



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 Michael McNab
Assigned Investigator: Lieutenant Justin Lundgren

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
1/14/2015	1/14/2015	01:20
Record ID #	Incident No	IA No
8646	14-418187	F15-002
Date/Time Entered		
1/14/2015 23:16		

Incident Summary

Use of Force-See attached documents.

In compliance with policy per Assistant Chief Dobrow 03.02.15.

Incident Location

- 8805 Colton ST, Direction: N, Spokane, WA 99218 - : Nevawood

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Assaulting Officer	Call For Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Exterior 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	5'10" to 6'0"	
Officer Assessment of Citizen Condition During Incident		
Unknown		
Officer(s) Injured	Officer(s) Taken to Hospital	
Yes	No	

Reporting/Involved Citizen Information

Shane B Batten

DOB: 5/2/1975 Race: White Gender: Male

Address

- 1124 Maxwell AV, Suite/Apt: 2, Direction: W, Spokane, WA 99201

Phone

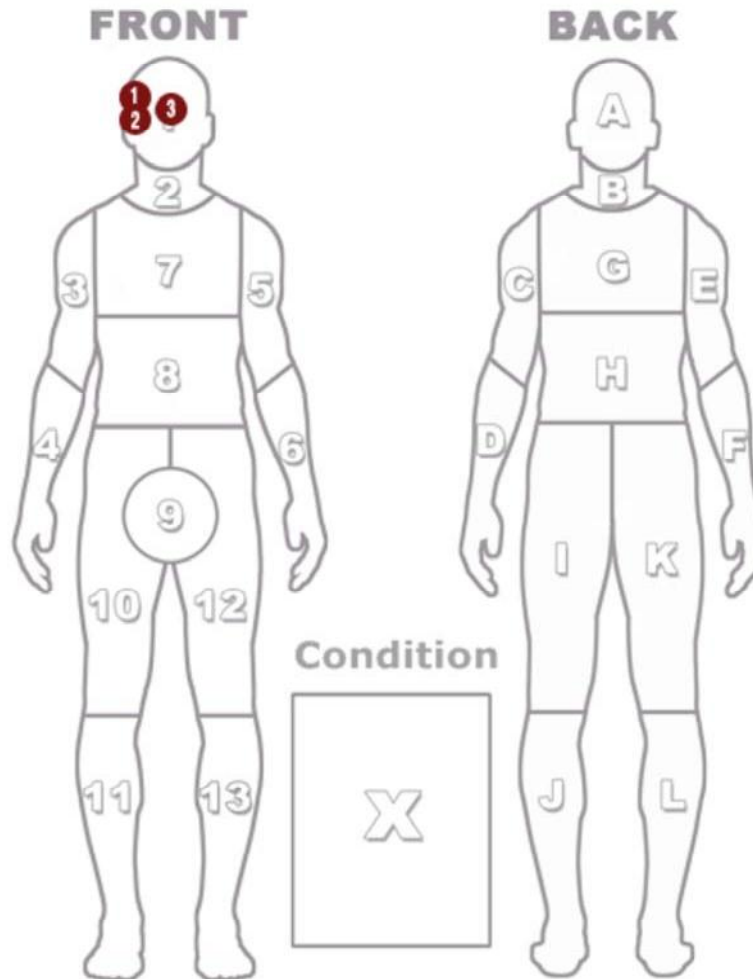
- (509) 434-6193

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance
- Assaultive

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Minor Injury	1	1, 2, 3

**Charges against this citizen**

- Felony - Property Crime
- Felony - Person Crime
- Obstructing
- Warrant

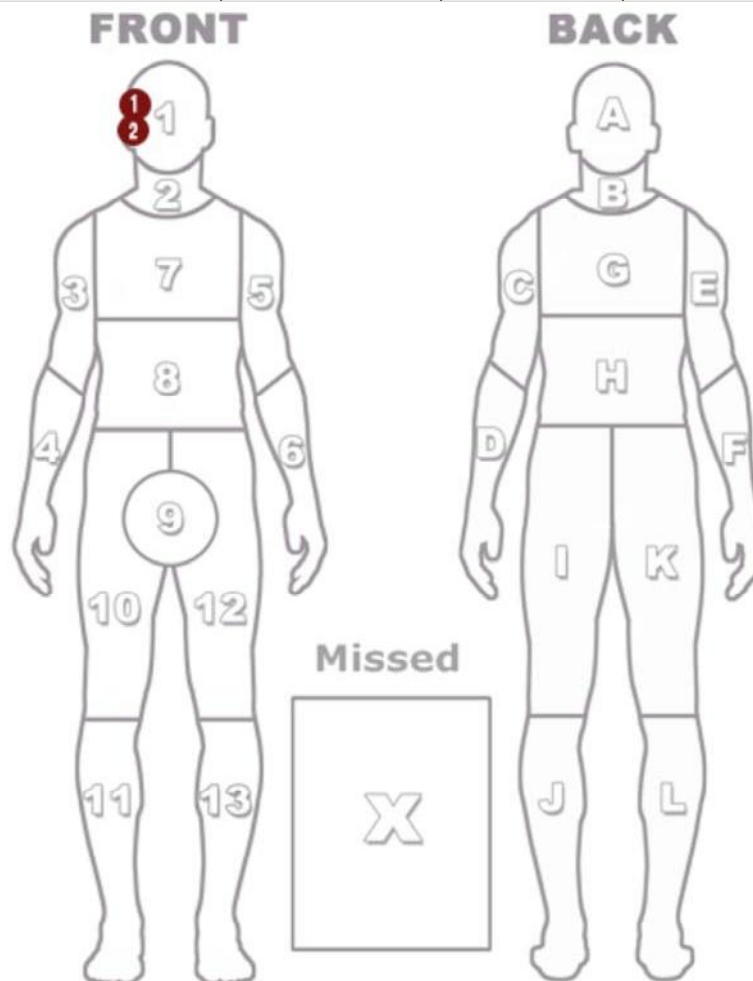
Involved Officers

Officer Jeremy Howe - Payroll Number: #5c

Force used by this officer against the citizen

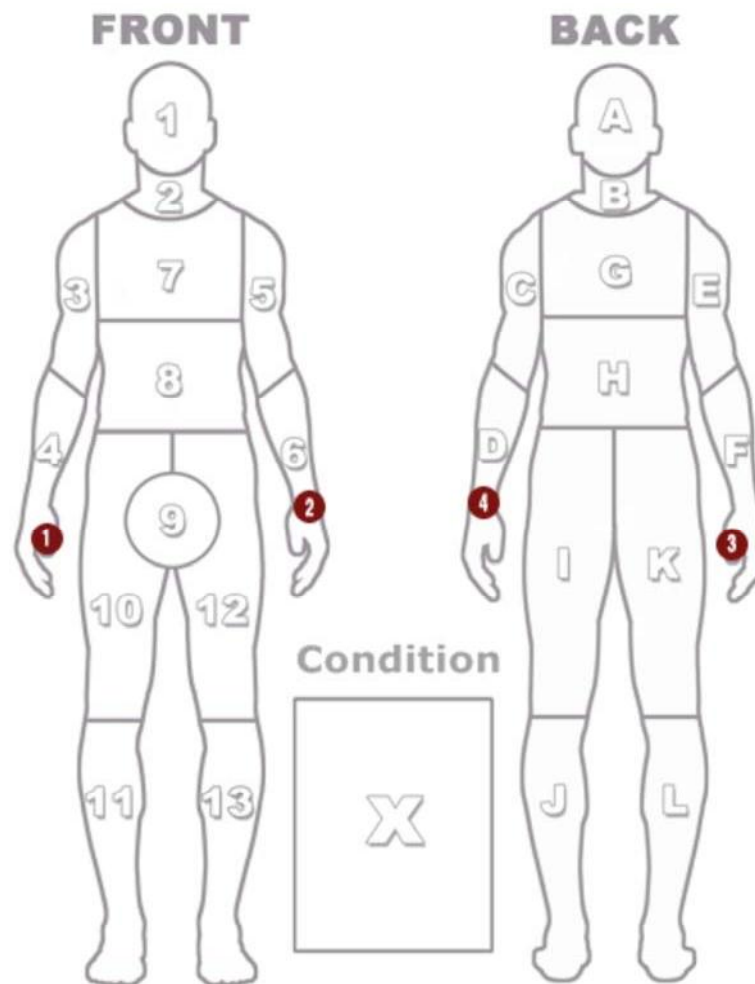
- Impact Weapon-Other - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Impact Weapon-Other	Yes	1	1, 2



Injuries sustained by this officer

Injury	Regions	Injury Locations
Minor Injury	4, 6, D, F	1, 2, 3, 4



Officer Witnesses

Officer Christopher LeQuire - Payroll Number: #5c

Officer Erick Specht - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
1/15/2015	Teigen Additional	doc
1/15/2015	14-418187 Audio	wav
1/15/2015	Howe Report	pdf
1/15/2015	Lequire Report	pdf
1/15/2015	Specht Report	pdf
1/15/2015	Photo Log	pdf
1/15/2015	Howe Affidavit	pdf
1/16/2015	CAD	pdf

Chain of Command History

Sent Dt	From	To	CC	Approved
1/16/2015	Sergeant Michael McNab	Lieutenant Dean Sprague	Sergeant Steven Braun,	<input checked="" type="checkbox"/>

Sergeant David Staben				
Sender's Instructions: Use of Force				
Recipient's Comments/Response: Use of force by Ofc. Howe was appropriate and reasonable given the articulated circumstances, and was within policy, case law and use of force guidelines. A force tool which may have been utilized to greater effectiveness was LVNR, however Ofc. Howe was justified in his use of Level 2 strikes given the nature of the crime (felony auto theft), a foot pursuit, the defendant aggressively charging him when cornered, and his violent and extended struggle to not comply and keep his hands beneath his waist, where a knife was subsequently recovered from a front pants pocket. I was not able to access Evidence.com to review the body camera footage due to an access limitation, although I did review the radio traffic and submitted reports.				
1/22/2015	Lieutenant Dean Sprague	Captain Craig Meidl	(none)	<input type="checkbox"/>
