



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	<u>Name / Identity</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>Date of birth</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>Personal home, work or cell phone number</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>Residential address</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>E-mail address</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)
Juvenile Information			
#2a	Names of Juveniles who are in the Juvenile court system	Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</i> , 122 Wn.App. 84, 94 (2004)
#2b	Records relating to commission of Juvenile offenses.	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)
#2c	Child Victim of Sexual Assault	This redaction protects information revealing the identity (name, address, location, or photograph) of child victims of sexual assault who are under age eighteen.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
#2d	Child victims or child witnesses	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
ACCESS Database Info			
#3a	Information from WACIC/NCIC (ACCESS): <u>Criminal history information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3b	Information from WACIC/NCIC (ACCESS): <u>License Plate Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3c	Information from WACIC/NCIC (ACCESS): <u>Vehicle Registered owner information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3d	Information from WACIC/NCIC (ACCESS): <u>Wanted persons information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3e	Information from WACIC/NCIC (ACCESS): <u>Officer safety information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except 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.
#3f	Information from WACIC/NCIC (ACCESS): <u>Gun information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to

		law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3g	Information from WACIC/NCIC (ACCESS): <u>DOL Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3h	Information from WACIC/NCIC (ACCESS): <u>Stolen Vehicle Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3i	Information from WACIC/NCIC (ACCESS): <u>Missing Persons Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3j	Information from WACIC/NCIC (ACCESS): <u>Runaways or endangered persons</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3k	WACIC/NCIC (ACCESS): <u>DOC Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3L	WACIC/NCIC (ACCESS): <u>Stolen Property</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3m	WACIC/NCIC (ACCESS): <u>Court Orders</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
Personal Identifiers and Financial Info			
#4a	Social Security Number	This information constitutes personal	RCW 42.56.050 (Invasion

		identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	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	RCW 42.56.250(8) (Employment and licensing)

		disclosure for their safety and privacy.	
#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)
#5d	Employee training files	Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination	RCW 42.56.250(1).
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	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims). Ashley v. Public Disclosure <i>Comm'n</i> , 16

		preserve the life and personal safety of the informant and family. Specific intelligence information 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.	<i>Wn.App.</i> 830, 836 (1977).
Photos			
#8a	Photos showing a deceased person	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8b	Photos showing highly sensitive material	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8c	Photo Montages	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
Protected by Law			
#9	Medical Records	Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person.	RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502). RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#10a	Jail records	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.	RCW 70.48.100 (Jail register)
#10b	Jail booking photos	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined	RCW 70.48.100 (Jail register)

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



Spokane Police Department Use Of Force Report

Incident Entered By: Sergeant Zachary Storment
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
1/22/2014	1/9/2014	09:00
Record ID #	Incident No	IA No
8008	14-008594	F14-003
Date/Time Entered		
1/22/2014 07:13		

Incident Summary

See Attachment

In compliance with policy per Captain Dobrow, 2/5/2014.

Incident Location

- 3908 Howard ST, Direction: N, Spokane, WA 99205 - : Northwest

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Assaulting Officer	Self Initiated	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Interior Lighting	1 feet to 3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
No	No	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Medium	5'10" to 6'0"	
Officer Assessment of Citizen Condition During Incident		
None detected		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Complainant/Involved Citizen Information

Robin L Mitchell

DOB: 3/4/1970 Race: White Gender: Male

Address

- 5408 Audobon ST, Direction: N, Spokane, WA 99205

Types of Resistance Citizen Used Against Officer(s)

- Assaultive

Charges against this citizen

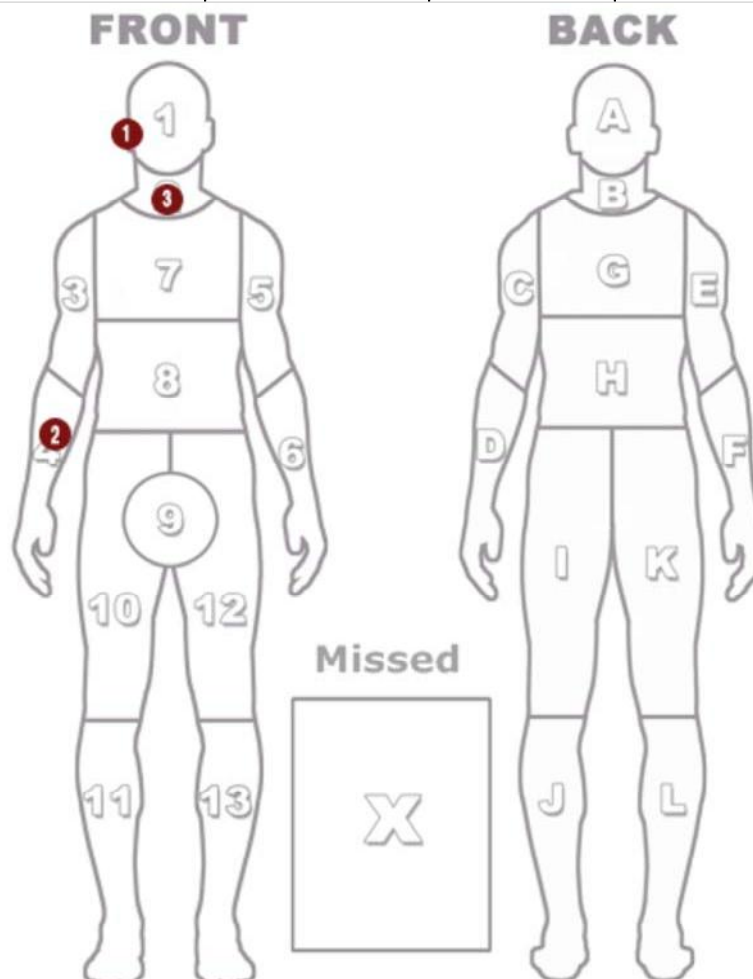
- Arrest - Felony

Involved Officers

Detective Greg Thieschafer - Payroll Number: #5c**Force used by this officer against the citizen**

