

TAB 46

Cad Incident Inquiry

Complaint: **1728800241** Disp: F Case No: 1728800241 Call Received: 20171015 0304
 Call Cleared: 20171015 0937
 End Priority: 2

<u>Incident Type</u>	<u>Location</u>
Starting: UNW - UNWANTED PERSON	821 YAKIMA AVE #208 (SAINT JAMES APTS)
Ending: UNW - UNWANTED PERSON	821 YAKIMA AVE #208 (SAINT JAMES APTS)

Location Information

Starting:
 Ending:

<u>Agency</u>	<u>Geographic Zone</u>	<u>Dispatch Group</u>	<u>CB</u>	<u>District</u>
Starting: TPD	PN	PN	169	TA11
Ending: TPD	PN	PN	169	TA11

<u>Date/Time</u>	<u>Unit</u>	<u>ID</u>	<u>Station</u>
Dispatch: 20171015 0307	H317	Dispatcher: SS0218	pd01
Arrival: 20171015 0313	H317	Com Officer: SS0099	ss01
Clear: 20171015 0937	H317	Primary Unit: H317	
Close: 20171015 0937	H317		

<u>Name</u>	<u>DOB</u>	<u>Phone</u>	<u>Location</u>	<u>Call Source</u>	<u>Contact</u>
MOLYNENUX, SHIRLEY		(253) 272-2671		ANI/ALI	YES

Include State Messages (WACIC/DOL/DOC/NCIC/NLETS)

System Date	System Time	Com	Station	Off	Text
20171015	03:07:05	Event Updated	ss01	SS0099	Location: 821 YAKIMA AVE TAC,208: @SAINT JAMES APTS, Event Type: UNW, Priority: 2, Dispatch Group: PN
20171015	03:07:05	Event Remark	ss01	SS0099	RESD SUSP RETURNED, BACK AT HER DOOR, THINKS HE IS COMING FROM VACANT UNIT THAT IS UNSECURED
20171015	03:07:05	Initial Call	ss01	SS0099	ANI/ALI - MOLYNENUX, SHIRLEY (253) 272-2671
20171015	03:07:08	Event Remark	cadmcomm1	ifcadccs	LOCATION:821 YAKIMA AVE, APT 208, TACOMA \PHONE:(253) 272-2671 \COMP:(NP) MOLYNENUX, SHIRLEY \SRC:RESD \PNUM:253-272-2671 \ESN_TEXT:PSAP=POLICE: TACOMA PD (SOUTH SOUND 911) FIRE/EMS: TACOMA FD (TFD) \ESN:00701
20171015	03:07:41	Dispatched	pd01	SS0218	H317 (TPD209799) Collins, Matthew H317 (TPD210045) Burbank, Christopher
20171015	03:07:55	Enroute	\$H317	TPD209799	H317 (TPD209799) Collins, Matthew H317 (TPD210045) Burbank, Christopher
20171015	03:08:29	Event Remark	ss01	SS0099	BM,40'S,6',MED,WEARING DRK COLOR SUIT. KEEPS KNOCKING, DOESN'T SAY ANYTHING.
20171015	03:09:30	Event Remark	ss01	SS0099	BLDG IS SECURE, RP WOULD HAVE TO GO BACK DOWNSTAIRS TO LET UNITS IN, FEELS UNSAFE AS SHE BELIEVES SUSP IS WANDERING THE HALLS. RP CAN SHOW OFFICERS WHICH VACANT APT SHE THINKS SUSP IS HIDNING IN
20171015	03:13:40	Arrive	\$H317	TPD209799	H317 (TPD209799) Collins, Matthew H317 (TPD210045) Burbank, Christopher

20171015	03:14:12	Event Remark	pd01	SS0218	H317 -- HAVE HER COME AND LET US IN
20171015	03:14:28	Event Remark	ss01	SS0099	RP GOING DOWN TO LET THEM IN
20171015	03:17:07	Event Remark	pd01	SS0218	H317 -- CK'ING #202 , VACANT,HAS AN UNSECURED DOOR
20171015	03:17:14	Arrive	pd01	SS0218	H317 (TPD209799) Collins, Matthew H317 (TPD210045) Burbank, Christopher
20171015	03:17:14	Enroute	pd01	SS0218	H317 (TPD209799) Collins, Matthew H317 (TPD210045) Burbank, Christopher
20171015	03:17:14	Event Remark	pd01	SS0218	H317 -- LOCATION: #202
20171015	03:17:25	Event Remark	pd01	SS0218	H317 -- NP,CXL BPR, CONTACTING 1 INSIDE THE APT
20171015	03:19:58	Event Remark	pd01	SS0218	H317 -- UNREADABLE
20171015	03:20:06	Dispatched	\$U297	TPD207026	U297 (TPD207026) Konschuh, Nathan
20171015	03:20:20	Dispatched	pd01	SS0218	U289 (TPD206334) Peyton, Cory
20171015	03:20:20	Event Remark	pd01	SS0218	U289 -- U289 ASSISTING H317
20171015	03:20:28	Event Remark	ld01	SS0172	ACB
20171015	03:20:34	Event Remark	sd02	SS0194	ACB
20171015	03:20:35	Event Remark	sd01	SS0283	ACB
20171015	03:21:36	Event Remark	pd03	SS0108	ON CB TO RP, THEY ARE FIGHTING AND SHE IS OPENING THE DOOR FOR INC UNITS
20171015	03:21:45	Dispatched	\$U329	TPD210982	U329 (TPD210982) Cockle, Connor
20171015	03:22:31	Enroute	\$U289	TPD206334	U289 (TPD206334) Peyton, Cory
20171015	03:22:36	Enroute	\$U329	TPD210982	U329 (TPD210982) Cockle, Connor
20171015	03:23:06	Event Remark	pd01	SS0218	H317 -- 1 DET'D ,CXL BPR
20171015	03:23:37	Dispatched	pd01	SS0218	U307 (TPD13845) Chell, Eric U307 (TPD211347) Hauswirth, Charles
20171015	03:23:37	Event Remark	pd01	SS0218	U307 -- U307 ASSISTING U329
20171015	03:23:40	Dispatched	pd02	SS0192	H304 (TPD209732) ONeal, Steven H304 (TPD210366) Reeves, Taylor
20171015	03:23:41	Arrive	pd02	SS0192	H304 (TPD209732) ONeal, Steven H304 (TPD210366) Reeves, Taylor
20171015	03:23:43	Dispatched	\$S048	TPD50328	S048 (TPD50328) Kramer, Jennifer
20171015	03:23:49	Enroute	\$S048	TPD50328	S048 (TPD50328) Kramer, Jennifer
20171015	03:24:42	Arrive	\$U297	TPD207026	U297 (TPD207026) Konschuh, Nathan
20171015	03:25:26	Arrive	pd01	SS0218	U289 (TPD206334) Peyton, Cory
20171015	03:26:50	Arrive	pd01	SS0218	U307 (TPD13845) Chell, Eric U307 (TPD211347) Hauswirth, Charles
20171015	03:27:16	Arrive	\$S048	TPD50328	S048 (TPD50328) Kramer, Jennifer

20171015	03:29:36	Event State Message	rc07	SS0127	Access-WACIC/NCIC
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20171015	03:29:36	Event State Message	rc07	SS0127	Access-WACIC/NCIC
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20171015	03:29:36	Event State Message	rc07	SS0127	Access-WACIC/NCIC
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20171015	03:29:36	Event State Message	rc07	SS0127	
20171015	03:29:37	Event State Message	rc07	SS0127	NLETS5F0FLESC3.IPR.. 03:29__18908__07365_*050I00LMVL TXT RECORD NOT FOUND Original Query Data Name:SHARK,PHILEMON DOB:1978-09-26
20171015	03:29:59	Event Remark	pd01	SS0218	U307 -- CONFIRM FIRE IS ENR FOR TAZER APP
20171015	03:30:03	Event Remark	pd02	SS0192	TFD ADV
20171015	03:31:04	Available	pd02	SS0192	H304 (TPD209732) ONeal, Steven H304 (TPD210366) Reeves, Taylor
20171015	03:39:27	Event Remark	pd01	SS0218	U307 -- NP,NF STATUS
20171015	03:45:30	Available	\$U297	TPD207026	U297 (TPD207026) Korschuh, Nathan
20171015	03:55:57	Available	\$U329	TPD210982	U329 (TPD210982) Cockle, Connor
20171015	04:00:11	Event Remark	pd01	SS0218	U307 -- ADV JAIL LESS THAN 5 OUT W/1 WHO IS UNCOOP
20171015	04:00:32	Event Remark	pd03	SS0108	BOOKING ADV
20171015	04:02:20	Available	\$U307	TPD211347	U307 (TPD13845) Chell, Eric U307 (TPD211347) Hauswirth, Charles
20171015	04:02:37	Transport	pd01	SS0218	H317 (TPD209799) Collins, Matthew H317 (TPD210045) Burbank, Christopher
20171015	04:02:37	Event Remark	pd01	SS0218	H317 -- Comments: W/1 MALE W/MULTIPLE CHARGES
20171015	04:02:37	Event Remark	pd01	SS0218	H317 -- Mileage:
20171015	04:02:37	Event Remark	pd01	SS0218	H317 -- Transport to: 701 S NOLLMEYER LN TAC: @PIERCE COUNTY JAIL
20171015	04:02:40	TransportArrive	pd01	SS0218	H317 (TPD209799) Collins, Matthew H317 (TPD210045) Burbank, Christopher
20171015	04:02:40	Event Remark	pd01	SS0218	H317 -- Comments:
20171015	04:02:40	Event Remark	pd01	SS0218	H317 -- H317 Arrived at Transport Location
20171015	04:02:40	Event Remark	pd01	SS0218	H317 -- Mileage:
20171015	04:30:19	Available	\$U289	TPD206334	U289 (TPD206334) Peyton, Cory
20171015	04:44:39	Event Remark	pd01	SS0218	H317 -- HE BECAME COMBATIVE WITH JAIL STAFF AND HAD TO BE TAZED 3 ADD'L TIMES
20171015	04:58:02	Available	\$S048	TPD50328	S048 (TPD50328) Kramer, Jennifer
20171015	06:58:29	Add Supplemental	\$H317	TPD209799	molyneux, shirley j - 19481227
20171015	06:58:29	Event Remark	\$H317	TPD209799	
20171015	06:58:30	Event State Message	H317	TPD209799	
20171015	06:58:30	Event State Message	H317	TPD209799	

					Access-WACIC/NCIC
20171015	06:58:30	Event State Message	H317	TPD209799	Access-WACIC/NCIC
20171015	06:58:30	Event State Message	H317	TPD209799	Access-WACIC/NCIC
20171015	06:58:31	Event State Message	H317	TPD209799	NLETS6158LEU96.IPR.. 06:58__31998 __10744_*050I000I1J TXT RECORD NOT FOUND Original Query Data Name:molyneux,shirley DOB:1948-12-27
20171015	09:37:29	Available	\$H317	TPD209799	H317 (TPD209799) Collins, Matthew H317 (TPD210045) Burbank, Christopher
20171015	09:37:29	Event Updated	\$H317	TPD209799	Closing Time: 2017-10-15 09:37:29
20171015	09:37:29	Disposition	\$H317	TPD209799	F

Tacoma Police Department
Arrest Report

Incident No. 1728800241.1
Jurisdiction Agency: Tacoma Police Department

PDA:	Homeland Security:	Subject:	Simple Assault of a Police Officer Resisting/Interfering w/Police Residential Burglary Arrest	Incident No. 1728800241.1
IBR Disposition:	Arrest	Case Management Disposition:		
Forensics:		Reporting By/Date:	T209799 - Collins, Matthew 10/15/2017 09:22:30	
Case Report Status:	Reviewed	Reviewed By/Date:	T52959 - Lock, Gary 10/15/2017 18:29:43	

Related Cases:

Case Report Number	Agency
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Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
ASR - Advisement/Statement of Rights (all languages)		1

Location Address:	821 Yakima Ave #202	Location Name:	SAINT JAMES APTS
City, State, Zip:	Tacoma, WA 98405	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	169 - Tacoma	District/Sector:	TA11 - Tacoma
Occurred From:	10/15/2017 03:07:00 Sunday	Occurred To:	
Notes:			

Offense Details: 2204 - Burglary - No Force Entry - Residence

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:	PR	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:		Type of Security:	Deadbolts/Locks/P adlock	Tools:	Unknown		
Location Type:	Single Family Residence	Evidence Collected:					
Total No. of Units Entered:							
Entrance Compromised:	Crawl Space						
Entry Method:	Not Applicable						
Suspect Description:							
Suspect Actions:							
Notes:							

Call Source:	Dispatched	Assisted By:	T210045 - Burbank, Christopher
Phone Report:		Notified:	Sgt. J. KRAMER/On Scene
Insurance Letter:		Entered By:	T209799 - Collins, Matthew
Entered On:	10/15/2017 04:49:30	Approved By:	
Approved On:		Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	
Validation Processing	Distribution Date:	County Pros. Atty.	Juvenile
	By:	City Pros. Atty.	Military
		Other	CPS
		DSHS	PreTrial
		Supervisor:	

Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.

Printed: October 15, 2017 - 9:38 PM
Printed By: Kramer, Jennifer

Offense Details: 1318 - Assault - Nonaggravated (Simple) - Police Officer

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:	PE	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:		Type of Security:		Tools:			
Location Type:	Apartment	Evidence Collected:					
Total No. of Units Entered:							
Entrance Compromised:							
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 4801 - Resisting / Interfering w/Police

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:	PE	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:		Type of Security:		Tools:			
Location Type:	Apartment	Evidence Collected:					
Total No. of Units Entered:							
Entrance Compromised:							
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 3512 - Drug - Heroin - Possess

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:	SO	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:	Possessing/Concealing	Type of Security:		Tools:			
Location Type:	Apartment	Evidence Collected:					
Total No. of Units Entered:							
Entrance Compromised:							
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Arrestee A1: Shark, Philemon Jerome

PDA:

Aliases:		DOB:	9/26/1978	Age:	39	Sex:	Male	Race:	White	Ethnicity:	Unknown
Height:	6' 0"	Weight:	200	Hair Color:		Eye Color:					
Address:	Transient	County:		Phone:							
City, State Zip:	Tacoma, WA	Country:		Business Phone:							
Other Address:	703 8th Ave Seattle, WA 98104	Other Phone:									
Resident:	Unknown	Occupation/Grade:		Employer/School:							
SSN:		DOC No:		FBI No:							
State ID:	Drivers License No	Local CH No:									
Driver License No:		Driver License State:		Driver License Country:							
Hair Length:	Bald	Glasses:		Facial Hair:							
Hair Style:		Teeth:		Facial Shape:							
Hair Type:		Speech:		Complexion:							

Appearance:		Right/Left Handed:		Facial Feature Oddities:	
SMT:				Distinctive Features:	
Attire:				Body Build:	
Gangs:				Tribe Affiliation:	
Significant Trademarks:				Identifiers:	
Suspect Pretended to Be:		Modus Operandi:			
Place Of Birth:		Habitual Offender:		Custody Status:	
Date/Time Arrested:	10/15/2017 03:23:00	Booked Location:	Pierce Co Jail Tacoma, WA	Date/Time Booked:	
Arrest Location:	821 Yakima Ave #202 Tacoma, WA 98405	Released Location:		Held For:	
Arrest Offense:	1318 - Assault - Nonaggravated (Simple) - Police Officer 2204 - Burglary - No Force Entry - Residence 3512 - Drug - Heroin - Possess 4801 - Resisting / Interfering w/Police			Date/Time Released:	
Arrest Type:	On-view Booked - New Probable Cause			Juvenile Disposition:	
Armed With:	Unarmed			Adult Present Name:	
Miranda Read:		Miranda Waived:		Detention Name:	
No. Warrants:		Multi. Clearance:	Not Applicable	Notified Name:	
Fingerprints:		Photos:	No	Previous Offender:	
Type of Injury:				Fire Dept Response:	Yes
Hospital Taken To:		Medical Release Obtained:		Taken By:	
Attending Physician:		Hold Placed By:			

New Charges

Arrest #	Book/Cite	Charge Description – RCW/Ordinance	Free Text Charge Description	Court	Bail	Count
1	Book	F - - Assault 3rd Degree - RCW - 9A.36.031		Pierce County Superior Court		1
1	Book	F - - Residential Burglary - RCW - 9A.52.025		Pierce County Superior Court		1
1	Book	F - - UPCS - Unlawful Possession Of A Controlled Substance - RCW - 69.50.401		Pierce County Superior Court		1
1	Book	M - TACPD - Resisting Arrest - TMC - 8.12.010(2)		Pierce County Superior Court		1

Warrants

Arrest #	Warrant #	Free Text Charge Description	Agency	Court	Bail
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Arrest Notes:	
Probable Cause:	

Weapon 1: Personal Weapon (hands, fists, feet, etc.)

