



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	Name / Identity 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	Date of birth 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	Personal home, work or cell phone number 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	Residential address 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	E-mail address 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, 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 (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 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 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 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 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 Richard Meyer

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/2/2015	2/24/2015	00:51
Record ID #	Incident No	IA No
8686	15-62193	F15-014
Date/Time Entered		
3/2/2015 17:06		

Incident Summary

See IA additional.

In compliance with policy per Assistant Chief Dobrow 04.09.15.

Incident Location

- 7016 Colton ST, Suite/Apt: D104, Direction: N, Spokane, WA 99208 - : Nevawood

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Resisting Arrest	Call For Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Exterior Lighting	a-0-3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	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		
None Detected		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen Information

Lucas James Nelson

DOB: 10/5/1977 Race: White Gender: Male

Address

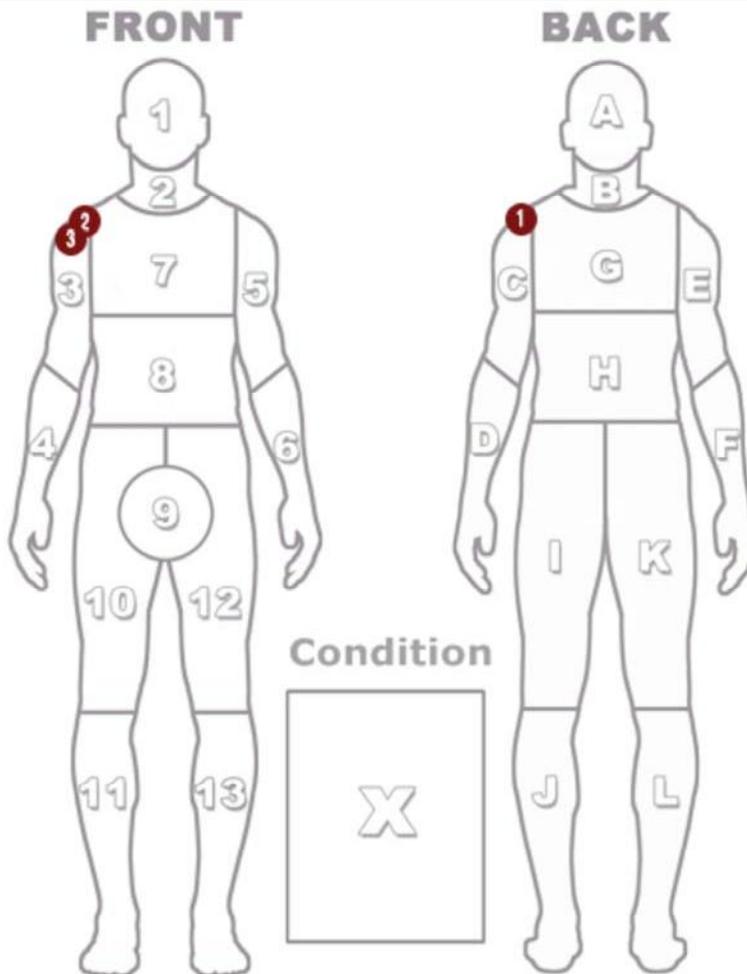
- 7016 Colton ST, Suite/Apt: D104, Direction: N, Spokane, WA 99208

Phone

- (509) 230-1968

Injuries sustained by this citizen

Injury	Regions	Injury Locations
a-Complaint of Pain	3, C	1, 2
d-Injury Requiring ER	3	3



