



## Spokane Police Department Use Of Force Report

**Incident Entered By:** Sergeant Jason Hartman

### Incident Details

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<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
12/28/2014	12/28/2014	12:25
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
8633	14-432367	F14-114
<b>Date/Time Entered</b>		
12/29/2014 13:54		

### Incident Summary

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On December 28th, 2014 I responded to 1101 East Liberty Ave. to assist officers with a DUI call. When I arrived on scene officers Uberuaga and Erhart were already on scene. I noticed a large black truck blocking the roadway in the 1100 block of East Liberty. The back bumper had collided with another vehicle and it was still in contact with that other vehicle. Officers had detained a male in handcuffs, who was in the back of one of their patrol cars. I was told that he was the driver of the pickup truck. He was identified as Yuriy N Shvachev 2/14/64 (he has a DOB of 2/24/14 with Washington DOL).

It should be noted I was wearing a department issued body camera that was turned on when I arrived at this call. The video footage from this call should capture many of my observations and audio on my interactions.

Washington State Patrol trooper Weberling arrived to assist us with the DUI investigation.

Officers Uberuaga and Erhart told me that prior to my arrival the suspect was standing outside a patrol car when he took off running towards his house. He ran to a 6 foot fence on the west side of his residence and tried to get over in an attempt to flee from officers. Officers told me that they took hold of him and took him down to the ground. At some point the suspect sustained an abrasion to the tip of his nose that was bleeding slightly. The suspect also had some possible scratches or smeared blood on his forehead. The suspect claimed a language barrier, but he did indicate that officers punched him in the nose. I attempted to take photographs with my Department issued camera, as a department Corporal was not immediately available, but the suspect would not cooperate with the photo taking process and turned his head to hinder me. I did capture some images of his injuries. He did not cooperate with me questioning him further about how he sustained the injuries to his facial area. Looking at his clothing I did not see any indication of a significant struggle in the snow or of other obvious injuries. His clothing didn't appear very wet, if at all.

I looked at the fence on the west side of the suspect's residence (1101 E Liberty). I noted the fence was wooden, but at the top there was a metal horizontal rail and some metal ornamental trim at the top. It appeared these surfaces could have caused a scrape to the suspect's nose. Officer Uberuaga showed me the location where he and Officer Erhart took the suspect to the ground. It was covered by snow that fell the day before and that was still mostly frozen. The injury to the tip of the suspect's nose could've also been consistent with the snow/ice crystals on the ground scraping the tip of his nose and causing the abrasion and slight bleeding during prone handcuffing. Observing the suspect's physical appearance I did not notice any swelling, black eyes, bruising, or any other indication the suspect was punched/struck in the face.

I did conduct a canvas of nearby homes in an attempt to locate civilian witnesses. I contacted two subjects at 1017 East Liberty Ave. I spoke with Shelby Oas. She told me she's been neighbors with the suspect for at least six years. She said she and her husband heard the suspect's truck engine revving. A short time later they heard a crashing noise and looked out their window to see that the suspect had crashed into a parked vehicle. She said after police officers arrived the suspect was standing in front of a patrol car. She did see the suspect take off on foot and flee from officers. She saw this through the picture window inside her house. She did not see the last part of the foot Chase as her view was blocked from inside her home.

I spoke with Tyler Oas at the same address at 1017 East Liberty Ave. He did not see the suspect flee from officers as he was not watching out the window when his wife was. He did tell me about the car crash and also volunteered that he took a number of cell phone photos of the suspect vehicle in the aftermath of the crash. He said the suspect did not behave normally in the aftermath of the crash. The suspect did not immediately get out the car to check the damage. He estimates the suspect was slumped over and/or



## 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
<b>Witness Exemptions</b>			
#1a	<u><b>Name / Identity</b></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><b>Date of birth</b></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><b>Personal home, work or cell phone number</b></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><b>Residential address</b></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><b>E-mail address</b></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)
<b>Juvenile Information</b>			
#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)
<b>ACCESS Database Info</b>			
#3a	Information from WACIC/NCIC (ACCESS): <b><u>Criminal history information</u></b>	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): <b><u>License Plate Information</u></b>	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): <b><u>Vehicle Registered owner information</u></b>	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): <b><u>Wanted persons information</u></b>	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): <b><u>Officer safety information</u></b>	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): <b><u>Gun information</u></b>	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): <b><u>DOL Information</u></b>	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): <b><u>Stolen Vehicle Information</u></b>	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): <b><u>Missing Persons Information</u></b>	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): <b><u>Runaways or endangered persons</u></b>	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): <b><u>DOC Information</u></b>	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): <b><u>Stolen Property</u></b>	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): <b><u>Court Orders</u></b>	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.
<b>Personal Identifiers and Financial Info</b>			
#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)
<b>Employees Files</b>			
#5a	<b>Photos</b> 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	<b>Birthdates</b> 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).
<b>Criminal History</b>			
#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)
<b>Officer Safety or Intelligence</b>			
#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).
<b>Photos</b>			
#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)
<b>Protected by Law</b>			
#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	<b><u>Name/Identity</u></b> 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	<b><u>Date of birth</u></b> 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	<b><u>Personal work, home, or cell phone number</u></b> 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	<b><u>Residential address</u></b> 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	<b><u>E-mail address</u></b> 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)

sleeping inside the car for possibly 5 to 7 minutes before he actually exited to look at the damage. He agreed to forward me his cell phone photos of the suspect behind the wheel in the aftermath of the crash. From what he showed me it appeared the suspect might be passed out or sleeping. I am forwarding these photographs to our Forensics Unit/Photo Lab to incorporate with the case file.

My canvas continued and I located three neighbors across the street. I interviewed Kathy Knight, Quinten McLure, and Terrence McClure. These interviews were captured on my body camera. In summary all three neighbors saw the suspect flee on foot. Officers caught up with him and placed him in handcuffs. These witnesses had no concern with the officers' actions and believed they acted reasonably. They said the officers did not punch, strike, use batons, or any other significant force on the suspect. See my body camera footage for more details.

Officer Erhart conducted an inventory of the suspect's truck as part of his DUI impound procedure. Both of us noticed an open and partially consumed bottle of vodka in the back cab area of the pickup. Erhart collected this bottle of alcohol as evidence. The seal on the bottle was broken open and it appeared it was missing about an inch of liquid from its full level.

Tooper Weberling #480 was the WSP officer who assisted with the DUI investigation. I contacted him over the phone later in the shift. He told me the suspect registered a .224 on his Portable Breath Test at the scene of the incident. He did not offer a breath test due to a language barrier and went straight to a DUI blood search warrant. He did collect this blood after being issued a warrant. His ticket/citation number is 4z1084326.

At about 1705 hours I had Corporal Spiering meet me at Jail Booking. I wanted to make another attempt to speak with the suspect about his injuries and to take photographs to document the suspect's physical condition. The suspect was in a holding cell. I did use my body camera. With the assistance of Jail staff we attempted to get photos, but the suspect turned away and would not cooperate. We ended our contact. At the start of my next shift I pulled up the suspect's most recent booking photo in SPRS. It was dated 12/28/14, which corresponds with arrest and booking that is the subject of this UOF investigation. Indications are that a fresh photo was taken in the aftermath of his booking. The photo shows no apparent injuries to the suspect's nose and face. I captured a screen shot of this photo and I am including it with my attachments for this investigation.

#### Conclusion:

After conducting my investigation it is my judgment that officers Erhart and Uberuaga acted within the scope of their training and department policy. It appears the suspect's claims about officers striking him in the face are erroneous and are a possible attempt to draw attention away from his criminal activity.

Attachments to this Blue Team UOF documentation:

CAD printouts

Incident reports by Officer Uberuaga, Officer Erhart, and Trooper Weberling.

Screen capture of the suspect's booking photo dated 12/28/14

In compliance with policy per Assistant Chief Dobrow 03.02.15.

