



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
12/2/2014	12/2/2014	00:34
Record ID #	Incident No	IA No
8594	14-403316	F14-107
Date/Time Entered		
12/2/2014 22:44		

Incident Summary

See additional.

In compliance with policy per Assistant Chief Dobrow 12.30.14.

Incident Location

- 1100 Mallon AV, Direction: W, Spokane, WA 99201 - : Southwest

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	Contact
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	No	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Medium	5'7" to 5'9"	
Officer Assessment of Citizen Condition During Incident		
Alcohol		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Complainant/Involved Citizen Information

Charles P Dimit

DOB: 4/10/1986 Race: White Gender: Male

[Address](#)

- 1414 10th AV, Direction: W, Spokane, WA 99202

Phone

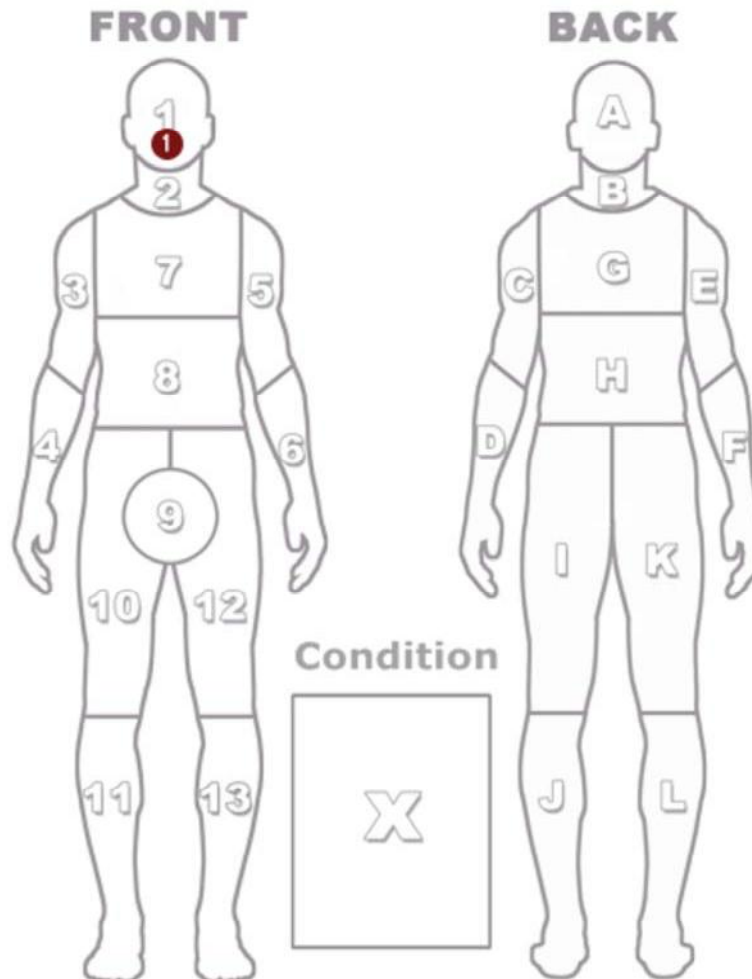
- (509) 808-1565

Types of Resistance Citizen Used Against Officer(s)

- Passive Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Minor Injury	1	1

**Charges against this citizen**

- Misdemeanor - Person Crime
- Resisting Arrest

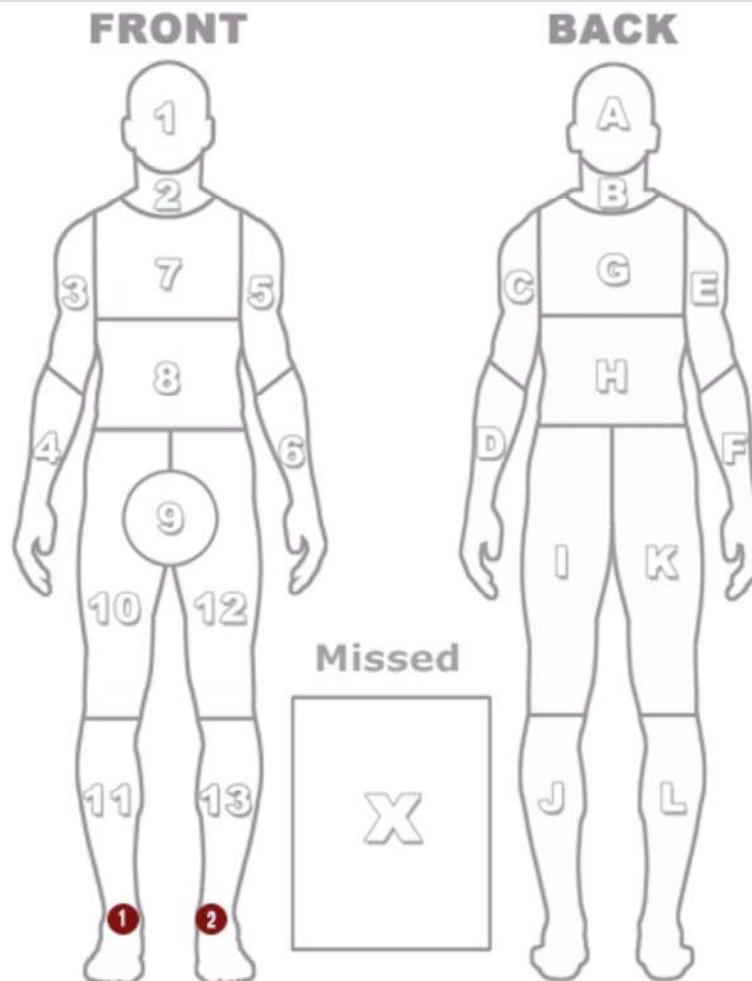
Involved Officers

Officer Christopher McMurtrey - Payroll Number: #5c

Force used by this officer against the citizen

- Body Weight/Manual Force - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Body Weight/Manual Force	Yes	11, 13	1, 2



