



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 Eric Kannberg

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
9/7/2014	9/7/2014	01:34
Record ID #	Incident No	IA No
8459	14-300798	F14-077
Date/Time Entered		
9/9/2014 21:06		

Incident Summary

See additional.

In compliance with policy per Assistant Chief Dobrow 10.01.14.

Incident Location

- 221 Division ST, Direction: N, Spokane, WA 99202

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Assaulting Officer	Self Initiated	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Street Light	Contact
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		
Alcohol		
Officer(s) Injured	Officer(s) Taken to Hospital	
Yes	No	

Complainant/Involved Citizen Information

Michael J Gibson

DOB: 6/15/1980 Race: White Gender: Male

Address

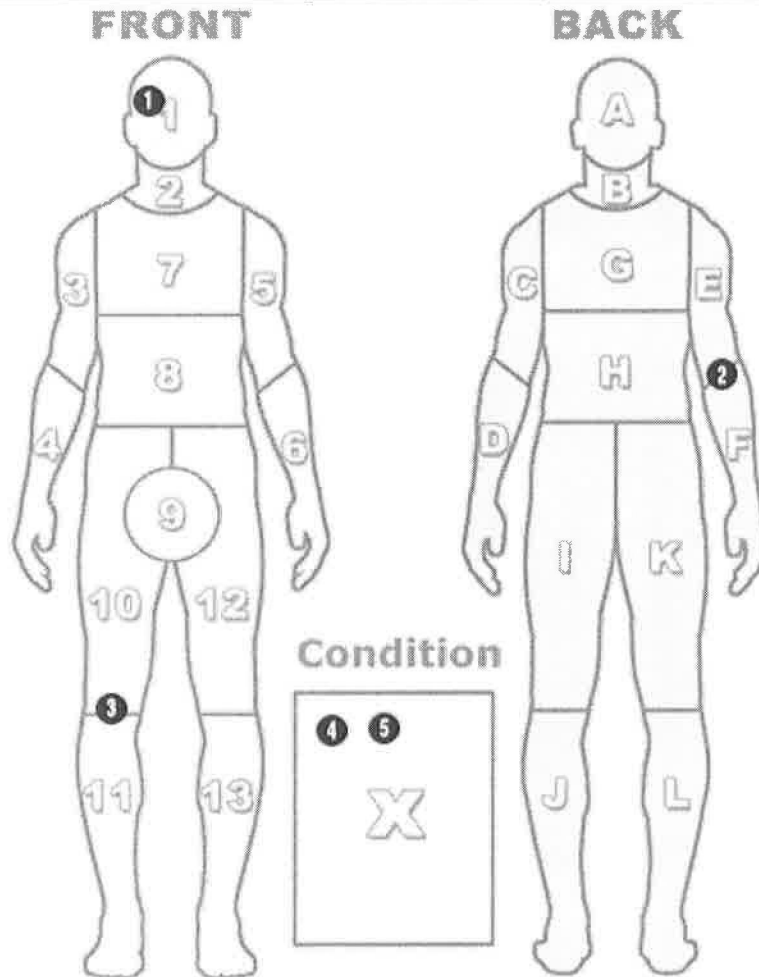
- 5820 Hallett RD, Direction: W, Spokane, WA 99224

Types of Resistance Citizen Used Against Officer(s)

- Assaultive

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Minor Injury	1, 10, E	1, 2, 3
Treatment at Scene	X	4
Transport to Hospital	X	5



Charges against this citizen

- Felony - Person Crime
- Resisting Arrest

Involved Officers

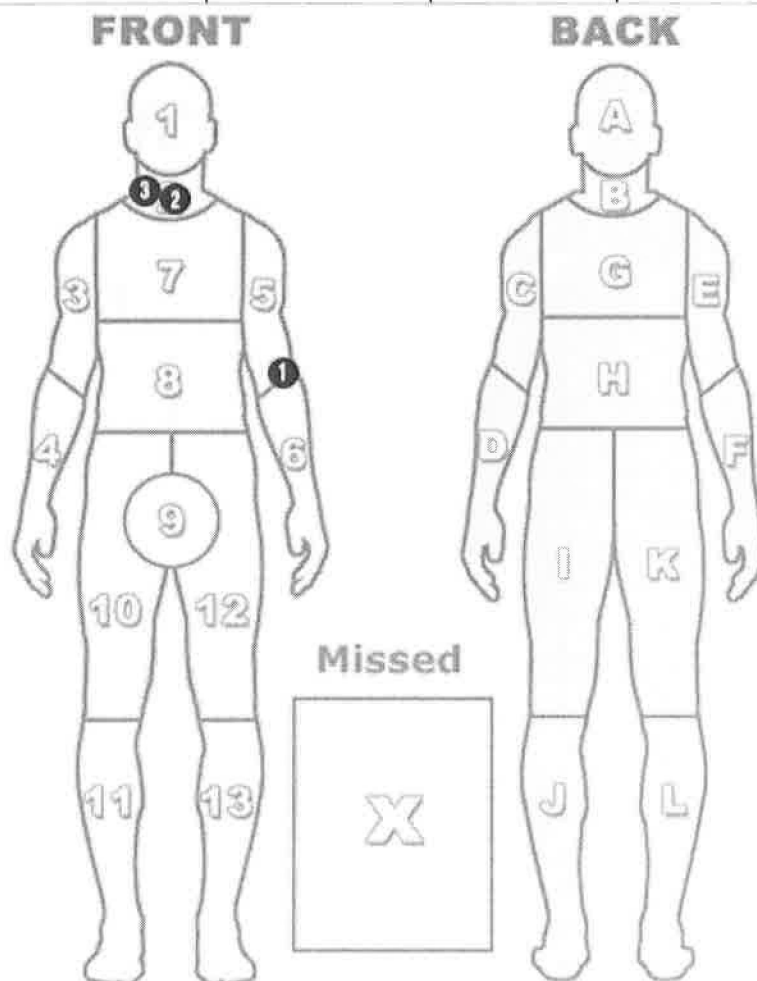
Officer Todd Belitz - Payroll Number: #5c

Force used by this officer against the citizen

- Verbal/Other - Was force effective: No
- Takedown Technique - Was force effective: No
- Level 1 LNR - Was force effective: No

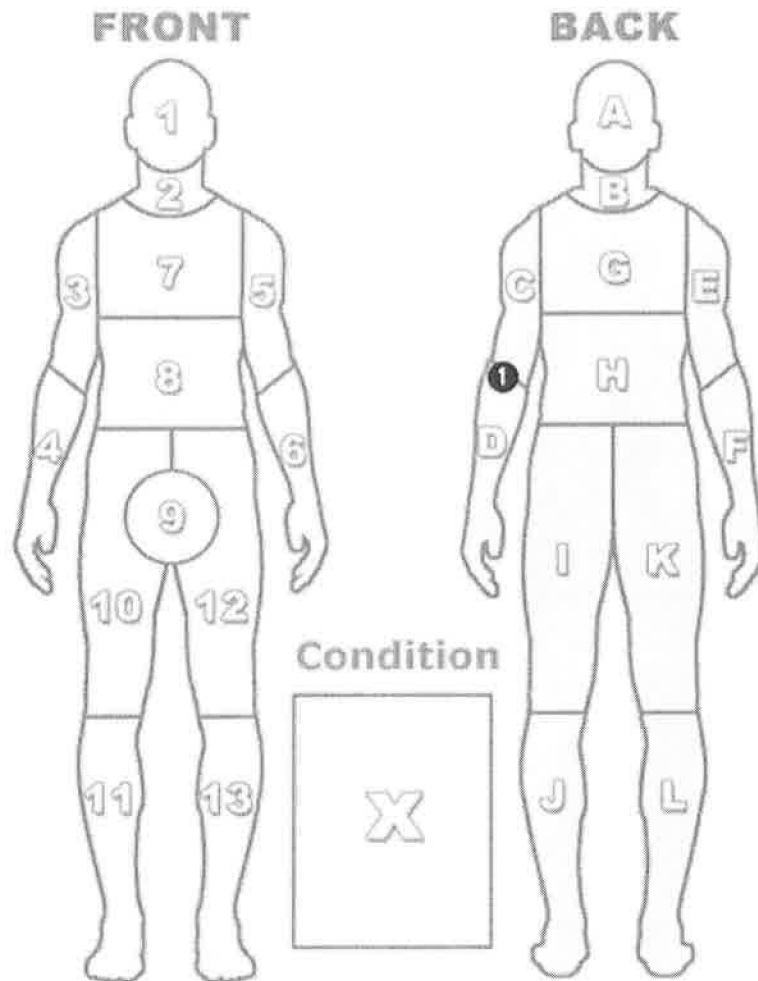
- Level 2 LNR - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Verbal/Other	No		
Takedown Technique	No	5	1
Level 1 LNR	No	2	2
Level 2 LNR	Yes	2	3



