



SPOKANE POLICE DEPARTMENT

## Internal Affairs Exemption Log



Number	Material Withheld	Brief Explanation of Why Material Withheld	Legal / Statutory Basis
<b>Witness Exemptions</b>			
#1a	<b><u>Name / Identity</u></b> 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	<b><u>Date of birth</u></b> 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	<b><u>Personal home, work or cell phone number</u></b> 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	<b><u>Residential address</u></b> 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	<b><u>E-mail address</u></b> 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)
<b>Juvenile Information</b>			
#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)
<b>ACCESS Database Info</b>			
#3a	Information from WACIC/NCIC (ACCESS): <b><u>Criminal history information</u></b>	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): <b><u>License Plate Information</u></b>	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): <b><u>Vehicle Registered owner information</u></b>	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): <b><u>Wanted persons information</u></b>	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.

	<b><u>Officer safety information</u></b>	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): <b><u>Gun information</u></b>	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): <b><u>DOL Information</u></b>	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): <b><u>Stolen Vehicle Information</u></b>	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): <b><u>Missing Persons Information</u></b>	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): <b><u>Runaways or endangered persons</u></b>	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): <b><u>DOC Information</u></b>	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.
<b>Personal Identifiers and Financial Info</b>			
#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)
<b>Employees Files</b>			
#5a	<b>Photos</b> 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	<b>Birthdates</b> 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)
<b>Criminal History</b>			
#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)
<b>Officer Safety or Intelligence</b>			
#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.	
<b>Photos</b>			
#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)
<b>Protected by Law</b>			
#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 Paul Carpenter

### Incident Details

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
4/5/2016	4/4/2016	23:46
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
9258	16-118616	F16-028
<b>Date/Time Entered</b>		
4/5/2016 22:41		

### Incident Summary

Ofc. S. Lesser was in foot pursuit of a wanted suspect that ran from a traffic stop. Ofc. Lesser caught the suspect in an alley and the suspect resisted violently, grabbing, scratching, and biting the officer. Ofc. Lesser applied a Level 1 Lateral Neck Restraint to control the suspect until backup officers arrived.

In compliance with policy per Assistant Chief Meidl 06/12/16.

### Incident Location

- 1200 Euclid AV, Direction: W, Spokane, WA 99205 - : Northwest

### Use of Force Specific Information

<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Resisting Arrest	Self Initiated	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear	Dark	a-0-3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
No	No	Yes
<b>More than 1 Citizen Involved</b>		
No		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	
Medium	5'10" to 6'0"	
<b>Officer Assessment of Citizen Condition During Incident</b>		
None Detected		
<b>Officer(s) Injured</b>	<b>Officer(s) Taken to Hospital</b>	
Yes	No	

### Reporting/Involved Citizen Information

#### Oshay O Sharp

DOB: 11/3/1994 Race: Black Gender: Male



**Address**

- 2614 Madelia ST, Direction: N, Spokane, WA 99207

**Phone**

- (509) 362-3915

**Types of Resistance Citizen Used Against Officer(s)**

- Active Resistance
- Assaultive

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
No injuries noted or visible		

**Charges against this citizen**

- Felony - Person Crime
- Warrant

## Involved Officers

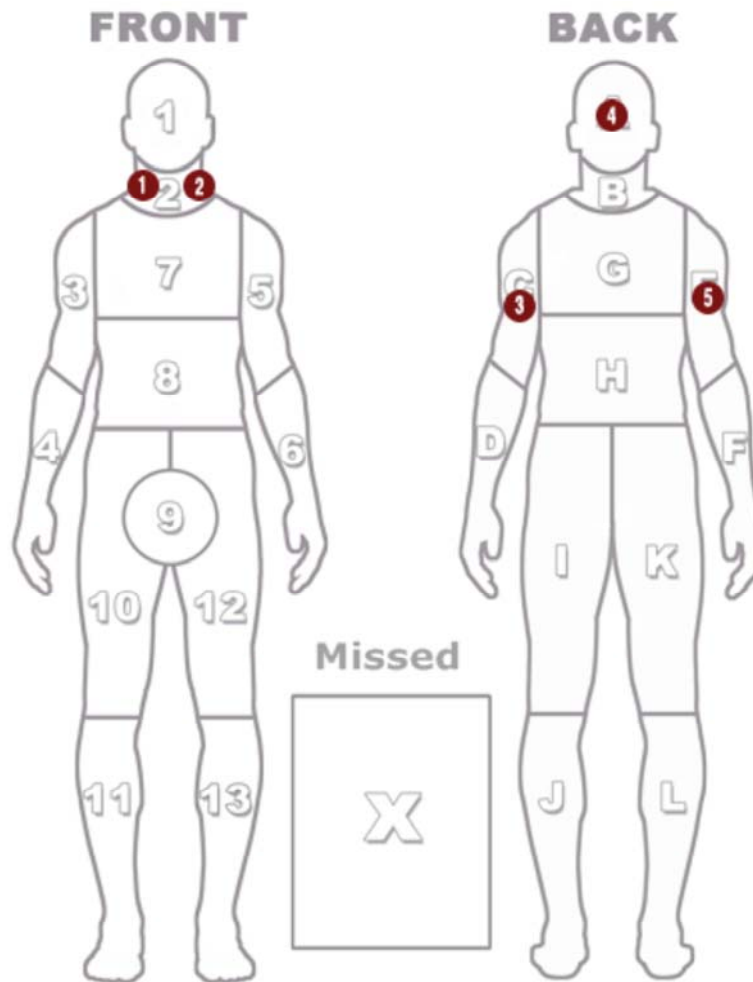
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**Officer Robert Lesser - Payroll Number:** #5c

