



SPOKANE POLICE DEPARTMENT



Internal Affairs Exemption Log

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

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

#3f	Information from WACIC/NCIC (ACCESS): <u>Gun information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3g	Information from WACIC/NCIC (ACCESS): <u>DOL Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3h	Information from WACIC/NCIC (ACCESS): <u>Stolen Vehicle Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3i	Information from WACIC/NCIC (ACCESS): <u>Missing Persons Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3j	Information from WACIC/NCIC (ACCESS): <u>Runaways or endangered persons</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3k	WACIC/NCIC (ACCESS): <u>DOC Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
Personal Identifiers and Financial Info			
#4a	Social Security Number	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250(3)(8) (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt), 42 USC § 405(c)(2)(viii)(I) (Limits on Use and Disclosure of Social Security Numbers)

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

Officer Safety or Intelligence			
#7a	Intelligence, sensitive security, or tactical information	Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7b	Undercover Officer identification	Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.	RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement.
#7c	ID Records revealing covert law enforcement activity	Any record pertaining to a vehicle license plate, driver's license, or identification card revealing the identity of an individual performing undercover law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.	RCW 42.56.230(7)(c) (Personal Information)
#7d	Law Enforcement Information Sheet	Contains confidential data used for law enforcement purposes. Disclosure has no legitimate value to the public and can endanger an individual's safety. Contains specific intelligence information the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7e	Confidential Informant information	Contains identifying information which could reveal the identity of a confidential informant. Considered intelligence information, used in a confidential manner for law enforcement purposes, protected to preserve the life and personal safety of the informant and family. Specific intelligence information compiled by law enforcement, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims). <i>Ashley v. Public Disclosure Comm'n</i> , 16 Wn.App. 830, 836 (1977).
Photos			
#8a	Photos showing a deceased person	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)

#8b	Photos showing highly sensitive material	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8c	Photo Montages	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
Protected by Law			
#9	Medical Records	Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person.	RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502). RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#10a	Jail records	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.	RCW 70.48.100 (Jail register)
#10b	Jail booking photos	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.	RCW 70.48.100 (Jail register)
#11	Autopsies, postmortems	Reports and records of autopsies or postmortems are confidential and exempt from public disclosure, but certain officials with authority to examine and obtain copies of such reports may access.	RCW 68.50.105 (Autopsies, postmortems – Reports and records confidential)
#12	Confidential Attorney Client Communications	This redaction protects confidential communications between an attorney and his/her client.	RCW 5.60.060(2)(a) (Privileged communications) <i>Hangartner v. Seattle</i> , 151 Wn.2d 439 (2004).

#13a	<u>Name/Identity</u> of accused police officers	This redaction protects the identities of officers/employee accused of sexual misconduct in Internal Affairs Investigations and Inquiries, if the findings are not Sustained. Police officers/employees have a right to privacy in their identities in connection with unsubstantiated allegations of sexual misconduct.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011). <i>Bellevue John Does</i> , 164 Wash 2d at 212, 189 P.3d 139.
#13b	<u>Date of birth</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employees in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13c	<u>Personal work, home, or cell phone number</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13d	<u>Residential address</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13e	<u>E-mail address</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#14	Information concerning Mental Health Services	This redaction contains confidential information concerning services to either voluntary or involuntary recipients of mental health services. Such information, if disclosed, would invade an individual's privacy and possibly cause unintended consequences for that individual.	RCW 71.05.390 (Confidential information and records)



Spokane Police Department Use Of Force Report

Incident Entered By: Sergeant Christopher Crane

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
8/8/2016	8/8/2016	14:34
Record ID #	Incident No	IA No
9391	16-293505	F16-068
Date/Time Entered		
8/9/2016 12:08		

Incident Summary

Officer Quarles was in foot pursuit of a wanted felon swallowing a baggie of drugs. The wanted felon refused to keep hands out of pockets and spit out drugs.

In compliance with policy per Major King 11/22/16.

Incident Location

- N/A 2nd and Howard, Spokane, WA 99201 - : Downtown

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Fleeing (Felony)	Self Initiated	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Daylight	b-3-7 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Small	5'7" to 5'9"	
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

