



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
7/28/2014	7/21/2014	03:24
Record ID #	Incident No	IA No
8384	14-225763	F14-067
Date/Time Entered		
7/28/2014 19:08		

Incident Summary

After reading the attached documentation and speaking with Officer Hamilton, I find that his deployment of K-9 "Leonidas" as a searching tool was within State and Federal Law, Department Policy and met Department expectations. Further, I find that his second application of K-9 "Leonidas" as an apprehension tool was within State and Federal Law, Department Policy and met Department expectations. Without the use of the K-9 during this incident there was a high likely hood that Officers may have had to utilize deadly force during the service of the search warrant.

Sergeant Shawn Kendall
K-9 Unit Supervisor / Defensive Tactics Coordinator

In compliance with policy per Assistant Chief Dobrow 07/30/14.

Incident Location

- 901 Holyoke ST, Suite/Apt: 30, Direction: E, Spokane, WA 99208

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Resisting Arrest	Call For Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Interior Lighting	19 feet to 21 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Small	5'4" to 5'6"	
Officer Assessment of Citizen Condition During Incident		
None detected		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Complainant/Involved Citizen Information

Andrew R Gardner

DOB: 7/23/1991 Race: White Gender: Male

Address

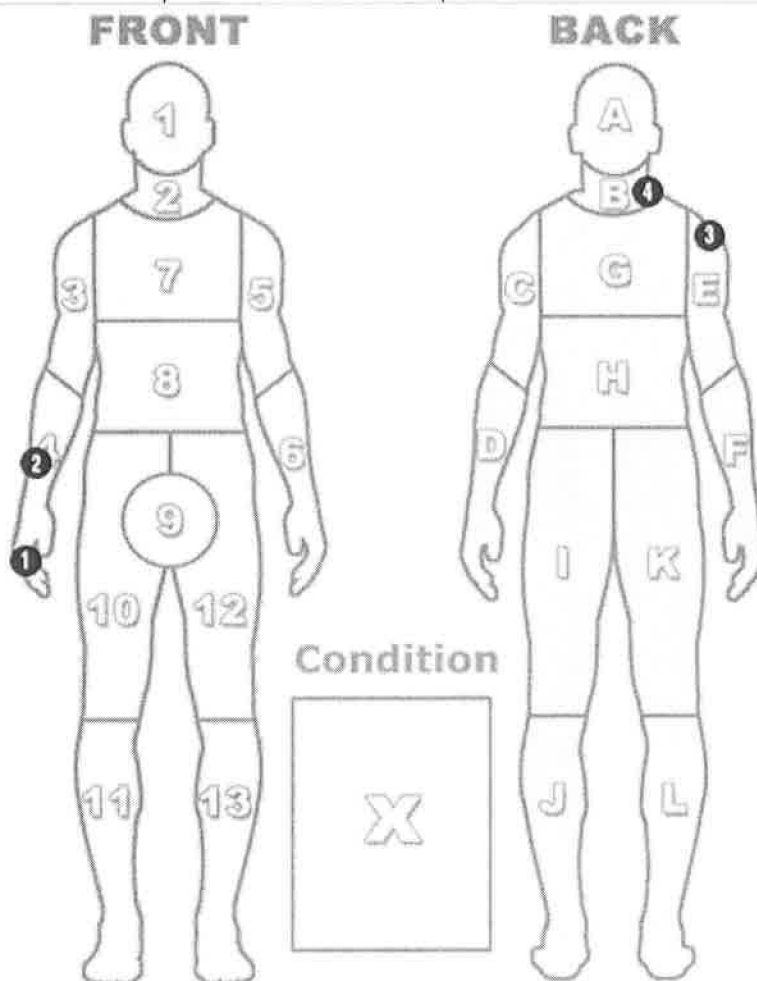
- Transient, Spokane, WA

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Minor Injury	4, B, E	1, 2, 3, 4

**Charges against this citizen**

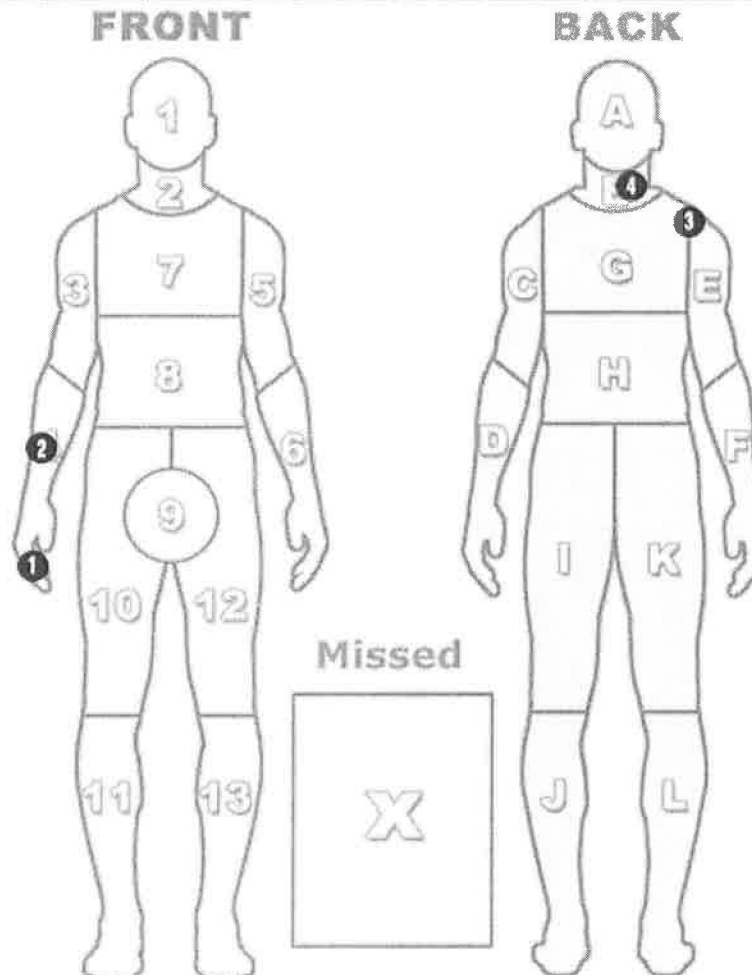
- Resisting Arrest
- Obstructing
- Warrant

Involved Officers

SPO Craig Hamilton - 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, B, E	1, 2, 3, 4

**Injuries sustained by this officer**

Injury	Regions	Injury Locations
No injuries noted or visible		

Officer Witnesses**Corporal Tyler Cordis - Payroll Number:** #5c**Officer Arthur Dollard - Payroll Number:****Sergeant Brian Eckersley - Payroll Number:** #5c**Officer Brandon Fabian - Payroll Number:****Officer Ryan Jamieson - Payroll Number:****Officer Gregory Rogan - Payroll Number:**

Attachments

Date Attached	Attachment Description	Attachment Type
7/28/2014	K-9 Software Report	pdf
7/28/2014	Reports 140225763	pdf
7/28/2014	CAD 140225763	pdf

Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
7/28/2014	Sergeant Shawn Kendall	Lieutenant Kevin King	(none)	After reading the attached documentation and speaking with Officer Hamilton, I find that his deployment of K-9 "Leonidas" as a searching tool was within State and Federal Law, Department Policy and met Department expectations. Further, I find that his second application of K-9 "Leonidas" as an apprehension tool was within State and Federal Law, Department Policy and met Department expectations. Without the use of the K-9 during this incident there was a high likely hood that Officers may have had to utilize deadly force during the service of the search warrant. Sergeant Shawn Kendall K-9 Unit Supervisor / Defensive Tactics Coordinator	<input checked="" type="checkbox"/>	Both of Officer Hamilton's applications of Leonidas were reasonable and within policy and law.
7/29/2014	Lieutenant Kevin King	Captain Daniel Torok	(none)	For your review	<input checked="" type="checkbox"/>	I concur with Lt. King that the use of force (K-9) was consistent with policy.
7/29/2014	Captain Daniel Torok	Asst Chief Patrick Dobrow	(none)	for review	<input checked="" type="checkbox"/>	I have reviewed this use of force, K9 contact, and find it to be 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