- Verbal/Other - Was force effective: No
- Takedown Technique - Was force effective: No
- Level 1 LNR - Was force effective: Yes

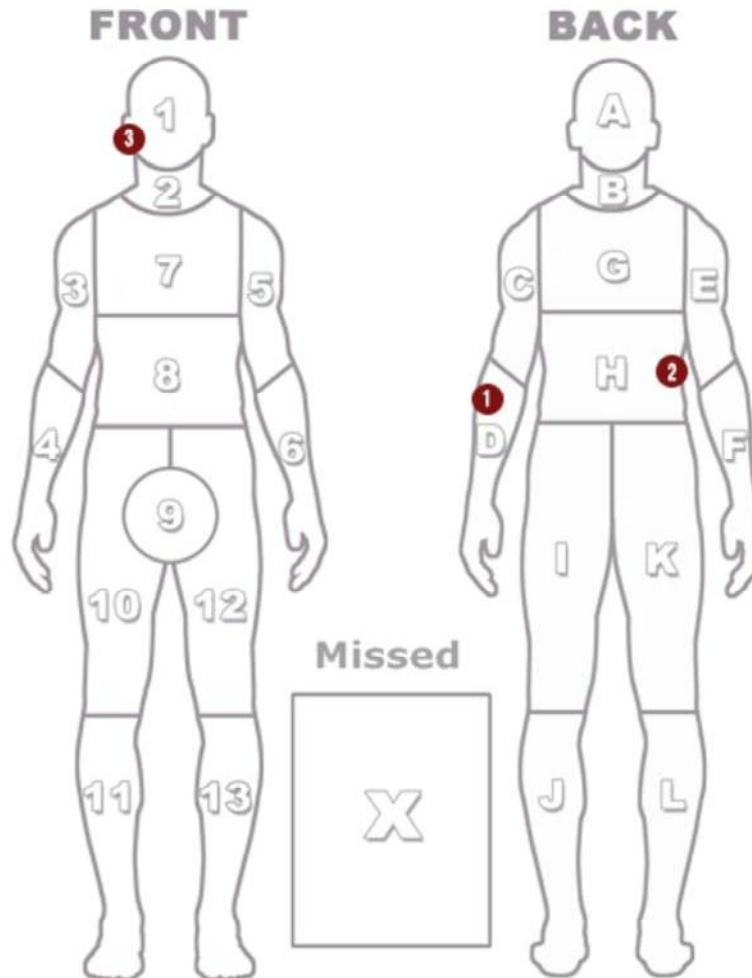
Force Used	Effective?	Regions	Points of contact
Verbal/Other	No	1	1
Takedown Technique	No	4	2
Level 1 LNR	Yes	2	3



Detective Craig Wendt - Payroll Number: #5c**Force used by this officer against the citizen**

- Body Weight/Manual Force - Was force effective: Yes
- Personal Impact Tools - Was force effective: Yes
- Verbal/Other - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Body Weight/Manual Force	Yes	D	1
Personal Impact Tools	Yes	H	2
Verbal/Other	No	1	3

**Citizen Witnesses****Chrisy Nelson****DOB: 11/3/1990 - Race: White - Gender: Female****Address**

- 3908 Howard ST, Direction: N, Spokane, WA 99205

Officer Witnesses

Detective Bryan Tafoya - Payroll Number: #5c

Detective Lonnie Tofsrud - Payroll Number: #5c

Attachments

No attachments

Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
1/22/2014	Sergeant Zachary Storment	Lieutenant Steven Wohl	(none)	Use of Force for review	<input type="checkbox"/>	Please correct the line "These strikes along with Wendt's strikes", and the homophone "There" to "Their" and send it back to me for approval. Everything else looks great. Thanks
1/22/2014	Lieutenant Steven Wohl	Sergeant Zachary Storment	(none)	Please correct the line "These strikes along with Wendt's strikes", and the homophone "There" to "Their" and send it back to me for approval. Everything else looks great. Thanks	<input checked="" type="checkbox"/>	[Forwarded by Sergeant Zachary Storment]
1/22/2014	Sergeant Zachary Storment	Lieutenant Steven Wohl	(none)	For your review	<input checked="" type="checkbox"/>	01-22-14 I concur with Sgt. Storment, and find the actions of the officers involved to be reasonable and within Spokane Police Policy 300.3.2 (Use of Force). The suspect's failure to follow lawful commands, combined with his assaultive behavior towards police, justified the use of force to safely take him into custody.
1/23/2014	Lieutenant Steven Wohl	Captain Bradley Arleth	(none)	01-22-14 I concur with Sgt. Storment, and find the actions of the officers involved to be reasonable and within Spokane Police Policy 300.3.2 (Use of Force). The suspect's failure to follow lawful commands, combined with his assaultive behavior towards police, justified the use of force to safely take him into custody.	<input checked="" type="checkbox"/>	Suspect became immediately combative with officers after they identified themselves. Force was reasonable and necessary under the circumstances.
1/29/2014	Captain Bradley Arleth	Sergeant David Staben	(none)	completed	<input checked="" type="checkbox"/>	[Forwarded by Sergeant David Staben]
1/30/2014	Sergeant David Staben	Asst Chief Patrick Dobrow	(none)	This is a completed Use of Force review	<input checked="" type="checkbox"/>	I have reviewed this case and find the use of force to be reasonable, appropriate and within policy guidelines.

