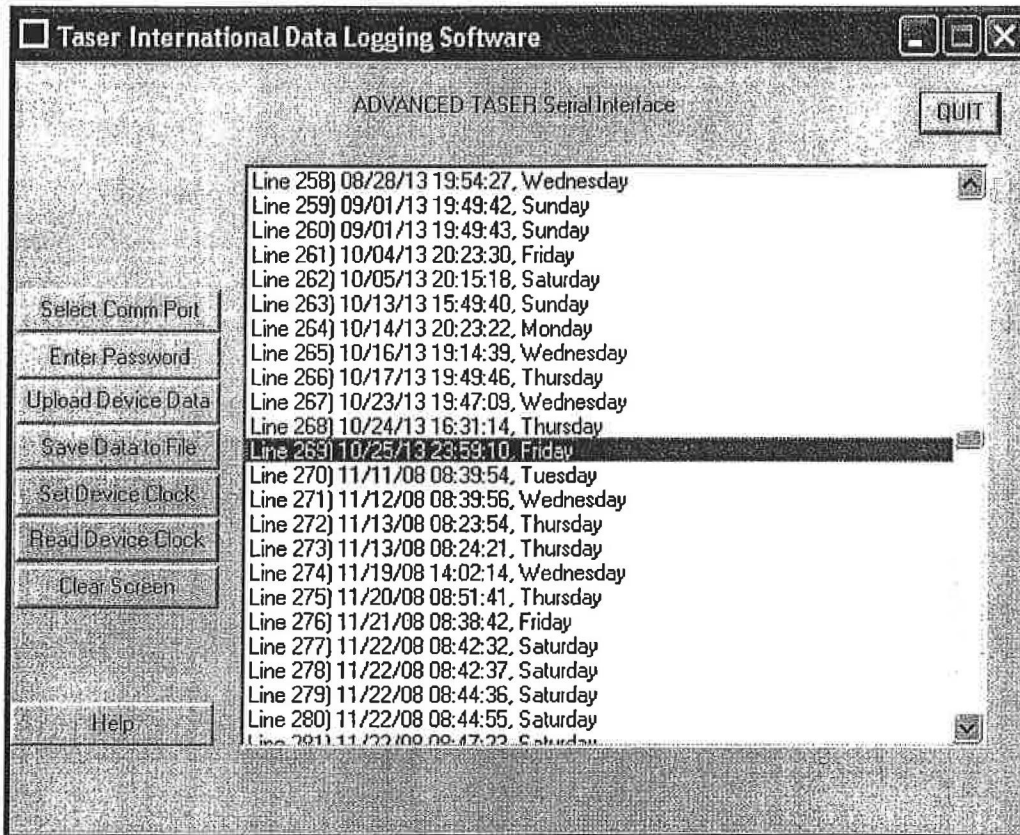
Signed: _____ or Handcuffed?

Date: 10/26/13 Time: 0016 Location: 824 W. 12th SPACAWA, WA

107

06409

13-361063



OFFICER H. WILDHALM'S TASER USE FOR
10-25-13 -

TASER SERIAL NUMBER P3-003124