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TAB 1

Case File Summary
Internal Affairs Case Number 21COM-0061

Complainant:	Chief Avery L. Moore
Incident Date & Time:	March 3, 2020, at 2322 hours (11:22 p.m.)
Location:	1400 (Ainsworth) South 96th Street, Tacoma
Related Case Numbers:	TPD and PCSD: 2006302251 WSP: 20009681 PCMEO: 20-0519
Related TPD IA Case Numbers:	20UOF-0025, 21COM-0069 and 21COM-0071
Involved Officers and Allegations:	Officer C. Shane Burbank - Conformance to Laws P1.1.6.A.02 and Use of Force P3.1, and Courtesy P1.1.6.A.17 Officer Matthew Collins - Conformance to Laws P1.1.6.A.02, Use of Force P3.1, and Courtesy P1.1.6.A.17 Officer Timothy Rankine - Conformance to Laws P1.1.6.A.02 and Use of Force P3.1
Involved Citizen:	Manuel Ellis
TPD Officer Witnesses:	Sergeants: Mike Lim and Greg Rock Officers: Masyih Ford; Armando Farinas; J.R. Smith; Herbert Chung; Ryan Warner; Ron Komarovsky; Wesley Schneider; Anna Brahs; Martese Hightower; Daniel Derr; Andy Guiardinu; Kate Madden
Other Police Agencies Witnesses:	PCSD: Lieutenant Anthony Messineo and Detective Sergeant Gary Sanders WSP: Trooper K.C. Jones Lakewood PD: Anthony Bucat
Tacoma Fire Department:	Nicholas Wilson; Jeff Polo; Marlon Ridgeway- (Engine 10) Tad Jackson; Kelly Sumner; Ronald Herrera- (Tower 2) John Brakebush; Chris Rady- (Medic1)
Citizen Witnesses:	Sara McDowell; Keyon Lowery; Seth Cowden; Shad Hayes; Aiyana White; Kennett Ashford-White; James Malang; Joe White
Type of Incident:	Use of Force – In-Custody Death Investigation
Criminal Investigators:	PCSD: Detective Sergeant Byron Brockway WSP: Detective J.N. Rhue State AG's Office – Assistant AG Kent Liu
Internal Affairs Investigators:	Sergeant Gary J. Roberts and Sergeant John Rosenquist (Ret)

SYNOPSIS

On Tuesday, March 3, 2020, at approximately 2322 hours (11:22 p.m.), Tacoma Police Department Officers Matthew Collins and Chris 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 gain entry into 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) Officers Masyih Ford and 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 also placed on Manuel Ellis by Officer Armando Farinas after officers requested a spit hood due to Manuel Ellis spitting.

Per the 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. Involved officers were transported from the scene to Sheriff Department offices where they were processed and some 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 indicates 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 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 related 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.

INVESTIGATION

TAB 1

This tab contains the Case File Summary.

TAB 2
This tab contains Internal Affairs (IA) notices and correspondence.

- The Notices of Investigation (NOI) were issued to Local 6 Vice President Henry Betts on May 28, 2021. Henry Betts accepted the NOIs on the involved officers' behalf and acknowledged acceptance via email.
- Local 6 Vice President Henry Betts accepted and served Officer Collins' Amended NOI and 48-Hour Notice on August 5, 2021. The amended NOI added the allegation of "Courtesy".

TAB 3
This tab contains the following documents for this incident, case #2006302251:

- The South Sound 911 (SS911) Computer Aided Dispatch (CAD) Incident Inquiry. *Note on Timestamps:* Time stamps entered into the CAD are delayed several seconds due to being typed into the CAD system by a SS911 dispatcher. However, exact time stamps of radio transmissions or "mic clicks" are captured by the computer system at the precise time they are made. Those time stamps are found in the SS911 "CALL DETAILS" radio log spreadsheet. TPD IA used the precise time for their TPD Radio Call Transcription and Details document.
- The SS911 South Primary radio channel CALL DETAILS LOG spreadsheet.
- A transcription of radio and dispatch traffic for case 2006302251 produced by PCSD and found in their case file noted as "FINAL TPD RADIO TRAFFIC." TPD IA added a "From PCSD Investigation" watermark to this document to show it came from the PCSD investigation. *This document contains several noted inaccuracies and missing information that TPD IA corrected in their "TPD Radio Call Transcription and Details" document.*
- A document titled "TPD Radio Call Transcription and Details" created by TPD IA that combines transcription from SS911 audio files with times and assigned radio details from the SS911 TPD South Primary radio channel CALL DETAILS LOG. TPD IA noted some missing information and inaccuracies with the radio transcriptions done by PCSD in their investigation. Some of those inaccuracies made it into the PCSD and the WSP PowerPoint presentations. This document by TPD IA clarifies inaccuracies and missing details of what was said on the radio, who said it, and when.

    An example of missing information from the PCSD radio transcription is seen throughout the document. The investigation does not identify speakers of radio dialog and uses "Unidentified Speaker" in the transcription. Using the SS911 Call Details Log, TPD IA was able to identify the speakers. An example of an inaccurate transcription is noted in a response to Officer Collins asking for someone to bring a set of hobbles. In the PCSD document, they attribute the response to Sergeant Lim, to the effect of, we're all out of hobbles. TPD IA notes that it was Officer Farinas that responds to Officer Collins' radio request by saying, "349, I have hobbles."

Example: The first CAD entry showing a location (96th and Ainsworth) transmitted by H317 is 23:22:28 hours. The exact time stamp into the "CALL DETAILS" radio log where the location was given by Officer Burbank (TPD 236) was 23:22:13 hours.

Select CAD Times & Entries:

23:22:28 hours: *Initial Event entered into CAD by SS911*; Location S 96th St / Ainsworth Ave. Shows H317, Officer Collins and Officer Burbank Dispatched-Call Source = Officer

23:22:33 hours: *Remark entered into CAD by SS911*; H317 --- Mic Clicks, Yelled Loc (Location)

23:22:42 hours: *Remark entered into CAD by SS911*; ACB (All Car Broadcast)

23:22:44 hours: *Remark entered into CAD by SS911*; H317 --- Unreadable

23:22:53 hours – 23:23:23 hours: Shows numerous units enroute to assist

23:23:24 hours: *Remark entered into CAD by SS911*; H317 --- N/A (No answer)

23:23:32 hours: *Remark entered into CAD by SS911*; H317 --- Mic Click

23:23:40 hours: *Event Updated into CAD by SS911;* Event Type: Unk, Priority 2

23:24:19 hours: Shows H031 Officer Ford and Officer Rankine Arrive

23:24:37 hours: H317 --- Need Hobbles (leg restraints)

23:24:44 hours: Shows S092, Sergeant Lim Arrive

23:24:50 hours: Shows PCSD 35, Lieutenant Messineo Arrive

23:24:52 hours: S092 --- Confirms Ainsworth

23:25:04 hours: Shows PCSD 160 --- Sergeant Sanders Arrive

23:25:18 hours: *Remark entered into CAD by SS911*; H317 --- Mic Click

23:25:22 hours: Shows S171, Sergeant Rock Arrive

23:25:25 hours: PCSD 35 --- 1 Det (Detained)

23:25:29 hours: S092 --- Incoming To Slow (Incoming Units can slow down)

23:25:48 hours: S092 --- Start Fire for Eval (Medical Aid)

23:26:22 hours: *Remark entered into CAD by SS911*; TFD ADV

23:27:38 hours: S092 ---Will need AMB (Ambulance) as well

23:27:47 hours: S092 --- Will need to be restrained

23:32:47 hours: S092 --- ETS For Fire? (Estimate Fire's Arrival)

23:34:06 hours: *Remark entered into CAD by SS911*; TFD Arriving

23:34:13 hours: S092 --- Copies (Acknowledges)

23:37:05 hours: PCSD 35 --- Fingerprint Scanner?

23:37:13 hours: PCSD 88, PCSD Youngman --- Getting Fingerprint Scanner

00:02:23 hours: PCSD 35 --- Adds Manuel E Ellis into CAD

00:20:04 hours: *Remark entered into CAD by SS911*; Names of TFD Personnel Added

00:25:44 hours: LT9 (Lieutenant Mueller) --- Did Fire get a body core temp and blood sample, Requests that TFD Return if they did not get them

00:25:49 hours: Request from PCSD Sergeant Brockway (161) for dispatch to initiate EB (EverBridge) mass notification to IIT members to respond for the incident

00:31:09 hours: *Remark entered into CAD by SS911*; Fire crew will return for core temp and blood sample

01:00:28 hours: First member of IIT PCSD Steven Mell (4212) arrives

00:47:55 hours: LT9 --- Body temp 96.7- 40 minutes after TOD (Time of Death)

02:41:51 hours: *Remark entered into CAD by SS911*; PER TFD, Time of Death: 0020 hours

(Note: Per the Medical Examiner and TFD/EMS' Prehospital Care Report, the Time of Death was determined to be 00:12:30)

06:23:01 hours: The CAD is closed out

TAB 4

This tab contains the Declaration for Determination of Probable Cause issued by the Washington State Attorney General Robert Ferguson's Office.

- Dated May 27, 2021, Cause #21-1-01286-6.

The declaration was made by Special Assistant Attorney General Patty Eakes and Assistant Attorney General Kent Liu.

The Declaration for Determination of Probable Cause concludes in part, "*The charge of FIRST DEGREE MANSLAUGHTER against BURBANK and COLLINS is supported by the above-detailed evidence showing that the officers recklessly caused Ellis's death when they (1) assaulted and restrained Ellis without justification; (2) failed to render or call for urgent medical aid after Ellis exhibited medical distress and said he could not breathe; (3) placed Ellis in hogtie restraints; (4) failed to alert other officers to Ellis's medical distress; and (5) failed to intervene when the officer put the spit hood on Ellis and then failed to remove the spit hood, among other facts and circumstances. The charge of FIRST DEGREE MANSLAUGHTER against RANKINE is supported by the above-detailed evidence showing that RANKINE recklessly caused Ellis's death when, after hearing Ellis say he could not breathe, RANKINE continued to hold Ellis in the prone position and to apply pressure onto his back. The charge is also supported by the evidence that RANKINE failed to render or call for urgent medical aid as Ellis exhibited signs of a medical crisis, failed to alert other officers to Ellis's medical distress, failed to stop another officer from putting a spit hood over Ellis's head, and failed to remove the spit hood as Ellis's condition declined, among other facts and circumstances.*"

TAB 5

This tab contains the PCSD PowerPoint presentation prepared by Detective Sergeant Byron Brockway.

- This PowerPoint is placed here so the reviewer can have a general review of PCSD's investigation.
- This PowerPoint presentation was obtained from the WSP investigation files in both a .pdf format and the PowerPoint electronic file copy. There are redactions in the .pdf format presentation. TPD IA requested the PowerPoint from PCSD. The copy obtained from PCSD was a .pdf with numerous redactions.
- It is not known if this presentation was meant to be a final product to be reviewed with the Pierce County Prosecutor's Office since Governor Inslee directed WSP take over the investigation around June 17, 2020.

Transcription inaccuracies TPD IA noted in Tab 3 are found on the "Summary of Radio Traffic" slides.

TAB 6

This tab contains Supplemental Report .24 for case 2006302251 created by PCSD Detective Sergeant Byron Brockway.

- Detective Sergeant Byron Brockway was the lead investigator for Pierce County's Independent Investigation Team (IIT) for this investigation.
- Detective Sergeant Brockway was called out to investigate the incident. He arrived to the scene at around 0138 hours on March 4, 2020. This report summarizes his investigation at the scene, initial assignments he gave other PCSD detectives assisting him, investigative leads he tracked, and contacts/interviews, etc., he conducted from when the incident occurred to around March 12, 2020, including but not limited to:
    - Initial contact with Aiyana White regarding the Vivint Doorbell video
    - Attending the autopsy of Ellis
    - Contacts with Ellis' family
    - Transcription of Tacoma Fire Department (TFD) dispatch
    - Contacts and interviews made regarding gathering background information on Ellis; Kimberly Mayes and her husband, Cedrick Armstrong (managers of the house program where Ellis lived); and Odel Williams (a former housemate of Ellis)

- This report also includes the following summaries of officer and actual citizen witness interviews Detective Sergeant Brockway conducted:
    - On March 5, 2020, Shad Hayes (Tab 16)
    - On March 6, 2020, Officer Burbank (Tab 12)

On March 6, 2020, Officer Rankine (Tab 14)
On March 9, 2020, Officer Collins (Tab 13)
On March 9, 2020, Officer Ford (Tab 15)

TPD IA summarized officer and witness interviews conducted by PCSD/WSP in other tabs. To review Detective Sergeant Brockway's summary of those interviews, see his .24 supplemental report.

In this report, Detective Sergeant Brockway described arriving at the scene and what he learned while there. He wrote in part, *"Lt Messineo and Det/Sgt Sanders were on scene. I learned that the subject was not handcuffed yet when Det/Sgt Sanders and Lt Messineo arrived. I learned the names of the TPD Officers involved. Officers Burbank and Collins were a double unit and were involved in the initial struggle. Officers Ford and Rankine were a double unit and arrived to assisted with the hobble restraint. These four Officers were at the Parkland Spanaway Precinct with their Guild Representative TPD Officer Betts. TPD Sgt Lim had also been on scene for some of the incident. I was informed by Lt Messineo that a fingerprint scanner had been used to identify the subject as Manuel Ellis DOB 08-28-86. The initial call came out at 2322 hours and Manuel was pronounced at 0012 hours. TPD Officer Chung was assigned to write the .1 report. I learned that Manuel's body core temperature was taken by the Fire Department 40 minutes after his death and was 96.7 degrees. The taser probes had been removed from Manuel. The taser wires were later booked into evidence by TPD.*

At around 0200 hours, Lt Messineo briefed myself and members of CIB on the case. Forensics Investigators Wilkins and Mell were also on scene. Lt Messineo had been working off duty in the area. Det/Sgt Sanders was also working off duty at PLU. They heard over the radio that TPD was fighting with a subject near 96th St/Ainsworth Ave S. When they arrived, there were four TPD Officers on scene and Manuel was face down on the ground. The TPD Officers were trying to handcuff him. He described Manuel as fighting, kicking and making animalistic noises. A hobble restrained was used to control him. Det/Sgt Sanders had helped them by holding Manuel's feet. Lt Messineo said Manuel went quiet but was snorting and moaning. TPD called for medical aid. Manuel was moved to the recovery position. Tacoma Fire and TPD conducted CPR on Manuel. The hobble restraint had also been removed… I learned that a hobble restraint was used by an unknown TPD Officer at the time and had been grabbed out of one of the TPD Officer's patrol vehicles. We did not know at the time who had used it and where it was located…There was a full one litter bottle of water and a box of donuts not far from the passenger side of the involved patrol vehicle. Those items were photographed at the time."

- During Officer Burbank's later interview, Officer Burbank told Detective Sergeant Brockway that he ended up putting the hobble device back in the patrol vehicle.

The PCSD IIT took possession of Officer Burbank's, Officer Collins', Officer Ford's and Officer Rankine's issued Tasers (ECT) when the officers were processed hours after the incident. Regarding those ECTs, Detective Sergeant Brockway wrote in his report, *"Over the course of the investigation, I checked out the four tasers from evidence. I was able to get two of the Tasers downloaded for Officers Rankin and Collins with the assistance of Sgt Leach. Rankin's taser had not been armed or used during the incident. Collins's time was ahead by 8 minutes. According to the download, Collins' taser was armed at 23:40 (corrected to 23:32) but not fired. The other two had to be downloaded by TPD due to being assigned to them according to the taser program even though all four were assigned to TPD. I went to TPD HQ and had TPD Officer Moses download Officer Ford's taser. It had not been armed or used during the incident. I returned those three tasers to TPD HQ and notified TPD Lt Lane. I had TPD Officer Chell download Officer Burbank's taser at TPD HQ. The time was ahead by 3 minutes. The taser was fired three times at 23:25:03, :26 and :51 (corrected to 23:22 hours). I placed Officer Burbank's taser back into evidence. I had all the taser downloads printed."*

TAB 7

This tab contains the Incident Report and subsequent Supplemental Reports for case 2006302251 written by Tacoma Police Department personnel.

- .1 – Reported by PPO Herbert Chung

  Officer Chung wrote in his report that he *"responded to S 96th St/S Ainsworth Av for officers (H317) sounding in distress while yelling out their location on the radio. An unknown trouble call was generated, resulting in multiple priority responses by officers around the city. Prior to my arrival, Sgt Lim (S092) advised units to slow their response, as PPO COLLINS and PPO BURBANK (H317) had one subject detained. They requested a hobble from responding units due to the subject being non-compliant and combative. Upon arrival, I observed the subject (later identified as O/ELLIS) laying on the North side of the intersection of S 96th St/S Ainsworth, in front of H317's patrol vehicle. O/ELLIS was laying on his right side facing East, in handcuffs and a hobble. O/ELLIS was yelling while rocking his body back and forth, appearing to try and break free of his restraints. Multiple officers were surrounding him, controlling him so he wouldn't kick anyone. TFD was requested to conduct an evaluation on O/ELLIS due to a taser being deployed during the original fight with officers. When TFD arrived on scene, O/ELLIS was still conscious and breathing. From TFD's walk from their engine located East of S Ainsworth to O/ELLIS's location, O/ELLIS suddenly went unconscious. TFD began CPR for approximately 40 minutes, attempting to revive him."*

  Per Sergeant Lim's request, Officer Chung transported Officer Collins from the scene to a PCSD Substation to be processed. Officer Chung returned to the scene and provided traffic control for the IIT investigation.

- .2 – Reported by PPO Ryan Warner

  Officer Warner wrote, *"On 3/3/2020, PPO Madden and I (as a two-man patrol unit) responded to S 96th and S Ainsworth to assist TPD officers actively fighting a subject. No other information was relayed due to the activity on scene. We arrived at approximately 2325 hours. I observed a male subject, later identified as O/MANUEL ELLIS, lying on his back detained in hand/foot restraints. O/ELLIS was breathing heavily and shouting. He appeared to be pulling at the restraints. TFD arrived at approximately 2334 hours and requested the restraints to be removed. At this time I moved closer to O/ELLIS to assist TFD as they began administering aid. I heard TFD say "he will code soon" and PPO Rankine and I asked what we could do. Per TFD request, I began CPR on O/ELLIS, switching off with PPO Rankine as necessary. O/ELLIS appeared unconscious at this point. We continued the CPR until more TFD showed up and took over all aid efforts within a few minutes. I cleared the scene shortly after O/ELLIS was pronounced deceased on scene and a crime scene log was established by PPO Madden."*

- .3 – Reported by PPO Ron Komarovsky

  Officer Komarovsky wrote in part, *"I heard Tacoma unit H317 (Officers Burbank and Collins) yell out 96 and Ainsworth, followed on by radio microphone clicks and further unreadable yelling. Based on training and experience, I believed that unit H317 was in a potentially dangerous situation and needed priority back up. I responded priority to S 96 and S Ainsworth. I was traveling behind unit S171 (Sgt G. Rock). Behind me, was unit U285 (Officer Brahs). I arrived on scene right behind unit S171. I observed the subject on the ground, on his back/side. The subject was already handcuffed and his legs were also restrained, behind his back. I observed that another officer was trying to keep him on the ground as he was very tensed up and it appeared was trying to move. I assisted that officer by placing my knees, hands and body weight on the subjects legs and held*

them there (to prevent the subject from further moving, injuring himself and /or other officers). I assisted other officers with rolling the subject onto his stomach."

When the scene appeared under control, Officer Komarovsky cleared the incident as it was past the end of his shift. He ended up calling Sergeant Lim and was directed to return to the scene, which he did.

- .4 – Reported by PPO Armando Farinas

  Officer Farinas wrote in part, *"I was working uniformed patrol for the Tacoma Police Department as a fully marked 2 officer unit (H349) alongside my partner PPO Guiardinu. While actively patrolling we were dispatched to South 96th & South Ainsworth Street to assist officers who requested priority backup. Prior to our arrival the unit on scene was unable to make clear and concise radio transmissions and it sounded as if there was a struggle ensuing. Upon arrival there was a black male subject lying face down in handcuffs which also had a hobble connected to them. The subject was alert and breathing and had blood on his face and coming from his mouth. Due to his assaultive behavior I placed a spit hood over the subjects head to protect everyone on scene from a possible exposure. Minutes later Tacoma Fire personnel arrived and began rendering medical aid. At this time I was handed a gathered up spent Taser cartridge from an assisting officer on scene. I had been notified that the cartridge was used to subdue the subject. Prior to leaving the scene I was assigned to be PPO Burbank's Critical Incident Liaison Officer and transported him to Pierce County's Sheriff Department's station located at 495 Shandon Wright Way. Once PCSD investigation team had completed their process I was relieved of my duty and returned to TPD Headquarters where the Taser cartridge was booked as evidence."*

- .5 – Reported by PPO Wesley Schneider

  Officer Schneider wrote in part, *"On 03/04/20, PPO DERR and I were operating as a two-man vehicle in the city of Tacoma. At approximately 2322 hours, we were dispatched to the listed intersection in reference an unknown trouble involving PPO COLLINS and PPS BURBANK. As we arrived, officers on scene advised that they had one male detained. I observed a black male in handcuffs laying in the westbound lanes of 96th Street, appearing to be extremely agitated…Tacoma Fire Department arrived on scene and provided medical treatment to the detained individual. I provided scene security until other units later relieved me."*

- .6 – Reported by PPO Daniel Derr

  Officer Derr wrote in part that he, *"was working as a two officer patrol vehicle with Officer Schneider when we were dispatched to assist Officer Collins and Officer Burbank with an unknown trouble in the area of S. 96th St/S. Ainsworth. Prior to arriving on scene, dispatch was informed that there was one subject detained. When we arrived, I immediately noticed a black male handcuffed and laying on the ground in the westbound travel lanes of S. 96th St. The subject was making a groaning sound and was surrounded by several officers. TFD then arrived on scene and began treating the subject. I then contacted the residence of 1443 S. 96th St...For the remainder of my time on scene, I assisted in scene security."*

  Officer Derr contacted two persons at 1443 S. 96th. Neither person saw anything related to this incident. One person heard the sounds of an argument outside and heard what was described as a "popping" sound.

- .7 – Reported by PPO Anna Brahs

  Officer Brahs wrote in part, *"At approximately 2325 hours, I arrived at the intersection of S 96th S/S Ainsworth where I heard via radio officers needed help. A few moments prior to my arrival, I heard an update that the subject was detained. When I arrived, I*

saw a male subject in restraints on the ground; the subject was still actively fighting against the restraints and officers had to hold him still so he did not hurt himself. TFD arrived on scene. I moved my patrol car to block southbound S Ainsworth at S 96th St and stayed as scene security until the scene investigation concluded."

- .8 – Reported by PPO Martese Hightower

  Officer Hightower wrote in part, *"I responded for priority backup for an officer at the intersection of S 96th Street and S Ainsworth Avenue. Upon my arrival, other officers that were on scene before me had the suspect detained and were awaiting for the fire department to look at him. I stationed my patrol vehicle westbound from the intersection to block off all eastbound traffic. When fire arrived, firefighters began lifesaving measures, in which I provided light, via my flashlight, for them to work."*

  Officer Hightower contacted two addresses for possible witnesses but found none and returned to the scene managing the Crime Scene Log.

- .9 – Reported by PPO Andy Guiardinu

  Officer Guiardinu wrote in part, *"I was working a two officer car with my partner PPO Farinas. At approximately 2322 hours we responded to South 96th St and South Ainsworth Ave to assist (H317) who requested priority backup on an Unknown trouble. While in route it sounded like an officer on scene was trying to get on the radio, but their transmission was unreadable with screaming in the back ground.*

  Upon arrival there were already multiple other officers on scene and a black male subject was detained. The subject was alert and breathing and it appeared as if he was still actively resisting. While on scene I assisted with scene security and traffic control. I was later advised by Sgt Lim to escort PPO Burbank to Pierce County's Sheriff Department's station located at 495 Shandon Wright Way. Once at this location I was assigned as PPO Collins' Critical Incident Liaison Officer. I was later released by Sgt Lim from the above listed location and returned to Tacoma Police Headquarters to book property."

  (Note: No property is listed in the Property Section of Officer Guiardinu's Supplemental Report. It was determined that property referred to by Officer Guiardinu was documented in his partner's report. See his partner Officer Farinas' .4 report for details of a Taser Cartridge were documented as being placed in evidence.)

- .10 – Reported by Sergeant Gregory Rock

  Sergeant Rock wrote in part, "*Just prior to my arrival I heard over the radio that they had one detained and incoming units could slow. I arrived on scene around 2325 hours. Tacoma Fire Department personnel were requested by officers on scene. Upon arrival I saw a male, later identified as Manuel E Ellis, on his stomach. Ellis was handcuffed and had his legs hobbled. Ellis was screaming and attempting to roll around. Officers Burbank, Collins, Rankine, and Ford were holding him in place so that he could not thrash around. After a while Ellis began to calm down. At this time only officer Rankine was holding him down. He then began to make a grunting or growling type sound. Ellis then became silent. Officers rolled the male onto his side. Tacoma Fire Department personnel arrived on scene and began to evaluate the male. Fire personnel asked for the male to be un-cuffed so they could put an IV in, which was done. A short time later fire personnel stated that CPR needed to be done on the male. I observed Tacoma Fire Department members and PPO's Rankine and Warner providing CPR to Ellis. At around 0012 hours Ellis was pronounced dead by Tacoma Fire Department. I than assured that the scene was secured and a crime scene log was started by PPO Madden. Sgt Lim who was also on scene made contact with Lt Mueller who responded to the scene.*

- .11 – Reported by Sergeant Michael Lim

  Sergeant Lim wrote in part, *"at approximately 2322 hours, I heard over the radio that an officer yelled out the location of "S. 96th and Ainsworth" with no further communication. This radio traffic was followed by additional mic clicks from the officer. Dispatch repeated the location and advised that it was from the 2-officer unit H317, Officer Burbank and Officer Collins. Upon hearing this, I responded emergency to the location. Based on my experience, when an officer transmits mic clicks on their radio they are typically in a physical altercation with someone. Dispatch attempted to get a response from Officer Burbank and Officer Collins but received no answer. I was heading EB on S. 96th Street when I arrived on scene at approximately 2324 hours and confirmed the location to dispatch. At the intersection of Ainsworth Ave, I observed Officer Burbank, Officer Collins, Officer Ford, and Officer Rankine attempting to hold down a male subject on the north side of the intersection in the street. I observed that the subject was on his stomach with the top of his head facing SB. I saw that the subject was handcuffed but was attempting to kick his legs around. At one point, I observed the subject nearly get up on his knees. He appeared to have extraordinary strength give the fact that multiple officers were trying to hold him down. An officer then retrieved a leg-restraint strap that was placed on the subject's feet to prevent him from kicking his legs at them and getting up. I observed that the subject was sweating profusely. I advised dispatch at approximately 2325 hours that we needed TFD to respond to the scene immediately to medical assess to the subject. Based on the subject's actions, I believed that he could possibly be under a state of excited delirium. I also requested an ambulance to the scene. TFD arrived on scene and began rendering medical aid to the subject.*

  I then contacted Officer Burbank and Officer Collins and asked them what occurred. Both Officer Burbank and Officer Collins advised me that they were stopped at a traffic light at the intersection facing WB. They advised that they suddenly observed the subject in the street near them attempting to get into an unknown vehicle that was passing through the intersection. The subject then came over the front passenger side of their marked patrol vehicle and suddenly punched the passenger side window. Officer Burbank and Officer Collins said that they exited the patrol vehicle to contact the subject when the subject immediately began swinging his fists toward them, striking them both multiple times to include in the face. The subject continued to assault the officers as they attempted to take him into custody by punching and kicking them. Officer Burbank advised me that he was able deploy his Taser toward the subject that appeared to be effective until the Taser cycle ended. The subject then continued his assaultive actions toward the officers until they were able to get him on the ground and secured in handcuffs.

  Sergeant Lim notified Lieutenant Mueller (the shift commander) of the incident, and she responded to the scene.

  Sergeant Lim assigned officers to canvass the neighborhood for possible witnesses.

  Sergeant Lim coordinated transporting involved officers to the PCSD for processing. He went there as well and separated the officers in different rooms while they waited for union representatives and peer support. He advised the officers not to discuss the incident.

- .44 – Reported by Captain (Ret.) Barton Hayes

  Captain Hayes wrote, *"I am currently the Patrol Commander for the Tacoma Police Department. I have held this position for over three years. On 3-4-2020 at approx. 1208 AM, I received a phone call from Lt. Mueller regarding an in custody death. At the time, Lt. Mueller was the on duty night shift commander for Tacoma PD. Shortly after receiving the phone call from Lt. Mueller, I notified Assistant Chief Shawn Gustason of the incident*

and told him I was responding to the scene at 96th S. Ainsworth. Upon arrival, I was immediately contacted by Lt. Mueller who briefed me on the situation. I do not recall how long I was at the scene, but after I cleared the scene, I went to the Pierce County Sheriff's Parkland Precinct. While there I checked on the welfare of the involved TPD officers and I conferred with my chain of command about the incident. I believe I was at the precinct for approximately two hours prior to clearing and going off duty."

- .46 – Reported by PPO Katherine Madden

  Officer Madden wrote in part, "*I am writing this report on 08/30/20 and this incident took place 03/03/20. I did not initially write a report regarding this incident due to the fact that I was a two officer patrol unit and PPO Warner (my partner) documented the incident in a report. Please see PPO WARNER'S report for more detail on behalf as we wrote that initial report together. On 03/03/20 I was working as a two officer patrol car with PPO WARNER in the City of Tacoma. While working patrol we heard mic clicks over the radio from PPO BURBANK, and PPO COLLINS. We proceeded to their location at the 9600 block of S Ainsworth. Upon arrival, the subject was already restrained by officers on scene. The subject was still flailing and attempting to roll over whiling still screaming. I assisted in holding the subjects legs still so he was not able to roll over. Once he calmed down I released his legs. I stood on scene security while waiting for Tacoma Fire to arrive on scene.*

  Once Tacoma Fire Department was on scene I assisted in holding a bag of IV fluids up until told by Tacoma Fire Department to do otherwise. PPO WARNER and I then began the crime scene log and sat on scene security until relieved."

- .47 – Reported by Lieutenant (Ret.) Jennifer Mueller

  Lieutenant Mueller wrote in part, *"On March 3, 2020 I was working as the night shift commander for the Tacoma Police Department in the City of Tacoma, Washington. At approximately 2322 hours I heard a distress call over my portable radio which sounded like an officer was in a struggle. There were several mic clicks and muffled voices. After a few seconds PPO Burbank got on the radio and yelled out the street name "Ainsworth" but no cross street…PPO Burbank was able to confirm his location in the 9600 block. Shortly after that Sgt Lim got on the air and slowed all incoming units down, confirming they had a person detained. At that time I also heard Sgt Rock arrive on scene. Approximately 20 minutes later Sgt Lim called me and informed me that the individual they had detained was now experiencing a medical emergency and that TFD was on scene providing life saving measures via CPR. I was surprised to hear this information since it appeared that he had the scene under control and the suspect was in custody. Sgt Lim explained that the individual, later identified as Manual Ellis, had been exhibiting classic signs of excited delirium when officers drove up upon him in the middle of the street trying to get into a an occupied vehicle. They stopped, rolled down their window to address him and he attacked them out of nowhere. He said that Ellis had punched one of the officers in the face and picked up and threw the other officer. He said the officers were grappling with Ellis on the ground while he continued to fight and resist them. As additional officers, from multiple agencies, arrived they were able to get him into custody and stabilize the situation. He said Ellis was alert and talking to the officers for several minutes before he began to show signs of medical distress. Sgt Lim asked repeatedly for the fire department to expedite their response recognizing the signs of a medical emergency. I immediately responded to the location. When I arrived Mr. Ellis had been declared deceased by TFD. I immediately made my notification to the chain of command via Capt. Hayes. I informed him of the incident and he said he would contact A/C Gustason. I then made a call to Lt Karl of internal affairs to notify him of the situation. I remained on scene until I was*

relieved by Captain Hayes and PCSO CID. While waiting for them to respond I was told that TFD failed to take a body core temp and blood sample from Ellis, which is customary in excited delirium cases. I requested TFD to return and take the samples. Approximately 40 minutes post mortem, Ellis had a body temp of 96.7 degrees. Once the scene was handed over to PCSO CID I responded to the PCSO substation on Pacific Ave to wait for the officers involved to be photographed, initially interviewed and released. I remained on scene until approximately 0404 hours when all officers were released."

- .48 – Reported by PPO Daniel Derr

  Officer Derr wrote, "*This supplemental report is in addition to 2006302251.6. On the night of the involved incident, I was riding as a two-officer patrol vehicle with Officer Schneider. During this time, I had taken possession of the cell phone located on A/ELLIS and the involved Taser prongs after they were placed on Officer Schneider's patrol vehicle. I do not recall what Officer placed the property on the patrol vehicle. The above property remained in my possession throughout my time on scene. The property was later transferred to an on scene Pierce County Deputy. I do not recall the Deputy's name or badge number.*"

- Memo to File – Reported by Lieutenant Chris Karl

  Lieutenant Karl was not at the scene when the incident occurred. He responded to the scene as part of TPD Internal Affairs. This report was written at the request of WSP during their investigation.

- Memo to File – Reported by Sergeant Gary J. Roberts

  Sergeant Roberts was not at the scene when the incident occurred. He responded to the scene as part of TPD Internal Affairs. This report was written at the request of WSP during their investigation.

TAB 8

This tab contains Supplemental Reports for case 2006302251 written by Pierce County Sheriff's Department personnel.

- .12 – Reported by PCSD Detective Jesse Hotz

  Took part in the interviews of PCSD Lieutenant Messineo and PCSD Detective Sergeant Sanders.

- .13 – Reported by PCSD Detective Alexa Moss

  Initially responded to the scene at 96th and Ainsworth. Assigned the task to assist PCSD Forensic Investigation Manager Wilkins with photographing and processing Officer Collins, Officer Burbank, Officer Ford and Officer Rankine at the Parkland-Spanaway Sheriff's Precinct (PSSP).

  Noted in the report injuries and damaged property of Officer Collins and Officer Burbank.

  A pair of gloves Officer Rankine had been wearing were taken as evidence.

  The Tasers (ECT or CEW) belonging to the officers were collected as evidence.

- .14 – Reported by PCSD Forensic Investigation Manager Steven Wilkins

  Initially responded to the scene at 96th and Ainsworth. Took forensic photographs of the scene.

  At the scene, Lieutenant Messineo gave Wilkins custody of a cell phone and Electronic Benefits Transfer (EBT) card belonging to Ellis. Lieutenant Messineo said the items were given to him by TPD Officer Derr.

  Went to the PSSP and forensically processed the involved TPD officers and PCSD Lieutenant Messineo and Detective Sergeant Sanders.

  Collected the TPD officers' Tasers and Officer Rankin's gloves.

Placed the collected evidence into property.

- .15 – Reported by PCSD Detective Sergeant James Loeffelholz
  Responded to the scene. Was tasked with scene documentation.
  Detective Loeffelholz noted in part, *"At some point, I heard from an unknown TPD Officer that Manuel had closed the passenger door on the Officer that was trying to get out of the vehicle on that side. I looked at the door to see if there was anything damaged or noticeable. I could see some smears on the window and back part of the door frame. There was also an unknown white looking substance smeared on the window. Directly below the door was a box of powdered donuts that were smashed. It is unknown if the white stuff on the window is from the donuts. I did not see anything else or any damage to the passenger door of the patrol vehicle."*
  Saw the spit hood used on Ellis. Noted in part, *"There was a white fabric material and black mesh item directly underneath his* [Ellis'] *head. I was shown an identical item later by TPD Officer Chung. That item is Tacoma's standard issue "spit mask", used to place on the head of subjects that are in custody and attempting to spit on Officers."*
  Attempted to verify where Ellis purchased the water and donuts from. Wrote in part, "*Based on the water bottle and box of donuts I thought it could be possible that Manuel had made a recent purchase at a nearby store. The only stores I know that are open late in the evening and close by are both 7-11 stores. One is on 96th and Pacific Ave, the other 96th and Hosmer. I went to both stores and spoke to the clerks, who did not have access to the camera systems. I left my business card asking if they could pass them on to the managers when they arrived for work. As of 3-5-20, at 1330 hours I have not heard from either store manager.*

- .16 – Reported by PCSD Detective Sergeant Thomas Catey
  Initially responded to the 96th and Ainsworth scene.
  Took part in the interviews of PCSD Lieutenant Messineo and PCSD Detective Sergeant Sanders at PSSP. Summarized their interviews in this report.

- .17 – Reported by PCSD Detective Patrick DosRemedios
  Responded to the PSSP and assisted Detective Moss.
  Assisted Detective Catey on March 4 and March 5 with canvassing the neighborhood looking for witnesses.

- .18 – Reported by PCSD Forensic Investigator Steven Mell
  Responded to the scene at 96th and Ainsworth.
  Documents laser scanning the area "Faro" and photographing the scene.
  Collected as evidence a pair of gloves found near Ellis against the curb.

- .19 – Reported by PCSD Forensic Investigation Manager Steven Wilkins
  This report is only to correct a Taser serial number to X00-349664. Item # MC10.

- .20 – Reported by PCSD Detective Franz Helmcke
  Among other tasks, this report documented Detective Helmcke's efforts regarding his contact with Aiyana White and Joe White regarding acquiring the Vivint Doorbell videos. Joe White emailed the videos to Detective Helmcke.
  Detective Helmcke documented in detail what is seen and heard on the 19 Vivint video clips he received from Joe White. He explained the video file names and the time the Vivint system used. *"The files were automatically named by the service provider, Vivint. The file names include the date and start time of the video (Note: time is stated in Universal Time Code [UTC] which is 8 hours ahead of local time). Example: the first video named "Vivint-Doorbell-2020-Mar-04-065606.mp4" is converted to 03-03-2020*

22:56:06 PST. There is no visible timestamp on the video, so any times during the playing video noted in this report are the number of seconds elapsed from the start time of the video. "

- .22 – Reported by PCSD Detective Franz Helmcke
  This report was generated by Detective Helmcke regarding his petitioning the court and being granted a search warrant related to obtaining Vivint videos directly from the company. He obtained a link from Vivint and secured the videos.

- .23 – Reported by PCSD Detective Franz Helmcke
  This report was generated by Detective Helmcke on March 26, 2020, regarding items collected by the Medical Examiner that Detective Helmcke checked out of property so he could have them photographed by Forensic Investigator Mell. Items were clothing, Taser wire/cartridge, and spit hood. After processing, items were booked back into property.

- .25 – Reported by PCSD Forensic Investigator Steven Mell
  Documented Forensic Investigator Mell's photographing Ellis' clothing, etc., with Detective Helmcke on March 26, 2020.

- .26 – Reported by PCSD Detective Sergeant Byron Brockway
  Documented updating and fixing typographical errors regarding statements from Officer Collins and Officer Rankine.

- .27 – Reported by PCSD Detective Sergeant Byron Brockway
  Documented investigative leads from the May 27, 2020, time frame including his contact with staff at Pierce County Alliance (PCA) regarding Ellis' treatment records via warrant and attempts to contact Mendel Everson.

- .28 – Reported by PCSD Detective Franz Helmcke
  This report documented the search warrant service for Ellis' treatment records from the PCA. Also documents his going to the Pierce County Property Room on June 2, 2020, to view and photograph the spit sock used on Ellis.

- .29 – Reported by PCSD Detective Sergeant Byron Brockway
  This report is from the June 2, 2020, time frame. Detective Sergeant Brockway documented receiving a call from a member of the Ellis family and being advised about the release of Ellis' cause of death. Detective Sergeant Brockway called the Medical Examiner's Office and was told the results had only been sent to the Prosecutor's Office and himself. Detective Sergeant Brockway located the results sent to him via interoffice mail and noted the results in this report.

- .30 – Reported by PCSD Detective Richard Folden
  This report was created to document details discovered in Ellis' treatment records obtained via warrant from the PCA.

- .31 – Reported by PCSD Detective Franz Helmcke
  Created to document contact with Tacoma Fire during the investigation and obtaining the audio recording of radio/dispatch and fire/medic units' Pre-Hospital Patient Care Report; additionally, to note a request with TFD for CAD information.

- .32 – Reported by PCSD Detective Franz Helmcke
  Documented June 4, 2020, Detective Helmcke being advised cell phone video of the incident was being posted to social media. He reviewed and downloaded the videos for evidence and recognized that it was recorded from the vehicle seen in the Vivint doorbell video he had previously viewed. These videos are the Sara McDowell videos; however,

Detective Helmcke did not know or use her name in the report. Detective Helmcke detailed in this report the videos and what is seen on them.

- .33 – Reported by PCSD Detective Jesse Hotz
  Documented additional neighborhood canvassing done on June 7, 2020.

- .34 – Reported by PCSD Detective Sergeant Byron Brockway
  In general, Sergeant Brockway documented a PCSD media release sent on June 4, 2020, to identify the occupants of the two vehicles behind the Police SUV at 96th and Ainsworth seen in the Vivint doorbell video. He documented the discovery of the cell phone videos taken at the scene and attempted to contact the person that took the videos. On June 7, 2020, Detective Sergeant Brockway learned that Sara McDowell did a CNN interview regarding her taking the videos. Sergeant Brockway attempted to locate her locally.

- .35 – Reported by PCSD Detective Richard Folden
  This report is a summary of an interview with Aiyana White on June 7, 2020, and obtaining two cell phone videos she took of the incident from her home at 1438 South 96th.

- .36 – Reported by PCSD Detective Franz Helmcke
  Detective Helmcke assisted in the June 7, 2020, interview of Aiyana White. Detective Helmcke received the two cell phone videos from White, and he documented what is seen on the videos. He wrote in part, *"Neither of the videos show the actual physical altercation between the officers and Manuel Ellis, but only the aftermath."* Detective Helmcke also noted being tasked with downloading the CNN interview of Sara McDowell and re-canvassing the area around the scene on June 7, 2020.

- .37 – Reported by PCSD Detective Sergeant Thomas Catey
  Detailed re-canvassing the neighborhood around the scene on June 7, 2020.

- .38 – Reported by PCSD Detective Patrick DosRemedios
  Detective DosRemedios summarized a June 8, 2020, interview of Kimberly Lux, an acquaintance of Ellis via treatment group.

- .39 – Reported by PCSD Detective Franz Helmcke
  From the June 8, 2020, time frame. Documented Sara McDowell not making herself available for an interview. Also documented the two news-related interviews Sara McDowell did – CNN and KIRO 7. Detective Helmcke noted that both interviews were transcribed and added quotes from those interviews.

- .40 – Reported by PCSD Detective Richard Folden
  Documented and summarized a June 8, 2020, interview of Kennett Ashford-White.

- .41 – Reported by PCSD Detective Franz Helmcke
  Documented receiving a copy of the State Patrol's response to the incident on March 3, 2020. Noted that their call to back up TPD was given report #2020030300002993, and only WSP Trooper K.C. Jones made it to the scene. Detective Helmcke detailed what Trooper Jones wrote in his WSP report on the incident.

- .42 – Reported by PCSD Detective Richard Folden
  Documented contacting the office of James Bible on June 8, 2020, seeking assistance in contacting Sara McDowell. Documented additional attempts to contact Sara McDowell and Keyon Lowery. When Lowery was located, no statement was obtained.
  Noted he contacted Mendel Everson who declined to be interviewed. Everson said he and Ellis parted ways on March 3, 2020, at around 2130 hours.

- .43 – Reported by PCSD Detective Sergeant Byron Brockway

  In this report, Sergeant Brockway noted updating the time line he created of the incident, Officer Farinas' arrival time, and transmission from Sergeant Lim where "I can't breathe" was heard. On June 9, 2020, he contacted Dr. Clark, only to find out by Dr. Clark that he was no longer the Medical Examiner.

- .45 – Reported by PCSD Sergeant Jason Youngman

  Sergeant Youngman went to the scene on March 3, 2020, at the request of Lieutenant Messineo and brought a fingerprint scanner to identify Ellis. When he arrived, TFD was performing CPR on Ellis. He spoke to Lieutenant Messineo and suggested a body core temperature and blood sample be obtained from Ellis.

TAB 9

This tab contains documents related to evidence received and placed into property by the Pierce County Medical Examiner's Office.

- Supplemental Report 2006302251.21 written by the Pierce County Medical Examiner's Office.
- A Property Report listing items placed into property by the Pierce County Medical Examiner's Office.

  Items included a blood card, a fingerprint card, Ellis' clothing, Taser wire, and the spit hood.

TAB 10

This tab contains the transcribed interview of Pierce County Sheriff's Department Lieutenant Anthony Messineo. The interview was conducted by the Pierce County Sheriff's Department during their investigation. The interview occurred on March 3, 2020, at 0313 hours.

- On March 3, 2020, Lieutenant Messineo was working off duty at the Alta Apartments (2220 97th Street Court South, Tacoma). Lieutenant Messineo was meeting with Detective Sergeant Gary Sanders (who was working off duty at Pacific Lutheran University) when Dispatch ACB'd a call that Tacoma Police were fighting with one at South 96th and Ainsworth. Lieutenant Messineo and Detective Sergeant Sanders responded to assist. Lieutenant Messineo arrived first, with Detective Sergeant Sanders arriving right behind him. Upon arriving, Lieutenant Messineo observed the following: Two officers were holding a suspect (Ellis) down on the street, in the middle of the intersection.
- Lieutenant Messineo described the officers and Ellis' location as the north side of the intersection, near the east crosswalk.
- A Tacoma PD patrol car was stopped at the intersection facing west.
- As he and Detective Sergeant Sanders arrived at Ellis' location, two additional Tacoma officers arrived on scene, described as almost simultaneous with their arrival.
- The officers were trying to place Ellis in handcuffs and, within a few seconds, were able to do so. Later in the interview, Lieutenant Messineo said he believes Ellis was placed into handcuffs within 10 seconds of his arrival.

Lieutenant Messineo was asked about the positioning of Ellis and the two officers.

- Ellis was face down with the officers on his back, holding Ellis down, attempting to detain Ellis in handcuffs.
- One officer was in the middle of Ellis' back, the other officer was described as being "to his eight o'clock."
- Lieutenant Messineo observed Taser wires on the ground, to the left of Ellis.
- Ellis was making animalistic noises and grunts while thrashing around on the ground.

- A Tacoma PD officer asked about a hobble, and Lieutenant Messineo observed a Tacoma PD officer run eastbound to a patrol car and return with a hobble.
- A Tacoma PD officer pushed Ellis' legs toward his back while Detective Sergeant Sanders held Ellis' feet.
- Lieutenant Messineo observed five officers controlling Ellis.
- Lieutenant Messineo confirmed he never went "hands on" with Ellis during the incident.
- Lieutenant Messineo confirmed that he did not observe any strikes to Ellis by any of the officers.

Lieutenant Messineo was asked about the techniques used by the officers as they were trying to detain and handcuff Ellis. Lieutenant Messineo stated, *"No. None. They was on, on his back, the rear mount but he was thrashing around."* When asked to define thrashing, Lt. Messineo stated *"Moving. Struggling."* And, *"You know thrashing like a fish out of water. Just feet and legs and, and torso. He, he's obviously on some type of drug."*

Lieutenant Messineo was asked about Ellis' position while the hobble was being obtained and during the hobble application.

- Ellis was on his stomach, being held down by an officer that was on Ellis' back.
- An officer had control of Ellis' feet, describing the ankles as crossed, pushed toward his butt in preparation for the hobble application.
- Lieutenant Messineo confirmed that Detective Sergeant Sanders assisted in the detention of Ellis by holding Ellis' feet.
- After the hobble was applied, Ellis went quiet and stopped moving, adding the animalistic noises stopped, but the grunting started.

Lieutenant Messineo was asked to describe the process used to apply the hobble, *"Yes. Wrapping the, the hobble looks like a dog leash'ish. It resembles one. And you put the loop around the crossed ankles, wrap it around a couple times and then you attach the clip to the handcuffs."*

Lieutenant Messineo was asked about what led to medical aid being requested for Ellis, *"Yes. After he was hobbled he was still on his, on his stomach, the suspect. And he's making these noises and one Officer made the comment this guy is super hot, temperature wise and my, through my observations, the noises he's making and the, the fight he put on, the noises he's making, the agonal breathing and now the temperature, I immediately recognize it as excited delirium."* and *"And I knew we needed Fire, medical aid. But the other Officers standin' around, they didn't recognize what they had so I said hey guys, this is excited delirium and a female Officer, I don't know who she is, she, I, I saw her call for medical aid."* Lieutenant Messineo explained that he received training on excited delirium during in-service defensive tactics training.

Lieutenant Messineo said that while waiting for Fire, Detective Sergeant Sanders told them (unknown who) to move Ellis to a recovery position, on his side, not on his stomach, so he could breathe.

Lieutenant Messineo was asked how much time elapsed between the hobble application and the arrival of Fire.

- Lieutenant Messineo believes it was around 10 minutes.
- Fire responded routine, no sirens, no lights.
- After arriving, Fire asked for the hobble to be removed.
- Lieutenant Messineo confirmed the hobble was removed, but does not know who removed it.
- Lieutenant Messineo was asked a clarifying question about the removal of the hobble, *"I remember a verbal exchange between the paramedic and, and several Tacoma Officers that were there at the suspect. Fire wanted the hobble taken off and they were sayin' hey, he's gonna kick, we don't wanna take it off. But Fire, it was an argument, that's what it was. Fire said we need it off because I want it off, so it was taken off. I don't know by whom."*

Lieutenant Messineo was asked what was going on during the 10-minute response time by Fire, *"Suspect was in the recovery position and there was Officers with him. He had his eyes open and appeared he was breathing. 'Cause when I saw his, him just staring at, into space I, I even looked at his chest to make sure he was, his chest was moving and it appeared that he was breathing."*

Lieutenant Messineo was asked by Detective Hotz if the officers were still hands on with Ellis once the hobble had been applied, *"No. None."* Adding, *"Once he was detained in a hobble everybody went hands off."*

Lieutenant Messineo was asked about Ellis' struggling once the hobble was applied, "*Yes. It was very interesting that once that hobble went on he went quiet, he did not move. Wasn't until, they did put a spit hood on him."* Lieutenant Messineo confirmed the spit hood was placed on Ellis by a Tacoma PD Officer. Lieutenant Messineo confirmed Ellis was still on his stomach when the spit hood was applied.

Lieutenant Messineo advised an unknown Tacoma PD officer gave him a zip-lock evidence bag containing evidence from Ellis. Lieutenant Messineo eventually gave the zip-lock bag to Forensics.

Detective Sergeant Tom Catey asked Lieutenant Messineo and Detective Hotz if there was anything else. Detective Hotz asked Lieutenant Messineo if he observed the officers apply an LVNR, or anything similar. Lieutenant Messineo stated, *"A No. I'm glad you mentioned that, when I got there the, the, when I saw two Officers there stru, strugglin' with this guy, when I, when I ran up to 'em the suspect's head was facing me and through my mind, in my mind I was like they're fightin' him, there's his head, I'm going to LB and R him. But it wasn't needed. So they weren't doing that. There was no, other than attempting to detain him in handcuffs, there's no force being used that I...." "That I witnessed. This, this entire scene except the hobble and handcuffs."*

Lieutenant Messineo was asked if he observed any injuries to Ellis. Lieutenant Messineo confirmed he did, that he observed blood on Ellis' face and hands.

Lieutenant Messineo was asked about the position of the officer's knees on Ellis. Lieutenant Messineo stated, *"I can't remember if they're straddling his back or one knee maybe on his back and one on the ground. I, I, I don't remember exactly where the Officer's knees were."*

Lieutenant Messineo described Officers Burbank and Collins, using the words "smoked," "tired," and "exhausted."

Lieutenant Messineo confirmed the involved officers were wearing Tacoma PD jumpsuits and were readily identifiable as law enforcement officers.

Lieutenant Messineo was asked if he heard the officers saying anything to Ellis. Lieutenant Messineo stated, *"Ahh, no. I, I don't remember. I remember a specific man say give me your hands, stop fighting."*

Lieutenant Messineo was asked if an officer said anything about Ellis, where he came from or anything like that. Lieutenant Messineo responded with a few statements.

- *"Yes. Glad you asked that. They said they were routine patrol across that intersection and the suspect was goin' after a car on this, on the south side intersection, in the county."*
- *"He's goin' after a citizen car. That citizen car just drove off. The suspect then crossed the intersection into the city..."*
- *"And the Officer said and attacked their car, punchin' their, punchin' their window. They get out, he attacks them. Hence, their lights on, their emergency lights aren't on 'cause (unintelligible) in a lane at the intersection. They're just mindin' their own business, drivin' down the road at a red light and suspect attacks them."*

There was no description of the vehicle Ellis contacted, only that it was driven by a female.

Also contained within this tab are the following:

- A diagram of the intersection of South 96th and Ainsworth where Lieutenant Messineo noted the position of Ellis and his patrol car.
- The forensic photos of Lieutenant Messineo that were taken after the incident occurred.

TAB 11

This tab contains the transcribed interview of Pierce County Sheriff's Department Detective Sergeant Gary Sanders. The interview was conducted by the Pierce County Sheriff's Department during their investigation. The interview occurred on March 3, 2020, at 0408 hours.

Detective Sergeant Sanders confirmed he was working off duty at Pacific Lutheran University and was aware that Lieutenant Messineo was working off duty at the Alta Apartments. While "roadsiding" with Lieutenant Messineo, Dispatch advised that Tacoma was fighting with one at 96th and Ainsworth. They looked at the call on their MDS and found there was a two-officer car on scene by themselves. They both responded to 96th and Ainsworth with Lieutenant Messineo arriving just before him.

Detective Sergeant Sanders observed four officers fighting with a subject (Ellis).

- They were not really fighting with Ellis, they were getting ready to handcuff him.
- After the handcuffs were applied, an officer asked for a hobble.
- A Tacoma PD officer was trying to apply the hobble to Ellis' legs.
- Detective Sergeant Sanders grabbed Ellis' foot and pulled it toward his waist.
- Eventually the hobble was placed around Ellis' legs and attached to the handcuffs that had already been applied.
- Detective Sergeant Sanders described Ellis as "pretty much contained" after the hobble application.

Later in the interview, Detective Sergeant Sanders described the hobble, *"It was a black, almost looked like, almost looked like a zip tie. I mean not a zip tie, a tie down strap like you use to strap stuff down in the back of your vehicle, 'cause the loop, and then I noticed it had that where you can push to release it, so you can tighten it up. And then at the very end it had the, the, how do you describe it. Kind of like a dog leash, you know where you pull down and then it can latch on to the handcuffs."*

Detective Sergeant Sanders confirmed all four officers that were on scene prior to his arrival were all readily identifiable as police officers, wearing fully marked Department jumpsuits.

Detective Sergeant Sanders observed a Tacoma PD patrol car parked on South 96th, facing westbound at the light at Ainsworth; adding, the officers struggling with Ellis were right in front of the patrol car. Detective Sergeant Sanders marked the location of the patrol car and where the struggle occurred on a dry erase board. A photo was taken of the diagram and is included within this tab.

Detective Sergeant Sanders confirmed Lieutenant Messineo never went hands on with Ellis during the incident.

Detective Sergeant Sanders was asked about Ellis' positioning. Detective Sergeant Sanders said Ellis' head was facing south, adding, *"I think at that point he was on his stomach, so his legs kind of that way, they had his hands cuffed, and then they were puttin' his feet in the hobble over it."*

Detective Sergeant Sanders was asked if the officers were putting any weight on Ellis or bending over him while applying the handcuffs, *"They were, I mean he was fighting, I wouldn't say he was actively fighting at that point because they had control of his arms, but he was still struggling. He was making like a grunting, like an animal noise."*

Detective Sergeant Sanders added, *"I think both Tony and myself immediately recognized the, the grunting and the, how he was acting and stuff, and we both said to each other, hey, this looks like excited delirium."* Detective Sergeant Sanders confirmed Lieutenant Messineo advised the Tacoma PD officers about his belief of excited delirium.

Detective Sergeant Sanders was asked if Ellis made any statements while he was fighting/struggling, *"No, he never made anything. Once we got him, it was pretty, pretty controlled at that point, except for, me made a couple like kind of loud grunts and tried to get up a couple times. Or, I don't know, he couldn't really get up, 'cause he was hobbled, but he'd do like the, kind of a flinch and make a more loud growl I guess you would say it was."* Detective Sergeant Sanders added, *"And then he kind of just went quiet. And then you could see his, he just had the stare, and they had the mask on him, 'cause he was spittin' and stuff. And then they called for fire pretty much once he was hobbled, and it seemed like it took forever for them to get there."*

Detective Sergeant Sanders was asked if the Tacoma PD officers gave Ellis any commands. He confirmed they did, *"stop resisting. They were saying put your hands behind your back. I heard that a lot. And then they were just, you know, they were trying, one, one individual, I don't know which one it was, but was talkin' to him quite a bit trying to say hey just calm down guy, we're gettin' you, you know, just calm down, focus on us, focus on breathing. 'Cause he was just kind of doing that grunting animal stuff."*

Detective Sergeant Sanders confirmed it required two officers to place Ellis into handcuffs while two additional officers were trying to pin Ellis' legs due to Ellis' kicking. Detective Sergeant Sanders stated, *"He was just gruntin', kind of flailin' around. He wasn't, at this point he's on his stomach, so he's not actively punching and stuff. But he was still trying to, he was resisting and was trying to move to get away from them."*

Detective Sergeant Sanders confirmed he did not observe any strikes by the Tacoma PD officers against Ellis. Detective Sergeant Sanders observed Taser probes connected to Ellis' body, describing them as attached to Ellis' mid-section. Detective Sergeant Sanders stated, *"And I did hear one of the, one of the TPD officers say that he had tased him, I think three times. Somebody had tased, he'd been tased like three times."* Later in the interview, Detective Sergeant Sanders also confirmed he did not see an LVNR application during the incident.

Detective Sergeant Sanders was asked if he observed any injuries on Ellis. He confirmed he did; blood and abrasions on Ellis' face, specifically his cheekbone and chin.

Detective Sergeant Sanders was asked about the blood on Ellis' face, *"There was blood and then, yeah, just right, kind of general. It was all over kind of, his lip, his mouth, and then once they put the spit sock on him, and then once they took that off, that was covered in, in blood."* Later in the interview, Detective Sergeant Sanders reported the spit sock was removed once Fire arrived on scene.

Detective Sergeant Sanders was asked about Ellis resisting, *"Yeah, he was, I mean he had four people on him. So it was hard, and, but he was still actively resisting and still trying to kick and move his arms and stuff like that. So two, the two officers were on his feet and kind of pushing him together. And that's when one of the hobbles got around one foot. And that's when I pulled his other leg up and it got around the other. And then they cinched it."*

Detective Sergeant Sanders was asked about Ellis' movement after the hobble was applied, *"Once the hobble, once he was hobbled there was a couple more struggles, the kind of loud grunt that I said he made, a growl or whatever. And then it kind of flailed, and then he stopped. And then he was just laying there. I think, we told, I think Tony was the one that said roll him on his side, 'cause he was on his face, so, I remember from excited delirium, you don't want them on the, with the pressure and compacting the chest and stuff, so we rolled him to the side.*

They rolled him to the side, and we just waited for fire to get there." Detective Sergeant Sanders estimated the time between his arrival on scene to the hobble application as being around 2 minutes.

Detective Sergeant Sanders was asked if he was aware of what led to the contact with Ellis, *"I remember them talking after he had been hobbled and stuff, and they, they mentioned that he, they just pulled up to the light and they said this guy, the guy that was, they were struggling with was over at this car. There was a car that was parked there. And the car took off real fast. And then he just ran right at their vehicle and basically slammed into it. And one officer said he was able to push him with the door to get him up and then the fight was on. And it was just, the, he said there wasn't, no interaction, no nothin'. I mean, that's the gist of what I got, from what they said."* Detective Sergeant Sanders confirmed there was not a description of the car Ellis allegedly engaged in the intersection.

Detective Sergeant Sanders was asked if he observed anything inappropriate by the officers, *"No. No, not at all. I mean they were all working to control him. I didn't see any strikes that looked questionable. I didn't see any force that they were doing, what they could to get him in the hobbles and from what I observed from him, it looked like, and from seeing the officers, it looked like they had been in quite the fight. And, and the guy was, he was pretty built, and he was a bigger guy. I just know 'em from, you know, just kind of that excited delirium there. You're a big guy already, and then you're in an excited delirium state, you're puttin' up even a bigger fight. But yeah. Everything looked appropriate to me."*

Detective Sergeant Sanders believes Ellis was still breathing before Fire's arrival. Detective Sergeant Sanders was asked if he could see Ellis breathing, *"I don't, one of the officers, I mean he was doing a good job, had, you know, had his fingers on his pulse, was keepin', making sure of his pulse and he, he said that the pulse was calm, but he was hotter, he was very hot."*

Detective Sergeant Sanders was asked if Ellis was still in handcuffs when Fire was working on Ellis, *"No. Once, once he coded, took all the handcuffs off, everything off. When fire first got there they wanted to get an IV in him and were, they were just saying we need an arm, and we're like, one of the Tacoma Firefighters, and they're like well what do you need us to do. And it's like well I need an arm. So I can put an IV, like okay, you know, he's been fightin' with everything. He's been, put up quite the fight. And, and so, and then it was like no, I need an arm open, off of handcuff. And so we had that point, they took the handcuffs off, took the hobble, or took the hobble off first and then took the handcuffs off. And then about that time he, they said he coded. Or…"* Detective Sergeant Sanders confirmed the handcuffs were removed by a Tacoma PD officer.

Detective Sergeant Sanders was asked about Fire's response, specifically how long from his arrival to Fire's arrival, *"I don't, it, it was quite a while though, 'cause he was laying there for quite a while. 'Cause I noticed, I kept watchin', just knowing the excited delirium thing. But the one officer was doing a good job of keeping his pulse. I mean he was taking his pulse, making sure he still had a pulse, 'cause he, like I said, he just kind of went calm and did that thousand yard stare. And just, the fight was out of him. But I, ten minutes?*

Detective Sergeant Sanders was asked about his experience with excited delirium, *"Had a little bit of experience with, being a defensive tactics instructor, we learned a little bit about that. And then just through on the job training. I'm trying to think if I've been to any, Sergeant Carpenter when he was with us, I know he, he talked about it a lot. I talked to him about it quite a bit. From past incidents that we had in University Place, and then Deputy Stewart since then, it happened over off, I think 176th and Pacific, just kind of that knowledge."*

Detective Sergeant Sanders confirmed he never heard Ellis say an intelligible word, just growls and grunts, and at some point moaning.

Detective Sergeant Sanders mentioned an officer was with Ellis, telling Ellis to focus on him, to focus on his breathing, trying to calm Ellis down.

Detective Sergeant Sanders described the spit hood that had been placed on Ellis as having gauze and mesh so you could see Ellis' face.

Detective Sergeant Sanders was asked if the spit hood was obstructing Ellis' airway or anything like that, he stated, *"No."*

Also contained within this tab are the following:

- A diagram of the intersection of South 96th and Ainsworth where Detective Sergeant Sanders noted the position of Ellis and Detective Sergeant Sanders' patrol car.
- The forensic photos of Detective Sergeant Sanders that were taken after the incident occurred.

TAB 12

This tab contains the transcribed interview of Tacoma Police Department Officer Chris Burbank. The interview was conducted by the Pierce County Sheriff's Department during their investigation. The interview occurred on March 6, 2020.

Officer Burbank confirmed he was wearing his Department-issued jumpsuit and exterior body armor when the incident occurred. Forensic photos of Officer Burbank were taken the night the incident occurred and are contained within this tab.

Officer Burbank confirmed he was working with Officer Collins when the incident occurred, driving a fully marked patrol car, #2773. Officer Burbank was the passenger, Officer Collins the driver.

Officer Burbank was asked what initiated the incident.

- He and Officer Collins had just cleared a traffic stop at 96th and A Street.
- They were stopped at 96th and Ainsworth facing west.
- They observed a male (Ellis) in the intersection and a vehicle northbound on Ainsworth attempting to make a westbound turn onto South 96th Street.
- While the vehicle was traveling through the intersection, he observed Ellis block the vehicle and attempt to open the front passenger door of the vehicle once it stopped.
- He believed Ellis was trying to enter into the vehicle, possibly a carjacking or some type of disturbance.
- Ellis was not able to enter the vehicle which sped off westbound on 96th Street.

Officer Burbank described Ellis as a Black male, 6 feet, 200 pounds, wearing a windbreaker, pants and a jacket. Officer Burbank said Ellis was carrying a jug of water in one hand and an unknown item in the other. Officer Burbank did not recognize Ellis from any previous contacts.

After the vehicle separated from Ellis, Officer Burbank described what happened next, *"As soon as the vehicle drove off, the suspect turned and kind of fixated on our patrol vehicle. We're still stopped there at the red light. He ran directly towards our vehicle and, to where Officer Collins was at on the driver's side. I remember Officer Collins puttin' down his driver's window and sayin' somethin', askin' what he was doin' in the road, why he was in the road. And what he was doin'. I noticed that the suspect, he was extremely sweaty. He seemed to be very kind of hyper vigilant. Was talkin' quick, and he was just kind of, and he stated something to the effect of, I'm having a bad day, I need some help and I have warrants. And it was very quick he said that."* Officer Burbank confirmed Ellis was still holding the water jug and the unknown item as he ran towards their patrol car.

Officer Burbank said Officer Collins verbally directed Ellis to the sidewalk, *"Officer Collins actually said well we'll help you out, just, he told him to walk over to the sidewalk, kind of motioned towards the north sidewalk, which was on the north side of 96th. So we could pull over and talk to him, see if we could help him out, see what the deal was."*

Officer Burbank described what happened after Ellis had been directed to the sidewalk, *"I remember the suspect, he started to walk around the front of our vehicle, which was still facin' westbound at the, the stop light intersection. And instead of going to the sidewalk, he started to come directly to the passenger door where I was sittin'. I started to put the window down and I told the, to tell the suspect, hey, can you just go over to the sidewalk, we'll pull over, get out of traffic and talk to you. He, at that point he kind of seemed agitated. The window was probably about halfway down. And he just like still speakin' very quickly, he just, he said something to the effect that I just, I'm really hot, I'm havin', I just need some help. And I just gotta sit down for a couple days. I need to cool down. And the window was being halfway down, and about that time I, I don't know exactly why, he just looked at me from the, I was still seated in the passenger seat. He said something to the effect that, instead I might just punch you in the fuckin' face. And that's when I, I believe that's when he dropped whatever was in his hands. As soon as he said that, I immediately started trying to roll the window up, 'cause I thought he was actually gonna punch me through the window. I rolled the window up. As soon as the window was up, the suspect just reared back and struck the window with a closed fist, probably two, maybe three times as hard, it seemed like as hard as he could, like he was trying to break the window. Once he did that, I noticed he was about to try to reach for the door handle, and he actually started to reach for the door handle, and I reached as fast as I could and locked the door. 'Cause if he would have got, I assumed he was trying to assault me at that point. And I knew that I could not defend myself from a seated position in the passenger seat."*

Officer Burbank continued, *"As soon as that happened, I recall Officer Collins getting out of the vehicle and going around the front of the vehicle and approaching the suspect. As he approached the suspect, I don't know exactly, I heard him say something to him, I'm not sure what he'd actually said to him, and the suspect kind of left it, left, I guess focused attention on me, and he turned towards Officer Collins, kind of in a fighting stance with, with clenched fists, and kind of squared up to him like he was about to fight him. As soon as I realized that he had focused on Col, Officer Collins and was probably about to attack him or start fighting him, I used my door to actually door check him and hit him with the door to draw his attention away from Officer Collins and kind of divert him away from that."* Officer Burbank confirmed that Dispatch had not been notified that they were at 96th and Ainsworth with Ellis at this point in the contact.

Officer Burbank described what he observed once he was out of the patrol car, *"Once I'm able to get the door locked and exit, I'm not exactly sure, I don't recall if Officer Collins and the suspect were already on the ground or, I know they were in some type of contact with each other, kind of wresting around. And I'm not, I don't recall if they were still up on their feet, but they were already on the ground."* Officer Burbank added, *"The next thing I recall for certain, that Officer Collins and the suspect were on the ground, kind of by our front right fender at the front right tire, with, Officer Collins appeared to be trying to like, kind of just pin him to the ground and hold him. And the suspect was just swinging both left and right fists as hard as he could, very wildly, at Officer Collins, and kicking him, basically trying to like throw him off of him and strike him at the same time."* Officer Burbank said it appeared to him that Officer Collins was clinching Ellis, to wrap Ellis up, to pin Ellis.

Officer Burbank attempted to assist Officer Collins, *"I, I tried to actually grab a hold of the suspect and kind of get a hold of him, but he was also kicking very wildly, flailing, and just swinging as hard as he could, it appeared like, with both fists, and striking Officer Collins."*

Officer Burbank was asked where Ellis was striking Officer Collins, *"It looked like just kind of everywhere. It didn't look like very well aimed shots. He was just wildly flailing. Just hitting wherever he, any target he could actually hit." "And it didn't look like Officer Collins was actually able to defend himself. He was just kind of trying to wrap him up and pin him at that point still."*

Officer Burbank said he was trying to control Ellis' legs and delivering blows and strikes to Ellis' body, while trying to avoid Ellis' wild punching, "*It's, when I was able to start delivering strikes to his body, it kind of appeared that he, well his focus on Officer Collins, and then focused in on me. The, this guy*

was, and it was odd 'cause he seemed very, very strong. Like he was basically able to actually push Officer Collins off of him, which is, Officer Collins is significantly large than me. He's probably got me by, I don't know, I'm about 165. He's probably approximately 215 pounds. And this guy's just kind of screaming and growling. There's no verbal anything from the suspect at all at this point."

Officer Burbank was asked about the impact his strikes had on Ellis.

- *"No, nothing at all. It didn't seem like he even felt any type of, it didn't seem like there was any type of pain compliance or anything like that. At all with him. It just kind of diverted his attention to me I believe."*
- *"At that point it looked like he had kind of lost that focus on Officer Collins and then focused in on me. And actually started to stand up and kind of just throw Officer Collins off of him. At that point I decided I needed to probably try to disengage and op, you know, open some distance between us, so I could look at my next elective. 'Cause like I said, it didn't look like any type of pain compliance was workin' on him with the strikes. And he just felt like he was stronger than what I, what I would imagine someone would be."*
- *"So as he got, as soon, as the suspect got to his feet, I actually, and he focused in on me, I actually turned and ran, I would, I would estimate probably 10 or 15 feet, maybe about a car length into the intersection, which was west. To kind of try to open that distance up and see what my next option was, if this guy was gonna continue fighting or try to, you know, resist, like evade us."*
- *"As soon as I got that distance, I turned and the suspect was actually sprinting at me and was almost on top of me. And I realized he was actually coming at me to attack me. He wasn't trying to evade me, or evade us. He was coming directly at me. Still screaming, still growling."*
- *"When I turned around and kind of realized what was going, he was actually kind of in a jumping motion right on top of me. Like he was trying to maybe knee or kick me, but also flailing both fists at me. Just kind of, like, like earlier, like just wild strikes, directly on top of me."*
- *"A As soon as I saw this, I, I kind of tried to square up and also started swinging back, just kind of wild strikes, and I was trying to defend myself."*
- *"The suspect actually contacted me. He kind of, I wouldn't know, I wouldn't really call it a tackle, 'cause he never, I don't feel like he actually ever wrapped me up, but he just kind of collided with me and we both went to the ground. When he was doing that jumping, kind of swinging motion, just kind of collided with me."*

Officer Burbank said Ellis hit him one time in the mouth. Officer Burbank said he and Ellis both went to the ground.

- *"Correct. After I went to the ground, I'm not certain if the suspect was able to actually get back up or if he was still on the ground. Because I, it obviously had knocked me to the ground. And once I kind of regathered myself and picked myself up and realized what was going on, the suspect was on the ground on his back with Officer Collins pinning his upper body down, and was delivering strikes with, it looked like his closed right fist, or a right elbow to the suspect's face."*
- Officer Burbank observed Officer Collins deliver several strikes that did not appear to affect Ellis at all.
- *"At that point I tried to assist by pinning him down and grab at his legs and just kind of hold him in place, but he was, the suspect was also at the time, also kicking at me and trying to kick me off of him."*
- Officer Burbank heard someone screaming at them from behind their patrol car.

Officer Burbank described Officer Collins' lateral vascular neck restraint (LVNR) application.

- *"And then after these, these strikes Officer Collins was delivering to the suspect, appeared ineffective. And I had actually been kind of bucked and thrown off of the suspect by trying to*

control his legs, he started to regain his footing, at which time Officer Collins looked like he kind of got his back, and was trying to put a lateral vascular neck restraint on the suspect."

- Officer Burbank described Officer Collins being on his back, *"With on, his own back. Officer Collins was laying on his back in the street, behind the suspect, and the suspect was on his own back, like on top of Officer Collins, with Officer Collins trying to effective, I guess use this lateral vascular neck restraint."*
- Officer Burbank was asked if Officer Collins was able to successfully apply the LVNR to Ellis, *"I couldn't, I couldn't tell if he was able to actually successfully do it, but it didn't appear like it was suspect, effective at all. The suspect was still striking…"*
- *"With both hands, kind of back at Officer Collins, and also the suspect was using like his body to kind of roll and kind of buck…"*

Officer Burbank described his transition to his Taser, *"Correct. At that point I felt like nothing had been effective at this point. Strikes didn't appear effective, it didn't appear like this, this lateral vascular neck restraint was gonna be effective, and the entire contact we've had with the suspect from outside the vehicle was immediately assaultive and it appeared like it was gonna continue to be assaultive. So I felt like my next option was probably gonna be my X-26 taser that I had issued."*

Officer Burbank confirmed they were still alone with Ellis, *"Yes. Yes. As far as I know, we had not even got on the radio. I remember Officer Collins, I believe, that first confrontation just outside the right quarter panel of our vehicle, where we were initially on the ground with him. He had tried to get on the radio and say fighting. I recall him saying that. But I'm not certain if it got out."*

Officer Burbank described how he backed away from Ellis, hoping to get a good probe spread that would result in neural muscular incapacitation. Officer Burbank also mentioned his concern of striking Officer Collins with the Taser because Officer Collins was still holding Ellis. Officer Burbank stated, *"He was, he was still in that, trying to use that lateral vascular neck restraint, and the suspect was still just kind of rollin', …" "Rollin' around, …" "A Left to right and kind of bucking up."*

Officer Burbank detailed his first Taser deployment *(based on information downloaded from Officer Burbank's Taser, the Taser was deployed three times during the incident)*.

First Taser deployment:

- Officer Burbank believes he was 2 to 3 feet from Ellis and aimed toward Ellis' bellybutton.
- *"As soon as I deployed the taser it was effective in stopping that assault and that, and that kind of like that super human strength we felt like he had. He continued to yell but it appeared like he had actually, it kind of gave him that incapacitation to where he locked up."*
- Officer Burbank described it as "an effective shot," stating, *"During that five, as soon as that five second cycle was over, it's like everything, that effectiveness completely went away and he immediately went back to that, kind of like that strength. And actually started to, the suspect started to kind of stand up and actually kind of tossed Officer Collins off of him it looked like."*
- As soon as the 5-second deployment ended, Ellis started trying to get up, *"Correct. Right. As soon as that five second cycle had ended, it looked like he had regained that, the suspect had regained that strength and was started to stand up and actually Officer Collins kind of loosened that grip. I'm not sure if he had intentionally lost, gave up, because of the taser cycle or what, but it looked like he was losin' that grip."*

Second Taser Deployment:

- *"As the suspect's startin' to stand up, I delivered a second taser, five second cycle of the taser, the same cartridge. Which again was effective in stopping him and locking him up. And Officer Collins kind of was able to put him back on the ground for a third time on, into like a, onto the suspect's stomach. And I would say that they, Officer Collins and the suspect, they probably fell*

maybe 2, anywhere between 2 to 5 feet, a little bit further southwest from where we, that second confrontation was on the ground, where he started to stand up."

- Officer Burbank described Ellis' position as lying on his stomach with his arms locked underneath him.
- Officer Burbank described how he and Officer Collins were trying to control Ellis, *"With Officer Collins trying to control and take control of his left arm, and I'm on, controlling, trying to take control of the right arm. And I'm trying to also, at the same time trap the suspect's legs with my legs, 'cause he's still trying to stand up and kick and flail his legs."*
- *"The suspect again, that, the strength that I'd earlier mentioned, seemed like it was still there. Every time we, Officer Collins was trying to pull his left arm out, I have only my left arm to use at this point, 'cause I've still got my taser in my right hand. "*
- *"And the suspect almost feels like he's doing, almost doing pushups with us on his back. And he's still, at this point still growling, still yelling. There's been no change in that at all."*

Officer Burbank described how he was finally able to get on the radio, *"So I, I believe it was at this point, I'm not exactly sure when I was able to get out on the radio and just give our location. I remember getting on the radio and just yelling, like nonsense, any word. So, like I said, I believe it was at this point, because from what I recall I, I remember looking up before I did and seeing, okay, just make sure this is the intersection, I recognize the intersection, 96th an Ainsworth and I remember just getting that on the radio, and I remember hearing the mike click, like I actually was able to get out. So I assumed that I had gotten out, but I wasn't, I didn't hear any response at all."* Officer Burbank confirmed their call sign was Henry-317.

Third Taser Deployment:

- *"Still unable to get his arms out under the, from the suspect's body into a handcuffing position. I delivered what I believe was a third taser cycle, five seconds, which again was effective in stopping that, that power and that strength and locking him up0.l* [sic] *But I was still unable to, during that five seconds I wasn't able to actually control that right arm out from under his body, just because I only still had my left hand and was controlling my taser in my right hand."*
- *"So after several more seconds of still trying to pull the suspect's arms out from under him with that strength, 'cause every time we would feel like we were pulling, he would just, the suspect would just kind of, just lift us off of him. And just kind of rip his arms back under his torso and upper body."*
- *"So once the, I decided I'm gonna try another cycle, I delivered, I believe was a fourth five second cycle, and at that point I, during that cycle, and I applied the cycle, placed my pager kind of down to the, on the ground out of his reach, out of the suspect's reach, but like still in my reach, kind of like down by my right leg."*
- *"At that point, during that five second cycle, we were able to actually pull the suspect's arms directly behind his back in a handcuffing position and he, the suspect appeared to kind of give up the actual physical fight at that time, but he was still growling, kind of yelling incoherently. And you know, kind of rocking his body around, and kicking his feet, or trying to, attempting to kick his feet."*
- *"Like I said, I tried to wrap his legs with my legs during that. So after that we were able, me and Officer Collins were able to get the suspect's hands behind his back and just kind of pin his hands down behind his back until we could get handcuffs on him."*
- *"Officer Collins was utilizing his handcuffs, and I, I recall he was able to quickly get a cuff on the left wrist, but it took us several seconds to get a cuff on the right wrist, because we had to kind of work through the, pull his clothing out of the way, 'cause it seemed like the cuff was gettin' hung up on his jacket sleeve."*
- *"So after getting him finally in handcuffs, he still, the suspect is still trying to like roll and, and kind of buck Officer Collins and myself off of him. And we're just mostly, bathe, both basically*

just kind of laying on top of him trying to pin him to the ground and keep him from flailing and kicking around. I remember at that point I was exhausted and just, just laying there. I was just trying to pin him, 'cause I could hear at this point, I could hear sirens coming, so I assumed that people would actually, heard our call, our location, was coming. I could hear sirens from, it seemed like everywhere."

Officer Burbank described how he was on top of Ellis when he heard someone yelling at him, *"But I don't recall any radio traffic. While waiting there, on top of the suspect, I remember someone, it sounded like a male voice just to the east, probably behind our patrol car on the sidewalk, around there, had yelled, asking if we were okay and if we needed any help. I remember the, the male saying something like that guy looks pretty big, or a handful, and I'm, I'm pretty big, I can help you told him. I remember looking, when I saw, when I looked towards that voice, I, I could see patrol vehicle lights coming from the east, and so I, I remember yelling at the guy, no, we're fine, we got people comin', and we just, Officer Collins and myself we just laid there and just, just tried to control him from movin' any further."*

The first person Officer Burbank recalled seeing was Sergeant Michael Lim.

- Officer Burbank believes Sergeant Lim thought they were still struggling to get Ellis into handcuffs and believes Sergeant Lim grabbed Ellis' right arm.

Officer Burbank described the hobble deployment on Ellis:

- *"I remember shortly after other people had got there and still trying to restrain the suspect on the ground, he was still growling, still screaming. Still attempting to get people. Somebody had asked about hobbles, to restrain his feet. I knew that we were the closest vehicle right there, stopped at the stop bar, so I went to our vehicle and got, we have hobbles in our glove box, in our patrol vehicle. And I retrieved the hobbles from our vehicle and came back to help restrain the suspect's feet with 'em."*
- *"I'm not sure who all was assisting, but I, I do recall that Sergeant Lim was helping control the suspect's feet from kicking, while I actually wrapped his ankles with the hobble, secured it, and then I secured it to the handcuffs that was behind his back to keep him from kicking."*

Officer Burbank described the hobble used on Ellis:

- *"Hobble, it's, it's just basically a nylon strap. I'm gonna guess maybe 18 inches in length. I'm not certain, with a metal clip that you basically make a loop and you can lock down. And at the end of the, the nylon strap is kind of like a small D-ring, so you can secure it to another fixed object."*

Officer Burbank described breaking his contact with Ellis after the hobble application:

- *"At that point I kind of backed away and just, to catch my breath, like I said. I was, I was completely I guess exhausted at that point from that fight. I would estimate it probably had lasted anywhere from 2 to 3 minutes, from the initial confrontation until actually getting him under control and in handcuffs."*
- *"I'm trying to recall. I remember resting for I don't know how long, sit, I went back to our patrol vehicle and just kind of sat for a second to catch my breath. I do recall, after the suspect was hobbled, he started to turn his head and tried to spit at officers, and then someone had asked about a spit sock or a spit mask. I went to our vehicle and actually tried to locate one in our vehicle, but couldn't locate one. And someone else, I'm not certain who, but someone else in another vehicle had, and actually placed it on the suspect. But I'm not sure who that was or actually at what point that was."*

Officer Burbank observed that several officers were still restraining Ellis.

Officer Burbank does not know who placed the spit sock on Ellis. Officer Burbank confirmed it was a Department-issued spit sock.

Officer Burbank was discussing how he retrieved his magazines (they had dislodged from his vest carrier during the struggle with Ellis) and Ellis' position.

- *"So I retrieved my handgun magazines and placed them back in my vest, and I'm not sure. Again, I recall, the suspect was no longer growling or fighting. He was just kind of laying there. It seemed like he had maybe calmed down. And I remember, I'm not sure what officers it was. I remember telling them to go ahead and roll him on his, since he was no longer fighting, to roll him onto his side so he wasn't, he was no longer laying on his, like in a prone position."*
- Officer Burbank said an unknown officer(s) rolled Ellis onto his right side.
- Shortly after Ellis was placed on his side, Fire arrived and requested the hobble and handcuffs be removed from Ellis so they could start medical treatment.
- Officer Burbank confirmed he assisted in removing the hobble and placed it back in the glove box of their patrol car.

Officer Burbank stated, *"At that time there was so many officers there and fire was beginning to do medical evaluation on the suspect, I, I went to our vehicle and just sat in our vehicle. I stayed in our vehicle the rest of the time I believe."*

Officer Burbank was asked what occurred after Ellis was turned onto his side, *"It, it looked like he was calm. I, I believe he was just kind of laying there, just kind of blinking his eyes. Just kind of, just staring off, blinking his eyes. But I'm not exactly sure. I don't recall him still making any noises or anything like that. I was just trying to get him into a position that he wasn't still on his stomach."* Officer Burbank did not recall how long Ellis was on his stomach for.

Officer Burbank confirmed he observed officers and Fire performing CPR on Ellis.

Officer Burbank was asked about his injuries.

- Left knee and left elbow pain.
- Abrasions to his left knee.

Officer Burbank was asked if he observed any injuries to Ellis, *"I recall when he was rolled to his side, with that spit mask on, I do, I recall seeing some type of blood on his face. I'm not sure where. Or the actual cause of it at all."*

Officer Burbank's Taser was secured by the Pierce County Sheriff's Department. Officer Burbank said he did not remove the probes from Ellis and does not know what happened with the Taser probes and wires.

Officer Burbank denied striking with his knees or any kicks directed at Ellis during the incident.

Officer Burbank marked on the diagram of the intersection where their patrol car was (#1) and where he retreated from Ellis (#2). A photo of the diagram was taken and is included within this tab.

Officer Burbank was asked if he had given any commands to Ellis. He confirmed he did, *"I, I recall we repeatedly said get on the ground, stay on the ground, just stuff like that. That's all I recall saying to…"*

Near the end of the interview, Officer Burbank stated, *"And I believe that was initially kind of the, number, this first confrontation, at that point when we got to this, it was just a complete, you know, we were just like, almost survival, like I felt like this guy was like so strong, and he was just, at that point attacking us. He wasn't resisting. He was just assaulting us. I don't recall any commands. It was just complete, trying to get him under control at that point and defend ourselves."*

TAB 13

This tab contains the transcribed interview of Tacoma Police Department Officer Matthew Collins. The interview was conducted by the Pierce County Sheriff's Department during their investigation. The interview occurred on March 9, 2020.

Officer Collins confirmed he was working with Officer Burbank when the incident with Ellis occurred. Officer Collins also confirmed he was wearing his Department-issued jumpsuit and external vest, and was driving his fully marked patrol car. Later in the interview, Officer Collins confirmed their call sign was Henry-317.

Officer Collins described the beginning of the incident.

- They were not currently on a call.
- They were driving toward Hosmer (westbound) on South 96th Street when they stopped for the light at Ainsworth.
- He observed what he described as "some sort of disturbance" between a Black male (Ellis), who was in the middle of the intersection, and a vehicle turning west onto South 96th Street.
- Ellis was trying to open the passenger door, causing the vehicle to turn slowly around Ellis to avoid hitting him.
- Officer Collins was not sure what was occurring, thinking it was possibly a Domestic Violence (DV) or a carjacking.
- Later in the interview, Officer Collins described the vehicle Ellis approached as a silver, boxier Chrysler 300 type of vehicle.

Officer Collins described his initial contact with Ellis, *"So I roll my window down and I say hey, come over here, what's goin' on. And the guy turns to me and jogs right over to me and he comes abnormally close to the car. Right up to my window and I kind of back up. His eyes are super wide. He's just sweating all over the top of his head. And he said I've got warrants, we need to talk. Something to that effect. And I said okay, well go sit on the curb and I'll call this out okay and I'll come talk to you. I pick up the mike and I'm about to call out, you know, I'm at 96th and Ainsworth with one, and I immediately realize something's wrong. The guy is walkin' around the car and he's just fixated in on my partner in the passenger seat. He's just kind of starin' at him. And he's really close to the car. And I'm just watchin' the whole time, 'cause at this point I start to realize somethin's wrong here. This isn't right. And he comes right up to the window and there's some talk between 'em. I don't hear everything, but I hear him say, I'm gonna punch you in your face. And then Shane says, I call my partner Shane, that's his middle name. But he says okay, well, I'm gonna roll the window up. And he starts to roll the window up and the guy starts punchin' the window. And then there's like a struggle over the door."*

Officer Collins described his initial physical contact with Ellis, *"And so at that point I dropped the mike and I immediately run around to try and get control of this guy.*

And my intended purpose is to take him to the ground and put him in cuffs. I mean he's out of control. He's trying to assault my partner. But he turns to me, as soon as I get about to the front of the car. He runs at me and he grabs me by my vest, I'm trying to grab him. And he lifts me off my feet and throws me on my back in the middle of the street. I left my feet. And it was about at this moment I knew something was up. This guy had superhuman strength."

Officer Collins described what led to his decision to apply an LVNR to Ellis and Officer Burbank's initial Taser application, "*There was only one other time in my career as a police officer that I've dealt with this. The guy happened to be on PCP and my partner and I fought him for six minutes in an abandoned apartment and it almost became a lethal situation. So it was, but it was that different kind of strength where I mean I'm, I'm probably 215 pounds with nothing on, and with all my gear, who knows, maybe 230. And I was literally off my feet like a child, into the street. So at that point I popped back up and he and Shane are in a physical fight and from, from this point on it's, it's just a melee. It's just wild.*

There's fists flyin'. I run in and I, I'm a grappler by background, so I immediately grab him and I'm trying to take him to the ground. At some point I end up on top of him. He's just swinging wildly at me, grabbing at me, and he's like growling and, and just making like kind of animal noises. Not saying anything. And I'm striking him now while he's on the ground, but it's having no effect. He's on his back completely. I'm, I'm mounded around his torso and he's lifting me up. And he kind of lunges at my face, and I'm able to move to the side. And at that point we fall. Now we're both laying on our sides. I have his back and I'm facing now the intersection. We're both facing the same way.

And I feel like I'm about to lose control of this guy again. And so I attempt to get him in LVNR. I'm behind him. I slide my hand around to where my bicep is about on the side of his face. And before I can apply an LVNR, I see Shane come back into the scene. He circles around in front of me and his taser's out. And I hear the crack of his taser and it has that immediate neuromuscular incapacitation effect where the guy locks up. His whole body locks up. So at that point I, I come off the LVNR. I push him down, face down, and I move to his left arm. And I tell Shane, grab his right arm. So Shane goes to the right arm. But at this point the, you feel the taser. We're trying to cuff him under power, but you feel the taser lose that effect, and the guy comes back to."

(The prior incident referred to by Officer Collins occurred on October 15, 2017, and was documented under Tacoma PD case 1728800241. For additional information on this incident refer to Tab 46.)

Officer Collins described the continued struggle with Ellis and Officer Burbank's follow-up Taser application, *"And he starts growling again and his hands start kind of hulking away from us. So at that point my entire body is around. I have both arms wrapped around his arm and I'm just clenched on his arm trying to move it to his back. And he's fighting us. And I feel Shane give him another round from the taser. So there's another cycle of the taser that happens. His body locks back up and we start to move him and eventually we get him into cuffs from here."*

Officer Collins described Ellis' continued resistance after being handcuffed, *"Once he's cuffed, the fight's not over. He kind of comes back to, again, starts growling. And now he's trying to stand up. His legs are kind of going underneath him. He's face down on the ground, handcuffed behind his back, and he starts lifting himself up. So Shane jumps on his back and I move to his feet. And I kind of criss cross his feet, so I put one foot in the crook of his knee and then I put the other foot down and I'm pressing his feet down so that he can't get his knees underneath him. And at that point I can start hearing sirens. There's other units coming."*

Officer Collins described the hobble application and the arrival of Officers Rankine and Ford, *"And I ask for hobbles. Because we still don't have control of this guy. So I believe the first officers that showed up were Masyiha and Tim Rankin. So Masyiha Ford and Tim Rankin. They were the first to show up. I asked for hobbles. I had to ask a couple times. And I think some were finally found. I'm not sure who, who brought them. But I remember someone took over for Shane on the subject's back, holding control downward.*

I was still on his feet, 'cause I saw Shane come in the picture with the hobbles. He looped them around the subject's feet, and then I'm not sure who, who connected them onto his hands. They get connected and then shortly after that it was like they, I looked up and there was tons of cops there."

Officer Collins confirmed there were County officers on scene as well as another 10 officers. Officer Collins ceased his contact with Ellis, *"And I'm, at this point I'm pretty smoked. I had that like lactic acid feeling in my, my forearms. My hands were just, they were almost frozen, they were like locked up. So I just stepped away. Shane and I both backed up and you know they had control of the guy, and I heard, I heard Shane say somewhere in there, hey, let's get him in the recovery position. So they put him on his side. And that's, that was, I walked away from it at that point and there was a bunch of other people on top of him, and I, I remember, the last thing I really remember was him kind of like spitting at people."*

Officer Collins stated *"And then they put a spit mask on him. And then shortly after fire arrived. And when fire arrived, I went up to the guys to kind of give 'em a run down and just said you know, I had time to kind of process what had just happened by then, but I said hey, this is, I don't know what's going on but I think this guy might be excited delirium, like he was just kind of freakish strength and he just wasn't really speaking to us. He wasn't, he was just out of control. And that was what I told 'em, and then they went up, and then shortly after I think, maybe a minute after, of them over him, they started doing CPR."*

Later in the interview, Officer Collins advised he does not know who put the spit hood on Ellis.

Officer Collins described his contact with Sergeant Lim, *"And then somewhere in there Sergeant Lim showed up, my supervisor, Mike Lim, and he came over to the car and just said like what happened guys. You know, 'cause we, we, I wasn't able to get anything out on my radio. I tried to say fighting a couple times, and I took one to the jaw one time trying to, trying to get to my radio. I mean it was just, it was a knock down, drag out fight. So I just told him like hey, so here's what happened, here's why we couldn't call it out. This is, this is what it is. And, and then he turned and he saw fire doing CPR and he said look, I don't know how we're gonna treat this, but because they're doing CPR let's just do like an officer involved shooting. Why don't you go to your car and just wait for, for instructions."*

Officer Collins was asked about his injuries.

- Swollen right knee with abrasions and cuts.
- Abrasions and bruising on both elbows.

Officer Collins did not recognize Ellis from any previous calls.

Officer Collins said he tried to get out on his portable radio and remembers Dispatch asking him questions while the fight with Ellis was occurring. Officer Collins added that at some point the beeper was activated.

Officer Collins was asked if anything seemed effective against Ellis, *"Absolutely not."*

Officer Collins was asked if he observed any injuries on Ellis. He confirmed he did, that a cut had opened up on Ellis' face after he (Collins) had struck Ellis.

Officer Collins believes the fight with Ellis lasted 3 to 4 minutes.

Officer Collins was asked if Ellis' actions were somebody trying to get away or attack, *"No, you know, normally, almost, almost every fight that we get in, it's, there's a, a fight to not get taken into custody, and then they look for a chance to escape. But there was absolutely none of that. And when I came around the car, he was coming at Shane, he turned to me.*

When he tossed me like that in the middle of the intersection, he went back to Shane and then I re-engaged him. I mean it was like multiple times where he was just going back and forth between the two of us. I mean he was pressing in this fight. He never tried to disengage."

Officer Collins confirmed he was picked up by Ellis, *"Yeah. Throws me, like released me and threw me. I was off my feet." "And landed on my back. That's where I remember hitting my elbow when I went down on the ground."* Officer Collins said this occurred in front of their patrol car, in the middle of the intersection.

Officer Collins was asked if any civilians were around. Officer Collins confirmed there was, *"There was a, one of the home owners was, I kept hearing him say are you guys okay? Do you need help? You need me to call 911 and he, but I couldn't address him. And finally when we got him into cuffs he was kind of approaching us, he was, so he lived on the north side of 96th Street, maybe two houses east of where our car was. And he was like a big Caucasian male, bald head. But he just kind of came out and was like are*

you guys all right? What's going on. And, 'cause he could tell it was pretty serious. But once we finally had him in cuffs we said hey we're okay, there's police comin', so, we probably addressed him when it was over."

Officer Collins was asked if Ellis was carrying anything, *"He had a bag. It looked like, when he ran up to me he had like what, like a plastic grocery bag. And I remember seeing, after it was done, looking up and seeing a thing of donuts spilled out on the street."*

Officer Collins confirmed he never armed and/or deployed his Taser during the incident.

Officer Collins was asked about his strikes to Ellis.

- Officer Collins confirmed they were elbow strikes to Ellis' face.
- Officer Collins denied any closed fist punches, citing previous injuries to his hands.

Officer Collins was asked if Ellis was listening to the commands he was given and what the commands were, *"No. It wasn't, he was, he was literally growling and kind of baring his teeth, and I mean there was no, there was no verbal commands that were doing anything. Nothing was having an effect on this guy." "Yeah, I was telling him stop, roll on your stomach. I mean he was, he was engaging a fight."*

Officer Collins confirmed Ellis was moved from a face down position to a recovery position.

Officer Collins does not know who placed the spit sock on Ellis.

Officer Collins was asked by the attorney representing him (Mike Staropoli) to describe what he was thinking when he decided to deploy the LVNR. Officer Collins stated, *"Yeah. So with that first incident when we found that gentleman on PCP, I remember, we got to a point, I mean six minutes in all our gear was, I was completely exhausted by that point. And I remember after that learning that, with someone under that state and that kind of strength, it's physical pain and even if you were to break something, it's not gonna have an effect and so my, my thought at that time was, if I get to this place I'm gonna have to put this person temporarily unconscious because that's gonna be the safest way to provide a window to get them in cuffs. Because we got to a point with that gentleman in that hotel room, where we were gonna have to use lethal force. And it was, we had no weapons, but it was just literally his physical strength and ability. So, from that I had learned and I, and I realized when I was striking this gentleman with my elbows and it just kind of enflamed him, and he lunched up in my face, that this was a different kind of deal. And I was already getting tired. I didn't think I would prolong this fight. At that time I heard zero sirens. I wasn't able to get anything out on the radio, and I had, I couldn't even see Shane at this point. So I wasn't sure is he unconscious, I might be the only one in this fight right now. So I felt like it was my only option to keep him under control."*

Officer Collins was asked if he was afraid of what was occurring at that moment, *"It was very, it was, it was that different level of, we struggle with people or, you know it's, people struggle with the police, people don't want to get arrested, but then there's some people who are trying to kill you, and I felt this guy was. He was really coming at us."*

Officer Collins marked on the diagram of the intersection where their patrol car was, where the struggle with Ellis occurred, and where he observed the vehicle that Ellis contacted at the beginning of the incident. A photo of the diagram is contained within this tab.

Officer Collins does not know whose hobble was used, but acknowledged that he keeps a hobble in the glove box of his patrol car. Officer Collins described the hobble, *"It's a tubular nylon. I would guess maybe three feet of tubular nylon, and it has a buckle on one end, and you basically, it has a buckle and a clip. So you basically loop it like a girth hitch and then that gets cinched on the feet, and then the clip goes around the cuffs and then hooks on the tubular nylon."* Officer Collins confirmed it has a small carabineer clip attached to it.

Officer Collins was asked if the hobble used during the incident was Department-issued.

- Officer Collins said it was, that it was in his patrol car when the patrol car was assigned to him.

Also contained within this tab are forensic photos of Officer Collins that were taken the night the incident occurred.

TAB 14

This tab contains the transcribed interview of Tacoma Police Department Officer Timothy Rankine. The interview was conducted by the Pierce County Sheriff's Department during their investigation. The interview occurred on March 6, 2020.

Officer Rankine confirmed the following when the incident with Ellis occurred.

- He was partnered with Officer Ford.
- He was wearing his Department-issued jumpsuit identifying him as an officer.
- They were driving his assigned, fully marked Department-issued patrol car, #835.
- Officer Rankine was driving; Officer Ford was the passenger.
- Later in the interview, Officer Rankine confirmed their call sign was Henry-031.

Officer Rankine described how he and Officer Ford had just backed Officers Burbank and Collins on a traffic stop at 96th and A Street, approximately 5 to 10 minutes prior to the incident with Ellis.

After clearing the traffic stop, they were eastbound on 84th Street, from Pacific Avenue toward McKinley Avenue when they heard some mic clicks on the radio and Dispatch asking Henry-317 (Officers Burbank and Collins' call sign) if they had traffic. After the mic clicks, Officer Rankine heard an officer, whom he believed to be Officer Burbank, call out "96th and Ainsworth."

Officer Rankine talked about his concern after hearing Officer Burbank on 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."*

Officer Rankine said he activated his lights and sirens, executed a U-turn on 84th Street (westbound) and turned southbound onto Pacific Avenue. Officer Rankine described hearing rustling, possibly a physical altercation, and heavy breathing over the radio.

While westbound on South 96th Street, Officer Rankine observed the following:

- Officers Burbank and Collins' patrol car was stopped in the middle of the road.
- The emergency lights were not activated, but the amber lights had been activated.
- After arriving, Officer Rankine observed three individuals 10 to 15 feet in front of Officers Burbank and Collins' patrol car.

Officer Rankine described his observations after exiting his patrol car.

- A Black male subject (Ellis) was proned out on the ground, on his stomach.
- Officer Burbank was on top of Ellis' upper torso, almost like he was riding a horse, with both of his hands pressed down on his upper body.
- Officer Collins was trying to secure Ellis' legs.

Officer Rankine continued to describe the struggle between Ellis and Officers Burbank and Collins, *"So to see him and see this individual that they were tryin', tryin' to, tryin' to, I would say I guess for lack of a better term, tryin' to hold down, just simply move and wiggle and just easily move 'em, I guess the only*

thing I could relate it to was this individual's throwing them around like rag dolls. Officer Collins was trying to secure the subject's legs and he was having a really hard time."

Officer Rankine asked, as he was initially approaching Ellis and Officers Burbank and Collins, if Ellis was handcuffed, *"I was unsure because of his, the way he was, the way the subject was moving and the reaction that Officer Collins, Officer Burbank had, he was for lack of a better term, it looked like Officer Burbank was just riding a hor, a wild horse and hanging on for dear life. And Officer Collins was trying as hard as he could to secure both of the legs of the subject. And it, at that time I did not know if he was properly cuffed or not. I did not know that until I actually was able to rotate towards his torso, then I noticed that his hands were behind his back. That when we checked to make sure that his, he was properly handcuffed. Yeah."*

Officer Rankine asked what they could do to assist, and Officer Collins responded by asking for hobbles. Officer Rankine advised they (Rankine/Ford) did not have hobbles but told Officers Burbank and Collins that they would help secure Ellis' legs. Officer Rankine described what occurred next, *"So I remembered Officer Collins had transitioned to his, the subject's left leg and Officer Ford had jumped on his right leg, the subject's right leg. I had assisted Officer Ford in securing his right leg. And as that was happening, I was on the right side of the subject's body, I remember Officer Burbank was still on top of him like seat, seated on top of him. I remember Officer Burbank asking for help. I remember him saying to me, help me and I said all right, I got you. I remembered I had transitioned up to his upper torso once we had pretty much secured his legs even though he was still kicking and buckin' pretty, pretty violently. I know both of those Officers, Officer Collins, Officer Ford were sprawled out holding his legs with, subjects' legs with both hands, trying not to get kicked in the face."*

Officer Rankine observed a Glock magazine on the ground that was tossed away from their location by Officer Ford. Officer Rankine also observed Taser wires coming from Ellis and probes in Ellis' upper torso.

Officer Rankine described his transition to Ellis' upper torso, *"And as I transition up to the torso we had, me and Officer Burbank had made a plan that I was gonna take the right side, right half of his torso, of the subject's torso and Officer Burbank was gonna take the left side of the subject's torso."*

Officer Rankine added, *"So as I transitioned to help Officer Burbank with the torso, I placed my right knee on his right shoulder area and then my left knee on his lower back and securing his right arm, because he still was violently thrashing around. As I was doing that Officer Burbank moved off of him and the individual did, I would say, I can't remember exactly but almost like a bucking move that tossed Officer Burbank off of him pretty violently. I remember seeing Officer Burbank roll on the ground towards like the left side of his body. 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. 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 added, *"So once I was seated on the subject's back, placing my weight, like distributing my weight evenly across his torso, one of the things I thought was really weird was the first time I actually heard this subject even speak and the first thing he said to me was I can't breathe, I can't breathe. But*

he said it in a very, not in a distressful voice, in almost a very calm normal voice, which I thought was super weird. I remember telling the individual I was like if you're talking to me, you can breathe just fine."

Officer Rankine described the commands/conversation he had with Ellis and the hobble application, *"I was like I remember also instructing him, I was like if you stop struggling with us and if you calm down, I will release some pressure off of you. And the individual got quiet. After he got quiet, I remember attempting to move my right knee to reposition it towards his right shoulder. As I was doing so the subject violently thrashed again, almost bucking me off of him where I ended up repositioning my knee back to the original spot in the middle of his spine. Kind of upper back spine area. I remember we just sat 'til other Officers could get there. I'm unsure who placed hobbles on him, but I remember seeing what appeared to be like a black like flat rope with a silver carabiner placed around his legs. And some of, some other Officers helped secure the carabiner to his handcuffs. But I was too busy trying to hold this individual down, so I did not recognize who actually placed the hobbles on him."*

Officer Rankine described Ellis' condition at that point, *"And something that was really weird about the subject was that he was, he was, he was wearing a, if I remember correctly, but not exactly but I remember him wearing kind of a red sweatshirt, but him wearing a sweatshirt, like just touching him, he was really warm to the touch. His head had beads of sweat coming down from it and he was sweating profusely. I did not know it at the time 'til later on when I had taken off my patrol gloves to transition to rubber medical gloves, my gloves were completely soaked and wet and it wasn't raining out at all."*

Officer Rankine said he directed other officers to roll 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, *"And I remember seeing the pro, the taser probes in him. One was on his left side, towards, around his rib area. There was just, the probes did not, from, from me pulling 'em out, I did not notice that they were embedded in his skin. They were just more embedded into his jacket that he was wearing. And then the second probe was located around his left chest area which were both removed, which I removed."*

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, *"But also the, the subject, he was bleeding, he had like minor cuts on his face and he was bleeding from his face. The subject's hands when I was looking at 'em, they were, his knuckles, around his knuckles area and around his like the palms was pretty bloody. I couldn't really tell the injury that was on his hands, but I could, I remembered them being really bloody."*

Officer Rankine commented on Fire's response.

- He recalled that Sergeant Lim asked Dispatch for an ETA from Fire.
- An unknown Tacoma PD officer advised that Fire was not running priority to their location, that Engine 10 had been observed turning west onto 96th Street from Pacific Avenue with no lights activated.
- Sergeant Lim advised Dispatch he needed Fire priority.
- He observed Fire activate their lights when they were a few blocks from the scene.

Officer Rankine described his position on Ellis when Fire arrived, *"So at that point and time I still had control of the guy's upper body. My right knee was around the right shoulder blade area of him, and my left knee was on the middle of his back still. He was not thrashing around as much anymore. His head*

was turned to the left side of his body. I did notice that his, his breathing was still the same, was breathing. His, I could see the check, his chest rise and fall. And as Fire was getting there I, I made the decision to roll him back onto the subject's right side. Again, just because it, from medical training experience, that's the best position to put someone in, it's like the recovery position is what they called it. So I rotated him back on the right side and I checked his pulse, using his carotid, his neck. I remember something that was really weird about his pulse was that his pulse was quite norm, normal. It was approximately 80 beats per minute. I checked it with two of my fingers on his carotid in his neck. Again, after a couple, like after a minute or two had passed I checked it again. I remember saying out loud, well that's really weird that his pulse is completely normal and then at that same time Fire was just walking up towards us."

Officer Rankine said the first firefighter on scene was named Wilson (TFD Nicholas Wilson) and described his conversation with Wilson, *"I said what do you need from us and he said I need him on his back, so we rotated the subject on his back. He was still in hobbles and cuffs. First thing Fire did was they cut off his, cut, they cut his clothes. I think they cut part of his pants and his shirt completely open. They attached leads to his body to the, I think it's the heartbeat monitor. And then I remember asking Fire, I was like okay, what else do you need from us. And the firefighter, Wilson, he said we need him out of cuffs and out of this hobble. I need a arm for an IV or he's gonna code."*

Officer Rankine said he was concerned about taking the restraints off because he did not want to fight with Ellis again. Officer Rankine sought and obtained approval from Sergeant Lim to remove the restraints, which he did.

- Fire placed an IV in Ellis' left arm.
- Fire attached "pads" to Ellis.
- Fire used an airbag on Ellis to help him breathe.

Officer Rankine stated, *"At that point and time I could still see like the individual's eyes were wide open, his breathing was, his chest was still rising and falling, he was still breathing on his own. And then I would say, I don't know the timeline exactly, but maybe a couple seconds to a minute or so he, while they were bagging him, they asked for assistance from us to start CPR on him."*

Officer Rankine said he assisted with CPR as did Officer Warner.

- Officer Rankine believes Fire gave Ellis at least three doses of epinephrine.
- He observed Medic-1 and Tower-2 arrive.

Officer Rankine was asked about his involvement after the additional Fire units arrived, *"That ended my involvement from there. The next thing I did was just set up crime scene tape and blocking positions so traffic control, because we were unsure how long Fire was gonna be working on this individual. And we were instructed by Sergeant to basically block off the whole intersection so that Fire could work on him. And then the only other thing else I, after that, that I did was I assisted I think one of the Lieutenants from Pierce County who had a fingerprint reader, 'cause we had to call for a fingerprint reader 'cause the individual did not have any ID on him."*

Officer Rankine was asked about his first aid training.

- Army Combat Lifesaving Course.
- Spent time with Special Forces Medics.
- Tactically Combat Casualty Care (while with the State Department).
- EMT-basic.

Officer Rankins stated, *"With this subject the first thing I did was, was to check his pulse to make sure he was still breathing on his own. I checked his pulse. I remember like asking you know, another Officer is his eyes were open and his eyes were open."*

Officer Rankine was asked if he heard anyone give commands to Ellis or if he gave commands to Ellis. He confirmed he did, *"So I did give commands to him. I know when I was rotating towards his upper torso, I remember he, when he started to buck all four of us and started to move with all four of us, I remember telling him to stop. Like stop, calm down. Stop, calm down. I remember that the next instructions I gave him was when he was saying that he could not breathe and then I told him you know, if you talk to me, if you're talking to me you can breathe just fine. If you relax and you stop doing what you're doin', I'll let off some pressure and then as I tried to let off some pressure, he just got back to struggling with us. So that, that did not happen."*

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.

Officer Rankine was asked if anything, as far as force, was effective, *"As far as fal, force, no. I think, I think we all were just hanin' on for, to him. I mean I can only speak for myself. I, I was definitely only hangin' on to the subject for, for just basically trying to pin him down, hoping that he would tire out." "So that he would stop you know fighting us. But that's the only thing that kinda worked was when we all, all, I mean it didn't really work that but all four of us basically held him down. He was slightly more compliant once we got hobbles on him. But he still was able to, to just wiggle and he would just kind of kick us off of him pretty easily."*

Using the diagram of the intersection, Officer Rankine marked the location of his patrol car, Officer Burbank, Officer Collins, their patrol car, and Ellis. A photo was taken by the Pierce County Sheriff's Department and is included within this tab.

The forensic photos of Officer Rankine that were taken the night the incident occurred are also contained within this tab.

TAB 15

This tab contains the transcribed interview of Tacoma Police Department Officer Masyih Ford. The interview was conducted by the Pierce County Sheriff's Department during their investigation. The interview occurred on March 9, 2020.

Officer Ford confirmed he was partnered with Officer Rankine when the incident with Ellis occurred. They were using Officer Rankine's assigned, fully marked Department vehicle. Officer Rankine was driving; he was the passenger. Later in the interview, Officer Ford confirmed their call sign was Henry-031.

Officer Ford also confirmed he was wearing his Department-issued jumpsuit, exterior vest carrier, and Department-issued knit cap when the incident occurred.

Officer Ford confirmed he did not deploy his Taser during the incident. Later in the interview, Officer Ford also confirmed that he did not deliver any strikes to Ellis.

Officer Ford described their response to 96th and Ainsworth.

- He and Officer Rankine had just backed up Officers Burbank and Collins on a traffic stop at 96th and A Street. After clearing the stop, Officers Burbank and Collins left the area westbound on 96th Street.
- They were on 84th Street between Pacific and McKinley Avenue when they heard some mic clicks over the radio.
- They made a U-turn on 84th back toward Pacific Avenue and southbound on Pacific toward 96th Street. While on Pacific Avenue, they heard additional mic clicks and eventually Officer Burbank yell, "96 and Ainsworth."

Officer Ford stated, *"And so to kinda put this in perspective, Shane was my Training Officer and he's super calm all the time. Like we'll pull guns outta the cars. We'll fight with people, we'll chase people and he's just like yeah, we're going this way. Yeah, we're going that way. Like in a very calm voice. When I heard him scream that, 96 and Ainsworth, I was like, the hair on the backs of my, like the back of my neck like stood up. I was like this is bad 'cause both of those Officers, both Officer Collins and Officer Burbank are incredibly like trained and talented Officers. So like if they're callin' for help it's really bad."*

Officer Ford described his observation as they approached 96th and Ainsworth.

- While westbound on 96th Street, he observed Officers Burbank and Collins' patrol car with the amber lights on.
- While 30 to 40 feet from the patrol car, he saw Officers Burbank and Collins fighting with someone.

Officer Ford approached Officers Burbank and Collins, *"And what I see as I'm approaching them, is I see this guy like lifting up, like Shane's like on his back or Shane, Officer Burbank's on his back and Officer Collins has his legs. And he's like pushing them off. I didn't even think he was like in handcuffs yet. But when it got there, I immediately took control of his, one of his feet and just kinda like pulled it towards me so I didn't get kicked in the face. And so no one else got kicked in the face. And that's when I noticed he was in handcuffs and I'm like this guy's in handcuffs and he's fighting like this. Like what's goin' on here. And I caught both Bur, both Officer Burbank and Collins, they're incredibly strong officers so when I saw them getting overpowered by a person in handcuffs, I was like what is goin' on here. Like this is, this is, this is weird."*

Officer Ford described the hobble application, *"And so while I'm holding him he was like screaming incoherently and I was like hey man, you need to relax. Just breath. Just relax. Like you're gonna be okay, 'cause I didn't know what exactly had transpired before I even got there. So I remember him kinda like thrashing around and like I had to like hold on for dear life to make sure his feet didn't break free.*

I remember Officer Collins asking for hobbles and I was like we don't have any hobbles. Like I don't, I don't carry those. I don't know how to use them, I have no training on them. So I's like we don't have them. So I just like did what I could and I just held his leg down. And so what happened next... shortly after that like I hear sirens coming from everywhere. And Sergeant Lim was one of the next units on scene and he gets there and I just kind of see him. Shortly after that, multiple other units arrived on scene as well and somewhere, from somewhere the hobble restraints came. And then he was put, the subject was put in the hobble restraints and secured that way. I'm not sure who put them on. I was just kinda like holding his leg and I'm like I don't know how to do hobbles so I'm just gonna hold his leg until he's in the hobble restraints properly. Once he was in the hobble restraints, I released my grip on his leg and just kinda like, or his foot, held his foot and like kinda held the handcuff. I was like hey man, you need to relax you're gonna be okay. You're gonna be okay." Officer Ford did not recall how long he was holding Ellis' legs down.

Officer Ford observed Sergeant Lim request Fire.

Officer Ford described his continuing communication with Ellis, *"Like hey man, you need to remain calm. You need to remain calm. You need to remain calm. And the sus, the subject did not appear to like be in distress or anything. Like he wasn't saying like, there was no labored breathing or screaming. He just kinda like screaming incoherently, I'm like I don't even really recall what he was trying to say. But what I do remember is that he said I can't breathe. But it wasn't like you know how when someone says I can't breathe and they're like it sounds like they can't breathe, it didn't sound like that. He said it in a remarkably calm fashion. I was like it's kinda weird what's goin' on here. So shortly after that we rolled him into the recovery position, which is, I think it was on (unintelligible) side. I can't remember (unintelligible) he was on. Like he rolled and then he was facing me, so I could see his face."* Officer

Ford confirmed Ellis was on his stomach when he said he could not breathe and was moved to a recovery position.

Officer Ford described Officers Burbank and Collins as "gassed," so he and Officer Rankine assumed control of Ellis. Officer Ford observed the Taser probes coming from Ellis' body and later gathered the wires and probes for evidence, placed them into a zip-lock bag, and gave the bag to Sergeant Rock.

Officer Ford described his continued communication with Ellis, *"And so I was like hey man, you need to like look at me to breathe. Like and I was like ooh, this is kinda like he's not responsive and I was like, my partner who was, who was still holding him in the recovery position, Officer Rankin, I was like Rankin what is, how warm is he? And he's like um, he's burnin' up. I'm like, and then he's like checking his pulse and he's like his pulse is low. And I'm like okay. I was like I think this is excited delirium."*

Officer Ford described his contact with Fire, after Fire arrived, "*So I ran over here and I was like hey, we need you guys over there now. He's unresponsive and I think this is excited delirium. So Fire, the fire department came over and they started working, hey, we need you to take him out of hobble restraints and we need you to take him outta handcuffs. I was like so just so you guys know, this guy is incredibly strong, and we just fought with him and so just be aware of that. Like well, we still need to take them out of restraints so that we can work on, we can do what we need to do. So he was taken out of handcuffs. Or the hobble restraint was removed first I believe and he was taken out of handcuffs."* Officer Ford also noted that Fire did not have their lights on, that they appeared to respond routine.

Officer Ford confirmed he contacted 1438 (96th Street South) and that they had a doorbell camera. While there, he asked to view the footage from the camera, *"But it's on this like little screen so I wasn't able to see very much. All I could see was it kinda like looked this way. I could see the ambers and I could hear like inaudible screaming coming from what the doorbell camera picked up."* Officer Ford confirmed the camera was motion activated.

Officer Ford did not recognize Ellis from any previous contacts.

Officer Ford was asked if Ellis was still conscious or breathing when Fire arrived, *"He was unresponsive, but I did see his chest moving."* Officer Ford believes Fire started CPR within a few minutes of their arrival.

Using the diagram of the intersection, Officer Ford marked the location of Officer Rankine's patrol car, Officer Collins' patrol car, and Ellis. A photo was taken by Pierce County and is included within this tab.

The forensic photos of Officer Ford that were taken the night the incident occurred are also contained within this tab.

TAB 16

This tab contains a transcribed interview of citizen Shad Hayes conducted by the Pierce County Sheriff's Department during their investigation. The interview occurred on March 5, 2020.

Shad Hayes was staying at 1433 South 96th Street, three houses east of the intersection of South 96th and Ainsworth, north side of 96th Street.

Hayes was asked what he heard when the incident occurred.

- Hayes was in his bedroom watching TV.
- He heard some yelling outside and observed flashing lights.
- He went outside and noticed a patrol car at the light (traffic signal, 96th and Ainsworth) with its lights on.
- Two officers were trying to subdue an individual in the middle of the intersection.
- Hayes said the incident occurred after 11 o'clock.

Hayes stated, *"I saw two Officers tryin' to subdue this individual and they were havin' problems subduing him because he was, I don't know it he was drunk or high on drugs or whatever, but he was, but he was throwin' 'em around pretty good. And I yelled at 'em and asked if they need help and they said no, they think we've got it. But while they were tryin' to subdue him there was traffic and stuff goin' by so I stood right down here and directed traffic until I heard the back, 'til I heard their backup comin' and they came from that direction on Pacific Avenue. And then I came back in and just after that watched TV."*

Hayes confirmed the patrol car was facing west, adding, *"And then, and there was cars, two cars parked behind him and the cars that were parked behind him were yelling' and one guy was yelling at the other guy, just go around him, just go around him. The Officers were right in the middle of the intersection, so I tried to..."*

Hayes observed the incident, *"One was on the ground tryin' to get his hands behind his back and the other one was kinda bending over trying to subdue him from the top. Plus they were havin' problems 'cause he was tryin' to get up and move around and stuff." "Yeah. He was just standing trying to bend over him. Like one was towards the top of his body, one was towards the bottom of his body or the middle more."*

Hayes confirmed the individual the officers were trying to subdue was lying face down on the ground, adding that he was not complying with the officers.

Hayes was asked what the subject was doing, *"Tryin' to get up and fightin' with 'em and stuff. Not, I, I didn't see any punches swung but you could tell just by he wasn't complying. He wasn't givin' his arms and they were tryin' to get him to subdue him."* Hayes believes the subject was trying to get way from the officers.

Hayes stated, *"Yeah. There was, the, the one Officer towards the end of his feet was trying to get his arms behind his back to put the handcuffs on him, it looked to me like. I, I wasn't really up close to 'em 'cause I didn't want them to freak out and think I was, so I stayed back towards my gate. But it looked like the one Officer was tryin' to get his hands behind his back and, and the other Officer was tryin' to hold him from the front down, so the other Officer could get his hands on, um put his handcuffs on him."*

Hayes confirmed he was at the end of his driveway when he observed the incident, adding the incident occurred in front of the patrol car.

Hayes believes he heard one of the officers say "comply."

Hayes was asked if the officers were successful in placing the subject into custody. He confirmed they were, *"The, they did finally. Yeah. It looked to me like they had him most of the way. I'm not sure if they had the handcuffs on him or not because then the back, one of the backup cars showed up and then I'm not sure if they had him in handcuffs at that time or if they were just holding him. Or if when the other two Officers got here, they finally got him completely subdued. And then after that like 12 cars showed up. I mean it was like a parkin' lot out here of police cars."*

Hayes was asked if he observed anything other than wrestling, *"No, I didn't. It didn't look to me like at anytime he got up and any blows or anything exchanged. It didn't look like that, it looked to me like from what I saw most of the time they had him on the ground but he wasn't complying with their orders to put his hands behind his back so they could subdue him."*

TAB 17

This tab contains the transcribed interview of citizen Aiyana White. The interview was conducted by the Pierce County Sheriff's Department during their investigation. The interview occurred on June 7, 2020. White lives at 1438 96th Street South.

White was asked what occurred, *"Yes. So I was laying down in bed, going to sleep, and I heard some noises outside. Not unusual for where I live. So I looked outside the window and I saw the police were talking to Manuel, and I saw him attempting to get away from them, and I saw him being shoved down to the ground. At that point I heard someone in the cars behind yelling at the officers, mostly just things like stop and what are you doing. At that point I stopped looking out the window and woke up my spouse who was sleeping. From that point I couldn't see much, other than him on the ground. I saw some struggling to get away. From that I couldn't see much more from just him on the ground with the police on top. Soon after, when the majority of the Department showed up in response, they created a blockade around where you could not see him. I actually was video taping at that point. And I have a video tape of that. And then I have another short clip after the fire department arrived and they were trying to resuscitate. Before that I did not see any resuscitation. But, like I said, they were creating a blockade where the public could not see.."*

White was asked if she could hear what the officer and/or Ellis was saying, *"I, I heard him say a couple times that he couldn't breathe, once he was on the ground. I didn't, didn't hear clearly what, what was said before then."* White believes she heard Ellis say something about "can't breathe" three or four times. Later in the interview, White said she heard two different sets of "I can't breathe, I can't breathe," adding the different sets both occurred within a 3- to 4-minute span, both while Ellis was on the ground.

White confirmed that she, her spouse (James Malang), and her brother (Kennett Ashford-White) exited the residence to observe what was occurring.

White was asked if she observed any of the officers on the ground, if the officers tried to hit or punch Ellis, she confirmed she did, *"I saw some punches being thrown by the officer. I, most I saw from Manuel was a, attempting to get free. I didn't see him try and attempt to punch the police officer or hit them. So I don't, like, just the twisting movements."*

White was asked if she saw anyone trying to tackle another person, she confirmed she did, *"The, they jumped on top of Mr. Ellis."* White was asked where Ellis was when the officers jumped on top of him, *"He was laying on the ground."*

White confirmed an officer contacted them the night the incident occurred and asked if they observed what started the incident, if they saw anything of importance. White was asked if she remembered what she told the officer, she stated, *"Yes. I said that I did not see exactly what happened."*

White confirmed she did not see what led up to the officers fighting with Ellis.

White was asked if she remembered any of the officers using a Taser, *"Yes. The taser went off many times."* White believes five to six times, adding that her spouse and brother also heard it.

TAB 18

This tab contains the transcribed interview of citizen Kennett Ashford-White. The interview was conducted by the Pierce County Sheriff's Department during their investigation. The interview occurred on June 8, 2020.

Ashford-White lives at 1438 96th Street South.

Ashford-White confirmed he was aware of an incident involving the Tacoma PD on March 3, 2020.

- He heard a woman screaming outside.
- The incident occurred either late at night or early in the morning.

Ashford-White was asked what he heard, *"So there was a, a female in a brown car that was yelling don't punch, or don't punch him, just arrest him. And then there was a man in another vehicle behind her just saying go around."*

Ashford-White confirmed he could not hear the officers and/or the person on the ground. Ashford-White also confirmed he could not see the incident due to a telephone pole that was between him and where the incident occurred.

Ashford-White talked about his observations of the video from the Vivint doorbell camera, *"So at that point I actually wend down and checked our alarm, our alarm that they had just been reset up by Vivint who is the company who owns it. And when I tried to see what had actually initially started, the camera had not recorded. It had only started recording once the two people that actually made enough movement in front of the camera, altercation and sound. So I then went out and looked through the door and pushed the curtain aside."*

Ashford-White was asked what he observed, *"I saw them, the slight altercation of trying to get him from just, from the top of his knees, and then getting him down onto the ground. Fighting him on the ground." "I know probably 3 to 4 times the taser was at least deployed, whether it was physically connected to his body, I do not know. But…"*

Ashford-White was asked about the subject on his knees, *"Yeah, some kneeling, kneeling or being pushed down to the ground from the kneeling position."*

"I believe the police officers had, at least has his arms, force, forcing him to the ground." Ashford-White confirmed the altercation occurred in front of the patrol car, 4 to 5 feet in front of it.

Ashford-White was asked if it looked like the police were fighting with Ellis, *"There was resistance."* When asked to explain, Ashford-White stated, *"Like so, the second time I had been able to pull, pull the curtain around after looking at the panel, I saw that the police officers were trying to handcuff him and restrain him. And I could physically see two officers being able to be manhandled by the man underneath them. So being able to lift up to, to fully get at officers. I personally, from the Marine Corp, I know that kit's not a light thing to carry around, so (unintelligible) or anything." "So being able to lift two people that had body armor on…"*

Ashford-White confirmed Ellis was laying facedown when the resistance occurred.

Ashford-White was asked about the position of the officers around Ellis, *"One was on the left hand side on the complete side of him, and then one was behind him, probably around his butt cheeks, just kind of trying to hold him down."*

Ashford-White continued to discuss the altercation.

- He could not see Ellis' arms or tell if Ellis had been restrained.
- He could only see Ellis' legs and part of Ellis' head.
- Ellis appeared to be moving, trying to get up.
- The officers were essentially on Ellis' back.

Ashford-White was asked if he observed any strikes, punches, kicks, knees, anything like that by the officers, *"No, I did not see any fists thrown…" "Elbows thrown or anything."*

Ashford-White also confirmed that he did not observe Ellis strike, punch or kick the officers, *"No. By the time I saw him he was mostly just being pushed down to the ground."*

Ashford-White confirmed he could hear a Taser being deployed. Ashford-White was asked about how much time passed between Taser activations, *"I'd say the first few were relatively close together and then the last two or one or two were just like kind of separate times. It wasn't directly on top of the first two."*

Ashford-White was asked if he observed Ellis restrained in handcuffs, *"I think by, by the time I could physically see them restrained is by the time that third and the fourth officer had arrived onscene."*

Ashford-White confirmed that, at times, Aiyana White (sister) and James Malang (Aiyana White's fiancé) were also watching what was occurring.

Ashford-White confirmed that an officer, he believes the third officer on scene, contacted him while on the front porch, *"He has asked if we had seen anything and want, anything that could tell him what happened at the beginning of the arrest and why he was, why the subject was being arrested. And at that point we offered to show him on the panel, what we, what our video had actually caught. So we informed him that we had not caught the beginning so at that point he came in, took our names down and information."*

Ashford-White was asked if he could hear Ellis say anything, he confirmed he did, *"Um, there was at one point, he said I could not breathe…"* Ashford-White was asked when, during the incident, he heard Ellis make the statement, *"I think that's probably right after the first two squad cars that arrived afterward, or arrived for backup, the first two."*

Ashford-White confirmed he observed the police officers performing CPR around the time Fire arrived. Ashford-White did not recall how much time the officers performed CPR prior to Fire's arrival.

At the end of the interview, Ashford-White was asked if he had anything else he wanted to add, *"I didn't see anything extra…" "Physically wrong with what, what happened. Something…" "So, it wasn't like I'm going after this guy because he's one color or anything. Or like the officers didn't seem like they were being too aggressive with the person from the point that I had…"*

TAB 19

This tab contains two transcribed interviews, both conducted by the Pierce County Sheriff's Department during their follow-up investigation.

The first interview was with citizen Cedric Armstrong and occurred on March 12, 2020. Armstrong assists in managing a transitional house called God's Hands, located at 1815 102nd Street South.

The initial interview was with Armstrong; however, during the interview, it appears individuals joined the interview by phone, specifically Kimberly Mayes and an individual named Michelle (last name unknown, possibly the mother of Ellis' roommate, Mendel Everson).

Armstrong advised Ellis had lived at the location for the last three months. The last time he saw Ellis on March 3, 2020, was around 2230 hours.

Mayes said Ellis would frequently go to the 7-Eleven at 96th, advising Ellis would walk on Ainsworth and turn left on South 96th Street (westbound toward Steele Street).

Neither Armstrong, Mayes, nor Michelle witnessed the incident involving Ellis that occurred at South 96th and Ainsworth on March 3, 2020.

The other interview was with citizen Kimberly Lux. The interview occurred on June 8, 2020. Kimberly Lux was in recovery with Ellis. During the interview, Lux was asked if she did anything with Ellis outside of the group or was she with Ellis during group. Lux confirmed her only association with Ellis was during group.

Lux discussed her interactions with Ellis. Lux was not on scene and did not witness the incident involving Ellis that occurred at South 96th and Ainsworth on March 3, 2020.

TAB 20

This tab contains documents related to Tacoma Police Officer Chris Burbank's Department-issued ECT, Model X26, Serial #X00-349664.

- An AXON download log detailing the ECT deployment during this incident

The AXON Taser download was conducted by TPD Officer Eric Chell. The report was generated on March 10, 2021. The 3x "Fire" events noted on the form occurred on March 3, 2020. The times noted were: 23:25:03; 23:25:26 and 23:25:51. The Duration of each event showed as 5 seconds.

- A Tacoma Police Department Training Roster.
  Officer Burbank conducted 2019 ECT Re-Certification Training on September 12, 2019. The training was 1 hour and instructed by in-house TPD instructors.

- A Washington State Patrol Crime Laboratory Report regarding the examination of Officer Chris Burbank's Department-issued ECT and Taser wire.
  The examination was requested by WSP Detective Sergeant Marken during the WSP investigation. Brian Smelser, a Forensic Scientist, examined the Taser.

Smelser concluded that the Taser was functioning properly and the Taser wire had no faults. He noted that when he downloaded the Taser, the internal clock corrected from 12:34:21 to 12:29:03.

Also included in this tab is the download of Officer Collins' ECT, Model X2, Serial #X290026C6. Of Officer Collins' ECT, Detective Sergeant Brockway wrote in part, *"Collins's time was ahead by 8 minutes. According to the download, Collins' taser was armed at 23:40 (corrected to 23:32) but not fired.* For additional information, see Detective Sergeant Brockway's .24 report in Tab 6.

Per the time stamp, this arming of the ECT would not have occurred during the physical encounter with Manuel Ellis. It was not determined why Officer Collins armed his ECT post physical encounter.

TAB 21

This tab contains documents related to the TranZport hood manufactured by Humane Restraint/Safariland LLC.

- The product specifications sheet.
- Forensic photos of the spit hood after it was removed from its evidence packaging. There is dried blood visible in the photos.
- An email dated October 16, 2020, from Deputy City of Tacoma Attorney, Police Legal Advisor Mike Smith, to Washington State Patrol Criminal Investigations Division Lieutenant Ryan Durbin. In the email, Mike Smith advised Lieutenant Durbin of the following: "*At the time of the incident TPD did not have a written training plan or policy for the spit hood/sock. A policy/procedure is currently in development."*
- Memo to File dated July 20, 2021, reference Internal Affairs receiving a spit hood that was still in its packaging from the Department's Quartermaster. The spit hood is the same model used during the Ellis incident. The packaging contains a list of the following conditions for use.
  DO NOT USE this product unless prisoner is under control and restrained
  Wearer must be under constant visual supervision and should NEVER be left unattended
  DO NOT USE on anyone that is vomiting, having difficulty breathing, or is bleeding profusely from the area around the mouth or nose
  Remove prisoner's jewelry and eyewear before application
  If there is difficulty applying due to a large size head, discontinue use

- There is also an email chain between Jacqueline Franklin from the Attorney General's Office and a Safariland LLC representative, Allen Miller. This email chain was sent as part of the PDR response TPD IA received from the AG's Office. There are some redactions noted in the chain. This email is provided since TPD IA was not able to locate a similar (orange fabric) spit hood from our Quartermaster that was used in this incident. Allen Miller confirmed that the mask is the same mask, but the orange fabric used on the hood was a "short term material swap" and not available to provide to the AG's Office.

TAB 22
This tab contains three forensic photos specific to the hobble that was used during the incident.

The photos were contained within the investigative packet provided to Internal Affairs by the Pierce County Sheriff's Department.

- The first photo shows the exterior of Officer Collins' patrol car #2773 with an open front passenger door.
- The second photo shows the hobble in the glove box of the patrol car.
- The third photo shows the hobble laid out on display.

TAB 23
This tab contains training records for the following Tacoma Police Department Officers:

- Matthew Collins
- Chris Burbank
- Timothy Rankine

TPD IA noted that the WSP Investigation did not contain a training record for Officer Rankine, and their investigation had only TPD Training Summary Reports for Officers Collins, Burbank and Ford. TPD IA added a detailed "Employee Profile" training report for each officer. The Employee Profile report was produced by the TPD Training Sergeant.

TAB 24
This tab contains the Property Reports for case 2006302251.

- Printed on June 10, 2020 by by PCSD Detective Franz Helmcke. Shows 50 items that were placed into property on this incident.

TAB 25
This tab contains the Crime Scene Log for this incident, case 2006302251.

- The Crime Scene Log documents the time individuals come into and leave the incident scene. The log was initially created by Officer Madden and continued through completion at the scene by Officer Hightower.
- The log begins at 2322 hours with Officers Burbank and Collins and ends at 0338 hours with Officer Derr.

TAB 26
This tab contains Google Earth overhead photos of the intersection of South 96th and Ainsworth and the surrounding area. The documents were contained within the investigative packet provided to Internal Affairs by the Pierce County Sheriff's Department.

TAB 27
This tab contains image screenshots and audio transcriptions from videos related to this investigation. The video screenshots are included in the tab for reference. The videos referenced have been uploaded to IAPro for review.

Vivint doorbell camera video from 1438 96th Street South. The home of Joe White, Aiyana White, James Malang and Kennett Ashford-White. PCSD Detective Helmcke documented in his .20 report that he obtained these videos from Joe White on March 13, 2020. See also his .22 report for details of obtaining the video from Vivint via a search warrant. The screenshots included were contained within the investigative packet provided to Internal Affairs by the Pierce County Sheriff's Department. Date and time stamps were added to the screenshot photos by TPD IA for reference.

- Photo #1, March 3, 2020, at 23:21:49. The photo shows Officer Collins' patrol car stopped on South 96th with its yellow flashing lights activated. Stopped behind the patrol car are two vehicles occupied by Sara McDowell and Keyon Lowery.
- Photo #2, March 3, 2020, at 23:22:18. The photo shows Officer Collins' patrol car stopped on South 96th with its yellow flashing lights activated. Stopped behind the patrol car are two vehicles occupied by Sara McDowell and Keyon Lowery. It appears the driver's door to Lowery's vehicle is partially open.
- Photo #3, March 3, 2020, at 23:23:20. The photo shows Officer Collins' patrol car stopped on South 96th with its yellow flashing lights activated. The photo also shows an individual standing on the north sidewalk of South 96th Street and appears to be facing the patrol car. It is believed the individual standing on the sidewalk is Shad Hayes.

Also included in this tab regarding the Vivint Security System is a transcribed interview of Joe White conducted by David Heitzman, an investigator with the Attorney General's Office. The interview occurred on March 25, 2021. Joe White was not at home during the March 3, 2020, incident. Joe White's interview is placed in this tab as he gives insight into his understanding of what triggers his home's Vivint camera system to record, the system's limitations, who he shared the video files with, etc.

The Vivint video uploaded into IAPro for this tab was a video found in the WSP investigation that had merged several of the small 30-second Vivint video files into one continuous play video, titled "1438 S 96th all merged." The video's runtime is about 9 minutes and 21 seconds long.

- The Vivint system did not capture any of the events that Officer Burbank and Officer Collins said led up to their encounter with Ellis. Additionally, for unknown reasons, the Vivint system did not record scene activity from around 23:25:07 through 23:41:21 hours.
- The "1438 S 96th all merged" video begins around 22:56:06 hours, with regular vehicle traffic on South 96th Street passing in front of the camera. That video segment runs for about 30 seconds and ends. There is no Vivint recording between that end time (22:56:36 hours) and 23:21:47 hours. The next video file in the sequence is at 23:21:47 hours, and the police encounter with Ellis appears to already be in progress. That portion of the video starts with a view of Officer Collins' patrol vehicle stopped at 96th and Ainsworth with two citizen vehicles (McDowell and Lowery) behind it. The officers and Ellis are not seen. Eventually, blurry moving images are seen near the front of the patrol vehicle; however, the images are too small and pixilated to provide any detail of what is occurring. As the video progresses, the video records, among other details, McDowell and Lowery driving away, witness Shad Hayes appearing, and the police and TFD response, etc.

There is about 2 minutes and 58 seconds of audio from the "1438 S 96th all merged" video that captures voices of Officers Collins and Burbank, Manuel Ellis, Sara McDowell, Keyon Lowery, and Shad Hayes that was transcribed by TPD IA. TPD IA did not transcribe the video beyond that point as any audio had limited relevance. Since images of persons in the video are limited, IA attempted to attribute statements heard to specific individuals, if possible. Additionally, there are times when persons yelling, sirens or other noises overwhelm the audio and words cannot be made out, "(unintelligible)." Officer Ford is seen on video contacting the residents with the Vivint Camera System at around 23:50:54 hours.

- In general, Sara McDowell and Keyon Lowery are shouting at the officers regarding what they see occurring and of McDowell and Lowery yelling at each other (McDowell reprimanding Lowery and telling him to get back in his car because he has children in the car). This audio coincides with what McDowell and Lowery are yelling in McDowell's cell phone video, "Cell Phone Video from Ms. McDowell (1 of 2)."
- Officers can be heard telling Ellis to put his hands behind his back and to just stop. Unknown which officer is giving the verbal commands, but only Officers Collins and Burbank are on scene

at the time. At one point, someone is heard growling and yelling, "Try again." Screams are heard through much of this portion of the video, most likely by Ellis.

- Once McDowell and Lowery depart the scene, Shad Hayes is standing nearby and yells at Officers Collins and Burbank if they need any help. Burbank tells him to the effect no, that they have help coming. At that point in the audio, Ellis is heard saying he can't breathe and an officer saying, "Shut the fuck up."
- As Officers Ford and Rankine arrive, there is a request for hobbles by an officer, and an officer saying they're in the glovebox.
- From the Vivint recording, while only Officers Collins and Burbank are at the scene, Ellis is heard saying five times to the effect he can't breathe. Once Officers Rankine and Ford arrive, three more statements or partial statements by Ellis regarding breathing can be heard.

Cell Phone video by Aiyana White taken from 1438 96th Street South. There are two video segments from White. The audio from White's videos had limited value and were not transcribed. PCSD Detective Helmcke documented in his .36 report that he obtained these videos from Aiyana White on June 7, 2020

- The first video is titled "Cell Phone Video from Ms. White (1 of 2)." The video begins around 23:32:05 hours, and it runs about 15 seconds. In general, it shows a group of officers standing in the area where Ellis is lying in the roadway. The spit hood appears to be over Ellis' head. Officer Rankine is kneeling at Ellis's upper body while Officer Madden seems to be kneeling near Ellis' legs.

It is difficult to make out Ellis' body position or the positioning of Officer Rankine and Officer Madden in relation to Ellis due to the distance and clarity of the video.

- The second video is titled "Cell Phone Video from Ms. White (2 of 2)." The video begins around 23:45:02 hours, and it runs about 58 seconds. In general, it shows a group of officers standing in the area where Ellis lies in the roadway. Officers appear to be doing CPR on Ellis. TFD has arrived and is also at Ellis' side.

Cell phone video by Sara McDowell. There are two video segments from McDowell. PCSD Detective Helmcke documented in his .32 report that he captured these videos from a social media site on June 4, 2020.

- The first video is titled "Cell Phone Video from Ms. McDowell (1 of 2)." The video begins around 23:21:46 hours, and it runs about 37 seconds. In general, the video starts with Officer Collins' back toward the camera along the passenger side front of the patrol vehicle, moving to where Ellis and Officer Burbank are physically engaged in a struggle near the front right of the patrol vehicle.

  The audio from this video was transcribed by TPD IA. In general, the audio from this segment is Sara McDowell and Keyon Lowery shouting at the officers regarding what they see occurring and of Sara McDowell yelling at Lowery.

- The second video is titled "Cell Phone Video from Ms. McDowell (2 of 2)." The video begins around 23:22:34 hours, and it runs about 15 seconds. In general, the video is of McDowell driving past the officers and Ellis. Ellis in on the ground with the officers struggling with him. Officer Burbank is seen with his ECT in his right hand.

  The audio from this video was transcribed by TPD IA. In general, the audio from this segment is of an officer (unknown which officer is giving the verbal commands) telling Ellis to put his hands behind his back.

Cell phone video from Samuel Cowden. There is one video from Cowden. There is no audio on the video, titled "Cell Phone Video from Mr. Cowden." This video was obtained from the WSP investigation.

- Cowden's video begins around 23:21:56 hours, and it runs for about 59 seconds. In general, the video begins with Officer Collins and Ellis on their knees with Officer Collins behind Ellis. Officer Collins can be seen trying to control Ellis with his right arm around the front of Ellis' neck area beginning to apply an LVNR. Officer Burbank is standing in front of Ellis with his ECT in his right hand.

TAB 28

This tab contains documents related to Manuel Ellis that were obtained from Pierce County Alliance (PCA) in response to a search warrant that was written and served by the Pierce County Sheriff's Department during their investigation. The documents were contained within the investigative packet provided to Internal Affairs by the Pierce County Sheriff's Department.

- In general, the documents are historical PCA clinical treatment records for Ellis.

TAB 29

This tab contains various forensic photos taken by the Pierce County Sheriff's Department. The photos were contained within the investigative packet provided to Internal Affairs by the Washington State Patrol.

- On July 14, 2021, TPD IA received a set of forensic photos and investigative images from the Pierce County Sheriff's Department not originally contained in the packet they provided to Internal Affairs.

The tab contains three sections: scene photos from South 96th and Ainsworth, photos of items placed into evidence, and photos taken of Ellis' residence.

Scene photos:

- The overall photos show Officer Collins' patrol car, #2773, stopped in the westbound lane of travel of South 96th, at the stop line at Ainsworth, with Ellis' body located 15 to 20 feet in front of the patrol car, 2 to 3 feet south of the north curb.
- The photos of Ellis' body show the medical equipment (bag valve mask, monitor leads, IV connection) still attached. There are close-up photos of Ellis' hands, knees and face that show cuts and abrasions. There are close-up photos of Ellis' wrists and ankles that show indentations on the skin where the handcuffs and hobbles were applied. The spit hood is under Ellis' head. There is visible blood on the spit hood.
- There are photos of Officer Collins' patrol car and the surrounding area. Some of the photos show a water container up against the north curb of 96th Street in line or slightly ahead of the front of the patrol car. Some of the photos show a box of doughnuts on the ground, near the front passenger door of the patrol car. There appears to be a trail of powdered sugar on the ground next to the box.
- There are a few photos of the front passenger door window that show a white powdery substance on the window with striations extending up and from the larger amounts.
- There are photos of the spent Taser wires.

TAB 30

This tab contains the PowerPoint presentation created by the Washington State Patrol (WSP case #20-009681).

- This PowerPoint is placed here so the reviewer can have a general review of WSP's investigation.
- This PowerPoint presentation was obtained from the Washington State Patrol investigation files in a .pdf format. Numerous photos are redacted throughout the presentation. There is embedded audio and video that will not play due to it being a .pdf.

- It is not known this presentation's purpose or if this presentation was meant to be a final product of the investigation. The second slide is titled "Objectives" and three objectives are noted: Discuss the facts of the Manuel Ellis case; Discuss best practices for these types of investigations; and Discuss the challenges of this investigation.
- Transcription inaccuracies TPD IA noted in Tab 3 are found on the "Summary of Radio Traffic" slides.

This PowerPoint is similar to the PCSD PowerPoint and appears to use many of the same slides; however, the WSP PowerPoint includes witness statements from Sara McDowell, Keyon Lowery and Samuel Cowden. It also includes McDowell's and Cowden's cell phone videos.

TAB 31

This tab contains the Washington State Patrol Case Summary by Detective J.N. Rhue.

- The WSP investigation into this matter is case number is #20-009681.
- WSP investigators did not interview any involved TPD officers or TPD officers that were witnesses to the incident. It appears officer statements in Detective J.N. Rhue's summary are taken from reports and interviews from the PCSD's initial investigation.
- Witnesses that WSP investigators interviewed included TFD personnel and several citizens.
- Detective J.N. Rhue's summary is broken down into two sections titled, "Synopsis" and "Details." Other than citing from the Pierce County Medical Examiner's report, Detective J.N. Rhue's summary does not draw any conclusions or have any findings or recommendations.

In the "Details" section of his case summary, Detective J.N. Rhue addressed what Officer Collins and Officer Burbank told investigators about how the contact with Ellis started. Detective J.N. Rhue wrote in part, *"Officers Collins and Burbank both told investigators that Ellis was standing in the roadway and in front of a vehicle attempting to make a left turn onto westbound 96th Street South from Ainsworth Avenue South. Ellis was waiving his hands while standing in front of the vehicle. Ellis then ran to the front passenger door and tried to open it. The unidentified vehicle was able to complete the left tum and sped away.*

- The unidentified vehicle or occupants were never identified by investigators.

Officer Collins, who was in the driver's seat, rolled his window down and said, "Hey come over here. What's going on?" Officer Collins told investigators Ellis turned, jogged over and came "abnormally close to the car." Officer Collins stated Ellis' eyes were "super wide" and Ellis had sweat all over the top of his head. Ellis stated something like, "I'm having a bad day, I have warrants, I need some help." Officer Collins stated he told Ellis to step over to the sidewalk and they would talk with him. Officer Collins told investigators he picked up the radio mic and was about to advise dispatch of the contact when Ellis became fixated on Officer Burbank as he walked in front of the patrol car. Ellis walked to the passenger side of the patrol car, got really close to the car and was staring at Officer Burbank. Officer Burbank rolled down his window and Ellis said something like, "I'm really hot, I need to cool down." Then Ellis said, "Instead I might just try to punch you in the fucking face." Officer Burbank stated after hearing Ellis' comment, he immediately rolled the window up. Ellis reportedly struck the window with a closed fist 2 or 3 times. Ellis reached for the door handle and Officer Burbank locked the door.

At this time, Officer Collins had exited the driver's door and was moving around the front of the SUV, approaching Ellis. Officer Collins stated he wanted to gain control of Ellis and had planned to put him in handcuffs. According to officers, Ellis turned to face Officer Collins with clenched fists and positioned his body in a fighting stance. Seeing this, Officer Burbank opened his door and struck Ellis. Officer Burbank stated he "checked" Ellis with the car door to divert Ellis' attention. During this time, Ellis grabbed Officer Collins by his external vest carrier, lifted him up and threw him on his back on the street. Officer Collins, who weighs about 230 lbs. with his gear on, described Ellis as having superhuman

strength. Officer Burbank exited the vehicle, locked the vehicle door and observed Officer Collins and Ellis now in a physical fight.

Officer Burbank stated Ellis was swinging his fists wildly at Officer Collins and also tried to kick him while on the ground near the front of the patrol car. Officer Burbank described Officer Collins as trying to wrap Ellis up in an attempt to get him under control. Once on the ground, Officer Collins tried to control Ellis' upper body while Officer Burbank tried to control Ellis' legs. Officer Burbank stated he delivered closed fist strikes to Ellis' body at this point. Officer Burbank indicated his strikes had little effect on Ellis and he seemed much stronger than them. Officer Burbank described Ellis as screaming and making growling sounds. Officer Burbank stated Ellis was able to stand up while the two officers were trying to keep him on the ground."

As part of their investigation, WSP investigators interviewed Sara McDowell and Keyon Lowery. McDowell recorded some of the incident on her cell phone. Regarding what McDowell and Lowery told investigators, Detective J.N. Rhue wrote in part, *"Both McDowell and Lowery told investigators they observed the officers tackle and strike Ellis numerous times without provocation. They also told investigators that Ellis did not appear to have been resisting or fighting back. This is why both McDowell and Lowery got out of their vehicle and yelled at the officers."*

WSP investigators interviewed TFD personnel. Of the interview with TFD Nicholas Wilson, Detective J.N. Rhue wrote in part, *"At 11:34 p.m., Fire arrived and began to render care to Ellis. All of the restraints were removed at the request of Tacoma Fire Paramedic Nicholas Wilson. Wilson determined Ellis' breathing was deteriorating and began mechanical breathing with a Bag Valve Mask (BVM). At 11:41 p.m., emergency personnel began manual cardiopulmonary resuscitation (CPR)."*

Detective J.N. Rhue's final paragraph in his summary addressed the medical examiner's report. Detective J.N. Rhue wrote in part, *"The Medical Examiner's report indicates Ellis' cause of death was "Hypoxia due to physical restraint."*

Other significant conditions were methamphetamine intoxication and dilated cardiomyopathy. The manner of death was classified as Homicide. Ellis' blood toxicology report showed he had a blood methamphetamine concentration of 2400 ng/mL of blood. He also had a blood amphetamine level of 54 ng/mL, Ephedrine level of 19 ng/mL and Phenylpropanolamine level of 39 ng/mL of blood."

TAB 32

This tab contains multiple Washington State Patrol Investigative Logs.

- Detective J.N Rhue
- Detective Sergeant M.J. Marken
- Detective D. Richmond
- J. Cabezuela (rank not indicated)

TAB 33

This tab contains the transcribed interview of Washington State Patrol Trooper K.C. Jones. The interview was conducted by the Washington State Patrol on September 22, 2020.

This tab also contains two additional documents.

- A Washington State Patrol Assisting Officer's Narrative written by Trooper Jones. The narrative was not summarized due to more detailed information being provided during Trooper Jones' transcribed interview.
- Washington State Patrol Incident Details (case #20-009681) printout showing all of the Washington State Patrol personnel who responded to 96th and Ainsworth. Trooper Jones was the

only Trooper from the Washington State Patrol who arrived on scene. Trooper Jones arrived at 23:27:01 and cleared at 23:33:34.

Trooper Jones said State Patrol Communications advised that Tacoma PD radio was receiving mic clicks with some screaming in the background from the area of 96th and Ainsworth.

Trooper Jones responded and arrived, observing 10 to 15 patrol cars already on scene and described what he observed, *"Um, I got out of my car, I saw a Lakewood PD K9 handler that I know. Um, made sure everybody was okay. I saw that there, there was one male um on the sidewalk or near the sidewalk. I'm not, I don't exactly remember at this time um, he was detained in handcuffs laying on his stomach. Um, he was screaming, yelling, (inaudible) and he was striking the pavement with his forehead or face or you know something in that general area of his body. Um, there was a few officers or deputies trying to get him to calm down and speak to him, let him know that aid uh, medical staff was on the way."*

Trooper Jones said he spoke with the other K9 handler for a few minutes and observed either a fire truck or ambulance/aid unit arriving. During the interview, it was determined the other K9 handler was Lakewood PD Officer Bucat.

Trooper Jones advised that Ellis was detained in handcuffs and that he (Jones) was no closer than 50 feet from the scene.

Trooper Jones was asked if he heard Ellis say anything, *"No it was like a uh, like a muffled scream, like a, almost like a, a growling out of a dog, it wasn't really words it might have been a moan and groan or, something that I, I couldn't make any words of the sounds he was making."*

Trooper Jones was asked what the Tacoma officers were doing, *"Just trying to calm him, comfort him. I don't know what it was.*

They were just, I heard them saying that aid's on the way, you know relax, calm down, you're gonna be okay. Um, you know fire's coming, whatever, whatever might be ambulance is coming, things like that."

Trooper Jones was asked if Ellis was in any kind of distress, *"I think he was in, in distress because he was not happy being handcuffed. As far as you know like emotional distress um, you know upset that he was handcuffed or he was just in an altercation or something like that but like physical distress, no. Like I said he was striking his, his face with the pavement or on the pavement. Um, he was or it looked like he was resisting a little bit, trying to get up and away so, physical distress no, maybe emotional distress."*

Trooper Jones was asked if it appeared that Ellis was in need of immediate first aid and if the officers were doing anything, *"No." "No. No like I said he was, he was able to be combative he was able to either yell or whatever noise he was making he was able to breather. He was able to make noise. He was able to struggle a little bit. Um, I said that, that's something we deal with hundreds of times. It's nothing out of the ordinary."*

Trooper Jones was asked if Ellis' legs were restrained as well, *"I believe there was an officer either sitting on his legs or off to the side and had a um, lead on his legs by his ankles but I, I don't remember a hundred percent."*

Trooper Jones was asked if anyone was further physically restraining Ellis, *"No. Nope. I remember there was the officer down towards his legs, that I just spoke of, um, and one up towards his shoulders and head area but that one was talking to him. But not restraining him."*

TAB 34

This tab contains the transcribed interview of Lakewood PD Officer Anthony Bucat. The interview was conducted by the Washington State Patrol on August 20, 2020. Officer Bucat did not write a report for this incident.

Officer Bucat confirmed he arrived at South 96th and Ainsworth in response to Dispatch advising that Tacoma PD was fighting with one at the location.

- Per the CAD, Officer Bucat, (K933) arrived on scene at 23:25:26 hours via the car computer.
- Officer Bucat confirmed he was never in contact with Ellis.
- He talked to a K9 Trooper (Trooper K.C. Jones) that was on scene for a few minutes and cleared.
- While on scene, he heard Ellis yelling, but does not remember what was being said.
- Ellis was detained in handcuffs.
- He confirmed there was a hobble restraint on Ellis, but does not believe he was on scene when the hobble was applied.
- He was 40 to 50 feet away from the incident.
- There were around 10 officers on scene when he arrived.
- He believes he was on scene for around 10 minutes.

Near the end of the interview, Officer Bucat was asked if he thought there was anything important for the interviewers to know.

- He switched to TPD's channel and noticed how long the fight was dragging on for.
- He picked up his response time because of the length of time the fight was occurring.

TAB 35

This tab contains the transcribed interview of Sara McDowell. The interview was conducted by the Washington State Patrol on October 5, 2020. Present during the interview was James Bible, the attorney representing Manuel Ellis' estate/family.

Also contained within this tab are two additional transcribed interviews McDowell conducted; one with CNN and the other with KIRO 7.

McDowell detailed the following:

- She was driving to her sister's house (westbound on South 96th) and was being followed by the father of her children (Keyon Lowery).
- She pulled up behind a police officer at the red light at 96th and Ainsworth.
- She observed Ellis walking and believed they (Ellis and the officers) were having a normal conversation.

McDowell stated, *"And then um, Manny like uh walked to the car a little bit, they like had got his attention or something and then he turned around, um ignored it, it looked like he ignored them or like was walking away from them and then got back onto the sidewalk or was going to the sidewalk it looked like and the passenger police officer opened his door like super hard and it just threw me off." "Um, but when the passenger police officer opened his door and um Manny got knocked down he, uh the driver officer opened his door and ran around in front of the police officer um officer's car, uh their car, um, and uh while he was getting, while the driver police officer was getting out, and running around the car, the passenger police officer was punching or slammed Manny to the ground and was like punching him, like over and over just punching his face."*

Later in the interview, McDowell described the following:

- She observed Ellis walking on the sidewalk.
- Ellis was talking to the officers for 10 to 15 seconds.
- Ellis turned around and was knocked to his knees by the door.
- Ellis' back was facing the patrol car when he was struck by the door.
- The passenger officer exited the patrol car, grabbed Ellis and "just started pounding him, his face."

McDowell described getting out of her vehicle, *"I then was like or then got out of my car and was screaming and screaming like whatever he did, like whatever occurred, that I didn't see uh just arrest him. They didn't try to like just arrest him like I didn't, um and then I started driving a little bit forward, past the uh police officer's car, and they were in front of it at the pole right there on 96th and Ainsworth and the, I believe it was the driver officer at this time, uh was on top of Manny and so the other one was like holding his hand down, like this, and was like yelling at him to put his hand or to do it, or if he does it again or, saying put your hands behind your back or I'm going to do it again, that's what the police officer said to Manny. And um he was then looked, or it looks like he was looking at me in the video while he was saying that, but you can see his hands on top of Manny like he was on, his hands are holding his hands down, he couldn't do it. And he was saying or Manny..."*

McDowell was asked to clarify if Ellis was looking at her or if the officers were looking at her, "*The officer looked at me. Like he looked up at me um, then um Manny was like help, like he couldn't he was just couldn't do it like he, they were talking about what they were going to do to Manny, he's like no um. Then I, um, drove away. I turned around and came back after I dropped off my daughters my two daughters off at home which at the apartments or at my sister's house at Aero Apartments. Which is like 30 seconds away from the scene um, I turned around, came back, after they got in and there was like uh I drove past and I tried to like get out or like stop and see if I can like just see what was going on, and there was like about six, seven officers around where it happened. Where I first seen him getting hit and stuff and um, the officer, there was another officer telling traffic that, or telling us like to go around to get out of here, whatever so, I couldn't even get out of my car or do anything so I go all the way around the block and I'm just, sirens or ambulance and fire truck all of that so. Yeah."*

McDowell confirmed she does not know any of the involved officers.

McDowell was asked if she could hear any of the dialog between Ellis and the officers. She stated, *"No."*

McDowell was asked if she heard any yelling, *"No the, that's why at first it seemed normal and like I didn't hear I, feel like I would've heard um yelling. My, actually my music was up, that's why I didn't hear anything. My music was up and then as soon as I seen him start, uh the officer get out and hit or like when all that happened, I turned my music down and I was screaming stop, arrest him, arrest him."*

McDowell was asked about the length of time between when pulled up behind the patrol car to when she started recording (cell phone video), *"Um, like, I pulled up, they were talking, probably like 30, 40 seconds."*

McDowell was asked if she observed anything in Ellis' hands, stating, *"No."*

McDowell was asked if she observed Ellis strike the patrol car, *"No, he didn't. It wasn't when I seen him walk to the car he literally wasn't, wouldn't put his hands up, he didn't kick his feet, he didn't do anything. He turned around on them and started to walk away and then the officer opened his door, knocked him down. He didn't touch the car at all."*

McDowell was asked if the driver ran out of the patrol car, *"Um the driver officer, he liked flipped his light on um before he even got out of the car. So, uh the passenger is like doing his thing. The driver flips his lights on, and uh, uh went, goes around the front of the car and like grabs him or, it's just hard to tell it was just all happening so fast the..." "... Video like can like tell you for sure but. Um, grabs him and then they end up flipping him on the ground and then um, or, and then the, passenger one is the one standing with the Taser, and then they're all, the driver one, sorry, the driver one is holding Manny, while the passenger is saying that he's going to Taz him again."*

McDowell was asked about the Taser deployment, *"Um he was Tasing him, he was. He was Tasing him for a minute um over, like just off and on kind of I seen um or uh before I drove past the car and then after that he was doing it. And I didn't see anything after that."*

McDowell was asked how she knew the officer was using a Taser, *"Um he was just like, he was standing, okay so when I'm like stand, or when I was before the police car..." "... uh Manny was on the ground, after the pol-or the driver cop got to that, got over whatever, whatever he had his Taser in his hand and stuff and he was just like, I don't know it just happened so fast. He was just look, I don't know what it looks like to get Tased and that's what he was doing."*

McDowell was asked if her belief on the Taser being used was based on Ellis' reaction of if she heard a sound, *"Yeah, just, no I didn't hear anything. I didn't hear anything."*

McDowell was asked about Ellis' reaction while being hit, *"He was just freaking out he was freaking out. He was literally just like saying or well not saying he's like blocking his face when the passenger was punching him in his face. He was just like kind of like trying to block and like protect himself um, he, he wasn't hitting back. He wasn't uh, he wasn't even really like freaking out. Like wiggling out like trying to like, you know what I mean, he was just trying to like, (sigh) uh not get hurt or get like people get what, or what they were going to do to him he didn't, I'm pretty sure he just was scared for his life."*

McDowell was asked about Ellis' positioning on the ground, *"Um, he was like, well at first when the passenger started hitting him, he got onto his back and they were on top of him and then, then he was like flipped over, then they like tackled him over and he was like on his side like this and then when I drove past same thing. Okay it was just like I don't know he was just like smashed, like, he was just like all over during the whole time he was kind of just like to his side and then like more to like the this. He wasn't so much on his back, flat, compared to the first part of the video."*

McDowell was asked about the position of the officers around Ellis. One officer was on top of Ellis. The other officer was either kneeling down on top of Ellis or to the side of Ellis.

McDowell was asked about the positioning of the officer's knee. It was described as being all over Ellis' back, Ellis' body or Ellis' shoulder area.

McDowell was asked what part of the officer was on Ellis' back, *"His whole body was, I don't really, just his whole body was on him. He was like, just against him, like I can't explain it, just his whole body was on top of him. His knees were like on his back, he had, they were just holding him down then, uh the other officer when he had his um I, he was like facing this way and he would, was holding him down enough for him to not be able to move his hands so he was like this, had his hands on him, just around him. They were just like, covering I don't know."*

McDowell was asked what she observed/heard as she was driving around Ellis and the officers, referring to her second cell phone video, *"Urn, I just saw like police said put your hands behind your back before I do it again, which meant Tasing him urn for he was standing there with the Taser in his hand. Urn, they're uh, what's it called urn, that was, that's all I heard and then he was telling me to help him and then, urn, I believe it was the, I believe it's the passenger one, um, or the driver one, the driver sorry so confusing, the driver police officer was looking up at me, um, after he said that he was going to do it again if he didn't put his hands behind his back."*

McDowell believes there was a 10- to 20-second break between the end of the first and beginning of the second video.

After leaving the area, McDowell returned to the area. She observed around eight officers surrounding Ellis. The Fire Department was on scene.

McDowell was asked about when she first shared her videos. It occurred on June 4 with Ellis' sister and James Bible. McDowell was asked why she did not share the video with law enforcement, *"Um because the article that I read online was different than what I seen. It was a lie so I was like um, they're already lying about what had happened so I just I was scared kind of wouldn't go to them."*

McDowell was asked about the article she read, *"Or it was, I don't know it was the news, it was whatever um his autopsy had came out on. Um, I read it and it was like, said that um I don't know if it said his name or not but it said a guy, whatever, that had was hitting on a patrol or the car and stuff like that, and was breaking into people's cars, breaking into uh people on the road's cars or something like that uh, and it said 96th and Ainsworth, March 3rd, at 11:21, 22 p.m. And the only reason like I just was like oh my gosh like, that is, kind of sounds like, what I had experienced. I had experienced something March 3rd, at 11:20 p.m. but it wasn't, he well this man wasn't hitting on cars, he wasn't trying to get into people's cars he was walking and tried to walk up, or they walked, they had a conversation whatever it was, and then he walked away, they knocked him down, and they beat him up. That's what I saw so I was like thaaaaat [sic] does not sound like the right thing I was like um, they're lying. So I went and figured, found Facebook and looked all over, figured out all that, found his sister and said I think I have a video of the night of your brother getting hurt by the cops and I was like what the, um what was posted or what is being said isn't true at all. Like that didn't happen."*

Also contained within this tab are two additional transcribed interviews McDowell conducted, one with CNN and the other with KIRO 7. The videos were found within the PCSD investigation. The beginning of those video interviews were screenshot, and the screenshots are included for reference only. The videos have been uploaded to IAPro for review.

CNN Interview: Per PCSD Detective Helmcke's .39 Supplemental Report, this aired around June 5, 2020

McDowell was asked why she took the videos, *"Because I seen nothing happening and once I seen the officer open the door so hard and get out and knock him to the ground, it scared me, and I just I needed, like needed to make sure that I got like what was first happening, just to show that he didn't do anything, 'cause they were, like he was just being really aggressive, the passenger police officer, so I definitely knew something was going to happen or just, he was gonna get hurt by them, like, just the way they were acting and being."*

The interview cited Detective Troyer's assertion that Ellis contacted the officers, was in distress, that Ellis said he had warrants, and that Ellis assaulted one of the officers when they got out to talk to Ellis.

McDowell responded to Detective Troyer's statement, *"That absolutely did not happen. They were both in the car and Manny was standing away from the car. He didn't touch the vehicle. I saw Manny at the beginning when he was walking down the sidewalk. And the police officers got his attention, whatever. Manny walked to the car a little bit, he wasn't touching it, nothing. Turned around and was going back to the sidewalk what the officer opened the door and smacked him and made him fall."*

McDowell was asked if what she described was the beginning of the situation, was there any chance she came late to it, *"No, positive. And it wouldn't make sense to me if the police officers, if that all happened and the police, why would the police officers get back into their cars, like would they…"*

KIRO 7 Interview/Article: Per PCSD Detective Helmcke's .39 Supplemental Report, this aired around June 4-5, 2020

McDowell claimed the officers grabbed and threw Ellis to the ground while Ellis was walking on the sidewalk, *"The driver cop ran around in front of the car and grabs Manny and literally like flips him over, like body slams him And knocks him onto the ground. And his head like hit back and it looked like he hit the curb."*

McDowell described what one officer was doing, *"He starts punching him like in the face, just punching and punching him, and he punched him about ten times."* McDowell said they were Tasing Ellis as well.

A portion of the article plays some of Sara McDowell's cell phone video. The remainder of the interview cites quotes from James Bible and Tacoma Mayor Victoria Woodards.

TAB 36

This tab contains the transcribed interview of Keyon Lowery. The interview was conducted by the Washington State Patrol on October 28, 2020. Also present during the interview was James Bible, the attorney representing the Manuel Ellis estate/family.

Lowery was in a vehicle following Sara McDowell. Lowery was on South 96th Street when he observed the following:

- A police car was stopped at a red light. The light turned green and the patrol car did not move.
- He observed Ellis walking toward the sidewalk, toward a 7-Eleven. Later in the interview, Lowery described Ellis as walking toward him (eastbound).

It appeared that Ellis had been called over to the police car and was having a conversation with the officers.

Lowery described Ellis being struck by the patrol car door, *"As he was turning away, the cop car door flung, like at a fast, fast if you were about the jump out the car like you were about to do something to him, saying. And it hit him. It knocked, it literally knocked him like I would say it probably knocked the wind out of him hitting the ground getting hit by the car door. And you know what I mean like if you're trying to get up off your feet you'd use your hands. As he was getting up the officer literally already, shot out the car. Getting on top of him."*

Later in the interview, Lowery said the driver of the police car exited around 10 seconds after the door struck Ellis. The driver went around the front of the police car and got on top of Ellis.

Lowery said he exited his vehicle and yelled, *'hey, y'all in the wrong right now'*

Lowery described what occurred next, *"I just see them start whaling on him you know what I mean, I'm that's not, that's uncharacteristic uncare.., out of the character you know what I mean, that's not a, that's not a policeman's character they don't need to swing, punch, hit, you know what I mean. Especially a man that I haven't seen do anything wrong at the first place. Um, literally, it, it happened fast."* Later in the response Lowery added, *"Like I've seen things like this but like, not any, anything like that. You know what I mean, there was no reason to, a man that defenseless you know what I mean. He wasn't even defending himself. A man that was there, doing literally nothing to be able to defend himself and there's two people on him."*

Lowery was asked if he heard anything said between the officers and Ellis, he stated, *"No. Heard Nothing,"* adding that he was not playing anything in his car and that his windows were rolled down."

Lowery was asked if the police car had any lights on. He confirmed they did, flashing yellow lights then blue lights when one of the officers exited the police car.

Lowery was asked how long the conversation was between Ellis and the officers before the door opened and struck Ellis, *"45 seconds, not very long. It was quick."*

Lowery was asked if the conversation appeared heated, *"No it was, a cool little walk over and he didn't even make it all the way up to the, it was like he didn't touch, he didn't even make to so he's, his face is in the window he didn't make it to where he's touching the window like not that length of a distance."*

Lowery added, *"But like enough distance that he gets hit, clipped with the, with clipped hard enough that he falls. Hit with the door. Not saying he got with the, where the handle would be, I'm like where the handle would be instead of the actually the front of the door. He was not close enough to, to cause possibly, possibly even call be a threat at all. Literally. Not, not he was not a threat, he didn't come off with a threat, he didn't look like his demeanor was of a thuggish it didn't none of that stuff it didn't look like he wanted to anything wrong, it looked like a casual little walk to the car, and looked up, like he was turning his back, and when he tum start turning his back and that's when it happened."*

Lowery said he could clearly see Ellis and the officers as there were streetlights in the area. Lowery confirmed he never observed Ellis touch the police car, that Ellis was never close enough to touch the police car.

Lowery was asked if he observed Ellis carrying anything, he stated, *"No. I feel like he was on his way to the store."* Lowery was asked if he remembered what Ellis was doing with his hands, *"Um, no. I, I can't exact, really exactly remember." "What he did if his hands were on, his hands, I don't know. I can't answer that*."

Lowery confirmed there were only two officers on scene while he was there. Lowery also confirmed there were no aid vehicles on scene while he was there.

Lowery described seeing two people on top of another as he drove around the incident.

Lowery was asked if he heard Ellis say anything, make any sounds, *"Personally I did not hear him say nothing."* Lowery was asked the same question about the officers. He stated, *"No."* Lowery added, *"I, they, I don't remember, I don't remember hearing them say anything. I'm not saying they did not say anything, and I'm not saying they did say something."*

Lowery was asked if he observed either of the officers holding anything. He confirmed he did, one of the officers had a Taser in his hand, adding he did not see it deployed.

Lowery was asked if Ellis was fighting back, *"Negative, he, when I was like I said when the other cop got on top of him it mmm."*

TAB 37

This tab contains the transcribed interview of Samuel Cowden. The interview was conducted by the Washington State Patrol on September 22, 2020. Also present during the interview was James Bible, the attorney representing the Manuel Ellis estate/family.

Cowden was asked what drew his attention to the incident involving Ellis.

- He was approaching the intersection of South 96th and Ainsworth to make a right turn back toward the Domino's store.
- He observed a police car sitting at the intersection.

Cowden stated, *"And then urn, I saw the passenger door of the, the cop car cause suddenly, I didn't see uh much before that as I looked left and looked right and I saw them. Uh I saw just the door opening up, and then I saw Manny like falling towards the front of the car and uh I saw the other officer also get out of the car. And I looked down at my phone and like start recording just cause I felt like something was going to happen there."*

Later in the interview, Cowden was asked how much time elapsed between the time he pulled up to the intersection to when he began his video recording. Cowden believes it was around 10 seconds.

Cowden was asked what occurred after the officer exited the police car, *"And then that is when I uh, I was as, as I pull up my phone the first thing that I saw was just a, a little bit of a brawl and it seemed that the officer grabbed Manny shoulder, flipped him around and then uh Manny kind of uh just hand out, out of his shoulder and that's when kind of like a, the only word I can describe is a brawl ensued. And just um, I mean you saw the video I don't know how to really explain a fight to well."*

Cowden said Ellis was facing the same direction as the police car (west) when the passenger door opened.

Cowden believes the passenger door hit Ellis because Ellis fell after the door was opened.

Cowden was asked if he heard what was occurring between the Ellis and the officers, *"It was just screaming to be hon-because I mean I had my music going and everything."* Cowden added that Ellis was screaming while on the ground.

Cowden was asked what he thought was going on when he first pulled up to the intersection, *"Um, it was just uh two officers attempting to take down someone and uh arrest them."*

Cowden observed Ellis going to the ground, but was not sure how Ellis got to the ground. Cowden observed an officer behind Ellis, bringing Ellis to the ground with his hands behind his head, describing it as a "full nelson."

Cowden observed the Taser deployment, *"But yeah I mean, there was that and then Manny's hands were just in the air, and the other officer seemed to have a, a Taser gun. And uh, just one of those little stun gun things. I'm not quite sure how many shots were fired but I mean he aimed, put it down, then he aimed again, guess uh could've been two shots or he just didn't shot the first time. But that's what uh, there's definitely like the little the strings that attach to them."*

Cowden confirmed he could see the wires coming from the Taser. Cowden said Ellis began screaming after the Taser was deployed against him.

Cowden was asked if he believed Ellis was trying to comply, get up, trying to get away, fighting? Cowden stated, *"Well yeah, at first he was seemed like he was just trying to keep his hands up but it seemed like they were kind of forcing him to go in different positions. Like his hands behind his back, and then hands behind his head, but no one else, no one could figure it out. Um I, it doesn't seem like he was fighting all to me."*

Cowden was asked if the officers appeared to be putting Ellis in different position to handcuff him, *"I mean it seemed like uh the term I'd use is like rag dolled. It seemed like he was just being thrown around and like, on the ground and what not. And like there was a part where I thought he was actually unconscious after being, cause he was choked and then he like, Manny stopped moving and then he kind of just gently presses back, and they let him sit there for a bit, and Manny woke up."*

Cowden was asked about how Ellis was being choked, *"Uh it was an arm around his neck."*

Cowden described how one officer was behind Ellis with the "full nelson" and the other officer was pointing the gun (Taser) at Ellis.

Cowden confirmed there were only two officers on scene when he left the area.

Cowden was asked if he observed either the officers or Ellis throw punches, *"I saw one officer or it seemed to be him, just throwing punches to him, I'm not sure where cause then that officer just happened to be in my, my role line of sight there. But that was when I was kind of like going trying to record and I had to like unplug my phone and then unlock it get to the camera and do a couple steps. But yeah."*

TAB 38

This tab contains four transcriptions of video interviews conducted by Attorney James Bible (TPD IA visually recognized him from the investigation). The interviewees are Sara McDowell, Keyon Lowery and Samuel Seth Cowden. The interviews were located within the Washington State Patrol's investigation and transcribed by TPD IA. It is unknown when the interviews occurred as the dates are not mentioned in the audio.

- Within the WSP investigation, the video interviews are located in sub-folders: 100_Digital (1)> 10_Audio> From Attorney Dermer> Files 1 and Files 2.

  There are two video interviews in the "Files 1" folder. They are titled "Ms. McDowell (part 1)" and "Ms. McDowell (part 2)."

There are two interviews in the "Files 2" folder. They are titled "Mr. Cowden" and "Mr. Lowery."

- The beginning of those video interviews have been screenshot, and the screenshots are included for reference only. The videos have been uploaded to IAPro for review.

Sara McDowell Interview: Sara McDowell has two video segments of her interview. Other than Sara McDowell introducing herself, there are no formal introductions regarding the date/time, place or who all is present for the interview. Based on information contained within the videos, it appears the interview likely took place in early June 2020. The videos appear to have been filmed outside, with the attendees standing on the sidewalk near 1630 East Wright Avenue in Tacoma. The duration of the Part 1 video is 13 minutes and 25 seconds while the duration of Part 2 is only 2 minutes and 15 seconds. The interview in the Part 1 video abruptly ends with no formal closing. It does not appear that the Part 2 video picks up where the Part 1 left off.

The Part 1 video begins with an unidentified person that appears to be filming the interview telling Bible they are ready to start when he is. Bible has McDowell spell her name and then begins the interview. Bible confirmed the phone and phone number McDowell possess are the same on which she videoed the March 3, 2020, incident. Bible asked McDowell if she sent the video to anybody *"today,"* and McDowell said she did. McDowell stated there are actually *"two"* videos she sent to *"Monet's sister."* Bible and an unseen (unidentified) subject correct her and confirm that she meant Manny's (Ellis') sister.

- McDowell stated she made no changes to the video.
- In a portion of the interview, McDowell played the video she recorded on her cell phone and displayed the phone into the camera as a way to authenticate the video recording.
- McDowell confirmed she did not know Ellis at the time the incident occurred.

Bible asked McDowell what made her start video recording the March 3, 2020, incident. McDowell responded in part, *"when I noticed that the cop knocked him dow-, just violently knocked him down with the door and then s- they assaulted him, jus' was were punching him. Just when he opened the door and I noticed that nothing was going on. Nothing was hap- I didn't even real-, I ah honestly when I seen the guy talking to him or the police officers, I was like is do they know him like, uh like jus- do they know him really jus' like sayin' hey like ho- ar- y- ev- jus' st- stayin' good, or whatever, I- I don't know, like I literally thought it was civil and fine like I didn't know anything was going on, so…once I seen him open the door and knock him down, I was like okay something's happening an' just yeah it was like this is not right, eh."*

When asked if she saw *"any aggressive action by Manny prior to them knocking him down?"* McDowell responded, *"No. Absolutely not."* When asked by Bible what she saw after that, McDowell stated, *"Um, I see the pol-, er- okay so the passenger, knocked him down. Manny like started to get up and then the guy that knocked him down just started like hitting him or like jus' like grabbed him and then the other, I believe it was the other, I –s wa- was loo- looking at my phone, but I believe it was the other police officer um grabbed him and flipped him or eh uh y- you can see it in the video he like flipped him down and like then I think its um the skinnier cop, I'm not sure they just were all like doin' all kinds of crazy stuff so I mixed up who it was so the skinnier looking cop just started punchin' 'im the face, jus' punchin' him, and then after that guy, the other guy slammed him he backed up a little bit and then the cop was punching him and then co- other police officers started walking back an' like pulled out his taser it looks like and then the guy's still punching, or the other police officer's still punching him and I- that's when I realized that my kid's dad started coming out, walking…and I, I put the camera down and I'm like screaming at him but he's still hitting him I'm like jus' screaming an' like crying an' stuff…an' then, I get back in the car and I look and he th- the cop, the police officers are jus' like this kinda like jus' like jus' pushing him on the ground but Manny he's like, k- jus' like his legs are all like jus' he can't do anything like he's literally not able to get up. He wasn't fighting back or anything and then I drove past the police car and then recorded them on top him because they were telling him to put his hands behind*

his back and I'm like he can't there's no way like you're, I seen the police officers hands on top of him, he had no way, he was literally smashed on the ground…" Bible asked McDowell in part, "*Was their body on of him…"?* And McDowell answered, *"Yeah, both of them."* McDowell continued in part, *"And then the guy has the taser in his hand and he's like I'm gonna do it again, put your hands on your back, put your hands on your back, and he's like looking, he kept looking at me, like well doing, like well it was like going and I drove past he was like making eye contact with me cause I was recording. I'm pretty sure knew what I was doing and um, yeah, an' uh and then I drove uh people started honking at me and so like I drove, (clears throat) down to go get my kids inside and then I drove back up. We started hearing sirens and stuff and I was just like, oh my god, I'm like, so we drove back, or I drove back by myself, but they had um cop cars kinda blocking. Like, I was able to get like around Ainsworth, (unintelligible) allowed to get take a left on 96th and Ain- Ainsworth right there…Um, but there was like about ten to fifteen that looked like cops sur- like in a circle, I promise you, in a circle and I didn't see him, so I was like, I told my sister I was like I'm pretty sure he was like in the middle like maybe handcuffed or something like at that point, I don't know, and um I honestly can't remember if the ambulance were there before or after I um like was able to leave the scene cause I couldn't go back around."*

Bible asked McDowell, *"So, when you say that somebody slammed somebody to the ground, was that police officers slamming somebody to the ground?"* McDowell stated, *"Yes… The police officer okay so when the uh passenger police officer made him fall to the ground he kinda got up a little bit an' then the p- police officer was like grabbing him an' then the other cop around the car came and like grabbed him an' like it's like you can like it looks in the video like he's like slams him and then he like hits head, an' looks like he hits his head like close to curb maybe on the curb an then the other cop jus' comes and he just starts punchin' him just punchin' him in the face jus' like like ten times just repeatedly jus' over an over. An' then yeah."*

Bible asked McDowell if what she observed when she first pulled up *"looked normal"* to her. McDowell replied in part, *"Yeah. It Manny was literally just walking like I don't, I don't even re- remember what way he was walking, I just noticed him on the sidewalk, g- casually fine and I didn't, the police officers just like were in front of me and the red light, they stop- we stopped an' I'm thinkin' everything's fine ya-know an' then the light turns green an' then they don't go, so I'm like okay, so I'm thinkin' it's like happening like it's not jus' more than hey like ya-know whatever, eh an' then um they were like saying, uh obviously saying something to him to get grab his attention an' he like looked and like was like just walking like, like tryin' to listen like ya know an' then he didn't ev- he didn't even was jus' ya know an' then um was probably like this* (demonstrates proximity with parked car in video), *about like this close an' maybe uh i- i- it was jus' like listening to what he had to say an' then jus' turned around an' like walk back to like he was walking back to the sidewalk but before he coul- hit the sidewalk it looked so…"* Bible clarified at that point by asking, "*He got knocked over?"* And McDowell continued, "*He got knocked over like this down on the ground an' then he like started to get back up an' then the police officer came behind and was like holding on to him to where he couldn't do anything an then the other dude like grabbed him an' slammed him down an' then started punching. That was literally what happened."*

Later in the interview, McDowell confirmed she did not know Ellis at the time saying in part, *"I had no idea who he was. I- I like me an' um Keyon my kids' dad we when I got home an' stuff an I literally I was just sick an' an' I jus' couldn't stop talking about it all night but we were just like coming up with all these like thoughts of like what could've happened or like why the reasoning for 'em to do that or for them to do that an' we jus' c- I jus' there was no nothing possibly that no matter what he could've done there was no reasoning for them to do that to him they could've, he was cooperating, they could've arrested him um he would've like uh they could've put him in a cop car like literally.*

- McDowell admitted she talked with Lowery about the incident. When asked by Bible what Lowery had seen, McDowell replied, *"Yeah he uh when he seen, he seen the cops like open the door and get out. He seen the whole thing from the beginning. Same thing as I seen."*

The Part 2 video begins abruptly with Bible saying in part, *"one Asian or somthin'."* Bible appears to be confirming with McDowell the race of the officers involved. Bible later asked McDowell, *"Sara, um how many officers did you see uh doing what they did to Manny?"* and she replied in part, *"Two police officers. Two."* When asked what the officers looked like, McDowell stated, *"Two white males, uh the passenger was skinnier th- pro- probably like five nine five ten I r- wasn't close enough to even realize but…he was skinnier an' then the driver was a little bit bigger than him."* Bible asked McDowell if she ever saw *"anybody that you thought was like a black officer or an Asian officer?"* McDowell answered, *"No. There was no other officers, there was no jus' two white male officers. That's it."* Bible clarified by asking McDowell, *"Not at the time they were beating him up?"* and McDowell confirmed that when she left the scene, Ellis, *"was o- on the ground restrained, whatever an' um still two police s- two white police officers.* McDowell went on to say that she returned to the area later, about 5 or 10 minutes later, and there *"were so many officers circling the area that you couldn't even see in between at all like there just everything was just blocked off like you couldn't see anything an' I that's I was like trying to look while I was driving ya know an' there like escorting people an' like they're tryin' to make people leave an' stuff. I'm trying to like look in between to see if I can see h- Manny, I- I- couldn't see him…"*

- McDowell confirmed that she yelled at the officers in part, *"stop hitting him, stop hitting him just arrest him like…"*
- Bible asked McDowell if it seemed *"like on any level any of what the officers was doing to him was necessary?"* And McDowell responded, *"Absolutely not."*

Keyon Lowery Interview: Based on the video, Keyon Lowery appears to have been interviewed in the same location as Sara McDowell in her interview. The video appears to have been filmed outside with the attendees standing on the sidewalk near 1630 East Wright Avenue in Tacoma. Other than Keyon Lowery introducing himself, there are no formal introductions regarding the date/time, place or who all is present for the interview. Based on information contained within the video, it appears the interview likely took place in early June 2020 around the same time as the interview with Sara McDowell. The duration of the video is 3 minutes and 57 seconds. The interview ends abruptly with no formal closing.

- The video starts but the microphone is not turned on. There is approximately 31 seconds with no audio.

When the audio is turned on, Bible has Lowery identify himself and spell his name. Bible then asked Lowery what he saw on March 3, 2020. Lowery said in part, *"me and Sara, the other driver who was driving in front of me when we were drivin' down Pacific because we're goin' to her her sister's house was over there an' was goin' to spen- spend the night over there with all my kids n' stuff an' r- first we're gonna go to the 7-Eleven but we j- jus' decided not to. So we're turnin' a right on Pacific an' 96th, 96th and Pacific turned right on 96th and Pacific an' we're comin' to the light but there's this cop there. The light turned green and we're like go. But, we look off to the right and there's a man walking…Officers, he, w- all of us jus' he go- he didn' get his they didn't get his he didn't get their attention. They got his attention, enough that he ya-know somebody got your attention, you're gonna look like this, an' he happened to look at them first before he walked over there…As he walked over there, I don' know if they said somethin' to him but it looked so quick that they opened the door and he was on the ground…Not moments later, the passenger cop was already out on the ground hittin' th- oth- the drivers dude the lights wasn- no- the lights didn' turn on until the other passenger, the passenger cop was already on the other dude…S- like, it jus' happened all quick an' myse- I wanted I swear I wanted to I'm so sorry…* Bible interjected, *"Step in?"* And Lowery continued, *"Step in but, she didn' want she didn't let me. I had kids in my car an' it was a lot goin' on like it wasn't like a pu- a punch like you was like you was drunk or someone that was drunk bu- jus- like jus' full cocked back every single swing jus' full cock back every time."* Bible clarified that Lowery was describing the officers' actions and Lowery stated, *"That was the officers. He did no- he couldn't do nothing. An' the- an' then when they're on, an' then when they're on the ground hi- his hands pinned by their hands. An' they're whol-, you can hear when they're ye- there was no sound nothin' an' as we drive by he ha- ho- you, how how*

you agr- aggressive but have the most calmest voice lookin' around. Put your hands, put your hands behind your back or I'm gonna ta-, he d- we- m- he jus' pulled the taser out... He, we didn't even see him tase him in the first place, ya know what I mean…he wasn't tased. I don't feel like he was tased. We didn't see him tase him. Tha-…yo- you can see someone get tased. He didn't get shock an' drop. They a- instant cop both cops on him the whole time period. Never let up."

- Lowery was asked if he saw Ellis fight with the police. He replied, *"No. He couldn't. Th- h- h- h- how could he? He he one probably was dazed from the car hittin' -im, from the door swinging an' hittin' –im...he fell an' he's probably bigger than me. He probably I- I don't know, I ya know what I mean? I sti- stand straight up with him. I mean I if if I get hit by a car door I'm go- gonna f- fall s- gettin' hurt. I'm gonna be like what the hell…specially by a cop. Especially one that probably called him over in the first place…why as- why else ya gonna go to the cop that's stopping at the green light…Why they stop at the green light?"*
- Lowery was asked if he saw Ellis hit the police car with his hands, and he replied, *"Nope"*
- When asked if he saw Ellis doing *"anything that was crazy,"* Lowery replied in part, *"Oh no, nuthin crazy."*

The interview video abruptly ended at that point with no formal closing.

Samuel Seth Cowden Interview: From what can be seen in the video, it appears Samuel Cowden was interviewed outside, in an unknown park. Other than Samuel Cowden introducing himself, there are no formal introductions regarding the date/time, place or who all is present for the interview. Based on information contained within the video, it appears the interview likely took place around June 2020. The duration of the video is 11 minutes and 1 second.

The video begins with the following conversation between Bible and Cowden:

Cowden:	…thing I called you right when I noticed that.
Bible:	So we see, that you see that they actually have it pointed?
Cowden:	Mm-hm.
Bible:	Right?
Cowden:	With his hands up. There's a, sk-, a- ah, there's a frame…
Bible:	Right.
Cowden:	…that's jus' saying so much.
Bible:	Right.
Cowden:	Hands up, a gun pointed, him on the ground…
Bible:	Right.
Cowden:	…other, only other person in the picture is holding him.
Bible:	Right.
Cowden:	I mean, I'm sure, you mean, you could say that a lot better than me, you know. You already everything, I- I mean I- I can say.
Bible:	Mm-kay.

At that point, an unknown (unseen) speaker tells Bible, *"We're ready whenever you guys are. Okay, you guys ready?"*

Bible has Cowden identify himself and spell his name. Bible then asked Cowden if he sent him a video this week, and Cowden replied that he did. When Bible asked Cowden what the video was about, Cowden replied, *"That video was of two officers, uh jus- jus' police brutality, tha's the only term I- I know."*

- When asked if the video reflected what he saw that night, Cowden replied, "*Um, the majority of it, yes. It get's all the way to driving away from the scene."*
- Cowden confirmed he did not film from the very beginning of what happened. When asked why, Cowden replied in part, *"Uh, a-, the reason was is 'cuz at the time, um I was driving um for*

Domino's actually an' was jus' coming back from pizza delivery um an I, it was a green light and I mean I was about to head on but I jus' jus' slammed on my brakes an I realized that something was happening in front of me and I realized that there was, I mean, there was violence happening. I didn't know who was in the right or who was in the wrong but I mean that's all I saw was just the violence happening…"

- When asked if he saw Ellis hit anyone, Cowden replied, *"No."* When asked what he saw Ellis doing, Cowden replied, *"From Manny Ellis of all I saw was him moving, him tryin' to get away at the most, I mean. What I really saw was the movement in the officers and how they were going after him and did not, he didn't even have a chance to do anything but scream, whilst he was still on the ground."*

Bible asked Cowden what he first saw, and Cowden replied, *"Um, what I first saw was Manny in front of th- the police car which had me intrigued but didn't give me a reason to record yet and when I noticed that um, wh- a- the cop opened his door, the and he slammed the door into Manny, an' I mean, at first I, it was just him opening the door to get out, an' ya- know it's a rush, they're a- aggravated but then they instantly started jumping on Manny and then Manny started walking away an' the officer in the passenger seat he jus' we- was around the car so fast, an' they were on him an' then Manny was on the ground before I could even start recording in that brief like four seconds."*

- Bible asked Cowden to clarify what he saw the officers start to do at the point when Cowden said the officers were on top of him. Cowden stated, *"One officer had him in a, I mean you can call it a full Nelson, a choke hold, its its whatever you wanna call it. It's whatever you see, but h- he was holding him down while he was on the ground an' Manny's arms were up in the air an' I- I heard him screaming, -s the only thing I could hear over my radio and everything an' I saw the other cop jus' having a gun, an' he was jus' pointing it jus' straight at Manny while his arms were up an' I, I -s I don't know what else to say 'bout that."*
- Bible asked what else Cowden saw regarding the other officer that had what was described as *"at the moment of the gun."* Cowden replied in part, *"I mean he just, he had a taser gun, and he had he jus' pointing at Manny and he, he just pointed and shooted."*
- Bible asked if it looked like the officer kept shooting or only once. Cowden replied, *"Um, I saw him like uh reload or he shot twice but I'm not sure how those kinda guns work. I know they have different prongs and whatnot shoot multiple projectiles but, I mean, it looked like he shot him multiple times and he was still on the ground the whole time."*

Bible asked Cowden, *"Did it look like what the officers were doing at the time was necessary to you?"* Cowden replied, *"No, I mean, uh uh I don't know what he was guilty of, if it was…anything, now I know he isn't, I mean jus', no matter what side you're on, tha- that's not right. That's that's a human rights violation, that's them attacking somebody, that's excessive force, that's every term you can think of. "*

- Cowden confirmed he did not see Ellis punching on any car the night of this incident.
- Cowden was asked if he saw Ellis hitting a police car and he replied, *"No. But I- I mean I've heard of that but no I did not see at all."*

Cowden was asked if he saw Ellis *"lift up a police officer and body slam them"*.

Cowden stated, "*No. That's that's tha- n- not what happened. He ran away. Tha's the only thing I ca-, I saw him do."*

- Bible asked Cowden if he was sure Ellis ran away, and Cowden stated, *"I'm not, because I mean, he got hit with a door an' I mean I'm not sure if the door stumbled him because if he was running away he was running away backwards at first and then he flipped around an I'm not sure if it was to stabilize the direction he was going er, or r- whatever, but mean, they've, I'm not sure, I ca-, I jus' gotta be honest I do not know."*

Bible questioned Cowden if there were parts of the encounter he missed. Cowden said, *"There was. I mean I only started recording the video um when he was on the ground and that was because I mean by the time I saw him running away as soon as I saw him running away, I started to record but to get to that point I was in- I had t- Google Maps open, my radio an' I had to close everything an' then find little thing in my phone by that time I mean, he was jus' already on the ground."*

Bible asked Cowden about the chokehold and at any point did he see where the officer's knees were. Cowden replied, *"Yeah, I mean th- for the, it was right after the tasing. He shot him, one officer shot Manny with the taser and then Manny was on the ground and they and then the officer that was holding him jus' like pushed him to the ground more and was tryin' to figure out a way to keep escalating the the apprehension or something like he- his knee was on the ground, Manny was able to lift his head up a bit but as soon as he did the officer grabbed him by the hair 'n an' then jus' put his knee further down, but it was jus-, i- it got more aggressive an' more aggressive an' I thought tha- that's jus' not the way that officers should handle that… D- De-escalation. Not escalation." "The knee was right on his neck. It was on the back of his neck. His chin was being stretched too much by, Manny's chin was being stretched too much because he was jus' the asphalt was just right here on his neck. I mean an' there was the force, it was jus' his neck."*

- Bible asked Cowden if he ever saw officers position Ellis on his side so Ellis could breathe better. Cowden stated, *"No. An' an' you could see it in the other peoples videos I mean by the time I left the scene and by the time the other people had left the scene th- a knee is still on his neck. But he was no longer screaming, he's no longer resisting, they're tellin' him to put his hands behind his back…his hands behind his back. They are…"*
- Bible questioned Cowden regarding if he ever saw Ellis resisting. Cowden stated, *"Never, I never. He, he, he ran away at the most. But, I- I don't even know if that's what happened. But I definitely did not see him attack anybody. I didn't see him go after anyone. Did not assault or, or resist."*

When asked by Bible how many officers he saw at the scene, Cowden said, *"I only saw two."* Cowden confirmed that he returned to the area later and saw more officers.

- Cowden described the two officers by saying in part, *"both white. They were both middle, middle-age, they were about, they were um six foot, I mean its tha- thas' their general height I jus' can't really remember it. It's months ago."*

Bible told Cowden that the story of the police was that Manny was a- attacking them. Bible asked Cowden if he saw that and Cowden stated, *"No. No, i- th- it was jus'. I did not see Manny attack any officers."*

TAB 39

This tab contains the transcribed interviews of all the Tacoma Fire Department personnel that were on scene. The interviews will be summarized in the order the units arrived on scene, Engine 10, Tower 2 and Medic 1. The interviews were conducted by the Washington State Patrol. All of the interviews were conducted on September 22, 2020.

Engine 10: Nicholas Wilson, Jeffrey Polo and Marlon Ridgeway. Tacoma Fire Department Station #10 is located at 7247 South Park Avenue.

Nicholas Wilson confirmed he was dispatched to 96th and Ainsworth, but does not remember the specifics of the dispatch.

- Wilson did not recall if they responded routine or priority nor does he recall how long it took to respond to 96th and Ainsworth.

- They responded southbound on Yakima and westbound on South 96th where they observed multiple patrol cars on scene at 96th and Ainsworth.
- They were the first Fire Unit on scene, parked outside the circle of patrol cars, and approached the scene on foot.
- Wilson described Ellis as being in the street, on the ground, and lying on his side or back.

Wilson was asked if Ellis was moving around or stationary, *"Uh the patient was not moving at that time."*

Later in the interview, Wilson advised that officers were still holding Ellis down, making sure Ellis was not going to get up and become a threat to them.

Wilson was asked if Ellis was still breathing, *"Uh the patient had a deteriorating respiratory drive."*

- Ellis' pulse was very weak and slow.
- Ellis did not appear to be breathing, that there were agonal respirations that were not sustainable with life.
- Ellis needed to be mechanically ventilated.
- Wilson confirmed this assessment was made while the spit hood was still on Ellis.

Wilson does not know who removed the spit hood.

Wilson was asked about Ellis' condition based on his observations.

- Ellis needed "aggressive airway management."
- Potentially CPR.
- Ellis had a pulse that was slowing.
- Cardiac arrest was a potential due to Ellis' impeded respiratory drive and decreasing cardiac output.

Wilson confirmed Ellis was still restrained when he arrived, adding the restraints were removed so he could render care. Wilson described the restraints as handcuffs and ankles.

Wilson authorized CPR after Ellis had been placed on a monitor.

A bag valve mask and oral pharyngeal airway were utilized on Ellis for mechanical breathing.

Wilson was asked about injuries; he said superficial scratches and abrasions.

Wilson was asked if anyone mentioned what occurred, *"Initially, per TBD patient patient charging vehicles and was an apparent threat, tased, restrained. Uh then went limp. Prior to going limp was very strong and difficult to restrain and subdue. Um, TBD officers relayed patient suffering from excited delirium and under the influence of unknown substance, substances so."*

Wilson was asked about the spit hood, specifically how permeable it was. Wilson described it as similar to a mosquito net, more permeable than the masks they were wearing during COVID.

Wilson was asked, "So, not likely to inhibit someone's breathing, in your opinion?" Wilson responded, *"Correct, they are widely used for patients who are combative and spitting to protect providers and…" "civil certs so. Yep."*

Jeffrey Polo confirmed he responded to South 96th and Ainsworth from their station.

- Polo did not recall if they responded routine or priority.
- Polo estimated a response time of 5 minutes based on the location.
- After arriving, they parked around 50 yards away from Ellis' location.
- An officer waved them in, telling them Ellis needed assistance.

- Ellis was described as lying on his right side in the street with Tacoma PD officers behind Ellis, holding Ellis' shoulder.
- Polo believes Ellis was handcuffed with a spit mask on.
- Polo described Ellis as still saying muffled garbled words.
- Polo described Ellis' breathing as slow with respiratory effort.

Polo described the assessment of Ellis.

- Ellis was placed on his back (later in the interview, Polo confirmed the restraints were removed from Ellis prior to Ellis being placed on his back).
- Ellis was attached to a monitor, and it was determined Ellis needed advance care, and an additional unit was requested.
- Polo advised it was Wilson who started an IV on Ellis.

Polo was asked about Ellis' labored breathing, *"Yeah so he had adequate respiratory drive when we arrived. Um which deteriorated into labored and then ceased breathing."* Polo confirmed the spit mask was still on Ellis when the assessment was made.

Polo did not recall who removed the spit mask from Ellis. Later in the interview, Polo said the spit mask was removed at about the same time the other restraints were removed.

Polo was asked if there was a change to Ellis' breathing after the spit mask was removed, *"Um, I believe it well once we had removed it is when he actually started to slow his respiratory drive. But I believe we removed it pretty quick if I remember correctly. It was one of the first things we removed."* Polo believes Ellis was already on a downward trajectory and that Ellis' change in breathing was not related to the removal of the spit sock.

Polo described how Wilson started an IV and how he was at Ellis' head with a bag valve mask when Wilson began to intubate Ellis. During the time this was occurring, Ellis' heart rate dropped from 80 beats per minute to zero, and CPR was initiated.

Polo believes there was a 3- to 5-minute window between the times he arrived to when CPR started.

Marlon Ridgeway confirmed he responded to South 96th and Ainsworth.

- Ridgeway said they responded priority.
- He estimated their response time to be about 6 minutes.
- They parked around 50 yards from the scene where they were met by an officer who told them where the patient was.
- After arriving at Ellis' location, he observed Ellis' hands and feet restrained. Ridgeway also observed a spit hood on Ellis.
- Ridgeway described Ellis as lying supine on the ground, on his back.
- Ellis' eyes were open without eye contact. His breathing was shallow and, after a quick medical assessment, they called advanced life support.
- The spit hood was covering Ellis' nose and mouth, but not his eyes.
- Ridgeway confirmed Ellis was still breathing while the spit hood was on.
- Later in the interview, Ridgway confirmed Ellis had a pulse when he arrived on scene.
- Later in the interview, Ridgeway said he did not see anyone holding Ellis down.

Ridgeway was asked if it seemed Ellis was having trouble breathing with the spit hood on, *"No hi, his it didn't appear that he was having trouble breathing it just, his breathing was very shallow at the time, so we had, we had it removed so we could assess his breathing better."* Ridgeway was asked if Ellis' breathing changed after the spit hood was removed. He said, *"No."*

Ridgeway described Ellis as "non-responsive" resulting in a request for advanced life support. Ridgeway described Ellis' vitals as declining, adding it was a matter of minutes between noticing the decline in his vitals to when CPR started.

Ridgeway was asked if the Tacoma PD was asked to remove the restraints. He confirmed they were, that they were removed promptly.

Tower 2: Tad Jackson, Kelly Sumner and Ronald Herrera.

Tad Jackson confirmed he responded to 96th and Ainsworth.

- He was working out of Station #8, 4911 South Alaska.
- He estimated a 5- to 7-minute priority response time to the area of 96th and Ainsworth.
- Tacoma PD officers were already performing CPR when he arrived.
- Ellis was positioned in the westbound lane, north side of the road.
- Ellis was not restrained when he arrived.
- CPR was performed on Ellis for around 40 minutes.
- He described Ellis as incredibly sweaty, physically wet, describing the weather as brisk.
- He did not notice any trauma and/or injuries to Ellis.

Kelly Sumner confirmed he responded to South 96th and Ainsworth from Station #8.

- He does not remember the call information.
- After arriving, he observed Engine 10 already on scene, along with multiple TPD vehicles.
- The patient was on the ground with Engine 10's crew around the patient performing CPR.
- He did not observe a spit hood on Ellis when he arrived on scene.

Ronald Herrera confirmed he responded to South 96th and Ainsworth from Station #8.

- He estimated a 5-minute response time to 96th and Ainsworth.
- They responded priority.
- They were the second Fire Unit on scene as Engine 10 had arrived first.
- He observed a police officer performing CPR on Ellis with the crew from Engine 10 performing life saving measures on Ellis.
- Ellis was a couple feet from the curb of South 96th and Ainsworth, in the road, lying on his back.
- He believes CPR was performed for over 40 minutes.

Medic 1: John Brakebush and Christopher Rady.

John Brakebush confirmed he responded to South 96th and Ainsworth from Station #16, 7217 6th Avenue.

- It was an ALS (advanced life support) call where Engine 10 and Ladder 2 were already on scene.
- He estimated their response tome at 10 to 15 minutes.
- After arriving, he observed Engine 10 and Ladder 2 personnel performing CPR on Ellis who was in the street.
- He did not assist with CPR.

Christopher Rady confirmed he responded to South 96th and Ainsworth from Station #16, 7217 6th Avenue.

- After arriving, he observed Engine 10 and Ladder 2 already on scene, performing CPR on Ellis who was in the street, in the westbound lanes.

TAB 40

This tab contains multiple documents related to the Tacoma Fire Department's response. The documents were contained within the investigative packet provided to Internal Affairs by the Pierce County Sheriff's Department.

- A transcription detailing the communications between South Sound 911 and Tacoma Fire dispatch and subsequent communications between the Fire units and Fire dispatch.
- Tacoma Fire Department Incident Report that documents the dispatch and arrival times of the Tacoma Fire units that responded to South 96th and Ainsworth.

  Tacoma Fire Engine 10 was dispatched at 2326 hours, was en route at 2328 hours, and arrived at 2333 hours.
- A Tacoma Fire event information page.
- A Tacoma Fire Pre-Hospital Care Report.

The Pre-Hospital Care Report is the most comprehensive document detailing Fire's medical response. It contains a brief narrative detailing Tacoma Fire's response, treatment actions taken, medications that were administered, and a timeline of procedures.

TAB 41

This tab contains the Pierce County Medical Examiner's Office Postmortem Examination Report. The document was contained with the investigative packet provided to Internal Affairs by the Washington State Patrol.

In the report, Dr. Clark listed the cause of death as "Hypoxia due to physical restraint," with "methamphetamine intoxication and dilated cardiomyopathy" as other significant conditions.

Dr. Clark listed the manner of death as "homicide."

In his opinion, Dr. Clark wrote in part, *"Thus it is likely that progressive hypoxia as a result of physical restraint, positioning and the placement of a mask over the mouth is a significant factor, and possibly the most important factor. Death, therefore, is certified as being due to hypoxia as a result of physical restraint with contributing conditions of methamphetamine intoxication and a dilated heart. It is unlikely that this death would have occurred due to physical restraint alone, without the contributing conditions. Furthermore, an argument could be made that the extremely high methamphetamine concentration should be considered the primary factor."*

Also contained within the report are the following:

- Washington State Patrol Toxicology Test Report. In the report, Ellis tested positive for Ephedrine (19 ng/mL), Phenylpropanolamine (39 ng/mL), Amphetamine (54 ng/mL) and Methamphetamine (2400 ng/mL).
- Medical Examiner's Investigative Report.
- Photos taken by the Pierce County Medical Examiner's Office.

TAB 42

This tab contains the interview of Pierce County Medical Examiner Dr. Thomas Clark III. The interview was conducted by the Washington State Patrol on September 23, 2020.

The interview was documented in a format consistent with a transcribed interview; however, it only contains notes obtained during Dr. Clark's interview as Dr. Clark declined a recorded interview.

Also within this tab is an email from Dr. Clark to Washington State Patrol Detective Sergeant Michael Marken. Within the email, in part, Dr. Clark wrote, *"I disagree with a few things towards the end of the notes that I have to correct. There are other places where the notes are not accurate or where the meaning is not what I intended."*

Dr. Clark specifically cited an issue with the National Association of Medical Examiners' position on a paper related to excited delirium and comments made in regards to Dr. Clark's opinion about a re-test of Ellis' toxicology. It is unknown what the inaccuracies or discrepancies in meaning were that Dr. Clark referred to.

The paper related to excited delirium mentioned by Dr. Clark is a Washington Post article that is contained within this tab.

Also within this tab is an unfinished PowerPoint presentation created by Dr. Clark. In one of the slides, Dr. Clark specifically addressed "Restraint Asphyxia" with the following bullet points:

- Position
  Being face down causes intercostal muscles to lift substantial body weight
- Hobbling
  Compromises normal respiratory movement
- Spit hood (or spit mask)
  Almost certainly would cause some degree of respiratory compromise if over the nose and/or mouth
  Oral breathing is more efficient than nasal breathing during high exercise intensity
  Interior with substantial mucus at the time of autopsy, further reducing air flow
  Depending on placement, could also have obstructed the nasal passages

On another slide, Dr. Clark listed "Multiple Factors May Have Contributed to Death."

- Heart disease
- Physical restraint
- Methamphetamine intoxication

TAB 43

This tab contains two identical PowerPoint timelines. One timeline is unmarked. The second timeline contains two handwritten items – one is 200519, which is the case number assigned to the Ellis incident by the Pierce County Medical Examiner's Office; and the second is "23:34:41 hobble + cuffs removed." 23:34:41 is the exact time noted in the Tacoma Fire Pre-Hospital Care Report that Fire arrived at patient/Ellis.

Also contained within this tab is a photocopy of a photo of a hobble and Medical Examiner's documents related to the Manuel Ellis death, such as the request for Toxicology Analysis, an affidavit for correction of the Death Certificate, an unofficial death record abstract, a form documenting personal property and money, and a remains release form.

These items were obtained from the Pierce County Medical Examiner's Office and the WSP Investigation. They show some of the Medical Examiner's work in determining his findings on this incident.

TAB 44

This tab contains the Washington State Patrol Supplemental Toxicology Test dated September 16, 2020. This was a re-test of Ellis' blood. The re-test was completed at the request of the Washington State Patrol for their investigation.

- The test was positive for Amphetamine (0.030 mg/L) and Methamphetamine (1.9mg/L).

TAB 45

This tab contains documents containing text messages, photos, and screenshots of text messages from Officer Ford's and Officer Rankine's Department-issued phones and personal phones. The formatted

lists of text messages are from their Department phones. The screenshots are from their personal phones. The documents were contained within the investigative packet provided to Internal Affairs by the Washington State Patrol.

The text messages were obtained through a public disclosure request from the Washington State Patrol to the City of Tacoma. The City of Tacoma worked with Officer Ford's and Officer Rankin's attorneys to obtain the text messages from their personal phones.

The tab is divided into two sets of documents. The first set of documents are from Officer Ford's phones; the second set is from Officer Rankine's phones.

One photo from Officer Ford's Department phone shows a handgun, a pair of handcuffs, a Tacoma Police Officer Badge #031, and a patch containing a blue line flag with a Punisher symbol on it. Officer Ford's ID number is #031. The photo is dated July 12, 2018.

TAB 46

This tab contains several documents related to Tacoma PD case 1728800241 that occurred on October 15, 2017. This incident is the prior Use of Force incident mentioned by Officer Collins during his interview with the Pierce County Sheriff's Department. In general, Officer Collins compared this incident to his encounter with Manuel Ellis and used this as a base for some of the force he used. Officer Collins' interview is contained within Tab 13.

The included documents are:

- The October 15, 2017, CAD for 1728800241.
- The October 15, 2017, Incident Report 1728800241.1, written by Officer Collins.
- Supplemental Report 1728800241.2, written by Officer Burbank.
- A Use of Force – Supervisor's Review by Sergeant Jennifer Kramer (Retired).

On October 15, 2017, Officers Collins and Burbank were dispatched to an Unwanted Person/Burglary in Progress of an unoccupied apartment in a secure building. The arrestee was believed to be under the influence of narcotics, was actively resistant and assaultive toward Officers Collins and Burbank. The resistance resulted in multiple Taser applications and physical force to eventually detain the arrestee in handcuffs. In his statement (Tab 13), Officer Collins described the struggle as lasting 6 minutes. This is also the amount of time mentioned by Officer Burbank in his Supplemental Report, 1728800241.2.

Officers Collins and Burbank also deployed a hobble on the arrestee. The hobble was used to restrain the arrestee's ankles and secured to his wrists.

The Use of Force was investigated and reviewed by Sergeant Jennifer Kramer. The Use of Force was determined to be within Department Policy by Captain Barton Hayes.

TAB 47

This tab contains the transcribed interview of Officer J.R. Smith.

Officer Smith was the Tacoma Police Department's Quartermaster from January 2016 and was the Quartermaster on March 3, 2020, when the incident with Ellis occurred. He did not respond to the incident on March 3, 2020.

Among the responsibilities of the Quartermaster, Officer Smith is to order and resupply equipment used by officers on the Department.

Officer Smith was asked about two pieces of equipment that were deployed during the incident with Ellis, the spit hood and the hobble.

Spit Hood
Officer Smith believes the spit hood that was used on Ellis was Department-issued and is the same spit hood that has been used since he was hired (December 26, 2006). As a result of the incident with Ellis, he was directed by Lieutenant Travis to not order and/or issue the transport hoods. Officer Smith also advised the Department ordered and issued a different spit hood.

Hobble
Officer Smith advised the Department does not issue a hobble and has not issued a hobble during the time of his assignment as Quartermaster. Officer Smith advised he was directed by Lieutenant Travis to order the RIPP restraint hobble device that is being issued to officers by the Department.

TAB 48
This tab contains the transcribed Internal Affairs interview of Officer Martese Hightower. The interview took place on July 20, 2021. Officer Hightower was given his case report to review prior to the interview.

- The night of this incident, Officer Hightower was a single-officer car (U023). The 023 number designator is Officer Hightower's badge number.
- Per the CAD, U023 put himself "Enroute" to the incident at 23:24:18 hours. U023's arrival time in CAD is 23:28:08 hours.
- Officer Hightower said he was in the area of South 56th and Tyler when he responded to this incident.
- Officer Hightower said he recalled hearing Officer Burbank's voice on the radio giving out the location. He said the tone in Officer Burbank's voice, *"seemed stressed."* Officer Hightower added that he had not worked with Officer Burbank much, but he never heard him sound anything other than *"level headed,"* and it was *"weird to say the least um to hear him speak anything other than l- level headed."*
- Officer Hightower said when he arrived at the scene, he parked his patrol car *"just west of the intersection and blocked all eastbound traffic on 96th Street."* Officer Hightower said that when he arrived, he *"saw there were a lot more people"* on scene before him.
- TFD was not on scene when Officer Hightower arrived.

Officer Hightower was asked about his observations of Ellis upon his arrival. Officer Hightower said in part, *"to the best of my knowledge he was handcuffed and he was yelling on the ground and thrashing around."* When asked to be more descriptive as far as the "thrashing," Officer Hightower added, *"Um, well the being handcuffed and being on the ground he just kept um kind of thrusting himself up and down um, and he just kept yelling, not um just about all that I remember."* When asked if he could recall what Ellis was yelling at the time, Officer Hightower replied, *"No, I do not sir."*

When asked to clarify if Ellis was yelling words or sounds, Officer Hightower replied, *"Um, wasn't anything like grunts, uh it may have been words, I don't but I don't remember anything that he particularly yelled out."*

- Officer Hightower said Ellis was positioned *"On his stomach"* when he first arrived.
- When asked if he saw a hobble on Ellis when he arrived, Officer Hightower stated, *"No, I did not sir."* When asked if he saw the hobble applied to Ellis, Officer Hightower replied, *"I don't remember h- hobbles ever being, um brought up. There, there was a time where I went back to my vehicle to reposition to either extend the scene, extend the crime scene out so that cars wouldn't get too close, so I was back and forth to my car at that time so."*
- Officer Hightower did not recall ever seeing a hobble on Ellis.
- Officer Hightower said the spit hood was not on Ellis when he arrived. When asked if he saw a spit hood on Ellis, Officer Hightower stated in part, *"I remember seeing the spit hood on him, but I do not remember it being applied."*
- Officer Hightower did not see the removal of the spit hood.

Officer Hightower was asked if he ever saw any uses of force applied to Ellis. He said, *"No sir."* When asked if he saw any officer holding or pinning Ellis to the ground when he arrived, Officer Hightower said, *"I don't remember sir."* When asked if he ever saw an officer holding or pinning Ellis to the ground, Officer Hightower said, *"No, not, not except for when we were, not in a uh holding or pinning him to the ground, only when we helped up to the recovery position, sir."*

- Officer Hightower said he did not help put Ellis in the recovery position and did not recall who did.

Officer Hightower was asked if he observed TFD's arrival, and he said he did. When asked if TFD had lights on, Officer Hightower said in part, *"I do not believe they had them on."*

- Officer Hightower was asked if he overheard a discussion between TFD and Tacoma PD officers that some had described as almost an argument in regards to TFD needing the restraints removed so they could treat Ellis. Officer Hightower acknowledged witnessing that conversation. Officer Hightower described it in part, *"I remember I don't know the specific Fire crew. I remember one of them walking up to us and um I don't remember, I don't rem- recall which TPD officer but they had a small exchange with one of the Fire crews who possible said something smart or sarcastic…um once that happened they began to tend to Ellis and then they asked for his restraints to be um taken off but they didn't elaborate that they needed 'em to be taken off. I believe he said, "I can't work like this," and we responded with, "What do you need?"*
- When asked about what sarcastic comment TFD made, Officer Hightower said, *"I don't necessarily know the exact um verbiage he used um or exactly what was said. Um, but it was something to the effect of, "What'd you guys do to him?" as the was walking up after being called for priority, Fire priority."*
- Officer Hightower did not recall how Ellis was positioned at that time.
- Officer Hightower said the interaction between TFD and TPD about removing the restraints, *"It probably lasted, um about 45 to seconds to a minute."*
- Officer Hightower recalled the restraints being removed, but he did not recall who took them off of Ellis.

Officer Hightower was asked about Ellis' condition when he arrived. Officer Hightower said, *"He was conscious, and responsive. Um, I mean I would guess yelling and screaming is pretty responsive."*

- Officer Hightower said he never heard Ellis make any statements to the effect he could not breathe.
- Officer Hightower said he never heard any officer make the statement to the effect if you can talk you can breathe.
- Officer Hightower was asked if he saw Ellis' condition decline while he was there. Officer Hightower said in part, *"Uh, I not, not outwards, not physically outwards or anything meaning I can't tell what's going on inside or anything…like that but um, it seemed he started to calm down, when I was on scene."* Later in the interview Officer Hightower added, *"I didn't see any outward…um, changes specifically and I wasn't close enough to see any decline in…chest rises."*
- Officer Hightower was asked if from the time he arrived to when Fire arrived to treat Ellis if he saw any changes in Ellis' condition that concerned him. Officer Hightower stated, *"Uh, no sir."*
- Officer Hightower was asked if he could tell whether or not Ellis was breathing. Officer Hightower stated, *"I could not. I didn't look. I wasn't that close to be able to see any kind of uh maybe chest rises."*
- When asked about any injuries he observed on Ellis, Officer Hightower stated, *"Uh, I don't remember. I remember there was blood after Fire got done with him, but I can't I couldn't tell if that was from them working on him or injuries cause I didn't, didn't get too close to…"* When asked where he saw the blood, Officer Hightower said, *"I don't remember. Um, specifically. It might have been on his face from when they intubated him."*

- Officer Hightower held his flashlight to provide light for TFD to initially treat Ellis. He was doing so when Officers Rankine and Warner began CPR on Ellis. Once additional TFD arrived, Officer Hightower moved to another task.

Officer Hightower was asked if he heard anyone talk about how the incident started. Officer Hightower said he did not have any contact with Officers Collins, Burbank or Rankine at the scene. He said he did contact Officer Ford to ask him if he was okay. He said Ford *"was visibly shaken up."* Officer Hightower said he "*had no idea what, how h- how the confrontation had started."*

Officer Hightower did not have any information about Ellis' cell phone.

Officer Hightower did not transport any Officers from the scene. Officer Hightower took over the Crime Scene Log from Officer Madden and maintained the log until the scene was broken down.

Officer Hightower said he contacted residents at two addresses, but they did not witness the event.

When asked if he observed anything that he felt was inappropriate or a violation of policy, Officer Hightower replied *"No sir."*

TAB 49

This tab contains the transcribed interview of Officer Ryan Warner. The interview occurred on July 15, 2021. Officer Warner was provided a copy of his supplemental report for review prior to the interview.

- Officer Warner confirmed he was partnered with Officer Madden.
- Per CAD, Officer Warner and his partner, Officer Madden, arrived at 23:25:33 hours.
- He heard some mic clicks and Dispatch ask Henry-317 (Burbank/Collins) if they had traffic.
- They responded to 96th and Ainsworth from the area of 48th and Alaska or 56th and Alaska.
- When they arrived, they parked west of Ainsworth on 96th, describing it as one of the furthest west patrol cars, if not the furthest west.
- Officer Warner did not recall who was on scene prior to their arrival except for Officers Burbank, Collins, Ford and Rankine.
- Officer Warner observed Ellis in leg and hand restraints – handcuffs and a hobble.
- He believes the hobble was attached to the handcuffs.
- He did not observe a spit hood on Ellis when he arrived on scene.

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

Officer Warner was asked if anyone was holding and/or pinning Ellis to the ground, *"Um, no, he wasn't pinned. He was, people were standing there monitoring and with how active he was um it seemed like um there was there was spitting, there was, was blood, and like screaming but um not like, yeah it- it's hard to recall. But I, 'cause I remember even looking at him and thinking um like he doesn't need to be pinned at this point but he almost jumped up and um I don't know if he fell back or but he stayed in that position. It like…"* Officer Warner clarified that Ellis attempted to sit up.

Officer Warner confirmed he observed blood on Ellis' face, *"Yeah, I can't say 'cause it was it was mouth and nose and looked like a mix of saliva and spit and there um and blood uh I think that was the concern. I know it was a concern mine 'cause since day one like don't get blood on me and um so yeah it just that detail I don't think I can elaborate anymore."*

Officer Warner was asked about Ellis' screaming, *"No, that was uh Mr. Ellis. Jus- just that is um here to breathing heavily and shouting. And, what I remember was um yeah I was, that's it like a- a noise*

from him, and noticing that like these are restraints. I remember Burbank asking for them over there or um or dispatch advising that that we needed hobbles and so at that point I was thinking like this must be why ya know and maybe this guy was fighting, it was, this wasn't easy. Yeah."

Officer Warner confirmed he did not observe any strikes to Ellis after Ellis had been restrained in handcuffs and hobbled.

Officer Warner confirmed he observed a spit hood on Ellis, but did not recall seeing the application of the spit hood on Ellis.

Officer Warner believes he might have retrieved a spit hood from Officer Madden's patrol car, *"I believe I, I ran, I do recall going back to Kate's car but I can't recall if I had found that I was, was where she told me it might be. And um yeah and I that could just be army brain, just like, eh go get it quick and then like alright they already it. They're taken care of. Or, I can't recall if that was the one that I brought back but I, I don't know um yeah, I, I can't remember if I came back and it was already there or if somebody used the one that I had and um that's just my memory of it."*

Officer Warner confirmed that Fire was not on scene when he arrived.

- He does not believe Fire responded priority, he does not remember hearing a siren or seeing their lights on when they arrived.

Officer Warner was asked about a line he wrote in his report, "I observed a male subject, later identified as O/MAUNEL ELLIS, lying on his back detained in hand/foot restraints." Officer Warner stated *"Well, what I remember is his face was looking up from the ground, so he had to be on his back. Yeah. It's just um yeah, I mean he had to be. It that's, that's what I saw and I saw his face as clear as I did and yeah, yeah. But like I said he wasn't, wasn't static initially even with those restraints."*

Officer Warner was asked about the conversation that occurred between Fire and the Tacoma PD officers in regards to the removal of restraints from Ellis, *"Yes. Yeah, I do and I remember it being brief and more of like um I recall it as like are you sure this is what we saw ya know um 'cause they weren't clear on their understanding of of the medical side of what what was going on."*

Officer Warner was asked, "Who wasn't clear?" *"Well, TFD. So they spent some time, and I remember this 'cause I was getting' frustrated cause it's like let's let's work, let's let's start gettin' things uh in gear. And so um… it I remember Sergeant Lim finally have to like what do you need. They said to work, we need him out of restraints. And at that point I recall we went right into it, so the conversation was had because um officers were cautious like hey this is I don't know if it was um gah I can- I can't even recall who and um but there was a conversation that I think there were three firefighters and um yeah but they weren't they did not come up and say this is what we need, we need him out of restraints initially. That's not how I recall it because at that point I was um I was I was relatively close to Ellis when they were responding and so um the first crew I was right next to when they when they were coming up and I don't remember them going right into like take 'em out. Um, but maybe they did, ya know that's just how I re- I remembered it. Um, but there was a moment of are you sure this is what happened to our guys we think ya know 'cause what we know is what we heard on the radio. We didn't see that but we know um it it was a struggle, ya know it was a fight. So, but…" "… but when Sergeant Lim stepped in, yeah they came out. Once we knew that that we had to, absolutely."* Officer Warner did not recall Ellis' positon on the ground when the conversation with Fire occurred.

Officer Warner was asked if he heard Ellis say, "I can't breathe," or anything similar, "*Um, I remember somebody replying t- hi- to that like saying well if if you're if you're talking you should be breathing. And um, and there was some confusion about ya know like how how can we improve this ya know t- if if it's a problem, ya know fix it 'cause we kinda looked at each other but um but that's what I recall. I don't recall him saying it but um officers ya know like well if he- if he's if he's talking he should be*

breathing and um so it was kind of like and that led to all the status on Fire like hey where are they, yeah."

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

Officer Warner was asked about Ellis' condition, specifically before the restraints were removed, *"yeah, ca- he ah he was all of a sudden calm, ya know tranquil and um but that was, when that initial crew was there that's how I recall because that was um that's, that's when he said that um and I have it here, 'cause it was just a memorable thing, it was like how d- how does he know. But, he said he's gonna code soon and um and that's when that conversation of wh- what do you need took place. Um, but yeah tha- that I do remember the shift, he became calm and he was still restrained at that point and then um eh I remember him just kinda sitting back, I remember his eyes being open, I remember him blinking um and uh yeah and we just wanted the just know what we could do. Yeah, Fire was gonna show up and what they needed but they had uh one with like their tablet there and yeah there was dragging up a bag and it just seemed like ya know…"*

Officer Warner believes Ellis was still in restraints when Fire advised he was going to code soon. Officer Warner did not recall who removed the restrains from Ellis.

Officer Warner confirmed Ellis was placed in a recovery position for a period of time.

Officer Warner confirmed he and Officer Rankine assisted in performing CPR on Ellis until relieved by Fire.

Officer Warner was asked if he viewed anything that occurred that he thought was inappropriate or a violation of policy by anybody, and he replied, *"No."*

TAB 50

This tab contains the transcribed Internal Affairs interview of Officer Wesley Schneider. The interview took place on July 15, 2021. Officer Schneider was given his case report to review prior to the interview.

- Officer Schneider was working as a two-officer car (H356) with Officer Derr. The 356 number designator is Officer Schneider's badge number.
- Per the radio log, H356 used their car radio at 23:22:58 hours but only transmitted "356." The next transmission was Dispatch advising to keep the radio open for H317. Per the CAD, H356 put themselves "Enroute" to the incident at 23:23:09 hours. There is no arrival time in CAD for them. CAD shows them as "Available" at 03:48:37 hours
- Officer Schneider did not recall if he was driving or the passenger officer that night. He did not recall what vehicle they were using.
- Officer Schneider recalled responding to the scene. He said to the best of his *"knowledge"* they responded because SS911 Dispatched *"toned it out. Uh, officers needed help."* He did not remember where they responded from.
- Officer Schneider did not recall where they parked when they arrived at the scene.

Officer Schneider was asked to elaborate on what he wrote in his report regarding "*as we arrived officers on scene advised that they had one male detained. I observed a black male in handcuffs laying in the westbound lanes of South 96th Street appearing to be extremely agitated."* Officer Schneider replied in part, *"Yeah, he* [Ellis] *was just laying on the ground yelling."*

- Officer Schneider could not recall what Ellis was yelling.

- Officer Schneider said he did not recall if the hobble restraint device was on Ellis when he arrived. When asked later in the interview if he ever saw the hobble applied, Officer Schneider stated, *"Honest, I probably did, yeah. I when I got there I don't recall them being on. Um, and I don't recall who put them on. If, even they were put on."*
- Officer Schneider had no recollection of how Ellis was laying during the incident.
- When asked if he saw any additional uses of force being applied to Ellis, Officer Schneider responded, *"No."*
- When asked if he saw any officer on the ground controlling or pinning Ellis to the ground, Officer Schneider replied, *"I don't recall."*

Officer Schneider was asked about the application of the spit hood to Ellis. Officer Schneider replied in part, *"I'm aware that one was put on him. But I don't recall if when I arrived it was on. I, I, I don't remember that process."*

- Officer Schneider did not recall if the spit hood was on Ellis when he arrived. When asked if he knew who put the spit hood on Ellis, he stated, *"I don't recall."*
- When asked if he ever saw the spit hood taken off of Ellis, Officer Schneider stated, *"I don't recall."*

Officer Schneider was asked about the Tacoma Fire Department's response to the scene, if it was an emergency response or a routine response. He replied, *"I don't recall but I know it took uh it felt like it took a long time for Fire to get there."*

Officer Schneider was asked about the conversation between TPD and TFD to remove the restraints from Ellis. Officer Schneider stated in part that he recalled the *"discussion regarding the restraints being moved but I don't remember specifics."*

- When asked about the removal of the restraints, Officer Schneider could only say, *"I know they were taken off, I don' remem- I don't recall watching them taken off. I, I don't even know who took them off."*

Officer Schneider was asked about how close he was to Ellis. He said, *"Four to six feet that I can recall.*

- Officer Schneider did not hear Ellis make any statement similar to "I can't breathe."
- When asked if he observed any injuries on Ellis, Officer Schneider stated, *"Not that I can recall, no."*

When asked about Ellis' condition, Officer Schneider said, *"He was conscious and breathing and yelling." "That is what I can recall for his his condition."*

- Officer Schneider was asked if Ellis' condition changed. He replied, *"Well, yeah. It eventually deterior- deteriorated."*
- Officer Schneider believed that Ellis was conscious up until the point of TFD arriving. He based that on his observation of Ellis, *"yelling and thrashing around."* Officer Schneider was not able to recall what Ellis was yelling.
- Officer Schneider could not recall whether or not Ellis was ever moved to a recovery position.
- Officer Schneider did not have any physical contact with Ellis. Other than Officers, Collins, Burbank, Ford and Rankine, Officer Schneider said he did not know *"who might've touched him."*
- Officer Schneider did not assist TFD with any medical treatment of Ellis.

Officer Schneider did not have any information about Ellis' cell phone.

Officer Schneider did not transport any Officers from the scene.

Officer Schneider said he and Officer Derr attempted to locate witnesses at a nearby duplex, but they got no response when they knocked at the doors.

When asked if he observed anything that he felt was inappropriate or a violation of policy, Officer Schneider stated, *"No."*

TAB 51

This tab contains the transcribed Internal Affairs interview of Officer Anna Brahs. The interview occurred on July 20, 2021. Officer Brahs was given her case report to review prior to the interview.

- The night of this incident, Officer Brahs was a single-officer car (U285). The 285 number designator is Officer Brahs' badge number.
- Per the CAD, U285 put herself "Enroute" to the incident at 23:23:46 hours. It appears she arrived herself in CAD. U285's arrival time in CAD is 23:25:37 hours.
- Officer Brahs recalled hearing the mic clicks on the radio and an officer saying the location 96th and Ainsworth. She did not know which officer gave the location on the radio but said the voice *"was stressed."*
- Officer Brahs said when she arrived at the scene, she parked her patrol car *"Behind the line of other patrol cars, in the middle of 96th"*, west of Ainsworth.
- TFD was not on scene when Officer Brahs arrived.

Officer Brahs was asked about her observations of Ellis upon her arrival, referring to what she wrote in her written report about Ellis fighting against his restraints and officers holding him still so he did not hurt himself. Officer Brahs said in part, *"I know he was at least in handcuffs and on his side."* Later in the interview, Officer Brahs was asked to expand on what she wrote regarding officers holding Ellis still so he did not hurt himself.

Officer Brahs stated, *"Um, well it says he was actively fighting against the restraints, moving around, um, his head was going towards the ground and that they had to hold him still so he wouldn't hit his head on the ground."* She could not recall which officers were holding Ellis but acknowledged it was not her.

- When asked what she observed regarding Ellis fighting against the restraints, Officer Brahs said, *"I can't say exactly what I rem-, I j-, I, what I observed, I it's been over a year, I don't remember exactly what he was doing. I don't."*
- When asked if she recalled seeing a hobble device on Ellis, Officer Brahs said, *"I don't recall. I don't remember."*
- When asked about what condition she observed Ellis in when she arrived, Officer Brahs said, *"I know he was moving, cause he was actively fighting, I don't remember if I heard noises, yelling, anything along those lines."* Officer Brahs was asked if she noticed any change in Ellis' condition (stopped moving, stopped breathing) while she was there, and she replied in part, *"I didn't notice anything."*
- When asked if she observed any injuries to Ellis, Officer Brahs said, *"Mm, not that I can remember. There might have been some blood on his face, cause that was, yeah, I think there might've been some blood on his face."*
- When asked about what officers were on scene when she arrived, Officer Brahs said, *"I know Officer Burbank and Officer Collins were already on scene. Ford and Rankine were on scene. And then there was other officers around Mr. Ellis, I don't remember who exactly was there."*
- Officer Brahs acknowledged she did not see any uses of force being applied to Ellis.
- When asked about the spit hood, Officer Brahs was unsure if it was on Ellis when she arrived. She recalled seeing the spit hood being on Ellis at some point but could not recall how long she had been on scene before she noticed it. She did not know who put the spit hood on or who took it off.

Officer Brahs was on scene when TFD arrived. When asked if TFD had lights on, Officer Brahs said in part, *"They did not."*

- Officer Brahs was asked if she overhead a discussion between TFD and Tacoma PD officers regarding TFD needing the restraints removed so they could treat Ellis. Officer Brahs acknowledged witnessing that conversation. When asked what was said in the discussion, Officer Brahs said, *"Fire asked if we could remove the restraints and we checked with Lim and he said yes."*
- When asked about how long the discussion was, Officer Brahs said, *"It was very quick. I don't know exactly how long. I don't. It wasn't, I don't know, I don't know… exactly how long cause I'm not gonna guess a time cause I don't know. I just remember it was fast."*
- When asked to describe the conversation between TFD and TPD about the removal of the restraints, Officer Brahs said, in part, the conversation, *"wasn't argumentative. Fire was very abrupt with it, saying we need to get these removed and then it was ask the supervisor cause he was restrained because he was actively fighting."*
- Officer Brahs could not recall Ellis' body position when TFD asked to remove the restraints.
- Officer Brahs had no involvement with assisting TFD in treating Ellis

When asked if she ever saw Ellis moved out of the recovery position to another position, Officer Brahs said, *"I don't know, I don't recall him, seeing him move until, I mean Fire arrived and started working on him."*

Officer Brahs did not transport any officer from the scene.

Officer Brahs did not contact any witnesses. She was not involved in the collection of evidence.

When asked if she observed anything at the scene she felt was inappropriate or a violation of policy, Officer Brahs replied, *"No."*

TAB 52

This tab contains the transcribed Internal Affairs interview of Officer Herbert Chung. The interview occurred on July 20, 2021. Officer Chung was given his case report to review prior to the interview.

Officer Chung was working a single officer car. His call sign was U-078.

- Per the CAD, U278 arrived himself on scene at 23:26:07 hours via his car computer.

Officer Chung did not hear the initial mic clicks from Officers Burbank and Collins, but he responded to 96th and Ainsworth after Officer Burbank shouted "96 and Ainsworth" over the radio, adding *"Uh, it was like uh, frantic, uh, I mean, speaking for myself Burbank is probably one of the more cool, calm and collected guys. So, hearing the way he shouted out 96th and Ainsworth, you knew something was wrong. And, having just 96th and Ainsworth out of him and nothing else, uh, it was pretty troubling to hear."*

After arriving, Officer Chung parked east of 96th and Ainsworth behind several patrol cars. Officer Chung was asked about his initial observations after arriving, *"Uh, so the fight was over with, he was already hand cuffed, um, as I walked up, he was already in, so, military trains us a recovery position if someone's having a hard time breathing or if anything like that in a medical situation, you roll them on your right side. So, at that point he was already rolled on his right side, um, and he was like thrashing around still. Um, I don't know how to describe it, um, I think in my report I wrote, um…"* Adding, *"yeah, so he was already on his right side and it, yeah, so he was rocking back and forth, and uh, it almost appeared to me like he was trying to break free of his restraints.*

Officer Chung confirmed Ellis was restrained in handcuffs and a hobble, adding the hobble had been applied prior to his arrival.

Later in the interview, Officer Chung was asked who was already on scene when he arrived. He stated, *"Um, Collins, Burbank, Ford, Rankine. I remember seeing deputies, I don't know who they are, never met them or seen them before. There was a trooper, uh, Sergeant Lim, think Farinas, can't remember, I don't remember seeing Andy Guiardinu, but I know him and, uh, Manny are partners, so I'm pretty sure he was around, I can't remember if he was working that night."*

Officer Chung was asked about Ellis' position, *"When I got there, and just my perspective, he was already on his right side and like fish out of water, just that, like vicious, uh rocking back and forth. That's kinda like what his body was doing at the time."*

Officer Chung was asked if he observed Ellis spitting, *"He, uh, I don't know if he was spitting, there was fluids coming out of his mouth, um, that's for sure. Um, I can't remember if I saw him spit or not, but he was just yelling, I can't remember what he was yelling, but he was yelling."* Officer Chung could not recall what Ellis was saying while yelling.

Officer Chung could not recall if the hobble had been attached to the handcuffs. Officer Chung stated, *"I don't remember if his feet were up to his wrists, his legs were curled, his, from his knee joint, I guess, his feet were, uh like curled in. I don't know how far up he is capable of getting his legs up, but I don't know how f-, if it was up to his hands or, as far as his body allowed him to, um, but I do-, I can't remember the exact position of the hobble, but I do remember his legs were together. If his ankles were together and his, uh, legs were curled up a little bit."*

Officer Chung confirmed he did not observe any uses of force, specifically strikes upon Ellis during the incident.

Officer Chung was asked about his report, specifically where he noted there were officers surrounding Ellis with officers controlling Ellis so he would not kick anyone. When asked who, he stated, *"Um, I believe it was, uh Ford and Rankine. They were the ones on the ground with him. Um, and then by surrounding, I mean there was like a circle of officers just kinda making sure he doesn't get up or do anything else."*

Officer Chung described Ellis' positioning as it related to Officers Rankine and Ford.

- Ellis was on his right side, facing east.
- Officer Rankine was west of Ellis (behind Ellis), while Officer Ford was east (in front of Ellis).
- Officer Chung believes both Officer Rankine and Officer Ford had their knees on the ground, not on Ellis, supporting Ellis on his side.

Officer Chung was asked about the spit hood, *"Um, yeah. I remember that being put on after I was there. So, I, I can't remember who put it on, but I remember, um like I said there was fluids coming out of his mouth. I can't remember, if he attempted to spit at someone, but someone requested it, I don't know who and then I remember one being put on him."*

Officer Chung was asked about Ellis' condition prior to Fire arriving.

- He described Ellis as conscious, that Ellis was still breathing, and his eyes were open.

Officer Chung acknowledged his attention was "split" between Ellis and Officers Burbank and Collins, and that he was not standing over Ellis, *"Right. I was, I was, I was looking, making sure, cause, uh, um to my knowledge it was Ford and Rankine making sh-, kinda supporting him, making sure he didn't like fall over or anything while on the ground. Um, and then, um I was also like um making sure Matt and Shane were okay."*

Officer Chung was asked about the appearance of Officers Burbank and Collins, *"I mean, so when I arrived and when I got to them they were out of breath, um and just kinda, i- it looked like they were like completely drained. Um, I, I re-, I think I remember Matt saying his watch broke, I don't know why I*

remember that but I remember he mentioned something about his watch being broken from it, the incident. Um, but yeah they were both, uh out of breath, um I think I remember Shane was like taking some deep breaths cause he was, was like he was just gas-, gassed out."

Officer Chung was asked about the positions Ellis was placed in, if he observed Ellis on his stomach, *"So, I only saw him in two positions. One was on his side when I got there and then the next position was when he went on his back for Fire to treat him."* Officer Chung believes the restraints were removed from Ellis prior to Ellis being placed on his back after Fire arrived. Officer Chung does not know who removed the restraints or the spit hood from Ellis.

Later in the interview, Officer Chung was asked about his report, specifically where he mentioned Ellis losing consciousness between the time Fire arrived to when they arrived at Ellis' location, *"So, when like I said they arrived on scene, they parked, um they didn't drive right up to us, um it might've been because the police cars were parked, I'm not sure, um but from wherever they parked to their walk up, I remember looking, seeing okay TFD is here, I remember seeing that he was still breathing, um and his eyes were open and then maybe the next time I looked back and, uh I looked back to see where Fire is, they're still walking up, I looked back again and, I think that's when, um I don't, I don't remember who said it but they're said oh, I think he stopped breathing now."* Officer Chung was asked about Fire's approach to Ellis' location, *"…they weren't running, they were just casually walking, just normal whatever your, uh your normal pace of walk is, that's how they came to us."*

Officer Chung believes the initial reason that Fire was requested was related to the Taser application against Ellis.

Officer Chung confirmed he did not have any verbal and/or physical contact with Ellis.

Officer Chung confirmed he did not hear Ellis say, *"I can't breathe."*

Officer Chung confirmed he was directed by Sergeant Lim to transport Officer Collins to the Pierce County substation. Officer Chung was asked if he had a conversation with Officer Collins about the incident. He does not believe he did because they were aware that CPR was already in progress on Ellis, and Ellis' condition was unknown.

Officer Chung was asked if he observed anything while he was on scene that was either inappropriate and/or a potential policy violations from anybody, and he replied, *"I didn't."*

TAB 53

This tab contains the transcribed Internal Affairs interview of Officer Andy Guiardinu. The interview occurred on July 21, 2021. Officer Guiardinu was given his case report to review prior to the interview.

Officer Guiardinu confirmed he was partnered with Officer Farinas when the incident occurred. Their call sign was Henry-359.

- Per the SS911 Radio Log, H359 arrived on scene at 23:27:217 hours via Officer Farinas' portable radio.

Officer Guiardinu was asked about the initial radio traffic from Officers Burbank and Collins.

- Officers Burbank and Collins had just cleared a traffic stop.
- He remembered hearing the mic clicks, describing it as, *"It was just um, it sounded like someone was like touching the mic rather than speaking to it. Um, but that's it, that's all that came out so initially we thought it was related to the traffic stop."*
- Officer Guiardinu was asked if he heard Officer Burbank call out "96th and Ainsworth," *"Well, not initially. He'd, the first few, um mic clicks, if I remember right, there was no, nothing coming out and then eventually, u- um we knew the general area of what they were at because they'd*

just got done with a traffic stop. So we started going that way and, and then eventually he was able to kind of scream a little bit and put that 96th and Ainsworth." Officer Guiardinu described Officer Burbank's broadcast as very quick and out of breath.

Officer Guiardinu believes they responded to 96th and Ainsworth from the area of 38th or 34th and Pacific and parked their patrol car on 96th, east of Ellis' location when they arrived.

Officer Guiardinu was asked about his initial observations after arriving, *"Um, there were already officers that beat us there, um on the scene. He was already detained, um and then I didn't, I, I just kinda check on, on M- um Shane and Matt. Make sure they were okay and then immediately like a few seconds after Lim was on the scene and, and then he told us to do something else."*

Other than Officers Burbank, Collins, Rankine and Ford, Officer Guiardinu did not recall who else was on scene prior to his arrival.

- Officer Guiardinu described Officers Burbank and Collins as out of breath.
- Officer Guiardinu was asked if he observed any injuries to either officers, *"I think, y- I remember Matt complaining about his elbow, maybe, yeah his elbow I think, yeah."*

Officer Guiardinu was asked about Ellis' position and how he was detained, *"He was face down. And, I don't remember who was holding him down, um but I remember he was still like spittin' at whoever was there and that's why, ya know, the spit hood was put on him afterwards, or few seconds later."*

- Officer Guiardinu confirmed Ellis was in handcuffs.
- Officer Guiardinu did not see a hobble on Ellis, was aware a hobble had been applied to Ellis, but did not see the hobble application.

Officer Guiardinu was asked about Ellis' resisting, *"I just remember him, still but kinda like pushing people off of him and the spit, I remember the spittin' cause he kept spittin on people."*

- Officer Guiardinu was asked how Ellis was pushing people off of him while handcuffed. He described Ellis as twisting his shoulders and legs, adding that Ellis was flipping like a fish out of water.
- Officer Guiardinu did not observe Officer Farinas apply the spit hood to Ellis.

Officer Guiardinu was asked about a statement in his supplemental report, specifically that Ellis was alert and breathing and what he based his observations on.

- Ellis was moving, pushing people off of him, spitting, resistant and assaultive.

Officer Guiardinu was asked if he heard Ellis say, "I can't breathe," or anything similar, *"Nope, I did not."*

Officer Guiardinu acknowledged he was not present at Ellis' location for most of the incident as he began looking for cameras that would have captured the incident.

Officer Guiardinu confirmed he did not observe any strikes, punches, elbows, or any additional similar uses of force against Ellis.

Officer Guiardinu confirmed Fire was not on scene when he arrived on scene.

- Fire had their siren on when they arrived.
- Officer Guiardinu said Sergeant Lim, or someone else, asked multiple times on the radio about Fire coming and that Fire was needed priority.

- Officer Guiardinu described Fire's response time, *"So it was a, it was a i- a fair amount of time that we waited for them to show up."*

Officer Guiardinu was asked if he observed Ellis' condition worsening or degrading, resulting in Fire being requested priority, *"No, I did not. I went and like I said checked for cameras…"* Officer Guiardinu added that Ellis was unconscious when he returned to the scene.

Officer Guiardinu was asked about the spit hood.

- Officer Farinas obtained the spit hood from their patrol car, adding, *"It was very quick, as soon as we get there, he's already detained, and, and I remember initially seeing him like spittin' stealing, flopping and spittin', pushing people off of him and someone yell, "I need a spit hood," so I think Manny ran back to the car got the spit hood. I, I know I don't carry a spit, I didn't carry a spit hood other-…"*

Officer Guiardinu did not recall the conversation between Fire and the officers in regards to the removal of the restraints. Officer Guiardinu did not witness the restraints or the spit hood being removed from Ellis.

Officer Guiardinu confirmed he did not have any contact with Ellis.

Officer Guiardinu confirmed he transported Officer Burbank from the scene. Officer Guiardinu was asked about any conversations he had with Officer Burbank during the transport, *"Well, I mean, just kinda described what happened. The, ya know, we they were just sitting at the light and, and the guy just approaches them and start banging on the window and then they open the door and then immediately the fights on."*

Officer Guiardinu was asked if Officer Burbank talked about what led to the contact with Ellis, *"He said something a- about a, um he was in the middle of the road maybe and then he saw them and ran towards the police officer or the police car."*

Officer Guiardinu was asked if he observed anything that he felt was inappropriate or violations of policy, he stated, *"Not that I can, not that I can think of or remember."*

TAB 54

This tab contains the transcribed Internal Affairs interview of Officer Daniel Derr. The interview occurred on July 21, 2021. Officer Derr was given his case reports to review prior to the interview.

- On the night of this incident, Officer Derr was a two-officer car with Officer Wesley Schneider (H356). The 356 number designator is Officer Schneider's badge number.
- Officer Derr said he was the passenger officer while Officer Schneider was the driver.
- Per the radio log, H356 used their car radio at 23:22:58 hours but only transmitted "356." The next radio transmission was Dispatch advising to keep the radio open for H317. Per the CAD, H356 put themselves "Enroute" to the incident at 23:23:09 hours. There is no arrival time in CAD for them. CAD shows them as "Available" at 03:48:37 hours.
- Officer Derr said he recalled hearing mic clicks and Officer Burbank's voice on the radio giving out the location. He said in part, *"All I remember, I don't know how many times Dispatch asked, or called for them and then I recognized Officer Burbank get on the radio and just say 96 and Ainsworth. Then that was the only transmission."* When asked how Officer Burbank sounded on the radio, Officer Derr said, in part, that Officer Burbank *"and Officer Collins rode together a lot and they were a very reliable car so it was very out of the ordinary, just to hear a location and w- mic clicks. Uh, without them being on an assigned call, and it was just very fast, the transmission was just the location and then seemed kinda desperate, I guess."* Adding that it was *"Very abnormal"* from Officer Burbank and Officer Collins.

- Officer Derr said he thought he and Officer Schneider responded from the area of 56th and Portland Avenue. When asked where they parked at the scene, Officer Derr said in part, *"I wanna say we were on the west side of the incident, the intersection."*
- TFD was not on scene when Officer Derr arrived.

Officer Derr was asked about his observations of Ellis upon his arrival. Officer Derr said in part, *"I think he was on his stomach at the time."* Regarding the restraints he saw on Ellis, Officer Derr said about Ellis, *"He was, he was in handcuffs."*

- Officer Derr was asked if Ellis was hobbled when he arrived. Officer Derr said he did not recall. Officer Derr said, *"I just remember hearing on the radio, if someone has hobble, can they bring it. Something along those lines."* Officer Derr did not recall if he was on scene or en route to the scene when he heard the request for a hobble.
- When asked if he ever saw a spit hood on Ellis, Officer Derr said, *"No."*
- Officer Derr was asked if Ellis was moving around or resisting when he arrived. Officer Derr said, *"I remember when I looked down at him I, there were a couple officers with him. I don't remember what they were doing, er, er what officers were cause I went to, um Officer Collins and Burbank right away to see they needed anything. I remember him making like a growling noise and kinda spitting blood. I don't know if that was a result of him growling or what, but I, I do remember that."* Officer Derr said he did not recall the officers that were with Ellis.
- When asked if Ellis was spitting blood just to spit blood or did it appear that he was trying to spit at people that were around him, Officer Derr stated, *"I don't remember, I just remember he was on his stomach, and he was, he was looking to the side and he was making growling noises and just, it sounded like he's spitting and there was liquid coming out of his mouth that looked dark."* When asked how much blood Ellis was spitting, Officer Derr said, *"It didn't look like a real lot. It just looked like it, ya get a bloody lip or tongue or something and you're spittin' out some blood from it."*
- Officer Derr was asked if he ever saw any uses of force applied to Ellis. He said, *"No."*
- Officer Derr described Ellis' condition. He said of Ellis, *"He was conscious, or appeared to be, and i-, he was just growling and tha-, that was it. I didn't, I didn't hear him say anything else."*
- When asked if Ellis' condition changed over time, Officer Derr said, *"No but I, I also don't think I was close enough to him."*

Officer Derr was asked if he ever saw Ellis in any other position other than on his stomach, and Officer Derr said, *"Yes. I do remember, I think it was Officer Burbank w-, instructed the officers over there to roll him to his side. And I remember him just saying roll him to his side to a recovery position."*

- Officer Derr did not recall what officers were tending to Ellis.

Officer Derr said that he contacted Officer Collins and Officer Burbank when he arrived. When asked how they were, Officer Derr said, *"I remember going to Officer Collins and he looked exhausted and I've never seen Matt like that, um and as I walked up to him, he just sat on the bumper of his car and just, was just trying to catch his breath and he was just, I remember him being red in the face like he was exhausted. Um, and I remember Officer Burbank, he, he looked tired, he didn't look as tired as Officer Collins and he was kinda just pacin' around the front of the car."*

- Officer Derr did not see any obvious injuries to Officer Collins or Officer Burbank.
- Officer Derr said he stayed with Officer Collins and Officer Burbank by their vehicle. He added, *"And then I think as the Fire Department came in we started to, um, we started to block 96th and then after that I started going to, um houses in the area to see if there were any Ring cam or anybody had witnessed anything."*

Officer Derr was asked about TFD's response to the scene. Officer Derr said in part, *"I feel like I remember 'em, they stopped at the intersection of 96th and McKinley to go through the lights. That's all I remember."* It was clarified that he saw TFD at the 96th and Yakima intersection.

- Officer Derr was asked if he heard a conversation between Fire and the TPD Officers about needing to get Ellis' restraints removed for treatment. Officer Derr said he recalled some of the conversation. He said in part, *"I remember Fire, uh one of the firefighters said, "we need him outta restraints," and I, I really wasn't paying attention to much so what was goin' on 'cause there were, there was a group of people around him at that time and I just didn't go back over there."*

  When asked if the conversation was long, Officer Derr said, *"No, it didn't seem like."* From what Officer Derr recalled, the conversation did not delay getting Ellis out of restraints and he did not "*hear any arguing about it or anything*."

Officer Derr said he never heard Ellis make any statements to the effect he could not breathe.

- Officer Derr said he never heard any officer comment to anyone on scene that Ellis had complained of having breathing issues.

Officer Derr did not have any verbal or physical contact with Ellis.

Officer Derr was asked about the cell phone and Taser property he possessed as evidence. He stated in part, *"So, somebody had placed it in a Ziploc bag, the, the taser prongs in a, in a Ziploc bag and Ellis' cell phone, I they were on the hood of, uh Schneider's car and when we moved his car to block the street we threw them up on the dash of the car. Um, and then I later turned them over to, to the Sheriff's Department when they were holding perimeter."*

- Officer Derr did not know who put the items on Officer Schneider's vehicle.
- Officer Derr was asked about why he wrote two separate reports with an extended period of time between the two reports. Officer Derr said he wrote the second report because *"Uh, Chief Wade told me to write it."* The second report was requested to address the property (Taser and cell phone) Officer Derr possessed at the scene. Other than being told to write the report by Chief Wade, Officer Derr did not know which agency made the request for the second report.

Officer Derr did not transport any Officers from the scene.

Officer Derr said he contacted witnesses at a residence nearby.

When asked if he observed anything that he felt was inappropriate or a violation of policy, Officer Derr replied, *"No."*

TAB 55

This tab contains the transcribed Internal Affairs interview of Officer Ron Komarovsky. The interview occurred on July 28, 2021. Officer Komarovsky was given his case report to review prior to the interview.

Officer Komarovsky confirmed he heard Henry-317, Officers Burbank and Collins, yell out "96 and Ainsworth" over the radio, and additional mic clicks and yelling over the radio.

- Officer Komarovsky did not know if it was Officer Burbank or Officer Collins who called out the location.
- Officer Komarovsky was at the Sector 3 substation when he responded to 96th and Ainsworth.
- After arriving, he parked on 96th Street, just west of Ainsworth.
- Later in the interview, Officer Komarovsky said he arrived just after Sergeant Rock. Per CAD, Sergeant Rock's arrival time was 23:25:22 hours.

Officer Komarovsky was asked about his initial observations after arriving.

- Officer Komarovsky said he did not really have a personal recollection of the incident as it occurred 17 months ago, and referred to his report.
- Ellis was on the ground, either on his back or side.
- Ellis was in handcuffs with his legs restrained behind his back.
- An unknown officer was trying to keep Ellis on the ground as it appeared Ellis was tensing up and trying to move.
- Officer Komarovsky assisted the unknown officer by placing his knees, hands, and body weight on Ellis' legs to prevent Ellis from moving.
- Officer Komarovsky did not recall how long he maintained control of Ellis' legs. Later in the interview, Officer Komarovsky said it was probably less than 10 minutes.
- Officer Komarovsky did not have any additional contact with Ellis.

Officer Komarovsky was asked to describe Ellis' moving, *"Uh, to the best of my recollection, I recall that he was kicking, ya know tensing up his muscles, actively kicking, uh, that's really the only thing I recall."*

Officer Komarovsky confirmed he did not observe any strikes against Ellis.

Officer Komarovsky did not recall seeing a spit hood on Ellis.

Officer Komarovsky did not recall the position of Ellis' legs while hobbled.

Officer Komarovsky confirmed Fire was not on scene when he arrived and that he cleared the incident prior to Fire's arrival. Officer Komarovsky returned to the scene around 30 minutes later.

Officer Komarovsky was not present when the restraints and/or spit hood were removed from Ellis.

Officer Komarovsky was asked about leaving the scene, *"Correct. Uh, I observed that there were many officers on scene already and uh, I believe somebody actually relieved me, I don't remember who it was, and this is already after my shift, and so I went back home."* Later in the interview, Officer Komarovsky said he returned to the substation to finish a reckless driving report.

Officer Komarovsky did not recall hearing Ellis say, "I can't breathe," or anything similar.

Officer Komarovsky was asked about Ellis' condition when he left the scene, *"I don't specifically recall, uh, but he was alive and appeared well."*

Officer Komarovsky was asked about a specific line in his report where he wrote, *"I assisted other officers with rolling the subject Ellis onto his stomach."* Officer Komarovsky was asked if he recalled why Ellis' position was changed, he stated, *"I do not";* nor does Officer Komarovsky recall what Ellis' condition was when Ellis was rolled onto his side.

Officer Komarovsky did not recall seeing any injuries on Ellis or if there was blood coming from Ellis' mouth.

Officer Komarovsky was asked if he observed anything that he thought was inappropriate or a violation of policy, he stated, *"Not to my recollection."*

TAB 56

This tab contains the transcribed Internal Affairs interview of Officer Katherine Madden. The interview occurred on July 28, 2021. Officer Madden was given her case report to review prior to the interview.

Officer Madden was partnered with Officer Warner when the incident with Ellis occurred. Their call sign was Henry-205. Officer Madden was driving; Officer Warner the passenger.

Officer Madden talked about the mic clicks, *"Ryan and I were talking and we heard mic clicks and then somebody say 96 and Ainsworth, and we stopped our conversation and I said, "Was that Shane, or was that Matt, who was that?" and then radio was trying to confirm what was goin' on and him and I both were like, "Did he say 96th and Ainsworth?" and we just turned our lights on and."*

- They responded from the area of 48th and Alaska.
- Per the CAD, H205 arrived on scene at 23:25:33 hours via their car computer.
- Officer Madden does not know if it was Officer Burbank or Officer Collins that called out the location.
- After arriving, they parked on 96th Street, 200 feet west of Ainsworth.
- Other than Officers Burbank, Collins, Rankine and Ford, Officer Madden did not recall who was on scene prior to her arrival.

Officer Madden was asked about her observations after arriving.

- Ellis was on his stomach, on the north side of 96th Street, in the intersection.
- Ellis was already in handcuffs and hobbled.
- Officer Madden did not recall if the hobble had been attached to the handcuffs.
- Officer Madden believes Ellis' legs were bent at the knee, at a 90-degree angle.

Officer Madden described Ellis' position, *"I-, so belly down, hands behind his back and then his thighs were on the ground just like a, trying to paint picture, thighs were on the ground and knees up."* Later in the interview, Officer Madden confirmed she did not observe any arch in Ellis's back, nor did she observe any strikes to Ellis while on scene.

Officer Madden described Officer Burbank and Officer Collins as out of breath and gasping for air.

- Officer Burbank and Officer Collins were no longer in contact with Ellis as they had been relieved by other officers.
- Officer Madden confirmed she did not have any contact with Officer Burbank or Officer Collins.

Officer Madden was asked who was controlling Ellis since Officers Burbank and Collins were no longer in contact with Ellis, she stated, *"Rankine."*

- Officer Madden observed Ellis still trying to flip over from his stomach position and was screaming.
- Officer Madden said Ellis was rocking back and forth on his shoulders trying to flip over, adding that Ellis was also screaming.

Officer Madden confirmed Officer Rankine had a knee on Ellis' back, *"Yes. Um, and Tim was, uh, what's the technical, I mean, he had his knee in the center of his back. So like prone handcuffing position."* Officer Madden did not recall which knee Officer Rankine was using or the position of his other knee.

Officer Madden confirmed that Ellis was rolled onto his right side. Officer Madden was asked how Ellis was placed into that position, *"We rolled him, w-, m-, I do-, I couldn't tell you a timeframe of how long, um, but when he stopped screaming and stopped fighting and flailing, we then rolled him to his side."* Officer Madden confirmed she and other officers assisted Officer Rankine in placing Ellis on his side.

Later in the interview, Officer Madden was asked what caused Ellis to be rolled onto his side, *"He stopped flailing, stopped screaming. So it was, it, I mean nothing more than he stopped fighting, so we rolled him."* Officer Madden was asked if there was a conversation about rolling Ellis onto his side, she confirmed there was, *"They, I do remember that conversation. I don't remember who said something, but it was more, it was uh, ya know he had quieted down, he stopped fighting so much, we, everybody that was holding him down kinda started to, ya know as they stop fighting, you don't use as much*

pressure, so we all kinda started to back off and then I don't remember who it was, but somebody said let's put him on his side and so we just rolled him."

Officer Madden confirmed she assisted in holding Ellis' right leg by placing her right knee on his thigh. Officer Madden did not recall the length of time she held Ellis' leg.

Officer Madden was asked if she observed a spit hood on Ellis. She confirmed she did, *"Yes. I did. I, uh, it wasn't on very long because by when he was screaming, somebody said grab a spit hood, um, and it was placed on his head and then, I can't remember if it was remo-, I can't remember at what point it was removed or how long it was on."*

Officer Madden was asked if she knew where the spit hood was obtained. She confirmed she did, *"It was mine, we were in my car that night. Ryan asked if I had a spit hood in my car 'cause they were asking for one. I said yes, I said it's behind the passenger, you know you put 'em between bars in the window. I said it's on passenger side, back seat. He grabbed it and he pulled it out and I remember him saying, "I've never put one of these on before. Is there a front or a back?" or whatever. And, Manny Farinas said, "I'll put it on. I've put 'em on before."*

- Officer Madden confirmed the spit hood that was placed on Ellis was a Department-issued spit hood.

Later in the interview, Officer Madden was asked why the spit hood was placed on Ellis, *"The yelling and screaming, um, there had been talk about trying to get him in a car because he was so loud, let's get this guy out of the street sort of thing and it was let's put a spit hood on so he's not, as he's screaming so loud and then of course we never ended up moving him cause we were still waiting for Fire, but."*

- Officer Madden was asked if she observed Ellis bleeding from his mouth, spitting, or any injuries on Ellis. She said she did not, that she was at Ellis' legs, not his face.
- Officer Madden did not recall any officers commenting on Ellis spitting.

Officer Madden confirmed Fire was not on scene when she arrived and described their arrival, *"There were no lights on, 'cause we did know that they were there until they walked up. They arrived from the east and were facing west behind a bunch of patrol cars, um, and they walked to us i-, in front of me 'cause I was facing east. So they walked towards us just with their backs and we were like, it was uh, oh, Fire's finally here sort of, we didn't know, we did not hear any lights or siren or them coming."*

Officer Madden was asked about the conversation between Fire and Tacoma PD in regards to the removal of the restraints from Ellis, *"Mm-hm. Yes. Um, I didn't catch any of their names so I couldn't say names of the firefighters, but when they walked up the first thing, or one of the first things they said is, "What do you expect us to do?" and we were like, help him, I, what do you mean? And, um, one of the firefighters kind of snapped, "Well we can't do anything with those restraints on." And we were all lookin' at each other, we're like this guy just overcame four officers. Sarge, we were lookin' for a Sarge to say we're not taking these restraints off without hi-, without them, somebody giving us permission 'cause we were like, ya know he just fought off four people. And the firefighter snapped back, "Well there's like 20 of you standing around, can't you guys hold him down? Take the restraints off." And we were all kinda lookin' at each other, and that's when so-, uh, somebody called for, um, Sergeant Lim and I don't remember who it was and Lim came over and the firefighter was still pretty agitated and Lim very calmly was like what do you need from us? And he said, "Take the restraints off." And Lim looked at us and we looked at him still wait we were like we want permission to take these off. He said if Fire says take 'em off, take 'em off. And then everything came off."*

- Officer Madden believes the discussion lasted 20 to 30 seconds.
- Officer Madden did not recall who removed the restraints or the spit hood.

Officer Madden was asked about Ellis' position when the discussion between Fire and Tacoma PD occurred, *"He, at that time was still on his side and then when we had to take the restraints off we put him back on his belly to have access to both of his hands and then took everything off when he was on, when he was face down again."*

- When asked how long Ellis was on his stomach for when the restraints were removed, Officer Madden said *"Oh ge-, not long, not long."*
- Officer Madden said Ellis was rolled onto his back as soon as the restraints were removed.
- While Ellis was still on his side, Officer Madden said she was positioned west of Ellis, near his legs, while Officer Rankine was east of Ellis, facing west, near Ellis' upper torso.
- Officer Madden said there were more than her and Rankine holding Ellis down but did not recall who.

Officer Madden was asked if she heard Ellis state, *"I can't breathe,"* or anything similar. She stated, *"No."* Officer Madden was asked if there was any conversation among the officers that Ellis had mentioned anything about not being able to breathe, *"Not that I remember. No."*

Officer Madden was asked if she observed a change in Ellis' condition between the times she arrived to when Fire arrived. She acknowledged she did, *"Yes, by the time Fire got there, he'd, we'd all stopped restraining him cause he was no longer rocking or screaming."*

Officer Madden confirmed Ellis was still handcuffed and hobbled, *"Correct. Yes. Yes. But at that time he had stopped yelling and by the time Fire arrived he was no longer screaming and no longer fighting the restraints."*

Officer Madden was asked about Ellis' condition when Fire arrived. She described Ellis as non-responsive, *"He was non-responsive. Conscious versus n-, unconscious I couldn't say until Fire was like startin' to do sternum rubs and stuff like that and th-, at that point he was non-responsive but, um, un-, I mean unresponsive to outside stimulus by the time Fire arrived, yes. But I did not feel for a pulse or check breathing cause I was at his legs."*

Officer Madden was asked if she was concerned about Ellis' condition; if she was aware there was an issue with his breathing or well-being. She confirmed she was, *"We, yes, that's why we asked Fire to, many times, to come priority because we were, everybody was goin' why isn't Fire here is this excited delirium, why isn't Fire here, why isn't Fire here, why isn't Fire here."*

Officer Madden was asked who brought up excited delirium or if it was a consensus among the offices, *"It was a consensus. Everybody kinda started lookin' at each other and we were goin' is this excited delirium, do you think this is excited delirium, and then of course, we weren't the first one's on scene so then we're asking, um, Ford and Rankine because Collins and, um, Shane were already in a car they had been removed from the scene, um, but we were asking them more questions. Do you guys think its excited delirium? How was he when you got here? And they were like, yeah we, probably. Where's Fire, where's Fire, where's Fire?"*

Officer Madden observed Fire begin CPR because Ellis did not have a pulse.

- Officer Madden observed Officers Rankine and Warner assist with CPR.
- Officer Madden assisted Fire by holding the IV bag.

At the end of the interview, Officer Madden was asked to confirm Ellis' positions while she was on scene.

- Ellis was on his stomach when Officer Madden arrived.
- Ellis was rolled to a recovery position on his right side.
- Officer Madden believes Ellis remained on his side until Fire arrived.

- Officer Madden was asked if there was any moving of Ellis back and forth (side to stomach/stomach to side), and she stated, *"Not that I remember."*
- Officer Madden did not know if Officer Rankine was using any pressure to maintain Ellis in the recovery position or if Ellis remained on his side on his own.

Officer Madden was asked if she observed anything that she felt was inappropriate or a violation of policy by the officers, she stated, *"No."*

TAB 57

This tab contains the transcribed Internal Affairs interview of Sergeant Greg Rock. The interview occurred on July 29, 2021. Sergeant Rock was given his case report to review prior to the interview.

- The night of this incident, Sergeant Rock was a Patrol Supervisor in the Three Sector. His call sign was S171. He was not the direct supervisor of Officer Burbank or Officer Collins.
- Per the CAD, S171 arrived himself on scene at 23:25:22 hours via his car computer.
- Sergeant Rock recalled hearing the mic clicks on the radio and an officer saying the location, 96th and Ainsworth. He did not know which officer gave the location on the radio. When asked what the tenor in the officer's voice was, Sergeant Rock said, *"it seemed like, uh, an emergency for sure."*
- TFD was not on scene when Sergeant Rock arrived.
- Sergeant Rock did not have any verbal or physical contact with Ellis.
- During the interview, Sergeant Rock was shown the cell phone video titled, "Cell Phone Video from Ms. White (1 of 2)."

Sergeant Rock was asked about his observations of Ellis upon his arrival. Sergeant Rock said, *"Mr. Ellis is handcuffed and hobbled, um, and he's yelling and, uh, kind of moving from side to side, um, in a manner kind of thrashing himself around when I get there originally."* Sergeant Rock said that Ellis was on his stomach at that point. When asked about how long Ellis was on his stomach Sergeant Rock said, *"Ooh gosh, I'd be takin' a guess, I'd say maybe, um, oh boy, maybe five, five minute, ten minutes, somewhere in that area."*

- When asked if the hobble was attached to the handcuffs, Sergeant Rock said, "*I'm not sure. I don't, uh, I don't recall for sure exactly. I just remember that his legs were up and, um, that he was hobbled and, and handcuffed."* Sergeant Rock was asked if Ellis was bowed because of the hobble, and he replied in part, *"No, I didn't see, uh, bowing or anything like that, um, I don't remember how far forward his legs actually, um, were or whether it was a 90 or a little bit past a 90." "Or, or, even less than that, I just don't, I just remember…"*
- When asked to describe what Ellis was yelling, Sergeant Rock stated, *"Uh, at that point he's just, uh, I don't remember necessarily words, just him yelling. Um, just yelling at, at the top of lungs. Um, but I don't recall any words or anything like that."*
- Sergeant Rock described how Ellis was moving. He said, in part, Ellis was moving, *"kinda from shoulder to shoulder almost, uh, trying to, to, cause at that point the officers like had their, their hands on him, kinda holding him there, trying to keep him from, um, getting loose. It was almost, uh, in an attempt to, to get away, to, uh, to get away from the officers."* When asked if his thrashing around was moving the officers and was it that much of a struggle, Sergeant Rock stated, *"Yeah, they're, they were working to, to keep him in place there, um, i- it's not like he was calmly moving from side to side, I mean he was thrashing his body around."*
- Sergeant Rock said when he arrived, he observed Officer Collins, Officer Burbank, Officer Ford and Officer Rankine holding Ellis down. He said, *"Uh, when I was there, uh, they were kind of off to the side of 'em and, and just kinda holding, uh, two at the shoulders and then two down, uh, towards the leg area, is what I…"* Sergeant Rock confirmed that the officers were just using

hands at that point to hold Ellis in place and that there was not *a "knee on, uh, the back or anything like that."*

- Sergeant Rock was asked what occurred that resulted in only Officer Rankine being needed to hold Ellis in place. Sergeant Rock said, *"Um, uh, with the understanding I'm doing other stuff to, making sure that we've secured off the, the roadway, um, I picked up some taser wires and then gave them to Officer Derr, um, in between doing stuff, but it seemed that, uh, Mr. Ellis had just calmed down, um, a little bit and so it wasn't necessary to have, um, the other three officers holding him at that point."*
- Sergeant Rock said that initially when only Officer Rankine was holding Ellis in place, Ellis was still on his stomach. When asked how Officer Rankine was holding Ellis down, Sergeant Rock said, "*He was just on his, uh, Rankine was beside him, was not on top of him and he just kind of had his, his hands, um, kinda towards his lower back, mid-back area. Um, it didn't look like he had, uh, to me, um, what I saw a ton of pressure on him or anything like that."* Later in the interview, Sergeant Rock further described how Officer Rankine was holding Ellis down stating, "*Officer Rankine, um, w- was beside him, he wasn't on top of him and he had one hand, as far as I can remember, kind of on his lower back, and um, one hand more up towards ya know his side, mid-back, um, didn't appear he had much pressure on him at that point, um, he was just basically, uh, there, what appeared to me, um, to make sure that if he started thrashing again that, um, he could control him.*" Sergeant Rock said that Officer Rankine was off the back side of Ellis holding him with just his hands.
- When asked why Ellis was eventually rolled onto his side, Sergeant Rock stated, *"Uh, I think he started to, again I wasn't right over him the entire time, but I think, uh, he started to, um, become a little bit more lethargic and so at that point I think the thought was let's get him to a recovery position, um, and so they rolled him on to his side."* Sergeant Rock did not recall who rolled Ellis into the recovery position or if he remained in that position from that point on until TFD arrived.
- Sergeant Rock was asked if he observed Ellis bleeding from the mouth. He stated in part, *"I don't remember that, that's not to say that…he wasn't. I just don't remember it."*
- Sergeant Rock said he never saw Ellis spit but acknowledged he was not *"standing right over him."*
- Sergeant Rock was asked if he saw a spit hood on Ellis when he arrived. Sergeant Rock said, *"You know it's funny, I the entire time that I was there, um, and obviously I've read that he had a, a spit hood on or hood it, heard it in the, but I don't recall him ever having one on. Um, I, I just don't."*
- Sergeant Rock was asked if Officer Rankine was doing anything medically or monitoring Ellis while he was holding him. Sergeant Rock stated, *"Uh, so he did end up, let me make sure, I, I think uh, yeah Rankine was he one that was making sure that he was okay and, and um, kinda, kind of just monitoring him in general and, um, again I don't wanna be wrong and, and take a guess, ya know, ya asked who, who rolled 'em on his side, um, I think it was Officer Rankine, but I, again, I don't wanna say that for sure with it being so long ago."*

Regarding observations Sergeant Rock made of Officer Collins and Officer Burbank when he arrived at the scene, Sergeant Rock stated, *"Uh, they look tired. They looked out of breath and, uh, tired, um, but they didn't seem, I, I, they weren't uh, screaming at Mr. Ellis or, or anything like that or, or even really, uh, in a, in a dialogue that I can remember, um with Mr. Ellis. They just seemed like, uh, they were kind of winded and out of breath."*

Sergeant Rock was asked if there was any talk among people on scene about excited delirium or concerns about Ellis' condition deteriorating. Sergeant Rock stated, *"Uh, not right away it wasn't and, um, obviously, uh, towards the end, um, there was some conversation at some point about it, but initially, um, that wasn't the thought 'cause he was moving around, he was yelling, thrashing around, um, and then, I think the thought was that he just calmed down, um and then in between that he would, uh, let out like a, kinda get hyped up again, let out a, a growl, um, more than anything else or a, a loud grunt, um,*

so I don't think initially the thought was, um, excited delirium, um, until, uh, maybe a, a little bit further on. Um, clearly, uh the thought, w- uh, personal thought, um, under the influence of drugs or, or something. Um, but I don't know if excited delirium was talked about early on or not."

Sergeant Rock was asked if he ever heard Ellis say specifically, "I can't breathe," or anything similar to that while he was at the scene. Sergeant Rock responded, *"I did not."* Sergeant Rock also confirmed he did not hear anything to that effect over the radio.

Sergeant Rock was asked if he overheard any of the conversation between TFD and TPD officers regarding the need to have the restraints removed from Ellis to treat him. Sergeant Rock said in part, "*No, I wasn't, uh, right there when, uh, when that conversation occurred." "I remember Sergeant Lim turning around and saying, um, to somebody, yeah, go ahead and, um, take the hobbles off or, or something like that to, um, but I didn't hear any arguing between um, Tacoma PD or Fire personnel."*

- Sergeant Rock did not recall who took off the restraints.
- When asked to describe Ellis' condition when TFD arrived, Sergeant Rock acknowledged that nobody on scene made any statements alerting him about any issue with Ellis, so he assumed Ellis was alive at that point.
- Sergeant Rock did not recall if TFD responded to the scene priority with emergency lights but *noted "that it took a long time for them to get there. It seemed like an extremely long time and then once they arrived on scene, um, they just walked up really slow, they kinda parked aways away to the, um, to the east and then, um, walked up really slow."*
- Sergeant Rock was asked if he knew what happened at the scene that caused Sergeant Lim to upgrade the response of TFD. He replied, *"Uh, so again initially nobody thought that Mr. Ellis was going to pass away, um, he's yelling and, and thrashing around, um, I, I can't speak for Sergeant Lim, but I imagine, um, what happened is, is that, uh, he started to, um, become a little bit more lethargic and so he's saying hey we need 'em to, to step it up, what's the, um, what's the hold up here. It seemed to be an awful long time that we'd been, been waiting."*

When asked if he had anything to add that was not asked during the interview, Sergeant Rock added, *"No, I, I don't think so. It's uh, um, kinda like I said, it's one of those, uh, situations where um, when you arrive you don't think that the outcome is going to be what it ended up being, um, ya know you go to these type of calls quite often, um, with people that, that are, um, either under the influence or, or um, just acting irrational and uh, usually the outcome is different with the same actions from the officers."*

Sergeant Rock was shown cell phone video from Aiyana White. He narrated the video in part by saying, *"Okay. Yeah, at that point I think it's, uh, waiting for Fire to arrive, waiting for them to, um, to get here and uh, obviously, uh, Mr. Ellis is, is still alive and, um, it appears that he might even be moving around a little bit. And so, uh, ya know one of the deals things is, is if somebody's breathing, uh, moving around, um, we have limited training ya know of first aid, CPR, things of that nature, um, move them to a, a position um, of recovery which eh, was done once, once he started to um, become a little bit more lethargic but, um, if Mr. Ellis is, is breathing and has a pulse not gonna give CPR at that point."* Sergeant Rock was not able to say what position Ellis was being held in.

Sergeant Rock did not contact any witnesses at the scene. He did not transport any officers away from the scene.

Sergeant Rock was asked if he collected any evidence at the scene. He stated, *"Uh, no cell phone but I think I what I did was um, collected up the taser wires. Again, um, didn't think this was gonna be, uh, in-custody death or anything like that so, um, normal procedures to collect the, uh, taser wires, which I did. Not the cell phone and then I gave 'em to, I believe it was PPO, uh, Derr."*

When asked if he observed anything at the scene he felt was inappropriate or a violation of policy, Sergeant Rock stated, *"No, I didn't see any policy violations when I was there."*

TAB 58

This tab contains the transcribed Internal Affairs interview of Sergeant Michael Lim. The interview occurred on August 3, 2021. Sergeant Lim was given his case report to review prior to the interview.

Sergeant Lim confirmed he heard Henry-317 (Officers Burbank and Collins) yell the location of 96th and Ainsworth.

- Sergeant Lim does not know which officer called out the location.
- Sergeant Lim heard mic clicks after the location had been called out.
- Sergeant Lim confirmed he was Officers Burbank and Collins immediate supervisor when the incident with Ellis occurred.
- Sergeant Lim responded from the area of 76th and Tacoma Mall Boulevard.
- Sergeant Lim arrived and parked to the west of Ellis and the officers.

After arriving, Sergeant Lim observed multiple officers taking a subject (Ellis) into custody.

- Sergeant Lim identified the officers as Officers Collins, Burbank, Ford and Rankine.
- Sergeant Lim was asked about his radio transmission that occurred at 23:24:35 from his vehicle radio where he advised Dispatch the officers were still fighting with Ellis. Sergeant Lim confirmed he had just arrived and was either in the process of stopping his patrol car or had stopped his patrol car, maybe 30 feet from where the officers were fighting with Ellis.
- Sergeant Lim described the officers' positions on Ellis; Officers Ford and Rankine were at Ellis' leg and feet area while Officers Collins and Burbank were on both sides of Ellis' upper body.
- Sergeant Lim said it appeared the officers were using their hands on Ellis' arms and legs to hold him down, as opposed to laying on top of Ellis.
- Sergeant Lim did not observe any strikes to Ellis.

Sergeant Lim was asked about his initial observations as documented in his supplemental report.

- Ellis was positioned on his stomach with his head to the south.
- Ellis was handcuffed but was trying to kick his legs around. At one point, Ellis almost managed to get up on his knees.
- Sergeant Lim documented his belief that Ellis had extraordinary strength, as Ellis almost made it to his knees with multiple officers trying to hold him down.
- Sergeant Lim said the struggle with Ellis occurred several feet in front of Officer Burbank and Officer Collins' patrol car.
- Sergeant Lim confirmed he did not see the handcuff application to Ellis, that Ellis had already been placed in handcuffs before he arrived at their location.

Sergeant Lim was to elaborate on his observations of Ellis kicking his legs, *"So when he was on the ground, I observed Mr. Ellis literally kickin' his legs and then bringing his, uh, knees up almost in a bucking motion."* Sergeant Lim was asked if Ellis appeared to be kicking like he was flailing of if he was directing his kicks toward the officers, *"It appeared that he was kickin' his leg toward the officers."* Sergeant Lim was asked what level of resistance Ellis was presenting. He stated, *"Assaultive."*

Sergeant Lim confirmed Ellis was not hobbled when he arrived but was eventually placed in a hobble.

- Sergeant Lim did not recall who retrieved the hobble.
- Sergeant Lim did not witness the hobble application.
- Sergeant Lim did not recall if the hobble had been attached to the handcuffs.

In his supplemental report, Sergeant Lim mentioned that Ellis had extraordinary strength and that Ellis was sweating profusely. In addition to the strength and sweating exhibited by Ellis, along with his

conversations with Officers Collins and Burbank, Sergeant Lim documented his belief that Ellis could be under s state of excited delirium.

Sergeant Lim was asked about his radio broadcast that occurred at 23:25:20 from his portable radio where he advised that incoming units could slow, and a male could be heard in the background stating, *"I can't breathe."*

- Sergeant Lim denied hearing Ellis state, *"I can't breathe,"* during his radio transmission.
- Sergeant Lim was asked if he ever heard Ellis state, *"I can't breathe,"* while he was on scene. He stated, *"No."*
- Sergeant Lim believes he was within a couple of feet of Ellis when he made the radio broadcast.

Sergeant Lim was asked about his radio transmission that occurred at 23:25:44 when he requested medial aid for an evaluation. Sergeant Lim confirmed the medical aid request was made due to the application of force against Ellis, per Department Policy.

Around 90 seconds later (23:27:29), Sergeant Lim requested an ambulance for a strap-down. Sergeant Lim was asked if the ambulance/strap-down request was made because there was a change in Ellis' condition or was it because he knew Ellis would need to be strapped down for transport. Sergeant Lim confirmed it was only because he believed Ellis would need to be strapped down for transport.

Sergeant Lim did not recall seeing a spit hood on Ellis, therefore he does not know who applied the spit hood to Ellis.

Sergeant Lim confirmed Ellis was on his stomach when he arrived but had been placed on his side sometime during the incident. Sergeant Lim does not know when Ellis was placed into a recovery position on his side. Sergeant Lim does not know what position Ellis was in when Fire arrived on scene, advising he was not next to Ellis the entire time, citing his supervisory duties while on scene, *"Yes. So, other roles that I was doing were, uh, getting the initial statement from Officers Collins and Burbank away from Mr. Ellis. And my, my role at that time was to, um, perform a supervisors use of force based on information I had up to that point. Um, and I also coordinated with other incoming units to start contacting potential witnesses within the area. Uh, contact every residence within eye shot of the scene to see if anyone had observed or heard anything and to obtain any possible video, if there were any, for my, uh, supervisor's use of force, assuming that I was gonna perform one."*

- Sergeant Lim confirmed he was not in a position to observe Ellis' condition; if Ellis was responsive, non-responsive or breathing.

Sergeant Lim confirmed he was aware of an ECT (Taser) application against Ellis through his conversation with Officer Burbank.

Sergeant Lim did not recall which officer was maintaining control of and/or monitoring Ellis.

Sergeant Lim was asked if any officers expressed a concern that Ellis' condition was deteriorating. He stated, *"No."*

Sergeant Lim confirmed he had verbal and physical contact with Ellis, *"Part of the supervisor's use of force process, after I initially spoke with Officers Collins and Burbank, uh, part of my role was to contact the subject involved to get a statement, attempt to get a statement from him, that's when I went over and contacted Mr. Ellis. He was in a recovery position on his side at the time, I attempted to ask him questions and I didn't get any verbal response from him. Um, and that was the end of that interaction."*

- Sergeant Lim did not recall if there was a spit hood on Ellis when the above contact occurred.
- Later in the interview, Sergeant Lim said Ellis did not appear to be in distress when he contacted him, adding that Ellis was in the recovery position.

Sergeant Lim was asked if he remembered any officers commenting that Ellis was spitting or spitting at them, he confirmed he heard a comment, but did not recall who made it, *"No, I just r- recall hearing in the background that a spit hood was needed because he was spitting."*

Sergeant discussed his contact with Officers Burbank and Collins.

- Sergeant Lim did not observe any obvious signs of trauma to either officer.
- Sergeant Lim described his observations of them, *"U- both of them were breathing heavily, um, almost in a state of shock about what just occurred, um, as if they had just engaged in a physical altercation with somebody."*

Sergeant Lim was asked if they provided an explanation of what led to their contact with Ellis. He confirmed they did, starting with what Officer Burbank explained to him, *"Okay. Um, Burbank advised me that they were sitting in the same patrol car at the intersection of South 96th and Ainsworth, um, when they first observed Mr. Ellis to the south of them. And, they observed some, uh, suspicious activity with him attempting to, appeared like he was attempting to get into a passing car. That's what drew their attention to him. At some point Mr. Ellis made his way over to where Officer Burbank was sitting and punched the passenger side of the window where Officer Burbank was at and that's when they both exited the vehicle and Mr. Ellis, uh, immediately began swinging punches on both of them."* Sergeant Lim advised Officer Collins provided a similar statement.

Sergeant Lim was asked about Fire's response.

- Sergeant Lim believes Fire's response time was around 10 minutes.
- He did not recall if Fire responded routine or priority.
- Sergeant Lim did not hear the conversation but was called over to the scene by someone. He was asked if the handcuffs could be removed so Fire could treat Ellis, and he authorized the removal of the handcuffs.
- Sergeant Lim did not recall if he observed the restraints being removed from Ellis.
- Sergeant Lim did not observe any obvious signs of trauma to Ellis.
- Sergeant Lim did not recall if Ellis was bleeding from his mouth or face.
- Sergeant Lim was not with Ellis when Fire arrived and did not know what Ellis' condition was when Fire arrived.

Sergeant Lim was asked if he recalled seeing anything that would have prohibited the use of a spit hood on Ellis. He stated, *"No."*

Sergeant Lim confirmed he remained on scene until he was directed by Lieutenant Mueller to coordinate the transportation of Officers Burbank and Collins from the scene to the Pierce County precinct, confirming he went to the precinct as well.

Sergeant Lim was asked if, while on scene, he observed anything that concerned him or constituted a violation of policy by anyone. He stated, *"No."*

Sergeant Lim was asked about his observations of Ellis while in contact with him.

- Sergeant Lim confirmed he did not hear any gurgling sounds or agonal breathing from Ellis.
- He did not observe any signs of medical distress from Ellis, and there was no indication that Ellis needed medical assistance.
- Sergeant Lim believed Ellis was ignoring him when he attempted contact.

TAB 59

This tab contains the transcribed Internal Affairs interview of Officer Armando Farinas. The interview occurred on August 18, 2021. Officer Farinas was given his case report to review prior to the interview.

Officer Farinas confirmed he was partnered with Officer Guiardinu on March 3, 2020.

- Officer Farinas confirmed he heard the mic clicks and Dispatch asking Henry-317 (Burbank/Collins) if they had traffic and for a location.
- Officer Farinas heard, who he believes was Officer Burbank, call out, "96th and Ainsworth."
- Officer Farinas was asked if Officer Burbank sounded normal or stressed, *"No, he sounded very flustered and like they were in an active fight."*
- Officer Farinas said they responded from the Jackson's gas station, 38th and Pacific.
- Later in the interview, Officer Farinas said they parked just east of 96th and Ainsworth after their arrival and likely arrived themselves over the MDS.

Officer Farinas was referred to his report where he described his initial observations of a Black male lying face down while handcuffed and hobbled.

- Officer Farinas confirmed the handcuffs and hobble had already been applied prior to his arrival.

Officer Farinas was asked about his observations that led to his belief that Ellis was alert and breathing, *"Um, while he was in restraints, he was still actively trying to fight. He was make-, making growling noises, not saying any words, just making crazy noises and."*

When asked how Ellis was actively trying to fight, he stated, "*Uh, wiggling around on the ground, trying to just, uh, he was basically just like writhing around, like…" "He was on his stomach with his hands behind his back and his legs attached…" "…with the hobbles."*

Officer Farinas was asked if anyone was restraining Ellis while this was occurring. He confirmed there was, *"Uh, Rankine was on his back and Ford was on his legs."*

- Officer Farinas described Officer Rankine's and Officer Ford's positions on Ellis, *"Mm, he was kneeling on his back, kind of like maybe off towards his shoulder and then Ford was sit, basically sitting on his legs as they were folded up."*
- Officer Ford was kneeling down, controlling Ellis' legs by holding his ankles and pushing them towards his backside (toward the handcuffs).
- Officer Rankine had one knee on Ellis' back applying pressure while bracing himself with his other foot.

Near the end of the interview, Officer Farinas was asked if Officer Rankine and Officer Ford's position was consistent with training and appropriate given the level of resistance Ellis was displaying. He stated, *"Yes."* Adding, *"The actions taken were necessary to affect the arrest, yes."*

Officer Farinas was asked if Ellis was still struggling against the restraints. He confirmed he was, *"Correct. He was still trying to get away from 'em. He was still trying to get out of the restraints and he was still fighting with the two of them."*

Officer Farinas was asked about the hobble and Ellis' position while hobbled.

- Officer Farinas confirmed there was slack in the hobble, and that the hobble was not run all the way to the handcuffs.
- He described Ellis as "pretty flat." He did not observe any arch in Ellis' back or Ellis' thighs off the ground.

Officer Farinas was asked to explain what he meant when he talked about how the hobble was not run all the way to the handcuffs, *"Yeah, typically when you hobble somebody you pull, you loop it through the cuffs and then you pull the hobbles all the way tight until the heels and the feet are touching the hands that are in handcuffs and then kind of, like you said, bends the body but that was not the case."*

Officer Farinas described the hobble as cinched around Ellis' ankles, the lead had a carabineer (that connected to the handcuffs) with a lead of 36 to 48 inches coming off the ankles.

Officer Farinas was asked about Ellis bleeding from his mouth.