Sender's Instructions: Forward through NPSA chain of command.				
Recipient's Comments/Response: Dean- I don't see your recommendation on here (I see the recommendation from Sgt McNab). Did you provide your recommendation? Also, can you please attach the photos taken of the suspect by Cpl Busch documenting the extent of his injuries? Thank you, Craig				
1/22/2015	Captain Craig Meidl	Lieutenant Dean Sprague	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Dean- Please see my attached request regarding: 1. your recommendation 2. attachment of suspect photos taken by Cpl Busch Thank you, Craig				
Recipient's Comments/Response: Have since reviewed both body camera footage and still photos taken of officer and defendant. dvd copies have been sent interoffice mail along with a paper copy of Blue Team for reference. Conclusions regarding force options having been within policy remain "appropriate and reasonable" and attached visual media support those determinations.				
1/29/2015	Lieutenant Dean Sprague	Captain Craig Meidl	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Forward through patrol chain of command.				
Recipient's Comments/Response: [Forwarded by Captain Craig Meidl]				
2/1/2015	Captain Craig Meidl	Internal Affairs	Lieutenant Dean Sprague	<input checked="" type="checkbox"/>
Sender's Instructions: Though level 2 strikes are generally discouraged for a number of reasons, the factors outlined in the officer's report, as well as body camera footage, lead me to the conclusion that the use of force was reasonable under these circumstances. The officer was investigating a suspicious person in an apartment complex parking lot while alone in the middle of the night, the subject turned and confronted the officer, the subject continuously tried to reach into his pocket while struggling with the officer (the officer articulated a belief that the subject was reaching for a weapon which subsequently turned out to be true), the subject ignored repeated commands from the officer to comply, and the officer was getting tired after a prolonged struggle with no indication of compliance at the time the force was used. It would be prudent to remind the officer of the dangers of responding to certain calls without backup, or waiting to respond until backup arrives. Though this does not make the use of force any more or less appropriate, it does increase the odds for a safer resolution for all involved.				
Recipient's Comments/Response: [Forwarded by Lieutenant Justin Lundgren]				
2/3/2015	Lieutenant Justin Lundgren	Asst Chief Patrick Dobrow	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Forward to Chief Dobrow				
Recipient's Comments/Response: The use of force was reasonable and within policy.				
3/18/2015	Ms Michelle Reiner	Lieutenant Justin Lundgren	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: fix type				
Recipient's Comments/Response: [Forward to IAPro by Lieutenant Justin Lundgren]				
3/18/2015	Ms Michelle Reiner	Lieutenant Justin Lundgren	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: fix				
Recipient's Comments/Response: [Forward to IAPro by Lieutenant Justin Lundgren without completion notes]				

