



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/employee accused of sexual misconduct in Internal Affairs Investigations and Inquiries, if the findings are not Sustained. Police officers/employees 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/employee.	This redaction protects the identities of accused officers/employees 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/employee.	This redaction protects the identities of accused officers/employee 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/employee.	This redaction protects the identities of accused officers/employee 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/employee.	This redaction protects the identities of accused officers/employee 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: Sergeant Kevin Huddle

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/26/2016	3/26/2016	11:00
Record ID #	Incident No	IA No
9255	16-106068	F16-024
Date/Time Entered		
4/2/2016 14:37		

Incident Summary

Curtis Burgett was trespassing on the railroad tracks above Washington street hitting signs and tanker cars with a large pole. He was damaging property and was in danger of being hit by a train. Burgett was intoxicated/high and had mental problems. Officer Bryer had to try and control him for his safety and the safety of others. He possibly could have thrown the pole down onto Washington street and struck cars or people. Officer Bryer and Officer Yen were able to pull Burgett down off a fence and control him.

In compliance with policy per Assistant Chief Meidl 04/25/16.

Incident Location

- 324 Pacific AV, Direction: W, Spokane, WA 99201

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Multiple (Specify)	Call for Service	
Weather Condition	Lighting Condition	Distance to Citizen
	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	
Small	5'7" to 5'9"	
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

