



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

Incident Entered By: Lieutenant Dean Sprague
Assigned Investigator: Lieutenant Dean Sprague

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
1/30/2016	1/30/2016	01:05
Record ID #	Incident No	IA No
9190	16-34950	F16-012
Date/Time Entered		
1/31/2016 04:47		

Incident Summary

Officers responded to a DV where complainant reported hearing arguing, sounded physical, items being broken. Upon arrival they heard a female and female angrily yelling, sounds of loud banging and a child crying. Defendant Ackermann answered their knock at the door, described as intoxicated and 6' 2", 300 pounds.

Ackermann was confrontational, identified himself as a member of an outlaw motorcycle gang (Hell's Angels), and stood in his doorway in a fighting stance (bladed body, shoulders back, chest out, hands balled into fists and raised). He asked officers, "Do you really want to go? I'm gonna tell you right now you touch me and we're gonna have problems, dude," interpreted as a challenge to fight, then took steps toward them while on a small 2nd floor landing.

Officers took arm control of Ackermann, who first tried pulling his arms away, then pushed into officers before grabbing a stairway rail. He refused commands to stop resisting and relax his arms. Officer Thompson was outweighed by Ackermann by more than 175 pounds, and finally applied a level 1 LNR. Ackermann continued to struggle while Ofc. Thompson controlled his head and neck, which allowed Ofc. Winters to get him handcuffed. Ackermann did not lose consciousness at any time during the struggle.

Ackermann was arrested for 2nd Malicious Mischief, City Assault, Obstructing and Resisting.

In compliance with policy per Assistant Chief Meidl 04/12/16.

Incident Location

• #1d Direction: N, Spokane, WA 99218 - : Northeast

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	Dark	a-0-3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
No	No	Yes
More than 1 Citizen Involved		
No		

Citizen's Build

Large

Citizen's Height

6'1" to 6'3"

Officer Assessment of Citizen Condition During Incident

Alcohol and/or Drugs

Officer(s) Injured

No

Officer(s) Taken to Hospital

No

Reporting/Involved Citizen Information

Jason M Ackermann

DOB: 7/11/1983 Race: White Gender: Male

Address

- 7808 Morton ST, Suite/Apt: 689, Direction: N, Spokane, WA 99218

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
No injuries noted or visible		

Charges against this citizen

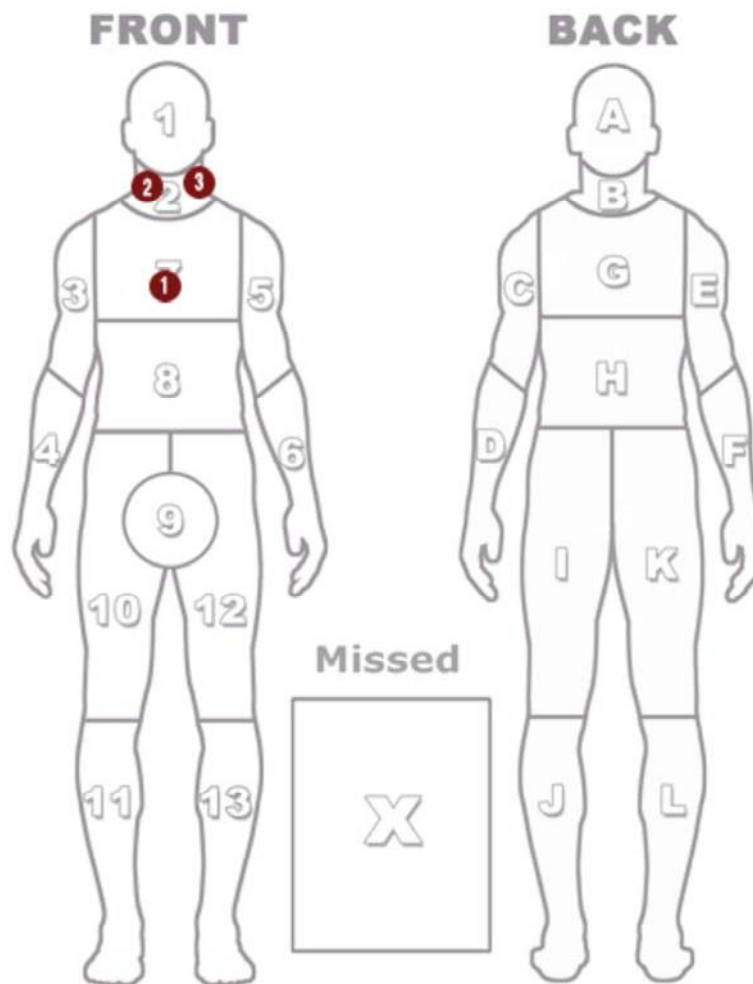
- Felony - Property Crime
- Misdemeanor - Person Crime
- Obstructing
- Resisting Arrest

Involved Officers

Officer Greg Thompson - Payroll Number: #5c**Force used by this officer against the citizen**

- Takedown Technique - Was force effective: Yes
- Verbal Interaction (VDI) - Was force effective: No
- LNR-Level 2 - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Takedown Technique	Yes	7	1
Verbal Interaction (VDI)	No		
LNR-Level 2	Yes	2	2, 3