Officer Witnesses

Corporal Gordon Ennis - Payroll Number: #5c

Sergeant Eric Kannberg - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
12/3/2014	reports	pdf
12/3/2014	additional	doc
12/29/2014	lips	jpg
12/29/2014	Injury to front teeth	jpg
12/29/2014	front teeth closeup	jpg
12/29/2014	broken veneer	jpg
12/29/2014	metal bracket/support back seat of patrol vehicle	jpg

Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
12/3/2014	Sergeant Eric Kannberg	Lieutenant Dean Sprague	Sergeant Steven Braun, Lieutenant Justin Lundgren, Sergeant David Staben	For your review	<input checked="" type="checkbox"/>	Officers responded appropriately to an assault in progress call, finding both parties walking away from the scene, both bloody. Dimit was intoxicated, uncooperative, threatening, and refused to follow commands. Arm bar control to cuffing was appropriate when he tried to leave. Dimit beat his head on the shield en route to Jail and refused to get out of the car once there. When Ofc. tried to pull him out by the feet, Dimit deliberately broke out his teeth by striking his face on a bar. Officer video cameras caught the incident. Use of force was reasonable by officers and within policy. Body camera was an excellent tool in this incident.
12/8/2014	Lieutenant Dean Sprague	Captain Daniel Torok	(none)	Forward through patrol chain of command.	<input type="checkbox"/>	"Body camera was an excellent tool in this incident".~Sgt. Kannberg I do not see body cam footage on evidence.com. Where was the video viewed? Was it viewed? Where is it stored?
12/9/2014	Captain Daniel Torok	Lieutenant Dean Sprague	(none)	See comments	<input type="checkbox"/>	Is it possible to attach the body camera footage from this incident, since it was referenced in the Use of Force report?
12/25/2014	Lieutenant Dean Sprague	Sergeant Eric Kannberg	(none)	If possible and available, please attach the body camera footage file referenced in the report.	<input checked="" type="checkbox"/>	Ident has not given me access to still photos/video at this time. When requested (last year) they advised this was for manor crimes detectives and sergeants working in the detective's office.
12/26/2014	Sergeant Eric Kannberg	Lieutenant Dean Sprague	(none)	See Comments	<input checked="" type="checkbox"/>	Recorded footage by Cpl. Ennis of incident was from a handheld digital camera, not body camera as I initially understood. Footage was viewed by Sgt. Kannberg immediately after the incident in the sergeant's office, and was then forwarded to Ident along with still photos.
12/27/2014	Lieutenant Dean Sprague	Captain Daniel Torok	(none)	Forward through patrol chain of command.	<input checked="" type="checkbox"/>	On 12-11-2014 I met with Dr. Greg Frahm, DDS in order to review injuries sustained by Jones. I showed Dr. Frahm the video of the incident as well as still pictures of the injury. His assessment based on the video and the still pictures was that Jones broke off the porcelain veneer on his crowned right front tooth. It appeared that his left front tooth had a small chip. Dr. Frahm noticed a lack of apparent injury to Jones' mouth and lips. He noticed no swelling or bleeding around the right front tooth. Had there been a significant impact to his tooth he would have expected to see

					<p>much more damage beyond the missing porcelain veneer. Dr. Frahm advised that the porcelain veneer can be broken from everyday use. In reviewing the video it is evident that Ofc. McMurtrey pulls Jones' foot in an effort to remove him from the car. However, McMurtrey's slow pull does not correspond with the force that Jones' mouth/ head impact the shield in the rear of the car. It almost appears that at the same time McMurtrey pulls Jones' foot, Jones purposefully strikes his face on the rear shield. The use of force was minimal and reasonable. The extent of Jones' "injuries" as noted by Dr. Frahm is minimal. However, I do think that we need to look at options to make the rear partition more safe for prisoners. The amount it protrudes obviously contributed to Jones' injury and is likely to consider to future injuries. We should have fleet design some sort of padding or other safety feature to cover or pad the large protrusion. The padding should prevent injuries such as sustained by Jones as well as injuries to knees, shins, etc.</p>
12/29/2014	Captain Daniel Torok	Asst Chief Patrick Dobrow	Lieutenant Dean Sprague	<p>AC Dobrow, the video is too large to upload. I will forward you a copy on disc. Lt. Sprague, please review this UOF with Sgt. Kannberg. The pictures that I have attached should have been attached by him at the time of the investigation. Please provide training on how to obtain copies of pictures from IDENT. Any pictures or videos should be reviewed by the chain of command as the UOF is reviewed. The need for this to occur at the Lieutenant's level should have rectified the lack of</p>	<input checked="" type="checkbox"/> <p>I have reviewed this incident and find the use of force, pulling the subject's foot by Ofc. McMurtrey, to be reasonable and within policy. The video was somewhat useful, but it does appear as though the subject's injuries were self inflicted by the intentional impact with his face to the security screen in the car.</p>

				attachments at that time.		
--	--	--	--	------------------------------	--	--

Entering Officer Signature Line

Sergeant Eric Kannberg**Chain of Command Signature Lines**

Lieutenant Dean Sprague

Captain Daniel Torok

Sergeant Eric Kannberg

Asst Chief Patrick Dobrow



Spokane Police Department
Internal Investigation



CONFIDENTIAL

IA#
Additional

Complaint Being Investigated

Use Of Force

Complainant Interview Summary

Complainant (Charles Dimit) was contacted inside the Spokane County Jail and declined to make a statement.

