



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 Ernest Wuthrich

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
1/7/2016	1/7/2016	20:54
Record ID #	Incident No	IA No
9155	16-8078	F16-005
Date/Time Entered		
1/16/2016 23:12		

Incident Summary

The complainant alleges he sustained a scrape on his chin from being knocked to the ground by officers during his arrest at Shannon & Ash. The complainant was not knocked to the ground and his scraped chin was consistent with prone cuffing.

In compliance with policy per Assistant Chief Meidl 02/09/16.

Incident Location

- N/A Shannon & Ash, Spokane, WA 99205 - : Northwest

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Multiple (Specify)	Call For Service	
Weather Condition	Lighting Condition	Distance to Citizen
Snow	Street Light	a-0-3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	No	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Small	5'7" to 5'9"	
Officer Assessment of Citizen Condition During Incident		
Apparent Mental Health Issues		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen Information

Charles Anthony Guerin

DOB: 5/7/1989 Race: White Gender: Male

Address

- 614 Montgomery AV, Suite/Apt: B, Direction: W, Spokane, WA 99207

Phone

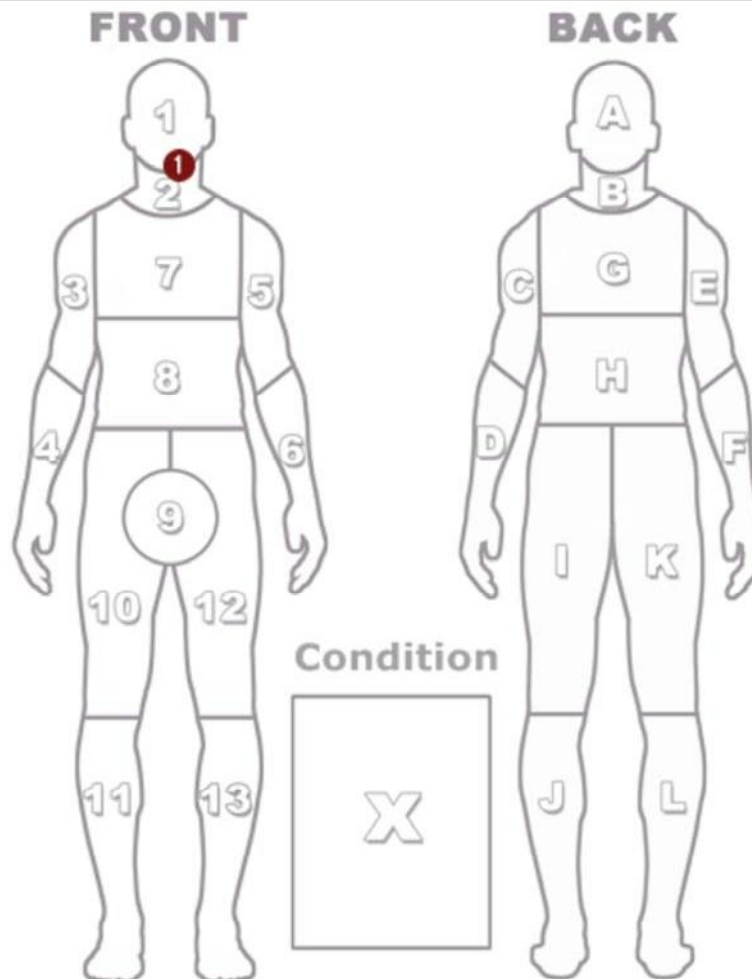
- (509) 724-9134

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
b-Minor Visible Injury	1	1

**Charges against this citizen**

- Obstructing

Involved Officers

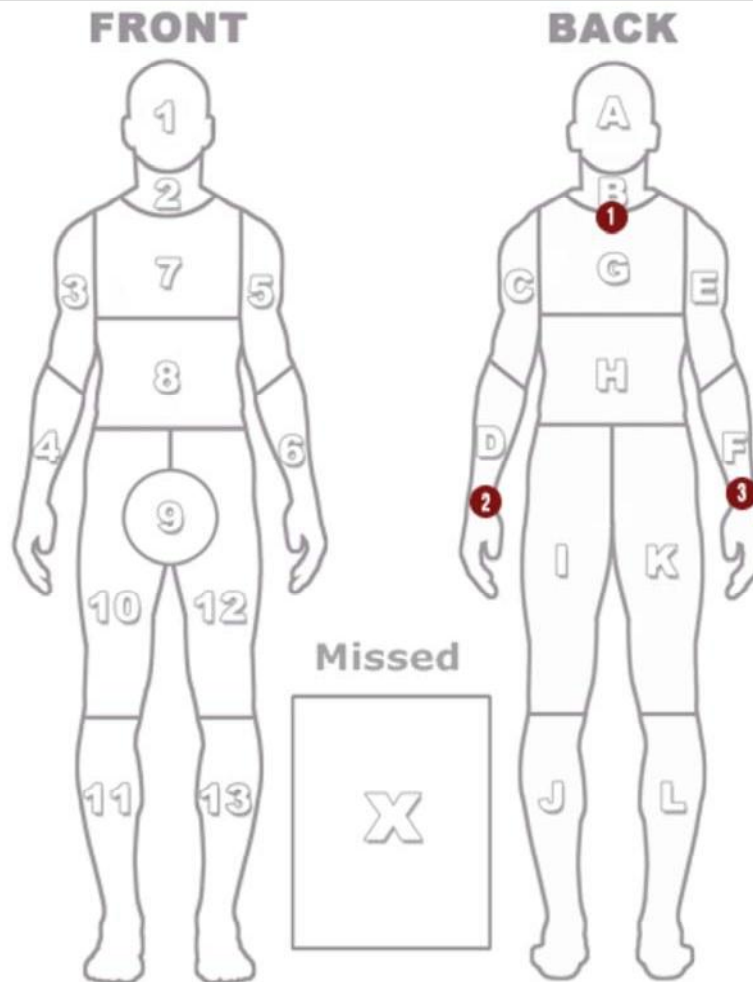
Officer Christopher Bode - Payroll Number: #5c

Force used by this officer against the citizen

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

- Handcuffing Technique - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Body Weight/Manual Force	Yes	G	1
Handcuffing Technique	Yes	D, F	2, 3



