



## SPOKANE POLICE DEPARTMENT

FRANK STRAUB, JR.  
CHIEF OF POLICE

### Internal Affairs Exemption Log



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

	offenses.	system. May not be released to the public except by court order.	Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</i> , 122 Wn.App. 84, 94 (2004)
#2c	Child Victim of Sexual Assault	This redaction protects information revealing the identity (name, address, location, or photograph) of child victims of sexual assault who are under age eighteen.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
#2d	Child victims or child witnesses	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
<b>ACCESS Database Info</b>			
#3a	Information from WACIC/NCIC (ACCESS): <b><u>Criminal history information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 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): <b><u>License Plate Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 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): <b><u>Vehicle Registered owner information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 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): <b><u>Wanted persons information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 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): <b><u>Officer safety information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except	28 USC § 534 For criminal justice purposes only. 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): <b><u>Gun information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 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): <b><u>DOL Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 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): <b><u>Stolen Vehicle Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 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): <b><u>Missing Persons Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 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): <b><u>Runaways or endangered persons</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 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): <b><u>DOC Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
<b>Personal Identifiers and Financial Info</b>			
#4a	Social Security Number	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	RCW 42.56.050 (Invasion of privacy), 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)
<b>Employees Files</b>			
#5a	<b>Photos</b> of Spokane Police Department or other criminal justice employees	Photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	RCW 42.56.250(8) (Employment and licensing)
#5b	<b>Birthdates</b> of criminal justice employees	Birthdates in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	RCW 42.56.250(8) (Employment and licensing)



#5c	Personal Information in employee files	Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.	RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)
<b>Criminal History</b>			
#6a	Criminal history <u>not</u> from ACCESS- Non-Conviction Data	Criminal history which has not led to a conviction or other adverse disposition is protected by state law and only released to Criminal Justice Agencies for law enforcement purposes.	RCW 10.97 (Criminal Procedure)
<b>Officer Safety or Intelligence</b>			
#7a	Intelligence, sensitive security, or tactical information	Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7b	Undercover Officer identification	Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.	RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement.
#7c	ID Records revealing covert law enforcement activity	Any record pertaining to a vehicle license plate, driver's license, or identicard revealing the identity of an individual performing undercover law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.	RCW 42.56.230(7)(c) (Personal Information)
#7d	Law Enforcement Information Sheet	Contains confidential data used for law enforcement purposes. Disclosure has no legitimate value to the public and can endanger an individual's safety. Contains specific intelligence information the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7e	Confidential Informant information	Contains identifying information which could reveal the identity of a confidential informant. Considered intelligence information, used in a confidential manner for law enforcement purposes, protected to preserve the life and personal safety of the informant and family. Specific intelligence information	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims). Ashley v. Public Disclosure <i>Comm'n</i> , 16 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.	
<b>Photos</b>			
#8a	Photos showing a deceased person	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) 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)
<b>Protected by Law</b>			
#9	Medical Records	Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person.	RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502). 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	<b><u>Name/Identity</u></b> of accused police officers	This redaction protects names/identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13b	<b><u>Date of birth</u></b> of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13c	<b><u>Personal work, home, or cell phone number</u></b> of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13d	<b><u>Residential address</u></b> of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13e	<b><u>E-mail address</u></b> of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#14	Information concerning Mental Health Services	This redaction contains confidential information concerning services to either voluntary or involuntary recipients of mental health services. Such information, if disclosed, would invade an individual's privacy and possibly cause unintended consequences for that individual.	RCW 71.05.390 (Confidential information and records)



## Spokane Police Department Use Of Force Report

**Incident Entered By:** Sergeant Eric Kannberg

### Incident Details

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
1/16/2014	1/16/2014	23:45
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
8016	14-017260	F14-005
<b>Date/Time Entered</b>		
1/24/2014 11:40		

### Incident Summary

See Additional

### Incident Location

- 1724 Mallon ST, Direction: W, Spokane, WA 99201

### Use of Force Specific Information

<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Assaulting Officer	Call For Service	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear	Interior Lighting	1 feet to 3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
No	Yes	Yes
<b>More than 1 Citizen Involved</b>		
No		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	
Medium	5'7" to 5'9"	
<b>Officer Assessment of Citizen Condition During Incident</b>		
Unknown Drugs		
<b>Officer(s) Injured</b>	<b>Officer(s) Taken to Hospital</b>	
No	No	

### Complainant/Involved Citizen Information

#### Wayne L Davis

DOB: 5/8/1982 Race: White Gender: Male

**Address**

- 721 S. Lincoln, Suite/Apt: #1 99201

**Phone**

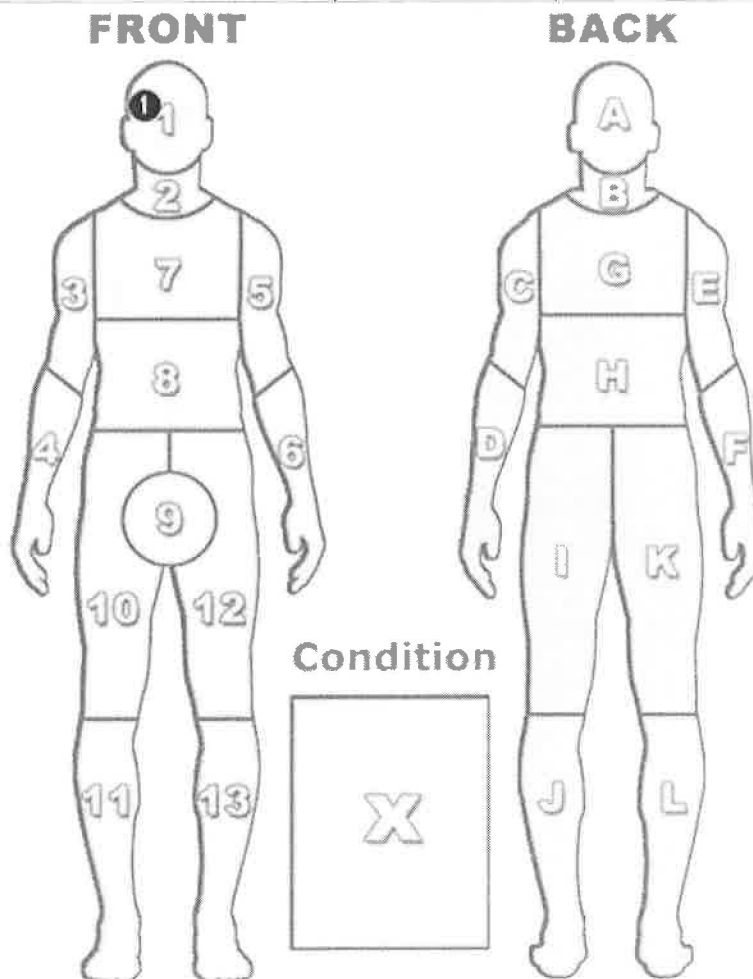
- (509) 456-5300

**Types of Resistance Citizen Used Against Officer(s)**

- Assaultive

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
Injured During Incident	1	1

