



SPOKANE POLICE DEPARTMENT

FRANK STRAUB, JR.
CHIEF OF POLICE

Internal Affairs Exemption Log



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

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

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

		identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	of privacy), RCW 42.56.230 (Personal information), 42.56.250(3)(8) (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt), 42 USC § 405(c)(2)(viii)(I) (Limits on Use and Disclosure of Social Security Numbers)
#4b	Driver's License or Identicard	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	18 USC § 2721 (Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records); RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#4c	Credit/Debit Card Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4d	Electronic Check/Check Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4e	Card Expiration Dates	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4f	Bank Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4g	Financial Institution Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
Employees Files			
#5a	Photos of Spokane Police Department or other criminal justice employees	Photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	RCW 42.56.250(8) (Employment and licensing)
#5b	Birthdates of criminal justice employees	Birthdates in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from	RCW 42.56.250(8) (Employment and licensing)

		disclosure for their safety and privacy.	
#5c	Personal Information in employee files	Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.	RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)
#5d	Employee training files	Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination	RCW 42.56.250(1).
Criminal History			
#6a	Criminal history <u>not</u> from ACCESS- Non-Conviction Data	Criminal history which has not led to a conviction or other adverse disposition is protected by state law and only released to Criminal Justice Agencies for law enforcement purposes.	RCW 10.97 (Criminal Procedure)
Officer Safety or Intelligence			
#7a	Intelligence, sensitive security, or tactical information	Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7b	Undercover Officer identification	Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.	RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement.
#7c	ID Records revealing covert law enforcement activity	Any record pertaining to a vehicle license plate, driver's license, or identicard revealing the identity of an individual performing undercover law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.	RCW 42.56.230(7)(c) (Personal Information)
#7d	Law Enforcement Information Sheet	Contains confidential data used for law enforcement purposes. Disclosure has no legitimate value to the public and can endanger an individual's safety. Contains specific intelligence information the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7e	Confidential Informant information	Contains identifying information which could reveal the identity of a confidential informant. Considered intelligence information, used in a confidential manner for law enforcement purposes, protected to	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims). Ashley v. Public Disclosure <i>Comm'n</i> , 16

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

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



Spokane Police Department Use Of Force Report

Incident Entered By: Sergeant Ernest Wuthrich

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
6/16/2014	6/16/2014	20:09
Record ID #	Incident No	IA No
8319	14-193353	F14-052
Date/Time Entered		
6/17/2014 18:17		

Incident Summary

See attached IA Additional.

In compliance with policy per Assistant Chief Dobrow 07/14/14.

Incident Location

- 2711 Monroe ST, Direction: N, Spokane, WA 99205

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Assaulting Officer	Call For Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Street Light	4 feet to 6 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	No	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Medium	6'1" to 6'3"	
Officer Assessment of Citizen Condition During Incident		
Alcohol		
Officer(s) Injured	Officer(s) Taken to Hospital	
Yes	No	

Complainant/Involved Citizen Information

Dallas J. Clark

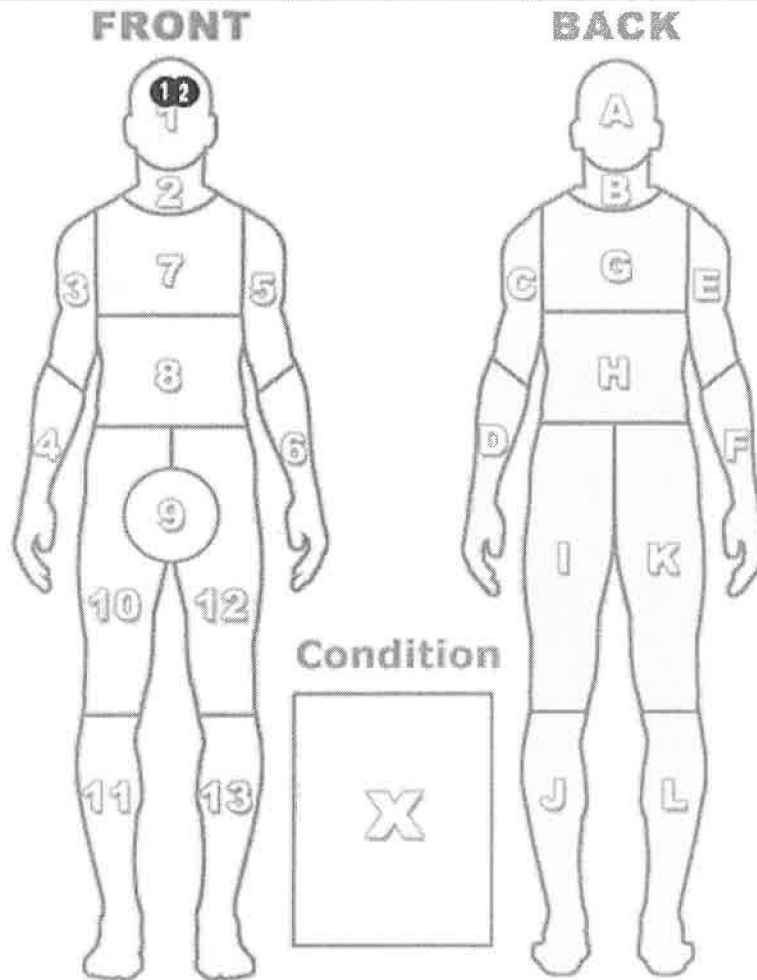
DOB: 9/22/1950 Race: Native Amer Gender: Male

Types of Resistance Citizen Used Against Officer(s)

