



SPOKANE POLICE DEPARTMENT



## Internal Affairs Exemption Log

Number	Material Withheld	Brief Explanation of Why Material Withheld	Legal / Statutory Basis
<b>Witness Exemptions</b>			
#1a	<b><u>Name / Identity</u></b> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1b	<b><u>Date of birth</u></b> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1c	<b><u>Personal home, work or cell phone number</u></b> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1d	<b><u>Residential address</u></b> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1e	<b><u>E-mail address</u></b> of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1f	Confidential information elicited pursuant to police Domestic Violence Protocol.	Disclosure of this information is protected under chapter 10.99 RCW. Release of this information could endanger the lives of victims or witnesses.	RCW 10.99.030(5) and 10.99.010
<b>Juvenile Information</b>			
#2a	Names of Juveniles who are in the Juvenile court system	Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</i> , 122 Wn.App. 84, 94 (2004)

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

#3f	Information from WACIC/NCIC (ACCESS): <b><u>Gun information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3g	Information from WACIC/NCIC (ACCESS): <b><u>DOL Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3h	Information from WACIC/NCIC (ACCESS): <b><u>Stolen Vehicle Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3i	Information from WACIC/NCIC (ACCESS): <b><u>Missing Persons Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3j	Information from WACIC/NCIC (ACCESS): <b><u>Runaways or endangered persons</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3k	WACIC/NCIC (ACCESS): <b><u>DOC Information</u></b>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
<b>Personal Identifiers and Financial Info</b>			
#4a	Social Security Number	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 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 Identity Card	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	18 USC § 2721 (Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records); RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#4c	Credit/Debit Card Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4d	Electronic Check/Check Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4e	Card Expiration Dates	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4f	Bank Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4g	Financial Institution Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
<b>Employees Files</b>			
#5a	<b>Photos</b> of Spokane Police Department or other criminal justice employees	Photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	RCW 42.56.250(8) (Employment and licensing)
#5b	<b>Birthdates</b> of criminal justice employees	Birthdates in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	RCW 42.56.250(8) (Employment and licensing)
#5c	Personal Information in employee files	Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.	RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)
<b>Criminal History</b>			
#6a	Criminal history <u>not</u> from ACCESS- Non-Conviction Data	Criminal history which has not led to a conviction or other adverse disposition is protected by state law and only released to Criminal Justice Agencies for law enforcement purposes.	RCW 10.97 (Criminal Procedure)

<b>Officer Safety or Intelligence</b>			
#7a	Intelligence, sensitive security, or tactical information	Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7b	Undercover Officer identification	Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.	RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement.
#7c	ID Records revealing covert law enforcement activity	Any record pertaining to a vehicle license plate, driver's license, or identification card 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 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.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims). <i>Ashley v. Public Disclosure Comm'n, 16 Wn.App. 830, 836 (1977).</i>
<b>Photos</b>			
#8a	Photos showing a deceased person	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)

#8b	Photos showing highly sensitive material	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8c	Photo Montages	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
<b>Protected by Law</b>			
#9	Medical Records	Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person.	RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502). RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#10a	Jail records	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.	RCW 70.48.100 (Jail register)
#10b	Jail booking photos	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.	RCW 70.48.100 (Jail register)
#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	<b><u>Name/Identity</u></b> 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	<b><u>Date of birth</u></b> 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	<b><u>Personal work, home, or cell phone number</u></b> 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	<b><u>Residential address</u></b> 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	<b><u>E-mail address</u></b> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#14	Information concerning Mental Health Services	This redaction contains confidential information concerning services to either voluntary or involuntary recipients of mental health services. Such information, if disclosed, would invade an individual's privacy and possibly cause unintended consequences for that individual.	RCW 71.05.390 (Confidential information and records)



## Spokane Police Department Use Of Force Report

**Incident Entered By:** Sergeant Paul Carpenter

### Incident Details

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
7/8/2016	7/6/2016	18:48
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
9354	16-247306	F16-059
<b>Date/Time Entered</b>		
7/8/2016 00:21		

### Incident Summary

Sgt. Eckersley was in foot pursuit of an arrested subject who attempted to escape custody while handcuffed. As Sgt. Eckersley caught the suspect from behind, he tried to pull the suspect in a circular motion toward Cpl. Oien. The suspect bent forward and ducked his head down toward the ground, pushing forward and away from Sgt. Eckersley. The suspect's momentum and movement toward the ground, coupled with the added momentum from Sgt. Eckersley pulling on him, caused the suspect to dive headfirst to the ground. As the suspect was in handcuffs, he was unable to break his fall and the impact caused a minor laceration on the top of the suspect's head.

In compliance with policy per Major King 12/08/16.

