



SPOKANE POLICE DEPARTMENT

Internal Affairs Exemption Log



Number	Material Withheld	Brief Explanation of Why Material Withheld	Legal / Statutory Basis
Witness Exemptions			
#1a	<u>Name / Identity</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1b	<u>Date of birth</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1c	<u>Personal home, work or cell phone number</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1d	<u>Residential address</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1e	<u>E-mail address</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
Juvenile Information			
#2a	Names of Juveniles who are in the Juvenile court system	Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</i> , 122 Wn.App. 84, 94 (2004)

#2b	Records relating to commission of Juvenile offenses.	Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</i> , 122 Wn.App. 84, 94 (2004)
#2c	Child Victim of Sexual Assault	This redaction protects information revealing the identity (name, address, location, or photograph) of child victims of sexual assault who are under age eighteen.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
#2d	Child victims or child witnesses	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
ACCESS Database Info			
#3a	Information from WACIC/NCIC (ACCESS): <u>Criminal history information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3b	Information from WACIC/NCIC (ACCESS): <u>License Plate Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3c	Information from WACIC/NCIC (ACCESS): <u>Vehicle Registered owner information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3d	Information from WACIC/NCIC (ACCESS): <u>Wanted persons information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3e	Information from WACIC/NCIC (ACCESS):	WACIC/NCIC/III - information from ACCESS restricted to law	28 USC § 534 For criminal justice purposes only.

	<u>Officer safety information</u>	enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3f	Information from WACIC/NCIC (ACCESS): <u>Gun information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3g	Information from WACIC/NCIC (ACCESS): <u>DOL Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3h	Information from WACIC/NCIC (ACCESS): <u>Stolen Vehicle Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3i	Information from WACIC/NCIC (ACCESS): <u>Missing Persons Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3j	Information from WACIC/NCIC (ACCESS): <u>Runaways or endangered persons</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3k	WACIC/NCIC (ACCESS): <u>DOC Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
Personal Identifiers and Financial Info			
#4a	Social Security Number	This information constitutes personal identifying information unique to the holder and which, if obtained by the	RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information),

		public could be abused or lead to identity theft.	42.56.250(3)(8) (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt), 42 USC § 405(c)(2)(viii)(I) (Limits on Use and Disclosure of Social Security Numbers)
#4b	Driver's License or Identocard	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	18 USC § 2721 (Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records); RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#4c	Credit/Debit Card Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4d	Electronic Check/Check Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4e	Card Expiration Dates	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4f	Bank Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4g	Financial Institution Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
Employees Files			
#5a	Photos of Spokane Police Department or other criminal justice employees	Photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	RCW 42.56.250(8) (Employment and licensing)
#5b	Birthdates of criminal justice employees	Birthdates in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from	RCW 42.56.250(8) (Employment and licensing)

		disclosure for their safety and privacy.	
#5c	Personal Information in employee files	Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.	RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)
Criminal History			
#6a	Criminal history <u>not</u> from ACCESS- Non-Conviction Data	Criminal history which has not led to a conviction or other adverse disposition is protected by state law and only released to Criminal Justice Agencies for law enforcement purposes.	RCW 10.97 (Criminal Procedure)
Officer Safety or Intelligence			
#7a	Intelligence, sensitive security, or tactical information	Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7b	Undercover Officer identification	Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.	RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement.
#7c	ID Records revealing covert law enforcement activity	Any record pertaining to a vehicle license plate, driver's license, or identicard revealing the identity of an individual performing undercover law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.	RCW 42.56.230(7)(c) (Personal Information)
#7d	Law Enforcement Information Sheet	Contains confidential data used for law enforcement purposes. Disclosure has no legitimate value to the public and can endanger an individual's safety. Contains specific intelligence information the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7e	Confidential Informant information	Contains identifying information which could reveal the identity of a confidential informant. Considered intelligence information, used in a confidential manner for law enforcement purposes, protected to preserve the life and personal safety	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims). Ashley v. Public Disclosure Comm'n, 16 Wn.App. 830, 836 (1977).

		of the informant and family. Specific intelligence information compiled by law enforcement, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	
Photos			
#8a	Photos showing a deceased person	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8b	Photos showing highly sensitive material	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8c	Photo Montages	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
Protected by Law			
#9	Medical Records	Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person.	RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502). RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#10a	Jail records	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.	RCW 70.48.100 (Jail register)
#10b	Jail booking photos	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as	RCW 70.48.100 (Jail register)

		this information is only available to criminal justice agencies as defined in RCW 43.43.705.	
#11	Autopsies, postmortems	Reports and records of autopsies or postmortems are confidential and exempt from public disclosure, but certain officials with authority to examine and obtain copies of such reports may access.	RCW 68.50.105 (Autopsies, postmortems – Reports and records confidential)
#12	Confidential Attorney Client Communications	This redaction protects confidential communications between an attorney and his/her client.	RCW 5.60.060(2)(a) (Privileged communications) <i>Hangartner v. Seattle</i> , 151 Wn.2d 439 (2004).
#13a	<u>Name/Identity</u> of accused police officers	This redaction protects the identities of officers/employee accused of sexual misconduct in Internal Affairs Investigations and Inquiries, if the findings are not Sustained. Police officers/employees have a right to privacy in their identities in connection with unsubstantiated allegations of sexual misconduct.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011). <i>Bellevue John Does</i> , 164 Wash 2d at 212, 189 P.3d 139.
#13b	<u>Date of birth</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employees in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13c	<u>Personal work, home, or cell phone number</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13d	<u>Residential address</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13e	<u>E-mail address</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#14	Information concerning Mental Health Services	This redaction contains confidential information concerning services to either voluntary or involuntary recipients of mental health services. Such information, if disclosed, would invade an individual's privacy and possibly cause unintended consequences for that individual.	RCW 71.05.390 (Confidential information and records)