Anthony Lawrence Birchfield

DOB: 1/19/1970 Race: White Gender: Male

Address

- 1328 Dean also TRANSIENT ST, Suite/Apt: E, Direction: W, Spokane, WA 99201

Phone

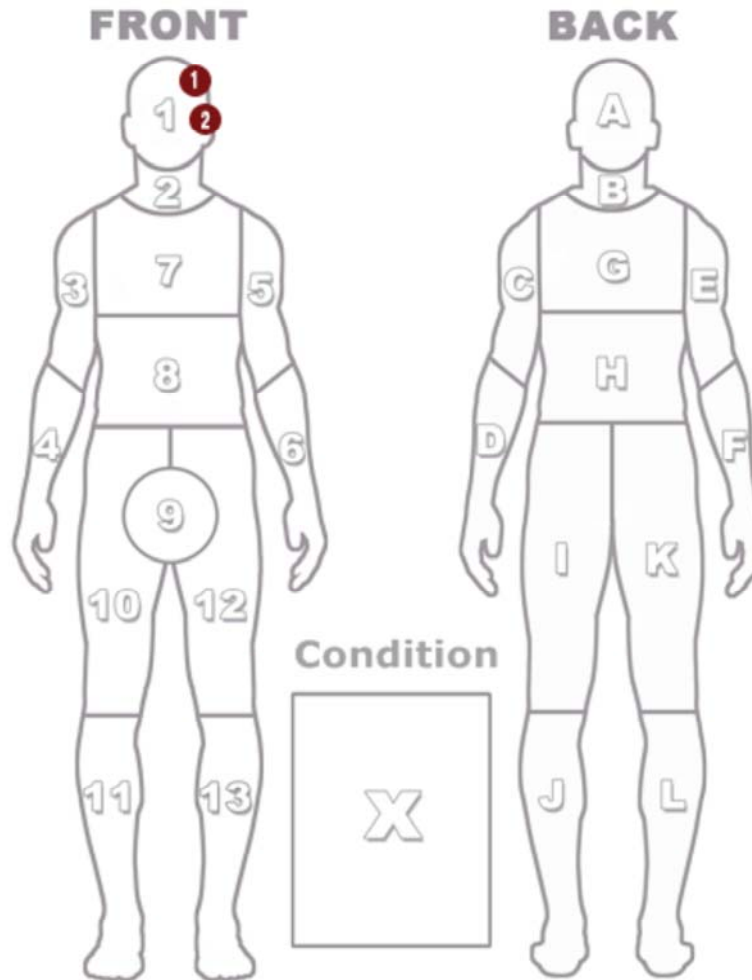
- (509) 217-2302

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
b-Minor Visible Injury	1	1, 2

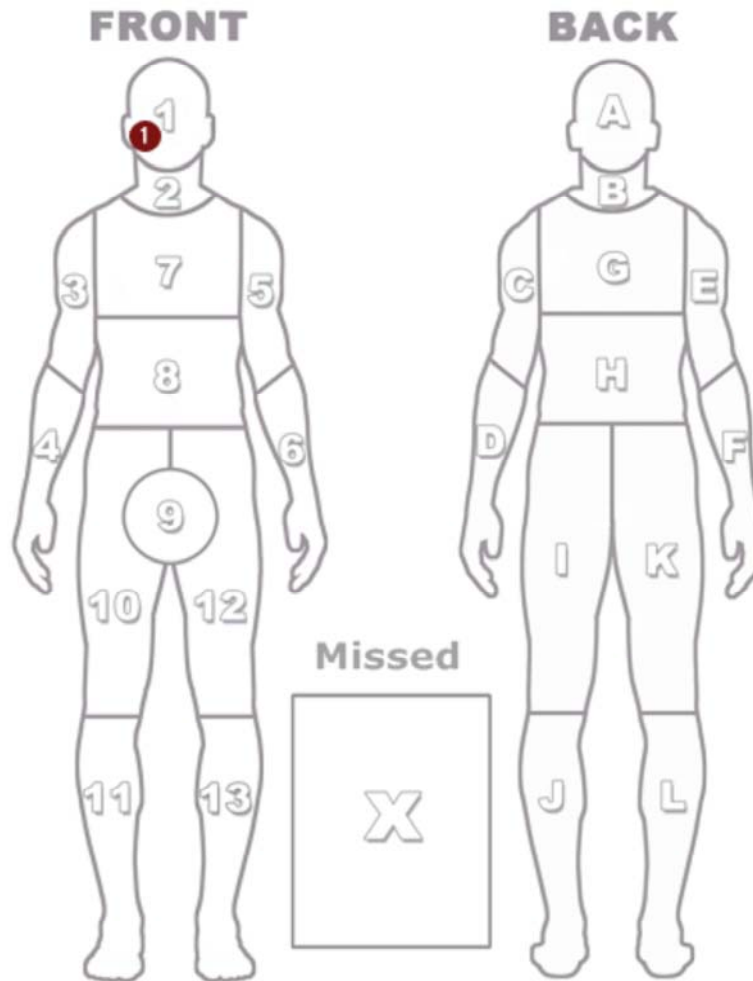
**Charges against this citizen**

- Obstructing
- Warrant

Involved Officers**Officer Darrell Quarles - Payroll Number: 15272****Force used by this officer against the citizen**

- Int Pointing of Firearm - Was force effective: No
- Exceptional Technique - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Int Pointing of Firearm	No		
Exceptional Technique	No	1	1



Injuries sustained by this officer

Injury	Regions	Injury Locations
No injuries noted or visible		

Officer Witnesses

Officer Micah Prim - Payroll Number: 03179

Attachments

Date Attached	Attachment Description	Attachment Type
8/9/2016	Prim Additional	pdf
8/9/2016	Photo Log	pdf
8/9/2016	BWC Prim Pursuit	
8/9/2016	BWC Crane Interview of Birchfield	
8/9/2016	BWC Crane' - Birchfield Accepting Medical Treatment	
8/9/2016	BWC Quarles Arrest	

8/9/2016	BWC Quarles	
8/9/2016	Sgt. Crane UOF Additional	doc
8/10/2016	IMG_0001	JPG
8/10/2016	IMG_0002	JPG
8/10/2016	IMG_0003	JPG
8/10/2016	IMG_0004	JPG
8/10/2016	IMG_0005	JPG
8/10/2016	IMG_0006	JPG
9/26/2016	Quarles arrest report	pdf
11/28/2016	CAD Report	pdf