- Officer Farinas confirmed that Ellis was actively bleeding from his mouth.
- When asked to describe how much Ellis was bleeding, he stated, *"Um, quite a bit. I didn't know if he had bit the inside of his mouth or maybe bit his tongue or, but there was a lot of blood coming out and around his mouth."*
- He did not recall if Ellis was bleeding from his nose.
- Officer Farinas was asked if Ellis left a puddle of blood on the ground, *"Um, a si-, a small puddle. Enough to, enough to be worried about getting contaminated. Like enough to get off of his person onto other people,"* describing it as a small pool; the size of a hockey puck.

Officer Farinas was referred to his report, specifically where he wrote, "due to his assaultive behavior I placed a spit hood over the subjects head to protect everyone on scene from a possible exposure."

Officer Farinas was asked to describe Ellis' assaultive behavior, *"Trying to escape the restraints, uh, wiggling around violently, um, spitting, making crazy noises, not obeying commands."*

- Officer Farinas was asked about the commands being given to Ellis, *"Like stop resisting, relax."* He did not recall who was giving the commands.
- When asked about "wiggling," Officer Farinas said, *"He's trying to get out of the restraints and away from us?" "Escape."*

Officer Farinas was asked about Ellis spitting, if he was targeting officers, *"No, um, I mean he was looking towards me, in my direction while he was on his stomach looking at me spitting. Not, he didn't get any blood on me. He didn't get close enough to spit on me but that's when it became a problem to protect everybody on scene from an exposure, so."*

- Officer Farinas believes he was 2 to 3 feet from Ellis when this was occurring.

Officer Farinas was asked how the subject of putting a spit hood on Ellis came up, *"Um, an officer on scene called for one, but I can't recall who it was."*

- There were enough officers with Ellis to control him.
- He ran to his patrol car, obtained a hood, removed it from its packaging, and placed the spit hood over Ellis' face.
- Officer Farinas confirmed Ellis was still on his stomach, face down, when the spit hood was placed on him.
- Officer Farinas believed he was on scene for around 90 seconds before the spit hood was applied to Ellis.

Later in the interview, Officer Farinas was asked about a witness officer's statement that Officer Farinas obtained the spit hood that was applied to Ellis from another officer because the officer was having difficulties applying the spit hood, and that he (Farinas) said something like, *"I've put this on before, give it to me I'll take care of it."* Officer Farinas denied that occurred, reiterating that he obtained the spit hood that was applied to Ellis from his patrol car.

Officer Farinas was asked if he observed Ellis having difficulty breathing, wheezing, or gurgling prior to the spit hood application, *"No. He was, like I said, like making some like aggressive growling noises and still resisting."* Officer Farinas described Ellis as being "Actively Resistant" when the spit hood was applied.

Officer Farinas was asked if there were any changes to Ellis' condition once the spit hood was applied, *"About two minutes after the spit hood was applied I'd say, um, uh, two minutes is a rough estimate. It's*

not a definite but, uh, he stopped moving. He kind of came down and relaxed and his breathing went to normal and then he stopped breathing completely."

- Officer Farinas confirmed the spit hood was still on Ellis.
- When asked how he knew Ellis had stopped breathing, *"I believe Rankine said he stopped breathing, or…"*
- Officer Farinas was asked if Officer Rankine was monitoring Ellis, *"Yeah, Ford and Rankine were primarily the people with him, like with Ellis. Like I said I showed up, put the hood on and then walked away. Like didn't walk away but just stepped back cause there's too many people there already, so I didn't want to get in the way."*

Officer Farinas was asked, "So you put it on, it was on for a couple minutes and Rankine said that he had stopped breathing?" Officer Farinas stated, *"Yeah, he s-, I believe he did say, yeah." "Something's wrong, he's not moving. The, to that effect. He'd said something's wrong."*

- Officer Farinas was aware that Fire had already been requested, *"So at this point we had already called for Fire too, so we're waiting for Fire and then like I said he stopped, just stopped moving."*

Officer Farinas was asked if he heard Ellis state, "I can't breathe," or anything similar while he was on scene. He stated, *"No."* Officer Farinas was asked if he heard the statement, *"I can't breathe. I can't breathe,"* over the radio when Sergeant Lim broadcast that incoming could slow. He stated, *"No."*

Officer Farinas was asked if he observed any signs that Ellis was in any kind of medical distress prior to Officer Rankine advising there was an issue, *"No, to me I thought he just gave up resisting and started coming down and relaxing because I've been in this situation with multiple subjects before, where, where they get wound up you end up having to use force and then they eventually just relax and the chaos is over."*

Officer Farinas was asked if Ellis' position ever changed during the incident. He confirmed it did, *"Uh, not until he stopped moving and then once he stopped moving that's when, um, Ford and Rankine, I don't know who decided to do it, but they rolled him onto his side into a, like a modified recovery position."*

- Officer Farinas was asked when Ellis was rolled to his side in relation to when Ellis stopped moving. Officer Farinas described it as "immediately."

Later in the interview, Officer Farinas was asked if there were any conversations about removing the spit hood and/or restraints after Officer Rankine advised that Ellis had stopped moving, that there might have been an issue with Ellis, *"No, not that I recall."* Officer Farinas was asked if it would have been practical to remove the spit hood and/or restraints at that point, *"I, I wasn't close enough. I wasn't the lead on that, that call or contact, so, ya know, I was instructed to do what I was instructed to do by my Sergeant and I followed my orders."* Officer Farinas confirmed his orders were to get with Officer Burbank and get him back to his (Farinas') patrol car.

Later in the interview, Officer Farinas was asked if Ellis' position changed from the time he was placed on his side to when Fire arrived. He stated, *"No."* Officer Farinas also acknowledged that he was not observing Ellis during the entire time, *"No. Uh, yeah, as soon as he was put into his recovery position and I grabbed Burbank and went back to my vehicle, that's the rest that I saw. All is I remember seeing is Fire arriving which felt like it took forever and then I watched them work on him through, ya know, from afar I watched them perform medical aid on him and then that was it."*

Officer Farinas was asked about any training he has received on the application of a spit hood.

- Officer Farinas confirmed he has never received training from the Department or any other sources.
- Officer Farinas was asked how he originally obtained the spit hood, *"Uh, I was given it, it was given to me by the, uh, front desk when I first got hired."*
- Officer Farinas confirmed it was issued by the Department, *"Yeah. Yeah. And then every time you use one you just replenish it at the front desk."*

Officer Farinas was asked if there was any conversation about placing a spit hood on Ellis because he was yelling and making noise (this is reference to the statement by Officer Madden during her Internal Affairs interview). Officer Farinas stated, *"No. That wouldn't, they, I mean a hood wouldn't even stop noise anyways, it's thinner than paper."*

Officer Farinas was shown a TranZport spit hood that was still in its packaging and an identical spit hood that had been removed from its packaging (both obtained from the Department's Quartermaster). Officer Farinas believed the spit hood that was still in its packaging was similar but advised the spit hood he retrieved from his patrol car had blue-colored writing on it (the spit hood that was still in its packaging contained black-colored writing on it). Officer Farinas described the spit hood that was removed from its packaging as "very similar" to the spit hood that was used on Ellis.

Officer Farinas confirmed he has deployed a spit hood a couple times prior on individuals who were spitting in the back of his patrol car and never had a medical issue during those occurrences.

Officer Farinas was asked about the Conditions of Use printed on the packaging of the spit hood.

- Do not use this product unless a prisoner is under control and restrained.
  Officer Farinas confirmed that Ellis was under control and restrained.

- Wearer must be under constant visual supervision and should never be left unattended.
  Officer Farinas confirmed Officer Rankine was monitoring Ellis' condition and that Ellis was never out of their custody.

- Do not use on anyone that is vomiting, having difficulty breathing or is bleeding profusely from the area around the mouth or nose.
  There has been no information obtained during the investigation that Ellis was vomiting. Earlier in the interview, Officer Farinas advised he never heard Ellis say, *"I can't breathe,"* or anything similar. Officer Farinas was asked if anyone advised that Ellis was having breathing difficulties. He confirmed no one did, *"Not that I'm aware of."*
  Officer Farinas confirmed that he had no knowledge of any breathing issues with Ellis prior to the application of the spit hood.
  Officer Farinas confirmed there was blood around Ellis' mouth when he applied the spit hood, *"Uh, there was blood around and in his mouth, correct. And that's why it was place on him, so he didn't contaminate anybody with any blood borne pathogens or, ya know, transmittable diseases."*
  Officer Farinas was specifically asked about profuse bleeding from the area around the mouth and nose and if he would have described the bleeding as "profusely." He stated, *"No."*
  Officer Farinas was asked, *"Was there ever a thought that his bleeding from the mouth and the spit hood would present an issue?"* He replied, *"No."*

Officer Farinas does not believe there was any jewelry and or/eyewear present, nor was there any difficulty in applying it to Ellis due to a large size head.

Officer Farinas was asked if the application of the spit hood on Ellis was within the warnings listed on the packaging materials. He stated, *"Correct."*

Officer Farinas was asked if anyone told him not to put the spit hood on, *"No. No, I just remember somebody calling for one, because multiple people were trying to help, uh, either render medical aid or secure the subject and I wanted to protect everybody and, ya know, I did what I did, so, ya know, at the end of the day I don't want anybody getting sick or hurt or, ya know, I, I especially don't want to get some disease from a blood borne pathogen so I, I felt it was necessary and in everybody's best interest to stay protected."*

Officer Farinas confirmed Ellis continued to make grunting noises and was writhing around after the spit hood had been applied. When asked to explain "writhing around," he stated, *"Wri-, writhing, like wiggling, like, like I said trying to still escape restraints and…" "…resist."*

Officer Farinas confirmed he did not observe any punches and/or strikes to Ellis while on scene.

Officer Farinas was asked about Fire's response.

- Fire's response time was 8 to 12 minutes.
- He believes they were requested priority three times, at least once by Sergeant Lim.
- He recalled telling other officers on scene, *"Fire needs to hurry up, they are taking forever."*
- Officer Farinas was asked why he made the above statement, *"Because we had a subject that just fought with the police, um, was in our custody, and it was a use of force so after every use of force we have to get it cleared through Fire but due to his actions and the fact that he stopped moving, we needed a priority response to render the correct aid for him."*
- Officer Farinas was asked, *"So, would it be fair to say that you, were you more concerned once Rankine said he had stopped moving and that there might be a problem and he was rolled onto his side?"* Officer Farinas responded, *"Correct, that would be when we upped it to a priority response."*
- Officer Farinas confirmed he observed Fire arrive, without lights or sirens, stating, *"They did not and they came in from the east and they parked about probably a city block or a city block and a half away and, uh, they just took, legitimately took forever when they got there and it took quite a while when they were on scene, they just walked towards us very slowly when we were frantically telling them, "Hey, get over here.""*
- Officer Farinas was asked about the conversation that occurred between Fire and the officers in regard to the removal of the restraints from Ellis, *"…okay. I specifically remember one of the young, younger firefighters, I don't know how old he is exactly, just looks like a younger, um, white male with blonde hair, the first thing he said to us when we walked up is, "What the fuck did you do to him?" That was his exact words and then, um, I remember him telling us to li-, literally, "…get him the fuck out of these handcuffs. What the fuck are you guys doing?" and, uh, then there was an argument between, not an argument just a disagreement on, I don't know who it was between but I remember somebody saying from afar, they were like hey, we got these cuffs on him, we got him under control now, we don't wanna let him back out and have him, you know, act back up, but then Fire insisted that we took the handcuffs off of him."*
- Officer Farinas believes Ellis was still in the recovery position while the conversation occurred and believes the conversation lasted 15 to 30 seconds.

Officer Farinas does not recall who removed the restraints from Ellis, adding that Ellis was still on his side when the restraints were removed.

Officer Farinas was asked about Ellis' condition when the restraints were removed, *"He was unconscious, they started CPR immediately."*

Officer Farinas confirmed he was given a spent Taser cartridge by Sergeant Lim. Officer Farinas placed the spent cartridge in the trunk of his patrol car where it remained until he removed it and placed it into evidence at headquarters.

Officer Farinas advised that he did not have any physical contact with Ellis, with the exception of the spit hood application.

Officer Farinas confirmed he transported Officer Burbank to the Pierce County substation and did not communicate with him, per Sergeant Lim's direction.

Officer Farinas did not have a conversation with Officers Burbank and/or Collins while on scene or observe any injuries to Officers Burbank and/or Collins. He described their uniforms as "messed up and dirty."

Officer Farinas was asked if he observed anything that he believed was a violation of Department Policy. He stated, *"No."*

Officer Farinas was shown a cell phone video from the incident, specifically the first of two cell phone videos from A. White. Other than pointing out Officer Burbank and Officer Collins' patrol car, Officer Farinas did not provide any additional information about what was occurring in the video.

Officer Farinas was asked, "So, the allegation is unsatisfactory performance, do you believe your application of spit, putting the spit hood on Ellis acknowledging that he had been, you observed blood coming from his mouth, do you believe that application was unsatisfactory?" Officer Farinas stated, *"Absolutely not."* When asked why, Officer Farinas stated, *"Because I was protecting everybody on scene. And, if that's wrong then I guess it's unsatisfactory. So, if the protection of our officers from blood borne pathogens or disease is wrong, then go ahead and label it unsatisfactory, but in my heart and what I believe is I was doing my job to protect everybody and myself and the fire department and himself."*

Officer Farinas was asked if he could see Ellis' face after the spit hood had been applied. He advised he could see Ellis' eyes, nose and the top of his mouth through the mesh portion of the hood.

Officer Farinas was asked if it was an independent choice to put the spit hood on Ellis or if he was following instructions from a more senior person, *"Um, I mean I wasn't ordered, but once it was brought up, I did make the decision and assess it and say, yeah, well yeah, he's bleeding all o-, yeah he's trying to spit so this is probably the best solution to protect everybody."*

Officer Farinas confirmed there were no policies in place when the incident occurred related to the application of a spit hood.

During the interview, Officer Farinas advised he always kept two spit hoods in his patrol car.

(It was determined through the fleet vehicle assignment spreadsheet that Officer Farinas is assigned patrol car 2891. After consulting with Assistant Chief Scruggs, it was determined that Internal Affairs would enter into patrol car 2891 in an attempt to locate the remaining spit hood. An older model TranZport hood was located that was green in color and configured differently from the spit hood that was deployed on Ellis. See Memo to File by Sergeant G.J. Roberts within this tab.)

TAB 60

This tab contains the transcribed Internal Affairs interview of Officer Masyih Ford. The interview occurred on August 24, 2021. Officer Ford was provided a copy of his transcribed interview with the Pierce County Sheriff's Department prior to the interview.

Officer Ford confirmed he was partnered with Officer Rankine on March 3, 2020.

- While on 84th between Pacific Avenue and McKinley Avenue they heard several mic clicks, Dispatch ask Henry-317 (Officers Burbank and Collins) if they had traffic, and eventually Officer Burbank "scream 96th and Ainsworth."

- While approaching the scene in their patrol car, Officer Ford observed Officer Burbank on Ellis' back and Officer Collins trying to control Ellis' legs. Officer Ford did not recall Officer Burbank's position on Ellis' back.

Officer Ford confirmed Ellis was on his stomach, describing Ellis as trying to push Officers Burbank and Collins off of him, *"So, he was like, oh I'm trying to figure out how I'm supposed to describe this, almost like Shane's on his 'er Officer Burbank's on his back and he's like moving them across the street, like kinda going southbound like towards Ainsworth type and I didn't think he was in handcuffs 'cause of the way he was like ab-, able to like move them across the street."*

Officer Ford was asked if Officer Collins was controlling Ellis' legs, he confirmed he was not, *"No he does not. Like Ellis is still kicking and I remember running up to them and I see like, okay, Sh-, Officer Burbank has his, his, uh, top half and his legs are just flying out of control like he's kicking at, um, Officer Collins. So what I did is I was like alright I gotta get this guys legs under control so he wouldn't kick me in the face and I remember like grabbing, I think it was his left leg and trying to like push it down towards his butt but I, I couldn't do it like I was, I could not push it by myself so I remember Collins helping me push his leg, wrap one on top of the other we were able to push it down and a position of control so we're not getting kicked in the face."*

Later in the interview Officer Ford was asked about Ellis' kicking, specifically if he believed Ellis was flailing with his kicks or was targeting the officers, *"H-, I reme-, I'd describe it as flailing."*

Officer Ford described Ellis' level of resistance as Active Resistance, borderline combative/assaultive.

Officer Ford confirmed he assisted Officer Collins in pushing Ellis' lower legs towards Ellis' back, where they were held until the hobble was applied.

- Officer Ford did not recall how long he and Officer Collins held Ellis' legs prior to the hobble application.
- Officer Ford confirmed he does not carry a hobble.
- Officer Ford believes the hobble that was used on Ellis was brought to the scene by a Pierce County Deputy.
- Officers Burbank and Rankine were gaining control of Ellis' upper body while he and Officer Collins were gaining control of Ellis' legs.

Officer Ford was asked how the hobble was applied to Ellis, *"Um, from what I remember, it like, they, it was wrapped around his ankles, secured that way and then they went down like under the handcuff and back through and then it cl-, I think the l-, hobble was clipped onto itself. So it was like…" "Y-, so they went, so the handcuff, it went under the handcuff, around out through back, back to the string and then connected."*

- Officer Ford confirmed the hobble was attached to the handcuffs that had already been placed on Ellis.
- Officer Ford did not recall how long the section of hobble was between Ellis' ankles and the handcuffs.
- When asked if Ellis' legs were around a 90-degree angle, he stated, *"Yes."*
- Later in the interview, Officer Ford was asked if he observed if Ellis' body was bowed or if Ellis thighs were lifted from the ground as a result of the hobble application, *"I don't recall that, no."*
- Officer Ford confirmed Ellis was on his stomach when the hobble was applied.

Officer Ford confirmed his earlier statement that he does not carry a hobble. Officer Ford added that he has never received training on applying a hobble from the Department and/or during his time at the academy.

Prior to being hired by the Tacoma Police Department, Officer Ford worked as a Public Safety Officer for Pierce Transit and confirmed he did not carry and/or receive any training related to a hobble while employed there.

Officer Ford confirmed he heard Ellis state, *"I can't breathe."*

- The statement was made "a moment or two" after the hobble application.
- When asked if there was a response to the statement, Officer Ford confirmed there was, that Ellis was rolled onto his side, into a recovery position.
- Later in the interview, Officer Ford confirmed he only heard Ellis say, *"I can't breathe,"* one time during the incident.

Officer Ford was asked who initiated the decision to roll Ellis into the recovery position, *"It was kind of a group effort, I'd say. Like I remember Rankine was on h-, like was controlling his upper body and like I remember we just rolled him over but I don't remember much discussion about let's do it, jus' kinda like did yo-, it was just done."*

Officer Ford was asked if there were any indications that the other officers on scene heard Ellis state, "I can't breathe." He confirmed there was, that someone said, *"If you can talk, you can breathe."* Officer Ford was asked if he believes the statement was made sarcastically or for reassurance, *"Mm, I kinda took it sarcastically to be honest."*

Officer Ford was asked if Ellis remained on his side until Fire arrived, *"I believe he was rolled back onto his stomach again and then back onto his, into the recovery position."*\

- Officer Ford confirmed Ellis was rolled back onto his stomach because he started thrashing again while he was still on his side.
- Officer Rankine was the officer that made the decision to place Ellis back onto his stomach.
- Officer Ford did not recall how long Ellis was on his stomach the second time, stating *"I don't believe it was for that long but I can't remember an exact timeline of how long he was on his stomach."*
- Officer Ford confirmed Ellis was rolled back onto his side when he stopped thrashing around.
- Later in the interview, Officer Ford described Ellis as struggling against the restraints.

Officer Ford was asked if he was communicating with Ellis while this was occurring, he confirmed he was, *"Yes, so I was like, "Hey man, just relax, you need to breathe, calm down, we've got Fire coming to you, just relax," like just stop resisting. I just tried to ask him to focus on me, um, at that point when he was in the recovery position I went from behind him to in front of him and I'm looking at him in the eye. I'm like, "Hey man, just relaxed. This is over, just calm down." And, it was like he was looking at me but he wasn't looking at me if that makes sense. And it wasn't the thousand yard stare it was just kinda like, it didn't look like he was comprehending what I was saying."*

Officer Ford was asked about Ellis' condition after being placed on his side the second time.

- Officer Ford did not have any communication with Ellis, stating, *"He'd gone quiet."*
- Officer Ford was asked if Ellis was still breathing, *"His chest was moving up and down."*
- Officer Ford was in front of Ellis while Officer Rankine was behind Ellis.
- Officer Ford was asked if Officer Rankine was putting pressure on Ellis or if he was holding Ellis to prevent Ellis from rolling onto his back or stomach, *"I believe he was holding him from making sure that he stayed in the recovery position so…"* Officer Ford added, *"And I remember, I believe I had my hand on like his thigh, I'm like, "Hey man, just relax, chill, calm down, breathe."*
- Later in the interview, Officer Ford confirmed he was not putting pressure on Ellis while Ellis was on his stomach the second time. He does not know if Officer Rankine was applying pressure or not.

- Later in the interview, Officer Ford was asked if Ellis was responsive or non-responsive while on his side the second time. Officer Ford stated, *"Non-responsive."*
- Later in the interview, Officer Ford said he believes that after Ellis was placed on his side a second time, he remained in that position until Fire arrived.

Officer Ford confirmed he observed Taser wires coming from Ellis.

- Officer Ford said he removed the probes from Ellis, placed them in a zip-lock bag, and gave them to Sergeant Rock.

Officer Ford was asked if there was any conversation about taking Ellis out of restraints or if there was a concern that Ellis would start fighting again, he stated, *"Oh I was absolutely concerned he would start fighting again."* Officer Ford was asked to explain this even though Ellis was non-responsive, *"So like sometimes there's breaks in the fight or like feigned compliance but like I was like we just fought with that dude and he overpowered four of us, if we take him out of the restraints right now it's just gonna, the fight is gonna ki-, kick right back on."*

Officer Ford was asked several questions about the spit hood being applied to Ellis.

- Officer Ford did not recall Ellis spitting, did not know what led to the spit hood being applied, did not see the application of the spit hood, and did not know who applied it.

Officer Ford was asked about Fire's arrival.

- Officer Ford left the area where Ellis was, *"Yes, I believe so, yes. Cause it was a break from when, when Fire arrived, they arrived very far away. And I was kinda waving them on with my flashlight, come over here like we need you guys over here now, and so I had to run over and get them…" "and bring them back."*
- Officer Ford described Fire's response as routine, advising Fire did not have their lights and/or sirens activated.

Officer Ford was asked if he was present for the conversation between Fire and the officers in regards to the restraint removal. He confirmed he was, *"So they said, "Hey we're gonna need him out of restraints, um, so we can work on him," and I was like, "Just so you guys know, we just finished fighting with him, he's incredibly strong so, when you take him out we should be ready for a fight," so they're like, "Okay, well we understand now. We need him out of the restraints." So he was taken out of the restraints and each like s-, several officers grabbed like one arm, another arm and both of his legs."*

- Officer Ford did not assist in removing the restraints and did not recall who did.
- Officer Ford did not recall who was restraining Ellis after the restraints were removed.
- Officer Ford said Ellis was not actively fighting anymore and was not responsive.
- Officer Ford was asked if he could tell if Ellis was still breathing, *"Yes I could like his chest was still moving like you know when you talk to someone you just got done fighting with like, they're like they'll be cussing at you or screaming at you, he wasn't doing that he was just kinda there, just kinda limp."*

Officer Ford was asked about his observations of Officers Burbank and Collins, *"They looked beat, tired, gassed, they looked like they'd just been in a knock down, drag out fight. They were completely out of energy."*

- Officer Ford confirmed that he and Officer Rankine took over control of Ellis from Officers Burbank and Collins.

Officer Ford was shown a video from the scene, "Cell Phone Video from Ms. White (1 of 2)."

- Officer Ford was unable to determine Ellis' position on the ground when the video was recorded.

Officer Ford was asked, "Other than moving Ellis to the recovery position, could anything else had been done at the scene prior to Fire's arrival that would have alleviated his breathing issue? He stated, *"No sir, I don't believe there could've been."*

Officer Ford was asked if there was any conversation about excited delirium. He confirmed there was, *"So once there was a break in the fight and I was looking, like looking at him in the face, I'm like okay he's unresponsive, this is just kind of weird. I remember, I recall like, so like, he was super strong, he really wasn't listening to verbal commands, like he was kinda like screaming and grunting and like the only thing that I remember him saying that was coherent was, "I can't breathe." I was like, could this be exc-, like could this be excited delirium, I don't know, like I'm not an expert or anything on that but I was just like this guy went from fighting with all his might to unresponsive like…" "…so I remember asking Timmy, I was like Timmy is he really warm and Timmy said, "Yes, he's really hot," I'm like huh, then I was like I remember looking up at Sergeant Lim and I was like I think this maybe excited delirium. And then I remember him calling for Fire to step it up or something like that again."*

- Officer Ford confirmed Fire had already been requested prior to the excited delirium conversation.

Officer Ford was asked if he Ellis was given any verbal commands like stop resisting or stop moving. Officer Ford did not recall hearing that and referred to his earlier statement about telling Ellis to calm down.

Officer Ford confirmed that he never deployed any strikes or tools against Ellis.

Officer Ford was asked if the use of the hobble on Ellis appeared to be reasonable, *"Yes, sir, it did."* Officer Ford based this belief on the level of resistance presented by Ellis.

Officer Ford was asked "So do you believe the physical force you deployed against Ellis was outside of Department Policy?" Officer Ford stated, *"No. I believe what we did was reasonable to keep him under control."*

Officer Ford said he did not observe anything he believed to be unreasonable or outside of policy while on scene.

Officer Ford was asked about the level of resistance presented by Ellis and the strength of the resistance during the incident, *"It was incredibly strong. Like I, I took, I remember when I was trying to get his leg into a position of control, it took everything I had, legs, my arm, my bodyweight and it still was not enough to get that leg to go down. It took both Collins' and I's combined strength to get him into that like to get his legs under control. So it was, it was a lot."*

Later in the interview, Officer Ford was asked about Ellis' level of resistance, *"It was a lot, like I've never had to struggle to put someone's legs into a position of control. I've done that multiple time on patrol and I, I could not do it by myself. I couldn't. I tried. I had, I had, (unintelligible) in the year, where you get those legs under control is when Collins and I put our combined strength together, which is not something I've really experienced.*

Officer Ford was asked about his experience in working with Officers Burbank and Collins when force has been used, *"Absolutely, so I was on, uh, Officer Collins and Officer Burbank's squad for a short time after I was done with training and we've had our fair s-, we've had our, we've used force together and it was always done and they were, it was done in a calm manner that was consistent with policy all the, every time. But, like, I've never seen them tired after a fight. Like I've never seen them like gasping for air or just like physically exhausted and when I got there and saw that, that was shocking to me 'cause they c-, both of the, when it comes to using force and like fighting, like those are the, those are the guys I look up to, cause I'm like okay, well if they can handle it then we're good to go but they met some resistance that they could not handle on their own and that was something I had never seen before."*

TAB 61

This tab contains the transcribed Internal Affairs interview of Officer Timothy Rankine. The interview occurred on August 25, 2021. Officer Rankine was given a copy of his transcribed interview with the PCSD to review prior to the interview. Attorney Ann Bremner was Officer Rankine's legal counsel for this interview.

- The night of this incident, Officer Rankine was a two-officer car with Officer Masyih Ford. Their radio Call sign was Henry-031, (H031). The 031 number designator is Officer Ford's badge number.
- Officer Rankine was the driver of the patrol vehicle while Officer Ford was the passenger officer.
- Per the CAD, H031 "Arrived" themselves on their mobile computer at the incident scene at 23:24:19 hours. Per the Vivint Doorbell video, Officers Rankine and Ford are seen exiting their patrol vehicle to assist at approximately 23:24:31 hours.
- Officer Rankine and Officer Ford were the first officers to arrive to physically assist Officer Burbank and Officer Collins with detaining Ellis.

Officer Rankine was asked about how and why he responded to 96th and Ainsworth. He said in part, *"we responded because there was, uh, mic clicks over the radio. Um, and Dispatch informed us that it was, uh, Henry 317, which we just was on a traffic stop with them. Uh, so we had the general idea of where they were coming from."* Officer Rankine continued, *"Uh, eventually after a few mic clicks, I don't know the exact number, um, I pretty sure it was Officer Burbank that came on the radio, uh, yelling out for a 96th and Ainsworth. Basically just a location."* When Officer Rankine was asked to clarify Officer Burbank 'yelling' on the radio, he stated, *"Uh, I wouldn't say, to be exact it was more of a panicked voice. Uh, it was more like, uh, they were in the middle of a fight or something bad was happening and all he could get out was 96th and Ainsworth, in a panic."* Adding, *"Yeah. Not that he like he was yelling, like a position of authority, it was more of a panic kinda outburst."*

Officer Rankine was asked about where he was when he first observed H317's patrol vehicle. He said *"It was when we first made the right off of Pacific onto nine, 96th, um, so we were by the seven eleven that's right on 96th and Pacific. Um, that's when I saw their car in the distance. Um, and it was just their patrol car was in the middle of the road, um, none of their emergency flashers were on and only their back ambers were lit."*

- When asked if he was able to see H317 struggling with someone as they drove, Officer Rankine said in part, "*the only time I could see 'em was when we got pretty close to 'em, maybe two, three blocks away before we were able to see 'em and I basically I moved my car off to the right side of the road, um, and that's when Ford advised me that he saw them in front of their patrol car."*

Officer Rankine was asked about his observations when he exited his patrol vehicle. Officer Rankine said, *"Uh, I see a black male subject that was laying, so they were like, the officers and the subject were about ten, fifteen feet in front of the car, um, they're kinda lit up by their headlights of the patrol vehicle, um, black male subject was laying proned out on the floor. Uh, Officer Burbank was on top of his back and Officer Collins was trying to secure his legs."* When asked about how Officer Burbank and Officer Collins were trying to secure Ellis, Officer Rankine said, *"Uh, well Officer Burbank was straddling his back and then I think from my statement it from what I recall is he was kind of sitting on him like the way I described was like he was riding a horse, um, so both his legs were draped over his arms…and sitted pointed in the same direction as where the subjects head was pointed…Which is sou-, s-, it was south direction, um, and then Officer Collins was struggling trying to secure, uh, the subjects legs by trying to wrap both his arms around his legs. The subject was kicking violently."*

Officer Rankine was asked to elaborate on statements he made from his PCSD interview regarding his initial observations of the struggle between Officer Burbank, Officer Collins and 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) 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 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 Ellis actually kicked Officer Collins.

Officer Rankine could not tell if Ellis was handcuffed when he initially arrived to assist. When asked about when he was able to determine if Ellis was handcuffed, Officer Rankine said, *"I was only able to tell that he was in handcuffs after we got, uh, um, side by side with Officer Burbank and Collins and we started assisting securing Ellis. Um, Officer Ford had, we had, I had helped Officer Ford secure one of, of his right leg, Ellis' right leg, um, and then I was making my way up to help Officer Burbank secure his torso. Um, but as I was making my up, I checked to see if he was handcuffed 'cause I was unsure if he was handcuffed and I noticed, I observed, that his, he was in fact handcuffed, um, so I just made sure, with the help of Officer Ford, to make sure that the handcuffs were secured so that he was not able to break free from the handcuffs…while we're transitioning."*

- While Officer Rankine and Officer Ford were ensuring the handcuffs on Ellis were secure, a loose Glock pistol magazine was located. The pistol magazine was a concern. Officer Rankine said in part, we *"didn't know if it came from the individual, we didn't know if it came from the other officers."* Officer Rankine said he recalled Officer Ford asking about the pistol magazine and that, *"because no one answered, Officer Ford, I jus' remember exactly that Officer Ford just took it and threw it off to the side, just so it would be out of our way."*
- Officer Rankine noticed the Taser wires during this point in time.

Officer Rankine was asked to elaborate on a statement he made during his interview with the PCSD regarding 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 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 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 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 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 Ellis was throwing all four officers around, and Officer Rankine was having concerns that if 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, 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 Ellis would have presented a threat if Ellis 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 Ellis saying, "I can't breathe, I can't breathe." And Officer Rankine's response to Ellis was to the effect of, "If you're talking to me, you can breathe just fine." Officer Rankine acknowledged 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 Ellis' statement, there was no indication coming from Ellis or any observation he made that indicated 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 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 Ellis at this point could have affected Ellis' breathing, Officer Rankine said, *"Not from my training and experience. I do not think so."*

Officer Rankine was asked about what he recalled regarding the application of the hobble restraint. He stated, *"I don't remember who put it on there. I remember seeing the hobble, um, I think it's more close to a dog leash than a hobble, um, it was just a, I think, according to my statement it's like a silver carabineer with a flat black rope. That's all I remember. I don't remember who placed it on there or where it came from."*

- Officer Rankine did not recall if the hobble was connected to the handcuffs.
- Officer Rankine was asked about the position of Ellis' legs once the hobble was applied, if his legs were bent at a 90-degree angle or bent more toward his body.

Officer Rankine said in part, *"I was solely focused on controlling his upper body so I did not have the chance to look at it."* When asked if there was any bow in Ellis' body or if Ellis' thighs were lifted off the ground, Officer Rankine said, *"I don't know."*

- Officer Rankine was asked if once the hobble was applied he ever heard Ellis say, "I can't breathe." Officer Rankine replied, *"No."*
- Officer Rankine was asked what his observations were of Ellis once the hobble had been applied and prior to Ellis being moved into the recovery position. He said, *"He was still resisting but he wasn't resisting as much once the hobbles went on."* When asked how he could tell Ellis was resisting, Officer Rankine said, *"He's still was trying to do a little bit of the, the wiggle motion, um, like I previously described, but he wasn't doing it as much, uh, or as violently as he was before."*
- Officer Rankine was asked if Ellis was saying anything to him during this time, and Officer Rankine said, *"No, he's not."*

Once the hobble had been applied, Ellis was still positioned on his stomach. Officer Rankine assisted putting Ellis into the recovery position but did not recall who else helped. Officer Rankine said in part, *"I made, I made the decis-, decision, um, because after hobbles were placed that even if he was to ac-, to resist us we could still get control him better when he's on his side still."* When asked to give a time frame between the hobble being applied and when Ellis was rolled onto his side into a recovery position, Officer Rankine stated, *"I can't give you an exact estimate. Maybe a few seconds to maybe a minute, two minutes but I think it's closer to a minute. It was pretty quick."*

- Officer Rankine was asked if there were any indications that Ellis was in medical distress, and he stated, *"No."*
- When asked if he observed any injuries to Ellis, Officer Rankine stated, *"The only injuries I noted, um, per my statement, um, was his head was bleeding, with the, his forehead area was bleeding and then his hands were ple-, pretty bloody, uh, I couldn't really tell what it was s-, cut up and then he was sweating profusely. That's, that's it."* When asked if he noticed any bleeding from Ellis' nose or mouth, Officer Ranking said, *"I don't remember exactly."*

Officer Rankine said that he removed the Taser probes from Ellis. He said that one Taser probe was embedded to Ellis' jacket and the other was located around the left chest area.

- Officer Rankine clarified his position when he removed the Taser probes. He said in part it was, *"more trapping his arm so he couldn't break free of it. Um, my knee was on the ground and, if you're referring to the point where we pulled out the probes, he was already rolled over to his side, um, and I just put my knee to trap one of his arms so that he couldn't break free."*

Officer Rankine was questioned about what led to 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 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 Ellis at this time and that he was "*monitoring"* Ellis' pulse."

Later in the interview, Officer Rankine was asked to elaborate on monitoring 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 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 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 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, jus- 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 Ellis remained on his stomach during this period, Officer Rankine stated, *"Couple seconds to maybe, maybe a minute or two."* Officer Rankine also stated that 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."* Later in the interview, it was brought up that TFD would have turned onto South 96th from South Yakima. Officer Rankine stated, *"Yeah, that might be true, but from where I was sitting, it seemed like they were turning from Pacific."*
- When asked if he saw any medical issue with Ellis up to the point of seeing TFD arriving, Officer Rankine said, *"No."*

Ellis remained in the recovery position until TFD arrived at Ellis' location. Officer Rankine said that from what he observed, TFD responded *"routine."* Officer Rankine recalled his conversation with a firefighter named "Wilson." He said in part, *"so it's with the, I think it was like the head firefighter, uh, a guy by the name, I remember his name tag very well, Wilson. 'Cause I remember I was looking directly at him, uh, and I asked him, when they first got there, I asked him what they needed. They said they needed him on his back. So we assisted him, rolled him over to his back, then we jus…"*

- It was confirmed that Ellis was still in handcuffs and hobble at this point when he was rolled to his back.
- Officer Rankine continued talking about the interaction with TFD stating, *"And then Fire had asked us to take off his handcuffs and his hobbles because they needed to start an IV. And remember Sergeant Lim at that point in time was standing right next to me and I looked to Sergeant Lim, and I asked him if that was okay. And I explained to the firefighter that he had just fought four officers, that the potential risks of him regaining his energy or his strength when we take of the hobbles and the handcuffs could be pretty bad for us. Um, as in he could just end up fighting all of us again. Um, but it was a very quick conversation and Sergeant Lim gave me approval and he said, I remember right, he said something along the lines of, "Give them whatever they need," and we just instantly took off the handcuffs and hobbles."*

- When asked about how quick the conversation was regarding the removal of the restraints, Officer Rankine stated, *"Seconds. It wasn't even a argument, it wasn't a huge debate."*
- Officer Rankine said 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 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 Ellis.

The subject of the spit hood was not brought up during the interview with the PCSD. Officer Rankine was asked about the spit hood during our interview. When asked if he ever saw the spit hood on Ellis, Officer Rankine stated, *"I don't, I don't remember seeing it. I never requested it. I don't carry one, I don't know about it. So, I don't know who put it on there."*

- When asked if he ever saw Ellis spitting or heard anybody comment about Ellis spitting, Officer Rankine said, *"When he was on his side the first time after we did our weapons sweep and we removed taser probes and before he started struggling with us, he was spitting."* When asked if he thought Ellis was targeting officers with spit or just spitting, Officer Rankine said, *"I think he was spitting to spit."*
- When asked if he remembered if Ellis still had the spit hood on when the restraints were removed, Officer Rankine said, *"I don't."*

Officer Rankine did not see any officers striking 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…"*

When asked if he heard any officer at the scene discussing medical conditions or excited delirium, Officer Rankine said, *"I didn't hear it. I was solely focused on maintaining control of Ellis."*

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 Ellis in the recovery position, and he is positioned behind Ellis preventing Ellis from rolling onto his back or stomach.

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

When asked if he believed the force he used against 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."*

TAB 62

This tab contains the transcribed Internal Affairs interview of Officer Matthew Collins. The interview occurred on August 27, 2021. Officer Collins was provided a copy of his transcribed interview with the Pierce County Sheriff's Department prior to the interview.

- Officer Collins confirmed he was partnered with Officer Burbank on March 3, 2020, that he was driving his assigned patrol car, and that their call sign was Henry-317.

They were stopped at 96th and Ainsworth, facing westbound when they observed a subject, now known as Ellis, at the passenger side of a vehicle that was turning left (westbound) onto 96th Street. The vehicle turned slowly to avoid Ellis and eventually drove off, leaving Ellis in the middle of the intersection.

Officer Collins said he opened his window and told Ellis, *"Hey, come here."*

- Officer Collins described Ellis as jogging towards the patrol car and standing abnormally close to the patrol car.
- Officer Collins confirmed he observed that Ellis' eyes were "super wide" and he was sweating, in addition to Ellis advising he had warrants.
- Officer Collins confirmed he directed Ellis to the curb.

Officer Collins was asked what his mindset was when directing Ellis to the curb – social contact or maybe community caretaking. He stated, *"I thought it was gonna be, kinda of a 4-1-4 kinda situation, uh, drug situation where we'd end up, ya know, just calling the Fire Department. Um, that was my initial kinda thoughts."*

- Officer Collins confirmed that Ellis never made it to the curb as directed.

Officer Collins was asked about his statement where he discussed how he was about ready to notify Dispatch of their location and that they were out with one but did not because he realized something was wrong, *"Yeah. So, as soon as I told him, um, "Alright just go over to the curb and I'll call this out, and I'll be with you in a minute." And he started walking, he just, his gaze fixated on Burbank and he just walked really slowly around the car, staring at him the whole time and his hands were down below the hood of the car so I had the radio but I didn't make the call 'cause I'm not, I knew something was up, and his demeanor, the way he was looking at Burbank, everything, I knew something was about to happen. So it kinda froze me for a second."*

- Officer Collins said Ellis had a bag of something in his hands when he walked up to the patrol car.
- Ellis arrived at the passenger door where Officer Burbank was seated, and after some conversation that he could not hear, he heard Ellis say something to the effect of, *"Maybe I'll just punch you in the face,*" or, *"I'm gonna punch you in the face,"* to Officer Burbank.

Officer Collins did not recall the position of the window when Ellis began hitting it. Officer Collins was asked how many times Ellis struck the window, *"Well after, um, once or twice, I was out of the car running to the other side of the car, so I didn't wait very long, I mean as soon as, soon as I saw his intentions and he started punching,…"* Officer Collins added that he thought Ellis was punching the window hard enough to break it.

- Officer Collins believes he activated the amber flashing lights on the patrol car.

Officer Collins was referred to an earlier question during the interview, specifically what his mindset was during the initial contact with Ellis and if that changed after Ellis threatened to punch Officer Burbank and punched the window. He confirmed it did, *"Well absolutely, I mean, no matter what I wanna do, which we wanna help them, we wanna get them to facilities or whatever, w-, if he's assaultive, we've gotta get him in handcuffs before we can do anything. So, as soon as he starts trying to punch the*

window out, I no longer can just drive away or just sit there and wait for him to see how long he's gonna assault my partner."

- Officer Collins confirmed he believed it was necessary to detain Ellis.

Officer Collins was asked about his statement that Ellis picked him up and threw him down, *"So, um, the patrol is facing west, my door is open, and Ellis is over here on the passenger's side. I ran around and when I got around the vehicle, it looked like he and, and Burbank were fighting over the door. Burbank's trying to keep it close and he's like kinda pulling it open. And then he turned around to me and he grabbed me and he threw me to the front of the patrol car. So I went on my back basically where the headlights shine…" "in the front of the car."*

- Later in the interview, Officer Collins said he landed on his back and elbows, scraping them. Officer Collins also said his knees were banged up from the incident.

At this point in the interview, Officer Collins was shown an ortho-type photo created by Pierce County Forensics and asked to mark the following locations on the photo.

- #1. Where did you observe Ellis contacting the vehicle/attempting to get into the vehicle?
  Officer Collins placed the location in the middle of Ainsworth in the eastbound lane of travel on South 96th.
- #2. Where did Ellis arrive at the driver's side of the patrol car?
  Officer Collins placed the location right at the driver's door of the patrol car.
- #3. Where were you when Ellis picked you up and threw you to the ground?
  Officer Collins placed the location at the front/passenger side wheel.
- #4. Where were Officer Burbank and Ellis when you first observed them fighting?
  Officer Collins placed the location at the pillar between the passenger doors, a few feet north of the patrol car.
- A 5th mark was added, the location where Officer Collins believes he landed after being thrown by Ellis.
  Officer Collins marked the location at the front of the patrol car a few feet in front of the passenger side headlight.

Officer Collins signed and dated the photo, it is included within this tab.

Officer Collins was asked about being thrown to the ground, *"So I, I hit my back and I think I rolled backwards and I kinda got up expecting him to be charging me, but he was now back on Burbank, they were engaged."*

Officer Collins was asked if he was able to see who approached who, if Officer Burbank approached Ellis or if Ellis approached Officer Burbank, *"It looked to me like, cause at that point I'm running towards the two of them, it looked to me like Shane was backpedaling and trying to get away and Ellis was going at him."* Later in the interview, Officer Collins said Ellis would have had to cover 5 to 6 feet to reach Officer Burbank.

Officer Collins was asked what was occurring, what he was observing, *"Uh, ya know, at that point honestly it was like, I mean I was running as, at a dead sprint. I got up and I was running at a dead sprint because, uh, the situation felt very serious to me. I never had someone engage us like that back and forth, um, so I thought Burbank's life could be in danger so I wasn't, I mean I just s-, sprinted and re-engaged him as fast as I could."*

Officer Collins did not give Ellis any verbal commands, adding he did not believe he had any time to give commands.

Officer Collins was asked about his statement where he discussed taking Ellis to the ground.

- Officer Collins advised that Ellis was on his back while he was in a mount position above Ellis' waist.
- Officer Collins said Ellis was reaching his hands up and grabbing at his gear (while explaining this, Officer Collins was visibly putting his hands near his neck and where the top if his vest carrier would be located).
- Officer Collins confirmed he struck Ellis in the face three to five times with his elbow.
- Officer Collins did not recall being struck or punched by Ellis, but added his jaw was sore when he woke up the next morning.
- Later in the interview, Officer Collins said the only time he struck Ellis was when he was in the mount position on top of him.

Officer Collins was asked why he went straight to Ellis' head with his impacts, *"Well, there's, there was no target at all so when I got on top, so I'm a grappler, so I want him to, the best way I can control someone is if they turn their back to me so I'm just trying to get him to turn away from me. The na-, the natural reaction of someone when you do that is to turn their face and protect their body and then that way I can get on his back and control him and get him in handcuffs."*

Officer Collins added, *"And there was no target to hit his body because the way I'm mounted over him all that is there is arms and head and he's reaching up at me so the only thing I can do is over the top of his arms.*

- Officer Collins was asked what level of resistance Ellis was presenting. He advised "assaultive."

Officer Collins was unaware of the "door check" to Ellis by Officer Burbank.

Officer Collins was asked how their position changed from where he was in a mount on top of Ellis to how he ended up behind Ellis prior to the attempted LVNR application, *"So he basically did a sit up, lunged up, his entire body and si-, sat me up off of him and then I just stepped off with my foot, stepped around and got his back."* Later in the interview, Officer Collins was asked if it was normal to sit up and push someone off a mounted position, *"Absolutely not. Especially not someone like me, 230 pounds on top of you."* Officer Collins was asked if that was significant to him. He confirmed it was, describing Ellis' strength as "overwhelming."

Officer Collins was asked to explain what an LVNR is, *"Yeah, the Lateral, uh, Vascular Neck Restraint is where you're, you can cut off the, temporarily cut off the blood supply of both carotid arteries for a short time, it only takes a few seconds and then the subject can lose consciousness quick enough to be handcuffed and then regain consciousness."*

Officer Collins was asked how long he applied the LVNR for before coming off of it, *"I never actually applied it. I got into position and I was holding him and if you, so if you go around someone's chin and the bone structure and you start squeezing you're just gonna completely tire yourself out, waste your time, and so, and then they can also bite you. And then if you go low, you're not gonna, it's gonna be a pain compliance thing which in someone in his condition, pain does nothing. So I was trying to get it positioned correctly which is, with my hand, all of my bicep on one side and my forearm on the other side and by the time I started to get into position, I saw Burbank and saw his taser out and knew I didn't need to do it."*

Officer Collins was asked about pain compliance as it related to Ellis, since he mentioned pain compliance in his prior answer, specifically, if anything was having an impact on Ellis. He stated, *"Absolutely not."*

Officer Collins was asked about his training in regards to the LVNR, *"I've grappled for over 15 years so at different Jujitsu schools and in the military I was a trainer for Second Ranger Battalion for our fight team."*

- Officer Collins confirmed he never received LVNR training while in the academy or from the Tacoma PD.
- When the incident with Ellis occurred, Officer Collins was a member of the Department's Controlled Tactics Cadre.
- Officer Collins advised he was involved in developing an LVNR policy for TPD, but it was never official.
- Officer Collins was asked how many times he has applied an LVNR. He stated, *"Thousands."* Officer Collins said none of the applications resulted in a serious injury or death.

Officer Collins was asked about the LVNR policy that was being developed, specifically where the LVNR was going to fit within the Department's Use of Force Policy, *"So we had two provisions in the policy. One was that if you had outside training that would apply and was reasonable, you could use it.*

Um, and I, I told the Pierce County investigators, ya know, Burbank and I we got into an incident with an individual on PCP a few years back and got into a six minute fight in a room and it was, it was bad and looking back, knowing pain did nothing, I knew in my mind if I dealt with someone at that level of strength, at the level of intoxication, I would have to do that to end it. Because you can't, our brains can't keep up with that kind of, um, that did, they jus' don't feel pain, they don't get tired, it's just, it's like dealing with a robot."

- Officer Collins also referred to this incident during his interview with the Pierce County Sheriff's Department. Later in the interview, Officer Collins confirmed the above mentioned incident was documented under Tacoma PD case #1728800214. See Tab 46 for additional information.

Officer Collins confirmed the level of resistance that would have allowed an LVNR application in the policy was "Assaultive."

Documents related to the development of the LVNR policy mentioned by Officer Collins are contained within Tab 64. It should be noted, the LVNR policy was never implemented by the Tacoma Police Department.

Officer Collins was asked if there was a concern about the length of engagement, he confirmed he was, *"My concern is, is, uh, getting tired, um, and also having to, um, ya know, like I said with, with narcotics at that level, and when you're dealing with someone like that, you just can't match them strength for strength, um, it's not like an endurance game where I can, ya know, I'm in better shape than you, it's, it, you're dealing with, their, their mind isn't quite there so I'm concerned if it goes too long, I'm not gonna be able to keep up with this guy and he's gonna either draw my weapon and kill me or kill my partner or kill a citizen."*

Officer Collins was asked what occurred after Officer Burbank deployed his Taser on Ellis, *"Um, so like I said, I'm, I have my face kinda shielded behind his head and I'm holding on and once I, I waited until I felt him lock up and as soon as I did, I grabbed his arm and then Shane transitioned and grabbed his other arm and went to cuffing."*

- Officer Collins confirmed they were able to place Ellis into handcuffs.
- Ellis continued to resist once the Taser cycle ended.
- Officer Collins had no idea how many times Officer Burbank deployed his Taser against Ellis.
- Officer Collins confirmed Ellis was face down after being handcuffed.

Officer Collins was asked who arrived on scene next. He believed it was either Officers Ford and Rankine or the Pierce County Deputies.

Officer Collins described moving to Ellis' legs and attempting to control them, *"Once I looked up it seemed like, 'cause then once we got him cuffed and then I switched to his legs, 'cause his legs were flying around so I kinda folded his legs over one foot behind the crook of one knee and then pushed his other leg over so he couldn't put his feet underneath him and stand up. I switched to that, my focus was all down. I'm just trying to keep his legs down so he can't stand up and then by the time I looked up it seemed like there was lots of cops there."*

- Officer Collins confirmed Ellis was still on his stomach.
- Officer Burbank was attempting to control Ellis' upper body.

Officer Collins described Ellis' resistance, *"So, if you can think about the position I described it, he's trying to basically, I guess, flex his quads to straighten his legs from me, which would then allow him to put them underneath his body and stand up. Which now we're in traffic, he's handcuffed in the middle of the street, so I'm holding his legs down and keeping him down."*

Officer Collins was asked if he believes Ellis was trying to escape or if Ellis was trying to kick him, *"Y-, yeah, I'm not sure. Whether he was trying to kick me or run into traffic, I assessed both those as the same issue that I can't let happen, so."*

Officer Collins was asked about the hobble application.

- Someone requested hobbles because they were unable to control Ellis.
- Officer Collins does not know who applied the hobble or who assisted in the application, but recalled it being placed around Ellis' ankles.
- Officer Collins did not recall the hobble being attached to the handcuffs.
- Officer Collins confirmed the incident was not stabilized until the hobble had been applied to Ellis.
- Officer Collins said he dis-engaged from Ellis during the hobble application, that he went to his patrol car and did not have any additional contact with Ellis.
- Officer Collins did not recall the angle of Ellis legs after the hobble application, if Ellis was bowed or if Ellis' thighs were lifted from the ground.
- Officer Collins confirmed Ellis was still on his stomach when he walked away from him.

Later in the interview, Officer Collins advised he was not aware his hobble had been used until the PCSD retrieved it from his patrol car.

- Officer Collins said the hobble was given to him by a Sergeant and believed it was issued to him by the Department.
- Officer Collins advised he has not received any training in the application of a hobble, during the academy or from the Department.

Officer Collins was asked how long Ellis was on his stomach for, *"I don't but I know that as soon as we started to walk away, like the moment we got up from actually detaining him, I heard Burbank say, "Let's get him in the recover position, to the other guys."* Officer Collins believes Ellis was moved to his side "very quickly" at the direction of Officer Burbank.

- Officer Collins did not see Ellis kicking against the restraints.
- Officer Collins did not observe Ellis being rolled back onto his stomach.
- Officers Rankine and Ford had taken control of Ellis from him and Officer Burbank.
- Officer Collins was aware that medical aid was already en route and that it had been requested by Sergeant Lim. He believes Officer Burbank requested it as well.

Officer Collins was asked if there was an opportunity to request medical aid during the struggle with Ellis, *"No. In fact, uh, there was a few times I tried to just call out our location and as s-, soon as I got*

to my mic he grabbed me or grabbed my gear or grabbed my face, something so I'd immediately have to go back to him. I thought I got out a couple times but apparently it, from what I heard, I did not. I was trying to call out our location."

Officer Collins was asked about the spit hood.

- As soon as he left Ellis, he heard people saying that Ellis was spitting.
- He did not see the application of the spit hood and does not know who applied it.
- He observed the spit hood on Ellis while Ellis was on his side.

Officer Collins was asked if he observed any signs of medical duress from Ellis, *"Um, I mean, I, I remember thinking that he was excited delirium be-, because of the manner in which he approached my car, his eyes, his sweating, 'cause it was cold that night, he was just like covered in sweat and then his strength. It just, everything kinda lined up and the moment he threw me, I remember just thinking like, I got excited delirium on my hands."* Officer Collins added, *"That was as much of a medical situation as I thought and we wa-, ya know, I always wanna help somebody but we kinda gotta stop them from attacking us before I can do that so they gotta be in handcuffs."*

- Officer Collins was not aware of any respiratory issues with Ellis during his contact with him.

Officer Collins was asked about a statement he made during his interview with Pierce County, specifically where he discussed how Ellis was pressing the fight, that Ellis never tried to disengage, *"Absolutely, so you know everytime that I've been in like a quote, unquote fight, what police would call a fight, in the job, it's usually someone that's trying to get away. So it's usually, it's a scuffle, there pushing you and then they're immediately running. Ellis, when I came around, so first of all, he started the aggression because, ya know, we, we don't even know what we have, we're here to just help this guy. He starts the aggression by trying to break my passenger side window and pull my partner out, so that's number one. Then he throws me and then when I get up I expect him to either be coming at me or running and he's going back at Burbank, so he had plenty of time after throwing me to take off down the street. I mean, Burbank was still all the way back by the car, he coulda split the houses, he coulda done a lot of things but he didn't. He went back to Burbank and then back to me so there was multiple chances where he showed me his intention and he had plenty of room to get away if he needed to."*

Officer Collins observed some small lacerations on Ellis' face, likely from the strikes received while on the ground or from the street when he was face down.

At this point in the interview, Officer Collins was shown 4 videos.

- Cell Phone Video from Ms. McDowell (1 of 2).
- Cell Phone Video from Ms. McDowell (2 of 2).
- Cell Phone Video from Cowden.
- Vivint Doorbell Videos All Merged.

Cell Phone Video from Ms. McDowell (1 of 2):

- The video was played for Officer Collins.
- Officer Collins confirmed he was the officer with his back to the camera when the video started.
- Officer Collins said Ellis had already picked him up and thrown him to the ground and engaged with Officer Burbank prior to the beginning of the video.

Cell Phone Video from Ms. McDowell (2 of 2):

- The video was played for Officer Collins.
- Officer Collins confirmed Officer Burbank was directing Ellis to put his hands behind his back.
- Officer Collins was asked about the phrase, *"You're going to get it again." H*e guessed it was Officer Burbank referring to another Taser deployment against Ellis.

Cell Phone Video from Cowden:

- The video was played for Officer Collins.
- Officer Collins confirmed he was positioned behind Ellis, with Officer Burbank in front of Ellis.
- Officer Collins was asked about the positioning on his knees, specifically if he ever placed a knee on the back of Ellis' neck. He stated, "*No.*"

Officer Collins added, *"You want to try and center it on, on their back, or in between their shoulder blades to keep, keep them from leveraging up. The head actually really doesn't really do anything for you, so I, I never do that. Cause that gives you all your leverage in your hips to stand up. If your heads down, it doesn't do anything. Appears to me like Ellis is swiping the wires right there."*

- Officer Collins commented that it appeared Ellis was swiping at the Taser wires in an attempt to remove or break them.

Vivint Doorbell Videos All Merged.

- The video was played for Officer Collins, who was also provided a transcription prepared by Internal Affairs. The transcription is contained within Tab 27.
- Officer Collins was asked who growled and yelled, *"try again. (at 1:16 in the video)"* Officer Collins does not know who made the statement.
- "I can't breathe sir, I can't breathe," is heard is heard at 1:44/1:45. Officer Collins did not recall ever hearing Ellis state, "I can't breathe," or anything similar.
- Officer Collins was asked who said, *"shut the fuck up." (1:58)?*

  Officer Collins stated, *"I mean, it sounds like they're just talking. I will tell you if, I, I've ridden with Burbank for awhile, and known him for a long time, I don't think I've ever jus- heard him, heard him say the "F" word. So, if it was somebody, it was probably me. I don't recall saying that, but from that video, I do not hear him saying, "I can't breathe," and me telling him to, "Shut the F up," uh, but I hear some mumbling."*

Officer Collins was asked if he has a good understanding of the Department's Use of Force Policy that was in place when the incident occurred. Officer Collins indicated he did, *"Yes sir."*

Officer Collins was asked, "Based on your knowledge of the Use of Force Policy, do you believe you violated the Department's Use of Force Policy?" Officer Collins stated, *"Absolutely not."*

Officer Collins did not recall telling Ellis to "shut the fuck up," adding, *"But like I said, if it's between Shane and I, uh, um, I don't h-, think I've ever heard Shane say the F word."*

Officer Collins was asked if it would be a violation of the Department's Courtesy Policy if it was said. He stated, *"It would be."*

Officer Collins was asked if he observed anything that violated policy. He stated, *"Mm, not if, besides my swearing, sir."*

Officer Collins was asked, "Have you ever had the occasion in which policies have exceptions to 'em for things like when you're in dramatic fights for things like courtesy?" and responded by stating, *"Um, I would hope that he would use common sense to know that if you're in a life and death fight, that things are said, but I mean the policy I understand is, that's what it's for."*

TAB 63

This tab contains the transcribed Internal Affairs interview of Officer Christopher (Shane) Burbank. The interview occurred on August 31, 2021. Officer Burbank was given a copy of his transcribed interview with the PCSD to review prior to the interview. Attorney Wayne Fricke was Officer Burbank's legal counsel for this interview.

- The night of this incident, Officer Burbank was a two-officer car with Officer Matthew Collins. Their radio Call sign was Henry-317, (H317). The 317 number designator is Officer Collins' badge number.
- Officer Collins was the driver of the patrol vehicle while Officer Burbank was the passenger officer. They were using Officer Collins' assigned vehicle.
- Officer Burbank used his portable radio at 23:22:13 hours and was able to broadcast where he and Officer Collins were located, 96th and Ainsworth.

Officer Burbank gave the following description of his observations that led up to the encounter with Ellis.

Officer Burbank said, "U*m, we were stopped at the intersection. It was a red light intersection. Uh, we were at the very front at the, uh, stop bar. Um, waiting for the light to turn green. We were heading, what direction is that, west towards like Hosmer Street, I think that's westbound. Um, and there was a vehicle stopped at the intersection on Ainsworth waiting to make a left, west turn onto 96th. Um, and right about the time it started to actually make that turn, um, a gentleman ran into the intersection, like stopped the vehicle from moving and then ran to the, uh, passenger side door and started like ripping at the door handle, trying to open the passenger door."*

- Officer Burbank confirmed Ellis did not get into the unknown vehicle and the vehicle *"just kinda kept going, trying to get away from him it looked like and then eventually just turned and then kept going on, uh, down, uh 96th Street westbound."*
- Officer Burbank said his *"impression at the time"* was the unknown vehicle was trying to get away from Ellis. That the driver/vehicle did not know Ellis.

Officer Burbank was asked about Ellis approaching their patrol vehicle. When asked if Ellis started toward their patrol vehicle before or after Officer Collins rolled down his window and engaged Ellis, Officer Burbank stated, *"I, I don't remember that part. I just remember he started coming towards our vehicle."* Officer Burbank was later asked to clarify if Officer Collins called Ellis to the patrol vehicle or said anything to Ellis while Ellis was in the middle of the intersection. Officer Burbank said, *"I don't remember if he did or not. I can't recall if he did."*

- Officer Burbank described how Ellis came to the patrol vehicle. He said in part, Ellis *"was kind of quick, I don't know if it was at a run, um, or like a jog, but it was like quickly coming towards our car. He was trying to close that distance quick."*
- From what Officer Burbank recalled, Ellis *"came straight up to the pa-, uh, the driver's door where Collins was. Like right up onto the window."*
- Officer Burbank said he recalled Ellis *"was carrying some type of bag. I'm not sure what was in there. I think it was a plastic bag and I think maybe some water or something. Like a jug of water."*

Officer Burbank was asked about the initial conversation Ellis had with Officer Collins. Officer Burbank said in part, *"I remember Ellis was like very, trying to think of the right word is, just it, hyper aware…"*

- Officer Burbank referred to his transcribed interview with PCSD and added, *"I used the term "hyper vigilant." He w-, he was like that, kind of almost like pacing back and forth and kind of like darting his eyes around looking around…And, um, he extremely sweaty and he said something about he had warrants and needed help. And was just kind of, uh, very hyper vigilant."*
- When asked if he had concerns regarding Ellis' behavior, Officer Burbank stated, *"Oh yeah, its, that wasn't normal behavior I didn't felt like he was in a intersection, trying to open a car door, um, and then he was sweating. I remember it was cold that night, uh, sweating profusely, and then most people don't run up to our cars, in my experience, and say, "I have warrants." "It's just not a common occurrence in my experience."*

- When asked what he felt his enforcement options were with Ellis at that point of the encounter, Officer Burbank said, *"I think at that point I f-, not sure, I think at that point it was more of community caretaking 'cause I don't know if he has warrants or not. That's not, but, you can tell me you have warrants, that don't mean anything, I don't even know who you are, um, but something wasn't right. Just the fact that he was in the intersection stopping traffic and then approaching our car in that sweaty manner and just, it just didn't seem right."*

At that point, Officer Collins directed Ellis over to the sidewalk. Officer Burbank said Ellis did not make it to the sidewalk. Officer Burbank was asked to describe what Ellis did as he was walking in front of the patrol vehicle.

Officer Burbank said, *"So as he's walking around the front of the patrol car, instead of going directly to the sidewalk, he kind of focuses in on me and comes directly to my passenger side window. Um, I put the window down slightly so I could tell him, "Hey, go to the sidewalk so we can pull over and help you. We're stopped in the roadway, can you just go the sidewalk and we'll, we'll get out and help you." Uh, he said something to the effect of, um, "It's really hot. I just need to cool down. I need to sit down for a few days," and then immediately says, "I'm gonna punch you in the fuckin' face," out of nowhere and he starts to rear back and hit the, so I start put the window up really quick and he starts striking the, uh, the window I'm at several times with his fists. What I thought to be as hard as he could."*

- When asked how many times Ellis struck his window, Officer Burbank said, *"Um, I think I said in my statement, let's see, I said in the statement probably two or three times. It was at least two or three times. It was several times very hard."*
- Officer Burbank was "*certain"* Ellis struck the window and not the window frame.
- When asked how far the window was rolled down, Officer Burbank said, *"Um, I can't recall exactly but I know I didn't put it all the way down. I would never let someone approach my car window and put my window all the way down."*
- Officer Burbank did not recall if the passenger window was all the way up or going up when Ellis began striking it.

  Note: Later in the interview, Officer Burbank commented on forensic images he was shown of the patrol vehicle's passenger side window from the scene and asked to specifically address the unknown white substance and other markings on the window. Officer Burbank advised the interviewers that after his physical encounter with Ellis was over and other officers were at the scene keeping Ellis detained, Officer Burbank went back to the patrol vehicle and sat in the passenger seat to recover with the door closed. Officer Burbank stated while he sat in the patrol vehicle, several officers came to the patrol vehicle's passenger door and asked him how he was doing. Officer Burbank said he rolled the window up and down several times to converse with the officers. Officer Burbank rolling the window up and down to speak with other officers at the scene more than likely altered the way the window appeared immediately after it was struck by Ellis.

- Officer Burbank was asked what Ellis did with the grocery sack and jug of water before he stuck the window. Officer Burbank stated, *"I don't recall exactly, but I believe he actually dropped them on the ground. From what I recall, he had a empty closed fist when he was striking the windows, I don't think anything was actually in his hand."*
- Officer Burbank was asked if Ellis threw any items at the vehicle, and he replied, *"Not that I'm aware of, no."*

At this point in the interview, Officer Burbank was asked if his enforcement options of Ellis had changed since Ellis punched the window and threatened him. Officer Burbank stated, *"…yes. Then he was attempting to assault me at that point and needed to be detained."*

- When questioned further, Officer Burbank added, *"At that point I'm, I have probable cause that he is attack-, he's, he's made the verbal threat to assault me and he's, uh, actively attempting to assault me at that point."*

Officer Burbank was asked to continue describing what occurred after Ellis made the threat and punched the window. Officer Burbank stated, *"Um, after he had struck the window a couple times, it didn't break, um, he immediately went to grab the door handle and, I can't remember if the door was, I'm pretty sure I reached down and made sure the door was locked real quick and I just started holding onto the door so he didn't rip, try to rip the door open 'cause he, after he got ahold of the door handle he started actually trying to pull the door open."*

- Officer Burbank was asked if he felt Ellis was a threat to him if Ellis could get the door open. Officer Burbank stated, *"Oh yes. A hundred percent because I was seated in the patrol car with a seatbelt on, I'm right handed, um, and I can't defend myself sitting in the patrol car with my left hand."*
- When asked if he was able to see what Officer Collins was doing at this point, Officer Burbank stated, *"No. At that point my whole concern was jus-, I had all my attention holding that door."*

Officer Burbank was asked to continue with his account of events. Officer Burbank said, *"Um, the next thing I'm aware of, Officer Collins had went ar-, had exited the vehicle and went around the front of the vehicle and had made some type of verbal contact with him* [Ellis] *that got his attention, 'cause he kind of lost his focus on the door and focused back towards the front of the vehicle where Officer Collins was."*

- When asked if he saw any of the initial physical contact between Ellis and Officer Collins, Officer Burbank said, *"No. Not at all."* Later in the interview, Officer Burbank confirmed there was a moment of time when he was exiting and locking the patrol vehicle that he was not observing Ellis and Officer Collins. Officer Burbank added in part, *"I did not see their initial first contact with each other. I don't know how that happened. I just know that it happened after I had struck Ellis with the car.*

  Officer Burbank was later asked specifically if he observed what Officer Collins referenced in his interviews regarding Officer Collins' initial physical encounter with Ellis, that Ellis picked him (Officer Collins) up and slammed him to the street. Officer Burbank said, *"No, if that happened, that happened when I was back, I guess probably locking the door or something. I, if that was the initial contact with him, that's what I didn't see."* It was clarified with Officer Burbank that he was not saying Officer Collins' description of that portion of the encounter did not occur, rather Officer Burbank was not in a position to observe it.

- Officer Burbank was asked to elaborate from his PCSD interview statement regarding hitting Ellis with the passenger door. Officer Burbank said, *"Right, because he had, he had turned to f-, I remember he had, when he lost focus to the door he had turned to actually focus on Collins and kinda squared up like he was ready to fight him at that point. I knew that I needed to get out of the vehicle with him standing at the vehicle so I had to push the door open which also would cause him to, I guess, kind of lose that focus on Collins for a second."*
- Officer Burbank was asked about the term "squared up" and if he observed other pre-attack indicators from Ellis. He stated, *"Not that I recall. I don't recall hearing him say anything 'cause I know the window was up, the door was still shut but just that focus on Collins that he had squared up like he was ready to fight him."* Later in the interview, Detective Betts came back to this point with Officer Burbank. Detective Betts had noticed that as Officer Burbank answered the question about pre-attack indicators, Officer Burbank was clenching his fists. Detective Betts asked Officer Burbank if clenching his fists was something Ellis was doing as he squared up with Officer Collins and Officer Burbank said, *"Yes."* Adding, *"When I, when I, when I, when I use*

the term "squared up" um, very common to see that when someone's about to fight you I guess in this line of work and they'll usually square their chest up to you, uh, clench their fists, that type of behavior."

- At this point of the encounter, Officer Burbank put Ellis at *"assaultive behavior"* based on TPD's force continuum.
- When asked about Ellis' reaction to getting hit with the passenger door, Officer Burbank said, *"He didn't go to the ground, I know he did not go to the ground. I don't even think he went to a knee. I think he just kind of more bumped off of it and then I was able to get out of the door...I don't think it was that effective at all actually."*
- When asked about where Officer Collins was when Ellis was hit with the door, Officer Burbank said, *"He was still a the front of the vehicle as I, I don't know though. 'Cause that was, I didn't see him, uh, eh, at that moment."*

Officer Burbank was asked to continue with his account of events after striking Ellis with the vehicle door. Officer Burbank said, *"Um, I start to exit the vehicle and I realize the car is still running so I reached back in and actually physically lock the doors cause we had the vehicle running with a rifle in there and another rifle in the back so I didn't want the, um, Ellis to get I guess access to anything in the vehicle."* Officer Burbank continued from the point of securing the patrol vehicle. He said, *"Um, by that time, check my report real quick, as though they were, they were in some type of physical contact at the f-, kinda the front of the vehicle around the like, I guess, the front right passengers, or the front right tire, or the front right headlight."*

- Officer Burbank was asked to clarify a statement he made during his interview with PCSD, specifically, "Once I'm able to get the door locked and exit, I'm not exactly sure, I don't recall if Officer Collins and the suspect were already on the ground or I know they were in some type of contact with each other. Kind of wrestling around and I'm not, I don't recall if they were still up on their feet but they were already on the ground." Officer Burbank was asked to clarify if Officer Collins and Ellis were on their feet or on the ground. He said, *"I don't recall, it was such a tangled mess, ag-, it was just like they were in physical contact with each other. It was, I don't recall them being clean on the ground but I don't recall them being on their feet at the same time. It was just like them together in front of the ve-, like at the, the corner of the vehicle."*
- When asked how they disengaged from each other, Officer Burbank stated, *"I know that, what I do recall was Officer Collins was, kinda had Ellis like wrapped up, trying to pull him to the ground at one point and Ellis was just striking, like Collins repeatedly with just like both hands while Officer Collins was trying to like pull him to the ground."* Officer Burbank said Ellis was hitting Officer Collins, *"kind of everywhere it looked like. He was just like wild strikes. I'm not sure if anything was connecting good, I just know that he was swinging pretty much what I'd remember is fast and as hard as he could at Collins. Um, and I do recall Collins trying to reach for the radio and saying "fighting." I remember him saying that and I thought he was trying to get out on the radio and said "fighting." And it was around that area and that around that time, um, at that point I started trying to pull Ellis off of Collins and I also started striking at Ellis."* Officer Burbank was asked about where he was striking Ellis. He said, he was using his closed fists and striking Ellis *"Just anywhere I could. Um, he was throwing wild strikes, I was trying not to get struck as well, um, I can't remember if I put it in my report, for my, uh, first interview. Yeah, is said I was just delivering strikes to his body. Just anywhere that I could strike at that point."*
- Officer Burbank was asked if Officer Collins was striking Ellis at this time or did Officer Collins separate from Ellis. Officer Burbank said, *"I don't know if he's striking him, um, cause I believe at that point he was still just mainly just kinda trying to maintain or pull him to the ground, um, and that's when I started striking at Ellis trying to break him off of, uh, Collins, um, once I started striking at Ellis it kinda looked like he had lost focus on and then kinda focused on me. He like directed his attention to me, is what I'd describe it as."*

Officer Burbank continued with his account of the physical encounter with Ellis. *"Um, once he kind of focused on me, I re-, well I realized my strikes weren't being effective. This guy seemed very strong, nothing was working strike wise on this guy, um, I was gonna try to deploy my taser see if that had any effect but I knew I couldn't deploy it right there 'cause y-, we were right on top of each other. So I actually turned and try to break and get some distance between myself and Ellis to actually draw my taser out so I could get a shot off on him and have some type of spread with the probes, um, I ran I'd estimate probably 10 to maybe 15 feet away from the vehicle, like into the intersection trying to get that distance so I could get my taser out. Um, thinking maybe, "alright if he breaks off of Collins and he takes off, he takes off," um, but as I got the intersection it kinda turned over my, my shoulder he was right on top of me, Ellis was physically chasing me into the street. And he was right on top of me…Um, we came into contact and I tried to kinda turn and defend myself, think I may have tried to strike at him but he was right on top of me and struck me and I went to the ground."*

- When asked if he recalled where Officer Collins was during this point, Officer Burbank said, *"No. I, I assume he was still probably around the front of the vehicle but I'm not sure…'Cause my focus was trying to get Ellis off of him and then trying to get that distance and to get my taser out."*
- Asked if he was striking Ellis as he and Ellis reengaged, Officer Burbank said, *"I think. I don't know if I'm striking him but I'm trying to just defend myself at this point. I'm just kinda turned and just like, he's just right on top of me."*
- Asked if Ellis was striking him at this point, Officer Burbank said, *"Yes."* Asked where Ellis hit him, Officer Burbank stated in part, *"like kinda like flailing right on top of me."* When pressed to answer where Ellis hit him, Officer Burbank said, *"Anywhere he could."* Asked again, Officer Burbank stated, *"Um, I don't recall exactly, need to, if I just stated in the interview. Said he was just kinda swinging wildly but he, I distinctly remember getting hit one time in the face. Like in the mouth area at that point."*
- Officer Burbank was asked if he and Ellis were face to face at this point of the encounter. Officer Burbank said, *"I wouldn't even say, well we were face to face but it was not like on our feet, it was like…contact and then I was on the ground."*
- Officer Burbank said Ellis did not get on top of him.

Officer Burbank was asked if Officer Collins reengaged Ellis during this point of the encounter. Officer Burbank said, *"Um, when I w-, got back up and kind of got my bearings, um, cause I'd went to the ground, Collins, I believe Collins was on top of Ellis at that time, I'm not exactly sure if Ellis went to the ground when he struck, when we came into contact, or if Collins took him to the ground."*

- When asked to describe Ellis and Officer Collins' position, Officer Burbank said, *"Um, from what I recall, Ellis was on his back and, uh, Collins was kind of on top him, mounted and like striking him."*
- Officer Burbank believed Officer Collins was using *"his right forearm or maybe his elbow"* to strike Ellis.
- Officer Burbank did not recall the exact number of strikes by Officer Collins but said *"There were several strikes."*
- Officer Burbank said he reengaged during this point and *"came back in and actually tried to kinda grab his legs and maybe control his lower body as well 'cause I know he was flailing around…while…while, um, Collins was on top of him."*
- Officer Burbank was asked if Ellis was able to get off the ground, and he stated, *"He eventually was, I, I do recall he was able to get, somehow he was to get off the ground, 'cause it, shortly after that, Officer Collins was actually behind Ellis at that point."* When asked how that transition occurred, Officer Burbank said in part, *"I don't recall the exact transition but my interview I'd stated that he had just h-, he regained his footing and Officer Collins had got to his back. I don't…recall it specifically."*

Officer Burbank was asked if he had his Taser out at this time. *He said No, I don't believe I never even got it out, I don't believe. But I don't, I don't recall. I don't think I had time to d-, to deploy it yet."*

When asked about using the radio during this point of the encounter, Officer Burbank said in part, *"Collins had tried to get on the radio, like I had said, he had said "fighting." I remember him saying "fighting" like he would say on the radio. I don't know if he keyed out, I don't really know if he got ahold of it but the way he said it, it was like he was calling that on the radio, "fighting."…Um, but at that point I had not been on the radio, no."*

Officer Burbank was asked about giving verbal commands to Ellis during this time and how Ellis responded to those commands.

Officer Burbank said, *"I know at some point I was telling him to put his hands behind his back trying to handcuff him, I, it was just so fast, I don't recall my exact commands at all…but I know there were verbal commands given during this."* Officer Burbank said Ellis' response was, *"he was not responsive to anything. It was more just like a growling or like a aggressive scream from him the entire time."*

At this point of the encounter with Ellis, Officer Collins was behind Ellis. Officer Burbank was asked to describe what he saw Officer Collins attempting. Officer Burbank said in part, *"It looked like Collins was attempting to place an LVNR on Ellis."* Officer Burbank was asked to give his understanding of the Lateral Vascular Neck Restraint, (LVNR). He said, *"Um, it just a, it's a neck restraint that, um, affects the blood flow to the brain that can momentarily, I guess, incapacitate someone so they can be handcuffed and, um, put under control."* When he was asked if those were the results he observed with Ellis, Officer Burbank stated, *"No, not at all. He still looked like he was trying to throw Matt off and, I, buck Collins off while he was attempting to apply this LVNR."*

Officer Burbank was asked about this point of the encounter and his first Taser application. He said in part, *"I'd, I got to my feet during that time and was able to draw my taser, or had my taser, um, and when I finally had a shot, or like a good target presented to me at one point Ellis kind of opened up, I guess his torso area, that's when I deployed the taser."*

- Officer Burbank discussed the results of the first Taser application. He said, *"It was effective. He immediately kinda like we got that, uh, incapacitation effect of, that we were looking for with the taser deployment."*
- When asked about what took place while Ellis was under the Taser's effect, Officer Burbank said, *"At that point Officer Collins had physical control of him. I assumed he was trying to get him over, I d-, I don't know, I just had the taser, uh, but it had stopped that, it had stopped like that im-, that assaultive, ya know, behavior that he was having, um, but as soon as that sec-, that uh, cycle was over, he had gained like that strength back I guess, there was, he was back to, ya know, kinda bucking and throwing Collins around."*
- Officer Burbank believed the first Taser application was a full 5-second cycle.
- Once the cycle ended, Officer Burbank said Ellis, *"He's kind of, he's like he, he's kind of regained that strength and starts to get to his feet again."*

The second and third Taser applications: Ellis regaining his strength and starting to get to his feet again led to a second Taser application by Officer Burbank. Officer Burbank said in part, *"I gave him a second application at w-, at which point Officer Collins, we were able to get him kind of on his stomach into more of a handcuffing position during the application."*

- Officer Burbank was asked about his positioning during this time. He said, *"I don't recall that point when I, 'cause when I deployed the taser that second time, I didn't have any physical contact with him but once he was in a like prone handcuffing position that's when I went to control like lowered his lower body. I kind of wrapped his legs up with my legs on the ground."*
- Asked if he recalled Officer Collins' positioning during this time, Officer Burbank said, *"No, I don't. Let me look through my interview really quick. Uh, I'd stated that, um, I was focused on*

trying to pull his right arm out from under his body and Officer Collins was co-, trying to control his left arm. Cause at tha-, when he initially went to the ground, when we got him in that handcuffing position, he had went down with both arms directly under him, like pinned under his body."

- Officer Burbank described trying to handcuff Ellis with Ellis' hand tucked underneath his body. He said in part, Ellis *"seems like he's got that, like I'd mentioned earlier, that strength like he was almost like, almost able to buck us both off of him trying to control him, um…."*

Asked how Ellis was trying to buck, Officer Burbank said in part, *"Well, I guess just kinda like throw his body backwards, does that make se-, if that makes sense, kinda like a horse or somethin' I can't really…" "Um, I know he was also trying to kick his legs cause I had, I recalled actually wrapping, trying to wrap his legs up with mi-, like kinda pin his legs between mine, I guess my thighs would be the.* When asked if Ellis was kicking to assault officers or if he was kicking to get away, Officer Burbank said, *"They were just, they were wild flailing, Um, I don't think he was trying to get away at any point, um, the entire time that we were in contact with him, I never felt he was trying to evade us. My contact with, he w-, coming at me that initial contact after he'd broke away from Collins, I just, I don't think he was ever trying to get away. I think if anything he was trying to get to his feet to continue assaulting us."*

- When asked if there was ever opportunity for Ellis to flee during the encounter, Officer Burbank said, *"Multiple times. Yes."*
- Officer Burbank continued to describe attempting to handcuff Ellis. *"I remember the, uh, the first we were able to get his left hand in a handcuff the quickest. That was the first handcuff we were able to get on a left hand. His right arm was still tucked un-, under him for a significant amount of time. Um, I end up, I know I deployed the taser again, trying to, uh, get that compliance, get that hand out from under him."*

Eventually, Officer Burbank and Officer Collins were able to get Ellis into handcuffs. As far as Officer Burbank was aware, he and Officer Collins were the only officers on scene during that time. Officer Burbank said Ellis was still on his stomach at that point. When asked what his position was, Officer Burbank said, *"I am mo-, I'm still kinda that straddled around like I guess his butt, trying to pin his legs."* Officer Burbank did not recall what Officer Collins' position was.

Officer Burbank was asked if he maintained that position on Ellis until other officers arrived. He stated, *"I, I believe I did. The first officer I remember showing up on scene was, uh, Sergeant Lim, cause I remember we were facing south, we were kind of in the intersection facing south at that point, down towards, um, down Ainsworth Road. Um, and I remember the first car I recall was Sergeant Lim pulling up from, coming from west to east and him running over and I r-, I specifically remember him running up and trying to like grab Ellis almost like he didn't think he was handcuffed yet. Like him grabbing to try to force his hand behind his back to our handcuff, but I said, I remember saying, "No, he's cuffed," and I just kind of rolled off of him at that point."*

- When asked how he knew it was Sergeant Lim that arrived, Officer Burbank stated, *"I just recall his silver SUV and car number. That's the first thing I remember seeing cause I know he's, he was, uh, he's our supervisor, he had that same car since I've worked for him and I just remember his silver SUV pulling up and seeing the car number."* When asked if there was any chance it was a PCSD Sergeant he saw arriving and not Sergeant Lim, Officer Burbank stated in part, *"at the time I was pretty sure it was Sergeant Lim. That's the first person I remember…having any contact with."*

(Investigator Note: By timestamp and other interviews, Sergeant Lim would not have been present during the application of the leg restraints. It was most likely PCSD Sergeant Sanders.)

Later in the interview, Detective Betts asked Officer Burbank if it was possible that other officers arrived before Sergeant Lim and he was not aware of their presence. Officer Burbank said, *"Um, I later found*

out that, uh, Rankine and Ford were actually the first ones there and then I again later found out that I guess two officers from County were there as well. I was completely unaware of that I just remember being focused on restraining, uh, Ellis and then seeing Sergeant Lim's car arrive and park next to me." Officer Burbank confirmed that Ellis was still on his stomach when additional officers arrived. Officer Burbank was asked about the application of the hobble device and what led up to the use of that. Officer Burbank stated, *"Um, he was, after being handcuffed, um, he was still violently kicking, uh, flailing around, kicking his legs, um, I think there was an officer, maybe two officers, I'm not sure who, I was actually still trying to control his legs at that point from kicking, um, someone had asked about a hobble. I'm not sure who. And I remember someone ran up and said they didn't have hobbles, someone had been looking for hobbles, they didn't have 'em, and I knew that we had hobbles in our car so I went and got the hobbles out of our glove box and brought 'em back."*

- When asked who was controlling Ellis while he left to retrieve the hobble, Officer Burbank said, *"I, I don't know if his leg, um, like I said I remember Sergeant Lim, he was the first officer I remember being there, but I kind of got that relief from him for a second and got u-, ya know, left that contact with Ellis. The next thing I know there was numerous officers there. I'm not sure who all was there."*
- Officer Burbank was asked to describe the application of the hobble on Ellis. He said, *"Uh, yeah, we, um, I remember Sergeant Lim helping me control his legs so we could get the hobble wrapped around his ankles. Cause I, I r-, I specifically remember Sergeant Lim on the right side of Ellis hol-, trying to control his legs so we could get the hobbles wrapped around his ankles."*
- When asked how the application process was completed, Officer Burbank said, *"Um, we, uh, re-, secured them to his handcuffs."*
- Although he did not recall the exact position of Ellis' legs, Officer Burbank estimated once the hobble was applied, Ellis' legs were bent at a *"90 degree angle."*
- When asked if the hobble used was Department-issued, Officer Burbank said, *"I believe it is, um, I just recall me and Officer Collins had been partners for several years, three maybe going on four years at this point and I remember that hobble being in his first issued patrol car of seven forty. Um, I always assumed it was a issued piece of equipment."*
- Officer Burbank said he has used the hobble device on other subjects in the past. He said he has not received any Department or outside source training on the application of the hobble.

Officer Burbank was asked to explain a statement from his interview with the PCSD regarding Ellis spitting at officers. Officer Burbank said, *"Yeah, I remember he was still on his stomach and he was looking backwards trying to spit at officer that were around him. Like I said, there were several officers at that point, um, all ov-, all around and he was just trying to spit on officers."*

- Officer Burbank did not recall seeing any blood around Ellis' mouth at that point.
- Officer Burbank was asked if he knew who asked for a spit hood. Officer Burbank said, *"No I don't recall. I re-, I do recall someone mentioned the spit hood and I went to our car to see if we had one, I looked through our car and we didn't have any."*
- At the time the spit hood was applied, Officer Burbank did not know who applied it.
- When asked if he knew Ellis' position when the spit hood was applied, Officer Burbank said, *"Not when it was put on him, when it was put on him I wasn't present, um, after, after he was restrained with the hobbles, I was, there was so many officers, I was so smoked from that, uh, altercation with him I was kind of away from him for the majority of that time."* Officer Burbank was later asked what he meant by the term "smoked." Officer Burbank stated, *"I was extremely just I was out of breath, I was out strength, that, that fight I estimate it last, I probably two to four minutes from start to finish and I was, I had nothing left in me to f-, I couldn't fight somebody else like that again right there, if that makes sense."*
- When asked if the spit hood application seemed appropriate, Officer Burbank said, *"It, yes, it seemed appropriate, um, he was spitting at officers."*

Officer Burbank was asked to clarify a statement from his interview with PCSD regarding his use of the term "restraining" when describing other officers with Ellis. Officer Burbank said, *"Um, maybe the wording "restraining," they were just more with him, I don't think no one would be pinning him down, more just kind of controlling any movement he had. I don't, I think restraining might not be the best word for that."*

Officer Burbank said he recalled Ellis, *"on his side, um, people being with him and just kind of, just with him I guess. And when I say restrain I mean just kind of controlling him, if that makes sense? Not physically laying on top of him. There would be no need for that."*

- When asked if he recalled who was with Ellis during this time, Officer Burbank said, *"I have no clue. Like I said there was, a-, by this point there was probably in my estimation ten to twenty officers there."*

Officer Burbank was asked if he had any more contact with Ellis. Officer Burbank said in part, *"several minutes later where he was in a, um, I guess a recovery position on his side and my, um, my hat that I was w-, my patrol hat I was actually wearing that night had came off, I didn't realize it, but it was under, had been under his body. When he was rolled over it was actually under his body, my patrol hat."*

- Officer Burbank said he had no idea of how long Ellis was on his stomach after being handcuffed and hobbled before he was placed in a recovery position.
- When asked if he recalled Ellis ever being placed back on his stomach from the recovery position, he stated, *"I don't know if he was, um, I do recall at one point when I found my hat, I said, "Make sure he stays in a recov-," I'd walked over and I said, whoever was tending to him I said, "Make sure he stays in a recovery positions or you can, it can help with position."*
- Officer Burbank was asked what Ellis' condition was when he returned and collected his patrol hat. Officer Burbank said, *"Um, he had the spit hood on and I think that's when I saw a little bit of blood like maybe in the spit mask and around his mouth, um, but he seemed to be just laying there quietly, just looking around. I remember his eyes just kinda looking around, just laying there."*

  Officer Burbank said he did not engage Ellis but Ellis *"appeared to be responsive,"* appeared to be breathing and Ellis, *"didn't appear to be in any type of distress that I could see."*

Officer Burbank was asked if, during his contact with Ellis, he ever heard Ellis state, "I can't breathe," or anything similar. Officer Burbank said, *"No, I did not."*

Officer Burbank was asked if he was ever in a position to request medical aid for Ellis. He said in part, *"No."* When asked if he called for medical aid once the scene was somewhat stabilized, he replied, *"I did not. Someone else did at some point but I believe it was pretty quick, but it was after there was officers there present with us."*

- Officer Burbank was asked if he assisted TFD when they arrived. He said, *"When Fire got there, uh, I had been sitting in the patrol car, uh, I guess taking, ya know, catching my breath, drinking water. I saw Fire when they actually got up to Ellis on foot, um, I went back to help cause I thought that we would have to probably maybe take him out of restraints if those hobbles, if we were gonna put him like on a four point restraint on like one of the gurney's or something. So I went up there to help any way I could."*

  Officer Burbank confirmed he assisted in removing the restraints from Ellis. When asked if he recalled Ellis' condition at that time, Officer Burbank stated, *"No, I was just, I helped pull the restraints off of him, uh, I flipped the, they, uh, restraints, take 'em off of his ankles and the I just kind of stepped back out of the way and let Fire kind of do their thing. I have no idea what was going on with him."*

- When asked if he recalled Ellis' position when the restraints were removed, Officer Burbank stated, *"No I don't I would assume probably on his side for us to actually access them."*
- Officer Burbank was asked if he was present for the conversation between TFD and officers regarding the removal of the restraints from Ellis that had been described by some as almost an argument. Officer Burbank said, *"I got there, there was some back and forth, um, I'm not exactly sure what was said. I know that Fire had said something about the restraints and then someone said, I, I, I don't recall, I just remember there was some type of back and forth. I'm not sure exactly what it was or who it was between… And I remember, I think it was Sergeant Lim said, "Removed the restraints," and that's we removed the restraints."* When asked if the conversation caused a delay, Officer Burbank said, "*Not that I recall. It couldn't have been more than a few seconds cause I got up there, Fire was up there and then we were taking the restraints off."*
- Officer Burbank was not aware who removed the spit hood.
- When asked if he recalled Ellis' condition when the restraints were removed, Officer Burbank said, *"No, I, I, like I said, I would not have, after the hobbles were removed, I stepped back and I went back to our patrol car and just sat."*
- Asked if he saw any injuries to Ellis, Officer Burbank said, *"No, uh, I didn't look h-, look him over, if that make sense, um, we were just, we were there trying to, uh, restrain him and then once we were relieved I was, like I didn't have much contact with him."*

Officer Burbank was asked if he sustained injuries during the encounter with Ellis. Officer Burbank said, *"Um, I, I remember I had scraped, I think, I can't, let me look through, I remember I had got something photographed, I think I had scraped my knee when I went to the ground and the next day my shoulder had actually hurt pretty bad, I think from when I went to the ground, uh, but I didn't get checked out medically, no."* Later in the interview, Detective Betts asked about an injury to Officer Burbank's mouth. Officer Burbank recalled the injury at that time, saying, *"I do, I remember, uh, tasting blood in my mouth, um, and I had, I remember Sergeant Lim actually, I asked him to look in my mouth with his flashlight, see if I had any cuts or lacerations or anything in my mouth."* Detective Betts asked Officer Burbank if that injury persisted, and Officer Burbank said, *"I, I, I don't remember. I just, I remember having that pain I believe it was in my, my knee from when I had went to the ground. I can't remember if my knee now or my elbow it's been so long."*

When asked if Officer Collins had any injuries, Officer Burbank stated, *"Um, I believe he had some type of, um, some scrapes on his maybe his arms or elbows, I'm not certain…And I remember his watch had been like shattered."*

Officer Burbank was shown a series of Forensic images. Officer Burbank was asked about the box of doughnuts and the water bottle seen in the images. Regarding the water bottle, Officer Burbank said in part, *"It looks like a water bottle, but can't say specifically that's the one he had in his hand that night."* Regarding the box of doughnuts, Officer Burbank recalled Ellis, "*having some kind of like doughnuts or something, possibly the, like the doughnut box or somethin'."* Officer Burbank did not recall if he could have stepped on the box of doughnuts or not. Regarding the images of the passenger side window, Officer Burbank did not know what the substance was on the window or how it got there. He remembered Ellis striking the window with his fist several times. Officer Burbank confirmed that he sat in the car after the encounter and rolled the window up and down to speak with officers that checked in on him, as noted earlier in this summary. The images are placed in this tab for reference.

During the interview, Officer Burbank was shown an ortho-type photo created by Pierce County Forensics and asked to mark the following locations on the photo:

- #1. Where did you observe Ellis contacting the vehicle/attempting to get into the vehicle?
  Officer Burbank placed the location in the middle of Ainsworth in the eastbound lane of travel on South 96th.

- #2. Where did Ellis arrive at the driver's side of the patrol car?
  Officer Burbank placed the location right at the driver's door of the patrol car.

- #3. Where did you observed Collins and Ellis on the ground/wrestling with each other?
  Officer Burbank placed the location at the front/passenger wheel.

- #4. Where were you when you first made physical contact with Ellis?
  Officer Burbank placed the location at the same area as #3.

Officer Burbank signed and dated the photo, it is included within this tab.

Regarding the Cell Phone Video from Ms. McDowell, 1 of 2. Officer Burbank confirmed that as the video starts, Officer Collins is the officer with his back to the camera.

Officer Burbank said, *"Okay, yeah, so that's gotta be Collins. That's me, that's right as I, um, Ellis had kinda chased me down and made contact with me. And this is me falling out of, kind of I guess, camera view."* When asked if he was aware of how Officer Collins got in that position behind or to the east of him and Ellis (the initial frame of the video), Officer Burbank said, *"No, I just, I was under the impression he was still like back here towards the car and I went that way and that's when, uh, Ellis had actually, ya know, chased me to the intersection."* Officer Burbank confirmed he is the officer holding the Taser in that video.

- Officer Burbank was asked what occurred in the contact with Ellis prior to the beginning of the video. Officer Burbank stated, *"So this is after, um, this is after Ellis had started punching the window, this is after he had tried to open my door, this is after he and Collins were in that physical confrontation towards the right front of the car, um, this is after I had attempted to pull him off of Collins and that's, this is right where, this is kinda where Ellis had chased me away from the car and made contact with me."*

Regarding the Cell Phone Video from Ms. McDowell, 2 of 2. Officer Burbank confirmed he is the officer with the Taser displayed. Officer Burbank was asked if Ellis was being controlled at that point. Officer Burbank said, *"No, this is before he was in handcuffs. This was while trying to handcuff him."* Officer Burbank added, *"Yes, that's, that's me trying to control his, I guess his lower body and then also pull his, uh, right arm out from under him."* When asked if this was between his second and third Taser application, Officer Burbank said, *"I, I don't recall exactly the, the length of time between those applications, um, I just know that it took several applications before we could actually get him in handcuffs. I can't recall the exact…timeframe."* Officer Burbank was asked who was giving the verbal commands to Ellis, and he stated, *"I think it was both of us. If you play it again, I believe it l-, may have been both of us."* Officer Burbank confirmed that he gave the warning to Ellis, telling Ellis to comply or he would deploy the Taser again.

- Officer Burbank expanded on the video being at a point in time where Ellis was not in handcuffs. He said, *"He's not in handcuffs 'cause I specifically remember after we actually got him in handcuffs, I pulled the, uh, cartridge off, threw it towards the curb and ended up securing it in my pants pocket. After he was fully in handcuffs."*

Regarding the Cell Phone Video from Mr. Cowden, during the portion where Officer Collins is attempting the LVNR, Officer Burbank said he was *"just waiting for an actual open target to en-, deploy the taser."* Officer Burbank confirmed that the video does not show Ellis ever fully controlled or handcuffed.

Regarding the Vivint Doorbell All Merged Video, Officer Burbank was given a copy of the audio transcription to review. Officer Burbank confirmed it was him responding to Shad Hayes that they did not need help, that backup was coming. He confirmed hearing someone yelling from behind their patrol vehicle. He said he never knew who it was from, (Sara McDowell and Keyon Lowery). Regarding someone growling and saying, "Try again," Officer Burbank was not aware who said it. He did not recall

saying it and said it did not sound like Officer Collins. Officer Burbank said it was the *"first time"* he had heard that being said. When asked if it could have been Ellis saying that, Officer Burbank said, *"I, I can't say yes or no either way... But it doesn't sound like me at all and it doesn't sound like Collins."* After playing the video several times, Officer Burbank was asked if he ever heard Ellis saying, "I can't breathe," or anything similar to that during the encounter. Officer Burbank said, *"No, I don't recall hearing him say that…during that fight, no."*

- Regarding the Courtesy allegation and an officer heard saying, "Shut the fuck up man." Officer Burbank was asked if he said it. Officer Burbank stated, *"I don't recall ever saying that, no."* When asked if he recalled hearing it at the scene, Officer Burbank stated, *"I don't recall hearing it, no."*
- Attorney Wayne Fricke brought up the notable gap in the Vivint video where no video files were recorded. Specifically, video files prior to the officers encountering Ellis.

Officer Burbank was asked if there was a time during this encounter with Ellis where he became fearful. Officer Burbank stated, *"Well, yes, um, this might sound crazy but me and, me and Collins had been partners, like I said, for three or four years. I knew Collins has a strong, uh, background in wrestling, uh, like a Jujitsu thing, um, I've never seen anybody able, and we've been in a lot of altercations together. I've never seen anyone able to overpower Collins, ever, in all the altr-, altercations we've been in. To see him struggling with Ellis initially when I was able to get out of the vehicle and lock it and Ellis is overpowering and striking him, that scared me. 'Cause if, if Matt's losing a fight, I'm gonna lose that fight, um, and I think I became the most fearful is when he broke away from Collins and I was trying to create that distance, instead of him fleeing, he came after me. I've never had that happen. Ten years at that time in law enforcement, I've never had anyone physically chase me down. That's not, that's not someone trying to evade, that's someone trying to hurt me, and that was very scary."*

When asked if he believed he violated the Department's Use of Force Policy during the incident with Ellis, Officer Burbank replied, *"No, I don't."*

When asked if he believed he violated the Department's Courtesy Policy during this incident, Officer Burbank replied, *"Not at all."*

When asked if he observed anything at the scene that he believed violated Department Policy, Officer Burbank replied, *"No. Not that I witnessed no."*

TAB 64

This tab contains documents related to a draft development of a Lateral Vascular Neck Restraint (LVNR) policy and procedure by TPD Training. The development and LVNR draft policy was discussed by Officer Collins during his TPD IA interview and obtained from the TPD Training Sergeant by TPD IA. **This policy was not implemented by TPD.** The documents are:

- A draft, not implemented Use of Force Policy P3.14. The policy listed the LVNR as a compliance technique.
- A PowerPoint presentation titled *Lateral Vascular Neck Restraint System* "The LVNR as a Use of Force consideration for the Tacoma Police Department," dated March 11, 2019.
- A PowerPoint presentation on LVNR certification options and information.

TAB 65

This tab contains summaries of interviews conducted by the Attorney General's Office of the following members of the Pierce County Sheriff's Independent Investigation Team (IIT): Detective Sergeant Byron Brockway; Forensic Investigator Steven Mell; Forensic Investigation Manager Steven Wilkins; Lieutenant James Loeffelholz.

- These IIT members responded to the March 3, 2020 death investigation scene at 96th and South Ainsworth.
- The documents were part of a PDR request TPD IA received from the AG's Office. The interviews were not audio recorded or transcribed by the AG's Office.
- The summaries were written by Investigator D.S. Heitzman.

The interview of Detective Sergeant Byron Brockway was conducted on May 5, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

Det. Sgt. Brockway did not see a hobble at the scene. He learned a couple days later through interviews that the hobble was in Collins's car. He did not search the police vehicle. That would have been up to Loeffelholz. He sent Det. Peterson to photograph it the hobble. The hobble was not taken into evidence because he thought a photograph was sufficient.

The spit hood was bagged as evidence. He had never seen one like the one placed on Ellis. He remembered that it was black at the top. He was unsure if the spit hood went to the ME. It eventually came to PCSD. The spit hoods he had seen in the past were full mesh and tannish in color. He had seen the same type of hobble that was in Collins's car before.

Brockway did not remember seeing a cell phone at the scene.

When he was at the autopsy he saw that Ellis had abrasions on his face.

Brockway saw the gallon water bottle and donuts at the scene from a distance. He did not remember if there was a label on the water bottle. The box of donuts was creased, he did not know if it had been opened. He could not tell if the box had been stepped on. He did not see any donuts. He did not see any powder on the ground. There was a white substance on the window which was photographed. He just noticed that it was white. He did not obtain a sample for testing. Brockway was asked why a sample was not taken. He did not know. He was asked what happed to the water and the donut box. He said that they were photographed. He said that he did not have a good answer as to why they were not collected as evidence. He did not remember if he was aware of any significance for those items while at the scene. He learned about these items during the interviews with Officer Burbank and Officer Collins. Brockway did not recall a bag or a receipt. He was not sure what had been related because the scene was close to a garbage bin.

Det. Sgt. Brockway was asked about the adjustment to the timeline. There was an initial timeline made on March 20. Later he listened to radio transmissions and could hear Ellis say "I can't breathe" during one of Sgt. Lim's transmissions. He said that he looked through the transmissions of the time when Officer Farinas arrived. He had been going through everything and backtracking. He did not talk with Officer Farinas. It was noted on CAD when Farinas arrived. Brockway was not able to tell from the interviews when the spit hood was placed on Ellis's head. Farinas was audible heard arriving at 2327:17. It was determined that the spit hood was placed on later than was initially thought. This information was passed on to Dr. Clark.

Dr. Clark had asked how long Ellis had been in the prone position and the recovery position. Rankine would have been the closest. Brockway did not believe he knew exactly. Burbank had talked about being on top of Ellis. Brockway did not know if it was ascertained how long he had been on Burbank. He did not remember if he provided information about Burbank being on top of Ellis to Dr. Clark. When asked how long Rankine had been on top of Ellis, Brockway sad he would have to review the interview.

Det. Sgt. Loeffelholz had been assigned to check on getting the video from 7-Eleven. He did not know what happened in that regard.

Brockway was present during the interviews with Cedric Armstrong and Kimberly Mays. He did view the room Manny and Mendel shared. A couple photos were taken of the room. There was a to-do list and it looked like Ellis had been playing video games.

Brockway did attempt to locate Mendel. He talked with Mendel's mom on the phone. She did not want Brockway's contact information. Det. Holden later reached Mendel. Mendel didn't want to talk. Brockway was not present for this contact.

Brockway did not think that Collins or Burbank talked about the spit hood. He was not sure whether he listened to dispatch prior to the interviews of the officers. Rankine and Ford did talk about the spit hood.

PCSD had put out a press release trying to identify the car Ellis allegedly tried to open in the intersection. No one came forward as a result of the press releases. They tried to locate video to the west of the incident. Brockway was not sure where he had received the information that the driver of that vehicle may have been female. Outside of Collins and Burbank, there was no other information about that car.

The interview of Lieutenant James Loeffelholz was conducted on May 24, 2021. Lieutenant Loeffelholz was a Detective Sergeant at the time of the incident. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

Lt. Messineo provided a briefing after the investigators were all on scene. Lt. Messineo had arrived at the end of the incident. There was a person still fighting who had been hobbled. This person (Ellis) had started snoring and groaning, and was moved to a recovery position, then aid was called. Lt. Messineo had not elaborated on the snoring or groaning. When asked if Lt. Messineo had used the term "agonal breathing" describing Ellis's condition, Lt. Messineo [sic] *said "not that I recall".*

It was Lt. Loeffelholz's memory was that it was the officers on scene who had placed Ellis in the recovery position.

Lt. Loeffelholz said he thought he was told that Ellis had attacked the car. He did not think that came from Lt. Messineo. Lt. Loeffelholz said that he heard from an unknown TPD officer in passing that the officer on the passenger side had attempted to open the door, and Ellis closed the door. By the time that Lt. Loeffleholz arrived on the scene, all the involved TPD officers had been remove from the scene. In examining the passenger door of the patrol car, there were smears on the outside of the window, and the back (rear) side of the door/window frame. There was white stuff within the smear. There was a box of donuts on the ground below the passenger door.

AAG Liu shared his screen and showed Lt. Loeffelholz a photo taken of the patrol vehicle that showed a horizontal line of white material. His impression was that was from material collecting on the part of the window when the window was rolled down. He had not made any judgements about the striations on the window, other than the window had been going up or down at the time. Lt. Loeffelholz was asked why he had not asked that the material on the window to be processed. He said that he did not know if the crime lab has the capability to determine what it was. He asked Forensics to photograph the box of donuts. He did not recall if he asked them to collect them as evidence. He does not know what eventually happened to them. Lt. Loeffelholz stated that this would have been his responsibility. He has not recently looked at the evidence sheets to see what was booked into evidence. Lt. Loeffelholz did not see any damage to the door of the patrol vehicle. He was asked to describe the water bottle at the scene. He said that it was a larger rectangular bottle, and looked like it had skidded on the ground. He thought that it

had recently been purchased and that it had not been opened. He had not picked up the water bottle. Lt. Loeffelholz did not know if he asked Forensics to collect the water bottle as evidence.

The spit hood that had been used was under Ellis's head. At first, Lt. Loeffelholz did not know what it was.

He asked someone at the scene and was told that it was a spit hood. None of the spithood was still attached to Ellis's head. Officer Chung obtained a spit hood from out of his patrol car. (Officer Chung had been parked to the east at the time, providing scene security.) This mask looked identical to the one that was recovered from under Ellis's head. He recalled that it was made of a couple of different materials and was white. He did not see any tags on the spit hood Officer Chung showed him. He had been told this was Tacoma PD issue. He said that he did not look at the interior of the spit hood and did not know the color of the material on the interior.

Lt. Loeffelholz had heard that a hobble was used. He did not see one that night. He had heard, maybe from Det. Sgt. Brockway, that the hobble had been taken off Ellis and returned to a car with an officer. Lt. Loeffelholz said that it appeared to him that the water and donuts might have been recently purchased.

He went to two of the 7-Eleven stores in the area. He spoke with the clerks at both stores. He could not remember what the clerks looked like, their gender or their ethnicity. He did not receive any call back from either of the stores. He passed this information on to Det. Sgt. Brockway. He did not discuss the case or pass on any information WAAG0045095 Page 4 of 4 about Ellis to the 7-Eleven clerks; he had just asked that the managers call him. He did not notice if the stores had security cameras.

The interview of Forensic Investigator Steven Mell was conducted on April 14, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.
Inv. Mell arrived on scene shortly before Inv. Wilkins. The scene was taped off when he arrived. The patrol car was facing westbound. Inv. Mell first spoke with Lt. Messineo who gave him a brief synopsis of the incident.

Lt. Messineo told Inv. Mell that the officers had been stopped for that light at the intersection, and that Ellis had been walking in and out of the intersection, and started making comments to the officers. The incident had then escalated. Lt. Messineo did not give any specific insight on where he had received the information. Inv. Mell did not talk with any of the involved officers.

A TPD officer had commented about having the hobble. Inv. Mell told this officer; whoever removed the hobble from the scene should book it into evidence. Inv. Mell did not catch the officer's name. He described this officer as a white male officer with a dark complexion, late 30's 5-10 with shorter hair, in full uniform.

Inv. Mell took photos of the car, and photos of Ellis's body after the ME did their assessment. He also collected the gloves that were lying against the curb.

Inv. Mell took perspective photos. He was asked to be sure to photograph the box of donuts on the passenger side of the patrol car. He was told that Ellis had thrown the donuts at the car. He thought this information came from Det. Sgt. Leoffelholz. The observations he had of the scene included Ellis's body, the donut box, the patrol car, the gloves up against the curb and a water bottle next to the garbage bin. Inv. Mell said that he had been told that Ellis had made contact with the patrol vehicle. He heard that Ellis had first approached the driver side. The window had been down initially, but was rolled up. Ellis had then gone to the passenger side. Inv. Mell said that he remembered seeing at least one window down slightly down, but he could not remember which window it was.

Inv. Mell had been told the donuts had been thrown. He was asked to get photos of the windows. He did not swab the window that had something smeared against it. He thought that the smear on the passenger side window came from a hand going down the window, or from the window moving. He did not think that he picked up the box of donuts. He did not recall if the box was open or not. He did not know if there was powder from the donuts on the ground or on the box. There was no analysis done of any possible powder and no observation as to whether the box of donuts had been stepped on. The donuts were a perishable item.

Inv. Mell was directed to collect the gloves that were against the curb. He did not know the significance of the gloves. He thought that the donuts were discussed. He was not sure about the water bottle. He said that they may have stood the water bottle up. He did not remember if the bottle had a label on it or not.

Inv. Mell was asked what else had drawn his attention at the scene. He said that once the ME arrived and the blanket was removed from the body, he saw markings on the wrist and ankles, which would have supported the information that a hobble was used.

Inv. Mell did not recall any powder inside the vehicle. He did not remember anything about a cell phone or other person property of Ellis's personal property other than was at the body. He believed there was a Taser wire, and that someone from TPD had picked up and bagged other Taser evidence.

The powder on the front passenger looked very much like powdered sugar to Inv. Mell. It did not strike him as being meth. He believed that the driver side window was partially open when he was on scene, but could be wrong.

The interview of Forensic Investigation Manager Steven Wilkins was conducted on April 14, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

Inv. Wilkins took overview photos of the victim and the TPD car from different angles. He said that the donuts at the scene were discussed afterward. In his discussions, it was assumed some things were trash. He did not remember purposely taking photos of the donuts. No one directed his attention to the donuts. Inv. Wilkins had been told that Ellis had banged on the passenger side window, and the hood of the patrol car. Inv. Wilkins was later told the significance of the donuts after the fact during a briefing when he learned that Ellis had them in his hand while he was banging on the car. While at the scene, Inv. Wilkins had looked for dents on the passenger side door, hood and fender area. He did not see any damage.

Inv. Wilkins was at the Spanaway Precinct for a couple of hours. He took a series of photographs and documented the conditions of the involved officers' weapons. He did not know the involved Tacoma officers. The officers did not discuss the incident. Photos were taken of the Tasers. He may have taken a Taser and cartridges as evidence. WAAG0045082 Page 3 of 3 He did not recall if any of the officers had injuries. The demeanor of the officers seemed professional and above board. There was a PCSD detective that was present as well.

While Inv. Wilkins was at the front passenger window of the patrol car, he did not remember smelling anything. He noted that he was sick at the time and was not able to smell. He also looked across the hood of the patrol car with an opaque light and did not see anything of note.

TAB 66

This tab contains summaries of interviews conducted by the Attorney General's Office of the following witnesses: Seth Cowden; Sara McDowell; Keyon Lowery; Shad Hayes.

- The documents were part of a PDR request TPD IA received from the AG's Office. The interviews were not audio recorded or transcribed by the AG's Office.
- The summaries were written by Investigator D.S. Heitzman.

The interview of Seth Cowden was conducted on March 8, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.
On the night of the incident, Seth was working at his job delivering pizzas. He had just delivered an order and was taking the route back to the store.

Seth first noticed the patrol vehicle after he (Seth) had stopped at the light. The light would have been green for the officers, who were already stopped. Seth said that he saw Manny as well. At the time, Manny was ahead of the police vehicle, by the blue trash can on the sidewalk, but he later ended up in the street. Seth said this was the cans closest to the police car.

Seth said that he never really saw what initiated the incident. Manny was walking at first. Something seemed to cause Manny to go to the cop car. Seth said that when he saw that something was happening, he looked down at this phone, to start recording it. This is when the officers were opening their car doors. The police door was slammed into Manny, and he turned away. The officers then started running after Manny.

Seth did not recall seeing the initial contact. He saw Manny get checked with the car door. As soon as the doors started opening, it was then that Seth looked down at his phone. Seth said that he can't really tell if Manny was fighting. At the time that Seth pulled up, Manny was not doing anything aggressive. Seth does not think that Manny had anything in his hands. When the passenger car door opened, Manny got moved. Seth first saw the driver getting out. He did not hear anything until the end. He heard Manny yelling "ah" when he drove past. As Seth was videoing, he saw the officers use the Taser.

Seth said that at one point Manny seemed like a rag doll. He also saw Manny kicking his legs. Right before Manny was tased, it looked like one officer had Manny in a full nelson. During parts of the struggle, Manny stopped moving, but then started kicking again. At the end of the video, Seth is moving out of the intersection.

Seth said that he did not form an opinion as to who was at fault. He did not know one way or another. He said that he did not see Manny do anything wrong. Seth said that he did not see Manny in the intersection. He said that he pulled up to the intersection right before the other witness pulled up. Seth said that he heard screaming, but couldn't hear what was said. Manny was kicking his legs, but not at officers. He was not able to strike anyone, only use his legs.

The interview of Sara McDowell was conducted on March 3, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.
Sara was driving on 96th Ave E toward her sister's apartment. She and the father of her daughters, Keyon Lowry, had just had to leave their residence. Lowry was in the car behind her. As she approached Ainsworth, Sara noticed the police car at the intersection. The light was red. She did not think that she had been following any vehicles at the time. When the traffic light turned green, the patrol car remained at the light. Sara thought that the light remained red for about 30 seconds. She noticed Ellis (she referred to him as Manny) walking her direction. At first she could not tell if there were one or two officers in the police car. Nothing occurred while the light was red. When the traffic light turned green, Manny walked over towards the car, then appeared to turn to walk away. As he did so, the passenger side of the patrol car opened quickly and knocked Manny down. (At this point in the interview, Sara was shown a photo of the scene). Sara thought that Manny was initially by the telephone pole on the sidewalk, walking from in front of the patrol car toward the rear. When the door hit Manny, he stumbled, but did not fall all the way to the ground. The driver officer then turned on the emergency lights and got out. She said that the driver officer flipped or slammed Manny. The passenger officer came out of the car and started punching Manny in the face. Manny was tackled and then Sara couldn't see them.

Sara said that when she pulled around their car to continue, she could then see that both of the officers were on top of Manny. She heard them tell him to put his hands behind him. They seemed to be holding Manny's hands down. Sara said that while she was behind the patrol car, she yelled at them because she did not see Manny do anything wrong and she was scared for Manny. At the time she did not see Manny carrying anything. She did not see any weird behavior on Manny's part. When he walked to the car, he took maybe five steps toward it.

It appeared Manny was talking to someone in the car at the passenger side for about 10 seconds from within a couple feet of the car. From her point of view, it looked like a normal conversation. She could not see any officers while Manny was near the car. Sara described the door strike to Manny as a quick strike. She said that the (passenger) officer got out quickly and got on top of Manny. Sara said that she did not see Manny touch the patrol car.

When the incident started, Sara's cell phone was in the consul of her car. She said that her video did not include the passenger door of the patrol car opening, or the driver officer running from the driver side. Sara thought that it was about minute from the time that she pulled up behind the patrol car until she started recording. Sara said that she did not ever see Manny in the intersection.

She said there were no other cars in the intersection. Sara said that Manny did not chase the officers while she was there. It did not look to her that Manny was fighting or resisting, it looked to Sara that Manny was just "taking it".

Sara said that she accidently stopped recording for about 10 to 15 seconds.

Sara was asked to describe the body positions of the officers. She said that one was on Manny, holding his shoulder down. One had a knee on Manny's back. One of them was holding one of Manny's hands down. Sara did not see a Taser at the beginning of the incident. As she was driving around the patrol car, one of the officers had a Taser. Manny was told by one of the officers to put his hands behind him or he would Taser him again.

Sara said that she had not heard Manny say, "I can't breathe". She only heard the officers say to put his hands behind him. She did not see any other officers as she was leaving.

The interview of Keyon Lowery was conducted on March 8, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

At the time, he both of their daughters were in the car with him. As Keyon was approaching the intersection, he saw that the cop car was just stopped in the street. There were no police lights on at the time. He said that he saw a man walking his direction. (Keyon referred to this man as "Manny") Keyon did not hear anything at the time. It appeared to him the police were getting Manny's attention. He described the way the man was walking as normal. Keyon saw the passenger door of the police car fly open, then the passenger in the police vehicle was on top of Manny. Keyon then saw the lights on the top of the police car turn on, and the driver went to assist. When Keyon saw what happened, he said that he opened the WAAG0045086 Page 2 of 3 car door and yelled, "you are in the wrong". He said that he had never had to tell the police that before. He said that what he saw was not professional. Keyon said that he had been about a car length behind Sara, who was driving the car in front of him. There was no vehicle behind him. Keyon said that Sara yelled at him to get back in the car.

When Keyon first saw Manny walking his direction, he was walking across the driveway, which is on the intersection, as the traffic signal was turning green. Keyon said that the traffic light was red when he first stopped. It turned green about 15 seconds later. Keyon described Manny as walking casually as he walked toward the police car. Manny was not waving his hands. Keyon said that there was nothing in Manny's hands. It appeared to Keyon that the officers had gotten Manny's attention. He could not hear anything said, but it appeared to him that Manny's demeanor was casual as he approached. Manny did not get all the way to the car and did not touch the car. As Manny was facing the door, the door opened, and knocked him to the ground. Manny started to get up. Keyon said that Manny trying to get

back up was the start of the video Sara filmed. The passenger cop was immediately on top of Manny. The driver cop was already getting out of police car.

Keyon said that it was the door handle part of the door that hit or "clipped" Manny when it opened.

Keyon said that Manny did not look sweaty, but casual. He did not see Manny punch or throw the officers. After the officers were on top of him, it appeared that Manny could not do anything, and it did not look like he was trying to do anything. Keyon did not see or hear anything that involved a Taser. He said that he did see the officers punching Manny.

Keyon said that as he was driving past, he thought that the officers were looking guilty, and looking around. He said that one of them was talking with Manny. As he drove by he was not sure whether Manny was no his stomach, or on his back. Manny appeared stiff at the time.

Keyon did not hear the door hit Manny, but he saw it. He then heard grunting, which sounded like people fighting. The grunts seemed louder from Manny. It sounded like the grunts coming from Manny were more distressed.

Keyon did not see any other cars leaving the area, before or after he and Sara drove through the intersection. He said that he only saw the two officers, and that the two officers there appeared to have it handled.

When Keyon was shown photos of the scene, he was confused as to why Manny was so far in front of the patrol car where he had seen Manny go down on the ground.

The interview of Shad Hayes was conducted on March 17, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.
On the night of the incident, Shad was staying at the home of his friend, Troy. The bedroom that Shad was staying in was in the NE corner of the house. From his room he was only able to see the reflection from the police car lights.

Shad went outside to the sidewalk. He saw the police cruiser then saw the officers attempting to subdue someone. They were already on the ground when he first saw them. He heard the officers say, you need to comply, stop fighting. The person was throwing the officers around pretty good. The officers looked like they were trying to hold the person on the ground. Shad said that he thought that the officers might get hurt. Shad said that he asked if they needed a hand, and an officer responded that backup was on the way. Shad said that the officer sounded winded.

Shad said that he saw the backing officers arrive in a Crown Vic (Ford Crown Victoria). The backing officers moved quickly to help the first officers there. Shad went back inside after that. Shad said that he was never close enough to see what anyone had in their hands. Shad said that he was outside watching for only about five minutes.

Shad did not see anything in the road. He did not see any evidence. Shad said that he did not hear anyone ask for help. He did not hear anyone in distress. Shad said that he heard more than one officer yell, "comply"

TAB 67
This tab contains transcribed interviews conducted by the Attorney General's Office of Tacoma Fire Department Engine 10 members Nicholas Wilson, Jeff Polo and Marlon Ridgeway. These interviews were conducted on March 25, 2021.

- Present for the interviews were members of the AG's investigation team, TFD Local 31 representative, and City of Tacoma Deputy City Attorney Jean Homan.
- The transcripts of these second interviews of TFD Engine 10 personnel were part of a PDR request TPD IA received from the AG's Office.

The interview of TFD Paramedic Nicholas Wilson:

- In preparation for the interview with the AG's Office, Paramedic Wilson said he had reviewed a previous statement and the Pre-hospital Care Report.
- When asked if he had a very clear memory of the incident, Paramedic Wilson stated, *"Well, it's been over a year now."* He added in part, *"I think the greatest recollection was in September,"* when he gave his first interview with WSP.

Paramedic Wilson was asked what his observation was of Ellis when he arrived at the scene. Paramedic Wilson stated in part, *"So 33-year-old male, unconscious, unresponsive. Minimal respiratory drive and deteriorating. Supine on the ground, I believe."*

- Paramedic Wilson was asked to clarify his answer of "I believe." Paramedic Wilson replied, *"I don't recall whether he was lying on his back, on his side, or some combination."* When he was asked, "Are you sure he wasn't on his stomach?" Paramedic responded, *"He was not on his stomach."* Paramedic Wilson confirmed Ellis' face and chest were visible.
- When asked if Ellis was on his side, whether there were any officers around him, Paramedic Wilson stated, *"The scene was -- there were several police officers on scene." "Multiple."* When asked to describe where the officers were in relation to Ellis he stated, *"They were near him. I don't recall specifics on that."* When asked if he remembered if any of the officers were touching Ellis, Paramedic Wilson said, *"I believe in my first deposition -- it states an officer perhaps was holding him? But --Yeah. There might have been an officer holding him from behind."* When asked to confirm if he had any "clear recollection now" of whether or not any officer was holding him or touching him in any way, Paramedic Wilson said, *"I don't have any clear recollection of that."* When asked to clarify what he meant when he said "holding him from behind," Paramedic Wilson stated, *"Like I said, the specifics of it --when we ride on scene, our first priority is to make sure the scene is safe to approach the patient. The scene was safe with multiple officers on scene. My initial goal is to assess the patient and go from there. So scene is safe in that sense, my focus is essentially all on the patient at that point."*
- Paramedic Wilson was asked to describe what he remembered about Ellis' appearance. Like was he restrained? Did he have a spit hood on? Paramedic Wilson stated in part, *"Yeah. And -- say it multiple times -- I think they asked a number of times about the spit hood. Spit hood was in place over his lower face. He was in handcuffs and I believe lower extremity restraints. We immediately asked for the extremity restraints to be removed and removed his spit hood. And removed clothing so we could…"* When asked if he had seen the lower restraints before or if he knew what they were, Paramedic Wilson stated, *"Yeah. Ankles."* When the interviewer used the term "like hog-tied" to describe the lower restraints, Paramedic Wilson stated, *"I wouldn't call it hog-tied. It was a specific term that's used for -- but I don't have that on the top of my head."*

  Paramedic Wilson was asked to describe how Ellis' knees were bent. He stated, *"I cannot recall."*

Paramedic Wilson was asked if the first thing he asked was to have Ellis' restraints removed or did he make an assessment of Ellis before he asked, and he replied, *"Everything happens consecutively. I'm assessing as I'm approaching the patient. You know, his restraints, those again inhibit our ability to render care, so we ask for those to be removed from the patient if it's safe to do so, and that was done."*

- When asked if there was any resistance from the officers about the removal of restraints, Paramedic Wilson stated, *"I don't recall."* When asked a second time later in the interview about any recollection he had regarding pushback by TPD about the removal of the restraints, he replied again, *"I don't recall specifics of that."*

Paramedic Wilson was asked if Ellis was alert and conscience when he first approached Ellis. Paramedic Wilson stated, *"He was -- like I stated, he was unconscious and unresponsive,"* and that Ellis remained unconscious and unresponsive throughout.

Asked about his assessment of Ellis breathing when he arrived, Paramedic Wilson said, *"It was deteriorating, agonal at best."*

- Paramedic Wilson was asked what he meant by agonal breathing, and he stated, *"Not conducive with life."*
- When asked if the agonal breathing was apparent as soon as he arrived or if it changed over time, Paramedic Wilson stated, *"That was very apparent."*
- When asked if he had an impression when he first evaluated Ellis about the likelihood that he could survive, Paramedic Wilson said, *"Typically somebody in that state of respiratory compromise -- if aggressive management, so the condition is -- not rendered effectively and quickly, can deteriorate very quickly. So our -- we were able to remove the spit hood. Began ventilating him and had him on our monitor, which is a Lifepack 15. Which we found him in a bradycardic rhythm that was deteriorating."*

  Paramedic Wilson was asked why Ellis was not put in the truck or an ambulance and taken to the hospital. Paramedic Wilson stated that his unit was *"a fire engine."* He added, *"The benefit was that we are an ALS fire engine in the south end of Tacoma."* And that the best treatment for Ellis was *"Aggressive early management."*

  Paramedic Wilson was asked about using a defibrillator and described one of the capabilities of the Lifepack 15 as being the ability to defibrillate the patient. He believed Ellis was shocked once during the treatment. When asked why only once, Paramedic Wilson stated, *"It's the only rhythm that presented appropriate for defibrillation. The rest of the rhythms that presented were not…Essentially if it's a fib fibrillation or a pulseless V tach, those are the two rhythms we defibrillate in cardiac arrest."*

- When asked when the BVM/mechanical breathing bag was placed on Ellis, Paramedic Wilson said *"It was initial -- everything happens consecutively and some thing happen at the same time."*

  Paramedic Wilson was asked about the spit hood and its positioning on Ellis. Paramedic Wilson made the following statements:

  The spit hood was placed *"Over his lower face."*

  "Somewhere in this region between the nose and chin."

  That the, *"Spit hood. It's a very common -- commonly used piece of equipment in the medical industry."* Paramedic Wilson could not describe the particular spit hood used on Ellis.

  When asked if he recalled whether the nose was covered by the face mask, he stated, *"I don't recall the specifics. Just that it was in that general area and it was quickly removed."*

  When asked later during the interview if he recalled who took the spit hood off of Ellis, Paramedic Wilson said, *"I believe it was us. TFD."*

Paramedic Wilson was asked about information he wrote on the Pre-Hospital Care Report regarding what he was told by police about the encounter with Ellis. Specifically, "per TPD, patient charging vehicles and was apparent threat. Patient tased and restrained, then went limp."

- Paramedic Wilson said he obtained the information at the scene from *"multiple officers as you approach,"* but he could not say specifically who told him.

Paramedic Wilson was asked if he placed his hands on Ellis "right away" in order to assess his condition. Paramedic Wilson replied, *"Absolutely."*

- When asked what he remembered about how Ellis felt in terms of his skin and temperature. He replied, *"Skin was cool and clammy."* When asked what that indicated to him as a paramedic, Paramedic Wilson said, *"Being diaphoretic and you're sweaty, right? Perhaps something prior just happened where he exerted force and he was under exertion prior to our arrival."* Paramedic Wilson was asked to clarify what the term "cool and clammy" told him of Ellis' condition. He stated, *"Well, if you just got done running a mile or more, right? You'd be sweaty. That kind of thing."* Paramedic Wilson was asked if Ellis' skin felt hot. Paramedic Wilson stated, *"It was a March night. Very cold outside. And we do have gloves on."*

Paramedic Wilson confirmed he was the author of Ellis' Pre-Hospital Care Report. He confirmed the report was prepared *"That night."* He was questioned about some of what he wrote on the report and how specific times of when observations and treatments occur are noted in the report.

- When asked to walk them through the mechanics of how that report is created, he stated in part, *"So we use an iPad -- on scene. We have somebody scribing if that's available. All three of us were needed immediately to perform care. So until other resources arrived, nothing is being documented, and everything is done from memory.*

  Regarding time stamps noted in the report, it was determined: The report is a computer program so the program generates the hour, minute and second mark. There could still be a time delay of when something occurs and when the scribe actually enters it into the program. If the paramedic creating the report needs to go back later and record from their memory when a treatment occurred, they base when it occurred on the sequence of events and the time stamp is created. At the user level, there is no way of telling what time stamps were created in real time as the events unfolded from time stamps entered later from memory.

- Asked if he would have documented on the report if Ellis was making noises or talking, Paramedic Wilson stated, *"That would have been documented. The Glasgow coma scale was 1, 1, 1. Which means no purposeful movement, no eye movement, no discernible sounds whatsoever.* Paramedic Wilson confirmed the Glasgow Coma Scale (noted as GCS on the report) is specific to *"Any gurgling, any purposeful movements, any complaints."*

  When asked later in the interview if he would agree that the combination of 1 1 1 on the Glasgow Coma Scale and fixed and dilated pupils was a strong suggestion of a diagnosis of brain death, Paramedic Wilson stated, *"I don't know the condition of his brain."* Paramedic Wilson questioned if that was the "medical opinion" of the interviewer. When asked if when he first saw Ellis, Ellis was in the category of those that recover or those patients that do not recover, Paramedic Wilson said Ellis was a *"Very critical patient with potential to deteriorate very quickly. And not recover… Which -- we are even more aggressive in that manner to resuscitate."*

- When asked whether the condition that Ellis was in when Paramedic Wilson observed him indicated about how long he might have been without air or had difficulty breathing, Paramedic Wilson said, *"Does not. Some people can decline faster than others. Depending on cardiac output prior to, and there's -- there are many variables that come into play with that."*

  When asked if that would be consistent with his experience if somebody had said that Ellis was fine and that he only became unconscious or unresponsive as the firefighters were walking over to render aid, Paramedic Wilson said in part, *"It's a huge spectrum." "I can't speak to the fact on any of that."*

- Paramedic Wilson was asked to explain a portion of the report "AO x0." He explained the meaning as *"Alert and oriented. So he is not alert and oriented -- to person, place, time, or event."*

- Paramedic Wilson was asked to explain what Ellis' pupils being 'fixed and dilated' signified to him. He said, *"That hypoxia, perhaps declining respiratory drive and that led to hypoxia."*
- Paramedic Wilson was asked to explain what was significant from a medical standpoint about the note "airway with moderate secretions." He stated, *"For me it would explain why the spit hood was in place perhaps. I'm just noting what I visually see."* He added later in part, *"there was no emesis* [vomit] *and essentially just moderate amounts of secretions and trace of blood, so..."*
- Paramedic Wilson was asked to explain what he meant by "chest apnea." He stated, *"Not breathing. No visible chest rise."*

When asked if that observation was from the moment he arrived at the scene, Paramedic Wilson stated, *"Agonal respirations with deteriorating drive, and then agonal -- or, sorry, apnea."* Asked to describe "agonal respirations," Paramedic Wilson said *"It's sporadic if occurring at all."*

- Regarding Engine 10's time of arrival at the scene of 23:33:09 hours and the time stamp from the report that shows them actually with the patient at 23:34:41 hours. Paramedic Wilson was asked about that seeming to be a significant gap of time and if it was accurate. He stated in part, it was accurate and *"In my personal opinion, that's very quick."*
- Paramedic Wilson was asked if there was anything he could think of that would explain a discrepancy in one person saying that Ellis was breathing and another person saying that he is not? Paramedic Wilson stated, *"No. It's his opinion of what he sees."*
- Paramedic Wilson was asked about his report, specifically where it mentioned TPD officers believing the patient was suffering from excited delirium and if under the Provider Impression section "cardiac arrest secondary to excited delirium" was Paramedic Wilson's independent conclusion "Or was that just a recap of what the officers had told you when you got there?" Paramedic Wilson stated, *"You know, I'm simply a pre-hospital paramedic in the field. Based on the information given to me prior to our patient contact and the patient presentation, it is in my professional opinion that that is the most likely diagnosis of what has transpired."* When asked to further explain the opinion Paramedic Wilson stated, *"I believe I just did. The information that I acquire and is given to me and how the patient presents. And the subsequent outcome. Cardiac arrest because his heart stopped. Excited delirium because of information given to me by the officers and his presentation."*

Paramedic Wilson was asked if he had experienced "excited delirium" before, and he said he had. When asked how many times, Paramedic Wilson stated, *"17 years' worth."* Paramedic Wilson was not able to give the specific pattern or frequency of persons he has encountered suffering from excited delirium but said it is *"something we're aware of, we train for, and we treat aggressively."*

- When asked if he had seen people die secondary to excited delirium, Paramedic Wilson said he had but could not give a number to. When asked what it was about Ellis, from a medical standpoint, was consistent with excited delirium, Paramedic Wilson said, *"Somebody who has been characterized -- he was in an agitated state. There was an interaction between him and the officers as described. And how the patient presented and subsequent cardiac arrest. So respiratory arrest prior to that."*

Paramedic Wilson was asked if he had any information from the scene as to whether or not anybody had been pressing or putting body weight on Ellis while Ellis was on the ground. Paramedic Wilson stated, *"Not to my -- that information I do not have."*

The interview of TFD Firefighter Jeff Polo:

- At the time of this incident, Polo had completed his paramedic certification but had not received the promotion.

- Firefighter Polo said he briefly reviewed his statement from the WSP interview in preparation for the AG interview.
- Firefighter Polo was asked about the Pre-Hospital Care Report completed by Paramedic Wilson. Firefighter Polo said the report was done by Paramedic Wilson for the incident and *"I don't review it."* Firefighter Polo admitted he had not reviewed the Pre-Hospital Care Report for the AG's interview.

When questioned about what he reviewed when he gave his previous interview with the WSP, Firefighter Polo said, *"I just went off memory."* When asked to give a general idea of what he recalled about the incident, Firefighter Polo said he recalled the event, *"Fairly well. I mean, the recorded statement from previous is about what I remember… I don't think I missed anything in that, so..."*

- Regarding the Pre-Hospital Care Report, Firefighter Polo stated, *"I would say that the report that's written and documented is going to be the best, most accurate account of the thing that occurred."*

Firefighter Polo confirmed his statement from his WSP interview that when TFD arrived, Ellis *"was on his side and the officers were behind him holding -- like keeping him on his side with their hands so that he didn't fall forward or backwards."* Firefighter Polo said he could not tell if anyone was applying pressure to hold Ellis on his side.

- Firefighter Polo said he believed *"it was two"* officers holding Ellis on his side adding, *"But I don't have direct recollection of whether it was two or three or--"*
- Firefighter Polo said the two officers holding Ellis were positioned, *"So upper back and buttocks. So, like, around the hips and back."* He was not able to give a description of those officers.
- Firefighter Polo believed Ellis was in handcuffs when they arrived but did not remember if there were other restraints.
- Firefighter Polo was asked about Ellis' condition. Firefighter Polo said, *"I don't recall if he was conscious at that time. I think he was -- he was still breathing at that time, but I don't recall if he had any conscious movements or anything while he was like that."* When asked how he could tell Ellis was breathing, Firefighter Polo said, *"Just that he had chest rise and fall and air movement."*
- Firefighter Polo did not recall the order of how he, Lieutenant Ridgeway and Paramedic Wilson first walked into the scene to treat Ellis.
- When asked about the routine of what his crew would do on a particular scene, Firefighter Polo said, *"There's a general routine that, I mean, obviously Lieutenant Ridgeway is going to be doing the charting at first while paramedic Wilson and myself are doing more of an assessment at the time just so that's documented as we do it. And then as the third, it's my job to normally begin getting vital signs, and then paramedic Wilson to assess if there's a further need of other things. But our situation is just a little bit different with me having completed paramedic school prior to this event."* In response to how that changed things, Firefighter Polo stated, *"It just changes things in terms of there's more assessment going on between me and Nick as more of a collaborative rather than necessarily what would be common for a paramedic and a firefighter. If that makes sense."*

  When asked if that was the approach with the treatment of Ellis, Firefighter Polo said, *"Not that I recall. At that point I was still fairly new, so -- but not that I recall."* Firefighter Polo confirmed that for this incident, Paramedic Wilson was the *"in charge."*

Firefighter Polo was asked about a statement from his WSP interview regarding hearing Ellis saying garbled words. Firefighter Polo said in part, *"I remember him making sounds. Whether they were words or not, I don't recall so much. And that was just, I believe, when we laid him flat. So when we arrived they had him on his side, and we laid him flat to begin assessment. He made noises. Whether or not they were words or not can be up for interpretation."*

- When asked if the sounds Ellis made could have been agonal breathing, Firefighter Polo said, *"It's possible."*
- When asked to clarify if the sounds were intentional or an "involuntary thing associated with his condition," Firefighter Polo stated, *"I can't say for sure on that. That's not something I'm qualified to determine, whether his intent was to say something or not."* When asked if Ellis' breathing concerned him, Firefighter Polo said the breathing was *"a problem and we need to address that."*

    When asked if that was another way of saying Ellis did appear to be in respiratory distress, Firefighter Polo said, *"He appeared to be in a condition of needing assistance. Whether that was breathing or however, he needed assistance one way or another."* Firefighter Polo confirmed it was that point where the mask was used to assist Ellis with breathing.

When asked if he recalled being given information about what led up the incident with TPD and Ellis, Firefighter Polo stated, *"Just what was in the CAD report. The night of -- just that we were going to assist TPD. That was our first and only dispatch, was that we were doing a TPD assist."*

- Firefighter Polo said he did not recall getting additional information at the scene. When asked if additional information would have been important to know, Firefighter Polo said in part, *"I think our focus is more on the immediate problem of what is occurring…I think knowledge of how they got there is important to determine and help direct care, but the immediate problem that was there was -- that was what needed to be fixed."*

Firefighter Polo was asked to clarify a statement from his WSP interview regarding his observation of Ellis having adequate respiratory drive and then deteriorated into labored and ceased breathing. Firefighter Polo stated, *"So that would be he was initiating breaths that seemed to be of an adequate nature at the time. I don't remember -- I don't remember saying that in the first place, but, yeah, that would be what I would describe as adequate respiratory drive."*

- When asked when those observations were made, Firefighter Polo said in part, "*So this would be like a first initial approach type of thing. So this is from a couple feet away looking and being, like, it looks like he's still breathing, versus that man isn't breathing…So this is a 10 feet away as I'm 13 approaching, what's my initial assessment. It would be like he might still be breathing. We'll go assess closer and see if it's adequate or not."*
- When asked to give a timeframe of Ellis going from breathing to not breathing, Firefighter Polo stated, *"Maybe a minute or two…Maybe as much as three. Total -- that's a total guess, an estimate."*
- When asked if Ellis was bagged with the PMV mask right away, Firefighter Polo said he could not recall.

Firefighter Polo was asked about the spit hood used on Ellis. When asked if he had an impression of whether or not Ellis' breathing was impacted by the removal of the spit hood, Firefighter Polo stated, *"I know we removed it. I don't remember who removed it. I know it got removed pretty early on. It might have even been the first thing removed. And that was kind of when it started to note -- when we really started to note his breathing was on a decline. That was why we were removing it in the first place, was so that we could have access to PVM."*

Firefighter Polo was asked if after their initial assessment of Ellis, he had an impression of whether or not Ellis was going to make it. He replied that at that point it was *"too early to tell."* After the question was asked regarding there being nothing about Ellis' condition that told Firefighter Polo Ellis is either too gone or not gone, Firefighter Polo stated, *"No. I mean, he's obviously in a sick spiral. And whether or not he's going to respond to treatment or not is -- I couldn't say definitively one way or the other. He needed assistance, and that's what we provide."*

Firefighter Polo was asked about a statement from his WSP interview regarding Ellis' heart rate slowing from around 80 beats per minute down to 0, and beginning CPR. The question was where Firefighter Polo gained the information that Ellis had a heart rate of 80 since Patty Eakes said she did not see it documented anywhere. Firefighter Polo responded in part, *"So the monitor keeps a continual record of the heart rate. But in the report it only picks certain times and -- to do actually reports. So I don't know where you would need to go to get that. I believe -- I don't know. But I know the monitor tracks the whole call…And then when it puts up his vitals, it has a determined algorithm on when it actually picks which numbers and when it puts them out."*

- Firefighter Polo was asked again about where the heart rate of 80 came from since in the vital section of the Pre-Hospital Care Report only a heartrate of 0 is noted. Firefighter Polo stated, *"I don't know. I can just say what we saw on our monitor was a moment when we first put him on was at 80 and then spiraled down. And I don't know when or where that would be in the report."*
- Another interviewer questioned whether the 80 heart rate Firefighter Polo noted could have been "electrical activity." Firefighter Polo said that was *"Totally possible."* After an "unidentified" speaker clarified that Firefighter Polo was not the "author" of the Pre-Hospital Care report, Firefighter Polo said in part, *"I know at some point looked up and on it it was an 80 in the corner."* When Patty Eakes stated the 80 he saw could have been "electrical activity," Firefighter Polo responded by saying, *"It's also possible that it could have been a number of things, because they don't -- the monitor can measure static air and get a heart rate at times. So..."* Firefighter Polo added, near the end of the discussion regarding where the 80 heart rate came from, by stating in part, *"it may not be in the report as 80, and that's just what I recall seeing on the monitor at some point. "*

  Additional discussion regarding what Firefighter Polo could "speak directly" to regarding heart rate became an issue during the interview between "unidentified" speakers since his role at the scene was of a firefighter and not in charge of ALS equipment or the author of the report.

- When asked if the information regarding Ellis' heartrate could have come from officers at the scene, Firefighter Polo stated, *"I mean, it's totally possible. I don't -- like I said, this is a long time ago for specific memories."*
- It was determined that Firefighter Polo's focus was Ellis' airway.

Firefighter Polo said he did not remember seeing Ellis' cell phone or EBT card at the scene.

Firefighter Polo confirmed E10 was called back to the scene to check Ellis' temperature. He said he performed the temperature check by an axillary temperature probe under the arm with just a regular thermometer.

Firefighter Polo was asked about the removal of the restraints on Ellis. When asked about a conversation with TPD officers regarding the removal of the restraints, Firefighter Polo stated, *"I know there was -- we were trying to remove the restraints and asking for them to be removed, but I don't recall, like, having a heated conversation. Like I said, I'm at the head of the patient focused on airway. So I know I didn't have a conversation with anybody about it. That was not where I was focused."*

When asked what he recalled about TPD's response to having the restraints removed, Firefighter Polo stated, *"I don't -- I don't recall. I just know that they got removed at some point. They were removed shortly after that."* Firefighter Polo could not give an estimate of how long it took from the request being made before the restraints were removed.

- Firefighter Polo was asked if he had any concerns when he first arrived at the scene that Ellis was a threat and why not.

Firefighter Polo said, *"No… He was surrounded by approximately 15 officers, 15, 20 officers who had secured the scene. And he was, like I said, on his side, not making any motion at that point, threatening or not. And had officers at least with him. So, no, I didn't feel he was a threat at the time."*

- Firefighter Polo was asked if there was anything that Ellis was doing that signified he was capable of getting up and attacking. Firefighter Polo stated, *"Not at that time, no."*

Firefighter Polo was asked if he had been on calls regarding someone suffering from excited delirium. He stated, *"We have -- I have been on other calls where we have treated for excited delirium, but that's not something that -- so we never get, like, a diagnosis, definitive diagnosis from the hospital so that I can say for sure."*

- Firefighter Polo has received training on excited delirium.
- When asked if he remembered anyone talking about excited delirium regarding Ellis, Firefighter Polo stated, *"Not that I recall."* When asked if there was anything at the scene that suggested excited delirium might be a consideration, Firefighter Polo said, *"I would just say that the amount of officers around with the general, you know, being restrained, typically leans to a very agitated person at the time. So I would say it's definitely higher up on my things I needed to rule out or consider than lower."*

The interview of TFD Lieutenant Marlon Ridgeway:
Lieutenant Ridgeway was asked about the Pre-Hospital Care Report completed for Ellis. He said he reviewed the Pre-Hospital Care Report for his interview with WSP but not in preparation for his interview with the AG's Office. Lieutenant Ridgeway said the report reflected what he remembered of the incident but his overall recollection of the event was *"Not very good at all."*

Lieutenant Ridgeway was asked about Engine 10's response to the scene. He said it was priority and their response was noted in the CAD.

Lieutenant Ridgeway was asked about arriving at the scene and what he saw. Lieutenant Ridgeway said, *"Sure. Upon arrival, we noticed that police had the whole intersection blocked off, so we parked a little ways away. Gathered our gear and walked up to the scene. And then upon arrival at the patient, paramedic Wilson and Polo did their assessment. And I have the information board, so I'm putting times in and listening to what their needs are requesting for appropriate units to the scene, so whatever they were doing. After their assessment, we had dispatched other units if necessary."*

Lieutenant Ridgeway was asked about his role at the scene. He said he was the scribe for most of the time, putting pertinent treatment/observation information into the iPad (the program that creates the Pre-Hospital Care Report). Once an additional TFD unit arrived, (Tower 2) Lieutenant Ridgeway handed the scribe duties to Lieutenant Jackson. Lieutenant Ridgeway was asked about the time stamps on the Pre-Hospital Care Report. He said that best they can, treatment/observation information is input into the system in real time as they are being assessed or identified and called out by the paramedics. Oftentimes, however, multiple things are occurring so fast they may need to go back later and input data to the best of their recollection of when it occurred. Time stamps noted might not be exact.

- Lieutenant Ridgeway confirmed that it is the paramedic's responsibility to complete the Pre-Hospital Care Report. If information was missed, the paramedic completes the report by inputting the data from memory.
- Lieutenant Ridgeway confirmed he never actually put a hand on Ellis.

Lieutenant Ridgeway was asked what he remembered about where the TPD officers were when he arrived. He said *"To the best of my recollection they were just standing around him."* When asked what the position of Ellis was, Lieutenant Ridgeway stated, *"He was lying on his back facing up. And his knees were twisted to the side, the left hand side, so he was -- they were on the ground."* Lieutenant Ridgeway confirmed Ellis' legs *"weren't pulled up behind him. They were just bent."*

- Lieutenant Ridgeway did not recall how many officers were around Ellis. He described what the officers were doing by saying, *"I remember they -- they weren't chatting. They were standing there like keeping an eye -- like you're keeping an eye on somebody making sure that they're not doing what you don't want them to do."*

Lieutenant Ridgeway was asked if he recalled any discussion about asking TPD to remove the restraints from Ellis. Lieutenant Ridgeway confirmed he recalled the request. He said his paramedic *"looked at me and requested. Said we need these restraints removed. And then I requested the TPD that we need the restraints removed."* When asked what TPD's response was, Lieutenant Ridgeway said, *"They removed the restraints."* When asked if he recalled there being any "pushback" from TPD regarding a safety concern, Lieutenant Ridgeway replied, *"I do not."* When asked how quickly the restraints were removed after they arrived, Lieutenant Ridgeway said, *"Pretty quickly. They, I mean, as soon as we assessed that he needed -- we needed to assess him better and requested them to take them off, they took them off."*

- Lieutenant Ridgeway did not recall how many officers removed the restraints.

Lieutenant Ridgeway was asked about Ellis' condition when he got to the scene. Lieutenant Ridgeway said, *"I knew that he was -- he needed help. I mean, he wasn't breathing appropriately. And his pulse rate wasn't adequate with sustaining life, so he wasn't doing well."*

- When asked if he had an impression at that point as to whether or not he was dying or whether or not he could survive, Lieutenant Ridgeway said, *"No, I did not have an impression."*
- Patty Eakes responded by stating *"So, it sounds like you had, you were aware that he couldn't breathe. So he's having difficulty breathing and his heart is not functioning properly. Is that right."* Lieutenant Ridgeway clarified his response, *"It wasn't necessarily difficulty breathing. He was just not breathing adequately to sustain life."*
- Lieutenant Ridgeway was aware of the term "agonal breathing." Lieutenant Ridgeway said he did not, *"personally"* observe "agonal breathing" with Ellis. When asked to clarify his response whether Ellis did not have agonal breathing or he might have had it and Lieutenant Ridgeway did not observe it, Lieutenant Ridgeway stated, *"He might have but I didn't observe it."*
- Lieutenant Ridgeway was asked if anyone from TPD was tending to Ellis when he first arrived, and he stated, *"Anyone? No. Nobody was tending to the patient."*
- In response to questions, Lieutenant Ridgeway said from the time he arrived to the time he departed the scene, Ellis did not appear to ever intentionally move on his own, did not appear to be conscious, never said anything, and never made any noises.
- Lieutenant Ridgeway was asked if at any time he saw or heard that Ellis had a pulse rate of 80. Lieutenant Ridgeway said, *"I don't recall any of that."*

When asked about a statement (from his prior WSP interview) he made regarding Ellis' pulse declining and being down below 50 and 30, Lieutenant Ridgeway said he obtained that information when he *"just happened"* to look at the Lifepack 15 (used to monitor patient vital signs) after it was connected to Ellis. Lieutenant Ridgeway responded to additional questions by confirming he was not continually monitoring the Lifepack 15, that those readings were not made right as Ellis was hooked up to the monitor, but after Ellis had been hooked up to the Lifepack 15 *"for a little bit before"* he made those readings.

When asked if anything was ever called out to him regarding Ellis' pulse rate when Ellis was initially hooked up to the LifePack 15, Lieutenant Ridgeway said, *"No."*

Lieutenant Ridgeway was asked about the spit hood. He said he recalled the spit hood being on Ellis. He said the spit hood was *"white cloth over his mouth and nose."*

- Lieutenant Ridgeway recalled someone requesting the spit hood be removed but did not recall who made the request.
- Lieutenant Ridgeway recalled seeing Ellis' eyes open.
- Lieutenant Ridgeway did not recall making any observations about seeing Ellis' chest rise and fall.
- When asked if it appeared the spit hood was used properly, Lieutenant Ridgeway stated, *"Yes."*

When asked if he received information from TPD about what took place with Ellis, he stated, *"No."* When asked if that was something he would typically want to know, he replied *"Um, not really."* When asked why not. Lieutenant Ridgeway said, *"It's just -- our focus is on patient care. And so whatever happened prior is not that important to me. My -- you know, our focus is on getting the appropriate care and the appropriate destination where they need to be."*

TAB 68

This tab contains Memoranda to File regarding citizen witnesses that declined to be interview by Tacoma Police Internal Affairs.

- Seth Cowden
- Sara McDowell
- Keyon Lowrey

TAB 69

This tab contains 2020 TPD Policies and Procedures.

APPENDIX

The Appendix contains Event Timelines and the Superior Court transcriptions of Officer Rankine and Officer Collins.

SUMMARY

On March 3, 2002, at around 2311 hours, Manuel Ellis purchased a box of doughnuts and a container of water from the 7-Eleven store located at 9517 South Steele Street.

At 2319 hours, Officers Burbank and Collins cleared a traffic stop at 96th and A Street.

It is believed Manuel Ellis was walking back to his residence located at 1815 102nd Street South. At around 2321 hours, Officers Burbank and Collins reported they were stopped facing westbound on South 96th Street at Ainsworth Avenue when they observed Manuel Ellis in the middle of the intersection of South 96th and Ainsworth. They reported Manuel Ellis blocked a car that was attempting a westbound turn onto South 96th Street from Ainsworth. They also reported that Manuel Ellis attempted to gain entry into the vehicle by attempting to open the passenger door. Officers Burbank and Collins reported the vehicle sped away from Manuel Ellis westbound on South 96th. Officers Burbank and Collins believed they observed either a possible attempted carjacking or a disturbance, possibly a domestic violence situation.

During their investigations, both the Pierce County Sheriff's Department and the Washington State Patrol unsuccessfully attempted to locate and/or contact the driver of the vehicle Manuel Ellis reportedly attempted to contact.

Officers Burbank and Collins initiated contact with Manuel Ellis by calling out to him from their patrol car. They reported that Manuel Ellis ran up to the driver's side of their patrol car and stated he needed help and had warrants. Officer Collins reported Manuel Ellis' eyes were wide open and that he was sweating. Officers Burbank and Collins reported Manuel Ellis was holding a bag and some water.

Officer Collins reported he directed Manuel Ellis toward the curb along the north side of Ainsworth Avenue. Officers Burbank and Collins reported Manuel Ellis walked around the front of the patrol car. Instead of walking to the curb as directed, he walked to the front passenger door where he threatened to assault Officer Burbank. He punched the front passenger window of their patrol car while Officer Burbank was still seated in the patrol car, and attempted to open Officer Burbank's passenger door.

Officer Collins reported he exited the driver's side of the patrol car and started walking around the front of the patrol car to Manuel Ellis' location. Officer Burbank reported he observed Manuel Ellis focusing on Officer Collins and opened the passenger door with the intent of hitting Manuel Ellis with the door to draw his attention away from Officer Collins. Officer Burbank reported he did not believe hitting Manuel Ellis with the door had any effect, and Manuel Ellis continued to move toward Officer Collins. Officer Collins reported Manuel Ellis picked him up by his external police vest and threw him to the ground. Officer Collins reported he landed on the ground in front of the patrol car's headlight. During his Internal Affairs interview, Officer Burbank reported he did not see Manuel Ellis throwing Officer Collins to the ground as it would have occurred near the front of the patrol vehicle, likely when Officer Burbank was exiting and locking the patrol vehicle.

Officer Collins reported he got up and observed Officer Burbank backpedaling from Manuel Ellis who was going toward Officer Burbank. During his Internal Affairs interview, Officer Collins confirmed the cell phone video from McDowell (1 of 2) started after he had been thrown to the ground and the initial contact between Officer Burbank and Manuel Ellis had already occurred. The cell phone video from McDowell (1 of 2) has a run time of about 37 seconds. There is about a 7-second time span when McDowell stopped recording to before she started recording her second cell phone video (2 of 2). Her second video had a run time of about 15 seconds.

Officer Collins reported he re-engaged Manuel Ellis, resulting in Manuel Ellis being on his back with Officer Collins in a mounted position on top of Manuel Ellis. Officer Collins reported that Manuel Ellis was grabbing at his external vest carrier near his neck, and he responded by striking Manuel Ellis three to five times in the face and head with elbow strikes. Officer Collins reported Manuel Ellis' face/head was the only target area available to him, and he was trying to force a reaction from Manuel Ellis to turn away from the strikes, onto his stomach, and into a handcuffing position.

Officer Collins reported Manuel Ellis was able to lunge up and dismount him, resulting in Officer Collins assuming a position behind Manuel Ellis. This is near the time when Samuel Cowden's cell phone video begins and when Sarah McDowell's second video (2 of 2) also begins. As this was occurring, Officer Burbank was preparing to deploy his ECT (Electronic Control Tool) against Manuel Ellis.

Samuel Cowden's cell phone video shows Officer Collins kneeling behind Manuel Ellis, placing his right arm around Manuel Ellis' neck. The cell phone video from Cowden has a run time of about 59 seconds. Officer Collins confirmed, during his initial interview with the Pierce County Sheriff's Department and during his interview with Internal Affairs, that he was preparing to apply a Lateral Vascular Neck Restraint (LVNR) against Manuel Ellis when he observed Officer Burbank with his ECT pointed at Manuel Ellis. Officer Collins reported he discontinued the LVNR when Officer Burbank deployed his ECT, resulting in Manuel Ellis locking up. Officers Burbank and Collins both reported they attempted to place Manuel Ellis in handcuffs while he was locked up from the ECT application. Officer Collins reported he was concerned because Manuel Ellis appeared to be trying to swipe the Taser probes or break the wires with his arms. Officer Burbank reported he deployed his ECT three to four times during the incident with Manuel Ellis before they were able to successfully place Manuel Ellis into handcuffs. Officer Burbank's ECT was downloaded. The download confirmed that Officer Burbank deployed his ECT three times. Officers Burbank and Collins both reported that Manuel Ellis continued to resist after the handcuffs had been applied. The download of Officer Burbank's ECT showed the following times of each ECT application: 23:22:03, 23:22:26, and 23:22:51. Each ECT application was a 5-second duration.

During the struggle, Officer Collins attempted to notify Dispatch of their location and what was occurring (mic clicks at 23:21:53 and 23:22:06). This resulted in multiple mic clicks and Dispatch asking Henry-317 if they had traffic. Eventually, Officer Burbank was able to advise Dispatch of only their location by broadcasting "96th and Ainsworth" (23:22:13). Multiple witness officers describe Officer Burbank as yelling or screaming the location during the radio transmission. No other details of Henry-317's situation were known by the responding units. This resulted in a priority backup to South 96th and Ainsworth where approximately 17 officers from multiple agencies responded.

There were multiple civilian witnesses to the incident involving Officers Burbank and Collins and Manuel Ellis that were interviewed during the investigation by either the Pierce County Sheriff's Department, the Washington State Patrol and/or the Washington State Attorney General's Office. The witnesses included Sara McDowell, Keyon Lowery, Samuel Cowden, Shad Hayes, Aiyana White, and Kennett Ashford-White. Internal Affairs reviewed the interviews and determined that Sara McDowell, Keyon Lowery and Samuel Cowden needed to be re-interviewed to obtain additional information. Sara McDowell, Keyon Lowery and Samuel Cowden all declined the interview request from Internal Affairs.

Sara McDowell was driving her vehicle westbound on South 96th Street and stopped directly behind Officers Burbank and Collins' patrol car. Keyon Lowery, who has children in common with Sara McDowell, was following Sara McDowell in a separate vehicle and stopped behind Sara McDowell's vehicle.

During the investigation, Sara McDowell was interviewed by the Washington State Patrol, the Washington State Attorney General's Office and James Bible, the attorney representing Manuel Ellis and the Ellis Estate. Sara McDowell also provided interviews to CNN and KIRO 7. Sara McDowell declined an interview request during the Internal Affairs investigation.

Sara McDowell reported she was on scene 30 to 40 seconds before she began recording video with her cell phone. Sara McDowell observed Manuel Ellis walking on the sidewalk and then toward Officers Burbank and Collins' patrol car. She did not observe anything in Manuel Ellis' hands. Sara McDowell believes there was a conversation between Manuel Ellis and the officers that lasted 10 to 15 seconds until he turned around and away from the patrol car. Sara McDowell reported that Manuel Ellis did not strike or touch the patrol car. Sara McDowell observed the passenger door of the patrol car open and hit Manuel Ellis, knocking him down to his knees. As this was occurring, the driver (Officer Collins) turned on the patrol vehicle's lights, exited the patrol car, ran around the patrol car, and flipped or slammed Manuel Ellis to the ground. Sara McDowell reported the passenger officer (Officer Burbank) slammed Manuel Ellis to the ground and was punching him in the face. Sara McDowell reported that Manuel Ellis was blocking his face to protect himself, and Manuel Ellis was not hitting back. Sara McDowell observed the officers flip Manuel Ellis onto the ground, with the driver officer (Officer Collins) holding Manuel Ellis while the passenger officer (Officer Burbank) was standing with a Taser. Sara McDowell reported that Manuel Ellis was Tased off and on for a minute.

Sara McDowell began driving around the incident and heard an officer tell Manuel Ellis to put his hands behind his back or I'll do it again. The Internal Affairs investigation determined this was Officer Burbank giving Manuel Ellis verbal commands to put his hands behind his back and that he would deploy his ECT again if Manuel Ellis did not comply. Sara McDowell observed an officer with his whole body on Manuel Ellis, holding Manuel Ellis down. During her interview with the Washington State Patrol, Sara McDowell described Manuel Ellis as struggling, but not trying to fight back.

Officers Burbank and Collins were the only officers on scene with Manuel Ellis when Sara McDowell drove out of the area.

Sara McDowell reported in June 2020, she read about the incident online and said it was a lie because Manuel Ellis never hit a patrol car and never tried to break into a car that was on the road. Sara McDowell reported she never observed anything in Manuel Ellis' hands. Sara McDowell contacted Manuel Ellis'

sister, Monet Carter-Mixon and provided her with the two cell phone videos because she was scared of law enforcement.

Keyon Lowery did not observe Manuel Ellis carrying anything. Keyon Lowery observed Manuel Ellis on the sidewalk and then walk toward the patrol car. Manuel Ellis appeared to have a conversation and turned away from the patrol car. Keyon Lowery reported the passenger door flung open and struck Manuel Ellis, knocking him to the ground. The officer exited the patrol car and got on top of Manuel Ellis. Keyon Lowery reported the officers were "wailing" on Manuel Ellis, adding they did not need to be hitting Manuel Ellis because he did not observe Manuel Ellis do anything wrong. Keyon Lowery reported that Manuel Ellis was not close enough to the patrol car to touch it, but close enough to get clipped by the door. Keyon Lowery observed an officer with a Taser but did not see it used. Keyon Lowery does not believe the officers were trying to arrest Manuel Ellis or that Manuel Ellis was fighting back against the officers.

When Keyon Lowery drove out of the area, the only officers that were on scene were Officers Burbank and Collins.

Samuel Cowden was working for Domino's Pizza and was returning to his store from a delivery when he was northbound on Ainsworth and stopped at South 96th Street to turn eastbound.

Samuel Cowden reported he observed the patrol car stopped at the intersection. Samuel Cowden observed Manuel Ellis facing the same direction as the patrol car (westbound) when the patrol car's passenger door opened. He observed Manuel Ellis falling toward the front of the patrol car. Samuel Cowden acknowledged that he did not see the door hit Manuel Ellis. Samuel Cowden observed both officers exit the patrol car, and one officer flipped Manuel Ellis around. Samuel Cowden reported that around this time, he looked down to get his cell phone to start recording. Samuel Cowden reported that a "brawl" ensued. Samuel Cowden said Manuel Ellis was screaming as he was on the ground. Samuel Cowden confirmed there was an officer behind Manuel Ellis with a lock on him, describing it as a full nelson, with Manuel Ellis having his hands straight up. Samuel Cowden observed the Taser being deployed, probably twice, as he observed wires coming from the Taser. Samuel Cowden reported the officers were trying to put Manuel Ellis' hands behind his back or behind his head. Samuel Cowden reported there was a point during the incident where he believed Manuel Ellis was unconscious because he had been choked. Samuel Cowden reported an officer choked Manuel Ellis while Manuel Ellis was on the ground.

When Samuel Cowden drove out of the area, the only officers that were on scene were Officers Burbank and Collins.

Sara McDowell, Keyon Lowery and Samuel Cowden all reported they never observed Manuel Ellis carrying any items.

Forensic photos taken by the Pierce County Sheriff's Department documented a large container of water against the north curb of 96th Street, west of Officer Collins' patrol car, and a crushed box of doughnuts directly below the front passenger door of Officer Collins' patrol car. Forensic photos also documented a white powdery substance on the front passenger window that Manuel Ellis reportedly hit. The container of water, the box of doughnuts were not collected by the IIT as evidence. The white powdery substance was not processed, collected or analyzed by the IIT. There are striations indicating the window was likely moved after the powdery substance was on the window. During his Internal Affairs interview, Officer Burbank reported he returned to his patrol car after Manuel Ellis had been placed in the hobble/leg restraint. While in the patrol car, officers contacted him to see how he was doing and that he rolled the window up and down during the contacts.

Shad Hayes was interviewed by the Pierce County Sheriff's Department and the Washington State Attorney General's Office. Shad Hayes was in his bedroom watching TV when he saw flashing lights coming through his window. He went outside and observed a patrol car at the traffic light and two officers

trying to subdue Manuel Ellis in the middle of the intersection. Shad Hayes described Manuel Ellis as "throwing them around pretty good." Shad Hayes was able to ask one of the officers if they needed help, and Officer Burbank responded that they did not. Shad Hayes reported the officers were trying to get Manuel Ellis to place his hands behind his back and that Manuel Ellis was trying to get up and fight while face down on the street. Shad Hayes believes Manuel Ellis was trying to get away. Shad Hayes believes he heard one of the officers state, "Comply." Shad Hayes reported he did not observe any "blows" exchanged between Manuel Ellis and the officers. Shad Hayes directed traffic around the incident and went back into his residence once backup (Officers Ford and Rankine) arrived.

Aiyana White and Kennett Ashford-White lived at the home with the Vivint security system that captured some of the encounter. Additionally, Aiyana White recorded two videos with her cell phone.

Aiyana White reported she observed Manuel Ellis trying to get away from the officers by twisting from them and being shoved to the ground. Aiyana White heard someone in cars behind the patrol car yelling at the officers. The individuals yelling were Sara McDowell and Keyon Lowery. Aiyana White confirmed she heard Manuel Ellis state he could not breathe three to four times after Manuel Ellis was on the ground. Aiyana White reported she observed an officer throw punches but did not see Manuel Ellis attempt to punch an officer. Aiyana White confirmed she heard a Taser being used; she believes five to six times.

Kennett Ashford-White reported he could hear a woman outside yelling something like "don't punch him, just arrest him." The individual Kennett Ashford-White heard was Sara McDowell yelling at Officers Burbank and Collins. Kennett Ashford-White reported he observed an altercation where the officers placed Manuel Ellis on the ground from a kneeling position. Kennett Ashford-White reported he heard a Taser deployed three to four times. Kennett Ashford-White reported the officers were trying to handcuff Manuel Ellis and described the officers as being manhandled by Manuel Ellis. He described Manuel Ellis, while face down, lifting up two officers with body armor on. Kennett Ashford-White did not observe any strikes to Manuel Ellis by the officers. Kennett Ashford-White confirmed he heard Manuel Ellis say he could not breathe. Kennett Ashford-White did not believe the force used by the officers was excessive.

None of the videos reviewed as part of this investigation appeared capture the entire encounter with Manuel Ellis.

Officers Ford and Rankine were the first two Tacoma PD officers to arrive (23:24:19) at South 96th and Ainsworth to assist Officers Burbank and Collins. They arrived almost simultaneously with Pierce County Sheriff's Department (PCSD) Lieutenant Messineo (arrived at 23:24:42) and Detective Sergeant Sanders (arrived at 23:24:52), who were both working off duty in the area of South 96th and Ainsworth and responded to assist.

As they arrived in the area, Officers Ford and Rankine observed Officers Burbank and Collins fighting with Manuel Ellis, struggling to place Manuel Ellis into custody.

Officers Ford and Rankine assisted Officers Burbank and Collins in controlling Manuel Ellis and observed Manuel Ellis had already been placed in handcuffs. Manuel Ellis continued to struggle, to include kicking his legs while they were trying to physically and verbally control him. Officer Rankine described Manuel Ellis' kicking as being active resistant, almost assaultive.

Due to Manuel Ellis' resistance, it was determined a hobble/leg restraint would be applied to Manuel Ellis. At 23:24:32, Officer Collins requested a hobble over the radio. At 23:24:46, Sergeant Lim arrived and advised over the radio that they are still fighting with one.

At 23:25:20, Sergeant Lim advised over the radio that incoming units can slow. During the transmission, Manuel Ellis can be heard in the background stating, *"I can't breathe, I can't breathe."* At 23:25:44, Sergeant Lim contacted Dispatch and requested TFD for an evaluation. During his Internal Affairs

interview, Sergeant Lim confirmed the request for an evaluation was due to his knowledge that an ECT had been deployed against Manuel Ellis, not because of any medical issues with Manuel Ellis. Sergeant Lim denied hearing Manuel Ellis state, *"I can't breathe,"* during his radio transmission.

Officer Ford reported he assisted in controlling Manuel Ellis' legs by crossing them at the ankles and forcing Manuel Ellis' lower legs toward his back by bending them at the knee. Officer Ford was assisted by Officer Collins and Detective Sergeant Sanders (PCSD) in controlling Manuel Ellis' legs due to the level of strength and resistance presented by Manuel Ellis. Both Officer Collins and Detective Sergeant Sanders provided a similar statement about controlling Manuel Ellis' legs during the hobble/leg restraint application during their interviews. While this was occurring, Officer Rankine and Officer Burbank were attempting to control Manuel Ellis' upper body. As Officer Burbank was repositioning himself, Manuel Ellis was able to buck up, and Officer Burbank was thrown off to the side.

The hobble/leg restraint deployed on Manuel Ellis was obtained by Officer Burbank from the glove box of Officer Collins' patrol car. The hobble/leg restraint was applied to Manuel Ellis by placing the hobble/leg restraint around Manuel Ellis' ankles, cinching the hobble/leg restraint to secure Manuel Ellis' ankles together, and completing the application by securing the end of the hobble/leg restraint to the handcuffs that had already been placed on Manuel Ellis. Other than Officer Burbank directing other officers to place Manuel Ellis into a recovery position on his side, Officers Burbank and Collins discontinued their contact with Manuel Ellis once the hobble/leg restraint had been applied. Both Officers Burbank and Collins reported they were physically exhausted by the encounter with Manuel Ellis and went to their patrol car to recover. Officer Ford reported that he and Officer Rankine had taken over the responsibility of maintaining control of Manuel Ellis from Officers Burbank and Collins.

Multiple on-scene officers were asked if they observed Manuel Ellis' legs bent more than 90 degrees, and/or if Manuel Ellis' thighs were pulled off the ground and/or if they observed any bowing to Manuel Ellis as a result of the hobble/leg restraint application. None of the officers interviewed observed anything that would indicate Manuel Ellis was bowed from the hobble/leg restraint application.

Manuel Ellis was recorded multiple times stating variations of "I can't breathe" by a Vivint doorbell camera. They were recorded at 23:25:25, 23:23:45, 23:24:49, and 23:24:58. These are in addition to when Manuel Ellis stated, *"I can't breathe, I can't breathe,"* during Sergeant Lim's radio transmission at 23:25:20.

Officer Ford confirmed he heard Manuel Ellis state, *"I can't breathe,"* describing it as being said "a moment or two" after the hobble/leg restraint application. Officer Ford confirmed Manuel Ellis was placed on his right side, in a recovery position, shortly after Manuel Ellis stated he could not breathe. Officer Rankine said he did not recall hearing Manuel Ellis state, *"I can't breathe,"* after the hobble/leg restraint application. Officer Rankine reported that Manuel Ellis was placed on his side, in a recovery position, around a minute after the hobble/leg restraint was applied.

Officer Rankine also confirmed he heard Manuel Ellis state, *"I can't breathe, I can't breathe,"* and responded by telling Manuel Ellis something to the effect of, "if you can talk you can breathe." Officer Rankine reported he was not observing any breathing difficulties when this occurred, adding that Manuel Ellis was still resisting when it was said. During his Internal Affairs interview, Officer Rankine was asked if the statement was made as a reassurance to Manuel Ellis or as something sarcastic. Officer Rankine said it was more reassuring. Officer Ford was asked a similar question during his Internal Affairs interview. Officer Ford believes the statement about talking and breathing was sarcastic.

Officers Ford and Rankine both reported that Manuel Ellis began thrashing and struggling against the restraints while in the recovery position. This resulted in Manuel Ellis being rolled back onto his stomach. While Manuel Ellis was on his stomach, multiple officers reported that Manuel Ellis was spitting. Some stated Manuel Ellis was spitting blood; some believed Manuel Ellis was targeting officers when he was spitting. Officer Farinas reported he observed Manuel Ellis spitting. Officer Farinas

reported someone requested a spit hood. Officer Farinas retrieved a Department-issued spit hood from his patrol car, removed it from its packaging, and placed the spit hood over Manuel Ellis' head. Officer Farinas confirmed that Manuel Ellis was still on his stomach when the spit hood was applied. Officer Farinas also reported he observed blood coming from Manuel Ellis' mouth prior to the spit hood application.

At the time of the spit hood application, Manuel Ellis was lying on his stomach, restrained with handcuffs and a hobble/leg restraint.

Officer Rankine reported Manuel Ellis was rolled back into the previous recovery position on his right side after he stopped thrashing around and struggling against the restraints. Witness officers confirmed Manuel Ellis was rolled back onto his side once Manuel Ellis calmed down. Officers Ford and Rankine reported Manuel Ellis remained on his side until Fire arrived. Cell phone video #1 by Aiyana White taken at around 23:32:05 appears to show Manuel Ellis lying on the ground, likely with the spit hood still applied on his head. During his Internal Affairs interview, Officer Rankine was shown the cell phone video and reported that Manuel Ellis was on his side in the recovery position. The cell phone video also shows Officer Rankine kneeling beside Manuel Ellis at the upper back while Officer Madden is kneeling beside Manuel Ellis' legs, with several officers standing in close proximity to Manuel Ellis.

During the Internal Affairs investigation, Officer Madden and Officer Komarovsky both reported they assisted in physically restraining Manuel Ellis' legs.

Officer Ford reported that sometime from when Manuel Ellis was rolled onto his side the second time to when Fire responded, Manuel Ellis became non-responsive. Officer Ford reported he observed Manuel Ellis' chest moving up and down and that Manuel Ellis was breathing. Officer Rankine was monitoring Manuel Ellis' pulse, reporting that Manuel Ellis had a pulse of 80 beats per minute (BPM).

Officer Rankine felt that Manuel Ellis' pulse rate was "weird" given that he had just been involved in an extended struggle with officers. Officer Rankine reported he would have expected Manuel Ellis' pulse to be in the 120 to 130 BPM range, instead of 80 BPM.

At 23:24:35, Sergeant Lim advised over the radio that he arrived, and he requested Fire for an evaluation at 23:25:44. The first Tacoma Fire Department unit, Engine 10, was dispatched at 23:26:49 and en route at 23:28:30, arriving at 23:34:06. TFD arrived at Manuel Ellis' side to begin treatment at 23:34:41.

Officer Ford reported that he met TFD after they parked and directed them to Manuel Ellis' location. Officer Ford did not have any additional contact with Manuel Ellis once Fire arrived at Ellis' location.

Officer Rankine was still with Manuel Ellis when Fire arrived at their location. Officer Rankine reported the first Firefighter on scene was named Wilson (Nicholas Wilson TFD Firefighter/Paramedic). Nicholas Wilson advised that Manuel Ellis needed to be placed on his back, and Manuel Ellis was rolled onto his back. Officer Rankine confirmed that Manuel Ellis was still restrained in handcuffs and the hobble/leg restraint when this occurred. Nicholas Wilson advised the restraints needed to be removed from Manuel Ellis. Officer Rankine described a conversation about the restraint removal as lasting "seconds" as he explained to Nicholas Wilson how officers had fought with Manuel Ellis. Officer Rankine sought approval from Sergeant Lim prior to removing the restraints. Sergeant Lim approved the removal, and the handcuffs and hobble/leg restraint were removed. Officer Rankine reported that Manuel Ellis was rolled to his side, and he assisted in removing the handcuffs and hobble/leg restraint. None of the witness officers reported they removed the spit hood from Manuel Ellis. It is believed the spit hood was removed from Manuel Ellis by a member of TFD, likely just prior to TFD attaching a bag valve mask to Manuel Ellis, occurring at 23:36:53.

Nicholas Wilson reported Manuel Ellis' pulse was weak and slow. Nicholas Wilson described Manuel Ellis' breathing as agonal respirations with a deteriorating respiratory drive. Nicholas Wilson reported that Manuel Ellis needed to be mechanically ventilated. Nicholas Wilson also reported that once Manuel

Ellis was connected to a monitor, he was able to determine that Manuel Ellis' rhythm was decreasing and advised that CPR needed to be started. CPR was initiated at 23:41:11. Officers Rankine and Warner assisted TFD personnel in performing CPR on Ellis until they were relieved by additional TFD personnel. Cell phone video from Ms. White (2 of 2) recorded an officer performing CPR on Manuel Ellis.

Per the Tacoma Fire/EMS Prehospital Care Report and the Medical Examiner, Manuel Ellis was pronounced deceased at 00:12:30 on March 4, 2020. The CAD reports the time of death as being "0020". The CAD is not accurate. In the WSP investigation summary, WSP Detective J.N. Rhue indicated the time of death was *"12:30 a.m. on March 4th."* This is not accurate. The Tacoma Fire/EMS Prehospital Care Report should be considered the most reliable source for this information.

The Pierce County Sheriff's Department Independent Investigation Team conducted the initial investigation into the in-custody death of Manuel Ellis.

In May 2020, the Pierce County Medical Examiner, Dr. Thomas Clark III, ruled Manuel Ellis' death as a homicide, listing the cause of death as "Hypoxia due to physical restraint," with "methamphetamine intoxication and dilated cardiomyopathy" as other significant conditions. In his opinion, Dr. Clark specifically mentioned the mask, or spit hood, as a significant factor, writing in part, *"Thus it is likely that progressive hypoxia as a result of physical restraint, positioning and the placement of a mask over the mouth is a significant factor, and possibly the most important factor. Death, therefore, is certified as being due to hypoxia as a result of physical restraint with contributing conditions of methamphetamine intoxication and a dilated heart. It is unlikely that this death would have occurred due to physical restraint alone, without the contributing conditions. Furthermore, an argument could be made that the extremely high methamphetamine concentration should be considered the primary factor."*

Around the middle of June 2020, the Washington State Patrol assumed the investigation into the in-custody death of Manuel Ellis, in part because Pierce County Sheriff's Department Detective Sergeant Sanders assisted in physically controlling Manuel Ellis during the hobble/leg restraint application.

It was also determined the Washington State Attorney General's Office would be tasked with reviewing the investigation and determining if any criminal charges would be filed.

On May 27, 2021, the Washington State Attorney General's Office filed a Declaration for Determination of Probable Cause, charging the following officers:

- Officer Burbank
  - Murder in the Second Degree
  - Manslaughter in the First Degree
- Officer Collins
  - Murder in the Second Degree
  - Manslaughter in the First Degree

Officer Rankine
- Manslaughter in the First Degree

Part of the Internal Affairs investigation focused on the spit hood that was applied to Manuel Ellis by Officer Farinas and the hobble/leg restraint and Lateral Vascular Neck Restraint (LVNR) that was applied to Manuel Ellis by Officer Collins that was recorded on Samuel Cowden's cell phone video.

When the incident occurred on March 3, 2020, the Tacoma Police Department did not have any policies and/or procedures guiding the application of a spit hood, post-application procedures, and/or reporting requirements. The Tacoma Police Department did not provide any training related to a spit hood.

When the incident occurred on March 3, 2020, the Tacoma Police Department did not issue a hobble/leg restraint to officers. The only reference to a hobble/leg restraint in the Department's Policies and Procedures is within TRANSPORTATION – DETAINEE, D.2, which states in part, "Arrestees will not be transported in a 'hog-tied' position or face down." A hobble/leg restraint was not part of the Department's Use of Force Policy, nor were there any policies and/or procedures guiding the application of a hobble/leg restraint, post-application procedures, and/or reporting requirements. The Tacoma Police Department did not provide any training related to a hobble/leg restraint.

During their Internal Affairs interviews, Officer Burbank, Officer Collins and Officer Rankine all stated they do not believe they violated the Tacoma Police Department's Use of Force Policy during the incident with Manuel Ellis.

During their interviews Officers Burbank and Collins believed they had reasonable suspicion to contact Manuel Ellis based on their observations of him blocking the car and attempting to gain entry into it. Officer Collins believed their contact with Manuel Ellis was going to be a mental health and/or drug-related contact where they would call Fire.

During their interviews, Officers Burbank and Collins described Manuel Ellis as the primary aggressor. This was based on Manuel Ellis threatening to assault Officer Burbank, punching the passenger window of the patrol car while Officer Burbank was still seated in the vehicle, and attempting to open the passenger door of the patrol car. Officer Burbank believed Manuel Ellis was going to assault him and locked the passenger door to prevent Manuel Ellis from gaining access to him.

Officers Burbank and Collins then believed Manuel Ellis needed to be detained. Officer Collins reported he exited the patrol car and contacted Manuel Ellis. Officer Collins reported Manuel Ellis picked him up by his exterior vest, threw him to the ground, and then assaulted Officer Burbank. Officer Collins noted Manuel Ellis had time to disengage and flee from them after he threw him to the ground and prior to assaulting Officer Burbank.

Officers Burbank and Collins both described deploying physical strikes with fists and elbows against Manuel Ellis to counter Manuel Ellis' assaultive behavior toward them. Officers Burbank and Collins both denied using an impact tool against Manuel Ellis. There are no witnesses that reported an impact tool was utilized against Manuel Ellis or any additional strikes to Manuel Ellis after he was placed in handcuffs.

Officer Collins confirmed he was preparing to apply an LVNR to Manuel Ellis, citing a concern that he was not going to be able to keep up with Manuel Ellis if it was a prolonged confrontation.

When the incident occurred on March 3, 2020, the Use of Force Policies and Procedures that were in effect did not contain any references to neck restraints, neither authorizing neck restraints nor prohibiting neck restraints. The Department did not provide any training on the application of a Lateral Vascular Neck Restraint.

When the incident occurred on March 3, 2020, the Tacoma Police Department was in the process of developing a potential Policy/Procedure related to the Lateral Vascular Neck Restraint, and Officer Collins was involved in the development of the Policy/Procedure. The Policy/Procedure was never approved by Chief Ramsdell and was not part of the Department's Policies and Procedures.

Officer Burbank confirmed he deployed his Taser three to four times against Manuel Ellis in an attempt to detain him. Officer Burbank's Taser was downloaded after the incident and confirmed Officer Burbank deployed his Taser three times. Each deployment was a full 5-second deployment with 28 seconds between the end of the first deployment and the beginning of the second deployment, and 20 seconds between the end of the second deployment and the beginning of the third deployment.

Officers Burbank and Collins were able to place Manuel Ellis into handcuffs after the Taser deployments. While handcuffed, Manuel Ellis continued to be actively resistant and assaultive toward them by kicking his legs and feet at them. A hobble/leg restraint was placed on Manuel Ellis to prevent him from kicking at the officers and to gain better control of him.

Multiple Tacoma Police Department Officers arrived on scene along with a Detective Sergeant and a Lieutenant from the Pierce County Sheriff's Department, a Trooper from the Washington State Patrol, and an Officer from the Lakewood Police Department, and reported Manuel Ellis was struggling against the handcuffs and the hobble/leg restraint.

Two civilian witnesses, Shad Hayes and Kennett Ashford-White, observed Manuel Ellis struggling with Officers Burbank and Collins. During his interview, Shad Hayes described Manuel Ellis as "throwin' 'em around pretty good" and asking the officers if they needed help. Kennett Ashford-White observed Officers Burbank and Collins trying to handcuff and control Manuel Ellis and described the officers as being manhandled by Manuel Ellis. Kennett Ashford-White added he knows the officer's kit (external vest carrier) is not a light thing and that Manuel Ellis was able to lift two people wearing body armor.

Witness officers described how Manuel Ellis was placed onto his side into a recovery position after the hobble/leg restraint had been applied. Witness officers also described how Manuel Ellis continued to resist, resulting in Manuel Ellis being placed back onto his stomach until he stopped resisting, and was placed back onto his side into a recovery position. When Manuel Ellis was placed on his stomach a second time, Officer Rankine believes he was on his stomach for a minute or two. Officer Rankine reported he was applying pressure to Manuel Ellis' right shoulder, pinning it down. Officer Rankine denied putting his knee directly on the back of Manuel Ellis' neck.

Sara McDowell, Keyon Lowery and Samuel Cowden are civilian witnesses who were on scene and witnessed part of the fight between Manuel Ellis and Officers Burbank and Collins. All three left the area while the fight was continuing. All three believe the force deployed against Manuel Ellis by Officers Burbank and Collins was excessive and/or unnecessary based on their observations.

The Courtesy allegation is related to a comment that was recorded on a surveillance video. During the investigation, the Vivint surveillance videos were reviewed. During one of the videos, at 23:23:45, Manuel Ellis stated, *"Can't breathe sir."* A voice responded by telling Manuel Ellis, *"shut the fuck up man."* There were only two officers on scene when this occurred – Officer Burbank and Officer Collins. During his Internal Affairs interview, Officer Burbank denied stating, *"shut the fuck up man."* During his Internal Affairs interview, Officer Collins reported that he did not recall stating, *"shut the fuck up man,"* adding he did not think he has ever heard Officer Burbank say the "F" word and that if anyone said it, it was probably him (Officer Collins).

The criminal trial began on September 18, 2023.

As part of this investigation, Internal Affairs obtained court transcripts of testimony by Officer Collins and Officer Rankine. Officer Burbank did not testify. Opposing expert witnesses and other witness testimony was not reviewed.

In general, Officer Collins' testimony in court was consistent with previous statements he made to the IIT and Internal Affairs; how the encounter began, his use of force and his general observations. He indicated it was most likely him that was heard on the Vivint video telling Manuel Ellis, shut the fuck up man since it was only, he and Officer Burbank there at the time. Also of note, Officer Collins suggested that the encounter with Manuel Ellis as noted on various timelines could have begun over a minute earlier than previously thought.

Likewise with Officer Rankine, in general, Officer Rankine's testimony in court was similar to previous statements he made to the IIT and Internal Affairs with no material differences.

On December 21, 2023, the jury returned with the following verdicts.

- Officer Burbank:
  - Murder in the Second Degree- Not Guilty
  - Manslaughter in the First Degree- Not Guilty

- Officer Collins:
  - Murder in the Second Degree- Not Guilty
  - Manslaughter in the First Degree- Not Guilty

- Officer Rankine:
  - Manslaughter in the First Degree- Not Guilty

LT GJ ROBERTS #313

Lieutenant Gary J. Roberts
Internal Affairs Section

Asst. Chief C. Haskins

Assistant Chief Crystal Young-Haskins
Administrative Services Bureau

TAB 2

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Patrol Division

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DS GJR

DATE: December 22, 2023

SUBJECT: **NOTICE OF COMPLETION – IA CASE # 21COM-0061**

This is to inform you that the Department Level Internal Affairs investigation regarding the above referenced IA case number is complete. The investigative packet has been forwarded to your Bureau Chief for review and recommendation.

Should you have any further questions about this matter, please contact me at your earliest convenience.

/man

cc: Tacoma Police Union Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Patrol Division

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DS GJR

DATE: December 22, 2023

SUBJECT: **NOTICE OF COMPLETION – IA CASE # 21COM-0061**

This is to inform you that the Department Level Internal Affairs investigation regarding the above referenced IA case number is complete. The investigative packet has been forwarded to your Bureau Chief for review and recommendation.

Should you have any further questions about this matter, please contact me at your earliest convenience.

/man

cc: Tacoma Police Union Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Patrol Division

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DS GJR

DATE: December 22, 2023

SUBJECT: **NOTICE OF COMPLETION – IA CASE # 21COM-0061**

This is to inform you that the Department Level Internal Affairs investigation regarding the above referenced IA case number is complete. The investigative packet has been forwarded to your Bureau Chief for review and recommendation.

Should you have any further questions about this matter, please contact me at your earliest convenience.

/man

cc: Tacoma Police Union Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: December 19, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: December 19, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: December 19, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: November 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

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cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: November 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: November 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: October 25, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: October 25, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: October 25, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: September 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

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cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: September 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

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cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: September 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: August 25, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: August 25, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: August 25, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: July 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: July 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: July 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: June 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: June 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: June 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DS GJR

DATE: May 25, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DS GJR

DATE: May 25, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DS GJR

DATE: May 25, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: April 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: April 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: April 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: March 28, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

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cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: March 28, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: March 28, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: February 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: February 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: February 27, 2023

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: December 19, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: December 19, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: December 19, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: November 28, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions, please feel free to contact your Union Representative or me.

cc: Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: November 28, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: November 28, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DS RGJ

DATE: October 26, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts DS RGJ
Internal Affairs Section

DATE: October 26, 2022

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Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DS RGJ

DATE: October 26, 2022

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: September 27, 2022

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Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
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FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: September 27, 2022

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TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: September 27, 2022

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: August 25, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

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Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: August 25, 2022

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Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: August 25, 2022

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: July 26, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: July 26, 2022

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: July 26, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: June 27, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: June 27, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: June 27, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: May 27, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: May 27, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: May 27, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: April 27, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: April 27, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: April 27, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: March 28, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts
Internal Affairs Section

DATE: March 28, 2022

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FROM: Lieutenant Gary J. Roberts GJR
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: February 28, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: February 28, 2022

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TO: Officer Timothy Rankine
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FROM: Lieutenant Gary J. Roberts GJR
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: January 26, 2022

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
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DATE: January 26, 2022

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TACOMA POLICE DEPARTMENT
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TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: December 22, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: December 22, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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TACOMA POLICE DEPARTMENT
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TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Gary J. Roberts GJR
Internal Affairs Section

DATE: December 22, 2021

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Temporary Lieutenant Gary J. Roberts GJR **DATE:** November 23, 2021
Internal Affairs Section

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Temporary Lieutenant Gary J. Roberts GJR **DATE:** November 23, 2021
Internal Affairs Section

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TO: Officer Timothy Rankine
Operations Bureau

FROM: Temporary Lieutenant Gary J. Roberts GJR **DATE:** November 23, 2021
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

DATE: October 26, 2021

FROM: Assistant Chief Fred Scruggs FS
Administrative Services Bureau

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on going.

If you have any questions regarding this matter, please feel free to contact your Union Representative or me.

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cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

DATE: October 26, 2021

FROM: Assistant Chief Fred Scruggs FS
Administrative Services Bureau

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

DATE: October 26, 2021

FROM: Assistant Chief Fred Scruggs FS
Administrative Services Bureau

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Assistant Chief Fred Scruggs FS
Administrative Services Bureau

DATE: September 27, 2021

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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Assistant Chief Fred Scruggs FS
Administrative Services Bureau

DATE: September 27, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Assistant Chief Fred Scruggs FS
Administrative Services Bureau

DATE: September 27, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Lieutenant Daniel M. Still DS
Internal Affairs Section

DATE: August 26, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Lieutenant Daniel M. Still DS
Internal Affairs Section

DATE: August 26, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Daniel M. Still DS
Internal Affairs Section

DATE: August 26, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

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cc: Tacoma Police Union, Local 6

Tacoma Police Department
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Patrol Division

FROM Lieutenant Daniel M. Still DS
Internal Affairs Section

DATE: August 10, 2021

THROUGH: Assistant Chief Fred Scruggs
Administrative Services Bureau

SUBJECT: **48-HOUR NOTICE**
INTERNAL AFFAIRS INVESTIGATION – CASE #21COM-0061

Complainant: Interim Chief Michael Ake

Nature of Complaint:
On Tuesday, March 3, 2020, at around 2322 hours (11:22 p.m.), you and your partner encountered a citizen at 96th and South Ainsworth in Tacoma. The encounter resulted in you using force on the subject. The subject died while in custody. It is alleged that the force used was excessive and your performance during this incident was unsatisfactory. During the encounter it is alleged, the subject was told to, "Shut the fuck up." The incident was investigated by the Washington State Attorney General' s Office who determined there was evidence supporting criminal charges of Murder in the Second Degree and Manslaughter in the First Degree be filed against you.

Allegations of Policy Violations:
P1.1.6.A.02 Conformance to Laws
P3.1 Use of Force Policy
P1.1.6.A.17 Courtesy

YOU ARE HEREBY ORDERED TO REPORT TO THE TACOMA POLICE INTERNAL AFFAIRS OFFICE, ROOM 360, ON THE THIRD FLOOR OF THE POLICE HEADQUARTERS BUILDING AT **1100 HOURS ON TUESDAY, AUGUST 31, 2021.**

YOU ARE ALSO ORDERED NOT TO DISCUSS THIS MATTER OR PENDING INTERVIEW WITH ANY OTHER PARTIES, INCLUDING THE COMPLAINANT LISTED HERE OR POTENTIAL WITNESSES (EXCEPT THOSE WITH LEGALLY RECOGNIZED PRIVILEGE OR UNION REPRESENTATIVE), UNTIL THE CONCLUSION OF THIS INVESTIGATION.

All investigations are conducted in accordance with the provisions contained in P1.8.1 and the Collective Bargaining Agreement between the City of Tacoma and the Tacoma Police Union, Local 6. This notice **DOES** constitute a **48-Hour Notification**.

You have the right to have an attorney or union representative present during this interview. These individuals may not be persons subject to, or likely to be subject to, the same investigation.

cc: Tacoma Police Union, Local 6

Tacoma Police Department
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Patrol Division

FROM Lieutenant Daniel M. Still DS
Internal Affairs Section

DATE: August 5, 2021

THROUGH: Assistant Chief Fred Scruggs
Administrative Services Bureau

SUBJECT: **48-HOUR NOTICE**
INTERNAL AFFAIRS INVESTIGATION – CASE #21COM-0061

Complainant: Interim Chief Michael Ake

Nature of Complaint:
On Tuesday, March 3, 2020, at around 2322 hours (11:22 p.m.), you and your partner responded to 96th and South Ainsworth in Tacoma to assist other officers with a trouble unknown. The officers you went to assist were only able to give their location out over the radio. Upon your arrival, you assisted in detaining and restraining the subject. The subject died while in custody. It is alleged that the force used was excessive and your performance during this incident was unsatisfactory. The incident was investigated by the Washington State Attorney General's Office who determined there was evidence supporting a criminal charge of Manslaughter in the First Degree be filed against you.

Allegations of Policy Violations:
P1.1.6.A.02 Conformance to Laws
P3.1 Use of Force Policy

YOU ARE HEREBY ORDERED TO REPORT TO THE TACOMA POLICE INTERNAL AFFAIRS OFFICE, ROOM 360, ON THE THIRD FLOOR OF THE POLICE HEADQUARTERS BUILDING AT **1100 HOURS ON WEDNESDAY, AUGUST 25, 2021.**

YOU ARE ALSO ORDERED NOT TO DISCUSS THIS MATTER OR PENDING INTERVIEW WITH ANY OTHER PARTIES, INCLUDING THE COMPLAINANT LISTED HERE OR POTENTIAL WITNESSES (EXCEPT THOSE WITH LEGALLY RECOGNIZED PRIVILEGE OR UNION REPRESENTATIVE), UNTIL THE CONCLUSION OF THIS INVESTIGATION.

All investigations are conducted in accordance with the provisions contained in P1.8.1 and the Collective Bargaining Agreement between the City of Tacoma and the Tacoma Police Union, Local 6. This notice **DOES** constitute a **48-Hour Notification**.

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cc: Tacoma Police Union, Local 6

Tacoma Police Department
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Patrol Division

FROM Lieutenant Daniel M. Still DS
Internal Affairs Section

DATE: August 5, 2021

THROUGH: Assistant Chief Fred ~~Scruggs~~
Administrative Services Bureau

SUBJECT: **48-HOUR NOTICE**
INTERNAL AFFAIRS INVESTIGATION – CASE #21COM-0061

Complainant: Interim Chief Michael Ake

Nature of Complaint:
On Tuesday, March 3, 2020, at around 2322 hours (11:22 p.m.), you and your partner encountered a citizen at 96th and South Ainsworth in Tacoma. The encounter resulted in you using force on the subject. The subject died while in custody. It is alleged that the force used was excessive and your performance during this incident was unsatisfactory. During the encounter it is alleged, the subject was told to, "Shut the fuck up." The incident was investigated by the Washington State Attorney General' s Office who determined there was evidence supporting criminal charges of Murder in the Second Degree and Manslaughter in the First Degree be filed against you.

Allegations of Policy Violations:
P1.1.6.A.02 Conformance to Laws
P3.1 Use of Force Policy
P1.1.6.A.17 Courtesy

YOU ARE HEREBY ORDERED TO REPORT TO THE TACOMA POLICE INTERNAL AFFAIRS OFFICE, ROOM 360, ON THE THIRD FLOOR OF THE POLICE HEADQUARTERS BUILDING AT **1100 HOURS ON FRIDAY, AUGUST 27, 2021.**

YOU ARE ALSO ORDERED NOT TO DISCUSS THIS MATTER OR PENDING INTERVIEW WITH ANY OTHER PARTIES, INCLUDING THE COMPLAINANT LISTED HERE OR POTENTIAL WITNESSES (EXCEPT THOSE WITH LEGALLY RECOGNIZED PRIVILEGE OR UNION REPRESENTATIVE), UNTIL THE CONCLUSION OF THIS INVESTIGATION.

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cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Patrol Division

FROM: Lieutenant Daniel M. Still DS
Internal Affairs Section

DATE: August 5, 2021

THROUGH: Assistant Chief Fred Scruggs
Administrative Services Bureau

SUBJECT: **NOTICE OF INVESTIGATION - AMENDED**
INTERNAL AFFAIRS INVESTIGATION – CASE #21COM-0061

COMPLAINANT: Interim Chief Michael Ake

This serves as notification; Internal Affairs has been tasked to conduct an investigation into alleged policy violations. On Tuesday, March 3, 2020, at around 2322 hours (11:22 p.m.), you and your partner encountered a citizen at 96th and South Ainsworth in Tacoma. The encounter resulted in you using force on the subject. The subject died while in custody. It is alleged that the force used was excessive and your performance during this incident was unsatisfactory. The incident was investigated by the Washington State Attorney General' s Office who determined there was evidence supporting criminal charges of Murder in the Second Degree and Manslaughter in the First Degree be filed against you. ***Amendment: During the encounter it is alleged, the subject was told to, "Shut the fuck up."***

The alleged policy and procedure violations include, but are not limited to, the following:

P1.1.6.A.02 Conformance to Laws
P3.1 Use of Force Policy
P1.1.6.A.17 Courtesy

YOU ARE ALSO ORDERED NOT TO DISCUSS THIS MATTER OR PENDING INTERVIEW WITH ANY OTHER PARTIES, INCLUDING THE COMPLAINANT LISTED HERE (EXCEPT THOSE WITH LEGALLY RECOGNIZED PRIVILEGE OR UNION REPRESENTATIVE), UNTIL THE CONCLUSION OF THIS INVESTIGATION.

All investigations are conducted in accordance with the provisions contained in P1.8.1 and the Tacoma Police Union, Local 6 Contract. This notice **DOES NOT** constitute a **48-Hour Notification**. You have the right to have an attorney and/or union representative present during any interview. These individuals may not be persons subject to, or likely to be subject to, the same investigation.

Internal Affairs will contact you at a later date regarding your interview concerning this allegation.

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Patrol Division

FROM: Lieutenant Daniel M. Still DS
Internal Affairs Section

DATE: August 5, 2021

THROUGH: Assistant Chief Fred Scruggs
Administrative Services Bureau

SUBJECT: **NOTICE OF INVESTIGATION - AMENDED**
INTERNAL AFFAIRS INVESTIGATION – CASE #21COM-0061

COMPLAINANT: Interim Chief Michael Ake

This serves as notification; Internal Affairs has been tasked to conduct an investigation into alleged policy violations. On Tuesday, March 3, 2020, at around 2322 hours (11:22 p.m.), you and your partner encountered a citizen at 96th and South Ainsworth in Tacoma. The encounter resulted in you using force on the subject. The subject died while in custody. It is alleged that the force used was excessive and your performance during this incident was unsatisfactory. The incident was investigated by the Washington State Attorney General' s Office who determined there was evidence supporting criminal charges of Murder in the Second Degree and Manslaughter in the First Degree be filed against you. ***Amendment: During the encounter it is alleged, the subject was told to, "Shut the fuck up."***

The alleged policy and procedure violations include, but are not limited to, the following:

P1.1.6.A.02 Conformance to Laws
P3.1 Use of Force Policy
P1.1.6.A.17 Courtesy

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All investigations are conducted in accordance with the provisions contained in P1.8.1 and the Tacoma Police Union, Local 6 Contract. This notice **DOES NOT** constitute a **<u>48-Hour Notification</u>**. You have the right to have an attorney and/or union representative present during any interview. These individuals may not be persons subject to, or likely to be subject to, the same investigation.

Internal Affairs will contact you at a later date regarding your interview concerning this allegation.

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew J. Collins
Operations Bureau

FROM: Assistant Chief Fred Scruggs
Administrative Services Bureau

DATE: July 27, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on going.

If you have any questions regarding this matter, please feel free to contact your Union Representative or me.

/ar

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: PPS C. Shane Burbank
Operations Bureau

FROM: Assistant Chief Fred Scruggs
Administrative Services Bureau

DATE: July 27, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
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/ar

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Assistant Chief Fred Scruggs
Administrative Services Bureau

DATE: July 27, 2021

SUBJECT: **INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061**
30-DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROCESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on going.

If you have any questions, please feel free to contact your Union Representative or me.

/ar

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer C. Shane Burbank
Operations Bureau

FROM: Lieutenant Robert Maule
Internal Affairs Section

DATE: June 25, 2021

SUBJECT: INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061
30 DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROGRESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions regarding this matter, please feel free to contact your Union Representative or me.

RM:ar

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Matthew Collins
Operations Bureau

FROM: Lieutenant Robert Maule
Internal Affairs Section

DATE: June 25, 2021

SUBJECT: INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061
30 DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROGRESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

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RM:ar

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer Timothy Rankine
Operations Bureau

FROM: Lieutenant Robert Maule
Internal Affairs Section

DATE: June 25, 2021

SUBJECT: INTERNAL AFFAIRS INVESTIGATION – CASE NUMBER 21COM-0061
30 DAY NOTIFICATION OF COMPLAINT INVESTIGATION PROGRESS

The investigation into allegations of misconduct made against you in reference to Internal Affairs Case Number 21COM-0061 is still on-going.

If you have any questions regarding this matter, please feel free to contact your Union Representative or me.

RM:ar

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer M. Collins
Patrol Division

FROM: Lieutenant Robert Maule
Internal Affairs Section

DATE: May 27, 2021

THROUGH: Assistant Chief Fred Scruggs
Administrative Services Bureau

SUBJECT: **NOTICE OF INVESTIGATION**
INTERNAL AFFAIRS INVESTIGATION – CASE #21COM-0061

COMPLAINANT: Interim Chief Michael Ake

This serves as notification; Internal Affairs has been tasked to conduct an investigation into alleged policy violations. On Tuesday, March 3, 2020, at around 2322 hours (11:22 p.m.), you and your partner encountered a citizen at 96th and South Ainsworth in Tacoma. The encounter resulted in you using force on the subject. The subject died while in custody. It is alleged that the force used was excessive and your performance during this incident was unsatisfactory. The incident was investigated by the Washington State Attorney General's Office who determined there was evidence supporting criminal charges of Murder in the Second Degree and Manslaughter in the First Degree be filed against you.

The alleged policy and procedure violations include, but are not limited to, the following:

P1.1.6.A.02 Conformance to Laws
P3.1 Use of Force Policy

YOU ARE ALSO ORDERED NOT TO DISCUSS THIS MATTER OR PENDING INTERVIEW WITH ANY OTHER PARTIES, INCLUDING THE COMPLAINANT LISTED HERE (EXCEPT THOSE WITH LEGALLY RECOGNIZED PRIVILEGE OR UNION REPRESENTATIVE), UNTIL THE CONCLUSION OF THIS INVESTIGATION.

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Internal Affairs will contact you at a later date regarding your interview concerning this allegation.

/man

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer C. Shane Burbank
Patrol Division

FROM: Lieutenant Robert Maule
Internal Affairs Section

DATE: May 27, 2021

THROUGH: Assistant Chief Fred Scruggs
Administrative Services Bureau

SUBJECT: **NOTICE OF INVESTIGATION**
INTERNAL AFFAIRS INVESTIGATION – CASE #21COM-0061

COMPLAINANT: Interim Chief Michael Ake

This serves as notification; Internal Affairs has been tasked to conduct an investigation into alleged policy violations. On Tuesday, March 3, 2020, at around 2322 hours (11:22 p.m.), you and your partner encountered a citizen at 96th and South Ainsworth in Tacoma. The encounter resulted in you using force on the subject. The subject died while in custody. It is alleged that the force used was excessive and your performance during this incident was unsatisfactory. The incident was investigated by the Washington State Attorney General's Office who determined there was evidence supporting criminal charges of Murder in the Second Degree and Manslaughter in the First Degree be filed against you.

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Internal Affairs will contact you at a later date regarding your interview concerning this allegation.

/man

cc: Tacoma Police Union, Local 6

TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Officer T. Rankine
Patrol Division

FROM: Lieutenant Robert Maule **DATE:** May 27, 2021
Internal Affairs Section

THROUGH: Assistant Chief Fred Scruggs
Administrative Services Bureau

SUBJECT: **NOTICE OF INVESTIGATION**
INTERNAL AFFAIRS INVESTIGATION – CASE #21COM-0061

COMPLAINANT: Interim Chief Michael Ake

This serves as notification; Internal Affairs has been tasked to conduct an investigation into alleged policy violations. On Tuesday, March 3, 2020, at around 2322 hours (11:22 p.m.), you and your partner responded to 96th and South Ainsworth in Tacoma to assist other officers with a trouble unknown. The officers you went to assist were only able to give their location out over the radio. Upon your arrival, you assisted in detaining and restraining the subject. The subject died while in custody. It is alleged that the force used was excessive and your performance during this incident was unsatisfactory. The incident was investigated by the Washington State Attorney General's Office who determined there was evidence supporting a criminal charge of Manslaughter in the First Degree be filed against you.

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Internal Affairs will contact you at a later date regarding your interview concerning this allegation.

/man

cc: Tacoma Police Union, Local 6

Roberts, Gary J

From: Betts, Henry
Sent: Friday, May 28, 2021 4:46 PM
To: Maule, Bob; Scruggs, Fred
Cc: Smith, Mike (Police Legal); Roberts, Gary J; Rosenquist, John
Subject: RE: 21COM-0061 - Notice of Investigation Letters Issued Via Local 6

Confirmed as received on their behalf.

henry

From: Maule, Bob <BMaule@cityoftacoma.org>
Sent: Friday, May 28, 2021 3:50 PM
To: Scruggs, Fred <FSCRUGGS@cityoftacoma.org>
Cc: Smith, Mike (Police Legal) <Mike.Smith@cityoftacoma.org>; Roberts, Gary J <GRobert2@cityoftacoma.org>; Rosenquist, John <JROSENQU@cityoftacoma.org>; Betts, Henry <HBetts@cityoftacoma.org>
Subject: 21COM-0061 - Notice of Investigation Letters Issued Via Local 6

A/C Scruggs,

This afternoon Local-6 Vice President Henry Betts accepted the Notice of Investigation letters, regarding 21COM-0061, on behalf of PPOs Burbank, Collins, and Rankine along with the Local-6 copy. This was the most streamlined method for issuing the NOIs given the complexity of the officers' schedules today, and the sensitivity of the matter at hand. VP Betts will ensure the officers are notified of the investigation and will provide them with their copy of the NOI.

Please let me know if you need any additional information.

Bob

Lt. Bob Maule
Tacoma Police Department
(253) 381-0502

Roberts, Gary J

From: Rosenquist, John
Sent: Thursday, August 5, 2021 9:05 PM
To: Betts, Henry; Roberts, Gary J
Subject: Re: Collins Paperwork

Copy. Thank you.

Sgt. J. Rosenquist #483
Tacoma Police Department
Patrol/Swing Shift/3 Sector/B Set
jrosenqu@cityoftacoma.org

From: Betts, Henry <HBetts@cityoftacoma.org>
Sent: Thursday, August 5, 2021 7:23 PM
To: Rosenquist, John <JROSENQU@cityoftacoma.org>; Roberts, Gary J <GRobert2@cityoftacoma.org>
Cc: Collins, Matthew <MCollins@cityoftacoma.org>
Subject: Collins Paperwork

Sirs,

This email is to confirm with you that today, 8-5-2021, I was able to serve Officer Matt Collins with his 48 Hour Notice for Interview (Scheduled 8/27/21 @ 11am) as well as the Amended NOI and Transcript of previous interview conducted by PCSD. Officer Collins confirmed receipt of all three.

If there are any questions or you need any further confirmation please don't hesitate to reach out,

Henry Betts
Local 6 VP

TAB 3

Cad Incident Inquiry

Complaint: **2006302251** Disp: R Case No: 2006302251 Call Received: 20200303 2322
Call Cleared: 20200304 0623
End Priority: 5

	Incident Type	Location
Starting:	T - TRAFFIC STOP	S 96TH ST/AINSWORTH AVE S ()
Ending:	UNK - UNKNOWN TROUBLE	S 96TH ST/AINSWORTH AVE S ()

Location Information
Starting:
Ending:

	Agency	Geographic Zone	Dispatch Group	CB	District
Starting:	TPD	PS	PS	437	TA44
Ending:	TPD	PS	PS	437	TA44

	Date/Time	Unit		ID	Station
Dispatch:	20200303 2322	H317	Dispatcher:	SS02911	pd02
Arrival:	20200303 2322	H317	Com Officer:	SS02911	pd02
Clear:	20200304 0623	240	Primary Unit:	U078	
Close:	20200304 0623	240			

Name	DOB	Phone	Location	Call Source	Contact
				OFFICER	

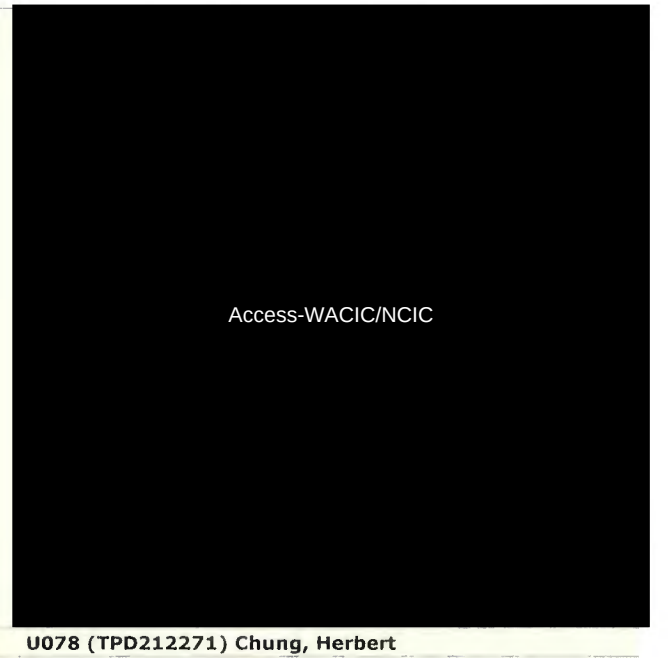
☑ Include State Messages (WACIC/DOL/DOC/NCIC/NLETS)

System Date	System Time	Com	Station	Off	Text
20200303	23:22:28	Event Updated	pd02	SS02911	Location: S 96TH ST/AINSWORTH AVE S TAC, Event Type: T, Priority: 5, Dispatch Group: PS
20200303	23:22:28	Dispatched	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200303	23:22:28	Event Remark	pd02	SS02911	Field Event
20200303	23:22:28	Initial Call	pd02	SS02911	Call Source =OFFICER
20200303	23:22:29	Arrive	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200303	23:22:33	Event Remark	pd02	SS02911	H317 -- MIC CLICKS, YELLED LOC
20200303	23:22:42	Event Remark	pd01	SS0292	ACB
20200303	23:22:44	Event Remark	pd02	SS02911	H317 -- UNREADABLE
20200303	23:22:53	Dispatched	$H205	TPD208901	H205 (TPD208901) Madden, Katherine | H205 (TPD212627) Warner, Ryan
20200303	23:22:54	Dispatched	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200303	23:22:56	Dispatched	pd02	SS02911	H356 (TPD211862) Schneider, Wesley | H356 (TPD212973) Derr, Daniel
20200303	23:22:59	Enroute	$H205	TPD208901	H205 (TPD208901) Madden, Katherine | H205 (TPD212627) Warner, Ryan
20200303	23:22:59	Dispatched	pd02	SS02911	U078 (TPD212271) Chung, Herbert

20200303	23:23:00	Dispatched	$H031	TPD211954	H031 (TPD211954) Ford, Masyih | H031 (TPD212401) Rankine, Timothy
20200303	23:23:03	Enroute	$H349	TPD211513	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200303	23:23:03	Dispatched	pd02	SS02911	S092 (TPD10842) Lim, Michael
20200303	23:23:05	Enroute	$H031	TPD211954	H031 (TPD211954) Ford, Masyih | H031 (TPD212401) Rankine, Timothy
20200303	23:23:05	Enroute	$U078	TPD212271	U078 (TPD212271) Chung, Herbert
20200303	23:23:06	Dispatched	pd02	SS02911	U285 (TPD210368) Brahs, Anna
20200303	23:23:07	Dispatched	pd02	SS02911	S171 (TPD200067) Rock, Gregory
20200303	23:23:08	Event Remark	sd03	SS0258	ACB
20200303	23:23:09	Enroute	$H356	TPD211862	H356 (TPD211862) Schneider, Wesley | H356 (TPD212973) Derr, Daniel
20200303	23:23:09	Enroute	$S092	TPD10842	S092 (TPD10842) Lim, Michael
20200303	23:23:22	Event Remark	sd02	SS0283	ACB
20200303	23:23:23	Dispatched	sd02	SS0283	512 (PCSD16010) Langlow, Robert
20200303	23:23:24	Event Remark	pd04	SS0284	ACB
20200303	23:23:24	Event Remark	pd02	SS02911	H317 -- N/A
20200303	23:23:32	Event Remark	pd02	SS02911	H317 -- MIC CLICK
20200303	23:23:36	Event Remark	pd06	SS0216	ACB
20200303	23:23:36	Event Remark	pd03	SS0375	WSP ADV
20200303	23:23:40	Event Updated	pd02	SS02911	Event Type: UNK, Priority: 2
20200303	23:23:43	Event Remark	ld01	SS0247	ACB
20200303	23:23:46	Enroute	$U285	TPD210368	U285 (TPD210368) Brahs, Anna
20200303	23:23:59	Dispatched	sd02	SS0283	35 (PCSD00046) Messineo, Anthony
20200303	23:24:04	Dispatched	sd02	SS0283	K915 (PCSD99060) Hardesty, Theron
20200303	23:24:10	Dispatched	pd02	SS02911	U023 (TPD211508) Hightower, Martese
20200303	23:24:15	Event Remark	sd02	SS0283	K915 -- THOUGHT INITIALLY IT WAS A ST
20200303	23:24:18	Enroute	$U023	TPD211508	U023 (TPD211508) Hightower, Martese
20200303	23:24:19	Arrive	$H031	TPD211954	H031 (TPD211954) Ford, Masyih | H031 (TPD212401) Rankine, Timothy
20200303	23:24:21	Enroute	$K915	PCSD99060	K915 (PCSD99060) Hardesty, Theron
20200303	23:24:37	Event Remark	pd02	SS02911	H317 -- NEED HOBBLES
20200303	23:24:44	Arrive	pd02	SS02911	S092 (TPD10842) Lim, Michael
20200303	23:24:50	Arrive	sd02	SS0283	35 (PCSD00046) Messineo, Anthony
20200303	23:24:52	Event Remark	pd02	SS02911	S092 -- CONFIRMED AINSWORTH
20200303	23:25:03	Dispatched	sd02	SS0283	160 (PCSD00049) Sanders, Gary
20200303	23:25:04	Arrive	sd02	SS0283	160 (PCSD00049) Sanders, Gary
20200303	23:25:13	Dispatched	ld01	SS0247	K933 (LPD13173) Bucat, Anthony
20200303	23:25:18	Event Remark	pd02	SS02911	H317 -- MIC CLICK
20200303	23:25:22	Arrive	$S171	TPD200067	S171 (TPD200067) Rock, Gregory
20200303	23:25:25	Event Remark	sd02	SS0283	35 -- 1 DET
20200303	23:25:26	Arrive	$K933	LPD13173	K933 (LPD13173) Bucat, Anthony
20200303	23:25:29	Event Remark	pd02	SS02911	S092 -- INCOMING TO SLOW
20200303	23:25:30	Arrive	ld01	SS0247	K933 (LPD13173) Bucat, Anthony
20200303	23:25:30	Event Remark	ld01	SS0247	K933 -- AREA
20200303	23:25:33	Arrive	$H205	TPD208901	H205 (TPD208901) Madden, Katherine | H205 (TPD212627) Warner, Ryan
20200303	23:25:33	Available	$K915	PCSD99060	K915 (PCSD99060) Hardesty, Theron
20200303	23:25:37	Arrive	$U285	TPD210368	U285 (TPD210368) Brahs, Anna
20200303	23:25:48	Event Remark	pd02	SS02911	S092 -- START FIRE FOR EVAL
20200303	23:25:56	Available	pd02	SS02911	U023 (TPD211508) Hightower, Martese
20200303	23:26:07	Arrive	$U078	TPD212271	U078 (TPD212271) Chung, Herbert
20200303	23:26:07	Enroute	$512	PCSD16010	512 (PCSD16010) Langlow, Robert
20200303	23:26:22	Event Remark	pd03	SS0375	TFD ADV
20200303	23:26:36	Arrive	$512	PCSD16010	512 (PCSD16010) Langlow, Robert
20200303	23:26:55	Available	$512	PCSD16010	512 (PCSD16010) Langlow, Robert
20200303	23:27:21	Arrive	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200303	23:27:38	Event Remark	pd02	SS02911	S092 -- WILL NEED AMB AS WELL
20200303	23:27:47	Event Remark	pd02	SS02911	S092 -- WILL NEED TO BE RESTRAINED

20200303	23:28:07	Dispatched	pd02	SS02911	U023 (TPD211508) Hightower, Martese
20200303	23:28:08	Arrive	pd02	SS02911	U023 (TPD211508) Hightower, Martese
20200303	23:28:17	Event Remark	pd03	SS0375	TFD UPDATED
20200303	23:28:26	Event Remark	pd02	SS02911	U023 -- BLOCKING RIGHT NOW
20200303	23:32:47	Event Remark	pd02	SS02911	S092 -- ETS FOR FIRE?
20200303	23:32:53	Event Remark	pd02	SS02911	S092 -- FIRE TO UPGRADE
20200303	23:34:06	Event Remark	pd03	SS0375	TFD ARRIVING
20200303	23:34:13	Event Remark	pd02	SS02911	S092 -- COPIES
20200303	23:36:09	Available	$K933	LPD13173	K933 (LPD13173) Bucat, Anthony
20200303	23:36:55	Dispatched	sd02	SS0283	88 (PCSD11034) Youngman, Jason
20200303	23:37:05	Event Remark	sd02	SS0283	35 -- FINGERPRINT SCANNER?
20200303	23:37:13	Event Remark	sd02	SS0283	88 -- GETTING FINGERPRINT SCANNER
20200303	23:37:17	Enroute	$88	PCSD11034	88 (PCSD11034) Youngman, Jason
20200303	23:43:37	Dispatched	$LT9	TPD03329	LT9 (TPD03329) Mueller, Jennifer
20200303	23:43:41	Enroute	$LT9	TPD03329	LT9 (TPD03329) Mueller, Jennifer
20200303	23:48:42	Arrive	$88	PCSD11034	88 (PCSD11034) Youngman, Jason
20200304	00:02:23	Event Remark	$35	PCSD00046	Unit [35] Inf Issue Qry 0:PERSO | .NAM/ellis, manue e | .DOB/19860828
20200304	00:02:24	Event State Message	35	PCSD00046	[redacted] Access-WACIC/NCIC Drivers License
20200304	00:02:24	Event Remark	$35	PCSD00046	Unit [35] Inf Issue Qry 0:PERSO | .NAM/ellis, manue e | .DOB/19860828
20200304	00:02:25	Event Remark	$35	PCSD00046	Unit [35] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License .
20200304	00:07:32	Event Remark	$H031	TPD211954	Unit [H031] Inf Issue Qry 0:PERSO | .OLN/ Drivers License
20200304	00:07:32	Event Remark	$H031	TPD211954	Unit [H031] Inf Issue Qry 0:PERSO | .OLN/ Drivers License
20200304	00:07:32	Event Remark	$H031	TPD211954	Unit [H031] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License
20200304	00:07:34	Event State Message	H031	TPD211954	[redacted] Access-WACIC/NCIC Drivers License

Access-WACIC/NCIC



20200304	00:09:40	Transport	pd02	SS02911	U078 (TPD212271) Chung, Herbert
20200304	00:09:40	Event Remark	pd02	SS02911	U078 -- Transport To: 495 SHANDON WRIGHT WAY S PCO: @PSSP
20200304	00:09:40	Event Remark	pd02	SS02911	U078 -- Comments:
20200304	00:09:40	Event Remark	pd02	SS02911	U078 -- Mileage:
20200304	00:12:30	Enroute	pd02	SS02911	S092 (TPD10842) Lim, Michael
20200304	00:12:31	Event Remark	pd02	SS02911	S092 -- LOCATION: 495 SHANDON WRIGHT WAY S PCO: @PSSP
20200304	00:12:44	Available	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	00:12:44	Available	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200304	00:12:44	Dispatched	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	00:12:44	Dispatched	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200304	00:12:45	Event Remark	pd02	SS02911	H349 -- H349 H317 ASSISTING S092
20200304	00:12:48	Event Remark	$H349	TPD211513	Unit [H349] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License
20200304	00:12:53	Arrive	$H349	TPD211513	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	00:13:21	Event Remark	$H317	TPD209799	Unit [H317] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License No
20200304	00:16:16	Arrive	$H349	TPD211513	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	00:16:16	TransportArrive	pd02	SS02911	U078 (TPD212271) Chung, Herbert
20200304	00:16:16	Event Remark	pd02	SS02911	U078 -- U078 Arrived at Transport Location
20200304	00:16:16	Event Remark	pd02	SS02911	U078 -- Comments:
20200304	00:16:16	Event Remark	pd02	SS02911	U078 -- Mileage:
20200304	00:17:41	Arrive	$S092	TPD10842	S092 (TPD10842) Lim, Michael
20200304	00:17:51	Dispatched	pd02	SS02911	P241 (TPD212566) Komarovsky, Ron
20200304	00:17:51	Event Remark	pd02	SS02911	P241 -- P241 ASSISTING LT9
20200304	00:17:57	Event Remark	sd02	SS0283	88 -- 96/AINSWORTH SHUT DOWN ALL DIRECTIONS
20200304	00:17:57	Event Remark	$P241	TPD212566	Unit [P241] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License
20200304	00:18:02	Acknowledge	$P241	TPD212566	P241 (TPD212566) Komarovsky, Ron
20200304	00:18:18	Event Remark	ld01	SS0247	TRANSIT ADV
20200304	00:19:28	Event Remark	pd02	SS02911	SS01 ADV
20200304	00:20:04	Event Remark	pd03	SS0375	****FIRE PERSONNEL****
20200304	00:20:04	Event Remark	pd03	SS0375	TOWER 2 - JACKSON T, SUMNER K, HERRERA R

20200304	00:20:05	Event Remark	pd03	SS0375	ENGINE 10 - WILSON N, POLO J, RIDGEWAY, M
20200304	00:20:05	Event Remark	pd03	SS0375	MEDIC 1 - BRAKEBUSH J, RADY C
20200304	00:20:11	Event Remark	pd03	SS0375	**********
20200304	00:22:25	Event Remark	pd03	SS0375	PER NOAA,GOV @ 2351, 45°, BAROMETER: 30,08
20200304	00:25:36	Dispatched	sd03	SS0258	161
20200304	00:25:44	Event Remark	pd02	SS02911	LT9 -- DID FIRE GET A BODY CORE TEMP AND BLOOD SAMPLE
20200304	00:25:49	Event Remark	sd03	SS0258	161 -- REQ EB FOR OIS
20200304	00:26:49	Event Remark	pd02	SS02911	LT9 -- IF TFD DID NOT GET THOSE ITEMS CAN THEY RETURN
20200304	00:31:00	Event Remark	sd03	SS0258	EB SENT
20200304	00:31:09	Event Remark	pd03	SS0375	FIRE CREW WILL RETURN FOR CORE TEMP AND BLOOD SAMPLE
20200304	00:36:04	Arrive	pd03	SS0375	P241 (TPD212566) Komarovsky, Ron
20200304	00:36:54	Event Remark	sd01	SS0331	20 ADV AND CALLING 35
20200304	00:39:13	Event Remark	$U078	TPD212271	Unit [U078] Inf Issue Qry 0:VEHIC | .LIC/BEB4164
20200304	00:39:13	Event Remark	$U078	TPD212271	Unit [U078] Inf Issue Qry 0:VEHIC | .LIC/BEB4164
20200304	00:39:14	Event Remark	$U078	TPD212271	Unit [U078] Inf Issue Qry 0:PERSO | .OLN/Drivers License No
20200304	00:39:15	Event Remark	$U078	TPD212271	Unit [U078] Inf Issue Qry 0:PERSO | .OLN/ Drivers License
20200304	00:39:15	Event Remark	$U078	TPD212271	Unit [U078] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License .
20200304	00:40:20	Dispatched	sd01	SS0331	20
20200304	00:40:28	Event Remark	sd01	SS0331	20 WILL ADV A100 ALSO
20200304	00:45:43	Enroute	pd02	SS02911	U078 (TPD212271) Chung, Herbert
20200304	00:45:44	Event Remark	pd02	SS02911	U078 -- LOCATION: S 96TH ST/AINSWORTH AVE S TAC
20200304	00:47:44	Dispatched	sd02	SS0283	596 (PCSD17049) Gregory, Amandla
20200304	00:47:48	Event Remark	$596	PCSD17049	Unit [596] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License No
20200304	00:47:49	Event Remark	sd02	SS0283	596 -- W/ BLOOD VILE
20200304	00:47:55	Event Remark	pd02	SS02911	LT9 -- BODY TEMP 96.7 40 MINUTES AFTER TOD
20200304	00:48:02	Enroute	$596	PCSD17049	596 (PCSD17049) Gregory, Amandla
20200304	00:48:30	Event Remark	pd02	SS02911	LATE ENTRY FROM TAC 2 0015: S092 -- ANY THEV/SUSPR/SUSP CALLS IN THE AREA
20200304	00:48:56	Event Remark	pd02	SS02911	NEGATIVE RESULTS VIA ESZ SEARCH FOR 2 ESZ BETWEEN TACOMA AND COUNTY FOR ANY RELATED
20200304	00:49:18	Dispatched	sd03	SS0258	238
20200304	00:49:31	Event Remark	sd03	SS0258	238 -- RESPONDING FOR OIS
20200304	00:49:38	Dispatched	sd02	SS0283	4212 (PCSD05022) Mell, Steven
20200304	00:50:00	Enroute	$4212	PCSD05022	4212 (PCSD05022) Mell, Steven
20200304	00:52:21	Available	sd02	SS0283	596 (PCSD17049) Gregory, Amandla
20200304	00:54:56	Arrive	$U078	TPD212271	U078 (TPD212271) Chung, Herbert
20200304	00:58:48	Available	$P241	TPD212566	P241 (TPD212566) Komarovsky, Ron
20200304	00:59:19	Available	pd02	SS02911	H205 (TPD208901) Madden, Katherine | H205 (TPD212627) Warner, Ryan
20200304	00:59:19	Event Remark	pd02	SS02911	H205 Cleared
20200304	01:00:28	Arrive	$4212	PCSD05022	4212 (PCSD05022) Mell, Steven
20200304	01:03:03	Dispatched	pd02	SS02911	X075 (TPD203529) Rose, Donald
20200304	01:03:10	Arrive	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	01:03:10	Enroute	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	01:03:11	Event Remark	pd02	SS02911	H349 -- LOCATION: X075
20200304	01:03:39	Available	pd02	SS02911	X075 (TPD203529) Rose, Donald
20200304	01:03:39	Available	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	01:03:39	Dispatched	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	01:03:39	Dispatched	pd02	SS02911	X075 (TPD203529) Rose, Donald
20200304	01:03:40	Arrive	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	01:03:40	Arrive	pd02	SS02911	X075 (TPD203529) Rose, Donald

20200304	01:03:40	Event Remark	pd02	SS02911	H349 -- H349 X075 ASSISTING S092
20200304	01:03:43	Event Remark	$H349	TPD211513	Unit [H349] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License .
20200304	01:03:43	Event Remark	$H349	TPD211513	Unit [H349] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License .
20200304	01:04:56	Available	pd02	SS02911	H356 (TPD211862) Schneider, Wesley | H356 (TPD212973) Derr, Daniel
20200304	01:09:53	Enroute	sd02	SS0283	161
20200304	01:17:37	Arrive	sd02	SS0283	20
20200304	01:17:41	Enroute	sd02	SS0283	238
20200304	01:18:10	Dispatched	sd02	SS0283	166
20200304	01:18:11	Arrive	sd02	SS0283	166
20200304	01:22:18	Event Remark	pd02	SS02911	LT9 -- 96.7* 40 MINUTES AFTER TOD
20200304	01:25:24	Dispatched	pd01	SS0292	P059 (TPD209021) Hayes, Angela
20200304	01:25:29	Event Remark	$P059	TPD209021	Unit [P059] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License .
20200304	01:25:30	Enroute	pd01	SS0292	P059 (TPD209021) Hayes, Angela
20200304	01:25:30	Event Remark	pd01	SS0292	P059 -- LOCATION: 495 SHANDON WRIGHT WAY S PCO: @PSSP
20200304	01:25:35	Event Remark	pd01	SS0292	P059 -- PEER SUPPORT
20200304	01:33:54	Dispatched	pd02	SS02911	LT14 (TPD06667) Karl, Christopher
20200304	01:33:54	Event Remark	pd02	SS02911	LT14 -- LT14 ASSISTING LT9
20200304	01:33:55	Arrive	pd02	SS02911	LT14 (TPD06667) Karl, Christopher
20200304	01:35:20	Dispatched	pd02	SS02911	C1 (TPD35184) Hayes, Barton
20200304	01:35:20	Event Remark	pd02	SS02911	C1 -- C1 ASSISTING H317
20200304	01:35:21	Arrive	pd02	SS02911	C1 (TPD35184) Hayes, Barton
20200304	01:42:37	Available	$88	PCSD11034	88 (PCSD11034) Youngman, Jason
20200304	01:43:58	Arrive	$P059	TPD209021	P059 (TPD209021) Hayes, Angela
20200304	02:01:11	Event Remark	sd03	SS0258	238 -- EB THE LAT CID GROUP FOR 2 MORE FOR OIS
20200304	02:03:22	Event Remark	sd03	SS0258	EB SENT
20200304	02:03:29	Event Remark	sd03	SS0258	*ALT CID
20200304	02:06:50	Dispatched	sd03	SS0258	239
20200304	02:07:16	Event Remark	sd03	SS0258	239 -- RESPONDING FOR ALT CID
20200304	02:08:41	Dispatched	sd03	SS0258	240
20200304	02:09:08	Event Remark	sd03	SS0258	240 -- RESPONDING FOR ALT OIS/CID
20200304	02:10:52	Event Remark	sd03	SS0258	EB UPDATED
20200304	02:14:11	Enroute	sd02	SS0283	35 (PCSD00046) Messineo, Anthony
20200304	02:14:11	Event Remark	sd02	SS0283	35 -- LOCATION: 495 SHANDON WRIGHT WAY S PCO: @PSSP
20200304	02:15:33	Enroute	sd02	SS0283	160 (PCSD00049) Sanders, Gary
20200304	02:15:34	Event Remark	sd02	SS0283	160 -- LOCATION: 495 SHANDON WRIGHT WAY S PCO: @PSSP
20200304	02:18:09	Available	pd02	SS02911	C1 (TPD35184) Hayes, Barton
20200304	02:18:09	Dispatched	pd02	SS02911	C1 (TPD35184) Hayes, Barton
20200304	02:18:10	Arrive	pd02	SS02911	C1 (TPD35184) Hayes, Barton
20200304	02:18:10	Event Remark	pd02	SS02911	C1 -- C1 ASSISTING LT9
20200304	02:21:07	Arrive	$35	PCSD00046	35 (PCSD00046) Messineo, Anthony
20200304	02:24:57	Dispatched	sd03	SS0258	156
20200304	02:25:06	Event Remark	sd03	SS0258	156 -- READY FOR THE M-E
20200304	02:26:33	Arrive	sd03	SS0258	156
20200304	02:27:46	Event Remark	sd03	SS0258	ME32 ADVD AND WILL CALL 156
20200304	02:33:38	Arrive	sd02	SS0283	160 (PCSD00049) Sanders, Gary
20200304	02:41:51	Event Remark	pd03	SS0375	PER TFD, TIME OF DEATH: 0020
20200304	02:43:21	Available	pd02	SS02911	LT9 (TPD03329) Mueller, Jennifer
20200304	02:43:21	Dispatched	pd02	SS02911	LT9 (TPD03329) Mueller, Jennifer
20200304	02:43:22	Event Remark	pd02	SS02911	LT9 -- LT9 ASSISTING H349
20200304	02:43:25	Event Remark	$LT9	TPD03329	Unit [LT9] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License .
20200304	02:43:37	Available	pd02	SS02911	C1 (TPD35184) Hayes, Barton
20200304	02:43:37	Event Remark	pd02	SS02911	C1 Cleared
20200304	02:48:19	Arrive	$LT9	TPD03329	LT9 (TPD03329) Mueller, Jennifer

20200304	02:49:25	Available	$S171	TPD200067	S171 (TPD200067) Rock, Gregory
20200304	02:53:04	Dispatched	sd01	SS0331	ME32
20200304	02:53:14	Enroute	sd01	SS0331	ME32
20200304	02:57:42	Enroute	sd03	SS0258	240
20200304	02:57:43	Arrive	sd03	SS0258	240
20200304	02:57:43	Event Remark	sd03	SS0258	240 -- LOCATION: 495 SHANDON WRIGHT WAY S PCO: @PSSP
20200304	03:02:25	Available	pd03	SS0375	LT14 (TPD06667) Karl, Christopher
20200304	03:02:25	Event Remark	pd03	SS0375	LT14 Cleared
20200304	03:05:38	Arrive	sd01	SS0331	ME32
20200304	03:08:42	Arrive	sd02	SS0283	239
20200304	03:22:36	Dispatched	pd02	SS02911	H356 (TPD211862) Schneider, Wesley | H356 (TPD212973) Derr, Daniel
20200304	03:22:37	Event Remark	pd02	SS02911	H356 -- H356 ASSISTING U078
20200304	03:22:42	Event Remark	$H356	TPD211862	Unit [H356] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License .
20200304	03:23:28	Enroute	$H356	TPD211862	H356 (TPD211862) Schneider, Wesley | H356 (TPD212973) Derr, Daniel
20200304	03:32:01	Arrive	sd02	SS0283	156
20200304	03:32:01	Enroute	sd02	SS0283	156
20200304	03:32:02	Event Remark	sd02	SS0283	156 -- LOCATION: 495 SHANDON WRIGHT WAY S PCO: @PSSP
20200304	03:32:10	Enroute	sd02	SS0283	4212 (PCSD05022) Mell, Steven
20200304	03:32:10	Event Remark	sd02	SS0283	4212 -- LOCATION: 930 TACOMA AVE S PCO: @CCB PCO
20200304	03:32:33	Enroute	sd02	SS0283	161
20200304	03:32:34	Arrive	sd02	SS0283	161
20200304	03:32:34	Event Remark	sd02	SS0283	161 -- LOCATION: 495 SHANDON WRIGHT WAY S PCO: @PSSP
20200304	03:33:20	Available	sd01	SS0331	ME32
20200304	03:40:52	Event Remark	pd03	SS0375	U078 -- 96TH/AINSWORTH IS OPEN
20200304	03:41:27	Available	$U078	TPD212271	U078 (TPD212271) Chung, Herbert
20200304	03:41:53	Available	$U023	TPD211508	U023 (TPD211508) Hightower, Martese
20200304	03:44:56	Arrive	$4212	PCSD05022	4212 (PCSD05022) Mell, Steven
20200304	03:48:37	Available	$H356	TPD211862	H356 (TPD211862) Schneider, Wesley | H356 (TPD212973) Derr, Daniel
20200304	03:55:07	Available	$U285	TPD210368	U285 (TPD210368) Brahs, Anna
20200304	03:55:49	Available	$H031	TPD211954	H031 (TPD211954) Ford, Masyih | H031 (TPD212401) Rankine, Timothy
20200304	04:02:27	Available	$LT9	TPD03329	LT9 (TPD03329) Mueller, Jennifer
20200304	04:04:38	Event Remark	sd01	SS0331	161 WILL BE LEAD ON THIS, IN CASE THERE ARE ANY FOLLOW UPS
20200304	04:06:00	Enroute	pd02	SS02911	S092 (TPD10842) Lim, Michael
20200304	04:06:00	Event Remark	pd02	SS02911	S092 -- LOCATION: 3701 S PINE ST TAC: @TPD HQ
20200304	04:07:02	Available	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200304	04:07:02	Available	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	04:07:02	Dispatched	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	04:07:02	Dispatched	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200304	04:07:03	Event Remark	pd02	SS02911	H349 -- H349 H317 ASSISTING S092
20200304	04:07:08	Event Remark	$H349	TPD211513	Unit [H349] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License .
20200304	04:07:09	Event Remark	$H349	TPD211513	Unit [H349] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License No
20200304	04:07:09	Event Remark	$H349	TPD211513	Unit [H349] Inf Issue Qry 0:FREE: .HDR/NCIC..K..OLN/ Drivers License .
20200304	04:07:35	Available	$P059	TPD209021	P059 (TPD209021) Hayes, Angela
20200304	04:07:45	Enroute	$H349	TPD211513	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	04:08:16	Available	$35	PCSD00046	35 (PCSD00046) Messineo, Anthony
20200304	04:28:37	Available	pd02	SS02911	X075 (TPD203529) Rose, Donald

20200304	04:28:37	Event Remark	pd02	SS02911	X075 Cleared
20200304	04:35:45	Available	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200304	04:35:46	Event Remark	pd02	SS02911	H317 Cleared
20200304	04:45:20	Available	$4212	PCSD05022	4212 (PCSD05022) Mell, Steven
20200304	04:55:03	Available	$H349	TPD211513	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando
20200304	04:56:06	Arrive	$S092	TPD10842	S092 (TPD10842) Lim, Michael
20200304	05:03:53	Available	$S092	TPD10842	S092 (TPD10842) Lim, Michael
20200304	05:09:25	Available	$160	PCSD00049	160 (PCSD00049) Sanders, Gary
20200304	05:51:02	Dispatched	pd02	SS02911	U078 (TPD212271) Chung, Herbert
20200304	05:51:05	Available	pd02	SS02911	U078 (TPD212271) Chung, Herbert
20200304	05:51:05	Disposition	pd02	SS02911	R
20200304	05:51:05	Event Remark	pd02	SS02911	U078 Cleared
20200304	06:22:24	Available	sd03	SS0137	161
20200304	06:22:25	Event Remark	sd03	SS0137	161 Cleared
20200304	06:22:59	Available	sd03	SS0137	156
20200304	06:23:00	Available	sd03	SS0137	166
20200304	06:23:00	Available	sd03	SS0137	20
20200304	06:23:00	Available	sd03	SS0137	238
20200304	06:23:00	Available	sd03	SS0137	239
20200304	06:23:01	Available	sd03	SS0137	240
20200304	06:23:01	Event Updated	sd03	SS0137	Closing Time: 2020-03-04 06:23:01

Call Details

Date/Time	Channel	Time	End Time	Duration	Notes	individual_alias	occupant
Tue, 03 Mar 2020 @ 23:21:53:702	TPD S PRIM [TFD05]	23:21:53:702	23:21:56:822	00:00:03.120	2006302251	TPD 317	
Tue, 03 Mar 2020 @ 23:21:59:441	TPD S PRIM [TFD05]	23:21:59:441	23:22:01:321	00:00:01.880	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:22:06:504	TPD S PRIM [TFD05]	23:22:06:504	23:22:07:304	00:00:00.800	2006302251	TPD 317	
Tue, 03 Mar 2020 @ 23:22:11:817	TPD S PRIM [TFD05]	23:22:11:817	23:22:13:337	00:00:01.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:22:13:943	TPD S PRIM [TFD05]	23:22:13:943	23:22:16:903	00:00:02.960	2006302251	TPD 236	
Tue, 03 Mar 2020 @ 23:22:18:627	TPD S PRIM [TFD05]	23:22:18:627	23:22:22:667	00:00:04.040	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:22:23:133	TPD S PRIM [TFD05]	23:22:23:133	23:22:23:653	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:22:33:028	TPD S PRIM [TFD05]	23:22:33:028	23:22:33:548	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:22:38:757	TPD S PRIM [TFD05]	23:22:38:757	23:22:40:157	00:00:01.400	2006302251	TPD 317	
Tue, 03 Mar 2020 @ 23:22:43:038	TPD S PRIM [TFD05]	23:22:43:038	23:22:43:558	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:22:44:538	TPD S PRIM [TFD05]	23:22:44:538	23:22:46:138	00:00:01.600	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:22:52:706	TPD S PRIM [TFD05]	23:22:52:706	23:22:54:226	00:00:01.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:22:55:979	TPD S PRIM [TFD05]	23:22:55:979	23:22:56:779	00:00:00.800	2006302251	TPD 031	
Tue, 03 Mar 2020 @ 23:22:58:678	TPD S PRIM [TFD05]	23:22:58:678	23:23:01:078	00:00:02.400	2006302251	tpd-356v	
Tue, 03 Mar 2020 @ 23:23:01:878	TPD S PRIM [TFD05]	23:23:01:878	23:23:04:478	00:00:02.600	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:23:13:034	TPD S PRIM [TFD05]	23:23:13:034	23:23:13:554	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:23:21:874	TPD S PRIM [TFD05]	23:23:21:874	23:23:24:034	00:00:02.160	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:23:24:873	TPD S PRIM [TFD05]	23:23:24:873	23:23:27:993	00:00:03.120	2006302251	TPD 317	
Tue, 03 Mar 2020 @ 23:23:33:036	TPD S PRIM [TFD05]	23:23:33:036	23:23:33:556	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:23:43:039	TPD S PRIM [TFD05]	23:23:43:039	23:23:43:559	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:23:53:039	TPD S PRIM [TFD05]	23:23:53:039	23:23:53:559	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:23:57:960	TPD S PRIM [TFD05]	23:23:57:960	23:24:02:000	00:00:04.040	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:24:03:028	TPD S PRIM [TFD05]	23:24:03:028	23:24:03:548	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:24:13:039	TPD S PRIM [TFD05]	23:24:13:039	23:24:13:559	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:24:22:437	TPD S PRIM [TFD05]	23:24:22:437	23:24:24:317	00:00:01.880	2006302251	tpd-088v	
Tue, 03 Mar 2020 @ 23:24:26:744	TPD S PRIM [TFD05]	23:24:26:744	23:24:28:064	00:00:01.320	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:24:32:699	TPD S PRIM [TFD05]	23:24:32:699	23:24:34:659	00:00:01.960	2006302251	TPD 317	
Tue, 03 Mar 2020 @ 23:24:35:762	TPD S PRIM [TFD05]	23:24:35:762	23:24:37:282	00:00:01.520	2006302251	tpd-092v	
Tue, 03 Mar 2020 @ 23:24:39:364	TPD S PRIM [TFD05]	23:24:39:364	23:24:40:764	00:00:01.400	2006302251	tpd-349v	
Tue, 03 Mar 2020 @ 23:24:39:448	TPD S PRIM [TFD05]	23:24:39:448	23:24:40:768	00:00:01.320	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:24:42:237	TPD S PRIM [TFD05]	23:24:42:237	23:24:45:637	00:00:03.400	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:24:46:798	TPD S PRIM [TFD05]	23:24:46:798	23:24:48:838	00:00:02.040	2006302251	tpd-092v	
Tue, 03 Mar 2020 @ 23:24:51:532	TPD S PRIM [TFD05]	23:24:51:532	23:24:52:772	00:00:01.240	2006302251	TPD 088	
Tue, 03 Mar 2020 @ 23:24:52:032	TPD S PRIM [TFD05]	23:24:52:032	23:24:52:472	00:00:00.440	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:25:00:474	TPD S PRIM [TFD05]	23:25:00:474	23:25:03:154	00:00:02.680	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:25:06:955	TPD S PRIM [TFD05]	23:25:06:955	23:25:10:275	00:00:03.320	2006302251	TPD 092	
Tue, 03 Mar 2020 @ 23:25:10:855	TPD S PRIM [TFD05]	23:25:10:855	23:25:11:295	00:00:00.440	2006302251	TPD 317	
Tue, 03 Mar 2020 @ 23:25:12:246	TPD S PRIM [TFD05]	23:25:12:246	23:25:14:366	00:00:02.120	2006302251	TPD 317	
Tue, 03 Mar 2020 @ 23:25:18:241	TPD S PRIM [TFD05]	23:25:18:241	23:25:19:761	00:00:01.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:25:20:882	TPD S PRIM [TFD05]	23:25:20:882	23:25:23:002	00:00:02.120	2006302251	TPD 092	
Tue, 03 Mar 2020 @ 23:25:25:658	TPD S PRIM [TFD05]	23:25:25:658	23:25:28:138	00:00:02.480	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:25:33:042	TPD S PRIM [TFD05]	23:25:33:042	23:25:33:562	00:00:00.520	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:25:33:679	TPD S PRIM [TFD05]	23:25:33:679	23:25:35:839	00:00:02.160	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:25:38:039	TPD S PRIM [TFD05]	23:25:38:039	23:25:39:439	00:00:01.400	2006302251	TPD 092	
Tue, 03 Mar 2020 @ 23:25:40:197	TPD S PRIM [TFD05]	23:25:40:197	23:25:41:957	00:00:01.760	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:25:44:759	TPD S PRIM [TFD05]	23:25:44:759	23:25:47:639	00:00:02.880	2006302251	TPD 092	
Tue, 03 Mar 2020 @ 23:25:49:434	TPD S PRIM [TFD05]	23:25:49:434	23:25:51:834	00:00:02.400	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:25:53:557	TPD S PRIM [TFD05]	23:25:53:557	23:25:56:037	00:00:02.480	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:26:02:133	TPD S PRIM [TFD05]	23:26:02:133	23:26:03:373	00:00:01.240	2006302251	tpd-023v	
Tue, 03 Mar 2020 @ 23:26:04:444	TPD S PRIM [TFD05]	23:26:04:444	23:26:06:124	00:00:01.680	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:27:17:662	TPD S PRIM [TFD05]	23:27:17:662	23:27:18:742	00:00:01.080	2006302251	TPD 349	
Tue, 03 Mar 2020 @ 23:27:20:146	TPD S PRIM [TFD05]	23:27:20:146	23:27:21:106	00:00:00.960	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:27:25:587	TPD S PRIM [TFD05]	23:27:25:587	23:27:27:387	00:00:01.800	2006302251	TPD 092	
Tue, 03 Mar 2020 @ 23:27:28:521	TPD S PRIM [TFD05]	23:27:28:521	23:27:29:681	00:00:01.160	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:27:29:959	TPD S PRIM [TFD05]	23:27:29:959	23:27:34:599	00:00:04.640	2006302251	TPD 092	
Tue, 03 Mar 2020 @ 23:27:36:246	TPD S PRIM [TFD05]	23:27:36:246	23:27:38:486	00:00:02.240	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:27:39:746	TPD S PRIM [TFD05]	23:27:39:746	23:27:43:146	00:00:03.400	2006302251	TPD 092	
Tue, 03 Mar 2020 @ 23:27:44:349	TPD S PRIM [TFD05]	23:27:44:349	23:27:45:389	00:00:01.040	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:32:38:752	TPD S PRIM [TFD05]	23:32:38:752	23:32:41:792	00:00:03.040	2006302251	TPD 092	
Tue, 03 Mar 2020 @ 23:32:43:446	TPD S PRIM [TFD05]	23:32:43:446	23:32:46:046	00:00:02.600	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:32:47:166	TPD S PRIM [TFD05]	23:32:47:166	23:32:48:766	00:00:01.600	2006302251	TPD 092	
Tue, 03 Mar 2020 @ 23:32:49:731	TPD S PRIM [TFD05]	23:32:49:731	23:32:50:611	00:00:00.880	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:34:04:026	TPD S PRIM [TFD05]	23:34:04:026	23:34:06:626	00:00:02.600	2006302251	SSL-OP-03	
Tue, 03 Mar 2020 @ 23:34:07:289	TPD S PRIM [TFD05]	23:34:07:289	23:34:08:809	00:00:01.520	2006302251	TPD 092	

Call Details

Date/Time	Channel	Time	End Time	Duration	Notes	individual_alias	occupant
Tue, 03 Mar 2020 @ 23:34:09:727	TPD S PRIM [TFD05]	23:34:09:727	23:34:10:687	00:00:00.960	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 00:00:52:541	TPD S PRIM [TFD05]	00:00:52:541	00:00:55:421	00:00:02.880	2006302251	TPD 092	
Wed, 04 Mar 2020 @ 00:00:59:146	TPD S PRIM [TFD05]	00:00:59:146	00:01:00:306	00:00:01.160	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 00:11:50:440	TPD S PRIM [TFD05]	00:11:50:440	00:11:52:600	00:00:02.160	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 00:11:53:880	TPD S PRIM [TFD05]	00:11:53:880	00:11:54:560	00:00:00.680	2006302251	tpd-092v	
Wed, 04 Mar 2020 @ 00:14:01:248	TPD S PRIM [TFD05]	00:14:01:248	00:14:04:808	00:00:03.560	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 00:14:09:148	TPD S PRIM [TFD05]	00:14:09:148	00:14:11:668	00:00:02.520	2006302251	tpd-092v	
Wed, 04 Mar 2020 @ 00:14:12:742	TPD S PRIM [TFD05]	00:14:12:742	00:14:15:342	00:00:02.600	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 00:14:16:708	TPD S PRIM [TFD05]	00:14:16:708	00:14:17:668	00:00:00.960	2006302251	tpd-092v	
Wed, 04 Mar 2020 @ 00:14:19:036	TPD S PRIM [TFD05]	00:14:19:036	00:14:19:996	00:00:00.960	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 00:16:11:009	TPD S PRIM [TFD05]	00:16:11:009	00:16:12:449	00:00:01.440	2006302251	tpd-078v	
Wed, 04 Mar 2020 @ 00:16:14:742	TPD S PRIM [TFD05]	00:16:14:742	00:16:16:182	00:00:01.440	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 00:24:42:047	TPD S PRIM [TFD05]	00:24:42:047	00:24:44:807	00:00:02.760	2006302251	TPD L9	
Wed, 04 Mar 2020 @ 00:24:46:094	TPD S PRIM [TFD05]	00:24:46:094	00:24:47:854	00:00:01.760	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 00:35:53:898	TPD S PRIM [TFD05]	00:35:53:898	00:35:55:498	00:00:01.600	2006302251	TPD 241	
Wed, 04 Mar 2020 @ 00:35:58:841	TPD S PRIM [TFD05]	00:35:58:841	00:36:00:601	00:00:01.760	2006302251	SSL-OP-05	
Wed, 04 Mar 2020 @ 00:58:58:153	TPD S PRIM [TFD05]	00:58:58:153	00:59:01:273	00:00:03.120	2006302251	tpd-241v	
Wed, 04 Mar 2020 @ 00:59:03:102	TPD S PRIM [TFD05]	00:59:03:102	00:59:05:342	00:00:02.240	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 00:59:14:627	TPD S PRIM [TFD05]	00:59:14:627	00:59:18:387	00:00:03.760	2006302251	tpd-205v	
Wed, 04 Mar 2020 @ 00:59:23:665	TPD S PRIM [TFD05]	00:59:23:665	00:59:26:425	00:00:02.760	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 01:02:48:136	TPD S PRIM [TFD05]	01:02:48:136	01:02:51:176	00:00:03.040	2006302251	TPD 075	
Wed, 04 Mar 2020 @ 01:02:51:930	TPD S PRIM [TFD05]	01:02:51:930	01:02:53:610	00:00:01.680	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 01:04:33:466	TPD S PRIM [TFD05]	01:04:33:466	01:04:37:306	00:00:03.840	2006302251	tpd-356v	
Wed, 04 Mar 2020 @ 01:04:38:553	TPD S PRIM [TFD05]	01:04:38:553	01:04:39:593	00:00:01.040	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 01:33:40:820	TPD S PRIM [TFD05]	01:33:40:820	01:33:44:940	00:00:04.120	2006302251	tpd-L14v	
Wed, 04 Mar 2020 @ 01:33:45:594	TPD S PRIM [TFD05]	01:33:45:594	01:33:47:634	00:00:02.040	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 01:35:05:553	TPD S PRIM [TFD05]	01:35:05:553	01:35:07:073	00:00:01.520	2006302251	tpd-C1v	
Wed, 04 Mar 2020 @ 01:35:08:601	TPD S PRIM [TFD05]	01:35:08:601	01:35:09:681	00:00:01.080	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 01:35:09:992	TPD S PRIM [TFD05]	01:35:09:992	01:35:15:112	00:00:05.120	2006302251	tpd-C1v	
Wed, 04 Mar 2020 @ 01:35:16:422	TPD S PRIM [TFD05]	01:35:16:422	01:35:18:822	00:00:02.400	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 02:17:53:098	TPD S PRIM [TFD05]	02:17:53:098	02:17:54:698	00:00:01.600	2006302251	tpd-C1v	
Wed, 04 Mar 2020 @ 02:17:56:316	TPD S PRIM [TFD05]	02:17:56:316	02:17:57:636	00:00:01.320	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 02:17:57:832	TPD S PRIM [TFD05]	02:17:57:832	02:18:02:392	00:00:04.560	2006302251	tpd-C1v	
Wed, 04 Mar 2020 @ 02:18:04:590	TPD S PRIM [TFD05]	02:18:04:590	02:18:07:470	00:00:02.880	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 02:43:07:402	TPD S PRIM [TFD05]	02:43:07:402	02:43:08:722	00:00:01.320	2006302251	tpd-L9v	
Wed, 04 Mar 2020 @ 02:43:10:607	TPD S PRIM [TFD05]	02:43:10:607	02:43:12:287	00:00:01.680	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 02:43:12:263	TPD S PRIM [TFD05]	02:43:12:263	02:43:18:263	00:00:06.000	2006302251	tpd-L9v	
Wed, 04 Mar 2020 @ 02:43:19:512	TPD S PRIM [TFD05]	02:43:19:512	02:43:23:272	00:00:03.760	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 02:43:30:313	TPD S PRIM [TFD05]	02:43:30:313	02:43:32:193	00:00:01.880	2006302251	tpd-C1v	
Wed, 04 Mar 2020 @ 02:43:33:422	TPD S PRIM [TFD05]	02:43:33:422	02:43:35:902	00:00:02.480	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 03:19:50:608	TPD S PRIM [TFD05]	03:19:50:608	03:19:54:528	00:00:03.920	2006302251	TPD 078	
Wed, 04 Mar 2020 @ 03:20:02:065	TPD S PRIM [TFD05]	03:20:02:065	03:20:03:945	00:00:01.880	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 03:20:05:189	TPD S PRIM [TFD05]	03:20:05:189	03:20:06:429	00:00:01.240	2006302251	TPD 171	
Wed, 04 Mar 2020 @ 03:20:07:901	TPD S PRIM [TFD05]	03:20:07:901	03:20:10:381	00:00:02.480	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 03:20:11:418	TPD S PRIM [TFD05]	03:20:11:418	03:20:12:458	00:00:01.040	2006302251	TPD 171	
Wed, 04 Mar 2020 @ 03:20:14:107	TPD S PRIM [TFD05]	03:20:14:107	03:20:15:147	00:00:01.040	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 03:22:12:387	TPD S PRIM [TFD05]	03:22:12:387	03:22:17:147	00:00:04.760	2006302251	TPD 171	
Wed, 04 Mar 2020 @ 03:22:20:009	TPD S PRIM [TFD05]	03:22:20:009	03:22:20:969	00:00:00.960	2006302251	TPD 356	
Wed, 04 Mar 2020 @ 03:40:36:055	TPD S PRIM [TFD05]	03:40:36:055	03:40:39:735	00:00:03.680	2006302251	tpd-078v	
Wed, 04 Mar 2020 @ 03:40:42:285	TPD S PRIM [TFD05]	03:40:42:285	03:40:43:245	00:00:00.960	2006302251	SSL-OP-05	
Wed, 04 Mar 2020 @ 04:05:41:397	TPD S PRIM [TFD05]	04:05:41:397	04:05:44:517	00:00:03.120	2006302251	tpd-092v	
Wed, 04 Mar 2020 @ 04:05:46:231	TPD S PRIM [TFD05]	04:05:46:231	04:05:47:751	00:00:01.520	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 04:05:47:989	TPD S PRIM [TFD05]	04:05:47:989	04:05:52:269	00:00:04.280	2006302251	tpd-092v	
Wed, 04 Mar 2020 @ 04:05:54:219	TPD S PRIM [TFD05]	04:05:54:219	04:05:55:379	00:00:01.160	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 04:05:55:564	TPD S PRIM [TFD05]	04:05:55:564	04:05:56:724	00:00:01.160	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 04:05:57:536	TPD S PRIM [TFD05]	04:05:57:536	04:06:06:616	00:00:09.080	2006302251	tpd-092v	
Wed, 04 Mar 2020 @ 04:06:11:496	TPD S PRIM [TFD05]	04:06:11:496	04:06:12:536	00:00:01.040	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 04:06:30:871	TPD S PRIM [TFD05]	04:06:30:871	04:06:35:431	00:00:04.560	2006302251	tpd-059v	
Wed, 04 Mar 2020 @ 04:06:36:398	TPD S PRIM [TFD05]	04:06:36:398	04:06:38:638	00:00:02.240	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 04:34:57:827	TPD S PRIM [TFD05]	04:34:57:827	04:35:03:027	00:00:05.200	2006302251	tpd-236v	
Wed, 04 Mar 2020 @ 04:35:05:767	TPD S PRIM [TFD05]	04:35:05:767	04:35:08:727	00:00:02.960	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 04:35:12:513	TPD S PRIM [TFD05]	04:35:12:513	04:35:15:753	00:00:03.240	2006302251	SSL-OP-03	
Wed, 04 Mar 2020 @ 04:35:17:469	TPD S PRIM [TFD05]	04:35:17:469	04:35:18:349	00:00:00.880	2006302251	tpd-236v	
Wed, 04 Mar 2020 @ 04:35:19:235	TPD S PRIM [TFD05]	04:35:19:235	04:35:20:115	00:00:00.880	2006302251	SSL-OP-03	

TPD RADIO CALL
20-063-02251

RD 911 RADIO DISPATCH
317 TPD MATTHEW COLLINS/ CHRISTOPHER BURBANK
092 TPD SGT. MICHAEL LIM
023 TPD MARTESE HIGHTOWER
US UNIDENTIFIED SPEAKER

RD Henry 317 go ahead. Henry, 317?

317 317, I'm at 96th and Ainsworth.

RD All right, traffic Henry 317, unknown trouble, 96th and Ainsworth. 2322.

Beeper sounds.

US Where's the (unintelligible).

Beeper sounds.

RD Henry 317, unreadable. Four sector cars (unintelligible).

US (Unintelligible).

RD Keep the air open for Henry 317.

Beeper sounds.

RD Henry 317, update when you're available.

Beeper sounds.

RD Priority traffic, Henry 317, 96th and Ainsworth, keep the air open. 2323.

Beeper sounds.

31 31's with 317.

RD 31's on scene, 2324.

317 Can someone bring some hobbles?

US (Unintelligible) about to arrive.

092 We're all out of hobbles.

RD Received and confirm loc, received, 092 I'll show you on scene. Confirm A-Adam or Ainsworth?

092 Ainsworth. They're still fightin' with one.

RD And State Patrol and County is in route as well.

US (Unintelligible).

RD Unreadable.

US I can't breathe, I can't breathe.

092 Slow income. Slow.

RD Incoming can slow. 2325.

Beeper sounds.

RD Copy, 1 detained. Still need the beeper?

092 No, cancel.

RD Anyone need medical aid there?

092 Yeah, go ahead and start Fire, check him out.

RD Received. Air's open. Routine traffic 2325. Union 23, put you back on your last.

23 23 copy.

RD 2326.

US (Unintelligible) in route.

RD 2327.

092 Sam 092.

RD Sam 92.

092 Advise Fire they're gonna need a ambulance. He has to be strapped down.

RD Copy an ambulance as well, what was the rest?

092 He's gonna have to be strapped down. His arms.

RD Gotta be strapped down.

092 Sam 092, gonna need an ETA on Fire.

RD Received. Do you want 'em priority?

092 Yeah.

RD Copy 92. Sam 92 Fire's advising they're pulling up on scene.

092 Yeah, thanks.

RD 2334.

US (Unintelligible.)

RD Tac 2, (unintelligible). Sam 92, Tac 2.

TPD Radio Call Transcription and Details

20-063-02251

Created by TPD IA

This document combines transcription from SS911 audio files with times and assigned radio details taken from the SS911 Call Details Logs. The original transcription portion was produced by PCSD. TPD IA reviewed and clarified transcriptions, added times radio transmissions were made and by what officer/radio.

The SS911 radio system is able to identify the officer assigned the radio used for a transmission. In the "Call Details" log, officers making a radio transmission or simply keying their microphone via their portable radio are identified by an employee number. If the radio transmission was made from a vehicle mounted radio, the radio system will show the assigned officers' employee number followed by a "V" meaning vehicle mounted radio. The system does not specify what officer made a radio transmission from a vehicle mounted radio if two officers are working together in a vehicle.

(Note): Time stamps entered into CAD are delayed several seconds when typed into CAD by SS911 dispatcher. However, exact time stamps of radio transmissions or "mic clicks" are captured by the computer system at the precise time they are made. Those time stamps are found in the SS911 "CALL DETAILS" radio log spreadsheet. TPD IA used the precise time for their TPD Radio Call Transcription and Details document.

- *Example: The first CAD entry showing a location (96th and Ainsworth) of H317 is 23:22:28 hours. The exact time stamp into the "CALL DETAILS" radio log where the location was given by Officer Burbank (TPD 236) was 23:22:13 hours.*

UNIT

RD = 911 RADIO DISPATCH

317 = TPD MATTHEW COLLINS via portable radio
236 = TPD CHRISTOPHER BURBANK via portable radio

- **317V = Collins or Burbank via vehicle radio**

092 = TPD SGT. MICHAEL LIM via portable radio

- **092V = SGT. LIM via vehicle radio**

023V = TPD MARTESE HIGHTOWER via vehicle radio

031 = TPD MASYIH FORD via portable radio
088 = TIMOTHY RANKINE via portable radio

- **031V = Ford or Rankine via vehicle radio**

349 = TPD ARMANDO FARINAS via portable radio
346 = TPD ANDY GUIARDINU via portable radio

- **349V = FARINAS or GUARDINI via vehicle radio**

356 = TPD WESLEY SCHNEIDER via portable radio
109 = TPD DANIEL DERR via portable radio

- **356V = Schneider or Derr via vehicle radio**

TIME	UNIT	TRANSMISSION
23:21:53	317	Mic Click.
23:21:59	RD	Henry 317 go ahead.
23:22:06	317	Mic Click (unintelligible).
23:22:11	RD	Henry, 317?
23:22:13	236	317, I'm at 96th and Ainsworth.
23:22:18	RD	Priority Traffic, Henry 317, unknown trouble, 96th and Ainsworth. 2322.
23:22:23		Beeper sounds.
23:22:33		Beeper sounds.
23:22:38	317	(unintelligible).
23:22:43		Beeper sounds.
23:22:44	RD	Henry 317, unreadable.
23:22:52	RD	Four sector cars (unintelligible).
23:22:55	031	31.
23:22:58	356V	356.
23:23:01	RD	Keep the air open for Henry 317.
23:23:13		Beeper sounds.
23:23:21	RD	Henry 317, update when you're available.
23:23:33		Beeper sounds.
23:23:24	317	Mic Click
23:23:33		Beeper sounds.
23:23:43		Beeper sounds.
23:23:53		Beeper sounds.
23:23:57	RD	Priority traffic, Henry 317, 96th and Ainsworth, keep the air open. 2323.
23:24:03		Beeper sounds.
23:24:13		Beeper sounds.
23:24:22	088V	31's with 317.
23:24:26	RD	31's on scene, 2324.
23:24:32	317	Hey, someone bring some hobbles?
23:24:35	092V	Sam 092 arrive.
23:24:39	349V	349 I have hobbles.
23:24:39	RD	Received and confirm loc..
23:24:42	RD	Received, Sam 92, I'll show you on scene. Confirm A-Adam or Ainsworth?
23:24:46	092V	Ainsworth. They're still fightin' with one.
23:24:51	088	(unintelligible). Sirens heard.
23:25:00	RD	And State Patrol and County is in route as well.

23:25:06	092	(Unintelligible).
23:25:10	317	Mic click.
23:25:12	317	I can't breathe, I...(*heard in background*)
23:25:18	RD	Unreadable
23:25:20	092	Slow incoming... I can't breathe, I can't breathe...(*heard in background*)
23:25:25	RD	Incoming can slow. 2325.
23:25:33		Beeper sounds.
23:25:33	RD	Copy, 1 detained. Still need the beeper?
23:25:38	092	No, cancel.
23:25:40	RD	Anyone need medical aid there?
23:25:44	092	Yeah, go ahead and start Fire, check him out.
23:25:49	RD	Received. Air's open. Routine traffic 2325.
23:25:53	RD	Union 23, put you back on your last.
23:26:02	023V	23 copy.
23:26:04	RD	2326.
23:27:17	349	349's arrived.
23:27:20	RD	2327.
23:27:25	092	Sam 092.
23:27:28	RD	Sam 92.
23:27:29	092	Advise Fire they're gonna need a ambulance. He has to be strapped down.
23:27:36	RD	Copy an ambulance as well, what was the rest?
23:27:39	092	He's gonna have to be strapped down. His arms.
23:27:44	RD	2327.
23:32:38	092	Sam 092, gonna need an ETA on Fire.
23:32:43	RD	Received. Do you want 'em priority?
23:32:47	092	Yeah.
23:32:49	RD	2332.
23:34:04	RD	Sam 92 Fire's advising they're pulling up on scene.
23:34:07	092	Yeah, thanks.
23:34:09	RD	2334.

TAB 4

STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

THE STATE OF WASHINGTON, Plaintiff, v. CHRISTOPHER SHANE BURBANK, Defendant.	NO. 21-1-01286-6 DECLARATION FOR DETERMINATION OF PROBABLE CAUSE

Patty A. Eakes and Kent Liu declare under penalty of perjury:

We are a special assistant attorney general and an assistant attorney general, respectively, and are familiar with the police reports and/or investigations conducted by the PIERCE COUNTY SHERIFF'S OFFICE (incident 20-063-02251) and the WASHINGTON STATE PATROL (WSP) (incident 20-009681). In addition, after receiving the WSP report, the ATTORNEY GENERAL conducted a further investigation. We have also reviewed and are familiar with the work product of experts Grant Fredericks, David Hallimore, Dr. Thomas Clark, and Sue Peters. The police reports, investigations, and expert work product provided us the following information.

In Pierce County, Washington, on or about March 3, 2020, CHRISTOPHER BURBANK and MATTHEW COLLINS committed the crimes of FELONY MURDER IN THE SECOND DEGREE based on the predicate felonies of Assault in the Second Degree

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and/or Assault in the Third Degree and/or Unlawful Imprisonment, and MANSLAUGHTER IN THE FIRST DEGREE. And, on or about the same day and in the same location, TIMOTHY RANKINE committed the crime of MANSLAUGHTER IN THE FIRST DEGREE.

This belief is predicated on the above referenced police reports, expert reports, and the subsequent investigation by the Attorney General's Office (AGO) regarding the following facts and circumstances upon which this certification for the determination of probable cause is made:

I. BACKGROUND

Manuel Ellis, known as "Manny" to his friends and family, began the evening of Tuesday, March 3, 2020, at his church. "He just fell in love with, with goin' to church," said C.A., a man who had been mentoring Ellis and giving him a place to live. Ellis stayed at the church until approximately 9:30 PM, playing drums with the worship band. "He's a great drummer, you know," C.A. remembered. Ellis and C.A. then returned home together. While home, sometime between 10:08 PM and 10:30 PM, Ellis called his mom. He talked with her by video for approximately half an hour. His sister remembers overhearing her mom's laughter as she talked with Ellis, and hearing the sound of his distinct laugh over the phone. After talking with his mom, Ellis ate some burgers with C.A.

A little later, Ellis went out to get a late-night snack from the 7-11 on South Steele Street, as he often did. He greeted the clerk as he walked in. "He's a nice kid," the clerk remembered. "Really respectful kid. He always say[s] hi." Ellis is believed to have bought a box of donuts and some water at 11:11 PM, and wished the clerk a good night on his way out. He then began his walk home.

But Ellis never made it home. On his walk back from the 7-11, at around 11:21 PM, at the intersection of 96th Street South and Ainsworth Avenue South, Ellis came upon a police car. Sitting in that police car were CHRISTOPHER BURBANK and MATTHEW COLLINS.

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II. OFFICERS BURBANK AND COLLINS

COLLINS and BURBANK are police officers with the Tacoma Police Department. COLLINS weighs an estimated 215 pounds, standing nearly six feet tall, and BURBANK weighs an estimated 160 pounds, and is also six feet tall.

By March 2020, COLLINS had been a police officer for more than four years, served on the Tacoma Police Department SWAT team, and previously served eight years in the army. He was also trained in grappling martial arts and taught classes on defensive tactics. BURBANK had been a police officer for more than four years, and previously served eight years in the army. According to Washington State Criminal Justice Training Commission records, BURBANK and COLLINS were both trained in crisis intervention.

On March 3, 2020, COLLINS and BURBANK were on patrol together in the same car. According to dispatch logs, just before 11:16 PM, COLLINS and BURBANK conducted a traffic stop at 96th Street East and A Street South in Tacoma, which they cleared a few seconds before 11:20 PM. They then drove a little over a mile to the intersection of 96th Street South and Ainsworth Avenue South.

III. CIVILIAN WITNESSES SEE BURBANK AND COLLINS ATTACK ELLIS

Around 11:21 PM, as Ellis walked along the sidewalk towards them, COLLINS and BURBANK were sitting at a red light at 96th and Ainsworth, facing west. Immediately behind BURBANK and COLLINS at the red light was a woman, S.M., in her car. In a car behind S.M. was her former boyfriend, K.L., with their two daughters sitting in the back seat. S.M. and K.L. were on their way to drop off their daughters with S.M.'s sister.

On the south side of the intersection, to the police officers' left, was a pizza delivery driver named S.C., in route back to the restaurant after a delivery.

None of the three civilian witnesses at the intersection knew Ellis, BURBANK, or COLLINS before that night. And neither S.M. nor K.L knew S.C.

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A. S.M. and K.L. see Ellis walking along sidewalk and briefly speaking with officers.

S.M. and K.L. remember that when they stopped at the red light, Ellis was facing them and walking along the sidewalk toward their location. As Ellis walked by the police car, he stopped and appeared to briefly interact with the officers as they sat in their car. It looked to S.M. and K.L. like just a casual conversation, almost as if "the officers knew him from somewhere maybe," S.M. would later say. Both S.M. and K.L. remember seeing a peaceful, apparently respectful conversation, with no signs of aggression from Ellis. After that exchange, which S.M. estimated lasted about "10 to 15 seconds," Ellis turned away from the officers and began to walk away.

B. Officers attack Ellis and the civilian witnesses pull out their phones to record.

The officers did not let Ellis walk away. Instead, as both S.M. and K.L. described witnessing, BURBANK abruptly swung open the passenger door of the car, striking Ellis from behind and knocking him to his knees. S.C. similarly described seeing the passenger door to the police car open suddenly and then seeing Ellis fall to the ground.

S.M. and K.L. then saw BURBANK emerge from the passenger side of the car and get on top of Ellis as Ellis tried to get back up. All three of the witnesses described then seeing the driver of the police car, COLLINS, open his door and run around the front of the car towards Ellis.

S.M. and S.C. both immediately took out their cell phones and began to record what they were seeing.

IV. AUDIO AND VIDEO EVIDENCE RECORDS THE ATTACK ON ELLIS AND HIS RESTRAINT

Multiple video and audio sources captured what happened next. After receiving the investigation file from WSP, the AGO retained experts to create a timeline of events and merge all video and audio recordings that captured the events of that night. Forensic video analyst

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Grant Fredericks and forensic audio analyst David J. Hallimore analyzed those video and audio recordings.

Mr. Fredericks produced a chronological alignment of all the digital multimedia evidence, including the following:

- Cell phone video (and any accompanying audio) from S.M., S.C., and a woman named A.W., who lived in a house about 112 feet from Ellis and the Officers.
- A Vivint "Doorbell" camera on the house A.W. lived in, which captured both video and audio.
- Audio recordings from South Sound 911 "TPD S PRIM" dispatch radio traffic.
- Taser activation data.

This alignment was produced by identifying visual activity that is consistent among two or more camera views, as well as by matching dispatch and audio records with the timing on the video recordings. This was then used to synchronize the audio and video recordings into a single audio/video presentation with an on-screen time-of-day stamp, accurate to the millisecond for reference purposes.

The audio expert, Mr. Hallimore, focused on identifying and clarifying speech contained within the Vivint doorbell videos and two cell phone videos captured by S.M. Mr. Hallimore used these sources, along with South Sound 911 "TPD S PRIM" dispatch radio traffic and timing data provided by Mr. Fredericks, to create a chronological timeline transcript covering the timeframe of 23:21:40–23:34:09 on March 3, 2020.

Mr. Fredericks's synchronized multimedia recording, and Mr. Hallimore's chronological audio timeline, capture much of what transpired between Mr. Ellis and BURBANK and COLLINS following the initial attack.

A. Video shows the officers tackle, and repeatedly strike Ellis.

The video from S.M., the woman sitting in her car behind COLLINS and BURBANK, starts 46 seconds after 11:21 PM. When it begins, BURBANK can be seen wrapping his arms

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around Ellis, lifting him into the air, and driving him down into the pavement, striking at him with one of his fists as he does so. Ellis can then be seen curling his legs in towards his body, as BURBANK backs away from him. The bag from the 7-11 that Ellis had been carrying just a few seconds earlier can be seen drifting away, pushed by that night's gusty winds. COLLINS then moves in towards Ellis and brings his weight down onto him. With Ellis underneath him, COLLINS begins striking Ellis's head with his fist. Meanwhile, BURBANK draws his taser gun and walks close in towards Ellis. COLLINS can be seen on S.M.'s video striking Ellis's head four times, with Ellis screaming after each strike. After the fourth strike, S.M.'s video shifts away, as S.M. begins to lift herself up so she can open her door and shout towards the officers.

"Hey! Stop! Oh my god, stop hitting him! Stop hitting him! Just arrest him," cried out S.M.

B. Collins applies a neck restraint on Ellis as Burbank aims his taser.

At this point—56 seconds after 11:21 PM—the pizza delivery driver (S.C.)'s phone begins recording. That video begins by showing COLLINS, now behind Ellis, wrapping his arm around the front of Ellis's neck, as BURBANK takes aim with his taser gun. COLLINS then locks his hands together while squeezing the arm around Ellis's neck, applying what is called a "lateral vascular neck restraint," or "LVNR."

As described in a recent federal court case, an LVNR hold "involves bilateral compression of the neck, compressing the carotid arteries (which supply blood to the brain), the jugular veins (which return blood from the brain to the heart), and the carotid sinus (which measures and regulates blood pressure of the brain)." *Petersen v. Smith*, No. C19-6033-BHS-MAT, 2021 WL 1873159, at *9 (W.D. Wash. Feb. 11, 2021), report and recommendation adopted, No. C19-6033 BHS-MAT, 2021 WL 1541175 (W.D. Wash. Apr. 20, 2021). An LVNR hold can render a person unconscious within four to seven seconds, if maximum compression is applied. *Id.* Courts have determined that an LVNR hold can constitute deadly

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force. *See, e.g.*, *Hunter v. Durell*, No. C16-1445-MJP, 2018 WL 6249789, at *11 (W.D. Wash. Nov. 29, 2018), *aff'd sub nom. Hunter v. City of Fed. Way*, 806 F. App'x 518 (9th Cir. 2020); *Petersen*, No. C19-6033-BHS-MAT, 2021 WL 1873159, at *9. In fact, many police departments ban the practice altogether. *See id.* at *6 & n.2.

Ellis was not fighting back. All three civilian witnesses at the intersection—the two parents, K.L. and S.M., and the pizza delivery driver, S.C.—state that they never saw Ellis strike at the officers. A neighbor, A.W., who witnessed some of the attack from her house across the street, likewise never saw Ellis strike at the officers. As S.C. put it, "it doesn't seem like he was fighting at all to me." "He wasn't even defending himself," remembered K.L. The civilian witnesses' accounts are corroborated by the video evidence. The video depicts Ellis struggling at times against the officers' restraints, but does not show Ellis attempting to strike the officers at any point.

C. Burbank fires taser as Collins continues to apply LVNR.

S.C.'s video next shows Ellis, held in an LVNR by COLLINS, looking towards BURBANK and the taser gun BURBANK has aimed at his chest. Ellis lifts his arms straight up into the air, with his palms open and facing BURBANK, in a surrender-type position. At that moment, COLLINS pulls back on Ellis's neck, causing Ellis to fall backwards onto COLLINS, who then twists the LVNR hold around Ellis's neck, rolling Ellis onto the pavement.

Ellis, now on his side, briefly moves his hands up towards the arm COLLINS has wrapped around the front of his neck. As Ellis looks again towards BURBANK, who is still standing just a few feet in front of Ellis with his taser gun pointed towards Ellis's chest, Ellis quickly puts his hands up. His palms are open towards BURBANK. BURBANK then fires the taser probes into Ellis's chest, and delivers a five-second round of electricity to his body. At the same time COLLINS continues to apply the LVNR hold around Ellis's neck.

"Hey, ya'll in the wrong right now," K.L. can be heard yelling on S.M.'s cell phone video during the attack. K.L. had jumped out of his car by this point, leaving his kids sitting in

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the backseat, because he was so distressed by what he was witnessing. S.M. can then be heard reprimanding K.L. for getting out of his car and shouting at the officers while their kids are in his car. S.M. later explained that she was scared and did not want K.L. to get involved given what she was witnessing. Specifically, she feared that K.L., a Black male, would himself be assaulted by the officers. K.L. can be heard on audio responding to S.M., saying, "I don't care, I just saw him punch him in the face."

As the five-second taser cycle ends, S.C.'s video shows Ellis motionless, with COLLINS's arms still applying an LVNR hold around Ellis's neck. COLLINS then removes his arms from Ellis's neck, and Ellis's head falls limply towards the pavement. COLLINS can then be seen pushing down with his arm onto the back of Ellis's head or neck, pressing Ellis's face into the pavement.

D. Burbank and Collins make their first radio communication about Ellis.

BURBANK can be heard on the radio at this time—14 seconds after 11:22 PM—calling in with his and COLLINS's location, "96th and Ainsworth." The radio dispatcher then reports out that BURBANK and COLLINS are experiencing "unknown trouble" at 96th and Ainsworth.

This was the first verbal radio communication from BURBANK or COLLINS. Neither BURBANK nor COLLINS had communicated over their radios when they first began interacting with Ellis. COLLINS did activate his microphone after BURBANK tackled Ellis to the ground—just as S.M. was beginning to shout out towards him—but he did not transmit any words to the dispatcher at that time. This type of transmission is known as a "mic click" and can be either intentional or unintentional. Dispatch protocol is to respond to mic clicks and inquire if they need assistance.

After the exchange with the radio dispatcher reporting BURBANK and COLLINS's location, Ellis can be seen on S.C.'s video beginning to move again, screaming out and writhing his body and legs as the officers hold his arms behind his back and apply pressure down onto his body. At this point, the taser probes remain stuck into Ellis's chest, and 26 seconds after

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11:22 PM, BURBANK uses them to fire another five-second round of electricity through Ellis's body. Ellis screams out once again, his body and legs writhing as COLLINS and BURBANK continue to press down onto him with the weight of their bodies.

E. Civilian witnesses leave the scene.

About 30 seconds after 11:22 PM, the parents, S.M. and K.L., begin to drive around the police car and around BURBANK and COLLINS, as the officers continue applying pressure to Ellis's body. As S.M. drives by, continuing to record, either BURBANK or COLLINS can be heard telling Ellis to put his hands behind his back, with the other saying "you're gonna get it again." The pizza delivery driver, S.C., then drives on as well. As S.C. drives away, BURBANK can be seen in the final moments of S.C.'s video firing another five-second round of electricity through the taser probes sticking into Ellis's chest.

S.M. then dropped off the children at her sister's home. She tried to return to the scene, "because I was scared for Manny." She later explained, "I was just like, wanted to go figure out what, what happened to him like or why that happened." But by the time S.M. returned, there were more officers on the scene, and they were directing traffic away from the area. S.C. would likewise return to the intersection that night. Like S.M., he found the intersection blocked off by the time he returned.

F. Ellis tells the officers he cannot breathe; backup arrives.

Within a minute after S.C., S.M., and K.L. drove away, Ellis began telling the officers that he could not breathe. At 25 seconds after 11:23 PM, the Vivint doorbell security camera on a house across the street captures the sound of Ellis saying clearly **"Can't breathe sir. Can't breathe!"** That house is approximately 112 feet away from the officers and Ellis. Less than 15 seconds later, Ellis can again be heard pleading with the officers and referring to them as "sir," saying either **"Breathe sir?"** or **"Please sir?"**

"Shut the fuck up, man," one of the officers says back to him.

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Less than a minute later—about 19 seconds after 11:24 PM—backup begins to arrive. Driving the car that arrives first to the scene is Officer TIMOTHY RANKINE.

V. OFFICER RANKINE

RANKINE joined the Tacoma Police Department in 2018 after serving in the army for six years and the Department of State for two years as a security contractor. While in the army, RANKINE took a combat lifesaving course. With the Department of State, he was trained in Tactical Combat Casualty Care. RANKINE, like BURBANK and COLLINS, was also trained in crisis intervention. He and COLLINS had also been trained in Washington's Basic Law Enforcement Academy (BLEA) by the Criminal Justice Training Commission. The BLEA curriculum includes a course on "excited delirium." The course materials make clear that excited delirium is a medical emergency and that when a subject is experiencing excited delirium, officers should (1) take care to ensure that the subject can breathe; (2) avoid inhibiting breathing in any way; and (3) not put pressure on the subject's thorax or leave the subject face down.

According to Washington State Department of Licensing data, RANKINE weighs an estimated 200 pounds and is six foot, two inches tall.

VI. STATEMENTS FROM OFFICER RANKINE AND OTHER OFFICERS ABOUT ELLIS'S TREATMENT WHILE IN CUSTODY OF POLICE

At least 20 law enforcement officers responded to the scene in the 11 minutes after BURBANK and COLLINS transmitted their location. The Tacoma Police Department officers at the scene refused requests for follow up interviews with the WSP and the AGO. Several of the officers involved, including RANKINE, gave recorded statements to law enforcement officials in the hours and days after Ellis's death. Those statements describe Ellis's treatment at the hands of the police after he was restrained and repeatedly told BURBANK and COLLINS that he could not breathe.

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A. Rankine arrives and begins applying pressure to Ellis's back.

31 seconds after 11:24 PM, the recording from the Vivint doorbell camera shows RANKINE emerging from his car and running towards Ellis, BURBANK, and COLLINS. RANKINE described in his statement how, when he arrived, Ellis was in the prone position on his stomach. According to RANKINE's partner, at that time BURBANK was on Ellis's back and COLLINS had Ellis's legs. RANKINE ran over and started applying pressure to Ellis's back. He saw that Ellis was already in handcuffs. RANKINE then put "all [his] weight to the middle of [Ellis's] body, securing [his] right knee over the top of his spine just below the base of his neck" with his "left knee in the middle of his spine, on his lower back." RANKINE then kicked out his own ankles so that he was "almost in like a seated position" atop Ellis's back.

B. Ellis again says he cannot breathe.

After applying pressure to Ellis's back, RANKINE recalled hearing Ellis "making really strange animal grunting noises," and then hearing him say in a "very calm normal voice" that he could not breathe. RANKINE responded that "if you're talking to me, you can breathe just fine." RANKINE said that Ellis then "got quiet." RANKINE moved his right knee up towards Ellis's right shoulder, which caused Ellis to "violently thrash[]" his body, so RANKINE moved his knee back to the middle of Ellis's spine.

Meanwhile, Ellis can be heard on audio continuing to tell the officers he cannot breathe. Within the first minute of RANKINE's arrival on the scene, Ellis can be heard on the Vivint doorbell camera repeating three more times that he cannot breathe. Around 49 seconds after 11:24 PM Ellis can be heard saying **"I can't breathe."** Seconds later, 58 seconds after 11:24 PM, he again says he can't breathe, adding "sir" as he pleads to the officers: **"Can't breathe. Can't breathe, sir."**

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C. Ellis hogtied and "agonal breathing" is heard.

As backup was arriving at 11:24 PM, COLLINS requested over the radio that "someone bring some hobbles." A "hobble" is a nylon strap used to restrain legs. A little after 11:25 PM, as RANKINE applied pressure to Ellis's back, the hobble was wrapped around Ellis's legs and then tied to the handcuffs behind Ellis's back. These actions left Ellis in a position commonly called a "hogtie," with his arms and legs tied together behind his back. Ellis remained face down, or prone, on the ground.

Around this time, 21 seconds after 11:25 PM, another officer on the scene, Sgt. Michael Lim, took to his radio to tell responding officers that they could slow their approach to the scene. As Sgt. Lim did so, Ellis can be heard in the background, speaking his last known words, the same desperate plea he had been repeating throughout the attack: **"Can't breathe." "Can't breathe."**

"Once that hobble was on he went quiet, he did not move," recalled Lt. Anthony Messineo, a 19-year veteran with the Pierce County Sheriff's Department who responded to the scene and was interviewed later that night. Ellis then began to "snore"—"[t]hat agonal breathing," Lt. Messineo said later. They sounded to him like a person's last breaths, explaining that when "someone is dying and they have the agonal breathing, their last breaths. . . . That's what I heard."

RANKINE instructed the other officers at the scene to roll the hogtied Ellis onto his side. RANKINE swept Ellis for weapons, and found none. RANKINE and another officer then removed the taser probes from Ellis's chest.

RANKINE noticed at this time that Ellis's body temperature was hot, that he was sweating profusely, and that "he was bleeding from his face." Lt. Messineo said he recognized Ellis's condition as "excited delirium," based on his temperature and agonal breathing, and he alerted the officers at the scene that he thought Ellis was experiencing excited delirium. Another officer on the scene, Detective Sgt. Gary Sanders of the Pierce County Sheriff's Department,

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recalled hearing Lt. Messineo alerting the officers that Ellis might be experiencing excited delirium: "Once everything was done . . . I think one officer had his knees still on his like shoulder, kind of having him pinned, and [Lt. Messineo] said something about it being excited delirium."

D. Tacoma Fire Department dispatched to evaluate Ellis.

40 seconds after 11:25 PM, the dispatcher can be heard asking if anyone at the scene needs medical aid. Sgt. Lim responds "Yeah, go ahead and start Fire . . . check him out." Neither BURBANK nor COLLINS nor RANKINE had requested medical aid before that point, despite having heard Ellis say multiple times that he could not breathe. They did not inform the dispatcher that Ellis had said he could not breathe. They did not tell the dispatcher that Ellis was now experiencing agonal breathing. They did not tell the Tacoma Fire Department that Ellis might be experiencing excited delirium, even though Tacoma Police Department policy specifically instructs officers after a taser application to "[m]ake sure to inform TFD if the subject is showing any signs of excited delirium." As a result, all the Tacoma Fire Department understood about the situation is that that they should "check [Ellis] out." The Tacoma Fire Department recorded the incident as "TPD REQUESTING EVAL AFTER ARREST."

A little more than 90 seconds later, at 11:27 PM, Sgt. Lim told the dispatcher to "[a]dvise fire they're gonna need a[n] ambulance too." He added that Ellis "has to be strapped down" but provided no other details.

Not until 47 seconds after 11:32 PM—more than seven minutes after the initial request for medical aid—would anyone alert the dispatcher that the fire department should run "priority" in bringing medical aid to Ellis. And even then, none of the officers told the fire department about Ellis's breathing difficulties. Sgt. Lim refused requests to be interviewed by WSP or AGO investigators and therefore it is unknown why Sgt. Lim requested an ambulance for Ellis.

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E. Rankine rolls Ellis back onto his stomach.

Sometime between 11:25 PM and 11:27 PM, RANKINE rolled Ellis back onto his stomach from his side. Other officers who arrived shortly after 11:25 PM describe seeing Ellis on his stomach. According to RANKINE, Ellis had "violently started thrashing all over again" while he was on his side, so RANKINE "instructed the Officers to roll, roll him back on his stomach as we applied, reapplied pressure on him just to hold him down." RANKINE said he had his right knee around Ellis's right shoulder blade, and his left knee in the middle of Ellis's back. Ellis remained under RANKINE—hogtied and face down—for the next 6–9 minutes until the fire department arrived at Ellis's side at 11:34 PM.