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

Lieutenant Steven Wohl

Sergeant Zachary Storment

Captain Bradley Arleth

Sergeant David Staben

Asst Chief Patrick Dobrow



Spokane Police Department Internal Affairs



Use of Force Additional

Detectives Tofsrud, Thieschafer, Wendt and Tafoya obtained permission from the resident of the address to search the premises. They were there in relation to an ongoing investigation. Chrisy M Nelson gave consent and was present during the incident. She advised of an unknown male sleeping on her couch. Nelson said the man did not live there, nor did she know his name. The detectives contacted this male by identifying themselves as police verbally and wearing police vests that are clearly marked "POLICE". Detective Tofsrud repeatedly told the male to show his hands. The male (later identified as Mitchell) instead said, "Fuck you" and eventually stood up, taking a fighting stance with feet bladed and fists raised. He then threw two closed fist strikes at Detective Tofsrud who was able to evade the strikes. Verbal commands continued and the detectives still used no force. Mitchell sat down briefly but again jumped back up in the same fighting stance. Detective Thieschafer took right arm control of Mitchell and then transitioned to a Level 1 Lateral Neck Restraint. Mitchell tried to strike him during the transition. Thieschafer and Wendt took Mitchell to the ground. They noticed a TASER lying on the ground in front of them. Mitchell was resisting efforts to handcuff him by keeping his arms pinned underneath his chest. Detective Wendt was concerned that Mitchell would try to grab the TASER before they could handcuff him. Verbal commands continued throughout. Wendt delivered 2 closed fist strikes to Mitchell's right side. These strikes, along with Thieschafer's Level 1 Lateral Neck Restraint, had the desired effect. Mitchell actual signaled to Thieschafer that he was done fighting by tapping out. They then handcuffed him without further incident. Mitchell then indicated he clearly knew the detectives were police because he referred to Tofsrud by name, although he mispronounced it "Tosford". He made the statement, "I was sleeping, I'm claiming diminished capacity, come on Tosford, I didn't know who you guys were."

The detectives actions were objectively reasonable given the situation in which Mitchell chose to assault them rather than simply comply. Their use of force was minimal, and brought the situation to a quick end. Mitchell did not complain of injury.

09/05/14 09:30:07 PRINT REQUESTED BY TERMINAL PIAN02
Incident History for: #SP140008594 Xref: #SP140008528

Entered 01/09/14 09:00:45 BY PCC01 218
Dispatched 01/09/14 09:00:45 BY PCC01 218
Enroute 01/09/14 09:00:45
Onscene 01/09/14 09:00:45
Closed 01/09/14 09:43:07

Initial Type: SUSPER Final Type: SUSPER (SUSPICIOUS PERSON)
Initial Priority: 2 Final Priority: 2
Disposition: 1G Source: R Primary Unit: A124
Police BLK: SPA1NH
Group: P1 (P10) Beat: Map Page: 32
Loc: 3908 N HOWARD ST ,SPK btwn W GARLAND AV & W WALTON AV <600> (V)
Name: Addr: Phone:

/090045 (218) \$OUTSRV ,NO MORE INFORMATION
/090045 DISPOS I421 #434 TAFOYA, BRIAN
/090047 CHANGE LOC: 3908 N HOWARD --> 3908 N HOWARD ST ,SPK,
DGP: P10 --> P1,
BLK: --> SPA1NH
/090053 ASSTER A124 [3908 N HOWARD ST ,SPK]
#747 BISHOP, DEREK
/090100 MISC I421 ,.START CAR, ONE IN CUSTODY
/090227 (747) *ONSCNE A124
/091041 *REMINQ A124 MWANT,,,,,,,,,MITCHELL,ROBINL,1970,03,04,,,,,,,,,
/091150 *MISC A124 ,TRANSIENT, GETTING MAIL AT, 5408 N AUDUBON, 5
09-279-8183
/091253 (218) CALLBK A124 T/PCC05
01/09/14 09:12:35 MESSAGE FROM: A124 ROBIN GE
TTING BOOKED ON NEW CHARGES, WILL YOU CONFIRM/
SEND ON HIS DWLS WARRANT PLEASE
/091300 (747) *TRANS A124 [JAIL] M/0.0
/091555 (168) CALLBK I421 ,MALE
T/PCC01
/092054 (747) *TRANSC A124 ,MITCHELL CONF/SENT
M/2.5
/092651 (218) MISC I421 ,ONE IN CUSTODY FOR ASSAULT 3RD
/092658 CLEAR I421
/094307 (747) *CLEAR A124 DSP: 1G
PSTAT/ASST PSTAT/WAR
/094307 CLOSE A124
/113328 (218) CROSS #SP140008528
/113336 MISC ,01/09/14 11:33:15 Message To: PCC01 From: P
DXN26
/113336 MISC , CAN U PLEASE XRF INC#'S 8528 AND 8594
*** New Date: 01/10/14 ***
/084722 (565) CROSS #SP140009774

