

SPOKANE POLICE DEPARTMENT



Internal Affairs Exemption Log

Number	Material Withheld	Brief Explanation of Why Material Withheld	Legal / Statutory Basis
Witness Exe	mptions	***************************************	
#1a	Name / Identity of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1b	<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	Personal home, work or cell phone number of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1d	Residential address of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1e	E-mail address of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#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
Juvenile Info			
#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 Data		•	
#3a	Information from WACIC/NCIC (ACCESS): Criminal history information	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): License Plate Information	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): Vehicle Registered owner information	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): Wanted persons information	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): Officer safety information	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.

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WACIC/NCIC (ACCESS): Gun information	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.
Information from WACIC/NCIC (ACCESS): DOL Information	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.
Information from WACIC/NCIC (ACCESS): Stolen Vehicle Information	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.
Information from WACIC/NCIC (ACCESS): Missing Persons Information	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.
Information from WACIC/NCIC (ACCESS): Runaways or endangered persons	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.
WACIC/NCIC (ACCESS): DOC Information	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.
	This information constitutes personal	RCW 42.56.050 (Invasion
Social Security Pulliber	identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	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)
	Information from WACIC/NCIC (ACCESS): DOL Information Information from WACIC/NCIC (ACCESS): Stolen Vehicle Information Information from WACIC/NCIC (ACCESS): Missing Persons Information Information from WACIC/NCIC (ACCESS): Runaways or endangered persons WACIC/NCIC (ACCESS):	WACIC/NCIC (ACCESS): Gun information Information WACIC/NCIC (ACCESS): DOL Information WACIC/NCIC (ACCESS): DOL Information WACIC/NCIC (ACCESS): DOL Information WACIC/NCIC (ACCESS): DOL Information Information from WACIC/NCIC (ACCESS): Stolen Vehicle Information Information Information WACIC/NCIC (ACCESS): Stolen Vehicle Information WACIC/NCIC (ACCESS): Missing Persons Information WACIC/NCIC (ACCESS): 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. WACIC/NCIC (ACCESS): Missing Persons Information 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. WACIC/NCIC (ACCESS): Runaways or endangered persons 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. WACIC/NCIC (ACCESS): DOC Information 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. 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. This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to

#4b	Driver's License or	This information constitutes personal	18 USC § 2721
	Identity Card	identifying information unique to the	(Prohibition On Release
		holder and which, if obtained by the	And Use Of Certain
		public could be abused or lead to	Personal Information From
		identity theft.	State Motor Vehicle
			Records); RCW 42.56.050 (Invasion
			of privacy),
			RCW 42.56.230 (Personal information) 42.56.250
			information), 42.56.250 (Employment and
			licensing), 42.56.210(1)
			(Certain personal and other
			records exempt)
#4c	Credit/Debit Card	Could be subject to identity theft.	RCW 42.56.230(5)
	Numbers	Disclosure has no legitimate public	(Personal Information),
		value and violates the individual's	RCW 42.56.060 (Invasion
		right to privacy.	of privacy)
#4d	Electronic Check/Check	Could be subject to identity theft.	RCW 42.56.230(5)
	Numbers	Disclosure has no legitimate public	(Personal Information),
		value and violates the individual's right to privacy.	RCW 42.56.060 (Invasion
#4e	Card Expiration Dates	Could be subject to identity theft.	of privacy) RCW 42.56.230(5)
<i>ii</i> 10	Cara Expiration Dates	Disclosure has no legitimate public	(Personal Information),
		value and violates the individual's	RCW 42.56.060 (Invasion
		right to privacy.	of privacy)
#4f	Bank Account Number	Could be subject to identity theft.	RCW 42.56.230(5)
		Disclosure has no legitimate public	(Personal Information),
		value and violates the individual's	RCW 42.56.060 (Invasion
		right to privacy.	of privacy)
#4g	Financial Institution	Could be subject to identity theft.	RCW 42.56.230(5)
	Account Number	Disclosure has no legitimate public value and violates the individual's	(Personal Information), RCW 42.56.060 (Invasion
		right to privacy.	of privacy)
Employees 1	Files	inglic to privacy.	or privacy)
#5a	Photos of Spokane Police	Photographs in the personnel files of	RCW 42.56.250(8)
	Department or other	employees and workers of criminal	(Employment and
	criminal justice employees	justice agencies as defined in RCW	licensing)
		10.97.030 are protected from	
		disclosure for their safety and	
# 51 .	Diad Jahan Carinia 1	privacy.	DCW 42.57 250(0)
#5b	Birthdates of criminal justice employees	Birthdates in the personnel files of employees and workers of criminal	RCW 42.56.250(8) (Employment and
	justice employees	justice agencies as defined in RCW	licensing)
		10.97.030 are protected from	
		disclosure for their safety and	
		privacy.	
#5c	Personal Information in	Personal information in files	RCW 42.56.230(3)
	employee files	maintained for employees,	(Personal information),
		appointees, or elected officials of any	RCW 42.56.250(3)
		public agency is protected to the	(Employment and
		extent that disclosure would violate their right to privacy.	licensing)
		Criminal History	1
#6a	Criminal history not from	Criminal history which has not led to	RCW 10.97 (Criminal
	ACCESS- Non-Conviction	a conviction or other adverse	Procedure)
	Data	disposition is protected by state law	, ,
		and only released to Criminal Justice	
		Agencies for law enforcement	
	1	purposes.	İ

Officer Saf	ety 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 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). Ashley v. Public Disclosure Comm'n, 16 Wn.App. 830, 836 (1977).
#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	RCW 42.56.050 (Invasion of privacy)
	Sensitive material	offensive to a reasonable person.	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 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) Hangartner v. Seattle, 151 Wn.2d 439 (2004).

#120	Nomo/Idor-44	This mode ation must set the identity	Dainbuida a Islam J Dali
#13a	Name/Identity 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.	Bainbridge Island Police Guild v. City of Puyallup, 172 Wash.2d 398 (2011). Bellevue John Does, 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.	Bainbridge Island Police Guild v. City of Puyallup, 172 Wash.2d 398 (2011)
#13c	Personal work, home, or cell phone number 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.	Bainbridge Island Police Guild v. City of Puyallup, 172 Wash.2d 398 (2011)
#13d	Residential address 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.	Bainbridge Island Police Guild v. City of Puyallup, 172 Wash.2d 398 (2011)
#13e	E-mail address 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.	Bainbridge Island Police Guild v. City of Puyallup, 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)

Incident Summary Page 1 of 5

Spokane Police Department Use Of Force Report

Incident Entered By: Sergeant Charles Reynolds

Incident Details

Date Received Date of Occurrence Time of Occurrence

7/6/2016 6/20/2016 03:26 **Record ID # Incident No**1A No

9351 16-222179 F16-061

Date/Time Entered 7/6/2016 23:00

Incident Summary

Ofc. Hamilton and his K9 partner "Leo" were called to locate a burglary and DV suspect, Swain, that refused to comply with Officers and was hiding in a house. There was also information that he had a hand gun with him and had a "machine gun" in the past. Ofc. Hamilton used "Leo" as an effective searching and apprehension tool to locate Swain hiding in the basement.

In compliance with policy per Major King 08/05/16.

Incident Location

- : Southeast

Use of Force Specific Information

Reason for Use of Force Service Being Rendered

Fleeing (Felony) Call for Service

Weather ConditionLighting ConditionDistance to CitizenClearInterior Lightingf-greater than 30 feetCitizen InjuredCitizen Taken to HospitalCitizen Arrested

Yes Yes Yes

More than 1 Citizen Involved

No

Citizen's Build Citizen's Height
Large 5'10" to 6'0"

Officer Assessment of Citizen Condition During Incident

Alcohol and/or Drugs

Officer(s) Injured Officer(s) Taken to Hospital

No No

Reporting/Involved Citizen Information

Jacob D Swain

Incident Summary Page 2 of 5

DOB: 5/20/1982 Race: White Gender: Male

Phone

• (509) 435-8238

Types of Resistance Citizen Used Against Officer(s)

• Active Resistance

Injury	Regio		Injury Locations
d-Injury Requiring ER	6	1	
FRONT	Γ	BA	CK
3 7 3	5		
	1		F
(8)	(8)	(8)0	(3/9)
10/\12		1 /	1 /
1 / \	Conditi	on	
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	7	_ ()	C

Charges against this citizen

- Felony Property Crime
- Misdemeanor Person Crime

Involved Officers

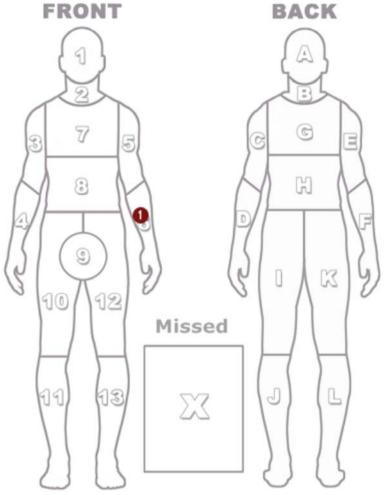
Officer Craig Hamilton - Payroll Number: 12227

Force used by this officer against the citizen

• K9 Application - Was force effective: Yes

Incident Summary Page 3 of 5





Injuries sustained by this officer

Injury	Regions	Injury Locations
No injuries noted or visible		

Attachments

D-4- A4411	Attackers and December	Association and Tomas
Date Attached	Attachment Description	Attachment Type
7/6/2016	CAD	pdf
7/6/2016	photo log	pdf
7/6/2016	additional reports	pdf
7/6/2016	officer reports	pdf
7/6/2016	BWC Hamilton	
7/11/2016	Hamilton report	pdf
7/11/2016	Kanine deployment report	pdf
7/11/2016	Kanine UOF report	pdf
7/11/2016	IA Additional	doc
7/14/2016	IMG_0001	JPG
7/14/2016	IMG_0002	JPG

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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	То	СС	Approved		
7/12/2016	Internal Affairs	Internal Affairs	Lieutenant Mark Griffiths	✓		
Sender's Instructions: For your review						
Recipient's C	Comments/Response: [Fo	orwarded by Sergeant Micha	ael Carr]			
7/14/2016	Sergeant Michael Carr	Sergeant Charles Reynolds	(none)	✓		
	tructions: Jason, if this loo					
Recipient's C	Comments/Response: [Fo	orwarded by Sergeant Charl	es Reynolds]			
	1	1	ur .	1		
7/25/2016	Sergeant Charles Reynolds	Lieutenant David Overhoff	(none)	✓		
	tructions: For your review					
	Comments/Response: I h			are consistent		
and within pol	licy. I concur with Sgt. Reyr	noids and approve this OUF	·			
7/31/2016	Lieutenant David Overhoff	Captain Daniel Torok	(none)			
Sender's Ins	tructions: Please review a	nd advise	1			
Recipient's C	Comments/Response: Ke	ith, this is a K9 use of force	that was routed to me in e	error.		
8/1/2016	Captain Daniel Torok	Captain Keith Cummings	Lieutenant David Overhoff	V		
	tructions: see comments					
Recipient's C	Comments/Response: Ap	propriate use of the K9				
8/2/2016	Captain Keith Cummings	Major Kevin King	(none)			
			(none)	✓		
	tructions: For your review					
Recipient's C	Comments/Response: Thi	is use of force was within po	olicy and state and federal l	aws.		
Entering Offi	cer Signature Line					
Sergeant Char	les Reynolds					
Chain of Com	mand Signature Lines					
Sergeant Mich	ael Carr					
Sergeant Char	les Reynolds					
Lieutenant Dav	vid Overhoff					

Contain Devial Touri
Captain Daniel Torok
Captain Keith Cummings
Captain Keith Cummings
Major Kevin King

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Incident Summary



Spokane Police Department Internal Affairs

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Use of Force Additional

Incident #: 16-222179

Date: 07-11-16

Involved Officer(s) BWC Y/N: Y

Reviewing Supervisor: Reynolds #558

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

report.

Incident Summary:

Ofc. Hamilton and his K9 partner "Leo" were called to locate a burglary and DV suspect, Swain, that refused to comply with Officers and was hiding in a house. There was also information that he had a hand gun with him and had a "machine gun" in the past. Ofc. Hamilton used "Leo" as an effective searching and apprehension tool to locate Swain hiding in the basement.

Officer Interview Summary:

Subject Interview Summary:

Witness Interview Summary:

Witness Officer Interview Summary BWC Y/N:

Any Relevant Clarifying Information and Observations:

Sergeant Findings:

After reading the attached documentation and debriefing Ofc. Hamilton I find that Ofc. Hamilton's deployment of K-9 "Leo" as a searching and apprehension tool was reasonable, within State and Federal Law, within Department Policy and met Department expectations.

It was within Department Policy because at the time Ofc. Hamilton deployed his K-9 he believed the suspect, Swain, was committing the crimes of Residential Burglary (felony) and DVOPV (misdemeanor). Ofc. Hamilton had information that the suspect may be armed with a hand gun and had been in possession of a "machine gun" in the past. He also believed this was the safest and most efficient way to take Swain into custody for Swain, other Officers, and himself. Swain was actively resisting by hiding in the house and refusing to comply with Officers commands. Because of this Ofc. Hamilton believe the use of his K-9 "Leo" appeared necessary to overcome his resistance.