- Assaultive
- Life Threat/Suicidal

Injuries sustained by this citizen

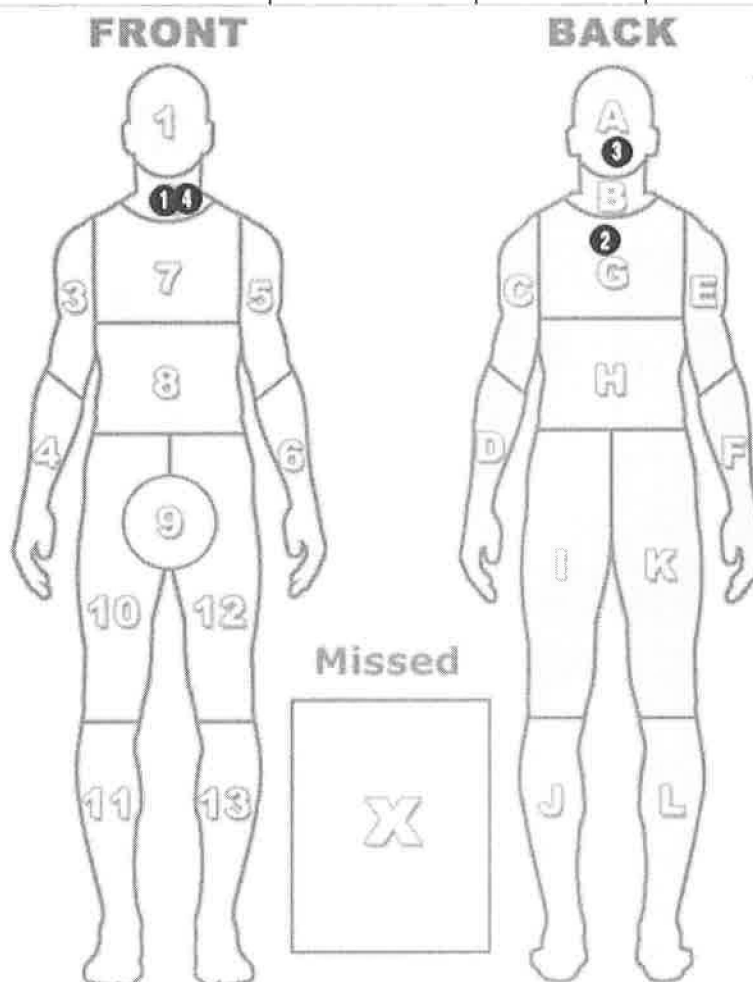
Injury	Regions	Injury Locations
Minor Injury	1	1
Treatment at Scene	1	2

**Involved Officers****Officer Cory Lyons - Payroll Number:****Force used by this officer against the citizen**

- Level 1 LNR - Was force effective: Yes
- Pointed Firearm - Was force effective: Yes
- Body Weight/Manual Force - Was force effective: Yes
- Verbal/Other - Was force effective: Yes
- Level 2 LNR - Was force effective: Yes

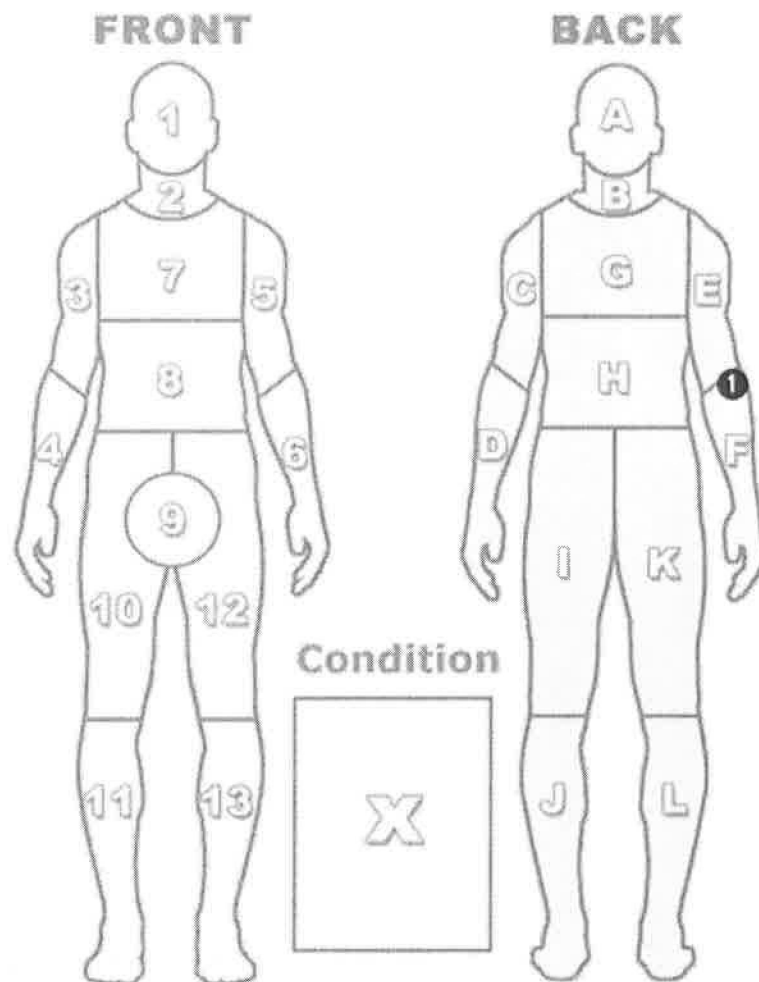
Force Used	Effective?	Regions	Points of contact
Level 1 LNR	Yes	2	1

Pointed Firearm	Yes		
Body Weight/Manual Force	Yes	A, G	2, 3
Verbal/Other	Yes		
Level 2 LNR	Yes	2	4



