SPOKANE POLICE DEPARTMENT

FRANK STRAUB, JR.
CHIEF OF POLICE

Internal Affairs
Exemption Log

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

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

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

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

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

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

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

F13-106

Use of force **IA No: F13-106** **Received: Oct 02, 2013**

Incident No: 13-306485

Type of service being performed at time of incident: Assist Other Agency

Reason for use-of-force: Assaulting Officer

Officer assessment of citizen condition: Unknown Drugs

Citizen was injured: Yes

Citizen was taken to hospital: Yes

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

Officer was taken to hospital: No

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

Involved Citizen Build: Medium

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

Involved citizen:

Nathan L Murray

Resistance(s):

Assaultive

Injuries/conditions:

Injured During Incident

Linked address(s):
Home Address: 1101 Jefferson ST S 101 Spokane WA 99202

Officers involved:

Officer Michael C Schneider [987/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Snapshot - officer information at time of incident:

Badge/ID no: 987
Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol
Not Used: Team 13 - Graves - S
Rank/title: Officer
Age: 33 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: No
Direct/drive stun contact:
# of drive stuns: 0
Injury caused:
Location of injury:
Projectile/probe contact: Yes
air cartridges used: 1
cycles through probes: 2
dart hits: 1
Total # darts fired: 2
Injury caused: No
Darts penetrated subject's skin: Yes
Subject wearing heavy clothing: No
Location of projectile/probe contact:

Injuries/conditions:

Scrape

Officer witnesses:

Corporal Erin E Blessing [507/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Officer Christopher A McMurtrey [1047/]

Officer current info:

Bureau: Operations
Unit: Uniform Operations
Assignment: Patrol

Witnesses:

Josh A Kirkendall

Linked address(s):
Home Address: 915 Sharp AV W Spokane WA 99201 -

Linked phone(s):
Work: (509) 328-8888

John G Merrick

Linked address(s):
Home Address: 915 Sharp AV W Spokane WA 99201 -

Linked phone(s):
Work: (508) 323-8813

Summary:

On 9-9-13 at about 2334 hr. Officer Schneider, Officer McMurtrey and Cpl. Blessing responded to 2nd and Brown reference AMR requesting assistance with an uncooperative drug effected patient. Upon arrival Officer Schneider found Medic Josh Kirkendall and Medic John Merrick trying to hold down Nathan Murray in the back of the ambulance. Medic Kirkendall and Medic Merrick told Mr. Murray that the police were on scene. Officer Schneider stated the police were there and asked the medics to continue holding onto Mr. Murray. The medics were going to place Mr. Murray in restraints due to his violent behavior. Officer Schneider grabbed onto one of Mr. Murray's legs. Mr. Murray kicked his leg free. Mr. Murray then kicked Officer Schneider in the upper thigh and in the left forearm. Mr. Murray was advised to stop or he would be tazed. Mr. Murray continued to fight. Officer Schneider deployed his TASER in probe mode for the following reasons:
Crime: Mr. Murray had just assaulted Officer Schneider.
Threat Factors: Mr. Murray was fighting 2 medics in the back of an ambulance after he had called for assistance and showed signs of drug impairment. They were in a small, confined space with medical equipment around them that included hard objects. If Mr. Murray did exit the ambulance, he would have been in heavy downtown traffic and a hazard to drivers and himself.
Resistance: Mr. Murray was resisting 3 full grown men in their efforts to hold him down and he had kicked Officer Schneider 2 times.
One probe hit Mr. Murray in the left thigh and the other struck his clothes in the body area, but did not penetrate the skin. Mr. Murray received one 5 second shock. This caused Mr. Murray to nearly stop struggling. Office Schneider told Mr. Murray he needed to stop moving around and cooperate or he would be TAZED again. Mr. Murray began to protest and raised his leg in a position to kick. By this time Medic Kirkendall had let go of Mr. Murray. Officer Schneider deployed his TASER a second time for the following reasons:
Crime: Mr. Murray had just assaulted Officer Schneider.
Threat Factors: Mr. Murray was fighting 2 medics in the back of an ambulance after he had called for assistance and showed signs of drug impairment. They were in a small, confined space with medical equipment around them that included hard objects. If Mr. Murray did exit the ambulance, he would have been in heavy downtown traffic and a hazard to drivers and himself.
Resistance: Mr. Murray brought back his leg again in a position to kick at Officer Schneider.
Officers were able to place Mr. Murray in handcuffs. He was searched incident to arrest and Methamphetamines were found on his person. I contacted Mr. Murray. Mr. Murray stated he had been up between 2 and 5 days doing a twenty of meth every day. He was extremely paranoid and explained he had called for help numerous times, but left each time someone showed up. Mr. Murray did not want anyone to touch him. Mr. Murray was transported to SHER. At SHER I checked on Mr. Murray and he was uncooperative with the medical staff. He admitted to knowingly kicking Officer Schneider before being tazed.
The medics had an obligation to treat Mr. Murray because he was a danger to himself due to his drug use. Mr. Murray became assaultive and assaulted Officer Schneider while in the back of an ambulance. A warning was given to Mr. Murray prior to the TASER being deployed; however, Mr. Murray did not stop fighting. Officer Schneider deployed his TASER two times because:

(b) The subject demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appeared to present the potential to harm officers, himself, or others.

Officer Schneider's actions were objectively reasonable based on the totality of the circumstances. Officer Schneider's actions were within department guidelines and state law.
Sgt. Kannberg

In Compliance with Policy, 10/26/2013.

