



SPOKANE POLICE DEPARTMENT



Internal Affairs Exemption Log

| Number | Material Withheld | Brief Explanation of Why Material Withheld | Legal / Statutory Basis |
|-----------------------------|--|--|---|
| Witness Exemptions | | | |
| #1a | Name / Identity 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 | Date of birth 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 | Personal home, work or cell phone number 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 | Residential address 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 | E-mail address 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) |

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| #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. |

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| | <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), |

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| | | 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 Identicard | 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) |

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| | | 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 identocard 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 <i>Comm'n</i> , 16 <i>Wn.App.</i> 830, 836 (1977). |

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| | | 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) |

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| | | 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 Richard Meyer

Incident Details

| | | |
|--------------------------|---------------------------|---------------------------|
| Date Received | Date of Occurrence | Time of Occurrence |
| 3/31/2016 | 3/31/2016 | 21:27 |
| Record ID # | Incident No | IA No |
| 9266 | 16-113219 | F16-031 |
| Date/Time Entered | | |
| 4/10/2016 03:31 | | |

Incident Summary

Suspect in a DV call came out of the house carrying a handgun. The officers used a draw and direct technique.

In compliance with policy per Assistant Chief Meidl 04/19/16.

Incident Location

• [REDACTED] #1d - : Northeast

Use of Force Specific Information

| | | |
|--|-------------------------------------|----------------------------|
| Reason for Use of Force | Service Being Rendered | |
| Assaulting Citizen | Call for Service | |
| Weather Condition | Lighting Condition | Distance to Citizen |
| Clear | Exterior Lighting | d-12-21 feet |
| Citizen Injured | Citizen Taken to Hospital | Citizen Arrested |
| No | No | Yes |
| More than 1 Citizen Involved | | |
| No | | |
| Citizen's Build | Citizen's Height | |
| Medium | 6'1" to 6'3" | |
| Officer Assessment of Citizen Condition During Incident | | |
| Unknown | | |
| Officer(s) Injured | Officer(s) Taken to Hospital | |
| No | No | |

Reporting/Involved Citizen Information

Steven A Cavitt

DOB: 6/18/1996 Race: Black Gender: Male

Address

- 6423 Lynnwood AV, Direction: N, Spokane, WA 99208

Phone

- (509) 319-8448

Types of Resistance Citizen Used Against Officer(s)

- Life Threat/Suicidal

Injuries sustained by this citizen

| Injury | Regions | Injury Locations |
|------------------------------|---------|------------------|
| No injuries noted or visible | | |

Charges against this citizen

- Misdemeanor - Property Crime

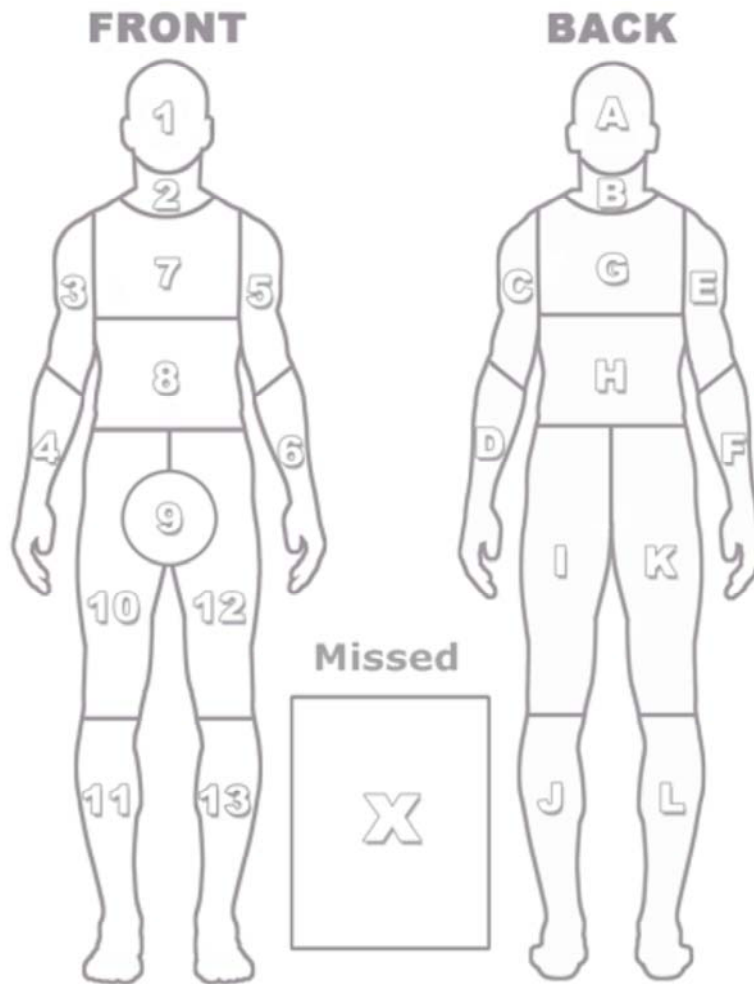
Involved Officers

Officer Aaron Ames - Payroll Number: #5c

Force used by this officer against the citizen

- Int Pointing of Firearm - Was force effective: Yes

| Force Used | Effective? | Regions | Points of contact |
|-------------------------|------------|---------|-------------------|
| Int Pointing of Firearm | Yes | | |



Injuries sustained by this officer

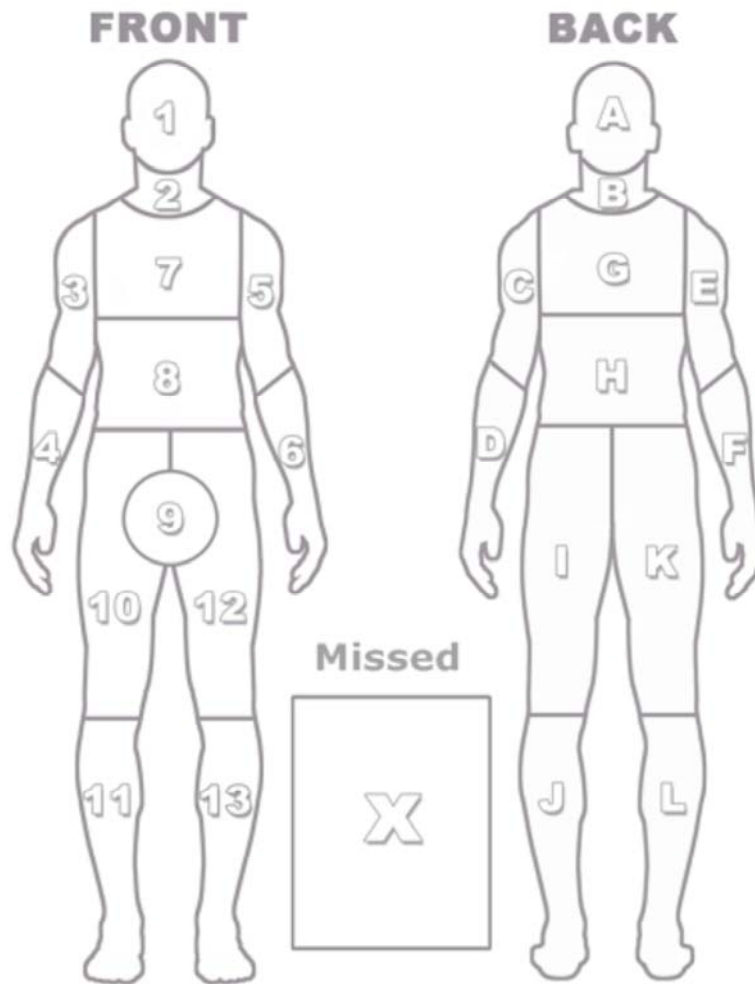
| Injury | Regions | Injury Locations |
|------------------------------|---------|------------------|
| No injuries noted or visible | | |