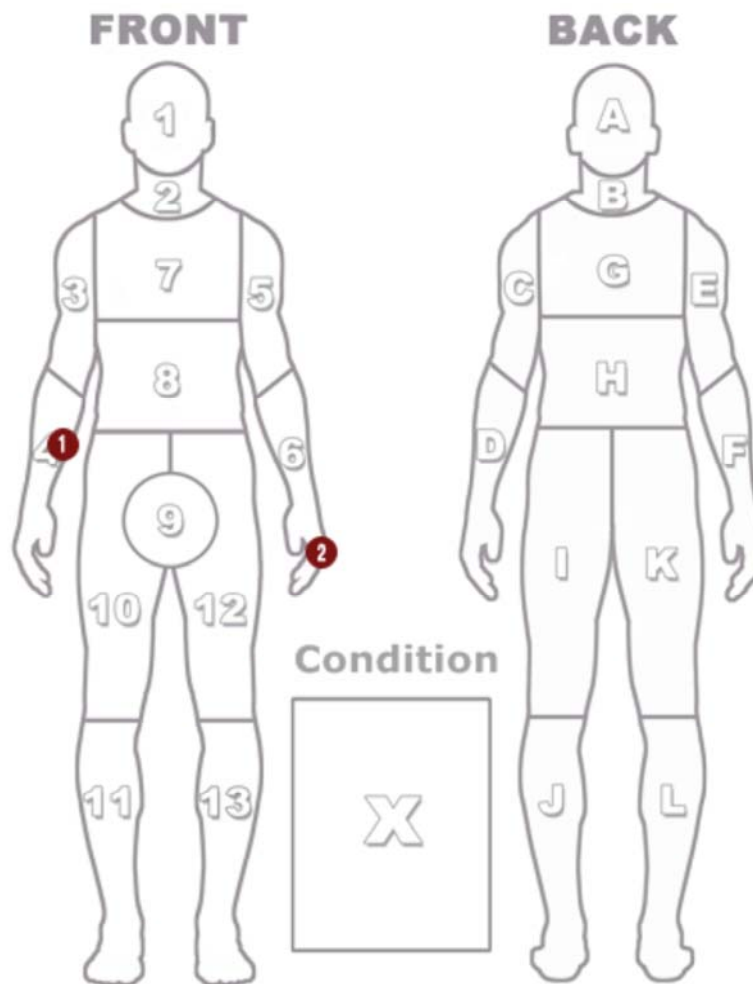
**Force used by this officer against the citizen**

- Verbal Interaction (VDI) - Was force effective: No
- LNR-Level 1 - Was force effective: Yes
- Body Weight/Manual Force - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Verbal Interaction (VDI)	No		
LNR-Level 1	Yes	2	1, 2
Body Weight/Manual Force	Yes	A, C, E	3, 4, 5

**Injuries sustained by this officer**

Injury	Regions	Injury Locations
a-Minor Injury	4, 6	1, 2



## Officer Witnesses

Officer Lance Fairbanks - Payroll Number: #5c

## Attachments

Date Attached	Attachment Description	Attachment Type
4/7/2016	16-118616 CAD Printout	pdf
4/7/2016	16-118616 Officer Reports	pdf
4/7/2016	16-118616 Supv Review	doc
4/7/2016	16-118616 Photo Log	pdf
4/11/2016	IMG_0001	JPG
4/11/2016	IMG_0002	JPG
4/11/2016	IMG_0003	JPG
4/11/2016	IMG_0004	JPG
4/11/2016	IMG_0005	JPG
4/11/2016	IMG_0006	JPG
4/11/2016	IMG_0007	JPG
5/13/2016	16-118616 Suspect Oshay Sharp interview attempt	
5/13/2016	16-118616 Sgt Carpenter additional	pdf

