



SPOKANE POLICE DEPARTMENT

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 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)
#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):	WACIC/NCIC/III - information from ACCESS restricted to law	28 USC § 534 For criminal justice purposes only.

	<u>Officer safety information</u>	enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3f	Information from WACIC/NCIC (ACCESS): <u>Gun 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.
#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.
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	RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information),

		public could be abused or lead to identity theft.	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 justice agencies as defined in RCW 10.97.030 are protected from	RCW 42.56.250(8) (Employment and licensing)

		disclosure for their safety and privacy.	
#5c	Personal Information in employee files	Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.	RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)
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 confidential manner for law enforcement purposes, protected to preserve the life and personal safety	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims). Ashley v. Public Disclosure Comm'n, 16 Wn.App. 830, 836 (1977).

		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.	
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 the identities of officers accused of sexual misconduct in Internal Affairs Investigations and Inquiries, if the findings are not Sustained. Police officers have a right to privacy in their identities in connection with unsubstantiated allegations of sexual misconduct.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011). <i>Bellevue John Does</i> , 164 Wash 2d at 212, 189 P.3d 139.
#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 Isamu Yamada

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
2/24/2016	2/16/2016	13:33
Record ID #	Incident No	IA No
9225	16-56289	F16-017
Date/Time Entered		
2/24/2016 15:26		

Incident Summary

Officers responded to an unknown male at a vacant house/ 2427 E. 4th. Officers found that the subject did not belong at the location and was possibly suffering from mental or drug induced issues. There were also indicators for "Excited Delirium." The subject was asked to leave and refused. He was arrested, assaulted the officers, and physically resisted arrest resulting in use of force.

In compliance with policy per Assistant Chief Meidl 03/27/16.

Incident Location

- 2427 4th AV, Direction: E, Spokane, WA 99201 - : South Central

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Assaulting Officer	Call for Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Daylight	a-0-3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Medium	6'1" to 6'3"	
Officer Assessment of Citizen Condition During Incident		
Mental Health Issues + Drugs/Alcohol		
Officer(s) Injured	Officer(s) Taken to Hospital	
Yes	No	

Reporting/Involved Citizen Information

Matthew E Pence

DOB: 9/1/1984 Race: White Gender: Male

Address

- 20640 Gifford Rubbens RD, Cul De Sac, ID 83524

Phone

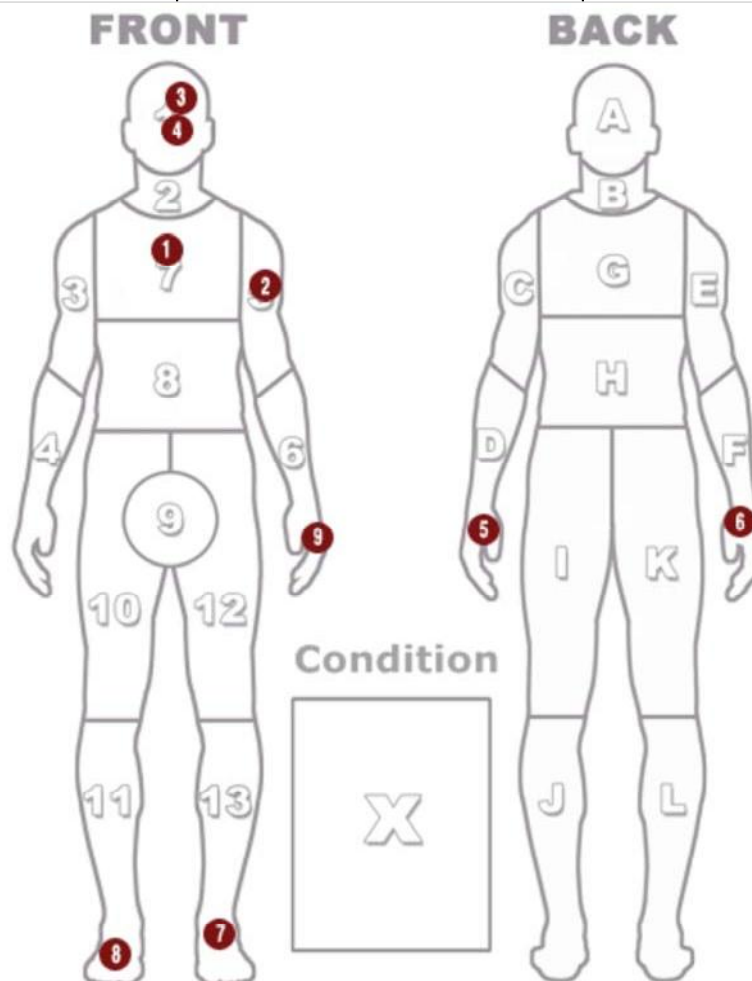
- (208) 610-7552

Types of Resistance Citizen Used Against Officer(s)

- Assaultive
- Active Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
b-Minor Visible Injury	1, 11, 13, 5, 6, 7, D, F	1, 2, 3, 4, 5, 6, 7, 8, 9



Charges against this citizen

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

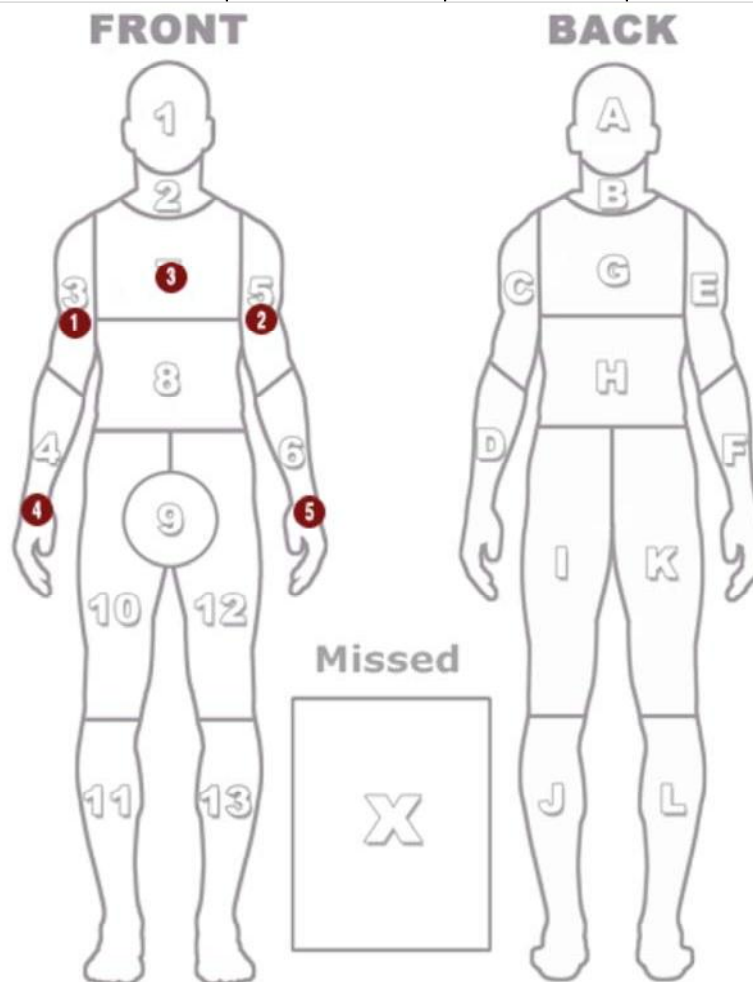
Involved Officers

Officer Stacy Flynn - Payroll Number: #5b

Force used by this officer against the citizen

- Takedown Technique - Was force effective: Yes
- Level 2 Tactic - Was force effective: Yes
- Handcuffing Technique - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Takedown Technique	Yes	3, 5	1, 2
Level 2 Tactic	Yes	7	3
Handcuffing Technique	Yes	4, 6	4, 5



