

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

DATE: January 2, 2024

FROM: Assistant Chief Tammy Floyd *TF*
Operations Bureau Commander

**SUBJECT: COMPLAINT FINDINGS AND RECOMMENDATIONS
INTERNAL AFFAIRS CASE 21COM-0061
OFFICER TIMOTHY RANKINE**

SYNOPSIS

On Tuesday, March 3, 2020, at approximately 2322 hours (11:22 p.m.), Tacoma Police Department Officer Matthew Collins and Officer Chris (Shane) Burbank were on duty in a marked Tacoma Police vehicle and patrolling as a two-person car. At the intersection of South 96th Street and Ainsworth Avenue, they encountered Manuel Ellis, a pedestrian, after they observed Manuel Ellis attempt to enter a vehicle that was in the intersection. During the contact, a struggle between the officers and Manuel Ellis occurred while the officers attempted to take Manuel Ellis into custody.

Numerous officers responded to the scene from various agencies, including Tacoma Police Department (TPD) Officer Masyih Ford and Officer Timothy Rankine. Manuel Ellis was handcuffed behind the back and eventually a hobble restraint was used on his legs and attached to the handcuffs that had already been placed on Manuel Ellis. A spit hood was placed on Manuel Ellis by Officer Armando Farinas after one was requested due to Manuel Ellis spitting.

Per the Computer Aided Dispatch (CAD), at 23:25:44, Tacoma Fire/EMS were called to the scene by Sergeant Michael Lim. Officer Rankine kept control of and managed Manuel Ellis' condition on the ground while waiting for Tacoma Fire/EMS. Tacoma Fire/EMS arrived at 23:34:06. Manuel Ellis went into respiratory arrest and at approximately 23:41:11, his condition deteriorated into cardiac arrest. Despite resuscitative efforts, Manuel Ellis died at the scene. Tacoma Fire/EMS noted the confirmation of his time of death as 00:12:30.

TPD Command Staff and Internal Affairs were notified by scene commander Lieutenant Jennifer Mueller of the incident. TPD initiated the callout of the Pierce County Sheriff's Department's Independent Investigation Team (IIT) who responded and took over the investigation. The involved officers were transported from the scene to Sheriff Department offices where they were processed, and some were interviewed by IIT investigators. Other officers gave statements to the IIT on later dates.

In late May 2020, the Pierce County Medical Examiner released his findings. The Medical Examiner's report indicated Manuel Ellis' cause of death was "hypoxia due to physical restraint." Other significant conditions noted in the Medical Examiner's report were methamphetamine intoxication and dilated cardiomyopathy. The manner of death was classified as Homicide by Dr. Thomas Clark III, the Pierce County Medical Examiner.

At the time the incident occurred, the case was investigated by the IIT. As their investigation developed, it was determined that members of the Pierce County Sheriff's Department (PCSD) were actively

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involved in the encounter with Manuel Ellis, and on June 17, 2020, Governor Jay Inslee requested the Washington State Patrol (WSP) take over the independent investigation.

The State Attorney General's Office was involved in the investigation, and on May 27, 2021, criminal charges were filed against Officers Collins, Burbank, and Rankine regarding the death of Manuel Ellis.

There are two other Internal Affairs investigations related to this investigation – TPD IA #21COM-0069 regarding the actions of Officer Ford, and #21COM-0071 regarding the actions of Officer Farinas.

This investigation (21COM-0061) is specific to the allegations against Officer Burbank, Officer Collins, and Officer Rankine.

ALLEGATION

Officer Rankine has been accused of violating the Department Policies that were in effect in 2020: Conformance to Laws P1.1.6.A.02 and Use of Force Policy P3.1.

INVESTIGATION

As part of the investigation, Internal Affairs (IA) gathered material from a number of outside agencies. These agencies include the Pierce County Sheriff's Department, Washington State Patrol, Washington State Attorney General's Office, and the Medical Examiner's Office. The material includes, but is not limited to, incident reports, transcripts of interviews, audio/video evidence, photographs, and various reports. Internal Affairs either interviewed or reviewed interviews of a number of witnesses, including TPD officers, Tacoma Fire Department (TFD) personnel, and community members.

When asked if he believed the force he used against Mr. Ellis was reasonable and within Department Policy, Officer Rankine replied, "Yes." When asked if he believed he violated any Department Policy during this incident, Officer Rankine replied, "No."

I have reviewed the material and have summarized the relevant portions of the investigation below.

Criminal Investigatory Interview of Officer Timothy Rankine

Officer Rankine was partnered with Officer Ford when the incident with Mr. Ellis occurred. He and Officer Ford heard mic clicks over the radio followed by more mic clicks, and Officer Burbank yelled out the location, "96th and Ainsworth."

