



## 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 David Overhoff  
**Assigned Investigator:** Sergeant David Overhoff

### Incident Details

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
5/27/2014	5/9/2014	15:27
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
8279	14-144386	F14-042
<b>Date/Time Entered</b>		
5/27/2014 12:20		

### Incident Summary

Officers Voller, Beckley, and Uberuaga responded to Safeway at 3919 N. Market in regards to suspect Joshua Warren pulling a knife on customers in the store. By the time officers arrived Warren was just outside the main doors with two store employees. Warren ignored officers Voller's verbal request, and brought his hands up into fists as if to fight. Officers took control of Warren's hands and arms and he immediately tried to defeat that with bodily strength. Warren was escorted to the ground into prone cuffing. Warren was now physically fighting and resisting the officers attempts to control him into cuffing. Cpl Beckly applied one Drive Stun from his Taser into the lower rear torso of Warren. There was immediate compliance and no further incident of assault and resistance. I arrived on scene just after he had been handcuffed. Warren was sweating profusely, and he had pin point pupils. He was highly agitated and nervous. I asked him why he resisted the officers and he said I will always fight the police. Warren was booked into jail for Intimidation with a Weapon. This Drive Stun was with in policy and training of the Spokane Police Department.

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

### Incident Location

- 3919 Market ST, Direction: N, Spokane, WA 99207 - : Northeast

### Use of Force Specific Information

<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Assaulting Officer	Call For Service	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
No	No	No
<b>More than 1 Citizen Involved</b>		
Yes		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	
<b>Officer Assessment of Citizen Condition During Incident</b>		
<b>Officer(s) Injured</b>	<b>Officer(s) Taken to Hospital</b>	



Yes

No

## Reporting/Involved Citizen Information

---

### Joshua M Warren

DOB: 10/27/1990 Race: White Gender: Male

## Involved Officers

---

### Corporal David Beckley - Payroll Number: #5c

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

- Body Weight/Manual Force - Was force effective: Yes

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

- Taser - Was Less Lethal Force Used Effective? Yes  
Serial # - X12000N75  
Cartridge # -

Was this a direct contact/drive stun contact? Yes

# of cycles - 1

Was the cartridge attached? No

Was a follow up drive stun conducted? No

Duration of cycles - Automated

Was this an accidental (unauthorized) discharge? No

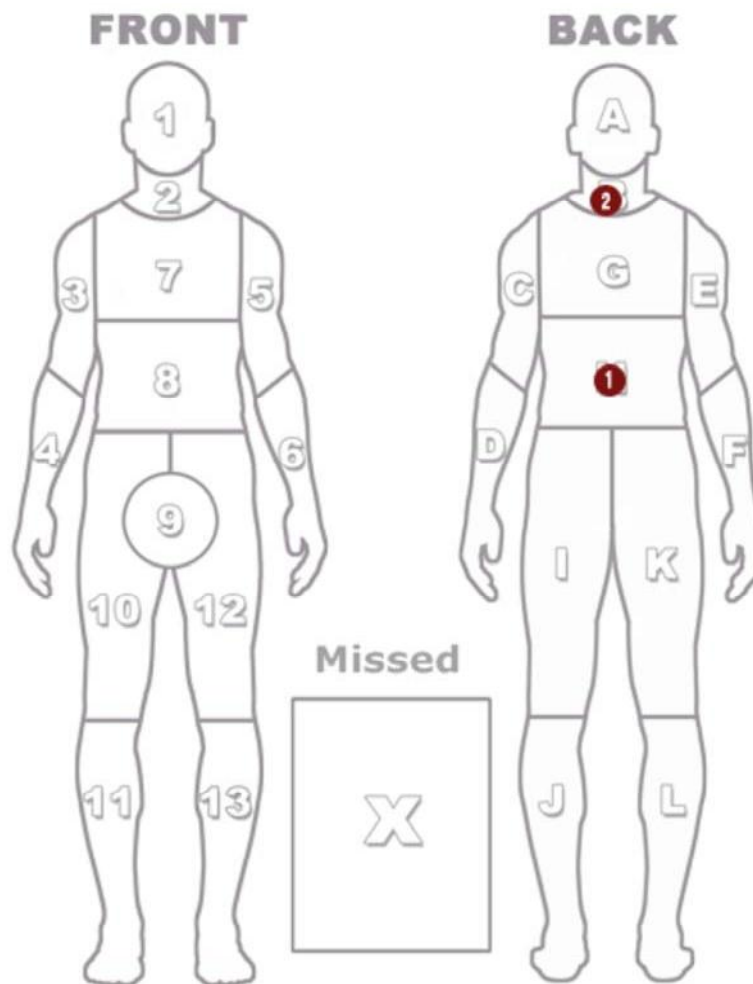
Statistical Information

Was this an Arc display? No

Was citizen painted with laser / red dot? No

---

Force Used	Effective?	Regions	Points of contact
Taser	Yes	H	1
Body Weight/Manual Force	Yes	B	2



## Citizen Witnesses

---

**Carl Greenwood**

**DOB: 10/10/1979 - Race: White - Gender: Male**

**Address**

- 3919 Market ST, Direction: N, Spokane, WA 99207

**Phone**

- (509) 482-3357

#2d

**DOB: 2/19/2002 - Race: White - Gender: Female**

**Phone**

- (509) 599-1143

**Gunner Kreese**

**DOB: 4/8/1992 - Race: White - Gender: Male**

**Address**

- 19275 Yale, Direction: S, Spangle, WA 99031

**Phone**

- (509) 294-9533

**Jessica Murtha****DOB: 5/24/1986 - Gender: Female****Address**

- 1524 Ostrander ST, Direction: E, Spokane, WA 99207

**Amber Scott****DOB: 8/1/1983 - Race: White - Gender: Female****Address**

- 4916 Fairview Rd. RD, Direction: E, Spokane, WA 99217

**Phone**

- (509) 599-1143

**Officer Witnesses****Officer Jason Uberuaga - Payroll Number:** #5c**Officer Ronald Voeller - Payroll Number:** #5c**Attachments**