Injuries sustained by this officer

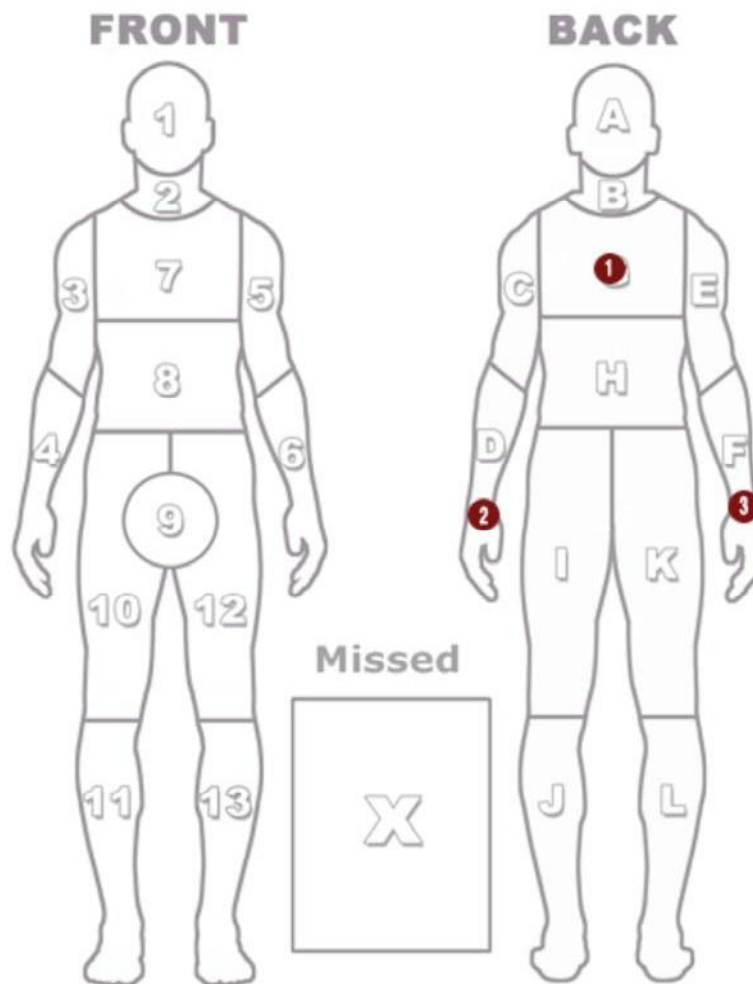
Injury	Regions	Injury Locations
No injuries noted or visible		

Officer David Stone - Payroll Number: #5c

Force used by this officer against the citizen

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

Force Used	Effective?	Regions	Points of contact
Body Weight/Manual Force	Yes	G	1
Handcuffing Technique	Yes	D, F	2, 3



Injuries sustained by this officer

Injury	Regions	Injury Locations
No injuries noted or visible		

Officer Witnesses

Officer Christopher Brasch - Payroll Number: #5c

Officer Matthew Clark - Payroll Number: #5c

Sergeant Thomas Lee - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
1/17/2016	Akins additional	pdf
1/17/2016	Bode additional	pdf
1/17/2016	Brasch additional	pdf
1/17/2016	CAD	pdf
1/17/2016	Clark additional	pdf
1/17/2016	Obstructing citation	pdf
1/17/2016	Sgt Lee report	pdf
1/17/2016	Spiering additional	pdf

1/17/2016	Spiering photo log	pdf
1/17/2016	Stone additional	pdf
1/17/2016	Complainant pic 1	JPG
1/17/2016	Complainant pic 2	JPG
1/17/2016	Complainant pic 3	JPG
1/17/2016	Complainant pic 4	JPG
1/17/2016	Police vehicle pic 1	JPG
1/17/2016	Police vehicle pic 2	JPG
1/17/2016	Police vehicle pic 3	JPG
1/17/2016	Pic of photo log	JPG
1/17/2016	Kirby body cam	
1/17/2016	Wuthrich interview of Complainant	
1/17/2016	Spiering body cam	
1/17/2016	Fairbanks' body cam	
1/17/2016	Stone's body cam	
1/18/2016	Wuthrich's IA Additional	doc

Chain of Command History

Sent Dt	From	To	CC	Approved
1/18/2016	Sergeant Ernest Wuthrich	Lieutenant Alan Arnzen	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Lt. Arnzen, Please review the attached use of force report. Thanks, Ernie				
Recipient's Comments/Response: IA it appears this didn't go to you for processing. Most of the officers who put hands on do not work for me so not sure why routed to me. Lt. Arnzen 095				
1/18/2016	Lieutenant Alan Arnzen	Internal Affairs	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: For IA processing. Lt. Arnzen 095				
Recipient's Comments/Response: Body camera video shows that this complaint is false. I recommend normal chain of command review				
1/19/2016	Sergeant David Staben	Lieutenant Steven Braun	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Body camera video shows that this complaint is false. I recommend normal chain of command review				
Recipient's Comments/Response: [Forwarded by Lieutenant Steven Braun]				
1/22/2016	Lieutenant Steven Braun	Sergeant David Staben	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Please forward for a chain of command review for the UOF.				
Recipient's Comments/Response: Use of Force Review				
1/25/2016	Sergeant David Staben	Lieutenant Alan Arnzen	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Use of Force Review				
Recipient's Comments/Response: Officers in this incident put hands on Guerin after he went to ground on his own. He said he was Tackled (in Sgt. Wuthrich video). He also made statements about being shot with a BB gun (Brasch's report and audio) by police. He makes reference to being shot by a TASER and BB gun by police (written in Bode's report). All of the above incidents didn't happen and are supported by video and reports. The force used consisted of verbal commands, bodily weight, control techniques and mechanical restraints during prone cuffing of an uncooperative/resistive person (tensing arms, pulling away and kicking). The minor injuries to his face are also consistent with prone cuffing. Pain to his wrists are consistent with cuffing. His leg/foot pain also part of prone cuffing. Officer Clarke used his bodyweight on his legs to stop him from kicking. There is nothing in the reports or video to indicate otherwise. The force used by all officers is within policy. Lt. Arnzen 095				
1/28/2016	Lieutenant Alan Arnzen	Captain Daniel Torok	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: For your review and recommendations. Lt. Arnzen 095				
Recipient's Comments/Response: I concur that the force used was within policy.				

