



SPOKANE POLICE DEPARTMENT

Patrick M. Dobrow
Interim Chief of Police

Internal Affairs Exemption Log



Number	Material Withheld	Brief Explanation of Why Material Withheld	Legal / Statutory Basis
Witness Exemptions			
#1a	<u>Name / Identity</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1b	<u>Date of birth</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1c	<u>Personal home, work or cell phone number</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1d	<u>Residential address</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1e	<u>E-mail address</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
Juvenile Information			
#2a	Names of Juveniles who are in the Juvenile court system	Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</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	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</i> , 122 Wn.App. 84, 94 (2004)
#2c	Child Victim of Sexual Assault	This redaction protects information revealing the identity (name, address, location, or photograph) of child victims of sexual assault who are under age eighteen.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
#2d	Child victims or child witnesses	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
ACCESS Database Info			
#3a	Information from WACIC/NCIC (ACCESS): <u>Criminal history information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3b	Information from WACIC/NCIC (ACCESS): <u>License Plate Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3c	Information from WACIC/NCIC (ACCESS): <u>Vehicle Registered owner information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3d	Information from WACIC/NCIC (ACCESS): <u>Wanted persons information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3e	Information from WACIC/NCIC (ACCESS): <u>Officer safety information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3f	Information from	WACIC/NCIC/III - information from	28 USC § 534 For criminal

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

Info			
#4a	Social Security Number	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250(3)(8) (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt), 42 USC § 405(c)(2)(viii)(I) (Limits on Use and Disclosure of Social Security Numbers)
#4b	Driver's License or Identocard	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	18 USC § 2721 (Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records); RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#4c	Credit/Debit Card Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4d	Electronic Check/Check Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4e	Card Expiration Dates	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4f	Bank Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4g	Financial Institution Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
Employees Files			
#5a	Photos of Spokane Police Department or other criminal justice employees	Photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	RCW 42.56.250(8) (Employment and licensing)
#5b	Birthdates of criminal justice employees	Birthdates in the personnel files of employees and workers of criminal	RCW 42.56.250(8) (Employment and

		justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	licensing)
#5c	Personal Information in employee files	Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.	RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)
#5d	Employee training files	Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination	RCW 42.56.250(1).
Criminal History			
#6a	Criminal history <u>not</u> from ACCESS- Non-Conviction Data	Criminal history which has not led to a conviction or other adverse disposition is protected by state law and only released to Criminal Justice Agencies for law enforcement purposes.	RCW 10.97 (Criminal Procedure)
Officer Safety or Intelligence			
#7a	Intelligence, sensitive security, or tactical information	Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7b	Undercover Officer identification	Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.	RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement.
#7c	ID Records revealing covert law enforcement activity	Any record pertaining to a vehicle license plate, driver's license, or identicard revealing the identity of an individual performing undercover law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.	RCW 42.56.230(7)(c) (Personal Information)
#7d	Law Enforcement Information Sheet	Contains confidential data used for law enforcement purposes. Disclosure has no legitimate value to the public and can endanger an individual's safety. Contains specific intelligence information the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7e	Confidential Informant information	Contains identifying information which could reveal the identity of a confidential informant. Considered intelligence information, used in a	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 Wn.App. 830, 836 (1977).
Photos			
#8a	Photos showing a deceased person	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8b	Photos showing highly sensitive material	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8c	Photo Montages	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
Protected by Law			
#9	Medical Records	Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person.	RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502). RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#10a	Jail records	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.	RCW 70.48.100 (Jail register)
#10b	Jail booking photos	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as	RCW 70.48.100 (Jail register)

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



Spokane Police Department Use Of Force Report

- [Print](#) this incident.

Incident Entered By: Sergeant Kevin Huddle

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
1/3/2016	1/1/2016	14:38
Record ID #	Incident No	IA No
9139	16-685	F16-002
Date/Time Entered		
1/3/2016 16:42		

Incident Summary

Officers Lyons and Strassenberg responded to a disorderly call. The suspect gave a bad name and as they were placing him under arrest he started resisting. Officer Lyons applied a Level 1 lateral neck restraint and they were able to control and arrest the suspect.