K9 Use of Force Report

General Use of Force Information

Case #	14-225763	Report Type	Apprehension
Location	901 E. Holyoak #30	Handler	Craig Hamilton
Date Occurred	7/21/2014	K-9	Leonidas
Date of Report	7/27/2014 8:38:00 PM	Imm. Supervisor	Sgt. Kendall
Reviewed By			
Review Date			

Subject Information

Subject's Name	Gardner, Andrew P		
DOB	7/23/1991	Age	23
SSN			
Gender	M		
Address	TRANSIENT		
City		Zip Code	
State			
Phone #			

Medical Information

Visible Injuries present?	Yes	Subject refuse treatment?	No
Treatment Required?	Yes	Exam/ Treatment Location	Deaconess ER
Examined by Doctor?	Yes	Examining Doctor	
Explanation of Treatment	Injuries were cleaned.		
Time of Exam	4:30 AM		

K-9 Specific Information

Verbal warning given prior to engagement?	Yes	Number of bites or engagements	2
Subjects actions leading to the Use of Force			

Officers were attempting to serve a search warrant on the house. Two females surrendered but the suspect failed to do so. 22 minutes of warnings were given prior to searching the apartment with K9 Leo. The suspect failed to respond to any announcements and was later found by Leo. The suspect was laying with a replica BB/pellet handgun on a couch in the apartment.

Reason no Verbal warning given?

Off leash apprehension made? **Yes**

On leash contact made? **No**

K-9 obeyed handler's commands? **Yes**

K-9 Assaulted? **No**

K-9 Injured? **No**

List K-9's Injuries

K-9 Treatment costs

Examining Veterinarian

Report Narrative

On 07-21-14 at about 0330 hours, I was requested over the radio to respond to 901 E. Holyoak #30, to assist officers on scene attempting to serve a search warrant.

I responded with K9 Leonidas (Leo). We are a WAC certified police patrol dog team and have been for 5 1/2 years. I am also accredited with the Washington State Police Canine Association (WSPCA) as a Master Handler. In addition, I am a Master Trainer with the WSPCA. Leo is my second working dog in over 10 years of being a handler.

I arrived in a fully marked "Spokane Police K9" car. I was wearing the uniform of the day and Leo was wearing a harness with "POLICE" marked along both shoulders and a Spokane Police patch affixed to his left side. We were clearly identifiable as police.

I was given the information that officer's on scene were attempting to serve a search warrant on apartment #30. They had already breached the apartment door and two females gave up and walked out of the apartment after several announcements. They advised there was another male still inside, who was identified as Andrew R. Gardner. However, Gardner failed to give up even after multiple announcements by the officers.

I arrived on scene at about 0340 hours and the search warrant was served at 0324 hours. Ofc. Dollard told me they had been giving announcements inside the apartment during that time, trying to get Gardner to comply and come out of the apartment, prior to my arrival.

Gardner had a confirmed local warrant for DUI.

Once at the open doorway to the apartment, I made several more announcements to Gardner, in hopes he would give up without incident. I yelled, "Attention in the apartment, this is the Spokane Police K9 Unit. Andrew Gardner, you are under arrest and need to come out now. If not, I'll send in my dog and when he finds you he will bite you!" Leo barked several times after that and then I waited for about 30 seconds to see if he would respond but he never did. I continued with a couple more announcements with Leo barking at the end but Gardner failed to comply. Gardner's intentional resistive behavior and the obstruction of our investigation was concerning and not usual behavior.

I decided to search the apartment for Gardner for the following reasons:

CRIME:

There was a confirmed local warrant for DUI. There was also probable cause to arrest Gardner for resisting arrest and obstructing.

RESISTANCE:

Gardner was actively resisting arrest by failing to give up after he was told he was under arrest. He continued to hide inside the apartment.

THREAT:

Gardner has an extremely violent criminal history. He has prior arrest for #3a #3a Gardner posed an immediate threat to the searching officers that were attempting to serve a search warrant. We knew he was inside the small dark apartment but failed to respond to any announcements or dialog for nearly 22 minutes (from the time the door was breached). This behavior was very unusual, which too increased Gardner's threat level. It was unknown if he was armed and laying in wait for the officers to enter the apartment to ambush the police. Searching the apartment with Leo was safest for everyone involved.

After my third announcement with no response, I release Leo into the apartment. He cleared a bedroom first, which was directly in front of us. He then entered a room off our right, which I couldn't see into. It turned out to be the living room, which was furnished. This is where Leo located Gardner.

A few moments after Leo entered the living room, I heard a male scream. I knew Leo had located Gardner so several officers and I moved into the apartment. I went in through the walk-through kitchen and saw Gardner lying on his back, on top of a couch, with his feet towards us. Leo had control of Gardner's right hand. Gardner had his left hand up around Leo's mouth, as if he was trying to push Leo off him. I could see Gardner's hands were empty and we continued to move up.

I took control of Leo, while Ofc. Dollard and Cpl. Cordis attempted to take control of Gardner. I ordered Leo to release his hold and he immediately did so. However, the room was extremely small and I was only able to step back a foot or so. Gardner turned over towards his stomach and I knew the officers only had control of one of his arms. Cpl. Cordis then yelled, "Gun, gun! There is a gun next to him."

I couldn't see the gun or his right hand now that he was laying more on his stomach. Gardner continued to resist our attempts to take him into custody and now we knew he was laying on a gun.

I decided to attach Leo to Gardner's upper body once again for the following reason:

THREAT:

Gardner posed an immediate extreme danger to the arresting officers. He was laying on a gun and physically resisting arrest. He would not give up his free hand and this was close to a lethal encounter. It was unknown if he was attempting to reach the gun because I couldn't see it. There were several officers right over the top of him attempting to gain control.

While holding onto Leo's harness and collar, I moved him closer to Gardner's upper right back area. Leo was able to contact Gardner's right upper shoulder area and raked him along the right side of the back of his neck during the fight. This pain compliance and distraction worked well enough that the other officers were able to pull him off the couch and away from the gun. They were able to take him into custody without further incident.

I had a hold of Leo during the second application and he merely raked Gardner. Leo did not

bite and hold so the contact was extremely brief. This technique likely kept the use of force minimal, instead of it turning into a lethal fight.

After Gardner was taken into custody and things calmed down, medics were requested to look at Gardner's minor injuries. They responded then Ofc. Brooks transported Gardner to Deaconess hospital where his scrapes were treated.

Gardner's injuries consisted of some very small tears along the inside of his fingers on his right hand. There were some rakes on his right forearm, outer right shoulder and a red rake mark along the back of his neck right above his right shoulder.

At the hospital, I asked Gardner if he heard me yelling my announcements? He admitted he did, as well as my dog.

Gardner didn't really answer much else and appeared to be having a hard time staying awake.

After he was treated and released, Ofc. Brooks transported him to the SCSO jail and booked him on the warrant and the two additional charges.

Photos were taken of Gardner's injuries.

Sgt. Eckersley was on scene of the search warrant and was aware of the K9 contact.

The gun was a replica BB or pellet gun that looked extremely real. It was hidden between the cushions and the back of the couch about in the middle. This location was right where your hands would be if laying down.

See the other reports for further info.