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Incident History for: #SP160222179 Xref: #SP160222293
             06/19/16 23:40:15 BY 91121 911231
 Entered
             06/19/16 23:41:15 BY PCC03 1234
06/19/16 23:41:15
06/19/16 23:47:55
06/20/16 06:48:37
 Dispatched
 Enroute
 Onscene
 Closed
                         Final Type: DVOPV (DV-PROTECTION ORDER VIOLATION)
Initial Type: DVW
Initial Priority: 2 Final Priority: 2
                    Source: 9
                                Primary Unit: C482
 Disposition: 1E
Police BLK: SPC6SG
                            Map Page: 34
Group: P6
                 Beat:
                        btwn S PERRY ST & S HELENA ST <3700> (NV)
Loc:
                             Addr: 1c
                                                           Phone:
Name:
                       1b
             1a
                                 DAUGHTER CALLED COMP 5 AGO AND SAID THAT XHUSB
/234015 (911231) ENTRY
                                 WAS HER HOUSE, THEY WERE A RGUING, UNK IF PHY
                                 SICAL, TOLD COMP THAT HE HAD HER GUN, UNK IF U
                                 SED, NCO WITH XHUSB
                                 , Incident data pushed to folder
/234015
                 $FCSEND
/234016 (*****) $FCACK
                                 , Processed Successfully
                                 TXT: DAUGHTER:
/234041
        (911231)
                  SUPP
/234043
        (1234)
                  HOLD
                                 TXT: 1a PH# 1b
/234052
        (911231)
                  SUPP
                                 TXT: HER XHUSB: SWAIN, JACOB D 05??82
/234115
                  SUPP
                                 #1259
                                         RANKIN, BRANDON
/234115
        (1234)
                 DISPER C484
/234115
                  ASSTER C483
                                  #1243
                                          VALENCIA, ANDRES
                                  #1191
                                          FABIAN, BRANDON
                  ASSTER C482
/234115
                                 1d
               ) *ASSTER P303
/234118 (767
                                          DANIEL, JEREMY
                                  #767
/234153
        (271
              ) *ASSTER L220
                                  #271
                                          KANNBERG, ERIC M
                                 TXT: 3 CHILDREN: 3, 6 AND 7 YO ALSO LIKELY IN
/234155
        (911231) SUPP
                                 THE HOUSE
                                 MWANT, . . . , . SWAIN, JACOBD, 1982, 05, 20, . , , , , , , , ,
/234222
        (767 ) *REMINQ P303
                                 TXT: 1a GUN WOULD BE A PISTOL, UNK FURTHE
/234230
        (911231) SUPP
                                 R, UNK IF JACOB HAS A GUN HIMSEL F
/234250
        (1239 ) *ASSTER D364
                                           1d
                                  #1239
                                          GONSALVES, KEITH
                                 TXT: JACOB KNOWN TO USE PILLS AND POSS HEROIN
/234309
        (911231)
                  SUPP
                                 NAM:
                                                -->
                  CHANGE
1234342
                                 TXT: HX OF ASLT BETWEEN THEM.
/234409
                  SUPP
                                 TXT: COMP REO LE CHECK ON THEM. SHE TRIED TO C
                                 ALL WHILE COMP WAS ON WITH 911. ###
/234500 (1234 ) MISC
                                 ,JACOB SPRS 264512
/234542 (1016 ) *ASSTER D360
                                 ſ
                                        1d
                                  #1016 WILKINSON, RHIAN
/234755 (1234 )
                 ONSCNE C483
                                 , FROM THE SOUTH
/234759
        (1191 ) *ONSCNE C482
/234814
        (1239 ) *ONSCNE D364
/234904 (1259 ) *ONSCNE C484
                                 LIC, C483, 257PEL, , , ,
/234926 (1234 ) REMINO C483
                                 ,06/19/16 23:49:32 FROM ACCESS = DATABASE ID:
/234947
                  MISC
/234947
                  MISC
                                                3b
                  MISC
/234947
/234947
                  MISC
/234947
                  MISC
```

/234947			MISC		
/234947			MISC		
/234947			MISC		
/234947			MISC		3 <i>b</i>
/234947			MISC		30
/234947			MISC		
/234947			MISC		
/234947			MISC		
/234959	(1253)	REMINQ	P303	CHRI, P303, C, JDANIEL, VICO, , , , , , , , , , , , , , 8181 5JB92
/235013	(1221		*ASSTER	D363	#1221 SCOTT, KELSEY
/235032	(271		*ONSCNE	L220	(27.7.77)
/235108	(1234)		C484	[ALLEY]
/235108	17.67			D364	[ALLEY]
/235134 /235156	(1234		*ONSCNE MISC	P303	,,,,,,,JACOB D SWAIN 05/20/82, SPRS 264512, S
/235205	(1147)	*ASSTER	C481	-9 RESP W/ 1a (SERVED/OCA: 150119316)
1005000	14001		1/7.00		#1147 GOBBLE, NATE
/235208	(1234)		0400	,,,,,,,JACOB S-5 DRUGS/SUSPER
/235313			CALLBK	(483	T/PCC02 ,TRY CALLING 12 16 , CAN SHE SAFELY CO ME TO THE DOOR?
/235325			MISC	C482	, CAN HEAR A FEM VOICE INSIDE
/235415			MISC	C482	, SOMEONE IN FRONT LIVING ROOM GETTING CLOSER T
/235449			MISC	C484	, CAN HEAR FEM IN THE BACK OF THE HOSUE,
/235457			NEWLOC		[BACKYARD]
/235508	(1253)			T/PCC03
	V	,			, RINGS SEVERAL TIMES TO GENERIC VM
/235512	(1234)		P303	, NO SIRENS
/235603			MISC	C482	,CAN HEAR A MALE AND FEM, FEM YELLING "DAD DID YOU CALL THE COPS"
/235623			*ONSCNE		
/235629	(1234)		C482	, KNOCING, EVERYONE IS SET
/235730	(1000		MISC	D260	,,,,, 1a S-9 PET, -0- OTHERWISE
			*ONSCNE		m/paga2
/235911	(1234)	CALLBK	C482	T/PCC02 ,TRY CALLING 1a AGAIN 1c , SEE IF SHE'
					LL COME OUTSIDE
/235953			MISC	L220	, HAVE CONTACT AT THE FRONT
			CALLBK	11200	T/PCC03
,	,	,			, FEMALE ANSWERED, TOLD ME TO HOLD ON, THEN DIS CONNECTED
			20/16 ***		
/000133	(1234)	MISC	L220	,UNCCOP FEM AT FRONT DOOR, DENIES MALE IS INSI DE
			*ONSCNE	C481	
/000206	(91123	31)	SUPP		TXT: COMP ON CB: SAYS THAT DAUGHTER CALLED HIM 2 AGO, TOLD HIM THAT JACOB LEFT ON FOOT AFTER

12.

*

					R UPSET WITH COMP FOR CALLING LE. ###
/000520	(1234)	CALLBK	C481	T/PCC01
7000320	(1234	,	CAPIDI	C401	ANY UNIT W/ A SHIELD AVAIL TO ASSIST?
/000547	(1123)	ASSTER	A311	[1d .
					#1015 KIRBY, AARON
/000656	(1234)	MISC	L220	,PC FOR DV BURG AT THIS TIME ,1 CHILD OUT, 2 MORE IN THE HOUSE
/000802 /001018			MISC MISC	L220 L220	HE CAN COME AND GO FROM WINDOW ON EAST SIDE O
/001010			MIDO	шии	F THE HOUSE
/001148			MISC	C481	, CONTINUEING VERBALS W/ NO RESPONSE
/001207			NEWLOC	C483	[WATCHING EAST SIDE] ,OTHER 2 KIDS ARE STILL IN THE HOUSE, MOM UNCC
/001446			MISC	L220	OP, WEAPON IN THE HOUSE UNK LOC
/001529			MISC	L220	KIDS WERE IN BEDROOM AT 3/4 CORNER IN THE FRO
,					NT
/001816			MISC	C482	,CHATTED WITH HER A LITTLE, PRETTY CONFIDENT H E'S STILL DOWNSTAIRS AND THINKS THE FIRE ARM I S IN A CLOSET UPSTAIRS IN A CASE
/001849			MISC	L220	, FIRE ARM NOT IN A LOCKED CASE, JUST HIDDEN
/001856			NEWLOC	P303	[BACK]
/001908 /001911	(1015	1	*ONSCNE	L220 A311	[W/ FEM]
/002108	(1234		CALLBK	L220	T/PCC01
					, NEED A UNIT W/ A BALLISTIC SHIELD TO ASSIST?
/002143 /002154			CHGLOC MISC	A311 A311	[SIG 1] ,HEADING TO THE STATION TO GET THE BALLISTIC S
/002134			MIDC	ASII	HIELD
/002316	(1181)	*ASSTER	A315	[SIG 1]
				-0.5	#1181 LESSER, CHRISTOPHER
/002505 /002513			*ONSCNE *CHGLOC	A315 A315	[1d
/002313	(093	Ī	*ASSTER	L183	[W/ FEM]
,	,	•			#093 SPRAGUE, DEAN
/002934	(1234)	NEWLOC	D363	[BACK]
/002934 /003035	(1015 (1177		*ONSCNE *ASSTER	A311 A314	#1177 BRIGGS, NICK
/003053	(1234	í		A311	1d
/003245	(761	j	CALLBK		T/PCC03
(0000050	(2202	,	+ OMGGNIE	7.71	,K9 PAGED
/003352 /003716	(1181 (761)	*ONSCNE ASSTER	A315 K15	[W/ FEM]
/003/10	(701	,	MOOTHI	1(15	#452 LESSER, DANNY
/003855	(464)	*ASSTER	F30	[W/ FEM] #464 OIEN, SHANE E
/003859	(1015)	*ONSCNE	A311	TO CT. CIENTS TO ONL MIS. MIA MILL DE END
/003915 /003925	(761 (093	1	CLEAR *ONSCNE	K15 L183	, PAGE SENT TO CXL K15, K14 WILL BE ENR
/003949	(1234	5	ASSTER	K14	1d
		4			#713 HAMILTON, CRAIG
/004044	(1067)	*ASSTER	F32	#1067 IESSED DODEDT CCOTT
/004134	(1234)	ASSTER	В430	#1067 LESSER, ROBERT SCOTT
,001101	(1201	,	11001111	DIGG	#566 VAUGHN, KEVIN L
/004134			\$ASSTER	B432	[1d]
/004134			\$ASSTER	B437	#1290 LEQUIRE, CHRIS
\004T24			AWDOITU	D#3/	#1186 BROWN, JORDAN
/004148	(761)	MISC		TIER 1
/004239	(1234)	ONSCNE	A314	
/004246			\$PREMPT	B437	

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$ASSTER B436
                                          SPOLSKI, NICHOLAS
                                  #969
/004246
                          B437
                                 B436
                                        T/PAPER [LOGAN]
/004246
                  PREDSP
                          C481
                                  , CONTINUEING VERBALS
/004255
                  MISC
/004314
        (750
               ) *ASSTER B434
                                       1d
                                  #750
                                          ANDERSON, JERRY C
        (1206 ) *ASSTER F34
/004406
                                          BROWNELL, MARK
                                  #1206
                                 CHRI, L220, C, KANNBERG, NCO, 160222179, , , , , SWAIN,
              ) REMINO L220
/004659
        (761
                                 JACOBD, M, W, 1982, 05, 20, , , , ,
                  REMINQ L220
                                 CHRI, L220, C, KANNBERG, NCO, 160222179, ,,,,,,,,,
/004728
                                 ,,,,,81815JB9
/004915 (1234 ) CHGLOC B432
                                  [38TH/PERRY]
                  CHGLOC B430
                                  [38TH/PERRY]
/004915
                  CHGLOC B434
                                  [38TH/PERRY]
/004915
                  CHGLOC B436
                                  [38TH/PERRY]
/004915
/004943
                  ASSTER B433
                                           BISHOP, DEREK
                                   #747
                 $ASSTER A310
/004943
                                           1d
                                  #966
                                          JOHNSON, CHRISTOPHER
                  CHGLOC A310
                                  [BEAR CAT]
/004955
                  CHGLOC B433
                                  [BEAR CAT]
/004955
/005032
        (750
               ) *ONSCNE B434
               ) *ONSCNE
                         B436
        (969
/005152
        (1290 ) *ONSCNE
                          B432
/005209
/005225
        (1253 ) MISC
                          A315
                                 , NO RESPONSE TO VERBALS
                                  [W/ FEM]
              ) *ASSTER
/005301
        (649
                          L235
                                  #649
                                          ECKERSLEY, BRIAN
                                 ,TO A310 - 38TH/PERRY TO BRIEF
        (1253 ) MISC
                          A314
/005347
/005424
        (1067 ) *ONSCNE F32
               ) *ONSCNE K14
/005511
        (713
               ) *ONSCNE
                          F30
/005511
         (464
        (1206 ) *ONSCNE
                          F34
/005512
/005548
        (1253 ) ONSCNE
                          A310
/005553
                  ONSCNE
                          B433
                          B433
                                 , BEARCAT OS
/005603
                  MISC
                                  ,TO L220
/005711
                  MISC
                          C482
                                 T/PCC03
/012125
        (761
               ) CALLBK
                                  , FIRE ADV TO STAGE TO THE NORTH
/012629 (1253 ) ONSCNE
                          B430
                                  , DSO CAPT. TOROK ADVISED THAT SWAT WILL BE COM
        (093
              ) *MISC
/013058
                          L183
                                  ING OUT, SAID HE'D BE EN ROUTE.
/013441
        (1206 ) *REMINQ
                         F34
                                 MWANT, , , , , , FERRIS, JOSHUAM, 1980, 10, 07, , , , , , ,
                          F34
                                 /013455
                 *REMINO
/013609
        (1210 ) CALLBK
                                  T/PCC03
                                  FIRE IS STILL STAGING....AND THEY ARE AT 37T
                                  H/HELENA
                                 , IN THE BACKYARD
/014835
        (1253 ) MISC
                           B436
                                 [W/ FEM]
                          L105
/015125
        (242
               ) *ASSTER
                                   #242
                                           TOROK, DAN
/015531
                          B230
        (1253 ) ASSTER
                                  [CP]
                                   #359
                                           PAVLISCHAK, JAMIE
/015531
                 $ASSTER
                         L281
                                  [CP]
                                   #581
                                           AUSTIN, BRENT
                   CALLBK L281
                                 T/PCC05
/015852
                                  , CALL OUT EDU
        (625
              ) *ASSTER
                                  [38TH/PERRY]
/020207
                          P317
                                   #625
                                           BUSCH, KEVIN
/020258 (761 ) CALLBK
                                  T/PCC03
                                  , L209 ADVISED FOR EDU
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/020347 (1253 ) MISC
                         L281
                                , NEGOTIATORS PAGED
                                [CP - 38TH/PERRY]
                         L183
                 NEWLOC
/020444
                                ,SIGN SW
                         C482
/020648
                 MISC
             ) *ASSTER L205
                                [CP]
/020657 (417
                                        KENDALL, SHAWN
                                #417
                                [CP - 38TH/PERRY ]
/020712 (1253 ) ASSTER E400
                                 #580 BALDWIN, EUGENE P
                 NEWLOC P317
                                [CP - 38TH/PERRY ]
/020812
                               [CP - 38TH/PERRY]
                 NEWLOC L105
/020812
                               [CP - 38TH/PERRY ]
[CP - 38TH/PERRY ]
                        L205
/020812
                 NEWLOC
                 NEWLOC
                         B230
/020812
/020839
                 ENROUT
                        P317
                 ENROUT B230
/021020
                 ENROUT L105
/021020
                 ENROUT L205
/021020
                                [CP - 38TH/PERRY ]
/021049 (862
             ) *ASSTER 1462
                                 #862 KERNKAMP, JAY
/021219 (1253 ) ONSCNE L281
                         B230
                 ONSCNE
/021315
        (242
               *ONSCNE
                         L105
/021754
        (1206 ) *REMINQ
                         F34
                                LIC, F34, 838XSX,,,,
/021755
                                *REMINO F34
/021758
                                ,,,,,,,X
                                MWANT,,,,,,RUSH,LAURENELIZABETH,1991,11,24,...