Officer Rankine described hearing Officer Burbank's voice over the radio, *"His voice, I had never heard it that, in that tone of voice before. It sounded super stressed, almost kind of in like a panic kind of voice. In my mind, instantly when I heard that voice, I wasn't sure what was going on. I thought maybe he was in a foot pursuit, but I remember I had been in foot pursuits with Officer Burbank in the, in the past and he's cool, calm, collected, very good at calling out his location even in a foot pursuit. So that immediately did not sit right with me and my partner."*

When he and Officer Ford arrived at 96th and Ainsworth, he described an ongoing fight between a black male, later identified as Mr. Ellis, and Officers Burbank and Collins. Officer Rankine could see Mr. Ellis was on the ground in a prone position (lying flat with the chest down and the back up). Officer Burbank was on Mr. Ellis' upper torso and Officer Collins was trying to secure Mr. Ellis' legs. Officer Rankine described Mr. Ellis' actions like watching an individual throw them (Officer Burbank and Officer Collins) around like rag dolls. Officer Rankine did not realize that Mr. Ellis was even handcuffed until he got close enough to his torso and saw his hands behind his back. Officer Rankine then checked the handcuffs to make sure they were secure.

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Officer Rankine asked what they could do to assist, and Officer Collins responded by asking for hobbles. Officer Rankine advised they (Officer Rankine and Officer Ford) did not have hobbles but told Officers Burbank and Collins they would help secure Ellis' legs. Officer Rankine said he assisted Officer Ford with securing Mr. Ellis' right leg and then heard Officer Burbank asking for help. According to Officer Rankine, Officer Burbank was still on top of Mr. Ellis trying to get him under control. Officer Rankine transitioned to Mr. Ellis' upper torso even though Mr. Ellis was still trying to kick his legs loose. Officer Rankine said Officer Collins and Officer Ford had Mr. Ellis' legs and were trying not to get kicked in the face. Officer Rankine observed Taser wires coming from Mr. Ellis and probes in Mr. Ellis' upper torso.

As Officer Rankine transitioned to the torso, he placed his right knee on the right shoulder area and his left knee on Mr. Ellis' lower back. Officer Rankine also said he secured Mr. Ellis' right arm because he was violently thrashing around. As soon as Officer Rankine was in this position, Officer Burbank appeared to change his position and was doing so when Mr. Ellis made a "bucking" move that tossed Officer Burbank off him. Officer Rankine said he saw Officer Burbank roll on the ground.

In an attempt to still get Mr. Ellis under control, Officer Rankine moved all of his weight to the middle of Mr. Ellis' body by placing his right knee over the top of his spine, just below the base of his neck. Officer Rankine then moved his left knee to the middle of Mr. Ellis' spine, on his lower back. Next, Officer Rankine kicked his ankles out, so he was almost in a seated position on Mr. Ellis. Officer Rankine stated, *"I was attempting to secure his left arm now, as this individual was still tryin' to violently thrash around. As this was going on I remembered this subject was, he was making really strange animal grunting noises. And I thought that was super weird and, but even before like I could even control his whole entire torso, I remember all four of us grabbing onto this individual and as he violently, the subject violently thrashed around I remember he was doing almost like a, like a, like a wiggle, like a worm. And as he was doing that he was pulling all four of us across the roadway. It, I, I remembered thinkin' to myself that I was like, I kind of was in this situation where I didn't really know what to do. One of the thoughts that came to my head was this might not really end well for all of us if this one individual can take all four of us and move us even though he was in handcuffs."*

Officer Rankine said he evenly distributed his weight across Mr. Ellis' torso, and this was the first time he heard Mr. Ellis speak. The first thing Mr. Ellis said to him was, "I can't breathe, I can't breathe." Officer Rankine said the remarks were made in a very calm, almost normal voice, which he thought was weird. Officer Rankine stated, *"If you're talking to me, you can breathe just fine."* Officer Rankine said he told Mr. Ellis to "stop struggling" and to "calm down" and if he did, he would release some of the pressure. At this point, the hobble had not been applied, and three officers were still working to keep control of Mr. Ellis.

Officer Rankine said he maintained his position until additional units arrived on scene. Officer Rankine does not know who placed the hobble on Mr. Ellis because he was too busy trying to hold him down. Officer Rankine mentioned that he noticed at this point that Mr. Ellis was really warm to the touch. Mr. Ellis was sweating profusely and when Officer Rankine later removed his patrol gloves, he noticed they were completely soaked, and it was not raining that evening.

Once additional units arrived on scene, Officer Rankine said he directed someone to assist in rolling Ellis onto his right side to conduct a weapons sweep. While conducting the sweep, Officer Rankine observed the placement of the Taser probes and removed them.