Injuries sustained by this officer

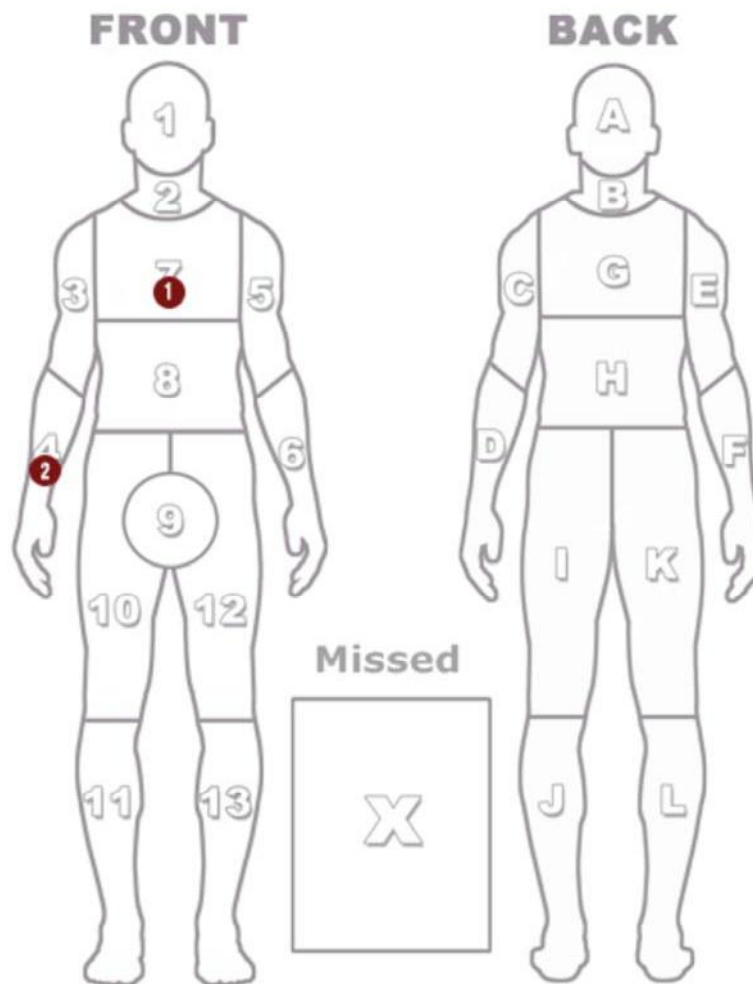
Injury	Regions	Injury Locations
No injuries noted or visible		

Officer Trevor Winters - Payroll Number: #5c

Force used by this officer against the citizen

- Takedown Technique - Was force effective: Yes
- Verbal Interaction (VDI) - Was force effective: No
- Handcuffing Technique - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Takedown Technique	Yes	7	1
Verbal Interaction (VDI)	No		
Handcuffing Technique	Yes	4	2



Injuries sustained by this officer

Injury	Regions	Injury Locations
No injuries noted or visible		

Attachments

Date Attached	Attachment Description	Attachment Type
2/18/2016	CAD printout	pdf
2/18/2016	Incident reports	pdf
2/18/2016	Affidavit	pdf
2/18/2016	Photo log	pdf
2/18/2016	Radio traffic #16-34950	wav
2/18/2016	Radio traffic 2 #16-34950	wav
3/2/2016	IMG_0040	JPG
3/2/2016	IMG_0041	JPG
3/2/2016	IMG_0042	JPG
3/2/2016	IMG_0043	JPG
3/2/2016	IMG_0044	JPG
3/2/2016	IMG_0045	JPG
3/2/2016	IMG_0046	JPG
3/2/2016	IMG_0047	JPG

3/2/2016	IMG_0048	JPG
3/2/2016	IMG_0049	JPG
3/2/2016	IMG_0050	JPG
3/2/2016	IMG_0051	JPG
3/10/2016	#16-34950 Supervisory Review	pdf
3/18/2016	BWC Winters	
3/18/2016	BWC-Yinger	
3/18/2016	BWC Benesch	
3/18/2016	BWC Woodyard	
3/18/2016	BWC Yinger 2	
3/18/2016	BWC Yinger 3	
3/18/2016	BWC Kirby	
3/18/2016	BWC Belitz	
3/18/2016	BWC Benesch 2	
3/18/2016	BWC Winters 2	
4/14/2016	Email Distribution	pdf

Chain of Command History

Sent Dt	From	To	CC	Approved
2/18/2016	Internal Affairs	Internal Affairs	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Sirs, please attach still photos and BWC from Ofcs. Yinger & Winters and return to me.				
Recipient's Comments/Response: [Forwarded by Sergeant David Staben]				
3/2/2016	Sergeant David Staben	Lieutenant Dean Sprague	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: photos attached				
Recipient's Comments/Response: Sgt. Staben, can you please attach BWC footage for officers Winters and Yinger and return to me? Lt. Sprague				
3/17/2016	Lieutenant Dean Sprague	Sergeant David Staben	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Please attach BWC footage for officers Winters & Yinger and return to me.				
Recipient's Comments/Response: [Forwarded by Sergeant David Staben]				
3/18/2016	Sergeant David Staben	Lieutenant Dean Sprague	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: body camera attached				
Recipient's Comments/Response: Use of force was within policy, case law and use of force guidelines. Techniques applied were department trained and approved.				
3/28/2016	Lieutenant Dean Sprague	Captain Daniel Torok	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Forward through north patrol chain of command. BWC Winters 2 is the only one which shows the altercation.				
Recipient's Comments/Response: I concur that the use of force was within policy.				
4/12/2016	Captain Daniel Torok	Asst Chief Craig Meidl	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: For review				
Recipient's Comments/Response: Use of force compliant with policy.				
5/23/2016	Ms Michelle Reiner	Lieutenant Dean Sprague	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: For type of force used correction.				
Recipient's Comments/Response: Completion notes: LNR 1 changed to LNR 2. Inadvertently used wrong number on Blue Team form, since my supervisory additional explains that it was an attempted LNR 2.				
5/23/2016	Internal Affairs	Internal Affairs	(none)	

			<input checked="checked" type="checkbox"/>
Sender's Instructions: Correction made in Blue Team form from LNR 1 to LNR 2 to be consistent with supervisory review document attached.			
Recipient's Comments/Response: [Forward to IAPro by Sergeant David Staben]			

Assigned Investigator Signature Line

Lieutenant Dean Sprague**Chain of Command Signature Lines**

Sergeant David Staben

Lieutenant Dean Sprague

Captain Daniel Torok

Asst Chief Craig Meidl



**Spokane Police Department
Internal Affairs**



**Use of Force
Additional**

Incident #: 16-34950

Date: 1-30-2016

Involved Officer(s) BWC Y/N:

Ofc. Gregory Thompson #1263 (N)

Ofc. Trevor Winters #1103 (Y)

Reviewing Supervisor: Lt. Dean Sprague #93

INSTRUCTIONS: *Include any information below that is not already adequately covered in the Incident Report. For information already reported refer the reader to the applicable report.*

Incident Summary:

Officers responded to a DV and contacted suspect Ackermann at the apartment door, described as intoxicated and 6'2", 300 pounds. Ackermann was immediately confrontational, identified himself as a member of an outlaw motorcycle gang (Hell's Angels), and stood in his doorway in a fighting stance (bladed body, shoulders back, chest puffed, hands balled into fists and raised). He verbally challenged officers then advanced toward them while all were on a small 2nd floor landing. During the struggle to control him, Ofc. Thompson applied a level 2 LNR, which did not render Ackermann unconscious, but did allow enough control to handcuff him.