Injuries sustained by this officer

Injury	Regions	Injury Locations
No injuries noted or visible		

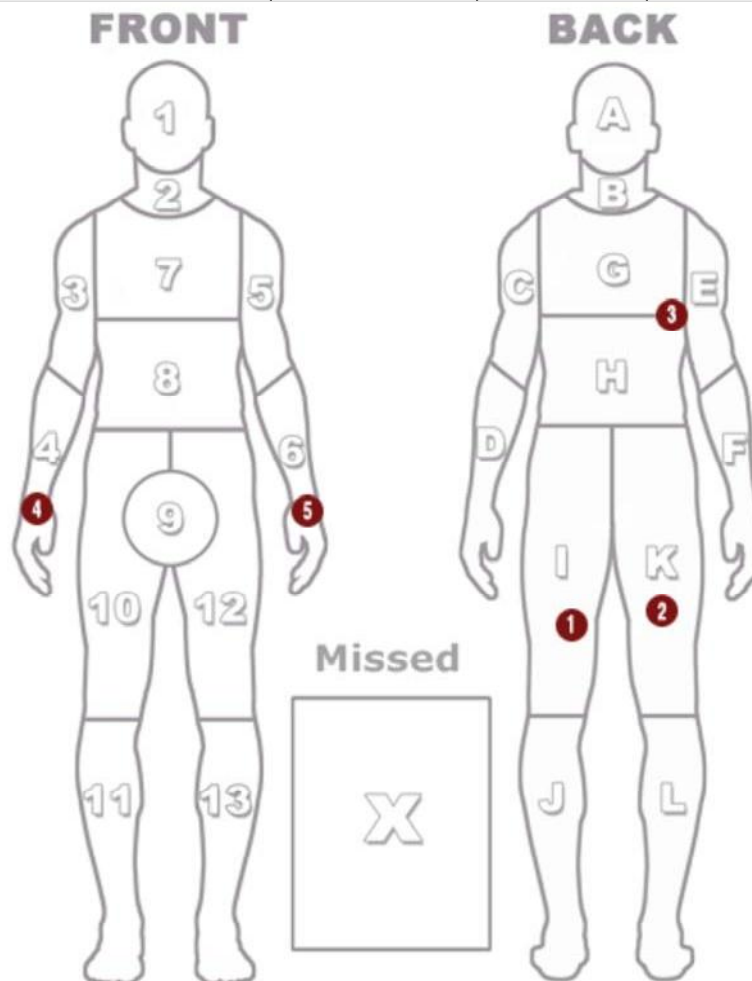
Officer Christopher Kirn - Payroll Number: #5c

Force used by this officer against the citizen

- Body Weight/Manual Force - Was force effective: Yes
- Level 2 Tactic - Was force effective: Yes
- Handcuffing Technique - Was force effective: Yes

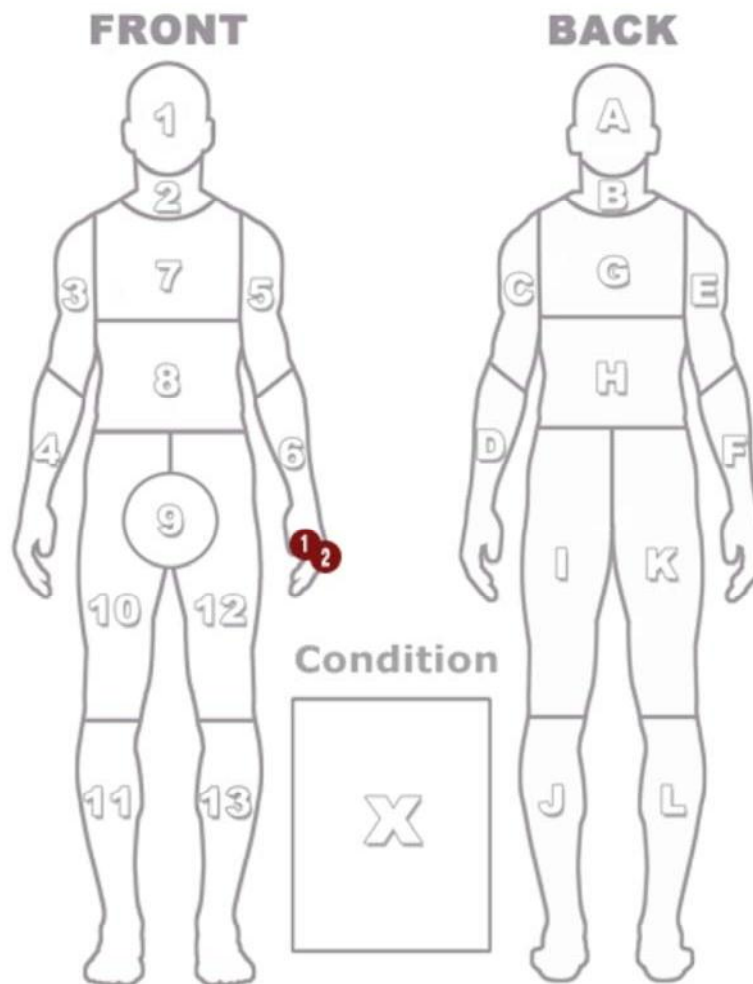
Force Used	Effective?	Regions	Points of contact
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Body Weight/Manual Force	Yes	I, K	1, 2
Level 2 Tactic	Yes	G	3
Handcuffing Technique	Yes	4, 6	4, 5



Injuries sustained by this officer

Injury	Regions	Injury Locations
a-Minor Injury	6	1, 2



Citizen Witnesses

Bruce Goff

DOB: 3/11/1955 - Race: White - Gender: Male

Address

- 2504 4th AV, Direction: E, Spokane, WA 99202

Phone

- (509) 919-6147

Albert Gulia

DOB: 10/15/1945 - Race: White - Gender: Male

Address

- 2421 4th AV, Direction: E, Spokane, WA 99202

Phone

- (509) 808-5745

Christina Jones

DOB: 2/28/1980 - Race: White - Gender: Female

Address

- 2428 4th AV, Direction: E, Spokane, WA 99202

Phone

- (208) 704-0430

Halli Jones**DOB: 11/12/1997 - Race: White - Gender: Female****Address**

- 2428 4th AV, Direction: E, Spokane, WA 99202

Phone

- (208) 704-0430

#2d

DOB: #2d - Race: White - Gender: Male**Address**

- #2d WA 99202

Phone

- #2d

Officer Witnesses**Officer Toby Bryer - Payroll Number: #5c****Sergeant Kevin Huddle - Payroll Number: #5c****Officer Erick Specht - Payroll Number: #5c****Officer Holton Widhalm - Payroll Number: #5c****Attachments**

Date Attached	Attachment Description	Attachment Type
2/28/2016	16-56289 Incident Report Officer C. Kirn	pdf
2/28/2016	16-056289 Officer S. Flynn supplemental	pdf
2/28/2016	16-56289 Officer H. Widhalm Supplemental	pdf
2/29/2016	16-56289 Officer E. Specht supplemental	pdf
2/29/2016	16-56289 Officer Flynn Charging request	pdf
2/29/2016	16-56289 Officer T. Bryer supplemental	pdf
2/29/2016	16-56289 Officer T. Bryer Rights Card	pdf
2/29/2016	16-56289 Corporal D. Adams Photo Log	pdf
2/29/2016	16-56289 Deaconess Medical Release Form	pdf
2/29/2016	16-56289 CAD RMS Incident History	pdf
2/29/2016	16-56289 Body Camera Videos	
3/2/2016	IMG_0016	JPG
3/2/2016	IMG_0017	JPG
3/2/2016	IMG_0018	JPG
3/2/2016	IMG_0019	JPG
3/2/2016	IMG_0020	JPG
3/2/2016	IMG_0021	JPG
3/2/2016	IMG_0022	JPG
3/2/2016	IMG_0023	JPG
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3/2/2016	IMG_0025	JPG
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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
3/2/2016	IMG_0052	JPG
3/2/2016	IMG_0053	JPG
3/7/2016	16-56289 Use of Force Additional	pdf

Chain of Command History

Sent Dt	From	To	CC	Approved
2/29/2016	Sergeant Isamu Yamada	Internal Affairs	Lieutenant Rex Olson	<input checked="" type="checkbox"/>
Sender's Instructions: *Force was within SPD Policy. *There were a number of officers that responded post "reportable" Use of Force. I conferred with Sgt. Staben on who to list as a witness. Since a "99" was broadcast, a number of officers/ supervisors responded. Only those officers who wrote reports were listed as witnesses.				
Recipient's Comments/Response: [Forwarded by Sergeant David Staben]				
3/2/2016	Sergeant David Staben	Lieutenant Rex Olson	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: UOF review				
Recipient's Comments/Response: The arrestee did not comply with lawful instructions from the primary officers involved and he aggressed toward them. He was placed under arrest, taken to the ground and had to be physically controlled. The amount of force used was proper and within department policy. See reports for details.				
3/3/2016	Lieutenant Rex Olson	Captain Daniel Torok	(none)	<input type="checkbox"/>
Sender's Instructions: The force used was proper, necessary and within SPD Use of Force Policy.				
Recipient's Comments/Response: The IA additional does not need to "regurgitate the report". However, it does need to contain the force used and by whom. Please add this information to the IA additional.				
3/4/2016	Captain Daniel Torok	Lieutenant Rex Olson	(none)	<input type="checkbox"/>
Sender's Instructions: See comments				
Recipient's Comments/Response: The IA additional needs to list the force used by which officers and why it was used. See Capt. Torok's statement.				
3/4/2016	Lieutenant Rex Olson	Sergeant Isamu Yamada	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Add stated information needed to IA additional. I put copies of the officers reports				

and the IA additional in your box.