Officer Rankine described what occurred after the Taser probes had been removed, *"Once, once we had removed the probes he was, the subject was still laying on his right side. I was trying to talk to the individual but as I was tryin' to talk to him he violently started thrashing all over again so I instructed*

the Officers to roll, roll him back on his stomach as we applied, reapplied pressure on him just to hold him down."

Officer Rankine described the injuries he observed on Ellis as some minor cuts to his face that were bleeding, and his hands had blood on them. When TFD arrived, Officer Rankine was again holding Mr. Ellis in a prone position. Officer Rankine had his right knee around the right shoulder blade area, and his left knee was on the middle of Mr. Ellis' back. At this point, Mr. Ellis was no longer thrashing around as wildly as before. Officer Rankine noticed his breathing was still the same, and he could see Mr. Ellis' chest rise and fall. At this point, Officer Rankine made the decision to roll Mr. Ellis back onto his right side, into the recovery position.

Officer Rankine continued to evaluate Mr. Ellis' condition while he was in the recovery position by checking his pulse at the carotid artery. Officer Rankine thought it was weird that Mr. Ellis had a pulse rate around 80 beats per minute. Officer Rankine's first aid training includes the Army Combat Lifesaving Course, EMT Basic, and Tactical Combat Casualty Care while with the State Department.

Officer Rankine asked TFD firefighter Nicholas Wilson what he needed, and he instructed TPD to remove the handcuffs and hobble so Mr. Ellis could be placed on his back. TFD cut Mr. Ellis' pants and shirt and attached leads to his body. Firefighter Wilson remarked he needed an arm for an IV or he was going to code. Concerned Mr. Ellis would start fighting again if the restraints were removed, Officer Rankine asked Sergeant Lim for approval and was granted approval to remove the restraints.

Once the restraints were removed by Officer Rankine, he noticed Mr. Ellis' eyes were wide open, his chest was still rising and falling, and he was still breathing on his own. However, moments later, TFD asked for assistance with CPR on Mr. Ellis. Officer Rankine said he assisted with CPR until relieved. This was the end of Officer Rankine's involvement with Mr. Ellis.

Officer Rankine was asked by Keith Barnes (Pierce County Prosecutor's Office Investigator) if he used any force while sitting on/restraining Ellis, he stated, *"No."*

Officer Rankine confirmed he did not deploy any weapons, to include his Taser.

Internal Affairs Interview of Officer Timothy Rankine

Information gathered during Officer Rankine's IA interview was consistent with the interview he gave the PCSD after the incident summarized above. However, during the IA interview, he was asked to elaborate on some of his statements made in his PCSD interview.

The first was his initial observations of the struggle between Officer Burbank, Officer Collins, and Mr. Ellis. He said in part, *"Officer Collins was basically, for lack of a better term, mo-, mirroring Ellis' le-, uh, position. So he, he was facing the same direction as, uh, Officer Burbank and Ellis, um, he was trying to secure both his legs, uh, with both his arms, um, and Ellis was kicking violently, so, Officer Collins kicked out both his legs to get in a prone position to get lower, um, so that Ellis could not kick him."*

- When asked about the level of resistance (based on the Department's Use of Force Policy in 2020), he observed Ellis presenting when he first arrived on scene, Officer Rankine said in part, *"Using our use of force policy, actively resisting, um, and when you looked at Collins and the way he was kicking Collins, I would say almost to the point where he was assaultive."*
- When asked if the kicking that Ellis was doing was flailing at random or if he believed Mr. Ellis was targeting one or both of the officers, Officer Rankine said, *"I think he was targeting specifically Officer Collins, um, from what I remember is he was kicking violently towards Officer Collins' face, um, that's why Officer Collins got in a prone position to get low-, as low as possible to secure his legs."* Officer Rankine did not know if Mr. Ellis actually kicked Officer Collins.

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Officer Rankine was asked to elaborate on a statement he made during his interview with PCSD regarding Mr. Ellis pulling all four officers across the roadway as they struggled to control him. Additionally, Officer Rankine elaborated on the term “wiggle” used to describe Ellis’ movements in the struggle. Officer Rankine said, *“I mean it’s kinda how I describe it, but the way I describe it’s like a wiggle, kinda like a worm, like he was trying to just lift his upper body and his lower body, um, basically like he was trying to stand up, um, on us and that’s the best way I can describe it. Like he was just trying to move forward and backwards trying to just shake us off of him.”*

Officer Rankine also said in part, *“it’s the worm-type motion, um...but this is after he had bucked off Burbank and then Burbank had repositioned himself to gain control of his left torso area, um, and all four of us basically I had the right side of Ellis’ upper body, Burbank had the left side of the upper body, and then Ford was on the right leg and Officer Collins was on the left leg and all four of us were in the prone position, hanging on to him just trying to maintain control of him as he was trying to wiggle his way across the road.”*

- When asked how Mr. Ellis “bucked off” Officer Burbank, Officer Rankine said, *“I, he just kinda did a, he almost, I think he, I can’t say exactly but I think he got up towards his knee and just kinda to-, tossed his torso up and Burbank was in the process of transitioning up to his left side, um, it just kinda caught him at the right time and Burbank just rolled off of the side.”* Officer Rankine was asked to better describe his statement from the PCSD interview regarding his actions once Officer Burbank had been bucked off the upper torso, and it was just him securing the torso of Mr. Ellis.