## Incident Location

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- 1100 Liberty AV, Direction: E, Spokane, WA 99207 - : Northeast

## Use of Force Specific Information

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### Reason for Use of Force

Fleeing (Misdemeanor)

### Weather Condition

Snow

### Citizen Injured

No

### More than 1 Citizen Involved

No

### Citizen's Build

### Service Being Rendered

Call For Service

### Lighting Condition

Daylight

### Citizen Taken to Hospital

No

### Citizen's Height

### Distance to Citizen

### Citizen Arrested

Yes

Small

5'4" to 5'6"

**Officer Assessment of Citizen Condition During Incident**

Alcohol

**Officer(s) Injured**

No

**Officer(s) Taken to Hospital**

No

## Complainant/Involved Citizen Information

### Yuriy N Shvachev

DOB: 2/14/1964 Race: White Gender: Male

**Address**

- 1101 Liberty AV, Direction: E, Spokane, WA 99207

**Phone**

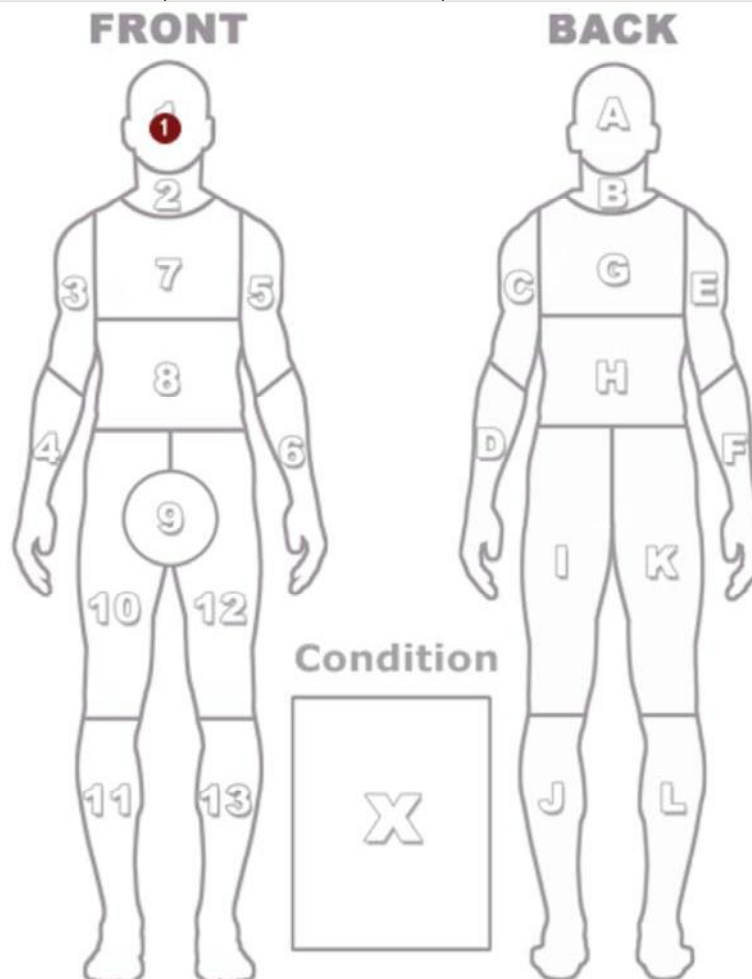
- (509) 483-4364

**Types of Resistance Citizen Used Against Officer(s)**

- Active Resistance

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
Minor Injury	1	1



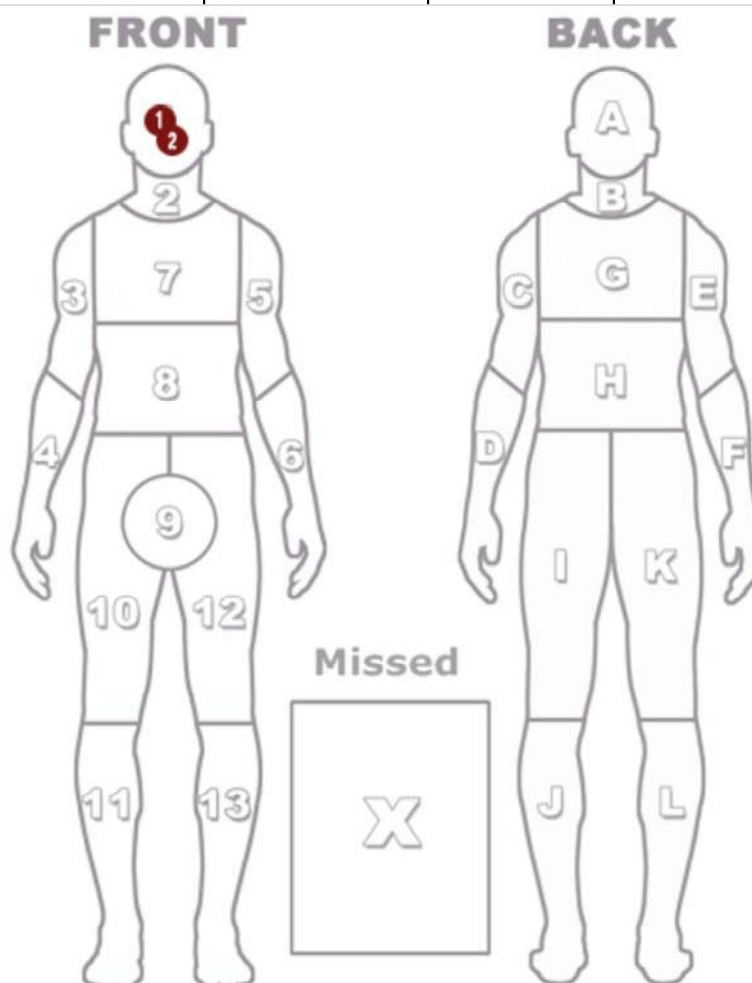
## Involved Officers

**Officer Frank Erhart - Payroll Number:** #5c

**Force used by this officer against the citizen**

- Arrest Tactics - Was force effective: Yes
- Takedown Technique - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Arrest Tactics	Yes	1	1
Takedown Technique	Yes	1	2

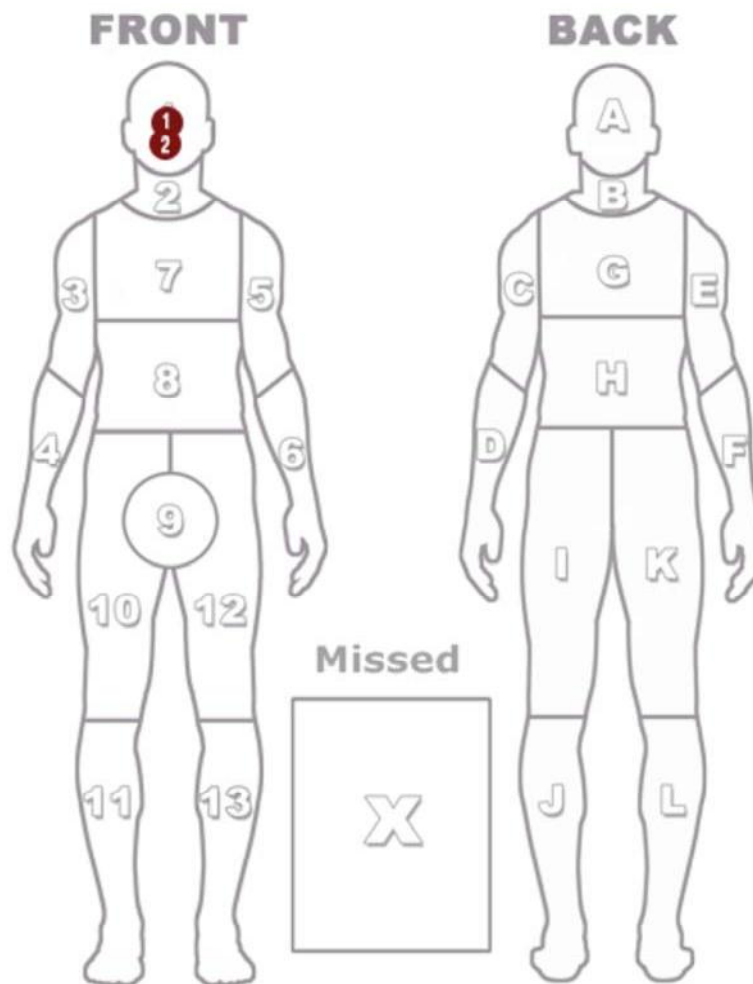


**Officer Jason Uberuaga - Payroll Number:** #5c

**Force used by this officer against the citizen**

- Arrest Tactics - Was force effective: Yes
- Takedown Technique - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Arrest Tactics	Yes	1	1
Takedown Technique	Yes	1	2



## Citizen Witnesses

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### Kathy Knight

DOB: 7/13/1957 - Race: White - Gender: Female

#### Address

- 1028 Liberty AV, Direction: E, Spokane, WA 99207

#### Phone

- (509) 319-9574

### Quinten McClure

DOB: 10/15/1994 - Race: White - Gender: Male

#### Address

- 1026 Liberty AV, Direction: E, Spokane, WA 99207

#### Phone

- (509) 489-2558

### Terrence McClure

DOB: 12/13/1966 - Race: White - Gender: Male

**Address**

- 1026 Liberty AV, Direction: E, Spokane, WA 99207

**Phone**

- (509) 489-2558

## Attachments

Date Attached	Attachment Description	Attachment Type
12/29/2014	Booking photo after arrest	docx
12/29/2014	Reports, CAD logs etc	pdf
12/30/2014	Uberuaga additional to prior report	pdf
1/12/2015	voice message	wav
1/12/2015	IA Summary	doc
1/31/2015	Hartman's IA additional/Investigation	pdf

