



## 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 Daniel Waters

### Incident Details

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
4/4/2014	4/3/2014	14:36
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
8171	14-101807	F14-025
<b>Date/Time Entered</b>		
4/4/2014 16:54		

### Incident Summary

Use of force from the neck restraint

In compliance with policy per Captain Carl 04/22/14.

### Incident Location

- 112 Pacific 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	Self Initiated	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear	Daylight	1 feet to 3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	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>	
Yes	No	

### Complainant/Involved Citizen Information

#### Benjamin S Oien

DOB: 1/19/1992 Race: White Gender: Male

**Address**

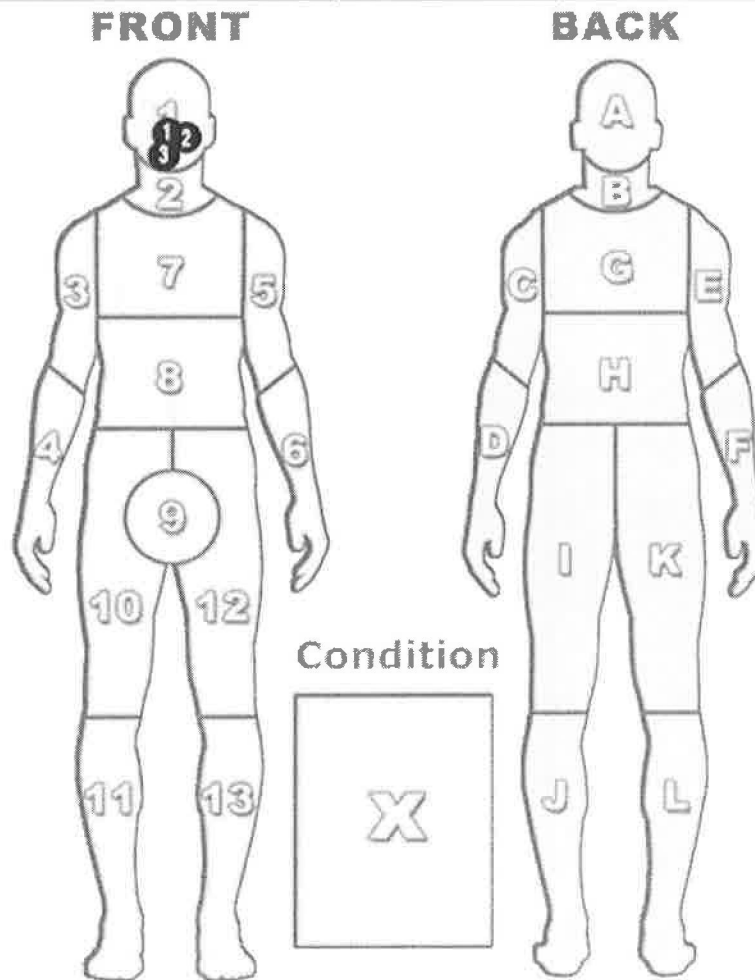
- 32 Pacific ST, Direction: W, Spokane, WA 99201
- 111 Washington RD, Direction: E, Spokane, WA 99224

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

- Assaultive

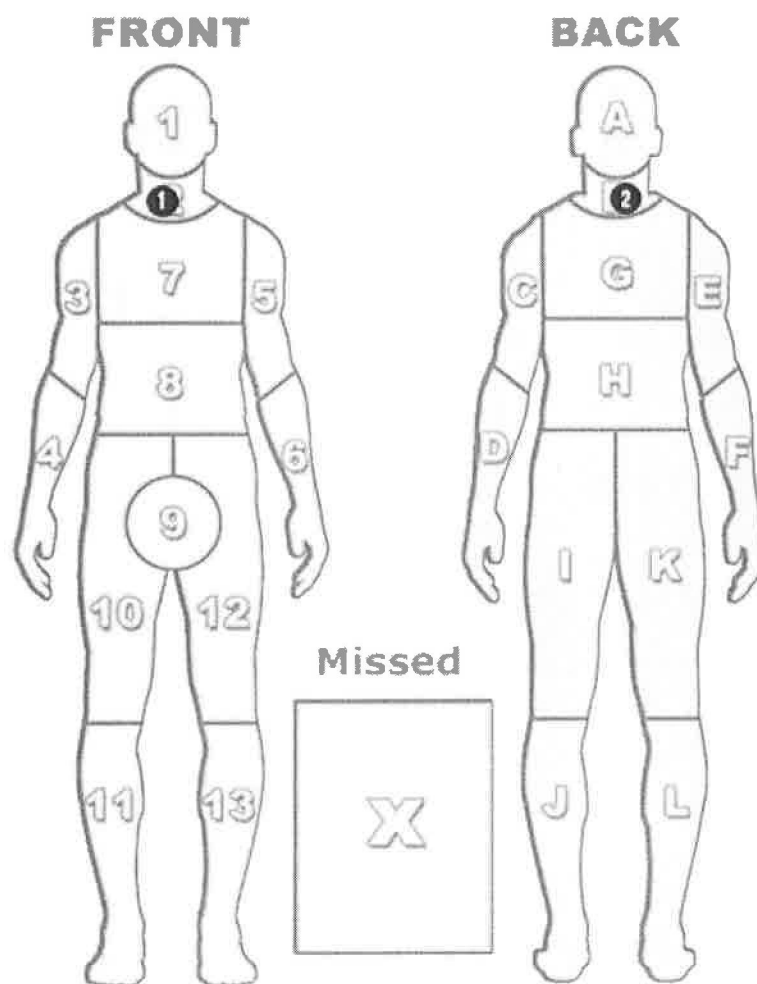
**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
Photos Taken	1	1
Injured During Incident	1	2
Transport to Hospital	1	3