Charges against this citizen

- Warrant

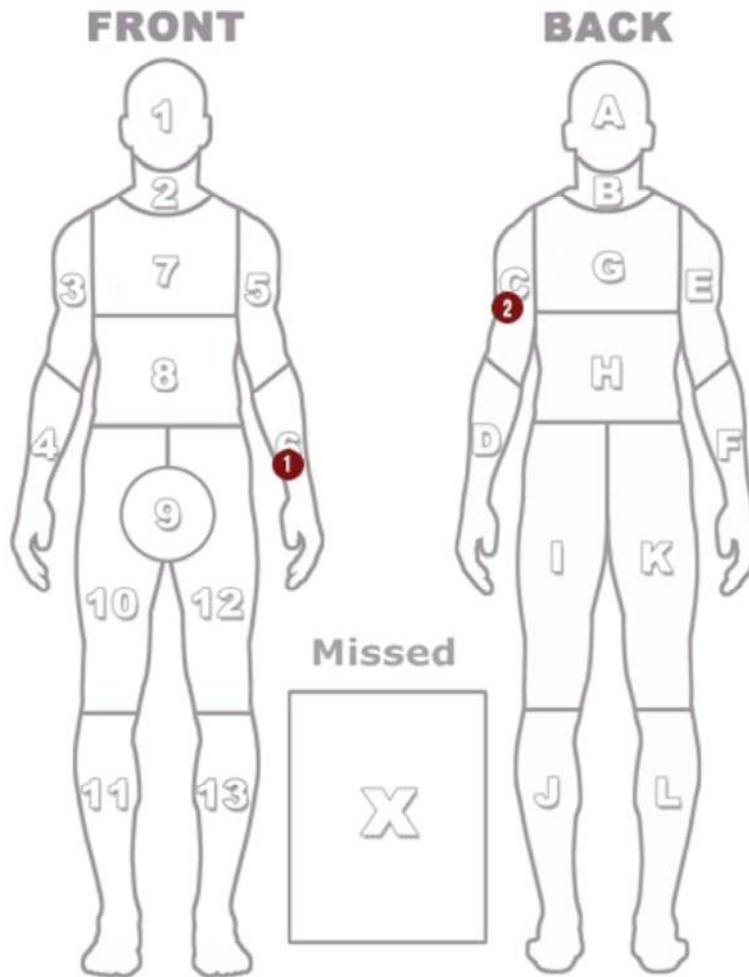
Involved Officers

Officer Brandon Fabian - Payroll Number: #5c

Force used by this officer against the citizen

- Takedown Technique - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Takedown Technique	Yes	6, C	1, 2

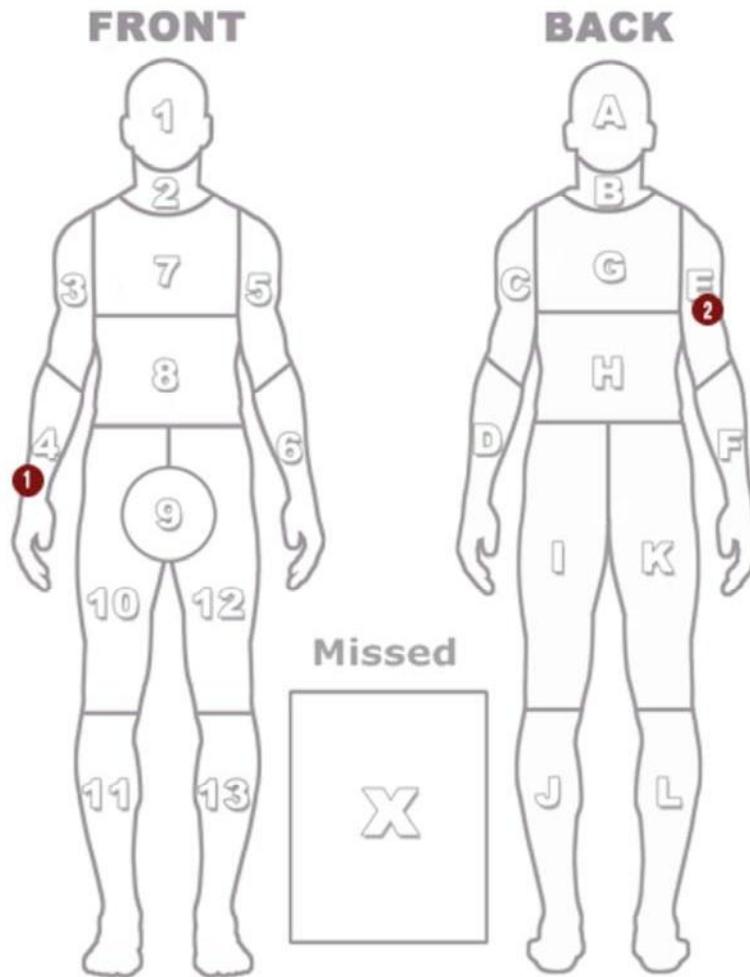


Officer Benjamin Yinger - Payroll Number: #5c

Force used by this officer against the citizen

- Takedown Technique - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Takedown Technique	Yes	4, E	1, 2



Officer Witnesses

Officer Christopher LeQuire - Payroll Number: #5c
 Officer Michael Russo - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
3/2/2015	CAD Print out	pdf
3/2/2015	Yinger Report	pdf
3/2/2015	Fabian Report	pdf
3/2/2015	Lequire Additional	pdf
3/2/2015	MANwill Report	pdf
3/2/2015	photographs of minor injury	docx
3/2/2015	Audio of Call	wav
3/2/2015	Nelson IA	doc

Chain of Command History

Sent Dt	From	To	CC	Approved
3/2/2015	Sergeant Richard Meyer	Lieutenant Dean	Lieutenant Thomas	