**Charges against this citizen**

- Arrest - Felony

**Involved Officers**

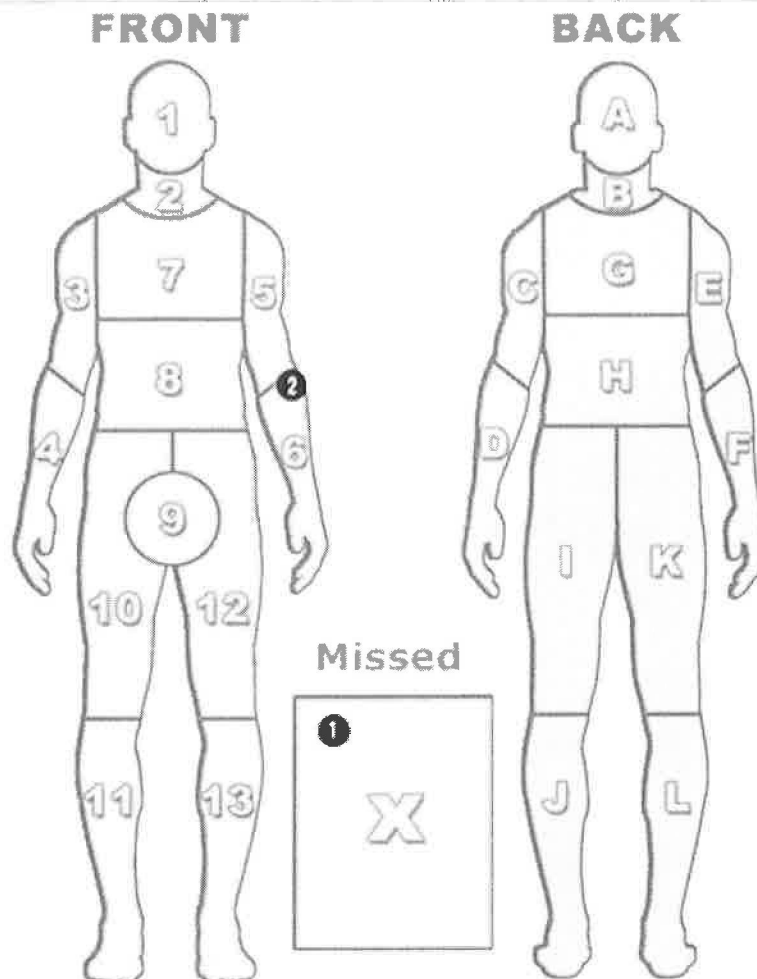
**Officer Yeshua Matthew - payroll number:**

**Force used by this officer against the citizen**

- Arrest Tactics - Was force effective: No
- Takedown Technique - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Arrest Tactics	No	X	1

Takedown Technique	No	6	2
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### Officer Nicholas Spolski - payroll number:

#### Force used by this officer against the citizen

- Verbal/Other - Was force effective: No
- Arrest Tactics - Was force effective: No
- Body Weight/Manual Force - Was force effective: No
- Level 1 LNR - Was force effective: Yes

#### Less Lethal Force used by this officer against the citizen

- Taser - Was Less Lethal Force Used Effective? No  
Serial # - P4-014074  
Cartridge # -

Was this a direct contact/drive stun contact? Yes

# of cycles - 1

Was the cartridge attached? No

Was a follow up drive stun conducted? Yes

Duration of cycles - Automated

Was this an accidental (unauthorized) discharge? No

#### Statistical Information

Reason not effective -

Was this an Arc display? No

Was citizen painted with laser / red dot? No

- Taser - Was Less Lethal Force Used Effective? No

Serial # - P4-014074

Cartridge # -

Was this a direct contact/drive stun contact? Yes

# of cycles - 1

Was the cartridge attached? No

Was a follow up drive stun conducted? No

Duration of cycles - Automated

Was this an accidental (unauthorized) discharge? No

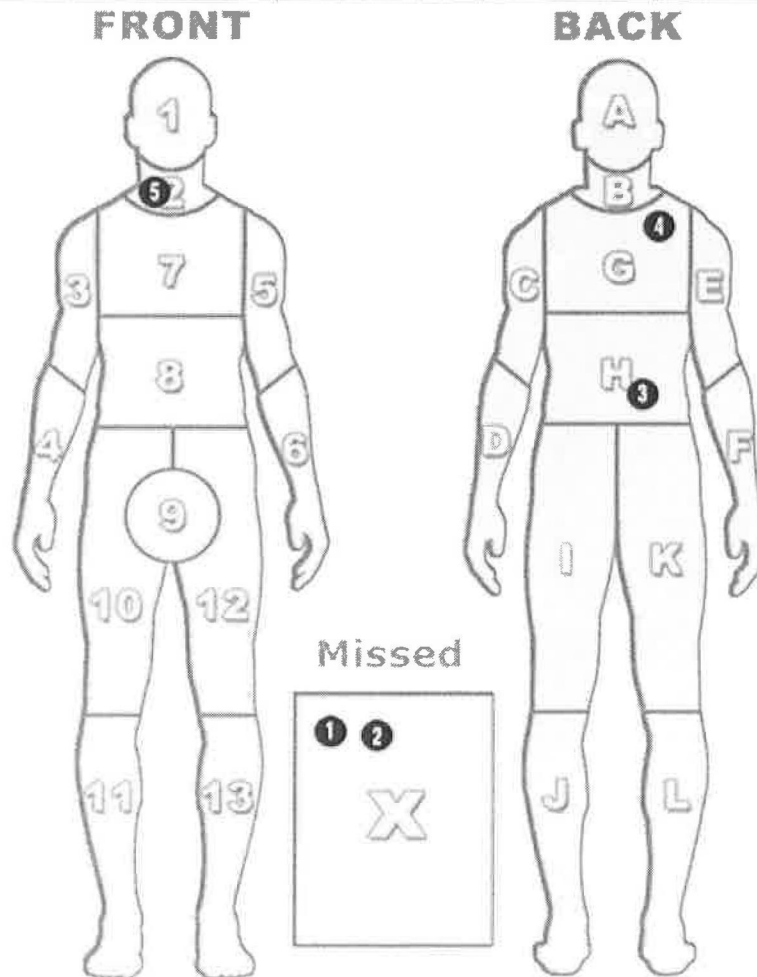
## Statistical Information

Reason not effective -

Was this an Arc display? No

Was citizen painted with laser / red dot? No

Force Used	Effective?	Regions	Points of contact
Verbal/Other	No		
Arrest Tactics	No	X	1
Body Weight/Manual Force	No	X	2
Taser	No	H	3
Taser	No	G	4
Level 1 LNR	Yes	2	5



## Citizen Witnesses

**Beverly Moore****DOB: 1/1/1958 - Race: White - Gender: Female****Address**

- 1724 Mallon AV, Direction: W, Spokane, WA 99201

**Phone**

- (509) 327-1532

**Jennifer Nichols****DOB: 8/25/1972 - Race: White - Gender: Female****Address**

- 1724 Mallon AV, Direction: W, Spokane, WA 99201

**Nancy Whitten****DOB: 1/12/1978 - Race: White - Gender: Female****Address**

- 1724 Mallon AV, Direction: W, Spokane, WA 99201

**Phone**

- (509) 327-1532

**Attachments**

Date Attached	Attachment Description	Attachment Type
1/24/2014	Reports	pdf
1/24/2014	Review	docx