Rankine's statement that Ellis was violently thrashing around is contradicted by observations from two other officers on the scene who were interviewed later that night. Both said that Ellis went quiet and stopped moving after the hobbles were applied. According to Detective Sgt. Sanders, once Ellis was placed in hobbles "it was pretty controlled at that point . . . and he kind of just went quiet." And according to Lt. Messineo, once the hobble was applied, Ellis "went quiet" and "stopped moving." Lt. Messineo reiterated that again later in his interview, saying "once that hobble went on, he went quiet, he did not move."

F. A spit hood is placed over Ellis's head.

At approximately 11:27 PM, an officer who had just arrived on the scene (according to computer aided dispatch data) put a spit hood over Ellis's head. At that time, Ellis was hogtied on his stomach, with RANKINE continuing to apply pressure on his back.

A spit hood is a fabric hood that goes over and covers a person's head and is meant to prevent the person from transmitting fluids by spitting, sneezing, or coughing. When applied properly, mesh covers the head down to around the bridge of a person's nose, and a thicker fabric then covers the person's lower nose, nostrils, and mouth, down to the person's neck.

The brand of spit hood that was used on Ellis includes instructions that specifically say "DO NOT USE on anyone that is . . . having difficulty breathing." The instructions further

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warn that "improper use may result in serious injury or death due to asphyxiation, suffocation or drowning in one's own fluids." Even though RANKINE, COLLINS, AND BURBANK heard Ellis repeatedly plead that he could not breathe, they did not intervene when the officer put the spit hood on Ellis or remove the spit hood. The spit hood would remain over Ellis's head until the fire department removed it sometime after 11:34 PM.

G. The fire department arrives to find Ellis unresponsive; Ellis declared dead at scene.

RANKINE admits that he continued to pin Ellis to the ground with his body weight until he saw the fire department arrive. As the fire department pulled up around 11:34 PM, RANKINE said that he decided to roll Ellis back onto his side, "because . . . from medical training experience, that's the best position to put someone in, it's like the recovery position is what they called it." RANKINE said he then took Ellis's pulse and found it was lower than he expected.

The lead paramedic on the first fire department vehicle to arrive at the scene later said that he found Ellis hogtied with a spit hood over his head, not moving. The paramedic recorded Ellis's condition as "unconscious and unresponsive." He immediately recognized that Ellis had a "deteriorating respiratory drive," with a "weak and slow" pulse. Ellis "did not appear to be breathing" in a way that would sustain life, the paramedic recalled, saying that Ellis's breaths were just agonal respirations. Ellis's pupils were "fixed and dilated," indicating possible brain death. Simply put, Ellis's condition was "[n]ot sustainable with life" and without immediate medical intervention, Ellis would surely die.

RANKINE acknowledged in his statement that the paramedic told him when he arrived that Ellis needed an IV, "or he's gonna code." The paramedic asked RANKINE to remove the restraints from Ellis's body so he could administer that IV. RANKINE resisted. RANKINE then told the paramedic that he did not "wanna get him outta cuffs in case he starts fighting again," as RANKINE would later explain in his statement. After the paramedics insisted that they needed the restraints off to apply an IV, RANKINE relented and helped take off the hobbles

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and handcuffs. The paramedics started an IV and also began respirating Ellis through a bag. Within seconds, they began CPR.

These efforts proved unsuccessful. Ellis was declared dead at the scene, lying in the street at 96th and Ainsworth, a box of donuts and bottle of water on the pavement nearby, just a few feet from where he first encountered BURBANK and COLLINS on his walk home.

H. Burbank and Collins tell other officers at the scene that Ellis randomly attacked them.

As RANKINE held down Ellis, BURBANK and COLLINS remained nearby. Pierce County officers Lt. Messineo and Detective Sgt. Sanders, and Tacoma Police Department Sgt. Lim all recalled hearing them describe their initial interaction with Ellis.

Messineo recalled hearing BURBANK and COLLINS say that they had first seen Ellis "goin' after a car" in the intersection, and then coming up to their car and "attack[ing] their car, punchin' their, punchin' their window." "They get out, he attacks them," Messineo recounted. "They're just mindin' their own business, drivin' down the road at a red light and [Ellis] attacks them."

Detective Sgt. Sanders recalled hearing something similar from BURBANK and COLLINS that night, as Ellis lay hogtied nearby:

> [T]hey mentioned that he, they just pulled up to the light and they said this guy, the guy that was, they were struggling with was over at this car. There was a car that was parked there. And the car took off real fast. And then he just ran right at their vehicle and basically slammed into it. And one officer said he was able to push him with the door to get him up and then the fight was on. And it was just, the, he said there wasn't, no interaction, no nothin'.

Sgt. Lim recorded in his written statement a similar account that he recalled hearing from BURBANK and COLLINS that night:

> Both Officer Burbank and Officer Collins advised me that they were stopped at a traffic light at the intersection facing WB. They advised that they suddenly observed the subject in the street near them attempting to get into an unknown vehicle that was passing through the intersection. The subject then came over to the front passenger side of their marked patrol vehicle and suddenly punched the

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> passenger side window. Officer Burbank and Officer Collins said that they exited the patrol vehicle to contact the subject when the subject immediately began swinging his fists toward them, striking them both multiple times to include in the face. The subject continued to assault the officers as they attempted to take him into custody by punching and kicking them.

These accounts are contradicted by the three civilian witnesses, none of whom ever saw Ellis in the intersection, or saw Ellis strike the officers' car, or saw Ellis attack, punch, or otherwise strike the officers at any point. These civilian accounts are supported by video sources. And both S.M. and K.L. described seeing a casual interaction between the officers and Ellis before BURBANK struck Ellis with his car door—there was no sudden, random attack by Ellis as the officers described that night to others.

VII. MEDICAL EXAMINER DETERMINES ELLIS DIED OF HYPOXIA AND RULES DEATH A HOMICIDE

Pierce County Medical Examiner Dr. Thomas Clark examined Ellis's body. He performed an autopsy and examined the spit hood used on Ellis. Dr. Clark determined that the cause of death was "hypoxia" (a lack of oxygen) "due to physical restraint." In particular, Dr. Clark concluded that the manner in which Ellis was restrained by officers and the application of the spit hood prevented Ellis from breathing properly and caused respiratory arrest and death. He determined Ellis's death to be a homicide. Dr. Clark noted that the manner in which Mr. Ellis was hogtied and pressed faced down on the ground would inhibit regular breathing. He also observed that the inside cloth portion of the spit hood was coated with blood and mucus, inhibiting Ellis's ability to breathe.

Dr. Clark has since reviewed additional evidence in this case and confirmed that there is a strong basis in scientific evidence for his determination that Ellis died due to a lack of oxygen caused by physical restraint. Dr. Clark has also determined that the weight of an officer on Ellis's back, which was not known to Dr. Clark at the time of the autopsy, may have contributed to Ellis's respiratory distress and thus been a contributory factor in Ellis's death. He has reviewed heart monitor readings obtained by paramedics prior to Ellis expiring and

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determined that the gradual nature of Ellis's death while he was restrained was consistent with death due to physical restraint and inconsistent with a sudden medical emergency. Dr. Clark has also opined that, although blood collected from Ellis at autopsy showed the presence of methamphetamine, Ellis's death was not likely caused by methamphetamine intoxication. As Dr. Clark has explained, medical personnel arriving on the scene observed bradycardia (slow heart rate) and conditions consistent with pulseless electrical activity, neither of which is known to be caused by methamphetamine. Dr. Clark has also noted that Ellis repeatedly stated while restrained that he could not breathe. According to Dr. Clark, this is empirical evidence that Ellis was experiencing respiratory distress caused by the conditions of his restraint.

VIII. THE ACTIONS OF OFFICERS COLLINS, BURBANK, AND RANKINE WERE INCONSISTENT WITH TACOMA POLICE DEPARTMENT POLICIES AND WASHINGTON STATE LAW

COLLINS, RANKINE, and BURBANK were all subject to the Tacoma Police Department's use-of-force policy. That policy requires the officers to "proportionally align" their "use of force with subject actions," escalating and *de-escalating* as the subject's actions change. Deadly force is reserved for situations in which the officers are "confronted with an imminent danger of death or serious bodily injury to . . . themselves or others." The appropriate level of force for other situations depends on the subject's actions, with assaultive conduct warranting defensive tactics, active resistance warranting compliance techniques, and passive resistance warranting only contact controls. And "[w]hen situations are reasonably stabilized, application of force must proportionally de-escalate or cease in accordance with the subject actions, when control is gained or threat is removed." After applying force, officers have a duty under Tacoma Police Department policies to check for injuries and to request "qualified medical assistance" as needed.

Also, under Washington State statute, RCW 36.28A.445, which was passed by ballot initiative in 2019, police officers have a duty to "provide or facilitate first aid such that it is

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rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement."

IX. EXPERT OPINIONS ON THE OFFICERS' USE OF FORCE AND OTHER POLICE PRACTICES

Sue Peters, a retired police officer and expert in police practices and the use of force, has reviewed audio and video records, as well as statements from the witnesses and officers who responded to the scene. In her opinion, BURBANK and COLLINS were in a position to know that Ellis needed emergency medical aid and should have contacted dispatch to request medical aid after Ellis was handcuffed. The officers were in a position to know, Ms. Peters explains, that Ellis was in need of urgent medical care, because the officers would have heard him say multiple times he could not breathe. They also would have known that Ellis had been hit with multiple rounds from the taser in his chest, a dangerous area for a taser application. And they were in a position to recognize, based on their training, that Ellis was experiencing either excited delirium or some other medical crisis that requires immediate medical intervention.

Ms. Peters has also formed the opinion that, once Ellis was hogtied, RANKINE used excessive force when he continued to apply pressure to Ellis's back and to hold him face down on his stomach, instead of holding him on his side in the "recovery position." Ms. Peters notes that Ellis posed no threat after he was hogtied, particularly given the number of officers on the scene (at least six when the hobbles were applied, followed by more than a dozen more over the next few minutes). RANKINE's continued application of force after that point was not only excessive, but violated the Tacoma Police Department's de-escalation policy, which specifically instructs that "[w]hen situations are reasonably stabilized, application of force must proportionally de-escalate or cease in accordance with the subject actions, when control is gained or threat is removed."

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X. CONCLUSION

The above information provides probable cause to support the charges being brought against BURBANK, COLLINS, and RANKINE.

The charge of FELONY MURDER IN THE SECOND DEGREE against BURBANK and COLLINS is supported by the evidence that Ellis died during the course of and in furtherance of BURBANK and COLLINS's felonious assault and/or unlawful imprisonment of Ellis. The predicate felonies of assault in the second and third degrees are supported by evidence that BURBANK and COLLINS, acting as either principles or accomplices, tackled and struck Ellis multiple times, applied an LVNR on Ellis, and shot him with a taser three times, all without justification for these uses of force. Accordingly, this evidence, along with other evidence detailed above, supports that BURBANK and COLLINS committed second degree assault by any of the following means: (1) intentionally assaulting Ellis and thereby recklessly inflicting substantially bodily harm; (2) assaulting Ellis with the intent to commit unlawful imprisonment; and/or (3) assaulting Ellis by strangulation or suffocation. The evidence also supports that BURBANK and COLLINS committed third-degree assault by either of the following means: (1) acting with criminal negligence in causing bodily harm to Ellis by means of a weapon or other instrument or thing likely to produce bodily harm; and/or (2) causing bodily harm to Ellis accompanied by substantial pain that extends for a period sufficient to cause considerable suffering. The predicate felony of unlawful imprisonment is also supported by the above-detailed evidence that BURBANK and COLLINS knowingly restrained Ellis without justification.

The charge of FIRST DEGREE MANSLAUGHTER against BURBANK and COLLINS is supported by the above-detailed evidence showing that the officers recklessly caused Ellis's death when they (1) assaulted and restrained Ellis without justification; (2) failed to render or call for urgent medical aid after Ellis exhibited medical distress and said he could not breathe; (3) placed Ellis in hogtie restraints; (4) failed to alert other officers to Ellis's

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medical distress; and (5) failed to intervene when the officer put the spit hood on Ellis and then failed to remove the spit hood, among other facts and circumstances.

The charge of FIRST DEGREE MANSLAUGHTER against RANKINE is supported by the above-detailed evidence showing that RANKINE recklessly caused Ellis's death when, after hearing Ellis say he could not breathe, RANKINE continued to hold Ellis in the prone position and to apply pressure onto his back. The charge is also supported by the evidence that RANKINE failed to render or call for urgent medical aid as Ellis exhibited signs of a medical crisis, failed to alert other officers to Ellis's medical distress, failed to stop another officer from putting a spit hood over Ellis's head, and failed to remove the spit hood as Ellis's condition declined, among other facts and circumstances.

WE DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: May 27, 2021, at Seattle, WA.

ROBERT W. FERGUSON
Attorney General

PATTY EAKES, WSBA # 18888
Special Assistant Attorney General

KENT LIU, WSBA #21599
Assistant Attorney General

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TAB 5

TACOMA PD IN-CUSTODY DEATH INVESTIGATION

PCSD Case 20-063-02251

March 3rd 2020

PREPARED BY: DET /SGT Byron Brockway
#161

Cad Incident Inquiry

Return to Results Screen

Complaint: **2006302251** Disp: R Case No: 2006302251

Call Received: 20200303 2322
Call Cleared: 20200304 0623
End Priority: 5

Incident Type	Location
Starting: T - TRAFFIC STOP	S 96TH ST/AINSWORTH AVE S ()
Ending: UNK - UNKNOWN TROUBLE	S 96TH ST/AINSWORTH AVE S ()

Location Information
Starting:
Ending:

	Agency	Geographic Zone	Dispatch Group	CB	District
Starting:	TPD	PS	PS	437	TA44
Ending:	TPD	PS	PS	437	TA44

Date/Time	Unit	ID	Station
Dispatch: 20200303 2322	H317	Dispatcher: SS02911	pd02
Arrival: 20200303 2322	H317	Com Officer: SS02911	pd02
Clear: 20200304 0623	240	Primary Unit: U078	
Close: 20200304 0623	240		

Name	DOB	Phone	Location	Call Source	Contact
				OFFICER	

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

System Date	System Time	Com	Station	Off	Text
20200303	23:22:28	Event Updated	pd02	SS02911	Location: S 96TH ST/AINSWORTH AVE S TAC, Event Type: T, Priority: 5, Dispatch Group: PS
20200303	23:22:28	Dispatched	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200303	23:22:28	Event Remark	pd02	SS02911	Field Event
20200303	23:22:28	Initial Call	pd02	SS02911	Call Source =OFFICER
20200303	23:22:29	Arrive	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200303	23:22:33	Event Remark	pd02	SS02911	H317 -- MIC CLICKS, YELLED LOC
20200303	23:22:42	Event Remark	pd01	SS0292	ACB
20200303	23:22:44	Event Remark	pd02	SS02911	H317 -- UNREADABLE
20200303	23:22:53	Dispatched	$H205	TPD208901	H205 (TPD208901) Madden, Katherine | H205 (TPD212627) Warner, Ryan
20200303	23:22:54	Dispatched	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando

Radio Traffic

This recording is only around 2 minutes long. It has been condensed to remove periods of radio silence. Radio traffic in this recording starts at 23:21:59 and ends at 23:34:09.

Summary of radio traffic

RD 911 RADIO DISPATCH
317 TPD MATTHEW COLLINS/ CHRISTOPHER BURBANK
092 TPD SGT. MICHAEL LIM
023 TPD MARTESE HIGHTOWER
US UNIDENTIFIED SPEAKER

- RD Henry 317 go ahead. Henry, 317?
- 317 317, I'm at 96th and Ainsworth.
- RD Priority traffic Henry 317, unknown trouble, 96th and Ainsworth. 2322.
- Beeper sounds.
- US Where's the (unintelligible).
- Beeper sounds.
- RD Henry 317, unreadable. Four sector cars (unintelligible).
- US (Unintelligible).
- RD Keep the air open for Henry 317.
- Beeper sounds.
- RD Henry 317, update when you're available.

Summary of radio traffic

- Beeper sounds.
- RD Priority traffic, Henry 317, 96th and Ainsworth, keep the air open. 2323.
- Beeper sounds.
- 31 31's with 317.
- RD 31's on scene, 2324.
- 317 Can someone bring some hobbles?
- US (Unintelligible) about to arrive.
- 092 We're all out of hobbles.
- RD Received and confirm loc, received, 092 I'll show you on scene. Confirm A-Adam or Ainsworth?
- 092 Ainsworth. They're still fightin' with one.
- RD And State Patrol and County is in route as well.
- US (Unintelligible).

Summary of radio traffic

- RD Unreadable.
- US I can't breathe, I can't breathe
- 092 Slow income. Slow.
- RD Incoming can slow. 2325.
- Beeper sounds.
- RD Copy, 1 detained. Still need the beeper?
- 092 No, cancel.
- RD Anyone need medical aid there?
- 092 Yeah, go ahead and start Fire, check him out.
- RD Received. Air's open. Routine traffic 2325. Union 23, put you back on your last.
- 23 23 copy.
- RD 2326.
- US (Unintelligible) in route.

Summary of radio traffic

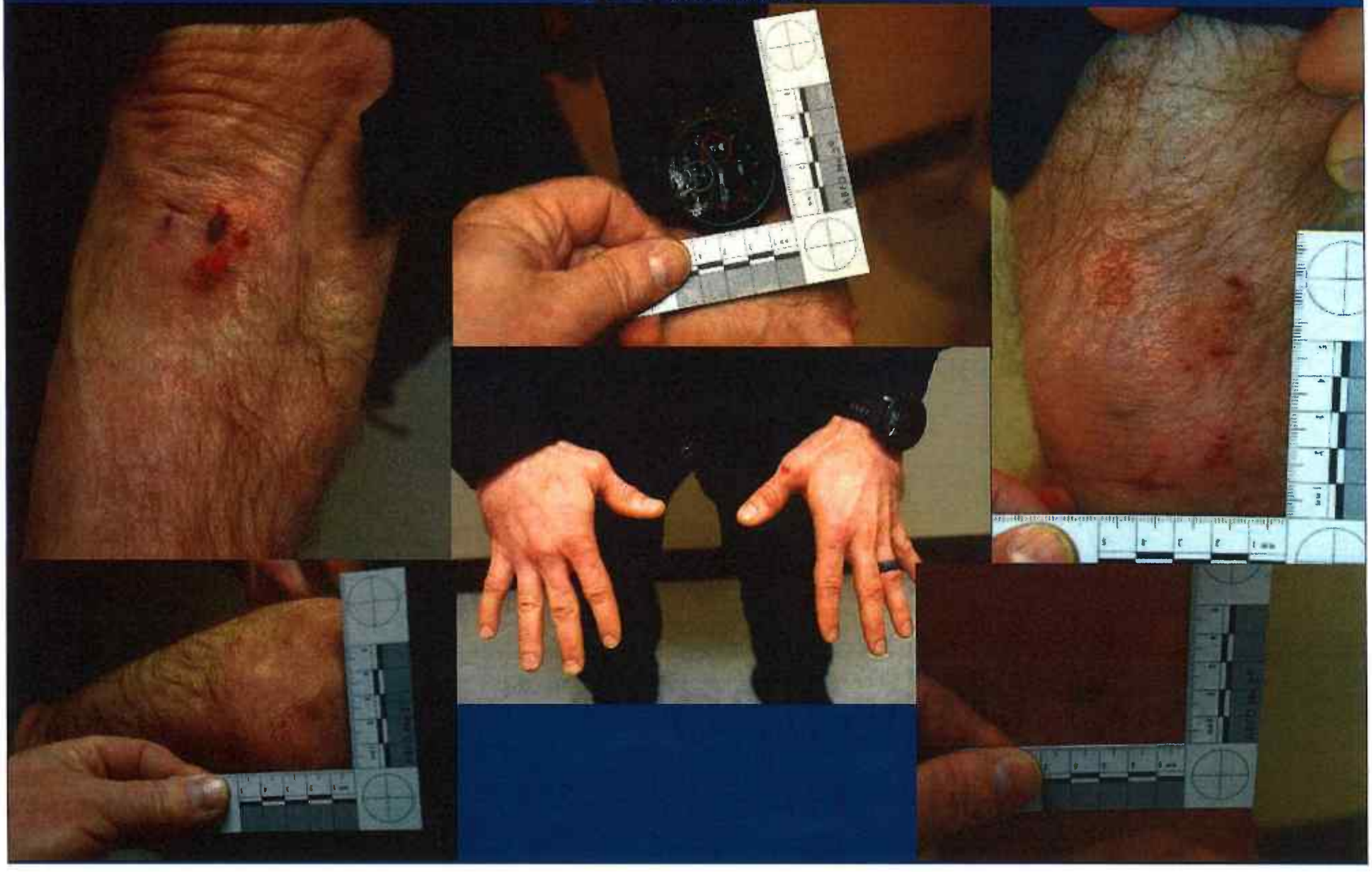
- RD 2327.
- 092 Sam 092.
- RD Sam 92.
- 092 Advise Fire they're gonna need a ambulance. He has to be strapped down.
- RD Copy an ambulance as well, what was the rest?
- 092 He's gonna have to be strapped down. His arms.
- RD Gotta be strapped down.
- 092 Sam 092, gonna need an ETA on Fire.
- RD Received. Do you want 'em priority?
- 092 Yeah.
- RD Copy 92. Sam 92 Fire's advising they're pulling up on scene.
- 092 Yeah, thanks.
- RD 2334.

Officer Matthew Collins

#H317/200799

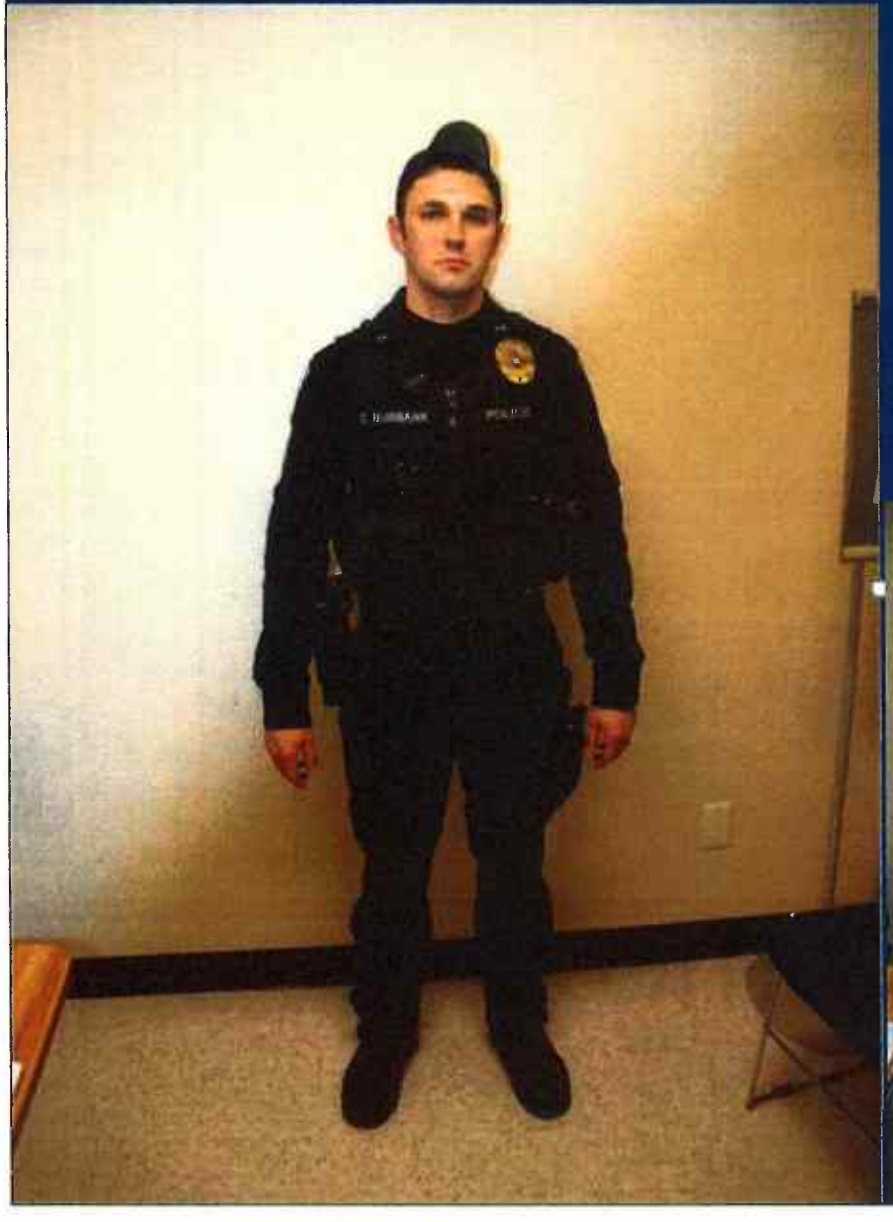
- Graveyard Patrol (2000-0600)
- 5 years Patrol

Officer Matthew Collins



Officer Christopher Burbank

#236/210045



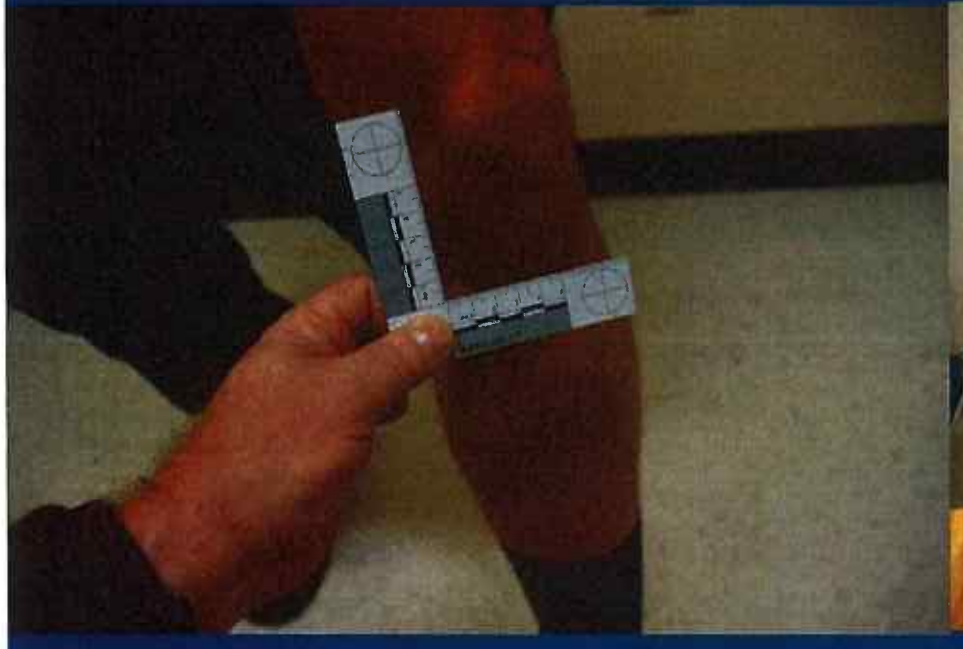
Graveyard Patrol (2000-0600)

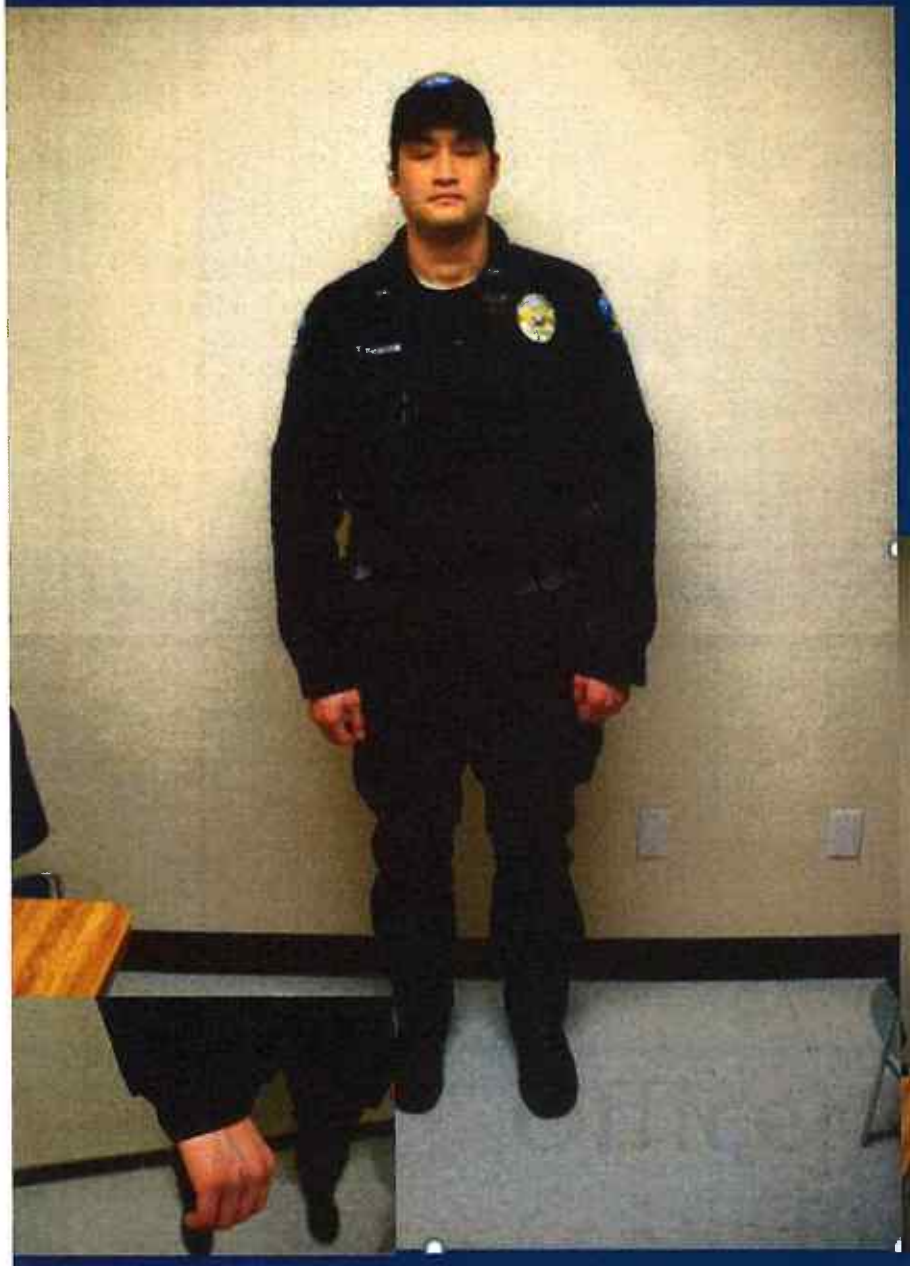
4 years Patrol

5 years Winston Salem NC

Taser qualification 09-12-2019

Officer Christopher Burbank



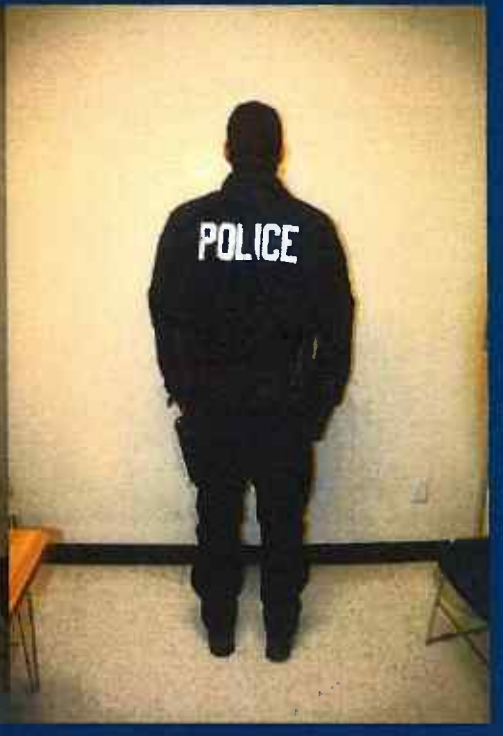


Officer Timothy Rankine

#088/212401

Graveyard Patrol (1800-0600)

2 years Patrol



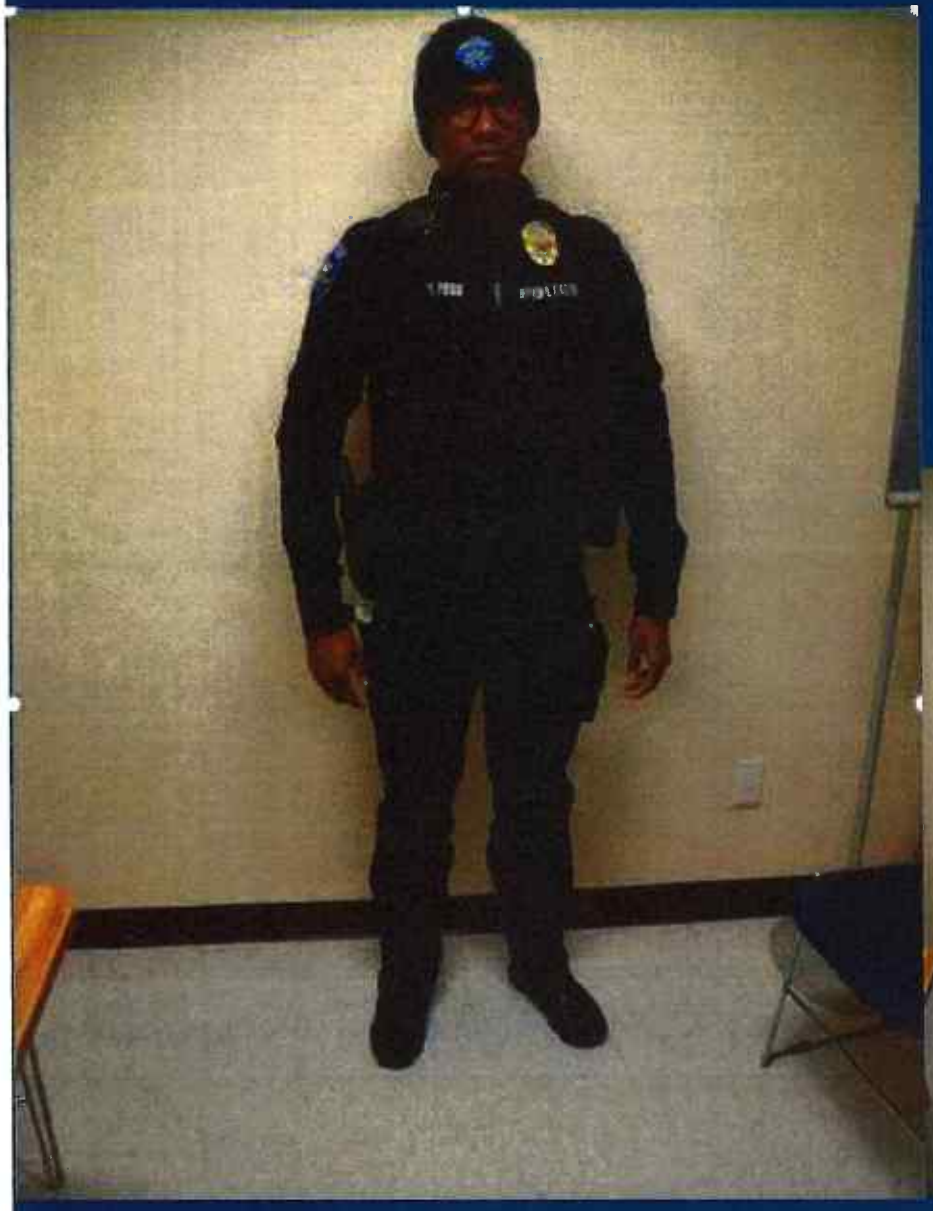
Officer Masyih Ford

#H031/211954

Graveyard Patrol (1800-0600)

2 years Patrol

2 years Pierce Transit



Ellis, Manuel "Manny"
Elijah
33 yrs
5'11" 200

CONVICTIONS:

- **4 Felony convictions**

-Identity Theft 2nd x 2 (14',17')
-Criminal Impersonation 1 (15')
-Attempt UPCS (15')

- **3 Gross Misdemeanor convictions**

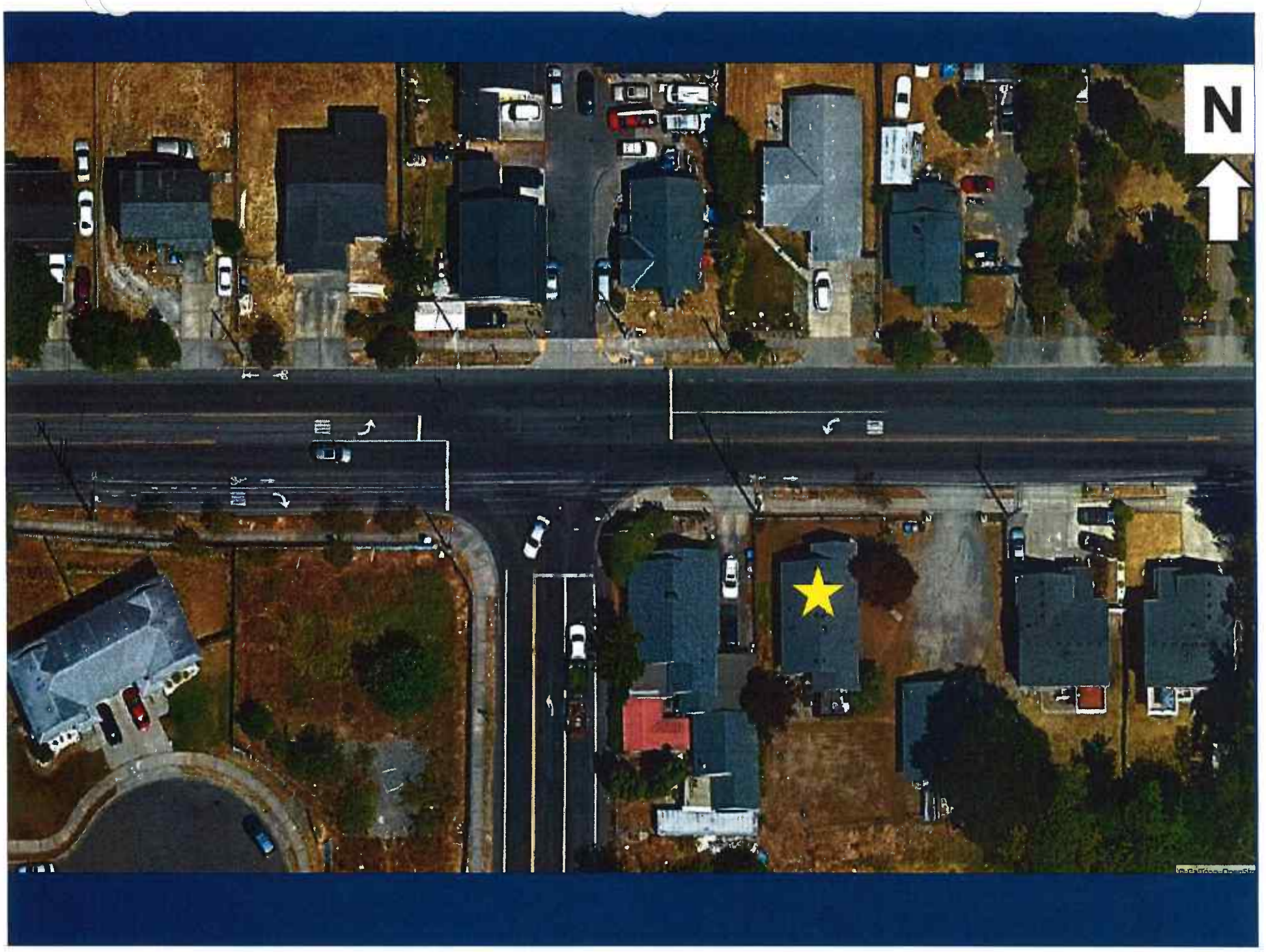
- Reckless Driving (12')
- Obstruction LE x 2 (10', 15')

- **5 Misdemeanor convictions**

-DWLS x 3 (13',15',19')
-Drug Paraphernalia (09')

N
96th St S
Ainsworth Ave S

N
96th St S
96th St Ct S
97th St S
97th St Ct S
98th St S
98th St Ct S
Charles Lake
22nd Ave Ct S
Steele St S
16th Ave S
Asotin St S
Chandler St S
Ainsworth Ave S
99th St S
100th St S
100th St Ct S
S Sheridan Ave
18th Ave S
Mikeson St S
Alaska St S
1815 102nd St S
102nd St S
© 2020 Google
47°10'03.45" N 122°27'30.29" W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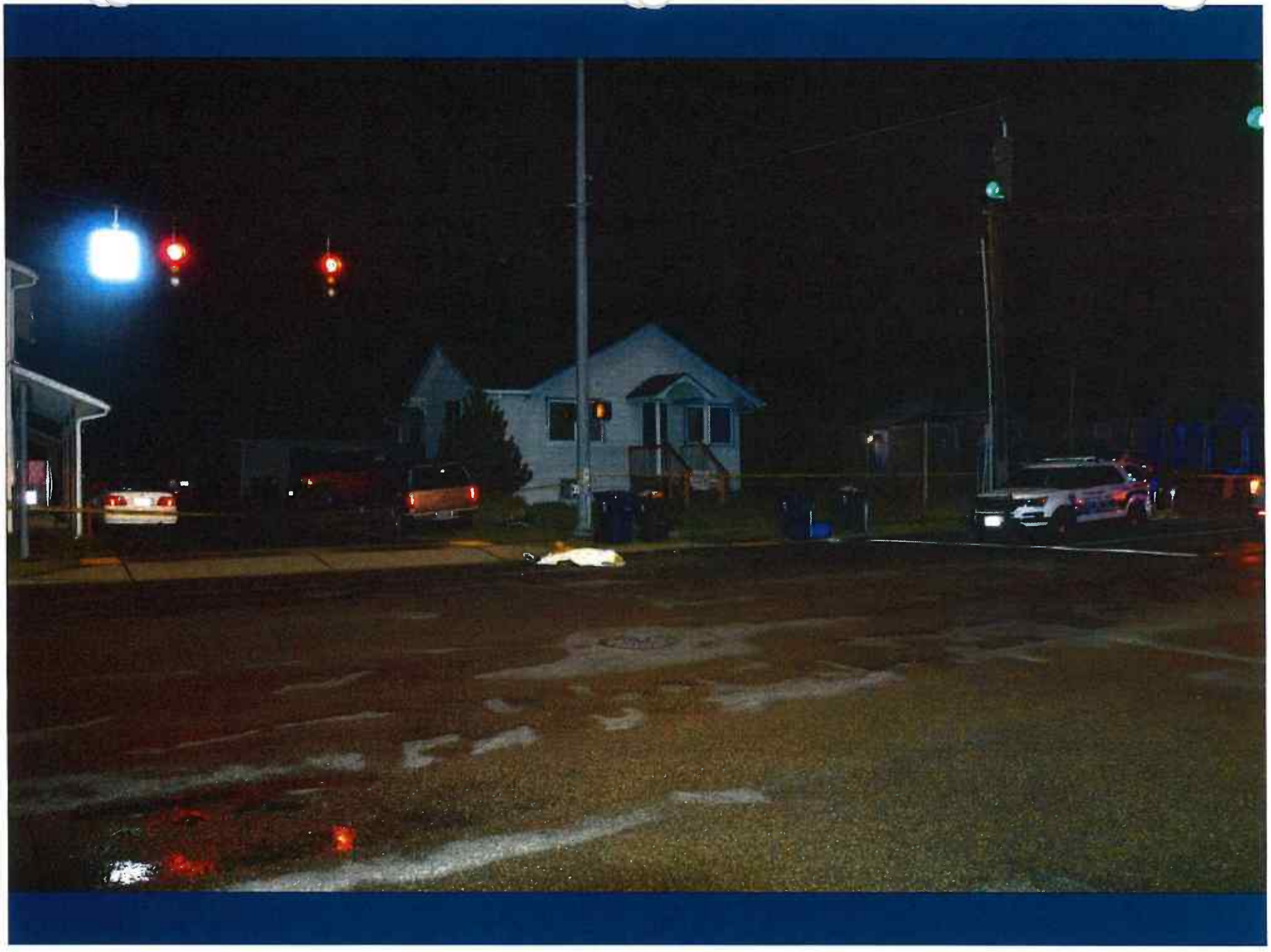
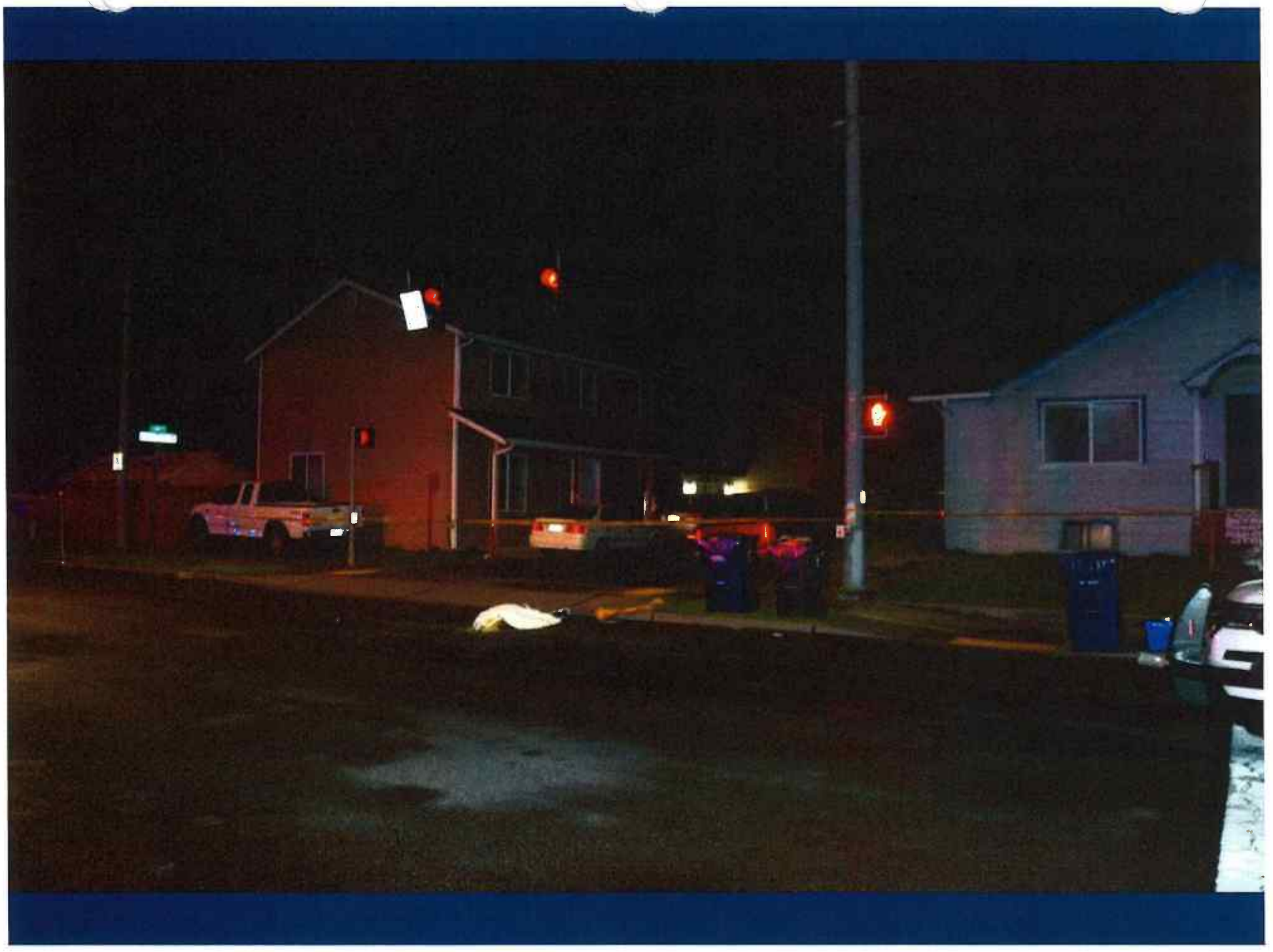
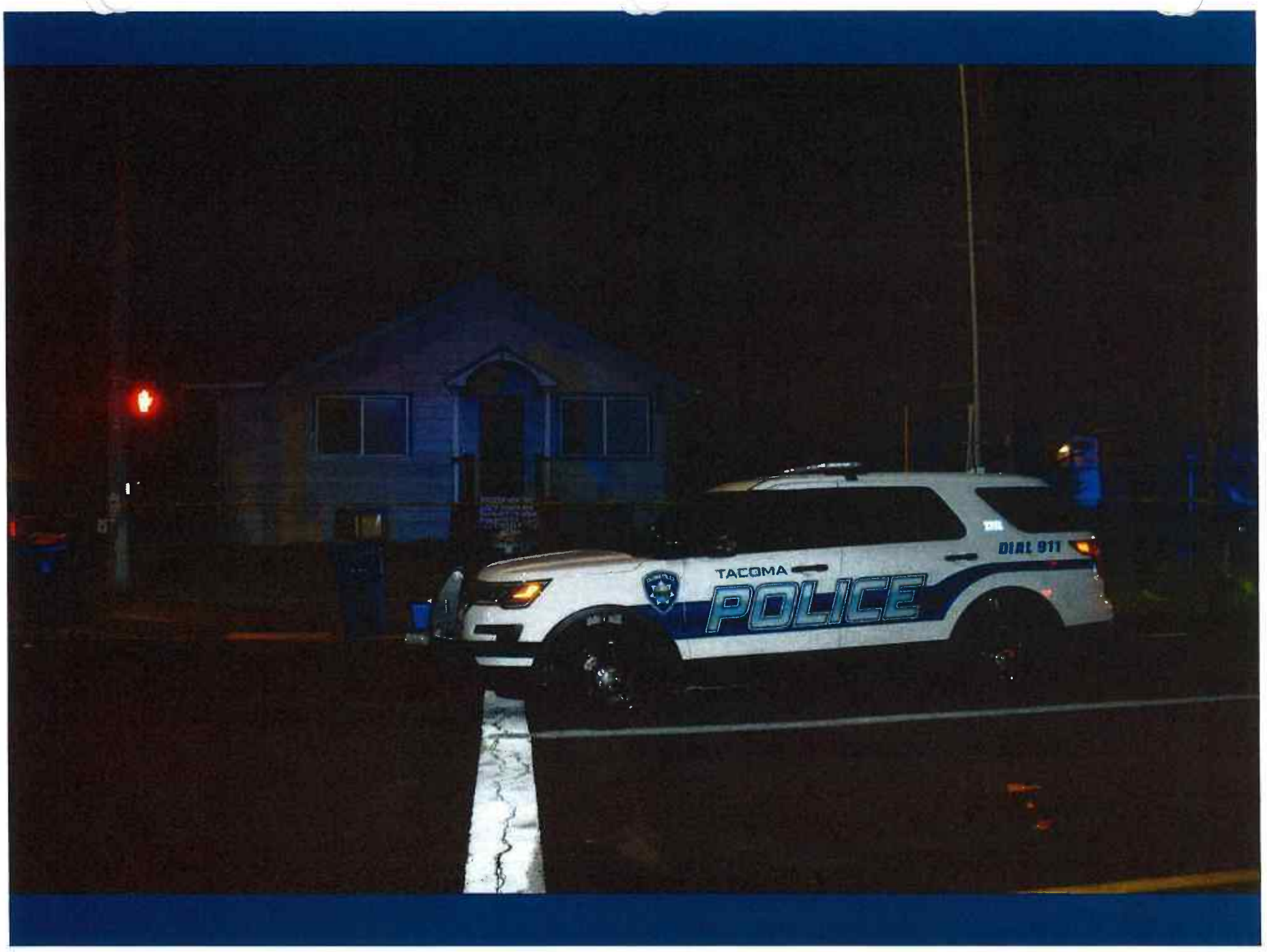
Scene Photographs

The following scene photographs contain graphic images, including images of Mr. Ellis' body. Normally screens are placed around deceased persons for respect and privacy. However, due to high winds during the processing of this scene, they were unusable. Normally, the Medical Examiner and Medicolegal Death Investigators are the only persons authorized to move, or remove a body.



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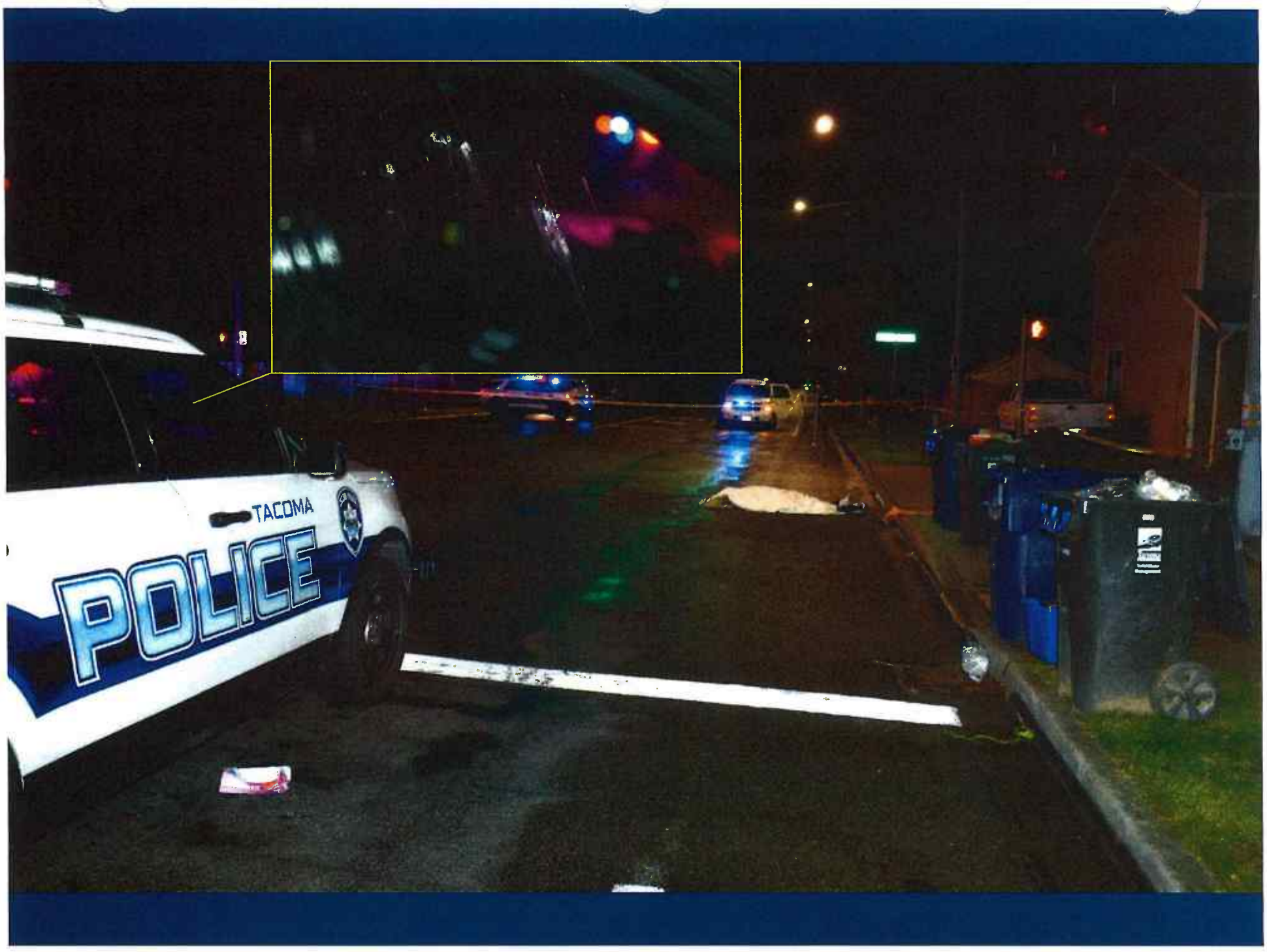
DIAL 911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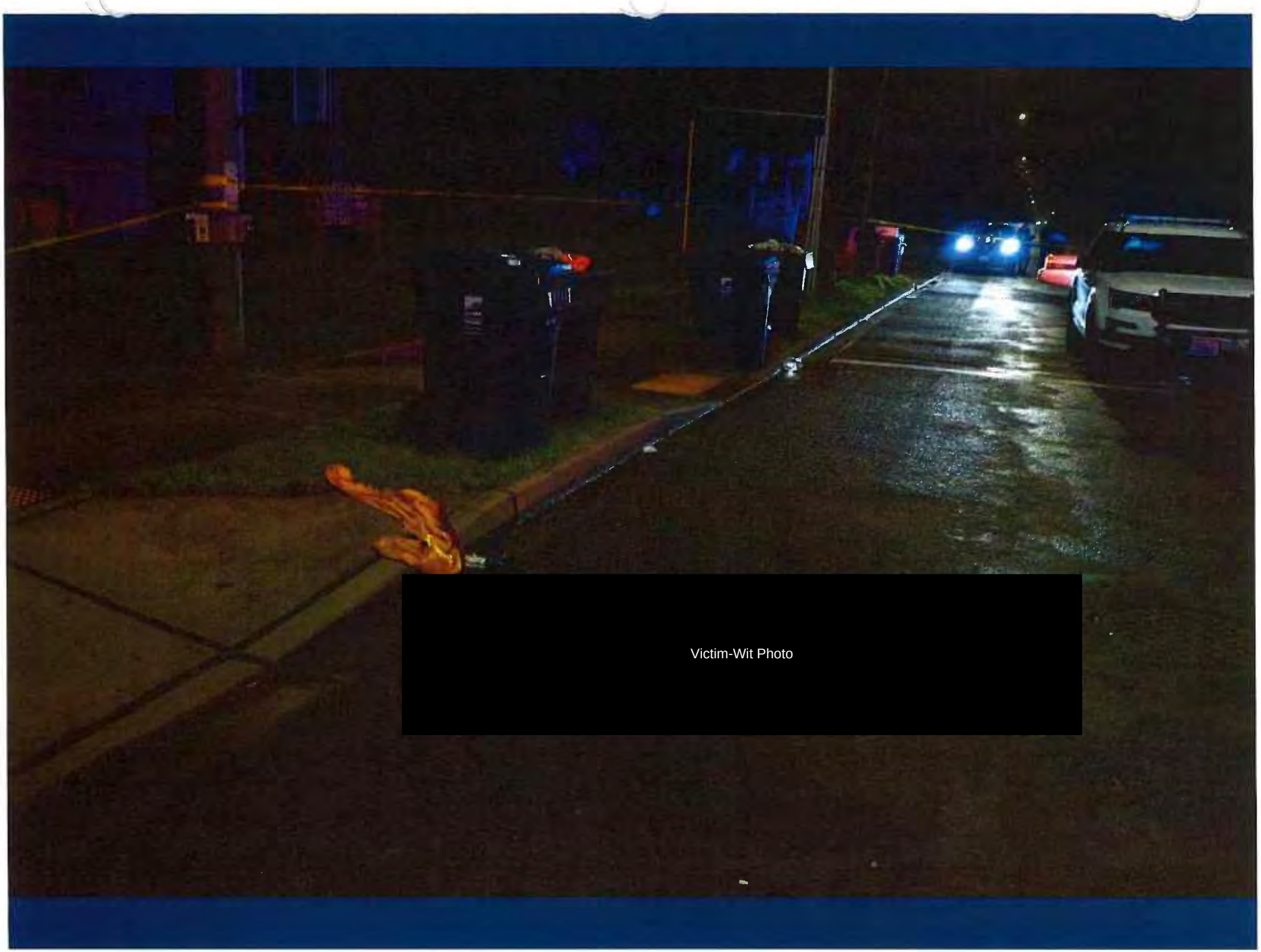
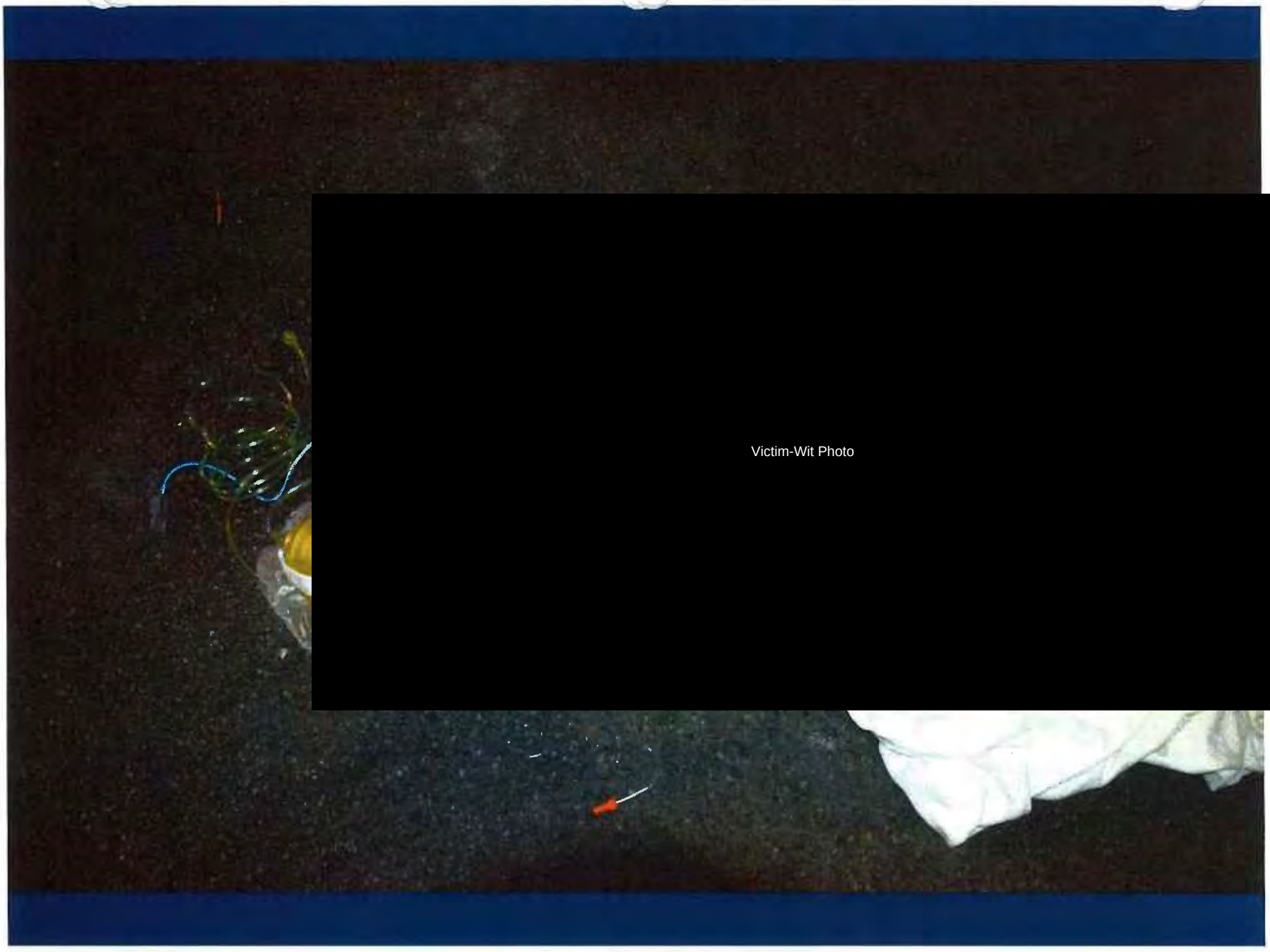

Victim-Wit Photo

Victim-Wit Photo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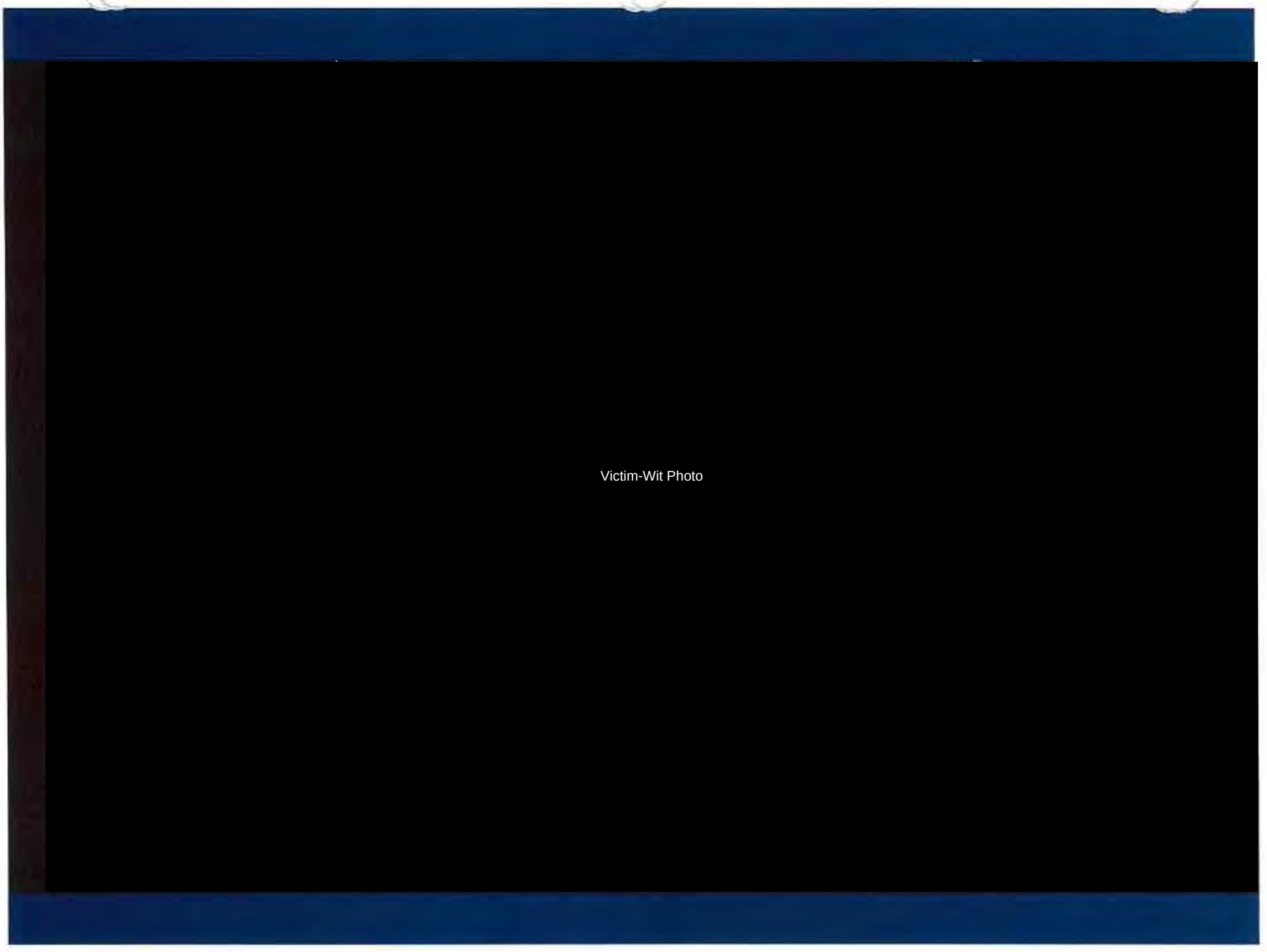
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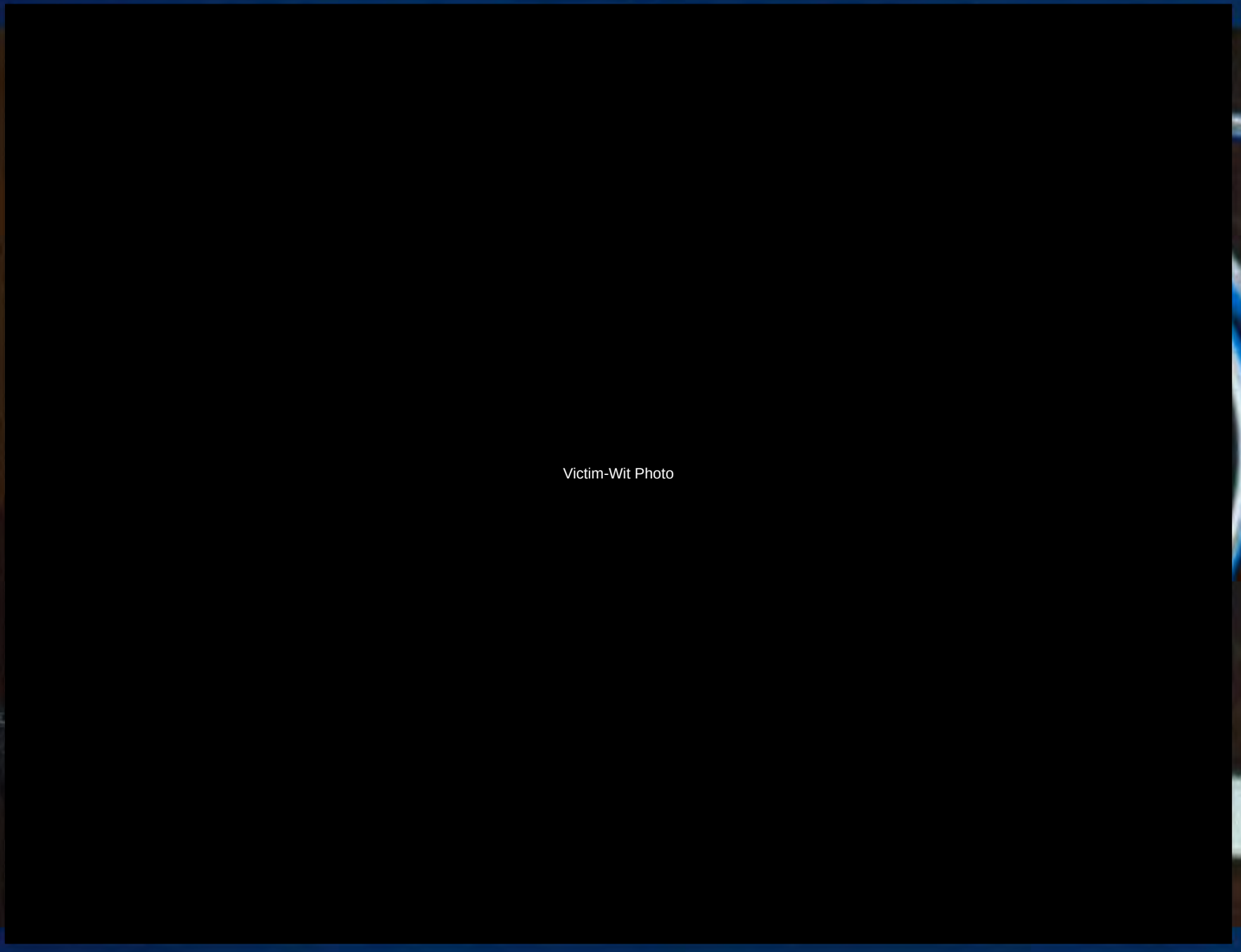
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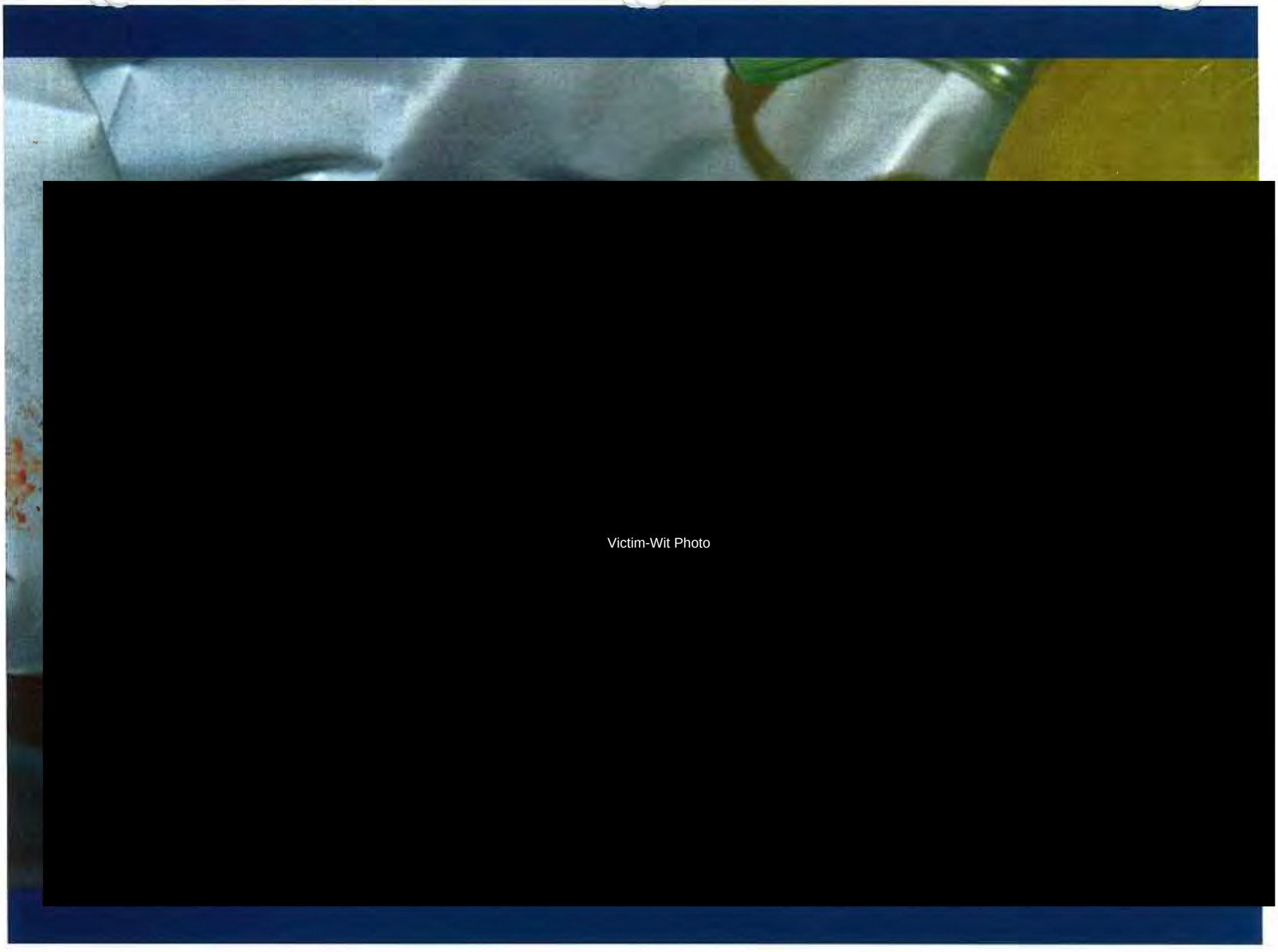
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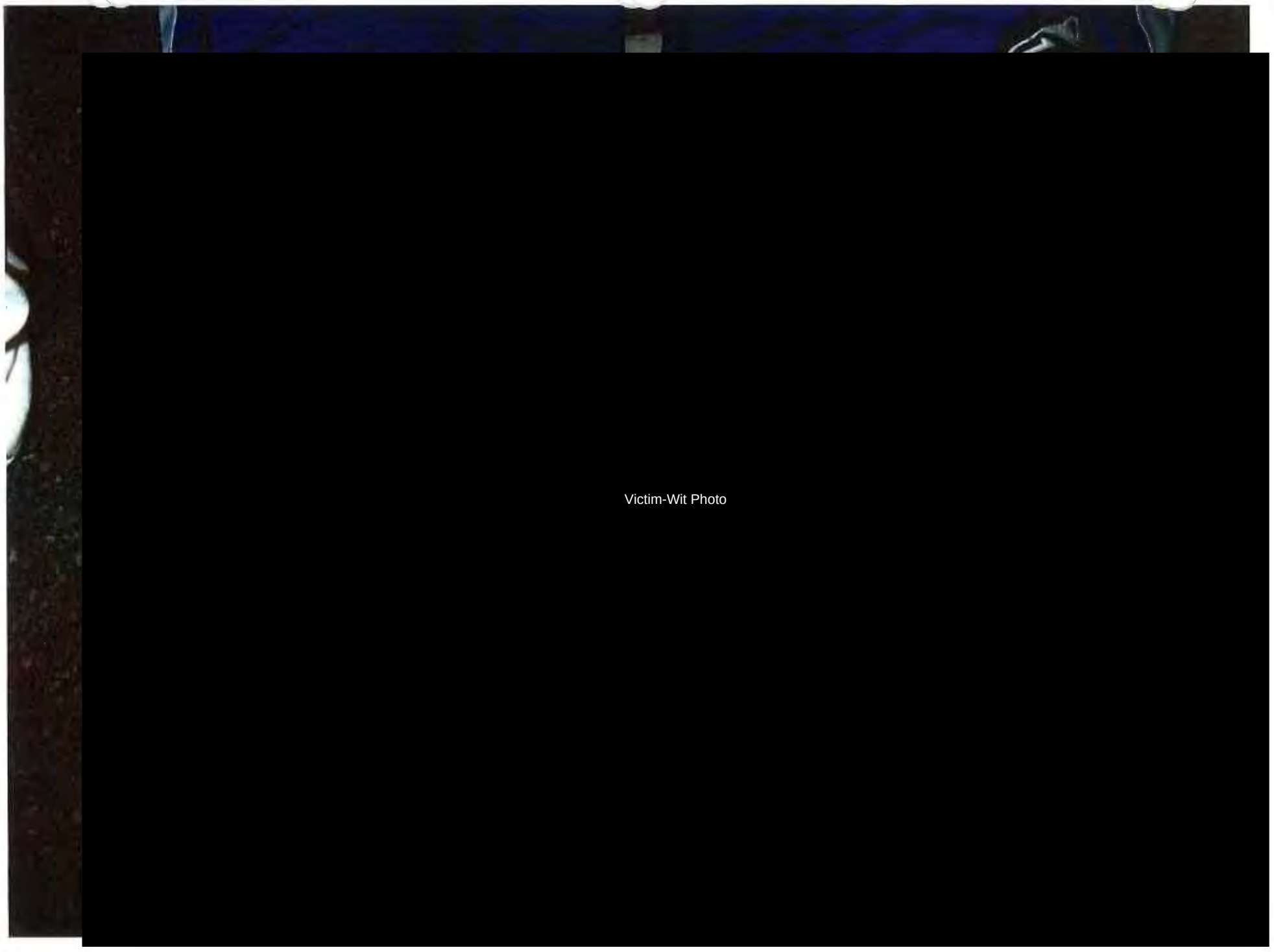
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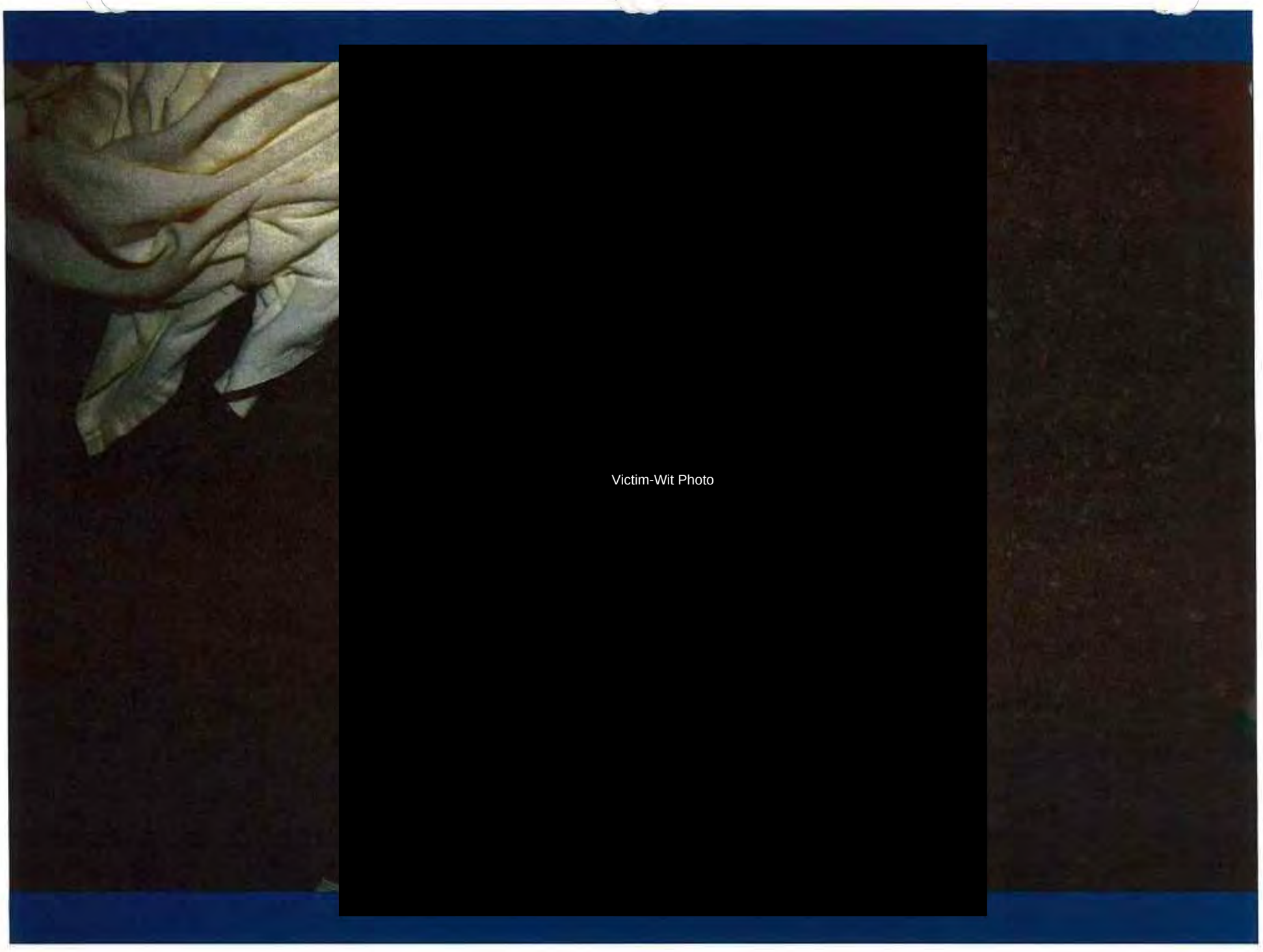
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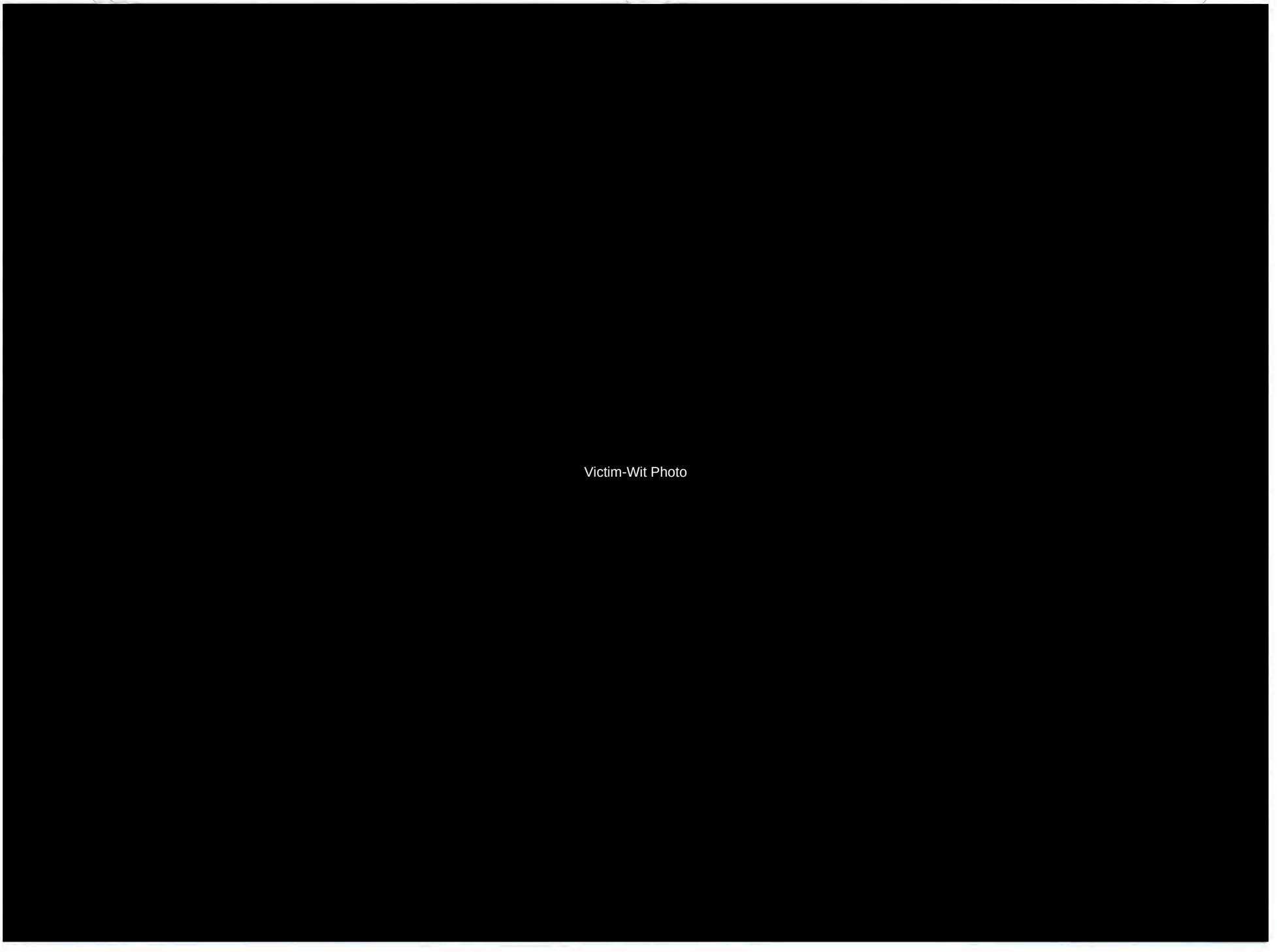
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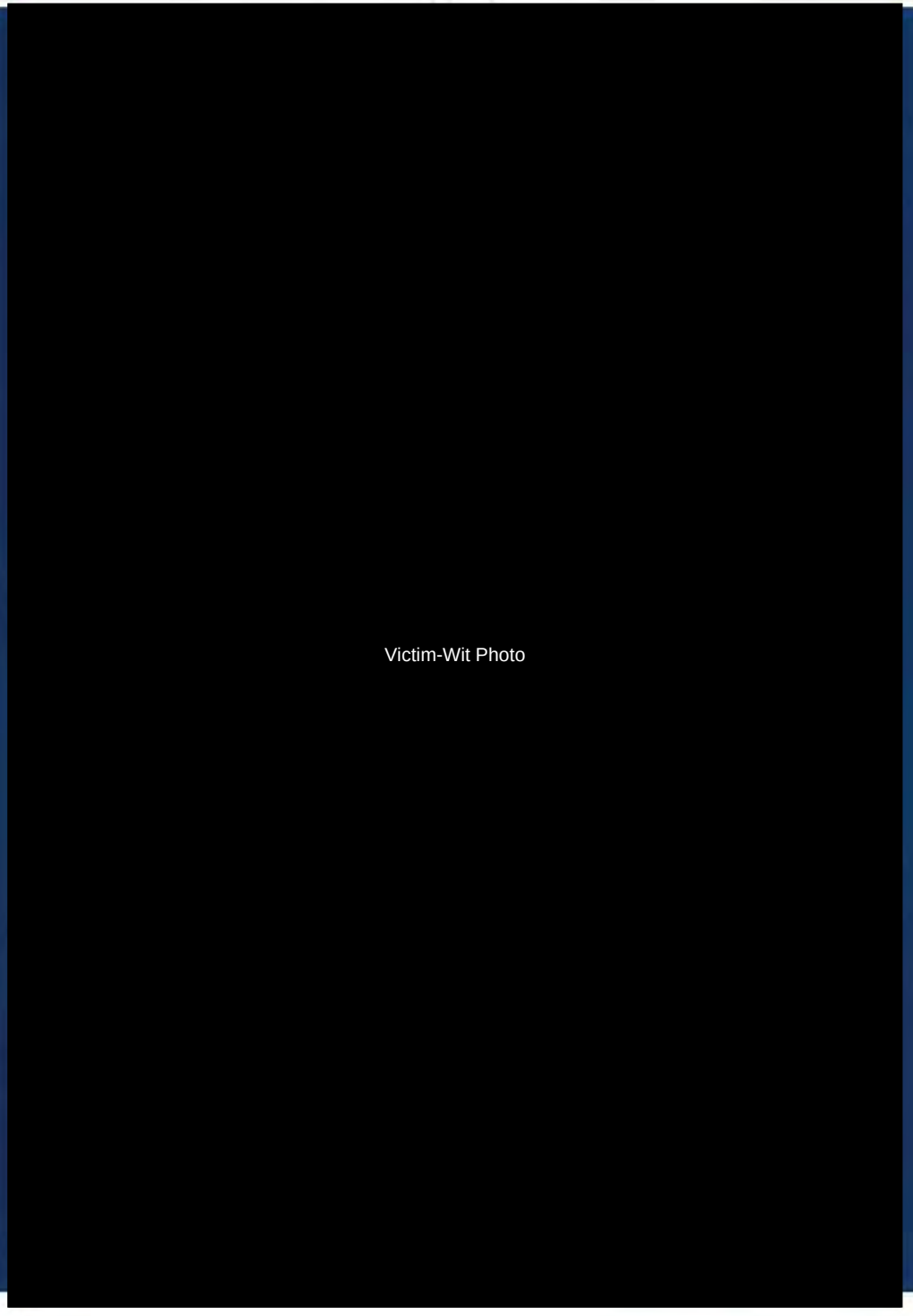
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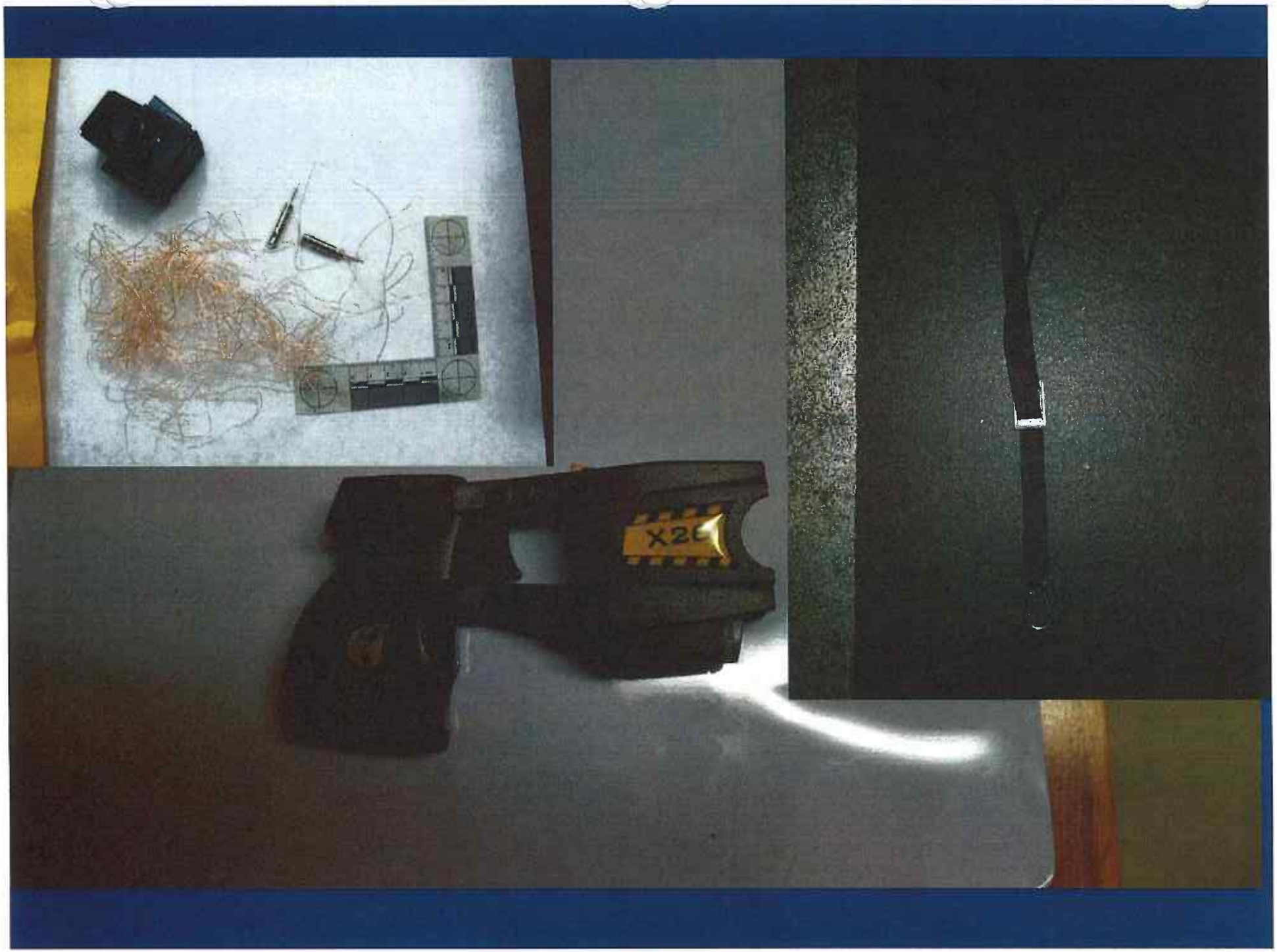
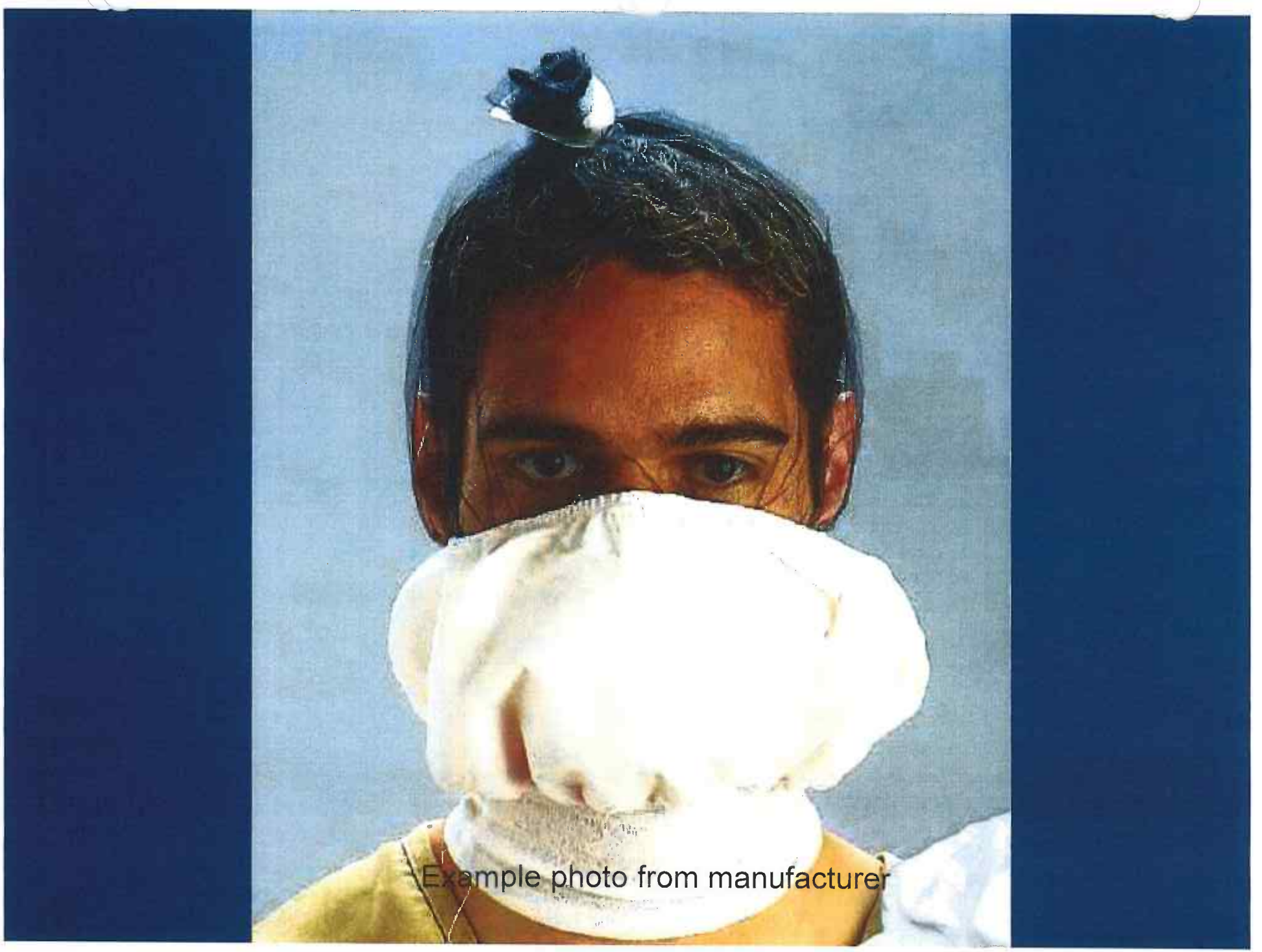

X26

Pierce County Medical Examiner
Case No 200518 Exam: 02/04/20
Manuel Ellis


Example photo from manufacturer

Video Evidence

Vivint© home surveillance video was identified to exist at 1438 96th St S the night of the incident, but due to technical issues with the system, the resident was unable to provide copies.

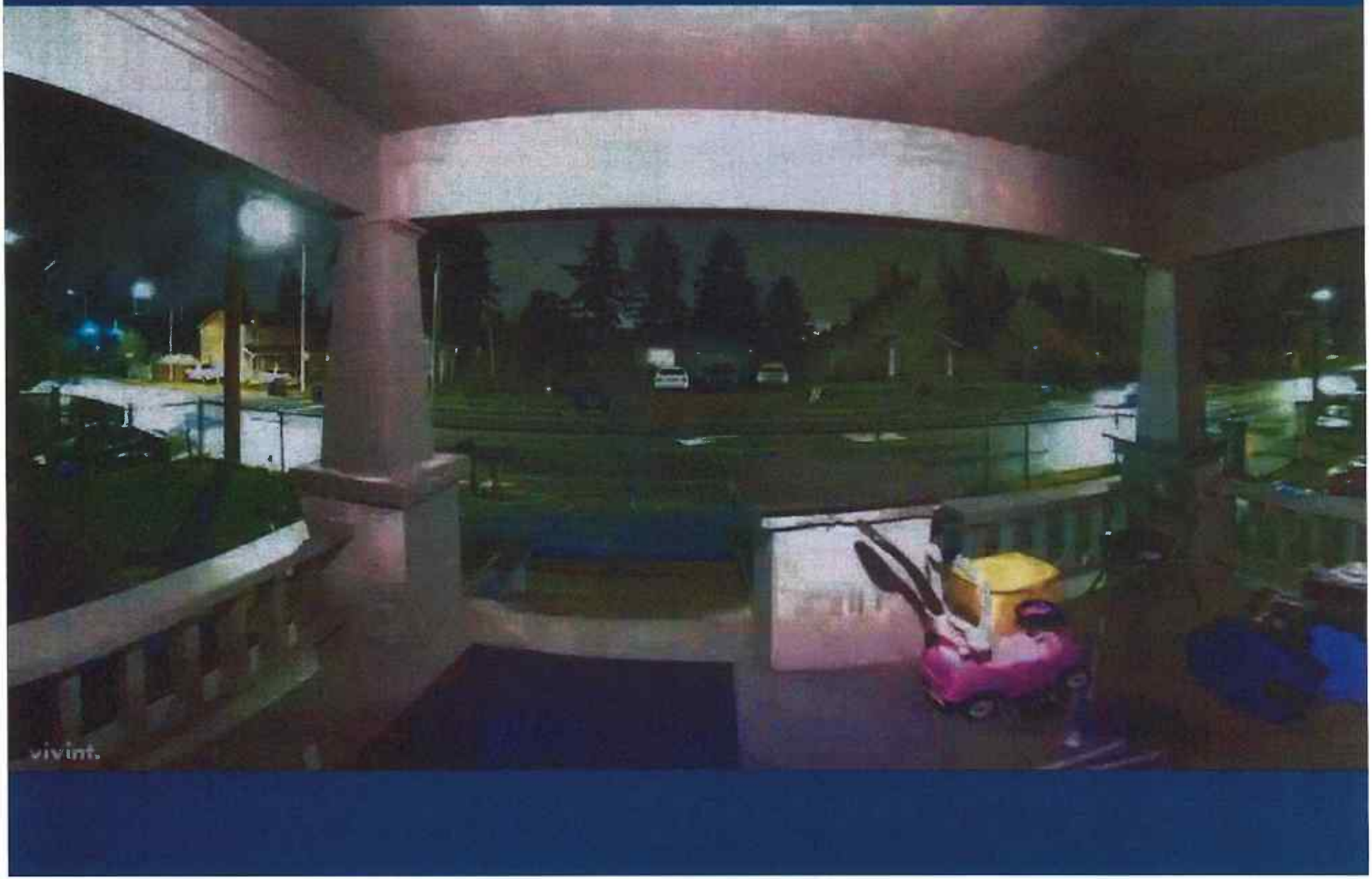
On 03-05-2020 and 03-06-2020 resident Aiyana White was contacted by telephone regarding availability of the footage. She indicated the system was still malfunctioning.

On 03-13-2020 Joe White (Aiyana's father) called and provided 19 video clips recorded the night/early morning of the incident. A search warrant was served on Vivint© to confirm we received all the pertinent videos.

The system is motion activated and records in 30 second clips. There is some time loss between several of the pertinent clips, ranging from 11 seconds to 17 minutes.

The following video was created by merging several of the clips together in chronological order.

Vivant home security footage from 1438 96th St S



Video Evidence

As seen in the Vivint© video, two individuals in separate vehicles were present for a portion of this incident, but drove away. During the course of the investigation, those individuals never came forward and remained unidentified.

On 06-04-2020 the Sheriff's Department sent out a media release in an attempt to identify the individuals. Within hours after the release, two cell phone videos of the police incident that appeared to have been taken by one of the unidentified individuals were posted to an online social media website.

In subsequent media interviews, Sara McDowell identified herself as the author of the videos. Ms. McDowell has not contacted investigators to provide a statement and original copies of the videos. The following videos were downloaded from the internet.

Combined and zoomed in version of McDowell video

Video Evidence

As seen in the Vivint video, an officer approached the residents on the porch of 1438 96th St S and asked if they saw "anything" that night, and each said no (one of which was Aiyana White).

On 06-05-2020 Aiyana White was re-contacted and said she did in fact witness a portion of the incident.

On 06-07-2020 Ms. White provided a statement to investigators and also revealed that she took two cell phone videos. She provided us copies of the videos.

Cell phone footage taken by Aiyana White, inside 1438 96th St S at the front window; 23:32:05 hours.

Cell phone footage taken by Aiyana White, inside 1438 96th St S at the side window; 23:45:02 hours.

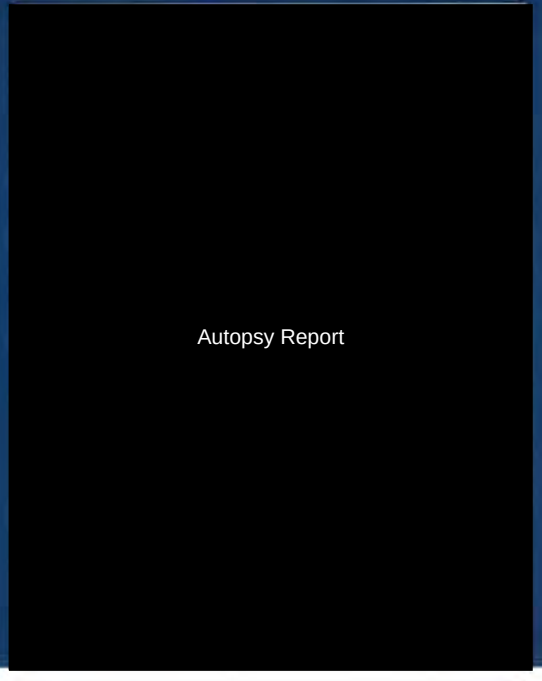
Burbank
25 070 ft
Victim-Wit Photo
Collins

MEDICAL EXAMINER'S REPORT

Cause of Death: Hypoxia due to physical restraint

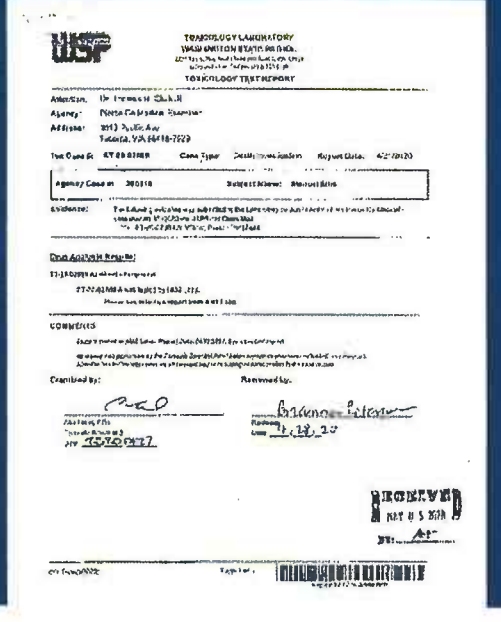
Other Significant Conditions: Methamphetamine intoxication, dilated cardiomyopathy

Manner of Death: Homicide



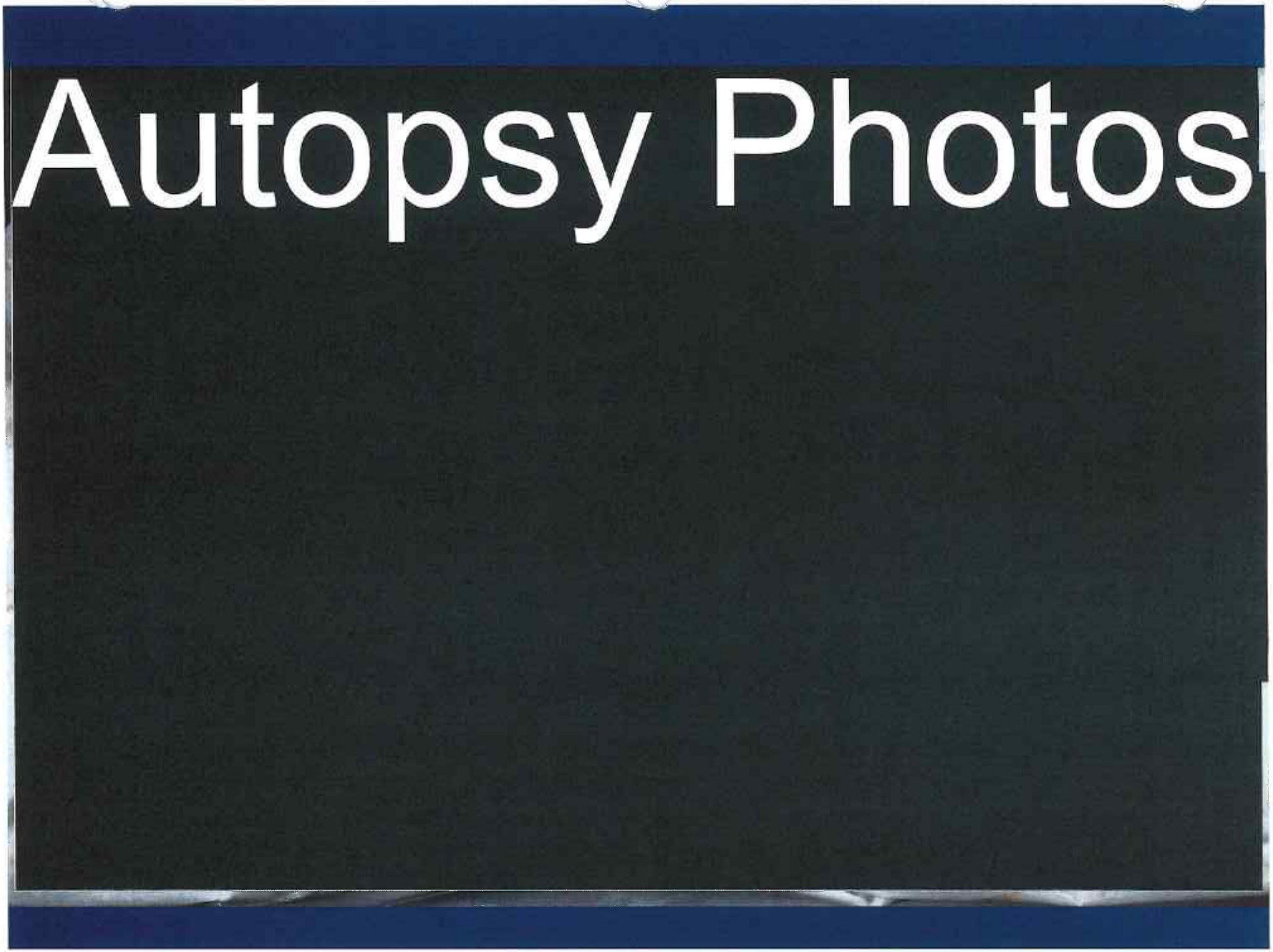
Toxicology Report

Ephedrine	19 ng/mL
Methamphetamine	2400 ng/mL
Amphetamine	54 ng/mL
Phenylpropanolamine (decongestant)	39 ng/ml


TOXICOLOGY LABORATORY
WASHINGTON STATE PATROL
TOXICOLOGY TEST REPORT
COMMENTS
Examined by:
Reviewed by:
RECEIVED

AUTOPSY PHOTOS

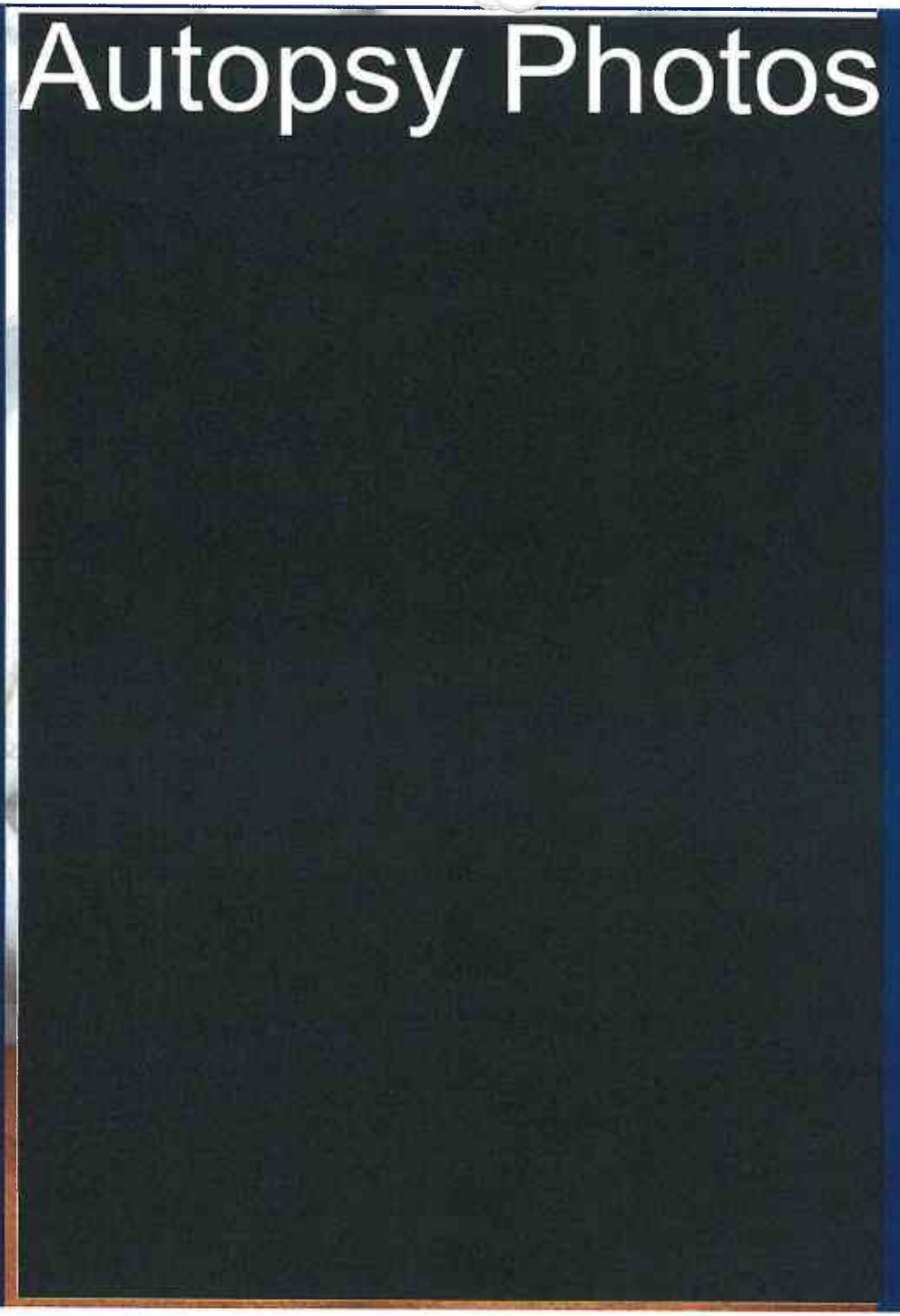
The following photos were taken by the Medical Examiner's staff at the time of the post mortem examination. Be advised that some of the photos are graphic in nature. The photos are taken to record any visible external injuries on the body.


Autopsy Photos

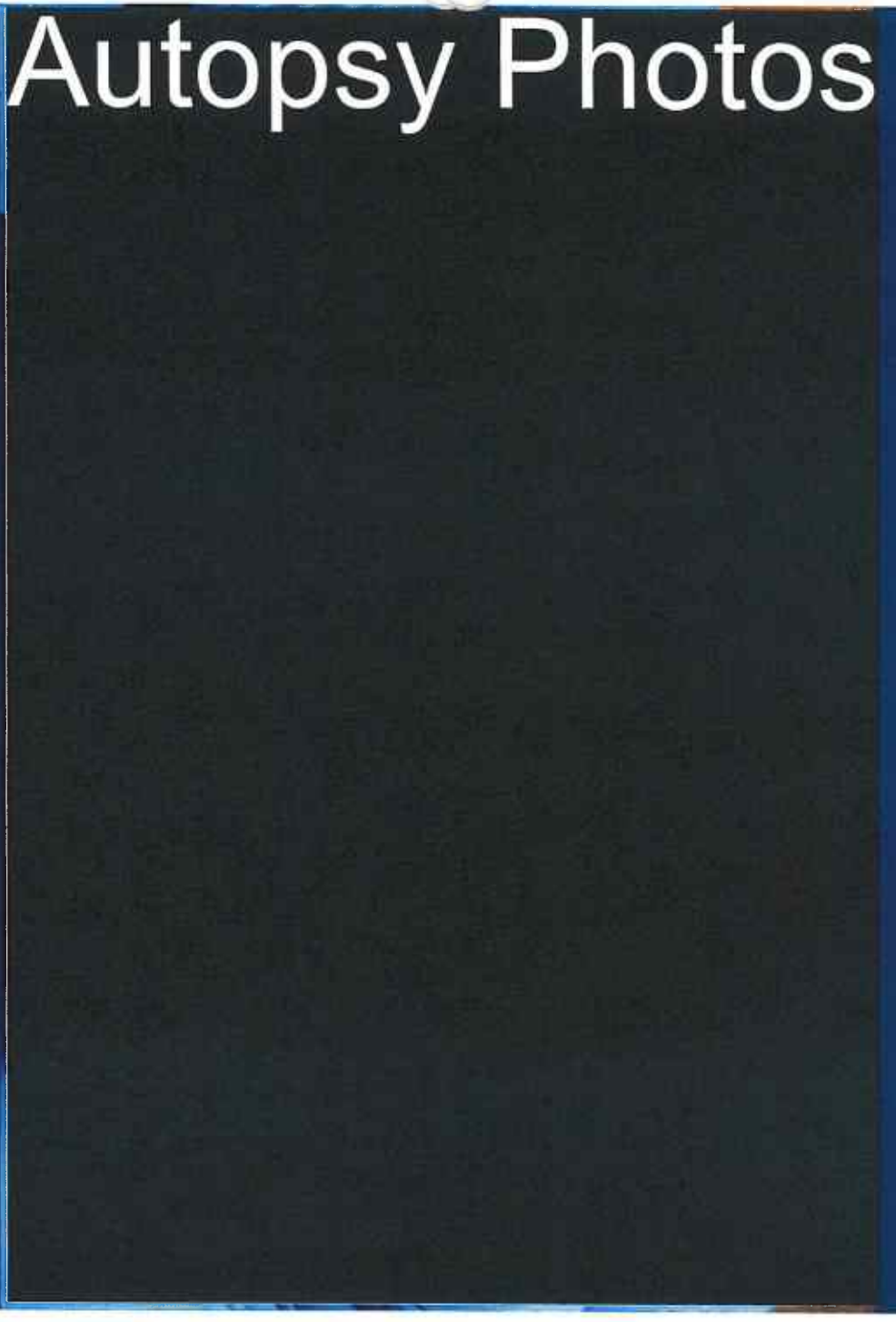
Autopsy Photos

Autopsy Photos

Autopsy Photos



Autopsy Photos



Autopsy Photos

Autopsy Photos

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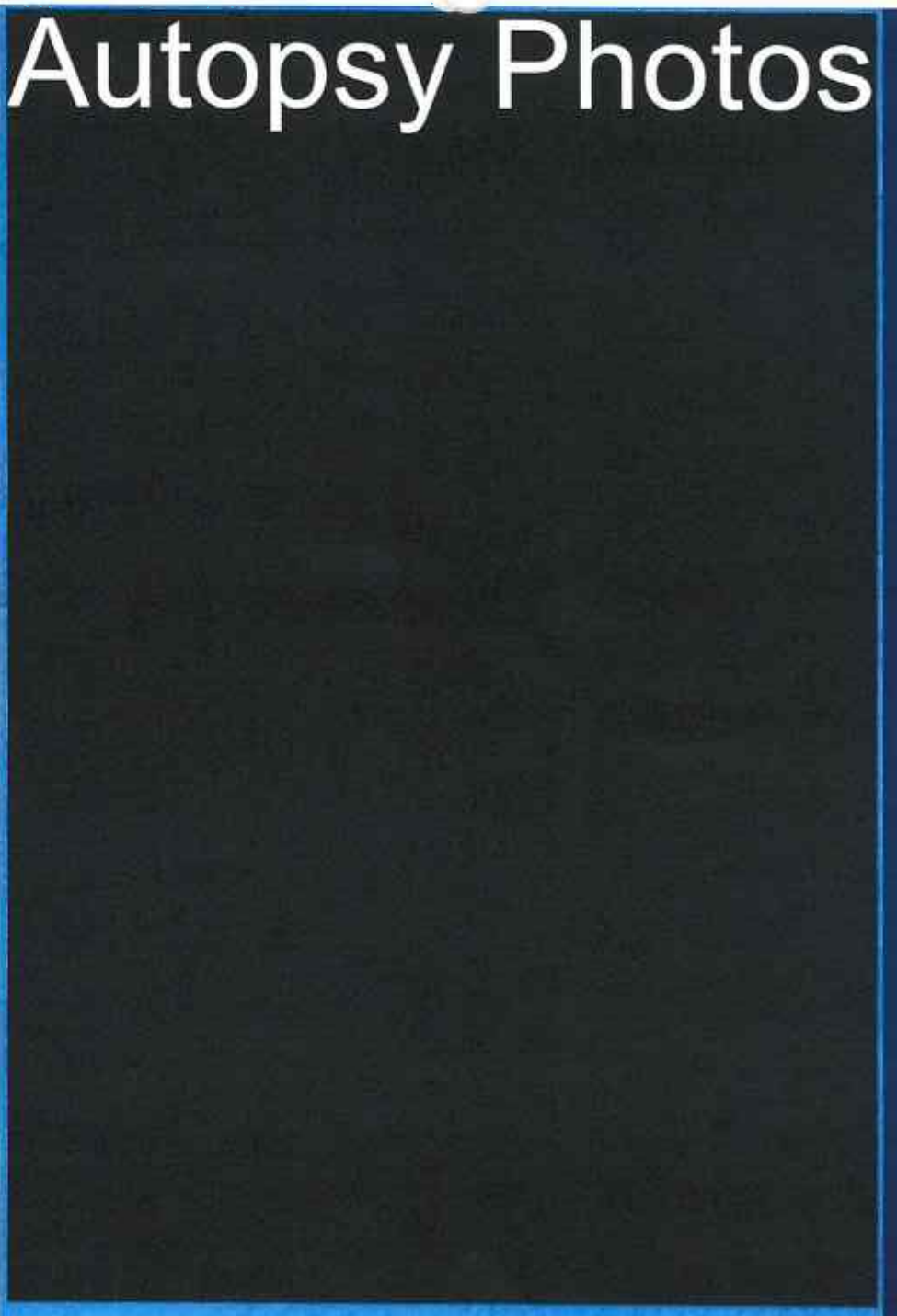


TIMELINE

Note: The following timeline is an overview with displayed times derived from several sources, such as CAD, police reports, radio traffic, Fire Department records, and videos.

23:21:53- Officer Collins mic clicks trying to transmit

23:21:56- Apparent movement near front of patrol vehicle on Vivint© video

23:22:03- (:26,:51) Officer Burbank's Taser deployed (times from Taser download data)

23:22:03- Female saying "Stop. Oh my God, stop hitting him… just arrest him…".

23:22:12- Pop sound on video (maybe Taser)

23:22:13- Officer Burbank calls out 96th/Ainsworth

23:22:30- Loud growl or grunt type sound is heard on video

TIMELINE

23:23:32- Male voice heard saying "I can't breath sir, I can't breath" on video

23:23:45- Male voice saying "Please sir" another male saying "Shut the fuck up man" on video

23:24:32- Officer Collins asks for hobbles. Officer Burbank grabbed hobbles.

23:24:38- Officers Rankine and Ford arrive assisted with hobbles. Side recovery position at some point then back to stomach

23:25:19- LT Messineo said he was detained

23:25:20- Sgt Lim transmits. Background echo "Can't breathe"

23:25:44- Sgt Lim asked for Fire

23:26:49 -Fire Advised (Fire records)

23:27:17- Officer Farinas arrived placed on spit mask

23:32:38- Sgt Lim asked for Fire ETA

TIMELINE

23:32:47- Sgt Lim upgraded Fire to priority when asked

23:34:41- As Fire arrived Officer Rankine could see him breathing moved him to his side. Pulse 80 BPM per Officer Rankine.

"…..Pt now apneic with bradycardia which despite BVM/Airway management rapidly developed into cardiac arrest……"

2336- Fire upgrades due to excited delirium

23:36:53- Fire Bag Valve Mask

23:37:32- EKG

23:41:11- Manual CPR

23:45:16 - Intubation

00:12:30 - TOD Dr Ernst

00:46:54 - Body core temp 96.7 taken by Fire

STATEMENT FROM

Officer Matthew Collins

#H031/209799

Officer Matthew Collins

- Officer Collins was riding double with Officer Burbank. Officer Collins was the driver on his marked Patrol SUV. They stopped for the red light 96th/Ainsworth. He noticed Mr. Ellis in the intersection with his back facing them. Mr. Ellis was working the handle of the passenger door of a vehicle which was trying to pass without hitting him.

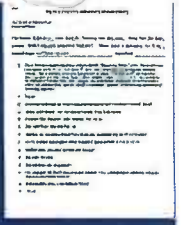
- Officer Collins rolled down his window and said "Hey come over here what's going on". Mr. Ellis turned, jogged over and came "abnormally close to the car". Mr. Ellis' eyes were super wide and had sweat all over the top of his head. Mr. Ellis said something to the effect of he had warrants and they needed to talk.

- Officer Collins told Mr. Ellis to go sit on the curb and they would talk to him. He picked up the mic and was about to call out. He knew something was wrong when Mr. Ellis became fixated on Officer Burbank. Mr. Ellis was staring at Officer Burbank and was really close to the car. He heard Mr. Ellis tell Officer Burbank "I'm going to punch you in the face". Officer Burbank started to roll up the window. Mr. Ellis started punching the window and there was a struggle over the door.

- Officer Collins ran around to try and get control of Mr. Ellis. He intended to put Mr. Ellis into handcuffs. Mr. Ellis ran at him, grabbed him by his external vest carrier, lifted him up and threw him on his back in the street. He described Mr. Ellis as having superhuman strength. Collins weighed around 230 pounds with his gear on.

- Officer Collins described them being in a physical fight from this point on. …."it's just a melee". He grabbed him and tried to take him to the ground. At some point he ended up on top of him.

Officer Matthew Collins



▪Officer Collins described Mr. Ellis as swinging wildly, grabbing at him, "growling" and making "animal" noises.

▪Officer Collins' strikes were having no effect. They were both on their sides. He attempted to get him in an "LVNR" [Lateral Vascular Neck Restraint]. His bicep was in the side of Mr. Ellis' face. Before he could apply it, Officer Burbank fired his taser. Officer Collins said that when he heard the taser, "it has that immediate neuromuscular incapacitation effect where the guy locks up."

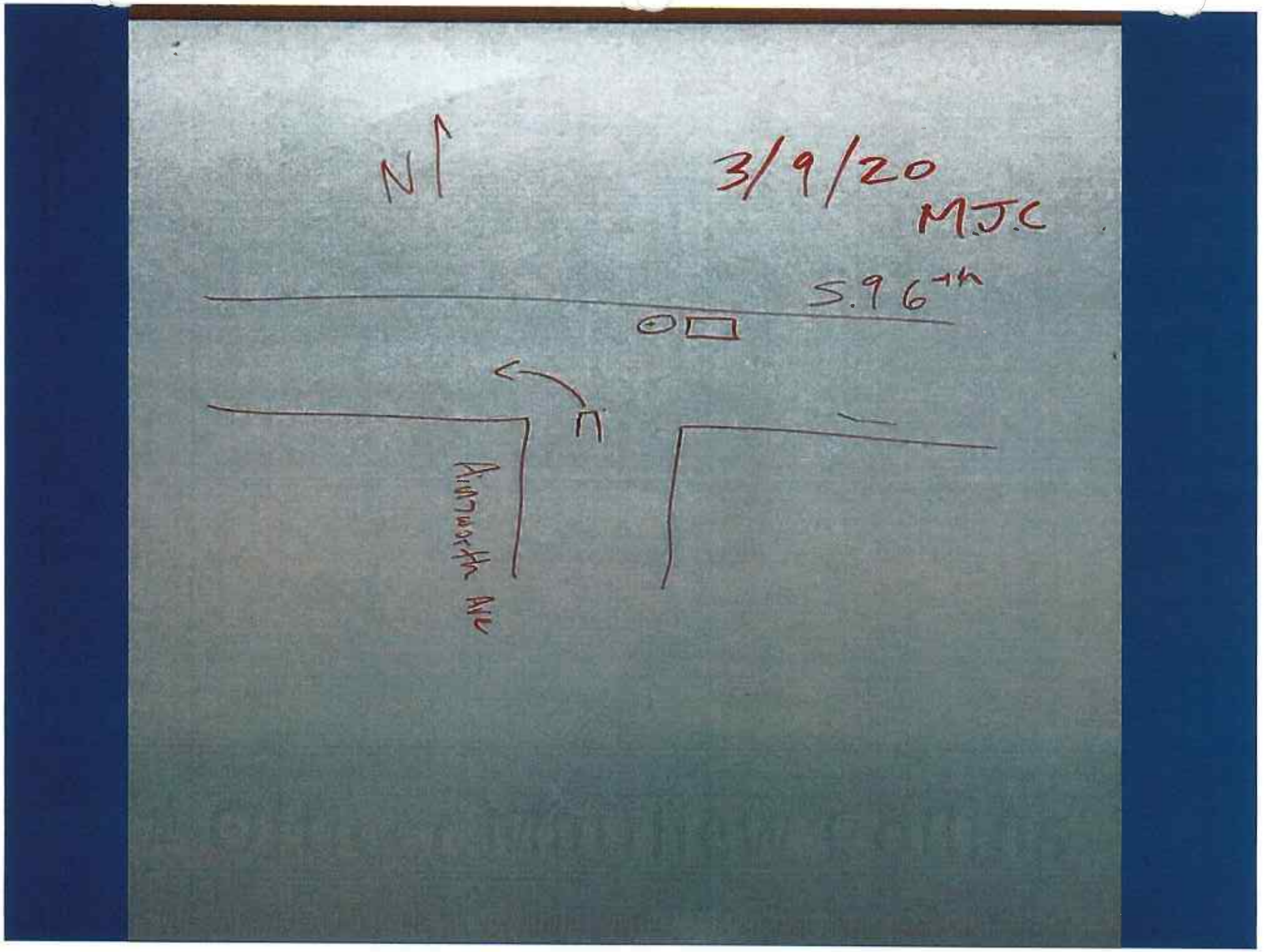
▪ The taser lost effect and Mr. Ellis started "growling" again. They were able to get him into handcuffs after another taser application. Once he was handcuffed, he started "growling" again and started lifting himself up. Mr. Ellis' legs are going underneath him. Officers Rankine and Ford arrived. He asked for hobble restraints a few times. Mr. Ellis was placed into the hobble restraints.

▪ Officer Collins said he was "pretty smoked". He described having lactic acid feeling in his forearms and his hands were locked up. He and Officer Burbank stepped back. At some point Officer Burbank said to put him in the recovery position. They put him on his side.

▪Mr. Ellis was spitting at Officers and a spit mask was placed on him.

▪ Officer Collins thought this might be exited delirium due to his freakish strength and that he was not really speaking to them. The Fire Department arrived and CPR was started.

▪ Officer Collins talked about his right knee being swollen and covered in road rash and cuts. He has road rash and bruising on his elbows. He estimated the fight had gone on for 3-4 minutes.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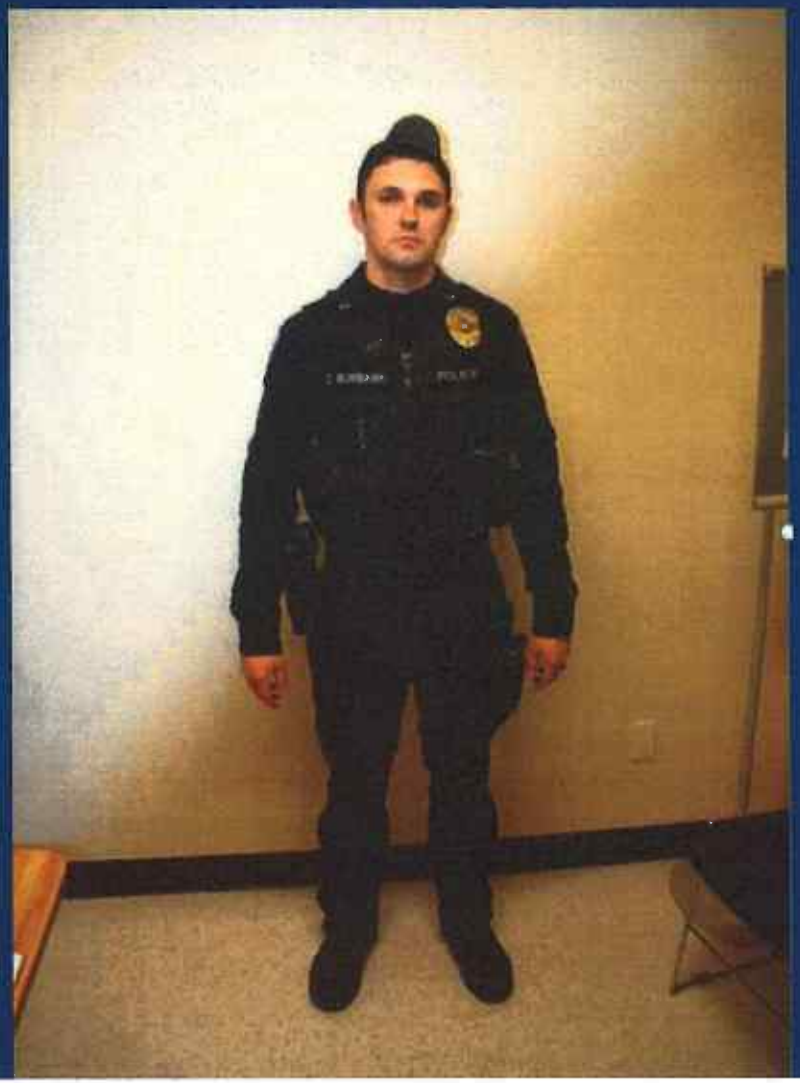
Ainsworth Ave

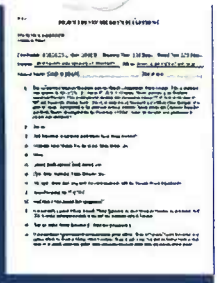
STATEMENT FROM

Officer Christopher Burbank

#236/210045



Officer Christopher Burbank



- Officer Burbank was the passenger in Officer Collin's vehicle. Observed Mr. Ellis in the intersection block a vehicle by waving his hands. He noticed Mr. Ellis had a jug of water and other items in his hands. Mr. Ellis looked like he was trying to get in the vehicle.

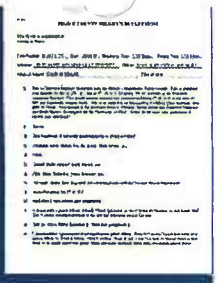
- Mr. Ellis appeared to fixate on their patrol vehicle. Mr. Ellis ran over to Officer Collin's side first. Officer Burbank noticed Mr. Ellis was extremely sweaty and described him as hyper vigilant. Mr. Ellis told them he was having a bad day, needed help and had warrants.

- Mr. Ellis came to the passenger door and seemed agitated. Officer Burbank rolled his window halfway down. Mr. Ellis said he was hot and needed help. Mr. Ellis said "instead I might just punch you in the fuckin' face." He rolled up the window and Mr. Ellis punched the window 2-3 times as hard as he could like he was trying to break the window. Mr. Ellis reached for the door handle and he locked the door.

- Officer Collins exited the vehicle. Mr. Ellis focused on Officer Collins with a fighting stance clinched fists and squared up to him. Officer Burbank tried to divert Mr. Ellis' attention by hitting him with the car door. He got out and noticed Officer Collins was in some type of contact with Mr. Ellis.

- Mr. Ellis and Officer Collins were on the ground. Mr. Ellis was swinging both fists very wildly at Officer Collins and kicking him. Officer Burbank described Mr. Ellis as hitting any target he could. He started delivering strikes to Mr. Ellis' body. He described Mr. Ellis as very strong and was able push Officer Collins off of him.

Officer Christopher Burbank



- Mr. Ellis did not have any pain compliance. Officer Burbank created distance from Mr. Ellis 10-15ft. Mr. Ellis sprinted at him screaming and "growling" flailing both fists. He tried to defend himself. Mr. Ellis collided with him and they went to the ground. Officer Burbank got hit in the mouth.

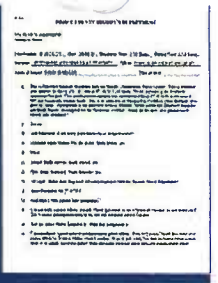
- When Officer Burbank got back up he saw Mr. Ellis on the ground on his back. Officer Collins was pinning his upper body down and delivering strikes with his closed right fist or right elbow to Mr. Ellis' face. It did not look like the strikes were effective. Officer Burbank tried to assist by pinning him down and grabbing his legs. Officer Burbank could hear a female screaming.

- Officer Collins was trying to put on the lateral vascular neck restraint. Nothing was effective. Officer Burbank fired his taser at Mr. Ellis' torso and he locked up. After the 5 second cycle, Mr. Ellis started to get up. He fired the taser a second time for 5 seconds. Mr. Ellis continued to struggle after the cycle.

- Officer Burbank described Mr. Ellis almost doing pushups with them on his back. Mr. Ellis was still "growling" and yelling. Officer Burbank fired his taser a third time for a 5 second cycle. It was effective but his strength came back. He thought he delivered a fourth 5 second cycle. They were able to place him into handcuffs.

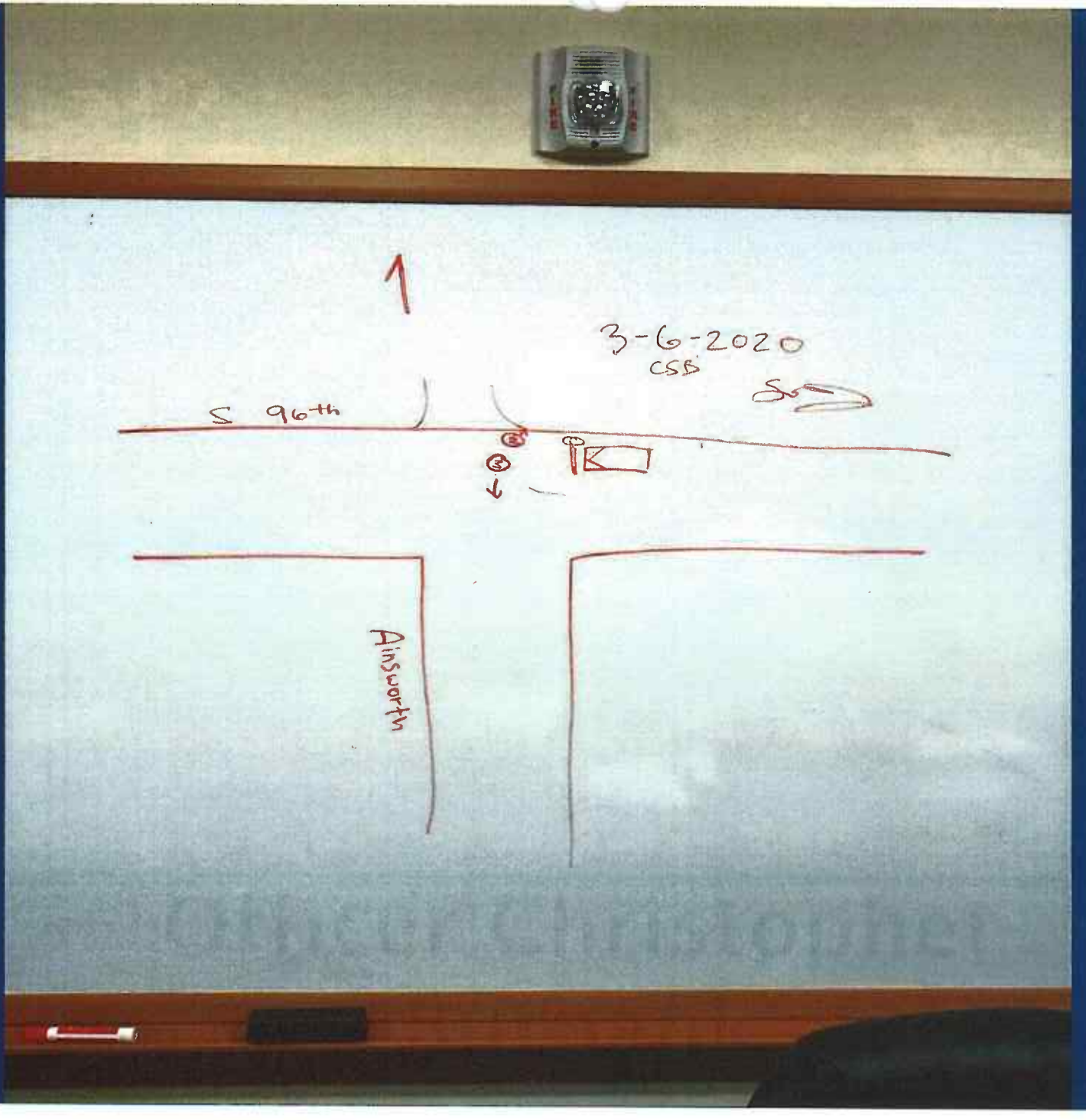
- Mr. Ellis continued to roll and kind of buck Officer Collins and him off. They were on top of him and trying to pin him to the ground. Officer Burbank described being exhausted. As other Officers arrived Mr. Ellis was still "growling" and screaming. He grabbed the hobble restraint from their vehicle and put Mr. Ellis' feet in the restraint.

Officer Christopher Burbank



- Officer Burbank estimated the entire confrontation lasted 2 to 3 minutes. He saw Mr. Ellis try to spit at officers. Someone asked about a spit sock. Another officer placed the spit sock on Mr. Ellis. Other Officers rolled Mr. Ellis to his right side.

- The Fire Department arrived and he helped remove the hobble restraint. Officer Burbank said Mr. Ellis looked calm and was staring off blinking his eyes.

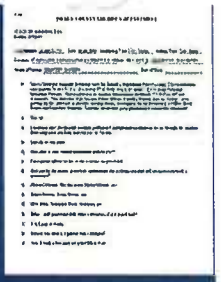

3-6-2020
CSS
S 96th
Ainsworth

STATEMENT FROM

Officer Timothy Rankine

#088/#212401

Officer Timothy Rankine



- Officer Rankine was riding double with Officer Ford in his marked Patrol sedan. He remembered hearing mic clicks and dispatch asking H-317 if he had traffic. He thought he heard rustling and heavy breathing over the radio.

- Officer Rankine noticed the back amber lights were on Officer Collin's vehicle. He noticed three people in front of Officer Collin's vehicle. He noticed Mr. Ellis was on his stomach. Officer Burbank was on his upper torso with both hands on his upper body. Officer Collins was trying to secure both of his legs.

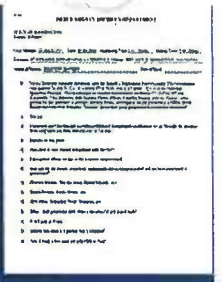
- Officer Rankine described Mr. Ellis throwing Officers Collins and Burbank around like rag dolls. Officer Collins asked for their hobble restraints. He assisted Officer Ford in securing Mr. Ellis' right leg. Mr. Ellis was bucking and kicking pretty violently.

- Officer Rankine noticed Officer Burbank get tossed off of Mr. Ellis. He described Mr. Ellis making "strange animal grunting noises". Mr. Ellis was pulling all four of them across the roadway.

- Officer Rankine heard Mr. Ellis say "I can't breathe, I can't breathe" in a calm voice. Mr. Ellis violently thrashed around almost bucking him off. The hobble restraints were placed on Mr. Ellis.

- They rolled Mr. Ellis to his side. Officer Rankine removed the probes/taser wires from Mr. Ellis.

Officer Timothy Rankine



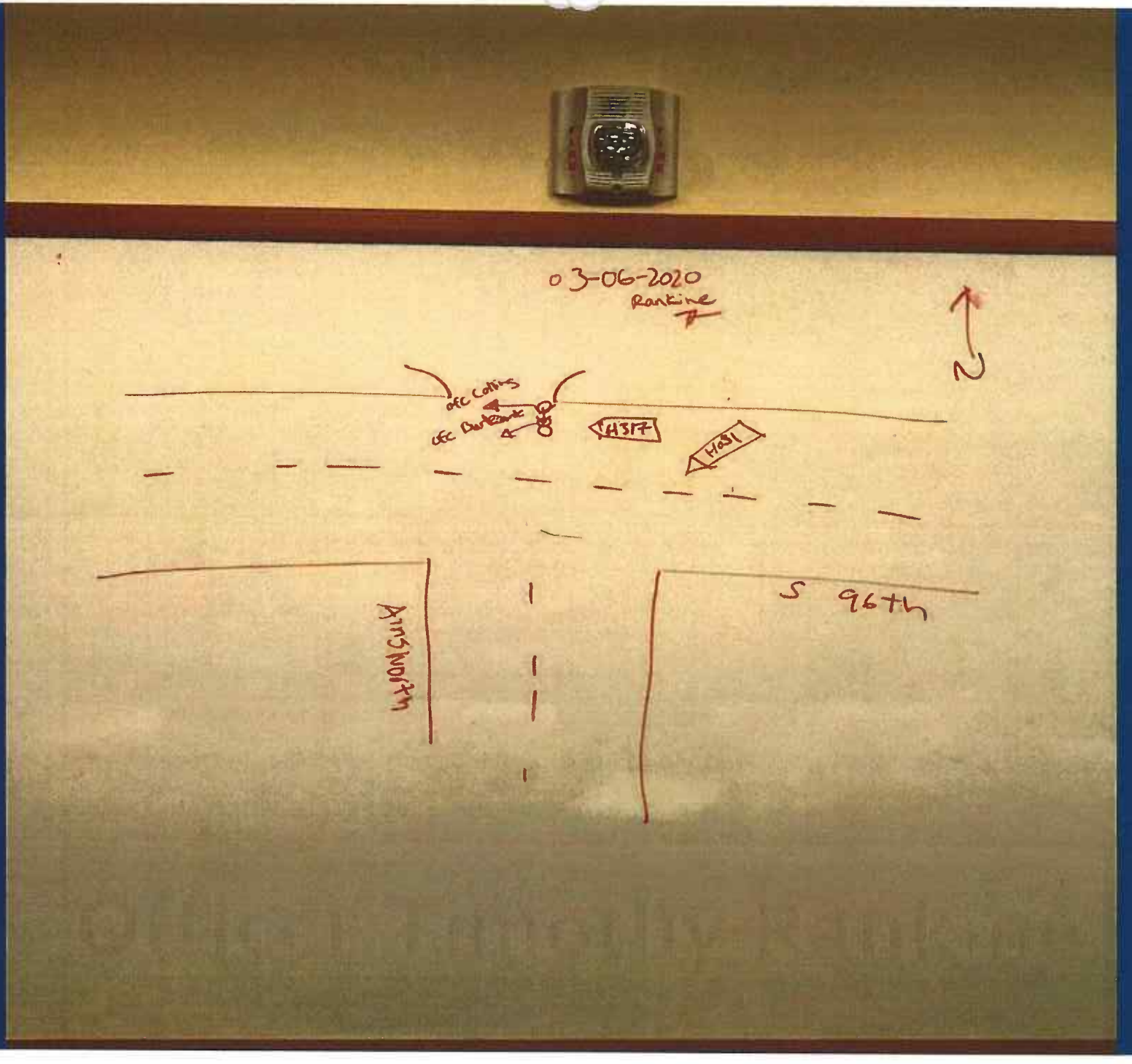
- Officer Rankine described Mr. Ellis having minor cuts to his face and his knuckles were bloody. They rolled Mr. Ellis back onto his stomach. Mr. Ellis was sweating profusely.

- Mr. Ellis was not thrashing as much anymore. Officer Rankine noticed Mr. Ellis' breathing was still the same and he could see his chest rise/fall. Officer Rankine rolled Mr. Ellis back to his side.

- Officer Rankine checked Mr. Ellis' pulse on his neck and it was 80 bpm. He checked it again a few minutes later. The Fire Department arrived and began to treat Mr. Ellis. Officer Rankine helped remove the handcuffs and hobble restraint from Mr. Ellis.

- Mr. Ellis' eyes were wide open and he was still breathing on his own. A short time later they started CPR on Mr. Ellis.

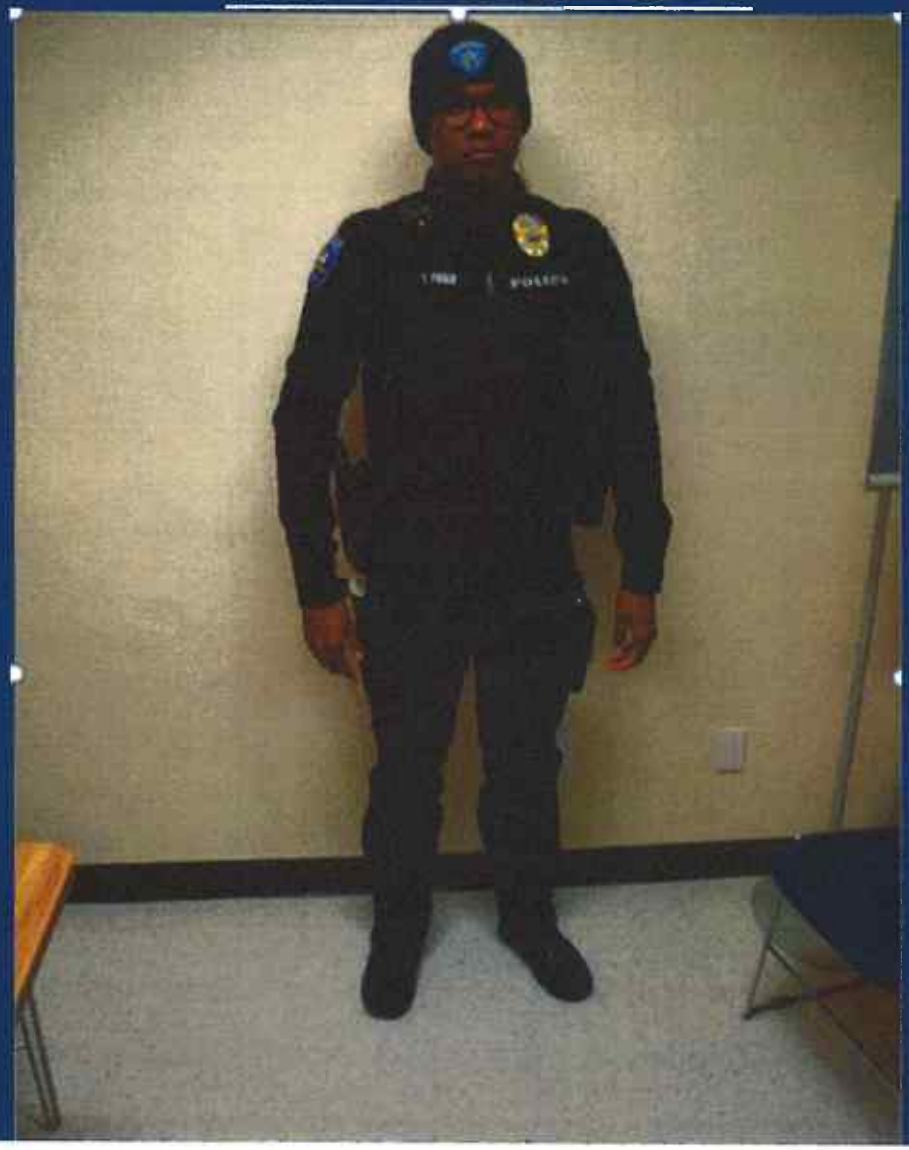
- Officer Rankine had a lot of training and background in first aid including Tactical Combat Casualty Care.


03-06-2020
Rankine
N
ofc Collins
ofc Burkhart
H317
H031
Ainsworth
S 96th

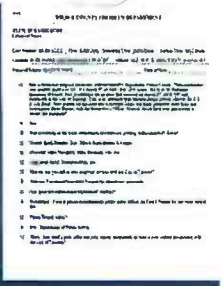
STATEMENT FROM

Officer Masyih Ford

#H031/#211954



Officer Masyih Ford



- Passenger in Officer Rankine's vehicle. Officer Ford heard Mic clicks and then Deputy Burbank scream their location. As he arrived he could see Officer Collins and Officer Burbank fighting with Mr. Ellis.

- Officer Ford noticed Officer Burbank on Mr. Ellis' back and Officer Collins had his legs. Mr. Ellis was pushing them off. He noticed Mr. Ellis was handcuffed. He took control of one of his feet.

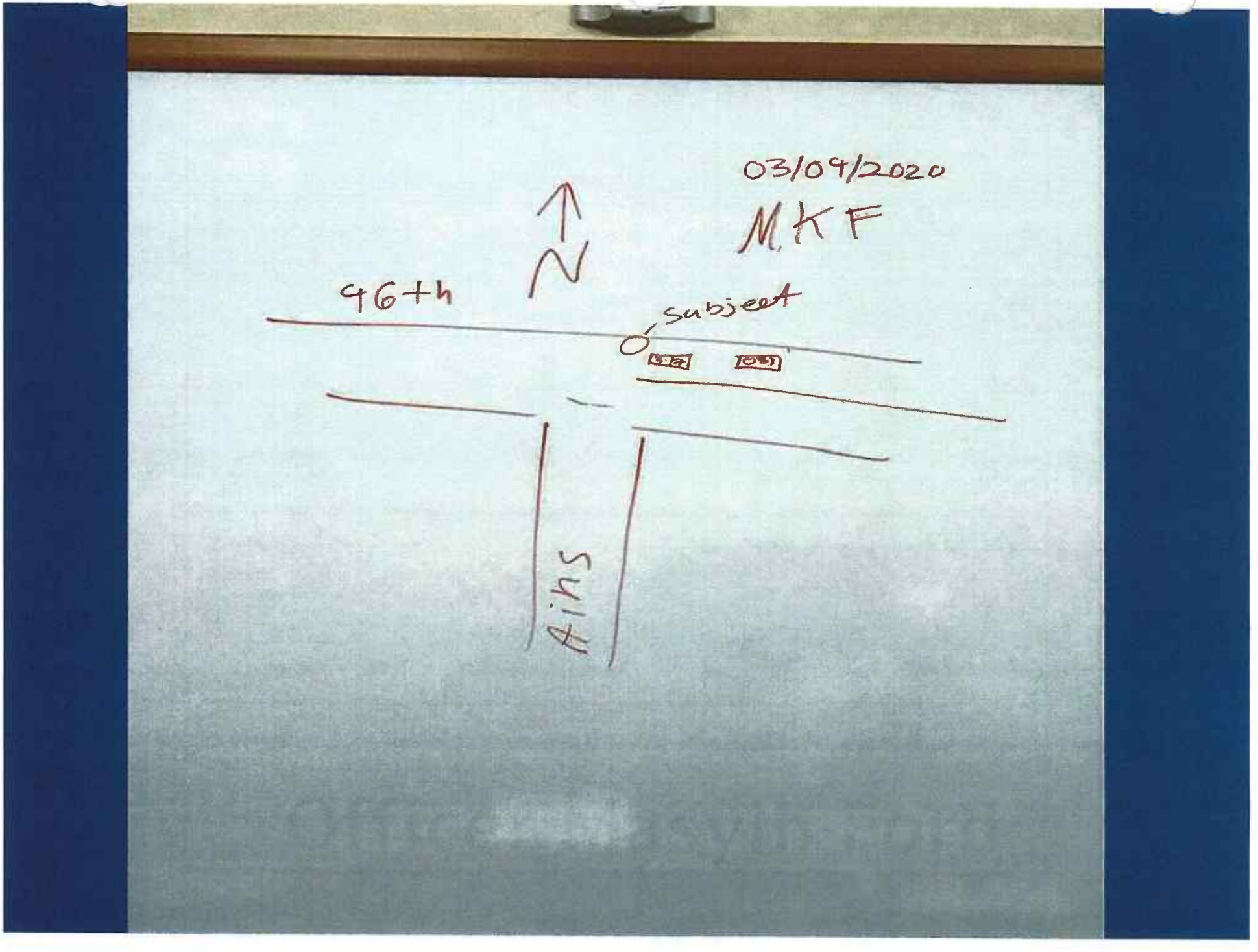
- Officer Ford described Mr. Ellis as screaming incoherently. He told him to relax that he was going to be okay. Mr. Ellis was thrashing around.

- Other Officers arrived and Mr. Ellis was placed in the hobble restraint. He told Mr. Ellis again to relax that he was going to be okay. The Fire Department was advised to respond. Mr. Ellis was screaming incoherently. Mr. Ellis said in a calm voice that he could not breath.

- They rolled Mr. Ellis to his side. Officer Ford described Mr. Ellis looking through him. The taser probes were removed and placed into a plastic bag. He noticed Mr. Ellis was not responsive. He asked Officer Rankine if Mr. Ellis was warm. Officer Rankine said he was burning up and checked his pulse which was low. He recognized this as possibly exited delirium. He told the Fire Department about exited delirium when they arrived.

- Officer Ford talked about the excited delirium training that he had in the past.

- Officer Ford described Officers Collins and Burbank as looking exhausted


03/09/2020
MKF
N
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subject
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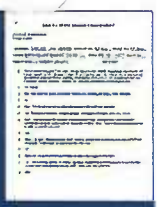
Det/Sgt Sanders (summary)
WITNESS STATEMENT



- Det/Sgt Sanders heard TPD was fighting with one. There were four TPD Officer's engaging with Mr. Ellis as he arrived. TPD just got the second handcuff on Mr. Ellis. They were asking for a hobble restraint. He helped get one of Mr. Ellis' feet into the restraint. He observed after that point.

- Det/Sgt Sanders described Mr. Ellis making a "grunting… animal noise". He thought it looked like excited delirium. Mr. Ellis made loud "grunts" and tried to get up a couple times.

- Mr. Ellis was spitting and TPD placed the spit mask on him. TPD called for the Fire Department once he was in hobble restraints.

- Det/Sgt Sanders heard TPD Officers giving commands such as stop resisting and put your hands behind your back.

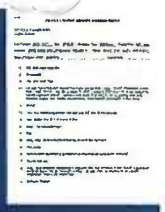
- Mr. Ellis was rolled to his side and they waited for the Fire Department.

- Det/Sgt Sanders described one of the TPD Officers checking Mr. Ellis' pulse and that it was calm. Mr. Ellis was quiet with a 1,000 yard stare.

- Fire arrived and treated Mr. Ellis.

- Det/Sgt Sanders could see Mr. Ellis' full face through the spit mask mesh. It had been removed when Fire arrived.

Lt Messineo (summary)
WITNESS STATEMENT



- Lt Messineo noticed two TPD Officers holding down Mr. Ellis. He was thrashing around making "animalistic noises and grunts".

- A TPD Officer grabbed a hobble restraint. Mr. Ellis was thrashing around and kicking his legs. Four TPD Officers were now controlling Mr. Ellis. There was nothing for him to do.

- Mr. Ellis was thrashing his feet, legs and torso. Lt Messineo did not observe any strikes.

- Once the hobble restraint was on Mr. Ellis stopped moving. The "animal" noises stopped but he began "grunting". Lt Messineo talked about the spit mask.

- Lt Messineo described Mr. Ellis as having agonal breathing.

- TPD called for medical aid. Mr. Ellis was put into the recovery position. Lt Messineo noticed Mr. Ellis was breathing with his eyes open. He thought it was around 10 minutes before the Fire Department arrived.

- Lt Messineo had heard commands from the TPD Officers during the incident including give me your hands and stop fighting.

Shad Hayes (summary)
WITNESS STATEMENT

- Mr. Hayes heard yelling and saw flashing lights in his bedroom window. He came outside and noticed a patrol vehicle with it's lights on. He observed two Officers trying to subdue Mr. Ellis.

- Mr. Hayes said …"I saw two Officers tryin' to subdue this individual and they were havin' problems subduing him because he was, I don't know it he was drunk or high on drugs or whatever, but he was, but he was throwin' 'em around pretty good. And I yelled at 'em and asked if they need help and they said no, they think we've got it. But while they were tryin' to subdue him there was traffic and stuff goin' by so I stood right down here and directed traffic until I heard the back, 'til I heard their backup".

- Mr. Hayes observed one Officer on the ground trying to get Mr. Ellis' hands behind his back and the other Officer was trying to subdue him from the top. He said Mr. Ellis was trying to get up and move around.

- Mr. Hayes described the subject as not complying and laying face down. He said it looked like he was trying to get away. He described Mr. Ellis as yelling. He heard one of the Officers tell him to comply. He said they finally got Mr. Ellis completely subdued after two other Officers arrived

- Mr. Hayes described Mr. Ellis laying face down the whole time. He mentioned that Mr. Ellis looked like he was a bit bigger than they were. He was not sure how long the Officers struggled with Mr. Ellis.

Aiyana White (summary)
WITNESS STATEMENT

- Ms. White was awake but trying to get to sleep when she was alerted to yelling outside.
- Ms. White looked out a window and saw Mr. Ellis Ellis in contact with police officers.
- Ms. White saw police take Mr. Ellis to the ground and also saw police punching him.
- Ms. White heard someone yell, saying to stop.
- Mr. Ellis was twisting his torso in an attempt to get away, but Ms. White said she did not see him attempt to strike the officers.
- Ms. White heard the discharge sound of a Taser (Conducted Electricity Weapon) 5-6 times.
- Ms. White noted hearing Mr. Ellis say that he could not breathe 3-4 times after he had gone to the ground.
- Ms. White woke her husband James Mallang. Her brother, Kennett Ashford White also came down from his bedroom.
- Ms. White said she was unable to see clearly after that. Other officers had arrived and formed a blockade around Mr. Ellis that prevented a clear view. Ms. White did not see resuscitation efforts made by police officers but did see fire department personnel attempting CPR.

Aiyana White (summary)
WITNESS STATEMENT

- Ms. White took two cellular videos. The first was after the officers formed the blockade. The second was after the fire department took over. Ms. White allowed copies to be made of the videos.

- Ms. White confirmed that a TPD Officer came to their house and asked them if they had seen the start of the incident. They all said no. She said she did not tell the officer about her cellular phone video because she assumed the officers had body cameras or in-car cameras that would be sufficient. She did tell the officer about the Vivint security footage.

Kennett Ashford White (summary)
WITNESS STATEMENT

- Kennett White lived at 1438 96th St. S, the same residence that provided the Vivint security video.
- Was awake on the third floor of the house on 03/03/2020, heard noise outside.
- Kennett saw the patrol car in the intersection, could not see the activity in front due to a utility pole, heard a woman yell - stop hitting him and just arrest him, from a brown car that was present.
- Kennett moved downstairs and looked out a window. He saw two police officers force Mr. Ellis from his knees to the ground. One officer was on each side of him. Mr. Ellis was able to manhandle them and they were not able to handcuff him at that time. He remembered hearing a Taser discharge 3-4 times during the struggle.
- Mr. Ellis was restrained when a third and fourth officer arrived. He remembered 12 police vehicles eventually arriving.

Kennett Ashford White (summary)
WITNESS STATEMENT

- Kennett saw a police officer performing CPR (chest compressions) on Mr. Ellis. The officer was relieved by fire department personnel. He thought there was at least 15 minutes of CPR performed.
- Kennett checked the Vivint security camera footage. He noted that it did not start until recording was triggered most likely by the arrival of the brown car.
- The third officer that arrived at the incident contacted him at his house. He told the officer he had not seen the start of the incident and offered to show him the Vivint security footage.
- Kennett confirmed that he did not make any recording of the incident with his cellular phone.

Cedric Armstrong/Kimberly Mayes(summary)

WITNESS STATEMENTS

- Mr. Armstrong and Ms. Mayes had known Mr. Ellis for 4 months. He stayed in their transitional housing and had been going to Pierce County Alliance. Mr. Ellis had clean UA's. They had a church revival that night until 2130.

- Mr. Armstrong and Ms. Mayes described Mr. Ellis as a great client, role model, did his chores, kept his room clean and played drums at church. They said Mr. Ellis was overjoyed, happy and peaceful.

- They talked about Mr. Ellis taking medication that made him sleepwalk. It made him restless and he would walk to the store for snacks. They heard from PC Alliance he took it for Schizophrenia.

- Mr. Ellis was last seen with his roommate Mendel Everson the night of the incident. (Mendel later said he was not with him during incident). They talked about Mr. Everson relapsing for a 3rd time and used Meth in the past.

- Mr. Armstrong and Ms. Mayes talked about some of the police tactics, the press release and Mr. Ellis saying that he could not breath on the video.

- Mr. Armstrong and Ms. Mayes confirmed that he used Meth in the past. Mr. Ellis wanted to focus on his recovery. He had volunteered to go to PC Alliance. He had job opportunities and everything was great.

- Mr. Armstrong and Ms. Mayes talked about Mr. Ellis being a changed person.

Kimberly Lux (summary)
WITNESS STATEMENT

- Ms. Lux met Mr. Ellis 5 to 10 years ago via a mutual friend.
- Described Mr. Ellis as always happy, friendly, and respectful.
- Ms. Lux never knew Mr. Ellis to have conflict with anyone. She said he was more quiet when he was using methamphetamine.
- Ms. Lux saw Mr. Ellis off and on in social settings.
- Ms. Lux knew that he played drums at church.
- Ms. Lux did not see Mr. Ellis for several years but then encountered him again at group therapy at the Pierce County Alliance, starting about 6 months ago.
- Ms. Lux said she did not believe what she had heard, that Ellis was banging on a car but said no one is in full control when they are using.
- Ms. Lux was unaware of Mr. Ellis relapsing since starting at group.
- Ms. Lux said Mr. Ellis seemed genuinely trying in treatment.

Note: all information below was self reported by Mr. Ellis to Pierce County Alliance, except for the drug screening results.

General Notes (Pierce County Alliance files starts on 11/14/19)
Sea Mar rehab completed 07/14/19,
Relapse on meth on 09/29/19
Jail for 30 days, out on 10/30/19
Hit on the back of the head during fight at KFC, got TBI
Running down Pacific Av. naked and then arrested
"The only thing that kept me from getting shot by police was that I was naked and obviously not in my right mind." Relapse on 12/26/19

Previous Diagnoses
Depression - 2007
Bipolar Type II - 2019
ADHD - 2000
PTSD - 2019
Schizo-affective disorder - 2019

Medications
Seroquel as a sleep aid and for bipolar disorder, makes him feel "like a robot" "foggy"

Drug History
Methamphetamine since he was 18, regular use since age 24, denied having a tolerance or withdrawal issues, peak use .5 grams/day
Cannabis since age 13, regular use since age 17
On 02/28/20, it is noted that he has not used methamphetamine and marijuana since 12/26/19
Drug screenings collected on 11/14/19, 11/22/19, 12/17/19 are all negative

Excerpt from a police report that appears to be the incident referenced by Mr. Ellis in the General Notes section of the Pierce County Alliance records.

19-264-01918 Robbery 1 (Sep 19') "……I saw Manuel laying face-down in the road, facing south (head towards us), he was naked, and he was bleeding from the head. Deputy Wolf and I gave Manuel multiple commands to stay on the ground and keep his hands out away from his body. He kept looking around rapidly, moving around, and pushing himself up as if he was going to start running. He jumped up a couple of times and we continued to give him commands to stay on the ground……At that moment he rapidly sprung up and charged right at us. I called out, "Taser, Taser," and I fire the probes into his torso." He immediately fell to the ground, but just as quick as he fell, he was getting back up to continue his charge. Since the first application appeared to have an effect, I decided to administer another application. During the neuro muscular incapacitation of the second application he was detained in handcuffs." Admitted to Meth/Marijuana use.

Pending your questions (?)
this concludes my brief

TAB 6

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.24

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation
IBR Disposition:	Active	Case Management Disposition:			
Forensics:		Reporting By/Date:	96-082 - Brockway, Byron	3/26/2020 16:46:07	
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron	3/26/2020 16:56:20	

Incident No. 2006302251.24

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched		Assisted By:				
Phone Report:			Notified:				
Insurance Letter:			Entered By:	96-082 - Brockway, Byron			
Entered On:	3/26/2020 16:17:58		Approved By:	Automated Policy			
Approved On:	3/26/2020 16:58:04		Exceptional Clearance:				
Adult/ Juvenile Clearance:			Exceptional Clearance Date:				
Additional Distribution:			Other Distribution:				
Validation Processing	Distribution Date: 3/26/2020		County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY		City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: April 03, 2020 - 1:45 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

Suspect S1: Ellis, Manuel Elijah

Verified: Yes **PDA:**

Aliases:					
DOB:	8/28/1986 Age: 33	Sex: Male	Race: Black	Ethnicity:	Non-Hispanic
Height:	5' 11" Weight: 195	Hair Color: Black		Eye Color:	Brown
Address:	3511 S Orchard St Apt C9	County:		Phone:	
City, State Zip:	Tacoma, WA 98466-6783	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:		Employer/School:	
SSN:		DOC No:		FBI No:	
State ID:		Local CH No:			
Driver License No:		Driver License State:	Washington	Driver License Country:	
Hair Length:		Glasses:		Facial Hair:	
Hair Style:		Teeth:		Facial Shape:	
Hair Type:		Speech:		Complexion:	
Appearance:		Right/Left Handed:		Facial Feature Oddities:	
SMT:	TAT LF ARM			Distinctive Features:	
Attire:				Body Build:	
Gangs:				Tribe Affiliation:	
Significant Trademarks:				Identifiers:	
Suspect Pretended to Be:			Modus Operandi:		
Place of Birth:		Habitual Offender:		Custody Status:	
Type of Injury:		Fire Dept Response:		Hospital Taken To:	
Medical Release Obtained:		Taken By:		Attending Physician:	
Hold Placed By:		Suspect Offense:	1309 - Assault - Aggravated - Public Official - Strongarm		
Presence of / Access to Firearms:					
Suspect Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		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 V2: (Officer), Chris Burbank

PDA:

Aliases:							
DOB:		Age: 00	Sex: Male	Race: White		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:			County:			Phone:	
City, State Zip:			Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Unknown / Military		Occupation/Grade:			Employer/School:	
SSN:						Place of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Victim Of:	1309 - Assault - Aggravated - Public Official - Strongarm					Facial Shape:	
Victim Type:	Police/Law Enforcement Officer		Circumstances:	02 - Assault on Law Enforcement Officer(s)		Weapon Used:	
Injury:	05 - Apparent Minor Injury/Complaint of Minor Pain		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:
S1 - Ellis, Manuel Elijah	Victim Was Stranger

Law Enforcement Officer Killed or Assaulted Information	Type:	Assaulted	Justifiable Homicide Circumstances:
	Assignment:	2 Officer Vehicle (Assisted)	
	Activity:	Suspicious Circumstance	

Victim Notes:	

Victim V3: (Officer), Matthew Collins

PDA:

Aliases:							
DOB:		Age: 00	Sex: Male	Race: White		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:			County:			Phone:	
City, State Zip:			Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Unknown		Occupation/Grade:			Employer/School:	
SSN:						Place of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Victim Of:	1309 - Assault - Aggravated - Public Official - Strongarm					Facial Shape:	

Victim Type:	Police/Law Enforcement Officer	Circumstances:	02 - Assault on Law Enforcement Officer(s)	Weapon Used:	
Injury:	05 - Apparent Minor Injury/Complaint of Minor Pain	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:
S1 - Ellis, Manuel Elijah	Victim Was Stranger

Law Enforcement Officer Killed or Assaulted Information	Type:	Assaulted	Justifiable Homicide Circumstances:	
	Assignment:	2 Officer Vehicle (Assisted)		
	Activity:	Suspicious Circumstance		

Victim Notes:	

Witness W3: Faaoloaga, Alexander

PDA:

Aliases:							
DOB:		Age: 00	Sex:		Race:	Ethnicity:	Non-Hispanic
Height:	Weight:		Hair Color:			Eye Color:	
Address:	1528 97th St Ct S			County:		Phone:	253-330-1002
City, State Zip:	Tacoma, WA			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:	
Testify:						Facial Shape:	
Witness Notes:							

Witness W4: Bowe, Theresa Spicker

PDA: Yes

Aliases:							
DOB:	8/20/1960	Age: 59	Sex:		Race:	Ethnicity:	Non-Hispanic
Height:	Weight:		Hair Color:			Eye Color:	
Address:	1815 102nd St S			County:		Phone:	253-883-7239
City, State Zip:	Tacoma, WA 98444			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:	
Testify:						Facial Shape:	

Witness Notes:	

Witness W5: Mayes, Kimberly

PDA:

Aliases:							
DOB:	2/18/1963	Age: 57	Sex:	Race:		Ethnicity:	Non-Hispanic
Height:	Weight:		Hair Color:			Eye Color:	
Address:	1815 102nd St S		County:			Phone:	253-228-6039
City, State Zip:	Tacoma, WA 98444		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:	
Testify:						Facial Shape:	
Witness Notes:							

Witness W6: Armstrong, Credic

PDA:

Aliases:							
DOB:	11/20/1963	Age: 56	Sex:	Race:		Ethnicity:	Non-Hispanic
Height:	Weight:		Hair Color:			Eye Color:	
Address:	1815 102nd St S		County:			Phone:	206-498-9046
City, State Zip:	Tacoma, WA 98444		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:	
Testify:						Facial Shape:	
Witness Notes:							

Witness W7: Boghosian, Thomas

PDA:

Aliases:							
DOB:	10/3/1987	Age: 32	Sex:	Race:		Ethnicity:	Non-Hispanic
Height:	Weight:		Hair Color:			Eye Color:	
Address:	1437 96th St S		County:			Phone:	707-342-3541
City, State Zip:	Tacoma, WA 98444		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:	
Testify:						Facial Shape:	
Witness Notes:							

Other Entity O10: Ellis, Matthew

PDA:

Aliases:					
DOB:	Age: 00	Sex: Male	Race: Unknown	Ethnicity:	Non-Hispanic
Height:	Weight:	Hair Color:		Eye Color:	
Address:		County:		Phone:	253-830-4013
City, State Zip:		Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Unknown	Occupation/Grade:		Employer/School:	
SSN:				Place Of Birth:	
Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Other Entity O11: Patterson, Ed

PDA:

Aliases:					
DOB:	Age: 00	Sex: Male	Race: Unknown	Ethnicity:	Non-Hispanic
Height:	Weight:	Hair Color:		Eye Color:	
Address:		County:		Phone:	253-283-5267
City, State Zip:		Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:		Employer/School:	
SSN:				Place Of Birth:	
Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Other Entity O12: Everson, Mendel Roi

PDA:

Aliases:					
DOB:	Age: 00	Sex: Male	Race: White	Ethnicity:	Non-Hispanic
Height:	Weight:	Hair Color:		Eye Color:	
Address:		County:		Phone:	
City, State Zip:		Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Unknown	Occupation/Grade:		Employer/School:	
SSN:				Place Of Birth:	
Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Property Item No. 24/1: 2599 - Identification Document - Other

Other Common Item:	Taser download	Photographed:	
Description:		Fingerprinted:	

Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 25/2: 2599 - Identification Document - Other

Other Common Item:	Fire records	Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 26/3: 1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	**Cedric**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 27/4: 1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	**Ford**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 28/5: 1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	**Collins**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 29/6: 1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	Rankin	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 30/7: 1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	**Burbank**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 31/8: 1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	**Hayes**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 32/9: 10999 - Other - Evidence

Other Common Item:	Radio traffic CD's	Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:

Narrative:

#20-063-02251

On 03-04-2020 at around 0014 hours, I was contacted by SS 911 and asked to call Lt Messineo regarding an in-custody death. I was the acting Criminal Investigations Bureau (CIB) Lt. At around 0016 hours, I contacted Lt Messineo by phone. He advised the Tacoma Police (TPD) were involved in a struggle with a subject at 96th St S/Ainsworth Ave S. The subject had been tased and hobble restraints had been used. The subject was now deceased. He had responded to the scene along with Det/Sgt Sanders. Det/Sgt Sanders helped secure the subject's legs for the hobbles. TPD Lt Mueller was on scene.

I had SS911 send out an Everbridge for available CIB personnel from the Officer Involved Shooting/Major Incident Team to respond to the scene. I advised Lt Roberts, Chief Lawrence, TPD Lt Lane and Keith Barnes with the Prosecutor's Office. I confirmed that the Sheriff's Department would be the lead investigating agency for this case. I notified SS-911 I was responding and requested the radio traffic for the call be sent to a secured server for review.

At around 0138 hours, I arrived in the area from the east. It was 41 degrees, windy and occasional light rain. TPD's Internal Affairs Unit was advised and members were on scene. Lt Messineo and Det/Sgt Sanders were on scene. I learned that the subject was not handcuffed yet when Det/Sgt Sanders and Lt Messineo arrived. I learned the names of the TPD Officers involved. Officers Burbank and

Collins were a double unit and were involved in the initial struggle. Officers Ford and Rankine were a double unit and arrived to assisted with the hobble restraint. These four Officers were at the Parkland Spanaway Precinct with their Guild Representative TPD Officer Betts. TPD Sgt Lim had also been on scene for some of the incident.

I was informed by Lt Messineo that a fingerprint scanner had been used to identify the subject as Manuel Ellis DOB 08-28-86. The initial call came out at 2322 hours and Manuel was pronounced at 0012 hours. TPD Officer Chung was assigned to write the .1 report. I learned that Manuel's body core temperature was taken by the Fire Department 40 minutes after his death and was 96.7 degrees. The taser probes had been removed from Manuel. The taser wires were later booked into evidence by TPD.

At around 0200 hours, Lt Messineo briefed myself and members of CIB on the case. Forensics Investigators Wilkins and Mell were also on scene. Lt Messineo had been working off duty in the area. Det/Sgt Sanders was also working off duty at PLU. They heard over the radio that TPD was fighting with a subject near 96th St/Ainsworth Ave S. When they arrived, there were four TPD Officers on scene and Manuel was face down on the ground. The TPD Officers were trying to handcuff him. He described Manuel as fighting, kicking and making animalistic noises. A hobble restrained was used to control him. Det/Sgt Sanders had helped them by holding Manuel's feet. Lt Messineo said Manuel went quiet but was snorting and moaning. TPD called for medical aid. Manuel was moved to the recovery position. Tacoma Fire and TPD conducted CPR on Manuel. The hobble restraint had also been removed.

The area had streetlights on that lit up the area. Officer Collins marked patrol SUV was still parked in the road facing east. Manuel was lying on his back to the west of the patrol vehicle in the street. He was wearing a black sweatshirt (cut off), purple shorts, yellow sweatpants (cut off) and white shoes. I made the following assignments. I assigned Detective Catey and Detective Moss to conduct interviews at PSSP. Detective Dos Remedios and Detective Hotz also assisted at PSSP. Detective Catey and Detective Hotz did interviews of Lt Messineo and Det/Sgt Sanders. Detective Moss conducted a round count and Taser collection with Forensics Investigator Wilkens for the involved TPD Officers. They were also photographed. I assigned Det/Sgt Loeffelholz to document the scene. I learned that a hobble restraint was used by an unknown TPD Officer at the time and had been grabbed out of one of the TPD Officer's patrol vehicles. We did not know at the time who had used it and where it was located. There was a full one litter bottle of water and a box of donuts not far from the passenger side of the involved patrol vehicle. Those items were photographed at the time. 3D scans were also conducted of the scene.

I learned a short time later from Det/Sgt Catey that the four involved TPD Officers would not be making a statement tonight according to TPD Officer Guild Rep Betts. These interviews would be conducted a few days later.

I contacted Thomas Boghosian as he came out of his residence at 1437 S 96th St. His wife was leaving for work soon and wanted to see about leaving. I asked him if he heard anything last night. He said no that he was home with three other people but no one heard or saw anything. They did not have cameras.

At around 0300 hours, M.E. #32 investigator Atzet arrived on scene. He took photos of the scene as well. I assisted in loading up Manuel onto the gurney. At around 0330 hours, I cleared the scene. The patrol vehicle was released to TPD. I arrived at PSSP a short time later. I reviewed the radio traffic for the incident. I received an update from Detective Moss. A round count had been conducted. Four Tasers had been collected and TPD Collins had some minor injuries.

At around 0547 hours, Det/Sgt Loeffelholz, Detective Catey and Detective Dos Remedios attempted to canvass the area for any witnesses that might be leaving for work or school. We contacted the residence at 1442 they were sleeping during the incident and did not have cameras. We conducted the residence at 1438 96th St S. We had noticed a doorbell camera. Aiyana White answered the door and did not know how to work the system. I obtained her contact info as she asked us to come back later. Over the course of the investigation, Detective Helmcke was able to get the footage from the camera system at White's residence by contacting the homeowner who could access it. Detective Helmcke advised the camera was motion activated and had audio. Detective Helmcke also wrote a search warrant to make sure we had all the footage from the provider.

We knocked on several more doors in the neighborhood but no one answered. Another canvass was planned for later on. I was in contact with the attorneys Steve Myers and Mike Staropoli for the TPD Officers interviews. The interviews for Officers Burbank and Rankin were set up for 03-06-20 and Officers Collins and Ford for 03-09-20.

On 03-04-20 at around 0930 hours, I attended the autopsy of Manuel along with Deputy Laiuppa and Prosecutor Investigator Barnes. See Dr Clark's ME report for additional information and toxicology report when completed. I began to work on a timeline of events at Dr Clark's request.

At around 1227 hours, I called Ed Patterson back after he left me a voicemail. He was the stepfather of Manuel and he was with Manual's mom Marcia Cater at the time. I provided them with an update on what was known at the time regarding the case. I explained the toxicology report could take several weeks.

On 03-05-20 at around 0900 hours, Detective Helmcke conducted another canvass along with Detective Dos Remedios. I contacted Shad Hayes the resident at 1433 96th St S. He lived just northeast of the incident. He conducted a recorded interview. The following is a summary of the interview. See the transcript for details. Shad had lived at the residence for a few weeks. He was awake watching TV at the time. He heard some yelling outside and then saw some flashing lights from his bedroom window. He went outside and noticed the patrol vehicle sitting at the light with its lights on. He saw two Officers trying to subdue a person in the middle of the street. He described it as a Ford Explorer SUV with lights on. He said "Yeah, the lights were on. They were sitting in, right in the middle of the intersection, stopped with the lights on. I saw two Officers tryin' to subdue this individual and they were havin' problems subduing him because he was, I don't know it he was drunk or high on drugs or whatever, but he was, but he was throwin' 'em around pretty good. And I yelled at 'em and asked if they need help and they said no, they think we've got it. But while they were tryin' to subdue him there was traffic and stuff goin' by so I stood right down here and directed traffic until I heard the back, 'til I heard their backup comin' and they came from that direction on Pacific Avenue. And then I came back in and just after that watched TV." He could not make out what the yelling was about until he went outside.

He said one of the Officers was on the ground trying to get the subjects hands behind his back and the other Officer was bending trying to subdue him from the top. He described them as having problems and the subject was trying to get up and move around. He described the subject as laying face down on the ground. He said the subject was "Tryin' to get up and fightin' with 'em and stuff. Not, I, I didn't see any punches swung but you could tell just by he wasn't complying. He wasn't givin' his arms and they were tryin' to get him to subdue him." He described the incident occurring in front of their patrol vehicle. He could not make out what the subject was saying other than yelling. He heard one of the Officers say "comply". He was not sure if they were able to get handcuffs on but their backup showed up. He described them as finally able to get him subdued. I asked him how the subject was positioned as they wrestled with him. He said it looked like the whole time he was facedown. I asked him if he observed anything else from the Officers other than wresting with him. He said "No, I didn't. It didn't look to me like at any time he got up and any blows or anything exchanged. It didn't look like that, it looked to me like from what I saw most of the time they had him on the ground but he wasn't complying with their orders to put his hands behind his back so they could subdue him." He did not observe any strikes by the Officers. He added that the Officers had been struggling with the subject by the time he got out there. He did not know how long they had been struggling with the Officers. He did not see the subject stand up in the time he observed the incident. He mentioned that the Officers were having a hard time because the subject was a bit bigger that them. He did not get close enough to observe any clothing the subject was wearing.

He did not recognize the subject from the neighborhood. He talked about directing traffic around the incident as cars had been trying to pass by. This was later observed on the surveillance video from 1438 96th St S. We knocked on several more doors in the neighborhood including 9614, 9712 and 9714 16th Ave S. The occupant of 9714 was home at the time but did not see or hear anything. I contracted Alexander Faaoloaga at 1528 97th St Ct S. He came home around 0200 hours and noticed a body in the road (well after the incident). I talked with the occupant at 9619 Ainsworth Ave S. He saw several police lights but could not see what was going on due to the fence and neighbor's property.

This same day at around 1500 hours, I called Manuel's brother Matthew back after he left me a voicemail. I updated him on the case with what was known at the time. He asked to be the point of contact for the family.

On 03-06-20 at around 1120 hours, Detective Helmcke and I conducted a recorded interview Officer Chris (Shane) Burbank at PSSP. His attorney Steven Myers and Prosecutor Investigator Barnes were present for the interview. The following is a summary of the interview. See the transcript for details. I provided an overview ortho of the area for reference and for each interview. He later drew the scene on the whiteboard which I took a photo of with my department phone. I later uploaded the image into the server.

Officer Burbank had worked for TPD for over 4 years and was assigned as a Patrol Specialist. He had also worked as a patrol officer in Winston Salem, North Carolina for five years with two years in street crimes. He was also currently part of a Collison Investigation Team. He was also a Staff Sgt in the Army for 8 years. He worked with Officer Collins that night in Collins patrol SUV. He was the passenger. They normally work from 2000 to 0600 hours. They had cleared a traffic stop near 96th and A St. They were

headed west on 96th St S and stopped at a red light at Ainsworth Ave S. They observed the suspect in the roadway/intersection. (I will refer to the suspect as Manuel for the rest of the interviews). He noticed a vehicle travelling north trying to head west on 96th St. He said Manuel ran up to the front of the vehicle, waved his hands and blocked it. He talked about the streetlights and it was around 2320 hours. He described the weather as cold 40-45 degrees. He described Manuel and what he was wearing. Manuel was carrying a jug of water in one hand and other items in the other. He did not recognize him from any previous contacts.

He said Manuel tried to open the front passenger door of the vehicle and enter it. He did not know if this was a carjacking or disturbance. Manuel tried the door several times and the vehicle drove off. Manuel then fixated on their patrol vehicle. Manuel ran over and Officer Collins talked to him through the driver's window now rolled down. He noticed Manuel was extremely sweaty and hypervigilant. He was talking quick. He told them he was having a bad day, needed help and had warrants. Officer Collins said they would help and told him to walk over to the sideway. Manuel diverted to the passenger door. He started to put his window down and told Manuel to go to the sidewalk. He described Manuel as agitated. Manuel told him he was "really hot" and needed help. He was still seated in the passenger seat. Manuel told him "I might just punch you in the fuckin' face." Manuel dropped what was in his hands. He rolled the window up and Manuel struck the window with his fists 2-3 times as hard as he could. Manuel reached for the door handle. He felt like Manuel was trying to assault him. He could not defend himself in the seated position.

He observed Officer Collins exit the vehicle. Manuel squared up to Officer Collins in a fighting stance with clenched fists. He used his door to hit Manuel to draw his attention away from Officer Collins. Manuel was a foot or two from the vehicle. He exited the vehicle. When he got out Officer Collins and Manuel were on the ground. He described Officer Collins trying to pin the suspect to the ground. He said ....."And the suspect was just swinging both left and right fists as hard as he could, very wildly, at Officer Collins, and kicking him, basically trying to like throw him off of him and strike him at the same time." He described Manuel as kicking wildly and swinging his fist as hard as he could striking Officer Collins. He delivered strikes to Manuel's body.

He said Manuel seemed very strong and that he pushed Officer Collins off of him. Manuel was screaming and growling. His strikes were not effective and there was no pain compliance. Manuel started to stand up and throw Officer Collins off of him. Manuel got to his feet. He ran and got distance from Manuel. Manuel then sprinted at him, screaming and growling. Manuel was flailing both fists at him. Manuel collided with him and they both went to the ground. He remembered getting struck in the mouth. He described the strikes as wild and un-aimed. He said Manuel was on his back with Officer Collins trying to pin his upper body down and delivering strikes to Manuel's face. The strikes were not effecting Manuel. He had been thrown off by Manuel as he was trying to control his legs. He said it looked like Officer Collins was trying to put on a LVNR. He could not tell if Officer Collins was successful. He was not sure if Officer Collins was able to transmit over the radio that they were fighting.

He deployed his taser from 2-3 ft away from Manuel. He said "As soon as I deployed the taser it was effective in stopping that assault and that, and that kind of like that superhuman strength we felt like he had. He continued to yell but it appeared like he had actually, it kind of gave him that incapacitation to where he locked up." When the 5 second cycle was done the effectiveness went away and Manuel started to stand up. He fired the taser again and Officer Collins was able to get Manuel back to the ground. Manual was on the ground with his hands under his body. Manuel was still growling and yelling. He delivered a third taser cycle for 5 seconds with locked up Manuel. Manuel was able to ripe his arms back under his body. He thought he delivered a fourth taser cycle. They were able to pull Manual's arms into the cuffing position. Manuel was still growling and yelling in coherently. They put handcuffs on Manuel.

He as exhausted and could hear sirens coming. Manuel was trying to roll and buck them off. He noticed Sgt Lim arrived. Someone asked about hobbles to retrain his feet. He went and grabbed the hobble restraint from the glove box. He was able to secure his ankles and secured the hobble to the handcuffs. He thought this incident from the initial contact to getting him into handcuffs was 2-3 minutes. He went to catch his breath. Manuel tried to spit at Officers. His handgun magazines had fallen out during the incident. He thought Manuel had calmed down and he was rolled to his side. His hat was under Manuel. The Fire Department arrived for their eval. He described Manuel as staring and blinking his eyes. CPR was started and he ended up putting the hobble restraint back in the patrol vehicle.

He thought he could taste blood in his mouth but Sgt Lim could not see any injury. He did have pain in his left knee and left elbow. He had abrasions on his left knee. The next morning his left upper arm was sore, shoulder and lower right jaw were sore as well. He talked about the commands he gave

telling Manuel to get on the ground. The last time he had contact with Manuel he was taking the hobbles off and Manuel's eyes were open.

Over the course of the investigation, I checked out the four tasers from evidence. I was able to get two of the Tasers downloaded for Officers Rankin and Collins with the assistance of Sgt Leach. Rankin's taser had not been armed or used during the incident. Collins's time was ahead by 8 minutes. According to the download, Collins' taser was armed at 23:40 (corrected to 23:32) but not fired. The other two had to be downloaded by TPD due to being assigned to them according to the taser program even though all four were assigned to TPD. I went to TPD HQ and had TPD Officer Moses download Officer Ford's taser. It had not been armed or used during the incident. I returned those three tasers to TPD HQ and notified TPD Lt Lane. I had TPD Officer Chell download Officer Burbank's taser at TPD HQ. The time was ahead by 3 minutes. The taser was fired three times at 23:25:03, :26 and :51 (corrected to 23:22 hours). I placed Officer Burbank's taser back into evidence. I had all the taser downloads printed.

On 03-06-20 at around 1245 hours, Detective Helmcke and I conducted a recorded interview Officer Timothy Rankin at PSSP. His attorney Steven Myers and Prosecutor Investigator Barnes were present for the interview. The following is a summary of the interview. See the transcript for details. I provided an overview ortho of the area for reference. He later drew the scene on the whiteboard which I took a photo of with my department phone. I later uploaded the image into the server.

Officer Rankin had been with TPD for just under two years. He worked from 2000 to 0600 hours. He worked with Officer Ford in a two man vehicle. He was in the Army for 6 years including the First Ranger Battalion. He worked for the Department of State was well. He was driving his vehicle that night a Ford Crown Victoria and Officer Ford was the passenger. They had back up Officer Collins and Officer Burbank on a traffic stop 5 to 10 minutes prior. They were near 84th and Pacific when they heard mic clicks which were very short transmissions on the radio. He heard radio ask H-317 if he had traffic. The mic clicks continued. He thought he heard Officer Burbank's voice over the radio. He described Officer Burbank calling out his location and that he sounded stressed/panic kind of voice. He activated their lights and sirens. They continued to hear mic clicks on their way. They headed west on 96th St S from Pacific Ave S. Radio advised they were going to open their radio mics to hear what was going on. He described hearing rustling. Like a physical altercation with heavy breathing. He noticed Officer Collin's vehicle ahead. He described the patrol vehicle in the middle of the roadway stopped with the back amber lights lit. He could not see them at first. He eventually saw three people about 10-15ft from Officer's Collin' vehicle.

He called out that they had arrived over the radio. He noticed Manuel was prone out on the ground on his stomach. He noticed Officer Burbank was on stop of Manuel's torso with both hands pressed down on his body. He observed Officer Collins trying to secure both legs. He described Manuel as throwing them around like rage dolls. He helped Officer Collins try to secure Manuel's legs. He then assisted Officer Ford in securing Manuel's right leg. He remembered Officer Burbank asking for help. Manuel was kicking and bucking pretty violently. He and Officer Ford checked to make sure that Manuel's hands were cuffed up. He noticed a taser had been applied due to the taser wires in Manuel's upper torso. He said "……..So as I transitioned to help Officer Burbank with the torso, I placed my right knee on his right shoulder area and then my left knee on his lower back and securing his right arm, because he still was violently thrashing around. As I was doing that Officer Burbank moved off of him and the individual did, I would say, I can't remember exactly but almost like a bucking move that tossed Officer Burbank off of him pretty violently. I remember seeing Officer Burbank roll on the ground towards like the left side of his body….".

He described Manuel making strange animal grunting noises. Manuel continued to wiggle around and pulled all four of them across the roadway. He said ".....So once I was seated on the subject's back, placing my weight, like distributing my weight evenly across his torso, one of the things I thought was really weird was the first time I actually heard this subject even speak and the first thing he said to me was I can't breathe, I can't breathe. He described his voice as calm and normal. He told him that if he was talking he was breathing just fine. He told Manuel if he stopped struggling and calm down he would relieve pressure off of him. Manuel violently thrashed again. Other Officers were able to put Manuel into the hobble restraints. He talked about Sgt Lim arriving. He described Officer Burbank and Officer Collins uniforms as disorientated. He talked about Officer Burbank showing Sgt Lim his mouth where he had been struck. He instructed other Officers to roll Manuel to his side. He added that Manuel was warm to the touch and was sweating profusely. They rolled him to his right side and he conducted a weapons check of Manuel. He talked about removing the taser probes and what Manuel had been wearing. He thought Officer Ford helped him secure the probes and wires. He talked about Manuel thrashing all over again and he was rolled back onto his stomach. The Fire Department had been advised to respond. He noticed

Manuel had minor cuts on his face and his knuckles were bloody. He remembered Sgt Lim asking Fire for an ETA. He heard someone say the Fire was not running priority and noticed them approaching with no lights on. He thought Sgt Lim had told dispatch that the Fire Department was needed priority.

He noticed Manuel was still breathing as he could see his chest rise and fall. He rolled Manuel back to his side as he could see the Fire Department was arriving. He checked his pulse and noticed it was around 80 BPM. They took the handcuffs and hobble restrains off of Manuel. As the Fire Department continued to treat Manuel he noticed his eyes were open and he was still breathing on his own. He assisted with conducted CPR on Manuel. A fingerprint reader was used to help identify Manuel. He looked at his DOL photo and tattoos as well.

He described the lighting conditions in the area/intersection as well lit. He talked about the weather being cold. He was not sure if Manuel was handcuffed until he was able to rotate his torso to see his hands behind his back. I asked him about his medical aid training. He had a Combat Lifesaving Course, Tactical Combat Casualty Care among other training. He had learned as much as he could from Special Forces Medics.

He talked about his knees being a little sore from sprawling out and trying to hold Manuel. he was not sure how long Manuel was on his stomach while in hobble restraints.

On 03-09-20 at around 0930 hours, Detective Hotz and I conducted a recorded interview Officer Matthew Collins at PSSP. His attorney Michael Staropoli and Prosecutor Investigator Barnes were present for the interview. The following is a summary of the interview. See the transcript for details. I provided an overview ortho of the area for reference. He later drew the scene on the whiteboard which I took a photo of with my department phone. I later uploaded the image into the server.

Officer Collins had been with TPD for the past five years. He worked patrol from 2000-0600 hours. His additional duty assignments include the SWAT Team, controlled tactics instructor, firearms instructor and shield instructor. He was in the military for 8 years as Staff Sgt. The night of the incident he was driving his Ford Explorer patrol SUV and Officer Chris Burbank was his partner. They were travelling west on 96th St S and stopped for a red light at Ainsworth Ave E. He noticed Manuel in the middle of the intersection and thought there was a disturbance. He noticed Manuel was working on trying to open the passenger door of a vehicle that was turning. The vehicle was trying to move around Manuel to make the turn. He was not sure if it was DV, attempted carjacking or if he had been kicked out of the vehicle.

He rolled down his window asked him to come over to see what was going on. Manuel jogged over to him and got abnormally close to the vehicle. He described Manuel's eyes at super wide and he was sweating on the top of his head. Manual told him that he had warrants and that they needed to talk. He told him to go sit on the curb and he would come talk to him. He went to call out on the radio and noticed Manuel was now fixated on Officer Burbank staring at him. He heard Manuel tell Officer Burbank he was going to punch him in the face. Officer Burbank started to roll the window up and Manuel began punching the window. He said there was a struggle over the door. He got out and went to try and get control of Manuel. Manuel turned to him, ran at him and grabbed his external vest carrier. Manuel lifted him off his feet and threw him on his back on the street. He described Manuel as having superhuman strength. He mentioned he was 215 pounds without gear and around 230 pounds with gear. He described being lifted off his feet like a child. He got back up. They were in a physical fight with Manuel from this point on. He said it was a melee. His background included grappling.

He ended up on top of Manuel. He described Manuel making growling and making animal noises. He struck Manuel but it did not have an effect. Manuel was on his back and was lifting him up. They both fell and wear lying on their sides. He attempted to LVNR him from behind. Before he could apply the LVNR, Officer Burbank had his taser out. Officer Burbank fired the taser and it was effective. Manuel was in full lock up. They tried to grab his arms but the taser cycle ended. Manuel started to growl again. Manuel was still fighting. Officer Burbank fired the taser again and it was effective. They eventually got him into handcuffs but he said he came back again growling. Manuel was trying to stand up. Officer Burbank got on Manuel's back and he held his feet. He could hear sirens in the background. He asked for the hobble restraints because they still did not have control of Manuel. Officers Ford and Rankin arrived. Officer Burbank brought the hobble restraints. Manuel was placed in the restraints.

He said he was "pretty smoked" as several more Officers arrived. He could feel the lactic acid build up in his forearms. He backed up with Officer Burbank. He heard Officer Burbank to put Manuel in the recovery position. Manuel was put onhis side and Office Collins walked away. He remembered Manuel spitting at people, someone put the spit mask on him and the Fire Department arrived. He talked to the Fire Department about Manuel's freakish strength that he had not been speaking and that it could be excited

delirium. A short time later the Fire Department started CPR. He debriefed TPD Sgt Lim on what had occurred.

I asked him about his injuries. He said he right knee was pretty swollen and covered in roach rash/cuts. He said his right knee was pretty bad. Both of his elbows were banged up with road rash and bruising. He did not recognize Manuel form any previous contacts. He remembered the weather being clear and cold. I asked him if anything was effective with pain compliance. He said absolutely not. He noticed Manuel had a cut on his face during the incident. He thought the fight lasted 3-4 minutes. I asked him if Manuel's action were of someone trying to get away or attack. He said "No, you know, normally, almost, almost every fight that we get in, it's, there's a, a fight to not get taken into custody, and then they look for a chance to escape. But there was absolutely none of that. And when I came around the car, he was coming at Shane, he turned to me. When he tossed me like that in the middle of the intersection, he went back to Shane and then I re-engaged him. I mean it was like multiple times where he was just going back and forth between the two of us. I mean he was pressing in this fight. He never tried to disengage. "

He described the area of the intersection as well lit. He mentioned there were a few up and down engagements. He remembered Manuel carrying a plastic grocery bag with him. He used elbow strikes to Manuel's face that were not effective. He had been telling Manuel to stop and roll onto his stomach. He had been a controlled tactics instructor for three years. I asked him about his grappling background. He had training for 12-15 years and was a coach in the military.

On 03-09-20 at around 1245 hours, Detective Hotz and I conducted a recorded interview Officer Masyih Ford at PSSP. His attorney Michael Staropoli and Prosecutor Investigator Barnes were present for the interview. The following is a summary of the interview. See the transcript for details. I provided an overview ortho of the area for reference. He later drew the scene on the whiteboard which I took a photo of with my department phone. I later uploaded the image into the server.

Officer Ford had been working for TPD for the past two years. He worked for Pierce Transit for two years as a commissioned public safety officer. He worked from 2000 to 0600 hrs. He worked with Officer Rankin that night and they were in Officer Rankin's vehicle a Crown Victoria. He talked about being near 84th St E and McKinley when they heard mic clicks. They had back Officers Collins and Burbank on a traffic stop near 96th St and A St. They started heading south on Pacific Ave S and heard more mic clicks. He heard Officer Burbank scream out 96th and Ainsworth. He knew Officers Burbank and Collins were incredibly trained and this scream concerned him. As they were headed on 96th St S he could see the amber lights on the patrol vehicle. He could see dark figures near the front of the patrol vehicle as they approached. They stopped and exited their patrol vehicle.

He could see Manuel lifting up as Officer Burbank was on his back and Officer Collins had his legs. Manuel was pushing them off. He went to control one of Manuel's legs. He noticed Manuel was handcuffed at the time. He described Manuel as screaming incoherently and he told him to relax. He told him to just breath and relax. He heard more sirens and continued to hold onto his legs. Sgt Lim arrived and eventually Manuel was put into the hobble restraints. Once he was in restraints, he told Manuel he was going to be okay and needed to relax. He said "So I remember, I think it was Sergeant Lim, calling for Fire to respond and we're still holdin' on this whole time, like talking to him. Like hey man, you need to remain calm. You need to remain calm. You need to remain calm. And the sus, the subject did not appear to like be in distress or anything. Like he wasn't saying like, there was no labored breathing or screaming. He just kinda like screaming incoherently, I'm like I don't even really recall what he was trying to say. But what I do remember is that he said I can't breathe. But it wasn't like you know how when someone says I can't breathe and they're like it sounds like they can't breathe, it didn't sound like that. He said it in a remarkable calm fashion.".

He and Officer Rankin relieved Officers Collins and Burbank. He said they looked gasses. He pulled out the taser probes and put them in a plastic bag. He turned over the plastic bag to Sgt Rock. Officer Rankin was still holding Manuel in the recovery position. He told Manuel to look at him and breath. Officer Rankin checked his pulse and noticed it was low and he was burning up. He thought this could be exited delirium. He remembered saying that the Fire Department needed to step it up. He ran over to Fire and told him Manual was unresponsive and thought it was exited delirium. The handcuffs and hobble restraints were removed as the Fire Department treated Manuel. He had not delivered any strikes and was not hit by Manuel.

He began his canvassing in the neighborhood. He noticed some people on the porch at 1438 96th St S. He noticed a doorbell camera on their residence. They said that they had not seen anything. The homeowner showed him the footage from the camera. He could see the amber lights from the patrol vehicle and inaudible screaming. He could not see much since it was on a small screen. He obtained the

homeowners contact information. I later passed this information onto Detective Helmcke and this was the residence he obtained the footage from.

He talked about how they confirmed Manuel's identity through the fingerprint scanner, photos and tattoos. He described the temperature that night as 45-50 degrees, windy and rainy. He talked about the intermittent streetlights in the area. He did not recognize Manuel from any previous contacts. I asked him some details about how Manuel was positioned when he said he could not breath. He said he was on his stomach and then he went into the recovery position. I talked with him about his excited delirium training. He had taken a course on during on board training. He thought he had seen it exhibited on at least two other people he dealt with in the past. We asked him a few more follow up questions about the Fire Department. He thought they started CPR within a few moments of arriving.

Over the course of the investigation I requested the Fire Records for this incident including the radio traffic. I had the radio traffic transcribed. See the following transcript;

DIS DISPATCH, TFD TACOME FIRE DISPATCH, REC RECORDING, E10 ENGINE 10, T2 TOWER 2, M1 MEDIC 1, MAR MARLIN FROM ENGINE 10, UNK UNKNOWN, TPD TACOMA POLICE PERSONNEL

DIS Hey, can we get you guys out to South 96th and Ainsworth for an eval?

TFD Sure. What's going on there?

DIS Yeah, looks like we are fighting with somebody there.

TFD Okay.

DIS We don't have much more than that.

TFD All right. We'll get a crew right out there.

DIS Okay. Thank you.

REC Engine 10, Channel A-2, ALS, injury, South 96th Street and Ainsworth Avenue South. Engine 10, Channel A-2, ALS, injury, South 96th Street and Ainsworth Avenue South. Time 2326.

(Unintelligible).

DIS Hey, just updating at 96th and Ainsworth. They're gonna need an ambulance as well, somebody's restrained on a backboard.

TFD All right, we'll advise our crews. Thank you.

DIS Okay, thank you.

TFD Bye.

E10 Patrol, Engine 10.

TFD Go ahead Engine 10.

E10 If you want to upgrade to ALS for excited delirium.

TFD Received Engine 10. Engine 10, ALS upgrade, 2335.

REC Medic One, Channel A-2, ALS, injury, South 96th Street and Ainsworth Avenue South. Medic One, Channel A-2, ALS, injury, South 96th Street and Ainsworth Avenue South. Time 2336.

TFD Engine 10, you have Medic One from quarters.

E10 Received, Medic One.

TFD Medic One, ALS upgrade with Engine 10 on scene for excitable delirium, 2336.

E10 (Unintelligible).

E10 Tacoma, Engine 10.

TFD Go Engine 10.

E10 Can you start another ALS company, CPR in progress.

TFD Received. We'll start, get you extra company for CPR. Engine 10, you're gonna have Tower 2 from Quarters.

E10 Received.

REC Tower 2, Channel A-2, cardiac arrest, South 96th Street and Ainsworth Avenue South. Tower 2, Channel A-02, cardiac arrest, South 96th Street and Ainsworth Avenue South. Time 2338.

T2 Received, Tower 2.

TFD Medic One, did you copy? CPR now in progress with Engine 10. Tower 2 as well.

DIS Tower 2 join Engine 10, Medic One enroute for CPR in progress. Tower 2 join Engine 10, Medic One enroute for CPR. 2320, 2339.

UNK CPR (unintelligible).

M1 Medic one, we did receive that.

DIS 2339.

E10 Engine 10, Tower 2's arriving.

T2 Medic One, Tower 2, when you do arrive, park to the South side of Tower 2. Patient is directly in front of Tower 2.

M1 Medic One received, south side.
E10 Tacoma, Engine 10, this is confirmed Signal 3. TPD will be contacting medical.
DIS Received Engine 10. Signal 3. Signal 3 called at 0019.
TPD Dispatch, hey, for the 9th and Ainsworth, did you guys get a body core temperature on the subject there or a blood sample?
DIS That I do not know, I can, I can get back to you on that.
TPD Okay, yeah, could you?
DIS Sure.
TPD Thank you, appreciate it.
DIS Okay, bye.
DIS Engine 10, could you call GFC, landline.
E-10 Received.
MAR Marlin, Engine 10.
DIS Hey Marlin, hey, police called, wanted to know if, and I talked to Medic One also about this, but did you guys record any kind of core temperature for that gentleman that passed away? Body core temperature? Do you know?
MAR Did you record a core temperature?
DIS By chance?
MAR No.
DIS Did you take any blood samples, like, anything like that? Maybe a (unintelligible).
MAR No blood samples.
DIS I'll let 'em know. No (unintelligible). All right Marlin, I appreciate it.
MAR All right.
DIS Bye, have a good night.
MAR Bye.
DIS Hey, reference the signal 3 on 96th Street, about the blood samples?
TPD Yeah.
DIS No blood samples were taken and no core temperature was taken at the time.
TPD Okay. Can they go back and do that?
DIS Yeah, I think they can. I think we have a medic that can go do that, yeah.
TPD Okay.
DIS Are you guys requesting...
TPD Thank you.
DIS them back on the scene right now?
TPD Yeah, that's...
DIS Okay.
TPD that's the request from the Lieutenant...
DIS Okay. All right.
TPD at least.
DIS Sounds, sounds good. Okay.
TPD Appreciate it.
DIS Yup.
TFD Tacoma Fire Dispatch.
JUL Hi, this is Julie with American Medical Response...
TFD Hey, ...
JUL on a recorded line. How you doin'.
TFD Good.
JUL Hey, I just wanted to give you a call about the (unintelligible). I know it was a little bit ago, that we picked up from 4023 South Lawrence Street.
TFD Um-hm.
JUL We took a patient over to St. Joe's Medical Center.
TFD Okay, thank you.
JUL No problem. Thanks.
E10 Engine 10, Tacoma.
DIS Hey, this is Shawn at Dispatch. Hey, TPD, TPD is requesting you back on scene to take a core temperature and a blood sample. Yeah, I understand. I'm just telling you what TPD wants, so no...
E10 Yeah, we can, we can go back there.

DIS You wanna go back out there and then...
E10 Sure.
DIS Yeah, we'll get a medic goin' too I guess. If you guys can't do...
E10 Well, you're fine, we'll figure it out.
DIS Okay.
E10 All right.
DIS Hey, the signal 3 on 96th Street, we have Engine 10 responding back out there.
E10 E-10, can you reassign us to the previous event.
TFD Received 0039.

On 03-10-20 at around 0938 hours, I called Theresa Odel Williams. She had lived in the same residence as Manuel and had stopped by the front desk to ask about his belongings on behalf of his family. It was a shared residence with several individual rooms. She said Manuel went to church the night of the incident at Last Day Ministry at 11th and J St. He played the drums at church. She saw him earlier in the day at around 1845 hours. She provided me the address of where they were living of 1815 102nd St S. Kimberly Mayes was the manager of the house program named "God's Hands Up" similar to a clean and sober residence. Kimberly lived upstairs and Manuel had a room downstairs. Manuel had moved into this residence a month ago. He had lived in another house owned by Kimberly on S 43rd. She had not much interaction with him. She thought he had attended a treatment program in the past. She mentioned he was always in bed and came alive at night going out. She thought he was on psych medication and would sleepwalk sometimes. She last heard him in his room at around 2130-2200 hours that night after returning from church. She mentioned his roommate was Mendel Emerson who was a drug addict. Manuel liked to walk to the 7-11 at 96th/Steele. Det/Sgt Loeffelholz had been in contact with both 7-11's in the area to see if there was video of him from that night. She provided me a phone number for Manuel's sister Monica. She had talked to another person at the house named "Isaiah" who told her Manuel was evil.

On 03-12-20 at around 1248 hours, Detective Helmcke and I arrived at 1815 102nd St S where Manuel had been living. I had set up a time to interview Kimberly Mayes the manager. We first spoke with Cedric Armstrong Kimberly's husband who also is a manager. They both agreed to conduct a recorded interview. Cedric started and then Kimberly came into the interview later. The following is a summary of the interview. See the transcript for details.

He called the transitional house God's Hands and talked about the second one at 43rd and Pacific. He had lived in this residence for a year and the one on 43rd for 5 years. He said they were trying to get to the point that they were regulated by the State. Manuel had stayed at this residence for 3 months and at the residence on 43rd for 1.5 months. He added that Manuel had been going to Pierce County Alliance (PCA) for UA's drug/alcohol treatment. The U/A's were random. I asked him how Manuel was as a client. He said he was great. He added that Manuel was one of his best tenants. He kept his room clean and did his chores. He mentioned Manuel tackled another tenant who had tried to stab Cedric at the 43rd St residence. Manuel got a cut on his hand from the incident. TPD came out and the tenant was arrested. Manuel also joined their church called Last Days Ministries at 11th/"J" St. He talked about Manuel being a drummer. He talked about Manuel being on medication that made him sleepwalk. He said sometimes the meds make him restless. He heard from PCA that the medication could be for schizophrenia.

The night of the incident they went to Church until 2130 hours. He cooked food for Manuel when they got him. Manuel's roommate Mendel Everson was present as well. He gave Manuel some paper at 2230 hours. He did not see Manuel or Mendel leave. When he checked their room the next morning the TV was on and the video game chairs were set up. They got a call from Manuel's sister who had talked to the M.E. There was a second assess to the downstairs so he had not seen them leave that night. He heard that Mendel but not directly the he was not coming back and did not want his stuff. He mentioned Mendel used meth in the past. Kimberly added details about all the clean U/A's of Manuel and that he was a great role model in class. She talked about the goals he had written on the paper that night. At a few points during the interview they both talked at the same time and it was hard to follow each person's statement. They did not have any issues with Manuel. She was trying to figure out what had occurred with Manuel. She heard from his sister that she listened to a video tape that Manuel said he could not breath twice. I believe she was referring to the surveillance video/audio the Det Helmcke collected from 1438 96th St S. She mentioned that he like to go to the 7-11 and get sacks at night. She mentioned Brian was one of his good friends but she did not have his number but thought PCA might. She added that Manuel had been clean and sober the entire time. She talked about some of the concerns she had about the case based on what she heard about Manuel saying that he could not breath. She said she could not imagine that he went

from the state he was in to beating on a police car. She also talked about the press release in the paper. She added that Manuel had a normal very enhanced great week.

She talked about a separate incident with Mendel (other roommate) where the police were called when he was screaming and out of it one night.

I asked them if the water and donuts found at the scene came from their house. They said no. I asked them what Manuel was recovering from. He used meth in the past. Cedric provided met with the contact information for Manuel's counselors at PCA. She later showed me a cell phone video of Manuel playing the drums in church. She described him as having a beautiful smile, very helpful and gentle. While I was there she called Mendel's mom Michelle to see if she could pass on her number and put her on speaker phone. She declined but I provided Kimberly a business card to pass onto Michelle to have her call me. I wanted to talk with Mendel about that night. I have not heard from her or Mendel. She thought Mendel had a warrant in Thurston County. I explained it was important for us to talk with him. I found Mendel Roi Everson in background with the DOB 04-23-85. Michelle is list as his mom/POC. I did locate a felony warrant and some misdemeanor warrants for his arrest.

She mentioned that Manuel volunteered for PCA and it was not through the courts. They had known Manuel for about 3-4 months total. She talked again about what she heard about the incident. She thought they should have stunned (tased) him. She thought he had been in a choke hold. Cedric showed us Manuel and Mendel's room. I took a photo of the room and the letter he wrote on my department phone which appeared to be a to do list. I uploaded those images onto the server. Nothing appeared out of the ordinary in his room.

I downloaded all the interviews and transcripts onto CD's. I placed the taser download forms, CD's and 911 radio traffic CD's from SS 911 into evidence at the PCSD/TPD main property room. Over the course of the investigation I had Detective Peterson contact Officer Collins and he photographed the hobble restraint used in the incident. These images were uploaded into the server.

B. Brockway #96082/161

Reviewed By:		Reviewed Date:	

TAB 7

Tacoma Police Department Incident Report

Incident No. 2006302251.1

Jurisdiction Agency: Tacoma Police Department

PDA:	Homeland Security:	Subject:	Death Investigation | Death Investigation

Incident No. 2006302251.1

IBR Disposition:	Active	Case Management Disposition:	
Forensics:	Forensics Responded	Reporting By/Date:	212271 - Chung, Herbert 3/4/2020 03:30:58
Case Report Status:	Approved	Reviewed By/Date:	T002934 - Kitselman, Todd 3/4/2020 08:20:36

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Victim V1: Ellis, Manuel Elijah

PDA:

Aliases:							
DOB:	8/28/1986	Age: 33	Sex: Male	Race: Black	Ethnicity:	Non-Hispanic
Height:	5' 11"	Weight: 195	Hair Color: Black		Eye Color:	Brown
Address:	3511 S Orchard St Apt C9		County:		Phone:	

Call Source:		Assisted By:					
Phone Report:		Notified:					
Insurance Letter:		Entered By:	212271 - Chung, Herbert				
Entered On:	3/4/2020 01:44:58	Approved By:	Automated Policy				
Approved On:	3/4/2020 08:23:04	Exceptional Clearance:					
Adult/ Juvenile Clearance:		Exceptional Clearance Date:					
Additional Distribution:		Other Distribution:					
/alidation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 04, 2020 - 11:38 AM

Printed By: 082 - Brockway, Byron

City, State Zip:	Tacoma, WA 98466-6783	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:		Employer/School:	
SSN:				Place of Birth:	
Driver License No:		Driver License State:	Washington	Driver License Country:	
Attire:				Complexion:	
SMT:	TAT LF ARM			Facial Hair:	
Victim Of:	0810 - Death Investigation			Facial Shape:	
Victim Type:	Individual	Circumstances:		Weapon Used:	
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:

Law Enforcement Officer Killed or Assaulted Information	Type:		Justifiable Homicide Circumstances:
	Assignment:		
	Activity:		

Victim Notes:	

Other Entity O1: Ellis, Manuel Elijah

PDA:

Aliases:					
DOB:	8/28/1986 Age: 33	Sex: Male	Race: Black	Ethnicity:	Non-Hispanic
Height:	5' 11" Weight: 195	Hair Color: Black		Eye Color:	Brown
Address:	3511 S Orchard St Apt C9	County:		Phone:	
City, State Zip:	Tacoma, WA 98466-6783	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:		Employer/School:	
SSN:				Place Of Birth:	
Driver License No:		Driver License State:	Washington	Driver License Country:	
Attire:				Complexion:	
SMT:	TAT LF ARM			Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:	On 3/3/20 at approximately 2322 hours, I, PPO CHUNG, responded to S 96th St/S Ainsworth Av for officers (H317) sounding in distress while yelling out their location on the radio. An unknown trouble call was generated, resulting in multiple priority responses by officers around the city.

Prior to my arrival, Sgt Lim (S092) advised units to slow their response, as PPO COLLINS and PPO BURBANK (H317) had one subject detained. They requested a hobble from responding units due to the subject being non-compliant and combative.

Upon arrival, I observed the subject (later identified as O/ELLIS) laying on the North side of the intersection of S 96th St/S Ainsworth, in front of H317's patrol vehicle. O/ELLIS was laying on his right side facing East, in handcuffs and a hobble. O/ELLIS was yelling while rocking his body back and forth, appearing to try and break free of his restraints. Multiple officers were surrounding him, controlling him so he wouldn't kick anyone. TFD was requested to conduct an evaluation on O/ELLIS due to a taser being deployed during the original fight with officers.

When TFD arrived on scene, O/ELLIS was still conscious and breathing. From TFD's walk from their engine located East of S Ainsworth to O/ELLIS's location, O/ELLIS suddenly went unconscious. TFD began CPR for approximately 40 minutes, attempting to revive him. O/ELLIS was pronounce deceased at 0020 hours.

The scene was secured by other officers.

I transported PPO COLLINS to 495 Shandon Wright Way S (PCSD Substation) under instructions from Sgt Lim.

I reported back to S 96th St/S Ainsworth Av for traffic control while PCSD conducted their investigation.

See other officers supplemental reports for details regarding this incident. This concluded my involvement in this incident.

Nothing further.

Reviewed By: | Reviewed Date:

Tacoma Police Department
Supplemental Report

Incident No. 2006302251.2
Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation

Incident No. 2006302251.2

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	212627 - Warner, Ryan 3/4/2020 03:56:59
Case Report Status:	Approved	Reviewed By/Date:	T200067 - Rock, Gregory 3/4/2020 05:31:38

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:		Assisted By:	T208901 - Madden, Katherine
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T208901 - Madden, Katherine
Entered On:	3/4/2020 01:54:34	Approved By:	Automated Policy
Approved On:	3/4/2020 05:33:07	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 04, 2020 - 7:59 AM
Printed By: 082 - Brockway, Byron

Narrative:	On 3/3/2020, PPO Madden and I (as a two-man patrol unit) responded to S 96th and S Ainsworth to assist TPD officers actively fighting a subject. No other information was relayed due to the activity on scene. We arrived at approximately 2325 hours. I observed a male subject, later identified as O/MANUEL ELLIS, lying on his back detained in hand/foot restraints. O/ELLIS was breathing heavily and shouting. He appeared to be pulling at the restraints. TFD arrived at approximately 2334 hours and requested the restraints to be removed. At this time I moved closer to O/ELLIS to assist TFD as they began administering aid. I heard TFD say "he will code soon" and PPO Rankine and I asked what we could do. Per TFD request, I began CPR on O/ELLIS, switching off with PPO Rankine as necessary. O/ELLIS appeared unconscious at this point. We continued the CPR until more TFD showed up and took over all aid efforts within a few minutes. I cleared the scene shortly after O/ELLIS was pronounced deceased on scene and a crime scene log was established by PPO Madden.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.3

Jurisdiction Agency: Tacoma Police Department

Incident No. 2006302251.3

PDA:		Homeland Security:	
Subject:	Death Investigation		
IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	212566 - Komarovsky, Ron 3/4/2020 05:01:29
Case Report Status:	Approved	Reviewed By/Date:	T200067 - Rock, Gregory 3/4/2020 05:34:56

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:		Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	212566 - Komarovsky, Ron
Entered On:	3/4/2020 02:39:56	Approved By:	Automated Policy
Approved On:	3/4/2020 05:38:06	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: March 04, 2020 - 8:00 AM

Printed By: 082 - Brockway, Byron

Narrative:

On 03.03.2020 I was working uniformed patrol for the City of Tacoma as unit P241. I was operating a fully marked Tacoma Police vehicle.

At approximately 2322 hours I was parked in the 3 sector substation - 1501 S 72 St, Tacoma WA. I was writing an unrelated police report when I heard Tacoma unit H317 (Officers Burbank and Collins) yell out 96 and Ainsworth, followed on by radio microphone clicks and further unreadable yelling. Based on training and experience, I believed that unit H317 was in a potentially dangerous situation and needed priority back up.

I responded priority to S 96 and S Ainsworth. I was traveling behind unit S171 (Sgt G. Rock). Behind me, was unit U285 (Officer Brahs). I arrived on scene right behind unit S171.

I observed the subject on the ground, on his back/side. The subject was already handcuffed and his legs were also restrained, behind his back. I observed that another officer was trying to keep him on the ground as he was very tensed up and it appeared was trying to move. I assisted that officer by placing my knees, hands and body weight on the subjects legs and held them there (to prevent the subject from further moving, injuring himself and /or other officers).

I assisted other officers with rolling the subject onto his stomach.

It was past the end of my shift and I had another report to complete (my shift ends at 2300 hours). The scene appeared to be under control with the subject restrained.

I cleared the scene and responded back to the 3 substation to finish my report (I was only on scene for approximately 5 minutes before leaving). At approximately 2355 hours I was complete. I drove home for the night and just prior to arriving, I over heard on the radio that the subject had passed away.

I called unit S092 (Sgt Lim). I advised Sgt Lim of my actions on scene as previously described. Sgt Lim instructed me to respond back to the city and to remain on the scene.

I responded back to the city and remained on scene. I advised Sgt G. Rock of my actions. Sgt G. Rock cleared me shortly after and requested I stay and assist with handling pending patrol calls.

I cleared the scene and later wrote this statement.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.4

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation

Incident No. 2006302251.4

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	211513 - Farinas, Armando 3/4/2020 04:53:28
Case Report Status:	Approved	Reviewed By/Date:	T002934 - Kitselman, Todd 3/4/2020 08:24:43

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Property Item No. 1/1: 20435 - Weapons - Ammunition - Taser Cartridge

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:	Sgt Lim		
Insurance Letter:				Entered By:	211513 - Farinas, Armando		
Entered On:	3/4/2020 03:13:12			Approved By:	Automated Policy		
Approved On:	3/4/2020 08:28:05			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 05, 2020 - 8:49 AM

Printed By: 082 - Brockway, Byron

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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

On 3/3/2020 I was working uniformed patrol for the Tacoma Police Department as a fully marked 2 officer unit (H349) alongside my partner PPO Guiardinu. While actively patrolling we were dispatched to South 96th & South Ainsworth Street to assist officers who requested priority backup. Prior to our arrival the unit on scene was unable to make clear and concise radio transmissions and it sounded as if there was a struggle ensuing.

Upon arrival there was a black male subject lying face down in handcuffs which also had a hobble connected to them. The subject was alert and breathing and had blood on his face and coming from his mouth. Due to his assaultive behavior I placed a spit hood over the subjects head to protect everyone on scene from a possible exposure.

Minutes later Tacoma Fire personnel arrived and began rendering medical aid. At this time I was handed a gathered up spent Taser cartridge from an assisting officer on scene. I had been notified that the cartridge was used to subdue the subject.

Prior to leaving the scene I was assigned to be PPO Burbank's Critical Incident Liaison Officer and transported him to Pierce County's Sheriff Department's station located at 495 Shandon Wright Way.

Once PCSD investigation team had completed their process I was relieved of my duty and returned to TPD Headquarters where the Taser cartridge was booked as evidence.

Nothing further.

Reviewed By:	Reviewed Date:

Tacoma Police Department
Supplemental Report

Incident No. 2006302251.5
Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation

Incident No. 2006302251.5

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	211862 - Schneider, Wesley 3/4/2020 04:55:22
Case Report Status:	Approved	Reviewed By/Date:	T002934 - Kitselman, Todd 3/4/2020 08:26:09

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	211862 - Schneider, Wesley
Entered On:	3/4/2020 03:21:51	Approved By:	Automated Policy
Approved On:	3/4/2020 08:28:10	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.		Juvenile		Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.		Military		DSHS	PreTrial	

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

Printed: March 05, 2020 - 8:50 AM
Printed By: 082 - Brockway, Byron

Narrative:	On 03/04/20, PPO DERR and I were operating as a two-man vehicle in the city of Tacoma. At approximately 2322 hours, we were dispatched to the listed intersection in reference an unknown trouble involving PPO COLLINS and PPS BURBANK. As we arrived, officers on scene advised that they had one male detained. I observed a black male in handcuffs laying in the westbound lanes of 96th Street, appearing to be extremely agitated. I attempted to make contact with two residences to the north of 96th Street in an effort to get possible witness information. This yielded negative results. Tacoma Fire Department arrived on scene and provided medical treatment to the detained individual. I provided scene security until other units later relieved me. Nothing further.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.6

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation
IBR Disposition:	Active	Case Management Disposition:			
Forensics:		Reporting By/Date:	212973 - Derr, Daniel 3/4/2020 04:55:23		
Case Report Status:	Approved	Reviewed By/Date:	T002934 - Kitselman, Todd 3/4/2020 08:29:19		

Incident No. 2006302251.6

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Other Entity O2: Seaman, Stephanie N

PDA:

Aliases:									
DOB:	12/29/1994	Age:	25	Sex:	Female	Race:	White	Ethnicity:	Non-Hispanic
Height:	5' 8"	Weight:	170	Hair Color:				Eye Color:	Green
Address:	1443 S 96th St			County:				Phone:	253-777-7462

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	212973 - Derr, Daniel		
Entered On:	3/4/2020 02:04:44			Approved By:	Automated Policy		
Approved On:	3/4/2020 08:33:07			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: September 11, 2020 - 6:11 AM

Printed By: 007 - Lawrence, Gerald

City, State Zip:	Tacoma, WA 98444	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:		Employer/School:	
SSN:				Place Of Birth:	
Driver License No:	Code 1(c)	Driver License State:	Washington	Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Other Entity O3: Geary, Louis R

PDA:

Aliases:							
DOB:	7/8/1964	Age: 55	Sex: Male	Race: White		Ethnicity:	Non-Hispanic
Height:	5' 10"	Weight: 245	Hair Color:			Eye Color:	Brown
Address:	1443 S 96th St		County:			Phone:	253-740-1730
City, State Zip:	Tacoma, WA 98444		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Full - Time Resident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:	Code 1(c)		Driver License State:	Washington		Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Entity Type:	Other Individual		Reporting Statement Obtained:			Facial Shape:	
Entity Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

On 03/03/20 at 2322 hours, I was working as a two officer patrol vehicle with Officer Schneider when we were dispatched to assist Officer Collins and Officer Burbank with an unknown trouble in the area of S. 96th St/S. Ainsworth.

Prior to arriving on scene, dispatch was informed that there was one subject detained. When we arrived, I immediately noticed a black male handcuffed and laying on the ground in the westbound travel lanes of S. 96th St. The subject was making a groaning sound and was surrounded by several officers. TFD then arrived on scene and began treating the subject.

I then contacted the residence of 1443 S. 96th St who identified themselves as O/GEARY and O/SEAMAN. When asked if either residence had seen or heard any of the incident, O/GEARY informed me that he had been sleeping and could not provide me with any information. O/SEAMAN informed me that she had heard the sounds of an argument and heard a "popping" sound. O/SEAMAN could not provide me with any other information and stated she did not see any of the incident.

For the remainder of my time on scene, I assisted in scene security.

Nothing further.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.7

Jurisdiction Agency: Tacoma Police Department

PDA:	Homeland Security:	Subject:	Death Investigation
IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	T210368 - Brahs, Anna 3/4/2020 04:55:24
Case Report Status:	Approved	Reviewed By/Date:	T200067 - Rock, Gregory 3/4/2020 05:36:53

Incident No. 2006302251.7

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T210368 - Brahs, Anna
Entered On:	3/4/2020 02:52:50	Approved By:	Automated Policy
Approved On:	3/4/2020 05:39:11	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

/alidation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 04, 2020 - 8:01 AM

Printed By: 082 - Brockway, Byron

Narrative:	On 3/3/2020, I was working uniformed patrol in a fully marked patrol vehicle with the call sign U285. At approximately 2325 hours, I arrived at the intersection of S 96th S/S Ainsworth where I heard via radio officers needed help. A few moments prior to my arrival, I heard an update that the subject was detained. When I arrived, I saw a male subject in restraints on the ground; the subject was still actively fighting against the restraints and officers had to hold him still so he did not hurt himself. TFD arrived on scene. I moved my patrol car to block southbound S Ainsworth at S 96th St and stayed as scene security until the scene investigation concluded.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.8

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation

Incident No. 2006302251.8

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	T211508 - Hightower, Martese 3/4/2020 04:55:24
Case Report Status:	Approved	Reviewed By/Date:	T200067 - Rock, Gregory 3/4/2020 05:48:11

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
CSR - Crime Scene / Major Incident Log / Report		1

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Other Entity O4: Yee, Adrian M

PDA:

Aliases:									
DOB:	11/15/1990	Age:	29	Sex:	Male	Race:	Asian/Pacific Islander	Ethnicity:	Non-Hispanic

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T211508 - Hightower, Martese
Entered On:	3/4/2020 04:19:13	Approved By:	Automated Policy
Approved On:	3/4/2020 05:53:03	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: March 04, 2020 - 8:03 AM

Printed By: 082 - Brockway, Byron

Height:		Weight:		Hair Color:	
Eye Color:					
Address:	1437 S 96th St			County:	
Phone:	925-431-9350				
City, State Zip:				Country:	
Business Phone:					
Other Address:					
Other Phone:					
Resident:	Full - Time Resident			Occupation/Grade:	
Employer/School:					
SSN:					
Place Of Birth:					
Driver License No:				Driver License State:	
Driver License Country:					
Attire:					
Complexion:					
SMT:					
Facial Hair:					
Entity Type:	Other Individual			Reporting Statement Obtained:	
Facial Shape:					
Entity Notes:					

Other Entity O5: Allen, Adrian Michael

PDA:

Aliases:							
DOB:	2/9/2002	Age:	18	Sex:	Male	Race:	White
Ethnicity:	Non-Hispanic						
Height:	5' 5"	Weight:	200	Hair Color:			
Eye Color:	Brown						
Address:	1442 S 96th St					County:	
Phone:	253-765-3959						
City, State Zip:	Tacoma, WA					Country:	
Business Phone:							
Other Address:							
Other Phone:							
Resident:	Full - Time Resident					Occupation/Grade:	
Employer/School:							
SSN:							
Place Of Birth:							
Driver License No:	Code 1(c)					Driver License State:	Washington
Driver License Country:							
Attire:							
Complexion:							
SMT:							
Facial Hair:							
Entity Type:	Other Individual					Reporting Statement Obtained:	
Facial Shape:							
Entity Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

On 03/03/2020 at approximately 2324 hours, I was performing routine patrol in my assigned sector when I responded for priority backup for an officer at the intersection of S 96th Street and S Ainsworth Avenue.

Upon my arrival, other officers that were on scene before me had the suspect detained and were awaiting for the fire department to look at him. I stationed my patrol vehicle westbound from the intersection to block off all eastbound traffic.

When fire arrived, firefighters began lifesaving measures, in which I provided light, via my flashlight, for them to work.

I then contacted two houses to see if they witnessed anything or had any cameras available. O1/YEE lived at 1437 S 96th St, and stated that everyone was inside sleeping and that there were no cameras on the house. O2/ALLEN lived at 1442 S 96th St, and stated that everyone was inside sleeping, on one witnessed anything, and that there were no cameras on the house.

A crime scene was then set up by other officers, to which I was in possession of the crime scene log, created by PPO Madden, until the crime scene was broken down.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.9

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation

Incident No. 2006302251.9

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	211377 - Guiardinu, Andy 3/4/2020 05:05:08
Case Report Status:	Approved	Reviewed By/Date:	T002934 - Kitselman, Todd 3/4/2020 13:21:33

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:	Dispatched	Assisted By:	211513 - Farinas, Armando
Phone Report:		Notified:	
Insurance Letter:		Entered By:	211377 - Guiardinu, Andy
Entered On:	3/4/2020 04:55:39	Approved By:	Automated Policy
Approved On:	3/4/2020 13:23:11	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: March 05, 2020 - 8:51 AM

Printed By: 082 - Brockway, Byron

Narrative:	On 3/4/20 I was working a two officer car with my partner PPO Farinas. At approximately 2322 hours we responded to South 96th St and South Ainsworth Ave to assist (H317) who requested priority backup on an Unknown trouble. While in route it sounded like an officer on scene was trying to get on the radio, but their transmission was unreadable with screaming in the back ground. Upon arrival there were already multiple other officers on scene and a black male subject was detained. The subject was alert and breathing and it appeared as if he was still actively resisting. While on scene I assisted with scene security and traffic control. I was later advised by Sgt Lim to escort PPO Burbank to Pierce County's Sheriff Department's station located at 495 Shandon Wright Way. Once at this location I was assigned as PPO Collins' Critical Incident Liaison Officer. I was later released by Sgt Lim from the above listed location and returned to Tacoma Police Headquarters to book property. Nothing further.

Reviewed By:	Reviewed Date:

Tacoma Police Department
Supplemental Report

Incident No. 2006302251.10
Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject: Death Investigation

Incident No. 2006302251.10

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	T200067 - Rock, Gregory 3/4/2020 05:30:08
Case Report Status:	Approved	Reviewed By/Date:	T04136 - Grant, Daniel 3/4/2020 10:59:53

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T200067 - Rock, Gregory
Entered On:	3/4/2020 03:53:48	Approved By:	Automated Policy
Approved On:	3/4/2020 11:03:12	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.		Juvenile		Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.		Military		DSHS	PreTrial	

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

Printed: March 05, 2020 - 8:52 AM
Printed By: 082 - Brockway, Byron

Narrative:	On 03/03/2020 at around 2322 hours I (Sergeant Rock) heard H317 (PPO's Collins and Burbank) call for priority backup in the area of S 96th and Ainsworth St. I responded to their location. Just prior to my arrival I heard over the radio that they had one detained and incoming units could slow. I arrived on scene around 2325 hours. Tacoma Fire Department personnel were requested by officers on scene. Upon arrival I saw a male, later identified as Manuel E Ellis, on his stomach. Ellis was handcuffed and had his legs hobbled. Ellis was screaming and attempting to roll around. Officers Burbank, Collins, Rankine, and Ford were holding him in place so that he could not thrash around. After a while Ellis began to calm down. At this time only officer Rankine was holding him down. He then began to make a grunting or growling type sound. Ellis then became silent. Officers rolled the male onto his side. Tacoma Fire Department personnel arrived on scene and began to evaluate the male. Fire personnel asked for the male to be un-cuffed so they could put an IV in, which was done. A short time later fire personnel stated that CPR needed to be done on the male. I observed Tacoma Fire Department members and PPO's Rankine and Warner providing CPR to Ellis. At around 0012 hours Ellis was pronounced dead by Tacoma Fire Department. I than assured that the scene was secured and a crime scene log was started by PPO Madden. Sgt Lim who was also on scene made contact with Lt Mueller who responded to the scene. Officers Burbank, Collins, Ford, and Rankine were all transported to a Pierce County Sheriff's Office sub station to be interviewed. Sgt Lim also responded out to the Pierce County sub station. It was determined that due to the death being an in custody death Pierce County Sheriff's Office would conduct the investigation. I made sure that the scene stay secured and turned over the scene to Pierce County Sheriffs Office once they arrived on scene. Nothing further at this time.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.11

Jurisdiction Agency: Tacoma Police Department

PDA:	Homeland Security:	Subject:	Death Investigation

Incident No. 2006302251.11

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	T10842 - Lim, Michael 3/4/2020 08:10:16
Case Report Status:	Approved	Reviewed By/Date:	T002934 - Kitselman, Todd 3/4/2020 12:08:42

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	Lt. Mueller
Insurance Letter:		Entered By:	T10842 - Lim, Michael
Entered On:	3/4/2020 08:02:29	Approved By:	Automated Policy
Approved On:	3/4/2020 12:13:06	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 05, 2020 - 8:54 AM

Printed By: 082 - Brockway, Byron

Narrative:

On 3-3-20 at approximately 2322 hours, I heard over the radio that an officer yelled out the location of "S. 96th and Ainsworth" with no further communication. This radio traffic was followed by additional mic clicks from the officer. Dispatch repeated the location and advised that it was from the 2-officer unit H317, Officer Burbank and Officer Collins. Upon hearing this, I responded emergency to the location. Based on my experience, when an officer transmits mic clicks on their radio they are typically in a physical altercation with someone. Dispatch attempted to get a response from Officer Burbank and Officer Collins but received no answer.

I was heading EB on S. 96th Street when I arrived on scene at approximately 2324 hours and confirmed the location to dispatch. At the intersection of Ainsworth Ave, I observed Officer Burbank, Officer Collins, Officer Ford, and Officer Rankine attempting to hold down a male subject on the north side of the intersection in the street. I observed that the subject was on his stomach with the top of his head facing SB. I saw that the subject was handcuffed but was attempting to kick his legs around. At one point, I observed the subject nearly get up on his knees. He appeared to have extraordinary strength give the fact that multiple officers were trying to hold him down. An officer then retrieved a leg-restraint strap that was placed on the subject's feet to prevent him from kicking his legs at them and getting up. I observed that the subject was sweating profusely.

I advised dispatch at approximately 2325 hours that we needed TFD to respond to the scene immediately to medical assess to the subject. Based on the subject's actions, I believed that he could possibly be under a state of excited delirium. I also requested an ambulance to the scene. TFD arrived on scene and began rendering medical aid to the subject.

I then contacted Officer Burbank and Officer Collins and asked them what occurred. Both Officer Burbank and Officer Collins advised me that they were stopped at a traffic light at the intersection facing WB. They advised that they suddenly observed the subject in the street near them attempting to get into an unknown vehicle that was passing through the intersection. The subject then came over the front passenger side of their marked patrol vehicle and suddenly punched the passenger side window. Officer Burbank and Officer Collins said that they exited the patrol vehicle to contact the subject when the subject immediately began swinging his fists toward them, striking them both multiple times to include in the face. The subject continued to assault the officers as they attempted to take him into custody by punching and kicking them. Officer Burbank advised me that he was able deploy his Taser toward the subject that appeared to be effective until the Taser cycle ended. The subject then continued his assaultive actions toward the officers until they were able to get him on the ground and secured in handcuffs.

The subject soon became unresponsive as he was being treated by TFD. I then observed TFD begin to perform CPR on the subject for some time. At this point, I contacted the shift commander Lt. Mueller and advised her of the incident. Lt. Mueller then responded to the scene.

I advised Officer Hightower, Officer Derr, and Officer Schneider to contact the neighboring residences for any possible witness information. I also asked dispatch if any callers reported this subject as a suspicious person in the area prior to the incident to which they had none.

I was then advised by Lt. Mueller to coordinate transporting Officer Burbank and Officer Collins to the Pierce County Sheriff's Department Spanaway precinct as the Sheriff's Department was going to perform the investigation. Officer Ford and Officer Rankine soon arrived to this location as well. I had all four officers separated in different rooms at the precinct while they awaited peer support and union representatives. I advised each of the officers not to discuss the incident among themselves or anyone else. This concludes my involvement in this incident.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.44

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.44

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	T35184 - Hayes, Barton 8/26/2020 12:45:27
Case Report Status:	Approved	Reviewed By/Date:	T09431 - Lane, Ryan 9/10/2020 13:40:39

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T35184 - Hayes, Barton
Entered On:	8/26/2020 12:28:54	Approved By:	Automated Policy
Approved On:	9/10/2020 13:43:02	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 9/10/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: September 11, 2020 - 6:12 AM

Printed By: 007 - Lawrence, Gerald

Total No. of Units Entered:		Evidence Collected:	
Entrance Compromised:			
Entry Method:			
Suspect Description:			
Suspect Actions:			
Notes:			

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

Offense:	**1309 - Assault - Aggravated - Public Official - Strongarm**	Serial No:	
Offender:		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:

I am currently the Patrol Commander for the Tacoma Police Department. I have held this position for over three years. On 3-4-2020 at approx. 1208 AM, I received a phone call from Lt. Mueller regarding an in custody death. At the time, Lt. Mueller was the on duty night shift commander for Tacoma PD. Shortly after receiving the phone call from Lt. Mueller, I notified Assistant Chief Shawn Gustason of the incident and told him I was responding to the scene at 96th S. Ainsworth.

Upon arrival, I was immediately contacted by Lt. Mueller who briefed me on the situation. I do not recall how long I was at the scene, but after I cleared the scene, I went to the Pierce County Sheriff's Parkland Precinct. While there I checked on the welfare of the involved TPD officers and I conferred with my chain of command about the incident. I believe I was at the precinct for approximately two hours prior to clearing and going off duty.

End of report.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.46

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.46

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	T208901 - Madden, Katherine 8/31/2020 21:10:11
Case Report Status:	Approved	Reviewed By/Date:	T09431 - Lane, Ryan 9/10/2020 13:39:39

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T208901 - Madden, Katherine
Entered On:	8/30/2020 23:26:11	Approved By:	Automated Policy
Approved On:	9/10/2020 13:43:02	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 9/10/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: September 11, 2020 - 6:12 AM

Printed By: 007 - Lawrence, Gerald

Total No. of Units Entered:		Evidence Collected:	
Entrance Compromised:			
Entry Method:			
Suspect Description:			
Suspect Actions:			
Notes:			

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

Offense:	**1309 - Assault - Aggravated - Public Official - Strongarm**	Serial No:	
Offender:		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:

Please note I am writing this report on 08/30/20 and this incident took place 03/03/20. I did not initially write a report regarding this incident due to the fact that I was a two officer patrol unit and PPO Warner (my partner) documented the incident in a report. Please see PPO WARNER'S report for more detail on behalf as we wrote that initial report together.

On 03/03/20 I was working as a two officer patrol car with PPO WARNER in the City of Tacoma. While working patrol we heard mic clicks over the radio from PPO BURBANK, and PPO COLLINS. We proceeded to their location at the 9600 block of S Ainsworth.

Upon arrival, the subject was already restrained by officers on scene. The subject was still flailing and attempting to roll over whiling still screaming. I assisted in holding the subjects legs still so he was not able to roll over. Once he calmed down I released his legs. I stood on scene security while waiting for Tacoma Fire to arrive on scene.

Once Tacoma Fire Department was on scene I assisted in holding a bag of IV fluids up until told by Tacoma Fire Department to do otherwise.

PPO WARNER and I then began the crime scene log and sat on scene security until relieved.

Nothing Further.

Reviewed By:		Reviewed Date:	

Tacoma Police Department Supplemental Report

Incident No. 2006302251.47

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.47

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	T03329 - Mueller, Jennifer 9/10/2020 16:05:49
Case Report Status:	Approved	Reviewed By/Date:	T09431 - Lane, Ryan 9/10/2020 16:30:41

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T03329 - Mueller, Jennifer
Entered On:	9/10/2020 16:01:02	Approved By:	Automated Policy
Approved On:	9/10/2020 16:33:02	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 9/10/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: September 11, 2020 - 6:13 AM

Printed By: 007 - Lawrence, Gerald

Total No. of Units Entered:		Evidence Collected:	
Entrance Compromised:			
Entry Method:			
Suspect Description:			
Suspect Actions:			
Notes:			

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

Offense:	**1309 - Assault - Aggravated - Public Official - Strongarm**	Serial No:	
Offender:		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 March 3, 2020 I was working as the night shift commander for the Tacoma Police Department in the City of Tacoma, Washington. At approximately 2322 hours I heard a distress call over my portable radio which sounded like an officer was in a struggle. There were several mic clicks and muffled voices. After a few seconds PPO Burbank got on the radio and yelled out the street name "Ainsworth" but no cross street.

I had been working in my office at Headquarters when the call came in. I began to pack up my computer and head out of the office when PPO Burbank was able to confirm his location in the 9600 block. Shortly after that Sgt Lim got on the air and slowed all incoming units down, confirming they had a person detained. At that time I also heard Sgt Rock arrive on scene. Knowing things were in capable hand I returned to HQ.

Approximately 20 minutes later Sgt Lim called me and informed me that the individual they had detained was now experiencing a medical emergency and that TFD was on scene providing life saving measures via CPR. I was surprised to hear this information since it appeared that he had the scene under control and the suspect was in custody. Sgt Lim explained that the individual, later identified as Manual Ellis, had been exhibiting classic signs of excited delirium when officers drove up upon him in the middle of the street trying to get into a an occupied vehicle. They stopped, rolled down their window to address him and he attacked them out of nowhere. He said that Ellis had punched one of the officers in the face and picked up and threw the other officer. He said the officers were grappling with Ellis on the ground while he continued to fight and resist them. As additional officers, from multiple agencies, arrived they were able to get him into custody and stabilize the situation.

He said Ellis was alert and talking to the officers for several minutes before he began to show signs of medical distress. Sgt Lim asked repeatedly for the fire department to expedite their response recognizing the signs of a medical emergency.

I immediately responded to the location. When I arrived Mr. Ellis had been declared deceased by TFD. I immediately made my notification to the chain of command via Capt. Hayes. I informed him of the incident and he said he would contact A/C Gustason. I then made a call to Lt Karl of internal affairs to notify him of the situation. I remained on scene until I was relieved by Captain Hayes and PCSO CID. While waiting for them to respond I was told that TFD failed to take a body core temp and blood sample from Ellis, which is customary in excited delirium cases. I requested TFD to return and take the samples. Approximately 40 minutes post mortem, Ellis had a body temp of 96.7 degrees.

Once the scene was handed over to PCSO CID I responded to the PCSO substation on Pacific Ave to wait for the officers involved to be photographed, initially interviewed and released. I remained on scene until approximately 0404 hours when all officers were released.

Reviewed By:		Reviewed Date:	

Tacoma Police Department
Supplemental Report

Incident No. 2006302251.48
Jurisdiction Agency: Tacoma Police Department

Incident No. 2006302251.48

PDA:	**Yes**	Homeland Security:	
Subject:	**Aggravated Assault of a Public Official | Death Investigation**		
IBR Disposition:	**Active**	Case Management Disposition:	
Forensics:		Reporting By/Date:	**212973 - Derr, Daniel 3/22/2021 21:26:40**
Case Report Status:	**Approved**	Reviewed By/Date:	**T09431 - Lane, Ryan 3/23/2021 11:14:04**

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	**96th St S And Ainsworth Av S**	Location Name:	
City, State, Zip:	**Tacoma, WA 98444**	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	**437 - Tacoma**	District/Sector:	**TA44 - Tacoma**
Occurred From:	**3/3/2020 23:22:00 Tuesday**	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	**No**	Child Abuse:	Gang Related:	**No/Unknown**	Juvenile:	
Completed:	**Completed**		Crime Against:		Hate/Bias:	**None (No Bias)**
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	**Street/Right of Way**		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	**Not Applicable**					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	**No**	Child Abuse:	Gang Related:	**No/Unknown**	Juvenile:	
Completed:	**Completed**		Crime Against:	**PE**	Hate/Bias:	**None (No Bias)**
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	**Street/Right of Way**		Type of Security:		Tools:	

Call Source:	**Dispatched**	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	**212973 - Derr, Daniel**
Entered On:	**3/22/2021 15:57:57**	Approved By:	**Automated Policy**
Approved On:	**3/23/2021 11:18:02**	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/23/2021	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: May 13, 2021 - 3:21 PM
Printed By: 024 - Roberts, Kevin

Total No. of Units Entered:		Evidence Collected:	
Entrance Compromised:			
Entry Method:			
Suspect Description:			
Suspect Actions:			
Notes:			

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

Offense:	**1309 - Assault - Aggravated - Public Official - Strongarm**	Serial No:	
Offender:		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:

This supplemental report is in addition to 2006302251.6.

On the night of the involved incident, I was riding as a two-officer patrol vehicle with Officer Schneider. During this time, I had taken possession of the cell phone located on A/ELLIS and the involved Taser prongs after they were placed on Officer Schneider's patrol vehicle. I do not recall what Officer placed the property on the patrol vehicle.

The above property remained in my possession throughout my time on scene. The property was later transferred to an on scene Pierce County Deputy. I do not recall the Deputy's name or badge number.

Nothing further.

Reviewed By:	Reviewed Date:

Memorandum to File

20-06302251

Death Investigation

This memo to file is written in response to the request from the Washington State Patrol (WSP) in regards to my actions taken on March 4, 2020 at the intersection of S. 96th/Ainsworth Ave., Tacoma, WA.

On March 4, 2020, I was notified via my departmental phone of an Officer Involved Death Investigation. This incident occurred in the intersection of S. 96th/Ainsworth Ave., Tacoma, WA. I arrived at the location at approximately 0133 hours. I contacted Lt. J. Mueller who was the on scene shift commander for the Tacoma Police Department. Lt. J. Mueller introduced me to Sgt. B. Brockway of the Pierce County Sheriff's Department. Sgt. B. Brockway would be the primary investigator for the incident. Sgt. B. Brockway briefed Sgt. GJ Roberts and myself of the preliminary investigation and escorted us through the crime scene.

No law enforcement or criminal investigation was conducted on my part. I cleared the scene at approximately 0302 hours.

At the time of this incident, I was the section commander of Internal Affairs of the Tacoma Police Department.

Lt. Chris Karl

TPD Internal Affairs

9/3/2020

Memorandum to File
Case Number 2006302251
Internal Affairs

I am an Internal Affairs (IA) Investigator Sergeant for the Tacoma Police Department. On March 4, 2020, I received a phone call from IA Lieutenant Chris Karl regarding an officer involved in-custody death. As part of the internal investigation process, I responded to the area of South 96th and Ainsworth in Tacoma where the incident occurred. I arrived and met with IA Lieutenant Chris Karl at around 0135 hours. Several other PCSO and TPD officers were there. PCSO Detective Sergeant Byron Brockway had been assigned the lead criminal investigator for the independent investigation. He explained what was known at that time and briefly guided us through the scene. I observed the decedent laying on the north side of the street and the locations of various police vehicles.

I was not part of the criminal investigation. At that time, I did not interview any citizen witnesses or collect any evidence. I cleared the scene at around 0300 hours.

Sergeant Gary J Roberts
TPD Internal Affairs
September 3, 2020

TAB 8

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.12

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:	Subject:	Death Investigation
IBR Disposition:	Active	Case Management Disposition:		
Forensics:		Reporting By/Date:	01-026 - Hotz, Jesse 3/4/2020 13:06:19	
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 3/4/2020 14:10:01	

Incident No. 2006302251.12

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Property Item No. 2/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:	Case Cracker	Fingerprinted:	
Quantity:	2	Contents Sampled:	

Call Source:	Dispatched		Assisted By:					
Phone Report:			Notified:					
Insurance Letter:			Entered By:	01-026 - Hotz, Jesse				
Entered On:	3/4/2020 08:21:36		Approved By:	Automated Policy				
Approved On:	3/4/2020 14:13:12		Exceptional Clearance:					
Adult/ Juvenile Clearance:			Exceptional Clearance Date:					
Additional Distribution:			Other Distribution:					
Validation Processing	Distribution Date: 3/4/2020		County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY		City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 05, 2020 - 8:54 AM

Printed By: 082 - Brockway, Byron

Finding Location:		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:	PCSD HQ CID Hallway	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. 3/2: 20505 - Evidence - Photos - Compact Flash XFer - Officer Generated

Other Common Item:		Photographed:	
Description:	Drawings	Fingerprinted:	
Quantity:	4	Contents Sampled:	
Finding Location:		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:	Transferred To Case Images	Insurance Company:	

Disposition Location:		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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	Recorded interview with Deputies.

Narrative:

On the morning of 03-04-2020 I was contacted by dispatch and asked to respond to the Parkland precinct regarding a Tacoma Police involved in custody death investigation. The incident occurred at 96th and Ainsworth.

I responded to the Parkland Precinct and arrived at 0245hrs. I was asked to assist with interviewing Lieutenant Messineo and Detective Sergeant Sanders. Both were waiting at the precinct to be interviewed by Detectives. I was informed that they had been working off duty and they both responded to the scene to assist Tacoma Police.

Detective Sergeant Catey and I first interviewed Lieutenant Messineo. He agreed to be audio and video recorded.

I started the case cracker video system and a hand-held digital recorder. He explained what he observed during the incident. Lieutenant Messineo stated that he and Detective Sergeant Sanders had been very close to the area of 96th and Ainsworth. Lieutenant Messineo heard the call come out that Tacoma Police was fighting with one at 96th St S and Ainsworth.

When he arrived, he observed the suspect face down and officers were attempting to put handcuffs on him. Lieutenant Messineo explained the officers were holding the suspect down in the middle of the

intersection. The officers were trying to get handcuffs on the suspect. One officer asked about a hobble and a Tacoma officer went to a vehicle and came back with the hobble. He informed us that Detective Sergeant Sanders assisted Tacoma Police by holding on to the suspects leg.

The Lieutenant informed us that at no time did he see the officers striking the male suspect or utilizing a vascular neck restraint. Lieutenant Messineo drew a picture on the white board in the interview room. I took digital photographs of the drawing. Detective Sergeant Catey primarily conducted the interview. Please refer to his report for details.

We then began to talk with Detective Sergeant Sanders. Detective Sergeant Sanders agreed to be audio and video recorded. I started case cracker and the hand-held digital audio recorder.

Detective Sergeant Sanders informed us that he had been talking with Lieutenant Messineo when the call came out that Tacoma Police was fighting with one. They both responded to the 9600block of Ainsworth. Detective Sergeant Sanders explained that there were four Tacoma Police officers there and were just getting the handcuffs onto the suspect.

Detective Sergeant Sanders told us that he assisted by holding one of the suspects feet while Tacoma Police officers put the suspect into a hobble. He explained that the suspect was making growling noises and grunts. Detective Sergeant Sanders told us that he and the Lieutenant both stated that it looked to them the suspect was having excited delirum.

Detective Sergeant Sanders also completed a drawing on the white board with the locations of vehicles and the suspect. I took a digital photograph of this drawing. The photographs were later uploaded to the Pierce County server.

Please refer to Detective Sergeant Catey's report for further details regarding the interview with Detective Sergeant Sanders.

I later uploaded the audio interview files to the server to be transcribed. Copies of the interviews from case cracker were made, and these were also booked into evidence.

Nothing further.

Reviewed By: | Reviewed Date:

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.13

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation
IBR Disposition:	Active	Case Management Disposition:			
Forensics:		Reporting By/Date:	11-033 - Moss, Alexa 3/4/2020 13:24:09		
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 3/4/2020 14:09:17		

Incident No. 2006302251.13

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	11-033 - Moss, Alexa
Entered On:	3/4/2020 12:48:41	Approved By:	Automated Policy
Approved On:	3/4/2020 14:13:12	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/4/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: March 05, 2020 - 8:57 AM

Printed By: 082 - Brockway, Byron

Narrative:

On 3/4/20, at approximately 0031 hours, I was called out to assist with an investigation of a Tacoma Police Department in-custody death at 96th St S and Ainsworth Ave S.

I arrived on scene and received a briefing about what had occurred. TPD Officer Burbank and Officer Collins were riding in a double car and were traveling westbound on 96th St S stopped at the light at Ainsworth Ave S. While stopped at the light, an unknown male came up and started attacking their car. They got into a physical altercation with him. TPD Officer Ford and Officer Rankine came to assist and the unknown male was eventually handcuffed but continued to fight by kicking. Lieutenant Messineo and Detective Sergeant Sanders arrived on scene. The unknown male was restrained with a hobble. The unknown male became unresponsive and Tacoma Fire responded to the scene. The male was pronounced deceased at the scene. I was told that there had been a CEW (conducted electrical weapon) deployment during the altercation with the male.

Detective Sergeant Brockway was assigned as the lead for the investigation. He requested that I respond to the Parkland-Spanaway Precinct to assist in photographing the involved officers and conducting a round count, as well as collecting their CEW's. Forensics Officer Wilkins conducted the round count and photographing.

Officer Rankine was photographed from the front, back, and each side. The bottom of his boots and the tops and bottoms of his hands were photographed. He did not have any injuries or obvious damage to his jumpsuit. There was blood on the right cuff of his jumpsuit sleeve. Officer Rankine had gloves he was wearing at the time of the incident which were collected and booked into evidence. Officer Rankine was carrying a Glock 17 with serial number TNM786. There was a round in the chamber and he had four magazines (to include the one in the firearm) which were each completely loaded with 17 rounds per magazine. He also had a rifle magazine with 30 rounds in it. His firearm, magazines, and the round count were photographed and all the items were returned to him. Officer Rankine had his CEW with serial number X00476240, which was collected as evidence. The CEW had a cartridge inserted.

Officer Ford was photographed from the front, back, and each side. The bottom of his boots and the tops and bottoms of his hands were photographed. He did not have any injuries or obvious damage to his jumpsuit. Officer Ford had the gloves he was wearing at the time of the incident. They were photographed but did not have any obvious blood or damage to them. Officer Ford was carrying a Glock 17 with serial number BERN461. There was a round in the chamber and he had four magazines (to include the one in the firearm) which were each completely loaded with 17 rounds per magazine. His firearm, magazines, and the round count were photographed and all the items were returned to him. Officer Ford had his CEW with serial number X29004AHK, which was collected as evidence. The CEW had a cartridge inserted.

Officer Collins was photographed from the front, back, and each side. The bottom of his boots and the tops and bottoms of his hands were photographed. He had several scrapes and abrasions on him. He had a cut on his left thumb as well as abrasions on his left middle and ring knuckles. His watch face was broken (his watch was on his left wrist). He had abrasions on both of his right and left elbows and his right elbow was bleeding. He also had abrasions on both his right and left knees, with the abrasions on his right knee bleeding. All of his injuries were photographed. Officer Collins was carrying a Glock 17 with serial number YRK555. There was a round in the chamber and he had three magazines (to include the one in the firearm) which were each completely loaded with 17 rounds per magazine. His firearm, magazines, and the round count were photographed and all the items were returned to him. Officer Collins had his CEW with serial number X29002606, which was collected as evidence. The CEW had a cartridge inserted.

Officer Burbank was photographed from the front, back, and each side. The bottom of his boots and the tops and bottoms of his hands were photographed. He had an abrasion on his left knee which was photographed. Officer Burbank was carrying a Glock 17 with serial number TNM814. There was a round chambered and he had three magazines (to include the one in the firearm) which were each completely loaded with fully 17 rounds per magazine. His firearm, magazines, and the round count were photographed and all the items were returned to him. Officer Burbank had his CEW with serial number X00349664, which was collected as evidence. The CEW did not have a cartridge inserted.

Forensics Officer Wilkins took possession of the four CEW's and the gloves and booked them into evidence.

Nothing further.

Detective A. Moss #238/11033

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.14

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:	
Subject:	Death Investigation		
IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	92-006 - Wilkins, Steven 3/6/2020 08:56:33
Case Report Status:	Approved	Reviewed By/Date:	92-006 - Wilkins, Steven 3/6/2020 11:15:31

Incident No. 2006302251.14

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Property Item No. 4/1: 1500 - Communication - Telephone - Cellular Phone

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	92-006 - Wilkins, Steven
Entered On:	3/5/2020 12:10:42	Approved By:	E24730 - Erechar, Laureen
Approved On:	3/6/2020 23:18:36	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

/alidation Processing	Distribution Date: 3/6/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: ERECHAR, LAUREEN	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 18, 2020 - 10:29 AM

Printed By: 082 - Brockway, Byron

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:	PCSD/TPD Main Property Room	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. 5/2: 10999 - Other - Evidence

Other Common Item:	EBT Card	Photographed:	
Description:	EBT CARD	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 6/3: 3706 - Weapons - Discharge Device - Taser

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	
Status:	E - Evidence (Including Other Seized Property And Tools)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	X00-476240
Field Test Results:		OAN:	
Property Disposition:	Released to Other Agency TPD	Insurance Company:	
Disposition Location:	PCSD/TPD Main Property Room	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: Officer Rakine

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

Property Item No. 7/4: 1402 - Clothing - Gloves (not Baseball)

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	2	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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:	Officer Rankine		

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

Property Item No. 8/5: 3706 - Weapons - Discharge Device - Taser

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	
Status:	**E - Evidence (Including Other Seized Property And Tools)**	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	**X29004AHK**
Field Test Results:		OAN:	
Property Disposition:	**Released to Other Agency TPD**	Insurance Company:	
Disposition Location:	**PCSD/TPD Main Property Room**	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:	OFFICER FORD

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

Property Item No. 9/6: 3706 - Weapons - Discharge Device - Taser

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	
Status:	**E - Evidence (Including Other Seized Property And Tools)**	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	**X29002606**
Field Test Results:		OAN:	
Property Disposition:	**Released to Other Agency TPD**	Insurance Company:	
Disposition Location:	**PCSD/TPD Main Property Room**	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:	OFFICER COLLINS

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

Property Item No. 10/7: 3706 - Weapons - Discharge Device - Taser

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	
Status:	E - Evidence (Including Other Seized Property And Tools)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	X00-476240
Field Test Results:		OAN:	
Property Disposition:	Booked Partially into Property	Insurance Company:	
Disposition Location:	PCSD/TPD Main Property Room	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:	OFFICER BURBANK

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 03/04/2020, at 0031 hrs I was dispatched to the intersection 96th Street S. and Ainsworth Ave. S. for a death in custody with TPD.

I arrived on the scene at 0113 hrs and made contact with Lt. Messineo who advised me we were working the scene and released to me a cell phone and a EBT card number 5077107063370803 that was reportedly belonging to the subject of this incident as evidence. Lt. Messineo stated he got the items from TPD Officer Derr.

I observed a black male lying in the street covered in a blanket and several emergency medical supplies around the subject. Parked near the subject was a TDP patrol vehicle 2113 with a Washington exempt 63990D.

I took overall photographs of the scene to show the location and condition of the scene. I took medium and close-up photographs of the subject in the street to show his location and condition.

I took overall videos of the scene to show its location and condition.

I cleared the scene at 0228 hrs and proceeded to PSSP. I arrived at PSSP at 0245 hrs.

I took overall photographs of TPD Officers Rankine, Ford, Collins and Burbank. I took overall photographs of Sgt Sanders and Lt. Messineo of PCSD.

I took close-up photographs of the TPD Officers to include their hands, boots and any injuries they reported. In specific I took closeup photographs of Officer Rankine's right sleeve of his uniform to show some bloodstains. On TPD Officer Collins injuries to his left hand, right and left elbows and right and left knees. I took close-up photographs of the hands and boots of the two PCSD officers mentioned before.

I took photographs of the handguns, magazines, ammunition, and tasers of he TPD Officers. Each TPD Officer's handguns contained one round in the chamber and 17 rounds in each magazine. Officer Rankine had one rifle magazine on his person and it contained 30 rounds of ammunition.

I collected each TPD Officer's taser and Officer Rankine's gloves as evidence. Refer to property report attached.

I cleared PSSP at 0400 hrs and transported the evidence to the CCB and locked the evidence up in the Forensic Locker #2.

On 03/05/2020, I submitted the evidence to property. I also uploaded the digital images to Case Images. Nothing further.

Reviewed By: Reviewed Date:

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.15

Jurisdiction Agency: Tacoma Police Department

PDA:	Homeland Security:	Subject:	Death Investigation
IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	94-003 - Loeffelholz, James 3/5/2020 13:35:45
Case Report Status:	Approved	Reviewed By/Date:	94-003 - Loeffelholz, James 3/5/2020 13:50:14

Incident No. 2006302251.15

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	94-003 - Loeffelholz, James
Entered On:	3/5/2020 13:35:00	Approved By:	Automated Policy
Approved On:	3/5/2020 13:53:19	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/5/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 18, 2020 - 10:33 AM

Printed By: 082 - Brockway, Byron

Narrative:

On 3-4-20 I was called out at 0031 hours regarding an in-custody death investigation involving the Tacoma Police Department. The Sheriff's Department was asked to handle the investigation. Detective Sergeant Brockway was designated as the lead for the investigation. I was told a subject had attacked a Tacoma Police vehicle and had died after Officers had fought with him and taken him into custody.

Lt. Tony Messineo had been working an off duty job and had responded, arriving at the time the subject was being handcuffed. He gave us a short briefing of what he knew happened. The initial call was around 2322 hours. Dispatch had broadcast TPD Officers were fighting with a person at 96th and Ainsworth. When he arrived the subject was being detained by 4 TPD Officers but even after being handcuffed he was still fighting and kicking at the Officers so his legs were restrained with a hobble. The subject, later identified as Manuel Ellis, started making animal like noises, moaning and then a snoring sound before he went quiet. Tacoma Fire was requested and Manuel was placed into a recovery position. Tacoma Fire performed CPR but Manuel was pronounced dead at the scene.

I was tasked with the scene documentation. Forensic Investigators Steve Wilkins and Steve Mell were already on scene taking photographs and FARO scans.

The 2 Officers that were involved from the start were in the same patrol vehicle. That vehicle is a Ford Explorer Police SUV #2773, with a lightbar on the roof and marked with Police graphics on the vehicle, consistent with other Tacoma Police vehicles. It was parked on 96th street facing Westbound, on the East side of the intersection, at a location that would be consistent with a vehicle stopped at the light if it were red. There were no lights that were on and the engine was off. The intersection is well lit with 3 streetlights on the poles immediately around the intersection. The area is well lit enough that a flashlight was not necessary for the majority of my observations.

At some point I heard from an unknown TPD Officer that Manuel had closed the passenger door on the Officer that was trying to get out of the vehicle on that side. I looked at the door to see if there was anything damaged or noticeable. I could see some smears on the window and back part of the door frame. There was also an unknown white looking substance smeared on the window. Directly below the door was a box of powdered donuts that were smashed. It is unknown if the white stuff on the window is from the donuts. I did not see anything else or any damage to the passenger door of the patrol vehicle.

Manuel's body was lying in front of the patrol, farther into the intersection but on the side of the road. His feet were near the curb on the North side of 9th Street and his head to the South, in the roadway. He was on his back. There was a black sweatshirt underneath him that appeared to have been cut off. There were yellow sweatpants near his feet that appeared to have been cut off. He was wearing purple shorts, no shirt, and a white blanket was partially draped over him. It was very windy out and Forensic Investigator Steve Mell told me that blanket had covered him more completely but was blown back by the wind. There were various pieces of medical equipment attached to his body and inserted into his mouth. There was a white fabric material and black mesh item directly underneath his head. I was shown an identical item later by TPD Officer Chung. That item is Tacoma's standard issue "spit mask", used to place on the head of subjects that are in custody and attempting to spit on Officers.

Medical Examiner's Office Investigator Jacob Atzet #32 responded to the scene and took custody of Manuel's body. When he rolled Manuel over there was a portion of a wire underneath his body, that appeared to be the remnants of a taser wire. That wire went with Manuel's body to the Medical Examiner's body.

There was an unopened large water bottle on the side of the road up against the curb. It looked like the water bottle had skidded across the pavement because of some scuff marks on it. The rest of the bottle appeared new, as if it was recently purchased.

Based on the water bottle and box of donuts I thought it could be possible that Manuel had made a recent purchase at a nearby store. The only stores I know that are open late in the evening and close by are both 7-11 stores. One is on 96th and Pacific Ave, the other 96th and Hosmer. I went to both stores and spoke to the clerks, who did not have access to the camera systems. I left my business card asking if they could pass them on to the managers when they arrived for work. As of 3-5-20, at 1330 hours I have not heard from either store manager.

This concludes my part in the investigation. Nothing further.

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.16

Jurisdiction Agency: Tacoma Police Department

PDA:	Homeland Security:	Subject:	Death Investigation
IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	94-032 - Catey, Thomas 3/6/2020 11:23:01
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 3/9/2020 15:13:33

Incident No. 2006302251.16

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Witness W1: Messineo, Anthony

PDA:

Aliases:							
DOB:		Age: 40	Sex: Male	Race: White		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	271 John Bananola Wy E		County:			Phone:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	94-032 - Catey, Thomas
Entered On:	3/6/2020 11:18:22	Approved By:	Automated Policy
Approved On:	3/9/2020 15:18:05	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/9/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 18, 2020 - 10:33 AM

Printed By: 082 - Brockway, Byron

City, State Zip:	Puyallup, WA 98374	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:	Law Enforcment	Employer/School:	Pierce County Sheriff
SSN:				Place Of Birth:	
Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Testify:				Facial Shape:	
Witness Notes:					

Witness W2: Sanders, Gary

PDA:

Aliases:							
DOB:		Age: 40	Sex: Male	Race: White		Ethnicity:	Non-Hispanic
Height:	Weight:		Hair Color:			Eye Color:	
Address:	930 Tacoma Ave S		County:			Phone:	
City, State Zip:	Tacoma, WA 98402		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:			Occupation/Grade:	Law Enforcment		Employer/School:	Pierce County Sheriff
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Testify:						Facial Shape:	
Witness Notes:							

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

On March 4, 2020 at about 0030 hours, I was contacted by Dispatch and asked to respond to the area of 96th Street south and Ainsworth Avenue regarding a Tacoma police department in custody death investigation. I arrived on scene at about 0118 hours.

Upon my arrival I contacted Lieutenant Messineo. He provided me with the name of the deceased, Manuel Ellis. Lieutenant Messineo informed me he had been working off duty close to the area of this incident and responded to assist. Detective Sergeant Sanders had also responded with Lieutenant Messineo.

Lieutenant Messineo later briefed myself and other members of the investigative team with the information he had at that time. He advised that about 2322 hours, Dispatch advised Tacoma PD was fighting with an individual in the area of 96th street south and Ainsworth Avenue. Detective Sergeant Sanders and Lieutenant Messineo responded to the location to assist. Upon their arrival they observed, Tacoma police officers attempting to handcuff a male subject who was lying face down on the ground. Very shortly after their arrival the Tacoma officers were able to complete the handcuffing of Manuel with his hands behind his back. Manuel continued to struggle, and a hobble was requested in the attempt to control him. An unknown Tacoma officer obtained a hobble and the hobble was secured on Manuel's feet in order to gain control. Manuel was making animalistic type sounds and grunting noises which Lt. Messenio believed to be

consistent with a state of excited delirium. Fire was called and responded to the scene. While waiting for fire to respond Manuel was placed in the recovery position to allow him to breathe while his pulse and breathing were monitored by a Tacoma police officer. Upon Fires arrival the hobble and handcuffs were removed to allow for the treatment of Manuel. Manuel was declared deceased after Fire's attempts to revive him were unsuccessful. Lt. Messineo used a mobile fingerprint scanner to identify Manuel.

Detective Sergeant Brockway was assigned as the investigative lead and directed me to respond to the Parkland Spanaway precinct to conduct interviews. I left the scene at approximately 0222 hours and responded to the Parkland Spanaway precinct arriving at about 0231 hours.

Upon my arrival at the Parkland Spanaway precinct I contacted Tacoma Police Department Officer Henry Betts. Officer Betts informed me the four Tacoma police officers involved in this incident would not be making statements at this time without the advice of counsel.

Detective Hotz and I conducted audio and video recorded interviews with Lt. Messineo and Detective Sergeant Sanders. The following are synopsis of both interviews. For complete and verbatim details of the interviews please refer to the recordings. Prosecutor investigator Keith Barnes was also present for the interviews.

Lt. Messsineo's interview began at about 0313 hrs. He agreed to allow the interview to be both audio and video recorded. Lt. Messineo has been employed with the Pierce County sheriff's department for the past 19 years and is currently serving at the rank of lieutenant in the patrol division.

At the time of this incident he was working in an off-duty capacity at the Alta Apartments located in the 9700 block of Steel St. south. He began his off-duty shift at around 21:00 that day having not worked his normal shift prior to the start of his off duty. Lt. Messineo was dressed in his Pierce County sheriff's department jumpsuit with all appropriate markings. He was driving his county issued 2018 unmarked gray Ford Explorer with emergency light package.

Lt. Messineo was having a conversation with Detective Sergeant Sanders at the time of the incident. At about 2223 hours Dispatch advised that Tacoma police were fighting with an individual in the area of 96th street south and Ainsworth. Lt. Messineo stated he checked the call on his car mounted computer and found that the two Tacoma officers were alone at this location. Both Lt. Messineo and Detective Sergeant Sanders responded in a priority mode from the Alta Apartments to the location. Lt. Messineo estimated his response time to be about 15 to 20 seconds. Upon arrival he observed two Tacoma police officers struggling with Manuel in an apparent attempt to place him in handcuffs. Lt. Messineo stated the officers and Manuel were struggling on the north side of the intersection near the crosswalk. Manuel was face down with one officer on his back approximately mid back and the second officer was to about his 8 o'clock position. Lt. Messineo observed taser wires on the ground to the left of Manuel. Two additional Tacoma police officers arrived to assist. Lt. Messineo told us that almost immediately upon getting to the scene Manuel was handcuffed with his hands behind his back by the two original officers. Manuel continued to struggle and thrash around kicking his feet and continuing to resist the Officers attempts to control him. A hobble was requested, and a Tacoma police officer ran to the east where he obtained a hobble from a patrol car and returned. The officers placed the hobble around Manuel's legs. Due to Manuel's struggling and resisting the attempts to gain control of him Detective Sergeant Sanders took control of one leg to assist in placing the hobble on his feet. Once the hobble was applied Manuel remained face down on the ground. A spit sock was placed over Manuel's head due to him spitting at officers. Lt. Messineo noted that Manuel was making animalistic type sounds and grunting noises which based on his experience he recognized to be consistent with a state of excited delirium. After the hobble was applied Manuel became silent and stopped his resistance. A Tacoma officer commented that Manuel was hot which also indicated a state of excited delirium to Lt. Messineo. Manuel was placed in a recovery position to assist with his breathing. A female Tacoma police officer requested fire respond. Lt Messineo informed us Fire's response took approximately 10 minutes. Fire arrived in a non-priority mode. Upon Fire's arrival the hobble and handcuffs were removed at Fire's request to facilitate treatment of Manuel. Fire began CPR and was unsuccessful in their attempts to revive Manuel. Fire left the scene and was called back with the request to take blood samples and a core temperature reading for Manuel. Per the CAD Manuel 's core temperature at the time was 96.7° noted it was taken about

40 minutes after his death. Fire declined to take a blood sample stating it would be the medical examiners responsibility for that. While Fire was on scene Lt. Messineo utilized a portable digital fingerprint scanner to identify Manuel.

Lt. Messineo told us streetlights were on in the area allowing the area to be seen without the aid of additional lighting. He also told us the Tacoma officers involved in the original altercation appeared exhausted to him after the struggle. Tacoma police were dressed in their standard issue Tacoma police jumpsuits with all appropriate markings and we're readily identifiable as Law Enforcement. Their patrol car was fully marked and parked facing westbound on the east side of the intersection of 96th street south and Ainsworth. Lt. Messineo heard officers giving verbal commands to Manuel of give me your hands and stop fighting as they struggle with him.

After the incident Lt. Messineo stated he heard the Tacoma police officers' comment that they were on routine patrol and they stopped at the traffic signal at the intersection of 96th street south and Ainsworth. Manuel was on the south side of the intersection apparently engaged in some type of conflict with another unknown vehicle. The other unknown vehicle driven by a female fled westbound on 96th street at which point Manuel directed his attention to the Tacoma police officers patrol car. Manuel moved from the south side of the intersection to the Tacoma police officer's location and began to punch the windows on the patrol car. The Tacoma officers exited their vehicle and were attacked by Manuel. Lt. Messineo also heard one of the officer's state that he had Tased Manuel three times during the incident.

Lt. Messineo reported seeing blood on Manuel's face and hands.

Lt. Messineo stated the Tacoma officers acted appropriately and he observed no excessive uses of force applied. He did not observe any strikes or the use of the Vascular Neck Restraint.

Lt. Messineo's interview ended at about 0355 hrs. His interview was later transferred to CD and placed into evidence by Detective Hotz.

Detective Sergeant Sanders interview began at about 0408 hrs.. Detective Sanders agreed to allow the interview to be both audio and video recorded. Detective Sergeant Sanders informed us he has been employed with the Pierce County sheriff's department for approximately 20 years and is currently serving at the rank of detective sergeant with the internal affairs unit.

At the time of this incident Detective Sergeant Sanders was working in an off-duty capacity for Pacific Lutheran University. Detective Sergeant Sanders was scheduled to work 2100 hours to 0100 hours. Prior to the start of his off-duty shift Detective Sergeant Sanders worked his regular shift from 0600 hours to 1600 hours. Detective Sergeant Sanders was dressed in his department issued jumpsuit with appropriate markings. He was driving his black unmarked 2019 Chevrolet Tahoe equipped with an emergency light package.

Detective Sergeant Sanders was meeting with Lt. Messineo at the Alta Apartments when Dispatch advised that, Tacoma police were fighting with a subject in the area of 96th street south and Ainsworth. Lt. Messineo and Detective Sergeant Sanders responded in a priority mode to assist. Detective Sergeant Sanders estimated it took approximately 30 seconds for them to arrive at the scene as they were only a short distance away. Detective Sergeant Sanders informed us that upon their arrival he observed four Tacoma police officers struggling with Manuel. Detective Sergeant Sanders stated all four officers were dressed in their department police officer uniforms with appropriate markings and were identifiable as Law Enforcement officers. Manuel was on his stomach as a Tacoma police officers was handcuffing him with his hands behind his back. Manuel was continuing to struggle flailing around kicking his feet. Detective Sergeant Sanders stated he heard officers giving commands of stop resisting and put your hands behind your back. Detective Sergeant Sanders stated he observed Taser probes in the torso of Manuel and heard one of the officers' state that he had tased Manuel three times. A Tacoma officer requested a hobble as Manuel continued to struggle. Detective Sergeant Sanders assisted a Tacoma officer in securing the hobble by grabbing Manuel's right leg and pushing it up toward his waist. A spit mask was placed over Manuel's head to prevent him from spitting on officers. Once the hobble was secured Manuel went silent and stopped his resistance. Detective Sergeant Sanders heard Manuel making animalistic type sounds and grunting. Detective Sergeant

Sanders recognized the signs as possible symptoms of excited delirium. Tacoma fire was called to evaluate and treat Manuel. Manuel was placed into a recovery position on his right side. Detective Sergeant Sanders described the Tacoma police officers as being exhausted after the struggle. A Tacoma officer monitored Manuel's condition by checking on his pulse and assuring that he was breathing while they waited for Tacoma fire to respond. Fire arrived in a routine response after approximately 10 minutes. They requested the restraints be removed for them to treat Manuel. The hobble and handcuffs were removed as well as the Taser probes removed from Manuel's body to allow fire to treat and care for him. Fire began CPR on Manuel and later pronounce him deceased at the scene.

Detective Sergeant Sanders reported seeing abrasions on Manuel's cheekbone and chin area which were bleeding and observed blood on his face. When the spit mask was removed there was blood noted on other areas of his face.

Detective Sergeant Sanders told us that he heard an officer state they were stopped for the light at 96th Street and Ainsworth when they observed Manuel engaged with another vehicle. The other vehicle left westbound on 96th street at which point Manuel ran to the Tacoma police patrol car. He slammed himself into the Tacoma police car. The officers were able to exit the car and began to struggle with Manuel.

Detective Sergeant Sanders reported that based on his observations the Tacoma officers' actions appeared appropriate. Detective Sergeant Sanders stated that he did not observe any strikes or the application of the Vascular Neck Restraint by any officers.

Detective Sergeant Sanders interview was ended at about 0 445 hrs. The interview was later transferred to CD and placed into evidence by Detective Hotz.

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.17

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation
IBR Disposition:	Active		Case Management Disposition:		
Forensics:			Reporting By/Date:		00-001 - Dos Remedios, Patrick 3/9/2020 12:47:50
Case Report Status:	Approved		Reviewed By/Date:		96-082 - Brockway, Byron 3/9/2020 13:42:36

Incident No. 2006302251.17

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Other Entity O6: Henderson, Shanise R

PDA:

Aliases:									
DOB:	5/7/1991	Age:	28	Sex:	Female	Race:	Black	Ethnicity:	Non-Hispanic

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	00-001 - Dos Remedios, Patrick
Entered On:	3/9/2020 12:12:56	Approved By:	Automated Policy
Approved On:	3/9/2020 13:43:04	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/9/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: March 18, 2020 - 10:34 AM

Printed By: 082 - Brockway, Byron

Height:		Weight:	Hair Color: **Black**	Eye Color:	**Brown**
Address:	**9621 16th Av S**	County:		Phone:	**253-282-0779**
City, State Zip:	**Tacoma, WA 98444**	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	**Full - Time Resident**	Occupation/Grade:		Employer/School:	
SSN:				Place Of Birth:	
Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	**Other Individual**	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Other Entity O7: Laupati, Sioeli J

PDA:

Aliases:					
DOB:	**9/8/1970** Age: **49**	Sex: **Male**	Race: **Asian/Pacific Islander**	Ethnicity:	**Non-Hispanic**
Height:	Weight:	Hair Color: **Black**		Eye Color:	**Brown**
Address:	**1526 97th St Ct S**	County:		Phone:	**253-290-5204**
City, State Zip:		Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	**Full - Time Resident**	Occupation/Grade:		Employer/School:	
SSN:				Place Of Birth:	
Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	**Other Individual**	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Other Entity O8: Sallee, Paul H

PDA:

Aliases:					
DOB:	**3/6/1975** Age: **44**	Sex: **Male**	Race: **White**	Ethnicity:	**Non-Hispanic**
Height:	Weight:	Hair Color: **Brown**		Eye Color:	**Brown**
Address:	**1601 96th St S**	County:		Phone:	**253-250-5022**
City, State Zip:	**Tacoma, WA 98444**	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	**Full - Time Resident**	Occupation/Grade:		Employer/School:	
SSN:				Place Of Birth:	
Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	**Other Individual**	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

On 03-04-2020 at 0257 hours I arrived at the Parkland Spanaway Precinct to assist with this investigation. I contacted Detective Sergeant Catey who asked me to assist Detective Moss who was in the lobby. I contacted Detective Moss who was working with forensics while photographs were taken and evidence was documented and collected. I went with Detective Sergeant Catey to assist in a canvas of the area of the incident at 0600 hours. We knocked on numerous doors but no one answered their door for contact. On 03-05-2020 I returned to the area and assisted in trying to contact residents who have not been interviewed.

I contacted Shanise Henderson at 9621 16th Avenue South. Henderson told me that she thought she was awake at the time of the incident but did not remember hearing anything at all. She said she can see the intersection from her residence but did not even remember hearing sirens or seeing flashing lights that night. Henderson said she does not have a security system with camera's.

I contacted Sioeli (Joe) Laupati at 1526 97th Street Court South. Laupati told me that he would have been asleep at the time of the incident. He said he does not remember anything waking him up or hearing yelling or sirens. He told me that that this is the first he has heard of anything happening near his house. Laupati stated that he does not have a security system with camera's.

I attempted contact at the following locations with no answer.

96th Street South: 1426, 1432, 1451, 1601, 1605 (Vacant house), 1609, 1611, 1617.
9623 16th Avenue South
9606 16th Avenue Court South

On 03-06-2020 I received a phone call from Paul Sallee who resides at 1601 96th Street South. He told me that he got my business card from his front door and was curious what it was about. I explained the situation to him and he told me that he had no information to provide as he was asleep at the time and does not remember hearing anything. Sallee told me that he does not have a security system with camera's.

Nothing further.

Reviewed By:	Reviewed Date:

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.18

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation
IBR Disposition:	Active	Case Management Disposition:			
Forensics:		Reporting By/Date:	05-022 - Mell, Steven 3/10/2020 11:45:35		
Case Report Status:	Approved	Reviewed By/Date:	92-006 - Wilkins, Steven 3/10/2020 12:49:17		

Incident No. 2006302251.18

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Property Item No. 11/1: 1402 - Clothing - Gloves (not Baseball)

Other Common Item:		Photographed:	
Description:	gloves, possibly belonging to a TPD Officer	Fingerprinted:	
Quantity:	2	Contents Sampled:	

Call Source:	Dispatched		Assisted By:				
Phone Report:			Notified:				
Insurance Letter:			Entered By:	05-022 - Mell, Steven			
Entered On:	3/10/2020 11:38:33		Approved By:	Automated Policy			
Approved On:	3/10/2020 12:53:07		Exceptional Clearance:				
Adult/ Juvenile Clearance:			Exceptional Clearance Date:				
Additional Distribution:			Other Distribution:				
Validation Processing	Distribution Date: 3/10/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 18, 2020 - 10:34 AM

Printed By: 082 - Brockway, Byron

Finding Location:	in roadway against curb near decedent	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:	PCSD/TPD Main Property Room	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. 12/2: 20514 - Evidence - Digital Image(s)

Other Common Item:		Photographed:	
Description:	additional scene photos	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	Transferred To Case Images	Insurance Company:	

Disposition Location:		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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

On 03-04-2020, at 0030 hrs, I responded to the intersection of S 96th St & S Ainsworth Ave, as requested by SS911 regarding this death investigation. I arrived at 0110 hrs. Upon my arrival I established contact with LT Messineo 35, who further explained this incident to me. Forensics Manager Wilkins 4101 and several detectives arrived a short time later.

Using the Faro, Focus 3D, X-130 Laser Scanner, serial #LLS071406407, I produced four (4) exterior laser scans of the scene. The scanner was utilized and set to the factory default settings with the color imaging option turned off, due to the ambient lighting. A certified calibration tool is captured within one of the scans.

At the request of Dt/Sgt Loeffelholz 156, I exposed additional photos of the scene using the Nikon D3300 equipped with the Nikkor AF-S DX 18-55mm lens. The built-in flash or the Speedlight SB500 was utilized as needed depending on ambient light availability. The images are captured on a sixteen gigabyte (16GB) memory card. I uploaded the images into Case Image.

I collected a pair of gloves as evidence that were found near the decedent in the roadway and against the curb.

At 0335 hrs, I transported my evidence to the PCSD Forensics Lab for safe keeping and submission to the PCSD Property room.

I cleared at 0445 hrs...

On 03-05-2020, I transferred the raw scans to the "N-Drive" backup file located on the county server. At 0900 hrs, I started the process of linking the raw scans together, to produce the Scene-2-Go end user product. At 1000 hrs, I completed the Scene-2-Go file and transferred the file to the "N-Drive" located on the county server.

Nothing further at this time...

Mell #4212/05-022
Forensic Investigator

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.19

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation
IBR Disposition:	Active	Case Management Disposition:			
Forensics:		Reporting By/Date:	92-006 - Wilkins, Steven 3/10/2020 13:27:28		
Case Report Status:	Approved	Reviewed By/Date:	92-006 - Wilkins, Steven 3/10/2020 13:28:48		

Incident No. 2006302251.19

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Property Item No. 10/1: 3706 - Weapons - Discharge Device - Taser

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	92-006 - Wilkins, Steven
Entered On:	3/10/2020 13:25:52	Approved By:	E24730 - Erechar, Laureen
Approved On:	3/12/2020 00:18:12	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/12/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: ERECHAR, LAUREEN	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 18, 2020 - 10:35 AM

Printed By: 082 - Brockway, Byron

Status:	E - Evidence (Including Other Seized Property And Tools)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	X00-349664
Field Test Results:		OAN:	
Property Disposition:	Booked Partially into Property	Insurance Company:	
Disposition Location:	PCSD/TPD Main Property Room	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:

Narrative: Correction to serial number for MC#10 taser.