		Sprague	Hendren	<input checked="" type="checkbox"/>
Sender's Instructions: Attatched is the use of force,The orgin of the blue team is a complaint of an injury. For your review. Thanks Rich				
Recipient's Comments/Response: I concur with Sgt. Meyer's conclusion that the force used against Nelson was objectively reasonable given the circumstances (size, hostility, active felony warrant, DV assault suspect), and that when officers attempted to handcuff him, Nelson physically responded by tensing up to prevent his restraint. Claimed injury by Nelson was determined not to have been caused by officers, but was rather pain from a pre-existing injury. Use of force was within policy, case law and use of force guidelines.				
3/8/2015	Lieutenant Dean Sprague	Captain Craig Meidl	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Forward through North PSA patrol chain of command.				
Recipient's Comments/Response: [Forwarded by Captain Craig Meidl]				
3/12/2015	Captain Craig Meidl	Asst Chief Patrick Dobrow	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Officers responded to a domestic violence call. Upon arriving, officers positioned themselves at the front and back of the residence. Arguing could be heard inside the residence. Ofc Yinger did not get a response at the front door after attempting to make contact. He attempted to contact the officers at the rear of the residence, but did not get a discernable response. Some sort of scuffle or fight could be heard over the radio. Ofc Yinger heard the units at the rear of the residence ask for more units; he assumed they were inside fighting with the suspect. He forced entry through the front door. Upon making contact with the suspect, Ofc Yinger discovered the officers had contacted the suspect, who was non-compliant and asking officers if they were going to shoot him. After sufficient officers had arrived, the suspect was convinced to sit down to prevent him from readily assaulting the officers or fleeing. As Ofcs Yinger and Fabian attempted to handcuff the suspect, he tensed his arms and attempted to prevent the officers from handcuffing him. Officers were able to use minimal force to overcome the suspect's resistance and apply handcuffs. The suspect complained of a dislocated shoulders and medics were called. Subsequently, the suspect was transported to the hospital and examined by a physician. The physician determined the suspect's shoulder had not been dislocated and the discomfort was the result of his prior dislocations. The suspect told the responding supervisor "These officers followed procedure and did nothing wrong." The forced entry into the residence and subsequent use of force were within policy.				
Recipient's Comments/Response: The use of force was reasonable and within policy				

Entering Officer Signature Line

Sergeant Richard Meyer

Chain of Command Signature Lines

Lieutenant Dean Sprague

Captain Craig Meidl

Asst Chief Patrick Dobrow



Spokane Police Department
Internal Investigation



CONFIDENTIAL

IA#
Additional

Complaint Being Investigated

Complaint of injury (Dislocated RT Shoulder) while subject is being handcuffed.

Complainant Interview Summary

While interviewing, Lucas J. Nelson at HFER he complained that his shoulder had been dislocated. He stated this injury originally occurred sometime last May 2014. He stated that the reoccurring injury often gets dislocated. He also stated "these Officers followed procedure and did nothing wrong".

Nelson appeared to be in pain while I interviewed him in the ER.

Officer Interview Summary

Officers stated that as they were effecting an arrest they used 2 person prone handcuffing technique¹ due to the subjects size, demeanor and the rapid evolving situation at the original domestic violence call. (See their report for detail of arrest and force used).

Witness Interview Summary

Witness Officers documented the subjects behavior before and during the arrest. (See their reports for further detail of subjects size and non compliance)

¹ HAND CUFFING

The objective reasonableness of this applied technique will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Further, determining whether the force used to effect a particular seizure was reasonable under the Fourth Amendment requires a careful balancing of, "the nature and quality of the intrusion of the subject's Fourth Amendment interests". The severity of the crime at issue, the immediate threats to officers and others and whether the subject is actively resisting arrest or attempting to evade arrest by flight are key in determining the reasonableness of the application of this technique.

Physical Evidence

Photos taken at the scene and Hospital. (Sample photos included in packet).

Investigative Summary

Officers Yinger and Fabian were effecting an arrest of a male who they identified as Lucas J. Nelson while enroute to a Call for service of a domestic violence call. Officers were advised that subjects including Nelson had active arrest warrants inside the residence.

After separating the subjects Nelson who had moments earlier been non-compliant and refused to follow commands tensed up when officers went in for arm control while executing the arrest. They decided to guide the subject down to the ground and utilize 2-person prone handcuffing. During this movement the arrested subject Nelson complained of a dislocated shoulder stemming from being taken to the ground.

Medics arrived and determined that the subject should be seen at the ER. While at the ER Nelson was cleared for booking and although Nelson appeared to be in pain Dr. Cal Smith stated that there was no new injury and that the MRI showed no new dislocation of the right shoulder.

Based on the officer and witness statements and the available physical evidence, all indicators are that the suspect was non-compliant. The application of a prone cuffing technique against a non compliant individual is an objectively reasonable application of force and is consistent with department training and practices.

R. Meyer/L288 /s/

04/16/15 13:38:18 PRINT REQUESTED BY TERMINAL PADN07
Incident History for: #SP150062193

Entered 02/24/15 00:42:25 BY 91110 911233
Dispatched 02/24/15 00:47:53 BY PCC01 1069
Enroute 02/24/15 00:47:53
Onscene 02/24/15 00:51:51
Closed 02/24/15 03:52:54

Initial Type: DV Final Type: DV (DOMESTIC VIOLENCE)
Initial Priority: 2 Final Priority: 2
Disposition: 1A Source: 9 Primary Unit: B441
Police BLK: SPB3NL
Group: P3 Beat: Map Page: 31
Loc: 7016 N COLTON ST #D104 ,SPK btwn E WEDGEWOOD AV & E WEILE AV <000> (V)
Loc Info: COMMON AREA IFO
Name: KERNS, STEPHANIE L Addr: 051090/SAME Phone: 5099907178