2/5/2016	Captain Daniel Torok	Asst Chief Craig Meidl	(none)	<input checked="checked" type="checkbox"/>
Sender's Instructions: For review				
Recipient's Comments/Response: The techniques used in this incident were compliant with policy.				

Entering Officer Signature Line

Sergeant Ernest Wuthrich**Chain of Command Signature Lines**

Lieutenant Alan Arnzen

Sergeant David Staben

Lieutenant Steven Braun

Captain Daniel Torok

Asst Chief Craig Meidl



Spokane Police Department
Internal Investigation



CONFIDENTIAL

Additional

Policy Being Investigated

300.3.1 Use of Force to Effect an Arrest

Complainant Interview Summary

I interviewed the complainant, Charles A. Guerin, in a holding cell at the Spokane County Jail on 01/07/16. He said that he was walking down the street when an officer approached him in an unmarked car, without wearing a badge, and knocked him down onto the ground. He complained that his jaw was dislocated, his feet hurt, and his hand hurt from the cuffs being too tight.

Officer Interview Summary

The officers requested to have union representation before making any statements to a supervisor. I advised them to complete their reports which would serve as a statement.

After reading reports from Sgt. Lee, Officer Bode, Officer Akins, Officer Clark, Officer Brasch, Officer Stone, and Corporal Spiering, I learned that no one placed Guerin on the ground. Guerin was ordered by Sgt. Lee to get on the ground and Guerin complied. Officers Bode and Stone were the first officers to go hands-on with Guerin. They used a two officer standard prone handcuffing technique to apply the handcuffs. Guerin received a small abrasion on the right side of his chin during the handcuffing. The abrasion was consistent with prone handcuffing.

Witness Interview Summary

There were no witnesses to the initial contact Sgt. Lee had with Guerin. I did not interview the firemen who were at the scene to examine Guerin for injuries.

Physical Evidence

Corporal Spiering, Officer Kirby, Officer Fairbank, Officer Stone, and Sgt. Wuthrich utilized body worn cameras. Those videos are attached to the Use of Force Report.

Investigative Summary

Based on Officers written reports and video from body worn cameras it is apparent that Guerin is being untruthful about being injured by Spokane Police Department personnel. None of the

involved officers used excessive force during their contact with Guerin. The abrasion on Guerin's chin was consistent with prone handcuffing.

Sgt. Ernie Wuthrich #252

Incident History for: #SP160008078 Xref: #SP160007821

Entered 01/07/16 20:04:50 BY PCC02 1069
Dispatched 01/07/16 20:05:39 BY PCC01 1141
Enroute 01/07/16 20:05:39
Onscene 01/07/16 20:08:32
Closed 01/07/16 23:43:38

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

Initial Priority: 3 Final Priority: 3

Disposition: 1E Source: V Primary Unit: B328

Police BLK: SPA2EG

Group: P2 Beat: Map Page: 25

Loc: W INDIANA AV/N OAK ST ,SPK <1700,1900> (V)

Name: FIRE

Addr:

Phone:

/200450 (1069) ENTRY ASKING FOR HELP
/200501 SUPP TXT: MALE KNOCKED ON FIRE 3'S DOOR SAID HE LIT
A FIRE
/200513 SUPP TXT: NOW HES WALKING DOWN THE STREET LIGHTING
FIRES
/200522 SUPP TXT: DARK CLOTHING
/200525 (1141) HOLD
/200539 DISPER B321 #1262 AKINS, RYAN
#1015 KIRBY, AARON
/200539 ASSTER B326 #1180 GROOM, DARYL
/200548 (1069) SUPP TXT: THEY ARE TRYING TO GET MORE
/200554 SUPP TXT: WM 510 DARK GREEN JACKET SHORT PANTS
/200616 SUPP TXT: INDIANA AND ELM IS WHERE HE IS AT RIGHT N
OW
/200620 (1141) ASSTER L244 #244 LEE, TOM
/200820 MISC L244 ,SUSPECT WENT NB ON ELM
/200832 ONSCNE L244
/200839 MISC L244 ,ELM/SHANNON
/200859 (1069) MISC L244 ,DEF HAVING SOME ISSUES HERE
/200901 MISC L244 ,RESTRICTED
/200909 MISC L244 ,CONT EB REFUSING COMMANDS
/200911 (1182) *ASSTER B243 [W INDIANA AV/N OAK ST ,SPK]
#1182 ECKERSLEY, DAVID
#1217 FISHER, TYLER
/200917 (1181) *ASSTER B327 [W INDIANA AV/N OAK ST ,SPK]
#1181 LESSER, CHRISTOPHER
/200920 (507) *ASSTER P313 [W INDIANA AV/N OAK ST ,SPK]
#507 BLESSING, ERIN
/200933 (1154) *ASSTER B329 [W INDIANA AV/N OAK ST ,SPK]
#1154 YRIGOLLEN, KYLE
/200934 (1069) MISC L244 ,GOT SOMETHING IN HIS HANDS CONT EB
/200934 (1022) *ASSTER B322 [W INDIANA AV/N OAK ST ,SPK]
#1022 FAIRBANKS, LANCE
#1272 CLARK, MATTHEW
/200935 (952) *ASSTER F31 [W INDIANA AV/N OAK ST ,SPK]
#952 BRASCH, CHRISTOPHER
/200955 (1013) *ASSTER X288 [W INDIANA AV/N OAK ST ,SPK]
#1013 QUARLES, DARRELL
/200957 (560) *ASSTER P323 [W INDIANA AV/N OAK ST ,SPK]
#560 SPIERING, NATHAN J
/201006 (1069) MISC L244 ,SHAVED HEAD GREEN JACKET CAMO SHORTS, AT OAK
NOW
/201007 (1261) *ASSTER B245 [W INDIANA AV/N OAK ST ,SPK]
#1261 FISKVIK, ALISHA