## Chain of Command History

Sent Dt	From	To	CC	Approved
4/7/2016	Internal Affairs	Internal Affairs	Lieutenant Daniel Ervin	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> I have reviewed this incident and believe the use of force by Ofc. Lesser was within policy.				
<b>Recipient's Comments/Response:</b> Use of Force review				
4/11/2016	Sergeant Michael Carr	Lieutenant Matthew Cowles	Sergeant Brian Eckersley	<input type="checkbox"/>
<b>Sender's Instructions:</b> Use of force by Scott Lesser.				
<b>Recipient's Comments/Response:</b> Hi Sgt, This Lesser isn't one of my Lessers. Thanks, Matt				
4/11/2016	Lieutenant Matthew Cowles	Sergeant Michael Carr	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> See comments.				
<b>Recipient's Comments/Response:</b> [Forwarded by Sergeant Michael Carr]				
4/12/2016	Sergeant Michael Carr	Lieutenant Joseph Walker	(none)	<input type="checkbox"/>
<b>Sender's Instructions:</b> For your review				
<b>Recipient's Comments/Response:</b> Scott Lesser doesnt work for me				
4/15/2016	Lieutenant Joseph Walker	Sergeant Michael Carr	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Ofc S Lesser doesnt work for me				
<b>Recipient's Comments/Response:</b> [Forwarded by Sergeant Michael Carr]				
5/3/2016	Sergeant Michael Carr	Lieutenant Daniel Ervin	(none)	<input type="checkbox"/>
<b>Sender's Instructions:</b> I have been gone for a couple of weeks. Sorry for the delay. This is for your review				
<b>Recipient's Comments/Response:</b> Officer Lesser's report indicates that the neighbor to the south of the fight witnessed the assault. Officer Fairbanks indicated that while driving to the scene a witness was waiving his arms and pointed him in the right direction of the fight. The supervisor's report indicates there were no witnesses to this event. We need to know, who are these witnesses, and what did they see? Body camera video of the attempted interview of the suspect needs to be attached to this report. Graham standards could be more clearly outlined. Threat factors, resistance factors, and severity of the crime. Please follow up on the above items. The photos of Officer Lesser are of him in his SWAT sweatshirt and do not clearly identify him as an officer. In a resisting case his identity could be called to question. Should have one with his police vest on.				
5/3/2016	Lieutenant Daniel Ervin	Sergeant Paul Carpenter	Sergeant Michael Carr	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Please follow up on listed items. The comment about Officer lesser's sweatshirt is for future reference. Reference the body camera it may be that IA will attach it to this report. That may have changed recently, I am not sure. Thank you				
<b>Recipient's Comments/Response:</b> For your review.				
5/13/2016	Sergeant Paul Carpenter	Lieutenant Daniel Ervin	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> For your review.				
<b>Recipient's Comments/Response:</b> After review of this incident I agree with Sgt. Carpenter's findings that Officer Lesser's use of force was reasonable, objective, and within policy.				
5/16/2016	Lieutenant Daniel Ervin	Captain Daniel Torok	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> See approval of use of force by Officer Scott Lesser				
<b>Recipient's Comments/Response:</b> I concur that the use of force was within policy. Picture #1 is not representative of Ofc. Lesser's attire at the time of the assault. Lt. Ervin has already addressed the fact that a picture of Lesser that represents what he was actually wearing should have been taken.				
5/25/2016	Captain Daniel Torok	Asst Chief Craig Meidl	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> for review				
<b>Recipient's Comments/Response:</b> Use of force compliant with policy.				

**Entering Officer Signature Line**

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Sergeant Paul Carpenter

**Chain of Command Signature Lines**

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Sergeant Michael Carr

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Lieutenant Matthew Cowles

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Lieutenant Joseph Walker

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Lieutenant Daniel Ervin

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Sergeant Paul Carpenter

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Captain Daniel Torok

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Asst Chief Craig Meidl



Spokane Police Department  
Internal Affairs



Use of Force  
Additional

**Incident #: 16-118616**

**Date: 04/04/2016**

**Involved Officer(s) BWC Y/N: N**

**Reviewing Supervisor:** Sgt. P. Carpenter #529 L229

**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:**

Ofc. S. Lesser made a traffic stop at 1200 W Euclid and determined the rear passenger had a felony DOC warrant for Theft. Before backup officers arrived the suspect fled from the car on foot and Ofc. Lesser gave chase, eventually catching the suspect in the back yard of 3107 N Jefferson. The suspect refused to comply and fought violently with Ofc. Lesser, grabbing at Ofc. Lesser's arms and legs, scratching him in the process. At one point the suspect grabbed on to Ofc. Lesser's right leg, near his drop-down holster. Ofc. Lesser applied a Level 1 Lateral Neck Restraint in an effort to control the suspect's movement. The suspect continued to resist so violently that Ofc. Lesser had several pieces of equipment drop from his vest, and he was unable to access his radio. The suspect bit Ofc. Lesser twice and continued to scratch at him. Ofc. Lesser lost hold of the LNR and used his bodyweight and leverage to hold the suspect down until Ofc. Fairbanks arrived, at which point the suspect was taken into custody.

**Officer Interview Summary:**

Ofc. Lesser was not wearing a BWC. Ofc. Lesser's written report accurately reflects the statements he made to me at the scene.

**Subject Interview Summary:**

I attempted to interview the suspect at jail, and was wearing my BWC. The suspect refused to give a statement to me about the incident. The suspect did say he was not injured during the incident, and he did not make any claims of inappropriate actions by Ofc. Lesser.

**Witness Interview Summary:**

There were no civilian witnesses to this incident.

**Witness Officer Interview Summary BWC Y/N:**

Ofc. Fairbanks' BWC was not activated for this incident. Ofc. Fairbanks' written report accurately reflects the statements he made to me at the scene.

**Any Relevant Clarifying Information and Observations:**

**Sergeant Findings:**

Ofc. Lesser was attempting to legally apprehend a fleeing wanted suspect. The suspect used active resistance in an effort to escape and assaultive force against Ofc. Lesser to resist arrest. The force used by Ofc. Lesser, while it did not gain compliance, did control the suspect's movements enough to prevent escape and prevent greater injury to Ofc. Lesser. I believe Ofc. Lesser's use of force in this incident was reasonable, objective, and within policy.

Incident History for: #SP160118616

Entered 04/04/16 23:46:56 BY PCC01 1069  
 Dispatched 04/04/16 23:46:56 BY PCC01 1069  
 Enroute 04/04/16 23:46:56  
 Onscene 04/04/16 23:46:56  
 Closed 04/05/16 03:35:45

Initial Type: TS Final Type: TS (TRAFFIC STOP)  
 Initial Priority: 3 Final Priority: 3  
 Disposition: 1E Source: R Primary Unit: P303  
 Police BLK: SPA2EG  
 Group: P2 (P1 ) Beat: Map Page: 32  
 Loc: 1200 W EUCLID AV ,SPK btwn N JEFFERSON ST & N CEDAR ST <3100> (V)  
 Name: Addr: Phone:

/234656	(1069 )	\$OUTSRV	,C4
/234656		DISPOS F32	@AKS3667
			#1067 LESSER, ROBERT SCOTT
			,C4
/234656		REMINQ F32	LIC,F32,AKS3667,,,,
/234657		CHANGE	LOC: FRED/JEFF --> W FREDERICK AV/N JEFFERSON
			ST ,SPK,
			DGP: P1 --> P2,
			BLK: --> SPA2EG
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234717		MISC F32	
/234926		CHANGE	LOC: W FREDERICK AV/N JEFFERSON ST ,SPK --> 1
/234930		ASSTER A318	200 W EUCLID AV ,SPK
/234943		ASSTER A312	[1200 W EUCLID AV ,SPK]
			#1207 BERROW, SETH
/234944		PREMPT A318	[1200 W EUCLID AV ,SPK]
/234944	(1067 )	*REMINQ F32	#1022 FAIRBANKS, LANCE
/235049	(966 )	*ASSTER A310	MWANT,,,,,,,,SHARP,OSHAYO,1994,11,03,,,,,,,,,,,,,
			''
/235051	(1069 )	MISC F32	[1200 W EUCLID AV ,SPK]
/235051	(969 )	*ASSTER B436	#966 JOHNSON, CHRISTOPHER
			,RUNNING
/235052	(1186 )	*ASSTER B437	[1200 W EUCLID AV ,SPK]
			#969 SPOLSKI, NICHOLAS
			[1200 W EUCLID AV ,SPK]

#3c



/235055	(1069	)	MISC	F32	#1186 BROWN, JORDAN
/235055	(1185	)	*ASSTER	A317	,FELONY WARRANT
					[1200 W EUCLID AV ,SPK]
					#1185 MATT, JOSEPH
/235059	(1069	)	MISC	F32	,EB EUCLID
/235108	(093	)	*ASSTER	L183	#093 SPRAGUE, DEAN
/235108	(1069	)	MISC	F32	,BLK HAT, BLK/RED JACKET
/235112			MISC	F32	,NB JEFFERSON
/235114	(1260	)	*ASSTER	B433	[1200 W EUCLID AV ,SPK]
					#1260 HERZOG, CHAD
					#747 BISHOP, DEREK
/235115	(713	)	*ASSTER	K14	[1200 W EUCLID AV ,SPK]
					#713 HAMILTON, CRAIG
/235116	(558	)	*ASSTER	L258	[1200 W EUCLID AV ,SPK]
					#558 REYNOLDS, CHARLES J
/235118	(1207	)	*ASSTER	A318	[1200 W EUCLID AV ,SPK]
					#1207 BERROW, SETH
/235121	(740	)	*ASSTER	C480	[1200 W EUCLID AV ,SPK]
					#740 JUAREZ, MAURIO
/235123	(1275	)	*ASSTER	D365	[1200 W EUCLID AV ,SPK]
					#1275 STEWART, MATTHEW
/235125	(1196	)	*ASSTER	D362	[1200 W EUCLID AV ,SPK]
					#1196 KAURIN, DAVID
/235126	(1069	)	MISC	F32	,WB DALTON
/235129	(529	)	*ASSTER	L229	[1200 W EUCLID AV ,SPK]
					#529 CARPENTER, PAUL D
/235133	(966	)	*ONSCNE	A310	
/235134	(750	)	*ASSTER	B434	[1200 W EUCLID AV ,SPK]
					#750 ANDERSON, JERRY C
					#566 VAUGHN, KEVIN L
/235137	(1069	)	MISC	F32	,SOUTH THROUGH YARDS
/235140	(1206	)	*ASSTER	F34	[1200 W EUCLID AV ,SPK]
					#1206 BROWNELL, MARK
/235143	(1239	)	*ASSTER	D364	[1200 W EUCLID AV ,SPK]
					#1239 GONSALVES, KEITH
/235156	(1234	)	ASSTER	C482	[1200 W EUCLID AV ,SPK]
					#1191 FABIAN, BRANDON
/235159	(1023	)	*ASSTER	A313	[1200 W EUCLID AV ,SPK]
					#1023 BISHOP, ELINA
/235225	(614	)	*ASSTER	B431	[1200 W EUCLID AV ,SPK]
					#614 ARREDONDO, JOHN
/235236	(401	)	*ASSTER	L214	[1200 W EUCLID AV ,SPK]
					#401 BARTLETT, GLENN
/235252	(1004	)	*ASSTER	N47	[1200 W EUCLID AV ,SPK]
					#1004 IVERSON, TIFFANY
/235320	(614	)	*ONSCNE	B431	
/235336	(1069	)	MISC	F32	,L183 PUT OUT A CODE 6
/235336	(1147	)	*ASSTER	C481	[1200 W EUCLID AV ,SPK]
					#1147 GOBBLE, NATE
/235346	(952	)	*ASSTER	F31	[1200 W EUCLID AV ,SPK]
					#952 BRASCH, CHRISTOPHER
/235355	(1069	)	ONSCNE	A312	
/235406			MISC	A312	,JEFFERSON.....UNREADABLE
/235411	(1206	)	*ONSCNE	F34	
/235415	(1196	)	*ONSCNE	D362	
/235415	(1123	)	ASSTER	WSP	[1200 W EUCLID AV ,SPK]
/235417	(1186	)	*ONSCNE	B437	
/235421	(1069	)	MISC	A312	,C4 F32
/235428			MISC	F34	,GOT THE CAR
/235435	(1123	)	PREMPT	WSP	

