



SPOKANE POLICE DEPARTMENT

Patrick M. Dobrow
Interim 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, 122 Wn.App. 84, 94 (2004)</i>
#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	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW

		public except by court order.	13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS, 122 Wn.App. 84, 94 (2004)</i>
#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/III - information from	28 USC § 534 For criminal

	WACIC/NCIC (ACCESS): <u>Gun information</u>	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.	justice purposes only. 28 CFR 20.38 Access to 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 identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	RCW 42.56.050 (Invasion 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 Identocard	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	RCW 42.56.250(8) (Employment and

		justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	licensing)
#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 identocard 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	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims).

		confidential manner for law enforcement purposes, protected to 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.	Ashley v. Public Disclosure <i>Comm'n</i> , 16 <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	RCW 70.48.100 (Jail register)

		this information is only available to criminal justice agencies as defined 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 David Overhoff
Assigned Investigator: Lieutenant Dean Sprague

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/2/2015	2/13/2015	06:43
Record ID #	Incident No	IA No
8684	15-49356	F15-013
Date/Time Entered		
3/2/2015 14:13		

Incident Summary

On 02/13/2015 at 0643 hours off duty officer Ben Maplethorpe was investigating a malicious mischief that occurred to his private vehicle the night before. Ben was parked in front of 818 E. Sinto talking on his cell phone to his insurance agent. A suspect from 818 E Sinto identified as Pavel Semenikhin had come out of the house and got into a verbal altercation with Ben. Ben felt that this was possibly the person who broke his windshield wiper so he exited the vehicle to take a picture of him. As Ben was taking the picture Pavel forcibly grabbed Ben's keys and cell phone ripping them from his hands. Pavel reared back with his fist as if to punch Ben and Ben identified himself as "Spokane Police" "get on the ground" while at the same time drawing and directing with his department issued firearm. Pavel didn't believe his was a police officer and he turned and walked away back into his house. Pavel left Ben's cell phone on his front porch. Ben did not know Pavel had his keys until responding officers had retrieved them from Pavel. Ben had injuries to his hand which would be consistent with having something forcibly torn from it. Photos were taken of Ben's fingers and I also had photo's taken of a window punch lying on the front sidewalk in front of 818 E. Sinto that indicated where he was standing when he was assaulted. Ben's cell phone was damaged by Pavel and appeared slightly twisted.

Not compliant with policy per Chief Straub 04.30.15.

Incident Location

- 813 Sinto AV, Direction: E, Spokane, WA - : Cental

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Assaulting Officer	Self Initiated	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Daylight	a-0-3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
No	No	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Large	5'10" to 6'0"	
Officer Assessment of Citizen Condition During Incident		

Unknown

Officer(s) Injured

Yes

Officer(s) Taken to Hospital

No

Reporting/Involved Citizen Information

Pavel M Semenikhin

DOB: 8/5/1990 Race: White Gender: Male

Address

- 818 Sinto AV, Direction: E, Spokane, WA 99207

Charges against this citizen

- Misdemeanor - Person Crime
- Misdemeanor - Property Crime

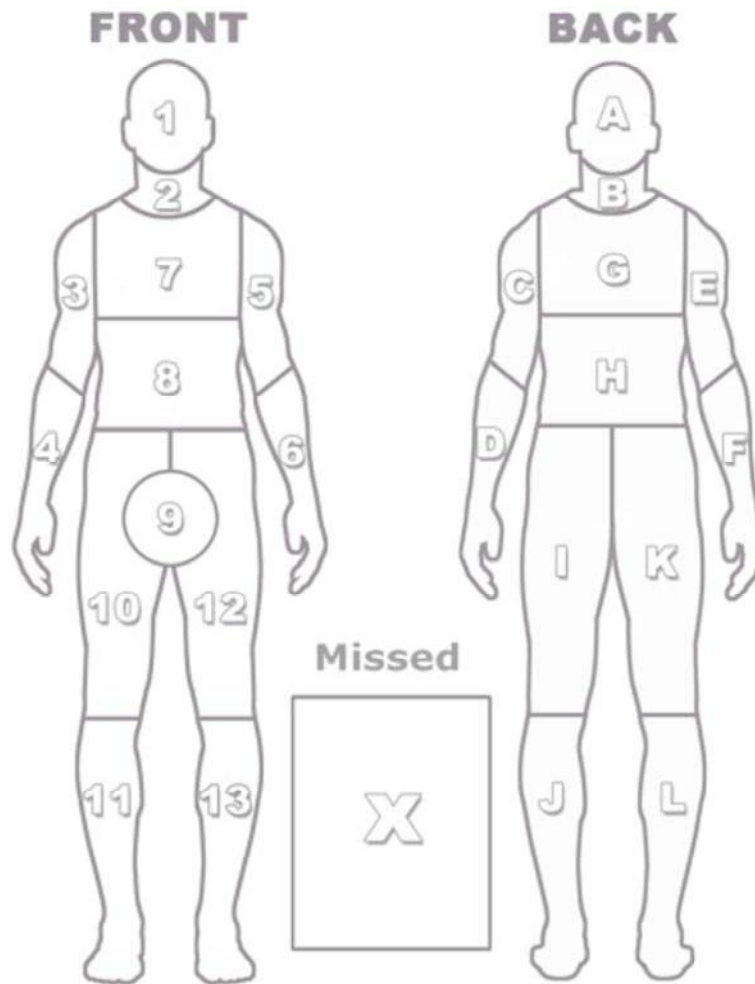
Involved Officers

Officer Benjamin Maplethorpe - Payroll Number: #5c

Force used by this officer against the citizen

- Firearm-Draw/Direct - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Firearm-Draw/Direct	No		



Attachments

Date Attached	Attachment Description	Attachment Type
3/2/2015	Police report,citations, cad, photo log	pdf
7/27/2015	Maplethorpe letter	pdf
7/29/2015	BlueTeam Complaint	pdf
7/29/2015	Finding Letter from Complaint Allegations	doc

Chain of Command History

Sent Dt	From	To	CC	Approved
3/2/2015	Sergeant David Overhoff	Sergeant Troy Teigen	Lieutenant Dean Sprague	<input checked="" type="checkbox"/>
Sender's Instructions: Please review and send up chain				
Recipient's Comments/Response: [Forwarded by Sergeant Troy Teigen]				
3/2/2015	Sergeant Troy Teigen	Lieutenant Dean Sprague	(none)	<input type="checkbox"/>
Sender's Instructions: Forwarded from Overhoff				
Recipient's Comments/Response: On the surface it appears there may be policy compliance concerns in addition to the "draw and direct" portion. Please meet with me upon your return to discuss this incident.				