Officer Benjamin Yinger - Payroll Number: #5c

Force used by this officer against the citizen

- Int Pointing of Firearm - Was force effective: Yes

| Force Used | Effective? | Regions | Points of contact |
|-------------------------|------------|---------|-------------------|
| Int Pointing of Firearm | Yes | | |



Attachments

| Date Attached | Attachment Description | Attachment Type |
|---------------|------------------------------|-----------------|
| 4/10/2016 | BCV | |
| 4/11/2016 | Officer Yinger Arrest Report | pdf |
| 4/11/2016 | Officer Winters Additional | pdf |
| 4/11/2016 | Office Chimienti Additional | pdf |
| 4/11/2016 | Citation | pdf |
| 4/11/2016 | CAD Report | pdf |
| 4/11/2016 | Ames Report | pdf |
| 4/11/2016 | IA Additional | doc |

Chain of Command History

| Sent Dt | From | To | CC | Approved |
|-----------|------------------------|---------------------------|---|--------------------------|
| 4/10/2016 | Sergeant Richard Meyer | Lieutenant Matthew Cowles | Lieutenant Steven Braun, Sergeant Michael Carr, Sergeant David Staben | <input type="checkbox"/> |

Sender's Instructions: Sir, The attached UOF for your review is a draw and direct. Involving officers Yinger and Ames Thanks Rich

Recipient's Comments/Response: Sgt. Meyer, Please note that the attached reports are reference to a hit and run investigation, and not the person with the weapon call that the UoF pertains to. (it looks like you mixed the draw and direct incident with the lvl 1 neck restraint incident.) Your incident analysis is also for the hit and run call. At your earliest convenience, please attach the pertinent reports and return. The body camera footage is the right footage. Thank you, Mtt

| | | | | |
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| 4/11/2016 | Lieutenant Matthew Cowles | Sergeant Richard Meyer | (none) | <input checked="" type="checkbox"/> |
|-----------|---------------------------|------------------------|--------|-------------------------------------|

Sender's Instructions: Please see comments.

Recipient's Comments/Response: Sir, Adjustments made! Thanks Rich

| | | | | |
|-----------|------------------------|---------------------------|---|-------------------------------------|
| 4/11/2016 | Sergeant Richard Meyer | Lieutenant Matthew Cowles | Lieutenant Steven Braun, Sergeant Michael Carr, Sergeant David Staben | <input checked="" type="checkbox"/> |
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Sender's Instructions: Sir, Pease find the attached version of the corrected UOF for your review. Thanks Rich

Recipient's Comments/Response: In reference to the attached documents pertaining to the use of force, (pointing in on target with firearms) by Ofc. Yinger and Ofc. Ames: This Use of Force is within Policy. M Cowles 04/12/16

| | | | | |
|-----------|---------------------------|----------------------|--------|-------------------------------------|
| 4/12/2016 | Lieutenant Matthew Cowles | Captain Daniel Torok | (none) | <input checked="" type="checkbox"/> |
|-----------|---------------------------|----------------------|--------|-------------------------------------|

Sender's Instructions: Captain, Attached are documents reference a use of force (pointing in on target with firearms) by Ofc.Yinger and Ofc. Ames for your review. Please let me know if you have any questions. Very Respectfully, Matt

Recipient's Comments/Response: I concur that the use of force, pointing of firearm, by both Officers is consistent with policy.

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| 4/18/2016 | Captain D aniel Torok | Asst Chief Craig Meidl | (none) | <input checked="" type="checkbox"/> |
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Sender's Instructions: for review

Recipient's Comments/Response: Compliant with policy.

Entering Officer Signature Line

Sergeant Richard Meyer

Chain of Command Signature Lines

Lieutenant Matthew Cowles

Sergeant Richard Meyer

Captain Daniel Torok

Asst Chief Craig Meidl



Spokane Police Department
Internal Affairs



Use of Force
Additional

Incident #: #SP160113219

Date: 04/01/16

Involved Officer(s) BWC Y: B. Yinger # 698

Reviewing Supervisor: R. Meyer #607 / L288

Incident Summary: Ofc.'s Yinger and Ames' were working a two officer car when they were dispatched to a domestic violence call. They separated on their approach to the house. Police dispatch advised them that prior to their arrival other callers reported hearing a shot fired from the vicinity. As they approached they observed a male walk out the side door holding a shiny object in his hand. Ofc. Ames was in a position to see that it was a handgun. He used a draw and direct technique and alerted his partner of the gun. Ofc. Yinger drew his service weapon as well and pointed in at the subject who was currently not following verbal commands by Ofc. Ames. After a short while the male dropped the gun but hesitantly followed commands to get on the ground. He was taken into custody shortly afterwards without incident.

Officer Interview Summary: Ofc. Ames stated that he used a draw and direct technique upon seeing the gun in the hand of the subject coming out of the house. Ofc. Yinger stated that he wasn't able to see the gun clearly he heard his partner give a verbal warning of the gun. He then used a draw and direct technique as well.

Subject Interview Summary:

He is a summary of Lt Cowles interview with suspect:

I was onscene at the incident. Subject Steven Cavitt (06/18/96) was detained in a patrol vehicle and was, at the time willing to talk to me. I took the opportunity to interview him reference the use of force (pointing in of firearm).

Cavitt was detained in handcuffs in the back of Ofc. Ames and Ofc. Yinger's patrol car. I asked Cavitt if he was aware that officers had pointed their firearms at him. He told me that he hadn't seen the officers point their guns at him. I asked him since he was carrying a loaded revolver and had just fired a round in the air if it was reasonable that officer pointed their guns at him. He told me, "Yes," it was reasonable.