Officer Interview Summary

Officers responded to a 3rd party report of a male assaulting another male by choking, punching and kicking. Officer's contacted Dimit at the scene and arrested him for assault. Dimit was uncooperative throughout the encounter. He tried to walk away, had to be detained in handcuffs, and was yelling and swearing at Officers. During transport to Jail, Dimit was banging his head on the inside of the door, and the transport had to be stopped to try to secure him in the back seat. Dimit refused to comply and could not be secured in the seat. At the Jail, Ofc. McMurtrey requested Cpl. Ennis video tape the encounter which he did. He opened the back door of the patrol car. Dimit was laying across the back seat of the car with his feet on the driver's side and his body facing toward the front of the car. Ofc McMurtrey asked him four times to exit the vehicle. Dimit refused to get out of the patrol car. Officer McMurtrey used force to remove Dimit for the following reasons:

Crimes Committed: Dimit was under arrest for assault. He was now willfully resisting Ofc. McMurtrey's attempt to complete the arrest process by refusing to get out of the car.

Suspect's Threat to Officers: By refusing to exit the vehicle, Officers may have to enter the vehicle to extract the suspect. The back of the patrol vehicle is a confined space placing the Officer in close proximity with the suspect. This close proximity increases the Officers risk of being assaulted, and being exposed to body fluids. Dimit had been involved in an assault and he had blood on him.

Suspect's Resistance: The suspect was passively resisting Ofc. McMurtrey by laying on the seat and refusing to move.

Based on these factors, Ofc. McMurtrey decided to pull on his leg to remove him from the vehicle. While sliding along the seat, Dimit's mouth struck a metal partition on the shield and his front teeth were damaged.

Witness Interview Summary

N/A

Physical Evidence

Photographs, Video, and fragments of Dimit's teeth.

Investigative Summary

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use force which reasonably appears to be necessary to effect an arrest if, after notice of the intention to arrest the person, he/she either flees or forcibly resists (RCW 10.31.050).

Dimit was under custodial arrest for Assault and had been transported to the Jail to complete the arrest process. He had been uncooperative throughout the encounter. He was asked four times to exit the vehicle and refused to get out of the car. The Officers would have to enter the confined back seat area to extract him exposing them to hazards inside the car. Dimit had not been fully searched at this time and had only been patted down for obvious weapons. Dimit was passively resistant. By pulling on Dimit's leg to extract him, Ofc McMurtrey used a low amount of force to complete the arrest. The usual and expected effect of this use of force is for the subject to slide across the seat and stand up resulting in no injuries. His use of this force was objectively reasonable based on the totality of the circumstances. The force was consistent with SPD Policy and State Law.

In examining the back seat area, the shield in the new SUV's contains a metal "bump out" in the partition to make room for the patrol rifle and shotgun in the Officer area. This "bump out" is made of metal and has metal edges. The shields in the older patrol cars are flat and smooth with no "bump out" or edges. The injury to Dimit's mouth and teeth was an unintended and unanticipated consequence of the use of force. The injury was due more to environmental factors inside the patrol car than to the use of force.

In response to the injury, roll call training was conducted to minimize the chances of this occurring again. Officers were reminded that whenever possible, they should utilize jail staff to do the extractions. Other considerations, like controlling the head and upper body were also discussed. These new SUV's are still relatively new to our department and we are still responding to challenges they present to completing our mission. Therefore, it may be helpful to provide training department wide about the risk of injury that the shield partitions present. In addition, the Department may explore the possibility of cushioning the partition to avoid similar future incidents.

Corporal Gordon Ennis #733
Spokane Police Department Team 13

12/02/14 21:21:05 PRINT REQUESTED BY TERMINAL PPTN10
Incident History for: #SP140403316

Entered 12/02/14 00:34:27 BY 91108 911192
Dispatched 12/02/14 00:34:49 BY PCC03 1160
Enroute 12/02/14 00:34:49
Onscene 12/02/14 00:36:29
Closed 12/02/14 02:44:55

Initial Type: ASLT Final Type: ASLT (ASSAULT)
Initial Priority: 2 Final Priority: 2
Disposition: 1E Source: 9 Primary Unit: C461
Police BLK: SPD7CH
Group: P7 Beat: Map Page: 26
Loc: 1414 W 10TH AV ,SPK btwn S CEDAR ST & S WALNUT ST <900> (V)
Loc Info: AT FRONT OF BUILDING
Name: ANON Addr: ANON Phone: ANON