Injuries sustained by this officer

Injury	Regions	Injury Locations
Minor Injury	D	1

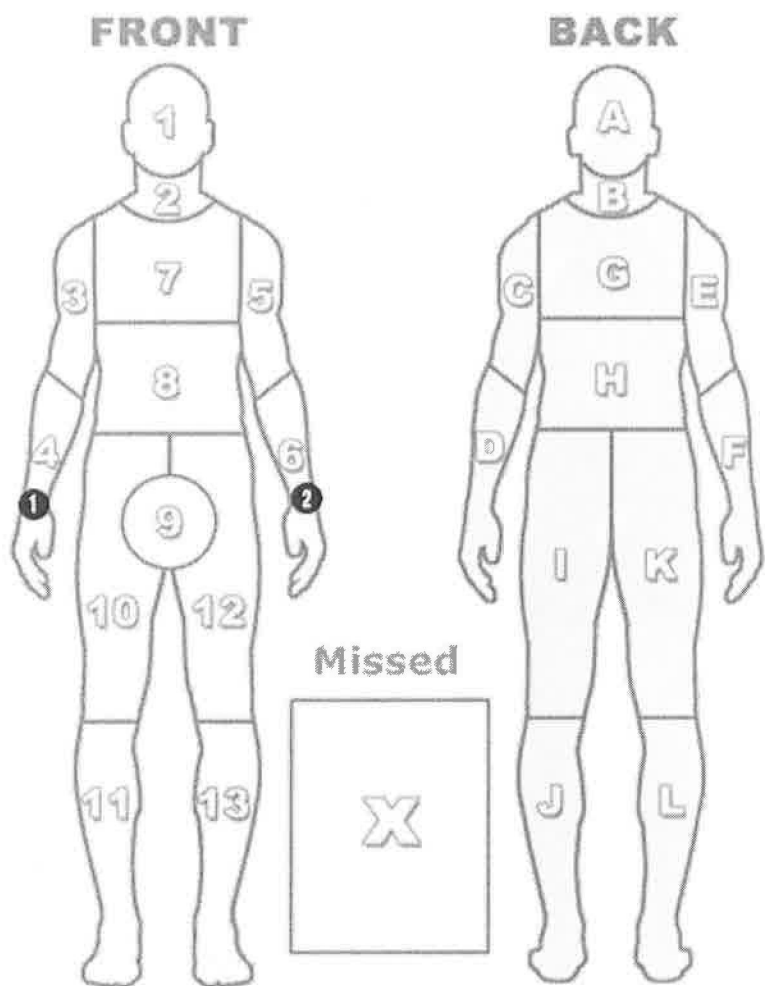


Officer Benjamin Brown-Bieber - Payroll Number: #5c

Force used by this officer against the citizen

- Arrest Tactics - Was force effective: Yes

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

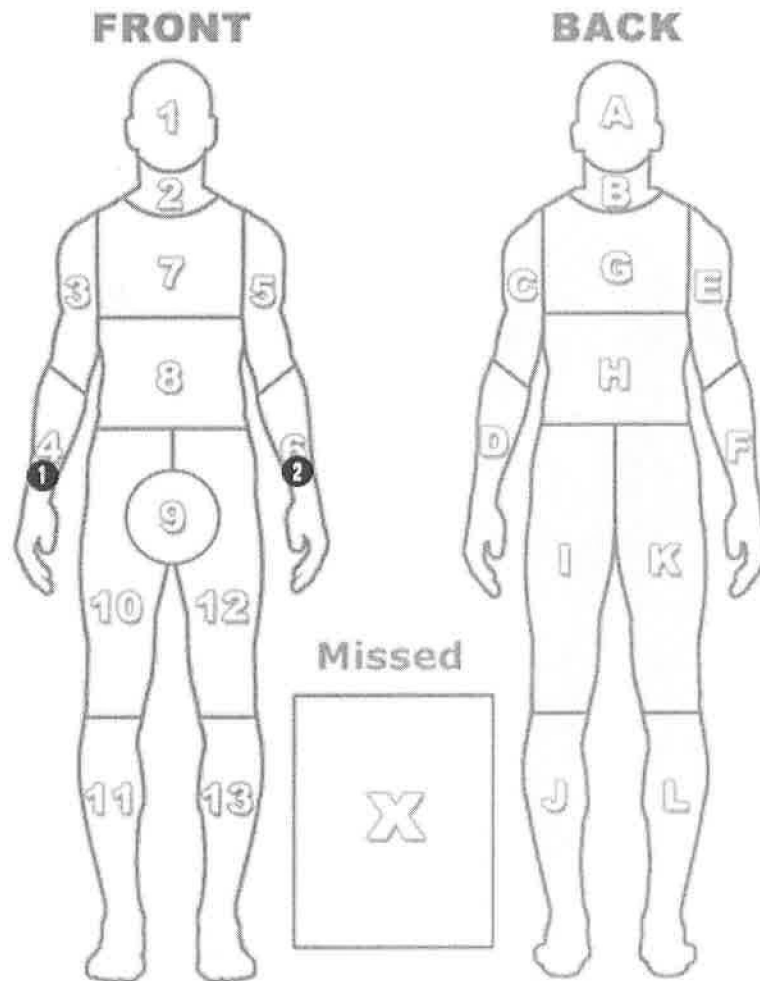


Officer Samuel Chimienti - Payroll Number: #5c

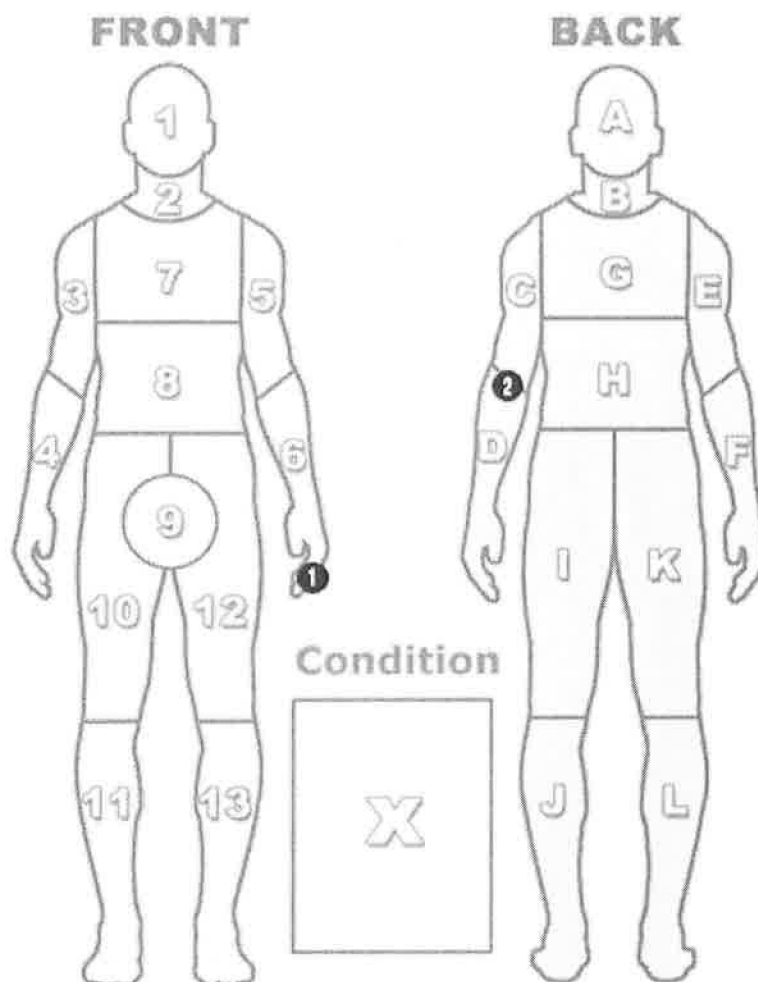
Force used by this officer against the citizen

- Verbal/Other - Was force effective: No
- Arrest Tactics - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Verbal/Other	No		
Arrest Tactics	Yes	4, 6	1, 2