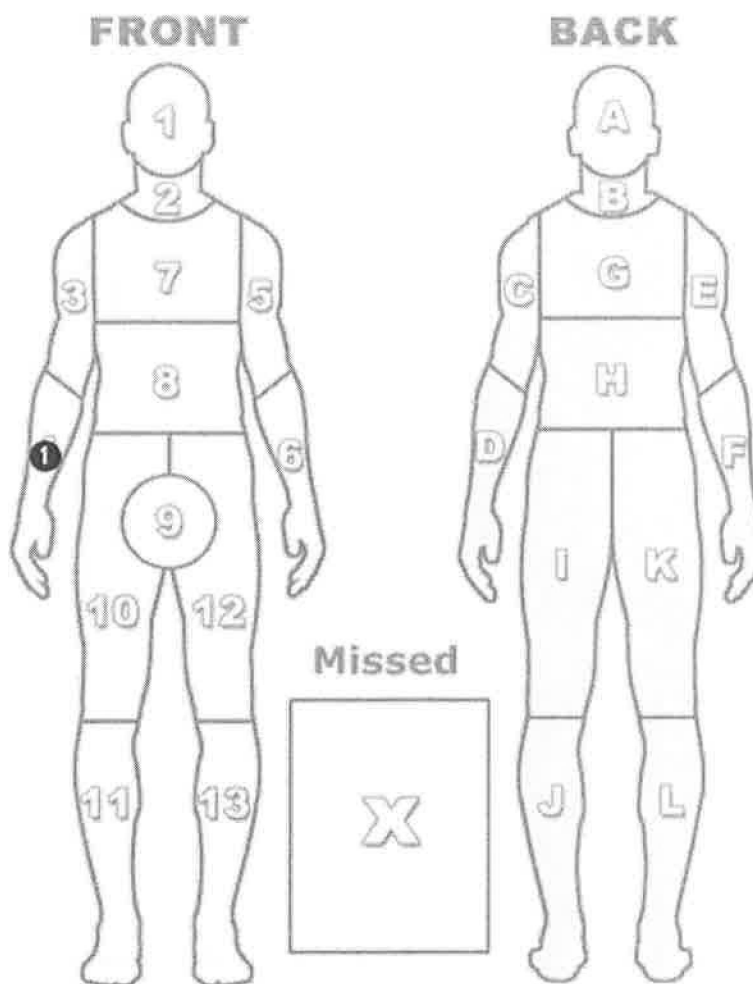
Injuries sustained by this officer

Injury	Regions	Injury Locations
Minor Injury	F	1

**Officer Dale Wells - Payroll Number:****Force used by this officer against the citizen**

- Arrest Tactics - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Arrest Tactics	Yes	4	1



Citizen Witnesses

Unknown Unknown

- Race: White - Gender: Male

Attachments

Date Attached	Attachment Description	Attachment Type
6/17/2014	Arrest report by Ofc. Lyons and Ofc. Wells	pdf
6/18/2014	Sgt Wuthrich additional	pdf
6/18/2014	CAD report	pdf
6/19/2014	Hendren's review	doc

Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response

6/17/2014	Sergeant Ernest Wuthrich	Lieutenant Thomas Hendren	(none)	Lt. Hendren, Please see attached use of force report. Thanks, Ernie	<input type="checkbox"/>	Sgt. Wuthrich, you described the Lateral Neck Restraint as a level 1, but according to policy it is a level II if the subject is rendered unconscious. Could you make that correction and resubmit your report.
6/17/2014	Lieutenant Thomas Hendren	Sergeant Ernest Wuthrich	(none)	See previous field for instructions. Also, contact me by phone or in person before completing the report for some guidance on completing use of force reports. Hendren	<input checked="" type="checkbox"/>	Please see attached UOF.
6/18/2014	Sergeant Ernest Wuthrich	Lieutenant Thomas Hendren	(none)	Please see attached UOF report.	<input checked="" type="checkbox"/>	See my additional for my comments. Lt. Hendren
6/19/2014	Lieutenant Thomas Hendren	Captain Daniel Torok	Sergeant Eric Kannberg, Lieutenant Dean Sprague	Captain, here is a use of force for your review. My comments are contained in my attached additional document. Hendren	<input checked="" type="checkbox"/>	I concur that the use of force was within policy. Lt. Hendren has adequately addressed the officer safety concern with Ofc. Lyons via his counseling.
6/19/2014	Captain Daniel Torok	Asst Chief Patrick Dobrow	(none)	for review	<input checked="" type="checkbox"/>	I have reviewed this incident and find that the use of force was reasonable and within policy.

Entering Officer Signature Line

 Sergeant Ernest Wuthrich
Chain of Command Signature Lines

 Lieutenant Thomas Hendren

 Sergeant Ernest Wuthrich

 Captain Daniel Torok

 Asst Chief Patrick Dobrow



Spokane Police Department
Internal Investigation



CONFIDENTIAL

IA#
Additional

Complaint Being Investigated

Use of Force Report Incident #14-193353

Complainant Interview Summary

When I attempted to interview Clark he continued to tell officers and paramedics, "Kill me." He also said, "I'll wipe all of you out." Clark's demeanor went from calm to very agitated and back again in cycles. I smelled a strong odor of intoxicating beverages on his breath and person from a distance of about 5 feet. I did not interview Dallas Clark due to his threatening behavior.