/021800
                *REMINQ
                         F34
                                ,,,,,,,,,,,,,,,X
                                                   4b , , , , , , , , , , ,
                                MWANT,,,,,,,,,,,
/021814
                *REMINO F34
/021935 (1253 ) CALLBK
                         L220
                                T/PCC03
                                , BARRICADES PERRY SHUT DOWN 37TH AND 39TH
                 CALLBK L220
                                T/PCC03
/021940
                                , STREETS ADV
                         I462
                                ,TRUCKS ENRT FROM SIG 1
/022007
                 MISC
/022034 (731
              ) *ASSTER K30
                                [BEAR CAT]
                                 #731 PEGRAM, SHAWN
              ) *NEWLOC
/022544 (649
                        L235
                                [38/IVORY]
       (625
/022547
              *ONSCNE
                         P317
/022655 (432
              ) *ASSTER
                        L209
                                [CP]
                                        DASHIELL, ROBBIE
                                 #432
                                         1d
/022851 (486
              ) *ASST
                         TARU2
                                 #486
                                        SNIDER, RYAN
/022853
                *ENROUT TARU2
/022903 (649
                        L235
               ) *CLEAR
                         F34
       (1206
              ) *CLEAR
/023024
              ) *ONSCNE
) *ONSCNE
       (580)
                        E400
/023145
        (862
                         I462
/023234
              *ASSTOS L235
                                [W/ FEM]
/023342
        (649
                                        ECKERSLEY, BRIAN
                                 #649
                *NEWLOC L235
                                [38TH/IVORY]
/023355
/023831 (582
              ) *ASSTER L285
                                [38TH/PERRY]
                                 #582
                                       WATERS, DANIEL
                                [BEAR CAT]
/024144 (605
              ) *ASSTER TARU3
                                 #605 RALEIGH, ERIN
                                (649
              ) *REMINQ
                         L235
/024257
        (1253 ) NEWLOC
                         C484
                                [37TH/PERRY]
/024318
              *ASSTER A111
/024325 (269
                                [BEAR CAT]
                                        GATELY, KELLEE
                                #269
                                , ER TO GET MOTORHOME
/024343
                 *MISC
                         A111
              ) *ONSCNE L209
/024544 (432
/024610 (266 ) *ASSTER B120
                                [38TH/PERRY]
                                 #266 COLEMAN, MYLISSA
                                , NEED TWO MORE IN THE BACK TO RELIEVE PATROL
/024803 (1253 ) MISC
                        P317
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MISC P317 , COME AROUND THE 2 SIDE
MISC P317 , HAVE THEM GRAB A SHIELD
NEWLOC B230 [1 SIDE]
ASSTOS A442 [1 SIDE]
 /024811
                                               , HAVE THEM GRAB A SHIELD AS WELL
 /024831
 /024901
 /024939
                                               #781 RUSSO, MICHAEL
                         MISC A442
                                               , HERE WITH THE SHIELD
 /025019
 /025438 (266 ) *ONSCNE B120
/025519 (1253 ) MISC P317 ,D363 P303 D364 - RELIEVED IN THE BACK /025528 MISC P317 ,TWO LEFT ON THE 4 SIDE
 /025600 (1234 ) ASSTER D161 [CP - 38TH/PERRY]
                                              #1135 KIRN, CHRIS
/030105 *ONSCNE L285
/030427 (1253 ) MISC L281 ,MOVING IN ABOUT 30 SEC
/030447 MISC L281 ,TEAM MOVING
MISC L281 ,HAVE THE KIDS AND EVAC
                   MISC L281 ,HAVE THE KIDS AND EVACING
MISC E400 ,KIDS ARE OUT
MISC L281 ,HAVE ONE HAND GUN
MISC L281 ,... 1ST SEARCH DONE, STARTING SECOND BEFORE
STARTING VERBALS IN THE BASEMENT
 /030732
 /030808
/031008 MISC L281 ,K9 ANNOUNCEMENT IN THE BASEMENT
/031202 MISC P317 ,CHECKING THE GARAGE
/031222 MISC P317 ,THERE'S A DOOR THAT GOES TO THE YARD
/031230 MISC P317 ,THE ATTACHED GARAGE, NOT THE SHED
/031351 MISC C482 ,JUST ONE DOG IN THE HOUSE.
/031358 MISC A311 ,THERE ARE TWO
/031410 MISC K14 ,ONE WAS UPSTAIRS
/031410 MISC A311 ,LARGER DOWNSTAIRS
/031419 MISC A311 ,LARGER DOWNSTAIRS
/031452 (269 ) *ONSCNE A111
/031518 (1253 ) MISC L281 ,BRASCH WITH US AND IS FINE - HIT HI
 /030908
                                               , BRASCH WITH US AND IS FINE - - HIT HIS EMER B
                        MISC A311 , KEYS OVER HERE ACROSS THE STREET MISC P317 , SOMEONE WITH KEY MEET A442 AT THE
 /031527
                                               , SOMEONE WITH KEY MEET A442 AT THE ROLL UP DOO
 /031554
                                               R TO THE GARAGE
                  MISC P317
MISC L281
MISC A311
                                               , MOVEMENT NS BASEMENT 2 AGO
 /031614
                                               , PROB THE ROBOT
 /031621
                                                , DOG WAS LOCKED IN THE BATHROOM WHEN FEMALE LE
 /031633
                         NEWLOC A311 [W/ THE FEMALE]
 /031702
                    NEWLOC L220 [CP]
MISC P317 , CLEARING THE GARAGE
MISC P317 , ATTACHED GARAGE CLEA
 /031725
 /031733
                                               ,ATTACHED GARAGE CLEARED. - NO ACCESS TO THE H
 /031904
                                               OUSE FROM THE GARAGE
 /031941 MISC L281
/032055 (1135 ) *ONSCNE D161
/032154 (1253 ) ASSTOS L230
                         MISC L281
                                               , MAKING ANNOUNCEMENTS WITH ROBOT IN BASEMENT
                                               [CP]
                                                #349 PREUNINGER, TERRY
#688 CURTIS, JASON
                        ASSTOS F31 [ 3b
 /032311
                                               #952 BRASCH, CHRISTOPHER
 /032357
                       MISC L281 , PUTTING DOG IN BASEMENT MISC L281 , NO RESPONSE TO COMMANDS
                                               , NO RESPONSE TO COMMANDS MADE FROM ROBOT
 /032430
 /032459 (767 ) *ONSCNE P303
 /032515 (1253 ) MISC A442 , BASEMENT HAS EGRESS WINDOWS ON 4 SIDE, 2 OFFI
                                               CERS HERE ON THE WINDOWS
                         MISC L281 , DOG IN THE BASEMENT
 /032523
 /032556 (767 ) *CLEAR P303 , PSTAT/ASST PSTAT/VIDY
 /032621 (1253 ) MISC
                                               , DOG MAKING CONTACT IN THE BASEMENT
 /032644
                          MISC
                                               , CONTACT WITH THE DOG
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, TAKING ONE INTO CUSTODY
/032703
                   MISC
                                   , WHERE FOR MEDICS TO CHECK
                   MISC
/032821
                                   ,L230 FROM THE WEST
/032831
                   MISC
                                   ,L281 WAS HIDING UNDER THE COUCH IN THE BASEME
                   MISC
/032844
                                   ,L281 CLEARING BASEMENT 2ND TIME
/032904
                   MISC
/032910 (1234 ) CALLBK L220 T/PCC05
                                   , MEDICS COME IN FROM THE SOUTH TO CHECK ON SUB
                                   J THEY ARRESTED
                                   , P317 BACK UNITS CLEARING
/032912 (1253 ) MISC
                                   ,L281 2ND SWEEP DONE, SWAT MOVING OUT
                   MISC
/032930
                                   , P317 - WE COULD HEAR THE K9 ANNOUNCEMENTS FRO
/032944
                   MISC
                                   M THE BACKYARD
                                   T/PCC01
/032954 (761 ) CALLBK
                                   , FIRE ADV
                                   , MEDICS WILL BE TOWARDS THE WEST
/032955 (1253 ) MISC
                   REMINO C483 GUN, C483, B156280, , , , , , B156280, , , , 3
/033101
                   REMINQ C483 GUN, C483, , , , , , , B156280, , , ,
/033108
                           L220
                                   , PATROL TO 38TH/PERRY FOR A DEBRIEF
                   MISC
/033210
                                   , FAMILY BACK IN THE HOUSE?
                            L183
/033221
                   MISC
                           L281
                                   , HOLD OFF
/033227
                   MISC
                           L183
                                   , GOOD TO LET THE FAMILY BACK HOME
                   MISC
/033334
                                   , SWAT START STOWING GEAR
                  MISC
                          L281
/033357
                                   , TO PATROL - CLEAR UP HERE UNLESS BLOCKING AN
                  MISC L183
/033516
                                   INTERSECTION
/033526 MISC 1462
/033619 (242 ) *CLEAR L105
/033751 (1290 ) *TRANS B432
                                   , MEDICS CHECKED HIM OUT
                                   [DEACONESS] M/0
                                   ,1 MALE [SIG 1]
/033837 (1221 ) *CHGLOC D363
                                   , LEAVE THE HOUSE AND CLOSE THE DOOR
/033946 (1253 ) MISC
                           E400
/033954 (432 ) *CHGLOC L209 [SECURE]
                                   , CLOSING DOOR AND LEAVING
/033956 (1253 ) MISC
                           A442
/034325 (1221 ) *CLEAR D363
/034418 (1290 ) *TRANSC B432
/034424 (1253 ) MISC L220
/034518 (969 ) *MISC B436
/034525
                                   , PSTAT/ASST PSTAT/VIDY
                                   M/3.2
                                   , BACK TO NORM
                                   , PSTAT/ASST PSTAT/VIDY
                  *CLEAR B436
/034525
/034531 (649 ) *CLEAR L235
/034836 (1243 ) *CHGLOC C483 [PROP]
/034910 (269 ) *CHGLOC A111 [ACADEMY]
/035135 (1181 ) *CHGLOC A315 [SIG 1]
/035139 (1015 ) *CLEAR A311 , PSTAT/ASST /035617 (1253 ) NEWLOC B432 [EXAMINE ROO
                                   [EXAMINE ROOM #9 - DEAC]
                  $CROSS
                                    #SP160222293
/035716
                                   ,##############################
                   MISC
                            A314
/035731
/035801 (582
               ) *REMINQ L285
                                   *CLEAR L285
/035817
/035833 (1191 ) *REMINQ C482
                                   MGUN, B156280,,,,,,,,,,,,,,,
/035928 (1243 ) *ONSCNE C483
/040032 (432 ) *CLEAR L209
/040122 (093 ) *CLEAR L183
                                   DSP: 8D
                                    , PSTAT/ASST
/040131 (269 ) *ONSCNE All1
/040208 (625 ) *MISC P317
                                   , PSTAT/ASST PSTAT/RPT
/040213 (1181 ) *ONSCNE A315
/040218 (625 ) $PREMPT P317
/040432 (750 ) *REMINQ B434 MVEH, AXT970
/040443 (464 ) *CHGLOC F30 [DEACONESS]
/040443 (1016 ) *CHGLOC D360 [SIG1]
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/040459	(1253)	CALLBK	L220	T/PCC03 ,STREETS FOR BARRICADES
/040502			CALLBK	L220	T/PCC03 ,STREETS ADV
/040613 /040613 /040613			\$CROSS DUP DUP		#SP16022293 #SP160222293 NAM: 1a 1b
/040617 /040653 /040816 /040834 /040915 /041002 /041031 /041048 /041051 /041108	(1135 (266 (1259 (1016 (750 (464 (1181 (271	まなりもましまり	*CLEAR *CLEAR *CLEAR *CLEAR *CLEAR *CLEAR *CLEAR *MISC *CLEAR *MISC *CLEAR *REMINQ	D161 B120 C484 D360 B434 F30 A315 L220 L220 C483	, PSTAT/ASST , PSTAT/ASST PSTAT/VIDY , PSTAT/ASST PSTAT/VIDY , PSTAT/ASST , PSTAT/ASST , PSTAT/ASST PSTAT/VIDY MWANT,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
/041206 /041314	(731 (1239)	*CLEAR	K30 D364	, PSTAT/ASST PSTAT/VIDY PERIMETER SPOT TAKEN ON
/041320 /041346 /041413 /041424 /041628 /041820 /041845 /041934 /042156 /042359 /042505 /043312 /043318 /043318 /043318 /043318 /043318 /043318	(566 (713 (1177 (269 (605 (862 (1147 (464 (713 (486 (580 (1191 (1253		*CLEAR *CHGLOC *CHGLOC *CLEAR *CLEAR *REMINQ *CLEAR *ONSCNE *CLEAR \$PREMPT *REMINQ CLEAR CLEAR CLEAR CLEAR CLEAR *MISC	B430 K14 A314 A111 TARU3 I462 C481 F30 K14 TARU2 E400 C482 A442 B230 F31 L230 L281 I462	LY , PSTAT/ASST [DEAC] [1] MVEH, AYD2424, , , , , , , , , , , , , , , , , ,
/043649 /043830 /044321 /044517	(1067 (1191 (1243)	*CLEAR *CLEAR *CHGLOC *MISC	1462 F32 C482 C483	[2] ,FIREARM, 14 9M ROUNDS AND MAGAZINE BOOKED INT O PROPERTY AS EVIDENCE
/044700 /044804 /045403 /045406 /045637 /045721 /045917 /050728 /051530 /052224	(1191 (1243 (1177) (1253) (1191) (713) (1191) (966) (747))	*CLEAR MISC	C482 C483 A314 A314 B432 C482 K14 C482 A310 B433	, PSTAT/ASST PSTAT/VIDY , PSTAT/ASST PSTAT/RPT PSTAT/VIDN , CLEANING ARM NOW, SHOULD BE READY FOR PICS [JAIL] , PSTAT/ASST, PSTAT/RPT, PSTAT/VIDY , PSTAT/ASST PSTAT/RPT , PSTAT/ASST PSTAT/VIDN PSTAT/RPT
/052638 /053414	(767)	*ASSTER *ONSCNE	P303	[EXAMINE ROOM #9 - DEAC] #767 DANIEL, JEREMY
/054411	(1290)	*TRANS	B432	[JAIL] M/O

9.

/055027 /055500 /060118 /060648 /064415 /064435	(767 (1290 (1253	*TRANSC B432) *NEWLOC P303 *CLEAR P303) *CLEAR B432) OK C482 CLEAR L205	[1] ,PSTAT/ASST PIX ,PSTAT/ASST PSTAT/VIDY
/064837	(1191) *CLEAR C482	TYP: DVW> DVOPV RSP: PPP> PPP DSP: 8D> 1E , PSTAT/CFS PSTAT/FEL PSTAT/MISDPSTAT/RPT PSTAT /VIDY
/064837		CLOSE C482	

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Incident History for: #SP160222293 Xref: #SP160222179

Entered

06/20/16 03:57:16 BY PCC03 1253

Closed

06/20/16 04:06:13

Initial Type: CHKEV Final Type: CHKEV (CHECK FOR EVIDENCE)
Initial Priority: 3 Final Priority: 3

Phone: 1c

Group: P6

Beat:

Disposition: DUP Source: Primary Unit:

Police BLK:

Addr: 1d

/040613

/040613

CANCEL

CLOSE

Loc: DEAC #EX9 (NV) Name: 1a

Map Page:

/035716 (1253) COPY \$CROSS /035716 /035746 HOLD /040613 \$CROSS /040613 DUP

, INJURIES TO SUSP #SP160222179

#SP160222179 #SP160222179

Spokane Police Department

K9 Use of Force Report

General Use of Force Information

Case # 16-222179

Location

Date Occurred 6/20/2016

Date of Report 7/10/2016 12:04:00 AM

Reviewed By

Review Date

Report Type Apprehension

Handler Craig Hamilton

K-9 Leonidas

Imm. Supervisor Reynolds

Subject Information

Subject's Name Swain, Jacob D

DOB 5/20/1982

Age 34

SSN

Gender M

Address

City

Zip Code

State

Phone #

Medical Information

Visible Injuries present? Yes

Subject refuse treatment? No

Treatment Required? Yes

Exam/ Treatment Location Deaconess Hospital

Examined by Doctor? Yes

Examining Doctor

Explanation of Treatment Minor injuries treated by medical staff.

Time of Exam 3:45 AM

K-9 Specific Information

Verbal warning given prior to engagement? Yes

Number of bites or engagements 1

Subjects actions leading to the Use of Force The suspect was involved in a domestic dispute, was armed with a firearm, and eventually chose to hide under a couch instead of surrendering to lawful orders from the police.

Reason no Verbal warning given? N/A

Off leash apprehension made? Yes

On leash contact made? No

K-9 obeyed handler's commands? **Yes**K-9 Assaulted? **No**K-9 Injured? **No**List K-9's Injuries

K-9 Treatment costs

Examining Veterinarian

Report Narrative

I had been requested to respond with K9 Leonidas (Leo). We are a WAC certified police patrol dog team and have been for about 7.5 years. We are also accredited with the Washington State Police Canine Association (WSPCA). Leo is my second working dog in over 12 years as a K9 handler. I am also a Master Trainer with the WSPCA.