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.20

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:	No	Subject:	Death Investigation | Doorbell video
IBR Disposition:	Active	Case Management Disposition:			
Forensics:		Reporting By/Date:	03-014 - Helmcke, Franz 3/18/2020 09:06:08		
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 3/18/2020 10:25:36		

Incident No. 2006302251.20

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Other Entity O9: White, Joe (Jody) L

PDA:

Aliases:							
DOB:	6/8/1971	Age: 48	Sex: Male	Race: White		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	1438 96th St S		County:			Phone:	206-755-2583

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	03-014 - Helmcke, Franz
Entered On:	3/18/2020 08:31:11	Approved By:	Automated Policy
Approved On:	3/18/2020 10:28:05	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/18/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: March 18, 2020 - 10:35 AM

Printed By: 082 - Brockway, Byron

City, State Zip:	Tacoma, WA 98444	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:		Employer/School:	dBoone Construction LLC
SSN:				Place Of Birth:	
Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:	Owner of Vivint doorbell camera				

Property Item No. 13/1: 9921 - Recording - Surveillance Tape

Other Common Item:		Photographed:	
Description:	DVD	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

03-05-20

I assisted Det/Sgt Brockway with additional canvasing of the surrounding neighborhood where this incident occurred at 96th St S/Ainsworth Ave S. I contacted, or assisted with contacting, the following addresses:

1438 96th St S - asked to return after 1500 hours (doorbell video camera present)
1432 96th St S - no answer
1416 96th St S - owner not home; left a business card with visitor
1611 96th St S - no answer
1601 16th Ave S - no answer
1603 16th Ave S - resident only saw/heard lights/sirens; did not see/hear any fighting/yelling
9616 16th Ave S - no answer
9714 16th Ave S - no answer
9616 Ainsworth Ave S - resident only saw/heard lights/sirens; did not see/hear any fighting/yelling

I received a phone number for a resident of the 1438 96th St S address, Aiyana White. Around 1549 hours I spoke to Aiyana and she said she didn't have time to talk. I asked her to call me back later when she had time, but did not receive a call the rest of the afternoon.

03-06-20

I called Aiyana again and learned that the doorbell camera is operated by Vivint Inc. Aiyana told me that she has been unable to log into the camera system. In fact, they had a tech out at the house the day before the incident, and ever since they have been unable to log into their account. Because of this, I emailed a preservation letter to Vivint.

I assisted Det/Sgt Brockway with interviews of two of the Tacoma Police officers, Chris Burbank and Tim Rankine. Their attorney, Steven Myers, and prosecuting attorney investigator, Keith Barnes, were also present. Both interviews were recorded; see Det/Sgt Brockway's supplemental report and transcript for details.

03-12-20

I accompanied Det/Sgt Brockway to 1815 102nd St S to speak to the owners of the home where victim Manuel Ellis was living. See Det/Sgt Brockway's supplemental report and transcript for details.

03-13-20

I received a call from Joe White, who lives at 1438 96th St S. White indicated that he received a message that we were interested in seeing if his Vivint doorbell video camera recorded any of the incident that unfolded in front of his residence. White told me that the camera did record some clips of the incident and the aftermath. He stated that the system is cloud based and only records in 30 second clips. White told me he could download the video clips and try emailing them to me. I requested that White include the last clip recorded just before the incident starts, and several clips subsequent to the end of the altercation. Additionally, White said he was out of state in Arizona when the incident occurred.

White emailed 19 video clips total. The files were automatically named by the service provider, Vivint. The file names include the date and start time of the video (Note: time is stated in Universal Time Code [UTC] which is 8 hours ahead of local time). Example: the first video named "Vivint-Doorbell-2020-

Mar-04-065606.mp4" is converted to 03-03-2020 22:56:06 PST. There is no visible timestamp on the video, so any times during the playing video noted in this report are the number of seconds elapsed from the start time of the video. The doorbell camera has a wide angle, fisheye, type lens that somewhat distorts the video at the periphery (in addition to a pixilated resolution). All videos do contain sound.

Vivint-Doorbell-2020-Mar-04-065606.mp4 (local date/time 03-03-2020 22:56:06 PST): 29 second video. Just shows vehicles driving by on 96th St S.

Vivint-Doorbell-2020-Mar-04-072147.mp4 (local date/time 03-03-2020 23:21:47 PST): 29 second video. Three vehicles are seen stopped on westbound 96th St S. The first vehicle is stopped under a streetlight at the intersection with Ainsworth Ave S and is what appears to be a police SUV. Markings are not visible, but flashing amber lights are illuminating at the rear of the vehicle. The next two vehicles behind the police SUV are a dark, and light-colored sedan. I could hear music playing from what I assume is one of the sedans behind the police SUV.

00:03 - short noise like someone yelling

00:09 - apparent movement near the front of the police SUV, but unable to see what exactly it is. Additionally, a telephone pole is blocking the view of the area immediately in front of the police SUV

00:11 - more non-descript yelling is heard for about 5 seconds

00:16 - a female voice is heard yelling something like "Stop. Oh my God, stop hitting him... just arrest him...". It appears that the female is leaning out the drivers' window of the sedan directly behind the police SUV.

00:25 - a 'pop' noise is heard, which could be the sound of a taser deployment. The drivers' door of the light-colored sedan opens, and the driver steps out onto the pavement. A male voice is heard yelling, "Hey, ya'll in the road right now." A female voice is then heard saying, "Shut up. You got kids in the car you dumb ass..."

From end of video to start of next video there doesn't appear to be any time loss.

Vivint-Doorbell-2020-Mar-04-072215.mp4 (local date/time 03-03-2020 23:22:15 PST): 29 second video. The video begins where the previous video left off. A female voice is heard repeatedly saying, "Shut the fuck up" while a male voice is heard saying something like "Why don't you stop punching him in the face." It appears that it is the two drivers of the sedans that are arguing and yelling at each other and the police. The second driver is still standing at their open door.

00:14 - a loud growl or grunt type sound is heard, and someone says what sounds like "Try again"

00:16 - a male voice is heard saying, "Go around him [unintelligible]"

00:17 - more non-descript unintelligible screaming from what sounds like a male voice that goes on for several seconds

00:18 - a person is seen emerging from the back yard of a residence on the north side of 96th St S, three houses to the east of the police SUV. This person walks a little closer and is seen on the sidewalk for several minutes

00:25 - the two sedans behind the police SUV begin to pull out and drive around the police SUV on westbound 96th St S.

From end of video to start of next video there appears to be about 34 seconds that were not recorded.

Vivint-Doorbell-2020-Mar-04-072318.mp4 (local date/time 03-03-2020 23:23:18 PST): 29 second video. No movement seen when the video begins except for the flashing ambers on the police SUV.

00:05 - sirens are now first heard approaching in the distance

00:07 - something unintelligible said by someone

00:12 - maybe some movement on the ground in front of the police SUV, but again, the quality of the video does not allow any detail

00:14 - a male voice is heard saying, "I can't breathe sir, I can't breathe."

00:18 - another unintelligible scream

00:23 - a male voice is heard asking, "You guys need some help?"

00:25 - a male voice responds, "Uh we got somebody coming."

00:27 - sounds like a male voice saying, "Please sir" and another male voice saying "Shut the fuck up man"

From end of video to start of next video there appears to be about 11 seconds that were not recorded.

Vivint-Doorbell-2020-Mar-04-072356.mp4 (local date/time 03-03-2020 23:23:56 PST): 29 second video. As the video begins a male voice is heard saying something like, 'We got backup coming."
00:06 - a vehicle drives by on eastbound 96th St S.
00:14 - male voice is heard saying something unintelligible, and sirens are heard in the distance
00:15 - two vehicles approach the scene from the east on 96th St S and the person who was standing on the sidewalk steps into the roadway to try and direct the traffic around the police SUV
00:22 - male voice is heard saying something, but I could only make out "cop cars" the rest is unintelligible to me
From end of video to start of next video there appears to be about 18 seconds that were not recorded.

Vivint-Doorbell-2020-Mar-04-072438.mp4 (local date/time 03-03-2020 23:24:38 PST): 29 second video. Video opens with a white police Crown Vic patrol car parked behind the police SUV. A door is heard being shut and two officers are seen running in the direction of the police SUV.
00:04 - possible movement seen in front of the police SUV as more sirens approach
00:07 - a voice is heard saying something unintelligible
00:15 - two or three other patrol vehicles arrive to the scene from the east with lights and siren activated
00:19 - more voices heard, but are covered up by the sirens
00:26 - more voices heard, but cannot make out what is said

Vivint-Doorbell-2020-Mar-04-074121.mp4 (local date/time 03-03-2020 23:41:21 PST): 29 second video showing multiple police vehicles on scene, and a resident of the 1438 address (doorbell camera) on the porch watching. Twelve more video clips were provided, but do not appear to contain anything else of value. The last clip provided had a start time of 01:40:08 PST.

The video files will be placed on a DVD for entry into property.

Helmcke 03014

Reviewed By: | Reviewed Date:

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.22

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:	No	Subject:	Death Investigation | Video

Incident No. 2006302251.22

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	03-014 - Helmcke, Franz 3/25/2020 08:10:16
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 3/25/2020 15:20:31

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Property Item No. 23/1: 9921 - Recording - Surveillance Tape

Other Common Item:		Photographed:	
Description:	CD	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	03-014 - Helmcke, Franz
Entered On:	3/25/2020 08:05:05	Approved By:	Automated Policy
Approved On:	3/25/2020 15:23:04	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 3/25/2020	County Pros. Atty.		Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.		Military	DSHS	PreTrial	

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

Printed: April 03, 2020 - 1:43 PM

Printed By: 082 - Brockway, Byron

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:	PCSD/TPD Main Property Room	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

03-18-20

I petitioned the court for, and was granted, a search warrant to obtain Vivint doorbell video files directly from the company/server. I emailed the warrant to Vivint the same day.

03-24-20

I received an emailed link from Vivint to download the requested video files that were recorded at 1438 96th St S. I downloaded one ZIP file which contained 10 video files. The files will be placed on CD for entry into property.

Helmcke 03014

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.23

Jurisdiction Agency: Tacoma Police Department

PDA:	Homeland Security:	Subject: Death Investigation

Incident No. 2006302251.23

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	03-014 - Helmcke, Franz 3/26/2020 13:45:34
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 3/26/2020 15:14:02

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related: No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:	Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way		Type of Security:	Tools:	
Total No. of Units Entered:			Evidence Collected:		
Entrance Compromised:	Not Applicable				
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	03-014 - Helmcke, Franz
Entered On:	3/26/2020 13:43:58	Approved By:	Automated Policy
Approved On:	3/26/2020 15:18:03	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

/alidation Processing	Distribution Date: 3/26/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: April 03, 2020 - 1:45 PM

Printed By: 082 - Brockway, Byron

Narrative:

03-26-20

Items previously collected by the Medical Examiner had been entered into property. I checked out the following items from the property room so that Forensic Technician Mell could take photographs of them.

MC #1 - spent taser cartridge with darts (I did not see any specific holes left by the taser probes)
MC #16 - black sweatshirt
MC #17 - yellow sweatpants
MC #18 - purple shorts
MC #19 - black "Puma" socks
MC #20 - "Nike" tennis shoes
MC #21 - small piece of taser wire
MC #22 - used spit sock with some staining

After the items were photographed, I repackaged, sealed and initialed all the items before booking them back into the property room.

Helmcke 03014

Reviewed By:

Reviewed Date:

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.25

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.25

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	05-022 - Mell, Steven 3/30/2020 08:25:22
Case Report Status:	Approved	Reviewed By/Date:	92-006 - Wilkins, Steven 3/30/2020 08:57:57

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	05-022 - Mell, Steven		
Entered On:	3/30/2020 08:20:26			Approved By:	Automated Policy		
Approved On:	3/30/2020 08:58:05			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
alidation Processing	Distribution Date: 3/30/2020		County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY		City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: April 03, 2020 - 1:46 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 33/1: 20514 - Evidence - Digital Image(s)

Other Common Item:		Photographed:	
Description:	photos of decedent's clothing1	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	Transferred To Case Images	Insurance Company:	
Disposition Location:		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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

On 03-26-2020, at 1230 hrs, I assisted Detective Folden and Detective Helmke examine the decedent's clothing items in the Forensics Lab. I exposed multiple digital image of the clothing items.

I cleared at 1330 hrs. Nothing further at this time...

Mell #4212/05-022
Forensic Investigator

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.26

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.26

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	96-082 - Brockway, Byron 4/2/2020 09:58:40
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 4/2/2020 10:42:11

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	96-082 - Brockway, Byron		
Entered On:	4/2/2020 09:48:06			Approved By:	Automated Policy		
Approved On:	4/2/2020 10:43:03			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
alidation Processing	Distribution Date: 4/2/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: April 03, 2020 - 1:47 PM
Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 34/1: 1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	updated Officer Ford	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 35/2: 1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	updated Officer Collins	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 36/3: 1309 - Recording - Dispatch Tape

Other Common Item:		Photographed:	
Description:	**TPD radio transcribed**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:	#20-063-02251 Over the course of the investigation, our transcriptionists fixed a few typos in the transcribed statements from Officer Collins and Officer Rankin. I placed the updated statements and a CD with the transcribed TPD radio traffic into evidence at the PCSD/TPD main property room. B. Brockway #96082/161

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.27

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.27

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	96-082 - Brockway, Byron 6/2/2020 08:36:29
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/2/2020 09:52:46

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	96-082 - Brockway, Byron
Entered On:	6/2/2020 08:04:25	Approved By:	Automated Policy
Approved On:	6/2/2020 09:53:06	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

/alidation Processing	Distribution Date: 6/2/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: June 03, 2020 - 10:12 AM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Other Entity O13: Quenneville, Michelle Marie

PDA:

Aliases:							
DOB:	10/1/1959	Age: 60	Sex: Female	Race: White		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	119 N Yakima Ave #203		County:			Phone:	253-441-8430
City, State Zip:	Tacoma, WA 98402		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Full - Time Resident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Entity Type:	Other Individual		Reporting Statement Obtained:			Facial Shape:	
Entity Notes:							

Other Entity O14: Rhea, Phi

PDA:

Aliases:							
DOB:		Age: 00	Sex: Female	Race: Asian/Pacific Islander		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	510 Tacoma Ave S		County:			Phone:	253-502-5406
City, State Zip:	Tacoma, WA 98492		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Unknown		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	

Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

#20-063-02251

On 05-27-20 I attempted to contact Joan Spencer and Stacy Johnson with Pierce County Alliance (PCA) by phone and e-mail regarding Manuel Ellis. I learned through the investigation they had worked with Manuel in the past. On 05-29-20 I received a e-mail and phone message from Phi Rhea the Human Resource Manager for PCA. She informed me that Joan Spencer had retired but Stacy Johnson was still working. I informed her of the information I was requesting. She checked with PCA's attorney and informed me a search warrant would be required. They were cooperative and agreed to provide the information with the search warrant.

I assigned Detective Helmcke to draft a search warrant for Manuel's records from PCA. On 06-01-20 the search warrant was signed. At around 1030 hours, Detective Folden and I contacted Phi at PCA 510 Tacoma Ave S. We provided Phi a copy of the search warrant. She planned to obtained the necessary documents and provide them in the next few days.

At around 1045 hours, Detective Folden attempted to contact Mendel Everson at his mother's residence Michelle Quenneville at 119 N Yakima #203. We could not reach her door do to the security door. I called her on the phone she called me back later. She said Mendel had been living with her since he got out of jail. He was doing good and started a job. I explained to her the Mendel was a witness and not in trouble. I was aware he had been with Manuel when he left Cedric and Kimberly's residence the night of the incident. She understood and had my contact information from Kimberly Mayes. I explained I would talk to him over the phone if he wanted. She said she would have him call me.

At around 1120 hours, I contacted Manuel's brother Matthew by phone. I updated him on the status of the case and that the Prosecutor's Office would be reviewing it when it was completed.

B. Brockway #96082/161

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.28

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.28

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	03-014 - Helmcke, Franz 6/2/2020 16:40:19
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/3/2020 09:41:20

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	03-014 - Helmcke, Franz
Entered On:	6/2/2020 16:35:31	Approved By:	Automated Policy
Approved On:	6/3/2020 09:43:05	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

alidation Processing	Distribution Date: 6/3/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: June 03, 2020 - 10:13 AM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 37/1: 9012 - Document - Medical Records

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 38/2: 20505 - Evidence - Photos - Compact Flash XFer - Officer Generated

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	**Transferred To Case Images**	Insurance Company:	
Disposition Location:		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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

06-01-20

I was contacted by Det/Sgt Brockway and asked to write a warrant to Pierce County Alliance (PCA) for records related to Manuel Ellis mental health/substance use treatment. I had a warrant completed and emailed it to the court clerk for a judge's review. I received an email a short time later from Pierce County Superior Court Judge Sabrina Ahrens, who wrote: "I have reviewed the Application and Search Warrant. I do find probable cause. Please affix my signature to each of the attached documents and file a copy of this email with the orders and returns." Det/Sgt Brockway and Detective Folden served the warrant to PCA the same day.

06-02-20

I accompanied Detective Folden to PCA where we were provided the requested records. Once back at our office, the records were scanned, and the originals will be booked into property. I E-Filed the warrant with the clerk's office the same day.

Also this date, I travelled to the Pierce County Property room to view and photograph the spit sock that had been applied to Ellis' head. The photos will be transferred to case images.

Helmcke 03014

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.29

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.29

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	96-082 - Brockway, Byron 6/3/2020 09:40:39
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/3/2020 09:41:18

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	96-082 - Brockway, Byron		
Entered On:	6/3/2020 08:58:39			Approved By:	Automated Policy		
Approved On:	6/3/2020 09:43:05			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
Validation Processing	Distribution Date: 6/3/2020		County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY		City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: June 03, 2020 - 10:14 AM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 39/1: 9012 - Document - Medical Records

Other Common Item:		Photographed:	
Description:	ME report/tox	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 40/2: 19304 - Camera - Digital Photo Discs

Other Common Item:		Photographed:	
Description:	**Autopsy photos**	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative: ,#20-063-02251

Over the course of the investigation, I had been waiting for the final Medical Examiner's Report, Toxicology report and Autopsy photos. I asked the ME's Office to contact me when it was complete. On 06-02-20 at 1251 hours, I received a call from Matthew Ellis. He informed me his sister had been contacted by a local media agency and they learned the cause of death was asphyxiation. I called the ME's Office and the results had only been routed to the Prosecutor's Office and myself. I checked the inter-office mail and located the documents.

I reviewed the documents and also notified Prosecutor's Office Investigator Barnes. According to Dr Clark's report, Manuel's cause of death was hypoxia due to physical restraint. Other significant conditions included methamphetamine intoxication and dilated cardiomyopathy. The manner of death was homicide. See the ME's report for specific details.

The toxicology report showed the following: Ephedrine 19 ng/mL, Phenylpropanolamine 39 ng/mL, Amphetamine 54 ng/mL and Methamphetamine 2400 ng/mL. At around 1453 hours, I updated Matthews Ellis and provided him a phone number to the ME's Office to obtained a copy of the report. I read him Dr Clark's summary.

I placed the ME documents and the autopsy photo disk into evidence at the PCSD/TPD main property room.

B. Brockway #96082/161

Reviewed By:	Reviewed Date:

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.30

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.30

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	96-045 - Folden, Richard 6/4/2020 08:30:43
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/4/2020 08:41:42

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	96-045 - Folden, Richard
Entered On:	6/4/2020 08:29:23	Approved By:	Automated Policy
Approved On:	6/4/2020 08:43:06	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

alidation Processing	Distribution Date: 6/4/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: June 04, 2020 - 8:43 AM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		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:

20-063-02251

On 06/01/2020 Det. Sgt. Brockway and I served a search warrant at the Pierce County Alliance. Det. Helmcke authored the warrant. It authorized the seizure of Manuel Ellis' records. We were told the records would be available the next day. On 06/02/20 Det. Helmcke and I returned to the Pierce County Alliance and were given the records. Detective Helmcke placed the records into evidence. See his report and search warrant.

Det. Sgt. Brockway directed me to summarize the records. The summary follows. Please see the records for greater detail.

The earliest record I saw in the packet indicated that Ellis started with the Pierce County Alliance on 11/14/2019. I believe he reported at that time that he had completed a rehabilitation program at Sea Mar on 07/14/2019. He said he had relapsed using methamphetamine on 09/29/2019. He said he went to jail for 30 days, getting out on 10/30/19. He mentions being in a fight at KFC (Kentucky Fried Chicken), and getting hit on the back of the head, suffering a TBI (traumatic brain injury). He also mentions running down Pacific Av. while naked. He was then arrested. The report notes that Ellis said, "The only thing that kept me from getting shot by police was that I was naked and obviously not in my right mind".

In succeeding file entries it is mentioned that Ellis had reported relapsing on 12/26/2019, using methamphetamine and marijuana. That was his last reported relapse.

The report notes the following mental health diagnoses for Ellis.

Depression - 2007
Bipolar Type II - 2019
ADHD - 2000

PTSD - 2019
Schizo-affective disorder - 2019

The only listed medication that Ellis was taken was Seroquel. He said that it makes him feel "like a robot" and "foggy".

The report detailed Ellis' drug history. He indicated that he started using cannabis at age 13 and became a regular user at age 17. He started using methamphetamine at age 18 and became a regular user at age 24. He denied having a tolerance to it or having withdrawal issues. His usage peaked at .5 grams a day. A record dated 02/28/2020 re-affirmed that he had not relapsed since 12/26/2019. There were drug screenings collected on 11/14/2019, 11/22/2019, and 12/17/2019. All tests showed negative in every category.

Other events I noted from the report were the following. Ellis said he had been sexually assaulted by a cousin when he was 7 years old. He said he started hearing voices in early adulthood. He also reported that he had been shot in the leg in 2015.

Nothing further.

Reviewed By:	Reviewed Date:

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.31

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.31

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	03-014 - Helmcke, Franz 6/4/2020 14:25:13
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/4/2020 14:45:42

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	03-014 - Helmcke, Franz		
Entered On:	6/4/2020 14:18:18			Approved By:	Automated Policy		
Approved On:	6/4/2020 14:48:05			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
alidation Processing	Distribution Date: 6/4/2020		County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY		City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: June 04, 2020 - 2:54 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 41/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	South Hill Precinct	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:	TFD records		

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:

06-04-20
The following Tacoma Fire Department records had been obtained earlier in this investigation:

-Audio recording of radio/dispatch and fire/medic units
-Pre-Hospital/Patient Care report

Even though the audio file had been used to create a detailed timeline of TFD radio traffic, I contacted TFD again today and requested a copy of their CAD information. Additionally, TFD advised they had a short incident summary report which essentially duplicated the information in CAD; the report was also sent to me this same day.

The files will be placed on CD for entry into property.

Helmcke 03014

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.32

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	03-014 - Helmcke, Franz 6/4/2020 22:55:13
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/4/2020 22:59:54

Incident No. 2006302251.32

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	03-014 - Helmcke, Franz
Entered On:	6/4/2020 22:49:44	Approved By:	Automated Policy
Approved On:	6/4/2020 23:03:03	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

alidation Processing	Distribution Date: 6/4/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: June 07, 2020 - 8:11 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 42/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:	DVD	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	South Hill Precinct	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:	Two cell phone video copies.		

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:

06-04-20

This evening I was advised that some cell phone video of this incident had been posted on social media websites. The department Public Information Officer was contacted by members of the media, notifying him that video reportedly of this incident was posted to a twitter page of the Tacoma Action Collective (https://twitter.com/tacoma_action?lang=en), and they were inquiring if the Sheriff's Department could confirm if the video was authentic.

Since the videos had been posted for public consumption, copies of the videos were downloaded for evidentiary purposes. I responded to the South Hill precinct to retrieve and view the videos. Because I had reviewed the doorbell camera video, I immediately recognized the cell phone video as having been recorded by the female in the vehicle that was directly behind the police SUV.

There is no date or timestamp on the video copies I received. One video is approximately 37 seconds long, and the second is approximately 14 seconds long. The 37 second video opens with the view of the driver looking out over the dash through the front windshield. The Tacoma Police SUV is seen parked in the roadway with the overhead hazard lights illuminated. To the right of the police SUV, the two officers and Manuel Ellis are seen in a physical fight. One officer looks to be in physical contact with Ellis when Ellis' feet are seen coming off the ground. (Ellis is wearing yellow pants and white shoes, and the officers are in dark blue.) As Ellis falls, it appears that he pulls the officer down with him, or the officer begins to fall on top of him. The officer may also be trying to deliver a strike to Ellis' torso with his right arm. At this point it would be difficult to differentiate the two officers and determine which one is which; however, after comparing the video to the officer statements, it is possible that the officer in contact with Ellis when the video opens is Officer Burbank.

At about the same time, the other officer, who had been standing several feet away at the opening of the video, is seen running up to assist the other officer (if my assumption that the first officer is Burbank, then this would be Officer Collins). It appears to me that the first officer falls or stumbles out of the way in front of the police SUV. At the same time, Ellis falls to his back toward the sidewalk with his legs bent at the knee. The second officer simultaneously rushes in and goes down on Ellis and begins delivering strikes or punches to what looks like Ellis' upper torso or head area. After a second or two, the first officer comes back into view and moves in to kneel down next to Ellis and the other officer. At this point of the video (around 5 seconds

in), the female who is filming begins to scream and starts wildly moving the camera around. Much of the remaining 32 seconds of video does not appear to provide much of any evidentiary footage. In some of the blurry frames, one can see the officers on the ground, but not much else.

The 14 second video opens with the driver holding the phone/camera as they begin to drive westbound around the police SUV. During the first second (or about 20 frames) of the video, one can see what looks like the officers kneeling next to Ellis' torso, while at the same time Ellis' legs are moving around. The camera then moves and films the interior of the car and out through the front passenger door window. The driver's side of the police SUV is seen as the camera operator drives by. As the camera clears the front of the police SUV, the camera is turned a little and Ellis' white shoe and yellow pant leg come into frame at the left side. The driver continues to film as they drive by and briefly stop before driving away.

The totality of these video frames shows what appears to be Ellis lying partially on his right side/back on the pavement with his feet toward the curb. The officer I believe to be Collins, is seen kneeling next to Ellis' right side. Collins' left leg is bent at the knee, with the knee down on the pavement behind Ellis' neck/shoulder area. Collin's right leg is bent at the knee with the knee resting on Ellis' lower torso and the foot on the pavement about a foot from Ellis' body. Collins is leaning over the top of Ellis' front torso and he is looking at Ellis' face. Ellis' head can be seen moving around and does not appear to be pinned to the ground. Due to lighting conditions and quality of the video I cannot tell exactly where Officer Collins' hands were located.

During this footage, Officer Burbank is seen kneeling next to, or leaning into, Ellis' left/front torso. Due to lighting conditions and quality of the video I cannot tell exactly where Officer Burbank's left knee and left arm are located; however, it does appear that his left hand may be trying to hold down one of Ellis' arms or hand. Burbank's right leg is upright and bent at the knee with his foot on the pavement several feet from Ellis' body. Burbank's right arm is extended out over his bent knee, with a taser in his right hand. The taser aiming laser is illuminated and indicates it is being aimed at the ground, away from Ellis. The officer's voices can be heard several times in a calm tone saying, "Put your hands behind your back." One of the officers also can be heard saying something like, 'you're going to get it again'. The camera operator then begins to drive off and the video ends.

Copies of the video were placed on DVD for entry into property. Prosecuting Attorney's Office Investigator, Keith Barnes, was notified of the videos and copies were provided to him.

Helmcke 03014

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.33

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	01-026 - Hotz, Jesse 6/7/2020 18:20:19
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/7/2020 20:07:19

Incident No. 2006302251.33

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	01-026 - Hotz, Jesse
Entered On:	6/7/2020 18:13:48	Approved By:	Automated Policy
Approved On:	6/7/2020 20:08:40	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

alidation Processing	Distribution Date: 6/7/2020	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: June 07, 2020 - 8:12 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		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 06-07-2020 I assisted the Pierce County criminal investigation bureau with additional canvassing in the area of 96th and Ainsworth regarding this listed case. Detective Folden and I contacted several people that live along 96th St S in Tacoma. These homes are in proximity of where the incident occurred. Among the addresses contacted include; (1440 96th St S, 1432 96th St S, 1426 96th St S, 1416 96th St S, 1410 96th St S, 1406 96th St S, 1402 96th St S, 1415 96th St S, 1425 96th St S, and 1443 96th St S). Detective Folden and I also contacted residences along 16th Ave S. Among these were; (1601 96th St Ct S, 9634 16th Ave S, 9626 16th Ave Ct S, 9622 16th Ave Ct S, 9724 16th Ave Ct S, and 9712 16th Ave Ct S). Detective Folden wrote names of the individuals we actual talked with into his officer's notebook. Of all the people contacted none were able to provide any additional information, video footage or further helpful statements regarding the incident. Nothing further.

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.34

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	Subject:	Aggravated Assault of a Public Official | Death Investigation	
IBR Disposition:	Active	Case Management Disposition:			
Forensics:		Reporting By/Date:	96-082 - Brockway, Byron 6/7/2020 21:10:48		
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/8/2020 09:29:09		

Incident No. 2006302251.34

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	96-082 - Brockway, Byron		
Entered On:	6/7/2020 20:17:50			Approved By:	Automated Policy		
Approved On:	6/8/2020 09:33:06			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
Validation Processing	Distribution Date: 6/8/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: June 08, 2020 - 5:11 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 43/1: 1898 - Document - Transcript - Other

Other Common Item:	TPD dispatch	Photographed:	
Description:	TPD dispatch transcribed	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 44/2: 1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	downloaded from CNN	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

#20-063-02251

On 06-04-20 a media release was sent attempting to identify the occupants of two vehicles seen on video surveillance during the incident. We were also attempting to locate the person in a vehicle that Manuel had flagged down in the intersection. Later on in the day, we learned of a cell phone video the appeared to be taken by the first vehicle which sounded like a female. It had been posted on the Tacoma Action Collective Twitter page. Our Media Department sent a direct message to the same twitter page telling them we would like to talk to the person who took the video in person. An e-mail contact was provided. We have not yet heard back from anyone. Since then, a female named Sara McDowell provided interviews to media that she had taken the video. On 06-07-20 we learned of an interview on CNN Sara did. I later downloaded the interview onto a CD. The interview will be transcribed. Databases were checked Sara McDowell was located in reports with a Kenyon Lowery. At around 1642 hours, Det Folden and Det Hotz attempted to contact Sara and Kenyon at their last known address of 1637 E Wright in Tacoma. The occupants moved in a month ago and did not know them.

Over the course of the investigation, I noticed a few typos in the transcript for the TPD Dispatch traffic. I had the transcript done again. I placed the transcript and interview CD into evidence at the PCSD/TPD main property room.

B. Brockway #96082/161

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.35

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.35

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	96-045 - Folden, Richard 6/8/2020 08:31:36
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/8/2020 09:07:11

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	96-045 - Folden, Richard		
Entered On:	6/7/2020 22:17:12			Approved By:	Automated Policy		
Approved On:	6/8/2020 09:08:03			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
alidation Processing	Distribution Date: 6/8/2020		County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY		City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: June 08, 2020 - 5:09 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Witness W8: White, Aiyana Aisha-Taryn

PDA:

Aliases:							
DOB:	3/2/1995	Age: 25	Sex: Female	Race: White		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	1438 96th St. S.		County:			Phone:	253-495-7659
City, State Zip:	Tacoma, WA		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Full - Time Resident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Testify:						Facial Shape:	
Witness Notes:							

Property Item No. 45/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:	CD containing audio recording and transcription	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

20-063-02251

On 06/07/2020 Detective Helmcke and I interviewed Aiyana White at the Pierce County Sheriff's Department Parkland-Spanaway Precinct. I had spoken to Aiyana briefly two days earlier about this incident and to schedule the interview. Aiyana White lives with other family members at 1438 96th St. S. It is this same address from which the previously submitted Vivint recordings emanated. Aiyana agreed to have our interview audio recorded.

Aiyana told us her parents live at that address but were out of town on March 3rd, 2020. She said aside from herself, her husband Jeremy James White, her brother Kennett Ashford-White, and her brother's wife Ivy Nina Ashford-White were the only adults present. Aiyana has three children.

On the night of March 3rd, Aiyana was trying to sleep but heard yelling noises outside. She looked outside and saw Manuel Ellis talking with police. She said he tried to get away from the police but he was shoved to the ground. She heard someone yelling from the cars behind the officers, telling them to stop.

She saw Ellis struggling to get away. Ellis was twisting his torso in an attempt to get away. She did not see Ellis punch anything but did say she saw him get punched several times.

At that point she woke her husband. She said after that she could not see much after that, only that Ellis was on the ground with police on top of him. She said other officers that arrived created a blockade and that she could no longer see Ellis. She did not see resuscitation attempts of Ellis until the fire department arrived. She, her husband, and also her brother moved to the front porch of the house to watch from there. She said Ivy never did see any of the incident.

Aiyana told us she heard Ellis say he could not breathe, about 3-4 times after he was on the ground. She also heard the sound of a taser (a conducted electrical weapon). She thought she heard it activated 5-6 times.

She told us that she had taken two cellular phone videos of the incident. The first started when the officers created the blockade. The second was after the fire department arrived. Aiyana confirmed that an officer had come to the house that night and asked if she had seen the start of the incident. She told him she had not. She did not mention the recordings she made at that time because she thought police would have in-car cameras or body cameras. The interview ended at about 1125 hours.

Aiyana agreed to provide copies of the two videos she had recorded. She and Detective Helmcke downloaded the two videos to Detective Helmcke's computer. Detective Helmcke placed the recordings into evidence. See his report.

The recording of the interview was transcribed. I created a CD that contained the interview and the transcription and placed it into evidence. See those for more complete information about the interview.

Nothing further.

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.36

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.36

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	03-014 - Helmcke, Franz 6/7/2020 23:25:52
Case Report Status:	Approved	Reviewed By/Date:	96-082 - Brockway, Byron 6/8/2020 09:07:17

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	03-014 - Helmcke, Franz		
Entered On:	6/7/2020 23:11:10			Approved By:	Automated Policy		
Approved On:	6/8/2020 09:08:07			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
Validation Processing	Distribution Date: 6/8/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: June 08, 2020 - 5:08 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Other Entity O15: Jones, Lawrence Sr.

PDA:

Aliases:							
DOB:	8/27/1940	Age: 79	Sex: Male	Race: Black		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	1609 96th St S		County:			Phone:	
City, State Zip:	Tacoma, WA 98444		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Full - Time Resident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Entity Type:	Other Individual		Reporting Statement Obtained:			Facial Shape:	
Entity Notes:							

Other Entity O16: Ly, Nhin Van

PDA:

Aliases:							
DOB:	4/14/1955	Age: 65	Sex: Male	Race: Asian/Pacific Islander		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	1617 96th St S		County:			Phone:	
City, State Zip:	Tacoma, WA 98444		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Full - Time Resident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	

Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Other Entity O17: Mayo, Brecka

PDA:

Aliases:							
DOB:	4/26/1988	Age: 32	Sex: Female	Race: White		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	1631 96th St S		County:			Phone:	
City, State Zip:	Tacoma, WA 98444		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Full - Time Resident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Entity Type:	Other Individual		Reporting Statement Obtained:			Facial Shape:	
Entity Notes:							

Other Entity O18: Vaovasa, Taofo

PDA:

Aliases:							
DOB:	5/22/1967	Age: 53	Sex: Male	Race: Asian/Pacific Islander		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:			County:			Phone:	
City, State Zip:			Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Full - Time Resident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Entity Type:	Other Individual		Reporting Statement Obtained:			Facial Shape:	
Entity Notes:							

Other Entity O19: Sea, Victoria

PDA:

Aliases:							
DOB:	11/6/1980	Age: 39	Sex: Female	Race: Asian/Pacific Islander		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	9707 Ainsworth Ave S		County:			Phone:	
City, State Zip:	Tacoma, WA 98444		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Full - Time Resident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	

Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Property Item No. 46/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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:	White cell phone video and CNN interview of McDowell		

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:

06-07-20

I assisted Detective Folden with an interview of Aiyana White at the Parkland Spanaway Precinct. White agreed to a recorded interview. White is one of the residents at 1438 96th St S who was home when this incident occurred. During the interview White told us that she had taken a couple cell phone videos of the police activity in front of her house the night. White agreed to provide us copies of the videos at the conclusion of the interview. See Detective Folden's supplemental report for details of the interview.

Regarding the videos, White allowed me to download two short videos; respectively titled IMG_1829.MOV and IMG_1830.MOV. Neither of the videos show the actual physical altercation between the officers and Manuel Ellis, but only the aftermath.

Video IMG_1829.MOV was taken 03-03-20 23:32:05 PST. The video is 14 seconds long and one can see a group of about 10 officers in front of the involved officer's SUV. A couple of the officers appear to be kneeling down and what I believe is Ellis' yellow pants can be seen next to them. It's possible that a white colored object visible by the officers is part of the spit hood that was applied to Ellis' head.

Video IMG_1830.MOV was taken 03-03-20 23:45:02 PST. The video is 57 seconds long and again shows the same view of officers standing in front of the patrol SUV; this time with some firefighters/paramedics also on scene. Several fire personnel and officers can be seen kneeling on the ground administering aid to and performing chest compressions on Ellis.

After the interview I was tasked with downloading a copy of a CNN interview of Sara McDowell. McDowell is the woman who was in the vehicle that pulled up behind the police SUV when the altercation was occurring and took some cell phone video of what was occurring. McDowell has yet to contact investigators and provide her account of what she observed. This video, along with the video's from White's phone, were put on CD for entry into property.

This same day I assisted with a re-canvass of the neighborhood where this incident occurred. I contacted the following residences:

1451 96th St S - no answer; windows were open and vehicles outside
1609 96th St S - spoke to Lawrence Jones Sr who said he was not at home the night of the incident
1617 96th St S - spoke to Nhin Ly who said he was home, but did not see or hear anything
1631 96th St S - spoke to Brecka Mayo who said she and her husband Nicholas were home, but asleep and did not see or hear anything
1645 96th St S - no answer
1640 96th St S - no answer but noticed some security cameras. The cameras did not appear to be in a position to cover the 96th/Ainsworth intersection, but I left a business card in case
9608 16th Ave Ct S - residents were home, but did not see or hear anything
1609 96th St Ct S - spoke to Taofo Vaovasa who said he did not see or hear anything
9623 16th Ave S - no answer
9713 16th Ave S - no answer
9707 Ainsworth Ave S - spoke to Victoria Sea who said she did not see or hear anything

Helmcke 03014

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.37

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.37

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	94-032 - Catey, Thomas 6/8/2020 12:34:29
Case Report Status:	Reviewed	Reviewed By/Date:	96-082 - Brockway, Byron 6/8/2020 17:07:07

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	94-032 - Catey, Thomas		
Entered On:	6/8/2020 10:58:51			Approved By:			
Approved On:				Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
Validation Processing	Distribution Date:		County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By:		City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: June 08, 2020 - 5:07 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		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 06/07/20, I assisted in a re-canvas of the area of this incident 96th St S and Ainsworth Ave S as part of this investigation.

At 1355 hours, I contacted Carlos Garcia at 1447 96th St S. He confirmed he was home on 03/03/20 on the evening of the incident. Carlos informed me that he heard yelling which woke him up. He did not get out of bed and went back to sleep. He did not recall what was said only that there was yelling. Carlos also denied having any video.

At 1359 hours, I attempted contact at 1605 96th St S. A for sale sign was posted in the front yard of the residence. I got no answer at the door. The residence appeared vacant as there were no observable possessions inside the residence which appeared to be under renovation.

At 1404 hours, I contacted Jeansid Leonor at 1611 96th St S. She informed me that she was at home on 03/03/20 but was sleeping. She was unaware of the activity which occurred. I also spoke with her father who informed me he was at work on 03/03/20. He also confirmed no other adults in the home had any information related to the incident. They also denied any video of the incident.

At 1414 hours, I contacted Charlotte Jamison and Charles Jamison at 1627 96th St S. Both informed me that they were home on 03/03/20 but were sleeping. Neither Charlotte nor Charles had any information to provide regarding the incident. Both also denied any video of the incident.

At 1419 hours, I contacted Zach Baker and Shawna Baker at 1639 96th St S. Zach told me that he was home on 03/03/20. He left for work at 0300 hours and observed the police activity in the area of the

intersection but had no information as to what occurred. Shawna told me that she was probably home but sleeping and had no information related to what occurred. The both denied having any video of the incident.

At 1434 hours, I attempted to contact the residents at 9606 16th Ave Ct S. There was no answer at the door. I left my business card on the door.

At 1434 hours, I attempted to contact the residents at 1611 16th St Ct S. There was no answer at the door. I could hear a dog barking loudly inside the residence. I left my business card on the door.

At 1440 hours, I contacted Savtuan Rhodes at 9621 16th Ave S. He was seated in his vehicle in the driveway. He had no information related to the incident and informed me he was at work at the time of the incident. He also confirmed he had no video of the incident.

At 1443 hours, I contacted Caroline Waweru at 9711 16th Ave S. Caroline informed me she had no information to provide related to this incident. She also confirmed she did not have any video related to the incident.

At 1450 hours, I contacted a large family playing bingo in the garage at 1525 98th St S. I asked if everyone in the garage lived at the residence and they responded that they did. No one in the group had any information to provide related to the incident. They also confirmed they had no video related to the incident.

I cleared the area at about 1500 hours.

It should be noted that on 03/04/2020 between 0600 hours and 0623 hours, I had also conducted an area canvas after completing interviews related to this incident.

I attempted to contact occupants of the following residences in the area

- 1432 96th St S, No answer, No visible video cameras
- 1426 96th St S, No answer, No visible video cameras
- 1601 96th St S, No answer, No visible video cameras
- 1605 96th St S, Unoccupied, appears under renovation
- 1609 96th St S, No answer, No visible video cameras
- 1611 96th St S, No answer, No visible video cameras
- 1617 96th St S, Locked gate unable to make contact
- 9606 16th Ave Ct S, No answer, No visible video cameras
- 9608 16th Ave Ct S, contact with Mike Melai who had just arrived home from work. Not present at time of incident.

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.38

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.38

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	00-001 - Dos Remedios, Patrick 6/8/2020 17:54:33
Case Report Status:	Reviewed	Reviewed By/Date:	96-082 - Brockway, Byron 6/9/2020 09:08:14

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	00-001 - Dos Remedios, Patrick
Entered On:	6/8/2020 17:49:15	Approved By:	
Approved On:		Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date:	County Pros. Atty.	Juvenile	Other	CPS		Supervisor:
	By:	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: June 09, 2020 - 9:09 AM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Other Entity O20: Lux, Kimberly M

PDA:

Aliases:							
DOB:	3/15/1987	Age: 32	Sex:	Female	Race: White	Ethnicity:	Non-Hispanic
Height:	5' 4"	Weight: 160	Hair Color:	Brown		Eye Color:	Brown
Address:	3640 E. I St		County:			Phone:	253-487-4471
City, State Zip:	Tacoma, WA 98404		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	Nonresident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Entity Type:	Other Individual		Reporting Statement Obtained:			Facial Shape:	
Entity Notes:							

Property Item No. 47/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:	Lux interview	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	**PCSD HQ CID Hallway**	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:	CD-R containing audio recording and transcription of interview with Kimberly Lux on 06-08-2020.		

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 06-08-2020 at approximately 1010 hours, Detective Minion #241 and I sat down with Kimberly M. Lux in an interview room at the Pierce County Sheriff's Department headquarters. Kimberly agreed to have the interview audio recorded. The recorded interview began at 1015 hours. I asked Kimberly to tell us what she knew about Mr. Ellis and she stated that he is a good man. She said they were in group together for treatment but she knew him prior to that. Kimberly said she has known him about 10 years. She talked about being in recovery together during her last 6 months and that he was changing his life, going to church and doing right. She said he was living in a clean and sober house and everyday came in with a smile.

Kimberly said they met through a mutual friend and they used to hang out. She said during the 10 years it was off and on that they would hang out but stated he was always a good guy and describe him as being caring, charismatic, always smiling and a happy person. She stated there was nothing about

him that she did not like. Kimberly talked about their most recent interactions which occurred during their group meetings. She stated they were in group together about 6 months but she was not sure exactly how long it was. She talked about him doing good, talking with his family again, being involved in church and living in the clean and sober house. Kimberly said that she did not know his family too well, but he talked about seeing his family. She stated that she did not know if he had kids or a wife.

I asked Kimberly if there was something that she felt was important for us to know and she talked about everyone having a past. She said she saw him on drugs and not on drugs. She described him as always happy. Kimberly said that she did not believe what she saw on the news because it was not his character to lash out for no reason. She stated that he has always been a happy, nice, respectful person to everybody. She said that even when he was high, he was not irate and she never saw him yell at anyone. Detective Minion asked what his drug of choice was and she told us that it was Methamphetamine. She stated that while in treatment she never saw him relapse and have never heard of it happening to him. Kimberly talked about him hanging out with people in recovery and he was really doing good.

Kimberly stated that group sessions were twice a week and each session was about 2 ½ hours. She said that the group size would vary but it was usually pretty small.

Kimberly did talk about the incident and told us that Cedric called her and told her that Manny died. She talked about being told that he went to get food and died a couple hours later. Kimberly said she saw him earlier at group, which she thought was the prior Friday. She said she just could not believe that he was banging on a car. She said it was out of character for him to resist.

I asked Kimberly if she had anything further she would like to add and she stated she did not. I confirmed with her that the person we were talking about during the interview as Manuel Ellis and she said yes, but she calls him Manny. Just prior to the end of the recording Kimberly stated that she did not think he deserved it. She said she thought it was the police doing in her opinion and that they "restrained him too much and killed him." She finished by saying that it could have been avoided.

The recorded interview was ended at 1045 hours on June 8, 2020.

I submitted the recorded interview to be transcribed. See transcript for full interview details.

I burned the recorded interview and completed transcription to a CD-R. I placed the CD-R into evidence at the main property room.

Nothing follows.

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.39

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.39

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	03-014 - Helmcke, Franz 6/9/2020 08:05:43
Case Report Status:	Reviewed	Reviewed By/Date:	96-082 - Brockway, Byron 6/9/2020 09:08:12

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

ffense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	03-014 - Helmcke, Franz
Entered On:	6/9/2020 07:54:22	Approved By:	
Approved On:		Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

alidation Processing	Distribution Date:	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By:	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: June 09, 2020 - 9:10 AM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Witness W9: Mcdowell, Sara Christine

PDA:

Aliases:							
DOB:	3/20/1997	Age: 23	Sex: Female	Race: White		Ethnicity:	Non-Hispanic
Height:	5' 4"	Weight: 142	Hair Color:			Eye Color:	
Address:	1637 E Wright Ave		County:			Phone:	
City, State Zip:	Tacoma, WA		Country:			Business Phone:	
Other Address:						Other Phone:	253-495-4291
Resident:	Nonresident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:	Code 1(c)		Driver License State:	Washington		Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Testify:						Facial Shape:	
Witness Notes:							

Witness W10: Lowery, Keyon Deshaun Scott

PDA:

Aliases:							
DOB:	1/15/1997	Age: 23	Sex: Male	Race: Black		Ethnicity:	Non-Hispanic
Height:	5' 10"	Weight: 170	Hair Color:			Eye Color:	
Address:	1637 E Wright Ave		County:			Phone:	
City, State Zip:	Tacoma, WA		Country:			Business Phone:	
Other Address:						Other Phone:	253-777-2116
Resident:	Nonresident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:	Code 1(c)		Driver License State:	Washington		Driver License Country:	

Attire:		Complexion:	
SMT:		Facial Hair:	
Testify:		Facial Shape:	
Witness Notes:			

Property Item No. 48/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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:	Media interview video and transcript of Sara McDowell		

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:

06-08-20

Since Sara McDowell still has not made herself available for an interview with detectives, the following statements made by McDowell are taken from two media interviews she did after the medical examiner released his report. Both interviews were transcribed.

CNN interview with Chris Cuomo on June 5th. McDowell said, "I seen the officer open the door so hard and get out and knock him to the ground... he was just being really aggressive, the passenger police officer..." Cuomo told McDowell what PIO Ed Troyer said about the incident and asked, "Were you there during the time frame where you can assess whether or not that's how this initial situation happened?" McDowell replied, "That absolutely did not happen. They were both in the car and Manny was standing away from the car. He didn't touch the vehicle. I saw Manny at the beginning when he was walking down the sidewalk. And the police officers got his attention, whatever. Manny walked to the car a little bit, he wasn't touching it, nothing. Turned around and was going back to the sidewalk when the officer opened the door and smacked him and made him fall."

Cuomo then asked McDowell, "... are you sure that was the beginning of the situation? Is there any chance you came late to it?" McDowell stated, "No, positive. And it wouldn't make sense to me if the police officers, if that all happened and the police, why would the police officers get back into their cars, like why would they... get back in there."

CBS News interview on KIRO7 on June 4th or 5th. McDowell stated the following, "The driver cop ran around in front of the car and grabs Manny and literally like flips him over, like body slams him and knocks him onto the ground. And his head like hit back and it looked like he hit the curb... He starts punching him like in the face, just punching and punching him, and he punched him about ten times... They were tasing him too, like you could just hear all the commotion."

Helmcke 03014

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.40

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	96-045 - Folden, Richard 6/9/2020 09:18:19
Case Report Status:	Reviewed	Reviewed By/Date:	96-082 - Brockway, Byron 6/9/2020 14:26:31

Incident No. 2006302251.40

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	96-045 - Folden, Richard		
Entered On:	6/9/2020 09:11:29			Approved By:			
Approved On:				Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
Validation Processing	Distribution Date:		County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By:		City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: June 09, 2020 - 2:27 PM

Printed By: 082 - Brockway, Byron

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Witness W11: Ashford-White, Kennett Chance Leighton

PDA:

Aliases:							
DOB:	10/29/1993	Age: 26	Sex: Male	Race: White		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	701 115th St. S #3		County:			Phone:	253-328-2939
City, State Zip:	Tacoma, WA 98444		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:	
Testify:						Facial Shape:	
Witness Notes:							

Property Item No. 49/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:	CD containing interview and transcript of Kennett Ashford-White	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

20-063-02251

On 06/08/2020 Detective Helmcke and I met with Kennett Ashford-White at the Pierce County Sheriff's Department Parkland-Spanaway Precinct. I had spoken with him briefly on 06/05/2020 to arrange the interview and he had told me briefly then what he had seen on 03/03/2020. Kennett lived at that time at 1438 96th St. S. but has since moved to another address. Kennett agreed to have the interview audio recorded. The interview started at 1202 hours.

Kennett said he and his wife Ivey lived on the third floor of the house. He said he was awake playing video games and heard noise outside. It should be noted that Kennett said his wife slept through the incident and he did not wake her due to her work schedule. Kennett heard a female that was in a brown car yelling don't punch him, just arrest him. From his vantage point on the third floor he could see a police car that was present but could not see persons in front of the car because there was a utility pole blocking the view. He went downstairs and looked out another window. He was now able to see Manuel Ellis on his

knees and police officers making an effort to get him to the ground. Ellis did go to the ground, face oriented down. Kennett saw two officers trying to keep Ellis down and handcuff him. One officer was on Ellis' left side and the other was on the right side, slightly further back than the other officer. He noted that Ellis was able to lift up and that he manhandled the officers, despite them having kit (gear) on. Ellis said he knew from his time in the Marine Corp that kit was not light.

Kennett also remembered the sound of a Taser (Conducted Electricity Weapon) being discharged 3-4 times. He said Ellis was restrained by the time the third and fourth officers arrived at the incident. Kennett said he heard Ellis say he could not breathe He thought that eventually about 12 police cars arrived. He saw CPR being performed on Ellis by a police officer. The officer was later relieved by fire department personnel. He said the combined efforts of CPR totaled over 15 minutes.

He tried checking the Vivint security camera at the house so see what had happened previously but found that it had not been triggered until the brown car had arrived and so had not captured anything earlier related to the incident. Kennett thought it was the third officer that showed up at the incident that had come to his house to ask if they had seen what had occurred from the beginning and he offered to show him the video that the security camera had caught. Kennett said he did not record any cellular phone video.

The interview ended at 1226 hours. The recorded interview was transcribed. I created a CD that contained the interview and the transcription. That CD was placed into evidence.

Nothing further.

Reviewed By:	Reviewed Date:

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.41

Jurisdiction Agency: Tacoma Police Department

Incident No. 2006302251.41

PDA: Yes | Homeland Security: No | Subject: Aggravated Assault of a Public Official | Death Investigation

IBR Disposition: Active
Case Management Disposition:
Forensics:
Reporting By/Date: 03-014 - Helmcke, Franz 6/10/2020 15:41:27
Case Report Status: Approved
Reviewed By/Date: 94-003 - Loeffelholz, James 6/10/2020 15:55:46

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address: 96th St S And Ainsworth Av S
City, State, Zip: Tacoma, WA 98444
Contact Location:
Recovery Location:
CB/Grid/RD: 437 - Tacoma
Occurred From: 3/3/2020 23:22:00 Tuesday
Notes:

Location Name:
Cross Street:
City, State, Zip:
City, State, Zip:
District/Sector: TA44 - Tacoma
Occurred To:

Offense Details: 0810 - Death Investigation

Domestic Violence: No | Child Abuse: | Gang Related: No/Unknown | Juvenile:
Completed: Completed | Crime Against: | Hate/Bias: None (No Bias)
Cargo Theft: | Criminal Activity: | Using:
Location Type: Street/Right of Way | Type of Security: | Tools:
Total No. of Units Entered: | Evidence Collected:
Entrance Compromised: Not Applicable
Entry Method:
Suspect Description:
Suspect Actions:
Notes:

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence: No | Child Abuse: | Gang Related: No/Unknown | Juvenile:
Completed: Completed | Crime Against: PE | Hate/Bias: None (No Bias)

Call Source: Dispatched
Phone Report:
Insurance Letter:
Entered On: 6/10/2020 15:34:28
Approved On: 6/10/2020 15:58:03
Adult/ Juvenile Clearance:
Additional Distribution:

Assisted By:
Notified:
Entered By: 03-014 - Helmcke, Franz
Approved By: Automated Policy
Exceptional Clearance:
Exceptional Clearance Date:
Other Distribution:

Validation Processing	Distribution Date: 6/10/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial	

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

Printed: June 15, 2021 - 8:08 AM
Printed By: Roberts, GaryJ

Cargo Theft:	Criminal Activity:		Using:
Location Type:	**Street/Right of Way**	Type of Security:	Tools:
Total No. of Units Entered:		Evidence Collected:	
Entrance Compromised:			
Entry Method:			
Suspect Description:			
Suspect Actions:			
Notes:			

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

Offense:	**1309 - Assault - Aggravated - Public Official - Strongarm**	Serial No:	
Offender:		OAN:	
Weapon:	**Personal Weapon (hands, fists, feet, etc.)**	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 50/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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: WSP Trooper report and CAD info

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:

06-10-20

I received a copy of a Washington State Patrol incident detail report (2020030300002993) regarding WSP's backup response to this incident on March 3rd, 2020. According to the incident details, WSP dispatched backup units at 23:24 hours. It appears that a total of 8 Troopers began to respond as backup units, however, only one actually made it to the scene. The other 7 Troopers had not yet arrived when the backup request was cancelled at 23:27 hours. These 7 Troopers went back into service.

Trooper K. Jones #767 was the only Trooper who made it to 96th/Ainsworth Ave S. Included with the incident detail report was a Report of Investigation authored Trooper Jones; the report was dated 06-10-2020.

Trooper Jones wrote, "On March 3rd, 2020, I was on duty in Pierce County from 1800-0400 hours. On this day, I was in full WSP uniform and operating a fully marked patrol vehicle. At approximately 2324 hours, WSP Communications advised they were receiving portable radio "clicks" (radio transmissions) and heard yelling through a Tacoma Police officer's portable radio. No further details were available, only the incident was near 96th St and Ainsworth Ave.

At approximately 2327 hours, I arrived on scene. I observed multiple Tacoma Police and Pierce County Sheriff's Department vehicles blocking the roadway. As I exited my vehicle, I spoke with a Lakewood Police officer. He advised they had one male detained after he began kicking a police vehicle while it was in the roadway. The male began assaulting an officer as he exited the vehicle.

On the north side of the roadway, near the sidewalk, I observed a male lying on his stomach detained in handcuffs. He was screaming and appeared to be striking the pavement with his head. I overheard several officers attempting to speak with and calm him; however it did not appear to be working as he continued to scream and struggle. Due to multiple officers on scene, I did not involve myself in the incident or have any contact with the detained male.

I spoke with the Lakewood Police officer for several minutes, as he too is a K9 handler. At approximately 2333 hours, I cleared the scene. As I turned southbound onto Ainsworth Ave, I observed medial aid vehicles arriving on scene."

Copies of these documents will be entered into property, along with copies added to the case file.

Helmcke 03014

Reviewed By:	Reviewed Date:

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.42

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.42

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	96-045 - Folden, Richard 6/11/2020 14:17:28
Case Report Status:	Approved	Reviewed By/Date:	96-024 - Roberts, Kevin 6/12/2020 09:28:46

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	96-045 - Folden, Richard		
Entered On:	6/11/2020 13:50:50			Approved By:	Automated Policy		
Approved On:	6/12/2020 09:33:05			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
alidation Processing	Distribution Date: 6/12/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: June 12, 2020 - 12:45 PM

Printed By: 014 - Helmcke, Franz

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Witness W10: Lowery, Keyon Deshaun Scott

PDA:

Aliases:							
DOB:	1/15/1997	Age: 23	Sex: Male	Race: Black		Ethnicity:	Non-Hispanic
Height:	5' 10"	Weight: 170	Hair Color:			Eye Color:	
Address:	1632 E Wright Ave		County:			Phone:	253-906-3249
City, State Zip:	Tacoma, WA		Country:			Business Phone:	
Other Address:						Other Phone:	253-777-2116
Resident:	Nonresident		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:	Code 1(c)		Driver License State:	Washington		Driver License Country:	
Attire:						Complexion:	
SMT:						Facial Hair:	
Testify:						Facial Shape:	
Witness Notes:							

Other Entity O12: Everson, Mendel Roi

PDA:

Aliases:							
DOB:	4/23/1985	Age: 34	Sex: Male	Race: White		Ethnicity:	Non-Hispanic
Height:		Weight:	Hair Color:			Eye Color:	
Address:	119 N. Yakima Av. #203		County:			Phone:	
City, State Zip:	Tacoma, WA		Country:			Business Phone:	
Other Address:						Other Phone:	253-441-8430
Resident:	Unknown		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	

Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Other Entity O21: Newton, Holly Ann

PDA:

Aliases:									
DOB:	12/10/1979	Age:	40	Sex:	Female	Race:	White	Ethnicity:	Non-Hispanic
Height:		Weight:		Hair Color:				Eye Color:	
Address:	1632 E. Wright St.			County:				Phone:	425-691-8170
City, State Zip:	Tacoma, WA			Country:				Business Phone:	
Other Address:								Other Phone:	
Resident:	Full - Time Resident			Occupation/Grade:				Employer/School:	
SSN:								Place Of Birth:	
Driver License No:				Driver License State:				Driver License Country:	
Attire:								Complexion:	
SMT:								Facial Hair:	
Entity Type:	Other Individual			Reporting Statement Obtained:				Facial Shape:	
Entity Notes:									

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	

Narrative:

On 06/08/2020 at about 0845 hours I left a voicemail message at the office of attorney James Bible. In the message, I asked for Mr. Bible's assistance in contacting Sara McDowell. I did not have any contact with Mr. Bible.

On 06/08/2020 at about 1330 hours Det. Dos Remedios and I contacted Mendel Everson at his apartment. Mr. Everson told me he did not want to talk about this incident. I told him I would like to ask him a question and he could choose whether he answered or not. I asked him if he had been with Manuel Ellis on 03/03/2020. He told me he had been with him that day but they had parted ways at about 2130 hours. He was not present when Manuel Ellis had contact with the Tacoma Police Department officers later.

We next went to Keyon Lowery's mother's apartment in University Place in an attempt to contact Keyon Lowery. She was not home but Keyon Lowery's brother gave me his mother's phone number. He said his mother may know how to contact Keyon Lowery. I called the number but there was no answer.

On 06/08/2020 at about 1530 hours Det. Dos Remedios and I contacted Keyon Lowery at 1632 E. Wright St. in Tacoma. When I knocked on the door, Holly Newton answered. She called for Keyon Lowery to come to the porch. Holly Newton said that Sara McDowell was out with her children but she expected her back later. Keyon Lowery was in the middle of playing a game on his cellular phone. He said he would like to come to the Sheriff's Department to make a statement about what he had seen on 03/03/2020 pertaining to Manuel Ellis. He gave me his phone number and asked me to call him between 1700 and 1730 hours to make arrangements. I called the number just after 1700 hours and got no answer. I called Holly Newton and she answered. She told me that Sara McDowell and Keyon Lowery were on a conference call with an attorney. She said that she thought they would not be making a statement until they had made arrangements to have an attorney present.

It should be noted that this report updates addresses and contact information for Mendel Everson and Keyon Lowery.

Nothing further.

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.43

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:	No	Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.43

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	96-082 - Brockway, Byron 6/25/2020 12:28:01
Case Report Status:	Approved	Reviewed By/Date:	96-024 - Roberts, Kevin 6/25/2020 13:24:06

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched			Assisted By:			
Phone Report:				Notified:			
Insurance Letter:				Entered By:	96-082 - Brockway, Byron		
Entered On:	6/25/2020 10:56:52			Approved By:	Automated Policy		
Approved On:	6/25/2020 13:28:02			Exceptional Clearance:			
Adult/ Juvenile Clearance:				Exceptional Clearance Date:			
Additional Distribution:				Other Distribution:			
Validation Processing	Distribution Date: 6/25/2020	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.	Military	DSHS	PreTrial		

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

Printed: June 25, 2020 - 1:28 PM

Printed By: 014 - Helmcke, Franz

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		OAN:	
Weapon:	Personal Weapon (hands, fists, feet, etc.)	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Witness W12: Hayes, Shad W

PDA:

Aliases:							
DOB:	8/30/1965	Age: 54	Sex: Male	Race: White		Ethnicity:	Non-Hispanic
Height:	Weight:		Hair Color:			Eye Color:	
Address:	1433 96th St S		County:			Phone:	360-789-6441
City, State Zip:	Tacoma, WA 98444		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:	
Testify:						Facial Shape:	
Witness Notes:							

Property Item No. 51/1: 1899 - Document - Other Miscellaneous Document

Other Common Item:	case file documents	Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	**South Hill Precinct**	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:

Narrative:

#20-063-02251

On 03-20-2020 around 1300 hours, I provided Dr Clark with an initial timeline of significant events in this case. Over the course of the investigation, I reviewed the Fire Records, Fire radio traffic, Fire patient records, Fire CAD, surveillance video times, taser times, radio transmission times from TPD/PCSD, CAD times, reports and witness statements. I had rechecked these items several times. On 06-06-20 located a radio transmission time for TPD Officer Farinas arriving, he was the Officer that placed the spit mask on Manuel Ellis. This time was later than the initial timeline. I also updated the timeline with a radio transmission from Sgt Lim where "I can't breath" is heard in the background. The timeline was updated in the power point overview. I updated Prosecutor Investigator Barnes and Lt Roberts on the timeline update. On 06-09-20 I updated Dr Clark by phone after scheduling an appointment. Dr Clark said he was no longer the M.E. I updated him on the timeline. He said he would pass on the information to the current M.E.

I added the contact information for witness Shad Hayes in this report. I booked the working documents from my case file into evidence at the S Hill precinct. This case was turned over to the Washington State Patrol for their investigation.

B. Brockway #96082/161

Reviewed By:		Reviewed Date:	

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.45

Jurisdiction Agency: Tacoma Police Department

PDA:	Yes	Homeland Security:		Subject:	Aggravated Assault of a Public Official | Death Investigation

Incident No. 2006302251.45

IBR Disposition:	Active	Case Management Disposition:	
Forensics:		Reporting By/Date:	11-034 - Youngman, Jason 8/27/2020 21:30:24
Case Report Status:	Approved	Reviewed By/Date:	11-034 - Youngman, Jason 9/4/2020 05:25:13

Related Cases:

Case Report Number	Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Street/Right of Way			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:	Not Applicable						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Offense Details: 1309 - Assault - Aggravated - Public Official - Strongarm

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed			Crime Against:	PE	Hate/Bias:	None (No Bias)

Call Source:	Dispatched	Assisted By:	00-046 - Messineo, Anthony
Phone Report:		Notified:	
Insurance Letter:		Entered By:	11-034 - Youngman, Jason
Entered On:	8/27/2020 20:43:42	Approved By:	Automated Policy
Approved On:	9/4/2020 05:28:03	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	

Validation Processing	Distribution Date: 9/4/2020	County Pros. Atty.		Juvenile		Other	CPS	Supervisor:
	By: AUTOMATED POLICY	City Pros. Atty.		Military		DSHS	PreTrial	

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

Printed: September 10, 2020 - 10:44 AM

Printed By: 007 - Lawrence, Gerald

Cargo Theft:		Criminal Activity:		Using:	
Location Type:	Street/Right of Way	Type of Security:		Tools:	
Total No. of Units Entered:		Evidence Collected:			
Entrance Compromised:					
Entry Method:					
Suspect Description:					
Suspect Actions:					
Notes:					

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

Offense:	1309 - Assault - Aggravated - Public Official - Strongarm	Serial No:	
Offender:		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 3-3-20 I was working for the Pierce County Sheriffs Department as a Central Patrol Graveyard Supervisor. At around 2337 Lt. Messineo requested a fingerprint scanner be brought to the scene of this incident. I retrieved said device from the Parkland Spanaway Precinct and responded to the scene. I handed the device to Lt. Messineo. At the time of my arrival I could see Fire units performing CPR on a subject lying in the roadway.

Lt. Messineo described to me that the subject had been hot to the touch, had earlier been making loud animal like noises, and had been in a prolonged struggle with multiple officers. As a Defensive Tactics Instructor also trained in recognizing possible Excited Delirium Syndrome I recognized both of these as possible symptoms of a person experiencing Excited Delirium Syndrome.

I suggested to an on scene Tacoma Police Lieutenant that internal body core temperature and blood samples are good evidence to collect when EXDS is suspected. At the request of that Lt. I attempted to have one of our Deputies trained as a phlebotomist respond to the scene to facilitate the drawing of a blood sample if needed. I later cancelled this request when a member of the Fire crew advised that since the subject had now been pronounced deceased they could not take the internal core temperature or blood samples without consent of the ME.

I cleared the scene and responded to the Parkland Spanaway Precinct to unlock the door for a couple of Tacoma units that were instructed to wait there for Detectives. I did not discuss the incident with any of them. I then went back to work and got busy performing my supervisory duties.

	Due to my very limited involvement with this incident I did not initially think to write a supplemental report. I didn't consider it after that. I was later advised by Chief Lawrence that I needed to write a report to document my involvement on the call.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

08/27/2020 Pierce County, WA 11-034 - Youngman, Jason

Reviewed By:		Reviewed Date:	

TAB 9

Pierce County Sheriff Department Supplemental Report

Incident No. 2006302251.21

Jurisdiction Agency: Tacoma Police Department

PDA:		Homeland Security:		Subject:	Death Investigation
IBR Disposition:	Active	Case Management Disposition:			
Forensics:		Reporting By/Date:	ME01 - Examiner, Medical 3/20/2020 14:15:10		
Case Report Status:	Submitted	Reviewed By/Date:			

Incident No. 2006302251.21

Related Cases:

Case Report Number	Agency
20-0519	PCMEO

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count

Location Address:	96th St S And Ainsworth Av S	Location Name:	
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	437 - Tacoma	District/Sector:	TA44 - Tacoma
Occurred From:	3/3/2020 23:22:00 Tuesday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:	Gang Related:	No/Unknown	Juvenile:	
Completed:	Completed		Crime Against:		Hate/Bias:	None (No Bias)
Cargo Theft:		Criminal Activity:			Using:	
Location Type:	Street/Right of Way		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
Entrance Compromised:	Not Applicable					
Entry Method:						
Suspect Description:						
Suspect Actions:						
Notes:						

Property Item No. 14/1: 20526 - Evidence - Blood Spot Card/FTA - ME Medical Examiner

Other Common Item:		Photographed:	
Description:	FTA Card	Fingerprinted:	
Quantity:	1	Contents Sampled:	

Call Source:	Dispatched	Assisted By:						
Phone Report:		Notified:						
Insurance Letter:		Entered By:	19028 - McDonough, Celeste					
Entered On:	3/20/2020 14:05:19	Approved By:						
Approved On:		Exceptional Clearance:						
Adult/ Juvenile Clearance:		Exceptional Clearance Date:						
Additional Distribution:		Other Distribution:						
Validation Processing	Distribution Date:	County Pros. Atty.		Juvenile		Other	CPS	Supervisor:
	By:	City Pros. Atty.		Military		DSHS	PreTrial	

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

Printed: April 03, 2020 - 1:42 PM

Printed By: 082 - Brockway, Byron

Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 15/2: 3301 - Evidence - Fingerprint Card

Other Common Item:		Photographed:	
Description:	**Finger Prints R & L**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 16/3: 1499 - Clothing - Other

Other Common Item:	**Sweatshirt**	Photographed:	
Description:	**Sweatshirt**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 17/4: 1404 - Clothing - Pants

Other Common Item:		Photographed:	
Description:	**Pants**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 18/5: 1499 - Clothing - Other

Other Common Item:	**Shorts**	Photographed:	
Description:	**Shorts**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 19/6: 1408 - Clothing - Socks

Other Common Item:		Photographed:	
Description:	**Socks**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 20/7: 1406 - Clothing - Shoes

Other Common Item:		Photographed:	
Description:	Shoes L & R	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	PCSD/TPD Main Property Room	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. 21/8: 10999 - Other - Evidence

Other Common Item:	Taser Wire	Photographed:	
Description:	Taser Wire	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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. 22/9: 10999 - Other - Evidence

Other Common Item:	**Spit Hood (Headwear)**	Photographed:	
Description:	**Spit Hood (Headwear)**	Fingerprinted:	
Quantity:	**1**	Contents Sampled:	
Finding Location:		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:	**PCSD/TPD Main Property Room**	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	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:

Narrative: Evidence collected from Manuel Ellis submitted by the Pierce County Medical Examiner's Office. Inventoried by Eric Pong.

Reviewed By:		Reviewed Date:	

AGENCY: X PCSD _TPD OTHER _____ DATE 03-10-2020

PROPERTY ROOM USE ONLY | PAGE

20-063-02251

PROPERTY REPORT

TYPE OF CRIME Death Investigation

X EVIDENCE ☐ FOUND LABORATORY WORK REQUIRED: YES

☐ SAFEKEEPING OWNER UNKNOWN CENSUS DIST.

RELATED CASE NO. PCMEO: 20-0519

PROPERY OBTAINED FROM: ADDRESS
Pierce County Medical Examiner's Office

PHONE (253) 798-6494

Inventoried By: Eric Pong

VICTIM	LAST NAME	FIRST	MIDDLE
	Ellis	**Manuel**	
	STREET ADDRESS	CITY	PHONE

SUBJECT	LAST NAME	FIRST	MIDDLE
	STREET ADDRESS	CITY	PHONE

PROPERTY INVENTORY

ITEM	PROPERTY DESCRIPTION/LOCATION	F/O	QTY	SERIAL NO	R/D	PROPERTY ROOM USE ONLY LOCATION	PROPERTY ROOM USE ONLY RECEIPT NO
1	FTA Card		1				
2	Finger Prints R & L		1				
3	Sweatshirt		1				
4	Pants		1				
5	Shorts		1				
6	Socks		1				
7	Shoes L & R		1				
8	Taser Wire		1				
9	Spit Hood (Headwear)		1				

PROPERTY SUBMITTED BY: _____ UNIT NO P C M E O DATE _____ TIME _____

ADDITIONAL DESCRIPTIONS OR COMMENTS:

PROPERTY ROOM USE ONLY

PROPERTY RECEIVED: METHOD ME BY: CM19028 DATE: 3.2020

PROPERTY INVENTORIED BY: _____ UNIT NO. _____ DATE: _____

TAB 10

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 03/04/2020 Beginning Time 0313 Hours Ending Time 0355 Hours

Location PCSP PARKLAND/SPANAWAY PRECINCT Officer DET. SGT. T. CATEY, #166/94-032

Name of Subject LT. ANTHONY MESSINEO Date of Birth

Q This is Detective Sergeant Tom Catey, with the Pierce County Sheriff's Department, unit number 166. County number 94-032. The date is March 4th, 2020 and the time is 0313 hours. We're here today at the Parkland/Spanaway Precinct regarding investigation 20-063-02251. We're speaking today with Lieutenant Anthony Messineo. Anthony, do I have your permission to record this interview?

A Yes, you do.

Q Have there been any threats or promises made to you regarding the taping of this statement?

A No.

Q Okay. For the tape can you go ahead and pronounce and spell your full name?

A Yes. First name is Anthony, common spelling. Last name is Messineo, M-E-S-S-I-N-E-O.

Q Okay. Also present for the interview is Detective Jesse Hotz, with the Pierce County Sheriff's Department and Keith Barnes, with the Prosecutor's Office. Okay. And we do have your permission to make, record this interview?

A Yes.

Q Okay. All right. We're here today talkin' about an incident that occurred out in the area of 96th and Ainsworth. I understand you were involved in that today?

A Yes.

Q Okay, can you just kinda run me through real quick what happened out there?

A Yes. I was working off-duty at a nearby apartment complex when I heard dispatch ACB a call that Tacoma Police were fighting with one at 96th Street South and Ainsworth.

Q Okay.

A And Detective Sergeant Gary Sanders was with me, he was actually work, working PLU off-duty. He came over to chat with me when this occurred. I looked at the call and saw that the initial unit from TPD were the only ones on the scene, no one else was there.

Q Okay.

A I told Sergeant Sanders, let's go. And we drove the maybe less than half a mile to the scene and saw just a couple, two Officers holding down the suspect on the street in the middle of the intersection. I arrived first. Gary, Sergeant Sanders was right behind me. We get out, we get to the two officers. At that point there's another two Officers on scene, Tacoma Officers. So a total of four Tacoma Officers and myself and Sergeant Sanders. They were holding down the suspect in the middle of the intersection and they made the comment that they're trying to handcuff him. Seconds later they were able to handcuff the suspect. He was thrashing around and attempting to resist. He was making animalistic noises and grunts while he was thrashing around on the ground therefore, they asked, one of the Officers asked if somebody had a hobble. I saw one of the Officers run eastbound to a car and then come back with a hobble. The suspect was thrashing around, kicking his legs so one Off, one of the Officers pushed his legs up towards his back and Sergeant Sanders held the feet. At this point there was four Officers controlling the suspect and there was nothing for me to do so I watched.

Q Okay. Did you go hands on with the suspect at any time?

A I never touched the suspect.

Q Okay.

A There was enough Officers controlling him, touching him, really there's no room for me. Instead of gettin' in everybody else's way, I, I watched.

Q Okay. All right. So you were at this apartment complex, what time did you start at the apartment complex tonight?

A I started at the Alta Apartments at 2100.

Q 2100, okay. And this call came out about what time?

A 2323...

Q Okay.

A About that time.

Q All right. And had you worked a normal shift prior to this?

A No. Today, yesterday, that was my dad off.

Q Okay. So you, your only work time was 2100, that's when you came in to just to start this overtime shift?

A Yes.

Q Okay. Anybody else work overtime with you there at the Alta Apartments?

A Just me.

Q Okay. And you're with the Pierce County Sheriff's Department, correct?

A Yes.

Q And how long have you been with the Pierce County Sheriff's Department?

A 19 years.

Q 19 years, okay. And what's your current rank?

A Lieutenant.

Q Okay. And how long have you been in that position?

A Current, my second time in this position, currently one month.

Q One month, okay. And before that?

A Four months.

Q Four months, okay. And where were you before Lieutenant?

A I was a Sergeant.

Q Okay, and how long were you a Sergeant?

A Five years.

Q Five years, okay. And I'm assumin' patrol before that?

A Yes.

Q Okay.

A Before promoted to Sergeant?

Q Yeah.

A SIU.

Q SIU? Okay. All right. So you are, you and Detective Sergeant Sanders were at the Alta Apartments?

A Yes.

Q Where's the Alta Apartments located?

A The 97 hundred block of Steele Street South.

Q Okay. And so you and Detective Sergeant Sanders are there at the time that the call comes out?

A Yes.

Q Okay. And did you head directly over there? You said I pulled it up?

A Yes, the, the ACB came out. I looked at the call, I hadn't moved my car.

Q Okay.

A Looked at the call and told Gary, they're the only ones there.

Q All right.

A That there are no other cars there besides the initial Officers.

Q Okay.

A As I said, we got, we gotta go.

Q Okay. And so did you drive routine? Urgent? Priority? How'd you respond to that?

A Priority.

Q Okay. And so would that be which direction on 96th?

A We left the apartments and went northbound on Steele Street then eastbound on 96.

Q Okay. And that put you right at the scene?

A Yes, maybe a quarter mile from ahh, Steele Street.

Q Okay.

A Yes.

Q And you said you were the first one to arrive?

A Between me and Gary.

Q Between you and Gary?

A Yeah.

Q Yeah, okay. So you and Detective Sergeant Sanders arrive. You arrive right, right in front of Gary, was he right behind you?

A He's right behind me.

Q Okay. So where'd you park your patrol car when you got there?

A Just on the east side of the intersection.

Q Okay. So you were on the east side of the intersection?

A Yes.

Q Okay. So did you drive through the intersection and stop your car?

A Yes. They, the suspect and two Officers were on the north side of the intersection...

Q Okay.

A Close to east crosswalk.

Q Okay.

A So I stopped my car on the east side of the intersection.

Q All right.

A The crosswalk area.

Q Okay. And can you describe your car to me?

A It is a gray, unmarked, 2018 Ford Explorer.

Q Okay. Does it have lights?

A It does have lights.

Q (Unintelligible) package? Okay. But those are only visible when they're on?

A Yes.

Q Okay. And were they activated when you arrived?

A Yes.

Q Okay. And you're dressed in your Pierce County jumpsuit, all that, is that what you were wearing at the time you responded to...

A Yes.

Q this particular incident? Okay. Anything else you're missing? Hat? Glasses? Anything like that?

A My hat.

Q Hat? Okay. And what kind of hat do you have on?

A It's a navy-blue baseball hat with the Pierce County Sheriff's Department badge.

Q Okay.

A Or patch, embroidered on the hat.

Q Okay. So you get to the scene, you park your car on the east side of the road and you said there were two Tacoma Officers there at the time that you arrived?

A Yes.

Q Okay. Can you just kinda relate to me what you saw when you first rolled up, what they were doing?

A Yes. They were on the back of the suspect. Suspect was face down. They're on his back holding him down, attempting to detain him in handcuffs.

Q Okay. Can you kinda describe in relation to where the suspect was, you said face down, was one kinda more towards the top? One more towards the legs? Were they kind of in the middle? Do you remember where they're at?

A I remember one specifically was right in the middle of his back.

Q Okay.

A And the other one was to his about eight o'clock.

Q Okay. Did they have any weapons? Anything in their hands that they were utilizing when they were trying to control him?

A No. I did see taser wires...

Q Okay.

A On the ground to the left side of the suspect.

Q Okay. So do, your impression is that the taser'd been used prior to your arrival?

A Yes.

Q Okay. Do you have any idea which Officer had the taser or utilized the taser?

A No, I do not.

Q Okay. Was the taser still out or on the ground, on the road?

A I did not see the actual taser.

Q Okay. All right. So we've got the two Officers, you and Detective Sergeant Sanders arrive and then you said two more TPD Officers arrived?

A Yes.

Q Do you know when, kind of in proximity to you getting there, that they arrived on scene?

A It was almost, it was almost instantan, ahh simultaneous. We arrive, I see two Officers with the suspect, get out of my car. I get to the suspect and then there's like two more Officers.

Q Okay. And do you know where the two other Officers came from?

A At that point, there's so many cars arriving that I don't know what direction they came from.

Q Okay. So I've got the initial two Officers that were there. You said when you arrived there were only two Officers...

A Yes.

Q There alone? You and Detective Sergeant Sanders arrive...

A Yes.

Q Two additional TPD Officers arrive...

A Yes.

Q And then do you have any idea how many other units responded to the location?

A I don't know how, I don't know how many. Actually, once he was detained Detect, Detective Sergeant Sanders and I counted 14 Tacoma Officers.

Q Okay. All right. Do you have something Jesse, while I kinda look through what I got?

Q (Det. Jesse Hotz) Yeah, so they, so their car was actually on that north, you said on the northeast, right? And, and, I'm sorry, where was the suspect and the Officers at at that moment?

A The northside of the intersection.

Q (Det. Jesse Hotz) And were they on the left side of their car?

A Yeah. Ahh no, their car was actually at the intersection facing west. The officers were on routine patrol, came up to the intersection driving westbound. I can draw it.

Q (Det. Jesse Hotz) Yeah. Yeah. And then I'll just take a picture of that.

A Yeah.

Q Um-hm.

Q (Keith Barnes) Those are markers.

Q (Unintelligible) the other one. Somebody might've grabbed 'em for round counts or something like that. Do you know, like say when the other two Officers, the other two TPD Officers that came, were they assisting the first two in putting handcuffs on or did the first two get the handcuffs on prior to the other two getting involved?

A Prior. The Officer that was on the back of the suspect, soon as me and Sergeant Sanders got to the suspect and two Officers, they almost instantaneously got those handcuffs on.

Q Okay.

A It was, it was, it was fast when they got the handcuffs.

Q Okay. All right.

A All right.

Q (Det. Jesse Hotz) So the green, okay so the...

A That is the Tacoma car.

Q (Det. Jesse Hotz) Okay, gotcha.

Q (Keith Barnes) (Unintelligible) drive your car up here too, where you pulled...

A Yeah.

Q Okay. All right. And you have no idea where that second TPD car that responded, had parked?

A No. I said (unintelligible) focus on these guys, on the Officers. When I get there I go, Gary and I go straight to them and they're gettin' the handcuffs on and all of sudden there's more Officers arriving. I mean they're, 'cause I remember when I was eastbound Gary and I turned from Steele Street eastbound and these side streets like Ash, they were cuttin' in front of me.

Q Okay.

A So they were, they were there. We all arrived at the same time.

Q Okay.

A They just came outta nowhere and...

Q Would that be the...

A cut right in front of me.

Q I'm sorry. Would that be the second set of Officers that arrived or more than that?

A It, it might've been.

Q Okay.

A 'Cause they might've been. (Unintelligible) when I got to the suspect there's two Officers and they made the comment we gotta handcuff this guy and then they immediately got the handcuffs on him and then all of a sudden there's another guy controlling the feet, a third Officer. And somebody yelled for a hobble, someone went and got a hobble and now he's back and there's another four Officers and me and Gary. They come out of nowhere.

Q Okay.

A I wasn't payin' attention to where they were comin' from. I'm watching them but now there's four Officers on the suspect and no room for me so I, I watch.

Q Okay. So you said there's four Officers on the suspect?

A Yes.

Q Would that be the two initial ones and then the other first two that arrived?

A Yes.

Q Anybody else put hands on the suspect or assist in getting him into custody or detained?

A Those four and Detective Sergeant Sanders.

Q Okay. And out of the 14 others, you said 14 other TPD Officers were there?

A Yeah. At, at the, at the end after, after he was already detained.

Q Okay. Okay. All right. Now you said that they were trying to handcuff him, and so I'm kinda makin' assumption of using some kind of control techniques. Did you see what kinda control techniques they were, they were attempting to utilize or...

A No. None. They was on, on his back, the rear mount but he was thrashing around.

Q Okay. And what do you mean by thrashing around if you could explain that?

A Moving. Struggling.

Q Okay. But like kicking feet? Moving some other way or just trying to get back up on his feet? How was he movin' around?

A You know thrashing like a fish out of water. Just feet and legs and, and torso. He, he's obviously on some type of drug.

Q Okay. All right. Did you see any strikes or anything like that by the Officers to try to get compliance?

A No, there was no strikes.

Q No strikes?

A None.

Q And so you said the first two Officers got him handcuffed right about the time you got up to him.

A Yes.

Q Still resisting and thrashing around, was that different than the thrashing around when you first got there or was it kinda just the same throughout?

A The same.

Q Okay. And then you said somebody called for a hobble?

A Yes.

Q Any idea which Officer ran to get the hobble?

A No. I, out of the Officers there I, I didn't know any of them.

Q Okay. But you described him as running east, I think you said?

A Yeah.

Q To a TPD patrol car or somethin' else?

A Yes.

Q Okay. So a TPD car or something else?

A Yes. Yes, 'cause it was a TPD Officer.

Q Okay. Do you know where in the car he got the hobble? Was it from, did he open the doors? Open the hatch?

A No idea.

Q Okay. And I'm assuming that he brought the hobble back to the group there?

A Yes.

Q What was goin' on with the suspect while that was taking place, while he's going to get the hobble?

A They were, he's being held down on his back and an Officer had his feet, ankles crossed, pushed towards his butt.

Q Okay.

A In prep, preparation to apply the hobble.

Q Okay. And you said he was on his back? 'Cause you said he was on his front when you first...

A Sorry, the front.

Q Okay.

A Oh yes, the suspects on his, on his stomach, on his front.

Q Okay. All right.

A An Officer's on his back.

Q On his back.

A Yes.

Q Okay, gotcha. Okay. And so they call the hobble, he runs over. You talked about him making animal sounds, grunting, things like that. Was that going on after they got him in the cuffs and before the hobble or was that all kind of the same thing?

A All the same thing.

Q Okay.

A During detention.

Q During the detention, okay. And do you know which Officer applied the hobble, if it was more than one?

A I just remember one puttin' it on.

Q Okay.

A And Gary holdin' the feet.

Q And can you just kinda describe the process they used to apply the hobble?

A Yes. Wrapping the, the hobble looks like a dog leash'ish. It resembles one. And you put the loop around the crossed ankles, wrap it around a couple times and then you attach the clip to the handcuffs.

Q Okay. And so once the hobble was applied what happened?

A The suspect went quiet.

Q Okay. What do you mean by that?

A Stopped moving. Stopped, stopped moving. The animalistic noises stopped but grunting started.

Q Okay.

A Grunting and a noise that I say sounded like um, a snore or um, a snore.

Q Okay. But the suspect was still breathing? Was he saying anything?

A No, he never said a word.

Q No communication?

A Never said a word.

Q Okay.

A That agonal breathing, your, I know we've all been to calls someone is dying and they have the agonal breathing, their last breaths.

Q Okay.

A That's what I heard.

Q Okay. And now I think you'd mentioned at some point maybe it was at the scene when you gave us a...

A Um-hm.

Q brief on this, that somebody'd called for Fire to arrive? Medical aid. Can you run me through that, kinda when that took place and...

A Yes. After he was hobbled he was still on his, on his stomach, the suspect. And he's making these noises and one Officer made the comment this guy is super hot, temperature wise and my, through my observations, the noises he's making and the, the fight he put on, the noises he's making, the agonal breathing and now the temperature, I immediately recognize it as excited delirium.

Q Okay.

A And I knew we needed Fire, medical aid. But the other Officers standin' around, they didn't recognize what they had so I said hey guys, this is excited delirium and a female Officer, I don't know who she is, she, I, I saw her call for medical aid.

Q A female TPD Officer?

A Yes.

Q Okay. And kinda what's your experience with excited delirium? Have you experienced or been around that in the past? Can you kinda describe to me what that is?

A Sure. This is my first in-person dealings with excited delirium.

Q Okay.

A We get training at Defensive Tactics, in-service training, so when I witnessed these, this behavior, immediately recognized it as excited delirium.

Q Okay. Okay. So the female Officer called for Fire to arrive...

A Yes.

Q Any idea how long between when they called and when the hobble was put on before Fire arrived there?

A It was close to 10 minutes.

Q 10 minutes? Okay.

A Um-hm.

Q So kinda run me through, were you there when Fire arrived?

A Yes.

Q Can you run me through what happened when Fire got there?

A Sure. Before they got there we were standin' around like where is Fire.

Q Okay.

A Even Tacoma's like where is Fire. They were taking a while. Then there's Detective Sergeant Sanders I believe, that told them to move, to put this guy in the recovery position on his side, not to leave him on his stomach, so he could breathe.

Q Okay.

A Once Fire got there they came routine response. No sirens, no lights.

Q Okay.

A They walked up very laissez-fair and took their time and once they got down to the patient and they wanted the hobble taken off.

Q Okay.

A So someone took the hobble off, I don't know who. The next thing I know, they're starting CPR.

Q Do you know if a TPD Officer took the hobble off? If Fire took the hobble off?

A I remember a verbal exchange between the paramedic and, and several Tacoma Officers that were there at the suspect. Fire wanted the hobble taken off and they were sayin' hey, he's gonna kick, we don't wanna take it off. But Fire, it was an argument, that's what it was. Fire said we need it off because I want it off, so it was taken off. I don't know by whom.

Q And then you kinda described the hobble as kinda looking like a dog leash, was it like a leather hobble? Was is some other kind of material?

A Vinyl, not vinyl um, nylon.

Q Nylon? Okay. Can you describe it at all to me?

A Sure. Hobble's a black nylon. One end has a clip and in the middle is a sliding, a sliding clip so you can make, make the, the other end of it that's a loop, you can make it smaller or, or wider so you make it wide to get it on the feet and you tighten it so it won't slip off the feet.

Q Okay. Okay. And is it all black? Are the clips black as well or they a different color?

A The hobble is black. I didn't pay attention to the clip.

Q Okay. So black nylon for the general material there but...

A Yes.

Q nothing on the clips. Okay.

A Right.

Q Jesse, anything?

Q (Det. Jesse Hotz) After, after the suspect was face down and he was hobbled did you see any of the Officers still being hands on with him or struggling with him? Or anything like that?

A No, none.

Q (Det. Jesse Hotz) Okay.

A Once he was detained in a hobble everybody went hands off.

Q (Det. Jesse Hotz) Okay.

Q And then you said he went quiet, did he stop struggling? The flailing around and kicking, like you described before?

A Yes. It was very interesting that once that hobble went on he went quiet, he did not move. Wasn't until, they did put a spit hood on him.

Q Okay.

A They did do that when he was still on his stomach.

Q Okay.

Q (Keith Barnes) Put what on him?

A A spit hood.

Q (Keith Barnes) Okay.

A So he couldn't spit at the Officers.

Q Who's they?

A A Tacoma Officer.

Q Okay.

A I don't know any of them.

Q Okay. As far as the, were there any other Pierce County people there other than you and Detective Sergeant Sanders?

A No.

Q Okay.

A Not until later.

Q Not until later? Okay.

A Yeah.

Q And we've talked about hobble, handcuffs, spit sock, things like that. Did the Pierce County guys provide any of that?

A No.

Q Anything like that or anything to help control or contain this person?

A No. I wanna add, once he was in the recovery position on his side, he had that thousand-yard stare. The suspect did. Just staring. Thou, thousand-yard stale, stare, didn't say a word, just staring.

Q Was anybody talking to him trying to get him to communicate? Anything like that?

A No.

Q Okay. Did he have any property on him? Anything like that while you were there?

A Well I didn't see any but afterwards a Tacoma Officer came up, handed me a zip, a evidence bag with some evidence from the suspect.

Q Okay,

A And he said I don't know where this came from but it's the suspects.

Q Okay.

A So I gave it to forensics.

Q Okay. And you didn't see that removed from the suspect while you were there...

A No.

Q Standing around?

A No.

Q Okay. What was kinda going on durin' those 10 minutes you were waiting for Fire to get there?

A Suspect was in the recovery position and there was Officers with him. He had his eyes open and appeared he was breathing. 'Cause when I saw his, him just staring at, into space I, I even looked at his chest to make sure he was, his chest was moving and it appeared that he was breathing.

Q Okay.

A But we just sat there and waited for Fire.

Q Okay. Now you said you'd, one of the Officers mentioned that he felt really hot, do you know if his temperature was taken at any point and time?

A It's in the call, it, it was taken.

Q Okay. Okay. So did Fire take that? Somebody else?

A Fire.

Q Fire, okay. Do you know what the, his temperature was at that time?

A 96 point something.

Q 96 point, okay.

A But they had to be called back to the scene.

Q What do you mean?

A Fire had to be called back to the scene to take blood which, take the blood and a temperature.

Q Okay.

A The blood wasn't taken.

Q Was not taken?

A Hunh-uh. No.

Q Okay. Do you know how long kinda after all this started before the temperature was taken? Kind roughly. I know you said it'd been about 20...

A Yes. It was.

Q 22...

A 40, 40 minutes.

Q Okay.

A It's in the call, so I know.

Q Okay. Ton, or Jesse, anything else?

Q (Det. Jesse Hotz) Yeah. Just um, just skippin' back to the beginning whenever you first showed up, did you ever see like the Officers apply an LBR, LB and R or, or anything of the, like that? Or...

A No. I'm glad you mentioned that, when I got there the, the, when I saw two Officers there stru, strugglin' with this guy, when I, when I ran up to 'em the suspect's head was facing me and through my mind, in my mind I was like they're fightin' him, there's his head, I'm going to LB and R him. But it wasn't needed. So they weren't doing that. There was no, other than attempting to detain him in handcuffs, there's no force being used that I....

Q (Det. Jesse Hotz) Okay.

A That I witnessed. This, this entire scene except the hobble and handcuffs.

Q (Det. Jesse Hotz) Okay.

Q So what, what kinda force was being used? They just trying to pull arms out? Was it, you said, you described one bein' on the back so I'm assuming some body weight pressure being put on him...

A Yes.

Q while he was on the ground. What other things were they doing to try to get him into handcuffs and get him detained?

A That's about it. He was on his, the suspect was on his stomach, appeared to hands were, the suspects hands were behind his back and they were on his back trying to, to handcuff him.

Q Okay.

A And I mean it was pretty quick by the time I got to them, within 10 seconds he was handcuffed.

Q Okay.

A So it was very, it happened pretty quick.

Q So his hands were already behind his back? They weren't under his body...

A No.

Q Or anything like that?

A No.

Q Okay. Do you know about how long it took you to get from the Alta Apartments to the scene?

A Oh that had to be 10, 15 seconds.

Q Okay.

A It's maybe a half mile away driving priority. Quick.

Q Okay. Any idea how long they were fighting with him before you had arrived?

A No.

Q Okay. All right. Jesse, anything else?

Q (Det. Jesse Hotz) I do not.

Q Okay. Keith?

Q (Keith Barnes) Did you see any injuries on the, on the, on the person?

A I saw blood on his face. I saw blood on his hands because I took his fingerprints. They, they, they couldn't ID him and I had a fingerprint scanner I keep here so Sergeant Youngman brought me the fingerprint scanner and while the paramedics were workin' on him, he's, his handcuffs were taken off so I had access to his hands. So I used the fingerprint, digital fingerprint scanner and that's how we ID'd him.

Q (Keith Barnes) And did you see where his blood was comin' from?

A No.

Q (Keith Barnes) All right. And then um, as far, you, you described the Officer being on his back, can you, can you describe the, the, I mean they're not standin' on him or something like that, right?

A No, they're not standin' at all.

Q (Keith Barnes) They, are they on their knees next to him or leaning on, how, how's that?

A I can't remember if they're straddling his back or one knee maybe on his back and one on the ground. I, I, I don't remember exactly where the Officer's knees were.

Q (Keith Barnes) Okay.

A They definitely weren't standin' on him.

Q (Keith Barnes) And was there anything, I mean from your experience and all that, any, anything inappropriate that the Officers were doing with this person during, during the struggle?

A No. I, I witnessed nothing inappropriate. No force being used other than detaining the, the subject. There was no strikes. There was, there was nothing.

Q (Keith Barnes) No knee strikes or anything like that?

A None.

Q (Keith Barnes) Okay.

A None.

Q (Keith Barnes) And can, do you remember what this guy was wearin'?

A No. I, I don't. I don't.

Q (Keith Barnes) Okay.

A I will say these two Officers were smoked, tired.

Q (Keith Barnes) Okay.

A Exhausted.

Q (Keith Barnes) Okay. Could, did, did you know if the guy had a shirt on or, or was he, was he fully clothed or was he, was he...

A He was fully clothed.

Q (Keith Barnes) Okay.

A Yeah. I didn't pay attention to what he's wearing.

Q (Keith Barnes) Okay. So at some point at least you know, that I saw of the scene, his shirt's off and he's...

A I watched the, I watched the paramedic cut his shirt, I will say that, yes.

Q (Keith Barnes) Okay.

A Paramedic pulled his shirt from the waist up to look for injuries, saw none, grabbed the scissors and cut the shirt open.

Q (Keith Barnes) Okay. So he had his shirt on at the time that you, you were there?

A Yes.

Q (Keith Barnes) Okay.

A Um-hm.

Q (Keith Barnes) All right. And lighting conditions out there, do you remember?

A Street lights.

Q (Keith Barnes) Okay.

A Intersection.

Q (Keith Barnes) And did you have to use your flashlight at all to see what was goin' on or anything like that?

A No. No. I, I didn't have it with me.

Q (Keith Barnes) Okay.

A It was in my car, I didn't need it.

Q (Keith Barnes) Okay. Pretty well lit?

A Yes.

Q (Keith Barnes) Okay.

A Um-hm.

Q (Keith Barnes) That's all I had.

Q Okay. You mentioned the TPD Officers were smoke and dead tired.

A They were exhausted.

Q How do you know that.

A Their, their face. Once he was handcuffed one of those Officers stood up and didn't and stopped engaging. That's where the other Officers came into play.

Q Okay.

A He was, he was exhausted.

Q Okay. Did they make any comments to that effect while you were there that you heard? Or...

A No, I just, I saw them and one Officer, the two Officers, I'm guessin' there the two involved 'cause one said to the other one, he hit me and he got you too. And the other one was just the only two that were fighting.

Q Did you see any injuries on the Officers?

A No. I was maybe 10 feet away. I, I couldn't tell.

Q Okay. All right. And can you kinda describe what the Officers were wearing to me?

A They were wearin' their Tacoma Police issue jumpsuits.

Q Okay. So...

A Similar to what I'm wearing.

Q Okay. But readily identifiable as law enforcement officers?

A Yes.

Q When you arrived, they're easy to kinda pick that up with the uniform?

A Yes. And they're driving a marked Tacoma Police car.

Q Okay. The marked Tacoma Police car, was it, did it have its lights activated? Any emergency equipment going when you got there?

A No. None.

Q All right. And according to your picture, which is stopped facing westbound...

A Yes.

Q On Ainsworth there?

A Yes.

Q Okay. At the light. Okay. Were you aware, aware of any cameras in the area? Anything like that? Any mention of any body cameras? In-car cameras or anything like that that might've captured what happened?

A No mention of police cameras.

Q Okay.

A I will say the southeast corner, there's a house right here. There's a house right there that appeared that there was some type of glowing light on their porch that might be a camera.

Q Okay.

A A Ring camera, so I would check there.

Q Okay. Good. Okay.

Q (Keith Barnes) And Tony were, were they, were the Officers sayin' anything to this guy when you were there?

A Ahh, no. I, I don't remember. I remember a specific man say give me your hands, stop fighting.

Q (Keith Barnes) Just more of a struggle between them and the, the...

A Yeah.

Q (Keith Barnes) suspect?

A And it, yeah. And like I said, had him handcuffed quick, now they're just dealing with his feet.

Q Okay. Anything out in the intersection when you got there or anything else that you observed either out of place or anything like that when you got there?

A Yes. Yes.

Q Can you tell me about that?

A Within, within the scene that was taped off, there was a pair, now I'm gonna, I'm gonna erase my car 'cause I did move it out of the intersection.

Q Just go ahead and leave it there for now.

A Okay.

Q Just add something.

A There was a pair of eyeglasses right there.

Q Okay.

A Yeah. A bit out of place. No one touched 'em, just left 'em.

Q Okay.

A That's within the taped off scene.

Q Okay. Okay. Anything else you observed that, that was there when you arrived that either isn't there now, was moved or anything that looked out of place other than the glasses?

A No.

Q Okay.

Q (Keith Barnes) Any, any civilian witnesses or anybody come up to you or did you see anybody at the scene that said hey, I saw what happened? Or...

A No, which is funny for being Parkland. In that big intersection, it's location, not one citizen walked up the entire... later on after the scene was secure, we had someone walk up but during that, before the scene was secure nobody.

Q Okay. And no you said you'd been at the apartment complex since about 9 o'clock?

A Yes.

Q Any other reports come over the radio of any activity? Anything like that occurring kind of in that area, 96 and Ainsworth?

A No.

Q Any suspicious people? Anybody acting strangely or anything like that that you heard?

A I didn't hear any of that, no.

Q Okay.

Q (Keith Barnes) Did, did the Officer say anything about where this guy came from or anything like that?

A Yes. Glad you asked that. They said they were routine patrol across that intersection and the suspect was goin' after a car on this, on the south side intersection, in the county.

Q Okay.

A He's goin' after a citizen car. That citizen car just drove off. The suspect then crossed the intersection into the city...

Q Okay.

A And the Officer said and attacked their car, punchin' their, punchin' their window. They get out, he attacks them. Hence, their lights on, their emergency lights aren't on 'cause (unintelligible) in a lane at the intersection. They're just mindin' their own business, drivin' down the road at a red light and suspect attacks them.

Q (Keith Barnes) Okay.

Q Okay. Did they describe what this other car looked like?

A No.

Q Okay.

A Other than it was driven by a female.

Q Okay.

A And one officer did, I did hear him at the scene say he Tased this guy three times.

Q Do you know which Officer that was that made that comment? Or, of the Officers is there anything that differentiates the Officers in your mind? Race? What they were wearing? Anything on their uniforms or anything like that that would differentiate when we're, when we're, if I were just to see (unintelligible)?

A I don't. I (unintelligible) if you, if I walked out there I probably won't even recognize one of em.

Q Okay.

Q (Keith Barnes) And speakin' of recognizing people, did you recognize this person at the scene? The deceased person?

A No.

Q (Keith Barnes) You've never dealt with him before?

A Never.

Q (Keith Barnes) Okay.

A Not that I know of, no.

Q (Keith Barnes) Okay.

Q Okay. All right. See if I have anything left. Jesse, anything else?

Q (Det. Jesse Hotz) Just where did, where did Gary park?

A The west side of the intersection, right behind me but on the west side of the intersection.

Q (Det. Jesse Hotz) Okay. And while you're here...

A Um-hm.

Q (Det. Jesse Hotz) Do you mind if I go up and just put the case number next to your drawing?

A No, go ahead. Go for it.

Q And can we just have you sign next there? We're gonna grab a picture of that and stuff.

Q (Det. Jesse Hotz) That and date it.

Q Yeah, and date it too.

A Okay.

Q All right. Okay.

Q (Keith Barnes) And Tony, do you when this, when he stopped breathing or...

A Yes. Fire department gets there, they check him for injuries, cut his shirt. They take that hobble off and no sooner after that I look and they're doin' CPR. I mean quick.

Q (Keith Barnes) Okay.

Q And was he breathing or making those sounds and noises you heard prior to that?

A Oh no, he had stopped that a long time ago.

Q Stopped that. Okay.

Q (Keith Barnes) But he, but as far as his breathing and his eyes open staring, that was occurring before Fire got there?

A Yes.

Q (Keith Barnes) It's only after Fire got there that they decided to do the CPR?

A Yes.

Q Okay. Jesse, anything else?

Q (Det. Jesse Hotz) No, sir.

Q Keith, anything else?

Q (Keith Barnes) I don't think so.

Q Okay. Tony anything else you think we've missed or you think is relevant or important to what occurred tonight?

A No, I think everything's been covered.

Q Okay.

A Yeah.

Q All right. Everything you told us today the truth?

A Yes.

Q Okay. Any threats or promises made to you regarding the taping of this statement?

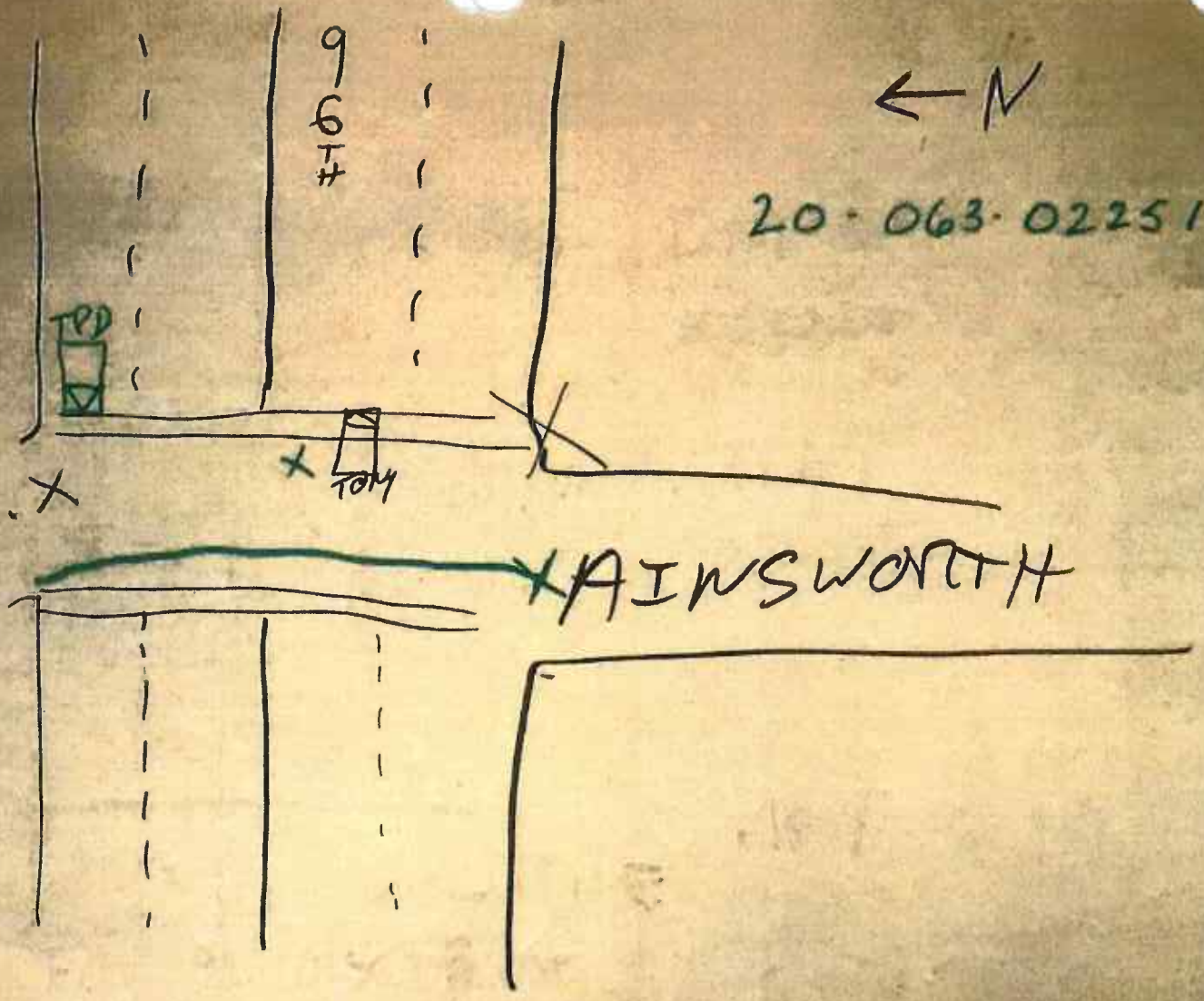
A No.

Q Okay. And is it good with you if we end this recording at this time?

A Yes.

Q Okay. So the date it March 4th, 2020. The time is 0355 hours.

Q (Det. Jesse Hotz) This is Detective Hotz, I will be stopping the audio tape now.



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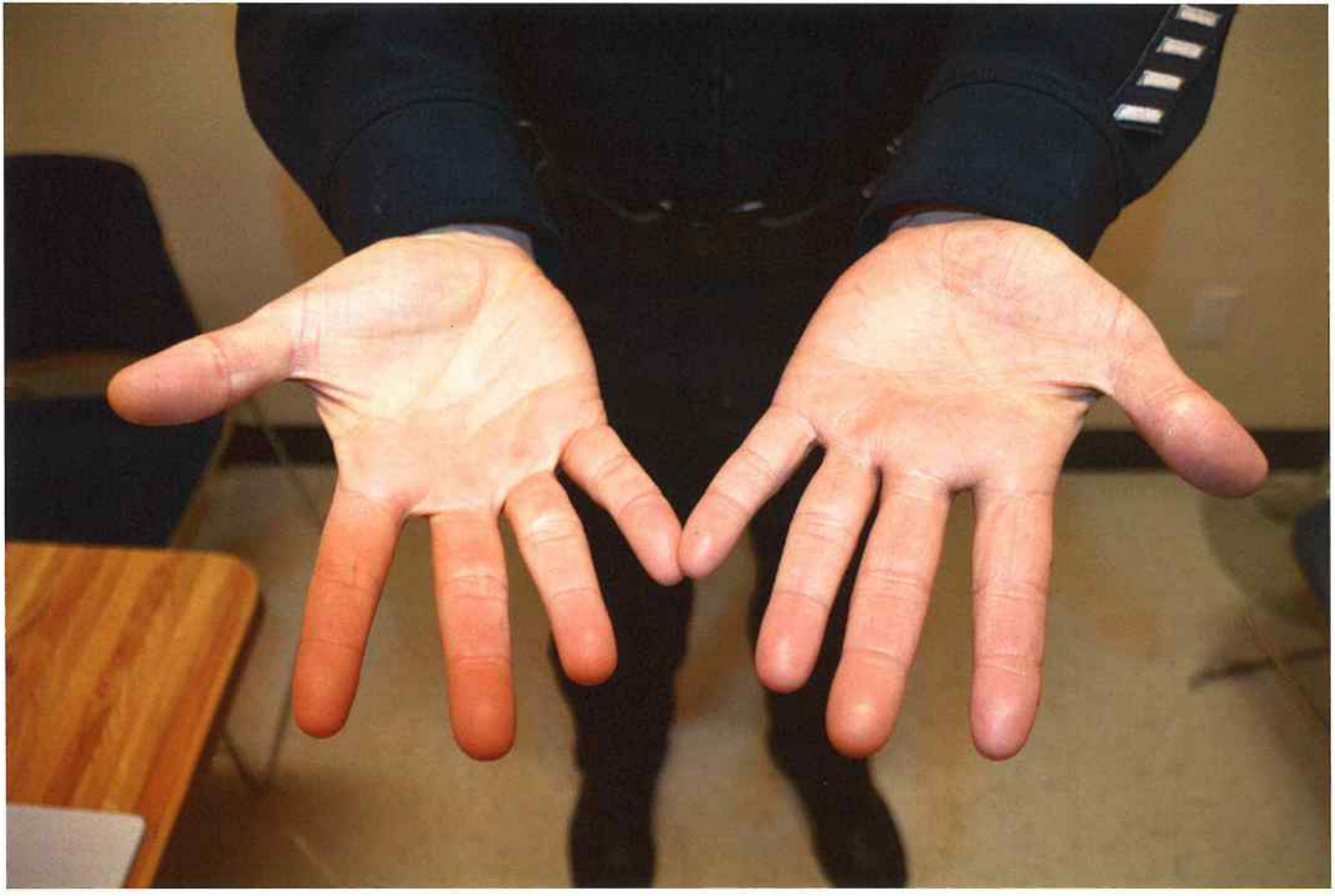
SHERIFF



TAB 11

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 03/04/20 Beginning Time 0408 Hours Ending Time 0445 Hours

Location PCSD PARKLAND-SPANAWAY PRECINCT Officer D/SGT. TOM CATEY, #166/94-032

Name of Subject GARY SANDERS Date of Birth

Q (Det. Jesse Hotz) Start that.

Q We're good?

Q (Det. Jesse Hotz) Yup.

Q All right. This is Detective Sergeant Tom Catey with the Pierce County Sheriff's Department, County #166, County #94-032. The date is March 4th, 2020. The time is 0408 hours. We're here today at the Parkland-Spanaway Precinct, reference investigation 20-063-02251. We're speaking today with Detective Sergeant Gary Sanders with the Pierce County Sheriff's Department. Is that correct?

A Yes sir.

Q Can you go ahead and pronounce and spell your full name for the recording.

A Gary Sanders, G-A-R-Y, S-A-N-D-E-R-S.

Q Okay. And you prefer Gary?

A Yup.

Q Okay. Gary, do we have your permission to record this interview?

A Yes, you do.

Q Have we made any threats or promises to you regarding the taping of this statement?

A No, you have not.

Q Okay. Also present for the interview is Detective Hotz, with the Pierce County Sheriff's Department, and Keith Barnes with the Prosecutor's Office. All right. Gary, so you work for the Sheriff's Department. What's your current rank?

A Detective Sergeant.

Q And how long have you been in that position?

A About three and a half years.

Q Okay. And prior to that?

A I was a Detective.

Q And how long were you a Detective?

A About ten years.

Q Ten years. Okay. And prior to that?

A A Deputy.

Q And how many years for that?

A Oh, that would have been six years.

Q Six. Okay. How many years you got on?

A Almost 20. It will be 20 in August.

Q Okay. And so, I understand you're working an off duty job this evening. Can you just kind of run me through what happened?

A Yeah, I was working an off duty job at Pacific Lutheran University. I was supposed to be working 2100 to 0100. Usually work a 22 to 02, but with our Guild meeting tonight I went straight from the Guild meeting to work at PLU. So I started an hour earlier.

Q Okay. Any other patrol shifts as a Detective Sergeant, anything like that, prior to this?

A Today I worked 06 to 1600, as my normal Detective Sergeant with the Internal Affairs Unit.

Q Okay. Okay. So you got out, did you go to PLU at 2100?

A Yes, I did.

Q Okay. And you were there for a while. Just kind of run me through 2100, you start there, what…

A Yeah, just 2100, go get my radio, 'cause we have a separate radio for PLU campus safety. Was just doing normal patrolling, doing laps around the campus. I knew Lieutenant Messineo was working over at the Alta Apartments, which used to be the Drake Apartments, about, I think it's the 9900 block of Steele Street. So I just talked to him briefly and said hey, I'll come roadside, 'cause we were gonna talk about the Guild meeting a little bit and just, I was just gonna talk to him, since we got hired

together, friends. Went over there. Was roadsiding with him. And then we heard Dispatch put out that Tacoma was at 96th and Ainsworth and they were fightin' with one. And I, I don't recall exactly what they said. They weren't responding or, or if they were fightin' or what exactly they had said, but they were at 96th and Ainsworth. So Tony, Lieutenant Messineo and myself were roadside, so we're facing opposite ways. He's facing towards the exit. He looked at the CAD, I looked at the MPS, and it showed that there two, there was a two man unit that was there by themselves, and, and were fightin', and we're like, it was down the road, so he took off, 'cause he was facing forward. I had to back up, and then I followed behind him. Went northbound on Steele, then went eastbound on 96th Street, and we could see the lights, and everything about 96th and Ainsworth. Got up there, I pulled up after Tony. Tony, Lieutenant Messineo got out first, went over, kinda, and we could, we could see that there was four TPD off, Tacoma Police Officers fighting with the subject. And I, at that point they weren't even really fighting. They, they were kind of more just getting to the point of handcuffin' him. And so moved up to 'em, and they were, at the point we got up to 'em, that's when they got the second handcuff on, and then they were talk, asking for a hobble, and I don't know which Tacoma officer had the hobble, but he was trying to get it over his legs, the tail end part of it. And he was having a little bit of difficulty, so I just grabbed his foot and pulled it up towards his, his waist, just to give him, so he could get the wrap around both legs. And then he cinched it in. I, I watched, after that point, he cinched it into the handcuffs, and then he was, there, he was pretty much contained at that point.

Q Okay. Now you had mentioned you were kind of drivin' around PLU. Were you dressed just like you are now in your …

A Yes.

Q Pierce County Sheriff's Department jump suit? All the markings, all that?

A Yes.

Q And you said you were driving around. Do you, can you describe your car to me?

A I, I have a 2019 Chevy Tahoe. It's unmarked but I have the spotlight, all, all the under cover lights, so it's pretty obvious. It's got exempt plates that it's a police car, but it's not fully marked.

Q Okay. And is that the car you responded to the scene in?

A Yes.

Q From the roadside? Okay. So you got there, you were out with Tony at the Alta Apartments. Do you know what time you got there, with Tony Messineo?

A I think I was maybe there ten minutes, so it had probably been about 11, about 11:15, 'cause I think their call came out about 11:25, if, if I'm right, but it was about ten minutes that we were sittin' there talkin' for a few minutes.

Q You got there at 11:15 P.M.?

A Yes.

Q Okay. And then you said the call came in at about 11:25?

A I think that's what time it came out. 'Cause I was, I'd only been there approximately ten minutes talking with Tony.

Q Okay. And you said when you got there, so you leave and you pull up and arrive at the scene, that you got there, actually, how long did it take you to get from the Alta to the scene, would you estimate?

A Oh, maybe 30 seconds. It's three blocks north and then eight blocks east, approximately. I'd say eight to ten blocks. So it, it was pretty quick. And we're goin' lights and sirens.

Q Okay. And by lights you mean your emergency, so you have lights within your unmarked car?

A Yes, I have lights in the dash, in the window, and then on the back, and then the wig wags, and so, at nighttime it's pretty readily, where you can see that it's a police car.

Q Okay. And you mentioned that there were four TPD officers on scene when you arrived.

A Yeah. There were four TPD officers kind of dealing with the individual. But there were more people arriving as we were arriving too.

Q Okay.

A So, but it, there was the four that were actually hands on at that point.

Q Okay. And were they readily identifiable as police officers?

A Yes.

Q There. And how did you know they were police officers?

A Jump suits, police on the back, uniform, Tacoma Police Department patches on each side. Yeah, no one was in any form of undercover. It was full jumpsuits. Everybody was in full uniform.

Q Okay. Were there any other patrol cars, did TPD, did they get there in cars, were they on foot, how did they…

A There was the one vehicle that was facing westbound that was, like it was stopped right at the light at Ainsworth. That was, that was the one that was closest to them, where they were, and they, they were struggling with the individual right in front of that vehicle.

Q Would, would you mind drawing a picture…

A Yeah.

Q Of just, kind of what the scene looked like, and that location and everything.

A 96th Street. So, this is Ainsworth and then 96th Street. And so that's the people…

Q Okay.

A Vehicle. And then the struggle would be or, in that, right in that area is where…

Q Okay.

A the four TPD officers were.

Q Okay, and so where did Lieutenant Messineo park his car?

A He parked up a little bit ahead of me. And then I came in and I parked right here.

Q Okay. All right.

A He was out and then I came in kinda behind him. He didn't touch or anything. He just stood there. And then that's when I went, once I noticed that they were struggling to get his leg up, that's when I just helped to assist him with movin', pullin' his leg up so they'd get that hobble around his second foot.

Q Okay. So, when you got there, what did you see? Kind of where was people positioned, how was the suspect positioned, things like that?

A Actually, yeah. Probably a little, his head was this, was facing south. I think at that point he was on his stomach, so his legs kind of that way, they had his hands cuffed, and then they were puttin' his feet in the hobble over it.

Q Okay.

A And that's when I assisted, just to pull his one foot together with the other one so he could get the hobble around it. And then he connected it to the handcuffs.

Q Okay.

A And there was a couple officers. I think four officers were there, and I kind of came up this angle.

Q Okay. Was there anybody in contact with him at that point in time? Was he already cuffed by the time you guys got there and they (unintelligible).

A All four, at that point they were cuffing him.

Q They were cuffing him?

A Yeah. So like as we came walkin' up, they were gettin' the handcuffs on him, I could see that he has one on and then they got the second one on.

Q Okay.

A And then, and then at that point they were like talkin' about the hobble, and so they were puttin' it around his legs. So I grabbed his leg and just kind of put it together with the other leg so they could get the hobble. I noticed he cinched it up and then connected the, the release, but that goes to the handcuffs, on the handcuffs at that point.

Q Were they applying any body weight to the suspect at the time, or were they just kind of bending over, putting the cuffs on?

A They were, I mean he was fighting, I wouldn't say he was actively fighting at that point because they had control of his arms, but he was still struggling. He was making like a grunting, like an animal noise.

Q Okay.

A I think both Tony and myself immediately recognized the, the grunting and the, how he was acting and stuff, and we both said to each other, hey, this looks like excited delirium.

Q Okay.

A And then Tony said something outright, say hey, to the guys, once, once everything was done and they had, I think one officer had his knees still on his like shoulder, kind of having him pinned, and Tony said something about it being excited delirium. He goes hey I think it is. 'Cause it was just the incoherent grumbling, didn't make any sense. The stare. And just, how he was actin'.

Q Okay. Did the suspect make any statements? Anything like that while he was fighting or struggling?

A No, he never made anything. Once we got him, it was pretty, pretty controlled at that point, except for, me made a couple like kind of loud grunts and tried to get up a couple times. Or, I don't know, he couldn't really get up, 'cause he was hobbled, but he'd do like the, kind of a flinch and make a more loud growl I guess you would say it was.

Q Okay.

A And then he kind of just went quiet. And then you could see his, he just had the stare, and they had the mask on him, 'cause he was spittin' and stuff. And then they called for fire pretty much once he was hobbled, and it seemed like it took forever for them to get there.

Q Okay. Do you remember TPD giving any commands, anything like that to the suspect while they were fighting with him?

A Yeah, they were saying …

Q Okay.

A stop resisting. They were saying put your hands behind your back. I heard that a lot. And then they were just, you know, they were trying, one, one individual, I don't know which one it was, but was talkin' to him quite a bit trying to say hey just calm down guy, we're gettin' you, you know, just calm down, focus on us, focus on breathing. 'Cause he was just kind of doing that grunting animal stuff.

Q Okay. Are you aware of, other than just grabbing his hands and bringing them behind his back to apply the handcuffs, did that take both people, one person was able to do that?

A That took a couple of people to do.

Q Couple. Okay.

A Yeah.

Q Okay.

A And then that, the other two I think were kind of trying to pin his legs, 'cause he was trying to kick too at the same time.

Q Okay. Can you kind of describe to me what he was doing as best you can?

A The individual?

Q Yeah.

A He was just gruntin', kind of flailin' around. He wasn't, at this point he's on his stomach, so he's not actively punching and stuff. But he was still trying to, he was resisting and was trying to move to get away from them.

Q Okay. Do you know if they used any other kind of tactics, whether it be strikes, anything like that to try to make him compliant?

A I did not see any strikes from the time that I arrived to that point. I did see a, taser probes that were coming, that were connected to his body.

Q Okay.

A And I did hear one of the, one of the TPD officers say that he had tased him, I think three times. Somebody had tased, he'd been tased like three times.

Q Okay. And you said though, you observed the probes attached to him?

A Yeah.

Q Do you remember kind of where those were?

A They were in his mid-section.

Q Mid-section?

A I'm not sure if it's on the front or …

Q Front? Back?

A the back. I think they were both, actually.

Q Okay.

A But…

Q Okay. And did, you know if only one person deployed their taser? More than one?

A I just heard that he'd been tased three times. So I didn't know if, I didn't know if that meant multiple officers or if one tased him three times.

Q Okay. Did you see any injuries on the suspect?

A Yes, I could see the, he had marks on his face. His face had face abrasions. And I'm not sure if that was from him doing that, but that's the only thing I can, I can see. And there was blood on his face.

Q Okay. And where were these abrasions and the blood on his face?

A The one was on the, I would say it was the cheekbone area. And then maybe a little bit on the chin. That was about it.

Q Okay. And then you described some blood on his face?

A Yeah.

Q Where was the blood on his face? Same location?

A There was blood and then, yeah, just right, kind of general. It was all over kind of, his lip, his mouth, and then once they put the spit sock on him, and then once they took that off, that was covered in, in blood.

Q Okay. Okay. Now do you know which TPD officer had got the hobble or where that came from?

A I do not. 'Cause at that point they'd already had it around one foot.

Q When you guys got there?

A Yeah, when I, when I well, when I first got there and came on the scene, they were just handcuffin' him.

Q Okay.

A And then they said somethin' about the hobble, and I saw the hobble get wrapped around one foot. And then that's when I assisted with the other foot, and so it was already, someone had brought it there.

Q Okay. Do you know if they had it with them prior to that? Or did they go back to a car to get it, or how did the…

A It was already on scene when I got there. So they, …

Q Okay.

A whoever, 'cause there was no delay in time. It was pretty much handcuffed, and then somebody was saying something about a cobble again. And then that's when they had it. It was already on, it wasn't like there was a delay if somebody ran back to a car to get it.

Q Okay. Can you describe the hobble to me? What it looked like, or what it was made of.

A It was a black, almost looked like, almost looked like a zip tie. I mean not a zip tie, a tie down strap like you use to strap stuff down in the back of your vehicle, 'cause the loop, and then I noticed it had that where you can push to release it, so you can tighten it up. And then at the very end it had the, the, how do you describe it. Kind of like a dog leash, you know where you pull down and then it can latch on to the handcuffs.

Q Okay.

A So. Kind of almost looked, looked like a dog leash, but the one part, the big part had the cinch where you could push it and you could cinch it tighter.

Q Okay. And so you described one of the TPD officers trying to get it around his legs. Was the, the person or, the person involved then still flailing around, kicking their legs?

A Yeah. He was…

Q Things like that, resisting that piece of it?

A Yeah, he was, I mean he had four people on him. So it was hard, and, but he was still actively resisting and still trying to kick and move his arms and stuff like that. So two, the two officers were

on his feet and kind of pushing him together. And that's when one of the hobbles got around one foot. And that's when I pulled his other leg up and it got around the other. And then they cinched it.

Q Okay. Do you know which leg you grabbed? The right or the left?

A I would say it was the right, 'cause I was here and he was face down, so it would have been the right foot that I just pulled …

Q Okay.

A up a little bit.

Q Okay. And that was the most, is that the extent of the contact that you had with this person?

A Yeah, I just did, and then once he got that, then he pulled it up and then he was there and that's kind of when he just went, stopped movin' and just was staring.

Q Okay.

A Maybe did a couple more of those grunts that I told you. And then he just kind of, went calm.

Q Okay. So no more movement or struggling or fighting at that point, once the hobble was applied?

A Once the hobble, once he was hobbled there was a couple more struggles, the kind of loud grunt that I said he made, a growl or whatever. And then it kind of flailed, and then he stopped. And then he was just laying there. I think, we told, I think Tony was the one that said roll him on his side, 'cause he was on his face, so, I remember from excited delirium, you don't want them on the, with the pressure and compacting the chest and stuff, so we rolled him to the side. They rolled him to the side, and we just waited for fire to get there.

Q Okay. So you said you weren't aware of any other strikes, anything like that. Any LVNRs, anything like that?

A No, I did not see any of that.

Q Applied or, okay.

A Matter of fact I didn't see any strikes or LVNR. That, from the point where I got there, it was just more just holding and moving to the point where they could get the handcuffs on and then movin' the legs up and getting' the hobble on, and then connecting the hobble.

Q Okay.

A To the handcuffs.

Q So from the time you got there to the time he was in hobbles, and, and kind of stopped resisting a lot, what, what kind of estimate for time would you, would you guess?

A Maybe two minutes at most.

Q Two minutes?

A It was pretty quick.

Q And how, how did the T, the TPD officers look that were involved?

A The two guys that were driving this vehicle, they were, you could, one had, he was spittin', 'cause I know he was like that, he said somethin' about do I have blood in my mouth, and another one, 'cause he said he'd got punched. And they, you could tell that they'd been in a fight. They were, they were exhausted and, and just breathing hard and you could tell that, excited, lot of energy used. And then the other two were a little more, not as tired but they were, you could tell they'd been struggling too.

Q Okay. Did you see anybody with a taser in their hand? You talked about the probes and what not. Did you see a taser out…

A No.

Q Or anywhere on the ground or anything like that?

A No, I did not.

Q Okay. Were you aware of anything occurring prior to this incident? Did we see where this, the, this person came from? The suspect came from or where…

A I remember them talking after he had been hobbled and stuff, and they, they mentioned that he, they just pulled up to the light and they said this guy, the guy that was, they were struggling with was over at this car. There was a car that was parked there. And the car took off real fast. And then he just ran right at their vehicle and basically slammed into it. And one officer said he was able to push him with the door to get him up and then the fight was on. And it was just, the, he said there wasn't, no interaction, no nothin'. I mean, that's the gist of what I got, from what they said.

Q Okay. Any description on that other car that he was apparently engaged with prior…

A No.

Q Okay. And …

A They just said it was a car and it took off fast, so they were kind of, but it looked like they, I think they said it looked like he was trying to get in the car or he was hittin' the car.

Q Okay. Any description of the driver of the car?

A No.

Q And you're kind of pointing that it was heading west on…

A It was west on 96th Street towards Hosmer.

Q Okay. Okay. And Jesse, you have anything?

Q (Det. Jesse Hotz) Yeah, when, when you first responded, you said that you saw the lights. Was, was there over heads on whenever you guys showed up?

A Yeah. I, I saw overhead lights, and I'm not sure, 'cause as we were coming down there was other vehicles coming into the area, so …

Q (Det. Jesse Hotz) Okay.

A And but I, I remember seeing lights at this intersection too. I don't think it was from this vehicle. Just because I, even after once everything was done, I don't think there was any, any lights on this vehicle. But all the cars around had lights on 'em.

Q (Det. Jesse Hotz) Okay.

A Yeah.

Q (Det. Jesse Hotz) You, you've been doing this for 20 years. A lot of experience. Did you see anything that you felt was inappropriate by the officers?

A No. No, not at all. I mean they were all working to control him. I didn't see any strikes that looked questionable. I didn't see any force that they were doing, what they could to get him in the hobbles and from what I observed from him, it looked like, and from seeing the officers, it looked like they had been in quite the fight. And, and the guy was, he was pretty built, and he was a bigger guy. I just know 'em from, you know, just kind of that excited delirium there. You're a big guy already, and then you're in an excited delirium state, you're puttin' up even a bigger fight. But yeah. Everything looked appropriate to me.

Q (Det. Jesse Hotz) Is there anything more that you'd like him to add to the drawing?

Q Is there anything that you think we need to have added to the drawing that is relevant? Anything that you observed when you came to the scene or got at the location that was out of place or that stood out to you that, that you noticed?

A No. I mean, like I said, I, there was no lights on, but I think he came so fast, I don't, I don't even think they knew why this guy was runnin' at 'em. They didn't have time to call out or anything like that. And it all occurred right in there. You know, the delay in fire gettin' there, 'cause they pulled up

about, with no lights and sirens, they weren't, and they just pulled up and then they walked up, and then…

Q Okay. Can you kind of run me through that? We've got 'em hobbled now. We've talked about putting him in this recovery position.

A Yeah.

Q Tell me about that piece of it.

A I think at that time it turned to concern for him, 'cause all of a sudden then he was just quiet and he was doing like a thousand yard stare. You can see him, they had him on his side and he was just lookin' off to wherever he was lookin'. And just kind of remained that way until fire got there.

Q Was he still breathing?

A Yeah. Yup.

Q Could you see if he was breathing?

A I don't, one of the officers, I mean he was doing a good job, had, you know, had his fingers on his pulse, was keepin', making sure of his pulse and he, he said that the pulse was calm, but he was hotter, he was very hot.

Q Okay.

A That was another thing. And then I, I remember, I told one of, I think it was Sergeant Lim, I told him, I said hey, you guys want to make sure you take a core temperature, and I just remember those things from the excited delirium that we've been trained on.

Q Okay. Do you know if they took a core temperature?

A Unfortunately, I know fire came back like 40 minutes after he was pronounced.

Q Okay.

A And he was like a, I want to say it was 97.6 degrees, and it's like 30 degrees outside, so he was still, still pretty warm, 'cause I, I think it was Lieutenant Mueller was sittin' next to me and I said hey, you probably want to put that on there, 'cause that will give 'em a time frame of what his temperature is now, the duration of time since the pronunciation of death.

Q Okay.

A Or pronouncing that he was deceased.

Q So was it taken when fire, during their initial response…

A No.

Q Or fire left and came back?

A If, they left and then they called, 'cause they wanted to get blood, 'cause Youngman, Sergeant Youngman had said hey, you can probably get blood too, just so you get the Ph level. That's a factor of excited delirium and then the core temperature.

Q Okay.

A And so they called and they said yeah, no one can do that. So then they called fire and fire came back and …

Q Okay.

A When they came back, that's when they had that big thermostat, or the thermometer, and then told us the temperature and then they said their policy is that they don't take blood from people once they've passed, because that's all a Medical Examiner at that point.

Q Okay. All right. So was it 40 minutes after they had been gone 40 minutes and then came back, or 40 minutes from the time that, that (unintelligible) for that.

A Fire, firefighters, it's, take into account that this is approximately 40 minutes from when we pronounced him dead.

Q Okay.

A 'Cause they pronounced, I mean they worked on him for quite a while, did CPR and some of the TPD officers performing CPR, and then, and they continued to work on him and finally they called it. And then they cleaned up, did all their stuff, put a blanket over him, to, so that was the duration of time. And then they left, and then they came back, so, it was a quite a bit of time before…

Q Okay. Did fire work on him, was the hobble still on him while they were workin' on him?

A No.

Q Was he still handcuffed?

A No. Once, once he coded, took all the handcuffs off, everything off. When fire first got there they wanted to get an IV in him and were, they were just saying we need an arm, and we're like, one of the Tacoma Firefighters, and they're like well what do you need us to do. And it's like well I need an arm. So I can put an IV, like okay, you know, he's been fightin' with everything. He's been, put up quite the fight. And, and so, and then it was like no, I need an arm open, off of handcuff. And so we had that point, they took the handcuffs off, took the hobble, or took the hobble off first and then took the handcuffs off. And then about that time he, they said he coded. Or…

Q Okay. So did we take the handcuffs completely off?

A Yes.

Q Do we know where those went or did they still remain at the scene or…

A I don't know.

Q Okay. Do we know who took 'em off?

A I know it was a Tacoma Officer.

Q Tacoma Officer, okay.

A That's all I know.

Q How about the hobble? Do we know where that went to or…

A No, I just know…

Q They may have…

A they took it off, and I don't know if it was still on him or if it was completely, I know it was tooken off of him but I don't know if they left it next to him or where it was put.

Q Okay. All right. Jesse?

Q (Det. Jesse Hotz) Sorry, if you, have a seat, thanks.

A Okay.

Q (Det. Jesse Hotz) We'll have you, we'll have you initial that and date it for us…

A Okay.

Q (Det. Jesse Hotz) before we leave. So no, no strikes. No LVNRs. They were just trying to get him detained.

A Yeah.

Q (Det. Jesse Hotz) And about how long was that struggle after you arrived?

A Approximately two minutes.

Q (Det. Jesse Hotz) Okay. I have nothing else.

Q Okay. And you mentioned that fire kind of took a long time to get there. Any idea how long from the time we got called to the time they arrived?

A I don't, it, it was quite a while though, 'cause he was laying there for quite a while. 'Cause I noticed, I kept watchin', just knowing the excited delirium thing. But the one officer was doing a good job of keeping his pulse. I mean he was taking his pulse, making sure he still had a pulse, 'cause he, like I said, he just kind of went calm and did that thousand yard stare. And just, the fight was out of him. But I, ten minutes?

Q Okay.

A It was quite a while. 'Cause they didn't even come priority. It was all some, we're like is that the fire, or is that a semi, and then they pulled in behind citizens, and then hopped out and slowly walked down and…

Q Now you talked about excited delirium. What's kind of your experience with excited delirium and training.

A Had a little bit of experience with, being a defensive tactics instructor, we learned a little bit about that. And then just through on the job training. I'm trying to think if I've been to any, Sergeant Carpenter when he was with us, I know he, he talked about it a lot. I talked to him about it quite a bit. From past incidents that we had in University Place, and then Deputy Stewart since then, it happened over off, I think 176th and Pacific, just kind of that knowledge.

Q Okay.

A And then just kind of exhibited all those things.

Q Okay. All right. Anything else, Jesse?

Q (Det. Jesse Hotz) Did you ever hear the person say anything?

A No. He never said an intelligible word that I heard. It was all grunts and ahh, you know, ahh, ahh, just kind of growls and grunts. And then at some point he started moanin' a little bit, but there was never, him saying anything like you know, owe you're hurting me, or anything that you could understand.

Q (Det. Jesse Hotz) And the officers were telling him stop resisting…

A Yeah. The one officer was like hey focus on me, focus on your breathing. Was trying to calm him down.

Q Are you aware of any property removed from the suspect or taken during the, this incident?

A Umm, while I was on scene, one of the Tacoma Police Officers brought up a backpack that had his cell phone and I think it was his casino card.

Q Okay.

A And he said hey, somehow this got in my vehicle.

Q Hmm.

A And it was in like one of those evidence plastic zip lock, evidence bags.

Q We know where that came from or…

A It came from the subject.

Q Okay.

A They took it off, I guess at some point took it from him. And then I believe that was given to Forensic Officer Steve Mell.

Q Okay. All right. And then are you aware of any cameras, body cameras, in car cameras, anything like that, that Tacoma had with them …

A I don't…

Q or…

A I don't think anybody, but I didn't see any.

Q Okay. All right. Keith, did you have anything?

Q (Invest. Keith Barnes) A couple things. The spit hood that he had on…

A Yeah.

Q (Invest. Keith Barnes) When, when did they put that on? Do you know?

A Umm…

Q (Invest. Keith Barnes) Was that on there before you got there or after…

A No. Once the hobble was put in place, someone said get a spit hood 'cause he was spittin' and when he was gruntin' and doin' that, so they just put it on him at that point.

Q (Invest. Keith Barnes) Okay. And, and when did it come off?

A Once fire got there.

Q (Invest. Keith Barnes) Okay. And are you able to see through that then?

A Yeah, it was, it was interesting, I hadn't seen one like it, but it had kind of like gauze down here, but it was all the mesh, so you could see his full face and everything like that, so…

Q (Invest. Keith Barnes) Okay.

A The part where I said that he was doing the thousand yard stare, was looking through that mask. You could, you could clearly see his face, but then there was like …

Q (Invest. Keith Barnes) Okay.

A Right, I guess maybe to absorb the spit and stuff, so it was a little bit thicker down below.

Q (Invest. Keith Barnes) Okay. And was it obstructing any of his airway or anything like that you could tell?

A No.

Q (Invest. Keith Barnes) Okay. And then what, do you remember what side they rolled him on?

A He was on his stomach, and then they rolled him on, it would have been on his right side, so he would have been looking east.

Q (Invest. Keith Barnes) Okay. And you, do you remember what the, what this person was wearing?

A Yeah, he had Kansas State, the college…

Q (Invest. Keith Barnes) Um-hm.

A The purple and, with the Kansas State Jay Hawks I think it is, like basketball shorts and then he had sweats over that. And then I, I want to say it was like a dark blue or navy blue sweatshirt I want to say. 'Cause fire cut off his sweatshirt, and they cut off his pants…

Q (Invest. Keith Barnes) Okay.

A And then he had like basketball shoes on, white tennis shoes.

Q (Invest. Keith Barnes) All right. And did, did you see any taser darts or, or anything like that or…

A Yes. There was the probes that were in him. And I think they pulled 'em out.

Q (Invest. Keith Barnes) They meaning…

A Tacoma Police.

Q (Invest. Keith Barnes) Police? Okay.

A The police officers.

Q (Invest. Keith Barnes) And you, do you know what happened to those?

A I do not. I think they left them next to where he was.

Q (Invest. Keith Barnes) Okay. And the, the lighting conditions out there, what was the lighting conditions?

A It's pretty well lit because it's Ainsworth and 96th and 96th has street lights pretty, pretty consistently all the way down.

Q (Invest. Keith Barnes) Okay.

A So it was pretty well lit.

Q (Invest. Keith Barnes) So you could see without using flashlights or anything?

A Oh yeah. Yeah, yeah.

Q (Invest. Keith Barnes) Okay. And then did you recognize this person at all or have you ever dealt with this person before?

A No. I didn't.

Q (Invest. Keith Barnes) Okay. So…

A I didn't know…

Q (Invest. Keith Barnes) You didn't know who he was?

A No, I did not.

Q (Invest. Keith Barnes) Okay. That's all I have, thanks.

Q Did you know any of the TPD officers involved in this incident?

A No. I've never, I've trying to think if I recognized any of them, unfortunately.

Q Okay.

A I was just amazed at how many of them there was for and, yeah. There was…

Q Okay. And now you'd mentioned that they pulled, the TPD officers pulled the probes out of this person.

A Yes.

Q Was that, can you kind of just tell me when that occurred?

A I think that was when either, right before fire started tending to him or when fire started tending to him.

Q Okay. So they pulled the probes out to allow fire to treat him and …

A Yeah.

Q and what not. And were, was he still making those sounds and breathing when fire got there or had he stopped at…

A No. At that point he was just doing the gaze and …

Q Okay.

A And no, just kind of like a real quiet moan if anything.

Q Okay. Was he still breathing?

A Yeah.

Q Okay.

A Yeah.

Q At that point he was still…

A Yeah, he was still breathin' and like I said, one TPD officer, I don't know which one it was, but he was, you know, I think he was knee, had one knee down and was basically doing the, just making sure.

Q Okay.

A I think he realized too somethin' was goin' on.

Q Okay. Was the suspect, was he sweating? Anything else? You'd mentioned that he was hot. Any other indicators of temperature or anything like that that you observed?

A He did look sweaty, when they, especially when they cut the shirt off, I notice he was, had a little bit of perspiration or on his skin.

Q Okay. All right. Jesse, anything else?

Q (Det. Jesse Hotz) No.

Q Anything you think's important? Keith? Anything else you think we've missed or you think is relevant? How about you, Gary? Anything that you think we haven't asked you or you think is relevant to what …

A No.

Q occurred today or…

A Yeah, it's just unfortunate, and, but yeah, it, everything that I saw was appropriate use of force. But yeah, that's about it.

Q Any other witnesses come up to you while you were there? Anybody else you're aware that was seeing this or…

A That was, that was the weird thing, that no one, on all of, all the houses that lined there, no one came outside. I know at some point we're kind of like okay, maybe he lives in one of these houses. But then Lieutenant Messineo did the scan and it came up with a Tacoma address off of Bristol.

Q Okay. What do you mean scan?

A He did the hand, fingerprint scan.

Q Okay.

A Scanner. Yeah. He used that to identify who he was.

Q Okay. Okay, so that's how we identified who this person was is through that thing,…

A Yes.

Q fingerprint scanner with Lieutenant Messineo.

A Yeah.

Q Okay. All right. Anything else that's relevant that you, we've missed or you think is important, something we should know about?

A No, I think you covered it all.

Q Okay.

Q (Invest. Keith Barnes) One, one other thing. Did you, did you pull out your handgun or any other equipment, taser, or anything like that, while you were there?

A No, I did not.

Q (Invest. Keith Barnes) Okay. No need to do that or …

A No, there was no need. He was pretty con, I mean other than struggling, he was, he was controlled at the point when I arrived.

Q (Invest. Keith Barnes) Okay. That's all I had. Thanks.

Q Okay. Jesse, Anything from you or…

Q (Det. Jesse Hotz) If you can just have him date and initial that real fast for me.

A Yeah.

Q (Det. Jesse Hotz) I'm gonna initial, if you don't mind, I'm gonna write the case number up next to it.

Q Okay.

Q (Invest. Keith Barnes) Can you write North on there too? Which direction North is?

A North? Ahh, (unintelligible).

Q Okay, Gary, and anything else you think we should know you want to add before we end this recording?

A No. I think…

Q Okay.

A We've covered it all.

Q All right. Everything you told us today was the truth?

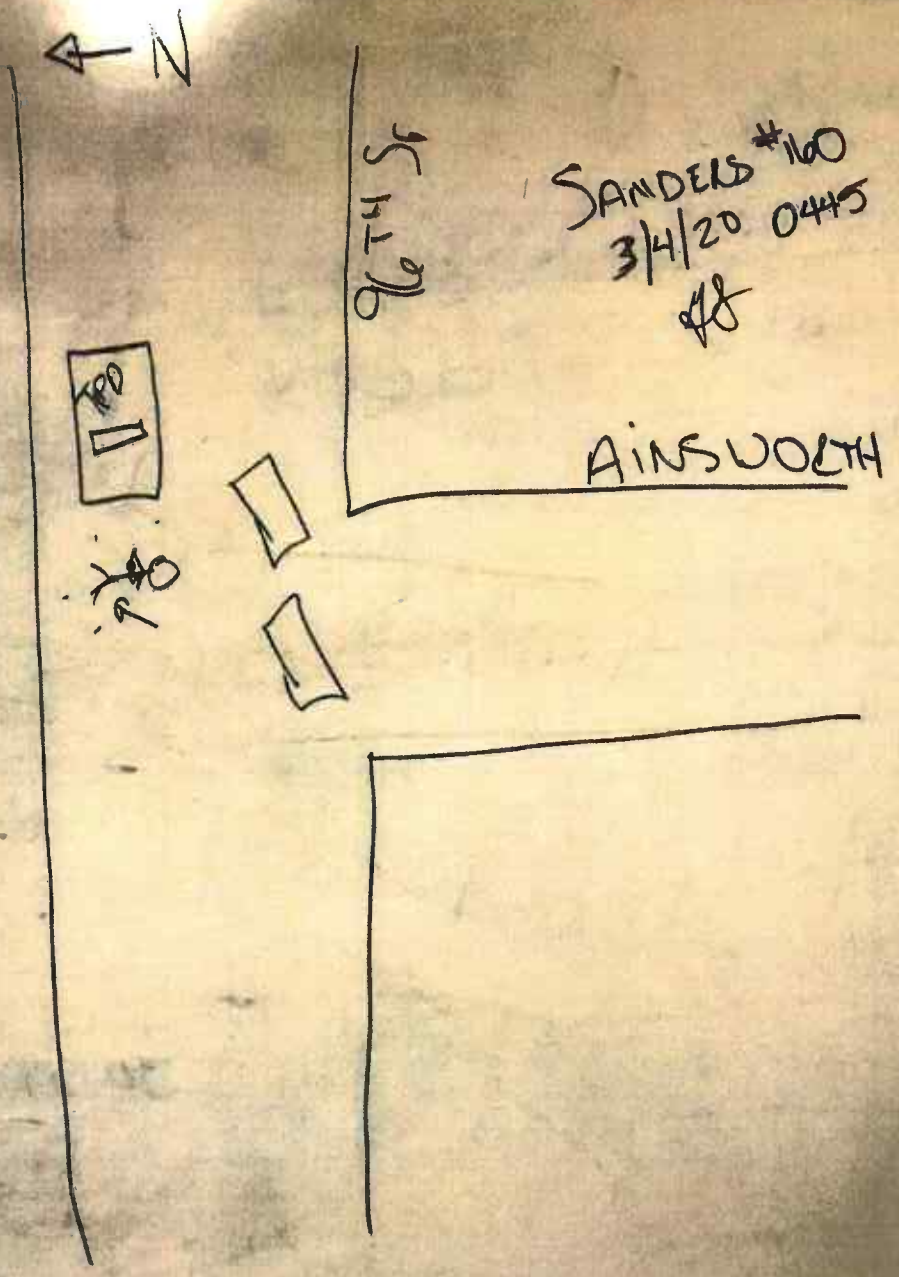
A Yes sir.

Q Okay. and were there any threats or promises made to you regarding the taping of this statement?

A No, there was not.

Q All right. So this will conclude the taping of this statement reference Pierce County investigation 20-063-02251. The date is March 4th, 2020, and the time is 0445 hours.

20-063-02251



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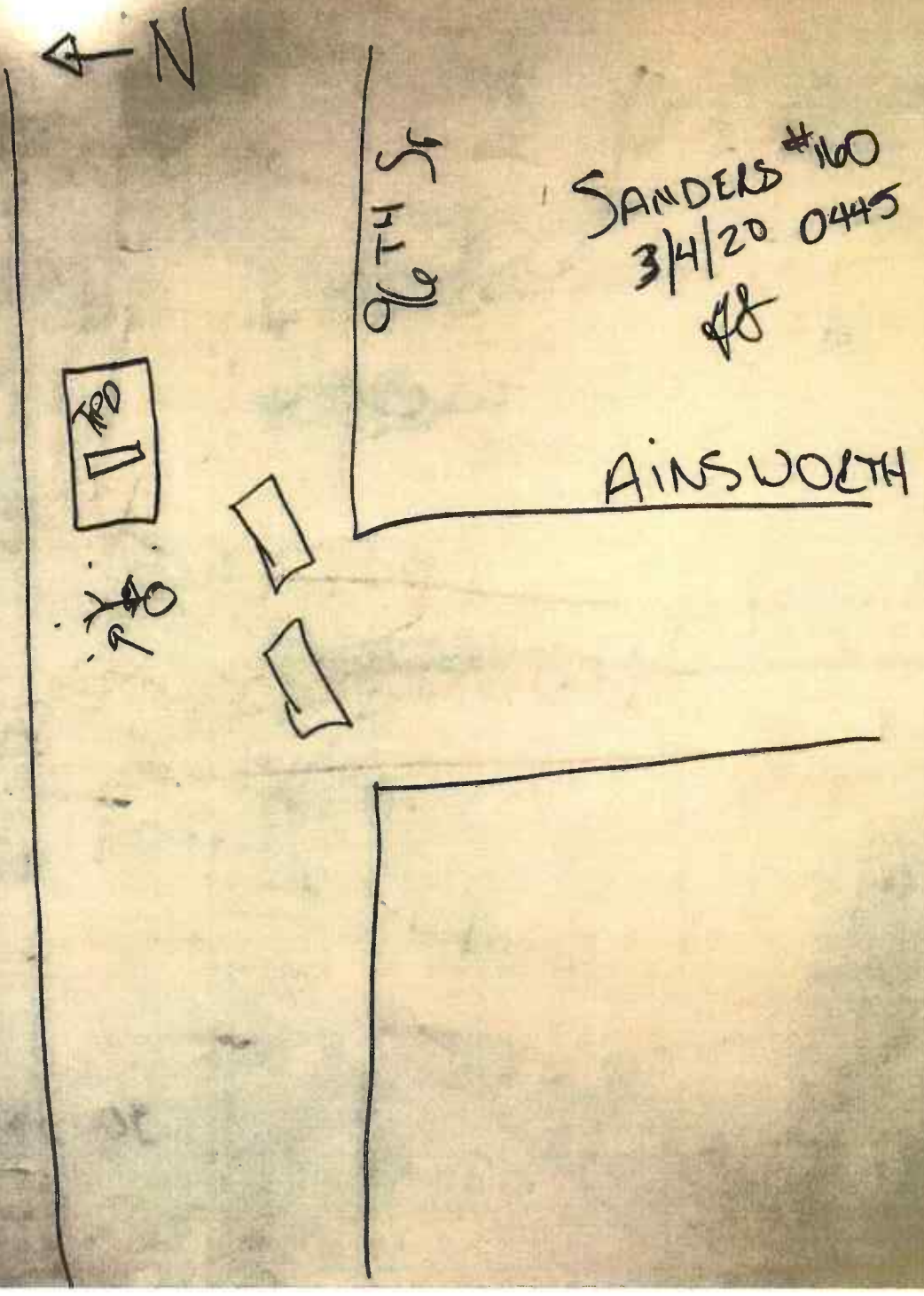

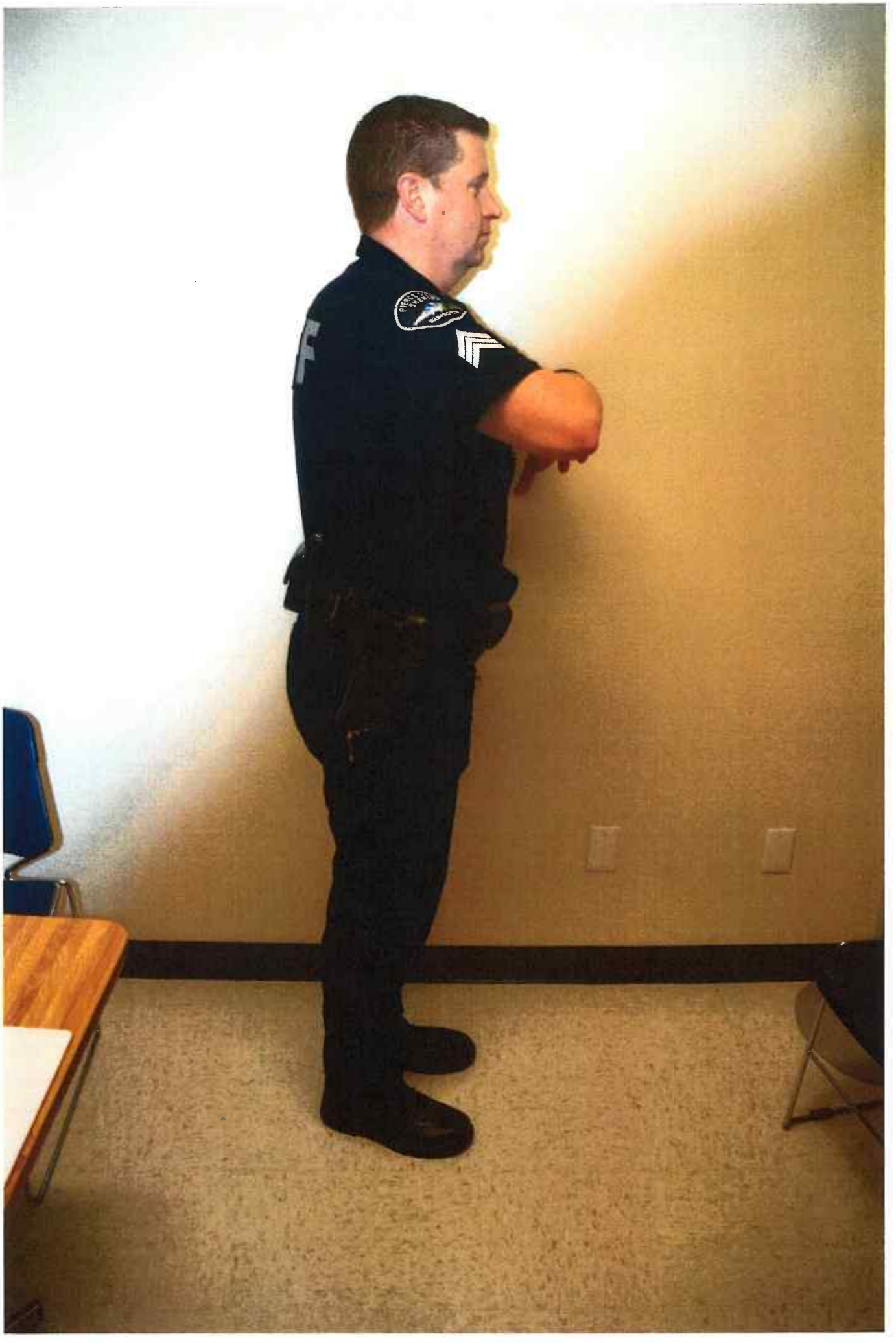

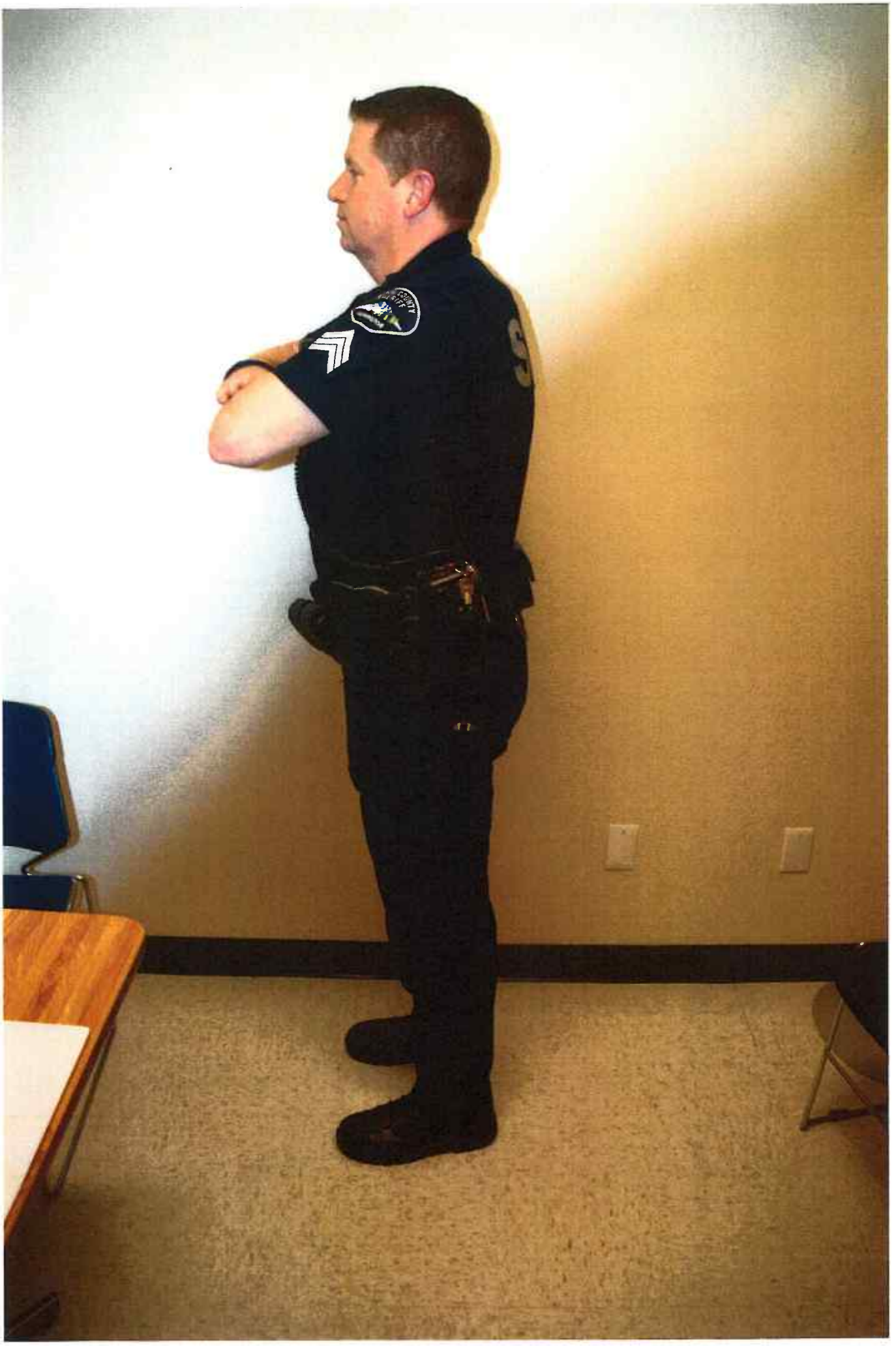

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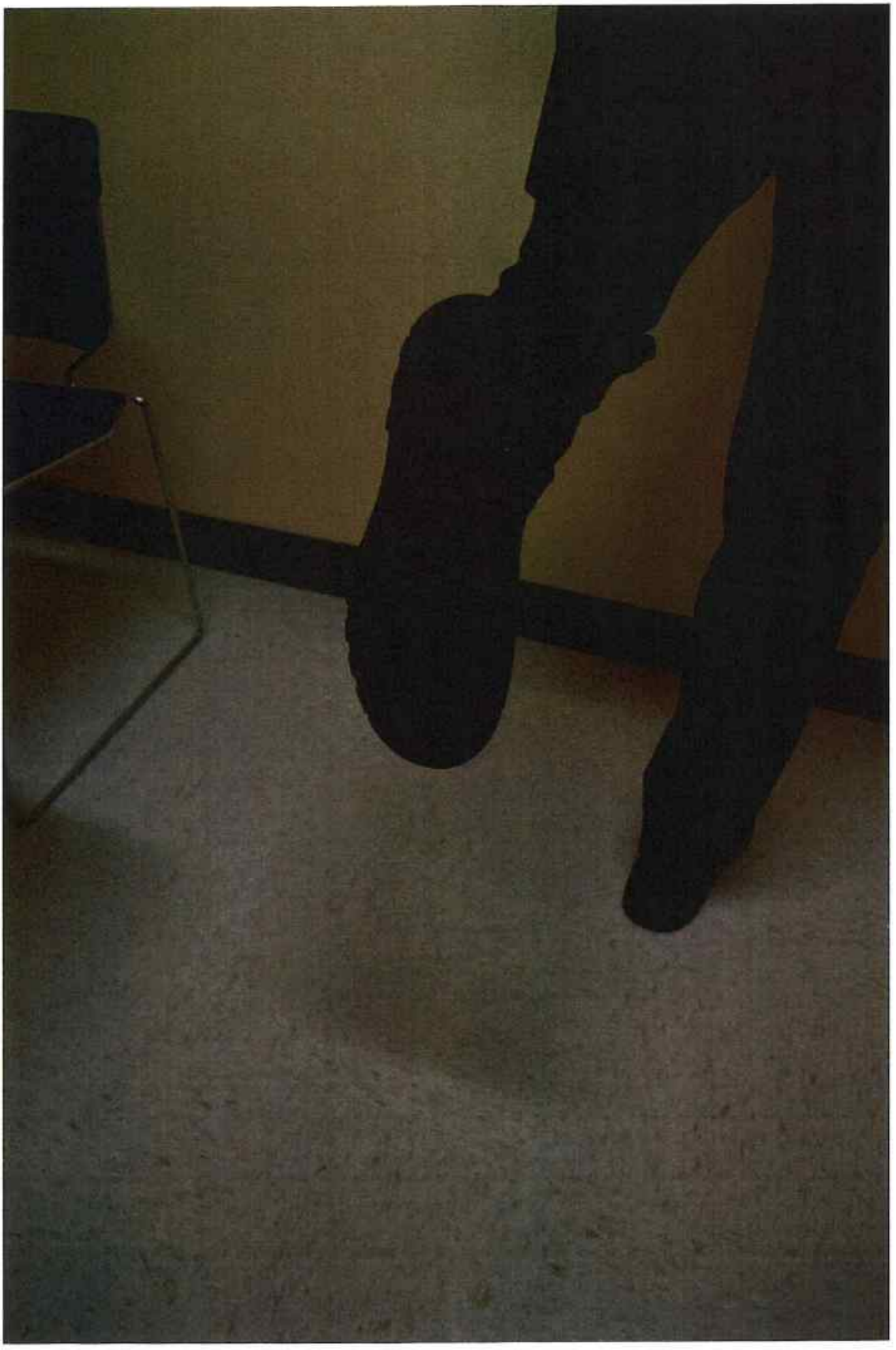


TAB 12

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 03/06/20 Beginning Time 1120 Hours Ending Time 1214 Hours

Location PCSD PARKLAND-SPANAWAY PRECINCT Officer D/SGT. B. BROCKWAY, #161/96-082

Name of Subject CHRIS BURBANK Date of Birth

Q This is Detective Sergeant Brockway with the Sheriff's Department, Pierce County. This is reference case number 20-063-02251. It's March 6th, 2020, 1120 hours. We're currently at the Parkland-Spanaway Precinct. This is reference an incident that occurred on March 3rd of 2020, in the area of 96th and Ainsworth Avenue South. This is an interview of Tacoma Police Officer Chris Burbank, also goes by Shane. Also present in the interview room is Attorney Steven Myers and Detective Helmcke and Keith Barnes, Investigator for the Prosecutor's Office. Shane, do we have your permission to record your statement?

A Yes sir.

Q And everybody in the room understands this is being recorded?

Q (Attorney Steve Myers) For the record, Steve Myers, yes.

Q Okay.

Q (Invest. Keith Barnes) Keith Barnes, yes.

Q (Det. Franz Helmcke) Franz Helmcke, yes.

Q All right. Shane, how long have you been employed with the Tacoma Police Department?

A Since December the 1st of 2015.

Q And what's your current duty assignment?

A I'm currently a patrol officer, actually Patrol Specialist, in the 4-Sector of Tacoma, on graveyard shift. The 4-Sector encompasses kind of the east and southeast area of Tacoma.

Q Tell me what a Patrol Specialist is. What that assignment is.

A I'm considered I guess more of an experienced patrol officer. Prior to Tacoma I spent five years as a patrol officer in Winston Salem, North Carolina. Kind of just, I can, I'm able to control crime scenes prior to an actual supervisor gettin' there and make decisions alone with just normal patrol duties.

Q Okay. It's called Patrol Specialist?

A Yes.

Q Do you have additional duty assignments, other than the Patrol Specialists?

A I have a collateral duty. I'm currently part of the Collision Investigation Team. Which is an on call status for like fatality type collisions.

Q Okay. Did you have previous assignments as well with North, North Carolina, additional duties?

A Yes, I spent three years on patrol, graveyard shift there, and my last two years I was one of our proactive units, our street crimes unit doing plain clothes type narcotics investigations, street level crimes, stuff like that.

Q Any prior military?

A Yes. I spent approximately a little over 8 years in the United States Army, active duty.

Q And what was your rank?

A When I left I was a Staff Sergeant.

Q Staff Sergeant. Okay. What day, do you remember what day of the week of your shift it was when you were working, for, when the incident happened?

A I believe it was a Tuesday night, going into Wednesday morning.

Q Tuesday, okay. And the night of the incident, you were wearing your patrol uniform jumpsuit?

A Yes, I was wearing my jumpsuit with my exterior body armor.

Q Like a carrier?

A Yes.

Q Okay. Does it have police markings on it?

A It does. On the, I can't remember which breast pocket. It has police. The other vest pocket has my first initial, last name, and then a large police marking on the back.

Q Okay. And we took photos of it that night?

A Correct.

Q Any Department hats or anything?

A Yes, I was wearing a Department hat with a Tacoma Police Patch affixed to the front.

Q And that night, what, what's your normal duty hours for graveyard?

A 2000 hours to 0600 hours.

Q And did you have a partner that night?

A I did. It was Officer Collins.

Q Collins. And whose car were you guys in?

A We were in Officer Collins' car that night. It's a marked unit, #2773.

Q And what kind of car is that?

A It's a 2017 SUV Interceptor.

Q Ford Interceptor, fully marked…

A Fully marked with lights.

Q Okay. Patrol car.

A Yes.

Q And are you, is Collins the driver or are you?

A He was the driver, I was passenger that night.

Q Okay. You guys alternate cars, alternate passenger/driver?

A Yes. Me and Officer Collins, we've been partners for probably three or four years, full time partners, and every other night we'll alternate.

Q Okay.

A Between driver and vehicle.

Q So kind of take us through that night. Where, where were you at when you initially got this call. Or, or I should say, where, how did you come into this call?

A Okay. We had, Officer Collins and I, we had just cleared a traffic stop around 96th and A Street. And were traveling west on South 96th Street. I would say approximately 2320 hours, we arrived at the intersection of 96 and Ainsworth, facing westbound. Stopped at the red light. And as we arrived at

that intersection, observed a male suspect or, I'll refer to as a suspect, is actually in the roadway, in the intersection. There was a vehicle. I'm not sure what type of vehicle it was. It was facing, it was traveling north on Ainsworth and it was attempting to make a westbound turn onto South 96th Street. The vehicle started to proceed through the intersection to make that westbound turn, and the suspect kind of ran, I guess out of nowhere. I just recall seeing him in the intersection of the roadway, run up in front and kind of block that vehicle by waving his hands and stopped that vehicle.

Q And how was the lighting there in that area?

A I believe it's got street lights. It was dark, like I said, it was approximately 2320 hours. I think it was roughly that time.

Q Do you remember the weather that night at all?

A It was cold. It was actually, it was not raining that night. It was probably 40 to 45 degrees.

Q So he's, he's right in the middle of the intersection. Can you describe what he looked like?

A I don't recall, I just remember he was a black male. I estimate probably six foot, 200 pounds. I believe he was wearing windbreaker pants and a jacket, but I'm not certain. And I know he was carrying a jug of water in one hand and some other items in his other hand.

Q A jug of water. Okay. Do you recog, did you, during the course of the night, during the incident, did you recognize him for any previous contacts or anything?

A No. Not at all.

Q Go ahead with, so he's in the middle of the intersection. There's a car trying to make a left turn, west, and what, what did you observe?

A As soon as the vehicle stopped, the suspect, he immediately ran directly to the front passenger door of the vehicle and started trying to like kind of pull it open. Like he was trying to enter the vehicle.

Q Of this lady's car?

A Yes, I'm not sure what the vehicle was or who was the operator of it.

Q Okay. Of the car, all right. Okay. And then go ahead from there.

A Just that thought, either this was, he was trying to enter the vehicle, like a carjacking, or maybe this was some type of disturbance, where he'd been put out of the car and was trying to re-enter. But I wasn't sure what was going on at that point. As soon as that happened, tried the vehicle door several times. The vehicle just ended up speeding off and leaving there and just continued westbound on 96th without stopping.

Q And we're not sure of any description of the car that you remember.

A I don't remember it at all. I just remember he went directly to the front passenger door and started pullin' at the door handle.

Q Okay. Go ahead.

A As soon as the vehicle drove off, the suspect turned and kind of fixated on our patrol vehicle. We're still stopped there at the red light. He ran directly towards our vehicle and, to where Officer Collins was at on the driver's side. I remember Officer Collins puttin' down his driver's window and sayin' somethin', askin' what he was doin' in the road, why he was in the road. And what he was doin'. I noticed that the suspect, he was extremely sweaty. He seemed to be very kind of hyper vigilant. Was talkin' quick, and he was just kind of, and he stated something to the effect of, I'm having a bad day, I need some help and I have warrants. And it was very quick he said that.

Q And when he approaches the car, is he, what's his motion?

A He's, he's like running directly at the …

Q Running at…

A at our patrol vehicle.

Q Does he continue to hold, do you remember if he was still holding those items?

A Yes, at that time he was still holding those items, and I remember, Officer Collins actually said well we'll help you out, just, he told him to walk over to the sidewalk, kind of motioned towards the north sidewalk, which was on the north side of 96th. So we could pull over and talk to him, see if we could help him out, see what the deal was.

Q Okay.

A I remember the suspect, he started to walk around the front of our vehicle, which was still facin' westbound at the, the stop light intersection. And instead of going to the sidewalk, he started to come directly to the passenger door where I was sittin'. I started to put the window down and I told the, to tell the suspect, hey, can you just go over to the sidewalk, we'll pull over, get out of traffic and talk to you. He, at that point he kind of seemed agitated. The window was probably about halfway down. And he just like still speakin' very quickly, he just, he said something to the effect that I just, I'm really hot, I'm havin', I just need some help. And I just gotta sit down for a couple days. I need to cool down. And the window was being halfway down, and about that time I, I don't know exactly why, he just looked at me from the, I was still seated in the passenger seat. He said something to the effect that, instead I might just punch you in the fuckin' face. And that's when I, I believe that's when he dropped whatever was in his hands. As soon as he said that, I immediately started trying to roll the window up, 'cause I thought he was actually gonna punch me through the window. I rolled the window up. As soon as the window was up, the suspect just reared back and struck the window with a closed fist, probably two, maybe three times as hard, it seemed like as hard as he could, like he was trying to break the window. Once he did that, I noticed he was about to try to reach for the door

handle, and he actually started to reach for the door handle, and I reached as fast as I could and locked the door. 'Cause if he would have got, I assumed he was trying to assault me at that point. And I knew that I could not defend myself from a seated position in the passenger seat.

Q Okay. Go ahead.

A As soon as that happened, I recall Officer Collins getting out of the vehicle and going around the front of the vehicle and approaching the suspect. As he approached the suspect, I don't know exactly, I heard him say something to him, I'm not sure what he'd actually said to him, and the suspect kind of left it, left, I guess focused attention on me, and he turned towards Officer Collins, kind of in a fighting stance with, with clenched fists, and kind of squared up to him like he was about to fight him. As soon as I realized that he had focused on Col, Officer Collins and was probably about to attack him or start fighting him, I used my door to actually door check him and hit him with the door to draw his attention away from Officer Collins and kind of divert him away from that.

Q Do you know how far away he is from Collins?

A I'm, I'm not sure, my attention is completely focused out the window on the suspect at that time. And he's probably maybe a foot or two from the vehicle. I'm not sure, but I know when I opened the door to, to you know, divert his attention with it, that I did hit him with the door.

Q Okay. And when you go, you talk about fighting stance. And just for the record, he's up with his hands up, his fists…

A Right. He had clenched his fists and like kind of actually squared his chest up in the direction of Officer Collins.

Q Okay. Okay. After you, you get, use the door, what's next?

A As I exit the vehicle, I realized I don't want to leave the door unlocked, and the vehicle unlocked, 'cause I know it's still running, it's unattended. We don't have the lights on. We haven't even had a chance to actually radio out that we're pullin' over to assist this guy. So I, I turned and actually locked the doors, and then shut the doors, because I knew we had a rifle in there, in the front. We had a rifle in the back, along with other equipment, as well as the vehicle, like I said, the vehicle was still running.

Q Okay.

A Once I'm able to get the door locked and exit, I'm not exactly sure, I don't recall if Officer Collins and the suspect were already on the ground or, I know they were in some type of contact with each other, kind of wresting around. And I'm not, I don't recall if they were still up on their feet, but they were already on the ground.

Q Okay.

A The next thing I recall for certain, that Officer Collins and the suspect were on the ground, kind of by our front right fender at the front right tire, with, Officer Collins appeared to be trying to like, kind of just pin him to the ground and hold him. And the suspect was just swinging both left and right fists as hard as he could, very wildly, at Officer Collins, and kicking him, basically trying to like throw him off of him and strike him at the same time.

Q Do you know which way the subject was faced when he was doing that?

A He was kinda, he was kind of on his back, and almost seated up, against like the, the vehicle.

Q Okay.

A At the same time. And Officer Collins, from what I recall was, appeared to be just trying to kind of clinch him and like wrap him up and just hold, just pin him at that point.

Q Okay.

A I, I tried to actually grab a hold of the suspect and kind of get a hold of him, but he was also kicking very wildly, flailing, and just swinging as hard as he could, it appeared like, with both fists, and striking Officer Collins.

Q Where was he, where was Collins gettin' hit at?

A It looked like just kind of everywhere. It didn't look like very well aimed shots. He was just wildly flailing. Just hitting wherever he, any target he could actually hit.

Q Okay.

A And it didn't look like Officer Collins was actually able to defend himself. He was just kind of trying to wrap him up and pin him at that point still.

Q Okay. While I was trying to actually get control and pin the suspect's legs to the ground, he kind of, I started, started delivering blows and strikes kind of to his body. And trying to avoid this wild punching as well.

Q Okay.

A It's, when I was able to start delivering strikes to his body, it kind of appeared that he, well his focus on Officer Collins, and then focused in on me. The, this guy was, and it was odd 'cause he seemed very, very strong. Like he was basically able to actually push Officer Collins off of him, which is, Officer Collins is significantly large than me. He's probably got me by, I don't know, I'm about 165. He's probably approximately 215 pounds. And this guy's just kind of screaming and growling. There's no verbal anything from the suspect at all at this point.

Q No words just screaming and growling?

A No, just screaming and growling.

Q When you, when you delivered those strikes, did, did it, other than him focused, did it change his …

A No, nothing at all. It didn't seem like he even felt any type of, it didn't seem like there was any type of pain compliance or anything like that. At all with him. It just kind of diverted his attention to me I believe.

Q Okay. Go ahead.

A At that point it looked like he had kind of lost that focus on Officer Collins and then focused in on me. And actually started to stand up and kind of just throw Officer Collins off of him. At that point I decided I needed to probably try to disengage and op, you know, open some distance between us, so I could look at my next elective. 'Cause like I said, it didn't look like any type of pain compliance was workin' on him with the strikes. And he just felt like he was stronger than what I, what I would imagine someone would be.

Q Okay.

A So as he got, as soon, as the suspect got to his feet, I actually, and he focused in on me, I actually turned and ran, I would, I would estimate probably 10 or 15 feet, maybe about a car length into the intersection, which was west. To kind of try to open that distance up and see what my next option was, if this guy was gonna continue fighting or try to, you know, resist, like evade us.

Q Um-hm.

A As soon as I got that distance, I turned and the suspect was actually sprinting at me and was almost on top of me. And I realized he was actually coming at me to attack me. He wasn't trying to evade me, or evade us. He was coming directly at me. Still screaming, still growling.

Q Where was, how were his hands at that point?

A When I turned around and kind of realized what was going, he was actually kind of in a jumping motion right on top of me. Like he was trying to maybe knee or kick me, but also flailing both fists at me. Just kind of, like, like earlier, like just wild strikes, directly on top of me.

Q Okay. Go ahead.

A As soon as I saw this, I, I kind of tried to square up and also started swinging back, just kind of wild strikes, and I was trying to defend myself.

Q Okay.

A The suspect actually contacted me. He kind of, I wouldn't know, I wouldn't really call it a tackle, 'cause he never, I don't feel like he actually ever wrapped me up, but he just kind of collided with me

and we both went to the ground. When he was doing that jumping, kind of swinging motion, just kind of collided with me.

Q Okay.

A And we both went to the ground right there.

Q Went to the ground? Okay.

A Um-hm.

Q Where he, when he was swinging, were they connecting at all do you remember? Or…

A I was gettin' struck, I remember distinctly gettin' hit one time in the mouth. I just remember gettin' hit in the mouth and I don't really remember it affecting me that much. And then just, just kind of just strikes all about, they, like I said, they were just really wild and unaimed strikes. And just complete flailing with his fists.

Q Okay. And then you both go to the ground then, what's…

A Correct. After I went to the ground, I'm not certain if the suspect was able to actually get back up or if he was still on the ground. Because I, it obviously had knocked me to the ground. And once I kind of regathered myself and picked myself up and realized what was going on, the suspect was on the ground on his back with Officer Collins pinning his upper body down, and was delivering strikes with, it looked like his closed right fist, or a right elbow to the suspect's face.

Q Okay.

A He delivered several strikes that didn't look like they were affecting him at all.

Q (Attorney Steve Myers) You gotta say who affecting…

A Oh, sorry. Officer Collins was delivering several strikes to the suspect's face, and it didn't look like the suspect was being affected at all. He was still on his back and just flailing and striking at Officer Collins with both fists wildly.

Q Okay.

A At that point I tried to assist by pinning him down and grab at his legs and just kind of hold him in place, but he was, the suspect was also at the time, also kicking at me and trying to kick me off of him.

Q Okay.

A So, I recall during, during this time we're on the ground, I would say, I would consider this the second time we were on the ground with the suspect.

Q Um-hm.

A I remember to the west of us I could just hear someone, I'm not even sure who it was. I'm not sure if it was a male or female, just like screaming. Somewhere from behind our vehicle. I don't know what that was about. I just recall that someone was just screaming…

Q Behind.

A behind the vehicle.

Q Okay.

A I have no clue what it was or who it was.

Q Okay.

A And then after these, these strikes Officer Collins was delivering to the suspect, appeared ineffective. And I had actually been kind of bucked and thrown off of the suspect by trying to control his legs, he started to regain his footing, at which time Officer Collins looked like he kind of got his back, and was trying to put a lateral vascular neck restraint on the suspect.

Q Okay.

A Officer Collins at that time was actually on his back with, …

Q (Attorney Steve Myers) On whose back?

A With on, his own back. Officer Collins was laying on his back in the street, behind the suspect, and the suspect was on his own back, like on top of Officer Collins, with Officer Collins trying to effective, I guess use this lateral vascular neck restraint.

Q Could you tell if he was able to do, do it…

A I couldn't, I couldn't tell if he was able to actually successfully do it, but it didn't appear like it was suspect, effective at all. The suspect was still striking…

Q Um-hm.

A With both hands, kind of back at Officer Collins, and also the suspect was using like his body to kind of roll and kind of buck…

Q Okay.

A His, like his abdomen up.

Q And Collins was on his back on the street, and then the subject, he was still trying to hang on the…

A Correct.

Q Okay.

A Correct. At that point I felt like nothing had been effective at this point. Strikes didn't appear effective, it didn't appear like this, this lateral vascular neck restraint was gonna be effective, and the entire contact we've had with the suspect from outside the vehicle was immediately assaultive and it appeared like it was gonna continue to be assaultive. So I felt like my next option was probably gonna be my X-26 taser that I had issued.

Q And at this point you, are you guys still alone?

A Yes. Yes. As far as I know, we had not even got on the radio. I remember Officer Collins, I believe, that first confrontation just outside the right quarter panel of our vehicle, where we were initially on the ground with him. He had tried to get on the radio and say fighting. I recall him saying that. But I'm not certain if it got out.

Q Not sure if he was able to transmit.

A Correct.

Q Okay. Okay. You talked about your taser.

A Correct. So I initially moved in to try to take like a contact shot on the suspect with my taser, but decided against it because I didn't believe that it would be effective due to, probably just be a, more of a pain compliance with that close shot.

Q Um-hm.

A And I was hoping for actual neural muscular incapacitation by gettin' the probes spread, and hoping that'd be effective in stopping the assault.

Q Okay.

A So, and also, and at the time I was also kind of concerned, I kind of backed away like a step or so, and was kind of waiting on that, on a clean shot, just because Officer Collins and the suspect were still in that same position and kind of rollin' back and forth. And I didn't want to strike Officer Collins with the taser.

Q And how was Collins holding him? Do you remember?

A He was, he was still in that, trying to use that lateral vascular neck restraint, and the suspect was still just kind of rollin', ...

Q Rollin' around, ...

A Left to right and kind of bucking up.

Q Okay. Go ahead.

A So it looked like the, the suspect had kind of, I guess kind of arched at one point and kind of presented like an open target away from hittin' Officer Collins. And so I deployed the taser. Probably from about 2 to 3 feet. Lookin' for that probe spread, directly at, I was aimed directly, I would say around the belly button.

Q Um-hm.

A Of the suspect.

Q Okay.

A As soon as I deployed the taser it was effective in stopping that assault and that, and that kind of like that super human strength we felt like he had. He continued to yell but it appeared like he had actually, it kind of gave him that incapacitation to where he locked up.

Q He locked up. Okay.

A I'm not certain exactly where my two probes had actually hit, but it appeared like it was an effective shot.

Q Okay.

A During that five, as soon as that five second cycle was over, it's like everything, that effectiveness completely went away and he immediately went back to that, kind of like that strength. And actually started to, the suspect started to kind of stand up and actually kind of tossed Officer Collins off of him it looked like.

Q So when the taser, when you deployed the taser, he's still locked up with Collins on the ground?

A Correct.

Q And it's a five, you think a five second…

A Correct. I believe, I, I gave it just a five second cycle.

Q Okay. And then it was effective and then it, it's not any more…

A Correct.

Q And he's gettin' up.

A Correct. Right. As soon as that five second cycle had ended, it looked like he had regained that, the suspect had regained that strength and was started to stand up and actually Officer Collins kind of loosened that grip. I'm not sure if he had intentionally lost, gave up, because of the taser cycle or what, but it looked like he was losin' that grip.

Q Okay.

A As the suspect's startin' to stand up, I delivered a second taser, five second cycle of the taser, the same cartridge. Which again was effective in stopping him and locking him up. And Officer Collins kind of was able to put him back on the ground for a third time on, into like a, onto the suspect's stomach. And I would say that they, Officer Collins and the suspect, they probably fell maybe 2, anywhere between 2 to 5 feet, a little bit further southwest from where we, that second confrontation was on the ground, where he started to stand up.

Q Okay.

A So at that point the suspect is on his, on the ground on his stomach, facing, his head is pretty much due south down Ainsworth. We're somewhere, not quite in the middle of the intersection, but we're in the intersection at this point. I am on my, I'm on the right side of the suspect trying to basically pin his, pull his arms out. The suspect's arms at this point are both kind of locked up under his body.

Q Um-hm.

A With Officer Collins trying to control and take control of his left arm, and I'm on, controlling, trying to take control of the right arm. And I'm trying to also, at the same time trap the suspect's legs with my legs, 'cause he's still trying to stand up and kick and flail his legs.

Q Okay. Go ahead.

A The suspect again, that, the strength that I'd earlier mentioned, seemed like it was still there. Every time we, Officer Collins was trying to pull his left arm out, I have only my left arm to use at this point, 'cause I've still got my taser in my right hand.

Q Um-hm.

A And the suspect almost feels like he's doing, almost doing pushups with us on his back. And he's still, at this point still growling, still yelling. There's been no change in that at all.

Q And you, you talked about sweating. Do you, do you remember having contact with his skin? Could you tell if he was…

A I don't recall at all. I just, I know I had contact with him. I just don't, at that point in time I don't remember knowing that.

Q But he, the initial contact he was sweating.

A Yeah, he was definitely sweating.

Q And at, what was the, the weather like again for temperature wise? Do you remember?

A I believe it was between 40 and 45 degrees that night. It was a cool night. I know I was wearin' my long sleeved jump suit with a long sleeved shirt underneath.

Q Okay. And then go ahead, back to…

A Okay.

Q You're…

A So I, I believe it was at this point, I'm not exactly sure when I was able to get out on the radio and just give our location. I remember getting on the radio and just yelling, like nonsense, any word. So, like I said, I believe it was at this point, because from what I recall I, I remember looking up before I did and seeing, okay, just make sure this is the intersection, I recognize the intersection, 96th and Ainsworth and I remember just getting that on the radio, and I remember hearing the mike click, like I actually was able to get out. So I assumed that I had gotten out, but I wasn't, I didn't hear any response at all.

Q What call sign were you guys using?

A That night we were Henry 317.

Q Henry 317.

A Yes.

Q Okay.

A Still unable to get his arms out under the, from the suspect's body into a handcuffing position. I delivered what I believe was a third taser cycle, five seconds, which again was effective in stopping that, that power and that strength and locking him up0.1 But I was still unable to, during that five seconds I wasn't able to actually control that right arm out from under his body, just because I only still had my left hand and was controlling my taser in my right hand.

Q Okay.

A So after several more seconds of still trying to pull the suspect's arms out from under him with that strength, 'cause every time we would feel like we were pulling, he would just, the suspect would just kind of, just lift us off of him. And just kind of rip his arms back under his torso and upper body.

Q Okay.

A So once the, I decided I'm gonna try another cycle, I delivered, I believe was a fourth five second cycle, and at that point I, during that cycle, and I applied the cycle, placed my pager kind of down to

the, on the ground out of his reach, out of the suspect's reach, but like still in my reach, kind of like down by my right leg.

Q Um-hm.

A At that point, during that five second cycle, we were able to actually pull the suspect's arms directly behind his back in a handcuffing position and he, the suspect appeared to kind of give up the actual physical fight at that time, but he was still growling, kind of yelling incoherently. And you know, kind of rocking his body around, and kicking his feet, or trying to, attempting to kick his feet.

Q Okay.

A Like I said, I tried to wrap his legs with my legs during that. So after that we were able, me and Officer Collins were able to get the suspect's hands behind his back and just kind of pin his hands down behind his back until we could get handcuffs on him.

Q Okay.

A Officer Collins was utilizing his handcuffs, and I, I recall he was able to quickly get a cuff on the left wrist, but it took us several seconds to get a cuff on the right wrist, because we had to kind of work through the, pull his clothing out of the way, 'cause it seemed like the cuff was gettin' hung up on his jacket sleeve.

Q Okay. Go ahead.

A So after getting him finally in handcuffs, he still, the suspect is still trying to like roll and, and kind of buck Officer Collins and myself off of him. And we're just mostly, bathe, both basically just kind of laying on top of him trying to pin him to the ground and keep him from flailing and kicking around. I remember at that point I was exhausted and just, just laying there. I was just trying to pin him, 'cause I could hear at this point, I could hear sirens coming, so I assumed that people would actually, heard our call, our location, was coming. I could hear sirens from, it seemed like everywhere.

Q Um-hm.

A But I don't recall any radio traffic. While waiting there, on top of the suspect, I remember someone, it sounded like a male voice just to the east, probably behind our patrol car on the sidewalk, around there, had yelled, asking if we were okay and if we needed any help. I remember the, the male saying something like that guy looks pretty big, or a handful, and I'm, I'm pretty big, I can help you told him. I remember looking, when I saw, when I looked towards that voice, I, I could see patrol vehicle lights coming from the east, and so I, I remember yelling at the guy, no, we're fine, we got people comin', and we just, Officer Collins and myself we just laid there and just, just tried to control him from movin' any further.

Q Okay. Go ahead.

A I don't recall who arrived first, but I, the first person I do remember seeing and acknowledging as arriving was my supervisor, Sergeant Mike Lim. He came from the west to east, and stopped his patrol vehicle right in the intersection. And ran over to us and actually grabbed the suspect's right arm. I, I believe he thought that we were still struggling to get him in handcuffs. But I remember telling Sergeant Lim, he's in custody, we've got him in cuffs. And at that point he had, you know, kind of grabbed a hold of him. And several other people I noticed, it seemed like several officers had started to arrive around the same time. And I just kind of rolled off the suspect to kind of catch my breath.

Q Okay. Okay.

A I remember shortly after other people had got there and still trying to restrain the suspect on the ground, he was still growling, still screaming. Still attempting to get people. Somebody had asked about hobbles, to restrain his feet. I knew that we were the closest vehicle right there, stopped at the stop bar, so I went to our vehicle and got, we have hobbles in our glove box, in our patrol vehicle. And I retrieved the hobbles from our vehicle and came back to help restrain the suspect's feet with 'em.

Q And describe what a hobble is and …

A Hobble, it's, it's just basically a nylon strap. I'm gonna guess maybe 18 inches in length. I'm not certain, with a metal clip that you basically make a loop and you can lock down. And at the end of the, the nylon strap is kind of like a small D-ring, so you can secure it to another fixed object.

Q Okay.

A I'm not sure who all was assisting, but I, I do recall that Sergeant Lim was helping control the suspect's feet from kicking, while I actually wrapped his ankles with the hobble, secured it, and then I secured it to the handcuffs that was behind his back to keep him from kicking.

Q Okay.

A At that point I kind of backed away and just, to catch my breath, like I said. I was, I was completely I guess exhausted at that point from that fight. I would estimate it probably had lasted anywhere from 2 to 3 minutes, from the initial confrontation until actually getting him under control and in handcuffs.

Q And the way you described it, it sounded like there was 2 to 3 minutes but no break, there was no, this is a constant…

A Right. That's correct, that's correct.

Q Okay. Go ahead.

A I'm trying to recall. I remember resting for I don't know how long, sit, I went back to our patrol vehicle and just kind of sat for a second to catch my breath. I do recall, after the suspect was hobbled, he started to turn his head and tried to spit at officers, and then someone had asked about a spit sock or

a spit mask. I went to our vehicle and actually tried to locate one in our vehicle, but couldn't locate one. And someone else, I'm not certain who, but someone else in another vehicle had, and actually placed it on the suspect. But I'm not sure who that was or actually at what point that was.

Q Okay. And is that a department issued kind of spit sock that you would, that people carry in their…

A It is. It's just like a, like a nylon mask to keep people from spitting or biting.

Q Okay.

A That's placed over the head. It's like a loose fitting nylon kind of mask.

Q Okay. Have you used it before?

A I have.

Q Okay. And then, so okay, go ahead. Somebody placed the mask, the spit mask on.

A Correct. At some point I walked back. There's still several officers restraining the suspect. And I remember, I'm not sure which officer but somebody said whose handgun magazines are these, and I looked down and both of my pistol magazines had actually came out of my vest at some point and were just in the street. Somebody had located them in the street. I'm not sure exactly where.

Q And how are they secured on your vest?

A Some, on my vest they're just in two open, in magazine pouches right here, around the left side of my stomach.

Q Do they have some retention on 'em?

A There is some retention. There's actually an elastic band that you tighten up, that has retention. It takes some type of force to actually pull them out. They just don't easily fall out. I could hold my vest upside down and they wouldn't fall out.

Q Okay. Go ahead.

A So I retrieved my handgun magazines and placed them back in my vest, and I'm not sure. Again, I recall, the suspect was no longer growling or fighting. He was just kind of laying there. It seemed like he had maybe calmed down. And I remember, I'm not sure what officers it was. I remember telling them to go ahead and roll him on his, since he was no longer fighting, to roll him onto his side so he wasn't, he was no longer laying on his, like in a prone position.

Q Um-hm.

A The officers actually rolled him to his right side, but they maintained, I'm not sure who it was again, they rolled him to his right side where he was, the suspect was facing back to the east, on his right

side. And I noticed a, a hat was directly under his body, and I, then I realized I was actually missing my hat, and it was my hat that was under his body, so I retrieved that hat.

Q Okay. Go ahead.

A It was probably, shortly be, after I had them, the officers, the assisting officers place the suspect in that position on his side, and I remember the fire department arrived. And requested that the hobbles be removed. And the handcuffs so they could start medical treatment. And I assisted in removing those hobbles, and placing them back in our vehicle.

Q Okay.

A At that time there was so many officers there and fire was beginning to do medical evaluation on the suspect, I, I went to our vehicle and just sat in our vehicle. I stayed in our vehicle the rest of the time I believe.

Q Could you tell the suspect, once he was turned onto his side what his, what he was doing?

A It, it looked like he was calm. I, I believe he was just kind of laying there, just kind of blinking his eyes. Just kind of, just staring off, blinking his eyes. But I'm not exactly sure. I don't recall him still making any noises or anything like that. I was just trying to get him into a position that he wasn't still on his stomach.

Q I know this may be hard but just estimate, how long, do you know how long he had, so how long he was hobbled on his stomach for?

A I have no idea. I, I can't even estimate.

Q So you go back to your car, you're there, go ahead from there.

A While sittin' in the vehicle, I noticed it looks like officers, and along with Tacoma Fire are startin' to perform CPR on the suspect. And shortly after that, that's when Sergeant Lim came and said that we're gonna be going off to the substation here for Pierce County for, for further investigation of...

Q And do you put the hobble back in the car?

A I did. I, I believe I resecured it back in our glove box when I went back to the vehicle and sat.

Q Okay. And what was your mode of transportation back to the department, precinct?

A I was driven to the Parkland Precinct by Officers Armondo Feritas and Andy Giardino, in their patrol SUV.

Q I might have to ask you to spell the second guy's last...

A I, I can't.

Q Okay.

A I call him Andy G.

Q Andy G. All right. Okay.

A Yeah.

Q Other than the initial him, the suspect saying some words to you, that he's been having a bad day, and was, and, and hot, do you remember any other words other than the grunting and…

A I don't recall him, in any other words, any point, from when he had told me he was gonna punch me in the face at the window. After that all I recall was just yelling, screaming, and like, just kind of like a growling. I don't recall any other words being spoken.

Q And did you, after everything settled down and we, we took photos that night, do you remember having any other pain or injuries anywhere?

A I did. That night I recall, after I'd kind of, well, actually on the scene I remember tasting blood in my mouth. And I had Sergeant Lim actually look in my mouth and see if I was bleeding or cut anywhere. He said he didn't see anything, but I just remember distinctly tasting the taste of blood. It again was checked later here, with better lighting. Still didn't find any type of injuries inside my mouth. But I did have pain to my left knee and left elbow. With abrasions to my left knee from, I assume when I went to the ground when the suspect had jumped, jumped on top of me in the intersection.

Q And did we get some photos of that?

A There was photographs taken of my left knee, abrasion.

Q Okay.

A But I had no other physical injuries that I was aware of.

Q And how about the jump suit itself? Any…

A Not that I recall.

Q rips or anything …

A No rips or nothing like that, no.

Q Okay. Since, as the adrenalin wears off and everything, any more pain from that night?

A Yes. The next morning when I woke up, my left, kind of upper arm and shoulder was also sore, and then my, kind of my lower right jaw was sore.

Q Okay. Did you get treated at all like…

A No. I, I didn't seek any…

Q Okay.

A type of medical treatment, no.

Q Okay. Keith you have anything?

Q (Invest. Keith Barnes) Just, the taser…

A Um-hm.

Q (Invest. Keith Barnes) What happened with that?

A What, what do you mean?

Q (Invest. Keith Barnes) Well you laid it off to the side you said?

A Correct. I forgot that. I laid it off to the side and after we were able to get the suspect into handcuffs, I remember taking, grabbing the taser, I pulled the cartridge out, realized I, I wasn't using it any longer, he was now secure. I took the cartridge off, threw it somewhere behind me, kind of out of the way in the roadway, and then secured the taser, initially in my front right pants pocket until I could actually, well after I was relieved, and got up and placed it in my actual taser pocket of my jumpsuit. I'm not sure exactly who had removed the probes from the suspect, or where the, they contacted them at. And then the taser was later taken for the investigation by Pierce County Detectives here at the substation.

Q (Invest. Keith Barnes) Okay. But you didn't do anything with the wires or the probes?

A No. Someone else had collected them and I'm not exactly sure what happened at that point.

Q (Invest. Keith Barnes) Okay. And at that point they're still working on the, on the person?

A I believe so. I'm not like certain.

Q (Invest. Keith Barnes) Okay. And the time before fire got there, you fell that the, the subject was conscious, you know, breathing…

A As far as I'm aware, the last contact I had like it, it appeared like he was laying on his side blinking. But I don't recall any other…

Q (Invest. Keith Barnes) Did you check his pulse or anything like that?

A I did not at any time, no.

Q (Invest. Keith Barnes) Did anybody else while you were there?

A I'm not certain. After I'd been relieved, like I said, there was several officers kind of contained, restraining him and keeping him on the ground. I'm not exactly sure what they were doing. My focus was completely taken away from that.

Q (Invest. Keith Barnes) Okay. That's all I have.

Q It, do you remember any injuries on the suspect or anything physical that you saw?

A I recall when he was rolled to his side, with that spit mask on, I do, I recall seeing some type of blood on his face. I'm not sure where. Or the actual cause of it at all.

Q The only thing, you could, you could just see some blood on it.

A I could see blood kind of like inside that spit mask.

Q And I may have asked you this, but you, do you recall, you talk about a jacket. Anything else that you remember?

A I don't, I don't recall exactly. Pretty much, the reason I recall the jacket is because I remember right before I deployed my taser, was thinking would this be effective, will I get through the clothing.

Q (Invest. Keith Barnes) Okay. The, as far as the strikes that you gave…

A Um-hm.

Q (Invest. Keith Barnes) the subject, did, did you use anything other than your hands and your taser?

A No. At the time all I had was my hands and taser. I have a, like a wooden straight stick that I carry, that was actually in the car. I was unable to get it that time. 'Cause I keep on my belt, the only thing on my duty belt is my handgun on my right hip and then right here around my left hip is a baton holder, but I was unable to retrieve that from the vehicle in time.

Q (Invest. Keith Barnes) Just your, just your hands and your, your taser…

A Just my hands and my taser.

Q (Invest. Keith Barnes) Any, anything, your knees or kicks or anything like that?

A No, nothing at all.

Q And flashlight, did you have a flashlight with you or…

A I did. I have a, I don't carry a large flashlight. I just carry a small, like a two cell light right here next to my handgun magazines. And that was in there the entire time.

Q And when, most of, it sounds like a lot of the incident occurred in front of your car. Are your headlights on?

A Headlights were on. No overhead lights had been activated. Should have just been headlights like we were normally operating.

Q Okay. Anything else?

Q (Det. Franz Helmcke) No.

Q If you just do us a favor, just, can you draw where the patrol car is and the intersection there, and where he kind of winds up?

A Yes. We're gonna do, this will be north.

Q Yeah, no problem.

A So I'm gonna, do this is the north curve of 96th, with the south curb, and then this comes south on Ainsworth. So our vehicle was right here, here's the stop bar, facing west.

Q Um-hm.

A This is our vehicle. And the initial confrontation, I'm gonna circle as number one.

Q Yeah.

A That's about where the, the first time we were, the first incident on the ground where we were on the ground with the suspect. There's also right here, it's kind of a small like driveway that goes off to the north side of South 96th Street. When I retreated from the suspect, I ended up, I estimate, probably around here, where I'm gonna do number two. And that's about the area where we had that second confrontation, and I deployed the taser the, the first two times. Right here. With, the sus, I do know the suspect, his head was, and Officer Collins' head, were kind of facing I guess, like a, more of a northeast direction right here.

Q Okay.

A The second, or the third location was probably closer to the, in the intersection, several feet, just kind of southwest. And that's where we actually were able to take the suspect into custody.

Q Okay.

Q (Invest. Keith Barnes) Which way was his head facing?

A His head at that point was facing about directly south.

Q Can you just mark 96th, just, you know, write in 96th and Ainsworth there for reference.

Q (Det. Franz Helmcke) You heard, or you said you heard somebody scream from behind, somewhere behind your patrol car?

A Correct.

Q (Det. Franz Helmcke) Was it a female voice, male voice?

A I'm not certain. It was in this area right here. And I just recall, there was some type of screaming, it, I couldn't make out any words, I just heard screaming. I'm not sure if it was male or female at that point. My attention was so focused on this confrontation. And then the next thing I do recall hearing was when we were, after we had gotten the suspect in handcuffs, I hear, was hearing a male, from somewhere over here behind our vehicle, and maybe on the sidewalk. Asking me if we needed assistance.

Q Okay. If you can just date it and sign it, March 6th, 2020. (Unintelligible.) Any other details that you remember from that night?

A That's, off the top of my head that's all, well, now that I'm thinking about it, I do recall the snacks or whatever, the items that the suspect was carrying, I do recall out, directly outside of my passenger door was a, a box of like snack cakes or somethin', that was dropped directly by the door, and I believe that's probably what he was carrying, that he had dropped when he struck the vehicle.

Q Okay.

Q (Invest. Keith Barnes) And when you were wrestling with this guy, did, did you say anything to him?

A I, I recall we repeatedly said get on the ground, stay on the ground, just stuff like that. That's all I recall saying to…

Q (Invest. Keith Barnes) Just commands to get him under control. Is that right?

A Correct. Correct.

Q (Invest. Keith Barnes) Okay. And, and…

A And I believe that was initially kind of the, number, this first confrontation, at that point when we got to this, it was just a complete, you know, we were just like, almost survival, like I felt like this guy was like so strong, and he was just, at that point attacking us. He wasn't resisting. He was just assaulting us. I don't recall any commands. It was just complete, trying to get him under control at that point and defend ourselves.

Q (Attorney Steve Myers) I just have a couple follow-up questions if I could, yeah, the, with respect to the ongoing commands to stop…

A Um-hm.

Q (Attorney Steve Myers) Did, at any time did the suspect indicate, either verbally or otherwise that he wanted to give up? He was prepared to give up?

A No, I don't recall him saying anything other than the screaming and the, the actual kind of growls after he had initially said he was gonna punch me in face.

Q (Attorney Steve Myers) And aside from the extraordinary strength that the suspect had, at the time you had contact, you and Officer Collins, how would you describe his pain threshold?

A I, I believe he had no pain threshold. It appeared that he wasn't affected by anything. Especially with Officer Collins' strikes. I felt like that should have been effective, but he just, just laid there and just continued to just strike at both Officer Collins and then kick at me. I don't think he felt anything at, the only thing that seemed effective was that, that incapacitation with the taser cycles.

Q (Attorney Steve Myers) That five second cycle.

A Yes. That was the only thing that seemed to stop his assaultive behavior.

Q (Attorney Steve Myers) And the first three times utilizing the cycles, wasn't enough time to get in control of him?

A It was not.

Q (Attorney Steve Myers) And does that explain why you chose the probes versus the stun…

A Yes.

Q (Attorney Steve Myers) mode is…

A Yeah, the, the stun would have been more of a pain compliance. 'Cause I realized that I need that actual probe spread, to get that incapacitation of the muscle groups.

Q (Attorney Steve Myers) And I assume you assessed that his pain threshold was so high that the stun may not have been effective?

A Correct.

Q (Attorney Steve Myers) All right. At any time did you notice the suspect experiencing any cardiac or respiratory distress?

A Not that I recall, no.

Q (Attorney Steve Myers) And he, at least in your opinion was, remained conscious with eyes open during the time you had contact with him?

A When I saw him, his eyes, the last time I recall having contact with him, was his eyes appeared open. That was on his side. Taking the hobbles off when fire was there, I'm not certain. I was so focused on taking the hobbles off his feet. I'm, I'm not certain exactly his condition at that point.

Q (Attorney Steve Myers) That's all.

Q Okay. Have we made any threats or promises to you to influence your statement?

A No, not at all.

Q Okay. And everything today you've told us was the truth?

A Yes sir.

Q Okay. With your permission we'll end this statement at 1214 hours, still March 20, or March 6th of 2020.

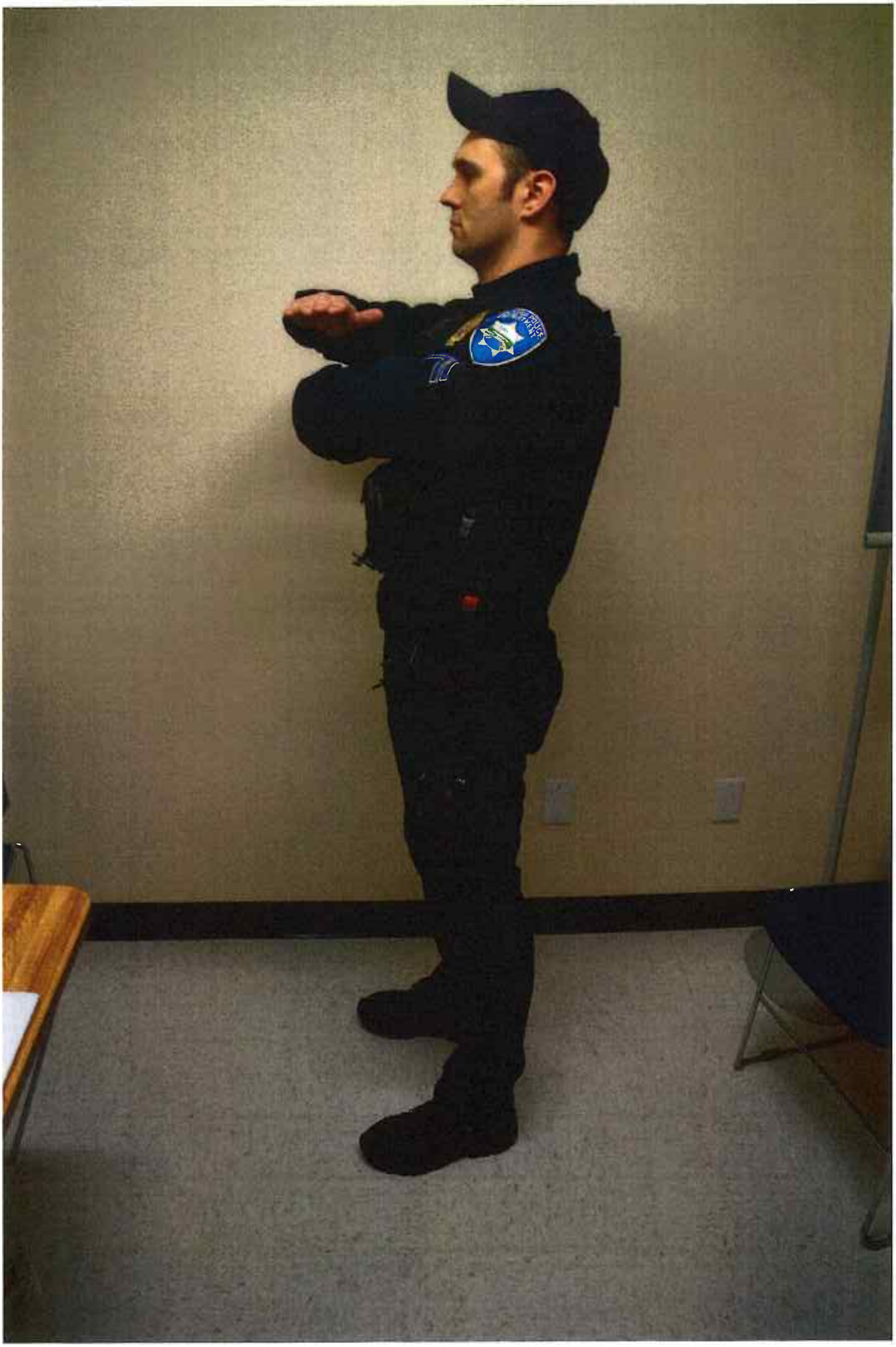
A Yes sir.

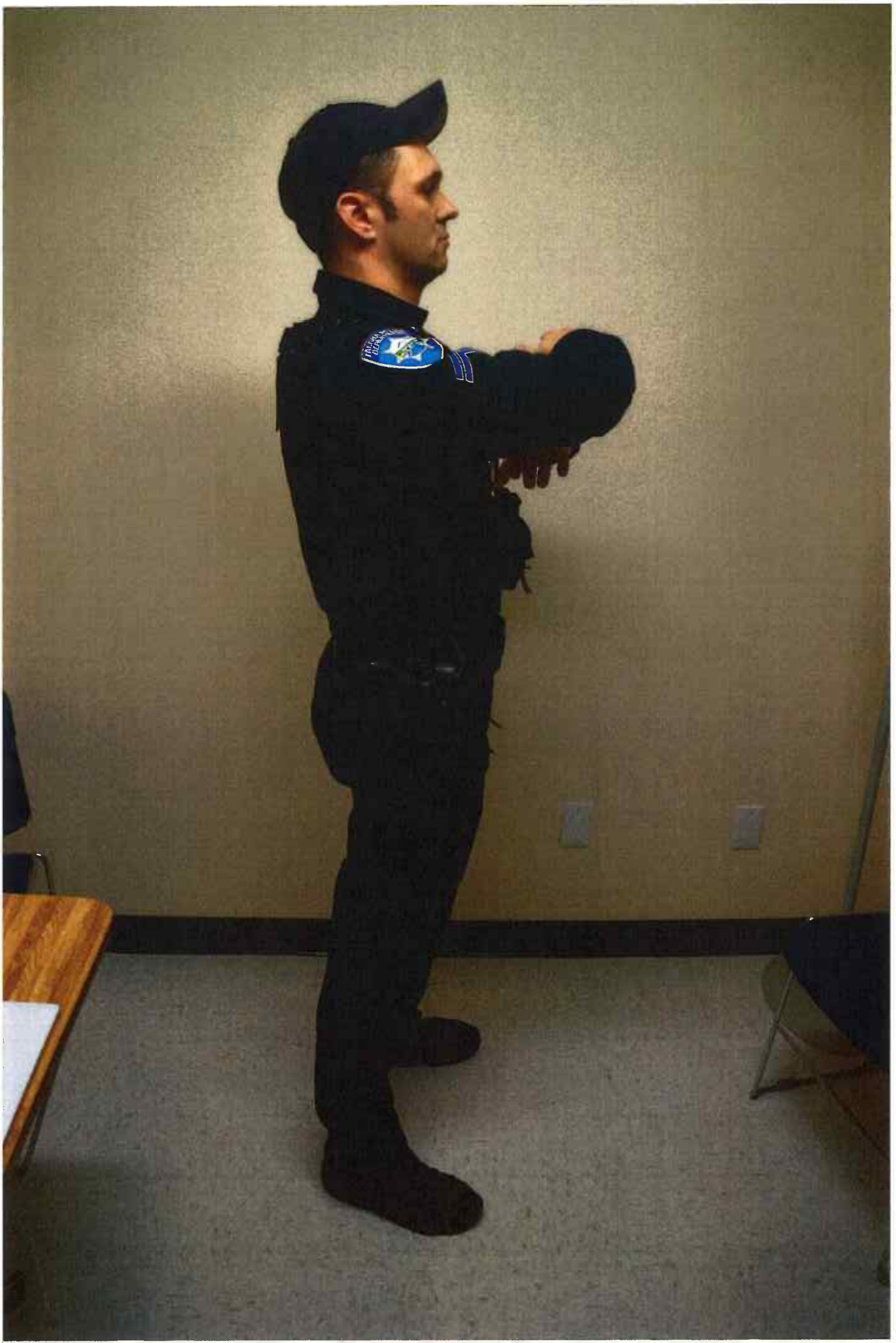
3-6-2020
CSB

S 96th

Ainsworth

C. BURBANK
POLICE





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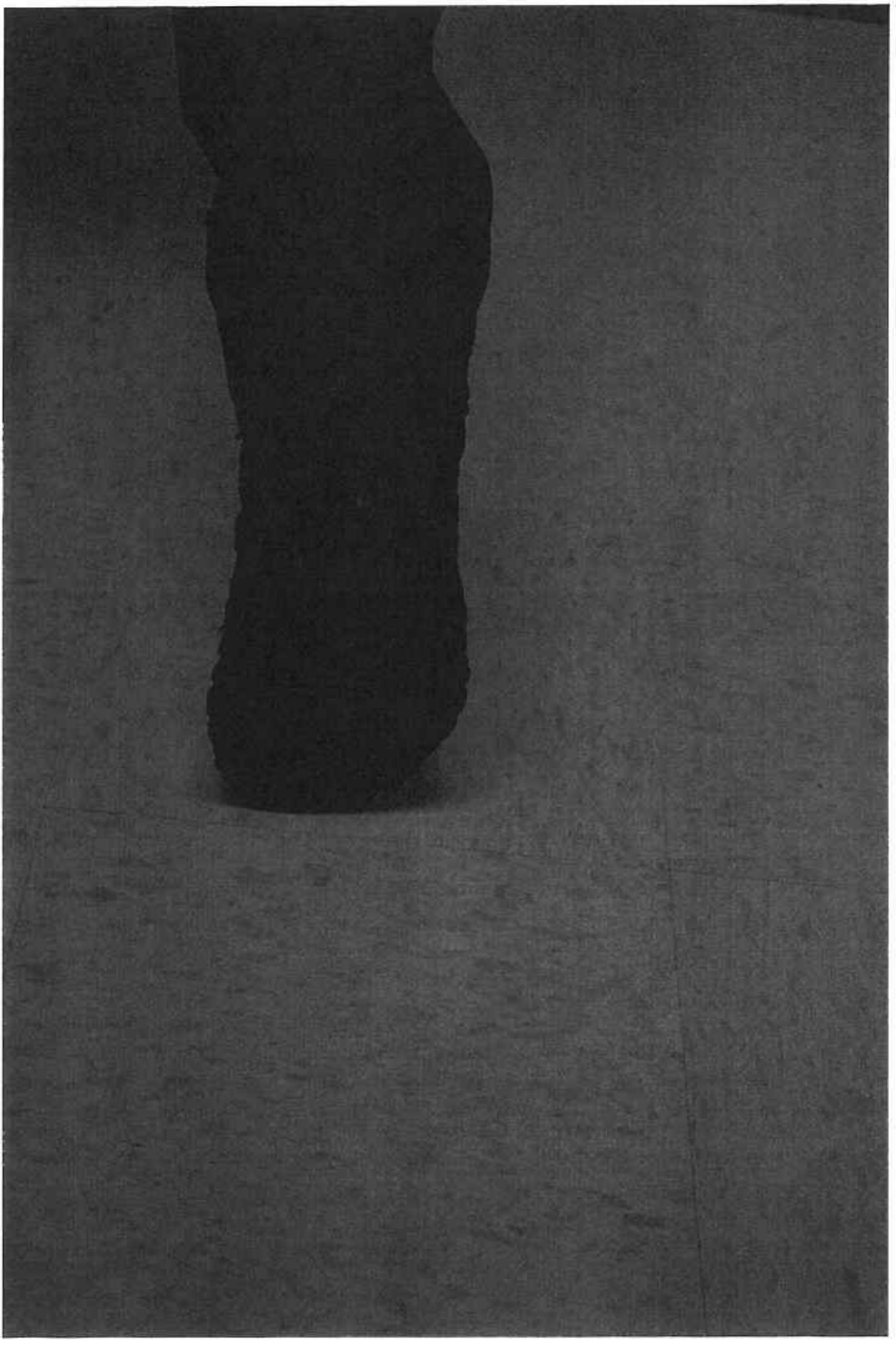

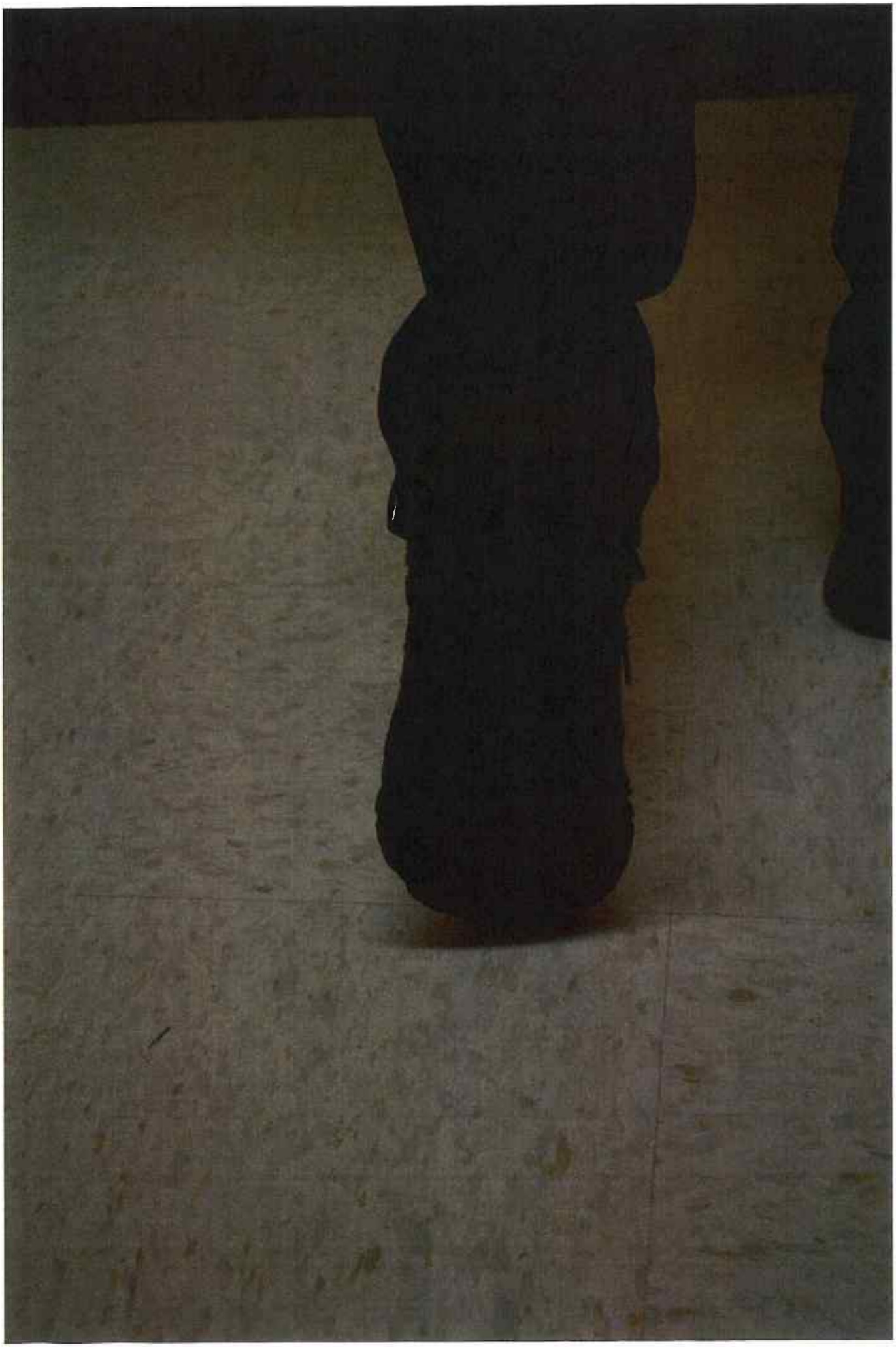

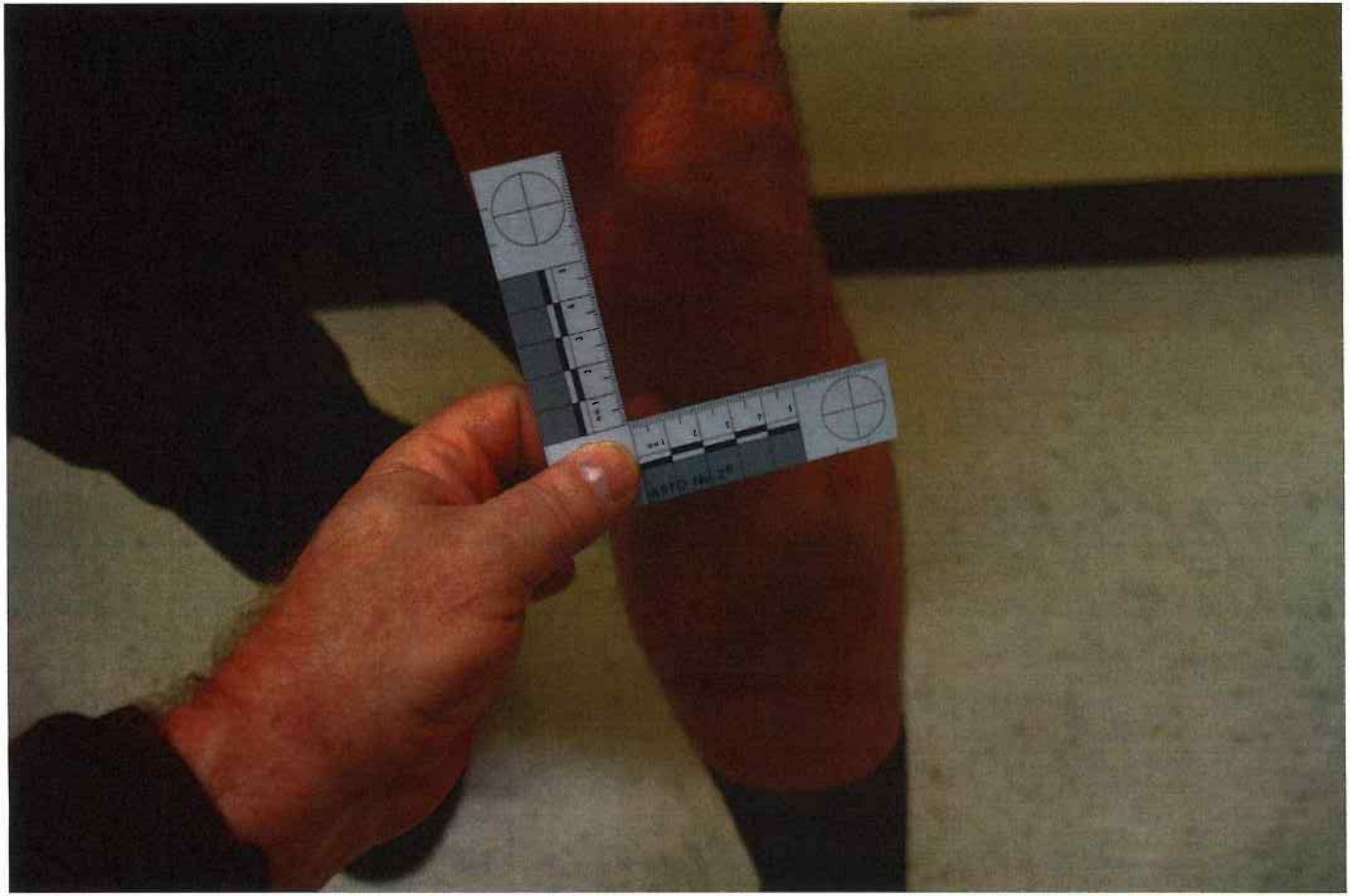

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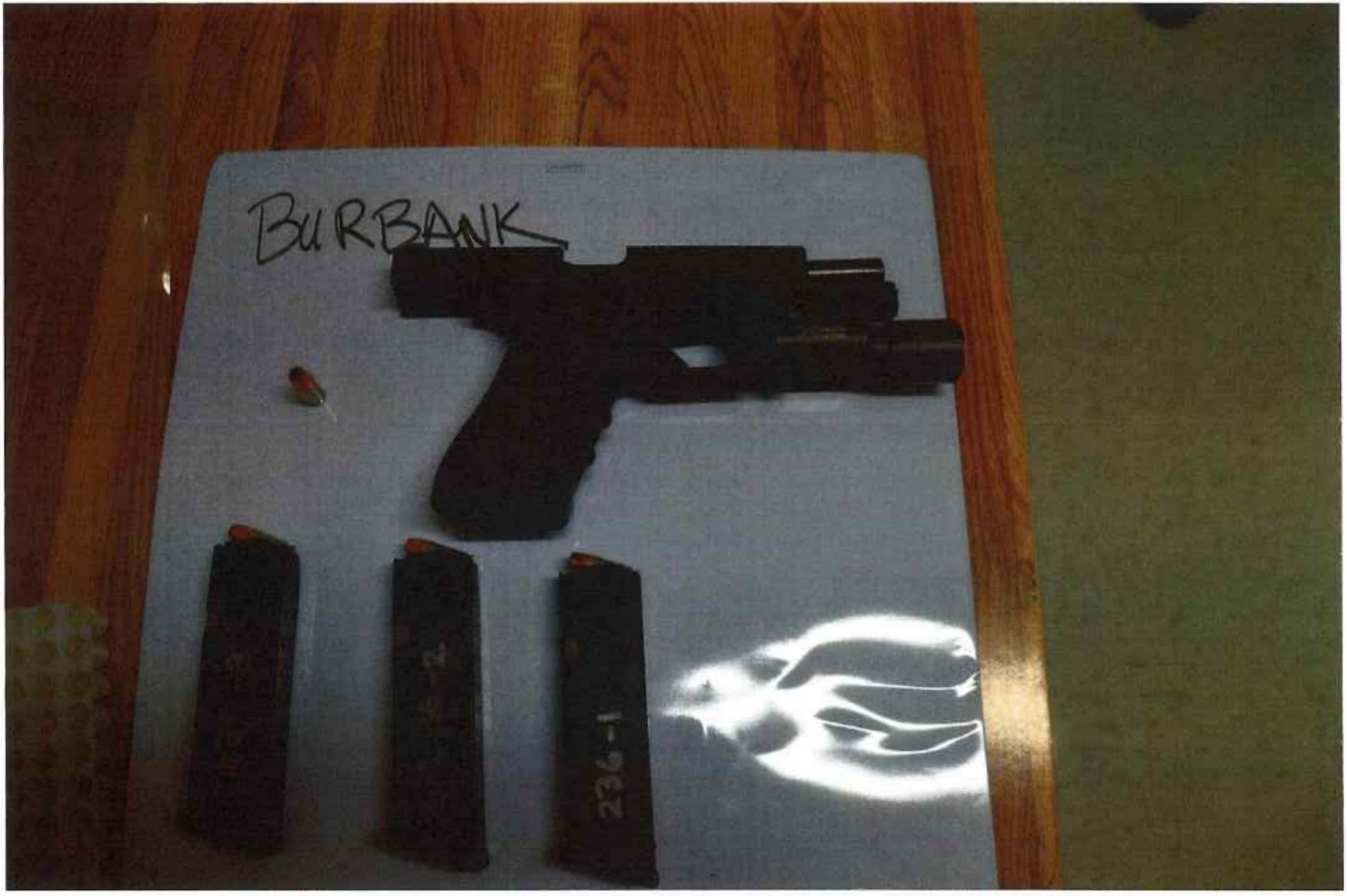
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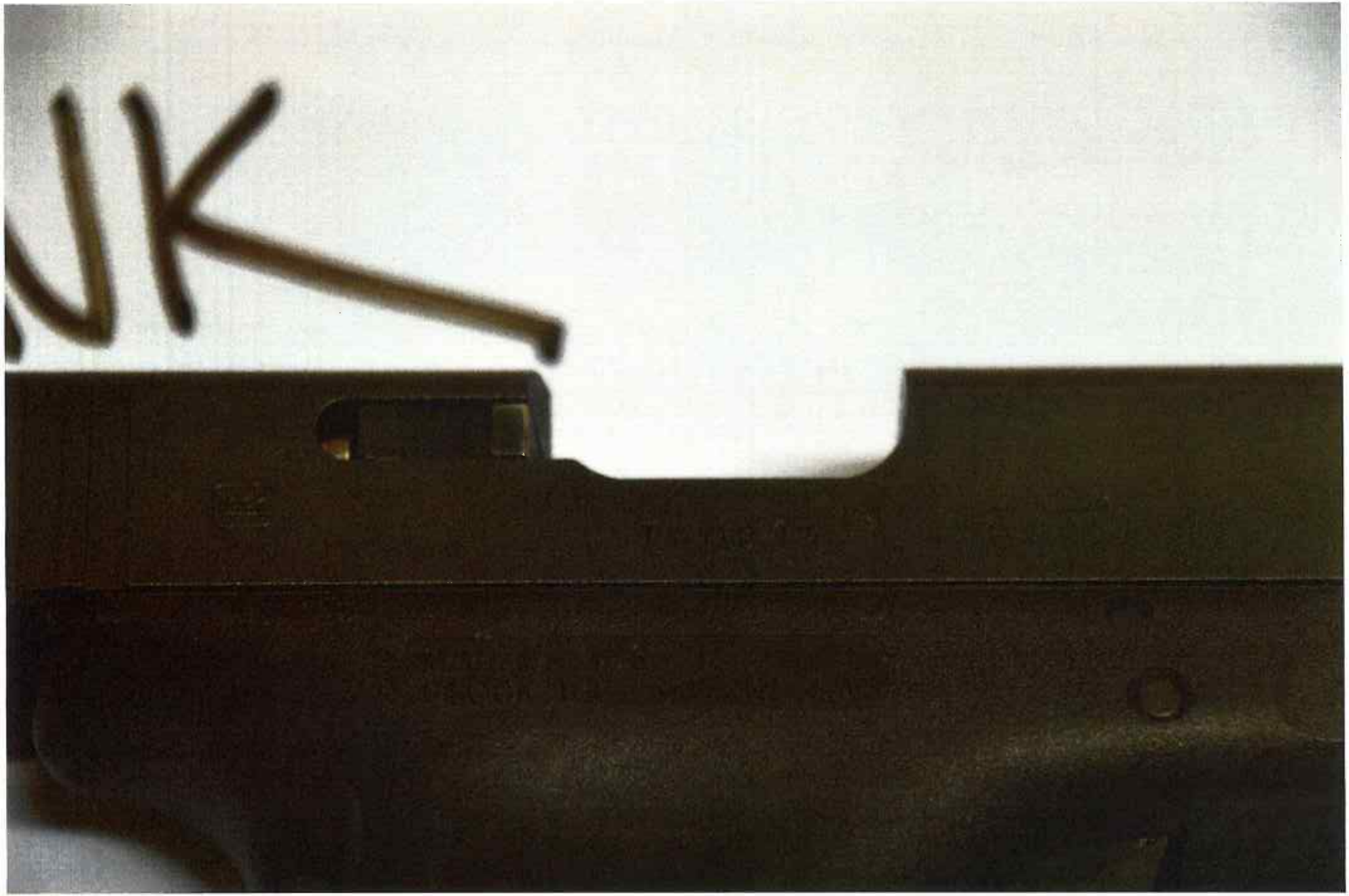

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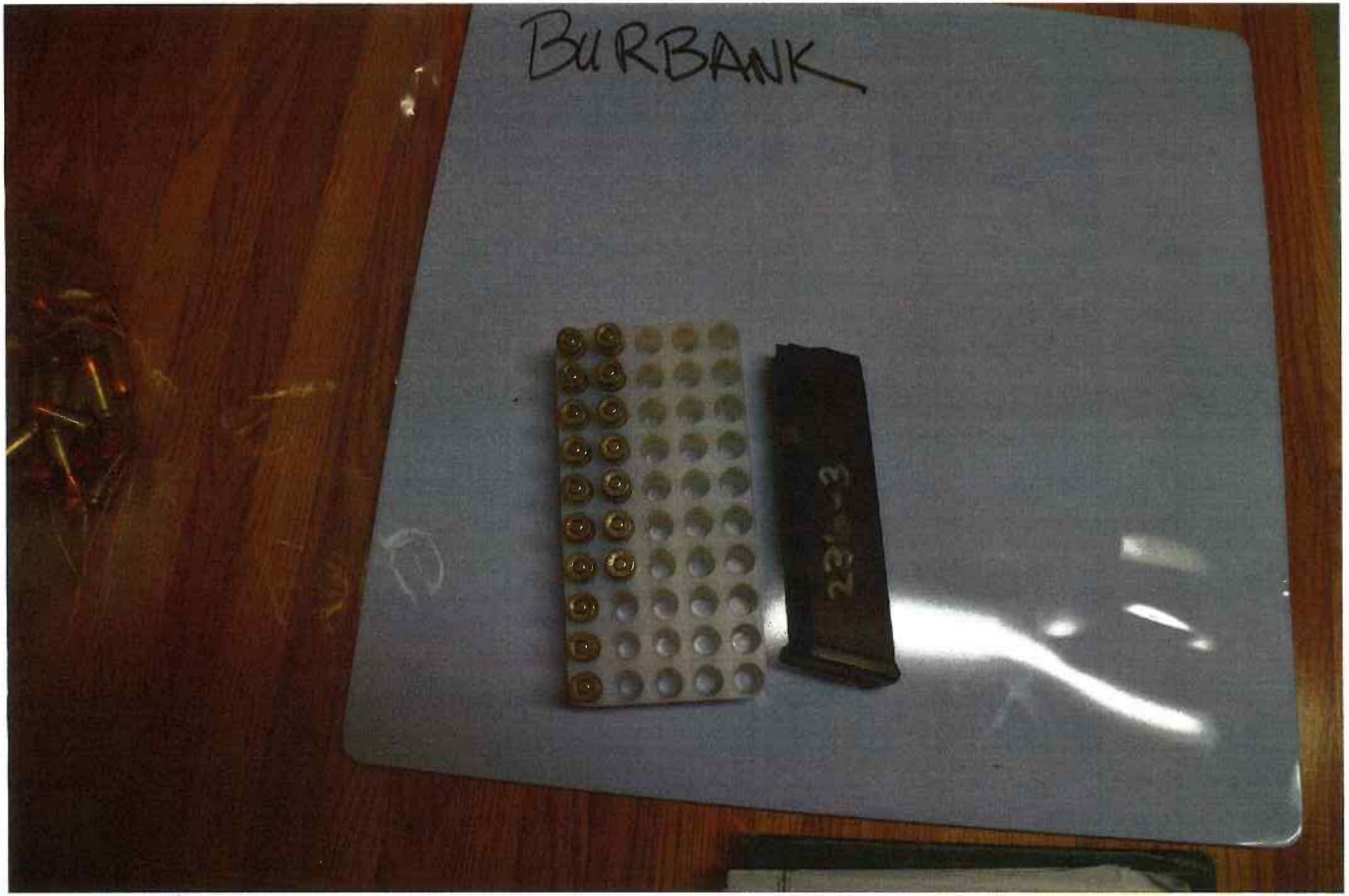
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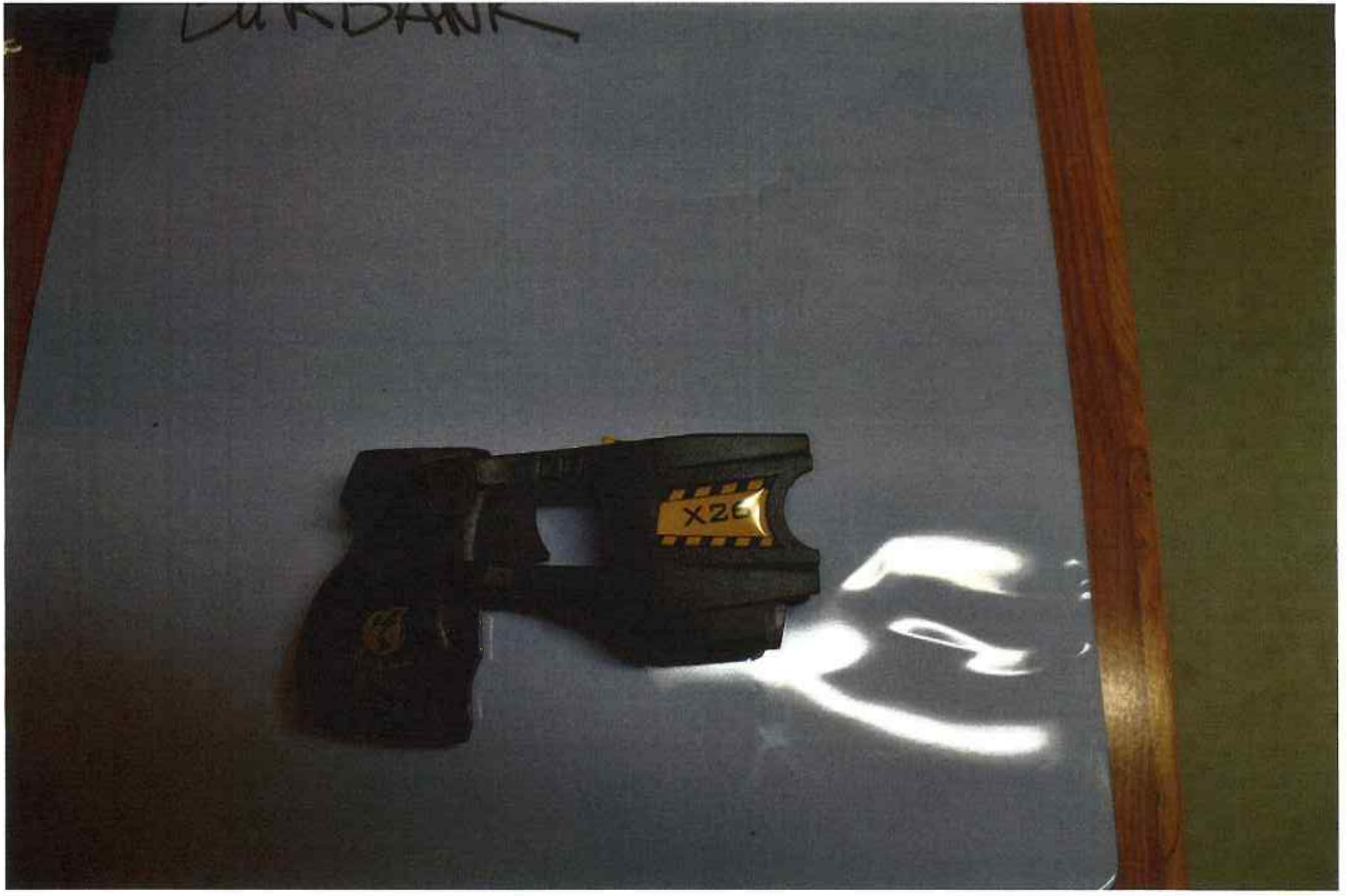
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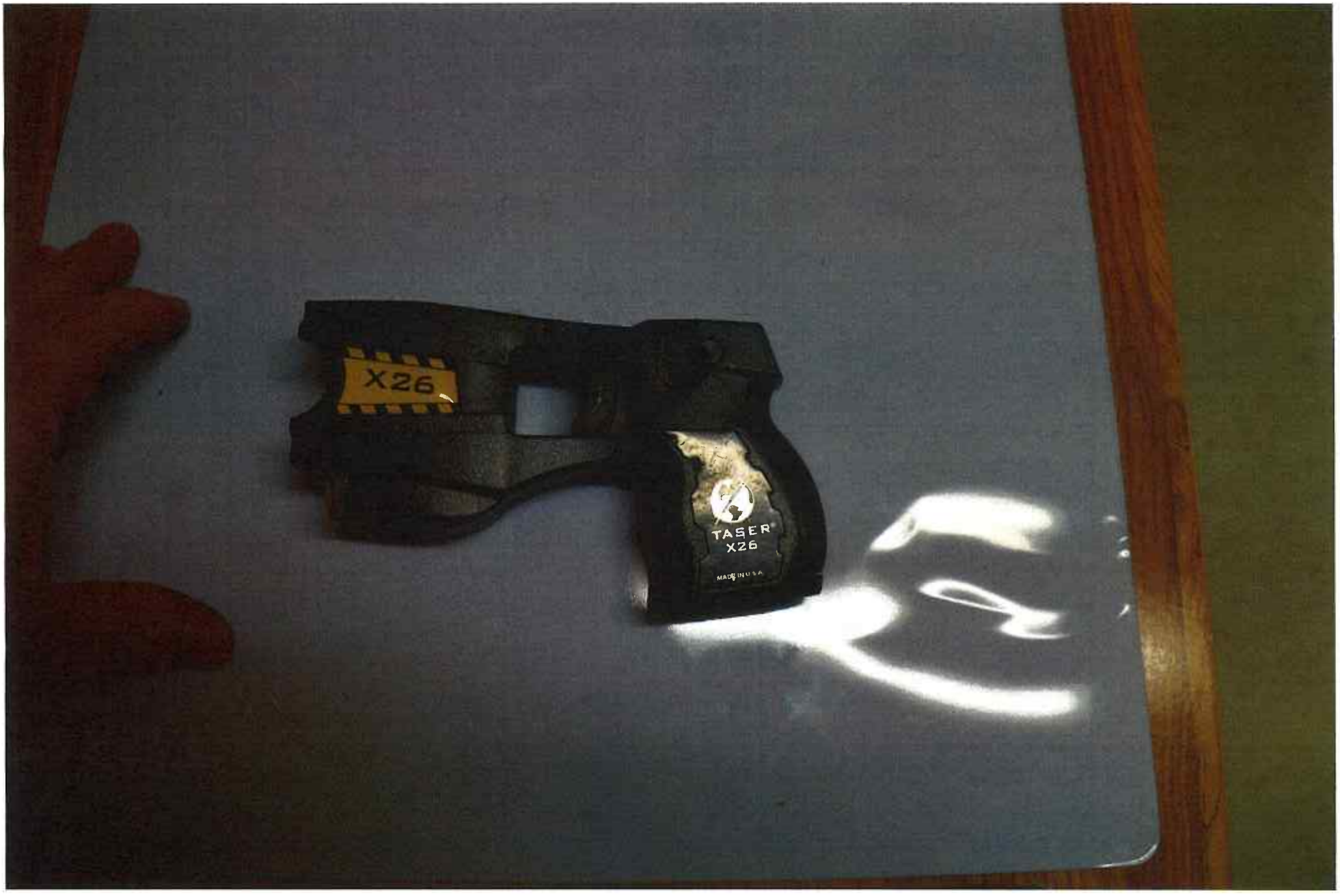
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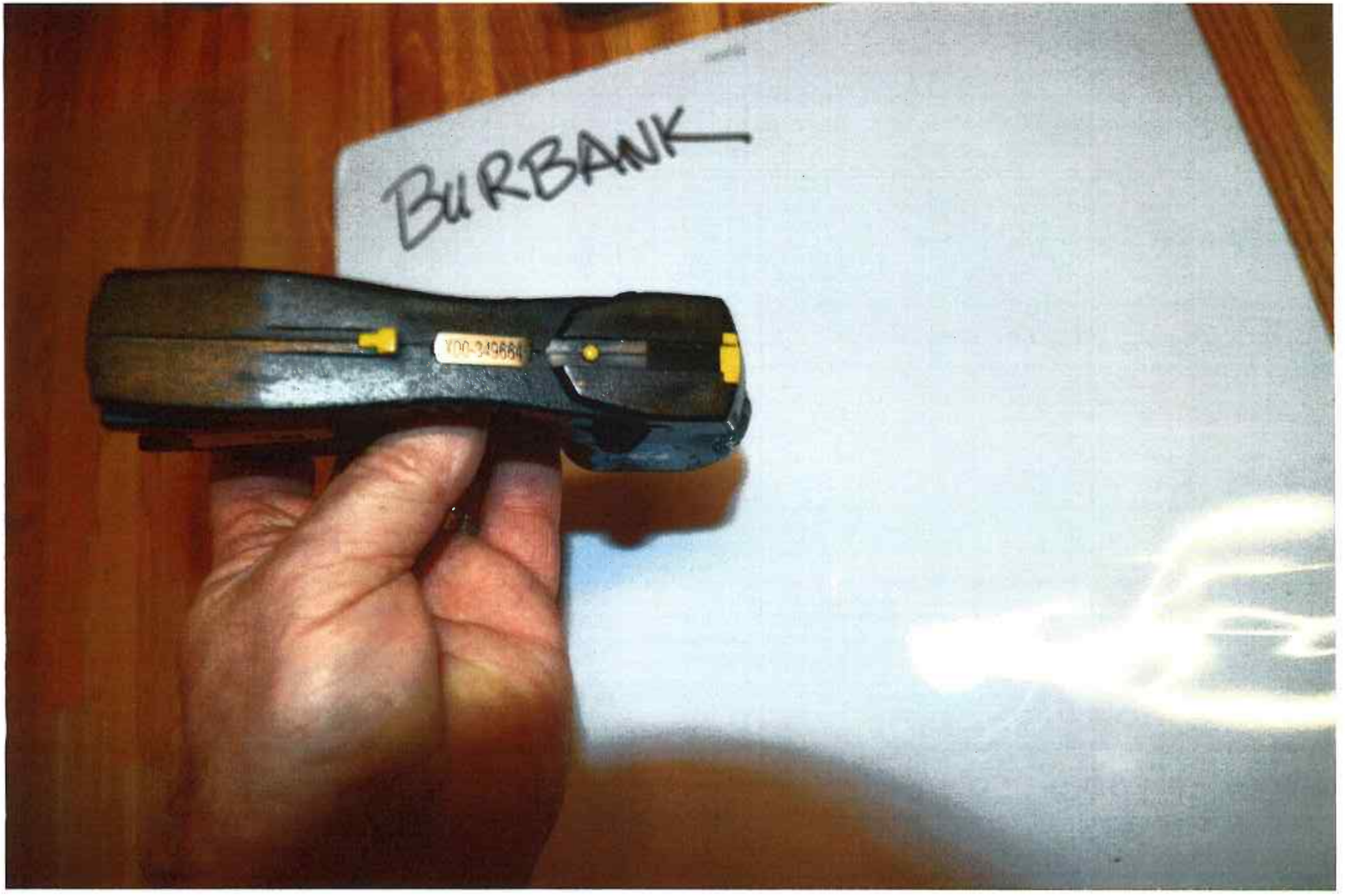
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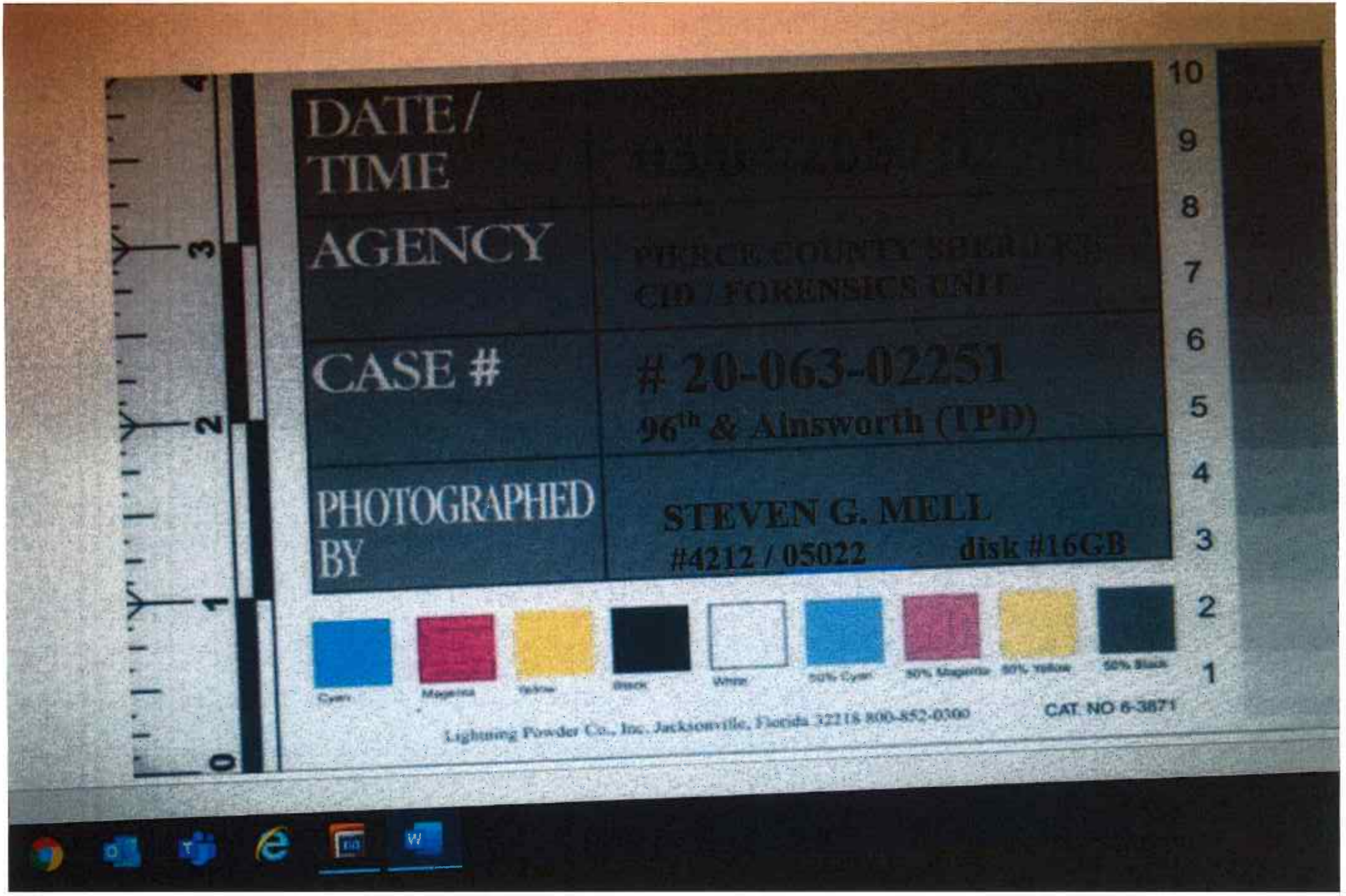
DATE / TIME
AGENCY
PIERCE COUNTY SHERIFF'S
CID / FORENSICS UNIT
CASE #
20-063-02251
96th & Ainsworth (TPD)
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disk #16GB
Cyan
Magenta
Yellow
Black
White
50% Cyan
50% Magenta
50% Yellow
50% Black
Lightning Powder Co., Inc. Jacksonville, Florida 32218 800-852-0300
CAT. NO 6-3871

TAB 13

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 03/09/20 Beginning Time 0932 Hours Ending Time 1005 Hours

Location PCSD PARKLAND-SPANAWAY PRECINCT Officer D/SGT. B. BROCKWAY, #161/96-082

Name of Subject MATTHEW COLLINS Date of Birth

Q This is Detective Sergeant Brockway, with the Sheriff's Department, Pierce County. This is reference case number 20-063-02251. It is March 9th, 2020, at 932 hours. We're at the Parkland-Spanaway Precinct. This is reference an incident that occurred on March 3rd of 2020, at 96th and Ainsworth. This is an interview with Tacoma Police Officer Matthew Collins, C-O-L-L-I-N-S. Also present for the interview is Attorney Mark, Mike Staropoli, and Keith Barnes, Investigator for the Prosecutor's Office, and Detective Hotz, with the Sheriff's Department. Matthew, do we have your permission to record this interview?

A You do.

Q Everybody understands the room is being recorded and we have everybody's consent? Keith?

Q (Invest. Keith Barnes) Yes, you have my consent. Yeah, Keith Barnes.

Q (Attorney Mike Staropoli) Mike Staropoli. Yes, you do.

Q (Det. Jesse Hotz) Detective Hotz, yes.

Q Matthew, can you take us through your current duty assignment with the City of Tacoma?

A So I'm currently a police patrol officer assigned to graveyard shift. 8 P.M. to 6 A.M.

Q And how many years have you been with Tacoma?

A Just under five years.

Q Any additional duty assignments?

A I'm assigned to the SWAT team as an entry member. I'm a controlled tactics instructor, a firearms instructor and a shield instructor.

Q And controlled tactics is like defensive tactics?

A Yes sir.

Q And how many years with the SWAT team?

A Just, approximately two. Around two years.

Q Any prior law enforcement service or military?

A Military. I was in the Army for just under eight years.

Q What was your rank there?

A Staff Sergeant when I got out. E-6.

Q And the night of the incident, you were in your patrol uniform. Did we take photos that night?

A Yes sir.

Q Was it, can you describe that uniform for us?

A It's the Tacoma Police issued jumpsuit. It's navy blue, marked with Tacoma Police patches on each shoulder. We wear external vests that have police on the front, our names. An additional Velcro badge and Police in large reflective lettering on the back.

Q And this is like the external vest that goes over the jumpsuit?

A Yes sir.

Q Any Department issued hat that night?

A I was wearing a subdued black beanie, 'cause it was cold.

Q And then who, who were you riding with that night?

A My partner, Shane Burbank. Chris, Chris…

Q Chris.

A Burbank. Shane is his middle name.

Q And are you driver or is…

A I was driving.

Q You're driving. Whose vehicle were you guys driving that night?

A My vehicle.

Q And if you could just go with the, what the vehicle is.

A It's just a newer Explorer, SUV. It's got overhead bar, lights. It's got the push bars and full markings, Tacoma Police on each side on the back.

Q Do you know what year it is?

A I believe it's 2018 or 2019.

Q And the night of the incident we, we did, we photographed and such your uniform. And was a taser involved in the incident?

A It was, but not mine.

Q Okay. All right. Take us through where you were early on the shift. Kind of just take us through right before that incident where you guys, what area were you in, or where you were at.

A So we were just on patrol, we weren't on a call, dispatched call. We were headed to Hosmer Street, which is kind of the western most border of our district that we work. And it's just a hotbed of, there's lots of stolen vehicles over there, there's lots of crime. So that's an area we patrol a lot. So we were traveling westbound on South 96th Street, which is the southern, about the southern most border of our district, to where it goes to County. So we were traveling westbound and we came to a stoplight, a red light at 96th and Ainsworth. So once we came to the stoplight, I was stopped. I'm facing westbound. And I looked over and there was some sort of disturbance happening where there was a black male in the center of the intersection. His back was faced to me. And there was a vehicle turning west onto 96th Street from Ainsworth. And he was at the passenger door working the handle, and the vehicle was kind of trying to turn left slowly, move around him, without hitting him, and then took off. So at this point I didn't know what we were viewing. I didn't know if this is a domestic violence thing. Maybe this guy got kicked out of a car. Maybe he's trying to carjack it. I don't, I don't know. But at this point now I'm just, you know, I'm just standing in the middle of the intersection and just right out in the middle. So I roll my window down and I say hey, come over here, what's goin' on. And the guy turns to me and jogs right over to me and he comes abnormally close to the car. Right up to my window and I kind of back up. His eyes are super wide. He's just sweating all over the top of his head. And he said I've got warrants, we need to talk. Something to that effect. And I said okay, well go sit on the curb and I'll call this out okay and I'll come talk to you. I pick up the mike and I'm about to call out, you know, I'm at 96th and Ainsworth with one, and I immediately realize something's wrong. The guy is walkin' around the car and he's just fixated in on my partner in the passenger seat. He's just kind of starin' at him. And he's really close to the car. And I'm just watchin' the whole time, 'cause at this point I start to realize somethin's wrong here. This isn't right. And he comes right up to the window and there's some talk between 'em. I don't hear everything, but I hear him say, I'm gonna punch you in your face. And then Shane says, I call my partner Shane, that's his middle name. But he says okay, well, I'm gonna roll the window up. And he starts to roll the window up and the guy starts punchin' the window. And then there's like a struggle over the door. And so at that point I dropped the mike and I immediately run around to try and get control of this guy. And my intended purpose is to take him to the ground and put him in cuffs. I mean he's out of control. He's trying to assault my partner. But he turns to me, as soon as I get about to the front of the

car. He runs at me and he grabs me by my vest, I'm trying to grab him. And he lifts me off my feet and throws me on my back in the middle of the street. I left my feet. And it was about at this moment I knew something was up. This guy had superhuman strength. There was only one other time in my career as a police officer that I've dealt with this. The guy happened to be on PCP and my partner and I fought him for six minutes in an abandoned apartment and it almost became a lethal situation. So it was, but it was that different kind of strength where I mean I'm, I'm probably 215 pounds with nothing on, and with all my gear, who knows, maybe 230. And I was literally off my feet like a child, into the street. So at that point I popped back up and he and Shane are in a physical fight and from, from this point on it's, it's just a melee. It's just wild. There's fists flyin'. I run in and I, I'm a grappler by background, so I immediately grab him and I'm trying to take him to the ground. At some point I end up on top of him. He's just swinging wildly at me, grabbing at me, and he's like growling and, and just making like kind of animal noises. Not saying anything. And I'm striking him now while he's on the ground, but it's having no effect. He's on his back completely. I'm, I'm mounded around his torso and he's lifting me up. And he kind of lunges at my face, and I'm able to move to the side. And at that point we fall. Now we're both laying on our sides. I have his back and I'm facing now the intersection. We're both facing the same way. And I feel like I'm about to lose control of this guy again. And so I attempt to get him in LVNR. I'm behind him. I slide my hand around to where my bicep is about on the side of his face. And before I can apply an LVNR, I see Shane come back into the scene. He circles around in front of me and his taser's out. And I hear the crack of his taser and it has that immediate neuromuscular incapacitation effect where the guy locks up. His whole body locks up. So at that point I, I come off the LVNR. I push him down, face down, and I move to his left arm. And I tell Shane, grab his right arm. So Shane goes to the right arm. But at this point the, you feel the taser. We're trying to cuff him under power, but you feel the taser lose that effect, and the guy comes back to. And he starts growling again and his hands start kind of hulking away from us. So at that point my entire body is around. I have both arms wrapped around his arm and I'm just clenched on his arm trying to move it to his back. And he's fighting us. And I feel Shane give him another round from the taser. So there's another cycle of the taser that happens. His body locks back up and we start to move him and eventually we get him into cuffs from here. Once he's cuffed, the fight's not over. He kind of comes back to, again, starts growling. And now he's trying to stand up. His legs are kind of going underneath him. He's face down on the ground, handcuffed behind his back, and he starts lifting himself up. So Shane jumps on his back and I move to his feet. And I kind of criss cross his feet, so I put one foot in the crook of his knee and then I put the other foot down and I'm pressing his feet down so that he can't get his knees underneath him. And at that point I can start hearing sirens. There's other units coming. And I ask for hobbles. Because we still don't have control of this guy. So I believe the first officers that showed up were Masyiha and Tim Rankin. So Masyiha Ford and Tim Rankin. They were the first to show up. I asked for hobbles. I had to ask a couple times. And I think some were finally found. I'm not sure who, who brought them. But I remember someone took over for Shane on the subject's back, holding control downward. I was still on his feet, 'cause I saw Shane come in the picture with the hobbles. He looped them around the subject's feet, and then I'm not sure who, who connected them onto his hands. They get connected and then shortly after that it was like they, I looked up and there was tons of cops there. County was there, there was, probably ten other officers. And I'm, at this point I'm pretty smoked. I had that like lactic acid feeling in my, my forearms. My hands were just, they were almost frozen, they were like locked up. So I just stepped away. Shane and I both backed up and you know they had control of the guy, and I heard, I heard Shane say somewhere in there, hey, let's get him in the recovery position. So they put him on his side. And that's, that was, I walked away from it at that point and there was a bunch of other

people on top of him, and I, I remember, the last thing I really remember was him kind of like spitting at people. And then they put a spit mask on him. And then shortly after fire arrived. And when fire arrived, I went up to the guys to kind of give 'em a run down and just said you know, I had time to kind of process what had just happened by then, but I said hey, this is, I don't know what's going on but I think this guy might be excited delirium, like he was just kind of freakish strength and he just wasn't really speaking to us. He wasn't, he was just out of control. And that was what I told 'em, and then they went up, and then shortly after I think, maybe a minute after, of them over him, they started doing CPR. And then somewhere in there Sergeant Lim showed up, my supervisor, Mike Lim, and he came over to the car and just said like what happened guys. You know, 'cause we, we, I wasn't able to get anything out on my radio. I tried to say fighting a couple times, and I took one to the jaw one time trying to, trying to get to my radio. I mean it was just, it was a knock down, drag out fight. So I just told him like hey, so here's what happened, here's why we couldn't call it out. This is, this is what it is. And, and then he turned and he saw fire doing CPR and he said look, I don't know how we're gonna treat this, but because they're doing CPR let's just do like an officer involved shooting. Why don't you go to your car and just wait for, for instructions. I don't know how much time passed. Fire's still working on him. My, my Lieutenant showed up, Lieutenant Mueller, was on scene now. There was a County Sergeant talking with Sergeant Lim, and then Sergeant Lim came to my car with another fellow officer, Herbert Chung, who works in our sector, and he said hey, Collins, why don't you go with Chung and he's gonna take you to a County substation, which was here, for processing. And that's where I, I came and they took pictures of my injuries and they took my taser, they did a round count, and I think that was it.

Q Okay. You had talked about, what injuries did you have or, and soreness did you have from this?

A So my right knee was pretty swollen up and it was just kind of covered in road rash and cuts. Actually both knees, but the right one was pretty bad. And then both of my elbows were pretty banged up, just road rash and bruising.

Q And after the incident, a couple days later you still have some soreness or any…

A Oh yeah my, my knee and elbow were pretty bad.

Q And your elbow. Were you long sleeved or short sleeved?

A Long jumpsuit, long sleeves.

Q Any tears in it?

A No.

Q And how tall are you?

A I'm like five eleven, six foot.

Q And can you describe the physical size of the subject that your, you dealt with?

A I believe he was close to my size. I think he was maybe five eleven, 200, 220 pounds, somethin' like that.

Q Did you recognize him from any prior, prior contacts at all?

A Never.

Q Never. And then the temperature that night. Do you remember, you had talked earlier about you were wearing a beanie.

A Um-hm.

Q What was the temperature like and weather conditions?

A I remember it being clear and cold. So again, significantly cold, so I put, I don't put my beanie on very much. I usually wear our police patrol hat. But it was super cold, I don't…

Q Other than what he said to Shane about I'm gonna punch you in the face, and he had a warrant, you had talked about he had warrants. Do you remember any other, do you remember anything else he said?

A No.

Q Okay. And an estimation of, are you, so what's your call sign that night?

A Henry 317, so Henry's a two man car, and 317 is my bug number.

Q And you were trying to get out on your portable?

A Yes.

Q Do you know if they open mike your portable or any of that stuff? Any idea?

A I remember dispatch asking questions in the middle of the fight, but I mean we just couldn't…

Q Okay. Yeah.

A Yeah. I heard the beeper going off at some point, but it just all happened, I mean it was, it went from zero to a hundred really quick.

Q And prior to that, were you, were you on another call or any, anything else prior to that? Before gettin' to the scene?

A I don't recall.

Q Okay.

A I mean I, I don't remember being, it might have been a traffic stop or something like that. But...

Q Okay. You were just patrolling? Do you remember where that traffic stop was?

A I don't.

Q Okay. Did anything seem effective? You had talked about where punches were being thrown at you and you were trying to control him. Was anything effective with pain compliance?

A Absolutely not.

Q Did you see any injuries on him, the suspect?

A I saw at one point when I was on top of him and I struck him, there was a cut that opened up on him, at least one cut.

Q On his, you described his face area?

A On his face, yeah, somewhere.

Q Okay. And then this is hard to estimate, but any idea of how long this contact was, this, this fight went on?

A It seemed like a, like maybe, I don't know, three minutes, four minutes, something like that. It was, yeah.

Q Okay. And was, was his actions of somebody trying to get away or attack?

A No, you know, normally, almost, almost every fight that we get in, it's, there's a, a fight to not get taken into custody, and then they look for a chance to escape. But there was absolutely none of that. And when I came around the car, he was coming at Shane, he turned to me. When he tossed me like that in the middle of the intersection, he went back to Shane and then I re-engaged him. I mean it was like multiple times where he was just going back and forth between the two of us. I mean he was pressing in this fight. He never tried to disengage.

Q Just continually engaging each, each one of you?

A Yes.

Q And you talked briefly about him, so he grabs your vest and picks you up. And, onto the ground?

A Yeah. Throws me, like released me and threw me. I was off my feet.

Q Okay.

A And landed on my back. That's where I remember hitting my elbow when I went down on the ground.

Q Is that, what area is that, is that near your vehicle when that happened?

A As we were kind of in the front of the vehicle now in, in the middle of the intersection.

Q You remember how the lighting conditions were in that intersection?

A They were pretty well lit. It was good street lights there.

Q Anybody around, civilian wise that you remember, other than the lady that turned? Anybody else that you remember?

A There was a, one of the home owners was, I kept hearing him say are you guys okay? Do you need help? You need me to call 911 and he, but I couldn't address him. And finally when we got him into cuffs he was kind of approaching us, he was, so he lived on the north side of 96th Street, maybe two houses east of where our car was. And he was like a big Caucasian male, bald head. But he just kind of came out and was like are you guys all right? What's going on. And, 'cause he could tell it was pretty serious. But once we finally had him in cuffs we said hey we're okay, there's police comin', so, we were finally able to address him when it was over.

Q Now was a lot of the fight, it sounds like you're describing, was it on the ground or he's been, he was trying to get back up, or…

A I think that there was a few different kind of up and downs, engagements.

Q Up and down. Okay.

A I don't remember specifics though. It was just, it was a melee. And every time I touched that guy his strength was just so, I mean he was just like throwing me back. So I wanted to get this to the ground and get him off his feet.

Q And you talked about, and sweating and such. Do you remember having, touching his skin at all or anything that…

A I don't remember that.

Q Okay. Do you know if he carried, was carrying anything?

A He had a bag. It looked like, when he ran up to me he had like what, like a plastic grocery bag. And I remember seeing, after it was done, looking up and seeing a thing of donuts spilled out on the street.

Q I know we, we took your taser for view as well. Was it ever, did you ever have your taser out and armed or anything?

A I did not.

Q Okay.

Q (Invest. Keith Barnes) Just a couple other clarification questions. You, you indicated that you were using some strikes to, to try to, try to get him in compliance?

A Yes.

Q (Invest. Keith Barnes) What were you doin'?

A I was elbowing him.

Q (Invest. Keith Barnes) Okay. What else?

A That's all I recall.

Q (Invest. Keith Barnes) Okay. So elbowing. There were no closed fist punches or anything like that?

A No. I've broken my hands so many times.

Q (Invest. Keith Barnes) Do you remember where you were elbowing?

A In his face.

Q (Invest. Keith Barnes) Face. Okay. And that was to get him under compliance?

A Yes.

Q (Invest. Keith Barnes) Okay. And was that working?

A Not at all.

Q (Invest. Keith Barnes) Okay. That's all I had.

Q Was he listening to any commands that you guys gave him?

A No. It wasn't, he was, he was literally growling and kind of baring his teeth, and I mean there was no, there was no verbal commands that were doing anything. Nothing was having an effect on this guy.

Q You guys were providing commands of what to do and …

A Yeah, I was telling him stop, roll on your stomach. I mean he was, he was engaging a fight.

Q And do you remember what he was wearing at the time?

A I don't remember specifically, but I do recall that it looked like normal clean clothing. He didn't appear to be, you know, a lot of times when you have people in the middle of intersections, doing kind of stuff like that. It tends to be transients, who maybe are under the influence or whatever it is. But he did not appear to be that way at all. But specifically I don't remember the clothing.

Q And the car that well, he had pulled on the passenger side door on, do you remember a description of the car at all?

A I thought it was, it was like a silver sedan, almost like a Chrysler 300, one of those type of boxier …

Q And could you see the, you, it was a female that was the driver?

A I do not know that. I was…

Q Okay.

A fixated on him.

Q Got 'cha. But there was somebody in the car as far as you know.

A Um-hm.

Q Okay. And then once he's, so somebody puts hobbles on him, he's handcuffed, and he gets, he's face down and he gets the recovery position.

A Um-hm.

Q Do you know who, there's a spit sock that's put on. Any idea who handled that?

A I do not know.

Q Okay. And did you, do you know who called for Fire?

A It was either Shane or I, or it was Sergeant Lim.

Q Okay.

A One of us.

Q And then when fire got there, you updated 'em, what was going on.

A I did.

Q Okay. Okay. And then once you and Shane, once he's, the fire had been treating him, you guys were kind of out of the scene.

A We were.

Q Okay. All right.

Q (Det. Jesse Hotz) You said that at one point you and, you were on the ground, and you were still in this, this fight. At that moment you said that you, you were gonna apply an LVNR. What were you thinking at that moment in your head with this incident.

A Yeah. So with that first incident when we found that gentleman on PCP, I remember, we got to a point, I mean six minutes in all our gear was, I was completely exhausted by that point. And I remember after that learning that, with someone under that state and that kind of strength, it's physical pain and even if you were to break something, it's not gonna have an effect and so my, my thought at that time was, if I get to this place I'm gonna have to put this person temporarily unconscious because that's gonna be the safest way to provide a window to get them in cuffs. Because we got to a point with that gentleman in that hotel room, where we were gonna have to use lethal force. And it was, we had no weapons, but it was just literally his physical strength and ability. So, from that I had learned and I, and I realized when I was striking this gentleman with my elbows and it just kind of enflamed him, and he lunched up in my face, that this was a different kind of deal. And I was already getting tired. I didn't think I could prolong this fight. At that time I heard zero sirens. I wasn't able to get anything out on the radio, and I had, I couldn't even see Shane at this point. So I wasn't sure is he unconscious, I might be the only one in this fight right now. So I felt like it was my only option to keep him under control.

Q (Det. Jesse Hotz) And were you, were you afraid of what was going on at this moment?

A It was very, umm, it was, it was that different level of, we struggle with people or, you know it's, people struggle with the police, people don't want to get arrested, but then there's some people who are trying to kill you, and I felt this guy was. He was really coming at us.

Q (Det. Jesse Hotz) And after the, after backup arrived, the individual has a hobble on.

A Um-hm.

Q (Det. Jesse Hotz) Did you talk to anybody immediately after that or not?

A Just Sergeant Lim.

Q (Det. Jesse Hotz) All right.

Q Can you just kind of draw a diagram about, put a north up there if you don't mind. The intersection, where your car is parked.

A Let's see.

Q And then where the, most of the interaction took place.

A So this is north. Here's our car. And it took place about over at the, at the intersection here. This is about where the scene took place from the car. This is where I initially saw that vehicle attempting to turn left, and he was here when I initially saw him. At the passenger door with his back to me.

Q Okay. If you can also just date, today's the 9th, and put your initials on there.

A Okay.

Q Yeah, I think that's all we need for the drawing. And when you had said when he focuses over towards you guys, and he jogs?

A That's what I remember.

Q Jogs right to your, to your window.

A Yeah.

Q Okay. Any other details that you could help us out with?

Q (Invest. Keith Barnes) Do you know whose hobble was used?

A I do not, sir.

Q (Invest. Keith Barnes) Okay. Do you carry a hobble in your car?

A I do.

Q (Invest. Keith Barnes) Where was that located at?

A Usually in my glove box.

Q (Invest. Keith Barnes) Okay. Can you described it …

A It's a tubular nylon. I would guess maybe three feet of tubular nylon, and it has a buckle on one end, and you basically, it has a buckle and a clip. So you basically loop it like a girth hitch and then that gets cinched on the feet, and then the clip goes around the cuffs and then hooks on the tubular nylon.

Q (Invest. Keith Barnes) Okay. What type of hook?

A It's alike a carabiner. Like a small carabiner.

Q (Invest. Keith Barnes) All right. And it's, what color is it?

A Mine's black.

Q (Invest. Keith Barnes) Okay. Is that something issued by the Department or something…

A Ahh, it is. They're hard to get though.

Q (Invest. Keith Barnes) Okay.

A I think there was one in my car when I got it. But we, we rarely use it. So, …

Q (Invest. Keith Barnes) Okay. All right. Do you know if that's still there or…

A I, I don't, might have been, so that night I had to turn my vehicle in for repairs and stuff, so that's, so they had it at the scene, and then I, it immediately went into the shop after that. So I haven't been back with it.

Q (Invest. Keith Barnes) Okay.

Q Then, one thing I forgot to ask is, how long have you been, been a controlled tactics instructor?

A Oh, I think approximately three years.

Q And it, sounds like you have some grappling background as well?

A I do, yes.

Q How many years have you trained in that?

A For, for a long, let's see, maybe like 12 to 15 years. And that was, when I was in the military I was a coach for my unit's, 2nd Ranger Battalion, for our competitive team. We did like, just Army tournaments, or we did like the Battalion tournament that was the battalion teams against each other.

Q It's grappling, wrestling tournaments?

A Well it progressed…

Q Oh.

A So you start the first round was just grappling, and then they added strikes to the body, and then the final round was a fight, a full on fight.

Q Okay. Mike, do you have anything?

Q (Attorney Mike Staropoli) I don't have anything at this time, no.

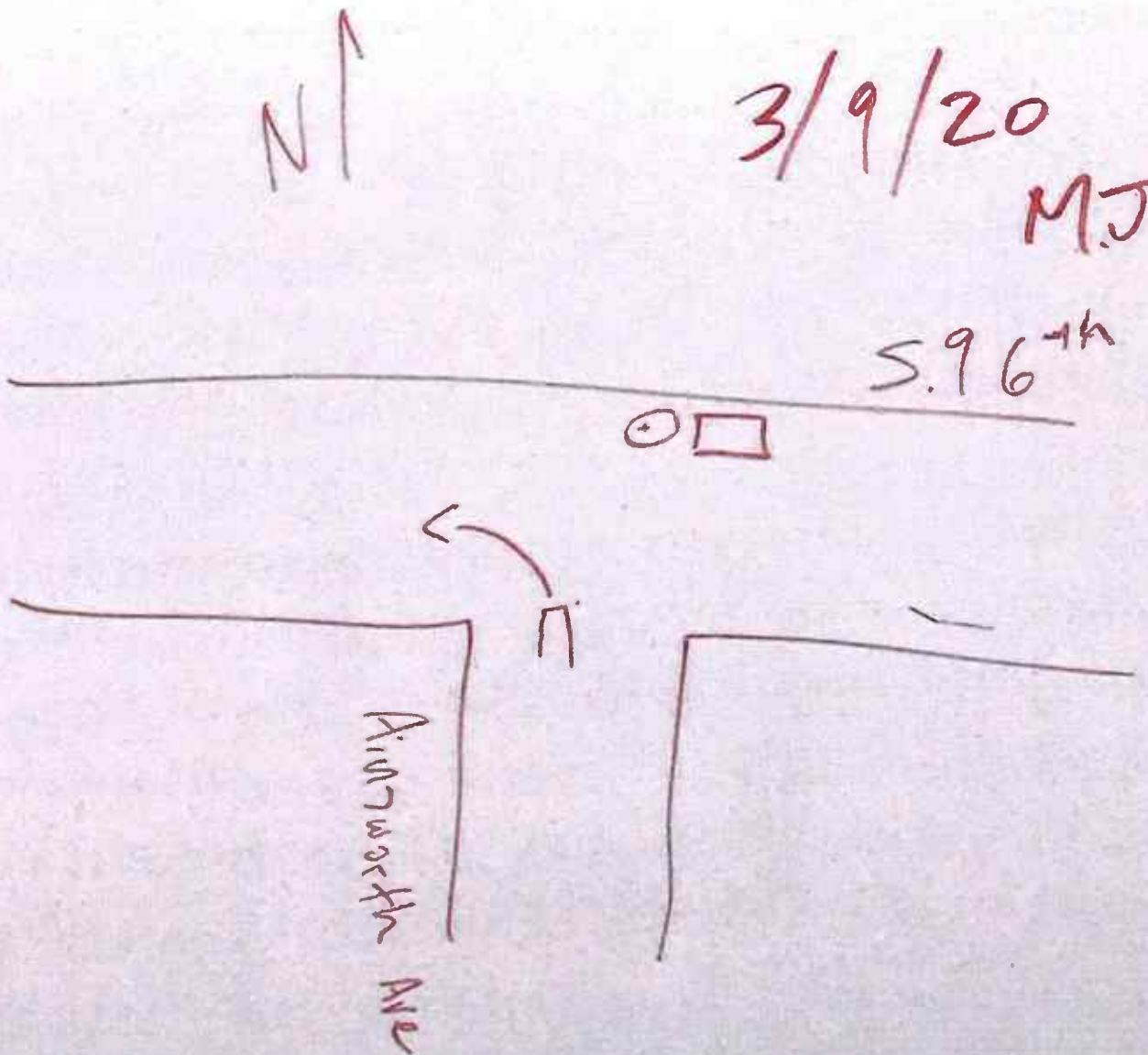
Q Okay. Matthew, is everything today you told us the truth?

A It was.

Q Any threats or promises that we made to you?

A No.

