



**SPOKANE POLICE DEPARTMENT**

FRANK STRAUB, JR.  
CHIEF OF POLICE

**Internal Affairs  
Exemption Log**



Number	Material Withheld	Brief Explanation of Why Material Withheld	Legal / Statutory Basis
<b>Witness Exemptions</b>			
#1a	<u>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)
<b>Juvenile Information</b>			
#2a	Names of Juveniles who are in the Juvenile court system	Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</i> , 122 Wn.App. 84, 94 (2004)
#2b	Records relating to commission of Juvenile offenses.	Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of

			Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS, 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)
<b>ACCESS Database Info</b>			
#3a	Information from WACIC/NCIC (ACCESS): <b><u>Criminal history information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3b	Information from WACIC/NCIC (ACCESS): <b><u>License Plate Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3c	Information from WACIC/NCIC (ACCESS): <b><u>Vehicle Registered owner information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3d	Information from WACIC/NCIC (ACCESS): <b><u>Wanted persons information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3e	Information from WACIC/NCIC (ACCESS): <b><u>Officer safety information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3f	Information from WACIC/NCIC (ACCESS): <b><u>Gun information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to

		law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3g	Information from WACIC/NCIC (ACCESS): <b><u>DOL Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3h	Information from WACIC/NCIC (ACCESS): <b><u>Stolen Vehicle Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3i	Information from WACIC/NCIC (ACCESS): <b><u>Missing Persons Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3j	Information from WACIC/NCIC (ACCESS): <b><u>Runaways or endangered persons</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3k	WACIC/NCIC (ACCESS): <b><u>DOC Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3L	WACIC/NCIC (ACCESS): <b><u>Stolen Property</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3m	WACIC/NCIC (ACCESS): <b><u>Court Orders</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
<b>Personal Identifiers and Financial Info</b>			
#4a	Social Security Number	This information constitutes personal	RCW 42.56.050 (Invasion

		identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	of privacy), RCW 42.56.230 (Personal information), 42.56.250(3)(8) (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt), 42 USC § 405(c)(2)(viii)(I) (Limits on Use and Disclosure of Social Security Numbers)
#4b	Driver's License or 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)
<b>Employees Files</b>			
#5a	<b>Photos</b> of Spokane Police Department or other criminal justice employees	Photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	RCW 42.56.250(8) (Employment and licensing)
#5b	<b>Birthdates</b> of criminal justice employees	Birthdates in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from	RCW 42.56.250(8) (Employment and licensing)

		disclosure for their safety and privacy.	
#5c	Personal Information in employee files	Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.	RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)
#5d	Employee training files	Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination	RCW 42.56.250(1).
<b>Criminal History</b>			
#6a	Criminal history <u>not</u> from ACCESS- Non-Conviction Data	Criminal history which has not led to a conviction or other adverse disposition is protected by state law and only released to Criminal Justice Agencies for law enforcement purposes.	RCW 10.97 (Criminal Procedure)
<b>Officer Safety or Intelligence</b>			
#7a	Intelligence, sensitive security, or tactical information	Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7b	Undercover Officer identification	Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.	RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement.
#7c	ID Records revealing covert law enforcement activity	Any record pertaining to a vehicle license plate, driver's license, or 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).
<b>Photos</b>			
#8a	Photos showing a deceased person	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8b	Photos showing highly sensitive material	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8c	Photo Montages	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
<b>Protected by Law</b>			
#9	Medical Records	Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person.	RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502). RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#10a	Jail records	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.	RCW 70.48.100 (Jail register)
#10b	Jail booking photos	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined	RCW 70.48.100 (Jail register)

		in RCW 43.43.705.	
#11	Autopsies, postmortems	Reports and records of autopsies or postmortems are confidential and exempt from public disclosure, but certain officials with authority to examine and obtain copies of such reports may access.	RCW 68.50.105 (Autopsies, postmortems – Reports and records confidential)
#12	Confidential Attorney Client Communications	This redaction protects confidential communications between an attorney and his/her client.	RCW 5.60.060(2)(a) (Privileged communications) <i>Hangartner v. Seattle</i> , 151 Wn.2d 439 (2004).
#13a	<b><u>Name/Identity</u></b> of accused police officers	This redaction protects names/identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13b	<b><u>Date of birth</u></b> of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13c	<b><u>Personal work, home, or cell phone number</u></b> of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13d	<b><u>Residential address</u></b> of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13e	<b><u>E-mail address</u></b> of accused police officers	This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#14	Information concerning Mental Health Services	This redaction contains confidential information concerning services to either voluntary or involuntary recipients of mental health services. Such information, if disclosed, would invade an individual's privacy and possibly cause unintended consequences for that individual.	RCW 71.05.390 (Confidential information and records)



