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	**Name / Identity** 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	**Date of birth** 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	**Personal home, work or cell phone number** 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	**Residential address** 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	**E-mail address** 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). *Deer v. DSHS, 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). *Deer v. DSHS, 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): **Criminal history information**	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): **License Plate Information**	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): **Vehicle Registered owner information**	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): **Wanted persons information**	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): **Officer safety information**	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): **Gun information**	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): **DOL Information**	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): **Stolen Vehicle Information**	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): **Missing Persons Information**	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): **Runaways or endangered persons**	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): **DOC Information**	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): **Stolen Property**	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): **Court Orders**	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 not 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 *Comm'n, 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.	*Wn.App.* 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) *Hangartner v. Seattle*, 151 Wn.2d 439 (2004).
#13a	**Name/Identity** of accused police officers	This redaction protects names/identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 172 Wash.2d 398 (2011)
#13b	**Date of birth** of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 172 Wash.2d 398 (2011)
#13c	**Personal work, home, or cell phone number** of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 172 Wash.2d 398 (2011)
#13d	**Residential address** of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 172 Wash.2d 398 (2011)
#13e	**E-mail address** of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	*Bainbridge Island Police Guild v. City of Puyallup*, 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
6/22/2014	6/22/2014	22:03
Record ID #	**Incident No**	**IA No**
8323	14-199363	F14-053
Date/Time Entered		
6/23/2014 05:34		

Incident Summary

See IA Additional attached to this report.

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

Incident Location

- 904 9th AV, Direction: W, Spokane, WA 99204

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Resisting Arrest	Self Initiated	
Weather Condition	**Lighting Condition**	**Distance to Citizen**
Clear	Street Light	1 feet to 3 feet
Citizen Injured	**Citizen Taken to Hospital**	**Citizen Arrested**
No	No	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	**Citizen's Height**	
Medium	5'7" to 5'9"	
Officer Assessment of Citizen Condition During Incident		
Unknown		
Officer(s) Injured	**Officer(s) Taken to Hospital**	
No	No	

Complainant/Involved Citizen Information

Vincent M Cruz

DOB: 11/1/1984 Race: Asian Gender: Male

Address

- 2622 Pacific AV, Direction: E, Spokane, WA 99202

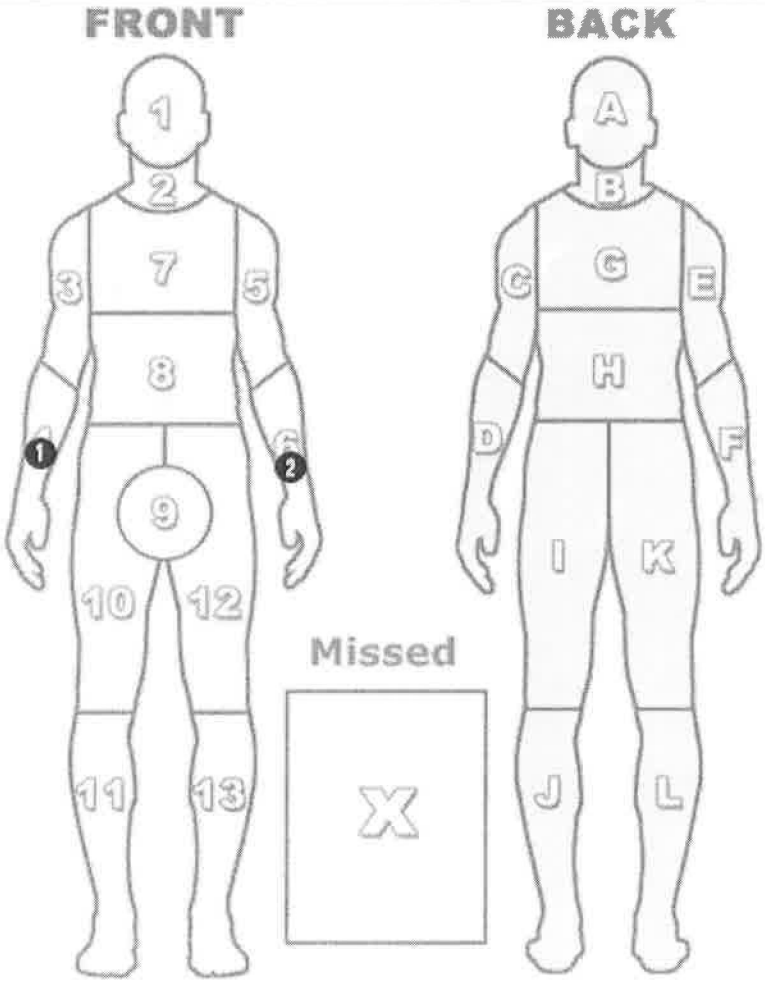
Types of Resistance Citizen Used Against Officer(s)
- Active Resistance

