



SPOKANE POLICE DEPARTMENT



## Internal Affairs Exemption Log

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

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

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

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

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

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

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



## Spokane Police Department Use Of Force Report

**Incident Entered By:** Sergeant Stormi Koerner

### Incident Details

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
9/23/2016	9/23/2016	06:33
<b>Record ID #</b>	<b>Incident No</b>	<b>IA No</b>
9445	16-356434	F16-080
<b>Date/Time Entered</b>		
9/30/2016 14:15		

### Incident Summary

Officer LeQuire contacted Mr. Gardipee who at first had been laying on the ground on his back with his eyes open. He was unresponsive to Officer LeQuire's questions. Office LeQuire did a quick pat down and found a debit card with his name on it. He ran the name and found he had a warrant for a DV No Contact Order. Officer LeQuire advised Mr. Gardipee he would be going to jail for the warrant and Mr. Gardipee stood up and attempted to walk away. Officer LeQuire applied left arm control and told Mr. Gardipee he was under arrest. Mr. Gardipee attempted to pull away and Officer LeQuire wrapped his arms around Mr. Gardipee's upper body, and took him to the ground. Mr. Gardipee resisted violently and kicked at Officer LeQuire and the fire department personnel. Officer Hice arrived on scene and assisted Officer LeQuire by holding Mr. Gardipee down, and giving several verbal commands to stop resisting. Officer Hice helped Officer LeQuire roll Mr. Gardipee onto his stomach to get his hands free and into a handcuffing position; however he continued to kick and bite at them, once he was placed into a prone position.

Officer LeQuire positioned himself onto the back of Mr. Gardipee and applied a Level 2 Neck Restraint, to stop Mr. Gardipee's assaultive behavior. When he applied the technique he rendered him unconscious for approximately 2 seconds, which allowed him to be handcuffed. Once Mr. Gardipee was handcuffed he continued to fight.

Mr. Gardipee was handcuffed he was transported to Deaconess Hospital by AMR. He was treated for minor injuries to his mouth.

NOTE: Videos DO NOT show any Use of Force only events afterward.

In compliance with policy per Major King 11/23/16.

### Incident Location

- 1400 Cedar ST, Direction: N, Spokane, WA 99201 - : Northwest

### Use of Force Specific Information

<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Multiple (Specify)	Call for Service	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear	Daylight	a-0-3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	Yes	Yes
<b>More than 1 Citizen Involved</b>		



No

**Citizen's Build**

Medium

**Citizen's Height**

6'1" to 6'3"

**Officer Assessment of Citizen Condition During Incident**

Alcohol and/or Drugs

**Officer(s) Injured**

No

**Officer(s) Taken to Hospital**

No

## Reporting/Involved Citizen Information

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### Dustin L Gardipee

DOB: 7/4/1987 Race: Native Ameri Gender: Male

**Address**

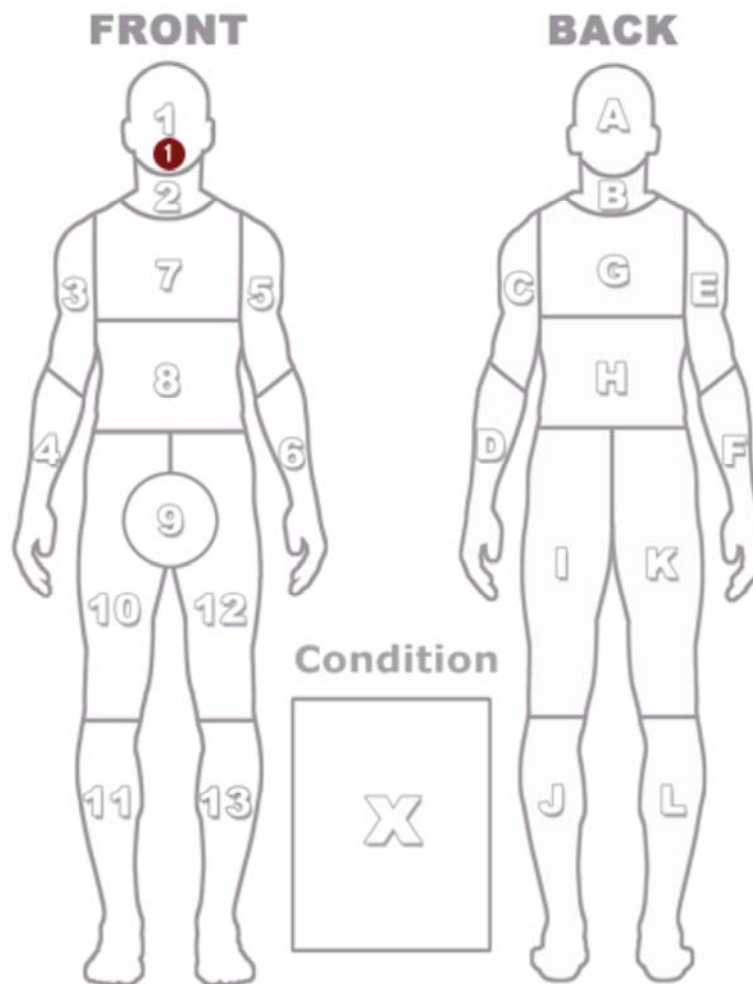
- 1010 Boone ST, Suite/Apt: #8, Direction: W, Spokane, WA 99201