Assigned Investigator Signature Line

Lieutenant Justin Lundgren

Chain of Command Signature Lines

Lieutenant Dean Sprague

Captain Craig Meidl

Lieutenant Justin Lundgren

Asst Chief Patrick Dobrow



Spokane Police Department Internal Investigation



CONFIDENTIAL

IA#
Additional

Complaint Being Investigated

Use of Force – Active Counter Measures – Level II Strikes

Officer Interview Summary

Officers Howe, Specht, and Lequire were interviewed and their reports are consistent with the statements given. Significant details are within their individual reports and audio/video recordings. At the scene when I asked Officer Howe if there was a use of force involved he said "yes, I punched him in the face five or six times." Officer Howe explained that he had to chase Batten on foot and had been fighting with him for several minutes. Officer Howe said Batten kept reaching for his waistband and wouldn't give up his hands. Officer Howe also indicated that he had injured his hand at the time of the first take down, early in the struggle.

Officer Specht and Lequire were the first backup Officers to arrive. Both said they found Officer Howe and Batten to the south of his vehicle in the apartment complex courtyard area. When they first saw Officer Howe he had one of Batten's arms but the other arm was still uncontrolled and reaching underneath his body. They also said that during the search incident to arrest they located a knife in Batten's pocket.

Officer Howe received an injury to his right thumb, left wrist, and scrapes on his knees. I examined his uniform and there were scrape marks and dirt consistent with a significant struggle. Officer Howe carries a small Sure-fire flashlight on his gun-belt and it was intact and functional. A review of the video/audio, Officer Howe can be heard many times telling Batten to "Stop", "Stop reaching", "Stop fighting", among other commands that Batten refused to comply with. During the struggle Officer Howe lost his Radio shoulder mic and body-camera.

Witness Interview Summary

I interviewed Batten at Jail. His demeanor was calm but it did appear he was under the influence of an unknown substance. I asked him to tell me what happened between him and the Officer. He said, "I got scared and I ran, I don't know why, I just ran". He didn't know why he ran or how far but when I asked for clarification he indicated that he ran about 50 feet around the building. Batten then said the Officer "Jumped on top of me and hit me in the face seven or eight times." Batten said the Officer "Laughed at me and said he broke his flashlight on my face." I asked what the Officer had said to him and Batten said the Officer said "Give me your hands." Batten said that he was laying face down on the concrete with his hands underneath him. Batten had no response when I asked why he didn't bring his hands out. Batten said, "He never told me I was under arrest or read my rights or anything." Batten denied reaching for anything. I examined Batten's facial injuries and they included a small bleeding scratch over his left eye, redness and swelling on the right side of his face near the temple area, and a

pinpoint size scratch on his nose. Batten had some small amounts of dried blood around his nose and lips but no other observable injuries and he did not complain of pain or injury. I explained to Batten that the incident was video and audio recorded and I asked if he wanted to change any part of his details based upon that information. He paused, and then said no.

There were no other witnesses. Several people in the apartment complex came out after the incident. During the initial contact with Officer Howe, Batten indicated that apartment #21 was involved but there was no response and it was likely an attempt to redirect Officer Howe's investigation.

Physical Evidence

Cpl Busch took photographs of Battens and Officer Howe's injuries. I received the Radio audio recording of the north side radio traffic. The audio indicates the foot pursuit and struggle lasted approximately three minutes and twenty seconds. The Evidence.com link for the video is:

https://spokanepdwa.evidence.com/index.aspx?class=UIX&proc=Evidence&page=EvidenceView&evidence_id=8b954b9285034683bcd594c85db804be&partner_id=51cb1c1cc35e40d7a6a12f37cf7f20b2 .

Investigative Summary

The conclusion of my portion of the investigation indicates that the closed fist strikes were appropriate given the circumstances. Officer Howe articulated well the reason for the applications which were a response to the active and assaultive behavior exhibited and exercised by Batten. During the struggle to get Batten into custody the danger and significance of Batten's resistance was amplified by the duration and location of the incident. At various and multiple times during the incident Batten was actively resisting arrest, exhibiting pre-assault and assaultive behavior, and was attempting to evade arrest by flight; all keys in determining the reasonableness of the application of the listed use of force.

Sgt Teigen #329

03/18/15 14:45:09 PRINT REQUESTED BY TERMINAL PADN07
Incident History for: #SP150014628 Xref: #SP140418187

Entered 01/14/15 01:05:55 BY 91104 911175
Dispatched 01/14/15 01:17:23 BY B334 1224
Enroute 01/14/15 01:17:23
Onscene 01/14/15 01:20:58
Closed 01/14/15 07:15:07

Initial Type: SUSVEH Final Type: VEHREC (VEHICLE, RECOVERED STOLEN)
Initial Priority: 3 Final Priority: 3
Disposition: 1E Source: A Primary Unit: B334
Police BLK: SPB3NL
Group: P3 Beat: Map Page: 30
Loc: 8805 N COLTON ST ,SPK -- CEDAR VILLAGE APTS btwn E MAGNESIUM RD & E JAY AV
Loc Info: NW CORNER OF PLOT BY DUMPSTER
Name: COOPER, JOHN Addr: SAME #22 Phone: 5093859374

/010555 (911175) ENTRY VEH: BRO/TAN 90'S VAN LIC# UNK IS PARKED AT LO
C. SUBJS HAVE BEEN SLEEPING IN THE VEH. MANAGE
MENT TOLD THEM TO LEAVE EARLIER AND THEY DID,
BUT NOW THEY' RE BACK. ###