When/where:

Date/time occurred: Sep 09 2013 23:24

Incident location: 100 2nd AV W Spokane WA 99202
Home Address: 1101 Jefferson ST S 101 Spokane WA 99202
Home Address: 915 Sharp AV W Spokane WA 99201
Home Address: 915 Sharp AV W Spokane WA 99201
County: Spokane County

Linked files:

CAD and Reprot (tif)
TASER Report (tif)

Status/assignment information:

Status: Completed

Opened: Assigned: Due: Completed: 10/26/2013

Disposition: In Compliance w/ Policy

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

Organizational component(s):

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

BlueTeam chain routings

Oct 02, 2013 20:22: 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 Oct 06, 2013 at 22:34

Decision: Not approved
Insufficient information

Reviewer comment:

Missing Taser serial number. Also the reason for the use of force should

be assaulting officer, not harming self.
Thank you.

Oct 06, 2013 22:34: Sent from Lieutenant Tracie A Meidl [372/11398] to Sergeant Eric M Kannberg [271/11092]

Instructions:

Two changes needed, please see notes.

Reviewed by Sergeant Eric M Kannberg [271/11092] on Oct 07, 2013 at 02:55

Decision: Approved

Reviewer comment:

[Forwarded by Sergeant Eric Kannberg]

Oct 07, 2013 02:55: Sent from Sergeant Eric M Kannberg [271/11092] to Lieutenant Tracie A Meidl [372/11398]

Instructions:

Corrections made

Reviewed by Lieutenant Tracie A Meidl [372/11398] on Oct 18, 2013 at 15:02

Decision: Not approved
Needs further investigation

Reviewer comment:

"Citizen Injured" portion says "no", then is followed by a diagram of citizen's injury from taser probe.
"Citizen Arrested" portion says "no", but Ofc. Schneider's report indicates the citizen was arrested and booked.
Please clarify review and send it back to me.
Thank you.

Oct 18, 2013 15:02: Sent from Lieutenant Tracie A Meidl [372/11398] to Sergeant Eric M Kannberg [271/11092]

Instructions:

Please see comments.

Reviewed by Sergeant Eric M Kannberg [271/11092] on Oct 23, 2013 at 22:39

Decision: Approved

Reviewer comment:

[Forwarded by Sergeant Eric Kannberg]

Oct 23, 2013 22:39: Sent from Sergeant Eric M Kannberg [271/11092] to Lieutenant Tracie A Meidl [372/11398]

Instructions:

Changes made reference boxes.

Reviewed by Lieutenant Tracie A Meidl [372/11398] on Oct 24, 2013 at 22:25

Decision: Approved

Reviewer comment:

Officer Schneider had been kicked by the subject twice prior to the first taser deployment, which caused him to nearly stop struggling. Afterward, the subject began to protest and raise his leg. A second deployment was used to prevent further assault and escape, and was effective.
The subject had demonstrated, by action, an intention to be violent and reasonably appeared to present the potential to harm officers, him/herself or others.
The use of both taser applications was reasonable and within policy guidelines.

Oct 24, 2013 22:25: Sent from Lieutenant Tracie A Meidl [372/11398] to Captain David W Richards [119/10779]

Instructions:

Please review.

*It should be noted that I am addressing the Taser probe removal with a training memo.

Reviewed by Captain David W Richards [119/10779] on Oct 26, 2013 at 12:03

Decision: Approved

Reviewer comment:

Officer Schneider had been kicked twice by the suspect and the suspect had not yet been fully controlled or in custody. The first taser deployment was not entirely successfull and the suspect continued to struggle. He began lifting his leg again and, since he had already demonstrated that he was willing to kick people as he had kicked Officer Schneider, a second taser deployment was successfull in fulling taking the suspect into custody. Warnings had been given to the suspect regarding the taser use if he continued to struggle. Additonally, based on the suspect's irratic behavior, officers and medics had an obligation to protect his health and welfare as well. The suspect had been actively consuming methamphetamine which, by his own admission, has resulted in him being up for 2 to 5 days and becoming paranoid. He would have been a danger to himself and others if he would have been allowed to leave. Based on the violent and aggressive actions of the suspect, the use of the taser was within policy. Other use of force alternatives would likely have caused additional injuries to the suspect. The suspect was taken into custody Lt. Meidl already advised that she will be providing a training memo regarding the removal of the taser probe by Officer McMurtrey.

Entered via BlueTeam by: Sergeant Eric M Kannberg [271/11092] on Oct 02, 2013 at 12:05

Incident History for: #SP130306485 Xref: #SC130306463

Entered 09/09/13 23:24:49 BY PCC05 761
Dispatched 09/09/13 23:25:20 BY PCC03 1123
Enroute 09/09/13 23:25:20
Onscene 09/09/13 23:26:52
Closed 09/10/13 03:09:10

Initial Type: ASISTA Final Type: ASISTA (ASSIST OTHER AGENCY)
Initial Priority: 2 Final Priority: 2
Disposition: 1E Source: V Primary Unit: D481
Police BLK: SPD8RS
Group: P8 Beat: Map Page: 33
Loc: W 2ND AV/S BROWNE ST ,SPK <000,100> (V)
Name: AMR Addr: Phone:

/232449	(761	)	ENTRY		REQ UNIT FOR ASSIST W/ UNCOOP, THEY WERE ENR T O SHMC WHEN SUBJ BECAME UNC OOP
/232520	(1123	)	DISPER	D481	#987 SCHNEIDER, MICHAEL
/232520			ASSTER	A222	#1047 MCMURTREY, CHRISTOPHER
/232540	(1067	)	*ASSTER	D473	[W 2ND AV/S BROWNE ST ,SPK] #1067 LESSER, ROBERT SCOTT
/232552	(1085	)	*ASSTER	D376	[W 2ND AV/S BROWNE ST ,SPK] #1085 STONE, DAVID
/232556	(761	)	CALLBK		T/PCC03 ,STEP IT UP, THEY ARE PHYSICALLY FIGHTING W/ S UBJ
/232619	(740	)	*ASSTER	C458	[W 2ND AV/S BROWNE ST ,SPK] #740 JUAREZ, MAURIO
/232652	(1123	)	ONSCNE	D481	
/232708	(1085	)	*PREMPT	D376	
/232728	(1123	)	MISC	D481	,CODE 4
/232733			ASSTOS	L244	[W 2ND AV/S BROWNE ST ,SPK] #244 LEE, TOM
/232733			ASSTOS	P313	[W 2ND AV/S BROWNE ST ,SPK] #507 BLESSING, ERIN
/232742	(1067	)	*ONSCNE	D473	
/232742	(1123	)	ASSTER	L220	[W 2ND AV/S BROWNE ST ,SPK] #271 KANNBERG, ERIC M
/232820	(1067	)	*ONSCNE	D473	
/232830	(740	)	*PREMPT	C458	
/232851	(1123	)	REMINQ	P313	[redacted]
/232907			REMINQ	P313	
/233124	(987	)	*REMINQ	D481	
/234132	(1123	)	CROSS		#SC130306463
/234137			CROSS		#SC130306471
/234225	(987	)	*TRANS	D481	[SHER] M/0
/234301	(244	)	*CLEAR	L244	
/234304	(1067	)	*CHGLOC	D473	[PROPERTY]
/234359	(271	)	*CHGLOC	L220	[SHER]
/234439	(987	)	*TRANSC	D481	
/234447			*TRANSC	D481	[STATION] M/.5
/234448	(1047	)	*NEWLOC	A222	[SHER]
/234530	(271	)	*ONSCNE	L220	
/235227	(507	)	*NEWLOC	P313	[CAR-PAPER]
*** New Date: 09/10/13 ***					
/000940	(271	)	*MISC	L220	,PSTAT/ASST

#3a

```
/001017  (1067  ) *MISC    D473   ,PSTAT/ASST
/001055  (1047  ) *CLEAR   A222   ,PSTAT/ASST PSTAT/RPT 1B
/001105  (1067  ) *CLEAR   D473
/001441  (271   ) *MISC    L220   ,PSTAT/ASST
/001443           *CLEAR   L220
/001539  (657   )  NEWLOC  D481   [SHER ]
/004810  (507   ) *MISC    P313   ,PSTAT/ASST PSTAT/ADD
/004812           *CLEAR   P313
/014523  (1067  ) *ASSTER  D473   [SHER ]
                                   #1067   LESSER, ROBERT SCOTT
/014710           *ONSCNE  D473
/014724           *ONSCNE  D473
/015759  (987   ) *CHGLOC  D481   [DEAC]
/022221           *NEWLOC  D481   [SHER]
/023537           *TRANS   D481   [JAIL] M/0
/023644  (1067  ) *CLEAR   D473   ,PSTAT/ASST
/024023  (987   ) *TRANSC  D481   M/4.3
/030002           *NEWLOC  D481   [1]
/030910           *CLEAR   D481   DSP: 1E
                                   ,PSTAT/CFS PSTAT/RPT PSTAT/FEL PSTAT/FEL
/030910            CLOSE   D481
```

Incident History for: #SC130306463 Xref: #SC130306471

Entered 09/09/13 22:48:42 BY 91103 911197
Dispatched 09/09/13 23:01:43 BY B505 591349
Enroute 09/09/13 23:01:43
Onscene 09/09/13 23:09:23
Closed 09/09/13 23:11:55

Initial Type: SUSPER Final Type: SUSPER (SUSPICIOUS PERSON)
Initial Priority: 3 Final Priority: 3
Disposition: 7D Source: 9 Primary Unit: B505
Police BLK: SV01
Group: S1 Beat: Map Page: 41
Loc: 5025 E SPRAGUE AV ,SCO -- WALMART ,SCO high xst: N FANCHER RD (V)
Name: MURRAY,NATHAN L Addr: 051292 SAME Phone: NONE

/224842	(911197)	ENTRY		SAYS HE HAS A WARRANT. WANTS LE TO PICK HIM UP AND TAKE HIM TO JAIL. SAYS WALMART IS CLOSING AT 2300. COMP DOES NOT FEEL SAFE OUTSIDE SO H E WANTS LE TO TAKE HIM TO JAIL SO HE DOESN'T H AVE TO GO OUTSIDE. ###
/225014	(591135)	MISC		[redacted] NO PHONE TO CALL HIM BACK AND ADVISE.
/225051		HOLD		
/225220		MISC		,RECORDS 11D ON A HANDSEARCH
/225911		$CROSS		#SC130306471
/225911		DUP		#SC130306471
/225911		DUP		NAM: MALE ADR: SAME PHO: 5095341002
/230143	(591349)	*DISPER	B505	#591349 KARNITZ, JASON
/230405		*REMINQ	B505	[redacted]
/230416		*REMINQ	B505	
/230745		*REMINQ	B505	
/230755		*REMINQ	B505	
/230908		*REMINQ	B505	
/230919		*REMINQ	B505	
/230923		*ONSCNE	B505	
/231140		*MISC	B505	,COMP CALLED AMR TO GO TO SACRED HEART INSTEAD .
/231155		*CLEAR	B505	DSP: 7D ,SSTAT/CFS
/231155		CLOSE	B505	
/234132	(1123)	CROSS		#SP130306485

Incident History for: #SC130306471 Xref: #SC130306463

Entered 09/09/13 22:57:46 BY 91111 911209
Closed 09/09/13 22:59:11

Initial Type: WELFAR Final Type: WELFAR (CHECK ON THE WELFARE)
Initial Priority: 2 Final Priority: 2
Disposition: DUP Source: 9 Primary Unit:
Police BLK: SV01
Group: S1 Beat: Map Page: 41
Loc: 5025 E SPRAGUE AV ,SCO -- WALMART high xst: N FANCHER RD (V)
Name: MALE Addr: SAME Phone: 5095341002