**Chain of Command History**

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
1/24/2014	Sergeant Eric Kannberg	Lieutenant Thomas Hendren	(none)	For your review	<input type="checkbox"/>	returned at your request.
1/24/2014	Lieutenant Thomas Hendren	Sergeant Eric Kannberg	(none)	Eric, here is the report back as your requested. Tom	<input checked="" type="checkbox"/>	For your review
1/24/2014	Sergeant Eric Kannberg	Lieutenant Thomas Hendren	(none)	For your review	<input type="checkbox"/>	Eric, send this to Lt. Sprague as he is the Lt. in this chain of command.
1/25/2014	Lieutenant Thomas Hendren	Sergeant Eric Kannberg	(none)	Eric, this should go through Lt. Sprague for review.	<input checked="" type="checkbox"/>	[Forwarded by Sergeant Eric Kannberg]
3/31/2014	Sergeant Eric Kannberg	Lieutenant Dean Sprague	(none)	for review	<input checked="" type="checkbox"/>	Uses of force applied to defendant were reasonable, and in the case of the Taser, immediately discarded when application was ineffectual. Defendant did not lose consciousness during the LVNR 1, but exhibited symptoms of manic exhaustive syndrome and was



						seen by medics prior to being booked. Defendant displayed symptoms of drug hallucinations and/or mental illness. Defendants injury was very minor. Use of force was within policy, case law and use of force guidelines. Sgt. Kannberg's 2-page summary was written in January, and will be the last summary from him of that length.
4/1/2014	Lieutenant Dean Sprague	Captain Daniel Torok	(none)	Forward through patrol chain of command.	<input checked="" type="checkbox"/>	I concur with Lt. Sprague's assessment.
4/4/2014	Captain Daniel Torok	Asst Chief Patrick Dobrow	(none)	for review	<input checked="" type="checkbox"/>	I have reviewed this use of force and find it to be within policy and reasonable. I am curious why this case was delayed. It appears as though it was last touched on January 25, 2014. There is no explanation in Blue Team giving the reason for the delay.

**Entering Officer Signature Line**


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 Sergeant Eric Kannberg
**Chain of Command Signature Lines**


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 Lieutenant Thomas Hendren

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 Sergeant Eric Kannberg

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 Lieutenant Dean Sprague

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 Captain Daniel Torok

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 Asst Chief Patrick Dobrow

Incident History for: #SP140017260 Xref: #SP140017270

Entered 01/16/14 23:21:43 BY 91108 911211  
Dispatched 01/16/14 23:44:23 BY A322 969  
Enroute 01/16/14 23:44:23  
Onscene 01/16/14 23:45:50  
Closed 01/17/14 04:26:34

Initial Type: DISORD Final Type: TRESP (TRESPASSING)

Initial Priority: 2 Final Priority: 3

Disposition: 1E Source: 9 Primary Unit: B332

Police BLK: SPA2WC

Group: P2 Beat: Map Page: 25

Loc: 1724 W MALLON AV ,SPK -- MALLON HOUSE btwn N ASH ST & N OAK ST (V)

Loc Info: 2 HOUSES JEO

Name: MOORE,BEVERLY A 010158 Addr: EMPL, SAME Phone: 5093275945

/232143 (911211) ENTRY MALE OUTSIDE REFUSING TO LEAVE, COMP FOUND HIM  
INSIDE ROOM #3 WITH RESIDENT, DOES NOT BELONG  
THERE. IS POUNDING ON DOOR AT LOC NOW. NO WEA  
PONS SEEN  
/232228 SUPP TXT: MALE: WAYNE, EARLY 30S, WM, 508/THIN, BLU  
JACKET, FLANNEL SHIRT,  
/232234 (1141 ) HOLD  
/232236 (911211) SUPP TXT: ARRIVED ON FOOT  
/232310 CHANGE LOCI: 2 HOUSES JWO --> 2 HOUSES JEO,  
NAM: BEVERLY --> MOORE,BEVERLY A 010158,  
ADR: SAME --> EMPL, SAME,  
TXT: ###  
/233448 (1141 ) MISC ,SPOKE TO NEW EMPLOYEE WHO SAID BEVERLY WAS GO  
NE. HE WASN'T SURE WHAT WAS GOING ON. WHEN ASK  
ED IF SUBJ WAS STILL CAUSING A PROBLEM HE SAID  
HE WOULD GO FIND OUT. AFTER A FEW MINUTES  
/233455 MISC ,PHONE WAS DISCONNECTED  
/233926 (761 ) CALLBK T/PCC01  
MALE STILL THERE IN "SOME BUILDING" UNK WHICH  
ONE FOR SURE, AND NOT WANTING TO LEAVE, NOT B  
EING DISORD  
/233930 CHANGE TYP: DISORD --> TRESP  
RSP: PP --> PP  
PRI: 3 --> 3  
/234015 (911160) SUPP TXT: BEVERLY ON CB. MALE CURRENTLY ON FRONT PO  
RCH OF BUILDING 2 HOUSES JEO LOC. ###  
/234034 SUPP TXT: MALE WAS BANGING ON THE DOOR WANTING INSI  
DE. ###  
/234423 (969 ) \*DISPER A322 #969 SPOLSKI, NICHOLAS  
/234437 (975 ) \*ASSTER A311 [1724 W MALLON AV ,SPK]  
#975 MATTHEW, YESHUA  
/234550 (969 ) \*ONSCNE A322  
/234600 (975 ) \*ONSCNE A311  
/234631 (911160) SUPP TXT: BEVERLY ON CB. MALE BROKE A WINDOW AND IS  
INSIDE THE BUILDING. WENT UPSTAIRS. LE ONSCEN  
E, DISCONNECTING. ###  
/234701 (1141 ) MISC A311 ,1714  
/234714 NEWLOC A311 [1714 W MALLON]  
/235151 MISC A311 ,RESTRICTED  
/235205 ASSTER B341 [1714 W MALLON]  
#1022 FAIRBANKS, LANCE  
/235209 ASSTER K14 [1714 W MALLON]  
#713 HAMILTON, CRAIG

