



## 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	<b><u>Name / Identity</u></b> 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	<b><u>Date of birth</u></b> 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	<b><u>Personal home, work or cell phone number</u></b> 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	<b><u>Residential address</u></b> 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	<b><u>E-mail address</u></b> 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 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)
<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 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): <b><u>Gun information</u></b>	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): <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.
#3L	WACIC/NCIC (ACCESS): <b><u>Stolen Property</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.
#3m	WACIC/NCIC (ACCESS): <b><u>Court Orders</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	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)
<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	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).
<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	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).
<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 Ernest Wuthrich  
**Assigned Investigator:** Sergeant Ernest Wuthrich

### Incident Details

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<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
4/17/2014	4/17/2014	18:42
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
8207	14-117964	F14-035
<b>Date/Time Entered</b>		
4/18/2014 18:22		

### Incident Summary

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Ofc. Shane Phillips was at Deaconess Hospital with a male that was under arrest for 3rd Deg. Assault. The male, David Ellis, struggled with Ofc. Phillips in the doorway of the hospital elevator. Ofc. Phillips applied a LVNR and rendered Ellis unconscious long enough to regain control and cuff him.

See attached I.A. additional.

In compliance with policy per Assistant Chief Dobrow 06/18/14.

### Incident Location

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- 800 5th ST, Direction: W, Spokane, WA 99202

### Use of Force Specific Information

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

### Complainant/Involved Citizen Information

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David A Ellis

DOB:    Race: White    Gender: Male

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance
- Assaultive

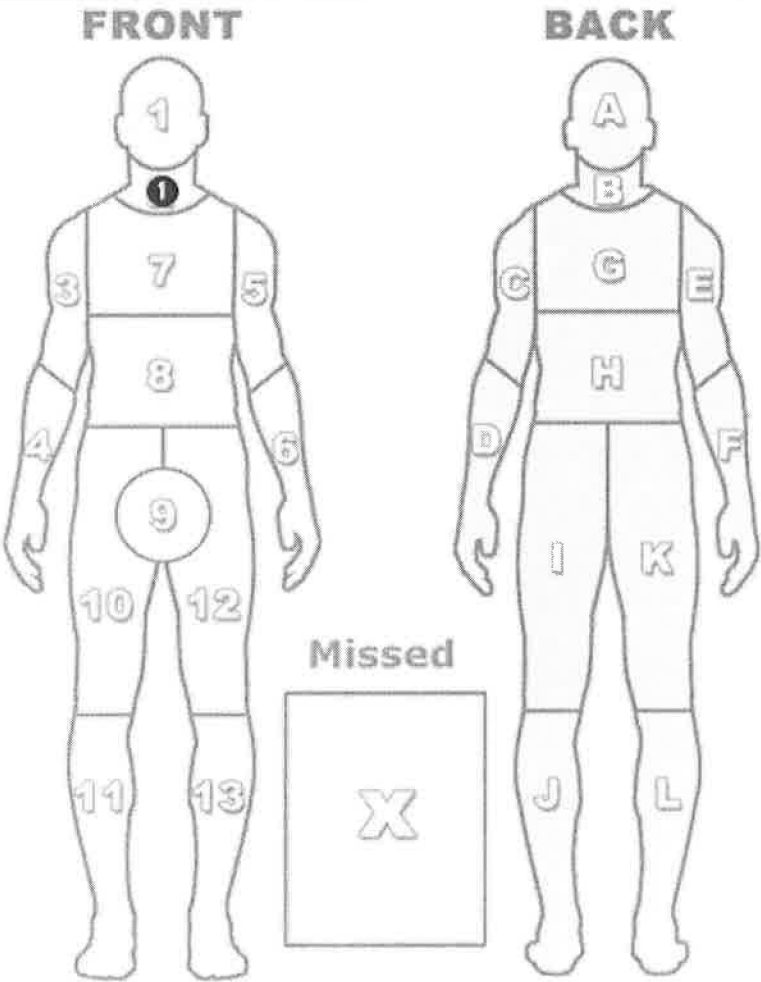
Involved Officers

Officer Jeffery Phillips - Payroll Number:

