



**SPOKANE POLICE DEPARTMENT**

Patrick M. Dobrow  
Interim Chief of Police



**Internal Affairs Exemption Log**

<b>Number</b>	<b>Material Withheld</b>	<b>Brief Explanation of Why Material Withheld</b>	<b>Legal / Statutory Basis</b>
<b>Witness Exemptions</b>			
#1a	<b><u>Name / Identity</u></b> 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	<b><u>Date of birth</u></b> 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	<b><u>Personal home, work or cell phone number</u></b> 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	<b><u>Residential address</u></b> 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	<b><u>E-mail address</u></b> 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, 122 Wn.App. 84, 94 (2004)</i>
#2b	Records relating to commission of Juvenile offenses.	Redacted to protect the personal information of a juvenile in the court system. May not be released to the	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW

		public except by court order.	13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS, 122 Wn.App. 84, 94 (2004)</i>
#2c	Child Victim of Sexual Assault	This redaction protects information revealing the identity (name, address, location, or photograph) of child victims of sexual assault who are under age eighteen.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
#2d	Child victims or child witnesses	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
<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/III - information from	28 USC § 534 For criminal

	WACIC/NCIC (ACCESS): <b><u>Gun information</u></b>	ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3g	Information from WACIC/NCIC (ACCESS): <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</b>			

<b>Info</b>			
#4a	Social Security Number	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250(3)(8) (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt), 42 USC § 405(c)(2)(viii)(I) (Limits on Use and Disclosure of Social Security Numbers)
#4b	Driver's License or Identocard	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	18 USC § 2721 (Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records); RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#4c	Credit/Debit Card Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4d	Electronic Check/Check Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4e	Card Expiration Dates	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4f	Bank Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4g	Financial Institution Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
<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	RCW 42.56.250(8) (Employment and

		justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	licensing)
#5c	Personal Information in employee files	Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.	RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)
#5d	Employee training files	Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination	RCW 42.56.250(1).
<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	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims).

		confidential manner for law enforcement purposes, protected to preserve the life and personal safety of the informant and family. Specific intelligence information compiled by law enforcement, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	Ashley v. Public Disclosure <i>Comm'n</i> , 16 <i>Wn.App.</i> 830, 836 (1977).
<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	RCW 70.48.100 (Jail register)

		this information is only available to criminal justice agencies as defined in RCW 43.43.705.	
#11	Autopsies, postmortems	Reports and records of autopsies or postmortems are confidential and exempt from public disclosure, but certain officials with authority to examine and obtain copies of such reports may access.	RCW 68.50.105 (Autopsies, postmortems – Reports and records confidential)
#12	Confidential Attorney Client Communications	This redaction protects confidential communications between an attorney and his/her client.	RCW 5.60.060(2)(a) (Privileged communications) <i>Hangartner v. Seattle</i> , 151 Wn.2d 439 (2004).
#13a	<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 Barton Stevens

### Incident Details

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<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
6/11/2015	6/9/2015	12:17
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
8867	15-192249	F15-050
<b>Date/Time Entered</b>		
6/16/2015 10:06		

### Incident Summary

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See attached IA narrative.

In compliance with policy per Assistant Chief Dobrow 06.26.15.

### Incident Location

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- 400 McClellan ST, Direction: S, 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	Call For Service	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear	Daylight	a-0-3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	Yes	Yes
<b>More than 1 Citizen Involved</b>		
No		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	
Medium	5'4" to 5'6"	
<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

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#### Anthony T Perez

DOB: 10/10/1964 Race: White Gender: Male

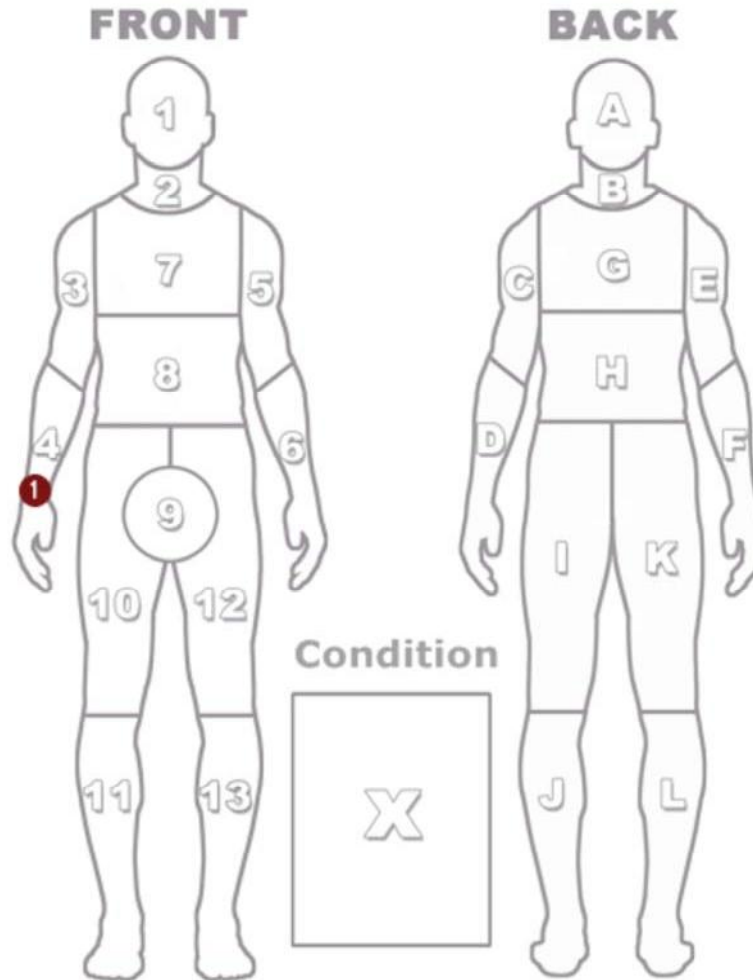


**Types of Resistance Citizen Used Against Officer(s)**

- Assaultive

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
c-Injury Requiring Medics	4	1