Officer Interview Summary

On 06/16/14, at approximately 2059 hrs, Officer Lyons contacted Dallas Clark at 2711 N. Monroe while investigating a trespass complaint. Clark was initially sleeping in the parking lot and Officer Lyons woke him up. Clark was initially cooperative but when Officer Lyons asked him for identification Clark pulled a folding knife from his pants pocket. Clark's knife was still folded but posed an immediate threat. Officer Lyons responded to the threat by drawing his weapon and ordering Clark to drop the knife. Clark complied by tossing the knife on the ground. Officer Lyons collected the knife and ordered Clark to get on the ground. Clark initially ignored several commands and told Officer Lyons, "Make me!" and something to the effect of "Come get me bitch!" Clark clenched his fists and appeared to be getting ready to fight or assault Officer Lyons. Clark eventually dropped his hands, and turned around to put his hands behind his back as if he was giving up. Officer Lyons holstered his weapon and moved in to control Clark by grabbing his arms to place him in handcuffs. Clark tensed up and attempted to pull away from Officer Lyons. Officer Lyons applied a Level 1 Lateral Neck Restraint. They both fell to the ground as Clark struggled to defeat the neck restraint. Officer Lyons moved to a Level 2 Neck Restraint as the situation became tense, uncertain, and rapidly evolving and he succeeded in rendering Clark unconscious but only long enough for Officer Lyons to radio for backup.

Clark immediately began to fight Officer Lyons again. Officer Lyons was able to gain control of Clark by applying another Level 2 Lateral Neck Restraint rendering Clark unconscious. Officer Lyons pinned Clark to the ground by applying his body weight to Clark's head and shoulders until back up arrived to help apply handcuffs.

Officer Lyons used the above described force for the following reasons:

Crime: Third Degree Assault of a Law Enforcement Officer.

Threat: Clark was not following Officer Lyons commands to get on the ground and stop fighting. This was after Clark removed a folding knife from his pants pocket when asked for ID by Officer Lyons. When Officer Lyons attempted to handcuff Clark, Clark fought with him.

Resistance: Clark assaulted Officer Lyons by throwing his body weight and rolling Officer Lyons onto his back and getting on top of him.

Officer Lyons utilized verbal commands and drew his weapon in response to Clark pulling a knife from his pants pocket. During the arrest Officer Lyons applied a Level 1 Lateral Neck Restraint and transitioned to a Level 2 Lateral Neck Restraint when Clark became assaultive. The Level 2 Lateral Neck Restraint was applied a second time by Officer Lyons when Clark woke up and started fighting again. Officer Lyons eventually handcuffed Clark with the assistance of Officer D. Wells.

Paramedics examined Clark at the scene and cleaned a small cut over Clark's left eye. No further medical assistance was needed. Officer Lyons received scrapes on his right elbow. No medical assistance was needed.

Clark was booked into the Spokane County Jail for 3rd Degree Assault and warrants.

Witness Interview Summary

While I was obtaining Officer Lyons' statement I saw a white male (identified in this report as unknown male witness) standing across the street in front of Gerardo's Mexican restaurant recording the incident on his cell phone. The male was in his late 50's, 6'2" tall, thin build, with gray hair and a neatly trimmed beard, wearing wire framed glasses. He was wearing a long sleeve blue dress shirt, tan slacks, black dress shoes, and carrying a dark colored back pack. When I asked the male if he witnessed what had occurred between the officer and the citizen he told me I would need a warrant to obtain anything from him. I explained that I did not believe he was doing anything unlawful. I merely wanted to know if he witnessed the incident. The male shook his head no. I told him that I was Sergeant Wuthrich while offering to shake his hand. He looked at me and made no attempt to shake my hand. He told me that I was "well known." The male continued to use his cell phone to record officers across the street. I told the male that he was not violating any laws by recording the police or refusing to talk to me. I returned to the incident and left the male alone.

I'm certain that I've met the male before at some community event at City Hall but I can't think of his name at this time.

Physical Evidence

Photographs and written statements.

Investigative Summary

Officer Lyons was investigating a reported allegation of trespass. The victim's statements to Officer Lyons led him to initially believe that Clark was argumentative but not violent. Clark had not responded with violence when one of the victims escorted him off their property. Therefore, in my opinion, it was reasonable for Officer Lyons to make contact with Clark to obtain Clark's identification for a trespass report.

After Officer Lyons contacted Clark and was confronted with a knife he determined Clark was potentially violent. Officer Lyons' subsequent use of force included verbal commands, drawing his weapon, level 1 & 2 Lateral Neck Restraint, body weight/manual force, and handcuffing were justified and consistent with SPD Policies and Procedures.

Lt. Hendren was also at the scene and he was briefed by Officer Lyons and me.



Spokane Police Department
Internal Investigation



CONFIDENTIAL

I.A. #:
Additional

14-193353

Use of Force review

I agree with Sgt. Wuthrich's assessment that the use of force was reasonable and within policy. The suspect in this case had been involved in an argument with two residents and was trespassing on private property. The officer had a lawful reason to contact the suspect based on the original complaint. The suspect's actions upon contact created additional concern for the officer as he was obviously intoxicated and had accessed a weapon during the initial contact. The officer chose to detain the suspect in handcuffs by himself. The choice to detain the suspect in handcuffs was reasonable due to the prior actions of the suspect. Once the officer went hands on the suspect began to actively resist which led the officer to use a level I neck restraint, which is within policy. Once he applied that technique the suspect's level of resistance increased to where he rolled the officer onto his back and tried to grab the officer's arms. It was reasonable for the officer to perceive the suspect's actions as assaultive and due to the fact he was alone in this struggle, it was necessary for him to gain control of the suspect before the situation further escalated.

The concern I had with this use of force was the officer's decision to go hands on alone with an intoxicated, unpredictable, and uncooperative suspect, who had already accessed one weapon (a knife) during his contact with the suspect. I had arrived on scene after the incident and I spoke with Officer Lyons. In speaking with him he acknowledged that he should have waited for another officer before attempting to control the suspect. I discussed with him that by going hands on by himself he put himself in more danger and by physically engaging the suspect alone he may have had to use a greater level of force to control the suspect than what would be required by two or more officers. He agreed that in future situations he would consider this counseling and if possible wait for additional officers.