Offense:	1318 - Assault - Nonaggravated (Simple) - Police Officer	Serial No:	
Offender:	A1 - Shark, Philemon Jerome	OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	

Weapon Notes:

Weapon 2: Personal Weapon (hands, fists, feet, etc.)

Offense:	4801 - Resisting / Interfering w/Police	Serial No:	
Offender:	A1 - Shark, Philemon Jerome	OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Victim V1: Collins, Matthew J

PDA:

Aliases:				Ethnicity:	Non-Hispanic
DOB:	Age: 34	Sex: Male	Race: White		
Height:	Weight:	Hair Color:		Eye Color:	
Address:	3701 S Pine St		County:	Phone:	
City, State Zip:	Tacoma, WA 98409		Country:	Business Phone:	
Other Address:				Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:	Police Officer	Employer/School:	Tacoma Police Dept
SSN:				Place of Birth:	
Driver License No:	Driver License State:			Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Victim Of:	1318 - Assault - Nonaggravated (Simple) - Police Officer 4801 - Resisting / Interfering w/Police			Facial Shape:	
Victim Type:	Police/Law Enforcement Officer	Circumstances:		Weapon Used:	1 - Personal Weapon (hands, fists, feet, etc.) 1318 - Assault - Nonaggravated (Simple) - Police Officer
Injury:	01 - None	Testify:	Yes	Reporting Statement Obtained:	
Type of Injury:	None			Fire Dept Response:	Yes
Hospital Taken To:		Medical Release Obtained:		Taken By:	
Attending Physician:		Hold Placed By:			

Victim Offender Relationships

Offender:	Relationship:
A1 - Shark, Philemon Jerome	Victim Was Stranger

Law Enforcement Officer Killed or Assaulted Information	Type:	Assaulted	Justifiable Homicide Circumstances:
	Assignment:	2 Officer Vehicle (Assisted)	
	Activity:	Burglary in Progress	

Victim Notes:

Victim V2: Burbank, Christopher S

PDA:

Aliases:							
DOB:	Age: 32	Sex: Male	Race: White	Ethnicity: Non-Hispanic			
Height:	Weight:	Hair Color:		Eye Color:			
Address: 3701 S Pine St	County:		Phone:				
City, State Zip: Tacoma, WA 98409	Country:		Business Phone:				
Other Address:			Other Phone:				
Resident: Full - Time Resident	Occupation/Grade: Police Officer		Employer/School: Tacoma Police Department				
SSN:			Place of Birth:				
Driver License No:	Driver License State:		Driver License Country:				
Attire:			Complexion:				
SMT:			Facial Hair:				
Victim Of: 1318 - Assault - Nonaggravated (Simple) - Police Officer 4801 - Resisting / Interfering w/Police			Facial Shape:				
Victim Type: Individual	Circumstances:		Weapon Used: 1 - Personal Weapon (hands, fists, feet, etc.) 1318 - Assault - Nonaggravated (Simple) - Police Officer				
Injury: 01 - None	Testify:		Reporting Statement Obtained:				
Type of Injury:			Fire Dept Response:				
Hospital Taken To:	Medical Release Obtained:		Taken By:				
Attending Physician:	Hold Placed By:						

Victim Offender Relationships

Offender: A1 - Shark, Philemon Jerome	Relationship: Victim Was Stranger
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Law Enforcement Officer Killed or Assaulted Information	Type:	Justifiable Homicide Circumstances:
	Assignment:	
	Activity:	

Victim Notes:

Victim V3: [E] Saint James Apts

PDA:

Aliases:							
DOB:	Age:	Sex:	Race:	Ethnicity:			
Height:	Weight:	Hair Color:		Eye Color:			
Address: 821 Yakima Ave	County:		Phone:				
City, State Zip: Tacoma, WA 98405	Country:		Business Phone:				
Other Address:			Other Phone:				
Resident:	Occupation/Grade:		Employer/School:				
SSN:			Place of Birth:				
Driver License No:	Driver License State:		Driver License Country:				
Attire:			Complexion:				
SMT:			Facial Hair:				
Victim Of: 2204 - Burglary - No Force Entry - Residence			Facial Shape:				

Victim Type:	Business	Circumstances:	Weapon Used:	1 - Personal Weapon (hands, fists, feet, etc.) 1318 - Assault - Nonaggravated (Simple) - Police Officer
Injury:		Testify:	Reporting Statement Obtained:	
Type of Injury:			Fire Dept Response:	
Hospital Taken To:		Medical Release Obtained:	Taken By:	
Attending Physician:		Hold Placed By:		

Victim Offender Relationships

Offender:	Relationship:
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Law Enforcement Officer Killed or Assaulted Information	Type: Assignment: Activity:	Justifiable Homicide Circumstances:
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Victim Notes:	
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Other Entity O1: Molyneux, Shirley J

PDA:

Aliases:		DOB: 12/27/1948		Age: 68	Sex: Female	Race: White	Ethnicity: Non-Hispanic
Height: 5' 3"	Weight: 101	Hair Color: Brown		Eye Color: Brown		Phone: 253-272-2671	
Address: 821 Yakima Ave #208		City, State Zip: Tacoma, WA 98405		Country:		Business Phone:	
Other Address:		Resident: Full - Time Resident		Occupation/Grade:		Employer/School:	
SSN:		Driver License No:		Driver License State:		Place Of Birth:	
Attire:		SMT:		Complexion:		Facial Hair:	
Entity Type: Complainant		Reporting Statement Obtained:		Facial Shape:			
Entity Notes:							

Property Item No. 1/1: 1908 - Drugs - Heroin

Other Common Item:	Photographed:
Description:	Fingerprinted:
Quantity: 1	Contents Sampled:
Finding Location:	Owner: A1 - Shark, Philemon Jerome
Status: 6 - Seized-Evidence Taken In Drug, Forgery/Counterfeiting Or Gambling Offenses	Value:
Recovered Date:	Make/Brand:
Recovered Value:	Model:
Field Tested: Yes	Serial No:
Field Test Results: Positive	OAN:
Property Disposition: Booked into Property	Insurance Company:
Disposition Location: Tacoma Police	Policy No:

Vehicle Information:

License:	Locked:
License State:	Keys in Vehicle:
License Country:	Delinquent Payment:
Vehicle Year:	Victim Consent:
Make:	Drivable:
Model:	Estimated Damage:
Vehicle Style:	Damage:
Primary Vehicle Color:	Damaged Area:
Secondary Vehicle Color:	Tow Company:
VIN:	Tow Consent:
Special Features:	Hold Requested By:

Drug Information:	
Drug Type: Heroin	Drug Measure: Gram
Drug Quantity: 0.2	Drug Measure Type: Approximate To Include Packaging

Jewelry Information:	
Metal Color:	Total # of Stones:
Metal Type:	Inscription:
Stone Color:	Generally Worn By:

Firearm Information:	
Caliber:	Length:
Gauge:	Finish:
Action:	Grips:
Importer:	Stock:

Property Notes:

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Property Item No. 2/2: 20437 - Personal - Pouch

Other Common Item:	Photographed:
Description: Black knife pouch	Fingerprinted:
Quantity: 1	Contents Sampled:
Finding Location: On Arrestees belt	Owner: A1 - Shark, Philemon Jerome
Status: E - Evidence (Including Other Seized Property And Tools)	Value:
Recovered Date:	Make/Brand:
Recovered Value:	Model:
Field Tested:	Serial No:
Field Test Results:	OAN:
Property Disposition: Booked into Property	Insurance Company:
Disposition Location: Tacoma Police	Policy No:

Vehicle Information:	
License:	Locked:
License State:	Keys in Vehicle:
License Country:	Delinquent Payment:
Vehicle Year:	Victim Consent:
Make:	Drivable:
Model:	Estimated Damage:
Vehicle Style:	Damage:
Primary Vehicle Color:	Damaged Area:

Secondary Vehicle Color:	Tow Company:
VIN:	Tow Consent:
Special Features:	Hold Requested By:
Drug Information:	
Drug Type:	Drug Measure:
Drug Quantity:	Drug Measure Type:
Jewelry Information:	
Metal Color:	Total # of Stones:
Metal Type:	Inscription:
Stone Color:	Generally Worn By:
Firearm Information:	
Caliber:	Length:
Gauge:	Finish:
Action:	Grips:
Importer:	Stock:
Property Notes: Pouch with silver battery charger	

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Property Item No. 3/3: 2410 - Household - Key (House, Car, etc.)

Other Common Item:	Photographed:
Description: 2 House Keys	Fingerprinted:
Quantity: 2	Contents Sampled:
Finding Location: Arrestees pockets	Owner:
Status: E - Evidence (Including Other Seized Property And Tools)	Value:
Recovered Date:	Make/Brand:
Recovered Value:	Model:
Field Tested:	Serial No:
Field Test Results:	OAN:
Property Disposition: Booked into Property	Insurance Company:
Disposition Location: Tacoma Police	Policy No:
Vehicle Information:	
License:	Locked:
License State:	Keys in Vehicle:
License Country:	Delinquent Payment:
Vehicle Year:	Victim Consent:
Make:	Drivable:
Model:	Estimated Damage:
Vehicle Style:	Damage:
Primary Vehicle Color:	Damaged Area:
Secondary Vehicle Color:	Tow Company:
VIN:	Tow Consent:
Special Features:	Hold Requested By:
Drug Information:	
Drug Type:	Drug Measure:
Drug Quantity:	Drug Measure Type:
Jewelry Information:	
Metal Color:	Total # of Stones:
Metal Type:	Inscription:

Stone Color:	Generally Worn By:
Firearm Information:	
Caliber:	Length:
Gauge:	Finish:
Action:	Grips:
Importer:	Stock:
Property Notes:	

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Property Item No. 4/4: 1910 - Drugs - Marijuana

Other Common Item:	Photographed:
Description:	Fingerprinted:
Quantity: 1	Contents Sampled:
Finding Location:	Owner: A1 - Shark, Philemon Jerome
Status: 6 - Seized-Evidence Taken In Drug, Forgery/Counterfeiting Or Gambling Offenses	Value:
Recovered Date:	Make/Brand:
Recovered Value:	Model:
Field Tested:	Serial No.:
Field Test Results:	OAN:
Property Disposition: Booked into Property	Insurance Company:
Disposition Location: Tacoma Police	Policy No.:
Vehicle Information:	
License:	Locked:
License State:	Keys in Vehicle:
License Country:	Delinquent Payment:
Vehicle Year:	Victim Consent:
Make:	Drivable:
Model:	Estimated Damage:
Vehicle Style:	Damage:
Primary Vehicle Color:	Damaged Area:
Secondary Vehicle Color:	Tow Company:
VIN:	Tow Consent:
Special Features:	Hold Requested By:
Drug Information:	
Drug Type: Marijuana	Drug Measure: Gram
Drug Quantity: 1	Drug Measure Type: Approximate To Include Packaging
Jewelry Information:	
Metal Color:	Total # of Stones:
Metal Type:	Inscription:
Stone Color:	Generally Worn By:
Firearm Information:	
Caliber:	Length:
Gauge:	Finish:
Action:	Grips:
Importer:	Stock:

Property Notes:

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Property Item No. 5/5: 20435 - Weapons - Ammunition - Taser Cartridge

Other Common Item:		Photographed:	
Description:	X2 Taser Cartridges	Fingerprinted:	
Quantity:	2	Contents Sampled:	
Finding Location:		Owner:	V1 - Collins, Matthew J
Status:	E - Evidence (Including Other Seized Property And Tools)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	In Notes
Field Test Results:		OAN:	
Property Disposition:	Booked into Property	Insurance Company:	
Disposition Location:	Tacoma Police	Policy No:	
Vehicle Information:			
License:		Locked:	
License State:		Keys in Vehicle:	
License Country:		Delinquent Payment:	
Vehicle Year:		Victim Consent:	
Make:		Drivable:	
Model:		Estimated Damage:	
Vehicle Style:		Damage:	
Primary Vehicle Color:		Damaged Area:	
Secondary Vehicle Color:		Tow Company:	
VIN:		Tow Consent:	
Special Features:		Hold Requested By:	
Drug Information:			
Drug Type:		Drug Measure:	
Drug Quantity:		Drug Measure Type:	
Jewelry Information:			
Metal Color:		Total # of Stones:	
Metal Type:		Inscription:	
Stone Color:		Generally Worn By:	
Firearm Information:			
Caliber:		Length:	
Gauge:		Finish:	
Action:		Grips:	
Importer:		Stock:	
Property Notes:	X2 Taser Cartridges serial numbers: #1: C62026HH1, #2: C62012XXN		

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Investigative Information

Means: _____ Motive: _____

Vehicle Activity:

Direction Vehicle Traveling:

Synopsis:

Narrative: On 10/15/2017 at 0402 hours, Officer Burbank and I responded to the Saint James Apartments #208 for a reported unwanted person.

Upon arrival I contacted (O1) SHIRLEY MOLYNEUX. (O1) MOLYNEUX told me that at approximately 0200 hours this morning she heard a knock at her front door. Through her peep hole she saw a subject whom she did not recognize standing at her front door. After not answering the door she then listened as the subject jingled the door handle and pressed inward on the door in what sounded like an attempt to get inside. (O1) MOLYNEUX called 911 after this incident but when the responding Officers arrived, they were unable to locate anyone in the hallway of the apartment. One hour later, at approximately 0300 hours, the subject returned to her door. (O1) MOLYNEUX said she could hear his walk in the hallway from the creak in the aged wood comprising the hallway floor. As (O1) MOLYNEUX looked outside this time saw the same subject attempting to gain access to her apartment through an approximately 18" by 18" metal door mail slot located on the ground level next to her front door. This mail door is sized in that manner to allow for packages to be delivered, and is one of two metal doors which comprised the apartment's mail system. One door is accessed from the hallway and leads into a compartment and then a second door opens into the living quarters. When (A1) SHARK failed to gain access he again walked away from her room down the hallway. This time after she believed (A1) SHARK to be gone she opened her front door and walked into the hallway. Once there she said she heard someone inside room #202 and saw that the front door was ajar. (O1) MOLYNEUX said that #202 is vacant and should not be occupied. She then called 911 for a second time prompting Officer Burbank and I to respond.

I pushed opened the unsecured door of room #202, which exposed a pitch black apartment, and identified myself as, "Tacoma Police, make yourself known." When I turned on my flashlight and scanned the room I saw the subject, who would later be identified as (A1) PHILEMON SHARK, sitting in the corner of the room. The room was completely empty except for (A1) SHARK, who appeared to be attempting to hide around a corner made from the bathroom wall until he realized I saw him. (A1) SHARK just stared at me with a distant look in his eyes, waving awkwardly to acknowledge my presence. At this point due to the nature of the allegations made by (O1) MOLYNEUX and the suspicious manner in which we found him inside an unsecured and allegedly vacant apartment, we made the decision to enter the room and investigate what was going on.