**Charges against this citizen**

- Felony - Person Crime

**Involved Officers**

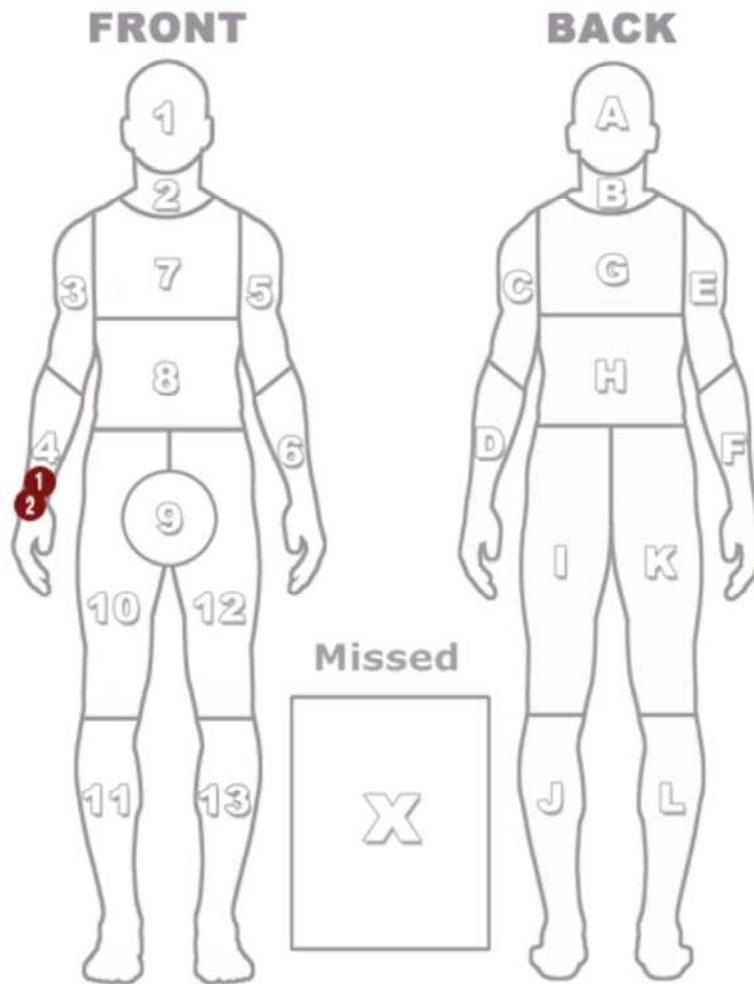
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**Corporal Glenn Bartlett - Payroll Number:** #5c

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

- Body Weight/Manual Force - Was force effective: Yes
- Neuro Muscular Controls - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Body Weight/Manual Force	Yes	4	1
Neuro Muscular Controls	Yes	4	2