/235436 (767 ) \*ASSTER P303 [1200 W EUCLID AV ,SPK]  
 #767 DANIEL, JEREMY  
 /235443 (740 ) \*PREMPT C480  
 /235444 (093 ) \*ONSCNE L183  
 /235447 (952 ) \*PREMPT F31  
 /235447 (1069 ) MISC B431 ,WE ARE AT 3107 N JEFFERSON  
 /235448 (750 ) \$PREMPT B434  
 /235449 (1023 ) \*PREMPT A313  
 /235453 (529 ) \*ONSCNE L229  
 /235455 (767 ) \*PREMPT P303  
 /235457 (969 ) \*ONSCNE B436  
 /235501 (1260 ) \*PREMPT B433  
 /235501 (558 ) \*ONSCNE L258  
 /235505 (1239 ) \*PREMPT D364  
 /235506 (1275 ) \*PREMPT D365  
 /235508 (401 ) \*PREMPT L214  
 /235510 (1069 ) PREMPT C481  
 /235510 PREMPT C482  
 /235510 (558 ) \*CLEAR L258 ,PSTAT/ASST  
 /235526 (761 ) CALLBK T/PCC01  
 ,DOC VALID  
 /235531 (713 ) \$PREMPT K14  
 /235544 (1004 ) \$PREMPT N47  
 /235614 (969 ) \*MISC B436 ,PSTAT/ASST  
 /235615 \*CLEAR B436  
 /235628 (1067 ) \*REMINQ F32 MWANT,,,,,,,,,MYERS,ROBERTJAY,1968,08,18,,,,,,,,,  
 ,UNRESTRICTED  
 /235704 (1069 ) MISC F32  
 /235807 (1067 ) \*REMINQ F32 MWANT,,,,,,,,,MYERS,KATRINAM,1986,07,08,,,,,,,,,  
 ,PSTAT/ASST  
 /235918 (1185 ) \*CLEAR A317 [JAIL] M/RESET  
 /235935 (614 ) \*TRANS B431 ,PSTAT/ASST PSTAT/VIDN  
 /235943 (1196 ) \*CLEAR D362 ,2 DETAINED  
 /235948 (1069 ) MISC F34 ,WITH F34  
 /235955 MISC A310  
 \*\*\* New Date: 04/05/16 \*\*\*  
 /000158 (1186 ) \*CLEAR B437 ,PSTAT/ASST  
 /000202 (1207 ) \*PREMPT A318  
 /000427 (614 ) \*TRANSC B431 M/1.8  
 /000500 (1069 ) OK B431  
 /000612 (093 ) \*CLEAR L183 DSP: 8D  
 ,TALKED BRIEFLY TO OSHAY. SPEWED OBSCENITIES A  
 F OFCS. NO INJURY COMPLAINT.PSTAT/ASST  
 /000800 (529 ) \*CHGLOC L229 [JAIL]  
 /000904 (1067 ) \*REMINQ F32 MWANT,,,,,,,,,MYERS,KATRINAM,1986,07,08,,,,,,,,,  
 T/PCC01  
 /001045 (1253 ) CALLBK F34 ,CONF/SENT ON MYERS  
 /001215 (529 ) \*ONSCNE L229  
 /001250 (1069 ) OK L229  
 /001339 (952 ) \*ASSTOS F31 [1200 W EUCLID AV ,SPK]  
 #952 BRASCH, CHRISTOPHER  
 /001349 \*TRANS F31 [JAIL] M/0  
 ,FEMALE  
 /001602 (614 ) \*MISC B431 ,PSTAT/ASST  
 /001604 \*CLEAR B431  
 /001658 (966 ) \*CLEAR A310 ,PSTAT/ASST  
 /001834 (952 ) \*TRANSC F31 M/1.9  
 /001919 (1022 ) \*CHGLOC A312 [JAIL]  
 /002101 \*ONSCNE A312

/002112	(1069 )	*REMINQ	F34	WANT,F34,,,,,,,,ROLAND,CHANNA,R,1979,10,30,,,,,
/002113	(1206 )	*REMINQ	F34	'''' MWANT,,,,,,,,CANIPE,CHANNARENE,1979,10,30,,,,, ,,,,,,2 ,PSTAT/ASST
/002310		*MISC	F34	
/002311		*CLEAR	F34	
/003606	(529 )	*MISC	L229	,PSTAT/ASST UOF RPT
/003615		*CLEAR	L229	
/003702	(1022 )	*NEWLOC	A312	[CAR PAPER]
/004307	(1067 )	*REMINQ	F32	MWANT,,,,,,,,SHARP,OSHAYO,1994,11,03,,,,,,,,,,, , ''
/004317	(1069 )	OK	A312	
/004317		OK	F31	
/005232	(952 )	*CHGLOC	F31	[LOGAN]
/005439		*ONSCNE	F31	
/005824		*REMINQ	F31	MWANT,,,,,,,,WYNNE,TONYJ,1977,01,23,,,,,,,,,,, , ,
/005903	(1067 )	*CHGLOC	F32	[LOGAN]
/010155		*ONSCNE	F32	
/010705	(1022 )	*CLEAR	A312	,PSTAT/ASST PSTAT/RPT PSTAT/VIDN - DID NOT TUR N ON CAMERA DUE TO RAPIDLY EVOLVING SITUATION
/014723	(1069 )	OK	F31	
/014723		OK	F32	
/015150	(1067 )	*REMINQ	F32	MWANT,,,,,,,,SHARP,OSHAYO,1994,11,03,,,,,,,,,,, , ''
/021905	(952 )	*CLEAR	F31	,PSTAT/ASST
/025643	(1067 )	*MISC	F32	,PSTAT/WAR PSTAT/WAR PSTAT/WAR PSTAT/WAR PSTAT/ FEL PSTAT/RPT PSTAT/SI
/031756	(767 )	*ASTOS	P303	[LOGAN] #767 DANIEL, JEREMY
/031840	(1234 )	OK	P303	
/032010	(1067 )	*REMINQ	F32	MVEH,C06973D,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
/032019		*REMINQ	F32	MWANT,,,,,,,,, #4b ,,,,,,,,,,,,,, ,,,,,,X
/033503		*CLEAR	F32	DSP: 8D --> 1E
/033545	(767 )	*CLEAR	P303	,PSTAT/ASST PIX
/033545		CLOSE	P303	