Recipient's Comments/Response: [Forwarded by Sergeant Isamu Yamada]

3/7/2016	Sergeant Isamu Yamada	Lieutenant Rex Olson	Captain Daniel Torok	<input checked="" type="checkbox"/>
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Sender's Instructions: Requested informaiton added.

Recipient's Comments/Response: The suspect would not stop aggressing toward Officer Flynn and Officer Flynn grabbed him by the biceps. The suspect clinched his fist and Officer Flynn felt he was going to be punch so Officer Flynn pulled the suspect toward him kneeing him in the chest. At this time Officers Flynn and Kirn took the suspect, Matthew Pence, to the ground. While on the ground, the suspect kneed Officer Kirn three times. Officer Kirn then kneed the suspect three times to the right side of Matthew's chest. They then held the suspect down, put out a 99, and waited for help to get the suspect under control.

3/11/2016	Lieutenant Rex Olson	Captain Daniel Torok	(none)	<input checked="" type="checkbox"/>
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Sender's Instructions: Sgt. Yamada added information to the additional and I included clarifying comments.

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

3/21/2016	Captain Daniel Torok	Asst Chief Craig Meidl	(none)	<input checked="" type="checkbox"/>
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Sender's Instructions: For review

Recipient's Comments/Response: Use of force was reasonable under the circumstances and compliant with policy.

Entering Officer Signature Line

Sergeant Isamu Yamada

Chain of Command Signature Lines

Sergeant David Staben

Lieutenant Rex Olson

Captain Daniel Torok

Sergeant Isamu Yamada

Asst Chief Craig Meidl



**Spokane Police Department
Internal Affairs**



**Use of Force
Additional**

Incident #: 16-056289

Date: 02-16-16

Involved Officer(s) BWC Y/N:

Officer Stacy Flynn: Yes

Officer Chris Kim: No (not assigned a camera yet)

Reviewing Supervisor: Sgt. I. Yamada #433

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 an unknown male at a vacant house/ 2427 E. 4th. Officers found that the subject did not belong at the location and was possibly suffering from mental or drug induced symptoms. The subject was asked to leave and refused. The subject was told he was under arrest for Trespassing. The subject was agitated and verbally hostile toward the officers. The subject then aggressed toward one of the officers exhibiting assaultive behavior. The assaultive/resistive behavior continued. The two primary officers, Flynn and Kim, were assaulted. Officers Flynn and Kim responded to the assaultive behavior with reportable force-level 2 knees strikes. Other officers arrived to assist in controlling the suspect. The medics arrived and administered a drug calming the suspect down.

Officer Interview Summary:

Officer Flynn's report adequately covers the necessary information for the Use of Force review. Refer to Officer Flynn's report/ Body Camera video.

Officer Flynn's report summary of reportable use of force: "...I pulled Matt towards me and struck him with a knee to his chest..."

Officer Kim's report adequately covers the necessary information for the Use of Force review. Refer to Officer Kim's report.

Officer Kim report summary of reportable use of force: "I then issued 3 knee strikes with my right knee to the right side of Matthews chest..."

Officers Widhalm's interview/report: He spoke to witnesses that added from their view across the street), the suspect (Mr. Pence), "charged the officers. The suspect appeared to have punched the officer with blondish/red hair (Kim) in the chest." Neither Officer Flynn nor Officer Kim advised or were aware that one of them had been punched.

Subject Interview Summary:

On 02-16-2016/ about 1615 hours, at Deaconess Hospital ER, I contacted Mr. Matthew E. Pence regarding a use of force interview. Mr. Pence initially agreed to speak with me. He stated in response to my questions in summary:

What happened?

"I want to buy that house."

I asked who is selling it?

"The person that owns it."

Do you know who that is?

He did not know...

I asked him, "Then what happened?"

"I can tell by looking at it, the person that owns it does not use it for good reasons."

I asked what happened when the officers got there?

"I don't want to answer your questions."

I ended the interview.

I later asked him to sign a release of medical record for the ER visit. He initially agreed and then declined.

It should be noted that, when he was requesting assistance with someone to pick up his truck at the incident location, he did not know the address.

Witness Interview Summary:

*Refer to Incident reports.

Witness Officer Interview Summary BWC Y/N:

Officer Widhalm recorded witness statements on his body camera. Officer Kim is not assigned a body camera. Although, my video camera recorded part of a witness interview he conducted.

*Refer to Incident reports.

Any Relevant Clarifying Information and Observations:

*There are indicators for Excited Delirium- Yelling, guttural sounds, bizarre behavior, heavy breathing.

*There are photographs. The log is attached.

*There are 11 Body Camera videos for this incident. The majority are post reportable use of force. There were only 2 involved officers for the reportable use of force (only one equipped with a body camera).

Sergeant Findings:

I have reviewed this incident and believe that the force Officers used during this incident was reasonable under the circumstances and within the Spokane Police Department Use of Force Policy.

Sgt. I. Yamada #433

Incident History for: #SP160056289

Entered 02/16/16 13:33:09 BY 91120 911108
Dispatched 02/16/16 13:34:19 BY D163 1165
Enroute 02/16/16 13:34:19
Onscene 02/16/16 13:49:16

Initial Type: SUSPER Final Type: SUSPER (SUSPICIOUS PERSON)

Initial Priority: 3 Final Priority: 3

Disposition: 8D Source: A Primary Unit: D163

Police BLK: SPC5EC

Group: P5 Beat: Map Page: 33

Loc: 2427 E 4TH AV ,SPK btwn S ALTAMONT ST & S COOK ST <300> (V)

Name: MILLER, PHIL Addr: 2414 E 4TH Phone: 5092205336

/133309 (911108) ENTRY MALE IS AT VACANT HOUSE. MALE'S VEH:GRN 2002 D
ODG? PU. MALE:WM 20'S 510/180 BLK HOODIE. ORG
SHIRT. BLU JEANS. ###

/133333 (802) HOLD
/133419 (1165) *DISPER D163 #1165 FLYNN, STACY
/134341 (1135) *ASSTER D161 [E 4TH AV/S COOK ST ,SPK]
#1135 KIRN, CHRIS

/134916 *ONSCNE D161
/135126 (802) NEWLOC D161 [2427 E 4TH]
/135137 REMINQ D161 LIC,D161,7BE8111, ID,PC,2017,
/135138 (1165) *ONSCNE D163
/135150 (802) REMINQ D161 LIC,D161,7BE8111, ID,PC,2017,
/135210 MISC

/135210 MISC
/135210 MISC
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/135210 MISC

#3c

Line	Time	From	To	Text
1	/135210	MISC		
2	/135210	MISC		
3	/135210	MISC		
4	/135210	MISC		
5	/135210	MISC		
6	/135210	MISC		
7	/135210	MISC		
8	/135210	MISC		
9	/135210	MISC		
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90	/135210	MISC		
91	/135210	MISC		
92	/135210	MISC		