Upon contacting (A1) SHARK I immediately identified him as being under the influence of some type of narcotics. (A1) SHARK's eyes were very wide and he just started up at me with a blank look on his face. We asked (A1) SHARK, "What are you doing in here?" (A1) SHARK replied something to the effect of 'Oh, I stay here, this is my place.' After further questioning though (A1) SHARK appeared to be growing in aggression towards us. Furthermore, the answers he was providing as to why he was in the apartment were not making sense and ultimately the decision was made to detain him in handcuffs with the intention of continuing this investigation and avoiding any physical conflict with (A1) SHARK. As we reached out and attempted to grab (A1) SHARK's arms he immediately became actively resistant stating in a distant whisper, "No, I don't think so." (A1) SHARK pulled his arms in towards his side and began flexing and tensing his upper body why maintaining a calm and distant stare in his eyes. Officer Burbank then said something to the effect of, "Don't fight with us, we just want to detain you so we can figure out what is going on." While he was saying this I noticed what I identified to be a black weapon holster sticking out underneath (A1) SHARK's coat on his right hip. It was right after noticing this that (A1) SHARK became assaultive by standing up into us and attempting to pull his arms downward towards his waist line while driving his weight towards us. All the while (A1) SHARK was staring at me with his same distant and calm glance and began to whisper to me. He said, "Is your partner a rookie? He feels like it." (A1) SHARK then said, "You know how easily I could hurt you guys?" At this point I had control of (A1) SHARK's right arm with both of my arms and was using all my strength just to keep (A1) SHARK from driving his arms towards his waist line in what I believed to be an attempt to retrieve a weapon. While I was doing this, Officer Burbank was controlling (A1) SHARK's other arm with the same intention. Eventually I told Officer Burbank, "I'm going to attempt to taze him." By pinning (A1) SHARK against a wall with both of our body weights I was able after a period of a few minutes able to gain enough control to access my department issued Taser. I then pulled (A1) SHARK away from the wall and was able to deploy two Taser cartridges into (A1) SHARK's back, placing one on his upper left shoulder

blade and one on the lower right portion of his back above his hip bone. The two cartridges had little effect as (A1) SHARK replied with, "Oh yeah! That feels good!" When this did not work I then pressed the ARC Switch approximately 3 three times until (A1) SHARK finally dropped to the floor. After getting him to the floor we were finally able to place him in handcuffs. Soon after dropping to the floor additional Officers arrived on scene to assist is (A1) SHARK's detention. Even with five additional Officers now assisting (A1) SHARK continued to fight and had to have his ankles restrained and secured to his wrists.

Upon search incident to arrest Heroin was found in (A1) SHARK's pocket. His holster ended up only holding a USB charger and did not contain a weapon. This holster was taken as evidence and booked into property at Tacoma Police Headquarters. (A1) SHARK was booked into Pierce County Jail for Assault 3rd Degree, Resisting Arrest, Residential Burglary, and Unlawful Possession of a Controlled Substance.

While at the Jail (A1) SHARK began to act calm again and was compliant with the staff. When moving to the changing cell to begin a strip search (A1) SHARK then waited until he was naked and in a cell with approximately six Officers when I heard him say, "Well at least give me a fighting chance." After hearing this I heard a fight begin in the cell where (A1) SHARK was hit with three additional Taser rounds.

Reviewed By:

Reviewed Date:



**Tacoma Police Department
Supplemental Report**

Incident No. 1728800241.2
Jurisdiction Agency: Tacoma Police Department

PDA:	Homeland Security:	Subject:	Simple Assault of a Police Officer Resisting/Interfering w/Police Residential Burglary Arrest	Incident No. 1728800241.2
IBR Disposition:	Arrest	Case Management Disposition:		
Forensics:		Reporting By/Date:	T210045 - Burbank, Christopher 10/15/2017 09:25:52	
Case Report Status:	Approved	Reviewed By/Date:	T52959 - Lock, Gary 10/15/2017 18:31:46	

Related Cases:

Case Report Number	Agency
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Non-Electronic Attachments

Attachment Type	Additional Distribution	Count	
Location Address:	821 Yakima Ave #202	Location Name:	SAINT JAMES APTS
City, State, Zip:	Tacoma, WA 98405	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	169 - Tacoma	District/Sector:	TA11 - Tacoma
Occurred From:	10/15/2017 03:07:00 Sunday	Occurred To:	
Notes:			

Offense Details: 2204 - Burglary - No Force Entry - Residence

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:	PR	Hate/Bias:	None (No Bias)	Using:	
Cargo Theft:		Criminal Activity:		Tools:	Unknown		
Location Type:	Single Family Residence	Type of Security:	Deadbolts/Locks/P adlock				
Total No. of Units Entered:		Evidence Collected:					
Entrance Compromised:	Crawl Space						
Entry Method:	Not Applicable						
Suspect Description:							
Suspect Actions:							
Notes:							

Call Source:	Dispatched	Assisted By:	T209799 - Collins, Matthew
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T210045 - Burbank, Christopher
Entered On:	10/15/2017 07:48:06	Approved By:	Automated Policy
Approved On:	10/15/2017 18:33:22	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	
Validation Processing	Distribution Date: 10/15/2017	County Pros. Atty. <input checked="" type="checkbox"/>	Juvenile <input type="checkbox"/>
	By: AUTOMATED POLICY	City Pros. Atty. <input type="checkbox"/>	Military <input type="checkbox"/>
		Other <input type="checkbox"/>	CPS <input type="checkbox"/>
		DSHS <input type="checkbox"/>	PreTrial <input type="checkbox"/>
			Supervisor: <input type="checkbox"/>

Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.

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Printed By: Rosenquist, John

Tacoma Police Department Supplemental Report

Jurisdiction Agency: Tacoma Police Department

Incident No. 1728800241.2

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Offense Details: 1318 - Assault - Nonaggravated (Simple) - Police Officer

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:	PE	Hate/Bias:	None (No Bias)	Using:	
Cargo Theft:		Criminal Activity:		Type of Security:		Tools:	
Location Type:	Apartment	Evidence Collected:		Entrance Compromised:		Entry Method:	
Total No. of Units Entered:		Suspect Description:		Suspect Actions:		Notes:	

Offense Details: 4801 - Resisting / Interfering w/Police

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:	PE	Hate/Bias:	None (No Bias)	Using:	
Cargo Theft:		Criminal Activity:		Type of Security:		Tools:	
Location Type:	Apartment	Evidence Collected:		Entrance Compromised:		Entry Method:	
Total No. of Units Entered:		Suspect Description:		Suspect Actions:		Notes:	

Offense Details: 3512 - Drug - Heroin - Possess

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed	Crime Against:	SO	Hate/Bias:	None (No Bias)	Using:	
Cargo Theft:		Criminal Activity:	Possessing/Concealing	Type of Security:		Tools:	
Location Type:	Apartment	Evidence Collected:		Entrance Compromised:		Entry Method:	
Total No. of Units Entered:		Suspect Description:		Suspect Actions:		Notes:	

Weapon 1: Personal Weapon (hands, fists, feet, etc.)

Offense:	1318 - Assault - Nonaggravated (Simple) - Police Officer	Serial No:	
Offender:	A1 - Shark, Philemon Jerome	OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	

Tacoma Police Department Supplemental Report**Incident No. 1728800241.2**

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Jurisdiction Agency: Tacoma Police Department

Weapon Notes:

Weapon 2: Personal Weapon (hands, fists, feet, etc.)

Offense:	4801 - Resisting / Interfering w/Police	Serial No:	
Offender:	A1 - Shark, Philemon Jerome	OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:

Narrative:

On 10-15-2017 I was operating as a two-officer unit with PPO M. COLLINS and we were operating a marked Tacoma Police vehicle. I was wearing my issued Tacoma Police jumpsuit uniform that has a cloth Tacoma Police badge attached to the upper left chest as well as Tacoma Police departmental patches affixed to both sleeves. The back is marked in large reflective block letters with the word POLICE. I was also wearing my issued web gear with department issued equipment. I was clearly identifiable as a Police Officer.

At approximately 0307 hours we responded to 821 Yakima Ave in reference to a reported unwanted subject. The reporting party advised that an unknown person was knocking on her door and was possibly utilizing a vacant apartment within the building. This location is a secured multistory apartment building that is accessible by key and has no public common area or entrance.

Upon arrival the reporting party, O/SHIRLEY MOLYNEUX, allowed us access to the building and stated that an unknown subject had been knocking on her door throughout the night as well as had attempted to open her door by turning the door handle and then tampered with a ground level mail box leading into her apartment. These ground level mail boxes are approximately 18"x18" and are numbered for the specific apartment. If the exterior door is entered then the interior of the apartment is accessible by shimmying through the small opening if the interior door is not secured by the attached latch. O/MOLYNEUX stated that she believed the male subject tampering with her door had somehow entered apartment #202 and wished us to check if this unknown suspicious subject was still present. Apartment #202 should be vacant at this time according to O/MOLYNEUX.

Upon responding to apartment #202 I observed the front door was ajar and partially open. O/MOLYNEUX stated that it is in fact a vacant apartment and no one should be inside as the door had previously been secured. To ensure a subject not belonging within this property was not concealing himself in the unsecured door we knocked and announced our presence. Upon knocking on the unsecured door no one verbally responded from inside. I then pushed the door open slightly and observed the interior to be dark and empty with no furniture and large buckets of paint sitting inside. It was immediately apparent that this was in fact a vacant apartment. After illuminating the apartment interior with flashlights a male subject was observed sitting in the rear of the apartment on the ground and was partially concealed behind a refrigerator. Upon seeing this subject, O/MOLYNEUX stated "That's him" meaning that he was the subject that had been previously knocking at and tampering with her apartment door. We then instructed the subject

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Jurisdiction Agency: Tacoma Police Department

to show his hands and he complied. We then entered into the apartment to contact him about his presence in this vacant residence. As we entered into the apartment, I observed the ground level mail box door on the interior of the apartment was completely wide open and believed that this subject had probably gained access to this apartment unlawfully by crawling through this breach.

Upon entering and contacting the male subject he appeared to be under the influence of unknown substance(s) as he was talking extremely quickly and looking around in a paranoid type manner. The male subject stated that he lived at this location and had a house key in his possession. I instructed him not to reach into his pockets or lower his hands several times but he ignored these commands by attempting to reach into his left front pants pocket. He would raise his hands after being instructed to stop but then became insistent on reaching into his pockets. Due to him being in a residence that should be vacant at this time and his insistent manner that he retrieve a "house key" from his pocket even after being instructed not to numerous times I feared that he was not actually attempting to retrieve a key but instead was attempting to retrieve a weapon to use against myself and or PPO COLLINS after being discovered unlawfully within the residence.

This fear was based on my belief that I did not believe that the subject did in fact possess a key to this residence as claimed. It certainly appeared that the residence was vacant, a verified resident (O/MOLYNEUX) was insistent that this residence was vacant, the open mail door allowing access to the apartment as well as this subject being identified by O/MOLYNEUX as the subject previously tampering with her door/mail door and possibly attempting to unlawfully enter her apartment. I did not think this subject actually could possess a key and had no reason to enter his pocket in such an insistent manner to retrieve an item that did not exist.

I informed the subject that he was going to be detained in handcuffs based on his actions until we could determine if he posed an armed threat and could verify his reason for being present in the vacant apartment. PPO COLLINS and I both took hold of his hands with me grabbing his left hand and we attempted to place his hands behind his back while still seated. The male suddenly lept to his feet and attempted to "rush" us as if trying to overpower us. He aggressively attempted to break our grasp of his arms and reach toward his waist. Now that he was standing up, I could see a black case attached to the belt on his right hip. These cases are commonly used to carry a knife or multi-tool but am also aware that small concealable firearms can also be carried in this style case. This case contained a silver object I could slightly see but was unable to make out due to the aggressive movements being made by the male. I believed that there was a high probability that this case contained a knife or firearm based on seeing a silver object in the case and my knowledge of the items commonly carried in this style case.

The male aggressively and continuously attempted to force his hands down and toward his waist area and did not appear to be fighting so as to escape us but to reach his waistband. This violent struggle continued as we attempted to take him to the ground numerous times with negative results. All attempts to subdue him or get him into a handcuffing position were met with uncanny strength and endurance and it did not appear that the subject was at all fatigued. During the initial physical contact with the subject my radio mic was knocked from my uniform and I was unable to advise we needed further assistance. During this struggle he was instructed numerous times to stop resisting and he was now under arrest. These commands had no effect and his attempts to break free and reach his waist did not slow. During this fight to control the subject myself, PPO COLLINS and the male were slammed into the interior walls numerous times with such force I believed that we may in fact go through the wall. PPO COLLINS was able to retrieve his issued Taser and deployed both cartridges to his back with little to no effect on his level of physical resistance. He further attempted to deliver subsequent Taser cycles in drive-stun mode that also had little to no effect. While this physical struggle ensued as well as the active Taser cycles, the male displayed very erratic behavior by growling in our faces and whispering "Keep doing it...you'll love it" and other oddities. We eventually were able to get the subject off balance and onto the ground where he was eventually placed on his stomach and handcuffed while still giving physical resistance by attempting to pull his arms away from behind his back. Immediately after being placed in handcuffs he stopped all resistance and began making statements about "How close he was to killing us" and he "Wanted to ensure we were ready to die." I advised the male subject of the Miranda Warning and he agreed to speak freely.

Tacoma Police Department Supplemental Report

Incident No. 1728800241.2

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Jurisdiction Agency: Tacoma Police Department

This fight with the male subject lasted for approximately 6 minutes and at no time did I feel that he was fighting in an effort to escape but was attempting to continue fighting until he was able to retrieve a weapon from his person or from us. He also appeared to never fatigue during this altercation.

Shortly after being detained additional units arrived on scene to assist. Two house keys were located in his pocket. Both of these keys were tried with the lock to this apartment and neither key worked. One of the keys appeared to be old and broke in half when handling it. The remaining key also did not open the main building entrance. The silver item observed in the belt pouch was determined to be a silver USB style battery stick. These items were placed into evidence at the Tacoma Police HQ.

The subject was identified as A/SHARK by WA ID located in his wallet. He was evaluated b Tacoma Fire and transported to the Pierce Co Jail. While at the jail he became combative with jail staff and was only subdued by 5 deputies and three Taser deployments. Jail staff stated that he displayed behavior as if he were under the influence of PCP or bathsalts.

Reviewed By:

Reviewed Date:



Use of Force

Supervisor Review



INITIATION:

On 10/15/2017 at approximately 0320 hours I was working as the 1 Sector field supervisor and responded to the St. James Apartments #202 [821 Yakima Ave.] regarding a reportable use of force incident. Officers Burbank and Collins had been investigating a possible burglary incident at this secured building when a short unreadable radio transmission was received from them. A few minutes later, the original complainant reported that the officers were fighting with one. Knowing this was a secure building, responding officers requested the complainant go down and open the main door for them. A few minutes after that, officers advised there was now one person detained and a little after that officers confirmed that TFD was enroute for an ECT application.

INVESTIGATION:

Upon my arrival, I located PPOs Collins and Burbank and other back-up officers inside #202 with the arrestee handcuffed and hobbled appropriately lying on his stomach on the floor of the empty apartment. I spoke to PPO Collins about what happened and he related the following: The caller had reported the suspect had attempted to gain access into her apartment [#208] about an hour ago prompting her to call 911. At that time, officers could not locate anyone and there was no damage to report. The current call to 911 was made when the caller saw the same suspect at her door attempting to gain access through a large mail package drop type door. When he was unsuccessful, he left. This time, she opened the door to see where he went and she reported hearing someone inside #202 which she related as being vacant.

He and PPO Burbank went to #202 and found the front door undamaged, but ajar. They identified themselves and announced their presence but received no response, so they pushed the door open and looked inside. The apartment was completely dark and empty and as they used their flashlights, they located the arrestee crouched and partially concealed as if attempting to hide himself with the refrigerator and the bathroom wall. The complainant was with them and also saw the arrestee and immediately identified him as the one who had tried to get into her apartment.