Spokane Police Department Use Of Force Report

Incident Entered By: Sergeant David Overhoff

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
4/22/2016	4/12/2016	15:52
Record ID #	Incident No	IA No
9287	16-129200	F16-037
Date/Time Entered		
4/22/2016 15:50		

Incident Summary

Officers Lyon's, Marquez, and Eckersley responded to 119 E Sinto in regards to a Parking Enforcement officer who had just been assaulted. The suspect (dad) intervened and due to his size, strength, and bodily force and refusal to de-escalate had to be taken into custody. Level 1 LNR had to be applied to complete control in cuffing in order to secure him.

In compliance with policy per Assistant Chief Meidl 06/13/16.

Incident Location

- 119 Sinto AV, Direction: E, Spokane, WA - : Central

Use of Force Specific Information

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

Reporting/Involved Citizen Information

Daly M Tom

DOB: 8/18/1996 Race: Native Ameri Gender: Male

Address

- 119 Sinto AV, Suite/Apt: #3, Direction: E, Spokane, WA

Phone

- (509) 850-6807

Charges against this citizen

- Felony - Person Crime

Marty L Tom

DOB: 8/9/1960 Race: Native Ameri Gender: Male

Address

- 119 Sinto AV, Suite/Apt: #3, Direction: E, Spokane, WA 99207

Phone

- (509) 218-0682

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

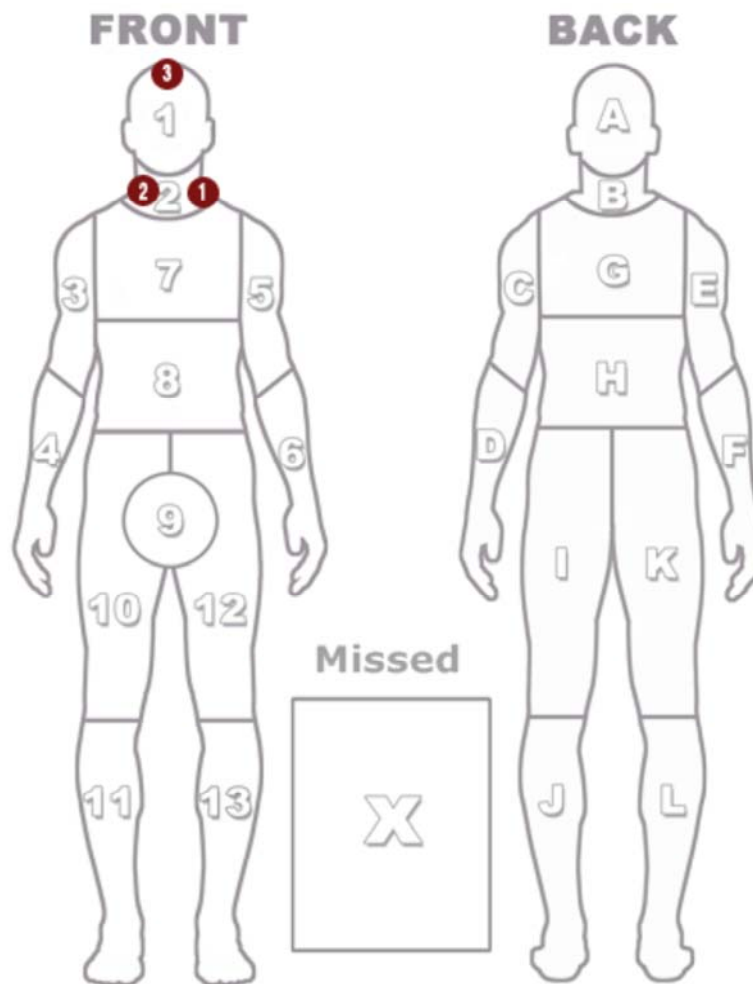
- Obstructing

Involved Officers

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

- LNR-Level 1 - Was forceeffective: Yes
- Takedown Technique - Was forceeffective: Yes

Force Used	Effective?	Regions	Points of contact
LNR-Level 1	Yes	2	1, 2
Takedown Technique	Yes	1	3



Injuries sustained by this officer

Injury	Regions	Injury Locations
No injuries noted or visible		

Officer Witnesses

Officer David Eckersley - Payroll Number: #5c

Officer Timothy Marquez - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
4/22/2016	CAD	pdf
4/22/2016	Report	pdf
4/22/2016	Additional	doc
4/22/2016	BWC video footage	