/010654 (1235) HOLD
/011723 (1224) *DISPER B334 #1224 HOWE, JEREMY
/012058 *ONSCNE B334
/012251 (1235) REMINQ B334 LIC,B334,A22898Z,,,,,
/012349 REMINQ B334 VEH,B334,A22898Z,,,,,,,,,2393,,,,,,,,,,,,,
/012442 REMINQ B334 WANT,B334,,,,,,,,,BATTEN,SHANE,B,1975,05,02,,,,,
,,,,,
/012632 REMINQ B334 VEH,B334,,,,,,,,,KNAGE123875116408,,,,,,,,,,,,,
/012804 ASSTER B442 [8805 N COLTON ST ,SPK]
#1187 LEQUIRE, CHRISTOPHER
/012804 ASSTER K15 [8805 N COLTON ST ,SPK]
#452 LESSER, DANNY
/012810 (978) *ASSTER B433 [8805 N COLTON ST ,SPK]
#978 SPECHT, ERICK
#991 JAMIESON, RYAN
/012813 (1235) MISC B334 ,RESTRICTED AS VEH IS SPD
/012821 (329) *ASSTER L211 [8805 N COLTON ST ,SPK]
#329 TEIGEN, TROY
/012840 (1235) MISC B334 ,IN FOOT PURS
/012842 (1022) *ASSTER B341 [8805 N COLTON ST ,SPK]
#1022 FAIRBANKS, LANCE
/012846 (1147) *ASSTER D373 [8805 N COLTON ST ,SPK]
#1147 GOBBLE, NATE
/012847 (625) *ASSTER P317 [8805 N COLTON ST ,SPK]
#625 BUSCH, KEVIN
/012850 (1235) MISC ,01/14/15 01:28:47 Message To: PCC01 From: P
CC01

/012850 MISC
/012850 MISC
/012850 MISC
/012850 MISC
/012850 MISC #3c
/012850 MISC
/012850 MISC

/015245		MISC	B442
/015245		MISC	B442
/015245		MISC	B442
/015245		MISC	B442
/015245		MISC	B442
/015245		MISC	B442
/015245		MISC	B442
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/015245		MISC	B442
/015245		MISC	B442
/015245		MISC	B442
/015245		MISC	B442
/015258		MISC	B442
/015822	(978	) *TRANSC	B433
/015846	(625	) *ONSCNE	P317
/015929	(329	) *ONSCNE	L211
/015929		*ONSCNE	L211
/015929		*ONSCNE	L211
/020002	(1022	) *CLEAR	B341
/020024	(1181	) *CLEAR	B342
/020114	(1123	) ASSTER	L220
/020124	(1224	) *NEWLOC	B334
/020200	(1123	) MISC	
/020200		MISC	
/020200		MISC	
/020200		MISC	
/020213		MISC	
/020213		MISC	
/020213		MISC	
/020217		MISC	
/020217		MISC	
/020217		MISC	
/020217		MISC	
/020217		MISC	
/020217		MISC	

, *****IMPOUND ON THE DODGE ENDING IN #8
1282*****
[JAIL] M/6.2

, PSTAT/ASST
, PSTAT/ASST
[8805 N COLTON ST ,SPK]
#271 KANNBERG, ERIC M
[SIG 1]

#3c

#3c

/020217 MISC
/020217 MISC

/020217 MISC
/020217 MISC

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/020217 MISC
/020338 MISC

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/020338 MISC
/020338 MISC

/020338 MISC
/020338 MISC
/020338 (1193) *ASSTER A414

/020341 (1123) MISC

/020341 MISC
/020341 MISC
/020341 MISC
/020341 MISC
/020344 MISC

/020344 MISC
/020344 MISC
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/020344 MISC

/020344 MISC
/020344 MISC
/020411 CALLBK

/020414 (1069) PREMPT L220
/020444 OK B334
/020539 (657) CHANGE

/020658 MISC
/020741 (1123) MISC

/020741 MISC
/020741 MISC
/020741 MISC
/020741 MISC

#3c

[8805 N COLTON ST ,SPK]
#1193 LYNCH, BRANDON

#3c

T/PCC05
, PLEASE CONF CLEARED STOLEN MOTOR VEH AND CONF
ENTERED STOLEN MOTOR VEH PLATES.

TYP: SUSVEH --> VEHREC
RSP: PP --> P
PRI: 3 --> 3
, VERIFIED/SENT TO AUTO SQUAD/HOT AUTO UPDATED

#3c


```

/034805          *CLEAR      B442      ' ' '
/040618 (978    ) *MISC      B433      ,PSTAT/ASST PSTAT/RPT
/040630          $PREMPT     B433      ,PSTAT/ASST PSTAT/RPT PSTAT/WAR
/054045 (329    ) *CLEAR      L211
/071503 (1224   ) *MISC      B334      ,PSTAT/CFS PSTAT/RPT PSTAT/RPT PSTAT/FEL PSTAT
                                          /FEL PSTAT/FEL PSTAT/MISD PSTAT/VIDY
/071507          *CLEAR      B334      DSP: 1E
/071507          CLOSE      B334
*** New Date: 01/17/15 ***
/122247 (320    ) CROSS      #SP150018455
```