Ackermann was arrested for 2nd Malicious Mischief, City Assault, Obstructing and Resisting.

Officer Interview Summary:

Ofc. Thompson (no BWC) stated to me at the scene and documented again in his report that he and his FTO had responded on a DV call to the apartment, and heard the sound of a male and female angrily arguing from the involved apartment. He knocked on the door after hearing the female say, "Don't touch me", and "I'm going to call the police". The male voice then responded "Go ahead, what are they going to do?" Ackermann answered the knock on the door and "was immediately confrontational", describing a bladed fighting stance, raised fists, shoulders back and chest out. Ackermann then said "I'm going to tell you guys right now, do you want to go?" He repeated this question several times, giving indication that he wanted to fight. When he advanced toward officers, Thompson tried right arm control while Winters attempted left arm control, and Ackermann immediately tightened and began to struggle. He was finally wrestled to the ground and officers attempted to pin him down in order to handcuff him. Ackermann refused to listen to commands and continued thrashing, partially laying on Thompson. As a result, Ofc. Thompson attempted to apply a level 2 LNR, but was unable to render Ackermann unconscious, although he was finally handcuffed.

Subject Interview Summary:

I contacted Ackermann at Jail during his booking at approximately 0155 hours. I identified myself and asked if he was complaining of any injuries or had problems with the arresting officers. Ackermann told me he wasn't complaining of any injuries, and said the officers were "professional" and did their job.

Witness Interview Summary:

There were no known witnesses to the use of force incident during the arrest process, although Ofc. Winters stated in his report that his BWC was active during the event.

Witness Officer Interview Summary BWC Y/N:

Ofc. Winters (BWC) stated that he and recruit Ofc. Thompson responded to [REDACTED] #1d on an active DV call. Upon approaching the apartment he heard screaming and banging coming from inside, and a female yelling "Don't fucking touch me!" followed by the male yelling back. The female then yelled that she was going to call the police, and the male yelled for her to "go ahead, see what good that is going to do."

Winters knocked on the door and Ackermann answered, described as "more than 6 feet tall and weighing near 300 pounds" with a muscular build. Ackermann stepped out and said "I'm gonna tell you guys right now, you really want to go? I'm gonna tell you right now you touch me and we're gonna have problems dude," and "yelled again to "not fucking touch me." He then advanced toward officers on a small 8x8 foot second floor concrete landing with clenched fists and outthrust chest, and a "blank stare on his face" and "eyes appeared to be looking through me". Believing Ackermann was intending to assault officers, Winters shoved him in the chest to gain distance, then went for right arm control while Thompson went for left arm control. Ackermann pulled his arms to his chest and resist, and officers used his momentum to take him to the landing, where he grabbed hold of the railing to prevent handcuffing.

Ackermann refused to comply with commands to stop resisting and put his hands behind his back. Due to the fact that they were on a small landing at the top of a set of concrete steps and an uncontrolled environment, "Ofc. Thompson used a neck restraint to attempt to stop the fight". Ackermann never lost consciousness and continued to fight even after being handcuffed, and remained verbally aggressive, including, "I'm red and white, motherfucker. I'm Hell's Angels".

Any Relevant Clarifying Information and Observations:

Photos were taken of Ackermann's wrists at Jail due to obvious minor cuts from the handcuffs. He had large wrists and the binding of the handcuffs given his muscular frame and size made it difficult to get him into the patrol car for transport in addition to the stress of the handcuffs. The cuts and scrapes on Ackermann's knuckles were primarily the result of his punching and destroying most of the doors in the apartment. The damage was also photographed, as was the female victim.

Lieutenant Findings:

I was in the field when the DV call at [REDACTED] #1d was broadcast, noting that a neighbor reported that it sounded physical. Approximately ten minutes after dispatch, I heard a keyed microphone from officers on the call advising that they were fighting with a subject. The voice sounded stressed and gave indication that the officers was currently in an active struggle. I dispatched myself to the location since there wasn't a north sergeant available, and arrived after the subject was in custody. I talked to both FTO Ofc. Winters and recruit Ofc. Thompson at the scene. They provided statements consistent with the environment I observed, and their subsequent reports were consistent with their statements that Ackermann advanced on them in an aggressive manner which they reasonably deduced was assaultive given their articulated physical

observations and statements heard from Ackermann. I determined that Ofc. Thompson had intentionally attempted a level 2 LNR but that Ackermann had not lost consciousness. He gave the following reasons for his use of force technique:

Crimes being investigated: City Assault DV and 2nd Malicious Mischief DV.

Threats known at the time: Ackermann was 6', 300 pounds, 3 inches and more than 160 pounds heavier than Ofc. Thompson (more than double his body weight). Ackermann was of muscular build, had not been searched for weapons, although officers could see that he had freshly bloodied knuckles. The residence had not been cleared and it was unknown if there any other hostile persons in the residence. Ackermann repeatedly asked if the officers "want to go?" which officers interpreted as a challenge to fight, and asked several times "Do you know who I am?" (identified himself as a Hell's Angel). He then advanced toward officers with clenched fists, shoulders back and chest out. He pushed Ofc. Winters into the wall when officers attempted to arrest him.

Ackermann actively resisted by tensing and pulling his arms to his chest, grabbed a railing to prevent being handcuffed, and refused all commands to comply and put his hands behind his back. While on the ground, he effectively trapped Ofc. Thompson's leg underneath him. The use of the level 2 LNR was ineffective in rendering Ackermann unconscious, but did assist in controlling his upper body until he could be handcuffed.

I advised the Jail nurse of the attempted level 2 LNR at booking for evaluation purposes. Ackermann did not complain of injury other than sore wrists from the handcuffs, or loss of consciousness.

Given the circumstances surround the call (officers arriving on active DV), the size, strength, demeanor, statements and behavior of defendant Ackermann in relation to the officers, the environmental conditions (2nd floor landing and concrete steps) and the intensity of the struggle, the use of a level 2 LNR was justified. The advancement of Ackermann toward officers with clenched fists and challenging statements was reasonably interpreted as being assaultive, and officers responded accordingly. No injury resulted from the use of the technique, and loss of consciousness did not occur.

The use of force was within policy and use of force guidelines, and was justified under the Graham standard for reasonableness.