Cavitt then began talking about how much stress he was under because of issues in his family, and his life choices. I was unable to get him to answer any questions about the officer's actions as he was very focused on his own situation.

Cavitt had pre-existing injuries to his hand prior to officer's arrival. These minor cuts (scrapes) to his hands were photographed by Cpl. Busch.

M. Cowles #604
04/01/16

Witness Interview Summary: None

Witness Officer Interview Summary BWC Y/N: Both Officers were involved in using a draw and direct technique.

Any Relevant Clarifying Information and Observations:

Sergeant Findings: Based on the subjects actions of coming outside with a handgun in his possession and clearly in his hand this could have easily posed Aggravated Assaultive/Life Threatening incident (**Non-compliance perceived as, or resulting in an actual assault on an individual or Officer. The scope and severity of the attack would likely result in serious bodily injury or death**).

The draw and direct techniques was in accordance with Department policy and training (**Draw and Direct – the purposeful display of a force OC, Baton, TASER, Firearm and directing a person to comply with commands through the presence of the force option**).

Sergeant R.Meyer #607/ L288 /S/
Graveyard patrol Sergeant Team 16

Incident History for: #SP160113219

Entered 03/31/16 21:21:15 BY 91120 911195
Dispatched 03/31/16 21:23:54 BY PCC01 1210
Enroute 03/31/16 21:23:54
Onscene 03/31/16 21:27:39
Closed 03/31/16 23:07:51

Initial Type: DV Final Type: DV (DOMESTIC VIOLENCE)
Initial Priority: 2 Final Priority: 2
Disposition: 1E Source: 9 Primary Unit: A440
Police BLK: SPB4MI
Group: P4 Beat: Map Page: 40
Loc: #1d ,SPK btwn N FREYA ST & N REBECCA ST <2900> (V)
Loc Info: 2 HOUSES JWO
Name: #1a #1b Addr: SAME Phone: #1d

/212115 (911195) ENTRY COMP NOT ANSWERING QUESTIONS, ARGUING WITH SON
/212115 \$FCSEND ,Incident data pushed to folder
/212116 (*****) \$FCACK ,Processed Successfully
/212148 (1210) HOLD
/212233 (911195) SUPP TXT: NO ASLT, NO WEAPONS. SON IS LOCKED OUTSID
E, COMP IS IN LIVING ROOM. CAN S TILL HEAR SON
YELLING.
/212323 SUPP TXT: SON: CAVITT,STEVEN A 061896
/212354 (1210) DISPER A440 #637 AMES, AARON
#698 YINGER, BENJAMIN
/212415 REMINQ A440 WANT,A440,,,,,,CAVITT,STEVEN,A,1996,06,18,,,,
,,,,
/212506 (911195) CHANGE NAM: #1a --> #1a #1b ,
TXT: COMPS DAUGHTER CRYING AND SCREAMING IN BG
/212530 (1210) REMINQ A440 WANT,A440,,,,,,#1a #1b ,,,,,
,,,,0
/212542 (911195) SUPP TXT: DAUGHTER: #2d
/212627 SUPP TXT: STEVEN IS THROWING ROCKS AT THE HOUSE. ST
EVEN: B/M, 602/175, BRO HAIR, BLU JACKET, SHOR
TS.
/212517? (911181) SUPP LOC: #1d ,SPK,
NAM: KAYLA,
PHO: 5092423511,
TXT: 2 AGO. ACROSS THE STREET. MALE WALKED UP
TO VEH AND SAW FLASH AND HEARD A GUN SHOT. VEH
DROVE OFF, UNK W HERE MALE WENT
/212658 (911195) SUPP TXT: STEVEN'S VEH: PRIMER 67 FORD GALAXY. HASN
T GOTTEN INTO THE VEH.
/212710 (911181) SUPP TXT: MY COMP BELIEVES IT WAS A GUN SHOT.
/212711 (911195) SUPP TXT: ###
/212739 (1210) ONSCNE A440
/212740 (1103) *ASSTER X446 [#1d ,SPK]
#1103 WINTERS, TREVOR
/212740 (911181) SUPP TXT: PEOPLE OUTSIDE YELLING VEH:LIGHT COLORED
/212741 (1068) *ASSTER A444 [#1d ,SPK]
#1068 CHIMIENTI, SAMUEL
/212742 (1210) ASSTER P317 #625 BUSCH, KEVIN
/212750 MISC A440 ,PEOPLE OS YELLING OUTSIDE
/212802 MISC A440 ,VEH STILL HERE, FACING EB
/212843 REMINQ A440 LIC,A440,AVV6127,,,,