In compliance with policy per Assistant Chief Meidl 01/24/16.

Incident Location

- 2708 Hartson ST, Direction: E, Spokane, WA - : South Central

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Resisting Arrest	Call For Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Daylight	a-0-3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
No	No	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Medium	5'10" to 6'0"	
Officer Assessment of Citizen Condition During Incident		
Unknown		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen Information

Oliver Henry Ray Rhodes

DOB: 9/14/1992 Race: Black Gender: Male

Address

- 202 Wedgewood ST, Suite/Apt: #93, Direction: E, Spokane, WA 99207

Phone

- (509) 768-8166

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance

Charges against this citizen

- Resisting Arrest

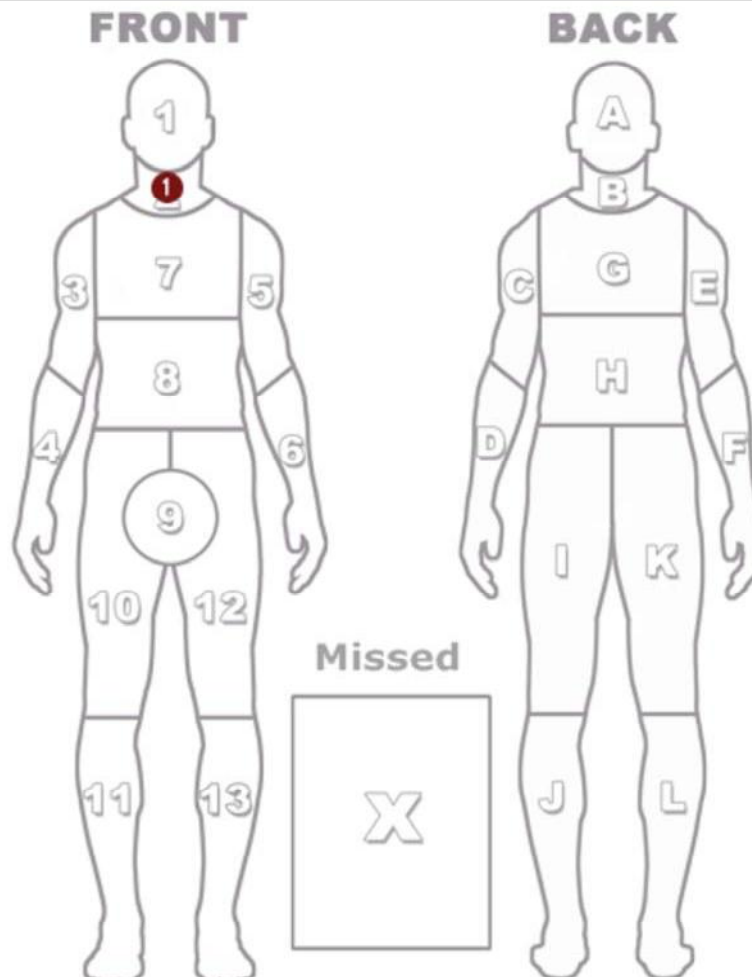
Involved Officers

Officer Cory Lyons - Payroll Number: #5c

Force used by this officer against the citizen

- LNR-Level 1 - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
LNR-Level 1	Yes	2	1



Officer Witnesses

Officer Daniel Strassenberg - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
1/3/2016	CAD, Officer Reports	pdf
1/3/2016	Lyons #1 body camera	
1/3/2016	Strassenberg body camera	
1/3/2016	Lyons #2 video	
1/7/2016	pic	jpg
1/7/2016	pic	jpg
1/7/2016	pic	jpg
1/11/2016	Rhodes interview	
1/12/2016	Add. Rpt	doc

Chain of Command History

Sent Dt	From	To	CC	Approved
1/3/2016	Sergeant Kevin Huddle	Internal Affairs	Lieutenant Alan Arnzen	<input checked="" type="checkbox"/>

Sender's Instructions: This is my first attempt to get the body camera videos attached. All reports and my additional attached.