/201008	(1203)	*ASSTER	B247	#1196 KAURIN, DAVID [W INDIANA AV/N OAK ST ,SPK]
/201017	(326)	*ASSTER	L126	#1203 WELLS, DALE [W INDIANA AV/N OAK ST ,SPK]
/201025	(1069)	MISC	L244	#326 ANDERSON, J D ,CONT EB, ADVISED UNDER ARREST
/201026	(1231)	*ASSTER	C289	[W INDIANA AV/N OAK ST ,SPK] #1231 LAIVA, JOSHUA #730 HANEY, SCOTT
/201036	(1233)	*ASSTER	C353	[W INDIANA AV/N OAK ST ,SPK] #1233 TOAL, AUSTIN
/201101	(1189)	*ASSTER	B244	#1189 DUNKIN, DAVID
/201102	(1069)	MISC	L244	,NORTH SIDEWALK APPROACHING ASH, REFUSING TO S HOW HIS HANDS
/201106	(952)	*ONSCNE	F31	
/201115	(1069)	ASSTOS	B320	[W INDIANA AV/N OAK ST ,SPK] #994 BODE, CHRISTOPHER
/201122		ASSTOS	B328	[W INDIANA AV/N OAK ST ,SPK] #1085 STONE, DAVID #1275 STEWART, MATTHEW ,WITH HIM
/201138		MISC	L244	
/201209	(1182)	*ONSCNE	B243	
/201212	(1069)	ONSCNE	L126	
/201213	(507)	*ONSCNE	P313	
/201216	(1233)	*PREMPT	C353	
/201218	(1069)	MISC	L244	,SLOW IT DOWN, C4 IN CUSTODY
/201222	(1180)	*ONSCNE	B326	
/201228	(1013)	*ONSCNE	X288	
/201231	(1069)	MISC	L244	,HE THREW ITEMS FOR THE PAST TWO BLOCKS IM GOI NG TO SEARCH FOR THEM
/201232	(1231)	*PREMPT	C289	
/201233	(1154)	\$PREMPT	B329	
/201240	(1203)	*PREMPT	B247	
/201248	(1069)	PREMPT	B244	
/201248		PREMPT	B245	
/201248		PREMPT	B327	
/201257	(1022)	*ONSCNE	B322	
/201259	(1069)	ONSCNE	B321	
/201316	(326)	*CLEAR	L126	,PSTAT/ASST
/201340	(1069)	MISC	L244	,P323 HAVE ONE OF THE GUYS GO TO FIRE STATION SEE IF THE EVID IS ARSON RELATED SO WE GATHER IT CORRECTLY
/201344		MISC	L244	,B321 WILL GET THE STATION
/201417		MISC	L244	,UNRESTRICTED
/201526		ONSCNE	P323	
/201559	(1181)	*ASSTER	B327	[W INDIANA AV/N OAK ST ,SPK] #1181 LESSER, CHRISTOPHER
/201600		*ONSCNE	B327	
/201600		*ONSCNE	B327	
/201608	(1069)	NEWLOC	B243	[SHANNON/ASH]
/201608		NEWLOC	B320	[SHANNON/ASH]
/201608		NEWLOC	B321	[SHANNON/ASH]
/201608		NEWLOC	B322	[SHANNON/ASH]
/201608		NEWLOC	B326	[SHANNON/ASH]
/201608		NEWLOC	B327	[SHANNON/ASH]
/201608		NEWLOC	B328	[SHANNON/ASH]
/201608		NEWLOC	F31	[SHANNON/ASH]
/201608		NEWLOC	L244	[SHANNON/ASH]
/201608		NEWLOC	P313	[SHANNON/ASH]
/201608		NEWLOC	P323	[SHANNON/ASH]

/201608		NEWLOC	X288	[SHANNON/ASH]
/201609	(1210)	REMINQ	X288	WANT,X288,,,,,,GHERINS,CHARLES,A,1989,05,07,,
				,,,,,,1
/201616	(1069)	ASSTER	L252	[SHANNON/ASH]
				#252 WUTHRICH, ERNIE
/201622		NEWLOC	B321	[FIRE 3]
/201642		MISC	B243	,TO B244 CAR SECURE AND RUNNING, L244 LEAVE IT
				WHERE IT IS
/201644	(1210)	REMINQ	X288	WANT,X288,,,,,,GUERIN,CHARLES,A,1989,05,07,,
				,,,,,,
/201713	(1069)	NEWLOC	B321	[INDIANA/OAK]
				,WITH FIRE
/201743	(1182)	*CLEAR	B243	,PSTAT/ASST PSTAT/VIDN PSTAT/VIDN
/201747	(1180)	*CLEAR	B326	,PSTAT/ASST PSTAT/VIDN
/201808	(560)	*ONSCNE	P323	
/201902	(1210)	ASSTOS	B241	[SHANNON/ASH]
				#680 HOWE, DUSTIN
/202058	(952)	*CLEAR	F31	
/202108	(1069)	CROSS		#SP160007821
/202510	(1013)	*CLEAR	X288	,PSTAT/ASST
/202723	(507)	*MISC	P313	,PSTAT/ASST
/202725		*CLEAR	P313	
/202952	(1262)	*MISC	B321	,PSTAT/ASST PSTAT/VIDY PSTAT/SUPP
/203027	(680)	*CLEAR	B241	
/203350	(994)	*TRANS	B320	[JAIL] M/0.0
				,MALE
/203418	(1069)	CHGLOC	L252	[JAIL]
/203622	(1022)	*CHGLOC	B322	[JAIL]
/203636	(1262)	*CLEAR	B321	
/203737	(1069)	MISC	B328	,KEEPS KICKING OUR CAR DOOR
/203744	(560)	*CHGLOC	P323	[JAIL]
/203804	(1069)	TRANS	B328	[JAIL]
/203809	(994)	*TRANSC	B320	M/1.2
/203844	(1022)	*ONSCNE	B322	
/203909	(252)	*ONSCNE	L252	
/203941	(560)	*ONSCNE	P323	
/204034	(1069)	OK	L252	
/204034		OK	P323	
/204039		NEWLOC	L244	[JAIL]
/204041		OK	L244	
/204043		OK	B320	
/204043		OK	B322	
/204047	(1022)	*ONSCNE	B322	
/204825		*CLEAR	B322	,PSTAT/ASST PSTAT/VIDY PSTAT/RPT
/204838	(1181)	*CLEAR	B327	,PSTAT/ASST PSTAT/RPT
/205217	(560)	*CHGLOC	P323	[NW]
/205347	(244)	*ONSCNE	L244	
/205535	(994)	*REMINQ	B320	MWANT,,,,,,GUERIN,CHARLESA,1989,05,07,,,,,,
				,,,,,,
/205809	(560)	*ONSCNE	P323	
/210847	(994)	*CHGLOC	B320	[1 DECON CAR]
/210907	(252)	*CLEAR	L252	,PSTAT/CFS PSTAT/VIDY, FOR SUSP INTERVIEW IN J
				AIL
/211310	(244)	*CHGLOC	L244	[NW PAPER]
/211513	(1181)	*ASSTER	B327	[NW PAPER]
				#1181 LESSER, CHRISTOPHER
/211536		*ONSCNE	B327	
/211614		*MISC	B327	,FIRE GUYS: MIKE ROSSI 4/15/1969 & FRANK SANDA
				LL 7/10/1966, ENGINE 3 1713 W INDIANA (509)625
				-07103