No attachments

**Chain of Command History**

Sent Dt	From	To	CC	Approved
5/27/2014	Sergeant David Overhoff	Lieutenant Kevin King	Sergeant Jason Hartman	<input type="checkbox"/>
<b>Sender's Instructions:</b> Please review and forward up chain.				
<b>Recipient's Comments/Response:</b> Please forward to Patrol Lt. Thanks!				
5/27/2014	Lieutenant Kevin King	Sergeant David Overhoff	(none)	<input type="checkbox"/>
<b>Sender's Instructions:</b> Please forward to the Patrol Lt				
<b>Recipient's Comments/Response:</b> Incident routing was closed out by IAPro user Ms Michelle Reiner and the incident was re-routed to Sergeant David M Overhoff [331/11279]				
5/28/2014	Ms Michelle Reiner	Sergeant David Overhoff	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> At your request.				
<b>Recipient's Comments/Response:</b> [Forwarded by Sergeant David Overhoff]				
6/4/2014	Sergeant David Overhoff	Lieutenant Joseph Walker	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Please review and forward up chain				
<b>Recipient's Comments/Response:</b> I have reviewed this incident and concur with Sgt Overhoff's review and findings that this was a proper use of force. Officers followed proper procedure attempting to verbally de escalate the situation and then based on the facts and circumstances know to them at the time used an appropriate amount of force to detain and control the suspect. The taser functioned properly and allowed the officers time to control the suspect as well. Lt Walker #216				
6/9/2014	Lieutenant Joseph Walker	Captain Daniel Torok	Sergeant Steven Braun	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> reviewed and sent to Capt Torok				

**Recipient's Comments/Response:** I concur with Lt. Walker that this use of force was consistent with policy.

6/12/2014	Captain Daniel Torok	Asst Chief Patrick Dobrow	(none)	<input checked="checked" type="checkbox"/>
-----------	----------------------	---------------------------	--------	--

**Sender's Instructions:** for review

**Recipient's Comments/Response:** I have reviewed this incident and find the drive stun use of the Taser was reasonable and within policy.

1/29/2015	Ms Michelle Reiner	Sergeant David Overhoff	(none)	<input type="checkbox"/>
-----------	--------------------	-------------------------	--------	--------------------------

**Sender's Instructions:** Please add Takedown Technique and Body Weight Manual Force as a type of force use in addition to the Taser. Please let me know if you have question. Thank you!

**Recipient's Comments/Response:**

#### Assigned Investigator Signature Line

\_\_\_\_\_  
Sergeant David Overhoff

#### Chain of Command Signature Lines

\_\_\_\_\_  
Lieutenant Kevin King

\_\_\_\_\_  
Sergeant David Overhoff

\_\_\_\_\_  
Lieutenant Joseph Walker

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

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

06/24/14 10:36:58 PRINT REQUESTED BY TERMINAL PADN07  
Incident History for: #SP140144386 Xref: #SP140146947

Entered 05/09/14 15:27:18 BY 91114 911232  
Dispatched 05/09/14 15:27:50 BY PCC01 1008  
Enroute 05/09/14 15:27:50  
Onscene 05/09/14 15:28:44  
Closed 05/09/14 19:53:12

Initial Type: PERW Final Type: PERW (PERSON WITH A WEAPON)  
Initial Priority: 1 Final Priority: 1  
Disposition: 1E Source: 9 Primary Unit: E274  
Police BLK: SPB4HI  
Group: P4 Beat: Map Page: 40  
Loc: 3919 N MARKET ST ,SPK -- SAFEWAY ,SPK btwn E GARLAND AV & N HAVEN PL (V)  
Name: BRANDON Addr: SAME Phone: 3604401940

/152718 (911232) ENTRY MALE THREATENING PEOPLE WITH KNIFE . XFER...  
/152750 (1008 ) DISPER E279 #664 VOELLER, RONALD  
/152750 ASSTER B137 #311 MALINAK, SHERRI  
#416 JOHNSON, TAMIE  
/152759 (676 ) SUPP TXT: MALE IS BY THE NORTH ENTRY WAY  
/152817 (1008 ) ASSTER E274 #606 UBERUAGA, JASON  
/152821 (676 ) SUPP TXT: MALE PUT THE KNIFE IN THE BACKPACK, CALME  
D DOWN  
/152822 (331 ) \*ASSTER L249 [3919 N MARKET ST ,SPK]  
#331 OVERHOFF, DAVID  
/152844 (1008 ) ONSCNE E274 ,AREA  
/152904 (676 ) SUPP TXT: VICTIM WAS WALKING THRU THE STORE AND WAS  
BEING FOLLOWED BY SUSPECT  
/152925 (1008 ) MISC E274 ,HES IN FRONT NORTH ENTRANCE, W/EMPLOYEES  
/152928 (676 ) SUPP TXT: WM 511 GREY SWEATSHIRT, GRAY PANTS, LONG  
HAIR  
/152930 (664 ) \*ONSCNE E279  
/152934 (1008 ) ASSTOS P305 [3919 N MARKET ST ,SPK]  
#741 BECKLEY, DAVID  
/152934 (676 ) SUPP TXT: KNIFE IS SHEATHED AND IN THE BACKPACK  
/152956 SUPP TXT: VICTIM: GUNNER KRESSE.040892  
/153014 (704 ) \*ASSTER E278 [3919 N MARKET ST ,SPK]  
#704 ERHART, FRANK  
/153016 \*ONSCNE E278  
/153022 (331 ) \*ONSCNE L249  
/153054 (297 ) \*ASSTER B141 [3919 N MARKET ST ,SPK]  
#297 ASPAAS, PAUL  
/153249 \*ONSCNE B141  
/153325 (676 ) REMINQ L249 WANT, L249, , , , , , WARREN, JOSHUA, M, 1990, 10, 27, , , ,  
/153338 CALLBK L249 , , , , ,  
T/PCC01  
, ONE IN CUSTODY ON CH 2  
, THEY HAVE HIM IN CUST  
/153350 (1008 ) MISC B141  
/153353 (311 ) \*PREMPT B137  
/154208 (704 ) \*CLEAR E278 , PSTAT/ASST  
/154225 (297 ) \*CLEAR B141 , PSTAT/ASST  
/154611 (802 ) CALLBK E274 T/PCC02  
, PER RECORDS THE WARRANT IS NO LONGER GOOD, SH  
OULD HAVE BEEN SETTLED  
/154714 (1008 ) MISC E279 , . . . . .  
/155136 (331 ) \*CLEAR L249 , PSTAT/CFS PSTAT/RPT UOF  
/155218 (606 ) \*TRANS E274 [JAIL] M/0  
/155229 \*MISC E274 , MALE FOR INTIMIDATION WITH A WEAPON