Force used by this officer against the citizen

- Level 1 LNR - Was force effective: Yes

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



Attachments

Date Attached	Attachment Description	Attachment Type
4/18/2014	Officers additional and CAD report	pdf
4/18/2014	IA additional from Wuthrich	doc

## Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
4/18/2014	Sergeant Ernest Wuthrich	Lieutenant Craig Meidl	(none)	Please see attached use of force incident.	<input checked="" type="checkbox"/>	Use of Force within policy.
4/19/2014	Lieutenant Craig Meidl	Captain Daniel Torok	(none)	Use of Force within policy.	<input checked="" type="checkbox"/>	I concur with Lt. Meidl that the use of force was consistent with policy.
4/21/2014	Captain Daniel Torok	Asst Chief Patrick Dobrow	(none)	for review	<input checked="" type="checkbox"/>	I reviewed this case and agree that the force used by Officer Phillips was reasonable and within policy.
5/21/2014	Asst Chief Patrick Dobrow	Sergeant Ernest Wuthrich	Ms Michelle Reiner	Sgt. Wuthrich requested I return this UOF incident to him for some corrections/additions.	<input checked="" type="checkbox"/>	[Forwarded by Sergeant Ernest Wuthrich without completion notes]
6/9/2014	Sergeant Ernest Wuthrich	Lieutenant Justin Lundgren	(none)	I've made the needed changes to the report.	<input checked="" type="checkbox"/>	[Forwarded by Lieutenant Justin Lundgren]
6/11/2014	Lieutenant Justin Lundgren	Asst Chief Patrick Dobrow	(none)	For your decision	<input checked="" type="checkbox"/>	The use of force by Officer Phillips was within policy and reasonable.

### Assigned Investigator Signature Line

\_\_\_\_\_  
Sergeant Ernest Wuthrich

### Chain of Command Signature Lines

\_\_\_\_\_  
Lieutenant Craig Meidl

\_\_\_\_\_  
Captain Daniel Torok

\_\_\_\_\_  
Asst Chief Patrick Dobrow

\_\_\_\_\_  
Sergeant Ernest Wuthrich

\_\_\_\_\_  
Lieutenant Justin Lundgren





Spokane Police Department  
Internal Investigation



CONFIDENTIAL

IA#  
Additional

**Complaint Being Investigated**

Use of Force

**Complainant Interview Summary**

I spoke to the arrestee, David Ellis, and he said that he was not injured.

**Officer Interview Summary**

I spoke with Ofc. Shane Phillips and he said Ellis was in custody for assault. Phillips was with Ellis at Deaconess Hospital because Jail declined to accept him for booking after Ellis told them he had recently used meth. While at the hospital Ellis jumped from his wheel chair and struggled with Phillips in the doorway of an elevator. Phillips used a level 2 neck restraint and was able to regain control and handcuff Ellis. Neither Phillips nor Ellis was injured.

**Witness Interview Summary**

NA

**Physical Evidence**

Ofc. Phillips' uniform was filthy from being on the floor with Ellis. No pics taken.

**Investigative Summary**

On 04/17/14, at 1858 hrs, I responded to Deaconess Hospital upon being notified by Radio that Ofc. Phillips had advised them that he had applied a LVNR to a male he had in custody in the emergency room. Upon arrival, I contacted Ofc. Phillips and he told me he had to physically control David Ellis with a neck restraint while in the doorway of an elevator of the hospital. Ellis had been cuffed to one arm of a wheel chair when he pulled the arm of the chair free and swung it around at Ofc. Phillips. Ofc. Phillips used force consistent with his training and department policy to gain control of a physically assaultive subject that was resisting arrest.

See attached report completed by Ofc. Phillips.

# INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-117964</b>	
INCIDENT TYPE <b>Arrest</b>		INCIDENT CLASSIFICATION #1 <b>ASSAULT-SUB BDLY HARM</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Thu 04/17/2014 16:07</b>		DATE/TIME <b>Thu 04/17/2014 16:00</b>		OCCURRED TO <b>Thu 04/17/2014 16:17</b>	
DISPATCH TIME		ARRIVED TIME		EST. TOTAL PROPERTY LOSS	
CLEARED TIME		REPORT DATE <b>04/17/2014</b>		REPORT TIME <b>20:36</b>	
PRIMARY CHARGE <b>9A.36.031(1)(D) ASSAULT-3D(CR NEG/HRM W/WEA)</b>					UCR/NIBRS CODE <b>/13A</b>
LOCATION OF INCIDENT <b>1514 W Northwest Blvd, Spokane, WA</b>				LOCATION NAME (IF APPLICABLE) <b>Jason's Baber Shop</b>	
SOLVABILITY FACTORS <b>PC Affidavit Completed, Suspect Arrested, Useful Physical Evidence, Witness to Crime</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF <b>14-118157</b>
ADDITIONAL REPORTING OFFICERS <b>Bartlett, Stewart</b>					
VICTIM/WITNESSES/OTHERS <small>V-Deceased, CW-Owner of Property, C-Complainant, EB-Pedestrian, W-Witness, M-Missing, MIR-Person Mentioned, O-Other, PC-Pedestrian, Cyclist, N-Individual, 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>A-1</b>	NAME: LAST, FIRST, MIDDLE <b>Ellis, David Allen</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White/Non-Hispanic</b>
HEIGHT <b>5'09"</b>	WEIGHT <b>165</b>	BUILD <b>Medium</b>	HAIR <b>Brown</b>	EYES <b>HAZ - Hazel</b>	DATE OF BIRTH/AGE <b>08/09/1988 25</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1712 W Kiernan Avenue, Spokane, WA 99205</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
CHARGE LEVEL <b>Felony Class C</b>		DESCRIPTION <b>9A.36.031(1)(D) ASSAULT-3D(CR NEG/HRM W/WEA)</b>			UCR/NCIC CODE <b>/13A</b>
WARRANT #	BAIL	TYPE OF ARREST <b>Taken Into Custody</b>			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION #	DATE	TIME	BOOKED WHERE <b>Spokane County Jail</b>		DATE <b>04/17/2014</b>
					TIME <b>16:14</b>
ARREST LOCATION <b>1600 W Jackson Street, Spokane, WA</b>				STATEMENT <input checked="" type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input checked="" type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE
DRIVER'S LICENSE <input type="checkbox"/> FAKE	STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE	OTHER ID		
		<b>#4a</b>	<b>#4b</b>		

ID NO./NAME OF REPORTING OFFICER <b>#1197 - Phillips, Jeff</b>		DISTRIBUTION	
APPROVAL <b>#689 - McNab, Michael</b>		DATE/TIME <b>04/17/2014 23:32</b>	

Incident Report #1

04/17/2014 23:34:09.541

# INCIDENT REPORT CONTINUED

## Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION <b>ASSAULT-SUB BDLY HARM</b>					ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-117964</b>	
CODE <b>V-1</b>	NAME: LAST, FIRST, MIDDLE <b>Vincent, David E.</b>				SEX <b>M</b>	RACE/ETHNICITY <b>W-White/Non-Hispanic</b>	DATE OF BIRTH/AGE <b>02/02/1930 84</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>5214 W Rifle Club Court, Spokane, WA 99208</b>				RESIDENTIAL STATUS		PHONE <b>(509) 534-2164</b>
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES <b>(Home) (509) 534-2164</b>							
REALTIONSHIP TO SUSPECT			VICTIM OF Offns. # <b>9A.36.031(1)(D) ASSAULT-3D(CR NEG/HRM W/WEA)</b>			OFNDR. # <b>A-1</b>	
CODE <b>W-1</b>	NAME: LAST, FIRST, MIDDLE <b>Vincent, Helen T</b>				SEX <b>F</b>	RACE/ETHNICITY <b>W-White/Non-Hispanic</b>	DATE OF BIRTH/AGE <b>07/30/1931 82</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>5214 W Rifle Club Court, Spokane, WA 99208</b>				RESIDENTIAL STATUS		PHONE <b>(509) 534-2164</b>
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES <b>(Home) (509) 534-2164</b>							
CODE <b>W-2</b>	NAME: LAST, FIRST, MIDDLE <b>Germeaux, Donald J</b>				SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>	DATE OF BIRTH/AGE <b>06/29/1942 71</b>
HEIGHT <b>5'11"</b>	WEIGHT <b>235</b>	BUILD <b>Medium</b>	HAIR <b>Unknown</b>	EYES <b>HAZ - Hazel</b>	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1027 N A Street, Spokane, WA 99216</b>				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES <b>(Cell) (509) 993-3049</b>							
CODE <b>W-3</b>	NAME: LAST, FIRST, MIDDLE <b>Lakatsas, Kimberly L</b>				SEX <b>M</b>	RACE/ETHNICITY <b>W-White/Non-Hispanic</b>	DATE OF BIRTH/AGE <b>06/29/1942 71</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1808 N Mckee Court, Greenacres, WA 99016</b>				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES <b>(Cell) (206) 459-2167</b>							