/212133		\$PREMPT	B327	
/212246	(244	) *ONSCNE	L244	
/212546	(994	) *MISC	B320	,1B PSTAT/ASST PSTAT/RPT PSTAT/VIDN
/212550		*CLEAR	B320	
/214038	(1069	) OK	L244	
/214038		OK	P323	
/214040		TRANSC	B328	
/214041		OK	B328	
/215306	(560	) \$PREMPT	P323	
/224515	(244	) *CLEAR	L244	, PSTAT/CFS PSTAT/RPT
/234338	(1085	) *CLEAR	B328	DSP: 1E
				, PSTAT/ASST PSTAT/VIDY PSTAT/RPT
/234338		, CLOSE	B328	

Incident History for: #SP160007821 Xref: #SP160008078

Entered 01/07/16 16:04:07 BY 91121 911250
Dispatched 01/07/16 16:04:50 BY N45 1107
Enroute 01/07/16 16:04:50
Closed 01/07/16 16:22:47

Initial Type: PERBOT Final Type: PERBOT (PERSON BOTHERING)

Initial Priority: 3 Final Priority: 3

Disposition: 1D Source: A Primary Unit: N45

Police BLK: SPD8RS

Group: P8 Beat: Map Page: 33

Loc: 523 W SPRAGUE AV ,SPK btwn S STEVENS ST & S HOWARD ST <000> (V)

Loc Info: PISTOL BOARDSHOP

Name: ANON

Addr: ANON

Phone: ANON

/160407 (911250) ENTRY MALE IS BREATHING ON THE WINDOW OF LOC, NO WEA
PONS SEEN, POSS INTOX/HIGH, COMP IS INSIDE LOC
, MALE IS IFO LOC.
/160425 SUPP TXT: MALE; HM, 25-30YO, WHI CAMO JACKET, CAMO
SHORTS
/160450 (1107) *DISPER N45 #1107 DOTSON, JOSEPH
/160457 (1136) *ASSTER N48 [523 W SPRAGUE AV ,SPK]
#1136 HARVEY, DALE
/160524 (911250) CHANGE NAM: JOSH --> ANON,
ADR: SAME/EMPL --> ANON,
PHO: 5092513614 --> ANON,
TXT: MALE IS NOW NEXT DOOR, COMP CAN NO LONGER
SEE MALE ###
/160806 (1136) *PREMPT N48
/161535 (1107) *MISC N45 ,MALE WANDERED OFF. SEEMED 105. DID NOT STOP H
IM.
/161807 *MISC N45 ,WATCHING MALE AT 600 W RIVERSIDE
/161907 *REMINQ N45 MWANT,,,,,,,,,GUERIN,CHARLESA,1989,05,07,,,,,,,,,
/162247 *CLEAR N45 ,PSTAT/CFS
/162247 CLOSE N45 ,PSTAT/VIDN NO CONTACT
/162410 *MISC
/202108 (1069) CROSS #SP160008078

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-008078	
INCIDENT TYPE Arrest		INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON Thu 01/07/2016 20:04	DATE/TIME	OCCURRED ON Thu 01/07/2016 20:04	DATE/TIME	OCCURRED TO Thu 01/07/2016 20:54	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 01/07/2016	REPORT TIME 21:43	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE M-10.07.032 OBSTRUCTING					UCR/NIBRS CODE /
LOCATION OF INCIDENT Indiana & Oak , Spokane, WA 99201				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS Suspect Arrested					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS yes					
VICTIM/WITNESSES/OTHERS					
CODE A-1	NAME: LAST, FIRST, MIDDLE Guerin, Charles Anthony			SEX M	RACE/ETHNICITY W-White
HEIGHT 5'09"	WEIGHT 145	BUILD Light	HAIR Black	EYES BRO - Brown	DATE OF BIRTH/AGE 05/07/1989 26
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 614 W Montgomery Avenue #B, Spokane, WA 99207			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) 724-9134					
CHARGE LEVEL Gross Misdemeanor	DESCRIPTION M-10.07.032 OBSTRUCTING				UCR/NCIC CODE
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # 6Z186124	DATE 01/07/2016	TIME	BOOKED WHERE Spokane County Jail		DATE 01/07/2016
ARREST LOCATION Ash & Shannon , Spokane, WA 99205			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
DRIVER'S LICENSE <input type="checkbox"/> FAKE	STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE	OTHER ID #4b		

NARRATIVE

I went to fire station #3 after a male approached the firefighters working there, was flicking a Bic lighter and claiming to have just set a fire. The suspect was talking wildly and not making sense.

ID NO./NAME OF REPORTING OFFICER #244 - Lee, Thomas		DISTRIBUTION Crime Analysis	
APPROVAL #244 - Lee, Thomas	DATE/TIME 01/08/2016 23:53		

Incident Report #1

01/09/2016 00:02:50.047

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION
OBSTRUCT OFFICER

ATTEMPTED
☐

INCIDENT NUMBER
16-008078

He left walking west.

There was genuine concern that a fire had possibly been set and/or the man was in need of mental health assistance.

I found a firefighter two blocks west at Elm and Indiana. He pointed north to the suspect who was now at Elm and Shannon.

As I approached in my car, the man stopped, turned in several directions and appeared unsure of whether to keep walking and which way to go. He grabbed onto a street sign pole and began shaking it wildly.

I opened my door and, as I began to exit my car, the suspect started walking east on the north sidewalk. I yelled for him to stop and said I wanted to speak to him. The suspect kept walking. I drove a short distance, parked and got out. I again asked him to stop, identified myself as a police officer and said I needed to speak to him. The suspect continued walking away while speaking words I did not understand.

The suspect, later identified as Charles Guerin, would never turn around. He would turn his head to the side to yell. He kept his hands inside his coat except for a few brief occasions when he'd lift his hands above his head and peel away pieces of small twigs he was holding and throw them onto the ground.