Recipient's Comments/Response: [Forwarded by Sergeant David Staben]

1/4/2016	Sergeant David Staben	Lieutenant Alan Arnzen	Sergeant Kevin Huddle	<input checked="" type="checkbox"/>
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Sender's Instructions: This is a UOF review. There are no photos, only body camera

Recipient's Comments/Response: Officer Lyons and Strassenberg were investigating a trespass call where the trespasser was making threats of physical harm. The suspect, Rhodes lied to Officer Lyons when asked for his name during their official investigation. Officer Lyons arrested Rhodes for providing false and misleading statements. During the arrest Rhodes became resistive pulling away and tensing up his arms. Rhodes was taken to the ground in an effort to control him where Officer Lyons applied a Level 1 Neck Restraint to gain compliance. He advised Rhodes if he didn't stop resisting he would be rendered unconscious. Rhodes then complied and was cuffed. The use of the Level 1 Neck Restraint was within policy and resulted in no injury. I will address with Sergeant Huddle his minimal investigation and lack of interview of Rhodes on this use of force. Lt. Arnzen 095

1/4/2016	Lieutenant Alan Arnzen	Captain Daniel Torok	(none)	<input type="checkbox"/>
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Sender's Instructions: For your review and recommendations. Lt. Arnzen 095

Recipient's Comments/Response: Please attach photos

1/5/2016	Captain Daniel Torok	Internal Affairs	(none)	<input checked="" type="checkbox"/>
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Sender's Instructions: see comments

Recipient's Comments/Response: [Forwarded by Sergeant David Staben]

1/7/2016	Sergeant David Staben	Captain Daniel Torok	(none)	<input type="checkbox"/>
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Sender's Instructions: photos attached

Recipient's Comments/Response: Review video at point of arrest and have Sgt. Huddle do a more thorough investigation.

1/7/2016	Captain Daniel Torok	Lieutenant Alan Arnzen	(none)	<input type="checkbox"/>
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Sender's Instructions: see comments

Recipient's Comments/Response: Sgt. Huddle after reviewing IA SOP 203 and Policy 300.7.2 INVESTIGATION, DOCUMENTATION AND NOTIFICATION with you please update your additional to include missing items required by supervisor. Lt. Arnzen 095

1/10/2016	Lieutenant Alan Arnzen	Sergeant Kevin Huddle	(none)	<input checked="" type="checkbox"/>
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Sender's Instructions: Sgt. Huddle after reviewing IA SOP 203 and Policy 300.7.2 INVESTIGATION, DOCUMENTATION AND NOTIFICATION with you please update your additional to include missing items required by supervisor. Lt. Arnzen 095

Recipient's Comments/Response: Rhodes was interviewed, additional completed

1/12/2016	Sergeant Kevin Huddle	Lieutenant Alan Arnzen	(none)	<input type="checkbox"/>
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Sender's Instructions: Rhodes interviewed, body camera video of the interview attached, additional done

Recipient's Comments/Response: Returning at your request. Lt. Arnzen 095

1/12/2016	Lieutenant Alan Arnzen	Sergeant Kevin Huddle	(none)	<input checked="" type="checkbox"/>
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Sender's Instructions: Returning at your request. Lt. Arnzen 095

Recipient's Comments/Response: Additional corrected

1/12/2016	Sergeant Kevin Huddle	Lieutenant Alan Arnzen	(none)	<input checked="" type="checkbox"/>
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Sender's Instructions: Additional corrected and I am tired

Recipient's Comments/Response: Sergeant Huddle's updated additional and investigation attached. Lt. Arnzen 095

1/13/2016	Lieutenant Alan Arnzen	Captain Daniel Torok	(none)	<input checked="" type="checkbox"/>
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Sender's Instructions: Captatin Torok for your review and recommendations. Lt. Arnzen 095

Recipient's Comments/Response: I concur that the use of force was within policy.