Lt. Dean Sprague #93

01/30/16 23:49:18 PRINT REQUESTED BY TERMINAL PPTN03
Incident History for: #SP160034950

Entered 01/30/16 00:51:35 BY 91105 911231
Dispatched 01/30/16 00:54:16 BY PCC01 1210
Enroute 01/30/16 00:54:16
Onscene 01/30/16 01:02:03
Closed 01/30/16 06:27:49

Initial Type: DV Final Type: DV (DOMESTIC VIOLENCE)

Initial Priority: 2 Final Priority: 2

Disposition: 1E Source: 9 Primary Unit: A446

Police BLK: SPB3NL

Group: P3 Beat: Map Page: 31

Loc: [REDACTED] #1d , SPK -- CEDAR SPRINGS EST4 btwn E CALKINS AV & E LIN

Loc Info: [REDACTED] #1d

Name: [REDACTED] #1a Addr: [REDACTED] #1d Phone: [REDACTED] #1c

/005135 (911231) ENTRY CAN HEAR MALE AND FEMALE ARGUING, SOUNDS LIKE
ITEMS BEING BROKEN, SOUNDS PHYSICAL, NO MENTIO
N OF WEAPONS, MALE POSS INTOX, CAN TELL THAT I
T IS THE MALE AND FEMALE THAT LIVE THERE
/005135 \$FCSEND , Incident data pushed to folder
/005136 (*****) \$FCACK , Processed Successfully
/005208 (911231) SUPP TXT: MALE: JASON, WM, 25-35 YO, FEMALE: WF, 25
-35 YO,
/005235 SUPP TXT: POSS TWO CHILDREN: 2-4 YO INSIDE AS WELL,
HAS NOT HEARD THEM TONIGHT
/005329 CHANGE NAM: [REDACTED] #1a --> [REDACTED] #1a
TXT: HAVE BEEN ARGUING FOR LAST 30 MINS, REQ L
E CONTACT THEM. ###
/005416 (1210) DISPER A446 #1263 THOMPSON, GREGORY
#1103 WINTERS, TREVOR
/005416 ASSTER A311 #1264 WALKER, ERIC
#1015 KIRBY, AARON
/005512 PISEEN
/005606 CALLBK T/PCC02
, CB COMP, NEED TO NARROW DOWN WHICH BLDG....IF
HE CAN'T GIVEN #S, ATLEAST DIRECTIONS /ENTRAN
CE ECT
/005648 (911221) SUPP NAM: ANON,
ADR: ANON,
PHO: ANON,
TXT: HEARING ARGUING, SLAMMING AND PROPERTY BR
EAKING. SOUNDS PHYSICAL. UNK MEDICS NOT ADV. N
O MENTION OF WEAPONS. SOUNDS LIKE HUSB AND WIF
E.
/005724 SUPP TXT: HUSB: JASON, W/M, LATE 20'S, 600/MED-HVY.
/005735 SUPP~
/005832 SUPP TXT: ANON COMP TRYING TO FIND BUILDING #.
TXT: WIFE: [REDACTED] #1a W/F, LATE 20'S, 510/MED, C
OMP HEARING CHILDREN INSIDE AS WELL.
/005859 SUPP TXT: BUILDING IS IN THE SOUTH EAST CORNER OF T
HE COMPLEX
/010014 SUPP TXT: COMP IS NOT ABLE TO SEE THE BUILDING #. S
TILL HEARING SCREAMING AND POU DI NG . ###
/010203 (1210) ONSCNE A446
/010435 (911211) SUPP TXT: COMP ON CB, STILL HEARING SCREAMING GOING
ON. ###
/010438 (1210) MISC , BLDG 54??

/010519		MISC	A446	, FIGHTING
/010521	(1264)	*ONSCNE	A311	
/010524	(1023)	*ASSTER	A313	[REDACTED] #1d ,SPK]
				#1023 BISHOP, ELINA
/010524	(1222)	*ASSTER	A319	[REDACTED] #1d ,SPK]
				#1222 HOWARD, CALEB
/010525	(1084)	*ASSTER	A445	[REDACTED] #1d ,SPK]
				#1084 BELITZ, TODD
/010525	(698)	*ASSTER	A441	[REDACTED] #1d ,SPK]
				#698 YINGER, BENJAMIN
/010545	(1259)	*ASSTER	B438	[REDACTED] #1d ,SPK]
				#1190 BROOKS, WINSTON
				#1259 RANKIN, BRANDON
/010621	(1210)	MISC	A446	, INAUD TRAFFIC
/010621	(614)	*ASSTER	B431	[REDACTED] #1d ,SPK]
				#614 ARREDONDO, JOHN
/010629	(1210)	MISC		, BLDG 54? SE CORNER COMPLEX OFF HELENA/LINCOLN
/010643	(1220)	*ASSTER	A447	[REDACTED] #1d ,SPK]
				#1220 BENESCH, CHRISTOPHER
/010645	(1210)	MISC	A446	, ONE IN CUSTODY
/010703	(657)	ASSTER	L183	[REDACTED] #1d ,SPK]
				#093 SPRAGUE, DEAN
/010707	(1210)	MISC	A446	, STILL UNCOOP....ATLEAST ONE MORE UNIT TO CONT
				INUE
/010709	(1259)	*PREMPT	B438	
/010741	(614)	*PREMPT	B431	
/010822	(1084)	*ONSCNE	A445	
/010914	(1222)	*PREMPT	A319	
/010951	(1023)	*PREMPT	A313	
/011034	(1220)	*ONSCNE	A447	
/011048	(646)	*ASSTER	P326	[REDACTED] #1d ,SPK]
				#646 WOODYARD, AMY
/011107	(698)	*ONSCNE	A441	
/011136	(1210)	CHANGE		LOCI: BUILDING 53 OR 54 --> BUILDING 54
/011330		MISC	A446	, C4 UNRESTRICT
/011404		REMINQ	A446	WANT,A446,,,,,,ACKERMANN,JASON,M,1983,07,11,,

/011429	(093)	*ONSCNE	L183	
/012552	(646)	*ONSCNE	P326	
/012644	(1264)	*MISC	A311	, PSTAT/ASST
/012647		*CLEAR	A311	
/012706	(093)	*REMINQ	L183	MVEH,ACU1842,,,,,,,,,,,,,,,,,,,,,,,,,
/012715	(1263)	*REMINQ	A446	MWANT,,,,,,,,,ACKERMANN,JASONM,1983,07,11,,,,,,,,