## Spokane Police Department Use Of Force Report

**Incident Entered By:** Lieutenant Thomas Hendren  
**Assigned Investigator:** Lieutenant Thomas Hendren

### Incident Details

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<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
3/23/2015	3/8/2015	00:22
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
8716	15-76653	F15-023
<b>Date/Time Entered</b>		
3/23/2015 21:20		

### Incident Summary

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On 3/8/15 at about 0022 hours, Officer Bryer assisted WSP with a DUI arrest at Main and Browne. The driver attempted to resist the arrest and Officer Bryer executed a take down of the suspect which resulted in an injury to the suspect's left eye. The incident was captured on WSP dash camera video. The reason for the delay in this report was so that I could obtain a copy of the video recording from WSP. See my attached additional report for my detailed summary of the investigation and the link to the video in Evidence.com. I will also forward the disc provided by WSP of the incident to IA for final disposition.

Lt. Hendren #482

In compliance with policy per Assistant Chief Dobrow 04.14.15.

### Incident Location

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- N/A Main and Browne AV, Spokane, WA 99201 - : Downtown

### Use of Force Specific Information

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<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Resisting Arrest	Assist Other Agency	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear	Street Light	a-0-3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	No	Yes
<b>More than 1 Citizen Involved</b>		
No		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	
Large	5'10" to 6'0"	
<b>Officer Assessment of Citizen Condition During Incident</b>		
Alcohol and/or Drugs		
<b>Officer(s) Injured</b>	<b>Officer(s) Taken to Hospital</b>	
No	No	