1/19/2016	Captain Daniel Torok	Asst Chief Craig Meidl	(none)	<input checked="" type="checkbox"/>
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Sender's Instructions: for review

Recipient's Comments/Response: Compliant with policy.

Entering Officer Signature Line

Sergeant Kevin Huddle

Chain of Command Signature Lines

Sergeant David Staben

Lieutenant Alan Arnzen

Captain Daniel Torok

Sergeant Kevin Huddle

Asst Chief Craig Meidl



Spokane Police Department
Internal Investigation



CONFIDENTIAL

IA#
Additional

Complaint Being Investigated

Inc. #16-000685, Use of Force, Level 1 Neck Restraint

Complainant Interview Summary

I responded to SCSO Jail and interviewed Oliver Rhodes. I do not have a body camera so Cpl. Adams went along with his body camera. Rhodes said he gave officers a bad name because he thought he had a warrant. He said officers grabbed his arms and told him he was under arrest. He felt he did not resist. He did say both officers were slipping on the ice and had a hard time standing. He did not feel he had any trouble standing. He said one officer choked him until he was handcuffed. Rhodes said he did not have any injuries from the arrest.

Officer Interview Summary

Officer Lyons said when he started to take arm control of Rhodes he told Rhodes he was under arrest. Rhodes tensed up and started to pull away. It was icy and all were losing their footing. With the size of Rhodes, Officer Lyons felt he had to control the situation immediately. He transitioned to the level one neck restraint.

Witness Interview Summary

I was unable to contact the residents of the house Rhodes was at. Officer Lyons felt that there were no witnesses from that house and he did not see anyone else in the area. I did interview witness Officer Strassenberg. He said it was so icy he did not feel he had much control of Rhodes. Rhodes had tensed up and was pulling away. When Officer Lyons transitioned to the level one neck restraint Officer Strassenberg was able to handcuff Rhodes.

Physical Evidence

All the following were attached to the Blue Team report:

Photos of Rhodes

Body camera footage from Officer Lyons and Officer Strassenberg

Body camera footage from Cpl. Adams during interview of Rhodes.

Officers reports and CAD

Investigative Summary

The call was dispatched as a disorderly who was wanting to fight and was threatening the residents at the Hartson address. Rhodes was stalker and muscular. He gave a false name and officers went to arrest him. Rhodes tensed up and tried to pull away. Per policy 300.3.4 (b) 1. Covers the suspect resisting. 2. Rhodes had the potential to be violent given the type of call it was and his physical build. Officer Lyons was within policy to use the level one neck restraint. The force was appropriate. There was a question of when Officer Lyons advised Rhodes he was

under arrest. Officer Lyons felt he advised Rhodes as he was taking arm control. The body cameras do not show that. Officer Lyons said the body cameras beep every two minutes. When the camera does that there is no sound. He was certain he told Rhodes and Rhodes confirmed that in his interview.

Sgt. K.Huddle #208

ent History for: #SP160000685 Xref: #SP160000683

ared 01/01/16 14:38:50 BY 91117 911249
spatched 01/01/16 14:39:45 BY PCC03 1144
route 01/01/16 14:39:45
nscene 01/01/16 14:47:18
Closed 01/01/16 18:58:41

Initial Type: DISORD Final Type: DISORD (DISORDERLY PERSON)

Initial Priority: 2 Final Priority: 2

Disposition: 1E Source: 9 Primary Unit: D274

Police BLK: SPC5EC

Group: P5 Beat: Map Page: 33

Loc: 2708 E HARTSON AV ,SPK btwn S LACEY ST & S REGAL ST <600> (V)