## Chain of Command History

Sent Dt	From	To	Cc	Sender's Instructions	Approved	Recipient's Comments/Response
12/30/2014	Sergeant Jason Hartman	Lieutenant Matthew Cowles	(none)	UOF review. Involved officers-- Erhart and Uberuaga	<input checked="" type="checkbox"/>	Based on the behavior of the subject (refusing photographs of injuries), officer statements, and multiple witness statements the allegations of assault made by the suspect appear to be fictional. Officer's use of minimal 'control tactics' were within policy, ~objectively reasonable based on the totality of the fact and circumstances known to the officer at the time the force is used. -Of Note, The WSP Trooper overheard the suspect accuse Sgt. Hartman of causing the injury to his nose. (Pg 3/5 of WSP report - 'arrest of the defendant'.) M. Cowles
1/3/2015	Lieutenant Matthew Cowles	Lieutenant Justin Lundgren	Captain Daniel Torok	Lieutenant Lundgren, Attached are documents regarding an allegation of excessive force for your review. These allegations appear to be fictional in nature based of suspect behaviors and statements, officer accounts, lack of injury, and multiple witness statements. Please let me know if you have any concerns. I am forwarding this on as a 'complaint'. Respectfully, Matt	<input checked="" type="checkbox"/>	Dave, The complainant on this case was not cooperative with Sgt. Hartman in trying to get a statement on this alleged strike. There is no evidence that it occurred, only his initial allegation. Please contact the complainant and attempt to get a statement. Thanks, Justin
1/6/2015	Lieutenant Justin Lundgren	Sergeant David Staben	(none)	Please see comments.	<input checked="" type="checkbox"/>	[Forwarded by Sergeant David Staben]

1/12/2015	Sergeant David Staben	Lieutenant Justin Lundgren	(none)	Lt. For your review	<input checked="" type="checkbox"/>	Suspended Investigation
1/14/2015	Lieutenant Justin Lundgren	Sergeant David Staben	(none)	Dave, Please suspend this investigation. Justin	<input checked="" type="checkbox"/>	[Forwarded by Sergeant David Staben]
1/14/2015	Sergeant David Staben	Lieutenant Matthew Cowles	(none)	Lt, We have concluded our inquiry into this incident. Please forward up your chain as you do normally after your review.	<input checked="" type="checkbox"/>	I concur with the IA investigation that the use of force was reasonable, necessary, and appropriate.
1/20/2015	Lieutenant Matthew Cowles	Captain Daniel Torok	(none)	Captain, Attached is an IA review stemmin from an incident involving Officer Uberuaga. Minimal force was used to gain compliance during an arrest. Internal Affairs attempted to contact the subject and follow up on a complaint that he had been punched in his nose. Please see Sgt. Staben's IA Summary (Attached) for additional. Very Respectfully, Matt	<input type="checkbox"/>	Pursuant to training given by IA at Sergeant's training.....put incident summary on an IA additional and upload as an attachment.
1/26/2015	Captain Daniel Torok	Lieutenant Matthew Cowles	(none)	see comments	<input type="checkbox"/>	Reference Cpt. Torok's Comments. -Pls cut and paste incident brief into IA Additional form, 'sign', and resubmit.
1/29/2015	Lieutenant Matthew Cowles	Sergeant Jason Hartman	(none)	Hi Jason, Please cut / paste the incident brief into a IA additional form, sign, and re-submit. Thank you! Matt	<input checked="" type="checkbox"/>	IA additional attached as requested
1/31/2015	Sergeant Jason Hartman	Lieutenant Matthew Cowles	(none)	IA additional attached as requested	<input checked="" type="checkbox"/>	Documentation from Sgt. Hartman is now included as an IA Additional.
2/1/2015	Lieutenant Matthew Cowles	Captain Daniel Torok	(none)	Captain, Sgt. Hartman has corrected the oversight and placed his narrative on an IA Additional form. Very Respectfully, Matt	<input checked="" type="checkbox"/>	Use of force was consistent with policy.
2/12/2015	Captain Daniel Torok	Asst Chief Patrick Dobrow	(none)	for review	<input checked="" type="checkbox"/>	The use of force was reasonable and within policy.

**Entering Officer Signature Line**

---

Sergeant Jason Hartman

**Chain of Command Signature Lines**

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Lieutenant Matthew Cowles

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Lieutenant Justin Lundgren

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Sergeant David Staben

---

Captain Daniel Torok

---

Sergeant Jason Hartman

---

Asst Chief Patrick Dobrow



Spokane Police Department  
Internal Investigation



**CONFIDENTIAL**

**I.A. #:  
Additional**

On December 28<sup>th</sup>, 2014 I responded to 1101 East Liberty Ave. to assist officers with a DUI call. When I arrived on scene officers Uberuaga and Erhart were already on scene. I noticed a large black truck blocking the roadway in the 1100 block of East Liberty. The back bumper had collided with another vehicle and it was still in contact with that other vehicle. Officers had detained a male in handcuffs, who was in the back of one of their patrol cars. I was told that he was the driver of the pickup truck. He was identified as Yuriy N Shvachev 2/14/64 (he has a DOB of 2/24/14 with Washington DOL).

It should be noted I was wearing a department issued body camera that was turned on when I arrived at this call. The video footage from this call should capture many of my observations and audio on my interactions.

Washington State Patrol trooper Weberling arrived to assist us with the DUI investigation. Officers Uberuaga and Erhart told me that prior to my arrival the suspect was standing outside a patrol car when he took off running towards his house. He ran to a 6 foot fence on the west side of his residence and tried to get over in an attempt to flee from officers. Officers told me that they took hold of him and took him down to the ground. At some point the suspect sustained an abrasion to the tip of his nose that was bleeding slightly. The suspect also had some possible scratches or smeared blood on his forehead. The suspect claimed a language barrier, but he did indicate that officers punched him in the nose. I attempted to take photographs with my Department issued camera, as a department Corporal was not immediately available, but the suspect would not cooperate with the photo taking process and turned his head to hinder me. I did capture some images of his injuries. He did not cooperate with me questioning him further about how he sustained the injuries to his facial area. Looking at his clothing I did not see any indication of a significant struggle in the snow or of other obvious injuries. His clothing didn't appear very wet, if at all.

I looked at the fence on the west side of the suspect's residence (1101 E Liberty). I noted the fence was wooden, but at the top there was a metal horizontal rail and some metal ornamental trim at the top. It appeared these surfaces could have caused a scrape to the suspect's nose. Officer Uberuaga showed me the location where he and Officer Erhart took the suspect to the ground. It was covered by snow that fell the day before and that was still mostly frozen. The injury to the tip of the suspect's nose could've also been consistent with the snow/ice crystals on the ground scraping the tip of his nose and causing the abrasion and slight bleeding during prone handcuffing. Observing the suspect's physical appearance I did not notice any swelling, black eyes, bruising, or any other indication the suspect was punched/struck in the face.

*Jim H. # 309*

I did conduct a canvas of nearby homes in an attempt to locate civilian witnesses. I contacted two subjects at 1017 East Liberty Ave. I spoke with Shelby Oas. She told me she's been neighbors with the suspect for at least six years. She said she and her husband heard the suspect's truck engine revving. A short time later they heard a crashing noise and looked out their window to see that the suspect had crashed into a parked vehicle. She said after police officers arrived the suspect was standing in front of a patrol car. She did see the suspect take off on foot and flee from officers. She saw this through the picture window inside her house. She did not see the last part of the foot Chase as her view was blocked from inside her home.

I spoke with Tyler Oas at the same address at 1017 East Liberty Ave. He did not see the suspect flee from officers as he was not watching out the window when his wife was. He did tell me about the car crash and also volunteered that he took a number of cell phone photos of the suspect vehicle in the aftermath of the crash. He said the suspect did not behave normally in the aftermath of the crash. The suspect did not immediately get out the car to check the damage. He estimates the suspect was slumped over and/or sleeping inside the car for possibly 5 to 7 minutes before he actually exited to look at the damage. He agreed to forward me his cell phone photos of the suspect behind the wheel in the aftermath of the crash. From what he showed me it appeared the suspect might be passed out or sleeping. I am forwarding these photographs to our Forensics Unit/Photo Lab to incorporate with the case file.

My canvas continued and I located three neighbors across the street. I interviewed Kathy Knight, Quinten McLure, and Terrence McClure. These interviews were captured on my body camera. In summary all three neighbors saw the suspect flee on foot. Officers caught up with him and placed him in handcuffs. These witnesses had no concern with the officers' actions and believed they acted reasonably. They said the officers did not punch, strike, use batons, or any other significant force on the suspect. See my body camera footage for more details.

Officer Erhart conducted an inventory of the suspect's truck as part of his DUI impound procedure. Both of us noticed an open and partially consumed bottle of vodka in the back cab area of the pickup. Erhart collected this bottle of alcohol as evidence. The seal on the bottle was broken open and it appeared it was missing about an inch of liquid from its full level. Tooper Weberling #480 was the WSP officer who assisted with the DUI investigation. I contacted him over the phone later in the shift. He told me the suspect registered a .224 on his Portable Breath Test at the scene of the incident. He did not offer a breath test due to a language barrier and went straight to a DUI blood search warrant. He did collect this blood after being issued a warrant. His ticket/citation number is 4z1084326.