## Reporting/Involved Citizen Information

### Austin W Watson

DOB: 7/22/1988 Race: Black Gender: Male

**Address**

- 3410 Regal ST, Suite/Apt: 16, Direction: S, Spokane, WA 99203

**Phone**

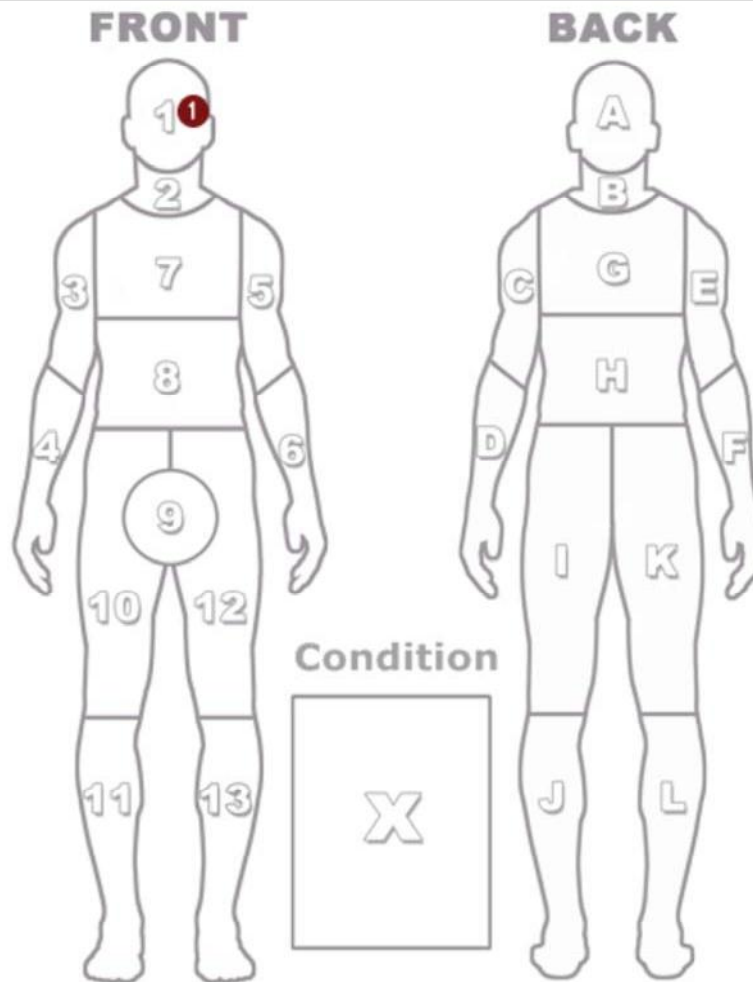
- (509) 844-5739

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

- Active Resistance

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
c-Injury Requiring Medics	1	1



**Charges against this citizen**

- Resisting Arrest
- Traffic Offense

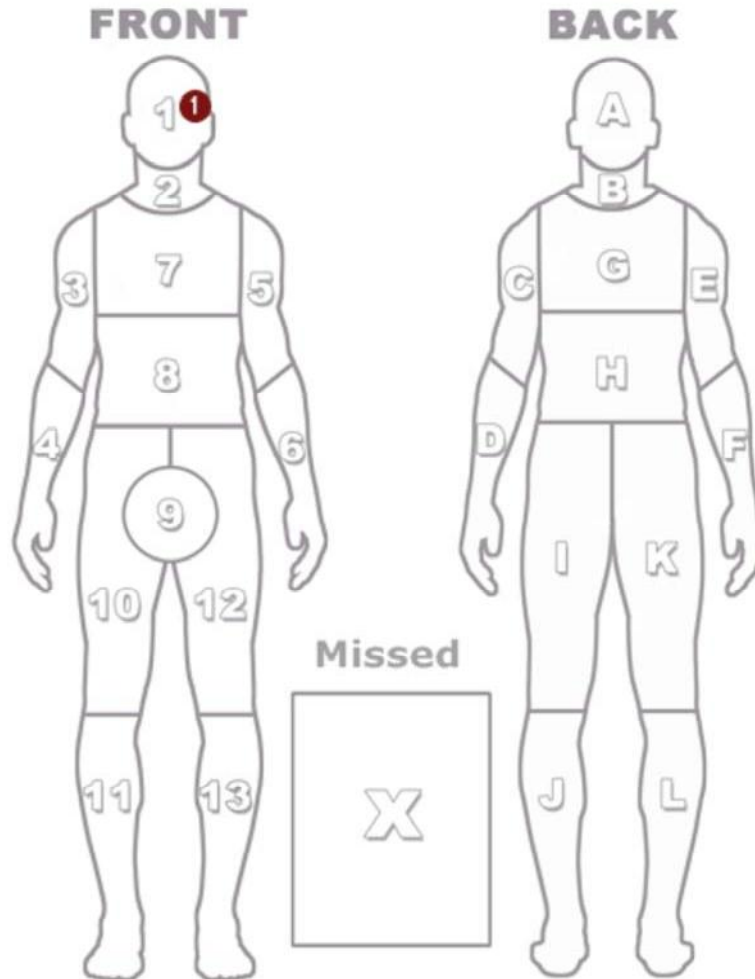
### Involved Officers

**Officer Toby Bryer - 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	1	1



**Injuries sustained by this officer**

Injury	Regions	Injury Locations
No injuries noted or visible		

**Citizen Witnesses**

**Jeff Thoat**  
 - Race: White - Gender: Male

**Address**

- WSP, Spokane, WA

## Attachments

Date Attached	Attachment Description	Attachment Type
3/23/2015	Officer Bryer's incident report	pdf
3/23/2015	WSP incident report	pdf
3/23/2015	Lt. Hendren's use of force summary	doc
3/23/2015	Photo of suspect 1	JPG
3/23/2015	photo of suspect 2	JPG
3/23/2015	photo of suspect 3	JPG
4/16/2015	CAD Report	pdf