Chain of Command History

Sent Dt	From	To	CC	Approved
8/9/2016	Internal Affairs	Internal Affairs	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Quarles-Intentional Pointing of Firearm and Exceptional Use of Portable Radio as Force.				
Recipient's Comments/Response: for your review				
8/10/2016	Sergeant Michael Carr	Sergeant Kurtis Reese	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: For your review.				
Recipient's Comments/Response: Within policy and was reasonable considering the circumstances.				
8/11/2016	Sergeant Kurtis Reese	Lieutenant Barton Stevens	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: For Review				
Recipient's Comments/Response: I concur with Sgt. Crane's finding that the utilization of draw and direct, and the exceptional technique with the portable radio to be objectively reasonable under the circumstances.				
8/18/2016	Lieutenant Barton Stevens	Captain Bradley Arleth	(none)	<input type="checkbox"/>
Sender's Instructions: Use of Force Review - In Policy				
Recipient's Comments/Response: Please review and have the following corrected. Sgt. Reese's review statement contains language "draw and direct". This UoF was "Intentional Pointing of a Firearm". They are two distinct definitions by policy. Ofc. Quarles report contains articulation for his UoF but the Graham statement format is not followed and needs to be included.				
8/22/2016	Captain Bradley Arleth	Lieutenant Barton Stevens	(none)	<input type="checkbox"/>
Sender's Instructions: see notes				
Recipient's Comments/Response: See email for report to be attached.				
9/26/2016	Lieutenant Barton Stevens	Lieutenant David Staben	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: See email for report to be attached				
Recipient's Comments/Response: report attached. Re-routed for you to resubmit up the chain				
9/26/2016	Lieutenant David Staben	Lieutenant Barton Stevens	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: corrections attached				
Recipient's Comments/Response: Graham statement strengthened. Sgt. Reese's statement referring to "draw and direct" should have referred to "intentional pointing of firearm". This was inadvertent and will be addressed for future reviews to ensure proper language.				
9/26/2016	Lieutenant Barton Stevens	Captain Bradley Arleth	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: UOF - Quarles				
Recipient's Comments/Response: Use of Force was within policy and guidelines. Intentional pointing of firearm was brief and ceased when suspect turned to run. Use of radio battery edge to enhance mastoid pressure lasted only approximately six seconds. Officer Quarles blurted an inappropriate comment at the				

moment the suspect put drugs in his mouth and ran. Quarles brought this to his supervisor's attention as soon as possible. Officer Prim referred to the suspect with an inappropriate remark after he consumed a plastic baggie of drugs. Both Quarles and Prim were reminded of appropriate language and demeanor.

9/29/2016

Captain Bradley Arleth

Major Kevin King

(none)



Sender's Instructions: for review.

Recipient's Comments/Response: This use of force was within policy and state and federal laws. Procedural issues regarding correcting reports has been addressed.

Entering Officer Signature Line

Sergeant Christopher Crane

Chain of Command Signature Lines

Sergeant Michael Carr

Sergeant Kurtis Reese

Lieutenant Barton Stevens

Captain Bradley Arleth

Lieutenant David Staben

Major Kevin King



Spokane Police Department
Internal Affairs

Use of Force
Additional



Incident #: 16-293505

Date: 8/8/2016

Involved Officer(s) BWC Y/N:
Darrell Quarles #1013 BWC-YES

Reviewing Supervisor: Chris Crane #479 BCW-YES

Incident Summary:

Officers Quarles and Prim made a bicycle stop of a wanted person. The wanted person refused to stop reaching into his pocket, so Ofc. Quarles intentionally pointed his pistol at the wanted subject and gave him commands. The wanted person then fled on foot. Officer Prim caused the wanted subject to fall to the ground (not a reportable use of force) and Officer Quarles tried to keep the wanted subject from swallowing dope, by using exceptional means, namely, the edge of his portable radio battery.

Officer Interview Summary:

Officers Quarles statements are consistent with his Police Reports and Body Camera footage.

Subject Interview Summary:

I, Sgt. Crane, interviewed the wanted subject, Anthony Birchfield, in the E.R. of SHMC. I ran my BWC during the interview. Anthony had been uncooperative with Security while he was placed into 4 point restraints.

-I inferred that Anthony did not want x-rays, blood or anything else taken of/from him, as evidence that he ingested drugs.

Anthony stated he ran because he knew he had a DOC warrant and has to do 30 days in jail. He said one of the police caught his foot, causing him to fall to the ground. He said the pain to his face, head, neck was from the pressure points the officers were using to control him on the ground. He said the worse pain he had at the time of my interview was in the front of his right hip, and was caused by SHMC Security holding him down by his hip and his hair, as they took x-rays against his will. Anthony was not happy with the way he was treated by SHMC Security. I addressed this complaint later with one of the Security Guards off camera, and he stated they (security), would not be changing anything. I will address this with their Director, Mark Howard.

I asked Anthony if he thought the Officers could have done anything else to stop him. His response was, "Coulda been worse I reckon". When I asked him if he would have stopped had they asked him to, he stated that he did not know. I explained my concern over his welfare, as it was very obvious from his actions pre-e.r., he ingested a baggie of drugs. I asked him if he wants to live, and he said yes. He explained how he was on the SPARK Program for 2 1/2yrs, before he started using again, and it has been a struggle since he was terminated from the program.

Anthony had no complaint about the way he was treated by SPD. He agreed that he had been treated with dignity and respect by us all, other than SHMC-Security.

Anthony was cleared for release a short time later and I made sure Security was not called to assist. Ofc. Quarles and I escorted the nurse into his room, with the intent to take him out of restraints, into handcuffs and off to jail for booking. The nurse asked him again, while we ran our Body Cameras, if she could give him i.v. fluids and check his blood to make sure he was ok for jail. He agreed to be treated then, and was booked later in the night, where he vomited at booking. (see Ofc. Quarles report).

Witness Interview Summary:

None

Witness Officer Interview Summary BWC Y/N:

Micah Prim #1024 BWC-YES

Officers Prim's statements are consistent with his Police Reports and Body Camera footage.

Crpl Harding took photos- to be attached by I.A.

Any Relevant Clarifying Information and Observations:

Birchfield was given immediate medical aid and transported to Sacred Heart Medical Center in an attempt to keep him from overdosing. He did not cooperate with treatment for approximately 1 1/2hrs.

He is an Armed Career Criminal.