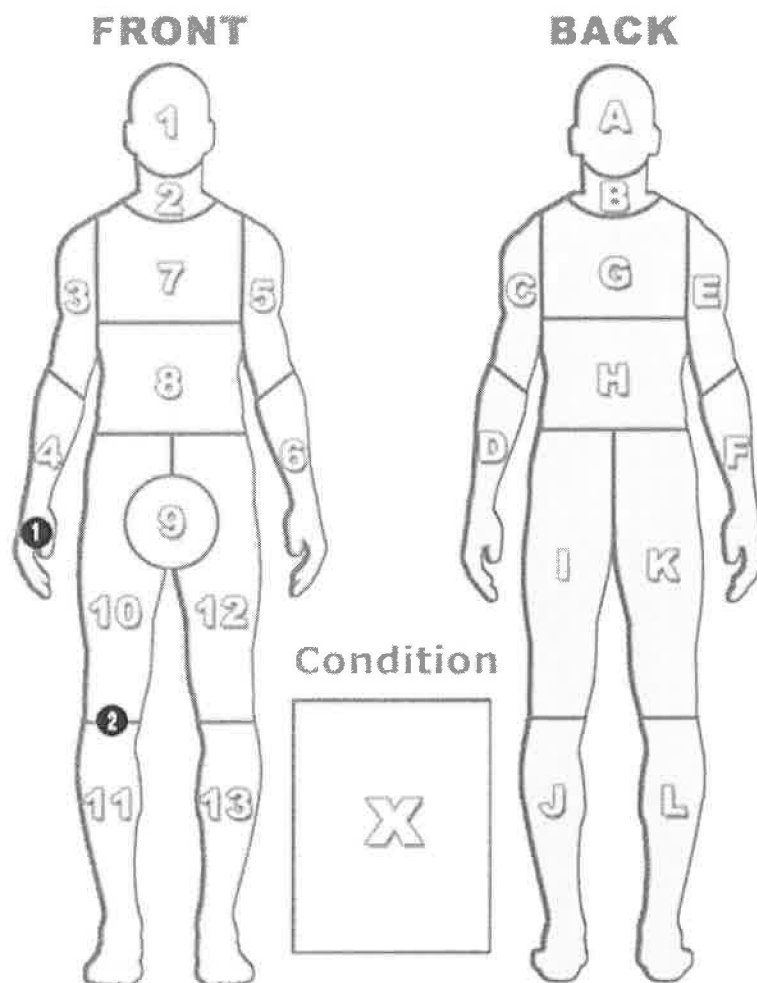
**Involved Officers****SPO Glenn Bartlett - payroll number:****Force used by this officer against the citizen**

- Level 2 LNR - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Level 2 LNR	Yes	2, B	1, 2

**Injuries sustained by this officer**

Injury	Regions	Injury Locations
Sore Hand	4	1
leg	10	2



### Officer Witnesses

Reserve OFC Jon Hall - payroll number:

Officer Deanna Storch - payroll number:

Officer Holton Widhalm - payroll number:

### Attachments

Date Attached	Attachment Description	Attachment Type
4/4/2014	Arrest Report	tif
4/4/2014	Charging doc	tif
4/4/2014	Storch Additional	tif
4/4/2014	Widhalm additional	tif
4/21/2014	Waters IA additional	docx

### Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
4/21/2014	Sergeant Daniel Waters	Captain Judith Carl	Sergeant David Staben	UOF for COC review.	<input checked="" type="checkbox"/>	Force was reasonable and within policy