/141429	(494)	*ASSTER	N41	[2427 E 4TH]
				#494 O'BRIEN, JOHN
/141431	(318)	ASST	A243	[2427 E 4TH]
				#1260 HERZOG, CHAD
				#844 VANTASSEL, RONALD
/141432	(591897)	ASST	M55	[2427 E 4TH]
				#591161 JOHNSON, RICHARD
/141435	(1260)	*ENROUT	A243	
/141437	(989)	*ASSTER	A246	[2427 E 4TH]
				#989 WIDHALM, HOLTON
/141443	(095)	*ASSTER	L160	[2427 E 4TH]
				#095 ARNZEN, ALAN
/141443	(841)	*ASSTER	B126	[2427 E 4TH]
				#841 STORCH, DEANNA
/141446	(1053)	*ASSTER	N49	[2427 E 4TH AV ,SPK]
				#1053 JONES, CASEY
/141452	(1160)	CALLBK		T/PCC03
				,FIRE UPDATED ON ED
/141456	(591148)	MISC		,TONE AND BC ON COUNTY 1 AND 2
/141502	(252)	*ASSTER	L252	[2427 E 4TH]
				#252 WUTHRICH, ERNIE
/141507	(483)	*ASSTER	T40	[2427 E 4TH]
				#483 MOON, BRADLEY
/141519	(591330)	*ASSTER	A601	[2427 E 4TH AV ,SPK]
				#591330 PRATT, GAVIN
/141533	(208)	*ONSCNE	L250	
/141538	(1160)	ASSTER	I444	[2427 E 4TH]
				#669 LUNDGREN, NICHOLAS J
/141538		ASSTER	I446	[2427 E 4TH]
				#562 LAMANNA JR, ANTHONY J
/141602	(1012)	*ASSTER	L207	[2427 E 4TH]
				#1012 REESE, KURTIS
/141609	(252)	*ONSCNE	L252	
/141625	(320)	ONSCNE	A243	
/141637	(591148)	ASST	A512	[2427 E 4TH AV ,SPK]
				#591686 HAYS, IAN
/141641	(320)	ASSTOS	L106	[2427 E 4TH]
				#119 RICHARDS, DAVID
/141643	(989)	*ONSCNE	A246	
/141650	(320)	MISC	A243	,HE'S STILL FIGHTING
/141655		MISC	A243	,SLOW IT DOWN
/141658	(731)	*PREMPT	K30	
/141701	(59769)	*ASSTER	A510	[2427 E 4TH AV ,SPK]
				#59769 NELSON, SCOT
/141703	(320)	CALLBK	L250	T/PCC05
				,HAVE MEDICS COME IN
/141710	(494)	*ONSCNE	N41	
/141712	(841)	*ONSCNE	B126	
/141714	(1139)	*ONSCNE	D162	
/141718	(591440)	*ASSTER	N86	[2427 E 4TH AV ,SPK]
				#591440 SMITH, TYLER
/141722	(1201)	*ONSCNE	C284	
/141724	(1160)	CALLBK		T/PCC03
				,FIRE COMING IN
/141725	(591897)	ASST	P500	[2427 E 4TH]
				#591140 HUBBELL, BRETT
/141725	(1202)	*PREMPT	C285	
/141732	(320)	MISC	A246	,.....NO MORE UNITS <<<<<<<<<<<
/141733	(59769)	*PREMPT	A510	
/141734	(1012)	*ONSCNE	L207	

/141738	(1180)	*PREMPT	B127	
/141739	(59817)	*CLEAR	A511	,SSTAT/ASST
/141743	(591897)	ONSCNE	M55	
/141755	(1053)	*PREMPT	N49	
/141756	(591096)	*CLEAR	A508	
/141758	(320)	MISC	L250	,NO MORE UNITS <<<<<<<<<
/141804	(591330)	\$PREMPT	A601	
/141815	(095)	*PREMPT	L160	
/141835	(1012)	*ONSCNE	L207	
/141838	(1201)	*CLEAR	C284	
/141840	(591897)	CLEAR	M55	
/141841	(591440)	*CLEAR	N86	
/141851	(591897)	CLEAR	P500	
/141935	(1012)	*ONSCNE	L207	
/141937	(320)	ASSTER	P315	[2427 E 4TH] #436 ADAMS, DAVE
/141940	(1012)	*ONSCNE	L207	
/141947	(320)	CLEAR	I446	
/141947		CLEAR	I444	
/141955	(494)	*CLEAR	N41	,PSTAT/ASST PSTAT/VIDN
/142040	(433)	*ASSTER	L201	[2427 E 4TH] #433 YAMADA, ISAMU
/142040	(1012)	*ONSCNE	L207	
/142048	(252)	*CLEAR	L252	
/142327	(1012)	*CLEAR	L207	,PSTAT/ASST PSTAT/VIDY NOT ON SCENE FOR ANY OF THE CALL. VIDEO ONLY HAS MY RESPONSE TO THE C ALL AND WALKING UP
/142503	(433)	*ONSCNE	L201	
/142743	(119)	*CLEAR	L106	DSP: 8D ,PSTAT/CFS ,RQPN PENCE, IAN ,RQPN PENCE, MATTHEW IAN
/142752	(320)	MISC	B126	
/142758		MISC	B126	
/142859	(436)	*ONSCNE	P315	
/142916		*ONSCNE	P315	
/142938	(591686)	*ENROUT	A512	
/143204	(320)	CHGLOC	D162	[FOLLOWING AMB]
/143219	(591686)	*CLEAR	A512	DSP: 8D --> 8D ,SSTAT/ASST T/PCC05 ,TRY 979-9740 FOR PAUL LAVERNE/PROP OWNER AT 2 427 E 4TH T/PCC03 ,NOT A WORKING NUMBER
/143421	(320)	CALLBK		
/143538	(1160)	CALLBK		
/143552	(1139)	*ONSCNE	D162	
/143557		*CHGLOC	D162	[DEAC]
/143557		*ONSCNE	D162	
/143624	(436)	*CHGLOC	P315	[DEAC]
/143746	(483)	*CLEAR	T40	
/143837	(433)	*CHGLOC	L201	[DEACONESS]
/143843	(838)	*ASTOS	M18	[2427 E 4TH] #838 STORCH, SHAIDON
/143903	(318)	ASTOS	A245	[DEAC] #978 SPECHT, ERICK ,PSTAT/ASST ,PENCE, MATTHEW E UNK DOB ,PSTAT/ASST, HELPED HANDCUFF SUSP [2400 E. 4TH] MWANT,,,,,,,,,,,,, #4b ,,,,,,,,,,, [1] ,PSTAT/ASST PSTAT/VIDY
/143929	(838)	*CLEAR	M18	
/143934	(841)	*MISC	B126	
/143943	(208)	*CLEAR	L250	
/143958	(978)	*NEWLOC	A245	
/144037	(841)	*REMIHQ	B126	
/144100	(1165)	*CHGLOC	D163	
/144141	(1260)	*CLEAR	A243	

/145446		MISC		,END OF MESSAGE...
/151008	(436)	*MISC	P315	,SUBJECT IS RESTING QUIETLY AND HAS APPARENT MINOR INJURIES ONLY AT THIS TIME. HE IS NOT TELLING ER STAFF WHAT DRUGS HE MAY OR MAY NOT HAVE TAKEN.
/151050		*MISC	P315	,PSTAT/ASST PSTAT/VIDN PHOTOS
/151106		\$PREMPT	P315	
/151905	(320)	CALLBK		T/PCC05
				,ROBERT L PENCE 206-451-4325, POSSIBLE RELATIVE TO MATTHEW PENCE
/152445	(433)	*MISC	L201	,ADVISED LT. OLSON OF THE CURRENT CIRCUMSTANCES OF THE INCIDENT AND SUBJECTS CONDITION.
/152619		*CLEAR	L201	,PSTAT/VIDY
/152652	(1139)	*REMINQ	D162	MWANT,,,,,,,,GULIA,ALBERTA,1945,10,15,,,,,,,,,,,,,
				''''
/152837		*REMINQ	D162	MWANT,,,,,,,,GOFF,BRUCEL,1955,03,11,,,,,,,,,,,,,
				,0
/153021	(320)	MISC		,TO/D161/ HOW 'BOUT SHERI K LAVERNE AT 535-9673?
/161324	(433)	*ASSTER	L201	[DEAC]
				#433 YAMADA, ISAMU
/161329		*ONSCNE	L201	
/170229	(1139)	*TRANS	D162	[JAIL] M/0.0
/170400	(433)	*CLEAR	L201	
/170925	(1139)	*TRANSC	D162	M/1.3
/170944	(318)	OK	D161	
/170944		OK	D162	
/170944		OK	D163	