### Incident Location

- N/A Baldwin/Hamilton, Spokane, WA 99207 - : Nevawood

### Use of Force Specific Information

<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Fleeing (Misdemeanor)	Self Initiated	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear	Daylight	a-0-3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	Yes	Yes
<b>More than 1 Citizen Involved</b>		
No		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	
Large	6'1" to 6'3"	
<b>Officer Assessment of Citizen Condition During Incident</b>		
Alcohol and/or Drugs		
<b>Officer(s) Injured</b>	<b>Officer(s) Taken to Hospital</b>	
No	No	

### Reporting/Involved Citizen Information

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**William C Elston**

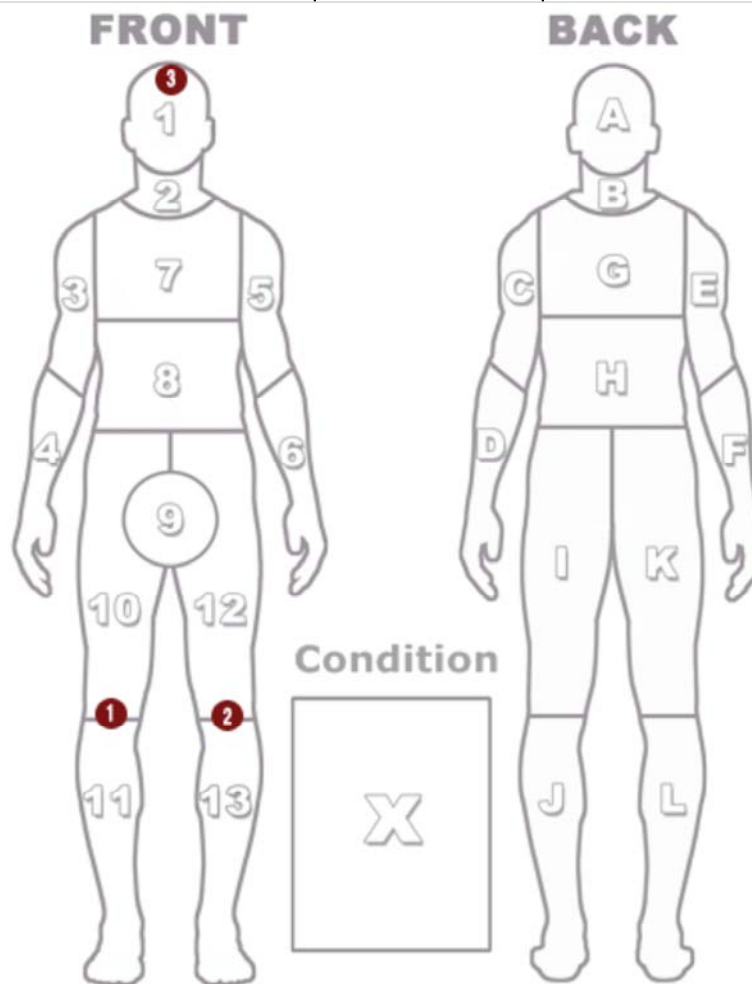
DOB: 4/15/1986 Race: White Gender: Male

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

- Active Resistance

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
b-Minor Visible Injury	10, 12	1, 2
d-Injury Requiring ER	1	3

**Charges against this citizen**

- Misdemeanor - Person Crime
- Obstructing
- Traffic Offense

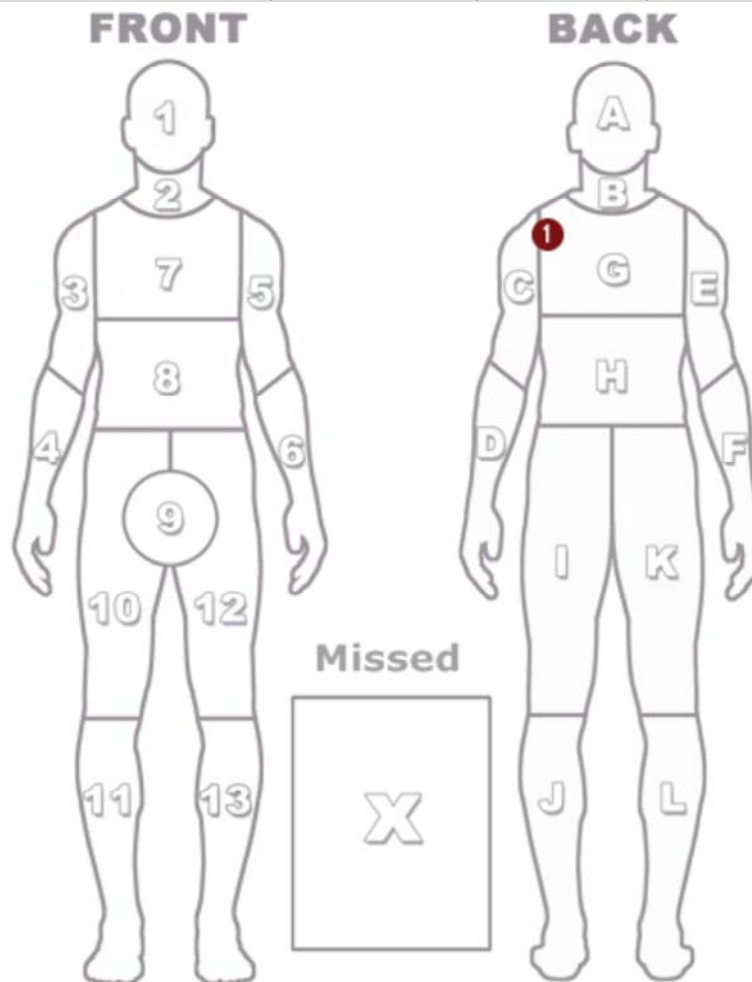
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**Involved Officers****Sergeant Brian Eckersley - Payroll Number: 11953**