At about 1705 hours I had Corporal Spiering meet me at Jail Booking. I wanted to make another attempt to speak with the suspect about his injuries and to take photographs to document the suspect's physical condition. The suspect was in a holding cell. I did use my body camera. With the assistance of Jail staff we attempted to get photos, but the suspect turned away and would not cooperate. We ended our contact.

At the start of my next shift I pulled up the suspect's most recent booking photo in SPRS. It was dated 12/28/14, which corresponds with arrest and booking that is the subject of this UOF investigation. Indications are that a fresh photo was taken in the aftermath of his booking. The photo shows no apparent injuries to the suspect's nose and face. I captured a screen shot of this photo and I am including it with my attachments for this investigation.

(JmH) #309

**Conclusion:**

After conducting my investigation it is my judgment that officers Erhart and Uberuaga acted within the scope of their training and department policy. It appears the suspect's claims about officers striking him in the face are erroneous and are a possible attempt to draw attention away from his criminal activity.

**Attachments to this Blue Team UOF documentation:**

CAD printouts

Incident reports by Officer Uberuaga, Officer Erhart, and Trooper Weberling.

Screen capture of the suspect's booking photo dated 12/28/14

Sgt. J.M. Hartman #309

*Jm Hartman #309*



Spokane Police Department  
Internal Investigation



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## Additional

### Investigative Summary

I reviewed a use of force report completed by Sgt. Hartman. The arrestee Yuriy Shvachev indicated that he wanted to make a complaint. However he would not talk to Sgt. Hartman and would not allow himself to be photographed.

Witnesses to the arrest saw the suspect run from officers and saw the arrest. They believed the officers acted reasonably. The injuries received were consistent with prone cuffing.

On 010715 I went to 1101 E Liberty and left a card on the door. Sgt. Braun and Lt. Lundgren were present. I received a call from a male who identified himself as Andrey Lyabakh. He stated that Yuriy is his step father. He confirmed that he lived at the location. I asked him if Yuriy spoke English. He said not very well. I told him that Yuriy had made a complaint after his arrest. I told Andrey I would arrange for an interpreter if he Yuriy wished to pursue a complaint. Andrey stated that he would call back after relaying this to Yuriy. I have not received any further contact.

A reasonable attempt has been made to accept a complaint. The information in the report substantiates that the force used was appropriate.

Sgt. Staben #592

INCIDENT HISTORY LOG: #SF140432307 AER: #SF140432307

Entered 12/28/14 12:14:20 BY 91116 911222  
Dispatched 12/28/14 12:16:27 BY PCC01 1234  
Enroute 12/28/14 12:16:27  
Onscene 12/28/14 12:22:58  
Closed 12/28/14 14:41:14

Initial Type: DUI Final Type: DUI (DRVNG UNDER INFL ALCOHOL/DRUGS)  
Initial Priority: 2 Final Priority: 2  
Disposition: 1A Source: 9 Primary Unit: E274  
Police BLK: SPB3NL  
Group: P3 Beat: Map Page: 32  
Loc: 1101 E LIBERTY AV ,SPK btwn N NEVADA ST & N MORTON ST <3200> (V)  
Name: OAS, TYLER Addr: 1017 E LIBERTY Phone: 5092302748

'121420 (911222) ENTRY NEIGHBOR BACK INTO ANOTHER NEIGHBORS VEH, NEIG  
HBOR WHO BACK INTO VEH IS I N LARGE GMC PICKUP  
LIC: C07931B/WA, NEIGHBOR IN GMC PICKUP IS IN  
TOX, IS NOW PA SSED OUT, NO MEDICS NEEDED, OTH  
ER VEH: WHI TOYT CAROLLA  
'121520 SUPP TXT: SUSP NEIGHBOR: WM LATE 40'S TO EARLY 50'S  
508/180,

'121525 (1234 ) HOLD  
'121536 (911222) CHANGE NAM: TYLER --> OAS, TYLER  
'121627 (1234 ) DISPER E274 #606 UBERUAGA, JASON  
'121627 ASSTER E278 #704 ERHART, FRANK  
'121631 MISC

'121631 MISC

'121631 MISC  
'121631 MISC

'121631 MISC

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'121631 MISC

'121631 MISC

'121631 MISC

'121734 (911222) SUPP TXT: COMP THINKS MALE IS PASSED OUT FROM BEING  
INTOX, COMP DID NOT WITN INC ON LY HEARD LOUD  
CRASH AND LOOKED OUTSIDE TO SEE VEH'S, WHI TO  
YT CAROLLA IS PARKE D NO ONE INSIDE, ###

'122258 (1234 ) ONSCNE E274  
'122412 (704 ) \*REMINQ E278  
'122457 (1234 ) REMINQ E274  
'122513 MISC

'122513 MISC

'122513 MISC

#3c

#3c

[illegible]

T/PCC05  
,SEE IF WSP IS AVAIL FOR A DUI??  
  
MWANT,,,,,,,,SHVACHEV,YURIYN,1964,02,14,,,,,,,,,  
,,,,,  
#SP140432387  
T/PCC01  
,WSP ADVISED, WILL CB  
[1101 E LIBERTY AV ,SPK]  
T/PCC01  
,WSP ENROUTE FROM NORTH FOOTHILLS DR, NOT TOO  
FAR AWAY  
TOW SP38 SPK SUPERIOR TOWING-5666  
484-6511 ,DUI  
T/PCC01  
,SUPERIOR TOW ENR  
,DETAINED IN CUFFS IN BACK OF CAR. TRIED TO EL  
UDE.  
[1101 E LIBERTY AV ,SPK]  
#309 HARTMAN, JASON  
,STATE HAS 1 CUSTODY DUI.  
,I'LL TAKE CARE OF THE PICS  
#SP140432387  
#SP140432387  
NAM: OAS, TYLER  
ADR: 1017 E LIBERTY  
PHO: 5092302748

'130731			MISC		
'130817			CALLBK		T/PCC05
					,CONF IMPND ENTRY
'130847			ONSCNE	WSP	
'130900	(552)	)	MISC		,VFIED
'131539	(309)	)	*MISC	L208	,PSTAT/VIDY PSTAT/RPT PSTAT/ASST
'131600			*MISC	L208	,COMPLETING AN INTERNAL UOF REPORT REF THE ARR
					EST IN THIS INCIDENT
'131622			*MISC	L208	,TOOK PHOTOS AT THE SCENE
'131810			*CLEAR	L208	
'132828	(704)	)	*CHGLOC	E278	[PROPERTY]
'133059	(606)	)	*CHGLOC	E274	[NE]
'133719	(704)	)	*ONSCNE	E278	
'133802	(606)	)	*ONSCNE	E274	
'134749	(704)	)	*CHGLOC	E278	[BAC]
'135939	(606)	)	*REMINQ	E274	MVEH,C07931B,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
'135952	(704)	)	*ONSCNE	E278	
'142021			*CLEAR	E278	,PSTAT/ASST, PSTAT/RPT, PSTAT/COLL
'143323	(1234)	)	CLEAR	WSP	
'143945	(802)	)	OK	E274	
'144114	(606)	)	*CLEAR	E274	DSP: 1A
					,PSTAT/CFS PSTAT/RPT PSTAT/VIDY
'144114			CLOSE	E274	

Incident History 101: #SP140432367 ALE1: #SP140432367

Entered 12/28/14 12:30:45 BY PCC01 1234  
Closed 12/28/14 12:49:52

Initial Type: CHKEV Final Type: CHKEV (CHECK FOR EVIDENCE)  
Initial Priority: 3 Final Priority: 3  
Disposition: DUP Source: Primary Unit:  
Police BLK: SPB3NL

Group: P3 Beat: Map Page: 32  
Loc: 1101 E LIBERTY AV ,SPK btwn N NEVADA ST & N MORTON ST <3200> (V)  
Name: OAS, TYLER Addr: 1017 E LIBERTY Phone: 5092302748

'123045	(1234 )	COPY	,PIX
'123045		\$CROSS	#SP140432367
'123239		HOLD	
'124952		\$CROSS	#SP140432367
'124952		DUP	#SP140432367
'124952		CANCEL	
'124952		CLOSE	



STATE OF WASHINGTON  
POLICE TRAFFIC  
COLLISION REPORT



1591971

REPORT NO. **E387617**

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1 5 29

1 3 30

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FROM TO 1 0 33

FROM TO

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INTERSTATE <input type="checkbox"/>	CITY STREET <input checked="" type="checkbox"/>	FIRE RESULTED <input type="checkbox"/>
STATE ROUTE <input type="checkbox"/>	OTHER <input type="checkbox"/>	STOLEN VEHICLE <input type="checkbox"/>
COUNTY RD <input type="checkbox"/>	PRIVATE WAY <input type="checkbox"/>	HIT & RUN INVOLVED <input type="checkbox"/>