Sergeant Findings:

Ofc. Prim and Quarles' professional response and application of verbal tactics in association with their control tactics, and the application of Ofc. Quarles' intentional pointing of his pistol and his exceptional application of his portable radio in an attempt to stop Birchfield's swallowing of drugs, resulted in the physical arrest of the Dangerous and Potentially Violent fleeing suspect, while also keeping him and other citizens in the area as safe as possible. Ofc. Quarles' intentional pointing of his pistol, exceptional portable application, and reporting, was objectively reasonable and within department training and guidelines.

Sgt. Crane #479 / L279

11/28/16 10:29:15 PRINT REQUESTED BY TERMINAL PADN07
Incident History for: #SP160293505

Entered 08/08/16 14:34:30 BY PCC03 1008
Dispatched 08/08/16 14:34:30 BY PCC03 1008
Enroute 08/08/16 14:34:30
Onscene 08/08/16 14:34:30
Closed 08/08/16 20:10:44

Initial Type: BIKE Final Type: BIKE (BIKE STOP)
Initial Priority: 3 Final Priority: 3
Disposition: 1G Source: R Primary Unit: N40
Police BLK: SPD8RS
Group: P8 Beat: Map Page: 33
Loc: W 2ND AV/S HOWARD ST ,SPK <500,100> (V)
Name: Addr: Phone:

/143430 (1008) \$OUTSRV ,NO MORE INFORMATION
/143430 DISPOS N40 #1013 QUARLES, DARRELL
/143441 ASSTOS N44 [2ND/HOWARD]
#1024 PRIM, MICAH
/143702 (1267) REMINQ N44 WANT,N44,,,,,,BIRCHFIELD,ANTHONY,L,1970,01,19
/143819 CALLBK N44 T/PCC03
N44 COULD LIKE ANOTHER UNIT
/143845 (1008) EMSREQ N40 T/PCC02
START MEDICS, ATE BUNCH OF PILLS
/143908 ASSTER C150 [2ND/HOWARD]
#335 HOUSE, LARRY
/143929 MISC N40 ,DETAINED IN CUFFS
/143934 (1267) CALLBK T/PCC03
FIRE ADVD
/144040 (1008) ASSTER P310 [2ND/HOWARD]
#365 HARDING, RAYMOND
/144041 (1267) MISC ,DOC CONFIRMED
/144342 (1008) CALLBK N40 T/PCC02
CORRECTION SWALLOWED DOPE
/144439 (1267) CALLBK T/PCC03
THEY'RE ONSCENE
/144733 (1008) MISC N44 ,MINOR INJS FROM HAVING TO TAKE HIM TO GROUND
AND TRYING TO SWALLOW DOPE, WILL HAVE TO GET H
IM CLEARED...L279 COPIED
/144857 (335) *ONSCNE C150
/144859 (365) *ONSCNE P310
/145431 (1008) MISC N40 ,TO L279 HES GOING TO SHMC, L279 COPIED USE OF
FORCE
/145726 (335) *CHGLOC C150 [FOLLOW AMR TO SACRED HEART]
/150206 *ONSCNE C150
/150315 (479) *ASSTER L279 [2ND/HOWARD]
#479 CRANE, CHRISTOPHER
/150352 (1013) *CHGLOC N40 [SHMC]
/150411 (1024) *CHGLOC N44 [SHMC]
/150443 *REMINQ N44 MWANT,,,,,,BIRCHFIELD,ANTHONYLAWRENCE,1970,01
19,,,,,
/150449 *REMINQ N44 MWANT,,,,,,BIRCHFIELD,ANTHONYLAWRENCE,1970,01
19,,,,,
/150746 *ONSCNE N44
/150820 *REMINQ N44 MWANT,,,,,,BIRCHFIELD,ANTHONYLAWRENCE,1970,01
19,,,,,

/150842	(1013	)	*ONSCNE	N40	
/151139	(479	)	*CHGLOC	L279	[SHMC-ER]
/151732			*REMINQ	L279	MWANT,,,,,,,,,BIRCHFIELD,ANTHONYL,1970,01,19,,,,
					,,,,,,,,,7
/152305	(335	)	*CHGLOC	C150	[DT PREC]
/152312	(479	)	*ONSCNE	L279	
/152624	(335	)	*ONSCNE	C150	
/153052			*CLEAR	C150	,PSTAT/ASST
/153459	(365	)	*CLEAR	P310	DSP: 1K
					,PSTAT/CFS
/155033	(1024	)	*CHGLOC	N44	[PAPER]
/155034			*ONSCNE	N44	
/155502			*MISC	N44	,6Z0836115
/155507			*MISC	N44	,OBSTRUCTING
/162528	(479	)	*MISC	L279	,ANTHONY WAS ABOUT TO BE DISCHARGED WHEN HE AG
					REED TO I.V. TREATMENT AND BLOOD DRAW FOR MEDI
					CAL PURPOSES.
/162656			*MISC	L279	,PSTAT/UOF PSTAT/VIDY
/165404			*CLEAR	L279	,8D
/172935	(1024	)	*MISC	N44	,PSTAT/SI PSTAT/MISD PSTAT/VIDY
/173034			\$PREMPT	N44	
/180502	(1253	)	CHANGE		LOC: 2ND/HOWARD --> W 2ND AV/S HOWARD ST ,SPK
					,
					BLK: --> SPD8RS
/182135	(681	)	*ASSTER	N42	[SHMC]
					#681 HEUETT, KYLE
/183037			*ONSCNE	N42	
/184741	(1013	)	*CHGLOC	N40	[169]
/185230			*ONSCNE	N40	
/191536			*CHGLOC	N40	[SHMC]
/191832			*ONSCNE	N40	
/191837			*ONSCNE	N40	
/192704			*TRANS	N40	[JAIL] M/0
/192839			*REMINQ	N40	MVEH,AYF0998,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
/193621			*TRANSC	N40	M/2.3
/193803	(681	)	*CLEAR	N42	,PSTAT/ASST
/200154	(1234	)	OK	N40	
/201044	(1013	)	*CLEAR	N40	DSP: 1K --> 1G
					,PSTAT/SI PSTAT/WARR PSTAT/MISD BOOKED ON WARR
					ANT AND OBSTRUCTING.
/201044			CLOSE	N40	