Chain of Command History

Sent Dt	From	To	CC	Approved

4/22/2016	Internal Affairs	Internal Affairs	(none)	<input type="checkbox"/>
Sender's Instructions: Please review and I was unable to add the officers because the program would not let me. A URL flash keep popping up				
Recipient's Comments/Response: Incident routing was closed out by IAPro user Ms Michelle Reiner and the incident was re-routed to Ms Michelle J Reiner [855]				
4/25/2016	Sergeant David Overhoff	Ms Michelle Reiner	(none)	<input type="checkbox"/>
Sender's Instructions: Please add the involved officer and type of force used. Thanks, Michelle				
Recipient's Comments/Response: Incident routing was closed out by IAPro user Ms Michelle Reiner and the incident was re-routed to Sergeant David M Overhoff [331]				
4/25/2016	Ms Michelle Reiner	Sergeant David Overhoff	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Please add the involved officer and the type of force used.				
Recipient's Comments/Response: [Forwarded by Sergeant David Overhoff]				
4/30/2016	Sergeant David Overhoff	Ms Michelle Reiner	(none)	<input type="checkbox"/>
Sender's Instructions: Officers have been added please review and forward				
Recipient's Comments/Response: Incident routing was closed out by IAPro user Ms Michelle Reiner and the incident was re-routed to Sergeant David M Overhoff [331]				
5/2/2016	Ms Michelle Reiner	Sergeant David Overhoff	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Please add types of force used by all officers and forward to the "Internal Affairs" when complete. Thanks.				
Recipient's Comments/Response: Changed officers from involved to witness				
5/6/2016	Sergeant David Overhoff	Ms Michelle Reiner	(none)	<input type="checkbox"/>
Sender's Instructions: Changed officers from involved to witness				
Recipient's Comments/Response: Incident routing was closed out by IAPro user Ms Michelle Reiner and the incident was re-routed to Lieutenant Alan J Arnzen [095]				
5/9/2016	Ms Michelle Reiner	Lieutenant Alan Arnzen	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Routed to me in error. For your review.				
Recipient's Comments/Response: Use of Force Officer Cory Lyons LNR 1. Force used was minimal and within policy. Lt. Arnzen 095				
5/9/2016	Lieutenant Alan Arnzen	Captain Daniel Torok	(none)	<input type="checkbox"/>
Sender's Instructions: For your review and recommendations. Lt. Arnzen 095				
Recipient's Comments/Response: There are no markers on any of the BWC videos. Please mark, as appropriate, and resubmit for review.				
5/10/2016	Captain Daniel Torok	Lieutenant Alan Arnzen	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: see comments				
Recipient's Comments/Response: Captain Torok the use of force by Officer Lyons has been marked. Lt. Arnzen 095				
5/11/2016	Lieutenant Alan Arnzen	Captain Daniel Torok	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: For your review and recommendations. Lt. Arnzen 095				
Recipient's Comments/Response: I concur that the use of force was within policy.				
5/12/2016	Captain Daniel Torok	Asst Chief Craig Meidl	(none)	<input type="checkbox"/>
Sender's Instructions: for review				
Recipient's Comments/Response: Ofc Lyons indicated he used a hair-hold takedown. Please add the hair-hold takedown to the Blue Team report and resubmit.				

5/15/2016	Asst Chief Craig Meidl	Captain Daniel Torok	(none)	<input type="checkbox"/>
Sender's Instructions: Ofc Lyons indicated in his report that he used a hair-hold takedown. Please add the hair-hold takedown to the Blue Team report and resubmit.				
Recipient's Comments/Response: I do not believe that I can edit the function requested by the AC. Is this something you can do?				
5/23/2016	Internal Affairs	Internal Affairs	Asst Chief Craig Meidl	<input checked="" type="checkbox"/>
Sender's Instructions: Please see comments about adding hair hold.				
Recipient's Comments/Response: [Forwarded by Sergeant David Staben]				
5/24/2016	Ms Michelle Reiner	Sergeant David Overhoff	(none)	<input type="checkbox"/>
Sender's Instructions: Please add additional type of force used as requested by the chain of command.				
Recipient's Comments/Response:				
5/24/2016	Sergeant David Staben	Sergeant David Overhoff	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Please add additional type of force used as requested by the chain of command				
Recipient's Comments/Response: [Forwarded by Sergeant David Overhoff]				
6/8/2016	Internal Affairs	Internal Affairs	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Two hand hair take down to the ground has been added to Blue Team				
Recipient's Comments/Response: [Forwarded by Sergeant Michael Carr]				
6/13/2016	Sergeant Michael Carr	Captain Daniel Torok	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Captain the Takedown has been added				
Recipient's Comments/Response: Use of force was within policy.				
6/13/2016	Captain Daniel Torok	Asst Chief Craig Meidl	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: for review				
Recipient's Comments/Response: Use of force compliant with policy.				