Specifically, *“And that’s when I jumped, I moved my, all my weight to the middle of his body, securing my right knee over the top of his spine just below the base of his neck and then my left knee in the middle of his spine, on his lower back. At that point and time, I kicked my ankles out so I was almost in like a seated position on this individual.”*

- Officer Rankine described it in part, *“Basically...it’s the kneeling position with just your ankles kind of rolled under you, um, so you could put more pressure on. Um, don’t only where y-, from my statement to describe it is, it’s almost like you’re in a kneeling, seated position.”* After additional clarification on the description, Officer Rankine added, *“Um, for me the way I usually do the kneeling position when it comes to jus-, to arrestees or subjects, uh, I usually stay on my feet, so I stay or like sit on my ankles, um, if I need to apply more pressure, I tuck my, I basically roll my ankles in...so my shin, um, ends up resting on Ellis’ back.”*
- When asked how far Mr. Ellis managed to move the four officers, Officer Rankine stated in part, *“I can’t say exactly, um, if I was to guess, probably a few feet, um, the only thing I can think of is when we first got there and, and I explain in my statement that Collins was in a prone position trying to secure his legs, uh majority part of Collins’ body was on the curb, um, when he was dragging us across the roadway, both Ford and Collins their whole entire body was now on the roadway.”*
- Officer Rankine recalled giving Mr. Ellis commands to “calm down” during this time. He said no one else was giving commands.

Officer Rankine was asked to clarify a statement from his interview with PCSD regarding how Mr. Ellis was throwing all four officers around, and Officer Rankine was having concerns that if Mr. Ellis was not properly restrained and properly held down, officers could have seriously been hurt. Officer Rankine confirmed that concern was prior to the hobble being applied. When asked if he believed that even with handcuffs on, Mr. Ellis presented that much of a threat to the officers, Officer Rankine replied, *“Yes.”* When asked to explain his thought process, Officer Rankine said in part, *“That statement was, was basically my initial thoughts after he started dragging us across the roadway. Um, I just, in my mind, I,*

I didn't know what else to do, um, with the individual if he was, if four of us could not hold him down and control him, I didn't know what else to do so that was my thought process in my statement." When asked if he believed Mr. Ellis would have presented a threat if he was able to get to his feet, Officer Rankine stated, *"I do."*

Officer Rankine was asked about a statement he made during his PCSD interview regarding Mr. Ellis saying, "I can't breathe, I can't breathe." Officer Rankine's response to Mr. Ellis was to the effect of, "If you're talking to me, you can breathe just fine." Officer Rankine acknowledged Mr. Ellis was still resisting and struggling when those statements were made. Officer Rankine said, *"I think, my next statement that was said, uh, right after my response to him that, 'I can't breathe,' was on the lines of, 'If you calm down, I will release some pressure off of you.'"* Officer Rankine acknowledged that other than Mr. Ellis' statement, there was no indication coming from Mr. Ellis or any observation he made that indicated Mr. Ellis was having breathing difficulties. Officer Rankine confirmed that this was still prior to the hobble device being applied and in the time frame of when Officer Burbank *"already had been bucked off and it was only me on his upper torso."* Officer Rankine added in part, *"One thing I noted was that it was very weird, um, when he said, 'I can't breathe,' it wasn't in a panicked voice, it was just like I was just having a regular conversation like from me to you, um, it was very calm, monotone, 'I can't breathe, I can't breathe,' and then I responded."* When asked if his response to Mr. Ellis to the effect of "if you can talk to me, you can breathe" was meant to be sarcastic or of a reassuring nature, Officer Rankine said, *"No, it was more of a reassuring."*

- When asked if the amount of pressure he was applying to Mr. Ellis at this point could have affected Mr. Ellis' breathing, Officer Rankine said, *"Not from my training and experience. I do not think so."*

Officer Rankine was asked if once the hobble was applied, he ever heard Mr. Ellis say, "I can't breathe." Officer Rankine replied, *"No."*

Officer Rankine was questioned about what led to Mr. Ellis being rolled from the recovery position to his stomach. Officer Rankine replied, *"He started, um, when he was rolled over his side and he was hobbled, he started bucking pretty hard all over again and we were having a hard time, uh, maintaining control of him, uh, that's when I made the decision to roll him back over his stomach."*

- Officer Rankine was asked about how long Mr. Ellis had been on his side in the recovery position before he bucked again and was placed back on his stomach. Officer Rankine said, *"Couple of minutes, was best guess."* Officer Rankine said no one was giving any commands to Mr. Ellis at this time and that he was *"monitoring"* Mr. Ellis' pulse."