/230526
/230751
/230751

*REMIQ A440 MWANT,,,,,,,,,,,,, [REDACTED] #4b ,,,,,,,,,,
*CLEAR A440 DSP: 1E
CLOSE A440

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

| | | | | | |
|--|---|---|---|---|------------------------------------|
| AGENCY NAME/SUBSTATION SPD | | EVIDENCE NUMBER | | INCIDENT NUMBER 16-113219 | |
| INCIDENT TYPE Arrest, DV # Juv Present(1), Domestic Violence, Gang, Gun Involved | | INCIDENT CLASSIFICATION #1 MALICIOUS MISCHIEF | | ATTEMPTED <input type="checkbox"/> | |
| | | INCIDENT CLASSIFICATION #2 DOMESTIC DSPT-FMLY | | ATTEMPTED <input type="checkbox"/> | |
| | | INCIDENT CLASSIFICATION #3 WPN-DISCHARGE | | ATTEMPTED <input type="checkbox"/> | |
| | | INCIDENT CLASSIFICATION #4 WPN-UNLAW POSS | | ATTEMPTED <input type="checkbox"/> | |
| RESPONDING TO (Officer Assault) | | | | ASSIGNMENT (Officer Assault) | |
| REPORTED ON Thu 03/31/2016 21:21 | DATE/TIME | OCURRED ON Thu 03/31/2016 21:21 | DATE/TIME | OCURRED TO Thu 03/31/2016 21:29 | DISTRICT |
| DISPATCH TIME | ARRIVED TIME | CLEARED TIME | REPORT DATE 04/01/2016 | REPORT TIME 02:53 | EST. TOTAL PROPERTY LOSS |
| PRIMARY CHARGE M-10.12.020(A)(1) MALICIOUS MISCHIEF (PROPERTY) DV | | | | | UCR/NIBRS CODE 290 / 290 |
| ADDITIONAL CHARGES 9.41.240 POSSESSION OF A PISTOL BY A PERSON 18-21, 9.41.230G FIREARM/WEAPON(AIM/DISCHARGE) | | | | | |
| LOCATION OF INCIDENT #2 | | | LOCATION NAME (IF APPLICABLE) | | |
| SOLVABILITY FACTORS Suspect Arrested, Useful Physical Evidence, Witness to Crime | | | | | |
| RELATED INCIDENT NUMBERS | | | | | INCIDENT XREF |
| ADDITIONAL REPORTING OFFICERS Ames, Winters, Chimienti, Buchmann | | | | | |
| VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim-Individual, A-Arrested Person, VB-Victim-Business, MA-Missing, MR-Person Mentioned, RO-Registered Owner, V-Deceased, PS-Passenger, PE-Pedestrian, PC-Pedestrian-Cyclist, O-Other, C-Complainant, IJ-Institutional, G-Legal Guardian, D-Driver, W-Witness, CV-Complainant Victim, COA-Contact, RU-Runaway, OW-Owner of Property</small> | | | | | |
| CODE CV-1 | NAME: LAST, FIRST, MIDDLE #1a | | | SEX F | RACE/ETHNICITY B-Black |
| | | | | DATE OF BIRTH/AGE #1b | |
| HEIGHT 5'01" | WEIGHT 150 | BUILD Medium | HAIR Black | EYES BRO - Brown | DESCRIPTORS |
| CONFIDENTIALITY <input type="checkbox"/> | ADDRESS: STREET, CITY STATE ZIP #1d | | | RESIDENTIAL STATUS | PHONE |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS | | | | OCCUPATION | EMPLOYER PHONE |
| ADDITIONAL PHONES (Cell) #1c | | | | | |
| DRIVER'S LICENSE <input type="checkbox"/> FAKE | | STATE | SOCIAL SECURITY NO. <input type="checkbox"/> FAKE | | OTHER ID |
| #4b | | | #4a | | |
| RELATIONSHIP TO SUSPECT Victim was Mother | | | VICTIM OF Offns. # M-10.12.020(A)(1) MALICIOUS MISCHIEF (PROPERTY) DV | | OFNDR. # A-1 |
| CODE w-1 | NAME: LAST, FIRST, MIDDLE McCabe, Vicki L | | | SEX F | RACE/ETHNICITY W-White |
| | | | | DATE OF BIRTH/AGE 12/20/1955 60 | |
| HEIGHT 5'01" | WEIGHT 230 | BUILD Heavy | HAIR Gray or Partially | EYES HAZ - Hazel | DESCRIPTORS |
| CONFIDENTIALITY <input type="checkbox"/> | ADDRESS: STREET, CITY STATE ZIP 1708 E Bismark, Spokane, WA 99208 | | | RESIDENTIAL STATUS | PHONE 483-2775 |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS | | | | OCCUPATION | EMPLOYER PHONE |
| ADDITIONAL PHONES (Home) 483-2775 | | | | | |
| ID NO./NAME OF REPORTING OFFICER #698 - Yinger, Benjamin | | | | DISTRIBUTION Gang Unit | |
| APPROVAL #1096 - Olson, Rex | | DATE/TIME 04/01/2016 06:50 | | | |

Incident Report #1

04/01/2016 06:53:28.944

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

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|---|---|--|--|---|---------------------------------------|
| INCIDENT CLASSIFICATION MALICIOUS MISCHIEF | | | | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 16-113219 |
| DRIVER'S LICENSE #4b | <input type="checkbox"/> FAKE STATE | SOCIAL SECURITY NO. #4b | <input type="checkbox"/> FAKE | OTHER ID | |
| | | | | | |
| CODE A-1 | NAME: LAST, FIRST, MIDDLE Cavitt, Steven Avenell III | | | SEX M | RACE/ETHNICITY B-Black |
| DATE OF BIRTH/AGE 06/18/1996 19 | | HEIGHT 6'02" | WEIGHT 175 | BUILD Medium | HAIR Black |
| EYES BRO - Brown | | DESCRIPTORS | | | |
| CONFIDENTIALITY <input type="checkbox"/> | ADDRESS: STREET, CITY STATE ZIP 6423 N Lynnwood Street, Spokane, WA 99208 | | | RESIDENTIAL STATUS | PHONE |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS | | | OCCUPATION | EMPLOYER PHONE | |
| ADDITIONAL ADDRESSES #1d Spokane, WA 99217 | | | | ADDRESS TYPE Parent or Guardians | |
| ADDITIONAL PHONES (Cell) (509) 319-8448 | | | | | |
| CHARGE LEVEL Gross Misdemeanor | | DESCRIPTION M-10.12.020(A)(1) MALICIOUS MISCHIEF (PROPERTY) DV | | | UCR/NCIC CODE 290/290 |
| WARRANT # | BAIL | TYPE OF ARREST Taken Into Custody | | MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/> | |
| CHARGE LEVEL Misdemeanor | | DESCRIPTION 9.41.240 POSSESSION OF A PISTOL BY A PERSON 18-21 | | | UCR/NCIC CODE |
| WARRANT # | BAIL | TYPE OF ARREST Taken Into Custody | | MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/> | |
| CHARGE LEVEL Gross Misdemeanor | | DESCRIPTION 9.41.230G FIREARM/WEAPON(AIM/DISCHARGE) | | | UCR/NCIC CODE /520 |
| WARRANT # | BAIL | TYPE OF ARREST Taken Into Custody | | MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/> | |
| CITATION # 6Z0231597 | DATE 03/31/2016 | TIME 21:21 | BOOKED WHERE Spokane County Jail | | DATE 03/31/2016 |
| ARREST LOCATION #1d | | | STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN | CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED | SUSPECT ARMED WITH Revolver |
| JUV PAR/GRD Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | NAME/RELATIONSHIP OF PERSON NOTIFIED | | DATE & TIME NOTIFIED | NOTIFIED BY | DISPOSITION OF JUVENILE |
| DRIVER'S LICENSE #4b | <input type="checkbox"/> FAKE STATE | SOCIAL SECURITY NO. #4b | <input type="checkbox"/> FAKE | OTHER ID | |

INCIDENT REPORT CONTINUED
Spokane Police/Spokane County Sheriff

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|--|---|--|--|--|-------------------------------------|--|----------------------------------|-------------------------------|
| INCIDENT CLASSIFICATION MALICIOUS MISCHIEF | | | | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 16-113219 | | | |
| VEHICLES | | | | | | | | |
| CODI V-1 | CIRCUMSTANCES <i>Investigative Information</i> | | | LICENSE NO. AVV6127 | STATE WA | LIC. YEAR 07/2016 | LICENSE TYPE Regular | VIN/HIN 7P56H114123 |
| YEAR 1967 | MAKE Ford | MODEL Galaxie | BODY STYLE 02: Sedan, 4 Door | | TOP/FRONT/ONLY COLOR Gray | | BOTTOM/REAR COLOR Gray | |
| SPECIAL FEATURES/DESCRIPTION primer gray paint job | | | | | | | | |
| DECAL NUMBER | | REGISTERED OWNER Cavitt, Steven Avenell III | | | | | 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 6423 N Lynnwood Street, Spokane, WA 99208 | | | | | 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 3-31-16 at 2123 hrs, Ofc Ames and I (two officer unit) were dispatched to #1d for a DV call. #1a (#1b) called at 2121 hrs. She stated she was arguing with her son and she had him locked outside. She identified her son as Steven A Cavitt (061896). 911 could hear Cavitt yelling in the background. #1a 13 year old daughter could be heard crying and screaming in the background. At 2126 hrs, #1a advised Cavitt was throwing rocks at the house.