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-056289	
INCIDENT TYPE Arrest		INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	
		RESPONDING TO (Officer Assault) Suspicious Circumstances		INCIDENT CLASSIFICATION #2 TRESPASS	
				ATTEMPTED <input type="checkbox"/>	
				INCIDENT CLASSIFICATION #4 One Person in Vehicle, Assisted	
				ATTEMPTED <input type="checkbox"/>	
REPORTED ON Tue 02/16/2016 13:33		DATE/TIME Tue 02/16/2016 13:33		OCCURRED TO Tue 02/16/2016 15:30	
DISPATCH TIME		ARRIVED TIME		CLEARED TIME	
				REPORT DATE 02/16/2016	
				REPORT TIME 15:02	
				EST. TOTAL PROPERTY LOSS	
PRIMARY CHARGE 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)					UCR/NIBRS CODE /13A
ADDITIONAL CHARGES 9A.52.070 CRIMINAL TRESPASS-1ST DEG					
LOCATION OF INCIDENT 2427 E 4th Avenue, Spokane, WA 99201				LOCATION NAME (IF APPLICABLE)	
ENTRY POINT		METHOD		WEAPON/TOOL/FORCE USED	
				SECURITY	
				EVIDENCE	
				TYPE OF PREMISE (FOR VEHICLES STATE WHERE PARKED) Residence/Home	
SOLVABILITY FACTORS Crime Scene Processed, Suspect Arrested, Useful Physical Evidence, Witness to Crime					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Ofc. Flynn					
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim - Individual, A-Arrested Person, VB-Victim - Business, M-Missing, MP-Person Mentioned, RO-Registered Owner, V-Deceased, PS-Passenger, PE-Pedestrian, PS-Pedestrian - Cyclist, C-Owner, G-Complainant, I-Institutional, G-Legal Guardian, E-Driver, W-Witness, CM-Complainant is Victim, COM-Contact, RU-Runaway, OWO-Owner of Property</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Pence, Matthew E			SEX M	RACE/ETHNICITY W-White
HEIGHT 6'01"	WEIGHT 170	BUILD Medium	HAIR Black	EYES BRO - Brown	DATE OF BIRTH/AGE 09/01/1984 31
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP			RESIDENTIAL STATUS Unknown	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL ADDRESSES					ADDRESS TYPE Transient
CHARGE LEVEL Felony Class C		DESCRIPTION 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)			UCR/NCIC CODE /13A
WARRANT #	BAIL	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION 9A.52.070 CRIMINAL TRESPASS-1ST DEG			UCR/NCIC CODE /90J
WARRANT #	BAIL	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>

ID NO./NAME OF REPORTING OFFICER #1135 - Kirn, Christopher		DISTRIBUTION	
APPROVAL #208 - Huddle, Kevin		DATE/TIME 02/17/2016 10:45	

Incident Report #1

02/17/2016 10:52:53.219

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

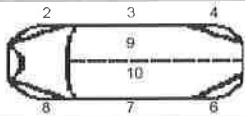
Page 2

INCIDENT CLASSIFICATION ASSAULT-SIMPLE				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 16-056289	
CITATION #		DATE	TIME	BOOKED WHERE Spokane County Jail		DATE 02/16/2016	TIME 18:00
ARREST LOCATION 2427 E 4th Avenue, Spokane, WA 99201				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	
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE		SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
HAIR LENGTH		HAIR TYPE		HAIR STYLE Bushy		FACIAL HAIR Full Beard	
APPEARANCE		COMPLEXION		FACIAL FEATURES		DISTINCTIVE FEATURES	
						GLASSES	
						R/L HANDED	
						SPEECH	
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES None				TYPE OF VICTIM Police/Law Enforcement		MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO	
HOSPITAL TAKEN TO Sacred Heart		TAKEN BY Ambulance		<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY		ATTENDING PHYSICIAN	
						SUICIDE NOTE FOUND? <input type="checkbox"/>	
						HOLD PLACED BY	
CODE V-1		NAME: LAST, FIRST, MIDDLE ofc Christopher Kirn, F				SEX M	
						RACE/ETHNICITY W-White	
						DATE OF BIRTH/AGE #5b	
HEIGHT		WEIGHT		BUILD		HAIR	
						EYES	
						DESCRIPTORS	
CONFIDENTIALITY <input type="checkbox"/>		ADDRESS: STREET, CITY STATE ZIP 1100 W mallon Avenue, Spokane, WA 99201				RESIDENTIAL STATUS	
						PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION		EMPLOYER PHONE	
RELATIONSHIP TO SUSPECT Victim was Stranger				VICTIM OF Offns # 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)		OFNDR. # A-1	
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES Apparent Minor Injury				TYPE OF VICTIM		MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO	
HOSPITAL TAKEN TO		TAKEN BY		<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY		ATTENDING PHYSICIAN	
						SUICIDE NOTE FOUND? <input type="checkbox"/>	
						HOLD PLACED BY	

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION ASSAULT-SIMPLE				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 16-056289	
VEHICLES							
CODI V-1	CIRCUMSTANCES <i>Investigative Information</i>		LICENSE NO. 7BE8111		STATE ID	LIC. YEAR	LICENSE TYPE Regular
YEAR 1998	MAKE Dodge	MODEL Ram 1500 (pickup)	BODY STYLE 14: Pickup		TOP/FRONT/ONLY COLOR Green, Dark		BOTTOM/REAR COLOR Green, Dark
SPECIAL FEATURES/DESCRIPTION							
DECAL NUMBER		REGISTERED OWNER Pence, Matthew E				HOME PHONE	
VEHICLE DISPOSITION <input checked="" type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> DRIVEN AWAY <input type="checkbox"/> TOWED		REGISTERED OWNER'S ADDRESS: STREET, CITY STATE ZIP				VALUE \$	
LOCKED <input type="checkbox"/> Yes <input type="checkbox"/> No	KEYS IN VEHICLE <input type="checkbox"/> Yes <input type="checkbox"/> No	DELINQUENT PAYMENT <input type="checkbox"/> Yes <input type="checkbox"/> No	VICTIM CONSENT <input type="checkbox"/> Yes <input type="checkbox"/> No	DRIVABLE <input type="checkbox"/> Yes <input type="checkbox"/> No	ESTIMATED DAMAGE	DAMAGE <input type="checkbox"/> Window <input type="checkbox"/> Top <input type="checkbox"/> Interior <input type="checkbox"/> Underside	SHADE IN DAMAGED AREA 1
TOW COMPANY		HOLD REQUESTED BY		HOLD FOR			
RELEASE BY	DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	OWNER NOTIFIED	DATE	TIME
OPERATOR'S NAME							
NARRATIVE							

While on routine patrol I observed on my MDC that Ofc. Flynn was responding to the listed call alone involving a subject that was possibly trespassing. With no other calls holding, I self dispatched myself to the call as backup.

On arrival I parked approximately three (3) houses to the west and approached the location on foot.

As I approached I observed the listed vehicle parked in the front yard of the occurred in a NW direction, which appeared out of place.

As I got closer to the house, I could observe a white male subject, later identified as Matthew Pence sitting by the front door with his hoodie over his face. I observed the subject for a few moments to determine what he was doing and if he was or was about to commit a crime.

After several moments of him just sitting there I approached him from the west. I introduced myself and asked him if he was OK. Matthew looked up and said "I'm fine." He then lowered his head and stared at his feet. I asked him whose house it was and he said he was "interested in buying it." Please note there are no for sale signs in the yard, and there was obvious roof damage from the windstorm in November. The house appeared vacant or under renovation. It was also being reported by the complainant, that the house was vacant. Again, Matthew looked down and adjusted his hoodie to cover his face. I told Matthew that I wasn't there to harass him or arrest him but I was there to help him if he needed it. I explained to him that neighbors called and that they didn't recognize him as being the property owner. Matthew then placed his hands inside of his hoodie at which time I told him to take his hands out of his pockets. Matthew said "I don't have to." I explained to him that it was for my safety because people are known to have weapons in their hoodies. Matthew stretched his arms out (while still in the hoodie) and I could see that there was no bulges or objects in his pocket, which dispelled my alarm of him having any weapons. A few

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 4

INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-056289
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moments later Ofc Stacy Flynn arrived on scene, please see his video and supplement for further detailed information.