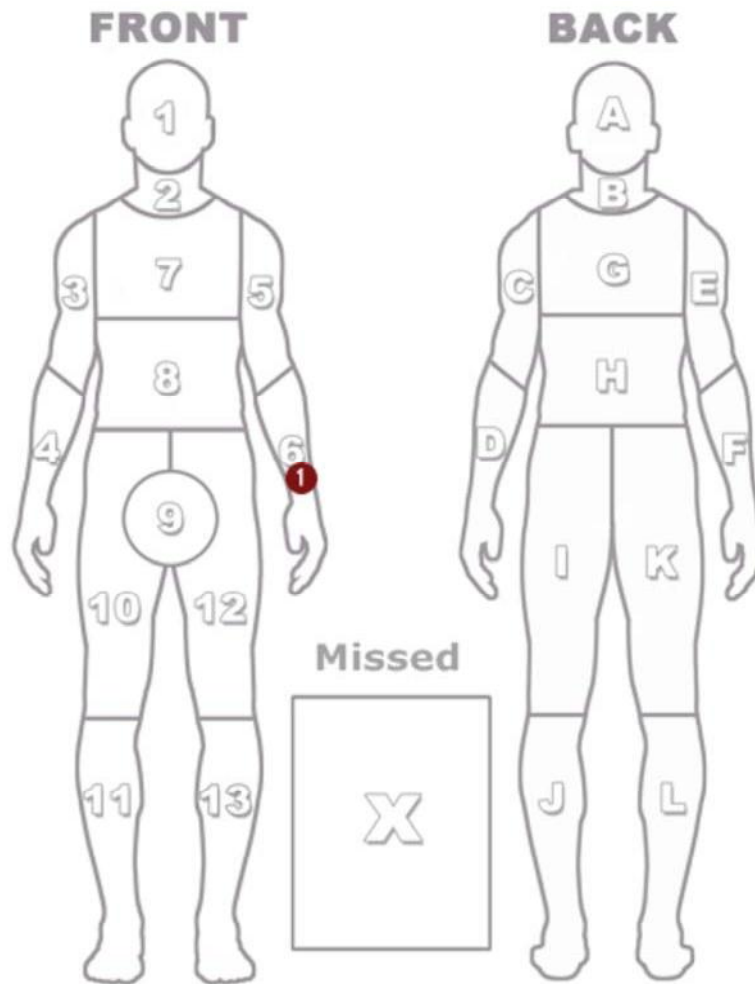


**Officer John O'Brien - Payroll Number:** #5c

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

- Body Weight/Manual Force - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Body Weight/Manual Force	Yes	6	1



### Citizen Witnesses

**Rhett Zorn**  
**DOB: 10/26/1973 - Race: White - Gender: Male**

**Address**  
 • 32 Pacific AV, Direction: W, Spokane, WA 99201

### Attachments

Date Attached	Attachment Description	Attachment Type
6/16/2015	O'Brien Report	pdf
6/16/2015	Bartlett Additional	pdf
6/16/2015	Storch Additional	pdf
6/16/2015	PC Affidavit	pdf
6/16/2015	Photolog	pdf
6/16/2015	CAD Report	pdf
6/16/2015	Lt Stevens IA Additional	doc
6/16/2015	Radio Traffic Pt 1	wav
6/16/2015	Radio Traffic Pt 2	wav

6/16/2015 | Radio Traffic Pt 3 | wav

### Chain of Command History

Sent Dt	From	To	CC	Approved
6/16/2015	Lieutenant Barton Stevens	Captain Bradley Arleth	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> UOF - O'Brien / Bartlett				
<b>Recipient's Comments/Response:</b> Use of force techniques were appropriate for the level of resistance by the suspect and within policy and guidelines. Subject exhibited furtive movements and escalated from evasive to resistive to assaultive.				
6/16/2015	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> The use of force was within policy.				

**Entering Officer Signature Line**

\_\_\_\_\_  
Lieutenant Barton Stevens

**Chain of Command Signature Lines**

\_\_\_\_\_  
Captain Bradley Arleth

\_\_\_\_\_  
Asst Chief Patrick Dobrow



Spokane Police Department  
Internal Investigation



CONFIDENTIAL

15-192249  
Additional

Sgt. K. Reese initially investigated this Use of Force. I took over Sgt. Reese's investigation due to the fact Reese was significantly injured and will be on injury leave for an extended period.

Ofc O'Brien and Cpl. Bartlett contacted Anthony Perez, whom they knew to have active warrants for his arrest. They were tipped as to Perez's location by a local social worker. Ofc. O'Brien located Perez in the UTF Skate Park. As O'Brien approached, Perez appeared to conceal something under the sleeping bag he was sitting on. Perez attempted to get up and walk away, jamming his hands into his pockets. Ofc. O'Brien decided to conduct a pat down frisk of Perez's person because:

1. He apparently concealed an item under his sleeping bag.
2. He jammed his hands into his pockets as he attempted to walk away
3. Perez was not free to leave pending confirmation of arrest warrants

Ofc. O'Brien started a pat down frisk of Perez's person, but Perez started to lean forward when O'Brien was feeling around his right front pocket. Due to this evasive maneuver, O'Brien decided to place Perez in handcuffs to maximize physical control of his movements. O'Brien was able to apply a cuff onto Perez's left hand, but Perez pulled away before the right cuff could be applied. Perez then turned to his left and grabbed onto O'Brien's hand. At this point, Perez had one cuff applied to his left hand. Perez turned to his left and grabbed at O'Brien's hand. Concerned that Perez would completely break free with one cuff applied (which could easily be used as a weapon), O'Brien decided to take Perez to the ground. O'Brien wrestled with Perez on the ground. While struggling with Ofc. O'Brien, Perez punched O'Brien at least four times on the top right side of his head.

While O'Brien was struggling with Perez on the ground, Cpl. Bartlett arrived and grabbed onto Perez's right wrist and told him he was under arrest. Bartlett attempted to rotate Perez's arm behind his back. In Bartlett's opinion, Perez was exhibiting unusual strength for a person of his stature, leading Bartlett to believe Perez may be under the influence of a foreign substance. Bartlett applied a gooseneck on Perez's wrist in an effort to get his hand behind his back. Perez continued to resist having his hand placed behind his back. As Perez attempted to pull his hand away from Bartlett's grasp, Bartlett heard a "popping" sound. After this, they were able to overpower Perez and handcuff him behind his back.

Perez complained of pain in his wrist, so medics were advised and responded to tend to Perez's possible injury. While in custody, Perez admitted to using meth earlier in the day. The item Perez concealed under his sleeping bag was later determined to be a syringe loaded with a clear liquid.

He was also found to be in possession of methamphetamine, located in his fanny pack. Perez was transported to a hospital where he was cleared to be booked into jail.

While on scene, Sgt. Reese interviewed witness Rhett Zorn. Zorn stated he saw O'Brien contact Perez, who was cooperative at first. He said that Perez was fighting and flailing. He heard O'Brien tell Perez to stop resisting, but Perez would not comply. He also said O'Brien was "pretty calm through the whole thing".