Ofc. C. Hamilton 713
K14

Handler's Signature (X) _____

Incident History for: #SP140238643 Xref: #SP140238621

Entered 07/20/14 23:18:51 BY 91107 911209
Dispatched 07/20/14 23:24:19 BY PCC01 1144
Enroute 07/20/14 23:24:19
Onscene 07/20/14 23:24:19
Closed 07/21/14 09:09:51

Initial Type: INFO Final Type: VEHTFT (VEHICLE THEFT)

Initial Priority: 3 Final Priority: 2

Disposition: 1E Source: A Primary Unit: B436

Police BLK: SPB3NL

Group: P3 Beat: Map Page: 31

Loc: 901 E HOLYOKE AV #30 ,SPK btwn N CINCINNATI ST & N NEVADA ST <6600> (V)

Loc Info: QUADRANGLE APARTMENTS

Name: TRIPP, RYAN V071089 Addr: SAME

Phone: 5094755709

/231851 (911181) ENTRY

COMPS VEH STOLEN ON 7/10. NEIGHBOR AT LOC HAS
SEEN THE VEH AT LOC. COMP IS WAITING IN THE PA
RKING LOT IN VEH:RED FORD FREESTYLE TO TRY AND
SPOT HIS STOLEN VEH. STOLEN VEH:RED 92 FORD E
SCORT LIC#K497687/ID

/232035 SUPP

LOCI: QUADRANGLE APARTMENTS,
TXT: COMP WANTED LE TO BE AWARE SO IF HE SPOTS
THE VEH THEY KNOW THE SITUATION . WILL CALL B
ACK IF ITS LOCATED. ###

/232332 (1144) MISC

/232332 MISC

/232332 MISC

/232332 MISC

/232332 MISC

/232332 MISC

/232332 MISC

/232332 MISC

/232332 MISC

/232332 MISC

/232332 MISC

/232352 CROSS

/232413 CROSS

/232416 HOLD

/232418 MISC

/232419 DISPOS NR

/232420 CALLBK NR

/232421 CLEAR NR

/232421 CLOSE NR

*** New Date: 07/21/14 ***

/005950 (911209) REOPEN

,RYAN ON CB. NOW SEES THE VEH AT LOC. THERE IS
A FEMALE SITTING IN THE VEH . COMP IS ON FOOT
NEAR THE VEH.

/010011 CHANGE

TYP: INFO --> VEHTFT,
PRI: 3 --> 2

/010014 (1210) HOLD

/010102 (911209) SUPP

TXT: COMP ON FOOT WEARING BLK SHIRT, BLK/RED S
HORTS. ###

/010135 (1210) DISP B436

#991 JAMIESON, RYAN

/010135		ASST	A321	#966	JOHNSON, CHRISTOPHER
/010137	(991)	*ENROUT	B436		
/010140	(966)	*ENROUT	A321		
/010221	(1210)	CALLBK		T/PCC02	,WHERE IN THE COMPLEX IS COMP/VEH?
/010234		\$PREMPT	A321		
/010234		\$ASSTER	A322	#969	SPOLSKI, NICHOLAS
/010234		PREDSP	A321	A322	#SP140238655 T/DV [1322 N WALL ST #
/010248	(1190)	*ASSTER	A424	1 ,SPK]	
/010258	(1210)	PREMPT	A322	[910 E HOLYOKE AV ,SPK]	
/010332	(1144)	CALLBK		#1190	BROOKS, WINSTON
/010351		SUPP		T/PCC01	,ENTER PLOT FROM NEVADA
/010454	(1210)	ONSCNE	B436	TXT: 2 FEMALES, 1 MALE	STANDING NEXT TO CAR NO
/010501	(1144)	SUPP		W	
/010512	(713)	*ASSTER	K14	, AREA	
/010515	(1144)	SUPP		TXT: STILL STANDING NEXT TO VEH,	NOBODY IN VEH
/010521		SUPP		. TAKING ITEMS OUT OF IT	
/010530	(966)	*ASSTER	A321	[910 E HOLYOKE AV ,SPK]	
/010532	(1144)	SUPP		#713	HAMILTON, CRAIG
/010605		SUPP		TXT: THINKS THEY CAME FROM #30	
/010626		SUPP		TXT: 1 PERSON GETTING INTO CAR NOW	
/010633	(969)	*ASSTER	A322	[910 E HOLYOKE AV ,SPK]	
/010658	(1144)	SUPP		#966	JOHNSON, CHRISTOPHER
/010731	(1210)	MISC	B436	TXT: OTHER 2 WENT BACK TO #30	
/010742	(1144)	SUPP		TXT: NOBODY IN VEH NOW, ALL WALKING	BACK TO #3
/010748	(1210)	CHANGE		0	
/010755	(1144)	SUPP		TXT: COMP IN RED FORD FREESTYLE W/	LIGHTS ON
/010931	(093)	*ASSTER	L183	[910 E HOLYOKE AV ,SPK]	
/010939	(1210)	ONSCNE	A424	#969	SPOLSKI, NICHOLAS
/010954	(713)	*ONSCNE	K14	TXT: COMP CONFIRMED LOCATION	
/011053	(1210)	MISC	B436	,NOT SEEING ANYONE	
/011118	(966)	*ONSCNE	A321	TXT: SEES LE	
/011118		*ONSCNE	A321	LOC: 910 E HOLYOKE AV ,SPK -->	901 E HOLYOKE
/011142	(1210)	MISC	B436	AV ,SPK	
/011303	(969)	*ONSCNE	A322	LOC: 910 E HOLYOKE AV ,SPK,	
/011617	(1210)	MISC	B436	TXT: TALKING WITH LE	
/011632	(560)	*ASSTOS	P323	#093	SPRAGUE, DEAN
/011822	(093)	*ONSCNE	L183		
/012145	(713)	*CLEAR	K14	,UNOCC NOW. SHOULD ALL BE IN #30	
/012415	(1210)	MISC			
/012415		MISC			
/012415		MISC			
/012415		MISC			
/012417		MISC			
/012417		MISC			
/012417		MISC			

#3/

#649 ECKERSLEY, BRIAN

/031543 (445) *ONSCNE P302
/032236 (649) *ONSCNE L235
/032417 (1210) MISC A410
/032423 MISC A410
/032430 MISC
/033032 MISC

/033041 ASST K14

/033145 (713) *ENROUT K14
/033440 (1210) REMINQ B436

/033457 MISC B436
/033646 MISC B436
/033844 (657) CALLBK

/034043 (713) *ONSCNE K14
/034705 (1210) MISC P302
/034815 EMSREQ A410

/034855 (657) CALLBK

/035054 (1210) MISC P302
/035132 REMINQ B436

/035717 (1191) *TRANS C478
/040045 (991) *REMINQ B436

/040200 (713) \$PREMPT K14
/040230 (937) *REMINQ A410

/040356 *TRANSC A410

/040420 (1210) MISC A424
/040424 TRANS A424
/040503 (713) *ASSTER K14

/040850 (093) *CHGLOC L183
/040908 (937) *REMINQ A410
/040929 *REMINQ A410

/041147 (713) *NEWLOC K14
/041336 (937) *TRANSC A410
/041421 (1190) *TRANSC A424
/041449 (937) *TRANSC A410
/041450 *TRANSC A410
/042044 (093) *ONSCNE L183
/043026 *CHGLOC L183
/043147 *ONSCNE L183
/044031 (713) *CLEAR K14
/044457 (445) *NEWLOC P302
/045349 *CLEAR P302
/045908 (1190) *TRANS A424
/045954 (991) *TRANS B436
/050008 (1191) *TRANSC C478
/050011 *CHGLOC C478
/050238 (937) *REMINQ A410

,.....TIME CHECK
,SERVING SW...HOLD CH
,RESTRICTED
,P302 1 MALE STILL IN APT NOT COMING OUT. MADE
SEVERAL ANNOUNCEMENTS, OBVIOUS WE ARE HERE
[901 E HOLYOKE AV #30 ,SPK]
#713 HAMILTON, CRAIG

#3a

,NO KNOWN WEAPONS IN THE HOUSE
,TO A410, NO ONE ELSE IN APT, KIDS OR ANIMALS
T/PCC01
,CONFIRMED/HOLDING ..ADDRESS ON THE WARRANT 63
11 N ALTAMONT #B

,ONE IN CUSTODY, GUN RETV BY SUSP
T/PCC05
,MEDICS FOR K9 APPLICATION
T/PCC01
,FIRE ADV
,UNRESTRICT

#3a

[DEACONESS] M/0.0

#3a

#3a

[JAIL] M/0
,1 FEMALE
,IN CUSTODY IN MY CAR NOW
[DEAC]
[JAIL]
#713 HAMILTON, CRAIG
[DEACONESS ER]

#3b

#3g

[DEAC]
[STATION] M/4.0

[STATION] M/4.0
[STATION] M/4.0

[PSB OFFICE]