Entering Officer Signature Line

Sergeant David Overhoff

Chain of Command Signature Lines

Ms Michelle Reiner

Sergeant David Overhoff

Lieutenant Alan Arnzen

Captain Daniel Torok

Asst Chief Craig Meidl

Sergeant David Staben

Sergeant Michael Carr



**Spokane Police Department
Internal Affairs**

**Use of Force
Additional**



Incident #: 16-129200

Date: 04/12/2016

Involved Officer(s) BWC Y/N: YES

Reviewing Supervisor: Overhoff #331

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

Incident Summary: SEE ATTACHED BLUE TEAM

Officer Interview Summary:

Subject Interview Summary: Marty Tom told me that he felt officers were singling them out because they are Indian and are always perceived to be just drunks. He told me that he and his son Daly are hardworking Indians that don't do drugs or drink alcohol. Marty took offense to the officers and didn't want to do what they asked him.

Witness Interview Summary: None

Witness Officer Interview Summary BWC Y/N:

Any Relevant Clarifying Information and Observations: No

Sergeant Findings: Officers Eckersley, Marquez, and Lyons responded to 119 E. Sinto in regards to parking enforcement officer who had just advised he had been assaulted. Another female officer got on the radio and advised officers to step it up. The following factors were considered when the reasonableness of force was used;

Information known to officers prior to arrival was a Parking enforcement officer had been assaulted by the suspect.

The suspects conduct was described by officers as being upset, verbally refusing the officers commands, worked himself into an agitated state, he refused to allow officers conduct a PAT down after officers saw a utility pouch containing a box cutter on his belt. Officers described the suspect Marty Tom as 6'02" 250 and muscular build.

Suspect Tom's mental state was described as angry, agitated, and refusing commands.

The potential for injury to officers and Tom were obvious given his size and current state of mind.

Tom had access to his utility belt which contained a box cutter and he had already verbally told officers "not to fucken touch him" so a frisk/pat down for weapons had not been conducted yet.

Exigent circumstances were created when Tom's son and daughter exited the triplex and had verbally interjected themselves as well as closed physical space to all three officers who were trying to control Tom.

Marquez and Eckersley attempted right and left arm control into cuffing, however Tom used his size, strength, and bodily force to defeat their attempt at securing him. Officer Lyon's recognized that the officers were physically struggling with securing Tom and he immediately stepped in and applied a two hand hair take down to the ground. Tom was advised he was under arrest at this time. Once on the ground Tom continued using his size, strength, and bodily force to defeat being handcuffed. Lyon's quickly noted that Tom had now clinched his hands into fists and was attempting to now roll onto his side. Lyon's immediately applied a Level 1 LNR. Tom was given verbal commands during this entire incident which he chose to ignore. Lyon's bodily position and LNR application on Tom allowed Eckersley and Marquez to cuff and secure Tom.

There was an apparent need for immediate control of Tom based on the foregoing facts. Time was of the essence since his son and daughter were now becoming involved. Officer Lyons made a split second decision and utilized an appropriate level of force to control and apprehend Tom. Tom had no response to several de-escalation attempts.

This use of force is within policy and training of the Spokane Police Department

Sgt. Overhoff L249
Team 8

Entered	04/12/16	15:52:45	BY PCC01	802
Dispatched	04/12/16	15:52:48	BY PCC01	802
Enroute	04/12/16	15:52:48		
Onscene	04/12/16	15:54:41		
Closed	04/12/16	21:14:42		

Initial Type: ASLT Final Type: ASLT (ASSAULT)
Initial Priority: 2 Final Priority: 2
Disposition: 1E Source: V Primary Unit: A244
Police BLK: SPB4LO
Group: P4 Beat: Map Page: 32
Loc: 119 E SINTO AV ,SPK btwn N RUBY ST & N PEARL ST <1400> (V)
Name: PARKING 5 Addr: Phone:

[illegible]