/012734		*REMINQ	A446	MWANT,,,,,,,,,[REDACTED] #4b ,,,,,,,,,
/012803	(1210)	MISC	A446	,#####
/013941	(1263)	*TRANS	A446	[JAIL] M/0.0
/014005	(093)	*CHGLOC	L183	[JAIL]
/014117	(698)	*CHGLOC	A441	[FOLLOW A446]
/014124	(1220)	*CLEAR	A447	, PSTAT/ASST PSTAT/VIDY
/015331	(093)	*ONSCNE	L183	
/015344	(1263)	*TRANSC	A446	M/6.2
/015418	(646)	*CHGLOC	P326	[JAIL]
/015850	(1084)	*CLEAR	A445	, PSTAT/ASST PSTAT/VIDY
/020424	(093)	*REMINQ	L183	MVEH,665ZJV,,,,,,,,,,,,,,,,,,,,,,,,
/020446		*REMINQ	L183	MVEH,665ZVJ,,,,,,,,,,,,,,,,,,,,,,,,
/020627		*CLEAR	L183	DSP: 8D
				,BLUE TEAM UOF REPORT. INTERVIEWEDMR. ACKERMAN
				N AT JAIL, SAID OFFICERS WERE PROFESSIONAL, NO
				INJURIES. PSTAT/ASST

/020630	(698	)	*ONSCNE	A441	
/021236	(646	)	*ONSCNE	P326	
/021315	(698	)	*MISC	A441	,PSTAT/ASST PSTAT/RPT PSTAT/VIDY 1B
/021504			*CLEAR	A441	
/021938	(1263	)	*CHGLOC	A446	[NW]
/022029	(646	)	\$PREMPT	P326	
/022311	(1263	)	*ONSCNE	A446	
/022828			*REMINQ	A446	MWANT,,,,,,,,, #1a #1b ,,,,,,
					,,,,,8
/030035			*REMINQ	A446	MWANT,,,,,,,,,ACKERMANN,JASONM,1983,97,11,,,,,,
					,,,,,
/030051			*REMINQ	A446	MWANT,,,,,,,,,ACKERMANN,JASONM,1983,07,11,,,,,,
					,,,,,
/062727	(676	)	OK	A446	
/062749	(1263	)	*CLEAR	A446	DSP: 8D --> 1E
					,PSTAT/CFS PSTAT/FEL
/062749			CLOSE	A446	

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-034950	
INCIDENT TYPE Arrest, Domestic Violence, Gang		INCIDENT CLASSIFICATION #1 MALICIOUS MISCHIEF		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2 ASSAULT-SIMPLE ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #4 RESISTING ARREST ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON Sat 01/30/2016 00:51	DATE/TIME	OCCURRED ON Sat 01/30/2016 00:30	DATE/TIME	OCCURRED TO Sat 01/30/2016 01:04	DISTRICT
DISPATCH TIME 00:54	ARRIVED TIME 01:02	CLEARED TIME 04:00	REPORT DATE 01/30/2016	REPORT TIME 02:53	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE 9A.48.080(1)(A) MALICIOUS MISCHIEF-2ND DEG					UCR/NIBRS CODE / 290
ADDITIONAL CHARGES 9A.36.041 ASSAULT-4D, 9A.76.020 PUB OFFICER(OBSTRUCT), 9A.76.040 PUB OFFICER(RESIST ARREST)					
LOCATION OF INCIDENT #1d [REDACTED] Spokane, WA 99208				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS Crime Scene Processed, PC Affidavit Completed, Suspect Arrested					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Winters					
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim, I-Individual, A-Arrested Person, Vb-Victim, Business, M-Minor, Mlt-Multiple, P-P, Registered Owner, V-Domestic, Po-Police Officer, PC-Pedestrian, PS-Pedestrian, CY-Cyclist, O-Other, C-Criminal, B-Business, L-L, Legal Guardian, D-Driver, K-Victim, CV-Complainant, U-Victim, CO-Owner, RU-Rent, RW-Rent, OW-Owner, Property</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Ackermann, Jason M			SEX M	RACE/ETHNICITY W-White
DATE OF BIRTH/AGE 07/11/1983 32	HEIGHT 6'02"	WEIGHT 300	BUILD Heavy	HAIR Black	EYES GRN - Green
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 7808 N Morton Street #689, Spokane, WA 99208			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
CHARGE LEVEL Felony Class C	DESCRIPTION 9A.48.080(1)(A) MALICIOUS MISCHIEF-2ND DEG			UCR/NCIC CODE /290	
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Gross Misdemeanor	DESCRIPTION 9A.36.041 ASSAULT-4D			UCR/NCIC CODE /13A	
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Gross Misdemeanor	DESCRIPTION 9A.76.020 PUB OFFICER(OBSTRUCT)			UCR/NCIC CODE /90Z	
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Misdemeanor	DESCRIPTION 9A.76.040 PUB OFFICER(RESIST ARREST)			UCR/NCIC CODE /13A	
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>

ID NO./NAME OF REPORTING OFFICER #1263 - Thompson, Gregory	DISTRIBUTION Gang Unit
APPROVAL #326 - Anderson, Jon D.	DATE/TIME 01/30/2016 06:36

Incident Report #1

01/30/2016 08:43:30.693

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION MALICIOUS MISCHIEF				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 16-034950	
CITATION #		DATE	TIME	BOOKED WHERE Spokane County Jail		DATE 01/30/2016	TIME 01:53
ARREST LOCATION #1d Spokane, WA 99208				STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN		CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED	
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 #4b		<input type="checkbox"/> FAKE STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID		
HAIR LENGTH Bald	HAIR TYPE	HAIR STYLE		FACIAL HAIR	FACIAL SHAPE	TEETH	
APPEARANCE	COMPLEXION	FACIAL FEATURES		DISTINCTIVE FEATURES	GLASSES	RL HANDED	
				SPEECH			
CODE V-1	NAME: LAST, FIRST, MIDDLE #1a			SEX F	RACE/ETHNICITY W-White		DATE OF BIRTH/AGE #1b
HEIGHT 5'07"	WEIGHT 200	BUILD Heavy*	HAIR Blonde or	EYES BLU - Blue	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP #1d Spokane, WA 99208			RESIDENTIAL STATUS		PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
ADDITIONAL PHONES (Cell) #1c							
DRIVER'S LICENSE #4a		<input type="checkbox"/> FAKE STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID		
REALTIONSHIP TO SUSPECT			VICTIM OF Offns. # 9A.48.080(1)(A) MALICIOUS MISCHIEF-2ND DEG			OFNDR. # A-1	
NARRATIVE							

On 01/30/2016 at 0054 hours, I was dispatched to **#1d** on a report of a Domestic Dispute. The caller a **#1a** could hear a male and female arguing along with things breaking inside and the fight getting physical. The male was later identified as Jason Ackermann and the female was **#1a**. A second caller called in and said they were hearing the same things but did not know what apartment it was coming from.