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-418187	
REPORT PURPOSE			REPORTED ON DATE TIME Wed 01/14/2015 01:17		INCIDENT XREF
INCIDENT CLASSIFICATION #1 VEH-RECOVERED		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #2 ASSAULT-SIMPLE	
INCIDENT CLASSIFICATION #3 DRUGS-POSSESS		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #4 OBSTRUCT OFFICER	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 01/14/2015		REPORT TIME 02:57
PRIMARY CHARGE 9A.56.068CO POSSESSION OIF STOLEN MOTOR VEH-CONSP					UCR/NIBRS CODE
ADDITIONAL CHARGES 9A.76.020 PUB OFFICER(OBSTRUCT), 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY),					EST. TOTAL PROPERTY LOSS
VICTIM/WITNESSES/OTHERS <small>C-Complainant, CV-Complainant is Victim, A-Arrested Person, D-Driver, G-Legal Guardian, IN-Institutional, W-Witness, CON-Contact, V-Deceased, OW-Owner of Property, V-Victim - Individual, PS-Passenger, VB-Victim - Business, S-Suspect, RU-Runaway, RO-Registered Owner, M-Missing, PE-Pedestrian, PC-Pedestrian - Cyclist, O-Other, MIR-Person Mentioned</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Batten, Shane B			SEX M	RACE/ETHNICITY W-White
HEIGHT 5'10"	WEIGHT 185	BUILD Medium	HAIR Brown	EYES HAZ - Hazel	DATE OF BIRTH/AGE 05/02/1975 39
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 1124 W Maxwell Avenue #2, Spokane, WA 99201			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (Cell) 434-6193					
CHARGE LEVEL Felony Class B		DESCRIPTION 9A.56.068CO POSSESSION OIF STOLEN MOTOR VEH-CONSP			UCR/NCIC CODE /280
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION 9A.76.020 PUB OFFICER(OBSTRUCT)			UCR/NCIC CODE /90Z
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Felony Class C		DESCRIPTION 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)			UCR/NCIC CODE /13A
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Felony Class C		DESCRIPTION 69.50.4013(1) CNTL SUB(POSS-FEL)			UCR/NCIC CODE /35A
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION #	DATE	TIME	BOOKED WHERE Spokane County Jail		DATE 01/14/2015
ARREST LOCATION 8805 N Colton, Spokane, WA 99208			STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED	SUSPECT ARMED WITH
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED	DATE & TIME NOTIFIED	NOTIFIED BY		DISPOSITION OF JUVENILE

ID NO./NAME OF REPORTING OFFICER #1224 - Howe, Jeremy		DISTRIBUTION	
APPROVAL #741 - Beckley, David	DATE/TIME 01/15/2015 10:52		

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION VEH-RECOVERED					ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 14-418187	
CODE V-1	NAME: LAST, FIRST, MIDDLE Cooper, Jonathan Ashley				SEX M	RACE/ETHNICITY W-White		DATE OF BIRTH/AGE 06/15/1985 29
HEIGHT 6'00"	WEIGHT 140	BUILD Light	HAIR Brown	EYES BRO - Brown	DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 8805 N Colton #22, Spokane, WA 99208				RESIDENTIAL STATUS		PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE	
ADDITIONAL ADDRESSES 706 N University Road, Spokane, WA 99206							ADDRESS TYPE	
ADDITIONAL PHONES (Cell) (509) 385-9374								
CODE V-2	NAME: LAST, FIRST, MIDDLE Offic Jeremy Howe				SEX M	RACE/ETHNICITY W-White		DATE OF BIRTH/AGE #5b
HEIGHT 6'00"	WEIGHT 193	BUILD Medium	HAIR Brown	EYES BRO - Brown	DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 1100 W Mallon, Spokane, WA 99260				RESIDENTIAL STATUS		PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES 242-8400								
REALTIONSHIP TO SUSPECT			VICTIM OF Offns # 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)				OFNDR. # A-1	
VEHICLES								
CODE V-1	CIRCUMSTANCES Recovered		LICENSE NO. 5XWZ003		STATE CA	LIC. YEAR 01/2015	LICENSE TYPE Regular	VIN/HIN KNAGE123875116408
YEAR 2007	MAKE Kia Motors	MODEL Optima	BODY STYLE 02: Sedan, 4 Door		TOP/FRONT/ONLY COLOR White		BOTTOM/REAR COLOR White	
SPECIAL FEATURES/DESCRIPTION								
DECAL NUMBER		REGISTERED OWNER Wise, Alycia L					HOME PHONE	
VEHICLE DISPOSITION <input type="checkbox"/> LEFT AT SCENE <input checked="" type="checkbox"/> DRIVEN AWAY <input type="checkbox"/> TOWED		REGISTERED OWNER'S ADDRESS: STREET, CITY STATE ZIP 921 E Nora Avenue #8, Spokane, WA 99207					VALUE \$	
LOCKED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	KEYS IN VEHICLE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DELINQUENT PAYMENT <input type="checkbox"/> Yes <input type="checkbox"/> No	VICTIM CONSENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DRIVABLE <input type="checkbox"/> Yes <input type="checkbox"/> No	ESTIMATED DAMAGE	DAMAGE <input type="checkbox"/> Window <input type="checkbox"/> Interior <input type="checkbox"/> Top <input type="checkbox"/> Underside	SHADE IN DAMAGED AREA	
TOW COMPANY			HOLD REQUESTED BY			HOLD FOR		
RELEASE BY	DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	OWNER NOTIFIED	DATE	TIME	OPERATOR'S NAME
NARRATIVE								

On 1-14-15 at about 0105 hours I responded to a suspicious vehicle call in the northwest corner of the parking lot at 8805 N Colton. Jon Cooper called 911 to report that a male in a brown and tan van was told to

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION

VEH-RECOVERED

ATTEMPTED



INCIDENT NUMBER

14-418187

leave the property earlier today by the property manager. Jon said the vehicle initially left, but has now returned.

Upon arrival I found the van in question in the northwest corner of the parking lot where Jon said it was. As I pulled up I saw a white male wearing a red coat at the rear of the van. There was also a white car with its engine running and headlights on nosed up to the passenger side of the van.

I exited my vehicle and contacted the male. I asked what he was doing there. He said he was picking up his things and was then going to leave and go to the Walmart parking lot to sleep in his van. I asked if he had been asked to leave the property earlier today. He said he had been. I asked him why he was back. He said he needed to get some things and also that his vehicle was broke down.

I asked him what was wrong with his vehicle and he said his radiator was broken and his vehicle would overheat. I asked him if it was broken how he was able to drive it. He said that he could drive it a little ways, but then it would overheat.

I asked him if there was anyone else in the van and he said no. I asked him who the van belonged to and he said it was his and he had just bought it. I asked him who owned the white vehicle and he said it was his friend Rick's. I asked him where Rick was and he said Rick was in apartment number 21.