From the beginning, the arrestee appeared to be under the influence of something as he stared with wide eyes and a blank look on his face. His verbal responses did not make any sense and he was becoming more and more agitated so they decided they needed to secure him in handcuffs so they could safely conduct the rest of their investigation. When they reached for his arms, the arrestee said, "No, I don't think so." and pulled his arms toward his sides while flexing and tensing his upper body and continuing with his trance like stare. When PPO Burbank was explaining things to the arrestee, PPO Collins said he now noticed a black nylon pouch commonly used to carry a weapon, usually a knife, on the arrestee's right hip beltline area. The arrestee had still been sitting on the floor, but now suddenly jumped to his feet and forcefully pushed into them and reached his hands towards his waistline saying, "Do you know how easily I could hurt you guys?" PPO Collins said he was attempting to control the arrestee's right arm to prevent him from reaching what he assumed was a weapon while PPO Burbank had the arrestee's left. The arrestee continued to fight against their efforts to control him and they were not able to gain the upper hand despite having him pinned against the wall. It was at this point PPO Collins said he told PPO Burbank that he was going to use his ECT. Even with the decision made, it took some time before they had enough marginal control for him to draw his ECT. Once he had it, he said he pulled the arrestee off the wall, and due to their close proximity, deployed 2 cartridges; one to the upper right shoulder

<u>Submitted by:</u>	Sergeant J. Kramer, #048	<u>Date:</u>	10/27/2017
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Use of Force

Supervisor Review



area and the other to the lower left hip area of the arrestee. The arrestee showed little response to the ECT application other than to kind of growl, "Oh yeah, that feels good." as he continually fought against their efforts to control him. PPO Collins said he was compelled to discharge the ECT arc approximately 3 times in their efforts to gain control over the arrestee due to his on-going active resistance after each application. After the last application, the arrestee finally dropped onto the floor and they were at last able to apply handcuffs, but due to continued fighting they had to also restrain his feet.

[Note: It wasn't until 10/29/2017, that PPO Collins was able to get his ECT downloaded to retrieve the exact information regarding its use. What it showed was that he fired it twice; once for each cartridge deployment which he'd told me about. The printout then showed 2 additional arc applications in response to the arrestees continued resistance. The printout of this is attached.]

I turned my attention to the arrestee and noted the two ECT cartridge points of impact. After PPO Burbank removed one of the probes, I lifted the arrestee's shirt to look for injuries and saw the distinct bee sting looking signature puncture to his lower left back area. There were no other marks visible and though the other probe was located; it appeared as if it had not penetrated the skin. The upper right shoulder area probes looked to be caught up in the material of the arrestee's jacket. But due to the arrestee being handcuffed, I was not able to pull his shirt up far enough to look for any marks here and I was not willing to risk un-handcuffing him just to look for puncture marks. I asked PPOs Burbank and Collins to look for them once the arrestee was at the jail. However later, PPO Burbank advised me that while at the jail, the arrestee again became resistive/assaultive necessitating another ECT application by jail personnel. He said it was the opinion of jail personnel that this arrestee was under the influence of PCP or bathsalts.

I talked to the arrestee and asked why he fought with the officers and he said, "I pushed it with them." and then added that he'd wanted to see how much he could take should he be confronted by taser armed subjects out in public.

I spoke to PPO Burbank who confirmed PPO Collins' information adding that upon entry into the apartment, he noted the interior package drop door was open leading him to believe that was likely how the arrestee had gained access. He too, said he believed the arrestee was under the influence of something based on his behavior and appearance and that despite being verbally directed to keep his hands out of his pockets as he was trying to retrieve some keys, the arrestee kept reaching into them. He re-iterated PPO Collins concern for their safety and felt restraining him in handcuffs was necessary in order for them to safely continue this investigation. He explained this to the arrestee and said as soon as they took a hold of him; the arrestee leapt up and rushed them as if to overpower them. He physically fought against their efforts to control his hands and repeatedly reached towards his waist. Now that he was standing, PPO Burbank said he saw the black nylon holder PPO Collins had told me about and feared that holder contained a weapon. This belief was reinforced when he noted something silver inside of it. The struggle to get control of the arrestee continued as they tried various contact controls to subdue him; none of which were successful. They were unable to get him onto the ground and instead wound up slamming into the walls. The force was so great that PPO Burbank said he thought at times they might actually crash right through them. When he tried to use his radio to call for assistance, he realized

Submitted by:	Sergeant J. Kramer, #048	Date:	10/27/2017
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Use of Force Supervisor Review



the mic had been knocked off of him which prevented from doing this. Throughout the struggle, the arrestee was verbal ordered to stop resisting. When the arrestee did not comply, PPO Collins eventually was able to draw his ECT. Despite the use of it in the drive stun application, the arrestee did not stop fighting against them. During the cycles of the ECT, the arrestee would just growl and mutter things like, "Keep doing it." Finally, they were able to get him on the ground and overpower his resistance to restrain him in handcuffs. Once secured in handcuffs, the arrestee made some unnerving statements about how close he was to killing them and wanting to make sure they were ready to die. Search incident to arrest, the silver object in the nylon carry case the arrestee wore on his right hip turned out to be a silver USB battery stick. The 2 keys located consisted of one so old that it broke upon handling it and the other did not work in the door.

TFD arrived to assess the condition of the arrestee who was cleared for arrest. Forensics was not working to photograph the injury and scene.

It should be noted there was a delay for back-up officers, because the building is a secure facility. And though back-up officers were aware of this and had requested dispatch have the caller to come down and open the door for them, when she did, she forgot her keys and they were all locked out. As a result, it was necessary for PPO Peyton to force the door open. Upon later inspection, no damage was noted and it appeared as if the lock was substandard and not sufficient to remain secure in the face of enough physical force.

I also spoke to the complainant and she told me that though she had seen the arrestee in the vacant apartment, she went back to her apartment and did not see the interaction between him and the officers. She confirmed she heard the sounds of them scuffling and concluded they were fighting with him and relayed that to SS911.

CONCLUSION:

PPOs Collins and Burbank encountered a suspect who'd reportedly been attempting to break into occupied apartments within a secure apartment building and was currently in a vacant apartment. Upon contact with this subject, it became quickly obvious that he was chemically [via drugs] altered or impaired. He was non-compliant to verbal commands and presenting as agitated, aggressive and unpredictable. Given the totality of the circumstances, the officers had a well-founded concern for their safety and opted to detain him in handcuffs so they could securely continue their investigation. However, as soon as the officers took a hold of him, he began to actively resist their efforts and escalated to assaultive when he jumped up and "rushed" them. There was a lengthy physical struggle for which the arrestee never seemed to tire and maintained uncanny strength. The officers were not able to overcome the arrestee's resistance and opted to deploy an ECT. Even with this, the arrestee continued fighting them necessitating 2 arc applications after the two probes were deployed.

FINDING:

Based upon the above and the totality of the circumstances of this fluid and evolving dynamic situation which PPOs Collins and Burbank faced, I find their uses of force were both a reasonable and necessary response to the subject's actions. I recommend their use of compliance techniques with enforcement electives of Contact Controls, Takedown Techniques & ECT be found **WITHIN POLICY.** End - JLK

Submitted by:	Sergeant J. Kramer, #048	Date:	10/27/2017
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Tacoma Police Department Use Of Force Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
10/15/2017	10/15/2017	03:07
Record ID Number	Case/CAD #	IA No
11979	1728800241	17UOF-0107
Date/Time Entered	Entered By	
10/29/2017 02:45	Sergeant Jennifer Kramer - 050328	
Tacoma PD Assigned Investigator	IAPro Assigned Investigator	
[Pending assignment]	Un-assigned	

Incident Summary

Officers utilized reportable use of force during a criminal investigation.

Incident Location

Addresses

821 Yakima Avenue S, Tacoma, WA, 98405

- Location of Occurrence: City of Tacoma

Use of Force Details

Reason For Using Force	Service Being Rendered	More Than 1 Citizen Involved
Assaultive	Dispatched Call	No
Weather Condition	Light Condition	Distance to Citizen
Indoor	Low Light	Contact
Citizen Injured	Citizen Hospitalized	Citizen Arrested
Yes	No	Yes
Citizen Build	Citizen Height	Citizen Influence Assessment
Medium	5'10" to 6'0"	Drugs
Employee(s) Injured	Employee(s) Taken to Hospital	
No	No	

Crisis Details

Reporting/Involved Citizen

Philemon Jerome Shark

Date of Birth: 09/26/1978 **Race:** White **Ethnicity:** Unknown **Gender:** Male

Addresses

Transient, Tacoma, WA

Phone Numbers

(000) 000-0000

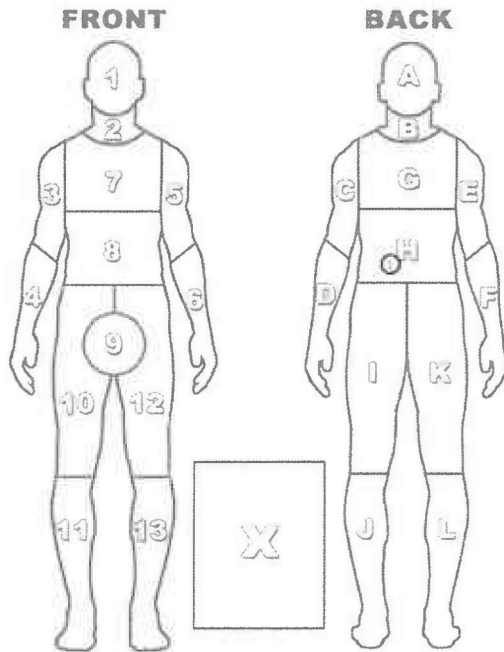
Role: [None Entered]

Type of Resistance Citizen Used Against Employee

- Active Resistant
- Assaultive

Injuries Sustained By Citizen

Injury	Region	Injury Location
Minor Injury	H	1



Charges Against Citizen

- Felony
- Misdemeanor

Incident Employees

Officer Matthew Collins - 209799

Assignment at time of incident: Officer Chief of Police/Operations Bureau/Patrol Division/Sector 4/Grave Shift A Officer - Patrol **Video Footage:** [None Entered]

Role: [None Entered]

Force used by this Employee against Citizen

- Physical Controls - Force Effective: No
- Verbal Commands - Force Effective: No

Less lethal force used by this Employee against Citizen

- Electronic Control Tool - Less lethal force effective: No
Serial Number: C62026HH1
Cartridge Number: 1

Projectile/Probe Deployment: No

Direct Stun Contact: Yes

Number of Cycles: 3

Cartridge Attached: Yes

Follow Up Drive Stun Conducted: Yes

Duration of Cycles: Full

Accidental (unauthorized) Discharge: No

Statistical Information

Arc Display: No
 Citizen painted with laser/red dot: No

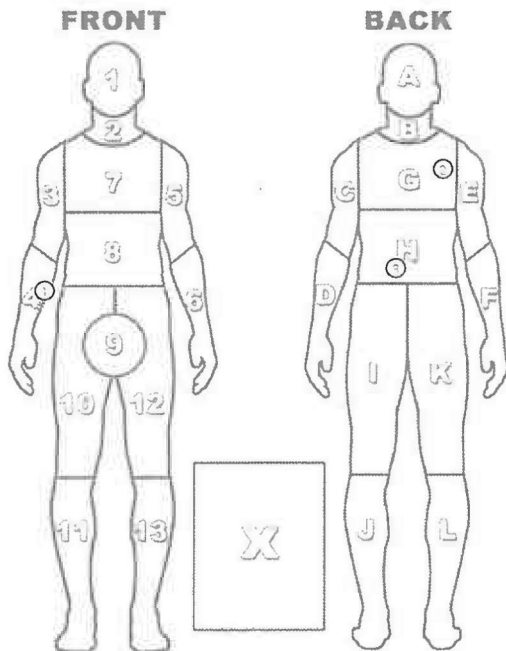
- Electronic Control Tool - Less lethal force effective: No
 Serial Number: C62012XXN
 Cartridge Number: 2

Projectile/Probe Deployment: No

Direct Stun Contact: Yes
 Number of Cycles: 3
 Cartridge Attached: Yes
 Follow Up Drive Stun Conducted: No
 Duration of Cycles: Full
 Accidental (unauthorized) Discharge: No

Statistical Information
 Arc Display: No
 Citizen painted with laser/red dot: No

Force Used	Force Effective	Region	Point of Contact
Electronic Control Tool	No	G	2
Electronic Control Tool	No	H	3
Physical Controls	No	4	1
Verbal Commands	No		[Non-Contact]



Injuries Sustained By Employee

Injury	Region	Injury Location
No injuries noted or visible		

PPS C. Burbank - 210045

Assignment at time of incident: Officer Chief of Police/Operations Bureau/Patrol Division/Sector 4/Grave Shift A Officer - Patrol Video Footage:
 [None Entered]

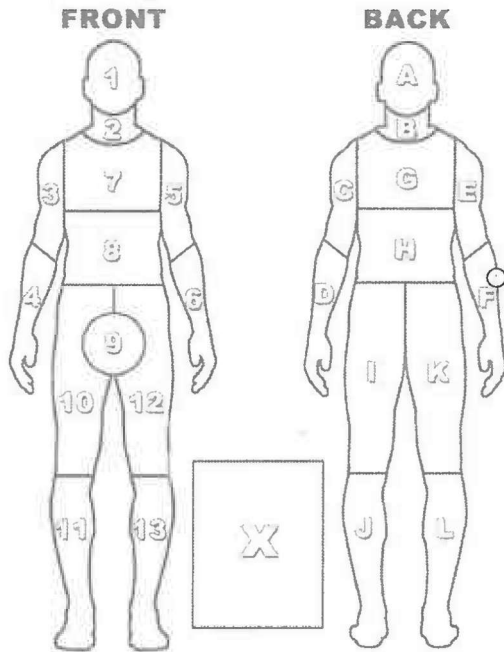
Role: [None Entered]

Force used by this Employee against Citizen

- Verbal Commands - Force Effective: No
- Physical Controls - Force Effective: No

Less lethal force used by this Employee against Citizen

Force Used	Force Effective	Region	Point of Contact
Verbal Commands	No		[Non-Contact]
Physical Controls	No	F	1



Injuries Sustained By Employee

No injury

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No Attachments

Assignment History

Date/Time Sent	From	To	Activity
11/15/2017 15:56	PAS B Buchholz		Released back to IAPro

Chain of Command History

Routing Number: 1

From Sergeant Jennifer Kramer
To Lieutenant Jennifer Mueller
Cc: Sergeant Michael Lim
Date/Time Sent 10/30/2017 00:50

Instructions From [Sergeant Jennifer Kramer] To [Lieutenant Jennifer Mueller]

Lt. This is ready for your review.

Comments/Response From [Lieutenant Jennifer Mueller]

Jen, You need to fix the list line and input info where you have a series of X's. Otherwise it is great.

Routing Number: 2

From Lieutenant Jennifer Mueller
To Sergeant Jennifer Kramer
Cc:
Date/Time Sent 11/04/2017 22:40

Instructions From [Lieutenant Jennifer Mueller] To [Sergeant Jennifer Kramer]

Please see my instructions Lt Mueller

Comments/Response From [Sergeant Jennifer Kramer]

Lt., Thanks for finding that, I removed the series of X placeholders with the terminology I'd intended to put there.

Routing Number: 3

From Sergeant Jennifer Kramer
To Lieutenant Jennifer Mueller
Cc:
Date/Time Sent 11/11/2017 11:04

Instructions From [Sergeant Jennifer Kramer] To [Lieutenant Jennifer Mueller]

Lt., thanks for finding that. I have replaced the series of X placeholders with the terminology I'd intended to put there.

Comments/Response From [Lieutenant Jennifer Mueller]

Capt. Hayes, I concur with Sgt Kramer's findings and believe that the use of force was reasonable, necessary, justified and within policy. I am sending for you review. Lt Mueller

Routing Number: 4

From Lieutenant Jennifer Mueller
To Captain Barton Hayes
Cc:
Date/Time Sent 11/14/2017 20:12

Instructions From [Lieutenant Jennifer Mueller] To [Captain Barton Hayes]

Capt, For your review. Lt Mueller

Comments/Response From [Captain Barton Hayes]

This use of force is within TPD guidelines.