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

- Assaultive
- Active Resistance

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
d-Injury Requiring ER	1	1

**Charges against this citizen**

- Resisting Arrest
- Warrant

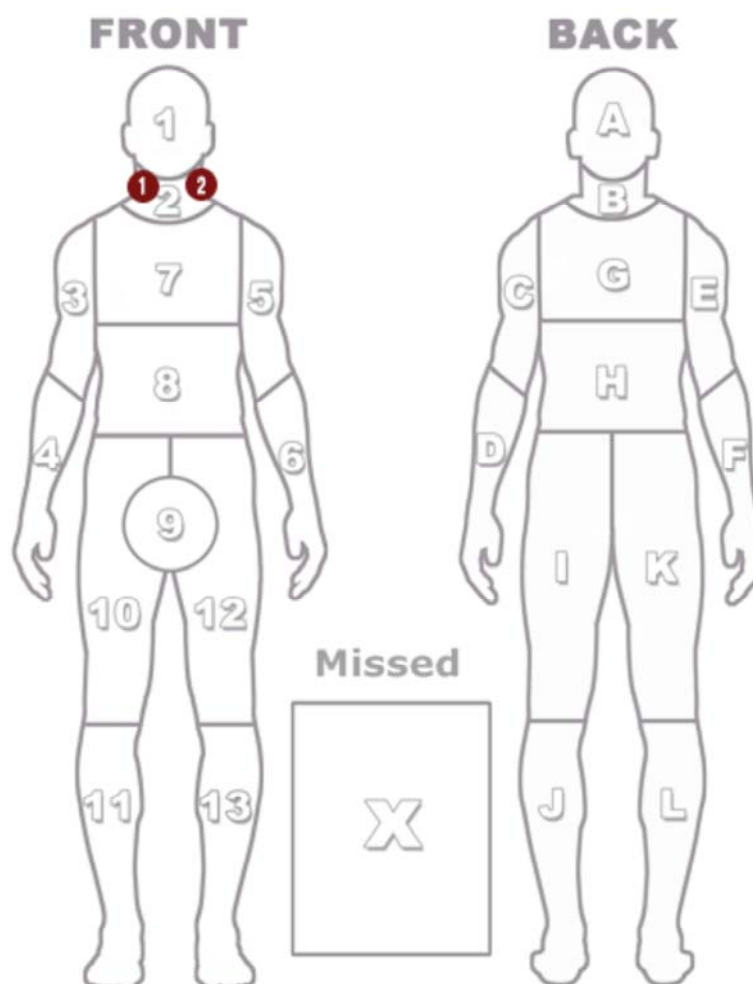
**Involved Officers**

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**Officer Christopher LeQuire - Payroll Number: 20935****Force used by this officer against the citizen**

- LNR-Level 2 - Was force effective: Yes

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



## Officer Witnesses

**Officer Scott Hice - Payroll Number: 21536**

**Officer David Kennedy - Payroll Number: 11122**

## Attachments

Date Attached	Attachment Description	Attachment Type
10/2/2016	16-356434 Incident Report	pdf
10/2/2016	16-356434 Additional Report Officer Hice	pdf
10/2/2016	16-356434 Additional Report Officer D Kennedy	pdf
10/2/2016	16-356434 Photo Log	pdf
10/2/2016	16-354434 CAD Print Out	pdf
10/2/2016	16-356434 Citation 1	pdf
10/2/2016	16-356434 Citation 2	pdf
10/23/2016	BWC LeQuire	
10/23/2016	BWC Hice	
10/23/2016	BWC Hice - Hospital	
10/23/2016	BWC D Kennedy	
10/23/2016	16-356434 Supervisor Review	doc
10/31/2016	IMG_0001	JPG

10/31/2016	IMG_0002	JPG
10/31/2016	IMG_0003	JPG
10/31/2016	IMG_0004	JPG

## Chain of Command History

Sent Dt	From	To	CC	Approved
10/30/2016	Internal Affairs	Internal Affairs	Lieutenant Jon Anderson	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> For your review.				
<b>Recipient's Comments/Response:</b> UOF review				
10/31/2016	Lieutenant David Staben	Lieutenant Dean Sprague	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> UOF review				
<b>Recipient's Comments/Response:</b> No BWC footage of the reported use of force. Excellent report by Ofc. LeQuire. Based on statements, use of force to effect the arrest with a highly violent resistive subject was effective and within case law parameters, use of force guidelines and department policy.				
11/17/2016	Lieutenant Dean Sprague	Captain Daniel Torok	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> Forward through patrol chain of command.				
<b>Recipient's Comments/Response:</b> I concur that the use of force was within policy. No use of force is caught on camera as they were not activated prior to arriving at the call or commensurate with their arrival at the call. Therefore the written reports reflect actions that should have been caught on bwc, but were not. In addition, I noticed Sgt. Cordis onscene, but did not see a link to his BWC. A search of Evidence.com shows 3 bodycam videos uploaded into the system for 2016 under his name.				
11/17/2016	Captain Daniel Torok	Major Kevin King	(none)	<input checked="" type="checkbox"/>
<b>Sender's Instructions:</b> for review				
<b>Recipient's Comments/Response:</b> This use of force was within policy and state and federal law.				

### Entering Officer Signature Line

Sergeant Stormi Koerner

### Chain of Command Signature Lines

Lieutenant David Staben

Lieutenant Dean Sprague

Captain Daniel Torok

Major Kevin King



Spokane Police Department  
Internal Affairs



Use of Force  
Supervisor Review

Incident #: 16-356434  
Date: September 23, 2016  
Involved Officer: Officer LeQuire #1290  
Reviewing Supervisor: Koerner #399

BWC Footage of the incident:

YES X NO ☐

IF yes, BWC Officer's Name: Officer LeQuire/Officer Hice/Officer D. Kennedy

INCIDENT Summary:

Officer LeQuire contacted Mr. Gardipee who at first had been laying on the ground on his back with his eyes open. He was unresponsive to Officer LeQuire's questions. Office LeQuire did a quick pat down on Mr. Gardipee and found a debit card with his name on it. He ran the name and found he had a warrant for a DV No Contact Order.