**Injuries sustained by this officer**

Injury	Regions	Injury Locations
Minor Injury	6, D	1, 2



Citizen Witnesses

Timothy Goad

DOB: 9/30/1986 - Race: White - Gender: Male

Address

- 4106-B Hunters RD, Springdale, WA 99173

Phone

- (509) 303-6119

Adam Imes

DOB: 8/30/1988 - Race: White - Gender: Male

Address

- 9310 Montgomery AV, Suite/Apt: 108, Direction: E, Spokane, WA 99206
- 9310 Montgomery AV, Suite/Apt: 108, Direction: E, Spokane, WA 99206

Phone

- (509) 828-9075

Jacob McConnell

DOB: 5/2/1978 - Race: White - Gender: Male

Address

- 505 Hazard RD, Direction: W, Colbert, WA 99005

Phone

- (509) 979-3220

Dashea McDowell**DOB: 3/14/1993 - Race: Black - Gender: Male****Address**

- 15307 MeadowView CT, Direction: N, Mead, WA 99021

Phone

- (509) 929-8446

Justin Miller**DOB: 2/6/1977 - Race: White - Gender: Male****Address**

- 13012 Stangland RD, Direction: S, Medical Lake, WA 99022

Phone

- (509) 993-2890
- (509) 299-4814

Attachments

Date Attached	Attachment Description	Attachment Type
9/9/2014	Reports	pdf
9/9/2014	Sgt. Kannberg's additional and summary	doc

Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
9/9/2014	Sergeant Eric Kannberg	Lieutenant Thomas Hendren	Sergeant Robert Boothe	For your review	<input checked="" type="checkbox"/>	I agree with Sgt. Kannberg. The suspect's level of resistance was assaultive. The use of the level II neck restraint was reasonable and within policy. Note: Sgt. Kannberg and I did not know how to attach Officer Chimienti's video to this report. This should also be reviewed by the COC through evidence.com. Lt. Hendren #482
9/10/2014	Lieutenant Thomas Hendren	Captain Daniel Torok	(none)	Use of force for your review. Hendren	<input checked="" type="checkbox"/>	I concur that the use of force was consistent with policy.
9/19/2014	Captain Daniel Torok	Asst Chief Patrick Dobrow	(none)	for review	<input checked="" type="checkbox"/>	I have reviewed this incident and find the use of force to be reasonable and within policy.

Entering Officer Signature Line

 Sergeant Eric Kannberg

Chain of Command Signature Lines

Lieutenant Thomas Hendren

Captain Daniel Torok

Asst Chief Patrick Dobrow



Spokane Police Department Internal Investigation



CONFIDENTIAL

IA#
Additional

Complaint Being Investigated

Use of Force

Complainant Interview Summary

On 9-7-2014 I contacted Michael J. Gibson (6-15-80) in the alley next to the Revolver. Mr. Gibson was sitting on the ground with his legs crossed. His arms were behind him in handcuffs and he had been seen by medics. I observed a laceration on his right elbow and above his right eye. Cpl. Adams took photos of his injuries.

I asked Mr. Gibson what his name was and he gave it to me. His voice was soft and cracking as he spoke. I then introduced myself to him as a Sergeant with the Spokane Police Department. I asked what happened. Mr. Gibson stated he got into a fight with a 21yr old kid that got out of hand. Mr. Gibson paused multiple times before he would say something. The next thing he knew he was "fighting cops". He told me a couple times that he was fighting a 21yr old kid in the bar and it got out of hand. He stated he was the "aggressor". I asked if he was hurt and he stated yes but did not elaborate on this. I saw he had scrapes and cuts and told him this. He indicated they were on the pavement and that is where the injuries came from. He also stated he was a wrestler.

I asked Mr. Gibson if there was any reason why he tackled the officer. Mr. Gibson stated "Yeah, I did not know it was an officer." He stated they were in an alley brawling. Mr. Gibson stated he did not blame the officer for what he did; however, he thought the officer was aggressive. He said he was saying "I give in." and "I quit." before they got him. He looked back at the crowd of people numerous times and shook his head. He said it was a brawl at a bar. I then concluded my interview with him.

Officer Interview Summary

Officer Beltz and Officer Chimienti were working bar patrol on a Saturday night. They observed a fight break out in an alley between the Revolver and Barachos with a large crowd (estimated at 200 people) just before closing time. They attempted to de-escalate the fight by using their emergency equipment on their marked patrol car. The crowd did not disperse, but some subjects stopped fighting. Officers then made contact with 2 combatants.

Officer Beltz contacted Michael Gibson who was being restrained by a subject. He identified himself as a police officer and told them to stop. The male who was holding onto Mr. Gibson said he was "just trying to get him to stop". Mr. Gibson refused to deescalate. Officer Beltz took control of his wrist and the male holding him let go. Mr. Gibson immediately charged Officer Beltz. Officer Beltz believed Mr. Gibson was trying to tackle him, stepped to the side, and attempted an arm bar control technique to take Mr. Gibson to the ground. Mr. Gibson then

threw a closed fist strike at Officer Belitz face. Officer Belitz used force for the following reasons:

Crime: Mr. Gibson was involved in the assault/disorderly conduct incident at a bar. Mr. Gibson aggressively charged and punched at Officer Belitz, attempting to assault a uniformed police officer (3* assault – Felony).

Threat: Officer Belitz was in an alley between two bars in downtown Spokane on a Saturday night. They were surrounded by numerous people who had been watching a large fight with active participants in the crowd. Being the bar area of downtown, most subjects at the scene had been consuming alcohol. He contacted a combatant who refused to deescalate after numerous visual and verbal warnings were given. The combatant charged Officer Belitz, actively assaulting the officer.

Resistance: Visual and audible warnings were given to the combatants – spot light from a marked patrol car, air horn from a marked patrol car, lights and siren from a marked patrol car – Mr. Gibson continued to participate in an assault/disorderly incident. As Mr. Gibson was being restrained, Officer Belitz contacted him, identified himself and ordered him to stop fighting. Mr. Gibson did not deescalate. Officer Belitz took wrist control of Mr. Gibson as he was being restrained by a citizen. Mr. Gibson charged Officer Belitz in a tackling motion. Mr. Gibson punched at Officer Belitz with a closed fist. Mr. Gibson was now physically assaulting Officer Belitz, placing him in fear of bodily harm.

Officer Belitz advised Mr. Gibson he was under arrest and told him to stop resisting. He attempted to control Mr. Gibson by taking him to the ground. The situation was tense, uncertain and rapidly evolving. Mr. Gibson continued to resist and reached out toward Officer Belitz face. Officer Belitz placed Mr. Gibson in a Level I neck restraint and ordered Mr. Gibson to stop resisting. Mr. Gibson continued to struggle with Officer Belitz. Officer Chimienti arrived to assist Officer Belitz and again Mr. Gibson was ordered to stop resisting and advised he would be rendered unconscious. Mr. Gibson did not deescalate and grabbed at Officer Belitz's leg, continuing to resist. Officer Brown-Bieber arrived to assist. Officer Belitz applied a Level II neck restraint. Mr. Gibson was handcuffed and post Level II neck restraint protocol was followed.

Officer Belitz and Officer Chimienti received injuries to their arms. Photos were taken.

Witness Interview Summary

Witnesses Jacob McConnell, Justin Miller, Adam Imes, and Dashea McDowell stated there had been a fight at the bar. Officers were there trying to break the fight up. Mr. Gibson attempted to assault the officer and the officer took him to the ground.

Witness Timothy Goad stated he was in an argument in the bar with Mr. Gibson and Mr. Gibson was trying to fight him. They exited the bar and he told Mr. Gibson to hit him. Mr. Gibson hit him numerous times knocking him to the ground, he did not hit back. Mr. Gibson was being held back by another person when police arrived.

Physical Evidence

Photos of injuries to Mr. Gibson, Officer Belitz and Officer Chimienti. Video on Evbidence.com from Officer Chimienti (14-300798).