TAB 47


INTERNAL AFFAIRS COMPELLED INTERVIEW

I/A CONTROL NUMBERS: 21COM-0061, 21COM-0069, and 21COM-0071

Employee/Witness: Officer Jeffrey (J.R.) Smith

1. You are about to be questioned as part of an Internal Affairs investigation being conducted by the Tacoma Police Department.
2. You are hereby **ordered** to answer the questions, which are put to you, which relate to your conduct and/or job performance, and to cooperate with this investigation.
3. Your failure to cooperate with this investigation can be the subject of **disciplinary action** in and of itself including dismissal.
4. The statements you make or evidence gained as a result of this required cooperation may be used for administrative purposes but will not be introduced into evidence in a criminal proceeding.
5. You are further **ordered not to discuss** this matter or interview with any other parties (except those with a **legally recognized privilege or union representatives**) until the conclusion of this investigation.

I have read and understand the above explanation of my rights as an employee of the Tacoma Police Department.

 7/15/2021
 Employee Date

 7-15-21
 Witness Date

 7/15/21
 Witness Date

1 Interview of Jeffrey R. Smith

2 Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters

3 July 15, 2021 – 1404 Hours

4 Internal Affairs Control Numbers 21COM-0061, 21COM-0069, 21COM-0071

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9 PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs;
10 Detective Christopher Tracy, President Tacoma Police Union, Local 6 and Officer Jeffrey R.
11 Smith
12
13

14 Rosenquist: Alright, this is Internal Affairs Sergeant Rosenquist and this is the IA interview of
15 Officer J.R. Smith. The date is July 15th 2021. The time is 1404 hours. Location is
16 IA Office Room 360 Police Headquarters. This is in reference to IA cases 21COM-
17 0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs
18 Sergeant G.J. Roberts; Officer J.R. Smith; and Detective Chris Tracy, President
19 Tacoma Police Union, Local 6. J.R. are you aware this interview is being recorded?

20 Smith: Yes?

21 Rosenquist: Is this interview being recorded with your permission?

22 Smith: Yes.

23 Rosenquist: Did you read the Compelled Interview Form?

24 Smith: I did.

25 Rosenquist: Do you understand the Compelled Interview Form?

26 Smith: Yes.

27 Rosenquist: Do you understand that you're compelled to answer all questions truthfully?

28 Smith: Yes.

29 Rosenquist: Kay. Union, do you have anything you wanna bring up before we start?

30 Tracy: No, thank you though.

31 Rosenquist: Kay. Um, so the purpose of this interview is in regard to your assignment as
32 Quartermaster last year. Um, and we just have a few questions about some
33 equipment that was deployed during the Manny Ellis incident, back on on March 3rd

1 of 2020. So, confirming uh back on March 3rd 2020 you were still the Quartermaster
2 for the Department.

3 Smith: Yes.

4 Rosenquist: And, when did you start that assignment and when did you end it?

5 Smith: My official start date i- was January 1st of 2016. However, I was over there starting
6 in November of 2015 to start training for the position.

7 Rosenquist: Okay. Um...

8 Unknown: (clearing throat)

9 Rosenquist: ...everybody in the room knows what a quartermaster is. Yeah, in regards to th-, its
10 position within the department. Um, but this case is gonna get reviewed a lot of
11 people outside the department it doesn't know what it is, so could you kind of
12 explain to me what the quarterma- quartermaster position does within the
13 department?

14 Smith: Sure, so the quartermaster is responsible for quite a few things. It's also um sort of
15 ah combined into the Fleet Coordinator position for the police department. So the
16 quartermaster is responsible for managing the police fleet of vehicles and in addition
17 to that basically the purchase, resupply and supplying of police uniforms and
18 equipment for police officers.

19 Rosenquist: Okay. So, the two pieces of equipment that we want to talk to you about today, um,
20 one is the the spit hood or the transport hood and the other is the hobble. So, what
21 I'm gonna show you is a product spec sheet from Humane Restraint on the transport
22 hood. Is that the transport hood that the department was utilizing back on March 3rd
23 2020?

24 Smith: I can't say for certain. It looks very much like it. Um, the ones that we had, had more
25 of a beige or skin colored mesh here versus the white. But it's, I do remember it this
26 packaging saying The Hood on it and the the coloring looking like beige or a a skin

1 color.

2 Rosenquist: Do you know how long the department used those for?

3 Smith: Since, they had them since I was hired. Um, so probably even before that. They were
4 they were here on campus.

5 Rosenquist: Okay.

6 Unknown: (sniffing)

7 Rosenquist: Alright. Sergeant Roberts, you got any questions?

8 Roberts: No.

9 Rosenquist: Kay. Ah, the other thing I'm gonna show you is a photograph of a black nylon
10 hobble. While you were quartermaster in the department, are you aware if the
11 department had a specific hobble that it ever issued to anybody?

12 Smith: Not to my knowledge, no.

13 Rosenquist: And that's true in the entire time time you've been quartermaster?

14 Smith: Correct.

15 Rosenquist: Kay. Gary, anything?

16 Roberts: No. Let me go back, a- a- as quartermaster, you're not in charge with any training,
17 nothing like that?

18 Smith: Correct.

19 Roberts: Thank you.

20 Rosenquist: I don't have anything else.

21 Roberts: I have nothing else.

22 Tracy: Just one quick clarification question. So during the entire time you were
23 quartermaster, there was no change in what the approved spit or transport hood was,
24 correct?

25 Smith: Correct.

26 Tracy: So the same one that was in use in the department before you were quartermaster is

1 the same one that was in utilization during the time you were quartermaster?

2 Smith: Correct. I never ordered replacement transport hoods while I was here until almost I,
3 until I was nearly done with quartermaster and then I was ordered to stop ah
4 resupplying or issuing any. But I, so I ordered a box and it's still on the counter over
5 there. Never got...

6 Roberts: O- of, of this brand?

7 Smith: ...of transport hood. Yes.

8 Rosenquist: Okay.

9 Roberts: A- h- we- were you involved with post Manny Ellis?

10 Smith: What do you mean?

11 Roberts: And, the the the the the new spit hoods?

12 Smith: Uh, yes, I was. Uh, I received communication from Lieutenant, at the time,
13 Lieutenant Travis to um one if I was going to order transport hoods, to not order
14 them and then if we had them, not to issue them. And I had just received a, a new
15 box so I didn't issue it, I kept it in the quartermaster warehouse.

16 Roberts: Okay. But, you had nothing to do with the purchase of the new that's currently...

17 Smith: I did...

18 Roberts: ...being issued?

19 Smith: ...I was ordered by Lieutenant...

20 Roberts: Okay.

21 Smith: ...Travis to order new ones. Uh...

22 Roberts: New ones being a completely different...

23 Smith: ...completely different...

24 Roberts: ...product?

25 Smith: ...product. Correct.

26 Roberts: Did he tell you why?

1 Smith: Ah, I don't recall if he told me why...

2 Roberts: Okay.

3 Smith: ... My assumption was it was related to this.

4 Rosenquist: Kay.

5 Roberts: Were you involved with the new and issued rip hobble device?

6 Smith: I was. I was ordered by Lieutenant Travis to place the order for the new ones.

7 Roberts: Thanks.

8 Tracy: Nothing further. Thank you.

9 Roberts: Kay.

10 Rosenquist: Uh, this is Sergeant Rosenquist. It is 1410 and we are off tape.

11

12 END OF INTERVIEW/ar

TAB 48

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Interview of Martese Hightower

Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters

July 15, 2021 – 2306 Hours

Internal Affairs Control Numbers 21COM-0061, 21COM-0069, 21COM-0071

**PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs;
Officer Ryan Bradley, Representative, Local 6 and Officer Martese Hightower**

13 Rosenquist: Kay. This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs
14 interview of Officer Martese Hightower. The date is July 15th 2021. The time is
15 2306 hours. Location is Internal Affairs Office Room 360, Police Headquarters.
16 This is in reference to IA cases 21COM-0061, 21COM-0069, 21COM-0071. Present
17 in the room are myself; Internal Affairs Sergeant G.J. Roberts; Officer Ryan Bradley,
18 Representative for Local 6; and Officer Hightower. Officer Hightower are you the-
19 aware this interview is being recorded?

20 Hightower: Yes sir.

21 Rosenquist: Is this interview being recorded with your permission?

22 Hightower: Yes sir.

23 Rosenquist: Did you read the Compelled Interview Form?

24 Hightower: Yes sir.

25 Rosenquist: Do you understand the Compelled Interview Form?

26 Hightower: Yes sir.

27 Rosenquist: Do you understand you're compelled to answer all questions truthfully?

28 Hightower: Yes sir.

29 Rosenquist: Okay. Internal Affairs has been tasked to investigate the in-custody death of Manny
30 Ellis back from March 2020. And, CAD indicates that you were on scene and you
31 also um wrote a supplemental report which you've been provided a copy of for
32 reference during the interview. So, before we start, confirm you were on scene?

1 Hightower: Yes sir.

2 Rosenquist: Okay. Were you partnered with anybody or were you working by yourself that
3 night?

4 Hightower: I working by myself.

5 Rosenquist: Okay. North end or south end?

6 Hightower: South end sir.

7 Rosenquist: Do you know what your call sign was that night?

8 Hightower: Union 023.

9 Rosenquist: Kay. So this thing this incident began um with the radio traffic, there were some,
10 some mic clicks and dispatch asking Henry 317 which is Collins and Burbank if they
11 had any traffic. Do you recall hearing that radio traffic.

12 Hightower: Yes sir.

13 Rosenquist: Did you recall hearing Burbank call out the location of 96th and Ainsworth?

14 Hightower: Yes sir.

15 Rosenquist: What was your impression of that?

16 Hightower: I had no idea what was going on sir. I was on my way to another call at the time sir.

17 Rosenquist: Was there a, a tone or tenor to Burbank's voice over the radio that...

18 Hightower: It seemed stressed.

19 Rosenquist: Okay. How so, just?

20 Hightower: Uh, I well I haven't worked with Burbank much...

21 Rosenquist: Mm-hm.

22 Hightower: ...but never heard him sound um stressed out or any, any kind of, of ya know sorry.

23 Rosenquist: It's okay.

24 Hightower: I'm jus-...

25 Rosenquist: Take your time.

26 Hightower: ...trying to find th- the correct words to say I've never heard him sound stressed out

1 or anything other than level headed and it was a- weird to say the least um to hear
2 him speak anything other than I- level-headed.

3 Rosenquist: Kay. Alright. Yeah, I mean you don't need to hurry your answers, you're here as a
4 witness, take a breath, relax...

5 Hightower: (laughs)

6 Rosenquist: It's fine. It's gonna be fine. So do you recall when you were when you went enroute
7 to 96th and Pacific?

8 Hightower: Yes. I was uh just approaching 56th and Tyler.

9 Rosenquist: Okay. Were you dispatched there or did you just self-initiate and go?

10 Hightower: Uh, once I heard the address, I turned around and I believe dispatch self-dispatched
11 everybody to it.

12 Rosenquist: Kay. G.J. anything yet? Kay. So, you go enroute, you arrive on scene. What's your
13 initial observations when you arrive?

14 Hightower: I believe I- my first initial reaction was just to block traffic because I saw there were
15 a lot more people well there before me. So, I just do what I normally do when there's
16 a scene in my a street with cars coming. I just block traffic and uh walked over to
17 where the crowd was to see if I could be of any assistance at that point.

18 Rosenquist: Do you remember where you positioned your patrol car that night?

19 Hightower: Um, yeah in my patrol, in my sorry my supplemental I stated that I parked it just
20 west of the intersection and blocked all eastbound traffic on 96th Street.

21 Rosenquist: Okay.

22 Roberts: W- were there other cars in fr- other police vehicles in front of you?

23 Hightower: Yes.

24 Roberts: Or east of you?

25 Hightower: Uh, yes, there were.

26 Roberts: How many?

1 Hightower: I can't, I don't recall sir.

2 Roberts: So were you right at the intersection or w-...

3 Hightower: Yeah, I to the best of my knowledge I believe I was one of the last ones to up on
4 scene cause I was one of the furthest away. That also doesn't prevent anybody with
5 patrol lights passing my vehicle in the westbound or in the westbound lanes on 96th
6 Street as well so to my knowledge I was blocking off everybody.

7 Rosenquist: Okay. Yeah, we're and we're gonna be asking just about times cause we're, we're
8 working with a timeline that we're trying to work with and nail some stuff down.
9 Um, when you arrived do you recall if you did that over the radio if you did it via
10 your M- MBC where you just pushed...

11 Hightower: I don't recall.

12 Rosenquist: Okay. Do you remember who was already on scene when you arrived?

13 Hightower: Um. Well obviously the guys who were involved and...

14 Rosenquist: So by those, you were referring to Burbank, Collins, Ford...

15 Hightower: Ford and Rankine.

16 Rosenquist: Kay.

17 Hightower: And, um to that I can't specifically say everybody because some people did approach
18 from the east.

19 Rosenquist: Kay.

20 Hightower: Um, but all I know is I do remember being one of the last ones there so I was I would
21 think a lot of people were there before me.

22 Rosenquist: Okay. So you arrive, did you see Ellis on the ground?

23 Hightower: Yes sir.

24 Rosenquist: What was occurring?

25 Hightower: Uh, to the best of my knowledge he was handcuffed and he was yelling on the
26 ground and thrashing around.

1 Rosenquist: Can you be more descriptive as far as the thrashing?

2 Hightower: Um, well the being handcuffed and being on the ground he just kept um kind of
3 thrusting himself up and down um, and he just kept yelling, not um just about all that
4 I remember.

5 Rosenquist: Remember what he was yelling?

6 Hightower: No, I do not sir.

7 Rosenquist: Was it words or was it just grunts or...?

8 Hightower: Um, wasn't anything like grunts, uh it may have been words, I don't but I don't
9 remember anything that he particularly yelled out.

10 Rosenquist: Okay. Do you remember how Ellis was restrained when you arrived, you mentioned
11 handcuffs?

12 Hightower: Handcuffs.

13 Rosenquist: Did you see a hobble on him?

14 Hightower: No I did not sir.

15 Rosenquist: Did you see a spit hood on him or either applied put on him?

16 Hightower: I, I remember seeing the spit hood on him, but I do not remember it being applied.

17 Rosenquist: Did you see it the spit hood taken off?

18 Hightower: No.

19 Roberts: Did, did you see him the hobbles ever applied to him?

20 Hightower: I don't remember h- hobbles ever being, um brought up. There, there was a time
21 where I went back to my vehicle to reposition to either extend the scene, extend the
22 crime scene out so that cars wouldn't get too close, so I was back and forth to my car
23 at that time so.

24 Roberts: But to y- y- you don't recall ever seeing hobbles on him?

25 Hightower: No sir.

26 Roberts: And, you recall the spit hood on him you just don't recall at what point it wa- was it

1 on him when you initially showed up.

2 Hightower: No sir.

3 Roberts: And, then you did some tasks...

4 Hightower: Mm-hm.

5 Roberts: ...and next thing you know it's on?

6 Hightower: It- to the best of my knowledge, sir, yeah.

7 Rosenquist: So you arrive, you see Ellis in handcuffs, did you see any uses of force applied
8 towards Ellis while he was handcuffed? Any counter-joint strikes, kicks, anything
9 like that?

10 Hightower: No sir.

11 Rosenquist: Was anybody ei- either pinning or holding Ellis down to the ground when you
12 arrived?

13 Hightower: I don't remember sir.

14 Rosenquist: Did you ever see anybody um holding him or pinning him down onto the ground?

15 Hightower: No, not, not except for when we were, not in a uh holding or pinning him to the
16 ground, only when we helped up to the recovery position, sir.