/225746	(911209)	ENTRY	REQ MEDICS. NOT EXPLAINING ISSUE. STATED HE WORKED ALL DAY AND WANTS TO G O TO HOSP. STATED HE DOES NOT WANT TO WAIT OUTSIDE AND BE AWAY FROM OTHER PEOP LE. NO VIOLENCE, WILL COOP. FIRE ADV.
/225803		SUPP	TXT: TOLD FIRE HE IS HAVING HEART PAIN. POSS X REF #306463. ###
/225911	(591135)	$CROSS	#SC130306463
/225911		DUP	#SC130306463
/225911		CANCEL	
/225911		CLOSE	
/234137	(1123)	CROSS	#SP130306485

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION	EVIDENCE NUMBER	INCIDENT NUMBER
SPD		13-306485

REPORT PURPOSE	REPORTED ON DATE TIME	INCIDENT XREF
	Mon 09/09/2013 23:55	

INCIDENT CLASSIFICATION #1	ATTEMPTED	INCIDENT CLASSIFICATION #2	ATTEMPTED
ASSAULT-SIMPLE	☐		☐
INCIDENT CLASSIFICATION #3	ATTEMPTED	INCIDENT CLASSIFICATION #4	ATTEMPTED
	☐		☐

DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE	REPORT TIME
			09/09/2013	23:55

PRIMARY CHARGE	UCR/NIBRS CODE

VICTIM/WITNESSES/OTHERS

CODE	NAME: LAST, FIRST, MIDDLE	SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
W-1	Kirkendall, Josh A	M	W-White	04/26/1985 28

HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS

CONFIDENTIALITY	ADDRESS: STREET, CITY STATE ZIP	RESIDENTIAL STATUS	PHONE
☐	915 W Sharp, Spokane, WA 99205		

PLACE OF EMPLOYMENT/SCHOOL/ADRESS	OCCUPATION	EMPLOYER PHONE

ADDITIONAL PHONES
(Work) (509) 328-8888

CODE	NAME: LAST, FIRST, MIDDLE	SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
W-2	Merrick, John G	M	W-White	02/08/1972 41

HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
6'02"	280	Heavy	Brown	BLU - Blue	

CONFIDENTIALITY	ADDRESS: STREET, CITY STATE ZIP	RESIDENTIAL STATUS	PHONE
☐	316 N Brower, Medical Lake, WA 99022		

PLACE OF EMPLOYMENT/SCHOOL/ADRESS	OCCUPATION	EMPLOYER PHONE

ADDITIONAL ADDRESSES	ADDRESS TYPE
915 W SHARP, Spokane, WA 99201	Business
ADDITIONAL ADDRESSES	ADDRESS TYPE
124 S Lefevre, Medical Lake, WA 99022	Business

ADDITIONAL PHONES
(Business) (509) 323-8813, (Cell) 993-9055, (Business) (509) 565-5000

NARRATIVE

On 090913 approx 2324 hrs, several officers and I were dispatched to 2nd/Browne to assist AMR who was fighting with a subject in the back of their ambulance. I arrived on scene and went to the back of the ambulance.

Ofc M Schneider and Ofc C McMurtrey were applying handcuffs to a male who was on a gurney but was obviously struggling with them and not complying. See their reports. I also saw that a taser had been deployed but that was prior to my arrival.

ID NO./NAME OF REPORTING OFFICER		DISTRIBUTION
#507 - Blessing, Erin		
APPROVAL	DATE/TIME	
#244 - Lee, Thomas	09/10/2013 00:27	

Scanned Document: Date Stored-9/10/2013 Time Stored-12:49:40 AM

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	*13-306485*

The male was identified as Nathan Murry and he appeared to be under the influence of something. He was acting very paranoid, not making sense, and had rapid speech. He appeared out of it.

He was removed from the ambulance and I talked to AMR medics Josh Kirkendall and John Merrick. Kirkendall stated they picked Murry up at the Walmart, 5025 E Sprague (13-306471). Murry called in stating he needed medics. Kirkendall stated Murry was being extremely paranoid but stated he wanted to go to the hospital.

He got onto the gurney and they headed out. Kirkendall was driving and Merrick was riding in the back with Murry. They arrived in downtown and Murry started acting up again. He wasn't listening, tried to stand up, and was being aggressive. Merrick told him to sit down or they were going to strap him down, Kirkendall could hear what was going on.

Murry refused to do what he was told so Merrick told Kirkendall to stop and call police. Murry started freaking out and when Murry went into the back, it got worse. Murry came at Merrick who was able to hold him down with the assistance of Kirkendall. They restrained him until police arrived but Murry kept struggling. Kirkendall stated Ofc Schneider told him, he had a leg (they were going to 4 point restrain Murry), when Murry pulled his other leg back and kicked Ofc Schneider really hard in the arm so the taser was deployed.

I talked to Merrick who stated Murry was really paranoid and obviously on drugs when they picked him up. He stated he wanted to go to the hospital. Things were fine when they started heading downtown but Murry started amping up. He refused to listen, started to get up, and refused to sit back down. He was yelling and Merrick told him if he didn't sit back down, they were going to restrain him or kick him out of the ambulance.

Murry kept being disorderly so Merrick told Kirkendall to pull over and call police. Merrick came into the back and Murry tried to get up so they were holding him down until police arrived.

Merrick stated he didn't see Ofc Schneider get kicked but he saw the taser deployed since he got a little part of it too. I took photos of Ofc Schneider's injuries.