I responded in a fully marked "Spokane Police K9" SUV and was wearing the uniform of the day. Leo was wearing a harness with a Spokane Police patch affixed to the left side. We were clearly identifiable as police.

By the time I arrived on scene, the initial responding officers had the female victim out of the house and one of their children. However, there were reportedly two of their kids still inside the house with Jacob. I was told he had a handgun at one point and there were other guns in the house. SWAT eventually responded to the scene and took over the tactical control of the call. Several attempts were made to make contact with Jacob but non were successful.

At one point, I was contacted by a female that lived across the street from this address.

and one of their kids was at this house as well. The female told me she knew Jacob and once he had shown her a Christmas present he bought himself, which was a "machine gun" as she described.

After numerous attempts by patrol officers and SWAT to get verbal contact with Jacob, the decision was to make entry and remove the kids first. This was SWAT's job and I was to go in with Leo when the kids were safely removed.

Once the kids were removed from the house, I was called up. I noticed there was loose handgun ammo in the living room. SWAT cleared the main floor then I went to the doorway to the basement to yell down to Jacob in another attempt to get him to surrender. I yelled a K9 announcement and also advised SWAT was there. I paused, yelled another time to Jacob asking him to cooperate with us. After still no response, I yelled another K9 announcement advising him he was under arrest and the basement was going to be searched with a police dog and when he was located he would get bit by the dog. Leo was whining as well. The house was small enough that Jacob was within earshot of the announcements and noises from Leo. After about 2 minutes, I pulled back from the top of the stairs and SWAT inserted a robot with a camera and microphone.

SWAT cleared as much as possible of the basement but there were several closed doors and clutter so the robot wasn't able to clear very much. After about 13 minutes of searching with the robot and it was unsuccessful, Leo and I were once again called back to the top of the stairs. I yelled another loud K9 announcement, waited about 1 minute, then decided to release Leo to

search for and locate the hiding suspect for the following reasons:

THREAT:

Jacob posed an immediate threat to the officers on scene as well as the protected person on the protection order (his ex-wife). This was a mandatory arrest and for some reason Jacob was choosing to hide instead of cooperating and giving up to the police. There was at least one firearm in play, loose ammo in the house, and information he had a "machine gun." It was unknown what other weapons he had possession of. It was unknown what his intent was or if he was lying in wait to ambush the searching officers. Even though Jacob was restrained from this address, it was his house and he had the advantage of knowing the layout. He was also known to use pills and heroin so he was most likely on drugs, which made him even more unpredictable and dangerous. Jacob had to be taken into custody but his location was not know so the use of the K9 was the safest for everyone involved.

CRIME:

There was probable cause to arrest the suspect for residential burglary - DV, violation of a protection order, and resisting arrest.

RESISTANCE:

The suspect was actively resisting arrest by hiding in the basement of the house and refusing to surrender when lawfully ordered to do so.

After not getting any response from the last announcement I yelled, I release Leo into the basement to located Jacob (I had given him about a minute to respond before releasing Leo). Leo was able to locate Jacob in about a minute and I could hear him screaming as if Leo had made contact with him. One of the SWAT members led the way down the narrow stairway using a shield for cover. As we moved towards the suspect's yelling, I yelled for him to show his hands. As we got to the living room area of the basement, I saw Leo's head under the couch. I kept yelling for Jacob to show his hands and then I was able to see Leo had Jacob's right forearm and I got a glimpse of his other hand which was free of weapons. We all moved up to the suspect, someone flipped the couch off the top of him, and I ordered Leo to release, which he immediately did. SWAT took him into custody without further incident.

Jacob was transported to Deaconess hospital where his minor injury was treated. Once at the hospital, I spoke with him. He was cooperative and was easy to talk to at this point. The first thing he said to me was that he was wishing he had made a different decision than the one he had. Jacob told me he had not been drinking alcohol but had used heroin earlier that morning. He told me he had fallen asleep under the couch. He said he was under the couch because he was scared.

His injury was very minor, with some scrapes and maybe a small puncture on his right forearm. That was the only location Leo contact him. He denied having any other injuries.

Cpl. Daniel took photos of the injury.

Jacob was then transported and booked into the SCSO jail.

See the other reports and my body camera footage for further info.

BITE DURATION: ABOUT 37 SECONDS

DISTANCE: ABOUT 30 - 35 FEET

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

Ofc. Craig Hamilton 713

K14

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Spokane Police Department

						Ref	# U-CR166200
	K	-9 DEPL	OYMEN	IT R	EPC	ORT	
Date/Time		7	me Arrived			e Cleared	Agency #
6/20/2016 12	2:39:00 AM	6/20/2016	12:39:00 AM	6/20	0/2016	4:51:00 AM	16-222179
Session Activity	Туре			e nu s	Hai	ndler	K-9
Domestic	Violence	With A W	eapon		Craig F	lamilton	Leonidas
Event Summary Information			with searching ing under the c		ment or	n a DVOPV call	involving guns.
Consent	Туре	Warrant by K-9	Warrant #	# A	rrests	High	est Charge
N/A			N/A		1	F	elony
Requesting Agen	icy				Ny INS	Requesti	ng Officer/Party
Spd							N/A
Services Reques	ted			100	, me	Requ	est Method
Building Sear	ch						Radio
Ground Condition		Weather Co	ndition 1		W	eather Condition 2	
V/A		Partly Clou	ndy		N/	/A	
Tempera	iture	Wind Sp	eed	Wind	d Direction	on	Humidity
64		3			Ne		38%
	at it into	DE	PLOYMENT A	CTIVITI	ES	5 100 100 110	18 1 30 1 31 1 3
Amt Activitie	s Performed/ Lo		Action Perf./ Value		Proficie	ency	Time/ District
1 Buildin	g Search	A	Assisted Officer		Perfor		
Residence 1	415 E. 38TH -	Spokane - WA			-		
I/A							
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lame/ Address				DOB/ Pho		SSN	Incarcerated a
Swain,Jacob	D			5/20/198	32		Spokane County Jail
			1				1

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Page 1 of 3

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FORM D-100 Page 2 of 3

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

Ofc. Craig Hamilton 713 K14

Officer's	Approved By	
Signature	Date	06/20/16 04:50

FORM D-100 Page 3 of 3

INCIDENT REPORT

		AND DESCRIPTION OF PERSONS ASSESSED.	COUL												
Spokane Police/Spokane County Sherif						EVIDENCE N	UMBER			ENT NU					
SPD			Lauces	T OL LOOIE	DATION A			16-222179 ATTEMPTED , INCIDENT CLASSIFICATION					ON #2		ATTEMPT
INCIDENT TYPE Arrest, Domestic Violence, Gun BURGLARY								VIIE	MALED					LATION	
Involved	OHIOSHIC VIOLE	nos, oun		CLASSIFIC				ATTE	MPTED			SSIFICATI			ATTEMPT
DOMEST															
			RESPON	DING TO (O	officer Assa	ault)					AS	SIGNMENT	(Officer	Assault)	
		DATESTAS	OCCURR	ED ON		DATE/TIME	OCCURRED T	'n		DATE/III	ME	DISTRIC	т		
REPORTED C	ON 06/19/2016	DATE/ПМЕ 23:40		06/19/			Sun 06					DISTRIC	'		
DISPATCH TII 23:41		ARRIVED TIME		00/10/	CLEARE 06:48	DTIME		REF	ORT DA	TE	REP	RT TIME		EST. TOTAL	PROPERTY LO
PRIMARY CH	HARGE 25(1) BURG		DENTIA	L				-1			1			/ 220	SCODE
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ID NO./NAME OF REPORTING OFFICER	DISTRIBUTION		
#1191 - Fabian, Brandon			
APPROVAL	DATE/TIME		
#639 - McCollough, Jeffrey	06/20/2016	09:20	

Incident Report #1

06/20/2016 15:14:38 745

INCIDENT REPORT CONTINUED Page 2 Spokane Police/Spokane County Sheriff ATTEMPTED INCIDENT NUMBER INCIDENT CLASSIFICATION 16-222179 BURGLARY-RESIDNTL UCR/NCIC CODE CHARGE LEVEL DESCRIPTION /500 9A.46.080G VIOL NCO-HARASSMENT Gross Misdemeanor MULTIPLE ARRESTEE SEGMENTS WARRANT# Taken Into Custody CITATION# DATE TIME BOOKED WHERE DATE TIME 03:30 06/20/2016 Spokane County Jail CHARGES

CADMITTED STATEMENT SUSPECT ARMED WITH Spokane, WA 99203 WRITTEN DENIED NOTIFIED BY DISPOSITION OF JUVENILE NAME/RELATIONSHIP OF PERSON NOTIFIED | DATE & TIME NOTIFIED YES X NO FAKE STATE SOCIAL SECURITY NO. | FAKE OTHER ID DRIVER'S LICENSE REALTIONSHIP TO SUSPECT Offns. # 9A.46.080G VIOL NCO-HARASSMENT Victim was Ex-Wife A-1 MEDICAL RELEASE OBTAINED? TYPE OF VICTIM TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES YES NO Apparent Minor Injury HOLD PLACED BY ATTENDING PHYSICIAN HOSPITAL TAKEN TO TAKEN BY SUICIDE NOTE ☐ EMPLOYEE FOUND? ON DUTY DATE OF BIRTH/AGE CODE SEX RACE/ETHNICITY W-White V-1 DESCRIPTORS EYES HEIGHT BUILD HAIR Black BRO - Brown Light 5'06" 150 PHONE ADDRESS: STREET, CITY STATE ZIP RESIDENTIAL STATUS CONFIDENT IALITY OCCUPATION EMPLOYER PHONE PLACE OF EMPLOYMENT/SCHOOL/ADRESS ADDITIONAL PHONES (Cell) FAKE STATE SOCIAL SECURITY NO. | FAKE OTHER ID DRIVER'S LICENSE CIRCUMSTANCES HATE BIAS REALTIONSHIP TO SUSPECT OFNDR.# Offns. # 9A.52.025(1) BURGLARY-RESIDENTIAL A-1 Victim was Ex-Wife MEDICAL RELEASE OBTAINED? TYPE OF VICTIM TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES YES NO Individual None HOLD PLACED BY ATTENDING PHYSICIAN HOSPITAL TAKEN TO TAKENBY SUICIDE NOTE EMPLOYEE ON DUTY

Incident Report (#)	GONTINUED ON NEXT PAGE

EYES

BRO - Brown

SEX RACE/ETHNICITY

W-White

M

DESCRIPTORS

OCCUPATION

RESIDENTIAL STATUS

DATE OF BIRTH/AGE

PHONE

EMPLOYER PHONE

C-1

HEIGHT

5'10"

CONFIDENT IALITY WEIGHT

PLACE OF EMPLOYMENT/SCHOOL/ADRESS

160

BUILD

Medium

ADDRESS: STREET, CITY STATE ZIP

HAIR

	ENT REPO										Page 3
INCIDENT CLASSIFICATION BURGLARY-RESIDNTL							ATTEMPTED	***			
ADDITIONAL	PHONES										
DRIVER'S LI	CENSE 4b	FAKE S	TATE	SOCIAL SECURITY NO. 4a	FAKE	ОТН	ER ID		J. D. S. C. W.		
PROPER ITEM# 1	STATUS Recovered						QUANTITY 1		TOTAL VALUE \$ 400.00		
	DN/COMMENTS mm Pistol with I	magazine	9	Firearms					Pistol semia	ute	omatic
BRAND MODEL Ceska Zbrojovka							SERIAL NUMBE B156280	ER	•0	OWNER ASSIGNED NUMBER	
CALIBER BARREL LENGTH 4.75"						Action Automatic					FINISH
OWNER 1a						REC	EIVED FROM				
COMMENTS						-					

Magazine was full of 9mm ammunition - 14 rounds

NARRATIVE

On 6/19/16 at approximately 2340 hours, I was dispatched to a report of a DV with a Weapon at While enroute I was informed that the complainant, was calling to report that his daughter called him and said that her ex-husband was at her house, they were arguing and there was mention of a gun being involved. The daughter, was found by dispatch to have a current and valid DV No Contact Order (#5Z0267737) protecting her from her ex-husband, Jacob D. Swain.

I was able to view the order and confirmed that it was valid. It stated, among other things, that Jacob was prohibited from knowingly entering, remaining or coming within 2 city blocks of 10 lt also stated that he was prohibited from having any contact, directly, indirectly or otherwise, with 12 lt also clearly stated that Jacob is prohibited from obtaining, owning, possessing or controlling any firearms.

Just before arriving in the area we were informed that there was some confusion over the specifics of the firearm and it was possible that Jacob might not have had it but this was unknown at the time.

Several units arrived at approximately the same time and we immediately were able to set up a perimeter around the house. I positioned myself in the front of the house and initially couldn't hear or see anything. After a couple minutes though I suddenly could hear the faint sound of a women's voice coming from somewhere inside the house. After several more minutes of this the voice

Incident Report #1		NTINUED ON NEXT PAGE
	060	0/2018 15:14:39 510

^{***}Suspect was arrested and booked for Residential Burglary-DV and DVOPV***

^{***}Search Warrant was executed on residence***

^{***}Affidavit was completed and turned in along with report***

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

ATTEMPTED INCIDENT NUMBER

16-222179

INCIDENT CLASSIFICATION

BURGLARY-RESIDNTL

became louder and louder and I could tell that the female was now in the front living room standing almost directly on the other side of the front door.

I could hear her speaking loudly to someone (unknown what was said) but then she would also yell, "Dad, did you call the cops!?" She made this statement several times. During this I suddenly could hear an adult male's voice conversing with her (his voice was too low to make out what he was saying). I continued to listen for a minute or so and determined that at that point it was just a verbal argument.

I knocked and announced myself at the front door and everything went quiet. I then proceeded to knock and announce several times over the course of the next minute or two but received no acknowledgement back. Then suddenly opened the front door with her phone in her hand and stepped out. We immediately tried to get her to step off the porch and down to another officer, but she instantly was uncooperative and acted as if she had no idea what was going on and began to move toward the open door to go back inside.

For her safety we had to prevent her from re-entering the house and escorted her off the porch and away from the yard. We were able to quickly establish that there were 3 small children still in the upstairs bedroom asleep. When we initially questioned her about where Jacob was she first lied and said he wasn't there, then admitted to him being there but said he left 20 minutes prior. That evolved into "he still might be inside down in the basement". Later she admitted that he was actually downstairs hiding. While other officers continued to try and collect a more accurate account from her, Ofc. Gobble and I stayed at the open front door and continued with verbals. Countless times we announced into the house who we were and that Jacob needed to come to the door.

While this was occurring, we were able to confirm where the kids were (her bedroom), that the gun mentioned should be in her bedroom closet hidden up high and that Jacob was looking/asking about it earlier; the last she knows Jacob had not found the gun. Also during this time, her oldest son had woken up and walked out into the living room. We were able to calmly direct him out of the house and got him to his mother.

We continued with verbals as more officers arrived on scene. Although ensured us that he would never harm his children, an exigency plan to move in and get the kids was formed with the officers at the front door. In the meantime, supervisors had made the decision to call out the SWAT team due to the strong possibility that Jacob could be held up with a firearm somewhere in the house.