Reese contacted Perez, who stated that he wanted to be left alone. As Reese asked him questions, Perez continued to interrupt, saying he wanted to be left alone. Reese did get Perez to say that his wrist hurt, but Perez would not comment further.

**In conclusion, the level of force used by both Cpl. Bartlett and Ofc. O'Brien was reasonable under the circumstances.** Perez had actively resisted arrest, and assaulted Ofc. O'Brien by punching him several times on the head. No specific force technique was used other than physical force to overcome resistance, and a goose neck technique used by Cpl. Bartlett. The pop that came from Perez's wrist, presumably resulting in his wrist pain, appears to be a direct result of Perez physically resisting and pulling his arm away from officers' grasp.

This incident was captured on body cameras (link):

[https://spokanepdwa.evidence.com/index.aspx?class=UIX&proc=Evidence&page=EvidenceSearch&search=search&is\\_shared\\_with\\_me=false&case\\_id=15-192249&title=&category=&date\\_search\\_type=create&start\\_date=&end\\_date=&type=&owner\\_id=&owner\\_search=&original\\_owner\\_id=&original\\_owner\\_search=&status=open&tag\\_name=&flagged\\_status=&search\\_type=advanced](https://spokanepdwa.evidence.com/index.aspx?class=UIX&proc=Evidence&page=EvidenceSearch&search=search&is_shared_with_me=false&case_id=15-192249&title=&category=&date_search_type=create&start_date=&end_date=&type=&owner_id=&owner_search=&original_owner_id=&original_owner_search=&status=open&tag_name=&flagged_status=&search_type=advanced)

06/11/15 12:42:07 PRINT REQUESTED BY TERMINAL PPTN04

Incident History for: #SP150192249

Entered 06/09/15 12:17:47 BY 91117 911134
Dispatched 06/09/15 12:21:57 BY N41 494
Enroute 06/09/15 12:21:57
Onscene 06/09/15 12:28:02
Closed 06/09/15 17:37:24

Initial Type: SUSPER Final Type: WARRNT (WARRANT, ATTEMPT/PICK-UP)

Initial Priority: 3 Final Priority: 3

Disposition: 1E Source: A Primary Unit: N41

Police BLK: SPD8RS

Group: P8 Beat: Map Page: 33

Loc: 517 W 3RD AV ,SPK -- MCDONALDS ,SPK btwn S STEVENS ST & S HOWARD ST (V)

Name: #1a Addr: SAME/SOCIAL WORKER Phone: #1c

/121747 (911134) ENTRY CAN SEE CLIENT: MCMILLAN, THOMAS AKA: PEREZ, ANTHONY 101064 WM, 508/THIN, WEARING GRN TANK TOP, GRY OR BRO SHORTS, GRY BACKPACK, OUTSIDE LOC NOW. BELIEVES SUSP HAS MULTIPLE WARRANTS. SUSP ON FOOT. NO WEAPONS SEEN. POSS
/121813 SUPP TXT: HIGH ON METH. WALKING SB ON HOWARD. NOW UNDERNEATH FREEWAY OVERPASS. ###
/121840 (455 ) MISC ,ANTHONY T PEREZ 10/10/64, STAT-1 NO BAIL, POSS STOLEN MOTOR VEH.
/121848 MISC ,\*\*\*\* SPURS 205868
/121923 MISC ,BDCST
/122058 HOLD
/122101 CHANGE TYP: SUSPER --> W
RSP: PP --> PP
PRI: 3 --> 3
/122157 (494 ) \*DISPER N41 #494 O'BRIEN, JOHN
/122213 (401 ) \*ASSTER P308 [517 W 3RD AV ,SPK]
#401 BARTLETT, GLENN
/122236 \*REMINQ P308 MVEH,ATP3744,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
/122342 (455 ) CALLBK N41 T/PCC05
,CONF/HOLD SPD , ANTHONY T PEREZ 10/10/64
/122802 (456 ) CALLBK N41 T/PCC03
,CONFIRMED AND HELD X 2
/122802 (494 ) \*ONSCNE N41
/122855 (401 ) \*ONSCNE P308
/123158 (455 ) ASSTER N42 [517 W 3RD AV ,SPK]
#671 CHRISTENSEN, JAMES A
#1024 PRIM, MICAH
/123204 (671 ) \*ONSCNE N42
/123450 (455 ) NEWLOC N41 [SKATE PARK]
/123450 NEWLOC N42 [SKATE PARK]
/123450 NEWLOC P308 [SKATE PARK]
/123553 (1012 ) \*ASSTER L207 [SKATE PARK]
#1012 REESE, KURTIS
, P308 FIGHTING W/ONE
/123600 (455 ) MISC N41 #841 STORCH, DEANNA
/123604 (841 ) \*ASSTER N43 ,CHANNEL RESTRICTED
/123609 (455 ) MISC N41 ,TAKING 1 INTO CUSTODY
/123656 MISC P308 [SKATE PARK]
/123713 (433 ) \*ASSTER L201 #433 YAMADA
/123750 (288 ) \*ASSTER E164 [SKATE PARK]
#288 KENNEDY, DAVID
/123818 (455 ) EMSREQ N42 T/PCC05