,PSTAT/RPT, PSTAT/ASST
[DEAC]
,PSTAT/ASST PSTAT/RPT PHOTOS
[JAIL]
[JAIL] M/0

[PROPERTY]

#3a

/050257 (1190) *REMINQ A424

#3a

/050452 *TRANSC A424

/051139 (991) *TRANSC B436

[JAIL] M/5.3

/051210 (937) *NEWLOC A410

[REPORT]

/051340 (649) *CLEAR L235

/053329 (1190) *NEWLOC A424

[1]

/053526 (093) *CLEAR L183

/054408 (991) *NEWLOC B436

[1]

/054805 (1144) \$PREMPT A410

/054805 PREDSP A410

C477 #SP140238792 T/MALMS [225 S WALL ST ,S
PK]

/055504 (1191) *MISC C478

, PSTAT/ASST

/055525 *CLEAR C478

/070915 (1190) *CLEAR A424

/071228 (991) *MISC B436

, PSTAT/CFS PSTAT/RPT

/071237 *MISC B436

, PSTAT/FEL PSTAT/FEL

/071248 *MISC B436

, PSTAT/WAR PSTAT/MISD PSTAT/MISD

/090951 *CLEAR B436

DSP: 13D --> 1E

/090951 CLOSE B436

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-225763	
INCIDENT TYPE Information, WACIC		INCIDENT CLASSIFICATION #1 VEH-THEFT		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2 ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3 <input type="checkbox"/>		INCIDENT CLASSIFICATION #4 ATTEMPTED <input type="checkbox"/>	
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON Fri 07/11/2014 12:13		OCCURRED ON Fri 07/11/2014 03:00		OCCURRED TO Fri 07/11/2014 12:00	
DISPATCH TIME 13:13		ARRIVED TIME 13:16		CLEARED TIME	
REPORT DATE 07/11/2014		REPORT TIME 19:17		EST. TOTAL PROPERTY LOSS	
PRIMARY CHARGE					UCR/NIBRS CODE
LOCATION OF INCIDENT 2226 E South Riverton Avenue #302, Spokane, WA 99207				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS None					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS None					
VICTIM/WITNESSES/OTHERS <small>A-Arrested Person, VB-Victim - Business, S-Suspect, MR-Person Mentioned, O-Other, V-Deceased, RU-Runaway, RO-Registered Owner, PS-Passenger, PE-Pedestrian, PC-Pedestrian - Cyclist, C-Complainant, M-Missing, IN-Institutional, G-Legal Guardian, W-Witness, D-Driver, CON-Contact, CV-Complainant is Victim, V-Victim - Individual, OW-Owner of Property</small>					
CODE CV-1	NAME: LAST, FIRST, MIDDLE Young, Marisa C			SEX F	RACE/ETHNICITY W-White
DATE OF BIRTH/AGE 10/19/1993 20					
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2226 E South Riverton Avenue SE #302, Spokane, WA			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (Cell) 484-7208, (Cell) (509) 362-2396, (509) 475-5709					
VEHICLES					
CODI V-1	CIRCUMSTANCES Stolen (WACIC/NCIC)	LICENSE NO. K497687	STATE WA	LIC. YEAR 06/2015	LICENSE TYPE Regular
VIN/HIN 1FAPP14J2NW110643	YEAR 1992	MAKE Ford	MODEL Escort	BODY STYLE 02: Sedan, 4 Door	TOP/FRONT/ONLY COLOR Red
BOTTOM/REAR COLOR					
SPECIAL FEATURES/DESCRIPTION Tech 9 Strange Sticker/S with wings, Darwin sticker/magnet on bumper, soccer ball sized dent on front driver fender, dent in					
DECAL NUMBER	REGISTERED OWNER Young, Marisa C			HOME PHONE	
VEHICLE DISPOSITION <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> DRIVEN AWAY <input type="checkbox"/> TOWED	REGISTERED OWNER'S ADDRESS: STREET, CITY STATE ZIP 2226 E South Riverton Avenue SE #302, Spokane, WA 99202			VALUE \$ \$ 1,600.00	
LOCKED <input type="checkbox"/> Yes <input type="checkbox"/> No	KEYS IN VEHICLE <input type="checkbox"/> Yes <input type="checkbox"/> No	DELINQUENT PAYMENT <input type="checkbox"/> Yes <input type="checkbox"/> No	VICTIM CONSENT <input type="checkbox"/> Yes <input type="checkbox"/> No	DRIVABLE <input type="checkbox"/> Yes <input type="checkbox"/> No	ESTIMATED DAMAGE
TOW COMPANY		HOLD REQUESTED BY		HOLD FOR	
RELEASE BY	DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	OWNER NOTIFIED
DATE		TIME	OPERATOR'S NAME		

ID NO./NAME OF REPORTING OFFICER #1169 - Yen, John		DISTRIBUTION	
APPROVAL #409 - Boothe, Robert		DATE/TIME 07/11/2014 21:24	

Incident Report #1

07/28/2014 11:42:52.866

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION VEH-THEFT	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-225763
NARRATIVE		

On 07/11/14 at approx. 1313 hours, I was dispatched to 2226 E. South Riverton Ave. #302 in reference to a Vehicle Theft call.

Upon arrival, I contacted Marisa C. Young who was the complainant/victim of the incident. Marisa informed me of the following:

She is the R/O of a red 92 Ford Escort (ID K497687). She last saw her vehicle on 07/11/14 at approx. 0300 hours in the parking lot. She returned and observed that it was gone at approx. 1200 hours. All the doors were locked. The back door lock is weird and that is possibly how the suspects got into the vehicle.

She believes someone either in the complex or area may have taken her vehicle. She has no further suspect information. The vehicle is worth approx. \$1600.

The vehicle has an all red interior.

She had the following items in her vehicle:

- Sunglasses worth approx. \$20
- CDs worth approx. \$15

Marisa believes both plates were on the vehicle. If the vehicle is found, she does not want it towed. Marisa did give consent to search the vehicle.

I gave Marisa a crime victim card with the incident number on it.

Dispatch entered the vehicle into WACIC/NCIC as stolen.

Ofc. J. Yen #1169
E277

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-225763	
INCIDENT TYPE Arrest, Damage SPD/SCO, Drug Involved		INCIDENT CLASSIFICATION #1 VEH-RECOVERED		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 DRUGS-POSSESS
		INCIDENT CLASSIFICATION #3 WARRANT ARREST		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 RESISTING ARREST
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON Fri 07/11/2014 12:13	DATE/TIME	OCCURRED ON Fri 07/11/2014 12:13	DATE/TIME	OCCURRED TO Fri 07/11/2014 12:11	DISTRICT
DISPATCH TIME 01:01	ARRIVED TIME 01:04	CLEARED TIME 07:00	REPORT DATE 07/21/2014	REPORT TIME 05:53	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE 9A.56.068 POSS STOLEN MOTOR VEHICLE					UCR/NIBRS CODE 280 / 280
ADDITIONAL CHARGES 69.50.401(1/2)AB/D CNTL SUB(DEL)NARC/AMPHET, M-10.07.034 RESISTING ARREST, M-10.07.032 OBSTRUCTING					
LOCATION OF INCIDENT 901 E Holyoke #30, Spokane, WA 99208				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS PC Affidavit Completed, Stolen Property Processed, Suspect Arrested, Useful Physical Evidence, Witness to Crime					
RELATED INCIDENT NUMBERS					INCIDENT XREF 14-238643
ADDITIONAL REPORTING OFFICERS Dollard, Brooks, Hamilton, Cordis, B.Eckersley, B.Fabian, G.Rogan					
VICTIM/WITNESSES/OTHERS <small>A-Arrested Person, VB-Victim - Business, S-Suspect, MR-Person Mentioned, O-Other, V-Deceased, RU-Runaway, RO-Registered Owner, PS-Pastor/Preacher, PE-Protection, PC-Pedestrian - Cyclist, C-Complainant, M-Missing, IN-Institutional, G-Legal Guardian, W-Witness, D-Driver, CON-Contact, CV-Complainant is Victim, V-Victim - Individual, OW-Owner of Property</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Imholt, Cybil M			SEX F	RACE/ETHNICITY W-White
HEIGHT 5'05"	WEIGHT 130	BUILD Light	HAIR Blonde or	EYES HAZ - Hazel	DATE OF BIRTH/AGE 06/01/1974 40
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 901 E Holyoke #30, Spokane, WA 99208			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (509) 919-5899					
CHARGE LEVEL Felony Class B		DESCRIPTION 9A.56.068 POSS STOLEN MOTOR VEHICLE			UCR/NCIC CODE 280/280
WARRANT #	BAIL	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION #	DATE	TIME	BOOKED WHERE Spokane County Jail		DATE 07/21/2014
					TIME 04:14
ARREST LOCATION 901 E Holyoke #30, 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	STATE	SOCIAL SECURITY NO. #4a	<input type="checkbox"/> FAKE	OTHER ID (ID Card) #4b	