Curtis E Burgett

DOB: Race: Gender: Male

Address

- 32 Pacific, Direction: W, Spokane, WA 99201
- 215 S Wall, Suite/Apt: #19 99201

Phone

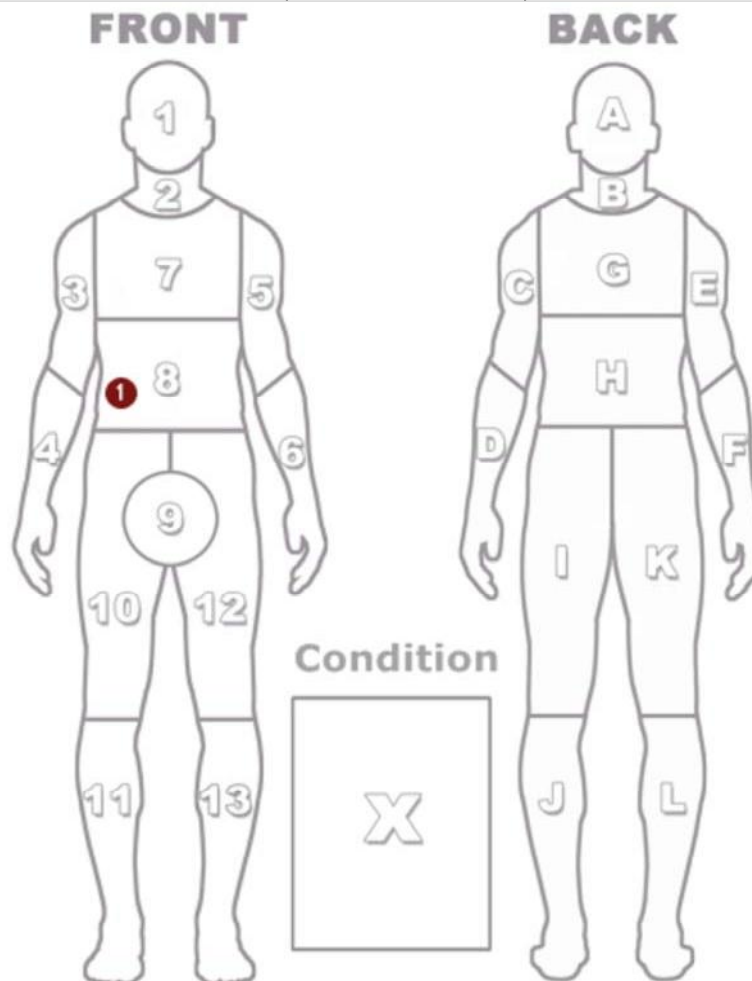
- (509) 624-7821
- (509) 328-4275

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance
- Assaultive

Injuries sustained by this citizen

Injury	Regions	Injury Locations
a-Complaint of Pain	8	1

**Charges against this citizen**

- Obstructing
- Warrant
- Misdemeanor - Property Crime

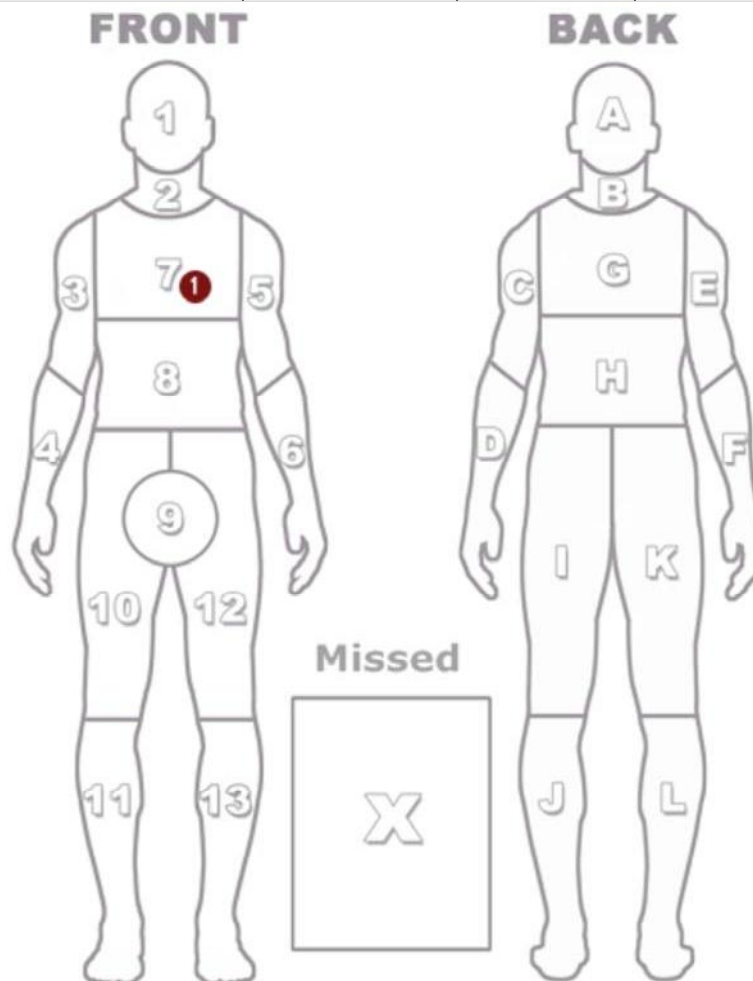
Involved Officers

Officer Toby Bryer - Payroll Number: #5c

Force used by this officer against the citizen

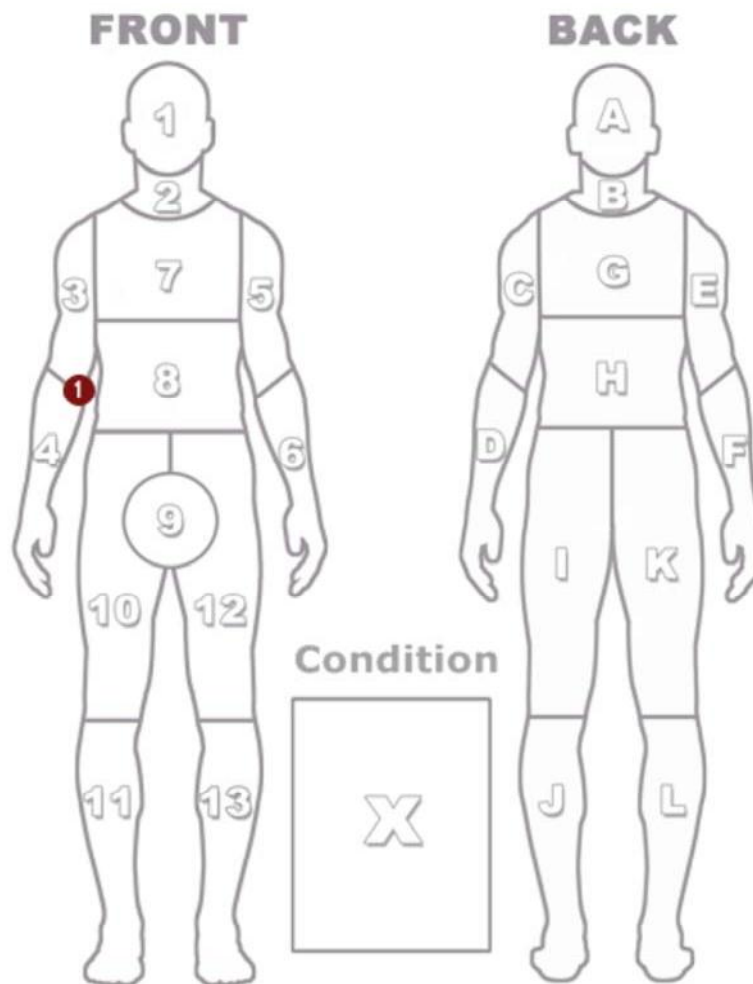
- Verbal Interaction (VDI) - Was force effective: No
- Takedown Technique - Was force effective: Yes

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



Injuries sustained by this officer

Injury	Regions	Injury Locations
a-Minor Injury	3	1



Officer Witnesses

Officer John Yen - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
4/5/2016	breyer body camera	
4/11/2016	CAD, Officers Rpts	pdf
4/11/2016	BURGETT #1	JPG
4/11/2016	BURGETT#2	JPG
4/11/2016	BURGETT#3	JPG
4/11/2016	BURGETT#4	JPG
4/11/2016	BURGETT#5	JPG
4/11/2016	BURGETT#6	JPG
4/11/2016	BURGETTINTERVIEW	
4/11/2016	YEN BODY CAMERA	
4/21/2016	Sgt. Addl	doc