/123837		MISC	N42	, CONS MALE , WAS IN FIGHT, ABRASIONS, AT SKATE PARK 4/MCCLELLAN
/123839	(433	) *PREMPT	L201	, C4
/123846	(456	) EMSREQ		T/PCC03
				, FIRE ADVISED
/123857	(455	) \$PREMPT	E164	
/123903	(1012	) *ONSCNE	L207	
/123932	(841	) *ONSCNE	N43	
/124217	(208	) *ASSTOS	L250	[SKATE PARK]
				#208 HUDDLE, KEVIN
/125537		*CLEAR	L250	, PSTAT/ASST
/125633	(841	) *CLEAR	N43	, PSTAT/ASST
/125852	(494	) *CHGLOC	N41	[DEAC]
/130115	(1012	) *CLEAR	L207	, PSTAT/ASST PSTAT/VIDY
/130328	(494	) *ONSCNE	N41	
/130440	(401	) *CHGLOC	P308	[1]
/130519		*CLEAR	P308	, PSTAT/ASST PSTAT/VIDY PSTAT/RPT
/130747	(671	) \$PREMPT	N42	
/143739	(494	) *MISC	N41	, FOLLOW AMR TO DEAC. FORGOT TO CHANGE MY LOCAT ION
/152616	(802	) OK	N41	
/161735	(494	) *TRANS	N41	[JAIL] M/0
/162332		*TRANSC	N41	M/1.3
/162848	(802	) OK	N41	
/173724	(494	) *CLEAR	N41	DSP: 1E
				, PSTAT/CFS PSTAT/FEL PSTAT/FEL PSTAT/WAR PSTAT /WAR PSTAT/RPT
/173724		CLOSE	N41	



# INCIDENT REPORT

**Spokane Police/Spokane County Sheriff**

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>15-192249</b>	
INCIDENT TYPE <b>Arrest, Drug Involved</b>		INCIDENT CLASSIFICATION #1 <b>ASSAULT-SIMPLE</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #2 <b>DRUGS-POSSESS</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3 <b>WARRANT ARREST</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Tue 06/09/2015</b>	DATE/TIME <b>13:34</b>	OCCURRED ON <b>Tue 06/09/2015</b>	DATE/TIME <b>12:17</b>	OCCURRED TO <b>Tue 06/09/2015</b>	DATE/TIME <b>12:36</b>
DISPATCH TIME		ARRIVED TIME	CLEARED TIME	REPORT DATE <b>06/09/2015</b>	REPORT TIME <b>13:23</b>
PRIMARY CHARGE <b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>					UCR/NIBRS CODE <b>/13A</b>
ADDITIONAL CHARGES <b>69.50.4013(1) CNTL SUB(POSS-FEL)</b>					
LOCATION OF INCIDENT <b>400 S McClellan Street, Spokane, WA 99201</b>				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS <b>Suspect Arrested</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>Bartlett</b>					
<b>VICTIM/WITNESSES/OTHERS</b> <small>V-Deceased, OW-Owner of Property, C-Complainant, PE-Pedestrian, W-Witness, M-Missing, MIR-Person Mentioned, O-Other, PC-Pedestrian - Cyclist, IN-Institutional, PS-Passenger, RO-Registered Owner, RU-Runaway, S-Suspect, V-Victim - Individual, VB-Victim - Business, G-Legal Guardian, D-Driver, CV-Complainant is Victim, A-Arrested Person, CON-Contact</small>					
CODE <b>A-1</b>	NAME: LAST, FIRST, MIDDLE <b>Perez, Anthony T</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
DATE OF BIRTH/AGE <b>10/10/1964 50</b>					
HEIGHT <b>5'06"</b>	WEIGHT <b>140</b>	BUILD <b>Light</b>	HAIR <b>Brown</b>	EYES <b>BRO - Brown</b>	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1224 E Trent, Spokane, WA 99202</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
CHARGE LEVEL <b>Felony Class C</b>	DESCRIPTION <b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>				UCR/INCIC CODE <b>/13A</b>
WARRANT #	BAIL	TYPE OF ARREST <b>On-View of Arrest</b>			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL <b>Felony Class C</b>	DESCRIPTION <b>69.50.4013(1) CNTL SUB(POSS-FEL)</b>				UCR/INCIC CODE <b>/35A</b>
WARRANT #	BAIL	TYPE OF ARREST <b>On-View of Arrest</b>			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION #	DATE	TIME	BOOKED WHERE <b>Spokane County Jail</b>		DATE <b>06/09/2015</b>
					TIME <b>12:37</b>
ARREST LOCATION <b>400 S McClellan Street, Spokane, WA 99201</b>				STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED
SUSPECT ARMED WITH					
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES <b>Apparent Broken Bones</b>				TYPE OF VICTIM	MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO
HOSPITAL TAKEN TO <b>Deaconess</b>	TAKEN BY <b>Ambulance</b>	<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY	ATTENDING PHYSICIAN		SUICIDE NOTE FOUND? <input type="checkbox"/>
HOLD PLACED BY					
ID NO./NAME OF REPORTING OFFICER <b>#494 - O'Brien, John</b>				DISTRIBUTION	
APPROVAL <b>#244 - Lee, Thomas</b>		DATE/TIME <b>06/09/2015 17:48</b>			