Involved Officers

Officer Christopher Brasch - Payroll Number:

Force used by this officer against the citizen
- Arrest Tactics - Was force effective: Yes

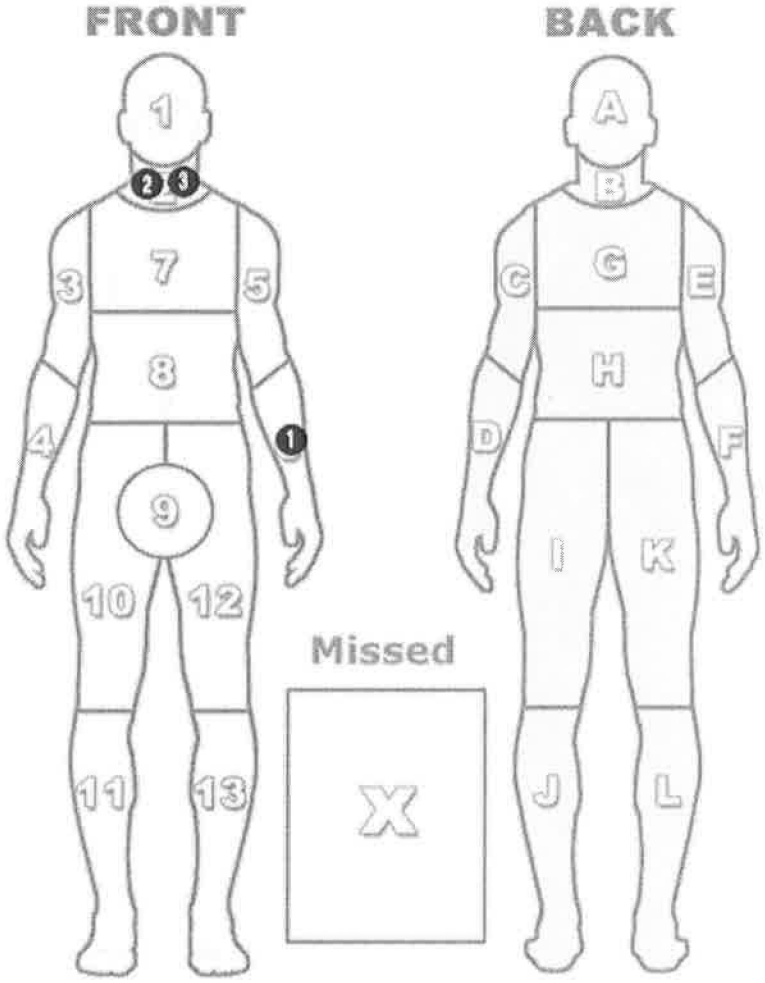
Force Used	Effective?	Regions	Points of contact
Arrest Tactics	Yes	4, 6	1, 2



Officer Gregory Rogan - Payroll Number:

Force used by this officer against the citizen
- Arrest Tactics - Was force effective: No
- Level 1 LNR - Was force effective: No
- Level 2 LNR - Was force effective: Yes
- Verbal/Other - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Arrest Tactics	No	6	1
Level 1 LNR	No	2	2
Level 2 LNR	Yes	2	3
Verbal/Other	No		