Officer LeQuire advised Mr. Gardipee he would be going to jail for the warrant and Mr. Gardipee stood up and attempted to walk away. Officer LeQuire applied left arm control and told Mr. Gardipee he was under arrest. Mr. Gardipee attempted to pull away and Officer LeQuire wrapped his arms around Mr. Gardipee's upper body, and took him to the ground. Mr. Gardipee resisted violently and kicked at Officer LeQuire, and the fire department personnel who had been standing by. (Resisting Arrest)

Officer Hice came onto scene and observed Officer LeQuire wrestling with Mr. Gardipee. Officer Hice assisted Officer LeQuire by holding Mr. Gardipee down, and giving several verbal commands to stop resisting. Officer Hice helped Officer LeQuire roll Mr. Gardipee onto his stomach to get his hands free and into a handcuffing position; however he continued to kick and bite at them, once he was placed into a prone position. (Assaultive)

Officer LeQuire positioned himself onto the back of Mr. Gardipee and applied a Level 2 Neck Restraint, to stop Mr. Gardipee's assaultive behavior. When he applied the technique he rendered him unconscious for approximately 2 seconds, which allowed him to be handcuffed. Once Mr. Gardipee was handcuffed he continued to fight.

Mr. Gardipee was handcuffed he was transported to Deaconess Hospital by AMR. He was treated for minor injuries to his mouth.

OFFICER Interview not documented in police reports:

(Do not summarize police reports, only document information not contained in police report)

Officer LeQuire's and Officer Hice's statements were consistent with their reports.

SUBJECT(s) Interview not documented in police reports:

(Do not summarize police reports, only document information not contained in police report)

I contacted Mr. Gardipee at Deaconess Hospital right after the incident; when I arrived he was passed out from being intoxicated and I was unable to get his statement.

WITNESS(s) Interview not documented in police reports:

(Do not summarize police reports, only document information not contained in police report)

There were no independent witnesses that were at the scene when I arrived.

Any Relevant Clarifying Information and Observations:

(Do not summarize police reports, only document information not contained in police report)

Sergeant Findings:

Within policy

X

Not within policy

☐

10/02/16 07:26:21 PRINT REQUESTED BY TERMINAL PPTN03

Incident History for: #SP160356434

Entered 09/23/16 06:07:29 BY 91111 911116  
Dispatched 09/23/16 06:08:31 BY PCC01 676  
Enroute 09/23/16 06:08:31  
Onscene 09/23/16 06:08:31  
Closed 09/23/16 14:46:14

Initial Type: WELFAR Final Type: WARRNT (WARRANT, ATTEMPT/PICK-UP)

Initial Priority: 2 Final Priority: 3

Disposition: 11D Source: A Primary Unit: B237

Police BLK: SPD7CH

Group: P7 (P2 ) Beat: Map Page: 33

Loc: 800 W 5TH AV ,SPK -- DEACONESS HOSPITAL ,SPK btwn S WALL ST & S LINCOLN ST

Name: PHILLIPS,STEVE Addr: STA SECURITY Phone: 5096715629

/060729 (911116) ENTRY FEM LAYING ON GROUND. FEET IN ROADWAY. NOT MOV  
ING. FIRE ADV ###  
/060729 \$FCSEND ,Incident data pushed to folder  
/060730 (\*\*\*\*\*) \$FCACK ,Processed Successfully  
/060831 (676 ) DISPOS FD1 #FD FD  
/060832 CLEAR FD1 DSP: 14D  
/060832 CLOSE FD1  
/061232 REOPEN ,NO MORE INFORMATION  
/061234 DISPOS B432 #1290 LEQUIRE, CHRIS  
/061541 MISC B432 ,MEDICS OUT  
/061745 (1290 ) \*REMINQ B432 MWANT,,,,,,GARDIPEE,DUSTINLEE,1987,07,04,,,,,  
/061952 (676 ) REMINQ B432 WANT,B432,,,,,,GARDIPEE,DUSTIN,L,1987,07,04,,  
,,,,,,7  
/062428 MISC B432 ,RELATED TO THE DVOPV/NCO ... CONF/SENT  
/062913 ASSTER A116 [N CEDAR ST/W SINTO AV ,SPK]  
#1238 HICE, SCOTT  
/063216 (1238 ) \*ONSCNE A116  
/063310 (676 ) MISC A116 ,RESTRICTED/HES FIGHTING  
/063312 ASSTER A112 [N CEDAR ST/W SINTO AV ,SPK]  
#288 KENNEDY, DAVID  
/063317 (671 ) \*ASSTER M22 [N CEDAR ST/W SINTO AV ,SPK]  
#671 CHRISTENSEN, JAMES A  
/063317 (288 ) \*ONSCNE A112  
/063339 (665 ) \*ASSTER T41 [N CEDAR ST/W SINTO AV ,SPK]  
#665 DRAPER, DEAN  
/063342 (676 ) MISC A116 ,C4/BACK TO NORMAL  
/063343 (671 ) \*PREMPT M22  
/063344 (297 ) \*ASSTER A113 [N CEDAR ST/W SINTO AV ,SPK]  
#297 ASPAAS, PAUL  
/063348 (665 ) \*PREMPT T41  
/063402 (676 ) CALLBK B432 T/PCC05  
/063435 (657 ) ASSTER L206 ,SUPV PLS.. LVNR LEVEL 2  
[N CEDAR ST/W SINTO AV ,SPK]  
#399 KOERNER, STORMI  
/063516 CALLBK T/PCC01  
/063525 (676 ) ASSTER P310 ,P306 ADVISED  
[N CEDAR ST/W SINTO AV ,SPK]  
#365 HARDING, RAYMOND  
/063528 (269 ) \*ASSTER A111 #269 GATELY, KELLEE  
/063602 (297 ) \*ONSCNE A113  
/063631 (269 ) \*ONSCNE A111  
/063715 (676 ) MISC B432 ,IN CUSTODY ON THE WARRANT

