



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 Shawn Kendall

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
6/23/2014	6/20/2014	04:23
Record ID #	Incident No	IA No
8327	14-198721	F14-055
Date/Time Entered		
6/23/2014 22:06		

Incident Summary

After reading all documents related to this incident and speaking with Officer Jensen I find that his deployment of K-9 "Cruz" as a searching and apprehension tool was within State and Federal Law, Department Policy and met Department expectations.

Sgt. Shawn Kendall L-205
K-9 Unit Supervisor / Defensive Tactics Coordinator

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

Incident Location

- 9727 Woodridge DR, Direction: N, Spokane, WA 99208

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Damaging Property	Call For Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Interior Lighting	7 feet to 10 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	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		
None detected		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Complainant/Involved Citizen Information

Joseph Alexander Hartz

DOB: 11/7/1966 Race: White Gender: Male

Address

- "Transient", Spokane, WA

Phone

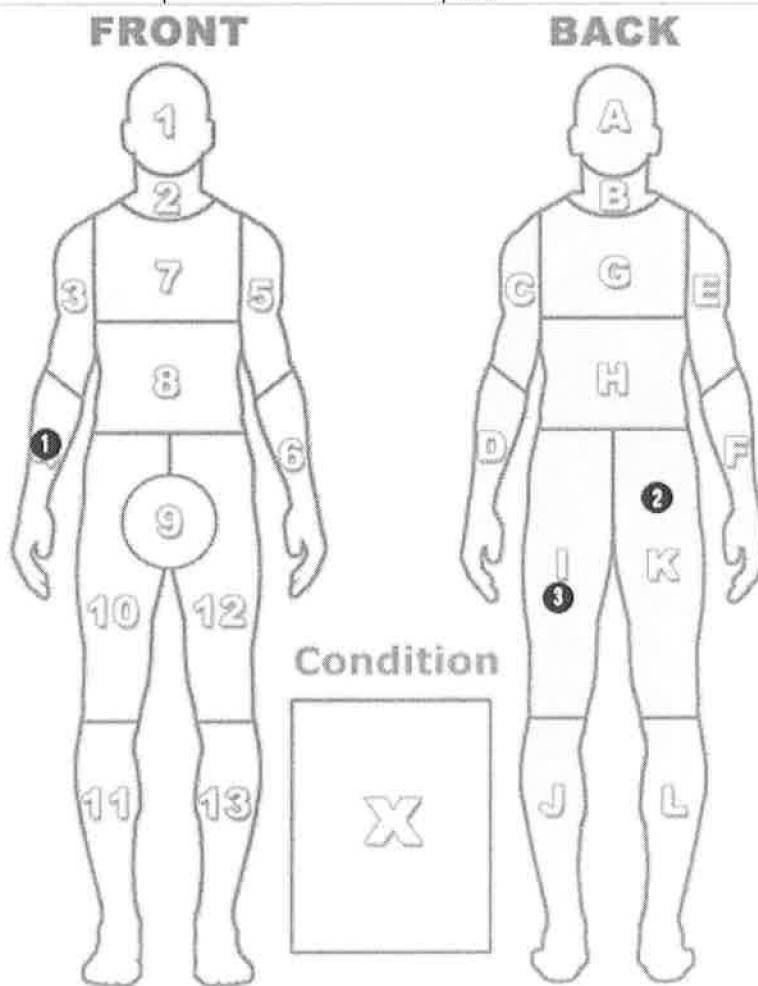
- (509) 362-0480

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Minor Injury	4, I, K	1, 2, 3

**Charges against this citizen**

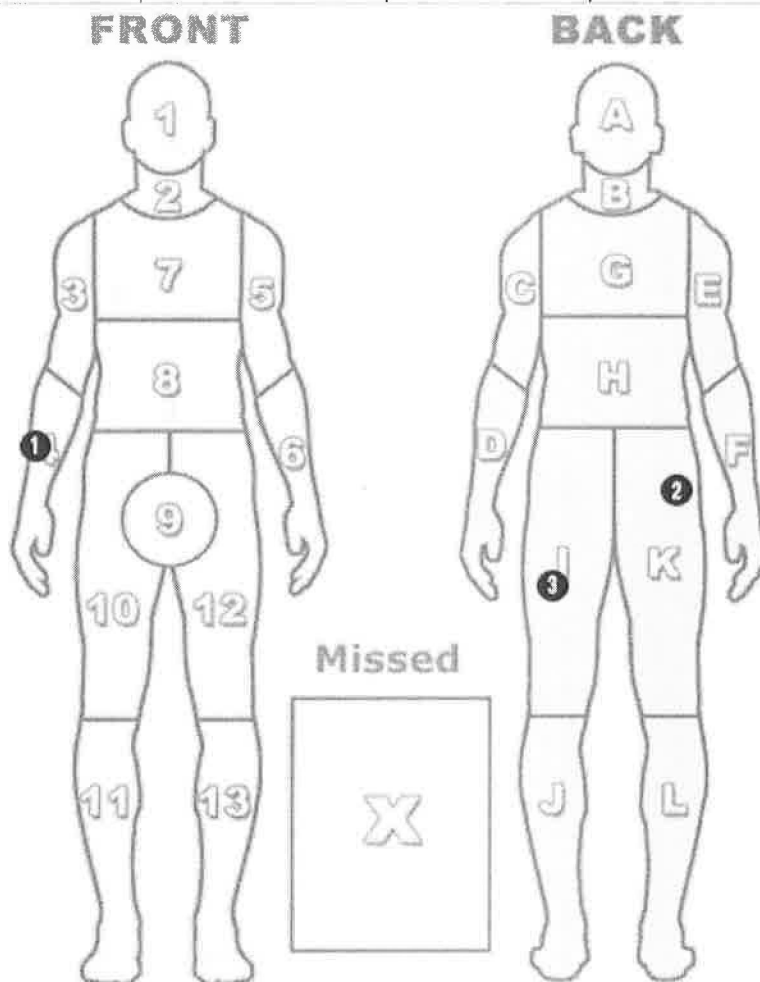
- Felony - Person Crime

Involved Officers**SPO Jake Jensen - Payroll Number:**

Force used by this officer against the citizen

- K-9 Deployment - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
K-9 Deployment	Yes	4, I, K	1, 2, 3