3/10/2015	Lieutenant Dean Sprague	Sergeant Troy Teigen	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: To be discussed at our earliest opportunity prior to approval.				
Recipient's Comments/Response: [Forwarded by Sergeant Troy Teigen]				
3/28/2015	Sergeant Troy Teigen	Lieutenant Dean Sprague	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Reviewed as per discussion in person with Lt Sprague				
Recipient's Comments/Response: This use of force report is part of an Internal Affairs investigation stemming from the same incident, where an initial supervisory determination was made that the force used was excessive given the circumstances.				
3/30/2015	Lieutenant Dean Sprague	Captain Craig Meidl	(none)	<input type="checkbox"/>
Sender's Instructions: Forward through north PSA chain of command.				
Recipient's Comments/Response: Request via email from Sgt Staben to forward to IA. No recommendation made pending return from IA.				
3/31/2015	Captain Craig Meidl	Internal Affairs	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Request via email from Sgt Staben to forward to IA. No recommendation made pending return from IA.				
Recipient's Comments/Response: Forwarding to Sgt. Staben				
4/3/2015	Lieutenant Justin Lundgren	Sergeant David Staben	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Use of Force Admin report related to your IA case.				
Recipient's Comments/Response: [Forwarded by Sergeant David Staben]				
4/21/2015	Sergeant David Staben	Captain Craig Meidl	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Capt. I am sending you both the IA and UOF to review at the same time.				
Recipient's Comments/Response: [Forwarded by Captain Craig Meidl]				
4/22/2015	Captain Craig Meidl	Asst Chief Patrick Dobrow	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: See related comments regarding IA complaint. An argument can be made that Pavel committed Robbery when he forcefully removed items from Ofc Maplethorpe (off-duty) and retained them (at least temporarily). In this case, responding officers decided to charge Pavel with misdemeanors for the theft and assault. Based on items being forcefully removed from him, Ofc Maplethorpe pointed his firearm at Pavel, identified himself as Spokane Police, and ordered Pavel to the ground. At this point, Ofc Maplethorpe's behavior was clearly under the purview of Spokane PD's policies and procedures (as he identified himself as SPD). Pavel was clearly not armed, had no shirt on that would help conceal weapons, was not making furtive movements, etc. Pavel did have his fists clenched at one point, but there is no indication if Ofc Maplethorpe was in fear for his life or concerned about suffering substantial injury. Pointing a firearm at a citizen, especially while off-duty, while identifying oneself as a Spokane Police officer, is a serious event. What was Ofc Maplethorpe's intent in pointing his firearm at Pavel under these circumstances? Pavel did not comply, and Ofc Maplethorpe did not discharge his firearm. Ofc Maplethorpe retrieved his phone and called for an SPD response (a second time). In reviewing this use of force, it is prudent to examine what led up to the need to use force as that establishes the precipitating events initiating force and whether, but for the officer's actions, force would have been necessary. In direct correlation to the related complaint to this use of force, I believe that Ofc Maplethorpe's actions exacerbated this incident and in fact escalated this incident to the point Ofc Maplethorpe found himself in a position that he felt he needed to use force. I do not find that the draw and direct technique utilized was inappropriate under the immediate circumstances Ofc Maplethorpe found himself when confronted with the aggressive theft of his phone and keys; couple with the aggressive behavior of Pavel. But I do find Ofc Maplethorpe behaved inappropriately up to the point the items were taken from him and but for that behavior, this incident would not have happened. I would recommend Ofc Maplethorpe familiarize himself with officer culpability in deadly force situations that were deemed precipitated by the officer's behavior (even if the deadly force was justified at the moment of use). Las Vegas Metro PD's Collaborative Reform report (in conjunction with DOJ) has numerous case studies that address this very issue.				
Recipient's Comments/Response: UOF, DIRECT POINTING OF A FIREARM, NOT WITHIN POLICY. I HAVE ALREADY ISSUED A SANCTION OF WRITTEN REPRIMAND IN THE COMPLAINT COMPONENT OF THIS CASE. THE UOF IS TO BE COVERED IN THE REPRIMAND LETTER.				

4/28/2015	Ms Michelle Reiner	Captain Craig Meidl	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Please link letter or reprimand and add closing comments. Thank you.				
Recipient's Comments/Response: [Captain Craig Meidl has re-assigned the incident to Lieutenant Dean Sprague]				
5/1/2015	Captain Craig Meidl	Lieutenant Dean Sprague	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Dean In your discussion with Ofc Maplethorpe, please cover when the use or threatened use of deadly force is authorized. In this circumstance, Ofc Maplethorpe felt the need to point his firearm at the person he believed was responsible for damaging his vehicle and possibly stealing his windshield wiper. His statement indicates that the individual was walking towards him and he believed he was about to be assaulted (no weapons were seen and the assumption is the individual demonstrated behavior consistent with a physical assault via body force). The question arises if an officer believes he or she is about to be physically assaulted via body force, are they justified in pointing their firearm at an individual? If yes, under what circumstances? No assault had occurred yet, though Ofc Maplethorpe clearly felt he was about to be assaulted. Please memorialize your findings in Blue Team and resubmit to Blue Team. Thank you.				
Recipient's Comments/Response: Completion notes: Letter of Reprimand forwarded with parallel Blue Team already.				
7/26/2015	Lieutenant Dean Sprague	Sergeant David Staben	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Signed letter submitted in parallel Blue Team as the completion of the investigation.				
Recipient's Comments/Response: [Forwarded by Sergeant David Staben]				
7/27/2015	Sergeant David Staben	Lieutenant Justin Lundgren	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: This is a completed UOF review				
Recipient's Comments/Response: [Forward to IAPro by Lieutenant Justin Lundgren]				

Assigned Investigator Signature Line

Lieutenant Dean Sprague

Chain of Command Signature Lines

Sergeant Troy Teigen

Lieutenant Dean Sprague

Captain Craig Meidl

Lieutenant Justin Lundgren

Sergeant David Staben

Asst Chief Patrick Dobrow



FRANK STRAUB, JR.
CHIEF OF POLICE



*Internal Affairs Investigation
Case Finding Notice*

To: Officer B. Maplethorpe #1216

Date: 043015

From: Chief Frank Straub

I.A. #: C15-020

An internal investigation has been conducted concerning certain allegations of misconduct. These allegations stem from an incident that occurred on:

Date/Time: 021315

Location: 818 E Sinto

Complainant: Lt. Sprague

Case/Citation #: 15-49356

Complaint: Allegation #1: Violation of Policy 386 Off-Duty Law Enforcement
Allegation #2: Violation of Policy 300 Use of Force

Investigator: Sgt. Staben #592

Findings:

Allegation #1 Unfounded
 Exonerated
 Not Sustained
 Sustained
 Training Failure
 Administratively Suspended / Closed

Allegation#2 Unfounded
 Exonerated
 Not Sustained
 Sustained
 Training Failure
 Administratively Suspended / Closed

Sanction: Written reprimand-Review SPD's Canons and Ethics with Ofc Maplethorpe and ensure he has a clear understanding of the expectations for off-duty behavior for Spokane Police Department employees.

Frank Straub, Chief of Police
By: Assistant Chief Dobrow

Assistant Chief Rick Dobrow #403

This information and opinion is for internal use only; it does not enlarge either the City's or it's employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims.

Violations of the rules will be the only basis for administrative discipline, while violations of the law will be the basis for civil and criminal penalties in a court of law. Determinations of liability to third parties are to be made by the courts and not those expressing opinions herein.

TO: Ofc. Ben Maplethorpe #1216
FROM: Lt. Dean Sprague #93
DATE: Friday, July 17, 2015
RE: I.A. #C15-020

Officer Maplethorpe,

Following an internal investigation into an incident occurring on 2-13-15 at 818 E. Sinto, the findings for both allegations were determined to be Sustained. The violations were:

- Allegation #1: Violation of Policy 386 (Off-Duty Law Enforcement)
- Allegation #2: Violation of Policy 300 (Use of Force)

The Sanctions determined were a written reprimand for the excessive force allegation (pointing a firearm), with a "review of SPD's Canons and Ethics to ensure there is a clear understanding of the expectations for off-duty behavior for Spokane Police Department employees". With regard to the Off-Duty allegation, it was determined also to be Sustained, but to be handled with training.

I met with you and your sergeant, Paul Carpenter, at the Public Safety Building from 1940-2040 hours on 5-12-15. Sgt. Carpenter is also a Guild representative, and participated in the discussion that followed. You were given a copy of the Case Finding Notice indicating both Sustained findings and a copy of the Off-Duty Law Enforcement policy. We then discussed the particulars of the event as it related to each of the allegations.

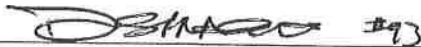
You indicated that you have 16 years of training with the military and another agency, and that your actions and responses in this incident were trained and reinforced in you during the years prior to your employment with SPD. You advised that upon learning of the allegations, you reviewed both Off-Duty Law Enforcement and Use of Force policies. Sgt. Carpenter and I reinforced that SPD has a different culture than the one from which you came, and that while your actions taken as a citizen are not unlawful, by creating a nexus with your law enforcement occupation during such an incident, the department necessarily becomes involved in your personal life to the degree that it affects the department and its reputation.

We then discussed the chronological progression of the event, and the various "off ramps" that could have prevented the incident's outcome from a position of hindsight. You stated that you have specifically been retraining yourself at the range to adjust your "default programming" when drawing your firearm from moving on target to the low ready position in order to comply with SPD's SOPs. We also discussed justification for drawing and pointing a firearm as appropriate.

You stated that, should similar circumstances occur in the future, the two things you would do differently would be: 1) withdraw from the scene rather than remain once the officer left, and 2) you wouldn't have pointed your gun at him and identified yourself as an officer. Both of the above statements you have self-identified prior to this meeting demonstrate an understanding with regard to the policies involved. Understanding of SPD's culture, procedures, and the practical and reasonable application of policy is the goal of this reprimand. You additionally have the right to submit a letter of clarification and/or rebuttal to be attached to this letter.



Ofc. Ben Maplethorpe #1216



Lt. Dean Sprague #93

7/26/15

Date

7-26-15

Date



Spokane Police Department S.P.D. Internal Complaint Report

Incident Entered By: Lieutenant Dean Sprague
Assigned Investigator: Lieutenant Dean Sprague

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/11/2015	2/13/2015	07:39
Record ID #	Incident No	IA No
8700	15-49356	C15-020
Date/Time Entered		
3/11/2015 21:58		

Incident Summary

See supervisory investigative additional attachment for narrative.

Incident Location

- 818 Sinto AV, Direction: E, Spokane, WA 99207 - : Cental

Reporting Officers

Lieutenant Dean Sprague - Payroll Number: #5c

Involved Officers

Officer Benjamin Maplethorpe - Payroll Number: #5c

Allegations linked to this officer

- Policy Violation
- Excessive Force

Citizen Witnesses

Tanya Hauenstein
- Race: White - Gender: Female

Address

- 1100 Mallon AV, Direction: W, Spokane, WA 99260

Phone

- (509) 532-8921

Pavel Semenikhin
DOB: 8/5/1990 - Race: White - Gender: Male

Address

- 818 Sinto AV, Direction: E, Spokane, WA 99207

Phone

- (509) 979-9331

Leigh-Ane Williams

DOB: 9/19/1983 - Race: White - Gender: Female

Address

- 818 Sinto AV, Direction: E, Spokane, WA 99207

Phone

- (202) 215-5173

Officer Witnesses

Officer Mylissa Coleman - Payroll Number: #5c

Officer Marie Rosenthal - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
3/12/2015	CAD printout	pdf
3/12/2015	Police reports	pdf
3/12/2015	Maplethorpe UOF	pdf
3/12/2015	Supervisory summary	docx
3/30/2015	Radio traffic	cda
3/30/2015	Radio traffic	cda
3/30/2015	Phone call on Radio supervisor's line	cda
3/30/2015	Phone call on Radio supervisor's line #2	cda
3/30/2015	Phone call from Radio to patrol supervisor	cda
3/30/2015	Call to Crime Check for report	cda
3/30/2015	Sample of photos taken (dvd forwarded to I.A.)	docx
4/21/2015	Coleman 15-020	wav
4/21/2015	Rosenthal 15-020	wav
4/21/2015	Officer Maplethorpe	wav
4/21/2015	Maplethorpe IA summary	doc
4/30/2015	IA Findings Maplethorpe 15-020	doc
7/26/2015	Signed Letter of Reprimand	pdf