**Entering Officer Signature Line**

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Sergeant Daniel Waters

**Chain of Command Signature Lines**

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Captain Judith Carl



04/25/14 06:47:40 PRINT REQUESTED BY TERMINAL PADN07

Incident History for: #SP140101807

Entered 04/03/14 17:36:24 BY PCC03 159  
Dispatched 04/03/14 17:36:24 BY PCC03 159  
Enroute 04/03/14 17:36:24  
Onscene 04/03/14 17:36:24  
Closed 04/03/14 22:03:38

Initial Type: TRESP Final Type: TRESP (TRESPASSING)  
Initial Priority: 3 Final Priority: 3  
Disposition: 1E Source: R Primary Unit: P308  
Police BLK: SPD8RS  
Group: P8 Beat: Map Page: 33  
Loc: 112 W PACIFIC AV ,SPK btwn S BROWNE ST & S MCCLELLAN ST <100> (V)  
Name: Addr: Phone:

/173624 (159 ) \$OUTSRV ,NO MORE INFORMATION  
/173624 DISPOS P308 #401 BARTLETT, GLENN  
/173651 ASST N43 ,NO MORE INFORMATION  
[112 W PACIFIC]  
#841 STORCH, DEANNA  
#250340 HALL, JON  
/173652 (841 ) \*ENROUT N43  
/173752 (1067 ) \*ASSTER C354 [112 W PACIFIC]  
#1067 LESSER, ROBERT SCOTT  
#1201 KILLIAN, SETH  
/173757 (931 ) \*ASSTER C367 [112 W PACIFIC]  
#931 KESTER, ALEXIS  
/173800 (159 ) MISC P308 ,STEP IT UP  
/173803 (1004 ) \*ASSTER C368 [112 W PACIFIC]  
#1004 IVERSON, TIFFANY  
/173803 (159 ) CHANGE LOC: 112 W PACIFIC --> 112 W PACIFIC AV ,SPK,  
BLK: --> SPD8RS  
/173813 MISC ,STEP IT UP  
/173819 (1012 ) \*ASSTER D376 [112 W PACIFIC AV ,SPK]  
#1012 REESE, KURTIS  
/173820 (464 ) \*ASSTER F30 [112 W PACIFIC AV ,SPK]  
#464 OIEN, SHANE E  
/173821 (388 ) \*ASSTER L142 [112 W PACIFIC AV ,SPK]  
#388 MEIDL, CRAIG  
/173822 (159 ) MISC ,RESTRICTED  
/173825 (1169 ) \*ASSTER A324 [112 W PACIFIC AV ,SPK]  
#1169 YEN, JOHN  
#935 GEREN, NICK  
/173825 (767 ) \*ASSTER F31 [112 W PACIFIC AV ,SPK]  
#767 DANIEL, JEREMY  
/173833 (159 ) ONSCNE N43  
/173845 (750 ) \*ASSTER F34 [112 W PACIFIC AV ,SPK]  
#750 ANDERSON, JERRY C  
/173927 (1139 ) \*ASSTER N46 [112 W PACIFIC AV ,SPK]  
#1139 BRYER, TOBY  
#1053 JONES, CASEY  
/173956 (464 ) \*PREMPT F30  
/174000 (159 ) ASSTOS C355 [112 W PACIFIC AV ,SPK]  
#989 WIDHALM, HOLTON  
/174005 (767 ) \*PREMPT F31  
/174008 (159 ) MISC N43 ,ONE IN CUSTODY  
/174009 (1012 ) \*PREMPT D376 ,PSTAT/ASST