While Ofc. Flynn spoke with Matthew, I canvassed the neighbors to determine who Matthew was and if he legally had authority to be at the occurred. I spoke with the neighbor directly to the west who advised that he has lived at his home for almost 20 years and has never seen Matthew. Furthermore, he knows the homeowner and knows that Matthew doesn't belong there.

I spoke with the neighbors directly across the street to the south, who have lived in the neighborhood for quite awhile and they've never seen Matthew before.

I also spoke with the complainant, Phil Miller who has lived in the neighborhood for 20+ years and he knows "for a fact" that Matthew didn't belong at the home and the homeowner is out of the home due to storm damage.

Police dispatch was provided the vehicle registration, which did not yield any investigative leads or clues as to Matthews identity (because at this time, he did not want to tell us who he was).

I then walked back and attempted to start up a conversation with Matthew to ascertain why he was there and his overall mental capacity to determine if he was a threat to himself or others.

As I spoke with Matthew it was clear based on my training and experience that he was suffering from either a mental illness, or a drug related problem because he was not acting rational.

Of note, I have taken C.I.T classes both advanced and basic in Washington and in Florida along with being a trained hostage negotiator with Spokane Police Department and a Team Leader for the Pinellas County Sheriff's Office in Florida where I was a police officer and Detective for over 15 years. I also won the "Iris Award" from NAMI for my skills with negotiating with the mentally ill and people in crisis.

As I was talking with Matthew, I could tell that he was getting increasing more agitated because he was balling up his hands and flexing them, taking deep heavy breaths and rolling his head stretching out his neck. All of these actions are basic identifiers as a person who is going to either fight or run.

I then told Matthew that it was time to leave and asked him over and over again to just leave the property otherwise he could be subject to arrest. Matthew stood up and again, was doing the aforementioned identifiers that signal a person is about to engage in a fight or flee. Matthew turned around and jumped up and did a pull up using the framework of the house. Again, another unexpected and bizarre behavior being demonstrated by Matthew to raise my alarm.

Matthew then began to walk down the steps and he was encouraged to continue walking. Matthew

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-056289
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then said in agitated voice "what are you doing here? Leave!!" Matthew then began to walk towards me at which time I warned him to get back, because I didn't want to hurt him. Matthew then turned to Ofc. Flynn and began to yell obscenities, and walked toward him in an aggressive manner. I then observed Matthew lunge towards Ofc Flynn displaying assaultive behavior. Ofc. Flynn and I then took Matthew to the ground. While on the ground Matthew repeatedly used his right leg and kneed me about 3-4 time on the left side. I then issued 3 knee strikes with my right knee to the right side of Matthews chest which had minimal effect on him. Matthew also had his right hand clenched and under his body but I was able to successfully pull it out. I was however, unable to bring it behind his back because I was using my weight on his legs to stop him from kicking me and trying to throw us off of him.

I then requested other units to respond.

I also requested medics to respond for a possible excited delirium reaction.

Ofc Flynn and I continued to maintain our advantage over Matthew until other officers arrived on scene to help take control of him.

Once other officers were on scene, Matthew was taken into custody and treated by medics.

Matthew was later transferred to Sacred Heart Hospital by AMR for evaluation. At the time of this report, Matthews condition was fine and he was only suffering from minor scrapes and abrasions.

I suffered a pair of broken sunglasses, and a laceration on my left thumb near the knuckle.

Cpl Adams took photographs of my thumb and uniform where it showed signs of a struggle.

I then notified my supervisor that I utilized force during my arrest of Matthew.

A PC affadvit was completed and turned into booking staff at the Spokane County Jail.

Case closed with arrest.

Ofc. C. Kirn #1135

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-056289	
REPORT PURPOSE			REPORTED ON DATE Tue 02/16/2016	TIME 13:33	INCIDENT XREF
INCIDENT CLASSIFICATION #1 RESISTING ARREST		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 02/16/2016		REPORT TIME 15:23
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 02/16/16 at 13:33 hours Officer Kirn and I responded the house on the N/W corner of Fourth and Cook to investigate a reported suspicious person.

It was being reported that a male is at a vacant house sitting on the porch.

When I arrived a white male with a black heavy jacket and sweat pants was sitting on the porch of 2427 E. Fourth St. The male had his hands in his jacket pockets and was not wearing shoes. There was a green dodge Dakota pickup parked in the yard.

Officer Kirn was on scene and was attempting to speak to the male. The male identified himself as Matt but nothing else. Several neighbors told us the male was unfamiliar to them and didn't live there. The owner of the house works during the day and drives a red truck.

Matt kept his hands in his pockets and would not speak to us. Officer Kirn spoke to several other neighbors and confirmed Matt doesn't not live at the house.

Matt was given several opportunities to leave the porch and walk away.

Matt was still sitting on the porch and was moving his neck from shoulder to shoulder. Matt stood up and reached both of his hands to the air like he was stretching. Matt reached up grabbed the roof of the porch and did half of a pull up. Matt turned around and was pacing back and forth on the step. Matt was staring straight ahead and clenching his fists. In my training and experience it looked to me that Matt was preparing to fight.

Matt stepped off the porch and told us to leave his property. I again told him to leave and not return to the property. Matt walked towards Officer Kirn yelling "Fuck You ". Every time Officer Kirn tried to speak to Matt he would yell. Matt told us to get off of his property and that we had better things to do.

It was obvious to me Matt was not going to leave the property and was going to fight us.

ID NO./NAME OF REPORTING OFFICER #1165 - Flynn, Stacy		DISTRIBUTION	
APPROVAL #326 - Anderson, Jon D.	DATE/TIME 02/18/2016 07:07		

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION RESISTING ARREST	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-056289
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I told Matt to leave the property and he continued to yell "Fuck You ". His hands were at his side and he was coming towards me. I told Matt to back off and he continued yelling "Fuck You". Matt continued to come towards me yelling 'Fuck You". Matt continued to advance me and I reached up to stop him by grabbing him by the biceps. Matt dropped his right shoulder and clinched his fist. In my training and experience I recognized that Matt was going to punch me. I pulled Matt towards me and struck him with a knee to his chest.

Officer Kirn came up behind Matt and we took him to the ground.

While on the ground Matt continued to yell and resist arrest. Matt had his right hand under his chest and would not give it to us.

I had control of Matts left arm by his wrist. I was trying to assist Officer Kirn with getting control of the right arm. Sergeant Huddle arrived on scene and we were able to take Matt into custody.

See Officer Kirn's report for additional details of this event.

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.

Flynn #1165

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 16-056289	
REPORT PURPOSE			REPORTED ON DATE Tue 02/16/2016	TIME 13:33
INCIDENT CLASSIFICATION #1 TRESPASS		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 ASSAULT-SIMPLE	
INCIDENT CLASSIFICATION #3 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 02/16/2016	REPORT TIME 16:35
PRIMARY CHARGE				UCR/NIBRS CODE

VICTIM/WITNESSES/OTHERS S-Suspect, V-Victim - Individual, A-Arrested Person, VB-Victim - Business, M-Missing, MR-Person Mentioned, RD-Registered Owner, V-Deceased, PS-Passenger, PE-Pedestrian, PC-Pedestrian - Cyclist, O-Other, C-Complainant, IN-Institutional, G-Legal Guardian, D-Driver, W-Witness, CV-Complainant is Victim, CON-Contact, RU-Runaway, OW-Owner of Property

CODE W-1	NAME: LAST, FIRST, MIDDLE #2d		SEX M	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE #2d
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP #2d Spokane, WA 99202			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (Cell) #2d					

CODE W-2	NAME: LAST, FIRST, MIDDLE Jones, Halli N		SEX F	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 11/12/1997 18
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2428 E 4th Avenue #1, Spokane, WA 99202			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (Cell) (208) 704-0430, (Cell) (208) 704-0430					

CODE W-3	NAME: LAST, FIRST, MIDDLE Jones, Christina L		SEX F	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 02/28/1980 35
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2428 E 4th Avenue #1, Spokane, WA 99202			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (Cell) (208) 704-0430					

NARRATIVE

On 2/16/16 at approximately 1416hrs, I arrived at 2427 E 4th Ave after an officer reported he was in distress. I saw officers trying to detain a suspect at the front of the address but this suspect was

ID NO./NAME OF REPORTING OFFICER #989 - Widhalm, Holton	DISTRIBUTION	
APPROVAL #401 - Bartlett, Glenn	DATE/TIME 02/17/2016 01:17	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION TRESPASS	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-056289
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violently resisting. I saw Officer Kirn had a cut on his finger and he was bleeding. I was asked to apply leg restraints so I secured his legs and gave the hook portion to the officer near his handcuffs. That officer secured the leg restraints to the subject's handcuffs.