**Injuries sustained by this officer**

Injury	Regions	Injury Locations
No injuries noted or visible		

Officer Witnesses

Officer Aaron Childress - Payroll Number:

Lieutenant Thomas Hendren - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
6/23/2014	K-9 Software 140198721	pdf
6/23/2014	Reports 140198721	pdf

6/23/2014

CAD 140198721

pdf

Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
6/23/2014	Sergeant Shawn Kendall	Lieutenant Kevin King	Sergeant Steven Braun	After reading all documents related to this incident and speaking with Officer Jensen I find that his deployment of K-9 "Cruz" as a searching and apprehension tool was within State and Federal Law, Department Policy and met Department expectations. Sgt. Shawn Kendall L-205 K-9 Unit Supervisor / Defensive Tactics Coordinator	<input checked="" type="checkbox"/>	Officer Jensen's K-9 deployment was reasonable and within policy and law.
6/24/2014	Lieutenant Kevin King	Captain Daniel Torok	(none)	For your review	<input checked="" type="checkbox"/>	I concur with Lt. King that the force used was consistent with policy.
6/25/2014	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 the police K-9 was reasonable and within policy.

Entering Officer Signature Line

Sergeant Shawn Kendall

Chain of Command Signature Lines

Lieutenant Kevin King

Captain Daniel Torok

Asst Chief Patrick Dobrow

Spokane Police Department

Ref. # U-JA146202200

K-9 DEPLOYMENT REPORT

GENERAL	Date/Time Reported	Date/Time Arrived	Date/Time Cleared	Agency #	
	6/20/2014 10:00:00 PM	6/20/2014 10:00:00 PM	6/21/2014 2:37:00 AM	14-198721	
	Session Activity Type		Handler	K-9	
	Dvopv		Jake Jensen	Cruz	
GENERAL	Event Summary Information	DVOPV suspect hiding in basement, Cruz used to search and locate. K9 contact occurred.			
MISC	Consent Type	Warrant by K-9	Warrant #	# Arrests	Highest Charge
	Verbal		N/A	1	Felony
REQ	Requesting Agency			Requesting Officer/Party	
	Spd			Dispatch	
	Services Requested			Request Method	
	N/A			N/A	
WEATH	Ground Condition		Weather Condition 1		Weather Condition 2
	N/A		Fair		N/A
	Temperature	Wind Speed	Wind Direction		Humidity
	50	0	N		66%
COMP	Start Miles	End Miles	Total Miles	Comp Time	Non-Comp Time
				4.62	

DEPLOYMENT ACTIVITIES				
Amt	Activities Performed/ Loc. Info	Action Perf./ Value	Proficiency	Time/ District
*	1	Building Search	Suspect	Located Person 23:06
<p>Basement - - 9727 N Woodridge - Spokane - WA</p> <p>I responded with Ofc. Childress to a DVOPV call at 9727 N Woodridge with Joseph Hartz as the suspect. Radio confirmed that there was a current and valid DV protection order preventing Hartz from having any contact whatsoever with Lee Godwin.</p> <p>We received information from Lee Godwin that Hartz was hiding in a basement at the location. Hartz was given multiple warnings to give up and to come out from his hiding location. Hartz was given a warning multiple times that a K9 would be used to find and bite him if he did not come out. Hartz refused to come out.</p> <p>The area to be searched was cluttered with furniture, piles of clothing and boxes. I decided to deploy K9 Cruz for the following reasons:</p> <p>Crime: There was PC to arrest Hartz for DVOPV.</p> <p>Threats: Hartz had not been searched and it was unknown whether he possessed any weapons to harm searching officers. The area to be searched was cluttered with piles of clothing, furniture and boxes and there were multiple hiding locations where Hartz could ambush searching officers. Hartz had prior felony convictions for 3rd degree assault and unlawful possession of a firearm, both convictions which increased my concern for officer safety, because Hartz had already committed a felonious assault and possessed a firearm illegally. I was concerned that both crimes could be committed again and by using the K9 to search, officers could keep their distance from this potential threat. I was also concerned for the safety of the protected person on the DV order, Lee Godwin, in that if we did not apprehend Hartz, he could potentially harm Lee again. A court had clearly established through the issuance of the order that Hartz was a threat to Lee, so I wanted to make sure Lee was protected for the time being by removing Hartz from the location.</p> <p>Threats: Hartz was attempting to evade arrest by hiding in the basement and refusing to give up to police commands.</p> <p>There were 3 distinct K9 announcements given prior to Hartz being located by K9 Cruz. Hartz did not make any attempt to give up to the police K9 warnings. Hartz was located hiding behind a rack of clothing while kneeling on a table. According to Hartz, K9 Cruz first contacted his right forearm and he reacted by pulling his arm away quickly. K9 Cruz then re-contacted on Hartz' buttocks. Hartz said he began to squirm, causing K9 Cruz to release and re-contact on his left hamstring area. The total duration of the bites was about 5-10 seconds and once the suspect's hands were seen, K9 Cruz was immediately outed from about 3 feet away. K9 Cruz immediately released his bite and returned to my side.</p> <p>It should be noted that I gave a final K9 warning for Hartz to peacefully surrender from a doorway about ten feet from where K9 Cruz had located Hartz. Hartz admitted to hearing the K9 announcement, but stated he just wanted to get away.</p> <p>Hartz received medical treatment at Deaconess ER from Dr. Ed Jones. Hartz only received a minor indentation to his right forearm, four minor rake marks on his right buttock area and four minor rake marks on his left hamstring area. No stitches were required. Cpl. Denton photographed the injuries. Lt. Hendren and Sgt. Boothe were advised of the incident.</p> <p>Hartz was booked into the Spokane County Jail for felony DVOPV (3 prior convictions) and resisting arrest.</p>				
SUSPECT INFORMATION				
Name/ Address	DOB/ Phone	SSN	Incarcerated at	
* Hartz, Joseph A	11/7/1966		Spokane County Jail	
TRANSIENT				

I responded with Ofc. Childress to a DVOPV call at 9727 N Woodridge with Joseph Hartz as the suspect. Radio confirmed that there was a current and valid DV protection order preventing Hartz from having any contact whatsoever with Lee Godwin.