ID NO./NAME OF REPORTING OFFICER #991 - Jamieson, Ryan		DISTRIBUTION	
APPROVAL #309 - Hartman, Jason	DATE/TIME 07/21/2014 09:25		

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION VEH-RECOVERED				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 14-225763	
CODE A-2	NAME: LAST, FIRST, MIDDLE Mejia, Teresa M				SEX F	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 10/11/1994 19
HEIGHT 5'03"	WEIGHT 150	BUILD Medium	HAIR Red or Auburn	EYES BRO - Brown	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 901 E Holyoke #30, Spokane, WA 99208				RESIDENTIAL STATUS		PHONE (509) 218-8039
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES (Home) (509) 218-8039							
CHARGE LEVEL Felony Class B		DESCRIPTION 69.50.401(1/2)AB/D CNTL SUB(DEL)NARC/AMPHET				UCR/NCIC CODE /35A	
WARRANT #		BAIL		TYPE OF ARREST Taken Into Custody		MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>	
CITATION #		DATE	TIME	BOOKED WHERE Spokane County Jail		DATE 07/21/2014	TIME 05:11
ARREST LOCATION 901 E Holyoke #30, Spokane, WA 99208				STATEMENT <input checked="" type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input checked="" type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED	SUSPECT ARMED WITH	
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
CODE A-3	NAME: LAST, FIRST, MIDDLE Gardner, Andrew R				SEX M	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 07/23/1991 22
HEIGHT 5'05"	WEIGHT 150	BUILD Light	HAIR Brown	EYES HAZ - Hazel	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL ADDRESSES						ADDRESS TYPE Transient	
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION M-10.07.034 RESISTING ARREST				UCR/NCIC CODE	
WARRANT #		BAIL		TYPE OF ARREST Taken Into Custody		MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>	
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION M-10.07.032 OBSTRUCTING				UCR/NCIC CODE	
WARRANT #		BAIL		TYPE OF ARREST Taken Into Custody		MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>	
CITATION # 4Z0718030		DATE 07/21/2014	TIME 05:00	BOOKED WHERE Spokane County Jail		DATE 07/21/2014	TIME 05:04
ARREST LOCATION 901 E Holyoke #30, Spokane, WA 99208				STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED	SUSPECT ARMED WITH	
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

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

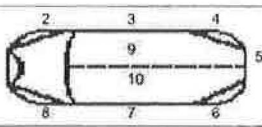
Page 3

INCIDENT CLASSIFICATION VEH-RECOVERED				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 14-225763	
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE		SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
		#4a					
CODE V-1	NAME: LAST, FIRST, MIDDLE Young, Marisa C				SEX F	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 10/19/1993 20
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2226 E South Riverton Avenue SE #302, Spokane, WA				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES (Cell) 484-7208, (Cell) (509) 362-2396							
REALTIONSHIP TO SUSPECT			VICTIM OF Offns. # 9A.56.068 POSS STOLEN MOTOR VEHICLE				OFNDR, # A-1
CODE V-2	NAME: LAST, FIRST, MIDDLE Tripp, Ryan Vincent Blake				SEX M	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 07/10/1989 25
HEIGHT 5'10"	WEIGHT 150	BUILD Light	HAIR Brown	EYES BLU - Blue	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2226 E South Riverton Avenue SE #302, Spokane, WA				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES 475-5709							
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE		SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
#4b				#4a			
CODE W-1	NAME: LAST, FIRST, MIDDLE Sanchez, Breianna E				SEX F	RACE/ETHNICITY W-White/Hispanic	DATE OF BIRTH/AGE 09/15/1991 22
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 901 E Holyoke #6, Spokane, WA 99208				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES (509) 220-3101							

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION VEH-RECOVERED				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 14-225763	
VEHICLES							
CODE V-1	CIRCUMSTANCES Recovered		LICENSE NO. K497687	STATE WA	LIC. YEAR	LICENSE TYPE Regular	VIN/HIN 1FAPP14J2NW110643
YEAR 1992	MAKE Ford	MODEL Escort	BODY STYLE 02: Sedan, 4 Door		TOP/FRONT/ONLY COLOR Red		BOTTOM/REAR COLOR
SPECIAL FEATURES/DESCRIPTION							
DECAL NUMBER		REGISTERED OWNER Young, Marisa C				HOME PHONE	
VEHICLE DISPOSITION <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> DRIVEN AWAY <input type="checkbox"/> TOWED		REGISTERED OWNER'S ADDRESS: STREET, CITY STATE ZIP 2226 E South Riverton Avenue SE #302, Spokane, WA 99202					VALUE \$
LOCKED <input type="checkbox"/> Yes <input type="checkbox"/> No	KEYS IN VEHICLE <input type="checkbox"/> Yes <input type="checkbox"/> No	DELINQUENT PAYMENT <input type="checkbox"/> Yes <input type="checkbox"/> No	VICTIM CONSENT <input type="checkbox"/> Yes <input type="checkbox"/> No	DRIVABLE <input type="checkbox"/> Yes <input type="checkbox"/> No	ESTIMATED DAMAGE	DAMAGE <input type="checkbox"/> Window Top <input type="checkbox"/> Interior Underside	SHADE IN DAMAGED AREA
TOW COMPANY		HOLD REQUESTED BY		HOLD FOR			
RELEASE BY	DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	OWNER NOTIFIED	DATE	TIME
OPERATOR'S NAME							
NARRATIVE							

On 07-21-2014 at approx. 0103 hours I responded to 901 E. Holyoke for a reported occupied stolen vehicle. The comp reported: The vehicle, a 1992 red Ford Escort ID lic#K497687, had been reported stolen on 07-11-2014. The RO got information from a friend that their vehicle was at 901 E. Holyoke parked in front of #30. A suspect was seen getting out of the vehicle and going into apartment #30.

When I arrived on scene I observed that the vehicle was no longer occupied. I contacted the RO, Marisa Young, and her boyfriend, Ryan Tripp. They told me briefly that they had seen their vehicle parked at the location and watched a W/F, 5'04" tall, dark brown hair, glasses, medium build, in her late 20's, wearing a sweatshirt get out of the driver's side of the vehicle and go into #30. She had come back and forth several times with a male and another female. They had gone inside and not come back out before law enforcement arrived.

I attempted to contact the occupants of #30. I knocked several times and rang the door bell. I identified myself as being from the Spokane Police Department but no one answered.

I confirmed that the vehicle was actively listed as stolen.

I contacted Young again. She told me: She is the registered owner of the vehicle. She reported the car stolen on 07-11-2014. An acquaintance, later identified as Breianna Sanchez, told her that she had seen a red Ford Escort in the apartment complex and that it had ID license plates. Young and Tripp went to the complex on 07-20-2014 to see if it was there. They left then as they were coming back just before 0100 hours they saw the vehicle driving N/B on Nevada. Young saw a W/F driver. She and Tripp pulled into the parking lot and saw the above described female, later identified as Cybil Imholt, get out of the driver's side of the car and go into #30. She came back outside with a W/M and a W/F, later identified as Andrew Gardner and Teresa Mejia. They grabbed some stuff from the trunk of the car and carried it upstairs into #30. They made several trips. Young was able

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to see the front door of the location and sent Tripp to bring the car back around. She confirmed that the vehicle was hers while Tripp called 911. She stayed where she could see the door until Law Enforcement arrived.