E Blessing #507

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SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION	EVIDENCE NUMBER	INCIDENT NUMBER
SPD		*13-306485*

REPORT PURPOSE	REPORTED ON DATE / TIME	INCIDENT XREF
	Tue 09/10/2013 23:25	

INCIDENT CLASSIFICATION #1	ATTEMPTED	INCIDENT CLASSIFICATION #2	ATTEMPTED
ASSAULT-SIMPLE	☐	*ASSIST OTHER AGENCY*	☐
INCIDENT CLASSIFICATION #3	ATTEMPTED	INCIDENT CLASSIFICATION #4	ATTEMPTED
	☐		☐

DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE	REPORT TIME
			09/10/2013	*09:52*

PRIMARY CHARGE	UCR/NIBRS CODE

NARRATIVE

On 090913 at 2324 hours, I responded to the intersection of Browne and Second in Spokane, WA to assist AMR paramedics with a distress call. SPD radio relayed that they were fighting with a patient and requested we expedite our response.

I was at about Bernard and Pacific, only a few blocks away. I arrived on scene within the minute, however it was not logged in to CAD.

Officer Schneider was already on scene. I heard a male inside the ambulance screaming. I entered through the opened side door to the rear compartment.

I observed a male lying on his back half on the gourney and half on the "airway seat". An AMR PAramedic was on top of him. As I approached the door, I heard Officer Schneider's Taser being deployed. I heard the cycle of the Taser but not the "pop" associated with the initial cartridge deployment. I heard one cycle when I arrived.

After the cycle, I grabbed wrist control of the male, who was later identified as Nathan L. Murray.

I gave him verbal commands to roll over and I would place him in to handcuffs. He complied stating, "Don't tase me anymore".

I detained the male in handcuffs. I observed that only one Taser probe penetrated clothing. The one probe entered his upper left thigh, about center of the top of the thigh. I removed the probe. I discarded both Probes in ambulance sharps container for safety purposes.

I patted Murray down for weapons with none found. Officer Schneider advised me he was under arrest. I searched him incident to arrest and removed a wallet from his front left shorts pocket. Officer Lesser searched the wallet, see his report.

Murray requested he go see a doctor. He would not let the AMR paramedics touch him. As a SWAT EMT, I offered to take his vitals prior to transporting him to the hospital to ensure his medical stability. He refused to let me touch him. I briefly attempted to palpate his pulse, however he began to scream and pull away.

ID NO./NAME OF REPORTING OFFICER		DISTRIBUTION
#1047 - McMurtrey, Christopher		
APPROVAL	DATE/TIME	
#244 - Lee, Thomas	*09/11/2013 10:56*	

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INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	*13-306485*

I followed Officer Schneider to Sacred Heart emergency. Murray was transported via police car with the ambulance following behind. I followed the ambulance.

Officer Schneider and I escorted him into the emergency room where he was placed in restraints on a bed. I cleared the scene.

C. McMurtrey 1047/A222

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SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION	EVIDENCE NUMBER	INCIDENT NUMBER
SPD		*13-306485*

REPORT PURPOSE	REPORTED ON DATE / TIME	INCIDENT XREF
	Mon 09/09/2013 23:26	

INCIDENT CLASSIFICATION #1	ATTEMPTED	INCIDENT CLASSIFICATION #2	ATTEMPTED
ASSAULT-SIMPLE	☐	*DRUGS-POSSESS*	☐
INCIDENT CLASSIFICATION #3	ATTEMPTED	INCIDENT CLASSIFICATION #4	ATTEMPTED
	☐		☐

DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE	REPORT TIME
			09/10/2013	*00:01*

PRIMARY CHARGE	UCR/NIBRS CODE

NARRATIVE

On 9/9/13 at approximately 2326 hours I responded to 2nd and Browne on a report that AMR was fighting with a patient. I was a block away and I arrived onscene before dispatch finished dispatching the call.

Upon arrival I observed through the back window of the Ambulance two AMR employees in the drivers side corner of the ambulance attempting to hold Nathan Murray (DOB 5/12/92) down. AMR Medics Josh Kirkendall and John Merrick were trying to control Murray. Merrick had Murray's upper body and he was trying to keep Murray on his back. Murray was kicking and flailing both legs.

Kirkendall was trying to hold Murray's legs but it appeared that between the two employees Murray was going to get free.

I heard Kirkendall and Merrick both tell Murray that the police were here. I said, "yes the police are here." I asked both Medics not to let go of Murray, its been my experience when people are restraining other people waiting for the police to arrive that they release whoever they are restraining as soon as they see the police.

I could see that Merrick was struggling to keep Murray in place. Kirkendall couldn't control Murray's legs. Murray's legs were thrashing about. I grabbed Murray's right leg. Murray thrashed his leg free and directed it at me and kicked me in left upper thigh. Murray pulled his leg back and kicked me in my left forearm, causing a curved scrape on the inside of my left forearm. Given the confined space it was impossible to avoid being kicked.

The following facts became readily apparent to me. Murray was determined on breaking free. We were in a confined space, the back of an ambulance. There was an open door to a busy arterial. If Murray broke free we would be fighting him in a very confined space surrounded by hard objects, with great risk of injury to all involved. If Murray was able to get out of the ambulance in a hurry he would likely be hit by a car. Murray had now intentionally kicked me twice. Murray was willing to assault people, including a Police Officer at this time. Murray appeared to possess strength much greater than he should for a man of his size. Murray did not appear to feel pain.

I chose to use a Taser in an attempt to end the struggle quickly. I felt this would reduce the

ID NO./NAME OF REPORTING OFFICER		DISTRIBUTION
#987 - Schneider, Michael		
APPROVAL	DATE/TIME	
#625 - Busch, Kevin	*09/10/2013 05:11*	

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likelihood of injury to all involved.

I heard one of the AMR employees say, "Stop or the Officers going to taze you." Later at the hospital Murray told me that he heard a voice say, "stop or you'll be tazed," twice before he was tazed.