For extra measures I completed a Search Warrant for the premises/property of that address. By the time that it was approved and signed, SWAT was set to make entry. See SWAT report for details. The two remaining children were located quickly and safely removed from the house and joined their mother. A K9 unit joined SWAT and Jacob was found shortly after (see K9 Ofc. Hamilton's report).

Incident Report #1 CONTINUED ON NEXT PAGE

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INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

ATTEMPTED INCIDENT NUMBER

16-222179

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BURGLARY-RESIDNTL

ATTEMPTED

INCIDENT NUMBER

16-222179

Jacob was bit in the process of this by the K9 Dog and was immediately checked out by Fire upon being brought out of the house once in custody. He then was taken to the hospital for more advanced care prior to being taken to jail (again, see Ofc. Hamilton's report).

In the process of clearing the house, the firearm in question was found and removed (it had been listed on the Search Warrant as property to be seized if found). This firearm (Serial #: B156280; 9mm Semi-auto CZ) was later placed on property as evidence.

Once all units had cleared the scene, I re-contacted and questioned her more about Jacob's interaction with the firearm. She was very adamant that although he had asked about it and possibly had looked for it, it was so that he could pawn it for money (not so that he could hurt her with it). She admitted to allowing him to enter the house the night before and lied initially about him being in the house because she didn't want him to get in trouble.

She refused to participate in a LAP card (she had already done one before) but I did provide her with a Crime Victim Card as well as a copy of the Search Warrant, a Return of Service/Inventory Receipt and a Property Receipt Form copy of her firearm that was seized.

After initially reading the Court Order earlier, I already had PC to arrest Jacob for DVOPV once he was confirmed to be inside the residence. In addition to that, since the order stated that he could not remain within that residence, he was therefore illegally entering that location while knowingly violating the order. Therefore I established that I also had PC to arrest Jacob for Residential Burglary-DV.

I then went to jail as Jacob was being released from the hospital. Once at jail I booked him in for Residential Burglary-DV and a DV No Contact Order Violation (a "III" that was ran showed no prior DVOPV convictions).

354-S.A.F.E. was also notified due to there being two, school-age children present during this incident.

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

Ofc. B. Fabian, #1191 C482 6/20/16 Spokane Police Department

ncident Report #/

END OF INCIDENT REPORT

SUPPLEMENTAL REPORT

Spokane Police/Spokane County AGENCY NAME/SUBSTATION SPD REPORT PURPOSE		EVIDENCE N	EVIDENCE NUMBER		16-222179		
			REPORTI Mon	ED ON DATE TIME 06/20/2016 23:4		DENT XREF	
INCIDENT CLASSIFICATION #1 COURT ORDER VIOLATION		ATTEMPTED	D INCIDENT CLASSIFICATION #2		ATTEMPTED		
INCIDENT CLASSIFICATION#3		ATTEMPTED	INCIDENT CLASSIFICATION #4		ATTEMPTED		
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 06/20/2016		100000000000000000000000000000000000000	REPORT TIME 16:37	
PRIMARY CHARGE						UCR/NIBRS CODE	

On the 19 Jun.2016 at approx. 0050hrs. I was dispatched to the latest reference a DV with a weapon call. Patrol officers had responded and confirmed Jacob Swain was inside the home and there was a valid signed DV No Contact Order preventing him from being at this location. It was also confirmed there was a handgun in the home. There were also two children in the upstairs bedroom and Swain was last seen in the basement.

I arrived and assisted with setting up a E-GO team at the front door. SWAT was called and I then put on my SWAT body Armor and helmet.

I assisted with clearing the upstairs of the home. I heard several announcements from the K9 unit advising he would release the dog into the basement. We did not get any response. A SWAT robot was also sent into the basement and spent several minutes near a couch in the basement.

K9 later located Swain hiding under that couch. I took him into custody.

A310 Team #10 C. Johnson #966

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

ID NO /NAME OF REPORTING OFFICER			DISTRIBUTION
#966 - Johnson, Chris L			
APPROVAL	DATE/TIME		
#443 - Kakuda, Blaine	06/20/2016	17:11	
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Supplemental Report #1

06/20/2018 17:13:34 775

Spokane Police/Spokane County Sheriff AGENCY NAME/SUBSTATION SPD REPORT PURPOSE			EVIDENCE NUMBER INCIDENT NUMBER 16-22217				
		1	REPORT Sun	REPORTED ON DATE T		INCIDENT XREF	ATTEMPTED
INCIDENT CLASSIFICATION #1 BURGLARY-RESIDNTL			COURT ORD	CATION #2 DER VIOLATION	v		
INCIDENT CLASSIFICATION #3 ATTEMPTED D		INCIDENT CLASSIFI	ICATION #4			ATTEMPTED	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	1	PORT DATE 5/20/2016	F	16:34	
PRIMARY CHARGE						UCR/NIBRS COD	Ę

Officers arrived on scene and were able to get the female, and one child out of the house. There were reportedly two other small children remaining in the house as well as the suspect. Patrol officers had the residence contained.

I responded to the location to assist in a SWAT capacity. Upon arriving I contacted Lt. Sprague. I was advised that the suspect was believed to be in the basement, and the children were in an upstairs bedroom. I was also informed there was probable cause to arrest the subject for residential burglary (DV) and violation of a domestic violence no-contact order. Additionally the front door was open allowing officers to see the open door leading to the basement, as well as the entrance of the hallway leading towards the bedrooms.

A quick response team was positioned at the door in case a need to quickly extract the children was needed. I consulted Officer Pavlischak, the on-call SWAT team leader, and it was determined additional resources would be called out.

A signed search warrant was obtained to enter the residence and arrest the suspect, Jacob Swain. I entered the residence with the other members of the SWAT team and assisted in clearing the main level living room and kitchen area. The firearm was reportedly hidden by the victim in the same bedroom the children were sleeping. I entered the bedroom and located the firearm wrapped in some clothing on the top shelf of a bedroom closet along the north wall of the bedroom. At the time the firearm was located that suspect was still hiding in the basement.

I brought the firearm outside and transferred it to the custody of patrol.

I heard numerous warning given into the basement asking Mr. Swain to surrender peacefully. Mr. Swain was also advised that if he didn't surrender a police K-9 would be utilized in his apprehension. Mr. Swain made no attempts to give up, and was subsequently contacted by the

ID NO /NAME OF REPORTING OFFICER		DISTRIBUTION	
#1177 - Briggs, Nick			
APPROVAL	DATE/TIME		
#443 - Kakuda, Blaine	06/20/2016	17:11	
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SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

ATTEMPTED INCIDENT NUMBER

Page 2

INCIDENT CLASSIFICATION

BURGLARY-RESIDNTL

16-222179

Police K-9. See Officer Hamilton's report.

Officer N. Briggs #1177 Spokane Police Department

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

Supplemental Report #1

END OF ADDITIONAL REPORT

06/20/2018 17:13:25.340

SUPPLEMENTAL REPORT Page 1 Spokane Police/Spokane County Sheriff INCIDENT NUMBER EVIDENCE NUMBER AGENCY NAME/SUBSTATION 16-222179 SPD REPORTED ON DATE INCIDENT XREE REPORT PURPOSE Mon 06/20/2016 00:40 ATTEMPTED INCIDENT CLASSIFICATION #2 ATTEMPTED INCIDENT CLASSIFICATION #1 BURGLARY-RESIDNTL ATTEMPTED ATTEMPTED INCIDENT CLASSIFICATION #4 INCIDENT CLASSIFICATION #3 REPORT TIME CLEARED TIME REPORT DATE ENSPATCH TIME ARRIVED TIME 17:50 06/20/2016 LICR/NIBRS CODE PRIMARY CHARGE NARRATIVE TO THE RESIDENCE OF THE PARTY OF T On 06/20/2016 at approximately 0040 hours I responded to in Spokane, WA reference a barricaded DV suspect with two children in the house. I was on scene already when SWAT was called out for the incident. I made entry with the team and carried out one of the children who was sleeping the back bedroom on the south side of the residence. I then assisted with clearing the residence until the suspect was located hiding downstairs. S. Lesser/1067/F32 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT. DEPUTY: S. Lesser **NUMBER: 1067** DATE: 06/20/16 Spokane County, WA PLACE:

ID NO/NAME OF REPORTING OFFICER
#1067 - Lesser, Scott

APPROVAL
#329 - Teigen, Troy

DATE/TIME
06/20/2016 19:07

Supplemental Report #1

06/20/2016 19:13:12,825

Spokane Police/Spokane County Sheriff							Page 1
AGENCY NAME/SUBSTATION SPD					INCIDENT NUMBER 16-222179		
REPORT PURPOSE	2		REPORTE Sun	06/19/2016	TIME 23:40	INCIDENT XREF	
INCIDENT CLASSIFICAT		ATTEMPTED	DOMESTIC D		2		ATTEMPTED
INCIDENT CLASSIFICATION #3		ATTEMPTED	INCIDENT CLASSIFICATION #4				
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	CLEARED TIME REF		1772	PORT TIME 00:04	
PRIMARY CHARGE						UCR/NIBRS CO	DE
NARRATIVE							

On 6/20/2016 at 0049 hrs, I responded to a call out for SWAT at _____1d _____for a DVOPV. When I initially arrived on scene I stood at the front porch as part of the emergency go team for the incident. As more resources arrived I moved with other SWAT officers to the SW corner of the property to watch the back side of the house and the basement windows.

From the backyard in the SW corner of the property I heard heard Ofc Hamilton from inside the house make numerous announcements to the subject in the basement for compliance.

Officers eventually located the suspect in the basement. I never made entry into the house. I was not involved in any use of force or property damage during the incident.

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

D. Bishop #747

ID NO,/NAME OF REPORTING OFFICER		DISTRIBUTION	
#747 - Bishop, Derek			
APPROVAL	DATE/TIME		
#443 - Kakuda, Blaine	06/21/2016	00:43	

Supplemental Report #1

Spokane Police/Spokane County Sheriff AGENICY NAME/SUBSTATION SPD		EVIDENCE	IUMBER	(1V) 1222-221 (0) 10 (2) (050-1	16-222179		
REPORT PURPOSE			REP Sui	ORTED ON DATE 06/19/2016	TIME 23:40	16-22293	
INCIDENT CLASSIFICAT		ATTEMPTED	INCIDENT CLAS	SSIFICATION #2		ATTEN	PTED
		ATTEMPTED	INCIDENT CLASSIFICATION #4			ATTEN	ATTEMPTED
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	06/20/2016		REPORT TIME 23:31		
PRIMARY CHARGE		() () () () () () () () () ()				UCR/NIBRS CODE	
NARRATIVE							

On 062016 at approximately 0148, I received a page for a SWAT activation. I responded to on reported barricaded subject.

I arrived on scene and contacted Sergeant Austin and Lieutenant Sprague.

I viewed the signed search warrant, allowing us to search the residence for Jacob.

I dressed in my camouflage uniform, but deployed on the entry team. I carried my issued M4 rifle.

I assisted in evacuating the two remaining children from the first floor bedroom and then searching the main floor.

I conducted a search of the basement after Jacob was contacted by Ofc Hamilton's K9 partner. I then escorted Jacob out of the home.

I did nothing else remarkable. See other officers' reports.

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

N. Donaldson #973 SWAT

D NO MAME OF REPORTING OFFICER			DISTRIBUTION
#973 - Donaldson, Nathan			
APPROVAL	DATE/ПМЕ		
#443 - Kakuda, Blaine	06/21/2016	00:49	
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Supplemental Report #1

06/21/2016 00:53:09 948

REPORT PURPOSE REPORTED ON DATE TIME SUN 06/19/2016 23:47 INCIDENT CLASSIFICATION #1 DOMESTIC DSPT-FMLY REPORTED ON DATE TIME SUN 1000ENT CLASSIFICATION #2 AT COURT ORDER VIOLATION	AGENCY NAME/SUBSTAT	AGENCY NAME/SUBSTATION		NUMBER	INCIDENT NUMBER			
INCIDENT CLASSIFICATION #1 DOMESTIC DSPT-FMLY INCIDENT CLASSIFICATION #3 ATTEMPTED COURT ORDER VIOLATION INCIDENT CLASSIFICATION #4 ATTEMPTED	SPD					16-222179		
DOMESTIC DSPT-FMLY INCIDENT CLASSIFICATION #3 ATTEMPTED INCIDENT CLASSIFICATION #4 DISPATCH TIME ARRIVED TIME CLEARED TIME REPORT DATE REPORT TIME	REPORT PURPOSE						NCIDEN1 XREF	
DISPATCH TIME ARRIVED TIME CLEARED TIME REPORT DATE REPORT TIME			ATTEMPTED					ATTEMPTED
DISPATCH TIME	INCIDENT CLASSIFICATION #3 ATTEMPTED			INCIDENT CLASSIFICATION #4			ATTEMP1	
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PRIMARY CHARGE UCR/NIBRS CODE	PRIMARY CHARGE		- h			-	UCR/NIBRS CO	DE

On 062016 at 0130 hours I was activated as a SWAT team member to respond to 38th/Perry, the CP reference a barricade DV subject that was possibly armed. The male, Jacob Swain was said to be in the basement of 1000 1000.

PC existed for Jacob for violation of a DV No Contact Order.

Upon arrival I was notified there were two small children inside in the upstairs bedroom. Also in the rood was a handgun and a large family dog.

Sgt. Austin devised a plan for the team to enter the residence and secure Jacob in the basement, while the kids were evacuated out of the residence. This was done to ensure their safety and prevent any unnecessary force that family dynamics may provoke.

Once the kids were safely out of the residence the team held at the top of the stairs. Ofc. Hamilton and his K9 gave commands for Jacob to surrender. There was no response. The avatar robot was deployed to probe in the basement. This was done to ensure Jacob was not going to ambush Officers. The basement was too full of clutter to clear the basement.

To avoid any injury to Jacob or Officers, a K9 was deployed into the basement. Jacob was located under the couch in the basement. See Ofc. Hamilton's report.

Jacob was arrested, handcuffed (DL) and searched. He was cleared by medics before being transported to the hospital.

See other Officers additionals.

J. Kernkamp #862 SPD SWAT

ID NO /NAME OF REPORTING OFFICER		DISTRIBUTION		
#862 - Kernkamp, Jay			NRO	
APPROVAL	DATEMME			
#309 - Hartman, Jason	06/21/2016	16:47		

Supplemental Report #1

06/21/2016 16 59:22 835

Spokane Police/Spokane County Sheriff AGENCY NAME/SUBSTATION SPD REPORT PURPOSE		EVIDENCE N	UMBER	16-22217		
			REPORTE Mon	06/20/2016	02:02	INCIDENT XREF
INCIDENT CLASSIFICATIO		ATTEMPTED	INCIDENT CLASSIFIC	CATION #2		ATTEMP
INCIDENT CLASSIFICATION #3 ATTEMPTED		INCIDENT CLASSIFIC	CATION #4		ATTEMP E	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		ORT DATE /23/2016	1.	REPORT TIME 02:53
PRIMARY CHARGE						UCR/NIBRS CODE

On 6-20-16 at 0202 hours I responded as a member of the SPD SWAT team to DV with a weapon call. While enroute I heard that officers on scene had obtained a warrant to search the house. I arrived at the CP, located at 38/Perry, and contacted Sgt. Austin. He advised that the suspect had originally been armed with a handgun, that the suspect was hiding in the basement, that the victim and one child had been removed from the house, and that two sleeping children remained inside the house. I also was told there was PC to arrest the suspect for Burglary-DV and Unlawful Possession of a Firearm.

Ofc. Russo, Ofc. D. Bishop, and I relieved three patrol officers who had been watching the rear of the house (Cpl. Daniel, Ofc. K. Scott, and Ofc. Gonsalves). Once SWAT had cleared the main floor of the house, Ofc. Russo obtained a key to the attached garage, and the detached shop. We cleared both of those structures without incident.