/235219		MISC	A311	,UNREADABLE TRAFFIC
/235244		MISC	A311	,MEDICS FOR NECK RESTRAINT AND ONE DETAINED
/235244	(713 )	*PREMPT	K14	
/235252	(1141 )	EMSREQ	A311	T/PCC05
				,MEDICS FOR NECK RESTRAINT AND ONE DETAINED
/235254		ONSCNE	B341	
/235317	(761 )	CALLBK		T/PCC01
				,MEDS ADV
/235318	(1141 )	REMINQ	A311	
/235348		EMSREQ	A322	T/PCC05
				,EXPEDITE MEDICS POSS ED
/235359	(761 )	CALLBK		T/PCC01
				,FIRE UPDATED FOR ED
/235416		MISC	A322	,SLOW MEDICS DOWN
/235434		\$CROSS		#SP140017270
/235434	(1141 )	MISC	A322	,SLOW MEDICS DOWN
/235451	(761 )	ASSTOS	B332	[1724 W MALLON AV ,SPK]
				#1177 BRIGGS, NICK
/235846		NEWLOC	A322	[1714 W MALLON]
/235846		NEWLOC	B332	[1714 W MALLON]
*** New Date: 01/17/14 ***				
/000026		MISC	A311	,#####
/000910	(1160 )	ASSTER	L220	[1714 W MALLON]
				#271 KANNBERG, ERIC M
/000959	(1022 )	*CHGLOC	B341	[DEAC]
/001147	(271 )	*MISC	L220	,PSTAT/ASST
/001150		*CLEAR	L220	
/001225	(1022 )	*PREMPT	B341	
/001226	(761 )	ASSTER	L220	[1714 W MALLON]
				#271 KANNBERG, ERIC M
/001250	(1022 )	*ASSTER	B341	[1714 W MALLON]
				#1022 FAIRBANKS, LANCE
/001256		*CHGLOC	B341	[DEAC]
/001356		*ONSCNE	B341	
/001438	(271 )	*ONSCNE	L220	
/003306	(1177 )	*CHGLOC	B332	[DEAC]
/003450	(271 )	*MISC	L220	,NEED PHOTOS OF DOOR/WINDOW AND WINDOW OFF STA
				IRS.
/003524		*CHGLOC	L220	[DEAC]
/003638	(975 )	*CHGLOC	A311	[NC]
/003834	(271 )	*ONSCNE	L220	
/003926	(1177 )	*ONSCNE	B332	
/004004	(975 )	*ONSCNE	A311	
/015047	(271 )	*MISC	L220	,PSTAT/ASST
/015051		*CLEAR	L220	
/032027	(1141 )	\$PREMPT	A311	
/032040		\$PREMPT	A322	
/032446		ASSTOS	A311	#975 MATTHEW, YESHUA
/032455	(969 )	*ASSTER	A322	[1724 W MALLON AV ,SPK]
				#969 SPOLSKI, NICHOLAS
/032651	(975 )	*NEWLOC	A311	[1]
/032927	(969 )	\$PREMPT	A322	
/032952		*ASSTER	A322	[1]
				#969 SPOLSKI, NICHOLAS
/032958		*ONSCNE	A322	
/033011		*MISC	A322	,PSTAT/ASST PSTAT/RPT
/033509	(1141 )	TRANS	B332	[JAIL]
				, M?
/033549	(1022 )	*CHGLOC	B341	[JAIL]

#3a

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/033700      *ONSCNE B341
/033709 (1141 )  TRANSC B332 , M/1.2
/034633 (1022 ) *CLEAR B341 ,PSTAT/ASST PSTAT/RPT
/035959 (1177 ) *MISC  B332 ,PSTAT/ASST PSTAT/RPT
/040920 (1160 )  OK     A311
/040920      OK     A322
/040920      OK     B332
/041229 (1141 )  CLEAR  A322
/041243 (975  ) *MISC  A311 ,PSTAT/ASST PSTAT/FEL
/041252      *CLEAR A311 DSP: 1E
/042634 (1177 ) *CLEAR B332 DSP: 1E --> 1E
/042634      CLOSE B332
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# INCIDENT REPORT

**Spokane Police/Spokane County Sheriff**

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-017260</b>	
INCIDENT TYPE <b>Arrest</b>		INCIDENT CLASSIFICATION #1 <b>BURGLARY-RESIDENTIAL</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Fri 01/17/2014 23:21</b>		DATE/TIME <b>Thu 01/16/2014 23:21</b>		OCCURRED TO <b>Thu 01/16/2014 23:52</b>	
DISPATCH TIME <b>23:44</b>		ARRIVED TIME <b>23:45</b>		REPORT DATE <b>01/17/2014</b>	
		CLEARED TIME		REPORT TIME <b>00:57</b>	
PRIMARY CHARGE <b>9A.52.025(1) BURGLARY-RESIDENTIAL</b>				EST. TOTAL PROPERTY LOSS	
LOCATION OF INCIDENT <b>1714 W Mallon Avenue, Spokane, WA 99201</b>		LOCATION NAME (IF APPLICABLE)			
SOLVABILITY FACTORS <b>Suspect Arrested, Witness to Crime</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>Spolski</b>					
<small> DM: Owner of Property, D: Other, CO: Co-Officer, V: Victim, B: Business, M: Minor, S: Suspect, R: Roadway, NO: Not Reported, O: Other, P: Passenger, PP: Pedestrian, A: Arrested Person, G: Legal Guardian, C: Complainant, CV: Complainant's Victim, D: Driver, PC: Pedestrian, CY: Victim, R: Residential, M: Missing, MR: Person Mentioned, W: Witness </small>					
CODE <b>A-1</b>	NAME: LAST, FIRST, MIDDLE <b>Davis, Wayne L</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
HEIGHT <b>5'08"</b>	WEIGHT <b>150</b>	BUILD <b>Medium</b>	HAIR <b>Brown</b>	EYES <b>BRO - Brown</b>	DATE OF BIRTH/AGE <b>05/08/1982 31</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>212 S Washington #9, Spokane, WA 99201</b>			RESIDENTIAL STATUS	PHONE <b>389-8518</b>
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES <b>(Home) (509) 453-5300, (Home) 389-8518</b>					
CHARGE LEVEL <b>Felony Class B</b>		DESCRIPTION <b>9A.52.025(1) BURGLARY-RESIDENTIAL</b>			UCR/NCIC CODE <b>/220</b>
WARRANT #	BAIL	TYPE OF ARREST <b>On-View of Arrest</b>			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION #	DATE	TIME	BOOKED WHERE <b>Spokane County Jail</b>		DATE <b>01/16/2014</b>
					TIME <b>23:52</b>
ARREST LOCATION <b>1714 W Mallon Avenue, Spokane, WA 99201</b>					
STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN		CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED		SUSPECT ARMED WITH	
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

ID NO./NAME OF REPORTING OFFICER <b>#975 - Matthew, Yeshua</b>		DISTRIBUTION <b>Mental Health Services</b>	
APPROVAL <b>#365 - Harding, Raymond</b>		DATE/TIME <b>01/17/2014 05:45</b>	

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# INCIDENT REPORT CONTINUED

## Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION <b>BURGLARY-RESIDENTIAL</b>					ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER <b>14-017260</b>	
CODE <b>C-1</b>	NAME: LAST, FIRST, MIDDLE <b>Moore, Beverly A</b>				SEX <b>F</b>	RACE/ETHNICITY <b>W-White</b>		DATE OF BIRTH/AGE <b>01/01/1958 56</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1724 W Mallon Avenue, Spokane, WA 99201</b>				RESIDENTIAL STATUS		PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES <b>(Work) 327-5945, (Cell) 218-1532</b>								
CODE <b>W-1</b>	NAME: LAST, FIRST, MIDDLE <b>Whitten, Nancy L</b>				SEX <b>F</b>	RACE/ETHNICITY <b>W-White</b>		DATE OF BIRTH/AGE <b>01/12/1978 36</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1724 W Mallon Avenue, Spokane, WA 99201</b>				RESIDENTIAL STATUS		PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES <b>(509) 218-1532</b>								
CODE <b>W-2</b>	NAME: LAST, FIRST, MIDDLE <b>Nichols, Jennifer L</b>				SEX <b>F</b>	RACE/ETHNICITY <b>W-White</b>		DATE OF BIRTH/AGE <b>08/25/1971 42</b>
HEIGHT <b>5'09"</b>	WEIGHT <b>120</b>	BUILD <b>Medium</b>	HAIR <b>Brown</b>	EYES <b>GRN - Green</b>	DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1724 W Mallon Avenue, Spokane, WA 99201</b>				RESIDENTIAL STATUS		PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE	
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <b>533-96-6230</b>		<input type="checkbox"/> FAKE		OTHER ID	
CODE <b>VB-1</b>	NAME: LAST, FIRST, MIDDLE <b>Mallon House</b>				SEX <b>-</b>	RACE/ETHNICITY		DATE OF BIRTH/AGE
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1724 W Mallon Avenue, Spokane, WA 99201</b>				RESIDENTIAL STATUS		PHONE <b>327-5945</b>	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES <b>(Business) 327-5945</b>								
RELATIONSHIP TO SUSPECT			VICTIM OF Offns. # <b>9A.52.025(1) BURGLARY-RESIDENTIAL</b>			OFNDR. # <b>A-1</b>		

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## INCIDENT REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

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INCIDENT CLASSIFICATION <b>BURGLARY-RESIDENTIAL</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-017260</b>
NARRATIVE		

On 01/16/2014 at approximately 2345 hours, Officer Spolski and I responded to two houses east of the Mallon House located at 1724 W Mallon Avenue on a report of a trespassing.