/063734		ASSTER	L286	[N CEDAR ST/W SINTO AV ,SPK] #445 CORDIS, TYLER
/064022	(445 )	*ONSCNE	L286	
/064203	(297 )	*CLEAR	A113	,PSTAT/ASST
/064819	(365 )	*ONSCNE	P310	
/064920	(269 )	*CHGLOC	A111	[NORTH LOT]
/065244	(288 )	*MISC	A112	,NO USE OF FORCE ON MY PART, JUST ASSISTED OF' S IN MAINTAINING CONTROL OF SUSP WHILE HE VIOL ENTLY STRUGGLED IGNORING ALL REQUESTS AND COMM ANDS.
/065329	(1238 )	*MISC	A116	,I WILL FOLLOW TRANSPORT TO DEAC
/065702	(365 )	*CHGLOC	P310	[DEAC]
/065930	(399 )	*CHGLOC	L206	[DEACONESS]
/070056	(1238 )	*CHGLOC	A116	[DEAC]
/070059		*ONSCNE	A116	
/070422	(288 )	*CHGLOC	A112	[RPT]
/070422		*ONSCNE	A112	
/070525	(269 )	*ONSCNE	A111	
/070528		*CLEAR	A111	
/070959	(445 )	*CLEAR	L286	,PSTAT/ASST
/071023	(399 )	*ONSCNE	L206	
/071609	(365 )	*ONSCNE	P310	
/071758	(1238 )	*MISC	A116	,SUSPECT IS ASLEEP AND APPEARS UNINJURED (POSS IBLY BIT HIS UPPER LIP). AMR ADVISED HE SLEPT THE ENTIRE WAY TO DEAC. STAFF ADVISED THEY WIL L CONTACT US WHEN THEY ARE READY TO RELEASE.
/071950	(676 )	OK	A112	
/071950		OK	A116	
/071950		OK	B432	
/071950		OK	L206	
/071950		OK	P310	
/072117	(365 )	*CLEAR	P310	DSP: 14D --> 1K ,PSTAT/CFS
/072344	(1238 )	*CLEAR	A116	,PSTAT/ASST PSTAT/RPT PSTAT/VIDY
/074631	(288 )	*CLEAR	A112	,PSTAT/ASST PSTAT/RPT PSTAT/VIDY
/081447	(399 )	*CLEAR	L206	,PSTAT/ASST
/082557	(1290 )	*CLEAR	B432	TYP: WELFAR --> WARRNT RSP: PP --> PP DSP: 1K --> 1E ,PSTAT/CFS PSTAT/VIDY PSTAT/WAR PSTAT/MISD PST AT/RPT
/082557		CLOSE	B432	
/135049	(456 )	REOPEN		,NO MORE INFORMATION
/135102		CHANGE		LOC: N CEDAR ST/W SINTO AV ,SPK --> 800 W 5TH AV ,SPK, DGP: P2 --> P7, BLK: SPA2WC --> SPD7CH
/135121		CALLBK		T/PCC03 ,PER STAFF SUBJ READY FOR RELEASE
/135158	(676 )	HOLD		
/135409	(320 )	DISPER	P310	#365 HARDING, RAYMOND
/135921		ASSTER	B237	[800 W 5TH AV ,SPK] #1280 CARRELL, REID #1204 CHILDRESS, AARON
/140243	(365 )	*ONSCNE	P310	
/140703	(494 )	*ASSTER	N41	[800 W 5TH AV ,SPK] #494 O'BRIEN, JOHN
/140707	(701 )	*ASSTER	C154	[800 W 5TH AV ,SPK] #701 STEWART, JAMES
/140717		*CHGLOC	C154	[AREA]



/140726	(1107 )	*ASSTER	N45	[800 W 5TH AV ,SPK] #1107 DOTSON, JOSEPH
/140740	(494 )	*ONSCNE	N41	
/140756	(320 )	MISC	P310	,HE LEFT 10 AGO
/140811	(1107 )	*NEWLOC	N45	[AREA]
/140833	(320 )	ONSCNE	B237	[AREA]
/140833	(335 )	*ASSTER	C150	[AREA] #335 HOUSE, LARRY #297 ASPAAS, PAUL
/140902	(320 )	MISC	P310	,HE'S WEARING ALL DARK/DIRTY CLOTHING...PROBAB LY LEFT TO EAST
/141001	(1262 )	*ASSTER	D270	[800 W 5TH AV ,SPK] #1262 AKINS, RYAN #1216 MAPLETHORPE, BENJAMIN
/141008		*CHGLOC	D270	[AREA DT]
/141032	(320 )	MISC		,A111: DK TAN PANTS, LONG SLEEVE GREEN THIN SH IRT
/141048		ASSTOS	L206	[AREA] #399 KOERNER, STORMI
/141231	(1262 )	*ONSCNE	D270	
/141346	(1272 )	*ASSTER	D274	[AREA] #1272 CLARK, MATTHEW
/141402		*ONSCNE	D274	
/141440	(701 )	*ONSCNE	C154	
/142154	(1272 )	\$PREMPT	D274	
/142221	(494 )	*CLEAR	N41	,PSTAT/ASST PSTAT/VIDN
/142238	(701 )	*MISC	C154	,PSTAT/ASST
/142251	(335 )	*ONSCNE	C150	[AREA ]
/142445	(1107 )	\$PREMPT	N45	
/142506	(399 )	*CLEAR	L206	,PSTAT/ASST
/142636	(1262 )	*MISC	D270	,PSTAT/ASST PSTAT/VIDN
/142638	(365 )	*CLEAR	P310	DSP: 1E --> 1K ,PSTAT/CFS
/143232	(1262 )	*CLEAR	D270	
/143803	(335 )	*CLEAR	C150	,PSTAT/ASST
/143950	(701 )	*CLEAR	C154	
/144614	(1280 )	*CLEAR	B237	DSP: 1K --> 11D ,PSTAT/VIDN PSTAT/CFS
/144614		CLOSE	B237	