/174014	(1169	)	*PREMPT	A324	
/174017	(750	)	*PREMPT	F34	, PSTAT/ASST
/174019	(159	)	PREMPT	C354	
/174019			PREMPT	C367	
/174019			PREMPT	C368	
/174019			PREMPT	L142	
/174044	(388	)	*ASSTER	L142	[112 W PACIFIC AV ,SPK] #388 MEIDL, CRAIG , UNRESTRICTED
/174045	(159	)	MISC		T/PCC03
/174133			EMSREQ	P308	, MEDICS FOR NECK RESTRAINT, CONSCIOUS/BREATHIN G
/174207			CALLBK	P308	T/PCC03 , MEDICS ENROUTE
/174449	(388	)	*ONSCNE	L142	
/174700	(159	)	ONSCNE	N46	, ?
/174702	(1139	)	*REMINQ	N46	<div style="background-color: black; color: white; text-align: center; padding: 2px;">#3a</div>
/174837	(159	)	ASSTOS	C354	[112 W PACIFIC AV ,SPK] #1067 LESSER, ROBERT SCOTT #1201 KILLIAN, SETH [SACRED HEART] , USE OF FORCE REPORT
/175342	(1139	)	*CHGLOC	N46	
/175348	(388	)	*MISC	L142	
/175513	(1160	)	\$PREMPT	N43	
/175701	(401	)	*TRANS	P308	[DEACONESS] M/0.0 , TRANSPORTING A LEG RESTRAINED MALE OFC JONES R IDING
/175734	(1139	)	*REMINQ	N46	<div style="background-color: black; color: white; text-align: center; padding: 2px;">#3a</div>
/175808			*CHGLOC	N46	[DEAC]
/180003	(388	)	*REMINQ	L142	<div style="background-color: black; color: white; text-align: center; padding: 2px;">#3b</div>
/180018			*REMINQ	L142	
/180032			*REMINQ	L142	
/180042	(401	)	*TRANSC	P308	M/1.0
/180659	(1067	)	*CHGLOC	C354	[PROPERTY]
/180731	(989	)	*CHGLOC	C355	[DEAC]
/180820	(1067	)	*REMINQ	C354	<div style="background-color: black; color: white; text-align: center; padding: 2px;">#3b</div>
/180833	(989	)	*REMINQ	C355	
/181143	(388	)	*CLEAR	L142	DSP: 8D , PSTAT/ ASST
/181554	(1067	)	*REMINQ	C354	<div style="background-color: black; color: white; text-align: center; padding: 2px;">#3a</div>
/181853			*ONSCNE	C354	
/182226	(989	)	*ONSCNE	C355	DSP: 8D --> 8B , PSTAT/ASST PSTAT/RPT
/182434			*CLEAR	C355	
/182812	(1160	)	OK	P308	
/185000	(401	)	*TRANS	P308	[JAIL] M/0.0 , W/ A LEG RESTRAINED MALE. OFC JONESRIDING
/185035	(1139	)	*ONSCNE	N46	
/185420			*CHGLOC	N46	[JAIL]
/185420			*ONSCNE	N46	
/185444	(401	)	*TRANSC	P308	M/1.2
/185854	(1160	)	OK	C354	
/185854			OK	N46	
/185854			OK	P308	
/190248	(1067	)	*MISC	C354	, PSTAT/RPT PSTAT/ASST 1B ON ADDITIONAL REPORT
/190256			*CLEAR	C354	
/191650	(1139	)	*CLEAR	N46	, PSTAT/ASST
/194846	(1184	)	MISC		, PIN ENTERED FOR RESIDENCE PER N46

/205911	(841	)	*MISC		,PSTAT/ASST PSTAT/RPT
/220338	(401	)	*CLEAR	P308	DSP: 8B --> 1E
					,PSTAT/SI PSTAT/FEL PSTAT/FEL PSTAT/MISD
/220338			CLOSE	P308	

# INCIDENT REPORT

**Spokane Police/Spokane County Sheriff**

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-101807</b>	
INCIDENT TYPE <b>Arrest, Drug Involved</b>		INCIDENT CLASSIFICATION #1 <b>TRESPASS</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <b>ASSAULT-SIMPLE</b>
		INCIDENT CLASSIFICATION #3 <b>DRUGS-POSSESS</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 <b></b>
		RESPONDING TO (Officer Assault) <b>Other</b>		ASSIGNMENT (Officer Assault) <b>One Person in Vehicle, Alone</b>	
REPORTED ON <b>Thu 04/03/2014 17:36</b>	DATE/TIME	OCCURRED ON <b>Thu 04/03/2014 17:36</b>	DATE/TIME	OCCURRED TO <b>Thu 04/03/2014 17:40</b>	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>04/03/2014</b>	REPORT TIME <b>18:13</b>	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE <b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>					UCR/NIBRS CODE <b>/ 13A</b>
ADDITIONAL CHARGES <b>69.50.4013(1) CNTL SUB(POSS-FEL)</b>					
LOCATION OF INCIDENT <b>112 W Pacific, Spokane, WA 99201</b>				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS <b>PC Affidavit Completed, Suspect Arrested</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>Widhalm, D Storch</b>					
<b>VICTIM/WITNESSES/OTHERS</b> <small>V-Deceased, OW-Owner of Property, C-Complainant, PE-Pedestrian, W-Witness, M-Missing, MIR-Person Mentioned, O-Other, PC-Pedestrian - Cyclist, IH-Institutional, PS-Passenger, RO-Registered Owner, RU-Runaway, S-Suspect, V-Victim - Individual, VB-Victim - Business, G-Legal Guardian, D-Driver, CV-Complainant is Victim, A-Arrested Person, CCN-Contact</small>					
CODE <b>A-1</b>	NAME: LAST, FIRST, MIDDLE <b>Oien, Benjamin Scott</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
HEIGHT <b>5'07"</b>	WEIGHT <b>150</b>	BUILD <b>Light</b>	HAIR <b>Brown</b>	EYES <b>BRO - Brown</b>	DATE OF BIRTH/AGE <b>01/19/1992 22</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL ADDRESSES					ADDRESS TYPE <b>Transient</b>
ADDITIONAL ADDRESSES <b>32 W Pacific Avenue, Spokane, WA 99201</b>					ADDRESS TYPE <b>Temporary</b>
ADDITIONAL PHONES <b>(Cell) (509) 448-4897</b>					
CHARGE LEVEL <b>Felony Class C</b>	DESCRIPTION <b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>				UCR/NCIC CODE <b>/13A</b>
WARRANT #	BAIL	TYPE OF ARREST <b>On-View of Arrest</b>			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL <b>Felony Class C</b>	DESCRIPTION <b>69.50.4013(1) CNTL SUB(POSS-FEL)</b>				UCR/NCIC CODE <b>/35A</b>
WARRANT #	BAIL	TYPE OF ARREST <b>On-View of Arrest</b>			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>

