

# TACOMA POLICE DEPARTMENT

## Intra-Departmental Memorandum



**TO:** Police Patrol Officer Armando Farinas  
Operations Bureau

**FROM:** Michael A. Ake  
Interim Chief of Police

**DATE:** December 20, 2021

**SUBJECT: INTERNAL AFFAIRS INVESTIGATION  
CASE# 21COM-0071**

### INCIDENT:

On March 3, 2020, at approximately 2322 hours, Tacoma Police Officers Chris Burbank and Mathew Collins were working together in a fully marked patrol vehicle. The officers made contact with Mr. Manuel Ellis in the area of South 96<sup>th</sup> and Ainsworth Avenue and physically attempted to take him into custody.

You were working together with Officer Andy Guiardinu and responded to the scene to assist after you heard Officer Burbank call out their location over the police radio; it sounded like he was actively engaged in a fight. You and Officer Guiardinu arrived at 2327 hours. Numerous other officers from various agencies also responded to assist to include the Tacoma Police Department, the Pierce County Sheriff's Department, and the Washington State Patrol.

When you arrived on the scene, you observed Mr. Ellis lying face down, handcuffed, and secured with leg restraints. You observed Mr. Ellis was alert and breathing; however, actively bleeding from his mouth. You observed Mr. Ellis spitting, but not targeting anyone. Based upon your training, you recognized this as a potential biohazard exposure and placed a Department-issued spit hood over Mr. Ellis' head. You relayed that you could see Mr. Ellis' eyes, nose, and the top of his mouth through the mesh portion of the spit hood. Once you applied the spit hood, you did not have any other contact with Mr. Ellis.

You stated that you never heard Mr. Ellis say he couldn't breathe nor did any officers inform you that Mr. Ellis had a breathing issue. Tacoma Fire Department (TFD) responded to medically assist Mr. Ellis to include TFD personnel Nicholas Wilson. Wilson explained in his interview that the spit hood is commonly used for patients who are combative and spitting to protect providers as it is as permeable as a mosquito net. TFD personnel Jeffrey Polo who was also on scene stated the spit hood was removed to care for Mr. Ellis and that his change of breathing did not relate to the removal of the spit hood. While on scene for approximately 3 to 5 minutes with Mr. Ellis, Polo stated Ellis' heart rate went from 80 beats per minute to zero where CPR was started. Mr. Ellis died at the scene.

### EXPLANATION OF ACTION:

I have reviewed the entire investigative packet and the complaint recommendations and findings by Assistant Chief Ed Wade. The Tacoma Police Department's Internal Affairs Section gathered materials from the Pierce County Sheriff's Department, the Washington State Patrol, the Pierce County Medical Examiner's Office, and the Washington State Attorney General's Office as part of their investigation.

The investigative packet included incident reports, transcripts of interviews, audio/video evidence, photographs, and various other reports. TPD's Internal Affairs Section interviewed and/or reviewed numerous witness statements including Tacoma Police Officers, Tacoma Fire Department personnel, and citizens.

You were alleged to have violated the policy of:

**P1.1.6.A.11 – Unsatisfactory Performance:**

*Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory Performance may be demonstrated by:*

- *A Lack of knowledge of the application of laws required to be enforced.*
- *An unwillingness or inability to perform assigned tasks.*
- *The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving Police attention.*
- *Absence without leave.*
- *Officers shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by Officers shall be truthful and complete, and no Officer shall knowingly report or cause to be reported any inaccurate, false, or improper information.*

**FINDINGS:**

After a thorough review of the facts available, I am exonerating you for the actions you took during the incident with Mr. Manuel Ellis. While the investigation showed you placed a spit hood on Mr. Ellis, I find your actions reasonable and appropriate under the circumstances. The application of the Department-issued spit hood on Mr. Ellis did not violate any Department Policies and Procedures.



Michael A. Ake  
Interim Chief of Police