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

INCIDENT CLASSIFICATION <b>ASSAULT-SIMPLE</b>				ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>15-192249</b>
CODE <b>V-1</b>	NAME: LAST, FIRST, MIDDLE <b>SPO John O'Brien, J</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
HEIGHT <b>5'10"</b>	WEIGHT <b>175</b>	BUILD <b>Light</b>	HAIR <b>Gray or Partially</b>	EYES <b>HAZ - Hazel</b>	DATE OF BIRTH/AGE <b>#5b</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1100 W Mallon, Spokane, WA 99260</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
RELATIONSHIP TO SUSPECT <b>Victim Relationship Unknown</b>		VICTIM OF Offns # <b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>		OFNDR # <b>A-1</b>	
CODE <b>W-1</b>	NAME: LAST, FIRST, MIDDLE <b>Zorn, Rhett J</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
HEIGHT <b>5'10"</b>	WEIGHT <b>180</b>	BUILD <b>Medium</b>	HAIR <b>Brown</b>	EYES <b>BLU - Blue</b>	DATE OF BIRTH/AGE <b>10/26/1973 41</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>32 W Pacific Street, Spokane, WA 99201</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES <b>624-7821</b>					
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID
<b>#4b</b>			<b>#4a</b>		
CODE <b>MIR-1</b>	NAME: LAST, FIRST, MIDDLE <b>#1a</b>			SEX <b>F</b>	RACE/ETHNICITY <b>-</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DATE OF BIRTH/AGE
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES <b>(Cell) #1c</b>					
<b>NARRATIVE</b>					

On 06-09-15 at about 1217 hrs, **#1a** who is a social worker, called about her client Anthony Perez. **#1a** reported she saw Perez walking in the area of 517 W. 3rd Ave. and he currently had warrants for his arrest.

Corporal Bartlett and I began to the check the area for Perez.

Perez was reported to be wearing a green tank top, plaid shorts with a gray backpack.

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

INCIDENT CLASSIFICATION <b>ASSAULT-SIMPLE</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>15-192249</b>
--------------------------------------------------	---------------------------------------	-------------------------------------

I looked at a SPURS photo of Perez dated 03-15-15.

Corporal Bartlett had called #1a and she reported that Perez likes to hang out at the Skate Park.

I drove to the Skate Park but did not see anyone in the area while driving by. I drove into the Skate Park and saw two subjects sitting along two different locations of the west end wall.

The white male sitting in the southwest corner matched Perez's clothing description.

As I got closer I could see that person was Perez.

I saw Perez use his right hand to conceal something under the sleeping bag he was sitting on.

As I pulled up to Perez, he got up and said he was just passing through but was leaving. Perez jammed his hands in his pockets.

I was concerned about Perez abruptly putting his hands in his pockets because he had already tried to conceal something so I told him to turn around and put his hands behind his back so I could pat him down.

Perez was cooperative at this point. He had turned around. Perez was refusing to put his hands back to back.

I kept telling Perez to relax and place his hands together.

I eventually got Perez's hands behind his back and I began to pat him down while I waited for Corporal Bartlett to arrive.

As I patted Perez's right front pocket he began to pull forward.

I decided to try and put handcuffs on Perez rather than let go start over from a position of no control. I put the left cuff on but before I could get the right cuff attached, Perez pulled his hands free.

Perez began to turn to his left and tried to grab my hand that was holding his cuffed left wrist.

I took upper body control on Perez with my right arm while continuing to hold his cuffed left wrist. The other half of the cuffs was open and if I lost control of that arm he would have a weapon in his possession.

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

INCIDENT CLASSIFICATION <b>ASSAULT-SIMPLE</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>15-192249</b>
--------------------------------------------------	---------------------------------------	-------------------------------------

I took Perez to the ground. We were rolling around on the filthy concrete inside the Skate Park.

I kept telling Perez, "Quit resisting. I don't want you to get hurt."

My right hand was now close to my left shoulder where my radio mic was. While I was trying to key my mic to let officers know Perez was fighting with me, Perez used his free right hand to try and grab my fingers. Perez grabbed over and over at my fingers until I put more pressure on his which caused him to stop.

I was able to key my mic to let officers know I was in the Skate Park and Perez was fighting me.

Perez began to punch me on the top right side of my head with his closed fist. Perez hit me at least four times on the head.

Corporal Bartlett arrived and he took control of Perez's right arm.

Perez was continuing to struggle and resist. He was refusing to relax and roll onto his stomach.

Corporal Bartlett and I struggled to finally get Perez onto his stomach with both arms out from underneath him and into cuffs. He had been resisting with significant force to try and prevent us from securing him in cuffs.

I was finally able to get Perez into cuffs which I double locked with single finger spacing.

Corporal Bartlett said Perez was complaining of right arm pain so we requested medics.

I told Perez he was under arrest for his outstanding warrants and for assault third degree.

I searched Perez and inside his right front pocket was a couple plastic caps for a syringe. There was no other property on him.

I looked under the sleeping bag where Perez had been trying to conceal something as I pulled up. I saw an uncapped syringe with the plunger pulled back and a clear liquid in the syringe.

I talked to Rhett Zorn who was about thirty feet away from where Perez had fought with me. I asked Zorn what he had seen and he told me the following.