ID NO /NAME OF REPORTING OFFICER <b>#401 - Bartlett, Glenn</b>		DISTRIBUTION <b>Crime Analysis</b>	
APPROVAL <b>#271 - Kannberg, Eric</b>	DATE/TIME <b>04/03/2014 22:59</b>		

# INCIDENT REPORT CONTINUED

## Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION <b>TRESPASS</b>				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER <b>14-101807</b>	
CITATION #		DATE	TIME	BOOKED WHERE <b>Spokane County Jail</b>		DATE <b>04/03/2014</b>	TIME <b>17:40</b>
ARREST LOCATION <b>112 W Pacific, 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 <b>Blunt Objects (Clubs, Bats,</b>	
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED		NOTIFIED BY		DISPOSITION OF JUVENILE
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE <b>#4a</b>		OTHER ID		
HATE BIAS <b>Unknown (Offenders Motivation not Known)</b>				CIRCUMSTANCES			
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES				TYPE OF VICTIM <b>Police/Law Enforcement</b>		MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO	
HOSPITAL TAKEN TO		TAKEN BY	<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY	ATTENDING PHYSICIAN		SUICIDE NOTE FOUND? <input type="checkbox"/>	HOLD PLACED BY
CODE <b>C-1</b>	NAME: LAST, FIRST, MIDDLE <b>Barany, William P</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>		DATE OF BIRTH/AGE <b>08/21/1950 63</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>112 W Pacific Avenue, Spokane, WA 99201</b>			RESIDENTIAL STATUS		PHONE <b>(509) 838-8860</b>	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES <b>(Home) (509) 838-8860</b>							
CODE <b>V-1</b>	NAME: LAST, FIRST, MIDDLE <b>Cpl Glenn Bartlett</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>		DATE OF BIRTH/AGE <b>#5b 45</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>Spokane Police Department, Spokane, WA 99260</b>			RESIDENTIAL STATUS		PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION <b>Employed</b>		EMPLOYER PHONE	
ADDITIONAL PHONES <b>(Work) (509) 242-8400</b>							
HATE BIAS <b>Unknown (Offenders Motivation not Known)</b>				CIRCUMSTANCES			
RELATIONSHIP TO SUSPECT		VICTIM OF Offns. # <b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>				OFNDR. # <b>A-1</b>	
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES				TYPE OF VICTIM <b>Police/Law Enforcement</b>		MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO	
HOSPITAL TAKEN TO		TAKEN BY	<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY	ATTENDING PHYSICIAN		SUICIDE NOTE FOUND? <input type="checkbox"/>	HOLD PLACED BY
<b>NARRATIVE</b>							

On 04/03/13 at approximately 1736 hours I was on patrol in the area of 112 W Pacific.

# INCIDENT REPORT CONTINUED

## Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION <b>TRESPASS</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-101807</b>
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I observed a male sitting in the doorway of 112 W Pacific. The entrance is on a raised loading dock type structure and there have been numerous reports of trespassing. The representative of the property owner, William Barany has requested police arrest anyone trespassing on the property. There are several No Trespassing signs clearly posted on the building.

I stopped my fully marked patrol car and advised the male, later identified as Benjamin Oien, that he was trespassing. I was wearing full duty uniform with badge, Spokane Police shoulder patches and duty belt. Oien responded with "Fuck You". He got up and walked in a circle a couple of times mumbling to himself. He started to walk west on the loading dock and I told him he was not free to leave.