## INCIDENT REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

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INCIDENT CLASSIFICATION <b>ASSAULT-SUB BDLY HARM</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-117964</b>
NARRATIVE		

On 04/17/14 at approximately 1611 hours I was dispatched to Jason's Barber Shop, 1514 W. Northwest Blvd., on a report of an assault.

While enroute radio advised that the suspect, later identified as David Ellis, had fled the scene and was being chased by patrons of the barber shop. Radio updated that the witnesses had detained the suspect in the alley in the 1500 block of Jackson.

I arrived right after Cpl. Bartlett, who had handcuffed the subject. The subject was still on the ground and the witnesses were helping detain him. I frisked him for weapons and placed him in my vehicle. I then detained him and transported him to the scene of the crime, Jason's Barber Shop.

At the barber shop I interviewed witness Donald "Don" Germeaux. Don explained that he had been sitting in Jason's waiting to get his hair cut. The victim, David Vincent, and his wife, Helen Vincent, were sitting next to him. He said the suspect, David, entered the barber shop and sat down next to him and the Vincents. He said no words were exchanged and there were no interactions at all. Suddenly, David stood up and punched Mr. Vincent in the head and face approximately four times with a closed fist. He said David then ran from the business.

I then interviewed witness/employee Kimberly Lakatsas. She said she had been cutting hair when she saw David enter the business. She said he sat down and didn't talk to anyone. After a minute or two he stood up and began punching Mr. Vincent in the face. She said David struck him multiple times before fleeing. She said patrons and employees chased him.

Cpl. Bartlett advised that David had caused bodily harm and substantial pain to Mr. Vincent. He said Mr. Vincent's eye was already beginning to swell shut, he was bleeding from one ear, had lacerations and possibly fractures to his face. He estimated that the pain was considerable and going to last for some time.

I then transported David to SCJ. While enroute I provided David with his Miranda Rights. I asked if he understood and if it was ok to ask him questions. He advised yes to both.

Upon arrival at the jail David admitted to staff that he had been smoking methamphetamine. The staff nurse asked that David be medically cleared prior to being admitted. I requested an ambulance and AMR responded and transported David to Deaconess Hospital.

While at Deaconess they decided to transport David from the Emergency Room to another department because of overcrowding. Because of this we had to remove David from the bed and soft restraints and place him in a wheel chair. I handcuffed (double-locked and checked for tightness) David to the arm of the chair.

## INCIDENT REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

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INCIDENT CLASSIFICATION <b>ASSAULT-SUB BDLY HARM</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-117964</b>
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A female Deaconess staff member began pushing David in the wheel chair. Once we entered a secluded hallway out of the ER, David jumped from the chair pulling the arm-rest out. David swung around towards me with the metal arm-rest. I grabbed David's left arm (the one with the arm-rest) and attempted to take him to the ground and into a prone cuffing position.

At this point David was under arrest for Assault III, a violent felony against a defenseless 84 year old man. David had resisted arrest when the witnesses attempted to take him into custody. He demonstrated tactical awareness in that he feigned mental impairment until we were in a place away from security and the public before attacking me. He demonstrated his desire to attack and evade by pulling the armrest from the wheelchair and refusing my lawful orders to stop.