Attachments

Date Attached	Attachment Description	Attachment Type
6/23/2014	Involved officers reports and CAD	pdf
6/23/2014	IA Additional from Sgt Wuthrich	doc

Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
6/23/2014	Sergeant Ernest Wuthrich	Lieutenant Craig Meidl	(none)	Please review the attached UOF report.	☑	[Forwarded by Lieutenant Craig Meidl]
6/25/2014	Lieutenant Craig Meidl	Sergeant Ernest	Captain Daniel	Ernie Good job on the attempts at interviewing	☑	Thanks.

		Wuthrich	Torok	witnesses and the defendant; also good job on taking photographs. Noting the lack of injury is as important as noting the extent of injury (if any).		
6/27/2014	Sergeant Ernest Wuthrich	Lieutenant Craig Meidl	(none)	None	☑	[Forwarded by Lieutenant Craig Meidl]
6/28/2014	Lieutenant Craig Meidl	Captain Daniel Torok	(none)	Level 2 LVNR was within policy.	☑	I concur with Lt. Meidl that the force used was consistent with policy.
7/1/2014	Captain Daniel Torok	Asst Chief Patrick Dobrow	(none)	For review	☑	I have reviewed this incident and find the use of force to be reasonable and within policy.

Entering Officer Signature Line

_____
Sergeant Ernest Wuthrich

Chain of Command Signature Lines

_____
Lieutenant Craig Meidl

_____
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 #14-199363

Complainant Interview Summary

The only information Vincent Cruz would provide was his first name.

Officer Interview Summary

On 06/22/14, at approximately 2203 hrs, Officer Rogan contacted Vincent Cruz in front of 904 W. 9th after seeing Cruz exit the driver's door of a stolen vehicle. Officer Rogan told Cruz to stop and asked if the vehicle was Cruz's. Cruz told Officer Rogan the car was his and Cruz began to back away and appeared to be getting ready to run. Officer Rogan told Cruz he was under arrest for possession of a stolen motor vehicle. Officer Rogan grabbed Cruz's left arm and Cruz tried to pull away. Cruz reached his right hand into his waist band and Officer Rogan thought he was reaching for a weapon. Officer Rogan transitioned to a level 1 Lateral Neck Restraint and took Cruz to the ground. Officer Rogan advised Cruz to stop resisting and to put his hands behind his back. Cruz did not comply with the order. Cruz continued to grab at his waist band and while attempting to pull away from Officer Rogan. Officer Rogan used a level 2 Lateral Neck Restraint and rendered Cruz unconscious. Officer Brasch arrived at that moment and assisted Officer Rogan with handcuffing Cruz.

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

Crime: Possession of a Stolen Motor Vehicle & Resisting Arrest.

Threat: Cruz had just exited a stolen vehicle with several other people. Officer Rogan was alone at the time of the contact. When Officer Rogan advised Cruz he was under arrest Cruz backed away and appeared to be getting ready to run. When Officer Rogan attempted to place Cruz under arrest by grabbing Cruz's left arm Cruz tried to pull away and reach into his waist band as though reaching for a weapon. Cruz did not comply with Officer Rogan's commands to stop resisting and put his hands behind his back. Cruz actively resisted arrest by continuing to reach into his waist band and attempt to get away from Officer Rogan while Officer Rogan was applying a level 1 Lateral Neck Restraint.

Fire Department paramedics were requested to examine Cruz. Upon arrival they determined no medical assistance was needed.

Witness Interview Summary

Officer Brasch responded to assist Officer Rogan after Officer Rogan advised him over the MDC that he had observed a male exiting a stolen vehicle at 9th & Lincoln. When Officer Brasch arrived he saw Cruz struggling with Officer Rogan by violently twisting his body and fighting against Officer Rogan's efforts to take him into custody.