UNIFORM INCIDENT REPORT

AGENCY NAME Spokane Police Dept										CROSS REFERENCE NUMBER(S) 13-08528										INCIDENT NUMBER 13-08594																			
INCIDENT TYPE <input type="checkbox"/> INFORMATION <input checked="" type="checkbox"/> ARREST <input type="checkbox"/> JUVENILE BOOKED <input type="checkbox"/> JUVENILE REFERRAL <input type="checkbox"/> CHILD ABUSE <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> DV # JUV PRESENT () <input type="checkbox"/> GANG <input type="checkbox"/> GUN <input type="checkbox"/> HATE/BIAS <input type="checkbox"/> ARSON-LOSS \$ <input type="checkbox"/> DAMAGE SPD/SCO <input type="checkbox"/> WACIC <input type="checkbox"/> ALCOHOL RELATED <input type="checkbox"/> COMPUTER USED <input type="checkbox"/> DRUG INVOLVED																																							
DISTRIBUTION <input type="checkbox"/> DEA <input type="checkbox"/> FELONY ASSLT <input type="checkbox"/> IMMIGRATION <input type="checkbox"/> ROBBERY <input type="checkbox"/> APS <input type="checkbox"/> DEPT ECOLOGY <input type="checkbox"/> FRAUD/FORG <input type="checkbox"/> ISU <input type="checkbox"/> SECRET SRVC <input type="checkbox"/> ATF <input type="checkbox"/> DIST 81 <input type="checkbox"/> GAMB COMM <input type="checkbox"/> JUV COURT <input type="checkbox"/> SEX CRIMES <input type="checkbox"/> CITY ATTY <input type="checkbox"/> DOC <input type="checkbox"/> GANG UNIT <input type="checkbox"/> LIQ CONTROL <input type="checkbox"/> SFD/ARSON <input type="checkbox"/> CITY PROS <input type="checkbox"/> DOL EXAMINER <input type="checkbox"/> GEN DIX <input type="checkbox"/> MED EXAMINER <input type="checkbox"/> SIU <input type="checkbox"/> CIU <input type="checkbox"/> DSHS <input type="checkbox"/> GONZAGA SEC <input type="checkbox"/> NO FOLLOW UP <input type="checkbox"/> SPOKANIMAL <input type="checkbox"/> CODE ENFCMNT <input type="checkbox"/> DV <input type="checkbox"/> HEALTH DEPT <input type="checkbox"/> NRO <input type="checkbox"/> SPK MNTL HEALTH <input type="checkbox"/> CPS <input type="checkbox"/> ELDER SVCS <input type="checkbox"/> HOM/DEATH <input type="checkbox"/> PROS ATTY <input type="checkbox"/> TRAFFIC <input type="checkbox"/> CRIME ANALYSIS <input type="checkbox"/> FBI <input type="checkbox"/> HOMELAND SEC <input type="checkbox"/> RDTF <input type="checkbox"/> WSP																																							
INCIDENT CLASSIFICATION Assault 3^d/PCS Methamphetamine										DISTRICT																													
LOCATION OF INCIDENT 3908 N Howard										TYPE OF PREMISE residence										LOCATION NAME										# OF UNITS ENTERED									
REPORTED ON MONTH: 01 DAY: 09 YEAR: 2014 TIME: 0900 DOW: 										OCCURRED ON OR FROM MONTH: 01 DAY: 09 YEAR: 2014 TIME: 0900 DOW: 										OCCURRED TO MONTH: 01 DAY: 09 YEAR: 2014 TIME: 0905 DOW: 																			
CODES: C - COMPLAINANT, CV - COMPLAINANT IS VICTIM, G - PARENT/GUARDIAN, P - MENTIONED IN REPORT, RO - REGISTERED OWNER, V - DECEASED, V - VICTIM, VB - VICTIM BUSINESS, W - WITNESS																																							
CODE: V CONFIDENTIALITY: <input type="checkbox"/> NAME: LAST, FIRST MIDDLE Tofsrud, Lonnie										AFFILIATION: W RACE: W ETH: ** SEX: M DOB/AGE: HGT: WGT: HAIR: EYES: 																													
STREET ADDRESS: 1100 W Mallon Spokane WA 99201										RES STATUS <input type="checkbox"/> F <input type="checkbox"/> P <input type="checkbox"/> NO <input type="checkbox"/> U																													
RESIDENCE/BUSINESS PHONE: 509-625-4100										CELL/MESSAGE PHONE: PLACE OF EMPLOYMENT/SCHOOL/ADDRESS: HATE/BIAS: TYPE OF VICTIM: VICTIM TYPE: VICTIM OF OTHER: RELATIONSHIP TO SUSPECT: 																													
E-MAIL ADDRESS: 										SOCIAL SECURITY NO: DRIVERS LICENSE/ID CARD NO: STATE: 																													
CODE: W CONFIDENTIALITY: <input type="checkbox"/> NAME: LAST, FIRST MIDDLE Thieschafer, Greg										AFFILIATION: W RACE: W ETH: ** SEX: M DOB/AGE: HGT: WGT: HAIR: EYES: 																													