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

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

Force Used	Effective?	Regions	Points of contact
Verbal Interaction (VDI)	No		
Body Weight/Manual Force	Yes	G	1

**Injuries sustained by this officer**

Injury	Regions	Injury Locations
No injuries noted or visible		

## Citizen Witnesses

**Robert Butler****DOB: 3/18/1977 - Race: White - Gender: Male****Address**

- 911 Indiana AV, Direction: E, Spokane, WA 99207

**Phone**

- (925) 852-4013

## Officer Witnesses

**Corporal Shane Oien - Payroll Number: 11567**

## Attachments

Date Attached	Attachment Description	Attachment Type
7/8/2016	16-247306 CAD Printout	pdf
7/8/2016	16-247306 Officer reports	pdf
7/8/2016	16-247306 Photo Log	pdf
7/8/2016	16-247306 Supervisor Review	pdf
7/14/2016	IMG_0001	JPG
7/14/2016	IMG_0002	JPG
7/14/2016	IMG_0003	JPG
7/14/2016	IMG_0004	JPG
7/14/2016	IMG_0005	JPG
7/14/2016	IMG_0006	JPG
7/14/2016	IMG_0007	JPG

## Chain of Command History

Sent Dt	From	To	CC	Approved
7/8/2016	Internal Affairs	Internal Affairs	Lieutenant Daniel Ervin	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> I.A. - Please add photographs of injuries				
<b>Recipient's Comments/Response:</b> [Forwarded by Sergeant Michael Carr]				
7/14/2016	Sergeant Michael Carr	Sergeant Brian Eckersley	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Photos have been added for your review				
<b>Recipient's Comments/Response:</b> For your review				
12/1/2016	Internal Affairs	Internal Affairs	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> For your review				
<b>Recipient's Comments/Response:</b> I sent this back a while ago, Sgt. Eckersley either did not get an email making him aware that it was sitting in his in box or forgot about it.				
12/2/2016	Sergeant Michael Carr	Lieutenant Daniel Ervin	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Please review this UOF from earlier this year				
<b>Recipient's Comments/Response:</b> In this case several Graham factors were met. The crime was a misdemeanor, however there was a legal arrest. By running from the officers there was a risk to both the officers and the suspect because foot pursuits are inherently dangerous, and there was vehicle traffic to contend with. The suspect was actively resisting arrest and trying to escape. Based on that assessment, and the fact that the suspect's behavior negatively influence Sgt. Eckersley attempt to capture him causing him to fall down. I agree with Sgt. Carpenter's assessment that Sgt. Eckersley's actions were reasonable, objective, and within policy.				
12/7/2016	Lieutenant Daniel Ervin	Captain Thomas Hendren	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Captain I believe that Sgt. Eckersley's actions in this case were reasonable and followed policy Please review and forward. Dan				
<b>Recipient's Comments/Response:</b> The use of force was reasonable and within policy. Hendren				
12/7/2016	Captain Thomas Hendren	Major Kevin King	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Major, use of force for your review. Hendren.				
<b>Recipient's Comments/Response:</b> This use of force was within policy and state and federal laws.				