I notified Sgt. Kannberg of my conversation with Officer Lyons as he is his direct supervisor. I advised him to note the incident in his Sgt's log and discuss this with Officer Lyons. I do not believe that any additional counseling is necessary reference this incident, but his chain of command should ensure this does not become a pattern of behavior.

Lt. Hendren #482

06/17/14 23:11:03 PRINT REQUESTED BY TERMINAL PPTN10
Incident History for: #SP140193353

Entered 06/16/14 20:09:31 BY 91105 911154
Dispatched 06/16/14 20:12:36 BY PCC01 1160
Enroute 06/16/14 20:12:36
Onscene 06/16/14 20:12:36
Closed 06/16/14 22:19:07

Initial Type: ARGUE Final Type: ARGUE (ARGUMENT)
Initial Priority: 2 Final Priority: 2
Disposition: 1E Source: 9 Primary Unit: C456
Police BLK: SPA2EG
Group: P2 Beat: Map Page: 32
Loc: 2615 N MADISON ST ,SPK btwn W YORK AV & W CHELAN AV <1100> (V)
Name: PETTY ROBERT J 122982 Addr: SAME Phone: 5093620105

/200931 (911154) ENTRY MALE IN COMPS FRONT YARD ARGUING WITH COMPS FR
IEND, NO ASLT, NO WEAPONS I NVOLVED. MALE IS P
OSS HIGH/INTOX

/200944 (1160) HOLD
/201037 (911154) SUPP TXT: IS IM 50S 600/MED LNG HAIR GRY SHIRT. FRI
END:COFFEE, TOBY MID 30YO WM.
/201049 CHANGE NAM: PETTY ROBERT --> PETTY ROBERT J 122982
/201207 SUPP TXT: THE MALE SUSP IS NOW GONE. APPEARS EVERYT
HING HAS CALMED DOWN. ###

/201236 (1160) DISPOS BC1 #BC BC
/201237 MISC BC1 ,BROADCAST NORTH BY MDT
/201240 CLEAR BC1 DSP: 14D
/201240 CLOSE BC1
/201405 (911154) REOPEN ,ROBERT NOW SAYING THE MALE IS NOW BACK AT LOC
CAUSING PROBLEMS. ###

/201452 (1160) HOLD
/202805 DISPER B345 #1203 WELLS, DALE
/202805 ASSTER P313 #507 BLESSING, ERIN
/202839 ASSTER B344 [2615 N MADISON ST ,SPK]
#730 HANEY, SCOTT

/202840 PREMPT P313
/203019 \$PREMPT B344
/203019 \$PREMPT B345
/203038 HOLDC
/204049 CALLBK T/PCC02
,CONTACT COMP MALE STILL THERE CAUSING ISSUES?
T/PCC01
,VM ON CB, ADV TO CB W/UPDATE

/204518 (1210) CALLBK ,COMP IN LOCALLY STAT 5 FLYER DL CLEAR THRU 17

/204619 (1160) MISC #929 LYONS, CORY
/205241 DISPER C456 #1106 CONRATH, CHRIS
/205241 ASSTER C462
/205549 ONSCNE C456
/205806 MISC C456 ,C4
/205808 PREMPT C462
/205945 NEWLOC C456 [2711 N MONROE]
/210119 ASSTER B438 [2711 N MONROE]
#1204 CHILDRESS, AARON

/210132 MISC C456 ,REQUEST ANOTHER UNIT
/210151 MISC C456 ,STEP IT UP
/210200 ASSTER C462 [2711 N MONROE]
#1106 CONRATH, CHRIS

/210200 \$ASSTER B345 [2711 N MONROE]
#1203 WELLS, DALE

/210210	(1182)	) *ASSTER	A427	[2711 N MONROE]
				#1182 ECKERSLEY, DAVID
/210216	(730)	) *ASSTER	B344	[2711 N MONROE]
				#730 HANEY, SCOTT
/210219	(767)	) *ASSTER	F31	[2711 N MONROE]
				#767 DANIEL, JEREMY
/210222	(713)	) *ASSTER	K14	[2711 N MONROE]
				#713 HAMILTON, CRAIG
/210229	(750)	) *ASSTER	F34	[2711 N MONROE]
				#750 ANDERSON, JERRY C
/210239	(1023)	) *ASSTER	B337	[2711 N MONROE]
				#1023 BISHOP, ELINA
/210248	(1160)	) ONSCNE	B344	
/210259	(252)	) *ASSTER	L252	[2711 N MONROE]
				#252 WUTHRICH, ERNIE
/210324	(1160)	) ONSCNE	B345	
/210351	(713)	) *PREMPT	K14	
/210351	(1160)	) MISC	C456	,X1 IN CUSTODY SLOW IT DOWN
/210353	(767)	) *PREMPT	F31	
/210404	(1106)	) *ONSCNE	C462	
/210419	(482)	) *ASSTER	L182	[2711 N MONROE]
				#482 HENDREN, THOMAS
/210426	(1160)	) CALLBK	B345	T/PCC02
				,START MEDICS
/210430		ASSTER	P317	[2711 N MONROE]
				#625 BUSCH, KEVIN
/210430	(1204)	) *PREMPT	B438	
/210433	(1182)	) *PREMPT	A427	
/210437	(1210)	) CALLBK		T/PCC01
				,FIRE ER
/210444	(1160)	) MISC	C462	,CH1 BACK TO NORMAL
/210521	(750)	) *REMINQ	F34	#3b
/210525		*CLEAR	F34	,PSTAT/ASST
/210537	(1160)	) ONSCNE	P317	
/210640	(252)	) *ONSCNE	L252	
/210640		*ONSCNE	L252	
/210644	(482)	) *ONSCNE	L182	
/210707	(1023)	) *PREMPT	B337	
/210717	(1210)	) REMINQ	C456	
/210726		REMINQ	C456	#3a
/210822		REMINQ	C456	#3a
				#3a
/211621	(730)	) *MISC	B344	,PSTAT/ASST
/211631		*MISC	B344	,PSTAT/RPT
/212039		\$PREMPT	B344	
/212318	(929)	) *TRANS	C456	[JAIL] M/0
/212322	(482)	) *CLEAR	L182	,PSTAT/ASST
/212441	(252)	) *MISC	L252	,I'LL BE HANDLING THE USE OF FORCE REPORT
/212729	(1106)	) *CLEAR	C462	,PSTAT/ASST
/212730	(929)	) *TRANSC	C456	M/1.5
/212919	(1160)	) OK	C456	
/213107	(252)	) *CLEAR	L252	
/213227	(625)	) *CLEAR	P317	,PSTAT/ASST PIX
/215121	(1203)	) *CHGLOC	B345	[NW]
/215759		*MISC	B345	,PSTAT/ASST PSTAT/RPT
/215807		\$PREMPT	B345	
/220125	(1160)	) MISC	C456	,CONF/SENT
/221901	(929)	) *MISC	C456	,PSTAT/CFS PSTAT/FEL PSTAT/RPT PSTAT/WAR PSTAT