# INCIDENT REPORT

**Spokane Police/Spokane County Sheriff**

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>16-118616</b>	
INCIDENT TYPE <b>Arrest</b>		INCIDENT CLASSIFICATION #1 <b>TRAFFIC-INFRACTION</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3 <b>ASSAULT-SIMPLE</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #2 <b>WARRANT ARREST</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Mon 04/04/2016 23:46</b>		DATE/TIME <b>Mon 04/04/2016 23:46</b>		OCCURRED TO <b>Mon 04/04/2016 23:46</b>	
DISPATCH TIME <b>23:46</b>		ARRIVED TIME <b>23:46</b>		CLEARED TIME <b>02:00</b>	
REPORT DATE <b>04/05/2016</b>		REPORT TIME <b>01:15</b>		EST. TOTAL PROPERTY LOSS	
PRIMARY CHARGE <b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>					UCR/NIBRS CODE <b>/ 13A</b>
LOCATION OF INCIDENT <b>1200 W Euclid, Spokane, WA</b>				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS <b>PC Affidavit Completed, Suspect Arrested, Useful Physical Evidence, Witness to Crime</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>Fairbanks</b>					
<b>VICTIM/WITNESSES/OTHERS</b> <small>S-Suspect, V-Victim, I-Individual, A-Arrested Person, VB-Victim-Business, M-Missing, MIR-Miscellaneous, 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-Contact, RU-Rumormongering, OW-Owner of Property</small>					
CODE <b>A-1</b>	NAME: LAST, FIRST, MIDDLE <b>Sharp, Oshay O</b>			SEX <b>M</b>	RACE/ETHNICITY <b>B-Black</b>
HEIGHT <b>6'00"</b>	WEIGHT <b>145</b>	BUILD <b>Medium</b>	HAIR <b>Black</b>	EYES <b>BRO - Brown</b>	DATE OF BIRTH/AGE <b>11/03/1994 21</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>2614 N Madelia Street, Spokane, WA 99207</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES <b>(Cell) (509) 362-3915</b>					
CHARGE LEVEL <b>Felony Class C</b>		DESCRIPTION <b>9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)</b>			UCR/NCIC CODE <b>/13A</b>
WARRANT #	BAIL	TYPE OF ARREST <b>On-View of Arrest</b>			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION #	DATE	TIME	BOOKED WHERE <b>Spokane County Jail</b>		DATE <b>04/04/2016</b>
ARREST LOCATION <b>3107 N Jefferson, Spokane, WA</b>		STATEMENT <input checked="" type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN		CHARGES <input type="checkbox"/> ADMITTED <input checked="" type="checkbox"/> DENIED	SUSPECT ARMED WITH
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED	DATE & TIME NOTIFIED	NOTIFIED BY		DISPOSITION OF JUVENILE

ID NO./NAME OF REPORTING OFFICER <b>#1067 - Lesser, Scott</b>		DISTRIBUTION	
APPROVAL <b>#529 - Carpenter, Paul</b>		DATE/TIME <b>04/05/2016 18:38</b>	

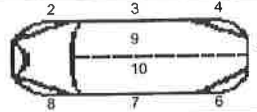
Incident Report #1

04/06/2016 00:38:19.745

# INCIDENT REPORT CONTINUED

## Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION <b>TRAFFIC-INFRACTION</b>				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER <b>16-118616</b>	
CODE <b>V-1</b>	NAME: LAST, FIRST, MIDDLE <b>Robert Lesser, S Ofc.</b>				SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>	DATE OF BIRTH/AGE <b>#5c</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1100 W MALLON Avenue, Spokane, WA 99260</b>				RESIDENTIAL STATUS		PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES <b>#5c</b>							
VEHICLES							
CODI <b>V-1</b>	CIRCUMSTANCES <b>Suspect</b>		LICENSE NO. <b>AKS3667</b>		STATE <b>WA</b>	LIC. YEAR	LICENSE TYPE
YEAR <b>2003</b>	MAKE <b>Buick</b>	MODEL <b>Le Sabre</b>	BODY STYLE <b>02: Sedan, 4 Door</b>		TOP/FRONT/ONLY COLOR		VIN/HIN <b>1G4HP52K034109125</b>
SPECIAL FEATURES/DESCRIPTION							
DECAL NUMBER		REGISTERED OWNER				HOME PHONE	
VEHICLE DISPOSITION <input 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"/> Interior <input type="checkbox"/> Top <input type="checkbox"/> Underside	SHADE IN DAMAGED AREA
TOW COMPANY			HOLD REQUESTED BY		HOLD FOR		
RELEASE BY	DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	OWNER NOTIFIED	DATE	TIME
OPERATOR'S NAME							
NARRATIVE							

On 04/04/2016 at approximately 2346 hours I observed a Silver Buick Lesabre 4d (WA License #AKS3667) going W/B on Frederick towards Monroe in Spokane, WA. The vehicle rolled through the stop sign at Frederick/Monroe without coming to a complete stop at the stop sign as required by law. The vehicle then continued W/B on Frederick. The vehicle was going slightly over the 25 mph speed limit of the residential area. I observed the vehicle go through several unmarked intersections without slowing down and yielding to the right as required. It was dark out with minimal street lights and not once did I see the brake lights of the vehicle come on to slow down for any of the unmarked intersections.