**Entering Officer Signature Line**

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Sergeant Paul Carpenter

**Chain of Command Signature Lines**

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Sergeant Michael Carr

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Sergeant Brian Eckersley

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Lieutenant Daniel Ervin

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Captain Thomas Hendren

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Major Kevin King



Spokane Police Department  
Internal Affairs



Use of Force  
Additional

**Incident #: 16-247306**

**Date: 7/8/2016**

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

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

**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:**

On 7/6/16, Sgt. Eckersley was in foot pursuit of an arrested subject who attempted to escape custody while handcuffed. As Sgt. Eckersley caught the suspect from behind, he tried to pull the suspect in a circular motion toward Cpl. Oien. The suspect bent forward and ducked his head down toward the ground, pushing forward and away from Sgt. Eckersley. The suspect's momentum and movement toward the ground, coupled with the added momentum from Sgt. Eckersley pulling on him, caused the suspect to dive headfirst to the ground. As the suspect was in handcuffs, he was unable to break his fall and the impact caused a minor laceration on the top of the suspect's head.

**Officer Interview Summary:**

Sgt Eckersley was not wearing a BWC. See his report for details.

**Subject Interview Summary:**

**Witness Interview Summary:**

I contacted witness Robert Butler by phone, and he stated the following: He was standing at the bus stop near Hamilton/Indiana when he saw a handcuffed male running from an officer. The officer identified himself loudly multiple times and ordered the suspect to stop multiple times. The officer caught up to the suspect and grabbed him, and the suspect appeared to fall down. Butler stated the officers helped the suspect to his feet, and Butler could see the suspect had a cut on his head. Butler was approximately 15' away from the officer and suspect, and felt the officer acted appropriately.

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

Cpl. Oien was not wearing a BWC. See his report for details.

**Any Relevant Clarifying Information and Observations:**

**Sergeant Findings:**

I received this incident for review the day after it occurred and therefore did not respond to the scene at the time of the incident. I reviewed the officer reports, spoke to the witness, and there was no body camera footage.

Sgt. Eckersley was legally apprehending an arrested, handcuffed suspect who was attempting to escape from custody. When Sgt. Eckersley took hold of the suspect, the suspect's movements and momentum, combined with Sgt. Eckersley's control attempt, resulted in the suspect inadvertently falling and striking his head on the ground. I believe Sgt. Eckersley's actions were reasonable, objective, and within policy.

Incident History for: #SP160247306

Entered 07/06/16 18:48:44 BY PCC01 1123  
 Dispatched 07/06/16 18:48:44 BY PCC01 1123  
 Enroute 07/06/16 18:48:44  
 Onscene 07/06/16 18:48:44  
 Closed 07/07/16 01:03:55

Initial Type: TS Final Type: TS (TRAFFIC STOP)  
 Initial Priority: 3 Final Priority: 3  
 Disposition: 1E Source: R Primary Unit: L235  
 Police BLK: SPB4LO  
 Group: P4 (P1 ) Beat: Map Page: 32  
 Loc: E BALDWIN AV/N HAMILTON ST ,SPK <800,1900> (V)  
 Name: Addr: Phone:

/184844 (1123 ) \$OUTSRV ,NO MORE INFORMATION  
 /184844 DISPOS F30 @AZA4646  
 #464 OIEN, SHANE E  
 ,NO MORE INFORMATION  
 /184844 REMINQ F30 LIC,F30,AZA4646,,,  
 /184846 ASSTOS L235 [BAL/HAM]  
 #649 ECKERSLEY, BRIAN  
 /184848 CHANGE LOC: BAL/HAM --> E BALDWIN AV/N HAMILTON ST ,  
 SPK,  
 DGP: P1 --> P4,  
 BLK: --> SPB4LO  
 /184912 (464 ) \*REMINQ F30 MWANT,,,,,,SANCHEZ,ROZALYNY,1990,01,14,,,,,  
 ,,,,,,3  
 /184936 (1123 ) MISC ,07/06/16 18:48:45 FROM ACCESS - DATABASE ID:

/184936 MISC  
 /184936 MISC  
 /184936 MISC  
 /184936 MISC  
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 /184936 MISC  
 /184936 MISC

#3c

/185025 (464 ) \*REMINQ F30 MWANT,,,,,,CROWLEY,DANIELE,1981,10,20,,,,,  
 ,,,,,,  
 /185059 \*REMINQ F30 MWANT,,,,,,LAFLEY,CRAIGJ,1988,12,20,,,,,  
 ,,,,,,  
 /185224 \*REMINQ F30 MWANT,,MI,,,,,DANIELS,WILLIAMC,1986,04,15,M,,  
 ,,,,,,  
 /185313 \*REMINQ F30 MWANT,,,,,,DANIELS,WILLIEJ,1986,06,18,,,,,  
 ,,,,,,  
 /185948 (1123 ) CALLBK F30 T/PCC06  
 ,PLEASE HAVE FIRE RESPOND FOR A CONC/BREATHING  
 MALE W/CUT TO FOREHEAD