Officer Brasch saw Cruz's left hand come up toward Officer Rogan's face and Officer Brasch was concerned that Cruz was going to assault Officer Rogan. Officer Brasch heard Officer Rogan giving Cruz commands but Cruz was not complying. Officer Brasch saw Officer Rogan and Cruz fall to the ground. Officer Brasch heard something heavy fall to the ground. When Cruz was rendered unconscious Officer Brasch assisted Officer Rogan with handcuffing Cruz. Cruz immediately regained consciousness and started trying to kick at Officer Brasch.

Officer Brasch assisted Officer Rogan with placing Cruz in the back seat of a patrol vehicle. A large Ka-bar knife in a leather sheath was found next to the sidewalk near the front of Officer Rogan's patrol car. Officer Brasch believes the knife is what he heard falling as he approached Officer Rogan and Cruz.

Physical Evidence

Photographs and written statements.

Investigative Summary

Officer Rogan was investigating a reported stolen vehicle from which several people had exited. When he confronted Cruz about the vehicle, Cruz backed away and appeared as though he was going to run. Cruz resisted arrest by attempting to pull away and reaching for his waist band when Officer Rogan grabbed his left arm. Officer Rogan gave verbal commands requesting Cruz to stop resisting and put his hands behind his back. Cruz failed to comply with those commands and continued to resist and reach for his waist band as though attempting to access a weapon. Officer Rogan used a level 1 Lateral Neck Restraint and transitioned to a level 2 Lateral Neck Restraint. Officer Rogan's use of force was justified and consistent with SPD policies and procedures.

I checked for witnesses and found none. Officer Kaurin had contacted two possible witnesses, Tami Clark and Andrea Sarvabui, were sitting on the front steps of 904 W. 9th. They gave their names and phone numbers but refused to answer any more questions. When I approached them to attempt to ask for a statement they went inside the apartment and would not answer the door or their phones. Officer Kaurin advised me that Sarvabui was possibly Cruz's girlfriend.

I advised Lt. Sprague via phone.

Sgt. Ernie Wuthrich
Patrol Team 11

Incident History for: #SP140201153 Xref: #SP140199366

Entered 06/22/14 22:03:11 BY PCC03 1144
Dispatched 06/22/14 22:03:11 BY PCC03 1144
Enroute 06/22/14 22:03:11
Onscene 06/22/14 22:03:11
Closed 06/22/14 23:43:57

Initial Type: SUSVEH Final Type: VEHREC (VEHICLE, RECOVERED STOLEN)
Initial Priority: 2 Final Priority: 3
Disposition: 1E Source: R Primary Unit: C478
Police BLK: SPD7CH
Group: P7 Beat: Map Page: 33
Loc: W 9TH AV/S LINCOLN PL ,SPK <900,800> (V)
Name: Addr: Phone:

/220311	(1144)	$OUTSRV		,NO MORE INFORMATION
/220311		DISPOS	C478	@ALT0384 #1046 ROGAN, GREGORY ,NO MORE INFORMATION
/220311		REMINQ	C478	[redacted]
/220319		ASSTOS	C463	[9TH/LINCOLN] #952 BRASCH, CHRISTOPHER
/220329		MISC		[redacted]
/220329		MISC		
/220329		MISC		
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/220329		MISC		
/220338		MISC	C478	,RESTRICTED
/220339	(713)	*ASSTER	K14	[9TH/LINCOLN] #713 HAMILTON, CRAIG
/220339	(443)	*ASSTER	P307	[9TH/LINCOLN] #443 KAKUDA, BLAINE
/220342	(1196)	*ASSTER	C477	[9TH/LINCOLN] #1196 KAURIN, DAVID
/220408	(1144)	CHANGE		LOC: 9TH/LINCOLN --> W 9TH AV/S LINCOLN PL ,SPK, BLK: --> SPD7CH
/220416	(1181)	*ASSTER	C479	[W 9TH AV/S LINCOLN PL ,SPK] #1181 LESSER, CHRISTOPHER
/220447	(1191)	*ASSTER	C457	[W 9TH AV/S LINCOLN PL ,SPK] #1191 FABIAN, BRANDON #1084 BELITZ, TODD
/220449	(1181)	*ONSCNE	C479	
/220451	(1144)	ASSTER	L252	[W 9TH AV/S LINCOLN PL ,SPK] #252 WUTHRICH, ERNIE
/220503		ONSCNE	C477	
/220516		MISC	C463	,ONE IN CUSTODY
/220539		ONSCNE	P307	
/220541	(713)	*PREMPT	K14	
/220611	(1144)	CROSS		#SP140199366