/155238	(741	)	*CHGLOC	P305	[JAIL]
/160659			*ONSCNE	P305	
/160721	(606	)	*TRANSC	E274	[JAIL]
/161645	(1008	)	MISC	E279	,#####
/161827	(664	)	*CHGLOC	E279	[POPERTY]
/163432	(1008	)	\$PREMPT	E274	
/163906	(741	)	*CLEAR	P305	,PSTAT/ASST PSTAT/RPT PICS
/164144	(664	)	REMINQ	E279	WANT,E279,,,,,,WARREN,JOSHUA,M,1990,10,27,,,,
					''''
/165253			*CHGLOC	E279	[NC]
/171458			*ONSCNE	E279	
/171537			*ONSCNE	E279	
/172048	(1008	)	OK	E279	
/173320			ASSTER	E274	[NC]
				#606	UBERUAGA, JASON
/173556	(606	)	*ONSCNE	E274	
/175314	(1008	)	OK	E274	
/192314	(664	)	*CLEAR	E279	DSP: 1E
					,PSTAT/CFS PSTAT/FEL
/195312	(606	)	*CLEAR	E274	,PSTAT/ASST PSTAT/RPT
/195312			CLOSE	E274	
*** New Date: 05/11/14 ***					
/191936	(1144	)	CROSS		#SP140146947

06/24/14 10:37:09 PRINT REQUESTED BY TERMINAL PADN07  
Incident History for: #SP140146947 Xref: #SP140144386

Entered	05/11/14	19:19:21	BY 91116	911221
Dispatched	05/11/14	19:19:31	BY PCC01	1144
Enroute	05/11/14	19:19:31		
Onscene	05/11/14	19:19:31		
Closed	05/11/14	19:34:45		

Initial Type: PUD                      Final Type: PUD                      (PICK UP AND/OR DELIVER)  
Initial Priority: 3                      Final Priority: 3  
Disposition: 5D                      Source: A                      Primary Unit: RF  
Police BLK: SPB4HI  
Group: P4                      Beat:                      Map Page: 40  
Loc: 3919 N MARKET ST ,SPK -- SAFEWAY ,SPK btwn E GARLAND AV & N HAVEN PL (V)  
Name: AKINS, RYAN P 010988                      Addr: SAME/MANAGER                      Phone: 5094823357

/191921	(911221)	ENTRY		XREF #144386/PERW. COMP HAS VIDEO AVAILBLE FOR PICK UP. VIDEO WILL BE IN MANAGERS OFFICE. LE CAN CONTACT CUSTOMER SERVICE FOR PICK UP. ###
/191931	(1144 )	DISPOS	RF1	#RF                      RF
/191936		CROSS		#SP140144386
/191947		CALLBK		T/PCC02 ,REFER TO COOPS FOR PU
/193433	(1211 )	CALLBK		T/PCC01 ,ADVISED RYAN THE COOP WILL BE OUT LATER IN TH E WEEK.
/193438	(1144 )	PREMPT	RF1	
/193441		MISC		,REFERRED TO VOLUNTEER SVCS
/193442		DISPOS	RF	#RF                      RF
/193445		CLEAR	RF	DSP: 5D
/193445		CLOSE	RF	

# INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-144386</b>	
INCIDENT TYPE <b>Arrest</b>		INCIDENT CLASSIFICATION #1 <b>INTIMIDATION W/WPN</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>Fri 05/09/2014 15:28</b>	DATE/TIME	OCCURRED ON <b>Fri 05/09/2014 15:22</b>	DATE/TIME	OCCURRED TO <b>Fri 05/09/2014 15:33</b>	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>05/09/2014</b>	REPORT TIME <b>17:26</b>	EST TOTAL PROPERTY LOSS
PRIMARY CHARGE <b>9.41.270 WEAPON(INTIMIDATE WITH)</b>					UCR/NIBRS CODE <b>/ 520</b>
LOCATION OF INCIDENT <b>3919 N Market, Spokane, WA 99207</b>				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS <b>Suspect Arrested, Useful Physical Evidence, Witness to Crime</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>Uberuaga</b>					
<b>VICTIM/WITNESSES/OTHERS</b> <small>V-Deceased, OW-Owner of Property, C-Complainant, PE-Pedestrian, VAW-Witness, MA-Missing, MR-Person Mentioned, O-Other, PC-Pedestrian-Cyclist, IN-Individual, PS-Passenger, RO-Registered Owner, RU-Runaway, S-Suspect, V-Victim-Individual, VB-Victim-Business, G-Legal Guardian, D-Driver, CV-Consistent Victim, A-Arrested Person, COH-Contact</small>					
CODE <b>W-1</b>	NAME LAST, FIRST, MIDDLE <b>Greenwood, Carl B</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
DATE OF BIRTH/AGE <b>10/10/1979 34</b>					
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS, STREET, CITY STATE ZIP <b>3919 N Market Street, Spokane, WA 99208</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES <b>(Business) 482-3357</b>					
CODE <b>W-2</b>	NAME LAST, FIRST, MIDDLE <b>Murtha, Jessica E</b>			SEX <b>F</b>	RACE/ETHNICITY <b>-</b>
DATE OF BIRTH/AGE <b>05/24/1986 27</b>					
HEIGHT <b>5'07"</b>	WEIGHT <b>160</b>	BUILD <b>Medium</b>	HAIR <b>Blonde or</b>	EYES <b>BLU - Blue</b>	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS, STREET, CITY STATE ZIP <b>1524 E Ostrander Avenue, Spokane, WA 99207</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL ADDRESSES <b>3919 N MARKET, Spokane, WA 99207</b>					ADDRESS TYPE <b>Home</b>
ADDITIONAL PHONES <b>(Cell) (509) 362-4545, (Business) (509) 203-0618</b>					

ID NO/NAME OF REPORTING OFFICER <b>#664 - Voeller, Ronald</b>		DISTRIBUTION	
APPROVAL <b>#445 - Cordis, Tyler</b>	DATE/TIME <b>05/09/2014 19:31</b>		