We received information from Lee Godwin that Hartz was hiding in a basement at the location. Hartz was given multiple warnings to give up and to come out from his hiding location. Hartz was given a warning multiple times that a K9 would be used to find and bite him if he did not come out. Hartz refused to come out.

The area to be searched was cluttered with furniture, piles of clothing and boxes. I decided to deploy K9 Cruz for the following reasons:

Crime: There was PC to arrest Hartz for DVOPV.

Threats: Hartz had not been searched and it was unknown whether he possessed any weapons to harm searching officers. The area to be searched was cluttered with piles of clothing, furniture and boxes and there were multiple hiding locations where Hartz could ambush searching officers. Hartz had prior felony convictions for 3rd degree assault and unlawful possession of a firearm, both convictions which increased my concern for officer safety, because Hartz had already committed a felonious assault and possessed a firearm illegally. I was concerned that both crimes could be committed again and by using the K9 to search, officers could keep their distance from this potential threat. I was also concerned for the safety of the protected person on the DV order, Lee Godwin, in that if we did not apprehend Hartz, he could potentially harm Lee again. A court had clearly established through the issuance of the order that Hartz was a threat to Lee, so I wanted to make sure Lee was protected for the time being by removing Hartz from the location.

Resistance: Hartz was attempting to evade arrest by hiding in the basement and refusing to give up to police commands.

There were 3 distinct K9 announcements given prior to Hartz being located by K9 Cruz. Hartz did not make any attempt to give up to the police K9 warnings. Hartz was located hiding behind a rack of clothing while kneeling on a table. According to Hartz, K9 Cruz first contacted his right forearm and he reacted by pulling his arm away quickly. K9 Cruz then re-contacted on Hartz' buttocks. Hartz said he began to squirm, causing K9 Cruz to release and re-contact on his left hamstring area. The total duration of the bites was about 5-10 seconds and once the suspect's hands were seen, K9 Cruz was immediately outed from about 3 feet away. K9 Cruz immediately released his bite and returned to my side.

It should be noted that I gave a final K9 warning for Hartz to peacefully surrender from a doorway about ten feet from where K9 Cruz had located Hartz. Hartz admitted to hearing the K9 announcement, but stated he just wanted to get away.

Hartz received medical treatment at Deaconess ER from Dr. Ed Jones. Hartz only received a minor indentation to his right forearm, four minor rake marks on his right buttock area and four minor rake marks on his left hamstring area. No stitches were required. Cpl. Denton photographed the injuries. Lt. Hendren and Sgt. Boothe were advised of the incident.

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Officer's Signature		Approved By	
		Date	06/21/14 02:37

06/23/14 20:42:10 PRINT REQUESTED BY TERMINAL K9UN01
Incident History for: #SP140198721

Entered 06/20/14 22:00:37 BY 91107 911214
Dispatched 06/20/14 22:02:54 BY PCC05 761
Enroute 06/20/14 22:02:54
Onscene 06/20/14 22:02:54
Closed 06/21/14 03:09:48

Initial Type: SUSPER Final Type: DVOPV (DV-PROTECTION ORDER VIOLATION)
Initial Priority: 3 Final Priority: 2
Disposition: 1E Source: A Primary Unit: K16
Police BLK: SPALIT
Group: P1 Beat: Map Page: 23
Loc: 9727 N WOODRIDGE DR ,SPK btwn N ALPINE CT & W NAVAHO AV <5200> (V)
Name: SCHIMKE,MOLLY L 071377 Addr: 7702 N BROWNSVILLE CT Phone: 5094739235

/220037 (911214) ENTRY SUBJ:HARTZ,JOSEPH A? 40'S, WM, 508/MED, HAS BEEN LIVING AT LOC. POSS FOR FAILURE TO APPEAR. HAS BEEN LIVING WITH COMPS PARENTS. COMPS PARENTS ARE VULNERABLE. COMP TOLD HIM TO LEAVE LOC, HAS NOT.

/220114 SUPP TXT: JOSEPH WENT TO JAIL IN FEBRUARY FOR TRYING TO STAB SOMEONE AT LOC. HAS BEEN SNEAKING IN TO HOUSE AND STAYING IN COUSINS ROOM. NO KNOWN WEAPONS.

/220148 SUPP TXT: COMP WANTS TO KNOW IF JOSEPH HAS A WARRANT. REQ TC. ###

/220254 (761) DISPOS KIMMY1
/220331 PREMPT KIMMY1
/220447 (1160) HOLD
/220458 (761) CHANGE TYP: SUSPER --> DVOPV
RSP: PP --> PPP
PRI: 3 --> 2

/220911 CALLBK T/PCC01
,PARENTS ARE LUCAS, DAN AND PAM. COUSIN IS THE LEE GODWIN THAT LIVES AT THE WOODRIDGE ADDRESS.