Name: REYES, ARTURO NMI102568 Addr: SAME Phone: 5093680818

/143850 (911249) ENTRY MALE IFO LOC YELLING, THREATENING TO BREAK WIN
DOWNS, REFUSING TO LEAVE. AL SO THREATENING TO
HARM FRIENDS HUSB. NO WEAPONS SEEN. NO ASLT. M
ALE STANDING O N THE PORCH.
#SP160000683
/143925 (1144) \$CROSS #SP160000683
/143925 DUP
/143925 DUP NAM: T MOBILE
ADR: PHASE 2
PHO: 5099561058
/143945 DISPER D274 #929 LYONS, CORY
#667 STRASSENBERG, DANIEL
/144019 (911249) SUPP TXT: MALE: UNK, OLIVER, BM, 23YO, 600, DREADS,
WEARING BLK HOODY, BLU JEANS. A RRIVED ON FOO
T.
/144047 SUPP TXT: SUSP IS THREATENING TO BRING FRIENDS OVER
TO HARM COMP AND START A FIGHT.
/144158 CHANGE NAM: ART --> REYES, ARTURO NMI102568,
TXT: ###
/144411 (1144) MISC ,ARTURO NI LOCALLY, CONV FELON, CLR 18 WALLA W
ALLA
/144718 (929) *ONSCNE D274
/144839 (85) SUPP TXT: ARTURO CALLING BACK. SAYS THE MALE HAS AL
LEGEDLY CALLED FRIENDS TO COME O VER AND BEAT
PEOPLE UP. SUSP CURRENTLY ON THE FRONT PORCH,
STILL REFUSING TO L EASE. STILL NO WEAPONS SEE
N.
/144855 SUPP TXT: SEES LE, OFF THE LINE. ###
/145112 (1144) REMINQ D274 WANT,D274,,,,,,RHODES,PAUL,O,1992,07,10,,,,,
/145135 REMINQ D274 ""
WANT,D274,,,,,,RHODES,OLIVER,H,1992,09,14,,,,
/145338 ASSTER E162 [2708 E HARTSON AV ,SPK]
#1238 HICE, SCOTT
/145347 (268) *ASSTER E165 [2708 E HARTSON AV ,SPK]
#268 CARROLL, RICHARD (VIC)
/145406 (1144) MISC D274 ,RESTRICTED
/145408 (1263) *ASSTER D275 [2708 E HARTSON AV ,SPK]
#1263 THOMPSON, GREGORY
#989 WIDHALM, HOLTON
/145425 (436) *ASSTER P315 [2708 E HARTSON AV ,SPK]
#436 ADAMS, DAVE
/145453 (665) *ASSTER T41 [2708 E HARTSON AV ,SPK]
#665 DRAPER, DEAN
/145507 (1144) MISC D274 ,ONE IN CUSTODY, SLOW EM DOWN, NEED ONE MORE

FILE	LINE	STATUS	DESCRIPTION	LOCATION	DATE	TIME	REMARKS
/145517	(208)	*)	ASSTER	L250			[2708 E HARTSON AV ,SPK] #208 HUDDLE, KEVIN
/145541	(1263)	*)	PREMPT	D275			
/145707	(665)	*)	PREMPT	T41			
/145722	(268)	*)	ONSCNE	E165			
/145745	(1144)	*)	MISC	D274			, UNRESTRICT
/145826			PREMPT	E162			
/150002	(208)	*)	ONSCNE	L250			
/150023	(436)	*)	ONSCNE	P315			
/150220	(929)	*)	TRANS	D274			[JAIL] M/RESET
/150307	(436)	*)	CHGLOC	P315			[JAIL]
/150609	(268)	*)	CLEAR	E165			, PSTAT/ASST PSTAT/VIDY
/151204	(929)	*)	TRANSC	D274			M/4.0
/151259	(208)	*)	CLEAR	L250			, PSTAT/ASST
/151416	(436)	*)	ONSCNE	P315			
/154337	(1144)	*)	OK	D274			
/154337			OK	P315			
/155435	(436)	*)	MISC	P315			, PSTAT/ASST PHOTOS
/155437			CLEAR	P315			
/161026	(929)	*)	\$PREMPT	D274			
/161829			DISPOS	D274			#929 LYONS, CORY #667 STRASSENBERG, DANIEL
/161835			CHGLOC	D274			[SE]
/163042			ONSCNE	D274			
/163701	(1144)	*)	OK	D274			
/181712	(929)	*)	REMINQ	D274			MWANT,,,,,, RHODES, OLIVERH, 1992, 09, 14, ,,,,,, ,,,, 0
/185837		*)	MISC	D274			, PSTAT/CFS PSTAT/MISD PSTAT/MISD PSTAT/RPT PST
/185841		*)	CLEAR	D274			AT/VIDY
/185841			CLOSE	D274			DSP: 1E