Later in the interview, Officer Rankine was asked to elaborate on monitoring Mr. Ellis' pulse. Officer Rankine said in part, *"I remember just making a note of it and even just ye-, like saying out loud was, 'That's weird,' and everyone just kinda looked at me and it was like his pulse is normal which is 80 beats, he just had been in a fight with four of us and was struggling with us for a few minutes to however long, um, and usually if anyone's doing that, guessing your heart rate should be in the 120, 130 range, um, but his pulse was normal, 80, like he was just resting."*

- Regarding Mr. Ellis' breathing, Officer Rankine said, *"I remember looking at his, when he was rolled over to his side, I remember monitoring his chest, and he seemed like he was breathing just fine."*
- Officer Rankine said during this point in time, he *"was controlling his upper body, but I don't know who else was controlling the bottom part of him."* When asked if anybody was applying pressure or physically holding Mr. Ellis down, Officer Rankine said, *"I was the only one that was applying pressure but it was to his right shoulder and, and that's about it. I kinda just pinning"*

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down his right shoulder." When asked to explain how he was "pinning" the shoulder, Officer Rankine stated, "Uh, just putting my knee, uh, towards the, his right shoulder blade, um, just holding him there." When asked to describe the position of his left knee, Officer Rankine said, "Uh, honestly, I, I don't remember... Possibly on the ground, possibly contact with, I, I don't know."

- When asked how long he thought Mr. Ellis remained on his stomach during this period, Officer Rankine stated, "Couple seconds to maybe, maybe a minute or two." Officer Rankine also stated in part, "I mean, he was rolled back over, um, per my recollection through my statement, uh, right as we saw Fire was coming towards us, so whe-, right as they turned onto Pacific."
- When asked if he saw any medical issue with Mr. Ellis up to the point of seeing TFD arriving, Officer Rankine said, "No."
- Officer Rankine said Mr. Ellis was repositioned from his back to his side so the restraints could be removed. Officer Rankine said he "assisted" with the removal of the restraints but did not know who else helped.
- When asked about Mr. Ellis' condition (responsive, non-responsive, breathing) once the restraints were removed, Officer Rankine said, "He was breathing on his own, um, I could see, like his eyes were wide open and he was looking around, um, responsive. I, I don't know. Fire wasn't really asking him too many questions. Fire was more talking to us than talking to him, um, but he was breathing on his own."
- Officer Rankine confirmed he assisted TFD with performing "Multiple cycles" of CPR on Mr. Ellis.

Officer Rankine did not see any officers strike Mr. Ellis when he was there. He said the physical force used while he was there was "more a control hold more than anything else. Uh, for all f-, four of us, um, the rest of and the other officers come th-, there was, we were just trying to control of him and hold him down..."

Officer Rankine was shown the cell phone video by Aiyana White, titled, "Cell Phone Video from Ms. White 1 of 2." Officer Rankine was asked to describe his position seen in the video. Officer Rankine said, "Yeah, I think this is what I w-, you, uh, what you guys were asking about, um, when he was on his side, um, my knee was basically trapping one of his arms and his, the other knee was just on the ground just trying to gain control of his one of his arms."

- Officer Rankine confirmed that the video shows Mr. Ellis in the recovery position, and he is positioned behind Mr. Ellis preventing him from rolling onto his back or stomach.

Officer Rankine was asked what he believed Mr. Ellis would have done had pressure not been applied to hold him down. Officer Rankine stated, "He'd have gotten free, broken away from our grasp." Officer Rankine confirmed that after there was no more struggling, the pressure was removed, and Mr. Ellis was rolled to his side.

When asked if he believed the force he used against Mr. Ellis was reasonable and within Department Policy, Officer Rankine replied, "Yes."

When asked if he believed he violated any Department Policy during this incident, Officer Rankine replied, "No."

When asked if he observed any action by any TPD officer at the scene that violated policy, Officer Rankine replied, "No."

Criminal Investigatory Interview of Officer Masyih Ford

When he and Officer Rankine arrived at 96th and Ainsworth, Officer Ford saw Officers Burbank and Collins fighting with a subject, Mr. Ellis. Officer Burbank was on Mr. Ellis' back, and Officer Collins had his legs. Mr. Ellis was pushing both officers off him, so Officer Ford immediately took control of one of his (Mr. Ellis') feet and pulled it toward him so he would not be kicked in the face. Once he had control of one of Mr. Ellis' legs, he saw that Mr. Ellis was handcuffed. Officer Ford said that the way Mr. Ellis overpowered Officers Burbank and Collins, whom he considered physically strong officers, was "weird."