/004225 (911233) ENTRY MOM'S HUSB IS AT LOC. REFUSING TO LEAVE . NO W
EAPONS IN USE, POCKET KNIVES IN BEDROOM NO ACC
ESS.
/004225 \$FCSEND ,Incident data pushed to folder
/004227 (*****) \$FCAK ,Processed Successfully
/004257 (911233) SUPP TXT: HUSB:NESLON, LUCAS UMI 37YO WM, WEARING A
LL BLACK
/004346 SUPP TXT: MOM:NELSON, MELISSA L 121970
/004423 CHANGE NAM: FEMALE --> KERNS, STEPHANIE L,
ADR: SAME --> 051090/SAME,
TXT: IF EITHER LEFT WOULD BE ON FOOT.
/004438 (1069) PISEEN
/004439 HOLD
/004448 (911233) SUPP TXT: MOM AND HER HUSB YELLING IN BG. ###
/004511 (1069) CALLBK T/PCC02
 ,CONF/HOLD KERNS, MELISSA L 121970
/004533 MISC #3a
/004651 MISC #3a
/004719 (1144) CALLBK T/PCC01
 ,CONF/HELD
/004753 (1069) DISPER B447 #1187 LEQUIRE, CHRISTOPHER
/004753 ASSTER L288 #607 MEYER, RICHARD
/004758 ASSTER B441 #698 YINGER, BENJAMIN
/004759 PREMPT L288
/005026 (1015) *ASSTER B321 [7016 N COLTON ST #D104 ,SPK]
 #1015 KIRBY, AARON
 #1177 BRIGGS, NICK
/005049 (1219) *ASSTER B320 [7016 N COLTON ST #D104 ,SPK]
 #1219 MANWILL, BEATRICE
 #994 BODE, CHRISTOPHER
/005151 (1069) ONSCNE B441
/005200 ASSTER K15 [7016 N COLTON ST #D104 ,SPK]
 #452 LESSER, DANNY
/005210 (607) *ASSTER L288 [7016 N COLTON ST #D104 ,SPK]
 #607 MEYER, RICHARD
/005237 (781) *ASSTER B442 [7016 N COLTON ST #D104 ,SPK]
 #781 RUSSO, MICHAEL
/005243 (1069) MISC ,OCA ON WALSH/AKA/KERNS WARRANT 371015
/005250 (1191) *ASSTER B448 [7016 N COLTON ST #D104 ,SPK]
 #1191 FABIAN, BRANDON

/005401		*ONSCNE	B448	
/005416	(1219)	*ONSCNE	B320	
/005417	(1069)	ONSCNE	B447	
/005437		MISC	B441	, CAN HEAR THEM ALL IN THERE YELLING AND ARGUING
/005439	(1084)	*ASSTER	B445	[7016 N COLTON ST #D104 ,SPK] #1084 BELITZ, TODD
/005439	(781)	*ONSCNE	B442	
/005529	(1069)	NEWLOC	B447	[REAR]
/005548		MISC	B441	, FIGHTING INSIDE, NEED ANOTHER TO THE BACK
/005607		MISC	B441	, KNOCKING AT THE FRONT
/005612		MISC	B441	, TO UNITS IN BACK CONTACT?
/005624		MISC	B447	, RESTRICTED
/005629	(625)	*ASST	P317	[7016 N COLTON ST #D104 ,SPK] #625 BUSCH, KEVIN
/005647	(1069)	MISC	B441	, KICKING THE FRONT
/005657	(1022)	*ASSTER	X322	[7016 N COLTON ST #D104 ,SPK] #1022 FAIRBANKS, LANCE
/005657	(1069)	MISC	B447	, MORE UNITS TO REAR
/005658	(973)	*ASSTER	X351	[7016 N COLTON ST #D104 ,SPK] #973 DONALDSON, NATHAN
/005710	(1069)	MISC	B441	, WE ARE IN NOW
/005719		ONSCNE	B445	[REAR]
/005734	(952)	*ASSTER	F31	[REAR] #952 BRASCH, CHRISTOPHER
/005738	(625)	*ENROUT	P317	
/005816	(1015)	*ONSCNE	B321	
/005821	(1069)	MISC	B445	, SLOW IT DOWN
/005836	(625)	*ONSCNE	P317	
/005838	(1069)	CALLBK	B447	T/PCC02 , CONF DOC OCA/812366
/005858	(1015)	*REMINQ	B321	MVEH,AQE2417,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
/005925	(1069)	REMINQ	B321	LIC,B321,AQE2417,,,,,
/005942	(1144)	CALLBK	B321	T/PCC01 , DOC CONF, JAIL LOCATE
/005945	(1069)	MISC	B321	, SB OUT OF COMPLEX
/005952	(911192)	SUPP		LOC: 7016 N COLTON ST #D205 ,SPK, LOCI: COMMON AREA IFO, NAM: KIM, ADR: SAME, PHO: 5097147319, TXT: CAN HEAR YELLING, UNK IF PHYSICAL. UNK WE APONS. MAY BE INTOX.
/010034	(952)	*PREMPT	F31	
/010034	(1069)	MISC	B442	, SHE WAS OUT BY THE COLTON AREA WITH THE DOG
/010040	(1022)	*ONSCNE	X322	
/010043	(911192)	SUPP		TXT: CAN ONLY HEAR IT, AT LEAST 3 VOICES. LE O NSCENE . MY COMP: SPAIN, KIM ###
/010113	(1069)	ONSCNE	L288	
/010215	(1015)	*REMINQ	B321	MVEH,ADE2417,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
/010223	(1069)	MISC	P317	, SAW THE MELISSA GAL WALKING A DOG
/010316		ONSCNE	K15	
/010325	(973)	*ONSCNE	X351	
/010447	(607)	*ONSCNE	L288	
/010455	(1069)	MISC	B320	, #####
/010530		CALLBK	B441	T/PCC02 , MEDICS FOR POSS DISLOCATED SHOULDER
/010551	(1144)	CALLBK	B441	T/PCC01 , MEDICS ENR
/010712	(1015)	*REMINQ	B321	MVEH,134YIW,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