I arrived on scene with Officer Winters in the area of **#1d**. When I stepped out of the car I could hear people fighting to the west of where I was. We walked west trying to narrow down which apartment the yelling was coming from. I approached apartment **#1d** and knew I was getting closer because the voice volume increased. At this point I was standing at the bottom of the stair case leading to the second floor and could hear people arguing on the second floor. I walked up the stair case to the second floor and could identify the argument was coming from **#1d**. The male and female inside the apartment were later identified as Jason Ackermann and **#1a**.

While standing outside the door of **#1d** I could hear **#1a** saying don't touch me and her saying I'm going to call the police. Ackermann said go ahead what are they going to do. Officer Winters knocked on the door and Ackermann

Incident Report #1

CONTINUED ON NEXT PAGE

01/30/2016 08:43:31.178

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION
MALICIOUS MISCHIEF

ATTEMPTED
☐

INCIDENT NUMBER
16-034950

answered and was immediately confrontational and said I'm going to tell you guys right now do you want to go? He asked several different times do you guys know who I am? While he was standing in the doorway to the apartment he had a bladed stance, his shoulders rolled back and his chest pressed out. His bladed stance was consistent with a fighting stance as it seemed he wanted to try and fight Officer Winters and myself. Both of his fist were clenched and raised toward us. His right hand was approximately 24 inches from my face and I could clearly see fresh cuts and blood on his hand. He continued to ask do you guys want to do this, while taking a step toward Officer Winters and pressing his chest out toward him. My self and Officer Winters tried to take Ackermann to the ground and struggle ensued. We were able to get him down on his stomach pressed up against the stairs and railing. While he was on the ground he was partially laying on his side with my right leg under him. At this point I was able to get my left arm around his neck in an attempt to apply a level 2 neck restraint for the following reasons.

- 1) Crime being investigated: City Assault DV and Malicious Mischief
- 2) Ackermann was a 6 ft tall and nearly 300 pound male who was substantially larger than myself who is 5ft 9in and weighing 140 pounds. While he was standing in the doorway of the apartment I could see he was much larger than myself and Officer Winters. Ackermann had not been searched for weapons and it was unknown if he had any on his person. The residence had not been cleared and it was unknown if there were any other hostile persons in the residence. The male said I'm going to tell you guys right now do you want to go? He asked several different times do you guys know who I am? The male said do not touch me and advanced toward Officer Winters. Ackermann pushed Officer Winters into the wall then we tried to take Ackermann into custody.
- 3) While attempting to arrest Ackermann who was actively resisting he had clenched fists and said do you guys really want to do this. Did not listen to the commands that were given by officers for him to stop resisting and place his hands behind his back.

After getting the handcuffs onto Ackermann he continued to argue and attempt to get up from the step. Myself and officer winters had to put our hand on Ackermann's shoulder to keep him from standing up. Once other officers where on scene they took control of Ackermann and I went inside and contacted the victim #1a

I walked into the house to speak with #1a about what happened tonight and I could see extensive damage inside the residence. One of the bedroom doors was completely destroyed into several different piece and laying on the ground. In the hallway leading into the living room was a larger hole that appeared to have just been kicked or possibly had something thrown at it. There was a kitchen chair that was in the hallway that had damage to it. The dining room table had all four legs busted off and the table top was laying on the floor. When I walked through the kitchen I could see there was broken glass container on the kitchen stove.

I spoke to #1a who said Ackermann lives at the above address with her and their two children. She also said they have been dating for 7 years. #1a said nothing like this has happened in the past. She said she was lying in bed when Ackermann came home from the knitting factory very intoxicated.

When #1a was lying in bed she said he hit his head on the kitchen table when he fell over. Ackerman went into the bedroom and starting yelling and screaming at #1a While in the bedroom #1a said he was standing in front of her and grabbed ahold of her biceps and squeezed. While Ackermann was squeezing her arm he also shook her. It was hard

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
MALICIOUS MISCHIEF

ATTEMPTED



INCIDENT NUMBER

16-034950

enough to leave redness on both arms. She said after Ackermann squeezed her arms he shoved her backward.

I asked #1a how all the things in the house got broken and she said he did it. I asked #1a to estimate what the cost of all the damage would be and she didn't know. The hallway drywall had damage, multiple interior door, the kitchen table was destroyed, and several other miscellaneous items were broken throughout the house. I estimated the damage to the residence to be exceeding \$750.

Corporal Woodyard responded and took pictures of the injuries and the damaged items inside the residence and photographs of Ackermann while at jail. I gave #1a a crime victim card with the case number on it and performed a LAP card which she answered yes to #7, she did not screen into the protocol.

Based on the above statements I have probable cause to arrest Ackermann for 2nd degree Malicious Mischief, 4th degree Assault, Obstructing and Resisting Arrest. I transported Ackermann to jail where he was booked for the above charges.

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

G. Thompson

#1263 Team 16

01/30/2016

Incident Report #1

END OF INCIDENT REPORT

01/30/2016 06:43:31.334

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-034950	
REPORT PURPOSE			REPORTED ON DATE Sat 01/30/2016	TIME 00:51	INCIDENT XREF
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 MALICIOUS MISCHIEF		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3 RESISTING ARREST		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 01/30/2016		REPORT TIME 02:56
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 013016 at approximately 0051 hours I was working as a two man training car with Ofc. Thompson. We responded to a report of a possible DV assault occurring at the Cedar Springs Apartments located at **#1d**. Several complainant's contacted 911 and reported hearing screaming and things banging inside an apartment on the south east corner of the apartment complex. Ofc. Thompson and I arrived on scene and located building **#1d** on the south east corner of the complex. Upon exiting the vehicle I could here banging sounds and a female yelling, however I could not make out what she was saying. We located apartment **#1d** was the source of the sound.

I could hear a male and females voices coming from the apartment and well as the sound of a small child crying. I heard the female yell something to the effect of "don't fucking touch me" then heard the male scream at the female. I heard the female yelling for the male to get out and leave her alone then heard the female yell she was going to call the police. I heard the male yell something to the effect of "go ahead see what good that is going to do."