Incident Report #1

05/09/2014 19:38:27 050



# INCIDENT REPORT CONTINUED

## Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION <b>INTIMIDATION W/ WPN</b>				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER <b>14-144386</b>	
CODE <b>W-3</b>	NAME LAST, FIRST, MIDDLE <b>Scott, Amber R</b>				SEX <b>F</b>	RACE/ETHNICITY <b>W-White</b>	DATE OF BIRTH/AGE <b>08/01/1983 30</b>
HEIGHT <b>5'03"</b>	WEIGHT <b>120</b>	BUILD <b>Light</b>	HAIR <b>Brown</b>	EYES <b>HAZ - Hazel</b>	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>4916 E Fairview Road, Spokane, WA 99217</b>				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES <b>(Cell) (509) 599-1143</b>							
CODE <b>W-4</b>	NAME LAST, FIRST, MIDDLE <b>#2d</b>				SEX <b>F</b>	RACE/ETHNICITY <b>W-White</b>	DATE OF BIRTH/AGE <b>02/19/2002 12</b>
HEIGHT <b>5'00"</b>	WEIGHT <b>130</b>	BUILD <b>Medium</b>	HAIR <b>Blonde or</b>	EYES <b>BLU - Blue</b>	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>4916 E Fairview Road, Spokane, WA 99217</b>				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES <b>(Cell) 599-1143</b>							
CODE <b>A-1</b>	NAME LAST, FIRST, MIDDLE <b>Warren, Joshua M</b>				SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>	DATE OF BIRTH/AGE <b>10/27/1990 23</b>
HEIGHT <b>5'09"</b>	WEIGHT <b>160</b>	BUILD <b>Light</b>	HAIR <b>Brown</b>	EYES <b>BLU - Blue</b>	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>Transient</b>				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
CHARGE LEVEL <b>Gross Misdemeanor</b>		DESCRIPTION <b>9.41.270 WEAPON(INTIMIDATE WITH)</b>				UCR/MCC CODE <b>/520</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>05/09/2014</b>	TIME <b>15:52</b>
ARREST LOCATION <b>3919 N Market, Spokane, WA 99207</b>				STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED	SUSPECT ARMED WITH <b>Knife</b>	
JUV PARAGRAPH Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED		NOTIFIED BY		
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO <b>#4b</b>	<input type="checkbox"/> FAKE	OTHER ID <b>(ID Card) #4b (State ID No.)</b>		

Incident Report #1

CONTINUED ON NEXT PAGE

05/09/2014 19:38:27 478

# INCIDENT REPORT CONTINUED

## Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION <b>INTIMIDATION W/WPN</b>				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER <b>14-144386</b>	
CODE <b>V-1</b>	NAME- LAST, FIRST, MIDDLE <b>Kreese, Gunner</b>				SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>	DATE OF BIRTH/AGE <b>04/08/1992 22</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS- STREET, CITY STATE ZIP <b>19725 S Yale, Spangle, WA 99031</b>				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES <b>(Cell) 294-9533</b>							
RELATIONSHIP TO SUSPECT			VICTIM OF Offns # <b>9.41.270 WEAPON(INTIMIDATE WITH)</b>			OFNDR # <b>A-1</b>	
<b>NARRATIVE</b>							

On 05-09-14 at approximately 1527 hrs, I responded to 3919 N Market (Safeway) in regards to a Person With A Weapon call. The complainant, Carl Greenwood (Store Manager) called in stating that a male was threatening people with a knife. Greenwood stated the suspect male (Later identified as Joshua Warren) was following a victim through the store. Greenwood advised the suspect exited the store and was standing at the north entrance. The suspect was described as a white male, 5'11", long hair, wearing a grey sweatshirt, gray pants with a backpack. Greenwood advised the suspect had placed the knife in his backpack.

While enroute, Officer Uberuaga advised he was out with the suspect in front of the store. I arrived and saw Warren standing by a pillar in front of the north entrance. Officer Uberuaga was standing in front of him off the parking lot. As I walked up, I noticed Warren was staring straight ahead, like he was looking past Officer Uberuaga. His eyes were open wide and had a far away look to them. It reminded me of a crazed angry stare of someone who was about to explode and turn violent. His hands were clenched tight into a fist and he was tensing up. Warren keep looking to his left and then back ahead. He appeared to be in a "Flight or Fight" mode. This is when a person is making a personal decision to either flee from police or stand their ground and physically fight police.

Warren was not speaking to Officer Uberuaga. I tried to speak with Warren and ask him what was going on. As I spoke with Warren, he would stare right through me, look to his left and then return his gaze to me. I tried speaking with Warren several times in a calm easy manner trying to deescalate the situation but he would not interact or acknowledge me.

Witness's had told the 911 operator that Warren had a large knife on his person. The last information was that Warren had placed the knife in his backpack. I did not have a chance to speak with any of the witness's before my contact with Warren and I did not know if he had taken the knife out of the backpack and had it on his person some where else. I asked Warren if he had any weapons on his person and advised him we were going to pat search him for weapons. This was for the safety of Officers and Warren. At this time there were also several store employees and

Incident Report #1

CONTINUED ON NEXT PAGE

05/09/2014 19:38:27 619

## INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 4

INCIDENT CLASSIFICATION  
INTIMIDATION W/WPN

ATTEMPTED  
☐

INCIDENT NUMBER  
14-144386

customers standing around the area. As I was explaining this to Warren, I took a step towards him. Warren immediately brought his hands in the air with closed fist. Warren went from being passive but non compliant to taking on an assaultive nature.

Officers grabbed onto Warren to prevent him from assaulting others. Warren brought his hands together in an attempt to prevent Officers from taking control of him. I was trying to keep control of his head in an attempt to control the body while Officers tried to control his arms. Warren was escorted to the ground and his left arm came free. I took control of Warren's left arm, grasping it by the wrist and upper arm area. Warren was trying to pull his arms together and lock his hands under his body in a "Turtle" fashion, keeping Officers from being able to handcuff him. Warren was physically fighting and resisting Officers attempts to control him. I was telling Warren over and over to quit resisting and place his hands behind his back. Warren did not comply. Officers could not successfully control Warren to prevent him or Officers from getting hurt. After several attempts of physically restraining him, Warren was given a Dry Stun Application with an Officers Taser. This was an effective tool and Warren relaxed his arm enough for me to place it behind his back. Warren was handcuffed at this time. Warren's backpack was removed from him and I searched him for weapons. Warren was helped up and placed in the back of the patrol vehicle. A large hunting/survival type knife was found in his backpack. This knife was approximately 15" long with an approximate 10" large blade. The knife was found in a black sheath.