Investigative Summary

Mr. Gibson was actively assaulting a citizen in an alley between two bars in the downtown area of Spokane on a Saturday night. There were numerous people who had exited the bars watching the fight (there are 5 drinking establishments in this one block area). Officers, in a marked patrol car, used visual and audible signals to deescalate the combatants. All but one combatant deescalated. Officer Belitz, wearing the uniform of the day, contacted this subject, Mr. Gibson, who was being held back by a citizen. He identified himself to Mr. Gibson and ordered him to stop fighting, further attempting to deescalate Mr. Gibson. Mr. Gibson did not deescalate. Officer Belitz took control of Mr. Gibson and the citizen let go of Mr. Gibson. Mr. Gibson immediately attacked Officer Belitz, attempting to tackle and strike Officer Belitz with a closed fist. Knowing he was in a large crowd of people, between two bars in an alley, and having someone attack him, the situation was tense, uncertain and rapidly evolving; Officer Belitz applied a Level I neck restraint. Mr. Gibson did not deescalate and refused to comply. Officer Chimienti and Officer Brown-Bieber assisted, but Mr. Mr. Gibson would not comply. Officer Belitz then applied a Level II neck restraint.

300.3.4 NECK RESTRAINT CONTROL HOLD

The proper application of a level one or a level two neck restraint hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the neck restraint hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the neck restraint.
- (b) The neck restraint may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - 1. The subject is violent or physically resisting.
 - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

Officer Belitz is trained in the proper use of the neck restraint control hold. Mr. Gibson was actively assaulting Officer Belitz. Officer Belitz followed his training and acted within policy when he applied a Level II neck restraint.

The visible injuries Mr. Gibson received appeared to be consistent with fighting on pavement (scrapes and lacerations). I did not see, nor did Mr. Gibson complain, of excessive injuries. Officer Belitz's actions were objectively reasonable based on the totality of the circumstances and state law.

Sgt. Kannberg #271

Incident History for: #SP140300798

Entered 09/07/14 01:34:26 BY PCC03 1144
 Dispatched 09/07/14 01:34:26 BY PCC03 1144
 Enroute 09/07/14 01:34:26
 Onscene 09/07/14 01:34:26
 Closed 09/07/14 11:57:40

Initial Type: FIGHT Final Type: FIGHT (FIGHT)

Initial Priority: 2 Final Priority: 2

Disposition: 1E Source: R Primary Unit: P307

Police BLK: SPD8RS

Group: P8 Beat: Map Page: 33

Loc: 221 N DIVISION ST ,SPK -- REVOLVER ,SPK btwn W MAIN AV & W SPOKANE FALLS B
 L (V)

Name: LOUNSBURY, JEFF

Addr: MOBILE

Phone: 5098684372

/013426 (1144) \$OUTSRV ,NO MORE INFORMATION
 /013426 DISPOS TAC1 #1068 CHIMIENTI, SAMUEL
 #1084 BELITZ, TODD
 ,NO MORE INFORMATION
 /013429 ASSTER TAC2 [REVOLVER]
 #1154 YRIGOLLEN, KYLE
 #1176 BROWN-BIEBER, BENJAMIN
 /013437 CHANGE LOC: REVOLVER --> 221 N DIVISION ST ,SPK,
 BLK: --> SPD8RS
 /013524 (911175) SUPP NAM: LOUNSBURY, JEFF,
 ADR: MOBILE,
 PHO: 5098684372,
 TXT: COMP DROVE PAST LOC 1 AGO, SAW 2 W/M'S, 1
 IN A WHI POLO SHIRT AND HVY SET . 2ND IN A BL
 K SHIRT. BOTH WERE PHYSICALLY FIGHTING. NO WEA
 PONS SEEN. LOOKED T O BE SEVERAL OTHERS TRYING
 TO BREAK UP THE FIGHT. ###
 /013613 (1144) ONSCNE TAC2
 /013620 (443) *ASSTER P307 [221 N DIVISION ST ,SPK]
 #443 KAKUDA, BLAINE
 ,STEP IT UP
 /013640 (1144) MISC TAC1 [221 N DIVISION ST ,SPK]
 /013641 (1067) *ASSTER C354 #1067 LESSER, ROBERT SCOTT
 /013642 (436) *ASSTER P315 [221 N DIVISION ST ,SPK]
 #436 ADAMS, DAVE
 /013650 (733) *ASSTER P303 [221 N DIVISION ST ,SPK]
 #733 ENNIS, GORDON
 /013701 (994) *ASSTER C461 [221 N DIVISION ST ,SPK]
 #994 BODE, CHRISTOPHER
 /013702 (931) *ASSTER C367 [221 N DIVISION ST ,SPK]
 #931 KESTER, ALEXIS
 /013705 (735) *ASSTER K10 [221 N DIVISION ST ,SPK]
 #735 BUCHMANN, PAUL
 /013708 (445) *ASSTER P302 [221 N DIVISION ST ,SPK]
 #445 CORDIS, TYLER
 /013709 (1053) *ASSTER N49 [221 N DIVISION ST ,SPK]
 #1053 JONES, CASEY
 #1139 BRYER, TOBY
 /013753 (1067) *ONSCNE C354
 /013755 (1053) *PREMPT N49
 /013800 (735) *ONSCNE K10
 /013803 (436) *ONSCNE P315
 /013807 (1144) MISC TAC1 ,C4 SLOW IT DOWN, UNRESTRICT

/013813		ASSTOS	L220	[221 N DIVISION ST ,SPK] #271 KANNBERG, ERIC M
/013835		EMSREQ	TAC1	T/PCC02 ,NEED MEDICS LVNR, CONCIOUS
/013849	(994)	*PREMPT	C461	
/013858	(1144)	ONSCNE	P307	
/013912	(1179)	CALLBK		,MEDICS ENR
/013915	(733)	*ONSCNE	P303	
/013924	(931)	*ONSCNE	C367	
/013941	(1144)	PREMPT	P302	
/014236		REMINQ	TAC2	
#3a				
/014253		ASSTOS	P302	[221 N DIVISION ST ,SPK] #445 CORDIS, TYLER
/014358	(1160)	\$PREMPT	P302	
/015016	(1068)	*REMINQ	TAC1	
#3a				
/015118		*REMINQ	TAC1	
/015315	(1067)	*MISC	C354	,PSTAT/ASST
/015349	(911197)	SUPP		TXT: EUBANKS, SAMMY CALLING FROM PH# 509-879-0 340. RIGHT BEFORE LE ARRIVED ONS CENE 3 SUBJS WERE SEEN WB ON MAIN. THINKS THEY MAY HAVE BEE N INVOLVED IN THE F IGH T. COMP SAW THE SUBJS L AST BEHIND THE TACO TRUCK JSO MAIN IN AN ALLEY . ###.
/015416	(1144)	\$PREMPT	C354	
/015904	(150)	*ASSTER	L204	#150 REISENAUER, CHUCK
/015906		*ONSCNE	L204	
/015931	(1144)	MISC	P307	,#####
/020244	(1068)	*TRANS	TAC1	[DEACONESS] M/0.0 ,1 MALE ,PSTAT/ASST ,#####
/020410	(733)	*MISC	P303	
/020416	(1144)	MISC	TAC2	
/020425	(1068)	*REMINQ	TAC1	
#3a				
/020602		*TRANSC	TAC1	[DEACONESS] M/1.1
/020646	(436)	*CALLBK	P315	T/PCC03 ,I SAW THE SUPP. ALL PERSONS INVOLVED IN THE I NITIAL PHYSICAL ALTERCATION (2) HAVE BEEN ACCO UNTED FOR. ,PSTAT/ASST PSTAT/ASST FROM EARLIER CALL
/020658	(931)	*MISC	C367	
/020708		\$PREMPT	C367	
/020858	(733)	*ONSCNE	P303	
/020859		\$PREMPT	P303	
/020952	(735)	*CLEAR	K10	,PSTAT/ASST
/020955	(150)	*CLEAR	L204	
/021540	(443)	*REMINQ	P307	
#3a				
/021612		*REMINQ	P307	
/022253	(436)	*MISC	P315	,PSTAT/ASST PHOTOS
/022254		*CLEAR	P315	
/022456	(271)	*MISC	L220	,PSTAT/ASST
/022518		*CLEAR	L220	
/023120	(443)	*CHGLOC	P307	[DEAC]
/023134	(1154)	*CHGLOC	TAC2	[SIG-1]
/023135		*ONSCNE	TAC2	
/023437	(1144)	\$PREMPT	P307	
/024927	(1068)	*REMINQ	TAC1	
/025608	(443)	*ASSTER	P307	[DEACONESS]