# INCIDENT REPORT

**Spokane Police/Spokane County Sheriff**

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>16-356434</b>	
INCIDENT TYPE <b>Arrest</b>		INCIDENT CLASSIFICATION #1 <b>WELFARE CHECK</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #2 <b>WARRANT ARREST</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3 <b>RESISTING ARREST</b>		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Fri 09/23/2016 06:07</b>		OCCURRED ON <b>Fri 09/23/2016 06:07</b>		OCCURRED TO <b>Fri 09/23/2016 06:33</b>	
DISTRICT		REPORT DATE <b>09/23/2016</b>		REPORT TIME <b>07:13</b>	
DISPATCH TIME <b>06:12</b>		ARRIVED TIME <b>06:12</b>		Cleared Time <b>07:30</b>	
EST. TOTAL PROPERTY LOSS		PRIMARY CHARGE <b>M-10.07.034 RESISTING ARREST</b>			
UCR/NIBRS CODE <b>/</b>		LOCATION OF INCIDENT <b>N Cedar Street &amp; W Sinto Avenue, Spokane, WA 99205</b>			
LOCATION NAME (IF APPLICABLE)		SOLVABILITY FACTORS <b>Suspect Arrested, Witness to Crime</b>			
RELATED INCIDENT NUMBERS		INCIDENT XREF			
ADDITIONAL REPORTING OFFICERS <b>Ofc Hice</b>					
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim, I-Injured, A-Arrested Person, VR-Victim/Resistant, M-Missing, MR-Person Mentioned, R-O-Registered Owner, PR-Passenger, PP-Possession, PO-Possession, CY-Cyclist, O-Other, C-Complainant, IN-Institutional, S-Legal Guardian, D-Driver, W-Witness, CV-Consistent Victim, CO-Contact, RU-Runaway, V-Victim, R-Owner of Property</small>					
CODE <b>A-1</b>	NAME: LAST, FIRST, MIDDLE <b>Gardipee, Dustin L</b>			SEX <b>M</b>	RACE/ETHNICITY <b>I-American Indian or</b>
DATE OF BIRTH/AGE <b>07/04/1987 29</b>	HEIGHT <b>6'01"</b>	WEIGHT <b>180</b>	BUILD <b>Medium</b>	HAIR <b>Brown</b>	EYES <b>BRO - Brown</b>
DESCRIPTORS	ADDRESS: STREET, CITY STATE ZIP <b>1010 W Boone #8, Spokane, WA 99201</b>			RESIDENTIAL STATUS	
CONFIDENTIALITY <input type="checkbox"/>	PLACE OF EMPLOYMENT/SCHOOL/ADDRESS			OCCUPATION	
CHARGE LEVEL <b>Gross Misdemeanor</b>			DESCRIPTION <b>M-10.07.034 RESISTING ARREST</b>		UCR/NIBRS CODE
WARRANT #	BAIL	TYPE OF ARREST <b>On-View of Arrest</b>			MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # <b>Sector</b>	DATE <b>09/23/2016</b>	TIME	BOOKED WHERE <b>Spokane County Jail</b>		DATE <b>09/23/2016</b>
ARREST LOCATION <b>N Cedar Street &amp; W Sinto Avenue, Spokane, WA 99205</b>			STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN <input type="checkbox"/>		
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED <input type="checkbox"/>		
NAME/RELATIONSHIP OF PERSON NOTIFIED			DISPOSITION OF JUVENILE		
DATE & TIME NOTIFIED			NOTIFIED BY		
DRIVER'S LICENSE <input type="checkbox"/> FAKE <input type="checkbox"/> STATE <input type="checkbox"/>			SOCIAL SECURITY NO <input type="checkbox"/> FAKE <input type="checkbox"/>		
OTHER ID <b>(Driver's License)</b>			OTHER ID		
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES <b>Apparent Minor Injury</b>			TYPE OF VICTIM		
MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO			HOSPITAL TAKEN TO <b>Deaconess</b>		
TAKEN BY <b>Ambulance</b>			ATTENDING PHYSICIAN		
EMPLOYEE <input type="checkbox"/> ON DUTY <input type="checkbox"/>			SUICIDE NOTE FOURID? <input type="checkbox"/>		
HOLD PLACED BY					

On 09/23/16 at approximately 0607 hours, there was a welfare call at the area of Sinto and Cedar.

ID NO /NAME OF REPORTING OFFICER <b>#1290 - LeQuire, Christopher</b>		DISTRIBUTION	
APPROVAL <b>#741 - Beckley, David</b>		DATE/TIME <b>09/23/2016 10:37</b>	

Incident Report #1

09/23/2016 10:43:15.251

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

Page 2

INCIDENT CLASSIFICATION <b>WELFARE CHECK</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-356434</b>
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The caller who worked for STA security reported that a female was found laying on the ground with her feet in the roadway. Though it was a medical call, I was very close and responded in case the female had been seriously injured.