TRIBAL RESERVATION
--------------------

M	M	D	D	Y	Y	Y	Y	TIME (2400)	COUNTY #	MILES	N	E	IN	OF	CITY #
DATE OF COLLISION	12	-	28	-	2014			1213	32						1220

ON (PRIMARY TRAFFIC WAY)	INTERSECTION <input type="checkbox"/>	NON-INTERSECTION <input checked="" type="checkbox"/>	BLOCK NO. <input checked="" type="checkbox"/>	1101
E. LIBERTY AVE			MILE POST <input type="checkbox"/>	

DISTANCE	300	00	MILES	N	E	OF (REFERENCE OR CROSS STREET)	N. NEVADA ST.
			FEET	S	W		

UNIT 01	MOTOR VEHICLE <input checked="" type="checkbox"/>	PEDAL-CYCLE <input type="checkbox"/>	DAMAGE THRESHOLD MET YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	PHONE D: 5094831591
---------	---	--------------------------------------	--	---------------------

LAST NAME	SHVACHEV	FIRST NAME	YURIY	MIDDLE INITIAL	N
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STREET NEW ADDRESS	1101 E LIBERTY AVE
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CITY	SPOKANE	ST	WA	ZIP	992072867
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CDL	RESTRICTIONS	ENDORSEMENTS
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DRIVER'S LICENSE #	#4b	STATE	#4b	SEX	M	D.O.B.	02	24	14	1964
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ON DUTY <input type="checkbox"/>	STATUS	AIRBAG	1	RESTR.	1	EJECT	1	HELMET USE	INJURY CLASS	1	NATURE OF INJURIES
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LICENSE PLATE #	C07931B	STATE	WA	VIN#	1GTHK33F8WF027290
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TRAILER PLATE #	STATE	TRAILER PLATE #	STATE
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VEH. YEAR	1998	MAKE	GMC	MODEL	K3PU	STYLE	CW	VEHICLE TOWED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TOWED BY	SUPERIOR TOWING	GOVT. VEHICLE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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REGISTERED OWNER INFO. YURIY SHVACHEV 1101 E. LIBERTY AVE. SPOKANE WA 99207 D: 5094831591

LIABILITY INSURANCE IN EFFECT <input type="checkbox"/>	INSURANCE CO & POLICY #	CITATION #	CHARGE	DUI
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VEHICLE LEGALLY STANDING YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	UNIT 02	MOTOR VEHICLE <input checked="" type="checkbox"/>	PEDAL-CYCLE <input type="checkbox"/>	PEDESTRIAN <input type="checkbox"/>	PROPERTY OWNER <input type="checkbox"/>	DAMAGE THRESHOLD MET YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	PHONE
--	---------	---	--------------------------------------	-------------------------------------	---	--	-------

LAST NAME	UNKNOWN	FIRST NAME		MIDDLE INITIAL	
-----------	---------	------------	--	----------------	--

STREET NEW ADDRESS	
--------------------	--

CITY		ST		ZIP	
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CDL	RESTRICTIONS	ENDORSEMENTS
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DRIVER'S LICENSE #		STATE		SEX	U	D.O.B.			
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ON DUTY <input type="checkbox"/>	STATUS	AIRBAG	9	RESTR.	9	EJECT	9	HELMET USE	INJURY CLASS	0	NATURE OF INJURIES
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LICENSE PLATE #	AGM4949	STATE	WA	VIN#	1NXBR12E4YZ377024
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TRAILER PLATE #	STATE	TRAILER PLATE #	STATE
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VEH. YEAR	2000	MAKE	TOYT	MODEL	COA4D	STYLE	4D	VEHICLE TOWED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TOWED BY		GOVT. VEHICLE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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REGISTERED OWNER INFO. KATHY KNIGHT 1028 E LIBERTY AVE SPOKANE WA 992072867 D: 5093199574

LIABILITY INSURANCE IN EFFECT <input checked="" type="checkbox"/>	INSURANCE CO & POLICY #	AMERICAN FAMILY MUTUAL 2065-3529-01-73-FPPA-WA	CITATION #	CHARGE
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VEHICLE LEGALLY STANDING YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	UNIT 02	MOTOR VEHICLE <input checked="" type="checkbox"/>	PEDAL-CYCLE <input type="checkbox"/>	PEDESTRIAN <input type="checkbox"/>	PROPERTY OWNER <input type="checkbox"/>	DAMAGE THRESHOLD MET YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	PHONE
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OFFICER'S NAME (PRINT)	F. ERHART	BADGE OR ID #	704	AGENCY	WA0320400
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PART A	3000-345-159 R (7/06)	PAGE 01 OF	3
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STATE OF WASHINGTON  
POLICE TRAFFIC  
COLLISION REPORT



1591972

CORRECTION

REPORT NO. **E387617**

CASE # **14-432367**

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)

NAME (LAST, FIRST, MIDDLE INITIAL)		<b>OAS TYLER K</b>																
ADDRESS & PHONE #		<b>1017 E. LIBERTY AVE SPOKANE WA 99207 5092302748</b>						SEX	<b>M</b>	D.O.B. MMDDYYYY	<b>03</b>	<b>18</b>	<b>1983</b>					
PASSENGER	<input type="checkbox"/>	WITNESS	<input checked="" type="checkbox"/>	UNIT #		SEAT POS.		AIRBAG		RESTR.		EJECT		HELMET USE		INJURY CLASS		NATURE OF INJURIES
NAME (LAST, FIRST, MIDDLE INITIAL)																		
ADDRESS & PHONE #								SEX		D.O.B. MMDDYYYY								
PASSENGER	<input type="checkbox"/>	WITNESS	<input type="checkbox"/>	UNIT #		SEAT POS.		AIRBAG		RESTR.		EJECT		HELMET USE		INJURY CLASS		NATURE OF INJURIES
NAME (LAST, FIRST, MIDDLE INITIAL)																		
ADDRESS & PHONE #								SEX		D.O.B. MMDDYYYY								
PASSENGER	<input type="checkbox"/>	WITNESS	<input type="checkbox"/>	UNIT #		SEAT POS.		AIRBAG		RESTR.		EJECT		HELMET USE		INJURY CLASS		NATURE OF INJURIES

NARRATIVE

On Sunday, 12-28-14, at approximately 1213 hours Driver 1 backed his vehicle out of his driveway at 1101 E. Liberty Ave., straight across the street, E. Liberty Ave., and into the side of a parked car owned by the resident at 1028 E. Liberty Ave., shoving it up and onto the opposite sidewalk. Vehicle 2 was not occupied, parked facing w/b on the South side of the street. Witness stated that the driver of vehicle 1 sat in his truck after the collision, passed out for about 7 minutes, before waking up and getting out.

Officer F. Erhart #704

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. (RCW 9A.72.085)