I spoke with Carl Greenwood who stated the following:

He is the manager at Safeway located at 3919 N Market. On todays date around 1520 hrs, he was contacted by employee Jessica Murtha. Murtha told him customers were complaining of a male with a large knife in the Produce area. Greenwood said as he walked towards this area, he was contacted by three other customers who told him he had a problem. They were scared of a male brandishing a knife in the store. Greenwood said he first saw Warren by Checkstand #1. Greenwood said Warren had the large knife in his hand. The knife was out of the sheath and was displayed for everyone to see. Greenwood said it appeared Warren was threatening customers with the knife.

Greenwood said he dialed 911 and Warren walked out of the store through the north entrance/exit. Warren still had the knife in his hand. He followed the male out along with employee Murtha. Warren stood outside near a brick pillar. Greenwood said a customer (Kresse) asked Warren to put the knife away in a very polite manner. Greenwood said Warren started cursing at Kresse but his sentence structure did not make a lot of sense. At one point, Warren placed the knife on top of a garbage can and approached Kresse. Warren then picked the knife back up. Greenwood said Warren heard him giving the operator a description of him. He placed the knife in his backpack at this time.

I spoke with Jessica Murtha who stated the following:

She is an employee at Safeway located at 3917 N Market and was working on today's date.

Incident Report #1

CONTINUED ON NEXT PAGE

05/08/2014 10:38:27.634

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

Page 5

INCIDENT CLASSIFICATION <b>INTIMIDATION W/WPN</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-144386</b>
--	---------------------------------------	-------------------------------------

A regular customer approached her and advised her a male with a large knife was in the Produce department. Murtha said she saw Warren in the Produce department and he was holding a large knife. Murtha said Warren had "Crazed eyes". She said Warren looked like he was going to do something bad. Murtha said Warren was following another customer in the store (Kresse). Murtha said Warren went outside and she and Greenwood followed. When Kresse went outside, Warren approached him. Warren still had the knife in his hand. Murtha said at one point, Warren placed the knife down on a garbage can and told Kresse, "I don't need this to kick your ass". Warren then picked the knife back up. She said Warren placed the knife in the backpack when he saw they were calling police.

I contacted Amber Scott who stated the following:

She came to Safeway with her daughter [REDACTED] #2d [REDACTED] #2d told her she saw a male with a knife in the store. Scott said when she saw the male holding the large knife inside the store, she notified employees.

I spoke with [REDACTED] #2d [REDACTED] #2d said as they came to Safeway, she saw a male outside the store near Subway. This male was pulling a large knife out of the sheath and then putting it back in. The male did this several times. When the male saw her watching him, he walked away. She then saw this male inside Safeway in the Produce department holding the knife in his hand.

Officer Uberuaga spoke with Kresse. See his report.

Based on the statements taken and the weapon located, it was determined PC exists to arrest Warren for Intimidation of a Weapon. Officer Uberuaga transported Warren to the Spokane County Jail where he was booked.

I went into Safeway's office with employee's and they showed me the security tapes. At approximately 1522 hrs, it shows Warren entering Safeway through the north entrance, carrying the knife in his hand. The sheath was not on the knife. Kresse walks into the store a few seconds after Warren. Warren walks around the Produce department and appears to be approaching customers. Warren was not looking at goods or shopping in any manner. The camera shows Warren walking around holding the knife. It shows victim Kresse walking in the area. Warren is seen staring at Kresse. Kresse was walking through the store and Warren is seen keeping pace with him following in the same direction. There was merchandise in between them at the time. As soon as the isle opened up, Warren came over and approached Kresse. They then separated and Warren went into an isle out of camera view. Warren is then seen standing in the store still holding the knife as he watched customers.

Warren is then seen leaving the store around 1526 hrs. Warren was still carrying the large knife in his right hand. Warren is seen standing by a brick pillar. Two employees come out and one is on the phone. Warren is seen talking to Kresse, approaching Kresse then places the knife on the

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

Page 6

INCIDENT CLASSIFICATION <b>INTIMIDATION W/VPN</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-144386</b>
--	---------------------------------------	-------------------------------------

garbage can. Warren is seen picking the knife back up and placing it inside his backpack. Warren then stands there with his arms folded staring at Kresse and the employees. When police arrive, Warren walks over to another pillar by Officer Uberuaga. The camera does not cover all of this area here. It shows part of the initial contact but the majority of the incident with officers is not recorded.

I was advised employees were going to make copy of the surveillance tapes and call in when it was ready to be picked up.

I placed the knife on Police Property as Evidence.

Incident Report #1

END OF INCIDENT REPORT

05/08/2014 19:38:27 650

# SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-144386</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Fri 05/09/2014</b>	TIME <b>15:27</b>	INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>INTIMIDATION W/HPN</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <b>RESISTING ARREST</b>		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>05/09/2014</b>		REPORT TIME <b>16:55</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

On 050914 at 1527 hrs I responded to 3919 N Market (Safeway) to assist officers with a report of a male threatening people with a knife. Ofc Uberuaga and Ofc Voeller responded to the scene. Ofc Uberuaga arrived while I was still enroute. Ofc Uberuaga advised the male was at the N entrance to the store. Radio advised the male, later identified as Joshua M Warren 102790, had calmed down and the knife was in his backpack.