Chain of Command History

Sent Dt	From	To	CC	Approved
3/30/2015	Lieutenant Dean Sprague	Captain Craig Meidl	(none)	<input type="checkbox"/>
Sender's Instructions: Internal Affairs already working the case. This copy contains the attachments.				
Recipient's Comments/Response: Will forward to IA per Sgt Staben's request.				
3/31/2015	Captain Craig Meidl	Internal Affairs	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Forwarding to IA per Sgt Staben's request.				
Recipient's Comments/Response: Returned to Sgt. Staben per request				
4/3/2015	Lieutenant Justin Lundgren	Sergeant David Staben	(none)	<input checked="" type="checkbox"/>

Sender's Instructions: Per your request				
Recipient's Comments/Response: [Forwarded by Sergeant David Staben]				
4/21/2015	Sergeant David Staben	Captain Craig Meidl	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Capt. This is a chain of command review. Since Lt. Sprague is the complainant it is routed to you first.				
Recipient's Comments/Response: [Forwarded by Captain Craig Meidl]				
4/21/2015	Captain Craig Meidl	Asst Chief Patrick Dobrow	(none)	<input checked="" type="checkbox"/>
<p>Sender's Instructions: Ofc Maplethorpe (off-duty) requested officers respond to assist him in contacting a possible suspect in a theft and damage to his vehicle (windshield wiper). SPD officers responded and, through their interviews, were unable to prove that Pavel had been responsible for the theft and damage to Ofc Maplethorpe's windshield. The officers cleared the call after giving Ofc Maplethorpe direction to call Crime Check to file a police report. Rather than clear the area to file the report with Crime Check and notify his insurance company, Ofc Maplethorpe chose to remain within clear sight of Pavel's residence to make these phone calls. Pavel exited his residence and a confrontation occurred between Ofc Maplethorpe and Pavel. During this confrontation, Ofc Maplethorpe began taking photos of Pavel's vehicle and Pavel himself (according to Ofc Maplethorpe's statement to IA, Pavel was trying to position himself out of view while Ofc Maplethorpe repositioned himself to get a photo of Pavel). This resulted in Pavel violently taking Ofc Maplethorpe's phone and car keys from his hand, at which point Ofc Maplethorpe drew his firearm, identified himself as Spokane P.D., and demanded Pavel get on the ground. Pavel walked away, dropping the phone in the process, but keeping Ofc Maplethorpe's car keys. This precipitated a second response by SPD officers. Standard 4.4: Members of the Spokane Police Department shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the Spokane Police Department. It would seem that Ofc Maplethorpe provoked Pavel by remaining in the area for 20 minutes in plain view of Pavel's residence after officers cleared, and then further provoked Pavel by taking photos of Pavel's vehicle and Pavel himself. In addition, as Pavel repositioned himself in his yard to stay out of view of Ofc Maplethorpe's cell phone camera, Ofc Maplethorpe repositioned himself to reacquire a view of Pavel. I am unaware what Ofc Maplethorpe believed photos of the suspect's vehicle would provide, especially when taken in front of Pavel and he simply had to get the license plate (and leave) if he felt that Pavel's vehicle was somehow related to the damage to his vehicle. I am also unaware what photos of Pavel himself would provide as there was no further research to be done (patrol officers already responded to investigate and interview Pavel, Ofc Maplethorpe and patrol officers looked for his missing windshield wiper arm, and Ofc Maplethorpe already reported the incident to Crime Check—hence the 20 minutes he was parked directly out front of Pavel's residence). There is no justification for Pavel's behavior. Based on statements from Ofc Maplethorpe, it could be construed that Pavel may have had something to do with the damage to the car. However, police officers are held to a higher level of conduct, both on duty AND off duty. Ofc Maplethorpe's behavior, if not intentionally intended to provoke Pavel into a response, could reasonably be anticipated as provoking a potential confrontation. The confrontation resulted in Ofc Maplethorpe getting to a point where he felt he had to draw his firearm and point it at Pavel; all precipitate by a \$75 broken windshield wiper arm. This went from a misdemeanor property crime to a cell phone and car keys being forcefully taken from Ofc Maplethorpe to Ofc Maplethorpe drawing his firearm and pointing it at Pavel. Case law is clear that police departments have authority over an employee under certain circumstances if it reflects poorly on the agency. Though Ofc Maplethorpe was within his rights as a citizen to engage in the conduct he displayed, his off-duty conduct did not meet the "high standards of the Spokane Police Department" and could have resulted in a much more serious outcome; his identification as a Spokane Police Officer is a nexus between his off-duty behavior and the Spokane Police Department. I find that Ofc Maplethorpe's behavior falls under Standard 4.4. I also find the behavior to be inappropriate in reflecting SPD's high standards based on Ofc Maplethorpe's decision to remain at the scene after officers left and provoke Pavel through photos of Pavel's vehicle and Pavel himself. This is in no way meant to excuse or justify the behavior of Pavel, which was clearly inappropriate and criminal. Based on Ofc Maplethorpe's 8 years with another agency and the different policies and standards between the two agencies, I recommend classifying this as: Sustained: Training Failure Recommendation: Review SPD's Canons and Ethics with Ofc Maplethorpe and ensure he has a clear understanding of the expectations for off-duty behavior for Spokane Police Department employees.</p>				
Recipient's Comments/Response: I agree with Capt. Meidl that Officer Maplethorpe's actions were unacceptable. As to allegation #1: Violation of Policy 386 Off-Duty Law Enforcement Actions: SUSTAINED, Allegation #2, Violation of Policy 300 Use of Force: SUSTAINED. SANCTIONS: WRITTEN REPRIMAND.				
4/30/2015	Sergeant David Staben	Captain Craig Meidl	Lieutenant Dean Sprague	<input checked="" type="checkbox"/>
Sender's Instructions: Please give Maplethorpe the findings attached and administer the written reprimand. Please attach the letter and send back to IA				
Recipient's Comments/Response: [Captain Craig Meidl has re-assigned the incident to Lieutenant Dean Sprague]				