I then went to relieve Officer Kirn and interview witnesses so he could get medical attention for his injuries. I spoke to witnesses Christina Jones, #2d and Halli Jones. They all live at 2428 E 4th Ave. #2d told me he was outside and saw the suspect doing pull-up's on the eave of the house and then he heard officers tell him to leave. He said the suspect asked the officers if they had anything better to do. They told him yes and he cursed at them. #2d told me the suspect then ran at officers and punched one of them in the stomach. The suspect then continued to fight with the officers who tried to subdue him.

Halli and Christina told me they came out to smoke a cigarette on their front porch. Their porch is directly across the street from 2427 E 4th where suspect and officers were. They saw the suspect sitting on the porch and the officers were trying to talk to him. The officers were on the SW corner of the house and keeping their distance from the suspect. The suspect jumped up and did pull-ups or push-ups on the overhang above the porch. The officers told the suspect he needed to leave and the suspect asked the officers if they had anything else to do. The officers said they did and then the suspect charged the officers. The suspect appeared to have punched the officer with blondish/red hair (Kirn) in the chest.

I provided this information to Sgt. Huddle and Sgt. Yamada.

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

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-056289	
REPORT PURPOSE			REPORTED ON DATE Tue 02/16/2016	TIME 13:33	INCIDENT XREF
INCIDENT CLASSIFICATION #1 PERSONS-MENTAL		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 02/16/2016	REPORT TIME 19:48
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 02/16/2016 at 1416 hrs, I responded to 2427 E. 4th to assist officers with a subject that was fighting with them.

Upon my arrival at the location, some officers and medical personnel had, Matthew Pence, on the ground trying to hold him in place. Pence was yelling and screaming and actively thrashing his body from side to side not allowing officers to detain him.

I approached him and with my left shin placed it along the base of his neck on his back to try and hold him in place.

As I did this officers were able to gain control of Pence and place him into custody.

Pence continued to thrash around and move his torso about. I used the palm of my left hand and placed it upon his forehead and my right palm along his chin in an attempt to hold his head in place while officers and medics secured him to the medical stretcher.

Pence was then secured to the stretcher and transported to the hospital.

See Officer Kirn's report for more information.

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.

E. Specht #978 A245

ID NO./NAME OF REPORTING OFFICER #978 - Specht, Erick		DISTRIBUTION
APPROVAL #401 - Bartlett, Glenn	DATE/TIME 02/17/2016 01:17	

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 16-056289	
REPORT PURPOSE			REPORTED ON DATE Tue 02/16/2016 13:33	INCIDENT XREF
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		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 02/16/2016	REPORT TIME 15:22
PRIMARY CHARGE				UCR/NIBRS CODE

VICTIM/WITNESSES/OTHERS

S-Suspect, V-Victim, I-Individual, A-Arrested Person, VB-Victim-Business, M-Missing, MR-Person Mentioned, RO-Registered Owner, V-Deceased, PS-Passenger, PE-Pedestrian, PC-Pedestrian-Cyclist, O-Other, C-Complainant, IN-Institutional, G-Legal Guardian, D-Driver, W-Witness, CV-Complainant is Victim, COV-Contact, RU-Runaway, OW-Owner of Property

CODE W-1	NAME: LAST, FIRST, MIDDLE Gulia, Albert A			SEX M	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 10/15/1945 70
HEIGHT 5'04"	WEIGHT 140	BUILD Medium	HAIR Brown	EYES BRO - Brown	DESCRIPTORS	
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2421 E 4th Avenue, Spokane, WA 99202			RESIDENTIAL STATUS	PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (509) 808-5745						
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
#4b						

CODE W-2	NAME: LAST, FIRST, MIDDLE Goff, Bruce L			SEX M	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE 03/11/1955 60
HEIGHT 6'00"	WEIGHT 250	BUILD Heavy	HAIR Brown	EYES BRO - Brown	DESCRIPTORS	
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 2504 E 4th Avenue, Spokane, WA 99201			RESIDENTIAL STATUS	PHONE	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE	
ADDITIONAL PHONES (509) 919-6147						
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
#4b						

NARRATIVE

On 02/16/2016, at 1414 hours, a call for additional units was put out over the patrol radio for 2427 E 4th Ave. The call was because there was a subject fighting with officers and they needed more units.

When I arrived on scene, there were enough units on scene to ensure the safety of the suspect, Matthew Pence. I therefore started to interview witnesses who might have seen the incident that happened at 2427 E 4th Ave.

The first witness was Albert Gulia who lives next door at 2421 E 4th Ave. Albert stated that he was

ID NO./NAME OF REPORTING OFFICER #1139 - Bryer, Toby	DISTRIBUTION	
APPROVAL #208 - Huddle, Kevin	DATE/TIME 02/16/2016 18:52	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION
ASSAULT-SIMPLE

ATTEMPTED
☐

INCIDENT NUMBER
16-056289

at home and observed Matthew sitting on the porch with his shoes off. Albert said that he does not know Matthew but knows that he does not live next door. He said that 2427 E 4th Ave sustained a lot of damage from the wind storm and no one has been in there since then.

Albert said that he saw the police show up to the house and start to talk to Matthew. He said that Matthew sat on the porch for a little while and then he jumped up and started to yell at the police. He said Matthew was yelling, "Fuck you! Fuck you!" to the police that showed up.

Albert then said that Matthew went right up to the police and got in their face, still yelling, "Fuck you! Fuck you!" as he got closer and closer. Albert said that he thought Matthew was "going to punch the cops" that he was walking up to. Albert then said that he saw the police hold Matthew down until more units could arrive.

I also spoke to Bruce Goff who said that right as the incident was starting he was being dropped off just down the road. Bruce said that he heard the police tell Matthew that he needed to leave and then heard Matthew yelling, "Fuck you! Fuck you!" Bruce then saw Matthew go towards the police that were on the scene.

Bruce said all the police did was to hold Matthew down on the ground while he continued to fight and say, "Fuck you! Fuck you!" Bruce also said that the police were not hurting Matthew in any way, just that he was screaming to get attention.

I followed the ambulance to Deaconess hospital and sat with Matthew while he was treated.

I read Matthew his constitutional rights and he stated that he did not want to talk. However, during the time in the hospital, Matthew made statements that he wanted to buy the house (meaning 2427 E 4th Ave). Matthew said that the house was being used as a flop house and that he thinks that is wrong. He said that he wants to buy the house but did not know who owns it. He kept asking if we had arrested the owner yet because the house should not be used for what it is right now. He also kept wanting to know who the owner was so that he could buy it from him.

Once Matthew was discharged from the hospital, I transported him to the Spokane County jail and booked him on one count of Assault 3rd Degree.

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. Bryer 1139

RECEIVED
SPOKANE POLICE RECORDS

2016 FEB 17 AM 10 15

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

DATE: 02/116/16

REPORT NUMBER: 16-56289

CHARGES REQUESTED: Third Degree Assault 9A.36.031

Resisting Arrest 9A.76.040

Trespassing 2nd 9A.52.080

DEFENDANT: MATTHEW EMERY PENCE 09-01-1984

STATUS: In Custody

VICTIM(S):

DATE/TIME OF CRIME: 02/16/16 13:33

LOCATION OF CRIME: 2427 E. Fourth Spokane WA.