/221018 CHANGE PRI: 2 --> 2
/221042 CALLBK T/PCC01
,PER COMP BOTH LEE AND HARTZ ARE AT THE WOODRIDGE LOCATION. LEE LETS HIM IN THRU THE WINDOW AND HE'S BEEN LIVING THERE FOR A WHILE

/221620 (1160) DISPER B438 #1204 CHILDRESS, AARON
/221620 ASSTER K16 #702 JENSEN, JAKE
/221756 (702) *REMINQ K16 #3b
/222115 *REMINQ K16

/222216 (1204) *REMINQ B438 #3a

/223249 (1160) ONSCNE K16
/223249 (1204) *ONSCNE B438
/224508 (1141) MISC B438 ,HE'S HIDING DOWNSTAIRS
/224525 MISC K16 ,A428 WILL BE ENROUTE
/224606 (482) *ASSTER L182 [9727 N WOODRIDGE DR ,SPK]
#482 HENDREN, THOMAS
/224607 (1187) *ASSTER A428 [9727 N WOODRIDGE DR ,SPK]
#1187 LEQUIRE, CHRISTOPHER
#1068 CHIMIENTI, SAMUEL

/224713 (482) *REMINQ L182 #3b

/225232	(1187	)	*ONSCNE	A428	
/225418	(1141	)	MISC	B438	, COME TO FRONT AND INSIDE
/225659	(482	)	*ONSCNE	L182	
/225917	(1182	)	*ASSTER	A427	[9727 N WOODRIDGE DR ,SPK]
					#1182 ECKERSLEY, DAVID
/230625	(1141	)	EMSREQ	K16	T/PCC05
					, START MEDICS FOR K9 CONTACT
/230705	(761	)	CALLBK		T/PCC01
					, FIRE ADV
/230744	(1182	)	*PREMPT	A427	
/232758	(482	)	*CLEAR	L182	, PSTAT/ASST
/233003	(1204	)	*TRANS	B438	[DEACONESS] M/0.0
/233034	(1187	)	*CLEAR	A428	, PSTAT/ASST
/233303	(702	)	*CHGLOC	K16	[DEAC]
/233359	(1141	)	REMINQ	K16	
#3a					
/233902	(463	)	*ASSTER	P316	[DEAC]
					#463 DENTON, JOSEPH
/234606	(702	)	*ONSCNE	K16	
/234651	(1204	)	*TRANSC	B438	[DEACONESS] M/9.0
*** New Date: 06/21/14 ***					
/001635	(463	)	*MISC	P316	, PHOTOS
/001643			*MISC	P316	, PSTAT/ASST
/001646			*CLEAR	P316	
/005030	(1204	)	*TRANS	B438	[JAIL] M/0.0
/005407	(702	)	*NEWLOC	K16	[PAPER SIG 1 PGR 0680]
/005645	(1204	)	*TRANSC	B438	[JAIL] M/1.5
/010619	(702	)	REMINQ	K16	
#3a					
/020318	(1179	)	OK	B438	
/020318			OK	K16	
/022517	(1204	)	*CLEAR	B438	DSP: 1E
					, PSTAT/CFS PSTAT/RPT PSTAT/RPT PSTAT/FEL PSTAT
					/MISD
/030948	(702	)	*CLEAR	K16	, PSTAT/ASST PSTAT/RPT
/030948			CLOSE	K16	

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-198721	
INCIDENT TYPE Arrest, Domestic Violence		INCIDENT CLASSIFICATION #1 COURT ORDER VIOLATION		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <input type="checkbox"/>
		INCIDENT CLASSIFICATION #3 <input type="checkbox"/>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 <input type="checkbox"/>
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON Fri 06/20/2014 22:00	DATE/TIME	OCCURRED ON Fri 06/20/2014 22:00	DATE/TIME	OCCURRED TO Fri 06/20/2014 23:06	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 06/21/2014	REPORT TIME 04:23	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE 26.50.110(5) VIOL OF ORDER(PRIOR CONVIC)					UCR/NIBRS CODE /13A
LOCATION OF INCIDENT 9727 N Woodridge Drive, Spokane, WA 99208				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS PC Affidavit Completed, Suspect Arrested, Witness to Crime					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Officer J. Jensen					
VICTIM/WITNESSES/OTHERS <small>V-Deceased, OW-Owner of Property, C-Complainant, PE-Pedestrian, W-Witness, M-Missing, MiR-Parson Mentioned, O-Other, PG-Pedestrian - Cyclist, IN-Institutional, PS-Passenger, RO-Registered Owner, RU-Runaway, S-Suspect, V-Victim - Individual, VB-Victim - Business, G-Legal Guardian, D-Driver, CV-Complainant is Victim, A-Arrested Person, CON-Contact</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Hartz, Joseph Alexander			SEX M	RACE/ETHNICITY W-White
HEIGHT 5'09"	WEIGHT 170	BUILD Medium	HAIR Blonde or	EYES BLK - Black	DATE OF BIRTH/AGE 11/07/1966 47
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP Transient, WA			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION Employed	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) 362-0480					
CHARGE LEVEL Felony Class C	DESCRIPTION 26.50.110(5) VIOL OF ORDER(PRIOR CONVIC)				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 06/20/2014
					TIME 23:06
ARREST LOCATION 9727 N Woodridge Drive, Spokane, WA 99208				STATEMENT <input checked="" type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input checked="" type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE
DRIVER'S LICENSE <input type="checkbox"/> FAKE <input type="checkbox"/> STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE	OTHER ID			
#4b	#4a	() #3k			

ID NO./NAME OF REPORTING OFFICER #1204 - Childress, Aaron	DISTRIBUTION	
APPROVAL #278 - Gately, John	DATE/TIME 06/21/2014 06:29	

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION COURT ORDER VIOLATION				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 14-198721	
CODE V-1	NAME: LAST, FIRST, MIDDLE Godwin, Lee B				SEX F	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 03/01/1969 45
HEIGHT 5'00"	WEIGHT 250	BUILD Heavy	HAIR Blonde or	EYES BLU - Blue	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 9727 N Woodridge Road, Spokane, WA 99208				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES (509) 863-1882							
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID		
#4b			#4a				
RELATIONSHIP TO SUSPECT Victim was Girlfriend			VICTIM OF Offns. # 26.50.110(5) VIOL OF ORDER(PRIOR CONVICT)			OFNDR. # A-1	
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES					TYPE OF VICTIM Individual		MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO
HOSPITAL TAKEN TO		TAKEN BY		<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY	ATTENDING PHYSICIAN	SUICIDE NOTE FOUND? <input type="checkbox"/>	HOLD PLACED BY
CODE W-1	NAME: LAST, FIRST, MIDDLE Lucas, Pamela lee				SEX F	RACE/ETHNICITY -	DATE OF BIRTH/AGE 04/05/1950 64
HEIGHT 5'02"	WEIGHT 180	BUILD Medium	HAIR	EYES BLU - Blue	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 9727 N Woodridge Drive N, Spokane, WA 99208				RESIDENTIAL STATUS		PHONE 467-5617
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES (Home) 467-5617							
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID		
#4b							
NARRATIVE							