I attempted to get the taser in at an angle at Murrays waist on his left hand side. Kirkendall moved to open this space. I attempted to get the probes to split the belt line of Murray and hopefully disrupt his ability to struggle in both his upper and lower body.

I initiated the Taser. The probes struck. One probe did stick into Murray's left thigh. The other probe pierced clothing and made contact but it did not appear to have stuck in his body.

The first 5 seconds of the Taser appeared to cause Murray to nearly stop struggling. At that time I started to explain to Murray that he needed to stop moving and cooperate or I would taze him again. Murray began to protest, and I saw his left leg start to rise. Kirkendall had let go of Murray entirely at this point. I was concerned that Murray was starting up his determined effort to escape. The same concerns were in place as mentioned above, so I initiated the taser again. Officer McMurtrey was onscene and he took control of Murray and placed him into handcuffs as I held on to the taser incase it was needed again.

Merrick received some contact from the taser cartridge wires.

Murray was handcuffed and sat on the push bars to my patrol car and talked with Sgt Kannberg.

Cpl Blessing talked with Merrick and Kirkendall, see her report.

At this time there was PC to arrest Murray for third assault on me. Murray was told that he was under arrest. Murray was searched incident to arrest and a small zip top baggie, approximately 1.5"x2" was located inside of his wallet. Inside that baggie was white crystalline substance, consistent in appearance and packaging as methamphetamine. The substance field tested positive for Methamphetamine. At that time there was PC to charge Murray with PCS- Methamphetamine.

Murray refused to let AMR run vitals on him at the scene. Murray was clearly under the influence of intoxicants, likely the Methamphetamine. Murray was paranoid and he wouldn't let any medics help him. Murray admitted that he had smoked Methamphetamine today. Murray was concerned that someone had slipped him some other kind of drug.

Murray was transported to Sacred Heart ER in the back of my car. AMR followed in their ambulance. Officer McMurtrey followed AMR.

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INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	*13-306485*

Once at the hospital Murray was restrained by SHER security to a bed. Murray refused to cooperate with medical staff. Murray would constantly shake off sensor's placed on him to monitor him. He yelled about wanting his heard checked. He refused to allow a nurse to attach the necessary probes to his chest to check his heart. Murray shouted constantly like he was in a rude patron in a restaurant ordering from a menu. He would yell for a nurse, a nurse would arrive and he would demand another one. Murray yelled for a doctor, then he would yell for a different doctor. Murray would ask for anyone who hasn't already been in the room. Due to Murray's paranoia he would immediately distrust any medical staff that he had seen and request different staff.

Murray also admitted at the hospital that he was told that a Police Officer was in the Ambulance when I arrived on scene before utilizing my taser.

Murray also said that he kicked me twice because he didn't believe that I was a Police Officer.

Officer S Lesser placed my tazer cartridge #H09-1277163 and the baggie with the meth on property.

Murray was cleared by SHER and transported to jail where he was booked for Assault 3, and PCS Meth.

M. Schneider 987 D481

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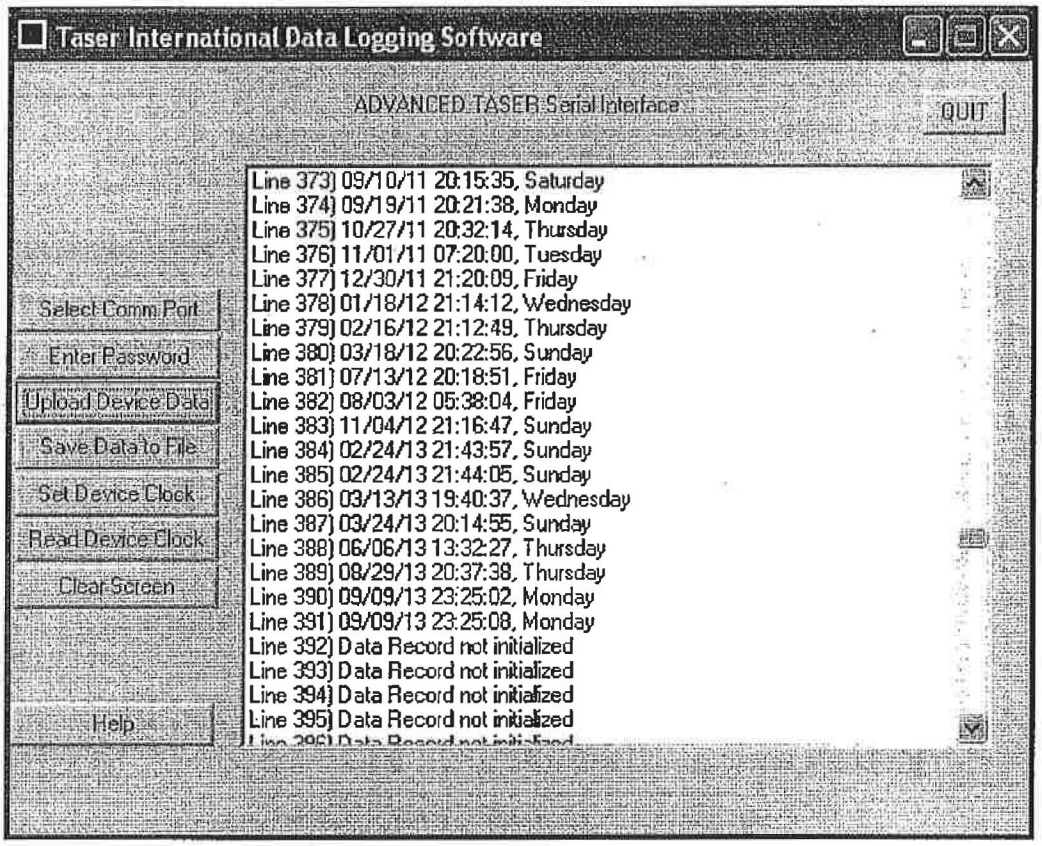
13-306485