17 Rosenquist: So did you help with putting him in a recovery position?

18 Hightower: No sir.

19 Rosenquist: Do you recall who did?

20 Hightower: I don't recall who did.

21 Rosenquist: What position was he in prior to being moved into the recovery position.

22 Hightower: I believe he was in prone sir.

23 Rosenquist: Back on his back, on his stomach?

24 Hightower: On his stomach.

25 Rosenquist: Kay.

26 Roberts: I- Is that the position he's in when you see the handcuffs up when you first arrived?

1 Hightower: Yes.

2 Rosenquist: Was Fire on scene when you arrived?

3 Hightower: No sir.

4 Rosenquist: Did you observed Fire arrive, the first Fire unit?

5 Hightower: Yes.

6 Rosenquist: Do you recall if they had their lights on or not?

7 Hightower: I don't remember any lights sir.

8 Rosenquist: Kay. You don't remember if they had them on or they don- or you're saying that

9 they did not have them on?

10 Hightower: Uh,...

11 Rosenquist: From your recollection?

12 Hightower: Sir, uh, let me rephrase, I, I do not believe they had them on.

13 Rosenquist: Okay. Okay. So, Fire arrives and we have statements from Pierce County's

14 investigation that there was this discussion between TFD and Tacoma PD officers

15 that was almost described as an argument in regards to TFD needing the restraints

16 removed so they could treat Ellis. Do you recall witnessing any of that conversation?

17 Hightower: Yes.

18 Rosenquist: Can you elaborate on that?

19 Hightower: Um, I remember I don't know the specific Fire crew. I remember one of them

20 walking up to us and um I don't remember, I don't rem-, recall which TPD officer

21 but they had a small exchange with one of the Fire crews who possible said

22 something smart or sarcastic..

23 Rosenquist: Kay.

24 Hightower: ...um once that happened they began to tend to Ellis and then they asked for his

25 restraints to be um taken off but they didn't elaborate that they needed 'em to be

26 taken off. I believe he said, "I can't work like this," and we responded with, "What

1 do you need?"

2 Rosenquist: Do you remember what Ellis' position was when TFD started tending to him?

3 Hightower: I do not.

4 Rosenquist: Okay. How long did that kinda interaction between TFD and, and our officers last?

5 Hightower: It probably lasted, um about 45 to seconds to a minute.

6 Rosenquist: Okay.

7 Roberts: A- and you said sarcastic, do you do you can you elaborate on what the Fire

8 might've said?

9 Hightower: Um, I don't nec- I don't necessarily know the exact um verbiage he used um or

10 exactly what was said. Um, but it was something to the effect of, "What'd you guys

11 do to him?" as the was walking up after being called for priority, Fire priority.

12 Rosenquist: Did you see the restraints being removed from Ellis?

13 Hightower: I saw the handcuffs being...

14 Rosenquist: Do you remember who removed the handcuffs?

15 Hightower: No sir.

16 Rosenquist: And just confirming you didn't see the spit hood removal?

17 Hightower: I did not see the spit hood removal.

18 Rosenquist: Did you have any conversations with Ellis or you ever have any physical contact

19 with him.

20 Hightower: Mm, I do not remember any having any physical contact with him.

21 Rosenquist: Kay. Do you recall Ellis making any statements like, "I can't breathe," or anything

22 similar to that?

23 Hightower: No sir.

24 Rosenquist: So, you arrive on scene. Were you able to observe Ellis' condition when you first

25 arrive? Responsive, non-responsive, conscious, unconscious?

26 Hightower: He was conscious, and responsive. Um, I mean I would guess yelling and screaming

1 is pretty responsive.

2 Rosenquist: S- and during the time between you arrived to when Fire arrived, did you see his
3 condition worsen or decline?

4 Hightower: Uh, I not, not outwards, not physically outwards or anything meaning I can't tell
5 what's going on inside or anything...

6 Rosenquist: Right.

7 Hightower: ...like that but um, it seemed he started to calm down, when I was on scene.

8 Rosenquist: Okay. Could you tell whether he was breathing or not?

9 Hightower: I could not. I didn't look. I wasn't that close to be able to see any kind of uh maybe
10 chest rises.

11 Rosenquist: Okay. Did you hear anybody make a comment, like or something similar to, "If
12 you're talking, if you can talk, you're breathing," or "if you can talk, you can
13 breathe"?

14 Hightower: No sir.

15 Rosenquist: Kay. You observe any injuries on Ellis?

16 Hightower: Uh, I don't remember. I remember there was blood after Fire got done with him, but
17 I can't I couldn't tell if that was from them working on him or injuries cause I didn't,
18 didn't get too close to...

19 Rosenquist: Where did you see the blood at?

20 Hightower: I don't remember. Um, specifically. It might have been on his face from when they
21 intubated him.

22 Rosenquist: Okay.

23 Roberts: T- i- in your report you said that you were holding a flashlight so Fire could have
24 some light while they worked?

25 Hightower: Yes sir.

26 Roberts: D- describe t- tell me tell me what you saw while Fire was working on him?

1 Hightower: Um...

2 Roberts: When you're shining the light over him I assuming?

3 Hightower: Yes, so, I was, I'm kinda tall so I was standing in the back with my flashlight up and
4 it was Fire doing compressions and other Fire coming over then once more Fire units
5 came over um they kinda had their initial set up and their people going so then that's
6 when I backed up and um tried to see where I can be more useful.

7 Roberts: D-

8 Hightower: But other than just them doing the initial life-saving measures, um that's all I saw
9 from Fire before I went to go try and do something.

10 Roberts: A- and were you shining your light while Rankine and Warner are doing CPR?

11 Hightower: Yes sir.

12 Roberts: How long do you think that went on for?

13 Hightower: Uh, them doing CPR? Um, I couldn't tell you, sir, I do remember that they had to tag
14 in and out which I would assume and Rankine and Warner are pretty fit guys so I
15 would assume they could go, they could do CPR for a while before having to um ya
16 know tag out, so.

17 Rosenquist: Good? Okay. Um, just back to Ellis' condition, I'm sorry, there's one question I
18 forgot to ask you. From, from the time you arrived, to when Fire arrived to treat him,
19 I may have already asked and if I did I'm sorry, did you see any changes that in in
20 his condition that caused you to be concerned about him.

21 Hightower: Uh, no sir.

22 Rosenquist: Okay.

23 Hightower: Um, I th-, yeah y- you did...

24 Rosenquist: Yeah...

25 Hightower: ask something sim- similar to this, but all, all I s- I didn't see any outward...

26 Rosenquist: Okay.

1 Hightower: ...um, changes specifically and I wasn't close enough to see any decline in...

2 Rosenquist: Okay.

3 Hightower: ... chest rises.

4 Rosenquist: Yeah, I- I'm sorry about that, I, I did.

5 Hightower: No worries.

6 Rosenquist: Um, there was a cell phone placed in evidence, um that we believe is Ellis' and we

7 know it, it changed, we don't know where it was found and we know it changed

8 hands a couple times before it finally kinda landed with County.

9 Hightower: Mm-hm.

10 Rosenquist: Um, do you recall seeing a cell phone, did you recall seeing anybody in possession

11 of the cell phone?

12 Hightower: I do not, sir.

13 Rosenquist: Were you in possession of the cell phone at all?

14 Hightower: I was not in possession of the cell phone.

15 Rosenquist: Kay. Did you transport any of the involved officers away from the scene?

16 Hightower: No sir.

17 Rosenquist: And you contacted a couple of houses?

18 Hightower: Yes sir.

19 Rosenquist: And, nobody in there saw anything? Heard anything?

20 Hightower: No.

21 Rosenquist: Based on what they told you?

22 Hightower: Yes.

23 Rosenquist: Do you remember where those where those houses...okay, so we got 1442 S. 96th...

24 Hightower: Mm-hm.

25 Rosenquist: ...and were there any other houses that you contacted?

26 Hightower: Um, 1437 S. 96th.

1 Rosenquist: Okay.

2 Hightower: Y- those were I believe the only two people. Um, I think other people had already
3 gone around and started knocking on doors.

4 Rosenquist: Okay.

5 Hightower: And that those were the only two people that I contacted that had not been uh
6 approached by officers.

7 Roberts: And ultimately you stay on scene, you take possession of the crime scene log from
8 Madden?

9 Hightower: Yes, cause I believe her and Warner a Henry car that night and um Sergeant Rock
10 had told them to go back in service and so I took over the crime scene log.

11 Roberts: And you, you stayed there throughout until the crime scene was broken down?

12 Hightower: Yes sir.

13 Rosenquist: Couple more, um, anything else about this incident that you think we should know
14 about or b- been made aware of that we didn't ask or didn't discuss in the interview?

15 Hightower: Um, not to my knowledge, sir. At, at this point.

16 Rosenquist: Okay. Uh, did you s- during your time on scene did you see anything you felt was
17 inappropriate or a violation of policy.

18 Hightower: No sir.

19 Rosenquist: Okay.

20 Roberts: D- did you hear anybody talk about what started this incident?

21 Hightower: I a- did not have contact with um Ford, Rankine, Collins or Burbank um, other than
22 me asking Ford if he was okay.

23 Roberts: Mm-hm.

24 Hightower: Uh, he was visibly shaken up and I just kinda gave him this space because he talk- at
25 that point he started talking with Sergeant Rock. Um, but other than that I had no
26 contact with any of the other guys and I had no idea what, how h- how the

1 confrontation had started.

2 Roberts: Thanks.

3 Rosenquist: I don't have anything else.

4 Roberts: Local?

5 Bradley: No questions.

6 Roberts: Anything else, uh, Martese?

7 Hightower: No sir.

8 Rosenquist: That is Sergeant Rosenquist is 2328 and this is the end of the interview.

9 END OF INTERVIEW/ar

TAB 49

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Interview of Ryan Warner

Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters

July 15, 2021 – 2143 Hours

Internal Affairs Control Numbers 21COM-0061, 21COM-0069, 21COM-0071

**PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs;
Officer Ryan Bradley, Trustee, Tacoma Police Union, Local 6 and Officer Ryan Warner**

13 Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of
14 Officer Ryan Warner. The date is July 15th 2021. The time is 2143 hours. Location
15 is IA Office Room 360, Police Headquarters. This is in reference to IA cases
16 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself;
17 Internal Affairs Sergeant G.J. Roberts; Officer Ryan Bradley, Trustee, Tacoma
18 Police Union, Local 6; and Officer Warner. Officer Warner y- you aware this
19 interview if being recorded?

20 Warner: Yes sir.

21 Rosenquist: Is this interview being recorded with your permission?

22 Warner: Yes sir.

23 Rosenquist: Did you read the Compelled Interview Form?

24 Warner: Yes sir.

25 Rosenquist: Do you understand the Compelled Interview Form?

26 Warner: I do, sir.

27 Rosenquist: Do you understand that you are compelled to answer all questions truthfully?

28 Warner: Yes.

29 Rosenquist: Okay. Ah as you're aware, Internal Affairs has been tasked to conduct an
30 investigation in regards to the in-custody death of Manny Ellis, uh, back from uh
31 March of 2020. And, according to CAD you were on the scene. So, before we get
32 started wanna confirm that you were in fact on scene there?

1 Warner: Yes.

2 Rosenquist: Were you working by yourself or with you partnered...

3 Warner: Um.

4 Rosenquist: ...with somebody?

5 Warner: With a partner that night due to um car was turned in that day so it was unexpected.

6 Rosenquist: Who was your partner for that shift?

7 Warner: Uh, Officer Madden.

8 Rosenquist: Kate Madden?

9 Warner: Yes, on that

10 Rosenquist: Were you working north or south?

11 Warner: South end. Yeah, I just switched.

12 Rosenquist: Okay. When this thing started did you hear the mic clicks or dispatch ask Henry 317

13 if they had traffic?

14 Warner: Yeah. Oh yeah. Had dispatch asking them um, and that she was advising the mic

15 clicks. Yeah.

16 Rosenquist: And, did you hear Officer Burbank call out 96th and Ainsworth?

17 Warner: I did not hear the address. Um, over just us talking, we immediately dispatched

18 because we heard that um, dispatch the information we got from dispatch is why we

19 self-dispatched and then we're enroute n- like immediately. But hearing from him,

20 no.

21 Rosenquist: Okay. Do you remember where you were when you started enroute?

22 Warner: Um, yeah I do actually, 'cause we, we went like all the way down Alaska Street but

23 we were north of 56th. It was, it was a hike. Yeah, so I think we were up at 48th and

24 56th, but yeah.

25 Rosenquist: And, when you arrived you'd recall if you'd put yourself arriving over the air? If you

26 used the MDC?

1 Warner: Oh, I don't recall on that.

2 Rosenquist: Where did you park the patrol car when you arrived?

3 Warner: Um, it was one of, if not the furthest west on 96th. Because we had um a lot walk
4 through. There were tons of patrol cars there. Um, because like I said i- j- going
5 down Alaska wasn't the fastest route. Um, it was available immediately we were
6 there so we should just stayed south and uh got there in a hurry, but, yeah we were
7 far west on 96th.

8 Rosenquist: Do you recall who was already on scene when you arrived?

9 Warner: Um, a lot of officers. I mean, we know, yeah I wouldn't be able to tell you the order
10 in which I saw 'em but I remember my, just about my whole squad, um, I saw
11 Burbank, I saw Collins. I was worried about them, ya know, that's why I remember
12 seeing them. Um, but I saw their squad and but I can't say names, yeah I can't recall
13 specifically, but there was tons of people.

14 Rosenquist: Okay.

15 Warner: Um, Ford and Rankine, of course. Um

16 Rosenquist: So, you arrive on scene...

17 Warner: Mm-hm...

18 Rosenquist: ...what's just your initial observations from what you remember?

19 Warner: Um, observations are, um, so number one I was relieved because I could tell like
20 already there's tons of officers there. They're starting to walk now because on the air
21 it sounded, um, really scary. Just because of th- the officers that are involved, ya
22 know, we um, like cool headed, experienced officers and really we gotta get there.
23 So when I saw them walking, and I i- uh said okay so whatever it was, ya know, is is
24 calmed down a bit. So, what I did see when I walked up um was um Mr. Ellis in
25 restraints, and um and I was just looking for a job ya know that's I don't wanna be
26 the guy that's just standin' there with his hands in his pockets, so I'm looking for

1 what can I do, how can I help and um, but that's, yeah as far as the initial walk up,
2 that's all I remember.

3 Rosenquist: Do you recall what restraints were on him?

4 Warner: Oh, yeah he had um leg and um hand restraints. Yeah.

5 Rosenquist: So handcuffs...

6 Warner: Yes.

7 Rosenquist: ...and leg restraints, like a hobble?

8 Warner: Yes.

9 Rosenquist: Do you recall if the hobble was attached to the handcuffs?

10 Warner: I believe they were, yeah.

11 Rosenquist: What about the spit hood?

12 Warner: Ah, not at that point. No.

13 Rosenquist: He did not have a spit hood on?

14 Warner: No, no.

15 Rosenquist: What was his position...

16 Warner: Um...

17 Rosenquist: ...on the ground? I'm sorry, what was Ellis's position on...

18 Warner: Well, he, he was moving a lot, so it's hard to say. He was, he was on the ground, he
19 was laying. Um, I remember him being, like on his side, like what would be
20 described as a recovered position. But he was moving a lot um even with those
21 restraints and so, yeah I don't think I could answer that any one way.

22 Rosenquist: Was anybody holding him on the ground or limiting his movement?

23 Warner: Um, no, he wasn't pinned. He was, people were standing there monitoring and with
24 how active he was um it seemed like um there was there was spitting, there was, was
25 blood, and like screaming but um not like, yeah it- it's hard to recall. But I, 'cause I
26 remember even looking at him and thinking um like he doesn't need to be pinned at

1 this point but he almost jumped up and um I don't know if he fell back or but he
2 stayed in that position. It like...

3 Rosenquist: Almost jumped up while handcuffed and hobbled?

4 Warner: Yeah, we- well sit up, it's for a second. I remember because I was like wow ya know
5 um he's still got a lot of energy and this guys...

6 Rosenquist: So you saw him spitting?

7 Warner: Well I saw blood on his face.

8 Rosenquist: How much blood was coming out of his mouth or um face or do- y- if you know
9 where it was coming from?

10 Warner: Yeah, I can't say 'cause it was it was mouth and nose and looked like a mix of saliva
11 and spit and there um and blood uh I think that was the concern. I know it was a
12 concern mine 'cause since day one like don't get blood on me and um so yeah it just
13 that detail I don't think I can elaborate any more.