I identified the male as Shane Batten from his WA State ID card he provided me. I checked Shane with SPD Radio and learned he had a misdemeanor warrant for his arrest for DWLS/R 3. Shane told me that he had a warrant recall for the warrant and showed me the paperwork. I looked at the form he gave me and saw that he did have a warrant recall. At that point I told SPD Radio to not confirm the warrant.

Once I learned who Shane was I wanted to check out the white vehicle and make sure there was nobody else in the van. I walked around the white vehicle and saw it was a white Kia Optima. I also noticed there were no plates on the vehicle.

I walked to the front of the vehicle and ran the VIN with SPD Radio. Once I ran the VIN I walked back to my vehicle where Shane was still standing.

I continued talking to Shane and asked what his plan was to get his vehicle out of here. He said he was

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION VEH-RECOVERED	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-418187
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going to have his friend Rick drive him and his vehicle over to Walmart.

Right about that time SPD Radio advised me the white Kia was stolen. At that point I hadn't seen Shane in possession of the Kia. Because Shane said there were other people with him, and I wasn't sure if Shane was involved with the stolen vehicle or not and I was also by myself I decided I was going to detain him in handcuffs.

I told Shane that the Kia was stolen and I wanted him to place his hands on his head and turn away from me. Shane put his hands on his head, but instead of turning away from me he began very slowly inching away from me. It was clear at that moment that Shane was going to run. I began walking towards him and told Shane not to run. As I got closer to him Shane took off running south through the apartment complex.

I took off after him and caught up to him after about thirty yards. As I was chasing him I could see he was reaching towards his waistband with both hands. Fearing that he might be trying to access a weapon I shoved Shane in the back, which knocked him to the ground.

The ground was very icy and after I shoved him I wasn't able to stop and ended up tripping over Shane and falling to the ground. When I hit the ground I injured my right thumb somehow and noticed that it was starting to hurt.

Shane was able to get back up and took off running north east. I got back up and continued to chase him. While chasing him I yelled at Shane several times to stop. I also told him to stop reaching for his waistband. From my training and experience I know that many people conceal weapons in their waistbands and I was concerned that Shane was trying access a weapon as he was running away from me.

I caught up to Shane when he ran into a metal fence. I told Shane to get on the ground and to stop. When Shane realized he couldn't go any further he turned around and instead of giving up he charged right at me in a very aggressive and assaultive move. When he did that I grabbed Shane in a head and arm hold and took him to the ground, which placed Shane almost face down kind of on his right side and me just off to his right side.

When we hit the ground Shane was able to get his hands free and reached towards his waistband again. At this point I was positive he was trying to access a weapon and I thought at any moment he was going to either stab or shoot me. I yelled at him again to stop reaching and stop fighting with me.

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
VEH-RECOVERED

ATTEMPTED
☐

INCIDENT NUMBER
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I was able to grab both his hands and pry them out from under him, but just barely. Shane continued to tense up and directed all his effort into getting his hands to his waistband. I was able to pin his arms down for a moment and began ordering Shane to put both his hands over his head to get his hands as far away from his waist as I could. Shane put his left hand up near his head, but would not move his right hand. Once I grabbed his left hand he again tried to force his right hand towards his waist. Shane also rolled over to his left side which caused me to lose my grip of his left hand, but I still had a hold of his right. I told Shane to stop fighting with me and he said he would, but he never relaxed and continued to tense and force his hands to his waist. He then made another move to break my grip on him and get his hands free. When he did that I was able to change my position and get a little higher up on his back and apply more pressure to him and regained control of his hands. While doing that I ordered him a couple more times to stop fighting with me.

During the fight my handheld radio mic came loose and I wasn't able to get on the radio and advise I was fighting. While trying to hold Shane down I was also looking for where my mic was so if I had a chance to use it I could. At this point I had been fighting with Shane for over two minutes by myself and I was being to get exhausted. I feared that if help didn't arrive soon or I wasn't able end the fight soon I was going to lose control of Shane and he was going to access a weapon and try to kill me.

I finally located where my mic was. There was a moment while holding onto Shane's left arm that he relaxed a bit and I thought he was going to finally give up. At that point I released his left arm to grab my mic and talk on the radio. Before I get my transmission out Shane began to struggle again and shoved his left arm under him towards his waist.

At that point I feared that he had grabbed a weapon and was going to try and kill me so I delivered a punch to the right side of his head (the only target I had due to him wearing a very heavy coat and I could not access any of my other tools).

Crime: Possession of stolen motor vehicle, and obstructing.

Threat: I was by myself and actively fighting with Shane. Shane by his own admission possibly had accomplices in the area and I had no idea where they were and was very vulnerable to being ambushed from behind if they decided to help. I was investigating Shane for possession of stolen motor vehicle, which is a felony crime. In my experience people who commit that crime are often armed with guns and/or knives and many officers have been shot in my exact circumstance.

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION

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INCIDENT NUMBER

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Resistance: Shane was actively fighting with me. I had given him several commands to stop fighting. Shane throughout the confrontation continued to reach for his waist, which is one of the most common areas to access and conceal a weapon such as a gun or a knife. At that point of the punch I had been fighting with Shane by myself for over two and a half minutes. I was beginning to get exhausted and became even more concerned that if I wasn't able to win the fight Shane was going to access the weapon I was sure he had and try to kill me with it. At that point of the punch Shane had struggled to get his hand to his waist. I was not able to control it at that point and because I knew he was accessing a weapon I punched him on the right side of the head with my fist.

The first punch did not have the affect I wanted and Shane continued to grab has his waist. At that point I delivered another punch to the right side of his head for the same reasons listed above.

That punch also did not seem to work and Shane continued to dig around in his waist. I ordered Shane several more times to stop fighting and to stop reaching for his waist.

Shane still would not put his hands where I wanted them and continued to dig in his waist. At that point I delivered two more punches to the right side of his head.

Those two punches seemed to work and Shane began saying "ok, ok, I'll give you my hand". At that point Shane stopped reaching for his waist, but still refused to place his hands behind his back.