While en route, Ofc Ames and I looked at Cavitt's SPRS photo on our computer.

Upon arrival, we parked about one block west of the residence on Cleveland. As we were getting out of our patrol car, Dispatch advised a neighbor from across the street saw a flash and heard a gunshot, and a vehicle drove off. Dispatch advised Cavitt's vehicle was described as a primer gray 1967 Ford Galaxie.

Ofc Ames and I started walking towards the address and we could hear a male and female voices yelling and screaming outside the address. I saw the dark silhouette of a figure move from the sidewalk towards the house. A female voice was attempting to calm down the male. The male voice was swearing and yelling and sounded extremely agitated. We could also see the primer gray Ford Galaxie parked on the north side of the street in front of the residence with the lights on and engine running. The vehicle was facing E/B.

Ofc Ames and I approached closer to the address and to the Ford Galaxie. I was walking in the street and approaching along a row of vehicles parked behind the Ford Galaxie. I could see the vehicle was unoccupied. We could not yet see into the front yard of the residence where all of the yelling was coming from due to a row of very tall bushes.

A moment later, a male I recognized from his SPRS photo as Cavitt walked into my view. He was walking through the front yard gate towards the driver's door of the Ford Galaxie. I was standing in the street at the back of his Galaxie. Ofc Ames was on or near the sidewalk just to the west of Cavitt. I shined my flashlight on Cavitt and told him to show us his hands. I was about 10 feet away from Cavitt. I then heard Ofc Ames yell that Cavitt had a gun in his hand. Cavitt was standing at the

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 4

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| INCIDENT CLASSIFICATION MALICIOUS MISCHIEF | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 16-113219 |
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driver's side of his vehicle and I could not see either of his hands. I quickly backed up as I was drawing my firearm and I got behind the front of the vehicle parked just to the west of the Ford Galaxie. I was only about 12-15 feet away from Cavitt now. I yelled at him "Drop it! Drop it!" I could not see his hands because they were obstructed from my view by his vehicle. Cavitt did not immediately drop the gun and appeared to be ignoring our verbal commands. I was pointed in at him and preparing to shoot if necessary, however I could see people in the background behind where Cavitt was standing. I could see Cavitt's grandmother moving around in the front yard about 15 yards away and I could see his mother and sister standing on the front porch of the house about 25 yards away.

Cavitt half turned to his right and slightly bent down. I heard something heavy and metallic clatter to the concrete sidewalk. Ofc Ames directed Cavitt to take several steps forward. Cavitt took several steps forward. We told him several times to get down on the ground. Cavitt got down on both knees on the sidewalk and put his hands on top of his head. Ofc Ames and I told him at least 5 times to get all the way down on the ground on his stomach. Cavitt refused and said he was not going to get down. I was concerned he could easily lunge for his firearm he dropped on the sidewalk about 10 feet behind him, that he could get up and run towards the house where the victims were, or that he could attempt to get inside his running vehicle next to him and flee. His grandmother was yelling at us and attempting to walk closer to us from the front yard. I yelled several times for her and for Cavitt's mother to stay back and to get inside the house for their own safety, but they refused to go inside.

Ofc Ames asked Cavitt why he was not doing what we asked him to do. Cavitt finally got down on his stomach and placed his hands behind his back. Ofc Ames and I moved in and Ofc Ames prone handcuffed Cavitt.

I looked at the firearm on the sidewalk and saw it was a large silver colored revolver with wooden handles.

Cavitt's grandmother, Vicki L McCabe (122055), walked out towards us on the sidewalk as Ofc Ames was searching Cavitt. She was walking right towards where the gun was laying on the sidewalk. I ran over and stopped her from approaching the gun and from approaching Ofc Ames and Cavitt.

I contacted McCabe. More officers arrived on scene to contact #1a and other witnesses.

McCabe told me the following: Cavitt is her grandson and she helped raise him while #1a was in prison. #1a is her daughter. She said Cavitt has been going through tough relationship problems and recently lost his job.

McCabe said #1a had just called her tonight and told her Cavitt was "going crazy" and "acting stupid." #1a was telling Cavitt to get out of the house. McCabe immediately drove to the house. She saw Cavitt walking in the driveway. He was very angry because #1a had locked him out of the house and he wanted to move the rest of his things out. Cavitt was yelling and he called McCabe a "bitch". She said he was very escalated and he called everyone names. She said he had a cell phone that #1a wanted back from him. She said Cavitt threw the phone down on the ground.

I told McCabe we got reports that Cavitt was throwing rocks at the house and that he fired a

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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| INCIDENT CLASSIFICATION MALICIOUS MISCHIEF | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 16-113219 |
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shot. McCabe said she did not see Cavitt throwing rocks at the house or fire a shot in the time that she had arrived at the house. She said she never saw Cavitt holding a gun. She did not see Cavitt assault anybody.

McCabe told me that Cavitt has been depressed lately. He got his girlfriend pregnant but now she broke up with him. He somehow lost his job and he was upset that his mother was telling him to get his act together.

I saw a suitcase and some shoes in the back seat of the Ford Galaxie that looked like they had been hastily placed inside the vehicle. One of the shoes was laying on the ground outside the driver's door.

Cpl Busch arrived and took photos of the gun on the sidewalk. I saw it was a Smith & Wesson .357 magnum revolver. Ofc Ames made the gun safe and unloaded it. The gun holds 6 rounds in the cylinder. We could see it was fully loaded with 6 rounds. We observed one round had a dimple on the primer like it had been fired. Ofc Ames unloaded the gun and made it safe. We observed the one round with the dimpled primer had been fired. The other 5 rounds had not been fired. We collected the gun, the fired/spent casing, and the 5 live rounds for evidence.

We conferred with the other officers on scene and developed PC to arrest Cavitt for City Malicious Mischief DV for causing damage to the house and cell phone. We developed PC to arrest Cavitt for Discharging a Firearm and for Possession of a Pistol by a Minor.