Dispatch advised that Beverly A Moore call 911 and reported she found a male subject inside with a resident in #3 but he did not belong at the location. The male was currently outside the location refusing to leave and was pounding on the outside of the door.

Upon arrival, I heard yelling from inside 1714 W Mallon Avenue. I heard a female voice say: you need to get out of here you, you need to leave. I walked up to the front door and noticed the glass in the front door was missing. I also saw a male subject run past the door and then run up the stairs. I made contact with two female subject's at the front door who informed me they were employees and the subject I was looking for just ran upstairs and his name was Wayne. One of the female subject's unlocked the door and opened the door so I could enter the residence. As I entered, I noticed there was an unbroken piece of glass laying on the floor just inside the doorway.

I went to the bottom of the stairs, looked up at the top, and saw a male subject standing at the top. I attempted a conversation with the subject and asked him to come down and talk to me but the male did not respond to me. He stood at the top of the stairs staring straight ahead mumbling something about being Jesus. Shortly after I attempted to engage the subject, Officer Spolski entered the residence and engaged the subject which allowed me to speak with the two employees.

The employees were Beverly A Moore and Nancy L Whitten of the Mallon House and its surrounding properties. I spoke with Beverly and Nancy and they told me the following: 1714 W Mallon Avenue is property of the Mallon House. It is a female only residence which does not allow visitors past 10 pm. Beverly was inside the Mallon House at 1724 W Mallon Avenue and was informed by a resident of 1714 W Mallon Avenue that a male was at the location visiting another resident, Jennifer Nichols. Beverly sent Nancy Whitten to 1714 W Mallon Avenue to have the male leave.

Nancy went to 1714 W Mallon Avenue at the request of Beverly and made contact with the male subject inside the residence at apartment #3. The male was at the location visiting his girlfriend, Jennifer L Nichols. Nancy told the male he was not allowed at the location because it was past visiting hours and he needed to leave. The male ignored Nancy and she continued to tell him to leave and he continued to ignore her. Nancy said she told the male to leave the property at least a dozen times but he ignored her.

While Nancy was trying to get the male to leave, Beverly came to the location to assist her. Nancy and Beverly were able to escort the male out of the building. Once the male was outside they locked the door to keep the male from getting back inside. The male began banging on the outside of the front door. As a result of his banging on the door he knocked the glass out of the door and then he climbed in through opening where the glass was. Once the male was back inside, Nancy and

Incident Report #1

CONTINUED ON NEXT PAGE

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

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INCIDENT CLASSIFICATION <b>BURGLARY-RESIDNTL</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-017260</b>
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Beverly told him to leave again several times but he ignored them again and ran upstairs.

Based on my investigation, I determined there was probable cause to arrest the subject for residential burglary because he forced his way back into the residence by knocking the glass out of the door and then climbing through the open and entered the residence unlawfully.

While I was speaking with Beverly and Nancy, Officer Spolski attempted conversation with the male, see his report.

After speaking with Nancy and Beverly, I went to Officer Spolski's location to assist him. While Officer Spolski was speaking with the male, he asked him to come down stairs so he could talk to him. The male stood at the top of the stairs and did not respond to Officer Spolski's request. The male stood at the top of the stairs with his hands balled into fists and stared blankly at Officer Spolski. Officer Spolski asked the male again to come down and speak with him and the male said something similar to: why don't you come up here so I can fight you. Officer Spolski responded calmly and asked the male again to come down stairs. The male walked down the stairs toward Officer Spolski and stopped about three or four steps from Officer Spolski. The male stood briefly on the steps above Officer Spolski and then tried to run back up the stairs. To prevent the male from running back up the stairs, Officer Spolski grabbed the male by the right arm. The male tried to pull his right arm away and Officer Spolski pulled the male toward him. The male fell against Officer Spolski causing him to fall backwards into a window causing it to break. I approached Officer Spolski and the male who were on the landing about four steps above me. I took control of the male's left arm and guided him down the stairs. I attempted an arm bar takedown but the subject tried to pull away from me. As I attempted another arm bar takedown, the male's left hand made contact with my duty weapon for a brief moment. I felt the subject was trying to grab my gun and I quickly moved my gun side away from him and completed the arm bar take down by guiding the subject to the floor. As soon as the male was on the floor he balled up into the fetal position. I told the subject to stop resisting and give me his right arm but he refused. The subject thrashed about on the floor, stood up, and tried to run away. I grabbed him by his right arm again and he continued to try and pull away from me. I pushed the subject forward and knocked him down onto the stairs. I told him to stop resisting again but he continued to thrash around in an attempt to get away. While I was trying to gain control of the subject's right arm, I heard Officer Spolski say "index" and he applied a drive stun to the male's back with his Taser. The subject continued to thrash around and continued to try and pull his arm away from me. Officer Spolski applied another drive stun to the subject's back. After the second Taser application, the subject continued to thrash about. Officer Spolski discarded his Taser and applied a neck restraint. After the application of the neck restraint by Officer Spolski, I was able to gain control of the male's right arm and place a handcuff on his right wrist. Officer Spolski brought the male's left arm toward the right arm and I placed the second cuff on his left wrist and double locked the handcuffs.

After the subject detained his breathing became labored. Due to the physical altercation and

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01/17/2014 05:49:27.168



## INCIDENT REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

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INCIDENT CLASSIFICATION <b>BURGLARY-RESIDNTL</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-017260</b>
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the labored breathing of the subject, excited delirium was a consideration and medics were requested. The subject was placed in an upright position and his breathing improved.

The subject was identified as Wayne L Davis via a Washington ID card.

Davis was transported to Deaconess for evaluation and later booked into Spokane County Jail for residential burglary.

OFFICER/NUMBER/CALL SIGN

Y. Matthew/975/A311

Incident Report #1	END OF INCIDENT REPORT
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01/17/2014 05:49:27.183

# SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-017260</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Fri 01/17/2014</b>	TIME <b>23:21</b>	INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>BURGLARY-RESIDENTIAL</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>01/17/2014</b>	REPORT TIME <b>00:54</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

On 011614 I responded to 1714 W. Mallon. Radio advised that Beverly Moore stated she is an employee of the facility and stated a male named "Wayne" (Wayne Davis) was outside refusing to leave. She found him inside the building and was not supposed to be there.

Upon arrival Ofc. Matthew entered the building first. I came in behind him and heard Matthew state that Wayne had broken the window out. I saw an unbroken pane of glass from the front door lying inside on the floor. I heard the staff tell Matthew that the Wayne had just gone up the stairs.

There was a short stair case going up just inside the front door, then a landing. To the right of the landing from the front door is a stair case going up to the second floor.