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-293505	
INCIDENT TYPE Arrest, Drug Involved		INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <input type="checkbox"/>
		INCIDENT CLASSIFICATION #3 <input type="checkbox"/>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 <input type="checkbox"/>
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON Mon 08/08/2016 14:34		OCCURRED ON Mon 08/08/2016 14:34		OCCURRED TO Mon 08/08/2016 14:44	
DISPATCH TIME		ARRIVED TIME		EST. TOTAL PROPERTY LOSS	
CLEARED TIME		REPORT DATE 08/08/2016		REPORT TIME 15:51	
PRIMARY CHARGE M-10.07.032 OBSTRUCTING					UCR/NIBRS CODE /
LOCATION OF INCIDENT Howard/2nd Ave, Spokane, WA 99202				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS Suspect Arrested, Useful Physical Evidence					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Quarles					
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim - Individual, A-Arrested Person, VB-Victim - Business, M-Missing, MR-Person Mentioned, RO-Registered Owner, V-Deceased, PS-Passenger, PE-Pedestrian, PC-Pedestrian - Cyclist, O-Other, C-Complainant, IN-Institutional, G-Legal Guardian, D-Driver, W-Witness, CV-Complainant is Victim, CON-Contact, RU-Runaway, OW-Owner of Property</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE BIRCHFIELD, ANTHONY LAWRENCE			SEX M	RACE/ETHNICITY W-White
DATE OF BIRTH/AGE 01/19/1970 46	HEIGHT 5'09"	WEIGHT 150	BUILD Light	HAIR Black	EYES BLK - Black
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP 1328 W Dean Avenue #E, Spokane, WA 99201			RESIDENTIAL STATUS	
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION		EMPLOYER PHONE
ADDITIONAL PHONES NONE					
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION M-10.07.032 OBSTRUCTING			UCR/NCIC CODE
WARRANT #	BAIL	TYPE OF ARREST On-View of Arrest			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # 6Z0836115	DATE 08/08/2016	TIME 14:34	BOOKED WHERE Spokane County Jail		DATE 08/08/2016
ARREST LOCATION Howard/2nd Ave, Spokane, WA 99202		STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN		CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED	SUSPECT ARMED WITH
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE
NARRATIVE					

On 08/08/2016 at 1434, I observed a male riding a bicycle (purple low-rider cruiser) on the sidewalk at Howard/2nd Ave. This was a bicycle violation in the downtown area. The male was later identified as Anthony Birchfield. A name check revealed that Birchfield did have a Felony Warrant (DOC Escape). I was assisted on the call by Officer Quarles. At the point I was notified by Radio dispatch of Birchfield's warrant status, Birchfield began to get off his bike

ID NO./NAME OF REPORTING OFFICER #1024 - Prim, Micah		DISTRIBUTION	
APPROVAL #369 - Tilley, Ronald		DATE/TIME 08/08/2016 21:10	

Incident Report #1

08/08/2016 21:13:04.376

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-293505
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and drop some of his belongings on the ground. This is indicative of a suspect preparing to run away or fight Officers. Officer Quarles attempted several verbal commands, which Birchfield did not heed. I then saw Birchfield retrieve something from his pants pocket and then turn to flee on foot. Birchfield attempted to run away and evade arrest, which he made it a few foot away.

1. Crime: Obstructing a Police Officer/Felony Warrant.
2. Behaviors: Birchfield did not heed verbal warnings and put his hand into his pockets. He had not been searched or frisked for weapons.
3. Behaviors: He then attempted to evade arrest by running away. Birchfield also shoved an unknown substance into his mouth and swallowed it.

Due to the above listed factors, I briefly un-holstered my service handgun, but did not point the muzzle at anyone. I then decided to use a foot-sweep/trip technique to safely bring Birchfield into custody. Birchfield lost his balance and fell in front of me, which allowed the safe application of handcuffs (DL) in a prone-cuffing position. Birchfield appeared to further swallow an unknown substance. I applied a mastoid pressure-point technique to have Birchfield spit out the substance. Birchfield did not spit out anything. I requested a medical response immediately.

Medics arrived on scene and assisted Birchfield. Birchfield was placed on a medical gurney for the ambulance. It should be noted that Birchfield did receive some minor abrasions on his face/head from the prone-cuffing position on the blacktop. Refer to Officer Quarles report for more information.

A Corporal responded and took photos of the abrasions. I notified a supervisor of the incident. Birchfield was transported by ambulance to Sacred Heart Hospital to receive medical care prior to being booked into jail.

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.

Micah Prim 1024
Downtown Precinct

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-293505	
REPORT PURPOSE			REPORTED ON DATE Mon 08/08/2016	TIME 14:34	INCIDENT XREF
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 08/08/2016		REPORT TIME 16:04
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 08/08/2016 at approx. 1434 hours Officer M. Prim and I were on bike patrol in the area of 200 S. Howard. He was riding a bike on the east side of Howard on the sidewalk. Officer M. Prim advised the male to stop when he rode by us on the sidewalk, and the male did not stop.

I rode south bound on Howard in an attempt to stop the male. I caught up to him at the intersection of W. 2nd and S. Howard and advised him to stop. At that point I observed the male had been wearing headphones and possibly did not hear Officer M. Prim tell him to stop.