Chain of Command History

Sent Dt	From	To	CC	Approved
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4/11/2016	Internal Affairs	Internal Affairs	Lieutenant Rex Olson, Sergeant Isamu Yamada	<input checked="" type="checkbox"/>
Sender's Instructions: CAD, RPTS., BODY CAMERA FOOTAGE, AND PHOTOS INCLUDED				
Recipient's Comments/Response: For review				
4/11/2016	Sergeant Michael Carr	Lieutenant Steven Braun	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Do you review these?				
Recipient's Comments/Response: [Forwarded by Lieutenant Steven Braun]				
4/13/2016	Lieutenant Steven Braun	Sergeant Michael Carr	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: After it has gone through a chain of command review I look at all of the use of force incidents as part of the use of force review board.				
Recipient's Comments/Response: [Forwarded by Sergeant Michael Carr]				
4/14/2016	Sergeant Michael Carr	Lieutenant Alan Arnzen	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Lt Arnzen for your review sir.				
Recipient's Comments/Response: Lt. Olson these officers work for you so IA asked me to forward to you for your review. Lt. Arnzen 095				
4/14/2016	Lieutenant Alan Arnzen	Lieutenant Rex Olson	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: For your review and recommendations. Lt. Arnzen 095				
Recipient's Comments/Response: The use of force by Officer Bryer was proper, necessary, and within SPD Use of Force Policy to accomplish his lawful objective of controlling the arrestee and taking him into custody. The force used by Officer Yen in controlling and prone cuffing the arrestee was also proper, necessary, and within SPD Use of Force Policy.				
4/21/2016	Lieutenant Rex Olson	Captain Daniel Torok	(none)	<input type="checkbox"/>
Sender's Instructions: See prior comment.				
Recipient's Comments/Response: The use of force additional by Sgt. Huddle indicates that Burgett claims that Officers broke his ribs. Please have him add (from Breyer's report) that his ribs were not broken so that the extent of injuries are captured in the summary.				
4/21/2016	Captain Daniel Torok	Lieutenant Rex Olson	Lieutenant Alan Arnzen	<input checked="" type="checkbox"/>
Sender's Instructions: See comments				
Recipient's Comments/Response: Sgt. Huddle, please add to your summary that the arrestee's, Burgett, ribs were not broken.				
4/21/2016	Lieutenant Rex Olson	Sergeant Kevin Huddle	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: See prior statement from Lt. Olson and Capt. Torok.				
Recipient's Comments/Response: [Forwarded by Sergeant Kevin Huddle]				
4/21/2016	Sergeant Kevin Huddle	Lieutenant Rex Olson	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Information added to Addl. Rpt.				
Recipient's Comments/Response: Information regarding injuries to the arrestee was added by the investigating sergeant, Sgt. Huddle.				
4/21/2016	Lieutenant Rex Olson	Captain Daniel Torok	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Information regarding injuries to the arrestee was added.				
Recipient's Comments/Response: The use of force was within policy.				
4/25/2016	Captain Daniel Torok	Asst Chief Craig Meidl	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: for review				
Recipient's Comments/Response: Use of force within policy.				

Entering Officer Signature Line

Sergeant Kevin Huddle

Chain of Command Signature Lines

Sergeant Michael Carr

Lieutenant Steven Braun

Lieutenant Alan Arnzen

Lieutenant Rex Olson

Captain Daniel Torok

Sergeant Kevin Huddle

Asst Chief Craig Meidl



Spokane Police Department
Internal Affairs

Use of Force
Additional



Incident #: 16-106068

Date: 03/26/2016

Involved Officer(s) BWC Y/N: T. Breyer/yes

Reviewing Supervisor: Sgt. K. Huddle #208

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:

See Officer Reports.

Officer Interview Summary:

See Officer Reports. Officer Breyer had his body camera on.

Subject Interview Summary:

Curtis Burgett was at Deaconess Hospital ER when I interviewed him. I had my body camera on during the interview. He said he was trying to see a guy at the Downtowner that stole his bike. That was his reason for being up on the tracks. When he saw Officer Breyer he thought he was a federal cop. Burgett said everytime he is contacted by cops he is beat up. That is why he ran. He thought if he got off railroad property he could not be arrested. He said officers pushed him into the fence, and he would never go over razor wire. He said officers broke his ribs. He told me he is currently staying at the House of Charity. Burgett claimed not to know anything about a warrant he had.

Witness Interview Summary:

Witness Officer Interview Summary BWC Y/N: Officer Yen/yes

See Officer Report. Officer Yen helped handcuff Burgett. When he arrived Officer Bryer had already taken Burgett to the ground for handcuffing.

Any Relevant Clarifying Information and Observations:

Sergeant Findings:

When Officer Breyer found Burgett, Burgett was trespassing and attempting to damage railroad property. He was on the railroad tracks and was at risk of being hit by a train. Burgett was first actively resisting by trying to pull away from Officer Breyer when he was told he was under arrest for trespass. By trying to climb over the fence he was putting himself and others in

danger. At the point he was trying to climb over the fence, he would only have the fence to grab onto to keep from falling onto Washington Street below. He also had a metal pole he was using to try and climb over the razor wire. If Burgett would have dropped the pole onto Washington Street it could have killed someone. He was also in danger of falling to his death. While trying to restrain Burgett, Officer Breyer constantly used verbals to try and de-escalate the situation. Officer Breyer grabbed Burgett's shirt in the chest area and pulled him backward to get Burgett off the fence and on the ground. Based on the circumstances, per Use of Force Policy #300.3, Officer Breyer's use of force was reasonable.

Per police #300.3.2, the factors Officer Breyer was presented with included Burgett appearing to be under the influence of some type of drug, along with possibly having mental problems. When officers were walking Burgett toward the patrol vehicles he was singing, and when I interviewed him at the hospital he started singing about trains. Officer Breyer's perception of the threat is included the danger of Burgett to himself and the danger to others because of Burgett's actions. There were also trains moving on the tracks that increased the need to control Burgett quickly. The use of force used by Officer Breyer was reasonable and necessary. Burgett was examined at Deaconess ER and only had minor injuries from trying to climb the razor wire. He did not have broken ribs.

Sgt. K. Huddle #208

Incident History for: #SP160106068 Xref: #SP160106134

Entered 03/26/16 11:00:21 BY 91123 911196
Dispatched 03/26/16 11:03:30 BY PCC03 1008
Enroute 03/26/16 11:03:30
Onscene 03/26/16 11:05:15
Closed 03/26/16 17:42:40

Initial Type: MALMS Final Type: MALMS (MALICIOUS MISCHIEF)

Initial Priority: 2 Final Priority: 2

Disposition: 1B Source: A Primary Unit: D162

Police BLK: SPD8RS

Group: P8 Beat: Map Page: 33

Loc: 324 W PACIFIC AV ,SPK btwn S MCCLELLAN ST & S WASHINGTON ST <100> (NV)