After we heard that the suspect was in custody we returned to the rigs and stored gear. I cleared the scene at 0402 hours.

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

OFFICER/NUMBER/CALL SIGN

Cpl. K. Busch #625 / P317

D NO, NAME OF REPORTING OFFICER			DISTRIBUTION
#625 - Busch, Kevin			
APPROVAL	DATE/TIME		
#350 - Griffiths, Mark	06/23/2016	03:06	
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Supplemental Report #1

Spokane Po	lice/Spokane Cou	inty Sheriff					Page
AGENCY NAME/SUBSTA	ATION	EVIDENCE N	UMBER	16-22217			
SPD ·				10-22211	9		
REPORT PURPOSE			Mon REPORTE	06/20/2016	02:00	INCIDENT XREF	
INCIDENT CLASSIFICATION #1 COURT ORDER VIOLATION INCIDENT CLASSIFICATION #3 ATTEMPTED ATTEMPTED		INCIDENT CLASSIFIC	CATION #2			ATTEMPTED	
		ATTEMPTED	INCIDENT CLASSIFICATION #4				ATTEMPTED
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	30277411	20/2016	10	06:24	
PRIMARY CHARGE		λ ==				UCR/NIBRS CO	DE
NARRATIVE							

On 06-20-16 at about 0200 hours I was called out for a SWAT call at baricade with possible hostages. I responded to the scene after the SWAT trucks were all picked up.

I confirmed the information that the suspect male was known to be inside the house violating a confirmed restraining order. I was told there were two children, 3 and 6 years old, still in the house sleeping. I confirmed that a search warrant had been written and signed for the male who was believed to be inside the house. The information also was that the male was at one time armed with a handgun, but that it maybe still be in the bedroom where the kids were.

I was briefed by Sgt. Austin of the entry plan and we designated SWAT Officers to assigned areas of coverage as the team made entry through the front door.

I entered through the front door with others on the entry team, and then pushed to the far right bedroom where the kids were sleeping. Officer Brannon covered the dog for safety reasons and I picked up one of the two male children, who were asleep on the bed. I carried that child outside and handed him off to a patrol officer. I knew that both children from inside at that time had been rescued from the dangerous situation.

Once the children had been removed. I began clearing the basement with the Robot. I was able to clear most of the areas, but had 5 closed doors, believed to be bedrooms, a bathroom and closets.

Multiple announcements were made by K9 Officer Hamilton, and by SWAT Officer Brannon over the Robot, for the suspect to come out of the basement with his hands up. They both told the suspect that he was under arrest and that a K9 was going to be used to find him. They were clear in their commands that we were the Spokane Police and to give up now, so he wouldn't get hurt. That did not happen.

The K9 was put into the basement and I could see over the Robot feed, that the dog went right to the couch in the living area of the basement. The K9 contacted the suspect and he was taken into custody. See other SWAT Officers Reports.

I assisted in entering the basement and in finishing clearing the basement and eventually clearing

ID NO INAME OF REPORTING OFFICER #580 - Baldwin, Eugene			DISTRIBUTION	ī
APPROVAL	DATE/TIME	07:10		
#326 - Anderson, Jon D.	06/20/2016			
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Supplemental Report #1	100000000000000000000000000000000000000	PE-10-2020-2-00-00-00	05/20/2016 07 13:31 650	Page 11

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff
INCIDENT CLASSIFICATION
COURT ORDER VIOLATION
INCIDENT NUMBER
16-222179

the house completely,

I did no property damage, and used no force in this incident. I was in assigned SWAT uniform and armed with SWAT weapons.

Information only.

E. Baldwin 580

Supplemental Report #1 END OF ADDITIONAL REPORT 199/20/2016 07 13 31 743

SPD REPORT PURPOSE INCIDENT CLASSIFICATION #1 BURGLARY-RESIDI INCIDENT CLASSIFICATION #3 DISPATCH TIME	NTL	ATTEMPTED ATTEMPTED ATTEMPTED	INCIDENT COURT	<i>Mon</i> CLASSIFIC	16-222179 OON DATE TIME 06/20/2016 00:39		CIDENT XREF
INCIDENT CLASSIFICATION #1 BURGLARY-RESIDI INCIDENT CLASSIFICATION #3 DISPATCH TIME	NTL	ATTEMPTED	INCIDENT COURT	<i>Mon</i> CLASSIFIC	06/20/2016 00:39		PIDCIAL VIVE
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	ARRIVED TIME	ш.	INVOIDENT				ATTEMPTE
	ARRIVED TIME	CLEARED TIME		I DEDO	RT DATE	REPOR	RTTIME
		CLEARED TIME			04/2016	22:	56
PRIMARY CHARGE							UCR/NIBRS CODE
NARRATIVE							
n 06-20-16 at a	about 0039 hours, I re	snonded to	10	d	reference a do	mes	tic dispute where
ictim/daughter,	guing. There was a very an extension of the second	suspect/resp	ed DV oonder	prote nt of th	ction order prote le court order w	as Ja	g the Icob D. Swain, h
eam and have b Canine Associati	ested to respond with een for about 7.5 yea on (WSPCA). Leo is ainer with the WSPCA	ars. We are a my second w	ilso ac	credite	ed with the Was	hingt	ton State Police
responded in a ₋eo was wearing dentifiable as po	fully marked "Spokan a harness with a Spo lice.	ne Police K9" okane Police	SUV a	and ware	as wearing the o	unifoi e. We	rm of the day. were clearly
and one of their o Jacob. I was told eventually respor	ved on scene, the init children. However, the he had a handgun at nded to the scene and ake contact with Jaco	ere were repe t one point and took over th	ortedly nd the he tact	/ two c re wer tical co	of their kids still re other guns in ontrol of the call	inside the h	e the house with nouse. SWAT
ne of their kids	as contacted by a femwas at this house as istmas present he boo	well. The fen	nale to	ld me	she knew Jaco	b and	d once he had
	attempts by patrol offi	cers and SW	/AT to was S\	get ve NAT's	erbal contact wi job and I was t	h Jao o go	cob, the decision in with Leo whe
was to make entr	ry and remove the kic ely removed.	io mot. Tino i					
was to make entrible kids were saf Once the kids we cammo in the living yell down to Ja	ry and remove the kid fely removed. For removed from the g room. SWAT cleare acob in another attem AT was there. I paus	house, I was ed the main f opt to get him	s called floor the to sur	ien I w rrende	vent to the door er. I yelled a K9	way t anno	to the basement ouncement and
vas to make entring the kids were safonce the kids were ammo in the living vell down to Ja	ely removed. ere removed from the g room. SWAT cleare acob in another attem AT was there. I paus	house, I was ed the main f opt to get him	s called floor the to sur	nen I w rrende time to	vent to the door er. I yelled a K9	way t anno	to the basement ouncement and

07/11/2016 00:21:10.320

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

ATTEMPTED INCIDENT NUMBER

16-222179

Page 2

INCIDENT CLASSIFICATION

BURGLARY-RESIDNTL

INCIDENT CLASSIFICATION

ATTEMPTED

INCIDENT CLASSIFICATION

1

us. After still no response, I yelled another K9 announcement advising him he was under arrest and the basement was going to be searched with a police dog and when he was located he would get bit by the dog. Leo was whining as well. The house was small enough that Jacob was within earshot of the announcements and noises from Leo. After about 2 minutes, I pulled back from the top of the stairs and SWAT inserted a robot with a camera and microphone.

SWAT cleared as much as possible of the basement but there were several closed doors and clutter so the robot wasn't able to clear very much. After about 13 minutes of searching with the robot and it was unsuccessful, Leo and I were once again called back to the top of the stairs. I yelled another loud K9 announcement, waited about 1 minute, then decided to release Leo to search for and locate the hiding suspect for the following reasons:

THREAT:

Jacob posed an immediate threat to the officers on scene as well as the protected person on the protection order (his ex-wife). This was a mandatory arrest and for some reason Jacob was choosing to hide instead of cooperating and giving up to the police. There was at least one firearm in play, loose ammo in the house, and information he had a "machine gun." It was unknown what other weapons he had possession of. It was unknown what his intent was or if he was lying in wait to ambush the searching officers. Even though Jacob was restrained from this address, it was his house and he had the advantage of knowing the layout. He was also known to use pills and heroin so he was most likely on drugs, which made him even more unpredictable and dangerous. Jacob had to be taken into custody but his location was not know so the use of the K9 was the safest for everyone involved.

CRIME:

There was probable cause to arrest the suspect for residential burglary - DV, violation of a protection order, and resisting arrest.

RESISTANCE:

The suspect was actively resisting arrest by hiding in the basement of the house and refusing to surrender when lawfully ordered to do so.

After not getting any response from the last announcement I yelled, I release Leo into the basement to located Jacob (I had given him about a minute to respond before releasing Leo). Leo was able to locate Jacob in about a minute and I could hear him screaming as if Leo had made contact with him. One of the SWAT members led the way down the narrow stairway using a shield for cover. As we moved towards the suspect's yelling, I yelled for him to show his hands. As we got to the living room area of the basement, I saw Leo's head under the couch. I kept yelling for Jacob to show his hands and then I was able to see Leo had Jacob's right forearm and I got a glimpse of his other hand which was free of weapons. We all moved up to the suspect, someone flipped the couch off the top of him, and I ordered Leo to release, which he immediately did. SWAT took him into custody without further

CONTINUED ON NEXT PAGE

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

ATTEMPTED INCIDENT NUMBER

INCIDENT CLASSIFICATION

BURGLARY-RESIDNTL

16-222179

Page 3

incident.

Jacob was transported to Deaconess hospital where his minor injury was treated. Once at the hospital, I spoke with him. He was cooperative and was easy to talk to at this point. The first thing he said to me was that he was wishing he had made a different decision than the one he had. Jacob told me he had not been drinking alcohol but had used heroin earlier that morning. He told me he had fallen asleep under the couch. He said he was under the couch because he was scared.

His injury was very minor, with some scrapes and maybe a small puncture on his right forearm. That was the only location Leo contact him. He denied having any other injuries.

Cpl. Daniel took photos of the injury.

Jacob was then transported and booked into the SCSO jail.

See the other reports and my body camera footage for further info.

BITE DURATION: ABOUT 37 SECONDS

DISTANCE: ABOUT 30 - 35 FEET

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

Ofc. Craig Hamilton 713

K14

RECEIVED SPOKANE POLICE RECORDS

2016 JUN 20 AM 8 14

SPOKANE POLICE DEPARTMENT CHARGING REQUEST AND WITNESS LIST Superior Court State of Washington

DATE: 6/20/16	REPORT NUMBER: 16-222179	
CHARGES REQUESTED: Residential Burglary-DV (RCW 9A.52.025) DV No Contact Order Violation (RCW 9A.46.080)		
DEFENDANT: Jacob D. Swain DOB: 5/	20/82 WM	
STATUS:In Custody		
:6	E	
VICTIM(S): 18 DOB: 16 DATE/TIME OF CRIME: 6/19/16 at appr LOCATION OF CRIME: 1 INVESTIGATOR: Ofc. B. Fabian #1191 APPROVED BY: 12 6		
WITNESSES (Victim) Ofc. B. Fabian, #1191 ADDRIVED 1100 V	ESS PHONE # 1d 1c V. Mallon 509-242-8400	
EVIDENCE CONSISTS OF: Officers' ob address (based off a valid DV No Contact	servation of Defendant inside the prohibited ct Order).	
SUBMITTED TO F	PROSECUTORS OFFICE	
RECEIVED BY:	_DATE:TIME:	

STATEMENT OF INVESTIGATING OFFICER AFFIDAVIT OF FACTS

STATE OF WASHINGTON COUNTY OF SPOKANE

REPORT NUMBER: 16-222179

DEFENDANT: Jacob D. Swain DOB: 5/20/82 WM

The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because:

(Victim) can testify to the following:

- That she and the Defendant used to be married and share 3 kids in common.
- That she has a current No Contact Order with the Defendant where she is the protected party (#5Z0267737).
- That on the night of 6/19/16, Jacob had been entered and remained inside the address of 1/2 1/2 Spokane, WA, where she too was currently located.
- That after becoming aware that LE had arrived at that location, she was aware that the Defendant went to hide in the basement.

Ofc. B. Fabian will testify to the following:

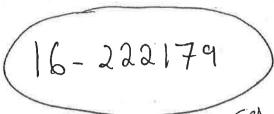
- He is a sworn law enforcement officer for the Spokane Police Department.
- The incident took place in the city of Spokane, Spokane County, WA.
- On 6/19/16 at approximately 2340 hours, he was dispatched to Ave in response to a DV with a Weapon. The victim's father was calling in to report that a called him and stated that the Defendant was at her house.

- That while enroute, he read the confirmed and valid DV No Contact Order (#5Z0267737) that listed the Defendant as the Respondent and Alene as the protected party.
- This order stated that the Defendant was prohibited from entering, remaining or coming within 2 city blocks of the decided address. It also listed that the Defendant cannot contact the protected party directly, indirectly or by any other means
- Once on scene just outside of the house, directly on the other side of the front door, he heard a female's voice (and an adult male's voice speaking back and forth.
- That after knocking and announcing, the voices stopped and moments later answered the door and at first indicated that the Defendant was not there.
- He was provided statements from the image in the house. Shortly after, a signed search warrant for the property/premise was completed.
- After evacuating everyone else from the house, the Defendant was found hiding in the basement of Ave. and was taken into custody.
- He established there was PC to arrest the Defendant for a DVOPV.
- Based off the court ordered prohibited residence () that the Defendant illegally entered while violating the court order, Ofc. Fabian also established that there was PC to arrest the Defendant for Residential Burglary-DV
- He assisted in the process of taking the Defendant into custody and getting him booked into the Spokane County Jail.

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

DATE: 6/20/16 PLACE: SPOKANE, WASHINGTON

SIGNATURE: 191



SPN-187765 15R0059742 Copy Original Filed

OCT 1 4 2015

Municipal Court of Spokane County of Spokane, State of Washington

CITY OF SPOKANE, Plaintiff

JACOB DOUGLAS SWAIN. Middle

Defendant (First,

Last Name)

Case No. 5Z0267737

Report No. 1500119316 Spokane Municipal Court

☐ Pre-Trial ☒ Post Conviction

□ Replacement Order (Paragraph 10)

Domestic Violence No-Contact Order

Clerk's action required: Paragraph 9

No-Contact Order

١.	Protecte	d Person's	Identiflers
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Name (First, Middle, Last) FemaleCaucasian (White a Law Enforcement Gender Race DOB

If a minor, use initials instead of name, provide other info., and complete Information Sheet (LEIS)

Defendant's Identifiers: Date of Birth 05/20/82 Race Gender Caucasian (White)

2. Defendant:

- A. do not cause, attempt, or threaten to cause bodily injury to, assault, sexually assault, harass, stalk. or keep under surveillance the protected person.