On June 20, 2014 at about 2216 hours, I was dispatched to 9727 N. Woodridge Drive to investigate a reported restraining order violation. While en route, I was advised a male named Joseph Hartz has been sneaking into the home through a window. I was also advised Hartz has continued to visit a female there named Lee Godwin.

I was advised by dispatch, that there is a DV No-Contact Order (2Z0860357) which is valid and shows Godwin as the protected person and Hartz as the defendant. Dispatch emailed me the order to me to read. I reviewed the order and determined it was valid, as it was served on Hartz in court on 01/02/2013. The order had Hartz's signature on it as

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION COURT ORDER VIOLATION	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-198721
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well as the presiding Judge's signature. Upon further review of the order, it has the typical language in it, which restrains Hartz from contacting Lee to include being within two blocks of any known location. The order is valid until 01/02/2015.

I arrived on scene at about 2232 hours and walked to the home. I knocked at the front door and it was answered by Pam Lucas, the home owner and aunt to Godwin. I asked Lucas if Hartz was inside the home. Lucas stated yes, that he was in the basement bedroom with Godwin. I told Lucas that there is a restraining order between Hartz and Godwin, and I needed to arrest Hartz for violating that order. Lucas invited Officer Jensen and myself inside to go contact Hartz. As I entered the home, a young girl about 8 years of age came up the stairs from below. I asked the girl if Hartz was in the basement. She said yes, and I asked her to go tell him to come up stairs. Roughly one minute later, the girl came back up stairs and said he wasn't down there. Lucas stated we could go down there because she knew he was down there.

Officer Jensen and I walked down the stairs and into a bedroom, where we located Godwin sitting on the bed. I asked Godwin where Hartz is. Godwin initially stated he went outside the window, as she pointed to the window to the east which is located by the main entry door. I informed Godwin, he did not come out the window, as Officer Jensen and I had been standing right by the window just prior to coming inside. I convinced Godwin to tell me where Hartz was. Godwin stated Hartz was hiding in the storage room and pointed to the west room. I yelled at Hartz several times to exit the room, as I identified us as the Police. Hartz failed to exit the room.

I requested more Officers to the location while Officer Jensen went back to his patrol vehicle to retrieve his K9. I remained at the stairs, keeping watch over the two rooms until Jensen could get back. Once Officer Jensen returned, I stood by as he yelled to Hartz that he was under arrest and to immediately exit as he was going to deploy the K9. Again, we did not get any response from Hartz. Jensen released his K9 to search for Hartz after several warnings.

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION COURT ORDER VIOLATION	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-198721
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After roughly five minutes of searching, the K9 located and contacted Hartz in the west bedroom where Godwin said he was hiding. Hartz exited out from behind a pile of clothing, and other household items. Officer Lequire and I took Hartz into custody as I placed him into handcuffs (DL, single spaced) and told him of his right to an Attorney. Hartz was complaining of pain from being bitten by the K9, so he was escorted outside by Officer Lequire for treatment by medics.

I spoke with Lucas just prior leaving the home. She told me that Hartz has been at the home for the last two days. I asked her how Hartz enters the home when he arrives. Lucas stated he always comes in through the main front door. Lucas also expressed her frustration at Hartz and Godwin, as Godwin continually allows Hartz to come over and assist him in violating the order.

Once the medics treated Hartz, I secured him in the backseat of my patrol vehicle and drove him to Deaconess Hospital for treatment. Once at the Hospital, Corporal Denton took photographs of Hartz and his injuries. Hospital staff treated Hartz, and he was released with instructions for care. I told Hartz he was going to be charged with a felony count of order violation, as he had three prior convictions for order violation.

I cleared the Hospital and drove Hartz to the Spokane County Jail. Once at the Jail, I advised staff of Hartz injuries. I then booked Hartz on one Felony count of DV No-Contact Order violation. I completed an affidavit of probable cause and provided a copy to jail staff. This was the extent of my involvement in this particular incident. Please review the report completed by Officer Jensen which details his use of the K9.

-END-

Officer A. Childress #1204

06/21/2014

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-198721	
REPORT PURPOSE			REPORTED ON DATE Fri 06/20/2014	TIME 22:00	INCIDENT XREF
INCIDENT CLASSIFICATION #1 COURT ORDER VIOLATION		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 RESISTING ARREST		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 06/21/2014	REPORT TIME 01:10
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 062014 at about 2216 hours I responded to 9727 N Woodridge reference a domestic violence order for protection violation call. The complainant, Molly Schimke, was calling in stating that her mother, Pam Lucas, lives at the location. Molly advised that Pam is allowing her cousin, Lee Godwin, to live in her house and that Lee's boyfriend, Joseph Hartz has been staying there as well. Molly advised that Joseph had tried stabbing someone at the location in February and that he wasn't supposed to be there.

Radio conducted a name check on the involved parties and determined that there was a current and valid DV order for protection preventing Joseph Hartz from having any contact whatsoever with Lee Godwin. Ofc. Childress was also responding as the primary officer.

While enroute to the call I was able to conduct a name check on Joseph Hartz and observed that he was a convicted felon with the most recent convictions for 3rd degree assault and unlawful possession of a firearm. I also observed that Hartz was listed as a "high violent" classification under his DOC custody status record. I observed Hartz's local arrest record included numerous assault and order violation arrests.