Officer M. Prim contacted the male while I stood by as a cover officer. Officer M. Prim advised the male he was going to give him a warning for riding on the sidewalk and asked to see his identification. The male provided Officer M. Prim with his identification. While Officer M. Prim was checking the male for warrants and giving dispatch his information, the male was standing next to his bike. I observed he began taking off his bike helmet and headphones. He also put the kickstand to his bike down. Based on training and experience I recognized this behavior as someone who was preparing to either run or fight.

I advised the male to have a seat on his bike to assist in controlling his movements and keep him from either fighting or running. He initially sat down on his bike, but then quickly stood up and began reaching into his right pants front pocket.

Crime-

At the time he began reaching into his pants pocket I knew we were investigating an infraction and possibly a wanted subject.

Threat-

I was not aware of what the males history was. It was clear to me his behavior changed as soon as Officer M. Prim began checking his name. He appeared to be nervous and was looking for either an escape route or to attack one of us. He was no longer joking around and talking like he was on the initial contact. The male could be wanted for a multitude of crimes and intent on not being taken into custody. The downtown area has many different types of people in it, which also include drug users,

ID NO./NAME OF REPORTING OFFICER #1013 - Quarles, Darrell		DISTRIBUTION Department of Corrections	
APPROVAL #424 - Vigesaa, Kurt	DATE/TIME 09/15/2016 09:18		

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-293505
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convicted felons and wanted subjects.

I also did not know what the male was accessing from his pocket. He could have been accessing a weapon and intended on harming myself or Officer M. Prim. It should also be noted we were contacting the male in the middle of the down town area in the middle of the day where the streets are highly populated with people in vehicles and also pedestrians. There were many citizens in the area.

Resistance-

I advised the male to take his hands out of his pockets multiple times and he refused. He continued to dig in his pocket.

Due to his non-compliance and the threat to myself and Officer M. Prim at the time, I drew my side arm and pointed it at the male and again advised him to stop digging in his pockets and show his hands. He refused. He then pulled out what appeared to be a small plastic bag with something balled up at the end of it. He placed that in his mouth and ran to the north away from Officer M. Prim and myself.

I holstered my side arm and told the male to stop. I began chasing the male. Officer M. Prim was able to sweep the males feet. He began to lose his balance and fell down. I initially placed my hand on his forehead and the side of his face and held his head down. I continued to tell him to spit out what ever he had placed his mouth. I was concerned for his safety because I was sure he had ingested drugs in an attempt to avoid arrest. He refused to spit it out.

I then placed my knee across his upper back and head area in an attempt to control his movements. I continued to tell him to spit out what ever he had in his mouth. I could clearly see he was chewing on something. I was able to place him in handcuffs (DL). I then went back to placing pressure on his head and face area. I was applying pressure to his mastoid for pain compliance in an attempt to get him to spit out the bag and its contents. The mastoid alone was not effective. At one point I used the bottom of my portable radio and pressed it on his cheek and lower jaw area in an attempt to pry his mouth open and get him to spit out the drugs in his mouth. I was concerned for his safety for what he had ingested and the negative effects it could have on him. That was also unsuccessful so I stopped. I continued to give verbals.

He refused to spit it out and I could see him swallow whatever the bag was and its contents. Once he had swallowed the bag, he opened his mouth and said he didn't have anything in his mouth.

I requested medics to the scene.

At this point, Officer M. Prim advised me the male had a Felony warrant for DOC Escape.

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-293505
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I advised him he was under arrest. I asked what he ate, and he refused to talk to me.

Corporal R. Harding arrived and photographed injuries to his face caused by the pavement. There appeared to be "road rash" caused by his head and face rubbing on the black top.

Sgt. C. Crane was advised of the use of force.

Once Medics arrived he was transported to SHMC by AMR.

Once at the hospital he initially refused treatment by medical staff. He refused X-rays and any type of treatment like his stomach being pumped.

I attempted to contact his DOC Officer, but was unable to contact her.

Once he was almost released, he then consented to treatment. He was released from the hospital after treatment. I again placed him in handcuffs (DL), searched him again incident to arrest and transported him to Spokane County Jail where he was booked.