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/220645              MISC    P307   ,UNRESTRICTED
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/220710  (1144  )   EMSREQ  C478   T/PCC05
                                   ,MEDICS FOR LVNR, CONC/BREATHING
/220742  (657   )   CALLBK         T/PCC03
                                   ,FIRE ADV
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/220841  (252   )  *ONSCNE  L252
/220855  (1144  )   REMINQ  C477   [redacted]
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/221057              REMINQ  C463   [redacted]
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/221207              CALLBK  C463   T/PCC05
                                   ,TRY TO START RO MATT, 8687300
/221346  (657   )   CALLBK         T/PCC03
                                   ,RO ENROUTE 5 MIN ON FOOT
/221351  (1144  )   REMINQ  C479   [redacted]
/221358              REMINQ  C479
/221456              MISC           [redacted]
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/221733	REMINQ	C478	
/221818	CALLBK	C478	T/PCC05
			,CONF/SEND CRUZ, VINCENT M 110184
/221844	CROSS		#SP140195065
/221851	CHANGE		TYP: SUSVEH --> VEHREC
			RSP: PP --> P
			PRI: 2 --> 3
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[redacted]
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[redacted]
#3l

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/222137              MISC                [redacted]
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/222310              CALLBK  C477        T/PCC05
                                         ,SIG 8 - 230-8781, SEE IF TAMMY CAN COME DOWN
                                         TO TALK WITH LE.
/222401              CALLBK  C478        T/PCC03
                                         ,CONF/SENT ON CRUZ
/222451  (657    )   CALLBK              T/PCC03
                                         ,VM FOR JASON
/222548  (1144   )   CALLBK  C477        T/PCC05
                                         ,SIG 8 - 280-9803, SEE IF ANDREA CAN COME DOWN
                                          TO TALK WITH LE
/222646  (657    )   CALLBK              T/PCC03
                                         ,VM FOR TREVOR
/222742  (1046   ) *TRANS    C478        [JAIL] M/0.0
/223042  (443    ) *CHGLOC   P307        [JAIL]
/223108  (1144   )   MISC    C478        ,BOTH ALT0384 PLATES HERE, 11D FOR EWU PLATES
/223201              MISC                [redacted]
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/223359  (1046   ) *TRANSC   C478        [JAIL] M/1.9
/223456  (952    ) *CHGLOC   C463        [PROP]
/223539  (1196   ) *CLEAR    C477        ,PSTAT/ASST
/223641  (443    ) *ONSCNE   P307
/223641            *ONSCNE   P307
/223703  (1181   ) *CLEAR    C479        ,PSTAT/ASST
/223928  (1144   )   MISC                [redacted]
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/224031			CALLBK		T/PCC05
					,VERIFY CLEARED STOLEN VEH, CLEARED STOLEN PLA
					TES ALT0384, ENTERED STOLEN PLATES EWU1932
/224146	(252	)	*MISC	L252	,LT SPRAGUE NOTIFIED OF UOF VIA PHONE
/224200			*CLEAR	L252	
/224247	(1191	)	*CLEAR	C457	,PSTAT/ASST
/224319	(952	)	*ONSCNE	C463	
/224349	(657	)	MISC		,VERIFIED/SENT TO AUTO SQUAD/HOT AUTO UPDATED
/225359	(443	)	*CHGLOC	P307	[PROPERTY]
/231604			*REMINQ	P307	
/231644			*REMINQ	P307	
/231907			*REMINQ	P307	
/231930			*REMINQ	P307	
/232109			*REMINQ	P307	
/232132			*REMINQ	P307	
/232619			*CLEAR	P307	,PSTAT/ASST PHOTOS
/232636	(1123	)	OK	C463	
/232636			OK	C478	
/233825	(952	)	*CLEAR	C463	,PSTAT/ASST PSTAT/RPT REPORT IS UNDER #199363
/233842	(1046	)	*MISC	C478	,PSTAT/SI PSTAT/WAR PSTAT/FEL
/233849			*MISC	C478	,PSTAT/MISD
/234005			*MISC	C478	,POSS STOLEN CAR, RESISTING ARREST
/234357			*CLEAR	C478	DSP: 1E
/234357			CLOSE	C478	