Since he did not know what had transpired before his arrival, Officer Ford told Mr. Ellis to "just relax" and "just breathe" since he was screaming incoherently. Officer Ford said Mr. Ellis was "thrashing around," and he had to hold onto his feet "for dear life" to ensure he did not break free. He said Officer Collins requested leg restraints, but he and Officer Rankine did not have one. Officer Ford said TPD Sergeant Lim and multiple other units arrived on the scene, and while he was holding Mr. Ellis' leg down, the leg restraint was applied to Mr. Ellis shortly afterward.

Once the leg restraint was on Mr. Ellis, Officer Ford released his grip from his leg and held his foot while telling Mr. Ellis to "relax" and reassuring him that he would be okay.

Officer Ford was aware that Sergeant Lim had requested TFD, and he continued to tell Mr. Ellis to remain calm as Mr. Ellis continued to scream. Officer Ford said he could not recall what he was trying to say, but he did hear Mr. Ellis say, "I can't breathe." Officer Ford said the "remarkably calm fashion" in which Mr. Ellis made the statement did not sound like someone unable to breathe. However, once Mr. Ellis said he could not breathe, he was rolled over from his stomach to his side in a recovery position, and Officer Ford could see Mr. Ellis' face.

As Officer Ford continued to talk to Mr. Ellis, he asked Officer Rankine how warm Mr. Ellis was. When Officer Rankine told him that "he's burnin' up" and his pulse was low, Officer Ford suspected that Mr. Ellis was suffering from excited delirium.

When TFD arrived, Officer Ford said he ran up to them and advised that Mr. Ellis was unresponsive and possibly suffering from excited delirium. When TFD requested the restraints be removed from Mr. Ellis, Officer Ford warned them that Mr. Ellis had just fought with officers, was "incredibly strong," and to be cautious when the restraints are removed. Officer Ford said the restraints were then removed.

Officer Ford said Mr. Ellis was still breathing since he could see his chest moving, but he was unresponsive when TFD arrived. He believes TFD started CPR on Mr. Ellis within a few minutes of their arrival.

Criminal Investigatory Interview of Officer Chris Burbank

Officer Burbank was trying to control the torso of Mr. Ellis when Officer Rankine and Officer Ford arrived. Mr. Ellis "bucked" off Officer Burbank as he was trying to gain control of his torso area with Officer Rankine's help. At this point, Officer Burbank said he retrieved a leg restraint from his vehicle and applied it to Mr. Ellis' feet to keep him from kicking. Mr. Ellis was rolled on his side, and his restraints were removed when TFD arrived and made the request. Mr. Ellis was given repeated commands, and Officer Burbank described Mr. Ellis as assaulting officers and very strong.

Criminal Investigatory Interview of Officer Matthew Collins

Officer Collins said he requested leg restraints when Officer Rankine and Officer Ford arrived since they did not have control of Mr. Ellis. Officer Collins said Mr. Ellis was not listening to commands and actively fighting with officers. Officer Collins said he was exhausted and left Mr. Ellis' control to the other officers. He was aware that Mr. Ellis was placed in the recovery position, and he thought that Mr.

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Ellis might be experiencing excited delirium. Officer Collins said the leg restraint used on Mr. Ellis was his, it was Department-issued, and it came from his vehicle.

Criminal Investigatory Interview of TPD Sergeant Mike Lim

Tacoma Police Department Sergeant Mike Lim said that when he arrived on the scene, he saw Officers Burbank, Collins, Rankine, and Ford trying to hold Mr. Ellis down. Mr. Ellis was handcuffed and attempting to kick his legs around. Sergeant Lim said Mr. Ellis nearly got on his knees while the officers were trying to hold him down and appeared to have extraordinary strength. Sergeant Lim saw an officer retrieve a leg restraint and place it on Mr. Ellis' legs. Sergeant Lim said Mr. Ellis was sweating profusely and possibly suffering from excited delirium. Sergeant Lim requested medical aid to respond.

Criminal Investigatory Interview of PCSD Lieutenant Anthony Messineo

Pierce County Sheriff's Department Lieutenant Anthony Messineo responded to 96th and Ainsworth to assist officers and arrived on the scene less than one minute after Officer Ford and Officer Rankine. Lieutenant Messineo reported that Mr. Ellis was face down on the ground and was fighting, kicking, and making animalistic noises. Lieutenant Messineo said Mr. Ellis was "thrashing around," "moving," and "struggling," and he appeared to be "obviously on some type of drug." Lieutenant Messineo heard the request for a leg restraint and saw a TPD officer run to his vehicle to get one. He said there were five officers with Mr. Ellis, and one of the officers had control of Mr. Ellis' feet, pushing them toward his back in preparation to be restrained. Lieutenant Messineo saw PCSD Detective Sergeant Sanders assist the officers in detaining Mr. Ellis by holding Mr. Ellis' feet. Lieutenant Messineo heard officers giving Mr. Ellis commands such as "Give me your hands" and "Stop fighting."