I went up to the landing as I could not see Wayne from the main floor. From the landing I could see Wayne at the top of the stairs on the second floor.

Wayne appeared to be high or intox. He had a 1,000 yard stare and I could not tell if he was staring at me or through me. His fists were clenched in to fists with his arms outstretched to the ground and at his sides.

I heard Wayne state something to the effect of he was in control and he is god. I also heard him mention Satan and the devil.

I stood on the landing and leaned against the railing to present a more relaxed demeanor for Wayne in an attempt to get him to relax, calm down and be more compliant. I spoke to Wayne in a calm relaxed tone of voice and asked him his name. Wayne did not answer me.

I asked Wayne if he could walk down the stairs and talk to me. Wayne did not answer me. I asked Wayne if he could talk to me from where he was. Wayne did not answer me.

I continued to try and talk to Wayne but he refused. At one point I heard

ID NO./NAME OF REPORTING OFFICER <b>#969 - Spolski, Nicholas</b>		DISTRIBUTION <b>Mental Health Services, Spokane Mental Health</b>	
APPROVAL <b>#365 - Harding, Raymond</b>	DATE/TIME <b>01/17/2014 05:50</b>		

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## SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION <b>BURGLARY-RESIDNTL</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-017260</b>
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a door open and Wayne turned and looked to the north of the hallway. I heard him ask a female, Jennifer Nichols, if she would come with him. I heard Jennifer tell Wayne something to the effect of she couldn't because she lives there and it is against the rules.

I told the female to go back in her room and keep the door shut fearing Wayne might attempt to hurt her in his current state of mind. She complied and I heard the door shut.

Wayne then turned his attention back at me, or through me. I continued to try and speak to Wayne in a calm tone and asked him several times to come down the stairs so we could talk.

Wayne then stated something to the effect of "your Satan, I want to fight you." I continued my calm voice and told Wayne that I did not want to fight him and that I just wanted to talk to him. Wayne then stated something to the effect of "why don't you come upstairs because I want to fight you."

I again told Wayne that I did not wish to fight him and that I just wanted him to come down the stairs and talk to me. Wayne then walked down the stairs. I repositioned myself towards the north wall of the landing so that Wayne would have clear access to walk all the way down the stairs. Wayne stopped approx 3-4 steps from the landing.

Wayne paused for a moment and then turned and started to run back up the stairs. Fearing that Wayne might be going to harm Jennifer or another resident and that an altercation with him on the second level with a whole flight of stairs to fall down would be more dangerous for all of us, I grabbed Wayne's right arm before he was able to get away.

Wayne resisted me and tried to pull away from me. I pulled Wayne's arm to get him off of the stairs and I fell into the west window of the landing, causing it to break. Officer Matthew came to the landing and together we were able to bring Wayne to the main floor.

Wayne continued to resist us pulling away, tensing his muscles. We wrestled with Wayne trying to get him to the ground safely so he could be detained. He was told to stop resisting and to get on the ground several times.

At one point during the altercation I heard Officer Matthew state something to the effect of "quit grabbing for my gun." Fearing that Wayne was gaining control of Matthew's gun I reached for my gun. I then saw

Supplemental Report #1

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## SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION <b>BURGLARY-RESIDNTL</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-017260</b>
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Matthew turn his gun away from Wayne while holding on to his right arm.

Wayne had his left side somewhat pinned against a wall. I pulled my taser out of its holster and took the probe cartridge off. I decided to use my Taser on Wayne in the drive stun mode for the reasons stated above and for the following reasons:

- Wayne was wanted for Burglary.
- Wayne had stated his intent to fight with us prior to the altercation.
- The altercation was going on for an extended time. My training and experience has taught me that the longer an altercation goes on there is an increased risk of injury to both Officer's and Offenders.
- Wayne had attempted to gain access to an Officer's gun which shows and intent to kill.
- Wayne was continuing to resist us by attempting to stand up and pull away from us.

I advised "index" and activated a cycle with my Taser to Wayne's lower back but because Wayne was still actively resisting and moving I am not sure how many times it actually came in contact with him. I activated a second cycle to Wayne's upper back which I believe was able to make better contact.

It did not appear that the Taser was working so I tossed it aside and advised Officer Matthew I was going to attempt a neck restraint. I applied a level 1 neck restraint on Wayne; no attempt was made to render him unconscious.

I told Wayne several times to place his hands behind his back. Matthew was able to gain control of his right arm. I reached down and pulled his left arm behind his back and we were able to arrest, handcuff (DL), Wayne.

After Wayne was arrested he was lying on his side towards the stair case. Wayne started to breath heavily and it sounded labored and consistent with Exited Delirium. I advised Radio of the situation and to expedite Medics. I sat Wayne up and his breathing improved dramatically and appeared to be fine.

Medics arrived and AMR transported Wayne to Deaconess as a precaution. Sgt. Kannberg responded and was debriefed of the events. A corporal was requested for photos of Wayne and the broken windows.

See Officer Matthew report for further info.

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01/17/2014 05:58:26.662

# SUPPLEMENTAL REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

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INCIDENT CLASSIFICATION <b>BURGLARY-RESIDNTL</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-017260</b>
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N. Spolski 969

Supplemental Report #1	END OF ADDITIONAL REPORT
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01/17/2014 05:58:26.694

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-017260</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Thu 01/16/2014 23:21</b>		INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>BURGLARY-RESIDNTL</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>01/17/2014</b>	REPORT TIME <b>05:20</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

On 01-16-14 at approximately 2354 hours, I arrived at 1714 E Mallon Ave to assist officer Matthews and Officer Spolski who had just been in a physical altercation with a burglary suspect.

After arriving I noticed that the suspect, Wayne Davis, was detained in handcuffs and sitting up. Davis was breathing heavily and kept chanting to himself that he was god, and that some unknown person was the devil.

I assisted in getting Davis onto AMR's stretcher, and he was subsequently transported to Deaconess medical center for an evaluation.

I met Officer Fairbanks at the hospital in room #9 where Davis was being evaluated. Officer Fairbanks and I stood by while Davis received treatment, and were advised that he had been cleared medically for jail booking.

Officer Fairbanks and I explained to Davis repeatedly that he needed to cooperate when he was removed from restraints to be placed in handcuffs. Davis offered muscular resistance and attempted to pull his arms away during the handcuffing process, however Officer Fairbanks and I were able to hold his arms behind him and I placed him in handcuffs (D/L) without any use of force.

Officer Fairbanks and I then escorted Davis to my patrol vehicle. Davis attempted to drag his feet and pull away from us in order to avoid being transported to jail. We were able to escort Davis to the vehicle and place him in the backseat without using any force other than escort holds.

I transported David to Spokane County Jail where he was booked for residential burglary. The medical information provided by hospital staff was given to Corrections officers and they were made aware that he had been evaluated by the hospital and VNR had been applied but the subject was not rendered unconscious.

See Officer Matthews and Officer Spolski's reports for additional information.