I knocked on the door and a male answered, who was later identified as Jason Ackermann. I saw Ackermann was a very large man, he appeared to be more than 6 feet tall and weighing near 300 pounds. Ackermann appeared to be of a muscular build and was bald with a short beard. Ackermann stepped out of the apartment and began to close the door behind him. I identified myself as a Spokane Police Officer and asked Ackermann to step outside and have a seat on the steps. Ackermann respond by saying "I'm gonna tell you guys right now." Ackermann then stated "You really want to go? I'm gonna tell you right now you touch me and were gonna have problems dude." I again instructed Ackermann to have a seat on the steps which he again refused. Ackermann asked if I knew who he was then yelled again to "not fucking touch me."

While contacting Ackermann we were standing on a small second floor landing. The landing was a concrete floor with metal railings on the stairs approximately eight feet by eight feet. There was two stairwells, one leading up and one leading down to the parking lot. Directly behind me was the down stairwell.

As he stated don't fucking touch me Ackermann began taking steps toward me. I could see Ackermann had his fists clenched by his sides and he was pushing his chest toward me.

ID NO./NAME OF REPORTING OFFICER #1103 - Winters, Trevor		DISTRIBUTION	
APPROVAL #326 - Anderson, Jon D.	DATE/TIME 01/30/2016 06:29		

Supplemental Report #1

01/30/2016 06:33:51.462

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION
ASSAULT-SIMPLE

ATTEMPTED
☐

INCIDENT NUMBER
16-034950

Ackermann had a blank stare on his face and his eyes appeared to be looking through me. I believed based on the statements of Ackermann and his actions his intentions were to assault me.

It should be noted Ofc. Thompson is not a large man weighing approximately 120 pounds. He is currently in the FTO program and is less than four months out of the Police academy.

We had not had an opportunity to check the welfare of the occupants inside of the apartment. It was unknown if there were any other hostile individuals inside and Ackermann had not been checked for weapons. The location where we were standing created a safety issue due to the lack of space and the elevated platform.

I shoved Ackermann in the chest to create space between him and myself and I saw Ofc. Thompson grab ahold of Ackermann's right arm. I transitioned to left arm control grabbing ahold of Ackermann's left elbow and wrist. Ackermann began to pull his arms in toward his chest and pull against me. I attempted to push Ackermann into the wall to pin him and prevent him from further resisting. Ackermann pushed back against me and Ofc. Thompson and we used his momentum to direct him to the ground. We ended up on the stairs leading to the third level landing. I could see Ackermann had grabbed ahold of the railing with his right hand and I still had arm control on his left arm. Ackermann continued to fight against me and attempt to pull his left arm into his chest.

While struggling with Ackermann I was continuously telling him to stop resisting and place his hands behind his back. Due to the location we were struggling with Ackermann, the unknown possibility of weapons on his person, the unknown of hostile persons inside of the residence, Ackermann's size and apparent fighting ability, Ofc. Thompson used a neck restraint to attempt to stop the fight. I could see Ackermann at no time lost consciousness and continued to fight and struggle with us. While Ofc. Thompson was controlling the neck and head I was able to place Ackermann in handcuffs.

Ackermann continued to be verbally aggressive after being placed in handcuffs. Initially Ackermann refused to roll over into a seated position despite being in a prone cuffing position on a stairwell. Eventually I was able to get Ackermann into a seated position on the stairs and we waited for other officers to arrive to assist. While waiting for Officers Ackermann continued to make unsolicited statements including stating he wasn't doing anything and adding all he was trying to do was sleep. Ackermann asked several times if I knew who he was which I responded I did not. Ackermann then stated "dude as soon as you let me go were on." I advised Ackermann he was being audio and visually recorded which he responded "thats for your protection." I attempted to advise Ackermann of his Miranda rights however he continued to talk over me while I was attempting to explain his rights. I asked Ackermann if he understood his rights and he told me "I'm red and white motherfucker, I'm Hells Angles."

Ofc. Yinger and Benesch arrived to assist and Ofc. Thompson and I attempted contact inside the

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION
ASSAULT-SIMPLE

ATTEMPTED
☐

INCIDENT NUMBER
16-034950

residence. As we entered the residence I saw directly in front of me was a bathroom door which had several holes punched in it. I saw the kitchen table appeared to be broken and was in pieces on the ground. There was a chair in the hallway and several holes in the hallway dry wall. I saw the door to the bedroom was completely destroyed and was in pieces on the ground inside the bedroom. There was a television inside the bedroom that had the screen broken. I saw inside the living room on the couch was a leather vest commonly known as a "cut." I saw the cut displayed patches showing it was a cut for the Son's of Hell, an outlaw motorcycle gang associated with the Hells Angles. I saw it was a full patched cut with the center patch and top and bottom rocker.

Inside the living room Ofc. Thompson and I contacted a female [REDACTED] #1d [REDACTED] #1d identified herself and Ackermann's girlfriend. I could see [REDACTED] #1d was in the process of putting a diaper on a small child. [REDACTED] #1d apologized and stated she had to give her daughter a bath because she got so upset during the altercation that she vomited on herself.

[REDACTED] #1d stated Ackermann arrived home from the Knitting Factory and he was "black out drunk." [REDACTED] #1d stated Ackermann was upset over something that happened at the bar but she did not know what it was. [REDACTED] #1d stated Ackermann began throwing things around the house and destroying items. [REDACTED] #1d told me Ackermann grabbed her by the arms and shoved her several times.

While speaking to [REDACTED] #1d I saw she had red marks and what appeared to be the start of bruising on [REDACTED] #1d left arm. I saw [REDACTED] #1d had what appeared to be a large scrape on her back in the area of her right shoulder. Corporal Woodyard responded and took photographs of the damage to the apartment and the injuries suffered by [REDACTED] #1d. Ofc. Woodyard also photographed the Ackermann's Son's of Hell MC leather vest. Ofc. Thompson administered a LAP assessment on [REDACTED] #1d and she did not screen in to the protocol.

Ofc. Thompson determined there was PC to arrest Ackermann for Felony Malicious Mischief-DV, 4th Degree Assault-DV, Obstructing, and Resisting Arrest. Ackermann was advised what he was under arrest for and was transported to jail for booking. While enroute to jail Ackermann continuously complained that his arms were hurting from being in handcuffs and his wrists hurt from the handcuffs. Once and jail Cpl. Woodyard took photographs of Ackermann's hands to document the scrapes to his knuckles and his wrists at his request.

Ofc. Thompson completed a PC affidavit.