/221907
/221907

*CLEAR C456
CLOSE C456

/WAR
DSP: 14D --> 1E

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-193353	
INCIDENT TYPE Arrest		INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2 WARRANT ARREST	
		INCIDENT CLASSIFICATION #3 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #4	
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON DATE/TIME Mon 06/16/2014 20:09		OCCURRED ON DATE/TIME Mon 06/16/2014 20:09		OCCURRED TO DATE/TIME Mon 06/16/2014 20:09	
DISTRICT		REPORT DATE 06/17/2014		REPORT TIME 04:28	
DISPATCH TIME 20:52		ARRIVED TIME 20:55		EST. TOTAL PROPERTY LOSS	
PRIMARY CHARGE 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)					UCR/NIBRS CODE / 13A
LOCATION OF INCIDENT 2711 N Monroe, Spokane, WA 99201				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS PC Affidavit Completed, Suspect Arrested, Useful Physical Evidence					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Ofc. Haney					
<div style="background-color: #cccccc; padding: 2px;"> <small>V. Deceased, OW. Owner of Property, O. Complainant, P.E. Peace Officer, W. Witness, M. Missing, A. Alleged Victim, B. Bystander, C. Child, PS. Passenger, RO. Registered Owner, RU. Runaway, S. Suspect, V. Victim, Individual VB. Victim, D. Donor, C. Criminal, G. Guard, D. Driver, CV. Co-Victim, Victim</small> </div>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Clark, Dallas J			SEX M	RACE/ETHNICITY I-American Indian or
HEIGHT 6'01"	WEIGHT 220	BUILD Medium	HAIR Black	EYES BRO - Brown	DATE OF BIRTH/AGE 09/22/1950 63
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP Transient, Spokane, WA 99201			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
CHARGE LEVEL Felony Class C		DESCRIPTION 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)			UCR/NCIC CODE /13A
WARRANT #	BAIL	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION #	DATE	TIME	BOOKED WHERE Spokane County Jail		DATE 06/16/2014
				TIME 21:27	
ARREST LOCATION 2711 N Monroe, Spokane, WA 99201					
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	
<div style="background-color: #cccccc; padding: 2px;"> <small>V. Deceased, OW. Owner of Property, O. Complainant, P.E. Peace Officer, W. Witness, M. Missing, A. Alleged Victim, B. Bystander, C. Child, PS. Passenger, RO. Registered Owner, RU. Runaway, S. Suspect, V. Victim, Individual VB. Victim, D. Donor, C. Criminal, G. Guard, D. Driver, CV. Co-Victim, Victim</small> </div>					
CODE C-1	NAME: LAST, FIRST, MIDDLE Petty, Robert J			SEX M	RACE/ETHNICITY I-American Indian or
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DATE OF BIRTH/AGE 12/29/1982 31
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2615 N Madison, Spokane, WA 99205			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ID NO./NAME OF REPORTING OFFICER #929 - Lyons, Cory				DISTRIBUTION	
APPROVAL #013 - Giannetto, Anthony		DATE/TIME 06/17/2014 06:31			

Incident Report #1

06/17/2014 08:38:25.567

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 14-193353	
ADDITIONAL PHONES (Cell) 362-0105, (Work) 482-4000, (Cell) 217-2871, (Cell) 720-6059							
CODE V-1	NAME: LAST, FIRST, MIDDLE Ofc Cory Lyons, M				SEX M	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE #5b
HEIGHT 6'02"	WEIGHT 180	BUILD Medium	HAIR Brown	EYES BLU - Blue	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 1100 W Mallon, Spokane, WA 99260				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES (Business) 242-8400 x.20929							
RELATIONSHIP TO SUSPECT				VICTIM OF Offns. # 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)		OFNDR # A-1	
NARRATIVE							

On 061614 at approximately 2055 hours, I responded to 2615 N. Madison regarding an argument. The complainant advised that there was a male in the complainant's front yard arguing with his friend. The complainant described the suspect as a native American male in his 50's, 6'00 with a medium build, with long hair and a gray shirt.

Upon arrival I contacted the complainant, Robert J. Petty who told me the following: He and his friend Toby were in his driveway working on a car. A male who he did not know and appeared to be a transient walked into his driveway and they asked him to leave. The male would not leave and his friend Toby escorted the male off of his property. The male came back onto his property and they again told him to leave and that he was not welcome. His friend Toby again had to escort the male off the property and the male left. The male returned and this time sat on his neighbors lawn. He talked to his neighbor and his neighbor also didn't want the male on his property. They once again had to remove the male from the property. Robert advised that it was a constant argument with the male and that they wanted him trespass. Robert advised that the male walked eastbound on Chelan 20 minutes before I arrived. I advised Robert that if I located the male I would trespass him from his property.