I was working my current assignment on P.A.C.T. (Patrol Anti-Crime Team). I was wearing the P.A.C.T. uniform of the day, an external vest carrier with a Spokane Police Badge on the front and clearly marked "Spokane Police" in reflective letters on the back of the vest.

I was driving vehicle #369 which is a Crown Victoria patrol car equipped with extremely bright LED lights, to include flashing lights in all four corners of the vehicle.

## INCIDENT REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

Page 3

INCIDENT CLASSIFICATION  
**TRAFFIC-INFRACTION**

ATTEMPTED

☐

INCIDENT NUMBER

**16-118616**

I initiated my lights to make a traffic stop on the vehicle for the above reasons at Jefferson/Frederick. The vehicle turned N/B on Jefferson from Frederick without signaling before finally coming to a complete stop.

I contacted the driver of the vehicle who quickly advised me that he was DWLS and he had a warrant for his arrest. He told me, "I am going to jail because I shouldn't be driving this vehicle."

I contacted the female passenger looking for a licensed driver for the vehicle. She advised she was Katrina Myers (07/08/86) and stated she also had a warrant for her arrest. The back passenger told me his name was Oshea and he spelled it O-S-H-E-A but didn't want to provide any additional information.

I requested an additional unit as I had information that led me to believe that at least two of the occupants had outstanding warrants.

I could see "Oshea" in the back seat of the vehicle from my vehicle and he kept looking at me and then looking towards the door of the vehicle he was in. He continuously kept looking back and forth. I could see him inching closer towards the rear passenger door of the vehicle as he scooted closer to the door very slowly. I was able to determine Oshea to be Oshay Sharp and verified that with a SPRS picture. A name check for him showed him to have an outstanding Felony DOC Warrant for Theft. Sharp is known to be a member or associate with the Gang Pay Back Crips. In my experience gang members to include Crips commonly are armed with dangerous weapons to include firearms. Crips are also known to associate with other Crips and gang members who also display the same type of behaviors. Sharp showed to be on probation and to be a "moderate" risk as listed by DOC. A name check showed him to have a history of robbery, assault, burglary and fighting.

I quickly requested another third unit as I could see that Sharp was contemplating fight or flight and it was obvious it appeared he was getting ready to run. He had baggy type clothing and it easily had the potential to conceal a weapon.

Just as I asked for an additional third unit I saw the back passenger door fling open and Sharp jumped out of the vehicle and started running N/B. He was wearing a black/red jacket with a black hat. He went E/B on Euclid. I yelled to him several times "Police, Stop" and that he was under arrest yet he continued to run.

I continued to yell "Police, Stop" and that he was under arrest. He looked back at me several times as he continued to run as it was obvious he could hear my verbal commands.

He then turned and went N/B on Jefferson towards Dalton. He cut through the yard on the S/W corner of Jefferson/Dalton and stayed close to the house before rounding the corner and continuing to run W/B on Dalton. He then went S/B through a yard. He was cutting the corners which was

## INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION <b>TRAFFIC-INFRACTION</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-118616</b>
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concerning because he was doing it in a way that lead me to believe that he was possibly trying to ambush me around a corner.

He was not searched prior to running from me and his clothing definitely allowed him the available space to possess weapons that I would not be able to visibly see as I chased him on foot.

I was able to catch him in the back yard of what I later learned to be 3107 N. Jefferson. He refused to go to the ground. I was able to get him on the ground as he continued to struggle. At one point he grabbed on to my right leg which is specifically where my drop down holster is for my firearm. He attempted to hold on to my leg. He grabbed on to my arms several times and I received several scratches from him during the struggle. I continued to yell at him to stop resisting and the noise of the struggle even brought the neighbor of the house to the south outside to see what the commotion was.

As we continued to struggle he still refused to roll over and quit resisting. I was able to apply a LNR (Lateral Neck Restraint) to attempt to control Sharp. He continued to resist and continued to try to get away. At one point I was on top during the struggle as I held on a Level 1 LNR and at one point I was on my back still holding a Level 1 LNR, as I attempted to hold on and just control him until backup officers could arrive and assist me. During the struggle I lost a magazine to my handgun as well as both sets of handcuffs which had fallen from my vest as we struggled on the ground.

As I attempted to hold him in the LNR he tried to buck on to his side and flip me off of him. He bit me twice to include once on the inside of my right arm, leaving a pinkish/red mark. I also received several scratches during the struggle. I later had photographs taken of my injuries. At one point I ended up on top of him and I just tried to stay balanced and pin his arms and control his head so I could control his body and movements. He utilized my arms and forearms to attempt to control the movements of his head and arms to restrict his movements.

As I continued to struggle with him Ofc. Fairbanks showed up and we took him into custody using Ofc. Fairbanks cuffs as mine were thrown around during the struggle. After he was in custody he was rolled to his side for optimal breathing after the extended struggle. He was quickly pat frisked for weapons and again advised he was under arrest for his warrant as well as Assault 3rd (Law Enforcement).

Sgt. Carpenter and Lt. Sprague were advised of the incident. Sharp was transported and booked for his warrant and Assault 3rd (Law Enforcement).

I completed a charging request. See also Ofc. Fairbanks additional report.