We continued walking eastbound. I stayed 25 to 30-feet behind him. I was wearing the uniform of the day with a clearly visible badge. I was concerned that the suspect might be concealing a weapon and would turn and try to assault me.

At least twice more, I identified my self as Spokane Police and told Guerin to stop so I could talk to him. Each time he would just yell and keep walking.

We reached Oak; I again said I was a police officer but now told Guerin that he was under arrest for Obstructing. I loudly ordered him to stop. He refused.

I repeated at least three more times that I was the police, that he was under arrest and ordered him to stop. I also told him at least twice that I did not want to hurt him but, he risked injury if I was had to use force to detain him.

Finally, at about 60-feet west of Ash, Guerin stopped and turned toward me. He began reaching into the waistband area of his pants beneath his coat. I drew my pistol and kept it at the low ready position while ordering Guerin to get on the ground. He slowly complied.

Guerin laid flat on his stomach with his hands and arms outstretched. I re holstered my pistol.

Incident Report #1

CONTINUED ON NEXT PAGE

01/09/2016 00:02:50.250

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION
OBSTRUCT OFFICER

ATTEMPTED



INCIDENT NUMBER
16-008078

Guerin briefly reached for his Bic lighter that had rolled away.

Ofcs. Bode, Brasch and Stone arrived and took Guerin into custody using the prone cuffing technique.

See their reports and others from Ofc. Akins and Cpl. Spiering.

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

Sgt. T. Lee
SPD 244

Incident Report #1

END OF INCIDENT REPORT

01/09/2016 00:02:50.281

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1 of 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-008078	
REPORT PURPOSE			REPORTED ON DATE Thu 01/07/2016	TIME 20:04	INCIDENT XREF
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #2 <input type="checkbox"/>	
INCIDENT CLASSIFICATION #3 <input type="checkbox"/>		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #4 <input type="checkbox"/>	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 01/07/2016		REPORT TIME 22:39
PRIMARY CHARGE					UCR/NIBRS CODE
VICTIM/WITNESSES/OTHERS					
CODE W-1	NAME: LAST, FIRST, MIDDLE Sandall, Frank J			SEX M	RACE/ETHNICITY W-White
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DATE OF BIRTH/AGE #5b
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 1713 W Indiana, Spokane, WA 99205			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS Spokane Fire Department-Strn. 3 1713 W Indiana Avenue, Spokane,			OCCUPATION Employed		EMPLOYER PHONE
ADDITIONAL PHONES (Work) (509) 625-7103					
NARRATIVE					

On 01/07/16 at 20:05 hours, I responded to the area of Indiana and Oak on a reported male setting fire's. Station 3 from the Spokane Fire department called and stated a male knocked on their door and is now walking down the street lighting fires.

I went to Station 3 and spoke with fire fighter Frank Sandall. He stated the following to me:

He was on duty at station 3. A male, identified as Charles Guerin came to the station door. Guerin rang the door bell and he answered. Guerin told him that he started a fire and pointed down the street to the East. Guerin started to walk away and was attempting to light something in his hands. He noticed a lighter in Guerin's hand, but did not see what was in his other hand. He then called the police.

I checked the area around Indiana and Oak and could not located anything that was set on fire.

Ofc. Akins #1262

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

ID NO./NAME OF REPORTING OFFICER #1262 - Akins, Ryan P		DISTRIBUTION	
APPROVAL #607 - Meyer, Richard	DATE/TIME 01/08/2016 02:33		

Supplemental Report #1

01/08/2016 02:43:20.575

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-008078	
REPORT PURPOSE			REPORTED ON DATE Thu 01/07/2016	TIME 20:04	INCIDENT XREF
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 ASSIST OTHER AGENCY		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 01/07/2016		REPORT TIME 22:00
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 010716, I was on duty as a Spokane Police officer, wearing a full duty jumpsuit style uniform with badge on left chest and full color patches on both shoulders. I was operating a marked police vehicle (308) with emergency lights and siren.

I was clearing the Public Safety building after a SWAT detail and heard over the police radio that Spokane Fire Department personnel from Station 3 (Indiana and Ash) had called police stating a male was banging on their door saying he had just set a fire and they needed to come put it out.

Sgt Lee was in the area and located the male walking away from the fire station. I heard Sgt Lee state over the radio the male was not obeying commands, he had an object in his hand, and was under arrest for obstructing. Reference Sgt Lee's report for additional information.

I located Sgt Lee and the male (later identified as Charles) on the north sidewalk to the west of Ash on Shannon. The male was lying on the sidewalk in the prone position with his left arm near his head. Sgt Lee was yelling at him to drop the lighter.

Officer Stone and I approached Charles from behind and took him into custody using a two officer standard prone handcuffing technique (F/S,D/L,x1) During the search, Charles tried to pull away and had to be held against the ground with body weight. During the arrest, Charles received an abrasion to the right side of his chin that is consistent with prone handcuffing. He was seen by SFD medics on scene and the minor injury was cleaned on scene and did not require further medical treatment.

Corporal Spiering took photos of Charles chin.

Charles alleged that we tackled him to the ground, shot him with a BB gun and tased him. None of those things occurred and Officer Stone's body camera footage shows they did not happen.

No use of force was used against Charles besides voice commands, control techniques and mechanical restraints.

Reference other officers reports for more information.

ID NO./NAME OF REPORTING OFFICER #994 - Bode, Christopher		DISTRIBUTION	
APPROVAL #445 - Cordis, Tyler	DATE/TIME 01/08/2016 07:11		

Supplemental Report #1

01/08/2016 07:13:10.044

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION
OBSTRUCT OFFICER

ATTEMPTED
☐

INCIDENT NUMBER
16-008078

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

Officer C. BODE/994/B320

Supplemental Report #1

END OF ADDITIONAL REPORT

01/08/2016 07:13:10.138

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-008078	
REPORT PURPOSE			REPORTED ON DATE Thu 01/07/2016	TIME 20:04	INCIDENT XREF
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 PERSONS-MENTAL		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 01/07/2016	REPORT TIME 21:47
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 010716, at 2011 hours, I responded to assist Sergeant Lee with an uncooperative person in the area of Ash and Shannon, in the City of Spokane.