Taser International Data Logging Software
ADVANCED TASER Serial Interface
QUIT
Select Comm Port
Enter Password
Upload Device Data
Save Data to File
Set Device Clock
Read Device Clock
Clear Screen
Help
Line 373) 09/10/11 20:15:35, Saturday
Line 374) 09/19/11 20:21:38, Monday
Line 375) 10/27/11 20:32:14, Thursday
Line 376) 11/01/11 07:20:00, Tuesday
Line 377) 12/30/11 21:20:09, Friday
Line 378) 01/18/12 21:14:12, Wednesday
Line 379) 02/16/12 21:12:49, Thursday
Line 380) 03/18/12 20:22:56, Sunday
Line 381) 07/13/12 20:18:51, Friday
Line 382) 08/03/12 05:38:04, Friday
Line 383) 11/04/12 21:16:47, Sunday
Line 384) 02/24/13 21:43:57, Sunday
Line 385) 02/24/13 21:44:05, Sunday
Line 386) 03/13/13 19:40:37, Wednesday
Line 387) 03/24/13 20:14:55, Sunday
Line 388) 06/06/13 13:32:27, Thursday
Line 389) 08/29/13 20:37:38, Thursday
Line 390) 09/09/13 23:25:02, Monday
Line 391) 09/09/13 23:25:08, Monday
Line 392) Data Record not initialized
Line 393) Data Record not initialized
Line 394) Data Record not initialized
Line 395) Data Record not initialized

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SPOKANE POLICE RE...
2014 APR 20 PM 10 24

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

DATE: 04/20/2014 REPORT NUMBER: 13-306485

CHARGES REQUESTED: Assault 3 / LE Officer 9A.36.031
PCS – Meth 69.50.4013

DEFENDANT: Murray, Nathan L w/m (DOB 05/12/1992)

STATUS:**Not In Custody**

VICTIM(S): Off M. Schneider #987
DATE/TIME OF CRIME: 09/09/2014 at approximately 2326 hours
LOCATION OF CRIME: Second Avenue / Browne, Spokane, WA
INVESTIGATOR: M. Schneider #987
APPROVED BY: TA 482 / L182

WITNESSES	ADDRESS	PHONE #
Kirkendall, Josh A	915 W Sharp, Spokane, WA	509-328-8888
Merrick, John G	915 W Sharp, Spokane, WA	509-328-8888
Cpl E. Blessing #507	SPD	242-8400 20507
Off M. Schneider #987	SPD	242-8400 20987

EVIDENCE CONSISTS OF: Small zip top baggie with white crystalline substance, and photos of Officer Schneider's injuries.

SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: _____ DATE: _____ TIME: _____

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STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS

STATE OF WASHINGTON
COUNTY OF SPOKANE REPORT NUMBER: 13-306485

DEFENDANT: Murray, Nathan L w/m (DOB 05/12/1992)

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

Witness J. Kirkendall can testify to the following facts:

1) On 9/9/13 at approximately 2324 hours he was working for American Medical Response (AMR) in an Ambulance. He and J. Merrick picked up the Defendant at 5025 E Sprague, Spokane Valley, WA. The Defendant was acting paranoid and requested to be transported to a hospital.
2) Upon entering the Downtown section of Spokane, WA, he could hear the Defendant arguing with Merrick in the back of the Ambulance and the Defendant sounded aggressive. The Defendant stood in the back of the Ambulance and refused to sit or lie on the Gurney. He stopped the Ambulance at Second avenue and Browne street in Spokane WA. He called the Police. He began helping Merrick attempt to control the Defendant. The Defendants behavior got worse and began to escalate.
3) He attempted to restrain the Defendant on a Gureny. He and Merrick were having a hard time holding the Defendant down.
4) He observed Officer Schneider attempt to control one of the Defendants Legs. He then observed the Defendant kick Officer Schneider in the Arm.

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Witness J. Merrick can testify to the following facts:

1) On 9/9/13 at approximately 2324 hours he was working for American Medical Response (AMR) in an Ambulance. He and J. Kirkendall picked up the Defendant at 5025 E Sprague, Spokane Valley, WA. The Defendant was acting paranoid and requested to be transported to a hospital.
2) Upon entering the Downtown area of Spokane, the Defendant the defendant became agitated and more paranoid. The Defendant stood up and acted aggressively. He told the Defendant to sit down or the Defendant would be restrained or kicked off of the Ambulance. The Defendant's behavior got worse.
3) He and Kirkendall were attempting to restrain the Defendant when Officer Schneider arrived.

Cpl E Blessing can testify to the following facts:

1) On 9/9/13 at approximately 2324 hours she was sent along with other Officers to assist AMR employees with a subjecting fighting with them.
2) She interviewed Witnesses Merrick and Kirkendall.
3) She took photo's of marks on Officer Schneider's arm from being kicked by the Defendant.

Off M. Schneider can testify to the following facts:

1) On 9/9/13 at approximately 2326 hours he was working as a Police Officer for the City of Spokane. He was wearing a Police Uniform complete with sewn on badge, patches, and gun belt. He was driving a fully marked patrol car. He responded to Second Avenue and Browne Street on a report of man fighting with AMR employees in the back of an Ambulance.
2) Upon arrival he observed two large men, wearing AMR uniforms, attempting to hold a man, the Defendant, who much smaller than either of them on a gurney. The Defendant was thrashing and kicking.
3) He heard an AMR employee announce that the Police were there.
4) He announced that the Police were there.
5) He attempted to control the Defendant's legs. The Defendant appeared to intentionally kick him twice, before a taser was used to subdue the Defendant. He received a curve shaped red mark on his left forearm as a result of being kicked.
6) At that time there was PC to arrest the Defendant for Assault 3 on a Law Enforcement Officer. The Defendant was arrested, handcuffed, and searched incident to arrest.
7) A small zip top baggie was found on the Defendant's person that contained a white crystalline substance that field tested presumptive positive for Methamphetamine.
8) The defendant admitted to using Methamphetamine earlier in the day.
9) At this time there was also PC to charge the Defendant with Possession of a Controlled Substance to wit Methamphetamine.