I arrived first on scene before the fire department. I found a native male on the west side of the street who was laying face up with his eyes open. As I got closer, the male started to move around and make groans. He was unresponsive to any of my questions. Due to the scene not being safe for the fire department, I frisked the male for any weapons. I was also hoping to find an identification card so that I could provide that to the fire department to help them with providing treatment. In the male's front right pocket I found a debit card with the name Dustin Gardipee on it. In my patrol car, I ran the male's name on the card to see if I could compare a picture to the male I was out with. By this point, Station 3 C Shift of the Spokane Fire Department had arrived on scene. They provided aid to the male who was still not talking but was shivering badly. On my computer, I was able to find a jail booking photograph and listed tattoos for Dustin Gardipee. He was in fact the male I was out with. During my search, it was discovered that Dustin had an outstanding warrant for his arrest for violation of a DV No contact order. That warrant was confirmed by records.

Shortly after Amr #126 arrived to transport Dustin to the hospital. At this time, Ofc Hice was pulling up to the scene from the south. I advised Dustin that he would be going to jail after he received medical treatment at the hospital. Dustin immediately stood up and was no longer acting lethargic as he previously was. He made an attempt to start walking away from me. I took control of his left arm and advised him that he was under arrest. Dustin immediately tried to pull away from me in an attempt to evade capture on his outstanding warrant. I wrapped my arms around Dustin's upper body and took him to the ground to prevent him from being able to flee the scene. At this point Dustin was resisting arrest violently while on the ground. He began screaming while kicking his hands and feet towards both law enforcement and the fire department who had come over to help assist. Dustin was given multiple commands to "stop resisting". With the assistance from Ofc Hice, Dustin was able to be rolled to his stomach. However, he was still kicking his feet and trying to pull his arms towards his center where he is strongest. For the following reasons I applied a Level 2 LVNR:

**Crime:**

- Check the welfare
- DV Warrant arrest
- Resisting arrest

**Threat:**

-He had a warrant for his arrest for violation of a DV no contact order. Domestic violence is a violent crime.

-Dustin stood taller than at approximately 6'1 160 pounds. I am 5'8 and around 170 pounds.

Incident Report #1

CONTINUED ON NEXT PAGE

08/23/2016 10:43:15-439

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

Page 3

INCIDENT CLASSIFICATION <b>WELFARE CHECK</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-356434</b>
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-Being taller provides an advantage in having a longer reach than me. He would be able to strike me easier.

-He was kicking his legs and arms violently in an attempt to free himself from the limited control officers had of his arms.

-While on his stomach, he was trying to pull in arms towards the center line of his body where he is strongest.

-His intoxication level was high it was unknown if he was under the influence of drugs and/or alcohol.

**Resistance:**

-Dustin displayed a mindset that he was determined to not be arrested for his outstanding warrant.

-He pulled his arm away and tried to flee the scene.

-He kicked and swung his arms violently while attempting to take him into custody.

-Dustin ignored multiple demands that he "stop resisting".

While Ofc Hice tried to control Dustin's left arm, I reached my left arm around Dustin neck and applied a Level 2 LVNR . Once he was rendered unconscious, I spun around and helped Ofc Hice place handcuffs on the suspect. Dustin was unconscious for a very short time as he woke up just prior to the second handcuff being put on.

I notified radio that a Level 2 LVNR was applied. Corporal Harding arrived on scene and took photographs of Dustin. Also, Sgt Koerner arrived on scene and I briefed her on the incident. Ofc Hice followed AMR to the hospital. Refer to his report for additional information.

Dustin will be booked for his warrant and resisting arrest once he is cleared medically from the hospital.

My body camera was not activated at the time of the use of force. I did not turn it on due to the fact when I arrived I was checking the welfare of the individual.

**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**

Incident Report #1

CONTINUED ON NEXT PAGE

09/23/2016 10:43:15 470

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

Page 4

INCIDENT CLASSIFICATION <b>WELFARE CHECK</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-356434</b>
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A BODY CAMERA, AND IT WAS ACTIVE DURING THIS INCIDENT.

C.LeQuire #1290

Incident Report #1

END OF INCIDENT REPORT

09/23/2016 10:43:15.632

# SUPPLEMENTAL REPORT

## Spokane Police/Spokane County Sheriff

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>16-356434</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Fri 09/23/2016</b>	TIME <b>06:07</b>	INCIDENT XREF
INCIDENT CLASSIFICATION #1 <b>WELFARE CHECK</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <b>WARRANT ARREST</b>		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3 <b>RESISTING ARREST</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>09/23/2016</b>		REPORT TIME <b>12:16</b>
PRIMARY CHARGE <b>M-10.07.034 RESISTING ARREST</b>					UCR/NIBRS CODE
<small>S-Suspect, V-Victim, I-Individual, A-Arrested Person, VP-Victim/Property, M-Missing, MI-Minor Person Mentioned, RD-Registered Owner, PS-Possible Person, P-Perpetrator, PC-Possible Person, CY-Cycle, O-Other, C-Companion, W-Institutional, B-Legal Guardian, D-Donor, W-Witness, DO-Owner/Donor, V-Victim, SD-Substance, R-Responsible, Y-You</small> <b>VICTIM/WITNESSES/OTHERS</b>					
CODE <b>A-1</b>	NAME: LAST, FIRST, MIDDLE <b>Gardipee, Dustin L</b>			SEX <b>M</b>	RACE/ETHNICITY <b>I-American Indian or</b>
HEIGHT <b>6'01"</b>	WEIGHT <b>180</b>	BUILD <b>Medium</b>	HAIR <b>Brown</b>	EYES <b>BRO - Brown</b>	DATE OF BIRTH/AGE <b>07/04/1987 29</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>1113 W Maxwell Avenue #D, Spokane, WA</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL ADDRESSES					ADDRESS TYPE <b>Transient</b>
ADDITIONAL PHONES <b>(Cell) (509) 607-2762</b>					
CHARGE LEVEL <b>Gross Misdemeanor</b>		DESCRIPTION <b>M-10.07.034 RESISTING ARREST</b>			UCR/NCIC CODE
WARRANT #	BAIL	TYPE OF ARREST <b>Summoned/Cited</b>		MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>	
CITATION # <b>6Z0928505</b>	DATE <b>09/23/2016</b>	TIME <b>12:00</b>	BOOKED WHERE <b>Spokane County Jail</b>		DATE <b>09/23/2016</b>
ARREST LOCATION <b>N CEDAR Street &amp; W SINTO Avenue, Spokane, WA 99202</b>		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
DRIVER'S LICENSE <input type="checkbox"/> FAKE <input type="checkbox"/> STATE		SOCIAL SECURITY NO. <input type="checkbox"/> FAKE		OTHER ID <b>(Driver's License) 4b</b>	
TYPE OF INJURY OR ILLNESS/DESCRIBE INJURIES			TYPE OF VICTIM <b>Police/Law Enforcement</b>		MEDICAL RELEASE OBTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO
HOSPITAL TAKEN TO	TAKEN BY	<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> ON DUTY	ATTENDING PHYSICIAN		SUICIDE NOTE FOUND? <input type="checkbox"/>
HOLD PLACED BY					