STREET ADDRESS: 1100 W Mallon Spokane WA 99201										RES STATUS <input type="checkbox"/> F <input type="checkbox"/> P <input type="checkbox"/> NO <input type="checkbox"/> U																													
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E-MAIL ADDRESS: 										SOCIAL SECURITY NO: DRIVERS LICENSE/ID CARD NO: STATE: 																													
CODES: A - ARREST, I - INSTITUTIONAL, M - MISSING, R - RUNAWAY, S - SUBJECT/SUSPECT																																							
CODE: A NAME: LAST, FIRST MIDDLE Mitchell, Robin L										RACE: W ETH: ** SEX: M DOB: 03-04-1970 AGE: HGT: 510 WGT: 180 HAIR: Brown EYES: Brown																													
ALIAS NAMES (MONIKERS): 										DESCRIPTORS: 																													
STREET ADDRESS: 5408 N Audubon Spokane WA 99207										RES STATUS <input type="checkbox"/> F <input type="checkbox"/> P <input type="checkbox"/> NO <input type="checkbox"/> U																													
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS: 										CELL/MESSAGE/WORK PHONE: RESIDENCE PHONE: SOCIAL SECURITY NO: 																													
E-MAIL ADDRESS: 										DRIVERS LICENSE/ID CARD NO: STATE: 																													
CHARGE: <input type="checkbox"/> M <input checked="" type="checkbox"/> F Assault 3^d CITATION/WARRANT#: BAIL: 										CHARGE: <input type="checkbox"/> M <input checked="" type="checkbox"/> F PCS Methamphetamine CITATION/WARRANT#: BAIL: 																													
ARREST DATE: 01-09-14 ARREST LOCATION: 3908 N Howard Spokane WA										BOOKED WHERE: SCJ																													
GANG AFFILIATIONS/HOW KNOWN: ON VIEW ARREST: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO CITED: <input type="checkbox"/> YES <input type="checkbox"/> NO STATEMENT: <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN CHARGES: <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED SUSPECT ARMED WITH: Taser																																							
JUV PAR/GRD NOTIFIED: <input type="checkbox"/> YES <input type="checkbox"/> NO NAME/RELATIONSHIP OF PERSON NOTIFIED: DATE & TIME NOTIFIED: NOTIFIED BY: DISPOSITION OF JUVENILE: <input type="checkbox"/> BOOKED <input type="checkbox"/> REFERRED																																							
CODES: <input type="checkbox"/> STOLEN <input type="checkbox"/> LOCATED <input type="checkbox"/> SEIZED <input type="checkbox"/> DAMAGED/VANDALIZED <input type="checkbox"/> ABANDONED <input type="checkbox"/> OUT OF COUNTY RECOVERED <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TOWED <input type="checkbox"/> OTHER: <input type="checkbox"/> VICTIMS VEHICLE <input type="checkbox"/> SUSPECTS VEHICLE										HOLD VEHICLE FOR: 																													
LICENSE NO: STATE: VIN/HIN: YEAR: MAKE: MODEL: BODY STYLE: Select....																																							
COLOR/COLOR: SPECIAL FEATURES/DESCRIPTION: VALUE \$: REGISTERED OWNER: 																																							
VEHICLE DISPOSITION: <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> DRIVEN AWAY <input type="checkbox"/> TOWED TOW COMPANY: REGISTERED OWNER'S ADDRESS: STREET, CITY, STATE, ZIP: 																																							
LOCKED: <input type="checkbox"/> YES <input type="checkbox"/> NO KEYS IN VEH: <input type="checkbox"/> YES <input type="checkbox"/> NO DELINQ PAYMENT: <input type="checkbox"/> YES <input type="checkbox"/> NO VICTIM CONSENT: <input type="checkbox"/> YES <input type="checkbox"/> NO THEFT INS: <input type="checkbox"/> YES <input type="checkbox"/> NO DRIVABLE: <input type="checkbox"/> YES <input type="checkbox"/> NO EXISTING DMG TO VEH: <input type="checkbox"/> YES <input type="checkbox"/> NO SHADE IN: <input type="checkbox"/> EXISTING <input type="checkbox"/> NEW										ESTIMATED DAMAGE \$: 																													
OFFICER NAME: Thieschafer ID NUMBER: 714 OFFICER NAME: ID NUMBER: APPROVED BY: 25648 BOOKING APPROVED BY: 																																							