14 Rosenquist: Okay. So...

15 Roberts: Ryan, John if I could...

16 Rosenquist: Yep.

17 Roberts: ...e- earlier you talked about screaming and blood and I is that from Mr. Ellis or is
18 that just...

19 Rosenquist: Yeah.

20 Roberts: ...in the Officers?

21 Warner: No, that was uh Mr. Ellis. Jus- just that is um here to breathing heavily and shouting.
22 And, what I remember was um yeah I was, that's it like a- a noise from him, and
23 noticing that like these are restraints. I remember Burbank asking for them over there
24 or um or dispatch advising that that we needed hobbles and so at that point I was
25 thinking like this must be why ya know and maybe this guy was fighting, it was, this
26 wasn't easy. Yeah.

1 Rosenquist: Was he screaming words or just sounds?

2 Warner: No. No, just sounds. Yep, with a lot of energy a lot angst and just forceful but not
3 looking at anyone in particular. I I don't remember. Um, yeah.

4 Rosenquist: So, while you were there, he's already handcuffed and hobbled, so did you see
5 anybody were there any um strikes to him.

6 Warner: Uh...

7 Rosenquist: Elbows, punches, like strikes...

8 Warner: T-...

9 Rosenquist: ...based on...

10 Warner: To Ellis?

11 Rosenquist: ... (unintelligible)...

12 Warner: No, did you...

13 Rosenquist: (talking over each other... unintelligible)

14 Warner: No...

15 Warner: Fuck.

16 Warner: ...no.

17 Rosenquist: You did not observe any strikes? Okay.

18 Warner: No.

19 Rosenquist: So, the cuffs are on, the hobbles are on but the spit hood had not been applied yet?

20 Warner: Correct.

21 Rosenquist: Did you see the spit hood applied?

22 Warner: Yes.

23 Rosenquist: Who'd put the sp-...

24 Warner: Oh, uh, when it was put on?

25 Rosenquist: Yes.

26 Warner: I don't recall it being put on. I remember either um cause when we were, I thought

1 somebody asked for one, and uh like I said I'm looking for a job, and I thought um
2 that I went to go get one. I do- I don't recall if I came back with that one or if
3 somebody got it er eh beat me to it, cause that I know was asked for it. I didn't put it
4 on him and I don't remember seeing it put on him but I remember seeing he already
5 had one.

6 Rosenquist: Okay.

7 Warner: That's how I recall it. Yeah.

8 Roberts: D- do you think you went back to your, your vehicle?

9 Warner: I believe I, I ran, I do recall going back to Kate's car but I can't recall if I had found
10 that I was, was where she told me it might be. And um yeah and I that could just be
11 army brain, just like, eh go get it quick and then like alright they already it. They're
12 taken care of. Or, I can't recall if that was the one that I brought back but I, I don't
13 know um yeah, I, I can't remember if I came back and it was already there or if
14 somebody used the one that I had and um that's just my memory of it.

15 Rosenquist: Okay. You don't re- recall if you gave it to somebody then?

16 Warner: I can't.

17 Rosenquist: Okay.

18 Warner: Yeah. Yep.

19 Rosenquist: Fire, were they on scene when you were there?

20 Warner: No.

21 Rosenquist: So they arrived after you did?

22 Warner: Yes.

23 Rosenquist: Do you recall if they were running lights and sirens, if they're re- response appeared
24 to be priority routine?

25 Warner: It appeared routine, and I remember that vividly, yeah.

26 Rosenquist: They did not have their lights on?

1 Warner: There, well there was multiple trucks. So the one that I saw initially, I didn't hear, or
2 I can't remember sirens or lights...

3 Unknown: Kay.

4 Warner: ...but what I do rememeber regarding Fire is, is, um just the status on when they
5 would get there. I was hoping they'd already and uh but time perception yet so hard
6 to recall.

7 Rosenquist: So, in the report, in your report..

8 Warner: Mm-hm.

9 Rosenquist: ...you wrote I observed a male subject, later identified as Manuel Ellis, lying on his
10 back, detained in hand, foot restraints.

11 Warner: Mm-hm.

12 Rosenquist: Was he physically on his back while handcuffed and hobbled?

13 Warner: Well, what I remember is his face was looking up from the ground, so he had to be
14 on his back. Yeah. It's just um yeah, I mean he had to be. It that's, that's what I saw
15 and I saw his face as clear as I did and yeah, yeah. But like I said he wasn't, wasn't
16 static initially even with those restraints.

17 Rosenquist: He was still moving around?

18 Warner: Mm-hm.

19 Rosenquist: Kay. So Fire arrives and they requested that the restraints be removed?

20 Warner: Um...

21 Rosenquist: We have statements that were taken during uh by Pierce County during their
22 investigation of this where one of their employees described it almost as an argument
23 between TPD and Fire in regard to the removal of the restraints because we had we
24 had fought with him, they were worried that they were going to have to fight again...

25 Warner: Mm-hm.

26 Rosenquist: Um, do you remember that conversation at all between Tacoma PD employees and

1 Fire in regard to removal of the restraints?

2 Warner: Yes. Yeah, I do and I remember it being brief and more of like um I recall it as like
3 are you sure this is what we saw ya know um 'cause they weren't clear on their
4 understanding of of the medical side of what what was going on.

5 Rosenquist: Who wasn't clear?

6 Warner: Well, TFD. So they spent some time, and I remember this 'cause I was getting'
7 frustrated cause it's like let's let's work, let's let's start gettin' things uh in gear. And
8 so um... it I remember Sergeant Lim finally have to like what do you need. They
9 said to work, we need him out of restraints. And at that point I recall we went right
10 into it, so the conversation was had because um officers were cautious like hey this is
11 I don't know if it was um gah I can- I can't even recall who and um but there was a
12 conversation that I think there were three firefighters and um yeah but they weren't
13 they did not come up and say this is what we need, we need him out of restraints
14 initially. That's not how I recall it because at that point I was um I was I was
15 relatively close to Ellis when they were responding and so um the first crew I was
16 right next to when they when they were coming up and I don't remember them going
17 right into like take 'em out. Um, but maybe they did, ya know that's just how I re- I
18 remembered it. Um, but there was a moment of are you sure this is what happened to
19 our guys we think ya know 'cause what we know is what we heard on the radio. We
20 didn't see that but we know um it it was a struggle, ya know it was a fight. So, but...

21 Rosenquist: But?

22 Warner: ... but when Sergeant Lim stepped in, yeah they came out. Once we knew that that
23 we had to, absolutely.

24 Rosenquist: You described the conversation as brief?

25 Warner: That's how I recall it, yeah?

26 Rosenquist: How brief? I mean, quick, like a couple seconds, couple minutes?

1 Warner: That's how I recall it.

2 Rosenquist: Just brief...

3 Warner: It was a couple seconds...

4 Rosenquist: Okay.

5 Warner: ...not minutes. No.

6 Roberts: D- do you recall Ellis' position at that time?

7 Warner: No. I d- I, I yeah I'd be guessing at this point.

8 Roberts: And we don't want you guess.

9 Warner: No, no.

10 Rosenquist: While you were on scene did you ever hear Ellis state, "I can't breathe," or anything

11 similar to that?

12 Warner: Um, I remember somebody replying t- hi- to that like saying well if if you're if

13 you're talking you should be breathing. And um, and there was some confusion

14 about ya know like how how can we improve this ya know t- if if it's a problem, ya

15 know fix it 'cause we kinda looked at each other but um but that's what I recall. I

16 don't recall him saying it but um officers ya know like well if he- if he's if he's

17 talking he should be breathing and um so it was kind of like and that led to all the

18 status on Fire like hey where are they, yeah.

19 Rosenquist: Was there any um, did they change Ellis' position at all after you heard that?

20 Warner: Uh...

21 Rosenquist: Or, do you recall what his position was when that conversation was going on?

22 Warner: No, I don't. No.

23 Rosenquist: How close were you to Ellis while this was going on?

24 Warner: Um, wh- which part? This conversation that we're talking about regarding the, the

25 breathing?

26 Rosenquist: Well, yo- so you you went back to your car to get the spit hood and y- then you came

1 back...

2 Warner: Yeah.

3 Rosenquist: ...were you pretty much in the same proximity of Ellis from that point on..

4 Warner: Mm-hm.

5 Rosenquist: ...until Fire got there?

6 Warner: Yeah, yeah it was close because like I said, still wanted to find a job ya know hoping
7 that they would come here and it seemed like there was, I can't call it delayed
8 response, that was their response, it's what it was, ya know but um but I just wanted
9 to be there if they needed hands and it turns out they, they did.

10 Rosenquist: Who?

11 Warner: But um...it was well within a few feet. Like yo- you to me. Yeah.

12 Rosenquist: Kay. Were you able to observe or have an idea of what Ellis' condition was?

13 Warner: Um...

14 Rosenquist: As far as conscious, unconscious, responsive, non-responsive?

15 Warner: To me, I re- I recall because tha- that was part of the frustration an- and so that's why
16 I can even recall that because it's still frustrating how he appeared okay ya know um,
17 not okay with ya know he ha- he had been in a struggle, he had some some abrasions
18 on his forehead, um and he didn't seem, I'm not gonna call it co- not coherent
19 because he wasn't having conversations that I recall um but, but conscious, yes.

20 Rosenquist: Any medical issues that you observed that raised a concern with you?

21 Warner: Um, uh just the need, like the state that he was in, ya know, it's...

22 Rosenquist: Huh.

23 Warner: ...yeah, an- and can you clarify which, which point are talking about 'cause before...

24 Rosenquist: Well just i- it's...

25 Warner: ...or after restraints, cause its...

26 Rosenquist: ...i- in general, I mean...

1 Warner: Yeah. 'Cause it did shift, obviously.

2 Rosenquist: It did.

3 Warner: Ya know, and I, and I remember when. But, I...

4 Rosenquist: So did, so di-...

5 Warner: ...don't know if we're at that point yet...

6 Rosenquist: ...s- yeah, to be spec-...

7 Warner: ...yeah...

8 Rosenquist: ...so, I'll specify it.

9 Warner: Okay.

10 Rosenquist: His condition before the restraints were removed, ya know, did you, did you s- did

11 you when you first were there did you see him breathing normally and then not

12 breathing normally, or conscious or unconscious? Did you see any significant

13 changes in him that raised an alarm with you that maybe...

14 Warner: Calm...

15 Rosenquist: ...something was medically...

16 Warner: ...calmness...

17 Rosenquist: ...wrong?

18 Warner: ...yeah, ca- he ah he was all of a sudden calm, ya know tranquil and um but that was,

19 when that initial crew was there that's how I recall because that was um that's, that's

20 when he said that um and I have it here, 'cause it was just a memorable thing, it was

21 like how d- how does he know. But, he said he's gonna code soon and um and that's

22 when that conversation of wh- what do you need took place. Um, but yeah tha- that I

23 do remember the shift, he became calm and he was still restrained at that point and

24 then um eh I remember him just kinda sitting back, I remember his eyes being open,

25 I remember him blinking um and uh yeah and we just wanted the just know what we

26 could do. Yeah, Fire was gonna show up and what they needed but they had uh one

1 with like their tablet there and yeah there was dragging up a bag and it just seemed
2 like ya know...

3 Rosenquist: Okay.

4 Rosenquist: Gary you got anything?

5 Roberts: Y- y- you said sitting up, you saw him sitting up. H- describe that position for me?

6 Warner: Are you talking initially?

7 Roberts: Y- yo- you just you just mentioned that at some point you saw him blinking and sit
8 up, sit tr- sitting up?

9 Warner: Oh, if I said sit up I didn't mean that. No, he, he sat back, yeah I don't know if that's
10 what I meant to say. He, he laid back like um yeah an- I again, I'm trying to paint to
11 specific for you because what I remember is his face, his face was, was looking up s-
12 so like this, and just he blinked, ya know, and um and I heard breath but.

13 Roberts: And is anybody over him at that, before the, the Fire Department arrived, with him?
14 Is there somebody at his side or anything like that?

15 Warner: Um, Rankine came back, and I, I don't know and when I say by came back, cause
16 maybe I that's when I noticed him, ya know, um, but and he wanted to help as well
17 and but yeah it I I ca- I can't recall, yeah, for, for like who is there, it wasn't just me
18 and um yeah cause we wanted to stay um just stay busy just help the squad cause
19 they seemed to be checking on their guys and we, we set up to er responded and
20 wanted to assist, support them and that was by monitoring Ellis, ya know, we wanted
21 to to do w- what he needed, but without communicating um tha- that was my
22 frustration was like, like how do I fix this, but...

23 Roberts: A- an, an is Ellis, while you're waiting for Fire...

24 Warner: Yeah.

25 Roberts: ...y- you mentioned earlier he's, he's...

26 Warner: I, I...

1 Roberts: ...trying to get up.

2 Warner: ...that was initially...

3 Roberts: Yep.

4 Warner: ...initially. Yeah, yeah walking up that's was th- was his energy level. Um, while

5 restrained even.

6 Roberts: A- an- and tell me of his progression.

7 Warner: He just calmed, yeah, just calmed and uh...

8 Roberts: Y- an- any recollection as to how long you were on scene when that took place?

9 Warner: No.

10 Roberts: But still breathing?

11 Warner: Yeah.

12 Bradley: (unintelligible whispering)

13 Warner: Yeah, oh, so that, yeah an- and the reason why I'm not trying to get to specific o- this

14 positioning, cause i- it did shift um he was in a recovery position for a period, I just,

15 that, that's my, my fault...

16 Roberts: Yeah...

17 Warner: ...my memory for just like a...

18 Roberts: A- w- was...

19 Warner: ...position...

20 Roberts: ... there anything that took him out of the recovery position?

21 Warner: Um.

22 Roberts: D- did he do it on his own?

23 Warner: I wou- I think it was his him- himself. Yeah. Yeah. But, um, yeah I a- that's it, yeah.

24 Roberts: Perfect. Thank you.

25 Rosenquist: Okay. Um, did you actually have any physical contact with Ellis?

26 Warner: Um, yeah, CPR. So, there was CPR...

1 Rosenquist: Let me rephrase the question. Did you have any physical contact that would be
2 construed as use of force?
3 Warner: N- no.
4 Rosenquist: Kay.
5 Roberts: Any restraint, detaining?
6 Warner: No, there was actually a um, literally a touch just like this on his shoulder um cause I
7 was I kneeling like, like when you first show up and I- like ya know surely there's,
8 there's something I can do, and then when I realized that that I don't know how to a-
9 there wasn't a push, it wasn't a pull, it was um ya know he's up and then he laid
10 himself back, ya know, but it yeah just a touch, just cause ya know how ya have
11 those memories of like you felt something but that was it cause I I didn't wanna
12 make it worse, I didn't wanna just, ya know, how do I help.
13 Rosenquist: Kay.
14 Warner: But, um, and by that I yeah I, sorry I I I-m just still frustrated about it cause now um
15 it's, it's like comin' back an- yeah.
16 Rosenquist: So, Fire get's there, the conversation about the removal of the restraints occurs...
17 Warner: Mm-hm.
18 Rosenquist: ...do you remember who removed the handcuffs and or the hobble and or the spit
19 hood?
20 Warner: I don't remember specifically, um I I remember leaning in with the handcuff key um
21 but I don't know if like again maybe somebody beat me to it, cause I know
22 everyone's gonna jump to once you get those words ya know, let's get it done.
23 That's what I remember, the attitude about um especially when Sergeant Lim came
24 over and said what do you need, they said it, it's too easy, get it done, it got done,
25 quick.
26 Rosenquist: Good. The restraints are off,...

1 Warner: Yeah.

2 Rosenquist: ...one of the firefighters says something to the effect that he's gonna code soon?

3 Warner: That was before.

4 Rosenquist: Before the restraints were off?

5 Warner: Mm-hm.

6 Rosenquist: Okay.

7 Warner: Again, to my recollection...

8 Rosenquist: Th- th- no, that that's fine, so that...

9 Warner: ...I knew that...

10 Rosenquist: ...occurs and then do you assist Fire at all? Your report indicates that you assist with

11 CPR.

12 Warner: Okay, so here yeah, if they mentioned he'll, he'll code soon and that was after the

13 restraints.