**NARRATIVE**

On 09/23/16 at approximately 0630 hours, I Officer S. Hice arrived on scene of a dispatched call of a welfare check. As I arrived on scene, I observed Officer LeQuire struggling with what appeared to be a 6' Native American Male. (Officer LeQuire was able to take the male to the ground, and was attempting to control the Suspect's arms.) I immediately ran to assist Officer LeQuire, grabbing one of the Suspect's arms and together we pinned the Suspect to the ground with our knees. (At this point, the suspect was on his back looking up at us.) We again reiterated to him, "you are under arrest, stop resisting." The Suspect became more violent, pulling up his legs and kicking at us, as he thrashed to the left and

ID NO./NAME OF REPORTING OFFICER <b>#1238 - Hice, Scott</b>	DISTRIBUTION	
APPROVAL <b>#150 - Reisenauer, Charles</b>	DATE/TIME <b>09/23/2016 15:46</b>	

Supplemental Report #1

09/23/2016 15:53:22 450

## SUPPLEMENTAL REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

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INCIDENT CLASSIFICATION  
**WELFARE CHECK**

ATTEMPTED  
☐

INCIDENT NUMBER  
**16-356434**

right. Officer LeQuire and I were able to turn him to his stomach in order to gain more control. The Male immediately responded by attempted to get to his feet and increasing his resistance.

I notified Dispatch that we were fighting with the Suspect as we forced him back downwards to the ground.

(At this point the Suspect was on the verge of hysteria... screaming, kicking, biting, and doing whatever he could to inflict injury on myself and Officer Lequire.)

As the Suspect continued to escalate the situation, it was becoming more dangerous for everyone involved. I had the Suspect's Left Arm in a Goose Neck cuffing Position, when I observed Officer LeQuire move up the suspects back and apply a Linear Neck Restraint. I observed the Suspect go limp as Officer LeQuire advised that, "he is out." (This technique was extremely effective and provided an approximate 2 second window for us to place the Suspect into handcuffs without him resisting.) I quickly placed the Suspect's Left wrist into handcuffs followed by his right wrist. The suspect became conscious again, and immediately began to fight with us. I pinned the suspect's legs to the ground as he continued to kick at us. Other officers arrived on scene to assist and we were able to move the Suspect to a Gurney so that he could be transported to Deaconess Hospital. The male was placed into restraints on a Gurney and loaded into the back of a waiting ambulance for transport, where he immediately fell fast asleep, snoring loudly. (The Suspect was identified as Dustin Gardipee)

I followed the Ambulance to Deaconess Hospital in case Gardipee awoke, and became violent again.

At Deaconess, Gardipee was moved to another bed where he continued to snore loudly. I asked that the Hospital Staff contact me upon his release so that he could be transported to Jail for his Warrant and for Resisting Arrest.

My Body Cam was recording for part of the incident, see it and Officer LeQuire's report for further.

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

Officer S. Hice #1238

Supplemental Report #1

END OF ADDITIONAL REPORT

09/23/2016 15:53:22 622

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

Page 1

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>16-356434</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Fri 09/23/2016</b>		TIME <b>06:33</b>
INCIDENT CLASSIFICATION #1 <b>RESISTING ARREST</b>		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 <b>09/23/2016</b>	REPORT TIME <b>07:10</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

On 09-23-2016 0632 hr's, Officers Lequire and Hice were out on a welfare check call at Sinto & Cedar. See reports by both.

Officer Hice advised over the air that they were fighting with a person at that location.

As I arrived I observed a person face down on the ground next to the pavement. The person was ID'd as Gardipee, Dustin L 07-04-1987. I could see that Dustin was bleeding slightly from the mouth area.

Dustin was struggling extremely violently, and was swinging his entire body side to side like a fish does while out of water. There were 3 large firemen attempting to hold his legs down on the ground, and Officers Lequire and Hice were trying to control his upper body. Dustin had been handcuffed prior to my arrival. Dustin was scraping his face and head side to side on the dirt and gravel surface while he was screaming at the top of his lungs. While screaming his words were unintelligible, and not making any sense. It was immediately obvious that Dustin was severely under the influence of some unknown drug or alcohol.

Dustin was starting to calm down a bit while Officers continued to give verbal requests for him to calm down and follow directions. Dustin continued to struggle and yell even when Officers were not touching him.

Officer Hice and I attempted to get Dustin to stand up so he could be transported. Dustin then began to kick his legs about wildly in all directions and the screaming resumed. We then sat Dustin down and waited for more units as to not risk injury to Dustin or ourselves trying to lift him up during his violent outbursts.