I contacted Tripp. He told me: They had gotten information from Sanchez that Young's vehicle was at the location. They went to 901 E. Holyoke to attempt to recover the vehicle. He observed the vehicle parked in space #30. He saw a W/F, 5'04" tall, dark brown hair, glasses, medium build, in her late 20's, wearing a sweatshirt get in and out of the vehicle several times. She came back out to the vehicle with a male and another female to get items out of the trunk. They went into apartment #30. He called police, moved their vehicle around to face #30, and did not lose sight of the front after that. He did not see anyone leave the apartment until Law Enforcement arrived.

I interviewed Sanchez. She told me: She lives at 901 E. Holyoke #6. She has seen the red Ford Escort parked in the #30 for the past week. On Wednesday July 16, she got a ride from one of the females that live there that she knows as "Silva", later identified as Cybil Imholt. She described her as a W/F, glasses, with dark hair. She knew Young had her car stolen and told her about the one parked at #30. When she saw Imholt return to the location and park in #30 she called Young to tell her the car was there. She saw Imholt get out of the driver's seat, go inside #30, and return with the other people from the apartment. She saw them all go back inside the apartment and not come out again. Sanchez also stated that the numbers on the parking spaces corresponded to the apartment numbers.

While I was conducting interviews Officers were watching the back of the apartment and also the front of the apartment. I applied a search warrant and received a signed one at 0324 hours.

Ofc. Dollard, Ofc. Fabian, Ofc. Rogan, Cpl. Cordis, and myself went up to serve the search warrant. The manager of the apartment complex had responded with the keys to the apartment. Ofc. Fabian knocked and announced. Ofc. Dollard attempted to open the door with the keys but they did not work. Ofc. Dollard got the ram, knocked and announced again, then Ofc. Fabian opened the door with the ram. We detained Teresa Mejia in handcuffs(DL) and Cybil Imholt in handcuffs(DL). I placed Mejia in the back of my patrol car and sat Imholt on my front bumper. They identified the male inside as Andrew Gardner and they stated that they didn't know of any weapons in the house.

I read Imholt her rights from a department issued CR card. She stated she understood her rights and agreed to talk to me. She told me: She had driven the car the night before. She had gotten the car from a friend "Alex" who allowed her to borrow the car. Alex originally gave her a screw driver to start the car. She refused the screwdriver and instead was using her house key. She had only had the car for a night. She continued that she had borrowed it at 1900-2000 hours and no one else had driven it. She stated that the items in the car were hers.

I contacted Young, Tripp, and Sanchez again. They informed me that Imholt was the person that

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INCIDENT CLASSIFICATION VEH-RECOVERED	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-225763
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they had seen get in and out of the driver's seat multiple times. Sanchez confirmed that Imholt was the person who had given her a ride the Wednesday before.

I had Ofc. Dollard transport Imholt to the Spokane County Jail and book her for possession of a stolen motor vehicle.

I contacted Mejia. I read her her rights from a department issued CR card. She stated that she understood her rights and agreed to talk to me. She told me: She lives in #30 and Imholt is her roommate. Imholt had the car for about two weeks and had been parking it in the #30 for the whole time. Imholt had said that she had borrowed the car from a friend.

I was informed that the officers searching the apartment had found what appeared to be drugs. I asked Mejia about the drugs in the apartment. She told me that the only drugs she knew about in the apartment were in her purse in the altoids container. Her purse was on the bed in the bedroom and was bright pink. I went up to the apartment and found a baggie of white crystalline substance that field tested positive for methamphetamines in the purse.

Officers searching the apartment also discovered the registration to the stolen vehicle in the bedroom, as well as paystubs, bank statements, a receipt, an insurance card, and a document from Young giving a friend permission to drive the vehicle in a backpack in the closet. Young and Tripp confirmed that those items had been in the glove box.

I searched the car before releasing it to Young. I found several shaved keys in the driver's side door. Young identified them as not being hers.

I determined that I had PC to arrest Mejia for PCS-methamphetamines. I booked her into the Spokane County Jail for that charge.

Andrew R. Gardner, the male found in the apartment, was booked for a DUI warrant, obstructing an officer, and resisting arrest.

Imholt was booked for possession of a stolen motor vehicle.

I completed a return of service for the warrant and left it in the apartment.

See other officer's reports for further details.

R.Jamieson #991 B436

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Original date of Theft: 07-11-2014

Original location of Theft: 2226 E. South Riverton

Recovery Address: 901 E. Holyoke

Vehicle Condition

No Damage: X Damage: Bumper _ Fender _ Door _
 Hood _ Locks _ Window _
 Seats _ Dash _ Ignition _ Steering column _
 Fire _ Roof _ Tires _ Totaled _ Other _

No Missing Parts: X Missing Parts: Stereo _ Speakers _ Doors _
 Engine _ Fender _ Tires _ Hood _ Trunk _ Dash _
 Wheels _ Battery _ Seats _ Airbag _ Canopy _
 Brakes _ Mirror _ Transmission _ Vin _ Glovebox _
 Spoiler _ Other _

Misc Stolen Items: CD's **X** Cell Phone _ Keys **X** Checks _ ID _
 Weapons _ Paystub **X** Wallet _ Purse _
Credit Card _ Change _ Mail **X** Title _ Registration **X**
Insurance **X** Tools _ Spare Tire _ Sunglasses **X**
Grg Door opener _ Other _

Items Left Behind: Drugs _ Flashlight _ Pry Tool _
 Slim Jim _ Hammer _ Other **Furniture and clothing**

Property Left at Scene Stolen From Other Crimes

Switched/Stolen Plates No **X** Yes _

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Incident#

Secondary Vehicle Stolen in Area No **X** Yes ☐

Incident #

Plates Recovered: Front ☐ Rear ☐ Both **X** Neither ☐

Victim Notified of Recovery No ☐ Yes **X** By Whom: The Victim found their car.

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-225763	
REPORT PURPOSE			REPORTED ON DATE Mon 07/21/2014	TIME 01:50	INCIDENT XREF
INCIDENT CLASSIFICATION #1 VEH-RECOVERED		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 DRUGS-POSSESS		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3 WARRANT ARREST		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 RESISTING ARREST		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 07/21/2014	REPORT TIME 05:46
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 07/21/14 at approx. 0150 hrs, I was dispatched to 901 E. Holyoke Ave to assist Ofc. R. Jamieson with a search warrant of an apartment.

When I arrived, I was tasked with watching the front door of apartment #30 while Ofc. Jamieson applied for his search warrant. At this point, I was advised the occupants of apartment #30 were believed to be involved in the theft of a motor vehicle which was located outside the apartment earlier. Ofc. Jamieson further advised me there may be items inside the apartment that were stolen from the vehicle.

At approx. 0325 hrs, Ofc. Jamieson had his signed search warrant. Myself, along with Ofc's Jamieson, Cordis, Fabian and Rogan, went up to the entry door of the apartment. Prior to this, I had obtained the keys to the apartment from the on site manager "Alex".

I knocked on the door several times and announced "Spokane Police, search warrant. Come to the door". After no response, I attempted to effect the warrant by unlocking the door. However, the key that was provided to me did not work. I obtained a mechanical ram and gave it to Ofc. Fabian. Again, I knocked on the door and announced several times, "Police search warrant. Come to the door." After no response, I gave Ofc. Fabian the command to ram the door. After striking it once it came open.

We remained at the entrance and I shouted, "Police search warrant. Everyone in the house come to the door with your hands up. After about a minute, two females came into view and complied with our commands and were detained in handcuffs.

During this, it came to light that there was at least one more person inside the apartment named Andrew Gardner. Dispatch advised us that Gardner was wanted for a misdemeanor warrant, but had a history of robbery and other violent crimes.

Based on this information, we remained outside the apartment and gave repeated commands inside the apartment for Gardner to come and surrender. In the meantime, there was no response so I requested Ofc. C. Hamilton and his police K9 respond to assist us.