At this point I was still by myself and had been fighting for almost three and a half minutes (which is a very long time in the fighting world). Shane was still tensing up and trying to overpower me while I was trying to put his hands behind his back. I was able to get his right hand behind his back, but not his left.

Right about then Officer Specht and Officer Laquire arrived to assist. When they got to me they were able to get Shane's left hand behind his back and I was able to cuff him (checked and double locked). We searched him for weapons and in his left pocket we found a knife. I believe that was the knife he was trying to access the entire time.

As we were cuffing Shane I could hear citizens behind me talking. The sounded like they were above me and may have witnessed the incident. By the time I stood up to look around everyone had gone inside, but I

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VEH-RECOVERED

ATTEMPTED
☐

INCIDENT NUMBER
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didn't see anyone standing on their balconies. I was not able to locate any witnesses.

Once Shane was cuffed Specht stood him up and took him to his patrol vehicle. I went to apartment 21 to try and locate Rick who Shane said had been with him.

I knocked on 21, but nobody answered. As I was turning to leave I was contacted my Jonathan (Jon) Cooper. Jon lives in #22. Jon said that the male I contacted had been driving the Kia about twenty minutes before I arrived. He said he watched as the male drove the car across the parking lot and he parked it right next to the van. Jon said the male (Shane) was the only person in the vehicle when he saw him driving it tonight.

I contacted Shane at the patrol car. I asked if he needed any medical attention and he said no. I looked at the right side of his head and saw he was bleeding slightly near his right temple and very slightly from his right ear.

Because of my position on the ground with Shane and the fact that I was stretched out a bit I was not able to put very much power behind my punches. That is possibly the reason I had to hit him multiple times.

Once everything was over I noticed my right thumb was starting to throb. It was swollen slightly and I could see a bruise starting to develop. I also noticed my left wrist was starting to hurt as well. I advised my supervisor of my injuries.

Officer Laquire took care of the vehicle recovery for me. He advised that neither plate was recovered and still outstanding. When Laquire searched the stolen vehicle he found heroin in a black bag that had items in it with Shane's name on it. For further see his supplemental report.

Officer Specht transported Shane to jail for me. For further information see his supplemental report.

Officer J. Howe #1224

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 14-418187	
REPORT PURPOSE				REPORTED ON DATE Wed 01/14/2015	TIME 01:05
INCIDENT CLASSIFICATION #1 VEH-RECOVERED		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 DRUGS-POSSESS		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 01/14/2015		REPORT TIME 04:55
PRIMARY CHARGE					UCR/NIBRS CODE
VEHICLES					
CODI V-1	CIRCUMSTANCES Taken Into Evidence	LICENSE NO. A22898Z	STATE WA	LIC. YEAR 12/2012	LICENSE TYPE
YEAR 1977	MAKE Dodge	MODEL SRT-4 (Neon)	BODY STYLE 02: Sedan, 4 Door	TOP/FRONT/ONLY COLOR	VIN/HIN B21BF7X092393
SPECIAL FEATURES/DESCRIPTION					
DECAL NUMBER		REGISTERED OWNER Stegall, Roberta M			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			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 <input type="checkbox"/> Interior <input type="checkbox"/> Top <input type="checkbox"/> Underside	SHADE IN DAMAGED AREA
TOW COMPANY Nelson's		HOLD REQUESTED BY		HOLD FOR	
RELEASE BY	DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	OWNER NOTIFIED
					DATE
					TIME
OPERATOR'S NAME					
NARRATIVE					

On 01/14/15 at approximately 0130 hours, I responded to 8805 N Colton in the City of Spokane to assist an officer who had located a stolen vehicle and was out with the suspect.

While enroute to the scene, Ofc Howe stated he was in a foot pursuit with the suspect. After a period of no radio traffic, Ofc Howe reported he was "fighting" with one.

Once on scene, residents of the apartment complex pointed in the direction that Ofc Howe had gone. Myself and several officers located Ofc Howe about 40 yards south of his patrol car and he was attempted to take a male into custody. He stated, "he is still tensing up." He also said the male was "reaching" for something. I assisted in taking the male into custody by holding the males arm while it was being handcuffed.

After the male was placed in a patrol car, I searched the stolen vehicle per owner permission. On the rear passenger seat, I located a black backpack that had an open side pocket exposing syringes. During my search of the backpack I found two bottles of medication that were made out to the suspect Shane Batten. I also found two "loaded" syringes filled with a black tar like substance that appeared to be Heroin. I tested the substance in a NIK test kit and it tested positive for Heroin. I

ID NO./NAME OF REPORTING OFFICER #1187 - LeQuire, Christopher		DISTRIBUTION	
APPROVAL #558 - Reynolds, Charles	DATE/TIME 01/14/2015 06:56		

SUPPLEMENTAL REPORT CONTINUED

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INCIDENT CLASSIFICATION VEH-RECOVERED	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 14-418187
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notified Ofc Howe of the discovery of the Heroin. I booked the syringes onto property as well as a scale I also found in the backpack.

Sgt Teigen advised to have the suspect's vehicle towed for evidence. I filled out the tow request and followed the vehicle to property. I booked the Dodge Van onto property as evidence.

Refer to Ofc Howe's report for additional information.

Ofc C.LeQuire, SPD #1187

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 14-418187	
REPORT PURPOSE		REPORTED ON DATE Wed 01/14/2015	TIME 01:20	INCIDENT XREF 15-014628
INCIDENT CLASSIFICATION #1 VEH-RECOVERED	ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3 DRUGS-POSSESS	ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 01/14/2015	REPORT TIME 03:14
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

On 01/14/2015 at 0129 hrs, I responded to 8805 N. Colton to assist Officer J. Howe in reference to a vehicle recovery call after Officer Howe advised he was in foot pursuit with a possible suspect, Shane Batten.

As I arrived to the location I observed the vehicle in question (WA - A22898Z) parked on the western portion of the parking lot facing WB and Officer Howe's patrol vehicle just to the south of the vehicle facing NB, both vehicles were unattended.

A citizen just standing to the south of the vehicles pointed behind the apartment building and advised the officer went that way pointing to the south.