Loc Info: BEHIND ON BURLINGTON NORTHER PROPERTY

Name: KAENHOLZ, PATRICIA Addr: SAME Phone: 5098473073

/110021 (911196) ENTRY MALE WITH LARGE METAL PIPE HITTING RR SIGNS AND OTHER RR PROPERTY. HE IS WM, 40-45YO WEARING ONG JACKET, BLK SHORTS. APPEARS HIGH. NO OTHER WEAPONS SEEN.
TXT: ####

/110133 SUPP
/110135 (1008) HOLD
/110330 DISPER D160 #186 GRANT, GORDON
/110330 ASSTER D162 #1139 BRYER, TOBY
/110515 (1139) *ONSCNE D162
/110533 (186) *ONSCNE D160
/110537 (1169) *ASSTER D164 [324 W PACIFIC AV ,SPK]
#1169 YEN, JOHN
#250394 GROW, MICHAEL

/110555 (1008) CALLBK D160 T/PCC06
,PLS SEE IF BURLINGTON POLICE OUT AND CAN START AS WELL

/110618 MISC D162 ,HAVE HIM
/110627 MISC D162 ,UP ON THE TRACKS
/110727 NEWLOC D160 [BERNARD/PACIFIC--TRACKS]
/110727 NEWLOC D162 [BERNARD/PACIFIC--TRACKS]
/110748 CALLBK D162 T/PCC06
,ALSO MAKE SURE TRAINS ARE STOPPED IN AREA...
POLICE ON TRACKS

/110842 MISC D160 ,RESTRICTED, D162 HAS HAND ON HIM, HES NOT COMING DOWN FROM FENCE

/110854 (326) *ASSTER L126 [BERNARD/PACIFIC--TRACKS]
#326 ANDERSON, J D

/110954 (1008) ASSTER C281 [BERNARD/PACIFIC--TRACKS]
#1276 MARQUEZ, TIMOTHY
#1013 QUARLES, DARRELL

/111018 ONSCNE D164 [BERNARD/PACIFIC]
/111109 (1144) CALLBK T/PCC03
,BNSF STOPPING TRAINS, WILL ADV THEIR PD, UNK ETA THOUGH.

/111126 (1008) MISC D160 ,TO 64 WHERE ARE YOU? D164 W/THEM
/111131 MISC D162 ,HES TRYING TO JUMP
/111136 EMSREQ D162 T/PCC06
,STAGE MEDS

/111204 (326) *ONSCNE L126
/111206 (1008) MISC D160 ,C4 UNRESTRICTED
/111217 (1267) CALLBK C281 T/PCC03
,FIRE STAGED

/111220 (1008) MISC D162 ,RESTRICTED

/111236	(1144)	CALLBK	D162	T/PCC03 ,MEDICS STAGING
/111243	(1165)	*ASSTER	D163	[BERNARD/PACIFIC] #1165 FLYNN, STACY
/111310	(1008)	EMSREQ	D162	T/PCC06 ,HAVE FIRE MEET POLICE BERNARD/PACIFIC
/111330	(1144)	CALLBK	D162	T/PCC03 ,MEDICS UPDATED
/111334	(1189)	*ASSTER	C282	[BERNARD/PACIFIC--TRACKS] #1189 DUNKIN, DAVID
/111409		*PREMPT	C282	
/111413	(1008)	MISC	D162	,D160 CODE FOUR ONE IN CUSTODY
/111431	(1165)	*ONSCNE	D163	
/111648	(1008)	MISC	L126	,HAVE HIM DOWN OFF TRACKS, NO MORE PROBLEM WIT H TRAINS
/111719	(1276)	*ONSCNE	C281	
/111722	(1008)	CALLBK	L126	T/PCC06 ,THEY CAN RE-OPEN THE TRACKS, UP TOP
/111757		CALLBK	L126	T/PCC05 ,WE DO NOT NEED BURLINGTON PD HERE
/111911	(1144)	CALLBK	L126	T/PCC03 ,BURLINGTON ADVISED OK TO OPEN TRACKS, THEIR R ESPONSE IS NO LONGER NEEDED.
/112052	(1008)	ASSTER	L250	[BERNARD/PACIFIC--TRACKS] #208 HUDDLE, KEVIN
/112124		NEWLOC	C281	[BERNARD/WASHINGTON]
/112124		NEWLOC	D162	[BERNARD/WASHINGTON]
/112124		NEWLOC	D163	[BERNARD/WASHINGTON]
/112124		NEWLOC	D164	[BERNARD/WASHINGTON]
/112124		NEWLOC	L126	[BERNARD/WASHINGTON]
/112129	(1139)	*REMINQ	D162	MWANT,,,,,,,,,BURDETT,BRENTL,1965,05,06,,,,,,,,
/112129	(1008)	NEWLOC	D160	'''' [BERNARD/WASHINGTON]
/112136		CHGLOC	L250	[BERNARD/WASHINGTON]
/112143	(1139)	*REMINQ	D162	MWANT,,,,,,,,, #4b ,,,,,,,,,
/112143	(1267)	REMINQ	D162	WANT,D162,,,,,,,,,BURDETT,BRENT,L,1965,05,06,,,,
/112159	(1008)	CHGLOC	L250	'''' [PACIFIC/WASHINGTON]
/112209		NEWLOC	C281	[PACIFIC/WASHINGTON]
/112209		NEWLOC	D160	[PACIFIC/WASHINGTON]
/112209		NEWLOC	D162	[PACIFIC/WASHINGTON]
/112209		NEWLOC	D163	[PACIFIC/WASHINGTON]
/112209		NEWLOC	D164	[PACIFIC/WASHINGTON]
/112209		NEWLOC	L126	[PACIFIC/WASHINGTON]
/112241	(208)	*ONSCNE	L250	
/112331	(1267)	MISC	D162	,BRENT ISN'T HIM
/113122	(1169)	*CHGLOC	D164	[DEACONESS]
/113208	(1008)	NEWLOC	D160	[324 W PACIFIC AV ,SPK]
/113210		ONSCNE	D160	
/113219		CALLBK	D160	T/PCC06 ,CB COMPL TO COME TO FRONT DOOR
/113319	(1165)	*CLEAR	D163	DSP: 1D ,PSTAT/ASST PSTAT/VIDN
/113521	(1144)	CALLBK	D160	T/PCC03 ,COMP COMING TO DOOR
/113523	(1169)	*ONSCNE	D164	
/113550	(1267)	REMINQ	D162	WANT,D162,,,,,,,,,BURGETT,BEN,E,1964,07,09,,,,,
/113906	(1139)	*CHGLOC	D162	'''' [HOC]
/114052		*ONSCNE	D162	