5/1/2015	Captain Craig Meidl	Lieutenant Dean Sprague	(none)	<input type="checkbox"/>
Sender's Instructions: Dean In reading your initial complaint, you covered the main concerns for the behavior that occurred from a department perspective. Can you please review the finding letter from AC Dobrow, update the task as completed in Blue Team, and submit to IA. Please call me if you would like to discuss further.				
Recipient's Comments/Response: [Open routing]				
7/9/2015	Sergeant David Staben	Lieutenant Dean Sprague	Captain Craig Meidl	<input checked="" type="checkbox"/>
Sender's Instructions: Per Straub Off Duty Conduct Sustained - I think that can be handled by his chain of command with training re: our policies and procedures. Use of Force: A letter of reprimand for pointing his firearm - excessive force.				
Recipient's Comments/Response: Completion notes: Discussed letter contents on 7-26-15 prior to signing. Letter attached to Blue Team.				
7/26/2015	Lieutenant Dean Sprague	Sergeant David Staben	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Letter of Reprimand completed, discussed, signed and attached.				
Recipient's Comments/Response: Close complaint, letter of reprimand.				

Assigned Investigator Signature Line

Lieutenant Dean Sprague

Chain of Command Signature Lines

Captain Craig Meidl

Lieutenant Justin Lundgren

Sergeant David Staben

Asst Chief Patrick Dobrow

Lieutenant Dean Sprague

02/26/15 09:39:03 PRINT REQUESTED BY TERMINAL PACN01
Incident History for: #SP150049356 Xref: #SP150049393

Entered 02/13/15 06:43:49 BY PCC05 456
Dispatched 02/13/15 06:53:52 BY PCC01 320
Enroute 02/13/15 06:53:52
Onscene 02/13/15 06:59:31
Closed 02/13/15 08:46:41

Initial Type: MALMS Final Type: MALMS (MALICIOUS MISCHIEF)
Initial Priority: 2 Final Priority: 2
Disposition: 1A Source: V Primary Unit: E123
Police BLK: SPB4LO
Group: P4 Beat: Map Page: 32
Loc: N HAMILTON ST/E SINTO AV ,SPK <1300,800> (V)
Name: MAPLETHORP Addr: Phone: #5c

/064349 (456) ENTRY HAS SUBJ INFO WITH WINDSHIELD WIPER TORN OFF.
/064405 SUPP PHO: #5c
/064417 (320) HOLD
/064418 (456) SUPP
/064521 (320) MISC
TXT: SUBJ HOUSE 818 E SINTO @APP0216

/064521 MISC

/064521 MISC

/064521 MISC

/064521 MISC

/064521 MISC

/064521 MISC

/064521 MISC

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/064521 MISC

/064521 MISC

/065352 DISPER E120

/065931 (266) *ONSCNE E120

/070918 *MISC E120

/071803 *CLEAR E120

/071803 CLOSE E120

/073820 (456) REOPEN

/073910 CALLBK

/073910 (320) DISPER E120

/073910 ASSTER E123

/073946 (456) MISC

/074051 ASST L249

[818 E SINTO]
#266 COLEMAN, MYLISSA

,R.O DENIES ANY KNOWLEDGE OF DAMAGGE TO VICTS
CAR.

DSP: 1D
,PSTAT/CFS

,NO MORE INFORMATION

T/PCC01

,COMP ASKING FOR UNIT AFTER SUSPECT "ATTACKED"
HIM, TRIED TO TAKE COMP'S PHONE, COMP HAS PHO
NE BACK AND SUBJ IS INSIDE THE HOUSE.....AS
KING FOR UNITS.....TO 818 E SINTO

#266 COLEMAN, MYLISSA

#690 ROSENTHAL, MARIE

,COMP DREW WEAPON ON SUBJ

[N HAMILTON ST/E SINTO AV ,SPK]