/035212	*MISC	B441	, PSTAT/WAR
/035254	*CLEAR	B441	DSP: 1A
/035254	CLOSE	B441	

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 15-062193	
INCIDENT TYPE Domestic Violence, Information		INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2 DOMESTIC DSPT-FMLY <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3 WARRANT ARREST		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #4 <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON Tue 02/24/2015 00:42	DATE/TIME	OCCURRED ON Tue 02/24/2015 00:42	DATE/TIME	OCCURRED TO Tue 02/24/2015 00:42	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 02/24/2015	REPORT TIME 04:20	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE					UCR/NIBRS CODE
LOCATION OF INCIDENT 7016 N Colton #D104, Spokane, WA 99208				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS Suspect Named					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Manwill, LeQuire, Fabian					
SUSPECTS <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-Misery, PE-Pedestrian, PC-Pedestrian - Cyclist, O-Other, MR-Person Mentioned</small>					
CODE S-1	NAME: LAST, FIRST, MIDDLE Nelson, Lucas James			SEX M	RACE/ETHNICITY W-White
	DATE OF BIRTH/AGE 10/05/1977 37				
HEIGHT 6'00"	WEIGHT 250	BUILD Heavy	HAIR Brown	EYES Brown	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY, STATE ZIP 7206 E 2nd, Spokane Valley, WA 99212			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL ADDRESS					ADDRESS TYPE Transient
ADDITIONAL ADDRESS 7016 N Colton #D104, Spokane, WA 99208					ADDRESS TYPE Other Addresses
ADDITIONAL PHONES (Cell-Message Phone) (509) 230-1968					
DRIVER'S LICENSE <input type="checkbox"/> FAKE	STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE #4a	OTHER ID (ID Card) #4b	(State ID No.) #4b	
TYPE OF INJURY OR ILLNESSES/DESCRIBE INJURIES Apparent Minor Injury				TYPE OF VICTIM	MEDICAL RELEASE OBTAINED? <input type="checkbox"/> Yes <input type="checkbox"/> No
HOSPITAL TAKEN TO Holy Family	TAKEN BY Ambulance	<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY	ATTENDING PHYSICIAN Dr. Cal Smith	SUICIDE NOTE FOUND? <input type="checkbox"/>	HOLD PLACED BY

ID NO./NAME OF REPORTING OFFICER #698 - Yinger, Benjamin	DISTRIBUTION
APPROVAL #013 - Giannetto, Anthony	DATE/TIME 02/24/2015 06:47

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION ASSAULT-SIMPLE				ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 15-062193	
VICTIM/WITNESSES/OTHERS <small>C-Complainant, CV-Complainant to Victim, A-Arrested Person, D-Driver, G-Legal Guardian, IN-Institutional, W-Witness, CGN-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 V-1	NAME: LAST, FIRST, MIDDLE Kerns, Melissa L			SEX F	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 12/19/1970 44
HEIGHT 5'08"	WEIGHT 150	BUILD Medium	HAIR Brown	EYES BRO - Brown	DESCRIPTORS	
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 7016 N Colton #D104, Spokane, WA 99208			RESIDENTIAL STATUS	PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE	
ALIAS NAMES (MONIKERS) Nelson, Melissa L				GANG AFFILIATIONS/HOW KNOWN		
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
#4b			#4a		(SPRS) #3k	
NARRATIVE						

On 2-24-15 at 0047 hrs, I was dispatched with other officers to 7016 N Colton #D104 for a DV call. Stephanie L Kerns (051090) called and reported her mother's husband, Lucas J Nelson (100577), was at the apartment and refusing to leave. Her mother was Melissa L Kerns (121970) - (AKA Melissa L Nelson).

Dispatch checked the names and advised Lucas had a DOC warrant for his arrest, and Melissa had three confirmed misdemeanor warrants for her arrest. I viewed their SPRS photos on my computer while en route.