/114354	(1276	)	*CLEAR	C281	,PSTAT/ASST
/114534	(1139	)	*REMINQ	D162	MWANT,,,,,,,,BURGETT,CURTISELLIOTT,1963,02,06,,
/114719			*CHGLOC	D162	[/114719]
/114729	(1267	)	MISC		,DOC CONF ON CURTIS
/114827	(208	)	*CHGLOC	L250	[DEEK]
/114904	(326	)	*CLEAR	L126	,PSTAT/ASST
/115152	(1139	)	*ONSCNE	D162	
/115221	(208	)	*ONSCNE	L250	
/120041	(1008	)	\$CROSS		#SP160106134
/121231	(208	)	*CHGLOC	L250	[SIG 1]
/121314	(676	)	OK	D160	
/121314			OK	D162	
/121314			OK	D164	
/121314			OK	L250	
/122048	(208	)	*ONSCNE	L250	
/122808	(676	)	OK	L250	
/123213	(1008	)	CALLBK		T/PCC03
					,FYI-----BNSF POLICE JUST CALLED, THEY WANTE
					D TO CONFIRM SUBJ IN CUSTODY... NOTHING MORE
/123743	(208	)	*CHGLOC	L250	[DEEK]
/124044	(676	)	ASSTER	P306	[DEACONESS]
					#161 SCHAAL, JEFF
/124107	(208	)	*ONSCNE	L250	
/124802			*CLEAR	L250	,PSTAT/ASST BODY CAMERA ON WHEN INTERVIEWING D
					-3, ADMIN RPT
/125420	(161	)	*ONSCNE	P306	
/133425			*CLEAR	P306	,PSTAT/CFS PHOTOS
/133432	(186	)	*CLEAR	D160	DSP: 1D --> 1B
					,PSTAT/CFS PSTAT/ASST
/141416	(1139	)	*TRANS	D162	[JAIL] M/0.0
/144015			*TRANSC	D162	
/144435	(1169	)	*MISC	D164	,1B PSTAT/ASST PSTAT/RPT PSTAT/VIDY
/144437			*CLEAR	D164	
/144836	(1139	)	*CHGLOC	D162	[PROPERTY]
/145125			*REMINQ	D162	LIC,D162,AEE3496,,,,
/145729			*ONSCNE	D162	
/155049			*CHGLOC	D162	[4]
/155239			*ONSCNE	D162	
/155803			*REMINQ	D162	LIC,D162,AYD2431,,,,
/160241			*CHGLOC	D162	[1]
/160656			*ONSCNE	D162	
/162816			*MISC	D162	,PSTAT/CFS PSTAT/RPT PSTAT/MISD
/162827			*MISC	D162	,PSTAT/MISD PSTAT/WAR PSTAT/VIDY
/164306	(1144	)	OK	D162	
/174240	(1139	)	*CLEAR	D162	
/174240			CLOSE	D162	

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-106068	
INCIDENT TYPE Arrest, Information		INCIDENT CLASSIFICATION #1 TRESPASS		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2 OBSTRUCT OFFICER	
		INCIDENT CLASSIFICATION #3 WARRANT ARREST		ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #4 	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON Sat 03/26/2016 11:00	DATE/TIME	OCCURRED ON Sat 03/26/2016 11:00	DATE/TIME	OCCURRED TO Sat 03/26/2016 14:00	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 03/26/2016	REPORT TIME 12:14	EST. TOTAL PROPERTY LOSS
PRIMARY CHARGE M-10.12.050B CRIMINAL TRESPASS-2D					UCR/NIBRS CODE / 90J
ADDITIONAL CHARGES M-10.07.032 OBSTRUCTING					
LOCATION OF INCIDENT 324 W Pacific Avenue, Spokane, WA 99201				LOCATION NAME (IF APPLICABLE) Tracks to north	
SOLVABILITY FACTORS Suspect Arrested					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Yen, Grant					
VICTIM/WITNESSES/OTHERS <small>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-Local Guardian, D-Driver, W-Witness, CV-Complainant is Victim, CON-Contact, RU-Runaway, QW-Owner of Property</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Burgett, Curtis E			SEX M	RACE/ETHNICITY W-White
HEIGHT 5'09"	WEIGHT 128	BUILD Light	HAIR Brown	EYES BRO - Brown	DATE OF BIRTH/AGE 02/06/1963 53
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 32 W Pacific Street, Spokane, WA 99201			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) 655-7726					
CHARGE LEVEL Misdemeanor		DESCRIPTION M-10.12.050B CRIMINAL TRESPASS-2D			UCR/NCIC CODE /90J
WARRANT #	BAIL	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION M-10.07.032 OBSTRUCTING			UCR/NCIC CODE
WARRANT #	BAIL	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # 6Z0428393	DATE 03/26/2016	TIME 11:05	BOOKED WHERE Spokane County Jail		DATE 03/26/2016
			TIME 11:05		
ARREST LOCATION 324 W Pacific 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				SUSPECT ARMED WITH	
NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED		NOTIFIED BY	
DISPOSITION OF JUVENILE					
DRIVER'S LICENSE <input type="checkbox"/> FAKE STATE		SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID	
#4b		#4a		(Social Security No.) #4a	
ID NO./NAME OF REPORTING OFFICER #1139 - Bryer, Toby				DISTRIBUTION	
APPROVAL #401 - Bartlett, Glenn				DATE/TIME 03/26/2016 15:56	