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

INCIDENT CLASSIFICATION <b>ASSAULT-SIMPLE</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>15-192249</b>
--------------------------------------------------	---------------------------------------	-------------------------------------

Zorn said, "I saw him freak out. Everything was going smooth then he freaked out. He started making those noises and then he resisted. It seemed like he was trying to bite you. Did he?"

I did not ask Zorn anymore question and let Sergeant Reese talk to him.

Corporal Bartlett told me that he found what was suspected to be methamphetamine in a container in Perez's small black fanny pack. A field-test returned a positive result for methamphetamine.

Also inside Perez's backpack were two smart phones, several ear bud headphones, a phone charger and some other items that led me to believe maybe the backpack had one time belonged to a student. Perez also had a black zippered case with numerous compact music discs.

Officer D. Storch took possession of the methamphetamine to be placed on property for evidence.

Again I told Perez he was under arrest for the charges and let him know that he had the right to an attorney.

I followed AMR to Deaconess hospital where Perez was examined for his complaint of pain in his right wrist. I waited there while he was examined and x-rayed.

Perez was medically cleared and I transported him to jail where he was booked.

See Corporal Bartlett's additional report.

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

OFFICER: J. O'Brien  
NUMBER: 494  
DATE: 06-09-15  
PLACE: Spokane County, WA

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>15-192249</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Tue 06/09/2015</b>	TIME <b>12:34</b>	INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>ASSAULT-SIMPLE</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <b>DRUGS-POSSESS</b>		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>06/09/2015</b>	REPORT TIME <b>14:49</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

On 06/09/2015 at approximately 1230 hours Officer O'Brien and I responded to the are of Third and Howard on the report of a wanted person in the area.

The wanted person, Anthony Perez, was wanted on a no bail felony warrant. I was unable to locate Perez in the area of Third and Howard. I called the complainant to see if Perez was still in the area.

I was advised that the complainant could not longer see Perez but Perez often hangs out in the area of the skatepark. I advised Officer O'Brien and we drove into the area.

I observed Officer O'Brien checking the skatepark. I saw a group of people near Fourth and Browne and went to investigate.

Shortly after Officer O'Brien advised that he had located Perez in the skatepark. I was aware that records had already confirmed the felony warrant on Perez as well as another misdemeanor for assault.

As I was driving into the skatepark Officer O'Brien advised the he was fighting with Perez. As I approached I could see Officer O'Brien on the ground with Perez. Officer O'Brien did not have control of Perez and I could hear Perez yelling but could not understand what he was saying.

Officer O'Brien had was attempting to control Perez's upper body (see Officer O'Brien's report).

I took hold of Perez's right arm/wrist. I told him he was under arrest. I rotated his arm to the lower part of his back in an attempt to handcuff him. Perez was unusually strong for his size and was able to pull his arm back out of from the small of his back.

Based on my experience and due to his unusual strength for his size, his screaming and his refusal to comply I believed he was under the influence of drugs. I was also aware that the skatepark often times has numerous people who are involved in criminal activity in and around it. I had noticed a group of the three or for people at the east end as I was pulling in. I was unsure if any of the people in the area were going interfere in the arrest.

ID NO./NAME OF REPORTING OFFICER <b>#401 - Bartlett, Glenn</b>		DISTRIBUTION	
APPROVAL <b>#093 - Sprague, Dean</b>	DATE/TIME <b>06/09/2015 21:18</b>		

# SUPPLEMENTAL REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

Page 2

INCIDENT CLASSIFICATION <b>ASSAULT-SIMPLE</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>15-192249</b>
--------------------------------------------------	---------------------------------------	-------------------------------------

We were at the southwest area of the skatepark which has a large wall on two sides. I could see that there was one other person at the west end of the skatepark and one or two people up above on the sidewalk.

Perez attempted to pull away from me again. It was approximately 90 degrees outside and Perez was perspiring. I attempted to apply a goose neck wrist lock and move Perez's hand to the small of his back. I applied very little pressure and could feel Perez trying to pull away. He was trying to pull his hand and arm away from me. I heard a popping sound and thought that Perez may have injured his wrist while trying to keep from being handcuffed.

I could hear other officers responding to assist Officer O'Brien. Believing that Perez's wrist was injured, I grasped above his wrist and his upper arm. While trying to handcuff Perez I advised Perez he was under arrest at least three times. I also told him to stop resisting.

Perez continued to struggle and refused to comply. I could see that Officer O'Brien was able to get a handcuff on Perez's left wrist. I was concerned that Perez was now going to use the handcuff as a weapon as he was not restrained. I again took hold of his right wrist. Other Officers arrived and we were able to handcuff Perez.

Medics were requested and responded to the scene. While waiting for medics Perez advised that he had used meth earlier in the day.

Officer O'Brien advised that there was an uncapped syringe where Perez had been sitting. I also noted a syringe cap fall out of Perez's pocket when Officer O'Brien was searching him.

Officer O'Brien advised that there was a backpack and other items that belonged to Perez. Partially inside the backpack was a black waist pouch bag. Inside the bag was an altoids tin. Inside the tin was a baggie with black printing on it. Inside the baggie was a white crystalline substance that tested positive for amphetamines.

Medics transported to the hospital and Officer O'Brien followed (see Officer O'Brien's report).