After Mr. Ellis' legs had been restrained, he made animalistic noises while lying on his stomach. One of the officers stated that Mr. Ellis' temperature was "super-hot." Lieutenant Messineo said he "immediately" recognized that Mr. Ellis was experiencing excited delirium. He made this determination based on Mr. Ellis' agonal breathing, how he fought with officers, and his training and experience. Mr. Ellis was moved to a recovery position as medical aid was being requested.

Lieutenant Messineo never went "hands-on" with Mr. Ellis, nor did he observe any strikes of Mr. Ellis by the officers on the scene. Lieutenant Messineo said that once Mr. Ellis was placed in leg restraints, everyone went "hands-off." Lieutenant Messineo also heard an officer caution TFD personnel that Mr. Ellis would likely start kicking if the restraints were removed, but they were removed anyway.

Criminal Investigatory Interview of PCSD Detective Sergeant Gary Sanders

Pierce County Sheriff's Department Detective Sergeant Gary Sanders arrived around the same time as Lieutenant Messineo. Detective Sergeant Sanders saw four officers struggling to get Mr. Ellis handcuffed. After handcuffs were applied, an officer asked for a leg restraint. He saw an officer trying to use the leg restraint, so he grabbed one of Mr. Ellis' feet and pulled it toward Mr. Ellis' waist. Detective Sergeant Sanders said it took two officers to handcuff Mr. Ellis and two officers to try and pin his legs. Due to Mr. Ellis' kicking, Detective Sergeant Sanders said he assisted and took control of Mr. Ellis' foot.

Detective Sergeant Sanders said that Mr. Ellis was then on his stomach, struggling against the restraints, making a grunting or animal noise. He and Lieutenant Messineo thought Mr. Ellis was suffering from excited delirium and told officers on the scene their belief. Once the leg restraint went on, Mr. Ellis made several loud grunts and growls, and then he became quiet. Detective Sergeant Sanders said a mask (spit hood) had been placed on Mr. Ellis because he had been spitting, but he could see his eyes and "he just had the stare."

Detective Sergeant Sanders did not observe any officers striking Mr. Ellis or doing anything inappropriate. When Mr. Ellis stopped struggling against the restraints, he was put on his side. Detective

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Sergeant Sanders described Mr. Ellis as "pretty built" and a "bigger guy." He estimated the elapsed time from his arrival to when the leg restraint was applied was about 2 minutes. Detective Sergeant Sanders never heard Mr. Ellis say an intelligible word, just growls and grunts. Officers were giving Mr. Ellis commands like "stop resisting" and "put your hands behind your back." Detective Sergeant Sanders did not know if Mr. Ellis was breathing but did comment that one of the officers was doing a good job checking on Mr. Ellis, ensuring he was calm, monitoring his pulse, and telling him to focus on his breathing.

Criminal Investigatory Interviews of Tacoma Fire Department Personnel

The first aid vehicle that arrived was TFD Engine 10, staffed by Nicholas Wilson, Jeffrey Polo, and Marlon Ridgeway. Nicholas Wilson said that when he arrived, he observed superficial scratches and abrasions on Mr. Ellis, and officers were holding Mr. Ellis down so he would not get up and be a threat to them. When asked if Mr. Ellis was still breathing, Wilson said that Mr. Ellis had a "deteriorating respiratory drive" when he arrived. Wilson added that Mr. Ellis had agonal respirations and was not breathing normally. Wilson said Mr. Ellis had a slowing pulse and needed "aggressive airway management."

Jeffrey Polo said that when he arrived, Mr. Ellis was handcuffed and had a spit hood over his head. Mr. Ellis was saying muffled, garbled words, and his breathing was slow, with respiratory effort. Polo said Mr. Ellis had adequate respiratory drive when they arrived that deteriorated into labored, then ceased breathing. Polo said the spit hood was removed from Mr. Ellis when all other restraints were removed. Polo said he believed Mr. Ellis' condition was already on a downward trajectory, and his change in breathing was not related to the removal of his spit hood. Polo said that after approximately 3 to 5 minutes on scene, Mr. Ellis' heart rate went from 80 bpm to zero, and then CPR was started.

Marlon Ridgeway said Mr. Ellis was restrained and had a spit hood on when he arrived. Ridgeway described Mr. Ellis' breathing as shallow and said he was still breathing when the spit hood was removed. Ridgeway said Mr. Ellis did not appear to have trouble breathing with the spit hood on, and although his breathing was shallow, it did not change once the spit hood was removed. Ridgeway said the restraints and spit hood were removed when requested.