#3a

/025835		*NEWLOC	P307	#443 KAKUDA, BLAINE
/030649	(1068)	*REMINQ	TAC1	[DEACONESS]
				#3a
/030947	(1154)	*MISC	TAC2	, PSTAT/ASST PSTAT/RPT
/032702		*REMINQ	TAC2	#3c
/033843		*MISC	TAC2	, PSTAT/RPT
/034258		*CLEAR	TAC2	
/035632	(1144)	ASSTOS	L183	[DEACONESS]
				#093 SPRAGUE, DEAN
/035637		OK	L183	
/035637		OK	P307	
/035637		OK	TAC1	
/040051	(1068)	*TRANS	TAC1	[JAIL] M/0.0
				, 1 MALE
/040129	(443)	*CHGLOC	P307	[JAIL]
/040421	(093)	*PREMPT	L183	
/040447	(443)	*ONSCNE	P307	
/041036	(1068)	*TRANSC	TAC1	M/1.2
/042521	(443)	*NEWLOC	P307	[SIG 1]
/042531	(1068)	*NEWLOC	TAC1	[1/PAPER]
/054816	(1008)	OK	P307	
/054816		OK	TAC1	
/064047	(1068)	*MISC	TAC1	, LNR APPLICATION. SGT KANNBERG ADVISED.
/064105		*MISC	TAC1	, GIBSON BOOKED FOR ASSAULT 3 (LE) AND RESISTIN
				G ARREST.
/064115		*MISC	TAC1	, PC AFFIDAVIT COMPLETED.
/064238		*MISC	TAC1	, PSTAT/CFS PSTAT/FEL PSTAT/MISD PSTAT/RPT (AFFI
				DAVIT)
/064252		*CLEAR	TAC1	DSP: 1E
/115740	(676)	CLEAR	P307	
/115740		CLOSE	P307	

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-300798	
INCIDENT TYPE Arrest		INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #2 RESISTING ARREST		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON Sun 09/07/2014 01:34		DATE/TIME Sun 09/07/2014 01:34		OCCURRED TO Sun 09/07/2014 01:34	
DISPATCH TIME		ARRIVED TIME		EST. TOTAL PROPERTY LOSS	
CLEARED TIME		REPORT DATE 09/07/2014		REPORT TIME 05:11	
PRIMARY CHARGE 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)					UCR/NIBRS CODE /13A
ADDITIONAL CHARGES 9A.76.040 PUB OFFICER(RESIST ARREST)					
LOCATION OF INCIDENT 211 N Division, Spokane, WA 99201				LOCATION NAME (IF APPLICABLE) Barachos	
SOLVABILITY FACTORS PC Affidavit Completed, Suspect Arrested					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS T. Belitz, B. Kakuda, K. Yrigollen, B. Brown-Bieber					
VICTIM/WITNESSES/OTHERS <small>V-Deceased, OW-Owner of Property, C-Complainant, PE-Pedestrian, W-Witness, M-Missing, MR-Person Married, O-Other, PC-Pedestrian, Cycle, IN-Institutional, PS-Passenger, RO-Registered Owner, RU-Runaway, S-Suspect, V-Victim, Individual, VB-Victim, Business, G-Guardian, D-Driver, CV-Corporate Victim, COV-Contact, A-Arrested Person</small>					
CODE A-1		NAME: LAST, FIRST, MIDDLE Gibson, Michael James		SEX M	
				RACE/ETHNICITY W-White	
				DATE OF BIRTH/AGE 06/15/1980 34	
HEIGHT 5'07"		WEIGHT 170		BUILD Medium	
		HAIR Brown		EYES BRO - Brown	
CONFIDENTIALITY <input type="checkbox"/>		ADDRESS: STREET, CITY STATE ZIP 5820 W Hallett Road, Spokane, WA 99224		RESIDENTIAL STATUS	
				PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS		OCCUPATION		EMPLOYER PHONE	
CHARGE LEVEL Felony Class C		DESCRIPTION 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)		UCR/NCIC CODE /13A	
WARRANT #		BAIL		TYPE OF ARREST On-View of Arrest	
				MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>	
CHARGE LEVEL Misdemeanor		DESCRIPTION 9A.76.040 PUB OFFICER(RESIST ARREST)		UCR/NCIC CODE /13A	
WARRANT #		BAIL		TYPE OF ARREST On-View of Arrest	
				MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>	
CITATION #		DATE		TIME	
ARREST LOCATION 211 N Division, Spokane, WA 99201		BOOKED WHERE Spokane County Jail		DATE 09/07/2014	
				TIME 04:25	
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	
DRIVER'S LICENSE <input type="checkbox"/> FAKE <input type="checkbox"/> STATE		SOCIAL SECURITY NO. <input type="checkbox"/> FAKE <input type="checkbox"/> OTHER ID			
#4b		#4b			

ID NO./NAME OF REPORTING OFFICER #1068 - Chimienti, Sam		DISTRIBUTION	
APPROVAL #013 - Giannetto, Anthony		DATE/TIME 09/07/2014 06:53	

Incident Report #1

09/07/2014 06:59:19 934

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE					ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 14-300798	
CODE V-1	NAME: LAST, FIRST, MIDDLE Belitz, Todd S				SEX M	RACE/ETHNICITY W-White		DATE OF BIRTH/AGE #5b 38
HEIGHT 6'00"	WEIGHT 220	BUILD Medium	HAIR Brown	EYES BLU - Blue	DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 1100 W Mallon, Spokane, WA 99260				RESIDENTIAL STATUS		PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES (Work) 242-8400 x.21084								
RELATIONSHIP TO SUSPECT				VICTIM OF Offns. # 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)			OFNDR. # A-1	
CODE W-1	NAME: LAST, FIRST, MIDDLE McConnell, Jacob J				SEX M	RACE/ETHNICITY W-White		DATE OF BIRTH/AGE 05/02/1978 36
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 505 W Hazard, Colbert, WA 99005				RESIDENTIAL STATUS		PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES (Cell) (509) 979-3220								
CODE W-2	NAME: LAST, FIRST, MIDDLE Miller, Justin A				SEX M	RACE/ETHNICITY W-White		DATE OF BIRTH/AGE 02/06/1977 37
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 13012 S Stangland Road, Medical Lake, WA 99022				RESIDENTIAL STATUS		PHONE (509) 299-4815	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES (Home) (509) 299-4815, (Cell) (509) 993-2890								
NARRATIVE								

On 09/07/14 at approximately 0134 hours Ofc Beltz and I were working a special patrol assignment downtown. We were in a fully marked police vehicle equipped with overhead lights and siren. We were both wearing the uniform of the day that was fully marked with a department badge and patches.

Ofc Belitz and I were in the area of Barachos bar, 211 S Division, when we both observed a fight break out between Barachos and The Revolver.

Incident Report #1

CONTINUED ON NEXT PAGE

09/07/2014 06:59:20.511

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-300798
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We approached the fight in our fully marked patrol vehicle and sounded the air horn in attempt to disperse the crowd. It was around bar closing time and there was approximately 200 people on/around the side walk and entrance to the alley between the two bars. We then activated our emergency lights and sounded the air horn again in a second attempt to stop the fight and have the crowd disperse. The crowd did not disperse and the fight continued. We then activated our emergency siren along with our overhead lights in a third attempt to stop the fight and disperse the crowd. The crowd did not disperse and the fight did not stop. We approached the combatants. I contacted a male who appeared to be involved in the fight and was being restrained by several people. Officer Belitz contacted another male who also appeared to be in the fight.

I identified myself as a police officer and advised the male that he was being audio and visually recorded by my body camera. The male was identified as Jacob McConnell.

As McConnell was beginning to tell me about the fight, I saw Ofc Belitz engaged with a male and fall to the ground. I ran to Ofc Belitz's location and could see that he was struggling with the male in attempt to gain control of him. I could see that Ofc Belitz had the male, later identified as Michael Gibson, in a Lateral Neck Restraint (LNR). Gibson's left arm was free and his right arm was tucked underneath his body. I took control of his left wrist. I gave several verbal commands to stop resisting and stop fighting and to place his hands behind his back. Gibson refused my commands and continued to struggle. He attempted to break free of Ofc Belitz's and my control. As I was controlling Gibson's left wrist, I heard Ofc Belitz give a verbal warning to Gibson that if he continued to fight and attempt to break free from us, he would be rendered unconscious. Gibson's right arm was beneath him as he was in the prone position and he refused to remove it from underneath his body. I applied a goose neck pain compliance technique in attempt to get Gibson to remove his right arm from underneath his body. Gibson still refused. While controlling his left wrist I was able to pry Gibson's right arm from underneath his body. I was then able to apply my handcuffs and secure Gibson.