#3c

/160916	(929	)	*REMINQ	A244	MWANT,,,,,,,,,TOM,DALYM,1996,08,18,,,,,,,,,,,,,
/161134	(802	)	ASSTER	P315	[119 E SINTO AV ,SPK]
					#436 ADAMS, DAVE
/161718	(436	)	*ONSCNE	P315	
/162158	(1276	)	*TRANS	A246	[JAIL] M/0.0
					,ADULT MALE ASSAULT 3
/162234	(320	)	MISC	A240	,#####
/162548	(331	)	*CLEAR	L249	,PSTAT/ASST
/163026	(436	)	*MISC	P315	,PSTAT/ASST PSTAT/VIDN PHOTOS
/163032			\$PREMPT	P315	
/163105	(667	)	*ONSCNE	A240	
/163319			*MISC	A240	, [REDACTED] #7a
/163707	(1182	)	*CHGLOC	A248	[NW]
/163958	(667	)	*CHGLOC	A240	[NW]
/164523	(1276	)	*TRANSC	A246	M/1.7
/164625			*CLEAR	A246	,PSTAT/ASST PSTAT/RPT
/165550	(1182	)	*ONSCNE	A248	
/165842	(667	)	*ONSCNE	A240	
/170409	(929	)	*CHGLOC	A244	[SIG 1]
/171604			*ONSCNE	A244	
/171619			*CHGLOC	A244	[NW]
/171623	(436	)	*MISC		,THE WITNESS ON SINTO IS: LYNN MARIE ANDERSEN
					6/10/67.
/173301	(929	)	*ONSCNE	A244	
/180158	(667	)	*MISC	A240	,VICTIM- GEORGE E. GOOD [REDACTED] #5b [REDACTED] #5c 901 N
					NELSON EMPLOYD BY CITY AS A ARKING OFFICER. LI
					MITED COMMISSION
/180925	(1069	)	OK	A240	
/180925			OK	A244	
/180925			OK	A248	
/181841	(929	)	*REMINQ	A244	MWANT,,,,,,,,, [REDACTED] #4b
/182012			*REMINQ	A244	MVEH,AXA8019,,,,,,,,, [REDACTED]
/184920			*REMINQ	A244	MWANT,,,,,,,,, [REDACTED] #4b
/190507			*REMINQ	A244	MWANT,,,,,,,,,TURNER,ROBERTD,1962,01,02,,,,,,,,,
/190630			*REMINQ	A244	////
					MWANT,,,,,,,,,BALDA,ERICAM,1982,11,17,,,,,,,,,
/195405	(1182	)	*CLEAR	A248	,,
/200203	(667	)	*MISC	A240	,PSTAT/ASST PSTAT/VIDY PSTAT/RPT PSTAT/MISD
/200205			*CLEAR	A240	,PSTAT/ASST PSTAT/ADD PSTAT/VIDY
/200505	(929	)	*REMINQ	A244	MWANT,,,,,,,,,TOM,MARTYL,1960,08,09,,,,,,,,,,,,,
/201252			*CHGLOC	A244	[SIG 1]
/201329			*ONSCNE	A244	
/204037	(1234	)	OK	A244	
/211439	(929	)	*MISC	A244	,PSTAT/CFS PSTAT/FEL PSTAT/RPT PSTAT/VIDY
/211442			*CLEAR	A244	DSP: 1E
/211442			CLOSE	A244	

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-129200	
INCIDENT TYPE Arrest		INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 OBSTRUCT OFFICER
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 ATTEMPTED
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON Tue 04/12/2016 15:52	DATE/TIME	OCURRED ON Tue 04/12/2016 15:52	DATE/TIME	OCURRED TO Tue 04/12/2016 15:52	DISTRICT
DISPATCH TIME 15:52	ARRIVED TIME 15:54	CLEARED TIME		REPORT DATE 04/12/2016	REPORT TIME 19:55
PRIMARY CHARGE 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)					UCR/NIBRS CODE /13A
LOCATION OF INCIDENT 119 E Sinto, Spokane, WA 99202				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS PC Affidavit Completed, Suspect Arrested, Useful Physical Evidence, Witness to Crime					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Ofc. Strassenberg, Ofc. Eckersley, Ofc. Marquez					
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim - Individual, A-Arrested Person, VB-Victim - Business, M-Missing, MIR-Person Mentioned, RO-Registered Owner, V-Deceased, PS-Passenger, PE-Pedestrian, PC-Pedestrian - Cyclist, O-Other, C-Complainant, IN-Institutional, G-Legal Guardian, D-Driver, W-Witness, CV-Complainant to Victim, GCM-Contact, RU-Runaway, OW-Owner of Property</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Tom, Daly M			SEX M	RACE/ETHNICITY I-American Indian or
HEIGHT 6'02"	WEIGHT 200	BUILD Medium	HAIR Brown	EYES BRO - Brown	DATE OF BIRTH/AGE 08/18/1996 19
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 119 E Sinto #4, Spokane, WA 99202			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) 850-6807					
CHARGE LEVEL Felony Class C	DESCRIPTION 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)				UCR/NCIC CODE /13A
WARRANT #	BAIL	TYPE OF ARREST Taken Into Custody			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION #	DATE	TIME	BOOKED WHERE Spokane County Jail		DATE 04/12/2016
ARREST LOCATION 119 E Sinto #4, Spokane, WA 99202		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
DRIVER'S LICENSE #4b	<input type="checkbox"/> FAKE STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE	OTHER ID		

ID NO./NAME OF REPORTING OFFICER #929 - Lyons, Cory	DISTRIBUTION
APPROVAL #507 - Blessing, Erin	DATE/TIME 04/12/2016 23:25

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE				ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER 16-129200	
CODE V-1	NAME: LAST, FIRST, MIDDLE Good, George E				SEX M	RACE/ETHNICITY W-White	DATE OF BIRTH/AGE #5b
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS		
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 901 N Nelson, Spokane, WA 99260				RESIDENTIAL STATUS		PHONE #5c
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS					OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES #5c							
REALTIONSHIP TO SUSPECT			VICTIM OF Offns. # 9A.36.031(1)(G) ASSAULT-3D(LAW ENFORCE/EMPLOY)			OFNDR. # A-1	
NARRATIVE							

On 041216 at approximately 1555 hours, I responded to 119 E. Sinto to assist Parking Enforcement Officer's who had just advised that one of them had been assaulted and asked for us to "step it up". The Parking Enforcement Officer advised that a male was still in their face.

Upon arrival I could see that Officer's D. Eckersley and Marquez were talking to a male that was later identified as Marty Tom. Marty was upset and acting aggressively. I asked if Marty was the suspect and they advised that he was not and that the suspect was inside the apartment.