I drove to Monroe / Chelan and found a native American male wearing a gray shirt with long hair sleeping on the concrete base of a sign in the parking lot of 2711 N. Monroe. It should be noted that I was driving a marked Spokane Police patrol vehicle equipped with overhead light bar and was wearing my duty uniform.

I walked up and could see that the male, who was later identified as Dallas J. Clark passed out on the concrete. I woke Dallas up and asked him about what had happened on Madison. Dallas advised that nothing had happened and was initially cooperative. I asked Dallas if he had identification and he advised that he did. I asked Dallas for his identification and he stood up. I asked Dallas to sit back down and advised him that he could get his ID sitting. Dallas ignored me,

Incident Report #1

CONTINUED ON NEXT PAGE

06/17/2014 06:38:26.020

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
ASSAULT-SIMPLE

ATTEMPTED
☐

INCIDENT NUMBER
14-193353

reached into his left front pants pocket and pulled out a closed folding pocket knife. It should be noted that Dallas appeared to be very intoxicated.

I immediately drew my duty weapon and ordered Dallas to drop the knife. In my experience I know that a closed pocket knife can quickly and easily be opened. Dallas ignored my command and glared at me. It should be noted that I was standing approximately 5 feet from Dallas. I ordered Dallas several more times to drop the knife. After several commands, Dallas threw the knife off to his left and stared at me. At this point I was not sure if Dallas had purposely accessed the knife, or if he had done it accidentally due to his intoxication level.

I ordered Dallas to get on the ground and he ignored my commands and just stood there. I quickly moved over and secured the knife, which was lying in the parking lot, in my pocket. I again ordered Dallas to get on the ground. Dallas yelled back, "Make me!" and something to the effect of, "come bet me bitch!". I could see that Dallas' fists were clenched and he appeared to be getting ready to fight or assault me.

I continued to order Dallas to get on the ground. Dallas dropped his hands, his facial expression changed, and he turned around and started to put his hands behind his back as if he were giving up. I holstered my handgun, moved in, and grabbed Dallas' arms to place him into handcuffs. As soon as I grabbed Dallas, I could feel both his arms tense up and pull away from me. At the same time, Dallas started to turn towards me. Due to Dallas' prior behavior and his tensing up and pulling away I believed that he was turning to assault me.

I moved with Dallas to keep him from facing me and placed him in a lateral neck restraint from behind. As I applied the neck restraint, Dallas and I fell to the ground. I could feel Dallas grabbing my arms and trying to defeat the neck restraint. I could also feel Dallas moving under me as if he were attempting to get up. At one point Dallas threw his body weight and rolled me onto my back with him on top of me. When Dallas rolled me, I felt my elbow strike the pavement causing me pain. As soon as this happened, I rolled my body weight and flipped him back onto his stomach. It should be noted that when Dallas rolled me, I could feel my baton and flashlight fall off of my belt. This caused me concern because now there was a baton and a flashlight lying uncontrolled on the ground. Dallas was still prying at my arm the entire time. It should be noted that during the incident I told Dallas several times that he was under arrest and to stop fighting.

Once I had Dallas on his stomach I was able to apply pressure to the neck restraint and due to the fact that he had already accessed a knife, his earlier confrontational comments, his assaultive behavior during my attempt to take him into custody, and rendered Dallas unconscious using a level 2 lateral neck restraint. Dallas began to snore and I let pressure off the neck restraint. Dallas woke up immediately and started to fight again, prying at my arm and trying to roll me over. It should be noted that in all of my prior uses of the level 2 lateral neck restraint I have never had a suspect regain consciousness so fast. As Dallas fought to pry my arm off and roll me again, I again applied

Incident Report #1

CONTINUED ON NEXT PAGE

06/17/2014 06:38:26.052

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

Page 4

INCIDENT CLASSIFICATION
ASSAULT-SIMPLE

ATTEMPTED
☐

INCIDENT NUMBER
14-193353

pressure to the neck restraint and rendered him unconscious. Once Dallas was unconscious I moved my body and pinned his head and shoulders down with all my weight so that I could release the pressure and hold this position until back up arrived. Due to how fast Dallas had previously regained consciousness, I did not want to attempt to handcuff him by myself.

I released pressure from the neck restraint and Dallas regained consciousness. Dallas continued to struggle, but I was able to keep him pinned to the ground.

Officer Haney responded and assisted me in attempting to control Dallas. Dallas continued to resist and struggle.

Officer Haney and I were able to place Dallas into handcuffs (DL). Officer Haney took control of Dallas.

Once I was up, I could see that Dallas had a cut that was bleeding over his left eye. I could also feel pain on my right elbow and could see that it was scrapped and slightly bleeding in several places. I looked at the parking lot where Dallas and I had fought and could see that it was broken pavement and rocks. Other Officer's assisted Officer Haney with Dallas while I applied zep to my arm to ensure that it was disinfected.

Officer Haney searched Dallas incident to arrest and gave me his wallet. In the wallet I found a tribal ID card belonging to Joseph D. Spotted Horse 092258.

A check of the name showed there was a possible A.K.A. of Dallas J. Clark 092250. I asked Dallas what his name and date of birth were and he would not respond. Police Radio advised that Dallas showed to have misdemeanor warrants for DUI, obstructing, and resisting arrest.

Spokane Fire Department personnel arrived and checked Dallas. Fire Fighters advised that Dallas had a small cut on his head that did not require stitches and cleared him to be booked into Jail.