I heard over Spokane Dispatch that the male was not following directions and that he had something in his hands. SPD Radio advised that the male had walked up to a fire station and said he had started a fire.

Upon arrival, I observed that the male was lying on the sidewalk and appeared to be following Sgt. Lee's commands.

Officer Stone, Officer Bode, and myself ran up to take the male into custody. The male was later identified as Charles Guerin.

I took a hold of Guerin's right arm to help place him into handcuffs. I felt Guerin tense his arm muscles and try and pull his arm into the center of his body. I was concerned that Guerin might be trying to access a weapon from his clothing or waistband.

Guerin had not been following commands and now appeared to be trying to resist the arrest. I was able to pull Guerin's arm towards his back and we were able to place him into handcuffs (double locked).

I heard Guerin yelling about being shot by a police officer with a "BB gun".

See other Officer Reports for details.

Officer P. Brasch, #952

ID NO./NAME OF REPORTING OFFICER #952 - Brasch, Chris		DISTRIBUTION	
APPROVAL #507 - Blessing, Erin	DATE/TIME 01/08/2016 02:16		

Supplemental Report #1

01/08/2016 02:23:06.643

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-008078	
REPORT PURPOSE			REPORTED ON DATE Thu 01/07/2016	TIME 20:04	INCIDENT XREF
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		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 01/07/2016	REPORT TIME 21:27
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On January 7, 2016 dispatch advised of a man who knocked on a fire station's door and said he had lit a fire. The call indicated he was now walking down the street lighting fires. While en-route to the area near Shannon and Elm St. I heard over the radio that Sgt. Lee was advising the man that he was under arrest for obstruction. Prior to my arrival I heard over the radio that the man was in handcuffs.

Once on scene I observed a man lying on the sidewalk in the prone position somewhat on his left side with his right side up. His knees were slightly bent. He was wearing a green jacket and camo shorts. He had his hands behind his back in handcuffs. Ofc. Stone was talking to the individual and Ofc. Bode had control of his upper torso. As I was approaching, the man started to kick with his legs towards where Ofc. Stone was standing. To keep the man from injuring himself and possibly injuring other Ofcs. I secured his legs by kneeling over his ankles. I had my foot placed on the ground and my knee on the sidewalk with his ankles in between my foot and knee.

The man verbally identified himself as Charles A. Guerin.

I started to search through some of the belongings that were on the ground that I had been told came from Guerin to see if any of the paper items had his name on it. I was unable to locate anything with his name on it.

I assisted Officer Bode to escort the man to his vehicle. Ofc. Bode conducted a search incident to arrest and placed him in the caged portion of his vehicle.

I assisted other ofcs. to collect Guerin's belongings from the sidewalk and placed them into evidence bags. I placed those bagged items in the back portion of my patrol vehicle and transported them to the jail where they were turned over to the on duty jail staff.

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

Officer Matt Clark 1272
B322

ID NO./NAME OF REPORTING OFFICER #1272 - Clark, Matthew		DISTRIBUTION
APPROVAL #507 - Blessing, Erin	DATE/TIME 01/08/2016 02:10	

Supplemental Report #1

01/08/2016 02:14:03.061

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-008078	
REPORT PURPOSE			REPORTED ON DATE Thu 01/07/2016	TIME 20:04	INCIDENT XREF
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 PERSONS-MENTAL		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 01/07/2016		REPORT TIME 21:48
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 01/07/2015 at about 2004 hours, Spokane Fire Department called and advised a male had knocked on their door near Oak/Indiana and reported lighting a fire. They advised seeing the male walk away lighting things on fire.

Sgt. Lee had arrived on scene, and advised seeing the male in question. Sgt. Lee advised over the air that the male was not stopping, was not obeying any commands, and requested units to assist him. Sgt. Lee advised he was following the male, and continued to update their location. I heard Sgt. Lee advise "You're under arrest" and "for Obstructing." It seemed that Sgt. Lee had been yelling that at the male, and that his radio mic was open at the same time.

I arrived on scene, as the male was already detained in handcuffs by officers on scene. The male was on his side, with a coat or jacket under his head. Medics were also on scene tending to the male, who was conscious and talking.

There was a small amount of blood on the male's chin, and I asked Medics to wipe the blood with a sanitizing wipe so that I could see the injury. Medics did, yet hardly any blood came off and it appeared to be older blood rather than fresh. I could see a small scratch on the left side of the male's chin. the rest of the larger spot of blood looked like it had just been smeared throughout his short stubble beard. I photographed that scratch.

Ofc. Bode and Ofc. Stone transported the male to jail, and I heard them advise that the male was kicking the doors of the patrol car as they drove. They asked Radio to advise jail of the situation, and I responded there as well. I could see mud smears across the inside of the rear right door of Ofc. Bode's vehicle, consistent with repeated kicking at the door by the male's foot, and photographed that as well.

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.

NJ Spiering #560; P323

ID NO./NAME OF REPORTING OFFICER #560 - Spiering, Nathan		DISTRIBUTION	
APPROVAL #607 - Meyer, Richard	DATE/TIME 01/08/2016 02:35		

Supplemental Report #1

01/08/2016 02:43:29.573

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1 of 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-008078	
REPORT PURPOSE			REPORTED ON DATE Thu 01/07/2016	TIME 20:04	INCIDENT XREF 16-007821
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 PERSONS-MENTAL		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 01/07/2016		REPORT TIME 21:58
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 1/7/2016 at approximately 2004 hrs, OFC Bode and I were dispatched to back Sgt. Lee who was attempting to stop a suspect. The original 911 call was from Spokane Fire who stated a male (later identified as Charles Guerin) knocked on their door and stated he lit a fire and needed help. He then took off walking down the street. Sgt. Lee attempted to stop him due to his possible involvement in a fire/arson. Guerin refused to cooperate and kept walking away without showing Sgt. Lee his hands or listening to commands. Dispatch was updating all the units in route and we could hear Sgt. Lee on the radio.

Sgt. Lee followed him for about two blocks and Guerin refused to cooperate and still would not show Sgt. Lee his hands. I heard over the radio Sgt. Lee advise the suspect he was under arrest for obstructing and that he was still not cooperating. OFC Bode and I came into the area and we were updated that Sgt. Lee and Guerin were at Shannon/Ash just to the west.