At approx. 0340 hrs, Ofc. Hamilton arrived and several more attempts were made to get Gardner to

ID NO./NAME OF REPORTING OFFICER #937 - Dollard, Arthur		DISTRIBUTION
APPROVAL #278 - Gately, John	DATE/TIME 07/21/2014 09:26	

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INCIDENT CLASSIFICATION VEH-RECOVERED	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-225763
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come out peacefully. Finally, we entered the apartment after his K9 made contact with an individual inside the living room.

During the arrest, I heard Ofc. Cordis yell, "There's a gun next to him!" At that moment, I ordered Gardner to show me his hands. After a brief struggle, I pulled him onto the floor to separate him from the gun. Gardner was placed into handcuffs and I called for medics to assess any wounds he had.

Ofc. Jamieson directed me to arrest and transport one of the females, Cybil Imholt, to the Spokane County Jail for Possession of a stolen vehicle. I left the scene and took her to jail and booked her.

Ofc. A. Dollard #937
A410

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-225763	
REPORT PURPOSE			REPORTED ON DATE Sun 07/20/2014		TIME 23:18
INCIDENT CLASSIFICATION #1 VEH-RECOVERED		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 DRUGS-POSSESS		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 07/21/2014	REPORT TIME 06:45
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 072114 I went to 901 E Holyoke #30 to assist officers who were investigating a stolen vehicle.

Upon arrival ofc Jamieson advised he had a search warrant to go into the apartment and look for the suspects along with property. We went up to the room and ofc Dollard banged loudly and announced that we were the police and we had a search warrant. Nobody answered and the keys the manager gave us did not work. We retrieved a ram and another announcement was given with no answer. The door was forced open using the ram and we called out two females. They cooperated when they came out. They did say another male was in there. We discovered the male was Andrew Gardner who had a warrant.

Officer Dollard called for Andrew to come out, then I called for him to come out. He never did, in fact there was no noise at all. Radio advised that he did have a violent record including assaults, burglary, and armed robbery. We called for a K9 to assist in the search. It concerned me that he never responded knowing we were there and I even told him he was under arrest for his warrant. With his violent history it was safer to use a K9 to search the house for him.

When K9 Hamilton arrived he made his announcements giving Andrew yet another chance to come out. With the dog barking and making noise there could be no question that we would be searching with a dog. After the dog was released I heard Andrew yelling that the K9 was making contact. When we approached Andrew was laying on the couch with his back to the back rest. He was not following commands as we approached. He rolled forward slightly and I saw a black gun on the couch near his waist area. I yelled that there was a gun and used my body to separate him from where the gun was the best I could. He still was not cooperating or following their instructions to give them his hands or to roll off the couch. It felt like he was pushing his body back toward me and the gun. Officers did move him off the couch and take him into custody. When I retrieved the gun it looked like a real semi-auto, but it turned out to be a pellet gun.

I took photos of the damage to the door and items found in the house by officers as they executed the search warrant. I then went to Deaconess and took photos of Andrew and the areas he was contacted by the K9.

ID NO./NAME OF REPORTING OFFICER #445 - Cordis, Tyler		DISTRIBUTION	
APPROVAL #278 - Gately, John	DATE/TIME 07/21/2014 09:53		

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REPORT PURPOSE			REPORTED ON DATE Sun 07/20/2014	TIME 23:18	INCIDENT XREF
INCIDENT CLASSIFICATION #1 VEH-RECOVERED		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 DRUGS-POSSESS		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3 WARRANT ARREST		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 RESISTING ARREST		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 07/21/2014	REPORT TIME 06:14
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 7/21/14 at approx. 0230 hours, I was dispatched to assist with a Vehicle Theft Recovery/Search Warrant at 901 E. Holyoke, Apt #30. I arrived on scene at approx. 0245 hours and was updated on the situation.

Ofc. Jamieson informed me that a stolen vehicle was found at in the parking lot of the Quadrangle Apartments. He said that the owners of the vehicle found it and had seen a male exit the vehicle and enter apartment #30.

Ofc. Jamieson completed and approved a Search Warrant (see his report).

Along with other officers, I approached the apartment door. I knocked and announced several times, that we had a warrant and for all occupants to come to the door, with no response. The keys that we were given to me from the security manager didn't work. I then proceeded to breach the door open.

Once the door was open, we announced who we were and that we had a warrant numerous more times. Two females finally came to the door and were taken into custody.

The females indicated that there was still one male, Andrew Gardner, inside the residence. Multiple more verbal attempts were given for any remaining occupants to come out.

Ofc. Hamilton (K9 Handler) arrived shortly after (see his report).

I could hear that the K9 had found the suspect and entered with the rest of the officers. We found the suspect on the couch in the living room.

While the K9 had control of the suspect's right hand/arm, I assisted with gaining control of the suspect.

He was removed from the couch and placed into the prone position where I placed him in handcuffs (DL) and searched him incident to arrest.

A small, black pistol was found by the suspect while he was on the couch and was secured while he was put into custody. The pistol turned out to be a "Airsoft" replica version of a Walther pistol.

ID NO./NAME OF REPORTING OFFICER #1191 - Fabian, Brandon		DISTRIBUTION
APPROVAL #278 - Gately, John	DATE/TIME 07/21/2014 09:29	

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Fire was on scene and checked out Andrew. I then placed him into Ofc. Brooks' patrol vehicle to be transported to the hospital (see his report).

I then helped search the apartment for the registration, keys and stereo that were removed from the initial stolen vehicle.

The registration was found, along with several other pieces of identification/cards.

Ofc. Jamieson also found a small baggie containing methamphetamine on one of the females (see his report).

I took the misc. ID paperwork, the pistol and the methamphetamine to Property.

Ofc. B. Fabian #1191
C478

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-225763	
REPORT PURPOSE			REPORTED ON DATE Sun 07/20/2014	TIME 03:20	INCIDENT XREF 14-238643
INCIDENT CLASSIFICATION #1 VEH-RECOVERED		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 07/24/2014	REPORT TIME 23:29
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 072014, at about 0320 hrs, I responded to 901 E. Holyoke #30 to assist patrol officers on a search warrant. Upon arrival I contacted Lt. Sprague who had been present during the incident leading up to the search warrant being written. He advised that there was a signed search warrant and Officers were getting ready to enter the residence. He allowed me to go with the Officers up front while he assisted with perimeter at the rear of the building.

I assisted in executing the search warrant. Two females came out voluntarily once the door was forced open. We confirmed that a male, later identified as Andrew Gardner, was still inside the apartment. He was the only one in the apartment and had a warrant for his arrest with a record including armed robbery. After several commands to come out Officer Hamilton deployed his K9 (see his report).

I heard Andrew yelling from the living room so I followed Officers inside to take him into custody. Andrew was laying on the couch but I could not see most of him through the Officers that were trying to take him into custody. I heard Cpl. Cordis yell out that there was a gun behind the males' back. I immediately moved in to assist. One of his arms was being occupied by K9 but I could not see his other hand. Officers were yelling for him to pull his hand out but I could not see that hand either and believed it was tucked under his body.

Andrew was pulled away from the back rest portion of the couch far enough that I could see handle of a black gun tucked between the cushions at about his mid back area. I reached in between his body and the couch and removed the gun. He was then removed from the couch and cuffed.

The gun had some electrical tape wrapped around the handle. I saw that it had a working slide, serial number, and brand names stamped into it. I could not remove the magazine because of the electrical tape. I used my knife to cut the electrical tape so I could remove the magazine and make the weapon safe. When I cut the tape I found the CO-2 cartridge inside. This was the first indication that the gun was not real because it looked and felt like a real handgun. The BB or Pellet gun was photographed. I assisted by searching the residence and found the stolen vehicle's registration in a bedroom on the N/W corner of the apartment. That room belonged to Teresa Mejia. Photographs were taken before it was collected.

Sgt. B. Eckersley #649

ID NO./NAME OF REPORTING OFFICER #649 - Eckersley, Brian		DISTRIBUTION	
APPROVAL #482 - Hendren, Tom	DATE/TIME 07/25/2014 03:41		

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REPORT PURPOSE			REPORTED ON DATE Mon 07/21/2014	TIME 23:18	INCIDENT XREF
INCIDENT CLASSIFICATION #1 VEH-RECOVERED		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 07/21/2014	REPORT TIME 05:20
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 07-21-14, at 0245 hours, Officer Fabian and I were dispatched to 901 E. Holyoke #30, to assist in a search warrant. See Officer Fabian's report for more details.