/003427 (911192) ENTRY MALE BEING CHOKED BY ANOTHER MALE, IS YELLING
FOR HELP . UNK MEDICS. UNK WEAPONS. MAY BE INT
OX
/003427 \$FCSEND ,Incident data pushed to folder
/003428 (*****) \$FCACK ,Processed Successfully
/003449 (1160) DISPER C474 #1047 MCMURTREY, CHRISTOPHER
/003449 ASSTER C475 #740 JUAREZ, MAURIO
/003503 (994) *ASSTER C461 [1414 W 10TH AV ,SPK]
#994 BODE, CHRISTOPHER
/003507 (911192) SUPP TXT: SUSP: WM, LATE 20'S, 510/HVY, BLN HAIR, B
LU SHIRT
/003508 (452) *ASSTER K15 [1414 W 10TH AV ,SPK]
#452 LESSER, DANNY
/003517 (713) *ASSTER K14 [1414 W 10TH AV ,SPK]
#713 HAMILTON, CRAIG
/003528 (911192) SUPP TXT: PERSON BEING CHOKED: WM, LATE 20'S, 600/H
VY, NO SHIRT.
/003528 (271) *ASSTER L220 #271 KANNBERG, ERIC M
/003543 (911192) SUPP TXT: SUSP STILL PUNCHING THE OTHER ONE. NO OTH
ERS OUTSIDE
/003600 SUPP TXT: BEING KICKED IN THE FACE NOW
/003603 (1218) *ASSTER D376 [1414 W 10TH AV ,SPK]
#1218 CEDENO, JULIAN
#1012 REESE, KURTIS
/003629 (1160) ONSCNE C461
/003630 (929) *ASSTER C456 [1414 W 10TH AV ,SPK]
#929 LYONS, CORY
/003631 (733) *ASSTER P303 [1414 W 10TH AV ,SPK]
#733 ENNIS, GORDON
/003640 (911192) SUPP TXT: STILL BEING CHOKED/KICKED . UNK HOW THEY
KNOW EACH OTHER. HAS NOT SEEN THEM BEFORE
/003649 (911231) SUPP LOC: 1418 W 10TH AV ,SPK,
LOCI: IFO,
NAM: TRACEY, MARY,
ADR: #5,
PHO: 5094990410,
TXT: 2 MALES FIGHTING, LIKELY NEEDS MEDICS, NO
T ADV, NO WEAPONS SEEN, BOTH MALES APPEAR INTO
X,
/003656 (911192) SUPP TXT: NOW IN MIDDLE OF STREET.
/003703 SUPP TXT: BOTH RUNNIGN TOWARDS GAS STATION
/003703 (911231) SUPP TXT: MALES ARE RUNNING WB ON 10TH

/003719 (911192) SUPP
 /003723 (844) *ASSTER C453

 /003739 (271) *ONSCNE L220
 /003748 (911231) SUPP

 /003754 (1160) MISC C461
 /003759 (844) *CLEAR C453
 /003802 (1160) MISC L220
 /003837 (1047) *ONSCNE C474
 /003854 (1160) NEWLOC C474
 /003902 MISC C461
 /003929 (740) *ONSCNE C475
 /003943 (713) \$PREMPT K14
 /003958 (1160) MISC C461
 /003959 (733) \$PREMPT P303
 /004008 (929) *PREMPT C456
 /004047 (740) *PREMPT C475
 /004120 (1160) \$PREMPT K15
 /004327 (1218) *PREMPT D376
 /004604 (994) *REMINQ C461

 /005421 (1160) ASSTER P303

 /005455 (1047) *TRANS C474
 /005526 (1160) CHGLOC L220
 /005609 (733) *CHGLOC P303
 /005614 (1160) MISC L220
 /005618 MISC L220
 /005927 (733) *ONSCNE P303
 /005956 (1047) *TRANSC C474
 /010444 *REMINQ C474

 /011306 (994) *TRANS C461

 /011850 *TRANSC C461
 /012604 (733) *NEWLOC P303
 /012606 (1047) *MISC C474
 /012619 *MISC C474
 /012628 *CLEAR C474

 /013326 (271) *ONSCNE L220
 /013344 *MISC L220
 /013541 \$PREMPT L220
 /023106 (733) \$PREMPT P303
 /023759 (994) *CHGLOC C461
 /024455 *CLEAR C461
 /024455 CLOSE C461

TXT: BOTH HEADED WB. LE ONSCENE ###
 [1414 W 10TH AV ,SPK]
 #844 VANTASSEL, RONALD
 #250382 WALKER, TREVOR

TXT: MY COMP: TRACEY, MARY M 090681, SEES LE W
 ITH MALES, OFF LINE. ###
 ,HAVE THEM

,TRYING TO GET THEM PRONED OUT

[1400 W 10TH]
 ,X2 DETAINED

,GOOD WITH UNITS ON SCENE

#3a

[1414 W 10TH AV ,SPK]
 #733 ENNIS, GORDON

[JAIL] M/0

[JAIL]

[JAIL]

,JAIL ADVISED ER WITH VERY UNCOOPERATIVE MAIL
 ,CORR MALE!

M/1.8

#3a

[DEACONESS] M/0
 ,ADULT MALE

M/.9

[DEAC]

,DIMIT ARRESTED FOR CITY ASLT

,L220 ADVISED OF UOF, INJURY SEE REPORT

DSP: 1E

,PSTAT/CFS PSTAT/RPT PSTAT/MISD

,PSTAT/RPT

[DECON]