- B. do not contact the protected person, directly, indirectly, in person or through others, by phone, mail, or electronic means, except for mailing or service of process of court documents through a third party, or contact by the defendant's lawyers.
- C. do not knowingly enter, remain, or come within 2 blocks (1,000 feet if no distance entered) of the protected person's residence, school, workplace, other:
- D. other: Any known location of the protected person
- 3. Firearms, Weapons, and Concealed Pistol License, Defendant:
 - 🖾 do not obtain, own, possess or control a firearm. (RCW 9.41.040.)
 - onot obtain or possess a firearm, other dangerous weapon, or concealed pistol license. (RCW
 - Shall immediately surrender all firearms and other dangerous weapons within the Herendam's possession or control and any concealed pistol license. Comply with the Ordense Surrender Weapons filed separately. (RCW 9.41.800.)
- This no-contact order expires on

 October 14, 2017 at 5:00 PM (date and time) or 1 year 2 years from today's date. If no date is entered and no box is checked, this order expires 5 years from today's date. The court may extend a no-contact order even if the defendant does not appear at arraignment.

Warning: Violation of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if the person protected by this order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written request.

Findings of Fact

- Based upon the record both written and oral, the court finds that the defendant has been charged with, arrested for, or convicted of a domestic violence offense, that the defendant represents a credible threat to the physical safety of the protected person, and the court issues this Domestic Violence No-Contact Order under chapter 10.99 RCW to prevent possible recurrence of violence.
- The court finds that the defendant's relationship to a person protected by this order is an Intimate partner (former/current spouse; former/current domestic partner; parent of a child in common; or former/current cohabitant as part of a dating relationship) or Other family member as defined by Ch. 10.99 RCW:

Domestic Violence No-Contact Order (NOCON) (ORNC) (ORWPNP) - Page 1 of 2 WPF NC 02.0100 (12/2014) - RCW 10.99.040, .045, .050, RCW 9.41.800

 ☐ (Pretrial Order) For crimes not defined as a serious offense, the court makes the following mandatory findings pursuant to RCW 9.41.800(1) and (2): ☐ The defendant used, displayed, or threatened to use a firearm or other dangerous weapon in a felony.

The defendant is ineligible to possess a firearm due to a prior conviction pursuant to RCW 9.41.040; or ⊠ Possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety, or to the health or safety of any individual. Additional Warnings to Defendant. This order does not modify or terminate any order entered in any other case. You are still required to comply with other orders. Willful violation of this order is punishable under RCW 26.50.110. State and federal firearm restrictions apply. 18 U.S.C. § 922(g)(8)(9); RCW 9.41.040. In addition to other state and federal firearm restrictions, if you and the protected person are intimate partners, you cannot own, obtain, or possess a firearm, other dangerous weapon, or concealed pistol license for as long as this order is in effect. A violation is a felony and will subject you to arrest. Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the Additional Orders 8.

Civil standby. The appropriate law enforcement agency shall, at a reasonable time and for a reasonable duration, assist the defendant in obtaining personal belongings located at: 9. The clerk of the court shall forward a copy of this order on or before the next judicial day to: Spokane ☑ County Sheriff's Office ☑ City Police Department where the case is filed, which shall enter it Into the Washington Crime Information Center. 10. ☑ This order replaces all prior no-contact orders protecting the same person issued under this cause Time 10 10 famp,m. Sin open court with the defendant present. I acknowledge receipt of a copy of this order: urt Commissioner The protected person shall be provided with a certified copy of this order. I am a certifled or registered interpreter or found by the court to be qualified to interpret in the language, which the defendant understands. I translated this order for the defendant from English Into that language. __, on (date) __ _ (state) ____ Signed at (city) ___ _print name: __

Domestic Violence No-Contact Order (NOCON) (ORNC) (ORWPNP) - Page 2 of 2 WPF NC 02.0100 (12/2014) - RCW 10.99.040, .045, .050, RCW 9.41.800

FILED October 14, 2015 SPOKANE MUNICIPAL COURT

IN THE SPOKANE MUNICIPAL COURT, COUNTY OF SPOKANE, STATE OF WASHINGTON

CITY OF SPOKANE,	1	Case No. 5Z0267737		
STIT OF STOTO WILL	Plaintiff,	Report No: 1500119316		
vs, JACOB DOUGLAS SWAIN, DOB: 05/20/1982	Defendant.	ORDER TO SURRENDER WEAPONS RCW 9.41.800 Pre-Trial Post-Conviction Replacement Order	.gi	
In an order dated February 3,	2015, the Court ord	dered that the defendant must:		
 not obtain or possess license (CPL); and 	any firearms, other	dangerous weapons, or concealed		
 turn in any firearms, o 	ther dangerous wea	pons, and CPL as stated in this or	der.	
Defendant: JACOB DOUGLA	S SWAIN			
dangerous weapons in your p	ossession or contro	surrender (turn in) all firearms, oth of and concealed pistol license (CF	ier, ²∟).	
Surrender weapons and co	ncealed pistol lice	nse (CPL) to the:		
□ Call Crime Check at (509 and CPL.) 456-2233 to arrang	ge a time for the surrender of your		
If you have weapons or a c			2015	10.4
Step 1: Immediately turns Step 2: Get a receipt for designated pers Step 3: Complete the P Step 4: File the docume	roof of Surrender	nd CPL. CPL from law enforcement or the C form and attach the Recelpt. If Court within 5 days.		RECEIVED SPOKANE POLICE RECORDS
If you do not have weapon	s or concealed pis	tol license (CPL):	AM 11	ECC
Step 2: File the Declarat	ion with the Clerk o	Declaration of Non-Surrender for Court within 5 days.	^{om,} မှ	•
service.		der may accept your weapons a		
You must surrender all firear subject to this order, including	ms, other dangeroung but not ilmited to	is weapons and concealed pistol lithe following:	cense (CF	²L)
Order to Surrender Weapons Instructions for Surrender of We Rev. 2015-01-26	eapons - Page 1 of 3			
SWAIN - 5Z0267737				

WACIC Data Entry

The Clerk of Court shall forward a copy of this order, on or before the next judicial day, to the ______ County Sheriff's Office or ⊠ City of Spokane Police Department, which shall enter this order into WACIC.

Service

The restrained person appeared and was informed of the order by the Court; further service is not required.

Warning! If you fail to comply with this Order, you could be found in contempt of court and/or be charged with a misdemeanor and punished accordingly. RCW 9.41.810.

Signed on October 14, 2015

Tracy A. Steab Judge, Spokane Municipal Court

I hereby acknowledge both receipt of a copy of this Order to Surrender Weapons and receipt of additional instructions for Surrender of Weapons to Law Enforcement as detailed on page 3 of this pleading.

JACOB DOUGLAS SWAIN

Signature of Defendant's Attorney WSBA No. 25190 CHRISTIAN J PHELPS
Print Name

RECEIVED
SPOXANE POLICE RECORDS
2015 DOT 14 AM 11 35

Order to Surrender Weapons Instructions for Surrender of Weapons – Page 2 of 3 Rev. 2015-01-25 SWAIN - 5Z0267737



INSTRUCTIONS ON SURRENDERING FIREARMS



Pursuant to a court order, you have been ordered to surrender all firearms to the City of Spokane Police Department or Sheriff's Department (SPD/SCSO). You must immediately follow these instructions:

IF YOU HAVE WEAPONS OR A CONCEALED PISTOL LICENSE (CPL):

- Step 1: Immediately turn in the weapons and your Concealed Pistol License.
 - DO NOT BRING YOUR WEAPONS OR CPLTO THE POLICE/SHERIFF DESK. Call Crime Check at 456-2233 or If you are a Cheney resident call Cheney Crime Check at 535-9233 to make arrangements to surrender your firearms.
 - You must have a copy of the court order with you to give SPD/SCSO officer when you turn in your firearm(s) and/or Concealed Pistol License. Also you must have a completed list of all of your firearms that you are turning in on the Surrendered Firearms Inventory Form (this form is in the packet of documents provided to you by the court.)
 - if any weapons are currently in your car go to the Police or Sheriff front desk in the Public Safety Building and tell the officer that you need to surrender your weapons and that they are in your car. An officer will follow you to your car to retrieve the weapons and provide you with the receipt.
- Step 2: You must have the law enforcement officer to whom you surrendered the firearms sign the Surrendered Firearms Inventory Form.
 - You must obtain a copy of the signed Surrendered Firearms Inventor) from the law enforcement officer to whom you surrendered the firearms to provide proof to the court
- Step 3: Complete the Proof of Surrender form and attach the Surrendered Firentins Inventory Form.
- Step 4: File the Proof of Surrender, Surrendered Firearms Inventory Form and the signed Receipt for Surrendered Weapons and Concealed Pistol License with the clerk of the court within 5 days of the date you were served with the Order to Surrender Firearms.

The Law Enforcement Officer serving this order may accept your weapons at the time of service.

IF YOU DO NOT HAVE WEAPONS OR A CONCEALED PISTOL LICENSE:

- Step 1: Immediately complete and sign the Declaration of Non-Surrender form.
- Step 2: File the *Declaration of Non-Surrender* with the clerk of the court within 5 days of the date you were served with the Order to Surrender Firearms.

IF YOU DO NOT SURRENDER YOUR WEAPONS OR YOU CONCEALED PISTOL LICENSE AS ORDERED BY THE COURT YOU COULD BE FOUND IN CONTEMPT OF COURT, TO HAVE VIOLATED THE NO CONTACT/PROTECTION ORDER, BE CHARGED WITH A MISDEMEANOR OR FELONY, AND PUNISHED ACCORDINGLY. RCW 9.41.040(2) AND RCW 9.41.810.

Order to Surrender Weapons
Instructions for Surrender of Weapons – Page 3 of 3
Rev. 2015-01-26
SWAIN - 5Z0267737

IN THE SPOKANE MUNICIPAL COURT, COUNTY OF SPOKANE, STATE OF WASHINGTON

Original Filed

Case No. 5Z0267737 OCT 14 Z015

Report No: 1500119316 Spokane Al Court

Vs.

DECLARATION OF NON-SURRENDER OF FIREARMS RCW 9.41.040

JACOB DOUGLAS SWAIN,

DOB: 05/20/1982

Defendant.

I understand that the court has ordered me to surrender any firearms, other dangerous weapons, or concealed pistol license that I own or have in my possession or control. I have not surrendered any firearms, other dangerous weapons, or concealed pistol license pursuant to that order because I do not have any of those items.

I understand that I am prohibited from obtaining or possessing a firearm or other dangerous weapon or concealed pistol license until further order of the court.

I certify, under penalty of perjury under the laws of the State of Washington, that this statement is true and correct.

Dated: October 14, 2015 at Spokane, Washington.

Signatura of Restrained Person

JACOB DOUGLAS SWAIN

Print name

Warning! Failure to comply with an Order to Surrender Weapons issued in this case number could result in the restrained person being found in contempt of court and/or being charged with a misdemeanor or felony, and punished accordingly. RCW 9.41.040(2) and RCW 9.41.810.

Declaration of Non-Surrender of Firearms DV Rev. 12/2014 SWAIN - 520267737

				⊠ Pi	ROPER	TY RECEIPT/RELEASE FORM
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	ARRESTED Y N	NAME: LAST, FIRST MIDDLE		RACE SEX	DOWN	COMPLAINANT D SUSPECT
	STREET A	DORESS APT# CITY STA	TE ZIP CODE		Р	HONE
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	JEM!	DESCRIPTIONS T			ארוונאאונ)	PROPERTY USE ONLY
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URE						
Ε	≯ FA	THIS IS A RECEIPT FOR PROP ACILITY, SPOKANE POLICE DE	PERTY TAKEN FROM YOU, QUESTIONS AS PARTMENT, 1100 W MALLON AV, SPOKAN	S TO DISPOSITION OF THE PROPI NE, WA 99260, OR PHONE (509) 62	ERTY SHO 5-4130.	DULD BE DIRECTED TO THE EVIDENCE

SUPERIOUR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

STATE OF WASHINGTON		Case No.
Plaintiff,)	Report/Case No. 16-222179
v.s. In RE: Jacob D. Swain DOB: 5/20/82 WM)	DECLARATION FOR SEARCH WARRANT FOR EVIDENCE OF: Residential Burglary - DV and Domestic Violence No Contact Order Violation
	ì	

Police Officer Brandon Fablan, being first duly sworn on oath, deposes and says:

(1) Background of declarant:

Declarant, Officer Brandon Fabian, #1191, is a full-time law enforcement officer with Spokane Police Department and has been employed in law enforcement for 2 years and 7 months.

Your Affiant has been a sworn Police Officer since November 11, 2013. I have completed 720 hours at the Basic Law Enforcement Academy (BLEA). I have attended a two week pre-academy prior to attending BLEA as well as a 7 day Post-Academy at the Spokane Police Training Center. Prior to joining the SPD I served 4 years in the U.S. Marine Corps as a Recon Team Leader and underwent numerous Marine, Army and Naval courses/training. I also served for an approx. total of 2 years as a Security Specialist/Independent Contractor for the U.S. Department of State/Defense. I am currently serving as a Patrol Officer with the Spokane Police Department. Your affiant has had training and shown proficiency in completing search warrant requests and has investigated numerous crimes for which this warrant is being sought. In addition to normal patrol duty, I am also a member of the Department's TAC Team.

(IN RE: 16-222179)

(2) Crime being investigated:
Residential Burglary - DV and Domestic Violence No Contact Order Violation

Circumstances supporting probable cause:

On 6/19/16 at approximately 2340 hours, Officers received a dispatch to 14 in Spokane Washington for a possible DV with a weapon. The father of the protected party on a valid DV No Contact Order (#5Z0267737), had called to report that his daughter called him and said that her ex-husband was at the house, there was arguing and that he might have her gun.

The protected party, [18], is protected from the Respondent/Defendant, Jacob D. Swain. In that valid and served order, it prohibits Jacob from knowingly entering, remaining or coming within 2 city blocks of the [18]. In addition to this, it also states that Jacob is restricted from contacting Alene directly, indirectly or by any other means. The order prohibits Swain from obtaining, possessing or controlling any firearms.

Upon arriving on scene and setting up a security perimeter around the house, Ofc. Fabian could hear a female speaking loudly in a very upset tone somewhere inside the home. Shortly after this, the female voice had moved very close to the front door of the house. She continued to speak loudly and sounded very upset. It was at this time that Ofc. Fabian also heard an adult male's voice directly inside the front door as well. This male's tone was not as loud and Ofc. Fabian was unable to make out what was said. He did hear the female voice start saying loudly, "Dad, did you call the cops!?" several different times.

After a couple minutes of this Ofc. Fabian knocked on the front door and announced that they were the Police. Both voices inside the room went quiet. Ofc. Fabian continued to knock for several minutes before answered the door and was obviously distraught.