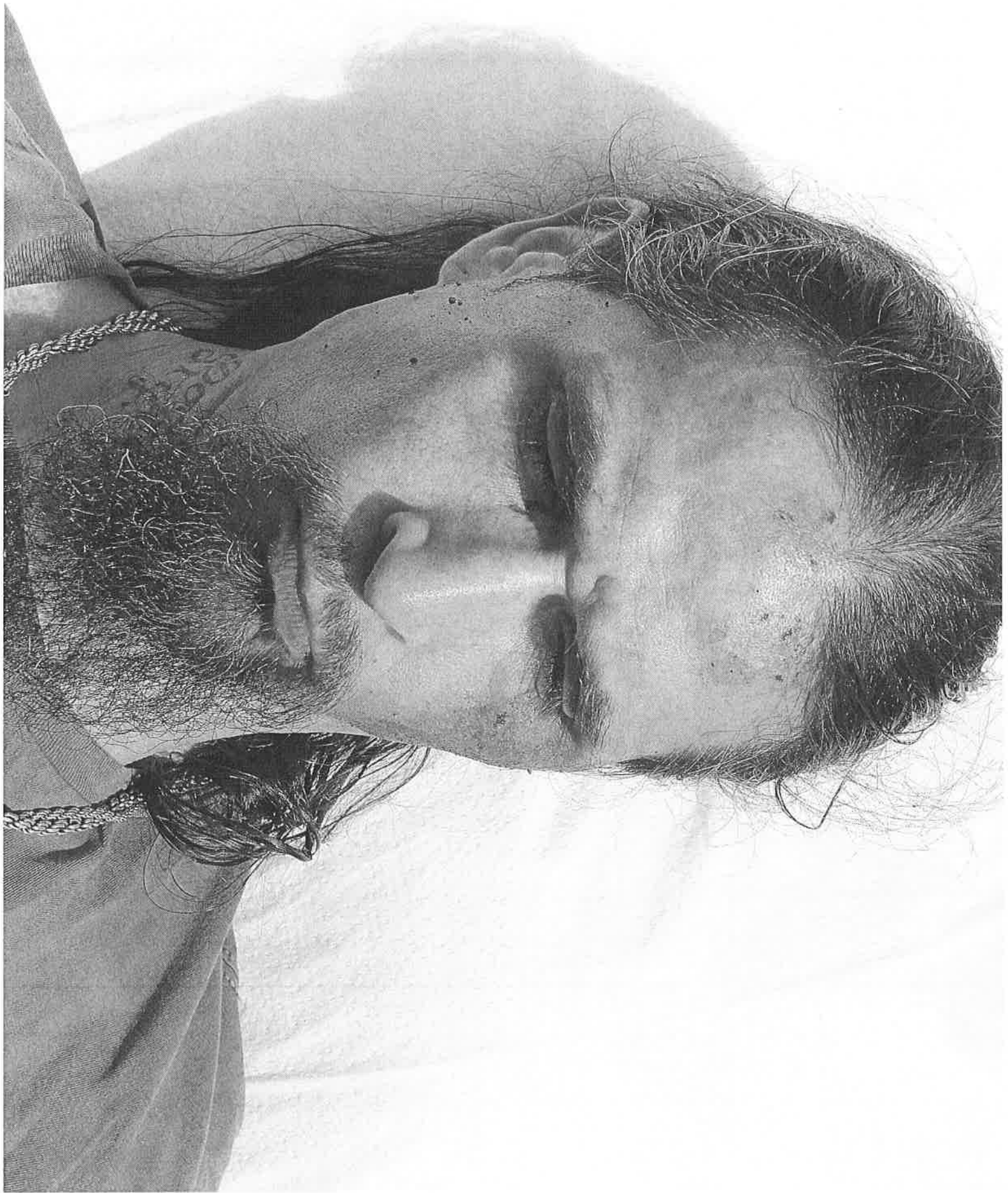
It should be noted that during the booking process, he vomitted up a small plastic bag of an unknown contents. The bag was destroyed. He continued to vomit and was tended to by jail staff.

Based on above listed facts and circumstances, there is PC to arrest the male for Obstructing due to him running from officers when he was clearly being detained for traffic infractions.

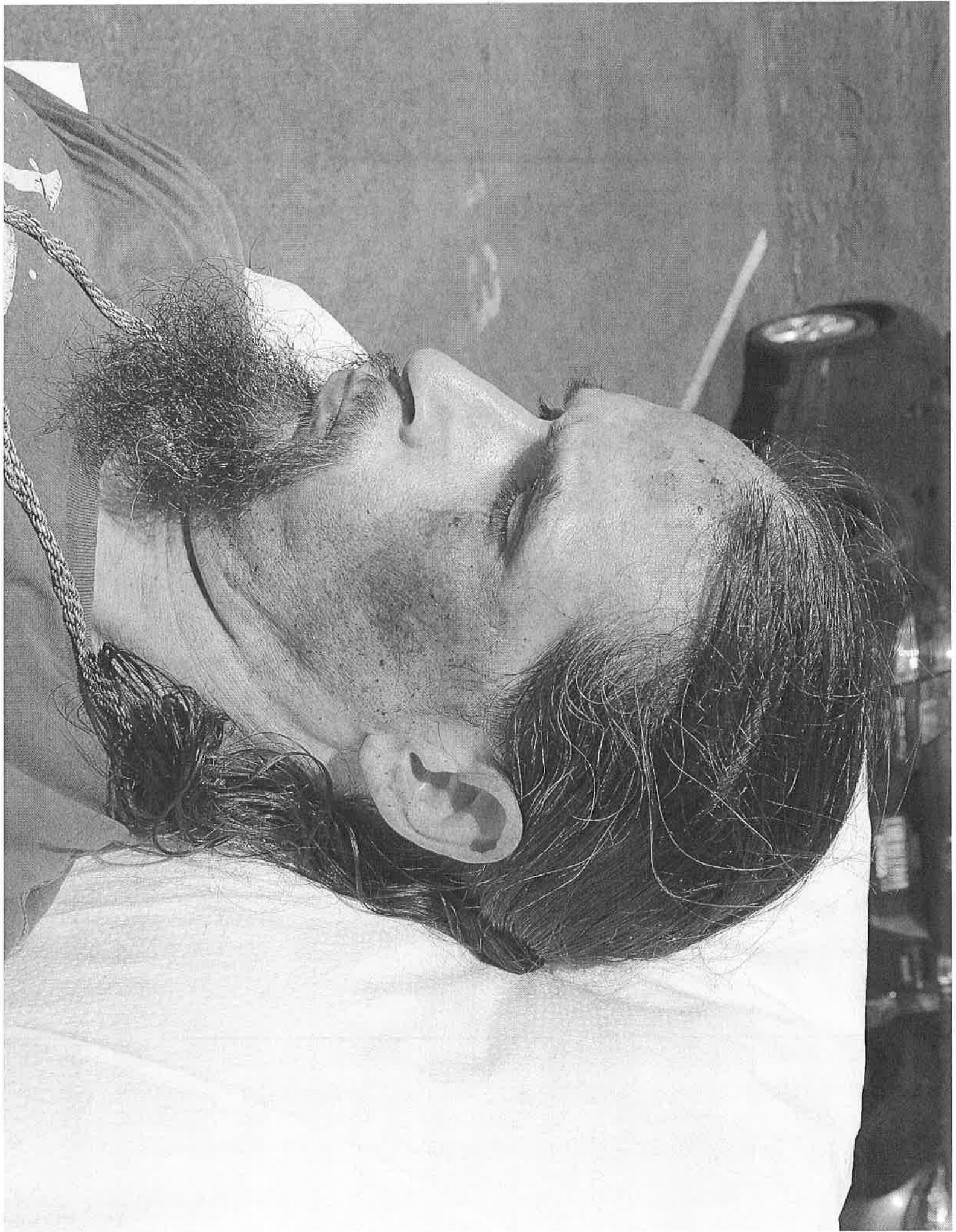
See Officer M. Prim's report for further and also view my Body Camera Footage.