I arrived on scene at the same time Ofc. Childress did, which was about 2232 hours. We approached the house and knocked on the front door. A female answered the door, who was later identified as Pam Lucas. Pam invited us inside and advised that if Joseph was there he would be downstairs with Lee. I followed Ofc. Childress downstairs to a landing which lead to another set of stairs leading into a basement. At this landing Ofc. Childress was able to communicate with a female in the basement who was identified as Lee Godwin. Godwin advised us that Hartz had just crawled out the basement window located on the front side of the house. It should be known that earlier, while waiting for the door to be answered, I observed this window and it was very small which lead me to believe it would be extremely difficult for a person to fit through. Both Ofc. Childress and I did not believe Lee and told her that if he was hiding downstairs, he needed to come out.

Ofc. Childress began yelling out for Joseph to come out and give up. Ofc. Childress even mentioned that a police K9 would be used to find him if he did not give up and that the police K9 would bite him. There was no response from this warning. Ofc. Childress and I walked down the stairs into the basement and talked with Lee and advised her that if he was hiding, she needed to tell us where, so that no one got hurt. I observed Lee then quietly state that Joseph was hiding.

ID NO./NAME OF REPORTING OFFICER #702 - Jensen, Jake D.		DISTRIBUTION Health Department	
APPROVAL #482 - Hendren, Tom	DATE/TIME 06/21/2014 04:39		

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION

COURT ORDER VIOLATION

ATTEMPTED



INCIDENT NUMBER

14-198721

I observed that the basement involved multiple rooms and it was cluttered with large piles of clothing, furniture and boxes. There were multiple locations where a person could hide. Ofc. Childress asked me if I could get my K9 for the search so I returned to my vehicle while he backed out of the basement to wait for my return. While going back to my car, I advised the homeowner, Pam Lucas, that I was going to search the basement with a police K9 and she said, "okay".

I decided to deploy K9 Cruz to search the basement for Joseph Hartz for the following reasons:

Crime:

There was PC to arrest Joseph Hartz for DVOPV.

Threats:

Hartz had not been searched and it was unknown whether he possessed any weapons which could be used to harm searching officers. The area to be searched was cluttered with piles of clothing, furniture and boxes and there were multiple hiding locations where Hartz could ambush searching officers. Hartz had prior felony convictions for 3rd degree assault and unlawful possession of a firearm, both convictions which increased my concern for officer safety, because Hartz had already shown at one point in his life that he had committed a felonious assault and possessed a firearm illegally. I was concerned that both crimes could be committed again and by using the K9 to search, officers could at least keep their distance from this potential threat. I was also concerned for the safety of the protected person on the DV order, Lee Godwin, in that if we did not apprehend Hartz, he could potentially harm Lee again. A court had clearly established through the issuance of the order that Hartz was a threat to Lee, so I wanted to make sure Lee was protected for the time being by removing Hartz from the location.

Resistance:

Hartz was attempting to evade arrest by hiding in the basement and refusing to give up to police commands.

I downed K9 Cruz on the landing at the top of the stairwell leading into the basement. I gave a loud K9 announcement as follows, "Joseph Hartz, you are under arrest, Spokane Police K9 Unit, you need to come out now or make yourself known, I'm going to release a police dog, when he finds you he will bite you". At the end of the announcement, K9 Cruz barked and I quieted him. I listened for a response for about 40 seconds and did not hear anything. I repeated the above K9 announcement and again K9 Cruz barked at the end. I quieted K9 Cruz and listened for a response again for about 40 seconds and did not hear anything. I gave K9 Cruz the command to search and he began searching. K9 Cruz worked into a small room at the bottom of the stairwell and did not locate anyone. K9 Cruz then worked into a large room which was cluttered with a bed, dressers and numerous piles of clothes. I allowed K9 Cruz ample time to clear this area as there were many

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION COURT ORDER VIOLATION	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-198721
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hiding locations. I noticed that there was a closed door near the bottom of the stairs. After K9 Cruz cleared the large room, I moved down the stairs and opened the closed door. I observed this room was full of boxes stacked to the ceiling.

I gave K9 Cruz the command to search the room cluttered with boxes and he did not locate anyone. I observed another doorway leading into another room off of the large room in the basement. I gave K9 Cruz the command to search this area and he entered. At about this time, I was advised by Ofc. Childress that he had been informed that Hartz was hiding in the area in which K9 Cruz was currently working. Based on this information, I recalled K9 Cruz to a heel to give another K9 announcement to see if Hartz would give up peacefully. Once K9 Cruz was back at my side, I gave a K9 announcement as follows, "Joseph Hartz, you are under arrest, Spokane Police K9 Unit, come out now or make yourself known, I am going to release my police dog, when he finds you he will bite you". K9 Cruz barked at the end of the announcement. I quieted K9 Cruz and stated something to the effect of, Joseph this is your last opportunity to give up without being injured by the police dog, he will bite you. I did not hear any response from inside the room which was cluttered with boxes stacked to the ceiling and clothing hung on racks.

I gave K9 Cruz the command to search and he worked into the room and disappeared behind a rack of hanging clothes. I could hear K9 Cruz interacting with something so I slowly worked my into the room and looked behind the rack of clothing. I observed K9 Cruz contacting a male on his buttocks. I immediately advised other officers that we had located the suspect and commanded the suspect to show me his hands. I observed the male was kneeling on a table about 2 feet in the air and that the only part of his body exposed to me was his waist down. Once I commanded to see the suspect's hands, I heard the male begin to yell to get the dog off. I then observed him put his hands back behind his back so I verbally outed Cruz from about 3 feet away and he released his bite immediately. I took control of K9 Cruz by his collar and ordered the male out of his hiding location. The male crawled out of the hiding location to other officers, where he was taken into custody. The male was identified as Joseph Hartz. I would estimate the duration of the bite to be about 5-10 seconds. It should also be noted that my last K9 announcement was only about 10 feet from where Hartz had been located by K9 Cruz.