,PSTAT/ASST PSTAT/RPT

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-403316	
INCIDENT TYPE Arrest		INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2 RESISTING ARREST	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #4	
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON Tue 12/02/2014 00:34		DATE/TIME Tue 12/02/2014 00:34		OCCURRED TO Tue 12/02/2014 02:44	
DISPATCH TIME		ARRIVED TIME		REPORT DATE 12/02/2014	
		CLEARED TIME		REPORT TIME 03:32	
PRIMARY CHARGE M-10.11.010 CITY ASSAULT		EST. TOTAL PROPERTY LOSS			
ADDITIONAL CHARGES M-10.07.034 RESISTING ARREST		UCR/NIBRS CODE /13B			
LOCATION OF INCIDENT 1414 W 10th Avenue, Spokane, WA 99202				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS Suspect Arrested					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Kannberg, Bode					
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim, I-Individual, RU-Roadway, RO-Registered Owner, PS-Passenger, VB-Victim - Business, OW-Owner of Property, CON-Contact, W-Witness, D-Deceased, MIR-Person Mentioned, G-Legal Guardian, A-Arrested Person, C-Complainant, CV-Complainant is Victim, D-Driver, PE-Pedestrian, IN-Institutional, M-Missing, O-Other, PC-Pedestrian - Cyclist</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Dimit, Charles P			SEX M	RACE/ETHNICITY W-White
HEIGHT 5'07"	WEIGHT 150	BUILD Light	HAIR Brown	EYES BLU - Blue	DATE OF BIRTH/AGE 04/10/1986 28
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 1414 W 10th Avenue, Spokane, WA 99202			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (Cell) (509) 808-1565					
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION M-10.11.010 CITY ASSAULT			UCR/NCIC CODE /13B
WARRANT #	BAIL	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
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"/>
CITATION # 4z0945159	DATE 12/02/2014	TIME 01:15	BOOKED WHERE Spokane County Jail		DATE 12/02/2014
ARREST LOCATION 1414 W 10th Avenue, Spokane, WA 99202		STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN		CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED	
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE
DRIVER'S LICENSE <input type="checkbox"/> FAKE <input type="checkbox"/> STATE		SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
ID NO./NAME OF REPORTING OFFICER #1047 - McMurtrey, Christopher		DISTRIBUTION			
APPROVAL #733 - Ennis, Gordon		DATE/TIME 12/03/2014 01:05			

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 14-403316	
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES Loss of Teeth				TYPE OF VICTIM	
HOSPITAL TAKEN TO		TAKEN BY		MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO	
		<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY		ATTENDING PHYSICIAN	
				SUICIDE NOTE FOUND? <input type="checkbox"/>	
				HOLD PLACED BY	
CODE W-1	NAME: LAST, FIRST, MIDDLE Tracey, Mary M			SEX F	RACE/ETHNICITY W-White
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DATE OF BIRTH/AGE 09/06/1981 33
					DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 1418 W 10th Avenue #5, Spokane, WA 99204			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Work) (336) 499-0410					
NARRATIVE					

On 120214 at approximately 0034 hours, I responded to assist officers Bode and Kannberg on a report of an assault in front of 1414 W 10th Ave in Spokane, WA.

An anonymous 911 caller reported seeing a male choking a male in front of the listed address. The male with no shirt was screaming for help and being punched and kicked. See CAD.

Mary Tracey also called 911 reporting seeing the same.

I arrived on scene after Officer Bode and Sgt. Kannberg. Both involved subjects were already detained in handcuffs.

I assisted Sgt. Kannberg with a male, later identified as Charles Dimit. He was screaming loudly that the police beat him up and that he was just walking down the street when the police violated his constitutional rights. He was very verbal that his attorney is Timothy Note and that he would "have your badge".

Sgt. Kannberg and I escorted to my patrol vehicle. He was continuously verbose, threatening that he would take our badges. He repeatedly called us numerous vulgar names, such as "Faggots", and "Stupid mother fuckers". He initially refused to get in the vehicle, still screaming at us. I had to push him in to the vehicle with my hands. This resulted in no injury. He was patted down for weapons with none found and the handcuffs were checked for proper fit and double locked prior to securing him in the patrol car.

While inside the vehicle, Dimit continued to yell extremely loud the same type of obscenities at me. He refused to cooperate with my investigation, or to identify himself. He slurred his name once, but it was indiscernible. When I tried to question him, he stated, "I have nothing to say to you".

Dimit appeared highly intoxicated. He smelled heavily of intoxicants. His eyes were watery and

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-403316
--	---------------------------------------	-------------------------------------

bloodshot, he slurred his speech, and was unable to maintain normal balance as he stood.

I observed abrasions to Dimit's elbows and fists. His hands were bloody. He had no injuries to his face. He was not bleeding from the mouth.

I left Dimit in my car, supervised by Sgt. Kannberg. I then contacted witness Mary Tracey at 1418 W 5th Ave #5.

Tracey stated the following in summary:

She recognized the blonde male with the shirt on as a tenant of the other building (1414 W 10th). She did not know the shirtless male. She was inside her bedroom in her apartment when she heard a loud sound, screaming and the wind chimes on the porch of 1414. She looked out of her window and heard the shirtless male screaming for help. She saw the blonde male in the black shirt punch him in the face with a closed fist repeatedly. The shirtless male fell to the ground. She saw the suspect kick him in the ribs and face several times. The shirtless male then got up and ran away, despite the constant assault. She then saw the police arrive on scene.

I conferred with Officer Bode, and verified that based on the victim and witnesses statements, there was probable cause to arrest Dimit for city assault.

I transported Dimit to SCSO jail. While transporting him to jail, Jail staff was advised that we were bringing in an uncooperative suspect. Cpl. Ennis was requested to respond to photograph Dimit.

Dimit screamed at me and made baseless accusations the entire trip to jail. He claimed he was beat up by the police, that his mouth was bleeding and that he had a concussion. He repeatedly told me he was going to take my badge, that the police assaulted him for no reason, that he was just walking down the street.

He began thrashing around the back seat and it sounded as if he were striking his head on the side of the door. He had slammed his head numerous times previously while I was interviewing Tracey, see Sgt. Kannberg's report. I pulled over at 5th Ave and Cedar to attempt to buckle Dimit. He refused to sit up or comply with any of my directives. As I stood in the doorway, he screamed, "Ouch! I'm being assaulted by the police, Stop!" several times. He then stuck his leg out of the car door, pinning the door open. I told him several times to put his leg back in to the car. By that time, I determined I was not going to be able to safely buckle him and decided not to force the issue. He ignored my commands to place his leg back in the car. I had to force it back in to the car with my foot to close the door, book him in to jail and complete the arrest.