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-000685	
INCIDENT TYPE Arrest		INCIDENT CLASSIFICATION #1 FALSE STATEMENT		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 RESISTING ARREST
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON Fri 01/01/2016 14:38		OCCURRED ON Fri 01/01/2016 14:38		OCCURRED TO Fri 01/01/2016 14:38	
DISPATCH TIME 14:39		ARRIVED TIME 14:47		REPORT DATE 01/01/2016	
		CLEARED TIME		REPORT TIME 16:59	
PRIMARY CHARGE M-10.07.020(A) MAK FALSE/MISLEAD STATEMENT-PUB SERV					UCR/NIBRS CODE /90Z
ADDITIONAL CHARGES M-10.07.034 RESISTING ARREST					
LOCATION OF INCIDENT 2708 E Hartson, Spokane, WA 99202				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS PC Affidavit Completed, Suspect Arrested, Useful Physical Evidence					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Ofc. Strassenberg					
VICTIM/WITNESSES/OTHERS <small>CON-Contact; MIP-Person Mentioned; M-Missing; W-Witness; IN-Institutional; O-Other; G-Legal Guardian; V-Occasional; CV-Complainant is Victim; C-Complainant; A-Arrested Person; PG-Passenger; RU-Runaway; OW-Owner of Property; VB-Victim - Business; V-Victim - Individual; S-Suspect; D-Driver; PE-Pedestrian; PC-Pedestrian - Cyclist; RD-Registered Owner</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Rhodes, Oliver Henry Ray			SEX M	RACE/ETHNICITY B-Black
HEIGHT 5'11"	WEIGHT 190	BUILD Heavy	HAIR Black	EYES BRO - Brown	DATE OF BIRTH/AGE 09/14/1992 23
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 202 E Wedgewood Avenue #93, Spokane, WA 99207			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (Cell) (509) 768-8166					
ALIAS NAMES (MONIKERS) Rhodes, Paul O			GANG AFFILIATIONS/HOW KNOWN		
CHARGE LEVEL Gross Misdemeanor	DESCRIPTION M-10.07.020(A) MAK FALSE/MISLEAD STATEMENT-PUB SERV			UCR/NCIC CODE /90Z	
WARRANT #	BAIL	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Gross Misdemeanor	DESCRIPTION M-10.07.034 RESISTING ARREST			UCR/NCIC CODE	
WARRANT #	BAIL \$ 250.00	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # N054538	DATE 01/01/2016	TIME 15:12	BOOKED WHERE Spokane County Jail		DATE 01/01/2016
					TIME 15:12
ARREST LOCATION 2708 E Hartson, Spokane, WA 99202			STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED	SUSPECT ARMED WITH
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE
ID NO./NAME OF REPORTING OFFICER #929 - Lyons, Cory			DISTRIBUTION		
APPROVAL #093 - Sprague, Dean		DATE/TIME 01/01/2016 20:25			

Incident Report #1

01/02/2016 11:25:59.299

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION FALSE STATEMENT		ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 16-000685	
DRIVER'S LICENSE #4b	<input type="checkbox"/> FAKE STATE	SOCIAL SECURITY NO. #4a	<input type="checkbox"/> FAKE	OTHER ID #4b	
NARRATIVE					

On 010131 hours, at approximately 1447 hours, I responded to 2708 E. Hartson regarding a disorderly male who was threatening to assault people. The suspect was described as a black male with dreadlock style hair.

Upon arrival I could see the male on the front porch of 2708 E. Hartson. As I exited my patrol vehicle the male bladed his stance and placed his right hand in his sweater pocket causing my concern that the male may be accessing a weapon. It should be noted that I was driving a marked Spokane Police patrol vehicle and wearing my duty uniform. I told the male to take his hand out of his pocket and he complied and removed his hand from his pocket. I asked the male to walk out to the street and he complied. Due to the males actions when we arrived, taking a bladed stance and placing his hand in his pocket, I patted the male down for possible weapons.