**F. ERHART**

**12-28-14 05:44 PM**

INVESTIGATING OFFICER'S SIGNATURE

UNIT OR DIST. DET

DATED

PLACE SIGNED

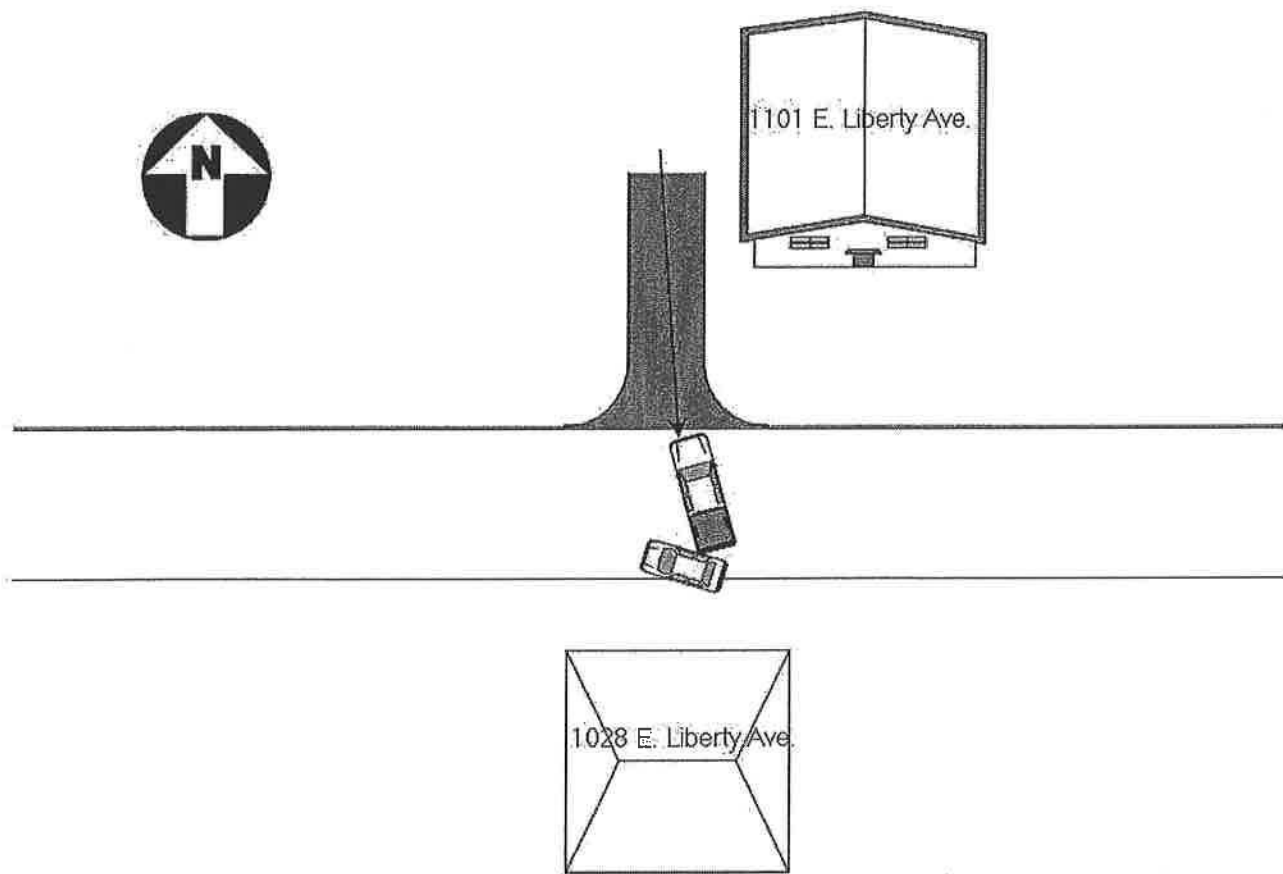
APPROVED BY

DATE

**12/28/2014 7:29:56 PM**

**T CORDIS 445**

BADGE OR ID #	<b>704</b>	ORI #	<b>WA0320400</b>	TIME POLICE DISPATCHED	<b>12:16 PM</b>	TIME POLICE ARRIVED	<b>12:22 PM</b>
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Not to Scale / Not observed.

# INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-432367</b>	
INCIDENT TYPE <b>Information</b>		INCIDENT CLASSIFICATION #1 <b>DWI/DUI</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <input type="checkbox"/>
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 <input type="checkbox"/>
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Sun 12/28/2014 12:14</b>	DATE/TIME	OCCURRED ON <b>Sun 12/28/2014 12:10</b>	DATE/TIME	OCCURRED TO <b>Sun 12/28/2014 12:22</b>	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>12/28/2014</b>	REPORT TIME <b>13:49</b>	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE					UCR/NIBRS CODE
LOCATION OF INCIDENT <b>1101 E Liberty, Spokane, WA 99207</b>				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS <b>Suspect Arrested</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>Erhart</b>					
<b>SUSPECTS</b> <small>S-Suspect, V-Victim, Individual, RU-Runaway, RO-Registered Owner, PS-Passenger, VS-Victim-Business, OW-Owner of Property, CON-Contact, W-Witness, V-Deceased, M/R-Person Mentioned, LG-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 <b>S-1</b>	NAME: LAST, FIRST, MIDDLE <b>Shvachev, Yuriy N</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
DATE OF BIRTH/AGE <b>02/14/1964 50</b>	HEIGHT <b>5'06"</b>	WEIGHT <b>140</b>	BUILD <b>Light</b>	HAIR <b>Brown</b>	EYES <b>Blue</b>
CONFIDENTIALITY <input type="checkbox"/>			ADDRESS: STREET, CITY, STATE ZIP <b>1101 E Liberty, Spokane, WA 99207</b>		RESIDENTIAL STATUS
PLACE OF EMPLOYMENT/SCHOOL/ ADDRESS			OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES <b>483-4364</b>					
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID
<b>VICTIM/WITNESSES/OTHERS</b> <small>S-Suspect, V-Victim, Individual, RU-Runaway, RO-Registered Owner, PS-Passenger, VS-Victim-Business, OW-Owner of Property, CON-Contact, W-Witness, V-Deceased, M/R-Person Mentioned, LG-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 <b>W-1</b>	NAME: LAST, FIRST, MIDDLE <b>Oas, Tyler K</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White/Non-Hispanic</b>
DATE OF BIRTH/AGE <b>12/28/1983 31</b>	HEIGHT	WEIGHT	BUILD	HAIR	EYES
CONFIDENTIALITY <input type="checkbox"/>			ADDRESS: STREET, CITY STATE ZIP <b>1017 E Liberty, Spokane, WA 99207</b>		RESIDENTIAL STATUS
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES <b>(Cell) (509) 230-2748</b>					

ID NO./NAME OF REPORTING OFFICER <b>#606 - Ueberuaga, Jason</b>		DISTRIBUTION	
APPROVAL <b>#013 - Giannetto, Anthony</b>	DATE/TIME <b>12/28/2014 14:59</b>		

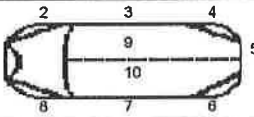
Incident Report #1

12/28/2014 16:44:26.346

# INCIDENT REPORT CONTINUED

## Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION <b>DWI/DUI</b>				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER <b>14-432367</b>	
CODE <b>W-2</b>	NAME: LAST, FIRST, MIDDLE <b>Oas, Shelby T</b>				SEX <b>F</b>	RACE/ETHNICITY <b>W-White</b>	DATE OF BIRTH/AGE <b>10/02/1982 32</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1017 E Liberty, Spokane, WA 99207</b>				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES <b>(Cell) 270-2705</b>							
VEHICLES							
CODI <b>V-1</b>	CIRCUMSTANCES <b>Investigative Information</b>		LICENSE NO. <b>C07931B</b>	STATE <b>WA</b>	LIC. YEAR <b>08/2015</b>	LICENSE TYPE <b>Regular</b>	VIN/HIN <b>1GTHK33F8WF027290</b>
YEAR <b>1998</b>	MAKE <b>General</b>	MODEL	BODY STYLE <b>14: Pickup</b>	TOP/FRONT/ONLY COLOR		BOTTOM/REAR COLOR	
SPECIAL FEATURES/DESCRIPTION							
DECAL NUMBER		REGISTERED OWNER <b>Shvachev, Yuriy N</b>				HOME PHONE	
VEHICLE DISPOSITION <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> DRIVEN AWAY <input type="checkbox"/> TOWED		REGISTERED OWNER'S ADDRESS: STREET, CITY STATE ZIP <b>1101 E Liberty, Spokane, WA 99207</b>				VALUE \$	
LOCKED <input type="checkbox"/> Yes <input type="checkbox"/> No	KEYS IN VEHICLE <input type="checkbox"/> Yes <input type="checkbox"/> No	DELINQUENT PAYMENT <input type="checkbox"/> Yes <input type="checkbox"/> No	VICTIM CONSENT <input type="checkbox"/> Yes <input type="checkbox"/> No	DRIVABLE <input type="checkbox"/> Yes <input type="checkbox"/> No	ESTIMATED DAMAGE	DAMAGE <input type="checkbox"/> Window Top <input type="checkbox"/> Interior Underside	SHADE IN DAMAGED AREA 1  5
TOW COMPANY			HOLD REQUESTED BY		HOLD FOR		
RELEASE BY	DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	OWNER NOTIFIED	DATE	TIME
OPERATOR'S NAME							
NARRATIVE							

On 122814 at about 1216 hours, I was dispatched to a possible DUI accident at 1101 E. Liberty. Prior to my arrival, radio advised that a male had backed into a parked car and now he was passed out at the wheel.

Upon arrival, I observed the suspect, Yuriy Shvachev, sitting in the truck trying to start it. The truck was blocking the entire street and had backed up into a smaller white car. It appeared that the truck had been parked in the driveway at 1101 E. Liberty and back straight back into the white car. I approached Shvachev and told him to take the keys out of the truck and give them to me. There were no other people in or around the truck. He did not speak very good English but he did do what I asked at this point. I then asked him if he had anything to drink today and he advised that he had not. He then said that his truck engine is broken, which I took as him saying that is what caused the accident. I told him to get out of the truck and sit on the push bars of my patrol vehicle. I could tell that Shvachev was possibly intoxicated from how he was struggling to walk from his truck to my patrol vehicle.

Officer Erhart arrived on scene at this point and we called to have WSP assist in the incident.