#3l

#3a

#3g

#3a

#3g

#3a

#3g

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION	EVIDENCE NUMBER	INCIDENT NUMBER
SPD		14-199363

REPORT PURPOSE	REPORTED ON DATE	TIME	INCIDENT XREF
	Sun 06/22/2014	22:03	14-201153

INCIDENT CLASSIFICATION #1	ATTEMPTED	INCIDENT CLASSIFICATION #2	ATTEMPTED
VEH-THEFT	☐	RESISTING ARREST	☐
INCIDENT CLASSIFICATION #3	ATTEMPTED	INCIDENT CLASSIFICATION #4	ATTEMPTED
	☐		☐

DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE	REPORT TIME
			06/22/2014	23:48

PRIMARY CHARGE	UCR/NIBRS CODE
9A.56.068 POSS STOLEN MOTOR VEHICLE	280 / 280
ADDITIONAL CHARGES	EST. TOTAL PROPERTY LOSS
9A.76.040 PUB OFFICER(RESIST ARREST)	

VICTIM/WITNESSES/OTHERS V-Deceased, CW-Owner of Property, C-Complainant, PE-Pedestrian, W-Witness, M-Missing, MIR-Person Mentioned, O-Other, PC-Pedestrian - Cyclist, IN-Institutional, PS-Passenger, RO-Registered Owner, RU-Runaway, S-Suspect, V-Victim - Individual, VB-Victim - Business, G-Legal Guardian, D-Driver, CV-Complainant is Victim, A-Arrested Person, CON-Contact

CODE	NAME: LAST, FIRST, MIDDLE	SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
A-1	Cruz, Vincent M	M	A-Asian or Pacific	11/01/1984 29

HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
5'08"	190	Medium	Black	BRO - Brown	

CONFIDENTIALITY ☐	ADDRESS: STREET, CITY STATE ZIP	RESIDENTIAL STATUS	PHONE
	2622 E Pacific, Spokane, WA 99202		
PLACE OF EMPLOYMENT/SCHOOL/ADRESS		OCCUPATION	EMPLOYER PHONE

ADDITIONAL PHONES
NONE

CHARGE LEVEL	DESCRIPTION	UCR/NCIC CODE
Felony Class B	9A.56.068 POSS STOLEN MOTOR VEHICLE	280/280

WARRANT #	BAIL	TYPE OF ARREST	MULTIPLE ARRESTEE SEGMENTS INDICATOR
		On-View of Arrest	☐

CHARGE LEVEL	DESCRIPTION	UCR/NCIC CODE
Misdemeanor	9A.76.040 PUB OFFICER(RESIST ARREST)	/13A

WARRANT #	BAIL	TYPE OF ARREST	MULTIPLE ARRESTEE SEGMENTS INDICATOR
		On-View of Arrest	☐

CITATION #	DATE	TIME	BOOKED WHERE	DATE	TIME
			Spokane County Jail	06/22/2014	22:06

ARREST LOCATION	STATEMENT	CHARGES	SUSPECT ARMED WITH
W 9th Avenue & S Lincoln Street , Spokane, WA 99203	☒ ORAL ☐ WRITTEN	☐ ADMITTED ☒ DENIED	