Other officers on the scene from several different agencies said Mr. Ellis was non-compliant, combative, breathing heavily, shouting, extremely agitated, fighting against the restraints, growling like a dog, and did not appear in physical distress.

FINDINGS

Officer Timothy Rankine has been accused of violating the following department policies:

P1.1.6.A.02 Conformance to Laws

Members shall obey all laws of the United States and of any state and local jurisdiction in which the members are present.

Members shall promptly report in writing, through the chain of command to the Chief of Police, when they are the subjects of:

- *An arrest or citation for a crime, including felonies, gross misdemeanors, or misdemeanors. Noncriminal infractions need not be reported*
- *Any arrest or administrative action, which results in the revocation or suspension of the member's driving privileges*
- *The exercise of police authority while not working in an official law enforcement capacity or off-duty employment, unless same is clearly indicated in Tacoma Police Department reports relating to the incident*

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- *The filing of civil litigation either by or against the member in connection with their City employment or official duties*

Members shall promptly report to the Chief's Office when requested to pick up legal documents serviced to Tacoma Police Department as the employer of the member. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.

On May 27, 2021, the Washington State Attorney General's Office filed a Declaration for Determination of Probable Cause, charging Officer Rankine with Manslaughter in the First Degree. The criminal trial involving Officer Rankine commenced on September 18, 2023. On December 21, 2023, a jury returned a verdict of "Not Guilty" in regards to the charge of Manslaughter in the First Degree.

I find this allegation to be **Unfounded**.

P3.1 Use of Force

Officers of the Tacoma Police Department may use force when necessary and shall use only that force which is reasonable.

On March 3, 2020, Officer Rankine responded to a priority backup call at South 96th and Ainsworth after hearing Officer Burbank screaming his location over the radio. Officer Rankine and his partner were the first TPD officers to arrive on scene, followed by PCSD Lieutenant Messineo and Detective Sergeant Sanders.

Upon arrival, Officer Rankine saw Officer Burbank and Officer Collins struggling to take Mr. Ellis into custody. Mr. Ellis had already been handcuffed, which Officer Rankine was unaware of. Multiple witnesses stated that Mr. Ellis possessed extraordinary strength, was sweating profusely, and was actively fighting against the restraints that were being applied. That level of strength and resistance by Mr. Ellis required multiple officers to try and control his movements.

The force used by Officer Rankine while Mr. Ellis was in the prone position consisted of placing his right knee at times on the back of Mr. Ellis, just below his neck. At the same time, he had his left knee on the middle of Mr. Ellis' back. He further described it as a kneeling position with his ankles rolled under him so he could apply more pressure if needed. It is almost like being in a kneeling, seated position. This would allow Officer Rankine to roll his ankles so a shin and/or shins would end up resting on Mr. Ellis' back.

Once Mr. Ellis was hobbled, he was placed in the recovery position, and Officer Rankine used his right knee to trap Mr. Ellis' right arm and his left knee was on the ground.

However, when Mr. Ellis started to struggle again, Officer Rankine rolled him back into the prone position, placed his right knee on Mr. Ellis' right shoulder, and he believed he had his left knee on the ground but could not recall. A short time later, TFD arrived, and Mr. Ellis was rolled back into the recovery position, and Officer Rankine again used his right knee to trap Mr. Ellis' right arm.

Once in custody, Officer Rankine tried to get Mr. Ellis to calm down by telling him to breathe, relax, and that he would be okay. Officer Rankine did note he thought it was weird that Mr. Ellis was sweating profusely but did not recall anyone mention the possibility of excited delirium. Officer Rankine monitored Mr. Ellis' vitals, rolling him back and forth from the prone position to recovery position more than once. Officer Rankine stayed with Mr. Ellis, trying to keep control of him, and when TFD arrived, he assisted with multiple rounds of CPR when instructed to do so by TFD.

This investigation showed that Officer Rankine has a background in EMT training as well as additional military medic training. Officer Rankine categorized Mr. Ellis' behavior as active resistant to possibly assaultive at times under the Department's 2020 Use of Force model. Officer Rankine used compliance techniques and control tactics, never raising to the level of defensive tactics. At no time did Officer

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Rankine use any force tools or strikes against Mr. Ellis. Given the circumstances and the facts known to Officer Rankine, I find these actions reasonable and necessary to assist in taking Mr. Ellis into custody, which included trying to stop his active resistance and to keep him from inflicting any harm to himself.

Under former Tacoma Police Department Use of Force Policy 3.1, which was in effect at the time of this incident, I find this allegation to be **Exonerated**.

RECOMMENDATION

I recommend the investigation be closed as **Unfounded** in regard to *P1.1.6.A.02 Conformance to Laws*.

I recommend the investigation be closed as **Exonerated** in regard to *P3.1 Use of Force*.

TF:man

cc: Officer Timothy Rankine
Tacoma Police Union, Local 6