I drove my vehicle in to the jail sally port to unload Dimit. He was still belligerent and uncooperative.

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

Page 4

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-403316
--	---------------------------------------	-------------------------------------

I requested Cpl. Ennis film the extraction, knowing that Dimit would not cooperate.

I opened the drivers side back door. Dimit was sitting on the drivers side back seat lying with his body across to the passenger side. I told him four different times to sit up and get out of the car. Dimit at no time cooperated with my directives. He layed in the back of the car repeating something to the effect of, "Don't kill me, you are going to kill me". After my fourth request for him to exit the car, I pulled on his feet to slide him to the door where I could then escort him out using arm control. When I pulled on his legs, he flinched his head forward. I heard and saw his face strike a vertical metal portion of the partition in the back of the car. As Dimit sat up, he stated to me that I broke out his teeth. He then spat out numerous fragments of tooth on the ground.

My intention was to extract Dimit out of the vehicle to book him in to jail. It was necessary for me to pull him out because after four verbal directives, he refused to exit the car on his own. The design of the patrol vehicle doors only affords one person to operate in the confined space. I gave Dimit numerous chances to exit the patrol vehicle on his own volition, however he refused. He used his limp body and lack of cooperation to prolong and delay the arrest/booking process.

I felt it was necessary to remove him from the vehicle for the following reasons:

He was under arrest for city assault, a crime in which he already assaulted a person by punching and kicking him multiple times in the face and torso. He was intoxicated and belligerent. He, at no time was cooperative with the arrest process. I tried numerous times to use less intrusive means of removing him from the car, to include four verbal commands and actually reached inside to assist his feet to make it easier for him to simply sit up and step out. He had made numerous threats to me, and displayed intent on self harm by slamming his head in to the patrol car shield. I felt that it was safest to pull on his feet, while still being able to stay out of the back of the patrol car. Should he have assaulted or attempted to assault me, I could have easily stepped back out of his reach. I considered approaching him from the passenger side, in which I could have pulled him by the shoulders out of the vehicle. This was not a practical option because it increased the likelihood of a fall on to the concrete because his body would have been inverted. I also would have had to reach well in to the car, increasing the danger to myself.

He willfully resisted me completing the arrest by lying in the back of the car, forcing me to physically remove him. The fact that he struck his mouth on the partition was inadvertent. See video.

I later looked at his mouth and it appeared that he broke his middle upper teeth, see photos.

Sgt. Kannberg was present at the time, see his additional report.

After Dimit was booked, I collected the tooth fragments from the floor. I noticed that he did not bleed from the mouth even after breaking his teeth. The tooth fragments appeared to be synthetic in

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

Page 5

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-403316
--	---------------------------------------	-------------------------------------

nature, like caps. I placed the fragments on to property as evidence.

See additional reports for further information.

Dimit was booked for city assault and resisting arrest.

C. McMurtrey 1047/C474

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-403316	
REPORT PURPOSE			REPORTED ON DATE Tue 12/02/2014 00:34		INCIDENT XREF
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 12/02/2014	REPORT TIME 04:01
PRIMARY CHARGE					UCR/NIBRS CODE
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim - Individual, RU-Runaway, RO-Registered Owner, PS-Passenger, VB-Victim - Business, OW-Owner of Property, CON-Contact, W-Witness, V-Deceased, MIR-Person Mentioned, G-Legal Guardian, A-Arrested Person, C-Complainant, CV-Complainant is Victim, D-Driver, PE-Pedestrian, IN-Institutional, M-Missing, O-Other, PC-Pedestrian, Cyclist</small>					
CODE V-1	NAME: LAST, FIRST, MIDDLE Johnson, Eric S			SEX M	RACE/ETHNICITY W-White
DATE OF BIRTH/AGE 02/27/1986 28	HEIGHT 5'09"	WEIGHT 190	BUILD Medium	HAIR Blonde or	EYES BRO - Brown
DESCRIPTORS					
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 530 W 23rd, Spokane, WA 99203			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES (Cell) 939-5362					
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID
#4b			#4a		
HATE BIAS			CIRCUMSTANCES		
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES Apparent Minor Injury			TYPE OF VICTIM Individual		MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO
HOSPITAL TAKEN TO	TAKEN BY	<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY	ATTENDING PHYSICIAN		SUICIDE NOTE FOUND? <input type="checkbox"/>
HOLD PLACED BY					
NARRATIVE					

On 120214, I responded to the report of two males fighting in the street in front of 1414 W 10th. The anonymous caller stated one male was punching and kicking the other male in the face while choking him.

When I arrived on-scene, I observed both men standing in the roadway. One male was not wearing a shirt and had blood on his face and torso. I identified myself as a police officer and yelled for both men to get on the ground. The male later identified as Eric immediately followed commands and layed on the ground. The male later identified as Charles would not follow commands. He eventually went down to his knees but refused to lay down.

I detained Eric in handcuffs and pat frisked him for weapons. I placed him in the back of my patrol car. I assisted Sgt Kannberg with handcuffing Charles.

I advised Eric of his Miranda Warnings from a department issued rights advisement card. He stated he understood his rights and wished to voluntarilly waive them and answer my questions.