JUV. PAR/GRD. Notified ☐ YES ☒ NO	NAME/RELATIONSHIP OF PERSON NOTIFIED	DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE

DRIVER'S LICENSE ☐ FAKE	STATE	SOCIAL SECURITY NO. ☐ FAKE	OTHER ID
#4b		#4a	#3k

TATTOOS/LOCATION
Ankle, Left(Swastika)

MARKS/LOCATION

NARRATIVE

On 06-22-14, at 2203 hours, I was east bound on 9th Ave approaching Lincoln St. A car had pulled up to the corner and parked on 9th on the north side of the road. The car was a white Chrysler.

ID NO./NAME OF REPORTING OFFICER		DISTRIBUTION
#1046 - Rogan, Gregory		
APPROVAL	DATE/TIME	
#093 - Sprague, Dean	06/23/2014 03:59	

As I drove towards the car several people were getting out of the car. I saw a Hispanic male, wearing a black baseball cap with a teal colored bandana on under the cap getting out of the drivers seat. The male was also wearing a black coat with no shirt and black shorts. The male later was identified as Vincent M. Cruz.

As I passed by the car I heard someone stay "Cops" and all the people walked away from the car. I ran the car plate (ALT0384) as I passed by and I was about a block way when the Department of License (DOL) return showed the car stolen.

I went back around the block to the car. As I pulled up to the car, Cruz was walking back to the car on the drivers side. I stopped behind the car as Cruz walked to the front of the car and onto the grass in front of the apartment. I told him to stop and asked if the car was his. He said "Oh, thats my car" pointing the stolen car.

Cruz was backing away from me and was looking around as to run. I advised him he was under arrest for possession of stolen motor vehicle. At that point, I did not have a back up officer with me. I took ahold of Cruz's left arm which he immediately tried to pull away.

Cruz quickly jammed his right hand into his waist band grabbing for something, still pulling away from me. I had not searched him and immediately thought he was accessing a weapon. I transitioned to a lateral neck restraint (LNR) and took him to the ground. I was advising him to stop resisting and to put his hands behind his back.

Cruz while on the ground was still grabbing at his waist band attempting to get away from me. I then applied an LNR level two due to being alone and not knowing what he was reaching for.

Officer Brasch arrived on scene as Cruz was rendered unconscious. Ofc. Brasch and I were able to handcuff (DL) him. Cruz regained consciousness and I again advised him what he was under arrest for.

I advised Ofc. Brasch Cruz was reaching for something in his waist band. Ofc. Brasch advised as he was coming to assist me he heard a noise hitting the ground.

Cruz was searched incident to arrest and in his coat pockets were found several shaved keys. Ofc. Brasch took control of the shaved keys.

Cruz also had a check in his pocket with the name Zaza Dikhamindzhiya #707.

I advised radio to start medics to come and check Cruz due to the LNR. I placed him in the back of my patrol car. I advised him of his Constitutional Rights, which he would not talk to me.

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
VEH-THEFT	☐	*14-199363*

Cruz would not talk and would just tell me his name was Vincent. I searched me computer SPRS photos and found a booking photo of Vincent M. Cruz which matched. Upon checking his name with radio I was advised he had a felony warrant for forgery. I advised Cruz he was also under arrest for the warrant.

Sgt. Wuthrich arrived on scene and I advised him of the use of force.

I then saw a knife on the ground in the gutter near the front passenger tire of my patrol car. The knife was in a leather sheath with a US Marine Corp symbol on it. The knife was a US Marine K-bar. The knife was about 10 feet from where I had taken Cruz to the ground. He was facing that way when he was reaching into his waist band. The knife could have been the noise Ofc. Brasch heard hitting the ground.

I do not know if Cruz was trying to get rid of the knife or was attempting to access it during the struggle. It is possible when I went to the ground it fell out of his hand.

The vehicle was checked and it was found out that the vehicle was stolen and the plates on the car were not to it. The plates were also stolen from a different car.

Ofc. Fabian did the vehicle settles.