## Chain of Command History

Sent Dt	From	To	CC	Approved
3/23/2015	Lieutenant Thomas Hendren	Lieutenant Barton Stevens	(none)	<input type="checkbox"/>
<b>Sender's Instructions:</b> Lt. Stevens, here is a use of force involving Toby Bryer. Sorry for the delay, I had to wait for the WSP video before completing my investigation. See my summary for the Evidence.com link. Lt. Hendren				
<b>Recipient's Comments/Response:</b> Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Ms Michelle Reiner				
3/24/2015	Ms Michelle Reiner	Lieutenant Thomas Hendren	Lieutenant Barton Stevens	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Can you please add the type of force that was used by the officer? Thank you.				
<b>Recipient's Comments/Response:</b> Completion notes: I have added that information.				
3/26/2015	Lieutenant Thomas Hendren	Lieutenant Barton Stevens	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Lt. Stevens I have added what was requested. Lt. Hendren				
<b>Recipient's Comments/Response:</b> I concur with Lt. Hendren's assessment and conclusion. The force used was reasonable and within policy given the totality of circumstances.				
3/31/2015	Lieutenant Barton Stevens	Captain Bradley Arleth	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> UOF - Bryer				
<b>Recipient's Comments/Response:</b> Use of Force was consistent with policy and reasonable given the circumstances. The suspect was physically larger and intoxicated. The officer believed an assault was imminent. He had earlier defused the situation from the WSP Trooper using a TASER. The SPD officer did not realize both handcuffs had been applied which likely occurred in split seconds before take down, resulting in injury to the suspect.				
4/13/2015	Captain Bradley Arleth	Asst Chief Patrick Dobrow	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> for review.				
<b>Recipient's Comments/Response:</b> Use of force was within policy				

### Assigned Investigator Signature Line

\_\_\_\_\_  
Lieutenant Thomas Hendren

### Chain of Command Signature Lines

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Lieutenant Barton Stevens

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Lieutenant Thomas Hendren

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Captain Bradley Arleth

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Asst Chief Patrick Dobrow



Spokane Police Department  
Internal Investigation



CONFIDENTIAL

I.A. #:

Additional

Incident #15-76653.

On 3/8/15 at about 0040 I responded to Main and Browne after officers on scene requested a supervisor respond. Upon arriving I spoke with Officer Bryer. He advised that he was assisting a WSP Trooper with an arrest of a DUI driver. The arrestee, Austin W Watson 7/22/88, began to actively resist the arrest. At one point, Officer Bryer decided to take Watson to the ground as he and the Trooper were struggling to control the suspect at the patrol car. The takedown resulted in an injury to Watson's left eye.

I saw that Cpl. Hager was taking photos of Watson when I arrived. I observed that Watson was obviously intoxicated and uncooperative. He was yelling at officers and medical personnel as they were trying to treat him. He was still lying on the ground while being treated as he was too uncooperative and hostile to place in any other position.

After Watson was treated, WSP Troopers began to escort Watson to another WSP vehicle. Prior to putting him in the patrol vehicle I attempted to speak with Watson. I advised him who I was and I asked if he would tell me about the incident.

Watson began to explain that he was stopped and that he had done the FST's. He was upset with the WSP Trooper who had him perform a PBT and claimed that he was essentially lied to about the test and if he would be arrested. He claimed that they arrested him and that the "big" officer threw him on the ground for no reason.

I asked Watson if he was resisting arrest and he said that he was not. I explained that there was a video of the incident and asked if the video would show him resisting arrest. He replied "I don't know. If you think it is resisting." He then went on to explain that we did not have authority to arrest him. He advised he was a "Moor" and then asked what my ethnicity was. I told him I was an American and he began to argue with me about not answering his question. He became uncooperative and I determined any further interview would be unproductive.

I spoke with Trooper Thoet #1128 who was the officer that initiated the stop and made the DUI arrest. He advised that he had dash camera video of the incident and arrest. I asked if I could view the video and Trooper Thoet allowed me to view the video in his patrol car. The video clearly shows that both Trooper Thoet and Officer Bryer advised Watson he was under arrest multiple times and give him multiple commands. It is clear in the video that Watson was actively resisting during the arrest and both officers were struggling to control Watson even after he was handcuffed. It appeared they were unable to gain control of Watson while he was standing. The video clearly shows Officer Bryer execute a takedown technique of Watson, which resulted in Watson's injury. After viewing the video, it appeared that Watson was

actively resisting arrest. It was reasonable for an officer to believe that Watson was actively resisting and that a takedown would be a reasonable tactic to place Watson on the ground where officers could better control Watson.