Incident Report #1

03/26/2016 18:56:13.187

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Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION TRESPASS				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 16-106068	
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 Deaconess		TAKEN BY Ambulance		<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY	ATTENDING PHYSICIAN		SUICIDE NOTE FOUND? <input type="checkbox"/>
HOLD PLACED BY							
CODE VB-1	NAME: LAST, FIRST, MIDDLE BNSF				SEX	RACE/ETHNICITY	DATE OF BIRTH/AGE
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 1200 8th, Davenport, WA 99122				RESIDENTIAL STATUS		PHONE (509) 725-1121
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES (Business) (509) 725-1121							
REALTIONSHIP TO SUSPECT			VICTIM OF Offns. # M-10.12.050B CRIMINAL TRESPASS-2D			OFNDR. # A-1	
CODE V-2	NAME: LAST, FIRST, MIDDLE Yen, John W				SEX M	RACE/ETHNICITY A-Asian or Pacific	DATE OF BIRTH/AGE #5c
HEIGHT 5'06"	WEIGHT 150	BUILD Medium	HAIR Brown	EYES BRO - Brown	DESCRIPTORS		
CONFIDENTIALITY <input checked="" type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP #5c				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL ADDRESSES 1100 W Mallon, Spokane, WA 99201							ADDRESS TYPE
ADDITIONAL PHONES (Work) (509) 242-8400, (Cell) #5c							
DRIVER'S LICENSE <input type="checkbox"/> FAKE		STATE	SOCIAL SECURITY NO. #5c		<input type="checkbox"/> FAKE	OTHER ID	
NARRATIVE							

On 03/26/2016, at 1100 hours, I was dispatched to the area of 324 W Pacific Ave, the railroad tracks to the north of the location. The complainant had called 911 because she was observing a white male with a large metal pipe who was on the railroad tracks, hitting signs and other railroad property with it. She said that he appeared to be high and that he was wearing an orange jacket, black shorts, and was about 45 years old.

When I arrived on scene, there were to subjects who had come out of 324 W Pacific Ave who were pointing up on the tracks to where the male was. The male, later identified as Curtis Burgett, was on the railroad bridge where it crosses Washington Ave. It looked like he was closer to the west side then the middle of the bridge.

There was a fuel tanker train that was stopped on the tracks right were Curtis was. The train was

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
TRESPASS

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INCIDENT NUMBER
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stationary but from experience the trains stop and start at a moments notice. There were also other tracks that no trains were on at the time, and trains use the tracks all day long. From our position on the tracks it was also hard to see trains from a distance, probably a distance that was not great enough for a train to see us and stop.

Another consideration when encountering Curtis was the bridge itself. There are no barriers other than a three foot wall that protects you from falling off onto Washington St.

Prior to approaching Curtis and getting onto the tracks, I tried calling to him and hopefully getting him to come to us. However, due to the distance, the wind, and the noise of roads and trains, Curtis could not hear me. I therefore made the decision to get on the tracks and approach Curtis.

I made the decision for a couple of reason. Firstly, Curtis was trespassing on BNSF property and therefore breaking Spokane Municipal Code 10.12.050, Trespass 2nd Degree. Witnesses had also said that he was hitting signs and the other property with a large metal pole, so he was possibly going to be charged with malicious mischief as well. Secondly, and a major concern, was the welfare of Curtis. If he was high or having mental issues, then his safety was a paramount because of all the above listed concerns. Things like the bridge, the trains starting and stopping, and the other trains that were likely to be moving through the area.

As I started to get closer to Curtis, I asked dispatch if they would get hold of BNSF and ask them to stop and halt trains in the area for our safety. I then called out to Curtis, yelling, "Hey, Sir! Come here!" Curtis was standing right next to a large oil tanker train car and had a large, maybe 10 foot, metal pole in his hand. The pole appeared to be a galvanized metal pole with a large U-shaped loop at one end.

Curtis must have heard me and saw me approaching because he started to walk away from me. He was walking south, towards the top of the bridge and Washington St. He was still carrying the metal pole and new concerns arose, such as if he was going to use it as a weapon or possibly throw it over the bridge, where there was a lot of vehicular traffic and pedestrian traffic. A large metal pole thrown from the bridge would cause serious injury.

Where Curtis was heading, there was the three foot concrete wall, and then about a six foot chain link fence on top of that. The chain link fence had looped razor wire on top of that. It was clear that the fence was therefore meant to keep people off the roof of the building that butted up to the tracks.

Curtis got to the wall and started to climb on top of it. Where he was standing was a straight drop down to Washington St, and if he had fallen it is possible he would have suffered serious injury or death. Curtis took the metal pole and laid it over the razor wire, pulling it down and almost making a path for him to get through.

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I told Curtis numerous times to "Stop!" and get off the wall, but he did not listen to me and continued to climb the fence. When I got to Curtis, he was almost totally over the fence. If he made it over I would not have been able to control his movements and therefore not know what he might do.

I was able to grab Curtis's right ankle before he got over the fence and stop him. I told him not to go over the fence and to get down. He did not listen and kept trying to go over. When I told Curtis to get down, he would tell me that he was going to but his actions showed otherwise. He kept trying to pull hi foot away and climb over the fence whilst telling me he was coming down.