/190036	(1179 )	CALLBK	F30	T/PCC01
				, FIRE ENR
/190138	(464 )	*REMINQ	F30	MWANT,,,,,, SCOTT,CHADD,1986,04,15,,,,,,,,
/190745		*REMINQ	F30	WANT,,,,,, MORTON,CHADMICHAEL,1989,02,12,,,,
/191530		*REMINQ	F30	WANT,,,,,, WILLIAM,CHADE,1986,04,05,,,,,,,,
/192206		*REMINQ	F30	WANT,,,,,, ELSTON,WILLIAMC,1986,04,05,,,,,,,,
/192306		*REMINQ	F30	WANT,,,,,, #4b ,,,,,,,,,
/192333		*CHGLOC	F30	[DEAC]
/192452	(649 )	*CHGLOC	L235	[DEAC]
/192515	(1069 )	REMINQ	F30	WANT,F30,,,,,, ELSTON,WILLIAM,C,1986,04,05,,,,
/192520		REMINQ	F30	WANT,F30,, ID,,,,, ELSTON,WILLIAM,C,1986,04,05,M
/192607		REMINQ	F30	WANT,F30,, ID,,,,, ELSTON,WILLIAM,C,1986,04,15,M
/193506		MISC	F30	,LOCAL C/H ON ELSTON, WILLIAM C 041586
/193716		MISC	F30	,THATS HIM
/193719	(464 )	*ONSCNE	F30	
/201037		*REMINQ	F30	MWANT,, HI,,,,,, M, #4b ,,, W,,,,,,
/204750	(649 )	*ONSCNE	L235	
/204802		*REMINQ	L235	MVEH,C08408A,,,,,,,,,,,,,,,,,,,,,,,,
/213717	(1069 )	OK	F30	
/213717		OK	L235	
/222335	(464 )	*TRANS	F30	[JAIL] M/RESET
/222736	(649 )	*CHGLOC	L235	[PROPERTY]
/222924	(464 )	*TRANSC	F30	M/1.3
/224406		*CLEAR	F30	DSP: 1E
				,PSTAT/SI PSTAT/WAR PSTAT/RPTPSTAT/MISD PSTAT/
				MISD PSTAT/MISDPSTAT/HAZ PSTAT/NONHAZ

\*\*\* New Date: 07/07/16 \*\*\*

/000329	(649 )	*REMINQ	L235	MWANT,,,,,, WYNNE,HENRIETTAALLICE,1972,01,15,,
/005238		*REMINQ	L235	MVEH,AVA05577,,,,,,,,,,,,,,,,,,,,,,,,
/005252		*REMINQ	L235	MVEH,AVA5500,,,,,,,,,,,,,,,,,,,,,,,,
/005449		*REMINQ	L235	MVEH,443YJA,,,,,,,,,,,,,,,,,,,,,,,,
/010355		\$PREMPT	L235	
/010355		CLOSE	L235	