Q Okay. The time is now 1005 hours. And we'll end this statement on March 9th of 2020.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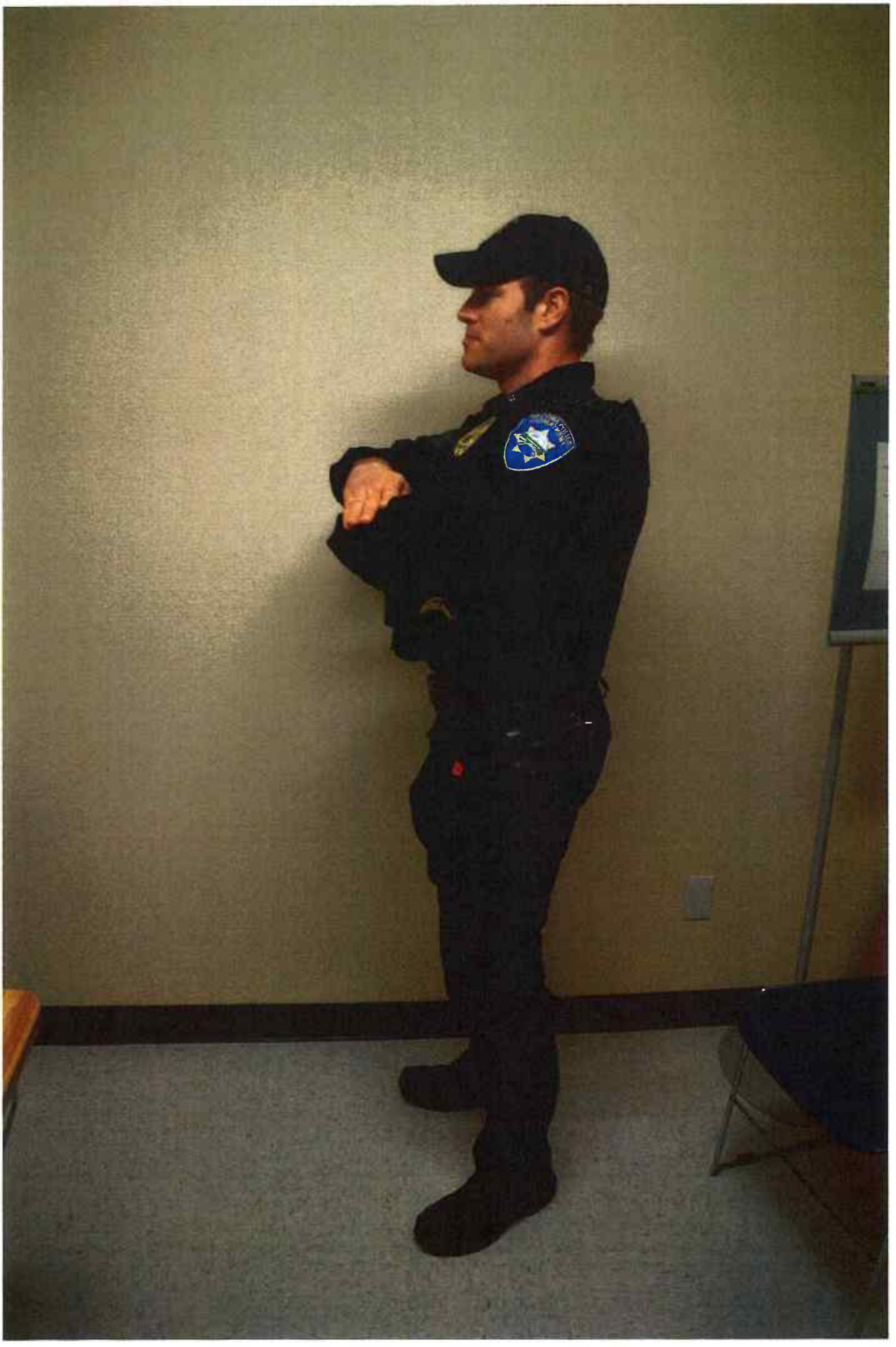

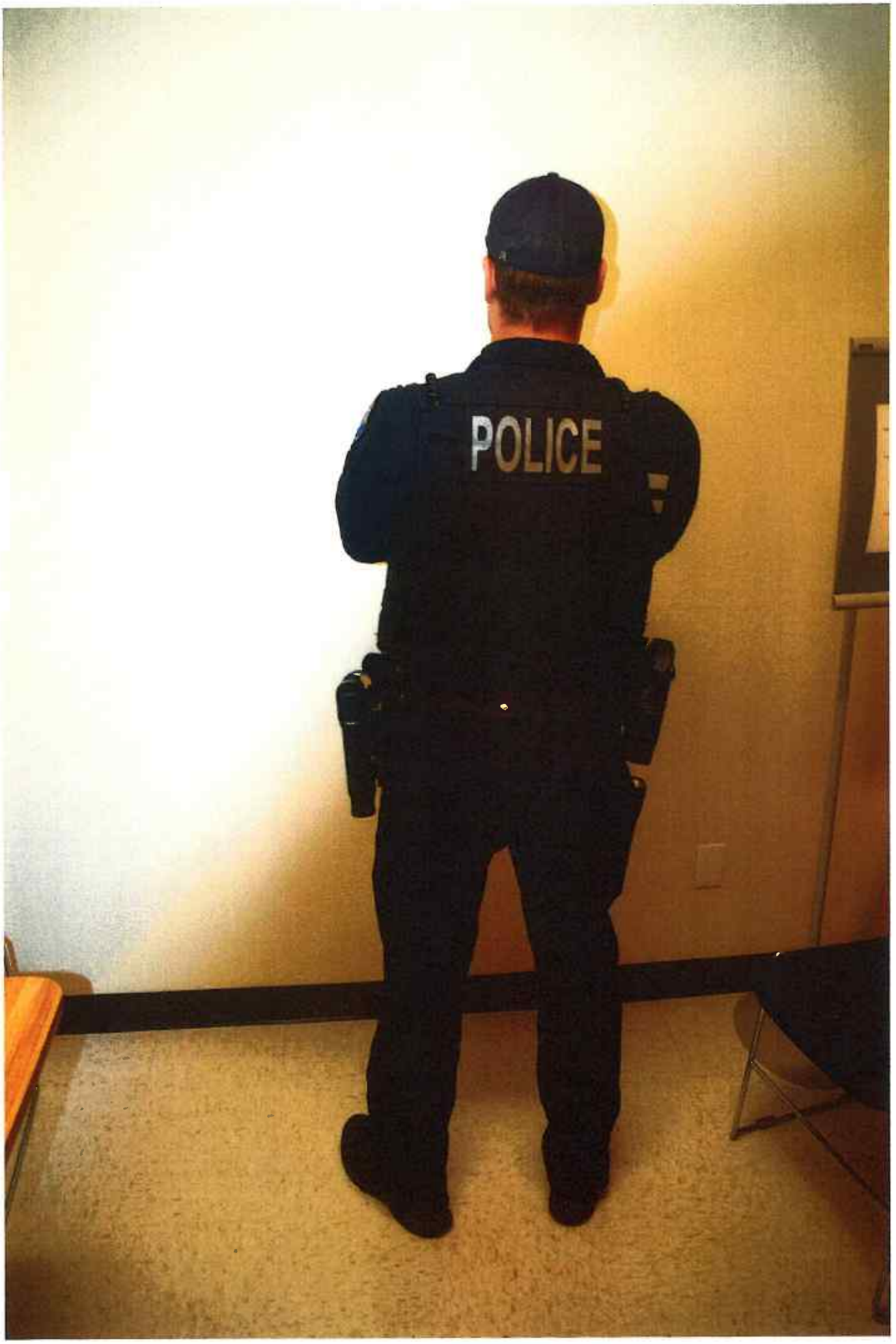
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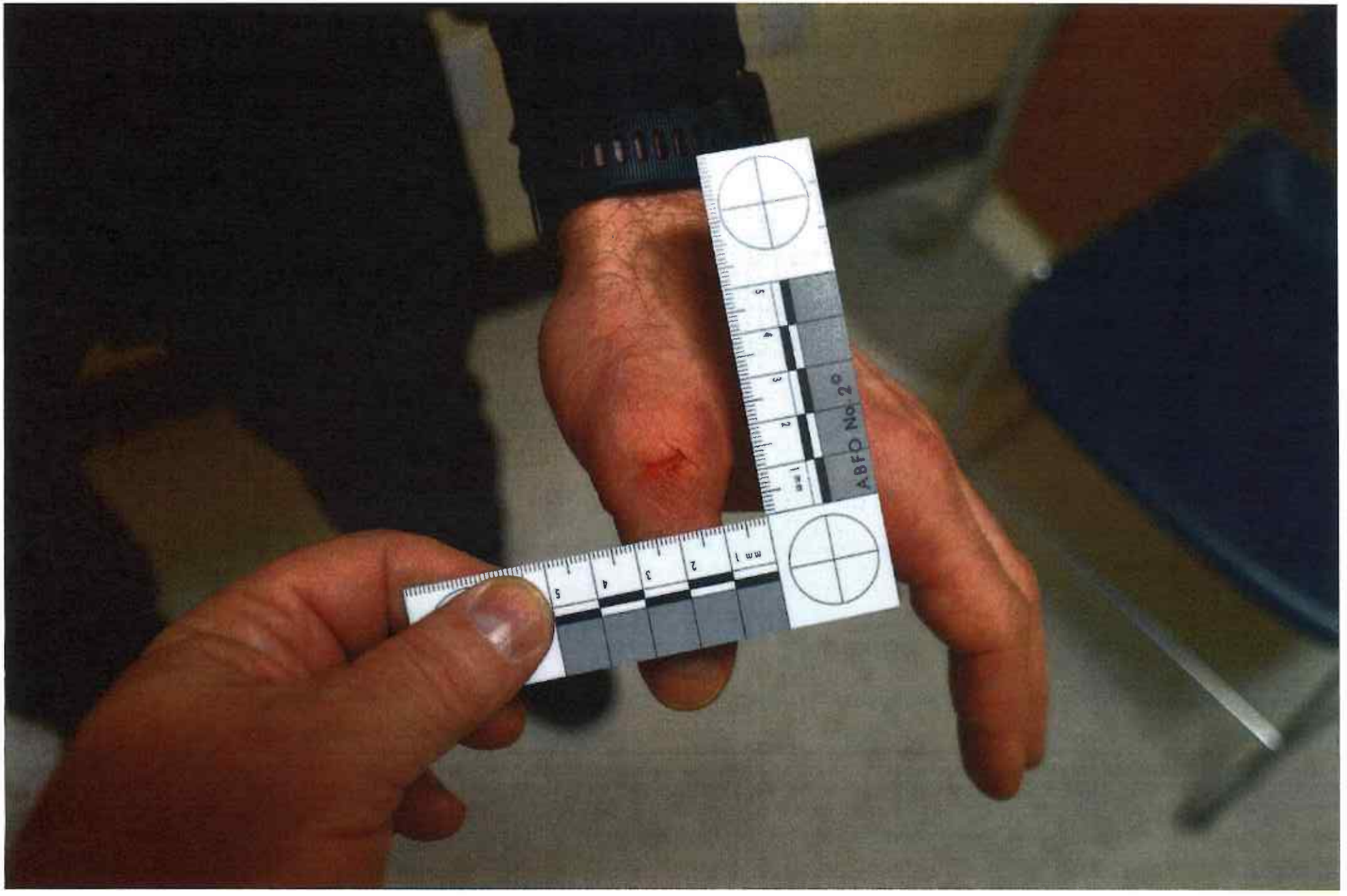
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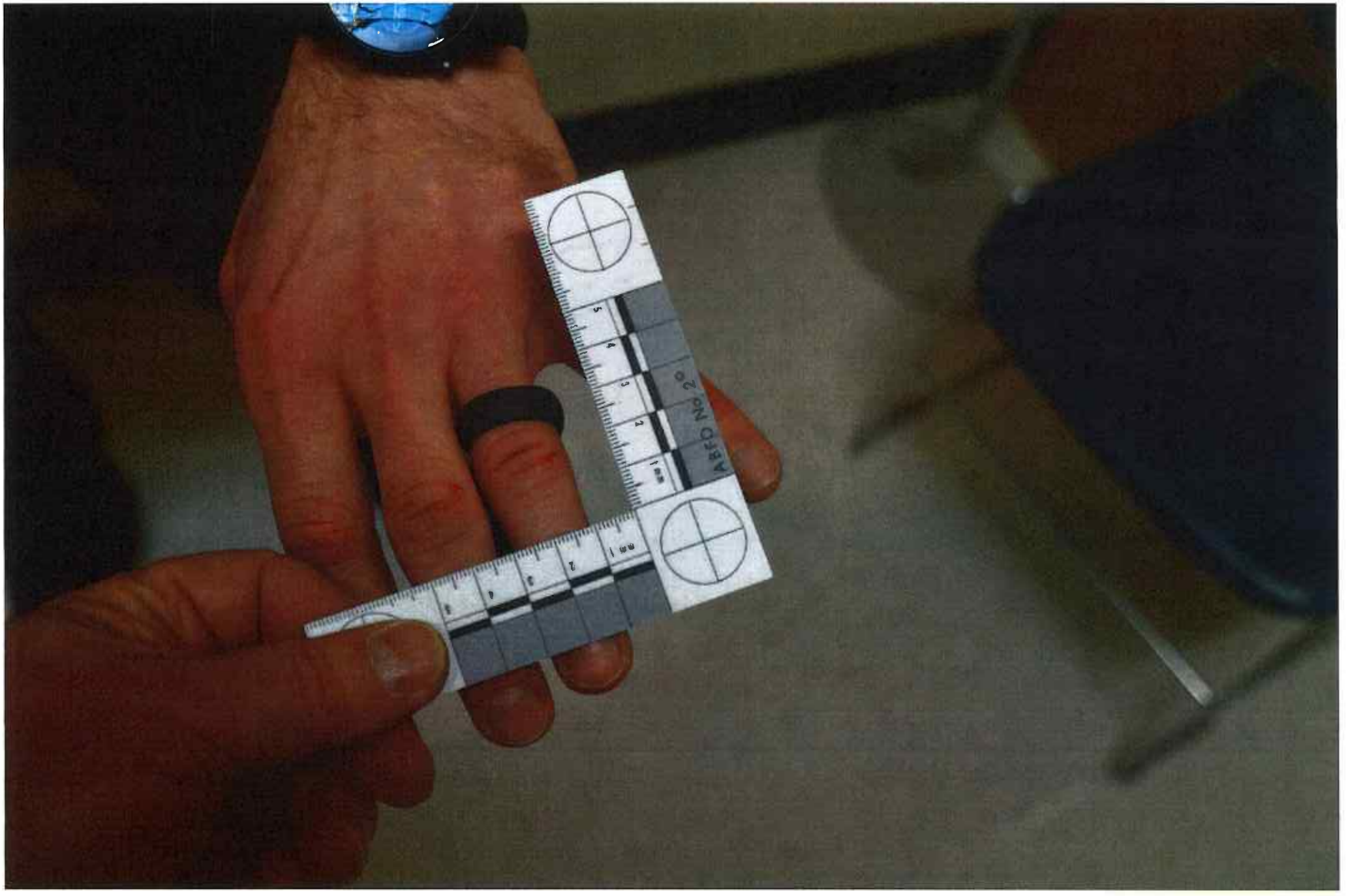
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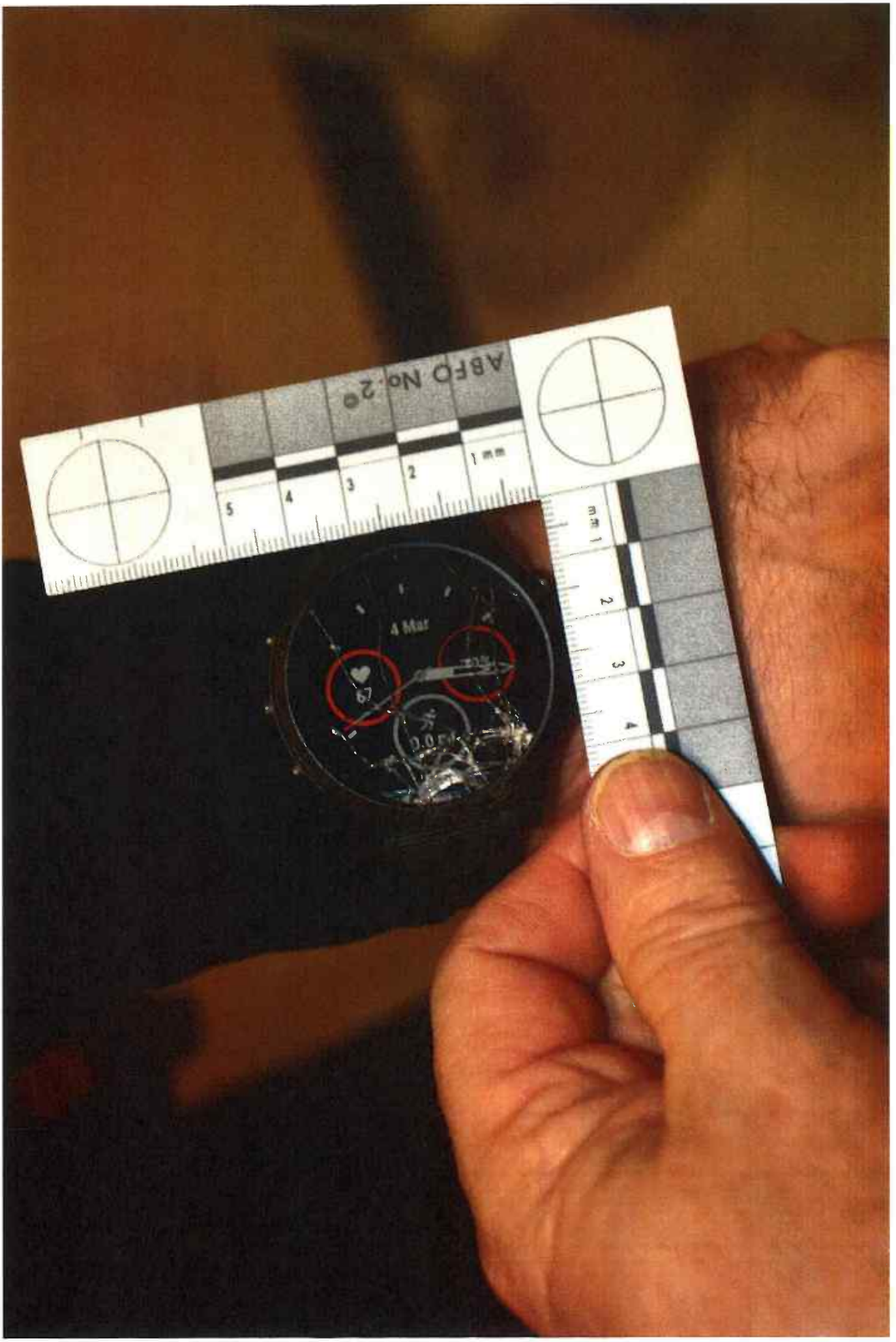
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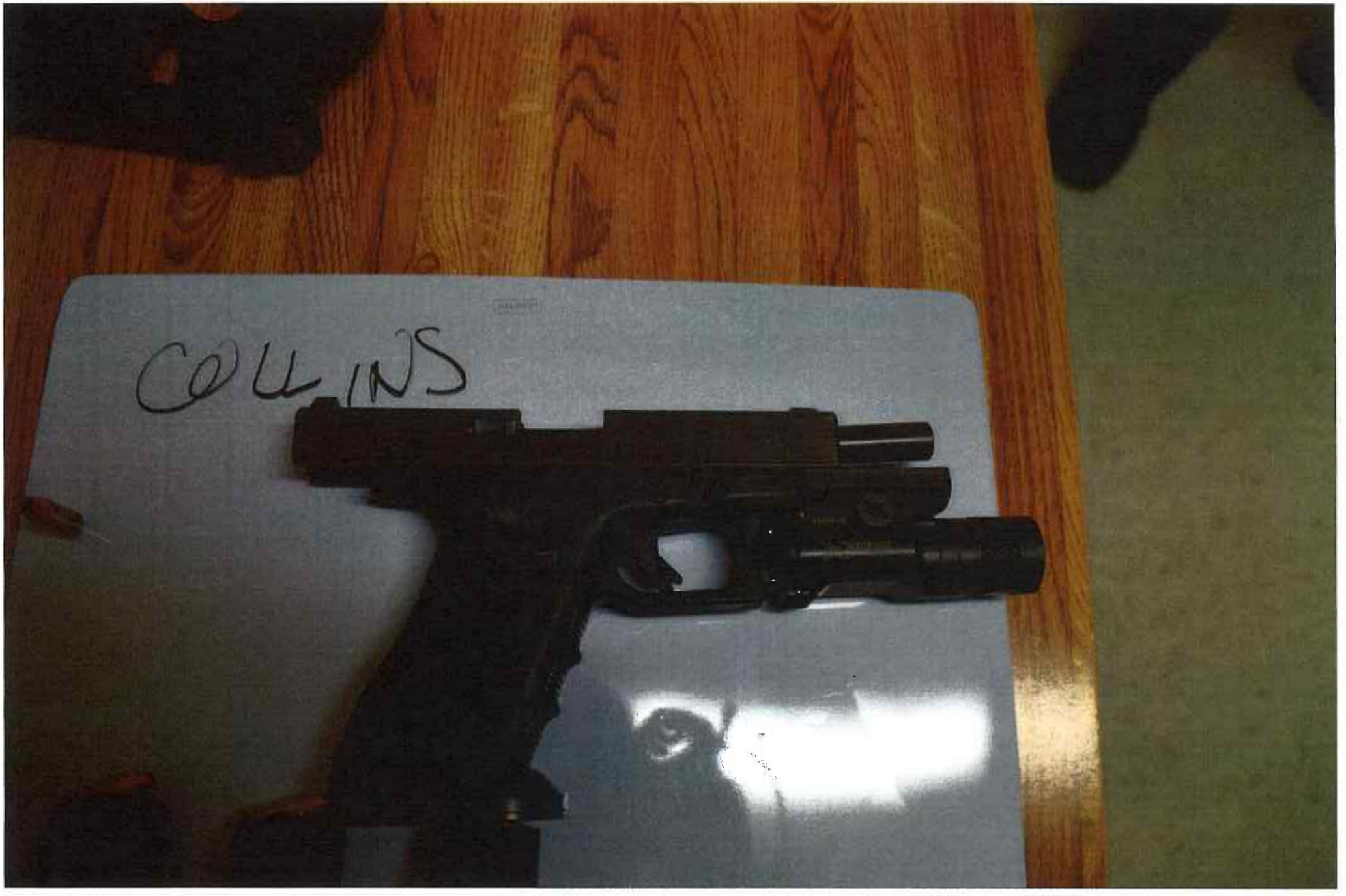
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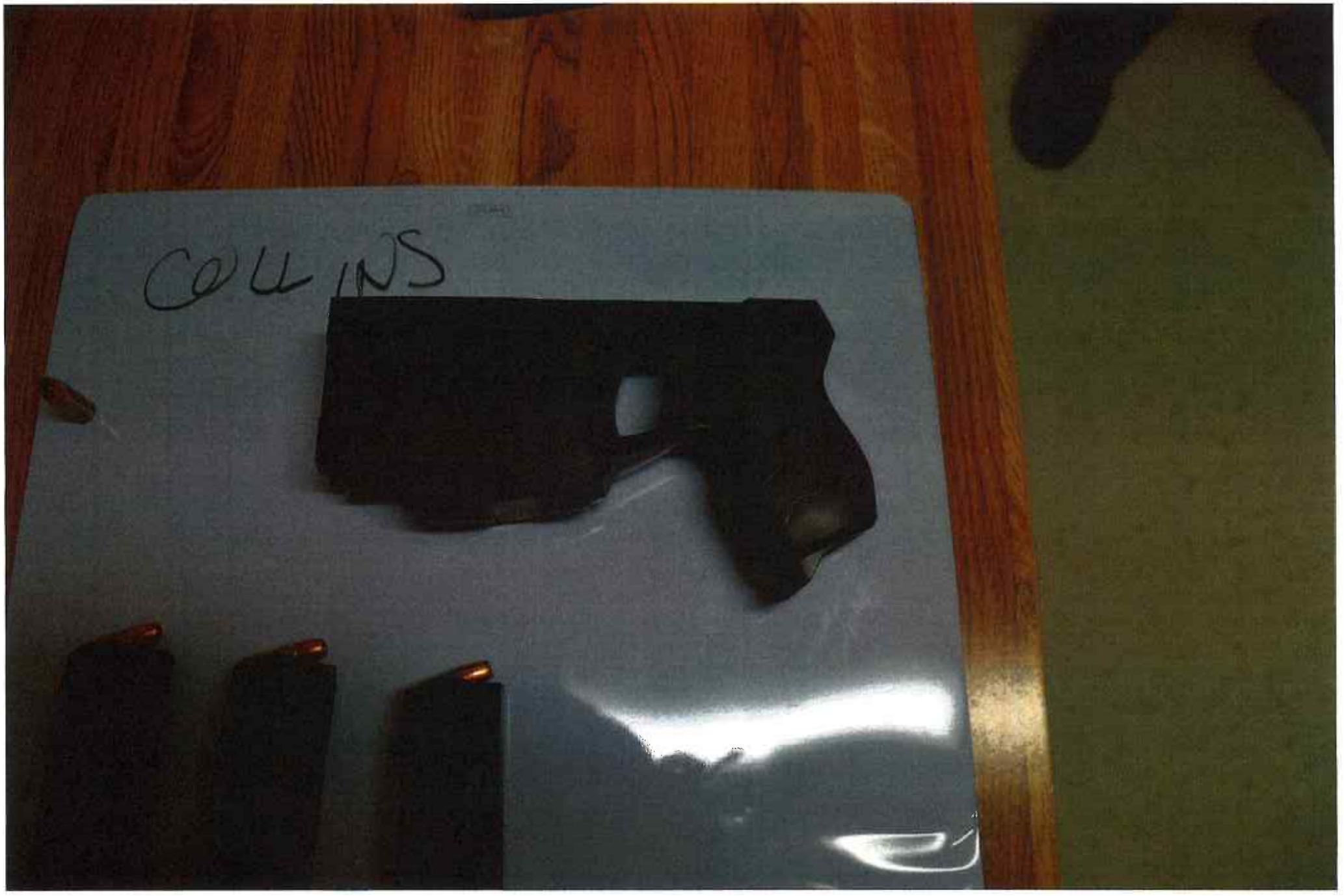
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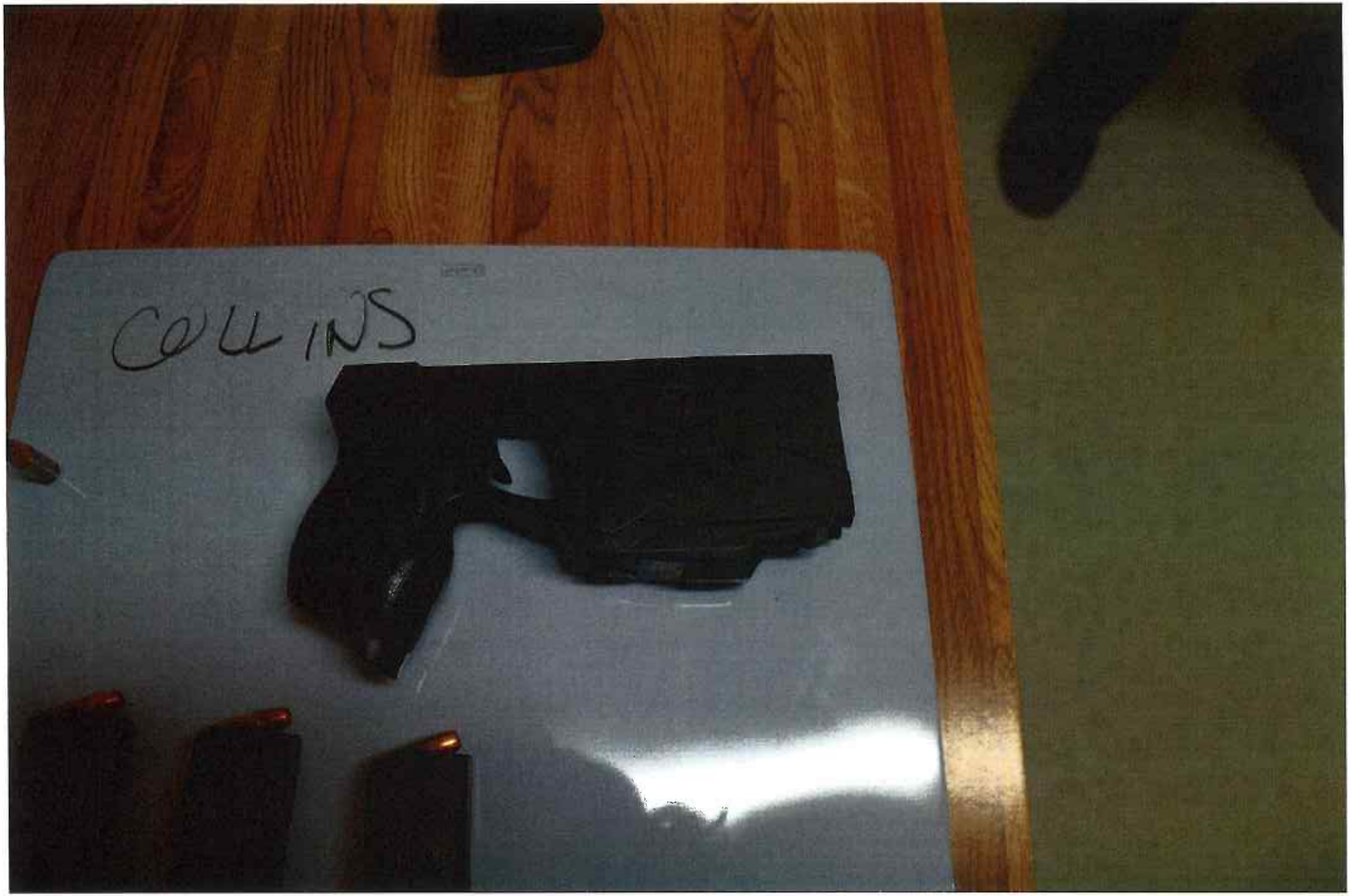
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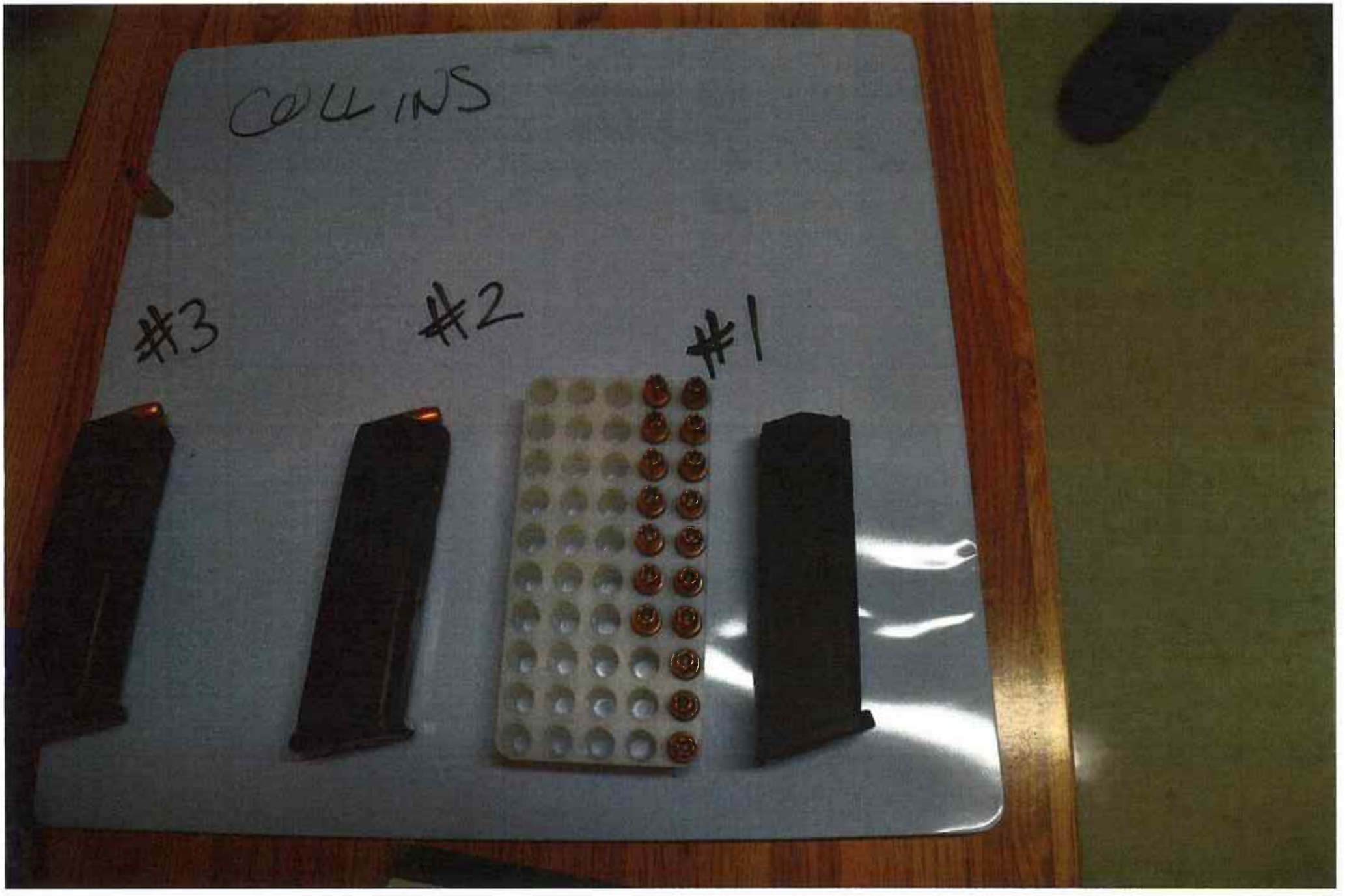
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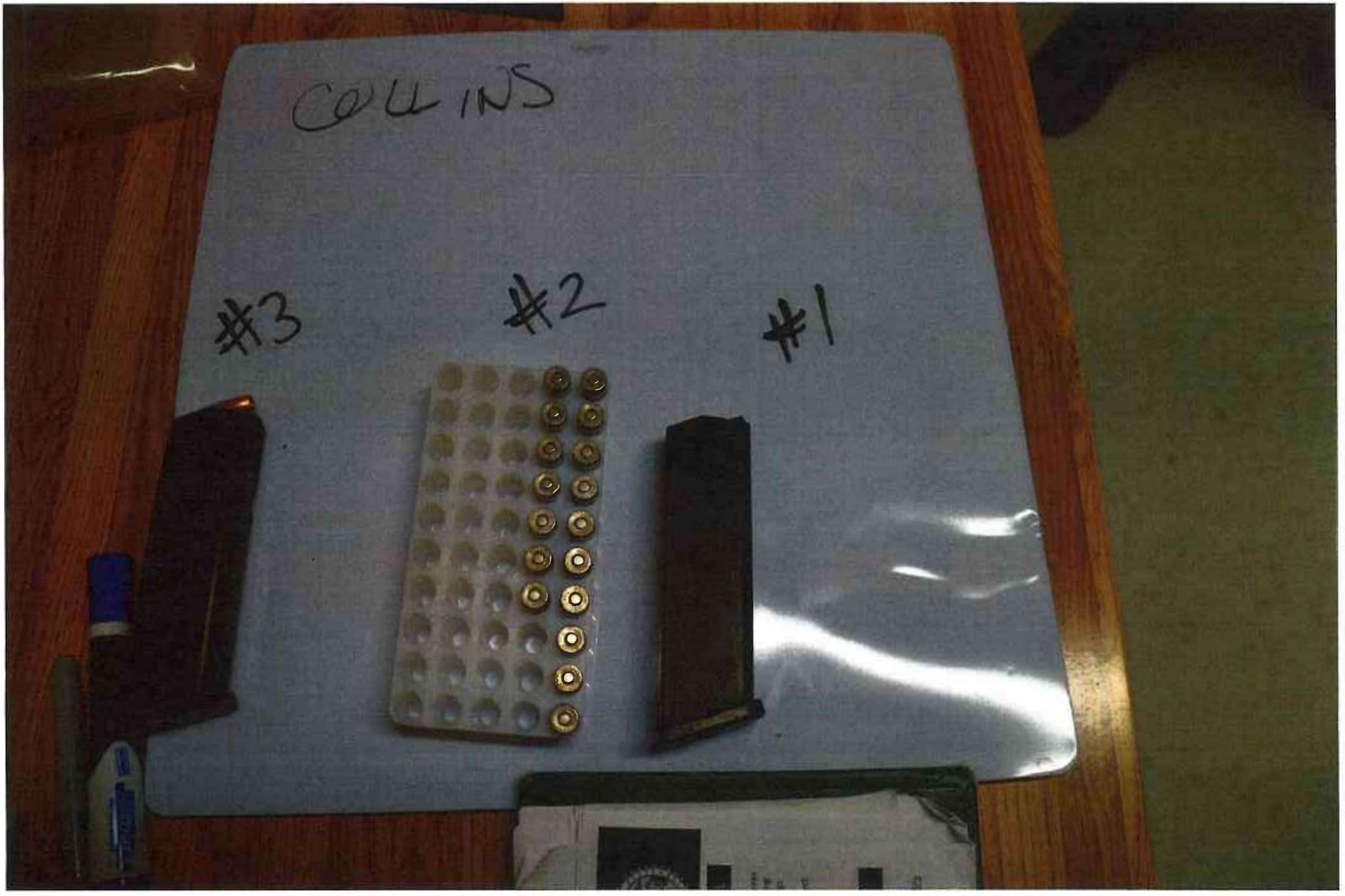
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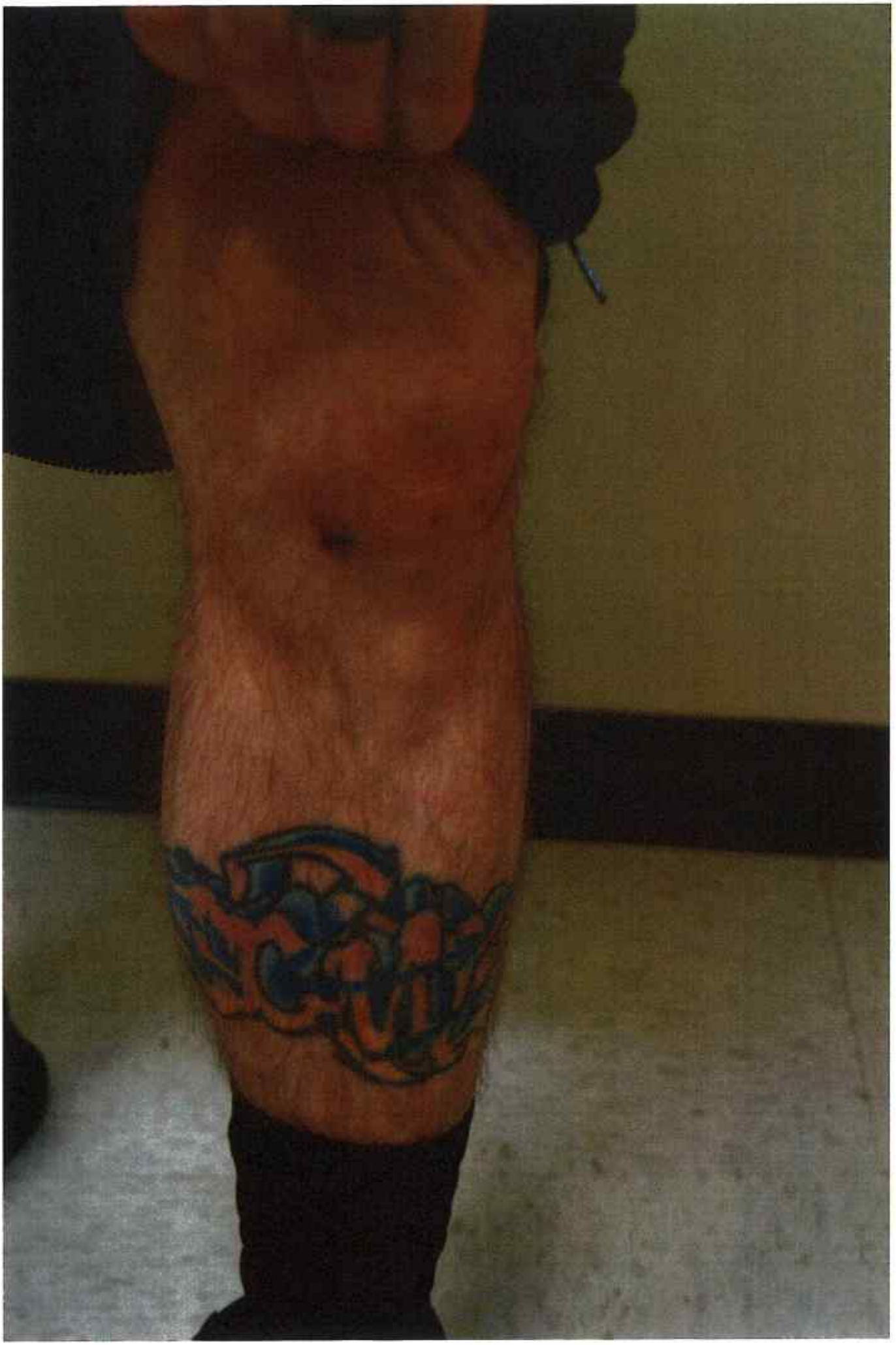

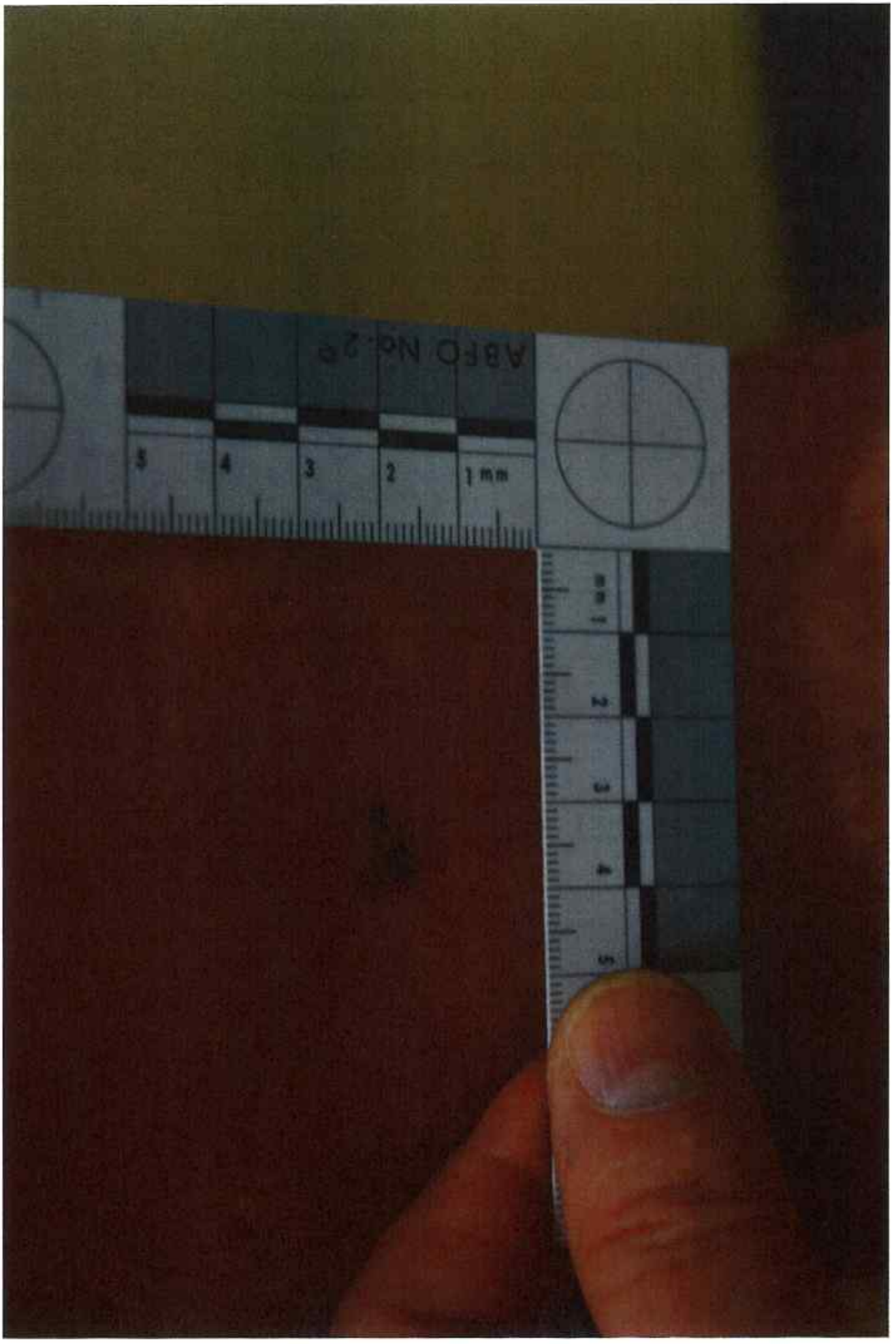
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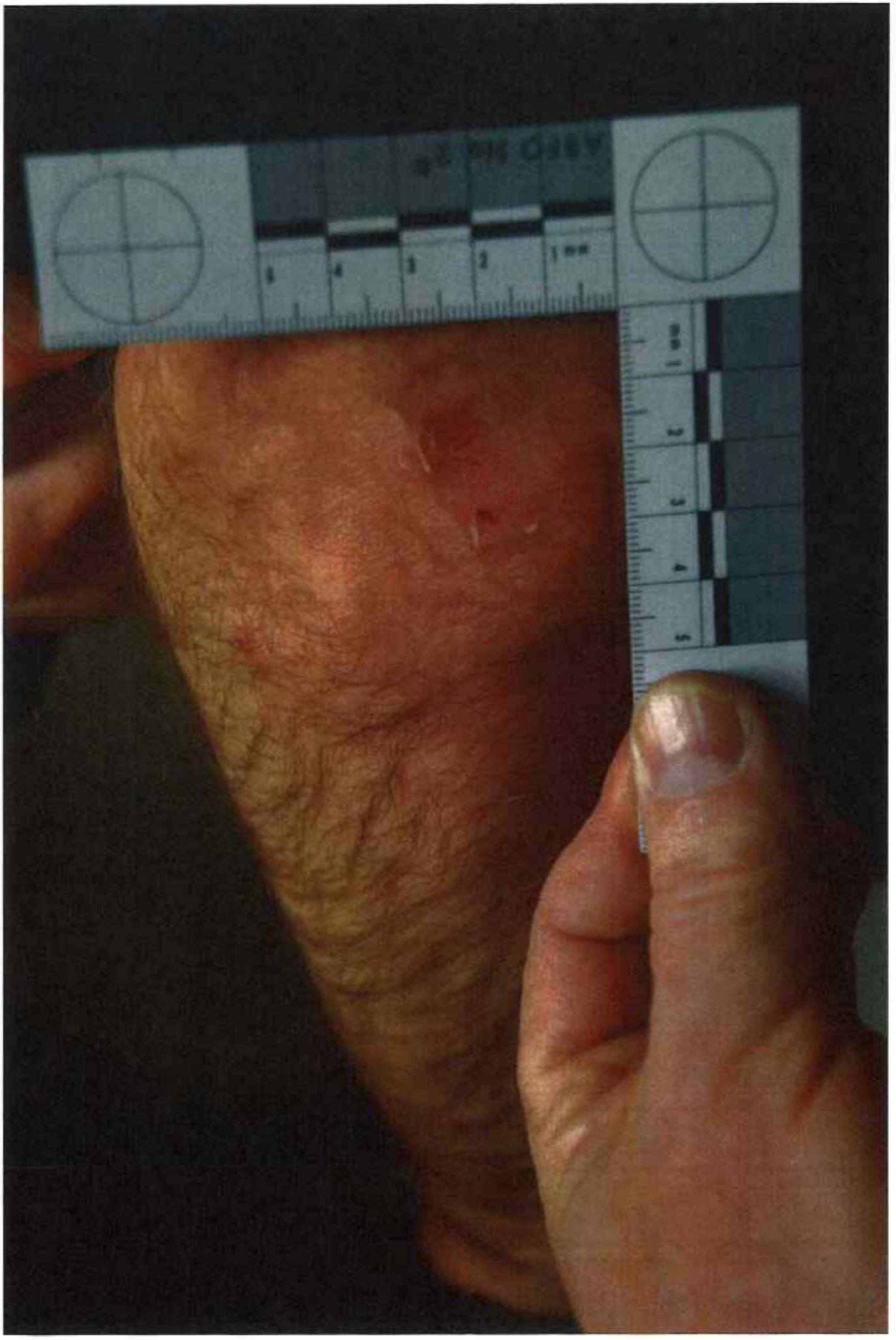


TAB 14

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 03/06/2020 Beginning Time 1245 Hours Ending Time 1340 Hours

Location PCSD PARKLAND/SPANAWAY PRECINCT Officer DET. SGT. B. BROCKWAY, #161/96/082

Name of Subject TIMOTHY RANKIN Date of Birth _____

Q This is Detective Sergeant Brockway with the Sheriff's Department Pierce County. This is reference case number 20-063-02251. It's March 6th of 2020. It is 1245 hours. We're at the Parkland-Spanaway Precinct. This is reference an incident that occurred on March 3rd, 2020 at 96th and Ainsworth. This interview with Tacoma Police Officer, Timothy Rankin, goes by Timmy. Also present for the interview is attorney Stevenn Myers, investigator for the Prosecutor's Office, Keith Barnes and Detective Helmcke. Timothy, do we have your permission to record this statement?

A Yes, sir.

Q I'm gonna take you through a couple preliminary background questions as we go through the incident. How long have you been with the city of Tacoma?

A Just shy of two years.

Q And what is your current assignment with the city?

A I'm a patrol officer on the, in the 3-sector, on graveyard.

Q And just for the record, everybody understands this is being recorded and we have everybody's permission?

Q (Steven Meyers) For the record Steven Meyers, yes.

Q (Keith Barnes) Keith Barnes, yes.

Q (Det. Franz Helmcke) Franz Helmcke, yes.

Q Okay. And graveyard shift, what's the hours of graveyard shift?

A It is 8 p.m. to 6 a.m.

Q And do you have a, a partner that's assigned?

A Yes. I work a two-man car with Officer Ford.

Q Okay. Any additional duty assignments that you currently have?

A I do not.

Q And prior to this did you, any other law enforcement experience or military?

A Military. I was in the Army for six years. Started at First Ranger Battalion and then moved over to regular Army. Job there was infantry and got the chance to become a sniper for quite a while. And then after that I transitioned to working for the Department of State as a security contractor for two years prior to me becoming a cop.

Q What was your rank in the military?

A Ahh, last rank I had was E-5. Sergeant.

Q And how many total years? You said six?

A Six.

Q Okay. All right. The night of the incident what, what was your uniform?

A I was wearing my issued police jumpsuit. I was wearing an internal vest and my duty belt with my patrol firearm and various amount of ammunition.

Q Okay. Any department hat or anything at the time?

A I was wearing a department hat. Yes, I was.

Q And that has insignia on it and such?

A Yes.

Q And then the night of the incident we, after the incident we took some photos of you here at the precinct?

A Yes.

Q Okay. And then who was driving that night and whose car were you guys in?

A I was driving, and we were in my Crown Vic, it's car number 835.

Q So Ford's passenger and what's, what year is that Vic, do you know?

A Ahh, it's a 2011.

Q Fully marked?

A Fully marked, emergency lights.

Q Patrol car, okay. Take us through where you were when you herd about this call or how it came about.

A So we had, we had backed Henry 317 which is Officer Collins and Officer Burbank's call sign, for that night. We had backed them on a traffic stop, I would say approximately fie to ten minutes prior to this call coming out. The traffic stop was in the area of South 96 and A Street, A, Adam Street. And we had just cleared from there and we had went out separate ways. Officer Collins was driving, and he was heading westbound on 96. We headed eastbound on 96 and then made a left on A Street and actually ran into a Pierce County Deputy. We exchange greetings, said hi to him. We saw a suspicious vehicle in the area that just had picked up two females on the side of the road. I followed it to about the 80, South 84th Street and hanged a right so traveling, traveling eastbound on South 84th towards McKinley. We were running its plates. We were about to conduct a traffic stop on that vehicle, due to the activities that we saw. At that same time, we heard on the radio what sounded like mic clicks. At first when I first heard the mic clicks, I thought it was a you know, a accidental mic click. Like someone had accidentally hit their mic, but it continued. I think I heard approximately three to four mic clicks before Dispatch asked for Henry 217, do you have traffic? At that point and time I had slowed way down, I was probably just traveling approximately five to ten miles per hour. And no answer was given to Dispatch when they asked for traf, for any radio traffic. The mic clicks continued. I remember Dispatch asking 317, did you have traffic, and nothing was put out. We just continued to hear the mic clicks. Next thing I heard was, I'm not exactly sure, but I'm pretty sure it was Officer Burbank's voice. I would know Officer Burbank's voice pretty well 'cause I've worked with him for over a year. He was also one of my Training Officers when I was going through the PTO phase. So I heard his voice and all that came on the radio was a location. It was 96th and Ainsworth was all he said. 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. I immediately activated my emergency lights and sirens, flipped a U-turn on South 84, just prior to the intersection of McKinley and South 84th. I was traveling now westbound on South 84th toward Pacific Avenue. I made a left on Pacific Avenue hitting southbound. As we were, as I was makin' that turn, I remember Dispatch saying they were gonna keep the air open for him, 317, because they had no, no idea what was going on. Dispatch I think asked 'em update us when you can, but there was no updates. All we kept hearin' was mic clicks. Dispatch informed, I think all of us that they were gonna open up their mics just to hear what was going on. At this point and time I was already on Pacific driving southbound with my lights and sirens on. What I heard over the radio is what sounded like a, like rus, like rustling. Almost like a physical altercation and what sounded like heavy breathing. And I, the first thought that came across my mind due to my prior experience in the military was I was expecting you know, I was, I was thinking the worst, that Officer Burbank and Officer Collins most likely were either dead or shot. I related their heavy breathing to listening to friends of mine that I lost overseas. They heavy breathing, the last few breaths before they died. So at that point and time I, I tried my very best to drive there as quickly as I can, as safely as I can. And then once I got to the intersection of South 96th and Pacific Avenue, I made a right-hand turn heading westbound on South 96th. Right as I made that right-hand turn, I saw Officer, Officer Collin's SUV in the distance. Something that was really weird that I noticed that put a little bit more, made me want to

get there slightly quicker was that it was just in the middle of the roadway, just like it was just regularly driving but it was stopped. Its emergency lights weren't on, only its back ambers were lit, kind of just signifying it was a caution. But as we got closer to the vehicle, I think we were approximately three or four blocks out, we still, I, I, kept asking, I remember asking Officer Ford, I was like do you see 'em, where are they? Do you see 'em? And we didn't see, did not see them at all, which was really unsettling as your coming on their vehicle and you don't see 'em. Finally as I drifted off, I, I basically shaded off more to the right side of the SUV, I saw three individuals about 10, 15 feet in front of the vehicle...

Q (Steven Meyers) Which vehicle?

A In front of their patrol vehicle, almost in the intersection of South 96th and Ainsworth. So as, right as we got there, I put my vehicle in park, we both ran out and I called on the radio that I was with 317 at the scene. As we were running towards them what I saw was it was black male subject that was proned out on the ground on his stomach. Officer Burbank was on top of his upper torso, straddling his upper torso almost like he was riding a horse, with both of his hands pressed down on his upper body and then I saw Officer Collins try and secure both his legs. And his legs were kicked out almost like in a prone position.

Q (Steven Meyers) You talking 'bout the subject's legs?

Q (Keith Barnes) (Unintelligible).

A Yeah, the subject's legs. Trying to secure the subject's legs. Officer Collins was tryin' to secure the subject's legs. The, the unsettling factor to it was, to put some context to it, I've been in situations with Officer Burbank and Collins and they both were really good Officers, Officers that I look up to. Office Burbank's about 5'9, 180 pounds approximately. Officer Collins is about 6'1, 6'2, about 210, 220 pounds. Both of 'em are prior service, military. I know Burbank was in regular Army, he saw a lot of stuff overseas 'cause that's one thing we connected on and we talked about. I know Officer Collins was in 2nd Ranger Battalion, which anyone from a Ranger Battalion usually are pretty high class and high skilled individuals. Officer Collins is also on a SWAT team. Tacoma Police Department SWAT Team, and he has quite a bit of Jujitsu background. So to see him and see this individual that they were tryin', tryin' to, tryin' to, I would say I guess for lack of a better term, tryin' to hold down, just simply move and wiggle and just easily move 'em, I guess the only thing I could relate it to was this individual's throwing them around like rag dolls. Officer Collins was trying to secure the subject's legs and he was having a really hard time. So as we ran up, the first thing I asked him was like what do you need from us. And Officer Collins responded with we need hobbles. And I said we don't have hobbles, let's just secure his legs. Let's help you secure his legs and we can go from there. So I remembered Officer Collins had transitioned to his, the subject's left leg and Officer Ford had jumped on his right leg, the subject's right leg. I had assisted Officer Ford in securing his right leg. And as that was happening, I was on the right side of the subject's body, I remember Officer Burbank was still on top of him like seat, seated on top of him. I remember Officer Burbank asking for help. I remember him saying to me, help me and I said all right, I got you. I remembered I had transitioned up to his upper torso once we had pretty much secured his legs even though he was still kicking and buckin' pretty, pretty violently. I know both of those Officers, Officer Collins, Officer Ford were sprawled out holding his legs with, subjects' legs with both hands, trying not to get kicked

in the face. Um, I remember right before I transitioned to his upper torso me and Officer Ford checked to make sure his cuffs, like his hands were completely cuffed up. I remember the handcuffs that were on him were silver, Peerless handcuffs that were on him. We made sure they were completely secured so that his arms could not, could not gain, couldn't break free from the handcuffs. As we were transitioning I remember Officer Ford said, asked whose magazine, whose Glock magazine was on his lower back and no one answered and he just, I remember Officer Ford grabbing it and just tossing it 'cause I remember seeing the magazine slide away from the subject. And as I transition up to the torso we had, me and Officer Burbank had made a plan that I was gonna take the right side, right half of his torso, of the subject's torso and Officer Burbank was gonna take the left side of the subject's torso. At the same time as we were transitioning there, I did notice that there was a taser application that had been applied. I did see the taser wires and I saw the prongs around the upper torso region of the individual. So as I transitioned to help Officer Burbank with the torso, I placed my right knee on his right shoulder area and then my left knee on his lower back and securing his right arm, because he still was violently thrashing around. As I was doing that Officer Burbank moved off of him and the individual did, I would say, I can't remember exactly but almost like a bucking move that tossed Officer Burbank off of him pretty violently. I remember seeing Officer Burbank roll on the ground towards like the left side of his body. 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. 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. And I guess kind of a side note that was couple days prior to that, I was in a physical fight with another individual for approximately five minutes, that was about the same size as this individual and I, just by myself, was able to successfully ahh, place the subject in custody and place him in cuffs, by myself. Which was really unsettling for me 'cause this individual was throwing all four of us around, which from a, the prior fight, I, I thought we could have handled this guy but I, I had doubts that this individual could have, if he was not properly restrained and properly held down, could've, could have seriously hurt us. So once I was seated on the subject's back, placing my weight, like distributing my weight evenly across his torso, one of the things I thought was really weird was the first time I actually heard this subject even speak and the first thing he said to me was I can't breathe, I can't breathe. But he said it in a very, not in a distressful voice, in almost a very calm normal voice, which I thought was super weird. I remember telling the individual I was like if you're talking to me, you can breathe just fine. I was like I remember also instructing him, I was like if you stop struggling with us and if you calm down, I will release some pressure off of you. And the individual got quiet. After he got quiet, I remember attempting to move my right knee to reposition it towards his right shoulder. As I was doing so the subject violently thrashed again, almost bucking me off of him where I ended up repositioning my knee back to the original spot in the middle of his spine. Kind of upper back spine area. I remember we just sat 'til other Officers could get there. I'm unsure who placed hobbles on him, but I remember seeing what appeared to be like a black like

flat rope with a silver carabiner placed around his legs. And some of, some other Officers helped secure the carabiner to his handcuffs. But I was too busy trying to hold this individual down, so I did not recognize who actually placed the hobbles on him. At that point and time I know other Tacoma Officers were on scene and I, I'm unclear but I'm unclear who replaced Officer Collins, but I remember seeing in front of me was Sergeant Linn. Sergeant Linn asked me if I had things handled and I remember telling him I got this Sarge. And I remember he went to go talk to Officer Burbank and Officer Collins in front of their patrol vehicle. I remember Burbank's, just his, both of their, just their uniforms was kind of disoriented. I remember Burbank's hat was almost off of his head. I remember both of 'em looking each other and looking at each other's faces. And I overheard what they were telling Sergeant Linn but they both had been struck in the face by the subject. I remember Officer Burbank showing Sergeant Linn kind of like the left side of his mouth, where he had been struck. And after that I turned my attention back to, to the, to the individual, to the subject that we had. I instructed, I can't remember which other TPD Officers that were there, but I instructed 'em to roll him towards his right side. Roll the subject towards his right side. And something that was really weird about the subject was that he was, he was, he was wearing a, if I remember correctly, but not exactly but I remember him wearing kind of a red sweatshirt, but him wearing a sweatshirt, like just touching him, he was really warm to the touch. His head had beads of sweat coming down from it and he was sweating profusely. I did not know it at the time 'til later on when I had taken off my patrol gloves to transition to rubber medical gloves, my gloves were completely soaked and wet and it wasn't raining out at all. And I'm, I would assume that my gloves were wet from just this individual 'cause I was hands on with him the whole entire time. But once, once I took control of the situation I rotated, I instructed the other Officers to rotate him to the right side, the subject's right side so we could do, conduct a weapon sweep on him. I was unclear whether a weapons sweep was ever conducted on him. I was not gonna take the chance that he had a weapon on him and was able to break free and grab the weapon. So we rolled him to the right side, the subject's right side. I conducted a weapon sweep on him around his waistband area. I checked, I sweep both his pockets in the front. He was wearing sweatpants and I wanna say it's probably black sweatpants. I remember he was wearing white Jordan's. I sweeped him, he didn't have anything in his pockets or in his waistband. Swept his back, he didn't have anything. And I remember seeing the pro, the taser probes in him. One was on his left side, towards, around his rib area. There was just, the probes did not, from, from me pulling 'em out, I did not notice that they were embedded in his skin. They were just more embedded into his jacket that he was wearing. And then the second probe was located around his left chest area which were both removed, which I removed. Checked to make sure, by policy, you know the needles were completely taken out. No barbs were still in him. And I think, if I remember correctly, but I'm unsure on this, Officer Ford helped me secure the probes and the wiring. By policy we have to, every time a, a ECT applications applied, we have to secure the cartridge, the probes and the wiring for evidence, so I know Officer Ford is one of the Officers that helped secure that. 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. I remember, I guess one of the things that I, I also remember was that minutes into, into me and Officer Ford getting there and once I had gained um, control of his, of his upper torso, I remember Officer Ford getting on the radio and calling for TFD, to, to come to the scene and I think the reason why it was by policy, every time a ECT application is applied we have to get TFD to clear the individual.

Q That's the fire department?

A Yeah, the fire department. For, to clear the individual and sometimes they remove the probes if we have not removed it ourselves. But also the, the subject, he was bleeding, he had like minor cuts on his face and he was bleeding from his face. The subject's hands when I was looking at 'em, they were, his knuckles, around his knuckles area and around his like the palms was pretty bloody. I couldn't really tell the injury that was on his hands, but I could, I remembered them being really bloody. But so once we had rolled him back over on his stomach and applied, reapplied pressure on him just to hold him down 'til Fire could get there, I remember Sergeant Linn getting on the radio and asking what's Fire's ETA to our location and Dispatch responding with I'll, I'll check. And at the same time I rem, can't remember which TPD Officer was the one that said this but, he said something on the lines of, of all times Fire was to run priority, they're not running priority now. And I remember someone had said that they saw Fire, I think it was engine 10 that was, that was first on scene, making the right hand turn from Pacific and driving westbound on 96th, with just no lights, just almost like on a every day cruise to our location. Only after I think Dispatch informed them that we needed them priority, 'cause I think Sergeant Linn had told Dispatch after that that we needed them priority to the scene, did they then activate their lights but they were already I don't know, just a few blocks away from us. Which I thought was really strange you know, for Fire to pull up on scene and see numerous cop cars there and then them just kind of rolling up all slow like to, to our scene. So at that point and time I still had control of the guy's upper body. My right knee was around the right shoulder blade area of him, and my left knee was on the middle of his back still. He was not thrashing around as much anymore. His head was turned to the left side of his body. I did notice that his, his breathing was still the same, was breathing. His, I could see the check, his chest rise and fall. And as Fire was getting there I, I made the decision to roll him back onto the subject's right side. Again, just because it, from medical training experience, that's the best position to put someone in, it's like the recovery position is what they called it. So I rotated him back on the right side and I checked his pulse, using his carotid, his neck. I remember something that was really weird about his pulse was that his pulse was quite norm, normal. It was approximately 80 beats per minute. I checked it with two of my fingers on his carotid in his neck. Again, after a couple, like after a minute or two had passed I checked it again. I remember saying out loud, well that's really weird that his pulse is completely normal and then at that same time Fire was just walking up towards us. I asked the first firefighter that was there, I remembered seeing his last name on his jacket was Wilson. I said what do you need from us and he said I need him on his back, so we rotated the subject on his back. He was still in hobbles and cuffs. First thing Fire did was they cut off his, cut, they cut his clothes. I think they cut part of his pants and his shirt completely open. They attached leads to his body to the, I think it's the heartbeat monitor. And then I remember asking Fire, I was like okay, what else do you need from us. And the firefighter, Wilson, he said we need him out of cuffs and out of this hobble. I need a arm for an IV or he's gonna code. And I remember looking at him and then looking at Sergeant Linn and I said Sarge you good with this. And he kinda looked at me and I, I informed the firefighter, I was like we just fought him for a long period of time. I was like I don't wanna get him outta cuffs in case he starts fighting again. And then Fire advised me that he really needed to put an IV in so Sergeant Linn gave me the go ahead to take the hobbles off and take the cuffs off. Other T, other TPD Officers assisted me in taking off the hobbles and the, and the handcuffs on him. And once we had that, that taken off we, we assisted Fire by se, staying around, making sure that this individual was not gonna you know, get back up and start fighting, or you know was gonna harm the firefighters that were there. I remember the firefighter Wilson, did get an IV placed into his left arm and they started a IV bag on him. I remember him instructing the other firefighter that was standing, was kind of like kneeled around his head, to start to attach pads to him in case he started coding. And then the firefighter instructed the firefighter to start

bagging him, which simply just is the airbag put around his mouth and help him breathe. At that point and time I could still see like the individual's eyes were wide open, his breathing was, his chest was still rising and falling, he was still breathing on his own. And then I would say, I don't know the timeline exactly, but maybe a couple seconds to a minute or so he, while they were bagging him, they asked for assistance from us to start CPR on him. Office Warner with Tacoma started CPR on him for approximately a minute or two before I took over. And then I was doing CPR on the subject. I also recall that at that point and time one of the firefighters had called for additional firefighter, for I think paramedics and another Fire unit, to be on scene. I'm unsure how long I did CPR on the, on the subject. I would say between a couple minutes to a few minutes. I remember the firefighters giving him at least three doses of epinephrine tryin', tryin' to get the subject I don't know, going or some sort. And then once the other units, once the, the Medic-1 arrived and tower-2 arrived, the firefighters all came and relieved us and I stopped CPR and the firefighters took over after that.

Q Okay. And that, did that end your involvement from there?

A That ended my involvement from there. The next thing I did was just set up crime scene tape and blocking positions so traffic control, because we were unsure how long Fire was gonna be working on this individual. And we were instructed by Sergeant to basically block off the whole intersection so that Fire could work on him. And then the only other thing else I, after that, that I did was I assisted I think one of the Lieutenants from Pierce County who had a fingerprint reader, 'cause we had to call for a fingerprint reader 'cause the individual did not have any ID on him. I know one of the other Officers was trying to run a kind of a search for his tattoos. The individual had two tattoos on his forearms. Tried to run a search for his tattoos to try and identify the subject. But once, I think, they were successful to get a name and a date of birth for the subject, that was put on a post-it note and handed to me by Sergeant Linn and I went back to my patrol car, researched the individual by checking Washington State DOL, to match up his DOL photo with the subject to make sure that it was him. We also conducted, me and Officer Ford, conducted a global check on him. Which the subject had priorly, has been previously booked into Pierce County Jail and his tattoos were documented. So we made sure to match up his tattoos with the prior documented cases he had. And so we could confirm that it was actually this individual. Once we knew for 100 percent that the subject was the name provided by us by the Pierce County Lieutenant, I provided that name to Tacoma Fire 'cause at that point and time they only knew him as John Doe. And then after that I, I was instructed to come to Pierce County sub-station and out process. That's about it.

Q Okay. We took photos and ended up taking your taser for that night?

A Yup.

Q When Burbank and his partner do a, the previous traffic stop and then you go to, you check on a suspicious vehicle, how long a time frame do you think until you hear mic clicks and all that and that goin' on?

A I would say anywhere from about five minutes to ten minutes. It wasn't even that long. Yeah, it can not have been that long. I would say couple minutes at the least but ten minutes at the most. But I can't, I, I don't recall it for sure.

Q (Keith Barnes) Did you guys check out on that traffic stop that you assisted with?

A Yeah. So we had both cleared out of the traffic stop. So we both had cleared. That, that's when we broke contact from both, from Henry 317 and they had already left the traffic stop, heading in a different direction and we were heading in a different direction. So that traffic stop had nothing to do with the whole incident. It was just the only reason why I brought it up was because that was my prior contact with Henry 317, Officer Burbank, Collins, prior to us assisting them on this incident.

Q And was there, did you, you didn't do the other suspicious vehicle contact that you talked about?

A No. We did not.

Q You just ran plates?

A We did not. We just, we just ran the plate.

Q Okay. And what, what was your call sign that night?

A Ahh, Henry 031.

Q 031, okay. And when did the mic clicks, just for reference, when someone keys up a mic on a portable radio, Dispatch can, knows the name of that person?

A Yes.

Q Did you know if they ever did, officially did the open mic and left it open?

A From what I remembered, from what I recalled, Dispatch said they were gonna keep the mics, their mics open.

Q Um-hm.

A That's when I heard that scuffling...

Q And breathing?

A and that heavy breathing.

Q Okay. All right. How's the lighting conditions when you, you're coming down westbound and behind them, how are the lighting conditions for that area?

A It, it's, so 96 is well lit. Where they were, were Officer Burbank and Collins and the subject were was right, it's like 10, 15 feet in front of their patrol vehicle so they were in the middle of the intersection. If I use this map...

Q Yup.

A as a reference here, they were kind of in the driveway located just I guess north of the intersection. Kind of like almost in line with where the driveway was and there was a streetlight on either side. So it was well lit. But we did not see 'em 'til we got closer to 'em, then we could make them out. At first all I saw was Officer Collins' legs were kicked out towards the curb when we first, when we first got closer to them. And then once we got out of the vehicle, we were able to see where they actually were.

Q And how's the weather night, and temperature wise?

A So the temperature was, it was cold. It was, I don't know the exact temperature. It was chilly and it was not raining. It rained, I think, a couple hours prior but the road was damp but it was not soaking wet by any means. Yeah.

Q And as you approached to assist is, is he, is the subject handcuffed at that point? Or...

A I was unsure.

Q Not sure.

A I was unsure because of his, the way he was, the way the subject was moving and the reaction that Officer Collins, Officer Burbank had, he was for lack of a better term, it looked like Officer Burbank was just riding a hor, a wild horse and hanging on for dear life. And Officer Collins was trying as hard as he could to secure both of the legs of the subject. And it, at that time I did not know if he was properly cuffed or not. I did not know that until I actually was able to rotate towards his torso, then I noticed that his hands were behind his back. That when we checked to make sure that his, he was properly handcuffed. Yeah.

Q Okay.

A That's all I remember.

Q And as, as part of your military experience in the Ranger Battalion, how much training do you have on first aid and...

A Ahh, so when it comes to medical aid, so just regular Army like Combat Lifesaving Course, I've done multiple of that from the military. Something that I would say is also, also good of note, when I was in sniper section, I was attached to a bunch of Special Forces units. One of the things that I did, I took it upon myself was to learn as much as I could from their, from the Special Forces Medics. Specifically the medic from 7th Group that we were attached to and reason being was I had lost a lot of friends overseas and one thing I made it a point for myself was to never let another friend die if I could do anything about it. So I learned as much medical stuff as I could. With the Department of State, we had to learn TCCC, which is Tactically Combat Casualty Care. Which is a level slightly higher than Combat Life Saver. A part of that too, with the Department of State, they made you, they gave us the training for our EMTB's because at the Department of State we were strictly working between a three to five-man unit. If one of us was to go down, we were able to assist each other with first aid. Through a point there we learned how to (unintelligible) people by cutting their necks open and

putting a tube down it for airway. We knew you know, how to bag people. You know, we learned significant amount of stuff that when it comes to like trauma care we definitely knew, I definitely knew quite a bit. But I will say not, I didn't know everything. I know quite a bit. With this subject the first thing I did was, was to check his pulse to make sure he was still breathing on his own. I checked his pulse. I remember like asking you know, another Officer is his eyes were open and his eyes were open. I remember I like, maybe a week ago there was a individual that had crashed out on a bicycle and he was unconscious and the first thing I did was check his pulse. Check his eyes, 'cause the eyes can tell whether he had like brain trauma or if he's like suffering of some kind of you know, like his body's in distress his tend to like roll back in the head, be unresponsive. This individual was not like that. His pulse was normal. His eyes were wide open. So I, you know all, all the signs were not there, which I thought was really weird that you know, his pulse was normal after he just fought two, two Officers and then four Officers. He struggled with four Officers and could still move us and usually you know, I would say that most people's pulse would be kinda elevated and his heart rate should be in the 120's, 130's but it was calm and normal, which I though was really, really strange.

Q And did you hear commands being given by, or did you give commands yourself to him during the incident?

A So I did give commands to him. I know when I was rotating towards his upper torso, I remember he, when he started to buck all four of us and started to move with all four of us, I remember telling him to stop. Like stop, calm down. Stop, calm down. I remember that the next instructions I gave him was when he was saying that he could not breathe and then I told him you know, if you talk to me, if you're talking to me you can breathe just fine. If you relax and you stop doing what you're doin', I'll let off some pressure and then as I tried to let off some pressure, he just got back to struggling with us. So that, that did not happen.

Q Okay.

A That's the only comment, the only commands I really gave him.

Q Okay. Other than what he said about not breathing, any other words that you made out from him?

A No.

Q Okay. And you talked about some growling and other...

A Yeah. Besides yeah, the growling and like the animal noises.

Q Do you know, once the probes are removed, where they go or any, who handles all that?

A Ahh, I thi, if I remember right, I can't be exact but I think Officer Ford was the one that grabbed onto 'em.

Q Ford took 'em, okay.

A Because I was the one that removed 'em, checked to make sure.

Q Right.

A I remember looking at the, the barbs. The barbs were still intact but there was like no blood which usually with the ECT, the barbs go into your skin and you usually loose a little bit of blood on them but there was no blood on the ECT probes.

Q Okay. And did you get injured at all? Or any com, anything on you? Or...

A No.

Q pain the next day or anything?

A No. My, I mean my knee are a little sore from getting, from sprawling out and you know, tryin' to hold down the subject and as he bucked us I, you know he kinda dragged us along the road. That's basically minor, minor pains but that's about it.

Q So it sounds like he was, he was on his stomach during the hobble for a time, rolled to his right side and then back down to stomach...

A Um-hm.

Q and then back to the right again, is that right?

A Yeah.

Q Okay. Any, and this may be hard to estimate, any idea how long he's on, he's on his stomach hobbled?

A I, I couldn't tell you.

Q Okay.

Q (Keith Barnes) So did you recognize this person at all?

A I did not recognize this person at all.

Q (Keith Barnes) Never, Never saw him before?

A Never saw him.

Q (Keith Barnes) Okay. And as far as your actions here, other than sitting on him and trying to restrain him, did you use any other type of force on him?

A Nope.

Q (Keith Barnes) Did you deploy any of your weapons? Taser?

A I did not.

Q (Keith Barnes) Ahh, handgun? Any of, any... nothing?

A I did not.

Q (Keith Barnes) Okay. And so just, mostly just your body pressure...

A Yes.

Q (Keith Barnes) Trying to grab him?

A Yes.

Q Did anything seem effective for what was goin' on? Was he, it sounds like he was able to buck off, buck people off and such, is anything effective as far as force?

A As far as fal, force, no. I think, I think we all were just hanin' on for, to him. I mean I can only speak for myself. I, I was definitely only hangin' on to the subject for, for just basically trying to pin him down, hoping that he would tire out.

Q Um-hm.

A So that he would stop you know fighting us. But that's the only thing that kinda worked was when we all, all, I mean it didn't really work that but all four of us basically held him down. He was slightly more compliant once we got hobbles on him. But he still was able to, to just wiggle and he would just kind of kick us off of him pretty easily.

Q Even while hobbled?

A Yup.

Q Okay.

Q (Det. Franz Helmcke) When you said you, you came off the Avenue onto 96 as you're headin' back to them, you said you saw his ambers. Are you talkin' about like the overheard ambers?

A Yeah, the overhead ambers. So it's just like a, his, his ambers that were going were like...

Q (Steven Myers) When you say his, who's his?

A Ahh, Officer Collin's patrol vehicle. Their ambers were goin' and it was just the simple like caution where it's just like leads out.

Q Okay.

A Like in and out. It was only in the overhead that was going off. Which yeah, which I thought was really weird because if he was, if it was a subject stop, if it was any kind of other incident they would you know, activate their emergency lights but there emergency lights was not activated. It was just their rear flashes, or rear ambers flashing. Like a caution, that was it.

Q Are you talkin' about the one in the back window? Or on the back of the bar?

A Ahh, theirs is a actual bar.

Q It's on the bar.

A Yeah.

Q Is that only visible from the back?

A It's only visible in the back.

Q Okay. If you just, real quick, draw us a diagram of where the vehicle was that you, as you approach. Where Collins' vehicle was and where the subject was when they were wrestlin' with him.

Q (Keith Barnes) And, and where you stopped your vehicle.

A Okay.

Q Yeah. Just kind of, you can put a north on there and intersection and such.

Q Is that Ainsworth?

A Yeah. (Unintelligible) dry eraser.

Q (Keith Barnes) Draw (unintelligible) up there too. Okay, just put arrows there.

Q If, if you recall where they're at, sure. If you wanna put a...

Q (Keith Barnes) Just circles or something.

A Yeah.

Q Yeah, if you wanna put last name or whatever you, call signs.

A All right.

Q Just so we can...

Q (Steven Myers) (Unintelligible) at the front of 317, the car. (Unintelligible) put it in a little.

A Oh, like direction to trouble?

Q (Steven Myers) Yeah.

Q Just a triangle or something.

Q (Steven Myers) Where the front of it is.

Q Like that.

Q (Steven Myers) Yeah, like that. A greater than sign.

A So like...

Q (Steven Myers) There you go.

A just do that?

Q (Steven Myers) There you go. Yeah. I guess it'd be a less than.

Q (Keith Barnes) Just for the record it's less than.

Q (Steven Myers) I know, I just realized that too.

A Okay, that's about it.

Q Okay.

A There's...

Q Yeah, just your street names that are...

Q (Steven Myers) There you go. Put a date and your initials somewhere on there.

Q Today's the 6th of March. Okay. Any other details you can help us out with?

A Um, no. That's, I mean I re, I remember most of it fairly clearly even to like the finite detail of the handcuffs and what kinda handcuffs were they and the hobble. I don't know where the hobble went. I don't who placed 'em on there 'cause I was facing the other direction...

Q Um-hm.

A tryin' to secure his upper torso. But other than that, I mean that's, that's best is as I can recall.

Q (Keith Barnes) Do you know if anything was removed from his person?

A No, nothing was removed from his person besides Fire cutting off his clothes. That was it.

Q (Keith Barnes) So you didn't, never took anything out of his pockets or anything like that?

A Nope.

Q (Keith Barnes) Okay.

Q All right. Is everything you, today you told us the truth?

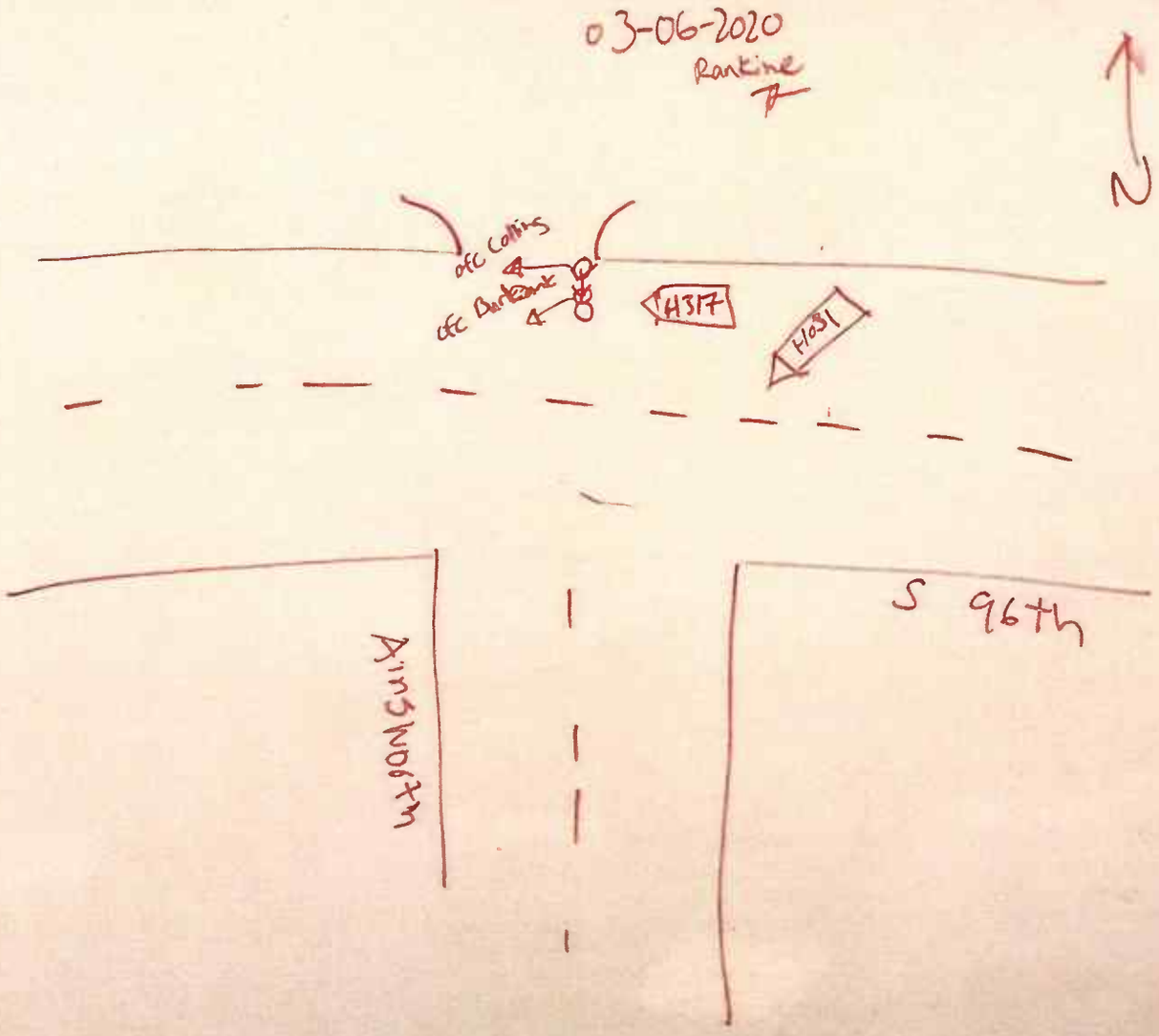
A Yes, sir.

Q And we didn't make any threats or promises to influence your statement?

A No, sir.

Q Okay. The time is 1340 hours and we'll end statement on, it's still March 6th, 2020.

FIRE
FIRE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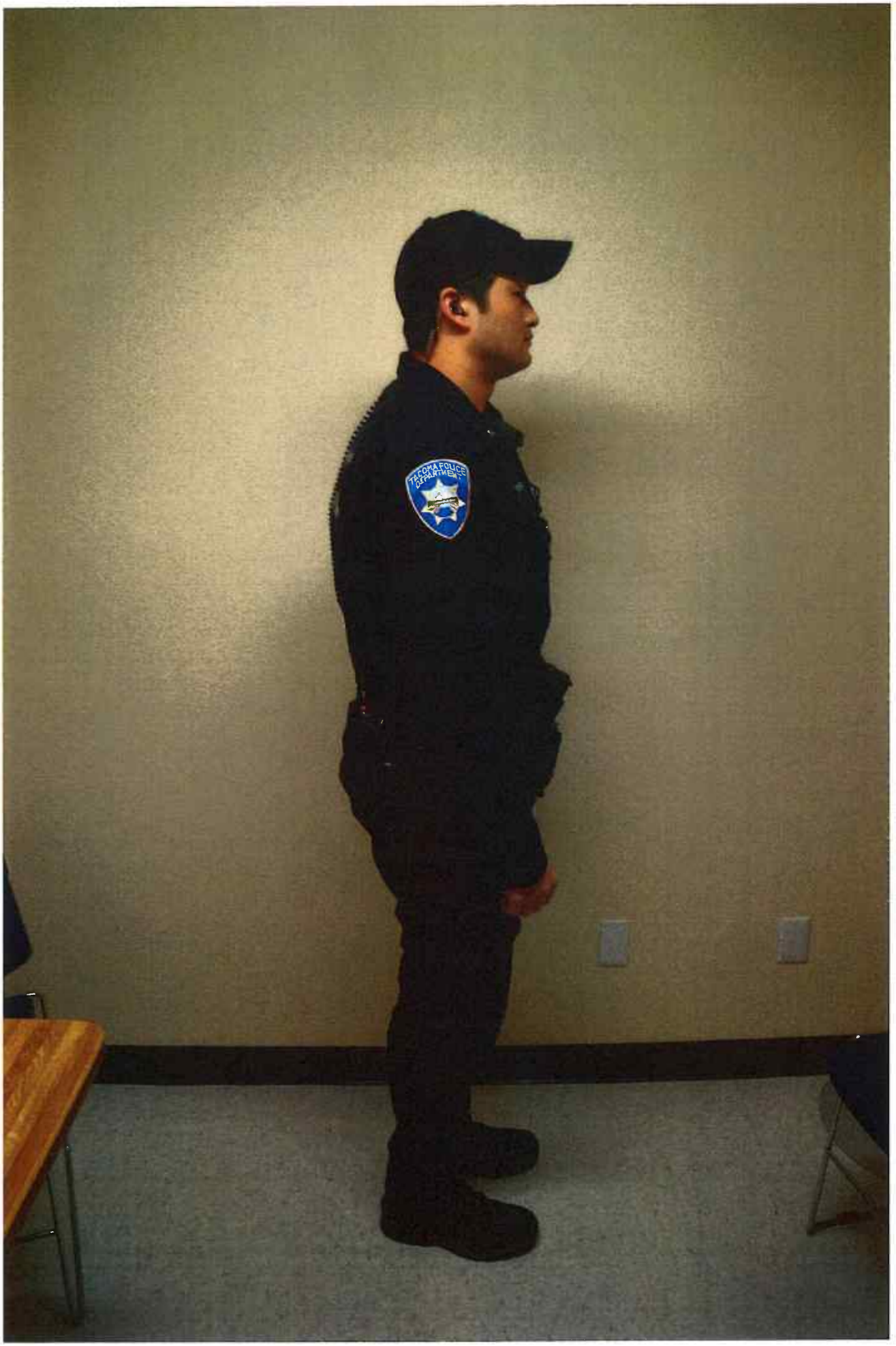
H317
H031
S 96th
Ainsworth

T. RANKINE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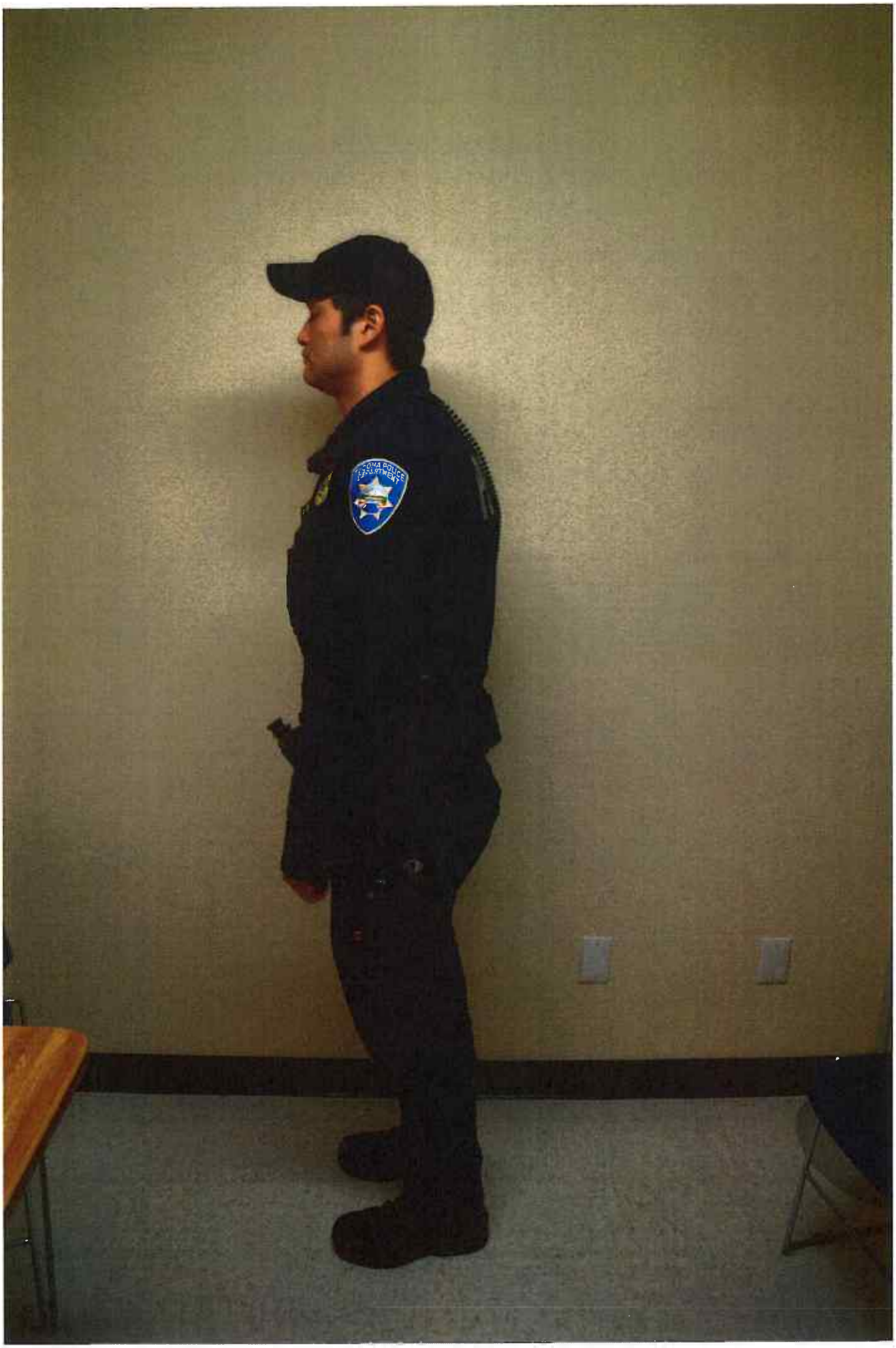
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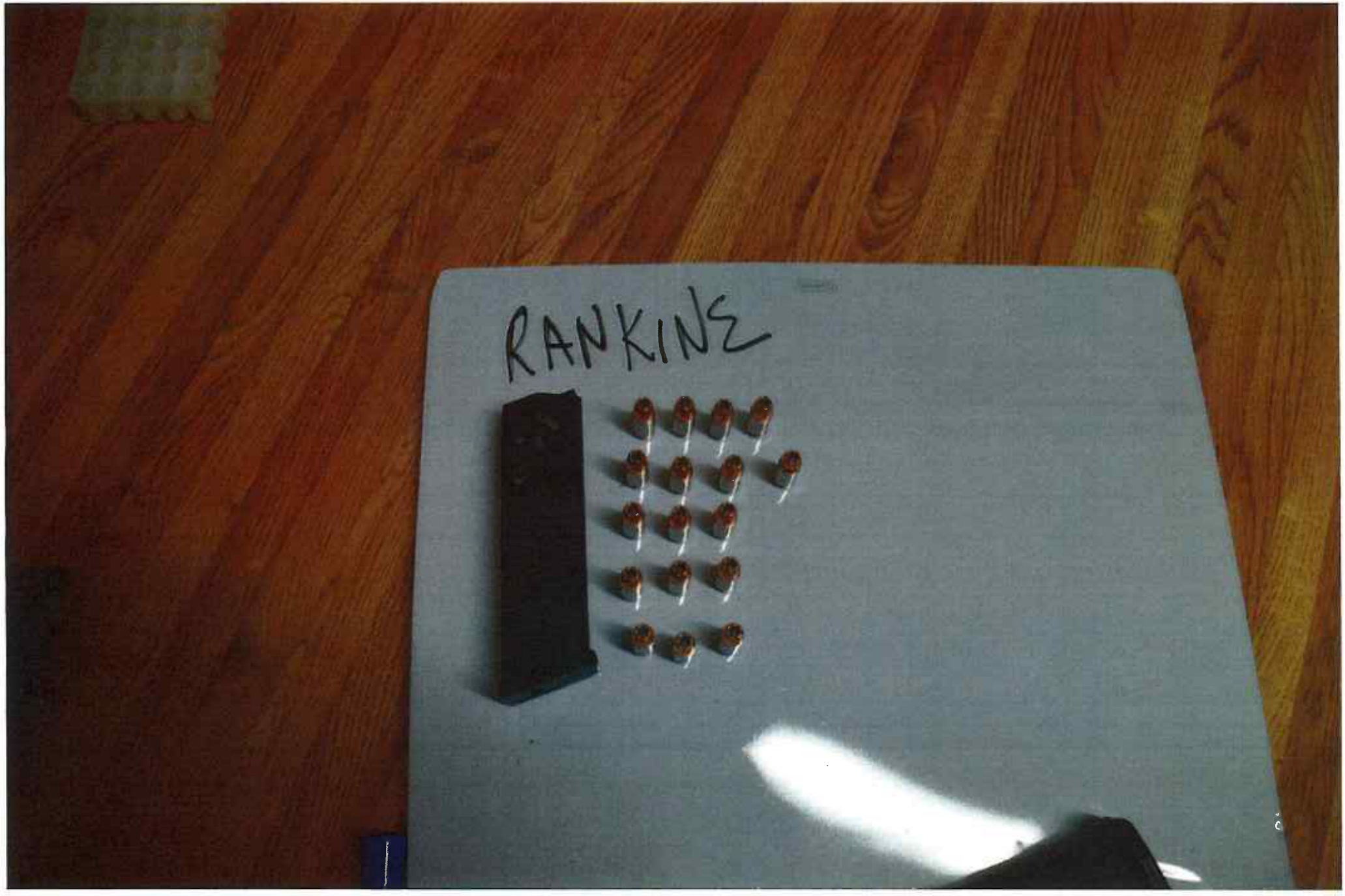
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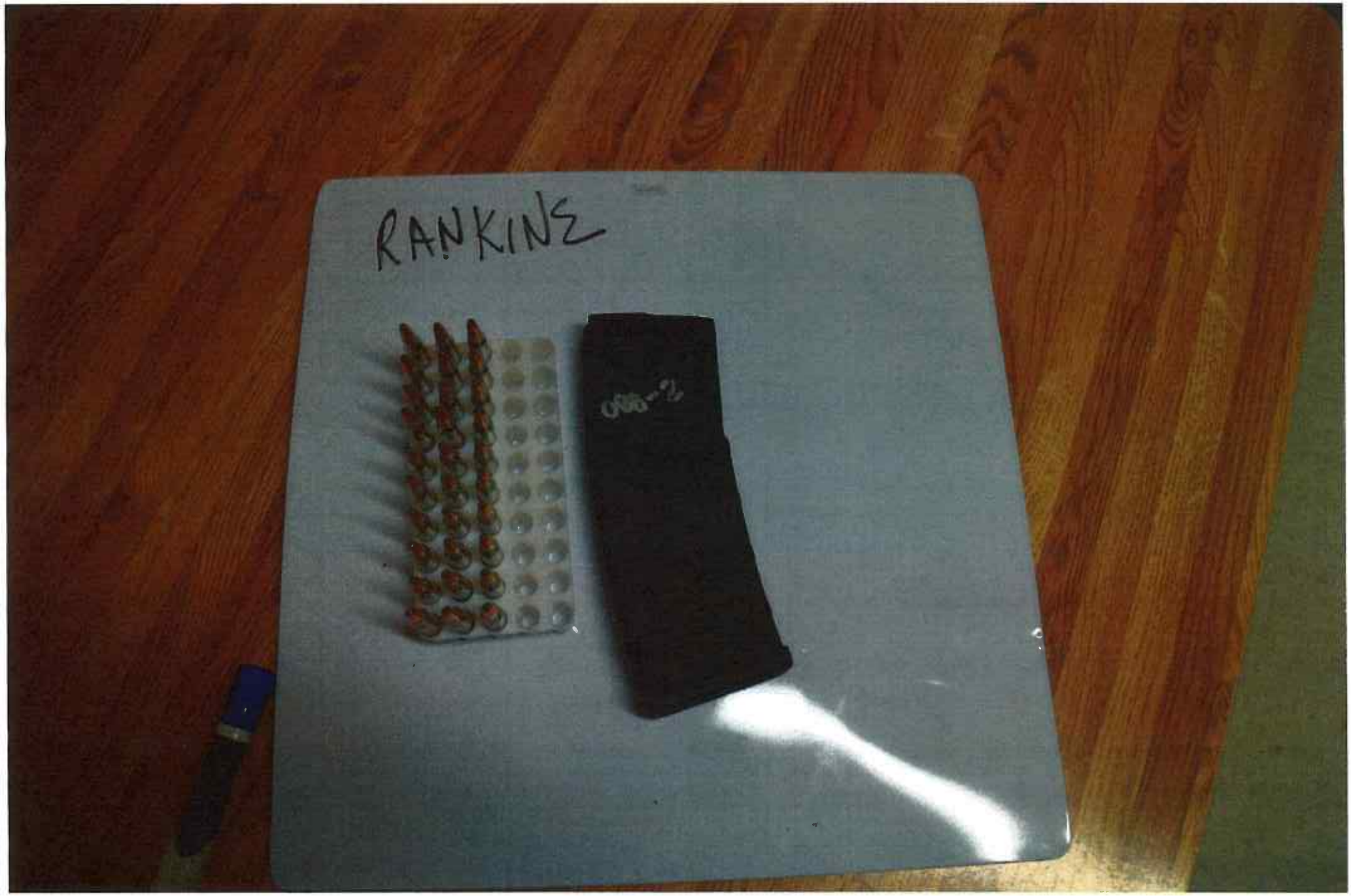
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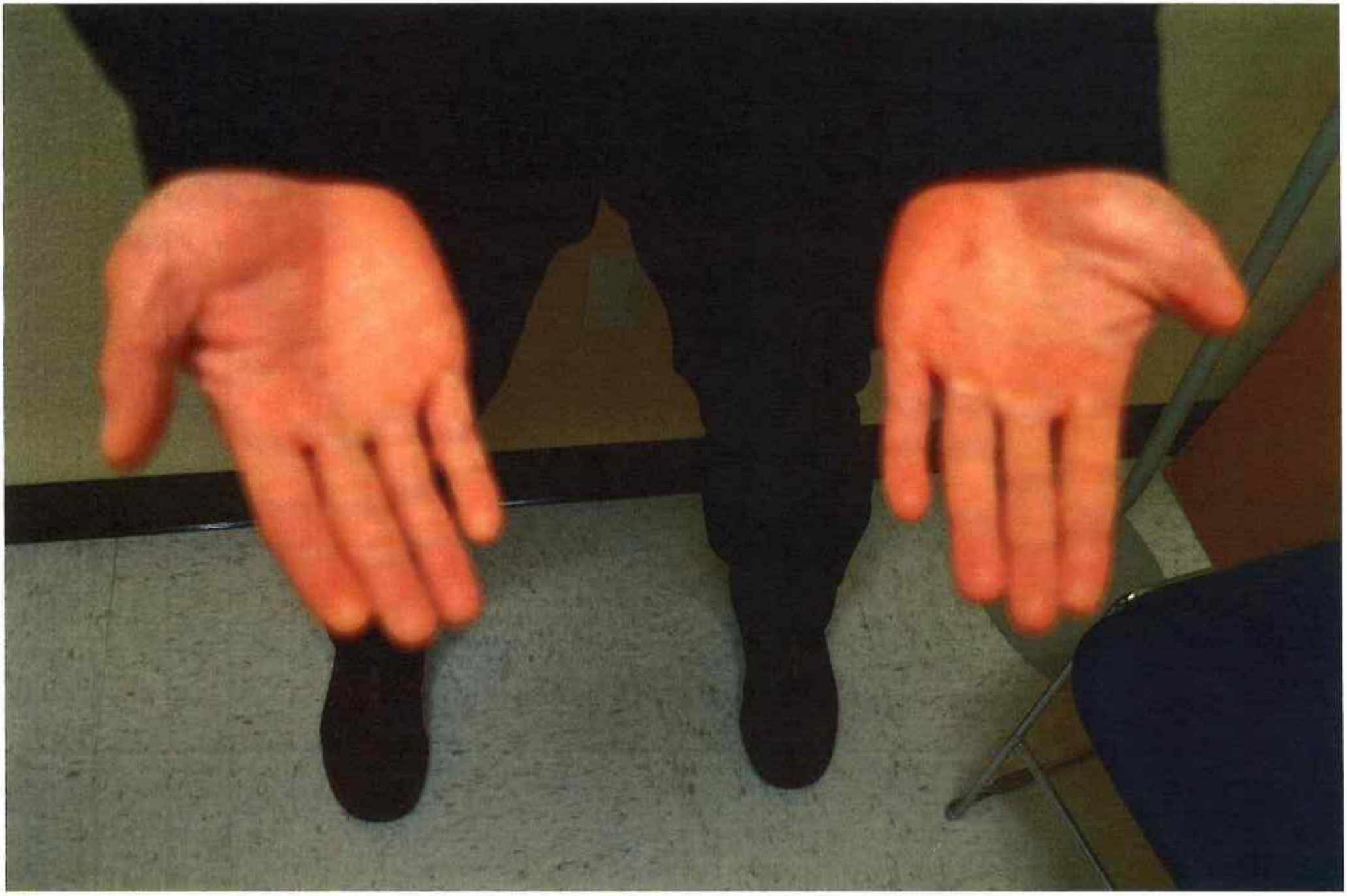

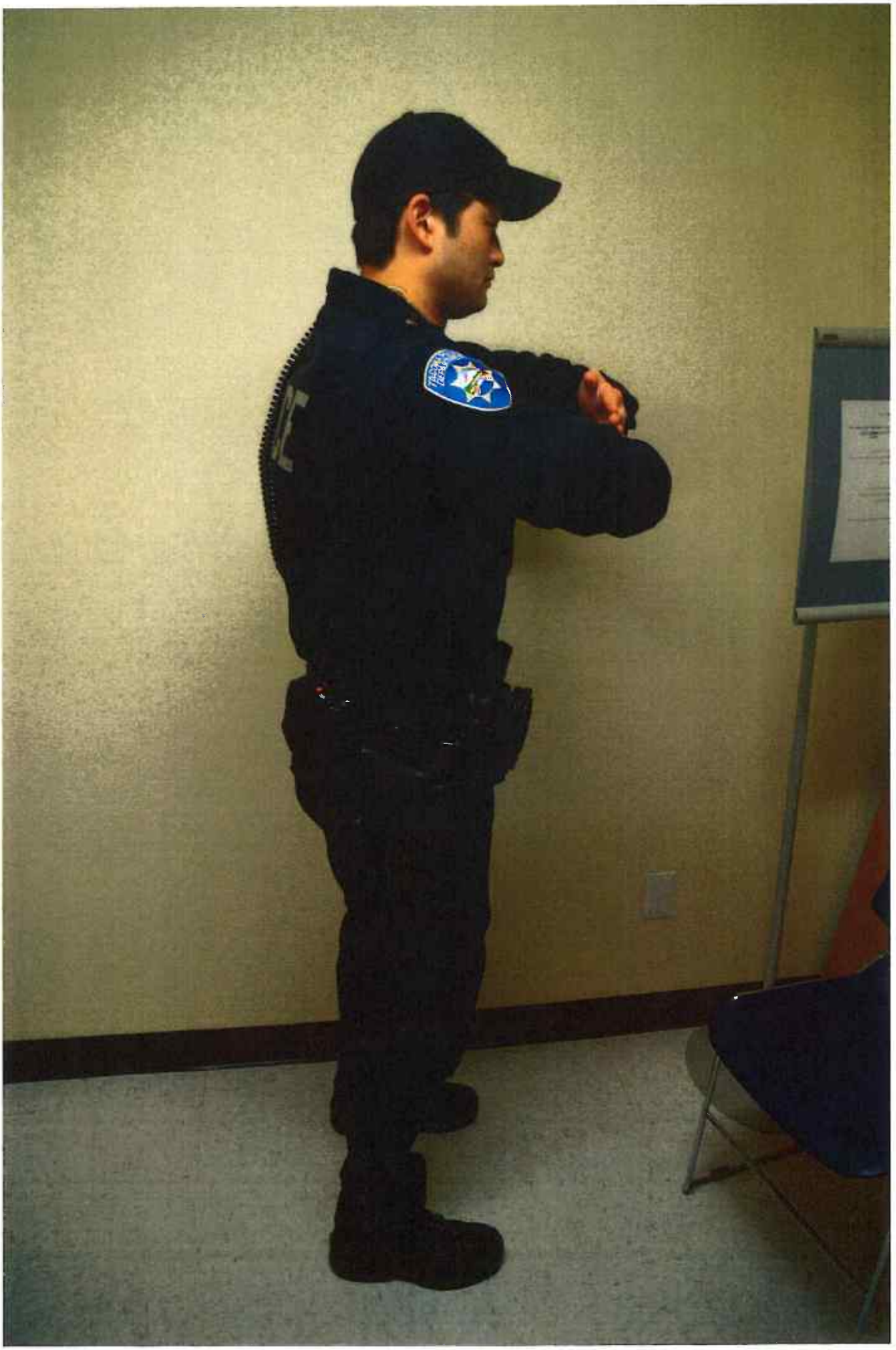

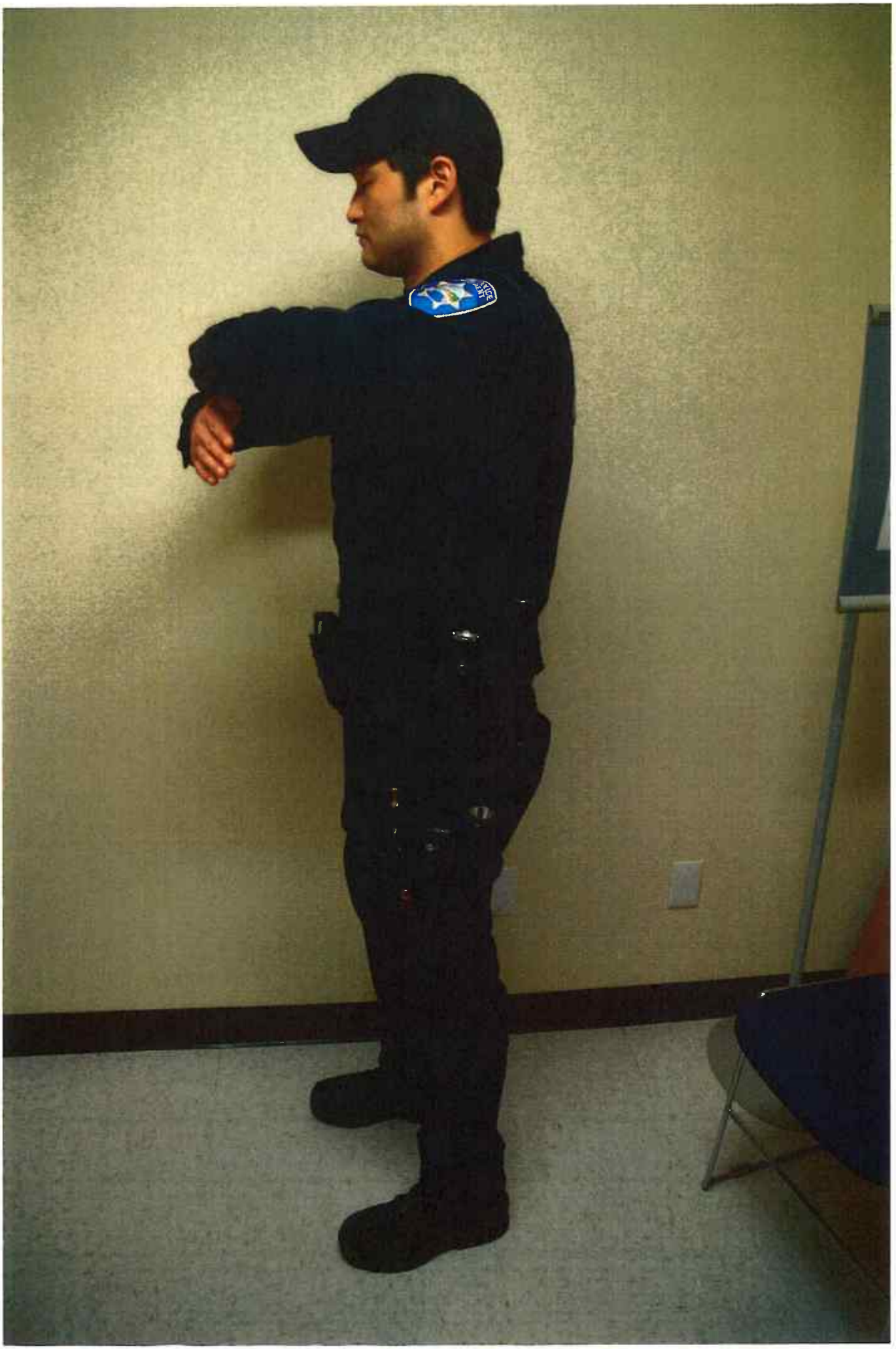

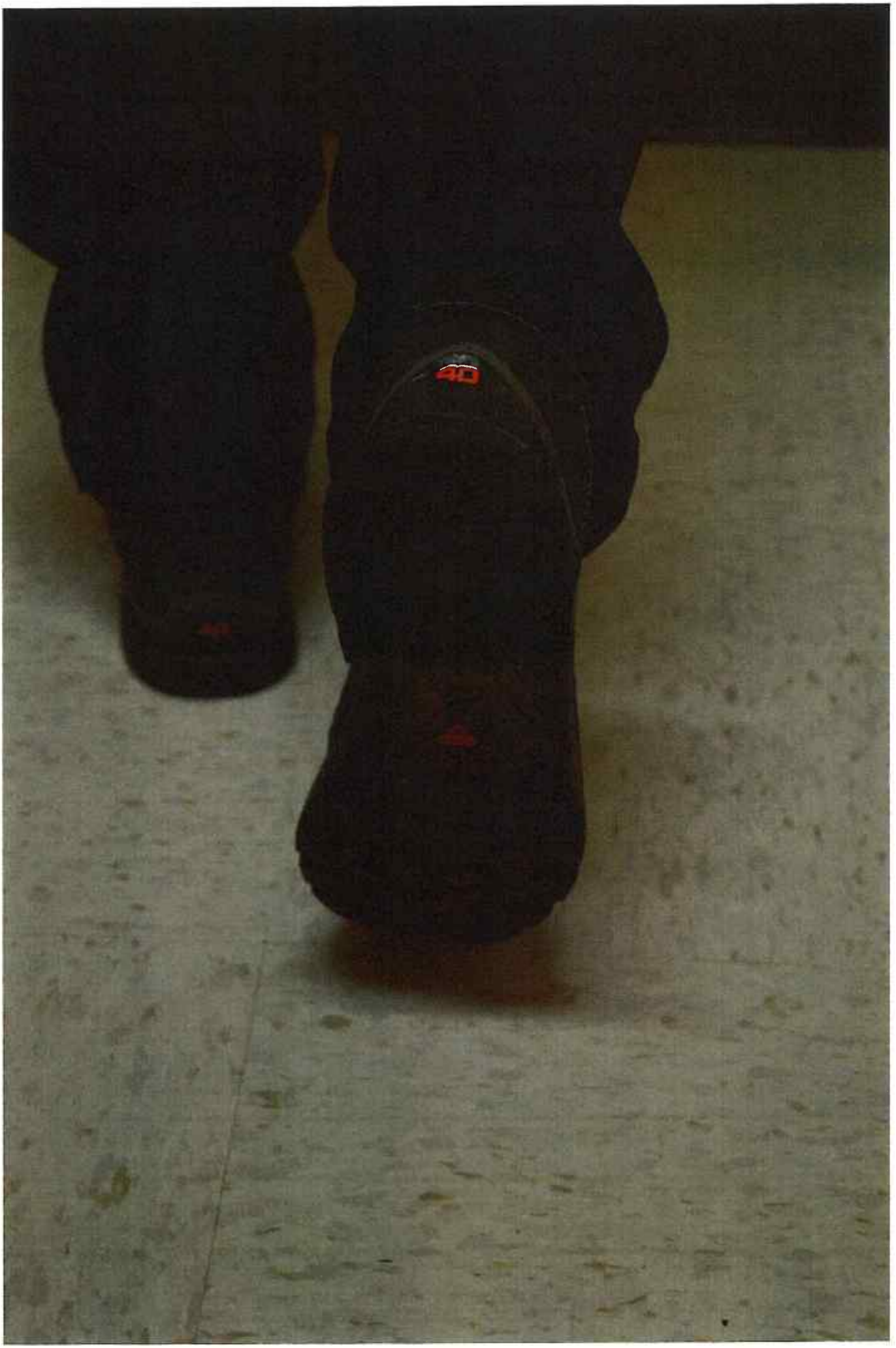

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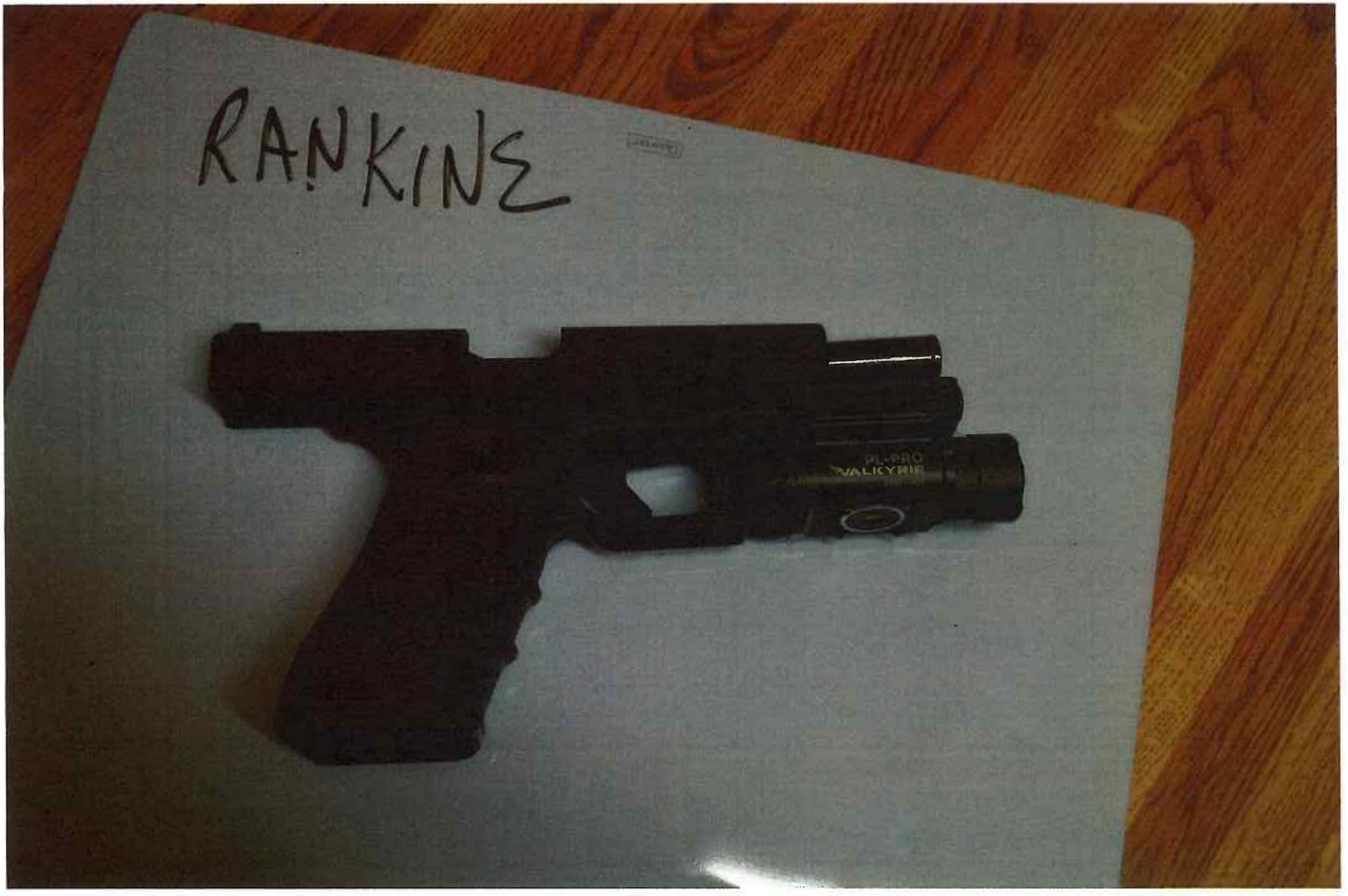
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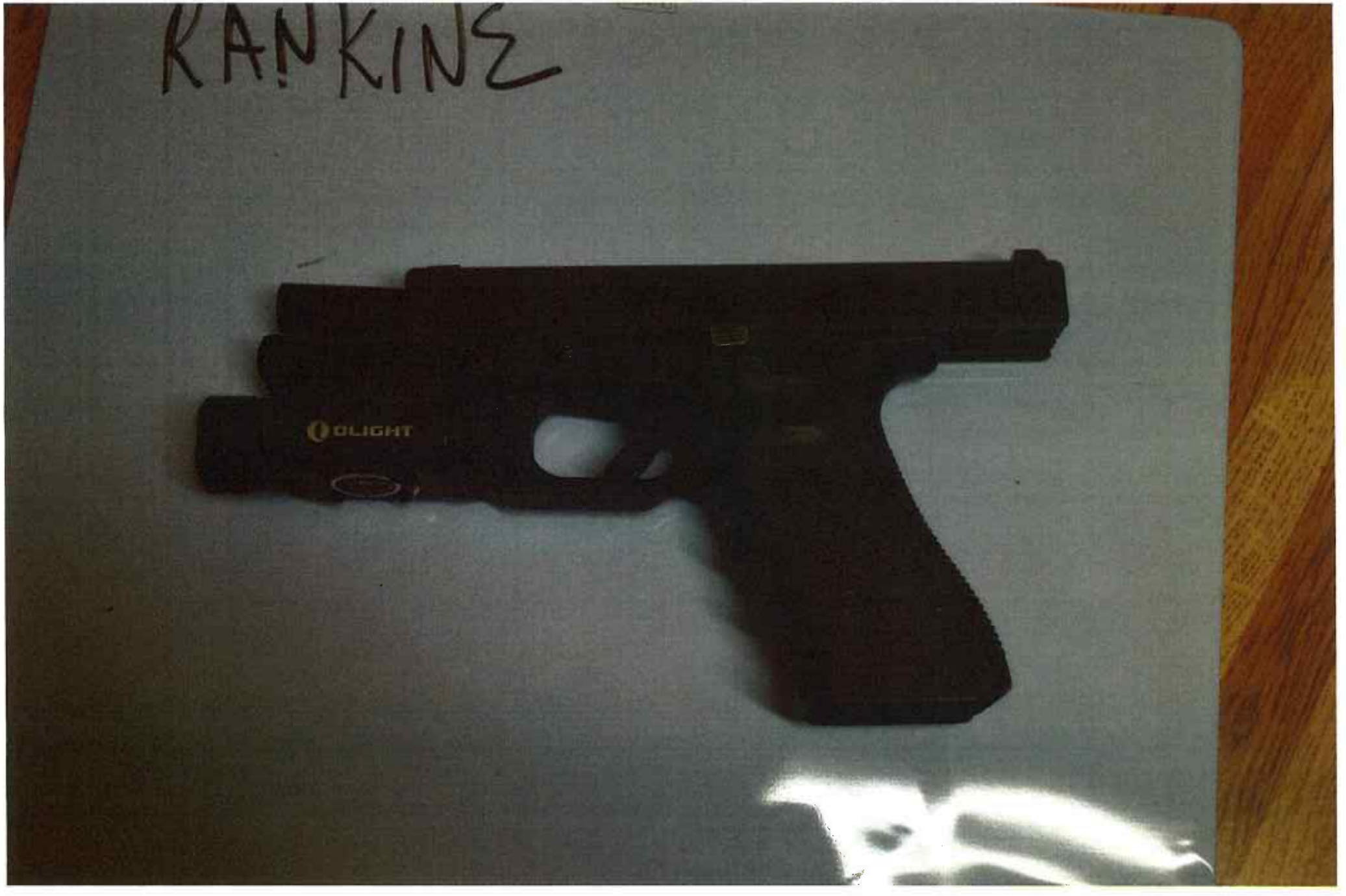
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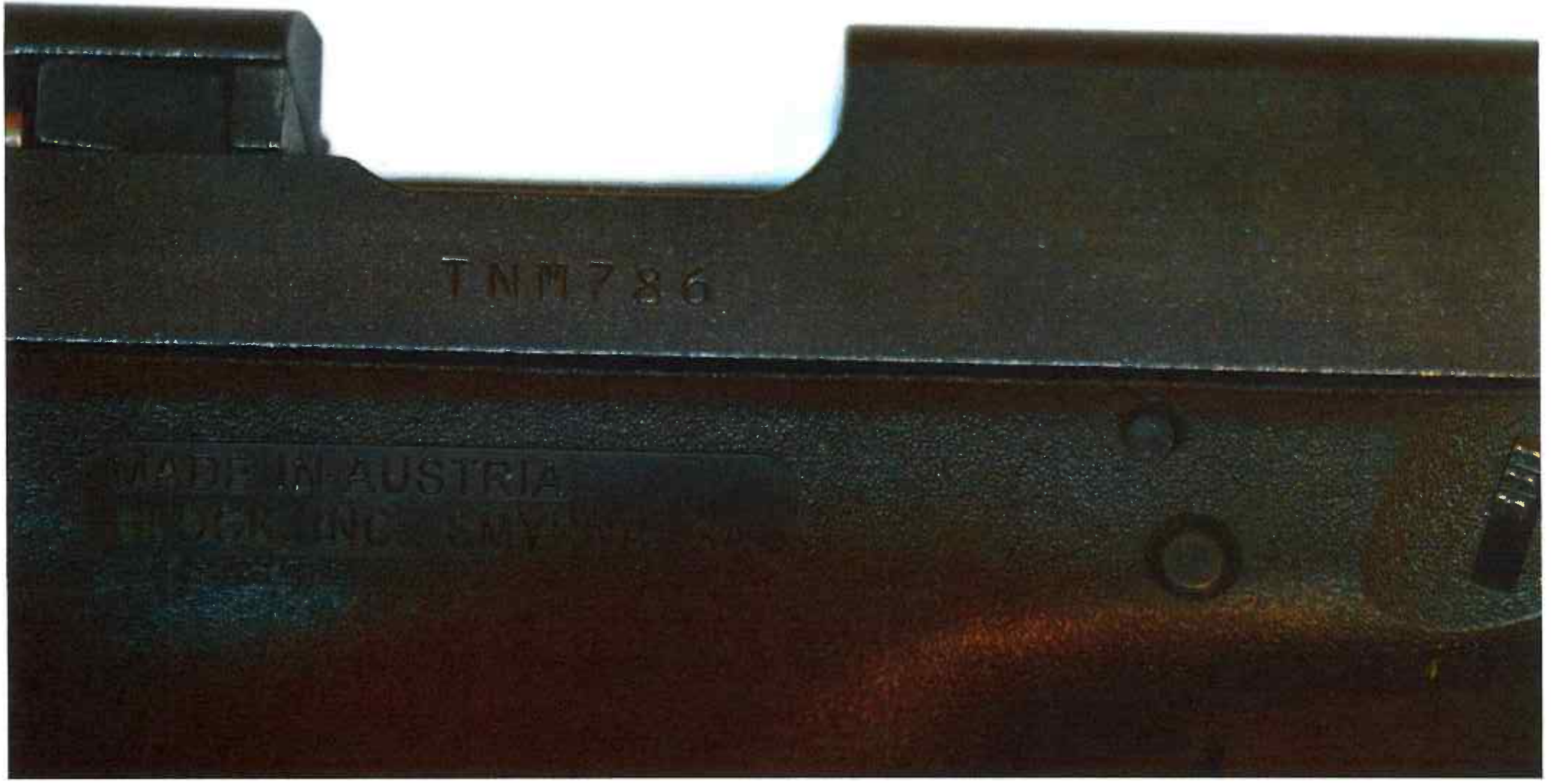

TNM786
MADE IN AUSTRIA

TAB 15

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 03/09/2020 Beginning Time 1020 Hours Ending Time 1053 Hours

Location PCSD PARKLAND/SPANAWAY PRECINT Officer DET. SGT. B. BROCKWAY, #161/96-082

Name of Subject MASYIH FORD Date of Birth

Q This is Detective Sergeant Brockway with the Sheriff's Department, Pierce County. This is reference case number 20-063-02251. It's March 9th of 2020. It is 1020 hours. We're at the Parkland-Spanaway Precinct. This is reference the incident that occurred on March 3rd, 2020, 96th and Ainsworth in the City of Tacoma. This is an interview with Tacoma Police Officer Masyih, M-A-S-Y-I-H, Ford. Also present for the interview is Attorney Mike Staropoli, Detective Jesse Hotz and Investigator Keith Barnes, with the Prosecutor's Office. Masyih, do we have your permission to record this statement?

A Yes.

Q And everybody in the room understands the interview is being audio recorded? Keith?

Q (Invest. Keith Barnes) Yes. This is Keith Barnes, I, I agree.

Q (Attorney Mike Staropoli) Mike Staropoli, I do, yes.

Q (Det. Jesse Hotz) Detective Hotz, yes.

Q Masyih, can you tell us how long you've been with the City of Tacoma?

A Ahh yes, I've almost been with Tacoma for almost two years now.

Q Any prior law enforcement experience? Military?

A No military. I was a special commissioned public safety officer for Pierce Transit for two years before this.

Q Pierce Transit safety?

A Yes. Department of Public Safety.

Q Okay. And what's your, what was your current assignment, or what's your current assignment with the City of Tacoma?

A My current assignment with the City of Tacoma is I'm a graveyard police patrol officer. I work graveyard hours which is from 2000 to 0600 and I'm assigned to the 3-sector which is southwest Tacoma.

Q And normally havin' a partner or did you have a partner that night?

A I do normally have a partner, yes, and I had a partner that night, Officer Timothy Rankin. He was driving and I was passenger.

Q His car?

A Yes, his car.

Q Driver and passenger, okay. What kinda car does Timothy drive, or Tim?

A It's a Crown Victoria, I'm not sure of the year.

Q Fully marked?

A Fully marked, lights and sirens. Overhead light bar. Rear ambers.

Q Okay. And the night of the incident, what, what's your uniform?

A My uniform, so I wear my department issue jumpsuit which has on both sides, on both sleeves, Tacoma Police Department patch. On the back it's in big block letters, has Police. Over my jumpsuit I wear my external vest which says my name. It has a cloth patch over my heart and then my name on the other side of my chest. On the back of it it says in bold block letters and silver let, silver font, Police. And then I was wearing a department issued beanie that said Tac, had the Tacoma Police Department patch on the mid, like right in the middle of my forehead.

Q Okay. Is this like a vest carrier that you put over the jumpsuit?

A Yes, it is.

Q Okay. And the night of the incident we took photos of your, what you were wearing?

A Yes.

Q And was, and your, we also took your taser. Was your taser involved in the incident?

A No, it was not.

Q Okay. Was it ever out and armed or anything?

A No.

Q Okay. Okay. Take us through the night of the incident, where you were initially. Where you kinda started out, what area you and Tim were.

A Okay. So we were kind of in the area of 84 and Pac, between 84 and Pacific and 84 and McKinley. So we were kinda like, if I recall correctly, we were going eastbound towards McKinley and then we, we just heard mic clicks, mic clicks. And we were like that's kinda weird. So we flipped a U-turn and started heading towards Pacific Avenue.

Q Okay. So you're head 80, you're in the area of 84th and Pacific?

A Yes.

Q Okay. Go ahead.

A Ahh do you want me to go through the whole thing?

Q Yeah.

A Okay.

Q Yeah.

A So we hear mic clicks and typically one mic click, okay, like that happens. Like I'll go like this 'cause our mic is right here, it'll, it'll activate. But I'll immediately follow up with accidental, no problems. That did not happen that night. So that kind of, kind of made us a little anxious 'cause like that doesn't really happen like especially when Dispatch says hey, do you have traffic and there's nothing. That's a cause for concern. So we had just, like to put it, like put it in perspective, we had just backed them on a traffic stop at about 96 and I think A, or East A or East B or A Street. Kinda like just a little bit east of Pacific. So we were, we cleared that traffic stop and we were headed northbound on, I think A Street was how got to 84th. And then we were, took a eastbound turn 84th and that's how we got in that area. So we knew that Officer Burbank and Officer Collins were headed back westbound on 96th 'cause we just left them a few moments prior. So that's why we, like my partner made the U-turn. I was like where are they. Like where were they? Like okay, we just backed 'em on a traffic stop, they just went west on 96th, that's the last time we saw them, let's start heading that way. So we start going southbound on Pacific from 84th and we're getting additional mic clicks. Mic clicks. So we probably made it like about four blocks, running priority on Pacific before I heard Shane scream 96 and Ainsworth. And so to kinda put this in perspective, Shane was my Training Officer and he's super calm all the time. Like we'll pull guns outta the cars. We'll fight with people, we'll chase people and he's just like yeah, we're going this way. Yeah, we're going that way. Like in a very calm voice. When I heard him scream that, 96 and Ainsworth, I was like, the hair on the backs of my, like the back of my neck like stood up. I was like this is bad 'cause both of those Officers, both Officer Collins and Officer Burbank are incredibly like trained and talented Officers. So like if they're callin' for help it's really bad.

Q Um-hm.

A So we went on a code run, it felt like eternity. Like it only took us probably about two minutes to get there, but it felt like forever...

Q Um-hm.

A That it took us to get there. So we get there. We go eastbound on 96th Street and we get to about Park and I see like, I see like, 'cause a hill, like it's kind of a hill that kinda goes down towards Yakima. Like we're at the top of the hill I see their patrol car ambers on. And I was like that's them, let's go, let's go, let's get there. And so we're goin' and like right about, we get to about like 30 maybe 40 feet away I see like dark figures. 'Cause like here's the patrol car and they're kinda like over here in front of the patrol car. I was like there they are, they're in front of the patrol car and they're fighting with someone. So my partner's, we're bringing the car to a screeching halt and before the car even stops my door flies open, I jump outta the car and start running over towards them. And what I see as I'm approaching them, is I see this guy like lifting up, like Shane's like on his back or Shane, Officer Burbank's on his back and Officer Collins has his legs. And he's like pushing them off. I didn't even think he was like in handcuffs yet. But when it got there, I immediately took control of his, one of his feet and just kinda like pulled it towards me so I didn't get kicked in the face. And so no one else got kicked in the face. And that's when I noticed he was in handcuffs and I'm like this guy's in handcuffs and he's fighting like this. Like what's goin' on here. And I caught both Bur, both Officer Burbank and Collins, they're incredibly strong officers so when I saw them getting overpowered by a person in handcuffs, I was like what is goin' on here. Like this is, this is, this is weird. And so while I'm holding him he was like screaming incoherently and I was like hey man, you need to relax. Just breath. Just relax. Like you're gonna be okay, 'cause I didn't know what exactly had transpired before I even got there. So I remember him kinda like thrashing around and like I had to like hold on for dear life to make sure his feet didn't break free. I remember Officer Collins asking for hobbles and I was like we don't have any hobbles. Like I don't, I don't carry those. I don't know how to use them, I have no training on them. So I's like we don't have them. So I just like did what I could and I just held his leg down. And so what happened next... shortly after that like I hear sirens coming from everywhere. And Sergeant Lim was one of the next units on scene and he gets there and I just kind of see him. Shortly after that, multiple other units arrived on scene as well and somewhere, from somewhere the hobble restraints came. And then he was put, the subject was put in the hobble restraints and secured that way. I'm not sure who put them on. I was just kinda like holding his leg and I'm like I don't know how to do hobbles so I'm just gonna hold his leg until he's in the hobble restraints properly. Once he was in the hobble restraints, I released my grip on his leg and just kinda like, or his foot, held his foot and like kinda held the handcuff. I was like hey man, you need to relax you're gonna be okay. You're gonna be okay.

Q Um-hm.

A So I remember, I think it was Sergeant Lim, calling for Fire to respond and we're still holdin' on this whole time, like talking to him. Like hey man, you need to remain calm. You need to remain calm. You need to remain calm. And the sus, the subject did not appear to like be in distress or anything. Like he wasn't saying like, there was no labored breathing or screaming. He just kinda like screaming incoherently, I'm like I don't even really recall what he was trying to say. But what I do remember is that he said I can't breathe. But it wasn't like you know how when someone says I can't breathe and they're like it sounds like they can't breathe, it didn't sound like that. He said it in a remarkably calm

fashion. I was like it's kinda weird what's goin' on here. So shortly after that we rolled him into the recovery position, which is, I think it was on (unintelligible) side. I can't remember (unintelligible) he was on. Like he rolled and then he was facing me, so I could see his face.

Q Um-hm.

A And I, I was looking him in the eye and he wasn't like looking a me, he was kinda looking like through me. And kind of like off behind me and I'm like hey man, look at me, I need you to breathe. I need you to breathe. So Burbank and Collins were like visibly like gassed, they had just been in a fight. So me and my partner Rankin, we kind of took over controlling the subject and kind of relieved them at the scene at that point. So once he was facing me I saw that he had taser probes like coming out of one of his, like coming out of his body. And so I was like well that's an officer safety thing, if he, like if we're sittin' here workin' on him they could like kind of, they're a officer safety thing and I need to preserve that evidence so I gathered the, the ro, the wires and the taser probes and I like grabbed, like I have like... whatchamacallit, but ahh, zip-loc bags that I carry in my like snap pouch. I pull, I pulled one of those out and then I put the taser probes into that plastic bag. I handed them to my sergeant. I was like Sarge, can you hold these please. And that's Sergeant Rock. And so I was like hey man, you need to like look at me to breathe. Like and I was like ooh, this is kinda like he's not responsive and I was like, my partner who was, who was still holding him in the recovery position, Officer Rankin, I was like Rankin what is, how warm is he? And he's like um, he's burnin' up. I'm like, and then he's like checking his pulse and he's like his pulse is low. And I'm like okay. I was like I think this is excited delirium. And then I remember someone saying hey, we need to have Fire step it up. So shortly after that, shortly after that I see Fire, the fire department coming from, coming, comin' west from like the eastbound side of 96th. So I jump up and I go over with my flashlight and I'm flashin' 'em like hey, over here. Park the engine right here. Like 'cause there's a, like a sea of patrol cars like right here. And so they parked probably right about maybe here or so and I was standing here. 'Cause it was gap where they could've brought the fire truck to over here where the subject was.

Q Um-hm.

A So I was like flashing at them here with my flashlight, like hey, over here. Over here. But that wasn't workin' and they stopped about like right here. So I ran over here and I was like hey, we need you guys over there now. He's unresponsive and I think this is excited delirium. So Fire, the fire department came over and they started working him, hey, we need you to take him out of hobble restraints and we need you to take him outta handcuffs. I was like so just so you guys know, this guy is incredibly strong, and we just fought with him and so just be aware of that. Like well, we still need to take them out of restraints so that we can work on, we can do what we need to do. So he was taken out of handcuffs. Or the hobble restraint was removed first I believe and he was taken out of handcuffs. And then once the handcuffs were off, I grabbed them 'cause I was like I don't want these to be used as a weapon against us 'cause they were just kinda layin' on the ground. So I grabbed the handcuffs, secured those and then Fire went to work on him. And so at that point I like took a breath. I went back to my car, I was like okay that just happened, am I okay. Do I have any injuries on me like there were no, I didn't deliver any strikes. Like he didn't hit me, but it was still, we were there for several minutes holding him down. So I was kind of, I was tired. So I was like just take a breath, you're okay, your partners are okay. Fire's know what they need to do. So I went back to our patrol

car which was parked probably right about here. So here's, here Burbank, ahh Collins' vehicle, our vehicle's about here.

Q So just behind Collins.

A It was like just behind him, yes. And so I went back, I cleaned the handcuffs off 'cause that's what we do, every time I put my handcuffs on anyone I whatchamacallit, I wash 'em off with disinfectant. So then I stowed those. I as, I went over to like, I looked at Fire and they were doin' their thing so I was like all right I'm gonna start looking for work. 'Cause I don't wanna just stand around. So then I went around and looked for, I looked over here, I didn't see any security cameras. I looked around here, I didn't see any security cameras. I think it's, I think this is 1438 right here, and that's the address. I think this is 1438 and they had a doorbell camera attached to their house. So I went, like there were like one, two, three or four people sitting on the porch and I was like hey, did ya'll see anything and they said no, they didn't see anything. And I was like so I noticed you have a doorbell camera, do you think it captured anything? And they're like ahh, we don't know. I's like would I be able to look at it and then one of the homeowner's invited me in to look at the surveillance, the surveillance footage. But it's on this like little screen so I wasn't able to see very much. All I could see was it kinda like looked this way. I could see the ambers and I could hear like inaudible screaming coming from what the doorbell camera picked up. And so I took down his information in my notebook 'cause I was gonna put it in my supplement report. And then I told, I immediately went over and told Sergeant Lim. Oh actually, let me back up. I asked him if he could burn a copy of the disk and he'd said he didn't know how. So I said hey, our forensics or our Detectives may follow up with you about how to get a copy of that video. And he's like okay, I'm fully cooperative for that, like that'd be great. Like I'll, I'm not gonna delete or anything so I'll keep it for you guys. And I was like thank you very much for your time. I immediately went outside and told Sergeant Lim hey, so there's surveillance video on this camera. I've got the guy's information I'll put it in my supplemental report once we clear here. And so then I started looking for work again. So I was, I went over to Fire and they were still doing chest compressions on him and I was like do you guys need any help. And their like no we're good, we've got a rotation down. I was like all right, I'm gonna find something else to do. So I got up, I like left them over, over here. Like I started looking around. I was like this scene really is not secure yet. Like there's cars that are tryin' to drive by so I move our patrol car over here to block this, this like what is it, northbound lane of travel. And there was another patrol car parked here so I blocked cars from comin' from this way as well. And then shortly after that someone brought, like Sergeant Lim gave me the subject's information. He's like hey Ford, I need you to confirm this, the subject's identity and so I went back to our patrol car and ran that information. Someone (unintelligible) fingerprint scanner, that's how we got his information. Went back to our patrol car, ran him and like I noticed he had, like he had two tattoos on his forearms and so I was like okay the tattoos match. Like one was like a woman's name and the other one was I think a Bible verse. And so I wrote 'em, I like wrote 'em down in my notebook and then confirmed yeah, those are the tattoos that I saw on his arms. And then I was I was like Sergeant Lim, that's a positive ID on him. Shortly after that he was pronounced by Fire. And so um, I got evidence, not evidence tape but like crime scene tape, the Police do not cross tape, and put it up like this part and then across the street here.

Q Um-hm.

A Another officer did the rest, but I did, I did this part. And then I went to the car to warm up 'cause I was freezing. It was like, it was pretty wet that night and was pretty windy. So went to the car, took a breath. I think Rankin, Rankin got in the car with me and I was like hey man, are you okay? Like and we just kinda like started to like do like that self-check on each other.

Q Um-hm.

A Shortly after that our Sergeant, Sergeant Rock comes over and says hey, I need to talk to you guys. I'm like yes, sir and then he's like I need you guys to respond to the Parkland-Spanaway Precinct for processing. Like we're, they're gonna look at you guys as involved in this incident. And so we got in the car and we drove to the Parkland-Spanaway Precinct. Um, and we did a round, or they did a round count. They, they photographed us. They took our taser and our unit (unintelligible) responded and that's about, that's about it.

Q Okay. What was the call sign you guys used that night?

A Henry 031, so H031.

Q And when the mic clicks are goin' off is radio able to tell who it's comin' from?

A Yes. Yeah, they said Henry 317, do you have traffic.

Q And that's...

A And then Henry 317 mic clicks.

Q And that's Burbank?

A That's Bur, that's Coll, Officer Collins' number but Officer Collins and Burbanks' collective call sign with their Henry car.

Q And just for reference, when an Officer's mic clicks they, or Dispatch, knows who that person is that's mic clicking or...

A Yes.

Q trying to get their radio?

A Yes. Yeah, each of our radios are specifically, they have our badge number as the call sign.

Q Okay.

A So anytime I click my radio on my car or my portable it'll say 031.

Q Okay. And you briefly talked about the weather. What was the weather conditions like that night?

A Umm, it was wet and rainy, and very windy.

Q What, temperature wise?

A I'd say like 45, 50 degrees.

Q And how were, when you arrived, you talked about amber lights, are the amber lights only on the back of the car?

A Yes.

Q This was, and that was the only lights that you could see.

A Oh, those were the only lights that I could see, yes.

Q Okay. And what's the lighting conditions like around that area?

A There were like intermittent streetlight, street lighting. So it was dark but the street lights were on.

Q Okay. Did you, did you recognize during the contact with, with the subject, any prior contacts with him or …

A No.

Q Didn't recognize him for any previous calls?

A No, I did not.

Q Okay. And do you remember his physical size?

A He was bigger than me, about my height. So I'd say maybe 180 to 200 pounds, about six one. Medium build.

Q And could you make out anything he said, other than, at the one point he said he couldn't breathe.

A No.

Q No…

A We were all like just, I don't know if it was auditory exclusion or what, but like all I remember him was just screaming stuff I can't recall.

Q Just incoherent screaming?

A Yes, yes.

Q Okay.

A And then, then him saying I can't breathe. And that's just, that's it.

Q And during, when you had some contact with his legs and such, could you feel temperature wise or anything that you remember?

A No, he was wearing multiple layers on his legs.

Q Layers of clothes. Any injuries that you observed on him?

A No.

Q And he's on his side at one point. Is he on his side when he says, he's talkin' about the breathing?

A He was on his stomach...

Q Stomach.

A when he couldn't breathe.

Q Okay. And then he went to recovery...

A Yes.

Q side? Okay. You talked a little bit about some delirium. What's your knowledge about excited delirium?

A So when I was a public safety officer, I went through Glen Carpenter's excited delirium course as part of our onboard training.

Q Um-hm.

A And so he went into depth of what excited delirium actually looked like. But I've seen excited delirium before on the street. Like there was one, one time when I was a public safety officer we fought for a guy for probably seven to ten minutes, and we, we tried everything. We broke a finger, didn't work, we tased him, didn't work, pepper sprayed him, didn't work. And he was, he overpowered two of us. And we're like, I was getting thrown around like a rag doll. And I was like, what is this, like, 'cause like in the moment I had no idea what it was.

Q Um-hm.

A And so, anyway, we were fighting with him for a long time and like, the way it kind of works with transit is we have our own dispatch and it's not through South Sound 911. So we said fighting with one, one tased, send help.

Q Um-hm.

A And the fight was on. And so it took a long time for them to play the phone tree with South Sound 911, and to figure out where we are and what's going on. So, no one came for a long time. So once there was a break in the fight where he kind of like, we were able to make our self get some distance, I switched my radio over to Tacoma, like we're fighting with one, nothin's working. He's been tased and pepper sprayed, help. It took I think eight of us to get him into custody.

Q Um-hm.

A He was being, he got tased simultaneously by two Tacoma officers, hit almost like, you know, he was neuromuscular incapacitated, fell to the ground, and while under power he's reaching for a gun or something like that. And so the Sergeant who was on scene immediately said oh, this is excited delirium, stage medical. Let's, we need a ALS, like Advanced Life Support. So he got wheeled away like, wheeled away in the ambulance and the officers came back later and said oh yeah that was excited delirium. The second time I saw it, was a guy who was prowling vehicles and banging his head against like the glass of vehicles and like punching through them. And I'm like, yeah, I'm not, nope today, I'm not gonna go contact this guy by myself. So we were able to get him into custody really easy. But he was burnin' up, speaking in incoherent sentences, being incredibly violent. And so I was like okay, and then there was this incident. But, but I didn't know it was excited delirium until he rolled into a recovery position, and I was like, he's hot, incoherent sentences, random act of violence. He's, this is most likely excited delirium. So that's kind of my experience with it.

Q Okay, and when fire, you talked about fire parked far away and you're trying to get their attention, they're not really responding. Are they just kind of walking up to you guys and you had to go to them…

A Yes.

Q to update them?

A Yes. Like I …

Q Okay.

A ran up to the engine before they even got out. I was like hey, we need you guys over there now. Like this is possible excited delirium.

Q Okay.

A Like I don't even, like, when I saw them coming from the, the east, they didn't have their lights on or anything. I'm just like, …

Q Just a, …

A Just kind of like a routine response really.

Q routine response? Okay. When, when you were there and they're trying to, it sounds like he's hobbled, he gets hobbled and handcuffed, or he's handcuffed when you get there and he's pushin' off, any commands that you hear or did, you had said yourself you gave him some commands. Did you hear anybody else giving commands?

A Not that I recall, no.

Q Okay. But you told him, you need to relax.

A Yes.

Q Try to focus in on you.

A Yes.

Q Okay. Do you remember any citizens around? Around at the time when you got there?

A Other than like passing motorists, 'cause I'm pretty sure before everyone got there there were still cars coming.

Q Okay.

A Like we had to pass several cars, to like, when they were, like we were the first ones on the scene. We had to pass several cars here just to get like, we're like all right, get out of our way, passed them, and then we stopped here. So I'm assuming they went, I don't know where they went after that. But other than the motorist and the people sitting, I think, this is 1438, I don't remember seeing anyone else.

Q Okay. And you talked about the video. On the video the, from the, did he tell you it was a motion activated camera? Did he detail that to you? The homeowner?

A Yes, he said it was motion activated.

Q And you could, and on your quick review that night you could hear some audible screaming and see some amber lights of the patrol car?

A Yes.

Q Okay. Anything else that you could see on there?

A No, not really.

Q Okay.

A Like the way like, if I recall correctly, the way like it kind of captured, it looked this way. If the patrol car's here and they're here. So it kind of blocked them.

Q Okay. Just depended on the view of the camera.

A Yes.

Q Okay. Before you draw on the board there, you have…

Q (Invest. Keith Barnes) Yeah, you indicated that you went hands on with this subject for a short time?

A Yes.

Q (Invest. Keith Barnes) And you were on his legs? Is that what I hear?

A Yes.

Q (Invest. Keith Barnes) Okay. And did you deliver any other types of strikes or anything like that or any, deploy any type of taser or other, other…

A No, no I did not.

Q (Invest. Keith Barnes) instruments or anything like that? Okay. And before fire, when fire got there, do you know if that, if the person was still conscious or breathing?

A He was unresponsive, but I did see his chest moving.

Q (Invest. Keith Barnes) Okay. So he was, it appeared that he was breathing when Fire arrived?

A Yes.

Q (Invest. Keith Barnes) Okay. And it was, how, how long after Fire arrived did they start CPR? Do you think?

A As soon as, I'd say within a few min, a few moments.

Q (Invest. Keith Barnes) Okay.

A 'Cause the hobble restraints had to come off, and so did the handcuffs. And then other officers on scene set up around his body, so like one leg, the other leg, left hand, right hand, in case he started to fight again.

Q (Invest. Keith Barnes) Okay.

A And then shortly after that Fire (unintelligible).

Q (Invest. Keith Barnes) Okay. But there was some, some concern when you took off the restraints that he might start fighting again?

A Absolutely.

Q (Invest. Keith Barnes) Okay. That's all I have.

Q (Det. Jesse Hotz) Do you know an estimated time that you were holding him down? From the time that you arrived to when you had to go run and get fire?

A I don't know but it seemed like an eternity. It seemed like forever. Like I remember like saying, like I, like was thinking to myself, where is Fire. 'Cause it seemed like forever. But I can't put a time stamp on it, I'm not sure.

Q (Det. Jesse Hotz) Okay. When, who was it that notified dispatch for Fire?

A I believe it was Sergeant Lim.

Q (Det. Jesse Hotz) Okay. Was there any mention of this person has excited delirium, or did they just ask for Fire?

A I don't recall. Like I remember vocalizing I think this is excited delirium, but I don't know if that was relayed or not.

Q (Det. Jesse Hotz) That's all I have.

Q Okay. Mike, anything before we draw?

Q (Attorney Mike Staropoli) I do not.

Q Okay. yeah, if you could just draw up on the board, this intersection. Put where your car's parked and if you want to throw a north in there as well, for reference.

A This would be Ainsworth. We were probably here. Car's... that's where, so here's Ainsworth, here's 96th, here's 317's car, here's us, and here's where the subject was.

Q So just off of the front of their car?

A Yes.

Q Okay. If you could put the, your initials up there and then today's date is the 9th of March. Okay. Any, any other details you can help us out with that you remember?

A Umm, I just remember like, how afraid I was responding to that call. Like I feared the worst. Like all I heard was 96th and Ainsworth, that's all we got. And it was screaming. So like, I went back and looked at my heart rate for that night, and typically I'm like 66, 72 on patrol. That's where I usually sit. 80, if I'm a little nervous. But it was 108 on the way to the call. So I was pretty, pretty amped up and like, I was afraid the officers were gonna be dead in the street when we got there. So, I'm just glad like, they didn't get severely injured. But no, there's nothing else I really want to say. Able to say.

Q And where were you, I'm sorry I interrupted you there, but where, when Burbank and Collins, you talked about they had a traffic stop earlier. Do you know where that was?

A Yeah, it was about 9600 A or B Street.

Q A or B Street.

A So like, just, just east of Pacific.

Q Okay. And you described gettin' in there and they looked, what did they look like, after this guy's detained and, what did Burbank, can you describe Burbank and Collins, what they looked like?

A So, Burbank looked like he was in pain and looked completely like, just out of energy.

Q Um-hm.

A Like he'd just been in a knock down drag out fight. Officer Collins, like, if I recall correctly, like his face was red, like he'd clearly just been in a physical altercation. Like I didn't see any visible injuries on them, but they were both, like they were breathing heavily and they, they were just, they just looked exhausted, which is why my partner and I stepped in to relieve them.

Q Okay. Okay. Has everything you today been, I'm gonna start over... has everything you told us today been the truth?

A Yes sir.

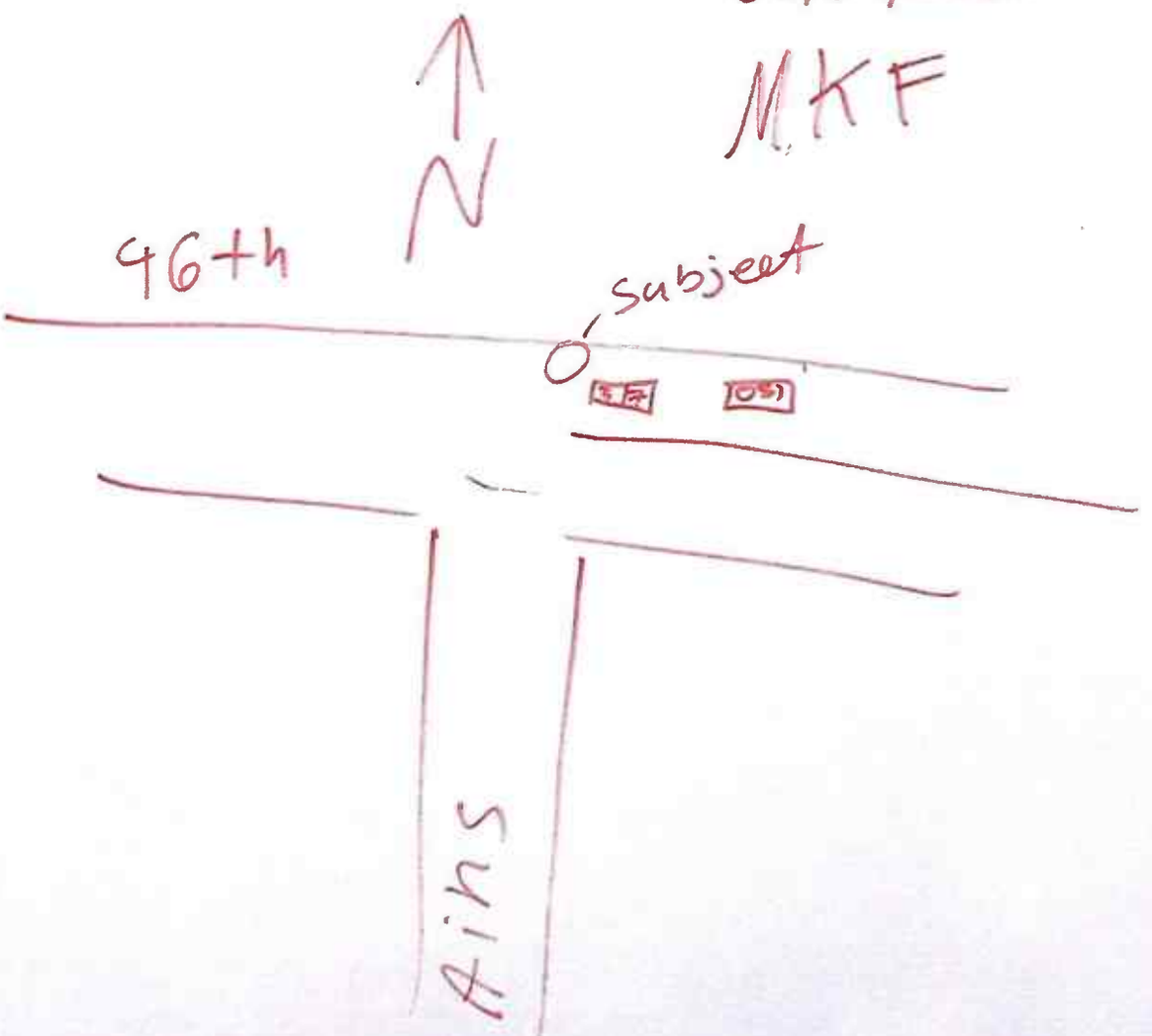
Q And we didn't make any threats or promises to you?

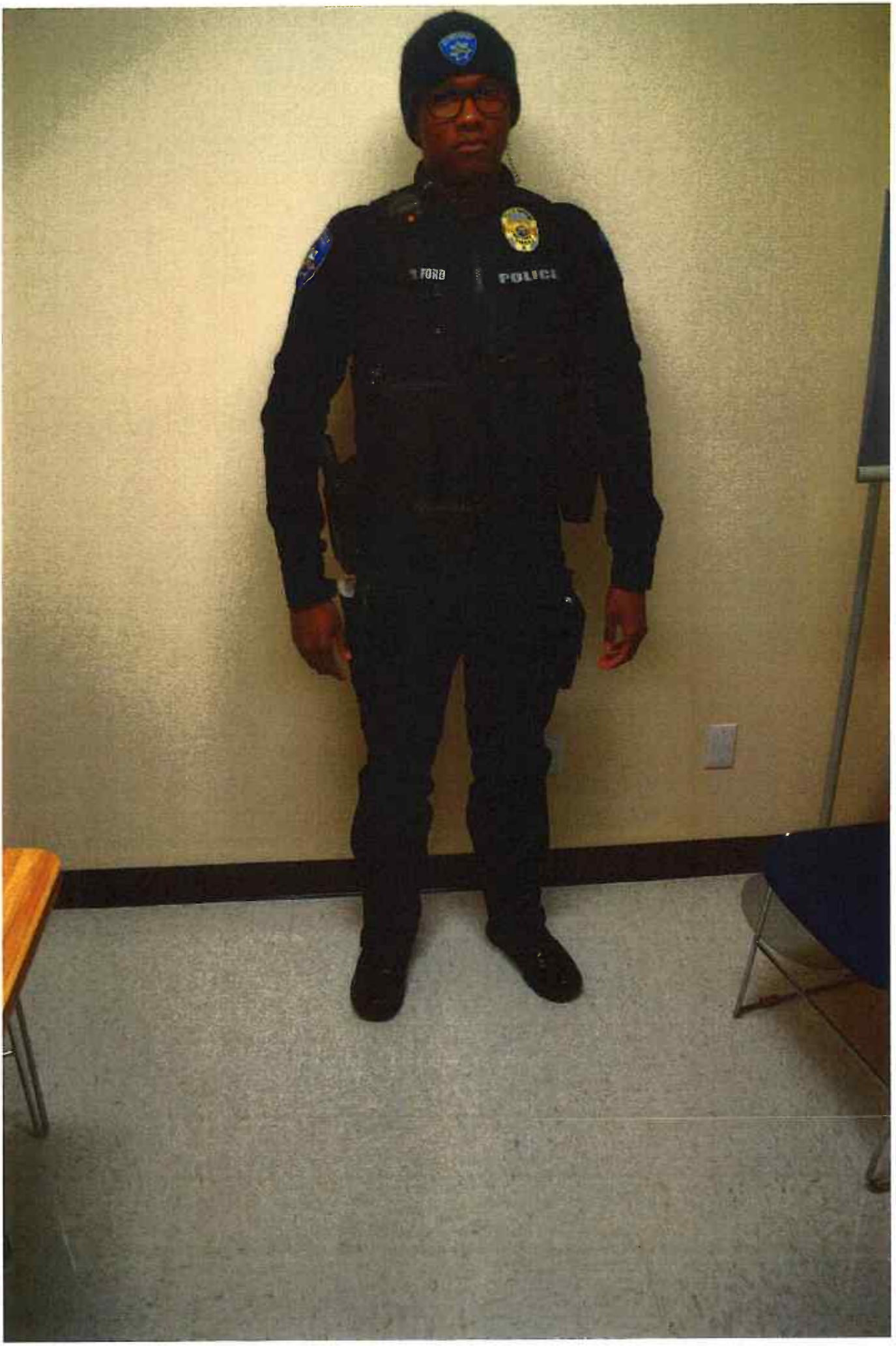
A No.

Q Okay. The time is 1053 hours. It's still March 9th of 2020. This'll be end of statement.

03/09/2020

MKF

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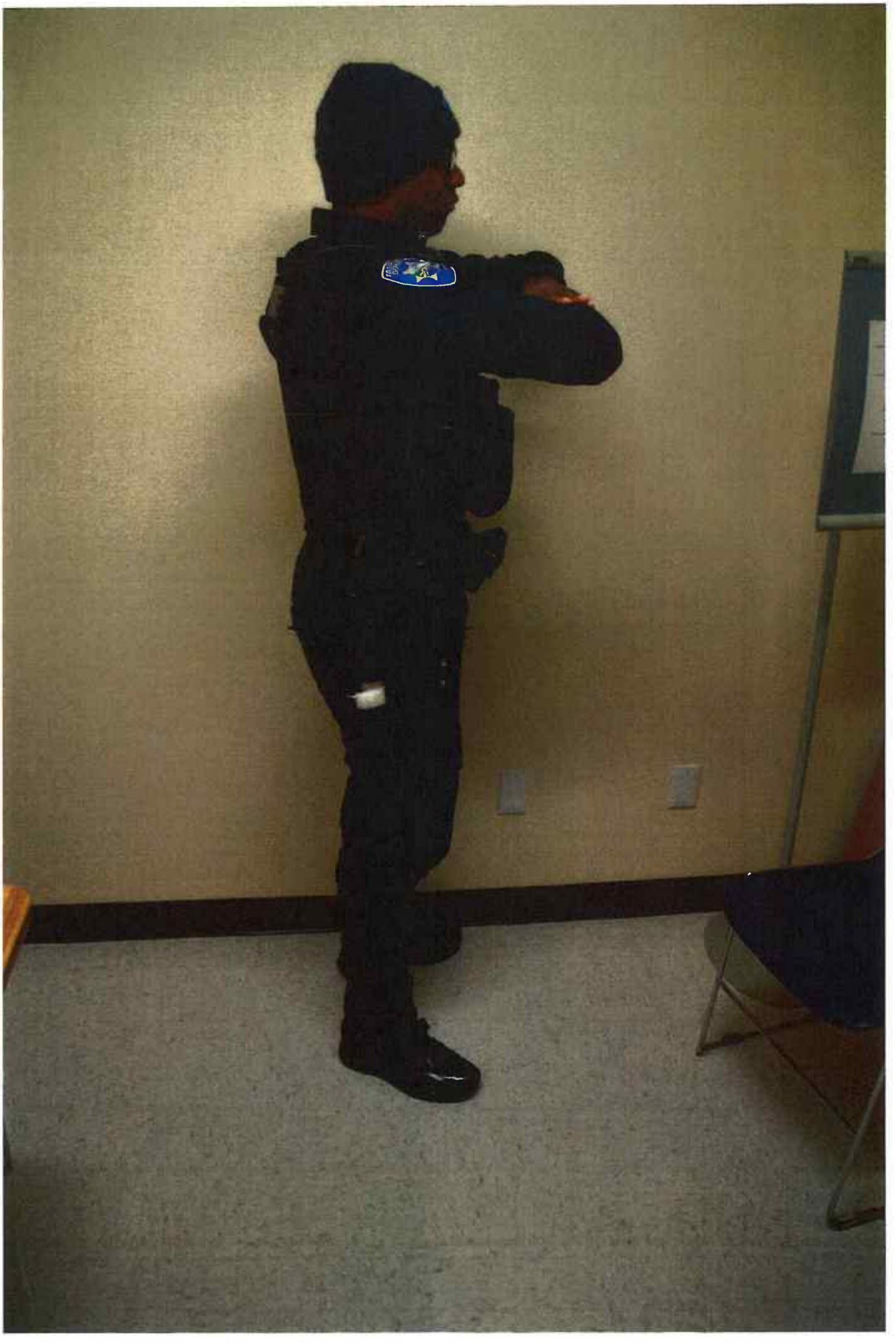

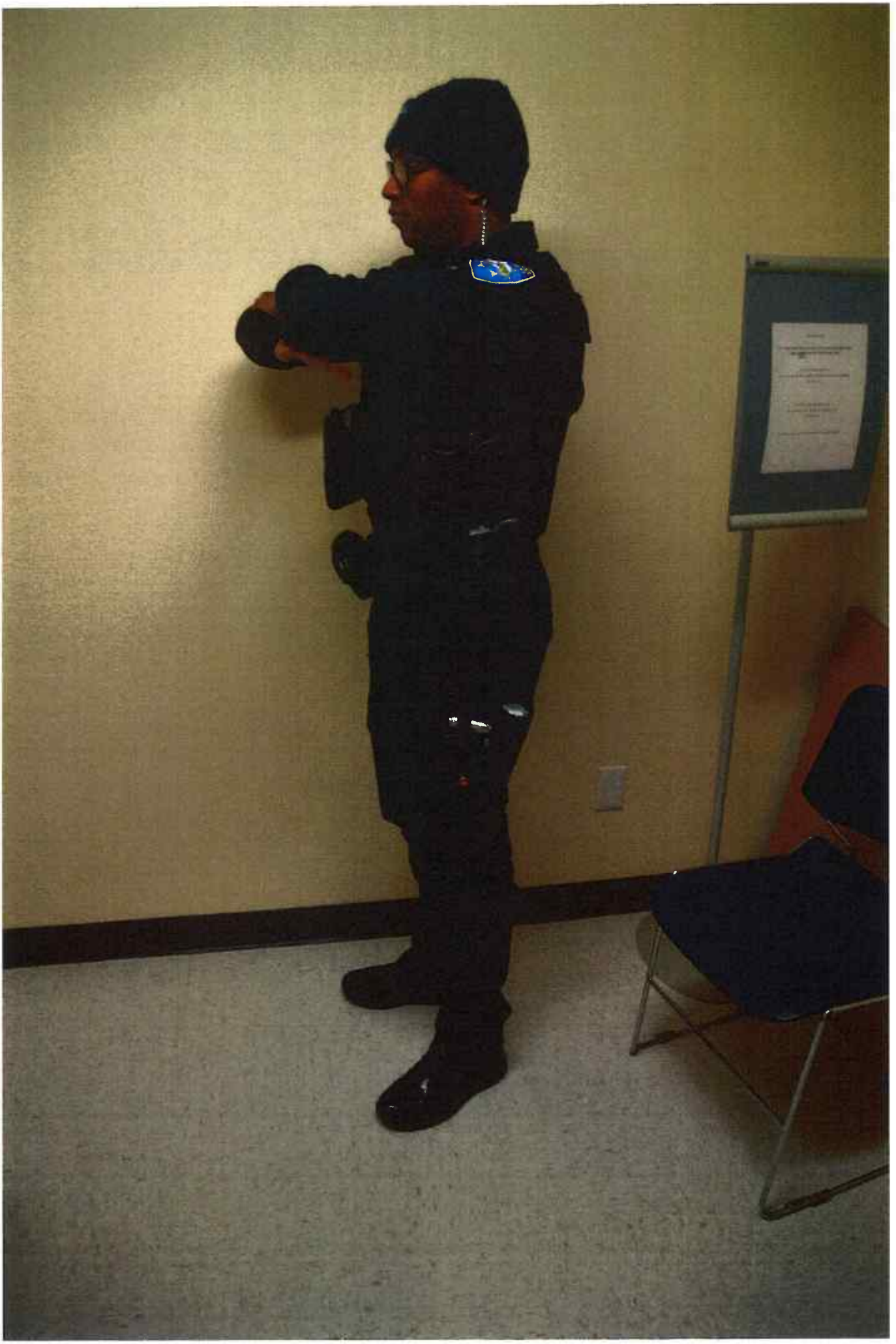

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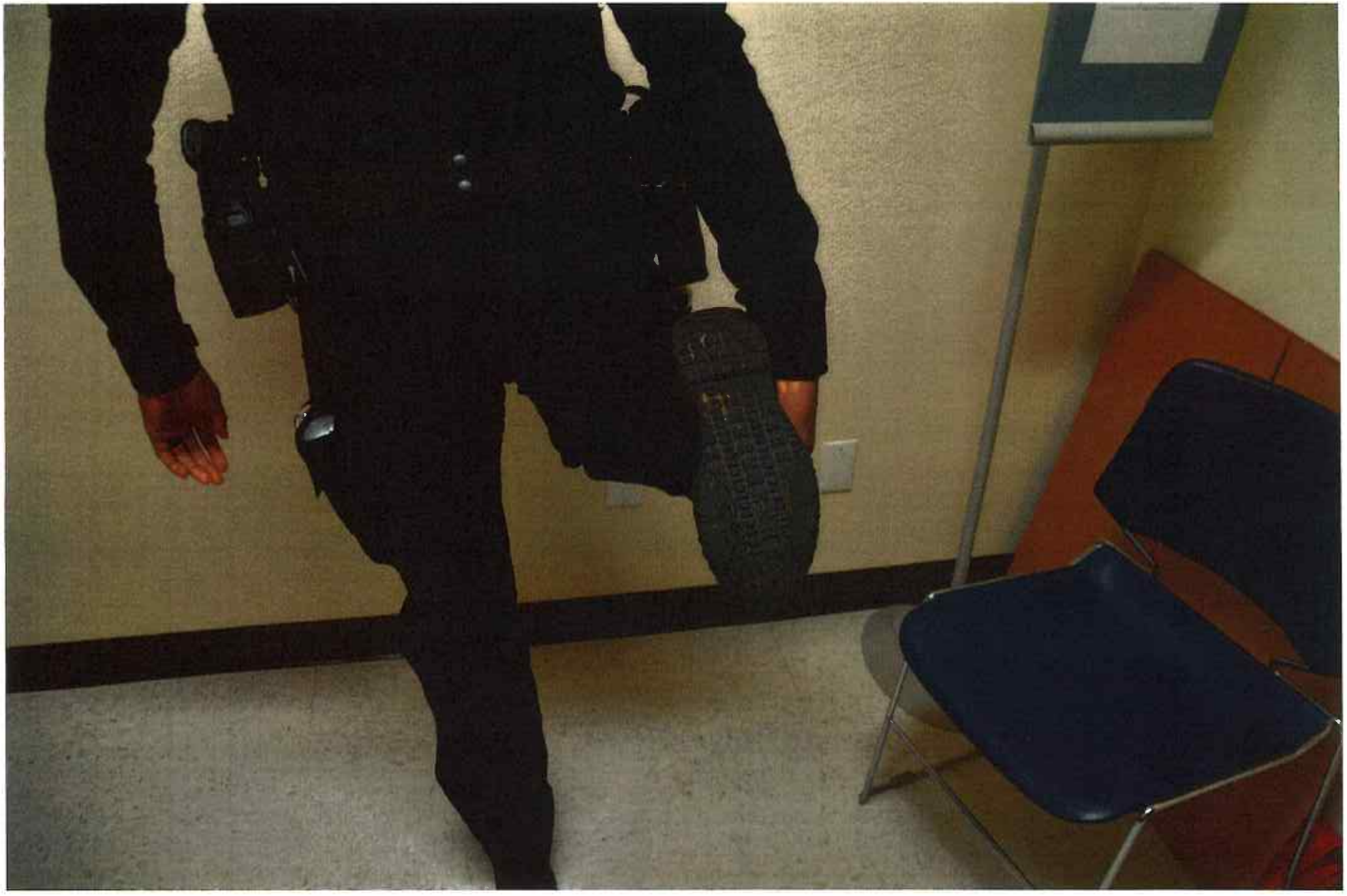

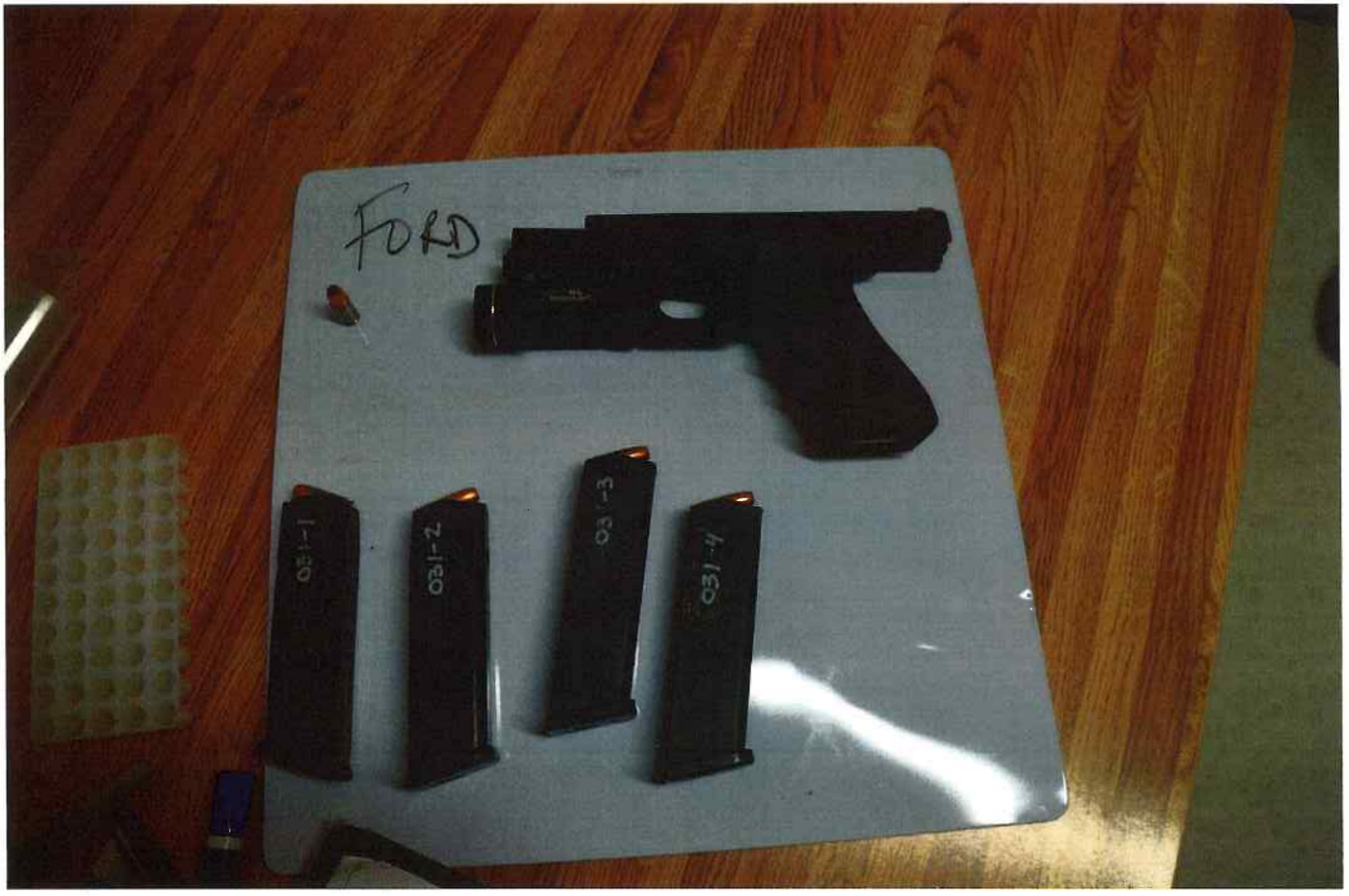
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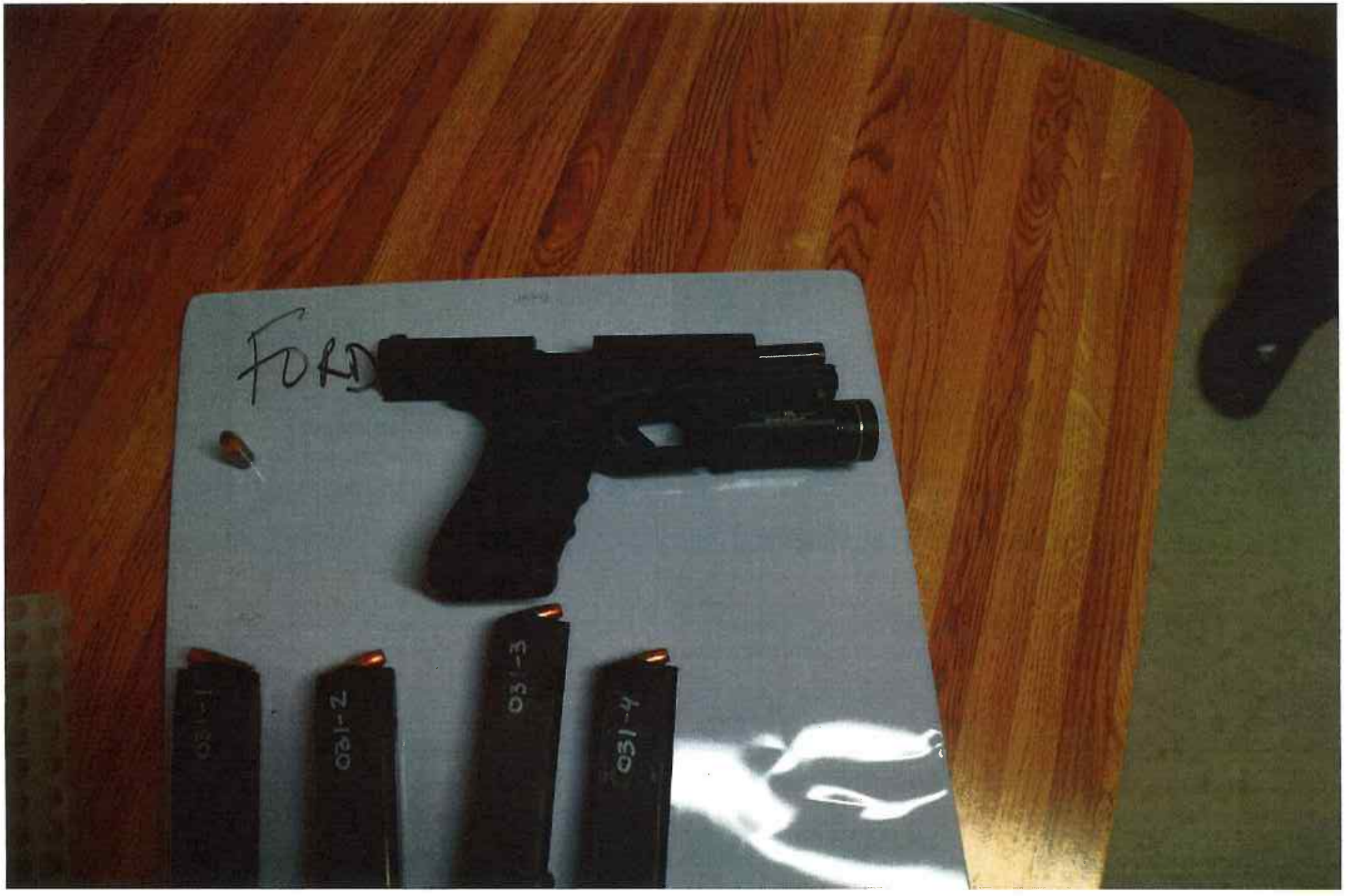
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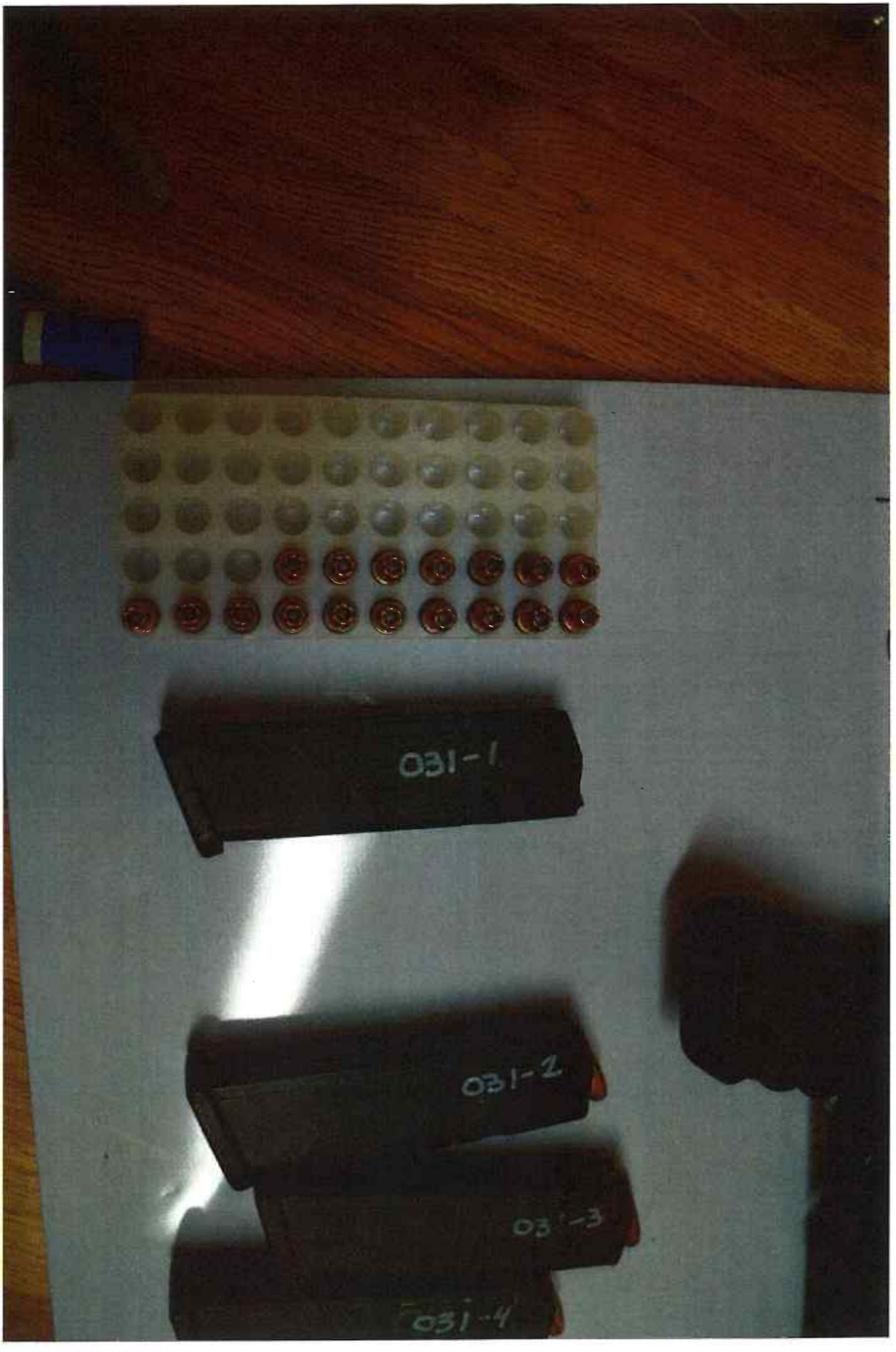
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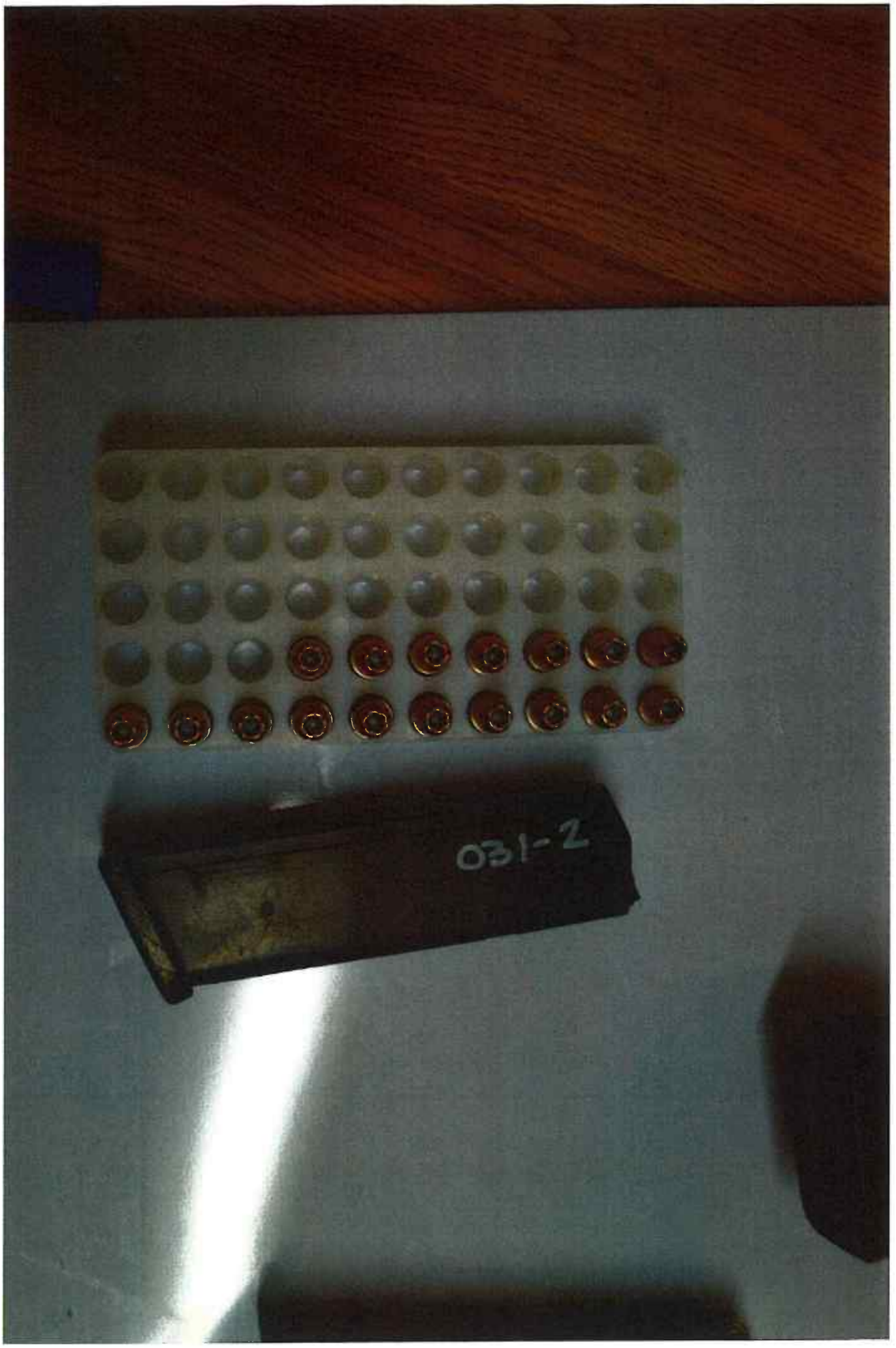
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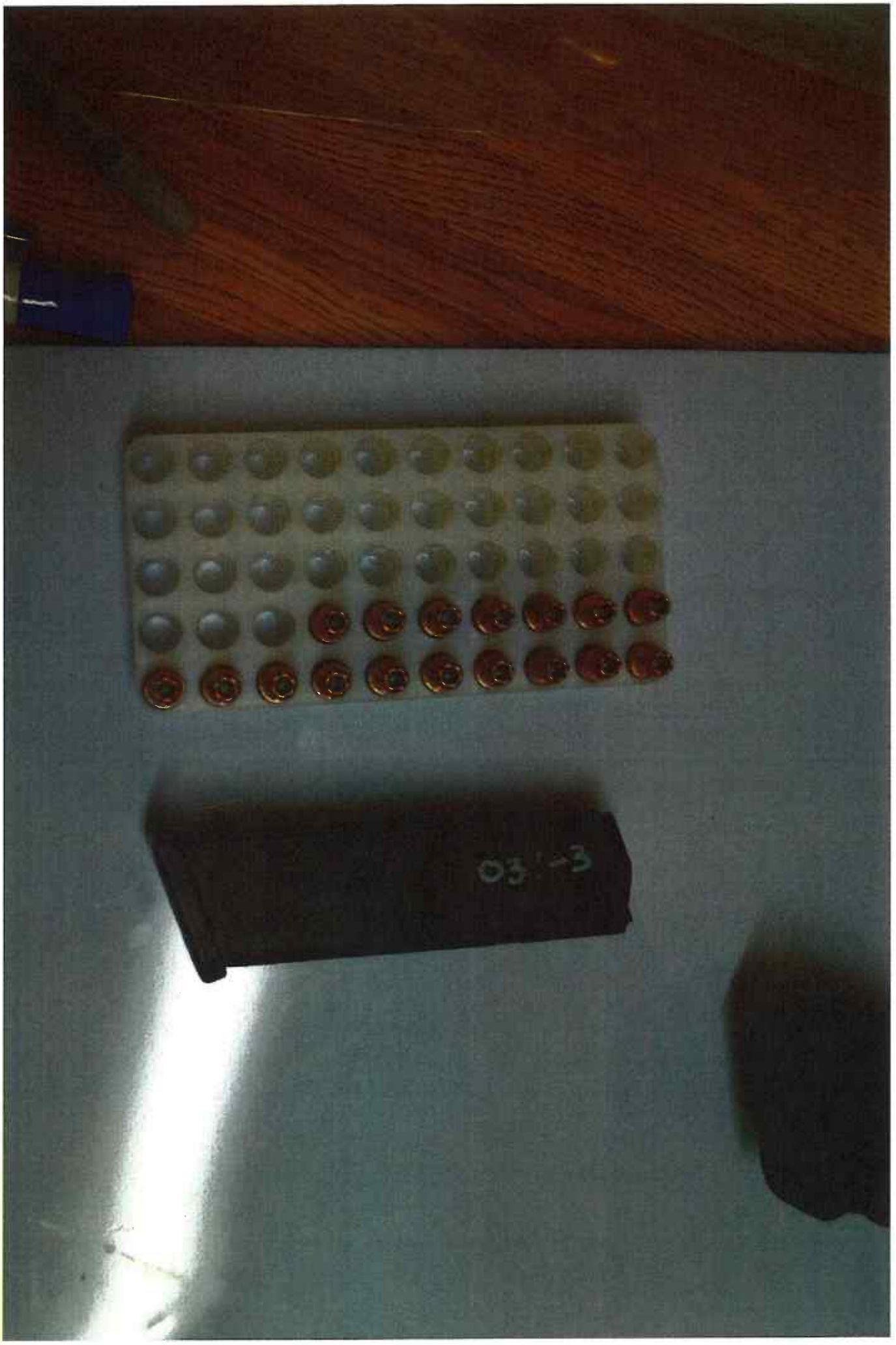
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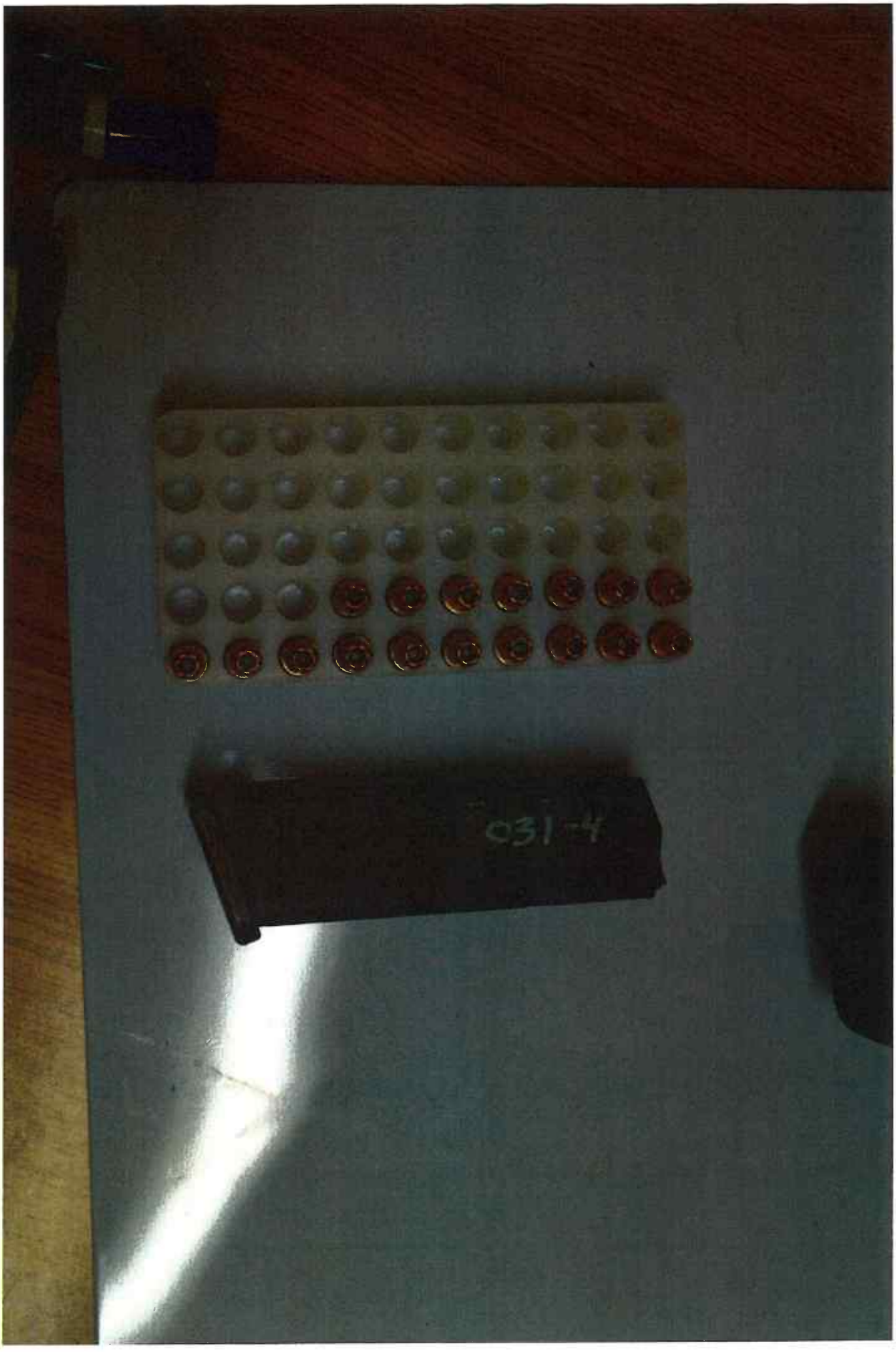
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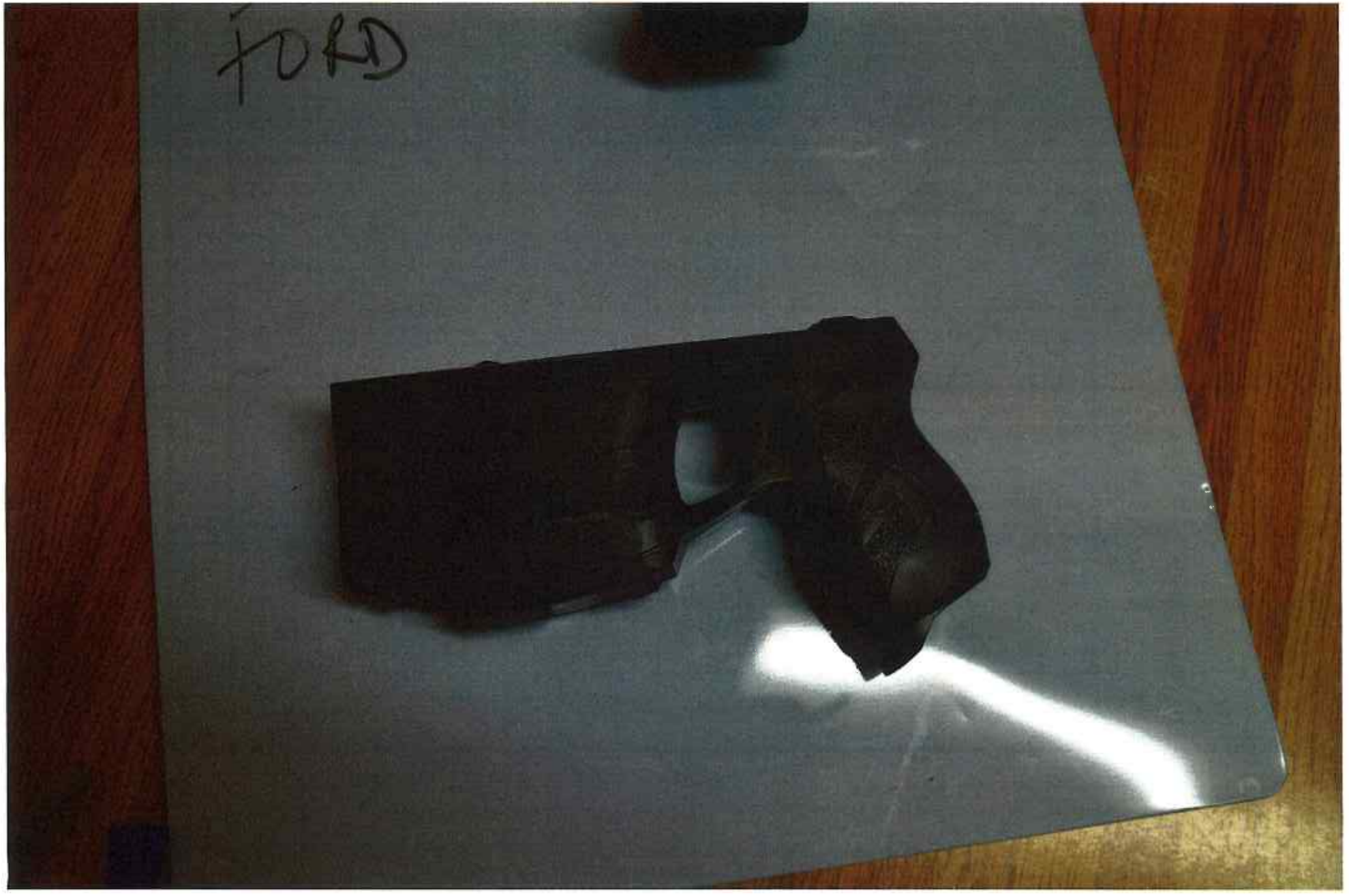
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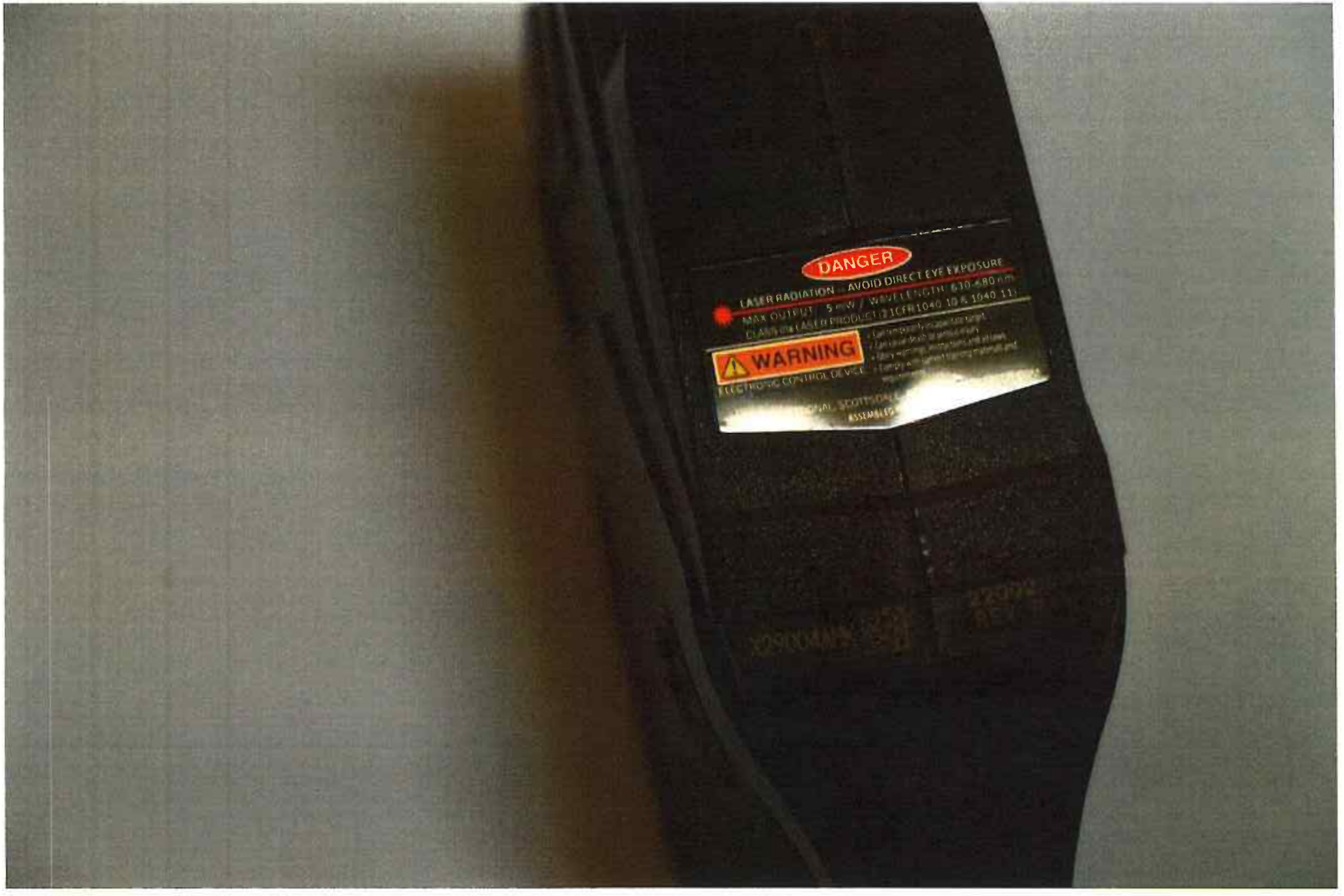
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TAB 16

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 03/05/2020 Beginning Time 0940 Hours Ending Time 0947 Hours

Location 1400 BLOCK OF 96TH ST. S. Officer DET. SGT. B. BROCKWAY, #161/96-082

Name of Subject SHAD HAYES Date of Birth

Q This is Detective Sergeant Brockway with the Sheriff's Department Pierce County. This is reference case number 20-063-02251. We're in the area of 1400 block of 96th Street South. We're interviewing Shad, S-H-A-D. Hayes, H-A-Y-E-S. It is currently 9:40 in the morning on March 5th, 2020. Shad, do we have your permission to record this statement?

A Yeah.

Q Shad, can you take us through what you heard the other night as you were, from your residence here?

A I was, excuse me, I was sitting in my bedroom watching TV and I heard some yelling outside and then I saw some flashing lights in my bedroom window. So I went around to the, through the gate and I noticed a pat, patrol vehicle sitting at the light with it's lights on and I saw two Officers were tryin' to subdue a person in the middle of the intersection.

Q Do you remember what time that was?

A It was after 11 o'clock.

Q Okay

A That's all I remember, I think.

Q So you could see a patrol car?

A Yeah. It was, it was one of the Ford Explorer SUV's.

Q And you could see some lights on?

A Yeah, the lights were on. They were sitting in, right in the middle of the intersection, stopped with the lights on. I saw two Officers tryin' to subdue this individual and they were havin' problems subduing him because he was, I don't know it he was drunk or high on drugs or whatever, but he was, but he was throwin' 'em around pretty good. And I yelled at 'em and asked if they need help and they said no, they think we've got it. But while they were tryin' to subdue him there was traffic and stuff goin' by so I stood right down here and directed traffic until I heard the back, 'til I heard their backup

comin' and they came from that direction on Pacific Avenue. And then I came back in and just after that watched TV.

Q Could you, could you make out the yelling when you initially...

A No, not from in the house. All I heard was loud voices and there's a lot, there's a lotta transients and stuff that walk along here so I figure maybe the guy was just someone who's high and drunk and yellin' at somebody or fightin' with somebody out there. I didn't even know any law enforcement Officers were involved until I actually walked out the gate and looked.

Q And you walked out your gate and then...

A Right there, yeah.

Q At 96. Which way was the patrol car facing?

A That way.

Q West.

A Towards... yeah, west. And then, and there was cars, two cars parked behind him and the cars that were parked behind him were yelling' and one guy was yelling at the other guy, just go around him, just go around him. The Officers were right in the middle of the intersection, so I tried to...

Q Yeah. Okay, when you noticed the Officers struggling with him were they standing or...

A Um...

Q Continuing of interview.

A One was on the ground tryin' to get his hands behind his back and the other one was kinda bending over trying to subdue him from the top. Plus they were havin' problems 'cause he was tryin' to get up and move around and stuff.

Q All right. Sorry, so when you first looked over one of the Officers was standing and then they...

A Yeah. He was just standing trying to bend over him. Like one was towards the top of his body, one was towards the bottom of his body or the middle more.

Q Tryin' to subdue him...

A Yeah.

Q Hands behind his back. Okay. And was the, was the individual on the ground at the time?

A Yes, he was on the, laying face down on the ground.

Q Okay.

A And he wasn't complying. I mean he was...

Q He was, what was he doin'?

A Tryin' to get up and fightin' with 'em and stuff. Not, I, I didn't see any punches swung but you could tell just by he wasn't complying. He wasn't givin' his arms and they were tryin' to get him to subdue him.

Q Were they, so he was, he was, he was resisting trying to...

A Tryin' to get away.

Q To get away.

A It looked to me like he was doing. Trying to.

Q And you said he was grabbing?

A Yeah. There was, the, the one Officer towards the end of his feet was trying to get his arms behind his back to put the handcuffs on him, it looked to me like. I, I wasn't really up close to 'em 'cause I didn't want them to freak out and think I was, so I stayed back towards my gate. But it looked like the one Officer was tryin' to get his hands behind his back and, and the other Officer was tryin' to hold him from the front down, so the other Officer could get his hands on, um put his handcuffs on him.

Q Okay.

A That's what looked to me like what was happenin'.

Q Could you... and how far away were you when you were watchin' this?

A I was down at the bottom of my driveway right there, on the sidewalk.

Q Okay. On the sidewalk?

A Yeah.

Q And were they in front of their patrol car?

A Yes, they were in front of it so the, the camera should've recorded it all.

Q Okay. And then did the, could you make out what this guy was sayin' or anything? The person?

A Um, he wasn't, it was more yelling.

Q He was yelling?

A Yeah.

Q Were the Officers, did you hear them say anything?

A Um, I think I heard one of 'em say comply.

Q Um-hm. Did it look like they were having any success with their tryin' to get him into custody?

A The, they did finally. Yeah. It looked to me like they had him most of the way. I'm not sure if they had the handcuffs on him or not because then the back, one of the backup cars showed up and then I'm not sure if they had him in handcuffs at that time or if they were just holding him. Or if when the other two Officers got here, they finally got him completely subdued. And then after that like 12 cars showed up. I mean it was like a parkin' lot out here of police cars.

Q A lot, a lot of police cars showed up?

A Yeah. Oh, yeah there was like, there was a lotta cars out there.

Q Okay.

A Plus the fire truck showed up too.

Q Okay. Did you, once he was on the ground did, did you see him get handcuffed or any of that stuff that went on?

A I didn't see him get handcuffed for sure.

Q Okay.

A But the way the, like I said, they were tryin' to subdue him, but I don't know if they had the handcuffs on him or not 'cause I wasn't close enough.

Q Okay. Okay. And then the fire department showed up?

A Yeah. After all the Officers showed up.

Q When they were, you, when they were tryin' to wrestle with them and he, he's on the ground, do you remember if he's on his back or his stomach?

A It looked like the whole time he was laying face down.

Q Face down? Okay. Other than, did you see the Officers do anything else other than wrestle with his, his arm and such? Did it, did you observe anything else from them?

A No, I didn't. It didn't look to me like at anytime he got up and any blows or anything exchanged. It didn't look like that, it looked to me like from what I saw most of the time they had him on the ground but he wasn't complying with their orders to put his hands behind his back so they could subdue him.

Q Okay. Did you see the Officers strike him at all?

A No.

Q Okay. All right. Did you recognize the, the subject from the area at all?

A No.

Q You ever see him?

A No. No.

Q Okay. Didn't look familiar to you?

A No. Like I said, every once in a while, during the day and sometimes the nighttime you'll see transients walk by here and stuff.

Q Walk by?

A Yeah. That's why we keep the gate closed most of the time.

Q And how long have you lived here in the area?

A Um, I'm, right now I'm just staying with my friend right here. I've been here for two weeks.

Q Two weeks? Okay.

A Yeah. I um, I originally moved out here from Yelm.

Q All right. And then when you, you had helped direct traffic for a little bit and then...

A Well yeah, just for a couple minutes for, until the backup showed up. It couldn't've been more than two minutes, four or five cars went by.

Q Okay. And did you end up goin', what'd you do from there?

A Nothing. I came back in the house.

Q Came back in the house?

A Yeah. And just because once the backup showed up I knew they had it taken care of.

Q Okay.

A The traffic and everything. I just didn't want the Officers to get hit from cars goin' by 'cause people were still goin' through the light and stuff.

Q Do you know how long, just estimate how long they were strugglin' with him when he was on the ground?

A Well they were already strugglin' with him when I went out there.

Q Right.

A And then once the backup showed up I don't know how long it was between time it initially started and when the backup showed up. I don't know how long that, how, how much time they were actually struggling with him. All I did was went out there and saw it happening and then once the backup showed up I came in the house.

Q Okay. Did you ever see the guy get up? Was he able to get up?

A I never saw him actually stand up, no.

Q Okay. When you first looked out he's on the ground and they're struggling with him?

A Yeah.

Q Okay.

A I noticed they were kind of havin' a hard time 'cause it looked, looked like he was a little bit bigger guy than they were. That's why I yelled if they needed any help.

Q Can you describe the guy they were... what he was wearin' or anything?

A I didn't actually get up close enough to actually see his face or anything.

Q Okay. You couldn't see clothing or anything?

A No.

Q Okay. All right. The time is now... any other details you can help us out with?

A That's it sir.

Q The time is 9:47 hours. Is everything today you told us, the truth?

A Yup.

Q And we didn't make any threats or promises?

A Nope.

Q Okay. This'll be the end of the statement. It's still March 5th of 2020.

KIRO 7 BROADCAST WITH SARAH MCDOWELL
20-063-02251

MML MONIQUE MING LAVEN, KIRO 7 NEWS
GH GARY HORCHER, KIRO 7 NEWS
SM SARAH MCDOWELL
TPD TACOMA POLICE DEPT. OFFICERS
DET PCSD DET. ED TROYER
AJT ATTORNEY JAMES BIBLE
MVW TACOMA MAYOR VICTORIA WOODARDS

MML … literally tonight the Mayor of Tacoma says officers involved in the death of Manuel Ellis should be fired and prosecuted. This after new video shows the deadly confrontation. Now Ellis died back in March, and the Medical Examiner recently ruled his death a homicide. KIRO 7's Gary Horcher joins us live, and Gary, we are hearing from the woman who shot this new video.

GH Right, and I have this video right here in my hand. The video you are about to see is an explosive new element. Frankly it could change the entire investigation. The woman who shot it came forward yesterday when she started hearing more about Manuel Ellis' story and suddenly she remembered recording this video.

CBS news obtained this video, taken by a woman who shot a few seconds of the Tacoma Police takedown of Manuel Ellis on March 3rd. Her story directly contradicts the police version. She says she saw police throw Ellis to the ground while he was walking on the sidewalk.

SM The driver cop ran around in front of the car and grabs Manny and literally like flips him over, like body slams him And knocks him onto the ground. And his head like hit back and it looked like he hit the curb.

Hey, stop, oh my God, stop hitting him. Hitting him, just arrest him.

GH She reacted to what she was seeing one officer doing.

SM He starts punching him like in the face, just punching and punching him, and he punched him about ten times.

GH And she says there's more to what she saw than what she recorded.

SM They were tasing him too, like you could just hear all the commotion.

TPD Put your hands behind your back. I'm gonna do it again. Put your hands behind your back. Hands behind your back.

GH She recorded more as she rolled by two officers restraining Ellis.

Yesterday the Pierce County Medical Examiner ruled 33 year old Manny Ellis died from a lack of oxygen from being restrained. Pierce County Detective Ed Troyer, who represents the investigation of the officers' use of force said Ellis attacked an officer first and police called in paramedics as soon as he said he couldn't breathe.

DET There was no heads on knees, there was no cutting off of circulation, none of that. He was handcuffed, he was talking, he was breathing. And then throughout the process he had trouble breathing, and he told people I can't breathe.

GH But civil rights attorney James Bible believes the whole truth has not yet been revealed about Ellis' death.

AJB There have been blatant misrepresentations here. There has been an absolute attempt to mislead the public, mislead the taxpayers, mislead the people. That, that frankly is in violation of our constitution.

GH Now we understand the Pierce County Sheriff's Department, who is investigating officers' use of force on all of this matter, was not aware of that video until today. Officers insist that Ellis, Ellis approached them in a highly agitated state. He banged on their patrol car and threw an officer to the ground. And that's when they say they had to restrain him. So with all of those elements thrown in, this investigation continues. We'll keep you posted. Reporting live tonight, I'm Gary Horcher, KIRO 7 News.

MML Well, in the last 30 minutes, Tacoma's Mayor spoke out about that video, saying it confirms Ellis' death was a homicide.

MVW Today the family said to us they were tired of talking and wanted action. They also asked why does it always take a video for the public to believe when a black person's life is taken unjustly. As an African American woman, I didn't need a video to believe.

TAB 17

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 06/07/20 Beginning Time 1104 Hours Ending Time 1125 Hours

Location PCSD PARKLAND-SPANAWAY PRECINCT Officer DET. RICH FOLDEN, #226/96-045

Name of Subject AIYANA WHITE Date of Birth 03/02/95

Q This is Detective Folden with a recorded statement to be taken from Aiyana Aisha-Taryn White. Did I say that correctly?

A Aiyana Aisha-Taryn White.

Q Aisha-Taryn White. Okay. The first name is A-I-Y-A-N-A, and the two middle names are A-I-S-H-A, T-A-R-I-N?

A A, A-R-I-N…

Q A-R, T-A…

A It's like Taryn, it's, like, …

Q T-A-R-I-N…

A T-A-R-Y-N…

Q Oh, Y, sorry, sorry, sorry, okay. So the second middle name is T-A-R-Y-N, and her last name is White. And her date of birth is 3/2 of '95.

A Yes.

Q Okay. So today is June 7th of 2020. It's 1104 hours. This is reference case 20-063-02251. We're at the Parkland-Spanaway Precinct of the Pierce County Sheriff's Department. Also present is Detective Helmcke. So, Aiyana, is it okay if we record you today?

A Yes.

Q That's okay. Okay, great.

Q (Det. Franz Helmcke) Okay, Aiyana, do you, where do you live at currently? What's your address?

A 1438 96th Street South.

Q (Det. Franz Helmcke) Okay. And you were, were you living there or at that location back on March 3rd, 2020, at about 11:30 P.M.?

A Yes.

Q (Det. Franz Helmcke) Okay. And do you remember that evening, hearing, seeing something outside the front of, the front of the house there on 96th Street South, involving some Tacoma Police Officers in an, in an incident there?

A Yes.

Q (Det. Franz Helmcke) And could you kind of go through what you remember about that, what you, how were you made aware of it, what did you hear, did you look outside? Did you go outside? What you saw?

A Yes. So I was laying down in bed, going to sleep, and I heard some noises outside. Not unusual for where I live. So I looked outside the window and I saw the police were talking to Manuel, and I saw him attempting to get away from them, and I saw him being shoved down to the ground. At that point I heard someone in the cars behind yelling at the officers, mostly just things like stop and what are you doing. At that point I stopped looking out the window and woke up my spouse who was sleeping. From that point I couldn't see much, other than him on the ground. I saw some struggling to get away. From that I couldn't see much more from just him on the ground with the police on top. Soon after, when the majority of the Department showed up in response, they created a blockade around where you could not see him. I actually was video taping at that point. And I have a video tape of that. And then I have another short clip after the fire department arrived and they were trying to resuscitate. Before that I did not see any resuscitation. But, like I said, they were creating a blockade where the public could not see.

Q (Det. Franz Helmcke) Any, anything you, you mentioned hearing noise and they were, you said you saw the officers talking to him. Did you, were you ever able to hear anything at any point of either anything that the officers were saying or what, what Manuel was saying?

A I, I heard him say a couple times that he couldn't breathe, once he was on the ground. I didn't, didn't hear clearly what, what was said before then.

Q (Det. Franz Helmcke) Okay. Could you hear anything that the officers were saying to him or yelling or anything like that?

A No.

Q (Det. Franz Helmcke) No. And you said you could hear him say something about can't breathe. Was that just one time, was it more than one time, or…

A I think I heard it about three or four times. After, after he was on the ground the police did order for the, the people driving by to continue going, to, you know, continue driving. But other than that I did not hear any orders or…

Q (Det. Franz Helmcke) So when you're, you said that you, you were looking out the window. Was that, was everything you saw and heard at that point from looking out the window? Or was, did you ever, did you exit the house or…

A So, after, after all of the police had arrived, we, I did exit the house. My spouse, my brother and I, we were outside talking, watching from that point.

Q (Det. Franz Helmcke) Okay.

A My, my bed is like this, the side of the house, and then there's a window towards the front. This side window is up high so you have to stand on my bed in order to look out of it.

Q (Det. Franz Helmcke) Um-hm.

A And that was my first viewpoint. And then I did look out the front window very shortly, like maybe a minute long, but there's, it's not a great view from right there, so, at that point I stopped watching again and was talking to my spouse. We went out and talked to my brother. Just, I, we were outside on the porch at some point.

Q (Det. Franz Helmcke) Were, the windows, any of the windows that you were looking out, were they open? Or…

A No.

Q (Det. Franz Helmcke) No? Okay. So you just heard through, you could just hear sound through the windows.

A Yes.

Q (Det. Franz Helmcke) Okay. Okay. So you, so you said you, you saw the officers were talking to him and then he attempted to get away. What, can you explain what attempted to get away means?

A They were attempting to grab him and he was scurrying. I, I don't, I wouldn't know how to …

Q So you just made kind of a, you're, you just, the motion you made here in the room, is just, you're (unintelligible)…

A Like he was trying, like they were grabbing, they were grabbing and he was trying to twist free.

Q He was trying to twist free, okay.

A Yes.

Q (Det. Franz Helmcke) When, when that was happening, when you said, when you see him trying to twist free, where were they in relation to the police car?

A They were in front of the police car.

Q (Det. Franz Helmcke) Okay. When, when they were in front of the police car there, did, did you ever see, or at that point, it sounds like, that's kind of a, at the beginning, you know, right after you, when you start hearing the noise out there and look out, did you see any of the officers on the ground? Did you see Mr. Ellis, you know, try to hit any of the officers or do anything? Did you see the officers try to you know do anything, you know hit or punch Mr. Ellis, or …

A I saw some punches being thrown by the officer. I, most I saw from Manuel was a, attempting to get free. I didn't see him try and attempt to punch the police officer or hit them. So I don't, like, just the twisting movements.

Q (Det. Franz Helmcke) Did you see any other, I guess, so, so back to where you were standing, and you said that you, you, you saw them, they were standing in front of the, the police vehicle. If they went on the other side of the police vehicle, the, like the passenger side, …

A Um-hm.

Q (Det. Franz Helmcke) Would you be able, from where you were standing would you be able to see what was going on on the other side of the, the patrol car?

A Yes. I did see them on the ground from there, yes.

Q (Det. Franz Helmcke) Okay. Did you, did you see anybody, whether the police or Mr. Ellis, did it, did you ever see anything that looked like somebody was trying to maybe tackle another person?

A The, they jumped on top of Mr. Ellis.

Q (Det. Franz Helmcke) Okay.

A Yeah.

Q (Det. Franz Helmcke) So you say jumped on top of him. So where, how was his body when you say jumped on top of him? Where was…

A He was laying on the ground.

Q (Det. Franz Helmcke) And so how, how did he get to the ground? Do…

A Either by being knocked over or tripping. I, it wasn't very clear. But in his attempts to get away he ended up on the ground.

Q (Det. Franz Helmcke) Okay. Did you, so did you see that actual process of him, how he got on the ground, or you just kind of…

A I did not see his feet from where I was standing. I could see them and then I could see him go onto the ground. I could not see…

Q (Det. Franz Helmcke) Okay.

A how he ended up on the ground.

Q (Det. Franz Helmcke) Okay. Okay. Let's see, let me come back to that. And so, so I did, have seen the, the doorbell video, and I, I think I, I think I saw you come out the front door or something, and I, and I saw another, an officer come up onto the porch. Do you remember that?

A Yes.

Q (Det. Franz Helmcke) What, do you remember when that officer made contact, did he ask any questions? Did he ask, you know if you guys saw anything or heard anything?

A They asked if we saw what started it…

Q (Det. Franz Helmcke) Yeah.

A What started the situation and if we saw anything of importance.

Q (Det. Franz Helmcke) Okay. Do you remember what you told that officer or what…

A Yes. I said that I did not see exactly what happened.

Q (Det. Franz Helmcke) Okay. And was the officer, I know there was, there was an issue with the, with the doorbell system…

A Yeah, we'd been having maintenance on it, the, the day of…

Q (Det. Franz Helmcke) Right.

A the occurrence.

Q (Det. Franz Helmcke) Okay, but was there a way that he was able to look at the video or see that there was video available? I'm (unintelligible)…

A No, we sent it in. I think almost a week afterwards, because I had to talk to my father, and he had to go through the, …

Q (Det. Franz Helmcke) Okay.

A the company that does it.

Q (Det. Franz Helmcke) So that…

A And then they e-mailed it, yeah.

Q (Det. Franz Helmcke) That evening, or that, I guess early morning, the officer was up on the porch, wasn't able to see any of it?

A No. No.

Q (Det. Franz Helmcke) Okay. Do you have something?

Q And you, you may have said this before, but what was it that alerted you to what was going on outside? Did you hear it or see it or…

A The yelling.

Q The yelling. Okay. Okay. Do you remember what that specific yelling was, or if it was just yelling?

A No. I was, I was laying down in bed, and I just heard yelling outside.

Q Okay. When I spoke to you the other day by phone, to make arrangements for you to come in to meet us, you, you had said that you heard, kind of two different sets of I can't breathe, I can't breathe, coming from Mr. Ellis. Is, is that right?

A Yes.

Q Okay.

A Umm…

Q Well go ahead.

A There was, within, like I think a three or four minute span.

Q Okay. And what I asked you then was if it was before the fighting, during the fighting, or after the fighting. And do you remember what you told me about that?

A Yes. I'm sorry. When I said throughout the span, I meant while I was watching, throughout the span.

Q Right.

A So I did not see before the fighting. I only saw from, like I said, from him standing right in front of these cars, and falling, and being on the ground.

Q Okay. So I'm, I'm talking specifically through about when you heard him say that he couldn't breathe. To, the other day you told me that one, one set of him saying that was while the struggle was still going on. And then you said you heard it again after the struggle. Is, is that correct?

A The struggle, I…

Q So…

A to me the struggle includes him being on the ground and them being on top of him.

Q Right, right, but I, and maybe I'm wrong, but the impression I got the other day was that while they're trying to detain him, he said it, and then after he was detained, so, you know, handcuffs on…

A No. No.

Q Oh, okay.

A He did not, he did not say during the initial contacting. It was after he was already on the ground that he was saying that he could not breathe.

Q Okay, okay. So he said that at least a couple times, separated by a couple minutes, but it was all after he was detained.

A Yes.

Q Okay. Okay. Thank you for clarifying that. At your house that night it's, it's you and your spouse, and your spouse is James, is it Malang? Is that right?

A Yes.

Q Okay. And then your brother is Kenneth White?

A Kenneth Ashford-White.

Q Kenneth Ashford-White. And then he was there, and then was your dad there too? Was it James…

A No.

Q Okay.

A My dad and my mom were both over in Las Vegas.

Q Okay. So it's just the three of you there that night.

A Actually Arizona, sorry.

Q Oh, okay. But, but it's you and your, and your, your husband and your brother, are the only ones, the only adults there that night.

A Yes. The only…

Q Okay. So you told us today that you have videos, some of it. Do you know…

A Like, the only adults that came down. I believe his wife was upstairs as well, asleep.

Q Oh, okay, okay. Kenneth's wife was there.

A Yes.

Q Okay. What's her name?

A Her name is Ivy Nina.

Q It's Ivy…

A Nina.

Q N-I-N-A?

A Yes.

Q Okay. Does she have a different last name or is the last name Ni, Nina?

A It's Ashford-White.

Q Ashford-White. Okay. Okay. Thank you. So, so there was no point where she came down and, and looked out or …

A No.

Q Okay. Is it possible that she could have seen something from her bedroom or is that in the wrong spot?

A No. From my understanding she did not see anything.

Q Okay. Okay. And then when I talked to James the other day he said that he hadn't seen or heard of anything. He eventually looked out, but by that time he said there were 9 to 12 police cars at that time. Right?

A Yes.

Q Okay. Would anybody else in, in the house have taken video other than you? Are you aware that anybody else took any cell phone video?

A Not that I know of.

Q Okay. Okay. I think those are the only questions I had.

Q (Det. Franz Helmcke) So, going back to when, when the officer that, that evening, early morning, asked if you guys seen anything, you, you said you remember you told him that you, you didn't. I, I don't want to, I can't remember exactly what you just said a couple minutes ago. I don't want to put words in your mouth.

A Yes. I was under the impression that your police force had some kind of camera system, something that was more substantial than me saying out of the window I saw him fall on the ground. So I did not feel like what I had was worthy of stating …

Q (Det. Franz Helmcke) Okay. Okay. You thought that there was some other like a camera in the car or…

A Yes.

Q (Det. Franz Helmcke) a body cam or something like that.

A Yes.

Q (Det. Franz Helmcke) Okay. Okay. Do you remember seeing any of the officers using a, a taser?

A Yes. The taser went off many times.

Q (Det. Franz Helmcke) Okay.

A If I had to say how many times I heard it, it would be about 5 or 6.

Q (Det. Franz Helmcke) Okay. And when you, when you say go off, what do you, what do you mean by go off?

A You, you could hear it.

Q (Det. Franz Helmcke) The…

A Could hear the zzzzz.

Q (Det. Franz Helmcke) Okay. And you think maybe 5 or 6 times what you heard.

A Yes.

Q (Det. Franz Helmcke) Okay.

A And I, my spouse and my brother both heard it going off multiple times.

Q (Det. Franz Helmcke) Okay. Did you see, when, were you, were you actually looking at them when you heard it? Like did you see where they, was, was, was the officer standing away from Mr. Ellis or was he right up next to him or…

A Umm…

Q (Det. Franz Helmcke) did you see…

A The only time I saw and heard the taser going off was when he was already on the ground.

Q (Det. Franz Helmcke) Um-hm.

A So that's why, …

Q (Det. Franz Helmcke) So that…

A I just kept hearing it, other than the one time that I saw it.

Q (Det. Franz Helmcke) Okay. And so when, when you say you saw it when he was on the ground, you heard it going off when he was on the ground. Could you tell where the officer was? And where, where the taser was in relation to Mr. Ellis' body or…

A I could not tell where, the police officers were on top of him, but I could not tell where it was on his body, no.

Q (Det. Franz Helmcke) Okay. Do you remember if, when you, when you saw that, was that aft, was that before or after the, the two cars that were behind the police car drove around?

A I think, don't recall in relation to when the cars drove around, when…

Q (Det. Franz Helmcke) Okay. Okay. And don't, don't recall any, anything else that you may have heard any of the, the involved parties say, whether it's the officers or Mr. Ellis. Just…

A No.

Q (Det. Franz Helmcke) Okay.

Q All right. Did you happen to know anybody that was involved? Did you know of Mr. Ellis prior to this incident or any of the officers?

A No, I did not.

Q Okay. Thank you.

Q (Det. Franz Helmcke) I can't think of anything else right now.

Q Okay. I got to ask you these two questions, well, first of all, is there anything else that we, that we didn't ask you about that you think we should know about? Did we miss something?

A I do not believe so.

Q Okay. Did we make any threats or promises to you about anything today?

A No, you did not.

Q Okay. And did you tell us the truth today?

A Yes, I did.

Q Okay. Do we have your permission to go ahead and end the recording?

A Yes, you do.

Q Okay. It is still June 7th, it's 1125 hours, and I'm ending the recording.

TAB 18

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 06/08/20 Beginning Time 1202 Hours Ending Time 1226 Hours

Location _____ Officer DET. RICH FOLDEN, #226/96-045

Name of Subject KENNETT ASHFORD-WHITE Date of Birth 10/29/93

Q This is Detective Folden with a recorded statement to be taken from Kennett Chance Leighton Ashford-White. I'm gonna spell that. It's K-E-N-N-E-T-T, Chance is C-H-A-N-C-E, oh, I'm sorry, is it Leeton or Leighton?

A Leeton.

Q I knew I'd mess that up. Leeton is L-E-I-G-H-T-O-N. The last name is hyphenated, it's Ashford-White, so A-S-H-F-O-R-D, hyphen, W-H-I-T-E. His date of birth is 10/29 of /93. Is, is that correct?

A Yes.

Q Okay. And then your date of birth is, or excuse me, your phone number's 253-328-2939.

A Yes.

Q Okay. And Kennett, is it okay if we record this, excuse me, record you today?

A Yes.

Q All right. And today is June 8th of 2020. It's 1202 hours. The case number for this incident is 20-063-02251. Detective Helmcke is also present with me today.

Q (Det. Franz Helmcke) All right, Kennett, so, you, you provided us a, a new address I guess, you, you live at, at a different address in kind of the Parkland area, of Tacoma. So back on March 3rd of 2020, where were you living at that time?

A I was living at my parents' address, which is 1438 96th Street.

Q (Det. Franz Helmcke) Okay.

A Of Tacoma, Washington. I lived on the attic floor, or the 3rd floor, which is the full length of the house, which gives me a view over the street. So I can kind of see and hear things pretty much.

Q (Det. Franz Helmcke) And which street are we talking about?

A 96th and Ainsworth intersection.

Q (Det. Franz Helmcke) Okay. Who else, you said a parents' house, so mom and dad?

A Yes. Mom, dad, my sister, her fiancé, her children, my wife, and I, all live in that, lived in the house.

Q (Det. Franz Helmcke) Okay. And were, were all those people that you just mentioned there that night of March 3rd?

A Yes. All were present, but all were awake or with the scene, have seen the scene.

Q (Det. Franz Helmcke) You, your, so your, your parents were there?

A From what I believe, I, I don't know if they were, or they weren't. I live…

Q (Det. Franz Helmcke) Okay. I don't want …

A on the top floor, so…

Q (Det. Franz Helmcke) Who, who, what's your dad's name?

A Joe White.

Q (Det. Franz Helmcke) Joe, okay.

A Or Jody, his legal.

Q (Det. Franz Helmcke) Okay. Were, were they, they were out of state at that time?

A Oh, I, I don't know about that. I, I don't remember if they do or not.

Q (Det. Franz Helmcke) Oh, okay. So you, you, you would believe that, that, that they were there?

A If they weren't there then all of 'em…

Q (Det. Franz Helmcke) Okay. Okay.

A I remember…

Q (Det. Franz Helmcke) Now, I guess it's not, it's not …

A I remember talking about them to them. I just don't know, I don't remember if they were there or not.

Q (Det. Franz Helmcke) Okay. Okay.

Q I mean, to cut through what Aiyana told us yesterday that they were in either Arizona…

Q (Det. Franz Helmcke) Arizona.

A Arizona, okay. So there is the family trip that they go to Arizona every year.

Q (Det. Franz Helmcke) Okay.

A So it…

Q So is, is it possible they were on that trip …

A Yes.

Q and were not there that night?

A Yeah, they were…

Q Okay. All right.

A So I, I usually…

Q Yeah, I, I talked to your father and your father said he wasn't there.

A Yeah, if he wasn't…

Q (Det. Franz Helmcke) No worries.

Q All right.

Q (Det. Franz Helmcke) No worries. So I just didn't want to put words in your mouth in saying that. So, anyways, so you, you guys, you lived there, and that night of the 3rd, were you aware of an incident involving the Tacoma Police that took place out in front of your, your residence there?

A Yes. Phys, or I could hear the woman screaming outside, so I, that's when I originally became aware of the police officer…

Q (Det. Franz Helmcke) And so, time wise. I mean ball park. I know it's a while ago, may not remember a specific time of day, but do you remember kind of around what time of night …

A Either late that specific night or early morning, the, that day.

Q (Det. Franz Helmcke) Okay. And so yeah, just go, kind of take us back and, and you know tell us what you remember about, you know, how, what were you doing at the time, how did you become aware of what was going on outside, what did you do, what did you see?

A So I was actually awake. I was playing video games.

Q (Det. Franz Helmcke) Okay.

A I stayed on same sleep shift, just so I could keep just the different, so I don't have to keep changing hours…

Q (Det. Franz Helmcke) Um-hm.

A with that. So, was playing video games and then I could hear them. So I had an AC in the window, so sound actually penetrates a little easier.

Q (Det. Franz Helmcke) And when you said you hear them, who is the them you're talking about?

A So there was a, a female in a brown car that was yelling don't punch, or don't punch him, just arrest him. And then there was a man in another vehicle behind her just saying go around.

Q (Det. Franz Helmcke) Um-hm.

A So that's the two people I could actually hear. I could not hear the officer and the person on the ground, or…

Q (Det. Franz Helmcke) Could you, could you see the officers and the other person?

A There was a telephone pole that's right at the right angle from my window, that I just couldn't see.

Q (Det. Franz Helmcke) Okay.

A I could see the cop car itself.

Q (Det. Franz Helmcke) Okay.

A But not the full…

Q (Det. Franz Helmcke) Okay.

A altercation from the top window.

Q (Det. Franz Helmcke) Okay. So you see the, the police car and then there's the, the woman's car right behind them, then another guy behind her. And you heard them yellin'. So what, what else did, did you see or hear…

A So at that point I actually went down and checked our alarm, our alarm that they had just been reset up by the Vivint who is the company who owns it. And when I tried to see what had actually initially started, the camera had not recorded. It had only started recording once the two people that actually made enough movement in front of the camera, altercation and sound. So I then went out and looked through the door and pushed the curtain aside.

Q (Det. Franz Helmcke) And so were you, you were saying that you looked at the security system. What, are you accessing that on your phone or on a device in the house or what, what were you watching it on?

A So, I could, I could watch it on my phone, but I was using the panel that's installed in the front room of the house.

Q (Det. Franz Helmcke) Okay. Was, was the option to look at it on your phone, was it functioning at that time?

A My, so all the phones were currently down. The system hadn't just, just wasn't sending into the phones itself. So the panel was usually always the main way to go. If you want to get instant access, then the panel usually is it. It only fails to actually show camera feed every once in a while, but it generally, you can still tap in and see all the other controls where the phone was just completely blocked. Couldn't load it…

Q (Det. Franz Helmcke) Okay. So you initially looked at that panel to look at the, see what maybe had started this thing. When you, when you came down stairs, and before you went, you know, looked more, went outside or anything like that.

A So I saw the, there was police officers dealing with a man, but obviously I just wanted to see what had actually started the going on.

Q (Det. Franz Helmcke) Um-hm.

A In the videos, there's several videos, of me sitting on the front porch and I have a police scanner on my app, on my phone, and I…

Q (Det. Franz Helmcke) Oh, I see…

A I listen to, try to see what's going on around the neighborhood. So, at some point I had been able to use the scanner to kind of hear what was going on, but it didn't say what started it, so…

Q (Det. Franz Helmcke) So at, at any time that, that you were, you know, looking out the window or when you were out on the porch or anything, did you see how the officers were interacting with the, the, the person they were contacting or you know having an issue with?

A I saw them, the slight altercation of trying to get him from just, from the top of his knees, and then getting him down onto the ground. Fighting him on the ground.

Q (Det. Franz Helmcke) Okay.

A I know probably 3 to 4 times the taser was at least deployed, whether it was physically connected to his body, or separated, I do not know. But…

Q (Det. Franz Helmcke) So, when you say he was, you said, mentioned he was up on his knees, or what, was that…

A He was, going, like going down.

Q (Det. Franz Helmcke) Okay. So like he was…

A Like trying…

Q (Det. Franz Helmcke) kneeling or...

A Yeah, some kneeling, kneeling or being pushed down to the ground from the kneeling position.

Q (Det. Franz Helmcke) Okay, so he was maybe, he was on the ground, like, so kneeling on the ground. Were his hands on the ground at that time or …

A I believe the police officers had, at least had his arms, force, forcing him down to the ground.

Q (Det. Franz Helmcke) And they were trying to get him to go…

A To …

Q (Det. Franz Helmcke) On, on the ground.

A To the ground.

Q (Det. Franz Helmcke) Okay. What, was this, when you're seeing this, was this when you were still upstairs or is this when you were downstairs?

A This was when I had got to the door downstairs and pulled the curtain.

Q (Det. Franz Helmcke) Okay. So lookin' at, was it like a door with glass in it, or lookin' through the window…

A It's a door with glass and it has like a curtain in it, that…

Q (Det. Franz Helmcke) Yeah.

A That you have to pull to the side.

Q (Det. Franz Helmcke) Okay. And you see, when you, when you're explaining of him being on his knees and they have his arms, they're trying to get him to the ground, where are they at in relation to the police car?

A This would be in front of the police vehicle.

Q (Det. Franz Helmcke) Could you tell from where you were at if they were like directly in front of the vehicle or could they have been, you know, more kind of in the middle of the intersection or more over towards the curb, or could you even tell?

A Four to five feet away from the vehicle itself.

Q (Det. Franz Helmcke) Just right in front of it.

A Yeah.

Q (Det. Franz Helmcke) Okay. And was that after, that was after obviously that you heard those people yell and everything. Okay. What other things did you see, you know, did it look like the police were fighting with somebody? Or you know was there actively punching, kicking, hitting…

A There was resistance…

Q (Det. Franz Helmcke) going on? So you, well you say resistance, so what, can you explain resistance…

A Like, so, the second time I had been able to pull, pull the curtain around after looking at the panel, I saw that the police officers were trying to handcuff him and restrain him. And I could physically see two officers being able to be manhandled by the man underneath them. So being able to lift up to, to fully get at officers. I personally, from the Marine Corp, I know that kit's not a light thing to carry around, so (unintelligible) or anything.

Q (Det. Franz Helmcke) Um-hm.

A So being able to lift two people that had body armor on…

Q (Det. Franz Helmcke) And, and how was, so the guy that they were, that was resisting, where, what was his body like? What position was he in when you're saying he…

A Laying on the ground.

Q (Det. Franz Helmcke) Okay. Face down?

A Yes. Yes.

Q (Det. Franz Helmcke) And the officers were where at in relation to his body?

A One was on the left hand side on the complete side of him, and then one was behind him, probably around his butt cheeks, just kind of trying to hold him down.

Q (Det. Franz Helmcke) Okay.

A So doing that.

Q (Det. Franz Helmcke) And so then the person who was on the ground was, were they pushing up with their arms or where were there arms at that time?

A Probably across the back of his shoulders. So…

Q (Det. Franz Helmcke) No, or I mean the, the, the subject, the,…

A Oh, the subject.

Q (Det. Franz Helmcke) the guy that they were…

A I couldn't see between the two police officers, and his arms, …

Q (Det. Franz Helmcke) Okay.

A I couldn't tell if his arms were restrained at the time or if he had been able to get out.

Q (Det. Franz Helmcke) Okay. I, I was just wondering, if you could see his arms, like if he was trying to push up, 'cause you said you saw the officers kind of move up like he was trying to get up with them on, on him. That's what I'm …

A Yes. So…

Q (Det. Franz Helmcke) Is that…

A I don't know, I couldn't physically see his arms.

Q (Det. Franz Helmcke) Okay.

A In the altercation.

Q (Det. Franz Helmcke) Could you, could you see, well did you see the other parts of his body, or did you just see the officers and assumed that the guy's underneath 'em because the off, the way the officers are moving…

A I could see his legs and part of his head.

Q (Det. Franz Helmcke) Okay.

A I could see like the hair and stuff.

Q (Det. Franz Helmcke) Okay. But from what you saw it seemed like he was still kind of moving or trying to get up?

A Yeah.

Q (Det. Franz Helmcke) And he, and, and with these officers essentially on his back. I, I don't want to put words in your mouth, but is that…

A Yes.

Q (Det. Franz Helmcke) safe or correct?

A That's, that's essentially what…

Q (Det. Franz Helmcke) Okay. Did you see, at any time see the officers delivering any strikes, punches, kicks, knees, anything like that?

A No, I did not see any fists thrown, …

Q (Det. Franz Helmcke) Did you see…

A elbows thrown or anything (unintelligible).

Q (Det. Franz Helmcke) So elbows, didn't see elbows or anything like that. What about the, the guy that they were having this altercation with? Did you see him do anything like that to the officers? Hitting, punching, kicking, …

A No. By the time I saw him he was mostly just being pushed down to the ground.

Q (Det. Franz Helmcke) Okay.

A And most of the altercations would have been, of his physical altercations, would have been over by then.

Q (Det. Franz Helmcke) Okay. Did you ever, did you ever see at some point then, well, let me back up. You mentioned tasers being deployed. And you said maybe three or four times. Did you, did you see the taser being deployed or hear it being deployed or …

A So I saw them, one of the police officers at least, had it on him and physically within his hand and then I never saw them pull the trigger…

Q (Det. Franz Helmcke) Um-hm.

A But I could hear the…

Q (Det. Franz Helmcke) You could hear it.

A Crack of the electric going through.

Q (Det. Franz Helmcke) Okay. Do you remember, it's, I guess it's kind of hard, the timeframe or how, how much space between each time you heard, how much time passed between each…

A Umm…

Q (Det. Franz Helmcke) activation of the taser?

A I'd say like the first few were relatively close together and then the last two or one or two were just like kind of separate times. It wasn't directly on top of the first two.

Q (Det. Franz Helmcke) Okay. And when you heard the first time, heard the taser the first time were you still upstairs or was that all stuff that you saw from the lower level?

A That would've been from downstairs.

Q (Det. Franz Helmcke) Downstairs. Could you see, when you heard the taser go off could you see where, where the officer was standing? Could you see where the, the guy that they were dealin' with was, was at? You know, what position his body was in? Was he standing up, was he on the ground?

A Um, from the top floor I didn't see any taser deployment. From the bottom it was happening within his back…

Q (Det. Franz Helmcke) Um-hm.

A On the ground. So I'd assume they were trying to get his hands too…

Q (Det. Franz Helmcke) Okay.

A Hands up so they could be able to grab them and put restraints on.

Q (Det. Franz Helmcke) And, and at that, at that point when you're seein' that happen are the people that were behind the police car, are they still there or had they driven away by now?

A They had driven away by then.

Q (Det. Franz Helmcke) Okay. So they, that was after they had driven off?

A Yes.

Q (Det. Franz Helmcke) Do you, do you remember hearing the taser activate or see them do, use the taser any time during when those two cars were still there?

A Ahh no, not directly when the cars were there.

Q (Det. Franz Helmcke) And did you, did, did it get to a point where you were ever able to see them actually get him restrained or get his hands in handcuffs?

A I think by, by the time I could physically see them restrain is by the time the third and the fourth officer had arrived to the scene.

Q (Det. Franz Helmcke) Okay.

A And by then he was fully restrained and then a little after that, I think like 12 squad cars had already pulled up and a little into that they had started CPR on him.

Q (Det. Franz Helmcke) Okay.

Q This isn't in any particular order but did, did Ivy, that's, that's your wife?

A Yes.

Q Did she ever see any of this do you know? Or…

A No. She slept, I wasn't goin' to wake her up.

Q Okay. So she, she slept through the whole thing?

A Yeah. She…

Q Okay.

A She has to go to work at 4 o'clock in the morning so…

Q Okay.

A It wasn't worth waking her up.

Q Okay. You, you went to the porch is that correct? You went outside to the front porch?

A Yes.

Q Do you remember who was out there with you?

A So I'd walked out there by myself one time, walked, had James Malang come out a little later and then I'd gone in. And then I started coming back out. Came back out and James Malang and Aiyana White had both come out at that point, at certain times going in and out.

Q Okay. And their relation to you is?

A So James Malang is my sister's fiancé. My sister is Aiyana White.

Q Aiyana, okay. Do you remember the three of you being on the porch at some point and an officer coming up and talking to you?

A Yes. So…

Q Okay. What…

A I believe he was the third officer on the scene.

Q Okay.

A And he came in and his vehicle is parked in front of the house…

Q Okay.

A in the middle of the road.

Q And what did he say to you?

A He had asked if we had seen anything and want, anything that could tell him what happened at the beginning of the arrest and why he was, why the subject was being arrested. And at that point we offered to show him on the panel, what we, what our video had actually caught. So we informed him that we had not caught the beginning so at that point he came in, took our names down and information.

Q Okay.

A And we showed him the panel, he went through the video and he pretty much said thank you and then off of his day.

Q Okay. And did you know anybody that was involved you know, prior, prior to this incident? Did you know…

A Hunh-uh.

Q any of the police officers…

A No. (Unintelligible).

Q Or did you know the person they were engaged with? Or…

A No.

Q Okay. Since that incident have you seen video of, of the incident in the media or aside from you know, the stuff that was captured by your Vivint system at the house?

A No. There, as far as I know there was no other videos of the incident.

Q Okay. And did you capture anything with a cellular phone?

A No.

Q Nothin' like that?

A The one camera on my, on the house is what I thought it was more than significant.

Q Okay.

A 'Cause my phone will not do anything different from what the house catches.

Q (Det. Franz Helmcke) Um-hm.

Q Okay.

A So…

Q (Det. Franz Helmcke) And when, when they were, you said they were tryin' to you know, get his hands behind his back or, or, were, did you hear them giving him any type of commands to do that or could you hear the police say anything to him? Or hearing the other guy, his name was Manuel Ellis…

A Mr. Ellis.

Q (Det. Franz Helmcke) Mr. Ellis, yeah. Could you hear Mr. Ellis saying anything?

A Um, there was at one point, he said I could not breathe…

Q (Det. Franz Helmcke) Um-hm.

A But at, that's pretty much the only time I remember hear anyone say anything.

Q (Det. Franz Helmcke) Okay. And kind of, and what point in this whole thing that you're watching did you hear that statement?

A I think that's probably right after the first two squad cars that arrived afterward, or arrived for backup, the first two.

Q (Det. Franz Helmcke) Okay. When backup finally arrived?

A Yes.

Q (Det. Franz Helmcke) Okay. And were you watching, you mentioned CPR, so were you watching everything while you know, backup officers are arriving? And when they were arriving could you see what they were doing to get Mr. Ellis into, into custody? Could you see where they were maybe grabbing him or touching him or what they were doing?

A At that point I wasn't completely focused so once 12 cop cars showed up it kind of just became a big blur of bodies just standing around and tryin' to help. So…

Q (Det. Franz Helmcke) Okay. But at some point you saw them starting CPR. And I'm assuming you're talking about chest compressions or you're…

A Yes.

Q (Det. Franz Helmcke) Okay.

A So they had rotated him over and then like the mass of the cops had stepped away and allowed for room for the police officer to provide…

Q (Det. Franz Helmcke) Was that, now was the, was the fire department on scene then or did they start that…

A Umm, the fire department, so they, the police officers started the CPR and then once the fire department arrived…

Q (Det. Franz Helmcke) The…

A The fire department continued on.

Q (Det. Franz Helmcke) Okay. So the police actually started the CPR and then fire continued once they arrived?

A Yes.

Q (Det. Franz Helmcke) Do you, could you estimate a time frame of you know, how long were the police working on him before the fire department arrived?

A I don't know how much.

Q (Det. Franz Helmcke) Okay.

A How long the officers were but I know they had done, combined well over 15 minutes of CPR on the man.

Q (Det. Franz Helmcke) Okay. Okay. Ahh Kennett, is there anything else that you think we should know about what you saw or heard that night? Any questions you think we should have asked you?

Anything else that you want to add to this you think is important that, that needs, that needs to be heard or you want to say?

A I didn't see anything extra…

Q (Det. Franz Helmcke) Okay.

A physically wrong with what, what happened. Somethng.

Q (Det. Franz Helmcke) Okay. Well so you said you didn't see anything physically, or didn't see anything physically wrong, is that what you…

A So, it wasn't like I'm going after this guy because he's one color or anything. Or like the officers didn't seem like they were being too aggressive with the person from the point that I had…

Q (Det. Franz Helmcke) Okay.

A physically been able to start...

Q (Det. Franz Helmcke) Okay. From where, from what, what, what you saw, it didn't seem like the force was over the top or excessive?

A Yeah.

Q (Det. Franz Helmcke) Any, anything else that you want to add?

A Nope.

Q (Det. Franz Helmcke) Nope, okay. So has everything that you told us today been the truth?

A Yes.

Q (Det. Franz Helmcke) Okay. And then do I have your permission to end the recording?

A Yes.

Q And did we make any threats or promises to you today about anything?

A No, you did not.

Q Okay, thank you. We're going to end the recording, it is 1226 hours. It is still 6/8 of 2020.

TAB 19

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 06/08/2020 Beginning Time 1015 Hours Ending Time 1045 Hours

Location CCB, PIERCE COUNTY SHERIFF DEPT. Officer DET. P. DOS REMEDIOS #240/00-001

Name of Subject KIMBERLY LUX Date of Birth 03/15/87

Q This is Detective Dos Remedios with an audio recorded statement to be taken from Kimberly Lux. Reference case number 20-063-02251. The time is 10:15. The date is June 8th, 2020 and the location for the interview is the County City Building. Also present during the interview is Detective Minion. So Kimberly, if I could have you please spell your full name and provide us with your date of birth.

A Okay. It's Kimberly, K-I-M-B-E-R-L-Y. M for Marie, and then Lux, L-U-X.

Q And your birthday.

A My birthday is 3/15/87.

Q Okay. And do I have permission, your permission to record this statement with audio?

A Yes.

Q And do you read, write and understand the English language?

A Yes.

Q Okay. So we talked a little bit before we went on recording and kind of said you were here to provide us some information that we don't know. We don't, that we need.

A Okay.

Q So I guess at this time we'll turn it over to you and you can tell us what you know about Mr. Ellis.

A I just know that he is a good man and that you know, what, how I, we were in group together for treatment and I'd known him before that too, prior, on, on the streets. And I think I've known him for about 10 years, so, and from, we, we were both in recovery and doing good. He's, he was in there on my last 6 months in there, changin' his life, goin' to church. Just doing, doing right. Getting, he was in clean and sober house you know, everyday coming in with a smile so I mean ahh, that's basically what I know. I know that he was changin' his life around you know. He di, you know everybody has a past you know, and that's it. That's what I know pretty much.

Q You said you've known him roughly 10 years then?

A Yeah, 10 years. Um-hm.

Q And you met him…

A I met him through a mutual friend. Through a mutual friend, we used to hang out.

Q So, and but you said you guys were in rehab together as well?

A At, at the last time I seen him, yup.

Q Okay.

A Last time I seen him we were at Pierce County Alliance. Um-hm.

Q Okay. So when you first met him…

A Um-hm.

Q I guess kind of what your first feelings were about him, or how well did, how long did it take for you to get to know him or feel comfortable around him?

A Ahh it took, right away. We were cool right away. You know, hangin' out at a friend's house. Brian's house actually. I think that's his best friend. And um, we would hang out all the time and then it was like see him you know, once a week. And it was 'cause I moved after that, I move from Spanaway out, out and so it was like off and on for the 10 years. So it wasn't like every day but I knew of him. Yeah, he was a good guy then and he was a good guy now. You know, so…

Q I guess what, if you were to, if you were to say what were his you know, what things about him really stood out to you? You talk about him being good guy, kind of describe with us, what makes him a good guy?

A Yeah. He was caring. Had whole, good conversation you know, always cared about his life you know. He was charismatic I would say. You know, he was always smiling you know. He was a happy person I would say.

Q Was there…

A Pretty good conv, you know, to conversate with, to chill with. Pretty laid back I would say.

Q Anything about him that you did not like?

A Nope, he was good all the way around. I'd never had a issue with him, ever.

Q Anybody personally that you know, I know 'cause we all hear stories about different people you know, how things go. But as far as…

A Everybody I know that knows him liked him too.

Q Okay.

A Yeah. We were all like friends, you know. We were all friends you know. Ev, even if I haven't seen him for 3 years 'cause it was like a 3 years stretch I didn't see him, I'd seen him again it was like just you know, like we'd never been apart. You know, like hey, what's up, you know. Like it was always, always like that. Friendly. Hey, how you doing you know, haven't' see you for a long time, you know. Never, never seen any, anything wrong with him. Or, you know. I, I always had a good time with him every time I seen him. You know, even if it was just hi or hangin' out it was always a good time. Yeah.

Q No one, as far as you knew I mean him being involved anyway, just fights with people or had people that didn't like him or groups of people that didn't like him? Anything?

A No. Nope. Didn't...

Q (Det. Monti Minion) So you'd never see him get in a beef with anybody? Get in a argument, disagreement?

A No.

Q (Det. Monti Minion) You've never seen him do that?

A Never seen that. Not from him, no. Every time I've been around him it was always cool, (unintelligible), kickin' it. Chillin' you know.

Q (Det. Monti Minion) Okay.

A Doin' good stuff you know. He's not...

Q (Det. Monti Minion) So you met him 10, 10 years ago?

A Yeah, about that.

Q (Det. Monti Minion) Okay.

A It was about 10 years ago I'd say. More than five so between five and 10.

Q (Det. Monti Minion) Okay.

A Yup. And yeah, every time I've seen him was like hey, what's up. How are you doing? You know, talk about what been doin' you know. And then that's it basically. I've never seen him fight nobody. I've never seen him argue, yell at nobody, nope. He's always had a smile on his face when I've seen him. You know like I've, I've always seen him a cool guy.

Q And you mentioned the more, more recent interactions where you guys were together, right?

A In group.

Q In (unintelligible), in group together?

A Um-hm.

Q Do you remember how long you guys were in group together?

A For 6 months. About 6 months he was in there, I think.

Q Okay. Were you guys in a group ever before that or this is the (unintelligible)?

A No, that was first time in group session. Yeah. That was first time in a treatment together, yeah. So that was um, I think that was his per, you know, his personal side and you know, every day he came in with a smile you know. Every day I heard somethin' new about what he was doin', goin' to church. Singin', you know, he's playin' drums in the church. You know he, he got clean and sober house with Cedric. You know, doing, they're you know, always tellin' about how they were doin' you know. You know, havin' fun and just hangin' out at the house and stuff so that was really good you know, to see him doin' good you know. Like literally doin' good you know. Get, having his own stuff and doin' good, yeah. He talked to his family again, that was good you know, 'cause they share a lot in group. So, yeah. So it was really nice to see that you know.

Q Do you know if he had ever participated in group or anything like that before hand?

A I think he just started at group 'cause I was in there, I was the vet of the group. I was there the longest throughout the whole thing 'cause I just graduated in March, so I was there already so he, I have never seen him outside of group. I mean I've seen him outside of group but not, that was the first time in group sessions, yeah. I mean not, we've gone every week doing that, you know. Twice a week.

Q And then I would imagine you probably learned quite a bit about him in group since it's a pretty open sharing compared to before when you guys were just kind of hangin' out?

A Yeah. But I kind of know his characteristics from before too, you know? Like um, the struggles of addiction and stuff like that. He, yeah, he had that. We all did. We, obviously we're there you know, but I don't, I don't know anything else from that you know. I just can relate to him on that aspect you know. So…

Q So if you think back to 10 years ago, 9 years ago, I know you said you moved away for a little while…

A Yeah.

Q And then when you guys were in group together…

A Um-hm.

Q Were there many changes with him? Or…

A Yeah. Major cha, I mean changes like in building independence and getting his stuff together. Like you know, his house you know, staying clean from you know, trying to get his family back. Kind of just re-establishing himself so other than you know, being on the streets and on drugs you know, 'cause that's, that, that's where we both were. So yeah, it was a big change to see no addicted to drugs and not on the street. So…

Q So when he's in group with you he's mending a lot of fences?

A Yeah.

Q He's…

A Doin' good and yeah. Church, that's a big thing. Got faith you know. Just doin' what he's s'posed to be doin' you know? Cleaning up his wreckage, that's what he was you know, of whatever you know, all what drug addiction gets you, you know? Yeah. So it was really, it was really nice to see that you know, 'cause I you know, you, when you can relate it means something. You know, when you know that person you know, that's doin' good and you can see 'em and it, you know it's, was really just really nice thing to see. And meant it. You know, it wasn't just doin' it on a fly, you know 'cause a lot of people just get recovery 'cause they have to or the system tells 'em but you can really tell he meant this, you know. You can really tell it on his face that like every day was better you know, from, from being a, in his addiction. So…

Q And I'm guessin' a lot of those things that you saw that he was dealin' with when you guys were together in group, were missing from his life in the earlier years?

A He still had the same personality. He was caring, giving, you know. He still respected people and stuff like that. He just used drugs.

Q Well I meant, I'm more of…

A Oh.

Q For me I meant more of the outside resources you were talkin' about, he kind of, with the church and his family and those things?

A Yeah, that was what, what was, I mean I, I don't know if he went to church then but I mean he was more involved in his family and more you know, involved in you know, bein' stability for himself. 'Cause at that time he was just stayin' at Brian's house. So you know, yeah, that's, that was different. That was a big difference you know? It takes a lot to get your own, strive for yourself and you know, maintain schedule and going, participating in doing right, you know.

Q Were there any, any people that you knew that he did not care for?

A Nope. Everybody I knew we all were cool. Every, everyone I knew that, yeah, we were all cool. Like I said, I never seen him not happy. He's always has a smile on his face like literally, big smile you know? Even in group he had, he had a you know, he's very happy. Tellin' jokes all the time you know, and just happy. Just really how I seen him last you know, last time I seen him he was just smilin' you know, enjoyin' the sun you know, and said I'll see you tomorrow you know. I was like wow. So that was, that was, 'cause I just seen him the night before, or the day before, that morning. And you know, at group and it's just sad to see that. It was. Um, yup. So…

Q So if someone were to ask you you would describe him as more of a positive person instead of a negative person?

A Yeah. Yeah. 'Cause he was you know, he socialized. He seen a lot of people, he was happy with everybody I knew of you know. We all hanged out, kicked you know, and ahh, yeah. So I would, I would describe him as a really good person. You know, he cared about people. You know he care, he cared. He had sympathy, empathy and all that you know. He had manners, he respected people you know? Yeah, I would say that.

Q Can you tell us, did he talk much about his family?

A On that, he was just talkin' to his mom from what I heard from you know, group and stuff and you know um, that's about, that's all I really know about that. I don't know his family too well, but I know he was, he was seein' his, from what I heard he was seein' his family. Yeah.

Q (Det. Monti Minion) Where'd you hear that from? Was that from him or from other people?

A Him in group, yeah.

Q (Det. Monti Minion) Yeah?

A Yup. And I then I heard he was goin' to church and bein' a drummer in church and doin' all that. Like they just left from church when that happened, you know? That's, that's what I, you know, 'cause me, Cedric and him were, Cedric was kind of like, well I was there before Cedric at group so he looked up to me and then like as well as, as leadership in the group you know, 'cause I been there you know. And I would always speak and then, then um when Manny came in Cedric kind of took on as the mentor you know, got him a clean and sober house. Kind of mentored him 'cause that's part of our treatment is to mentor you know, to help others and that's what we were doin'. So it was, it was cool. It was, yeah. I would say that and um, you know, we were all leanin' on each other to, to do you know, for group support and stuff like that. Resources, whatever, you know? So yeah, (unintelligible).

Q (Det. Monti Minion) Did he have any kids or a wife or a significant other? Or…

A Not really sure about that. I'm not, I don't know. I don't know. I don't know about that. I don't know if he had, I don't, not really got that deep. I think he did but I'm not sure. I'm sure personally.

Q (Det. Monti Minion) Hmm.

A Didn't really get that far, too much into that. You know, I was just workin' on self more than anything. I just know he was tryin' to spread his wings out there to his family, so I don't really, you know it's a really self-thing when you're in there. In treatment.

Q Is there anything you can think of, I mean you seem, you know, known him for a while…

A Yeah.

Q Anything else that you can think of to describe him for us you know, somethin' that you feel would be important for us to know that we don't know?

A I think you already know like you all ready know he was in treatment and you know when he was, when this happened you know, that he, everybody has a past you know and you know, he was doin', that's what I can say, he's just doin' good and every time I've seen him rather you know, on drugs, not on drugs. He was always happy, doin' good. You know like always cared about you know, that's how I've seen him. I've never seen him in any other way you know. So that, that would, I mean I think you already know that though. You know, you know he was in treatment doin' good you know, just he's not, from what I've seen on the you know, the news or whatever people say and stuff, like hitting the car or whatever, I don't believe that. I don't believe he did that 'cause it's not his character to lash out for no reason. I just don't see that. So, and I don't think he would. I don't. It's just crazy. You know, it's just crazy 'cause I don't see that person. I don't see, he's, he's always been a happy, nice person, respectful person you know, to everybody. And he always tried to help people when he was in there. You know, people that new comin' in, he'd try to mentor them you know? Try to help them come back. Give, you know, give feedback in group and stuff so it was…

Q (Det. Monti Minion) Um-hm.

A Just…

Q (Det. Monti Minion) Not to focus on the addiction part of it…

A Yeah.

Q (Det. Monti Minion) But have you ever seen him when he was high?

A Oh yeah. I just, that's why I, I told you before treatment and after treatment, yeah.

Q (Det. Monti Minion) So when he was high was he pretty much under control all the time? Or…

A From what I've seen, yeah. I mean obviously you're, when you're on drugs you're not totally…

Q (Det. Monti Minion) You have an altered state?

A Yeah. But you know, still respectful. Still you know, caring. Wasn't you know, irate or anything like that. None, none of that that I've, I've never seen him, I've never seen him mad like that. I've never seen him yell at any body, I've never seen him, none of that.

Q (Det. Monti Minion) What was his main drug of choice? I'm sorry, I don't know.

A Oh, it was methamphetamine.

Q (Det. Monti Minion) It was meth?

A Yeah.

Q (Det. Monti Minion) Okay.

A Yeah.

Q (Det. Monti Minion) So when he was high was he more agitated or was he…

A Nope.

Q (Det. Monti Minion) 'Cause usually people, you know, a lot of energy…

A Yeah. He was more quiet, reserved.

Q (Det. Monti Minion) Did he get a little agitated and stuff?

A More quiet…

Q (Det. Monti Minion) Really?

A That I've seen. And he'd talk a lot obviously, that's about it.

Q Hmm.

A And that's why he was happy and chillin' and you know, talk about our, what's going on, you know…

Q (Det. Monti Minion) Um-hm.

A Have a good conversation. It wasn't, never seen him, I never seen him upset. You know, he was always cool.

Q (Det. Monti Minion) Hmm.

A Yeah.

Q (Det. Monti Minion) While he was in treatment did he relapse a lot?

A I never, I never seen him relapse. Not one time. I've never, or, or heard about it. I never, never seen that, nope.

Q (Det. Monti Minion) Okay.

A He was pretty straight.

Q (Det. Monti Minion) So he pretty much had a hold of it and he was trying to beat it and…

A Yup.

Q (Det. Monti Minion) He was trying to move on.

A Yup, definitely. Definitely. Definitely. I mean, in all ways, you know, with his faith, his friends, you know, who he hanged out with, he only hanged out with people that were in recovery. You know, he lived with, in recovery, you know, and he lived, breathed, and worshiped recovery. That's what he did.

Q (Det. Monti Minion) Hmm.

A 'Cause he, you know, he was really, really doing good. Yeah.

Q So during those last, you said about last 6 months that he was in group…

A I think so, yeah.

Q You guys were in there.

A I think it was, about, it could be about a little less, but I think he was in there for 6 months, about that. I'm not accurate on that, where I'm totally…

Q Doesn't, not exact, just…

A Okay.

Q to kind of get a, trying to get a rough idea…

A Yeah.

Q So, 'cause we know, like you mentioned, years ago you guys would hang out, do different, you know.

A Yeah.

Q Hang out with friends…

A Totally different life, yeah. Um-hm.

Q Yeah. So then these last, while you guys were in group together, we'll just say that.

A Um-hm.

Q We don't know how, exactly how long…

A Okay.

Q Did you guys do things outside of group together or was it just group?

A No, just group. Just, I've only seen him in group and um, you will, I'll see him on break at group you know, but nowhere off the campus, no. I've only seen him at group and on campus. And then, but he lived with Cedric and we all talk, so Cedric knew a lot about what he would do on a daily, which go to church, you know, stay, help him out, with whatever he needed to do. Kind of, you know, mentor basically. And then come to group. That's all I would know. Yeah.

Q So prior to you guys being in group together…

A Um-hm.

Q Had it been a while since you'd seen him or did you guys…

A Yeah. It has, it was like a couple years. A couple years. And um, yeah. And that's when I seen him, and then it was off and on you know. But every time it was, you know, hey, what's up, how are you doing, you know. How you hangin' in there, you know, you know, hope to see, you know, hope to see you. 'Cause some of the time when I seen him, I was in recovery too. You know, and he's like yeah, I'll be there one day, you know. And then here he was. And it was just like hey, that was really nice, you know.

Q How often were your group meetings?

A Oh, it was twice a week. Well they go four times a week when they first start, you start four times a week. And then you drop down to two, two a week, and then, yeah, so I seen him twice, maybe three times, 'cause sometimes I had a makeup day, so, yeah, two to three a week, days a week.

Q And then how long normally are your group meetings?
A Two and a half hours. Um-hm. It's long. It's from like 9 to 11:30.

Q (Det. Monti Minion) Hmm.

Q Yeah.

A Sometimes longer.

Q And if you are able to share, 'cause I know you guys, there's certain things you talk about in group that you don't share outside of group…

A Yeah.

Q But roughly…

A And I don't know, thank God I graduate, 'cause you gonna break confidentiality.

Q Well, we're not lookin' for names, I'm just curious how large of a group did you have?

A Oh, not very. We can't have more than 16 people in there. And that's with two staffs, so on a regular basic day would be 10, at the most. But not all, you know, that's on a good day. You know, like, there's, it's usually pretty small group, like enough for a table. Yeah. So it's pretty quiet. Yeah. That's how we get to talk for two and a half hours. Know about everything, you know. Yeah.

Q And he was just himself, I guess in, in group?

A Yup.

Q It didn't feel like anyone was prying information, he was sharing as equally as everybody else.

A Yeah. Yup. He talked, you know when he need, he needed to, when he felt like it. He helped people when they needed it, people that were coming in, you know. That are new. Spoke, helped them. Yeah. Listened, you know. Yeah. Yup.

Q And during the time when he first started coming to your group…

A Same thing. Came in there, hittin' the ground runnin', doin' good.

Q And you noticed him improving or a noticeable improvement?

A Oh yeah, 'cause that's, I mean he came in there, not in clean and sober house, obviously, he come in there just startin', and then you know, got connections with Cedric, you know, helped him out, hey Manny, he's, I know Manny, hey what's up you know, and got resources, got his self up, yeah. He changed. I mean, establishing a lot more, you know. Going to church and you know doing the thing, the AA meetings and whatever you need to do to get, what they tell you to do. Yeah.

Q And I don't know if he was able to or if he was doing, you know, employment wise or…

A I have no clue. I think he was trying to get a job. But I don't know how that worked. I think, I didn't, I don't think he had a job but I think he was trying to get a job.

Q Okay. I'm curious. I didn't know if…

A Yeah.

Q that's something that…

A But he might have got one after, I don't, I, I really don't know. But I think he was looking for employment. Yeah.

Q (Det. Monti Minion) Did he have, did he have any skills? Was he a, was a carpenter or do you know what he wanted to do?

A I think he was a const, I did, think he was like a construction or something like that.

Q (Det. Monti Minion) Was he in construction?

A Yeah. I think that's what he was talking about. Because I know Brian's a plumber, and he worked construction side jobs. And I think he was askin' Brian for a job one time, and to do that, but yeah, I think that's what he did.

Q (Det. Monti Minion) Okay.

A What he liked to do, yeah. I don't know what kind of construction, but something like that. Something manly, along those lines. Yeah. 'Cause him and Brian had a real good relationship. They were best friends.

Q Did you know that he could play the drums?

A Yeah, I heard. He would play it sometimes in class when he had two pens.

Q Before class?

A Before class, yeah, I did, 'cause he would, have little on the tables, and then, but he can play real good. Yeah. I heard from church, yeah, he was doing that. Singin' in the choir too.

Q (Det. Monti Minion) Hmm.

A That's amazing. Yeah. I'd never seen him play though, but I've seen him like you know tap pens, stuff like that, so, yeah.

Q (Det. Monti Minion) What did he, did he ever talk about what he was afraid of?
A No, not, no. Nope…

Q (Det. Monti Minion) Okay.

A Not afraid of anything. Just you know, he, whatever, like it's crime, you know, everybody's afraid of like going to jail and stuff like that, but I think that like, he faced it head on by doing his actions, doing what he's doing, you know, he's, but other than that, no, he don't have no, no.

Q (Det. Monti Minion) Is there anything else you can think of, that you, that you think might be pertinent?

A No.

Q (Det. Monti Minion) Do you know anything about the actual incident that happened? Have you heard…

A I heard, so when the incident happened, Cedric, who he lived with, called me first, said hey, Kim, Manny died. He went down on 96th and Ainsworth, going to get something to eat, left, they just came back from church, and he said he was hungry, he was gonna go get somethin' to eat, and then you know a couple hours later he found out you know he died. And so he called me and told me that. And so that's what I know. And they…

Q (Det. Monti Minion) Okay.

A 'Cause I just seen him, I was like well I just seen him earlier at group, you know, what do you mean, you know. It was just, couldn't believe that. And that he said that he's, the cops said that he was banging on a car, and or somethin', trying to wave down cars, and restraint, and I was like, and then that he choked to death. So I, I just couldn't believe that, you know, like, it is, that's all I heard from Cedric at that time. It was like less than 24 hours after that happened.

Q (Det. Monti Minion) Hmm.

A So, I just couldn't believe that.

Q (Det. Monti Minion) Okay.

A Yeah.

Q (Det. Monti Minion) It sound like some, somethin' that was out of character for him?

A Yeah. Out of character for the whole thing, like, you know, it just was just, I don't believe that, you know, I just don't believe that, not at all. I just don't. 'Cause he had, you know, like to resist or somethin' like that, he wouldn't, why would he do that? He didn't, he was up on all his stuff, you know.

Q (Det. Monti Minion) Yeah.

A There would be no reason for him to do that, you know. In group, in class, you know, going to the next day, was gonna go to group, you know, like there's no reason for him. There, it was out of his character, even when I try to think of a reason, no, I don't see one, I don't. I don't at all. And yeah, we'll say, yeah, very out of the character. Very shocking to hear how, how it happened.

Q (Det. Monti Minion) Okay.

Q I don't think I can think of much else.

Q (Det. Monti Minion) I don't think I have…

A Did I do good?

Q (Det. Monti Minion) You've done fine.

A Okay, good.

Q (Det. Monti Minion) Yeah.

Q Okay. So Kimberly, do you have anything further that you would like to say at this time?

A I do not.

Q And just so, I want to make sure 'cause I cannot remember if we stated this at the beginning. The person that we've talked about this entire time is Manuel Ellis.

A Yes.

Q Okay. 'Cause I know you mentioned Manny. I believe I said Mr. Ellis, but I don't think I said his …

A It's Manuel Ellis, yes.

Q His, his full name.

A I call him by Manny. Yeah, everybody calls him Manny, so.

Q I just wanted to make sure we got that.

A Yes.

Q So…

A Um-hm.

Q Okay. Anything else that you would like to add?

A No. I just, get justice for what happened, you know. I don't think he deserved that. I, I just, I do think it was, you know, the police doing, you know. That's my opinion. I, I believe that they restrained him too much and killed him. And, and it could have been avoided. I really do feel that.

Q Kimberly, have I made any threats or promises to you to influence your statement?

A No.

Q Has everything you told me been the truth to the best of your knowledge?

A Yes.

Q And do I have your permission to end this recorded statement at this time?

A Yes.

Q This is Detective Dos Remedios, ending this statement at 10:45 a.m., on June 8th, 2020.

A All righty. Thank you.

PIERCE COUNTY SHERIFF'S DEPARTMENT

STATE OF WASHINGTON
County of Pierce

Case Number 20-063-02251 Date 03/12/2020 Beginning Time 1253 Hours Ending Time 1332 Hours

Location 1815 102ND STREET SOUTH Officer DET. SGT. B. BROCKWAY, #161/96-082

Name of Subject CEDRIC ARMSTRONG Date of Birth

Q This is Detective Sergeant Brockway with the Sheriff's Department Pierce County. This is reference case number 20-063-02251. It is March 12, 2020. We're at 1815 102nd Street South. It's 1253 hours. This reference incident that occurred on March 3rd of 2020. This is an interview with Cedric, and I'll spell his last name, is Armstrong. A-R-M-S-T-R-O-N-G. And Cedric's phone number's 206-498-9046. Also present is Detective Helmcke. Cedric, do we have your permission to record this statement?

A Yes, you do. Oh, man please.

Q And we're in the 1800 block of 102nd Street South in Tacoma.

A Kids.

Q No problem. Cedric is this, so you kind of help manage the house here?

A Yes.

Q And what, and what's the title of the, of the, like the residence here? The resident title?

A Well this is our, actually this is our home residence but um, we call our transitional houses God's Hands.

Q God's Hands, okay.

A We have one here and one 43rd and Pacific, right behind Connie's donuts.

Q Okay.

A It's a 10 bedroom.

Q How long've you guys lived here?

A Ahh, we've lived here almost a year. It's coming up on there and we stayed at the other one for about five years. So…

Q Five years. And long have you had the transitional housing here at this house?

A Since, since we moved in.

Q About a year?

A Yes. September. I wanna say September.

Q Okay. And is God's Hands, is that through like church, a church group or…

A Ahh…

Q Is, is it separate?

A It's separate.

Q Okay.

A It's separate.

Q Gotcha.

A And you know, we're tryin' to get it to the point where we can have, be regulated by the State where we can get funding for…

Q Okay.

A You know, from the State.

Q Gotcha.

A Just not at that point yet.

Q Okay. So tell me just a little bit 'bout Manny and how long he's been stayin' here?

A Ahh, well Manny, um, about three months ago. He was at our other residence.

Q The one on 43rd Street?

A The one on 43rd, yeah. And…

Q How long was he over there for?

A Ahh, I want to say about a month. Maybe a month and a half.

Q That's 43rd, okay.

A Maybe two months. Maybe. And then we moved, we had, we had some issues over there with some people and so we got him out of that situation. We wanted him to be in a safe environment while we were tryin' to get those other people out, who obviously, they continued to use.

Q Um-hm.

A And we had to, and I, and we just didn't want him around there 'cause he was doin' so good, you know. He was goin' to Pierce County Alliance.

Q Um-hm.

A There they, you know, it's a drug and alcohol treatment thing and they, they UA him regularly. We actually UA our clients too.

Q How often do you do the UA?

A Well…

Q Kinda random?

A It, it's definitely random so we catch, you know, nobody can you know, there's ways to beat UA's, whatever. People try using other people's urine, all that stuff. So our thing is just random.

Q Um-hm.

A So if we look you in the eye and something seems off, or we get a call from other residents saying something's off, we'll just pop up and say hey man, pee in the cup, you know. And um, and I will say that Manny had passed all his UA's from us and P.C.A., you know. Some of the clients that we get, we ask that they give us a release from whatever treatment center. We require that they do outpatient…

Q Um-hm.

A You know, when they get out, and follow through what, whatever they're prescribed or you know, when you go in there. And a lot of people are on Suboxone and all this other stuff. Which you know, it, you can overuse that.

Q Yeah.

A We don't have a, you know we have a test for that but it doesn't tell you levels.

Q Yeah.

A And so um, we've had issues with people overusing it and so we've had them go get tested, you know, at like P.C.A. or (unintelligible) Life or somebody that does it and it comes back in three days and then it's, it tells us what's goin' on.

Q Okay.

A In a bigger, wider scope. I mean our UA kits does have Meth, Cocaine, you know what's, all of 'em...

Q The local street drugs?

A Yeah, the local street drugs. Definitely, definitely I would just say that.

Q And how, how was he as a client livin' here the last three months?

A Oh man, he was great.

Q Um-hm.

A He was great. He actually, there was an incident at the other house where one of our best tenants, I don't know what happened, he went through, you know he had got a job. He's always kept his room clean, did his chores. His name was Terrance and he had went away. His job at, he got a job at asphalt company. They took him to Portland, he came back. He was gone for a week and then all of a sudden, he was not the same person.

Q Um-hm.

A Where we asked to UA him and he, he refused. And then he told us that we needed be UA'd and then we told him you can't be up in here high. We usually give people a chance, like man, come talk to me tomorrow and something but you cannot be up around people and trigger them 'cause...

Q Right.

A one person can make the whole house sick obviously, right. He left, came back. Said he, he wanted his bike. I just walked him downstairs, didn't even say anything, unlocked the shed, gave him his bike and he was walkin' out and he turned around and said I ought to stab you in the neck.

Q Um-hm.

A Pulled out a knife and so we're, it's just, the records are there. So we're in front of this and he's jabbin' at me.

Q And this is over at 43rd East?

A 43rd. And Manny came out and tackled dude.

Q Hmm.

A And um, and I think that might've been one of the reason's why we moved him out of here, out, out here. 'Cause like I said, we had to redo the whole house and get everybody out that was sick.

Q When was that incident?

A That wasn't that long ago.

Q Did Tacoma police come out and everything?

A Yup. Yup. Yup.

Q Okay.

A Took a statement, the guy he was, he was in jail for two counts of 2nd degree assault.

Q Okay.

A With a deadly weapon.

Q Okay.

A But he cut Manny on his hand, when Manny...

Q Oh, he did?

A Yeah.

Q So Manny was a victim as well?

A Yeah.

Q Okay.

A Yeah. But again, he, he came to the rescue. It wasn't like you know, and he held him down 'til the police came.

Q Um-hm. Okay.

A You know he just held him in a some kind a wrestling mode and the police came and they said let him go and he let him go.

Q Okay.

A But...

Q And just for the record so I'm, I'm (unintelligible) talkin' about...

A Yeah. Yeah, no, I know.

Q Man, is this Manuel Ellis?

A Man, yeah. Manuel Ellis.

Q He goes by Manny?

A Yeah.

Q Okay.

A Yeah, we call him Manny. Manny joined our church, we required that you go to church at our houses, once a week. We don't care where you go because the principles keep you grounded, you know.

Q Which, which church is that?

A Last Days Ministries on 11th and J, right on the corner.

Q Okay.

A And he joined the church and you know, he started playin' drums. He said he hadn't played drums in, in years and he's a great drummer, you know.

Q Um-hm.

A I'm a drummer too. He was way better than me, right. And he just fell in love with, with goin' to church. Where, where there was days where I would struggle and he's like Ced man, you come to get me for church, you know. And I'd, I, our van there, we go and pick everybody up and take 'em to church you know.

Q Okay.

A He was always man, you coming to get me? And I was like ahh, I wanted to stay home and watch the Seahawks, or something, he's like. So, but in that again, and like at P.C.A., he was always helping hand, helping people. You know, helping people that were struggling, you know. And he, of course he had his demons. You know, we talked about it. He, I know he was on a medication that made him kinda like sleepwalk...

Q You know what?

A That he mentioned, he mentioned to me.

Q Did he ever talk... okay. So...

A I mean...

Q Like a sleepwalk med? Okay.

A No, like he, and it made him rest, and then it made him restless. Like a couple times the tenants came downstairs and said hey, Manny's you know walkin' around and you know, like he was incoherent of what was goin' on. And so it brought us to our attention and you know, we confront, say hey dude, what's goin' on? He said man, it's my meds.

Q Um-hm.

A And sometimes they make me restless and that's when he walks and goes up to the store and gets some snacks.

Q Do you know what he, the medication was for? Did he ever tell you?

A I, I wanna say no, I can't quo, you, I guess you are quoting me. Someone else told me, at P.C.A., that it could be for Schizophrenia. He's never said that to me.

Q Never, never first person?

A No, never first person. But whatever he was taking made him restless where he had to walk before he you know, could wind down. This continued...

Q To burn off some energy?

A Yeah. This particular night we had church revival on the 3rd, Tuesday.

Q On the third, yeah. Did you guys wind up, you guys went to church that night?

A We went to church. Church lasted 'til about almost, almost 9:30, and we came home, cooked burgers. I remember Manny sayin' he was hungry. They got a kitchen down there, but we had made burgers up here and I said, I said hey dude, you hungry? And he said, he said yeah. And so I made him a couple burgers. And this is where the timeline for me, you know, it was 10:30 when I went downstairs and gave him the food. His roommate Mendel, Mendel Everson

Q Mendel, M-E-N-D...

A Everson.

Q Emerson?

A Ever.

Q Ever.

A Everson.

Q Mendel Everson, okay. Go ahead.

A Manny was you know, and I asked Mendel if he wanted some burgers, he said no. And then I came upstairs, and then I guess about 10 minutes later Manny called me down and asked me for a piece of paper and I said, I, okay, and I gave him a piece of paper and then that was, that was at 10:30.

Q Um-hm.

A And came upstairs. And the next day I was gonna take 'em, take everybody to Pierce County Alliance, Mendel had been going there for about a week, right? Manny had been going there for months. I want to say probably five, five months, right? And it was 8 o'clock and when I knocked on the door, their door to say hey you guys, get ready you know, nobody answered. And I was, so I thought they might've just been asleep. So I went upstairs, grabbed the key, opened their room door, TV was on, like video game chairs was set up. Like, like they had been gaming. Somebody's phone was on the bed. It just looked like they had abruptly left and never came back, right?

Q Um-hm.

A So I left and then later we, my, my wife wind up getting a call from his sister...

Q Um-hm.

A saying can you, the coroner just asked 'em can they come and identify the body. And we were like what are you talkin' about.

Q Um-hm.

A You know. And then when we look at the timeline when they said it was like 11 something I mean, it took, take that long just to walk up and if, if it happened on 96th and Ainsworth, it's just a walk up and over...

Q Um-hm.

A So it's like...

Q But you didn't see, you didn't see him leave other than you saw him about 10:30?

A We didn't see, we didn't see him leave. I didn't see him leave with Mendel.

Q Yeah, okay.

A I just...

Q And for, as the house is set up there's exit, is there an extra door downstairs so they can...

A Yeah, they go out the basement door.

Q go out on their own?

A Yup.

Q But you didn't see 'em just walk out?

A No, no.

A (Kimberly Mayes) Hello.

Q Hello.

A (Kimberly Mayes) Kimberly Mayes.

Q Hi, Detective Sergeant Brockway. And we're recording, is it to record your voice too?

A (Kimberly Mayes) Okay.

Q Okay.

A (Kimberly Mayes) (Unintelligible).

A So again, while this, while we heard the news about Manny...

Q Um-hm.

A And then now we're trying to find Mendel and we're calling and there's you know, again this was his third time probably, this would've been his third time relapsing and we let him back. And we told him this was the ultimatum, that he does his outpatient and all this stuff. And then he, at this particular moment he didn't show up, he didn't come back and he went to .

(Phone ringing)

A (Kimberly Mayes) Hello? He's on a (unintelligible).

A his job, which is one of our church members. And told him that he's quitting, he wants his money for his pay and that we...

A (Kimberly Mayes) That we can rent the room out and do whatever we want with his stuff.

A That he's not comin' back and we can do whatever we want with the room.

Q And what does, what was Mendel, had he used in the past?

A Meth.

Q It was Meth? Did Mendel indicate anything like he was with Manny after he left?

A (Kimberly Mayes) We haven't talked to him.

A We haven't talked to him.

Q Just, just got news that he's not coming back basically?

A Right.

Q Okay.

A (Kimberly Mayes) And, and just to jump in...

Q Yeah.

A (Kimberly Mayes) Just to recap, I want to make that you guys and he did tell how that he's being UA'd by P.C.A...

Q Yeah.

A (Kimberly Mayes) and by us.

Q And everything's been clean with...

A (Kimberly Mayes) Right.

Q Manny.

A (Kimberly Mayes) And he's been goin' to church almost every single day.

Q Um-hm.

A (Kimberly Mayes) Playin' the drums and the last...

A Three times a week, definitely.

A (Kimberly Mayes) The last night we was with him he was so stoked, he wanted for me to get his sister and his mom to come 'cause it's where he changed his heart and his mind and throughout the time he's been stayin' with us, he's been volunteering, being an asset.

Q Um-hm.

A (Kimberly Mayes) Just going, being a, just a great role model in class. It's reported that he um, keeps people you know, grounded and he participates, asks questions you know, so he's (unintelligible). That's the kind of person who's made a life change, you gotta change everything about you. 'Cause we're, I'm 16 years recovery, he's so many years as well.

A Yeah.

A (Kimberly Mayes) So then we moved to our house, how safe he was and how much we respected him and admired him...

A That we brought him here.

A (Kimberly Mayes) We go to our, this is our property. We have a 10-bedroom over on 43rd that we rent rooms out of. So we brought him here 'cause I want somebody I trust here a elder gentleman, two older people (unintelligible) downstairs, and my nephew. So why, he was like family.

Q Um-hm.

A (Kimberly Mayes) And my husband and him spent time together almost every single day so he was on point. So I'm confused about, I just hate to hop in, is how he'd leave at 10 something to go do your regular routine, we'll every time he left after 10 somethin'.

A Yeah.

A (Kimberly Mayes) To get your snack from 7-Eleven and then now come up dead, in police custody agitated. He was so overjoyed and happy and peaceful. He didn't, in fact, we got this thing he was writing, he got some, this hard paper from my husband...

Q Um-hm.

A (Kimberly Mayes) And started writing his goals. You wanna show 'em, you show 'em the goals? This is the last thing he wrote, so he's definitely coming back.

Q Yeah, we can, we can take it.

A (Kimberly Mayes) He wrote down something. It's three crosses and it says, what'd it say?

A It said ahh, it said this too shall come to pass and then it said one, I call my son.

Q Um-hm.

A You have that paper?

A (Kimberly Mayes) (Unintelligible).

A Two, it said call King County, for whatever reason. And then it said three, and it said stay and he wrote like he was righting sober...

Q Um-hm.

A And he wrote S-O-B, and then something stopped.

Q Um-hm.

A He'd stopped.

Q Um-hm.

A Right?

A (Kimberly Mayes) This kinda (unintelligible) mind he's in. Between 10:30 and this, this paper from my husband. From 10:30 'til 11:20 (unintelligible) day.

A That's (unintelligible), yeah.

Q And I'll take a picture of it too.

A (Kimberly Mayes) And the back too.

Q Okay.

A (Kimberly Mayes) (Unintelligible) sound like he had some court issues he was tryin' to remedy, he was gonna right a letter 'cause he had no paper and my husband handed him hard paper instead of...

A I could find anything.

A (Kimberly Mayes) Yeah.

A Just grabbed somethin'.

A (Kimberly Mayes) See, and so that's his faith and he kept, he gave it back to the Lord and he'd start changing.

Q Hmm.

A (Kimberly Mayes) You know. Right before...

Q Sounds like no issues with him in the time you guys had him.

A (Kimberly Mayes) Hunh-uh.

A No, we didn't have any, any issues with him.

A (Kimberly Mayes) No. So much so we brought him over here...

A Yeah.

A (Kimberly Mayes) about a month ago.

A Yeah.

A (Kimberly Mayes) And I feel bad, maybe if we had left him over there and he wouldn't been walking down the street and encountered a police. What I'm concerned about is the, the moth, the sister states she listened to the video tape and he yelled I can't breathe twice.

A I can't breathe, I can't breathe.

A (Kimberly Mayes) That's when police needed to use a stun gun and got picked back up if there was any kind of a, kind of dispute, which I don't, couldn't see him acting like that at all, clean and sober.

Q When he would go, I think I asked you earlier, did he like to go wander up towards the 7-Eleven on, on Hosmer? Or...

A (Kimberly Mayes) He would go like to, so Ain, Ainsworth, turn left and then walk down to the 7-Eleven.

Q Okay. Like the one...

A I think, I think it's the one up.

Q Like that one over there or the...

A (Kimberly Mayes) He'd go 100 and, up here to, to Ainsworth, turn left to 96th and Ainsworth, turn left and go to the 7-Eleven. That's the way he would go. He doesn't go down that street 'cause triggers are down there. He doesn't go that way. He goes this way.

Q (Unintelligible) Ainsworth?

A (Kimberly Mayes) He goes up to Ainsworth, turns left to 96 and Ainsworth and then turns left to 7-Eleven, same way anybody walks there goes. Nobody wants to go down that street...

Q Yeah.

A (Kimberly Mayes) It's scary down there.

Q Okay.

A (Kimberly Mayes) On that side.

Q So it's not uncommon for him to go out...

A (Kimberly Mayes) No, it's...

Q Go get some snacks.

A (Kimberly Mayes) 'Cause he some medication, he sleeps during the day...

Q Um-hm.

A (Kimberly Mayes) 'till like 10 or 11 and so then he's up at night. So it's very usual for him to go to get a, to snack at night when he has food stamps. For about half the month he does that and (unintelligible) so he has his food stamps.

A And now, now when she said 10, 11, I guess that would not be including the days he go to P.C.A. So he, he's definitely gone at...

A (Kimberly Mayes) Oh yeah, on days he goes to treatment he's up early and gets outta here.

A Yeah.

Q Okay. Do you...

A (Kimberly Mayes) But other than that he'd sleep in.

Q Do you guys have a contact for Pierce County Alliance?

A Yes.

Q A Certain person that you'd...

A Yes, two.

A (Kimberly Mayes) Two.

Q Okay. I'll grab that from you here.

A Yeah, I'll get Joan and Stacy.

Q Joan and...

A (Kimberly Mayes) And then there's other, other people who, he had a, we had a memorial for him...

Q Um-hm.

A (Kimberly Mayes) over there and all his current, his best friend you gonna give their numbers?

A I don't have Brian's number, but he actually goes to P.C.A.

A (Kimberly Mayes) He goes to P.C.A., they can hook you up with him.

Q Okay

A (Kimberly Mayes) 'Cause Brian his best friend.

Q Brian is his best friend?

A (Kimberly Mayes) He talks to him all the time. Well what the guy in the dreadlocks?

A Ahh, that's another one his, I don't remember his name. (Unintelligible).

A (Kimberly Mayes) Lot of his friends and people in the community. Like dang he had a lot of people there that really was proud of him and...

A Yeah.

A (Kimberly Mayes) and, and, they're all people in the sobriety community so they can attest he's been clean and sober this whole time.

A 'Cause he's from here. He's from you know...

Q Grew up in the area?

A Yeah, he's grew up in, in...

A (Kimberly Mayes) And what concerned me was the way they wrote up, even though I advocated for a different story to be written up and they did put some positive things, they kept adding that one piece that he did before, which made it look like maybe he did something like that again. Which I can't even fathom being in recovery myself, that someone would leave from a very peaceful, goal-oriented state, on top of the world. Wantin' his mom and sister to come to church with him 'cause it's so awesome, how he feels and all that, praisin' the Lord and then go into a agitated state.

Q Um-hm.

A (Kimberly Mayes) Within less than an hour. So that's my concern. I still want to have some answers, the family does too, about when he said he can't breathe what was the next, what was the proper protocol instead of continuing the choke holds and all (unintelligible) do that.

A And again, all the cars...

A (Kimberly Mayes) You have to do the same to somebody...

A have cams, so it's like...

Q No they don't.

A They don't?

A (Kimberly Mayes) And then what also bothered me was that...

Q Yeah, there's not...

A (Kimberly Mayes) What also...

Q Certain ag, a lot of agencies don't have dash cams or lapel.

A Oh, wow.

A (Kimberly Mayes) What also concerns me is that, in that, that really quick statement the police were already trying to diag, lay policemen were diagnosing him, his symptoms as the disorder and put that in the news article and not having to be, his corpse not even being dead, gone 24 hours. So how, what it looks like to me, why would you bring up a diagnosis and you just, lay, lay policemen, unless it's something that you try, I don't know. To me, I think sometimes, this is...

Q Um-hm.

A (Kimberly Mayes) human nature. And wonderful police officers, I definitely support the police, even when I was out there they'd call me a police lover or whatever. 'Cause I respect your job, you got a job to do. I had a job to do and those conflicted. But what bothers me is that police officers, from my experience out there on Hilltop, do restrain in manners that can take people out because you're taught a certain way.

Q Um-hm.

A (Kimberly Mayes) And sometimes in the fervor when someone say they can't breathe, the person's more interested in restraining that person than to even focus on them breathing.

A Well you're gonna struggle when some body's choking you.

A (Kimberly Mayes) So I'm thinking we have tasers, right?

A You are going to struggle (unintelligible)...

A (Kimberly Mayes) There's a better way to, if that happened, I can't, I still (unintelligible) can't even imagine him goin' from the state he was in, walkin' around the corner beatin' on some police car.

A Um-hm.

A (Kimberly Mayes) I don't know what happened but even so a taser would've been sufficient. Or someone say they can't breathe. What is the protocol for police officers after they say they can't breathe, to make sure they, the person airway stays open?

Q Um-hm.

A And, and whether the paper wrote this up or not, for them to say that the paramedics came and they did CPR for 40 minutes...

A (Kimberly Mayes) CPR for 40 minutes, he died one minute...

A I mean unless you're the President. (Unintelligible).

A (Kimberly Mayes) before they got there. It's like they got to get out the truck, got to get out the truck, come over there...

A If you're flatlining and to do, someone to do CPR for 40 minutes is a long time...

Q Um-hm.

A for them and then they pronounce them dead.

A (Kimberly Mayes) Before they put 'em in the ambulance and take 'em to a hospital so they can keep 'em alive. Anyway, that's a different...

Q Right.

A (Kimberly Mayes) fight. That's a paramedics job, to, my dispute and concern and I hope the people are really lookin' in it from a objective...

Q Yeah. That's what...

A (Kimberly Mayes) Not say the police officer (unintelligible)...

Q Um-hm.

A (Kimberly Mayes) Um, perspective that one, he left here in a regular state, as normal.

Q Um-hm.

A (Kimberly Mayes) Normal, very, enhanced great week. He had job opportunities, just everything was great. And then also him sayin' he can't breathe, the protocol for that, some, some answers around that. And that diagnosis. That just throws me off. As a Detective or a scientist off duty...

A And then, and okay...

Q You're talking about...

A And not to do the racial profiling thing but we had, Mendel, he was on a psychosis run.

A (Kimberly Mayes) Um-hm.

A He came here howling at the moon...

Q Um-hm.

A We called the police, right? And they told us they...

A (Kimberly Mayes) Well he first he was banging on our vehicles right. (Unintelligible) I know demons wasn't callin' me. And he (unintelligible) outside, that's not Mendel, whoever that is in our yard. The police came and then I had to call the Sergeant because I was, I didn't like how he handled it. I said (unintelligible), he's still screamin' and hollerin' but he's moving away from my house. He just got through beatin' on my vehicle. And he said...

A (Unintelligible).

A (Kimberly Mayes) I said, well you gonna take him in so you can help him out, you gonna leave him out here in this state, I'm cold, I'm hot, I'm cold, I'm hot, just crazy gone...

A It was....

A (Kimberly Mayes) Not Mendel at all.

Q Um-hm.

A (Kimberly Mayes) And the officer said no, he's not hurtin' nobody. But I believe after I called the Sergeant...

A And it's not illegal to be high.

A (Kimberly Mayes) Right. They said he probably had a bag or something that day. So he can take, search the bag right? People have been searched for less reason then that. I've pulled over in front of (unintelligible) back in the day. And they searched me for less probably cause. Anyway, um, um, then he got arrested, 'cause I believe he got in some white person's yard and messed with too much.

A Um-hm.

A (Kimberly Mayes) And he got arrested like hours later. I'm like hold on...

A And then...

A (Kimberly Mayes) So then there's this black male walking from our house to the store and he's, he came, at this corner he's dead after sayin' I can't breathe. So I'm just having a hard time not you know, 'cause certain police...

A (Unintelligible).

A (Kimberly Mayes) (Unintelligible) I seen the guy with the cigarettes on TV. That was not a everyone (unintelligible) he said I can't breathe. 'Member the man (unintelligible) cigarettes on TV?

A That's in New York.

Q In New York, yeah.

A (Kimberly Mayes) That's crazy. Like let go, it's only cigarettes. He's not a mass murder pedophile, sex offender. And let him breathe and tackle him again, or tase him.

Q Yeah.

A (Kimberly Mayes) Jesus.

Q Okay. Well, yeah, we're still early on in this whole thing. Can I ask a question though? He had a, a liter of water and some donuts. Did that come from the house?

A No. He was...

A (Kimberly Mayes) No, he must've came from the store.

Q Maybe the store?

A (Kimberly Mayes) Oh my gosh.

Q Like a big...

A (Kimberly Mayes) You wanna see pictures of him drummin' and being happy at church? I'll show you those too, you can bring that into evidence

Q He had a liter of water. Okay, I'm just asking if...

A (Kimberly Mayes) No. He didn't get...

A Wow. We didn't know.

A (Kimberly Mayes) He bought it. He was comin' home.

A Yeah. Yeah, we didn't know. 'Cause he had, he had just ate burgers you know.

Q Um-hm.

A And again, his normal routine is to go get snacks.

Q Go get some snacks.

A And 'cause when he takes his meds he's restless.

A (Kimberly Mayes) Yeah.

Q He just kind of...

A He's like I got...

A (Kimberly Mayes) Takes morning...

A Yeah, he's...

Q Burn some energy.

A Yeah. And so that's why you know his, his thing with the drum, you know.

Q What was he, just so I know, gettin' back on him, what was he recovering from? What had he used in the past?

A (Kimberly Mayes) He used Meth.

A It was Meth.

Q Meth.

A (Kimberly Mayes) And um, what, it was actually whatever he can get but Meth.

A Meth.

Q In the past...

A Yeah.

Q Okay.

A (Kimberly Mayes) Yeah, we do random UA's weekly.

A And P.C.A. does it too.

Q And who were the names you told me...

A Um...

Q Was that Joan and Stacy?

A Joan and Stacy. Joan was his councilor for most of the time there and then they um, they did a revamp of councilors, switched everybody around and then Stacy...

Q Stacy took over?

A might've been over, might've been there for like three weeks, maybe a month.

Q Okay.

A (Kimberly Mayes) Okay, this is how many people are out there, this is what they did. Manny, we love you and candles.

Q Um-hm.

A (Kimberly Mayes) That's a lot of the people...

Q Is this the...

A (Kimberly Mayes) It was a great mixture of white, black and in between.

Q Um-hm.

A (Kimberly Mayes) This one I'll show you, so how important he was at this time in his life, and what, how respected he was. And then I wanna show you, real quickly, that's just them. Hold on.

A Let me see if I can...

Q And where, was he workin'?

A (Kimberly Mayes) That's the drums he played at out church.

Q Okay.

A (Kimberly Mayes) He's in a solo song but don't let him (unintelligible). He played ever single time we went to church 3 or 5 times a week.

Q Um-hm.