Upon arrival, I approached the front window of the apartment. I could hear a male voice and a female voice yelling and arguing. The female was calling the male Lucas. I was attempting to look through the closed kitchen blinds but I could not see them. It sounded like they were in the back of the apartment near the sliding door. I advised Ofc LeQuire and Ofc Fabian to go to the back of the apartment.

Ofc LeQuire advised the subjects were possibly fighting inside. I banged on the locked front door and announced it was the police. I attempted to raise Ofc LeQuire on the radio two times for his status. I could hear Lucas yelling at officers inside the apartment. I was concerned Lucas was either assaulting other subjects inside the apartment or engaged in a physical confrontation with Ofc LeQuire and Ofc Fabian. I heard Lucas yell "What? Are you going to shoot me?" I heard Ofc Lequire ask for more officers to assist him in the back of the apartment.

I had Ofc Bode and Ofc Manwill with me. I forced entry through the front door by kicking it inward with my foot. I saw Lucas standing just outside the open back slider door. He was yelling at Ofc LeQuire and Ofc Fabian. He was not following their commands to sit down. I could hear two young children crying inside the back bedroom. I cleared the apartment with Ofc Manwill and Ofc Bode as we moved towards Lucas. I saw the two young children crying on top of the bed in the back bedroom. Lucas looked like he was ready to re-enter the apartment and I was concerned for the children's welfare if Lucas came back inside.

I went outside as Lucas was finally agreeing to sit down on a cooler. I recognized him from SPRS photo. He appeared intoxicated. He was very agitated and still yelling at officers. Stephanie was outside the back door sitting in the grass. She was holding a barking dog and crying. I could not see Melissa anywhere. I decided to immediately handcuff Lucas for officer safety due to his uncooperative demeanor, intoxication, and his large stature.

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION
ASSAULT-SIMPLE

ATTEMPTED

INCIDENT NUMBER
15-062193

I told Lucas he was under arrest as he was seated on the cooler. I took right arm control of him and Ofc Fabian took left arm control. I felt Lucas resisting me by tensing the muscles of his right arm to prevent me from getting it behind his back. I told him to not resist us as I placed his right arm behind his back. He attempted to get his arms back around to the front of his body. Ofc Fabian and I maintained arm control and guided Lucas down to the grass and into a prone handcuffing position. He was screaming and yelling at us. I told him to stop resisting and to calm down. Ofc Fabian and I placed Lucas' hands behind his back and we prone handcuffed (dl).

Officers advised me that Melissa had just been outside with them and trying to control a dog. She disappeared while we were busy contacting and attempting to control Lucas. Lucas told us she was aware she had warrants for her arrest and she did not want police contact.

Lucas was complaining about pain to his right shoulder from being placed in handcuffs. He said his shoulder was dislocated. His shoulder did not appear dislocated, as it was in an upward position. Lucas said he shoulder comes out of place "15 times a day" and he needs to have somebody press on it to get it back into place for him. Lucas asked us to put his shoulder back in place for him. I called for medics to respond.

I checked the front door for any damage from me forcing it open. The only apparent damage was a loose striker plate for the dead bolt on the door frame. It appeared the deadbolt was not fully locked at the time I kicked the door. Cpl Busch took photos of the door.

Ofc Fabian interviewed Lucas and Ofc Manwill interviewed Stephanie. Officers could not locate Melissa to obtain her side of the story. We determined there was no PC at this time for any DV crime.

Medics checked Lucas and advised he would need to go to the hospital to have his right shoulder checked. I advised Sgt Meyer of the apparent injury. Ofc Fabian and I placed Lucas in double sets of handcuffs to make him more comfortable for his transport to the hospital. He was transported to Holy Family hospital by AMR. Ofc Fabian, Sgt Meyer, and I responded to the hospital. Cpl Busch also responded for photos of Lucas' shoulder.

Lucas was examined by Dr. Cal Smith at the hospital. It was determined there was no dislocation and no fractures, and his MRI as compared to his most recent MRI showed his shoulder was healing. Lucas was medically cleared for booking and discharged from the hospital.

Ofc Fabian and I placed Lucas in three sets of handcuffs (dl) to make him more comfortable for his transport to jail. I transported him to jail and he was booked on his DOC warrant.

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.

Ofc B Yinger 698

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION
ASSAULT-SIMPLE

ATTEMPTED

INCIDENT NUMBER
15-062193

DATE: 2-24-15

PLACE: Spokane, Spokane County, WA

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 15-062193	
REPORT PURPOSE			REPORTED ON DATE Tue 02/24/2015	TIME 00:42	INCIDENT XREF
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 DOMESTIC DSPT-FMLY		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 02/24/2015	REPORT TIME 03:17	
PRIMARY CHARGE					UCR/NIBRS CODE

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-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 C-1	NAME: LAST, FIRST, MIDDLE Kerns, Stephanie Lynne			SEX F	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 05/10/1990 24
HEIGHT 5'05"	WEIGHT 180	BUILD Heavy	HAIR	EYES -	DESCRIPTORS	
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 7016 N Colton Street #D104, Spokane, WA 99207			RESIDENTIAL STATUS	PHONE (509) 990-7178	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (Home) (509) 990-7178						