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION <b>SPD</b>						EVIDENCE NUMBER						INCIDENT NUMBER <b>16-247306</b>																	
INCIDENT TYPE <b>Arrest</b>						INCIDENT CLASSIFICATION #1 <b>DWLS</b>						ATTEMPTED <input type="checkbox"/>						INCIDENT CLASSIFICATION #2 <b>OBSTRUCT OFFICER</b>						ATTEMPTED <input type="checkbox"/>					
						INCIDENT CLASSIFICATION #3						ATTEMPTED <input type="checkbox"/>						INCIDENT CLASSIFICATION #4						ATTEMPTED <input type="checkbox"/>					
						RESPONDING TO (Officer Assault)									ASSIGNMENT (Officer Assault)														
REPORTED ON <b>Wed 07/06/2016 18:48</b>				DATE/TIME				OCCURRED ON <b>Wed 07/06/2016 18:48</b>				DATE/TIME				OCCURRED TO <b>Wed 07/06/2016 18:48</b>				DATE/TIME				DISTRICT					
DISPATCH TIME				ARRIVED TIME				CLEARED TIME				REPORT DATE <b>07/06/2016</b>				REPORT TIME <b>20:04</b>				EST. TOTAL PROPERTY LOSS									
PRIMARY CHARGE <b>46.20.342(1)(C) OP W/LIC SUSP 3D(FINAN RESP)</b>																		UCR/NIBRS CODE /											
ADDITIONAL CHARGES <b>46.61.020 REFUSE COOPERATE/GIVE INFO, M-10.07.032 OBSTRUCTING</b>																													
LOCATION OF INCIDENT <b>Baldwin &amp; Hamilton</b>													LOCATION NAME (IF APPLICABLE)																
SOLVABILITY FACTORS <b>Suspect Arrested</b>																													
RELATED INCIDENT NUMBERS																		INCIDENT XREF											
ADDITIONAL REPORTING OFFICERS <b>Eckersley</b>																													
VICTIM/WITNESSES/OTHERS <small>F-Suspect, U-Victim, I-Incident, A-Arrestor, P-Person, V-Bystander, B-Buyer, MA-Minor, MB-Minor/Male, RC-Roadblock Owner, VC-Checkstop, RS-Responder, PE-Petitioner, PO-Prosecutor, CY-Civilian, D-Complainant, IN-Institutional, GL-Guard, GU-Guard, DW-Driver, WH-Witness, CV-Complaint, JCV-Juvenile Contact, RU-Runaway, OVE-Owner of Property.</small>																													
CODE <b>A-1</b>		NAME: LAST, FIRST, MIDDLE <b>Elston, William C</b>										SEX 		RACE/ETHNICITY 						DATE OF BIRTH/AGE									
HEIGHT <b>6'02"</b>		WEIGHT <b>165</b>		BUILD <b>Light</b>		HAIR <b>Brown</b>		EYES <b>BRO - Brown</b>		DESCRIPTORS																			
CONFIDENTIALITY <input type="checkbox"/>		ADDRESS: STREET, CITY STATE ZIP <b>Transient</b>										RESIDENTIAL STATUS						PHONE											
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS										OCCUPATION						EMPLOYER PHONE													
CHARGE LEVEL <b>Misdemeanor</b>				DESCRIPTION <b>46.20.342(1)(C) OP W/LIC SUSP 3D(FINAN RESP)</b>												UCR/NCIC CODE													
WARRANT #				BAIL				TYPE OF ARREST <b>Taken Into Custody</b>										MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>											
CHARGE LEVEL <b>Misdemeanor</b>				DESCRIPTION <b>46.61.020 REFUSE COOPERATE/GIVE INFO</b>												UCR/NCIC CODE <b>90Z/90Z</b>													
WARRANT #				BAIL				TYPE OF ARREST <b>Taken Into Custody</b>										MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>											
CHARGE LEVEL <b>Gross Misdemeanor</b>				DESCRIPTION <b>M-10.07.032 OBSTRUCTING</b>												UCR/NCIC CODE													
WARRANT #				BAIL				TYPE OF ARREST <b>Taken Into Custody</b>										MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>											
CITATION # <b>N052453</b>				DATE <b>07/06/2016</b>				TIME <b>18:48</b>				BOOKED WHERE <b>Spokane County Jail</b>								DATE <b>07/06/2016</b>				TIME <b>18:48</b>					
ARREST LOCATION <b>Baldwin &amp; Hamilton</b>										<input type="checkbox"/> ORAL <input checked="" type="checkbox"/> WRITTEN				<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											
ID NO./NAME OF REPORTING OFFICER <b>#464 - Oien, Shane</b>																		DISTRIBUTION											
APPROVAL <b>#529 - Carpenter, Paul</b>						DATE/TIME <b>07/07/2016 01:09</b>																							

07/07/2016 01:13:49.302

**INCIDENT REPORT CONTINUED**  
**Spokane Police/Spokane County Sheriff**

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INCIDENT CLASSIFICATION <b>DWLS</b>		ATTEMPTED <input type="checkbox"/>		INCIDENT NUMBER <b>16-247306</b>	
DRIVER'S LICENSE <input type="checkbox"/> FAKE	STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE	OTHER ID (ID Card) <b>#4b</b>		
NARRATIVE					

On 7-6-16 at about 1848hrs I was e/b on North Foothills drive at about Astor when I observed the defendant directly in front of me in the curb lane. He was driving a white Dodge Durango (WA plate, AZA4646) I was driving SPD vehicle #340 with a certified calibration speedometer. The defendant's vehicle appeared to be going an estimated 40mph, so I began pacing the vehicle. The vehicle was driving in excess of 40mph the entire time between Astor and Cincinnati averaging about 42 mph. North Foothills is a 30 mph zone.

At Hamilton/Baldwin I stopped the vehicle as it pulled into the gas station on the n.w. corner for the speeding violation. Sgt Eckersley arrived a short time later to assist me. I contacted the driver and asked for his drivers license, registration and proof of insurance. The driver advised that he was borrowing the vehicle and did not have a key to the locked glove box. He also advised he did not have his drivers license on him, but had a drivers license out of Michigan. He gave the name William C. Daniels, 4-15-1986. I was unable to find any entries in our local system, Michigan or in Washington under that name, so I returned to the vehicle and asked if he had anything with his name on it. He advised he didn't, so I told him he was under arrest for 1st degree N.V.O.L. I placed him in handcuffs (D/L), then escorted him back to my patrol car where I searched him behind the passenger side rear door. During the search I located a syringe in his right front shorts pocket.