We turned the corner and I saw Sgt. Lee standing to the west and the suspect laying face down on the side walk facing WB (north sidewalk). I exited my patrol car and pulled my firearm to the low ready since it was still undetermined if Guerin had a weapon (He had walked two blocks while refusing to show his hands and while refusing commands from Sgt. Lee).

Sgt. Lee was telling Guerin to drop the lighter. I could see that Guerin did not have any weapons in his hands besides the lighter. I holstered my firearm and OFC Bode and I both moved in to detain Guerin in a prone handcuffing position. Guerin was already laying on the ground with his stomach down so I moved in and grabbed for his hands. I put my chest on the middle of his back to keep him from rolling over or getting up because it was still unclear if he had weapons underneath him or on his person. I advised Guerin that he was under arrest. I transitioned to helping OFC Bode and OFC Brasch who had took over control of his arms. Guerin was placed in handcuffs. Guerin was rolled onto his side and I began to search him incident to arrest.

I observed some dried blood underneath Guerin's chin. At no point did any of us touch Guerin's head or neck area. It was unknown how or when Guerin got that blood under his chin. He attempted to not respond to us and medics were right there on scene. They looked at him and stated that he was faking it. Guerin then began to answer us again. His demeanor was all over the place. He would still try to kick and fight and then state that we tased him, tackled him, and even

ID NO /NAME OF REPORTING OFFICER #1085 - Stone, David		DISTRIBUTION	
APPROVAL #507 - Blessing, Erin	DATE/TIME 01/08/2016 02:12		

Supplemental Report #1

01/08/2016 02:22:46.710

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-008078
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shot him in the leg with a BB gun. All of which never occurred. Guerin was not making much sense and kept talking to himself.

Medics cleared Guerin. Guerin stood up on his own power and was escorted to the back of OFC Bode's patrol car where the search continued incident to arrest. Once that was finished CPL Spiering took photographs of Guerin. Guerin was placed in the back of OFC Bode's patrol car. We went enroute to jail and as we pulled up to gate outside of the west doors at the station, Guerin began to kick the passenger side door of OFC Bode's patrol car extremely hard. We arrived at the jail sally port and the deputies took custody of Guerin.

See Sgt. Lee's report for further statements and details.

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.

OFC D. Stone #1085
Spokane, WA

Supplemental Report #1

END OF ADDITIONAL REPORT

01/08/2016 02:22:46.804

CRIMINAL

☐ TRAFFIC ☒ NON-TRAFFIC

LEA ORI#: WA0320400

COURT ORI#: WA032051J

CITATION #: 6Z0186124

REPORT #: 16-8078

IN THE ☐ DISTRICT☒ MUNICIPAL COURT OF

SPOKANE MUNICIPAL COURT

☐ STATE OF WASHINGTON☐ COUNTY OF☒ CITY/TOWN OF

SPOKANE

, PLAINTIFF VS. NAMED DEFENDANT

DRIVER'S LICENSE NO.

(ID ONLY)

#4b

STATE

#4b

EXPIRES

01-01-20

PHOTO I.D. MATCHED

☒ YES ☐ NO

NAME: LAST

GUERIN

FIRST

CHARLES

MIDDLE

A

SFX

CDL/CLP

☐ YES ☐ NO

ADDRESS 614 W MONTGOMERY

☐ IF NEW ADDRESS

CITY

SPOKANE

STATE

WA

ZIP CODE

99205

EMPLOYER

EMPLOYER LOCATION

DATE OF BIRTH

05-07-89

RACE

W

SEX

M

HEIGHT

5'09"

WEIGHT

164

EYES

BRO

HAIR

BLK

RESIDENTIAL PHONE NO.

CELL/PAGER PHONE NO.

WORK PHONE NO.

VIOLATION DATE

ON OR ABOUT 01/07/2016 20:54

INTERPRETER NEEDED

LANG:

AT LOCATION

REF. TRAFFICWAY

INDIANA

OAK

M.P.

BLOCK #

CITY/COUNTY OF

SPOKANE/SPOKANE

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

VEH LIC NO

STATE

EXPIRES

VEH YR

MAKE

MODEL

STYLE

COLOR

TR #1 LIC NO

STATE

EXPIRES

TR YR

TR #2 LIC NO

STATE

EXPIRES

TR YR

OWNER/COMPANY IF OTHER THAN DRIVER

ADDRESS

CITY

STATE

ZIP CODE

ACCIDENT

BAC

COMMERCIAL

VEHICLE

YES

NO

16+

PASS

YES

NO

HAZMAT

YES

NO

EXEMPT

VEHICLE

FIRE

LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

1. VIOLATION/STATUTE CODE 10.07.032

☐ D V OBSTRUCTING OFFICER

2. VIOLATION/STATUTE CODE

☐ D V

3. VIOLATION/STATUTE CODE

☐ D V

4. VIOLATION/STATUTE CODE

☐ D V

5. VIOLATION/STATUTE CODE

☐ D V

MANDATORY COURT APPEARANCE

APPEARANCE DATE

TIME

RELATED #

DATE ISSUED 01-07-16

☒ TICKET SERVED ON VIOLATOR☐ TICKET REFERRED TO PROSECUTOR☐ TICKET SENT TO COURT FOR MAILING☒ BOOKED

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

OFFICER C. BODE

994

OFFICER

#

COMPLAINT/ CITATION ABSTRACT OF JUDGMENT	CHG #	RESPONSE	CHG	DISPOSITION	FINES	SUSPENDED	SUB-TOTAL	FINDING/JUDGMENT DATE	TO SERVE DAYS W/ DAYS SUSP
1	G	NG		G NG D	\$	\$	\$		
2	G	NG		G NG D	\$	\$	\$	ABSTRACT MLD TO OLYMPIA	CREDIT/TIME SVD Y/N
3	G	NG		G NG D	\$	\$	\$		LIC SURRE DT
4	G	NG		G NG D	\$	\$	\$	TOTAL COSTS	REC NONEXTENSION OF
5	G	NG		G NG D	\$	\$	\$		SUSP Y/N

reference expediter report for narrative

Officer's Report for Citation/Notice of Infraction # 6Z0186124.

The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

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

Signature: C. BODE # 994

Date and Place: 1/7/2016 City/Town of Spokane, County of SPOKANE

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

PAGE 2 OF 2

CITATION # 6Z0186124 SPP CN



GUERIN, CHARLES A 050789

[illegible]