Sgt. Reese was advised and responded.

### DELETE THIS TEMPLATE

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

Bartlett G.F. #401  
P308

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>15-192249</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Tue 06/09/2015</b>	TIME <b>14:05</b>	INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>DRUGS-POSSESS</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>06/09/2015</b>	REPORT TIME <b>16:03</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

On 6-9-2015 at approximately 1228 hours I responded to the Skatepark at 400 S. McClellan St. reference Ofc. O'Brien fighting with a subject who had a felony warrant. Upon arrival they had the subject, Anthony Perez detained in handcuffs.

I took custody of a small zip top baggie with a crystal like substance, which tested positive as meth, a syringe with a clear substance in it, a glass drug pipe and a small Altoids container that the small zip top baggie had been in. I placed the items onto Police Property as evidence.

D. Storch #841 N43

" 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: D. Storch

Number: Badge #841

Date: 6-9-2015

Place: Spokane County, WA

ID NO./NAME OF REPORTING OFFICER <b>#841 - Storch, Deanna</b>		DISTRIBUTION	
APPROVAL <b>#093 - Sprague, Dean</b>	DATE/TIME <b>06/09/2015 21:16</b>		



RECEIVED  
SPOKANE POLICE RECORDS  
2015 JUN 10 AM 12 00

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

DATE: 06-09-15

REPORT NUMBER: 15-0192249

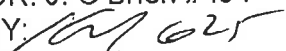
CHARGES REQUESTED: Assault 3<sup>rd</sup> degree, Possession of controlled substance

---

DEFENDANT: Perez, Anthony T. 10-10-64

STATUS: **In Custody**

---

VICTIM(S): Officer J. O'Brien #494  
DATE/TIME OF CRIME: 06-09-15 / 1236 hrs.  
LOCATION OF CRIME: 400 S. McClellan St.  
INVESTIGATOR: J. O'Brien #494  
APPROVED BY: 

---

WITNESSES	ADDRESS	PHONE #
Officer J. O'Brien #494	721 W. Riverside Ave.	509-822-8152
Corporal G. Bartlett #401	721 W. Riverside Ave.	509-209-7184
Officer D. Storch #841	721 W. Riverside Ave.	509-710-7780
Zorn, Rhett J.	32 W. Pacific Ave.	

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EVIDENCE CONSISTS OF: methamphetamine, body camera video, reports.

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SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**STATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON  
COUNTY OF SPOKANE

REPORT NUMBER: 15-0192249

DEFENDANT: Perez, Anthony T. 10-10-64

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The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because: The defendant, Anthony Perez, did assault Officer O'Brien who was performing his official duties at the time of the assault in the area of 400 S. McClellan. The defendant struck Officer O'Brien on the head several times with a closed fist. The defendant, Anthony Perez, did possess a controlled substance to wit: methamphetamine.

Officer O'Brien #494 can testify to the following:

On 06-09-15 at about 1236 hrs, he was employed by the Spokane Police Department as a police officer. He was wearing the uniform of the day and was driving fully marked police vehicle #315.

He contacted the defendant in the Skate Park at 400 S. McClellan for the defendant's outstanding warrants.

He attempted to detain and arrest the defendant for the warrants when the defendant began to fight with him.

The defendant pulled his arms apart after Officer O'Brien was able to cuff the left wrist.

The defendant tried to pull away and grab Officer O'Brien's fingers as Officer O'Brien tried to keep control of the handcuffs.

He took the defendant to the ground and the defendant tried to grab Officer O'Brien's fingers again.

The defendant struck Officer O'Brien on the top of the head several times with a closed right fist.

He arrested the defendant on outstanding warrants, assault third degree of a law enforcement officer and possession of a controlled substance.

He transported the defendant to Deaconess Hospital for treatment.

He transported the defendant to jail and booked the defendant.

Corporal Bartlett #401, can testify to the following:

On 06-09-15 at about 1236 hrs, he was employed by the Spokane Police Department as a police corporal. He was wearing the uniform of the day and was driving fully marked police vehicle #351.

He assisted Officer O'Brien in the Skate Park at 400 S. McClellan St. with the defendant who was fighting Officer O'Brien.

He took arm control of the defendant until the defendant could be handcuffed.

The defendant resisted being handcuffed.

He searched the defendant's small black fanny pack and found a small metal container that had plastic bindles inside. Inside one of the bindles was a crystal substance.

The crystal substance field-tested positive for methamphetamine.

Officer D. Storch #801, can testify to the following:

On 06-09-15 at about 1236 hrs, she was employed by the Spokane Police Department as a police officer. She was wearing the uniform of the day and was driving fully marked police vehicle #309.

She assisted Officer O'Brien at the Skate Park located at 400 S. McClellan St.

She collected the methamphetamine from Corporal Bartlett and put in on property for evidence.

The witness, Rhett Zorn, can testify to the following:

On 06-09-15 at about 1236 hrs, he was inside the Skate Park at 400 S. McClellan St.

He witnessed Officer O'Brien trying to take the defendant into custody.

He witnessed the defendant, "Freak out. Start making noises and resisting."

He thought the defendant was trying to bite Officer O'Brien.

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

DATE: 6-9-15 PLACE: SPOKANE, WASHINGTON SIGNATURE:  #494