Initially I lost control of his left arm and grabbed him in a body lock by wrapping both of my arms around his person. David and I fell to the floor. Repeatedly I told him to stop resisting. I was unable to gain a clear position of advantage but was able to get him into a lateral neck restraint. He continued to resist my efforts to place him in handcuffs by attempting to roll on top of me and pull away. He continued to growl and yell at me. I instructed him to stop resisting. He refused to stop and continued to try and get on top of me. I attempted to get on my portable radio and advise dispatch of my situation. Twice I radioed that I was Code 6/fighting at Deaconess. Each time I attempted to transmit I was unable to because of competing radio traffic. As I was unable to radio for backup, and still in a private hall I applied the Lateral Neck Restraint and rendered David unconscious. I placed him in handcuffs, double locked and checked for tightness.

Soon after Deaconess security staff arrived and we placed David back on a bed with four-point restraints. I removed the handcuffs. I radioed dispatch and advised them of the application of the Lateral Neck Restraint and asked them to notify a supervisor.

David was then wheeled back into the ER where I confirmed they knew he had been rendered unconscious. He was then cleared for the jail by their staff. While waiting for the clearance, Sgt. Wuthrich arrived and I explained to him my use of force. Sgt. Wuthrich asked David if he had any injuries from the lateral neck restraint. David said no, "He choked me out clean."

I then transported David back to SCJ where he completed the booking process.

I completed a PC Affidavit.

Phillips, 1197  
Team 2



Incident History for: #SP140117964 Xref: #SP140118157

Entered 04/17/14 16:07:36 BY 91108 911206  
Dispatched 04/17/14 16:11:59 BY PCC01 676  
Enroute 04/17/14 16:11:59  
Onscene 04/17/14 16:15:23  
Closed 04/17/14 23:29:39

Initial Type: ASLT Final Type: ASLT (ASSAULT)

Initial Priority: 2 Final Priority: 2

Disposition: 1A Source: 9 Primary Unit: B132

Police BLK: SPA2EG

Group: P2 Beat: Map Page: 25

Loc: 1514 W NORTHWEST BL ,SPK btwn N WALNUT ST & N MAPLE ST <2300> (V)

Loc Info: JASON'S BARBER SHOP

Name: GLOVER,KIM L 102867

Addr: SAME

Phone: 5094433263

/160736 (911206) ENTRY MALE CAME INSIDE AND HIT AN ELDERLY MALE CUSTO  
MER, MEDICS NEEDED - NOT ADV, NO WEAPONS SEEN.

/160749 (676 ) HOLD

/160803 (911206) SUPP TXT: WM 25YO 509-510/150 BRO HAIR WEARING:WHI  
SHIRT, BLU JEANS

/160835 (911184) SUPP NAM: MCDONALD,JASON,  
PHO: 5097501684,  
TXT: COMP IS CHASING THE SUSPECT, SUSPECT IS B  
LOCKED OFF AT WALNUT/YORK.

/160836 (911206) SUPP TXT: OCCURRED 4 MINS AGO, SUSP LEFT WB NORTHWE  
ST, APPEARED HIGH

/160902 (911184) SUPP TXT: MALE: WM, 25-30YO, 508/MED, WHI SHIRT, BL  
U JEANS.

/160917 (911206) CHANGE LOCI: --> JASON'S BARBER SHOP,  
NAM: KIM --> GLOVER,KIM L 102867,  
TXT: FIRE ADV DUE TO KNOWN LOCATION OF SUSPECT

/161001 (676 ) MISC ,AIRED

/161018 (911184) SUPP NAM: KIM,  
TXT: SUSP WEARING BLK JEANS. SUSP RUNNING NB

/161037 SUPP TXT: NOW IN ALLEY, COMP YELLING AT SUSP

/161037 (911206) SUPP TXT: MY COMP DISCONNECTED AFTER FIRE. ###

/161100 (911184) SUPP TXT: NOW OPEN LINE, SEVERALY PEOPLE YELLING TO  
LAY DOWN.

/161122 SUPP TXT: MAPLE/YORK, JEO, IN ALLEY JNO YORK

/161141 SUPP TXT: JASON IS ARMED WITH HANDGUN, ON COMPS RIG  
HT HIP,

/161154 SUPP TXT: COMP IS NOT HOLDING THE GUN.