After I completed the search I moved to my front passenger door to unlock the rear door so he could be placed in my car. As I moved away from the defendant (later identified as William C. Elston 4-15-1986) he decided to run away, with Sgt Eckersley and I chasing. Elston ran in a south easterly path, through the parking lot and then through a drainage swail on the corner. Elston then blindly ran across Hamilton, still in a south easterly path, to the east curb of Hamilton. He then switched directions and ran back across Hamilton, now in a south westerly path, to Indiana where he began w/b on Indiana. Both of these streets are heavily travelled and I was concerned that Elston, Sgt. Eckersley or myself would possibly be hit by a vehicle.

Elston was beginning to get tired and Sgt Eckersley and I were closing distance with him. I had cut through a parking lot on the N.E. corner of Indiana and Hamilton in an attempt to cut Elston off, but he slowed and Sgt Eckersley caught him from behind. As Sgt Eckersley got to him it appeared that Elston stopped/slowed and attempted to duck under Sgt Eckersley. Elston's forward ducking motion, combined with Sgt Eckersley taking upper body control at the same time made it appear that Elston dove to the ground. Since Elston was handcuffed he was unable to break his fall and struck the asphalt with his forehead. I was there almost immediately and helped take control of Elston. Elston was breathing heavily, but was able to get to his feet with minimal assistance from us. Elston was able to walk back to my patrol car and did not complain of anything but being out of breath. As we got close to my patrol car he said something about his head hurting and I could see a small amount of blood running down his cheek. I called for medics, then had him sit in my patrol car to wait.

Incident Report #1

CONTINUED ON NEXT PAGE

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## INCIDENT REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

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INCIDENT CLASSIFICATION <b>DWLS</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-247306</b>
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While waiting for medics to arrive I asked him again what his name was and he gave Chad D. Scott 4-15-1986 and said he ran because I found his syringe. I still was not able find anything in under that name, but after working at it for a while we were able to find out that he was William Chad Elston 4-15-1986 (we confirmed it with a booking photo out of Pend Oreille county). Elston said he ran because he has warrants out of Hawaii. He did have a Felony warrant out of Hawaii, but it was not extraditable. He had a local 3rd theft warrant and a DOL check showed his drivers license was suspended in the 3rd degree.

Medics arrived and decided that he may need stitches. As they were talking to him Elston began complaining of neck pain, so they recommended taking him to the hospital to have it looked at. We followed the ambulance to Deaconess where he was treated and released. The doctor advised that the CT scan and x-rays looked good. I took photos of the injuries to Elston's head prior to being stitched.

I transported Elston to jail where he was booked for his local warrant along with DWLS 3rd degree and Fail to Cooperate give information (Criminal Citation #N052453) and Obstructing (Criminal Citation #N052454). He was issued traffic citation #W042327 for speeding 40 in a 30 MPH zone and for liability insurance required.

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

S. Oien #464 7-6-16

Incident Report #1	END OF INCIDENT REPORT
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07/07/2016 01:13:49 629

# SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

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AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>16-247306</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Wed 07/06/2016 18:48</b>		INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>DWLS</b>		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #2 <input type="checkbox"/>	
INCIDENT CLASSIFICATION #3 <input type="checkbox"/>		ATTEMPTED <input type="checkbox"/>		INCIDENT CLASSIFICATION #4 <input type="checkbox"/>	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>07/06/2016</b>	REPORT TIME <b>20:34</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>VICTIM/WITNESSES/OTHERS</b> <small>S-Suspect, V-Victim, I-Individual, A-Arrested Person, VB-Victim-Business, MA-Minor, MR-Minor Minors, RD-Resident Owner, V-Deceased, PS-Passenger, PE-Police Officer, PC-Police Officer, CY-Cyber, O-Officer, C-Complainant, L-Local, G-Geographical, D-Driver, W-Witness, CV-Complainant is Victim, CO-Complainant is Owner, RW-Roadway, OW-Owner of Property</small>					
CODE <b>W-1</b>	NAME: LAST, FIRST, MIDDLE <b>Butler, Robert S</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
DATE OF BIRTH/AGE <b>03/18/1977 39</b>	HEIGHT	WEIGHT	BUILD	HAIR	EYES
CONFIDENTIALITY <input type="checkbox"/>			ADDRESS: STREET, CITY STATE ZIP <b>911 E Indiana, Spokane, WA 99205</b>		RESIDENTIAL STATUS
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES <b>(Cell) (925) 852-4013</b>					
<b>NARRATIVE</b>					

On 07/06/2016, at about 1848 hrs, I responded to Baldwin/Hamilton to assist Cpl Oien on a traffic stop with a white Dodge Durango. Upon arrival I made contact at the front passenger door. I heard the driver (later identified as William Elston) say that he did not have an ID card on him and gave a name of William Daniels.