Lt. Hendren was on scene when Hartz was taken into custody and I advised him of the incident. Sgt. Boothe was also notified. Medics were called to the scene where they checked on Hartz's injuries which only consisted of rake marks on his left hamstring and right buttocks area. Ofc. Childress transported Hartz to Deaconess ER where he received further medical treatment. At the hospital, I was able to see all of Hartz's injuries which consisted of: 1. small indentation, not bleeding on right forearm, 2. four rake marks from canines on left hamstring area and 3. four rake marks from canines on right buttocks area. Cpl. Denton photographed the injuries.

While at the hospital, I asked Hartz if he had heard my K9 announcement and he said, "yes". I asked him what he was thinking when he didn't give up. Hartz stated, "I just wanted to get out of

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION COURT ORDER VIOLATION	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-198721
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there" and "maybe I'm just kind of bullheaded". Hartz apologized for not giving up and that there would never be another incident like this in the future, that he would give up peacefully. I asked Hartz to explain the order of the K9 bites due to K9 Cruz being out of my sight. Hartz stated that K9 Cruz first contacted him on his right arm. Hartz said this bite was not bad because he quickly jerked his arm away and K9 Cruz then transitioned to his buttocks. Hartz said he began to squirm away and K9 Cruz then contacted him on his left hamstring.

Hartz's injuries were cleaned and no stitches were required. Hartz received his medical treatment from Dr. Ed Jones. After Hartz was released from the hospital, Ofc. Childress transported him to the Spokane County Jail where he was booked for felony DVOPV (3 prior convictions) and resisting arrest. I had advised Hartz that he was under arrest multiple times prior to K9 Cruz locating him and he continued to hide, resisting the eventual arrest.

See Ofc. Childress' arrest report.

Jensen #702

RECEIVED
SPOKANE POLICE RECORDS

2014 JUN 21 AM 8 03

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

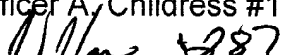
DATE: June 21, 2014

REPORT NUMBER: 14-198721

CHARGES REQUESTED: RCW 26.50.110.5 Violation of DV-No Contact Order
(3 prior convictions for Order Violations)

DEFENDANT: Hartz, Joseph A. DOB 11/07/1966 W/M Transient

STATUS: In Custody

VICTIM(S): Godwin, Lee B. DOB 03/01/1969
DATE/TIME OF CRIME: June 20, 2014 2306 hours
LOCATION OF CRIME: 9727 N. Woodridge Drive Spokane, WA 99208
INVESTIGATOR: Officer A. Childress #1204
APPROVED BY:  287

WITNESSES	ADDRESS	PHONE #
Lucas, Pam L.	9727 N. Woodridge Drive	509.467.5617
Godwin, Lee B.	9727 N. Woodridge Drive	509.467.5617
Officer J. Jensen	1100 W. Mallon	509.242.8400
Officer A. Childress	1100 W. Mallon	509.242.8400

EVIDENCE CONSISTS OF:
Witness Statements, Copy of DV No Contact Order, Photographs

SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: _____ DATE: _____ TIME: _____

**STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON
COUNTY OF SPOKANE

REPORT NUMBER: 14-198721

DEFENDANT: Hartz, Joseph A. DOB 11/07/1966 W/M Transient

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

On June 20, 2014 at about 2306 hours, at 9727 N. Woodridge Drive in Spokane Washington, Defendant Hartz did commit the crime DV No-Contact Order violation (Felony) by physically being inside the home of victim Lee Godwin, in which Defendant Hartz had knowledge of the protection order restraining him from coming within two blocks of victim Godwin's residence.

WITNESS LUCAS can testify to the following:

She is the home owner of 9727 N. Woodridge Drive

She was in the home on the date and time listed above

She told Officer Childress that Defendant Hartz was in the basement and has been at the home for two days

She invited Spokane Police Officers inside her home willing to apprehend Defendant Hartz

VICTIM GODWIN can testify to the following:

She currently resides at the address on Woodridge Drive

She was in the home, in the basement and in the company of Defendant Hartz on the date and time listed above

She is aware of the DV No-Contact Order (2Z0860357) listing her as the protected person and Defendant Hartz as the restrained person

OFFICER J. JENSEN can testify to the following:

He is a fully commissioned Officer with the Spokane Police Department and was on duty on the date and time listed above

He responded to the address on Woodridge to assist Officer Childress investigate a DV Order Violation call

He used his K9 to search the basement area of the home where it was believed Defendant Hartz was hiding

He announced a couple times that Defendant Hartz was under arrest and his intent to use his K9 to search for him

His K9 searched and located Defendant Hartz hiding in a back room under a pile of clothing

OFFICER A. CHILDRESS can testify to the following:

He is a fully commissioned Officer with the Spokane Police Department and was on duty on the date time listed above

He responded to the address on Woodridge to investigate a DV Order Violation

He contacted witness Lucas and victim Godwin inside the home who both told him Defendant Hartz was inside the home and hiding in the basement

He entered the location at the invitation of Lucas and made loud verbal announcements for Hartz to exit, which he failed to do

He assisted Officer Jensen and his K9 with the search of a basement room for Defendant Hartz

He observed the K9 locate Defendant Hartz hiding behind a pile of clothing in the corner of the room

He took Defendant Hartz into custody and told him he was under arrest with the right to an Attorney

He learned through a Criminal History check that Defendant Hartz has three prior convictions for Order Violations

He booked Defendant Hartz into the Spokane County Jail on one count of Felony DV No-Contact Order

The events listed above occurred in Spokane County Washington on June 20, 2014.

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 June 21, 2014 PLACE: SPOKANE, WASHINGTON

SIGNATURE: A. Childress #1204



RECEIVED
SPOKANE POLICE RECORDS

2013 JAN 4 PM 4 36

14-198721
1161
Received amended
Order with
correct issue date
FILED
JAN 02 2013

**SPOKANE MUNICIPAL COURT FOR
THE STATE OF WASHINGTON**

CITY OF SPOKANE, Plaintiff,
vs.