**INCIDENT REPORT CONTINUED**  
**Spokane Police/Spokane County Sheriff**

Page 3

INCIDENT CLASSIFICATION  
**DWI/DUI**

ATTEMPTED  
☐

INCIDENT NUMBER  
**14-432367**

I then spoke to Officer Erhart who was gathering things for the accident report. We were at the truck when Officer Erhart said something towards where Shvachev had been standing. I turned around and saw him running towards his house which was just in front of where his truck was. Shvachev ran towards his wooden gate that lead into his back yard. Erhart and I caught up to him as he got to the fence. I grabbed ahold of his jacket and pulled him away from the fence and took him to the ground as I was holding onto the back of his jacket. Erhart and I placed him in handcuffs and walked him back to my patrol vehicle. He was advised that he was under arrest, we searched him and placed him in the back of my patrol vehicle.

WSP arrived on scene and took over the DUI portion of the call, see their additional report.

I then advised Sgt. Hartman of the incident and he arrived on scene and took pictures.

I then spoke to the original complainant who live next door to the west. I first spoke to Tyler Oas. He advised that prior to him calling the police, he heard the truck start up and the engine revving loudly. He said that the neighbor often gets into the truck and hits the light pole at the end of his driveway and has almost hit several other cars. He said that he went outside and saw the neighbor, Shvachev, sitting in the drivers seat and appeared to be sleeping. He said that there was no one else in the truck. He said that he walked back in the house and thought to call the police but he then heard a loud crash. He looked back outside and saw that Shvachev sitting in the truck as it was when I arrived on scene. He said that Shvachev was in the driver seat and hunched over as if he was sleeping. He took a series of pictures from his cell phone of this. He was going to email Sgt. Hartman the pictures. Oas then said that Shvachev woke up and got out of the truck and looked around. He then got back into the truck and tried starting it up, that is when the police arrived on scene.

I then spoke to Tyler's wife, Shelby. Shelby advised that she also heard the truck revving its engine outside. she said that it happens a lot and they have seen Shvachev sleeping in the truck as he does this. Tyler went outside and then came back, shortly after this, she also heard a loud crash. She went out to the porch with Tyler and saw Shvachev sitting in the drivers seat of the truck sleeping. He was the only one in the truck. They called police after the accident and waited on scene until we arrived.

Shelby also advised that she saw Shvachev run from the patrol vehicle towards his back fence but did not see what happened when we caught him due to her being in the house and it blocking the view.

The vehicle was towed for dui, an accident was completed and WSP took Shvachev for a DUI process.

Incident Report #1

CONTINUED ON NEXT PAGE

12/28/2014 16:44:26.533

**INCIDENT REPORT CONTINUED**  
**Spokane Police/Spokane County Sheriff**

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INCIDENT CLASSIFICATION <b>DWI/DUI</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>14-432367</b>
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Incident Report #1	END OF INCIDENT REPORT
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12/28/2014 16:44:26.533

# SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-432367</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Sun 12/28/2014</b>		TIME <b>12:13</b>
INCIDENT CLASSIFICATION #1 <b>DWI/DUI</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <b>COLLISION REPORT</b>		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 <b>12/28/2014</b>		REPORT TIME <b>17:46</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>VEHICLES</b>					
CODI <b>V-1</b>	CIRCUMSTANCES <b>Investigative Information, Suspect</b>	LICENSE NO. <b>C07931B</b>	STATE <b>WA</b>	LIC. YEAR <b>08/2015</b>	LICENSE TYPE <b>Regular</b>
YEAR <b>1998</b>	MAKE <b>General</b>	MODEL <b>Sierra</b>	BODY STYLE <b>14: Pickup</b>	TOP/FRONT/ONLY COLOR <b>Black</b>	VIN/HIN <b>1GTHK33F8WF027290</b>
SPECIAL FEATURES/DESCRIPTION					
DECAL NUMBER		REGISTERED OWNER <b>Shvachev, Yuriy N</b>			HOME PHONE
VEHICLE DISPOSITION <input type="checkbox"/> LEFT AT SCENE <input checked="" type="checkbox"/> DRIVEN AWAY <input checked="" type="checkbox"/> TOWED		REGISTERED OWNER'S ADDRESS: STREET, CITY STATE ZIP <b>1101 E Liberty, Spokane, WA 99207</b>			VALUE \$
LOCKED <input type="checkbox"/> Yes <input type="checkbox"/> No	KEYS IN VEHICLE <input type="checkbox"/> Yes <input type="checkbox"/> No	DELINQUENT PAYMENT <input type="checkbox"/> Yes <input type="checkbox"/> No	VICTIM CONSENT <input type="checkbox"/> Yes <input type="checkbox"/> No	DRIVABLE <input type="checkbox"/> Yes <input type="checkbox"/> No	ESTIMATED DAMAGE
TOW COMPANY <b>Superior Towing</b>		HOLD REQUESTED BY		HOLD FOR	
RELEASE BY	DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	OWNER NOTIFIED
NARRATIVE					

On Sunday, 12-28-2014, at 1216 hours I responded to 1101 E. Liberty Ave. in reference to a collision, possible DUI to assist Officer Uberauga. Upon arrival I found Officer Uberauga already on scene talking to Yuri Shvachev. While Officer Uberauga and I were conferring on the details of the call, Yuri started to walk to his house, we called out to him and told him to "stop". Yuri began to run towards the house, and we chased after him. We caught Yuri as he was attempting to unlock his driveway gate to get inside his backyard. Officer Uberauga grabbed Yuri from behind and pulled him from trying to climb over the gate, spun him around to a prone handcuffing position on the driveway. I grabbed Yuri's right arm and assisted in handcuffing him. When we picked Yuri up from the ground I observed that he had an abrasion on the tip of his nose from icy pavement. See Officer Uberauga's report for additional details.

Officer F. Erhart #704, E278

ID NO./NAME OF REPORTING OFFICER <b>#704 - Erhart, Frank</b>		DISTRIBUTION	
APPROVAL <b>#309 - Hartman, Jason</b>	DATE/TIME <b>12/28/2014 18:30</b>		

Supplemental Report #1

12/28/2014 18:38:14.577

# WASHINGTON STATE PATROL

## NARRATIVE CASE REPORT

**Trooper M.L. Weberling #480**

**DEFENDANT:** Shvachev, Yuriy N. **DOB:** 2-24-64  
**LOCATION:** 1101 E. Liberty Ave. in Spokane County  
**CHARGE:** DUI  
**DATE:** 12-28-14  
**CASE NUMBER:** SECTOR citation #4Z1084326; WSP evidence #14-023888;  
S.P.D. incident #14-432367

### AUTHORITY AND CERTIFICATIONS:

- ☒ I am commissioned by the chief of the Washington State Patrol as a Washington State Patrol Trooper, authorized to enforce all laws in the State of Washington.
- ☒ I have received Standardized Field Sobriety Testing (SFST) training from the Washington State Patrol. Each test was conducted per my training.
- ☒ I have received training in the operation of the PBT and the test was given in accordance with my training.
- ☐ I have received BAC training and am certified to operate the BAC. The breath test was conducted in accordance with my training.

### INITIAL OBSERVATION:

THIS CONTACT WAS VIDEO RECORDED

On 12-28-14, at approximately 1234 hours, I was on duty in Spokane County at Foothills Blvd. and Astor. WSP Communications advised the Spokane Police Dept. was requesting contact at 1101 E. Liberty Ave. for a DUI investigation. This stemmed from a one-car collision at this location. I signed en route and arrived at approximately 1238 hours. Two S.P.D. units were already present with a third arriving at this time.

### VEHICLE IN MOTION:

Upon arrival, I contacted Officers Erhart, Uberuaga and Sergeant Hartman with S.P.D. Officer Uberuaga had responded at 1213 hours to the collision call. Upon his arrival, he noted a black, GMC pickup, Washington license C07931B, had collided with parked

vehicle. The GMC was still in the same position as it was when Officer Uberuaga arrived. It was positioned facing north, perpendicular across Liberty Ave. The rear end of the Chevrolet was resting against the passenger side of a white, 2000, Toyota Corolla, Washington license AGM 4949. The Toyota was parked on the south side of the roadway, facing west, in front of 1028 E. Liberty Ave. The Toyota was unoccupied at the time of the collision.

Officer Uberuaga advised he contacted a male who was in the driver's seat of the GMC who was trying to start it with an ignition key (later identified with a Washington driver's license as Yuriy N. Shvachev, 2-24-64). He had the subject exit and sit on the front of his patrol vehicle push bars. At some point, the driver stood up, started running, and tried to scale a fence the west side of his residence at 1101 E. Liberty Ave. Officer Uberuaga advised Shvachev understood English fairly well.

#### **PERSONAL CONTACT:**

Shvachev was handcuffed and in the back of one of the S.P.D. patrol vehicles. Officer Uberuaga had the subject exit and he removed the handcuffs. I noted a scrape on the tip of Shvachev's nose with a small amount of blood. It is unknown how or when he sustained this injury.

Immediately, I noted Shvachev's eyes were bloodshot and watery. I advised him he was being recorded and we walked to the front of my patrol vehicle. I noted Shvachev took one staggered step both on the north sidewalk and on Liberty Ave.