When I arrived I observed Warren standing near a large pillar and Ofc Uberuaga was in front of him approximately eight feet away. Ofc Voeller arrived at the same time I did and went to Ofc Uberuaga's side. I saw the male look around as if looking for an escape route. I approached from Warren's left side, cutting off a possible escape route and standing approximately 10 feet away. Ofc Uberuaga asked Warren, "What's going on?". Warren looked at me and I pointed back at Ofc Uberuaga who again asked "What's going on?" Warren did not answer. Warren again focused on Ofc Uberuaga. I noticed Warren was wearing a backpack and had both his hands clenched into fists in front of him. Ofc Uberuaga asked Warren if he had a knife on him and Warren said, "It's in my backpack". Warren appeared uncooperative and looked as if he were going to try to run. Officers approached Warren for safety reasons to remove the knife from Warrens possession. As soon as officers moved towards Warren I heard Ofc Uberuaga start to say something. Warren immediately stepped backwards. I grabbed onto Warren's left arm as Ofc Uberuaga and Ofc Voeller also grabbed onto him. Warren immediately tensed his muscles and began pulling his arms away as he twisted his body. We attempted to take Warren to the ground to control him movements, but he resisted and we slid sideways between a large pillar and a patrol vehicle approximately 3 feet away. We pulled Warren away from the vehicle and I attempted to sweep his leg with mine to take him to the ground. I was unable to sweep Warren's leg with mine and ended up letting go of his upper body/arm and grabbed his left foot and lifted it off the ground. Warren then lost his balance and we took him to the ground for handcuffing and control. Warren went down to his knees and I had to pull one of his legs straight to put him on the ground. Warren was able to pull his leg back up and I pulled the other leg straight and he was forced to the ground. Ofc Uberuaga and Ofc Voeller were unable to get Warren's arms behind his back as he continued to fight/resist our efforts. Ofc Uberuaga asked me to take out my taser and apply it to Warren. I was holding Warren's legs to the ground with my body weight and was able to retrieve my taser. I removed the cartridge and applied the taser in a drive stun to his right shoulder blade/back area. The taser was activated one cycle of five seconds. I immediately heard Warren groan. I removed my finger from the trigger as the cycle

ID NO / NAME OF REPORTING OFFICER <b>#741 - Beckley, David</b>		DISTRIBUTION	
APPROVAL <b>#445 - Cordis, Tyler</b>	DATE/TIME <b>05/09/2014 19:34</b>		

Supplemental Report #1

05/09/2014 19:38:36.102

## SUPPLEMENTAL REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

Page 2

INCIDENT CLASSIFICATION <b>INTIMIDATION W/HPN</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-144386</b>
--	---------------------------------------	-------------------------------------

completed. I held the taser in the same location on Warren's back and saw that he relaxed. Officers were able to bring Warren's hands behind his back, although he was wearing the backpack and could not get handcuffs on them. One arm was removed from the backpack and Sgt Overhoff arrived and cut the strap on the second arm of the backpack. I then pulled the pack clear with one hand while still holding the taser to Warren's back. Officers then were able to handcuff Warren. See officers reports for further information.

I then photographed the knife that was in the backpack and saw that it was approximately 15 inches in length with an approximately eight inch blade. I then responded to jail and photographed Warren who had a scrape on his right wrist and a small red mark where the taser was applied. I responded to SPD Sgt office and Sgt Lee downloaded the taser information from my taser serial #X12000N75. I provided Sgt Overhoff with a printout from the taser download.

D Beckley #741

Supplemental Report #1

END OF ADDITIONAL REPORT

05/09/2014 19:38:36.117

# SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-144386</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Fri 05/09/2014</b>	TIME <b>15:27</b>	INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>INTIMIDATION W/WPN</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>05/09/2014</b>		REPORT TIME <b>17:53</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

On 050914 at about 1527 hours, I responded to a male with a weapon at the Safeway, 3919 N. Market. Prior to my arrival, radio advised that the suspect had a knife and was currently outside the store by the north entrance.

Upon arrival, I observed the suspect male as everyone was pointing at him. As I exited my patrol vehicle, the male, later identified as Joshua Warren started walking towards me. Warren was looking right at me with his eyes oddly open wide, it appeared that he was looking right past me. Warren did not have anything in his hands, but I noticed that he was making fists with both of them. Warren continued looking at me and then away as if he was trying to decide to run. His hands were turning white due to him clinching them so hard. I told Warren to lean up against my car, he stopped walking towards me and leaned up against a brick pillar. Warren then told me not to touch him, as he continued making fists with both hands. I tried talking to Warren in a calm manner due to the level of agitation that I was witnessing. My attempts to De escalate Warren's demeanor were unsuccessful as he continued to look straight ahead and clinch his fists. I determined that it would be best to wait for another patrol unit due to the actions that Warren was displaying.

Officer Voeller and Cpl. Beckley arrived on scene together. Knowing that he had already brandished a knife while inside the store, and his actions with me, we determined that we needed to go hands on and detain Warren at this time. I went in to control the right hand of Warren and Voeller went to grab the left. Warren pulled his arms into his body and began resisting our efforts to detain him. I was telling Warren to stop resisting and to give him his hand, which he did not comply with. We eventually got Warren to the ground, however his hands were still not controlled. He was on his stomach with his arms under him. I told Cpl. Beckley to pull out his taser for a drive stun, which he did. At this time, we were able to get Warren's hands behind his back and handcuffed.

Once Warren was handcuffed and detained, I spoke Gunner Kresse. Kresse advised that he was in Safeway shopping when he noticed a male staring him down. Kresse said that he noticed that Warren had something in his hand when he first saw him. Kresse told me that he notice that Warren was paralleling him in the store and it was at this time that he noticed that Warren had a large knife in his hand. Warren cut Kresse off at the end of one of the aisles and pulled the very large knife out of the sheath that it was in. Kresse told me that he backed up and told Warren that the knife was not necessary. Warren put knife back into the sheath but still held it in front of him.

ID NO /NAME OF REPORTING OFFICER <b>#606 - Uberuaga, Jason</b>		DISTRIBUTION	
APPROVAL <b>#741 - Beckley, David</b>	DATE/TIME <b>05/09/2014 18:53</b>		

Supplemental Report #1

05/09/2014 18:58:11 055



## SUPPLEMENTAL REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

Page 2

INCIDENT CLASSIFICATION <b>INTIMIDATION W/WPN</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-144386</b>
--	---------------------------------------	-------------------------------------

Kresse told me that Warren then began trying to pick a fight with him, he stated calling him a "pussy," as his was following him for a bit. Kresse said that he went up to the front of the store and advised an employee. Kresse said that he then went outside with the employees and waited with them until I arrived.

I asked Warren how he felt when he was cornered by Warren with the knife. Kresse said that he felt threatened for a moment in time when Warren pulled th knife on him. Kresse also stated that he could tell that Warren wasn't right and that something appeared wrong with him. I asked him to expand on that and he advised that Warren just seemed like he was out of it and just looking to cause problems.

I contacted the others on scene and it was determined that we had probable cause to arrest/book Warren for Intimidation with a weapon. I booked him for that charge as the weapon was taken by another officer and placed on property.