ID NO./NAME OF REPORTING OFFICER #994 - Bode, Christopher		DISTRIBUTION	
APPROVAL #208 - Huddle, Kevin	DATE/TIME 12/02/2014 06:36		

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-403316
--	---------------------------------------	-------------------------------------

He was slurring his speech and appeared to be under the influence of alcohol. He said he and Charles went to high school together 10 years ago. Earlier today he met Charles at a gas station and came to his apartment to hang out. Eric said Charles turned violent and began hitting him after an undescribed "Misunderstanding". Eric said he did not want to say too much and would not tell me if he was kicked or how many times he had been punched. He said he was not choked and at no time did he lose consciousness. Eric told me, "You saved my life." and "Thank you for helping me." I asked him if he thought Charles was going to kill him and he said no.

Eric declined medics.

Several times Eric broke down and began sobbing in the back of my car. I removed Eric's handcuffs.

Eric told me he thought he might have broken his thumb and requested I give him a ride to Deaconess for medical attention. I asked him again if he wanted medics to come to the scene and he said no.

I gave him a ride to Deaconess.

Corporal Ennis responded and took photos of Eric's injuries.

Reference Officer McMurtrey's arrest report for more information.

Officer C. BODE/994/C461

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-403316	
REPORT PURPOSE			REPORTED ON DATE Tue 12/02/2014	TIME 00:34	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 12/02/2014	REPORT TIME 07:32	
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

/003427 (911192) ENTRY MALE BEING CHOKED BY ANOTHER MALE, IS YELLING

FOR HELP . UNK MEDICS. UNK WEAPONS. MAY BE INT

OX

/003507 (911192) SUPP TXT: SUSP: WM, LATE 20'S, 510/HVY, BLN HAIR, B

LU SHIRT

/003528 (911192) SUPP TXT: PERSON BEING CHOKED: WM, LATE 20'S, 600/H

VY, NO SHIRT.

/003543 (911192) SUPP TXT: SUSP STILL PUNCHING THE OTHER ONE. NO OTH

ERS OUTSIDE

/003600 SUPP TXT: BEING KICKED IN THE FACE NOW

/003640 (911192) SUPP TXT: STILL BEING CHOKED/KICKED . UNK HOW THEY

KNOW EACH OTHER. HAS NOT SEEN THEM BEFORE

On 12-2-2014 at about 0034 hr. I (Sgt. Kannberg) responded to 1400 W. 10th reference an assault in progress. Radio advised a male was being choked and yelling for help. Upon arrival Officer Bode was on scene and he had one subject prone out in the street and the other was on his hands and knees. I took up a position to the left of Officer Bode's vehicle facing east bound. I lit up the area with the emergency lighting from my vehicle and exited my car.

Officer Bode advised he had the subjects' prone out and I advised radio. It appeared one subject, Charles Dimit, wanted to get up as he was not getting down on his stomach. Mr. Dimit was on his hands and knees.

ID NO./NAME OF REPORTING OFFICER #271 - Kannberg, Eric		DISTRIBUTION
APPROVAL #741 - Beckley, David	DATE/TIME 12/02/2014 11:02	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-403316
--	---------------------------------------	-------------------------------------

The other male subject appeared cooperative as he was on his stomach and not saying anything.

I told Mr. Dimit to get on his stomach and he stated no. He stated he was the victim. At this time I did not know who he was. He was wearing a shirt and the other male was not. The complaint advised the subject that was wearing the shirt was the aggressor who was choking the other male. I gain ordered him to get down and he refused. I could see he was not going to get down on the ground. I could see blood on him and the other male. I began circling to his left approaching him going around some vehicles. I continued telling Mr. Dimit to get down and he refused. He then began standing up saying he would not get down.

As Mr. Dimit stood he began walking at an angle away from my car. I approached him and told him to sit down and he refused. He stated he was the victim and was going to his house. I took left arm control of him and he began pulling away. Officer Bode assisted me by taking right arm control. Mr. Dtit started pulling away and he was pushed up against a vehicle for control. He was then handcuffed.

After Mr. Dimit was handcuffed we stepped back. I asked him to sit down and he refused. He took a couple steps. I did not want to chase him if he attempted to run so I guided him to the ground in a sitting position telling him to sit. Mr. Dimit began telling me I was violating his civil rights and requested my badge number. I provided him with my badge number. He stated he lived there and I could not do this to him. He stated his attorney was Timothy Note and continued yelling at me. Mr. Dimit appeare to be under the influence.

Officer McMurtrey arrived on scene and I gave him a quick briefing. I advised him there was minimum charges of disorderly conduct. Mr. Dimit continued yelling. Officer McMurtry advised he had a vehicle to put Mr. Dimit into.

Mr. Dimit was asked to stand and he would not. I assisted him in getting up by taking right arm control of him and standing him up. Officer McMurtrey had left arm control. We then began walking him to Officer McMurtrey's vehicle. I told Mr. Dimit he was being detained and asked what was going on. Mr. Dimit stated it was a domestic. Mr. Dimit had blood on him but I could not see his exact injuries at this time. He kept telling us Timothy Note was his attorney.

At officer McMurtry's vehicle Mr. Dimit was asked to sit down in the back and he refused. He was asked to sit down and again he refused. Officer McMurtrey then guided him into the vehicle. Mr. Demit then asked to speak to his supervisor. I told him I was. Mr. Dimit began yelling at me about who his attorney Timothy Note, how he was going to have my badge and his rights were violated. The door to the Officer McMurtrey's vehicle was shut. Mr. Dimit then refused to ID himself to officers.

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-403316
--	---------------------------------------	-------------------------------------

I returned to my vehicle and began checking CAD information on the complaint. Officer McMurtrey then contacted the complaint. I checked with Officer Bode and he had not received any information about what happened from the other male, Eric Johnson.