Ofc. Brasch searched the car and found other checks and items. See Ofc. Brasch's report for more details.

Cruz was booked into the Spokane County Jail for Possession of a Stolen Motor Vehicle, Resisting Arrest and the felony warrant.

Ofc. Rogan, #1046, Team 15

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION	EVIDENCE NUMBER	INCIDENT NUMBER
SPD		*14-199363*

REPORT PURPOSE	REPORTED ON DATE	TIME	INCIDENT XREF
	Sun 06/22/2014	*22:03*	

INCIDENT CLASSIFICATION #1	ATTEMPTED	INCIDENT CLASSIFICATION #2	ATTEMPTED
VEH-THEFT	☐		☐
INCIDENT CLASSIFICATION #3	ATTEMPTED	INCIDENT CLASSIFICATION #4	ATTEMPTED
	☐		☐

DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE	REPORT TIME
			06/23/2014	*02:11*

PRIMARY CHARGE	UCR/NIBRS CODE

NARRATIVE

On 062214, at 2203 hours, I responded to the area of 9th Ave and Lincoln, in the City of Spokane. Officer Rogan had advised me over the MDC that he had observed a male exiting a stolen vehicle- See his report for details.

I began to check the area for the male, when I heard over my patrol radio that Officer Rogan was making contact with the vehicle.

As I was approaching the scene, I observed a male struggling with Officer Rogan. The male, who was later identified as Vincent Cruz, was violently twisting his body and fighting against Officer Rogan.

I observed that it appeared Officer Rogan was attempting to place Cruz into a lateral neck restraint control technique. I observed Cruz's left hand come up towards Officer Rogan's face. I could not see Cruz's right hand. I could hear Officer Rogan telling the male to stop resisting.

I was concerned that Cruz was going to assault Officer Rogan, as he appeared to be trying to defeat his efforts to place him into custody. Cruz had not been searched and was not complying with any commands.

I ran up to where Cruz and Officer Rogan were at, just as they appeared to fall to the ground. I heard something heavy fall to the ground, as I approached them.

Officer Rogan yelled at me that Cruz was reaching for something. I was worried that Cruz might be trying to access a weapon with the intent to cause serious injury to us.

Cruz appeared to have been rendered unconscious. Using the valuable time in which he was no longer fighting, I was able to assist Office Rogan place Cruz into handcuffs (double locked). Cruz immediately regained consciousness and started trying to kick at me and thrash his body around.

Officer Rogan and I walked Cruz to a patrol vehicle and placed him in the rear seat. A large Ka-bar knife was found next to the sidewalk, in a leather sheath. I believe this is the object I heard falling as I approached Officer Rogan and Cruz.

ID NO./NAME OF REPORTING OFFICER		DISTRIBUTION
#952 - Brasch, Chris		
APPROVAL	DATE/TIME	
#093 - Sprague, Dean	*06/23/2014 04:20*	

INCIDENT CLASSIFICATION	ATTEMPTED	INCIDENT NUMBER
VEH-THEFT	☐	*14-199363*

The fire department was called to make sure that Cruz was not injured in any way.

I observed that Cruz had over twenty keys on several different key rings on his person and in the front passenger compartment of the stolen vehicle. Several of the keys were shaved. I knew that shaved keys are commonly used to start cars in the commission of vehicle thefts.

A business check from Progression Credit Union was found in the center console of the vehicle. Written on the back of the check in the endorsement area was "signed over to Andrea Sarvabui for payment on car 06/20/14".

Sarvabui was a female that was contacted on scene asking if Cruz was alright. She was crying and appeared to be very upset that Cruz was being arrested. The check was not discovered until Sarvabui had left the scene.

I logged the keys, the check, and the knife onto Spokane Police Property. I logged a bag of tools, a speaker, a second knife, and another check that was discovered on Cruz's person onto property as well. I completed a request for fingerprints for some of the property, that was located in the vehicle.

See other officer reports for further details.

Officer P. Brasch, #952