On scene I was advised by Ofc. Jamieson he had a signed search warrant for apartment #30 at the address. He said suspects were seen in a stolen car parked in front and walked into the apartment. See Ofc. Jamieson's report for more details.

I along with other officers I went to the front door. Ofc. Fabian knocked and loudly stated he was with the Spokane Police department and we had a search warrant. He did this several times with no one coming to the door.

Ofc. Dollard also knocked and announced several times with no one coming to the door. The door then was breached. Commands were giving for the occupants to come outside. Two females came out of the front door. The two were handcuffed and they advised there was still another male, "Andrew" inside.

More commands were given inside for Andrew to come outside. We kept yelling into the apartment for Andrew to come out. There was no response. K-9 Ofc. Hamilton was called to the location. After more announcement the K9 was sent into the apartment. See Ofc. Hamilton's report for more details.

Andrew was handcuffed and taken out of the apartment. I was advised by Ofc. Jameison for the search warrant we were looking for paperwork with the name Ryan Tripp or Marisa Young on it.

While searching the closet in the front entry way I found a black backpack. Inside the back pack I found several pieces of paper (mail, bill of sale, auto insurance card) with both Tripp and Young on it. I advised Ofc. Jamieson and he took control of the paperwork.

While searching the apartment there were lots of mail, drivers license, checks, with other peoples names on them. It appeared there were several victims of mail theft and vehicle prowling.

I cleared the scene and went back to patrol.

ID NO./NAME OF REPORTING OFFICER #1046 - Rogan, Gregory		DISTRIBUTION
APPROVAL #252 - Wuthrich, Ernest	DATE/TIME 07/21/2014 06:27	

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Ofc. Rogan, #1046, Team 15

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-225763	
REPORT PURPOSE			REPORTED ON DATE Mon 07/21/2014	TIME 03:30	INCIDENT XREF
INCIDENT CLASSIFICATION #1 VEH-RECOVERED		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3 RESISTING ARREST		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 07/25/2014	REPORT TIME 21:27
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 07-21-14 at about 0330 hours, I was requested over the radio to respond to 901 E. Holyoak #30, to assist officers on scene attempting to serve a search warrant.

I responded with K9 Leonidas (Leo). We are a WAC certified police patrol dog team and have been for 5 1/2 years. I am also accredited with the Washington State Police Canine Association (WSPCA) as a Master Handler. In addition, I am a Master Trainer with the WSPCA. Leo is my second working dog in over 10 years of being a handler.

I arrived in a fully marked "Spokane Police K9" car. I was wearing the uniform of the day and Leo was wearing a harness with "POLICE" marked along both shoulders and a Spokane Police patch affixed to his left side. We were clearly identifiable as police.

I was given the information that officer's on scene were attempting to serve a search warrant on apartment #30. They had already breached the apartment door and two females gave up and walked out of the apartment after several announcements. They advised there was another male still inside, who was identified as Andrew R. Gardner. However, Gardner failed to give up even after multiple announcements by the officers.

I arrived on scene at about 0340 hours and the search warrant was served at 0324 hours. Ofc. Dollard told me they had been giving announcements inside the apartment during that time, trying to get Gardner to comply and come out of the apartment, prior to my arrival.

Gardner had a confirmed local warrant for DUI.

Once at the open doorway to the apartment, I made several more announcements to Gardner, in hopes he would give up without incident. I yelled, "Attention in the apartment, this is the Spokane Police K9 Unit. Andrew Gardner, you are under arrest and need to come out now. If not, I'll send in my dog and when he finds you he will bite you!" Leo barked several times after that and then I waited for about 30 seconds to see if he would respond but he never did. I continued with a couple more announcements with Leo barking at the end but Gardner failed to comply. Gardner's intentional resistive behavior and the obstruction of our investigation was concerning and not usual behavior.

ID NO./NAME OF REPORTING OFFICER #713 - Hamilton, Craig		DISTRIBUTION	
APPROVAL #482 - Hendren, Tom	DATE/TIME 07/27/2014 22:01		

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INCIDENT CLASSIFICATION VEH-RECOVERED	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-225763
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I decided to search the apartment for Gardner for the following reasons:

CRIME:

There was a confirmed local warrant for DUI. There was also probable cause to arrest Gardner for resisting arrest and obstructing.

RESISTANCE:

Gardner was actively resisting arrest by failing to give up after he was told he was under arrest. He continued to hide inside the apartment.

THREAT:

Gardner has an extremely violent criminal history. He has prior arrest for #3a #3a Gardner posed an immediate threat to the searching officers that were attempting to serve a search warrant. We knew he was inside the small dark apartment but failed to respond to any announcements or dialog for nearly 22 minutes (from the time the door was breached). This behavior was very unusual, which too increased Gardner's threat level. It was unknown if he was armed and laying in wait for the officers to enter the apartment to ambush the police. Searching the apartment with Leo was safest for everyone involved.

After my third announcement with no response, I release Leo into the apartment. He cleared a bedroom first, which was directly in front of us. He then entered a room off our right, which I couldn't see into. It turned out to be the living room, which was furnished. This is where Leo located Gardner.

A few moments after Leo entered the living room, I heard a male scream. I knew Leo had located Gardner so several officers and I moved into the apartment. I went in through the walk-through kitchen and saw Gardner lying on his back, on top of a couch, with his feet towards us. Leo had control of Gardner's right hand. Gardner had his left hand up around Leo's mouth, as if he was trying to push Leo off him. I could see Gardner's hands were empty and we continued to move up.

I took control of Leo, while Ofc. Dollard and Cpl. Cordis attempted to take control of Gardner. I ordered Leo to release his hold and he immediately did so. However, the room was extremely small and I was only able to step back a foot or so. Gardner turned over towards his stomach and I knew the officers only had control of one of his arms. Cpl. Cordis then yelled, "Gun, gun! There is a gun next to him."

I couldn't see the gun or his right hand now that he was laying more on his stomach. Gardner continued to resist our attempts to take him into custody and now we knew he was laying on a gun.

I decided to attach Leo to Gardner's upper body once again for the following reason:

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THREAT:

Gardner posed an immediate extreme danger to the arresting officers. He was laying on a gun and physically resisting arrest. He would not give up his free hand and this was close to a lethal encounter. It was unknown if he was attempting to reach the gun because I couldn't see it. There were several officers right over the top of him attempting to gain control.

While holding onto Leo's harness and collar, I moved him closer to Gardner's upper right back area. Leo was able to contact Gardner's right upper shoulder area and raked him along the right side of the back of his neck during the fight. This pain compliance and distraction worked well enough that the other officers were able to pull him off the couch and away from the gun. They were able to take him into custody without further incident.

I had a hold of Leo during the second application and he merely raked Gardner. Leo did not bite and hold so the contact was extremely brief. This technique likely kept the use of force minimal, instead of it turning into a lethal fight.

After Gardner was taken into custody and things calmed down, medics were requested to look at Gardner's minor injuries. They responded then Ofc. Brooks transported Gardner to Deaconess hospital where his scrapes were treated.

Gardner's injuries consisted of some very small tears along the inside of his fingers on his right hand. There were some rakes on his right forearm, outer right shoulder and a red rake mark along the back of his neck right above his right shoulder.

At the hospital, I asked Gardner if he heard me yelling my announcements? He admitted he did, as well as my dog.

Gardner didn't really answer much else and appeared to be having a hard time staying awake.

After he was treated and released, Ofc. Brooks transported him to the SCSO jail and booked him on the warrant and the two additional charges.

Photos were taken of Gardner's injuries.

Sgt. Eckersley was on scene of the search warrant and was aware of the K9 contact.

The gun was a replica BB or pellet gun that looked extremely real. It was hidden between the cushions and the back of the couch about in the middle. This location was right where your hands would be if laying down.

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See the other reports for further info.

Ofc. C. Hamilton 713
K14