Officer N. Briggs #1177

ID NO./NAME OF REPORTING OFFICER <b>#1177 - Briggs, Nick</b>		DISTRIBUTION <b>Mental Health Services</b>	
APPROVAL <b>#208 - Huddle, Kevin</b>	DATE/TIME <b>01/17/2014 06:36</b>		

Supplemental Report #1

01/17/2014 06:40:04.210

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

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AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-017260</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Thu 01/16/2014 23:21</b>		INCIDENT XREF <b>14-017270</b>
INCIDENT CLASSIFICATION #1 <b>BURGLARY-RESIDNTL</b>		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #2 <input type="checkbox"/>	
INCIDENT CLASSIFICATION #3 <input type="checkbox"/>		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #4 <input type="checkbox"/>	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>01/17/2014</b>	REPORT TIME <b>01:23</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

On 01-16-14 at approximately 2352 hours, I responded to 1714 W Mallon to assist officers who were on scene with a male.

Upon arrival, I observed that Ofc. Spolski and Ofc. Matthew had a male, who was later identified as Wayne Davis, handcuffed in the prone position. Wayne was conscious and was sat up into a seated position. I stood by with the male as medics arrived on scene. Wayne said multiple times, "I am God" and was looking at the wall saying, "He is the devil."

When medics arrived on scene Ofc. Spolski and I stood Wayne up. He stood in the hallway of the residence. When we started walking out of the door of 1714 W Mallon, Wayne planted his feet and refused to walk. Ofc. Spolski and I had control of his arms and AMR staff lifted his legs and we placed him onto the stretcher. Wayne was released from handcuffs and secured to the stretcher by medics.

I followed the ambulance to Deaconess. Once in the emergency room, Wayne was conscious staring at the ceiling and would not respond to medical staff. RN Ken Rickel conducted a sternum rub on Wayne during his assessment. Wayne still would not respond to any questioning by medical staff. Wayne had a red mark on his chest from the sternum rub conducted by medical staff.

I stood by in the Emergency Room with Wayne until Sgt. Kannberg came to the location to talk to Wayne. Ofc. Briggs arrived on scene and advised that there was probable cause to arrest Wayne for Residential Burglary. Sgt. Kannberg advised Wayne that he was under arrest for Residential Burglary.

When Deaconess medically released Wayne, Ofc. Briggs removed him from his restraints. He initially tensed up and tried to pull his left arm away from me. Ofc. Briggs and I placed him back into handcuffs (dl) without incident. He was advised that he was under arrest for Residential Burglary and was going to jail. Ofc. Briggs and I escorted him to Ofc. Briggs's patrol car. Ofc. Briggs transported Wayne to the Spokane County Jail.

Ofc. L. Fairbanks 1022

ID NO./NAME OF REPORTING OFFICER <b>#1022 - Fairbanks, Lance R</b>		DISTRIBUTION
APPROVAL <b>#365 - Harding, Raymond</b>	DATE/TIME <b>01/17/2014 05:41</b>	

Supplemental Report #1

01/17/2014 05:48:35.401

# SUPPLEMENTAL REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

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INCIDENT CLASSIFICATION <b>BURGLARY-RESIDNTL</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-017260</b>
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Spokane Police B341

Supplemental Report #1	END OF ADDITIONAL REPORT
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01/17/2014 05:48:35.417



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

DATE: 011714

REPORT NUMBER: 14-17260

CHARGES REQUESTED: Residential Burglary

DEFENDANT: Davis, Wayne Leonard W/M DOB: 050882

STATUS: In Custody

RECEIVED  
SPOKANE POLICE RECORDS  
2014 JAN 17 AM 10 46

VICTIM(S): Mallon House

DATE/TIME OF CRIME: 011614/ 2321 hrs

LOCATION OF CRIME: 1714 W. Mallon

INVESTIGATOR: Y. Matthew 975

APPROVED BY:

*Jmt #309*

WITNESSES	ADDRESS	PHONE #
Moore, Beverly A	1714 W. Mallon	218-1532
Whitten, Nancy L	1714 W. Mallon	216-5201
N. Spolski 969	1100 W. Mallon	242-8400x20969
Y. Matthew 975	1100 W. Mallon	242-8400x20975

EVIDENCE CONSISTS OF: witness statements, photos

SUBMITTED TO PROSECUTORS OFFICE

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

**STATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON  
COUNTY OF SPOKANE

REPORT NUMBER: 14-17260

DEFENDANT: Davis, Wayne Leonard W/M DOB: 050882

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

Beverly Moore can testify to:

- She is an employee of the Mallon House, a business that cares for mentally ill residents.
- The residents are not allowed visitors after 2200 hrs.
- The defendant was inside the facility located at 1714 W. Mallon on 011614 at approx 2330 hrs.
- The defendant was asked to leave several times and they eventually had to escort the defendant out of the facility.
- After shutting and locking the front door to the facility after escorting the defendant outside, the defendant banged on the window to the door several times and the glass popped out and landed on the floor inside the facility.
- The defendant crawled through the opening and entered the facility after being told several times to leave.

Nancy Whitten can testify to:

- She is an employee of the Mallon House, a business that cares for mentally ill residents.
- The residents are not allowed visitors after 2200 hrs.

- The defendant was inside the facility located at 1714 W. Mallon on 011614 at approx 2330 hrs.
- The defendant was asked to leave several times and they eventually had to escort the defendant out of the facility.
- After shutting and locking the front door to the facility after escorting the defendant outside, the defendant banged on the window to the door several times and the glass popped out and landed on the floor inside the facility.
- The defendant crawled through the opening and entered the facility after being told several times to leave.

N. Spolski can testify to:

- Responding to 1714 W. Mallon on 011614 and seeing the defendant inside the facility.
- Seeing the window from the front door lying on the floor inside the facility.

Y. Matthew can testify to:

- Responding to 1714 W. Mallon on 011614 and seeing the defendant inside the facility.
- Obtaining the above statements from Nancy Whitten and Beverly Moore.
- Seeing the window from the front door lying on the floor inside the facility.

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: 011714 PLACE: SPOKANE, WASHINGTON

SIGNATURE: *J. Stabell* 975

On 1-16-2014 Officer Spolski and Officer Matthew responded to 1724 W. Mallon (Mallon House) reference a subject refusing to leave the location. Wayne Davis had been visiting Jennifer Nicholas at the location. Mr. Davis was asked to leave and did not. Staff from the Mallon House escorted Mr. Davis out of the building, asked him to leave and locked the door. Mr. Davis refused to leave the property. Mr. Davis was asked to leave numerous times; however, he refused to leave and police were called.

Once Mr. Davis was outside he began banging on a window next to the front door. The window fell out of the frame and Mr. Davis then entered the residence. Officers arrived on scene to find two employees inside the residence telling Mr. Davis to leave. Mr. Davis then ran up stairs to the second floor of the residence.

Officer Spolski entered the residence, and while standing on a landing leading to the second floor, he could see Mr. Davis in the hallway on the second floor. Mr. Davis had his fists clenched and down to his sides, he was staring at Officer Spolski and he appeared high or intoxicated. Mr. Davis said he was in control and was God. He also mentioned Satan and the devil.

Officer Spolski attempted to communicate with Mr. Davis and have him exit the building; however, he refused. Ms. Nicholas opened her door and Mr. Davis asked her to go with him. Ms. Nicholas said she could not because it was against the rules. Officer Spolski asked her to close her door and she did.

Officer Spolski continued asking Mr. Davis to come down and talk with him. Mr. Davis stated, "You're Satan. I want to fight you. Why don't you come upstairs because I want to fight you." Officer Spolski continued asking Mr. Davis to come down to talk with him.

Mr. Davis started walking down the steps and Officer Spolski stepped back so Mr. Davis could go by him and continue walking down the steps. Mr. Davis then stopped and turned to go back upstairs.