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

DATE: 4/20/14 PLACE: SPOKANE, WASHINGTON SIGNATURE: M. Schrader #987

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INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION	EVIDENCE NUMBER	INCIDENT NUMBER
SPD		13-306485

INCIDENT TYPE	INCIDENT CLASSIFICATION #1	ATTEMPTED	INCIDENT CLASSIFICATION #2	ATTEMPTED
Arrest	ASSAULT-SIMPLE	☐	DRUGS-POSSESS	☐
	INCIDENT CLASSIFICATION #3	ATTEMPTED	INCIDENT CLASSIFICATION #4	ATTEMPTED
		☐		☐
	RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	

REPORTED ON DATE/TIME	OCCURRED ON DATE/TIME	OCCURRED TO DATE/TIME	DISTRICT
Mon 09/09/2013 23:24	Mon 09/09/2013 23:24	Mon 09/09/2013 23:26	

DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE	REPORT TIME	EST. TOTAL PROPERTY LOSS
23:25	23:26		04/20/2014	20:25	

PRIMARY CHARGE	UCR/NIBRS CODE
9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)	/ 13A

ADDITIONAL CHARGES
69.50.4013(1) CNTL SUB(POSS-FEL)

LOCATION OF INCIDENT	LOCATION NAME (IF APPLICABLE)
2nd / Browne, Spokane, WA	

SOLVABILITY FACTORS
PC Affidavit Completed, Suspect Arrested

RELATED INCIDENT NUMBERS	INCIDENT XREF

ADDITIONAL REPORTING OFFICERS
Blessing, McMurtrey

VICTIM/WITNESSES/OTHERS

V-Deceased, OW-Owner of Property, C-Complainant, PE-Pedestrian, W-Witness, M-Missing, MIR-Person Mentioned, O-Other, PC-Pedestrian - Cyclist, IN-Institutional, PS-Passenger, RO-Registered Owner, RU-Runaway, S-Suspect, V-Victim - Individual, VB-Victim - Business, G-Legal Guardian, D-Driver, CV-Complainant is Victim, A-Arrested Person, CON-Contact

CODE	NAME: LAST, FIRST, MIDDLE	SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
A-1	Murray, Nathan L	M	W-White	05/12/1992 21

HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
5'10"	160	Light	Brown	BRO - Brown	

CONFIDENTIALITY	ADDRESS: STREET, CITY STATE ZIP	RESIDENTIAL STATUS	PHONE
☐	35310 N Newport High Way #106, Chattaroy, WA 99003		

PLACE OF EMPLOYMENT/SCHOOL/ADRESS	OCCUPATION	EMPLOYER PHONE

ADDITIONAL ADDRESSES	ADDRESS TYPE
1101 S Jefferson #101, Spokane, WA	Other Addresses

ADDITIONAL PHONES
(Cell-Cellular or Car) 879-2748

CHARGE LEVEL	DESCRIPTION	UCR/NCIC CODE
Felony Class C	9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)	/13A

WARRANT #	BAIL	TYPE OF ARREST	MULTIPLE ARRESTEE SEGMENTS INDICATOR
		Taken Into Custody	☐

CHARGE LEVEL	DESCRIPTION	UCR/NCIC CODE
Felony Class C	69.50.4013(1) CNTL SUB(POSS-FEL)	/35A

WARRANT #	BAIL	TYPE OF ARREST	MULTIPLE ARRESTEE SEGMENTS INDICATOR
		Taken Into Custody	☐

CITATION #	DATE	TIME	BOOKED WHERE	DATE	TIME
			Spokane County Jail	09/10/2013	03:09

ARREST LOCATION	STATEMENT	CHARGES	SUSPECT ARMED WITH
2nd / Browne, Spokane, WA	☒ ORAL ☐ WRITTEN	☒ ADMITTED ☐ DENIED	

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

ID NO./NAME OF REPORTING OFFICER	DISTRIBUTION
#987 - Schneider, Michael	

APPROVAL	DATE/TIME
#445 - Cordis, Tyler	04/21/2014 05:15

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INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
ASSAULT-SIMPLE	☐	***13-306485***

DRIVER'S LICENSE ☐ FAKE	STATE	SOCIAL SECURITY NO. ☐ FAKE	OTHER ID
MURRANL087KK	***WA***		

CODE	NAME: LAST, FIRST, MIDDLE	SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
V-1	***Ofc Michael Schneider***		-	

HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS

CONFIDENTIALITY ☐	ADDRESS: STREET, CITY STATE ZIP	RESIDENTIAL STATUS	PHONE
	1100 W MALLON, Spokane, WA 99201		

PLACE OF EMPLOYMENT/SCHOOL/ADRESS	OCCUPATION	EMPLOYER PHONE

REALTIONSHIP TO SUSPECT	VICTIM OF	OFNDR. #
	Offns. # ***9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)***	***A-1***

NARRATIVE

On 4/20/2014 I filled out an incident report reference incident #13-306485, from 9/9/13. There was a miscommunication at the time as to which Officer was filing which report form, as a result only written reports were filed by Officers involved, see additional reports for report details.

This report is being filed along with a charging document for charging purposes.

Based upon reading additional reports there is PC to charge Nathan Murray (DOB 5/12/92) with Assault 3 on a LE Officer and PCS Meth.

M. Schneider #987 C471

END OF INCIDENT REPORT

04/21/2014 05:34:04.279

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