I verbally identified the male as Paul O. Rhodes with a date of birth of 071092. The male then said he was born in 1991. I asked th male if he was lying about his name and he stated that he was not.

A looked at Paul O. Rhodes last booking photograph and could see that he was not the male. In addition to looking different, Paul showed to be 325 pounds, the male was around 200 pounds.

Police Radio advised that the male was actually Oliver H. Rhodes with a date of birth of 091492. I looked at Oliver's last booking photo and found that he was actually the male.

As I exited my patrol vehicle, Oliver was telling Ofc. Strassenberg to arrest him. I advised Ofc. Strassenberg that Oliver was lying about his name and moved in and took left arm control. I started to move Oliver's left hand behind his back and I could immediately feel him tense up and try to pull his arm away from me. I advised Oliver that he was under arrest and he continued to try to pull his arm away from my grip. It should be noted that we were standing on compact snow and ice.

At this point I had probable cause to arrest Oliver for making a false or misleading statement. We also had not completed our investiagtion into the current call where the complainant stated that Oliver was threatening to assault people. I had patted Oliver down for possible weapons, but had not had a chance to completely search him. Oliver was tensing up and attempting to pull away from us as we attempted to place him under arrest.

I felt Oliver starting to pull his arm out of my grip. Using my right leg, I swept Oliver's legs out from under him and took him to the ground. Once on the ground, I placed Oliver in a level 1 lateral neck restraint from behind and used my body weight to trap him on the ground. I advised Oliver that if he continued to right he would be rendered unconscious. Oliver said, "Ok" and Ofc. Strassenberg was able to handcuff him.

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
FALSE STATEMENT

ATTEMPTED
☐

INCIDENT NUMBER
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We stood Oliver up and started to walk him to our patrol vehicle. Ofc. Strassenberg had opened the drivers side back door of the patrol vehicle before we stood him up. As I walked Oliver to the patrol vehicle, he pulled away and shouldered the door shut. I pushed Oliver up against the patrol vehicle to control him. We searched Oliver incident to arrest and placed him in the back of our patrol vehicle.

Ofc. Strassenberg contacted the complainant and advised that they just wanted Oliver to leave.

I advised Oliver that he was under arrest for false or misleading statements and resisting arrest. Oliver did not have any visible injuries.

Sgt. Huddle responded and was advised of the situation.

We transported Oliver to the Spokane County Jail. Once at Jail, Oliver went on and on about how we were only arresting him because he was being black in Spokane. I attempted several times to explain to Oliver that we were called there because of his behavior and then he lied about his name. I further explained to Oliver that he was only taken to the ground because he resisted arrest. Oliver called us racists and "niggas" and failed the booking process.

Cpl. Adams responded to the Spokane County Jail and took photographs of Oliver's lack of injury.

We booked Oliver for false or misleading statements and resisting arrest (N054538).

When I reviewed my body camera I found that during the initial struggle with Oliver it turned off when Oliver pulled his arm from behind his back. I re-activated the body camera once Oliver was handcuffed. It should also be noted that when I pushed Oliver up against the patrol vehicle to control him my body camera was knocked off me and onto the ground.

C. Lyons #929

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

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-000685	
REPORT PURPOSE				REPORTED ON DATE Fri 01/01/2016	TIME 14:47
INCIDENT CLASSIFICATION #1 FALSE STATEMENT		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 RESISTING ARREST		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 01/01/2016	REPORT TIME 17:10
PRIMARY CHARGE					UCR/NIBRS CODE
VICTIM/WITNESSES/OTHERS <small>CON-Contact, MIR-Parson Mentioned, M-Missing, W-Witness, IN-Institutional, O-Other, G-Legal Guardian, V-Deceased, CV-Complainant is Victim, C-Complainant, A-Arrested Person, PS-Passenger, RU-Runaway, OW-Owner of Property, VB-Victim - Business, V-Victim - Individual, S-Suspect, D-Driver, PE-Pedestrian, PC-Pedestrian - Cyclist, RO-Registered Owner</small>					
CODE C-1	NAME: LAST, FIRST, MIDDLE Reyes, Arturo NMI			SEX M	RACE/ETHNICITY -
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DATE OF BIRTH/AGE 10/25/1968 47
DESCRIPTORS					
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2708 E Hartson, Spokane, WA 99202			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) (509) 368-0818					
NARRATIVE					