Curtis would tell me he was stuck on the fence, but again he would continue to try and get over it. He kept pulling his foot trying to get me to lose my grip so he could climb over.

I told Curtis over and over to stop and to get off the fence. I was able to get Curtis to finally start to come back off the fence and stop trying to get over it. I still had hold of his ankle and was finally able to get his foot onto the top of the wall. I kept giving him instructions to get off the wall and come down.

As Curtis was untangling himself from the razor wire, he would let go of the end of the wire and it would swing wildly around. I had to watch Curtis and the wire to make sure that I was not hit by either. Curtis finally got both feet on the top of the wall and was untangled from the razor wire. I told him again to get off the wall but he still would not do it.

Once free from the wire, Curtis once again tried to get away from me. he made a sudden lurch forward and I thought that he was going to jump off the bridge. He also might have been trying to go around the side of the fence, but it means he would have to hang onto the fence and have no foot holds, just a drop onto Washington St.

I grabbed hold of his jacket near the collar and his pants line, and tried to pull him back off the bridge. As he kept pulling forward, I advised dispatch that I thought he might be trying to jump. I was finally able to get a good enough hold on his clothes, and enough leverage, to pull Curtis off the wall.

Once off the wall, he was still standing and holding onto the wall. I did not know if he would still try to jump and so I wanted to move him away from the edge. I also noticed that the train he was originally standing next to had now started to move east. This made the situation even more dangerous.

I made the decision to use an upper body control technique because it would give me the most control over Curtis, and allow me to move him away from the wall. I placed my right arm over his right shoulder and placed my arm across his chest. I never once intended to use a Lateral Neck Restraint and never did my arm raise close to his neck.

I was able to gain a good arm placement over Curtis's chest and using my momentum as I stepped

INCIDENT REPORT CONTINUED

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INCIDENT CLASSIFICATION TRESPASS	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-106068
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back, pull him away from the wall. As we continued to move backwards and turn at the same time, I used this motion and took Curtis to the ground. Because of the known risks to Curtis and myself, I figured the small risk of injuries of taking him to the ground on the rocks was sufficiently justified.

As the turning motion continued, I used the upper body control technique and took Curtis to the ground. I think I landed with my upper body on the back of Curtis. Curtis's hands ended up under his body and both near his left hip. I was ordering Curtis to give me his hands but he would not comply. I continued verbal commands for his hands which is when Officer Yen arrived on scene.

We both issued commands for Curtis to put his hands behind his back but he continued to hold them together. We were finally able to get his left arm behind his back and placed in a handcuff. After that we concentrated on his right arm and were able to get it from under his body.

Once in handcuffs and they were double locked, Curtis was stood up to prevent any further injuries from the rocks. Curtis was complaining that I had broken his ribs when I landed on him, and he had small cuts from the razor wire. I therefore requested medics to respond to the scene.

We walked Curtis back along the track and with assistance from other officers, we were able to lower him off the tracks. From there medics began to make sure he was ok. Curtis lied about his name the entire time and it was not until I took a photograph of him and showed it to security at the House of Charity were we able to identify him.

Curtis was searched and inside the left cargo pocket of his shorts, we located an open folding knife he had in there. There were also two unidentifiable pills which were placed onto property to be destroyed.

When Curtis's name was ran by dispatch, it was discovered that he had an active DOC warrant. Curtis was read his constitutional rights once I arrived at the hospital and advised that he was under arrest.

Curtis's ribs were not broken, which were confirmed by the doctor at Deaconess hospital after having X-rays taken. Curtis did have some small cuts from the razor wire and a couple abrasions from the prone cuffing technique. These were photographed while he was at the hospital.

Once released, I transported Curtis to the Spokane County jail where he was booked. The only charge he was booked on was the DOC warrant. I issued him a citation for Trespassing 2nd Degree and Obstructing a Law Enforcement Officer. On these charges he was cited and released.

During the take down, my right elbow hit the ground as it had been around Curtis's chest. I have an existing injury that was suffered while at work and there is an L&I claim already on it. I therefore did not complete any additional paperwork at this time. This seemed to aggravate the injury and my

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Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
TRESPASS

ATTEMPTED
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INCIDENT NUMBER
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elbow is sore and feels swollen. There were no visible injuries to the elbow and so no photographs were taken.

A supervisor was on scene and advised of Curtis's possible injuries and claims of broken ribs, and of the injury to my elbow.

See other officers reports for additional 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.

T. Bryer 1139

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 16-106068	
REPORT PURPOSE		REPORTED ON DATE Sat 03/26/2016	TIME 11:03	INCIDENT XREF
INCIDENT CLASSIFICATION #1 MALICIOUS MISCHIEF	ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 PERSONS-MENTAL		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3	ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 03/26/2016	REPORT TIME 11:46
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

On 03/26/16 at approx. 1105 hours, I responded to Bernard St./Pacific Ave. in reference to officers needing assistance with a male subject who was on the train tracks.

While enroute, an officer on scene advised that they had a male on the tracks who was not cooperating with them by not "coming down". The officer restricted the channel for the call.

Upon arrival, I went to the area of Bernard St./Pacific Ave. At first, I did not see where the officers were. I went as close to the tracks as I could, but was blocked by a fence.

When I looked to the West, I observed Ofc. Bryer who appeared to be with the male subject on the bridge that was over Washington St. Ofc. Bryer appeared to be by himself with the subject.

I moved my patrol vehicle around and closer to the bridge. The train tracks were elevated much higher then the street level.