Oien appeared to be under the influence of something and I thought he was going to flee on foot. I continued talking to Oien, trying to stall while my backup was responding. Oien refused to identify himself and only responded with "You know who the fuck I am".

Oien then threw a backpack he was carrying on the ground. As he took it off his shoulder he pulled an approximately 18 inch of piece of steel rebar from it. He held the rebar in his right hand and began to raise it. I told him he did not want to do this and to drop it. I unholstered my pistol and as I was drawing Oien threw the rebar into a corner of the entryway. The rebar was still easily accessible for Oien, as it was just a few feet away.

It was even more apparent that Oien was under the influence and was not thinking clearly. I was concerned that Oien was going to pick the rebar back up. I told him was under arrest and to face the building. He complied and I ordered him to place his hands behind his back. I re secured my pistol in my holster and approached Oien.

I took hold of his left arm and he immediately tensed up. I again told him he was under arrest. He said "Fuck this, I hate you guys" and threw his right elbow back. He struck me on the right side of the head with his elbow and tried to pull away.

I applied a lateral neck restraint and told Oien to stop resisting. He had not been searched, was wearing baggy clothing and I was by myself. We were on an approximately three foot tall loading dock structure. I was concerned that we could fall off if I did not quickly control Oien's movements. I believed that if we fell it would likely significantly injure one, or both, of us.

Oien continued trying to pull away from me. He threw several right elbows striking me in the right rib area. Oien and I fell to the ground. He was face down and I was on his back. He tried to push himself up, lifting his chest approximately six inches off the ground with my full weight on him. He was unusually strong for his stature and I believed this to be because of whatever he was under the influence of.

## INCIDENT REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

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INCIDENT CLASSIFICATION <b>TRESPASS</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-101807</b>
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Oien continued to try to escape. I felt him pulling on my taser, which was on my left leg. Oien was throwing his head back trying to strike me. I had my head close to his and he was unable create enough space to injure me. He was able to pull my radio shoulder mike from my lapel.

As he continued to thrash about, I had to apply enough pressure to control his upper body.

Just as Officer D Storch and Reserve Officer Hall arrived on scene Oien was rendered unconscious. He was unconscious for no more than ten seconds. Officers Storch and Hall each took one of Oien's arms.

With three officers present I released the neck restraint, as I believed we would be able to handcuff Oien without it. Oien regained consciousness and Officer Storch and Hall were unable to control his arms or get him handcuffed. I reapplied the neck restraint, but Oien did not lose consciousness. I was able to control him until several other officers arrived to assist.

Oien was handcuffed (DL), but continued to resist. He was violently pulling on the handcuffs and attempting to kick officers. I requested medics to check Oien and a supervisor.

Oien had a chewing tobacco sized can in his pants pocket. Inside the can was small plastic baggie that contained a crystal like substance in it.

I also noticed an uncapped syringe needle protruding through his right front pants pocket. Due to the danger of being stuck with the uncapped syringe, his pants pocket was cut to safely remove it.

Oien sustained a cut in his mouth and began spitting blood at officers. We applied a spit hood and were forced to leg restrain Oien. He also sustained an abrasion on his right cheek during the arrest.

Officers R. Lesser and Killian took possession of the tobacco can and contents.

I photographed the Oien and the scene while waiting for medics. I also photographed his backpack and contents. Inside th backpack was a realistic looking BB gun and a yellow bandana.

Oien was uncooperative with medics. After he was checked he was rolled onto a blanket and placed in my patrol car. Officer C Jones and I transported him to Deaconess. Oien complained that he was not injured and did not want to go to the hospital. He repeatedly told me he just wanted to go to jail.

After he was cleared by hospital staff Officer Jones and I transported him to jail. He was booked for Third Degree Assault and Possession of a Controlled substance. At jail I attempted to take more photographs of Oien. He was uncooperative and attempted to block the camera with his hand.

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

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INCIDENT CLASSIFICATION <b>TRESPASS</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-101807</b>
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Lt. Meidl was advised and responded to the scene and was advised of the arrest.

I sustained scrapes and bruises on my right hand/wrist and both knees during the arrest/assault.  
Photos of injuries were taken.