A (Kimberly Mayes) And he's there every time it's open. He goes to group every day. He helps his sister, he babysits for here. He's a servant.

Q He (unintelligible).

A (Kimberly Mayes) He was just serving his butt off.

Q (Unintelligible).

A (Kimberly Mayes) And just loving life.

Q Was he (unintelligible)?

A (Kimberly Mayes) No, he was doing part time work for us or I think (unintelligible) was gonna hire him for landscaping but that didn't happen. But Mendel worked for Dick and Kim but he was goin' to do landscaping. So...

Q Landscaping.

A (Kimberly Mayes) Yeah, and he just wanted focus on his recovery. And, and he had, he has (unintelligible) so they pay for his housing. So he was doin' his, doing him and doing it well and he was changing and loving and very happy.

Q Okay.

A (Kimberly Mayes) Beautiful smile. Very helpful, very gentle. Very helpful.

Q Can you take, if you don't mind taking pictures of these cards.

A Okay.

Q (Unintelligible) easiest.

Q (Det. Franz Helmcke) Okay.

A (Kimberly Mayes) All I know we leaving at 2, so 2:30 get dressed. Okay, I'm dressed.

Q So as far as his ex-roommate, do you know, or if they asked you earlier, was he, were his phone or where he's livin' at now?

A (Kimberly Mayes) I've been in communication with his mother. He is...

Q With mom, yeah.

A (Kimberly Mayes) Yeah. Um, you have, have his, her information?

Q No, I don't have mom.

A (Kimberly Mayes) I should ask her can I give that to you, hunh?

Q Yeah. If you don't mind.

A (Kimberly Mayes) What's her name again Ced?

A Michelle.

A (Kimberly Mayes) Michelle.

A Is it, is it Michelle?

A (Kimberly Mayes) Yeah.

Q And this is for Mendel Everson, right?

A Um-hm, yeah.

A (Kimberly Mayes) Yeah.

Q Yeah.

A And then...

Q Just to find out if he was with him earlier that night.

A He was.

A (Kimberly Mayes) Yeah.

Q If they left together.

A He wasn't.

A (Kimberly Mayes) How do you know?

A 'Cause I talked to her and she said she hadn't heard from him.

A (Kimberly Mayes) No, I'm saying he asked is, was he with Manny.

Q When they, did they leave (unintelligible) that night?

A (Kimberly Mayes) That's what he was saying. He's askin' you something totally different.

A No, no.

A (Michelle via speakerphone) Hey Kimberly.

A (Kimberly Mayes) Hey Michelle, hi. I'm here at my home with the Detectives and they're talking about, we were tryin' to tell 'em what Man, how Manny was doing and all that, blah, blah, blah. And then we mentioned how...

A (Michelle via speakerphone) Yeah.

A (Kimberly Mayes) The last person that saw him also was Mendel. And I was wondering if you wanted me to give them your information?

A (Michelle via speakerphone) Um, sure. Yeah. He's, all he said was that, he did say that he seemed fine.

A (Kimberly Mayes) Well, but, and so Mendel left first? Or did he go...

A (Michelle via speakerphone) Oh, I don't know.

A (Kimberly Mayes) Manny, Manny, that's what I wanna find out. Manny, if Manny left and went to the store and he seemed fine and Mendel was the last person that saw him. So we can get some, I think, my heart thinks that the police officer unfortunately didn't respect the I can't breathe and that are holding him down, caused him not to breathe no more. And so the best way to even help with that piece is to call, make sure everybody's accountable in life, is to find out the last person who saw him. So please tell him that again, we're not angry, we understand the relapse so no one's mad. We got his stuff still and that he can please cooperate so that we can find out what happened and get justice for Manny if we need to.

A He might be, he might be the witness.

A (Michelle via speakerphone) Yeah.

A (Kimberly Mayes) Please.

A (Michelle via speakerphone) Yeah, I could convey that to him.

A (Kimberly Mayes) Okay. So would you like me to give the police officer your phone number? Detectives. Michelle?

A (Michelle via speakerphone) Well, not really.

A (Kimberly Mayes) Okay.

A (Michelle via speakerphone) But I mean, I'll, I'll contact him, I mean I'll have him contact you, it's his...

A (Kimberly Mayes) Well can I give you the, the police officer's phone number?

A That you could give to Mendel.

A (Michelle via speakerphone) Sure. Okay.

A (Kimberly Mayes) I'll text it to you.

A (Michelle via speakerphone) That's fine.

A (Kimberly Mayes) Okay sweetheart?

A (Michelle via speakerphone) Okay.

A (Kimberly Mayes) Okay dear, bye.

A (Michelle via speakerphone) Okay. Sounds good. I'll let him know. Okay thanks. Bye.

A (Kimberly Mayes) Okay.

Q Yeah, if, if Mendel wants to call me directly that's fine.

A Yeah. Yeah.

Q Yeah, that's fine.

A The, that's the missing link that is, is, is where the mystery starts.

A (Kimberly Mayes) What, what time exactly did he leave...

A Did he leave when...

A (Kimberly Mayes) right?

A Was he there even watching? 'Cause I know he had a warrant in Thurston County.

Q (Unintelligible).

A And so he was like...

Q But like yeah, those things...

A I'm not gonna get it, you know.

Q Yeah, we'd like to just know. (Unintelligible).

A Yeah. He could've been standin' on the sideline watching the whole thing.

Q Sure. Sure.

A We don't know.

Q Yup. That's important for us to find out.

A Yeah, and that's the, that's like I said, that's the whole mystery above it all.

A (Kimberly Mayes) And I'm hoping that you guys do ask those questions, right? Like why, what happened when he said he couldn't breathe, then what happened.

Q Yeah.

A And, and then...

A (Kimberly Mayes) 'Cause it's hard for me to wrap my mind around...

A Even to the point where...

A (Kimberly Mayes) (Unintelligible).

A For him to say you know, he goes to Tim, like I, one of our church members that he was working for, and he said man, I get the rest of my money and I quit. And tell, not calling us, tell Kim and Cedric to...

Q (Unintelligible).

A And then he's ghost.

A (Kimberly Mayes) But my, also...

A Knowing, knowing that he had...

A (Kimberly Mayes) he knows it's the last time too.

A Yeah, but here's the part...

A (Kimberly Mayes) Why come back? (Unintelligible).

A Tim had told him that Manny had been killed.

A (Kimberly Mayes) Oh yeah.

A And so if your roommate, somebody just told you you'd go what the...

Q Right.

A (Kimberly Mayes) Oh yeah, what happened.

A That wasn't the reaction.

A (Kimberly Mayes) But it could've been on one and wanted to get his money out of there.

A It could've been on one and he could've wanted to go...

A (Kimberly Mayes) I remember how it was to continue to go...

A and get another one. You know what I'm saying?

A (Kimberly Mayes) (Unintelligible) day.

A Once he got his money that's the only thing you're thinkin' about. You know, it's like...

A (Kimberly Mayes) (Unintelligible) smart. (Unintelligible).

A and because you're now tryin' to feel nothing.

A (Kimberly Mayes) Anybody can say anything. (Unintelligible).

A If he's had anything to do with it. You're his just, you know, so I don't know.

A (Kimberly Mayes) (Unintelligible) feelings. (Unintelligible) how are you, you know.

Q But he (unintelligible) as far as...

A Yeah, he did. He did. (Unintelligible).

A (Kimberly Mayes) King County (unintelligible).

A 'Cause he would've, he would've came back.

Q Right.

A (Kimberly Mayes) (Unintelligible).

A You know. And we told him this was his last time.

A (Kimberly Mayes) Last April (unintelligible) who I (unintelligible) saying (unintelligible).

A You know. He know, he knew we were gonna UA him, specially after that...

A (Kimberly Mayes) So I'm showing people that people can (unintelligible).

A thing with Manny. You're the last one with him. Bro, we got to UA you to find out what's goin' on. We don't even know...

A (Kimberly Mayes) Is there something to (unintelligible) what God want to do.

A it's that, you know. We don't wanna...

A (Kimberly Mayes) I probably won't even (unintelligible).

A My mind is thinkin' don't (unintelligible) bad...

A (Kimberly Mayes) (Unintelligible).

A and all kinda crazy stuff you know. Mendel's involved...

A (Kimberly Mayes) (Unintelligible).

A and you know, it's...

A (Kimberly Mayes) (Unintelligible) gonna get some higher priorities.

A It's, it's not good, you know.

Q Right.

A (Kimberly Mayes) And not so insane. (Unintelligible).

A So...

Q Anything else about Manny...

A (Kimberly Mayes) Sorry.

Q You guys can...

A Ahh...

Q Sounded like he was doin' good. He was stayin' sober with the UA's.

A (Kimberly Mayes) Yeah.

Q He was volunteering a lot.

A Yes.

A (Kimberly Mayes) He had goals. He was writin' down.

A Yeah. Yeah, he was...

Q In the old, old house, helped you out when you were gettin' unpacked.

A Yeah. Yeah.

A (Kimberly Mayes) Yeah. Yeah.

A Yeah. Yeah. Yeah.

Q Came here, everything was good here.

A Yup, yup, he was helping...

Q Goin' to church?

A Yeah, yeah, yeah.

A (Kimberly Mayes) All the time, like three to five times a week. We have revivals too. And three-day revivals.

A Yeah, that particular week we went a lot you know.

A (Kimberly Mayes) We had Friday, Wednesday and Sunday we'd go (unintelligible).

A That was, that was...

Q (Unintelligible).

A (Kimberly Mayes) Not boring at all. It was (unintelligible).

A I was burned out.

A (Kimberly Mayes) You could (unintelligible) all you want.

A But...

A (Kimberly Mayes) You could, you could be a sinner or (unintelligible) sinner.

A Yeah, but there was a lot of people at P.C.A. that he helped.

Q Okay.

A One night...

A (Kimberly Mayes) (Unintelligible).

A my counselor had told me to come there and talk to the class because so many people had just heard, it had you know, went viral so fast.

Q Yeah.

A She's like Ced, can you come say something. Everybody's trippin'. Manny's gone, you know and I'm like okay, you know.

A (Kimberly Mayes) He had very first got...

A And you know just, just tryin' to tell him let's not you know, jump to conclusions 'cause we don't know. We don't know the whole story.

Q Right. It's very, very, (unintelligible).

A And it's, It's not you know, let's just stay cool. So...

Q Kimberly, can I get your birthdate?

A (Kimberly Mayes) February 18th, 63.

Q Anything you can think of right now?

Q (Det. Franz Helmcke) No, I don't have anything else.

A (Kimberly Mayes) Do you have his sister's information and all, talk to her mom?

Q Yeah. I've talked to his mom and stepdad and then his brother. He has a brother locally. I've talked to him.

A Yeah. Yeah.

Q Yeah. I do have his sister's phone number here too, I believe. Is that Monae?

A (Kimberly Mayes) Yeah, she reviewed the tapes and shared with us, on the tapes.

Q Okay. Yeah, I have her phone number here too. Anything else about Manny? I know we've asked you a lot and you guys have shared a lot.

A Other than that, that he was handling his court stuff, you know. He...

A (Kimberly Mayes) Yeah, grace in the court and we all prayed to believe and he says, they asked him about his picking his own sentence or whatever.

A Yeah. Yeah, that's...

A (Kimberly Mayes) So he was gonna get his jail time off.

A That's, yeah, that's funny, the judge said well what do you think that he should get, you know...

Q Um-hm.

A And so he, that's, you know, you never hear that and he said well as long as I continue to do what I'm doing, you know.

Q Was the, I know he was out on bail for that case...

A Yeah.

A (Kimberly Mayes) Yeah, he went back and forth for that.

Q Was the Alliance part of that?

A Ahh...

Q Like being like court appointed?

A No, it wasn't, that was volunteered.

Q Voluntary?

A Yeah, he volunteered that.

Q Gotcha.

A You know. But you know, obviously when you go into court and you doing the right thing before they ask you to do that...

A (Kimberly Mayes) Yeah. Yeah, we help the, we help...

A You know, they were gonna...

A (Kimberly Mayes) all the people. You gotta go (unintelligible), they're not gonna come outta treatment and, and look like you gonna do your own program.

Q Sure.

A Yeah.

A (Kimberly Mayes) That's always proven to fail.

A Yeah.

A (Kimberly Mayes) So they all required to do something and he just briefly did it, so...

A Yeah.

A (Kimberly Mayes) Not required but we advocate, we can't make him.

A Yeah.

A (Kimberly Mayes) We can't, can't kick 'em out if they don't.

A I can kick 'em out. (Unintelligible).

A (Kimberly Mayes) But, if they don't. But we highly encourage 'em. We're very persuasive.

A Yeah, yeah. It's like...

A (Kimberly Mayes) Make 'em read 'fore you sign. If you sign nothing, you agree before you sign.

A (Unintelligible).

A (Kimberly Mayes) (Unintelligible) agreement. But he was great, (unintelligible) fall in love with him.

A He was a changed person, definitely. You know, when...

A (Kimberly Mayes) Yeah, not that same guy. He (unintelligible).

A Even when we talked and he talked about his past...

Q Um-hm.

A And when he would talk about it to me, I'd be like dang, I mean who are you talkin' about? You know, 'cause that's not you.

A (Kimberly Mayes) Yeah.

A You know, even the people at P.C.A. was like...

A (Kimberly Mayes) Was known out there.

A He made it look like (unintelligible) 'cause he got...

A (Kimberly Mayes) Known now. Give him Kim's number...

A You know he wasn't muscular.

A (Kimberly Mayes) She was knew him before and now.

A Yeah.

Q Kim?

A Ahh, I wanna, I think her name is Ta, Tado or something.

A (Kimberly Mayes) You have her number?

Q Is she a (intelligible)?

A (Kimberly Mayes) Does Andrea have her number?

A Yeah. Yeah, she knew him from way back in the day and...

A (Kimberly Mayes) Does Andrea know him? Or she's just know him at P.C.A?

A Not, not, yeah. Not like that.

A (Kimberly Mayes) Okay.

A But I could definitely give you Kim's number.

Q Okay.

A (Kimberly Mayes) Yeah, she's known him before and after.

Q Before...

A (Kimberly Mayes) And I just met him right when he started to change. He'd been only what a, a month clean or something? Or less?

Q How many, how long have you known him total?

A (Kimberly Mayes) When he move in babe, September or October?

A I'd say it's been three months.

Q Three months?

A Three or four months.

A (Kimberly Mayes) No, it's about four months.

A Four months. Four months.

Q Okay.

A And Kim (unintelligible)...

A (Kimberly Mayes) And since then he just been amazing.

A No, I don't know her last name and I...

Q Oh, that's fine.

A and...

Q Just a cell number or whatever you have.

A It's 253...

Q Um-hm.

A 487-4471.

A (Kimberly Mayes) (Unintelligible).

A And, and please say I talked to Cedric and he...

Q That it was okay.

A Yeah, yeah.

Q Yeah.

A Yeah, because you know...

Q Yeah. (Unintelligible) call her.

A Most people at he P.C.A. have a past and they're like hey, wait a minute, oh no. Click. So...

A (Kimberly Mayes) So also, just for closure for families, you know, I know you probably know, you been doin' this a while, please answer those questions for them about the breathing part...

Q Um-hm.

A (Kimberly Mayes) 'Cause that's, when people don't answer that, it's like you, if it's your uncle, your sister, your daughter, you gonna say please don't gloss over the main question.

Q Um-hm.

A (Kimberly Mayes) What happened when he said I can't breathe two times.

A Can't breathe, yeah.

A (Kimberly Mayes) So that's important. And to give people answers you know...

Q Yeah.

A (Kimberly Mayes) Not, 'cause I know there's liabilities but they s'posed to be real about why. Just we need to find out why.

A I mean he was a little bit bigger than me. He was you know, he's maybe about your, you know. You know? But it's not like he was you know, 290 pounds and you know, looking like a football player.

Q Yeah.

A So...

A (Kimberly Mayes) You know he was all fit though.

A I mean to hold him down...

Q Yeah.

A You know.

A (Kimberly Mayes) Yeah, (unintelligible) stun him.

A I don't, like I said, nobody...

A (Kimberly Mayes) Stun gun.

A We didn't have no witnesses on our end. The police only, they were the only ones.

Q Yeah.

A You know, so whatever, however it looked we can only, you know.

A (Kimberly Mayes) Right, and I understand fear when, if something did happen. I can't, one I can't imagine him goin' from calm awesome to that state that was described. If it did happen, to me there's other measures to detain someone. Stun him.

A Four officers, like you said, they called for backup...

A (Kimberly Mayes) That's when he said he can't breathe. There should be a policy or training on that...

A To restrain him...

A (Kimberly Mayes) so you can stop that, right. Everyone says when they say they can't breathe (unintelligible) can breathe. Back up and stun 'em. Wait, get yourself together, grab a stun gun, back up.

A Yeah, but there was backup.

Q Yeah.

A (Kimberly Mayes) I know but I'm just sayin' choking hold and...

A Yeah, but...

A (Kimberly Mayes) takes people's breath. When you, 'cause you don't, it's a holder, you don't know what, you just holding a piece of the body...

A Yeah. But...

A (Kimberly Mayes) A piece of the neck.

A Yeah, but it takes a minute for somebody go unconscious.

A (Kimberly Mayes) Or the chest. Someone's foot, someone's knee. No, someone's knee...

A I don't know. That's the question I'm asking.

A (Kimberly Mayes) in there chest there. I've been there. I've been uncooperative.

A Right, but that's the question I'm asking him.

A (Kimberly Mayes) He was a different kind of (unintelligible) than me. I was, I was (unintelligible).

A Yeah.

A (Kimberly Mayes) And I've got (unintelligible) me, I was a pretzel. And if I didn't give up I would probably just have suffocated. It was some things that are, a knee being in your chest sometime. Somebody got the neck goin' this way. The airways already constricted then the knee comes in, there's no air. It's all the air gone. The neck's this way and the knee is this way.

A Yeah.

A (Kimberly Mayes) That's all I'm sayin'.

A Okay.

A (Kimberly Mayes) And they...

Q All right. Well...

A (Kimberly Mayes) need trainin' on this you guys. I know this is not your job. But um, stun them.

A (Unintelligible). They knew they were gonna (unintelligible).

A (Kimberly Mayes) No more choke hold, stun them.

Q That's fine.

A (Kimberly Mayes) Stun guns.

A Like...

Q Any, any other details you guys can help us out with?

A That's, that's it. As far as like I said, the missing pieces is with Mendel.

A (Kimberly Mayes) Mendel. (Unintelligible) call him.

Q Okay.

A (Kimberly Mayes) Everson. He has a warrant so...

Q He might be a little...

A (Kimberly Mayes) (unintelligible).

Q Yeah.

A (Kimberly Mayes) In Thurston.

Q Right.

A Yeah. He told me that, so he, if you call he, he's probably gonna think that you know...

Q I'm out to get him.

A Yeah. And so...

Q We're not worried about a warrant. So, okay.

A So the phone downstairs that I thought was Mendel's....

(Kimberly talking on the phone in the background)

A actually is Manny's, that's sitting so...

Q Yeah, I'll talk to you here about it in a second here.

A Okay. I don't know if...

Q Any other details you guys can help us out with?

A No. Did you wanna look at the room?

Q Yeah. We'll, we'll (unintelligible) close here in a second.

A Okay.

Q And you, um...

A No.

Q Did we made any threats or promises to influence your statement?

A No.

Q And everything today you told us was the truth?

A Yes.

Q Do we have your permission to end the statement at 1332?

A Yes.

Q And it's still March 12 of 2000.

Summary of Kimberly Lux interview

- She met Manuel Ellis 5 to 10 years ago via a mutual friend.
- Described him as always happy, friendly, and respectful.
- She knew that he used methamphetamine.
- She never knew him to have conflict with anyone. She said he was more quiet when he was using methamphetamine.
- She saw him off and on in social settings.
- She knew that he played drums at church.
- She did not see him for several years but then encountered him again at group therapy at the Pierce County Alliance, starting about 6 months ago.
- Kimberly said she did not believe what she had heard, that Ellis was banging on a car but said no one is in full control when they are using.
- She was unaware of Ellis relapsing since starting at group.
- Kimberly said Ellis seemed genuinely trying in treatment.

TAB 20

Burt Bank

AXON

TASER Information		Report Generated by	
Dept.	Tacoma Police Dept. - WA	**Name**	Police Patrol Specialist Chell, Eric
Serial	X00349664	**Badge ID**	013845
Model	TASER X26	**Local Timezone**	Pacific Standard Time (UTC -07:00)
Firmware Version	24	**Generated On**	10 Mar 2020 11:12:14
Device Name	X00-349664		
Health	Active		

Device (x26)

Seq #	Local Time [dd:mm::yyyy Hr:min:Sec]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
1	03 Mar 2020 23:25:03	Fire	5	22	68
2	03 Mar 2020 23:25:26	Fire	5	22	67
3	03 Mar 2020 23:25:51	Fire	5	23	67
4	05 Mar 2020 13:01:45	Sync	05 Mar 2020 21:04:45 to 05 Mar 2020 21:01:45		
5	05 Mar 2020 13:02:48	Sync	05 Mar 2020 21:02:47 to 05 Mar 2020 21:02:48		

Tacoma Police Department
Training Roster

Date: 9-12-2019 # Hours: 1.0

Location: Harrison Range

Instructor(s) Name(s) and ID#: D. May, T Perry, C Smith, B Hurlbarth

Mandatory Training: (YES) Certification: No

Course Title and Description: (describe below &/or attach any documents)

2019 ECT Re-Certification #ECT20011

NAME (Last, First)	City ID#	NAME (Last, First)	City ID#
X. Burbank, Chris	210045	16.	
X. KITSELMAN, TODD	02934	17.	
X. DERR, DANIEL	212973	18.	
X. Arasim, Matthew	210283	19.	
X. SCHNEIDER, WESLEY	211862	20.	
X. Hendershot, Scott	211679	21.	
X. Doss, Trent	212184	22.	
X. Farinas, Armando	211513	23.	
X. T. Rankine	212401	24.	
X. Cervantes, Andy	211377	25.	
X. CHUNG, HERBERT	212271	26.	
12.		27.	
13.		28.	
14.		29. Skills Manager SGT. MARTIN 9-16-19	
15.		30.	

The mission of the Tacoma Police Department is to provide quality service and protection to Tacoma's neighborhood's and businesses through a partnership with public and private agencies.

TACOMA POLICE DEPARTMENT TRAINING SECTION

LESSON PLAN APPROVAL

[CALEA 33.1.4(a-d)]

Class Title and Subject Matter: 2019 Fall ECT Recertification

Course #: (ECT20011)

Performance and Job Related Objectives:
ECT Manipulation Skills
Drawing and Firing an ECT during a scenario
Demonstrate Post ECT deployment applications
See lesson plan and PowerPoint for details

Synopsis of Training:
The goal is to improve the Officers knowledge and skills on the ECT (Taser X-2 and X-26).

Instructional Techniques:
Instructor led
Classroom (PowerPoint)
Live fire drills in scenario format

Test or other demonstration of knowledge or skill:
Properly demonstrate and fire the ECT on a life size target mannequin during a scenario. .
Instructors will provide feedback and tips for improving performance.

Approval Signatures:

SSD Administrative Sergeant: _____ Date: 8/30/19

SSD Lieutenant: _____ Date: 08/30/19

NOTE: Training Materials (Outlines, Power Point Presentations, Handouts, etc.) must accompany this form for approval.

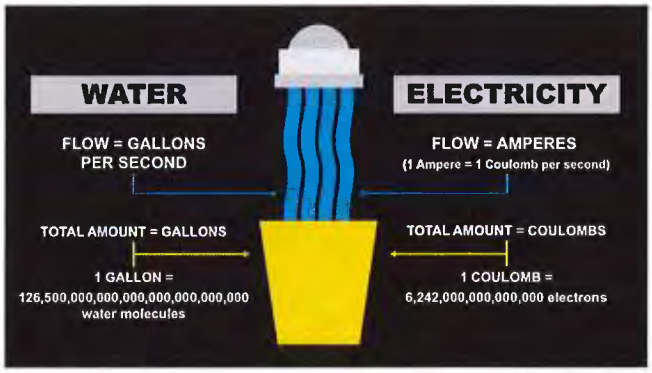
TACOMA POLICE DEPARTMENT

Electronic Control Tool (ECT)
2019 Training and Recertification
TASER X2 & X26 Units

FUNDAMENTAL SAFETY RULES

1. ALL ECT'S ARE ALWAYS LOADED
2. NEVER POINT AN ECT AT ANYTHING YOU ARE NOT WILLING TO ENGAGE
3. KEEP YOUR FINGER OFF THE TRIGGER UNTIL YOUR SIGHTS ARE ON TARGET
4. BE SURE OF YOUR TARGET AND BEYOND
5. AVOID POINTING THE ECT LASER LIGHT AT THE EYES OR FACE
6. KEEP HANDS AWAY FROM THE FRONT OF THE ECT AT ALL TIMES
7. STAY ON TARGET UNTIL THE PROBES ARE DEPLOYED

BRIEF OVERVIEW OF CEW TECHNOLOGY



Central Nervous System

Includes the brain and spinal cord

The command center where information is processed, decisions are made, and information is stored.

Sensory Nervous System

Brings information into the brain.

Consists of the nerves that connect the sensors of the body (eyes, ears, skin, etc.) to the brain.

Early stun devices primarily stimulated the sensory nervous system, causing pain but not stopping truly motivated subjects.

Motor Nervous System

Carries commands from the brain to the body's muscles

Consists of the nerves that go out from the spinal cord and connect to the muscles controlling muscle movements.

NMI systems affect BOTH the sensory and motor nerves

NEURO-MUSCULAR INCAPACITATION

Causes uncontrollable muscle contractions and reduced ability to perform voluntary movements.

Accomplished by delivering electrical pulses across two electrodes to over stimulate the motor nerves.

SPREAD OF ELECTRODES IS KEY.
12+ INCHES OPTIMAL

Neuro-Muscular Incapacitation

- ECTs may not always achieve NMI
- NMI levels range from limited area effects to significant body lockup
- The greater probe spread, the higher likelihood of NMI
- Subject may maintain muscle control, particularly in arms and legs
- Be prepared with other force options, including a drive (or touch) stun follow up away from the probes to expand NMI area
- Drive (or touch) stuns alone cause localized pain, not NMI

Probe Spread

- Greater probe spreads generally increase effectiveness
- 12"+ spread optimal
- Probe spreads under 4" typically create pain effect only
  - Exception is close probe spreads where one probe is above the waist and one is below the waist causing loss of balance and ability to stand
- Consider deploying a second cartridge or using a 3-point drive stun if spread is insufficient to cause NMI

Some Causes of Limited Effectiveness

- Miss or single dart hit
- Incomplete, broken, or intermittent circuit
- Loose or thick clothing
- Low nerve or muscle mass hit
- Obese subject
- Limited probe spread
- Wires break
- Operator error

Look for Changes in Behavior

- Look AND listen when evaluating the effectiveness of a ECT deployment
- Watch the subject's reaction and look for a change in behavior
- Loud arcing sound typically indicates no or intermittent connection
- Intermittent arcing typically indicates a poor connection such as a clothing disconnect

TARGETING

Avoid intentionally targeting the ECT on sensitive areas of the body such as the head, throat, breast, chest or area of the heart, genitals, or known pre-existing injury areas without legal justification.

Preferred Target Zone Rear
(when practicable)

Below neck (green zone)

- Large muscles
- Avoid head and neck

The back is the most preferred target area when reasonably practicable because it contains larger muscle groups and reduces risk of hitting sensitive body areas

Preferred Target Zones Front
(when practicable)

Lower torso (green zone below chest)

- More effective than hitting the chest
  - Larger muscles (legs)
  - Split the beltline
- Reduces risk of hitting sensitive body areas (see product warnings)
- Increases dart-to-heart safety margin distances
- Do not intentionally target head, eyes, throat, chest or genitals

Preferred Target Zones Front
(when practicable)

ECT cardiac risks are low, but not zero

To reduce cardiac risks (when practicable):

- Target the back
- Avoid targeting the chest
- Avoid heart region
- Avoid repeated or continuous exposures

Split the Beltline
For close-range deployments

Target the waist area to "split the belt line"

- Affects core muscles needed for balance
- Increases officer and cardiac safety

Avoid the genitals when practicable

Use Preferred Target Zones (when practicable)

Experts have identified the following key factors related to ECT cardiac risks:

- Dart-to-heart distances
- Amount of delivered electrical charge

The further the ECT dart is away from the heart and the fewer ECT cycles applied, the lower the risk of the ECT affecting the heart

Restrain Fast – Avoid Prolonged Exposures

- Cuff under power – and FAST
- Long or multiple ECT applications extend stress, pain, and metabolic effects
- You need to be able to clearly justify each activation or continuous activation

Physiologic/Metabolic Effects

ECTs may produce effects that could increase the risk of sudden death, including changes in:

- Blood chemistry
- Blood pressure
- Respiration
- Heart rate and rhythm
- Adrenaline and stress hormones

The longer the ECT exposure, the greater the potential effects. Use reasonable efforts to minimize the number and duration of ECT exposures

Physiologic/Metabolic Effects

Studies show ECT effects are usually comparable to or less than:

- Fighting
- Fleeing

Numerous human studies have shown lower ECT effects on human physiology compared to some other force options

Use Caution with Sensitive Populations

Higher Risk Populations

ECTs, like other force options, have not been laboratory tested on:

- Pregnant women
- Elderly
- Small children
- Low body-mass index / very thin persons

ECT use on these individuals could increase the risk of death or serious injury

Tactical Considerations

- Avoid TASER ECT over-dependence
- Have reasonable and appropriate force options available
- Consider cover and distance tactics

When practicable:

- Have at least one back-up officer present to control/cuff under power
- Optimize choice of landing zone
- Deploy to back (rather than front)

Tactical Contingencies

- ECT may have limited or no effect
- No weapon system will operate or be effective all the time
- A ECT or cartridge may not fire
- Do not attempt to reuse a "dud" cartridge and carry a spare cartridge if possible per department policy
- Be prepared to transition to other force options

Be Careful of Distractions

- Officers have been accused of using excessive ECT exposures due to stress or distractions, including nearby family members, bystanders, and incident witnesses
- Distraction or situational stress may result in electrical discharge of unintended duration if the officer inadvertently holds the trigger down
- Be alert to and avoid potential distractions that may result in extended exposures or unintentional additional applications

Controlling/Cuffing Under Power

- Use each 5-second ECT cycle as a "window of opportunity" to establish control/cuff while subject is affected
- You can go hands on with the subject during the 5-second cycle without getting shocked
  - Do not place hands on or between probes
  - Do not touch wires

Tactical Considerations

- Be aware of the maximum range of your cartridges
- Keep sufficient slack in the wires
- Move with the subject if they start to roll
- Failure to do so may result in wire breakage or probe disconnect causing loss of ECT contact with the subject

TASER X26

X26 Trigger Operation

- Single trigger pull and release discharges an electrical charge for a 5-second cycle
- Shift the Safety Switch down (SAFE) to stop a discharge (e.g., if accidentally discharged)
- Holding the trigger continuously beyond the 5-second cycle will continue the electrical discharge until the trigger is released. (The discharge will cease once the trigger is released after the initial 5-second cycle.)

Continuous Discharge

- Remember, if you hold the trigger back, the X26 ECT will continue to discharge after the 5-second cycle until you release the trigger, as long as the battery charge is sufficient to support discharge
- Holding the trigger back may result in continuous, extended, or prolonged ECT discharges and allegations of excessive force or elevated or cumulative subject injury

Illumination Button

- With the safety switch in the down (SAFE) position, use finger to hold the illumination button down for approximately two seconds to bring up display **(Do not use objects like pens, paper clips or knives as this can result in switch breakage or the switch could get stuck)**
- LO- Laser Only Mode
- OF- Flashlight Only Mode
- LF-Laser/Flashlight Mode
- OO- Stealth Mode (no light/no laser and CID is dim)

Issued X26 Cartridge

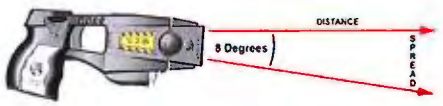
XP 25 ft.
(7.6 meters)
Green Blast Doors
Live Cartridge
XP Probe

Cartridge Inspection

- Blast doors attached
- No cracks
- Locking tabs are not compressed
- Expiration date (cartridges have 5 year life)
- Obtain a replacement cartridge from the desk officer

X26 Probe Spread For 25 Foot Cartridges

- Rule of thumb: ~1 foot (.3 m) spread for every 7 feet (2.1 m) of travel



(m)	.6m	1.5m	2.1m	3m	4.5m	6.4m	7.6m
Target Distance (ft)	2'	5'	7'	10'	15'	21'	25'
Spread (in)	4"	9"	13"	18"	26"	36"	38"
(cm)	10cm	23cm	33cm	46cm	66cm	91cm	109cm

TASER X2

X2 Warning Arc

A sustained press of the ARC switch will initiate a rotational warning arc across both bays without deploying the Smart cartridges (This may be used for de escalation purposes)

X2 Trigger Operation

- Single trigger pull and release discharges an electrical charge for a 5-second cycle
- Shift the safety switch down (SAFE) to stop a discharge (e.g., if accidentally discharged)
- Holding the trigger continuously beyond the 5-second cycle will continue the electrical discharge until the trigger is released. (The discharge will cease once the trigger is released after the initial 5-second cycle.)

X2 Continuous Discharge

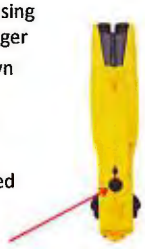
- Remember if you hold the trigger back the X2 will continue to discharge after the 5-second cycle until you release the trigger and as long as the battery charge is sufficient to support
- Holding the trigger back may result in continuous, extended, or prolonged ECT discharges and allegations of excessive force or elevated cumulative potential for subject injury

X2 Selector Switch

- Used to access the features and options menu
- Use only your finger to depress the selector switch
- Do not use objects like pens, paper clips or knives as this can result in switch breakage or the switch could get stuck

X2 Selector Switch

- Access the options menu by pressing the selector switch, with your finger
- Safety switch must be in the down (SAFE) position
- Right ARC switch scrolls through options
- Left ARC switch selects highlighted option



X2 Main Menu

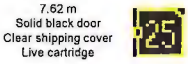
Sighting: Allows status change of the flashlight and aiming LASERs

Select "Sighting" by highlighting with the Right ARC Switch and then pressing the Left ARC Switch

OO – Stealth no LASER & no Flashlight
LO – LASER Only
OF – Only Flashlight
LF – LASER & Flashlight

X2 Smart Cartridges: 25 ft

25 ft
7.62 m
Solid black door
Clear shipping cover
Live cartridge

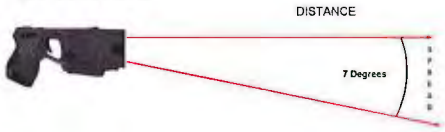


TASER Cartridge Smart Probe

Standard (15 ft & 21 ft) | XP (25 ft) | SP (15 ft & 25 ft)

X2 Probe Spread
25 ft Smart Cartridges

- Rule of thumb: ~1 foot (.3 m) spread for every 9 feet (2.7 m) of travel

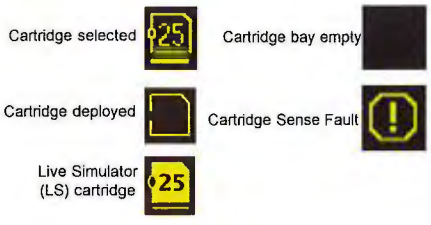


	(m)	2.7m	5.4m	7.6m
Target Distance	(ft)	9'	18'	25'
Spread	(in)	12"	25"	36"
	(cm)	31cm	64cm	92cm

X2 Selecting Cartridges

- With the safety switch in the up (ARMED) position, a quick tap of the ARC switch will toggle between the two Smart cartridges
- The CID will display the cartridge selector icon toggling between the cartridges

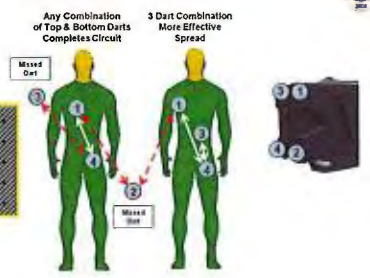
X2 CID Smart Cartridge Icons



X2 Re-Energizing Cartridges

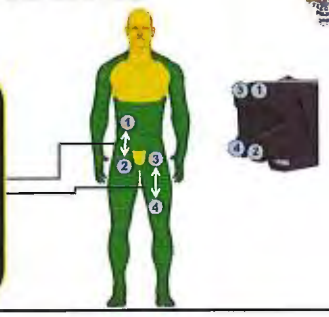
- Once both cartridges are deployed, the operator can select between deployed cartridges by tapping the ARC Switch
- Pulling the trigger again will re-energize the selected cartridge for a 5-second cycle, or longer if the trigger is held down.
- A sustained press of the ARC Switch will reenergize both deployed cartridges

X2 Cross Connect



Cross connect technology was designed to account for a missed, incomplete or ineffective first shot

X2 Cross Connect



Both bays can be deployed if an officer is unable to create enough distance for an effective probe spread

1-2 and 3-4 will have the best connection

There may be some residual current between 2-3 or 1-4 but not likely to cause NMI.

Spark Test

- A full 5 second Functionality test should be conducted once prior to the start of your shift
- The reason for the spark test is:
  - To check that the ECT is sparking.
  - To check the battery's performance.
  - There are components in the high voltage section of some older X26 ECTs that are more reliable when energized ("conditioned") on a regular basis.

Spark Testing

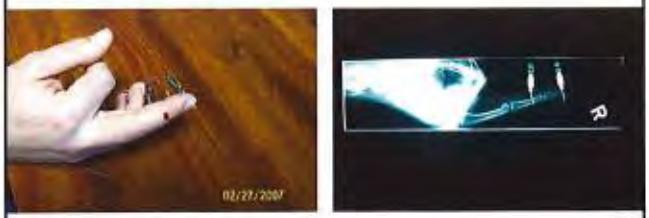
X26 conducting a spark test:

- Remove the cartridge
- Point in a safe direction
- Put safety switch in the up (ARMED) position
- Pull the trigger for full 5 second cycle
- Visually inspect the arc
- Put safety switch in the down (SAFE) position
- Load the ECT before taking into the field

X2 conducting a spark test:

- DO NOT remove the cartridges
- Point in a safe direction
- Put safety switch in the up (ARMED) position
- Push and hold the ARC button
- Visually inspect the arc across both cartridges
- Put safety switch in the down (SAFE) position

Pay Attention When Handling Your Cartridges



Cartridge Safety

UOF/Probe Handling Reminders

- Restrain Subject First
- Call for Medical Aid
- Glove up
- Grip and quickly "pluck" probes to remove
- Check for an intact probe
- Carefully place probes tip side down back into cartridge sides
- Gather up the wires and place in a plastic bag
- Notify supervisor
- Place cartridge and wires into evidence
- Download ECT at TPD HQ
- Document Use of Force in Report
  - Supervisors Use of Force Report/Blue Team

Electronic Control Tool Reminders and Legal Updates

- Use of Force and Civil Liability
  - Every use of force is based on the subjects actions at the time the force is applied

4th Amendment Standard

***Graham v. Connor,* 490 U.S. 386 (1989)**
Officer's force must be objectively reasonable under the totality of circumstances as reasonably perceived by the officer at the moment the force is used

3 Main Factors:

- The severity of the crime at issue
- Whether the suspect poses an immediate threat to the safety of the officers or others
- Whether subject is actively resisting arrest or attempting to evade arrest by flight

PERF
Police Executive Resource Forum

As a result of this forum three note worthy recommendations came as a result to include:

- ECT's should be used only against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others.
- ECT's should not be used against a passive subject.

PERF Cont...

- Fleeing should not be the sole justification for using an ECT against a subject.
- Officers should consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use an ECT on a fleeing subject.

PERF Cont...

- ECT's should not generally be used against pregnant women, elderly persons, young children, and visibly frail persons.
- Officers should evaluate whether the use of the ECT is reasonable, based upon all circumstances, including the subject's age and physical condition.

Avoid Repeated/Extended Durations

- Minimize the number and duration of ECT exposures
- ECT exposure is a physically and psychologically stressful event
- Use the shortest duration of ECT exposure objectively reasonable to accomplish lawful objectives
- Avoid repeated or continuous exposures beyond 15 seconds absent reasonably perceived immediate threat and increased justification
- Reassess the subject's behavior before repeating or continuing the exposure, and provide time for compliance

Smart Use Considerations

- Of significant importance to the courts are uses of force that show and extreme indifference to the injuries to the suspect.
- The courts are looking when the officer's decide to use an ECT on a suspect ,where the potential for injuries are greater based area where they may fall.
- These should be considered when deploying an ECT on a subject who's injuries due to a fall may be significantly higher
- Officer's should consider if the use of force application justifies the crime the suspect was contacted for

Smart Use Considerations

When Reasonable:

- Use the minimum force necessary to accomplish lawful objectives
- Use force only on those "actively resisting" or higher
- Give a verbal warning before the use of force
- Give subjects a reasonable opportunity to comply before force is used
- Immediately cease any force once a subject has surrendered or is captured, handcuffed, and controlled

Smart Use Considerations

If person is not an immediate threat or flight risk:

- Do not immediately resort to ECT without first attempting to use negotiation, commands, or physical skills
- Avoid using ECT on person who is actually or perceived to be mentally ill
- Avoid using ECT on elevated risk population member, unless necessary and justifiable

Smart Use Considerations

If person is not an immediate threat or flight risk:

- Do not use pain compliance if circumstances dictate that pain is reasonably foreseeably ineffective (usually due to drug, alcohol, or mental illness caused elevation of pain tolerance)

Smart Use Considerations

- Record incident from officer's point of view
- Fully document
  - Subject's threats, behaviors, and actions
  - Each use of application of force
  - Each ECT trigger pull or 5-second discharge is its own UOF.
  - Each injury or allegation of injury

Injuries From Falls

- ECTs frequently cause subject to fall
- Falls are often uncontrolled
- Falls, even from ground level, can cause serious injuries or death (especially on hard surfaces)
- Always consider environment subject is standing on
- Consider if you would be justified in tackling or intentionally grounding

Increased Injury Risk Examples

- Elevated position
- In water, mud/muck (drowning risk)
- Operating machinery/vehicle
- Running or in motion (bike/skateboard)
- Sensitive target areas (head/eyes/groin)
- Probes in heart or chest area
- Repeated or continuous ECT discharges

Flammability

- TASER ECTs can ignite explosive materials, liquids, fumes, gases, vapors, and gels
- Some personal defense sprays use flammable carriers such as alcohol and can be dangerous if used in immediate conjunction with ECTs

C) ECT Application Guidelines

- The Electronic Control Tool is one of the options available to officers when confronted with enforcement electives in the field. ECT's, like the baton, OC spray or contact enforcement electives may not be effective in every situation. Personnel must assess the effectiveness of each application and determine whether further applications are warranted or if a different tactic should be employed. Review of the use of the ECT will be made considering the totality of circumstances surrounding the incident.

ECT Application Guidelines Cont

- An ECT ***will not*** be used in the following situations:
- When the officer knows a subject has come in contact with flammable liquids or is in a flammable atmosphere;
- When the subject is in a position where a fall may cause substantial injury or death;
- Punitively for purposes of coercion, or in an unjustified manner;
- When a prisoner is handcuffed;
- To escort or jab individuals;
- To awaken unconscious or intoxicated individuals; or
- When the subject is visibly pregnant, unless deadly force is the only other option.

ECT Application Guidelines Cont

- The ECT ***should not*** be used in the following circumstances (unless there are compelling reasons to do so which can be clearly articulated):
- When the subject is operating a motor vehicle;
- When the subject is holding a firearm;
- When the subject is at the extremes of age or physically disabled; or
- In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or civilians as necessary.
- **5) Officers are reminded not to deploy an ECT (Taser) when a K-9 is actively contacting a suspect.** (Ref. ID 09-003)

QUESTIONS?

DRILLS

JAY INSLEE
Governor

JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL
2203 Airport Way South, Suite 250 • Seattle, WA 98134-2045 • (206) 262-6020 • www.wsp.wa.gov

CRIME LABORATORY REPORT

Agency:	Washington State Patrol - Marysville	**Laboratory No.:**	120-003426
Agency Case No.:	20-009681	**Request No.:**	0001
Agency Rep.:	Det. Sgt. Michael J. Marken		
Suspect:	None Listed		
Victim:	Ellis, Manuel E.		

Results and Conclusions:
The TASER Conducted Energy Weapon (CEW), item CT3598, functioned properly. There was a slight slowing of the cycle rate for the last 3 seconds of the 10 second spark test.

The TASER CEW, item CT3598, logged three cycles on the reported incident date of 3/3/2020. All three cycles were 5 seconds in length.

Evidence:
Item CT3598: One TASER CEW model X26, serial number X00-349664. The DPM (Digital Power Magazine) was labeled V24.

Item CT3608: One section of TASER type wire (~25 3/8").

Methods and Observations:
The TASER CEW, item CT3598, was examined. The unit powered up properly and was spark tested for one five second cycle. The TASER unit was downloaded using standard practice and the firing data was intact. The internal clock at the time of the download was corrected from 12:34:21 to 12:29:03. The unit had been downloaded previously on March 5 and March 10, 2020.

The TASER CEW was then spark tested at various durations (at approximately 3, 5, 6, and 10 seconds using the trigger) to evaluate the operation and shut-off functions. The TASER CEW was downloaded a second time and all test sparks were logged properly in the firing data.

The section of TASER like wire, item CT3608, was examined and measured. Both ends were stretched and broken. There were no areas of singeing or melting of the plastic insulation over the length of the wire examined to indicate an electrical short circuit. The length of the wire was approximately 25 3/8".

Remarks:
The item was received in a sealed condition unless otherwise noted.

The above contains the opinions and interpretations of the analyst whose signature appears on the report.

Brian Smelser, Forensic Scientist — 10/28/2020 Date

Collins

TASER PROTECT LIFE

EVIDENCE SYNC

TASER Information		Report Generated by	
Dept.	Pierce County Sheriff's Dept.	**Name**	Leach, Rodger
Serial	X290026C6	**Badge ID**	99008
Model	TASER X2	**Local Timezone**	Pacific Standard Time (UTC -0800)
Firmware Version	Rev. 04.032	**Generated On**	05 Mar 2020 12:50:30
Device Name	X290026C6		
Health	Good		

Dates from : Sun Mar 1 11:00:00 2020 to : Thu Mar 5 14:00:00 2020

Device (X2)

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Cartridge Info [Bay: length in feet/status]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
1935	03 Mar 2020 19:53:23	Armed	C1: 25' Standard C2: 25' Standard		26	32
1936	03 Mar 2020 19:53:24	Arc	C1: 25' Standard C2: 25' Standard	2		32
1937	03 Mar 2020 19:53:26	Safe	C1: 25' Standard C2: 25' Standard	3	27	32
1938	03 Mar 2020 23:40:50	Armed	C1: 25' Standard C2: 25' Standard		23	32
1939	03 Mar 2020 23:44:27	Safe	C1: 25' Standard C2: 25' Standard	217	29	31
1940	05 Mar 2020 13:03:38	Armed	C1: 25' Standard C2: 25' Standard		27	31
1941	05 Mar 2020 13:03:40	Safe	C1: 25' Standard C2: 25' Standard	2	26	31
1942	05 Mar 2020 13:04:14	USB Connected				
1943	05 Mar 2020 12:46:49	Time Sync	05 Mar 2020 13:04:16 to 05 Mar 2020 12:46:49			

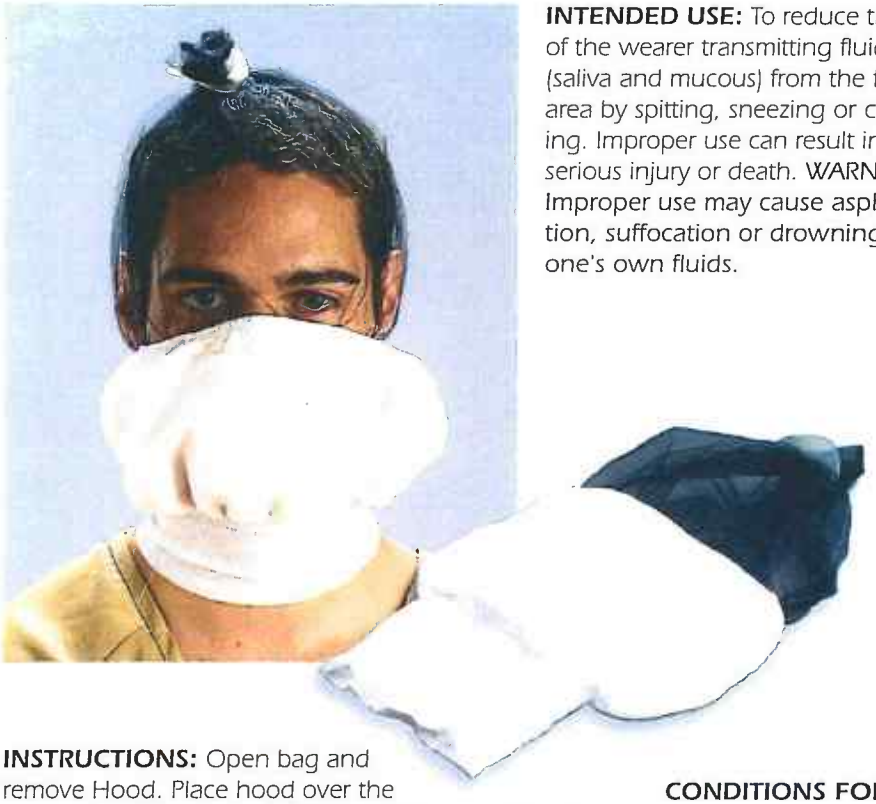
TAB 21

Humane Restraint®

PRODUCT SPECS

TRANZPORT HOOD

IMPORTANT PRODUCT INFORMATION—PLEASE READ BEFORE USING



INTENDED USE: To reduce the risk of the wearer transmitting fluids (saliva and mucous) from the facial area by spitting, sneezing or coughing. Improper use can result in serious injury or death. WARNING: Improper use may cause asphyxiation, suffocation or drowning in one's own fluids.

INSTRUCTIONS: Open bag and remove Hood. Place hood over the head of the person so the mesh fabric is covering the eye area (top) of the head, and the filtration fabric is covering the lower half of the head (below nostrils).

For the best fit, the center elastic will go under the nose and over the ears. For better protection, the elastic may be placed above the nostrils.

Carefully push the white plastic Secure-Lock tab down toward the top of the head while holding the top of the mesh fabric. This should take the slack out of the top and help secure the Hood in position. DO NOT push so tightly as to be uncomfortable or impair vision of the wearer.

CONDITIONS FOR USE:

- Wearer must be under control and restrained.
- Wearer must be under constant visual supervision and should NOT be left unattended.
- DO NOT USE on anyone that is vomiting, having difficulty breathing, or is bleeding profusely from the mouth or nose area.
- Remove all jewelry and eyewear before application.
- The Hood is one size fits all. If there is difficulty applying due to a large size head, discontinue use.

INVENTORY ID:

TranZport Hood, each	NIK-7000
Dispenser Box of 40	NIK-7000 Box

WEIGHT: Each 1 oz.
Box 3 lbs.

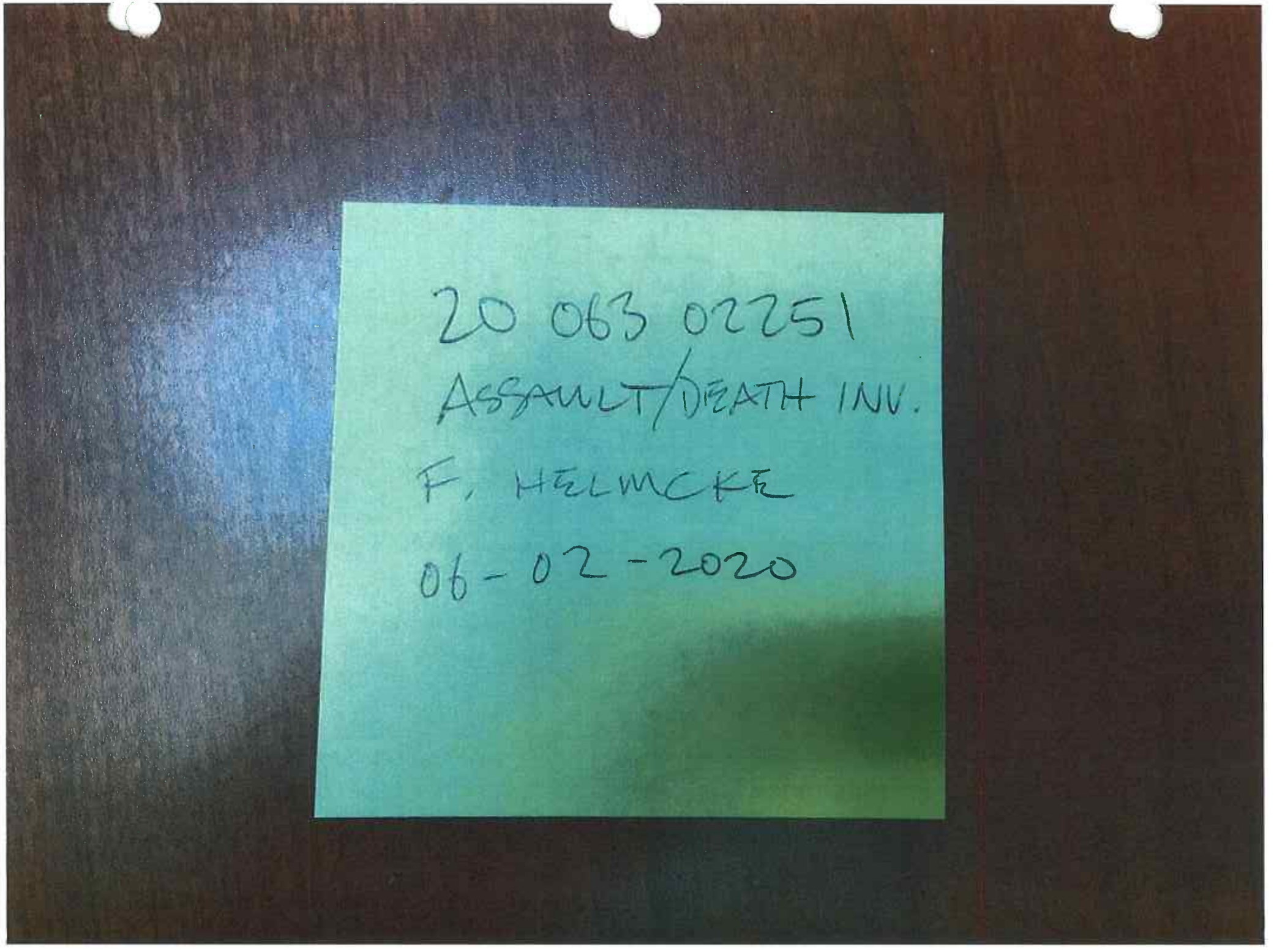
DESCRIPTION: One size fits all.

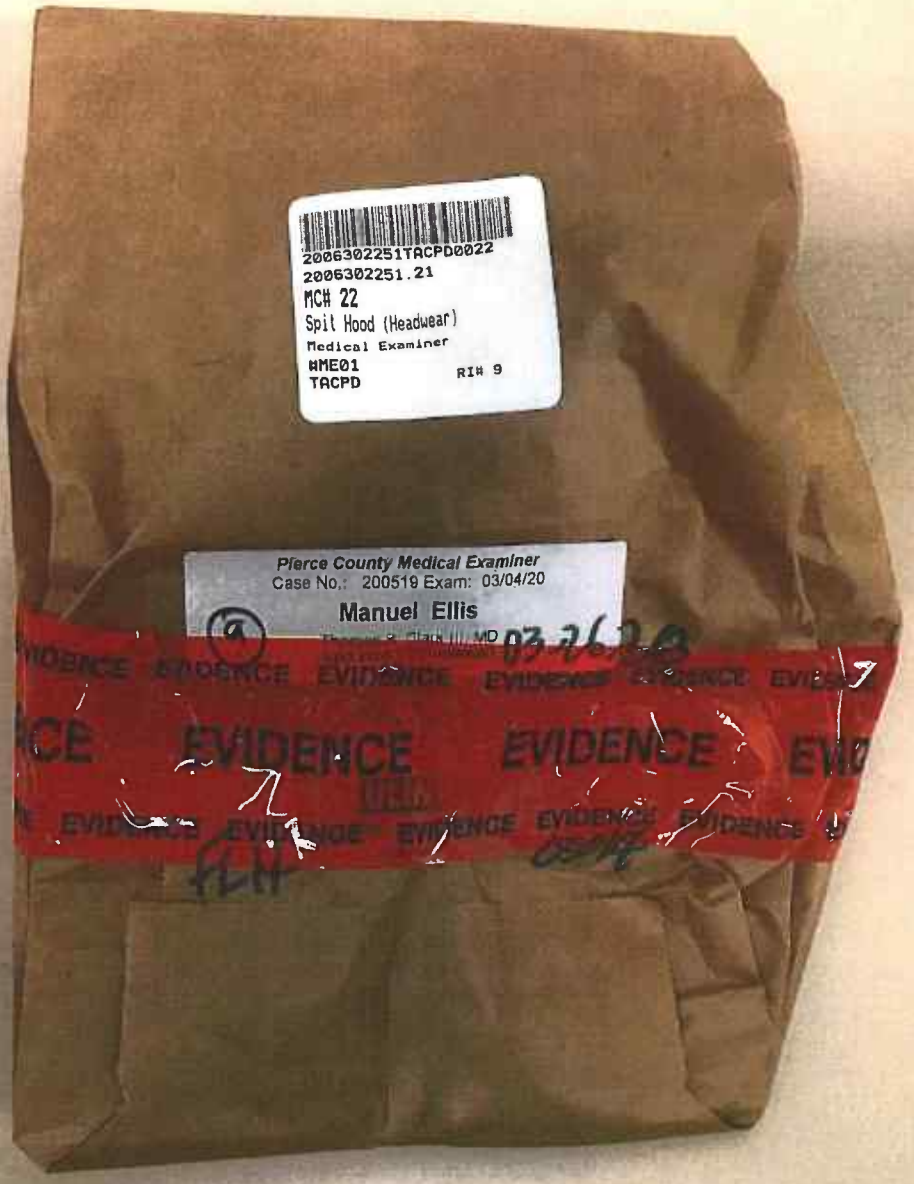
SAFETY CHECK: Including, but not limited to, fabric, mesh, elastic and adjustable tab.

CLEANING AND MAINTAINING: Dispose after use.

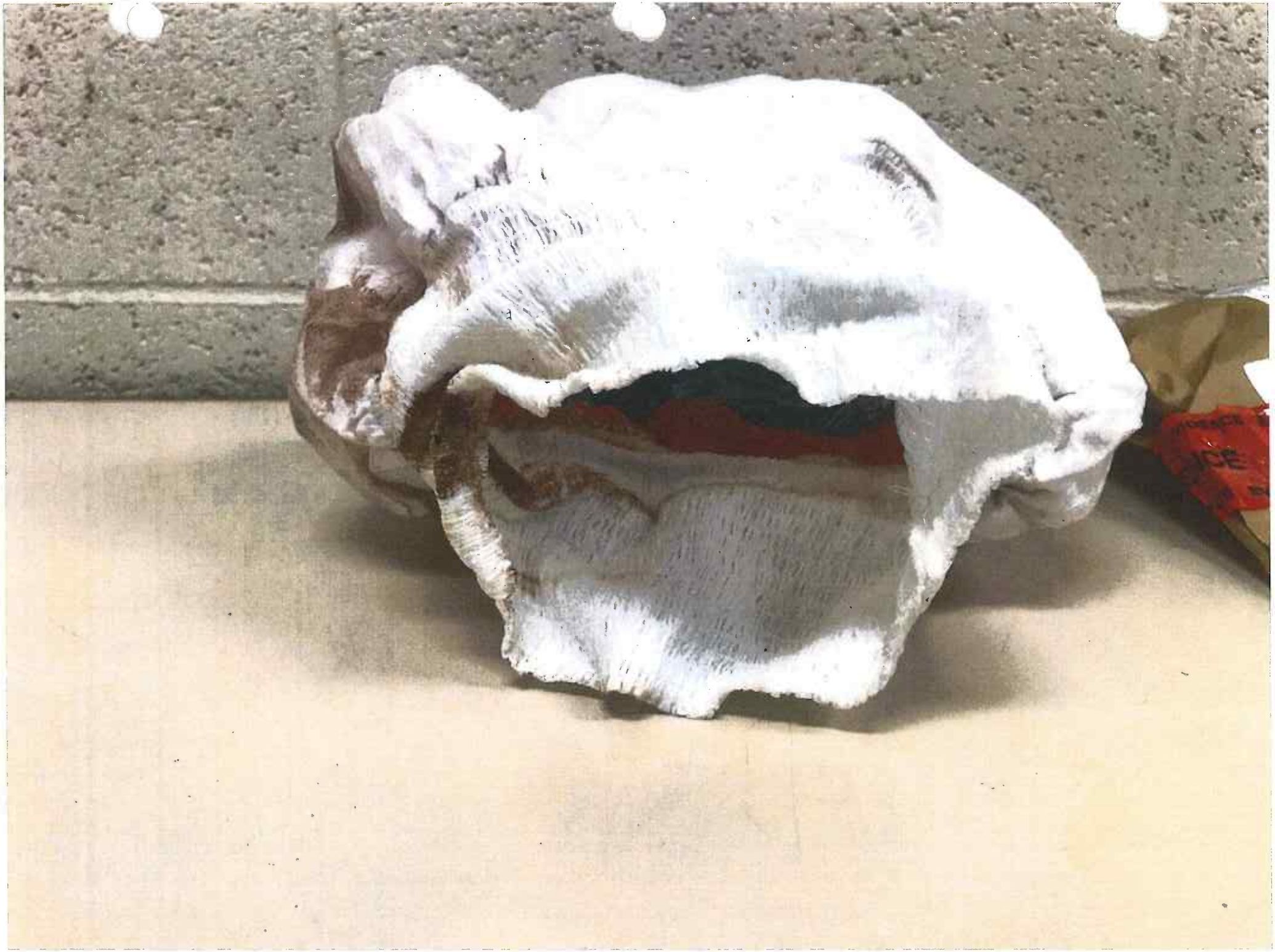
STORAGE: Store in a dry area to prevent mildew.

Rev 2/20/05


20 063 02251
ASSAULT/DEATH INV.
F. HELMCKE
06-02-2020


2006302251TACPD0022
2006302251.21
MCH 22
Spit Hood (Headwear)
Medical Examiner
MME01
TACPD
RIH 9
Pierce County Medical Examiner
Case No.: 200519 Exam: 03/04/20
Manuel Ellis
EVIDENCE
EVIDENCE
EVIDENCE

MC# 22
Spil Hood (Headwear)
Medical Examiner
NME01
TACPD
Pierce County Medical Examiner
Case No. 200519 Exam 03/04/20
Manuel Ellis



Marken, Michael (WSP)

From: Durbin, Ryan (WSP)
Sent: Friday, October 16, 2020 9:25 AM
To: Richmond, Daniel (WSP); Rhue, Jeff (WSP); Comnick, Daniel (WSP); Marken, Michael (WSP)
Subject: Fwd: TPD Officer Farinas request to contact

Everyone,

FYI.

Sincerely,

Lieutenant Ryan Durbin
Washington State Patrol | Criminal Investigation Division
Desk 360-704-2952 | VOIP 11952
Cell 360-688-0905

THIS EMAIL CONTAINS PRIVILEGED AND/OR CONFIDENTIAL INFORMATION AND MATERIAL. IF YOU HAVE ERRONEOUSLY RECEIVED THIS EMAIL, PLEASE IMMEDIATELY ADVISE THE SENDER AND PERMANENTLY DELETE YOUR COPY FROM YOUR EMAIL SYSTEM. YOU ARE NOT AUTHORIZED TO USE OR DISSEMINATE THIS INFORMATION OR MATERIAL IN ANY MANNER. UNLESS SPECIFICALLY EXPRESSED,

Sent from my iPhone

Begin forwarded message:

> **From:** "Smith, Mike (Police Legal)" <Mike.Smith@cityoftacoma.org>
> **Date:** October 16, 2020 at 8:47:40 AM PDT
> **To:** "Durbin, Ryan (WSP)" <Ryan.Durbin@wsp.wa.gov>
> **Cc:** "Ramsdell, Don" <DRAMSDEL@cityoftacoma.org>
> **Subject: RE: TPD Officer Farinas request to contact**
>
> Lt. Durbin-
>
> At the time of the incident TPD did not have a written training plan or policy for the spit sock/hood. A policy/procedure is currently in development.
>
> Let me know if you have any questions!
>
> Thanks!
>
> *Michael J. Smith*
> Deputy City Attorney
> Police Legal Advisor
> 3701 S. Pine St.
> Tacoma, WA 98409

253-591-5573
mike.smith@cityoftacoma.org

THE CONTENTS OF THIS ELECTRONIC MAIL MAY BE CONFIDENTIAL AND PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE OR OTHER APPLICABLE PROTECTION. Any review, use, distribution or disclosure by others is strictly prohibited. If you have received this electronic mail in error, PLEASE NOTIFY ME BY E-MAIL, FAX OR TELEPHONE and PROMPTLY DELETE this electronic mail.

From: Ramsdell, Don <DRAMSDEL@cityoftacoma.org>
Sent: Thursday, October 15, 2020 4:19 PM
To: Durbin, Ryan (WSP) <Ryan.Durbin@wsp.wa.gov>
Cc: Smith, Mike (Police Legal) <Mike.Smith@cityoftacoma.org>
Subject: RE: TPD Officer Farinas request to contact

Ryan,

I have asked Mike Smith will follow-up on this request.

Don

From: Durbin, Ryan (WSP) <Ryan.Durbin@wsp.wa.gov>
Sent: Thursday, October 15, 2020 2:11 PM
To: Ramsdell, Don <DRAMSDEL@cityoftacoma.org>
Cc: Smith, Mike (Police Legal) <Mike.Smith@cityoftacoma.org>
Subject: RE: TPD Officer Farinas request to contact

Chief Ramsdell,

Sorry for one more request, is it possible to get the training outline and TPD policy related to the deployment/use of the spit sock/hood?

Thank you again for your assistance with this case.

Sincerely,

Lieutenant Ryan Durbin
Washington State Patrol | Criminal Investigation Division
Desk 360-704-2952 | VOIP 11952
Cell 360-688-0905

THIS EMAIL CONTAINS PRIVILEGED AND/OR CONFIDENTIAL INFORMATION AND MATERIAL. IF YOU HAVE ERRONEOUSLY RECEIVED THIS EMAIL, PLEASE IMMEDIATELY ADVISE THE SENDER AND PERMANENTLY DELETE YOUR COPY FROM YOUR EMAIL SYSTEM. YOU ARE NOT AUTHORIZED TO USE OR DISSEMINATE THIS INFORMATION OR MATERIAL IN ANY MANNER. UNLESS SPECIFICALLY EXPRESSED,

From: Smith, Mike (Police Legal) <Mike.Smith@cityoftacoma.org>
Sent: Thursday, October 15, 2020 1:57 PM
To: Durbin, Ryan (WSP) <Ryan.Durbin@wsp.wa.gov>
Cc: Ramsdell, Don <DRAMSDEL@cityoftacoma.org>
Subject: RE: TPD Officer Farinas request to contact

Memorandum to File
Internal Affairs Cases 21COM-0061, 21COM-0069, 21COM-0071

On July 20, 2021 I contacted the Tacoma Police Department's current Quartermaster officer, Officer Zachary Cain and requested he check the Quartermaster area for any of the spit hoods that were being used by the Department when the Ellis incident occurred.

Officer Cain provided a spit hood that was still in its packaging.

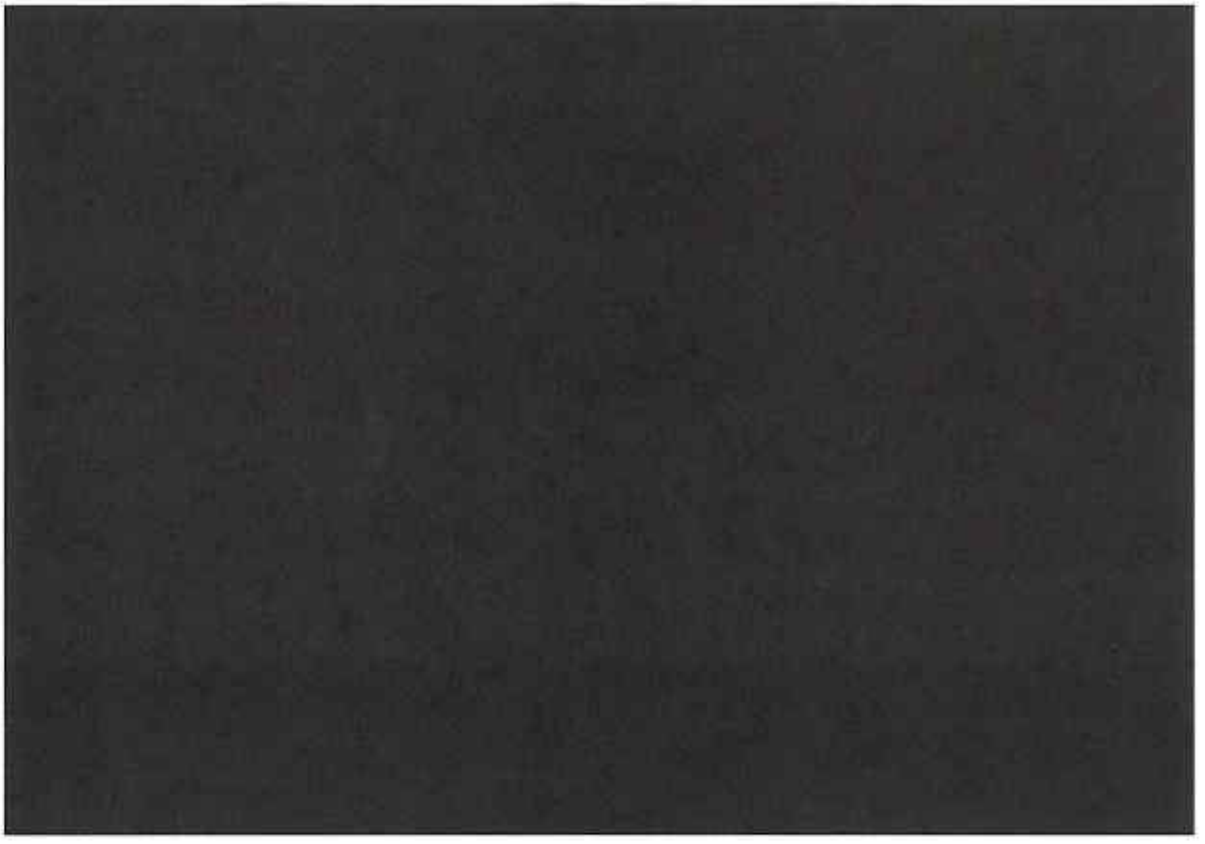
The packaging consists of a sealed plastic sleeve with a paper sleeve inside to keep the spit hood compressed within the packaging.

The paper sleeve contains the following conditions printed on it;

CONDITIONS FOR USE:

- DO NOT USE this product unless prisoner is under control and restrained
- Wearer must be under constant visual supervision and should NEVER be left unattended
- DO NOT USE on anyone that is vomiting, having difficulty breathing, or is bleeding profusely from the area around the mouth or nose
- Remove prisoner's jewelry and eyewear before application
- If there is difficulty applying due to a large size head, discontinue use

Sergeant John Rosenquist #483
Internal Affairs
Tacoma Police Department
July 20, 2021



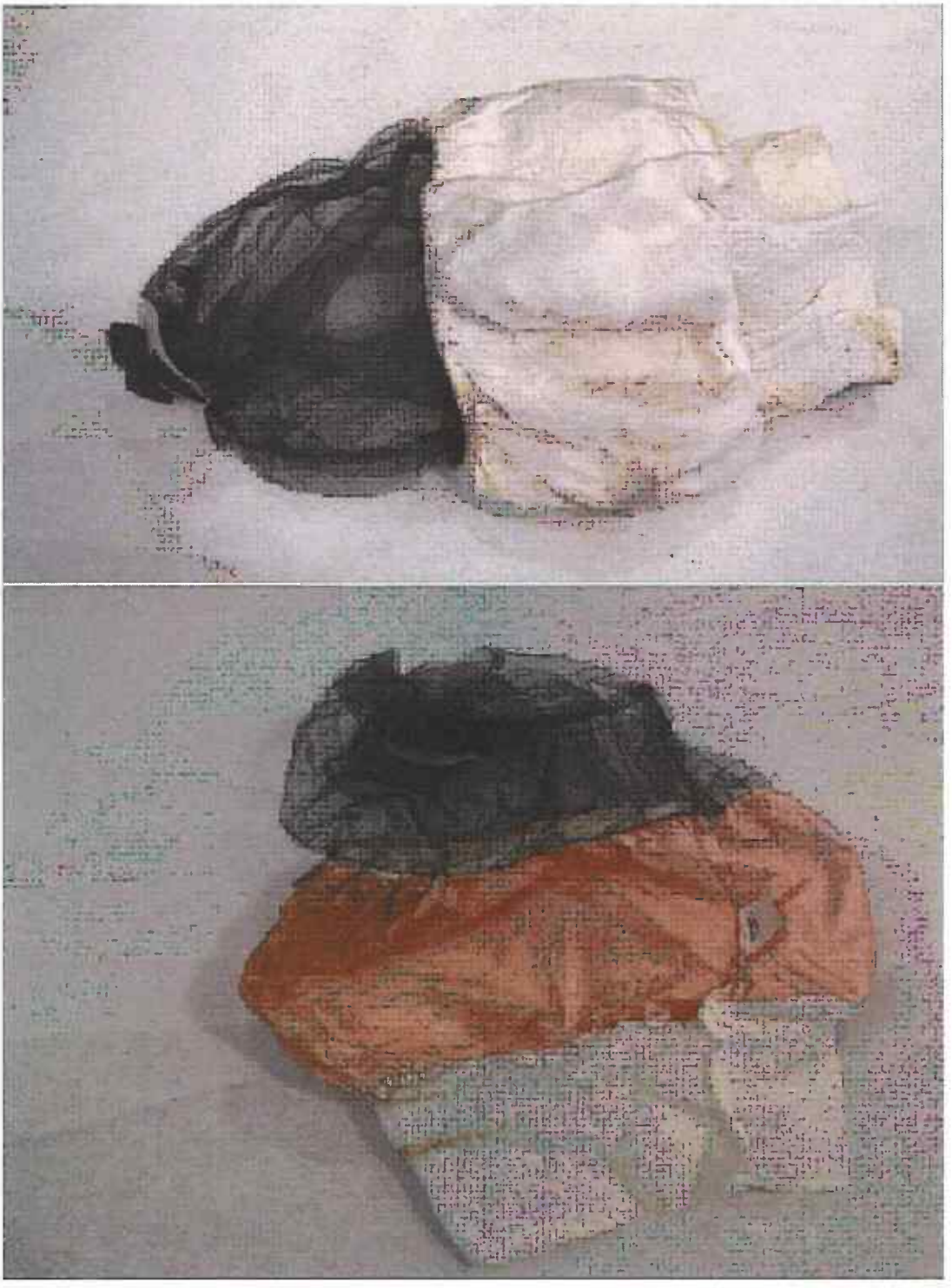
Email Exchange With Safariland:

From: Franklin, Jacqueline (ATG) <Jacqueline.Franklin@atg.wa.gov>
Sent: Friday, May 7, 2021 1:10 PM
To: Miller, Allen <Allen.Miller@safariland.com>
Subject: Mask Questions
Importance: High

Mr. Allen,

I did receive the masks and I thank you. Is the mask in the photo that you identified (below) as Safariland (it appears orange and white, with black mesh netting) the same as the one you sent?

The mask received appear to only be white with black mesh netting. Are these the same? Is there a mask with the orange body material as in the picture? If yes, could you provide us with two of those?



[EXTERNAL]

From: Miller, Allen <Allen.Miller@safariland.com>
Sent: Friday, May 7, 2021 10:15 AM
To: Franklin, Jacqueline (ATG) <Jacqueline.Franklin@atg.wa.gov>
Subject: RE: Mask Questions

[EXTERNAL]

Yes, it is the same mask, but unfortunately we don't have any of the orange version available. The orange version was just a short term material swap, same material just a different color, then we reverted back to the white.
My apologies.

Allen

T. Allen Miller
Category Manager, Forensics
Safariland, LLC
13386 International Parkway
Jacksonville, Fl 32218
c 904.451.7912

TAB 22

911

MAG

TAB 23

Collins, Matthew J. (209799)

Employment Summary

Tacoma Police Department-Chief's Office - Active Full-time **Total Service:** 4 Years 265 Days
Hired: 6-15-2015 **Last Action:** 9-06-2017 Reclassified

Bureau: Operations Bureau
Unit:
Pos/Rank: Police Patrol Officer
Class:
Division: Operations Patrol Division
Assignment: A set of days off
Level:
Shift: Grave Shift

Certification

Date	Status	Certified	Expires	Probation	Cert #
Armorer Certification / Basic Certification					
8-15-2019	Certified	8-15-2019	8-15-2022		
ACCESS/CJIS-1 / Initial Certification					
7-16-2019	Certified	7-16-2019	7-16-2021		
ACCESS/CJIS-1 / Basic Certification					
6-20-2019	Certified	6-20-2019	6-20-2021		
CPR First Aid AED / Basic Certification					
1-17-2019	Certified	1-17-2019	1-17-2021		
Combative Counter Measures / Basic Certification					
9-15-2017	Certified	9-15-2017	9-15-2019		
Draeger Transition Training / Initial Certification					
8-31-2017	Certified	8-31-2017	8-31-2020		
ACCESS/CJIS-1 / Initial Certification					
5-25-2017	Certified	5-25-2017	5-25-2019		
CPR First Aid AED / Basic Certification					
5-11-2017	Certified	5-11-2017	5-11-2019		
CPR First Aid AED / Basic Certification					
12-16-2015	Certified	12-16-2015	12-16-2017		
Peace Officer					
11-05-2015	Certified	11-05-2015			
ACCESS/CJIS-1 / Initial Certification					
7-23-2015	Certified	7-23-2015	7-23-2017		
IS-700a NIMS Intro / Basic Certification					
2-01-2005	Certified	2-01-2005			

Employment History

Tacoma Police Department-Chief's Office **Service:** 2 Years 180 Days
Date: 9-06-2017 **Action:** Reclassified **Status:** Active Full-time

Bureau: Operations Bureau
Unit:
Pos/Rank: Police Patrol Officer
Class:
Division: Operations Patrol Division
Assignment: A set of days off
Level:
Shift: Grave Shift

Tacoma Police Department-Chief's Office **Service:** 1 Years 126 Days
Date: 5-02-2016 **Action:** Reclassified **Status:** Active Full-time

Collins, Matthew J. (209799)

Bureau: **Division:**
Unit: **Assignment:**
Pos/Rank: Police Patrol Officer **Level:**
Class: **Shift:**

Tacoma Police Department-Chief's Office **Service:** Years 322 Days
Date: 6-15-2015 **Action:** Hired **Status:** Active Full-time

Bureau: **Division:**
Unit: **Assignment:**
Pos/Rank: Student Officer **Level:**
Class: **Shift:**

Training

Course	Title	Date	Hours	Score	Status
LEPT0086	Crisis Intervention 2 -hr 2020 Refresher	3-03-2020	2.00	0.00	Passed
	2 hour CIT online refresher training mandated by State law for the year 2019.				
FABS0002	Point Blank Shield Instructor Class	2-26-2020	20.00	0.00	Completed
EVOC2020	2020 EVOC Training for Operations (A & B Squads)	2-13-2020	2.00	0.00	Completed
	2020 EVOC training for operations personnel (A & B squads).				
	Dates - 1/9, 1/16, 1/23, 1/30, 2/6 and 2/13.				
IT20UOFV	Use of Force- Vehicle Ops	1-03-2020	1.00	0.00	Passed
	Use of Force Vehicle Operations				
	2020 Pass/Complete:		**25.00**		
SWMS0017	Advanced Operational Breaching Techniques (DARC)	11-09-2019	88.00	0.00	Completed
IT19SUIC	2019 Suicide Prevention Refresher Training	9-12-2019	1.00	0.00	Completed
	Mental Health training as required by CALEA				
IT19ALLH	All Hazards	9-12-2019	0.50	0.00	Completed
	Required Training every year.				
IT19OSHA	OSHA Hazardous Communications Standards	9-12-2019	0.50	0.00	Completed
	Required Training every 5 years				
IT19ACCR	Accreditation Refresher Training	9-12-2019	0.50	0.00	Passed
	Required CALEA refresher training				
IT19BBP1	Blood Borne Pathogen Training	9-12-2019	1.00	0.00	Passed
	Required Annual Training				
FATI0014	2019 Fall In-service Instructor Training	8-29-2019	6.00	0.00	Completed
	Training and class development for 2019 Fall In-service. Includes handgun qual and training, ECT qual and training, Intro 40mm training.				
FATI0015	40mm Instructor Certification - Combined Systems	8-22-2019	8.00	0.00	Passed
	Instructor certification on the 40 MM launcher. Training provided by Combined Systems				
FAAG0001	Glock Basic Armorer	8-15-2019	8.00	0.00	Passed
ET072519	SWAT 2019 Entry Team Monthly Training 07-25-2019	7-25-2019	10.00	0.00	Completed
ACSCJISB	1_ACCESS/CJIS-1 Basic	7-16-2019	4.50	0.00	Passed
	Active after 12-1-14				
ET071119	SWAT 2019 Entry Team Monthly Training 07-11-19	7-11-2019	10.00	0.00	Completed
ET062719	SWAT 2019 Entry Team Monthly Training 06-27-19	6-27-2019	0.00	0.00	Completed
	TD 19-192				
	SWAT MAT & Breaching				

Collins, Matthew J. (209799)

	Cheney Stadium Parking Lot/Bates Tech				
IT19TRED	TREDS	6-21-2019	1.75	0.00	Passed
	Training, research and education for driver safety				
IT19TRES	Documenting Trespass Authorization Locations	6-21-2019	0.25	0.00	Passed
	SS911 Powerpoint on how to better document Trespass Authorization Locations				
ITA-CJIS	3_CJIS Non-Commission Level 1 Security Course	6-20-2019	1.00	0.00	Passed
	1-hour course for non-commissioned and command staff that aren't required to take the full Access Recertification Course.				
ET061319	SWAT 2019 Entry Team Monthly Training 06-13-19	6-13-2019	10.00	0.00	Completed
	TD 19-192				
	SWAT MAT Training- MAT Conditions, MAT Equipment, MAT Takedown, Handoff, Veh Immobilization, Stationary, Mobile, Taking suspects into custody				
FATI0013	2019 Rifle Instructor In-Service	6-06-2019	5.00	0.00	Completed
LEPT0083	Crisis Intervention 2 -hr 2019 Refresher Trng	4-21-2019	2.00	0.00	Passed
	2 hour CIT online refresher training mandated by State law for the year 2019.				
SWBC0002	SWAT Basic WSCJTC #0510	4-12-2019	65.00	0.00	Completed
	65-hour SWAT Basic Course sponsored by WSCJTC (#0510).				
	Course held on April 14-19, 2013 - took place at the Kennewick Fire Training Center.				
	Course held on March 23-28, 2014 - took place at Richland Police Range.				
	Course held on Oct. 1-6, 2018 - took place in Kennewick				
	Course held on October 4-9, 2015 - took palced in Vancouver, WA				
FAH20015	2019 Spring In-Service Handgun Training	4-04-2019	0.75	0.00	Completed
LEFA0023	2019 Wound Packing Refresher	4-04-2019	1.00	0.00	Completed
LEFA0024	2019 CAT Training Refresher	4-04-2019	1.00	0.00	Completed
	CAT training that includes practice applications.				
FAHQ19-1	2019 Spring Qualifications	4-04-2019	1.25	0.00	Completed
FATR0007	2019 Introduction to Single Officer Response	4-04-2019	4.00	0.00	Completed
EVOC2019	2019 PIT Training	3-21-2019	10.00	0.00	Completed
	PIT Training				
FAOR2019	Open Range 2019	3-11-2019	1.00	0.00	Attended
FATI0008	TPD Level I Firearm Instructor Course	3-05-2019	80.00	0.00	Completed
ET022119	SWAT 2019 Entry Team Monthly Training 02-21-19	2-21-2019	10.00	0.00	Completed
	SWAT Entry Team Monthly Training 02-21-19 SWAT Team Footwork				
ET020719	SWAT 2019 Entry Team Monthly Training 02-07-19	2-07-2019	10.00	0.00	Completed
	SWAT 2019 Entry Team Training 02-07-19 SWAT Team Vehicle Take Downs				
LETR0020	Draeger Refresher	1-24-2019	4.00	0.00	Completed
LEFA0013	AED Refresher	1-24-2019	1.00	0.00	Completed
	AED Refresher Training for Special Teams receiving the Heartsine 350P AED.				
ET012419	SWAT 2019 Entry Team Monthly Training 01-24-19	1-24-2019	10.00	0.00	Completed
	SWAT Entry Team training 01/24/2019				
PPFI2019	Fair and Impartial Refresher 2019	1-17-2019	4.00	0.00	Completed
	4 Hour block of refresher training for Fair and Impartial Policing.				
LEFA0017	2019 First Aid/CPR/AED Winter Training	1-17-2019	5.00	0.00	Completed
	WinterTraining block covering First Aid/CPR/AED. Instructors are in class LEFA0016.				
FAOR2019	Open Range 2019	1-14-2019	1.00	0.00	Attended
ET011019	SWAT 2019 Entry Team Monthly Training 01/10/2019	1-10-2019	10.00	0.00	Completed

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SWAT 2019 Entry Team Training 01/10/2019

2019 Pass/Complete: 375.00

IT18LEAH	All Hazards Plan	12-10-2018	0.50	0.00	Completed
FAOR2018	2018 Open Range	11-12-2018	1.00	0.00	Attended
LELU0009	2018 Fall Legal Update Training	11-06-2018	1.00	0.00	Completed
	Turn out/Section Training for legal updates; to include Traffic law updates to satisfy CALEA				
ECT20010	2018 ECT Recert & Training	9-06-2018	1.00	0.00	Passed
FAHQ18-2	2018 Fall Qualifications	9-06-2018	1.25	0.00	Passed
FATR0006	Active Shooter Refresher 2018	9-06-2018	4.75	0.00	Completed
	Active Shooter refresher that focuses on footwrok using non-firing blue guns. Tacoma schools update powerpoint include in course of instruction during the 2018 Fall in-service.				
LETT0014	Bloodborne Pathogen and Bio Hazard Trng	8-23-2018	0.75	0.00	Completed
	Turn out training in lieu of on line training on Bloodborne pathogen and Bio Hazards. Presented by the Bio Cadre.				
FATI0012	2018 Range Safety Officer Course	6-15-2018	40.00	0.00	Completed
CTIN0006	2018 In-Svc Control Tactics Instructor Trng	5-31-2018	10.00	0.00	Completed
	Instructor brief/training for 2018/2019 Control Tactics training				
LETT0013	2018 DV Turnout Training	5-29-2018	1.00	0.00	Completed
	Updated DV training for patrol. Topics will cover Detective, Prosecutor, and DV Advnocate points of view.				
FAR20014	2018 Department Rifle Training	5-24-2018	2.00	0.00	Completed
FARQ2018	2018 Department Rifle Qual	5-24-2018	1.00	0.00	Completed
FAOR2018	2018 Open Range	5-14-2018	1.00	0.00	Attended
IT18BIAS	Biased Based Policing	5-04-2018	1.50	0.00	Passed
	Annual Bias Based policing refresher training.				
IT18UOFV	Use of Force - Vehicle Operations	5-04-2018	1.50	0.00	Passed
FAH20013	2018 Spring In-Service Handgun Training	5-03-2018	3.75	0.00	Completed
FAHQ18-1	2018 Spring Qualifications	5-03-2018	1.25	0.00	Completed
IT18ETH1	Ethics	4-20-2018	1.00	0.00	Passed
	Annual Ethics Training				
FAOR2018	2018 Open Range	2-12-2018	1.00	0.00	Attended
PPSH2018	Sexual Harassment Prevention/Refresher Training	1-30-2018	1.00	0.00	Completed
	City led Sexual Harassment Prevention and Refersher Training. Approved by city.				
FAOR2018	2018 Open Range	1-08-2018	1.00	0.00	Attended

2018 Pass/Complete: 73.25

LELU0005	2017 Turnout Legal Update Training	12-21-2017	1.00	0.00	Completed
	Turn out/section Training from the department legal advisors. Each Bureau is receiving legal training specific to their Bureaus.				
LEUF0007	Constitutional Use of Force	12-11-2017	9.00	0.00	Completed
	Couse provided by Calibre press on Constitutional Use of Force. Covers topics such as constitutional and relevant laws, human factors, excessive force, and multiple other topics. Attached is flyer with more details.				
IT18OFFD	Off Duty Employment	12-09-2017	0.33	0.00	Passed
	Off Duty Employment training for off duty in 2018				
LELU0006	Potential Impeachment Evidence (PIE)	12-07-2017	0.25	0.00	Completed
	Training provided by PC Prosecutors office				
IT17LEAH	All Hazards Plan	11-16-2017	0.50	0.00	Completed
	Required class per CALEA.				

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LELU0004	2017 On Line Legal Update	11-16-2017	1.00	0.00	Completed
	Power DMS on line legal update for 2017.				
CTIS0003	2017 Controlled Superiority Refresher Training	11-02-2017	4.00	0.00	Completed
	Controlled Superiority Refresher Training: Handcuffing, takedown techniques, scenarios.				
ECT20009	2017 ECT Recert & Training	11-02-2017	1.50	0.00	Completed
FAH20012	2017 Fall In-Service Handgun Training	11-02-2017	1.75	0.00	Completed
FAHQ17-2	2017 Fall Qualifications	11-02-2017	1.25	0.00	Completed
LEPT0059	Crisis Intervention 2-hr 2017-18 Refresher Trng	10-28-2017	2.00	0.00	Passed
	2 hour CIT refresher training mandated by State law.				
FAOR2017	2017 Open Range	10-09-2017	1.00	0.00	Attended
LEOR	Officer Resiliency and Wellness	9-27-2017	2.00	0.00	Completed
	Power DMS training developed by Dr. St. Jacques.				
CTCM0002	Combative Counter Measures Level 1 & 2 Instr. Cert	9-15-2017	32.00	0.00	Completed
	32-hr. Train-the-Trainer Level course taught with the Controlled F.O.R.C.E. Mechanical Advantage Control Holds (M.A.C.H.) Training System. This course covers 10 Dept. Instructor Certification categories in Arrest Control and Defensive Tactics.				
CTIN0005	2017 In-Svc Control Tactics Instructor Trng	9-14-2017	10.00	0.00	Completed
	Instructor brief/training for 2017 Control Tactics training				
LETR0018	Draeger Transition Training	8-31-2017	3.00	0.00	Passed
	Transition Training from BAC Datamaster to the Draeger testing machine. Provided by WSP.				
FATR0003	Active Shooter Basic 20-hour	8-10-2017	20.00	0.00	Completed
IT17BBP1	Blood Borne Pathogens	7-20-2017	1.00	0.00	Passed
	Annual Blood Borne Pathogen training				
FAOR2017	2017 Open Range	7-10-2017	1.00	0.00	Attended
FAR20012	2017 Department Rifle Training	7-06-2017	2.00	0.00	Completed
FARQ2017	2017 Department Rifle Qual	7-06-2017	1.00	0.00	Completed
FAOR2017	2017 Open Range	6-13-2017	1.00	0.00	Attended
ACSCJISR	2_ACCESS/CJIS-1 Recert	5-25-2017	2.00	0.00	Passed
	This course superceded course ACS00001 per Directive #: ID #14-010 starting on 12/01/2014.				
LEFA0011	2017 First Aid/CPR/AED Spring Training	5-11-2017	4.00	0.00	Passed
	Spring Training block covering First Aid/CPR/AED. Instructors are in class LEFA0010.				
LEFA0012	2017 CAT Training Refresher	5-11-2017	0.50	0.00	Completed
	CAT training that includes practice applications.				
FAH20011	2017 Spring In-Service Handgun Training	5-11-2017	2.25	0.00	Completed
FAHQ17-1	2017 Spring Qualifications	5-11-2017	1.00	0.00	Completed
FAOR2017	2017 Open Range	5-08-2017	1.00	0.00	Attended
LEFA0011	2017 First Aid/CPR/AED Spring Training	4-27-2017	0.00	0.00	No Show
	Spring Training block covering First Aid/CPR/AED. Instructors are in class LEFA0010.				
LEPT0045	Crisis Intervention Team Trng (8071) CJTC 8-hr	3-23-2017	8.00	0.00	Completed
	8-hour course sponsored by WSCJTC - and is a class accepted to fulfill requirement for all police officers to take 8-hrs. CIT Trng. by 2021)				
FAOR2017	2017 Open Range	3-13-2017	1.00	0.00	Attended
IT17TDR1	Temp Detention Rooms	2-27-2017	0.50	0.00	Passed
	Update on Temp Detention Rooms policy and procedure				
IT17ETH1	Ethics	2-27-2017	1.00	0.00	Passed
	Biennial Department Ethics training				
CTIS0002	2017 Control Tactics In Service	2-23-2017	4.00	0.00	Completed

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	Ground Survival and Ground Compliance Techniques for Uncooperative Subjects				
FAOR2017	2017 Open Range	2-13-2017	0.00	0.00	Attended
IT17UOF1	Use of Force Annual Review 2017	2-13-2017	1.00	0.00	Passed
	Annual use of force review of policy and procedure.				
		2017 Pass/Complete:	**117.83**		
PPFI-PPO	Fair and Impartial Policing-PPO	11-14-2016	8.00	0.00	Completed
ECT20008	2016 ECT Recert & Training	10-20-2016	1.25	0.00	Completed
FAH20010	2016 Fall In-Service HandgunTraining	10-20-2016	2.25	0.00	Completed
FAHQ16-2	2016 Fall Qualifications	10-20-2016	1.00	0.00	Completed
FAR20010	2016 Department Rifle Training	6-24-2016	2.50	0.00	Completed
FARQ2016	2016 Department Rifle Qual	6-24-2016	1.00	0.00	Completed
GLIC0029	IS 029 Public Info Officer Awreness	6-13-2016	2.50	0.00	Passed
	Course covers basic info about role of a Public Info Officer. This is a required on-line course to attend the EMD Basic Public Info Officer courses.				
LEAH0006	1_Butane Honey Oil Extraction Hazard-BHO	4-23-2016	1.00	0.00	Completed
	TPD HEAT Team developed and instructed presentation about the process and hazards of BHO				
LEAH0005	1_Electrical & Gas Hazards In-Service	4-23-2016	2.00	0.00	Completed
	Electrical Hazards includes Electric/Hybrid cars and a presentation developed by Tacoma Public Utilities for First Responders general awareness. *The Gas Hazards includes a video developed and produced by Puget Sound Energy and a power point presentation also developed by PSE. Additional slided picturing two local events:Aug 2015 Motel 6 natural gas explosion and March 2016 Seattle Greenwood neighborhood natural gas explosion.*				
LEAH0007	1_Suicide Prevention	4-23-2016	1.00	0.00	Completed
	Presentation developed by TPD MHP-CoResponders Tracy Detty and Ryan Miles				
LEAH0008	1_All Hazards Response	4-22-2016	0.50	0.00	Completed
	This presentation covers TPD Action Plan, FEMA Student ID and requirenent to take IS-29 PIO Awareness, resources for personal and family preparedness.				
FAHQ16-1	2016 Spring Qualifications	4-22-2016	1.00	0.00	Completed
FAH20009	2016 Spring In-Service Handgun Training	4-21-2016	3.50	0.00	Completed
IT1616A2	Responding to a Domestic Violence Call	4-01-2016	1.00	0.00	Excused
	Revised course of IT1616A1 *Everyone who took A1 received the updated revision and are excused from this revision.*				
IT161605	Blood Borne Pathogens	3-31-2016	1.00	0.00	Passed
IT1616A1	Responding to a Domestic Violence Call	3-22-2016	1.00	0.00	Passed
	Deactivated on ??? Replaced by A2				
FAOR2016	2016 Open Range	3-14-2016	0.00	0.00	Attended
LETT0004	Communication with Deaf-Hard of Hearing	3-04-2016	0.50	0.00	Passed
IT161612	Use of Force - Vehicle Operations	2-29-2016	0.50	0.00	Passed
ITCA0002	CALEA Refresher	2-29-2016	0.50	0.00	Passed
EVOC2016	2016 EVOC Training for Ops (A Squad)	2-26-2016	2.00	0.00	Completed
	2016 EVOC Training for Ops personnel - A Squad Rotation, to include CLOs, K9 and Gang Team. Dates are 2/26/16, 3/4/16, 3/11/16 and 3/18/16.				
IT161610	Use of Force Annual Review	2-23-2016	1.00	0.00	Passed
P1051601	P1A Cultural Awareness 1	1-13-2016	1.00	0.00	Passed
	Required on-line training for all personnel in 2016.				
FAOR2016	2016 Open Range	1-11-2016	0.00	0.00	Attended
P1051602	Hate Crimes Training for Law Enforcement	1-09-2016	1.00	0.00	Completed

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Required online training for all commissioned personnel.

2016 Pass/Complete: 36.00

ITMC0003	Intergraph - New CAD Client - Part 3 Full Length	12-22-2015	4.00	0.00	Completed
ITGE0007	Records Management Basics (COT Required)	12-17-2015	0.50	0.00	Completed

Records Management Basics is required training for all City of Tacoma employees and must be completed this month. The City's Media and Communications Office sent the following directive on 6/12/15 to all general government employees, which described the steps to complete the training.

Classes 7 and 8 were cancelled.

LEFA0004	Heart Saver/First Aid-CPR-AED COT or Agency 8hr	12-16-2015	8.00	0.00	Completed

8 hour class taught by COT or Outside agency

FAOR2015	2015 Open Range	12-14-2015	0.00	0.00	Attended
ITCA0001	CALEA Initial	12-11-2015	0.50	0.00	Completed

CALEA Initial Presentation for TPD and two 7 minute videos. Part 1- What is CALEA , and Part 2 - Benefits of Becoming a CALEA Agency.

IT151507	2015 Ethics	12-04-2015	1.00	0.00	Passed
FAR10004	Post Academy Rifle 2015	11-27-2015	40.00	0.00	Completed
FARQ2015	2015 Department Rifle Qual	11-27-2015	1.00	0.00	Completed
FAR20009	2015 Department Rifle Training	11-27-2015	1.00	0.00	Completed
ECT10001	ECT Post Academy	11-18-2015	10.00	0.00	Completed
FASF0002	Post-Academy Firearm Familiarization	11-17-2015	5.00	0.00	Completed
LEFA0002	Combat Application Tourniquet	11-17-2015	1.50	0.00	Completed
LEFA0005	Wound Care / Wound Packing	11-17-2015	1.50	0.00	Completed
LELU0002	L.E.O.S.A.-H.R.218 Update	11-12-2015	1.00	0.00	Completed
FAH20008	2015 Fall In-Service Handgun Training	11-12-2015	3.00	0.00	Completed
FAH10009	Post Academy 2015	11-12-2015	40.00	0.00	Completed
FAHQ15-2	2015 Fall Qualifications	11-12-2015	1.00	0.00	Completed
TC010001	Basic Law Enforcement Academy	11-05-2015	720.00	0.00	Completed

The revised BLEA Curriculum took effect with class 702. No Curricula posted on the BLEA web sight until 2016.

ACSCJISB	1_ACCESS/CJIS-1 Basic	7-23-2015	4.50	0.00	Passed

Active after 12-1-14

IT141401	Hazardous Communication-GHS Chemical Labeling	6-30-2015	0.50	0.00	Passed

In order to ensure chemical safety in the workplace, information about the identities and hazards of the chemicals must be available and understandable to workers. OSHA's Hazard Communication Standard (HCS) requires the development and dissemination of such information.

The Hazard Communication Standard (HCS) is now aligned with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). This update to the Hazard Communication Standard (HCS) will provide a common and coherent approach to classifying chemicals and communicating hazard information on labels and safety data sheets
The revised standard will improve the quality and consistency of hazard information in the workplace, making it safer for workers by providing easily understandable information on appropriate handling and safe use of hazardous chemicals.

This was taken, in-part, from OSHA's home page regarding GHS Labeling.

IT141409	TPD Detention Cells	6-30-2015	0.50	0.00	Passed

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	Annual mandatory training reviewing TPD policy and procedures regarding detention cell usage.				
IT131303	Autism Spectrum Disorder	6-30-2015	1.00	0.00	Passed
	Last updated roster 12-16-15				
IT131307	Ethics	6-30-2015	1.00	0.00	Passed
IT141410	Use of Force & Policy Review	6-30-2015	1.00	0.00	Passed
	Mandatory training of the Tacoma Police Department's Use of Force and Policy review.				
IT1313A1	Domestic Violence (Commisioned)	6-30-2015	1.00	0.00	Passed
IT1515A1	Domestic Violence (Commissioned)	6-30-2015	1.00	0.00	Passed
FAH10010	Pre Academy 2015	6-26-2015	30.00	0.00	Completed
NECT0004	Domestic Violence Policy Awareness COT	6-23-2015	0.50	0.00	Completed
	Mandatory training for new TPD employees - given by COT HR.				
NECT0003	Discrimination-Sexual Harassment Prevention COT	6-23-2015	2.50	0.00	Completed
	Course taught by COT instructors for all newly hired employees.				
NECT0002	Old Cultural Awareness COT prior to 2017	6-23-2015	3.50	0.00	Completed
	Class provided by the City of Tacoma for New Employee Orientation.				
NECT0001	Overview/Benefits/Misc - NEO COT	6-15-2015	6.50	0.00	Completed
		2015 Pass/Complete:	**892.50**		
GLIC700A	IS 700a NIMS Introduction	2-01-2005	3.00	0.00	Passed
		2005 Pass/Complete:	**3.00**		
		Total Pass/Complete:	**1,522.58**		

Education

Date	Degree	Major	School	Hours	Q/S

Attributes

Effective	Expires	Topic	Attribute
1-01-2019	12-31-2019	24 hour Compliance	In-Service

Issued Equipment

Type	Make / Model (or Description)	Asset #	Serial #	Qty	Issued	Returned

Issued Weapons

Type	Make / Model	Asset #	Serial #	Issued	Returned
BACK-UP GUN	GLOCK / 43		ABNY543	5-11-2017	
CONDUCTIVE EN	TASER INTL / X2		X290026C6	11-18-2015	
Pistol	GLOCK / 17		YRK555	6-24-2015	
Pistol	GLOCK / 19		BESR787	11-08-2018	
Rifle	Aero Precision SWAT SBR		M4-0057227	1-03-2019	
Rifle	S&W / M&P15		SN93556	11-24-2015	1-06-2019
Rifle	S&W / M&P15		SV50112	11-23-2015	11-24-2015

Issued Vehicles

Type	Make / Model	Asset #	License #	Issued	Returned

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Collins, Matthew J. (209799)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
Annual Totals								
Training Hours (Passed / Completed)	27.50	384.00	73.25	117.83	36.00	892.50	3.00	**1,534.08**
Instructor Hours (Instructed)								
Program / Subject								
Computer and Technology (IT)								
• 2013 Power DMS On-Line (IT13)						3.00		**3.00**
• 2014 Power DMS On-Line (IT14)						2.00		**2.00**
• 2015 Power DMS Online (IT15)						2.00		**2.00**
• 2016 Power DMS Online (IT16)					3.50			**3.50**
• 2017 Power DMS Online (IT17)				4.00				**4.00**
• 2018 Power DMS Online (IT18)			4.50	0.33				**4.83**
• 2019 Power DMS Online (IT19)		5.50						**5.50**
• 2020 Power DMS Online (IT20)	3.50							**3.50**
• ACCESS Courses (ITAC)		5.50		2.00		4.50		**12.00**
• CALEA (ITCA)					0.50	0.50		**1.00**
• General Courses (ITGE)						0.50		**0.50**
• Intergraph MPS - New CAD (ITMC)						4.00		**4.00**
Control Tactics (CT)								
• Control Tactics (CTMI) (CTCM) (CTIN) (CTSP			10.00	42.00				**52.00**
• Control Tactics In Service (CTIS)				8.00				**8.00**
Firearms (FA)								
• Active Shooter / Immediate Threat Response (		4.00	4.75	20.00				**28.75**
• Annual Handgun Qualifications (FAHQ)		1.25	2.50	2.25	2.00	1.00		**9.00**
• Annual Rifle Qualifications (FARQ)			1.00	1.00	1.00	1.00		**4.00**
• Armorer Courses - Handgun (FAAG)		8.00						**8.00**
• Ballistic Shield Instructor (FABS)	20.00							**20.00**
• ECT 100 Level						10.00		**10.00**
• ECT 200 Level			1.00	1.50	1.25			**3.75**
• Firearm Safety & Familiarization (FASF)						5.00		**5.00**

Tacoma Police Department
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Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
• Handgun 100 Level						70.00		**70.00**
• Handgun 200 Level		0.75	3.75	4.00	5.75	3.00		**17.25**
• Instructor Level Courses - TPD (FATI)		99.00	40.00					**139.00**
• Rifle 100 Level						40.00		**40.00**
• Rifle 200 Level			2.00	2.00	2.50	1.00		**7.50**
General Law Enforcement (LE)								
• All Hazards (LEAH)					4.50			**4.50**
• First Aid and CPR (LEFA)		8.00		4.50		11.00		**23.50**
• Incident Command System (GLIC)					2.50		3.00	**5.50**
• Law Enforcement Patrol Topics (LEPT)	2.00	2.00		10.00				**14.00**
• Legal Update Training (LELU)			1.00	2.25		1.00		**4.25**
• Officer Resiliency and Wellness Class (LEOR)				2.00				**2.00**
• Traffic (Basic Traffic courses for all) (LETR		4.00		3.00				**7.00**
• Turnout Training (LETT)			1.75		0.50			**2.25**
• Use of Force (LEUF)				9.00				**9.00**
New Employee Training (NE)								
• New Employee - COT/HR Training (NECT)						13.00		**13.00**
Police One Academy (P1)								
• Cultural Awareness (P105)					2.00			**2.00**
Police Training Coordinator (TC)								
• 1_Basic Law Enforcement Academy (TC01)						720.00		**720.00**
Project Peace (PP)								
• Fair and Impartial Policing (PPFI)		4.00			8.00			**12.00**
• Sexual Harassment Training (PPSH)			1.00					**1.00**
SWAT (SW)								
• SWAT 2019 Monthly Training (SWMT 2019)		79.00						**79.00**
• SWAT Basic (SWBC)		65.00						**65.00**
• SWAT Miscellaneous Trng Courses (SWMS)		88.00						**88.00**
Vehicle Operations (VO)								
• Emergency Vehicle Operations (EVOC)	2.00	10.00			2.00			**14.00**

Tacoma Police Department
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Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
Course Type								
• BLEA						720.00		**720.00**
• Certification		15.00		4.00				**19.00**
• Classroom		17.50	3.00			4.50		**25.00**
• E-Learning						0.50	3.00	**3.50**
• Instructor Led Class	20.00	312.75	52.25	56.00	21.50	146.00		**608.50**
• Legal Update				1.25				**1.25**
• Online Power DMS Training	3.00	3.25	1.50	6.83	4.00	7.50		**26.08**
• Online Trng - outside agency	2.00	2.00		4.00	2.50			**10.50**
• Police One Academy					2.00			**2.00**
• Power Point Presentation	0.50	3.25	3.00					**6.75**
• Practical	2.00	29.00	10.00	42.00	2.00			**85.00**
• Qualification		1.25	1.25		1.00	2.00		**5.50**
• Skills Test			2.25	3.25	1.00			**6.50**
Training Type								
• Annual	4.00	7.00	7.25	3.00	5.50	6.50		**33.25**
• Biennial (Every Other Year)		4.50	10.00	11.00		4.50		**30.00**
• Certification	20.00	93.00	40.00	39.33		730.00	3.00	**925.33**
• Fitness/ Health				2.00				**2.00**
• Informational	1.00	71.00	3.00	11.25	0.50	1.00		**87.75**
• Initial		5.00				0.50		**5.50**
• Qualification			2.25	3.25	1.00			**6.50**
• Recertification		4.50		2.00				**6.50**
• Required		4.00			11.50	1.00		**16.50**
• Skill Proficiency	2.00	10.00	6.00	31.50	10.50	124.00		**184.00**
• Skills Refresher Training		2.00	4.75	4.50				**11.25**
• Triennial (Every Three Years)	0.50			0.50	0.50			**1.50**
Course Attribute								
• Accuracy Drills		13.75	1.25					**15.00**

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Collins, Matthew J. (209799)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
• Active Shooter Responce			4.75	20.00				**24.75**
• All Hazard		1.00	0.50		4.50			**6.00**
• Americans with Disabilities Act					0.50			**0.50**
• Back-Up Firearm		1.25						**1.25**
• Ballistic Shield Drills	20.00							**20.00**
• Biases/Fair Impartial Policing		4.00	2.50					**6.50**
• Bloodborne Pathogens		1.00	0.75	1.00	1.00			**3.75**
• CALEA		80.50	4.00	31.25	13.00	134.00		**262.75**
• CPR First Aid AED		9.00		4.50		3.00		**16.50**
• City of Tacoma Mandatory						0.50		**0.50**
• Communications		1.50			0.50	0.50		**2.50**
• Computer and Technology Classes		0.25						**0.25**
• Control Tactics			10.00	27.00				**37.00**
• Crisis Intervention Team	2.00	2.00		12.00				**16.00**
• Critical Thinking						1.00		**1.00**
• Cultural Awareness			1.50		1.00			**2.50**
• De-escalation		13.00						**13.00**
• Decision Making		2.00	3.75			0.50		**6.25**
• Decision Making Under Stress		4.00						**4.00**
• Diversity			1.50			2.50		**4.00**
• Domestic Violence	1.00		1.00		1.00			**3.00**
• ECT		6.00	1.00	1.50	1.25			**9.75**
• ECT Malfunction Drills						10.00		**10.00**
• Equity & Human Rights					8.00			**8.00**
• Ethics and Integrity	1.00		1.00	1.00		1.00		**4.00**
• Federal Gov't Trng		4.50		2.00	2.50	4.50	3.00	**16.50**
• Federally Mandated		5.00		2.00		4.50		**11.50**
• Firearm Training	20.00	103.00	51.50	29.25	11.25	121.00		**336.00**
• Fitness & Health		1.00						**1.00**
• Ground Defense			10.00	10.00				**20.00**
• Harassment			1.00			2.50		**3.50**

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Collins, Matthew J. (209799)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
• Hazardous Materials		1.50	0.50	0.50				**2.50**
• Homeland Security		0.50						**0.50**
• Impact Weapon Techniques		8.00						**8.00**
• Impaired Driving Enforcement				3.00				**3.00**
• In-Service (State Credit)	27.00	384.00	72.75	116.00	36.00	881.00	3.00	**1,519.75**
• Incident Command System		4.50			2.50	4.50	3.00	**14.50**
• Instructor Level	20.00	88.00	40.00	32.00				**180.00**
• Investigations		0.25	1.00					**1.25**
• Legal Education	1.00		1.00	11.25		1.50		**14.75**
• MANDATORY			10.00	12.50	3.25	43.00		**68.75**
• Malfunction Drills			1.25					**1.25**
• Mandatory No State Credit						0.50		**0.50**
• Mental Health	2.00	3.00		4.00				**9.00**
• Monthly Team Training		50.00						**50.00**
• Multiple Officers			8.50					**8.50**
• Multiple Targets		4.75		4.00	3.50			**12.25**
• Off Hand Shooting		1.25	2.50					**3.75**
• Officer Rescue		2.00				1.50		**3.50**
• Officer Resiliency		1.00						**1.00**
• PIT Training		10.00						**10.00**
• Planning and Management		0.50						**0.50**
• Problem Solving		1.00						**1.00**
• Project Peace			1.50		8.00			**9.50**
• Qualification		12.25	2.25	3.25	3.00	60.00		**80.75**
• Racial Profiling			1.50					**1.50**
• Rifle Malfunction Drills			2.00	2.00	2.50	1.00		**7.50**
• Service Orientation		0.25						**0.25**
• Shooting Around Obstacles		5.75	1.25					**7.00**
• Shooting While Moving		4.75	3.75					**8.50**
• South Sound 911		4.50				4.50		**9.00**
• TPD Mandatory	21.50	74.50	23.25	43.08	9.00	833.00		**1,004.33**

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Collins, Matthew J. (209799)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
• TPD Voluntary Training		88.00	43.00	3.00	3.50	1.00		**138.50**
• Traffic Enforcement		4.00		3.00				**7.00**
• Use of Force		10.00	18.25	43.00	1.50	10.00		**82.75**
• Vehicle Backing Course	2.00							**2.00**
• Vehicle Operations	2.00	11.75	1.50		2.50			**17.75**
• Vehicle Placement Course	2.00							**2.00**
• Vehicle Policy Review	3.00	10.00						**13.00**
• Vehicle Pursuit Driving	2.00	10.00						**12.00**
• WA-State Mandatory	2.00	7.00		4.00		724.50		**737.50**
• Written Test	20.00	96.00	40.00			110.50		**266.50**

Burbank, Christopher S. (210045)

Employment Summary

Tacoma Police Department-Chief's Office - Active Full-time **Total Service:** 4 Years 96 Days
Hired: 12-01-2015 **Last Action:** 9-06-2017 Reclassified

Bureau: Operations Bureau
Unit:
Pos/Rank: Police Patrol Officer
Class:
Division: Operations Patrol Division
Assignment: A set of days off
Level:
Shift: Grave Shift

Certification

Date	Status	Certified	Expires	Probation	Cert #
ACCESS/CJIS-1 / Initial Certification					
10-25-2019	Certified	10-25-2019	10-25-2021		
Breath Test Operator Permit / Initial Certification					
4-13-2019	Certified	4-13-2019	4-13-2022		
CPR First Aid AED / Basic Certification					
1-10-2019	Certified	1-10-2019	1-10-2021		
ACCESS/CJIS-1 / Initial Certification					
11-23-2017	Certified	11-23-2017	11-23-2019		
Draeger Transition Training / Initial Certification					
8-03-2017	Certified	8-03-2017	8-03-2020		
CPR First Aid AED / Basic Certification					
5-11-2017	Certified	5-11-2017	5-11-2019		
Breath Test Operator Permit / Basic Certification					
5-20-2016	Certified	5-20-2016	5-20-2019		
Peace Officer / Basic Certification					
2-12-2016	Certified	2-12-2016			
CPR First Aid AED / Basic Certification					
1-05-2016	Certified	1-05-2016	1-05-2018		
ACCESS/CJIS-1 / Initial Certification					
1-05-2016	Certified	1-05-2016	1-05-2018		

Employment History

Tacoma Police Department-Chief's Office **Service:** 2 Years 180 Days
Date: 9-06-2017 **Action:** Reclassified **Status:** Active Full-time

Bureau: Operations Bureau
Unit:
Pos/Rank: Police Patrol Officer
Class:
Division: Operations Patrol Division
Assignment: A set of days off
Level:
Shift: Grave Shift

Tacoma Police Department-Chief's Office **Service:** 1 Years 279 Days
Date: 12-01-2015 **Action:** Hired **Status:** Active Full-time

Bureau:
Unit:
Pos/Rank: Police Patrol Officer
Class:
Division:
Assignment:
Level:
Shift:

Burbank, Christopher S. (210045)

Training

Course	Title	Date	Hours	Score	Status
LEPT0086	Crisis Intervention 2 -hr 2020 Refresher	3-03-2020	2.00	0.00	Passed
	2 hour CIT online refresher training mandated by State law for the year 2019.				
IT20UOFV	Use of Force- Vehicle Ops	1-28-2020	1.00	0.00	Completed
	Use of Force Vehicle Operations				
EVOC2020	2020 EVOC Training for Operations (A & B Squads)	1-16-2020	2.00	0.00	Completed
	2020 EVOC training for operations personnel (A & B squads). Dates - 1/9, 1/16, 1/23, 1/30, 2/6 and 2/13.				
	2020 Pass/Complete:		**5.00**		
FALL001	40mm Patrol Operator Course	10-31-2019	10.00	0.00	Completed
	40mm launcher basic operator course for patrol officers.				
ACSCJISR	2_ACCESS/CJIS-1 Recert	10-25-2019	2.00	0.00	Passed
	This course superceded course ACS00001 per Directive #: ID #14-010 starting on 12/01/2014.				
ECT20011	2019 ECT Recert & Training	9-12-2019	1.00	0.00	Completed
	Annual ECT Recert				
FALL002	40mm Introduction/Arrest Team Movement	9-12-2019	0.50	0.00	Completed
FAH20016	2019 Fall In-Service Handgun Training	9-12-2019	1.25	0.00	Completed
FAHQ19-2	2019 Fall Qualification	9-12-2019	1.25	0.00	Completed
IT19SUIC	2019 Suicide Prevention Refresher Training	9-12-2019	1.00	0.00	Completed
	Mental Health training as required by CALEA				
IT19ALLH	All Hazards	9-12-2019	0.50	0.00	Completed
	Required Training every year.				
IT19OSHA	OSHA Hazardous Communications Standards	9-12-2019	0.50	0.00	Completed
	Required Training every 5 years				
IT19ACCR	Accreditation Refresher Training	9-12-2019	0.50	0.00	Passed
	Required CALEA refresher training				
IT19BBP1	Blood Borne Pathogen Training	9-12-2019	1.00	0.00	Passed
	Required Annual Training				
TC042019	PTO Refresher 2019	8-08-2019	10.00	0.00	Completed
	Sgt. Patterson and Dr. Kirk Patrick provide training on a wide variety of topics to include learning styles, teaching methods and more. See attached documents.				
IT19TRED	TREDS	6-21-2019	1.75	0.00	Passed
	Training, research and education for driver safety				
IT19TRES	Documenting Trespass Authorization Locations	6-21-2019	0.25	0.00	Passed
	SS911 Powerpoint on how to better document Trespass Authorization Locations				
FAR20015	2019 Department Rifle Training	6-13-2019	2.00	0.00	Completed
FARQ2019	2019 Department Rifle Qual	6-13-2019	1.00	0.00	Passed
LELU0010	2019 Legal Update Turnout Training	5-16-2019	1.00	0.00	Completed
LEFA0023	2019 Wound Packing Refresher	4-18-2019	1.00	0.00	Completed
LEFA0024	2019 CAT Training Refresher	4-18-2019	1.00	0.00	Completed
	CAT training that includes practice applications.				
FAH20015	2019 Spring In-Service Handgun Training	4-18-2019	0.75	0.00	Completed
FATR0007	2019 Introduction to Single Officer Response	4-18-2019	4.00	0.00	Completed
FAHQ19-1	2019 Spring Qualifications	4-18-2019	1.25	0.00	Completed
LETR0020	Draeger Refresher	4-12-2019	4.00	0.00	Passed

Burbank, Christopher S. (210045)

LEPT0083	Crisis Intervention 2 -hr 2019 Refresher Trng	4-12-2019	2.00	0.00	Passed
	2 hour CIT online refresher training mandated by State law for the year 2019.				
LEFA0025	Narcan Trng/Narcotics Hood Testing	3-27-2019	0.50	0.00	Completed
	Narcan and Narcotics Hood Training taught by special investigatons				
EVOC2019	2019 PIT Training	3-07-2019	10.00	0.00	Completed
	PIT Training				
PPFI2019	Fair and Impartial Refresher 2019	1-10-2019	4.00	0.00	Completed
	4 Hour block of refresher training for Fair and Impartial Policing.				
LEFA0017	2019 First Aid/CPR/AED Winter Training	1-10-2019	5.00	0.00	Completed
	WinterTraining block covering First Aid/CPR/AED. Instructors are in class LEFA0016.				
	2019 Pass/Complete:		**69.00**		
IT18LEAH	All Hazards Plan	12-07-2018	0.50	0.00	Completed
LELU0009	2018 Fall Legal Update Training	11-06-2018	1.00	0.00	Completed
	Turn out/Section Training for legal updates; to include Traffic law updates to satisfy CALEA				
TC042018	PTO Refresher 2018	10-12-2018	1.00	0.00	Passed
FAHQ18-2	2018 Fall Qualifications	9-20-2018	1.25	0.00	Passed
ECT20010	2018 ECT Recert & Training	9-20-2018	1.00	0.00	Completed
FATR0006	Active Shooter Refresher 2018	9-20-2018	4.75	0.00	Completed
	Active Shooter refresher that focuses on footwrok using non-firing blue guns. Tacoma schools update powerpoint include in course of instruction during the 2018 Fall in-service.				
LETT0014	Bloodborne Pathogen and Bio Hazard Trng	8-30-2018	0.75	0.00	Completed
	Turn out training in lieu of on line training on Bloodborne pathogen and Bio Hazards. Presented by the Bio Cadre.				
FAOR2018	2018 Open Range	8-13-2018	1.00	0.00	Attended
IT18MENT	Mental Illness_De-Escallation Techniques	6-14-2018	1.00	0.00	Completed
	Course covers the guiding principles of the cycle of aggression, why people become aggressive and what they do. Communication with the mentally ill and people with volatile character traits. Then approaching persons who are in the process of becoming angry or losing control.				
	This is a triennial course (year 3) and an initial requirement for new hires during the three year cycle.				
LELU0008	2018 On-Line Legal Update Training	6-14-2018	0.50	0.00	Completed
	Civil Legal update by Keith Ectherling				
FAR20014	2018 Department Rifle Training	5-31-2018	2.00	0.00	Completed
FARQ2018	2018 Department Rifle Qual	5-31-2018	1.00	0.00	Completed
IT18DVEM	DV - TPD/Civilian involved training	5-31-2018	0.75	0.00	Completed
	Employee involved DV policy and procedure review				
LETT0013	2018 DV Turnout Training	5-29-2018	1.00	0.00	Completed
	Updated DV training for patrol. Topics will cover Detective, Prosecutor, and DV Advnocate points of view.				
TC060002	New PTO Orientation Training	5-23-2018	2.00	0.00	Completed
FAOR2018	2018 Open Range	5-14-2018	1.00	0.00	Attended
TC030002	PTO Academy-Basic-40-hr Revised in 2017 (TC030002)	5-10-2018	40.00	0.00	Passed
	Restructered course starting in 2017. This is now a 4-day, 32-hour class plus 8 hours homework.				
IT18BIAS	Biased Based Policing	4-22-2018	1.50	0.00	Passed
	Annual Bias Based policing refresher training.				
IT18ETH1	Ethics	4-22-2018	1.00	0.00	Passed
	Annual Ethics Training				
IT18UOFV	Use of Force - Vehicle Operations	4-22-2018	1.50	0.00	Passed
FAH20013	2018 Spring In-Service Handgun Training	4-19-2018	3.75	0.00	Passed

Burbank, Christopher S. (210045)

FAHQ18-1	2018 Spring Qualifications	4-19-2018	1.25	0.00	Completed
FAOR2018	2018 Open Range	2-12-2018	1.00	0.00	Attended
PPSH2018	Sexual Harassment Prevention/Refresher Training	1-30-2018	1.00	0.00	Completed
	City led Sexual Harassment Prevention and Refersher Training. Approved by city.				
		2018 Pass/Complete:	**68.50**		
LELU0005	2017 Turnout Legal Update Training	12-21-2017	1.00	0.00	Completed
	Turn out/section Training from the department legal advisors. Each Bureau is receiving legal training specific to their Bureaus.				
IT18OFFD	Off Duty Employment	12-18-2017	0.33	0.00	Completed
	Off Duty Employment training for off duty in 2018				
LELU0006	Potential Impeachment Evidence (PIE)	12-07-2017	0.25	0.00	Completed
	Training provided by PC Prosecutors office				
ACSCJISR	2_ACCESS/CJIS-1 Recert	11-23-2017	2.00	0.00	Passed
	This course superceded course ACS00001 per Directive #: ID #14-010 starting on 12/01/2014.				
IT17LEAH	All Hazards Plan	11-20-2017	0.50	0.00	Completed
	Required class per CALEA.				
LETT0009	Writing Search Warrants	11-16-2017	1.00	0.00	Completed
	Class presented by Det. Chittick on how to write search warrants				
	US Constitution 4th Amandment and Article 1 Section 7 Washington State Constitution reviewed				
LEPT0059	Crisis Intervention 2-hr 2017-18 Refresher Trng	11-09-2017	2.00	0.00	Passed
	2 hour CIT refresher training mandated by State law.				
CTIS0003	2017 Controlled Superiority Refresher Training	11-02-2017	4.00	0.00	Completed
	Controlled Superiority Refresher Training: Handcuffing, takedown techniques, scenarios.				
ECT20009	2017 ECT Recert & Training	11-02-2017	1.50	0.00	Completed
FAH20012	2017 Fall In-Service Handgun Training	11-02-2017	1.75	0.00	Completed
FAHQ17-2	2017 Fall Qualifications	11-02-2017	1.25	0.00	Completed
FAOR2017	2017 Open Range	10-09-2017	1.00	0.00	Attended
LELU0004	2017 On Line Legal Update	9-27-2017	1.00	0.00	Completed
	Power DMS on line legal update for 2017.				
LEOR	Officer Resiliency and Wellness	9-27-2017	2.00	0.00	Completed
	Power DMS training developed by Dr. St. Jacques.				
LEST0012	Records Management basics (COT)	9-26-2017	0.33	0.00	Completed
	As public employees, we have a responsibility to manage documents and provide records of our work and communication when the public asks. To be able to meet this responsibility, all employees are required to take a 20 minute online training. The training will teach the basics about records management – what's a record and what's not, what to keep and what to delete. Up to this point, the City of Tacoma has primarily used manual processes to organize, store, and gather information and records. That is about to change with a technology project that will improve the way the City manages its information and responds to public disclosure requests.				
FAOR2017	2017 Open Range	9-11-2017	1.00	0.00	Attended
LELU0003	2017 Quick Turnout Training	8-03-2017	0.50	0.00	Completed
	Topics Vary per class.				
LETR0018	Draeger Transition Training	8-03-2017	3.00	0.00	Passed
	Transition Training from BAC Datamaster to the Draeger testing machine. Provided by WSP.				
FAOR2017	2017 Open Range	7-10-2017	1.00	0.00	Attended
FAR20012	2017 Department Rifle Training	7-06-2017	2.00	0.00	Completed
FARQ2017	2017 Department Rifle Qual	7-06-2017	1.00	0.00	Completed

Burbank, Christopher S. (210045)

FAOR2017	2017 Open Range	6-13-2017	1.00	0.00	Attended
LEFA0011	2017 First Aid/CPR/AED Spring Training	5-11-2017	4.00	0.00	Passed
	Spring Training block covering First Aid/CPR/AED. Instructors are in class LEFA0010.				
LEFA0012	2017 CAT Training Refresher	5-11-2017	0.50	0.00	Completed
	CAT training that includes practice applications.				
FAH20011	2017 Spring In-Service Handgun Training	5-11-2017	2.25	0.00	Completed
FAHQ17-1	2017 Spring Qualifications	5-11-2017	1.00	0.00	Completed
FAOR2017	2017 Open Range	5-08-2017	1.00	0.00	Attended
FAOR2017	2017 Open Range	3-13-2017	1.00	0.00	Attended
CTIS0002	2017 Control Tactics In Service	3-09-2017	4.00	0.00	Completed
	Ground Survival and Ground Compliance Techniques for Uncooperative Subjects				
LEPT0044	Crisis Intervention Training (8070) CJTC 40-hr	3-03-2017	40.00	0.00	Completed
	40-hour course offered state-wide by WSCJTC - taught at several locations/departments throughout the state.				
IT17UOF1	Use of Force Annual Review 2017	2-25-2017	1.00	0.00	Passed
	Annual use of force review of policy and procedure.				
IT17TDR1	Temp Detention Rooms	2-25-2017	0.50	0.00	Passed
	Update on Temp Detention Rooms policy and procedure				
IT17ETH1	Ethics	2-24-2017	1.00	0.00	Passed
	Biennial Department Ethics training				
FAOR2017	2017 Open Range	2-13-2017	0.00	0.00	Attended
		2017 Pass/Complete:	**79.66**		
EARB0002	2017 Distracted Driving	12-13-2016	0.50	0.00	Completed
	Content includes -Backing and Driver Fatigue as part of the curriculum.				
PPFI-PPO	Fair and Impartial Policing-PPO	11-21-2016	8.00	0.00	Completed
ECT20008	2016 ECT Recert & Training	10-20-2016	1.25	0.00	Completed
FAH20010	2016 Fall In-Service HandgunTraining	10-20-2016	2.25	0.00	Completed
FAHQ16-2	2016 Fall Qualifications	10-20-2016	1.00	0.00	Completed
FAOR2016	2016 Open Range	9-12-2016	0.00	0.00	Attended
P1250001	Procedural Justice	8-08-2016	2.00	0.00	Passed
FAR20010	2016 Department Rifle Training	6-24-2016	2.50	0.00	Completed
FARQ2016	2016 Department Rifle Qual	6-24-2016	1.00	0.00	Completed
GLIC0029	IS 029 Public Info Officer Awreness	6-11-2016	2.50	0.00	Passed
	Course covers basic info about role of a Public Info Officer. This is a required on-line course to attend the EMD Basic Public Info Officer courses.				
LETR0006	BAC Basic (TPD 10-hr)	5-20-2016	10.00	0.00	Passed
LEAH0006	1_Butane Honey Oil Extraction Hazard-BHO	4-23-2016	1.00	0.00	Completed
	TPD HEAT Team developed and instructed presentation about the process and hazards of BHO				
LEAH0005	1_Electrical & Gas Hazards In-Service	4-23-2016	2.00	0.00	Completed
	Electrical Hazards includes Electric/Hybrid cars and a presentation developed by Tacoma Public Utilities for First Responders general awareness. *The Gas Hazards includes a video developed and produced by Puget Sound Energy and a power point presentation also developed by PSE. Additional slided picturing two local events:Aug 2015 Motel 6 natural gas explosion and March 2016 Seattle Greenwood neighborhood natural gas explosion.*				
LEAH0007	1_Suicide Prevention	4-23-2016	1.00	0.00	Completed
	Presentation developed by TPD MHP-CoResponders Tracy Detty and Ryan Miles				
LEAH0008	1_All Hazards Response	4-22-2016	0.50	0.00	Completed

Burbank, Christopher S. (210045)

	This presentation covers TPD Action Plan, FEMA Student ID and requirenent to take IS-29 PIO Awareness, resources for personal and family preparedness.				
FAHQ16-1	2016 Spring Qualifications	4-22-2016	1.00	0.00	Completed
FAH20009	2016 Spring In-Service Handgun Training	4-21-2016	3.50	0.00	Completed
IT1616A2	Responding to a Domestic Violence Call	4-01-2016	1.00	0.00	Excused
	Revised course of IT1616A1 Everyone who took A1 received the updated revision and are excused from this revision.				
IT161605	Blood Borne Pathogens	3-31-2016	1.00	0.00	Passed
IT1616A1	Responding to a Domestic Violence Call	3-22-2016	1.00	0.00	Passed
	Deactivated on ??? Replaced by A2				
EVOC2016	2016 EVOC Training for Ops (A Squad)	3-11-2016	2.00	0.00	Completed
	2016 EVOC Training for Ops personnel - A Squad Rotation, to include CLOs, K9 and Gang Team. Dates are 2/26/16, 3/4/16, 3/11/16 and 3/18/16.				
ITCA0002	CALEA Refresher	3-08-2016	0.50	0.00	Passed
EVOC2016	2016 EVOC Training for Ops (A Squad)	3-04-2016	0.00	0.00	Reschedule
	2016 EVOC Training for Ops personnel - A Squad Rotation, to include CLOs, K9 and Gang Team. Dates are 2/26/16, 3/4/16, 3/11/16 and 3/18/16.				
LETT0004	Communication with Deaf-Hard of Hearing	3-04-2016	0.50	0.00	Passed
TC010002	Basic Law Enforcement Equivalency Academy	2-12-2016	80.00	0.00	Completed
	BLEA reinstituted the two-week Equivalency class on campus in 2015, course #0090.				
IT161610	Use of Force Annual Review	2-11-2016	1.00	0.00	Completed
IT161612	Use of Force - Vehicle Operations	2-11-2016	0.50	0.00	Completed
NECT0002	Old Cultural Awareness COT prior to 2017	1-26-2016	3.50	0.00	Completed
	Class provided by the City of Tacoma for New Employee Orientation.				
NECT0003	Discrimination-Sexual Harassment Prevention COT	1-26-2016	2.50	0.00	Completed
	Course taught by COT instructors for all newly hired employees.				
NECT0004	Domestic Violence Policy Awareness COT	1-26-2016	0.50	0.00	Completed
	Mandatory training for new TPD employees - given by COT HR.				
NECT0001	Overview/Benefits/Misc - NEO COT	1-25-2016	6.50	0.00	Completed
ITMC0003	Intergraph - New CAD Client - Part 3 Full Length	1-14-2016	4.00	0.00	Completed
P1051602	Hate Crimes Training for Law Enforcement	1-14-2016	1.00	0.00	Completed
	Required online training for all commissioned personnel.				
P1051601	P1A Cultural Awareness 1	1-14-2016	1.00	0.00	Completed
	Required on-line training for all personnel in 2016.				
FAOR2016	2016 Open Range	1-11-2016	0.00	0.00	Attended
LEFA0004	Heart Saver/First Aid-CPR-AED COT or Agency 8hr	1-05-2016	8.00	0.00	Completed
	8 hour class taught by COT or Outside agency				
ACSCJISB	1_ACCESS/CJIS-1 Basic	1-05-2016	4.50	0.00	Passed
	Active after 12-1-14				
	2016 Pass/Complete:		**158.00**		
FAR10004	Post Academy Rifle 2015	12-31-2015	40.00	0.00	Completed
FAH10009	Post Academy 2015	12-22-2015	60.00	0.00	Completed
ECT10001	ECT Post Academy	12-22-2015	10.00	0.00	Completed
LEFA0002	Combat Application Tourniquet	12-21-2015	1.50	0.00	Completed
LEFA0005	Wound Care / Wound Packing	12-21-2015	1.50	0.00	Completed
IT141410	Use of Force & Policy Review	12-17-2015	1.00	0.00	Passed
	Mandatory training of the Tacoma Police Department's Use of Force and Policy review.				

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IT1313A1	Domestic Violence (Commisioned)	12-17-2015	1.00	0.00	Passed
IT131317	Initiative 502 - Legal Update	12-17-2015	1.00	0.00	Passed
FAHQ2015	2015 Misc. Qualifications	12-16-2015	1.00	0.00	Completed
IT131320	Pistol Mounted Flashlight	12-14-2015	0.50	0.00	Passed
ITCA0001	CALEA Initial	12-11-2015	0.50	0.00	Completed

CALEA Initial Presentation for TPD and two 7 minute videos. Part 1- What is CALEA , and Part 2 - Benefits of Becoming a CALEA Agency.

IT151507	2015 Ethics	12-08-2015	1.00	0.00	Passed
IT141401	Hazardous Communication-GHS Chemical Labeling	12-08-2015	0.50	0.00	Passed

In order to ensure chemical safety in the workplace, information about the identities and hazards of the chemicals must be available and understandable to workers. OSHA's Hazard Communication Standard (HCS) requires the development and dissemination of such information.

The Hazard Communication Standard (HCS) is now aligned with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). This update to the Hazard Communication Standard (HCS) will provide a common and coherent approach to classifying chemicals and communicating hazard information on labels and safety data sheets
The revised standard will improve the quality and consistency of hazard information in the workplace, making it safer for workers by providing easily understandable information on appropriate handling and safe use of hazardous chemicals.

This was taken, in-part, from OSHA's home page regarding GHS Labeling.

IT141409	TPD Detention Cells	12-08-2015	0.50	0.00	Passed

Annual mandatory training reviewing TPD policy and procedures regarding detention cell usage.

IT131302	Americans with Disability Act	12-08-2015	1.00	0.00	Passed

Last roster update was 12-16-15

IT131303	Autism Spectrum Disorder	12-08-2015	1.00	0.00	Passed

Last updated roster 12-16-15

IT141412	Use of Force-Vehicle Operations	12-08-2015	1.00	0.00	Completed

Used this PowerDMS online training for 2015.

IT141404	Bias Base Profiling	12-08-2015	1.00	0.00	Passed

Introduction to Cultural Diversity

IT151508	Mental Illness_De-Escallation Techniques	12-08-2015	1.00	0.00	Passed

Course covers the guiding principles of the cycle of aggression, why people become aggressive and what they do. Communication with the mentally ill and people with volatile character traits. Then approaching persons who are in the process of becoming angry or losing control.
This is a triennial course (year 3) and an initial requirement for new hires during the three year cycle.

IT141402	Cultural Diversity-On Common Ground	12-08-2015	1.00	0.00	Passed
IT131315	Collision Investigation Procedures Update	12-08-2015	0.50	0.00	Passed
IT131316	Dog Related Encounters	12-08-2015	0.50	0.00	Passed
IT131319	CART	12-08-2015	1.00	0.00	Passed
IT1515A1	Domestic Violence (Commissioned)	12-08-2015	1.00	0.00	Passed
LEPT0033	Conflict Management-Resolution - COT	12-03-2015	7.00	0.00	Completed

7-hour course ofference by COT/HR - see attached description.

2015 Pass/Complete: 136.00

Total Pass/Complete: 516.16

Burbank, Christopher S. (210045)

Education

Date	Degree	Major	School	Hours	Q/S

Attributes

Effective	Expires	Topic	Attribute
1-01-2019	12-31-2019	24 hour Compliance	In-Service

Issued Equipment

Type	Make / Model (or Description)	Asset #	Serial #	Qty	Issued	Returned

Issued Weapons

Type	Make / Model	Asset #	Serial #	Issued	Returned
BACKUP	GLOCK / 43		ZHM657	12-17-2015	
CONDUCTIVE EN	TASER INTL / X26		X00-349664	12-23-2015	
Pistol	GLOCK / 17		TNM814	12-14-2015	
Rifle	S&W / M&P15		SN80844	12-28-2015	

Issued Vehicles

Type	Make / Model	Asset #	License #	Issued	Returned

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Burbank, Christopher S. (210045)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
Annual Totals								
Training Hours (Passed / Completed)	5.00	69.00	68.50	79.66	158.00	136.00		**516.16**
Instructor Hours (Instructed)								
Program / Subject								
Computer and Technology (IT)								
• 2013 Power DMS On-Line (IT13)						6.50		**6.50**
• 2014 Power DMS On-Line (IT14)						4.00		**4.00**
• 2015 Power DMS Online (IT15)						4.00		**4.00**
• 2016 Power DMS Online (IT16)					3.50			**3.50**
• 2017 Power DMS Online (IT17)				3.00				**3.00**
• 2018 Power DMS Online (IT18)			6.25	0.33				**6.58**
• 2019 Power DMS Online (IT19)		5.50						**5.50**
• 2020 Power DMS Online (IT20)	1.00							**1.00**
• ACCESS Courses (ITAC)		2.00		2.00	4.50			**8.50**
• CALEA (ITCA)					0.50	0.50		**1.00**
• Intergraph MPS - New CAD (ITMC)					4.00			**4.00**
Control Tactics (CT)								
• Control Tactics In Service (CTIS)				8.00				**8.00**
Firearms (FA)								
• 40mm - Less Lethal Launcher (FALL)		10.50						**10.50**
• Active Shooter / Immediate Threat Response (		4.00	4.75					**8.75**
• Annual Handgun Qualifications (FAHQ)		2.50	2.50	2.25	2.00	1.00		**10.25**
• Annual Rifle Qualifications (FARQ)		1.00	1.00	1.00	1.00			**4.00**
• ECT 100 Level						10.00		**10.00**
• ECT 200 Level		1.00	1.00	1.50	1.25			**4.75**
• Handgun 100 Level						60.00		**60.00**
• Handgun 200 Level		2.00	3.75	4.00	5.75			**15.50**
• Rifle 100 Level						40.00		**40.00**
• Rifle 200 Level		2.00	2.00	2.00	2.50			**8.50**

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Burbank, Christopher S. (210045)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
General Law Enforcement (LE)								
• All Hazards (LEAH)					4.50			**4.50**
• First Aid and CPR (LEFA)		7.50		4.50	8.00	3.00		**23.00**
• Incident Command System (GLIC)					2.50			**2.50**
• Law Enforcement Patrol Topics (LEPT)	2.00	2.00		42.00		7.00		**53.00**
• Legal Update Training (LELU)		1.00	1.50	2.75				**5.25**
• Officer Resiliency and Wellness Class (LEOR)				2.00				**2.00**
• Support Staff General Training (LEST)				0.33				**0.33**
• Traffic (Basic Traffic courses for all) (LETR		4.00		3.00	10.00			**17.00**
• Turnout Training (LETT)			1.75	1.00	0.50			**3.25**
New Employee Training (NE)								
• New Employee - COT/HR Training (NECT)					13.00			**13.00**
Police One Academy (P1)								
• Cultural Awareness (P105)					2.00			**2.00**
• Leadership (P125)					2.00			**2.00**
Police Training Coordinator (TC)								
• 2_Basic LE Equivalency Academy (TC02)					80.00			**80.00**
• 3_PTO Academy-Basic (TC03)			40.00					**40.00**
• 4_PTO Refresher (TC04)		10.00	1.00					**11.00**
• 6_New Employee Onboardinging (TC06)			2.00					**2.00**
Project Peace (PP)								
• Fair and Impartial Policing (PPFI)		4.00			8.00			**12.00**
• Sexual Harassment Training (PPSH)			1.00					**1.00**
Vehicle Operations (VO)								
• EVOC Skills Refresher (EVSR)					0.50			**0.50**
• Emergency Vehicle Operations (EVOC)	2.00	10.00			2.00			**14.00**
Course Type								
• Certification		15.00		4.00				**19.00**
• Classroom		4.50	43.00	1.00	14.50			**63.00**
• Instructor Led Class		36.75	14.25	59.00	114.50	120.00		**344.50**

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Burbank, Christopher S. (210045)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
• Legal Update			0.50	1.75				**2.25**
• Online Power DMS Training	1.00	3.25	2.25	5.83	4.50	14.00		**30.83**
• Online Trng - outside agency	2.00	4.00		4.33	2.50			**12.83**
• Police One Academy					4.00			**4.00**
• Power Point Presentation		2.25	5.00			1.00		**8.25**
• Practical	2.00				2.00			**4.00**
• Qualification		2.25	1.25		1.00	1.00		**5.50**
• Skills Test			2.25	3.25	1.00			**6.50**
Training Type								
• Annual	2.00	5.00	7.25	2.00	5.50	13.00		**34.75**
• Biennial (Every Other Year)				1.00	4.50			**5.50**
• Certification		15.00		7.33	90.00	10.00		**122.33**
• Elective					2.00			**2.00**
• Fitness/ Health				2.00				**2.00**
• Informational	1.00	15.50	5.25	3.58	0.50			**25.83**
• Initial		4.50	41.00			1.50		**47.00**
• Qualification		1.25	2.25	3.25	1.00			**7.75**
• Recertification		16.50		2.00				**18.50**
• Required		4.00			11.50	0.50		**16.00**
• Skill Proficiency	2.00	4.25	6.00	11.50	10.50	104.00		**138.25**
• Skills Refresher Training		2.00	4.75	4.50	0.50			**11.75**
• Triennial (Every Three Years)				0.50	0.50			**1.00**
• Turnout Topic				0.50				**0.50**
Course Attribute								
• Accuracy Drills		15.00	1.25					**16.25**
• Active Shooter Responce			4.75					**4.75**
• All Hazard		1.50	0.50		4.50			**6.50**
• Americans with Disabilities Act					0.50			**0.50**
• Back-Up Firearm		1.25						**1.25**

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Burbank, Christopher S. (210045)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
• Biases/Fair Impartial Policing		4.00	2.50		2.00			**8.50**
• Bloodborne Pathogens		1.50	0.75		1.00			**3.25**
• CALEA		1.50	4.00	11.25	13.00	115.00		**144.75**
• CPR First Aid AED		8.50		4.50		3.00		**16.00**
• Communications		11.50			0.50			**12.00**
• Computer and Technology Classes		0.25		0.33				**0.58**
• Control Tactics				8.00				**8.00**
• Crisis Intervention Team	2.00	2.00		44.00				**48.00**
• Critical Thinking						3.00		**3.00**
• Cultural Awareness			1.50		1.00			**2.50**
• De-escalation		12.75	1.00					**13.75**
• Decision Making		4.50	3.75					**8.25**
• Decision Making Under Stress		4.00						**4.00**
• Diversity			1.50		2.50	2.00		**6.00**
• Domestic Violence		1.00	1.75		1.00			**3.75**
• ECT		1.00	1.00	1.50	1.25			**4.75**
• ECT Malfunction Drills						10.00		**10.00**
• Equity & Human Rights					8.00			**8.00**
• Ethics and Integrity			1.00	1.00		1.00		**3.00**
• Evidence-Trace-DNA		0.50						**0.50**
• Federal Gov't Trng		2.00		2.00	7.00			**11.00**
• Federally Mandated		2.50		2.00	4.50			**9.00**
• Firearm Training		7.00	11.50	9.25	11.25	101.00		**140.00**
• Harassment			1.00		2.50			**3.50**
• Hazardous Materials		1.50	0.50	0.50				**2.50**
• Homeland Security		0.50				1.00		**1.50**
• Impact Weapon Techniques		10.50						**10.50**
• Impaired Driving Enforcement				3.00				**3.00**
• In-Service (State Credit)	5.00	69.00	66.25	77.83	147.50	135.00		**500.58**
• Incident Command System					7.00			**7.00**
• Investigations		0.75	1.00	1.00				**2.75**

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Burbank, Christopher S. (210045)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
• Leadership		10.00	40.00		2.00			**52.00**
• Legal Education		1.00	1.50	3.75				**6.25**
• MANDATORY				1.50	3.25	65.00		**69.75**
• Malfunction Drills			1.25					**1.25**
• Mandatory No State Credit						0.50		**0.50**
• Mental Health	2.00	3.00	1.00	4.00		1.00		**11.00**
• Multiple Officers		0.50	8.50					**9.00**
• Multiple Targets		6.00		4.00	3.50			**13.50**
• Off Hand Shooting		2.50	2.50					**5.00**
• Officer Rescue		2.00				1.50		**3.50**
• Officer Resiliency		1.00						**1.00**
• PIT Training		10.00						**10.00**
• Planning and Management		0.50						**0.50**
• Problem Base Learning			1.00					**1.00**
• Problem Solving		1.00						**1.00**
• Project Peace			1.50		10.00			**11.50**
• Qualification		12.50	2.25	3.25	21.00	71.00		**110.00**
• Racial Profiling			1.50					**1.50**
• Rifle Malfunction Drills			2.00	2.00	2.50			**6.50**
• Service Orientation		0.25						**0.25**
• Shooting Around Obstacles		2.00	1.25					**3.25**
• Shooting While Moving		8.00	3.75					**11.75**
• South Sound 911					4.50			**4.50**
• TPD Mandatory		8.25	16.00	13.41	107.50	53.50		**198.66**
• TPD Voluntary Training			4.00	4.00	3.50	1.00		**12.50**
• Traffic Enforcement		5.00		3.00				**8.00**
• Transition Drills		3.00						**3.00**
• Use of Force		19.50	8.25	4.00	1.50	10.00		**43.25**
• Vehicle Backing Course	2.00							**2.00**
• Vehicle Operations	2.00	11.75	1.50		3.00			**18.25**
• Vehicle Placement Course	2.00							**2.00**

Tacoma Police Department
Training Summary Report
For All Dates

Employee: Burbank, Christopher S. (210045)

Hours tallied by Training Date

Training Summary	2020	2019	2018	2017	2016	2015	Prior Yrs	Total
• Vehicle Policy Review	3.00	10.00						**13.00**
• Vehicle Pursuit Driving	2.00	10.00						**12.00**
• WA-State Mandatory	2.00	4.50		4.00	4.50			**15.00**
• Written Test						100.00		**100.00**

Rankine, Timothy E. (212401)

Employment Summary

Tacoma Police Department-Chief's Office - Active Full-time **Total Service:** 2 Years 321 Days
Hired: 8-06-2018 **Last Action:** 4-01-2019 Reclassified

Bureau: Operations Bureau
Unit:
Pos/Rank: Police Patrol Officer
Class:
Division: Operations Patrol Division
Assignment: A set of days off
Level:
Shift: Grave Shift

Certification

Date	Status	Certified	Expires	Probation	Cert #
Breath Test Operator Permit / Initial Certification					
1-23-2019	Certified	1-23-2019	1-23-2022		
ACCESS/CJIS-1 / Initial Certification					
1-17-2019	Certified	1-17-2019	1-17-2021		
ACCESS/CJIS-1 / Basic Certification					
12-26-2018	Certified	12-26-2018	12-26-2020		

Employment History

Tacoma Police Department-Chief's Office **Service:** 2 Years 82 Days
Date: 4-01-2019 **Action:** Reclassified **Status:** Active Full-time

Bureau: Operations Bureau
Unit:
Pos/Rank: Police Patrol Officer
Class:
Division: Operations Patrol Division
Assignment: A set of days off
Level:
Shift: Grave Shift

Tacoma Police Department-Chief's Office **Service:** Years 238 Days
Date: 8-06-2018 **Action:** Hired **Status:** Active Full-time

Bureau:
Unit:
Pos/Rank: Recruit Officer
Class:
Division:
Assignment:
Level:
Shift:

Training

Course	Title	Date	Hours	Score	Status
FAOR2021	Open Range 2021	4-12-2021	1.00	0.00	Attended
FAOR2021	Open Range 2021	1-11-2021	1.00	0.00	Attended
		2021 Pass/Complete:	**0.00**		
IT20DVER	DV - ERPO CJTC	11-20-2020	2.00	0.00	Passed
	CJTC on line course meant to educate officers in the new law Extreme Risk Protection Order				
IT20ALED	August 2020 LED from CJTC	11-20-2020	1.00	0.00	Passed
IT20JLED	July 2020 LED from CJTC	11-20-2020	1.00	0.00	Passed
FAOR2020	Open Range 2020	10-12-2020	1.00	0.00	Attended
FAOR2020	Open Range 2020	9-14-2020	1.00	0.00	Attended
IT20DVEM	DV Employee involved	3-24-2020	1.00	0.00	Passed

Rankine, Timothy E. (212401)

	Annual DV Training for all employees				
IT20ETH1	Ethics	3-24-2020	1.00	0.00	Completed
	Annaul ethics training.				
IT20TEMP	Temporary Detention Cells	3-24-2020	0.50	0.00	Passed
	Triennial requirement for all commissioned.				
FAOR2020	Open Range 2020	3-09-2020	1.00	0.00	Attended
IAGC0006	Detecting Deception	3-09-2020	20.00	0.00	Completed
	TD 19-082				
	Signs of Aggression/deception/signature analysis/ handwriting zones/ Personality traits through handwriting/ signs of stress/body language/ posture/ barriers/ eye movement/ length of truthful statements/ Identifying key words/phrases/ recognizing verbal evasiveness				
LEPT0086	Crisis Intervention 2 -hr 2020 Refresher	3-02-2020	2.00	0.00	Passed
	2 hour CIT online refresher training mandated by State law for the year 2019.				
EVOC2020	2020 EVOC Training for Operations (A & B Squads)	2-13-2020	2.00	0.00	Completed
	2020 EVOC training for operations personnel (A & B squads).				
	Dates - 1/9, 1/16, 1/23, 1/30, 2/6 and 2/13.				
IT20UOFV	Use of Force- Vehicle Ops	1-03-2020	1.00	0.00	Passed
	Use of Force Vehicle Operations				
	2020 Pass/Complete:		**31.50**		
IT19SUIC	2019 Suicide Prevention Refresher Training	9-14-2019	1.00	0.00	Completed
	Mental Health training as required by CALEA				
IT19ALLH	All Hazards	9-14-2019	0.50	0.00	Completed
	Required Training every year.				
IT19OSHA	OSHA Hazardous Communications Standards	9-14-2019	0.50	0.00	Completed
	Required Training every 5 years				
IT19ACCR	Accreditation Refresher Training	9-14-2019	0.50	0.00	Passed
	Required CALEA refresher training				
IT19BBP1	Blood Borne Pathogen Training	9-14-2019	1.00	0.00	Passed
	Required Annual Training				
ECT20011	2019 ECT Recert & Training	9-12-2019	1.00	0.00	Completed
	Annual ECT Recert				
FALL002	40mm Introduction/Arrest Team Movement	9-12-2019	0.50	0.00	Completed
FAH20016	2019 Fall In-Service Handgun Training	9-12-2019	1.25	0.00	Completed
FAHQ19-2	2019 Fall Qualification	9-12-2019	1.25	0.00	Completed
FAR20015	2019 Department Rifle Training	6-13-2019	2.00	0.00	Completed
FARQ2019	2019 Department Rifle Qual	6-13-2019	1.00	0.00	Passed
IT19TRED	TREDS	5-28-2019	1.75	0.00	Completed
	Training, research and education for driver safety				
IT19TRES	Documenting Trespass Authorization Locations	5-28-2019	0.25	0.00	Completed
	SS911 Powerpoint on how to better document Trespass Authorization Locations				
LELU0010	2019 Legal Update Turnout Training	5-16-2019	1.00	0.00	Completed
LETT0022	ESP Tracking Apprehension Orientation	4-18-2019	0.50	0.00	Completed
	See Attached				
LEFA0024	2019 CAT Training Refresher	4-11-2019	1.00	0.00	Completed
	CAT training that includes practice applications.				
LEFA0023	2019 Wound Packing Refresher	4-11-2019	1.00	0.00	Completed
FAH20015	2019 Spring In-Service Handgun Training	4-11-2019	0.75	0.00	Completed

Rankine, Timothy E. (212401)

FAHQ19-1	2019 Spring Qualifications	4-11-2019	1.25	0.00	Completed
FATR0007	2019 Introduction to Single Officer Response	4-11-2019	4.00	0.00	Completed
LEPT0083	Crisis Intervention 2 -hr 2019 Refresher Trng	4-01-2019	2.00	0.00	Passed
	2 hour CIT online refresher training mandated by State law for the year 2019.				
FAOR2019	Open Range 2019	3-11-2019	1.00	0.00	Attended
FAR10008	Post Academy Rifle 2019	2-19-2019	40.00	0.00	Completed
ECT10001	ECT Post Academy	2-14-2019	10.00	0.00	Completed
LEFA0002	Combat Application Tourniquet	2-07-2019	1.50	0.00	Completed
LEFA0005	Wound Care / Wound Packing	2-07-2019	1.50	0.00	Completed
LELU0002	L.E.O.S.A.-H.R.218 Update	2-07-2019	1.00	0.00	Completed
FAH10018	Post Academy 2019	2-07-2019	60.00	0.00	Completed
FASF0002	Post-Academy Firearm Familiarization	2-07-2019	5.00	0.00	Completed
LETR0021	Draeger Operator Basic	1-23-2019	16.00	0.00	Passed
	Draeger Basic Course. Number of hours provided by Trooper Havenner.				
ACSCJISB	1_ACCESS/CJIS-1 Basic	1-17-2019	4.50	0.00	Completed
	Active after 12-1-14				
	2019 Pass/Complete:		**163.50**		
ITA-CJIS	3_CJIS Non-Commission Level 1 Security Course	12-26-2018	1.00	0.00	Completed
	1-hour course for non-commissioned and command staff that aren't required to take the full Access Recertification Course.				
FAH10017	Pre Academy 2018	9-11-2018	40.00	0.00	Passed
	2018 Pass/Complete:		**41.00**		
	Total Pass/Complete:		**236.00**		

Education

Date	Degree	Major	School	Hours	Q/S

Attributes

Effective	Expires	Topic	Attribute

Issued Equipment

Type	Make / Model (or Description)	Asset #	Serial #	Qty	Issued	Returned

Issued Weapons

Type	Make / Model	Asset #	Serial #	Issued	Returned
BACK-UP GUN	GLOCK / 26		ADLY207	4-11-2019	
CONDUCTIVE EN	TASER INTL / X26		X00-476240	2-14-2019	
Pistol	GLOCK / 17		TNM786	9-11-2018	6-12-2021
Pistol	GLOCK / 19		BBRL920	2-06-2019	
Pistol	GLOCK / 26		BLFY980	2-22-2019	
Rifle	S&W / M&P15		SN93418	2-15-2019	6-12-2021

Issued Vehicles

Type	Make / Model	Asset #	License #	Issued	Returned

TAB 24

2006302251

PROPERTY REPORT

Agency: Tacoma Police Department

Disposition Location: Tacoma Police

Subject: Death Investigation

)G#: _____

Printed on: 06/10/2020 / 15:57 Printed by: HELMCKE, FRANZ LOUIS

Related Cases:

CASE FOLDER - PROPERTY INVENTORY

MC	PROPERTY DESCRIPTION	R/I	SC	Dot No.	Qty	Serial No.	Dispo	LOCATION
1	Weapons - Ammunition - Taser Cartridge | | model: by	001	E	.4	1		B	
2	Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated | Case Cracker	001	E	.12	2		B	
3	Evidence - Photos - Compact Flash XFer - Officer Generated | Drawings	002	E	.12	4		CI	
4	Communication - Telephone - Cellular Phone |	001	E	.14	1		B	
5	Other - Evidence | EBT CARD	002	E	.14	1		B	
	Weapons - Discharge Device - Taser | | model: by Officer Rakine	003	E	.14	1	X00-476240	RA	
	Clothing - Gloves (not Baseball) | Officer Rankine	004	E	.14	2		B	
8	Weapons - Discharge Device - Taser | model: ... by OFFICER FORD	005	E	.14	1	X29004AHK	RA	
9	Weapons - Discharge Device - Taser | | model: by OFFICER COLLINS	006	E	.14	1	X29002606	RA	
10	Weapons - Discharge Device - Taser | | model: by	001	E	.19	1	X00-349664	BP	
11	Clothing - Gloves (not Baseball) | gloves, possibly belonging to a TPD Officer	001	E	.18	2		B	in roadway against curb near decedent
12	Evidence - Digital Image(s) | additional scene photos	002	E	.18	1		CI	
13	Recording - Surveillance Tape | DVD	001	E	.20	1		B	
14	Evidence - Blood Spot Card/FTA - ME Medical Examiner | FTA Card	001	E	.21	1		B	
15	Evidence - Fingerprint Card | Finger Prints R & L	002	E	.21	1		B	
16	Clothing - Other | Sweatshirt	003	E	.21	1		B	
	Clothing - Pants | Pants	004	E	.21	1		B	

Verified By: _____

PROP ROOM USE ONLY

PROPERTY RECEIVED: METHOD _____ BY: _____ DATE: _____

PROPERTY INVENTORIED BY: _____ UNIT NO. _____ DATE: _____

)G#: _____

Printed on: 06/10/2020 / 15:57 Printed by: HELMCKE, FRANZ LOUIS

18	Clothing - Other | Shorts	005	E	.21	1		B	
19	Clothing - Socks | Socks	006	E	.21	1		B	
20	Clothing - Shoes | Shoes L & R	007	E	.21	1		B	
21	Other - Evidence | Taser Wire	008	E	.21	1		B	
22	Other - Evidence | Spit Hood (Headwear)	009	E	.21	1		B	
23	Recording - Surveillance Tape | CD	001	E	.22	1		B	
24	Identification Document - Other |	001	E	.24	1		B	
25	Identification Document - Other |	002	E	.24	1		B	
26	Recording - Interview / Statement | Cedric	003	E	.24	1		B	
	Recording - Interview / Statement | Ford	004	E	.24	1		B	
28	Recording - Interview / Statement | Collins	005	E	.24	1		B	
29	Recording - Interview / Statement | Rankin	006	E	.24	1		B	
30	Recording - Interview / Statement | Burbank	007	E	.24	1		B	
31	Recording - Interview / Statement | Hayes	008	E	.24	1		B	
32	Other - Evidence |	009	E	.24	1		B	
33	Evidence - Digital Image(s) | photos of decedent's clothing1	001	E	.25	1		CI	
34	Recording - Interview / Statement | updated Officer Ford	001	E	.26	1		B	
35	Recording - Interview / Statement | updated Officer Collins	002	E	.26	1		B	
36	Recording - Dispatch Tape | TPD radio transcribed	003	E	.26	1		B	
37	Document - Medical Records |	001	E	.28	1		B	

OG#: _____

Printed on: 06/10/2020 / 15:57 Printed by: HELMCKE, FRANZ LOUIS

38	Evidence - Photos - Compact Flash XFer - Officer Generated |	002	E	.28	1		CI	
39	Document - Medical Records | ME report/tox	001	E	.29	1		B	
40	Camera - Digital Photo Discs | Autopsy photos	002	E	.29	1		B	
41	Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated | || TFD records	001	E	.31	1		B	
42	Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated | DVD|| Two cell phone video copies.	001	E	.32	1		B	
43	Document - Transcript - Other | TPD dispatch transcribed	001	E	.34	1		B	
44	Recording - Interview / Statement | downloaded from CNN	002	E	.34	1		B	
45	Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated | CD containing audio recording and transcription	001	E	.35	1		B	
	Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated | || White cell phone video and CNN interview of McDowell	001	E	.36	1		B	
47	Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated | Lux interview|| CD-R containing audio recording and transcription of interview with Kimberly Lux on 06-08-2020.	001	E	.38	1		B	
48	Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated | || Media interview video and transcript of Sara McDowell	001	E	.39	1		B	
49	Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated | CD containing interview and transcript of Kennett Ashford-White	001	E	.40	1		B	
50	Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated | WSP Trooper report and CAD info	001	E	.41	1		B	

(/MC 6 - Officer Rakine); (/MC 7 - Officer Rankine); (/MC 8 - OFFICER FORD); (/MC 9 - OFFICER COLLINS); (/MC 41 - TFD records); (/MC 42 - Two cell phone video copies.); (/MC 46 - White cell phone video and CNN interview of McDowell); (/MC 47 - CD-R containing audio recording and transcription of interview with Kimberly Lux on 06-08-2020.); (/MC 48 - Media interview video and transcript of Sara McDowell); (/MC 50 - WSP Trooper report and CAD info);

TAB 25

Incident # 20063022251

Tacoma Police Department

CRIME SCENE LOG

Location	Date	Time	Officer
9600 Ainsworth	3/4/20	0019	K. Madden

Name	Purpose	Time In	Time Out
C. Burbank H317	First response	2322	2350
M. Collins H317	First response	2322	2350
T. Rankine H031	priority response	2324	0029
M. Ford H031	priority response	2324	0029
K. Madden H205	priority response	2325	0056
R. Warner H205	priority response	2325	0056
G. Rock S171	priority response	2325	0219
A. Brahs U285	priority response	2325	0340
A. Messineo 35	priority response	2324	0214
G. Sanders 160	priority response	2325	0215
D. Derr H356	"	2324	0102
W. Schneider H356	"	2324	0102
M. Hightower U023	"	2328	0340
H. Chung U078	"	2323	0016
M. Farines H349	"	2323	0016
A. Guiarding H349	"	2323	~~00~~2350
R. Komarovsky P241	"	2323	2328
M. Lim S092	"	2324	0600
J. Mueller L9	"	2343	0242
J. Youngman 88	"	2348	0142
N. Wilson Engine 10	medical	2334	0020
J. Polo Engine 10	medical	2334	0020
M. Ridgeway Engine 10	medical	2334	0020

PD 371 (01/09) d

Tacoma Police Department

CRIME SCENE LOG

Incident # 20063022 51

Location	Date	Time	Officer
9600 Ainsworth	3/4/20	0047	K. Madden

Name	Purpose	Time In	Time Out
T. Jackson T-2	medical	2343	0020
K. Sumner T-2	medical	2343	0020
R. Herrera T-2	medical	2343	0020
J Brakebush Medic	medical	2350	0020
C Rady medic 1	medical	2350	0020
R. Komarovsky P241	interview	0036	0058
N. Wilson Engine 10	medical - core temp	0047	0056
J Polo Engine 10	medical - core temp	0047	0056
M. Ridgeway Engine 10	medical - core temp	0047	0056
S. Mell 4212	County Forensics	0101	0335
S. Wilkins 4101	County Forensics	0115	0229
C Karl L+14	TPD IA	0212	0231
G. Roberts 5313	TPD IA	0142	0235
Brockway 161	County Detective	0213	0332
Moss 238	"	0213	0243
Loeffelholz 156	"	0213	0332
Gcatey 166	"	0213	0243
Keith Burns	Prosecutor Office	0216	0228
B. Hayes C1	TPD Captain	0220	0243
EJ Tooyer		0220	0245
A. Farinas H349		0220	0250
H. Chung U078		0054	0340
240		0208	0257

PD 371 (01/09) d

Incident # 20063022S1

Tacoma Police Department

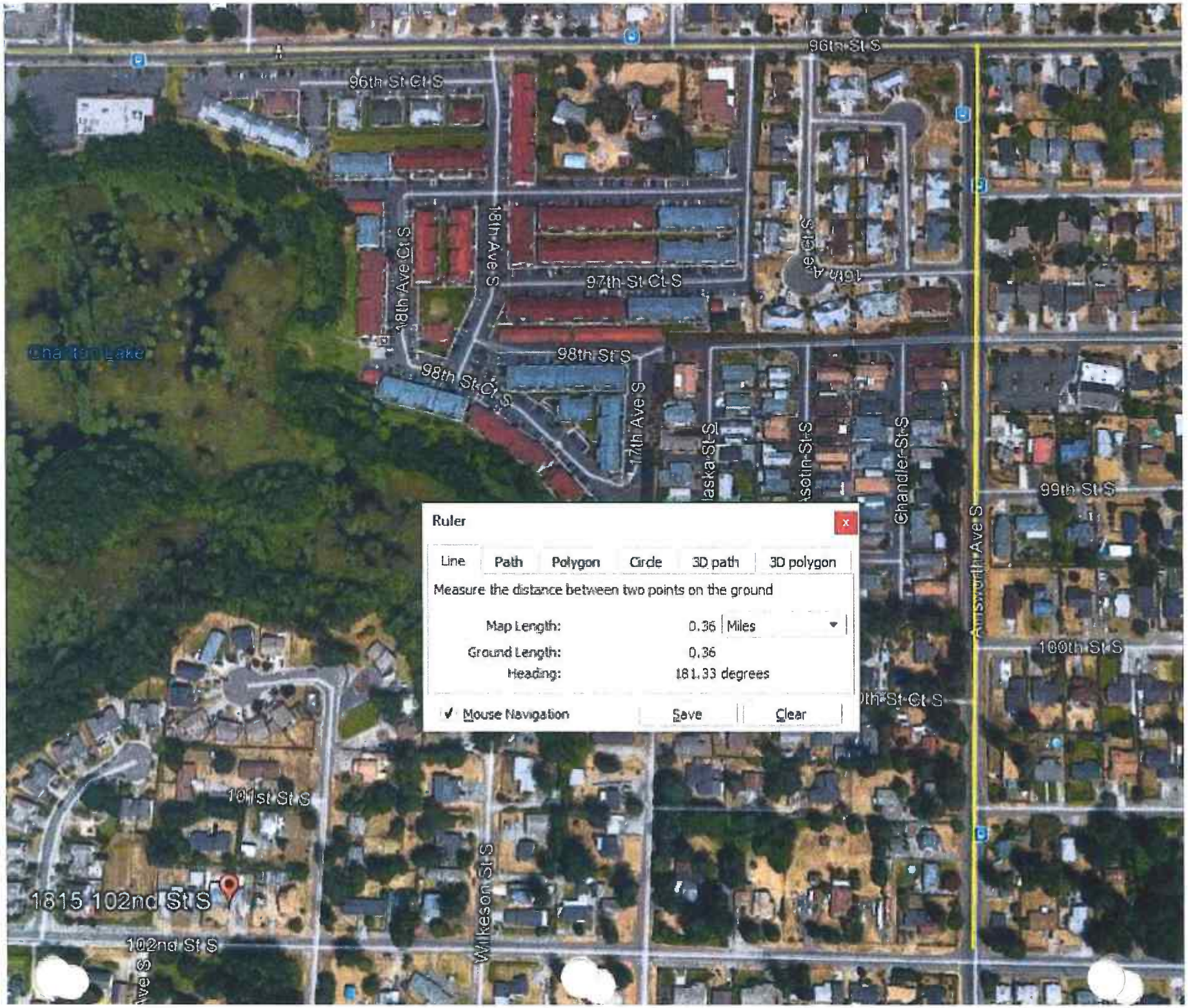
CRIME SCENE LOG

Location	Date	Time	Officer
9600 Ainsworth	03/04/20	0301	M. Hightower #4023

Name	Purpose	Time In	Time Out
Jacob Atzet ME32	Medical Examiner	0304	0332
D. Derr H356		0336	0338

PD 371 (01/09) d

TAB 26


96th St S
96th St Ct S
18th Ave Ct S
18th Ave S
97th St Ct S
98th St S
98th St Ct S
17th Ave S
Chandler St S
99th St S
100th St S
Ruler
Line
Path
Polygon
Circle
3D path
3D polygon
Measure the distance between two points on the ground
Map Length:
0.36
Miles
Ground Length:
0.36
Heading:
181.33 degrees
Mouse Navigation
Save
Clear
101st St S
1815 102nd St S
102nd St S
Wilkeson St S

96th St S
96th St Ct S
18th Ave Ct S
18th Ave S
97th St Ct S
98th St S
98th St Ct S
17th Ave S
Alaska St S
Asotin St S
Chandler St S
Ainsworth Ave S
Ruler
Line
Path
Polygon
Circle
3D path
3D polygon
Measure the distance between two points on the ground
Map Length:
0.28
Miles
Ground Length:
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Heading:
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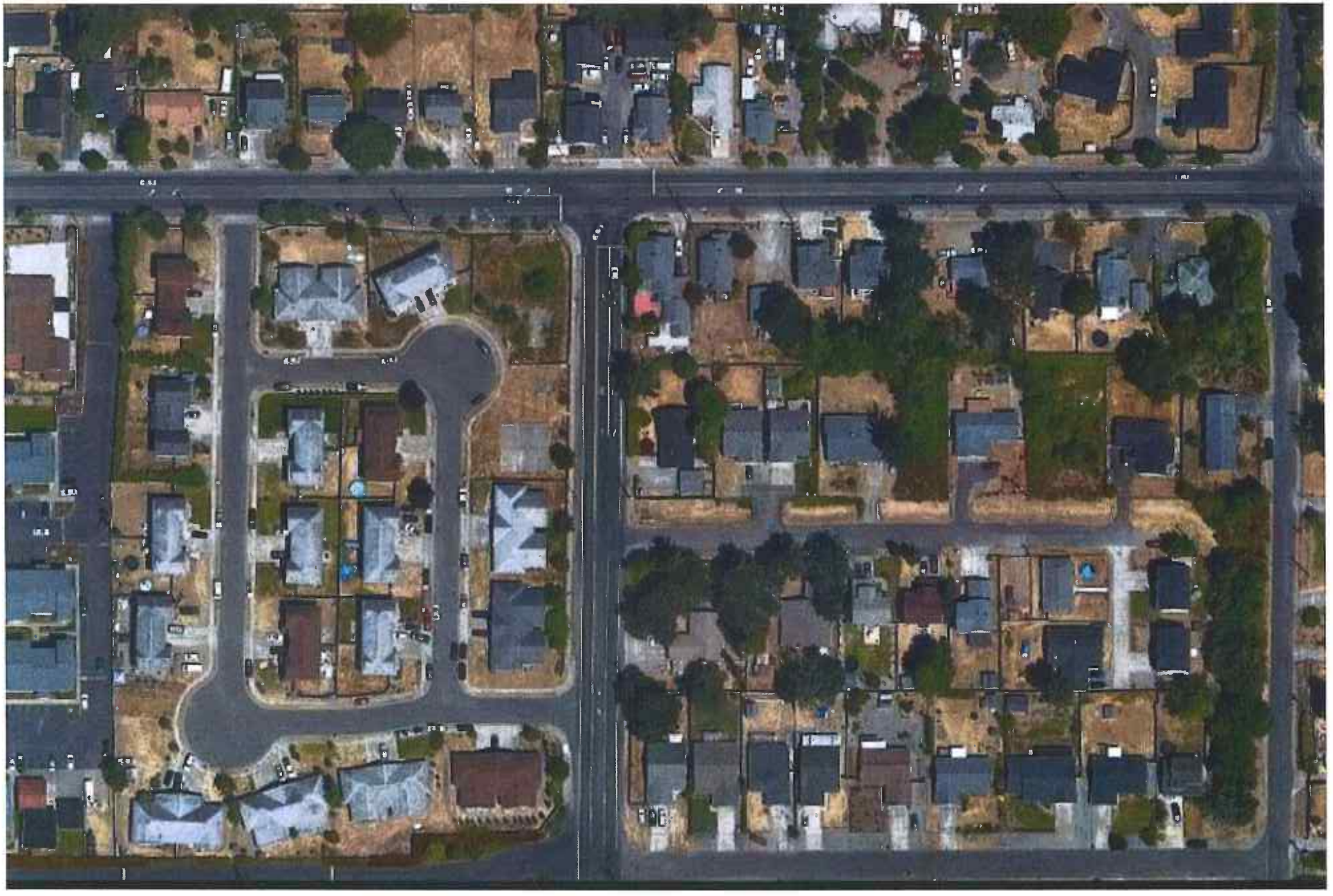
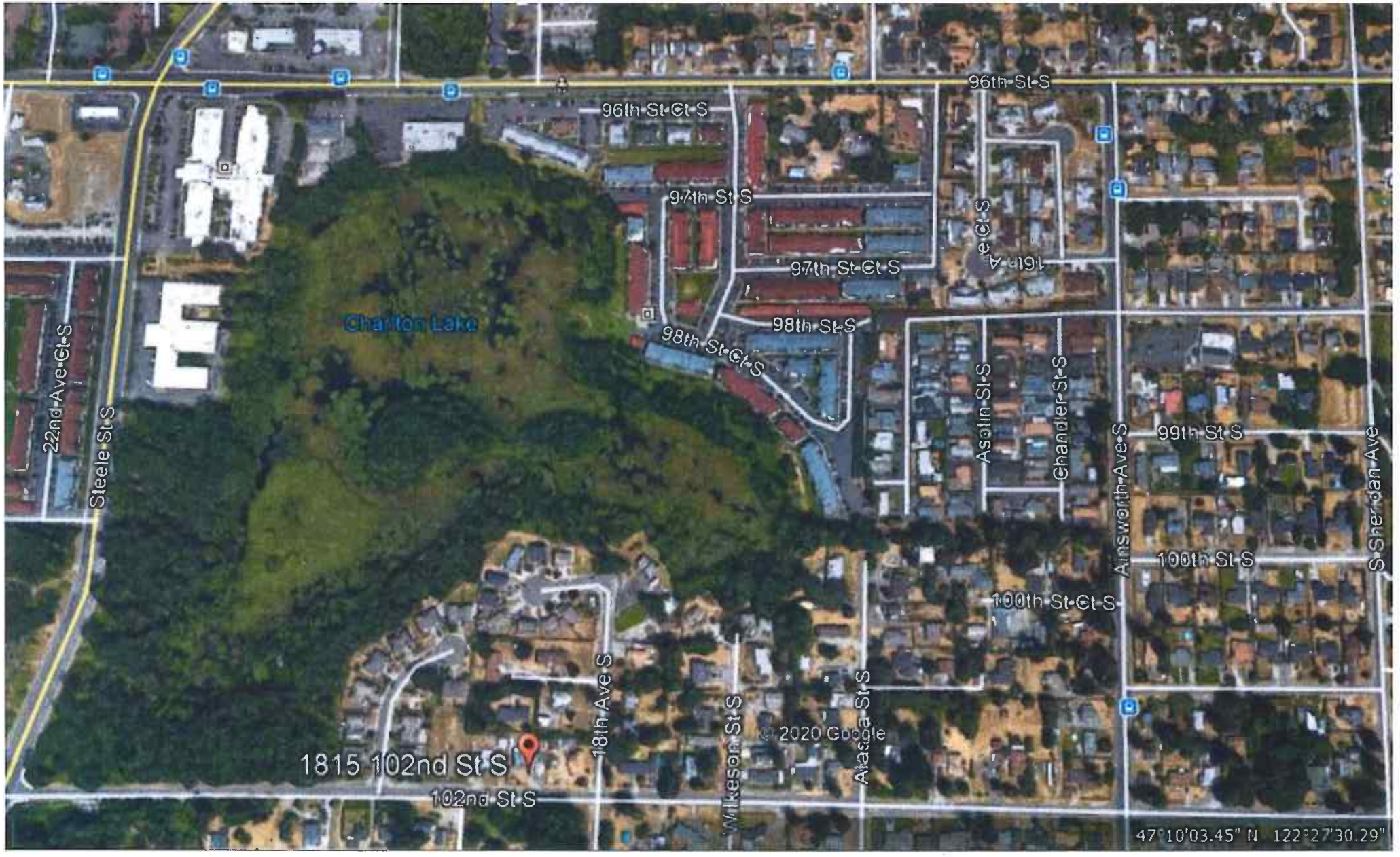
Mouse Navigation
Save
Clear
101st St S
1815 102nd St S
102nd St S
Wilkeson St S




96th St S
96th St Ct S
97th St S
97th St Ct S
98th St S
98th St Ct S
99th St S
100th St S
100th St Ct S
102nd St S
Charlton Lake
22nd Ave Ct S
Steele St S
18th Ave S
Wilkeson St S
Alaska St S
Astor St S
Chandler St S
Ainsworth Ave S
S Sheridan Ave
1815 102nd St S
© 2020 Google
47°10'03.45" N 122°27'30.29"

TAB 27

File Name: Vivint Doorbell Videos All Merged

Location: 1438 South 96th Street

Date: March 3, 2020

Video Start Time: 22:56:06 (Timestamp: 00:00)
Video Run Time: 9 minutes and 21 seconds

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

Known Persons: Officers: Burbank, Collins, Rankine and Ford; Citizens: Manuel Ellis, Sara McDowell, Keyon Lowery and Shad Hayes

Transcription from start of video through about the 02:58 mark.
Times are approximate.
Timestamps listed below reflect the elapsed video run time.

Sound:	(00:00) (random noise, traffic, cars driving by)

******Vivint Ring Recording/System Error. No recording available from 22:56:36 through 23:21:47. Vivint recording begins again at (23:21:47)******

*****(00:30) First view of stopped TPD SUV and two citizen vehicles (McDowell & Lowery) (Approximate time of day 23:21:47)*****

Sound:	(00:30) (music playing, possibly from a vehicle)
Unknown/Ellis?:	(00:34) (Scream) Ahhh…
Unknown/Unknown Officer?:	(00:40) (faint yelling)…jus- stop
Unknown/Ellis?:	(screaming) Ahhh, ahhh, ahhh, ahhhhh….
McDowell:	(00:44) Hey…
Unknown/Ellis?:	(screaming)…ahhhhh, ahhhh…
Unknown/Ellis?:	(screaming)…ahhhh, ahhhhh
McDowell:	Stop, oh my god, stop hitting him…
Unknown/Ellis?:	(screaming)…ahhhh, ahhhh
Unknown:	(00:49) What the…(unintelligible).
McDowell:	…stop hitting him just arrest him, just arrest him, oh my god…
Sound:	(00:54) (loud cracking sound, possibly ECT)
McDowell:	… that looked so scary…

Lowery:	(00:57) Hey ya'll in the wrong right now…
McDowell:	…shut up you have kids in the car you dumbass, you already know, shut the fuck up…
Lowery:	I don't care. I just saw him punch him in the face?
McDowell:	… Shut the fuck up. Shut the fuck up. Get in the car you got your kids, shut the fuck up. Ya know what Keyon you're real- Now I'm really…
Unknown/Ellis?:	(yelling) Whoo…(growling) grrrrr…
Unknown/Unknown Officer?:	(01:10)…Hands behind your back
McDowell:	..going to Jesse's cause you really just did that…
Unknown:	(unintelligible)
Unknown:	…I do…
Unknown:	(unintelligible)
Unknown/Ellis?:	(01:16) (loud growling) Grrrr, try again…
Lowery:	Go around them dog.
Unknown/Ellis?:	(screaming) ahhhhhh, ahhhhh…
McDowell:	(unintelligible over screams)…get in your car and go around them then…
Unknown/Ellis?:	… ahhhhh, ahhhh
Unknown/Unknown Officer?:	(01:22) Put your hands behind your back
Unknown:	(screaming) ahhhh
Unknown:	(screaming) ahhh, ahhh
Unknown:	(unintelligible)

*****(01:19) Shad Hayes seen in video**

***** (01:24) McDowell and Lowery's vehicles begin to drive away westbound**

1	Sound:	(01:34) Faint siren in background
2	Unknown/Ellis?:	(01:36) Uh, uh
3	Unknown/Ellis?:	(01:42) Uh, I can't breathe
4	Unknown:	(01:44) Can't breathe sir
5	Unknown:	(01:45) Can't breathe, can't (screams) breathe, ahhh
6	Hayes:	(01:53) You guys need some help?
7	Officer Burbank:	Ahh, we got somebody comin'
8	Unknown/Ellis?:	(01:57) Can't breathe sir
9	Unknown/Unknown Officer:	(01:58) Shut the fuck up man
10	Hayes:	(02:00) …backup's comin'
11	Sound:	(traffic driving by)
12	Sound:	(02:11) (beginning sound of siren)
13	Hayes:	(02:14) Go around, come on, go around
14	Hayes:	(02:21) I see cop cars…go
15	Sound:	(siren still going, a faster pace siren added to sirens)
16	***(02:28) Arrival of Officers Rankine and Ford from the east	
17	Sound:	(02:29) Rankine closing car door
18	Unknown Officer:	(02:32) (unintelligible)…hobbles…hobbles…
19	Sound:	(Loud sirens)
20	Unknown Officer:	(02:35)…there're in the glovebox…
21	Sound:	(Sirens fade)
22	**(02:42) Arrival of police units from the west	
23	Unknown/Ellis?:	(02:48) (Screaming)…ahhh..I can't breathe
24	Sound:	(Sirens loud again)
25	Unknown:	(unintelligible with siren)

Sound:	(02:52) (Police vehicle honking)
Unknown:	(unintelligible voices)
Unknown/Ellis?:	(02:56) c- bre-
Unknown/Ellis?:	…breathe s-

****(02:58) Unknown resident walks out onto porch where Vivint doorbell camera is and end of transcribed portion of video**

Photos - 20200303232149_47_79381.jpg

See all photos + Add to

Photos - 20200303232218_47_79383.jpg

See all photos Add to

Photos - 20200303232320_47_79386.jpg

See all photos Add to

Recorded Interview of Joe White

March 25, 2021

In Re:)
MANUAL ELLIS,)
)

Verbatim Transcript from Recorded Interview
of JOE WHITE

March 25, 2021

Individuals present:
David Heitzman, Investigator with attorney general

TRANSCRIBED BY: Grace Hitchman, AAERT, CET-663

DAVID HEITZMAN: Okay. To start with do you understand that this statement is being recorded?
JOE WHITE: Yes, I do.
DAVID HEITZMAN: And would you state your full name and spell it, please.
JOE WHITE: Jody Lee White. That's J-O-D-Y, L-E-E, W-H-I-T-E.
DAVID HEITZMAN: And would you state your address, please.
JOE WHITE: 1438 96th Street South, Tacoma, Washington 98444.
DAVID HEITZMAN: And what is the best telephone number for you?
JOE WHITE: 206.755.2583.
DAVID HEITZMAN: And what is your date of birth?
JOE WHITE: [redacted]
DAVID HEITZMAN: Okay. All right. To start with, how long have you lived in your present residence?
JOE WHITE: I believe about 20 years.
DAVID HEITZMAN: And could you describe the security video system that you presently have at your house?
JOE WHITE: Yeah. We have a Vivint security system. It's -- basically consists of four cameras, and one of those is a doorbell camera that has sound. Other than that, there's two door sensors, and that's about it. It's got

a -- video recording capabilities, but most of it's just events.

DAVID HEITZMAN: Okay. So -- is there a name for the particular system that you have? I'm assuming Vivint has more than one.

JOE WHITE: No. As far as I know, it's just a Vivint system. You just tell them how many cameras you want for the setup and they come out and install it. So...

DAVID HEITZMAN: Okay. Now the date in question that we're -- or the incident that we're looking into happened on March 3rd of 2020. Was your system in place that day?

JOE WHITE: It was in place. It was having some recording issues because the memory was full on it. But it was operating.

DAVID HEITZMAN: Okay. Could you describe the issues that it was having?

JOE WHITE: Yeah. There's -- it has live video recording to where it's continuous recording for 30 days within a -- I don't know if it's within a month or within a billing period. But it is only 30 days on one camera. And at the time I didn't realize that. I had it set up so it was fully recording all four cameras. So it ran out of live recording playback within about seven or eight days. And so at that point it still would capture anytime that it got

motion for about -- I think it's about a 30-second video. But that was it. It wouldn't do a full live replay anymore. So that was -- that was a part of what I was dealing with. So...

DAVID HEITZMAN: Okay. And on March 3rd, where were the cameras in place at your house?

JOE WHITE: We had the doorbell camera, and we had a camera on the front of our garage, which views the driveway. And then one of the side of our garage, which views the back yard. And one on the back of the house, which views the back door area. And those are the four cameras that we have.

DAVID HEITZMAN: Okay. And so on March 3rd, what -- which cameras did you actually have video from on that night?

JOE WHITE: Well, I know that we had video as far as just 30-second clips from the doorbell camera.

DAVID HEITZMAN: Did you have recordings on -- from any of the other cameras?

JOE WHITE: I do not recall.

DAVID HEITZMAN: Okay. Did you check?

JOE WHITE: I can no longer check.

DAVID HEITZMAN: I mean did you at the time?

JOE WHITE: I'm sure I did at the time.

DAVID HEITZMAN: Okay.

JOE WHITE: But -- because I -- when I went through anything that I had that I thought had any -- anything, even lights showing on it, I tried to send in. So...

DAVID HEITZMAN: Okay. Who installed the system?

JOE WHITE: Vivint has its own install crew that came out and did it. We purchased it through Best Buy at the time, and Vivint came out and installed.

DAVID HEITZMAN: Okay. Did -- have you made any adjustments or changes since it was installed?

JOE WHITE: Just taking down cameras for remodel work that has been done.

DAVID HEITZMAN: Okay. Was that before March 3rd of 2020 or after?

JOE WHITE: No. That's in the last four months.

DAVID HEITZMAN: Okay. Okay. When did you first learn that an incident had happened with the police out in front of your home?

JOE WHITE: I was -- I received a text message from my son Kennet -- Kennet Ashford White -- when I was down in Arizona the day of -- or actually the -- I don't know if it was the day or the next -- I think it was probably the next day. Yeah. It was the next day.

DAVID HEITZMAN: Okay. And following that, when did you get home?

JOE WHITE: I believe it was about five days later.

DAVID HEITZMAN: Okay. Did you see any of the clips before you got home?

JOE WHITE: No.

DAVID HEITZMAN: Okay. And then at some point you -- I'm guessing you talked with an investigator or an officer?

JOE WHITE: Yes. An officer -- I want to say his first name was Don -- but had left a message asking that we please send in any video surveillance that we might have. And so when I got home, I contacted him and then emailed him all of the -- all of the recordings that I was able to access.

DAVID HEITZMAN: Okay. And do you know if you were able to get all of them that were available on your system? From that day?

JOE WHITE: Yes.

DAVID HEITZMAN: Okay. Okay. The doorbell camera on the front -- on your front porch there, could you describe how that's -- your understanding of how that's designed to work?

JOE WHITE: It's triggered by motion, so sometimes it's triggered by light. And it -- whenever it senses movement, then it records or -- yeah, I guess it records for about 30 seconds or so. And picks up not only visual but auditory recordings. That's it.

DAVID HEITZMAN: Okay. And is -- so the system is designed to only record 30-second clips at a time? Is that correct?

JOE WHITE: That's -- well, depending on the memory available on the DVR, I guess, or whatever is holding the -- holding the memories. If there's still time available like the beginning of a billing cycle or the beginning of a recording cycle, you can have continuous playback. But during that time, all that I had available was clips. So it shows a clip that you can easily access going back through memory, and usually from that clip you can go into a full live recording for up to 30 days. But at the time of the incident, all that it was doing was allowing me to do the -- I think it was about 30-second clips every time it sensed motion.

DAVID HEITZMAN: Okay. And what have you found to be, I guess, the range for that front door camera?

JOE WHITE: That generally it's people right up on the sidewalk approach to my front steps.

DAVID HEITZMAN: Uh-huh.

JOE WHITE: Anybody who comes up there as a person triggers it. It will also occasionally be triggered by somebody walking on the city sidewalk close to my house. Or it will get triggered by a vehicle that has a reflective surface like a school bus or a white-sided truck if lights

hit it just right. Or flashing lights will generally also trigger it. Especially after night -- after nightfall.

DAVID HEITZMAN: Okay. So when was the first time that you viewed the recordings from the night of March 3rd then?

JOE WHITE: I can't remember for sure, but I want to say it was probably six or seven days afterwards.

DAVID HEITZMAN: Okay.

JOE WHITE: So 9th, 10th, something like that.

DAVID HEITZMAN: Okay. And what was the process for you putting the videos -- files in a format that you were able to -- were you able to email it to the investigator?

JOE WHITE: Yes. If I remember correctly, I went down and got on my computer and went to the Vivint site, logged in, and was able to view the clips. And there's an option to save the clips on there, and so I believe I saved the clips and then sent them in. I think there was -- it took multiple emails to send them in. I can't remember if it was two or three.

DAVID HEITZMAN: Okay.

JOE WHITE: About six or seven emails -- about six or seven video clips per email.

DAVID HEITZMAN: Okay. And I think you said earlier it was your goal to find as much as you were able to regarding the incident?

JOE WHITE: Yes.
DAVID HEITZMAN: Okay.
JOE WHITE: Yeah. I believe I sent everything in from before the incident -- starting right before the incident, the first time that the camera had been triggered prior to the incident, I guess, and then until late that night I think until everything had settled down and it wasn't -- there were no more flashing lights in front of the house. I think I sent one after that.
DAVID HEITZMAN: Okay.
JOE WHITE: So...
DAVID HEITZMAN: Okay. Do you know the name of the gentleman that passed away last night -- or, I'm sorry, that night? With this -- during his contact with the police?
JOE WHITE: Yes. Manny Ellis.
DAVID HEITZMAN: Okay. Did you know Manny Ellis or know that name before that incident?
JOE WHITE: I did not.
DAVID HEITZMAN: Okay. Okay. I think that's all the questions I have. Anything else that I maybe forgot to ask that you think might be important? In re --
JOE WHITE: That's all that I can think of.
DAVID HEITZMAN: Okay.
JOE WHITE: So...
DAVID HEITZMAN: Okay. Joe, do you certify or

declare that the facts stated on this recording are true and correct to the best of your knowledge and that your statement has been made freely, voluntarily, and without threats or promises of any kind?

JOE WHITE: Yes, I do.

DAVID HEITZMAN: Okay. I'm going to stop this now. The time is 1719 hours. And this concludes the recording.

C E R T I F I C A T E

STATE OF WASHINGTON)
COUNTY OF KING)

I, the undersigned, under my commission in and for the State of Washington, do hereby certify that the foregoing audiotape, videotape, and/or hearing was transcribed under my direction as a transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability; and that I am not a relative or employee or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of April, 2021.

/s/Grace Hitchman

Grace Hitchman, AAERT, CET-663
In and for the State of Washington,
residing at Seattle.
Certification expires May 16, 2021

Cell Phone Video From Ms. White (1of2)

Cell Phone Video from Ms. White (2of2)

Cell Phone Video from Sara McDowell – Part 1 of 2

Location: 96th and S. Ainsworth

Date: March 3, 2020

Time: 23:21:46 Hours

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

AUDIO PARTICIPANTS: Heard (not seen) on video: Sara McDowell and Keyon Lowery

Sound: (Car chime)

McDowell: Hey, stop, oh my god, stop hitting him, hitting him just arrest him, just arrest him, oh my god that looked so scary…

Lowery: (Shouting in the background)…ya'll in the wrong right now…

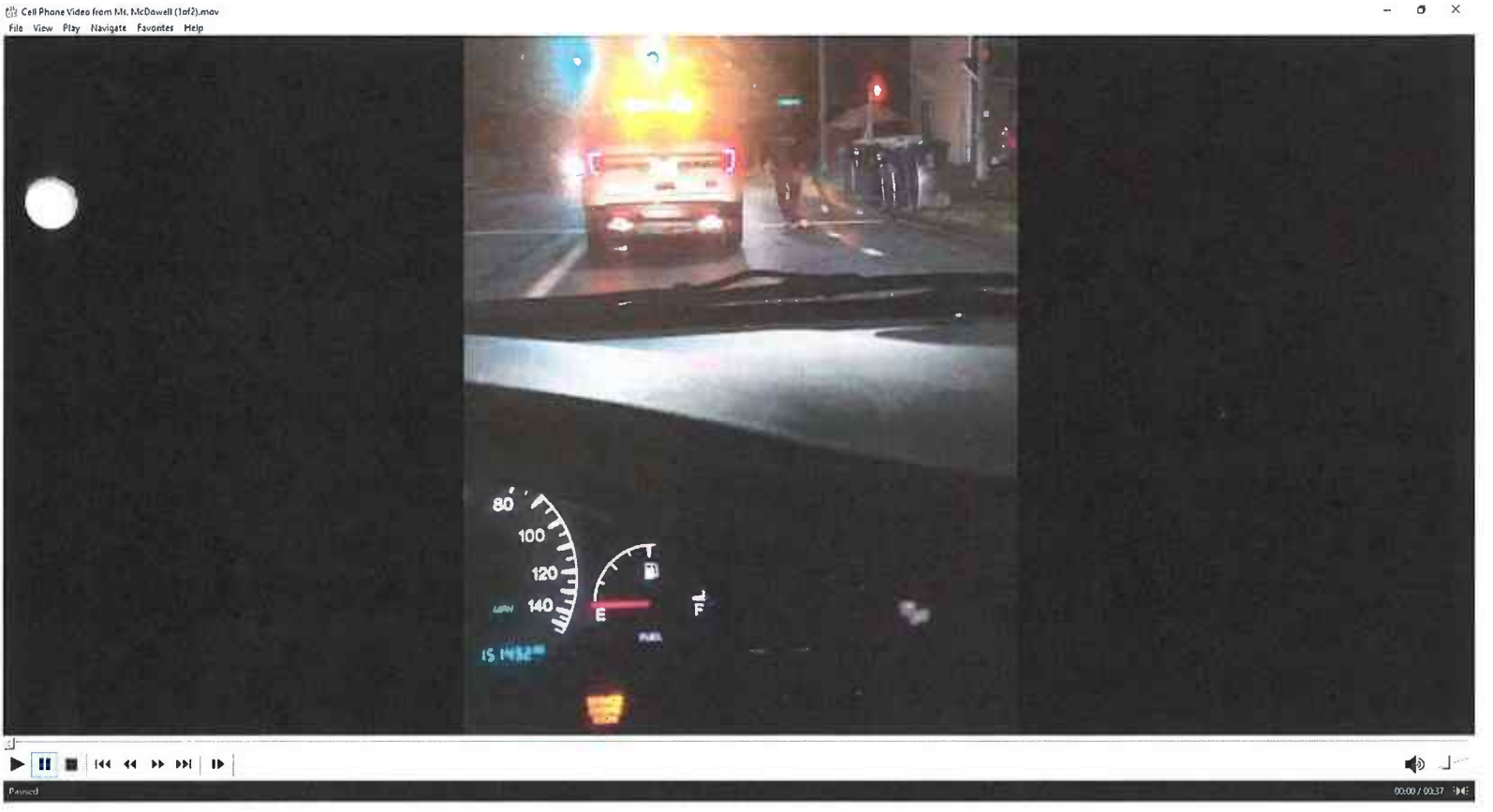
McDowell: …shut up you have kids in the car you dumbass, you already know, shut the fuck up…

Lowery: (Shouting in the background)…I don't care, I just saw him punch him in the face?

McDowell: … Shut the fuck up. Shut the fuck up. Get in the car you got your kids, shut the fuck up. Ya know what Keyon, you're real-, now I'm really goin' ta Jessie's cause you really jus' did that.

Sound: (Car chime)

END OF VIDEO/ar



Cell Phone Video from Ms. McDowell (1of2)

Cell Phone Video from Sara McDowell – Part 2 of 2

Location: 96th and S. Ainsworth

Date: March 3, 2020

Time: 23:22:30 Hours

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

VIDEO PARTICIPANTS: Seen in video: Officers Collins and Burbank and Manuel Ellis

Sound: (Sound of car turn signal clicking)

Unknown: (inaudible voices)

Unk. Officer: We're gonna do it again.

Unk. Officer: Put your hands behind your back.

Sound: (Car horn honks)

Unknown: …fuck (unintelligible)

Unk. Officer: Hands behind your back. Put your hands behind…

END OF VIDEO/ar

Cell Phone Video from Ms. McDowell (2of2)

Cell Video from Mr. Cowden-200824140216

TAB 28

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TAB 29

LEAGE _____ DATE _____ DIST # _____ UNIT # _____

EAGE _____ HOURS _____ PARTNER _____

MILES _____ VEHICLE _____ WEATHER _____

20-063-02251

IN CUSTODY DEATH

996 & AMS WORTH

DISP

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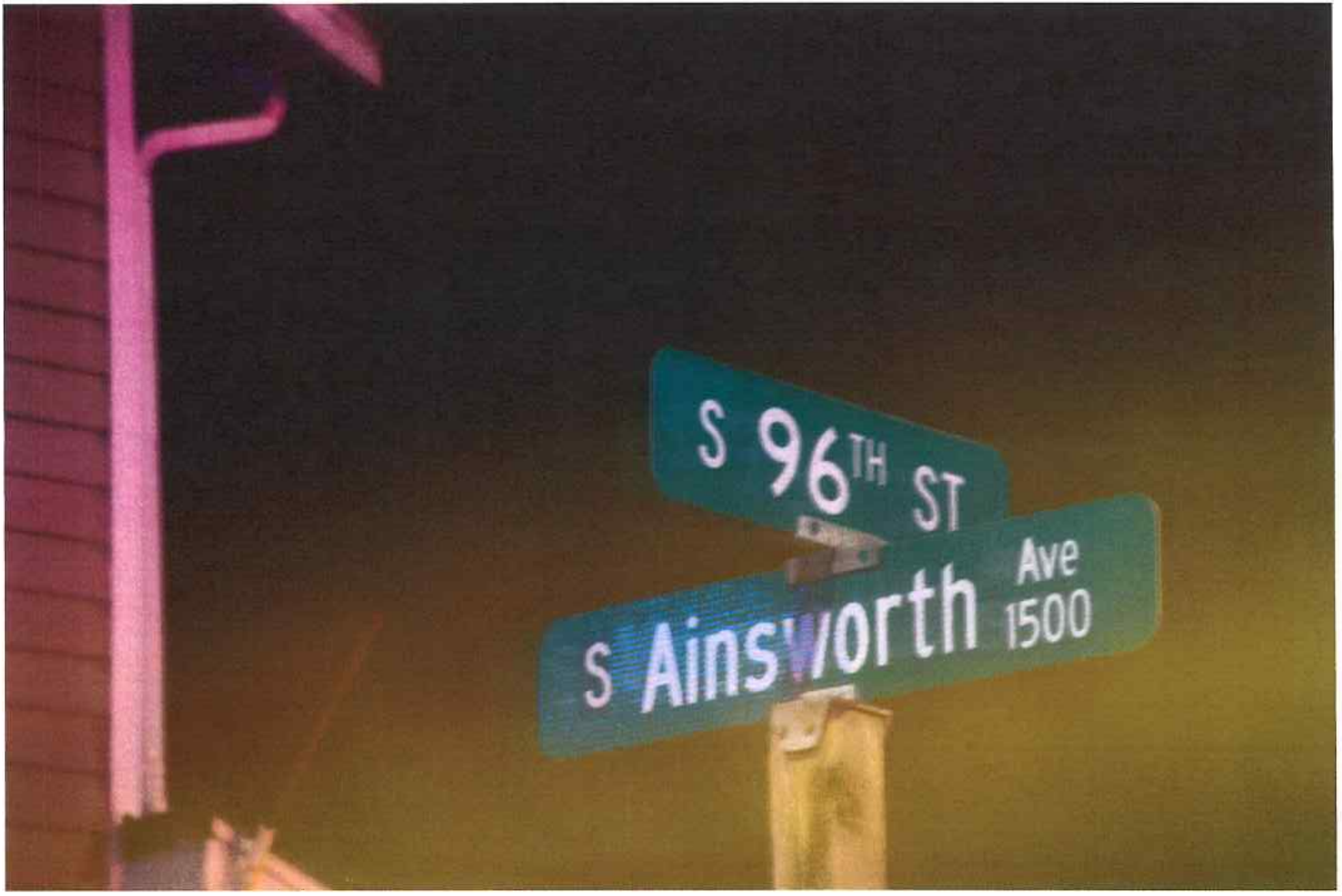
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S Ainsworth Ave
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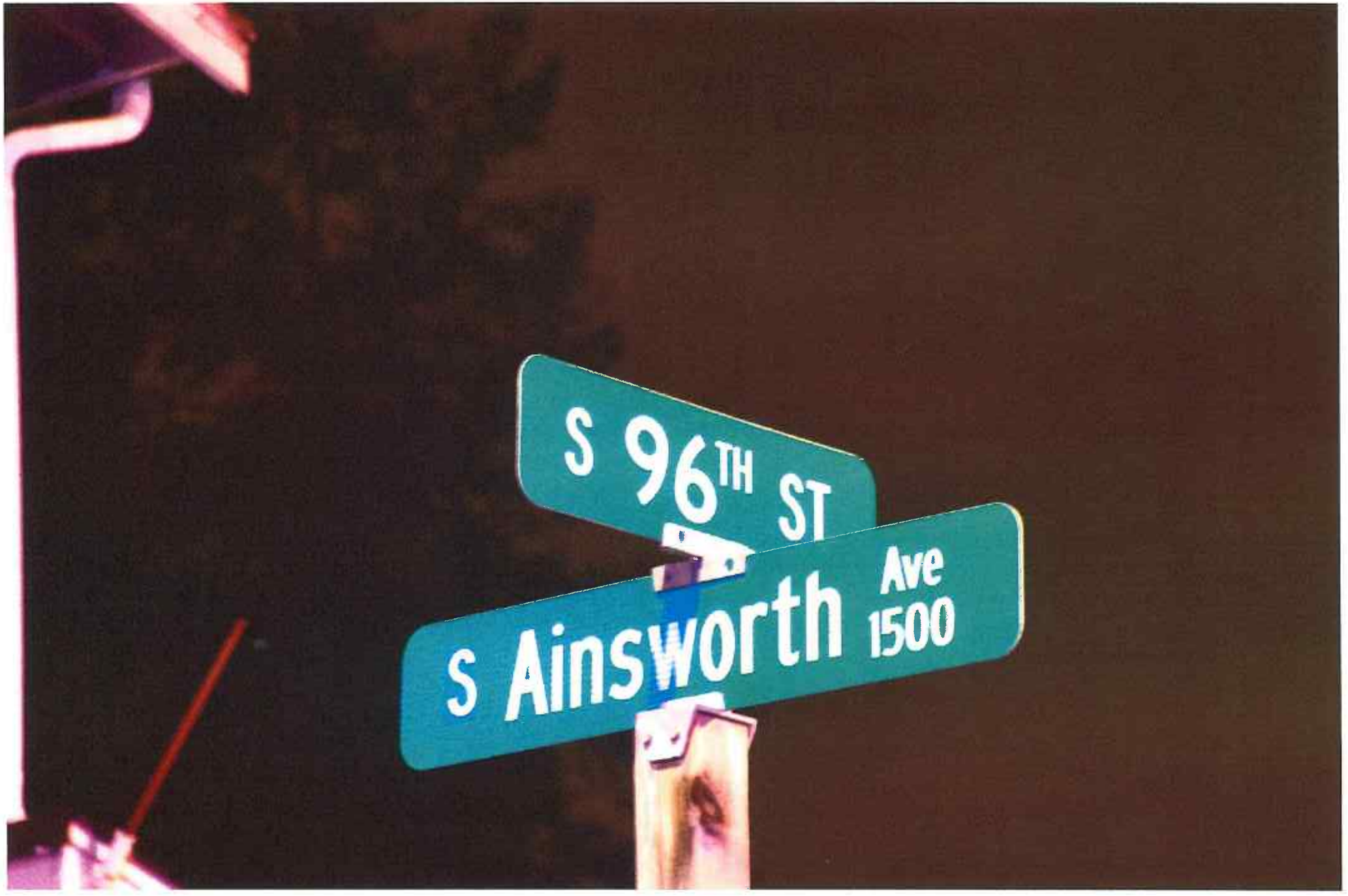
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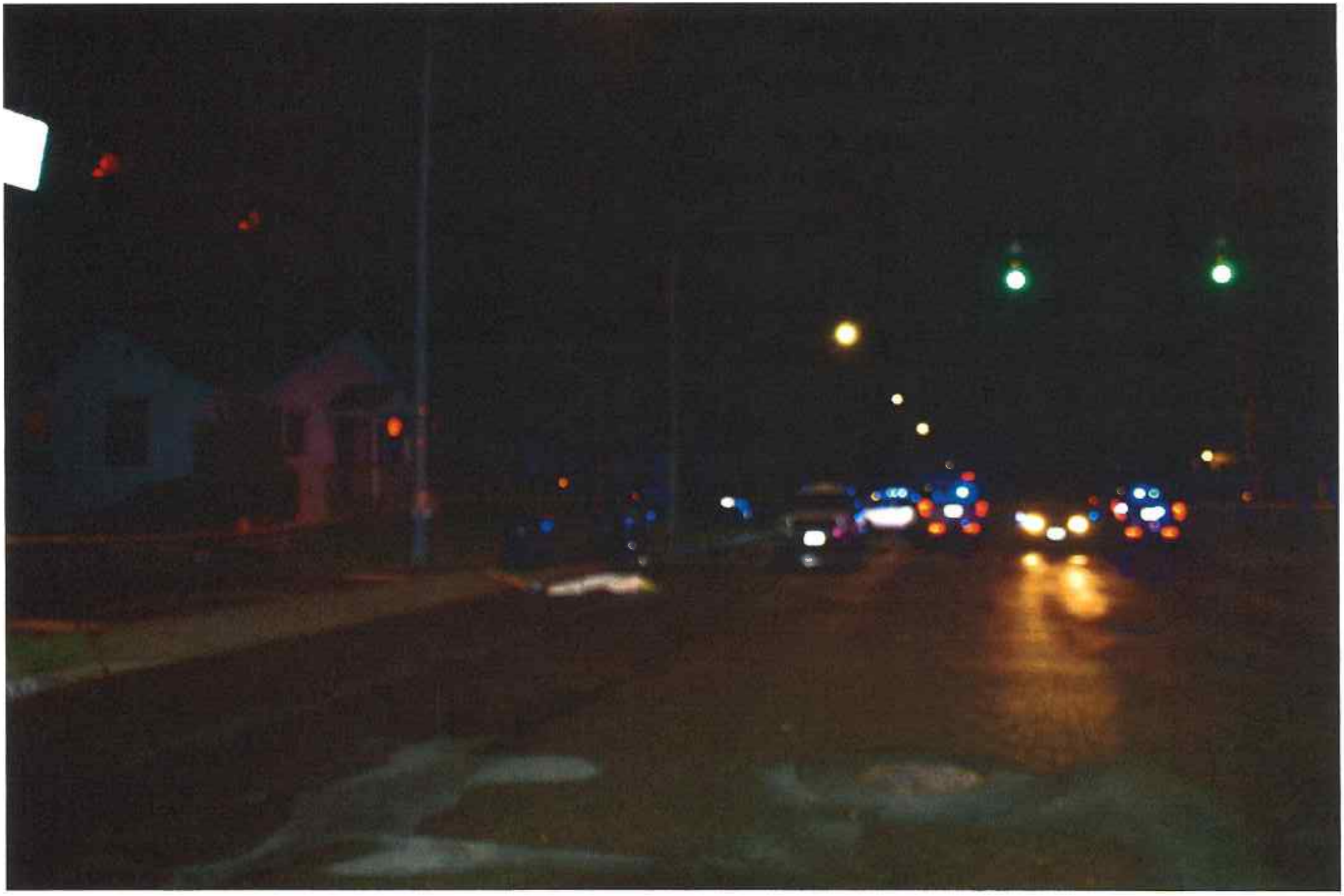

S 96 ST

S 96TH ST

S 96TH ST

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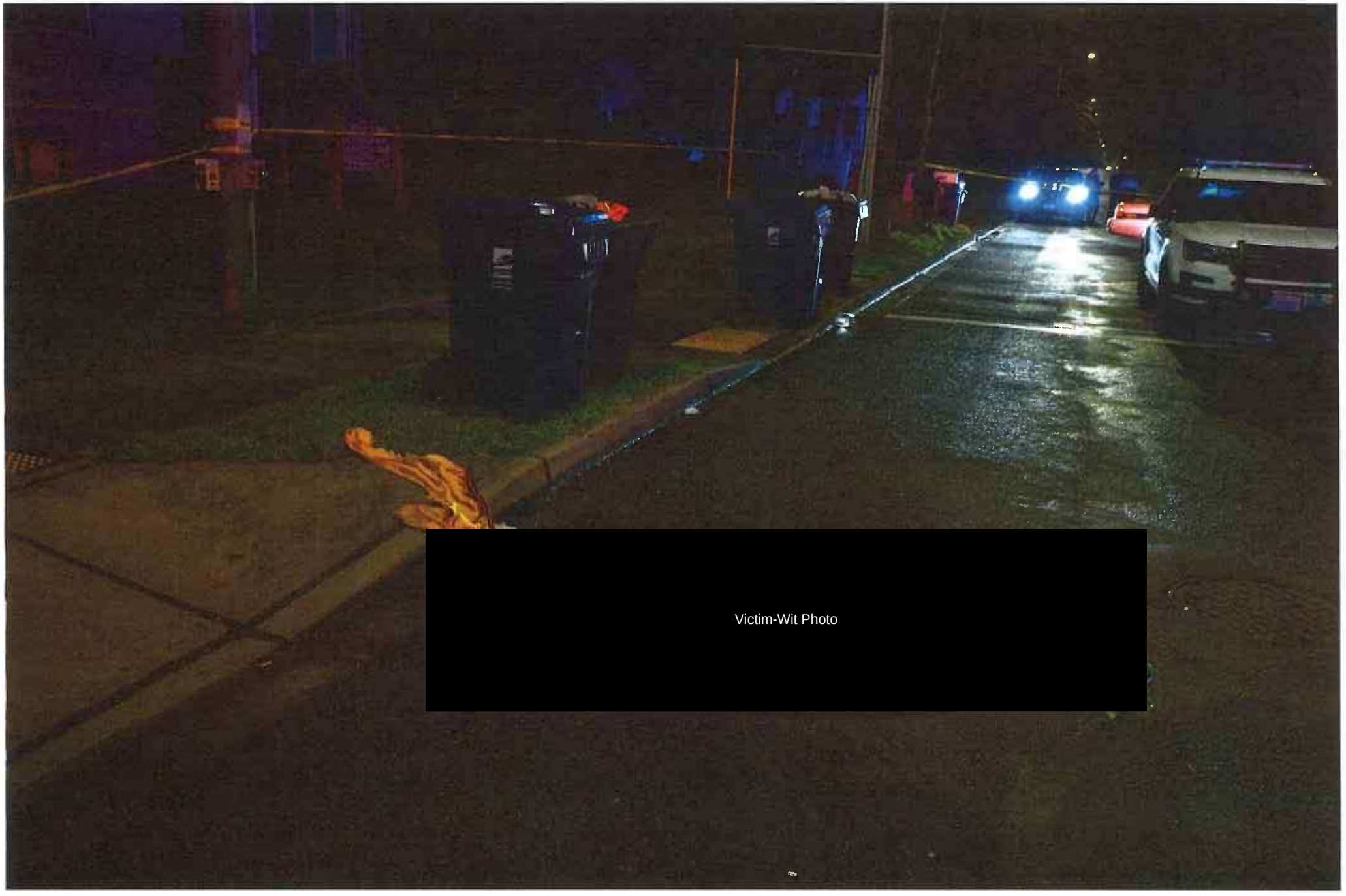
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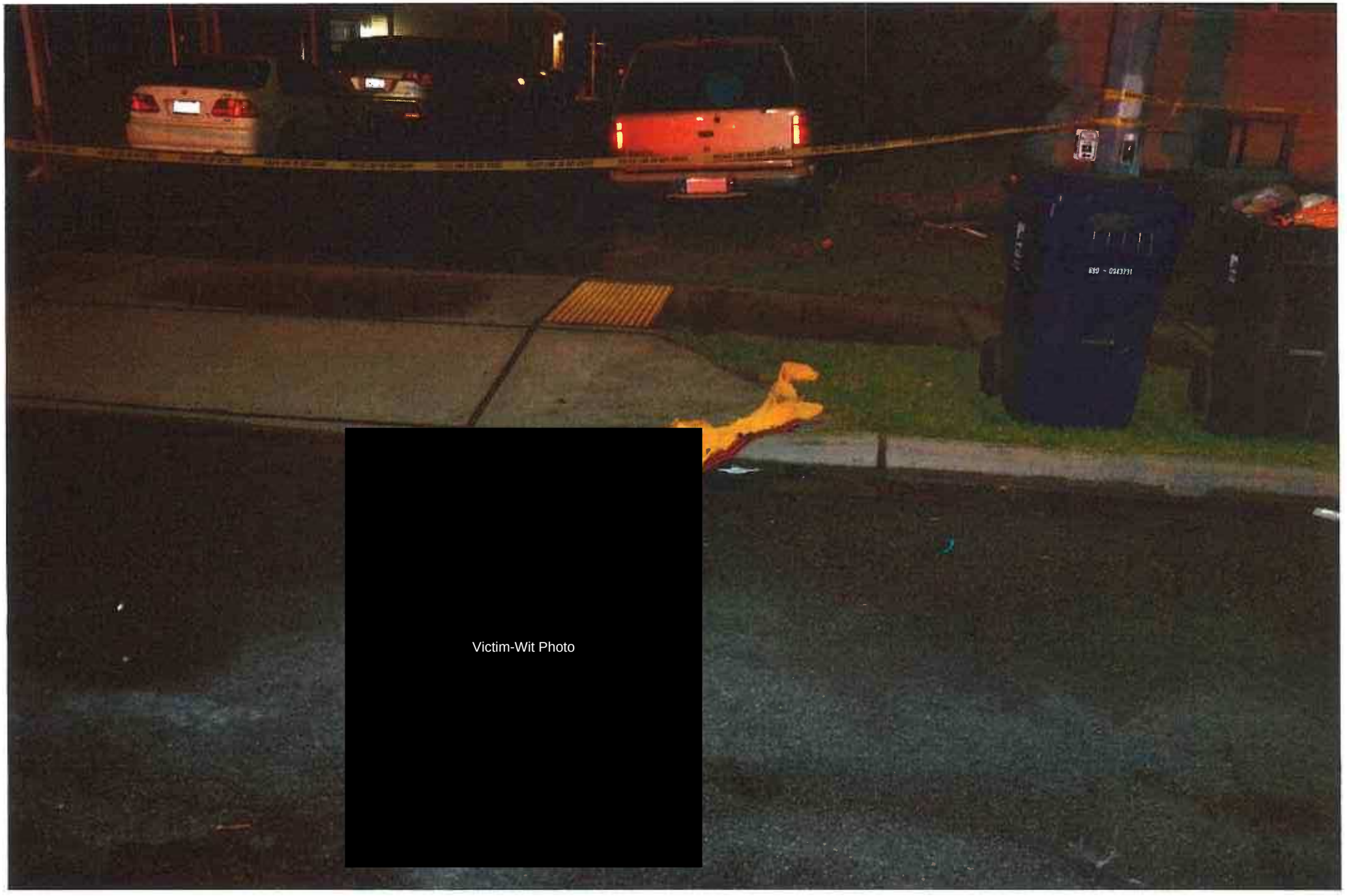
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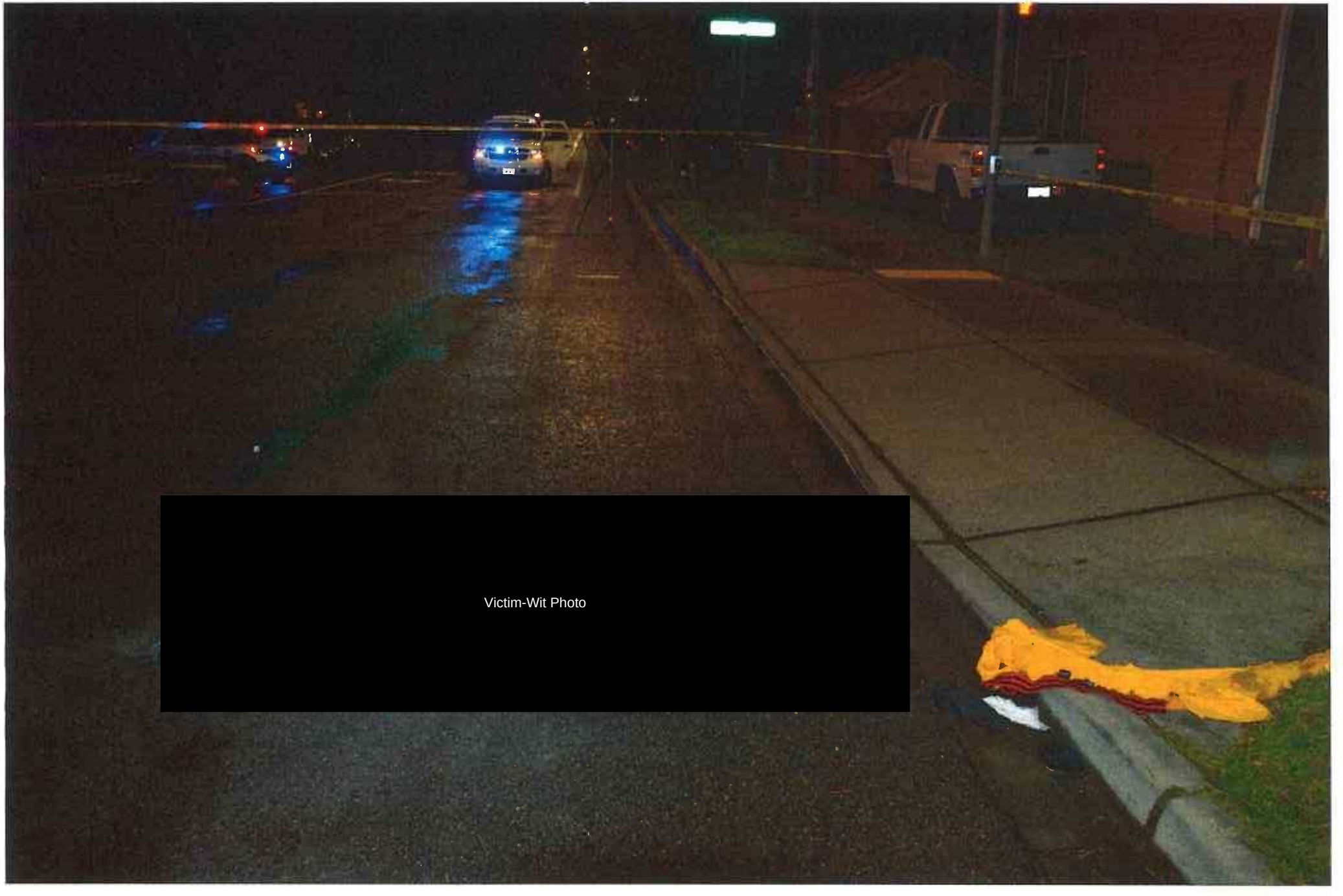
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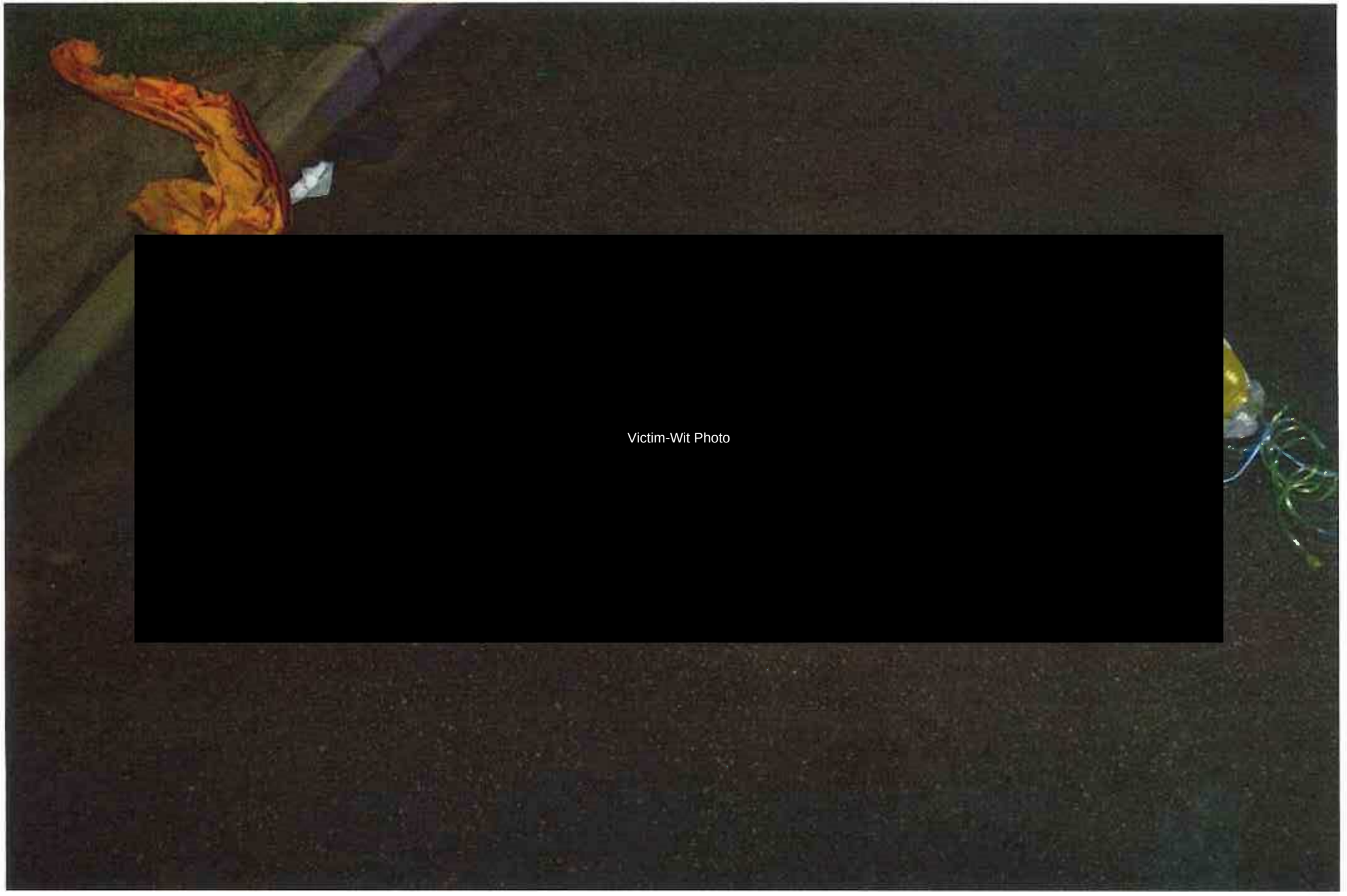
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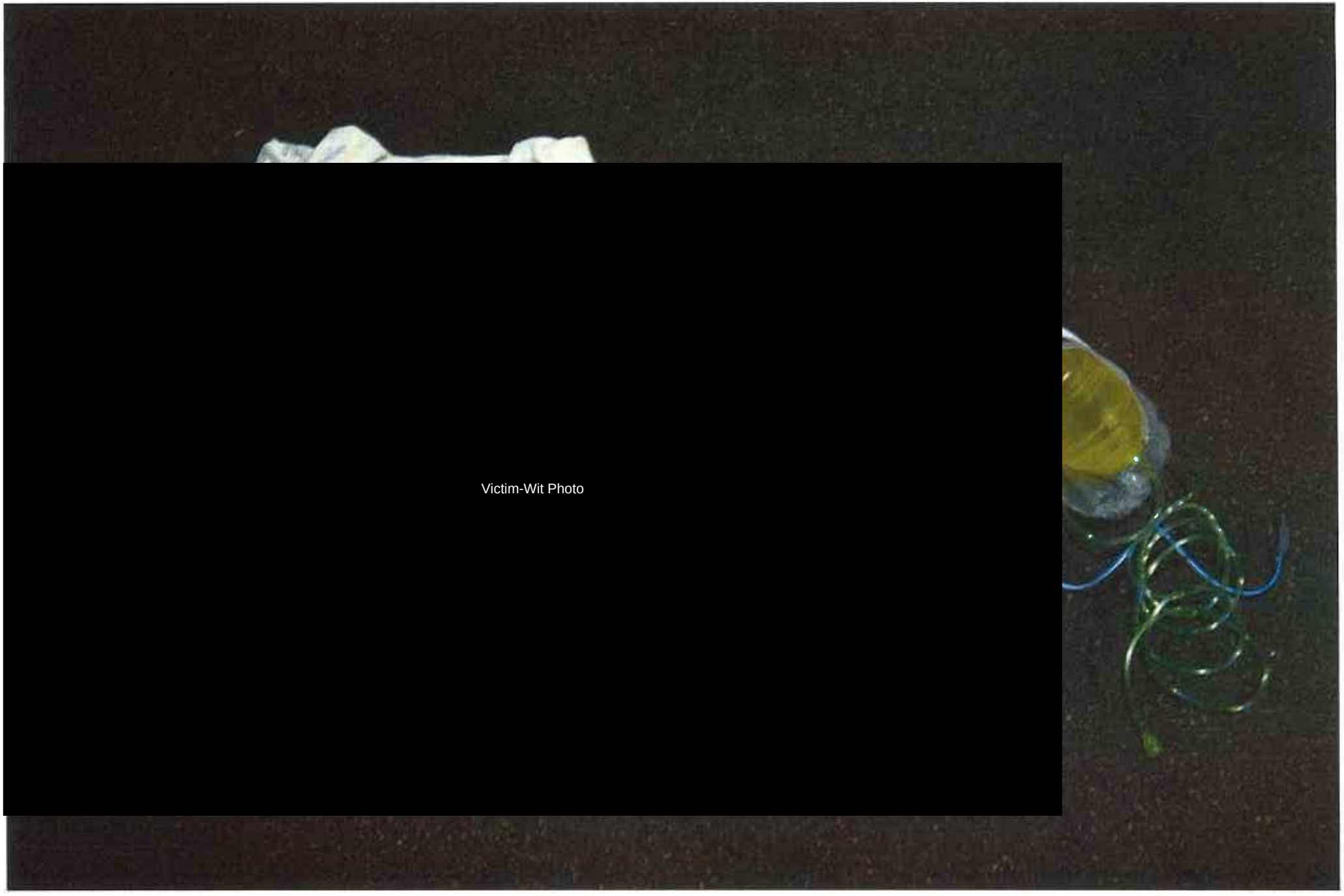
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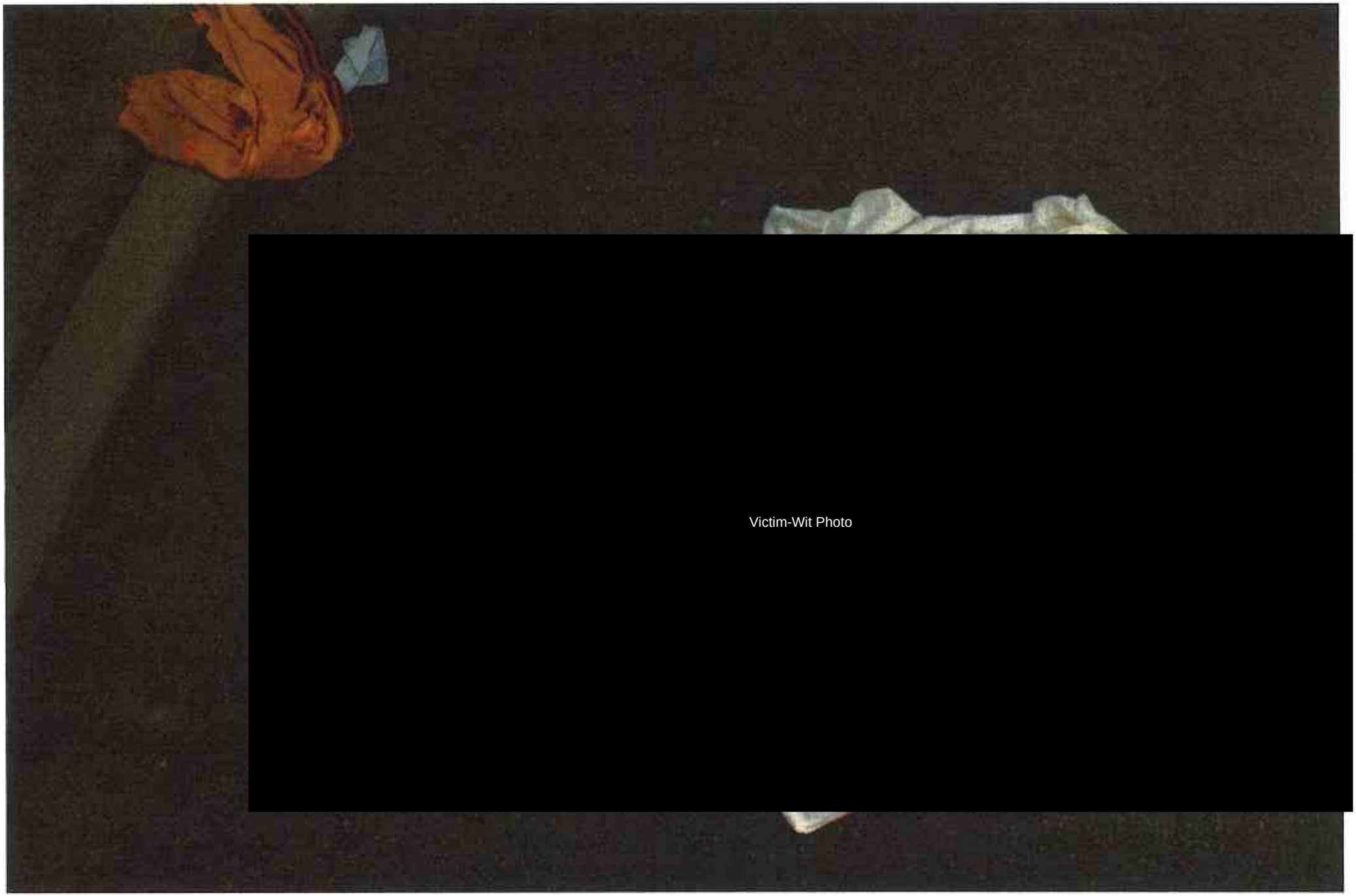
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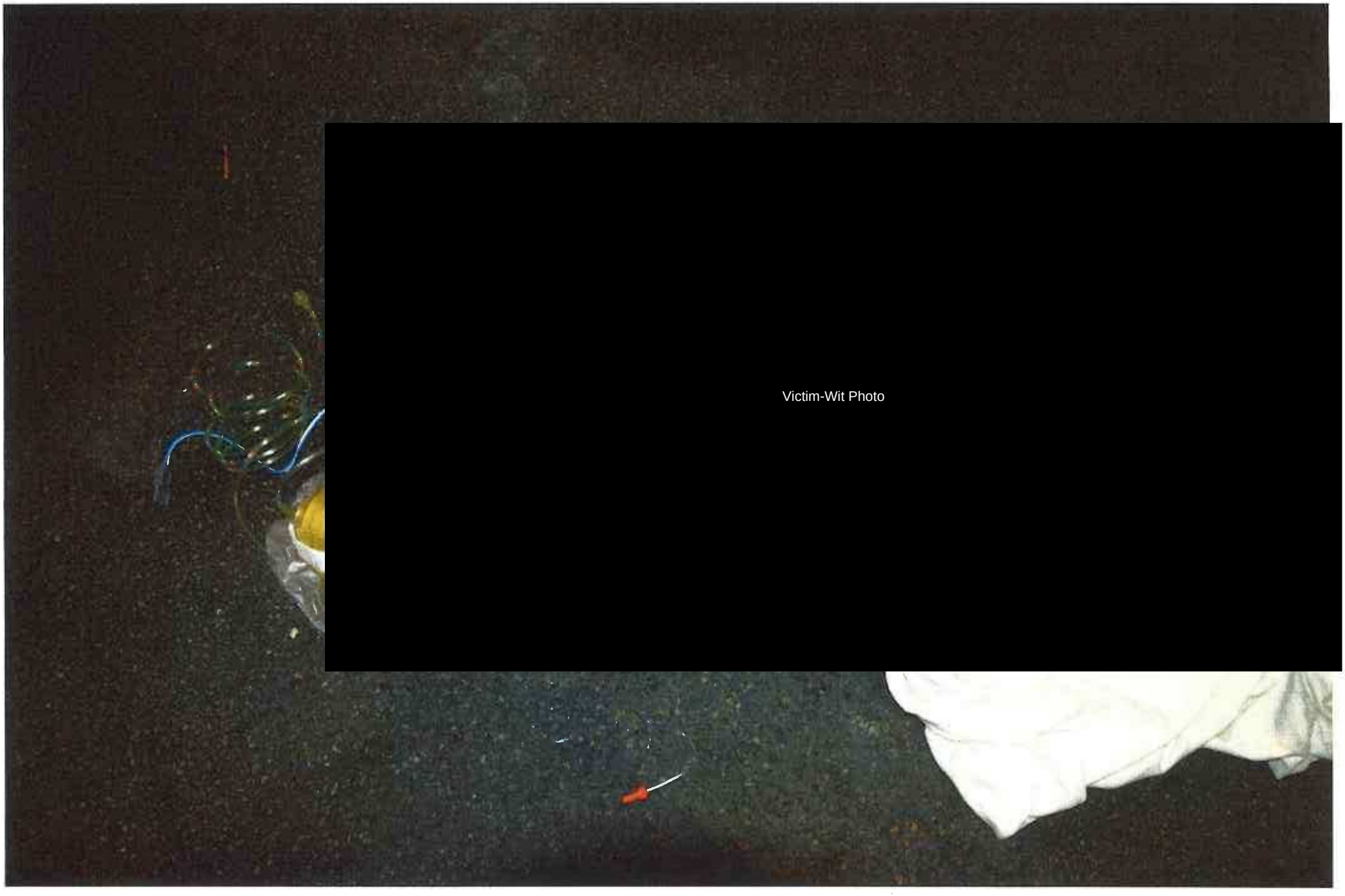
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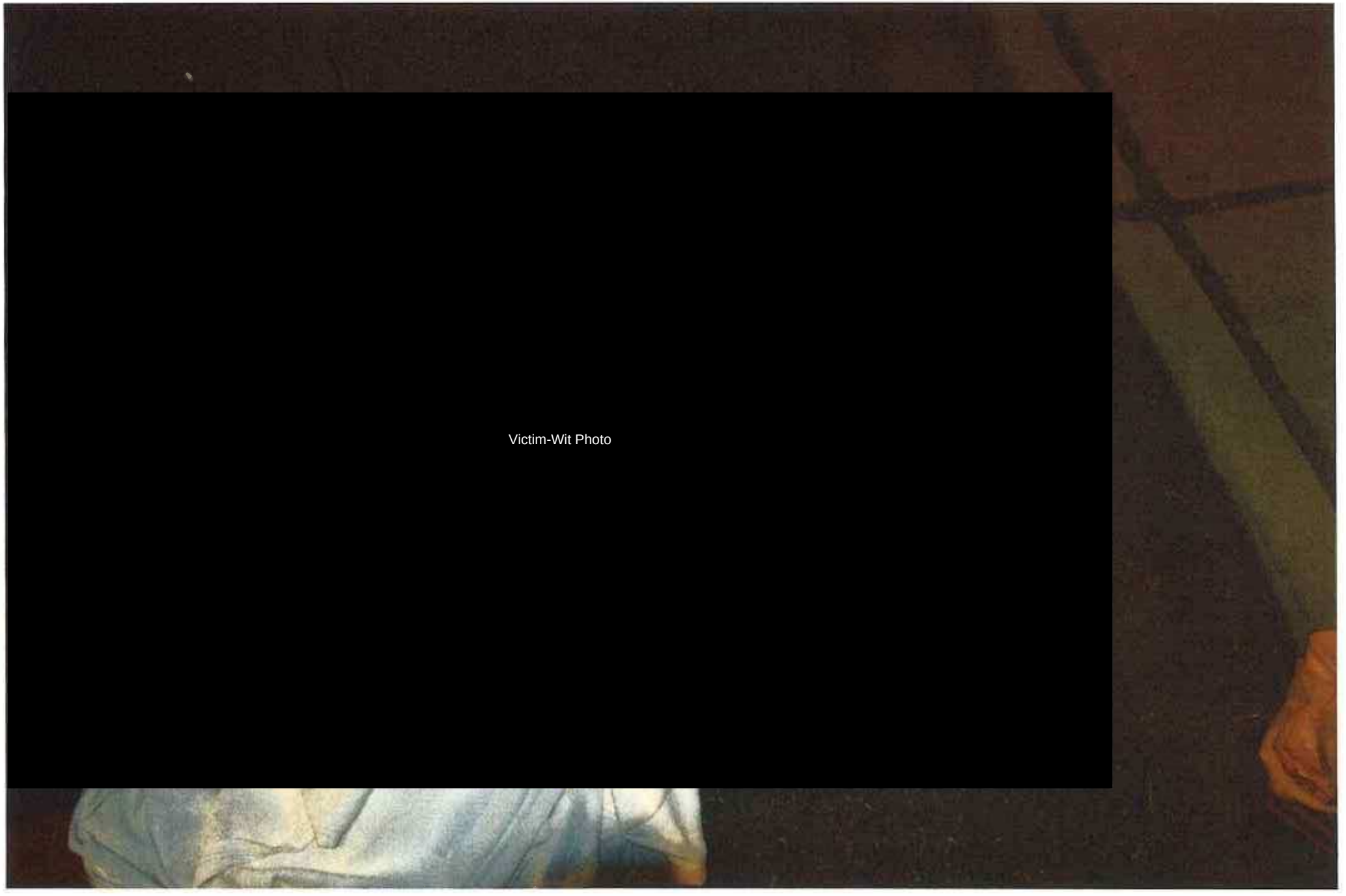
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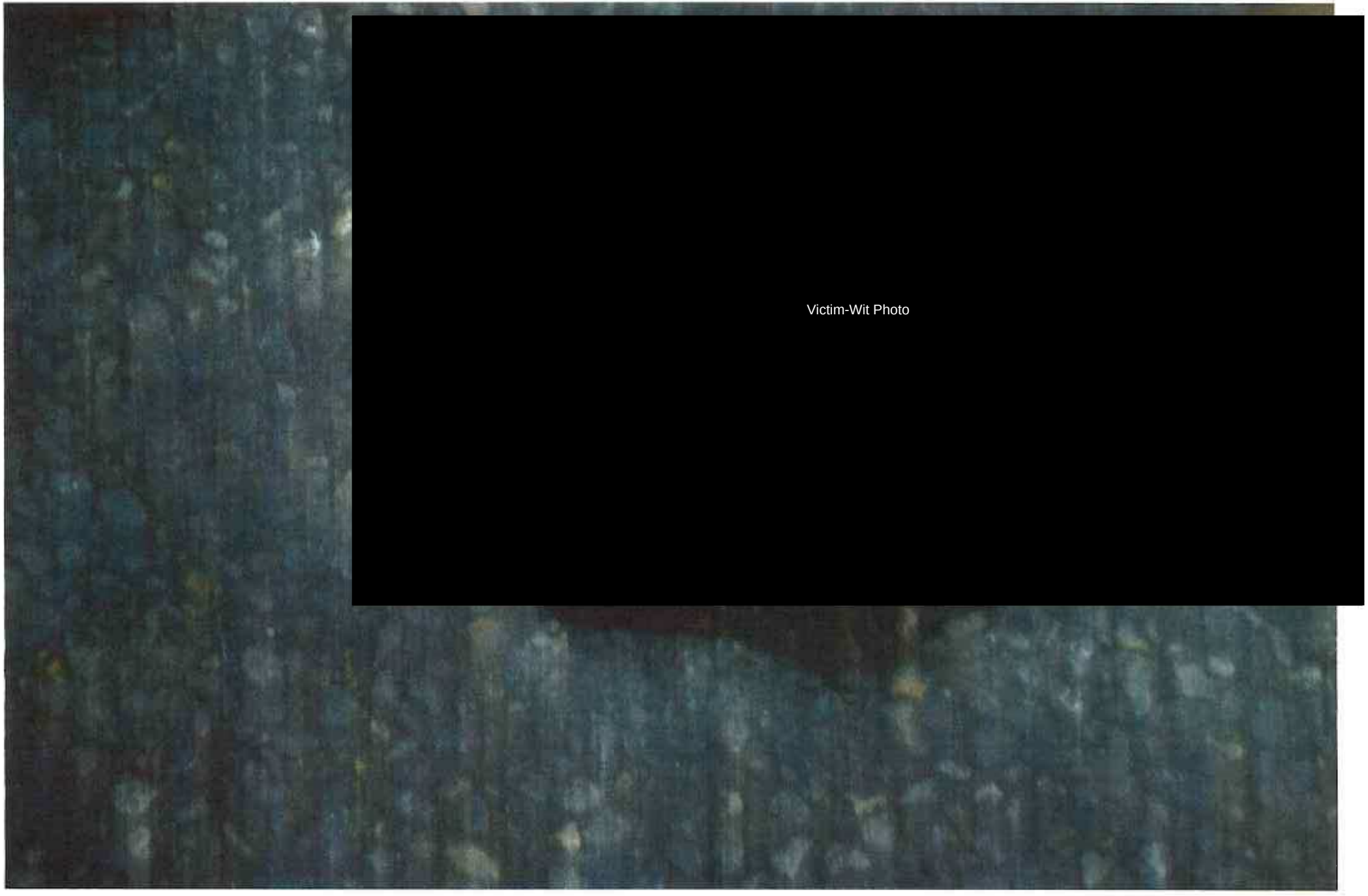
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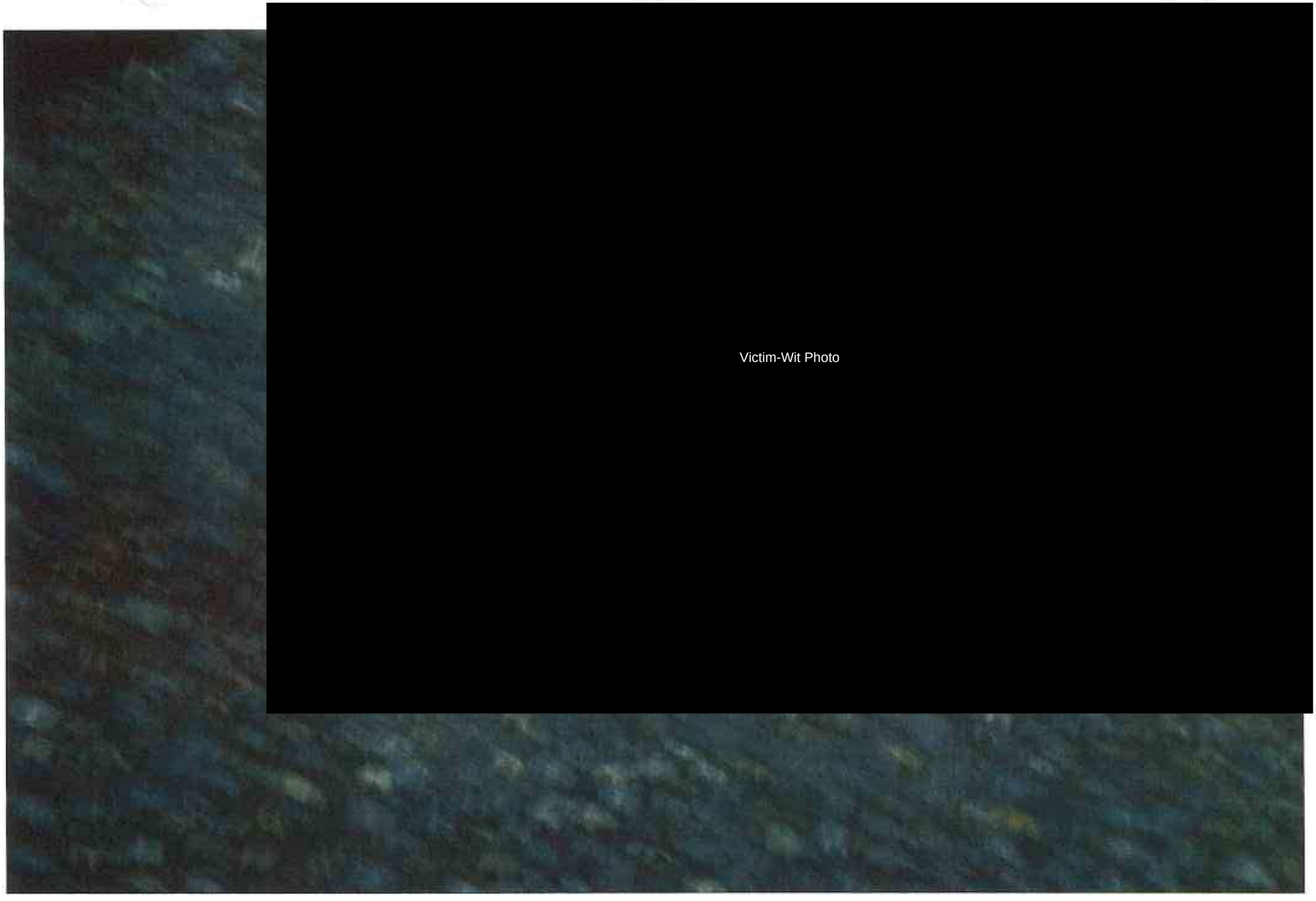
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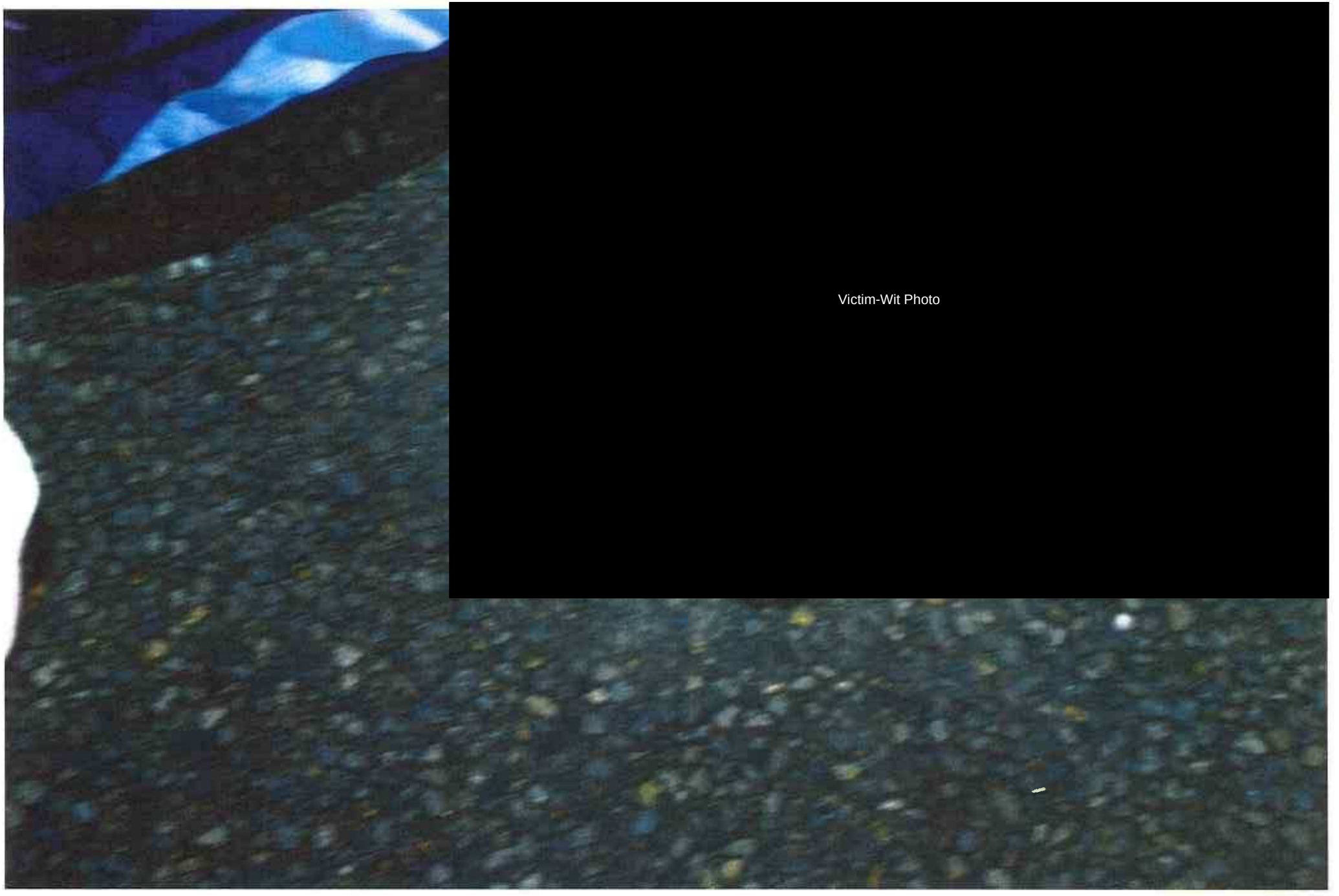
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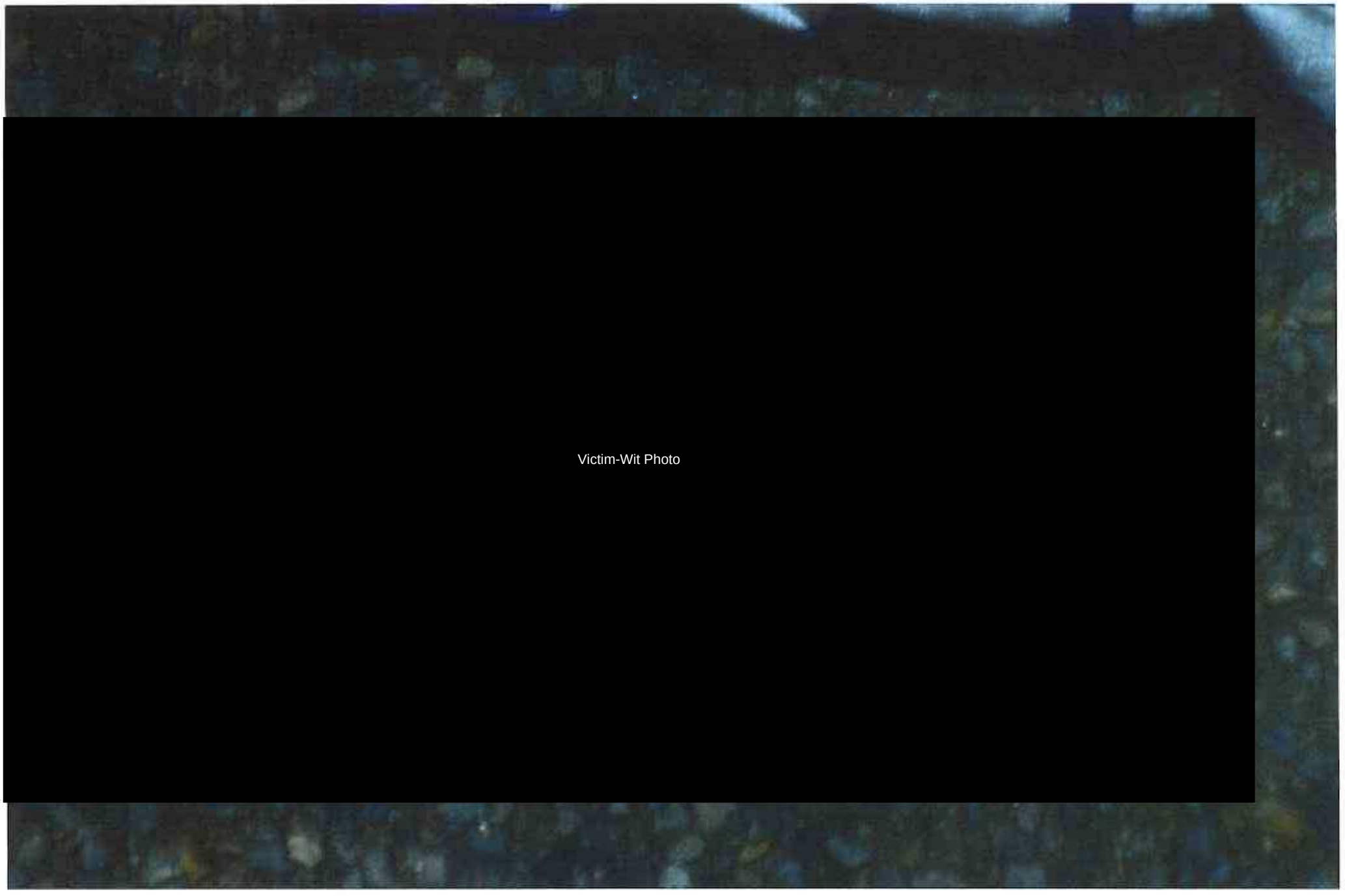
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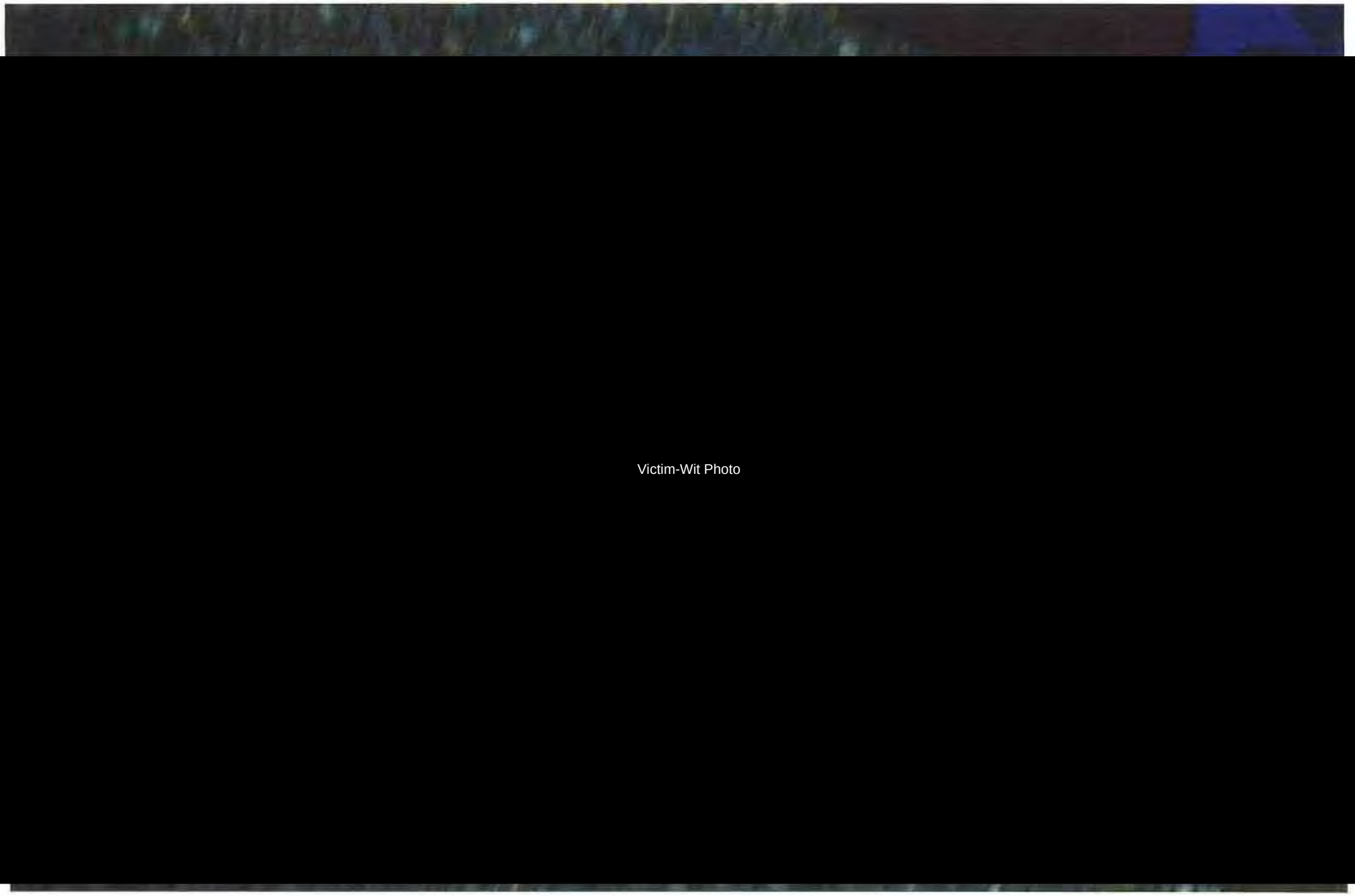
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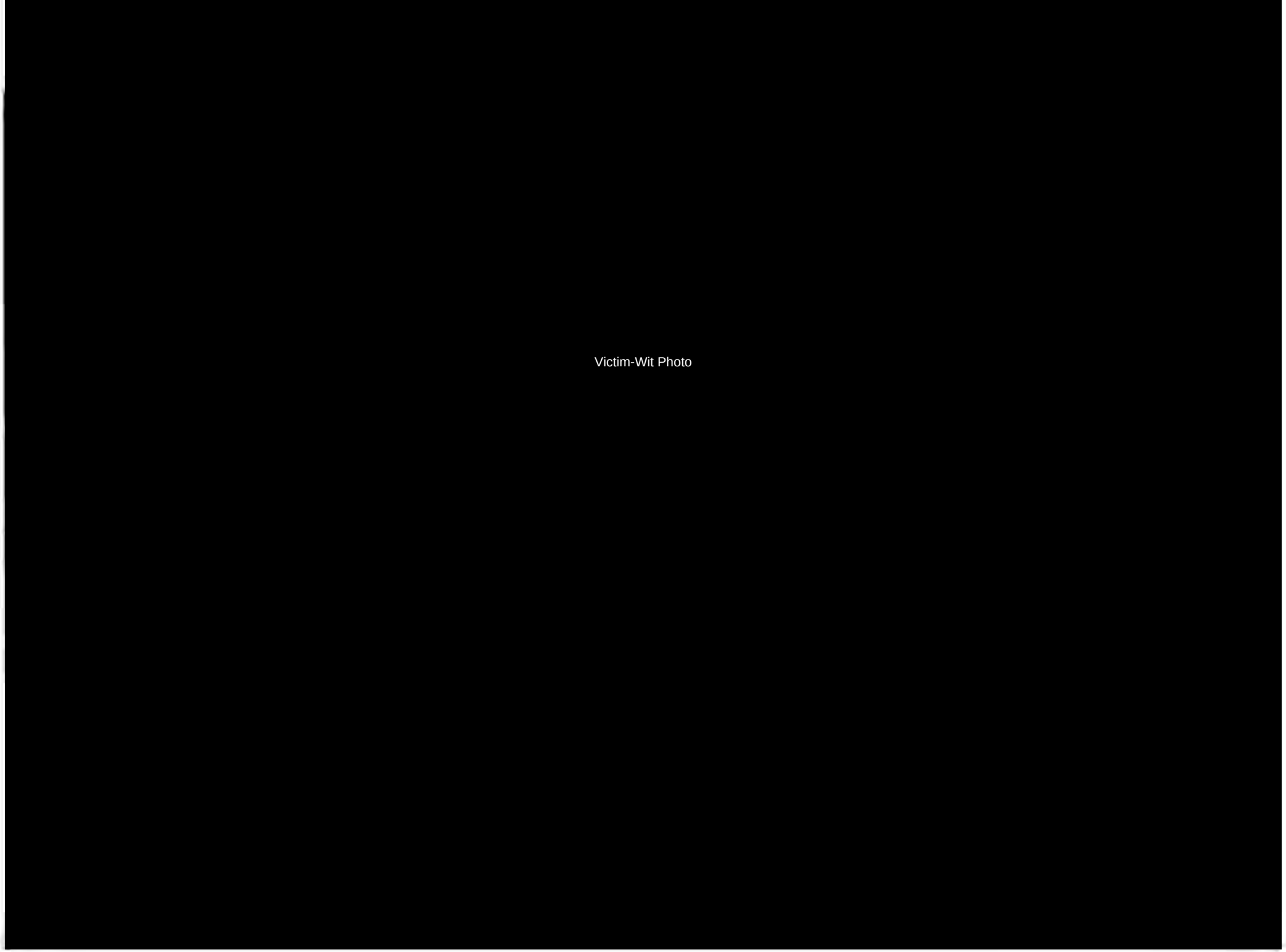
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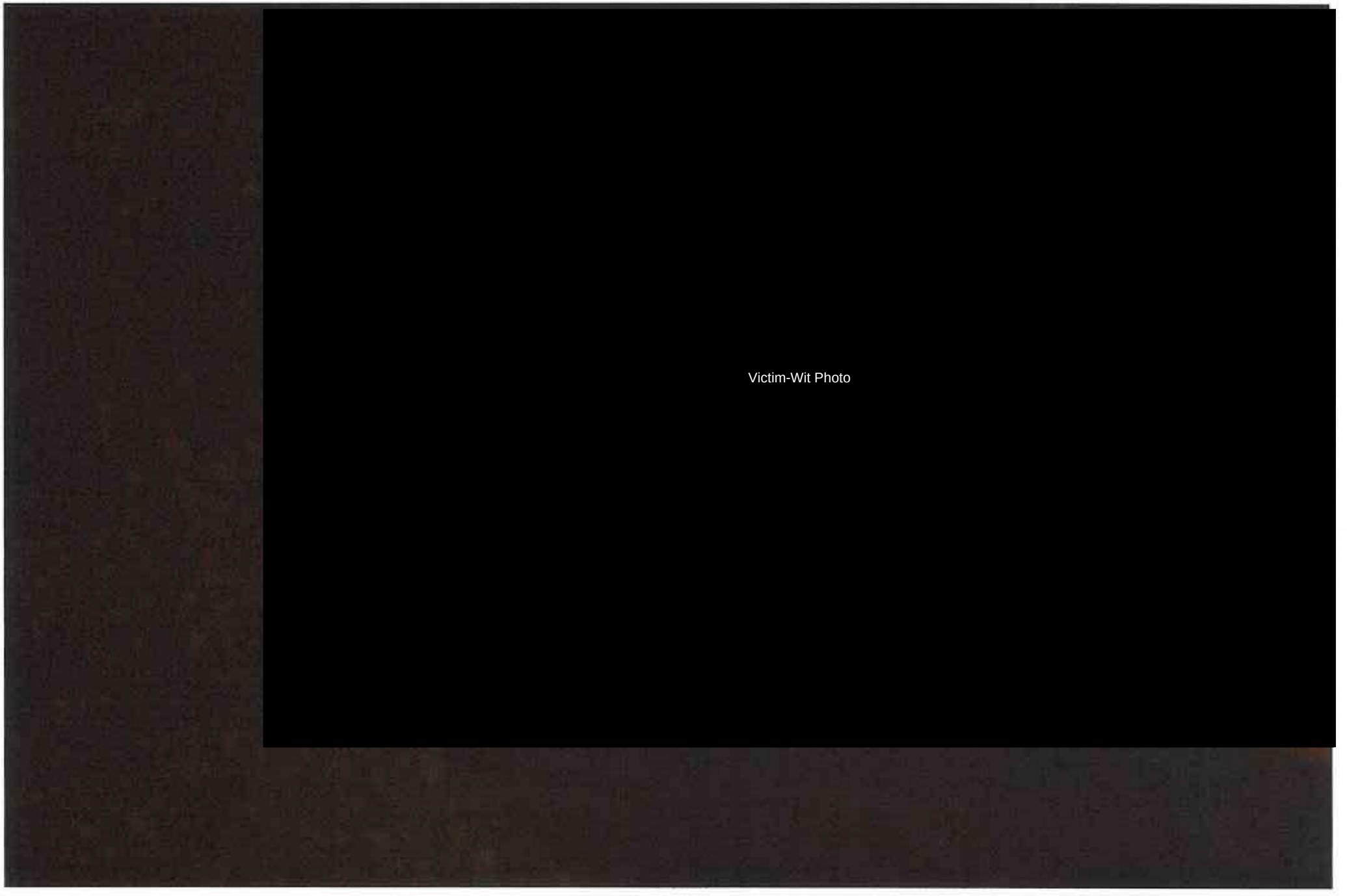
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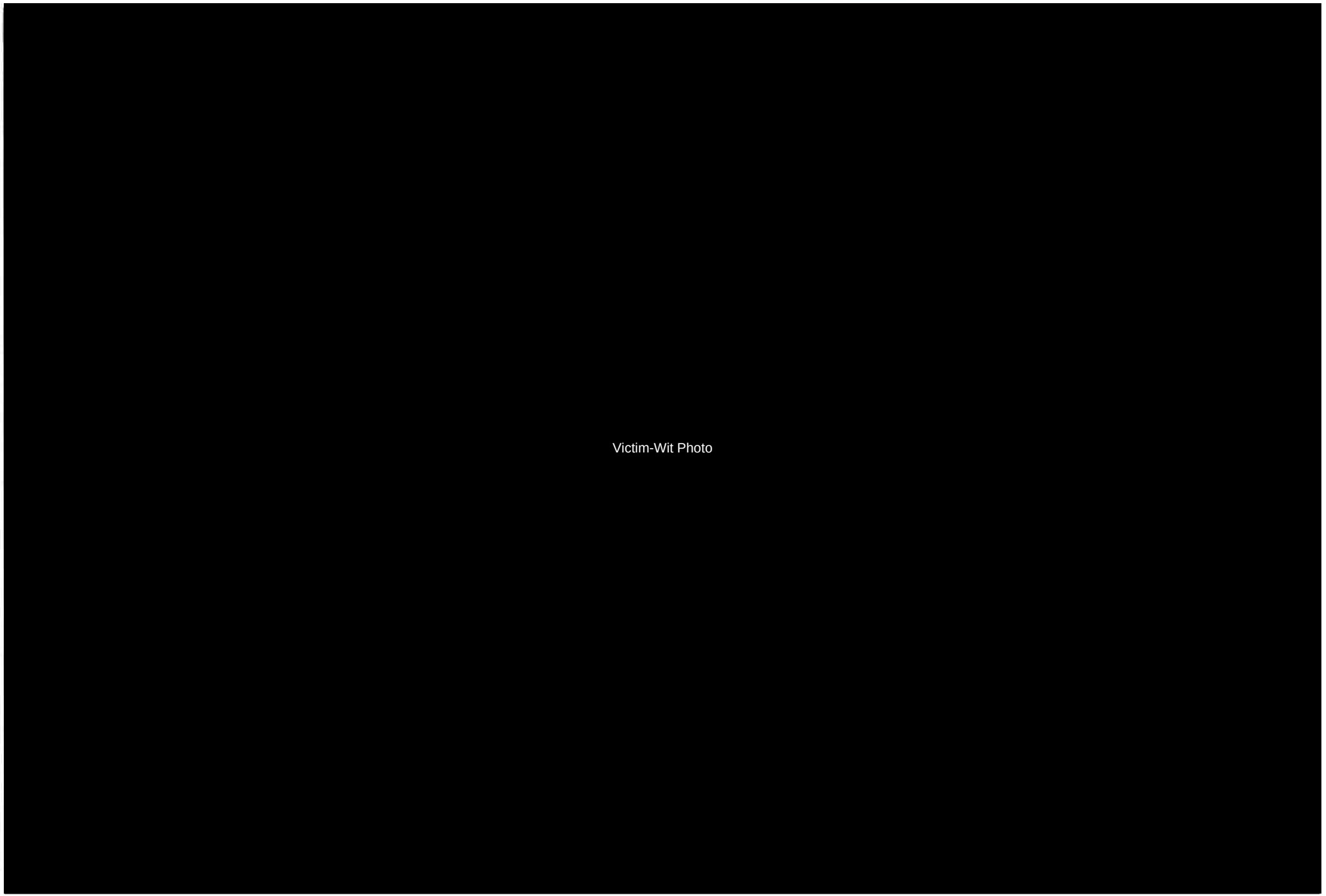
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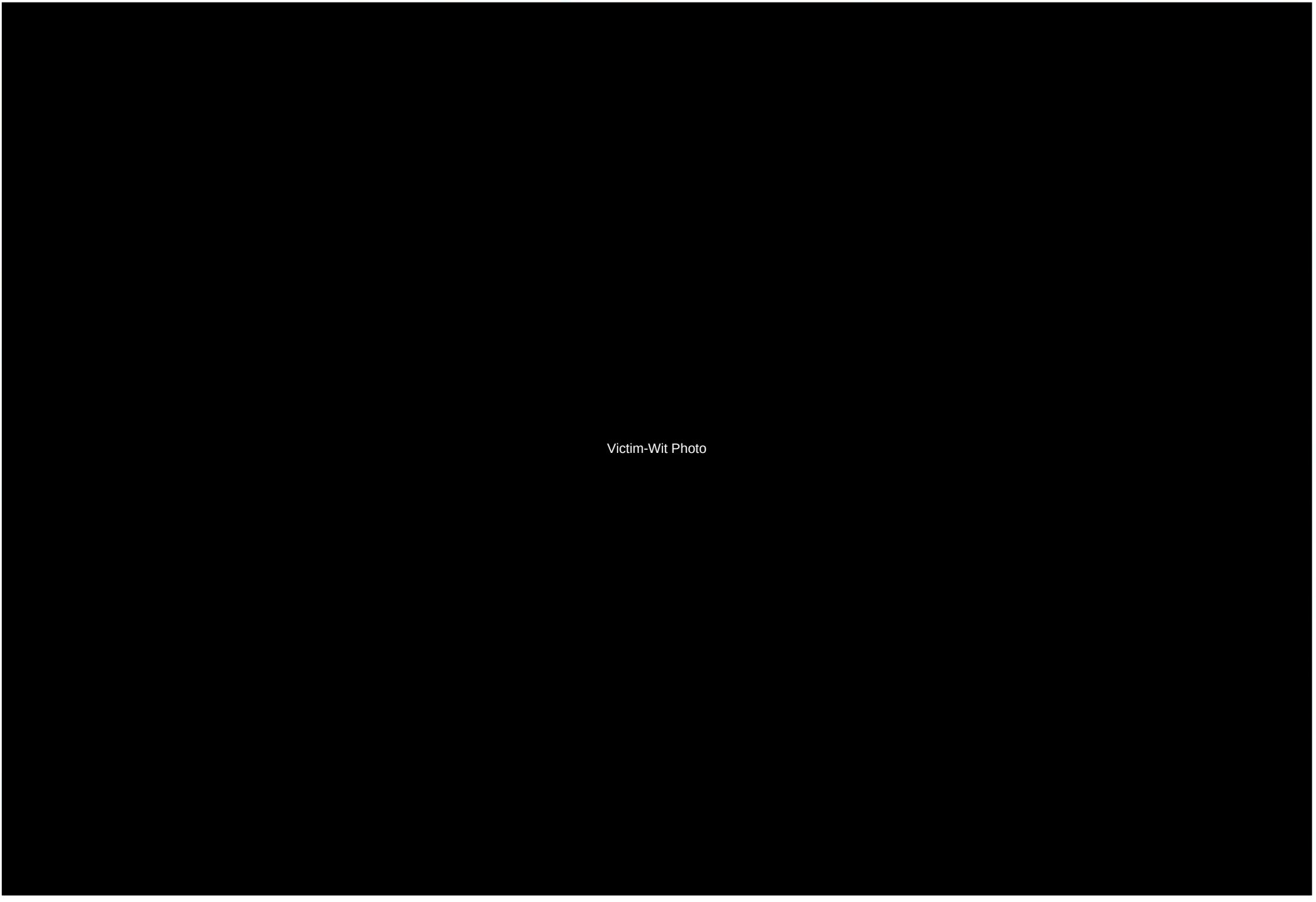
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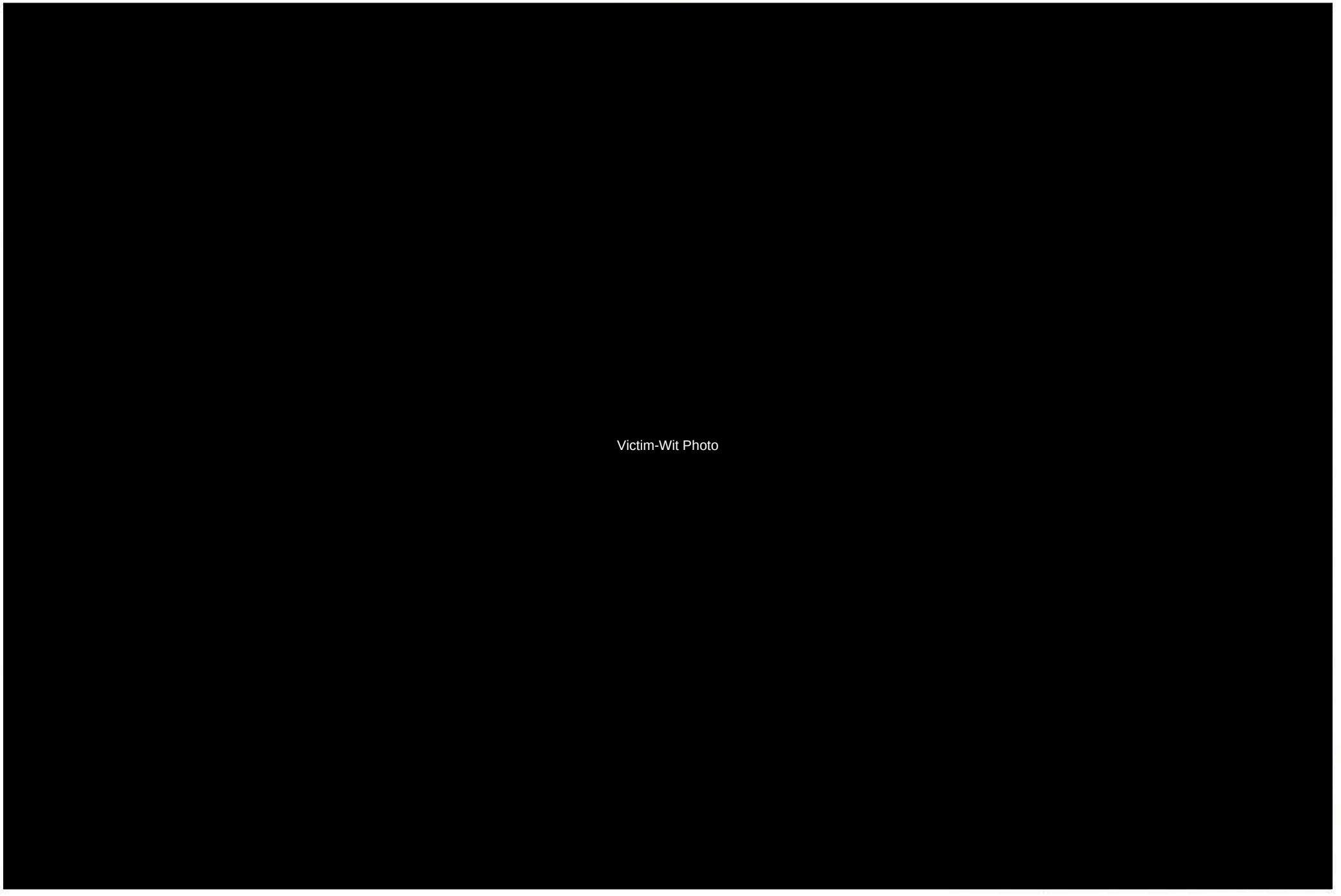
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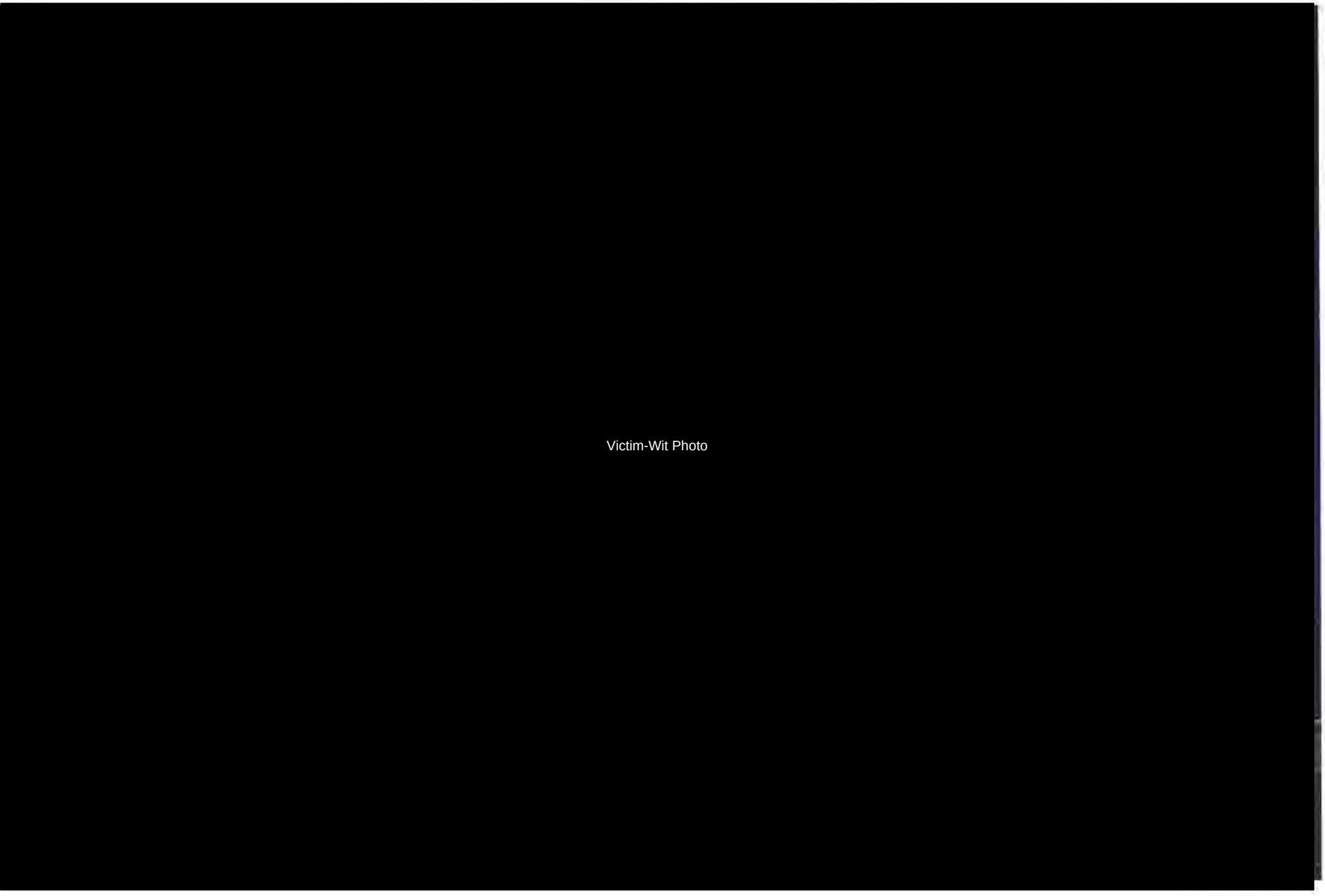
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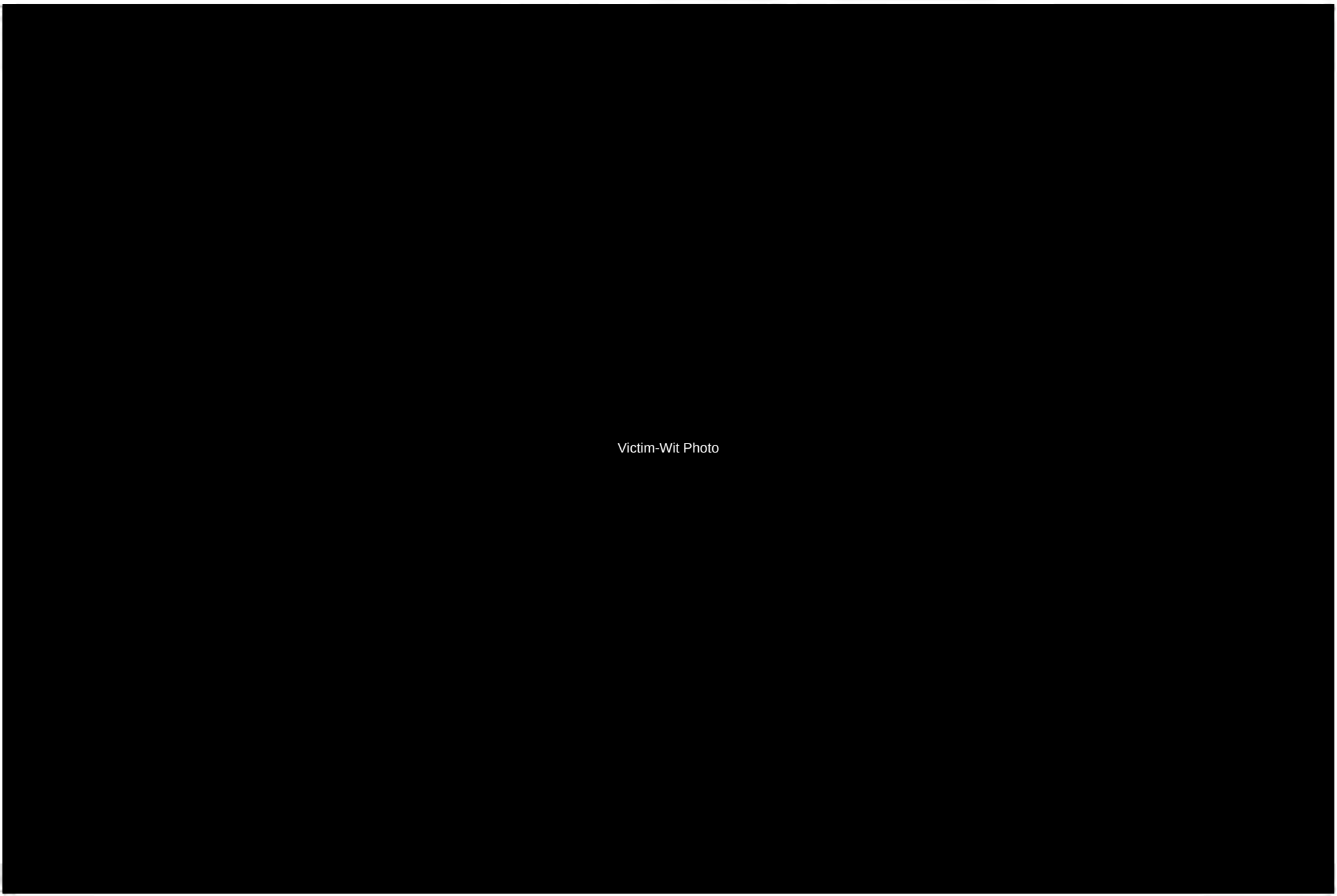
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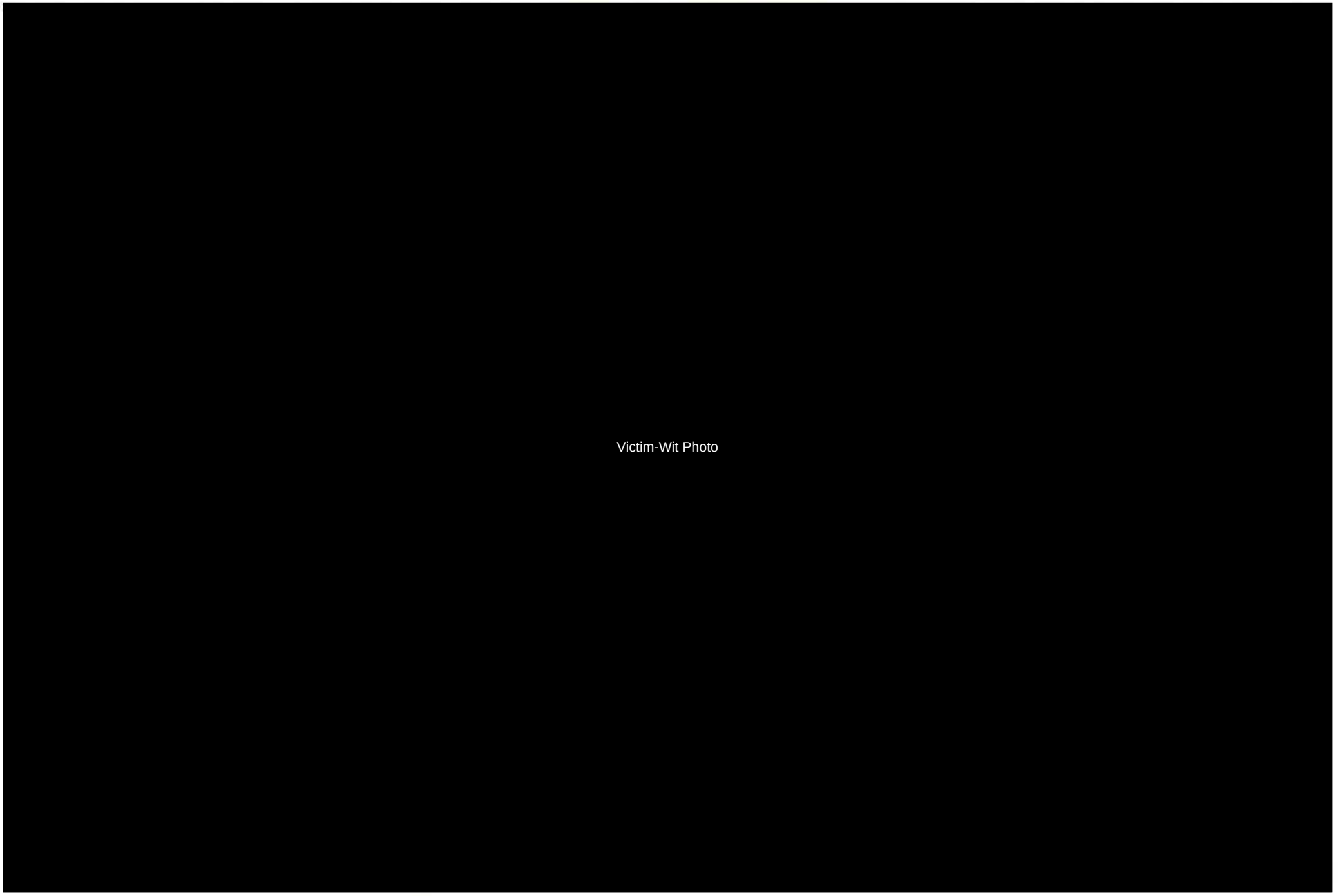
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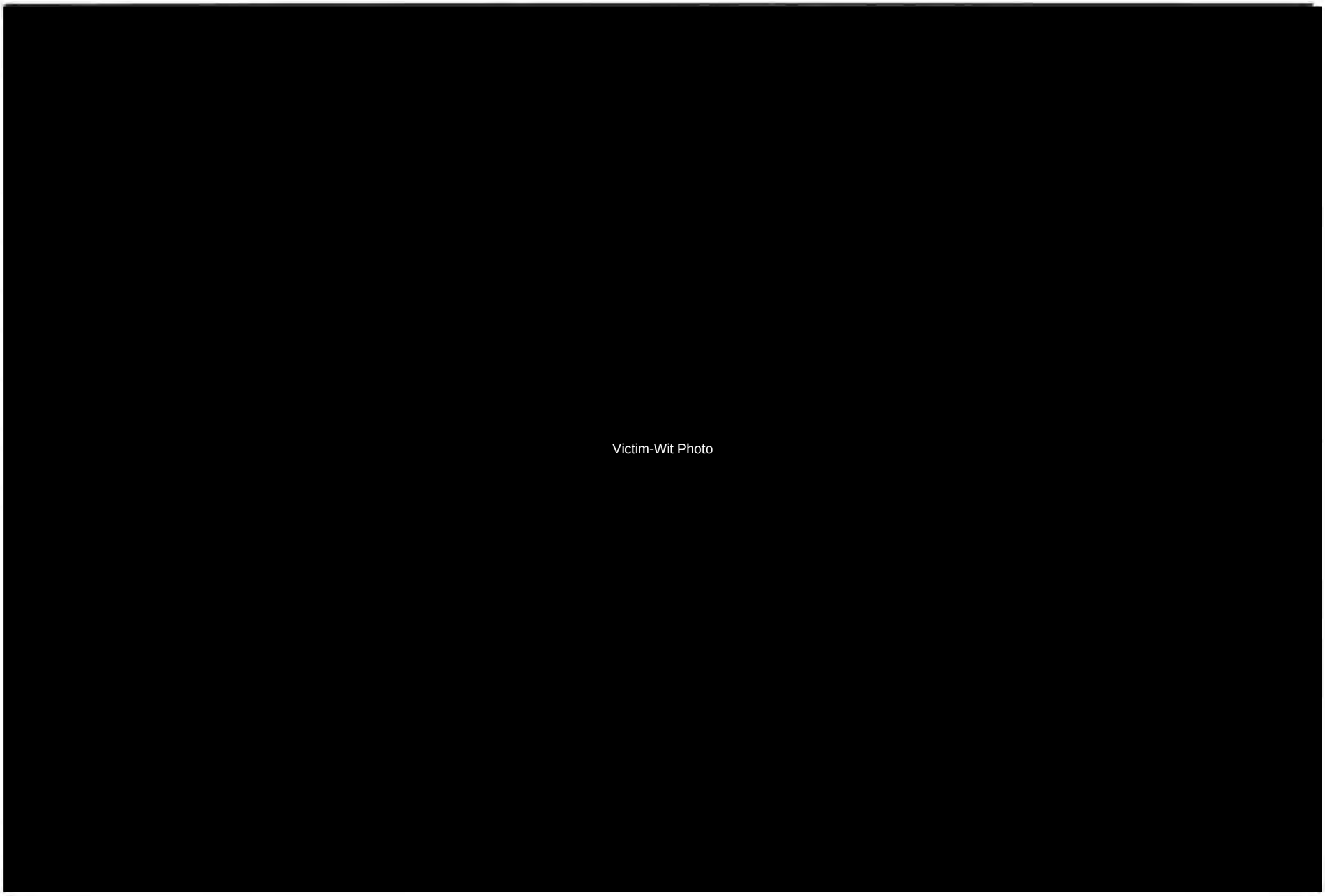
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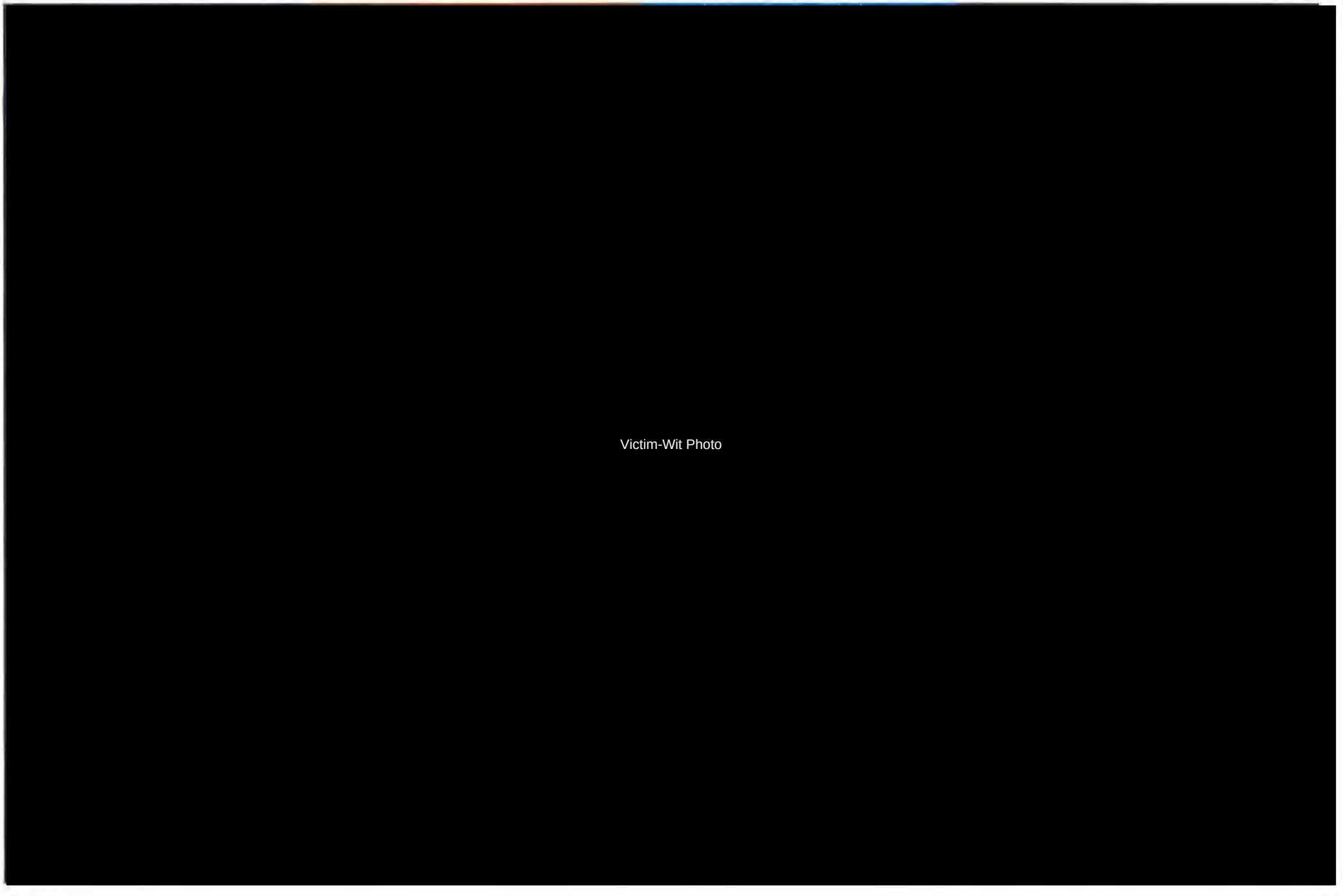
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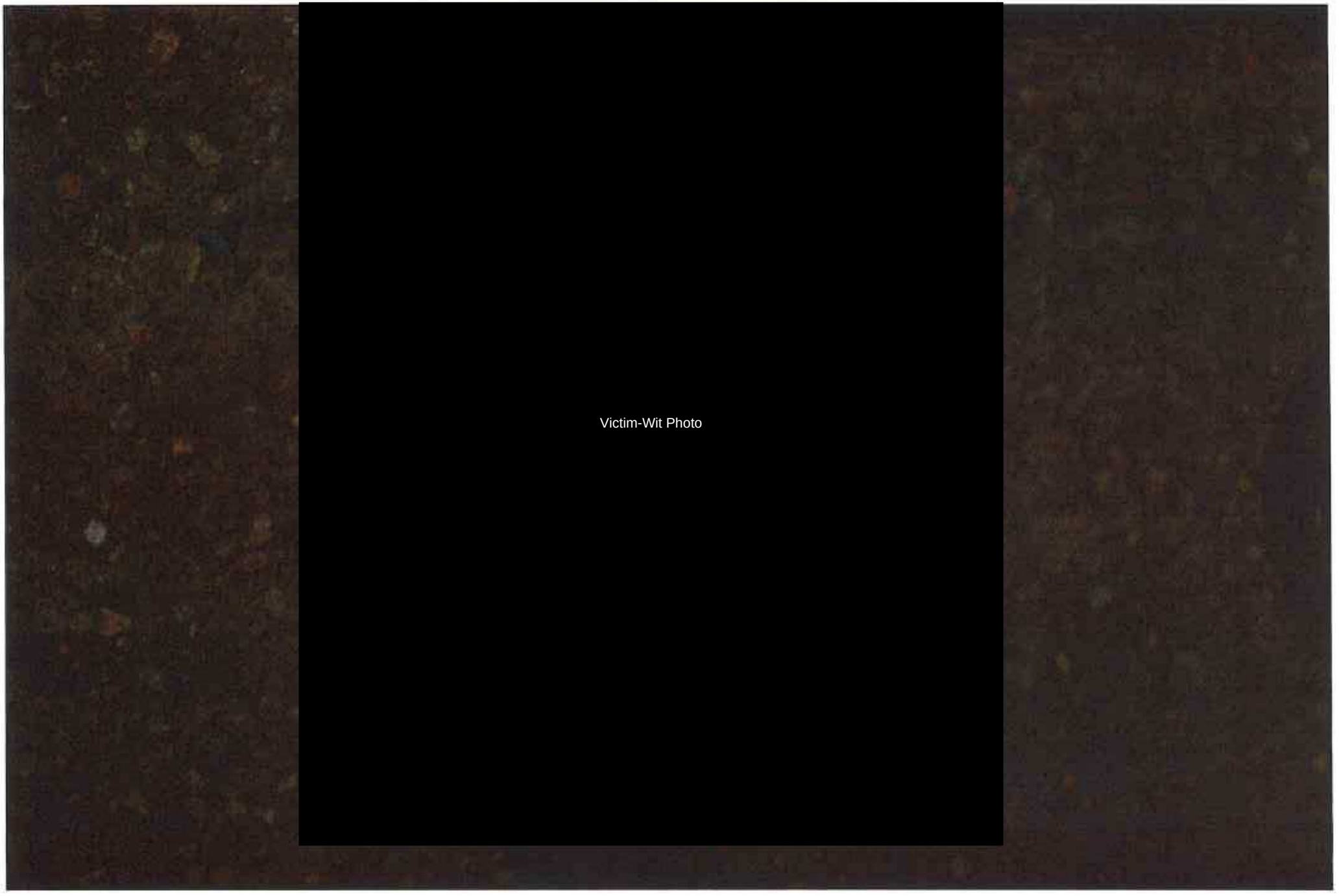
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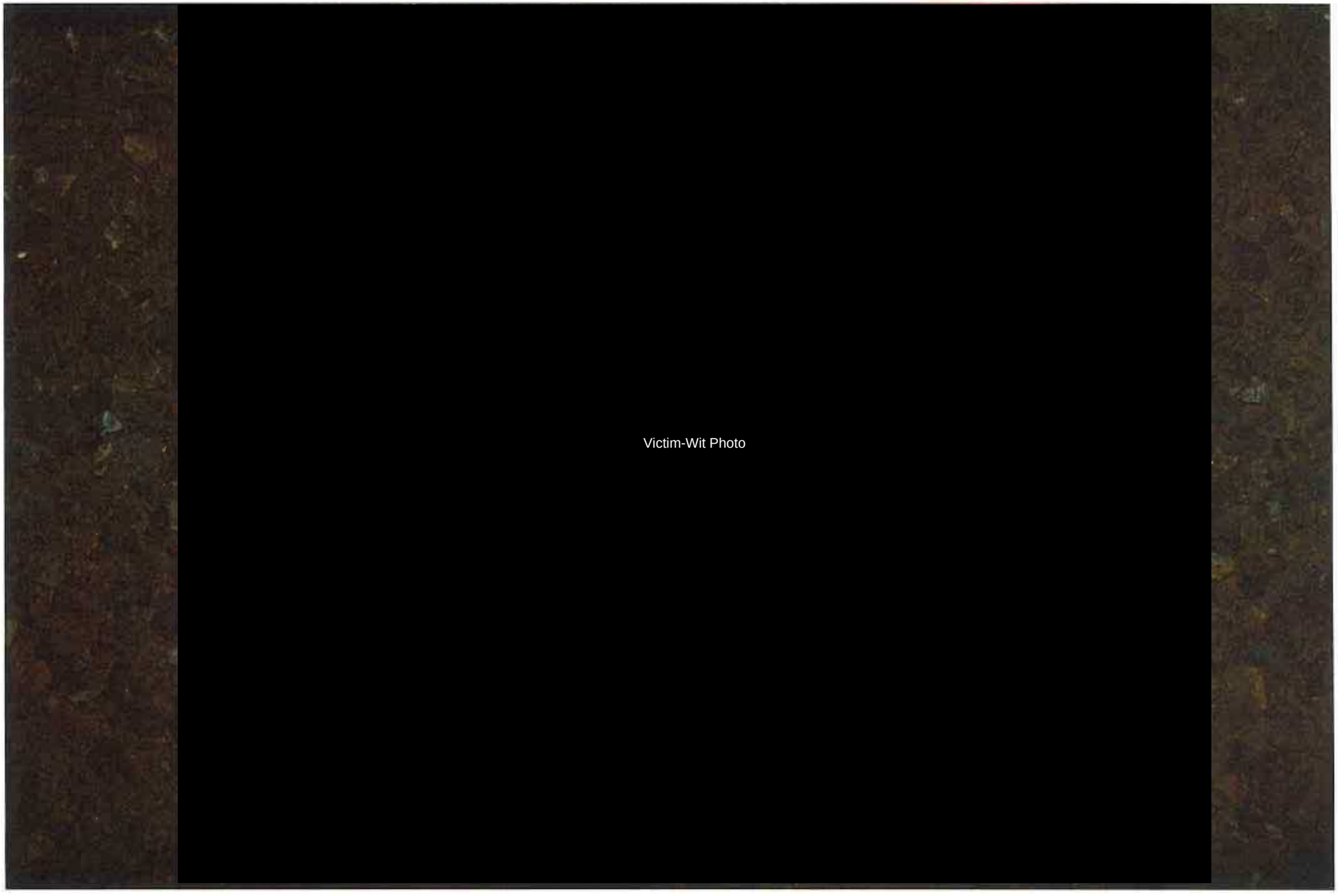
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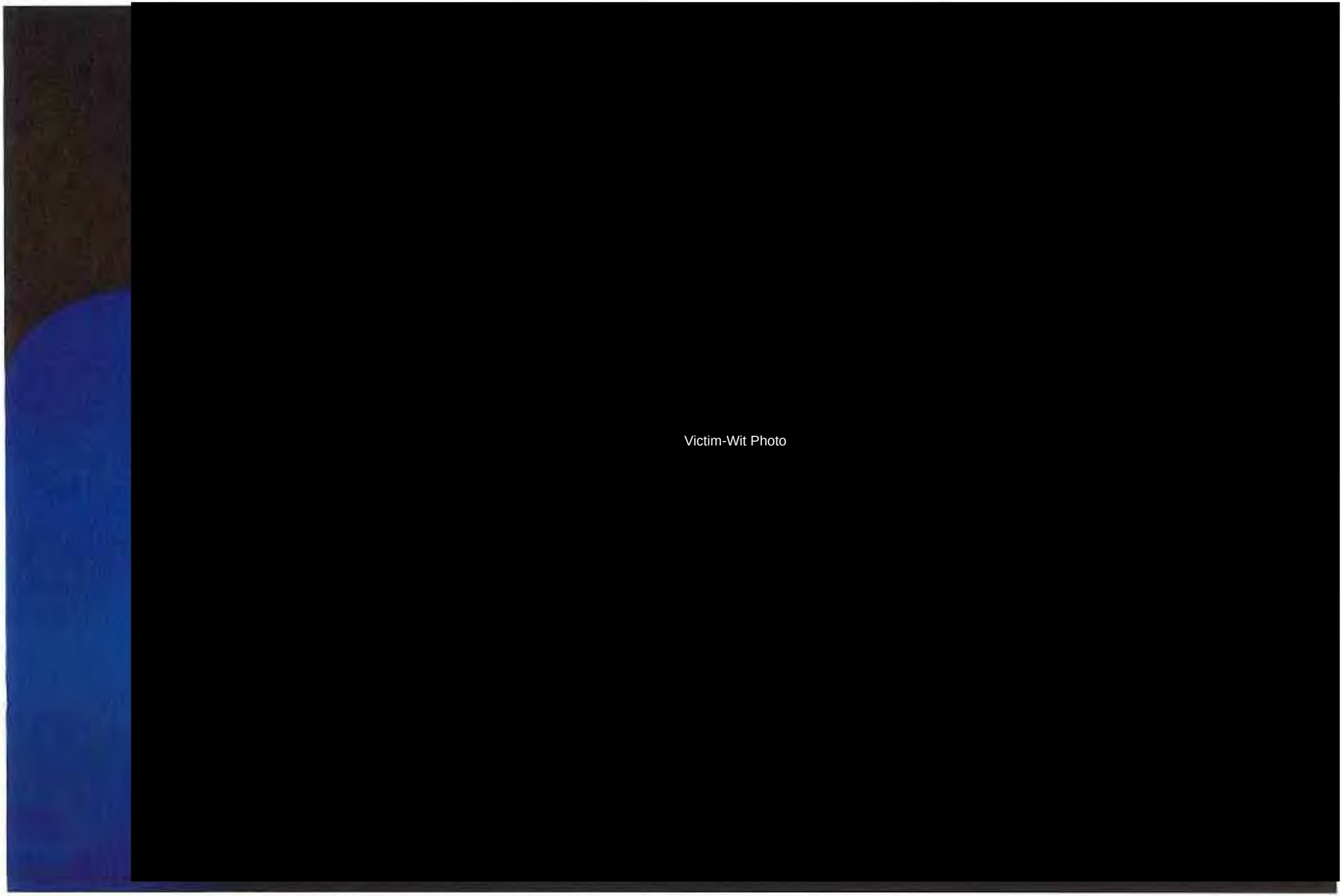
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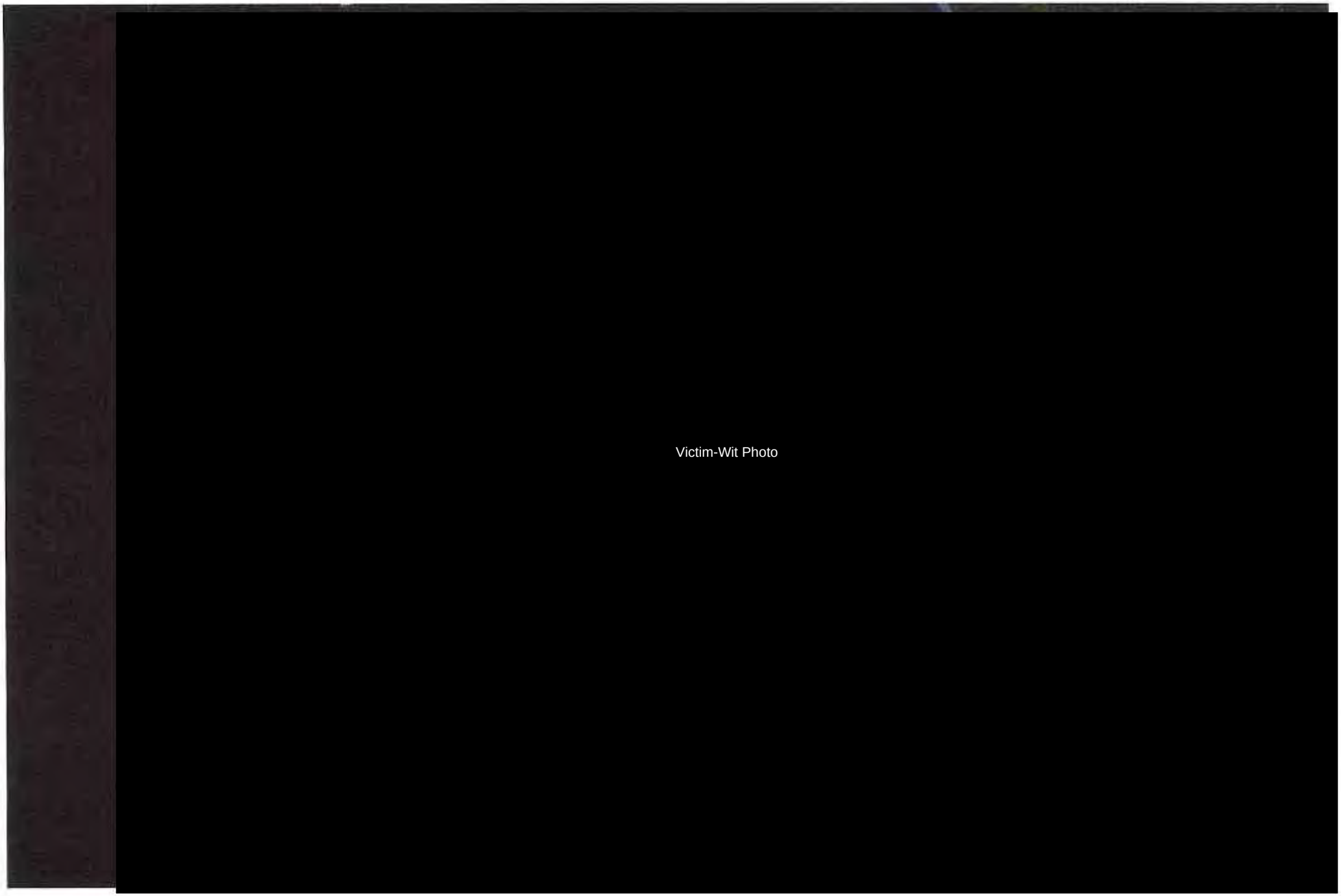
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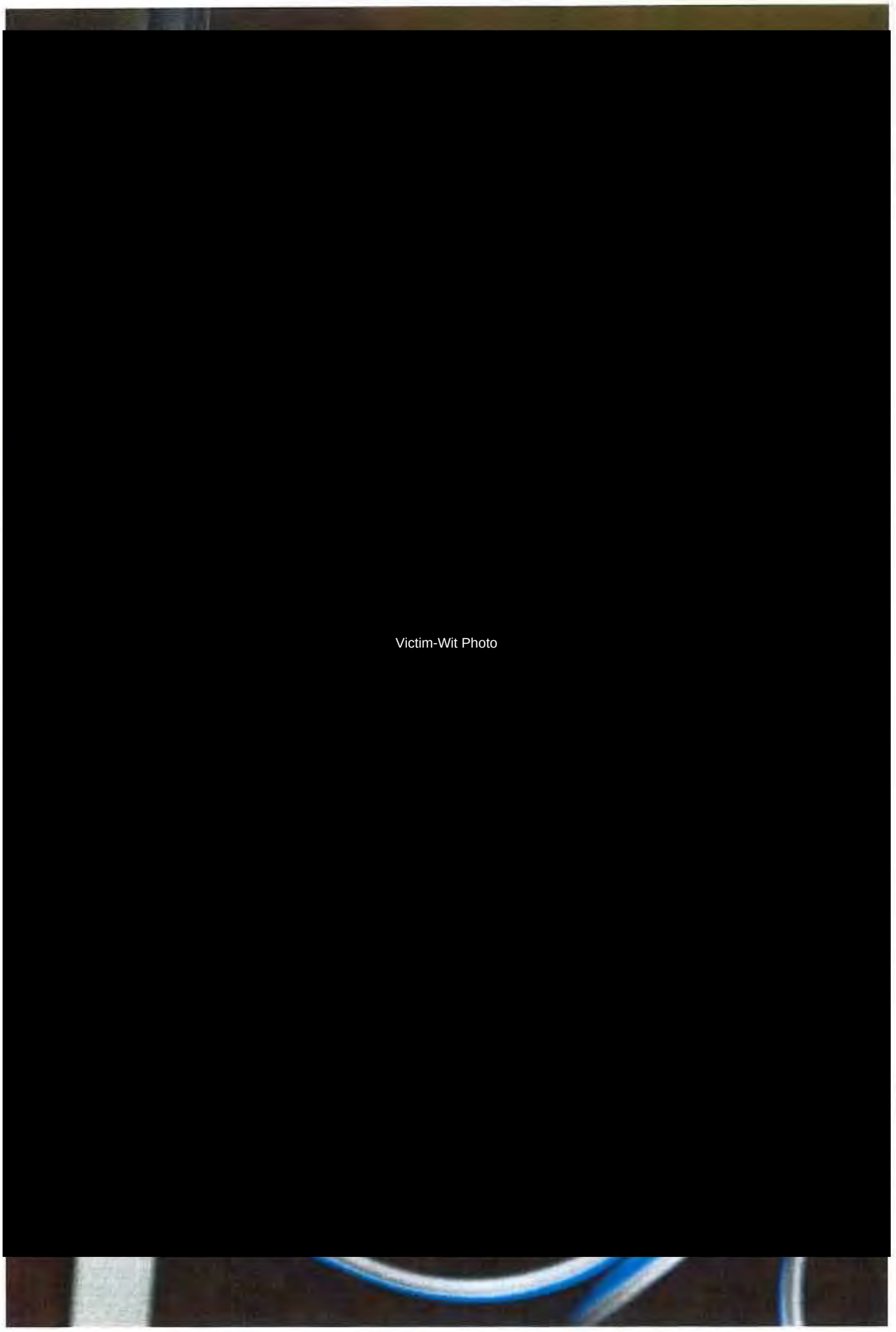
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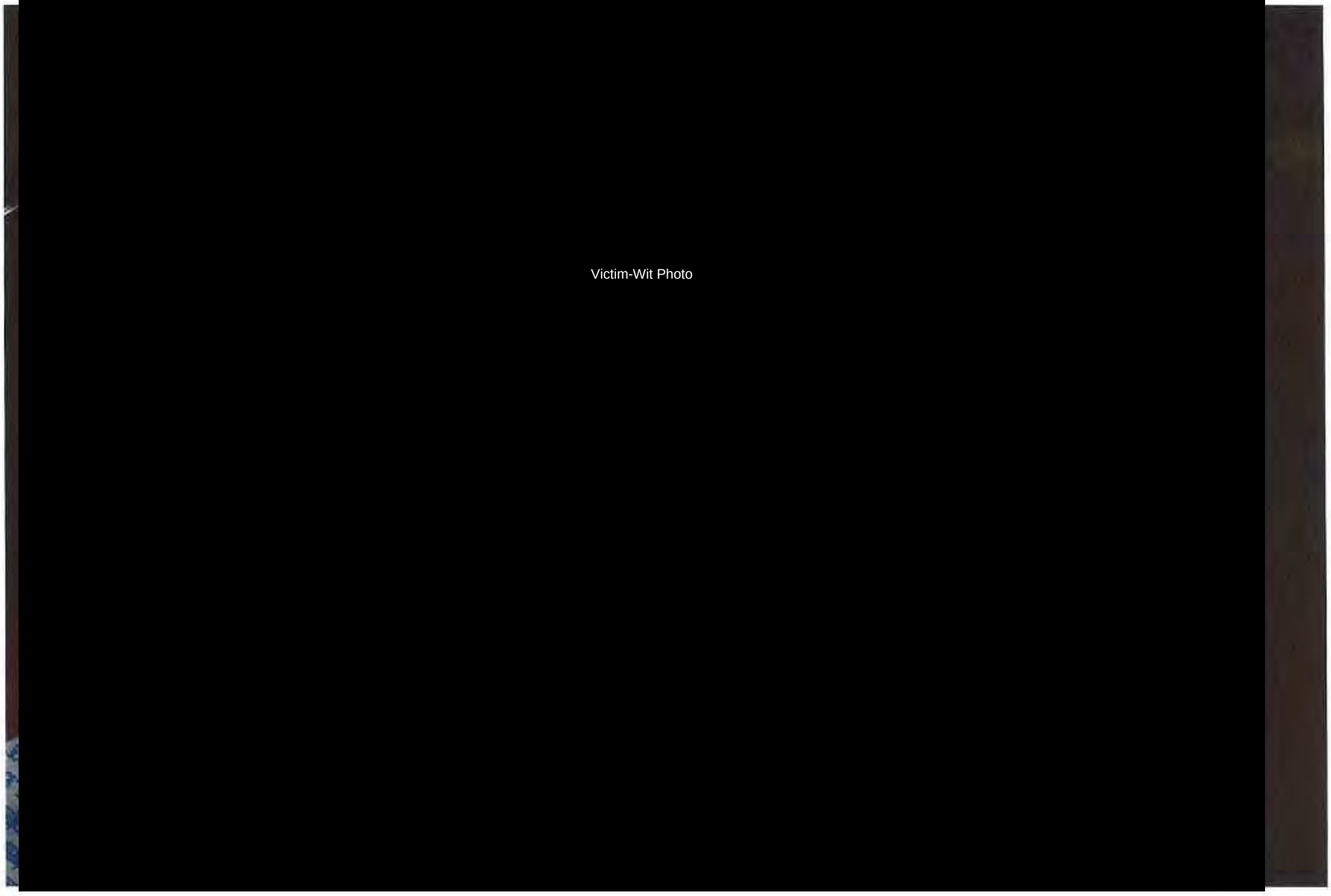