We transported Cavitt to jail and he was booked on the above charges.

We placed the gun, spent shell casing, and 5 live rounds on property for evidence.

See the other involved officers' reports.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. I WAS EQUIPPED WITH A BODY CAMERA, AND IT WAS ACTIVE DURING THIS INCIDENT.

Ofc B. Yinger 698

SUPPLEMENTAL REPORT
Spokane Police/Spokane County Sheriff

| | | | | |
|--|--|---|---|----------------------------------|
| AGENCY NAME/SUBSTATION SPD | | EVIDENCE NUMBER | INCIDENT NUMBER 16-113219 | |
| REPORT PURPOSE | | | REPORTED ON DATE Thu 03/31/2016 21:21 | INCIDENT XREF |
| INCIDENT CLASSIFICATION #1 WPN-DISCHARGE | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #2 MALICIOUS MISCHIEF | 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 04/01/2016 | REPORT TIME 04:07 |
| PRIMARY CHARGE | | | | UCR/NIBRS CODE |
| VICTIM/WITNESSES/OTHERS | | | | |
| <small>S-Suspect, V-Victim - Individual, A-Arrested Person, VB-Victim - Business, M-Missing, MR-Person Mentioned, RD-Registered Owner, V-Deceased, PS-Passenger, PE-Pedestrian, PC-Pedestrian - Cyclist, O-Other, C-Complainant, IF-Institutional, G-Legal Guardian, D-Driver, W-Witness, CV-Complainant is Victim, CCW-Courtier, RU-Runaway, OW-Owner of Property</small> | | | | |
| CODE W-1 | NAME: LAST, FIRST, MIDDLE #2d | | SEX F | RACE/ETHNICITY B-Black |
| HEIGHT | WEIGHT | BUILD | HAIR | DATE OF BIRTH/AGE #2d |
| CONFIDENTIALITY <input type="checkbox"/> | ADDRESS: STREET, CITY STATE ZIP #2d | | DESCRIPTORS | RESIDENTIAL STATUS |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS | | | OCCUPATION | PHONE |
| ADDITIONAL PHONES (Cell) #2d | | | | |

NARRATIVE

On 033116 at 2121 hours I responded to #1d to assist Ofc. Ames and Ofc. Yinger regarding a possible DV assault. Several complainant reported a male firing a shot from a gun as Officers were arriving. Ofc. Ames and Ofc. Yinger contacted a male outside of the residence who was armed with a handgun and he was taken into custody. I arrived on scene and contacted a female at the residence who identified herself as #2d.

#2d told me she was the younger sister of Stevie Cavitt, the male detained by Ofc. Ames and Yinger. #2d told me she was in her room when she heard Cavitt and her mother arguing in the living room. #2d stated Cavitt was upset because their mother was telling him he needed to get a job and "stop running the streets" because he was going to be having a baby. #2d stated Cavitt became upset so their mother told him to leave but told him to leave his phone.

#2d stated she came out of her room to attempt to calm Cavitt down and when she touched his arms he shoved her away. #2d stated Cavitt was being very ugly and calling her and her mother "bitches." #2d told me she went back to her room while Cavitt and her mother continued to argue.

#2d stated she heard Cavitt leave the residence though the front door so again she came out of her room. She could still hear Cavitt outside of the residence yelling. #2d stated Cavitt began throwing rocks at the residence and pounding on the door. #2d stated she did not hear any loud banging or popping sounds after Cavitt left but she did say she is hard of hearing. #2d told me she did not see any physical contact between Cavitt and her mother but added she was in her room

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| ID NO./NAME OF REPORTING OFFICER #1103 - Winters, Trevor | DISTRIBUTION Gang Unit |
| APPROVAL #463 - Denton, Joseph | DATE/TIME 04/01/2016 06:48 |

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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| INCIDENT CLASSIFICATION WPN-DISCHARGE | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 16-113219 |
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for most of the arguing.

I contacted Ofc. Yinger and advised him of **#2d** statement.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. I WAS EQUIPPED WITH A BODY CAMERA, AND IT WAS ACTIVE DURING THIS INCIDENT.

T. Winters #1103/ A446

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

| | | | | |
|---|---------------------------------------|---|---|-----------------------------|
| AGENCY NAME/SUBSTATION SPD | | EVIDENCE NUMBER | INCIDENT NUMBER 16-113219 | |
| REPORT PURPOSE | | | REPORTED ON DATE Thu 03/31/2016 | TIME 21:21 |
| INCIDENT CLASSIFICATION #1 MALICIOUS MISCHIEF | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #2 DOMESTIC DSPT-FMLY | ATTEMPTED <input type="checkbox"/> | |
| INCIDENT CLASSIFICATION #3 WPN-DISCHARGE | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #4 WPN-UNLAW POSS | ATTEMPTED <input type="checkbox"/> | |
| DISPATCH TIME | ARRIVED TIME | CLEARED TIME | REPORT DATE 04/01/2016 | REPORT TIME 04:08 |
| PRIMARY CHARGE | | | | UCR/NIBRS CODE |
| NARRATIVE | | | | |

On 03/31/16 at approximately 2123 hours I responded to [redacted #1d] Spokane, Wa to investigate a reported domestic violence incident. The caller, [redacted #1a], reported she was arguing with her son, she locked him out of the house, and he was throwing rocks at the house. [redacted #1a] identified her son as Steven Cavitt.

While enroute, a second caller reported they saw a male approach a vehicle, they saw a flash, and heard a gun shot.

Ofc Ames and Yinger had arrived on scene, contacted a male, later identified as Steven Cavitt, who was armed with a gun. They advised they had detained the male.

Upon my arrival, I contacted [redacted #1a]. [redacted #1a] reported to me that she has been trying to help Steven get his life straight because he got a girl pregnant. She mentioned trying to assist him in filling out a resume because he was trying to get a job. He refused to give her any information. So tonight, she got on his Snapchat and saw that he was partying a lot. She sent him a message to come to her house and bring his phone because she pays the phone bill for him and if he was not going to try and get a job, she was going to take his phone away from him.

[redacted #1a] then told me Steven arrived to her house and was "talking shit!" And "he called me a bitch!" [redacted #1a] then told me that she slapped him across the face because she was not going to tolerate any disrespect. After she slapped Steven across the face, Steven pushed her.

After Steven pushed her he gathered some of his clothes in a suit case. He was walking in and out of house getting his belongings, because he has been staying between [redacted #1a] house and his girlfriend's house. He continued acting out while he was in and out of the house, so [redacted #1a] told me she confronted him again and would not let him back in the house because the way he was acting. [redacted #1a] told me she shut and locked the door on him.