Joseph A. Hartz
Defendant (First, Middle, Last)

Case No. 280860867

Report No. 12-403505

☐ Pre-Trial ☒ Post-Conviction

☐ Replacement Order (paragraph 10)

DOMESTIC VIOLENCE NO-CONTACT ORDER

Clerk's Action Required: Paragraph 9

1. Protected Person's Identifiers:

Name (First, Middle, Last)		
<u>Lee B. Godwin</u>		
DOB	Gender	Race
<u>3/1/69</u>	<u>F</u>	<u>W</u>

If Protected Person
is a minor, use
Initials instead of
name and complete
a Law Enforcement
Sheet (LEIS)

Defendant's Identifiers:

Date of Birth			
<u>11/7/66</u>			
Gender		Race	
<u>M</u>		<u>W</u>	
Height	Weight	Hair	Eyes
<u>5-9</u>	<u>170</u>	<u>Brown</u>	<u>Blk</u>

2. No-Contact Order, Defendant:

- A. do not cause, attempt, or threaten to cause, bodily injury to, assault, sexually assault, harass, stalk, or keep under surveillance the protected person;
- B. do not contact the protected person, directly, indirectly, in person or through others, by phone, mail, or electronic means, except for mailing or service of process of court documents through a third party, or contact by the defendant's lawyers;
- C. do not knowingly enter, remain, or come within 2 Blocks of the protected person's residence, school, workplace, other: 1323 E. Empire
- D. other: Any known location of the protected person. Spokane, WA

3. Firearms and Weapons, Defendant:

- ☐ do not obtain or possess a firearm, other dangerous weapon or concealed pistol license. Defendant shall **immediately surrender** all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to the Spokane Police Department. (Pre-trial Order, RCW 9A.18.000. See findings made in paragraph 7, below.)
- ☒ do not obtain, own, possess or control a firearm. (Post-Conviction, RCW 9A.18.040)

4. This no-contact order expires on: 1/2/2015 (Five years from today's date if no date entered)

WARNING! Violation of the provisions of this order with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. **You can be arrested even if the person protected by this Order invites or allows you to violate this order's prohibitions.** You have the sole responsibility to avoid violating this order's provisions. Only the court can change this Order upon written application. (Additional warnings on page 2 of this order.)

14-198721

FINDINGS OF FACT

5. Based upon the record both written and oral, the court finds that the defendant has been charged with, arrested for, or convicted of a domestic violence offense, and issues this Domestic Violence No-Contact Order under Chapter 10.99 RCW to prevent possible recurrence of violence.
6. The court finds that the defendant's relationship to the person protected by this order is an ☒ Intimate Partner (former/current spouse; parent of common child; or former/current cohabitants as intimate partners) or ☐ Other family or household member as defined by Chapter 10.99 RCW: _____
7. ☐ (Pretrial order) For crimes not defined as a serious offense, the court makes the following mandatory findings pursuant to RCW 9.41.800: ☐ The Defendant used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; ☐ The Defendant is ineligible to possess a firearm due to a prior conviction pursuant to RCW 9.41.040; or ☒ Possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

ADDITIONAL ORDERS

8. ☒ Civil Standby: The appropriate law enforcement agency shall, at a reasonable time and for a reasonable duration, assist the defendant in obtaining personal belongings located at: 1323 E. Empire in Spokane WA
9. The clerk of the court shall forward a copy of this order on or before the next judicial day to SCSO/SPD where the above-named protected person(s) lives, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.
10. ☐ This order replaces all prior no-contact orders protecting the same person issued under this cause number.

ADDITIONAL WARNINGS TO THE DEFENDANT:

This order does not modify or terminate any order entered in any other case. The defendant is still required to comply with other orders.

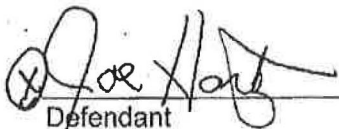
Willful violation of this order is punishable under RCW 26.50.110. State and federal firearm restrictions apply. 18 U.S.C. § 922(g)(8)(9); RCW 9.41.040.

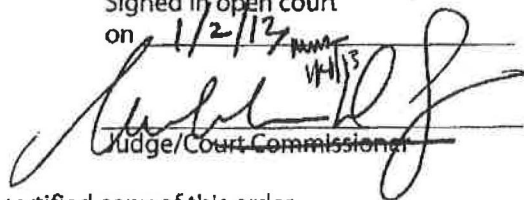
Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

Acknowledgment of Receipt

Signed in open court

on 1/2/13


Defendant


Judge/Court Commissioner

The protected person shall be provided with a certified copy of this order.

☐ Interpreter Certificate Attached.

PHOTOLOG

DATA	AGENCY NAME SPOKANE PD		CROSS REFERENCE NUMBER(S) DENTON P316		INCIDENT NUMBER 140198721		
	INCIDENT CLASSIFICATION DVOPV		LOCATION OF INCIDENT 800 W. 5TH AVE.		MONTH 06	DAY 20	YEAR 14
	INVESTIGATOR OFF. A. CHILDRESS # 1204		PHOTOGRAPHED BY CR. J. DENTON #463 P316				
	NAME (LAST, FIRST, MIDDLE) HARTZ, JOSEPH A.		RACE W	SEX M	DOB 110766		
PHOTOGRAPHS	PHOTO # <u>1</u> THROUGH # <u>28</u>						
	NUMBER	DESCRIPTION					
	1	DEACONESS E.R. ENTRANCE					
	2+3	HARTZ ARRIVING AT DEACONESS					
	4+6	HARTZ WALKING INTO DEACONESS					
	6+7	HARTZ STANDING					
	8+9	HARTZ'S FACE					
	10	HARTZ'S RIGHT FOREARM					
	11-17	HARTZ'S BUTTOCKS + UPPER THIGHS					
	18-22	HARTZ'S JEANS					
	23-27	HARTZ'S UNDERWEAR					
	28	PHOTO LOG					