INVESTIGATOR: Kirn #1135

APPROVED BY: *[Signature]*

WITNESSES	ADDRESS	PHONE #
Officer Kirn	1100 W. Mallon Spokane WA. 99260	509-244-8200 x21135
Officer Bryer	1100 W. Mallon Spokane WA. 99260	509-244-8200 x21139
Officer Flynn	1100 W. Mallon Spokane WA. 99260	509-244-8200 x21165
Albert A Gulia	2421 E 4 th Ave. Spokane WA. 99205	509- 808-5745
Bruce L Goff	2504 E 4 th Ave. Spokane WA. 99205	509- 919-6147
Christine L. Jones	2428 E. 4 th Ave. Spokane WA 99205	208-704-0430
Halli N. Jones	2428 E. 4 th Ave. Spokane WA. 99205	208-704-0430
Phillip Miller	2414 E. 4 th Ave. Spokane WA 99205	509-220-5336

EVIDENCE CONSISTS OF:

SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: _____ DATE: _____ TIME: _____

**STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON
COUNTY OF SPOKANE

REPORT NUMBER: 16-56289

DEFENDANT: MATTHEW EMERY PENCE 09-01-1984

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:

Officer Kirn can testify to the following:

- I responded to the occurred location in reference to a suspicious male that was trespassing on the property.
- Making contact with Defendant who refused to identify himself.

- Speaking with the witnesses who have lived in the neighborhood for 20+ years and all of whom know the homeowner and all of whom did not know the defendant.
- Attempting multiple times to deescalate Matthew and asking him to leave the property.
- Witnessing the defendant become increasingly agitated with us and using multiple identifiers that he was going to fight or run away from us. I.E. clenching fists, stretching his neck, doing a pull up on the house.
- Defendant walking towards me highly agitated and using profane language.
- Witnessing Defendant lunge at Ofc. Flynn in an aggressive manner
- Once Def was on the ground, he kneed me 3-4 time with his right leg on the left side of my body.
- I suffered a laceration on my left thumb during the struggle which required medical attention (minor).

Christine Jones can testify to the following:

- She has lived in her home for a period of time and has never seen the defendant.
- She knows the homeowner and the defendant was not him.
- Witnessed defendant attack Officer Flynn

Hedi Jones can testify to the following:

- She has live in her home for a period of time and has never seen the defendant.
- She knows the homeowner and the defendant was not him
- Witnessed defendant attack Officer Flynn

Officer Flynn can testify to the following:

- Responding to 2427 E. 4th to investigate a reported suspicious person
- Being told the suspicious person doesn't live at the abandoned residence.
- Contacting the defendant Matt Pence who would not identify himself
- Telling the defendant he needed to leave the abandoned residence.
- Telling the defendant he was under arrest
- Being attacked by the defendant
- Taking the defendant into custody

Officer Bryer can testify to the following:

- On 02/16/2016, at 1414 hours, Officer Bryer responded to 2427 E 4th Ave to assist other officers on scene.
- When Officer Bryer arrived on scene he located two witnesses, Albert Gulia and Bruce Goff, and took their statements.

The witness, Albert Gulia, can testify to the following:

- Albert Gulia lives next door to 2427 E 4th Ave and observed the incident between officers and the defendant.
- On 02/16/2016, 1414 hours, Albert was next door and observed the defendant sitting on the porch when officers arrived.
- Albert stated that he did not know the defendant and that the defendant does not live at 2427 E 4th Ave.
- Albert observed the defendant leave the porch and start to yell at the police, "Fuck you! Fuck you!"
- Albert saw the defendant walk right up to the police as he continued to yell at them.
- Albert thought that the defendant was "going to punch the cops" because of how he was acting and walking up to the police.
- Albert then observed the police having to hold the defendant down.


The witness, Bruce Goff, can testify to the following:

- Bruce lives just a few houses away from 2427 E 4th Ave, where the incident occurred and had just got dropped off from work.
- On 02/16/2016, at 1414 hours, Bruce was standing outside and could see the defendant sitting on the porch of 2427 E 4th Ave, not wearing any shoes.
- Bruce heard the police officers on scene tell the defendant that he needed to leave.
- Bruce then heard the defendant start to yell, "Fuck you! Fuck you!"
- Bruce then saw the defendant leave the porch and walk right up to the police, still yelling, "Fuck you! Fuck you" as he got closer and closer.

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: 02/16/16

PLACE: SPOKANE, WASHINGTON

SIGNATURE: 



1R01

All portions of this form **must** be completed to constitute a valid authorization for release of health information under the Health Insurance Portability and Accountability Act (HIPAA) privacy regulations. If any field is left blank, the authorization will be considered defective.

PENCE, MATTHEW E. 09-01-84
 Patient's Name Date of Birth Medical Record Number
 20640 GIFFORD RUBBENS RD, CULDEAC, ID 83524 / 208-610-7552
 Address City State Zip Telephone Number Email Address

I authorize the use and disclosure of health information about me as described below:

DEACONESS HOSPITAL

Facility Authorized to Release my Health Information

SPOKANE POLICE DEPT.

Agency or Individual(s) Authorized to Receive my Health Information

1100 W. MALLON,

Address

SPOKANE

City

WA 99260 (509) 825-4185

State

Zip

Telephone Number

Health information that may be used / disclosed is limited to the following: ☒ Progress Notes ☒ Emergency Room Record
☒ Discharge Summary ☐ History & Physical ☐ Consultation(s) ☒ Lab ☐ Pathology Report
☐ Operative Note(s) ☐ Imaging/X-Ray ☐ X-Ray Reports ☐ Entire Record
☐ Other (specify) _____

Health information that may be used / disclosed is limited to the following periods of healthcare:

From (date): 02-16-2016 To (date): 02-16-2016 Account Number: _____
 From (date): _____ To (date): _____ Account Number: _____

Health information to be released to the above named agency / individual is to be used / disclosed for the following purpose(s):

☐ Treatment/Consultation ☐ At Request of Patient ☐ Research ☐ Marketing ☐ Billing or Claims Payment
☐ At Request of Employer ☒ Other USE OF FORCE REPORT

"Health Information" identifies you (the patient) by name, and includes other demographic information about you. "Health Information" may include, but is not limited to: medical records, X-Ray films, slides, tracings, strips, etc.

I hereby discharge the releasing facility, its agents and employees from any and all liabilities, responsibilities, damages, and claims which might arise from the release of information authorized herein, **to include alcohol, drug abuse, communicable disease including HIV status, and/or psychiatric diagnoses** compiled during my visit, encounter or hospitalization, or make copies thereof in accordance with the policies of this facility.

☐ Yes ☐ No If applicable, I agree to the release of my medical or billing records containing the **sensitive information** listed above.

Protected Health Information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and is no longer protected by this privacy rule. If research-related Health Information is used or disclosed for continued research purposes, an expiration date or event does not apply.

This authorization will automatically expire 60 days after the date of signature below (except as indicated below), unless an earlier date is specified, or at the conclusion of a specified event. I understand that I have a right to revoke this authorization at any time, in writing, as stated in the Notice of Privacy Practices, except where the facility has already made disclosures in reliance upon my prior authorization.

Treatment, payment, enrollment or eligibility for benefits may not be conditioned on obtaining an authorization if the HIPAA prohibits such conditioning. If conditioning is permitted, refusal to sign the authorization may result in denial of care or coverage.

NOTICE TO RECEIVING AGENCY OR INDIVIDUAL: This information is to be treated in accordance with (HIPAA) privacy regulations.

Patient's or Authorized Personal Representative's Signature*		Date	Time
Relationship to Patient / Authority to Act on Patient's Behalf		Interpreter, if Utilized:	
Witness's Signature	Date	Time	Expiration Date or Event

☐ *Signature validated against driver's license or signature in Medical Record. There may be a charge for copying Medical Records.
☐ Electronic copy requested.

Authorization to Use and Disclose
 Protected Health Information

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 WHITE - Medical Record CANARY - Recipient

Patient Label

WARNING OF CONSTITUTIONAL RIGHTS

Report # 16-56289

Pence, Matthew E 9/1/84
Subject Name (Last, First Middle) Subject DOB
T. BRYER 1139 SPD
Officer/Deputy/Investigator Agency

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. If you are under the age of 18, anything you say can be used against you in a juvenile court prosecution for a juvenile offense, or in a prosecution in adult court.
4. You have the right to talk to an attorney at this time, and before answering any questions.
5. You have the right to have your attorney present during the questioning.
6. If you cannot afford an attorney, one will be appointed for you without cost, before any questioning, if you so desire.
7. Do you understand these rights? yes.
8. With these rights in mind, do you want to answer my questions? no

Signed: _____ or Handcuffed? ADate: 2/16/16 Time: 1455 Location: Deaconess

PHOTOLOG

[illegible]