I heard Mr. Dimit hitting something in the back of Officer McMurtrey's vehicle. I shined my light on Mr. Dimit and saw he was hitting his head on the bars to the side window. I contacted Mr. Dimit and began talking with him to get him to stop hitting his head.

Mr. Dimit demanded to be released and wanted my name, rank and badge number. I provided him with my name, rank and badge number. He stated I was violating his rights and his attorney was Timothy Note. He was screaming profanities at me and accused me of laughing at him. I advised him I was not. He stated officers were not listening to him and what he had to say. I then asked him what happened. Mr. Dimit stated, "I was walking down the street and the police accosted me". He stated police were kicking him in the head. He demanded to be released, was going to have my badge and Timothy Note was his attorney. I let Mr. Dimit scam at me for a bit so he could vent trying to get him to calm down. I then contacted Officer Bode.

Officer Bode advised he had PC on Mr. Dimit for assault. Officer McMurtrey then transported Mr. Dimit to jail. I had radio notify jail we were en-route with an uncooperative subject and was following Officer McMurtrey to jail.

At 6th and Cedar Officer McMurtrey stopped and had to check on Mr. Dimit. He opened the back door to his vehicle and told Mr. Dimit to sit up. He refused. He again told him to sit up and he refused. Mr. Dimit put his foot out the door and Officer McMurtrey told him to put his foot in the vehicle and he refused. Officer McMurtrey tried to push his foot in but Mr. Dimit pushed back. He then pushed his foot back into the vehicle and shut the door. I asked Officer McMurtrey what had been the problem that he stopped. He advised he had to check on Mr. Dimit as he refused to sit up. We then continued to jail.

Officer McMurtrey had pulled into the sally port of the jail. Cpl. Ennis met officers at jail for photos. Jail staff was advised of the situation and Cpl. Ennis videoed the next interaction with Mr. Dimit.

Officer McMurtrey opened the back door of his patrol car. Mr. Dimit was advised he was being audio and video recorded. Officer McMurtrey told Mr. Dimit to exit the vehicle. He refused and asked not to be killed. He was again told to get out of the vehicle. Mr. Dimit refused. Officer McMurtrey asked him a total of 4 times to get out of the vehicle and Mr. Dimit refused. At this time Mr. Dimit was lying down on the back seat

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 4

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-403316
--	---------------------------------------	-------------------------------------

of the patrol car. Officer McMurtrey took control of Mr. Dimit's lets and began pulling him out of the vehicle. I then heard a "pop" and Mr. Dimit stated we broke his teeth. Officer McMurtrey was not even close to Mr. Dimit's head and I wondered what happened. He then sat up and exited the vehicle saying we broke out his front teeth. He then spit some teeth out of his mouth. He was checked for weapons and turned over to jailers. I did see he had an injury to his front teeth.

In looking inside the back of Officer McMurtrey's vehicle it appeared Mr. Mimit hit his teeth on the metal shield separating the front seat from the back seat. The shield is not strait/flat all the way across as in the older vehicles and has a boxed in area that protrudes out about 2 inches. It appears Mr. Dimit hit his tooth on the corner of this. Photos were taken. I collected the damaged tooth and photos were taken of this. Photos were also taken of Mr. Dimit. Officer McMurtrey placed the damaged teeth on property.

I looked at the broken pieced of teeth. The pieces had different colors on each side and it appeared they were caps, but I was not sure.

Mr. Dimit had been taken back to a holding cell. After the jailer's were done with Mr. Dimit, Cpl. Ennis and I attempted to talk to him about what happened. Mr. Dimit made no statement and appeared passed out.

I contacted Lt. Hendren and advised him of the situation. No further police action was taken.

Sgt. Kannberg #271

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-403316	
REPORT PURPOSE			REPORTED ON DATE Tue 12/02/2014	TIME 00:34	INCIDENT XREF
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 12/03/2014		REPORT TIME 03:36
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 120214, at about 0054 hrs, I responded to the Spokane County Jail to assist Officer McMurtrey with this call. He was investigating an assault and he had arrested a suspect. Officer McMurtrey was transporting the suspect to Jail. During the transport, I heard him ask dispatch to advise the Jail that the suspect was very uncooperative. I arrived at the Jail at the same time as Officer McMurtrey. We agreed that based on the suspect's lack of cooperation, we would video tape the events in the Jail Sallyport.

Officer McMurtrey opened the driver's side rear door to his patrol car and I advised the suspect (Charles Dimit) that he was being audibly and visually recorded. Dimit was laying on his right side with his feet near the passenger side door. Officer McMurtrey asked him four times to sit up and get out of the car. He refused to get out of the car on his own power.

Officer McMurtrey attempted to pull Dimit's foot toward the door and slide him along the seat. As he slid across the seat, Dimit's head seemed to move forward and strike a metal protusion in the center of the shield. Dimit said that he had knocked his teeth out. Dimit now slid out of the car easily and stood up. He stuck out his tongue showing pieces of broken teeth on it. Dimit then turned his head and spit out the teeth fragments. I continued to video tape Dimit while he was searched and escorted into a holding cell. Looking at the teeth fragments, they did not appear to be natural teeth. They were a two-tone color with the inside being a cream or beige color and the outside being white. The white looked like a painted coating on the fragments. Several of them were photographed and collected as evidence.

I took photographs of Dimit's mouth, teeth, and hands. See the video and all photographs for additional information. See all other reports for additional information.

Cpl G.Ennis #733
SPD Team 13

ID NO./NAME OF REPORTING OFFICER #733 - Ennis, Gordon		DISTRIBUTION	
APPROVAL #733 - Ennis, Gordon	DATE/TIME 12/03/2014 03:55		