I asked Shvachev if he could explain the circumstances and he responded "no." I asked if he couldn't tell me what was going on? Shvachev shrugged his shoulders and responded "no problem, you take my tests?" I asked him if the GMC pickup was his, he did not respond. I asked again and he motioned yes with a head nod.

I asked Shvachev if he understood my questions and he advised yes. He began to comment on how the "engine on his car was broken", motioning with right hand that he was turning an ignition key. I began to detect a strong odor of intoxicants on his breath at this time.

Officer Uberuaga confirmed that Shvachev backed out of his driveway and struck the parked vehicle. I asked Shvachev how he ended up backing into a parked vehicle. He responded "no problem" and began rambling about a neighbor.

I asked Shvachev how much alcohol he consumed today. He held up his thumb and index finger and mumbled "little bit" under his breath. I asked him when he last consumed alcohol and how much, but he began shaking his head "no" and nodding "yes" to various questions. He also advised he didn't drink any alcohol.

#### **PRE-ARREST SCREENING:**

Shvachev agreed to perform the voluntary field sobriety tests. I noted 6 of 6 positive clues on the HGN test. I began to instruct him on how to stand for the walk and turn test with his right foot in front of his left. Shvachev did not understand this at the beginning, then tried to stand with his left foot in front. I corrected him several times, to no avail. Eventually, I asked him to stand with his heels and toes together. I began to instruct him on how to take the steps and he started walking. He did not understand that I wanted him to stand until I was finished with the instructions. Due to this, I did not administer the remainder of the FST's.

Shvachev's balance was affected while I was speaking to him and during the FST's. He swayed at times and took staggered steps to balance himself.

**Horizontal Gaze Nystagmus:** 6 of 6 clues present

**Walk and Turn:** NA of 8 clues present

**One Leg Stand:** NA of 4 clues present

**Preliminary Breath Test (PBT):**

Shvachev agreed to provide a voluntary breath sample into the PBT, a .224. The PBT was in proper working order and its temperature was within the normal range (checked at the time of my arrival).

☒ The PBT is certified.

**ARREST OF THE DEFENDANT:**

I arrested Shvachev for DUI, handcuffed and placed him in the back of my patrol vehicle. I advised him of his constitutional rights, which he understood. Just prior to the arrest, Sergeant Hartman asked Shvachev if he could photograph the injury to his nose. Shvachev refused and turned away from him. After the arrest, Sergeant Hartman explained, again, why he wanted to photograph the injury. Shvachev responded "you broke my nose" to Sergeant Hartman (who arrived on scene at the same time I did).

S.P.D. impounded the GMC and completed the collision report under incident #14-432367. Sergeant Hartman advised that during the inventory of the vehicle, he discovered a open bottle of hard alcohol with approximately one inch of liquid gone. A Washington driver's check revealed a Shvachev possessed a valid license with one prior DUI conviction in the last 10 years.

Officer Uberuaga advised initially, a neighbor to the west of Shvachev's residence heard an engine revving. He went outside and observed Shvachev in the driver's seat of the GMC while in the driveway at his residence. The neighbor went inside to call 9-1-1 and heard a crash. He went back outside and observed Shvachev in the driver's seat of the GMC in the middle of the road. Further, the neighbor took photographs of this.

I transported Shvachev to the west side of the Spokane County Jail at 1308 hours, arriving at 1316 hours. He fell asleep during the transport.

#### **ARREST PROCESSING:**

Due to the language barrier and the implied consent not being available in Russian, I completed the declaration in support of a search warrant. During this time, Shvachev woke up and became argumentative when I would not let him use the restroom. I chose to book him into the Jail and while in the booking area, Shvachev refused to follow instructions to simply stand with his back against the wall. He kept walking towards me, asking me to let him use the restroom. After explaining several times that staff would let him use the restroom after he was processed and instructing him to stand against the wall, I had to physically push him away from me and hold his chest against the wall. As a response, Shvachev raised his voice, uttering "fuck you", "fuck you're wife" and "you're stupid" several times.

I returned to my patrol vehicle and completed the declaration for the search warrant, which was sent to on-call District Court Judge D. Hayes at 1407 hours, via electronic mail (WSP). Judge Hayes approved the warrant and sent a signed copy back to me at 1424 hours.

Medics with American Medical Response (A.M.R.), Travis Seamans and Josh McKay, contacted the Jail and sterilized Shvachev's left arm with Iodine. At 1443 hours, I observed Seamans draw blood from his left arm, placing it into two vials, which I provided. Seamans initialed both of the vials. I later labeled the vials with the case # of 14-023888, Shvachev's name, DOB, current date and my initials. I placed the vials into our evidence system at 1600 hours.

#### **Breath/Blood Testing:**

The result of the blood analysis from the Washington State Toxicology Laboratory will be forwarded to the Court upon receipt.

- ☐ The defendant didn't have anything to eat, drink, or smoke during the observation period.
- ☐ The BAC thermometer was within the required range of 34° C +/- .2° C.
- ☐ The RFI antenna was present, and breath tube was warm/hot to the touch.

☐ The external standard was within the required range of .072 to .088.

**BOOKING:**

Shvachev was cited / booked for DUI.

**ADDITIONAL INFORMATION:**

A Russian interpreter is requested for any Court proceedings.

***I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.***

\_\_\_\_\_  
Trooper M.L. Weberling #480

Signed in Spokane County

12-28-14

# SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>14-432367</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Tue 12/30/2014</b>	TIME <b>10:13</b>	INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>DWI/DUI</b>		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 <b>12/30/2014</b>	REPORT TIME <b>10:12</b>
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 122814 at about 1214 hours, I responded to a DUI at 1101 E. Liberty. I had written an original incident report. It was brought to my attention that my report was not complete.

During the incident, the suspect Yiriy Shvachev, was being investigated for DUI. He was sitting on my patrol vehicles push bars, while I was talking to Officer Erhart at the suspects truck. Shvachev decide that he was going to run towards his house which was just to the east of where my patrol vehicle was. Officer Erhart and I chased after Shvachev and caught him at his wooden gate that led to his back yard. I grabbed Shvachev by the back of the jacket and took him to the ground. There was snow on the ground at the time, when we got him handcuffed and got him to his feet, I realized that his nose was bleeding. I looked at it and it appeared that a layer of skin had been scratched off during the takedown. It was unclear to me if the injury occurred at the fence or in the snow. Shvachev never said anything about the scratch until he was asked about it by Sgt. Hartman.

Schvachev's nose was cleaned up by Sgt. Hartman and it was not very noticeable any longer.

ID NO./NAME OF REPORTING OFFICER <b>#606 - Uberuaga, Jason</b>		DISTRIBUTION
APPROVAL <b>#309 - Hartman, Jason</b>	DATE/TIME <b>12/30/2014 11:28</b>	



Spokane Police Department  
Internal Investigation



CONFIDENTIAL

## Additional

### Investigative Summary

I reviewed a use of force report completed by Sgt. Hartman. The arrestee Yuriy Shvachev indicated that he wanted to make a complaint. However he would not talk to Sgt. Hartman and would not allow himself to be photographed.

Witnesses to the arrest saw the suspect run from officers and saw the arrest. They believed the officers acted reasonably. The injuries received were consistent with prone cuffing.

On 010715 I went to 1101 E Liberty and left a card on the door. Sgt. Braun and Lt. Lundgren were present. I received a call from a male who identified himself as Andrey Lyabakh. He stated that Yuriy is his step father. He confirmed that he lived at the location. I asked him if Yuriy spoke English. He said not very well. I told him that Yuriy had made a complaint after his arrest. I told Andrey I would arrange for an interpreter if he Yuriy wished to pursue a complaint. Andrey stated that he would call back after relaying this to Yuriy. I have not received any further contact.

A reasonable attempt has been made to accept a complaint. The information in the report substantiates that the force used was appropriate.

Sgt. Staben #592

#3k

# PHOTOLOG

DATA	AGENCY NAME	Spokane PD		CROSS REFERENCE NUMBER(S)				INCIDENT NUMBER	14-432367		
	INCIDENT CLASSIFICATION	DUI		LOCATION OF INCIDENT	1100 E Liberty			MONTH	DAY	YEAR	
	INVESTIGATOR	Uberuaga		PHOTOGRAPHED BY	J.M. Hartman #309			12	28	14	
	NAME (LAST, FIRST, MIDDLE)	Shvachev, Yuriy N		RACE	SEX	DOB		W	M	2/14/64	
PHOTOGRAPHS	PHOTO #		1		THROUGH #		16				
	NUMBER	DESCRIPTION									
	1-6	Suspect vehicle in street / Collision scene									
	7-8	Suspect's residence and adjacent fence to the west									
	9-10	opened bottle of vodka in back seat of suspect truck									
	11-13	Photos of suspect Shvachev's clothing + face									
	14	Fence on west side of suspect's house that he tried to flee over / through									
	15	Location adjacent fence where suspect was taken into custody / controlled									
	16	Photo log									