CODE MIR-1	NAME: LAST, FIRST, MIDDLE #2d			SEX F	RACE/ETHNICITY -	DATE OF BIRTH/AGE 4
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS	
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP			RESIDENTIAL STATUS	PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE	

CODE MIR-2	NAME: LAST, FIRST, MIDDLE #2d			SEX F	RACE/ETHNICITY -	DATE OF BIRTH/AGE 5
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS	
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP			RESIDENTIAL STATUS	PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE	

ID NO./NAME OF REPORTING OFFICER #1219 - Manwill, Beatrice		DISTRIBUTION
APPROVAL	DATE/TIME	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION ASSAULT-SIMPLE				ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 15-062193
CODE MIR-3	NAME: LAST, FIRST, MIDDLE #2d			SEX M	RACE/ETHNICITY -
DATE OF BIRTH/AGE 01/29/2010 5		HEIGHT	WEIGHT	BUILD	HAIR
EYES		DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 7016 N Colton Street #D104, Spokane, WA 99207			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
CODE MIR-4	NAME: LAST, FIRST, MIDDLE #2d			SEX F	RACE/ETHNICITY -
DATE OF BIRTH/AGE 04/19/2012 2		HEIGHT	WEIGHT	BUILD	HAIR
EYES		DESCRIPTORS			
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 7016 N Colton Street #D104, Spokane, WA 99207			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
NARRATIVE					

On February 24, 2015 at approximately 0016 hours I responded to 7016 N. Colton #D104 regarding a domestic dispute.

Upon arrival, I contacted the complainant, identified as Stephanie Kerns. Stephanie lives at the address. I asked Stephanie what happened and she told me the following:

She was at the residence with her two kids, identified as #2d #2d, her two nieces, identified as #2d #2d and her step-dad and mother. Her step-dad and mother do not get along. Stephanie and her step-dad and mother all were drinking. They got into an argument over a guitar.

Stephanie wanted her step-dad to leave. He was looking for her mother inside of the apartment. Stephanie "got him to go outside" of the slider. She then tried to lock it and could not lock it in time. Stephanie told me "That's when he came at me". Stephanie is referring to her step-dad. She says she was afraid of him because he is a big guy.

Stephanie told me that we arrived shortly after he came after her. Stephanie did not have any visible injuries and declined medical attention. Stephanie told me that she was not assaulted and that she did not assault anyone.

It should be noted that the four young children were all in the house when today's incident took place. All of the girls were in Stephanie's bedroom watching Dora the Explorer while Taijon was sleeping in his room.

Stephanie's stepdad was interviewed by Officer Fabian, reference his report for additional information.

Stephanie's mother was not on-scene and could not be located for an interview.

I gave Stephanie a crime victim card with the incident number.

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 15-062193
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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.

OFFICER: B. Marwill
NUMBER: 1219
DATE: 022415
PLACE: Spokane, Spokane County, WA

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 15-062193	
REPORT PURPOSE			REPORTED ON DATE Tue 02/24/2015	TIME 00:42
INCIDENT CLASSIFICATION #1 WARRANT ARREST		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 DOMESTIC DSPT-FMLY	
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 02/24/2015	REPORT TIME 02:34
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

On 2/24/15 at approximately 0047 hours, I was dispatched to a report of Domestic Violence at 7016 N. Colton, #D104. While enroute I was informed by Radio that the male on scene, Lucas J. Nelson, had a confirmed DOC Warrant. Once on scene I headed to the rear of the apartment to meet with Ofc. LeQuire who was already in place there.

As I approached the rear of the location I heard Ofc. LeQuire giving commands to individuals that were exiting the apartment. Two females, one being the complainant, Stephanie L. Kerns, and her mother were out first and were yelling and crying. Stephanie kept yelling "Help!" and "My kids are still in there!". As this was occurring, two dogs exited the residence with them; one, a pitbull, ran towards Ofc. LeQuire (see his report) and Stephanie pulled him away as I was approaching.

I instructed Stephanie to keep ahold of the dog as the suspect, Lucas J. Nelson, was now exiting the residence. As Lucas did this we gave instructions for him to show us his hands and step away from the sliding door. Lucas displayed an aggressive attitude towards us: he postured up and failed to follow our commands and he started yelling that he hadn't done anything. During this time I instructed the two females to stay where they were.

Due to Stephanie's statements that her children were still in the apartment and that Lucas was not moving from the entrance of the sliding door, I went around to the door side of Lucas to intercept him in case he decided to re-enter the apartment.

We then began speak with Lucas in an attempt to calm him down and get him in a position where we could take him into custody without incident. With Officers Russo, LeQuire, Yinger and myself in place around Lucas, we were able to convince Lucas to sit on a cooler that was nearby. As he did this, Ofc. Yinger and I then closed distance and began to use a two-officer handcuffing technique to gain control of Lucas. The moment we put our hands on Lucas I felt him tense up his arms and body.