On 1 January 2016 at 1447 hours, Myself and Officer Lyons responded to 2708 E Hartson on the report of a disorderly male. The complainant (Arturo Reyes) advised 911 that a male was at the location yelling and was also threatening to break windows. The complainant also told 911 that subject was refusing to leave. Prior to arriving on scene, Reyes called back to advise the suspect male told him he was calling people to come to the location to assault him.

The suspect male was described as a black male wearing a black hoody and blue jeans with a first name of Oliver. Upon arriving on scene, Officers observed a black male (Oliver Rhodes) standing on the front porch of the home. As Rhodes observed our approach, he turned towards us and placed his hand in his pocket. We contacted the male and asked to remove his hand from his pocket.

The male was patted for weapons and he then spoke with Officer Lyons. (See report)

I then contacted the residents inside the home. Reyes stated the male was looking for a female that was not at the home. Reyes said there was nothing in the house that belongs to the male and they simply wanted him to leave. Reyes said the male advised he called people and they were coming over. Reyes said the male does not live at the house and they want him to leave.

I then contacted Rhodes outside near the side walk. Officer Lyons was verifying the name Rhodes had initially provided to him. I then spoke with Rhodes and advised him I spoke with the people inside the house. I told him they advised he had no property inside and they wanted him to leave

ID NO./NAME OF REPORTING OFFICER #667 - Strassenberg, Daniel		DISTRIBUTION
APPROVAL #093 - Sprague, Dean	DATE/TIME 01/01/2016 20:23	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
FALSE STATEMENT

ATTEMPTED
☐

INCIDENT NUMBER
16-000685

the area.

Rhodes indicated that he lived north and came down here to contact a female. Rhodes mentioned the name of a female and it sounded like Connie. Rhodes stated that he was not going to leave and that Officers would have to arrest him. I told Mr. Rhodes that we did not want to arrest him and that he just needed to leave the area. Rhodes again stated Officers just needed to arrest him.

Officer Lyons then exited the patrol car and advised Rhodes had provided a false name. As we stepped in to take arm control to place the male under arrest for providing a false name, the male tensed up his arms. As I began to position his right arm behind his back, Rhodes tensed the arm and pulled in towards his body. Rhodes then started pushing the right arm forward.

The ground was covered with snow and ice and I began to lose footing as Rhodes pulled the arm back and then forward. As my feet began to lose more traction, all three of us went down on the ground. Once we went to the ground, I again took control of the right arm. Rhodes continued with the muscle tension/resistance in the arm. I then gained control of the right arm and placed a cuff on the right wrist.

As I transitioned the right arm to the small of his back, I started to take control of the left wrist to apply the other cuff when Rhodes grabbed by hand. I told Rhodes to let go of my hand and then placed the other cuff on to the left wrist. We stood Rhodes up and escorted him to the patrol car.

I then contacted the people inside the home to let them know the male was in custody due to providing a false name to officers. They stated they knew him as Oliver. I advised them the male had given a false name and had told officers that he was refusing to leave the area. The residents stated the male probably thought he had a DOC warrant.

We then transported Rhodes to the Spokane County Jail where he was booked on the listed charges. While in the booking area, Rhodes made numerous comments that this is what happens to black people in Spokane. He did admit that he gave a false name to Officers.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. I WAS EQUIPPED WITH A BODY CAMERA, AND IT WAS ACTIVE DURING THIS INCIDENT.

D. STRASSENBERG
SPOKANE PD #667