I ran around the building SB and between the two apartment buildings and located Officer Howe. There I observed Batten was on the ground laying on his stomach. Officer Howe was on the top of him and had control of Batten's right arm, but I observed Batten's left arm was underneath the front of his body in the area of his waist. As I approached Officer Howe I heard him instruct Batten to the affect of, 'stop reaching' multiple times.

I then contacted Batten placing my right knee across the upper portion of his back just below the base of the neck to control his ability to get up and took control of his right arm so Officer Howe who was on Batten's left side could focus on his other arm. As I controlled Batten's right arm Officer Howe advised me that he had been reaching for something.

Officer Howe was able to place Batten into custody and Batten was escorted to my patrol vehicle.

I then transported Batten to the Spokane County Jail where he was booked for Possession of a Stolen Motor Vehicle and resisting arrest based off

While at the jail I was advised by Officer Lequire that there is also probable cause to arrest Batten PCS - Heroin. I then also booked Batten for PCS - Heroin.

Cpl. Busch responded to the Spokane County Jail and took photographs of Batten's face. See Officer J. Howe and Officer Lequire's reports for more information.

E. Specht #978 B433

ID NO./NAME OF REPORTING OFFICER #978 - Specht, Erick		DISTRIBUTION	
APPROVAL #558 - Reynolds, Charles	DATE/TIME 01/14/2015 07:07		

PHOTOLOG

AGENCY NAME SPD		CROSS REFERENCE NUMBER(S) 15-14628		INCIDENT NUMBER 14-418187	
D A T A	INCIDENT CLASSIFICATION Veh. Theft	LOCATION OF INCIDENT 8805 N COLTON		MONTH 01	DAY 14
	INVESTIGATOR J. HOWE #1224	PHOTOGRAPHED BY BUSCH #625		YEAR 15	
	NAME (LAST, FIRST, MIDDLE) BATTEN, SHANE B		RACE W	SEX M	DOB 5-2-75
	PHOTO # 1 THROUGH # 12				

NUMBER

DESCRIPTION

1-11	BATTEN, FACIAL INJURIES, D JAIL
12	LOG
13	OK. J. HOWE #1224
14-16	SWOLLEN (R) THUMB
17-18	(R) SHW
19-20	(L) KNEE

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RECEIVED
SPOKANE POLICE RECORDS

2015 JAN 14 AM 8 36

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


DATE: 1-14-15

REPORT NUMBER: 14-418187

CHARGES REQUESTED: Possession of stolen motor vehicle
Pcs heroin
Assault 3 (LE)
Obstructing public servant

DEFENDANT: Batten, Shane B, W/M, DOB 5-2-75

STATUS: In Custody

VICTIM(S): Officer J. Howe/Alycia Wise
DATE/TIME OF CRIME: 1-14-15/0105 hours
LOCATION OF CRIME: 8805 N Colton
INVESTIGATOR: Officer J. Howe
APPROVED BY: 

WITNESSES	ADDRESS	PHONE #
Officer J. Howe	1100 W Mallon	242-8400
Jonathan Cooper	8805 N Colton #22	385-9374
Officer Laquire	1100 W Mallon	242-8400
Alycia Wise	2331 S EUNICE, Fresno, CA	559-286-6867

EVIDENCE CONSISTS OF: Heroin, testimony of witnesses, police reports, photos.

SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: _____ DATE: _____ TIME: _____

**STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON
COUNTY OF SPOKANE

REPORT NUMBER: 14-418187

DEFENDANT: Batten, Shane B, W/M, DOB 5-2-75

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

This incident occurred in the City of Spokane, within the State of Washington on 1-14-15 at about 0105 hours.

Alycia Wise can testify to the following:

1. She was at WinCo located at 9257 N Nevada, Spokane, WA on 12-15-14 at about 0229 hours.
2. On that date, time and location she had her vehicle stolen, a 2007 Kia and filed a stolen vehicle report.
3. She did not give anyone permission to take the vehicle.

Officer Howe will testify to the following:

1. He was on duty and working in Spokane WA on 1-14-15 at 0105 hours and responded to a suspicious vehicle at 8805 N Colton, Spokane, WA on that date and time.

2. When he arrived he contacted Shane Batten who had been trespassed from the N Colton address earlier in the day.
3. He located a stolen vehicle, which was running and parked right next to Shane's van (a white 2007 Kia, CA license 5XWZ003) that Shane was standing near.
4. He attempted to detain Shane and Shane took off running and ignored several commands to stop running.
5. He caught up to Shane who turned towards him and instead of giving up he charged in an aggressive and assault move causing a physical confrontation. Shane continually reached for his waistband during the struggle causing him to fear Shane was accessing a weapon.
6. He was able to arrest Shane and placed him in cuffs and retrieved a knife from his pants pocket.

Ofc C. LeQuire can and will testify to the following:

- He is employed by the Spokane Police Department as a patrol officer and was working in that capacity on 01/14/15.
- He responded to 8805 N Colton to assist an officer who was out with a stolen vehicle and was with the suspect.
- He assisted in placing the suspect under arrest.
- He searched the stolen vehicle per owner permission.
- He located a black backpack in the rear passenger seat that had syringes visible in an open pocket.
- During a search of the backpack, he located two "loaded" syringes filled with a black tar like substance that appeared to be Heroin.
- He tested the substance in a NIK test kit and it tested positive for Heroin.
- He informed the arresting officer of the find.
- He completed an evidence tow form and followed the tow truck to E Alki at the property warehouse.

Jonathan Cooper can testify to the following:

1. He was at his residence located at 8805 N Colton #22 on 1-14-15 at about 0105 hours.
2. He called 911 to report a suspicious van whose owner had been trespassed earlier in the day and left, but had now returned.
3. He observed Shane driving the stolen Kia through the parking lot and parking it right next to his van.
4. He only saw Shane in the vehicle and did not see anyone else.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A.72.085)

DATE:1-14-15PLACE: SPOKANE, WASHINGTON SIGNATURE:

A handwritten signature in black ink, appearing to be "Jeffrey", written over a horizontal line.