14 Rosenquist: Okay.

15 Warner: But, they requested to be removed, alright cool...actually there's...okay, yeah, yeah

16 I, I can't give ya a for sure.

17 Rosenquist: Okay. Gary, anything.

18 Roberts: Not at this point.

19 Rosenquist: Kay. Um, did you ever take possession of any evidentiary items or any of property

20 belonging to Ellis while you were on scene?

21 Warner: No.

22 Rosenquist: Kay. Did you transport any of the involved officers to like the county substation for

23 their interviews?

24 Warner: No.

25 Rosenquist: Did you have any contact with any witnesses, citizen witnesses?

26 Warner: No.

1 Rosenquist: A lot of these are general questions...

2 Warner: Yeah.

3 Rosenquist: ...that we will be asking everybody. Um, anything else that you can think of, um,
4 that we should know about or that we haven't asked you about that you think's
5 relevant to this?

6 Warner: N- no, no, and um, yeah, yeah and I, of course, I wanna be able to recall ya know so,
7 so vividly but, no.

8 Roberts: You're um, uh the report we've been letting you reflect back to, uh, y- last line there
9 you say I cleared the scene shortly after Ellis was pronounced deceased and a crime
10 scene log was established by Madden. Did you and Madden leave the scene
11 together?

12 Warner: Um, I think there was a conversation with Sergeant Rock about units going back into
13 service. Um...

14 Roberts: And that was you Madden going back into service?

15 Warner: Uh, I can't recall how long it was there, but it was not immediate like I just kinda
16 paints like it was just like well, see ya, and that's not what happened. But...

17 Roberts: No, and I'm not suggesting that, I just wanna know...
18 (talking over the top of each other)

19 Warner: ...that even I guess, eventually we went back in service.

20 Roberts: And if you refer back to the CAD...

21 Warner: Mm-hm.

22 Roberts: ...you're arrival time then?

23 Warner: Yeah.

24 Roberts: 23:25:33.

25 Warner: Yep, I see it.

26 Roberts: So, does that look you might've done that with the MPS?

1 Warner: Yeah, that's probably me just as a, as the um...

2 Roberts: And you're a passenger in the car...

3 Warner: Passenger, just hitting F7 then.

4 Roberts: So, that arrival time if you did that with the MPS...

5 Warner: Mm-hm.

6 Roberts: ...isn't meaning you're landing already?

7 Warner: It's coming into the area, yeah....

8 Roberts: You're coming into the area more like...

9 Warner: ...so tha- that's how I was taught, like just let your buddies hear you're close, or if

10 you know you're gonna ya know throw gloves on or something, get out of the car,

11 get that out of the way, let 'em know we're gonna be able to appear soon, yeah.

12 Roberts: So that's not an exact time of...

13 Warner: No.

14 Roberts: ...when you arrived.

15 Warner: No.

16 Roberts: A- and again, you said you parked quite a bit west on 96th from Ainsworth?

17 Warner: Mm-hm.

18 Roberts: 100 yards?

19 Warner: From...

20 Rosenquist: From where Ellis was located.

21 Warner: Um, within a hundred yards.

22 Roberts: Within...

23 Warner: But, yeah, I couldn't say more specific.

24 Rosenquist: Alright, were we're almost done. Um, did you view, view anything that occurred that

25 you thought was inappropriate or a violation of policy by anybody.

26 Warner: No.

1 Roberts: Did you ever see a cell phone on, on, in the scene.

2 Warner: I don't recall seeing one.

3 Roberts: How long do you think you and uh Rankine performed CPR?

4 Warner: Um, I remember switching two to three times with him. Um, and then when the next

5 crew came in they um...

6 Roberts: And that's TFD crew?

7 Warner: ...exactly, yeah. And then they, they were like, hey thanks. Then they took over and

8 uh we stood by in case they needed more.

9 Roberts: That's all I have.

10 Rosenquist: Yeah, I don't have anything else either. Anybody?

11 Roberts: Okay.

12 Rosenquist: Uh, this is Sergeant Rosenquist, it is 2211 hours and this is the end of the interview.

13 END OF INTERVIEW/ar

TAB 50

1 Interview of Wesley Schneider

2
3 Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters

4
5 July 15, 2021 – 2236 Hours

6
7 Internal Affairs Control Numbers 21COM-0061, 21COM-0069, 21COM-0071

8
9 PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs;
10 Officer Dave Anderson, Local 6 and Officer Wesley Schneider
11
12

13 Unknown: On.

14 Unknown: Kay.

15 Rosenquist: Are we good Dave? Okay. Uh, this is Internal Affairs Sergeant Rosenquist. This is
16 the Internal Affairs interview of Officer Wesley Schneider. The date is July 15th
17 2021. The time is 2236 hours. Location is IA Office Room 360, Police
18 Headquarters. This is in reference to IA cases 21COM-0061, 21COM-0069, and
19 21COM-0071. Present in the room are myself; Internal Affairs Sergeant G.J.
20 Roberts; Officer Dave Anderson, Local 6 Representative; and Officer Schneider.
21 Officer Schneider are you aware this interview is being recorded?

22 Schneider: Yes.

23 Rosenquist: Is this interview being recorded with your permission?

24 Schneider: Yes.

25 Rosenquist: Did you read the Compelled Interview Form?

26 Schneider: Yes.

27 Rosenquist: Do you understand the Compelled Interview Form?

28 Schneider: Yes.

29 Rosenquist: Do you understand you're compelled to answer all questions truthfully?

30 Schneider: Yes.

31 Rosenquist: Okay. So Internal Affairs has been tasked to investigate the incident uh, the in-
32 custody death involving Manny Ellis, um, from March 2020. Um, per CAD you were

1 on scene at that incident so, before we start, would just confirm you were on scene?

2 Schneider: Mm-hm, yes.

3 Rosenquist: Were you partnered with anybody that night?

4 Schneider: Yes. PPO Derr.

5 Rosenquist: And what was your call sign? Do you remember?

6 Schneider: I don't recall. Yeah.

7 Rosenquist: Um, according to CAD you were using Henry 356.

8 Schneider: Okay. Yeah.

9 Rosenquist: Is that your bug or...

10 Schneider: That's my badge number, yes.

11 Rosenquist: Okay. Were you working north end or south end that night?

12 Schneider: South end.

13 Rosenquist: Kay. So, where I'm gonna start is the radio the mic clicks and radio traffic that kinda

14 led up to this event. Do you recall hearing those?

15 Schneider: Uh, I don't recall.

16 Rosenquist: Okay. How did you come to respond to 96th and Ainsworth?

17 Schneider: Dispatch, I believe dispatch toned it out. Uh, officers needed help. I, I th- to the best

18 of my knowledge, that's what I remember.

19 Rosenquist: Do you remember where you were when you started enroute?

20 Schneider: Uh, no, not at the substation.

21 Rosenquist: Okay. Not at the substation.

22 Schneider: Correct.

23 Rosenquist: Okay. Were you...

24 Roberts: What substation?

25 Schneider: The four sub.

26 Rosenquist: Were you driving or passenger that night?

1 Schneider: I don't even recall that...

2 Rosenquist: Okay.

3 Schneider: ... yeah.

4 Rosenquist: You arrived at 96th and Ainsworth, do you remember where you parked patrol car
5 when you arrived?

6 Schneider: No.

7 Rosenquist: Do you recall who was already on scene when you arrived?

8 Schneider: Uh, Burbank and Collins, Ford and Rankine and that's that's all that I know.

9 Rosenquist: Okay. So in your report, um, you wrote, "as we arrived officers on scene advised that
10 they had one male detained. I observed a black male in handcuffs laying in the
11 westbound lanes of South 96th Street appearing to be extremely agitated."

12 Schneider: Mm-hm.

13 Rosenquist: Can you elaborate on what you meant when you said extremely agitated? What were
14 you observing?

15 Schneider: Yeah, he was just laying on the ground yelling.

16 Rosenquist: Words or?

17 Schneider: I don't recall.

18 Rosenquist: Kay. You wrote in your report that he was in handcuffs. Do you recall if he had any
19 other restraints on?

20 Schneider: I don't recall.

21 Rosenquist: You don't recall if he had a hobble on?

22 Schneider: I don't recall.

23 Rosenquist: Okay. Um.

24 Roberts: A- any idea how he was laying?

25 Schneider: I don't recall.

26 Rosenquist: So, he's already in handcuffs when you arrive. Did you see any additional uses of

1 force against Ellis? Counter-joints, strikes, anything like that?

2 Schneider: No.

3 Rosenquist: Was when Ellis, while Ellis was on the ground, was anybody controlling him,
4 pinning him to the ground?

5 Schneider: I don't recall.

6 Rosenquist: Kay. Do you remember seeing a spit hood on him?

7 Schneider: I know, I'm aware that one was put on him. But, I don't recall if when I arrived it
8 was on. I, I, I don't remember that process.

9 Rosenquist: Kay. So you don't, you don't recall if it was on when you got there...

10 Schneider: Mm-hm.

11 Rosenquist: ...do you know who put it on?

12 Schneider: I don't recall.

13 Rosenquist: Did you ever see it taken off of him?

14 Schneider: I don't recall.

15 Rosenquist: Kay. Did you, so you were there before Fire arrived?

16 Schneider: Mm-hm. Yes.

17 Rosenquist: Yes.

18 Schneider: Mm-hm.

19 Rosenquist: Do you remember, do you recall Fire's response, emergency routine? Did they come
20 in with their lights on or off?

21 Schneider: I don't recall but I know it took uh it felt like it took a long time for Fire to get there.

22 Rosenquist: How long?

23 Schneider: Uh, I can't put a number on that.

24 Rosenquist: Just felt long?

25 Schneider: It felt like a long time.

26 Rosenquist: We've been, there's a couple statements out there that describe Fire arrives and

1 there's a conversation between TFD employees and the TPD officers that had Ellis
2 restrained. Um, in rega- there was a discussion one person described it almost as an
3 argument about Fire wanting the restraints removed from Ellis.

4 Schneider: Mm-hm.

5 Rosenquist: Do you recall that at all?

6 Schneider: I recall there that a discussion regarding the restraints being moved but I don't
7 remember specifics.

8 Rosenquist: Do you remember how long that discussion occurred. Was it...

9 Schneider: I do not recall.

10 Rosenquist: ...quick.

11 Schneider: I don't recall.

12 Rosenquist: Okay. Do you know what led to the restraints being removed.

13 Schneider: I don't recall.

14 Roberts: I- if I can go back to the hobbles, uh, and I don't wanna put words in your mouth,
15 you said you didn't y- y- the handcuffs were on is what you wrote in your report...

16 Schneider: Mm-hm.

17 Roberts: ...you didn't see the hobbles on, did you ever see the hobble applied?

18 Schneider: Honest, I probably did, yeah. I when I got there I don't recall them being on. Um,
19 and I don't recall who put them on. If, even they were put on.

20 Rosenquist: While you were on scene did you ever hear Ellis make a statement that, "I can't
21 breathe," or anything similar to that?

22 Schneider: No.

23 Rosenquist: How close were you to to Ellis while you were on scene.?

24 Schneider: Four to six feet, that I can recall.

25 Rosenquist: Did you observe any injuries on him? On Ellis?

26 Schneider: Not that I can recall, no.

1 Rosenquist: Do you remember what his condition was, and by asking that, I'm asking ya know
2 conscious, unconscious, responsive, non-responsive...

3 Schneider: He was c-...

4 Rosenquist: ...breathing, not breathing?

5 Schneider: He was conscious and breathing and yelling.

6 Rosenquist: Okay.

7 Schneider: That is what I can recall for his his condition.

8 Rosenquist: Did you ever see that condition change or deteriorate?

9 Schneider: Well, yeah. It eventually deterior- deteriorated.

10 Rosenquist: When did that occur in relation t-, di- was that before Fire arrived, after Fire arrive...

11 Schneider: After Fire arrived.

12 Rosenquist: So up until the point when Fire arrived, you believe, from your recollection you
13 believe Ellis was conscious?

14 Schneider: Yes.

15 Rosenquist: And that was based on him, him yelling?

16 Schneider: Yes.

17 Rosenquist: Was he moving around at all while this was occurring?

18 Schneider: Um, yeah.

19 Rosenquist: Can you elaborate on that or just...

20 Schneider: I mean, he's just yelling, thrashing around.

21 Rosenquist: Okay.

22 Schneider: Yeah.

23 Rosenquist: Do you recall whether or n- not he was ever moved into what we would call a
24 recovery position on his side?

25 Schneider: I don't recall.

26 Rosenquist: Okay.

1 Roberts: I- you say yelling, could you recall what he was yelling?

2 Schneider: No.

3 Roberts: Words, sentences?

4 Schneider: I don't recall.

5 Rosenquist: S-...

6 Roberts: D-...

7 Rosenquist: Go ahead.

8 Roberts: Do you recall where you were when when Sergeant Lim requested Fire?

9 Schneider: I know I was on scene I don't where in relation to Ellis or in relation to Lim.

10 Roberts: But, on scene?

11 Schneider: Yes.

12 Roberts: W- were you on scene when Lim woulda asked for to incoming to slow?

13 Schneider: Maybe. I, I don't recall him ever saying that.

14 Roberts: Kay. Thanks.

15 Rosenquist: Yeah and ya know like like I said before we went on tape, the reason we're asking
16 questions like that is because there's no arrival time listed for your unit in CAD. So
17 we're just trying to figure out what you heard, what you didn't hear and kinda gage
18 your arrival time based on that.

19 Schneider: Mm-hm.

20 Rosenquist: Um, we may have already asked this but I just want to be clear, Fire arrived, the
21 conversation occurs about the removal of the restraints. Did you see the restraints
22 being removed from Ellis?

23 Schneider: I know they were taken off, I don' remem- I don't recall watching them taken off. I, I
24 don't even know who took them off.

25 Rosenquist: Kay. That was that was my next question. Um, so Fire begins treating Ellis, did you
26 assist Fire with treatment at all?

1 Schneider: No.

2 Rosenquist: Kay. Did you see a cell phone at the scene or did you see any officers in possession
3 of a cell phone?

4 Schneider: A cell phone, y- are you saying Manny's cell phone?

5 Rosenquist: Yes.

6 Schneider: I, I don't know. I don't recall. No.

7 Rosenquist: Okay. Did you transport any of the involved officers away from the scene?

8 Schneider: No.

9 Rosenquist: Kay. You contact any witness at all while you were on scene?

10 Schneider: I attempted to, but I wasn't able to get a response from any of the neighboring
11 houses.

12 Rosenquist: Do you remember which, so your report indicates um two residences on the north of
13 96th Street.

14 Schneider: Yeah, the think I wanna say it's like a duplex or something. Right there to the north
15 and Derr took a couple of the houses and I took a couple of the other ones and I don't
16 know the addresses there. Um, but we knocked and no response.

17 Rosenquist: Kay.

18 Roberts: D- Did you have any physical contact with Ellis at all?

19 Schneider: No.

20 Roberts: D- do you recall at any time while you're there who might have?

21 Schneider: Well...

22 Roberts: Y- you didn't do CPR on him?

23 Schneider: No. Uh, well I know for sure Burbank and Collins did and then Ford and Rankine
24 but outside of those four um, I, I don't know who might've touched him.

25 Roberts: That's all I have.

26 Rosenquist: Okay. Um, anything else that you think we should know about or that you made we-

1 a- aware of that we didn't ask you about from that evening?

2 Schneider: No.

3 Rosenquist: Did you observe anything that you felt was inappropriate or violation of policy?

4 Schneider: No.

5 Rosenquist: I don't have anything else.

6 Roberts: Nothing.

7 Rosenquist: Okay. Uh, this is Sergeant Rosenquist. It is 2249 and this is the end of the interview.

8 END OF INTERVIEW/ar