Ofc. Yinger instantly informed me that we should transition him onto the ground and place him in the prone handcuffing position to apply the handcuffs (see his report).

After placing him on the ground in the prone position, I assisted in placing him in handcuffs (DL). At this time Lucas started yelling that he had a right shoulder problem. I instructed him onto his left

ID NO./NAME OF REPORTING OFFICER #1191 - Fabian, Brandon		DISTRIBUTION
APPROVAL	DATE/TIME	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION WARRANT ARREST	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 15-062193
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side and did a cursory search for weapons. To conduct this cursory search for weapons on the opposite side, I instructed/assisted him to his knee to allow us to finish searching for weapons while not having him roll onto his right shoulder.

I then helped him back up onto the cooler to sit while we continued our investigation.

He was constantly making statements about his right shoulder hurting. He said that he had a bad injury to it back in May of 2014 and that it routinely gets dislocated "about 15 times a day".

Fire was called to check on his shoulder (After they checked him out, Ofc. Yinger and I added another handcuff to the one already on him in an attempt to loosen the pressure that was on his shoulder).

I then asked him to explain what was going on that night. He said the following:

He was at the apartment with Stephanie and his wife, Melissa L. Kerns. He said that he and Stephanie got into a verbal argument about how he treats his wife. Then all of a sudden Stephanie grabbed his neck.

He said that he didn't feel as though he was unable to breathe. He pushed her off of him and they continued with the verbal argument. Moments later is when the Police arrived.

I observed his neck based off his statements and did not observe any marks that would indicate he was grabbed.

[End of Lucas's statements]

Ofc. Yinger and I then followed AMR to Holy Family Hospital to get Lucas's shoulder medically examined/cleared. While at the hospital, Cpl. Busch took photos of his torso.

After being cleared by the hospital, I then assisted Ofc. Yinger in placing Lucas in the back of his patrol vehicle for transportation to the Spokane County Jail. We used three interlocking sets of handcuffs to allow as much pressure to be taken off his shoulder as possible.

Ofc. B. Fabian, #1191
B448

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.

OFFICER: B. Fabian

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION WARRANT ARREST	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 15-062193
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NUMBER: #1191
DATE: 2/24/15
PLACE: Spokane, WA

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 15-062193	
REPORT PURPOSE			REPORTED ON DATE Tue 02/24/2015	TIME 00:42
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 DOMESTIC DSPT-FMLY	
INCIDENT CLASSIFICATION #3 WARRANT ARREST		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 02/24/2015	REPORT TIME 02:53
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

On 02/24/15 at approximately 0054 hours, I responded to 7016 N Colton #D104 for report of a family member refusing to leave the location.

While en route to the location, units were advised the male suspect had a felony warrant for his arrest.

Once on scene, I went to the rear of the apartment building. Before I approached the target door, I could hear loud yelling from several doors away.

When I got to the back of D104, the rear slider door was open slightly and the blinds were mostly open. I identified the male as Lucas Nelson from his booking photo being pinned against the wall by two females. The females appeared to be pushing against Lucas' upper chest and neck area. I stated, "Spokane Police, get on the ground."

At that point, the rear slider door opened and the two females exited first. Following them was a medium sized pit bull that attempted to bite me in my left leg. Lucas stood on the back patio with his arms out the side and refused my commands for him to get onto the ground. He stated, "What are you going to do, shoot me?"

Once more officers came to the rear of the apartment, Lucas was talked into sitting down on a cooler. I then observed Officer Fabian and Officer Yinger each grab one arm and guide Lucas to the grass and then use the prone cuffing technique to place him under arrest. I held down Lucas' legs to prevent any injury to him or any others.

Lucas began complaining of an old shoulder injury and stated his shoulder dislocates several times a day. He asked for LE assistance to place his shoulder back into socket. Medics were dispatched to the scene to evaluate Lucas.

Refer to Ofc Yinger and Ofc Fabian's report for additional information.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND

ID NO./NAME OF REPORTING OFFICER #1187 - LeQuire, Christopher		DISTRIBUTION
APPROVAL	DATE/TIME	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 15-062193
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THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

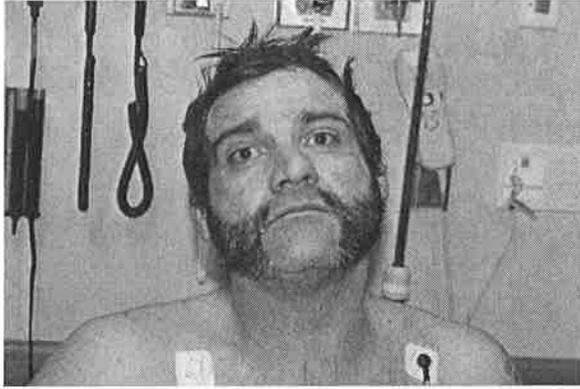
OFFICER: C.LeQuire

NUMBER:1187

DATE:02/24/15

PLACE: City of Spokane, Spokane County, WA

1.



2.



3.