Steven then threw his phone down on the concrete walkway saying, if I can't have it, you can't have it either.

[redacted #1a] continued to tell me, Steven continued to yell while he was standing on the porch. He was

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| ID NO./NAME OF REPORTING OFFICER #1068 - Chimienti, Sam | DISTRIBUTION Gang Unit | |
| APPROVAL #463 - Denton, Joseph | DATE/TIME 04/01/2016 06:46 | |

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

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| INCIDENT CLASSIFICATION MALICIOUS MISCHIEF | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 16-113219 |
|--|---------------------------------------|-------------------------------------|

yelling that he wanted his shoes, so she had her daughter **#2d**, get the shoes. Steven continued to yell and started hitting the screen door and threw a rock at the window. She told me Steven also, threw his phone down on the ground causing it to break.

#1a told me she then called her mom and then the police. She said that her mom arrived on scene first and then Steven was contacted by the police.

#1a did not know that Steven had a gun and denied hearing a gun shot. She said the only thing she heard was the banging on the door and the window breaking.

After speaking with **#1a**, I examined the screen door and the window. I could see a large hole in the window. I could also see two distinct holes in the metal screen door. It should be noted that Steven's hands were freshly cut and showed to have blood on them.

The replacement cost of the front window is approximately \$300 and the replacement cost of the metal screen door is approximately \$100.

See Officer Ames, Yinger, and other officer's 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 S. Chimienti #1068
Team 16 / A444

Supplemental Report #1

END OF ADDITIONAL REPORT

04/01/2016 06:53:02 012

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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|---|---------------------------------------|---|---|-----------------------------|
| AGENCY NAME/SUBSTATION SPD | | EVIDENCE NUMBER | INCIDENT NUMBER 16-113219 | |
| REPORT PURPOSE | | | REPORTED ON DATE Thu 03/31/2016 | TIME 21:21 |
| INCIDENT CLASSIFICATION #1 MALICIOUS MISCHIEF | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #2 DOMESTIC DSPT-FMLY | ATTEMPTED <input type="checkbox"/> | |
| INCIDENT CLASSIFICATION #3 WPN-DISCHARGE | ATTEMPTED <input type="checkbox"/> | INCIDENT CLASSIFICATION #4 WPN-UNLAW POSS | ATTEMPTED <input type="checkbox"/> | |
| DISPATCH TIME | ARRIVED TIME | CLEARED TIME | REPORT DATE 04/01/2016 | REPORT TIME 03:02 |
| PRIMARY CHARGE | | | | UCR/NIBRS CODE |
| NARRATIVE | | | | |

On 03/31/16 around 2123 hours Ofc. B. Yinger and I were working as a two-officer patrol unit, and dispatched to #1d reference the report of a DV incident occurring at the location. #1a (#1b) was calling in to Police from the residence, advising that she was arguing with her son Steven A. Cavitt (061896).

#1a stated there had been no assault between she and Cavitt, however she admitted to locking him out of the house because he was being disorderly. #1a confirmed Cavitt was currently outside screaming / cursing at her, and was kicking the door and throwing rocks at the house.

As Ofc. Yinger and I were only a few blocks away from the location, dispatch received a call from a neighbor who lives across the street at #1d. The neighbor was later identified as Kayla M. Hammack (041388), and she was also calling in to the Police regarding the disturbance occurring out in front of #1d.

Hammack explained that she could hear a male screaming and yelling out in front of the #1d address, and eventually she saw a bright flash and the sound of what she believed was a gunshot. It should be noted dispatch eventually received two other / more neighbors calling in to Police, who also reported hearing arguing and gunshots.

Ofc. Yinger and I then arrived on scene, and parked west of the residence approximately a block away. As Ofc. Yinger and I exited our patrol vehicle, we could hear the sound of a loud male screaming / cursing at someone out in front of the #1d address.

Ofc. Yinger and I could see there was a vehicle parked / running and facing E/B out on the street in front of the location, but we could not initially tell if was occupied. As Ofc. Yinger and I continued approaching the location on foot, we could hear that the screaming / cursing sounds appeared to be escalating out in front of the residence.

I could hear a male subject yelling profanities at a female, and I heard him specifically scream "fuck that bitch." It should be noted there is a large bank of very tall bushes on the west side of the #1d address, and we were unable to see anything and / or anyone in the yard as we approached.

Ofc. Yinger and I quickly confirmed that the vehicle parked / running out on the street was unoccupied, and I ran the license plate (WA - AVV6127) which was later shown to be owned by Cavitt. Ofc. Yinger and I had observed a SPRS photograph of Cavitt while en route to the location.

I then observed Cavitt walk out on to the sidewalk in front of the #1d address, and I immediately noticed he was carrying a silver colored revolver handgun in his right hand. Ofc. Yinger was yelling at Cavitt to show his hands, and I watched as Cavitt initially attempted to hide the

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| ID NO./NAME OF REPORTING OFFICER #637 - Ames, Aaron | DISTRIBUTION ATF, Gang Unit |
| APPROVAL | DATE/TIME |

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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gun behind his body.

There had been reports of gunshots heard, and now Ofc. Yinger and I were confronted by Cavitt holding a gun. The situation was extremely tense, very uncertain, and quite rapidly evolving. Due to the totality of the circumstances and the fact that Cavitt appeared to be trying to hide the gun, I became very concerned for the imminent threat to my safety and the safety of Ofc. Yinger.

Ofc. Yinger and I were both approximately 10 to 15 feet from Cavitt when he first emerged out on the sidewalk, and he was walking towards us while holding the handgun. I immediately yelled to Ofc. Yinger that Cavitt had a gun in his hand, as I quickly removed my handgun from the holster and brought it to a low ready position towards Cavitt.

Cavitt was ordered to "drop the gun," however he did not instantaneously drop the gun. I began bringing my handgun closer up on target to Cavitt's body due to his non-compliance, and he finally started following commands by placing the gun on the ground after a few seconds.

I began commanding Cavitt to step away from the gun, and then get down on the ground. Cavitt did take a few steps away from the handgun, and went to his knees as he was directed. I then ordered Cavitt to get on his stomach on the ground, however he started becoming non-compliant at that point and refused to go to the ground after several orders for him to get on his stomach.

Cavitt was arguing he had not done anything wrong, and blurted out "if that's how you wanna arrest me...then this is how your gonna arrest me." Cavitt claimed that he did not have any problem, and he was just there to try and get some of his property from his house.

It should be noted the entire time this was occurring, Cavitt's grandmother was trying to come out on the sidewalk and was not complying with our orders towards her to stay back. Cavitt had still refused to comply with the repeated orders for him to get on his stomach, and was only kneeling a few feet away from the gun which was still not secured.