#331 OVERHOFF, DAVID

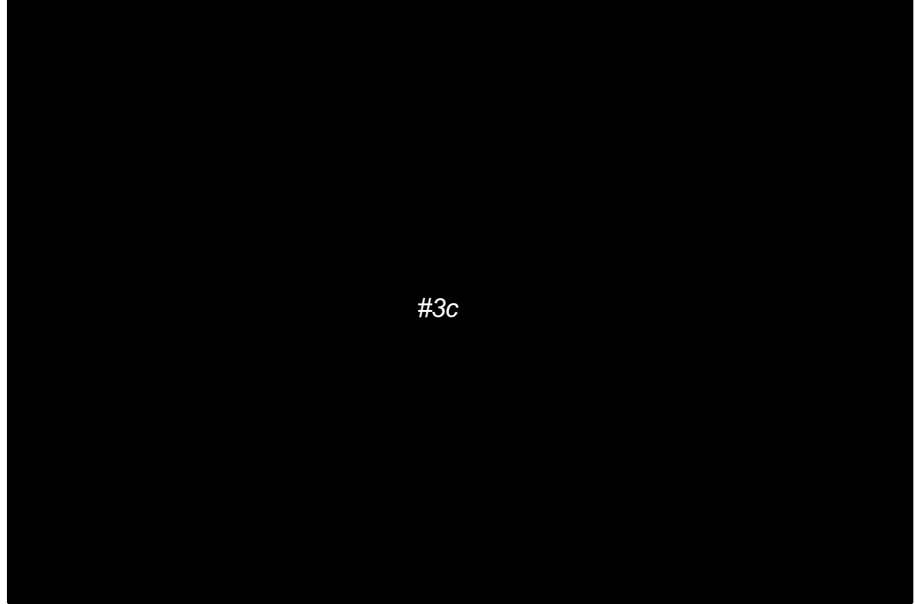
#3c

/074054 (320) CHGLOC E120
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/074455 (266) *ONSCNE E120
/074500 (320) REMINQ E123
/074510 ONSCNE E123
/074538 MISC
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/074642 (1008) MISC
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/080209 (690) *REMINQ E123
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/080410 *ENROUT P310
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[818 E SINTO]
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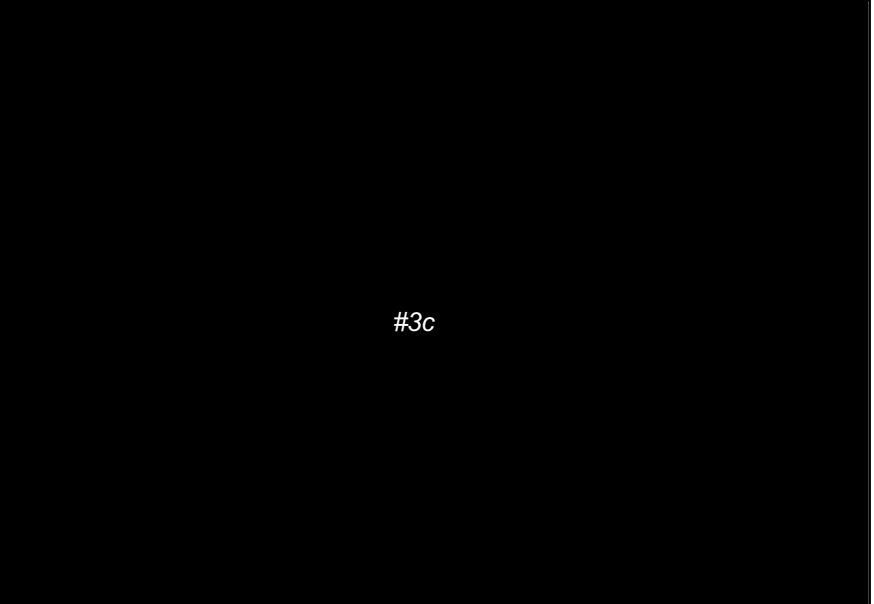
LIC,E123,ARG5645,,,,

,02/13/15 07:45:33 Message To: PCC01 From: P
CC01



#3c

#SP150049393



#3c

,*****DISREGARD LAST REG, DONE BY ERROR

,#####
MWANT,,,,,,SEMENIKHIN,PAVELM,1990,08,05,,,,,
,,,,,,6

[818 E SINTO]
#365 HARDING, RAYMOND

#SP150049393
#SP150049393
NAM: MAPLETHORP

PHO: 7032445319

,PSTAT/ASST

MVEH,ARG5615,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

DSP: 1D --> 1K

,PSTAT/CFS

DSP: 1K --> 1A

,PSTAT/CFS PSTAT/MISD PSTAT/MISDPSTAT/RPT

,PSTAT/ASST PSTAT/RPT

/080757 (331) *CLEAR L249
/081456 (365) *ONSCNE P310
/082548 *REMINQ P310
/083459 *CLEAR P310

/084258 (266) *CLEAR E120

/084639 (690) *MISC E123
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/084641 CLOSE E123
/122530 (1008) MISC

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/122530 MISC

#3c

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 15-049356	
INCIDENT TYPE Arrest		INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #2 THEFT-OPEN AREA		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)			ASSIGNMENT (Officer Assault)		
REPORTED ON Fri 02/13/2015 06:43	DATE/TIME	OCURRED ON Fri 02/13/2015 06:43	DATE/TIME	OCURRED TO Fri 02/13/2015 08:42	DISTRICT
DISPATCH TIME 07:39	ARRIVED TIME 07:44	CLEARED TIME 08:42	REPORT DATE 02/13/2015	REPORT TIME 11:25	EST TOTAL PROPERTY LOSS
PRIMARY CHARGE M-10.11.010 CITY ASSAULT					UCR/NIBRS CODE / 13B
ADDITIONAL CHARGES M-10.05.100 THEFT-CITY					
LOCATION OF INCIDENT 813 E sinto, Spokane, WA 99207			LOCATION NAME (IF APPLICABLE)		
SOLVABILITY FACTORS Suspect Arrested, Useful Physical Evidence					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS M. ROSENTHAL, MAPLETHORPE					
VICTIM/WITNESSES/OTHERS <small>C-Complainant, CV-Complainant, V-Victim, A-Arrested Person, D-Driver, G-Legal Guardian, IN-Individual, W-Witness, COH-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, MR-Person Mentioned</small>					
CODE V-1	NAME LAST FIRST MIDDLE MAPLETHORPE, BENJAMIN			SEX	RACE/ETHNICITY
HEIGHT	WEIGHT	BUILD	HAIR	EYES	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 Employed	EMPLOYER PHONE	
ADDITIONAL PHONES #5c					
CITATION # 5Z0230858	DATE 02/13/2015	TIME 08:15	BOOKED WHERE	DATE 02/13/2015	TIME 08:15
ARREST LOCATION 818 E Sinto Avenue, Spokane, WA 99207			STATEMENT <input checked="" type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input type="checkbox"/> ADMITTED <input checked="" 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
RELATIONSHIP TO SUSPECT Victim was Stranger		VICTIM OF Offns: # M-10.11.010 CITY ASSAULT		OFNDR # A-1	
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES Apparent Minor Injury			TYPE OF VICTIM		MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
HOSPITAL TAKEN TO	TAKEN BY	<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY	ATTENDING PHYSICIAN		SUICIDE NOTE FOUND? <input type="checkbox"/>

ID NO./NAME OF REPORTING OFFICER #266 - Coleman, Mylissa	DISTRIBUTION
APPROVAL #216 - Walker, Joe	DATE/TIME 02/15/2015 15:22

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 15-049356	
CODE W-1	NAME LAST, FIRST, MIDDLE Williams, Leigh-Ane R			SEX F	RACE/ETHNICITY W-White
HEIGHT 5'03"	WEIGHT 130	BUILD Light	HAIR	EYES BLU - Blue	DATE OF BIRTH/AGE 09/19/1983 31
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY, STATE, ZIP 818 E Sinto Avenue, Spokane, WA 99207			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (202) 215-5173					
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID
#4b			#4a		
CODE A-2	NAME LAST, FIRST, MIDDLE Semenikhin, Pavel M			SEX M	RACE/ETHNICITY W-White
HEIGHT 5'11"	WEIGHT 170	BUILD Light	HAIR Brown	EYES BRO - Brown	DATE OF BIRTH/AGE 08/05/1990 24
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY, STATE, ZIP 818 E Sinto Avenue, Spokane, WA 99207			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
CITATION # 5Z0230858	DATE 02/13/2015	TIME 08:15	BOOKED WHERE		DATE 02/13/2015
				TIME 08:15	
ARREST LOCATION 818 E Sinto Avenue, Spokane, WA 99207			STATEMENT <input checked="" type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input type="checkbox"/> ADMITTED <input checked="" 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
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID
#4b			#4a		0 #4b
PROPERTY					
ITEM # 1	STATUS Investigative Information		QUANTITY 1	UNITS	TOTAL VALUE \$ 399.00
DESCRIPTION/COMMENTS CELL PHONE		ITEM CATEGORY Miscellaneous not otherwise Classified		TYPE Miscellaneous	
BRAND DROID	MODEL RAZOR MAXX		SERIAL NUMBER	OWNER ASSIGNED NUMBER	
OWNER MAPLETHORPE, BENJAMIN			RECEIVED FROM		
COMMENTS					
NARRATIVE					

On 021315 I responded to 818 E Sinto at approx 0653 hrs to contact the compl, Maplethorpe, regarding damage to his veh that was parked in front of 818 E Sinto last night. While en-route to the scene, I was advised Maplethorpe is an off duty SPD officer.