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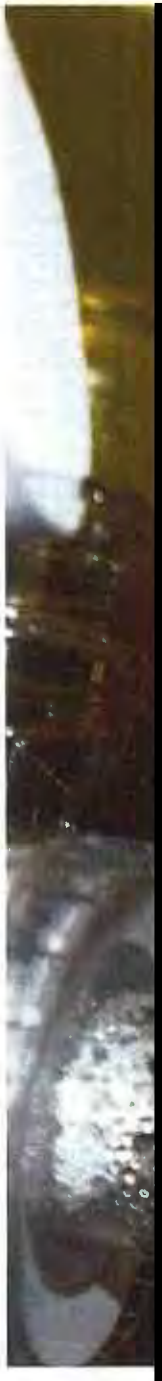

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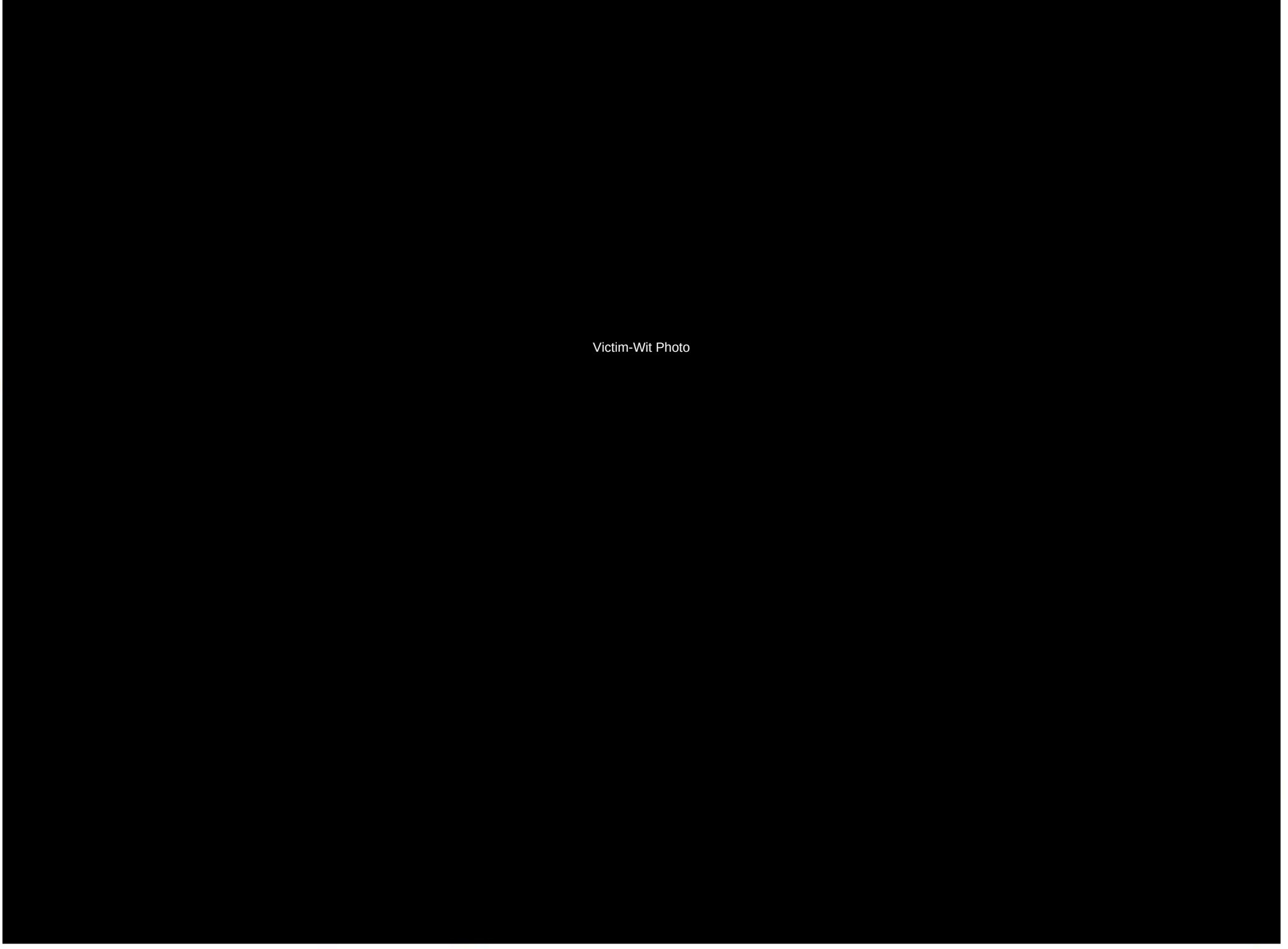
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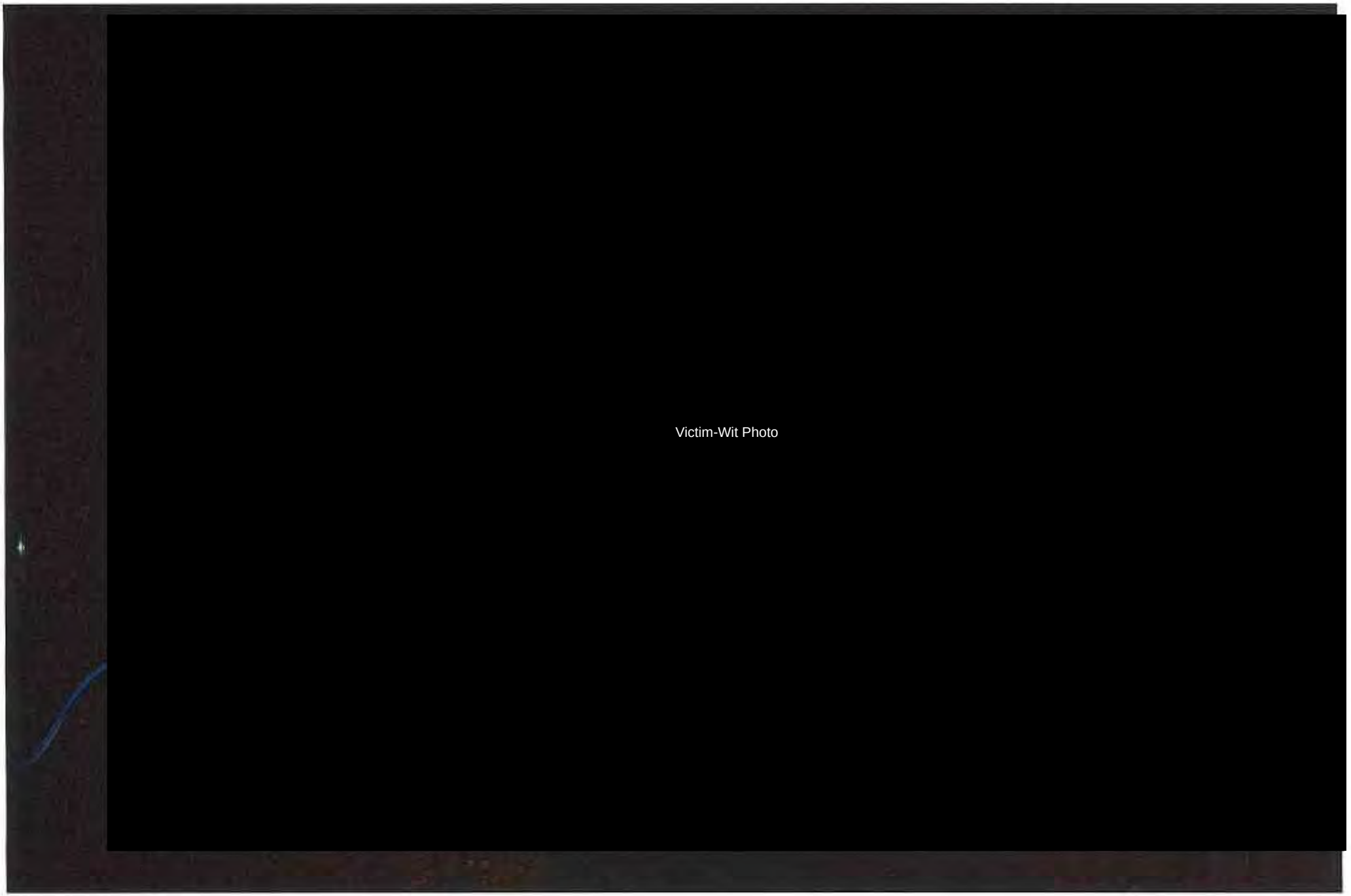
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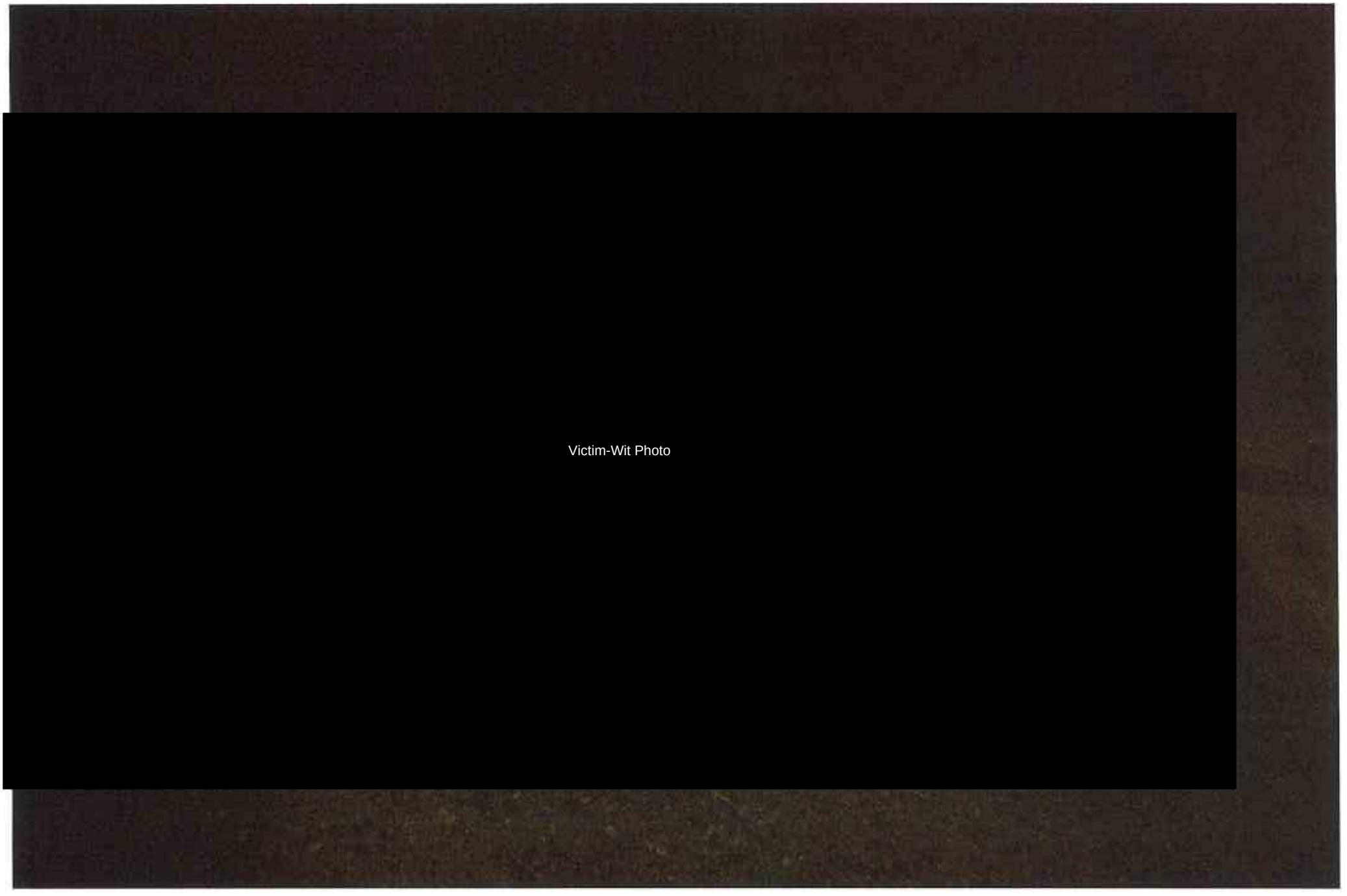
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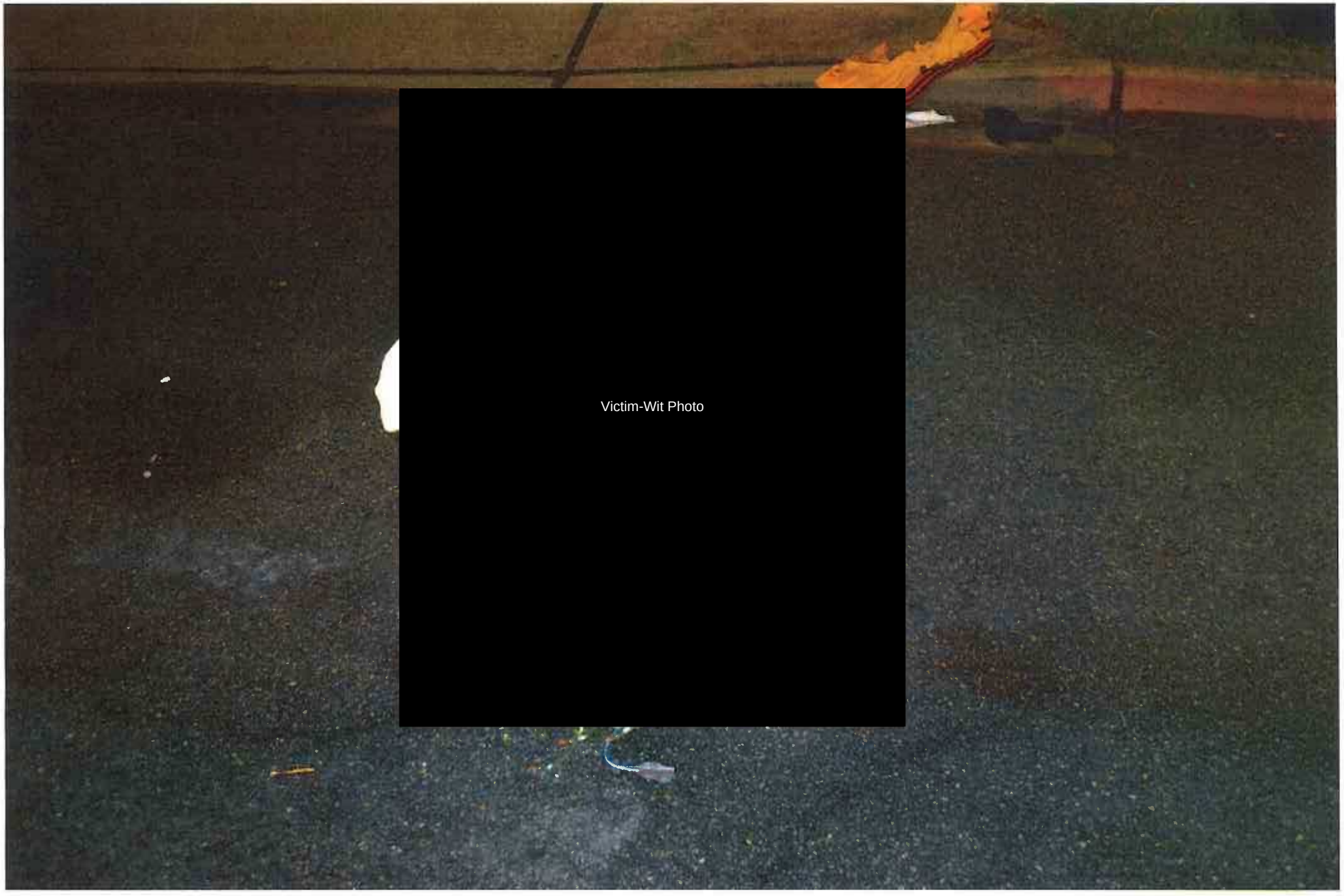
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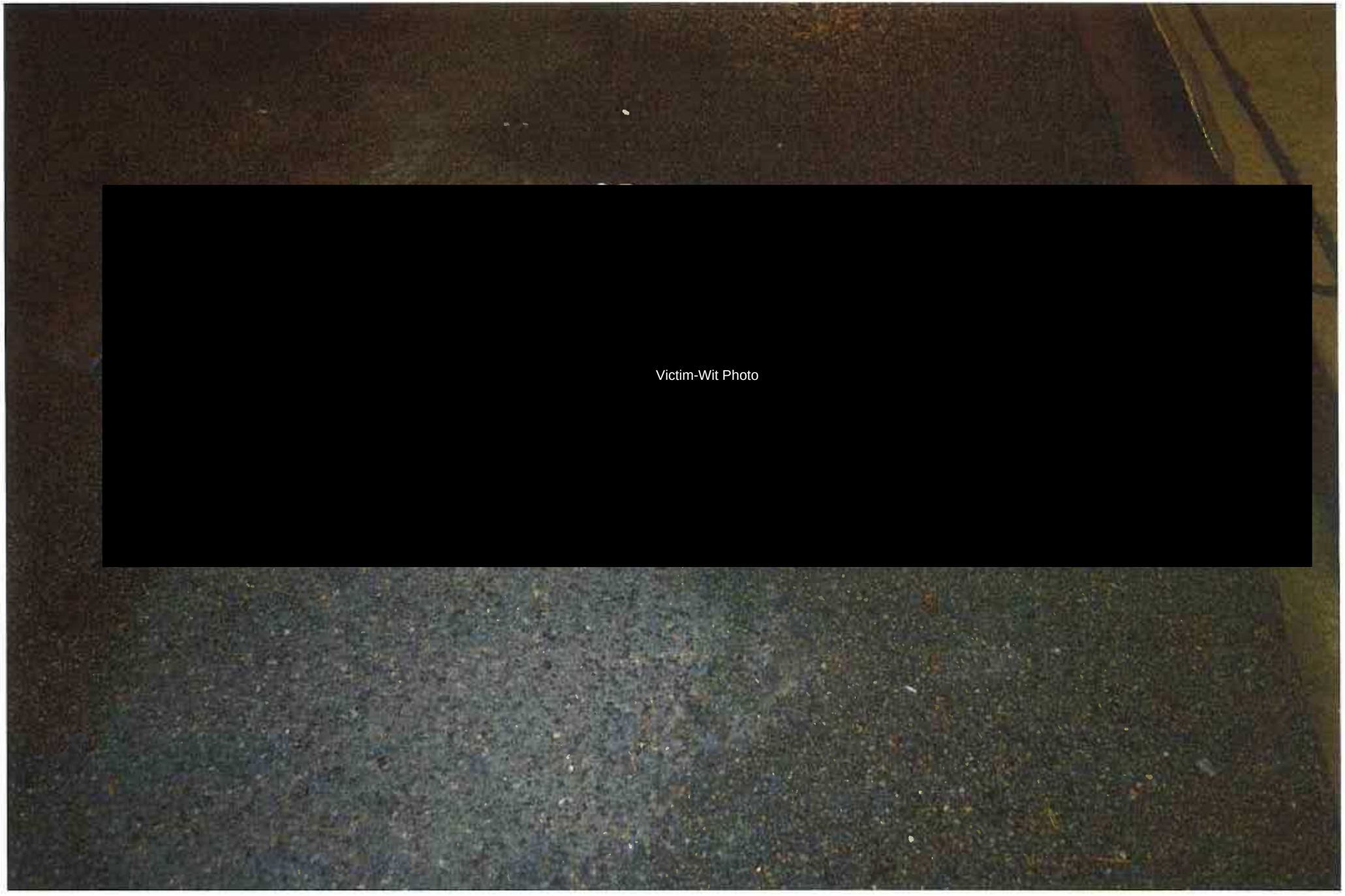
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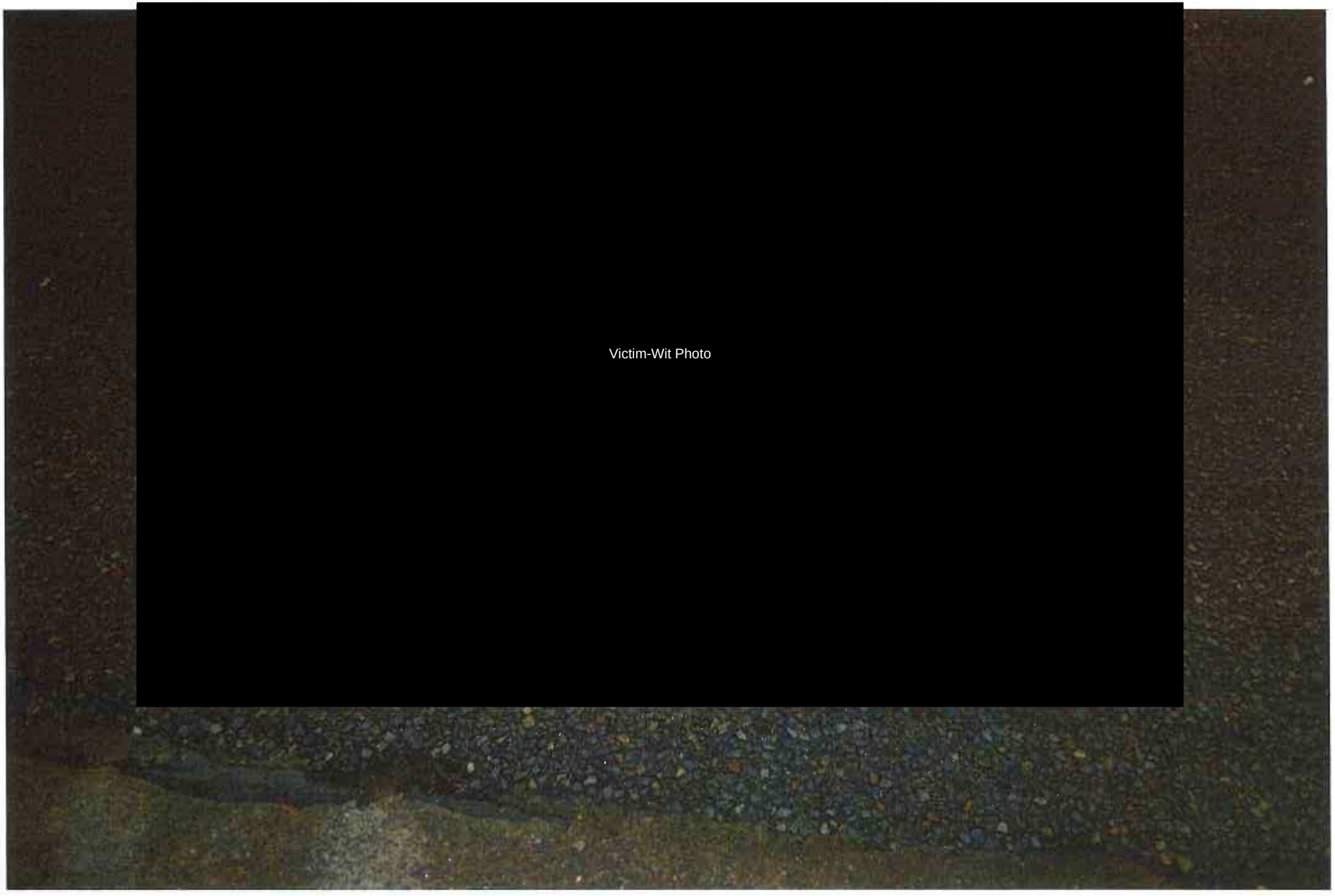
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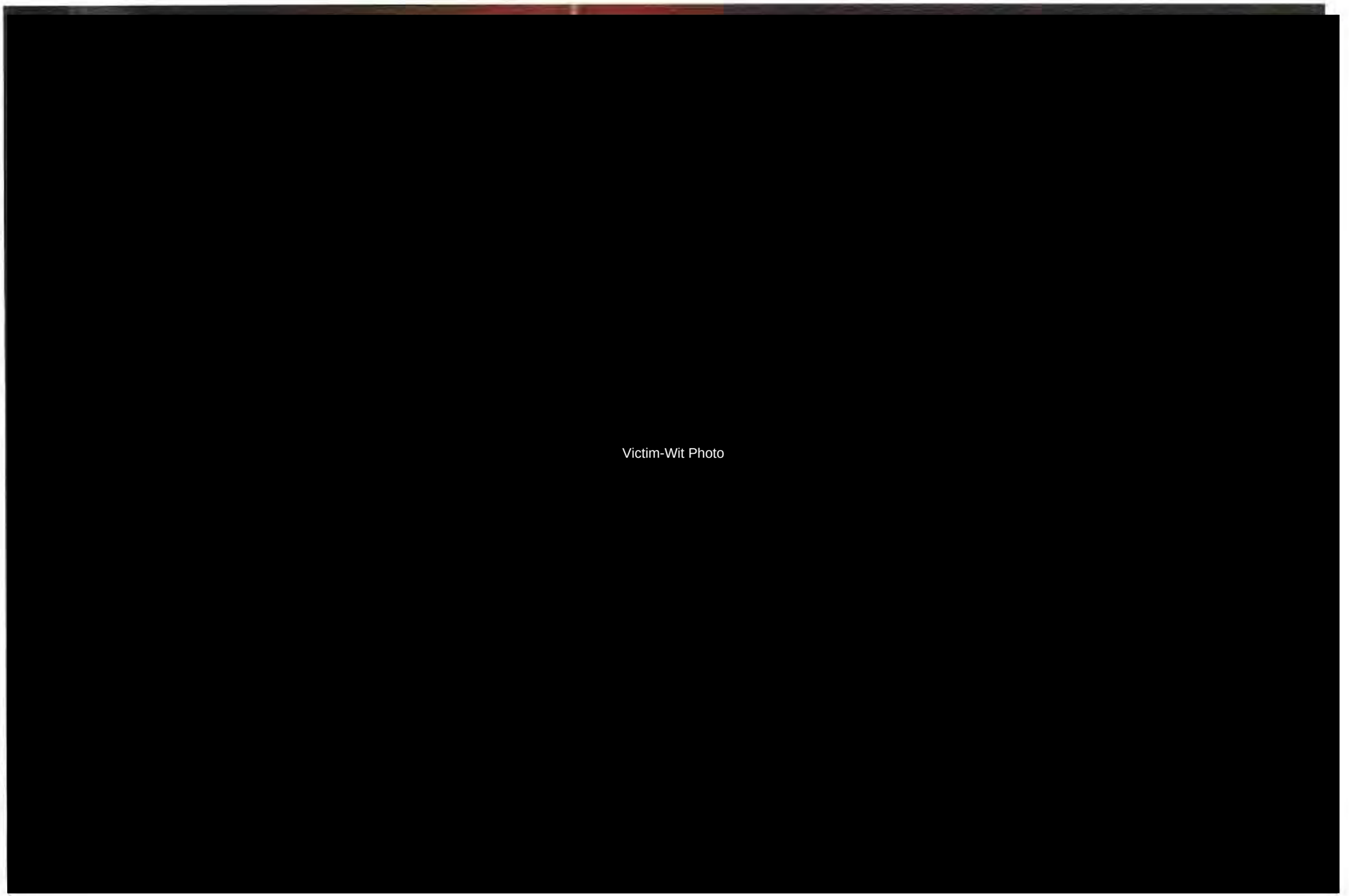
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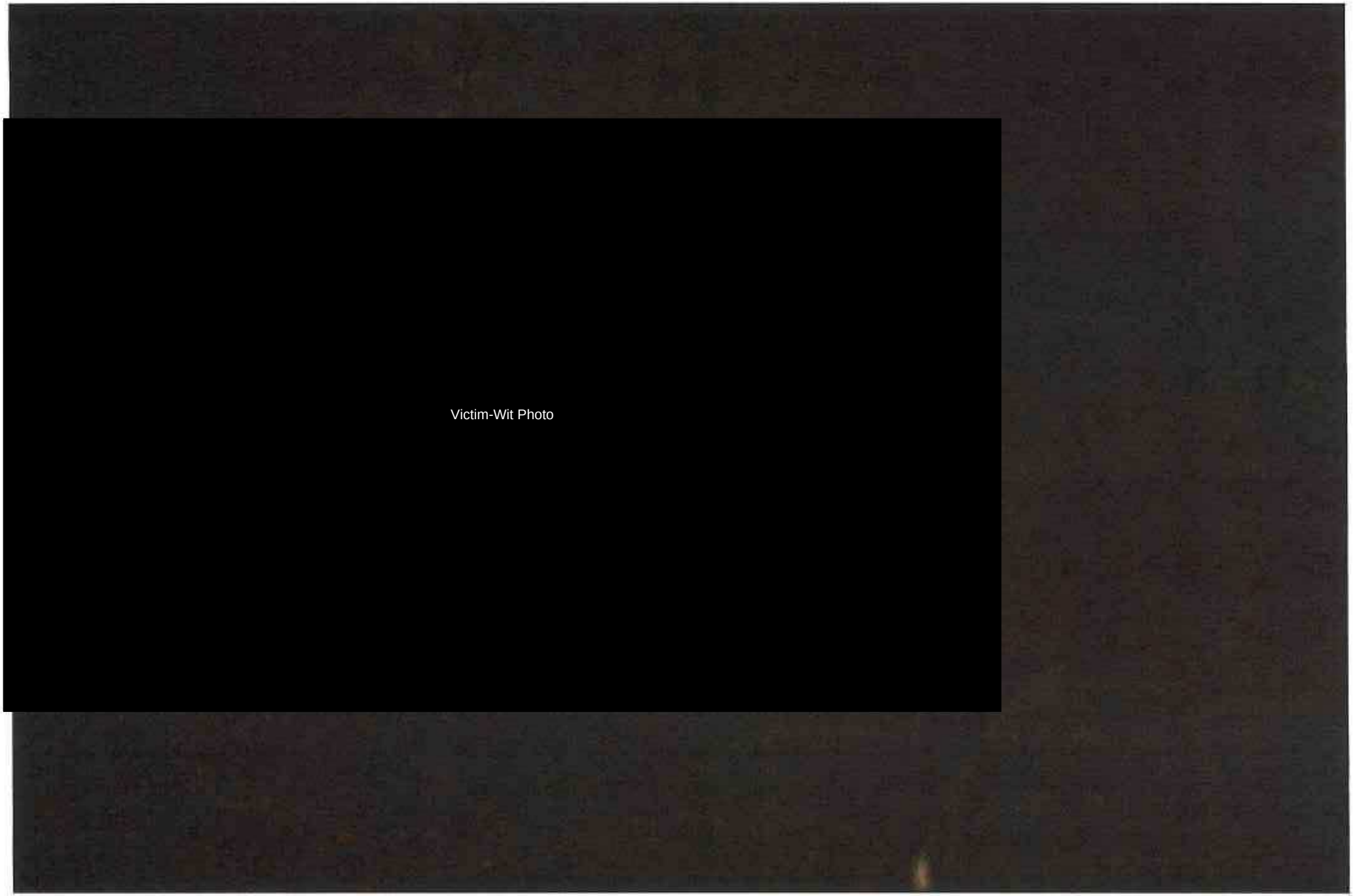
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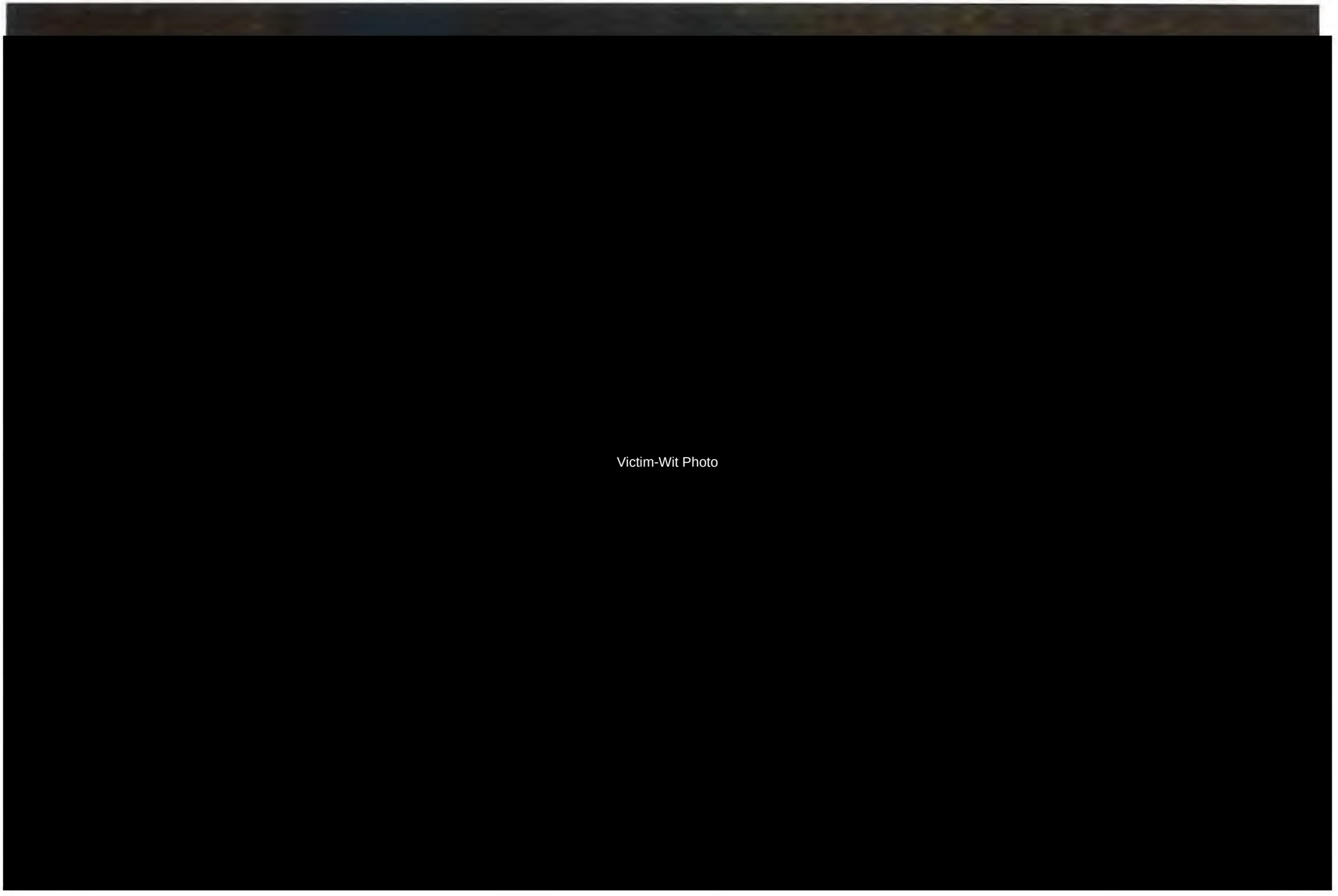
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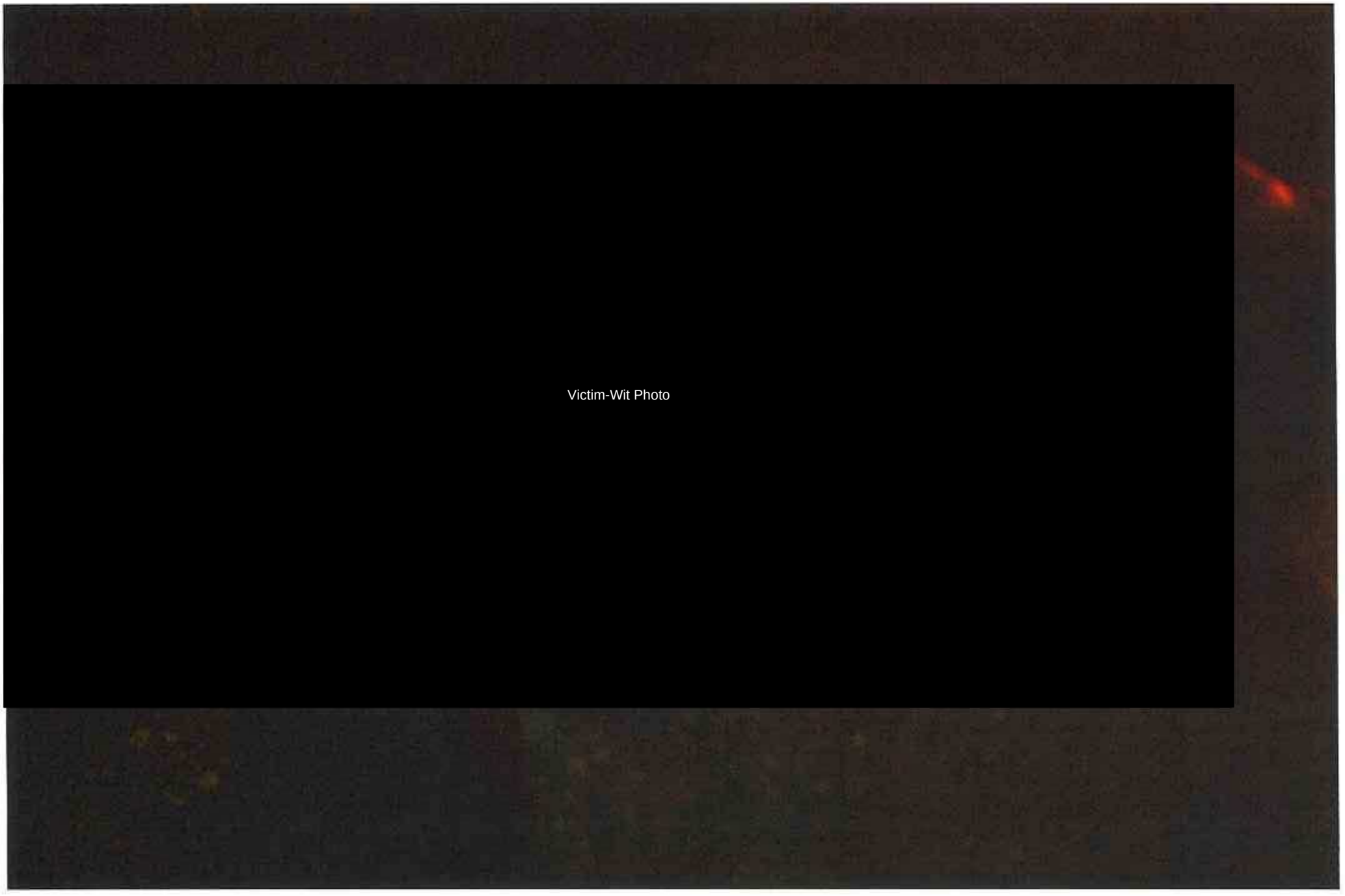
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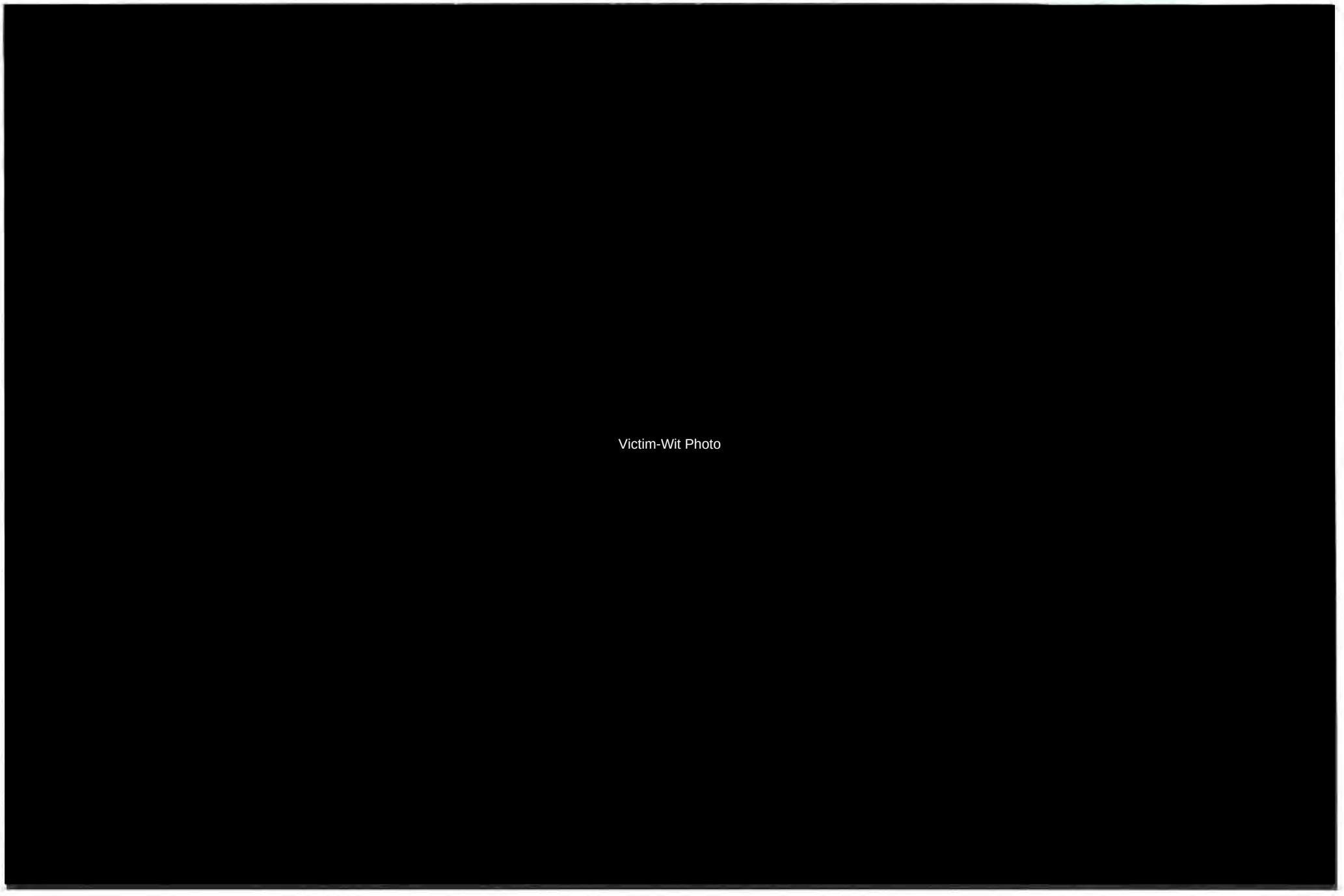
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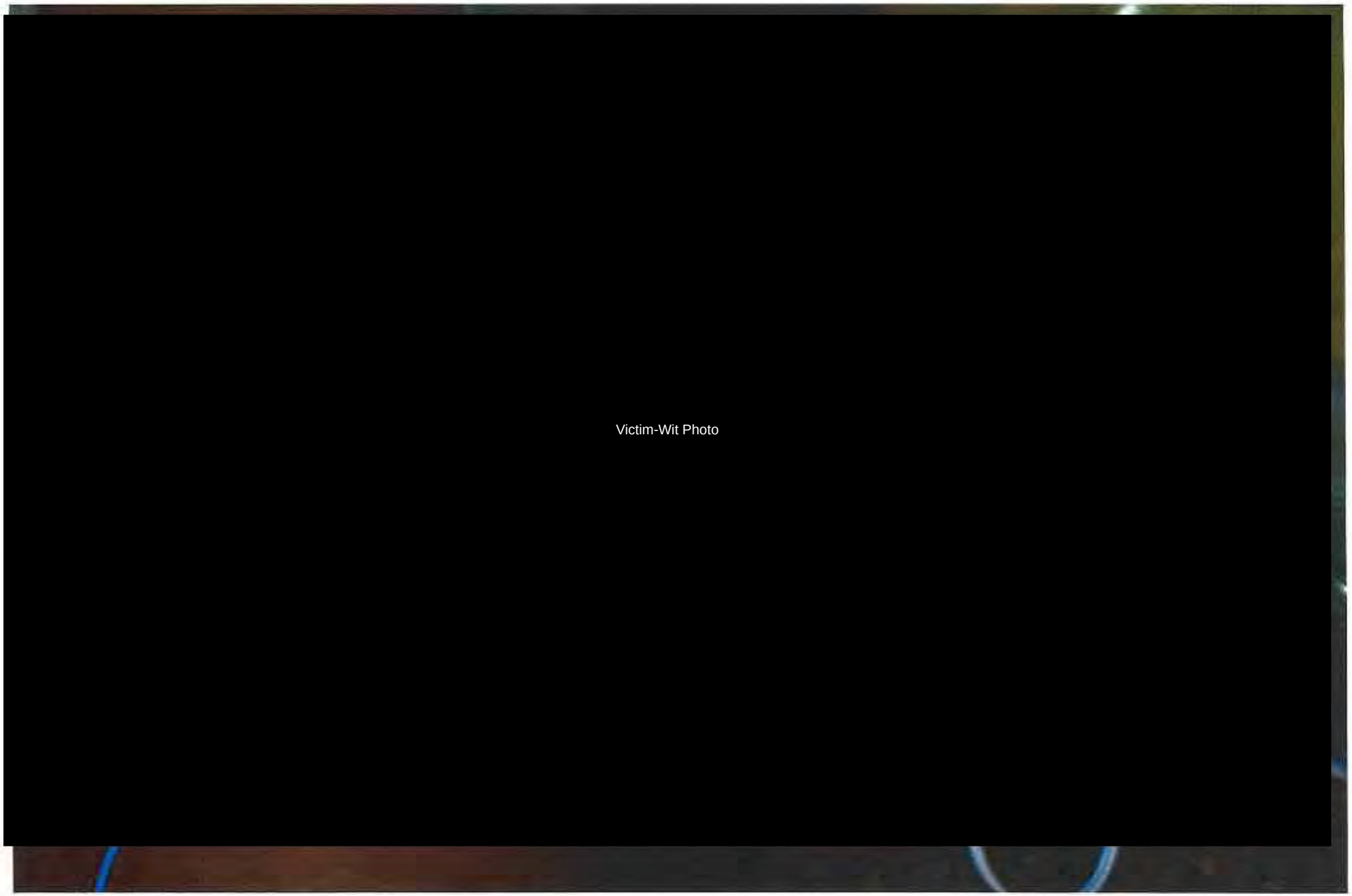
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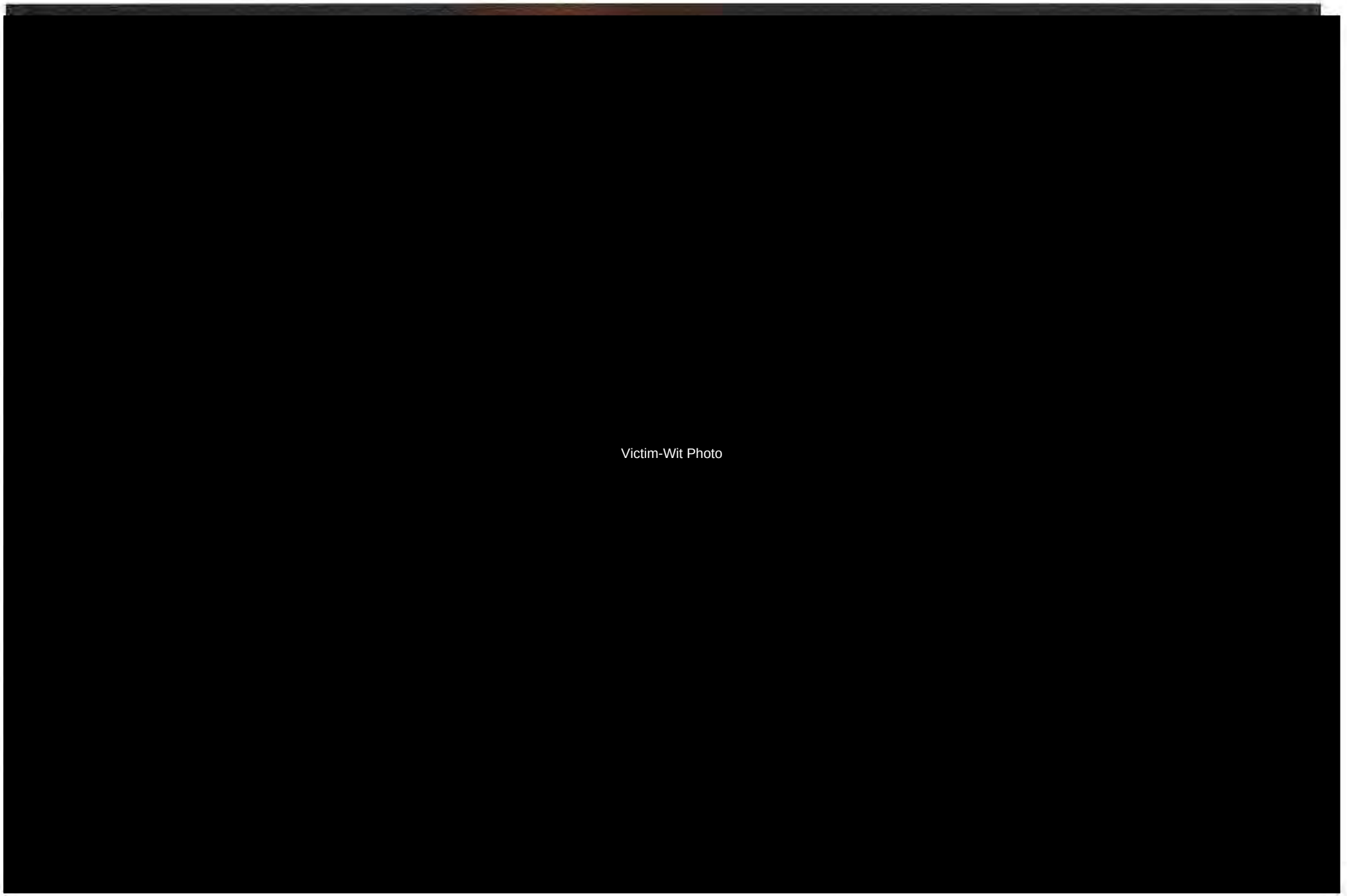
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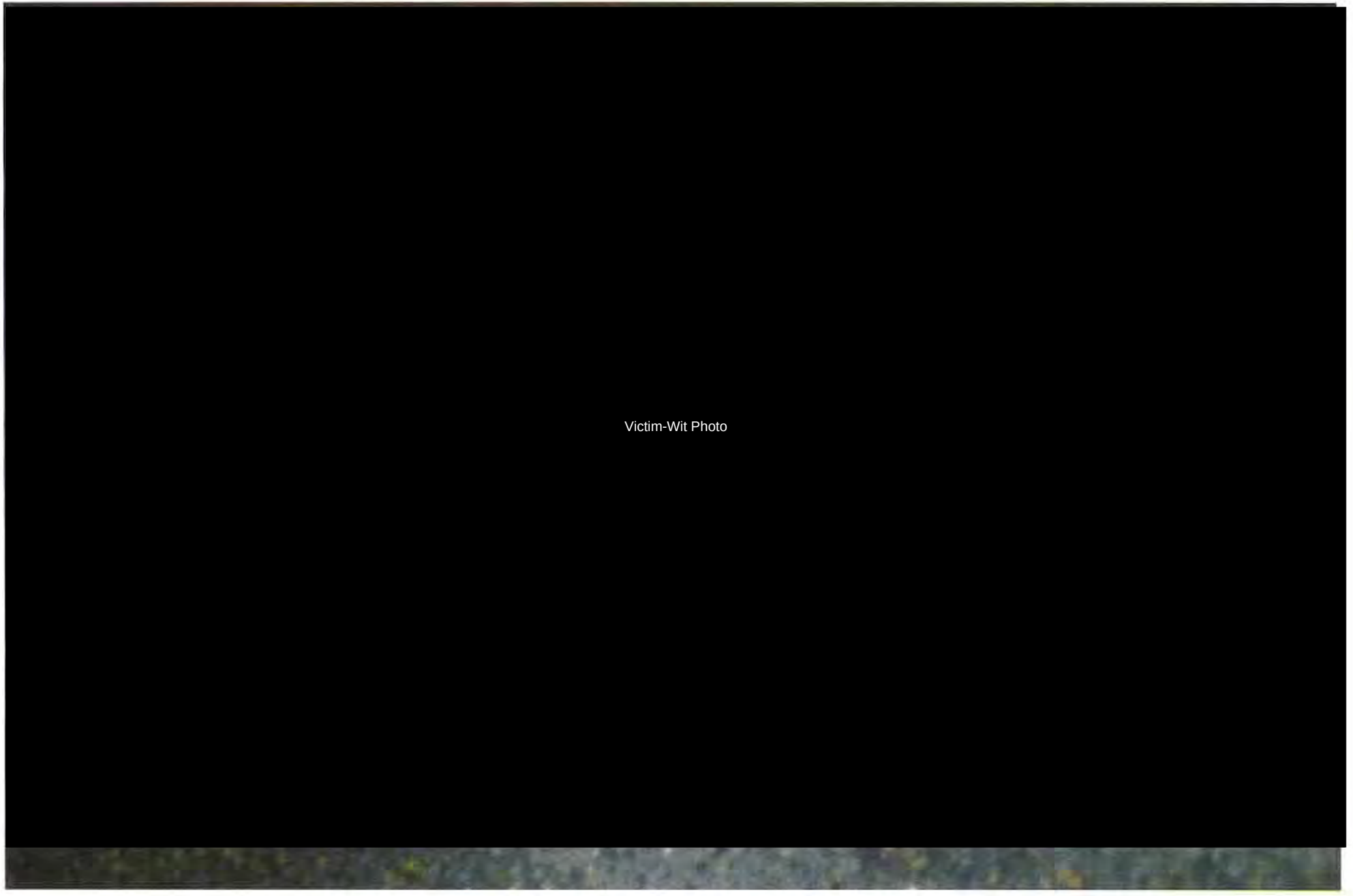
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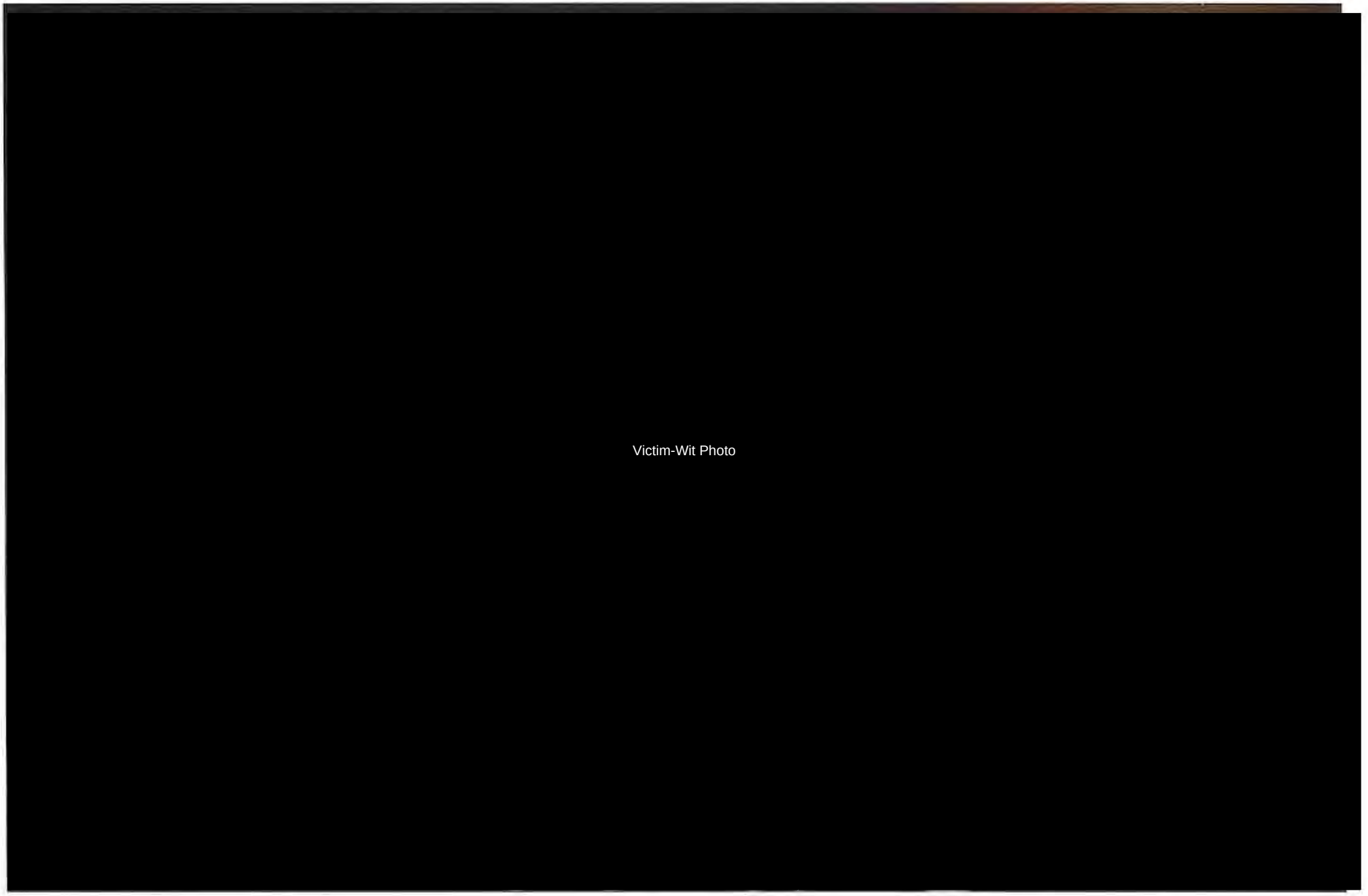
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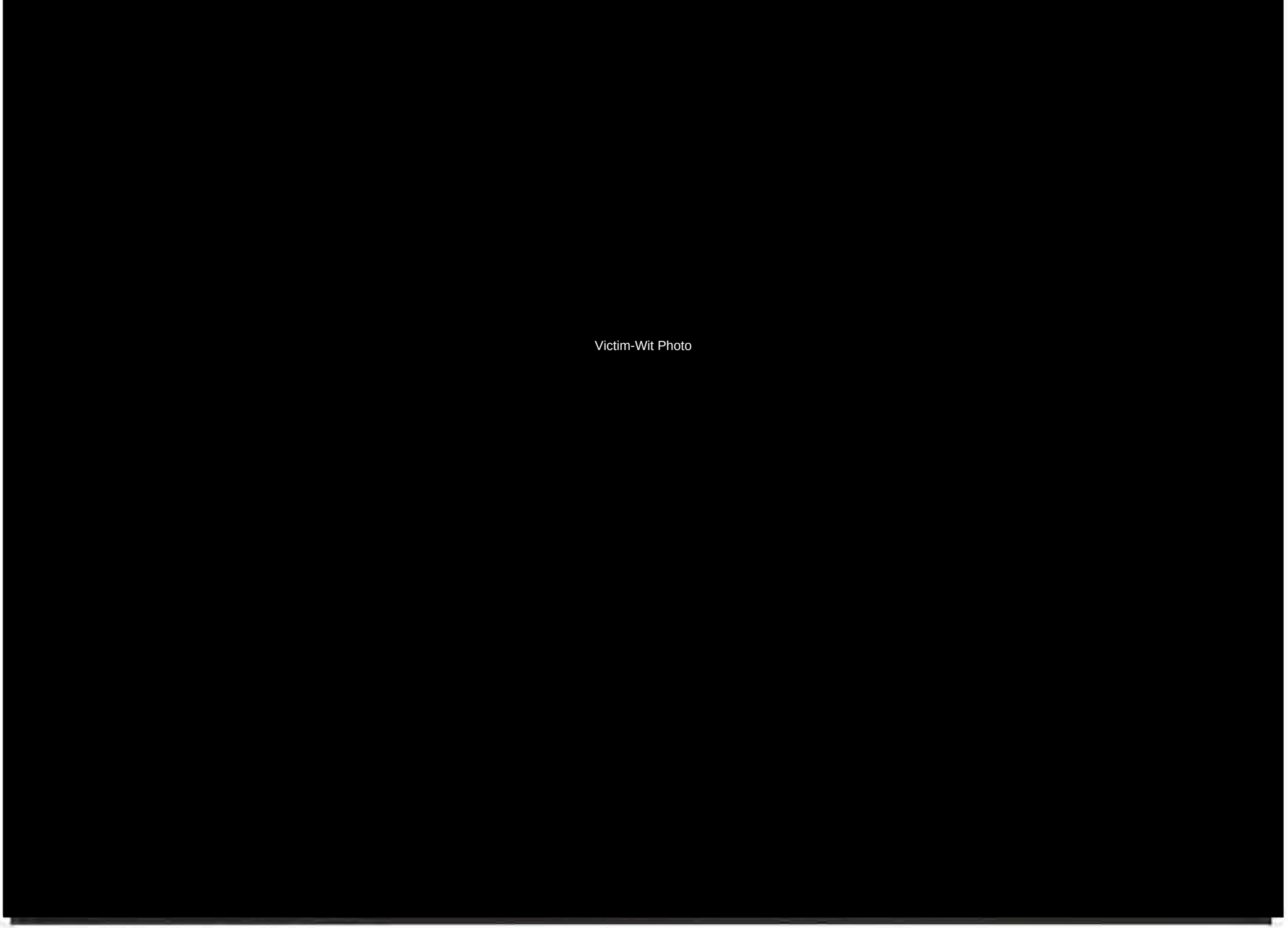
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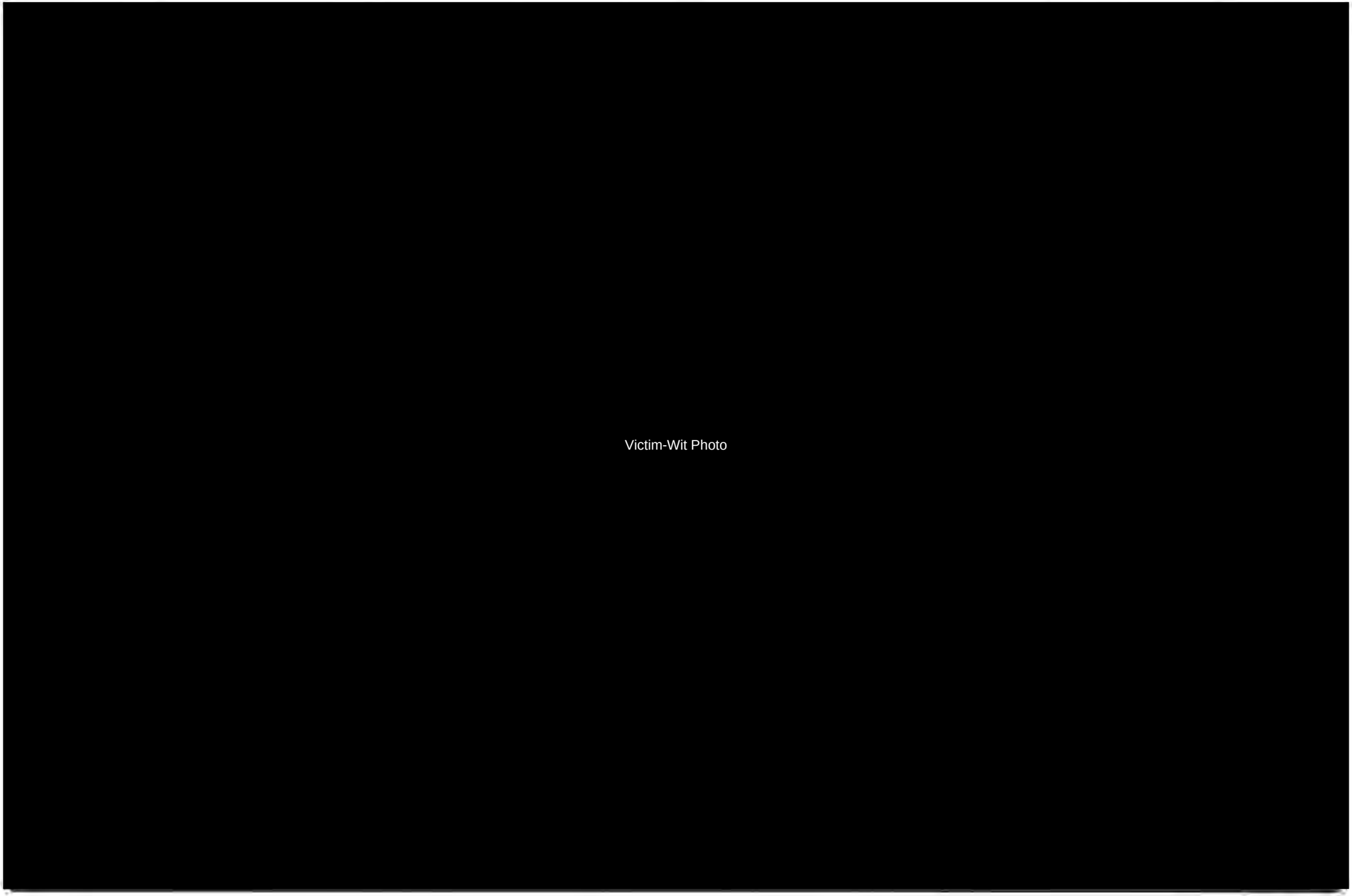
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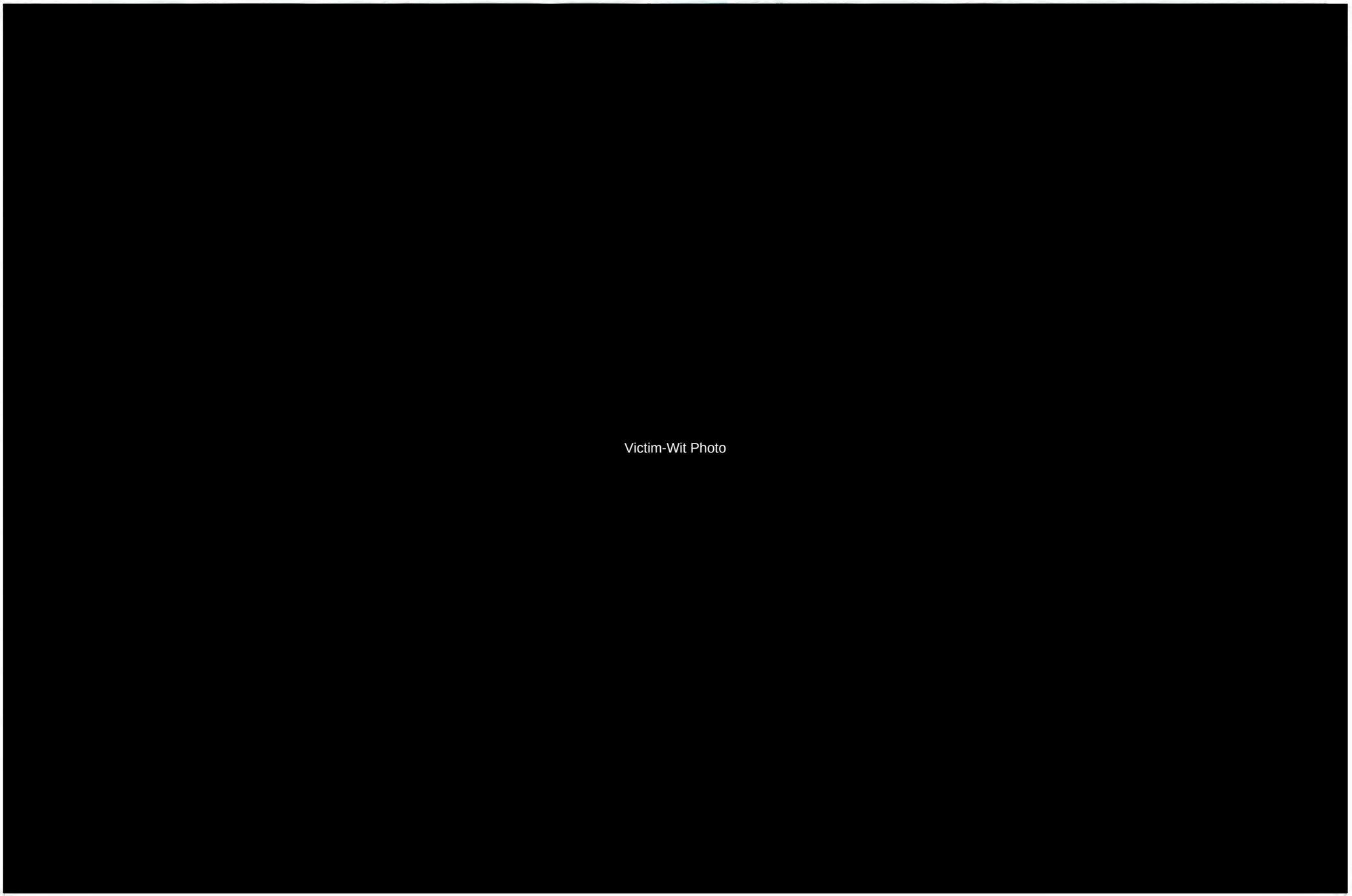
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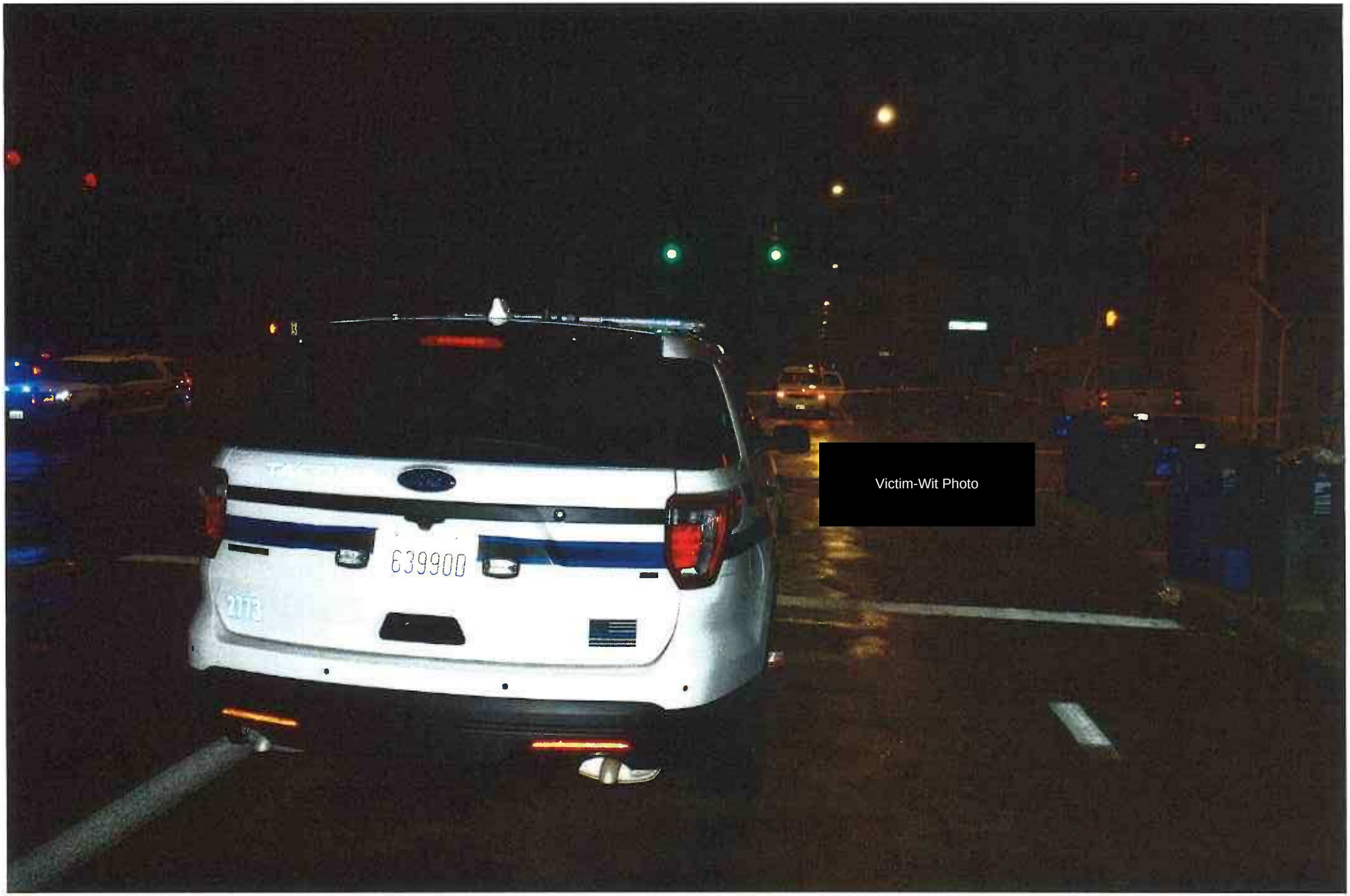
Victim-Wit Photo

Victim-Wit Photo

TACOMA
POLICE
DIAL 911

TACOMA
POLICE
DIAL 911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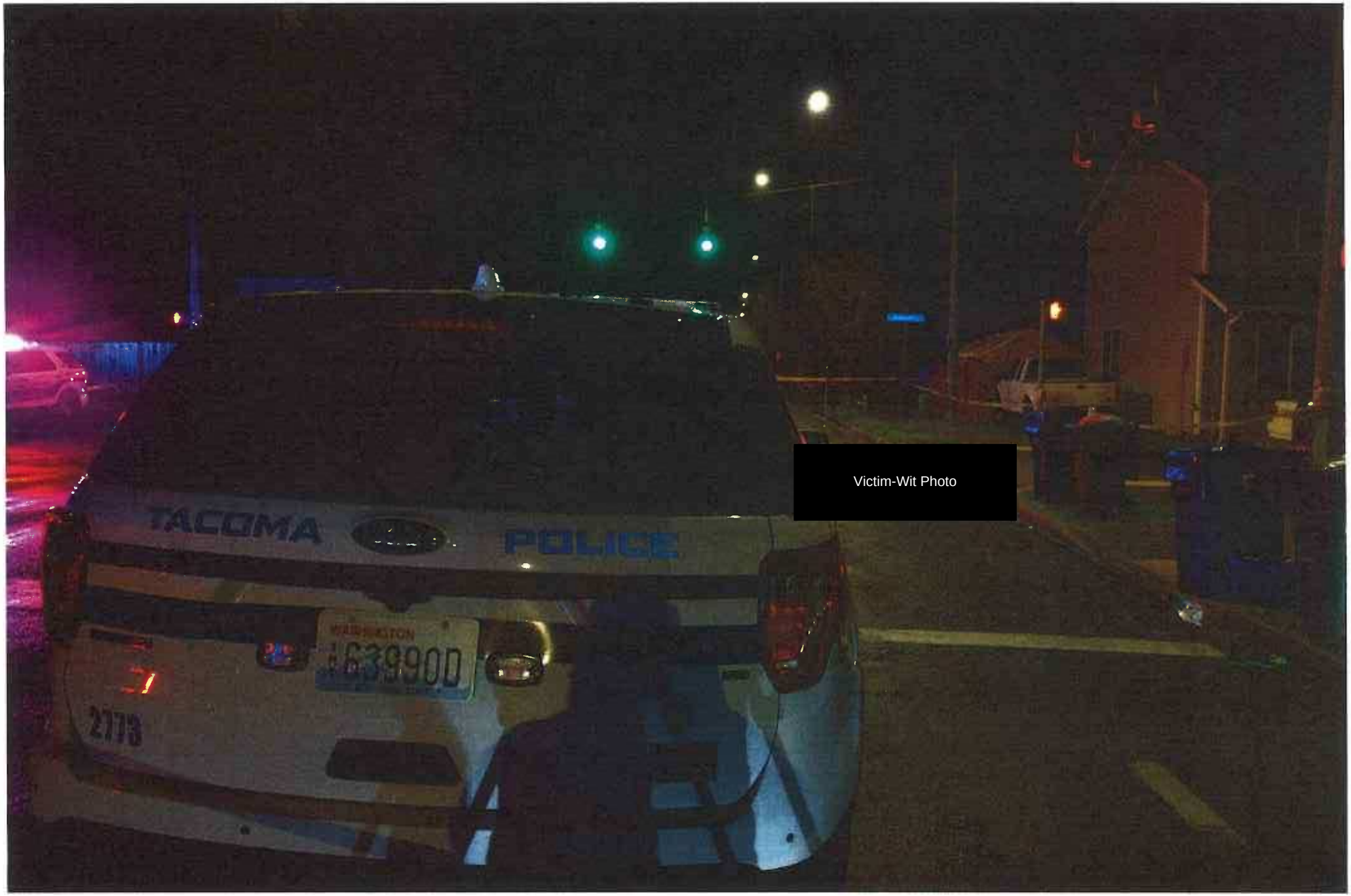
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2773
Victim-Wit Photo

TACOMA
POLICE
Victim-Wit Photo

SHERIFF
EVERGREEN STATE

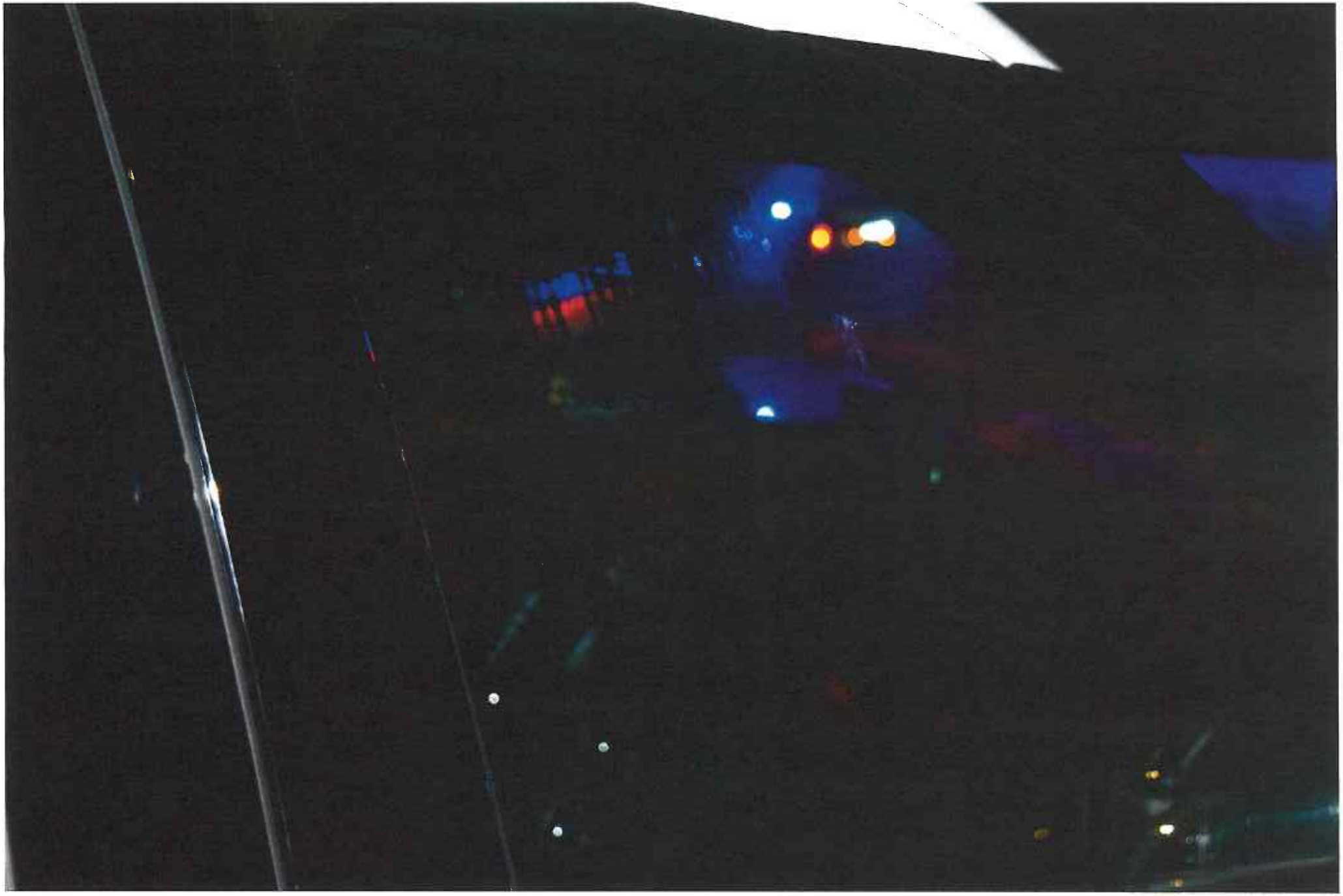
TACOMA
POLICE
TACOMA POLICE

DIAL 911
POLIC

POLICE

RA-PBERRY
6 FILLED
DONUTS
RASPBERRY

TACOMA

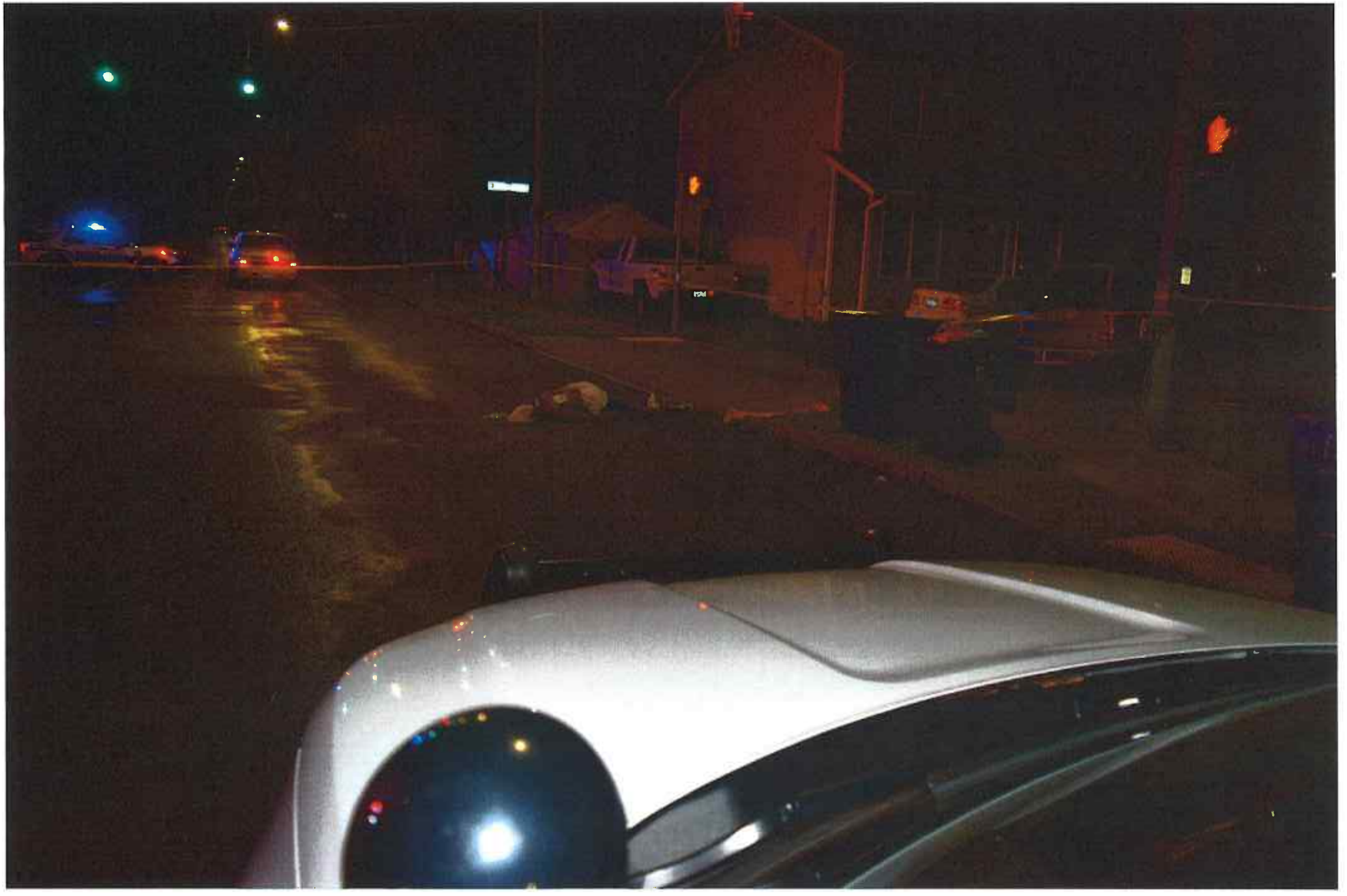


TACOMA

TACOMA
POLICE
WASHINGTON
XMT 639900
2773

2773
DIAL 911
TACOMA
POLICE

TACOMA



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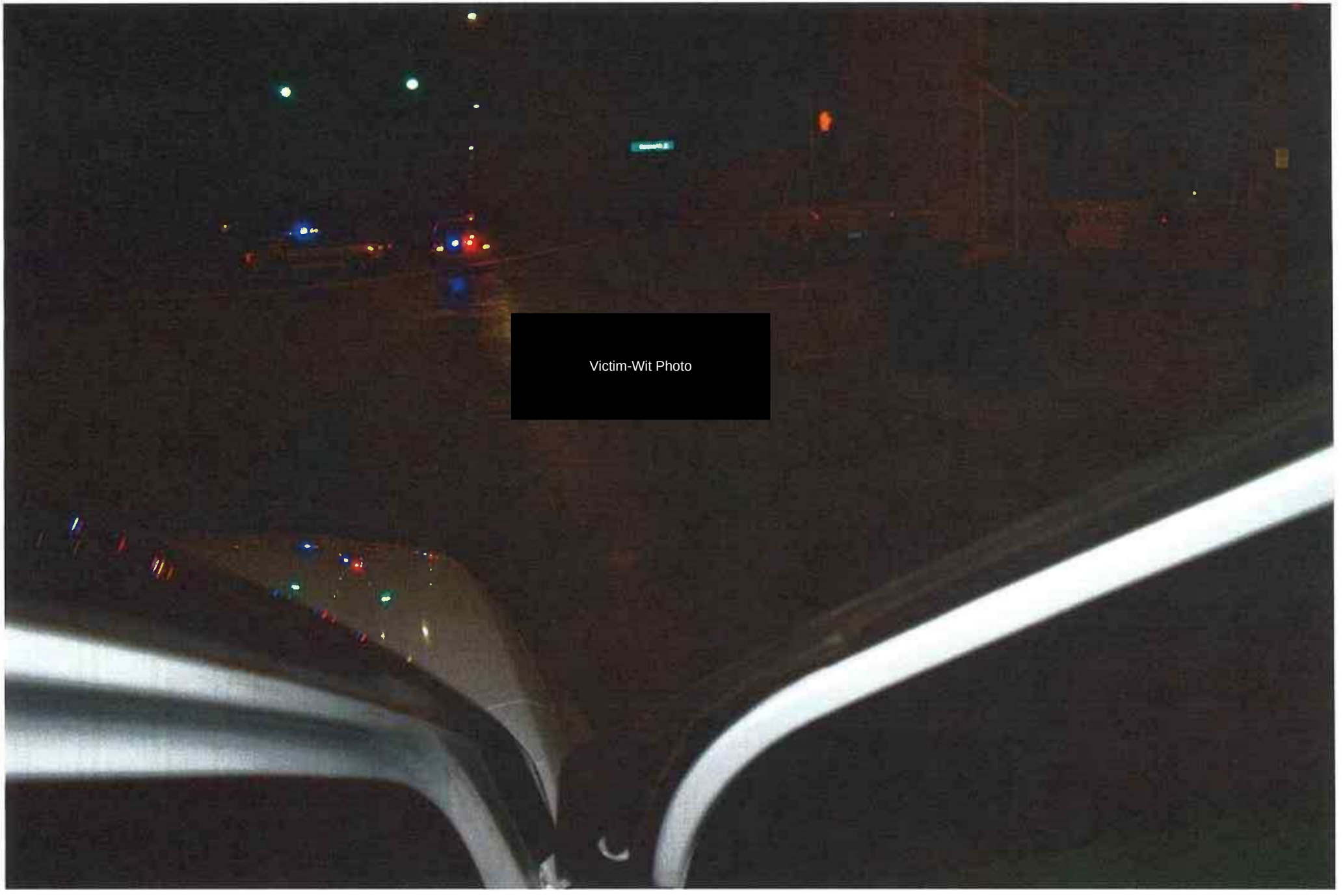
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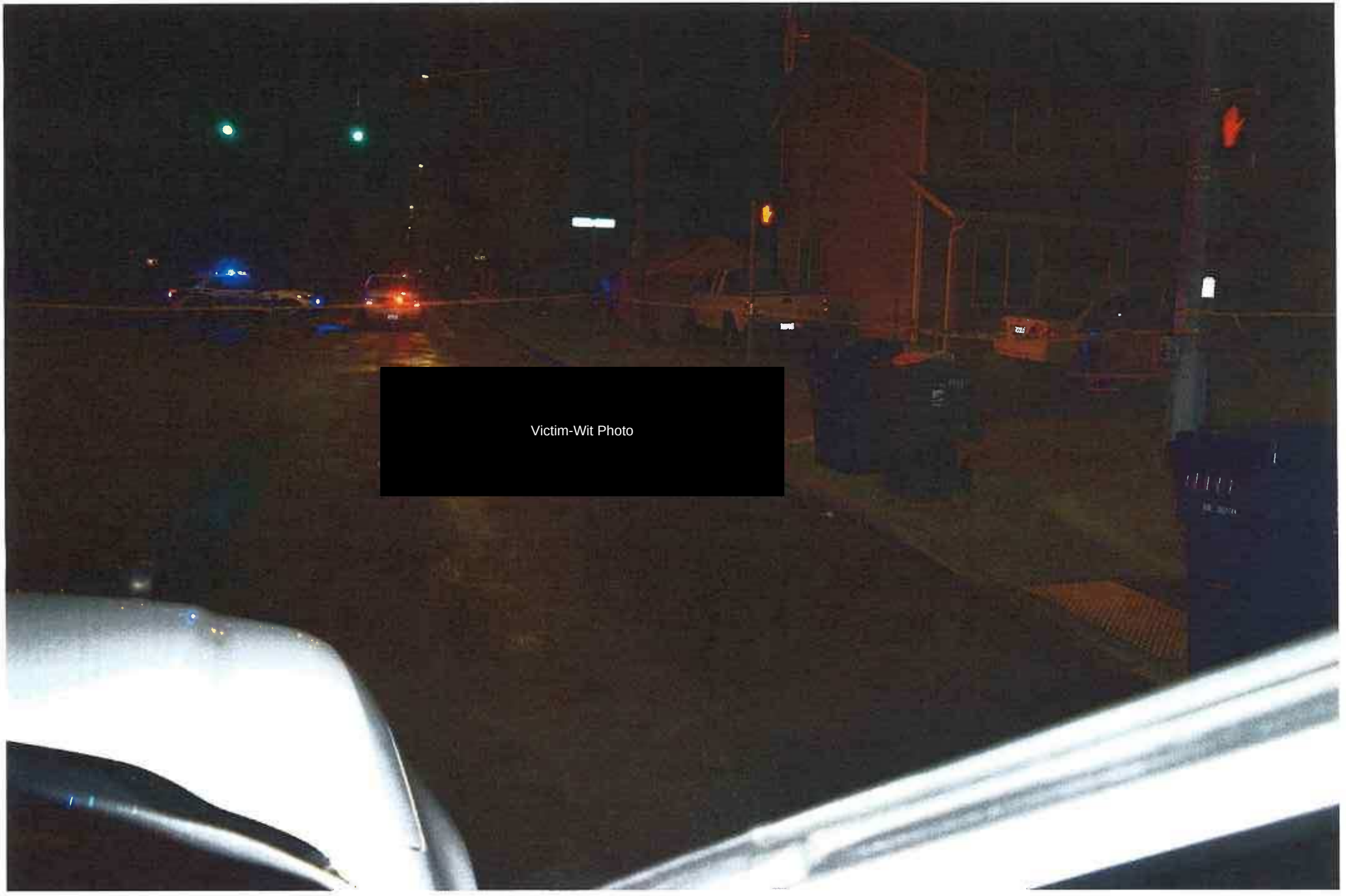
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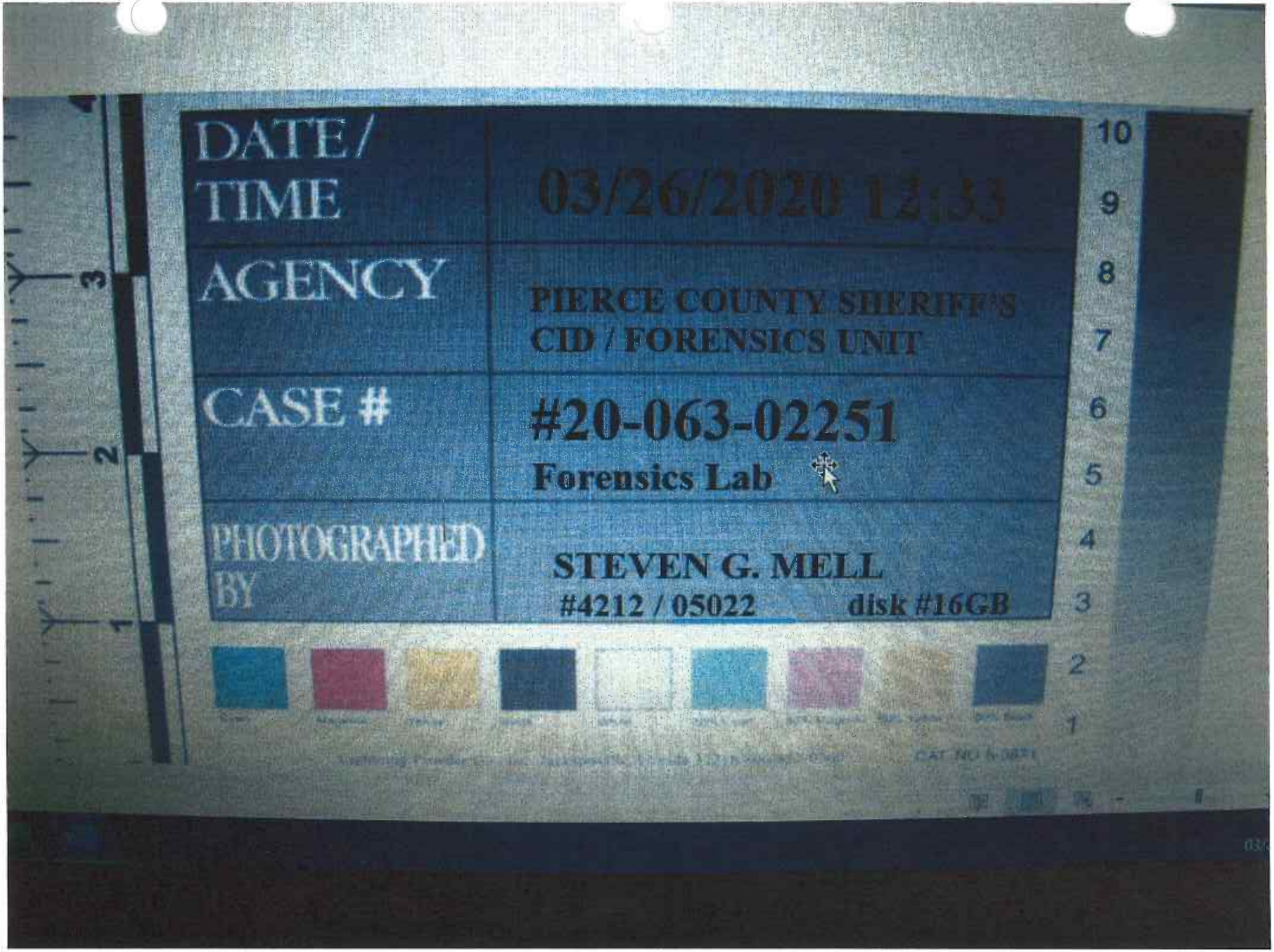
TACOMA
POLICE
TACOMA POLICE

R90 - 0931744


DATE/
TIME
03/26/2020 12:33
AGENCY
PIERCE COUNTY SHERIFF'S
CID / FORENSICS UNIT
CASE #
#20-063-02251
Forensics Lab
PHOTOGRAPHED
BY
STEVEN G. MELL
#4212 / 05022
disk #16GB

20-063-02251
DI
#1
T
GM1024
20063022251TACPD0001
20063022251.4
MCH 1
Taser Cartridge
Armando Farinas
M21813
TACPD
RIM 1

20-063-02251
DI #1
2006302251TACPD0001
2006302251.4
MC# 1
Taser Cartridge
Armando Farinas
#211513
TACPD
RI# 1

20-063-02251
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MC# 1
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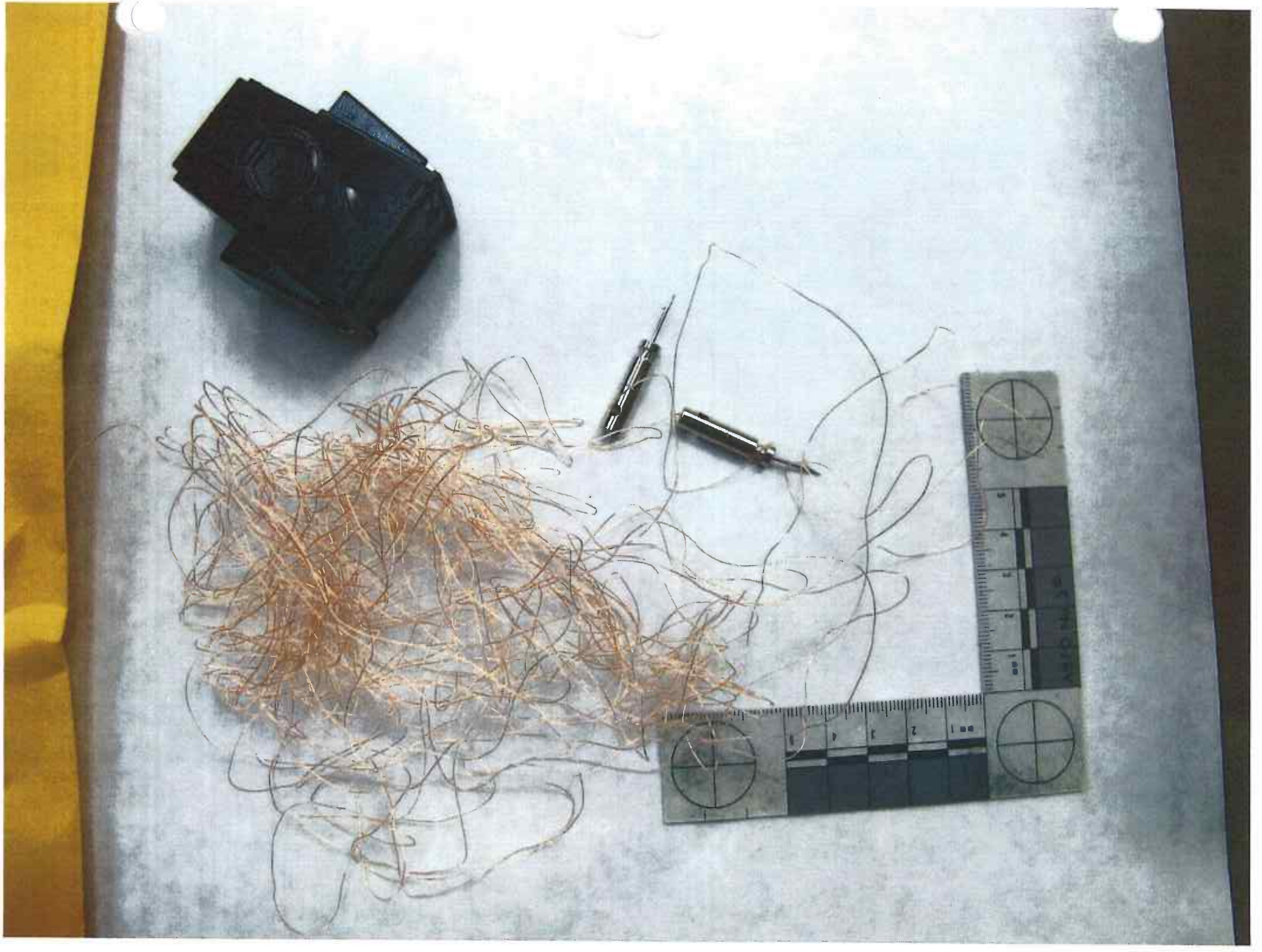
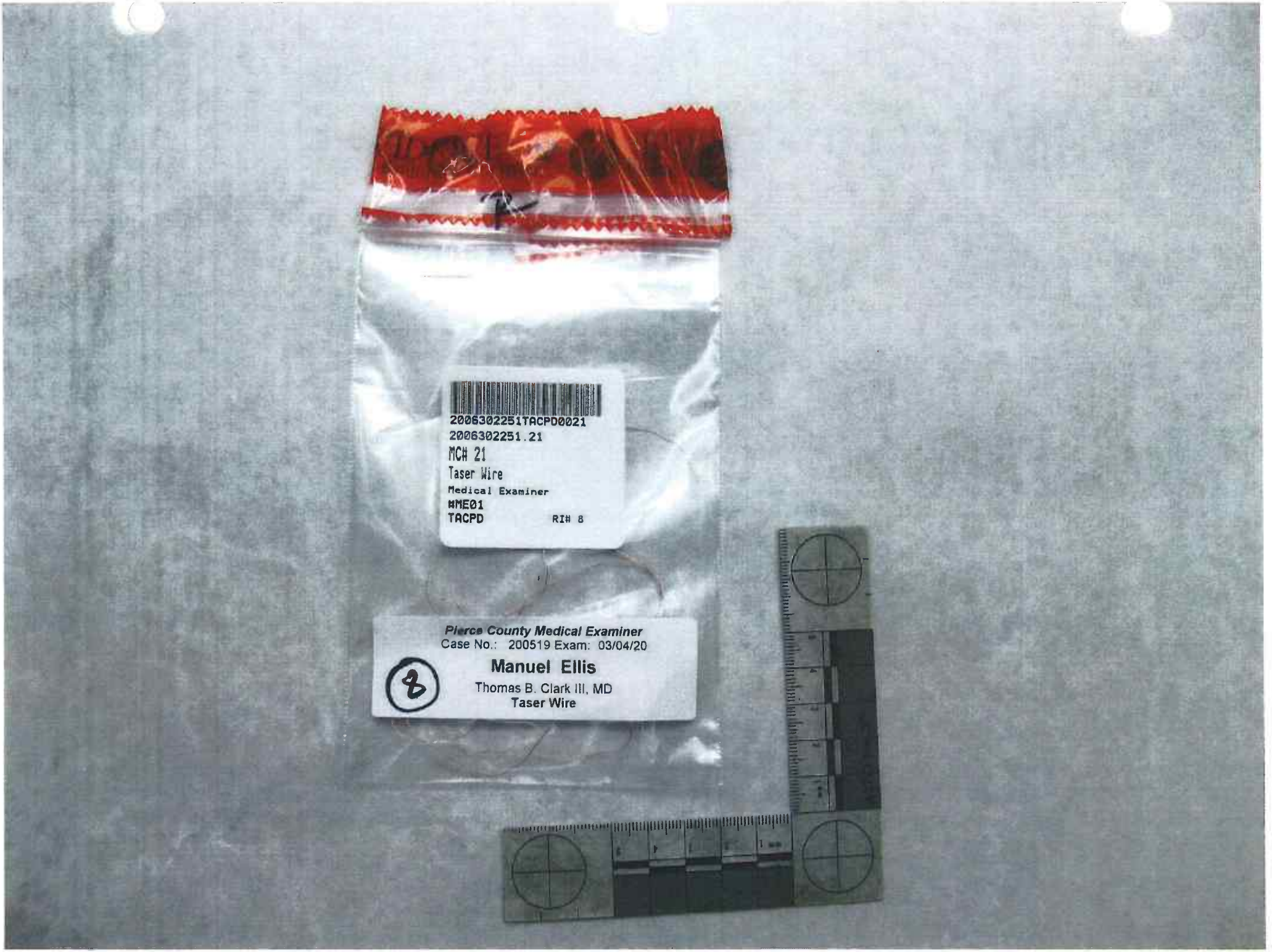
R1# 1

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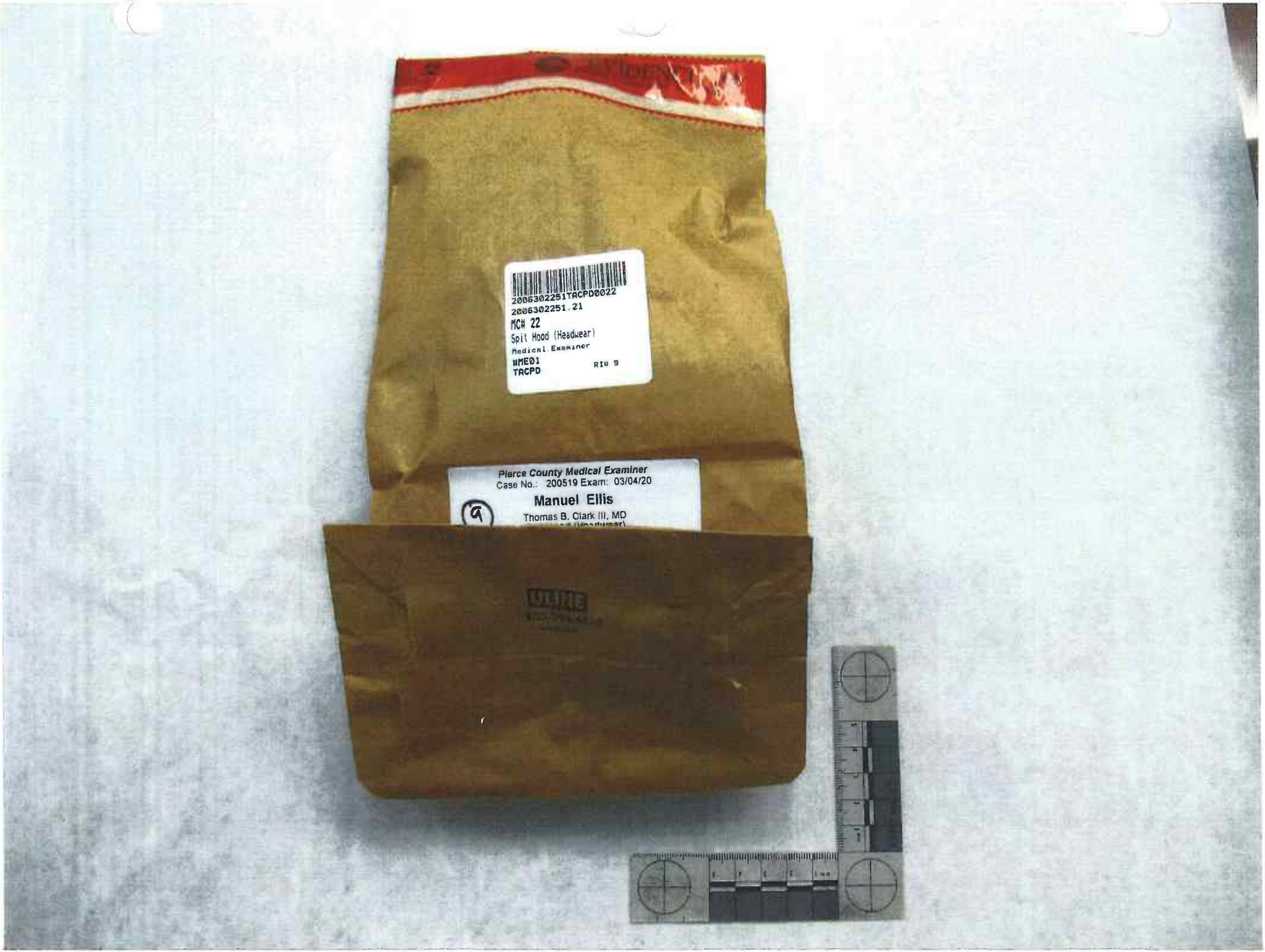
2006302251.21
MCH 21
Taser Wire
Medical Examiner
MME01
TACPD
RI# 8
Pierce County Medical Examiner
Case No.: 200519 Exam: 03/04/20
Manuel Ellis
Thomas B. Clark III, MD
Taser Wire
8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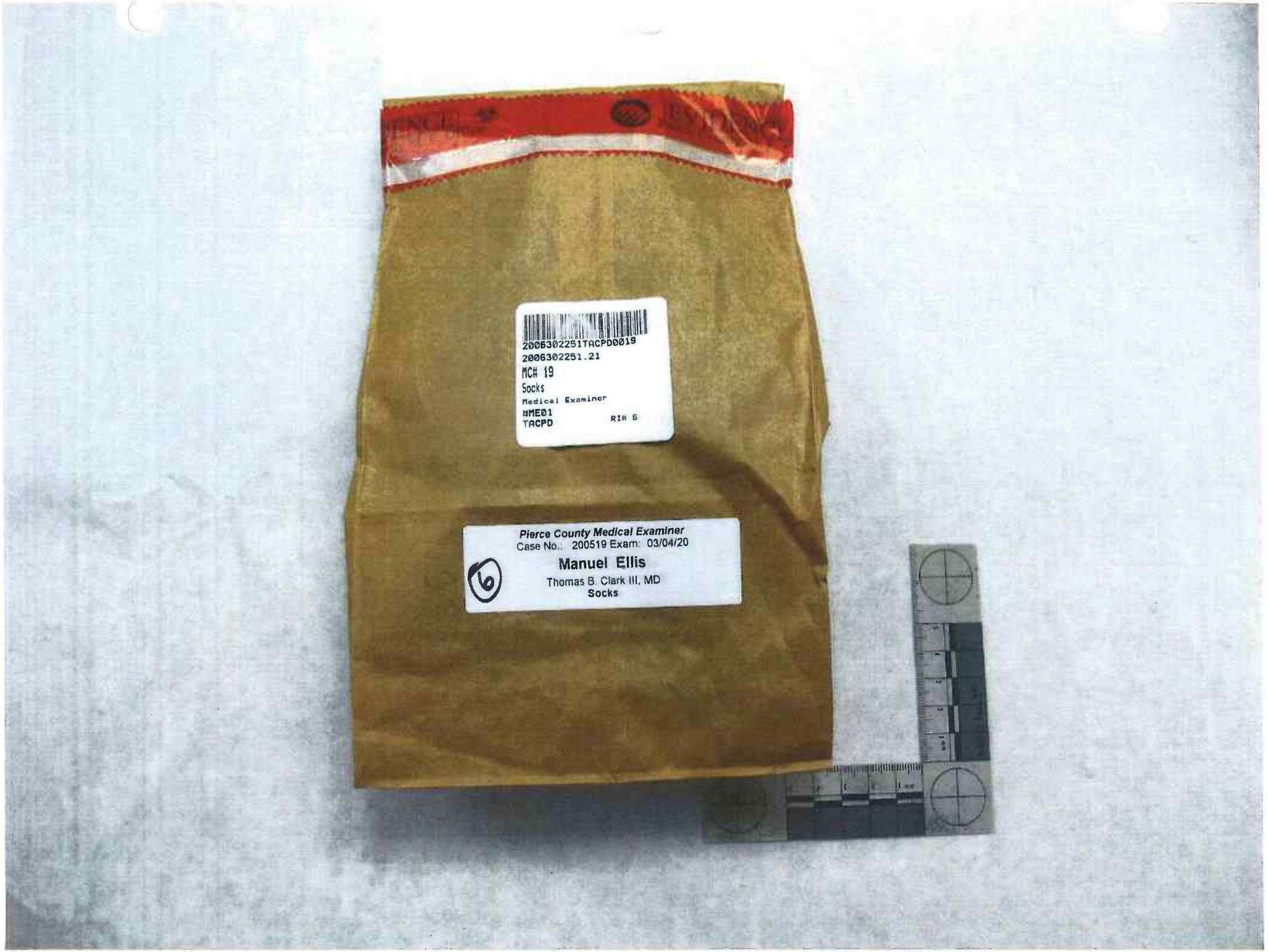
2006302251.21
MCH 22
Spit Hood (Headwear)
Medical Examiner
MME01
TACPD
RIU 9
Pierce County Medical Examiner
Case No.: 200519 Exam: 03/04/20
Manuel Ellis
Thomas B. Clark III, MD

EVIDENCE
Pierce County Medical Examiner
Case No 200519 Exam: 03/04/20
Manuel Ellis
Thomas B Clark III MD
Spit Hood (Headwear)
9

EVIDENCE
2008302251TACPD0022
2008302251.21
ITEM# 22
Spit Hood (Headwear)
Medical Examiner
AMEC1
TACPD
Pierce County Medical Examiner
Case No. 200519 Exam 03/04/20
Manuel Ellis
Thomas B. Clark III, MD
Spit Hood (Headwear)
9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MC# 19
Socks
Medical Examiner
HME01
TACPD
RI# 6
Pierce County Medical Examiner
Case No.: 200519 Exam: 03/04/20
Manuel Ellis
Thomas B. Clark III, MD
Socks

Manuel Ellis

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20063022751.21
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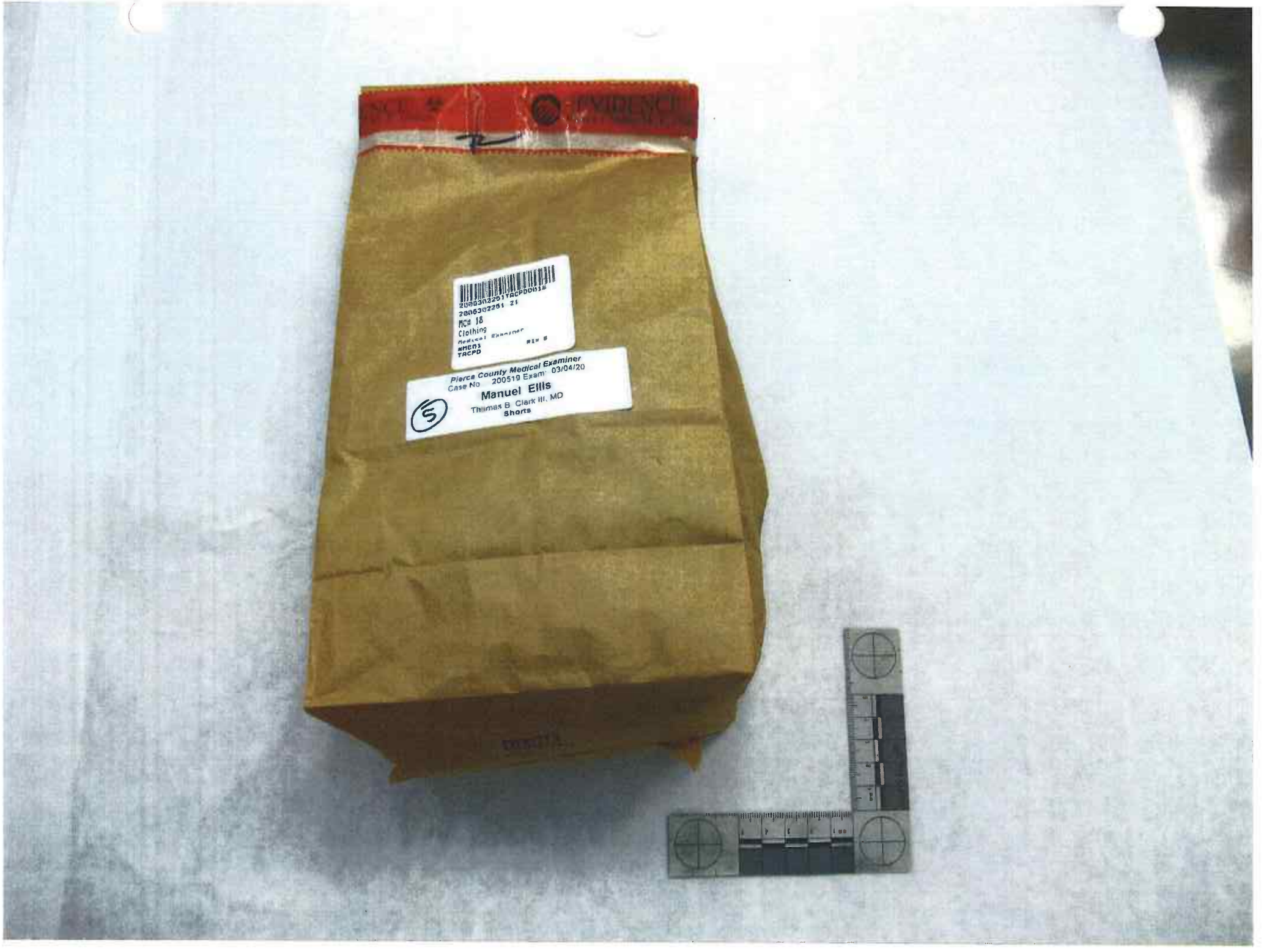
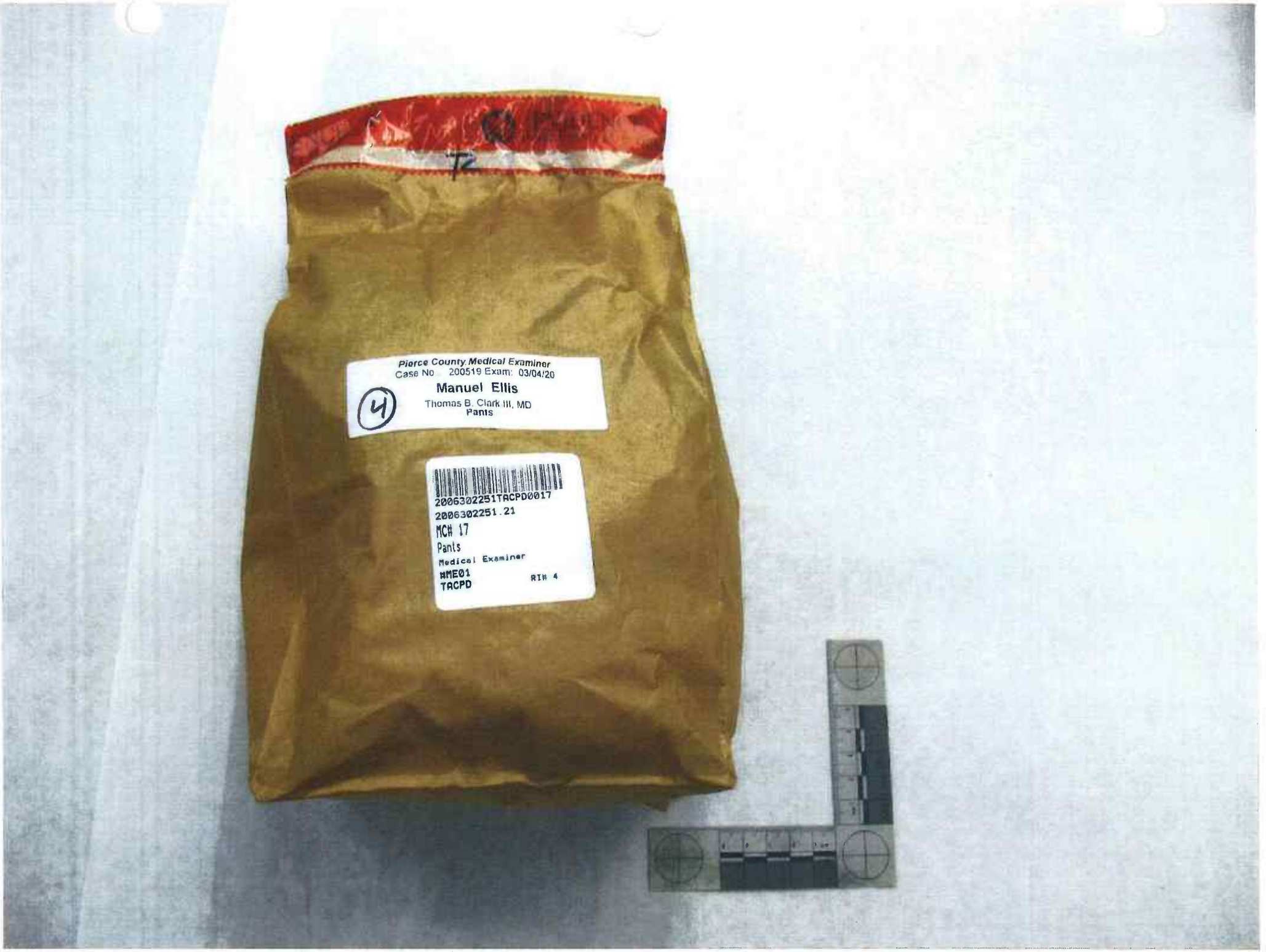
HMEDI
TACPD
Pierce County Medical Examiner
Case No 200519 Exam 03/04/20
Manuel Ellis
Thomas B Clark III MD
Socks


EVIDENCE
Pierce County Medical Examiner
Case No 200519 Exam 03/04/20
Manuel Ellis
Thomas B Clark III, MD
Shorts

Manuel Ellis

PARKWAY


Pierce County Medical Examiner
Case No 200519 Exam: 03/04/20
Manuel Ellis
Thomas B. Clark III, MD
Pants
4
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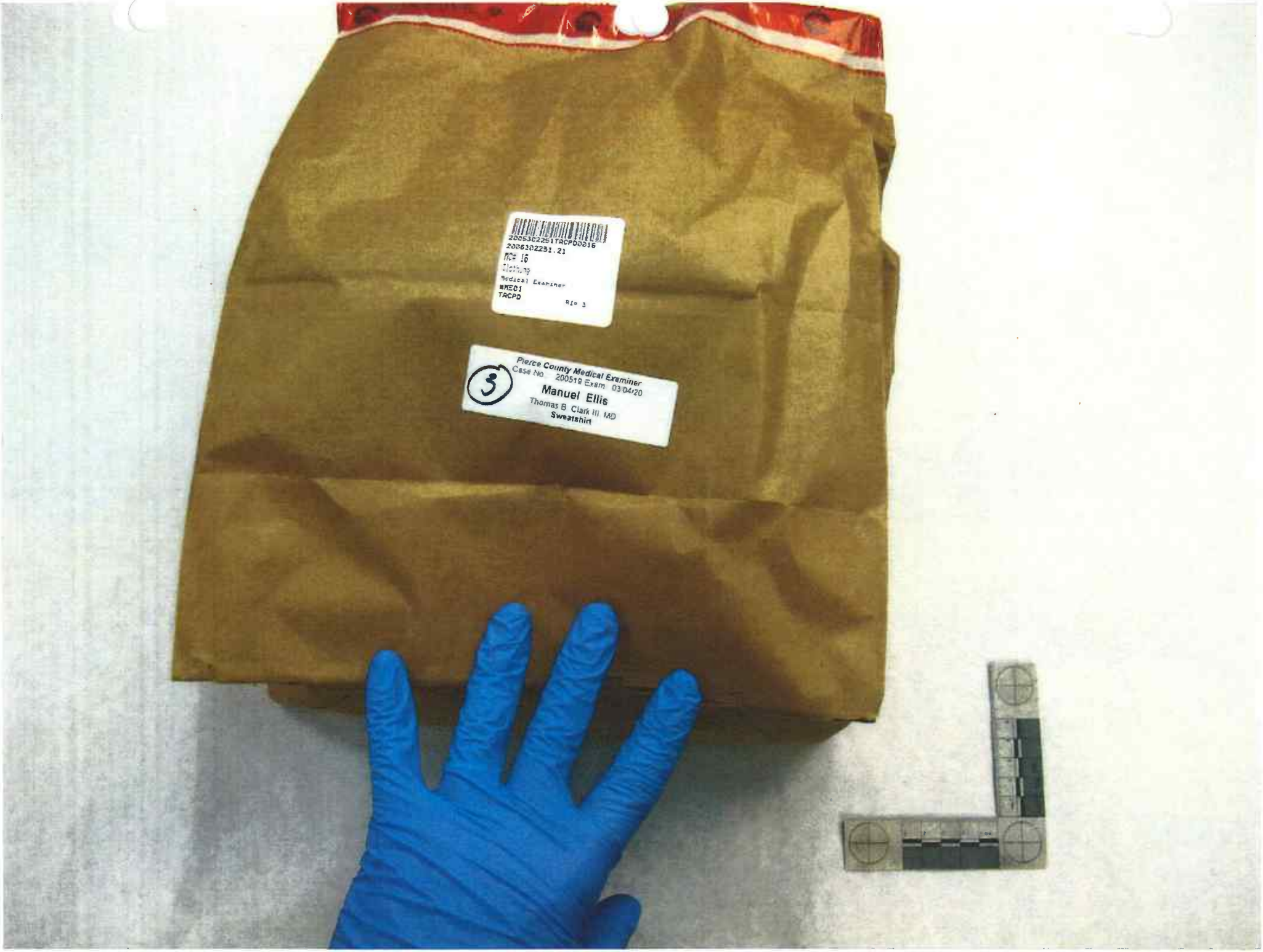
MC# 17
Pants
Medical Examiner
HME01
TACPD
RI# 4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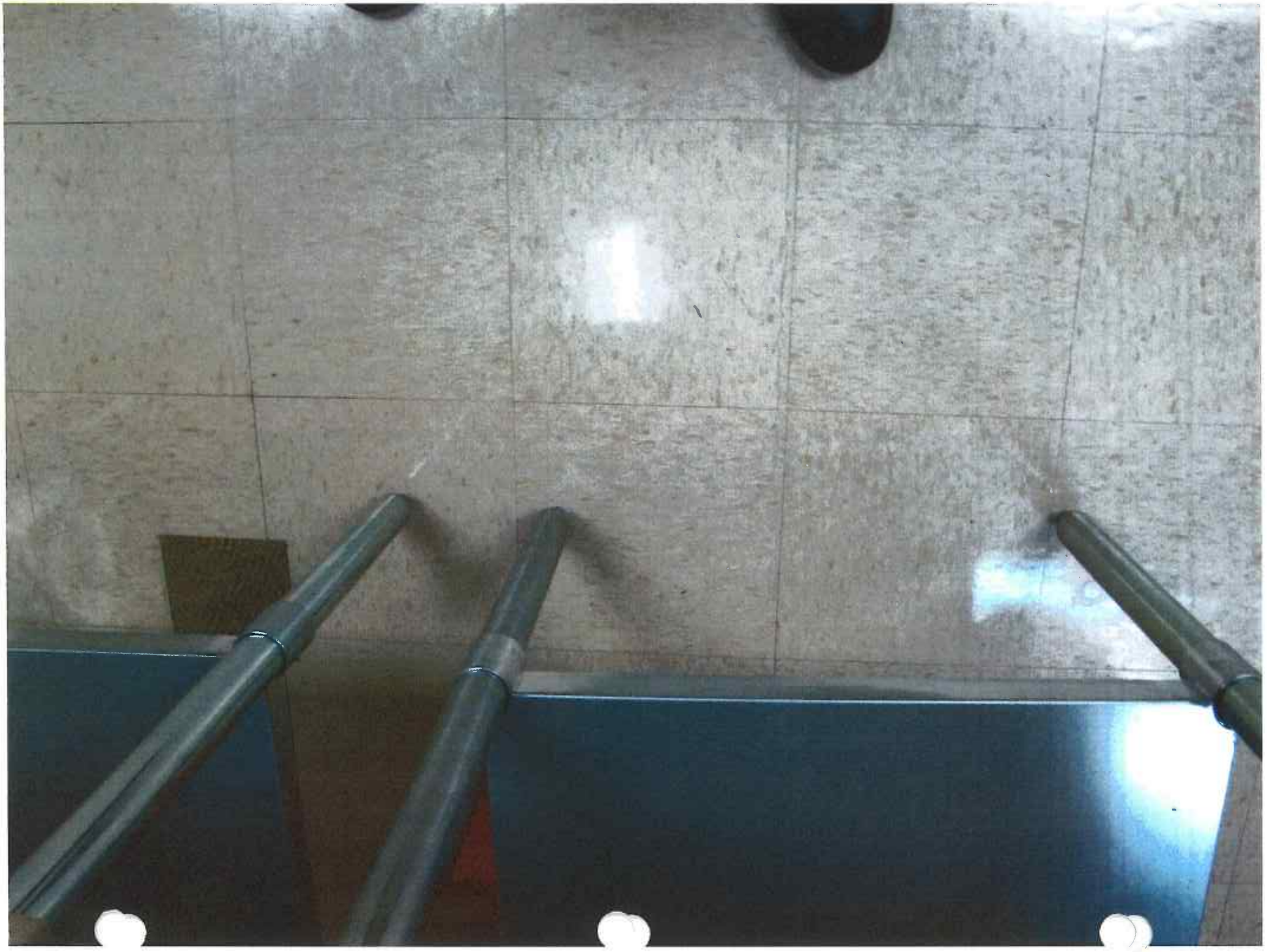
2006302251.21
Medical Examiner
MMEC1
TACPD
Pierce County Medical Examiner
Case No 200519 Exam 03/04/20
Manuel Ellis
Thomas B Clark III MD
Sweatshirt

Makah Days
Softball Tournament
2014



2nd Place

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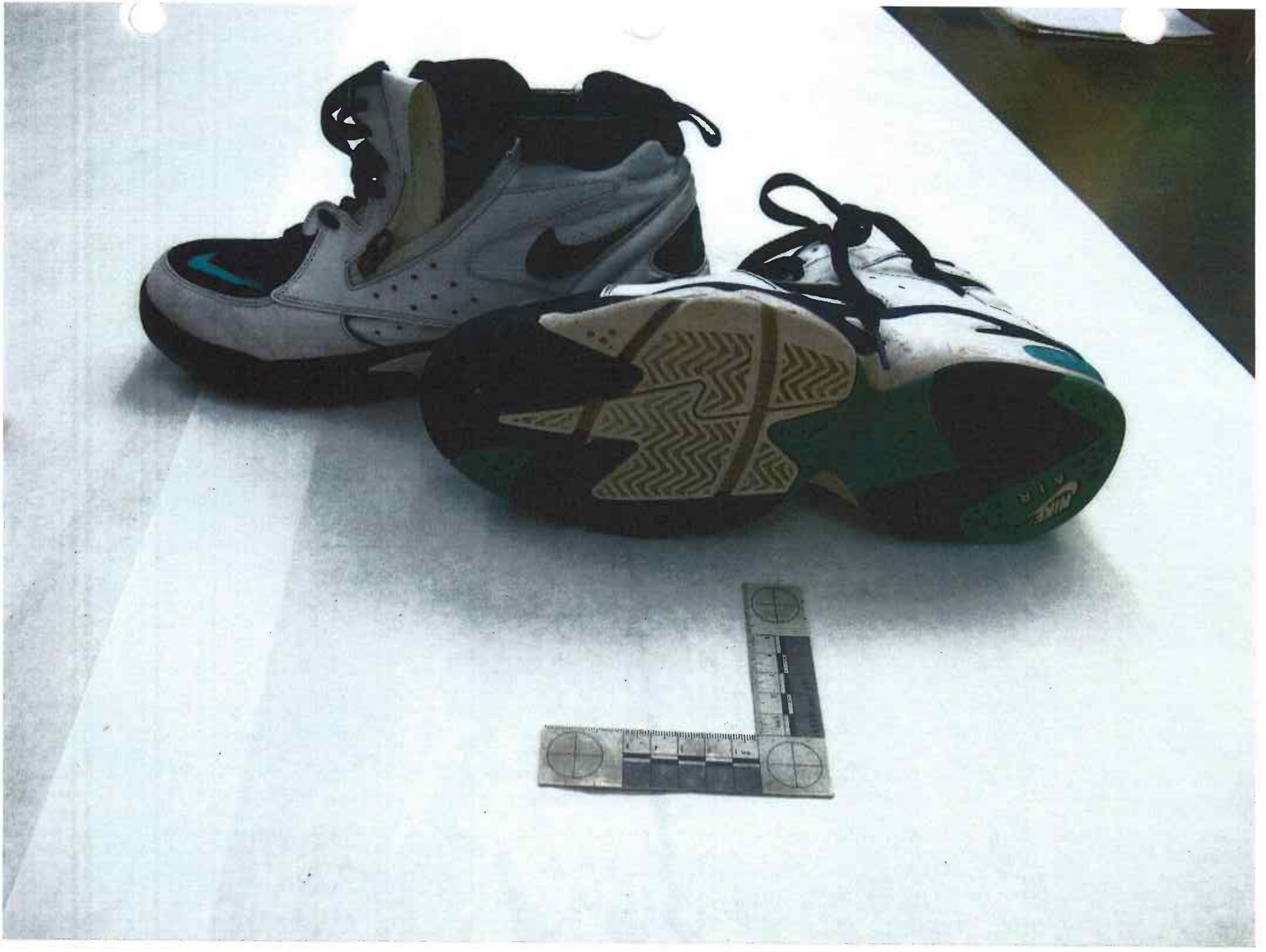
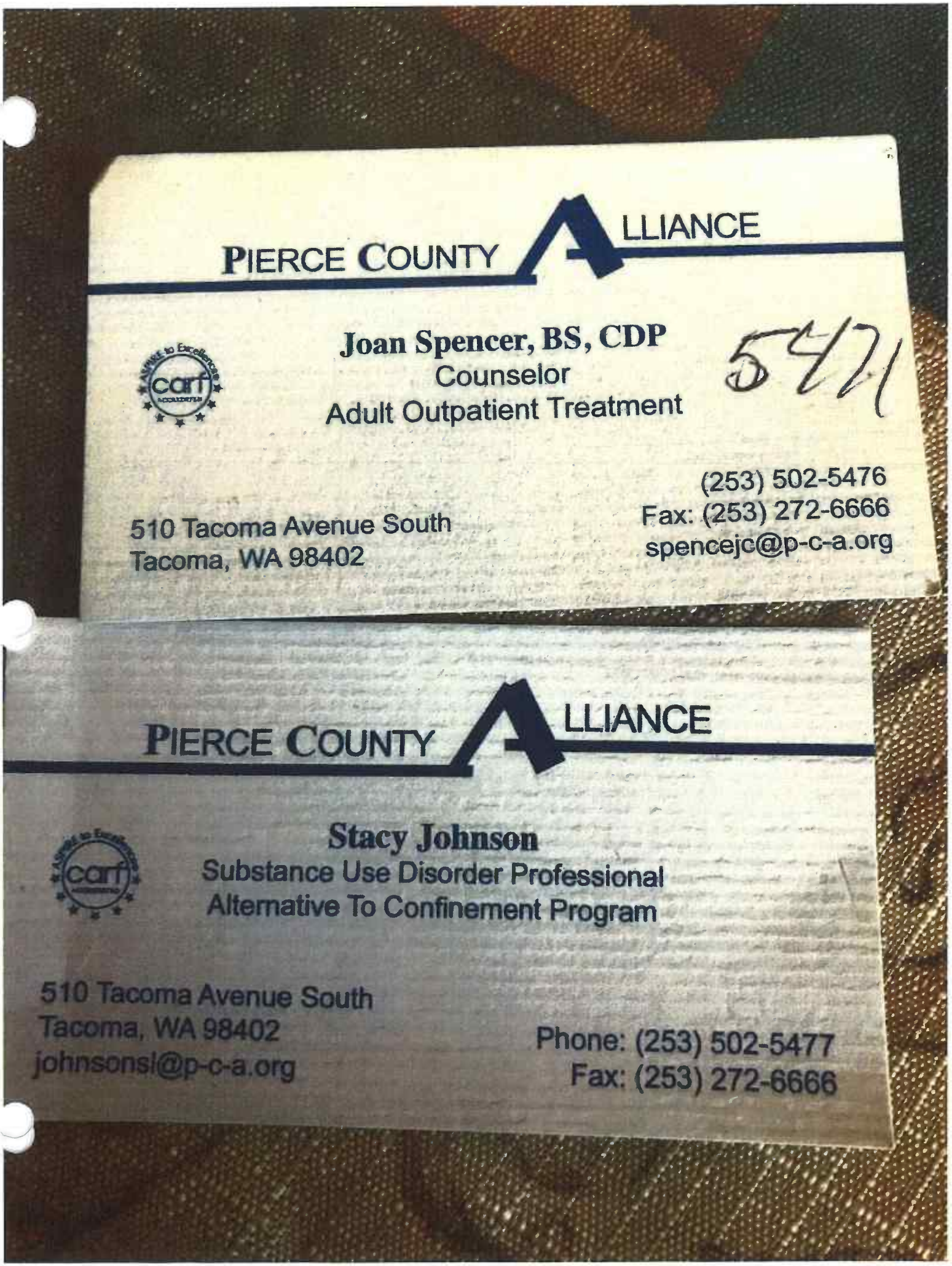
MCH 20
Shoes
Medical Examiner
MME01
TACPD
RI# 7





PIERCE COUNTY ALLIANCE

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Counselor
Adult Outpatient Treatment

5471

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Tacoma, WA 98402

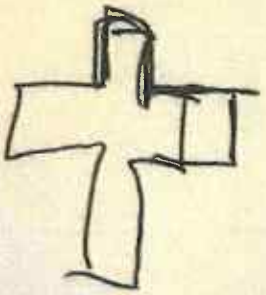
(253) 502-5476
Fax: (253) 272-6666
spencejc@p-c-a.org

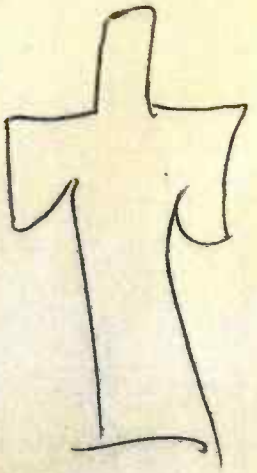
PIERCE COUNTY ALLIANCE

Stacy Johnson
Substance Use Disorder Professional
Alternative To Confinement Program

510 Tacoma Avenue South
Tacoma, WA 98402
johnsonsl@p-c-a.org

Phone: (253) 502-5477
Fax: (253) 272-6666





Allow

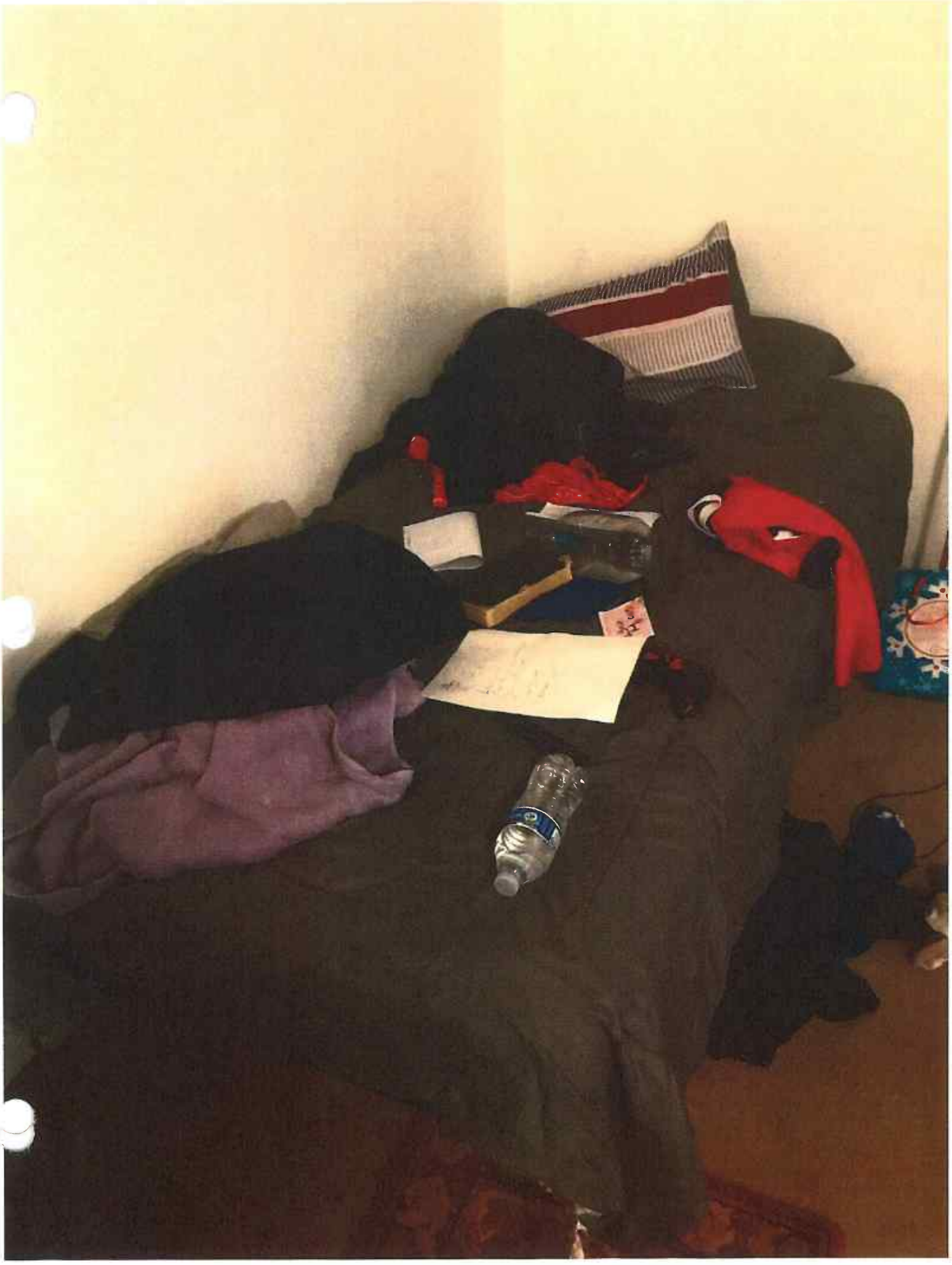
These Things to come to pass

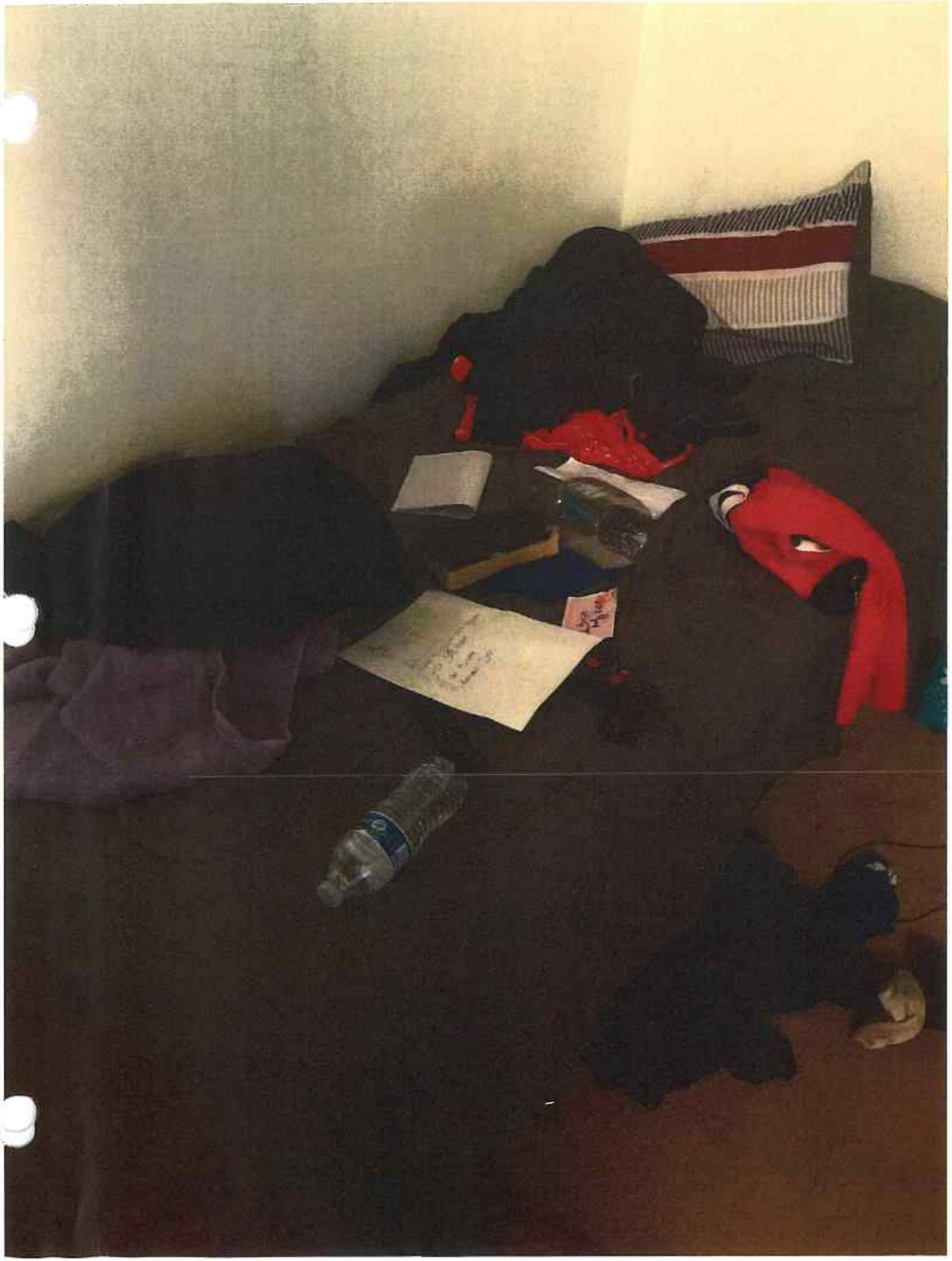
1) Call Bay 253 733899

2) Call King county

3) Remain Sob

To Whom This May Concern





TAB 30

WASHINGTON STATE PATROL
Death investigation

WSP Case 20-009681

March 3rd 2020

Objectives:

- Discuss the facts of the Manuel Ellis case
- Discuss the best practices for these types of investigations
- Discuss the challenges of this investigation

Case Summary

On Tuesday March 3rd, 2020 at approximately 11:20 p.m., Tacoma Police Department Officers Matthew Collins and Chris Burbank were on duty and patrolling as a two-person car. At the intersection of 96th Street South and Ainsworth Avenue South they encountered Manuel Ellis (33), a pedestrian. During the contact, a fight between the officers and Ellis occurred before they attempted to take Ellis into custody. Additional officers responded to the scene including Tacoma Police Department Officers Masyih Ford and Timothy Rankine. Ellis was handcuffed behind the back and later placed in a hobble restraint. A spit sock hood was also placed on Ellis. Tacoma Fire/EMS were immediately called to the scene. Shortly after Fire/EMS arrival, Ellis went into respiratory arrest soon followed by cardiac arrest. Despite resuscitative efforts, Ellis died at the scene. The Medical Examiner's report indicates Ellis' cause of death was "Hypoxia due to physical restraint." Other significant conditions were: methamphetamine intoxication and dilated cardiomyopathy. The manner of death was classified as Homicide by the Pierce County Medical Examiner.

Involved Parties

Ellis, Manuel "Manny" Elijah
33 yrs
5'11" 200

Background:

- Lived in a drug free house about ½ mile from the incident location (Drug testing).
- Active in local church
- History of mental illness and substance abuse
- Criminal history included in case file

Officer Matthew Collins

#H317/200799

Graveyard Patrol (2000-0600)

5 years Patrol

SWAT Team

Control Tactics Instructor

Firearms Instructor

Army – Almost 8 year, Staff Sergeant E-6

No discipline history

Officer Christopher Burbank

#236/210045

Graveyard Patrol (2000-0600)

4 years Patrol

5 years Winston Salem NC

Taser qualification 09-12-2019

Collision Investigation Team

Army – 8 Years, Staff Sergeant E-6

Discipline:
2016 - Preventable traffic accident

Officer Timothy Rankine

#088/212401

Graveyard Patrol (2000-0600)

2 years Patrol

Army – Six years, Sergeant E-5

Department of State – 2 years

No discipline history

Officer Masyih Ford

#H031/211954

Graveyard Patrol (2000-0600)

2 years Patrol

2 years Pierce Transit

No discipline history

Officer Armando Farinas

PCSO Sgt. Gary Sanders

Det. Sgt. Gary Sanders (PCSO) and Tacoma Officer Armando Farinas had limited physical contact with Manuel Ellis, however they are listed as additional involved officers. Sgt. Sanders held Ellis' legs while the hobble restraint was being applied and Officer Farinas applied the spit sock hood to Ellis. Sgt. Sanders provided a recorded interview to investigators after the incident. Officer Farinas provided a written report. Both had been advised they were witness officers after the incident.

Area Overview

N
96th St S
Ainsworth Ave S

N
96th St S
96th St Ct S
97th St S
97th St Ct S
98th St S
98th St Ct S
Charlton Lake
22nd Ave Ct S
Steele St S
Asotin St S
Chandler St S
Ainsworth Ave S
99th St S
100th St S
100th St Ct S
S Sheridan Ave
18th Ave S
Wilkeson St S
Alaska St S
1815 102nd St S
102nd St S
© 2020 Google
47° 0'03.45" N 122°27'30.29" W

ONLY

N

N

Radio Traffic

Cad Incident Inquiry

Return to Results Screen

Complaint: **2006302251** Disp: R Case No: 2006302251

Call Received: 20200303 2322
Call Cleared: 20200304 0623
End Priority: 5

Incident Type	Location
Starting: T - TRAFFIC STOP	S 96TH ST/AINSWORTH AVE S ()
Ending: UNK - UNKNOWN TROUBLE	S 96TH ST/AINSWORTH AVE S ()

Location Information
Starting:
Ending:

Agency	Geographic Zone	Dispatch Group	CB	District
Starting: TPD	PS	PS	437	TA44
Ending: TPD	PS	PS	437	TA44

Date/Time	Unit	ID	Station
Dispatch: 20200303 2322	H317	Dispatcher: SS02911	pd02
Arrival: 20200303 2322	H317	Com Officer: SS02911	pd02
Clear: 20200304 0623	240	Primary Unit: U078	
Close: 20200304 0623	240		

Name	DOB	Phone	Location	Call Source	Contact
				OFFICER	

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

System Date	System Time	Com	Station	Off	Text
20200303	23:22:28	Event Updated	pd02	SS02911	Location: S 96TH ST/AINSWORTH AVE S TAC, Event Type: T, Priority: 5, Dispatch Group: PS
20200303	23:22:28	Dispatched	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200303	23:22:28	Event Remark	pd02	SS02911	Field Event
20200303	23:22:28	Initial Call	pd02	SS02911	Call Source =OFFICER
20200303	23:22:29	Arrive	pd02	SS02911	H317 (TPD209799) Collins, Matthew | H317 (TPD210045) Burbank, Christopher
20200303	23:22:33	Event Remark	pd02	SS02911	H317 -- MIC CLICKS, YELLED LOC
20200303	23:22:42	Event Remark	pd01	SS0292	ACB
20200303	23:22:44	Event Remark	pd02	SS02911	H317 -- UNREADABLE
20200303	23:22:53	Dispatched	$H205	TPD208901	H205 (TPD208901) Madden, Katherine | H205 (TPD212627) Warner, Ryan
20200303	23:22:54	Dispatched	pd02	SS02911	H349 (TPD211377) Guiardinu, Andy | H349 (TPD211513) Farinas, Armando

Radio Traffic

This recording is only around 2 minutes long. It has been condensed to remove periods of radio silence. Radio traffic in this recording starts at 23:21:59 and ends at 23:34:09.

Summary of radio traffic

RD 911 RADIO DISPATCH
317 TPD MATTHEW COLLINS/ CHRISTOPHER BURBANK
092 TPD SGT. MICHAEL LIM
023 TPD MARTESE HIGHTOWER
US UNIDENTIFIED SPEAKER

- RD Henry 317 go ahead. Henry, 317?
- 317 317, I'm at 96th and Ainsworth.
- RD Priority traffic Henry 317, unknown trouble, 96th and Ainsworth. [redacted].
- Beeper sounds.
- US Where's the (unintelligible).
- Beeper sounds.
- RD Henry 317, unreadable. Four sector cars (unintelligible).
- US (Unintelligible).
- RD Keep the air open for Henry 317.
- Beeper sounds.
- RD Henry 317, update when you're available.

Summary of radio traffic

- Beeper sounds.
- RD Priority traffic, Henry 317, 96th and Ainsworth, keep the air open. [redacted].
- Beeper sounds.
- 31 31's with 317.
- RD 31's on scene, [redacted].
- 317 Can someone bring some hobbles?
- US (Unintelligible) about to arrive.
- 092 We're all out of hobbles.
- RD Received and confirm loc, received, 092 I'll show you on scene. Confirm A-Adam or Ainsworth?
- 092 Ainsworth. They're still fightin' with one.
- RD And State Patrol and County is in route as well.
- US (Unintelligible).

Summary of radio traffic

- RD Unreadable.
- US I can't breathe, I can't breathe
- 092 Slow income. Slow.
- RD Incoming can slow. [illegible].
- Beeper sounds.
- RD Copy, 1 detained. Still need the beeper?
- 092 No, cancel.
- RD Anyone need medical aid there?
- 092 Yeah, go ahead and start Fire, check him out.
- RD Received. Air's open. Routine traffic [illegible]. Union 23, put you back on your last.
- 23 23 copy.
- RD [illegible].
- US (Unintelligible) in route.

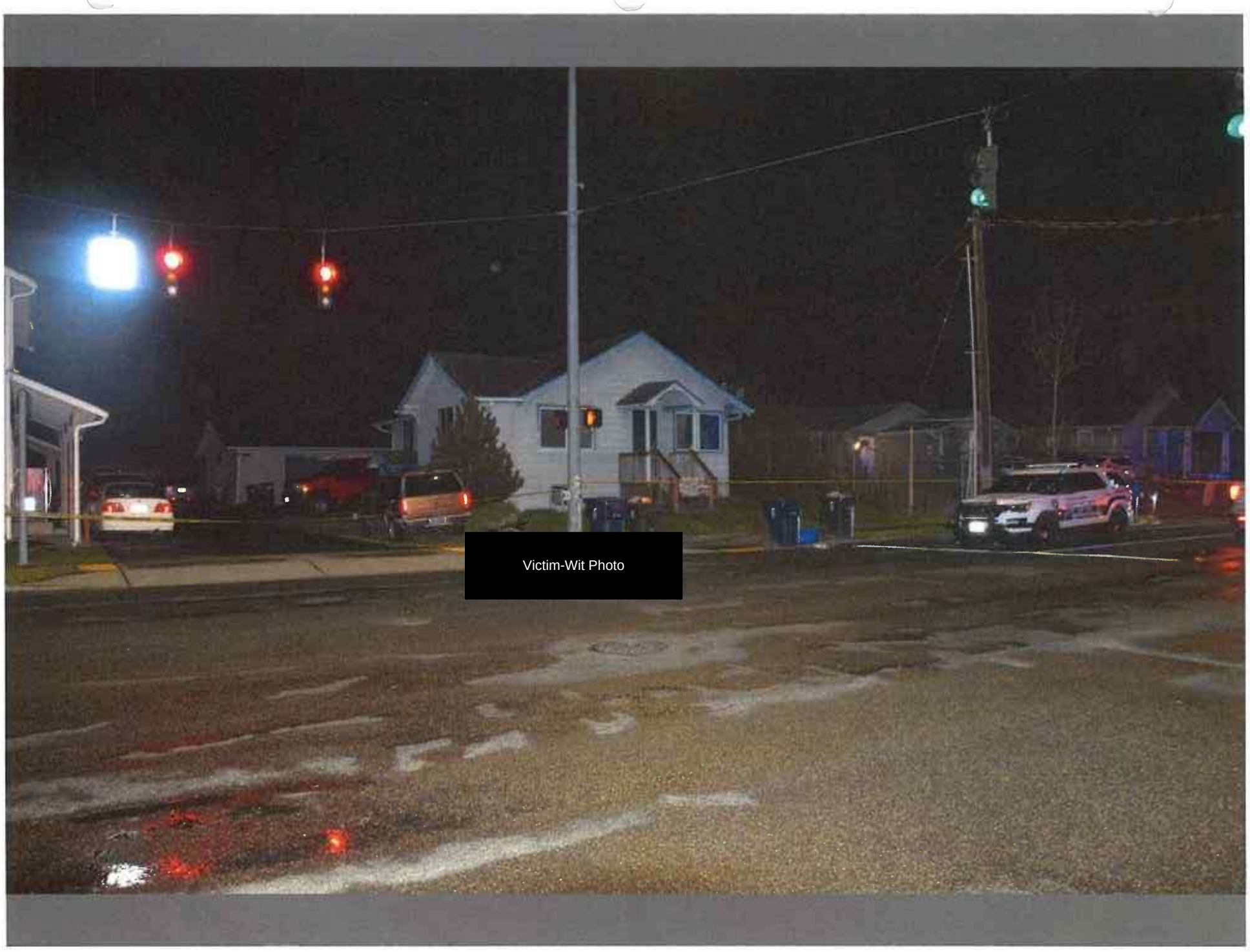
Summary of radio traffic

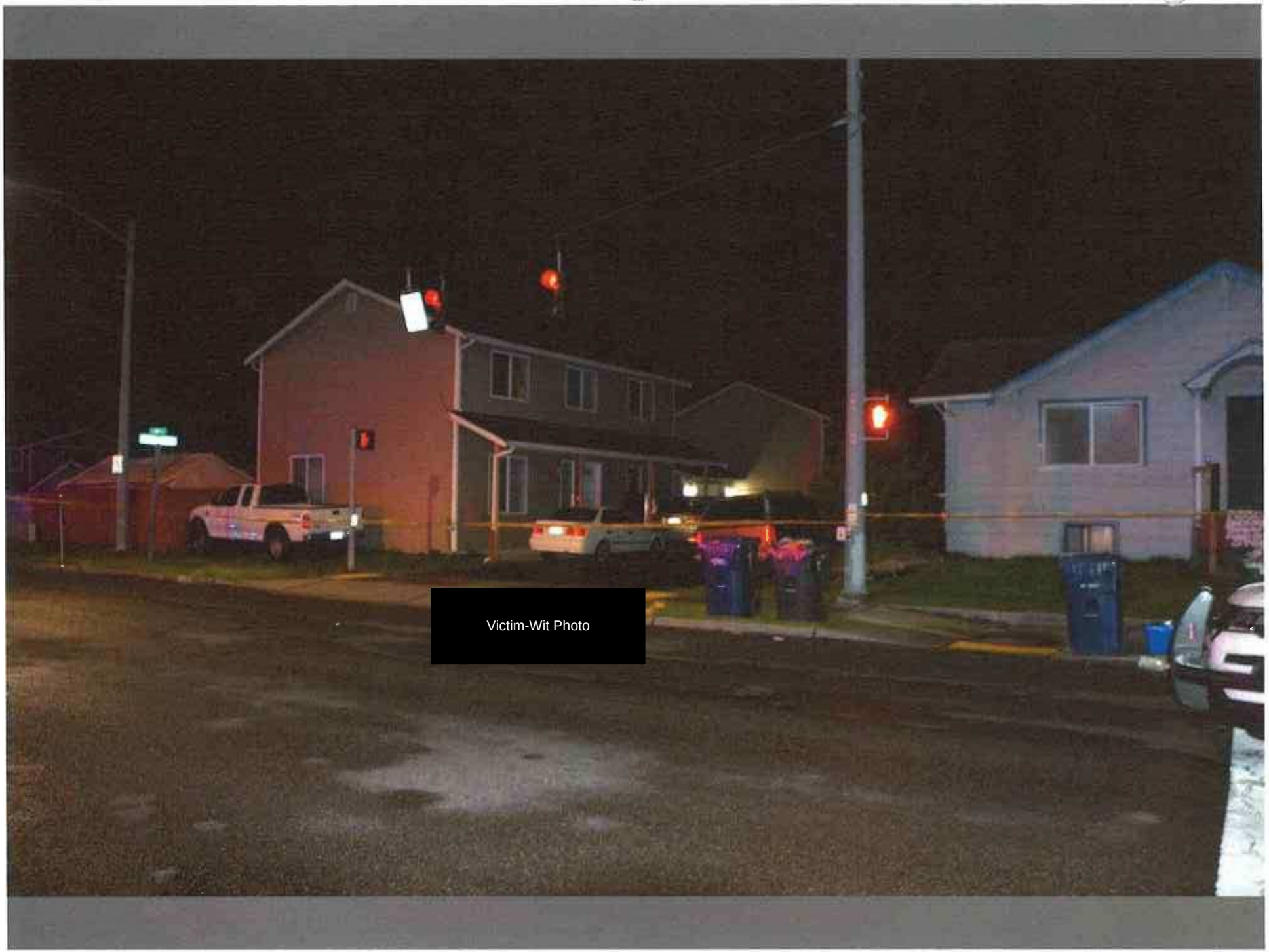
- RD [redacted].
- 092 Sam 092.
- RD Sam 92.
- 092 Advise Fire they're gonna need a ambulance. He has to be strapped down.
- RD Copy an ambulance as well, what was the rest?
- 092 He's gonna have to be strapped down. His arms.
- RD Gotta be strapped down.
- 092 Sam 092, gonna need an ETA on Fire.
- RD Received. Do you want 'em priority?
- 092 Yeah.
- RD Copy 92. Sam 92 Fire's advising they're pulling up on scene.
- 092 Yeah, thanks.
- RD [redacted].

Scene Investigation (PCSO)

Scene Photographs

The following scene photographs contain graphic images, including images of Mr. Ellis' body. Normally screens are placed around deceased persons for respect and privacy. However, due to high winds during the processing of this scene, they were unusable. Normally, the Medical Examiner and Medicolegal Death Investigators are the only persons authorized to move, or remove a body.


Victim-Wit Photo

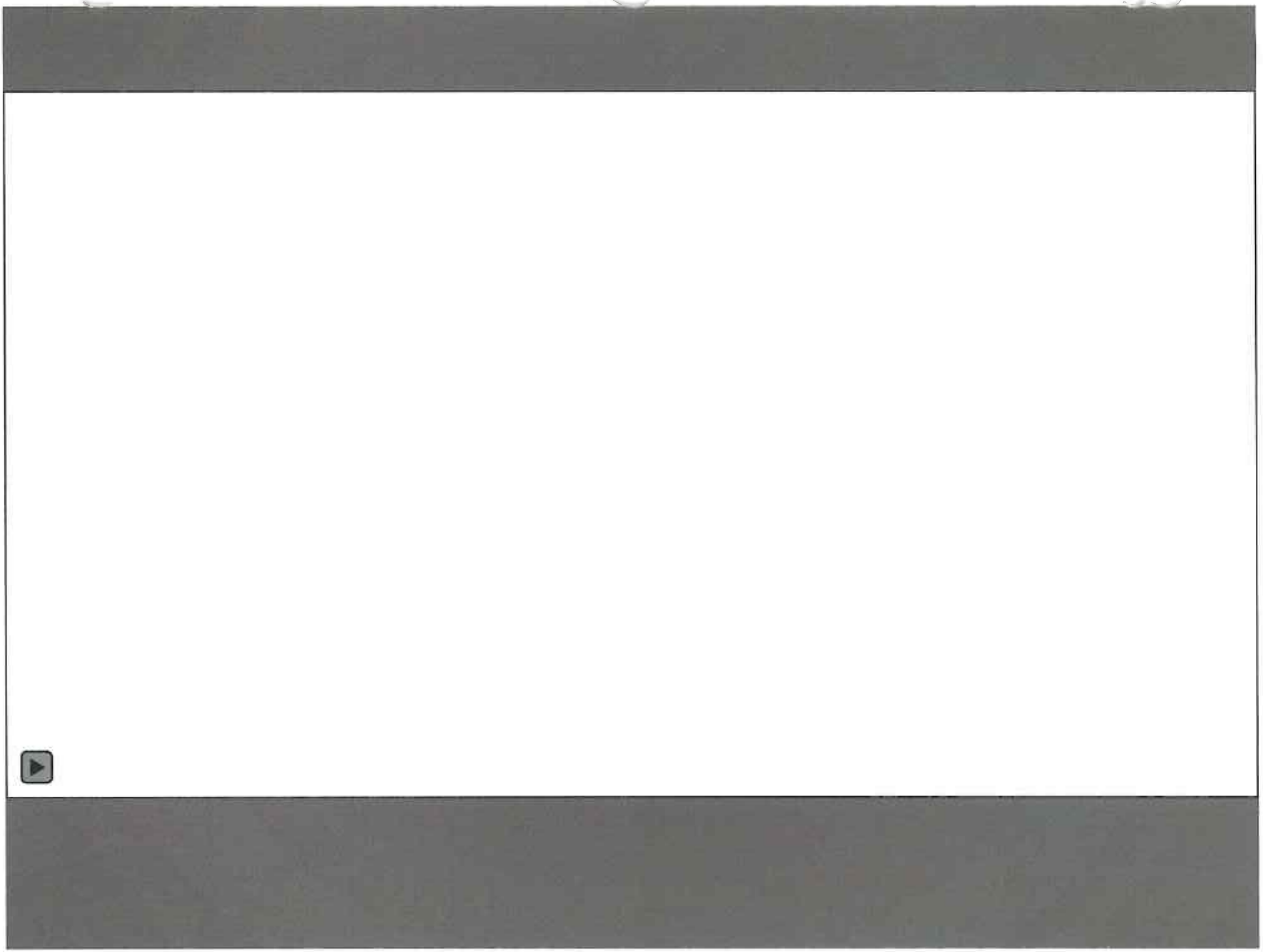

Victim-Wit Photo

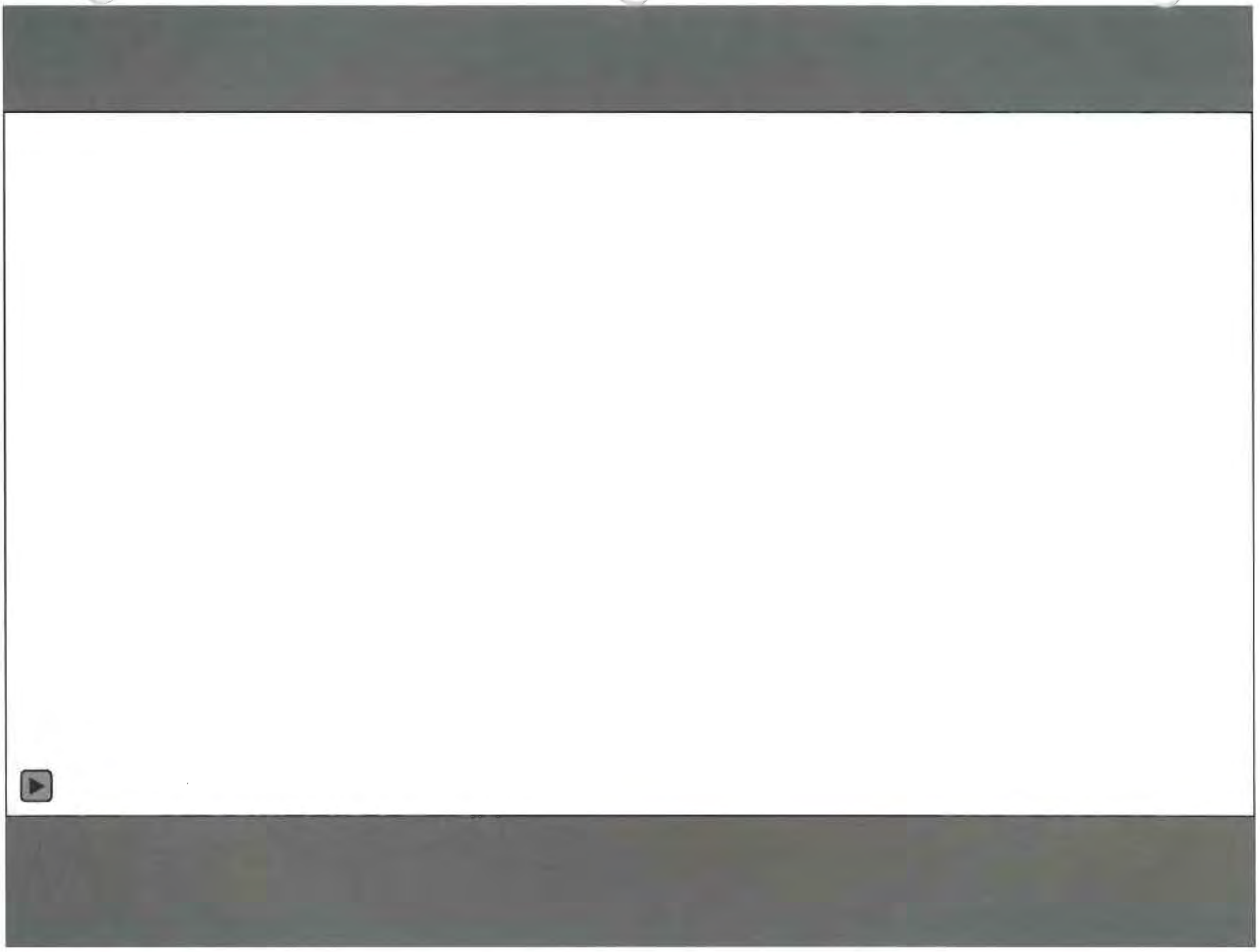
TACOMA
POLICE
DIAL 911

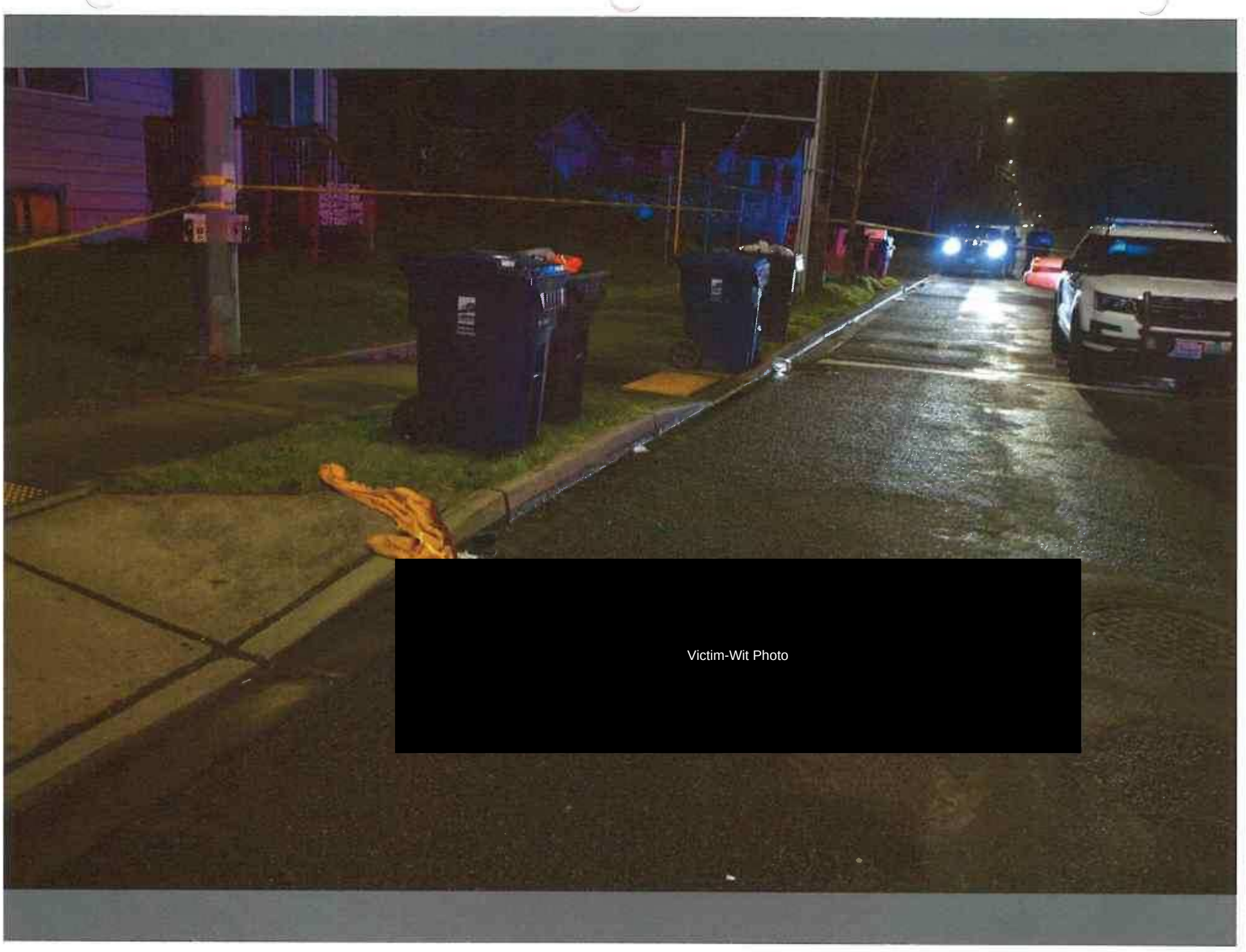
TACOMA
POLICE
Victim-Wit Photo

RASPBERRY

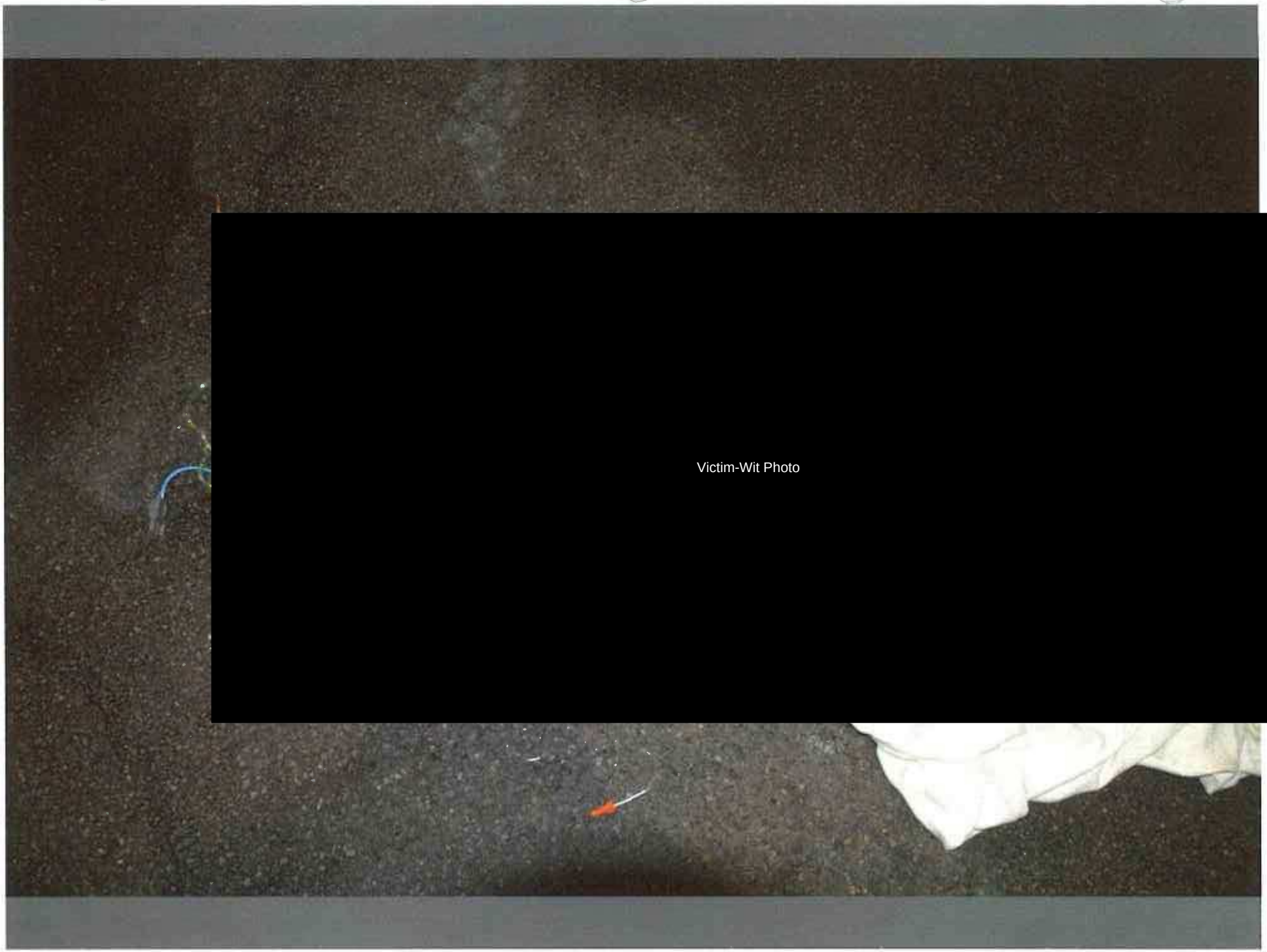
Victim-Wit Photo






Victim-Wit Photo

Victim-Wit Photo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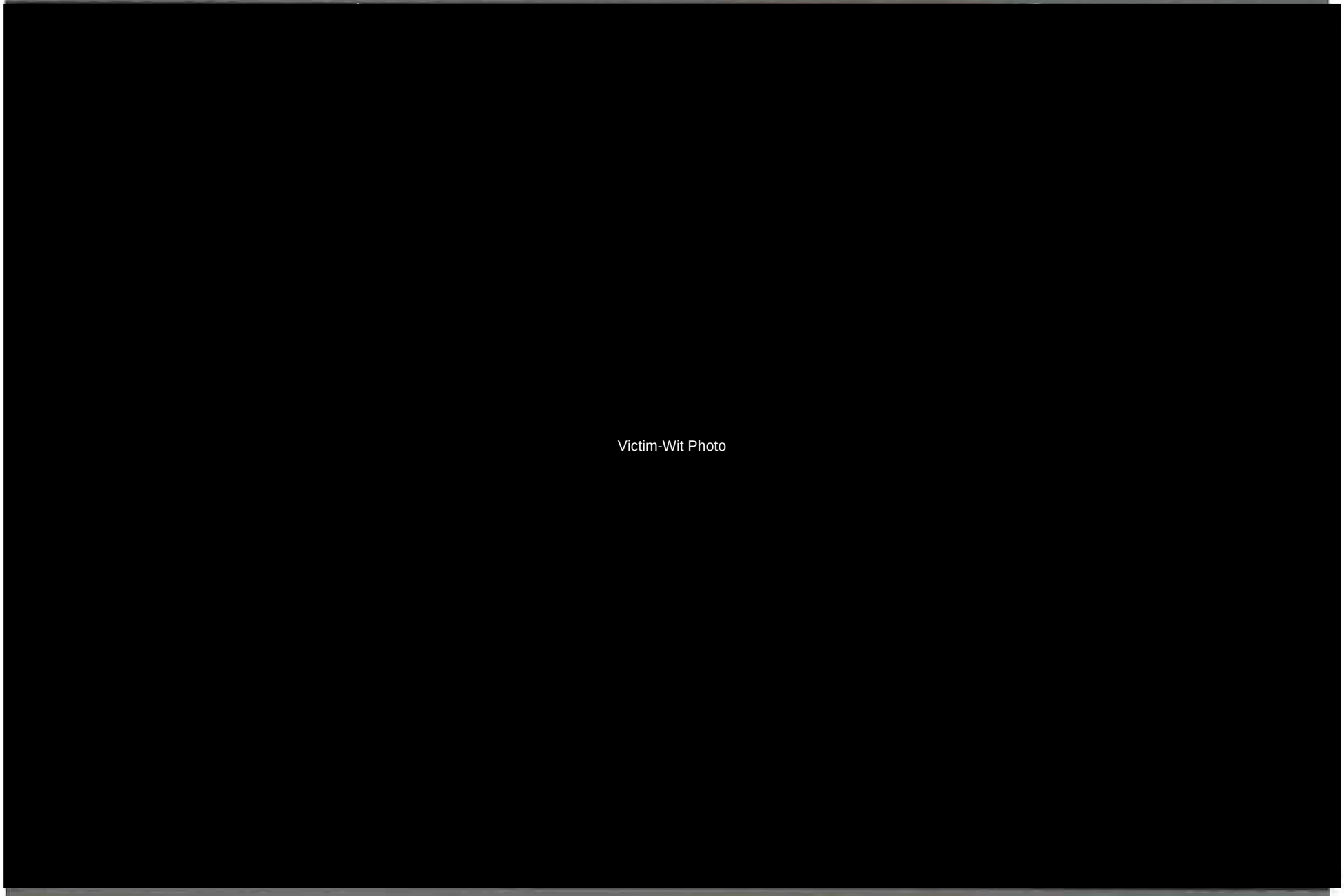
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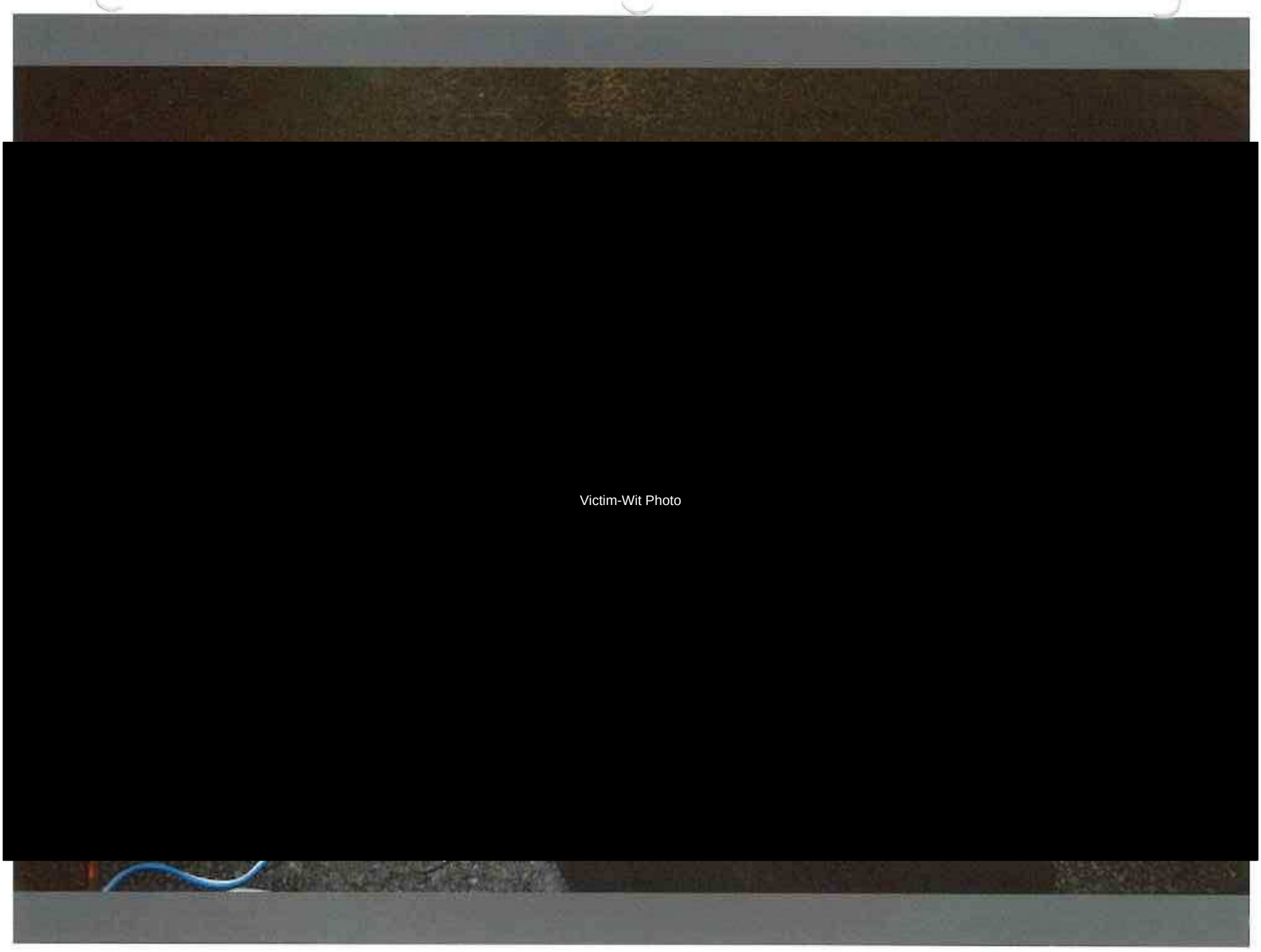
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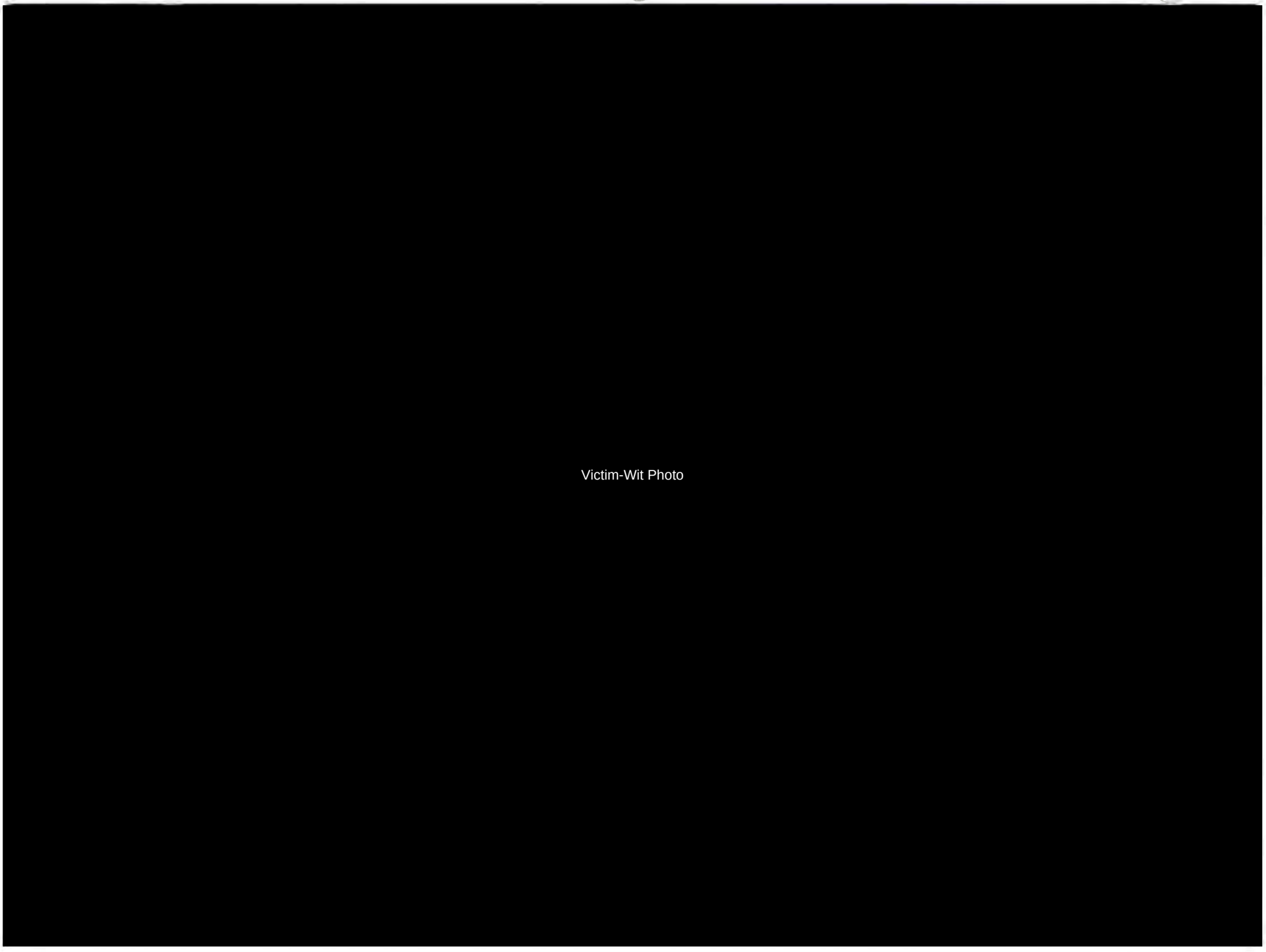
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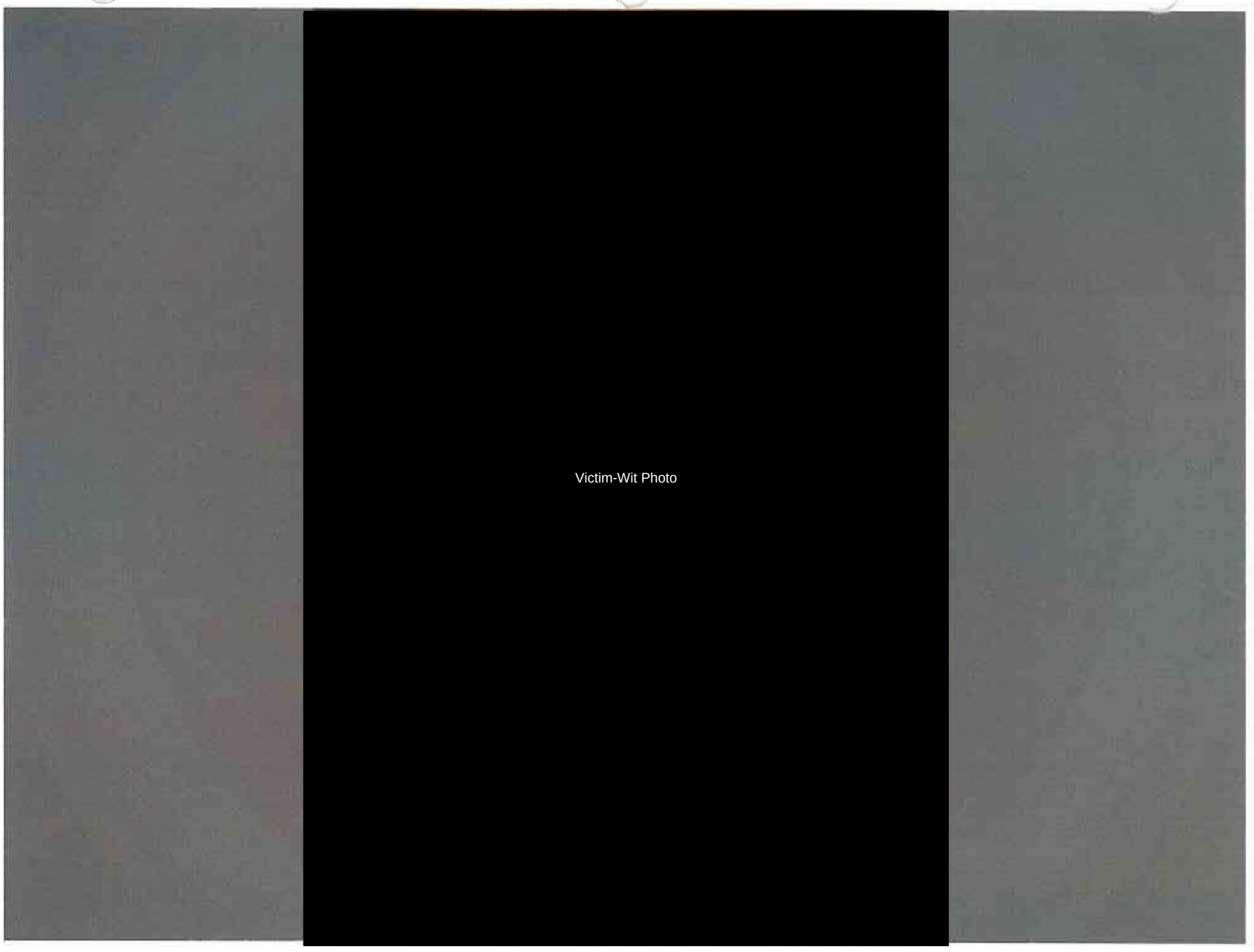
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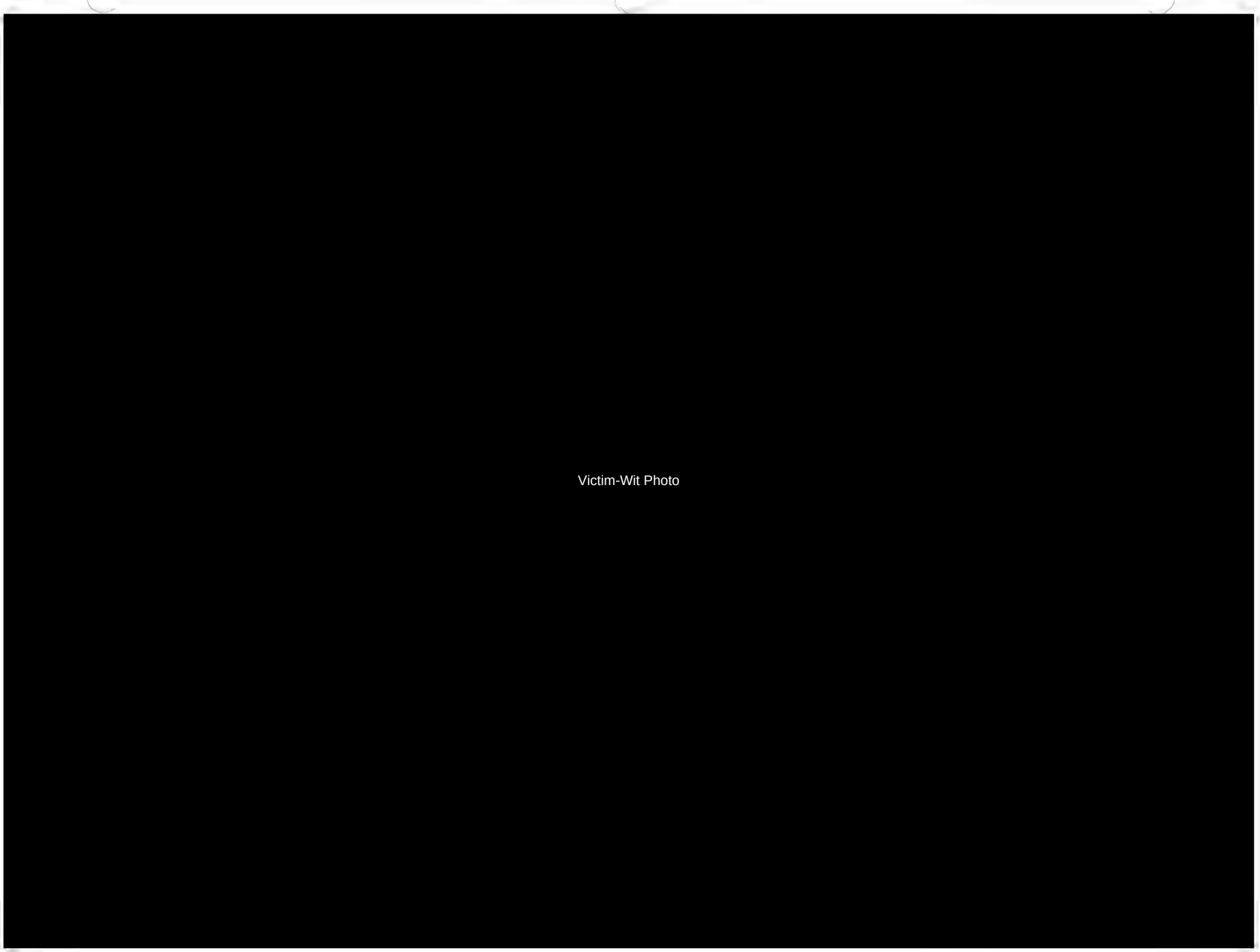
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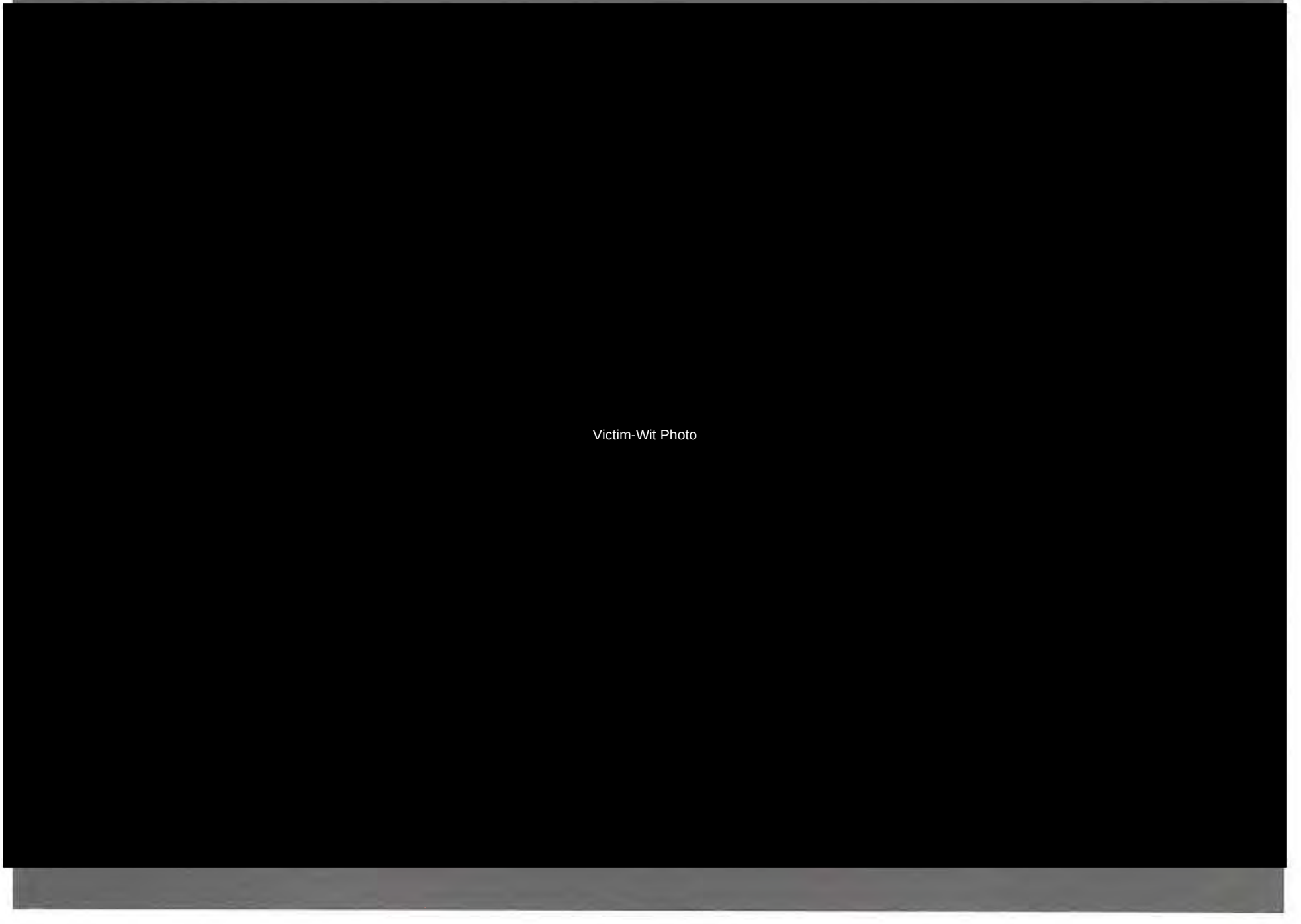
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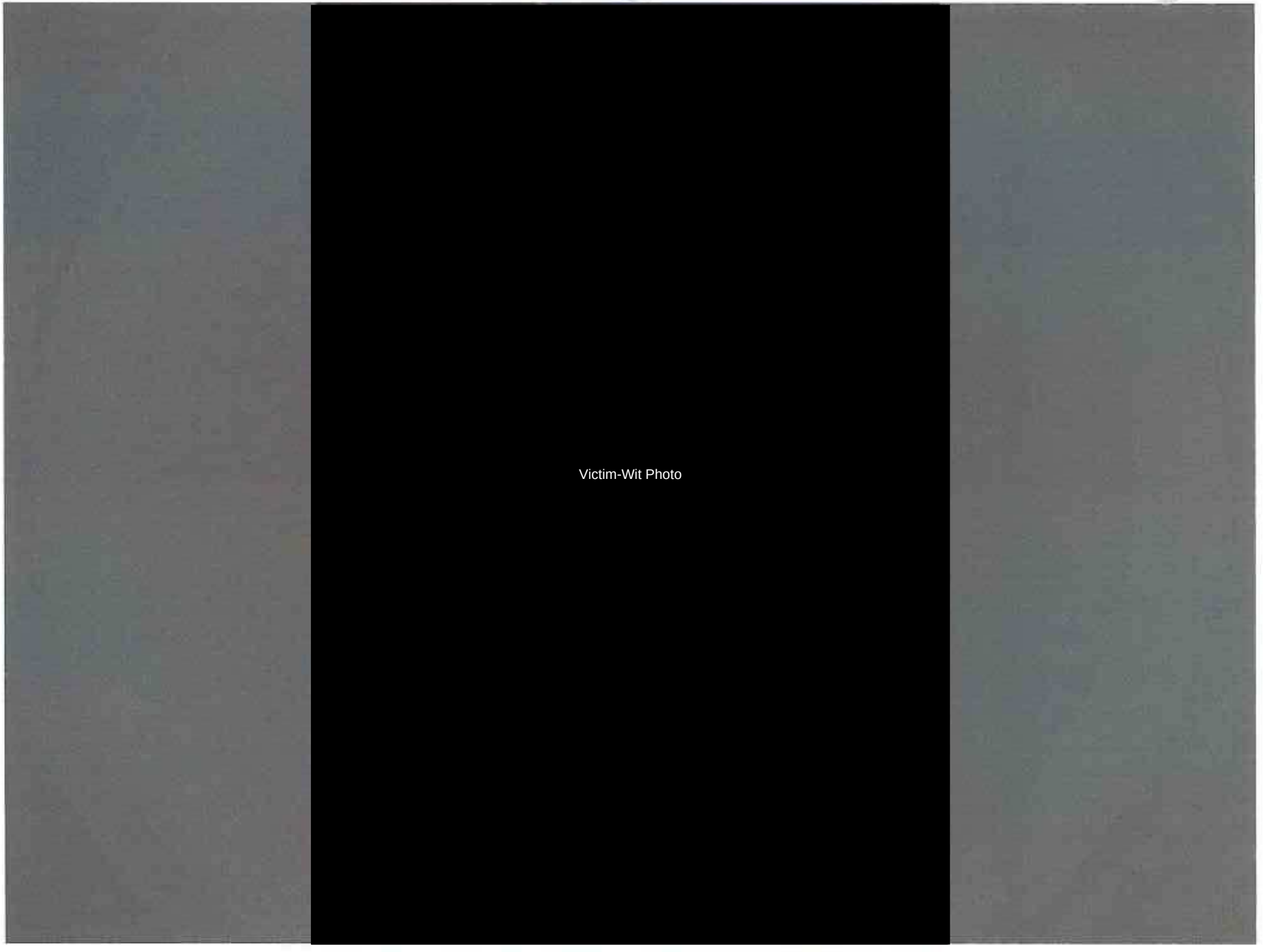
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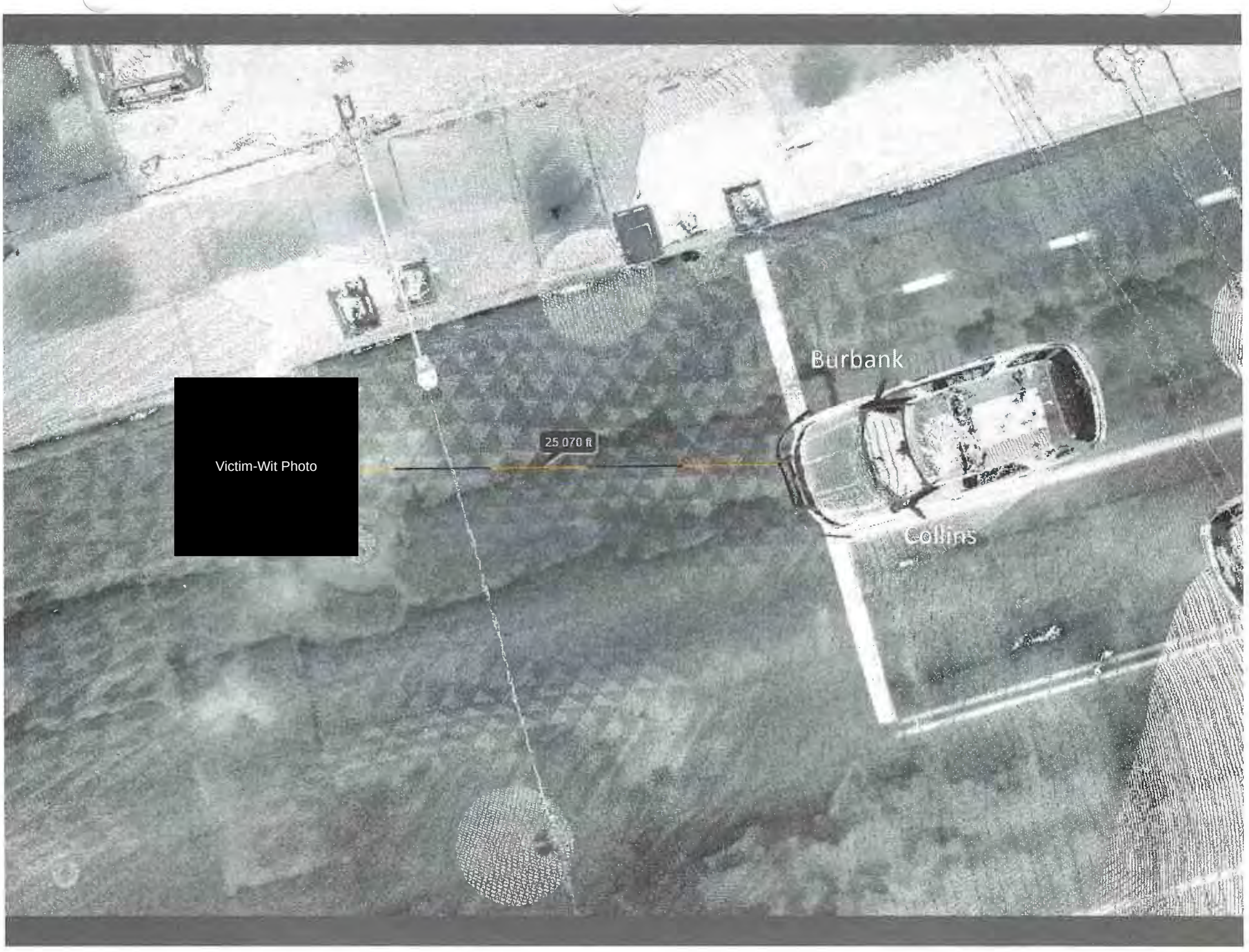
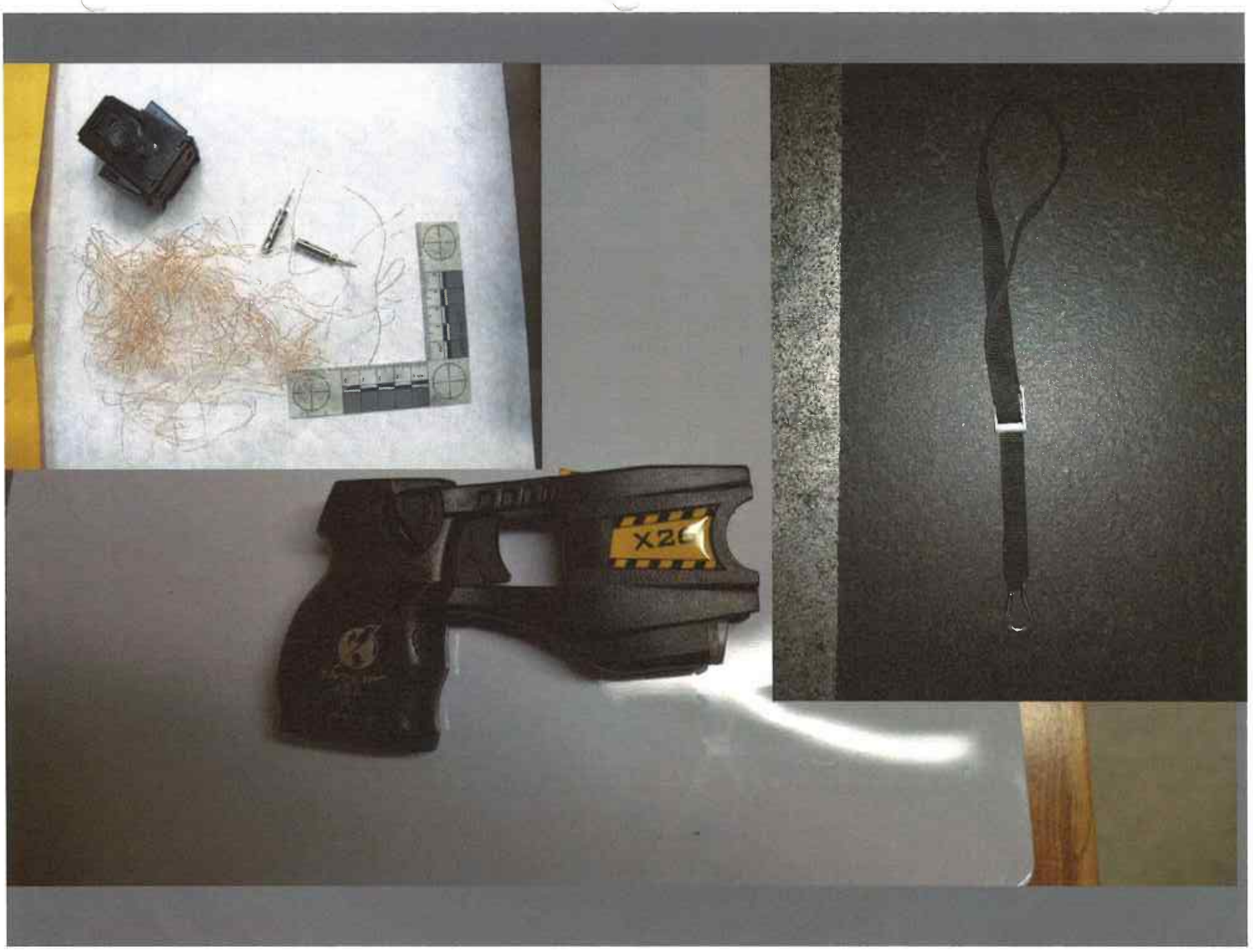

Victim-Wit Photo
25 070 ft
Burbank
Colbins

Victim-Wit
Photo

Scene Evidence (PCSO)


X2

Burr Bank

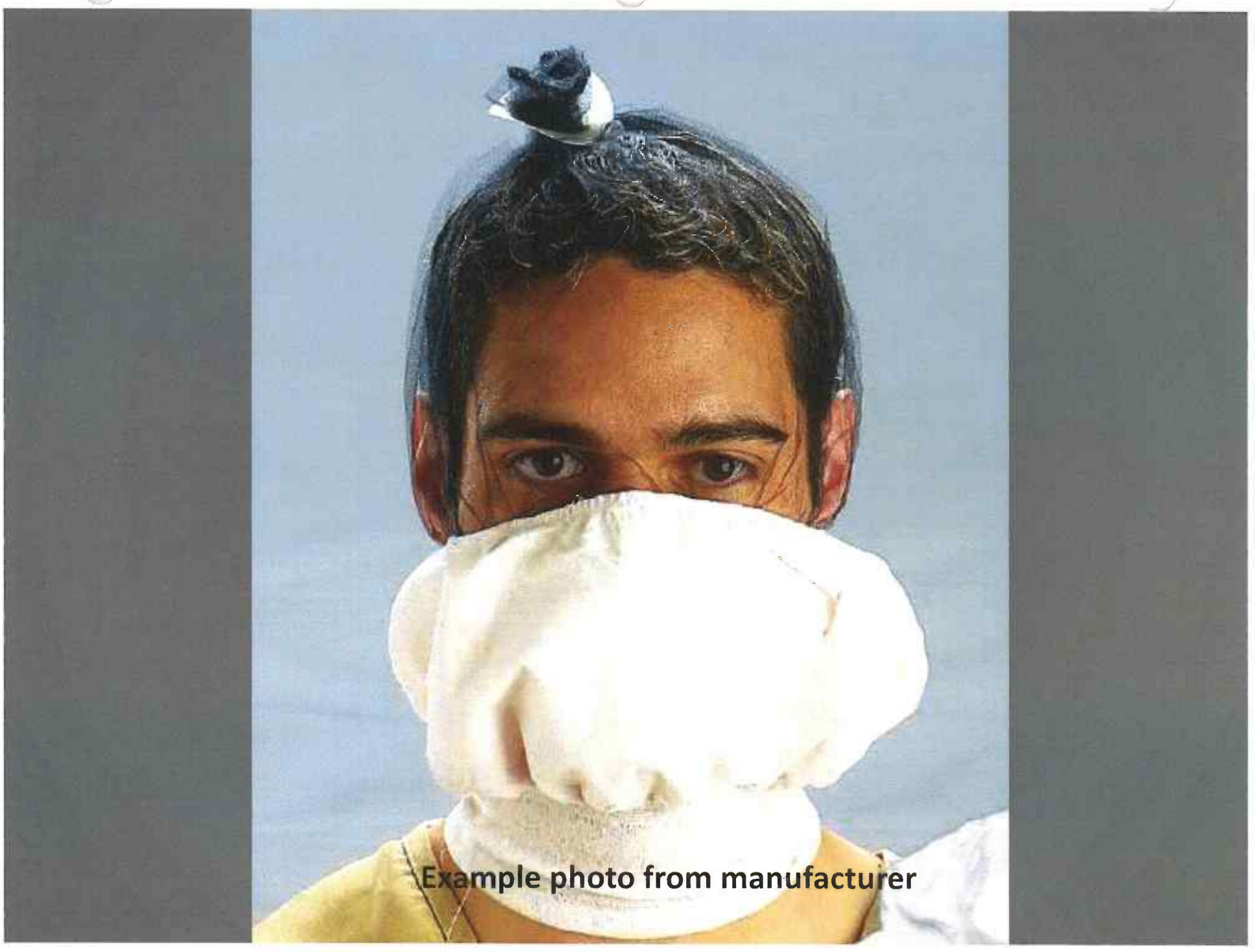
AXON

TASER Information		Report Generated by	
Dept.	Tacoma Police Dept. - WA	**Name**	Police Patrol Specialist Chell, Eric
Serial	X00349664	**Badge ID**	013845
Model	TASER X26	**Local Timezone**	Pacific Standard Time (UTC -07:00)
Firmware Version	24	**Generated On**	10 Mar 2020 11:12:14
Device Name	X00-349664		
Health	Active		

Device (x26)

Seq #	Local Time [dd:mm::yyyy Hr:min:Sec]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
1	03 Mar 2020 23:25:03	Fire	5	22	68
2	03 Mar 2020 23:25:26	Fire	5	22	67
3	03 Mar 2020 23:25:51	Fire	5	23	67
4	05 Mar 2020 13:01:45	Sync	05 Mar 2020 21:04:45 to 05 Mar 2020 21:01:45		
5	05 Mar 2020 13:02:48	Sync	05 Mar 2020 21:02:47 to 05 Mar 2020 21:02:48		

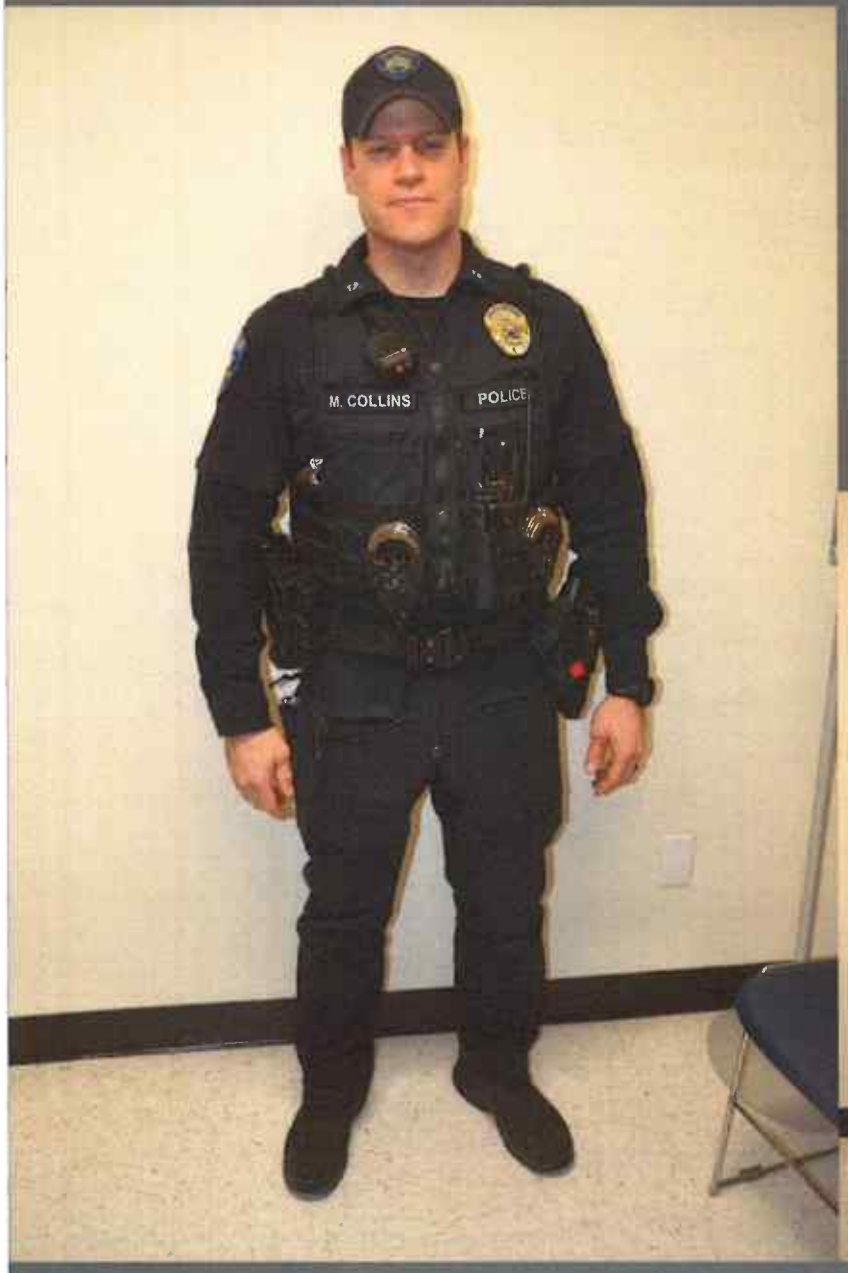
Pierce County Medical Examiner
Case No 200519 Exam 03/04/20
Manuel Ellis
EVIDENCE


Example photo from manufacturer

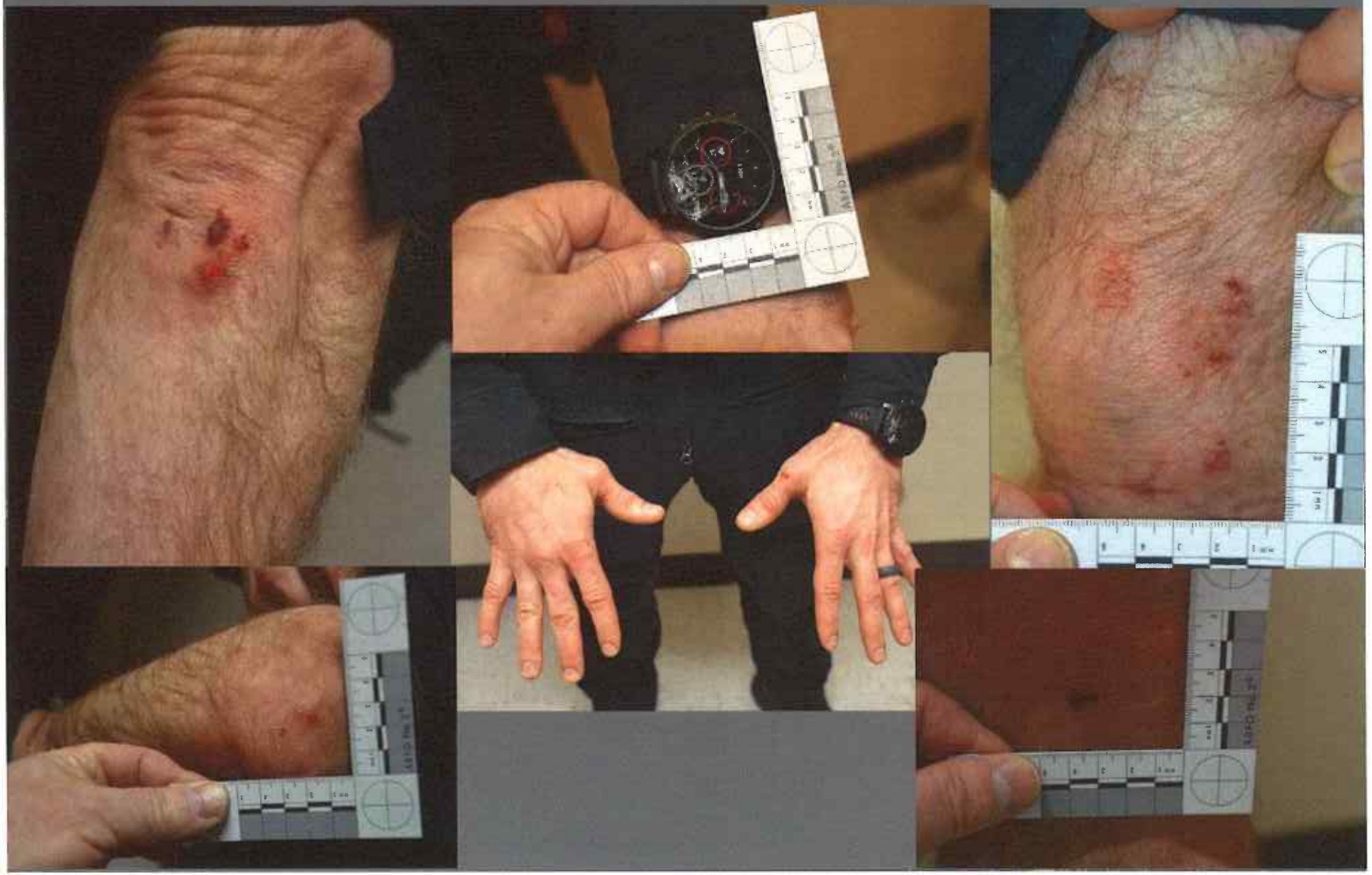
Officer Processing (PCSO)

Officer Matthew Collins

Processing Images

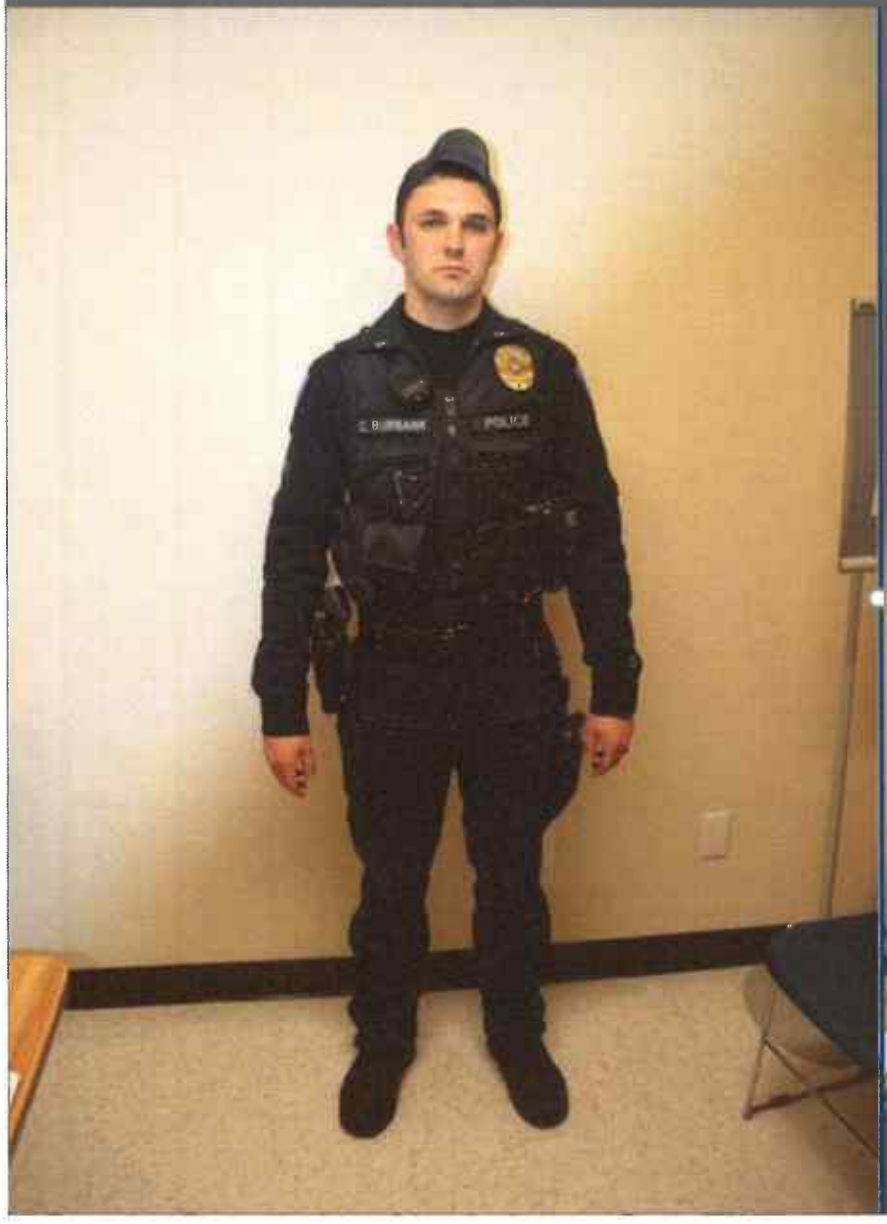


Officer Matthew Collins

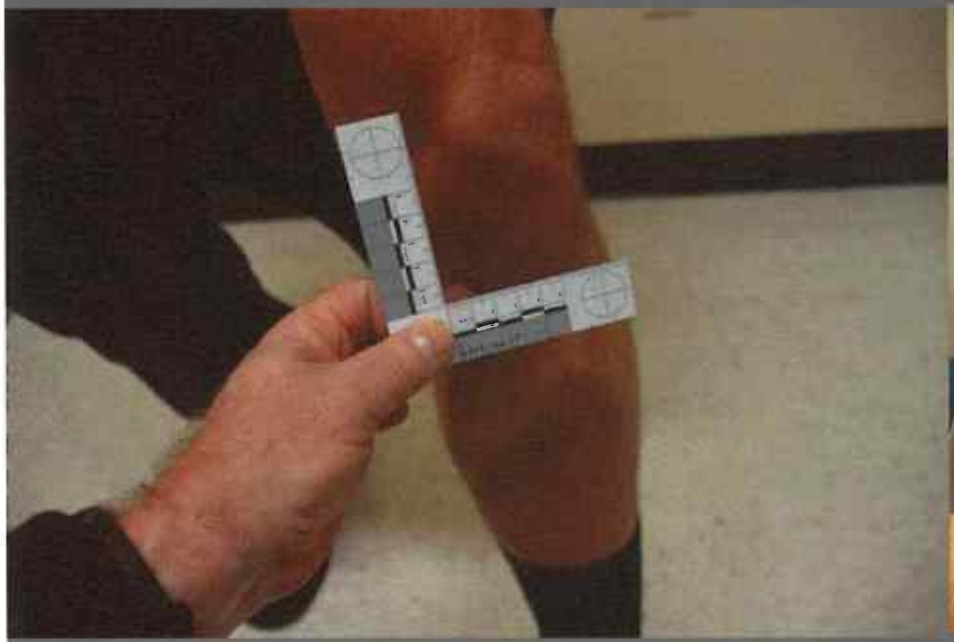


Officer Christopher Burbank

Processing Images

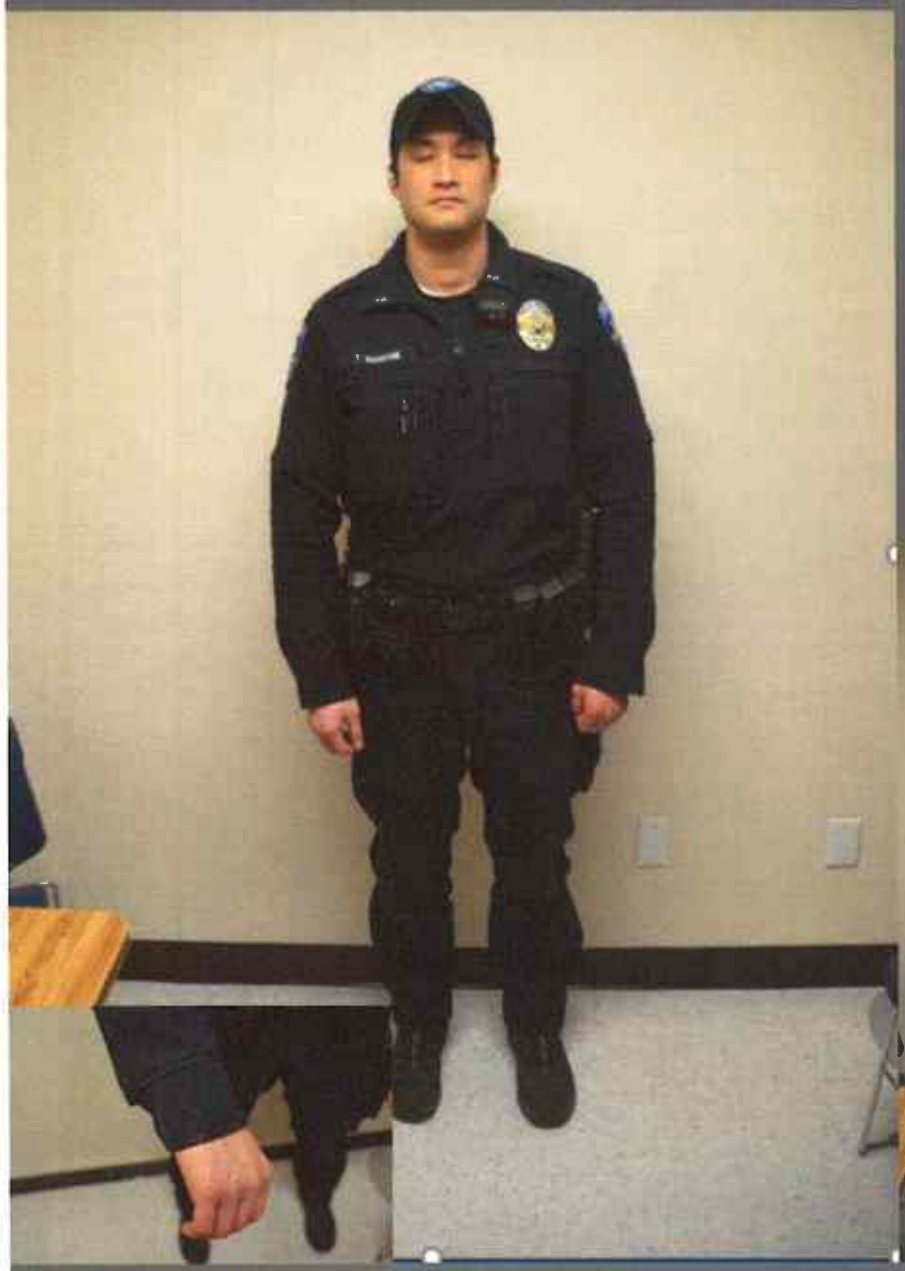


Officer Christopher Burbank



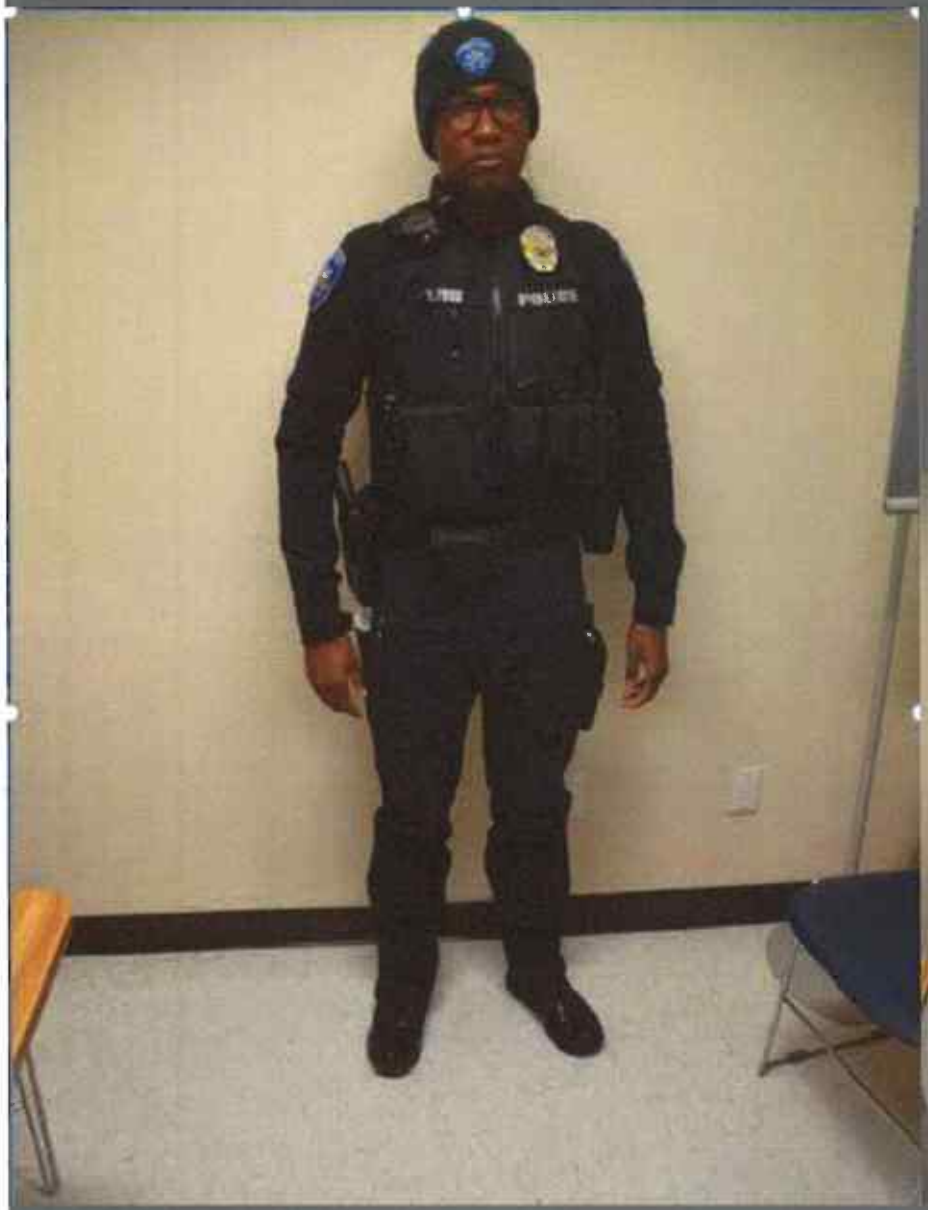
Officer Timothy Rankine

Processing Images

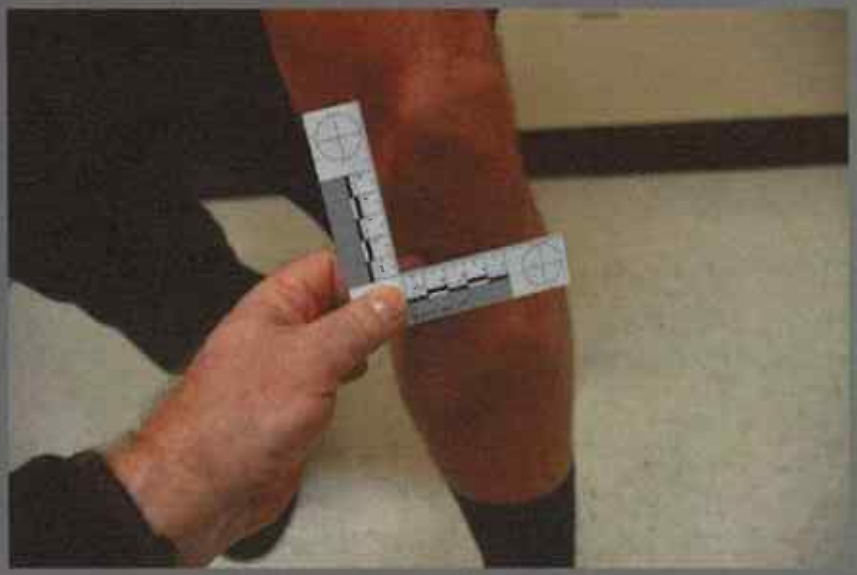


Officer Masyih Ford

Processing Images

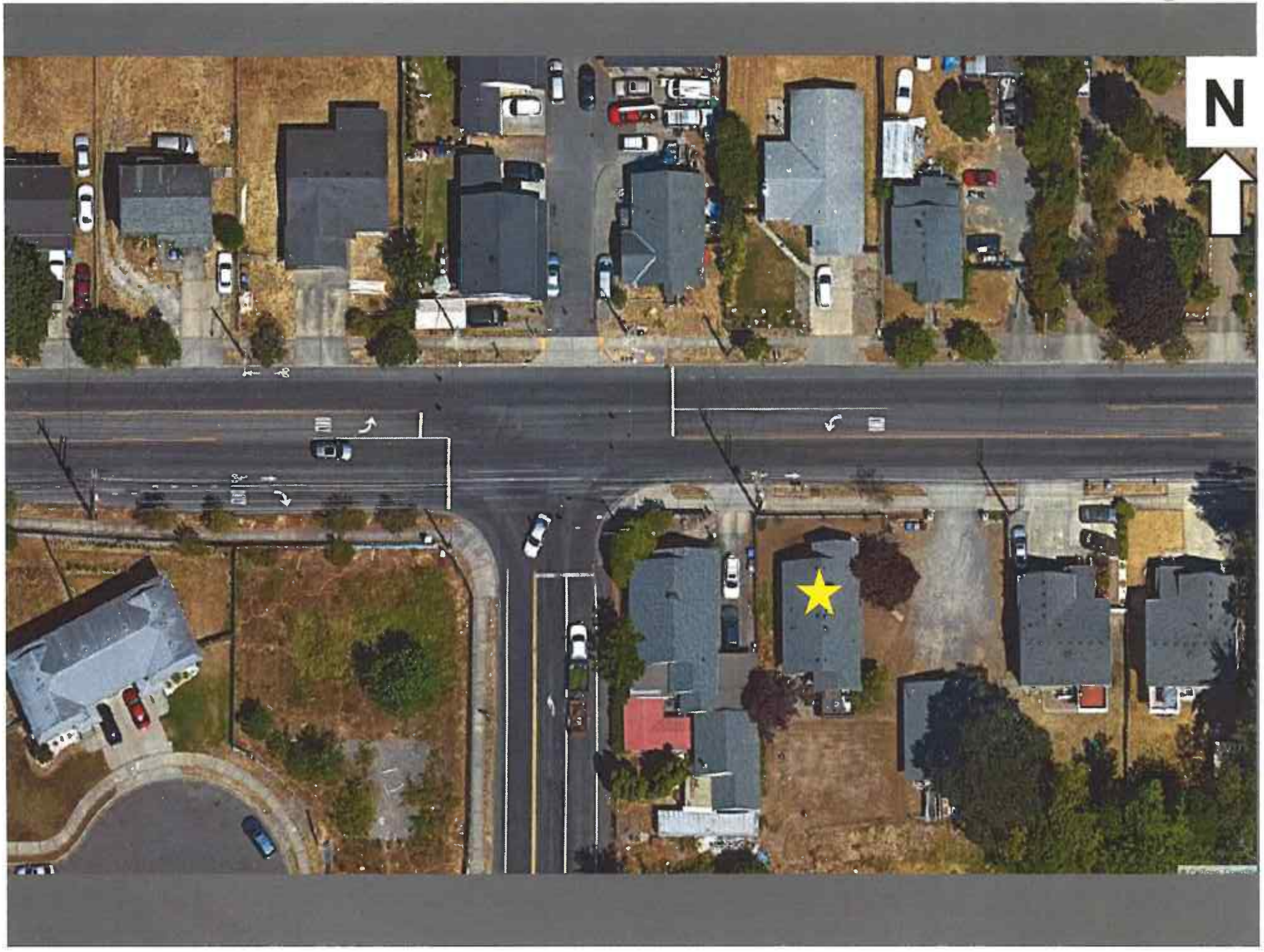


Det. Sgt. Gary Sanders (PCSO)



Lt. Anthony Messineo (PCSO)

Video Evidence of Incident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Video Evidence

Vivint© home surveillance video was identified to exist at 1438 96th St S the night of the incident, but due to technical issues with the system, the resident was unable to provide copies.

On 03-05-2020 and 03-06-2020 resident Aiyana White was contacted by telephone regarding availability of the footage. She indicated the system was still malfunctioning.

On 03-13-2020 Joe White (Aiyana's father) called and provided 19 video clips recorded the night/early morning of the incident. A search warrant was served on Vivint© to confirm we received all the pertinent videos.

The system is motion activated and records in 30 second clips. There is some time loss between several of the pertinent clips, ranging from 11 seconds to 17 minutes.

The following video was created by merging several of the clips together in chronological order.

Vivant home security footage from 1438 96th St S

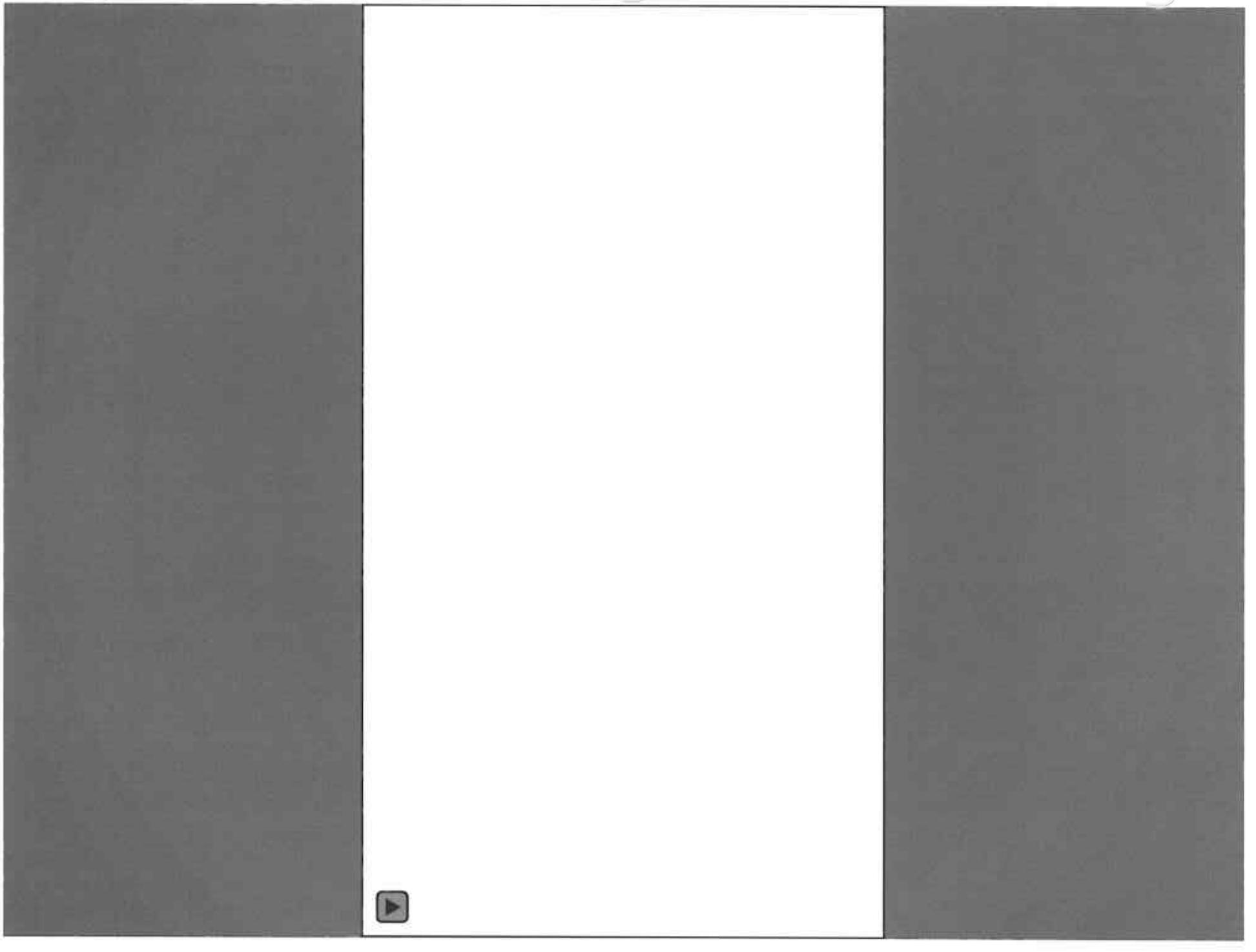
Video Evidence

As seen in the Vivint© video, two individuals in separate vehicles were present for a portion of this incident, but drove away. During the course of the investigation, those individuals never came forward and remained unidentified.

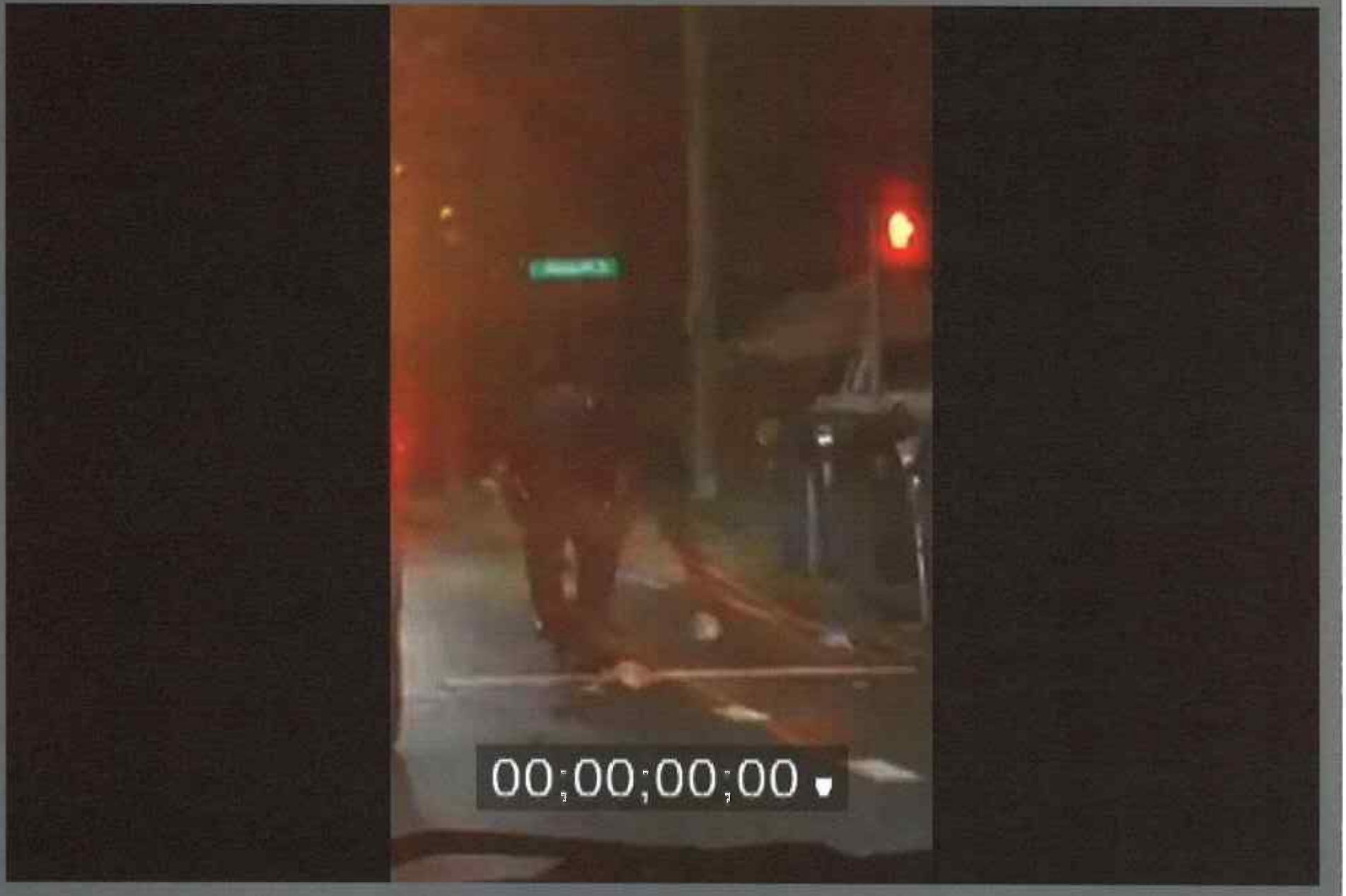
On 06-04-2020 the Sheriff's Department sent out a media release in an attempt to identify the individuals. Within hours after the release, two cell phone videos of the police incident that appeared to have been taken by one of the unidentified individuals were posted to an online social media website.

In subsequent media interviews, Sara McDowell identified herself as the author of the videos. Ms. McDowell did not contact PCSO investigators to provide a statement and original copies of the videos.

WSP investigators were provided original copies of the videos and interviewed Ms. McDowell and Keyon Lowery.



Combined and zoomed in version of McDowell video



Video Evidence

On June 15, 2020 Samuel "Seth" Cowden posted a video he recorded of the Ellis incident on Reddit. Cowden posted the video under the user handle "MisterStitches253". The video was recorded without audio.

WSP investigators were provided original copies of the videos and interviewed Seth Cowden.

Video Evidence

As seen in the Vivint video, an officer approached the residents on the porch of 1438 96th St S and asked if they saw "anything" that night, and each said no (one of which was Aiyana White).

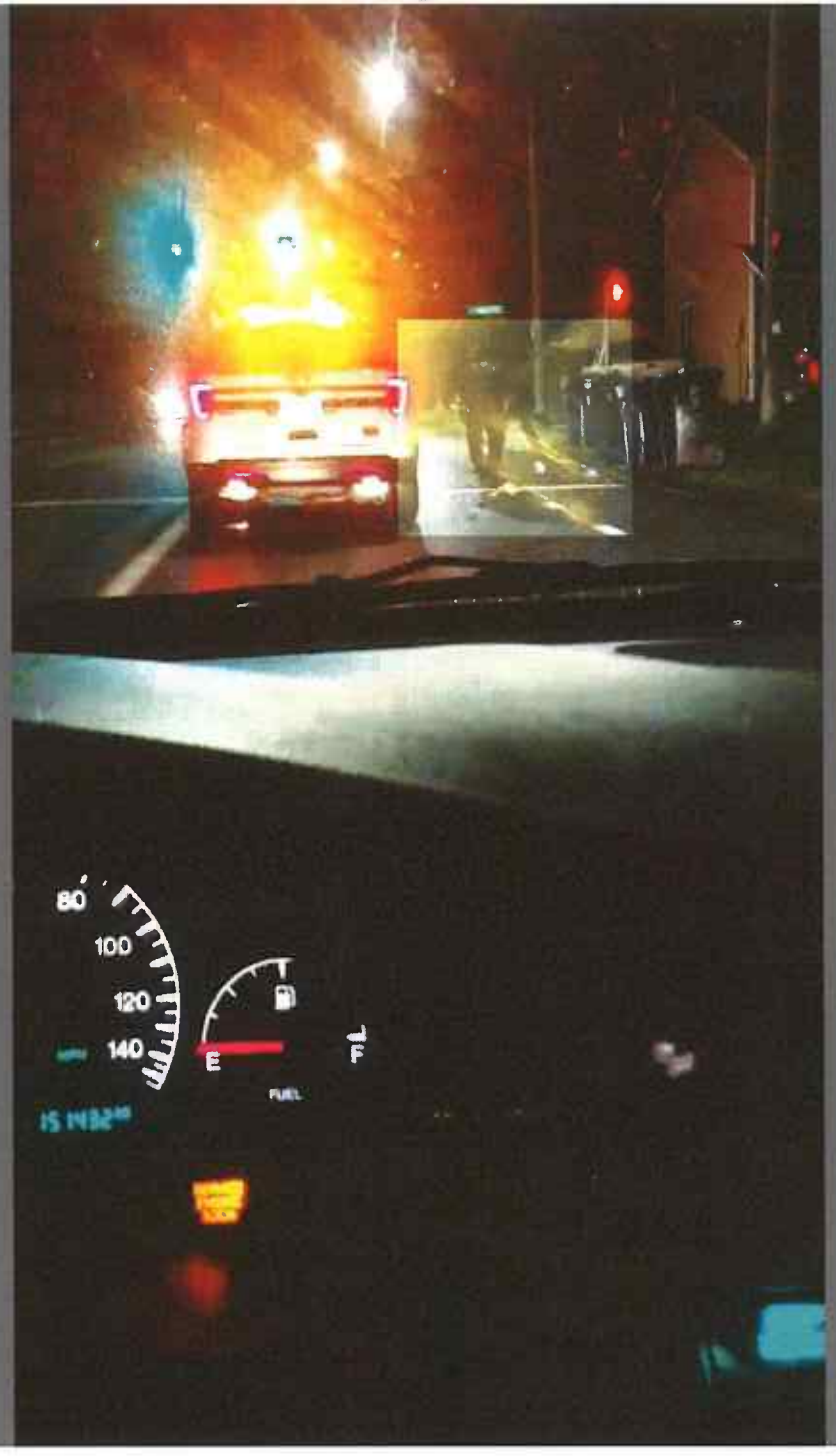
On 06-05-2020 Aiyana White was re-contacted and said she did in fact witness a portion of the incident.

On 06-07-2020 Ms. White provided a statement to investigators and also revealed that she took two cell phone videos. She provided PCSO copies of the videos.

Cell phone footage taken by Aiyana White, inside 1438 96th St S at the front window; 23:32:05 hours.

Cell phone footage taken by Aiyana White, inside 1438 96th St S at the side window; 23:45:02 hours.