S. Lesser/#1067/F32  
SWAT/P.A.C.T. (Patrol Anti-Crime Team)

# INCIDENT REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

Page 5

INCIDENT CLASSIFICATION  
**TRAFFIC-INFRACTION**

ATTEMPTED  
☐

INCIDENT NUMBER  
**16-118616**

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

DEPUTY: S. Lesser

NUMBER: #1067

DATE: 04/05/16

PLACE: Spokane County, WA



# SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>16-118616</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Mon 04/04/2016</b>	TIME <b>23:46</b>	INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>WARRANT ARREST</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <b>ASSAULT-SIMPLE</b>		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 <b>04/05/2016</b>		REPORT TIME <b>00:37</b>
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 04-04-16 at approximately 2349 hours, I was dispatched to assist Ofc. S. Lesser who had made a traffic stop at 1200 W Euclid. While I was responding Ofc. Lesser asked for a 3rd unit to respond because a male had a warrant and looked like he was going to run. Ofc. Lesser engaged in a foot pursuit prior to my arrival. The radio traffic advised he went N/B on Jefferson from Euclid and then W/B on Dalton and then cut through some yards to the south. While enroute, dispatch sent out the SPRS number for Oshay Sharp and I observed his latest jail booking photo.

Dispatch advised that Ofc. Lesser was now code 6. I arrived in the area and approx. 2353 hours and proceeded N/B on Jefferson with my overhead emergency lights on. I observed a male standing in the yard of the house just to the north of Euclid on the west side of Jefferson waving his arms and pointing to the north of his house. I asked the male where they were and he pointed and said that they were in the yard to the north.

With the ambient light of my overhead emergency lights I could see two figures on the ground in a dark driveway between a garage and a house. I exited my patrol car and ran to assist Ofc. Lesser while notifying dispatch that we were on Jefferson.

It was very dark but I could see that there was still a struggle occurring between Ofc. Lesser and the male. As I got closer I could see that Ofc. Lesser was attempting to control the male who was in the prone position and I gained control of the male's right arm. I handcuffed the male's right wrist while Ofc. Lesser controlled his left arm and his torso. I then handcuffed his left wrist, taking the male into custody. Ofc. Lesser took control of the subject. Once the male was in the seated position I could see that he was Oshay Sharp.

I picked up two sets of Ofc. Lesser's handcuffs that were on the ground as well as an extra magazine for his duty pistol that he had lost during the struggle.

Other Officers escorted Oshay to a patrol car while I did a secondary sweep of the area for any loose property.

(See Ofc. Lesser's report for further details.)

Due to the fact that I immediately exited my patrol car into a rapidly evolving situation after

ID NO./NAME OF REPORTING OFFICER <b>#1022 - Fairbanks, Lance R</b>		DISTRIBUTION
APPROVAL <b>#881 - Wheeler, Sean</b>	DATE/TIME <b>04/05/2016 07:37</b>	

## SUPPLEMENTAL REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

Page 2

INCIDENT CLASSIFICATION <b>WARRANT ARREST</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-118616</b>
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getting flagged over and locating Ofc. Lesser, I did not get my body camera turned on for this incident.

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

Ofc. L. Fairbanks 1022  
Spokane Police A312

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

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AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>16-118616</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Mon 04/04/2016 23:46</b>		INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>ASSAULT-SIMPLE</b>		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #2 <b>RESISTING ARREST</b>	
INCIDENT CLASSIFICATION #3 <b>OBSTRUCT OFFICER</b>		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #4 <b>WARRANT ARREST</b>	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>05/13/2016</b>		REPORT TIME <b>00:17</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>VICTIM/WITNESSES/OTHERS</b> <small>S-Suspect, V-Victim (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, CON-Contact, RU-Runaway, OW-Owner of Property</small>					
CODE <b>CON-1</b>	NAME: LAST, FIRST, MIDDLE <b>Frantz, William C</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White/Non-Hispanic</b>
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DATE OF BIRTH/AGE <b>10/16/1971 44</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>3107 N Jefferson Street, Spokane, WA 99205</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES <b>(Cell) 464-9224</b>					
<b>NARRATIVE</b>					

On 5/11/16 I responded to 3107 N. Jefferson to contact the resident as a possible witness to the assault on Ofc. Lesser by suspect Oshay Sharp. Upon arrival I contacted the resident, Carter Frantz, who confirmed he was home the night of the incident. In summary, Frantz stated the following:

Frantz was in his living room when he noticed a light flash outside his window, in the alleyway north of his home. He then heard two male voices yelling from the alley. Frantz heard the following exchange:

Male #1: "Hold still!"

Male #2: "You're killing me, get your knee out of my back."

Male #1: "Hold still, quit resisting!"

When Frantz heard the first male say "Quit resisting" he realized it was probably a police officer. Frantz went out his front door to investigate and saw a police car with emergency lights activated coming down the street. Frantz flagged the police car down and pointed the officer in the direction of the voices.

Frantz confirmed he never saw the officer nor the suspect, and did not witness any of the altercation.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE

ID NO./NAME OF REPORTING OFFICER <b>#529 - Carpenter, Paul</b>		DISTRIBUTION	
APPROVAL <b>#529 - Carpenter, Paul</b>	DATE/TIME <b>05/13/2016 01:10</b>		

Supplemental Report #1

05/13/2016 01:11:42.217

## SUPPLEMENTAL REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

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INCIDENT CLASSIFICATION <b>ASSAULT-SIMPLE</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-118616</b>
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OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Sgt. P. Carpenter #529

[illegible]