Bartlett G.F. #401  
P308



RECEIVED  
SPOKANE POLICE RECORDS

2014 APR 4 AM 1 30

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

DATE: 04/03/2014

REPORT NUMBER: 14-101807

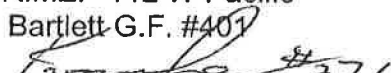
CHARGES REQUESTED: Third Degree Assault (On Law Enforcement), Possession of  
a Controlled Substance (Methamphetamine)

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DEFENDANT: Oien, Benjamin S 01/19/1992

STATUS: **In Custody**

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VICTIM(S): Bartlett G.F. #401  
DATE/TIME OF CRIME: 04/03/2014 1736 hours  
LOCATION OF CRIME: 112 W Pacific  
INVESTIGATOR: Bartlett G.F. #401  
APPROVED BY:  #271

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WITNESSES	ADDRESS	PHONE #
Barany, William	112 W Pacific Spo, Wa	509-838-8860
Bartlett G.F. #401	1100 W Mallon Spo, Wa	Ext 20401
Lesser, R # 1067	1100 W Mallon Spo, Wa	Ext 21067
Killian #1201	1100 W Mallon Spo, Wa	Ext 21201

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EVIDENCE CONSISTS OF: Photos, Methamphetamine

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SUBMITTED TO PROSECUTORS OFFICE

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

# SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-101807</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Thu 04/03/2014</b>		TIME <b>17:38</b>
INCIDENT CLASSIFICATION #1 <b>ASSAULT-SIMPLE</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>04/03/2014</b>	REPORT TIME <b>20:55</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

On 4-3-2014 at approximately 1738 hours I responded to 112 W. Pacific Ave to assist Officer Bartlett. While enroute Corporal Bartlett requested for officers to 'step it up'. Upon arrival Reserve Officer Hall and I found Officer Bartlett lying on top of a male who was face down on the concrete ground. I could see Corporal Bartlett had his arm around the subjects neck in a 'lateral neck restraint'. The subject was still not complying with commands to put his hands behind his back.

I grabbed a hold of the subjects right arm. After Corporal Bartlett applied the lateral neck restraint I was able to get a handcuff on his right wrist and put his arm behind his back. As I was attempting put the handcuff on his left wrist the subject came too and pulled his right hand back to his right side, balled up his fist and tried to pull his arm under his chest. He was told several times to comply and put his hands behind his back. The subject was flailing his feet back towards officers and still not complying. I continued to hold onto the subjects his right wrist as Corporal Bartlett applied the lateral neck restraint again. I was still struggling to get the subjects right arm behind his back when other officers arrived to help. With the help of a couple more officers we were able to get the subjects in handcuffs.

D. Storch #841 N43

ID NO./NAME OF REPORTING OFFICER <b>#841 - Storch, Deanna</b>		DISTRIBUTION
APPROVAL <b>#733 - Ennis, Gordon</b>	DATE/TIME <b>04/03/2014 21:45</b>	

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-101807</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Thu 04/03/2014</b>		TIME <b>17:36</b>
INCIDENT CLASSIFICATION #1 <b>TRESPASS</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <b>ASSAULT-SIMPLE</b>		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3 <b>OBSTRUCT OFFICER</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 <b>RESISTING ARREST</b>		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>04/03/2014</b>	REPORT TIME <b>19:19</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>VICTIM/WITNESSES/OTHERS</b> <small>V-Deceased, OW-Owner of Property, C-Complainant, PE-Pedestrian, W-Witness, M-Missing, MIR-Person Mentioned, O-Other, PC-Pedestrian - Cyclist, IN-Institutional, PS-Passenger, RO-Registered Owner, RU-Runaway, S-Suspect, V-Victim - Individual, VB-Victim - Business, G-Legal Guardian, D-Driver, CV-Complainant is Victim, A-Arrested Person, CON-Contact</small>					
CODE <b>W-1</b>	NAME: LAST, FIRST, MIDDLE <b>Welliver, Rick T</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
DATE OF BIRTH/AGE <b>01/18/1973 41</b>	HEIGHT	WEIGHT	BUILD	HAIR	EYES
CONFIDENTIALITY <input type="checkbox"/>			ADDRESS: STREET, CITY STATE ZIP <b>159 1/2 S Browne Street, Spokane, WA 99201</b>		RESIDENTIAL STATUS
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION		PHONE
ADDITIONAL ADDRESSES <b>1826 E Sprague Avenue, Spokane, WA 99202</b>					ADDRESS TYPE <b>Business</b>
ADDITIONAL ADDRESSES <b>1724 W 10th Avenue, Spokane, WA 99204</b>					ADDRESS TYPE <b>Home</b>
ADDITIONAL PHONES <b>(Business) (509) 217-0731</b>					
<b>NARRATIVE</b>					

On 040314 at approximately 1740hrs, I arrived at Pacific and Browne to assist Cpl. Bartlett who was needing assistance with a trespassing suspect, later identified as Benjamin Oien.