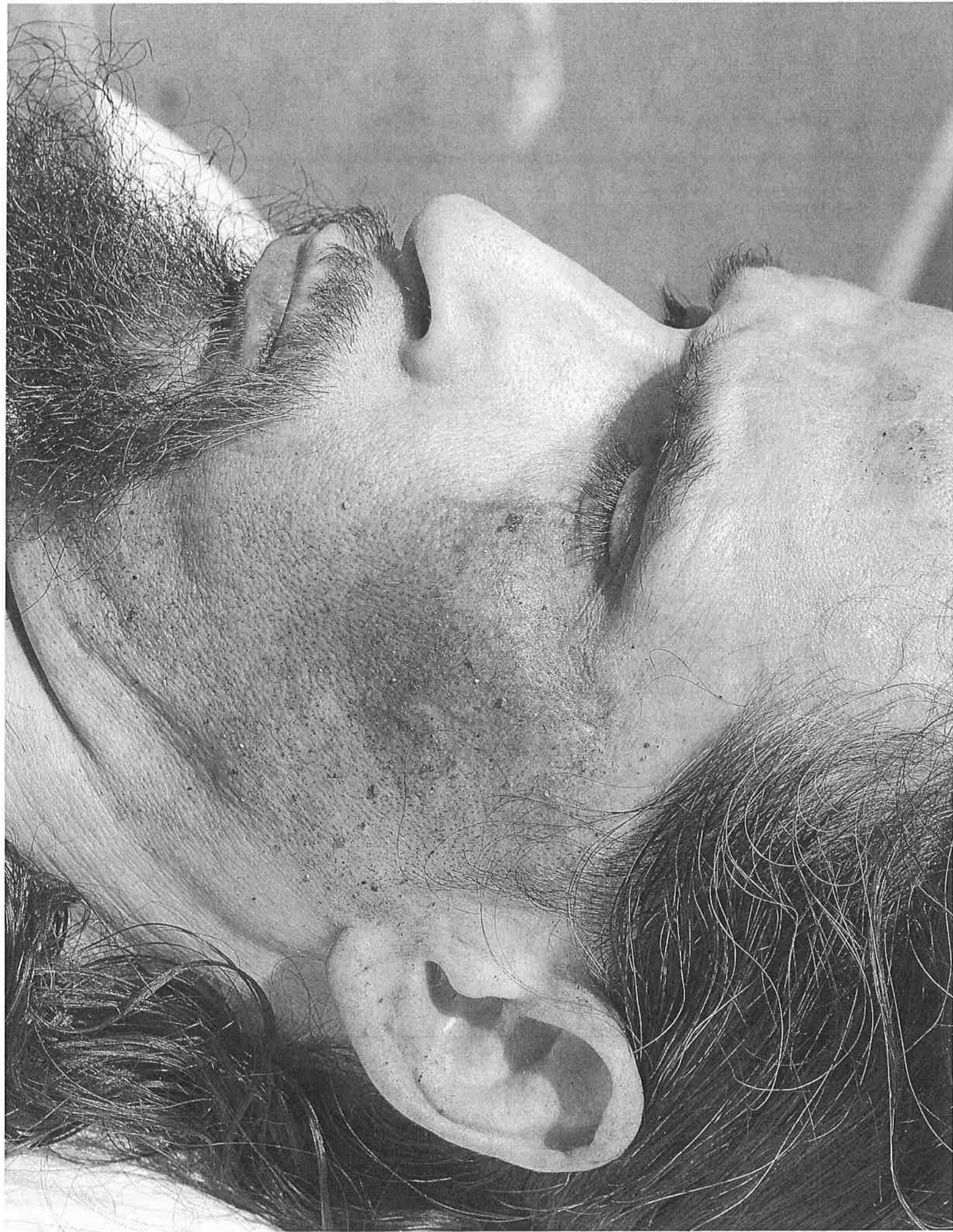
I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. I WAS EQUIPPED WITH A BODY CAMERA, AND IT WAS ACTIVE DURING THIS INCIDENT.

D. Quarles #1013
N40 DTP













Reiner, Michelle

From: Reiner, Michelle
Sent: Monday, November 28, 2016 10:39 AM
To: Boothe, Rob; Carr, Michael; Griffiths, Mark; Kendall, Shawn; Logue, Bart; Lundgren, Justin; Meidl, Craig; Szambelan, Timothy; Torok, Dan; Waters, Daniel
Cc: Armstrong, Kathy; Quarles, Darrell
Subject: Use of Force F16-068
Attachments: F16-068.pdf

The attached Use of Force Report is complete, in compliance with policy and for your review.

Michelle

Michelle Reiner | Internal Affairs Secretary | Spokane Police Department
509.835.4599 | mreiner@spokanepolice.org