During the fight, Gibson was rendered unconscious. I requested medics and a supervisor to respond to our location because of the LNR.

Ofc Brown-Bieber arrived and took control of Gibson.

I then re contacted McConnell to obtain a statement. McConnell told me that he and his friends were inside the bar when another male bar patron began causing problems. He said that one of his friends became engaged in a physical fight with the male and the fight went outside. He said that he was being held back by some unknown people outside the bar, when we showed up.

McConnell was extremely intoxicated and at one point made a statement to the effect of, "if my friend is in a fight I am going to help!"

Incident Report #1

CONTINUED ON NEXT PAGE

09/07/2014 06:59:20.527

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-300798
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I then contacted another male and identified him as Justin Miller. Miller stated that his friend was the one that Ofc Belitz and I were fighting. Miller gave me a brief statement that they were inside Barachos when a male began causing problems. His friend (Gibson) started to fight with the male and the fight went outside. Miller would not provide me with any other statements regarding the incident.

Ofc Belitz and I then transported Gibson to Deaconess Medical Center where he was treated for some abrasions to his forehead and being rendered unconscious from the LNR application.

Gibson was cleared to be booked into jail. Ofc Belitz and I transported him to Spokane County Jail and booked him for Assault 3rd Degree and Resisting Arrest.

During the fight I sustained some minor cuts and abrasions to my left forearm, elbow, and fingers. My injuries were photographed by Cpl Adams.

See also Cpl Kakuda's, Ofc Belitz's, Ofc Yrigollen, and Ofc Brown-Bieber's reports for additional information.

S. Chimienti #1068
Team 16 / A428

Incident Report #1	END OF INCIDENT REPORT
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09/07/2014 06:59:20 527

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-300798	
REPORT PURPOSE				REPORTED ON DATE Sun 09/07/2014	TIME 01:34
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		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 09/07/2014		REPORT TIME 05:17
PRIMARY CHARGE					UCR/NIBRS CODE
VICTIM/WITNESSES/OTHERS <small>V-Deceased; OW-Owner of Property; C-Complainant; PE-Pedestrian; W-Witness; M-Missing; MP-Person Mentioned; O-Other; PC-Pedestrian - Cyclist; IM-Individual; PS-Passenger; RO-Registered Owner; RU-Runaway; S-Suspect; V-Victim - Individual; VB-Victim - Business; G-Legal Guardian; D-Driver; OV-Complainant is Victim; CON-Contact; A-Arrested Person</small>					
CODE CON-1	NAME: LAST, FIRST, MIDDLE Imes, Adam L			SEX M	RACE/ETHNICITY W-White/Non-Hispanic
HEIGHT 6'02"	WEIGHT 205	BUILD Medium	HAIR Blonde or	EYES BLU - Blue	DATE OF BIRTH/AGE 08/30/1988 26
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 9310 E Montgomery Avenue #108, Spokane, WA 99206			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION Employed	EMPLOYER PHONE
ADDITIONAL ADDRESSES 211 N Division Street, Spokane, WA 99201					ADDRESS TYPE
ADDITIONAL PHONES (Cell) (509) 828-9075					
NARRATIVE					

On 090714 at approximately 0134 hrs. I was working downtown bar patrol as a member of the department TAC team. I was driving a fully marked patrol vehicle and wearing a full police uniform along with a badge and department patches. Officer Chimienti and I were working as a 2 man unit for this detail.

We were parked in the alley on the east side of Division St directly across from Borrachos bar located at 211 N. Division St. watching the crowd in front of the bars. In the alley between Borrachos and The Revolver, I observed a large fight incite.

I first turned on my spotlight and placed it on the crowd. No one stopped. I then drove across the street and turned on my overheard red and blue lights but no one seemed to care. I then activated my sirens to try and get the crowd to disperse. Most of the people stopped fighting and Officer Chimienti and I exited the patrol vehicle.

I began to tell people to stop fighting and most people cooperated. Officer Chimienti contacted a male (see his report) and I observed 2 males actively fighting in the alley against the north wall of Borrachos. I contacted the males and identified myself as the police. One male appeared to be only holding the other male and trying to keep from being assaulted.

I told both of the males to stop and the one male looked at me and said "officer, I am just trying to get him to stop." I then yelled at the other male who was later identified as Michael Gibson, to stop fighting and again identified myself

ID NO./NAME OF REPORTING OFFICER #1084 - Belitz, Todd		DISTRIBUTION	
APPROVAL #013 - Giannetto, Anthony	DATE/TIME 09/07/2014 06:48		

Supplemental Report #1

09/07/2014 06:58:18.452

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-300798
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as the police. Gibson refused to stop and I took control of his left wrist and pulled him away from the other male. Gibson looked directly at me and then charged at me and appeared to be attempting to tackle me.

I side stepped Gibson and attempted to take him to the ground utilizing an arm bar. When I did this, Gibson threw a punch at my face with his right hand. Gibson's right fist was balled up and I could see his jaw was clenched. The tendons in his neck were sticking out and his knuckles had turned white from how tight he was clenching his fist

******At the time of the contact with Gibson, I was investigating an in progress assault. The crime of Assault is a crime of violence.**

******When I contacted Gibson, I was alone and there were approximately 200 people in the immediate area either watching or participating in the fight. Many of these people were intoxicated. Gibson had not been frisked for weapons and therefore could be concealing several different types of weapons on his person. I could see that Gibson was a fit person and was clearly in good shape. He had a muscular build and when he engaged me, I could see that he had some wrestling experience based on the way he controlled his movements. I was uncertain if Officer Chimienti was able to assist me or if he was engaged in his own confrontation. I was also unsure of how far off my back up units were from arriving. Even with Officer Chimienti there, we were vastly outnumbered and the situation was tense, uncertain and rapidly evolving.**

******It was clear to me, that when Gibson completely disregarded me as a police officer, he was willing to do whatever it took to escape the situation that he had placed himself in. When I told Gibson to stop and took control of his left hand he brought his right hand up in assaultive manner clenching his right fist into a ball and threw a punch at me. As Gibson did this, he was also attempting to pull his left hand away from my control. I had already told Gibson that I was the police but Gibson didn't seem to care that I was the police and he continued to pull away from me in an effort to flee. As Gibson attempted to flee, with his right hand up, fist clenched, attempting to punch me, he clearly showed that he would do whatever it took to evade arrest. I had pulled up in a fully marked police car, wearing the uniform of the day with a visible badge and department patches, and identified myself as the police, and also activated my sirens when I first arrived. There was no telling what Gibson would do to get away.**

For the above-mentioned reasons, when Gibson lifted his right hand, made a fist, and swung at me, I took Gibson to the ground. I told Gibson he was under arrest and I told him to stop resisting. Gibson continued to fight me and was attempting to pull away from my control. Gibsons arms were flailing and he was attempting to reach out towards my face. I was able to get Gibson on the ground for better control and I had now applied a level one lateral neck restraint (LNR) in an effort to control Gibson until my backup arrived.

Gibson was now face down on the asphalt of the alley, and I was also on the ground attempting to control him.. I had my left arm around the front of his neck holding the level one LNR. Several times I told Gibson to stop resisting. I then saw Officer Chimienti arrive to assist me.

We both told Gibson to stop resisting and to place his hands behind his back. I warned Gibson that if he did not stop resisting and comply, I would render him

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CONTINUED ON NEXT PAGE

09/07/2014 06:58:18.483

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-300798
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unconscious. Gibson still refused to comply and I could feel him grabbing towards my leg while I was holding him down. Gibsons assaultive behavior continued by him pulling his arms away from our control and clenching his fists and tensing his muscles. We still did not have good control of Gibson. Therefore, I tightened my hold, applying more pressure and applied a level 2 LNR and rendered him unconscious.

Officer Beiber then arrived and handcuffs were applied by Officer Chimienti (D/L). Medics were called for to evaluate Gibson. He slowly began to regain consciousness and we rolled him on his side for better recovery. It appeared that Gibson had some abrasions the right side of his face from being face down during the incident on the rough asphalt.

Corporal Adams arrived and took photos of these abrasions as well as some scrapes I had on my forearms. Officer Chimienti also suffered some scrapes on his forearms and elbow and these injuries were also photographed by Corporal Adams.

Medics arrived on scene and checked out Gibson for his injuries. It appeared that the blood was only coming from his forehead, and that he had some small scrapes from the asphalt on his face.