It should be noted that while we waited for medics and while medics were onscene, Dallas demanded that we kill him several times and threatened Officer's.

Sgt. Wuthrich responded and I advised him of the situation. Sgt. Wuthrich advised that he would complete the use of force report.

Cpl. Busch responded and took photographs of Dallas' injuries, my elbow, the knife, and the pavement where I fought with Dallas.

Officer's placed Dallas in the back of my patrol vehicle. I advised Dallas that he was under

Incident Report #1

CONTINUED ON NEXT PAGE

09/17/2014 06:38:26.067

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 5

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-193353
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arrest for 3rd degree assault (law enforcement). Dallas still would not tell me his name or date of birth. I asked Dallas if he had ever gone by Dallas J. Clark and he would not answer.

I transported Dallas to the Spokane County Jail. During the transport, Dallas continued to make threats and stated that he would knock out every Spokane Police Officer.

Once at Jail, Corrections Officer's and I verified through tattoos that Dallas was who I had in custody. Police Radio confirmed the warrants. I booked Dallas for 3rd degree assault (law enforcement) and his warrants.

I responded to Police Property and placed the knife on as evidence.

At this time there is also probable cause to charge Dallas with obstructing and resisting arrest.

C. Lyons #929

Incident Report #1	END OF INCIDENT REPORT
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06/17/2014 06:38:26.083

RECEIVED
SPOKANE POLICE RECORDS

2014 JUN 17 AM 7 46

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

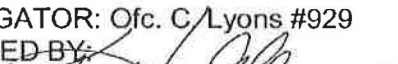
DATE: 061614

REPORT NUMBER: 14-193353

CHARGES REQUESTED: 3rd Degree Assault (Law Enforcement)

DEFENDANT: Clark, Dallas J (092250) I/M

STATUS: In Custody

VICTIM(S): Ofc. C. Lyons #929
DATE/TIME OF CRIME: 061614 / 2101
LOCATION OF CRIME: 2711 N. Monroe
INVESTIGATOR: Ofc. C. Lyons #929
APPROVED BY:  208

WITNESSES	ADDRESS	PHONE #
Petty, Robert J (122982)	2615 N. Madison	362-0105
Ofc. C. Lyons #929	1100 W. Mallon	242-8400

EVIDENCE CONSISTS OF: Statements, photographs of injuries.

SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: _____ DATE: _____ TIME: _____

**STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON
COUNTY OF SPOKANE

REPORT NUMBER: 14-193353

DEFENDANT: Clark, Dallas J (092250) I/M

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:

Witness Robert J. Petty can testify that:

- He lives at 2615 N. Madison.
- On 061614 at approximately 2009 hours, the Defendant came onto his property several times and refused to leave.
- His friend had to physically escort the Defendant off of his property.

Officer C. Lyons #929 can testify that:

- On 061614 at approximately 2055 hours, I responded to 2615 N. Madison regarding an argument.
- He contacted and interviewed witness Petty.
- He located the Defendant at 2711 N. Monroe.
- He contacted the Defendant, asked him for his ID, and the Defendant pulled a knife out of his left front pants pocket.
- The Defendant refused several commands to drop the knife and then finally threw the knife off to the side.
- The Defendant ignored several commands to get on the ground and then finally turned and put his hands behind his back.

- He took a hold of the Defendants arms, the Defendant tensed up, pulled away, and started to turn to face him.
- He placed the Defendant into a lateral neck restraint and he and the Defendant fell to the ground.
- The Defendant pried at his arm to defeat the neck restraint and at one point rolled him over onto his back causing him to strike his elbow on the pavement causing pain.
- He was able to take the Defendant into custody with the assistance of another Officer.
- He looked at his elbow and could see that he had multiple scrapes there were slightly bleeding.
- He booked the Defendnat into Spokane County Jail.

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: 061614 PLACE: SPOKANE, WASHINGTON SIGNATURE: 

C. LYONS

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-193353	
REPORT PURPOSE			REPORTED ON DATE Mon 06/16/2014	TIME 20:09	INCIDENT XREF
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		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 06/16/2014	REPORT TIME 23:25	
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 6-16-14 I assisted Officer Lyons who was requesting backup. I was advised by dispatch Lyons requested responding officer "Step it up" to assist him. I activated my lights and sirens and responded code. I arrived on scene at 2103 hours. When I arrived, I could see Officers Haney and Lyons trying to take a man into custody. The man was lying prone on his stomach on some rough asphalt. I could see the man was trying to pull his arms away from Ofc. Haney who was on top of the man and trying to maintain hold of the arms. I assisted by holding the right arm straight and positioning the arm so it could be cuffed. Once the man was cuffed I requested medics respond to treat the man. I asked him what is name was and he mumbled something I could not understand. I asked him again what his name was and he replied, "Fuck You." I asked if he was okay and he nodded, "Yes." I could see he had an abrasion above his left eye which was bleeding. The blood was running across from his left eye to his right. I could smell a very strong odor of intoxicants coming from his breath.

I had him sit up and wait for the medics. I then double locked the handcuffs. While the man was sitting there he called out, "Just kill me." I told him that I did not want to and he replied, "I'll kill you." He repeated his threat to kill me about 10 times while we were on scene. Medics arrived and treated the man. Ofc. Lyons then transported him to jail while I followed behind.

See Ofc. Lyons report for case disposition.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

OFFICER: WELLS B345

NUMBER: 1203

DATE: 6-16-14

PLACE: Spokane County, WA

ID NO./NAME OF REPORTING OFFICER #1203 - Wells, Dale		DISTRIBUTION	
APPROVAL #436 - Adams, David L.	DATE/TIME 06/17/2014 01:25		

Supplemental Report #1

06/17/2014 01:28:13.092