I moved to 119 E. Sinto and could see that there were several apartments. I asked 2 people standing outside which apartment the Marty was from and they pointed to a door that as closed and led upstairs. The males advised that it was a community door that led to multiple apartments. I started to knock on the door and could hear Marty yelling. I looked back towards Marty and the Officer's and saw Officer's D. Eckersley and Marquez struggling with Marty. Both Officer's had Marty in arm control and were attempting to place hi arms behind his back. Marty was attempting to walk away from the Officer's yelling profanities at them, and attempting to pull his arms away from them. I could see Marty's arms tensed up and his fists clenched. Due to Marty's size, approximately 6'00" and 250 pounds, the Officer's did not appear to be able to control Marty. I ran to the Officer's to assist them.

At this point Marty was obstructing a Police investigation by ignoring verbal commands and physically resisting. At this point there was probable cause to arrest Marty for obstructing.

Marty was ignoring Police commands, was yelling profanities, and was tensed up attempting to pull away from Officers. Due to Marty's size, Officer's appeared to be having a hard time controlling Marty. Marty had not yet been searched for weapons and was escalating his aggressive behavior.

Marty was attempting to pull away from officers and attempting to walk away. Marty ignored commands to comply from 2 different Police Officers.

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION
ASSAULT-SIMPLE

ATTEMPTED
☐

INCIDENT NUMBER
16-129200

Once I reached Marty and the Officer's I took a hold of Marty's hair and used a hair hold take down to take Marty to the ground. Once on the ground, I could see that Ofc. Eckersley was still attempting to gain control of Marty's arm and he was trying to roll onto his side. I could also see that Marty's left fist was clenched and he was yelling. I advised Marty that he was under arrest for obstructing. Marty continued to struggle and I placed him in a level 1 lateral neck restraint from behind and used my body weight to keep Marty from rolling over. I could hear Officer's repeatedly giving Marty verbal commands.

As I held Marty on the ground, I could hear Officer's D. Eckersley and Marquez place Marty into handcuffs. Just as this happened, I heard a female screaming. I looked up and saw a female moving towards us screaming.

I dis-engaged from Marty and confronted the female, telling her to back up. The female backed up and continued to yell. When I got the female back to the steps, I asked her who th suspect was and she advised that it was her brother. I asked the female to get her brother.

The female went inside and the brother didn't come out. I knocked on the door an again asked for the brother. After several minutes and several contacts with the female, the brother, who was identified as Daly M. Tom, came outside and sat on the steps.

I asked Daly what had happened and he told me the following: His dad was in an argument with the parking officers. He ran out and yelled, "what the fuck is going on". The female officer told him to back off and that he didn't pay his parking tickets. Daly denied assaulting one of the Officer's.

Officer Strassenberg contacted the victim, Parking Enforcement Officer Good and advised that he stated Daly hit him while he was in his vehicle. (See Ofc. Strassenbergs report)

Officer Marquez contacted and interviewed the other Parking Enforcement Officer Andersen and advised that she saw Daly slap Officer Good in th face. (See Ofc. Marquez's report)

We spoke with Officer's Andersen and Good and they advised that they have a limited Police Commission issued by the City of Spokane to enforce parking infractions.

Due to th Officer's statements I determined that there was probable cause to arrest Daly for 3rd Degree Assault Law Enforcement.

I advised Daly that he was under arrest for 3rd degree assault and placed him into handcuffs (DL). I searched Daly incident to arrest and placed him in the back of my patrol vehicle.

Ofc. Marquez transported and booked Daly into Spokane County Jail based on my probable cause.

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-129200
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Cpl. Adams responded and took photographs of Marty who had a small cut on the left side of his forehead. Cpl. Adams also took photographs of the parking vehicle's, their markings, and Officer's Andersen and Good in their uniforms.

C. Lyons #929

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.

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-129200	
REPORT PURPOSE			REPORTED ON DATE Tue 04/12/2016 15:52		INCIDENT XREF
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #2 ASSAULT-SIMPLE	
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #4	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 04/12/2016		REPORT TIME 18:45
PRIMARY CHARGE M-10.07.032 OBSTRUCTING					UCR/NIBRS CODE
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim - Individual, A-Arrested Person, VB-Victim - Business, M-Missing, MIR-Person Mentioned, RO-Registered Owner, V-Deceased, PS-Passenger, PE-Pedestrian, PC-Pedestrian - Cyclist, O-Other, G-Complainant, IN-Institutional, G-Legal Guardian, D-Driver, W-Witness, CV-Complainant is Victim, CON-Contact, RU-Runaway, OW-Owner of Property</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Tom, Marty Lendell			SEX M	RACE/ETHNICITY I-American Indian or
HEIGHT 6'02"	WEIGHT 250	BUILD Heavy	HAIR Black	EYES BRO - Brown	DATE OF BIRTH/AGE 08/09/1960 55
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 119 E Sinto, Spokane, WA 99207			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES (Cell) (509) 218-0682					
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION M-10.07.032 OBSTRUCTING			UCR/NCIC CODE
WARRANT #	BAIL	TYPE OF ARREST Summoned/Cited			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # 6Z0374849	DATE 04/12/2016	TIME 15:57	BOOKED WHERE		DATE
ARREST LOCATION 119 E Sinto, Spokane, WA 99207			STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input type="checkbox"/> ADMITTED <input 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
DRIVER'S LICENSE #4b		<input type="checkbox"/> FAKE STATE	SOCIAL SECURITY NO. #4a	<input type="checkbox"/> FAKE OTHER ID	

NARRATIVE

On 04/12/16 at approximately 1552 hours a City of Spokane Parking Enforcement Officer #5 called over the city radio for assistance because a fellow Officer #6 had just been assaulted. She then advised to step it up (meaning get there quick). The location of the incident was 119 E. Sinto Ave.