Medics on scene cleared Gibson for jail. Sgt. Kannberg arrived on scene and I briefed him of the incident. After the scene was secured, we attempted to interview witnesses. I contacted a bouncer who was directly involved in the incident. He was identified as Adam Imes. Imes told me the following;

He was a bouncer for Borrachos and was dealing with a fight in the alley between Borrachos and The Revolver. During the fight, he observed me arrive on scene. He said it was very obvious that I was the police because I arrived in a fully marked police vehicle and even activated my red and blue lights along with the sirens.

He also said that my uniform with a badge indicated that I was a police officer as well. He saw me approach Gibson from the front and heard me identify myself as the police. Gibson then charged at me in a "violent and aggressive" manner as if he was going to tackle me.

He saw me take Gibson to the ground and saw me end up on the ground as well. He saw another officer arrive (Chimienti) and we then wrestled with Gibson and finally took him into custody.

After medics cleared Gibson, and Sgt. Kannberg spoke with him, I transported Gibson to Deaconess ER because jail needed medical clearance after him being rendered unconscious. Prior to the transport, I notified Gibson that he was under arrest for 3rd degree assault L/E and resisting arrest.

While at the hospital with Gibson, he started talking to me without being questioned. Gibson said that he is a wrestler and when he fights, he takes it all the way to the end even if he had to be put unconscious. Gibson then said that he was intoxicated but should have known that I was the police when I told him.

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CONTINUED ON NEXT PAGE

09/07/2014 06:58:18.515

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-300798
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After Gibson was cleared by the hospital, I transported him to jail. I booked Gibson into jail for 3rd Degree Assault L/E, and resisting arrest. Sgt. Kannberg was on scene and aware of the arrest and booking and I completed a PC affidavit per department policy.

T. Belitz #1084
SPD C457

Supplemental Report #1	END OF ADDITIONAL REPORT
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09/07/2014 06:58:18.515

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-300798	
REPORT PURPOSE			REPORTED ON DATE Sun 09/07/2014		TIME 01:34
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE			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"/>	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 09/07/2014	REPORT TIME 02:33
PRIMARY CHARGE					UCR/NIBRS CODE
VICTIM/WITNESSES/OTHERS <small>V-Deceased, OW-Owner of Property, C-Complainant, PE-Pedestrian, W-Witness, M-Missing, MR-Person Mentioned, O-Other, PC-Pedestrian's Cyclist, IN-Individual, PS-Passenger, RO-Registered Owner, RU-Runaway, S-Suspect, V-Victim, Individual, VB-Victim, Business, G-Total Guardian, D-Driver, OV-Complainant's Victim, CON-Contact, A-Arrested Person</small>					
CODE W-1	NAME: LAST, FIRST, MIDDLE Miller, Justin A			SEX M	RACE/ETHNICITY W-White
			DATE OF BIRTH/AGE 02/06/1977 37		
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 13012 S Stangland Road, Medical Lake, WA 99022			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) 993-2890					
CODE CON-1	NAME: LAST, FIRST, MIDDLE Goad, Timothy M			SEX M	RACE/ETHNICITY W-White
			DATE OF BIRTH/AGE 09/30/1986 27		
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 4106-B Hunters Rd., Springdale, WA 99173			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) 202-6219					
NARRATIVE					

On 9-7-14 at 0134 hours, I responded to assist Tac-1 Ofc. Belitz and Chimienti.

I contacted witness Justin Miller who stated he is friends with Mike (Michael Gibson) and was at the bar hanging out with him. Justin stated mike was getting into an argument with another male in the bar and they were all being escorted out. When they got outside a scuffle ensued between Mike and this male who was later identified as Timothy Goad. Mike then was being held by another male when Justin observed the police offices drive up. Justin told Mike its the police and Mike resisted the officers and would not give his hands up.

I then contacted Timothy Goad who stated he was in an argument with a male (Michael Gibson) who was being aggressive and trying to fight him in the bar. Timothy then went outside with Michael and Michael punched him several times and knocked him to the ground. Then Michael was

ID NO./NAME OF REPORTING OFFICER #1154 - Yrigollen, Kyle		DISTRIBUTION	
APPROVAL #013 - Giannetto, Anthony	DATE/TIME 09/07/2014 06:31		

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09/07/2014 06:38:17.822

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-300798
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held by another male and the police pulled up. Timothy did not want to prosecute and stated to Ofc. Brown-Bieber that he asked Mike to hit him in the chin, for further information see Ofc. Brown-Bieber's report.

I observed scrape marks on Timothy's left arm that he stated was from Michael knocking him down. Cpl. Adams took pictures of the injuries.

Ofc. Yrigollen #1154

Supplemental Report #1	END OF ADDITIONAL REPORT
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09/07/2014 06:38:17.837

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-300798	
REPORT PURPOSE			REPORTED ON DATE Sun 09/07/2014	TIME 01:34	INCIDENT XREF
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		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 09/07/2014	REPORT TIME 02:32	
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 09/07/14 at 0134 I was dispatched to the Revolver bar at 221 N. Division St. after officers reported a fight at that location. Upon arrival I observed a large crowd at the entrance to the alley between the Revolver bar and the Borrachos bar.

When I entered the alley I observed Ofc. Belitz and Ofc. Chimienti struggling with a subject later identified as Michael Gibson. All three were on the ground in the alley, with Ofc. Belitz holding onto Mr. Gibson's neck while Ofc. Chimienti attempted to put Mr. Gibson's hands in handcuffs. Ofc. Chimienti had placed a handcuff on Mr. Gibson's left wrist but Mr. Gibson was pulling his right hand away to avoid having his right wrist handcuffed.

I took control of Mr. Gibson's right wrist and assisted Ofc. Chimienti in securing Mr. Gibson in handcuffs. While we were handcuffing him Mr. Gibson grabbed at my hands. Once he was cuffed Ofc. Belitz released Mr. Gibson, who appeared unconscious but could be heard breathing loudly. Ofc. Belitz and I rolled Mr. Gibson onto his right side to make it easier for Mr. Gibson to breathe. After a few seconds Mr. Gibson regained consciousness and opened his eyes. I asked him if he was able to sit up and he said that he was, so I assisted him to a sitting position. Ofc. Belitz double-locked Mr. Gibson's handcuffs.

I stood by with Mr. Gibson while officers interviewed witnesses to the incident. Spokane City Fire Department Ladder One, commanded by Cpt. Renner, responded and evaluated Mr. Gibson. Mr. Gibson had an abrasion on the right side of his face and on his right elbow, but Fire Department personnel stated the injuries did not require stitches. I waited with Mr. Gibson until Ofc. Chimienti and Ofc. Belitz transported him to the hospital for medical clearance. I observed scratches and abrasions on Ofc. Chimienti's and Ofc. Belitz's elbows from the struggle.

I later spoke with Timothy Goad, who said Mr. Gibson had bumped into him at a bar. The two argued and then went outside to discuss the matter further. Once outside, Mr. Goad invited Mr. Gibson to hit him on the chin. Mr. Gibson responded by hitting Mr. Gibson on the chin. Mr. Goad stated during the incident he did not hit Mr. Gibson at all, and Mr. Goad said he did not wish to press any charges in reference to this incident.

Ofc. Brown-Bieber #1176/A325

ID NO./NAME OF REPORTING OFFICER #1176 - Brown-Bieber, Benjamin		DISTRIBUTION	
APPROVAL #013 - Giannetto, Anthony	DATE/TIME 09/07/2014 06:25		

Supplemental Report #1

09/07/2014 06:28:25.774

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-300798	
REPORT PURPOSE			REPORTED ON DATE Sun 09/07/2014		TIME 01:34
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		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 09/07/2014		REPORT TIME 03:25
PRIMARY CHARGE					UCR/NIBRS CODE
<small>V-Deceased, OW-Owner of Property, C-Complainant, EE-Pedestrian, W-Witness, M-Missing, MR-Person Mentioned, O-Other, PC-Pedestrian-Cyclist, IM-Institutional, PP-Passenger, RO-Registered Owner, RU-Runaway, S-Subject, V-Victim, I-Individual, VB-Victim, Business, G-General Guardian, D-Driver, CV-Complainant's Victim, CON-Contact, A-Arrested Person</small> VICTIM/WITNESSES/OTHERS					
CODE W-1	NAME: LAST, FIRST, MIDDLE McDowell, Dashea T			SEX M	RACE/ETHNICITY B-Black
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DATE OF BIRTH/AGE 03/14/1993 21
CONFIDENTIALITY <input checked="" type="checkbox"/>			ADDRESS: STREET, CITY STATE ZIP 15307 N Meadow View Court, Mead, WA 99021		RESIDENTIAL STATUS
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES (Cell) 929-8446					
NARRATIVE					

On 090714 at 0136hrs, I responded to 221 N. Division (Revolver Tavern) on a fight call. Prior to my arrival, Officer Belitz advised responding units to "step it up."