Supplemental Report #1

END OF ADDITIONAL REPORT

05/09/2014 18:58:11 070

RECEIVED  
SPOKANE POLICE  
JUL 10 2014

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

DATE: 050914

REPORT NUMBER: 14-144386

CHARGES REQUESTED: Weapon apparently capable of producing bodily harm

DEFENDANT: Warren, Joshua M 102790

STATUS: **In Custody**

VICTIM(S): Kresse, Gunner D 040892  
DATE/TIME OF CRIME: 050914/1527  
LOCATION OF CRIME: 3919 N. Market  
INVESTIGATOR: Officer J. Uberuaga #606  
APPROVED BY: *[Signature]* 445

WITNESSES  
Greenwood, Carl B

ADDRESS  
3919 N. Market

PHONE #  
482-3357

EVIDENCE CONSISTS OF: Witness statement and evidence of the crime.

SUBMITTED TO PROSECUTORS OFFICE

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

**STATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON  
COUNTY OF SPOKANE  
144386

REPORT NUMBER: 14-

DEFENDANT: Warren, Joshua M 102790

---

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

On 050914 at about 1527 hours, at 3919 N. Market in the city and county of Spokane, the defendant committed the above crime.

Victim, Gunner Kresse can testify that:

1. He was shopping at Safeway, 3919 N. Market, on 050914 at 1527 hours.
2. He was made aware of the defendant when he saw him holding a large knife that was in a sheath.
3. He noticed the defendant following him in the store as he shopped
4. The defendant cut him off at the end of one of the Isles and pulled the knife out of the sheath holding it in front of him and staring at Kresse.
5. He backed up to create some distance and told the defendant that there was no need for that.
6. The defendant put the knife back in the sheath and then started calling the male a "Pussy" and trying to fight him.
7. The defendant followed him to the front of the store where he made the store manager aware of the incident.

8. While outside, the defendant continued calling him names and trying to pick a fight. The defendant had put the knife in his back pack at this time.
9. He advised that he was a little intimidated by the defendant when he had cornered him and pulled the knife out of the sheath.
10. He felt it was apparent that the defendant was trying to start something with him and using the knife to do so.

Carl Greenwood can testify that:

1. He is an employee of the Safeway store located at 3919 N. Market and was working on this day.
2. MULTIPLE CUSTOMERS APPROACHED HIM TELLING HIM DEF WALKING AROUND STORE BRANDISHING A LARGE KNIFE.
3. SAW DEF IN STORE CARRING LARGE KNIFE AND THREATENING CUSTOMERS
4. DEF WALKED OUTSIDE APPROACHED VIC AND STARTED CUSSING, BUT NOT MAKING MUCH SENSE WHILE THE KNIFE WAS STILL IN HIS HAND.
5. MURTHA, JESSICA E 05-24-86
6. SAW DEF IN STORE HOLDING A LARGE KNIFE.
7. HAD CRAZY EYES, AND LOOKED LIKE HE WAS GOING TO DO SOMETHING REALLY BAD.
8. SAW DEF FOLLOW VICT IN STORE WITH KNIFE IN HIS HAND
9. SAW DEF CONFRONT VICT OUTSIDE OF STORE WITH KNIFE IN HAND. PLACED KNIFE DOWN FOR
10. A SECOND AND SAID, "I DONT NEED THIS TO KICK YOUR ASS." PICKED KNIFE BACK UP SHORTLY AFTER
11. PUT KNIFE IN BACKPACK WHEN HE REALIZED THEY WERE ON PHONE WITH POLICE, DESCRIBING HIM

Officer J. Uberuaga can testify that:

1. HE IS EMPLOYED BY THE SPOKANE POLICE DEPARTMENT AND HAS BEEN SINCE 1998.
2. HE WAS WORKING IN HIS NORMAL CAPACITY ON 050914
3. HE WAS CALLED TO A PERSON WITH A WEAPON AT THE SAFEWAY LOCATED AT 3919 N MARKET
4. HE CONTACTED THE DEFENDANT WHO FOUGHT BUT WAS EVENTUALLY DETAINED
5. THE DEFENDANT HAD A LARGE KNIFE IN HIS BACK PACK THAT THE VICTIM IDENTIFIED AS THE WEAPON THAT WAS PULLED ON HIM.
6. THE DEFENDANT WAS ARRESTED AND BOOKED ON THE CHARGE.

---

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

DATE: 5/9/14 PLACE: SPOKANE, WASHINGTON SIGNATURE: 

# PHOTOLOG

D A T A	AGENCY NAME <b>SPD</b>		CROSS REFERENCE NUMBER(S)		INCIDENT NUMBER <b>14-144386</b>			
	INCIDENT CLASSIFICATION <b>INTIMIDATION w/ WEAPON</b>		LOCATION OF INCIDENT <b>3919 N Market</b>			MONTH <b>5</b>	DAY <b>9</b>	YEAR <b>14</b>
	INVESTIGATOR <b>Uberuaga WCB</b>		PHOTOGRAPHED BY <b>Beckley TH</b>					
	NAME (LAST, FIRST, MIDDLE)		RACE	SEX	DOB			
P H O T O G R A P H S	NUMBER		DESCRIPTION					
	1-3		Knife w/sheath					
	4-7		Suspect (Warren)					
	8-9		scrape on R hand					
	10		L HAND					
	11-12		RED MARK ON BACK					
	13		LEG					

**EVIDENCE.COM****Taser Information**

Dept. SPOKANE CITY POLICE  
DEPARTMENT  
Serial X12000N75  
Model TASER X26P  
Firmware Version Rev. 03.045  
Device Name X12000N75  
Health Active

**Report Generated by**

Name Thomas, Lee  
Badge ID 244  
Local Timezone Pacific Standard Time (UTC -07:00)  
Generated On 09 May 2014 16:30:10