I arrived and stood by while officers took Benjamin into custody. A citizen approached me and identified himself as Rick Welliver, owner of a boxing club at 157 1/2 S Browne. He said he saw Benjamin just before officers arrived and he was being disorderly by his business. He was trying to get people to fight him and he was yelling at passing cars.

Widhalm #989  
Team 9 C355  
040314

ID NO./NAME OF REPORTING OFFICER <b>#989 - Widhalm, Holton</b>		DISTRIBUTION
APPROVAL <b>#733 - Ennis, Gordon</b>	DATE/TIME <b>04/03/2014 20:55</b>	



Spokane Police Department  
Internal Investigation



CONFIDENTIAL

IA#  
Additional

**Investigative Summary**

Cpl Bartlett lawfully contacted a male at 112 W Pacific who was trespassing. The male was later ID'd as Benjamin Oien, a TOP offender. See Bartlett's report for details on the initial contact. Bartlett told Oien he needed to leave as Oien was committing the crime of trespassing. Oien refused saying "fuck you."

Oien waked in circles then started to walk away. Bartlett told Oien he was not free to leave and attempted to ID Oien.

Bartlett tried to stall while he waited for backup as it seemed to him Oien may attempt to flee on foot. Bartlett noted that Oien appeared to be under the influence of a substance and not thinking clearly.

At one point Oien took off the backpack he was wearing and dropped it to the ground. While Oien did this, he pulled an 18 inch piece of rebar from his backpack with his right hand. Bartlett drew his firearm while telling Oien, "you don't want to do this" and "drop it." Oien dropped the rebar to the ground and obeyed Bartlett's commands to turn and face the wall. Bartlett holstered his firearm and did not point his firearm at Oien.

Bartlett approached Oien to place him in handcuffs. Bartlett told Oien he was under arrest. Bartlett attempted to take control of Oien's left arm and Bartlett could feel Oien tense up. Bartlett told Oien again that he was under arrest and Oien replied, "Fuck this, I hate you guys." After Oien said this, Oien used his right elbow to strike Bartlett on the right side of his head, assaulting Bartlett.

Bartlett applied a Neck Restraint Control hold and told Oien to "stop resisting." Oien continued attempting to pull away from Bartlett and assaulted him several more times by elbowing him in the right rib area. They both fell to the ground and Oien began to push himself up while Bartlett was on his back. Oien was able to push Bartlett about six inches off the ground.

During this struggle Oien was trying to head-butt Bartlett and Bartlett could feel Oien pulling on his Taser. Bartlett continued to apply arm pressure to Oien's neck while in the Neck Restraint Control Hold and Oien lost consciousness. Bartlett did this for the following reasons:

- Oien appeared to be under the influence of a mind altering substance.
- Bartlett was the only officer attempting to control Oien.
- They were on a raised loading dock which was about 3 feet off the ground and both of them would be injured if they fell.

- Oien had been told he was under arrest and he had not been searched.
- Oien pulled an 18" piece of rebar and held in his right hand in a manner consistent with using it to strike Bartlett.
- Oien was physically resisting arrest.
- Oien assaulted Bartlett by elbowing him in the head and rib area.

As Oien lost consciousness, Storch and Hall arrived on scene. Bartlett let off on the hold and as Oien regained consciousness, he resisted Storch and Hall's efforts to get him handcuffed. Bartlett held on to Oien's neck until several more officers arrived and were able to get him handcuffed. Oien did not lose consciousness a second time.

When Storch arrived on scene, she saw that Bartlett had a male in a Neck Restraint Control Hold and she could hear him issuing commands. As Oien lost consciousness, she was able to handcuff his left wrist but when he regained consciousness, he pulled his right hand under his body. With the help of other officers they were able to get him handcuffed.

Lt Meidl and Director Schwering arrived on scene and spoke with Bartlett about the use of force.

Bartlett took photographs of Oien and the scene. Oien had an abrasion on his right cheek and a cut in his mouth. Oien was spitting blood at officers so a spit mask was put on. Spokane Fire Fighters attempted to evaluate Oien at the scene but he was still resisting and kicking at officers after he was handcuffed. He was transported to Deaconess Hospital and evaluated by medical staff.

Oien was booked for 3<sup>rd</sup> Degree Assault and Possession of a Controlled Substance.

Bartlett's injuries were scrapes and bruises on both of his hands and wrists as well as both knees. His injuries were photographed.

This use of force was within department policy 300.3.4 (b) because:

- The subject is violent or physically resisting.
- The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

### **Physical Evidence**

Photographs' of Oien and Bartlett.