Other Officers arrived and Dustin had to be lifted onto the waiting AMR gurney all while continuing to struggle and scream ignoring all requests and commands. The handcuffs were removed and at the same time 4 point restraints were applied for transport.

During my time at with Dustin I used wrist lock control techniques, and holding onto his arms to restrict his movements.

ID NO./NAME OF REPORTING OFFICER <b>#288 - Kennedy, David</b>		DISTRIBUTION <b>Crime Analysis</b>	
APPROVAL <b>#1012 - Reese, Kurtis</b>	DATE/TIME <b>09/23/2016 10:26</b>		

Supplemental Report #1

09/23/2016 10:33:09 994



# SUPPLEMENTAL REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

Page 2

INCIDENT CLASSIFICATION <b>RESISTING ARREST</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>16-356434</b>
--	---------------------------------------	-------------------------------------

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

OFFICER/NUMBER/CALL SIGN

D. Kennedy #288 A112

Supplemental Report #1	END OF ADDITIONAL REPORT
------------------------	--------------------------

09/23/2016 10:33:10.009

## CRIMINAL

☐ TRAFFIC ☒ NON-TRAFFIC LEA ORI#: WA0320400

COURT ORI #: WA032051J

CITATION #: 6Z0928505

REPORT #: 160356434

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

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON  
 DRIVER'S LICENSE NO. STATE EXPIRES PHOTO I.D. MATCHED ☐ YES ☐ NO NAME: LAST **GARDIPEE** FIRST **DUSTIN** MIDDLE **LEE** SFX ☐ CELL/CLP ☐ YES ☒ NO  
 ADDRESS **TRANSIENT** ☐ IF NEW ADDRESS CITY **SPOKANE** STATE **WA** ZIP CODE **99202**

EMPLOYER  
 EMPLOYER LOCATION  
 DATE OF BIRTH **07-04-87** RACE **I** SEX **M** HEIGHT **6'01"** WEIGHT **160** EYES **BLK** HAIR **BLK** RESIDENTIAL PHONE NO. CELL/FAXER PHONE NO. WORK PHONE NO.  
 VIOLATION DATE **09/23/2016 12:05** INTERPRETER NEEDED ☐ AT LOCATION **N. CEDAR** REF. TRAFFICWAY **W. SINTO AVE** M.P. BLOCK # CITY/COUNTY OF **SPOKANE/SPOKANE**

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND  
 VEH LIC NO. STATE EXPIRES VEH YR MAKE MODEL STYLE COLOR  
 TR #1 LIC NO. STATE EXPIRES TR YR TR #2 LIC NO. STATE EXPIRES TR YR  
 OWNER/COMPANY IF OTHER THAN DRIVER

ADDRESS CITY STATE ZIP CODE  
 ACCIDENT BAG COMMERCIAL VEHICLE ☐ YES ☐ NO 16+ PASS ☐ YES ☐ NO HAZMAT ☐ YES ☐ NO EXEMPT VEHICLE ☐ FIRE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES  
☒ DV RESISTING ARREST  
 1. VIOLATION/STATUTE CODE **10.07.034** ☐ DV  
 2. VIOLATION/STATUTE CODE ☐ DV  
 3. VIOLATION/STATUTE CODE ☐ DV  
 4. VIOLATION/STATUTE CODE ☐ DV  
 5. VIOLATION/STATUTE CODE ☐ DV

MANDATORY COURT APPEARANCE APPEARANCE DATE **10-05-16** TIME **1:30 PM** RELATED # DATE ISSUED **09-23-16**  
☒ TICKET SERVED ON VIOLATOR ☐ TICKET REFERRED TO PROSECUTOR  
☐ TICKET SENT TO COURT FOR MAILING ☐ BOOKED  
 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.  
 OFFICER **S. HICE** # **1238**

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

See Report

\*\*\*\*\*

Officer's Report for Citation/Notice of Infraction # 6Z0928505.

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

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

Signature: S. HICE #: 1238

Date and Place: 9/23/2016 City/Town of Spokane, County of SPOKANE

\*\*\*\*\*

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

PAGE 2 OF 2

CRIMINAL

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☒ CITY/TOWN OF SPOKANE

PLAINTIFF VS. NAMED DEFENDANT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

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GARDIPEE DUSTIN LEE

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VIOLATION DATE 09/23/2016 12:05 OR ABOUT 09/23/2016 12:05 INTERPRETER NEEDED AT LOCATION N. CEDAR W. SINTO AVE  
REF. TRAFFICWAY M.P. BLOCK # CITY/COUNTY OF SPOKANE/SPOKANE

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VEH LIC NO STATE EXPIRES VEH YR MAKE MODEL STYLE COLOR  
TR #1 LIC NO STATE EXPIRES TR YR TR #2 LIC NO STATE EXPIRES TR YR

OWNER/COMPANY IF OTHER THAN DRIVER  
ADDRESS CITY STATE ZIP CODE

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

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

1. VIOLATION/STATUTE CODE 10.07.034 ☐ D V RESISTING ARREST

2. VIOLATION/STATUTE CODE ☐ D V

3. VIOLATION/STATUTE CODE ☐ D V

4. VIOLATION/STATUTE CODE ☐ D V

5. VIOLATION/STATUTE CODE ☐ D V

MANDATORY COURT APPEARANCE APPEARANCE DATE 10-05-16 TIME 1:30 PM RELATED # DATE ISSUED 09-23-16

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OFFICER S. HICE  
OFFICER

# 1238

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

## See Report

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Signature: S. HICE #: 1238

Date and Place: 9/23/2016 City/Town of Spokane, County of SPOKANE

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WITNESS NAME (LAST, FIRST, M.I.)			WITNESS NAME (LAST, FIRST, M.I.)	
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)	PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)	PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)	PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY STATE ZIP

PAGE 2 OF 2