**Device (X26P)**

Seq #	Local Time [dd:mm::yyyy Hr:min:Sec]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
1	21 Nov 2013 08:07:19	Armed		29	0
2	21 Nov 2013 08:07:56	Armed		29	0
3	21 Nov 2013 08:29:16	Armed		27	84
4	21 Nov 2013 08:29:29	Trigger	5		84
5	21 Nov 2013 08:29:45	Trigger	5		84
6	21 Nov 2013 08:29:50	Trigger	5		84
7	21 Nov 2013 08:29:58	Trigger	5		84
8	21 Nov 2013 08:30:04	Trigger	5		84
9	21 Nov 2013 08:30:10	Trigger	5		84
10	21 Nov 2013 08:30:19	Trigger	5		84
11	21 Nov 2013 08:30:26	Trigger	5		84
12	21 Nov 2013 08:30:31	Trigger	5		84
13	21 Nov 2013 08:30:38	Trigger	5		83
14	21 Nov 2013 08:30:43	Trigger	5		83
15	21 Nov 2013 08:30:49	Trigger	5		83
16	21 Nov 2013 08:30:55	Trigger	5		83
17	21 Nov 2013 08:31:01	Trigger	5		83
18	21 Nov 2013 08:31:07	Trigger	5		83
19	21 Nov 2013 08:31:12	Trigger	5		83
20	21 Nov 2013 08:31:20	Trigger	5		83
21	21 Nov 2013 08:31:26	Trigger	5		83
22	21 Nov 2013 08:31:31	Trigger	5		83
23	21 Nov 2013 08:31:37	Trigger	5		83
24	21 Nov 2013 08:31:44	Trigger	5		83
25	21 Nov 2013 08:31:49	Trigger	5		83
26	21 Nov 2013 08:31:56	Trigger	5		83

Seq #	Local Time [dd:mm::yyyy Hr:Min:Sec]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
27	21 Nov 2013 08:32:01	Trigger	5		83
28	21 Nov 2013 08:32:06	Trigger	5		83
29	21 Nov 2013 08:32:12	Trigger	5		83
30	21 Nov 2013 08:32:18	Trigger	5		83
31	21 Nov 2013 08:32:23	Trigger	5		83
32	21 Nov 2013 08:32:29	Trigger	5		83
33	21 Nov 2013 08:32:35	Trigger	5		83
34	21 Nov 2013 08:32:40	Trigger	5		83
35	21 Nov 2013 08:32:46	Safe	209	44	83
36	21 Nov 2013 08:35:02	Armed		36	98
37	21 Nov 2013 08:35:03	Trigger	5		98
38	21 Nov 2013 08:35:10	Safe	8	37	98
39	21 Nov 2013 08:35:16	Armed		37	98
40	21 Nov 2013 08:35:17	Trigger	5		98
41	21 Nov 2013 08:35:25	Safe	8	37	98
42	21 Nov 2013 08:57:28	USB			Unknown
43	21 Nov 2013 08:57:42	Time Sync	From '21 Nov 2013 08:57:42' to '21 Nov 2013 08:57:41'		
44	24 Jan 2014 11:40:08	Armed		24	100
45	24 Jan 2014 11:40:09	Safe	1	24	100
46	24 Jan 2014 12:00:32	Armed		27	100
47	24 Jan 2014 12:00:33	Safe	1	26	100
48	24 Jan 2014 12:00:35	Armed		26	100
49	24 Jan 2014 12:00:37	Safe	2	27	99
50	24 Jan 2014 13:07:43	Armed		25	99
51	24 Jan 2014 13:07:46	Safe	3	25	99
52	24 Jan 2014 13:12:25	Armed		23	99
53	24 Jan 2014 13:12:25	Safe	1	23	99
54	24 Jan 2014 13:12:47	Armed		22	99
55	24 Jan 2014 13:12:47	Safe	0	23	99
56	24 Jan 2014 13:18:06	Armed		23	99
57	24 Jan 2014 13:18:06	Safe	1	22	99
58	24 Jan 2014 13:18:40	Armed		22	99
59	24 Jan 2014 13:18:45	Trigger	5		99
60	24 Jan 2014 13:18:51	Safe	11	24	99
61	24 Jan 2014 13:24:40	Armed		23	99
62	24 Jan 2014 13:24:40	Safe	0	23	99
63	24 Jan 2014 13:26:10	Armed		23	99
64	24 Jan 2014 13:26:11	Trigger	5		99
65	24 Jan 2014 13:26:21	Trigger	5		99



Seq #	Local Time [dd:mm:yyyy Hr:min:Sec]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
66	24 Jan 2014 13:26:27	Safe	17	25	99
67	24 Jan 2014 13:26:52	Armed		25	99
68	24 Jan 2014 13:26:53	Trigger	5		99
69	24 Jan 2014 13:27:00	Safe	9	25	98
70	24 Jan 2014 13:27:02	Armed		25	98
71	24 Jan 2014 13:27:04	Trigger	5		98
72	24 Jan 2014 13:27:10	Safe	7	26	98
73	24 Jan 2014 13:27:30	Armed		25	98
74	24 Jan 2014 13:27:31	Trigger	5		98
75	24 Jan 2014 13:27:36	Safe	6	27	98
76	24 Jan 2014 13:27:40	Armed		26	98
77	24 Jan 2014 13:27:41	Trigger	5		98
78	24 Jan 2014 13:27:46	Safe	6	27	98
79	24 Jan 2014 13:27:49	Armed		27	98
80	24 Jan 2014 13:27:50	Safe	1	27	98
81	24 Jan 2014 13:33:53	Armed		25	98
82	24 Jan 2014 13:33:53	Safe	0	25	98
83	24 Jan 2014 13:34:32	Armed		25	98
84	24 Jan 2014 13:34:38	Trigger	5		98
85	24 Jan 2014 13:34:45	Safe	13	26	97
86	24 Jan 2014 13:39:16	Armed		25	97
87	24 Jan 2014 13:39:17	Trigger	5		97
88	24 Jan 2014 13:39:24	Safe	7	26	97
89	27 Jan 2014 09:40:25	Armed		22	97
90	27 Jan 2014 09:40:27	Safe	2	22	97
91	27 Jan 2014 10:12:56	Armed		25	97
92	27 Jan 2014 10:12:57	Safe	1	25	97
93	03 Feb 2014 20:19:32	Armed		26	97
94	03 Feb 2014 20:19:32	Safe	1	26	97
95	07 Feb 2014 09:46:08	Armed		22	97
96	07 Feb 2014 09:46:11	Safe	3	21	97
97	09 May 2014 15:24:18	Armed		26	97
98	09 May 2014 15:24:21	Trigger	5		97
99	09 May 2014 15:25:11	Safe	52	29	97
100	09 May 2014 16:18:40	USB			Unknown
101	09 May 2014 16:21:17	Time Sync	From '09 May 2014 16:21:17' to '09 May 2014 16:27:53'		
102	09 May 2014 16:28:23	Time Sync	From '09 May 2014 16:28:23' to '09 May 2014 16:28:23'		

## Pulse Log Graph