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 15-049356
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I contacted Maplethorpe who was parked to the east of 818 E Sinto. He told me the following: Last night he parked his veh in front of 818 E Sinto along the curb to go to a nearby restaurant for dinner. He was parked from approx 1830-1930 hours. He noticed veh's parked on the lawn against the house at 818 and realized the only way they could access the yard was to drive over the curb and onto the lawn. When he was getting ready to leave, he noticed one of the veh's, a Subaru wagon, was no longer parked up against the house and must have driven backwards on lawn/sidewalk to get out onto the street. He went to work later that night and when he got off work, he tried to use his windshield wipers due to condensation on his windshield. He noticed there was no driver's side windshield wiper, that it had been ripped off the car. He check the area around his car and did not find it. He thought that maybe the person who lives at 818 E Sinto was mad that he could not drive straight into his yard and in retaliation, ripped the windshield wiper off his car. He went to this address to look around to see if he could find the missing part and he could not. He called dispatch to request an Officer to make a report. He gave a license plate of a veh parked on the front lawn, [APP0216], a green Subaru wagon. Checking the registration, I learned the veh is registered to Pavel Semenikhin at that address. I was able to see his SPRS photo. I contacted the compl who asked if I could contact the resident of 818 E Sinto to see if they had any involvement in the damage or might know who did.

I did knock on the door and while waiting for someone to come to the door, I could hear what sounded like a large breed dog inside the house that started barking. A male, [Semenikhin], answered the door. I told him I was there to talk to him about a veh that was damaged last night while parked in front of his house. He shrugged his shoulders. I told him the windshield wiper was ripped off the car and the owner thought perhaps he might be responsible in retaliation for parking in front of his house and denying straight access to park in the front yard of his house. He said he came home from work at about 5:30 last night, was home all night and did not drive the car after that. He said his wife was home all night as well. He added there was a lot of foot traffic last night with a lot of people walking around. [There was a Gonzaga men's basketball game from 1800--2000 hrs]. I spoke to the susp a few minutes and he continued denying any involvement. The compl was standing around the corner of a large bush to overhear our conversation.

Since the susp denied having any involvement with the damage to the victim's car and not finding the windshield wiper in the immediate area, I advised the compl to call crime check to make a police report and I provided him a crime victim card with incident #. I suggested maybe his insurance will cover the damage. I cleared the scene at approx 0718 hrs. As I left I saw the victim on his cell phone in his veh.

At approx 0739 hours, the original compl called SPD, requesting a unit respond back to the address as he had been, "attacked" by the original suspect. The suspect had grabbed his phone but he now had it back. The susp went back inside his house. He added he drew his weapon on the suspect.

Incident Report #1

CONTINUED ON NEXT PAGE

02/15/2015 15:26:20 B11

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 15-049356
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I arrived at approx 0744 hours and spoke to Maplethorpe. I noticed his veh was now parked directly in front of the suspects house along the south curb. He told me the following: He called crime check to make a report of the damage to his car and then called his insurance company to make a claim. While he was on the phone, he saw the same suspect exit his front door and he was not wearing a shirt. It was approx 32 degrees and foggy. The male walked toward his car. The passenger window was down slightly and the susp started telling him to leave. He told the susp he just wanted the windshield wiper arm back and the susp said he didn't have it, that he should have had more common sense that to park where he did. When he said this, he was laughing and smirking, which lead him to believe the susp was responsible for damaging his car. The male went back onto his front porch, patting his back, saying he graduated from Gonzaga Law School and he has the law on his side. He finished his approx 15 minute call and then got out of his car to take pictures of the susp as well as the susp's veh's. He was to the west on the sidewalk to take a photo of the susp since the susp was standing behind a large bush. After taking photos he was walking back toward his veh, when a large dog came out of the susp's house and came toward him, growling. He put his hands up and stared backing away from the dog. He asked the susp to get his dog back. The dog wandered off and he continued walking toward his car. As the susp marched toward him, he told him to leave and to get off his property. He stated he was walking/standing only on the east/west sidewalk and did not walk on the susp's lawn. The susp walked out onto the sidewalk from his front porch and aggressively walked toward him. He was standing at about where the two sidewalks cross. He was trying to take pictures of the suspect when the suspect grabbed his cell phone and keys from his hand, twisting his wrist as he did so. The susp had a tight grip on his hand as he ripped the phone away and clenched his other fist. He believed the susp was going to continue and possibly assault him further. He pushed the suspect away from him as he backed up to create space between them. He believed he was about to get assaulted so he drew his off duty side arm weapon from the holster, pointed it at the susp while announcing, "Spokane Police- get on the ground". The susp turned his back to him saying, you're not a cop! The susp walked back onto his porch, tossed the cell phone down and then went into his house. He walked up onto the porch to retrieve his cell phone and then went back to his car to call for assistance.

While talking to the compl, I saw the susp exit his front door, holding up a numerous keys in his right hand that appeared to be on a key ring. I did not know the susp had taken the keys. The vict pointed out a red object, [window punch], laying on the ground on the sidewalk at the edge of the grass. This was approximately where the 2 sidewalks crossed.

I did see fresh injury to Maplethorpe's left finger. It is noted the susp is considerably larger in stature than Maplethorpe.