Cpl. Oien went back to his vehicle and directed me to watch the driver. I saw that Elston was extremely nervous and fidgety. He was feeling around the vehicle for cigarettes and mumbling to himself. He lit up a cigarette and was constantly looking around. I noticed at least 2 large bumps on his right arm that appeared to be abscesses similar to what is received from injecting drugs. The other two passengers were calm and engaged in light conversation. They did not appear to be nervous in any way.

Based on my training and experience I believed Elston was probably nervous about going to jail and knew something we didn't, like perhaps he had a warrant or drugs on his person. Cpl. Oien returned to the vehicle and placed Elston under arrest for NVOL 1st. During the arrest, I saw that Cpl Oien was keeping Elston blocked in the open driver's side doorway to prevent him from running. I have seen Cpl. Oien make many arrests and this was a sign to me that he was concerned about Elston fighting or running.

I saw that Elston had a knife clipped in his right front pant's pocket but Cpl. Oien was able to get him cuffed without incident at that point. I continued to talk to the passengers because I did not know if Cpl. Oien had any charges or warrants on them.

The rear seat passenger was a female and asked if she could walk home nearby. I told her to hang on while I went to ask Cpl. Oien. Cpl. Oien had Elston at the trunk of his vehicle and asked me to stay with him first. As he said this, he walked towards the passenger side of his vehicle were I

ID NO./NAME OF REPORTING OFFICER <b>#649 - Eckersley, Brian</b>		DISTRIBUTION	
APPROVAL <b>#529 - Carpenter, Paul</b>	DATE/TIME <b>07/07/2016 01:00</b>		

Supplemental Report #1

07/07/2016 01:03:18.592

## SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION <b>DWLS</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-247306</b>
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was standing. Looking past Cpl. Oien I saw Elston turn and start running S/B. Although he was still in handcuffs he was running at a good pace. I did not know if the knife had been removed.

I was wearing an exterior soft body armor and equipment carrier on my upper body. The carrier is marked with "Police" and a SPD patch. I immediately gave chase with Cpl. Oien following behind me. I yelled several times for him to stop. It was early in the afternoon and there was a lot of traffic in the area as Hamilton is a main arterial.

Elston darted S/B across Baldwin and then E/B across all 4 lanes of travel on Hamilton without looking. Once we got to the east side of Hamilton he cut back W/B across Hamilton again. I was very concerned that any one of us could be struck by a vehicle at any moment if he was not taken stopped quickly. He then ran into the W/B lane of Indiana and ran W/B.

I was getting winded jumping hopping medians, curbs, and swells but started to close distance as he got tired. On Indiana he slowed enough and nearly stopped when I was able to grab his upper body with both hands and pull him towards me to stop his forward movement. We were still moving with forward momentum so it was awkward and uncoordinated as I was unbalanced on my feet.

Elston was under arrest for NVOL 1st. I believed that he was lying about his name and most likely had warrants for his arrest.

He had been armed with a knife at the time of his arrest and it was unknown if he was still armed. My previous observations about his nervousness and bumps on his arms lead me to believe he was a drug user.

Elston was resisting arrest by fleeing from Officers and putting us in danger by running across multiple lanes of traffic on a main arterial.

I attempted to pull him in a circular motion to direct him back towards Cpl. Oien. Elston made an unexpected move and bent forward at the same time. He pushed forward and tilted his head down as if purposely diving headfirst to the ground. Since he was handcuffed he was unable to stop his fall and he went straight to the ground in an arched forward position. Elston struck the top of his forehead on the pavement and then relaxed. It was my intention to stop his movement and change his direction, not to take him completely to the ground. The combination of me pulling him in one direction and him bending forward resulted in him going in that direction. He immediately gave up and was walked back to Cpl. Oien's patrol car.

I contacted a male at the bust stop at Indiana/Hamilton who witnesses some of the foot pursuit and the end of the incident. He identified himself as Robert Butler and said that he heard me yelling for the suspect to stop.

I returned to Cpl. Oien's patrol car and he requested medics respond to look at Elston. I saw Elston was bleeding from a fresh injury to the top of his head. Elston was sweating profusely and told medics had done methamphetamine about 4 or 5 hours previous. He complained of neck pain

Supplemental Report U/1

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## SUPPLEMENTAL REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

Page 3

INCIDENT CLASSIFICATION <b>DWLS</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-247306</b>
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so Cpl. Oien and I followed AMR to Deaconess to have him examined.

Elston had an MRI which showed no internal injury. He had some scrapes on his knees so they did X-Rays which showed no injury. He received a few stitches for the laceration on the top of his head and released for jail booking.

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

Sgt. B. Eckersley #649

Supplemental Report #1	END OF ADDITIONAL REPORT
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