After removing her from the front door of the house to a safe location, she finally admitted that Jacob was there and believed that he was hiding in the basement. At this time all Officers were first concerned with the safety of the 3 young children still in the house.

12 stated that there was a pistol in the house but she hid it and the last that she knows Jacob didn't find it (however she stated that he was looking for it earlier).

We continued to make verbal announcements from the front door to inside the house for Jacob to come to the door but we received no acknowledgement from him. After several minutes one of the older children woke up and came to the door and we were able to get him with his mother. At this time there the house has not been entered but we believe that Jacob is hiding within the house or outbuildings and there is the possibility that he has discovered the firearm.

marked in large numbers on the front side of the house right next to the door. There is also an attached garage on the west side of the house as well as a backyard area that is connected to an alley. Upon executing the search warrant of this address, all rooms, closets, attic, basement area, garage, outbuilding and outside property will be searched.

TO SEIZE: (List property to be named in search warrant)

- 1. Any and all firearms
- 2. Ammunition

I certify under the penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate and that I have entered my authorized user ID and password to authenticate it.

	Police Officer Brandon Fabian #1191 6/20/2016 1:00:06 AM
	Signature of Peace Officer
1100 W. Mallon Spokane, WA 99260	Spokane Police Department
Agency Address	Agency
(509) 625-4100	
Agency Telephone	
June 20, 2016	Spokane County, WA
Date	Place (County, State)

DATE	TIME
Ann	M Lingslat
\mathcal{O}	
Judge James i	M Triplet 6/20/2016 2:05:41 AM

(IN RE: 16-222179)

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

STATE OF WASHINGTON

Plaintiff,

V.s.

In RE: Jacob D. Swain DOB; 5/20/82

WM

Court Case No.
Report No. 16-222179

SEARCH WARRANT
Residential Burglary - DV and Domestic
Violence No Contact Order Violation

TO ANY PEACE OFFICER OF THE STATE OF WASHINGTON:

WHEREAS, <u>Police Officer Brandon Fabian</u> has this day signed an affidavit on oath before the undersigned, one of the Superior Court Judges in and for the County of Spokane, that he/she believes that a crime has been or is being committed, to wit:

Residential Burglary - DV and Domestic Violence No Contact Order Violation and that evidence of said crime is located:

(X) PREMISES, located at or described as follows: 10 May 10 May 10 May 10 May 11 May 12 May 1

WHEREAS, the undersigned finds that there is probable cause to believe said facts contained in the affidavit to be true.

THEREFORE, in the name of the State of Washington, you are commanded

(IN RE: 16-222179)

within 10 days (not to exceed ten (10) days) to:

(X) search the aforementioned premises

with the necessary and proper assistance, and diligently search for and seize:

1. Any and all firearms

2. Ammunition

and make a return of said warrant promptly, no later than three (3) days from the execution of the Search Warrant to the undersigned Judge, showing all acts and things done thereunder, with a written inventory of any properties taken and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the inventory shall so state.

The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and receipt for the property taken. If no such person is present, the officer may post a copy of the Search Warrant and receipt.

The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one (1) person other than the seizing officer. This person may be another officer.

Judge James M Triplet 6/20/2016 2:05:49 AM
JUDGE, Superior Court

(IN RE: 16-222179)

The subject of the search warrant may request that a search warrant and accompanying papers not be filed. Unless there is an objection within seven days after execution of the search warrant, the search warrant and all accompanying papers will be filed and become available for public inspection.

The state objects to the filing of this search warrant and accompanying papers.

YES	NO X
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(IN RE: 16-222179)

5 up BRIOK MUNICIPAL COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE STATE OF WASHINGTON Case No. Plaintiff, Report/Case No. 16-222179 V.S. SEARCH WARRANT -RETURN, INVENTORY & RECEIPT In RE: Jacob D. Swain DOB: 5/20/82 WW 1. DATE AND TIME OF EXECUTION OF SEARCH WARRANT: 1/20/16 @ APROCUMETERY COUDS HOWES 2. PREMISES AND FILES SEARCHED: 3. PERSONS PRESENT DURING EXECUTION OF SEARCH WARRANT: MAGT THUS 4. INVENTORY LIST OF INFORMATION SEIZED: (SEE ATTACHED SEARCH WARRANT PROPERTY SHEET ADDITIONAL) 5. METHOD OF ENTRY: DOOR FRONT DOOR #1191 B- FABIAN Seizing Officer COPY OF RECEIPT RECEIVED: CERTIFICATE OF RETURNEE: Recipient I certify that on this 20 _, 20 <u>\b</u> , at <u>b639</u> (AM) _day of _ JUNE (PM) the above captioned search warrant and written inventory were returned to the MUNICIPAL Court Judge who signed the search warrant by delivery to the Spokane County SUPPLIE MUNICIPAL Court Clerk. Page 1 (IN RE: 16-222179)

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Page: 1 of 1

Report #: 16-222179

Detective: Sergeant Storment

Spokane Police Department Additional Report

Date: 6-30-2016

Incident Classification: DVOPV

Location: 1d

Complainant/Victim: Race: M Sex: W DQB:

Suspect: Swain, Jacob D Race: W Sex: M DOB: 05/20/1982

X-Reference #'s:

Department Status: Further Investigation

NIBRS Status: Not Applicable **Detective Sergeant Storment**

that the situation involved a DVOPV in which the suspect was in the residence and possibly armed with a handgun. There were young children inside sleeping as well. The mother of the children had been removed by patrol with another child.

I moved into the house and assisted in guarding the strairwell to the basement while the children were removed by other members of SWAT.

After the children were safe, we attempted to communicate with the man who was obviously hiding in the basement. He would not respond, even after we had deployed a robot. The K9 did locate him though. I assisted in clearing the basement as he was taken into custody.

I did not interview anyone involved, or collect any evidence.

Sqt Z Storment #648 Spokane Police Department Major Crimes Unit

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

SUPERIOUR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

STATE OF WASHINGTON

Plaintiff,

V.s.

In RE: Jacob D. Swain DOB: 5/20/82

WM

Case No.

Report/Case No. 16-222179

DECLARATION FOR SEARCH WARRANT
FOR EVIDENCE OF:
Residential Burglary - DV and Domestic
Violence No Contact Order Violation

Police Officer Brandon Fabian, being first duly sworn on oath, deposes and says:

(1) Background of declarant:

Declarant, Officer Brandon Fabian, #1191, is a full-time law enforcement officer with Spokane Police Department and has been employed in law enforcement for 2 years and 7 months.

Your Affiant has been a sworn Police Officer since November 11, 2013. I have completed 720 hours at the Basic Law Enforcement Academy (BLEA). I have attended a two week pre-academy prior to attending BLEA as well as a 7 day Post-Academy at the Spokane Police Training Center. Prior to joining the SPD I served 4 years in the U.S. Marine Corps as a Recon Team Leader and underwent numerous Marine, Army and Naval courses/training. I also served for an approx. total of 2 years as a Security Specialist/Independent Contractor for the U.S. Department of State/Defense. I am currently serving as a Patrol Officer with the Spokane Police Department. Your affiant has had training and shown proficiency in completing search warrant requests and has investigated numerous crimes for which this warrant is being sought. In addition to normal patrol duty, I am also a member of the Department's TAC Team.

(IN RE: 16-222179)

(2) Crime being investigated: Residential Burglary - DV and Domestic Violence No Contact Order Violation

Circumstances supporting probable cause:

On 6/19/16 at approximately 2340 hours, Officers received a dispatch to Spokane Washington for a possible DV with a weapon. The father of the protected party on a valid DV No Contact Order (#5Z0267737), had called to report that his daughter called him and said that her ex-husband was at the house, there was arguing and that he might have her gun.

Upon arriving on scene and setting up a security perimeter around the house, Ofc, Fabian could hear a female speaking loudly in a very upset tone somewhere inside the home. Shortly after this, the female voice had moved very close to the front door of the house. She continued to speak loudly and sounded very upset. It was at this time that Ofc. Fabian also heard an adult male's voice directly inside the front door as well. This male's tone was not as loud and Ofc. Fabian was unable to make out what was said. He did hear the female voice start saying loudly, "Dad, did you call the cops!?" several different times.

After a couple minutes of this Ofc. Fabian knocked on the front door and announced that they were the Police. Both voices inside the room went quiet. Ofc. Fabian continued to knock for several minutes before an answered the door and was obviously distraught.

After removing her from the front door of the house to a safe location, she finally admitted that Jacob was there and believed that he was hiding in the basement. At this time all Officers were first concerned with the safety of the 3 young children still in the house.

12 stated that there was a pistol in the house but she hid it and the last that she knows Jacob didn't find it (however she stated that he was looking for it earlier).

We continued to make verbal announcements from the front door to inside the house for Jacob to come to the door but we received no acknowledgement from him. After several minutes one of the older children woke up and came to the door and we were able to get him with his mother. At this time there the house has not been entered but we believe that Jacob is hiding within the house or outbuildings and there is the possibility that he has discovered the firearm.

WHEREFORE, declarant requests that a Search Warrant be issued for the purpose of searching
(X) PREMISES, located at or described as follows:

Ave, Spokane, WA. This is a one story house with a small basement underneath. The numbers "

Page 2

marked in large numbers on the front side of the house right next to the door. There is also an attached garage on the west side of the house as well as a backyard area that is connected to an alley. Upon executing the search warrant of this address, all rooms, closets, attic, basement area, garage, outbuilding and outside property will be searched.

TO SEIZE: (List property to be named in search warrant)

- 1. Any and all firearms
- 2. Ammunition

I certify under the penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate and that I have entered my authorized user ID and password to authenticate it.

	Police Officer Brandon Fabian #1191
	6/20/2016 1;00:06 AM Signature of Peace Officer
1100 W. Mallon Spokane, WA 99260	Spokane Police Department
Agency Address	Agency
(509) 625-4100	
Agency Telephone	
June 20, 2016	Spokane County, WA
Date	Place (County, State)

ATE	TIME
James	M Lingslet
Judge James	M Triplet 6/20/2016 2:05:41 AM
JUDGE, Super	ior Court

(IN RE: 16-222179)

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

STATE OF WASHINGTON) Court Coop No
Plaintiff,) Court Case No.) Report No. 16-222179
v.s. In RE: Jacob D. Swain DOB: 5/20/82 WM) SEARCH WARRANT) Residential Burglary - DV and Domestic) Violence No Contact Order Violation)

TO ANY PEACE OFFICER OF THE STATE OF WASHINGTON:

WHEREAS, <u>Police Officer Brandon Fabian</u> has this day signed an affidavit on oath before the undersigned, one of the Superior Court Judges in and for the County of Spokane, that he/she believes that a crime has been or is being committed, to wit:

Residential Burglary - DV and Domestic Violence No Contact Order Violation and that evidence of said crime is located:

(X) PREMISES, located at or described as follows: Spokane, WA. This is a one story house with a small basement underneath. The numbers "10" are clearly marked in large numbers on the front side of the house right next to the door. There is also an attached garage on the west side of the house as well as a backyard area that is connected to an alley. Upon executing the search warrant of this address, all rooms, closets, attic, basement area, garage, outbuildings and outside property will be searched.

WHEREAS, the undersigned finds that there is probable cause to believe said facts contained in the affidavit to be true,

THEREFORE, in the name of the State of Washington, you are commanded

(IN RE: 16-222179)

within 10 days (not to exceed ten (10) days) to:

(X) search the aforementioned premises

with the necessary and proper assistance, and diligently search for and seize:

- 1. Any and all firearms
- 2. Ammunition

and make a return of said warrant promptly, no later than three (3) days from the execution of the Search Warrant to the undersigned Judge, showing all acts and things done thereunder, with a written inventory of any properties taken and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the inventory shall so state.

The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and receipt for the property taken. If no such person is present, the officer may post a copy of the Search Warrant and receipt.

The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one (1) person other than the seizing officer. This person may be another officer.

Judge James M Triplet 6/20/2016 2:05:49 AM
JUDGE, Superior Court

(IN RE: 16-222179)

The subject of the search warrant may request that a search warrant and accompanying papers not be filed. Unless there is an objection within seven days after execution of the search warrant, the search warrant and all accompanying papers will be filed and become available for public inspection.

The state objects to the filing of this search warrant and accompanying papers.

YES	NO	X

(IN RE: 16-222179)

age 3

MUNICIPAL COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE STATE OF WASHINGTON Case No. Plaintiff, Report/Case No. 16-222179 V.S. SEARCH WARRANT -In RE: Jacob D. Swain DOB: 5/20/82 RETURN, INVENTORY & RECEIPT 1. DATE AND TIME OF EXECUTION OF SEARCH WARRANT: 6/20/16 @ AMPOXIMATERY OUTOS HOURS 2. PREMISES AND FILES SEARCHED: 3. PERSONS PRESENT DURING EXECUTION OF SEARCH WARRANT: MAST TAWZ 4. INVENTORY LIST OF INFORMATION SEIZED: (SEE ATTACHED SEARCH WARRANT PROPERTY SHEET ADDITIONAL) 5. METHOD OF ENTRY 3 FABLAN #1191 Seizing Officer COPY OF RECEIPT RECEIVED: CERTIFICATE OF RETURNEE: Recipient I certify that on this 20 th day of 3un _, 20 16 _, at <u>(063°4</u> (AM) (PM) the above captioned search warrant and written inventory were returned to the Supplied MUNICIPAL Court Judge who signed the search warrant by delivery to the Spokane County SUPPLIED MUNICIPAL Court Clerk.

Page 1

(IN RE: 16-222179)

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NCIDENT CLASSIFICATION COURT Order Violation		LOCATION OF ORIGINAL INC	INCIDENT			1070 DATE 106-20-2016
Cpl Daniel #767			LOCATION PHOTOS TAKEN Deaconess			
Swain, Jacob D				White	Male	05-20-1982
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