I then asked Cavitt why he was not doing what he was being asked to do, and he claimed to have no idea what I was talking about by telling him to get on the ground. I informed Cavitt once again to get down on his stomach, and he finally went to his stomach on the ground. Cavitt then yelled out, "fuck SPD."

I told Cavitt to put his hands behind his back, and as I was placing him in handcuffs he blurted out "fuck you." I noticed Cavitt was bleeding from cuts to several of the knuckles on both of his hands, as I was placing handcuffs him and double locking the handcuffs.

I quickly pat frisked Cavitt for weapons, and then assisted him with getting up off of the ground. I walked Cavitt back to our patrol car, and asked him if he was going to jail. I informed Cavitt that I did not know what was going on at this point, and I would try and talk to him in a few minutes after I got him completely secure.

I asked Cavitt if he needed the medics to respond and check out the injuries to both of his hands, and he replied "no...fuck the medics." I sat Cavitt in the back seat of our patrol car, and read him his Constitutional Rights which he subsequently confirmed understanding.

I then asked Cavitt if he was willing to waive his rights in order to answer questions, and he eventually stated he did not want to talk further. I secured Cavitt in the back seat of our patrol car, and drove him right up to the front of the residence in order to contact Ofc. Yinger and the other officers on scene.

SUPPLEMENTAL REPORT CONTINUED

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| INCIDENT CLASSIFICATION MALICIOUS MISCHIEF | ATTEMPTED <input type="checkbox"/> | INCIDENT NUMBER 16-113219 |
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Ofc. Yinger was interviewing Cavitt's grandmother, Ofc. S. Chimienti was talking with #1a, and there were a few other officers interviewing Hammack, other neighbors, and other witnesses. I was then tasked with securing and collecting the handgun on the sidewalk, and the entire process was photographed by Cpl. K. Busch.

The handgun was a Smith & Wesson .357 magnum revolver (Serial Number 1D10461), and it should be noted that as I opened up the cylinder there was one spent casing in the top chamber. Cavitt was not showing to be a convicted felon, however he is only 19 years old and not allowed to be in possession of a handgun by law.

I then began conferring with all of the officers on scene about the incident, and the circumstances of what had occurred. It became quite apparent Cavitt fired a round from the handgun at some point during the incident due to the witness statements, and the spent casing in the gun.

Lt. M. Cowles expressed great concern for the safety of any / all citizens in the area due to the fact that the gun had been fired, and we did not have any obvious signs of a victim / where the bullet was discharged. Lt. Cowles was worried that there could very possibly be a situation where an innocent bystander in the area could have been struck with that un-accounted for round.

Lt. Cowles suggested I briefly contact Cavitt, to see if he would be willing to advise us where this round was fired in order to search for possible victims. I informed Lt. Cowles that Cavitt invoked his right to remain silent, however his position about asking Cavitt was not for evidentiary purposes but in the interest of public safety.

I then briefly made contact with Cavitt in the back seat of our patrol car, and he willingly admitted he fired one round from the handgun directly up into the air. Cpl. Busch also took photographs of damage done by Cavitt to the residence from the rocks, the injuries to his hands, and a broken cell phone in front of the location.

It was determined there was probable cause to arrest Cavitt for City Malicious Mischief DV, Possession of a Pistol by Persons Under 21, and Discharging a Firearm in the City Limits. Lt. Cowles was advised of the arrest / charges. Ofc. Yinger and I transported / booked Cavitt into jail accordingly, and placed the gun / bullets on to property as evidence.

See all other officers reports for further information.

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

Senior Patrol Officer A.J. Ames #637 - Spokane Police Department -
Unit A440

Date: 04/01/16 Place: Spokane, Washington Signature: /s/ Ofc. A.J.

SUPPLEMENTAL REPORT CONTINUED

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Ames #637

aames@spokanepolice.org

CRIMINAL

TRAFFIC NON-TRAFFIC LEA ORI#: WA0320400 COURT ORI #: WA032051J CITATION #: 6Z0231597 REPORT #: 160113219

IN THE DISTRICT MUNICIPAL COURT OF **SPOKANE MUNICIPAL COURT**
 STATE OF WASHINGTON COUNTY OF CITY/TOWN OF **SPOKANE** PLAINTIFF VS. NAMED DEFENDANT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. (SCANNED) **#4b** STATE **#4b** EXPIRES **06-18-21** PHOTO I.D. MATCHED YES NO NAME: LAST **CAVITT** FIRST **STEVEN** MIDDLE **AVENELL** SFX **III** CDL/CLP YES NO
 ADDRESS **6423 N. LYNWOOD STREET** IF NEW ADDRESS CITY **SPOKANE** STATE **WA** ZIP CODE **99208**

EMPLOYER **NONE**
 EMPLOYER LOCATION
 DATE OF BIRTH **06-18-96** RACE **B** SEX **M** HEIGHT **6'01"** WEIGHT **175** EYES **BRO** HAIR **BLK** RESIDENTIAL PHONE NO. CELL/PAGER PHONE NO. **(509)319-8448** WORK PHONE NO.
 VIOLATION DATE **03/31/2016 21:21** INTERPRETER NEEDED AT LOCATION **#1d** M.P. BLOCK.# CITY/COUNTY OF **SPOKANE/SPOKANE**

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

VEH LIC NO STATE EXPIRES VEH YR MAKE MODEL STYLE COLOR
 TR #1 LIC NO STATE EXPIRES TR YR TR #2 LIC NO STATE EXPIRES TR YR
 OWNER/COMPANY IF OTHER THAN DRIVER

ADDRESS CITY STATE ZIP CODE

ACCIDENT BAC COMMERCIAL VEHICLE YES NO 16+ PASS YES NO HAZMAT YES NO EXEMPT VEHICLE FIRE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

- VIOLATION/STATUTE CODE **10.12.020.A.1** D V **MALICIOUS MISCHIEF PERSONAL PROP.** VICTIM: **#1a** **#1b** **#1a** **#1c**
- VIOLATION/STATUTE CODE **9.41.240** D V **USE OF FIREARMS BY MINOR**
- VIOLATION/STATUTE CODE **9.41.230** D V **AIMING OR DISCHARGING FIREARM**
- VIOLATION/STATUTE CODE D V
- VIOLATION/STATUTE CODE D V

MANDATORY COURT APPEARANCE APPEARANCE DATE TIME RELATED # DATE ISSUED **03-31-16**

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

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

OFFICER **A. AMES** # **637**
 OFFICER #

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

See Xpediter Arrest Report...

Officer's Report for Citation/Notice of Infraction # 6Z0231597.

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

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

Signature: A. AMES #: 637

Date and Place: 3/31/2016 City/Town of Spokane, County of SPOKANE

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