PROPERTY / NARRATIVE REPORT

Page of

STATUS: STOLEN - RECOVERED - LOST - FOUND					INCIDENT NUMBER
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div> ITEM CATEGORIES B - BICYCLE C - CAMERAS AND EQUIPMENT D - DATA PROCESSING EQUIPMENT (COMPUTERS) E - EQUIPMENT, MEASURING DEVICES, TOOLS F - FURNITURE AND FURNISHINGS </div> <div> FA - FIREARMS G - GAMES AND GAMBLING APPARATUS H - HOUSEHOLD APPLIANCES AND HOUSEWARES I - IDENTIFICATION J - SPECIAL DOCUMENTS, FOOD STAMPS, TICKETS K - KEEPSAKES AND COLLECTIBLES </div> <div> L - LIVESTOCK M - MUSICAL INSTRUMENTS O - OFFICE EQUIPMENT (INCLUDES PHONES) P - PERSONAL ACCESSORIES R - RADIO, TV & SOUND SYSTEMS </div> <div> S - SPORTING EQUIPMENT T - TOXIC CHEMICALS V - VIEWING EQUIPMENT (I.E. SCOPES) W - WELL-DRILLING EQUIPMENT Y - OTHER (LAST RESORT) </div> </div>					
ITEM#	STATUS		QUANTITY	UNITS	TOTAL VALUE
DESCRIPTION/COMMENTS		ITEM/CATEGORY		TYPE	
BRAND		MODEL	SERIAL NUMBER		OWNER ASSIGNED NUMBER
CALIBER		BARREL LENGTH	ACTION		FINISH
OWNER			RECEIVED FROM		
COMMENTS					
ITEM#	STATUS		QUANTITY	UNITS	TOTAL VALUE
DESCRIPTION/COMMENTS		ITEM/CATEGORY		TYPE	
BRAND		MODEL	SERIAL NUMBER		OWNER ASSIGNED NUMBER
CALIBER		BARREL LENGTH	ACTION		FINISH
OWNER			RECEIVED FROM		
COMMENTS					
ITEM#	STATUS		QUANTITY	UNITS	TOTAL VALUE
DESCRIPTION/COMMENTS		ITEM/CATEGORY		TYPE	
BRAND		MODEL	SERIAL NUMBER		OWNER ASSIGNED NUMBER
CALIBER		BARREL LENGTH	ACTION		FINISH
OWNER			RECEIVED FROM		
COMMENTS					
<p>Please see additional.</p> <p>Thieschafer #714</p>					

Spokane Police Department
Additional Report

Date: 1/9/14

Incident Classification: Third Degree Assault

Possession of a Controlled Substance - Methamphetamine

Location: 3908 N. Howard

Complainant/Victim: Tofsrud Race: Sex: DOB:

Suspect: Mitchell, Robin L. Race: W Sex: M DOB: 03/04/70

X-Reference #'s:

Department Status: Suspended/Warrant Requested - Adult

NIBRS Status: Not Applicable

Detective Tofsrud #296

Sgt. Zac Stormant #648

On 01/09/14 I contacted and arrested James A. Spegal as he was exiting his residence, 3908 N. Howard. Spegal had an outstanding arrest warrant from Stevens County. I had received information that Spegal may be armed with a pistol. I had also located photographs of Spegal holding a pistol while he had his face concealed with a bandana. I knew of several armed Robberies where a firearm had been used and the suspects had not been arrested.

I told Spegal of this and advised him of his Miranda warnings. Spegal stated he understood his rights and agreed to answer questions. Spegal indicated that the firearm was an "airsoft" and that it was at his residence. I advised Spegal of his Ferrier warnings. Spegal agreed to allow us inside his residence to retrieve the firearm. Spegal also told me that he shares the residence with his girlfriend, Chrisy Nelson.

I then made contact with Nelson. I advised Nelson of the information I had received and asked her permission to enter the residence and retrieve the pistol. I also advised Nelson of her Ferrier warnings. Nelson agreed to allow us inside.

Nelson opened the front man door of the residence. The door opened directly into a living room. I could see a male subject lying on a couch; he was partially covered with a blanket. The male was later identified as Robin Mitchell. I could see that Mitchell was awake. I identified myself by saying in a loud voice "Police" and "Spokane Police Department". I also had removed my badge from my belt and showed it to Mitchell. I also gave commands to Mitchell directing him to show his hands.

Mitchell refused the commands and secreted himself further under the blanket. I removed the blanket and again gave commands as I had done previously. Mitchell said "Fuck You " and secreted himself further under the blanket. I could see that Mitchell was moving his hands, arms and shoulders under the blanket. I could not see what Mitchell had access to. I did see several backpacks, blankets and other similar debris scattered about the room. At this time I decided to unholster my handgun. I kept my handgun at a low ready position. I have worked with the other Detectives and knew that they would employ additional tactics. I had no choice but to remove the

blanket and expose Mitchell I did this while giving commands and identifying ourselves yet another time. Mitchell pulled the blanket on top of him again.

Mitchell then jumped to his feet and took a bladed stance. Mitchell had balled his fists and was holding them in front of himself. I stepped back at the same time Mitchell jabbed at me with his left fist. Mitchell immediately followed the jab with a right cross. Had I not moved both swings would have connected and struck me.

As I stepped away from Mitchell the other Detectives took him into custody. Mitchell had attempted to gain access to a hand held stun gun. I retrieved the stun gun. I activated the trigger of the stun gun and found that it functioned as it was designed. I also removed two 9 volt batteries from the stun gun.

Mitchell was searched incident to arrest. As a result of the search a baggie was located in Mitchell front pants pocket. The baggie contained a quantity of crystalline substance. A small portion of the substance was field tested and showed positive results for methamphetamine.

Nelson was in the room and saw the entire event. Nelson agreed to testify as to what she had seen. Nelson indicated that she did not know Mitchell nor did he live at the residence. Nelson had not seen the stun gun prior to Mitchell being arrested. The airsoft pistol was located in the bedroom shared by Nelson and Spegal.

I told Mitchell what charges he would be arrested for. Mitchell stated that he had faced simile charges in the past and had argued "diminished capacity". Mitchell had called me by name throughout our contact. Mitchell stated he knew who I was as a result of his criminal history. Mitchell made the statement "I know who you are, I've been in jail before".

Mitchell was transported to the jail where he was booked for Assault 3rd Degree and PCS – Meth. The items taken as evidence were placed on property as evidence.