I spoke to the susp's wife, Leigh-Ane, who told me the following: Earlier she heard what sounded like an augment outside her home. She was upstairs in their house when she looked outside due to the commotion. She saw the male, [Maplethorpe], standing at the rear or even at the back door of

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

Page 5

INCIDENT CLASSIFICATION
ASSAULT-SIMPLE

ATTEMPTED



INCIDENT NUMBER

15-049356

her car that was parked on the west end of the 3 veh's parked in front of her house. At this time, she saw her husband grab the man's keys from his left hand and then the male pointed a gun at her husband. Her husband walked back into the house. I asked if her husband told her what was going on and she said he stayed downstairs for a while, pacing around. She was busy with their 4 week old baby and their 5 year old child upstairs so she didn't really even have time to find out what was going on. I asked if anyone drove the Subaru last night after her husband got home and she said they were both home all night after he got home from work around 1800 hrs. She started asking me questions I could not answer as they pertained to court proceedings. She said she is going to Gonzaga Law school.

Photos of the victim's injury were taken. Photos of the victim's damaged cell phone were taken. I did see the cell phone was actually twisted. There was damage to the screen of the phone as well. The victim stated he got the phone through Verizon Wireless. The value of the phone is \$399.00 per Verizon's website.

The def was given a citation for City assault and city theft. I provided the victim a crime victim card w/inc #.

OFFICER/NUMBER/CALL SIGN

PFC M COLEMAN #266/ E120/ T1

Incident Report #1

END OF INCIDENT REPORT

02/15/2015 15:28:26 674

PHOTOLOG

AGENCY NAME SPD		CROSS REFERENCE NUMBER(S)		INCIDENT NUMBER 15 49356			
D A T A	INCIDENT CLASSIFICATION MAC MISC		LOCATION OF INCIDENT 818 E SINTO		MONTH 2	DAY 13	YEAR 15
	INVESTIGATOR COLEMAN		PHOTOGRAPHER BY HARDING				
	NAME (LAST, FIRST, MIDDLE) MAPLETHORPE BENJAMIN D		RACE	SEX	DOB		
		PHOTO # 1	THROUGH # 28				
NUMBER		DESCRIPTION					
1		LICENSE PLATE					
2-4		BROKEN WIPER					
5-9		LOCATION OF CAR					
10-12		MAPLETHORPE / CUT ON FINGERS					
13-18		BENT CELL PHONE					
19-20		PART OF KEY CHAIN ON SIDEWALK					
21-22		FRONT OF HOUSE					
23-25		BENT CELL PHONE					
26		LOG					
27-28		PHOTO TAKEN BY MAPLETHORPE					
P H O T O G R A P H S							

CRIMINAL

TRAFFIC NON-TRAFFIC LEA ORI#: WA0320400 COURT ORI #: WA032051J CITATION #: 5Z0230858 REPORT #: 150049356

IN THE DISTRICT MUNICIPAL COURT OF **SPOKANE MUNICIPAL COURT**
 STATE OF WASHINGTON COUNTY OF CITY/TOWN OF **SPOKANE**, PLAINTIFF VS. NAMED DEFENDANT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. #4b STATE #4b EXPIRES 08-05-15 PHOTO I.D. MATCHED YES NO NAME LAST **SEMENIKHIN** FIRST **PAVEL** MIDDLE **M** SFX COL YES NO

ADDRESS **818 E SINTO** IF NEW ADDRESS CITY **SPOKANE** STATE **WA** ZIP CODE **99207**

EMPLOYER EMPLOYER LOCATION

DATE OF BIRTH **08-05-90** RACE **W** SEX **M** HEIGHT **5'11"** WEIGHT **170** EYES **HAZ** HAIR **BLK** RESIDENTIAL PHONE NO. CELL/PAGER PHONE NO. **(509)979-9331** WORK PHONE NO.

VIOLATION DATE **02/13/2015 06:43** INTERPRETER NEEDED LANG. AT LOCATION **818 E SINTO** M.P. BLOCK # CITY/COUNTY OF **SPOKANE/SPOKANE**

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEH LIC NO. STATE EXPIRES VEH YR MAKE MODEL STYLE COLOR

TR #1 LIC NO. STATE EXPIRES TR YR TR #2 LIC NO. STATE EXPIRES TR YR

OWNER/COMPANY IF OTHER THAN DRIVER

ADDRESS CITY STATE ZIP CODE

ACCIDENT BAG COMMERCIAL VEHICLE YES NO 16+ PASS YES NO HAZMAT YES NO EXEMPT VEHICLE FIRE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

1. VIOLATION/STATUTE CODE **10.05.100** D.V. THEFT

2. VIOLATION/STATUTE CODE **10.11.010** D.V. ASSAULT

3. VIOLATION/STATUTE CODE D.V.

4. VIOLATION/STATUTE CODE D.V.

5. VIOLATION/STATUTE CODE D.V.

MANDATORY COURT APPEARANCE APPEARANCE DATE **02-25-15** TIME **1:30 PM** RELATED # DATE ISSUED **02-13-15**

TICKET SERVED ON VIOLATOR TICKET REFERRED TO PROSECUTOR

TICKET SENT TO COURT FOR MAILING BOOKED

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

OFFICER **M. ROSENTHAL** # **690**

COMPLAINT/ CITATION ABSTRACT OF JUDGMENT	CHG #	RESPONSE	CHG	DISPOSITION	FINES	SUSPENDED	SUB-TOTAL	FINDING/JUDGMENT DATE	TO SERVE DAYS	REMARKS
	1	0	NS	0 NG 0	\$		\$			
	2	0	NS	0 NG 2	\$		\$	ABSTRACT MLO TO OLYMPIA	0	CHG 11 VS SWJ Y N
	4	0	NS	0 NG 1	\$		\$	TOTAL COSTS		REC NONEXEMPTION OF SUSP Y N
	5	0	NS	0 NG 2	\$		\$			

CITATION # 5Z0230858 SPP CN

SEMENIKHIN, PAVEL M 080590

This ticket is incorporated into my Expediter report.

Officer's Report for Citation/Notice of Infraction # 5Z0230858.
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: M. ROSENTHAL # 690

Date and Place: 2/13/2015 City/Town of Spokane, County of SPOKANE

TRAFFIC		WEATHER		STREET		LIGHT	
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS		CITY		ADDRESS		CITY	
		STATE ZIP				STATE ZIP	
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS		CITY		ADDRESS		CITY	
		STATE ZIP				STATE ZIP	
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS		CITY		ADDRESS		CITY	
		STATE ZIP				STATE ZIP	
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS		CITY		ADDRESS		CITY	
		STATE ZIP				STATE ZIP	