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.

T. Winters #1103/ B446

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-034950	
REPORT PURPOSE			REPORTED ON DATE Sat 01/30/2016		TIME 00:51
INCIDENT CLASSIFICATION #1 DOMESTIC DSPT-FMLY		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3 MALICIOUS MISCHIEF		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 01/30/2016	REPORT TIME 05:56
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 1-30-16 at 0105 hrs, I responded with multiple officers to [REDACTED] #1d to assist on a DV call. Ofc Thompson and Ofc Winters were on scene and advised a subject was fighting them. The needed immediate assistance.

Upon arrival, I went to the apartment. I observed they had Jason M Ackermann (071183) detained in handcuffs just outside the apartment door. He was seated on the stairs. Ackermann smelled strongly of intoxicants, had red/watery eyes and slurred speech. He was yelling and arguing with Ofc Winters about why he was being detained. Ackermann was telling them they had no right to go inside his apartment without a warrant or his permission. Ackermann was trying to stand up and Ofc Winters had to keep his hand on Ackermann's shoulder to keep him seated. Ackermann said nobody was going to make him go anywhere. It should be noted that Ackermann has a very large stature at 6-02 and 300 pounds. Ofc Winters and Ofc Thompson still had to do further investigation with the victim inside the apartment.

I told Ackermann we would be escorting him down the stairs to a patrol car. Ackermann stood up and Ofc Benesch, Ofc Belitz and I escorted Ackermann to Ofc Winter's patrol car. Ackermann was arguing with us about why he was detained. He said he was "Hell's Angels" and he was in the Son's of Hell. Ackermann said he needed to be released so he could go to work. He said his children in the apartment could not be left with the female. We searched Ackermann and got him seated in the back seat of the patrol car. It was a very tight fit for him due to his large stature and it took many attempts until he got himself situated where I could close the door. He said his wrist hurt in the handcuffs. He has very large wrists and there was no way to adjust the handcuffs to make them more comfortable at that time.

I attempted to read Ackermann his CR's. He argued and talked over me. He said he understood them. I asked if he wanted to waive and he swore at me. I did not ask him any questions.

Ofc Thompson and Ofc Winters determined there was PC to arrest Ackermann for City Assault DV, Malicious Mischief DV, Obstructing and Resisting Arrest. They transported him to jail and he was booked. See their reports.

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 B Yinger 698

ID NO./NAME OF REPORTING OFFICER #698 - Yinger, Benjamin		DISTRIBUTION Gang Unit	
APPROVAL #326 - Anderson, Jon D.	DATE/TIME 01/30/2016 06:35		

Supplemental Report #1

01/30/2016 06:43:17.665

RECEIVED
SPOKANE POLICE RECORDS

2016 JAN 30 AM 9 25

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

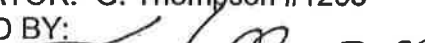
DATE: 013016

REPORT NUMBER: 16-34950

CHARGES REQUESTED: Malicious Mischief-2nd(DV), Assault-4th(DV), Obstructing,
Resisting Arrest

DEFENDANT: Ackermann, Jason M W/M 071183

STATUS: In Custody

VICTIM(S): #1a W/F #1b
DATE/TIME OF CRIME: 013016 / 0051 Hours
LOCATION OF CRIME: #1d Spokane WA
INVESTIGATOR: G. Thompson #1263
APPROVED BY:  208

WITNESSES

ADDRESS

PHONE #

#1a
Officer Thompson #1263
Officer Winters #1103

#1d
1100 W Mallon
1100 W Mallon

#1c
242-8400 x21263
242-8400 x21103

EVIDENCE CONSISTS OF: Photographs

SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: _____ DATE: _____ TIME: _____

**STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON
COUNTY OF SPOKANE

REPORT NUMBER: 16-34950

DEFENDANT: Ackermann, Jason M W/M 071183

The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because:

Bissell can testify to the following:

1. She is involved in a romantic dating relationship with the defendant, they currently live together and they have two children in common.
2. She was at her residence located at [REDACTED] #1d Spokane WA on 013016 at approximately 0051 hours.
3. She saw the defendant arrive home from a bar "black out drunk" and he began yelling, breaking things in the apartment because he was angry.
4. She was assaulted by the defendant during the argument causing redness and bruising to her left arm and a scrape to her back near her right shoulder.
5. She was afraid to call the police because she was scared of what the defendant might do to her.

Ofc. Thompson will testify to the following:

1. He is employed as a Police Officer with the Spokane Police Department and is currently assigned to the patrol division.

2. He was working on 013016 at 0051 hours and responded to the area of #1d regarding a report of a possible DV Assault.
3. He heard the sound of yelling and things banging inside of apartment #1d.
4. He contacted the defendant at the front door and saw the defendant was uncooperative and confrontational.
5. He attempted to detain the defendant for his safety and the defendant resisted, fighting with him and Ofc. Winters even after being told he was being detained and to stop resisting.
6. He detained the defendant in Handcuffs.
7. He contacted #1a and took her statement.
8. He saw #1a had injuries to her person consistent with her statement of being assaulted.
9. He saw major damage inside of the residence to include damage to doors, walls, a broken table, and a broken television.
10. He conducted a LAP assessment on #1a which she answered yes to question #7, she did not screen into the protocol.
11. He determined the damage inside the apartment to be exceeding \$750.
12. He determined there was PC to charge the defendant for Malicious Mischief-2nd (DV), Assault-4th (DV), Resisting Arrest, and Obstruction.
13. He placed the defendant under arrest and transported him to jail for booking.

Ofc. Winters will testify to the following:

1. He is employed as a Police Officer with the Spokane Police Department and is currently assigned to the patrol division.
2. He was working on 013016 at 0051 hours and responded to the area of #1d regarding a report of a possible DV Assault.
3. He heard the sound of yelling and things banging inside of apartment #1d.
4. He contacted the defendant at the front door and saw the defendant was uncooperative and confrontational.
5. He attempted to detain the defendant for his safety and the defendant resisted, fighting with him and Ofc. Thompson even after being told he was being detained and to stop resisting.
6. He detained the defendant in Handcuffs.
7. He saw #1a had injuries to her person consistent with her statement of being assaulted.
8. He saw major damage inside of the residence to include damage to doors, walls, a broken table, and a broken television.

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

DATE: 1/30/14

PLACE: SPOKANE, WASHINGTON

SIGNATURE: G. Thompson #1263

PHOTOLOG

[illegible]