Page: 3 of 3
Report #: **14-8594**
Detective: **Tofsrud**

SPOKANE POLICE DEPARTMENT

Spokane Police Department
Additional Report

Date: 1/9/14

Incident Classification: Third Degree Assault

Location: 3908 N. Howard

Complainant/Victim: Race: Sex: DOB:

Suspect: Mitchell, Robin L. Race: Sex: DOB: 03/04/70

X-Reference #'s:

Department Status: Suspended Investigation/Inactivated

NIBRS Status: Not Applicable

Detective Tafoya #434

On 1/9/14, Detective Tofsrud requested that I assist him in taking James Spiegel. Siegel was subsequently observed leaving the residence of 3908 N. Howard and was taken into custody without incident several blocks away from there. At the time Spiegel was taken into custody, he had Chrissy M. Nelson (11/30/90) and Ella J. Classen (7/13/73) in his company. Nelson is a residence at 3908 N. Howard and subsequently gave consent to search to Detective Tofsrud.

I accompanied detectives Tofsrud, Thieschafer, and Wendt back to 3908 N. Howard. Upon entering the residence, I saw Mitchell apparently asleep on the couch in the living room. As Mitchell began to stir, I overheard Detective Tofsrud instructing Mitchell to show us his hands and identified himself, as well as other detectives, as members of the Spokane Police Department. I should be noted that several of the detectives, including myself, were wearing body armor over our clothing, which was clearly labeled "police." As I was towards the end of the line of officers going into the residence, my initial vantage point of Mitchell was somewhat limited. I heard one of the detectives again command Mitchell to show us his hands and then saw the blanket that Mitchell had over him pulled away from him. I then heard someone yell out that Mitchell was going for a Tazer, at which point I observed Mitchell begin to struggle with detectives Tofsrud, Thieschafer, and then Wendt. Mitchell was told to stop resisting and we again, identified ourselves as police officers. Mitchell said words to the effect of "I don't give a fuck and fuck you," and continued to struggle as he rolled off the couch. I again heard a reference to the Tazer, at which point I observed Detective Wendt deliver two closed fist strikes to Mitchell's side. We were then able to secure Mitchell's right arm in handcuffs. Again, after a brief struggle we were able to pull Mitchell's left arm out from underneath him and secure him in handcuffs.

At this point, Mitchell was told by Detective Tofsrud that he was under arrest for Third Degree Assault. It should be noted that Nelson was present during the incident. I later heard her speaking with Detective Tofsrud. She answered in the affirmative when Det. Tofsrud asked her if she had observed the scuffle and had heard us identify ourselves repeatedly as police officers and requested Mitchell to show us his hands.

Page: 2 of 2
Report #: **14-8594**
Detective: **Tafoya**

Once Mitchell was taken into custody and transported, I observed a clear plastic baggie that contained a white powdery substance on the floor next to where Mitchell was searched by Officer D. Bishop. Upon further examination I believed this substance to be methamphetamine. However, there was no field-test kit immediately available. The substance was subsequently placed on property.

I found no evidentiary items in the residence.

Detective Tafoya #434
Tactical Operations Unit

1/13/14
db

Spokane Police Department
Additional Report

Report #: 13-08594

Date: 01-09-14

Incident Classification: Assault 3rd/PCS Methamphetamine

Location: 3908 N Howard

Complainant/Victim: Tofsrud, L Race: W Sex: M DOB:

Suspect: Mitchell, Robin L Race: W Sex: M DOB: 03/04/70

X-Reference #'s: 13-08528

Department Status: Select.....

NIBRS Status: Select.....

Detective Thieschafer #714

SGT Z. STORMER

On 01-09-14, at approximately 0900 hours, I (Detective Thieschafer) along with Detective's Tofsrud, Tafoya and Wendt conducted follow up to 3908 N Howard. We had just arrested James Spegal (07-28-82) for a felony warrant and James had just exited the above location prior to our arrest.

We obtained permission from the resident (Chrissy) to enter and search the residence (3908 N Howard). Detective Tofsrud advised Chrissy of her search consent rights to which she replied she understood and gave permission to search.

Chrissy advised there was an unknown male sleeping in the above residence stating he had just showed up at the residence last night. We entered the residence (3908 N Howard) with Chrissy and immediately observed a white male, later identified as Robin L Mitchell, lying on a couch. Robin was covered by a blanket except for his head and as we entered he looked at us. Detective Tofsrud immediately told Robin to show his hands and identified himself as the police. Robin made several movements under the blanket at which time Detective Tofsrud again repeated the commands.

Robin suddenly threw the blanket that had been covering him to the side and lept from the couch to his feet, took a fighting stance, standing with his feet bladed and raised fists. Robin then attempted to strike Detective Tofsrud with his left fist then his right. Detective Tofsrud took evasive movements, leaning slightly backwards, causing Robins strikes to miss.

Robin then returned to the couch at which time Detective Tofsrud gave him commands to stop his assaultive behavior at which time Robin said, "Fuck you". Robin began to get up from the couch, again in an assaultive manner, clinching his fists and ignoring commands. Believing he was again going to assault the police and the fact that he was ignoring commands I immediately closed the distance with Robin.

I grabbed his right arm as he was facing me and forcefully turned him away from me, as I did this Robin resisted my efforts attempting to pull away from me and strike me. Detective Wendt assisted and we forced him to the ground where I applied a level 1 lateral neck restraint (LVR). While applying the LVR I observed a taser lying just to the left of Robin approximately 12 inches away, easily in his reach. Robins left arm was underneath him as he struggled against our efforts to handcuff him. Robin appeared to be attempting to free his left arm in an attempt to obtain the above taser. I immediately advised officers of the threat (taser) and removed the taser from Robins reach.