I heard Ofc. Bryer state over the air "he's trying to jump"

When I jumped/climbed up on to the train track area, I lost sight of Ofc. Bryer and the subject. In fear that Ofc. Bryer and the subject fell off the side the bridge, I immediately ran towards the area where I last saw Ofc. Bryer and the subject.

As I began crossing the bridge, I saw Ofc. Bryer wrestling on the ground with the subject. The subject was continuing to be uncooperative.

When I got to Ofc. Bryer, I attempted to control the lower half/legs of the subject as he was continuing to resist and be uncooperative. The subject was flexing his muscles and tensing up. The subject was attempting to put his hands under his body as he was laying on his stomach. The subject was kicking/bending his legs backward towards Ofc. Bryer. I assisted Ofc. Bryer in detaining (D/L) the male subject in the prone cuffing position.

When I was attempting to control the subject, I observed that he had blood on various parts of his body. Because of the subjects continual uncooperative behavior and his continuance of resisting Ofc. Bryer's commands, I was not able to put gloves on because I was in fear that if I let go of the

ID NO./NAME OF REPORTING OFFICER #1169 - Yen, John		DISTRIBUTION	
APPROVAL #401 - Bartlett, Glenn	DATE/TIME 03/26/2016 15:31		

SUPPLEMENTAL REPORT CONTINUED

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INCIDENT CLASSIFICATION
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ATTEMPTED
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subject's leg and arm, he may assault Ofc. Bryer and myself. I did get the subject's blood on my hands.

We escorted the subject to the parking lot where our vehicles were parked. Medical personnel was on scene. The subject informed me that he might be Hepatitis C positive.

I inspected my hands to see if I had any cuts from the incident. I observed that there was a small superficial mark that was on my left hand. I was unsure of how it occurred.

I advised Lt. Anderson and Sgt. Huddle about the incident and the possible Hepatitis C exposure.

I drove myself to Deaconess Hospital and went through the Potential Infectious Disease Exposure protocol.

See responding officers reports for additional 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.

Ofc. J. Yen #1169
D164

SUPPLEMENTAL REPORT

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-106068	
REPORT PURPOSE			REPORTED ON DATE Sat 03/26/2016	TIME 11:53	INCIDENT XREF
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 03/26/2016	REPORT TIME 12:52
PRIMARY CHARGE					UCR/NIBRS CODE
VICTIM/WITNESSES/OTHERS <small>3-Suspect - V-Victim - Individual - A-Arrested Person - VB-Victim - Business - M-Missing - MIR-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 in Victim - CON-Confined - RU-Roadway - OW-Owner of Property</small>					
CODE W-1	NAME: LAST, FIRST, MIDDLE Kaenholz, Patricia A.			SEX F	RACE/ETHNICITY W-White/Unknown
DATE OF BIRTH/AGE 09/30/1969 46					
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 324 W Pacific Avenue, Spokane, WA 99201			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES (Cell) (509) 847-3073					
NARRATIVE					

On March 26, 2016 at 1105 hrs. I responded to the area of 324 W. Pacific on a disorderly subject.

Upon arrival to the area, I contacted to transients asking if they had seen another transient matching the description of the one we were looking for. While at Bernard and Pacific, I heard officer Bryer say over the radio he "has him". Bryer gave his location as Bernard and Pacific by the tracks. I made my way over to officer Bryer's unit. As I was looking for a way to climb the wall, officer Bryer had already made his way up over the wall and was walking up the incline to contact the subject.

While we were trying to shout at the man, two trains were on the tracks moving. Both had very loud squeaky wheels. I whistled for the man to get his attention with no response. The man had a large metal pipe in his hand appeared to be 6 foot in length.

It was hard to see from my vantage, what he was prying on but he appeared to be next to the train on the train tracks. Then he took the pipe and focused his attention on some type of object on the overpass. He appeared to be prying something open on the overpass. As Bryer approached the man, he began walking away westbound on the gravel for the cyclone fence with razor wire. I could hear Bryer shouting at the man and it appeared refused to stop.

Next the man began climbing the cyclone fence with razor wire is officer Bryer quickly approached him.

Next the man swung one leg over the top of the fence as Bryer grabbed the other leg. He had a leg on each side. As Bryer gave orders to the man to come down off the fence, he appeared to be kicking his leg so Bryer would release him.

Moments later, officer Yen arrived, made his way up on the tracks and assisted Bryer and taking the man down off the

ID NO./NAME OF REPORTING OFFICER #186 - Grant, Gordon		DISTRIBUTION	
APPROVAL #463 - Denton, Joseph	DATE/TIME 03/26/2016 15:43		

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
OBSTRUCT OFFICER

ATTEMPTED



INCIDENT NUMBER

16-106068

razor wire and cyclone fence. Yen and Bryer walked the man back down to the elevated walkway and lowered him under the railing. Officer Flynn and I, lowered the man to the ground where he was sat on the ground and examined by medics.

During this time the complainant made herself known and stated that she had a video of the incident in case this guy claims police used excessive force. Patricia stated," the officer was just doing his job, this guy refuse to listen to him". Next the complainant left and returned her residence at 324 W. Pacific.

A short time later I went to contact her at her residence to obtain the video. Upon contacting the complainant I asked for said video, and she said," no" this is my property you can have it. I advised the complainant that we needed that for evidence, and she stated that she could email it to me.

The complainant attempted to do so but she was told by her phone that the file was too big to send.

The complainant said she had a solution. She was going to send the video to interim chief McDivitt's wife, so that "Jim" could see that I get the video. I gladly gave her my name and information, as I stood by and viewed her sending it to an email address.

I'm also sending an email to TARU, advising the video is on a cell phone owned by the complainant at her address; in case there able to retrieve a copy directly from her phone.

I checked my body camera, and it was an operating during the incident.

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

G. Grant #186