I spoke with Trooper Thoet about the incident. He explained that he was contemplating using his Taser when Watson was initially refusing to comply. He explained that Watson was very strong and it was difficult to control him. I asked if he had any issue or concern with Officer Bryer's actions and he said "not at all."

In reading Officer Bryer's report he notes the active resistance, the fact that the suspect had not been frisked for weapons, as well Watson's size and strength. He noted that he knew one handcuff was on Watson, but at the time of the takedown he did not realize that both hands were cuffed. He was concerned that Watson may turn and strike him with what he believed was a free hand.

I spoke with the WSP supervisor on scene and requested a copy of the dashboard video. He advised that he would attempt to make a copy during his next shift and get it to me. I provided him with my phone number and email address if there were any problems. I later was advised to complete a formal request for the video. I completed the request and upon my return to work on 3/22/15 found the copy of the video in my department mail. I forwarded the disc provided by WSP to Officer Snider of TARU and requested that he upload the video to Evidence.com. On 3/23/15 I received an email from Officer Snider advising that the video was uploaded and he provided the following link to view the video:

[https://spokanepdwa.evidence.com/index.aspx?class=UIX&proc=Evidence&page=EvidenceView&evidence\\_id=23f9c2498138456086e08d45e67bd435&partner\\_id=51cb1c1cc35e40d7a6a12f37cf7f20b2](https://spokanepdwa.evidence.com/index.aspx?class=UIX&proc=Evidence&page=EvidenceView&evidence_id=23f9c2498138456086e08d45e67bd435&partner_id=51cb1c1cc35e40d7a6a12f37cf7f20b2)

I requested for Officer Snider to return the disc to me and I will forward the disc from WSP to IA for final disposition.

### **Conclusion:**

The suspect was under arrest for DUI. He was a rather large individual (DOL physicals of 6-00 and 220 lbs). Both Trooper Thoet and Officer Bryer noted Watson's strength when trying to control him. Officer Bryer was also concerned that Watson had not been frisked for weapons while they were struggling with him. It was clear, based on the statements of both officers and the dash board video, the suspect was actively resisting arrest. The use of a takedown technique is a reasonable tactic to utilize on an actively resisting suspect that is difficult to control while still standing. The suspect was in fact handcuffed at the time of the takedown but Officer Bryer did not realize that both handcuffs had been applied. Handcuffs, however, are only a temporary restraint and do not always allow for officers to gain control over suspects. Suspects can still assault officers while handcuffed and therefore still pose a threat to officers if they are continuing to resist. By taking the suspect to the ground, the officers were able to finally gain control over the suspect. The use of force was reasonable under the totality of the circumstances, and within department policy.

Lt. Thomas Hendren #482

03/08/15 01:23:44 PRINT REQUESTED BY TERMINAL PPTN01

Incident History for: #SP150076653

Entered 03/08/15 00:22:25 BY PCC03 1144  
Dispatched 03/08/15 00:22:25 BY PCC03 1144  
Enroute 03/08/15 00:22:25  
Onscene 03/08/15 00:22:25

Initial Type: ASISTA Final Type: ASISTA (ASSIST OTHER AGENCY)

Initial Priority: 3 Final Priority: 3

Disposition: Source: R Primary Unit: N46

Police BLK: SPD8RS

Group: P8 Beat: Map Page: 33

Loc: 44 W MAIN AV ,SPK btwn N DIVISION ST & N BROWNE ST <100> (V)

Name: Addr: Phone:

'002225 (1144 ) \$OUTSRV ,NO MORE INFORMATION  
'002225 DISPOS N46 #1139 BRYER, TOBY  
'002355 CHANGE LOC: MAIN ST MARKET --> 44 W MAIN AV ,SPK,  
BLK: --> SPD8RS  
'002800 (1004 ) \*ASSTER N47 [44 W MAIN AV ,SPK]  
#1004 IVERSON, TIFFANY  
'002834 (657 ) CALLBK N46 T/PCC03  
,BROWNE/MAIN WSP SAYS RESISTING ARREST  
'002834 (1144 ) ONSCNE N47  
'002852 MISC N47 ,C4  
'003025 ASSTOS TAC2 [44 W MAIN AV ,SPK]  
#680 HOWE, DUSTIN  
#987 SCHNEIDER, MICHAEL  
'003030 EMSREQ TAC2 T/PCC05  
,MEDICS FOR MALE W/ LAC TO EYE  
'003041 (657 ) CALLBK T/PCC03  
,MEDICS ADV  
'003106 (1144 ) MISC TAC2 ,NEED A SUPV  
'003322 CALLBK T/PCC05  
,NEED A SUPV  
'003336 (657 ) ASSTER L182 [44 W MAIN AV ,SPK]  
#482 HENDREN, THOMAS  
'003507 (1144 ) REMINQ N46 WANT,N46,,,,,,WATSON,AUSTIN,W,1988,07,22,,,,,  
'003559 ASSTER P301 ''''  
[44 W MAIN AV ,SPK]  
#287 HAGER, BILL  
,CPL FOR PHOTOS  
'004027 (482 ) \*ONSCNE L182  
'004036 (287 ) \*ONSCNE P301  
'004713 (1004 ) \*MISC N47 ,PSTAT/ASST  
'004719 \*CLEAR N47  
'004914 (680 ) \*CLEAR TAC2  
'005433 (287 ) \*MISC P301 ,TOOK PHOTOS OF UNCOOPERATIVE B/M EYE INJURY  
'005502 \*CLEAR P301 ,8K PSTAT/ASST  
'010845 (482 ) \*MISC L182 ,CONDUCTING USE OF FORCE REVIEW.  
'010853 \*CLEAR L182 ,PSTAT/ASST

# INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>15-076653</b>	
INCIDENT TYPE <b>Information</b>		INCIDENT CLASSIFICATION #1 <b>RESISTING ARREST</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <input type="checkbox"/>
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 <input type="checkbox"/>
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Sun 03/08/2015 00:22</b>	DATE/TIME	OCCURRED ON <b>Sun 03/08/2015 00:22</b>	DATE/TIME	OCCURRED TO <b>Sun 03/08/2015 01:00</b>	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>03/08/2015</b>	REPORT TIME <b>00:53</b>
PRIMARY CHARGE					EST. TOTAL PROPERTY LOSS
LOCATION OF INCIDENT <b>44 W Main Avenue, Spokane, WA 99201</b>					LOCATION NAME (IF APPLICABLE)
SOLVABILITY FACTORS <b>Suspect Arrested</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>None</b>					
<b>SUSPECTS</b> <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-Misc, PE-Pedestrian, PC-Pedestrian - Cyclist, O-Other, MR-Person Mentioned</small>					
CODE <b>S-1</b>	NAME: LAST, FIRST, MIDDLE <b>Watson, Austin W</b>			SEX <b>M</b>	RACE/ETHNICITY <b>B-Black</b>
				DATE OF BIRTH/AGE <b>07/22/1988 26</b>	
HEIGHT <b>5'10"</b>	WEIGHT <b>230</b>	BUILD <b>Medium</b>	HAIR <b>Black</b>	EYES <b>Brown</b>	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY, STATE ZIP <b>3410 S Regal Street #16, Spokane, WA 99223</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES <b>(Cell) (509) 844-5739</b>					
DRIVER'S LICENSE <input type="checkbox"/> FAKE STATE		SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
TYPE OF INJURY OR ILLNESSES/DESCRIBE INJURIES <b>Apparent Minor Injury</b>				TYPE OF VICTIM	MEDICAL RELEASE OBTAINED? <input type="checkbox"/> Yes <input type="checkbox"/> No
HOSPITAL TAKEN TO	TAKEN BY	<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY		ATTENDING PHYSICIAN	SUICIDE NOTE FOUND? <input type="checkbox"/>
HOLD PLACED BY					
<b>NARRATIVE</b>					

On 03/08/2015, at 0022 hours, I was on patrol in the downtown area of Spokane and was travelling south on Brown St. Just north of Main Ave I observed a trooper that had stopped a vehicle and was talking to the driver. Due to the trooper having no backup with him, I stopped whilst he continued his traffic stop. The trooper was Jeff Thoet.