Robin then tapped on my arm as I applied the LVR, which I took to mean he did not wish to resist our efforts any further. I released pressure on the LVR at which time Robin was taken into custody without further incident. Further investigation revealed Robin had a misdemeanor warrant and advised he did not live at the residence and had just spent the night there.

We advised Robin he was under arrest for assault third at which time Robin said "C'mon Tofsrud" acknowledging he knew Detective Tofsrud by sight. Officer Bishop responded to our location for transport. Officer Bishop conducted a search of Robin incident to arrest at which time he discovered/recovered a plastic baggy containing a white crystalline substance which tested positive for methamphetamine from Robins pants pocket.

Please see Detectives's Tofsrud, Tafoya and Wendt's additional.

Thieschafer #714

Spokane Police Department
Additional Report

Date: 01/09/2014

Incident Classification: Assault 3RD -Law Enforcement Officer

Location: 3908 N. Howard

Complainant/Victim: Lonnie W. Tofsrud Race: Sex: DOB:

Suspect: Robin L. Mitchell Race: W Sex: M DOB: 03/04/1970

X-Reference #'s:

Department Status: Further Investigation

NIBRS Status: Not Applicable

Detective C. WENDT #425



On 01/09/2014 I assisted Strategic Operations Detectives in taking James Spegal into custody on a warrant. I was dressed in plain clothes, but wearing a vest marked with "Police" and a badge clearly visible. Spegal was taken into custody without incident after he left his residence, 3908 N. Howard. Spegal was thought to be armed with a handgun. A draw and direct technique was used, however, my firearm was at a low ready position, and not pointed directly at Spegal. A search of Spegal's person revealed a handwritten note that was turned over to Detective Tofsrud to be examined. The note appeared to discuss a robbery related incident. Detective Tofsrud spoke with Spegal at the time of his arrest and gained search consent for the residence. He also spoke with a Chrissy M. Nelson who resides at the address and was with Spegal at the time of his arrest. Nelson also consented to a search of the residence, and accompanied Detectives to the address in order to access the residence and witness the search.

Nelson advised that there was a male at the residence who did not live there, but who had stayed the night at the house. Nelson, Detectives Tofsrud and Thieschafer went into the residence through the front door. I heard Detective Tofsrud verbally address a subject saying, "Show me your hands, we're the police". I heard him repeat the command.

Detectives Tofsrud and Thieschafer began to rapidly enter into the residence. I followed them through the front door and saw a subject, later identified as Robin Mitchell swinging a clenched right fist at Detective Tofsrud. I was behind Detective Tofsrud and I could not tell if the punch had connected. It was clear to me that Mitchell was assaulting the Detectives. I observed that Detective Tofsrud had his firearm drawn, and was attempting to holster it while stepping away from Mitchell. I then passed by Detective Tofsrud and assisted Detective Thieschafer in engaging Mitchell. We were able to push Mitchell to the ground, next to the couch, so he was on his stomach. Detective Thieschafer was on Mitchell's left side and appeared to be positioning himself for a lateral vascular restraint technique. I then heard Detective Thieschafer inform other officers that Mitchell was armed with a taser. I observed Mitchell's

right arm was under his upper body and believed he was armed with a taser. I began to attempt to pull his right arm from under his body, while giving orders to get his arm out and stop resisting. Mitchell pulled his arm further under his body. He was tensing up and not cooperating or complying with commands. I then delivered two quick strikes to Mitchell's right back-rib area with my right hand- closed fist. I observed that this had an effect on Mitchell as his body was less tense. He began to slowly bring his right hand out from underneath his body. I could see there was not a taser in this hand. As I grabbed his right forearm and hand he tensed up again, and tried to pull it back under his body. I believed he may have dropped the taser due to the strikes I delivered and was attempting to access it again. I was able to force his right arm behind his back for cuffing. I then heard Detective Thieschafer direct Mitchell to bring his left hand out to be cuffed, at which time he cooperated. I placed handcuffs on Mitchell and he continued to cooperate.

After Mitchell was controlled, Detective Thieschafer stated that he had accessed the taser and thrown it away from Mitchell during the scuffle. I had not seen this occur, and believed Mitchell had access to the taser until he was handcuffed.

After Mitchell was controlled he stated he was "a fighter." He then called Detective Tofsrud by name (mispronounced as "Tosford") and said, "I was sleeping, I am claiming diminished capacity, come on Tosford, I didn't know who you guys were." It was obviously a fabrication as he recognized Detective Tofsrud, and immediately used a legal term, "diminished capacity". He also briefly discussed a prior incident in which he fought with police after running from them.

Nelson was present in the room during Mitchell's arrest. No other subjects were in the residence except those mentioned in this report and Detective Tafoya.

During a search of the residence, I observed a black air-soft type pistol in the main floor bedroom. The gun was lying in plain view on the bed. At first glance, this item appeared to be a real firearm and would be a sufficient tool in an armed robbery.

I also observed Detective Tofsrud activate the taser that was near Mitchell when he was arrested. The taser appeared to be functioning properly as I could hear it snapping and see a blue volt between the metal prongs.

I also saw a sandwich baggie tied off in a knot that had a white substance in it. This item was taken out of Mitchell's pants pocket by Officer Bishop.

All items of evidence were collected by Detective Tofsrud.

C. WENDT #425