Upon arrival I observed two Parking Enforcement Officers standing next to their vehicles and another male (later identified as Marty L Tom).

Marty appeared to be agitated and began demanding information about parking issues. I began trying to ascertain what had transpired and was getting no information.

I would describe Marty as being almost 6'2" tall, about 250 pounds and muscular. In his agitated state I believed him to be a possible threat to me and other officers if not controlled.

ID NO./NAME OF REPORTING OFFICER #1182 - Eckersley, David		DISTRIBUTION	
APPROVAL #208 - Huddle, Kevin		DATE/TIME 04/14/2016 09:51	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION
OBSTRUCT OFFICER

ATTEMPTED
☐

INCIDENT NUMBER
16-129200

Officer Marquez arrived shortly after I had. As he walked up I observed Marty putting his hands in his pockets. I clearly heard Officer Marquez tell Marty to take his hands out of his pockets and that he was going to check him for weapons.

As soon as Ofc Marquez reached up Marty began pulling away and moving backwards. Because the scene had not been secured and the fact that it was unknown if Marty was the person who assaulted the Parking Enforcement Officer or if he was armed it became apparent that he needed to be pat frisked for weapons.

I was able to grab Marty's right arm for control as Officer Marquez was on Marty's left. Marty again pulled away from me breaking my grip on his arm. Officer Lyons came in and assisted in taking Marty to the ground to control him and place him into handcuffs. See Officer Marquez and Officer Lyons report for specific details.

Once Marty was on the ground he continued to pull his arms resisting against my efforts to handcuff him. Marty was informed at this point that he was under arrest for Obstruction. Marty was eventually placed in handcuffs (it was at this time that I looked down and realized I had not activated my body camera)(I then activated my body camera).

I talked to Marty to the point where he finally calmed down. Marty complained that his rotator cuff in his shoulder hurt. I then double handcuffed Marty for his physical safety. Marty was stood up at which point a pat frisk for weapons was conducted. I was informed by Officer Marquez that he had just removed a box cutter from Marty's pocket.

Marty was placed in the back of my patrol vehicle pending further investigation of the assault.

It was found that Marty was not the person who assaulted the Parking enforcement.

I cited and released Marty at the scene for Obstruction.

Once out of handcuffs and free to leave Marty was calm and wanted to give his version of what had happened today.

Marty stated that the parking enforcement was placing a tire lock (a boot) on a vehicle in front of his residence.

While he was standing next to the vehicle the parking enforcement officer (George Good) was kneeling down near the tire. Marty's son (Daly) then came up and asked what he was doing. It was about this time Marty says that the George Good stood up and chest bumped Daly. A verbal augment started between Daly and George Good.

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-129200
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Marty said that at no time did Daly hit George and that it was when George got into his vehicle (the City vehicle) George hit his own head on the door jamb which knocked his hat off.

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.

OFFICER/NUMBER/CALL SIGN
D. Eckersley/#1182/A248

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-129200	
REPORT PURPOSE			REPORTED ON DATE Tue 04/12/2016	TIME 15:52	INCIDENT XREF
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 04/12/2016		REPORT TIME 18:38
PRIMARY CHARGE					UCR/NIBRS CODE
VEHICLES					
CODI V-1	CIRCUMSTANCES Suspect	LICENSE NO. AKE2635	STATE WA	LIC. YEAR 12/2016	LICENSE TYPE Regular
YEAR 2005	MAKE Ford	MODEL Explorer	BODY STYLE 02: Sedan, 4 Door		TOP/FRONT/ONLY COLOR Red
BOTTOM/REAR COLOR					
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
TOW COMPANY		HOLD REQUESTED BY		HOLD FOR	
RELEASE BY	DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	OWNER NOTIFIED
					DATE
					TIME
OPERATOR'S NAME					
NARRATIVE					

On 12 April 2016 at 1552 hours, I responded to 119 E Sinto after City Parking Enforcement requested law enforcement assistance at the location. It was reported that a parking enforcement officer had been assaulted at the location. Upon arriving on scene, I observed that officers had a male (Marty Tom) detained on the ground in front of the residence.

I then contacted Officer Lyons near the front door of the apartment building. Officer Lyons advised the primary suspect in the assault (Daly Tom) was inside apartment #4. Officers knocked several times before Daly Tom exited the apartment and came downstairs. Officer Lyons then spoke with Daly. (See arrest report)

I then contacted the victim in the assault, George Good. Good stated he is employed by the City Of Spokane as a Parking Enforcement Officer. Good stated they were here to place a parking boot on a vehicle in front of 119 E Sinto. The vehicle in question was a 2005 Ford Explorer, AKE2635. The vehicle is registered to Marty Tom. Good said he contacted another city parking enforcement to assist while they put the boot on the vehicle.