Upon arrival, I provided scene security. I then overheard/observed a male who was later identified as being Dashea McDowell, verbally and physically demonstrating to a couple of males how the male "swung" on the officer. He was telling the males that he could not believe that the male attempted to hit the officer.

I then contacted McDowell and another male who had witnessed the incident. I asked the male ("Tamoor Khokar") to standby for contact, while I interviewed McDowell.

McDowell told me that he had just exited Borrachos and peered around the corner into the alley. He observed a "bouncer" holding a male (Michael Gibson) in a headlock. The officers (Officers Belitz and Chimienti) arrived and the bouncer was handing over control to the officers, when Gibson pulled away. McDowell stated Gibson with a closed fist (believes it was with his right hand) attempted to hit Officer Belitz. He said Officer Belitz got Gibson up against a wall in the alley. Officer Belitz then grabbed onto Gibson's arm and "swung" him to the ground. McDowell stated Officer Chimienti assisted Officer Belitz and they got on top of him. The officers handcuffed Gibson without further incident.

McDowell added that Gibson "put up a good fight," further adding that

ID NO /NAME OF REPORTING OFFICER #443 - Kakuda, Blaine		DISTRIBUTION City Attorney, City Prosecutors	
APPROVAL #013 - Giannetto, Anthony	DATE/TIME 09/07/2014 06:20		

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09/07/2014 06:28:16.401

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-300798
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he had "drunk strength, good resistance."

Khokar left prior to contact.

I gave McDowell a crime information card with the incident number. I told him to have Khokar call Crime Check to give his statement.

See Officers Belitz, Chimienti, and Yrigollen reports for more information.

Kakuda #443

Team 15

Supplemental Report #1

END OF ADDITIONAL REPORT

09/07/2014 06:28:16.417

RECEIVED
SPOKANE POLICE RECORDS

2014 SEP 7 AM 8 05

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

DATE: 090714

REPORT NUMBER: 14-300798

CHARGES REQUESTED: 3rd Degree Assault L/E (RCW 9A.36.031)

DEFENDANT: Gibson, Michael J (DOB 061580)

STATUS: In Custody

VICTIM(S): Ofc. T. Belitz #1084

DATE/TIME OF CRIME: 080714 @ 0134 Hours

LOCATION OF CRIME: 221 N. Division St Spokane, WA

INVESTIGATOR: T. Belitz #1084

APPROVED BY: *P302*

WITNESSES	ADDRESS	PHONE #
Adam L. Imes	221 N. Division St.	509-828-9075
Dashea T. McDowell	15307 N. Meadow View Ct.	509-929-8446
Ofc. T. Belitz #1084	1100 W. Mallon Ave.	509-242-8400
Ofc. S. Chimienti #1068	1100 W. Mallon Ave.	509-242-8400

EVIDENCE CONSISTS OF: Witness statements, photographs of injuries, officer observations

SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: _____ DATE: _____ TIME: _____

**STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON
COUNTY OF SPOKANE

REPORT NUMBER: 14-300798

DEFENDANT: Gibson, Michael J (DOB 061580)

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:

I. Adam Imes, Witness, can testify to the following facts:

- a. He is employed as security for Borrachos bar located at 211 N. Division St in Spokane, WA and was working as such on 090714 at approximately 0130 hours, when a fight occurred in the alley between Borrachos and The Revolver bar.
- b. He and other security from both establishments attempted to stop the fighting.
- c. During the fight, he observed Spokane Police Officer T. Belitz, contact the defendant and identify himself as the police.
- d. The defendant was actively engaged in a physical fight with another male.
- e. The defendant turned towards the officer and "violently and aggressively" charged towards him and looked like he was trying to tackle the officer.

- f. The officer attempted to take the defendant to the ground by the arm and the defendant threw a punch at the officer attempting to assault him.
- g. The officer had approached the defendant from the front and was wearing a full police uniform with a badge and department patches and there should have been no confusion that he was the Spokane Police.
- h. The officer was able to take the defendant to the ground and another officer then assisted and they placed handcuffs on the defendant.

II. Dashea McDowell, Witness, can testify to the following facts:

- a. He was in downtown Spokane at Borrachos bar when he saw a fight break out in the alley between Borrachos and The Revolver.
- b. He saw Spokane Police Officer T. Belitz attempt to contact the defendant from the front and the officer was wearing a full police uniform with a badge and department patches.
- c. As the officer attempted to stop the fight, the defendant attempted to punch the officer in the face with a closed fist.
- d. The officer pinned the defendant against the wall and then took the defendant to the ground.
- e. Another officer assisted and they were able to place the defendant into handcuffs.

III. Ofc. T. Belitz #1084, Spokane Police, can testify to the following facts:

- a. He is a fully commissioned police officer and was working in that capacity on 090714 at approximately 0134 hours, when he observed a fight in the alley between Borrachos bar and The Revolver bar in downtown Spokane, WA.
- b. He was driving a fully marked police vehicle and was wearing a full police uniform with a badge and department patches.
- c. He observed the defendant being held against the wall by another male and identified himself as the police and told him to stop fighting.
- d. He took control of the defendants left wrist and the defendant charged at him and appeared to be trying to tackle him.
- e. The defendant then threw a punch at him and he took the defendant to the ground.
- f. He told the defendant to stop resisting and the defendant continued to fight and attempt to get away.
- g. He then applied a LNR neck restraint and rendered the defendant unconscious to stop the assault.
- h. He was assisted by Ofc. S. Chimienti and the defendant was taken into custody.
- i. PC also exists for resisting arrest for the defendant.

IV. Ofc. S. Chimienti #1068, Spokane Police, can testify to the following facts:

- a. He is a fully commissioned police officer and was working in that capacity on 090714 at approximately 0134 hours, when he observed a fight in the alley between Borrachos Bar and The Revolver bar in downtown Spokane, WA.
- b. He was a passenger in a fully marked police vehicle and wearing a full police uniform with a badge and department patches.
- c. He observed the defendant turn into Ofc Belitz as Ofc Belitz attempted to separate the defendant from another male.
- d. He observed Ofc Belitz and the defendant fall to the ground and heard Ofc Belitz identify himself as the police and to stop fighting and stop resisting.
- e. He assisted Ofc Belitz in gaining control of the defendant.
- f. The defendant ignored multiple verbal commands from him and Ofc Belitz to stop fighting and stop resisting.
- g. He observed Ofc Belitz place the defendant in a Lateral Neck Restraint (LNR) and heard Ofc Belitz tell the defendant to stop resisting or he would be rendered unconscious.
- h. The defendant failed to cease his resistance and Ofc. Belitz rendered him unconscious.
- i. Along with other officers who had arrived, placed handcuffs on the defendant (D/L) and called for medics to evaluate the defendant.

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: 090714 PLACE: SPOKANE, WASHINGTON SIGNATURE: 

PHOTOLOG

AGENCY NAME SPD		CROSS REFERENCE NUMBER(S)		INCIDENT NUMBER 14-300798		
D A T A	INCIDENT CLASSIFICATION FIGHT / Asst Simple		LOCATION OF INCIDENT 221 N. Division		MONTH 9	DAY 7
	INVESTIGATOR BELITZ #1084		PHOTOGRAPHED BY ADAMS #436			
	NAME (LAST, FIRST, MIDDLE)		RACE	SEX	DOB	
P H O T O G R A P H S	PHOTO # 1 THROUGH # 25					
	NUMBER	DESCRIPTION				
	1	Officer Belitz				
	2	blood / small abrasion to left elbow				
	3	Arrested Subject				
	4-6	Facial abrasions				
	7-9	right forearm area abrasions				
	10-11	torn right knee area of jeans / abrasion				
	12	area of altercation (alley)				
	13-15	blood in the alley				
	16	Officer Chimienti				
	17-18	left ring finger abrasion				
	19-20	left elbow abrasion				
	21-22	04 photo Second subject involved in				
		initial altercation (non-arrested)				
	22-23	left elbow abrasion				
	24-25	Photolog				