/161159 (676 ) DISPER E286 [MAPLE/YORK NE]  
#701 STEWART, JAMES

/161211 (911184) SUPP TXT: SUSP IS ON THE GROUND, BEING HELD DOWN BY  
THREE PEOPLE

/161228 (676 ) ASSTER B132 [MAPLE/YORK NE]  
#1197 PHILLIPS, SHANE

/161242 (911184) SUPP TXT: POSS IN BEHIND ALLEY BEHIND 1518 W YORK

/161245 (676 ) ASSTER P308 #401 BARTLETT, GLENN

/161250 (911184) SUPP TXT: COMP IS SETTING PHONE DOWN.

/161302 (676 ) CHGLOC P308 [MAPLE/YORK NE]

/161339 CALLBK T/PCC02  
,PLS CALL COMP KIM.. ADVISE THE 'VICTIM' TO WA  
IT FOR CONTACT POSSIBLE WE ARE W/SUSPECT..ALSO  
CAN HE ADVISE IF HE KNEW WHO THIS GUY WAS THA  
T PUNCHED HIM?

/161513 (318 ) CALLBK  
 /161523 (676 ) ONSCNE P308  
 /161552 (911184) SUPP  
 /161627 (320 ) MISC P308  
 /161658 (676 ) MISC  
 /161741 (701 ) \*REMINQ E286  
 /161803 \*REMINQ E286  
 /161914 (1197 ) \*ONSCNE B132  
 /162007 (318 ) REMINQ P308  
 /162619 (701 ) \*ONSCNE E286  
 /162651 (401 ) \*CHGLOC P308  
 /162725 \*ONSCNE P308  
 /162737 (676 ) MISC B132  
 /163250 (1197 ) \*REMINQ B132  
 /170009 \*TRANS B132  
 /170353 \*MISC B132  
 /170822 (701 ) \*CHGLOC E286  
 /172001 (401 ) \*CHGLOC P308  
 /172201 (676 ) CALLBK B132  
 /172309 (401 ) \*ONSCNE P308  
 /172343 (318 ) CALLBK B132  
 /172657 (701 ) \*ONSCNE E286  
 /174141 (676 ) OK E286  
 /174141 OK P308  
 /180922 (401 ) \*CLEAR P308  
 /183859 (1184 ) \$PREMPT B132  
 /184152 (1069 ) ASSTOS B132  
 /184210 (1184 ) \$CROSS  
 /184210 DUP  
 /184210 (1069 ) MISC B132  
 /185807 (1179 ) ASSTER L252  
 /190445 (252 ) \*ONSCNE L252  
 /192938 (1197 ) \*TRANS B132  
 /193623 \*TRANSC B132  
 /193910 (701 ) \*NEWLOC E286  
 /193948 (252 ) \*CLEAR L252  
 /200152 (1197 ) \*CHGLOC B132  
 /200555 \*ONSCNE B132  
 /201853 (701 ) \*CLEAR E286  
 /202702 (1184 ) OK B132  
 /232939 (1197 ) \*CLEAR B132  
 /232939 CLOSE B132

T/PCC01

,VICTIM IS STILL THERE WAITING FOR MEDICS - MAY GET TRANSFERRED THEN THO

TXT: JASON: MI - L, 013185. SEES LE RELEASED LINE. ###

,ONE DETAINED  
 ,JASON LANE MCDONNELL.013185 LOCAL STAT -0- ALL ROUTES/DOL CLR, CPL

#3b

#3a

[1514 NW BLVD]

,IN CUSTODY

#3a

[JAIL] M/O

,MIRANDIZED

[SHER]

[JAIL]

T/PCC02

,AMR FOR 25 YO CONS/BREATHING MALE AT JAIL

T/PCC01

,AMR ADVISED

,PSTAT/ASST

[DEAC]

#1197 PHILLIPS, SHANE

#SP140118157

#SP140118157

,GOT INTO A FIGHT, LVNR APPLIED, NOT ALL THE WAY OUT

[DEAC]

#252 WUTHRICH, ERNIE

[JAIL] M/O

M/1.4

[PAPER]

DSP: 8D

,USE OF FORCE NOTED

[1 PAPER]

,1B

DSP: 8D --> 1A

,PSTAT/CFS PSTAT/RPT PSTAT/FEL