While finishing up with the process, a male (Marty Tom) approached him and began yelling. The

ID NO./NAME OF REPORTING OFFICER #667 - Strassenberg, Daniel		DISTRIBUTION	
APPROVAL #625 - Busch, Kevin	DATE/TIME 04/12/2016 20:42		

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-129200
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male was very upset over the boot being placed on his vehicle. Once they were done, he advised his partner they were leaving.

Good then sat down in his fully marked City Of Spokane parking vehicle. Good said a second/younger male (Daly Tom) then approached his vehicle. Good said the second male was also very upset and was yelling/cussing at him. Good said the window on the right side of his parking vehicle was partially open. Good said the younger male walked up to the window and swung his arm inside the passenger compartment of his vehicle and struck him in the head, knocking the blue ball cap he was wearing off of his head.

Good had some redness on his forehead. Good was wearing a uniform and was displaying a city badge on his belt. Good then produced a limited commission ID card. Photos were taken of his badge and commission card. I then observed a blue ball cap to the left of the drivers seat. Good said the hat has not been touched since the suspect male struck him in the head, knocking it off. Photos were taken of the hat location inside the vehicle and of Good's forehead.

There were two city parking vehicles in the street. I then observed a Ford Explorer (AKE2635) parked in front of the home. The vehicle had a parking boot attached to it.

Daly Tom was placed under arrest for third degree assault. Daly Tom was then transported to the Spokane County Jail by Officer Marquez.

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.

D. STRASSENBERG
SPOKANE PD #667

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-129200	
REPORT PURPOSE			REPORTED ON DATE Tue 04/12/2016	TIME 15:52	INCIDENT XREF
INCIDENT CLASSIFICATION #1 ASSAULT-SIMPLE		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 OBSTRUCT OFFICER		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 04/12/2016	REPORT TIME 18:44	
PRIMARY CHARGE					UCR/NIBRS CODE
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim, I-Individual, A-Arrested Person, VB-Victim - Business, M-Missing, MR-Person Mentioned, RD-Registered Owner, V-Deceased, PS-Passenger, PE-Pedestrian, PC-Pedestrian - Cyclist, O-Other, C-Complainant, IN-Institutional, G-Legal Guardian, D-Driver, W-Witness, CV-Complainant Is Victim, CON-Contact, RU-Runaway, OW-Owner of Property</small>					
CODE W-1	NAME: LAST, FIRST, MIDDLE Andersen, Lynn Marie			SEX F	RACE/ETHNICITY I-American Indian or DATE OF BIRTH/AGE #5b
HEIGHT 5'02"	WEIGHT 140	BUILD Light	HAIR Brown	EYES BRO - Brown	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 901 N Nelson Street, Spokane, WA 99203			RESIDENTIAL STATUS Full Time Resident	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS City Of Spokane Fleet Services 915 N Nelson Street, Spokane, WA				OCCUPATION Employed	EMPLOYER PHONE
NARRATIVE					

On 4/12/16 at 1552 hours, I responded to back up SPD Officers on a disturbance related call on the 100 block of E Sinto Ave.

On scene, I arrived and observed a large, Native American male, 40 to 50 years of age, highly agitated and standing alongside the roadway questioning SPD Officer Eckersley. While approaching the male, I noticed male had a 5 to 6 inch oblonged shape bulge in his mid-thigh right side pants pocket(Utility Pocket). After observing the object, I asked the male if he had any weapons on him, which he refused to answer. I then told him I was going conduct a weapons frisk of his person to ensure he was weapons free, while we conducted our investigation. The male told me I was not going to touch him and for me to keep my fucking hands off him.

As I gave verbal commands and attempted to conduct a weapons frisk, the male pulled away, turned his back from Officer Eckersley and me, then attempted to rush towards his residence and Officer Lyons.

At the time, Officer Eckersley, Lyons and I grabbed a hold of his arms and hair in order to gain positive control. We then placed the male on the ground and conducted a protective frisk, locating a 5 inch retractable razor blade (box cutter) in his Utility Pocket. While on the ground, I handcuffed and detained the male(F/S and D/L). I placed the male into the rear of a patrol vehicle without further incident then continued our investigation. The male was arrested and charged with Obstructing(see Officer Eckersley's report).

After the male, identified as Marty L. Toms was secured, I interviewed the listed witness, Lynn Andersen, who is a parking officer for the City of Spokane. Lynn stated she observed her partner,

ID NO./NAME OF REPORTING OFFICER #1276 - Timothy, Marquez		DISTRIBUTION
APPROVAL #208 - Huddle, Kevin	DATE/TIME 04/13/2016 18:59	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION ASSAULT-SIMPLE	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-129200
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parking officer Good get slapped in the face with and open hand by Marty Toms son, Daly Toms. Lynn stated after witnessing the assault on Good, Daly Toms ran into his residence.

Lynn stated the incident occurred when she and Good place a boot jack on the rear tire of Marty Toms vehicle due to unpaid parking fines.

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

T. Marquez #1276 A246