At this time Mr. Davis had been asked to leave and was escorted out of the residence. Mr. Davis broke out a window and crawled through the window to gain entry into the residence. Officer Spolski asked Mr. Davis to leave and he refused. Officer Spolski did not know what he would do to Ms. Nicholas or other occupants in the residence. Mr. Davis also asked to fight. Because of this, Officer Spolski attempted to take arm control of Mr. Davis, as he was committing burglary.

Mr. Davis resisted and pulled back. Officer Spolski pulled back and ended up falling back into a window on the landing he was standing on. Officer Matthew came up to the landing and assisted in guiding Mr. Davis down the steps to the main floor.

While on the main floor Mr. Davis tensed up his muscles and began pulling away. Mr. Davis was told to stop resisting and to get on the ground. Mr. Davis refused. Officer Matthew attempted a straight arm bar takedown; however, this failed. He attempted another straight arm bar takedown, and at this time he felt Mr. Davis make contact with his duty weapon on his hip. Officer Spolski heard Officer Matthew state, "Quit grabbing for my gun." Mr. Davis was guided to the ground and went into a fetal position. Mr. Davis thrashed around as officers attempted to gain control of his arms. Mr. Davis then stood up. Officer Matthew took arm control as Mr. Davis pulled away. Mr. Davis was pushed into the stairs and

fell to the ground. Officer Spolski announced "index" and deployed his TASER in touch stun mode to Mr. Davis' lower back for the following reasons:

Crime: Mr. Davis was asked to leave the residence and was escorted out. Mr. Davis broke out a window and entered the residence. He was told to leave again and ran up to the second floor. Officers asked Mr. Davis to come down and talk with them and he refused. Mr. Davis was committing burglary.

Threat Factors: Mr. Davis was inside a residence with other occupants. He referred to himself as God and officers as Satan, and he told officers he wanted to fight. He balled up his fists and refused to exit the building. When first contact was made he pulled back from officers and resisted officers' control techniques. He continued to resist officers' control tactics, prolonging the altercation and increasing the danger to officers and Mr. Davis.

Resistance: Mr. Davis was physically resisting officers' control tactics and grabbed at an officer's gun.

Officer Spolski did not see a reaction by Mr. Davis and did not know if the TASER had made contact with Mr. Davis, as he continued thrashing around on the ground. He then activated a second cycle to Mr. Davis' upper back for the same reasons.

Mr. Davis continued to thrash about and fight with officers. Officer Spolski's application of the TASER did not appear to stop Mr. Davis. Officer Spolski then applied a level 1 neck restraint to control Mr. Davis. Mr. Davis was not rendered unconscious. Officer Matthew was then able to gain control of Mr. Davis' arm and he was handcuffed.

Because of the prolonged fight, medics were called for Mr. Davis. Mr. Davis was transported to Deaconess Hospital for evaluation.

I contacted Mr. Davis at Deaconess Hospital. He was restrained to the bed with soft restraints. I introduced myself to Mr. Davis and he just stared at the lights in the ceiling. I asked what happened and he continued staring at the ceiling while blinking, but not saying anything. I continued talking to Mr. Davis and he did not say anything. I asked if he was injured and he turned his head and said something, but I could not understand him. He then went back to staring at the ceiling.

I could see Mr. Davis had a bump over his right eye. His face was a bit red and his lips appeared to have dried blood. I asked him to sit up so I could see if there were any injuries on his back and he refused. There was a red mark on his chest. I was informed this was from a sternum rub that a nurse did. Photos were requested.

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects. **309.5.1 APPLICATION OF THE TASER DEVICE:** The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

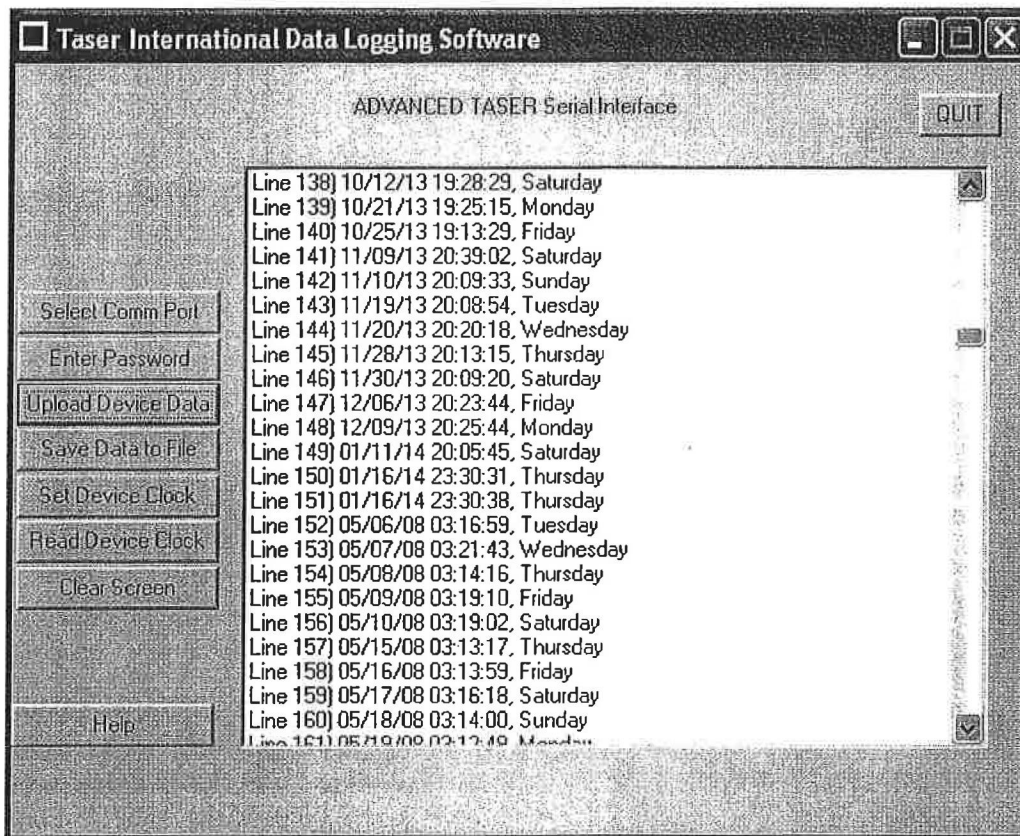
(a) The subject is violent or is physically resisting.

(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.

Officer Spolski deployed his TASER on Mr. Davis because he committed burglary and was physically resisting officers' control tactics and grabbed at an officer's gun. He was not able to give Mr. Davis a warning that the TASER was going to be deployed due to the tense, uncertain and rapidly evolving situation. He announced "TASER" just prior to deploying the TASER to inform Officer Matthew of the deployment. The first deployment of the TASER in touch stun mode did not yield a response from Mr. Davis and it was unknown if contact was made because he did not respond. Officer Spolski deployed the TASER in touch mode a second time to Mr. Davis' upper back. Officer Spolski did not see a response from Mr. Davis. He transitioned to a Level 1 Neck Restraint. After this officers were able to gain control of Mr. Davis and handcuff him. Officer Spolski's actions were objectively reasonable based on the totality of the circumstances. The officers' actions were within departmental guidelines and state law.

Sgt. Kannberg

RPT # 14-0017260



X-26

Serial # 14-014074

OFL SPOLSKI #969