Trooper Thoet continued his DUI investigation running the driver, Austin Watson, through the Standardized Field Sobriety Tests. Austin appeared to agree to a PBT test and gave a breath sample. I then saw Trooper Thoet signal me and I took this to mean that Austin was going to be placed under arrest.

ID NO./NAME OF REPORTING OFFICER <b>#1139 - Bryer, Toby</b>	DISTRIBUTION	
APPROVAL <b>#482 - Hendren, Tom</b>	DATE/TIME <b>03/08/2015 03:27</b>	



# INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION <b>RESISTING ARREST</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>15-076653</b>
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When I got close to Trooper Thoet and Austin I could see that Austin was standing with his hands held behind his back and appeared to be defying the trooper. Austin was standing downhill of Trooper Thoet but he was still taller than he was, and appeared to outweigh the trooper by at least fifty pounds. Austin also appeared to be in his mid to late twenties and considerably younger than Trooper Thoet.

Trooper Thoet was ordering Austin to turn around and place his hands behind his back because he was under arrest. Austin failed to comply with the troopers orders and continued to stare at Trooper Thoet, not making any attempt to comply. I observed Trooper Thoet possibly getting ready to use his Taser and so I began to talk to Austin.

I told Austin that he was under arrest and that he needed to comply with our orders. Austin appeared to acknowledge what I had just told him and he began to turn around to face Trooper Thoet's vehicle. At this point I took control of Austin's right wrist in order to affect the arrest.

Once I took control of Austin's wrist, he instantly tensed his muscles and would not allow me to place his hand behind his back. I continually told Austin that he was under arrest and that he needed to relax and put his arm behind his back. Austin continued to resist arrest. As Austin would not follow commands and that he had not been searched yet, I began to walk him forward towards Trooper Thoet's vehicle and used his momentum to push Austin onto the hood of the vehicle.

Once on the hood, Trooper Thoet and I continued to try and place Austin in handcuffs. Austin kept resisting arrest by trying to stand up off the hood and turning around to face us. I told Austin not to stand up and not to turn around but he continued to try and do so. Because he kept trying to do so, I had to use my bodyweight to try and keep him on the hood so that we could control him and place him in handcuffs.

Trooper Thoet had his handcuffs out and I was able to get Austin's right wrist behind his back and the handcuff placed on it. At this point Austin used his strength and size to stand up off the hood of the vehicle and begin to turn towards me. Because I had been getting this wrist into the handcuff, I had taken my weight off his back and he was able to begin to turn around towards me.

Still having control of his wrist, and Austin turning to face me, I used his momentum and used an arm bar take down and took Austin to the ground. At the time of using force, I thought that Austin only had one handcuff on and therefore I did not want him to be able to turn and use his free hand against me. Once Austin was on the ground I saw that he did actually have both wrists in cuffs.

Also, we had tried numerous times to handcuff and gain control of Austin whilst he was standing and on the hood of the vehicle. However, our efforts were unsuccessful and it did not appear that we would gain control of him whilst he was standing. To better gain control of Austin and his

# INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION <b>RESISTING ARREST</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>15-076653</b>
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movements, I decided that having him off his feet and on the ground would give us better control. This would lessen the potential for injury to myself and Trooper Thoet and allow us to limit Austin's movements.

When Austin was taken to the ground, I heard his head hit the ground, making a dull thud sound. Austin continued to resist once on the ground and I had to use my body weight again to control his movements and stop him from trying to stand up and roll over. Other officers had been called for assistance and it was when they arrived on scene that they told me that Austin was bleeding. I then was able to use a flashlight and saw that Austin had a small laceration to his left eyebrow, which came from him hitting the ground during the takedown.

Knowing that Austin was bleeding, medics were called to respond to the scene. And because I had used force and Austin had sustained an injury, a supervisor and corporal were also dispatched. A corporal arrived on scene and took photographs of Austin's injuries. Medics arrived and made sure that Austin did not need to go to the hospital and cleaned the laceration. Lieutenant Hendren arrived on scene and I briefed him about what had happened.

Trooper Thoet then was able to continue with the DUI investigation.

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

T. Bryer 1139