Enhanced Video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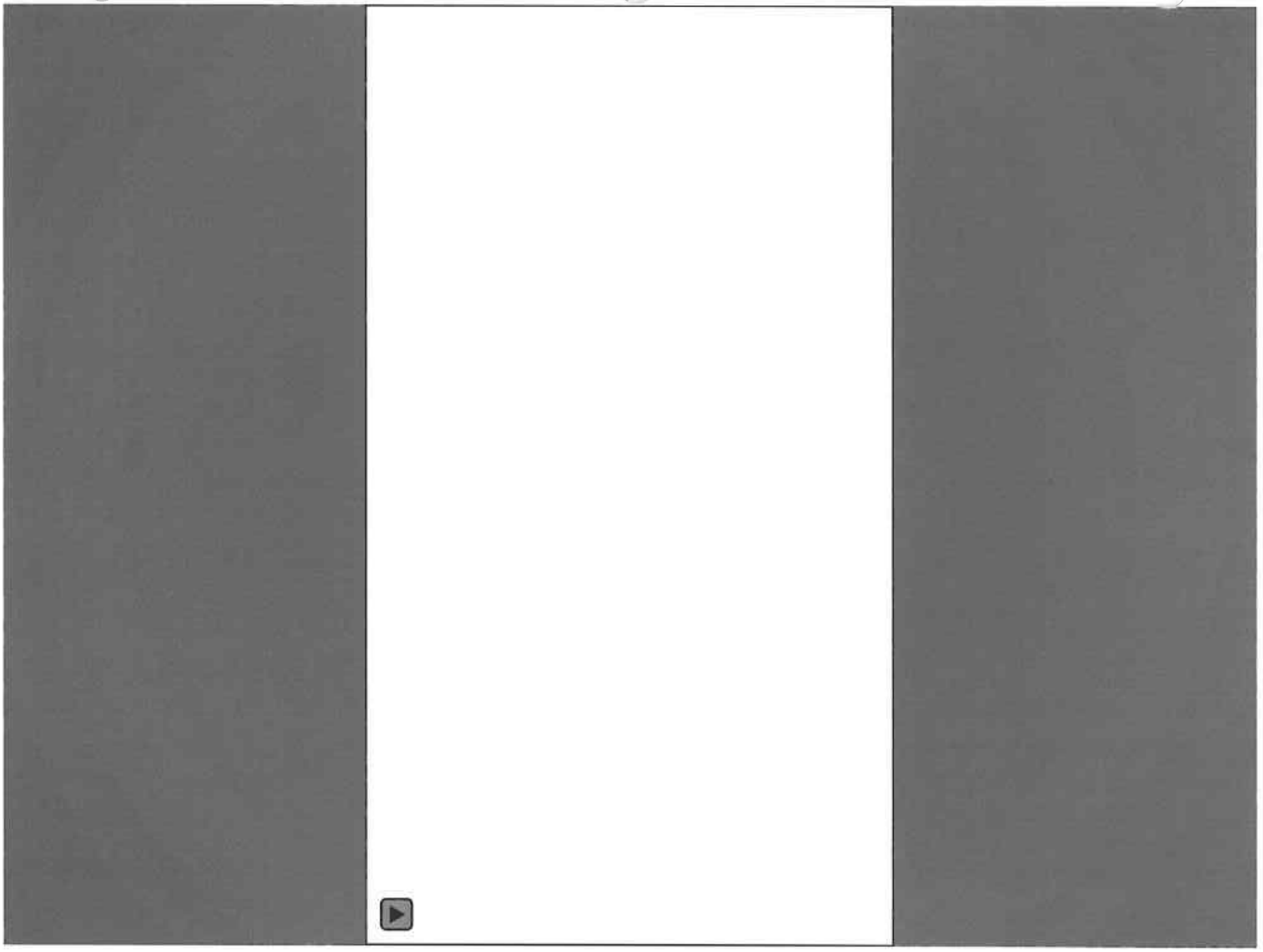

60
40
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160

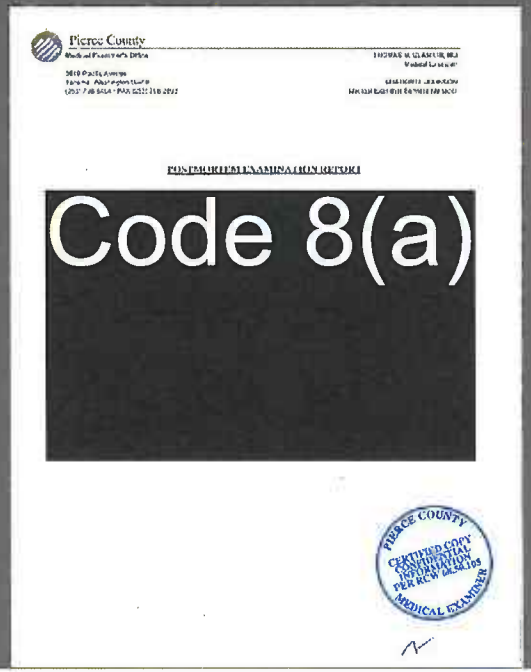
Autopsy

MEDICAL EXAMINER'S REPORT

Cause of Death: Hypoxia due to physical restraint

Other Significant Conditions: Methamphetamine intoxication, dilated cardiomyopathy

Manner of Death: Homicide


Pierce County

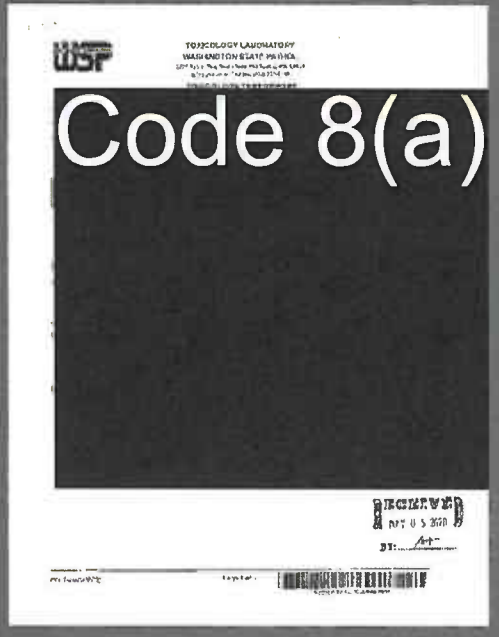
POST-MORTEM EXAMINATION REPORT

Code 8(a)

PIERCE COUNTY CERTIFIED COPY CONFIDENTIAL INFORMATION PER RCW 36.52.105 MEDICAL EXAMINER

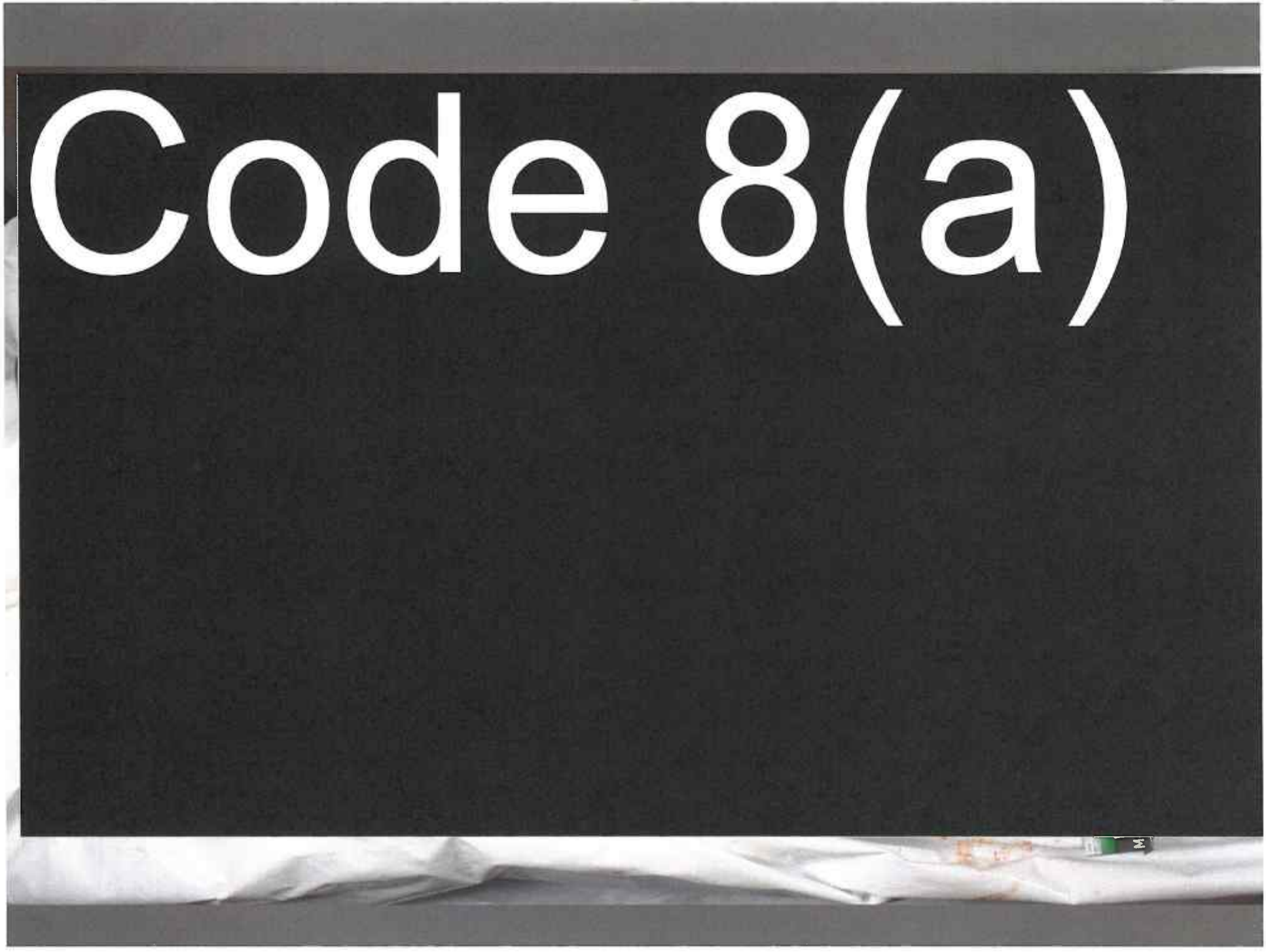
Toxicology Report

Ephedrine	19 ng/mL
Methamphetamine	2400 ng/mL
Amphetamine	54 ng/mL
Phenylpropanolamine (decongestant)	39 ng/ml



AUTOPSY Photos

The following photos were taken by the Medical Examiner's staff at the time of the post mortem examination. Be advised that some of the photos are graphic in nature. The photos are taken to record any visible external injuries on the body.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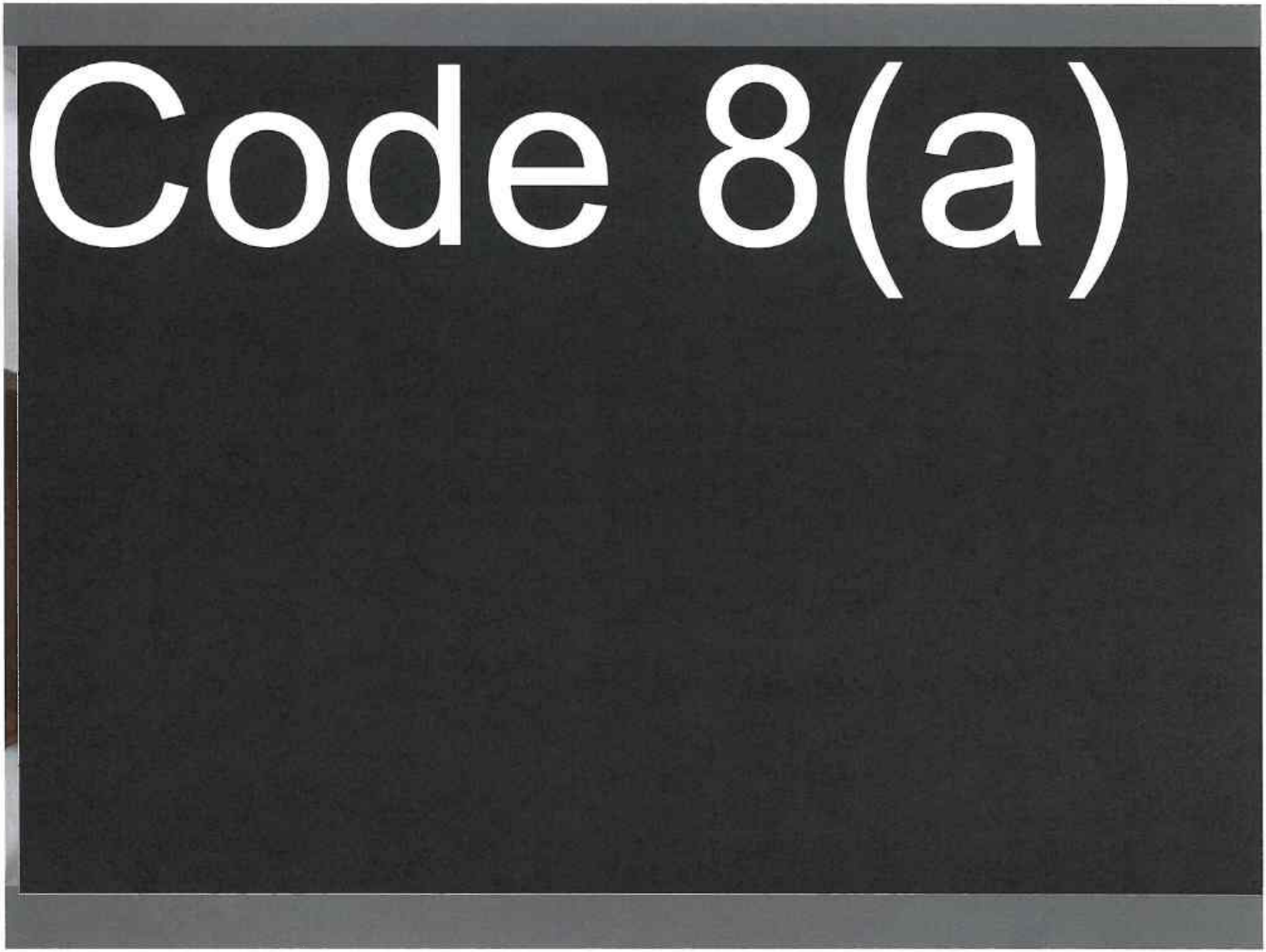
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Timeline

TIMELINE

Note: The following timeline is an overview with displayed times derived from several sources, such as CAD, police reports, radio traffic, Fire Department records, and videos.

23:21:53- Officer Collins mic clicks trying to transmit

23:21:56- Apparent movement near front of patrol vehicle on Vivint© video

23:22:03- (:26,:51) Officer Burbank's Taser deployed (times from Taser download data)

23:22:03- Female saying "Stop. Oh my God, stop hitting him… just arrest him…".

23:22:12- Pop sound on video (maybe Taser)

23:22:13- Officer Burbank calls out 96th/Ainsworth

23:22:30- Loud growl or grunt type sound is heard on video

TIMELINE

23:23:32- Male voice heard saying "I can't breath sir, I can't breath" on video

23:23:45- Male voice saying "Please sir" another male saying "Shut the fuck up man" on video

23:24:32- Officer Collins asks for hobbles. Officer Burbank grabbed hobbles.

23:24:38- Officers Rankine and Ford arrive assisted with hobbles. Side recovery position at some point then back to stomach

23:25:19- LT Messineo said he was detained

23:25:20- Sgt Lim transmits. Background echo "Can't breathe"

23:25:44- Sgt Lim asked for Fire

23:26:49 -Fire Advised (Fire records)

23:27:17- Officer Farinas arrived placed on spit mask

23:32:38- Sgt Lim asked for Fire ETA

TIMELINE

23:32:47- Sgt Lim upgraded Fire to priority when asked

23:34:41- As Fire arrived Officer Rankine could see him breathing moved him to his side. Pulse 80 BPM per Officer Rankine.

".....Pt now apneic with bradycardia which despite BVM/Airway management rapidly developed into cardiac arrest....."

2336- Fire upgrades due to excited delirium

23:36:53- Fire Bag Valve Mask

23:37:32- EKG

23:41:11- Manual CPR

23:45:16 - Intubation

00:12:30 - TOD Dr Ernst

00:46:54 - Body core temp 96.7 taken by Fire

Officer Statements

STATEMENT FROM

Officer Matthew Collins

#H031/209799

Officer Matthew Collins

- Officer Collins was riding double with Officer Burbank. Officer Collins was the driver on his marked Patrol SUV. They stopped for the red light 96th/Ainsworth. He noticed Mr. Ellis in the intersection with his back facing them. Mr. Ellis was working the handle of the passenger door of a vehicle which was trying to pass without hitting him.

- Officer Collins rolled down his window and said "Hey come over here what's going on". Mr. Ellis turned, jogged over and came "abnormally close to the car". Mr. Ellis' eyes were super wide and had sweat all over the top of his head. Mr. Ellis said something to the effect of he had warrants and they needed to talk.

- Officer Collins told Mr. Ellis to go sit on the curb and they would talk to him. He picked up the mic and was about to call out. He knew something was wrong when Mr. Ellis became fixated on Officer Burbank. Mr. Ellis was staring at Officer Burbank and was really close to the car. He heard Mr. Ellis tell Officer Burbank "I'm going to punch you in the face". Officer Burbank started to roll up the window. Mr. Ellis started punching the window and there was a struggle over the door.

- Officer Collins ran around to try and get control of Mr. Ellis. He intended to put Mr. Ellis into handcuffs. Mr. Ellis ran at him, grabbed him by his external vest carrier, lifted him up and threw him on his back in the street. He described Mr. Ellis as having superhuman strength. Collins weighed around 230 pounds with his gear on.

- Officer Collins described them being in a physical fight from this point on. …."it's just a melee". He grabbed him and tried to take him to the ground. At some point he ended up on top of Ellis.

Officer Matthew Collins

- Officer Collins described Mr. Ellis as swinging wildly, grabbing at him, "growling" and making "animal" noises.

- Officer Collins' strikes were having no effect. They were both on their sides. He attempted to get him in an "LVNR" [Lateral Vascular Neck Restraint]. His bicep was in the side of Mr. Ellis' face. Before he could apply it, Officer Burbank fired his taser. Officer Collins said that when he heard the taser, "it has that immediate neuromuscular incapacitation effect where the guy locks up."

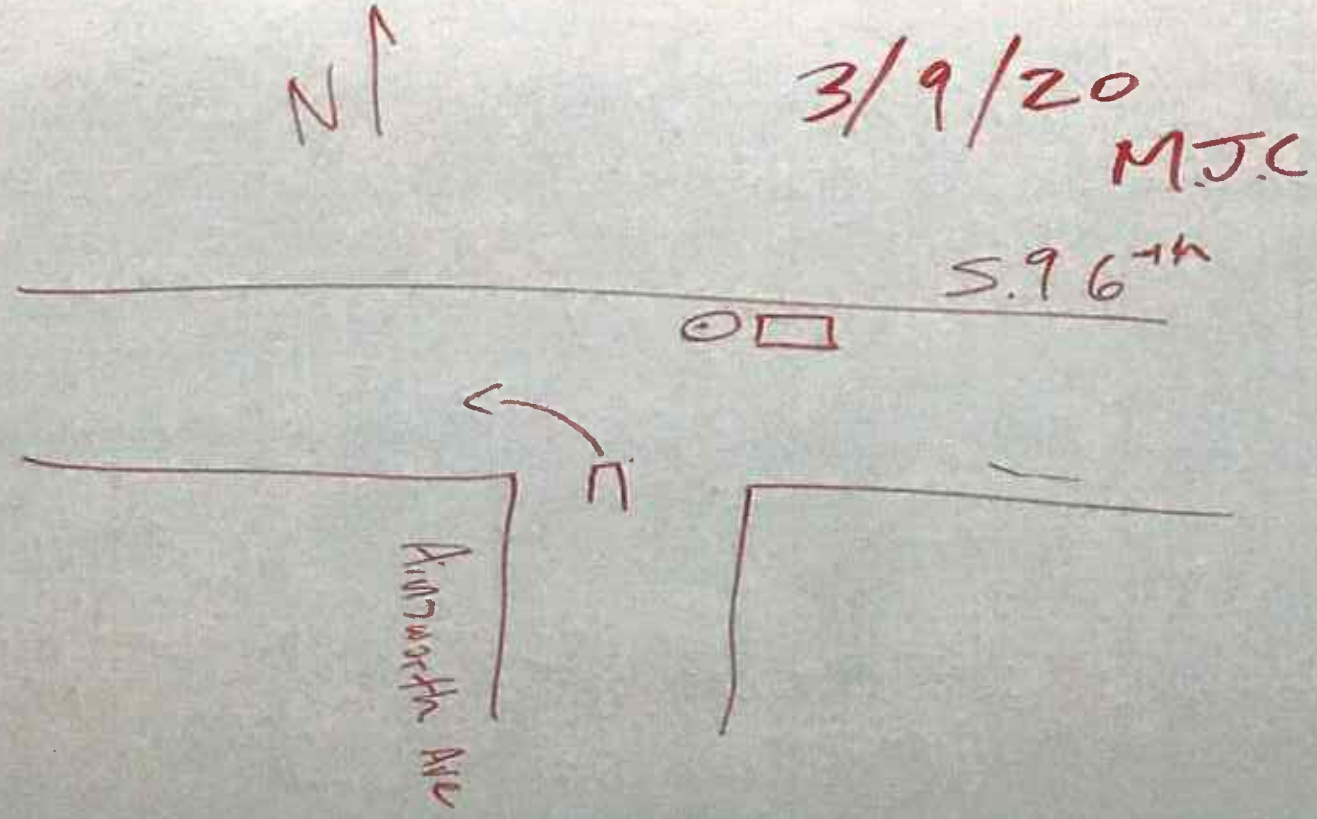
- The taser lost effect and Mr. Ellis started "growling" again. They were able to get him into handcuffs after another taser application. Once he was handcuffed, he started "growling" again and started lifting himself up. Mr. Ellis' legs are going underneath him. Officers Rankine and Ford arrived. He asked for hobble restraints a few times. Mr. Ellis was placed into the hobble restraints.

- Officer Collins said he was "pretty smoked". He described having lactic acid feeling in his forearms and his hands were locked up. He and Officer Burbank stepped back. At some point Officer Burbank said to put him in the recovery position. They put him on his side.

- Mr. Ellis was spitting at Officers and a spit mask was placed on him.

- Officer Collins thought this might be exited delirium due to his freakish strength and that he was not really speaking to them. The Fire Department arrived and CPR was started.

- Officer Collins talked about his right knee being swollen and covered in road rash and cuts. He has road rash and bruising on his elbows. He estimated the fight had gone on for 3-4 minutes.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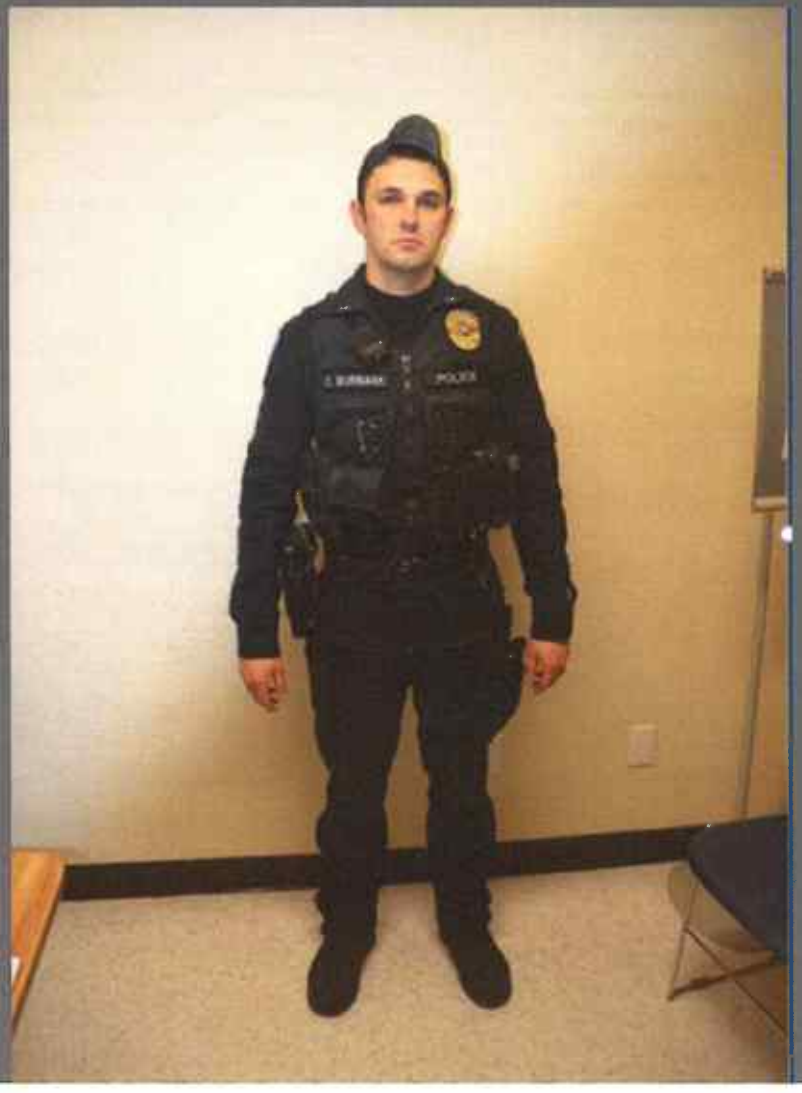
3/9/20
M.J.C
5.96th
Ainsworth Ave

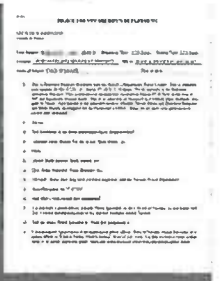
STATEMENT FROM

Officer Christopher Burbank

#236/210045



Officer Christopher Burbank



- Officer Burbank was the passenger in Officer Collin's vehicle. Observed Mr. Ellis in the intersection block a vehicle by waving his hands. He noticed Mr. Ellis had a jug of water and other items in his hands. Mr. Ellis looked like he was trying to get in the vehicle.

- Mr. Ellis appeared to fixate on their patrol vehicle. Mr. Ellis ran over to Officer Collin's side first. Officer Burbank noticed Mr. Ellis was extremely sweaty and described him as hyper vigilant. Mr. Ellis told them he was having a bad day, needed help and had warrants.

- Mr. Ellis came to the passenger door and seemed agitated. Officer Burbank rolled his window halfway down. Mr. Ellis said he was hot and needed help. Mr. Ellis said "instead I might just punch you in the fuckin' face." He rolled up the window and Mr. Ellis punched the window 2-3 times as hard as he could like he was trying to break the window. Mr. Ellis reached for the door handle and he locked the door.

- Officer Collins exited the vehicle. Mr. Ellis focused on Officer Collins with a fighting stance clinched fists and squared up to him. Officer Burbank tried to divert Mr. Ellis' attention by hitting him with the car door. He got out and noticed Officer Collins was in some type of contact with Mr. Ellis.

- Mr. Ellis and Officer Collins were on the ground. Mr. Ellis was swinging both fists very wildly at Officer Collins and kicking him. Officer Burbank described Mr. Ellis as hitting any target he could. He started delivering strikes to Mr. Ellis' body. He described Mr. Ellis as very strong and was able push Officer Collins off of him.

Officer Christopher Burbank

- Mr. Ellis did not have any pain compliance. Officer Burbank created distance from Mr. Ellis 10-15ft. Mr. Ellis sprinted at him screaming and "growling" flailing both fists. He tried to defend himself. Mr. Ellis collided with him and they went to the ground. Officer Burbank got hit in the mouth.

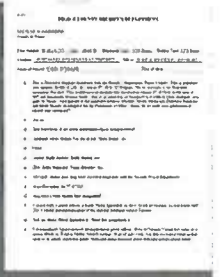
- When Officer Burbank got back up he saw Mr. Ellis on the ground on his back. Officer Collins was pinning his upper body down and delivering strikes with his closed right fist or right elbow to Mr. Ellis' face. It did not look like the strikes were effective. Officer Burbank tried to assist by pinning him down and grabbing his legs. Officer Burbank could hear a female screaming.

- Officer Collins was trying to put on the lateral vascular neck restraint. Nothing was effective. Officer Burbank fired his taser at Mr. Ellis' torso and he locked up. After the 5 second cycle, Mr. Ellis started to get up. He fired the taser a second time for 5 seconds. Mr. Ellis continued to struggle after the cycle.

- Officer Burbank described Mr. Ellis almost doing pushups with them on his back. Mr. Ellis was still "growling" and yelling. Officer Burbank fired his taser a third time for a 5 second cycle. It was effective but his strength came back. He thought he delivered a fourth 5 second cycle. They were able to place him into handcuffs.

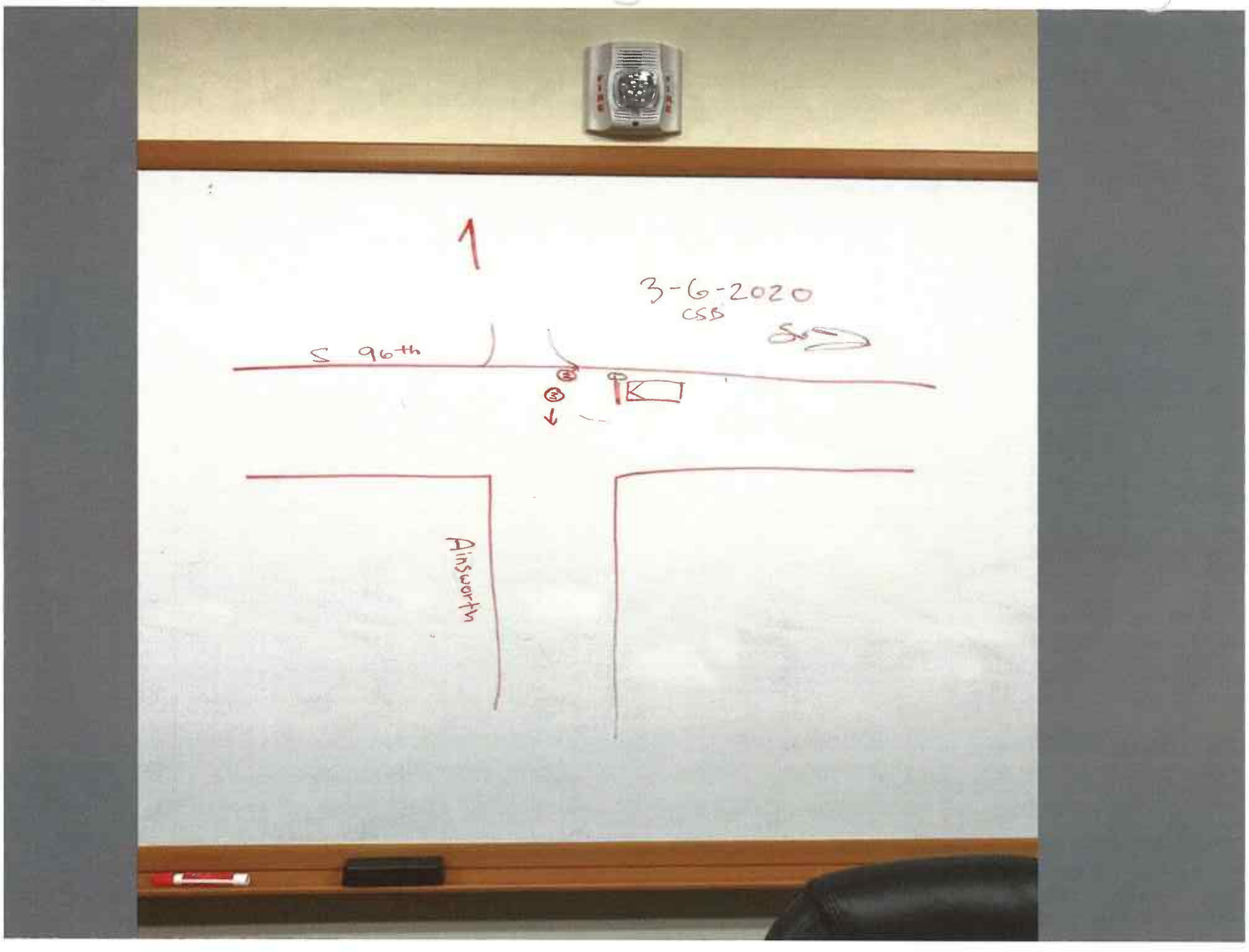
- Mr. Ellis continued to roll and kind of buck Officer Collins and him off. They were on top of him and trying to pin him to the ground. Officer Burbank described being exhausted. As other Officers arrived Mr. Ellis was still "growling" and screaming. He grabbed the hobble restraint from their vehicle and put Mr. Ellis' feet in the restraint.

Officer Christopher Burbank



- Officer Burbank estimated the entire confrontation lasted 2 to 3 minutes. He saw Mr. Ellis try to spit at officers. Someone asked about a spit sock. Another officer placed the spit sock on Mr. Ellis. Other Officers rolled Mr. Ellis to his right side.

- The Fire Department arrived and he helped remove the hobble restraint. Officer Burbank said Mr. Ellis looked calm and was staring off blinking his eyes.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STATEMENT FROM

Officer Timothy Rankine

#088/#212401

Officer Timothy Rankine

- Officer Rankine was riding double with Officer Ford in his marked Patrol sedan. He remembered hearing mic clicks and dispatch asking H-317 if he had traffic. He thought he heard rustling and heavy breathing over the radio.

- Officer Rankine noticed the back amber lights were on Officer Collin's vehicle. He noticed three people in front of Officer Collin's vehicle. He noticed Mr. Ellis was on his stomach. Officer Burbank was on his upper torso with both hands on his upper body. Officer Collins was trying to secure both of his legs.

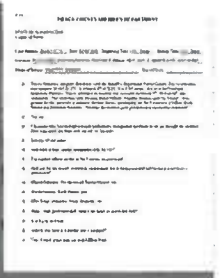
- Officer Rankine described Mr. Ellis throwing Officers Collins and Burbank around like rag dolls. Officer Collins asked for their hobble restraints. He assisted Officer Ford in securing Mr. Ellis' right leg. Mr. Ellis was bucking and kicking pretty violently.

- Officer Rankine noticed Officer Burbank get tossed off of Mr. Ellis. He described Mr. Ellis making "strange animal grunting noises". Mr. Ellis was pulling all four of them across the roadway.

- Officer Rankine heard Mr. Ellis say "I can't breathe, I can't breathe" in a calm voice. Mr. Ellis violently thrashed around almost bucking him off. The hobble restraints were placed on Mr. Ellis.

- They rolled Mr. Ellis to his side. Officer Rankine removed the probes/taser wires from Mr. Ellis.

Officer Timothy Rankine



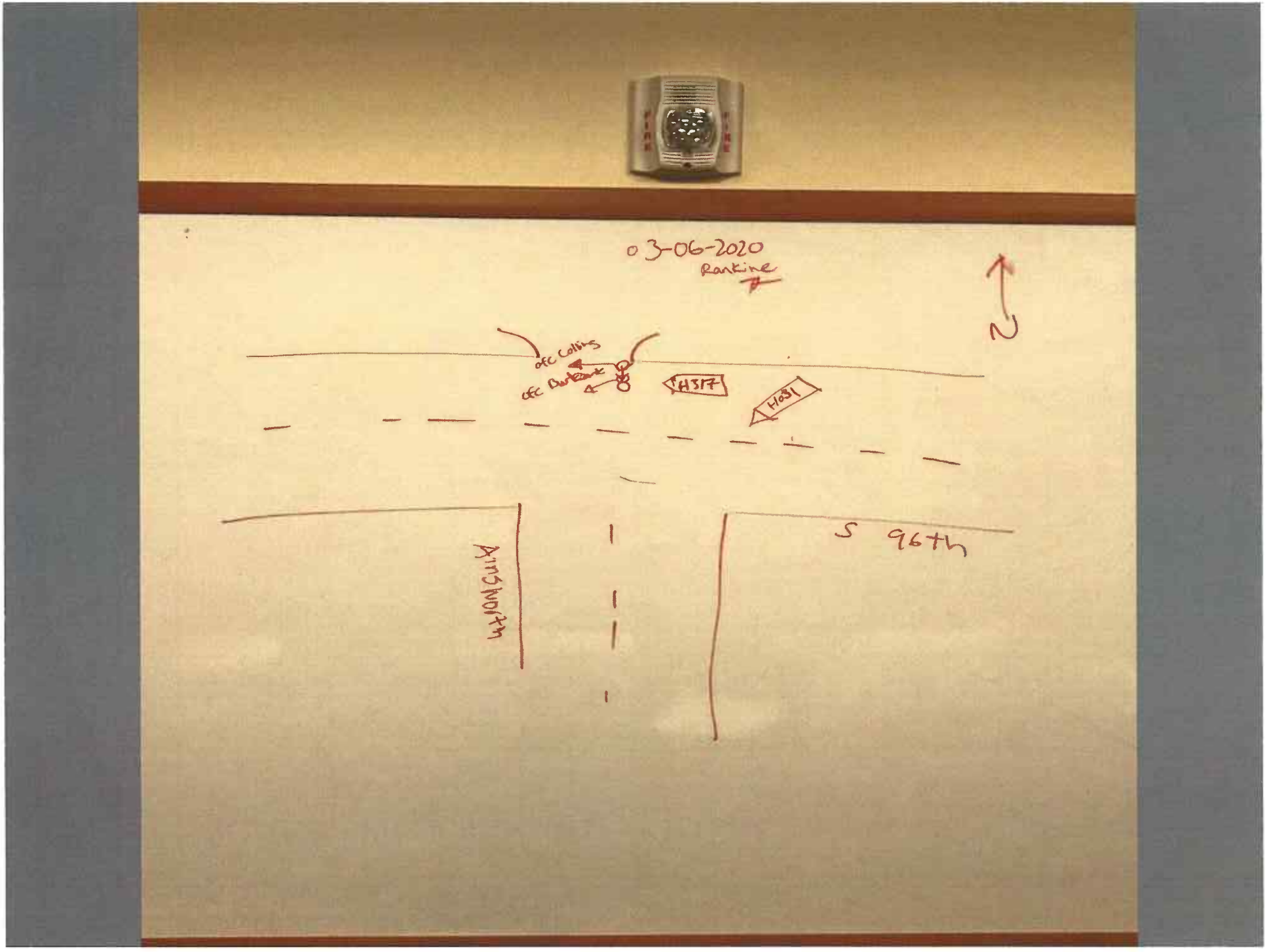
- Officer Rankine described Mr. Ellis having minor cuts to his face and his knuckles were bloody. They rolled Mr. Ellis back onto his stomach. Mr. Ellis was sweating profusely.

- Mr. Ellis was not thrashing as much anymore. Officer Rankine noticed Mr. Ellis' breathing was still the same and he could see his chest rise/fall. Officer Rankine rolled Mr. Ellis back to his side.

- Officer Rankine checked Mr. Ellis' pulse on his neck and it was 80 bpm. He checked it again a few minutes later. The Fire Department arrived and began to treat Mr. Ellis. Officer Rankine helped remove the handcuffs and hobble restraint from Mr. Ellis.

- Mr. Ellis' eyes were wide open and he was still breathing on his own. A short time later they started CPR on Mr. Ellis.

- Officer Rankine had a lot of training and background in first aid including Tactical Combat Casualty Care.


03-06-2020
Rankine
N
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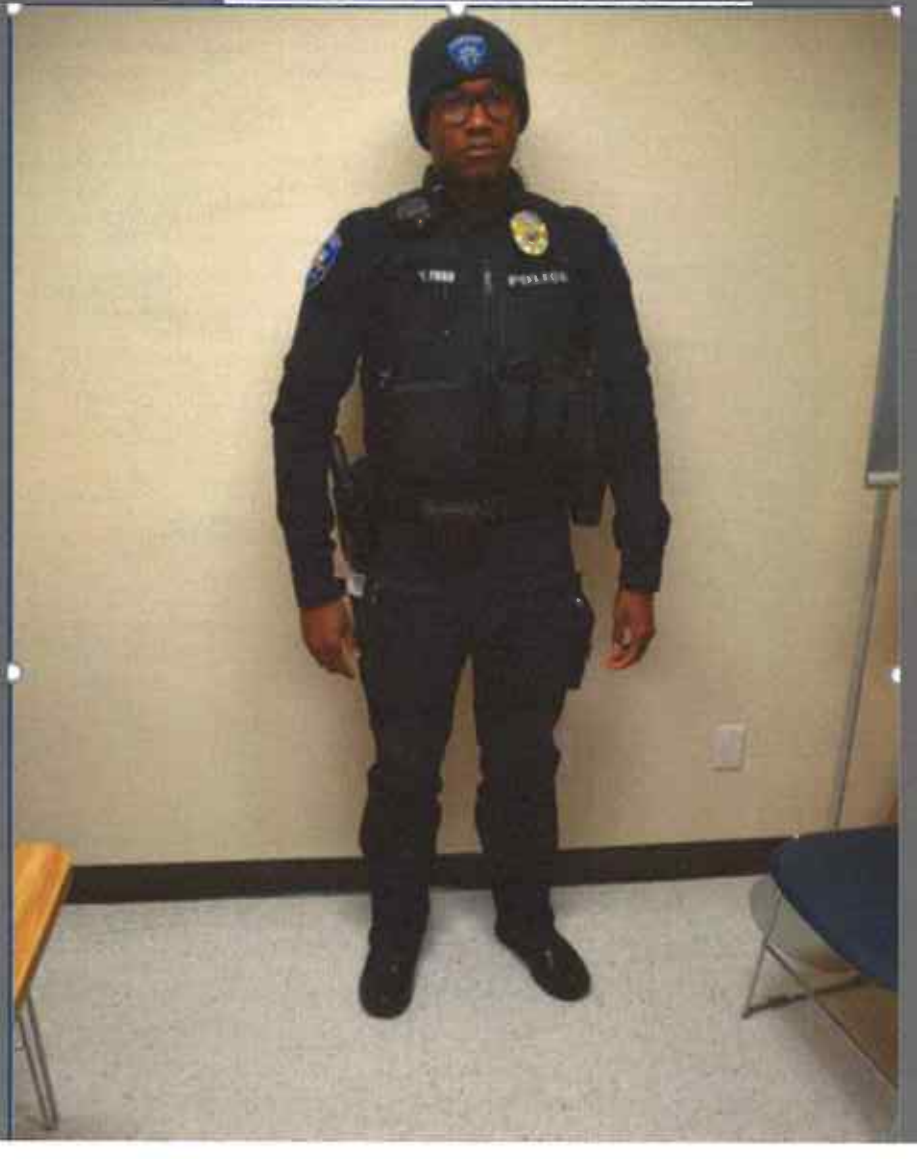
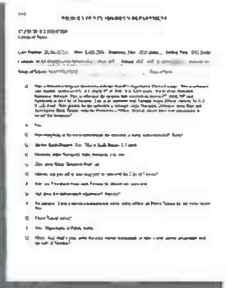
STATEMENT FROM

Officer Masyih Ford

#H031/#211954



Officer Masyih Ford



- Passenger in Officer Rankine's vehicle. Officer Ford heard Mic clicks and then Deputy Burbank scream their location. As he arrived he could see Officer Collins and Officer Burbank fighting with Mr. Ellis.

- Officer Ford noticed Officer Burbank on Mr. Ellis' back and Officer Collins had his legs. Mr. Ellis was pushing them off. He noticed Mr. Ellis was handcuffed. He took control of one of his feet.

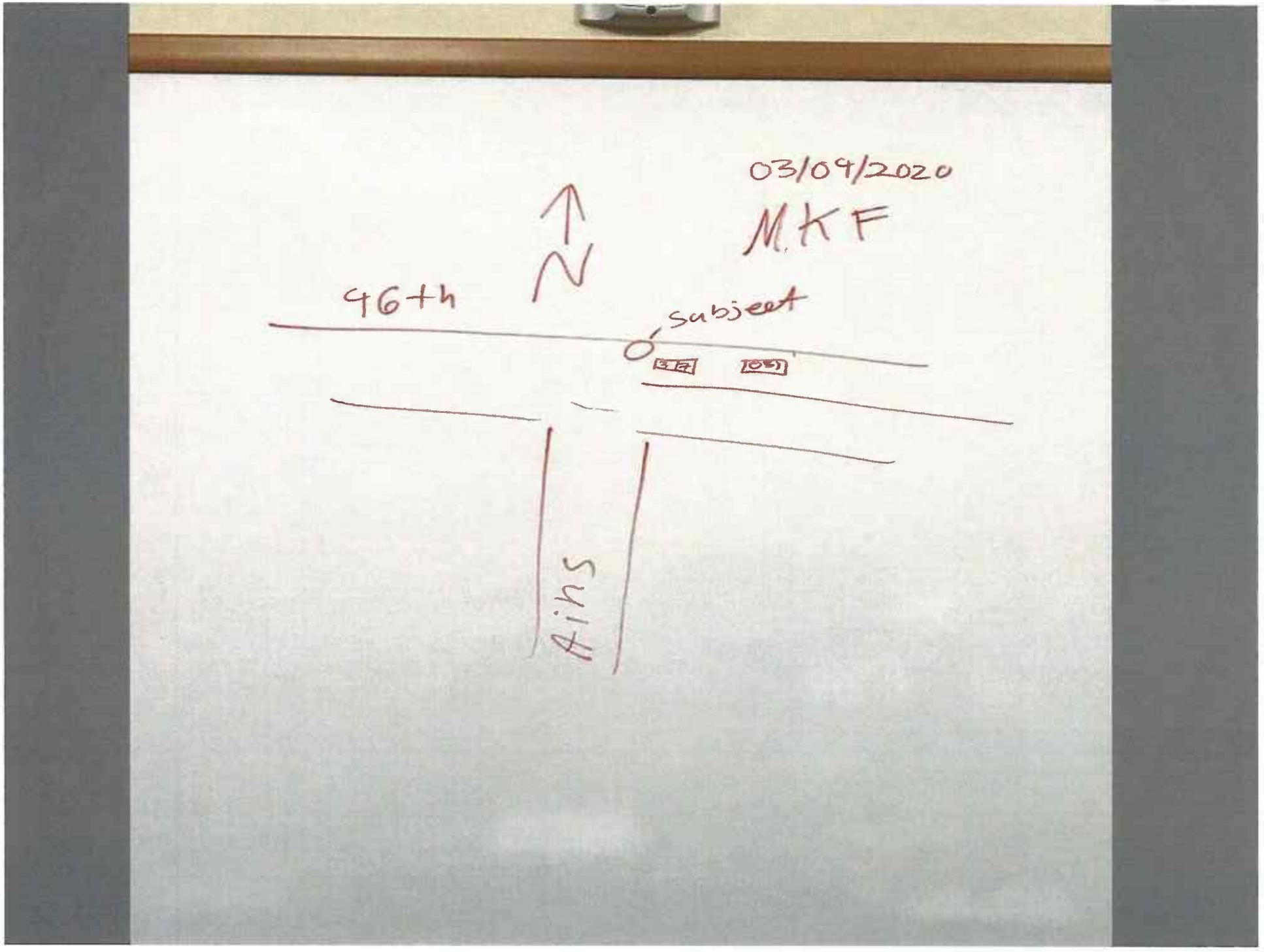
- Officer Ford described Mr. Ellis as screaming incoherently. He told him to relax that he was going to be okay. Mr. Ellis was thrashing around.

- Other Officers arrived and Mr. Ellis was placed in the hobble restraint. He told Mr. Ellis again to relax that he was going to be okay. The Fire Department was advised to respond. Mr. Ellis was screaming incoherently. Mr. Ellis said in a calm voice that he could not breath.

- They rolled Mr. Ellis to his side. Officer Ford described Mr. Ellis looking through him. The taser probes were removed and placed into a plastic bag. He noticed Mr. Ellis was not responsive. He asked Officer Rankine if Mr. Ellis was warm. Officer Rankine said he was burning up and checked his pulse which was low. He recognized this as possibly exited delirium. He told the Fire Department about exited delirium when they arrived.

- Officer Ford talked about the excited delirium training that he had in the past.

- Officer Ford described Officers Collins and Burbank as looking exhausted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Witness Statements

Det/Sgt Sanders (summary)
WITNESS STATEMENT

- Det/Sgt Sanders heard TPD was fighting with one. There were four TPD Officer's engaging with Mr. Ellis as he arrived. TPD just got the second handcuff on Mr. Ellis. They were asking for a hobble restraint. He helped get one of Mr. Ellis' feet into the restraint. He observed after that point.

- Det/Sgt Sanders described Mr. Ellis making a "grunting… animal noise". He thought it looked like excited delirium. Mr. Ellis made loud "grunts" and tried to get up a couple times.

- Mr. Ellis was spitting and TPD placed the spit mask on him. TPD called for the Fire Department once he was in hobble restraints.

- Det/Sgt Sanders heard TPD Officers giving commands such as stop resisting and put your hands behind your back.

- Mr. Ellis was rolled to his side and they waited for the Fire Department.

- Det/Sgt Sanders described one of the TPD Officers checking Mr. Ellis' pulse and that it was calm. Mr. Ellis was quiet with a 1,000 yard stare.

- Fire arrived and treated Mr. Ellis.

- Det/Sgt Sanders could see Mr. Ellis' full face through the spit mask mesh. It had been removed when Fire arrived.

Lt Messineo (summary)
WITNESS STATEMENT

- Lt Messineo noticed two TPD Officers holding down Mr. Ellis. He was thrashing around making "animalistic noises and grunts".

- A TPD Officer grabbed a hobble restraint. Mr. Ellis was thrashing around and kicking his legs. Four TPD Officers were now controlling Mr. Ellis. There was nothing for him to do.

- Mr. Ellis was thrashing his feet, legs and torso. Lt Messineo did not observe any strikes.

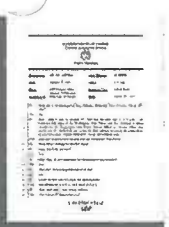
- Once the hobble restraint was on Mr. Ellis stopped moving. The "animal" noises stopped but he began "grunting". Lt Messineo talked about the spit mask.

- Lt Messineo described Mr. Ellis as having agonal breathing.

- TPD called for medical aid. Mr. Ellis was put into the recovery position. Lt Messineo noticed Mr. Ellis was breathing with his eyes open. He thought it was around 10 minutes before the Fire Department arrived.

- Lt Messineo had heard commands from the TPD Officers during the incident including give me your hands and stop fighting.

Sara McDowell (summary)
WITNESS STATEMENT



- Sara McDowell was going to her sister's house, when she observed Manny (Ellis) walking.
- McDowell was being followed by the father of her children, Keyon Lowery.
- McDowell believed Ellis and the officers were having a normal conversation, then Ellis walked away.
- McDowell could not hear the conversation because the music was turned up in her vehicle.
- As Ellis was walking away, the officer in the passenger seat (Burbank) opened his door "hard" and Ellis was knocked to the ground.
- The passenger officer then jumped on Ellis and began punching him.
- The driver officer (Collins) exited the vehicle and ran around the car.
- McDowell began screaming something to the effect, "Whatever he did, just arrest him."
- McDowell heard an officer say something to the effect of, "Put your hands behind your back or I'm going to do it again."

Sara McDowell (summary)
WITNESS STATEMENT

- McDowell left the scene, dropped her daughters off, then returned. On her return, she was told by an officer directing traffic to, "Go around."

- McDowell did not know Mr. Ellis or the involved officers.

- McDowell indicated she started recording video 30-40 seconds after she observed Mr. Ellis and the officers.

- Mr. Ellis did not appear as if he was fighting back.

- McDowell stated that Mr. Ellis asked her to, "Help him."

- McDowell did not share her video initially, but did when what she read online was different than what she saw.

Keyon Lowery (summary)
WITNESS STATEMENT

- Keyon Lowery was following the mother of his children, Sara McDowell, at the time of the incident.

- Lowery observed Mr. Ellis walking toward the patrol car.

- As Mr. Ellis turned away, the passenger door of the patrol car opened fast, striking Mr. Ellis, knocking him to the ground.

- The passenger officer (Burbank) then got out of the car and jumped on Mr. Ellis.

- Lowery then exited his vehicle and yelled at the officers, "Y'all in the wrong right now."

- Mr. Ellis did not appear to be defending himself.

- Lowery did not hear anything said between Mr. Ellis and the officers. It appeared they were just having a peaceful conversation.

Keyon Lowery (summary)
WITNESS STATEMENT

- Lowery indicated that he did not know Mr. Ellis or the involved officers.
- Lowery indicated that he did not watch the McDowell or other videos.
- The officers and Mr. Ellis spoke for approximately 45 seconds before Mr. Ellis walked away and was struck by the patrol car door.
- Lowery and McDowell returned to the scene and took a short video as they slowly drove by.
- Lowery observed the driving officer (Collins) come around the front of the patrol vehicle with a Taser in his hand.
- Lowery did not hear the Taser deployed.

Samuel Seth Cowden (summary)
WITNESS STATEMENT

- Seth Cowden was delivering Domino's pizza at the time of the incident.
- Cowden observed the passenger door of the patrol vehicle strike Mr. Ellis and knock him to the ground.
- Cowden then started recording video.
- Cowen has never met Mr. Ellis or the involved officers.
- Cowden observed the officers exit the patrol vehicle and begin "brawling" with Mr. Ellis.
- Cowden could only hear screaming between the officers and Mr. Ellis.
- Cowden observed an officer with a Taser.
- The officer deployed the Taser against Mr. Ellis.

Samuel Seth Cowden (summary)
WITNESS STATEMENT

- Cowden heard Mr. Ellis yelling and raising his hands up.
- Cowden stated Mr. Ellis was unconscious after being choked.
- Mr. Ellis was not moving.
- Cowden passed the scene on another delivery but the road was blocked off.
- Cowden posted his video to his Reddit video account.
- Cowden conducted a video interview with Mr. Bible regarding the incident.
- Cowden observed the officers throwing punches at Mr. Ellis.
- Cowden attempted sending his video to FOX news.

Shad Hayes (summary)
WITNESS STATEMENT

- Mr. Hayes heard yelling and saw flashing lights in his bedroom window. He came outside and noticed a patrol vehicle with it's lights on. He observed two Officers trying to subdue Mr. Ellis.

- Mr. Hayes said …"I saw two Officers tryin' to subdue this individual and they were havin' problems subduing him because he was, I don't know it he was drunk or high on drugs or whatever, but he was, but he was throwin' 'em around pretty good. And I yelled at 'em and asked if they need help and they said no, they think we've got it. But while they were tryin' to subdue him there was traffic and stuff goin' by so I stood right down here and directed traffic until I heard the back, 'til I heard their backup".

- Mr. Hayes observed one Officer on the ground trying to get Mr. Ellis' hands behind his back and the other Officer was trying to subdue him from the top. He said Mr. Ellis was trying to get up and move around.

- Mr. Hayes described the subject as not complying and laying face down. He said it looked like he was trying to get away. He described Mr. Ellis as yelling. He heard one of the Officers tell him to comply. He said they finally got Mr. Ellis completely subdued after two other Officers arrived.

- Mr. Hayes described Mr. Ellis laying face down the whole time. He mentioned that Mr. Ellis looked like he was a bit bigger than they were. He was not sure how long the Officers struggled with Mr. Ellis.

Aiyana White (summary)
WITNESS STATEMENT

- Ms. White was awake but trying to get to sleep when she was alerted to yelling outside.
- Ms. White looked out a window and saw Mr. Ellis Ellis in contact with police officers.
- Ms. White saw police take Mr. Ellis to the ground and also saw police punching him.
- Ms. White heard someone yell, saying to stop.
- Mr. Ellis was twisting his torso in an attempt to get away, but Ms. White said she did not see him attempt to strike the officers.
- Ms. White heard the discharge sound of a Taser (Conducted Electricity Weapon) 5-6 times.
- Ms. White noted hearing Mr. Ellis say that he could not breathe 3-4 times after he had gone to the ground.
- Ms. White woke her husband James Mallang. Her brother, Kennett Ashford White also came down from his bedroom.
- Ms. White said she was unable to see clearly after that. Other officers had arrived and formed a blockade around Mr. Ellis that prevented a clear view. Ms. White did not see resuscitation efforts made by police officers but did see fire department personnel attempting CPR.

Aiyana White (summary)
WITNESS STATEMENT

- Ms. White took two cellular videos. The first was after the officers formed the blockade. The second was after the fire department took over. Ms. White allowed copies to be made of the videos.

- Ms. White confirmed that a TPD Officer came to their house and asked them if they had seen the start of the incident. They all said no. She said she did not tell the officer about her cellular phone video because she assumed the officers had body cameras or in-car cameras that would be sufficient. She did tell the officer about the Vivint security footage.

Kennett Ashford White (summary)
WITNESS STATEMENT

- Kennett White lived at 1438 96th St. S, the same residence that provided the Vivint security video.
- Was awake on the third floor of the house on 03/03/2020, heard noise outside.
- Kennett saw the patrol car in the intersection, could not see the activity in front due to a utility pole, heard a woman yell - stop hitting him and just arrest him, from a brown car that was present.
- Kennett moved downstairs and looked out a window. He saw two police officers force Mr. Ellis from his knees to the ground. One officer was on each side of him. Mr. Ellis was able to manhandle them and they were not able to handcuff him at that time. He remembered hearing a Taser discharge 3-4 times during the struggle.
- Mr. Ellis was restrained when a third and fourth officer arrived. He remembered 12 police vehicles eventually arriving.

Kennett Ashford White (summary)
WITNESS STATEMENT

- Kennett saw a police officer performing CPR (chest compressions) on Mr. Ellis. The officer was relieved by fire department personnel. He thought there was at least 15 minutes of CPR performed.

- Kennett checked the Vivint security camera footage. He noted that it did not start until recording was triggered most likely by the arrival of the brown car.

- The third officer that arrived at the incident contacted him at his house. He told the officer he had not seen the start of the incident and offered to show him the Vivint security footage.

- Kennett confirmed that he did not make any recording of the incident with his cellular phone.

Cedric Armstrong/Kimberly Mayes (summary)

WITNESS STATEMENTS

- Mr. Armstrong and Ms. Mayes had known Mr. Ellis for 4 months. He stayed in their transitional housing and had been going to Pierce County Alliance. Mr. Ellis had clean UA's. They had a church revival that night until 9:30 p.m.

- Mr. Armstrong and Ms. Mayes described Mr. Ellis as a great client, role model, did his chores, kept his room clean and played drums at church. They said Mr. Ellis was overjoyed, happy and peaceful.

- They talked about Mr. Ellis taking medication that made him sleepwalk. It made him restless and he would walk to the store for snacks. They heard from PC Alliance he took it for Schizophrenia.

- Mr. Ellis was last seen with his roommate Mendel Everson the night of the incident. (Mendel later said he was not with him during incident). They talked about Mr. Everson relapsing for a 3rd time and used Meth in the past.

- Mr. Armstrong and Ms. Mayes talked about some of the police tactics, the press release and Mr. Ellis saying that he could not breath on the video.

- Mr. Armstrong and Ms. Mayes confirmed that he used Meth in the past. Mr. Ellis wanted to focus on his recovery. He had volunteered to go to PC Alliance. He had job opportunities and everything was great.

- Mr. Armstrong and Ms. Mayes talked about Mr. Ellis being a changed person.

Kimberly Lux (summary)
WITNESS STATEMENT

- Ms. Lux met Mr. Ellis 5 to 10 years ago via a mutual friend.
- Described Mr. Ellis as always happy, friendly, and respectful.
- Ms. Lux never knew Mr. Ellis to have conflict with anyone. She said he was more quiet when he was using methamphetamine.
- Ms. Lux saw Mr. Ellis off and on in social settings.
- Ms. Lux knew that he played drums at church.
- Ms. Lux did not see Mr. Ellis for several years but then encountered him again at group therapy at the Pierce County Alliance, starting about 6 months ago.
- Ms. Lux said she did not believe what she had heard, that Ellis was banging on a car but said no one is in full control when they are using.
- Ms. Lux was unaware of Mr. Ellis relapsing since starting at group.
- Ms. Lux said Mr. Ellis seemed genuinely trying in treatment.

Paramedic Nicholas Wilson (summary)
WITNESS STATEMENT

- Wilson was the first arriving paramedic, and he assumed primary care for Ellis.

- Wilson observed several police officers on scene. He observed Ellis was lying on the ground and he noted that Ellis had a deteriorating respiratory drive, and his pulse was weak and slow.

- Wilson noted that Ellis, was restrained with handcuffs, ankle restraint, and a spit hood. These were immediately removed upon request and he began to render care

- While he was rendering aid he noted that Ellis was in a bradycardic heart rhythm which was slowing.

- Once Ellis was put on a monitor Wilson noted that Ellis' heart was not mechanically doing its job, Wilson made the call to begin CPR.

- CPR was continued for roughly 40 minutes before the decision was made (in consultation with a Doctor at Madigan) to discontinue efforts.

- Wilson returned to the scene later and obtained an axillary body temperature. A core temperature was requested, but that exceeded their scope.

Misc.

Note: all information below was self reported by Mr. Ellis to Pierce County Alliance, except for the drug screening results.

General Notes (Pierce County Alliance files starts on 11/14/19)
Sea Mar rehab completed 07/14/19,
Relapse on meth on 09/29/19
Jail for 30 days, out on 10/30/19
Hit on the back of the head during fight at KFC, got TBI
Running down Pacific Av. naked and then arrested
"The only thing that kept me from getting shot by police was that I was naked and obviously not in my right mind." Relapse on 12/26/19

Previous Diagnoses
Depression - 2007
Bipolar Type II - 2019
ADHD - 2000
PTSD - 2019
Schizo-affective disorder - 2019

Medications
Seroquel as a sleep aid and for bipolar disorder, makes him feel "like a robot" "foggy"

Drug History
Methamphetamine since he was 18, regular use since age 24, denied having a tolerance or withdrawal issues, peak use .5 grams/day
Cannabis since age 13, regular use since age 17
On 02/28/20, it is noted that he has not used methamphetamine and marijuana since 12/26/19
Drug screenings collected on 11/14/19, 11/22/19, 12/17/19 are all negative

Excerpt from a police report that appears to be the incident referenced by Mr. Ellis in the General Notes section of the Pierce County Alliance records.

19-264-01918 Robbery 1 (Sep 19') "……I saw Manuel laying face-down in the road, facing south (head towards us), he was naked, and he was bleeding from the head. Deputy Wolf and I gave Manuel multiple commands to stay on the ground and keep his hands out away from his body. He kept looking around rapidly, moving around, and pushing himself up as if he was going to start running. He jumped up a couple of times and we continued to give him commands to stay on the ground……..At that moment he rapidly sprung up and charged right at us. I called out, "Taser, Taser," and I fire the probes into his torso." He immediately fell to the ground, but just as quick as he fell, he was getting back up to continue his charge. Since the first application appeared to have an effect, I decided to administer another application. During the neuro muscular incapacitation of the second application he was detained in handcuffs." Admitted to Meth/Marijuana use.

Questions?

Thank You

Lieutenant Daniel Richmond
Washington State Patrol
360-754-2954
daniel.richmond@wsp.wa.gov

Detective Sergeant Michael Marken
Washington State Patrol
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Detective Jeffrey Rhue
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Detective Robert Schroeder
Washington State Patrol
509-925-2698
robert.schroeder@wsp.wa.gov

TAB 31

WASHINGTON STATE PATROL
CRIMINAL INVESTIGATION DIVISION
CASE SUMMARY

File Title	Detective	Case Number
Death Investigation	J.N Rhue	20-009681

Subjects

Other Case Number

(D) Ellis, Manuel E. — PCSD 20-063-02251

(O) Burbank, Chris – TPD

(O) Collins, Matthew – TPD

(O) Ford, Masyih – TPD

(O) Rankine, Timothy - TPD

Synopsis

On Tuesday March 3rd, 2020 at approximately 11:20 p.m., Tacoma Police Department Officers Matthew Collins and Chris Burbank were on duty and patrolling as a two-person car. At the intersection of 96th Street South and Ainsworth Avenue South they encountered Manuel Ellis (33), a pedestrian. During the contact, a fight between the officers and Ellis occurred before they attempted to take Ellis into custody. Additional officers responded to the scene, including Tacoma Police Department Officers Masyih Ford and Timothy Rankine. Ellis was handcuffed behind the back and later placed in a hobble restraint. A spit sock hood was also placed on Ellis. Tacoma Fire/EMS were immediately called to the scene. Shortly after Fire/EMS arrival, Ellis went into respiratory arrest soon followed by cardiac arrest. Despite resuscitative efforts, Ellis died at the scene. The Medical Examiner's report indicates Ellis' cause of death was "Hypoxia due to physical restraint." Other significant conditions were: methamphetamine intoxication and dilated cardiomyopathy. The manner of death was classified as Homicide by the Pierce County Medical Examiner.

Details

On the evening of Tuesday, March 3rd, 2020, Tacoma Police Department Officers Matthew Collins and Chris Burbank were on duty and in full police uniform in Pierce County, WA. Officers Collins and Burbank were working the graveyard shift as a two-person unit in a fully marked Tacoma Police Department patrol SUV. They were assigned to the Four-Sector of Tacoma, which generally encompasses the east and

Officer Signature _____ Date 11-10-2

Supervisor Signature _____ 10220 Date 11-10-2020

southeast area of the city. The temperature that evening was about 41 degrees Fahrenheit with overcast skies[1].

At approximately 11:20 p.m., Officers Collins and Burbank were traveling westbound on 96th Street South after clearing an unrelated traffic stop. The officers stopped for a red light at the intersection at Ainsworth Avenue South and observed an adult black male, later identified as Manuel Ellis, in the intersection with his back facing them. Ainsworth Avenue South forms a T-intersection with 96th Street South in this location. Officers Collins and Burbank both told investigators that Ellis was standing in the roadway and in front of a vehicle attempting to make a left turn onto westbound 96th Street South from Ainsworth Avenue South. Ellis was waiving his hands while standing in front of the vehicle. Ellis then ran to the front passenger door and tried to open it. The unidentified vehicle was able to complete the left turn and sped away[2]. Officer Burbank told investigators he observed a jug of water and some other items in Ellis' hands as he waived them.

Officer Collins, who was in the driver's seat, rolled his window down and said, "Hey come over here. What's going on?" Officer Collins told investigators Ellis turned, jogged over and came "abnormally close to the car." Officer Collins stated Ellis' eyes were "super wide" and Ellis had sweat all over the top of his head. Ellis stated something like, "I'm having a bad day, I have warrants, I need some help." Officer Collins stated he told Ellis to step over to the sidewalk and they would talk with him. Officer Collins told investigators he picked up the radio mic and was about to advise dispatch of the contact when Ellis became fixated on Officer Burbank as he walked in front of the patrol car. Ellis walked to the passenger side of the patrol car, got really close to the car and was staring at Officer Burbank.

Officer Burbank rolled down his window and Ellis said something like, "I'm really hot, I need to cool down." Then Ellis said, "Instead I might just try to punch you in the fucking face." Officer Burbank stated after hearing Ellis' comment, he immediately rolled the window up. Ellis reportedly struck the window with a closed fist 2 or 3 times. Ellis reached for the door handle and Officer Burbank locked the door.

At this time, Officer Collins had exited the driver's door and was moving around the front of the SUV, approaching Ellis. Officer Collins stated he wanted to gain control of Ellis and had planned to put him in handcuffs. According to officers, Ellis turned to face Officer Collins with clenched fists and positioned his body in a fighting stance. Seeing this, Officer Burbank opened his door and struck Ellis. Officer Burbank stated he "checked" Ellis with the car door to divert Ellis' attention. During this time, Ellis grabbed Officer Collins by his external vest carrier, lifted him up and threw him on his back on the street. Officer Collins, who weighs about 230 lbs. with his gear on, described Ellis as

[1] Data from Timeanddate.com
[2] Investigators have not identified this vehicle or its occupants.

Officer Signature _____ Date 11-10-20
Supervisor Signature 10270 Date 11-10-2020

having superhuman strength. Officer Burbank exited the vehicle, locked the vehicle door and observed Officer Collins and Ellis now in a physical fight.

Officer Burbank stated Ellis was swinging his fists wildly at Officer Collins and also tried to kick him while on the ground near the front of the patrol car. Officer Burbank described Officer Collins as trying to wrap Ellis up in an attempt to get him under control. Once on the ground, Officer Collins tried to control Ellis' upper body while Officer Burbank tried to control Ellis' legs. Officer Burbank stated he delivered closed fist strikes to Ellis' body at this point. Officer Burbank indicated his strikes had little effect on Ellis and he seemed much stronger than them. Officer Burbank described Ellis as screaming and making growling sounds. Officer Burbank stated Ellis was able to stand up while the two officers were trying to keep him on the ground.

Officer Burbank stated he turned around and ran away about 10-15 feet to disengage but Ellis charged at him screaming and growling with flailing fists. Ellis collided with Officer Burbank and they both fell to the ground. Officer Collins stated he observed Ellis and Officer Burbank were now fighting, so Officer Collins grabbed Ellis and attempted to bring him to the ground. Officer Collins stated he ended up on top of Ellis and Ellis was swinging wildly at him. Officer Collins stated Ellis was not saying anything, but growling and making animal noises. Officer Collins delivered several closed fist or elbow strikes to Ellis' face which Officer Collins described as having no effect. Officer Burbank was trying to control Ellis' feet and told investigators he heard someone screaming from behind the patrol vehicle at this point. The screaming was from witnesses Sara McDowell and Keyon Lowery[3]. Both McDowell and Lowery told investigators they observed the officers tackle and strike Ellis numerous times without provocation. They also told investigators that Ellis did not appear to have been resisting or fighting back. This is why both McDowell and Lowery got out of their vehicle and yelled at the officers.[4]

Officer Collins told investigators he and Ellis were wrestling on the ground and he felt like he was going to lose control of Ellis again. Officer Collins attempted to apply a lateral vascular neck restraint (LVNR)[5] on Ellis. During this time Officer Burbank drew his X-26 Taser and deployed it at Ellis' torso area when he had a clear shot. Officer Burbank stated the Taser was effective and there was immediate neuromuscular incapacitation to Ellis. However, once the five-second cycle finished, Ellis immediately recovered and attempted to stand up. Officer Burbank then delivered a second five-second cycle with the Taser and Officer Collins was able to take Ellis to the ground and place him with his stomach on the pavement.

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[3] McDowell and Lowery were traveling in separate vehicles westbound on 96th Street South and stopped behind the Tacoma PD SUV. McDowell took a 37 second and a 14 second video clip of the incident with her cell phone. Additional cell phone videos of the incident were recorded by Seth Cowden and Aiyana White. All these witnesses were interviewed by investigators.

[4] See McDowell and Lowery statements.

[5] Vascular neck restraints restrict blood-flow to the brain, which causes the subject to be rendered unconscious before sustaining any injury (Lindell, 2010).

Officer Burbank tried to control Ellis' right arm and Officer Collins tried to control Ellis' left arm. At 11:22 p.m., Officer Burbank was able to transmit their location over the radio for the first time. Officer Burbank stated Ellis had both of his hands underneath his body and was actively resisting. Officer Burbank delivered a third five-second cycle from the Taser before the officers were able to get handcuffs on Ellis[6]. Shortly after being restrained, Ellis stated, "I can't breathe sir, I can't breathe."[7] Ellis stated, 'Please sir" followed by one of the officers saying, "Shut the fuck up."[8] Officer Burbank stated he heard a male voice to his east asking if they were okay and needed help. Officer Burbank stated he looked over to where the voice was coming from and could see patrol vehicle lights so he replied, "No we're fine, we've got people coming."[9]

At 11:24 p.m., Tacoma Police Officers Timothy Rankine and Masyih Ford, who were patrolling in a two-person car, arrived on scene. Officers Ford and Rankine told investigators when they arrived they observed Officer Burbank straddled on top of Ellis' back and Officer Collins trying to control Ellis' feet while Ellis was kicking and bucking violently. Officers Ford and Rankine assisted with holding Ellis down to control him. Officer Ford described Ellis as screaming incoherently and thrashing around at this point. Officer Ford stated he told Ellis he needed to relax and just breathe. Officer Burbank then retrieved a hobble restraint from the glove box of the patrol vehicle. During that time additional officers arrived on scene, including Tacoma Police Sgt. Michael Lim, Tacoma Police Officer Armando Farinas, Pierce County Sheriff's Office Sgt. Gary Sanders, and Pierce County Sheriff's Office Lt. Anthony Messineo. Ellis was restrained by the use of the hobble restraint[10] with the assistance of Sgt. Sanders. Officer Ford said he and Officer Rankine took over control of Ellis since Officers Collins and Burbank looked physically exhausted. Officer Ford stated he encouraged Ellis to relax and remain calm. At 11:25 p.m., Sgt. Lim requested Fire and EMS to respond to the scene.

Both Officers Ford and Rankine told investigators that Ellis stated in a calm voice, "I can't breathe." Ellis was rolled into the recovery position on his right side. Officers Burbank and Collins both describe Ellis as spitting at officers while on his side. Officer Armando Farinas placed a department issued spit sock hood[11] over Ellis' head. Officer Ford stated Ellis was breathing and his eyes were open, but he became non-responsive. Officer Rankine checked Ellis and described him as, "burning up." Officer Rankine checked Ellis' pulse and found it to be about 80 beats per minute. Several officers

[6] Officer Burbank stated he believed he delivered a fourth five-second Taser cycle to Ellis, however the Taser download only showed three five-second events.
[7] Captured on Vivint security camera located at 1438 96th Street South.
[8] Captured on Vivint security camera located at 1438 96th Street South.
[9] Shad Hayes witnessed a portion of the incident and gave a recorded statement to investigators.
[10] Handcuffed wrists are tethered to restrained ankles with a nylon strap, and legs are flexed so a person is bent backwards. Hobble restraints are used to restrain a violent person.
[11] A restraint device, made of light-weight, see-through mesh and fabric, intended to prevent a person from spitting or biting.

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described Ellis as having a "1000 yard stare" and also thought he was suffering from Excited Delirium[12], a medical emergency.

At 11:32 p.m., Sgt. Lim asked dispatch for an ETA for Fire/EMS. He also upgraded the call to priority. At 11:34 p.m., Fire arrived and began to render care to Ellis. All of the restraints were removed at the request of Tacoma Fire Paramedic Nicholas Wilson. Wilson determined Ellis' breathing was deteriorating and began mechanical breathing with a Bag Valve Mask (BVM). At 11:41 p.m., emergency personnel began manual cardiopulmonary resuscitation (CPR). In spite of chest compressions, intubation, and defibrillation, resuscitative efforts were not successful and Ellis died at the scene. The time of death was 12:30 a.m. on March 4th.

Dr. Thomas Clark III of the Pierce County Medical Examiner's Office performed the post mortem examination of Ellis. The Medical Examiner's report[13] indicates Ellis' cause of death was "Hypoxia due to physical restraint." Other significant conditions were methamphetamine intoxication and dilated cardiomyopathy. The manner of death[14] was classified as Homicide. Ellis' blood toxicology report showed he had a blood methamphetamine concentration of 2400 ng/mL of blood. He also had a blood amphetamine level of 54 ng/mL, Ephedrine level of 19 ng/mL and Phenylpropanolamine level of 39 ng/mL of blood.

[12] Excited delirium (ExD), is a state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, hostility, exceptional strength and endurance without fatigue (Morrison & Sadler, 2001).
[13] WSP investigators received additional documents from the Pierce County Medical Examiner's Office that were generated after Ellis' autopsy report was completed. They are included in the case file.
[14] Manner of Death is the way to categorize death as required by the Washington State Department of Health. The classifications are natural, accident, suicide, homicide, undetermined, and pending.

TAB 32

WASHINGTON STATE PATROL
CRIMINAL INVESTIGATION DIVISION
REPORT OF INVESTIGATION

File Title	Detective	Case Number
Death Investigation	J.N Rhue	20-009681

Subjects	Other Case Number
(D) Ellis, Manuel E.	PCSD 20-063-02251
(O) Burbank, Chris – TPD	
(O) Collins, Matthew – TPD	
(O) Ford, Masyih – TPD	
(O) Rankine, Timothy - TPD	

Investigation Log

June 17, 2020 at 11:54 a.m.

I was advised by Detective Sergeant M. Marken that we will be assuming a death investigation from the Pierce County Sheriff's Office. The investigation involved the death of Manuel E. Ellis while in the custody of Tacoma Police.

July 21, 2020 at 1:00 p.m.

I participated in a Zoom interview with WSP CID Captain J. Cabezuela and the selected IIT Community members; Lawrence White, Brittany Hamilton, and Tomas Aquino. The purpose of the interview was to vet investigators assigned to the investigation to ensure that there was not a conflict of interest.

July 24, 2020 at 9:00 a.m.

I was advised by Detective Sergeant Marken that the Attorney General's Office was still evaluating the Pierce County Sheriff's Office investigation.

July 27, 2020 at 10:00 a.m.

We received approval to begin investigation. I was assigned as the lead investigator. We were given the complete case file provided by Pierce County Sheriff's Office. PCSO had

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been called out to the scene on the on March 4th and had been the lead agency for the death investigation. The file included officer reports, scene photos and video, officer interviews, forensic scans, officer processing images, search warrants, CAD logs, radio traffic, medical examiners reports and images, canvassing log, crime scene log, taser downloads, property reports, fire records, incident videos, and a prosecutors brief.

3:15 p.m.

I began the review of case file.

July 28, 2020 at 9:50 a.m.

I reviewed the recorded interviews with Officer Chris Burbank, Officer Matthew Collins and Officer Masyih Ford.

July 29, 2020 at 9:00 a.m.

I reviewed the recorded interview with Officer Timothy Rankine. I reviewed the scene/witness recorded videos.

July 30, 2020 at 8:45 a.m.

Sgt. Marken and I contacted Lt. Roberts at the Pierce County Sheriff's Office. Transfer of evidence from PCSO to WSP.

9:30 a.m.

Sgt. Marken and I contacted the incident site located at 96th St S and Ainsworth Ave S in Tacoma.

11:16 a.m.

Deposit evidence to WSP evidence system. Item numbers CT3593 – CT3625.

August 5, 2020 at 10:15 a.m.

I reviewed the recorded interviews with Aiyana White, Cedric Armstrong and Kimberly Mayes, Kennett Ashford, Kimberly Lux, and Shad Hayes.

August 6, 2020 at 11:15 a.m.

I reviewed the recorded interview with PCSO Det. Sgt. G. Sanders.

August 7, 2020 at 2:45 p.m.

I reviewed the recorded interview with PCSO Lt. A. Messineo.

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August 10, 2020 at 11:15 a.m.

Re-process scene scans/fls files. PCSO scanned scene with FARO 3D scanner.

August 13, 2020 at 1:00 p.m.

Zoom meeting with IIT Community members.

August 19, 2020 at 1:00 p.m.

Receive video interview files from attorney Matthew Ericksen.

1:50 p.m.

I reviewed the video recorded interviews with Sara McDowell, Seth Cowden, and Keyon Lowery. The interviews were conducted by Attorney James Bible.

August 20, 2020 at 6:15 a.m.

Sgt. Marken and I contacted Lakewood Police Department. Recorded interview with Lakewood PD K-9 Officer A. Bucat.

8:00 a.m.

Dropped off Officer Burbank's Taser at WSP Crime Laboratory in Seattle.

September 9, 2020 at 3:03 p.m.

I received and reviewed Officer Burbank's discipline records from Winston-Salem PD.

September 10, 2020 at 11:00 a.m.

Zoom IIT meeting with John Tillman and Kent Liu - Attorney General's Office.

1:00 p.m.

IIT community members update.

September 17, 2020 at 11:45 a.m.

I picked up the processed video from Det. Wayne Jones, MVPD. Det. Jones processed the McDowell and Cowden cell video through Input-ACE software. He was only able to lighten up the video a bit due to the quality of the video.

September 21, 2020 at 10:36 a.m.

I called Dr. Fiona Couper, WSP Toxicology Lab, regarding Ellis' blood toxicology report. I left a message for her to call me back.

September 23, 2020 at 9:00 a.m.

Zoom meeting with Dr. Thomas Clark III. Dr. Clark did not want to be recorded but agreed to have our secretary Jill Byram take notes (See notes). During the conference Dr. Clark asked if we had copies of his notes from the autopsy. He stated he has notes which were generated after the Medical Examiners report was completed. Dr. Clark stated he learned from PCSO Detective Sergeant Brockway that the spit sock hood had not been on Ellis as long of a period of time as originally believed. It had been in fact been on Ellis for only a couple of minutes. Dr. Clark advised us we can obtain the notes by requesting them through his office. Dr. Clark took issue with the WSP request to have the blood re-analyzed. Dr. Clark agreed to review the notes for accuracy. Dr. Clark forwarded me an article about Excited Delirium from the Washington Post and his power point presentation he was going to give the to the Prosecutor's Office (before it was cancelled).

12:40 p.m.

I received a phone call from Dr. Fiona Couper. I asked about the differences in the two blood toxicology reports for Manuel Ellis (The one completed by NMS Labs and the WSP Toxicology Lab). Dr. Couper told me that they saw the ephedrine and PPA in the second drug screen conducted by the WSP Toxicology Lab but didn't spend time to do additional testing. The ephedrine and phenylpropanolamine (PPA) are byproducts or containments of methamphetamine. Dr. Couper stated they can do additional testing if it becomes an issue but didn't think it was necessary. I asked about the difference between the first toxicology report and the second, 2.4 mg/L of methamphetamine compared to 1.9 mg/L. Dr. Couper state if you take the average of the two results and if they are within 10% then it is consistent results. This is the same process we do with alcohol and breathalyzer testing. Dr. Couper stated she wasn't surprised by the different results because of degradation of the sample over a few months. The same of the amphetamine. Dr. Couper stated the methamphetamine levels in the blood are a large/high amount. The methamphetamine amount was at a level where they have seen in plenty of other cases where methamphetamine was the cause of death (at the 1.9 mg/L amount). Dr. Couper stated that the levels also looked like recent ingestion/use due to the amount of methamphetamine vs. amphetamine (metabolite) in the blood. Dr. Couper stated they did find prescription medication in the blood; small amounts of antidepressant and ant-psychotic medication. They did not do further testing because it wasn't the focus of the blood test, however they can if necessary. Dr. Couper stated Sgt. Marken had asked if the prescription medication would interfere with the testing. The answer was no. The methamphetamine reported in the blood toxicology report is what it is, methamphetamine.

Officer Signature _____ **Date** 11-10-20

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1:00 p.m.

Zoom IIT meeting with John Tillman and Kent Liu - Attorney General's Office.

September 24, 2020 at 11:07 a.m.

I sent an email to attorney Michael Staropoli requesting to speak with Officers Ford and Collins. I sent an email to attorney Steve Myers requesting to speak with Officers Rankine and Burbank.

2:05 p.m.

I reviewed the Tacoma Fire recorded interviews conducted by Detective Schroeder.

2:21 p.m.

Email sent from Lt. Durbin to TPD Chief Ramsdell requesting to speak with Officer Farinas.

September 25, 2020 at 2:47 p.m.

Email to Mr. James Bible to coordinate interviews with Sara McDowell, Keyon Lowery and Seth Cowden. Mr. Bible indicated he did not represent the witnesses but the Estate of Manuel Ellis. The witnesses requested Mr. Bible's presence at the interviews.

September 28, 2020 at 7:10 a.m.

Sgt. Marken and I contacted 7-Eleven on 96th and Hosmer. Owner is Danny (206) 859-1161. The store is 0.5 miles from 96th and Ainsworth. I left business card for Danny to call me.

7:35 a.m.

Sgt. Marken and I contacted 7-Eleven on 96th and Pacific. Spoke with Aman the manager. Video recorded inside the store in only available for 3 months. The outside video is good for 48 hours. Store phone (253) 537-2595. Irish Darascay (sp?) and Rose Delacrus (sp?) were working on the evening of March 3, 2020. This 7-Eleven is 1 mile from 96th and Ainsworth. I left business card for Irish and Rose to call me.

8:05 a.m.

I called 7-Eleven owner Danny. No answer so I left a message to call me back.

2:51 p.m.

I received documents from Tacoma Police Department public records/disclosure. Text messages from work and personal phones. I reviewed them.

September 30, 2020 at 10:30 a.m.

I called 7-Eleven owner Danny. No answer so I left a message to call me back.

October 1, 2020 at 9:30 a.m.

Zoom IIT meeting with John Tillman and Kent Liu - Attorney General's Office.

1:30 p.m.

Det. Schroeder advised me that he had he was able to speak with Mendel Everson.

October 2, 2020 at 4:50 p.m.

I received an email from Mr. Bible confirming interviews for Monday October 5 at 4:30 p.m. in Tacoma.

October 5, 2020 at 9:00 a.m.

I received additional notes from Pierce County Medical Examiner's Office regarding Manuel Ellis. I reviewed the notes.

4:48 p.m.

Sgt. Marken and I conducted a recorded interview with Samuel "Seth" Cowden at the WSP Tacoma District Office. Mr. Bible was present during the interview.

5:21 p.m.

Sgt. Marken and I conducted a recorded interview with Sara McDowell at the WSP Tacoma District Office. Mr. Bible was present during the interview.

October 6, 2020 at 3:35 p.m.

Email sent from Lt. Durbin to TPD Chief Ramsdell requesting to speak with Officer Farinas. Officer Farinas was the officer that put the spit sock hood on Ellis.

3:35 p.m.

I received a phone call from Officer Henry Betts, TPD Guild VP. He told me to contact Ryan Lufkin, attorney, at ryan@pslglawyers.com regarding Officer Farinas.

Officer Signature [signature] **Date** 11-10-20

Supervisor Signature [signature] 10270 **Date** 11-10-2020

4:01 p.m.

I sent an email to attorney Ryan Lufkin requesting to speak with Officer Farinas about his involvement in the Ellis investigation.

October 12, 2020 at 9:00 a.m.

I received a copy of the civil lawsuit documents from City of Tacoma.

October 13, 2020 at 3:22 p.m.

I sent a second email to attorney Ryan Lufkin requesting to speak with Officer Farinas about his involvement in the Ellis investigation.

October 15, 2020 at 9:30 a.m.

I received the following e-mail from John Hillman (ATG):

The attorneys for the four primary TPD officers just called me to tell me that they "respectfully decline" any further interviews at all in any format. I asked if they would send an e-mail directly to you (WSP) so that you can have that for your investigative file, so hopefully they will follow through with that.

1:33 p.m.

I had not heard back from Ryan Lufkin so I called him at 866-486-5556. Mr. Lufkin stated he would get back with me in a day or two with an answer.

2:06 p.m.

I received Officer Farinas' disciplinary and training records.

October 21, 2020 at 9:00 a.m.

I received the following e-mail from attorney Michael Staropoli:

Dear Detective Rhue:

As you are aware, Officer Ford previously provided a voluntary statement to detectives and answered every question asked of him. Pursuant to my advice, Officer Ford respectfully invokes his constitutional rights and declines to participate in an additional, supplemental interview at this time.

Thank you for your inquiry.

Mike S.

Michael W. Staropoli
Attorney at Law
503.381.0420
mwstaropoli@gmail.com

9:00 a.m.

I received the following e-mail from attorney Michael Staropoli:

Dear Detective Rhue:

As you are aware, Officer Collins previously provided a voluntary statement to detectives and answered every question asked of him. Pursuant to my advice, Officer Collins respectfully invokes his constitutional rights and declines to participate in an additional, supplemental interview at this time.

Thank you for your inquiry.

Mike S.

Michael W. Staropoli
Attorney at Law
503.381.0420
mwstaropoli@gmail.com

10:07 a.m.

I received the following e-mail from attorney Steve Myers:

Detective, I apologize for the delay in getting back to you, with respect to your request for a supplemental interview of Officer Burbank. Given that Officer Burbank voluntarily participated in a recorded interview on March 6, 2020, 3 days after the incident, with two PCSO Detectives and an Investigator from the Pierce Co. Prosecutor's office and answered each and every question posed to him, Officer Burbank, on my advise, hereby respectfully invokes his Right to Silence and, accordingly, is not willing to submit to a second Interview at this time.

Thank You for your inquiry

10:09 a.m.

I received the following e-mail from attorney Steve Myers:

Detective, I apologize for the delay in getting back to you, with respect to your request for a supplemental interview of Officer Rankine. Given that Officer Burbank voluntarily participated in a recorded interview on March 6, 2020, 3 days after the incident, with two PCSO Detectives and an Investigator from the Pierce Co. Prosecutor's office and answered each and every question posed to him, Officer Burbank, on my advise, hereby respectfully invokes his Right to Silence and, accordingly, is not willing to submit to a second Interview at this time.

Thank You for your inquiry

11:47 a.m.

I received the following e-mail from Ryan Lufkin:

Detective Rhue,

First let me apologize for the delay in getting back in touch with you. I appreciate your patience in the matter as I got up to speed on the issues in the case. Officer Farinas declines to participate in an interview and invokes his right to remain silent on my advice.

Thank you,

Ryan Lufkin
Public Safety Labor Group

October 28, 2020 at 6:38 p.m.

Sgt. Marken and I conducted a recorded interview with Keyon Lowery at the WSP Tacoma District Office. Mr. Bible was present during the interview.

October 29, 2020 at 7:22 a.m.

I received a copy of the analysis of Officer Burbank's Taser completed by the WSP Crime Lab. The report indicated the Taser was functioning properly.

1:47 a.m.

I spoke with Forensic Scientist Brian Smelser. Smelser had examined the Taser. I asked about the 3 minute difference for the timeline. He said according to the original download of Officer Burbank's Taser, a three minute adjustment for the timeline is appropriate. The Taser updates the time on the unit when synced.

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November 3, 2020 at 11:30 a.m.

I visually examined the spit sock hood which was placed on Ellis.

November 9, 2020 at 11:23 a.m.

I reviewed the recorded interviews and transcriptions for Trooper K.C. Jones, Officer Anthony Bucat, Samuel Cowden, Sara McDowell and Keyon Lowery.

WASHINGTON STATE PATROL

CRIMINAL INVESTIGATIVE DIVISION

Investigative Report

File Title	Detective Sergeant	Case Number
Death Investigation	M.J. Marken	20-009681
(V)Ellis, Manuel E. (DOB08/28/86–Deceased)		PCSO 20-63-02251
(O) Tacoma Police Department Officer Chris Burbank		TPD 2006302251
(O) Tacoma Police Department Officer Masyih Ford		
(O) Tacoma Police Department Officer Matthew Collins		
(O) Tacoma Police Department Officer Timothy Rankine		

Chronology of Investigation

- **June 8th, 2020, at approximately 2:38 pm.**

  I received a telephone call from Captain J. Cabezuela regarding the possible assignment of a death investigation to the Washington State Patrol. The case involved the death of Manuel E. Ellis on the evening of March 3rd, 2020, near the intersection of 96th and Ainsworth, in the City of Tacoma, Washington, while Ellis was in the custody Officers from the Tacoma Police Department.

  Capt. Cabezuela further informed me that in order to comply with Initiative 940, the Washington State Patrol would be forming its own Independent Investigative Team.

- **June 9th, 2020, at approximately 7:56 am.**

  I spoke with Lieutenant D. Richmond regarding the possible Tacoma Police Department (TPD) investigation.

- **June 16th, 2020, at approximately 5:27 pm.**

  I spoke with Capt. Cabezuela further about the possible TPD investigation.

- **June 18th, 2020, at approximately 8:00 am.**

  Several news articles regarding the incident mentioned the involvement of a Washington State Patrol Trooper. I spoke with Lieutenant K. O'Shannon of the WSP District One-Tacoma office regarding this possibility. Lt. O'Shannon informed me that Trooper KC Jones was on-scene for a period of time when TPD

Officer's Signature [signature] ID270 Date November 5th, 2020

Officers were attempting to subdue Ellis. Lt. O'Shannon further informed me that Trooper Jones was on leave and would not return until mid-September. I advised that I would attempt to contact Trooper Jones upon his return.

With the assistance of Lt. O'Shannon, I also requested copies of:

- COBAN video from Trooper Jones's patrol vehicle.
- CAD Logs associated with the incident.
- WSP Radio Traffic.

- **June 22nd, 2020, at approximately 10:41 am.**

  I spoke with Captain D. Hall (WSP District One-Tacoma), regarding the possible involvement of the Lakewood Police Department. Capt. Hall provided me with the contact information for both the Chief and Assistant Chief of Lakewood PD.

- **June 29th, 2020, at approximately 1:00 pm.**

  Capt. Cabezuela advised the Governor's Office and the Attorney General's Office that the WSP would be advertising for community members.

- **July 7th, 2020, at approximately 12:00 pm.**

  Lieutenant R. Durbin informed me that Washington State Fire Marshall C. LeBlanc, would act as the Family Liaison.

- **July 8th, 2020, at approximately 1:00 pm.**

  I discussed the shooting protocol associated with the investigation with Capt. Cabezuela.

- **July 13th, 2020, at approximately 8:00 am.**

  Case placed into inactive status. We are awaiting a decision on community members and the investigator selection process.

- **July 21st, 2020, at approximately 1:00 pm.**

  Members of the Independent Investigative Team were interviewed by Capt. Cabezuela in the presence of community members assigned to the team. Deconfliction Forms signed by IIT members and returned to Lt. Durbin.

- **July 24th, 2020, at approximately 8:00 am.**

  Attorney General's Office still evaluating information provided by the Pierce County Sheriff's Office. Capt. Cabezuela will advise when to proceed.

- **July 27th, 2020, at approximately 9:58 am.**

  Capt. Cabezuela advised satisfactory to proceed with investigation. We will be assisted in the investigation by Assistant Attorney General, John Hillman.

- **July 28, 2020, at approximately 9:24 am.**

  Left phone message for Lt. Richmond.

- **July 28th, at approximately 10:38 am.**

  Spoke with Lt. Kevin Roberts of the Pierce County Sheriff's Office. Advised him that Det. Rhue and I will pick up evidence on July 30th @ 9:00 am.

- **July 28th, 2020, at approximately 12:41 pm.**

  Spoke with Sharon Johnson at the Pierce County Medical Examiner's Office. I requested that any samples associated with the case be preserved.

- **July 28th, 2020, at approximately 12:46 pm.**

  I requested that NMS Labs preserve any medical samples they are maintaining.

- **July 29th, 2020, at approximately 5:30 am.**

  Per Brianna Peterson from the Toxicology Lab, NMS samples will be shipped back to the Toxicology Lab for storage there.

- **July 30th, 2020, at approximately 8:45 am.**

  Det. Rhue and I contacted Lt. Roberts at PCSO. Lt. Roberts transferred evidence to the Washington State Patrol.

- **July 30th, 2020, at approximately 9:30 am.**

  Contacted site of Ellis interaction with TPD Officers at 96th and Ainsworth. Took photographs of the scene and memorial.

- **July 30th, 2020, at approximately 11:00 am.**

  Entered items obtained from PCSO into the WSP evidence system.

- **July 31st, 2020, at approximately 9:10 am.**

  Spoke with a secretary from the Winston-Salem, NC Police Department. I inquired about obtaining the training records and disciplinary file of former Officer Christopher Burbank.

- **July 31st, 2020, at approximately 9:30 am.**

  Updated Capt. Cabezuela.

- **July 31st, 2020, at approximately 10:00 am.**

  I spoke with Capt. Manny Gomez of the Winston-Salem, NC Police Department. He advised that the records for Off. Burbank could be obtained in two ways.

  With a written release from Off. Burbank or with an Order of Competent Jurisdiction issued by a NC court. The North Carolina Bureau of Investigation may be able to assist.

- **August 13th, 2020, at approximately 10:00 am.**

  I attended an investigative meeting via ZOOM with Det. Rhue, Lt. Richmond and Det. Schroeder.

- **August 13th, 2020, at approximately 1:00 pm.**

  Met with community members via ZOOM. Bishop White and Brittney Lee Hamilton attended.

- **August 14th, at approximately 1:00 pm.**

  Updated Capt. Cabezuela on case and meeting with community members. Sent a request for information from the Tacoma Police Department to Lt. Durbin. Also, a press release will be issued requesting witnesses to come forward.

- **August 17th, 2020, at approximately 9:40 am.**

  I left phone message for Capt. Gomez regarding NCBI contact.

- **August 17th, 2020, at approximately 9:50 am.**

  Delivered video to Det. Sgt. M. Don of the Mount Vernon Police Department for possible enhancement.

- **August 18th, 2020, at approximately 10:20 am.**

  I spoke with Assistant Chief Unfred of the Lakewood Police Department, regarding an interview with Officer/K-9 Handler A. Bucat.

  WSP Lt. K. O'Shannon advised Trooper Jones is on Annual Leave. I will check with Lt. S. Ramirez next week for possible interview date.

- **August 18th, 2020, at approximately 11:15 am.**

  I spoke with Lt. Roberts regarding cellular phone belonging to Mr. Ellis. Was a "dump" done on the phone? Lt. Roberts advised he will contact Det. Sgt. Sanders and find out.

- **August 18th, 2020, at approximately 11:36 am.**

  I spoke with Det. Helmke regarding the cellular phone. He advised that he did not believe the phone was "dumped".

- **August 19th, 2020, at approximately 10:00 am.**

  I requested the training records of Off. M. Ford, from Pierce County Transit. Off. Ford was previously employed as a partially commissioned officer with Pierce County Transit.

- **August 19th, 2020, at approximately 10:30 am.**

  Det. Rhue and I will interview Off. Bucat of Lakewood PD, on August 20th, @ 7:00 am.

- **August 19th, 2020, at approximately 11:13 am.**

  I submitted a request to Lt. Durbin to examine the Ellis cellular phone.

- **August 19th, 2020, at approximately 11:55 am.**

Completed a request for the Taser exam. I advised R. Wyant at the WSP Crime Lab of same. Items CT3598 and CT3608 will be examined.

- **August 20th, 2020, at approximately 6:15 am.**

  Det. Rhue and I interviewed Lakewood PD Off. A. Bucat. The interview took place at the Lakewood Police Department.

- **August 20th, 2020, at approximately 8:00 am.**

  Delivered Taser and wires to the Crime Lab.

- **August 20th, 2020, at approximately 6:15 am.**

  Delivered DVD with video at Mount Vernon PD for enhancement.

- **August 21st, 2020, at approximately8:30 am.**

  Discussed TPD case with Capt. Cabezuela.

- **August 21st, 2020, at approximately 9:41 am.**

  Requested Lakewood PD attempt to recover the in-car video from Off. Bucat's patrol vehicle.

- **August 21st, 2020, at approximately 10:25 am.**

  Requested Lt. Durbin obtain public records contained on the personal cellular phone of TPD personnel.

- **August 21st, 2020, at approximately 10:30 am.**

  Requested Sgt. Harschfeld have Trooper KC Jones contact me regarding the case and interview.

- **August 21st, 2020, at approximately 10:43 am.**

  Called Capt. M. Gomez at Winston-Salem, NC PD and requested contact information at NCBI. Administrative personnel advised that he has no direct contact with NCBI.

- **August 21st, 2020, at approximately 11:00 am.**

E-mailed Special Agent L. Steger of NCBI. Requested he assist with obtaining Off. Burbanks records from Winston-Salem, NC PD.

- **August 21st, 2020, at approximately 11:13 am.**

  Spoke with Assistant Attorney General J. Hillman regarding the investigation.

- **August 21st, 2020, at approximately 11:15 am.**

  Was advised that Lt. J. Alwine of Lakewood PD is assisting with the video request.

- **August 21st, 2020, at approximately 11:26 am.**

  Received e-mail from Lt. Alwine regarding video request. Lt. Alwine advised he reviewed all COBAN In-Car-Video from Off. Bucat's patrol vehicle from March 3rd, 2020. Lt. Alwine advised that there were no videos from this time frame.

- **August 21st, 2020, at approximately 11:26 am.**

  I spoke with D. Jacobson of Pierce County Transit regarding former Public Safety Officer M. Ford. She advised me to check the portal in several weeks regarding the request.

- **August 26th, 2020, at approximately 10;00 am.**

  I spoke with AAG's J. Hillman and K. Liu regarding investigation. They will provide guidance on cell phone issues, as well as pdr's for same. AAG Hillman will provide contact information for TPD Officer's attorneys. I will contact Dr. Couper regarding re-submission of toxicology.

- **August 26th, 2020, at approximately 11:00 am.**

  I left phone message for Dr. Couper.

- **August 27th, 2020, at approximately 8:00 am.**

  I spoke with Capt. Cabezuela regarding the investigation.

- **August 27th, 2020, at approximately 9:11 am.**

  I spoke with Dr. Couper regarding testing of samples. The testing will be done locally by the Seattle Toxicology Lab.

- **August 27th, 2020, at approximately 1:00 pm.**

  Updated community members. Spoke about our process regarding the medical examiner, toxicologist, firefighters, officer info. Advised we have discussed case with AAG. Also mentioned our interview of Off. Bucat.

- **August 31st, 2020, at approximately 9:10 am.**

  Requested Off. Burbank sign waiver for NC records, via Mr. Steve Myers, his counsel.

- **August 31st, 2020, at approximately 11:07 am.**

  Requested opportunity to speak with witnesses. E-mail sent to James Bible.

- **September 2nd, 2020, at approximately 8:15 am**.

  Spoke with Mr. Steve Meyers 503-781-6270 regarding Off. Burbank waiver for Winston-Salem, NC records. He advised Off. will sign and scan back to me.

- **September 2nd, 2020, at approximately 9:15 am.**

  Spoke with Mr. Bible @ 425-748-4585 regarding contact with witnesses. He agreed to assist in facilitating.

- **September 9th, 2020, at approximately 9:30 am.**

  Advised Capt. Cabezuela that Winston-Salem, NC PD's info received. Other PDR's incoming. Mr. Bible will facilitate interviews with witnesses that were not initially interviewed by PCSO.

- **September 10th, 2020, at approximately 11:00 am.**

  Mr.'s Hillman and Liu, Det. Rhue, Lt. Richmond and Det. Sgt. Marken present to update AAG via Zoom.

  - Hillman advised consulting Use of Force Expert not necessary prior to his review. Will most likely hire someone from outside if needed.
  - Hillman will do more research on Ellis phone.
  - Hillman will draft PDR for public records on officer phones.
  - Hillman will contact Pierce Co PA regarding contact for former ME and his impeachment info.
  - Marken advised Tox Lab redoing tox.

- Marken will check with MV regarding video. Marken advised Bible facilitating contact with 3-witnesses. Bible advised they are fearful of LE.
- Richmond advised FBI working on audio. Bible attempting to facilitate interviews with witnesses that were not initially interviewed by PCSO.

- **September 10th, 2020, at approximately 1:00 pm.**

  Bishop, Britney, Mike, Dan, Jeff and Bob present. Clarified AG's role in investigation.*Advised PDR's are coming in.*Advised Mr. Bible is facilitating contact with witnesses.*FBI will have audio back in 2 wks.*Still attempting to connect with TFD.*No questions from Britney or Bishop.

- **September 10th, 2020, at approximately 2:05 pm.**

  Updated Capt. Cabezuela on ZOOM meetings.

- **September 15th, 2020, at approximately 9:05 am.**

  Requested update on Ellis tox results from Tox Lab.

- **September 15th, 2020, at approximately 9:09 am.**

  Requested pdr language from Hillman. Also former Pierce Co. ME contact information.

- **September 15th, 2020, at approximately 9:10 am.**

  E-mailed James Bible regarding witness interviews.

- **September 21st, 2020, at approximately 10:10 am.**

  Message left at number believed to be Dr. Thomas B. Clark in Tacoma. Requested call back number.

- **September 21st, 2020, at approximately 11:15 am.**

  Spoke with Dr. Thomas Clark regarding appointment to speak with him regarding case. His office number is 253-798-6415 or thomas.clark@piercecountywa.gov.

- **September 22nd, 2020, at approximately 8:00 am.**

  Interviewed Trooper KC Jones regarding the incident.

- **September 22nd, 2020, at approximately 9:10 am.**

  Updated Capt. Cabezuela regarding case.

- **September 23rd, 2020, at approximately 8:30 am.**

  Received Pierce County Transit records for Off. Ford.

- **September 23rd, 2020, at approximately 9:00 am**

  Interviewed Dr. Clark regarding autopsy and findings.

  Met with former Pierce County ME regarding autopsy of Manuel Ellis. ZOOM meeting lasted until approx. 10:10 am.

- **September 23rd, 2020, at approximately 1:00 pm.**

  Spoke via ZOOM with AAG's Liu and Hillman. Also attending Det. Rhue, Det. Sgt. Marken, Lt. Richmond and Det. Schroeder.

  - IIT will contact Keyon, McDowell and Cowden directly in attempt to obtain statements. Advocate not affiliated with law enforcement will be provided as needed.
  - IIT will contact 4 Tacoma Officers via counsel to request response to follow-up questions.
  - IIT will Officer Farinas regarding spit hood.
  - IIT will contact PCSO regarding their attempts to acquire 7-11 video.
  - IIT will contact Ayana White's husband for interview.
  - AAG's advised Dr. Clark contacted and interviewed. Dr. Clark declined to be recorded.
  - Dr. Clark's comments regarding additional tox testing.
  - Advised we were requesting full autopsy and notes. To include notes made after June 3rd.
  - Advised obtained PDR information on Ford from Pierce Co Transit.
  - Advised Mr. Bible had yet to facilitate conversation with Cowden, Keyon and McDowell.
  - Advised Mr. Bible indicated he did not represent the 3.
  - Advised IIT will attempt to contact them independent of Mr. Bible.
  - Discussed goefence warrant. PC for warrant does not exist at this time to capture all cell traffic in area.
  - Advised of video enhancement results.

- Advised by Richmond FBI audio results will be received by weeks end. AAG's advised of conversation with Capt. Cabezuela. AAG advised Governor's office insisted on re-interviewing everyone. Previous conversation with Capt. indicated that submitting follow-up questions to witnesses/officers acceptable if clarification needed.
- Requested AAG Hillman make a decision regarding Ellis cell phone. He advised that AG Ferguson would be consulted during today's afternoon meeting. Hillman indicated we would have response by 9/24/20.

- Next ZOOM meeting on 10/1/20 @ 0930.

- **September 24th, 2020, at approximately 10:36 am.**

  Requested Durbin forward e-mail to TPD for contact with Officer Farinas.

- **September 24th, 2020, at approximately11:30 am.**

  Received ME response regarding records request.

- **September 24th, 2020, at approximately 5:09 pm.**

  Called Pierce Co ME, Dr. Cline regarding case. Discussed testing of ME samples in custody of Tox Lab. Dr. Cline advised testing of samples done in consultation with AAG Hillman, Dr. Couper and Capt. Cabezuela. She requested contact with Dr. Couper. I advised I would facilitate contact. Discussed possible review by another ME in her office, independent of Dr. Clark'ss opinion. She did not want a copy of power point prepared by Dr. Clark for Pierce Co PA. Dr. Cline requested assistance with another unrelated case. I advised I would assist.

- **September 25th, 2020, at approximately 10:00 am.**

  Spoke with Capt. and Lt. Richmond regarding investigation.

- **September 25th, 2020, at approximately 10:26 am.**

  Left message for Dr. Couper.

- **September 28th, 2020, at approximately 7:30 am.**

  Contacted 7-11'ss at 96th and Hosmer and 96th and Pacific Ave. Det. Rhue obtained contact information for clerks working on March 3, 2020, around 2230. Contacted WSP Crime Lab. Wyant and Smelser were unavailable to discuss Taser. Smelser will return on 10/1.

- **September 28th, 2020, at approximately 10:00 am.**

  Requested Dr. Couper contact Dr. Cline regarding testing.

- **September 30th, at approximately 11:20 am.**

  Updated Capt. Cabezuela.

- **September 30th, 2020, at approximately 11:30 am.**

  Requested update from Crime Lab on Taser.

- **October 1st, 2020, at approximately 9:30 am.**

  Lt. Richmond, Det. Schroeder, Det. Sgt. Marken, Det. Rhue and AAG's Liu and Hillman present. Discussed contacting 7-11 clerks, text messages from officers, me contact, attempt to contact spit sock officers, Taser analysis, attempts to facilitate contact with witnesses through Mr. Bible, Malang contact by Richmond, possible review of autopsy, AG's office will make request if needed.AAG will not request phone dump if no charges. Will dump phone if possibility of charges.

- **October 5th, 2020, at approximately 8:16 am.**

  Received ME's notes and photos.

- **October 5th, 2020, at approximately 4:30 pm.**

  Interviewed Samuel Cowden and Sara McDowell at the WSP Tacoma District Office, Mr. Bible was also present along with Det. J. Rhue.

- **October 6th, 2020, at approximately 9:30 am.**

  Updated Capt. Cabezuela.

- **October 8th, 2020, at approximately 11:49 am.**

  AAG Hillman advised that he and AAG Liu spoke with Officers attorneys. They will speak with clients and get back to us.

- **October 8th, 2020, at approximately 12:50 pm.**

  Attended ZOOM Meeting with community members. Det. Schroeder, Det. Sgt. Marken, Brittney Hamilton and Thomas Aquino in attendance.

 Officer's Signature ID270 Date November 5th, 2020

- **October 13th, 2020, at approximately 10:55 am.**

  Updated Capt. Cabezuela.

- **October 15th, 2020, at approximately 9:45 am.**

  Received notification from AAG Hillman that TPD Officers are declining any further contact. They will advise through their counsel formally via e-mail.

- **October 16th, 2020, at approximately 9:42 am.**

  Tacoma City Attorney, Michael Smith, advised TPD does not currently have a policy on spit sock application.

- **October 22nd, 2020, at approximately 1:00 pm.**

  Met with community members. Bob, Dan, Mike, Brittney and Tomas present. Bishop unavailable and attending a funeral.

- **October 28th, 2020, at approximately 10:42 am.**

  Discussed TPD case briefing with Lt. Durbin. He advised AG does not want TPD command present. An additional briefing will be scheduled for TPD command and community members on 11/19.

- **October 28th, 2020, at approximately 1:00 pm.**

  Discussed case with Capt. Cabezuela. Will schedule additional briefing for TPD command on 11/19.

- **October 28th, 2020, at approximately 1:30 pm.**

  Discussed case with Lt. Richmond. He will attend on 11/12 along with Det.'s Schroeder, Rhue and myself.

- **October 28th, 2020, at approximately 6:30 pm.**

  Interviewed Keyon Lowery at the District 1 Office in Tacoma. Mr. Bible (and his 7 yo son due to child care issues), Lowery, Det. Rhue and myself.

- **October 29th, 2020, at approximately 10:00 am.**

  Updated Capt. Cabezuela.

- **On November 4th, 2020, at approximately 9:00 am.**

  Attended ZOOM meeting to discuss IIT reports.

After formation of our Independent Investigative Team (IIT), Capt. Cabezuela advised us that we were approved to proceed with the investigation. Prior to commencing our investigation, we reviewed the initial investigation conducted by the Pierce County Sheriff's Office. This investigation consisted of:

- **Computer Aided Dispatch (CAD) Logs.**
- **The Pierce County Sheriff's Office Casesheet.**
- **Tacoma Fire Department Records.**
- **Forensic scans of the scene.**
- **The Hobble cord used to restrain Mr. Ellis.**
- **Incident Log.**
- **Information the Pierce County Sheriff's Office received after halting their investigation.**
- **Pierce County Medical Examiner Report.**
- **A Toxicology Report completed by NMS Laboratories.**
- **Statements and photographs of Tacoma Police Department Officers:**
  - **Christopher Burbank**
  - **Masyih Ford**
  - **Matthew Collins**
  - **Timothy Rankine**
- **Ortho Mosaic photographs.**
- **Digital photographs.**
- **A PowerPoint presentation prepared by PCSO Investigators, for the Pierce County Prosecuting Attorney.**
- **Property collected and the scene.**
- **Officer reports.**
- **Search warrant**
- **The spit sock applied to Mr. Ellis.**
- **Statements.**
- **Information on Mr. Ellis.**
- **Taser records.**
- **Toxicology.**
- **Video**
- **Trooper KC Jones report.**

Additional supplemental information was collected by members of the Washington State Patrol, Independent Investigative Team. This information consisted of:

- The training and disciplinary records of Tacoma Police Department Officers:
    - Officer Christopher Burbank
    - Officer Masyih Ford
    - Officer Matthew Collins
    - Officer Timothy Rankine
    - Officer Armando Farinas
- The training and disciplinary records of Officers Ford and Burbank, from their previous employers:
    - Officer Christopher Burbank-Winston-Salem, NC Police Department
    - Officer Masyih Ford-Pierce County Transit
- The IIT obtained work related messages contained on the personal cellular phones of:
    - Officer Masyih Ford
    - Officer Timothy Rankine
- Evidence associated with the case was transferred into the custody of the IIT on July 30th, 2020. Among the items transferred was a cellular phone belonging to Mr. Ellis. *Attorneys representing Mr. Ellis declined to grant permission to download the phone. Assistant Attorney General John Hillman, elected to not have the IIT download Mr. Ellis's phone at this time.*
- Interviews were conducted with:
    - Ms. Sarah McDowell
    - Mr. James Cowden
    - Mr. Keyon Lowery
    - Mr. James Mallang
    - Dr. Thomas Clark III-Former Pierce County Medical Examiner
    - Lieutenant Chris Rady-Tacoma Fire Department
    - Firefighter/EMT Jeff Polo-Tacoma Fire Department
    - Firefighter/Paramedic John Brakebush-Tacoma Fire Department
    - Firefighter/EMT Kelly Sumner-Tacoma Fire Department
    - Lieutenant Marion Ridgeway-Tacoma Fire Department
    - Paramedic Nicholas Wilson-Tacoma Fire Department
    - Firefighter/EMT Ronald Herrera-Tacoma Fire Department
    - Lieutenant Tad Jackson-Tacoma Fire Department
    - Trooper KC Jones-Washington State Patrol
    - Officer A. Bucat-Lakewood Police Department

- Mr. Mendel Everson-Declined to be interviewed further.*
  - *Mendel Everson is the former roommate of Mr. Ellis.*
- Officer Armando Farinas-Tacoma Police Department*
  - *Under advice of counsel, Officer Farinas declined to be interviewed. He did provide a written report to Pierce County Sheriff's Office Investigators during their initial investigation.*

- Written reports were obtained from the following individuals:

  - Officer Daniel Derr-Tacoma Police Department
  - Officer Katherine Madden-Tacoma Police Department
  - Sergeant Gary Roberts-Tacoma Police Department, Internal Affairs
  - Sergeant Jason Youngman-Tacoma Police Department, Graveyard Supervisor
  - Lieutenant Chris Carl-Tacoma Police Department, Internal Affairs
  - Commander Jennifer Mueller-Tacoma Police Department, Night Watch Commander
  - Commander Barton Hayes-Tacoma Police Department, Watch Commander
  - Sergeant Ed Troyer-Pierce County Sheriff's Office, Public Information Officer. *To date, Sgt. Troyer has not provided a report.*

- On August 14th, 2020, a press release was issued by the Washington State Patrol, Independent Investigative Team, seeking additional witnesses. *To date, no additional witnesses have come forward.*

- The audio portion of video files captured by Mr. Sara McDowell were enhanced by the Federal Bureau of Investigation.

- With the assistance of the Mount Vernon Police Department, attempts were made to enhance video of the incident, obtained from multiple sources.

- A copy of the Tacoma Police Department Professional Standards were obtained via the internet, from the City of Tacoma website. *Note: The Tacoma Police Department does not currently have in place a Professional Standard for applying a "spit sock". Please refer to an electronic response from Mr. Michael Smith, Deputy City Attorney (Tacoma) and Tacoma Police Department Legal Advisor. The correspondence is dated October 16th, 2020.*

- Blood samples obtained from Mr. Ellis during his autopsy, performed by Dr. Thomas Clark III, were originally tested by NMS Labs in Horsham, Pennsylvania. Per the report issued by NMS Labs, dated April 11th, 2020, this testing yielded the following result/s:

	Compound	Result	Units	Matrix Source
o	Ephedrine	19	ng/ml	001 Peripheral Blood
o	Phenylpropanolamine	39	ng/ml	001 Peripheral Blood
o	Amphetamine	54	ng/ml	001 Peripheral Blood
o	Methamphetamine	2400	ng/ml	001 Peripheral Blood

- In consultation with the Washington State Toxicologist, Dr. Fiona Couper, Assistant Attorney General, John Hillman and Washington State Patrol Capt. J. Cabezuela, the remaining sample/s obtained from Mr. Ellis were returned to the Washington State Patrol Toxicology Lab, by NMS Labs. Per the report issued by the Washington State Patrol Toxicology Laboratory, dated September 16th, 2020, this testing yielded the following result/s:

  - Amphetamine 0.030 mg/L
  - Methamphetamine 1.9 mg/L

- The IIT submitted the Taser (serial number X00-476240, Washington State Patrol item number CT3598) and associated cartridge/wires (WSP item number CT3608) collected from Off. C. Burbank, to the Washington State Patrol Crime Laboratory for analysis. *Washington State Patrol Forensic Scientist Brian Smelser prepared Crime Laboratory Report #120-003426. Please refer to this report regarding the examination.*

- The 7-11 convenience stores that Mr. Ellis may have visited prior to his interaction with Tacoma Police Department Officers. Both the 96th & Hosmer and 96th & Pacific Avenue stores were contacted. *Detective Rhue received no response from the employees that may have had contact with Mr. Ellis.*

- Communications recordings of the response to the incident by Washington State Patrol personnel were requested and obtained.

- The IIT requested any existing recordings from the in-car/COBAN video from the patrol vehicle of Trooper KC Jones. *A response was received from Mr. Mike Marcott (Washington state Patrol-Tacoma, COBAN Administrator), that no video existed, as it was beyond the retention period.*

- The IIT requested any existing recordings from the in-car/COBAN video from the patrol vehicle of Lakewood Police Department, Officer A. Bucat. *A response was received from Lt. Jeff Alwine (Lakewood Police Department, COBAN Administrator). He advised that he reviewed Off. Bucat's COBAN ICV system from March 3rd, 2020 and there were no recordings related to the incident involving Mr. Ellis.*

- Det. B. Schroeder prepared a scene drawing utilizing scan data provided by the Pierce County Sheriff's Office.

WASHINGTON STATE PATROL
CRIMINAL INVESTIGATION DIVISION
Investigative Report

FILE TITLE	DETECTIVE	CASE NUMBER
TPD In-Custody Death	**D. Richmond**	**20-009681**
SUSPECT(S)		**OTHER CASE NUMBER**
Refer to Primary Officer Report		PCSO 20-63-02251

On July 21, 2020, at about 1:00 p.m., I participated in a vetting interview via Zoom with Captain Cabezuela and the assigned community members (Lawrence White, Brittany Hamilton, and Tomas Aquino). Shortly afterwards, I was notified that I had been selected to serve on the IIT for this incident. I completed a conflict assessment tool and forwarded it to Captain Cabezuela.

On July 27, 2020, at about 10:09 a.m., I was notified by Captain Cabezuela that the IIT was cleared to review the PCSO case file. We had previously not been granted access due to the Attorney General's Office completing a review to ensure that there were no compelled statements.

On August 13, 2020, at about 10:00 a.m., the IIT members (Detective Rhue, Detective Sergeant Marken, Detective Schroeder, and myself) met via Zoom to discuss our observations from the case review and to formulate an investigative plan.

At about 1:00 p.m., I met via Zoom with Sgt. Marken and Det. Rhue to provide an update to the assigned community members. Present for the meeting were Bishop Lawrence White and Brittney Hamilton. Thomas Aquino did not respond to the meeting invite and later notified me that he was unable to attend due to being out of the area.

At about 1:14 p.m., I prepared verbiage for a media release requesting witnesses to call the investigative team. The requested verbiage was sent to GMR Sergeant Darren Wright who prepared the media release and sent it back to me. I forwarded the release to Captain Neil Weaver (who was acting as the family Liaison in Fire Marshall LeBlanc's absence) and Lt. Ryan Durbin to ensure the required WAC 139-12 notifications were made prior to its release.

At about 2:45 p.m., I called Sergeant Jason Greer with the Washington State Patrol's High Tech Crime Unit (HTCU) to discuss their ability to forensically examine audio files. Greer did not answer, message was left requesting a return phone call.

At about 4:02 p.m., I received a call from Sergeant Greer. He advised that HTCU did not have the capability to handle the audio enhancement. He directed me to the FBI laboratory services unit.

At about 4:16 p.m., I called the Seattle FBI office and inquired into their availability to assist with audio enhancement. I was directed to send a request via e-mail to seattle.fbi@fbi.gov.

At about 4:30 p.m., I sent an e-mail to FBI Seattle requesting assistance with audio enhancement.

On August 14, 2020, at about 9:01 a.m., I received a call from Special Agent Matt Scott with the FBI. He was gathering information on the file type and whether legal process would be needed to examine the audio. After discussion he advised that he would check with the lab and call me back.

On August 18, 2020, at about 11:35 a.m., I received a voicemail from Special Agent Matt Scott. He advised that he would be sending me an e-mail that I could respond to with the video file for audio examination. I checked my e-mail but did not see the e-mail.

I called the FBI office and left a message for Scott. He called several minutes later and advised that the e-mail hadn't been sent yet. Several minutes later I received an e-mail from SA Scott. I forwarded the video file to him via e-mail at 12:28 p.m.

At about 2:19 p.m., I called Tacoma Fire Department (TFD) and requested to interview personnel who were involved in the incident. I was directed to contact Assistant Chief Todd Magliocca to make the request. I called Assistant Chief Magliocca several minutes later, but received no answer. I left a message on his voicemail detailing the request.

On August 20, 2020, at about 10:28 a.m., I called Assistant Chief Magliocca again. The call was not answered, no message was left.

On August 25, 2020, at about 10:01 a.m., I called Assistant Chief Magliocca with TFD to renew my request to speak to TFD witnesses to the incident. My call was not answered, a message was left requesting a return phone call.

At about 1:29 p.m., I forwarded two additional video files to Special Agent Scott to add to the audio forensic request. The two videos were captures from the Vivent doorbell camera and captured the same verbal exchange as Sara McDowell's cell phone video.

On August 26, 2020, at about 10:00 a.m., I participated in a Zoom briefing with AAG Hillman, AAG Liu, and Detective Sergeant Marken. We discussed our investigative plan and posed several legal questions to them for consideration.

At about 9:29 a.m., I received a phone call from Assistant Chief Magliocca at TFD. He provided a better contact number since his office number that I had previously called was largely unused due to teleworking. We discussed interviewing TFD personnel and had advised that he would need to talk to City Legal and the Guild, but he would begin the process. He provided me an e-mail for contact.

On August 27, 2020 at about 1:00 p.m., I participated in a Zoom meeting with the assigned community members.

On September 2, 2020, at about 10:51 a.m., I sent an e-mail to Special Agent Scott to ensure that he had received the files that I sent to him. He called me back and advised me that the files had been sent to the lab and he expected results by the end of the month.

At about 10:59 a.m., I called Assistant Chief Magliocca. He advised that he would check schedules and get me a listing of personnel and a proposed schedule for the interviews by the end of the day. I sent him a follow –up e-mail formally requesting to interview his personnel.

On September 8, 2020, at about 3:27 p.m., I called Assistant Chief Magliocca to confirm the interview schedule. The call was not answered, I left a message requesting a call back to confirm the interview schedule. At the time of this call I had not received confirmation to the e-mail that I sent him on 9-2-2020.

On September 10, 2020, at about 11:00 a.m., I participated in a Zoom meeting with the IIT, AAG Hillman and AAG Liu.

At about 1:00 p.m., I participated in a meeting with the assigned community members via Zoom.

On September 11, 2020 at about 5:00 p.m., I spoke to Assistant Chief Magliocca and he advised that the 14th might work for some of the interviews. He advised me that the union is insisting on City Legal being present for the interviews. Assistant Chief Magliocca advised that he would call me over the weekend to let me know for sure if the 14th would work. I did not receive a call over the weekend, but I did speak to Assistant Chief Magliocca early the next week and arrangements were made for investigator's to interview TFD personnel on September 22, 2020.

On September 22, 2020, at about 9:00 a.m., I contacted the Tacoma Fire Department Headquarters with Detective Robert Schroeder and conducted recorded interviews of the involved TFD personnel. Also present for the interviews was City of Tacoma Deputy City Attorney Jean Homan. Recorded interviews were obtained from Firefighter Kelly Sumner, Lieutenant Marlon Ridgeway, Firefighter/paramedic Nicholas Wilson, Firefighter Jeff Polo, Firefighter Ronald Herrera, Lieutenant Tad Jackson, Firefighter/ paramedic John Brakebush, and Lieutenant Chris Rady. A notable statement not captured on the recording was made by Lt. Jackson. He mentioned that he had seen a video on the media of TPD officers wrestling with a man wearing khaki pants. He shared that he recalled that Ellis was wearing gym shorts not pants. He also did not recall any pants lying around the area.

On September 23, 2020 at about 9:00 a.m. I participated in a Zoom interview with Dr. Clark (along with the other IIT team members.) Secretary Jill Byram took notes during the conversation (since Dr. Clark objected to the conversation being recorded). I reviewed her notes and saw that they accurately documented my recollection of the conversation.

At about 1:00 p.m., I participated in a Zoom meeting with the IIT and AAG's Liu and Hillman. Hillman advised that there was still no final answer on the search of Ellis's cell phone. Hillman agreed that since Attorney James Bible was not representing the three civilian witnesses that the IIT should go direct to the witnesses. Options were discussed for advocates for the witnesses that would not create a conflict of interest. Hillman asked about re-interviewing the involved officers. Various options were discussed.

On September 24, 2020, at about 1:00 p.m., the IIT met via Zoom with the community members (Tomas Aquino and Brittany Hamilton.)

At about 1:45 p.m., I spoke on the phone with AAG Hillman. He advised me that after speaking with his boss the answer on downloading Ellis's phone was no. He advised that he would continue to evaluate that decision and he would advise the IIT if the opinion changed.

I then relayed to him the content of the ME presentation slide:

"Recommendations

-New information was received concerning the duration of the spit hood application
-Case should be referred to Medical Examiner for consideration of new information
-Could consider soliciting additional opinions"

Hillman and I discussed this recommendation and he requested that the IIT reach out to the current Pierce County ME to determine their opinion of how to proceed with Clark's recommendations. This duty was later assigned to Sergeant Marken.

On September 25, 2020, at about 11:45 a.m., I called witness James Mallang. Mallang was the husband of Aiyana White who was interviewed by PCSO. During her interview it was noted that detective had spoken to Mallang and he had not observed anything; however, there was no formal discussion in the case file that he was interviewed. James Mallang did not answer, and his phone's voicemail was full.

At about 11:50 a.m., I called Mallang again. A male answered the phone and identified himself as James. I identified myself and the reason for the call. He advised that he was having a hard time hearing me and asked for me to call back in 30 minutes.

At about 12:19 p.m., I spoke to James Mallang via telephone. He advised that he really didn't see anything. By the time he woke up and came outside there were 10-15 police cars outside. He saw a person on the ground with 2-3 cops restraining him (he couldn't tell if they were kneeling next to him or on top of him). Several minutes later, the fire department arrived and did CPR for a quite a while. Eventually the white sheet was pulled over the subject. One of the officers came to the house about 45 minutes after he woke up and asked to look at the video. His brother in law (Kennett Ashford) took the officer inside to view video. He didn't know what was on the video. At about 5:17 p.m., I received an e-mail from Special Agent Matthew Scott containing the FBI's analysis of the submitted video. I added their report and files to the electronic case file.

On October 1, 2020, at about 9:30 a.m., I participated in a Zoom meeting with the IIT, AAG Hillman, and AAG Liu.

On October 22, 2020 at about 1:00 p.m., I met with the IIT and the assigned community members.

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

/S/ Daniel Richmond
Lieutenant Daniel Richmond

Signed in Thurston County on November 4, 2019

- KELLY SUMMER FF DRIVER TWR 2
9:02

@ STATION

~~WHAT~~ LADDER TRUCK
-2 OTHERS

-E 10 WAS ON SCENE, MULTIPLE TPI
PATIENT OR GROUND E-10 WORKING
ON HIM

- PARKED RIG

9:17 END

926
CT MARLON L RIDGWAY E-C
931 START
951 END

- NICHOLAS WILSON FF / PM E-10
9:58 AM
10:17 AM

- JEFF POLO FF E-10
- PM CBRT
10:21 AM
10:36 AM

- RONALD HARPRETA FF EMT TOWER 2
10:40 AM
10:52 AM

- TAD E JACKSON LT TOWER 2
10:57 AM
11:12 AM

ATTIC TAPE - SAW FILM W/ TPD WRESTLING W/ MAN WITH KHAKI PANTS. RECALL GYM SHOTS NO PANT LYING AROUND

- JOHN E. BRABBAM PE/PM MJ
1121 AM
1130

- CHRIS W. RADY LT MJ
1134 AM
1146 AM

City of Tacoma
Office of the City Attorney

Jean P. Homan
Deputy City Attorney

Civil Division
747 Market Street, Room 1120, Tacoma, WA 98402-3767
(253) 591-5629 / FAX (253) 591-5755
e-mail: jhoman@cityoftacoma.org

WASHINGTON STATE PATROL
CRIMINAL INVESTIGATION DIVISION
Investigative Report / Case Log

FILE TITLE	DETECTIVE	CASE NUMBER
Death Investigation	R. Schroeder	20-009681

SUBJECT(S)	OTHER CASE NUMBER
Refer to Primary Officer Report	2006302251

June 18, 2020:
I was advised by WSP Detective Sergeant Dan Richmond of a forthcoming investigation pertaining to an In-Custody Death involving Manuel Ellis and officers with the Tacoma Police Department. I was advised that I would be part of the selection process for an Independent Investigative Team (IIT) comprised of two sergeants and two detectives from the WSP Criminal Investigation Division.

July 16, 2020 @ 3:39 p.m.:
I received an email from Captain Cabezuela advising that Lieutenant Durbin will be sending out a Zoom meeting invite for Tuesday, July 21 at 1300 hours, so Cpt. Cabezuela and the community representatives can conduct the interview and vetting of investigators for this investigation

July 21, 2020 @ 1:00 p.m.:
A Zoom meeting facilitated by Captain Cabezuela was conducted for the purpose of vetting detectives to serve on the IIT for this investigation. I was in attendance for this meeting along with Sergeant Richmond, Sergeant Marken, and Detective Rhue. The three assigned community representatives (refer to primary officer's report for names) were also present during this meeting. After the conclusion of the meeting, I was informed that I had been selected to be part of the IIT for this investigation. Lt. Durbin requested that each member complete a conflict of interest statement. I completed the conflict of interest statement and provided it to Captain Cabezuela.

July 28, 2020 @ 9:35 a.m.:
I received an email from Sgt. Marken advising that all of the files pertaining to the investigation received so far had been uploaded (with restricted access) to the shared drive so they can be accessed by the IIT investigators.

August 13, 2020:
Using the 3D laser scans captured at the scene by Pierce County S.O. investigators, I utilized Trimble RealWorks software to process the scanner data and produce a scale representation of the scene.

August 13, 2020 @ 10:00 a.m.:
The IIT members (Rhue, Marken, Richmond and Schroeder) met via Zoom to discuss the investigation after reviewing the case file and to formulate an investigative plan.

August 19, 2020 @ 1:19 p.m.:
I was tasked with tracking down reports from Tacoma P.D. officers and Pierce County Sheriff's Department personnel whose names had been identified on the crime scene log but no report was located in the case file. The following officers were identified as not having been interviewed and/or no report was submitted:

D. Derr - H356 – Handled evidence
J. Mueller - L9
J. Youngman - 88
R. Komarovsky - P241
K. Madden - TPD
C. Carl - LT14? TPD IA
G. Roberts - S313 TPD IA
B. Hayes - C1 TPD Captain
E. Troyer - PCSO

August 26, 2020 @ 8:02 a.m.:
I sent an email to Lt. Durbin asking to request reports from the above listed officers/personnel from Tacoma PD and the Pierce County Sheriff's Office.

August 26, 2020 @ 9:00 a.m.:
I received notification from Lt. Durbin that the request for reports had been sent to TPD and PCSO.

August 27, 2020 @ 1:00 p.m.:
I was present for a Zoom meeting that was conducted with IIT members and the assigned community representatives for the purpose of updating the members on the progress of the investigation.

September 2, 2020 @ 5:30 p.m.:
I received an email from Lt. Durbin asking if I had received the reports that had been requested from the TPD officers. Lt. Durbin had received a call from Chief Ramsdell wanting to know if all the reports had been received. I replied back to Lt. Durbin advising him the IIT had not received any of the requested reports from TPD or PCSO.

September 3, 2020 @ 1:46 p.m.:
I received an email from TPD Lt. Chris Karl with the following attachment:
Attached document: *20-06302251 Memo C. Karl-TPD*

September 3, 2020 @ 2:01 p.m.:
I received an email from TPD Sergeant Gary J Roberts with the following attachment:
Attached document: *Memo To File TPD Sergeant GJ Roberts*

September 10, 2020 @ 11:00 a.m.:
A Zoom meeting was conducted with the IIT members and AAG Hillman and AAG Liu.

September 10, 2020 @ 1:00 p.m.:
A Zoom meeting was conducted with the IIT members and the assigned community members.

September 11, 2020 @ 8:15 a.m.:
I received an email from PCSO Chief Jerry Lawrence with the remaining TPD reports. The following reports were attached:
2006302251.47.pdf - (Jennifer Mueller report)
2006302251.46.pdf - (Katherine Madden report)
2006302251.44.pdf - (Barton Hayes report)
2006302251.6.pdf - (Daniel Derr report)

September 22, 2020 @ 9:00 a.m.:

I contacted the Tacoma Fire Department Headquarters located at 901 S Fawcett Ave in Tacoma with Lt. Richmond for the purpose of conducting recorded interviews of the TFD personnel that responded to the scene. City of Tacoma Deputy City Attorney Jean Homan was present for the interviews. Recorded interviews were obtained from the following TFD personnel:

- Lieutenant Chris Rady
- Firefighter/EMT Jeffrey Polo
- Firefighter/Paramedic John Brakebush
- Firefighter/EMT Kelly Sumner
- Lieutenant Marlon Ridgeway
- Firefighter/paramedic Nicholas Wilson
- Firefighter/EMT Ronald Herrera
- Lieutenant Tad Jackson

(Note: During the interviews, the WSP case number was incorrectly stated as 20-019681. The correct case number is 20-009681. This was also corrected on the Recorded Witness Statement forms.)

September 23, 2020 @ 9:00 a.m.:
IIT investigators attended a Zoom interview with Pierce County ME, Dr. Clark.

September 24, 2020 @ 1:00 p.m.:
A Zoom meeting was conducted with the IIT members and the assigned community members (two community members present, Aquino and Hamilton).

September 29, 2020:
I was tasked with tracking down Mendel Everson to see if he was willing to speak with IIT investigators. I had WSP Communications run him through DOL for a photo and any potential addresses. I was provided with a DOL return, DOL photo and outstanding warrant information that ACCESS provided for Mendel. Two possible phone numbers were located for Everson: (253) 459-2054 and (253) 441-8430. At approximately 2:59 p.m., I called the (253) 459-2054 number; no one answered. I did not leave a voicemail since the recording did not indicate who this phone number belonged to.

September 30, 2020 @ 3:23 p.m.:
I attempted to call Mendel Everson at the two different possible phone numbers that had been located for him; (253) 459-2054 and (253) 441-8430. No one answered at either number and both went to a generic voicemail recording. I left messages at both numbers with my contact information and requested a call back.

September 30, 2020 @ 3:30 p.m.:
I received a phone call from a female who identified herself as Kayla. She informed me that phone number (253) 459-2054 is her number and that she does not know Mendel Everson. Kayla said she has had this phone number for about nine months now and that she has received calls from other people as well asking for Mendel.

October 1, 2020 @ 9:30 a.m.:
A Zoom meeting was conducted with the IIT members and AAG Hillman and AAG Liu.

October 1, 2020 @ 12:59 p.m.:
I left another voicemail for Mendel Everson at phone number (253) 441-8430. Around 1:15 p.m., I received a call back from Mr. Everson.

Mr. Everson says he has already met with Ellis's family attorney, James Bible. He told Mr. Bible that he last saw Mr. Ellis around 9:30-10:30 that night and that Mr. Ellis was in good spirits when he left. He said he doesn't know anything more than that. Mendel says he does not wish to speak with investigators and that it would be a waste of time because he doesn't know anything more.

October 8, 2020 @ 1:00 p.m.:
A Zoom meeting was conducted with the IIT members and the assigned community members.

October 22, 2020 @ 1:00 p.m.:
A Zoom meeting was conducted with the IIT members and the assigned community members.

October 29, 2020 @ 2:00 p.m.:
I received notification that the statement transcription from the TFD interviews were ready for review.

November 3, 2020 @ 2:00 p.m.:
I reviewed the recorded statement transcriptions for TFD personnel.

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

/S/ Robert Schroeder
Detective Robert Schroeder

Signed in Kittitas County on November 9, 2020

Supervisor's Signature

Date 11-10-20

WASHINGTON STATE PATROL
INVESTIGATOR'S CASE LOG

CASE NO.: 20-009682 INVESTIGATOR: J. Cabezuela #16

DATE	TIME	NOTES
7/23/2020	1300	A meeting was held via Zoom, in attendance were Lt. Ryan Durbin, Mr. White, Ms. Hamilton, Mr. Aquino and I. The purpose of the meeting was to vet and approve the IIT Conflict of Interest Assessment documents. All Conflict of Interest Assessments documents were reviewed and vetted. There were no conflicts of interest noted from any IIT member. The forms were all approved, electronic signatures were placed onto the forms for Mr. White, Ms. Hamilton, and Mr. Aquino since the meeting was held via Zoom, each of them agreed to having their electronic signature being placed onto the form prior to Lt. Durbin adding their signature. We also discussed the next steps in the investigation to include delivery of the three USB drives and documents to Sergeant Marken on 7/24/2020 and the IIT's plans moving forward to review the contents of those USB files and develop an investigative plan after that review. We discussed to periodically hold meetings (via Zoom or in person) between the IIT investigators and the non-law enforcement community members on Thursdays at 1pm to provide updates and next steps. #16 7/23/20

TAB 33

WASHINGTON STATE PATROL
Criminal Investigation Division

Victim/Witness/Suspect Statement

Interviewer:	(MM) Det. Sgt. Mike Marken	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	8:03 a.m.
Place:	Via Telephone	**Incident Type:**	Use of Force
Interview of:	(TJ) Trooper KC Jones	**DOB:**	UNK

MM: This is the statement of Trooper KC Jones. This is the, the date is September 22nd of 2020. The time is 8:03 a.m. I'm Detective Sergeant Mike Marken of the Washington State Patrol. This statement is being recorded via telephone. Trooper Jones, do you know that this statement's being recorded?

TJ: Yes, I do.

MM: Can I get your full name and spell it please?

TJ: It's KC Jones. It's K and a C; Jones is J-O-N-E-S.

MM: And what do you do for the Washington State Patrol?

TJ: Um a Trooper, in Tacoma.

MM: Okay, what's your business address? Can you give me your business address please?

TJ: It's, oh I thought you said business dress, I'm sorry. It's 20, 2-5-0-2 112th Street East, Tacoma.

MM: Okay Trooper Jones, what I wanted to talk to you a bit about is an incident that occurred on March 3rd, of 2020, down at 96th and Ainsworth in Tacoma. Are you aware of that?

TJ: Yes.

MM: Um can you tell me what your um involvement in that was please?

TJ: Um in the case specifically, nothing. Um, State Patrol communications put out over the air that they were uh, Tacoma PD um radio was receiving mic clicks and some screaming in the background, and that was it. Uh from, from an address in that area of 96th and Ainsworth. So that was how it got put out to us. I was in the area at the

time, uh it's where I work, commonly. So I just started driving in that direction. Um when I got there, there was probably 10 to 15 other patrol vehicles there. Um, I got out of my car, I saw a Lakewood PD K9 handler that I know. Um, made sure everybody was okay. I saw that there, there was one male um on the sidewalk or near the sidewalk. I'm not, I don't exactly remember at this time um, he was detained in handcuffs laying on his stomach. Um, he was screaming, yelling, (inaudible) and he was striking at pavement with his forehead or face or you know something in that general area of his body. Um, there was a few officers or deputies trying to get him to calm down and speak to him, let him know that aid uh, medical staff was on the way. Um, I just made the decision that everything was under control considering how many people were there and I couldn't do anything to help. So I spoke with the K9 handler that I know for a few more minutes and I got in my car and I left. As I was leaving I observed either a fire truck or an ambulance or some kind of made aid, aid unit arriving. And that's all the involvement I had.

MM: Okay. Who was the um, uh other K9 officer?

TJ: You know I, I don't I think his last name is Maddis, um I don't know him real well. Um I just know him cause he's got a newer dog. Um, I think it's, his last name starts with an, with an M. Um.

MM: Would it be Anthony…

TJ: But that's about…

MM: …would it be Anthony Mucat or Bucat?

TJ: That, you know what that does, that sounds right.

MM: Okay. Um.

TJ: I'm not, not a hundred percent sure but that sounds right.

MM: Okay. And who does he work for?

TJ: Lakewood I believe.

MM: Okay. Um, so where was uh the gentleman that was restrained in relation to the patrol cars?

TJ: So he was off to my left side, if I was getting out of the driver's seat it would be, I was facing east on 96th, and he was north of me. It was, and I believe he was on the sidewalk, um could've been on a shoulder I, I don't remember exactly but he was clear of the roadway.

MM: So where was he in relation to the patrol car that he was near?

TJ: To, that he was near?

MM: Right.

TJ: Or my patrol car?

MM: No the uh Tacoma police car.

TJ: Oh I'm, I'm not sure. There was a lot of them.

MM: Okay. Did you see how um, how he was restrained?

TJ: Just in handcuffs. (*sneeze*) Excuse me. Um, nothing further that I saw.

MM: Okay.

TJ: And he was, he was lying on his stomach. But just in handcuffs.

MM: Okay. Can you describe the individual at all?

TJ: I would say he was about five-eight, um, 180 pounds, it was cold and wet so he had a large coat on. I believe he had some kind of facial hair um, I know he was a male, probably the mid-thirties but, race he was dark skinned but I don't, I don't know. He could've been Hispanic, he could've been um African American, he could've been anything I don't, I don't know his race. Or didn't at the time.

MM: Uh, how close did you get?

TJ: No less than 50 feet.

MM: Okay. Um, so could you hear what uh the individual was saying while he was on the ground?

TJ: No it was like a uh, like a muffled scream, like a, almost like a, a growling out of a dog it, it wasn't really words or might have been moan and groan or, something that I, I couldn't make any words of the sounds he was making.

MM: Um, did, what were the Tacoma officers um doing?

TJ: Just trying to calm him, comfort him. I don't know what it was. They were just, I heard them saying that aid's on the way, you know relax, calm down, you're gonna be okay. Um, you know fire's coming, whatever, whatever might be ambulance is coming, things like that.

MM: So did it appear that the individual was in any kind of distress or?

TJ: I think he was in, in distress because he was not happy being handcuffed. As far as you know like emotional distress um, you know upset that he was handcuffed or he was just in an altercation or something like that but like physical distress, no. Like I said he was striking his, his face with the pavement or on the pavement. Um, he was or it looked like he was resisting a little bit, trying to get up and away so, physical distress no, maybe emotional distress.

MM: Okay um, so you said uh how long do you think you were there?

TJ: Two, three minutes. And that was because I was talking to the other K9 guy.

MM: Okay. Uh, so you said when you left um, you passed a fire truck or an aid car?

TJ: Yeah um, as you, as you come to, into the scene um it's a downhill portion. Uh I think Yakima there's a four way stop and it's kind of the top of a, a little hill or a little bit of a grade. The ambulance is right there, and I turned right or southbound onto Ainsworth.

MM: Did it appear that they were, did they have lights and sirens going?

TJ: Yes. Yes. That's, that's how I knew it was them.

MM: So was it an aid car or a fire truck?

TJ: I couldn't tell you. It was big, red, with lights on.

MM: Okay. Uh, do you have anything else that you'd like to add to (*inaudible*)?

TJ: No, other than the, the fact that um, the officers were there. Um, you know they, they were trying to comfort him and, and let him know that help was on the way. Um, when I asked the, the K9 handler what it was and he told me it was he used the word excited delirium and that, that means several different things. But, what, what happened at that call is what we have done on those type of calls hundreds and hundreds of time, it was nothing out of the ordinary.

MM: Okay. Uh did it look like the officers were, did it appear the suspect was in need of any immediate first aid were they, were they doing anything?

TJ: No.

MM: As far as the aid goes?

TJ: No. No like I said he was, he was able to be combative he was able to either yell or whatever noise he was making he was able to breathe. He was able to make noise. He was able to struggle a little bit. Um, I said that, that's something we deal with hundreds of times. It's nothing out of the ordinary.

MM: Did it look like his legs were restrained while you were there?

TJ: I believe there was an officer either sitting on his legs or off to the side and had a um, a lead on his legs by his ankles but I, I don't remember a, a hundred percent.

MM: Did you see anybody restrain him further physically?

TJ: No. Nope. I remember there was the officer down towards his legs, that I just spoke of, um, and one up towards his shoulders and head area but that one was talking to him. But not restraining him.

MM: (*inaudible, crosstalk*) physically on him or no?

TJ: No. Not at all.

MM: Uh, what other agencies were there at the (*inaudible*)?

TJ: I believe it was primarily Tacoma PD and Pierce County Sheriff's Department, with two to three Lakewood guys and myself.

MM: So there were more Lakewood officers there than the K9 officer?

TJ: I couldn't, I don't know. I think there might have been but I'm not for sure, I just, like I said I know the one Lakewood guy that I talked to.

MM: Okay. Okay well I appreciate your time um, what I'm gonna do is uh read you a statement and then um you can tell me whether or not you agree with it. It says uh,

well actually um can you tell me how long you've been with the Washington State Patrol?

TJ: Ten years (*inaudible*) ten years and four months.

MM: Okay. Have you always been down in Tacoma?

TJ: I worked in Olympia from 2010 to 2015.

MM: Okay. And so for the last five years you've been working in Tacoma?

TJ: Yes.

MM: Okay. What I'd like to do is now I'm gonna read a statement and tell me whether or not you agree with it. It says I, Trooper KC Jones, declare that the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily and without threats or promises of any kind. Do you understand and agree with that?

TJ: Yes I do.

MM: Okay, that's gonna conclude the statement of KC Jones and the time is now 8:14.

***Transcribed by**: Jill Byram Dist. 7 CID 43*	***Date:** September 24, 2020*
Reviewed by: Det. J. Rhue D674	
Signature: Jeffrey N. Rhue	***Date: 11-09-2020***

RECORDED
WITNESS STATEMENT

Case # 20-009661
Citation #

NAME (last, first, middle) Trooper KC Jones DOB

STREET 2502 112th St East

CITY Tacoma STATE WA ZIP CODE 98445-5104

PRIMARY PHONE ( ) ALTERNATE PHONE ( ) DATE/TIME 09/22/20 @ 0800

DRIVER'S LICENSE # n/a STATE n/

OFFICER STATEMENTS:

This is the statement of Trooper KC Jones. Date of birth n/a

The date is 09/22/20 and the time is now 0800. I am Det. Sgt. Mike Marken

of the Washington State Patrol. This statement is being recorded at via telephone.

There are n/a persons present in the room. For purposes of voice identification, would each person present, besides

☐ Mr. ☐ Ms. ☐ Mrs. n/a, who is giving a statement, state your name and occupation, one at a time.

WITNESS STATEMENT:

Q. Trooper Jones, do you understand that this statement is being recorded?
Q. Would you give your full name and spell it, please?
Q. Would you give your address, please? 2502 112th St East Tacoma, WA 98445-5104
Q. Where do you work/study?
Q. What do you do there?
Q. Would you give me your date of birth?

QUESTIONS AT END OF STATEMENT:

Q. Do you have anything else you would like to add to this statement?
Q. Would you please read the following statement and indicate "yes" or "no"?

I, Trooper KC Jones, declare that the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily, and without threats or promises of any kind.

Q. Would you please sign this document on the line indicated:

Signature: ADVISED AND UNDERSTOOD

Witness: [signature] /D270

The time is now 0814 and this concludes the statement.

THANK YOU FOR YOUR ASSISTANCE!

RECORDED
WITNESS STATEMENT

Case # 20-009681
Citation #

NAME (last, first, middle) Trooper KC Jones DOB

STREET 2502 112th St East

CITY Tacoma STATE WA ZIP CODE 98445-5104

PRIMARY PHONE ( ) ALTERNATE PHONE ( ) DATE/TIME 09/22/20 @ 0800

DRIVER'S LICENSE # n/a STATE n/

OFFICER STATEMENTS:

This is the statement of Trooper KC Jones. Date of birth n/a

The date is 09/22/20 and the time is now 0800. I am Det. Sgt. Mike Marken

of the Washington State Patrol. This statement is being recorded at via telephone.

There are n/a persons present in the room. For purposes of voice identification, would each person present, besides

☐ Mr. ☐ Ms. ☐ Mrs. n/a, who is giving a statement, state your name and occupation, one at a time.

WITNESS STATEMENT:

Q. Trooper Jones, do you understand that this statement is being recorded?
Q. Would you give your full name and spell it, please?
Q. Would you give your address, please? 2502 112th St East Tacoma, WA 98445-5104
Q. Where do you work/study?
Q. What do you do there?
Q. Would you give me your date of birth?

QUESTIONS AT END OF STATEMENT:

Q. Do you have anything else you would like to add to this statement?
Q. Would you please read the following statement and indicate "yes" or "no"?

I, Trooper KC Jones, declare that the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily, and without threats or promises of any kind.

Q. Would you please sign this document on the line indicated:

Signature: ADVISED AND UNDERSTOOD

Witness: [signature] ID270

The time is now 0814 and this concludes the statement.

THANK YOU FOR YOUR ASSISTANCE!

REPORT OF INVESTIGATION
Assisting Officer's Narrative

Case #	
Citation #	

Officer's Name: K. Jones Badge No.: 767

Video file name (if applicable): N/A

Video viewed by officer for this report: ☐ YES ☒ NO

On March 3rd, 2020, I was on duty in Pierce County from 1800-0400 hours. On this day, I was in full WSP uniform and operating a fully marked patrol vehicle. At approximately 2324 hours, WSP Communications advised they were receiving portable radio "clicks" (radio transmissions) and heard yelling through a Tacoma Police officer's portable radio. No further details were available, only the incident was near 96th St and Ainsworth Ave.

At approximately 2327 hours, I arrived on scene. I observed multiple Tacoma Police and Pierce County Sheriff's Department vehicles blocking the roadway. As I exited my vehicle, I spoke with a Lakewood Police officer. He advised they had one male detained after he began kicking a police vehicle while it was in the roadway. The male began assaulting an officer as he exited the vehicle.

On the north side of the roadway, near the sidewalk, I observed a male lying on his stomach detained in handcuffs. He was screaming and appeared to be striking the pavement with his head. I overheard several officers attempting to speak with and calm him; however it did not appear to be working as he continued to scream and struggle. Due to multiple officers on scene, I did not involve myself in the incident or have any contact with the detained male.

I spoke with the Lakewood Police officer for several minutes, as he too is a K9 handler. At approximately 2333 hours, I cleared the scene. As I turned southbound onto Ainsworth Ave, I observed medial aid vehicles arriving on scene.

End of report.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this report is true and correct (RCW 9A.72.085):

Officer's Signature	Officer's Printed Name	Badge #	Date Signed
	K. Jones	767	06/10/2020

Place Signed	Reviewed by (Signature)*	Reviewed by (Printed Name)*	Badge #	Date Signed
Pierce				

**Report is valid without review.*

Washington State Patrol
Incident Details

Incident Number:	2020030300002993	**Date\Time:**	03/03/2020 23:24:00
Incident Type:	INC	**Area:**	106
Incident Dispositions:	C, CASE	**Case:**	20-009681
Location:	96TH ST S / AINSWORTH AVE S	**Latitude:**	47.17018900
Additional Location Info:	MIC CLICKS/YELLING	**Longitude:**	-122.45522400
Primary Unit:	-	**CO:**	20099161 - CREIGHTON WELLS
Caller Info:	PCSO	**Associated:**	

Comments:

03/03/20 23:25 BROADCASTED ZONE 1
03/03/20 23:25 767 ADVD
03/03/20 23:25 663C ENR F/1
03/03/20 23:25 838C 1240C ENR
03/03/20 23:25 TAPD UNITS A/S, INCOMMING CAN SLOW
03/03/20 23:28 PCSO ADVD CAN DISREGARD
06/18/20 06:08 D270 REQ CASE #
CASE #20-009681
06/18/20 06:08 DISPO CASE:20-009681

Incident Unit Times:

Unit Id	Unit History Time	Transaction Type	Status	Incident Type	Unit Location
1176	**REYER, ROBERT**				
	03/03/2020 23:25:38	UNIT MGMT	EN	INC	96TH ST S / AINSWORTH AVE S (1)
	03/03/2020 23:25:38	UNIT STAT	EN	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:25:38	DPTCH	OC	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:27:30	UNIT STAT	CL	INC	
	03/03/2020 23:27:30	FREE UNIT	EN	INC	96TH ST S / AINSWORTH AVE S
1240	**DOVE, KELSEY T**				
	03/03/2020 23:25:33	UNIT MGMT	EN	INC	96TH ST S / AINSWORTH AVE S (1)
	03/03/2020 23:25:33	UNIT STAT	EN	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:25:33	DPTCH	OC	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:27:30	UNIT STAT	CL	INC	
	03/03/2020 23:27:30	FREE UNIT	EN	INC	96TH ST S / AINSWORTH AVE S
384	**SMITH, NICHOLAS A**				
	03/03/2020 23:25:33	UNIT MGMT	EN	INC	96TH ST S / AINSWORTH AVE S (1)
	03/03/2020 23:25:33	UNIT STAT	EN	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:25:33	DPTCH	OC	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:27:30	UNIT STAT	CL	INC	
	03/03/2020 23:27:30	FREE UNIT	EN	INC	96TH ST S / AINSWORTH AVE S
608	**KNOX, DANIEL J**				
	03/03/2020 23:26:16	UNIT MGMT	AS	INC	96TH ST S / AINSWORTH AVE S (1)
	03/03/2020 23:26:16	UNIT STAT	AS	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:26:16	DPTCH	OC	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:26:42	PRIM UNIT	AS	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:27:18	PRIM UNIT	AS	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:27:31	FREE UNIT	AS	INC	96TH ST S / AINSWORTH AVE S

Unit Id	Unit History Time	Transaction Type	Status	Incident Type	Unit Location
	03/03/2020 23:27:31	UNIT STAT	CL	INC	
663	**BROWN, ZACHARY D**				
	03/03/2020 23:25:22	UNIT MGMT	EN	INC	96TH ST S / AINSWORTH AVE S (1)
	03/03/2020 23:25:22	UNIT STAT	EN	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:25:22	DPTCH	OC	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:26:48	UNIT STAT	CL	INC	
	03/03/2020 23:26:48	FREE UNIT	EN	INC	96TH ST S / AINSWORTH AVE S
677	**MCKENZIE, SHANNON T**				
	03/03/2020 23:25:22	UNIT MGMT	EN	INC	96TH ST S / AINSWORTH AVE S (1)
	03/03/2020 23:25:22	UNIT STAT	EN	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:25:22	DPTCH	OC	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:26:48	UNIT STAT	CL	INC	
	03/03/2020 23:26:48	FREE UNIT	EN	INC	96TH ST S / AINSWORTH AVE S
767	**JONES, KC J**				
	03/03/2020 23:26:58	UNIT MGMT	AS	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:26:58	UNIT STAT	AS	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:26:58	DPTCH	CL	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:27:01	UNIT STAT	AR	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:27:18	PRIM UNIT	AR	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:27:47	PRIM UNIT	AR	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:33:34	FREE UNIT	AR	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:33:34	UNIT STAT	CL	INC	
838	**TAYLOR, BENNIE O**				
	03/03/2020 23:25:38	UNIT MGMT	EN	INC	96TH ST S / AINSWORTH AVE S (1)
	03/03/2020 23:25:38	UNIT STAT	EN	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:25:38	DPTCH	OC	INC	96TH ST S / AINSWORTH AVE S
	03/03/2020 23:27:30	UNIT STAT	CL	INC	
	03/03/2020 23:27:30	FREE UNIT	EN	INC	96TH ST S / AINSWORTH AVE S

Vehicle and Person Information:

No Tow Contractors | No Vehicles

Incident Persons

Pers1: PCSO - - No OLN Entered - No OLS Entered - No Phone Entered - (INITIAL CALLER)

End of Report

TAB 34

WASHINGTON STATE PATROL
Criminal Investigation Division

Victim/Witness/Suspect Statement

Interviewer:	(MM) Det. Sgt. Mike Marken	**Case Number:**	**20-009681**
Date:	August 20th, 2020	**Time:**	6:31 a.m.
Place:	Lakewood Police Dept Lakewood, Washington	**Incident Type:**	Use of Force
Interview of:	(AB) Anthony Bucat	**DOB:**	UNK

MM: Okay. This is the statement of Officer Anthony Bucat of the Lakewood Police Department. The date is August 20th, of 2020. The time is now 6:31 a.m. I'm Detective Sergeant Mike Marken of the Washington State Patrol. This statement is being recorded at the Lakewood Police Department in Lakewood, Washington. Um with me is Detective Jeff Rhue of the Washington State Patrol. Detective Rhue can you um state your name?

JR: Uh Jeff Rhue.

MM: Okay. Um, Officer Bucat, am I pronouncing that correctly?

AB: Bucat.

MM: Bucat. Uh, do you realize this statement is being recorded?

AB: I do.

MM: Okay. Can you give me your full name and spell it please?

AB: Anthony Bucat. A-N-T-H-O-N-Y, B-U-C-A-T.

MM: And, where are you employed?

AB: With the Lakewood Police Department.

MM: And what do you for them?

AB: I am a K-9 officer.

MM: And what's the address here at Lakewood P-D?

AB: 9-4-0-1 Lakewood Drive Southwest, Lakewood, Washington 9-8-4-9-9.

MM: Okay. What we're here to talk to you um, Office Bucat, is um about an incident that

occurred on March 3rd of 2020 during the late evening hours. Um, are you aware of that incident?

AB: Yes sir.

MM: Okay. Can you tell us what your involvement was?

AB: Uh I, on that night I was um, our dispatch south sent a 911 advised us that Tacoma Police Department was fighting a, with a subject at 96th and Ainsworth. Um, I kind of started pointing in that direction, not really expecting to get there. I was going there purely as a as a, in my K-9 capacity. Um, as I got there they were advising that they had one in custody. Um, that was probably within seconds before I arrived. Um, when I arrived I just, I didn't have any contact with the subject I touched base with a couple people that were uh kind of standing back from the scene. Um, I talked to one of the K-9 Troopers right when he arrived. We chatted for a few minutes and then we both left after fire arrived.

MM: So did you see Mr. Ellis at all?

AB: I did.

MM: Okay what was his condition like?

AB: I don't remember a whole lot about what he was doing. I was mostly just talking to other people that were there. Um, at that, by the time I arrived there was a whole bunch of other officers that were there so, I saw that they had everything under control so I just mostly focused on talking with others at that point. Um, I remember that he was yelling, but I don't remember what he was yelling. Um.

MM: Was he yelling loudly or?

AB: Yeah.

MM: Okay. Was he, at anybody in particular or?

AB: I honestly don't remember.

MM: Okay.

AB: I'm sorry.

MM: So did you see him and see what his condition was, I guess?

AB: I remember seeing him they had him on, on the ground at that point. Um, as far as what his condition was I don't really remember.

MM: And how was he restrained?

AB: Uh in handcuffs as far as when I was there anyway. Um, they used handcuffs at that point.

MM: And earlier before we went on tape you mentioned some kind of a hobble they used to restrain his?

AB: Yeah and I don't, I don't believe that I was there when they actually applied the hobble. Um, I was told, or I was contacted by Pierce County Detectives um shortly

after I had left saying that apparently they used a dog leash for a hobble, they were asking if it was any of mine, and it wasn't.

MM: Okay. Is that something officers typically would do?

AB: Uh officer will hobble people but I know I personally have a hobble that's specifically designed for it. Um, so I've never used a dog leash. Whether that's common in Tacoma I have no idea.

MM: Okay. Okay. Jeff do you have some questions?

JR: How close did you get to Ellis and the arresting officers?

AB: I was maybe 40, 50 feet away.

JR: Okay.

AB: I would say.

JR: How many officers were there when, would you estimate, when you got there?

AB: Maybe 10 or so. Roughly. If I were to guess.

MM: Um, do you remem-do you remember what agencies were there?

AB: Uh, Tacoma was there. Uh Pierce County Sheriff's Department was there. I was the only one from Lakewood there and then State Patrol showed up, about a minute or two behind me.

MM: Okay and that's typically who patrols this area, correct?

AB: Yeah. Yeah.

MM: What was the weather like I guess outside?

AB: I don't really remember.

MM: Okay.

AB: Other, other than it being nighttime. I don't remember.

MM: Uh does your car have a video camera in it?

AB: It does, but my lights were not activated and I did not activate the camera from my microphone, cause once they had him custody then I had a pretty good idea that I wasn't going to be contacting him at all, so. My camera was not on at the time.

MM: Okay.

JR: How long were you on scene for, would you estimate?

AB: Maybe 10 minutes or so.

JR: Okay.

MM: Uh, just some uh background question. How long have you been with the Lakewood Police Department?

AB: Uh since February of 2013.

MM: And have you been a K-9 that whole time or?

AB: No I have been K-9 since January of 2019.

MM: And I take it you went through CJTC Then?

AB: Uh, we have a master trainer here in Lakewood that helps train Lakewood dogs, Tacoma and Pierce County and Puyallup.

MM: Okay.

AB: Um and so my training was through, was through him.

MM: Okay. I, and no one else from Lakewood PD responded?

AB: Not that I remember. I think I was the only one from, from Lakewood that responded.

MM: Okay.

AB: And that was purely because I have, I had a dog with me.

MM: Okay.

JR: Um, did you know Manny Ellis at all?

AB: I did not.

JR: Manuel Ellis, okay. Um, have you read the officers names that were involved in the, this incident as far as (*inaudible*).

AB: I have but I don't remember who, who they are off the top of my head.

JR: Okay.

MM: And you don't know any of them?

AB: Not, not that I can recall.

MM: Okay.

AB: I mean I, I might have run into a couple of them on calls but, I don't think I know any of them personally.

JR: Okay

AB: That I, I can't even tell you who they were off the top, off the top of my head right now.

JR: So nobody you hang out with.

AB: No.

JR: Okay.

AB: No.

JR: It sounds like your involvement was fairly limited, is there anything else that you can think of about uh your response there the, the actual broadcast, the time on scene, anything after the fact that you think would be important for us to know?

AB: Uh not that I can really think of, I mean I, they broadcast it on our channel which typically they do. So we're on Lakewood and, and Tacoma. Tacoma's broken up into two different channels.

JR: Okay.

AB: Um, and then Lakewood has their own channel as well as the Sheriff's Department and other outlying agencies. Um, they broadcast it on our channel which they always do. Um, anytime that another agency has any kind of priority traffic they'll broadcast it on all the channels. Um, I went in route just like I normally do, I'll just switch to their channel, and as I'm going I'm like this is kind of a really long fight. Like this is dragging on a lot longer than a fight normally would.

JR: Okay.

AB: Um, so I was kind of, as it's dragging on longer and longer and being in fights before I kind of realized that I don't know how many guys they have there right now, and I know that fights are obviously very tiring when you're in them. Um, so I kind of started picking up speed a little bit not quite to a priority response cause I'm expecting it to end any, any second. And it just didn't. It just drug on. Um, and then once I would've been a few seconds before I arrived is when they said that he was in custody. Um, and so it seemed like it was a few minutes before they actually, while they were actually fighting with him to try and get him into custody. So it, to me it was a very prolonged fight.

JR: Okay.

AB: Um, but I mean outside of that uh once I arrived it was kinda once I heard that he was in custody I tried to, at that point I try to limit my involvement with, with cases. Um, unless I have to intervene for some reason. Um.

JR: Right.

AB: So. I was kind of was in the background and.

JR: So as a police officer, you mention that it was kind, it was a prolonged fight.

AB: Mhmm.

JR: Anything cross your mind about why that was?

AB: No I mean it just kind of, you know a lot of times two officers can get somebody into custody fairly, fairly quickly and easily. Um, if it's gonna be a prolonged fight a lot of times it, it could either be um it, it could either be this person's a very experienced fighter and kind of is used to, to being in combative situations. Um, it could be that they're high on some kind of narcotics to where their pain tolerance is significantly lower than it would be normally. Um, it's just hard to say. Um, but that's a long time to fight somebody. Especially when you are going at it with somebody pretty hard. Um, it's a long time to be in a fight. And so I can imagine that they were probably pretty exhausted by the end. Um, and it takes a lot out of the body to try and, and fight with somebody that long.

JR: Right.

MM: So did you have any contact with the officers to kind of…

AB: No. No I, I talked to…

MM: …see their condition?

AB: …I want to say I talked to, it was either a, a Pierce County Sergeant or Lieutenant when I got on scene and kind of got a tidbit of the story of, of what was going on. Um, and then once the State Patrol K-9 guy that I know showed up that's when I kind of drifted farther back and talked to him.

MM: And who is that K-9 officer?

AB: Uh, know he goes by KC I want to say it's Trooper Jones. Um he's out of the, out of the Tacoma office. Um, I just kind of drifted back and we always talk about dog stuff and when we see each other and check in on how each other's dogs are doing and…

MM: Mhmm.

AB: …so that was kind the gist of our conversation and, once fire arrived I'm like well oh, it's.

MM: And you didn't deploy your dog at all?

AB: No. Nope.

MM: Uh one thing you mentioned uh was about radio frequencies can you explain to us does Pierce County SO have their own frequency?

AB: Mhmm.

MM: And then…

AB: Yeah so, so uh Pierce County's broken down into, let's see there's Piece County east and west, Tacoma north and south, Lakewood primary which includes Lakewood, Steilacoom and Dupont. Uh, there's Fife primary which has Fife, Milton, Bonney Lake and Buckley PD on it. And then Puyallup has their channel which has Puyallup, um Sumner and a couple of other small agencies. And then Puyallup Tribal has their own channel. So the, we're all broken down into multiple different channels um, just cause there's so many small tiny little municipalities here in, in Pierce County. Um, so once, once there's a priority of any kind, whether it's a priority call going out, or um officers are pursuing a vehicle or officers are fighting with somebody, anytime there's going to be priority traffic on one channel, they'll broadcast it on all channels in case there's any of those other units that are potentially close. Um, and that's just the way that they've, it gets really old when we get, you're like Puyallup's fighting with one, it's like well I'm not even 20 minutes away from there but, okay. Um, but it's, it's purely for in case there's a unit from Buckley that lives in Tacoma that's on their way home and they're two blocks away from this. They're at least have a heads up on that and they can go oh I, right here I can go. Swing by that and give them a hand.

MM: Okay.

AB: So.

JR: You mentioned that you talked to uh, either a sergeant or a lieutenant from Pierce County when you arrived on scene…

AB: Yes sir.

JR: …and he, kind of gave you a rundown what, what like a brief rundown.

AB: Mhmm.

JR: Do you remember what he told you about what was going on?

AB: Uh I remember I, I don't exactly remember what he said I, I know that what I've kind of gathered since then.

JR: Okay.

AB: Um but I can't remember exactly what it was that, that he told me.

JR: Okay. That's fair.

MM: Okay. So you don't have anything else, you think we should know?

AB: Not that I can think of, no.

MM: Okay. What I'd like you to do is (*inaudible, interference*) um and, advise me, let me know if you understand it.

AB: Sure.

MM: Starting with the I.

AB: Okay. I, Officer Anthony Bucat, declare that the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily and without threats or promises of any kind.

MM: Okay, can I get you to sign, right here.

AB: Yes sir.

MM: That'll conclude the statement of Anthony Bucat, the time is now 6:45.

Transcribed by: *Jill Byram Dist. 7 CID 43*	***Date:*** *October 23rd, 2020*
Reviewed by: Det.J. Rhue D674	
Signature: Jeffrey N. Rhue	***Date: 11-09-2020***

TAB 35

WASHINGTON STATE PATROL
Criminal Investigation Division

Witness Statement

Interviewer:	(JR) Det. Jeff Rhue	**Case Number:**	**20-009681**
Date:	October 5th, 2020	**Time:**	5:21 p.m.
Place:	WSP District Office Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(SM) Sara McDowell	**DOB:**	March 20th, 1997

JR: Okay, this is the statement of Sara Christine McDowell. Date of birth is March 20th, 1997?

SM: Yes.

JR: Okay. Today's date is October 5th, 2020 and the time now is 5:21 p.m. I am Detective Jeff Rhue of the Washington State Patrol, and this statement is being recorded at the Washington State Patrol District Office in Tacoma. Other than myself and Ms. McDowell, um would the other persons present in the room please uh give their name, identify themselves for uh voice identification.

MM: Detective Sergeant Mike Marken with the Washington State Patrol.

JB: James Bible, attorney for the Ellis family.

JR: Okay. Can I call you Sara?

SM: Yes.

JR: Okay. Sara, do you understand this statement is being recorded?

SM: Yes.

JR: Okay and I have your permission to do that?

SM: Yes.

JR: Could you give your full name and spell it please?

SM: Sara McDowell. S-A-R-A, M-C-D-O-W-E-L-L.

JR: Okay. And what's your current address?

SM: 11-0-2 East 57th Street, 9-8-4-0-4.

JR: Okay.

SM: Tacoma, Washington.

JR: And where do you work at?

SM: I don't work right now.

JR: Okay. And your date of birth is March 20th, 1997?

SM: Yes.

JR: Okay so um the reason we're here today is to talk about an incident you saw on the, saw and recorded on the…

SM: Mhmm.

JR: …uh 3rd of March um of this year. Uh involving a Mr. uh Manny Ellis. If you just could start at the beginning as um, where you were driving…

SM: Mhmm.

JR: …um, and then what drew your attention to the incident.

SM: Okay. So I was driving to my sister's house March 3rd um, later, late at night and um my kids' dad was behind me following me to my sister's house cause he was coming to spend the night. We were going to spend the night there and uh I pulled up behind a police officer at a red light on 96th and Ainsworth and I didn't know anything like I, it was normal until uh I seen um Manny walking. And the police officers, uh well at first I thought it was just like a normal conversation they were just, I don't know I just thought that like the officers knew him from somewhere maybe you know. And then um, Manny like uh walked to the car a little bit, they like had got his attention or something and then he turned around, um, ignored, it looked like he ignored them or like was walking away from them and then got back onto the sidewalk or was going to the sidewalk it looked like and the passenger police officer opened his door like super hard and it just like it threw me off. That's what when I was like okay something's happening. Um, also the light turned green and they didn't go so it was kind of just like obviously something's not right. Um, but when the passenger police officer opened his door and um Manny got knocked down he, uh the driver officer opened his door and ran around in front of the police office um officer's car, uh their car, um, and uh while he was getting, while the driver police officer was getting out, and running around the car, the passenger police officer was punching or slammed Manny to the ground and was like punching him, like over and over just punching his face. I then was like or then got out of my car and was screaming and screaming like whatever he did, like whatever occurred, that I didn't see uh just arrest him. They didn't try to like just arrest him like I didn't, um and then I started driving a little bit forward, past the uh police officer's car, and they were in front of it at the pole right there on 96th and Ainsworth and the, I believe it was the driver officer at this time, uh was on top of Manny and so the other one was like holding his hand down, like this, and was like yelling at him to put his hand or to do it, or if he does it again or, saying put your hands behind your back or I'm going to do it again, that's

what the police officer said to Manny. And um he was then looked, or it looks like he was looking at me in the video while he was saying that, but you can see his hands on top of Manny like he was on, his hands are holding his hands down, he couldn't do it. And he was saying or Manny…

JR: Are you saying Manny's looking at you or the officer's looking at you?

SM: The officer looked at me. Like he looked up at me um, then um Manny was like help, like he couldn't he was just couldn't do it like he, they were talking about what they were going to do to Manny, he's like no um. Then I, um, drove away. I turned around and came back after I dropped off my daughters my two daughters off at home which at the apartments or at my sister's house at Aero Apartments. Which is like 30 seconds away from the scene um, I turned around, came back, after they got in and there was like uh I drove past and I tried to like get out or like stop and see if I can like just see what was going on, and there was like about six, seven officers around where it happened. Where I first seen him getting hit and stuff and um, the officer, there was another officer telling traffic that, or telling us like to go around to get out of here, whatever so, I couldn't even get out of my car or do anything so I go all the way around the block and I'm just, sirens or ambulance and fire truck all of that so. Yeah.

JR: Uh you mention Manny by name. Did you, did you know who he was?

SM: No, I just know Manny now.

JR: Okay.

SM: It's just how, what everybody, his family and all calls him.

JR: Okay. And same question about the, the officers, you know they've been in the newspaper and stuff, are you familiar with any of the officers?

SM: No.

JR: Okay. So um if you can, in detail, um, so as you're coming up, the police car stopped and in, in the lane there. Um, can you describe them, you thought they were having a conversation or interacting?

SM: Yeah.

JR: So where, where exactly is Mr. Ellis standing in relationship to the, the police car?

SM: Um, well first he was walking on the sidewalk and he just kind of like walked over slowly, he was like, the car is right here he was like (*sigh*) maybe the car was like here and he was back right here. I noticed just like talking, they were talking for a second before he turned around. He was talking for about like I'd say 10 to 15 seconds talking and then turned around and was starting to walk back and got hit by the door. Just was knocked uh down onto his knees and then the, that passenger officer got out and then grabbed him and just started pounding him, his face.

JR: Okay. Um, could you hear any dialog that was going on…

SM: No.

JR: …between?

SM: Huh uh.

JR: Okay. Did it seem like, did it seem like there was any yelling that was occurring?

SM: No the, that's why at first it seemed normal and like I didn't hear I, feel like I would've heard um yelling. My, actually my music was up, that's why I didn't hear anything. My music was up and then as soon as I seen him start, uh the officer get out and hit or like when all that happened, I turned my music down and I was screaming stop, arrest him, arrest him.

JR: Okay.

SM: Cause I didn't know anything was happening my music was and just.

JR: How long after you pulled up to the, the vehicles did you actually start recording, how much time had passed before you?

SM: Um, like, I pulled up, they were talking, probably like 30, 40 seconds. I, it happened so fast. I pulled up, even or the light was red, it turned green, and then that all happened and then I was like, I think I was like leaving or pulling around by the time it turned red again, so. Like 30 seconds, 40 seconds.

JR: Okay. Um, so what, what did you think was happening when?

SM: I didn't really have no idea I was confused I had to just, thought maybe they were friend, or like that he had knew him. I didn't know if Manny was like homeless or something and like maybe they like helped him out before or like, I just didn't, I had no idea. It was just weird. Like you don't, I didn't, I don't know you just don't see that. He was literally just walking and they're at a red light, they weren't even pulled over, their lights weren't on so I just was like oh maybe they know him, they're like hey dude, or how are you or even if like see he did do something wrong like I don't know they were just, they were just weird.

JR: Did you see anything in Mr. Ellis' hands?

SM: No

JR: Before the?

SM: Mmm mmm.

JR: Did you ever see him strike, strike the patrol car?

SM: No, he didn't. It wasn't when I seen him walk to the car he literally wasn't, wouldn't put his hands up, he didn't kick his feet, he didn't do anything. He turned around on them and started to walk away and then the officer opened his door, knocked him down. He didn't touch the car at all.

JR: Okay. And based on…

SM: And I was watching cause I was just like what the hell is going on right now.

JR: Okay. And based on your observation of the, the door, does that look like…

SM: Mhmm.

JR: …what the, did it look like that's what the intention was to use the door to?

SM: Yeah, yeah.

JR: Okay.

SM: Definitely saw (*inaudible 9:37*).

JR: And uh just you may have said this and I just didn't catch it, what, was his back, Mr. Ellis I'm talking about, was his back to the door when this happened or was he facing the door?

SM: No he was, his back, he was already turning around starting, he was like literally like turned around, starting to walk and then the officer. It was definitely intentional when he opened it really hard and like jumped out, and then…

JR: Okay.

SM: …grabbed him, Manny.

JR: Okay. And then, you said that's the point when the, the driver officer…

SM: Mhmm.

JR: …and if you could refer to him as driver officer, passenger officer…

SM: Yeah, it helps in that area.

JR: …that makes sense to me too, so. Um, that's when the driver officer uh ran out at that point?

SM: Mhmm.

JR: Okay. And, and again if you can just explain what happened at that point with the driver officer.

SM: Um the driver officer, he liked flipped his light on um before he even got out of the car. So, uh the passenger is like doing his thing. The driver flips his lights on, and uh, uh went, goes around the front of the car and like grabs him or, it's just hard to tell it was just all happening so fast the…

JR: Okay.

SM: …video like can like tell you for sure but. Um, grabs him and then they end up flipping him on the ground and then um, or, and then the, passenger one is the one standing with the Taser, and then they're all, the driver one, sorry, the driver one is holding Manny, while the passenger is saying that he's going to Taz him again.

JR: Okay. Could you tell if he did or didn't Taz him?

SM: Um he was Tasing him, he was. He was Tasing him for a minute um over, like just off and on kind of I seen um or uh before I drove past the car and then after that he was doing it. And I didn't see anything after that.

JR: How can you tell that he was using the Taser?

SM: Um he was just like, he was standing, okay so when I'm like stand, or when I was before the police car…

JR: Okay.

SM: …uh Manny was on the ground, after the pol-or the driver cop got to that, got over whatever, whatever he had his Taser in his hand and stuff and he was just like, I don't know it just happened so fast. He was just look, I don't know what it looks like to get Tased and that's what he was doing.

JR: Uh I mean, just if you, are you basing it off reaction from Mr. Ellis or you're, you're hearing a sound or?

SM: Yeah, just, no I didn't hear anything. I didn't hear anything.

JR: Okay.

SM: Just what I seen and what was happening and what I, he did it and then, yeah just what I seen I don't really.

JR: Okay. And what is Mr. Ellis doing…during this whole time?

SM: He was just freaking out he was freaking out. He was literally just like saying or well not saying he's like blocking his face when the passenger was punching him in his face. He was just like kind of like trying to block and like protect himself um, he, he wasn't hitting back. He wasn't uh, he wasn't even really like freaking out. Like wiggling out like trying to like, you know what I mean, he was just trying to like, (*sigh*) uh not get hurt or get like people get what, or what they were going to do to him he didn't, I'm pretty sure he just was scared for his life.

MM: What was uh, Mr. Ellis' position on the ground?

SM: Um, he was like, well at first when the passenger started hitting him, he got onto his back and they were on top of him and then, then he was like flipped over, then they like tackled him over and he was like on his side like this and then when I drove past same thing. Okay it was just like I don't know he was just like smashed, like, he was just like all over during the whole time he was kind of just like to his side and then like more to like the this. He wasn't so much on his back, flat, compared to the first part of the video.

MM: How were the officers positioned?

SM: Um, the one officer, one is on top of him kind of, and then the other one was kneeing, or kneeling down on top of him or like on the side of him. And then he got up and then after that I was gone, from.

MM: Um you said kneeling, where was uh the officer's knee?

SM: Um the first one that was on top of him was, I mean, he was just all over his back. All over his holding down, like his body, or his like shoulder area. And then, the other officer, he was just like on like honestly like he was, I don't really kind of really.

MM: What part of the officer was on Mr. Ellis' back?

SM: His whole body was, I don't really, just his whole body was on him. He was like, just against him, like I can't explain it, just his whole body was on top of him. His knees were like on his back, he had, they were just holding him down then, uh the other officer when he had his um I, he was like facing this way and he would, was holding him down enough for him to not be able to move his hands so he was like this, had his hands on him, just around him. They were just like, covering I don't know.

JR: I know there's a lot of this on video, but there's some parts that aren't on video that's where having you describe it and sometimes the video perspective and what we see is different, so. Um, did you, do you remember if you had your window up or down during?

SM: Um they were up. Or they were down, I always have my windows like cracked. Um.

JR: Okay. Do you, when the um, so when the passenger officer first opened the door, do you remember either Mr. Ellis or the officer say anything?

SM: When you said when they opened the door, do I remember?

JR: Yeah.

SM: I, no.

JR: When the part, the point where the, the driver officer comes around and they're uh rolling around on the ground, or on the ground, did the officers do, are the officers saying anything?

SM: No I couldn't hear anything.

JR: Okay. Um, was there any, do you remember hearing anything where, but that you couldn't decipher?

SM: Just when I got um deciphers through the.

JR: I mean, could, voices without maybe understanding them?

SM: Mhmm, yeah, when I got out of the car and was screaming at them I just heard just whatever was going on, just the racket and all that and just, want mainly just him. Like whatever he, I couldn't hear anything anybody was saying like in words I don't, I couldn't tell anybody like what was being said at all.

JR: Okay.

SM: Just, loudness, yelling kinda like.

JR: Okay. Could you tell who was…

SM: Being directive and, oh no I just literally it just was loudness that, them yelling (*inaudible 16:37*).

JR: Okay.

SM: Whatever. And then my kids, mind you my kids' dad was behind me saying to go and, all that so I'm figuring what do you want, who was behind me and like trying to

focus on what's going on but worried about traffic and me holding it up or you know anything that like sitting here and just like.

JR: Okay. Did, could you tell if Mr. Ellis was yelling or saying anything at this?

SM: Just, no. He just looked like he was struggling. He didn't, he wasn't, he didn't look like he was trying to fight back or anything, he just looked like he was struggling like, and when I drove back past and he said help like, he probably heard me. Saying something and he yeah.

JR: Okay. So, Keyon, that's your, that was who was behind you?

SM: Yeah.

JR: Is your boyfriend?

SM: Uh my kids' dad.

JR: Your kids' dad, okay. So he's, he's behind you. Um, and in the video you, you get out and…

SM: Mhmm.

JR: …um, what, what did he, what did he say to you where, is he talking to you or was he talking to the officers or?

SM: Uh he, uh…

JR: If you don't remember you don't remember.

SM: Yeah he was just defending him, defending um Manny. He also didn't know Manny either, he just saw that the officers, he saw what I seen. He saw the officers attack Manny and Manny didn't do anything so. He got out of his car and I thought he was gonna go like, you know like go over there to like something and so I started screaming at him because I just seeing something happen that I didn't want to have happen to him I don't know I was just scared and, so I screamed at him to get back in the car and duh duh duh duh and then, yeah.

JR: Cause you were worried he was going to go over there?

SM: Mhmm.

JR: Okay. Um, so then, so this was all that, when you're parked behind the car um, now you, there's a second video clip when you're…

SM: Yeah.

JR: …when you're driving along um, now you mentioned something. So what, what, what dialog can you hear is going on between now, the officers and uh Mr. Ellis at that point?

SM: Um, I just saw like police said put your hands behind your back before I do it again, which meant Tasing him um for he was standing there with the Taser in his hand. Um, they're uh, what's it called um, that was, that's all I heard and then he was telling me to help him and then, um, I believe it was the, I believe it's the passenger

one, um, or the driver one, the driver sorry so confusing, the driver police officer was looking up at me, um, after he said that he was going to do it again if he didn't put his hands behind his back.

JR: Okay. And you said that Mr. Ellis asked you to help him?

SM: Yeah.

JR: Okay.

SM: Or I'm sure he didn't say to me, he didn't talk, he just I'm pretty sure he heard my car and noticed that there was somebody there and he was like help. Just, and I have, I obviously rolled my window down cause I'm like looking you know I'm like, well recording too.

JR: Okay. Um and how was his voice when he said that?

SM: Just, done, like out of breath like, quiet. He was just like literally like, just like he got the crap beat out of him, like he did, like he got punched in his face ten times like.

JR: Okay. So, from the time that you, what's the time difference between the two video clips?

SM: Um, right when I stopped that video I pulled up slowly, 10 seconds, it was probably I just put, and then maybe at like, gosh I'm not for sure, it's like 10, 20 seconds…

JR: Okay.

SM: …something (*inaudible 20:33*) like it was quick. It was.

JR: So immediately once you turned it off?

SM: There's that that and then um yeah so, yeah I'd say about 15 seconds when he said this.

JR: Um, so as you're pulling away um, could you hear or did you see or hear other police?

SM: Mmm mm.

JR: Okay. Um, you said you drove, dropped your kids off, and then you came back.

SM: Yeah.

JR: So what was the purpose of coming back, why, why were you coming back?

SM: Because I, it's, I, I didn't, nothing happened so I was scared for Manny. I was just like, wanted to go figure out what, what happened to him like or why that happened. Like I don't know I was just trying to figure it out. I was freaked out like, I just couldn't sit at home I couldn't be at home even like or go inside. Like I was like I just seen that, like I have to go. I didn't know what I was going to go do um.

JR: Okay.

SM: I, yeah.

MM: How many officers are there when you got back?

SM: Um there was about eight officers it looks so around Manny, and then there was just some doing their own thing I don't know I wasn't paying attention to that just where he was at, and or where it had happened. I didn't see Manny, I just seen the officers. They were all in a circle it looked, and then the officer that was telling traffic to go, or to go right now.

JR: Okay. Do you remember if the fire department was there?

SM: Um, uh yeah.

JR: You're…

SM: I don't think that the ambulance was there then.

JR: Okay. Did uh Keyon come back with you or did you just come by yourself?

SM: No, just me by myself.

JR: Okay.

SM: I didn't want him to be a part of it at all, it's just that's why I left in the first place, I just needed him to get home with, he had my kids too in his car. And I was by myself so.

JR: Okay. Um, so, so I can understand um, timeline of the video. Um, so when did you first share the video, your video clips?

SM: Um, June 4th.

JR: June 4th. And who did you share that with?

SM: Uh Manny Ellis' sister and James.

JR: Okay. And you, they you so you've obviously met the Ellis family.

SM: Yeah.

JR: Um, so was that, had you met them before or is that…

SM: No.

JR: …the first time you met them?

SM: That was the first time. I wasn't even sure if it was the right people I, you know, if it was the right situation, the right people or anything yeah.

JR: Okay. And you came out and showed that you had the video of the?

SM: Yeah. But, sorry, say that again.

JR: So, you met them and that was the first time you shared, shared the video?

SM: Yeah, yes.

JR: Okay. How come you didn't share it with the, the police?

SM: Um because the article that I read online was different than what I seen. It was a lie so I was like um, they're already lying about what had happened so I just I was scared kind of wouldn't go to them.

JR: Okay. Um, what article are you?

SM: Or it was, I don't know it was the news, it was whatever um his autopsy had came out on. Um, I read it and it was like, said that um I don't know if it said his name or not but it said a guy, whatever, that had was hitting on a patrol or the car and stuff like that, and was breaking into people's cars, breaking into uh people on the road's cars or something like that uh, and it said 96th and Ainsworth, March 3rd, at 11:21, 22 p.m. And the only reason like I just was like oh my gosh like, that is, kind of sounds like, what I had experienced. I had experienced something March 3rd, at 11:20 p.m. but it wasn't, he well this man wasn't hitting on cars, he wasn't trying to get into people's cars he was walking and tried to walk up, or they walked, they had a conversation whatever it was, and then he walked away, they knocked him down, and they beat him up. That's what I saw so I was like thaaaaat [*sic*] does not sound like the right thing I was like um, they're lying. So I went and figured, found Facebook and looked all over, figured out all that, found his sister and said I think I have a video of the night of your brother getting hurt by the cops and I was like what the, um what was posted or what is being said isn't true at all. Like that didn't happen. And then um, I, the only reason I didn't share uh, or also too the reason I knew that what all that, my friend, Tia Simone died, March 3rd also, and I found out March 4th in the morning, so I honestly was probably would've been more like involved in what had happened that night, and looked more into details like onto Compton Files like I go on that all the time just I don't know but, I was super taken away from all of it.

JR: So was that, that article the first time you'd learned that uh Mr. Ellis had died?

SM: Mhmm.

JR: So you didn't know he'd died before then (*crosstalk, 25:58*).

SM: I had no idea.

JR: Okay. And so the article was somewhere around June 4th?

SM: Mhmm.

JR: Okay. So it wasn't very long after that you read the article that you…

SM: Yeah.

JR: …you contacted his family.

SM: I, yeah. Um actually I think the article was June 3rd now that I think about it, and I read it and then June 4th is when I have uh gave the video to his sister. Cause I read the doctor report in the newspaper.

JR: Okay.

MM: Um, so have you had any additional contact with the Ellis family since?

SM: No just when we go to the protests, or when we go to protests and um, the little things that um, the spot that they did his vigil at and stuff. So just the little events that they've been throwing.

JR: Is there anything else you can think of about the incident?

SM: (*Long pause, inaudible 27:26*)

JR: Okay um, what I'm gonna do is uh, I'm gonna read the following statement, if you just communicate um yes or no if you agree with it.

SM: Okay.

JR: It says I, Sara Christine McDowell, declare the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily and without threats or promises of any kind. Is that a true statement?

SM: Yes.

JR: Okay.

MM: And I did wipe that pen down.

SM: Thank you.

JR: If I can have you sign right there please. (*writing noise*)

SM: Alright.

MM: Thank you.

JR: Okay so the time now is 5:49 p.m. and this will conclude the recording.

***Transcribed by**: Jill Byram Dist. 7 CID 43*	***Date:** October 26th, 2020*
Reviewed by: Det. J. Rhue D674	
Signature: Jeffrey N. Rhue	***Date: 11-09-2020***

CNN INTERVIEW WITH SARA MCDOWELL
20-063-02251

CC CHRIS CUOMO, CNN
SM SARA MCDOWELL
DT PCSD DET. ED TROYER
AT ATTORNEY JAMES BIBLE

CC .... How did it affect you, how have you been?

SM Umm, it was really, really just, stomach sickening for a while, like just thinking about it and knowing now that he's gone. It's definitely harder. It's like just, it makes me really distressed right about it and just seeing it and knowing that this whole time he lost his life, but I mean it's just, it's mind blowing.

CC Why did you take the videos?

SM Because I seen nothing happening and once I seen the officer open the door so hard and get out and knock him to the ground, it scared me, and I just, I needed, like needed to make sure that I got like what was first happening, just to show that he didn't do anything, 'cause they were, like he was just being really aggressive, the passenger police officer, so I definitely knew something was going to happen or just, he was gonna get hurt by them, like, just the way they were acting and being.

CC And why did you want to have video of it?

SM Just in case something did happen and just like what I saw wasn't right when, when he opened the door and nothing happened. Just, it wasn't right, so, ...

CC Sara, let me play for you what the Tacoma Sheriff's Office said in terms of describing how this went down. And I want your impression of how that meets with what you saw with your own eyes.

SM Yes.

DT He contacted the police, and obviously was in distress. They asked him if he needed help and he said he had warrants. And that he wanted to talk. So they got out to talk to him, 'cause he was obviously in distress, and when they did that, he assaulted one of the officers.

CC Now, forget about all the part about why he called them. Mr. Bible, I'll, I'll deal with you about that. But in terms of the idea that when the officers got there, and they approached him, he attacked them. Were you there during the time frame where you can assess whether or not that's how this initial situation happened.

SM That absolutely did not happen. They were both in the car and Manny was standing away from the car. He didn't touch the vehicle. I saw Manny at the beginning when he was walking down the sidewalk. And the police officers got his attention, whatever. Manny walked to the car a little bit, he wasn't touching it, nothing. Turned around and was going back to the sidewalk when the officer opened the door and smacked him and made him fall. There was, yeah.

CC Two questions. One, are you sure that was the beginning of the situation? Is there any chance you came late to it?

SM No, positive. And it wouldn't make sense to me if the police officers, if that all happened and the police, why would the police officers get back into their cars, like why would they …

CC The police…

SM get back in there. So yeah. (Unintelligible).

CC Second question. Manny, you called Manuel. Did you know him?

SM No, I didn't.

CC Okay. Mr. Bible, thank you very much, Sara. Mr., Mr. Bible, the idea of the way this started was Manuel calling the police for help. Is that your understanding?

AB What I would say is that at this stage the Sheriff's Office has, has put forth three or four different renditions of the facts. It's been ever changing, every time we come up with additional information they come up with a wholly different story. First they say he was attacking cars. Then they say he attacked their car. Now they're saying he walked over to tell them that he had warrants. It's ever shifting, ever changing, based on additional evidence that we actually are able to get in this particular case. And all that we do know is that Manny was feeling good about his day, had just come home from church, was just getting some snacks and walking back to his apartment.

CC All right, Mr. Bible, thank you very much for your perspective on this. Sara, this is a tough spot for you to be in, but I hope you're sure of one thing. Putting eyes on this and taking video of it, was tremendously valuable, not just to the life that's gone and that family, but to your whole community, because people got a chance to see things, and I know it's not the whole incident, and I know that you have to have a full investigation, but I know this has got to be hard for you. I just hope you understand that you did something that may make a big difference in terms of helping people understand what happened. So, thank you. I wish you well. And Mr. Bible, the same to you and the Ellis family.

CNN Cuomo Interview Sara McDowell 1820 hrs

KIRO 7 BROADCAST WITH SARAH MCDOWELL
20-063-02251

MML MONIQUE MING LAVEN, KIRO 7 NEWS
GH GARY HORCHER, KIRO 7 NEWS
SM SARAH MCDOWELL
TPD TACOMA POLICE DEPT. OFFICERS
DET PCSD DET. ED TROYER
AJT ATTORNEY JAMES BIBLE
MVW TACOMA MAYOR VICTORIA WOODARDS

MML … literally tonight the Mayor of Tacoma says officers involved in the death of Manuel Ellis should be fired and prosecuted. This after new video shows the deadly confrontation. Now Ellis died back in March, and the Medical Examiner recently ruled his death a homicide. KIRO 7's Gary Horcher joins us live, and Gary, we are hearing from the woman who shot this new video.

GH Right, and I have this video right here in my hand. The video you are about to see is an explosive new element. Frankly it could change the entire investigation. The woman who shot it came forward yesterday when she started hearing more about Manuel Ellis' story and suddenly she remembered recording this video.

CBS news obtained this video, taken by a woman who shot a few seconds of the Tacoma Police takedown of Manuel Ellis on March 3rd. Her story directly contradicts the police version. She says she saw police throw Ellis to the ground while he was walking on the sidewalk.

SM The driver cop ran around in front of the car and grabs Manny and literally like flips him over, like body slams him And knocks him onto the ground. And his head like hit back and it looked like he hit the curb.

Hey, stop, oh my God, stop hitting him. Hitting him, just arrest him.

GH She reacted to what she was seeing one officer doing.

SM He starts punching him like in the face, just punching and punching him, and he punched him about ten times.

GH And she says there's more to what she saw than what she recorded.

SM They were tasing him too, like you could just hear all the commotion.

TPD Put your hands behind your back. I'm gonna do it again. Put your hands behind your back. Hands behind your back.

GH She recorded more as she rolled by two officers restraining Ellis.

Yesterday the Pierce County Medical Examiner ruled 33 year old Manny Ellis died from a lack of oxygen from being restrained. Pierce County Detective Ed Troyer, who represents the investigation of the officers' use of force said Ellis attacked an officer first and police called in paramedics as soon as he said he couldn't breathe.

DET There was no heads on knees, there was no cutting off of circulation, none of that. He was handcuffed, he was talking, he was breathing. And then throughout the process he had trouble breathing, and he told people I can't breathe.

GH But civil rights attorney James Bible believes the whole truth has not yet been revealed about Ellis' death.

AJB There have been blatant misrepresentations here. There has been an absolute attempt to mislead the public, mislead the taxpayers, mislead the people. That, that frankly is in violation of our constitution.

GH Now we understand the Pierce County Sheriff's Department, who is investigating officers' use of force on all of this matter, was not aware of that video until today. Officers insist that Ellis, Ellis approached them in a highly agitated state. He banged on their patrol car and threw an officer to the ground. And that's when they say they had to restrain him. So with all of those elements thrown in, this investigation continues. We'll keep you posted. Reporting live tonight, I'm Gary Horcher, KIRO 7 News.

MML Well, in the last 30 minutes, Tacoma's Mayor spoke out about that video, saying it confirms Ellis' death was a homicide.

MVW Today the family said to us they were tired of talking and wanted action. They also asked why does it always take a video for the public to believe when a black person's life is taken unjustly. As an African American woman, I didn't need a video to believe.

MML Well, beyond asking for the firing of the officers, the Mayor is demanding the Sheriff's Office review every action taken by the officers on the scene. She's also calling for the City to implement the use of body cameras for officers.

KIRO 7 News Interview Sarsa McDowell

TAB 36

WASHINGTON STATE PATROL
Criminal Investigation Division

Witness Statement

Interviewer:	(JR) Det. Jeff Rhue	**Case Number:**	**20-009681**
Date:	October 28th, 2020	**Time:**	6:38 p.m.
Place:	WSP District Office Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(KL) Keyon Lowery	**DOB:**	January 15th, 1997

JR: Okay. This is the statement of Keyon Deshaun Scott Lowery.

KL: Correct.

JR: Date of birth is January 15th, 1997.

KL: Correct.

JR: Okay. Today's date is October 28th, 2020, and the time now is 6:38 p.m. I am Detective Jeff Rhue of the Washington State Patrol, and this statement is being recorded at the Washington State Patrol District Office in Tacoma. Other than myself and Mr. Lowery, uh we have would everybody else in the room please identify themselves and uh their occupation.

MM: Detective Sergeant Mike Marken, Washington State Patrol.

JB: Attorney James Bible, uh with the Matthew Ellis sorry, not Matthew, uh Manuel Ellis estate.

JR: Is it okay if I call you Keyon?

KL: Keyon.

JR: Okay.

KL: That's totally fine.

JR: Do you understand this statement is being recorded?

KL: Yes I do.

JR: Okay, and I have your permission to do that?

KL: Yes you do.

JR: Okay. Could you give your full name and spell it please.

KL: My full name's Keyon Deshaun Scott Lowery. It's K-E-Y-O-N, D-E-S-H-A-U-N, S-C-O-T-T, L-O-W-E-R-Y.

JR: Okay. What is your current address?

KL: My current is 8-1-1-3 146th Avenue Court East.

JR: And that's Tacoma?

KL: Uh, Puyallup, something, I don't really, uh Sumner, Puyallup the it's, the zip code is 9-8-3-7-2.

JR: And what's a good phone number for your Keyon?

KL: Uh 2-5-3-7-5-4-3-9-4-6.

JR: And your date of birth is January 15th, 1997?

KL: Correct.

JR: Okay. So, again the reason we're talking today is an incident that uh you had witnessed uh on the 3rd of March of this year. Um, if you just start at the beginning as far as where you're coming from, um where you're headed to and then what happened.

KL: Um, I literally remember it clearly. I was getting, and probably none no one's business but I was getting kicked out um me and my baby momma at the time, and we were heading toward her sister's house that lived on the Aero Apartments that would be down the hill, were a little further down the hill. Um, we were going around past the 7-11 so uh not I don't, remember I think it's, on Portland or Pacific or whatever that is right there.

JR: Okay.

KL: And we're about to turn right and we, I see a cop car, no lights, it's a red light when we get there. The light turns green. We're sitting there, we're sitting there for a second and then we, I look my head to the right and I see a man walking this way up towards up the on the sidewalk up towards how I would be going away if I gets something like this. So I'd be crossing his path. So I would, like he would be going towards the 7-11, um. And literally it, it didn't look like he happened to get called over but it looked like he was walking towards the cop car you know what I'm saying, but like I mean not all nonchalant like everything was cool like he was having a conversation. As he was turning away, the cop car door flung, like at a fast, fast if you were about the jump out the car like you were about to do something to him, saying. And it hit him. It knocked, it literally knocked him like I would say it probably knocked the wind out of him hitting the ground getting hit by the car door. And you know what I mean like if you're trying to get up off your feet you'd use your hands. As he was getting up the officer literally already, shot out the car. Getting on top of him. I get out the car, I'm I, you can hear it in the in the video if you ever seen the video. I say hey y'all in the wrong right now. I get literally yelled at by my baby momma to get back in the car cause my two daughters are in my

backseat you know what I'm saying like, I don't want nothing to happen to me, to get in trouble. Um, so we're sitting there, watching. I just see them start whaling on him you know what I mean, I'm that's not, that's uncharacteristic uncare.., out of the character you know what I mean, that's not a, that's not a policeman's character they don't need to swing, punch, hit, you know what I mean. Especially a man that I haven't seen do anything wrong at the first place. Um, literally, it, it happened fast. It, it was fast. I mean I'm gonna be honest with you like, I didn't expect to get out of the car say anything cause you know what I mean, I didn't know, I didn't think anything of it you know what I mean. Like I've seen things like this but like, not any, anything like that. You know what I mean, there was no reason to, a man that defenseless you know what I mean. He wasn't even defending himself. A man that was there, doing literally nothing to be able to defend himself and there's two people on him. Not, I, I, I mean like it just I don't like I haven't, talked about it. You know I mean I don't really talk about it cause it's not, you know what I mean it's not something I like talking about especially because what we found out, you know what I mean but, just literally I just remember it all. We arguing, we left my the house I was at, going to her sister's house, and it just happened. A man walking on the sidewalk, literally looked like he wasn't a man anymore, you know what I'm saying. I, you he wasn't, you know what I mean like, and, and I feel he wasn't defending himself because, I don't know. Like what did he do, and the situation, it's just, it's just, it's just. (*sighs*) Whoa man. This whole thing, I already.

MM: Did you hear anything um said between the officers and Mr. Ellis before the door struck him?

KL: No. Heard nothing, and that's what I'm saying it seemed like a peaceful conversation. There was no yelling there was no loud anything…

MM: So were they…

KL: …our lend our like, I, I didn't have nothing playing in my car my windows are down I have my kids, my daughter gets hot so I have my windows rolled down like they were, nothing and it was, I literally jumped out my car, after literally when I see some but, I'm gonna be honest with you I thought it was like hooooo like that like, okay you know what I'm saying at first, but then it wasn't just like oh they're arresting it was he's getting beat.

MM: So did it look like they were talking before he was hit with the?

KL: Yeah, when he walked up to the thing it looked there was a little cool little conversation going on and then whang like the guys literally so quick, that quick that's what I'm saying, I didn't hear nothing, I didn't hear them talking I didn't, I didn't see him, didn't see him touch no nothing I nothing. It was literally from the sidewalk, made it to the grass, cause I, is that well it's one lane there, there are two lanes that the, yeah one lane. And he literally was talking to and then, like he's, they were talking and he says something and he's starting to turn his back and he bang, hit. Ground. Cop out. And then the, the driver got out literally 10 seconds later after he hit him with the door, got on top of him, already gave him a blow. The other cop, that's when the other officer runs around the front of the car, cop car. And gets on

top of him as the other, and then, uhmm.

JR: Um just to, just to be clear, uh baby momma that's your baby momma's Sara.

KL: Uh, yeah Sara, yeah.

JR: Sara McDowell.

KL: Sorry, excuse my, that's just how I talk I apologize.

MM: Sara what's a last name.

KL: Uh McDowell.

JR: Yeah I just wanted to clarify for the…

KL: I apologize.

JR: That's okay. Um, so, where, so you did not know Manuel Ellis before this?

KL: Never.

JR: Okay and you…

KL: Never heard of him.

JR: …not familiar with any of the police officers that were?

KL: Uh nope I don't even I didn't, actually I'm gonna be honest with you like, I didn't, after like (*inaudible, 8:16*) whatever like I'm not, I'm not that type of person that just sits there and like it was going on and I have my first little interview like, I took myself out of it. Like I didn't follow the no news I didn't watch the, the, the, the videos other videos of like, I didn't do that you know what I mean I just took myself out of it cause that, see how I feel like an act I don't like that stuff you know what I mean it's not the top person, I mean, I couldn't really get to into it even when my baby momma's, Sara, was um doing all her interviews like I, she was doing her thing I wasn't around. You know what I'm saying so.

JR: Okay. So you pull up, the vehicle stop you said the, and if, if I uh if I'm not correct just, just you know let me know. Um, you stop, there's a car there, light turns green, the car doesn't go.

KL: The car does not go.

JR: Um, did the, the police car have any lights on?

KL: Uh it, it uh when he hit him with the door they flashed yellow. It's like a straight yellow and then and then but as the officer got out then it went blue.

JR: Okay. Um, did you recognize it as a police car when you first?

KL: Oh, oh easily I have been in Tacoma more uh, I have my whole life.

JR: Okay.

KL: Literally my whole life I'm over on the east side of Portland Ave I mean I'm, I normally I see Puyallup cops too but you know very uh I can tell, I know.

JR: Okay. And you said the first time you saw Mr. Ellis is he's on the sidewalk.

KL: He's, would be on my I'm driving so I'm on, he's on my right hand side.

JR: Okay. And you said he was coming towards you?

KL: Towards me.

JR: Okay.

KL: He was coming towards me, walking towards me cause he didn't turn around to go talk to the cops, he literally would just v-like veer off the sidewalk to go talk to them, to the passenger side.

JR: Okay. Um, how long was the interaction between Mr. Ellis and the with, standing at the car that you thought was a conversation before the door came open? Or he turned around and the door came open?

KL: 45 seconds, not very long. It was quick.

JR: Okay.

KL: Quick like I swear to you like cause we were in two separate cars. She had her car and my car was behind hers.

JR: Okay.

KL: She, I don't know, I got out the car I uh like I just it just it made get out the car, so I just and then I saw exactly what I saw a fist get thrown, I saw like someone who's just, I don't know, I'm, I'm a little person I don't know really. I didn't know how big of a person he is I don't know but like, when someone on top of me like that I'm, it's hard for me to get up or stuff like that I'm just saying so uh who knows this bigger officer I don't know how, I don't know the officer I haven't seen him never don't know none of that stuff, is on top of you. I mean it's not so easy but now there's two of you that's just, just. I don't know. So.

JR: Okay. So, you said you thought there was a conversation going on.

KL: Oh yeah most definitely it looked like he got called over.

JR: So it didn't look like it was heated at, any?

KL: No.

JR: Okay.

KL: No it was, a cool little walk over and he didn't even make it all the way up to the, it was like he didn't touch, he didn't even make to so he's, his face is in the window he didn't make it to where he's touching the window like not that length of a distance.

JR: Okay.

KL: But like enough distance that he gets hit, clipped with the, with clipped hard enough that he falls. Hit with the door. Not saying he got with the, where the handle would be, I'm like where the handle would be instead of the actually the front of the door. He was not close enough to, to cause possibly, possibly even call be a threat at all.

Literally. Not, not he was not a threat, he didn't come off with a threat, he didn't look like his demeanor was of a thuggish it didn't none of that stuff it didn't look like he wanted to anything wrong, it looked like a casual little walk to the car, and looked up, like he was turning his back, and when he turn start turning his back and that's when it happened.

JR: Okay. So at this point how is the lighting in the area?

KL: Uh it's nighttime. Is like which, yeah it's pretty, was like a when it start getting dark, it was like just about to get dark, just getting dark, and (inaudible 12:22) when we left from our house and it was dark when we got over to 96th in the area.

JR: Okay.

KL: By the 7-11.

JR: As far as I mean like street lights or anything.

KL: Street lights.

JR: So what I'm, what I'm asking is about the, the patrol car and then Mr. Ellis. How how illuminated are they?

KL: The lighting how, oh, I, like if I could clearly see them?

JR: Yes.

KL: I could, I could clearly see.

JR: Okay. Did you see Mr. Ellis hit the patrol car at all?

KL: Negative, he was never close enough to get to touch the patrol car.

JR: Okay.

KL: He wasn't close enough, it looked like, our distance.

JR: Okay.

KL: And speaking.

MM: Was Mr. Ellis carrying anything?

KL: No. I feel like he was on his way to the store.

MM: Okay.

KL: On that way to the store.

JR: So that was.

KL: 7-11 is literally up from Ainsworth around the corner. I feel like he was on his way to the store.

JR: Okay. What's the cross street to that 7-11?

KL: Uh that's what I'm trying to is it, um, is it Pacific?

JR: Hosmer or is it Pacific.

KL: No Hosmer's down, Hosmer's way further down. Steele and Hosmer's further down and then I think that's Pacific it gotta be 96th and Pacific and then it turns into Ainsworth goes down into Steele to that little cutoff road, cause I used to live at the Aero Apartments as well.

JR: Okay. Do you remember uh and if you don't remember just that, that's fine. Do you remember what uh Mr. Ellis was doing with his hands could?

KL: Um, no. I, I can't exact, really exactly remember.

JR: Okay.

KL: What he did if his hands were on, his hands, I don't know. I can't answer that.

JR: Okay. And like I said there's no trick questions here we're trying.

KL: No I yeah I totally understand that.

JR: So how sure are you that uh, that and we'll refer to him as the driver officer and passenger officer just, just to keep it clear. How sure are you that the that the driver officer got out of the car, after uh Mr. Ellis was or the door came open and was hit with the door?

KL: I'm pretty sure. 100 percent sure.

JR: Okay. Um, so after he gets hit with the door, and then you said he, tell me again what, what happened after he hit him with the door. The passenger officer.

KL: As anyone else would do, when you're on the ground you try to get back up. The officer already is already getting on top of him.

JR: And this is the passenger officer.

KL: Passenger officer.

JR: Okay. Is this when you got out of the car?

KL: This is, when he got hit with the door I'm like whoooo, I'm gonna be honest here I'm gonna ooooohhhhh, I'm getting out. Like that. And then I didn't speak until I see this officer (*slap noise*) lay into him. Literally. I was hey you in the wrong.

JR: Okay.

KL: And then you hear my baby momma yelling at me, Keyon get the fuck back in the car you got kids in the car.

JR: Okay.

KL: You know what I mean like and I remember, I really remember because this is the, cause this is the day that like we, you know I mean really, you know what I'm saying so. Man.

JR: What did you think was going on?

KL: Um, I, thought, you know, it's hard to say, you know what I mean. It's just hard to say what I thought was going to exactly happen. It's hard to say what I, you know I

mean I, as I, when I see an officer I respect an office and an officer sees me and they have always gotten respect for my officer, when I see stuff like that happening, it, it's hard to really know anything. Like I can't, I have never experienced anything myself. I know other people who have. I've been obviously I've been I mean I've been told my mom, my dad, I mean I've told so I, I've acted right. You know what I mean I do and that's what I'm saying like he was acting right. I know when someone's acting right I know when someone's, their demeanors is okay with the cops I know I know because I, I know what I've been taught and I know when someone, when I'm coming to, coming to the cops how, how to act and how not to act. And he was acting no irrational way, nothing that should've spiked that, nothing that should've got him beat. Nothing that should've got him, nothing on. He shouldn't have even been on the ground. If the cops felt any kind of threat it should've been an instant arrest because guess what he was not doing anything threatening to them to make them have to do anything. They could just turn him, get he probably, he would've listened, probably walked to the fence. That didn't happen. That's why I, I don't really know what to say. Cause I know what to do and what to do and what not to do and I, I saw someone doing everything right.

JR: So when you said you, you were in the wrong. Who, who are you directing that comment to?

KL: To, oh to the police most definitely, 100 percent to the police.

JR: Okay. How long did you stand outside the vehicle before you got back in?

KL: Uh.

JR: I guess what, what did you see 'til you decided, what could you see happening between Mr. Ellis and the officers before you got back in the car?

KL: Him get, I, I saw him get punched.

JR: Okay.

KL: I saw the officer get out of the car. Getting on top of him.

JR: Okay.

KL: And that is when my baby mom, Sara, sorry, yells at me because my two daughters are in the car and they getting upset because you know what I mean, they can even see what was basically going on, you know what I'm saying like, it's, it's just like, it's, it's just you know what I mean. It's just I don't know.

JR: Okay. So, I, I we have seen the video. Um, uh as far as uh Sara's video. So I have an idea as far as you know, you know what she filmed and um and we've already talked to her about her perspective of what happened. So you got back in the car once, once she told you, once she's made the comments to you.

KL: Yes.

JR: Okay. How long after that did you guys drive away?

KL: Um, uh, he wasn't, he wasn't moving. You know what I mean she, she was standing

there trying sitting in the car in front of me trying to record and um I swore someone was coming behind me and they honked at me so I honked at her to move and then she moved and but, when we got.

JR: So somebody else behind you?

KL: I, yeah, I swore someone was coming up behind me so I honk. So I swore I got honked at to move so I honked to her to move.

JR: Okay.

KL: That's what I swore happened, you know what I mean. And then, and then we just, we drove away and, and you can just look to the right as him not moving. And.

JR: Okay.

KL: And you can see the officers look up. Look, literally look, look. We're in two different cars, they looked at me, and I looked at them, and I'm at I can't really, I don't know who they are, you know what I mean I've never met them. Never got an encounter with them. But you know what I mean like it's just, it's crazy. It's literally it's, it's in-

MM: Did any other officers show up while you were there?

KL: No, it was only two. Two.

MM: Did any fire…

KL: Nope.

MM: ...trucks or anything aid car show up?

KL: No, no, no, no. Nope, mmm mmm. Not at all. None showed no.

MM: Okay.

KL: And he wasn't moving no. And they're on top of him, nothing. Swear, nothing. And then, and then even and when we went down to the hill cause of her, her sister's house at the down of the hill, I stayed there and I don't know if Sara told you but Sara went back and was cut off. And by the time she came back I'll tell you that is what um, I don't know, at least seven minutes. And then you hear the sirens. And stuff like that that's you know what I mean that's when she, uh.

JR: So, Sara took two different videos of it and you know the second one of her when she slowed down and she's driving by the officer so um, I'm assuming that you were right following her through them as she's filming so.

KL: Oh yeah I'm on yeah.

JR: And you said your windows were down? Okay so as, as you're passing, um passing the officers she, it appears in the video that she's slowing a bit to, to video, video tape it or video record it. And you're behind her. Um, are your windows still down?

KL: Yeah my windows are, my windows were down the whole time coming around like I said I have my two daughters in the car, my daughter, Kay-Kaleah, she is gets hot.

JR: Okay.

KL: She get, she get hot so like I roll the windows down. And I'm not saying they were all the way down like I'm bumping music trying to be cool but they're down so my daughter, there's some airflow through the car.

JR: Sure.

KL: You know what I mean so like that, they're down. You know what I mean like we all say, about a third down.

JR: Okay. So what can you hear as you're driving by the officers? You can hear from the officers or from Mr. Ellis?

KL: Um, I'm really to be honest with you I'm just not thinking you know and I'm kind of out of it like you know what I mean, same time like, I well I just I don't like I said I don't like seeing stuff like that I'm not that type of person like I don't like. If it was, I just processing a little of what was happening at the time was hard.

JR: Okay.

KL: You know what I mean so like I was distorted. I would say like I was just like whoa!

JR: Okay.

KL: Like okay and then at the same time I already was in a in the thing going you know like that's it going on. So yeah.

JR: So you didn't, did you remember any commands by the officers, them saying anything?

KL: No he was, when I looked, when I made eye contact, out my window uh.

JR: Who'd you make eye contact with the officers or?

KL: Uh the officer I don't, the officer oh yeah I could not see, I could not see Manuel.

JR: Okay.

KL: I couldn't see, I and there was no movement, I see two people on top of somebody. And the officer, is if I would be passing like I said like this, the one to the furthest to the uh what would be away from me as I'm driving away so I don't know um. I made eye contact with had black hair, blackish hair.

JR: Okay.

KL: Brown. Um, and it looked like, like a just a dull like no emotion look. You know what I'm saying. Like it wasn't like I didn't, I didn't hear nothing, and if I even if they were talking I don't know if like I'm saying if I, because of how I was feeling at the time of what I just saw or witnessed and then, I just know I made eye contact and I saw a closed mouth and no emotion in someone's eyes at the time. So then I know that up I know because I saw it.

MM: In Mr. Ellis' eyes or the officers?

KL: No I could not I could not see Mr. Ellis. I could not see his face. I did not…

MM: Okay. So you're talking…

KL: …see his face.

MM: …about emotion you're talking about the officers.

KL: The officers.

JR: Um, and you said that you couldn't her anything from Mr. Ellis?

KL: Negative, oh he had he didn't, he literally didn't look like he was moving after he, he got walloped and, and a second officer got on top of him. Looked like there was no, there were no fight, it literally looked like there was.

JR: Okay. From the first time you saw Mr. Ellis walking down the street to the time you cleared, you drove right by and then went back home. So the entire incident, did you ever hear uh Mr. Ellis say anything, make any sounds?

KL: Personally I did not hear him say nothing. I, just saw and got out, I yelled, and me if I yelled and may if he said something at the same time I was yelling, you know what I mean I wouldn't I wouldn't hear him. I yelled and I saw wrong doing and I pointed out wrong doing and it obviously just didn't change anything. It didn't break, break a ear or nothing.

JR: How about the officers. The same, same time. From the first time you saw the, incident to the, to the very end. Did you hear them say anything, make any, give any commands, make any comments?

KL: No. door slamming…

JR: Okay.

KL: …just car door slamming. That's really, that's all.

JR: Okay. And so just to be clear, you're saying no they, they didn't, or now you just don't remember if they didn't say anything.

KL: I, they, I don't remember, I don't remember hearing them say anything. I'm not saying they did not say anything, and I'm not saying they did say something.

JR: Okay.

KL: And because I, can't I can't say that. And I don't want to sound like I'm lying basically so.

JR: No that's fair, that's, that's I just want to make sure it's just that I just want to clarify your statement so.

KL: Oh yeah, 100 percent.

JR: Um, when, when you yelled uh kind of going back to when you said you, you are in the wrong were yelling you're in the wrong, did the officers react to that at all did they look at you?

KL: Negative. No.

JR: Okay.

KL: That's when they didn't look at me, punches thrown.

JR: Okay. Um.

KL: Officer on top, officer around the car.

JR: Did you see any, any we as police officers carry uh different tools, on our, on our belts and on our as far as gear um, from firearms to batons to Tasers. At any time did you see any anything other than hands? Or pers, we call it personal weapons (*crosstalk, 25:41*).

KL: Uh officer, uh first officer that was on top of him no, the second officer that came around, um when we made eye contact he did have a Taser in hand, and it was after we already were leaving and I noticed he didn't have it pulled when I was, or I didn't see it from the distance I was, him having a Taser when I got out of the car. But when we were passing by the officer I didn't see him, I didn't see him directly use it, it was in hand.

JR: Okay.

KL: I didn't.

MM: And you, you sounds like you're familiar with what a Taser looks like?

KL: Um, most definitely. It yes, I've huh, Officer (inaudible 26:10) um at school, I went to Foss High School yeah, pretty, a couple friends get shot with Tasers at the school so.

MM: Okay.

KL: I mean it's not funny, it's not but.

JR: Yeah.

KL: I apologize, not laugh.

JR: Oh I understand.

KL: Um but um, most definitely.

JR: Okay, so I mean, sometimes the a Taser can be confused with a firearm so that's what, just clarifying that you recognize.

KL: I, I yeah I know what a firearm looks like and I didn't, I just…

JR: Okay.

KL: …it didn't, they had the situation so under control why would they need to have their firearm out.

JR: Okay. Um.

KL: See what I'm saying they, they did what they needed to do without, without firearm they beat him.

JR: Right.

KL: You know they didn't need that, that's not what their intention was, they didn't need to do.

JR: Um you mentioned about your friends and stuff with the Taser, did have you ever heard one being used?

KL: Um exactly heard no but uh not exactly how it gets fired I like I said, I don't I, can't recall it is what five, six years ago. Um all I remembered the little lines stuck in him, hit the chair, bumped the chair, um.

JR: Do you remember, did you could you tell if the Taser was deployed at all on him, when I say, or used at all in this incident like did you see wires?

KL: Um no I say no, no. I feel like it was just more or less there to uh, we don't want you to move, you stay here but at the same time they were doing already too much.

JR: Okay. Okay. Um, is there anything else about the in-you've been pretty thorough about this I know it's, it was quick as far as a timeframe you were on. Um, is there anything else that about the incident um leading up to it, during, or even afterwards since then that you think's important for us to know? And maybe we didn't ask about or…

KL: Um just I just wanted to like, I've seen other people get involved with the cops. I've seen other situations with people who've actually acted irrational who they would just throw this little on cuff and then that they're on their way, you know what I mean like, it was just, it, it looked intentional. You know what I'm saying there's a difference, well I've seen unintentional things happen to people and then that's like okay yeah, like they and then they, they, they kind of caused there's people out there who, who go against cops and there's people out there who don't. People go against cops, things like getting handcuffed on the ground or getting actually thrown to the ground things like that that happen you know maybe like not like saying it's called for but it happens and more likely but when it's when someone who is not doing something, who doesn't look like, when you if I, if I just walked in here and I'm talking to you and know I talk with my hands kind of more aggressive looking, but if I just came talking to you like and then you just jump at jumped at that is literally how it how it looked, how it seemed everything like it 100 percent my eyes. And you know this just like I, when I say I've seen other cops literally handle situation like put 'em in a, in the full, full nelson like, you're not going nowhere, you know what I mean stuff like that, like that's a properly handled situation compared to having two people on one person who's not even moving. Like I just felt like it was it was, if it, they failed other, there are failed people. They failed, not, not even they failed his family. They failed people, everyone who seen this situation. Anyone around they failed people and I, it's just, it's just sad. You know what I mean, that's why I just want to add that like it's sad that, the worry that I've already been taught, I should never have to get taught that and these things that happen, and that's why and I just I mean it's not, just I don't know.

JR: Did it ever look like they were trying to arrest him?

KL: No. No.

JR: Did it look like he was fighting back?

KL: Negative, he, when I was like I said when the other cop got on top of him it mmm.

JR: When did you first learn, so as far in relationship to this the night, when did you first learn that uh Mr. Ellis had died?

KL: Oh um, sitting in the um, little back room at the house, with um Sara. And, it's the morning time and um she's on Facebook and she uh reads a post I don't know which, which whatever one is the first posted on something like that and she's like whoa, hold on, we were there. And she goes through her phone, scrolls all the way up and watched the video and she's like whoa. And I'm like hey, you got to tell. You gotta you got to say something you know what I mean like I don't know what the exact uh.

JR: Was this on the fourth or was this on, like?

KL: No the day, the what do you mean, the day that it came out about it, no, it didn't come out about it for so like when we left and like the sirens came out I did not know that's when, that's what hit me or so made it hit so hard like, I witnessed something, and I didn't even know the end result for so long.

JR: So how, how long afterward did you, are we talking about?

KL: Uh one (*inaudible 31:26*) dang when did, when did it um.

JR: So it happened on March 3rd.

KL: Um, literally at least a week before say like all the interview the room I, uh, I can't even remember the month I'm trying to remember by the month um.

JR: When the when.

KL: No I know it was March 3rd that it happened, I'm talking about the day that I found out me and Sara.

JR: Are we talking about months afterwards or?

KL: It was yeah, it was no yeah we didn't hear about it until they found out it wasn't, he, it was not, he got basically they were saying he got murdered. That's what I'm saying, when that but when that statement came out about Manuel.

JR: Okay.

KL: That's when we heard it, so I don't, I can't remember the exact day but it wasn't the, it wasn't in the month, month of March. It wasn't in the month of March.

JR: Okay.

KL: I can tell you because yeah no.

JR: Okay. Anything else you can think of? Okay. So, what I'm gonna do is I'm gonna read the following statement. You can just indicate yes or no if you agree with it. What it says is I, Keyon Lowery, declare the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely,

voluntarily and without threats or promises of any kind. Is that a true statement?

KL: Correct.

JR: Okay. So if uh, do you mind using the same pen. If I can have you sign right there.

MM: You can wipe it down if you want Keyon.

JR: Too late.

MM: Jeff's kind of germy.

KL: (*Inaudible 33:04*) done, (*laughs*).

MM: Wipe your, wipe your hands off.

KL: Um.

MM: Rub your, rub the your hands on that too. He's kind of a germy guy.

KL: I'm dead (*laughing*) you're funny. (*writing noise*)

JR: Okay, the time now is 7:11 p.m.

MM: You can just give that to me, just give me that.

JR: And this will conclude the recording.

***Transcribed by**: Jill Byram Dist. 7 CID 43*	***Date:** November 2, 2020*
Reviewed by: Det. J. Rhue D674	
Signature: Jeffrey N. Rhue	***Date: 11-09-2020***

TAB 37

WASHINGTON STATE PATROL
Criminal Investigation Division

Victim/Witness/Suspect Statement

Interviewer:	(JR) Det. Jeffrey Rhue	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	4:48 p.m.
Place:	WSP District Office Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(SC) Samuel Cowden	**DOB:**	March 23rd, 2000

RS: This is the statement of Samuel Vincent Seth Cowden. Date of birth is March 23rd, 2000. Okay, the date is October 5th, 2020, and the time now is 4:48 p.m. I am Detective Jeff Rhue of the Washington State Patrol. And this statement is being recorded at the Washington, Washington State Patrol District Office in Tacoma. Uh other than myself and Mr. Cowden, would everybody else uh in the room please state their name, uh for voice identification?

MM: Detective Sergeant Mike Marken.

JB: James Bible, attorney with the Ellis family.

JR: Can I call you Seth?

SC: Sure thing.

JR: Okay. Seth, do you understand this statement is being recorded?

SC: Yes.

JR: Okay. Could you give your full name and spell it please?

SC: Samuel Vincent Seth Cowden. S-A-M-U-E-L, C-O-W-D-E-N.

JR: And what is your current address?

SC: 4-2-1-0 North 25th Street, Tacoma, Washington.

JR: And where do you work at?

SC: That would be the Domino's Pizza Place at 84th and Pacific.

JR: Okay. And your date of birth is March 23rd, 2000?

SC: Yes.

JR: Okay. So the reason we're talking uh today is a, an incident that um you'd actually captured uh on your phone. A recorded video of an arrest um, on the 23rd of or on the 3rd March. If you just go ahead and start at the beginning as far as um, where you were headed, um and then what, what drew your attention to the incident, and if you would go on from there.

SC: Yeah um, I was coming back on 96th Street, and I was approaching the intersection of Ainsworth and 96th and then um, my plan was to take a right once I got to the intersection, to head back towards the Domino's store because I was out on the job at the time. I was just delivering pizzas. And uh as I approached the intersection I came to a stop you know I did the whole look left, look right, as I looked right I realized that uh there was just a police car there, just sitting there.

JR: Okay.

SC: And, yeah.

JR: Okay. And then what happened?

SC: And then um, I saw the passenger door of the, the cop car cause suddenly, I didn't see uh much before that as I looked left and looked right and I saw them. Uh I saw just the door opening up, and then I saw Manny like falling towards the front of the car and uh I saw the other officer also get out of the car. And I looked down at my phone and like start recording just cause I felt like something was going to happen there.

JR: Okay. Um so, you said you saw the, the passenger side door open, is that correct?

SC: Yes.

JR: Okay. And you said, you, you said Manny, um, did you know who it was at the time?

SC: No.

JR: Okay. Have you ever met Mr. Ellis before?

SC: No.

JR: Okay. Um, and then you said that the other officer got out of the, the driver's side?

SC: Yes, both officers got out of the car.

JR: Okay. And then what happened?

SC: And then that is when I uh, I was as, as I pull up my phone the first thing that I saw was just a, a little bit of a brawl and it seemed that the officer grabbed Manny shoulder, flipped him around and then uh Manny kind of uh just hand out, out of his shoulder and that's when kind of like a, the only word I can describe is a brawl ensued. And just um, I mean you saw the video I don't know how to really explain a fight to well.

JR: Okay. So, which way is Mr. Ellis facing when the, the door opens on the passenger side?

SC: Um, the direction of the, the car was facing.

JR: Okay.

SC: Yeah.

JR: How sure are you of that?

SC: Which direction is that? What was that?

JR: What, or how, how sure are you are you, of that?

SC: Oh I'm pretty sure that he was walking from the right to the left on my side which was the back of the car, towards the front.

JR: Okay. So when he opens up the door would it hit him in the backside?

SC: Um, yes.

JR: Okay. And, how sure, sure are you that the door hit Mr. Ellis?

SC: Uh not too sure because I just saw him fall afterwards.

JR: Okay. So then you see the officer, the driver, the officer that was driving, he exits the car. What does he do?

SC: He's just in a hurry. And uh…

JR: Okay.

SC: …he just kind of like throws up the seatbelt, just opens the car, um and then uh that's when I just grabbed my phone and start recording and that was like the time that I couldn't see what was happening.

JR: Okay. So the copy of the video that I have, there's no audio is, is that how your video is with no audio?

SC: Yeah.

JR: Okay. So um, can you hear what's going on at this point? Do, could you hear what was, the interaction between Mr. Ellis and the police officers at this point?

SC: It was just screaming to be hon-because I mean I had my music going and everything.

JR: Okay.

SC: You know.

JR: Okay when you say screaming, are you talking about officers screaming, Mr. Ellis screaming?

SC: That would be Manny screaming just um while he was on the ground cause that's what it ended up being. Was Manny on the ground and, that's kind of all I heard.

JR: Okay.

SC: I didn't turn my music off but um.

JR: Okay.

MM: Could you make anything out?

SC: No words.

JR: Okay. Like there, there were, for clarification like no words were being spoken or you couldn't dis-couldn't understand what was being said?

SC: Oh I was, I'm not gonna guess what I don't know clearly.

JR: Okay.

SC: So the windows up, you know, heat blasting, music going, I didn't hear anything like words he said just what went over my music.

JR: Okay.

SC: And I knew the song.

JR: Okay. So when you, when you started recording, what was your intention of the recording, what did you think you were seeing to?

SC: Just wanted to see what was going on and uh, honestly I mean there's kind of like that young behavior I have where it's like, kind of want to show people what happened. But um, I ended up not even doing that. I just kinda kept it to myself.

JR: Okay. So what did you think was going on when, with then, when you first pulled up, and saw what you described to me?

SC: Um, it was just uh two officers attempting to take down someone and uh arrest them.

JR: Okay.

SC: Yeah, ha ha.

JR: Okay. And then uh, were you, were you stopped at a red light there, is that?

SC: Yes.

JR: Okay. Um, and then you'd recorded for, for some time, um. Can you describe what you, what you remember about the incident?

SC: Yeah I mean, yeah. Seven months ago, all I know is kind of the key points not the chronological order of things, I'm sorry about that. But I mean all I remember was um, Manny going to the ground, I'm not quite sure how he got to the ground all I remember is that, yeah it's just the, just the key points I remember like his hands when they were out while he was uh, one officer had him, he's behind him he brought him to the ground, kind of had his, got a lock around him. With his hands behind his head. And then um, another officer.

JR: You describing, your showing with your hands it looks like something like a full nelson was that what you're showing or?

SC: That's just what I'd call it. I mean it's the only thing I seen something like that.

JR: Okay.

SC: Like I said I'm not too good at describing any kind of physical altercations.

JR: Okay I'm just describing what you're showing me (inaudible 8:00).

SC: Absolutely.

JR: On here so.

SC: But yeah I mean, there was that and then Manny's hands were just in the air, and the other officer seemed to have a, a Taser gun. And uh, just one of those little stun gun things. I'm not quite sure how many shots were fired but I mean he aimed, put it down, then he aimed again, guess uh could've been two shots or he just didn't shot the first time. But that's what uh, there's definitely like the little the strings that attach to them.

JR: Okay.

SC: I'm not sure what you call those either. But those were flying out and those got him.

JR: Okay. So you can see the wires from the?

SC: Right.

JR: The Taser?

SC: The Taser, wires. Yeah.

JR: Okay so you said you weren't sure uh could you hear the Taser go off?

SC: No.

JR: Okay. So when you said you weren't sure how many times you said, one or two times, what were you basing that off of?

SC: Well the, the officer standing tall and aiming the gun at Manny.

JR: Okay.

SC: And then he put the gun down, so I don't think he shot the first time, but then I saw the gun raise up again and that's when I saw the wires.

JR: Okay. Okay. Um, when this is going on, uh so you're aware, you were aware at that point that he was being tased or probably being tased?

SC: Oh yeah. And that's when the screaming stated.

JR: Okay. So you could hear him scream when that, that happened?

SC: Definitely.

JR: Uh, and like I said if you don't remember uh just, just say I don't remember or if, if you do, you know please answer the question. Um, was Mr. Ellis' demeanor any different when the, the Taser applications happened?

SC: I don't understand the question.

JR: Um, so, okay, what, what was Mr. Ellis doing during this whole time, when the, when you said there's the, the full nelson going on, uh or they're trying to control

and, and the Taser application.

SC: Um, well all I can remember is him yelling and just raising his hands up.

JR: Okay. Raising his hands, so how is he positioned then?

SC: Well as a, it's kind of aided by that, that full nelson kind of choke is cause his hands are kind of just straight up.

JR: Okay. So this is the part in the video where he's, he's seated back and facing outwards?

SC: Yeah.

JR: Okay. Um, so after the Taser application, did it seem like there was any difference in his what he was doing?

SC: Uh?

JR: Did it look like he was struggling at all?

SC: No uh I don't understand the question here. Can you repeat to me what he said?

JR: So, I guess, what, what did it look like Mr. Ellis was doing when this was going on, did it look like he was trying to comply, did it look like he was trying to get up, did it look like he was trying to get away, did it look like he was fighting?

SC: Well yeah, at first he was seemed like he was just trying to keep his hands up but it seemed like they were kind of forcing him to go in different positions. Like his hands behind his back, and then hands behind his head, but no one else, no one could figure it out. Um I, it doesn't seem like he was fighting all to me.

JR: Okay. So, and don't let me put words in your mouth. So based on what you're telling me, it looked like he was not doing anything and the officers were doing different positions to…

SC: Right.

JR: …try to cuff him?

SC: I mean it seemed like uh the term I'd use is like ragdolled. It seemed like he was just being thrown around and like, on the ground and what not. And like there was a part where I thought he was actually unconscious after being, cause he was choked and then he like, Manny stopped moving and then he kind of just gently presses back, and they let him sit there for a bit, and Manny woke up.

JR: Okay.

SC: And then I, that's when he started to uh, he started shaking a little bit, he kept turning his head looking where things were going.

MM: You referred to him being choked. How was he being choked?

SC: Uh it was a arm around his neck.

MM: Okay. How, you mentioned that you saw his hands up.

SC: Right.

MM: Like this, correct.

SC: Right.

MM: Okay. How was the off-how were the officers arms positioned?

SC: Um, the one officer on the ground with Manny was he was doing the full nelson thing behind him. And the officer was pointing the gun at him.

MM: Okay.

SC: And that wasn't the only time he choked him though. But I, that's, that's the hold I guess I would say. But the time he choked him was on the ground. I mean if you watch the video record you'll know what I'm talking about. I just wish we had a little reference in here or something.

JR: Okay. Um yeah, we do have the video and we have seen the video of, um I'm just trying to (inaudible 2:26) what, what you observed cause, videos and you know your perspective could be two different things so. Um, what was the timeframe from when you first pulled up to the intersection and saw what was going on until the time you started recording?

SC: Oh, about 10 seconds.

JR: Okay. So from the, the time that you started recording 'til the video ends you're making a, a what appears to me to be a right, right hand turn and…

SC: Right.

JR: …going down past the patrol car and stuff. After that what had, what happened?

SC: After I drove away what happened?

JR: Yeah.

SC: I was, out of the scene. I'm a little bit confused about the question.

JR: Did you come back at all?

SC: Um, I did on another delivery, yeah, it's a route I take a lot but um it was blocked off.

JR: Okay. Um, so after so you have the your I think your Twitter, your Twitter handle is Mr. Stitches 253, is that correct?

SC: You found a Twitter I don't use huh?

JR: So on that one, when did you post the video, video to that?

SC: To Twitter?

JR: Yeah.

SC: I haven't. I'm pretty sure I have not.

JR: Okay. The video is linked to Mr., Mr. Stitches 253 is you, correct?

SC: Oh you are, you're thinking of a Reddit account.

JR: Okay Reddit, yeah okay.

SC: Not, not Twitter.

JR: Reddit. Yeah Reddit.

SC: Yeah.

JR: So, uh, that is you, correct?

SC: Right.

JR: Okay. So when did you post that?

SC: Um, not sure. We can definitely find the post date there.

JR: Okay. Do you re-recall if it was shortly after or?

SC: No.

JR: Okay. And these aren't trick questions, I'm just trying to…

SC: Yeah I don't know when I posted that.

JR: …figure out.

SC: Then I'll be honest.

JR: Okay. So now, now I'm focusing on the timeline of the video so, so I understand that. Um, when did you first, so after the posting the video, did you get approached uh, about it or how, how did, how did you come to Mr. Bible about that? With the video.

SC: Oh I found it in a news article.

JR: Okay.

SC: I saw, I just found that his name was there and that um, he was representing the Manny family.

JR: Okay. Do you remember about when that was when you shared it with him?

SC: No.

JR: Okay. Um, so, your video interview, that you did.

SC: With James Bible?

JR: Right. I see you made some reference about it was a few months after the fact. Do you remember when that was?

SC: No. Cause I already said once (inaudible 15:15).

JR: Okay. Do you remember about how long that was in reference to when you shared the, the video?

SC: No.

JR: Okay.

SC: Oh, oh to the video on the Reddit page?

JR: Right.

SC: Yes, that would be I mean within the same month I believe.

JR: Okay. And when you, spoke to Mr. Bible on the, the video interview, was that the first time you were actually interviewed about what had happened?

SC: Yes.

JR: Okay. So no police officers had contacted you before that?

SC: Oh no.

JR: Okay. So um, when did you, when did you um, first realize that the incident that you'd captured was the same incident that uh Mr. uh Ellis was?

SC: Um I saw it in a newspaper one day. I was just at a gas station and I just um looked down and I just saw it was the, the address that I saw that incident happen.

JR: And it clicked that's…

SC: Yeah. That's when I started to just to kind of put two and two together.

JR: Okay. Did you, you said you didn't know Mr. Ellis beforehand. Have you uh, um, did you know Sara at all before?

SC: No.

JR: Before this incident? Okay. How about Keyon?

SC: Not that I'm aware of who he is.

JR: Okay. Uh and you've read the name of the officers in the, the newspaper?

SC: I couldn't tell you them, but. Yeah.

JR: Okay. So and nobody you're familiar with?

SC: No, no, like I scrolled through if that's what you're saying.

JR: Okay.

SC: I did not (inaudible 17:00).

JR: Okay. Um, when you were leaving the, when you were making the right hand turn, hand turn and leaving, um, did you see any other officers responding to the scene hear or see?

SC: When I was leaving, no. It was just them at the scene.

JR: Okay. You didn't hear any sirens or pass any patrol, or see any patrol cars passing you?

SC: No.

JR: Okay. Did you see any punches being thrown by either the officers or Mr. Ellis?

SC: I saw one officer or it seemed to be him, just throwing punches to him, I'm not sure where cause then that officer just happened to be in my, my role line of sight there. But that was when I was kind of like going trying to record and I had to like unplug my phone and then unlock it get to the camera and do a couple steps. But yeah.

JR: Could you tell um, when you were describing once the, the, the fight happened um, or the melee on the ground. Could you tell which officer was which like, which officer had the Taser versus which officer, in reference to the driver and passenger. Does that question make sense?

SC: Yeah it makes complete sense but I'm afraid I can't tell you that.

JR: Okay.

MM: Can you describe the officers at all?

SC: I mean white, tall, taller than me. That's about it.

MM: Have you had any contact with the Ellis family since this all happened?

SC: Through James Bible.

JR: Can I ask you how come you decided to, not to release the just send the video to the police, doing an investigation?

SC: Oh um, I think they know where, when.

JR: When you found out that there was a, Mr. Ellis had died when you said you saw the newspaper. You ever think about turning it over to the police?

SC: No. Thought there was a law where they couldn't investigate themselves.

JR: Okay.

SC: And um, yeah. I tried sending it to, to Fox News but they weren't interested.

JR: Yeah.

SC: Probably too big of a news place.

JR: Was that before you got a hold of Mr. Bible?

SC: Yeah. I just uh, kind of asked them more like uh who is this, you know. All that. But the video ain't of, can only do so much.

JR: When you, look at a video for example, there's different perspectives. Take it you're filming from, pretty close to where you were seated um, is there anything that you recall that's different from your memory from when you first looked at the video or first reviewed the video. Is there anything like, that stood out like I remember something uh happening that wasn't captured in the video? Does that question make sense?

SC: It does but um, yeah I'd say the video just kind of shows you what I seen. I mean, I didn't see much before I started recording and while I was recording there's a bit I missed but.

JR: Okay. And obviously without audio, is there anything that you recall that's uh sound wise that you heard that you think's important for us to know?

SC: Unfortunately no. I just heard I mean I heard like, I could tell it was English but I can't make any guesses to words for you.

JR: Okay. Anything else?

SC: If you like to think of more questions as well I mean, I could wait out in the parking lot in case you guys have a little brainstorm.

JR: Is there anything else you can think of about the whole incident um, from the time you know, there that we didn't ask. Anything that in retrospect you think's important for us know since time has passed and I'm sure you've thought about it.

SC: Nah, afraid not, no.

JR: Okay. So what I'm gonna do is I'm gonna read the following statement and if you can just indicate yes or no if you agree with it. What it says is I, Samuel Vincent Seth Cowden, declare that the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily and without threats or promises of any kind. Is that a true statement?

SC: Yes.

MM: Yeah I got an extra one.

SC: Signature?

JR: Please. Yeah. Okay, the time now is 5:11 p.m. and this will conclude the recording.

***Transcribed by**: Jill Byram Dist. 7 CID 43*	***Date:** October 29th, 2020*
Reviewed by: Det. J. Rhue D674	
Signature: Jeffrey N. Rhue	***Date: 11-09-2020***

TAB 38

Ms. McDowell (part 1) Interview With Bible

Audio Video Interview of Sara McDowell (W/F in Video) – Part 1

Location: 1600 E. Wright (Video obtained from WSP Investigation)

Date: Unknown (Possibly June 2020)

Time: Unknown

Internal Affairs Control Number 21COM-0061

VIDEO PARTICIPANTS: James Bible (B/M) and Sara McDowell (W/F)

Unknown: I'm good whenever you are.

Bible: Okay. So we're gonna start by asking you to state and spell your full entire name first and last.

McDowell: Okay.

Bible: Um, and we'll want like the phone number on that phone…

McDowell: Okay.

Bible: …right…

McDowell: Yeah.

Bible: …and then uh maybe another contact…

McDowell: Okay.

Bible: …that we can go through.

McDowell: Okay.

Bible: So, are you ready now? Okay, go ahead and um give us and spell your, your full name.

McDowell: Okay. Sara S-A-R-A, McDowell M-C-D-O-W-E-L-L

Bible: And, w- what's the phone number that you…

McDowell: Oh.

Bible: …filmed the video on?

McDowell: 253-495-4291

Bible: Is that the phone in your hand?

McDowell: Yeah.

Bible: And, uh did you send that video to anybody today?

McDowell: No.

Bible: Did you…

McDowell: Oh, actually sorry, yes I did. I sent it to Monet's sister and, what was that

Unknown: Manny's sister.

Bible: Okay.

McDowell: Sorry. Monet's sister, oh my gosh.

Unknown: Yeah.

Bible: Y- you sent it to Manny's sister?

McDowell: Yes.

Bible: And um, did you send the full video…

McDowell: Yes.

Bible: …to Manny's sister?

McDowell: Yeah.

Bible: Did you make any changes to it whatsoever?

McDowell: No.

Bible: No changes.

McDowell: No…

Bible: Okay.

McDowell: …and there was also two videos that I sent to her.

Bible: Right. Two videos and you sent those today?

McDowell: Mm-hm.

Bible: And, so tell us about what made you film. What made you…

McDowell: Uh

Bible: …decide to pull out your camera?

McDowell: Um, when I noticed that the cop knocked him dow-, just violently knocked him down with the door and then s- they assaulted him, jus' was were punching him. Just when he opened the door and I noticed that nothing was going on. Nothing was hap- I didn't even real-, I ah honestly when I seen the guy talking to him or the police officers, I was like is do they know him like, uh like jus- do they know him really jus' like sayin' hey like ho- ar- y- ev- jus' st- stayin' good, or whatever, I- I don't know, like I literally thought it was civil and fine like I didn't know anything was going on, so…

Bible: Mm-hm.

McDowell: …once I seen him open the door and knock him down, I was like okay something's happening an' just yeah it was like this is not right, eh.

Bible: Did you see any aggressive action by Manny prior to them knocking him down?

McDowell: No. Absolutely not.

Bible: And, uh the hitting with the door -s the first thing you saw?

McDowell: Yeah.

Bible: Ah, what did you see after that?

McDowell: Um, I see the pol-, er- okay so the passenger, knocked him down. Manny like started to get up and then the guy that knocked him down just started like hitting him or like jus' like grabbed him and then the other, I believe it was the other, I –s wa- was loo- looking at my phone, but I believe it was the other police officer um grabbed him and flipped him or eh uh y- you can see it in the video he like flipped him down and like then I think its um the skinnier cop, I'm not sure they just were all like doin' all kinds of crazy stuff so I mixed up who it was so the skinnier looking cop just started punchin' 'im the face, jus' punchin' him, and then after that guy, the other guy slammed him he backed up a little bit and then the cop was punching him and then co- other police officers started walking back an' like pulled out his taser it looks like

and then the guy's still punching, or the other police officer's still punching him and I- that's when I realized that my kid's dad started coming out, walking…

Bible: Mm-hm.

McDowell: …and I, I put the camera down and I'm like screaming at him but he's still hitting him I'm like jus' screaming an' like crying an' stuff…

Bible: Mm-hm.

McDowell: …an' then, I get back in the car and I look and he th- the cop, the police officers are jus' like this kinda like jus' like jus' pushing him on the ground but Manny he's like, k- jus' like his legs are all like jus' he can't do anything like he's literally not able to get up. He wasn't fighting back or anything and then I drove past the police car and then recorded them on top him because they were telling him to put his hands behind his back and I'm like he can't there's no way like you're, I seen the police officers hands on top of him, he had no way, he was literally smashed on the ground…

Bible: Was their body on top him…

McDowell: Yeah, both of them.

Bible: …an' they're tryin' to tell him to do that?

McDowell: Right. And then the guy has the taser in his hand and he's like I'm gonna do it again, put your hands on your back, put your hands on your back, and he's like looking, he kept looking at me, like well doing, like well it was like going and I drove past he was like making eye contact with me cause I was recording. I'm pretty sure knew what I was doing and um, yeah, an' uh and then I drove uh people started honking at me and so like I drove, (clears throat) down to go get my kids inside and then I drove back up. We started hearing sirens and stuff and I was just like, oh my god, I'm like, so we drove back, or I drove back by myself, but they had um cop cars kinda blocking. Like, I was able to get like around Ainsworth, (unintelligible) allowed to get take a left on 96th and Ain- Ainsworth right there.

Bible: Mm-hm.

McDowell: Um, but there was like about ten to fifteen that looked like cops sur- like in a circle, I promise you, in a circle and I didn't see him, so I was like, I told my sister I was like I'm pretty sure he was like in the middle like maybe handcuffed or something like at that point, I don't know, and um I honestly can't remember if the ambulance were there before or after I um like was able to leave the scene cause I couldn't go back around. I had to like go all the way around and they were making everybody, they wouldn't let people get out of their cars or anything. They were making everybody leave...

Bible: Mm-hm.

McDowell: …an' go around all the way around and um but uh, seriously um. Yeah, I think that er the sirens that I was hearing was eith- like maybe just police and whatever but maybe you guys can figure out the timeframe wh- when they got there and stuff but…

Bible: Right.

McDowell: …so.

Bible: So, when you say that somebody slammed somebody to the ground, was that police officers slamming somebody to the ground.

McDowell: Yes.

Bible: Y- can you s- so…

McDowell: The police officer okay so when the uh passenger police officer made him fall to the ground he kinda got up a little bit an' then the p- police officer was like grabbing him an' then the other cop around the car came and like grabbed him an' like it's like you can like it looks in the video like he's like slams him and then he like hits head, an' looks like he hits his head like close to curb maybe on the curb an then the other cop jus' comes and he just starts punchin' him just punchin' him in the face jus' like like

ten times just repeatedly jus' over an over. An' then yeah.

Bible: An' it started as like just something that looked normal to you…

McDowell: Mm-hm.

Bible: …when you first pulled up?

McDowell: Yeah. It Manny was literally just walking like I don't, I don't even re- remember what way he was walking, I just noticed him on the sidewalk, g- casually fine and I didn't, the police officers just like were in front of me and the red light, they stop- we stopped an' I'm thinkin' everything's fine ya-know an' then the light turns green an' then they don't go, so I'm like okay, so I'm thinkin' it's like happening like it's not jus' more than hey like ya-know whatever, eh an' then um they were like saying, uh obviously saying something to him to get grab his attention an' he like looked and like was like just walking like, like tryin' to listen like ya know an' then he didn't ev- he didn't even was jus' ya know an' then um was probably like this (demonstrates proximity with parked car in video), about like this close an' maybe uh i- i- it was jus' like listening to what he had to say an' then jus' turned around an' like walk back to like he was walking back to the sidewalk but before he coul- hit the sidewalk it looked so…

Bible: He got knocked over?

McDowell: He got knocked over like this down on the ground an' then he like started to get back up an' then the police officer came behind and was like holding on to him to where he couldn't do anything an then the other dude like grabbed him an' slammed him down an' then started punching. That was literally what happened.

Bible: And you said some things to the officers?

McDowell: I didn't say anything, uh I mean I was screaming at 'em, I was like uh yeah, I was saying um stop hitting him, stop hitting him just arrest him like…

Bible: Right.

McDowell: …whatever this problem is like he there's yeah.

Bible: Did it seem like on any level any of what the officers was doing to him was necessary?

McDowell: Absolutely not.

Bible: Did you ah okay why don't we go to the phone actually. Um, can you show, is there a way what sort of visual can we do with the phone…

Unknown: We can do…

Bible: …so that we can show it on her actual phone?

Unknown: We can try it, we can do top down, we can…

Bible: Maybe top down?

Unknown: Mm.

Bible: Make sure we don't have shade.

Unknown: Probably jus' if we switch sides.

McDowell: Yeah um (unintelligible)

Unknown: The sun's coming from behind this instead of…

Bible: Okay.

Unknown: …toward us. I can also have uh…

Bible: Alright.

Unknown: …cover.

Bible: There's all kinds of rules about authenticating like whether something is exactly what they claim it is.

McDowell: Mm-hm.

Bible: So that's why even though it's kinda silly, I ask those questions…

McDowell: Right.

Bible: …and we film it, and we take these pictures and we do all this stuff so that there's just not a question.

McDowell: Oh yeah, I understand absolutely…

Bible: Right. Um, okay.

Unknown: May sound a little bit technical but I I have a piece of black wrap which we can kinda do a box to keep the light from gettin' on it if necessary.

Bible: Okay go ahead an' do that. Is it still recording?

Unknown: Yes.

Bible: Okay. So you came back a second time?

McDowell: Yep.

Bible: And drove around?

McDowell: Mm-hm.

Bible: And then there were more officers and stuff?

McDowell: Mm-hm. Yeah.

Bible: Ya couldn't see Manny?

McDowell: Uh-uh.

Bible: Now when you call, when you say Manny, at the time ya didn't know that was the person…

McDowell: I had no…

Bible: …named Manny?

McDowell: …I had no idea who he was. I- I like me an' um Keyon my kids' dad we when I got home an' stuff an I literally I was just sick an' an' I jus' couldn't stop talking about it all night but we were just like coming up with all these like thoughts of like what could've happened or like why the reasoning for 'em to do that or for them to do that an' we jus' c- I jus' there was no nothing possibly that no matter what he could've done there was no reasoning for them to do that to him they could've, he was cooperating, they could've arrested him um he would've like uh they could've put him in a cop car like literally.

Bible: Right.

McDowell: I guess an (inaudible)

Bible: Mm-kay. An' have you talked to Keyon about this?

McDowell: Mm-hm.

Bible: Has he, was he like did he actually see some of this happening?

McDowell: Mm-hm. Yeah he uh when he seen, he seen the cops like open the door and get out. He seen the whole thing from the beginning. Same thing as I seen.

Bible: Okay. And when you talk about it, is that kinda what you guys talk about, like look they just…

McDowell: Mm-hm.

Bible: …did all of this and ya don't know why…

McDowell: Yeah, he like got out of the car an' he uh you guys are all, he was like you're in the wrong for that an' he was like he's jus' punchin him in the face for something like…

Bible: Mm-hm.

McDowell: Yeah. He

Bible: Okay. Did you see anybody besides officers and yourselves like out walking around on the streets or anything like that?

McDowell: Uh-uh. No there was nobody walking around an….

Unknown: There was other cars behind?

McDowell: …there was uh yeah an'…

Bible: Yeah.

McDowell: …there was I'm pretty sure the- I mean I don't know who was behind who the other cars were behind me, what other cars were behind me but somebody honked at us to go and so that's why I jus' panicked and kinda just drove an' then um eh there was cars like at the light but they jus' drove off and went, uh.

Bible: Okay. So maybe we can film that?

Unknown: Yeah, so we can just uh (unintelligible)

McDowell: Ya have to turn it like uh (holds phone up to camera lens).Bible: Yeah, I think so…(unintelligible) follow the video path.

Unknown: Um let me just see, you can put it up right about here. Is, is there a way to turn brightness up on (unintelligible)

McDowell: It's all the way up.

Unknown: Okay.

Unknown: I'm gonna switch sides with you so I can point towards the sun.

Unknown: (Unintelligible noise) …just start from the front

McDowell: Kay.

Bible: An' you've emailed that photo to yourself, or the video to yourself for the…(unintelligible).

McDowell: Uh-uh. Yeah

Bible: I know you've sent it to other people.

McDowell: Oh yeah.

Unknown: Actually, that's pretty good on the phone so can you bring it a touch closer? That should do it, okay. Okay it's just block by, but I think you can just play it.

McDowell: Okay. Oh, shoot. Is that good still?

Unknown: Back it up just a tiny bit. Whenever you're ready play.

(Video on cell phone playing)

McDowell: (Hear McDowell's voice on phone)…Hey, stop, oh my god, stop hitting him, hitting him just arrest him, just arrest him, oh my god that looked so scary…

Unknown: (Shouting in the background)…the wrong.

McDowell: …shut up you have kids in the car you dumbass, you already know, shut the fuck up. Shut the fuck up. Shut the fuck up. Get in the car you got your kids, shut the fuck up. Ya know what Keyon, you're real-, now I'm really goin' ta Jessie's cause you really

jus' did that.

Unknown: Unknown voice on the phone video: Put your hands behind your back (car honking), hands behind your back. Put your hands behind your.

VIDEO ENDS ABRUPTLY/ar

Ms. McDowell (part 2) Interview With Bible

Audio Video Interview of Sara McDowell (W/F in Video) – Part 2

Location: 1600 E. Wright (Video obtained from WSP Investigation)

Date: Unknown (Possibly June 2020)

Time: Unknown

Internal Affairs Control Number 21COM-0061

VIDEO PARTICIPANTS: James Bible (B/M) and Sara McDowell (W/F)

Bible: (Video abruptly begins)…one Asian or somthin'. An' I'm like..

McDowell: An' that's why too like I came back not, like it literally I- I live a street like at the Arrow Apartments er…

Bible: Right.

McDowell: …I was th-there. (Sniffs) an' um…

Bible: But it was two white guys.

McDowell: Yeah. An' I like came b- back right after I took the kids out the car an' whatever an' I got in the car, didn't even go inside an' came back an' there was like ten fifteen, there was never just four…

Unknown: (inaudible)

McDowell …cops. An' like at all. An' like…

Bible: Right.

McDowell: …what. Eh…

Bible: Right.

McDowell: …so.

Bible: Okay.

McDowell: An' the. Yeah.

Bible: Okay so we're we're gonna ask you some questions.

McDowell: Okay.

Bible: Uh, if you could say your name again.

McDowell: Sara McDowell.

Bible: Okay. An' Sara, um how many officers did you see uh doing what they did to Manny?

McDowell: Two police officers. Two.

Bible: An' what did they look like to you

McDowell: Uh. Two white males, uh the passenger was skinnier th- pro- probably like five nine five ten I r- wasn't close enough to even realize but…

Bible: Right.

McDowell: …he was skinnier an' then the driver was a little bit bigger than him.

Bible: Okay.

McDowell: Jus'… yeah.

Bible: Um, did you see anybody that you thought was like a black officer or an Asian officer?

McDowell: No. There was no other officers, there was no jus' two white male officers. That's it.

Bible: Not at the time they were beating him up?

McDowell: Yes. An' then um when I left he was o- on the ground restrained, whatever an' um still two police s- two white police officers.

Bible: Mm-kay. An' about how much longer did it take for you to come back?

McDowell: Five minutes s- s- five ten minutes. Like…

Bible: Mm-hm. Okay. An' by then there were a bunch of officers?

McDowell: Mm-hm. A bunch of 'em just circling where it happened at. There were so many officers circling the area that you couldn't even see in between at all like there just everything was just blocked off like you couldn't see anything an' I that's I was like trying to look while I was driving ya know an' there like escorting people an' like they're tryin' to make people leave an' stuff. I'm trying to like look in between to see if I can see h- Manny, I- I- couldn't see him an' yeah.

Bible: Mm-kay. Thank you. You can go…

VIDEO ENDS ABRUPTLY/ar

Mr. Lowery Interview With Bible

Audio Video Interview of Keyon Lowery (B/M in Video)

Location: 1600 E. Wright (Video obtained from WSP Investigation)

Date: Unknown (Possibly June 2020)

Time: Unknown

Internal Affairs Control Number 21COM-0061

VIDEO PARTICIPANTS: James Bible (B/M) and Keyon Lowery (B/M)

(Video plays but sound does not start until 00:00:31 on the tape)

Lowery: Really do remember because I saw at the time…

Unknown: …said the microphone wasn't on in the beginning. I'm sorry.

Bible: Okay, so ya gotta spell all those names. You can jus…

Unknown: (Laughter off-camera in the background.)

Lowery: I jus'…

Bible: …start at Keyon Lowery…

Lowery: …Keyon Lowery…or- okay.

Bible: Okay. Go ahead.

Lowery: Alright. My name is Keyon Lowery K-E-Y-O-N L-O-W-E-R-Y.

Bible: Mm-kay. What did you see on uh March 3rd?

Lowery: Um, me and Sara, the other driver who was driving in front of me when we were drivin' down Pacific because we're goin' to her her sister's house was over there an' was goin' to spen- spend the night over there with all my kids n' stuff an' r- first we're gonna go to the 7-Eleven but we j- jus' decided not to. So we're turnin' a right on Pacific an' 96th, 96th and Pacific turned right on 96th and Pacific an' we're comin' to the light but there's this cop there. The light turned green and we're like go. But, we look off to the right and there's a man walking.

Bible: Mm-hm.

Lowery: Officers, he, w- all of us jus' he go- he didn' get his they didn't get his he didn't get their attention. They got his attention, enough that he ya-know somebody got your attention, you're gonna look like this, an' he happened to look at them first before he walked over there.

Bible: Mm-hm.

Lowery: As he walked over there, I don' know if they said somethin' to him but it looked so quick that they opened the door and he was on the ground.

Bible: Mm-hm.

Lowery: Not moments later, the passenger cop was already out on the ground hittin' th- oth- the drivers dude the lights wasn- no- the lights didn' turn on until the other passenger, the passenger cop was already on the other dude.

Bible: Mm-hm.

Lowery: S- like, it jus' happened all quick an' myse- I wanted I swear I wanted to I'm so sorry.

Bible: Step in?

Lowery: Step in but, she didn' want she didn't let me. I had kids in my car an' it was a lot goin' on like it wasn't like a pu- a punch like you was like you was drunk or someone that was drunk bu- jus- like jus' full cocked back every single swing jus' full cock back every time.

Bible: An' that was the officers? N-…

Lowery: That was the officers. He did no- he couldn't do nothing. An' the- an' then when they're on, an' then when they're on the ground hi- his hands pinned by their hands. An' they're whol-, you can hear when they're ye- there was no sound nothin' an' as we drive by he ha- ho- you, how how you agr- aggressive but have the most calmest voice lookin' around. Put your hands, put your hands behind your back or I'm gonna ta-, he d- we- m- he jus' pulled the taser out. He, we didn't even see him tase him in

1		the first place, ya know what I mean…
2	Bible:	Mm-hm.
3	Lowery:	…he wasn't tased. I don't feel like he was tased. We didn't see him tase him. Tha-…
4	Bible:	Mm-hm.
5	Lowery:	…w- yo- you can see someone get tased. He didn't get shock an' drop. They a-
6		instant cop both cops on him the whole time period. Never let up.
7	Bible:	Never let up.
8	Lowery:	Ya make my eye twitch.
9	Bible:	An' did you see them fight, him fight them at all.
10	Lowery:	No. He couldn't. Th- h- h- h- how could he? He he one probably was dazed from the
11		car hittin' -im, from the door swinging an' hittin' –im...
12	Bible:	Mm-hm.
13	Lowery:	…he fell an' he's probably bigger than me. He probably I- I don't know, I ya know
14		what I mean? I sti- stand straight up with him. I mean I if if I get hit by a car door
15		I'm go- gonna f- fall s- gettin' hurt. I'm gonna be like what the hell…
16	Bible:	Right.
17	Lowery:	…specially by a cop. Especially one that probably called him over in the first place.
18	Bible:	Right.
19	Lowery:	…why as- why else ya gonna go to the cop that's stopping at the green light.
20	Bible:	Right.
21	Lowery:	Why they stop at the green light?
22	Bible:	So you didn't see him hit their car with his hands or …
23	Lowery:	Nope.
24	Bible:	… anything like that?
25	Lowery:	Nuthin.
26	Bible:	Did you see him doin' anything that was crazy?

Lowery: Oh no, nuthin crazy. There was n- I- tha- I've read, I read s- several different reports on so many different websites about this situation…

VIDEO ENDS ABRUPTLY/ar

Mr. Cowden Interview With Bible

Audio Video Interview of Samuel Cowden (W/M in Video)

Location: (Video obtained from WSP Investigation)

Date: Unknown (Possibly June 2020)

Time: Unknown

Internal Affairs Control Number 21COM-0061

VIDEO PARTICIPANTS: James Bible (B/M) and Samuel Cowden (W/M)

Cowden: (voices in the background as video abruptly begins)…thing I called you right when I noticed that.

Bible: So we see, that you see that they actually have it pointed?

Cowden: Mm-hm.

Bible: Right?

Cowden: With his hands up. There's a, sk-, a- ah, there's a frame…

Bible: Right.

Cowden: …that's jus' saying so much.

Bible: Right.

Cowden: Hands up, a gun pointed, him on the ground…

Bible: Right.

Cowden: …other, only other person in the picture is holding him.

Bible: Right.

Cowden: I mean, I'm sure, you mean, you could say that a lot better than me, you know. You already everything, I- I mean I- I can say.

Bible: Mm-kay.

Unknown: Kay. We're ready whenever you guys are. Okay, you guys ready?

Unknown: Yeah. Can you jus' clap real quick.

Cowden: (sound of on clap) (Cowden seen clapping one time on video)

Unknown: Perfect. Got it. Bam. Yep. Okay, here we go.

Bible: Please state your name.

Cowden: My name is Samuel Vincent Seth Cowden.

Bible: And can you spell your first and your last name for us?

Cowden: Samuel is S-A-M-U-E-L and for Cowden is C-O-W-D-E-N.

Bible: And Samuel did you send a video to me this week?

Cowden: I did.

Bible: Ah, what was that video of?

Cowden: That video was of two officers, uh jus- jus' police brutality, tha's the only term I- I know.

Bible: And does that video reflect um most of what you saw on that night?

Cowden: Um, the majority of it, yes. It get's all the way to driving away from the scene.

Bible: Now had you filmed uh the very beginning of whatever was happening?

Cowden: No, I did not.

Bible: Tell us, ah, why you didn't film the very beginning of what happened?

Cowden: Uh, a-, the reason was is 'cuz at the time, um I was driving um for Domino's actually an' was jus' coming back from pizza delivery um an I, it was a green light and I mean I was about to head on but I jus' jus' slammed on my brakes an I realized that something was happening in front of me and I realized that there was, I mean, there was violence happening. I didn't know who was in the right or who was in the wrong but I mean that's all I saw was just the violence happening (unintelligible) …get there.

Bible: At any point did you see Manny Ellis hit anyone?

Cowden: No

Bible: Uh, what did you see from Manny Ellis?

Cowden: From Manny Ellis of all I saw was him moving, him tryin' to get away at the most, I mean. What I really saw was the movement in the officers and how they were going

after him and did not, he didn't even have a chance to do anything but scream, whilst he was still on the ground.

Bible: What did you first see?

Cowden: Um, what I first saw was Manny in front of th- the police car which had me intrigued but didn't give me a reason to record yet and when I noticed that um, wh- a- the cop opened his door, the and he slammed the door into Manny, an' I mean, at first I, it was just him opening the door to get out, an' ya- know it's a rush, they're a- aggravated but then they instantly started jumping on Manny and then Manny started walking away an' the officer in the passenger seat he jus' we- was around the car so fast, an' they were on him an' then Manny was on the ground before I could even start recording in that brief like four seconds.

Bible: Mm-kay. And, ah, when you say the officers were on top of him, what did you start to see the officers do?

Cowden: One officer had him in a, I mean you can call it a full Nelson, a choke hold, its its whatever you wanna call it. It's whatever you see, but h- he was holding him down while he was on the ground an' Manny's arms were up in the air an' I- I heard him screaming, -s the only thing I could hear over my radio and everything an' I saw the other cop jus' having a gun, an' he was jus' pointing it jus' straight at Manny while his arms were up an' I, I -s I don't know what else to say 'bout that.

Bible: What else did you see with the other officer that had what you described at the moment of the gun?

Cowden: At tha-, as the gun?

Bible: Yeah.

Cowden: I mean he just, he had a taser gun, and he had he jus' pointing at Manny and he, he just pointed and shooted.

Bible: Do you think he kept shooting or did he just shoot once?

Cowden: Um, I saw him like uh reload or he shot twice but I'm not sure how those kinda guns work. I know they have different prongs and whatnot shoot multiple projectiles but, I mean, it looked like he shot him multiple times and he was still on the ground the whole time.

Bible: Did it look like what the officers were doing at the time was necessary to you?

Cowden: No, I mean, uh uh I don't know what he was guilty of, if it was …anything, now I know he isn't, I mean jus', no matter what side you're on, tha- that's not right. That's that's a human rights violation, that's them attacking somebody, that's excessive force, that's every term you can think of.

Bible: Did you see Manny hitting and punching any car on that night?

Cowden: No. And that's, heh- no, I did not.

Bible: Did you see him hitting or punching a police car on that day?

Cowden: No. But I- I mean I've heard of that but no I did not see at all.

Bible: Did you see him say like lift up a police officer and body slam them or anything like that?

Cowden: No. That's that's tha- n- not what happened. He ran away. Tha's the only thing I ca-, I saw him do.

Bible: Okay. Are you sure that he ran away?

Cowden: I'm not, because I mean, he got hit with a door an' I mean I'm not sure if the door stumbled him because if he was running away he was running away backwards at first and then he flipped around an I'm not sure if it was to stabilize the direction he was going er, or r- whatever, but mean, they've, I'm not sure, I ca-, I jus' gotta be honest I do not know.

Bible: Did you see how he fell to the ground?

Cowden: Um, but with an officer dragging him by the shoulder.

Bible: Mm-kay. And did you see ah were there parts of this that you missed?

Cowden: There was. I mean I only started recording the video um when he was on the ground and that was because I mean by the time I saw him running away as soon as I saw him running away, I started to record but to get to that point I was in- I had t- Google Maps open, my radio an' I had to close everything an' then find little thing in my phone by that time I mean, he was jus' already on the ground.

Bible: Mm-kay. Now you mentioned the, I guess the choke hold ah d- at any point did you see where the officer's knees were?

Cowden: Yeah, I mean th- for the, it was right after the tasing. He shot him, one officer shot Manny with the taser and then Manny was on the ground and they and then the officer that was holding him jus' like pushed him to the ground more and was tryin' to figure out a way to keep escalating the the apprehension or something like he- his knee was on the ground, Manny was able to lift his head up a bit but as soon as he did the officer grabbed him by the hair 'n an' then jus' put his knee further down, but it was jus-, i- it got more aggressive an' more aggressive an' I thought tha- that's jus' not the way that officers should handle that.

Bible: Right.

Cowden: D- De-escalation. Not escalation.

Bible: Could you tell where the knee was?

Cowden: The knee was right on his neck. It was on the back of his neck. His chin was being stretched too much by, Manny's chin was being stretched too much because he was jus' the asphalt was just right here on his neck. I mean an' there was the force, it was jus' his neck.

Bible: Did you ever see the officers like move Manny over to his side so that he could perhaps breathe or anything like that?

Cowden: No. An' an' you could see it in the other peoples videos I mean by the time I left the scene and by the time the other people had left the scene th- a knee is still on his

neck. But he was no longer screaming, he's no longer resisting, they're tellin' him to put his hands behind his back

Bible: Mm-kay.

Cowden: …his hands behind his back. They are…

Bible: They said he's no longer resisting. Did you ever actually see him resist?

Cowden: Never, I never. He, he, he ran away at the most. But, I- I don't even know if that's what happened. But I definitely did not see him attack anybody. I didn't see him go after anyone. Did not assault or, or resist.

Bible: Kay. How many officers did you see at the scene.

Cowden: Um, j- ah jus' jus' two. I just saw two officers but the thing is that's a very common delivery route and when I was I- I went an' I I jus' told my manager Jaden about it an' then I came back from the delivery, I took that same path but I, I had to go around four blocks. They were blocking off the entire thing. There was like, it was honestly like th- think like six cop cars an' then an ambulance comin' an' I just heard more sirens. I don't, it was a lotta officers there by the end of th-.

Bible: An' at the first, a- a- at first were there just two officers that were doing what they were doing?

Cowden: I only saw two.

Bible: And what did they look like to you?

Cowden: Um, they were both white. They were both middle, middle-age, they were about, they were um six foot, I mean its tha- thas' their general height I jus' can't really remember it. It's months ago.

Bible: Just very generally…

Cowden: Yeah.

Bible: …they're two white guys?

Cowden: There's t- two white guys. No, uh no, no facial hair on either…

Bible: Mm-kay.

Cowden: …no glasses. Couldn't see any tattoos but it was a cold night an' they were wearing clothes.

Bible: Mm-kay. How has uh what you witnessed impacted you?

Cowden: We- I jus' i- its, made me, I'v- I've incredible lack of faith now in our, in many of our systems from jus' the justice system to training rookies in the police force, to handling anything from the distribution of the news. It's been three months since I've released this video because I, I've simply not, I jus' didn't think there was a reason to. I thought the case was solved and shut because I, I mean on the news all I saw was that like he was a guy, he was on meth and he attacked officers. An' when I saw that I thought, okay, I mean he died from the overdose like the news article says.

Bible: Mm-hm.

Cowden: And I mean once I figured out just this month that everything like this is happening, I mean, I don't know I just, I just feel really mislead by by Tacoma we're jus', th- the entire Tacoma Police Department is just, 'cause I n-, now that I know that they've been sent a video too, they were sent a different video, th- the ring door one, I mean it's just, they have things to work on and they have people reaching out…

Bible: Right.

Cowden: …but they're not listening.

Bible: The ring video and the video for the other witnesses, that part of what made you come forward?

Cowden: Um, somewhat. Uh its only because when I realized what's in the video that I knew, I had a video from a different perspective. I- I heard about Manuel Elias, but I just didn't know that um he was the same person I had on my ph- old phone. –S jus' that like I jus' couldn't be th- be the same guy. Th-…

Bible: Mm-hm.

Cowden: They're two different people. T-…

Bible: Right.

Cowden: I jus' happened to be the same one except one story was false.

Bible: Now the story of the police it seems to be that Manny was a- attacking them. Did you see that at all?

Cowden: No. No, i- th- it was jus'. I did not see Manny attack any officers.

Bible: Okay. Alright. Thank you.

Cowden: Thank you.

END OF INTERVIEW/ar

TAB 39

WASHINGTON STATE PATROL
Criminal Investigation Division

Witness Statement

Interviewer:	(RS) Det. Robert Schroeder	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	9:58 a.m.
Place:	901 South Fawcett Avenue Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(NW) Nicholas Wilson	**DOB:**	UNK

RS: This is the statement of Nicholas Wilson. Today's date is September 22nd, 2020, time right now is 9:58 a.m. I am Detective Schroeder with the Washington State Patrol, and this statement is being recorded at the Tacoma Fire Department located at 901 South Fawcett Avenue in Tacoma. And there are four persons present in the room, and for purposes of voice identification for the recording, would each person present besides you Mr. Wilson, who is giving the statement, state your name and occupation one at a time. Jean?

JH: Jean Homan, Deputy City Attorney, City of Tacoma.

RS: And Lieutenant Richmond?

DR: Lieutenant Daniel Richmond, Washington State Patrol.

RS: Okay, and Mr. Wilson, do you understand that this statement is being recorded?

NW: I do.

RS: And do we have your permission to do so?

NW: You do.

RS: Okay, can I get your full name and would you spell it for me please?

NW: Uh Nicholas Wilson. Uh N-I-C-H-O-L-A-S, W-I-L-S-O-N.

RS: And your work address?

NW: Um, 72-47 South Park Ave.

RS: And that's Tacoma?

NW: Tacoma, Washington, 9-8-4-0-8.

RS: Okay. And is a work phone for you 2-5-3-5-9-1-5-7-1-0?

NW: It is.

RS: Okay. And Mr. Wilson, the reason we're here today talking is that the State Patrol is investigating an incident that involved the Tacoma Police Department. Uh this would've been what six months ago, and this is in reference to State Patrol case number 20-019681 [*sic*]. And what we'll start with is how were you notified, first of all do you recall which incident we're, we're talking about here?

NW: I do.

RS: Okay. And how were you notified of this or how did you come about being aware of this call?

NW: Uh we were dispatched.

RS: And how were you dispatched?

NW: Um, station tones were alerted.

RS: Okay. And do they provide any further information for you or is it just tones and then does that tell you what kind of call you're going to or?

NW: Uh you get tones, address um, and a general nature of the call.

RS: Okay. Do you happen to recall what information you got as far as the nature of the call?

NW: I don't recall specifics of that.

RS: Okay.

NW: But what I know is, I said TBD. So.

RS: Okay. And so then, uh you said you were at the station, so you guys would've responded down from the South Park Avenue…

NW: Correct.

RS: …station. Okay. How, about how far is that from where the scene is located?

NW: Uh this was it, the call was at 96th and Ainsworth, correct?

RS: Yes.

DR: Yes.

NW: So two and half, three miles or I'm not sure the exact distance but.

RS: Okay.

NW: It's south of the station.

RS: Okay. And how did you guys respond there?

NW: Um, in our fire engine.

RS: Okay and are you, are you told by your like your dispatch how to respond as far as, and I don't know what you guys call it if you refer to it as a code response or a priority, how, how you guys word that, do you recall?

NW: Correct. Priority or routine, typically we go priority to calls or routine, depends on the nature.

RS: Okay.

NW: I don't recall the specifics of how I responded though.

RS: Okay. And is that something that your, your dispatch tells you to, or do you guys decide that, given the information that you're provided.

NW: Uh it could be one or there. That's at officer's discretion. So.

RS: Okay. Do you recall which one it was at that time?

NW: Uh I do not.

RS: Okay. And um, I think I might've asked you if you remember how long it took you to get there?

NW: I do not recall that.

RS: Okay. And once you arrived um, where, can you describe where you guys parked or where, where at the scene and what you, what you observed when you got there. How you parked, and what you did.

NW: Correct, uh we traveled, so south on Yakima and then went west on 96th, so we were westbound lanes on 96th. Um there was several police officers on scene. Um, and so we were outside of that circle of cars, so. And we approached the scene on foot from there.

RS: Were you, was your engine the first um fire department unit to arrive or was somebody already there?

NW: We were the first, it's in our first due so we were the first TFD unit on scene.

RS: Okay. And once you arrived there what took place from there?

NW: Um typically we grab our gear and we went to the patient. Or where the patient was said to be. And we began rendering care.

RS: Okay. And at that time where was the patient located at?

NW: Uh the patient was on the street.

RS: Okay. And do you recall what position they were in?

NW: Uh, he was on the ground um, I don't know the specifics of how he was either on his side or on his back, but he was definitely on the ground.

RS: Okay. And can you give me a general description of what you remember the patient looking like?

NW: Um, as far as what, can you elaborate?

RS: Just what uh, well male, female, uh any general description,

NW: He's a male, mid-thirties.

RS: Okay. And what was your, when you first saw him, what was your I guess assessment of him, or what, what did you happen to notice? Uh was he um was he moving around, was he stationary, can you describe how?

NW: Uh the patient was not moving at that time.

RS: Okay. Any other obsevations of him were they, and were you the first one to contact the patient from your engine?

NW: Um, I believe so.

RS: Okay. And at that time was the patient still breathing?

NW: Uh the patient had a deteriorating respiratory drive.

RS: Okay.

NW: I believe is how I stated it in my report. Um, he did have a pulse, but it was very weak and slow. So.

RS: Okay. And, I guess how, do you just do you check pulse by?

NW: Typically a carotid.

RS: Okay. Just by hand not with a machine or something or something?

NW: Correct, no you can't check it with a machine.

RS: Okay.

NW: You have to actually feel a mechanical pulse.

RS: Okay. And any other assessments from what you noticed or observations or what uh I guess what, what did you decide from there as far as what you saw and what, what care to provide I guess.

NW: Um, basically from even laying hands on the patient uh it was very aware the patient needed aggressive airway management and potentially cardio pulmary resucistation efforts. So. We began aggressive treatment from there. So we have our monitor, he's placed on the monitor. He did have a pulse. He was in a bradycardic rhythm. Um, which was slowing. So with his impeded respiratory drive and cardiac output decreasing um cardiac arrest was potentially in the near future.

RS: Okay. And when you first arrived there what position was he in was, lying on his back on his stomach?

NW: Um as soon as we started eval he was onto his back, um, I believe he was restrained upon our arrival, so we had those restraints removed so we could render care.

RS: Okay. Can you describe what kind of restraints you're referring to?

NW: Um handcuffs and I believe ankles.

RS: Okay. Do you recall how he was handcuffed?

NW: No. That was I was, my more focus was on being able to perform my job as successfully as possible.

RS: Okay. Um anything covering his head at that point when you arrived?

NW: Nothing on his head he had a, it looked like a spit hood.

RS: Okay. Can you describe that for me?

NW: Uh spit hood?

RS: Yeah.

NW: Um.

RS: Like what material is it made out of, what uh.

NW: It's a permeable see through membrane to keep particles from spraying out of somebody's mouth onto um providers.

RS: Okay. Um, I think you had already mentioned when you first arrived you said he was still breathing?

NW: Uh I believe, it did not, he did not appear to be breathing, but there were agonal respirations. It was a deteriorating respiratory drive. So.

RS: Okay. And, what did…

NW: Not sustainable with life. So.

RS: Okay. Um, so I guess more in layman's term, I'm not familiar with like all the, the medical terms that. Does it sound like he was having trouble breathing then is that what you are describing?

NW: He needed…

RS: Or?

NW: …he needed to be mechanically ventilated.

RS: Okay.

NW: So we needed to breathe for him.

RS: Okay. And was that assessment when you, while the uh spit sock was still on his head?

NW: Um, this is the, you can make that assessment from just like if you didn't have a mask on your face right now I could assume how you are breathing, and if its adequate or not.

RS: Okay. And I guess what I'm asking when, when you first made that assessment, did he still have that on his head?

NW: Uh he did.

RS: Okay. And can you describe how it was on his head was it uh, um covering his entire head, uh his whole face, part of it, can you?

NW: I believe it was down lower, it was not over his whole head.

RS: Okay. Like (inaudible, crosstalk, 8:28).

NW: Beyond that it's I believe I asked my partner to remove it. Somebody removed it and we went from there.

RS: Okay. And did the breathe, did his breathing change at all uh from the time it was on be-until they removed it. Did, was there any change?

NW: We began ventilating with a BVM and an OPA so.

RS: As soon as the, the sock was removed?

NW: Without incidents, yep,

RS: Okay. Alright. And uh understand at some point CPR was started was that immediately or?

NW: It was not immediately but, as soon as we had him on the monitor and saw his rhythm and noticed that that was decreasing um, it was my call to start CPR once his heart had no longer mechanically continued to do its job.

RS: Okay. And do you recall about how long that was after you first started assessing him, was it like 30 seconds, couple minutes?

NW: It was fairly, greater than 30 seconds, but fairly, fairly quickly.

RS: Okay. Um, going back just a little bit when you first arrived there you said he was uh I think you said he was laying on the ground correct?

NW: Correct.

RS: Was he moving at all, was he making any con-did he say anything?

NW: No.

RS: Okay. Uh was he being, was he just laying there by hims-um, was by himself or was he being held down by somebody?

NW: Uh there were officers on scene.

RS: Okay.

NW: And they were making sure that he wasn't going to get up and become a threat to us.

RS: Can you describe what you mean by that?

NW: Um, holding him.

RS: Okay, do you, any?

NW: I don't recall the fashion or manner, just that there were officers there. I felt safe with the officers there so.

RS: Okay.

NW: So that my checkbox in my head, the scene is safe for me to approach the patient. And then my eyes are on the patient now so.

RS: Okay. Um, let's see, so you begin CPR at some point there um, is that by I'm assuming just chest compressions and how is the breathing done for him is that was?

NW: So a BVM is a bag valve mask with a seal.

RS: Okay.

NW: And an OPA is an oral pharyngeal airway, so an OPA was inserted, a BVM was utilized, a seal over the face initially. Um, so one person is now doing that another person is on chest compressions um, put him on the monitor which is our Lifepack 15, it's how we can see the ECG um, and look at your cardiac rhythm and make a determination if uh defibrillation is necessary or pacing or whatever. ACLS algorithm we need to go down from that point, so.

RS: Okay.

NW: Clothing is removed. Uh pads are placed. And we go from there, so.

RS: Okay. Is that the procedure that you did or was that in combination with other?

NW: That's in combination with my crew of three…

RS: Okay.

NW: …so.

RS: Alright, and do you recall how long CPR was conducted?

NW: Uh I don't know the exact number on top of my head but, roughly 40 plus minutes.

RS: Okay.

NW: We did CPR.

RS: And were you doing that the entire time or did you switch off or?

NW: Uh providers trade every two minutes.

RS: Okay.

NW: According to AHA CLS algorithms. So.

RS: Okay. And was the decision made then at some point to discontinue CPR?

NW: Uh resuscitation efforts were deemed futile at that point. Um no positive response in the resuscitation measures. Um, all interventions were tried that were applicable to this scenario. Uh including intubation um epinephrine, um, I believe we attempted one defibrillation, um, yeah.

RS: Is that with the AED or what?

NW: No we do uh so since I'm a paramedic we manually analyze a rhythm, and then provide appropriate treatments.

RS: Okay. And who, who'd when the decision's made to discontinue CPR, who makes that decision?

NW: Uh, we make the decision on scene, and contact a base station. Uh at that time Madigan was our base station. And they agreed with the decision and confirmation of death was pronounced. And that time is in the report.

RS: Okay.

DR: So that's a doctor you're talking to and you're essentially…

NW: Correct.

DR: …telling that doctor what your observations are in conjunction.

NW: We're eyes, eyes, ears, hands, on the ground and so resuscitation efforts are continued until we contact our base station. They go through their checklist in their head and they reach a conclusion also so, and it was agreed upon that heroic measures had been conducted and that uh resuscitation was not likely.

RS: And you said it obviously at some point the, the hood, the hood was taken off of him, were the restraints left on or were they taken off?

NW: Those were removed.

RS: Okay.

NW: Correct. The, the hood and the restraints were immediate initially removed.

RS: Okay. And was that something that you asked the officers to do or?

NW: Uh correct.

RS: Okay. Um, and was there just one patient there or did you guys assess anybody else as far as.

NW: Uh one patient.

RS: Okay. Um, any other assessment of the patient that you um were doing CPR for, did you check for injuries, any other injuries, anything like that.

NW: Correct. So you look for any outward signs of trauma anything you can fix any, yes.

RS: Okay. And do you recall seeing anything?

NW: Um I believe in my report I stated uh, do you have that report, I have that written…

RS: Uh yeah but we don't have it with us.

NW: …down there, no, okay.

DR: We've, we've reviewed it.

JH: I have, I have a copy of it for him to look at if that is helpful.

DR: That's fine, yeah.

NW: Yeah.

DR: If you want to look, if he wants to.

NW: My recollection is that there were no significant outward signs of trauma.

RS: Okay.

DR: For the tape, Paramedic Wilson's reviewing his report right now.

NW: Correct, no outward signs of a major trauma. Uh superficial scratches, abrasions throughout.

RS: Okay. Good.

NW: Is that adequate?

RS: Sure.

DR: That'll work.

RS: Yes.

NW: Just make sure. Okay. Thank you.

RS: And during the time that you were there, um, did anybody or did you happen to overhear any comments from anybody or did anybody happen to talk to you or mention anything further about the incident or what may have taken place?

NW: In the first part of that report, uh, I can read it to you what. Initially, per TBD patient patient charging vehicles and was an apparent threat, tased, restrained. Uh then went limp. Prior to going limp was very strong and difficult to restrain and subdue. Um, TBD officers relayed patient suffering from excited delirium and under the influence of unknown substance, substances so.

RS: That's the information you were provided when you got there?

NW: Correct that's, that is the information we had to go on.

RS: Okay.

NW: Upon arriving on the scene.

RS: Do you happen to recall offhand who that might've been that gave you the information?

NW: I do not.

DR: Um out of the Tacoma Police Department officer personnel that were on the scene, do you know any of them personally?

NW: I do not. Other than just working relationships, but. Even then…

DR: Professional.

NW: …professional, correct.

DR: Okay.

RS: Were you asked to come back at anytime or while you were there to uh take a core temperature?

NW: We were and that was, yes. And we, I don't know what time we did come back but we obtained…

DR: Is that noted in your report, the time?

NW: …it is.

DR: Okay.

NW: Correct.

RS: Okay.

NW: Obtain an axillary temperature which is it's pretty inaccurate. Especially with the temperature it was outside. I don't know what the temperature was outside but it was…

DR: Right.

NW: …it was very cold. It was a March night.

RS: Okay.

NW: So.

RS: And, by the way you were describing it I'm assuming that once um CPR was discontinued you, you or your engine left the scene and then came back to do that?

NW: Correct. We were re-dispatched.

RS: Okay. You remember how long, how late how much later that was?

NW: I do not.

RS: If it's in your report…

NW: That is in my report.

RS: …if it's in your report that's fine, okay. Uh.

DR: And to just quantify, just for the tape, axillary temperature means not core temperature but…

NW: No it's, correct, a core temperature for us to obtain, that's not within our…

DR: Scope.

NW: …correct. It's not something we typically do. It's more of a medical examiner or somebody down the line, so.

DR: Yeah.

NW: If they were in the ER, had we regained pulses and transported that would've been more readily available and easy to take there. But.

DR: So do you recall the method that you took the temperature?

NW: Yes. Axillary, so.

DR: Armpit?

NW: Under the armpit, yep.

DR: Okay. And that was with a, a scan probe normal (inaudible, crosstalk, 16:41).

NW: It's a, a normal thermometer, with a disposable probe cover.

DR: Like you would get your temperature checked at the doctor.

NW: Like, like your child is checked, correct. Yeah.

DR: Yeah, okay. It's all that I have. Oh actually uh I'm gonna go back to the spit hood real quick, just because you, you started, you were describing it as a permeable fabric.

NW: Mhmm.

DR: Um, having, I have not personally gotten to observe that, that spit hood so, can you give me kind of an idea of how permeable. We talking like cheesecloth, or we talking felt?

NW: Uh similar to a mosquito net I guess you would say it like, more permeable than the face masks that we're wearing right now.

DR: Correct, so what we're currently sitting here for the COVID face mask everybody's wearing, more permeable than that.

NW: Correct.

DR: So, not something likely to inhibit someone's breathing, in your opinion?

NW: Correct, they are widely used for patients who are combative and spitting to protect providers and…

DR: Right.

NW: …civil certs so. Yep.

RS: And um, is there anything else that you can think of that uh you think may be important to our investigation that you either want to add to your statement or that maybe we forgot to ask you?

NW: Nothing comes to mind, at this time.

RS: Okay. I don't have anything further, Dan?

DR: I don't, Jean do you have anything?

JH: No.

RS: Okay. And Mr. Wilson, I'm gonna read a statement to you here and if you can just uh indicate yes or no whether you agree with it. And what is says is I, Nicholas Wilson, declare that the facts stated on this recording are true and correct to the best of my knowledge and my statement was made freely, voluntarily and without threats or promises of any kind. And would you agree with that?

NW: I do.

RS: Okay and if so if I can get your signature right there. (*writing noise*) And Lieutenant Richmond will witness. (*writing noise*) And time right now is 10:17 a.m. and this concludes this statement.

Transcribed by: *Jill Byram Dist. 7 CID 43*	***Date:*** *October 26, 2020*
Reviewed by: *Robert Schroeder*	
Signature: /S/ Robert Schroeder	***Date: 11/03/2020***

WASHINGTON STATE PATROL
Criminal Investigation Division

Witness Statement

Interviewer:	(RS) Det. Robert Schroeder	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	10:21 a.m.
Place:	901 South Fawcett Avenue Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(JP) Jeffrey Polo	**DOB:**	UNK

RS: This is the statement of Jeff Polo. Today's date is September 22nd, 2020, time right now is 10:21 a.m. And I am Detective Schroeder with the Washington State Patrol. And this statement is being recorded at the Tacoma Fire Department, located at 901 South Fawcett Avenue in Tacoma. And there are four persons present in the room. And for purposes of voice identification for the recording, would each person present, besides you Mr. Polo who is giving the statement, state your name and occupation one at a time please. Jean?

JH: Jean Homan, Deputy City Attorney, City of Tacoma

RS: Lieutenant Richmond?

DR: Lieutenant Daniel Richmond, Washington State Patrol.

RS: Okay, and Mr. Polo, do you understand that this statement is being recorded?

JP: Yes sir.

RS: And do we have your permission to do so?

JP: Yes sir.

RS: Okay, can I get your full name and would you spell it for me please.

JP: Jeffrey Norman Polo. J-E-F-F-R-E-Y, N-O-R-M-A-N, um P-O-L-O.

RS: And is your work address 7-2-4-7 South Park Avenue in Tacoma?

JP: Yes sir.

RS: Okay. And a work phone for you 2-5-3-5-9-1-5-7-1-0?

JP: Yes sir.

RS: Okay. And Mr. Polo the reason we're um here speaking with you today is uh State

Patrol is investigating an incident that involved the Tacoma Police Department. And this would've um occurred about six months ago uh at the location of 96th and Ainsworth in Tacoma. And this is in reference to State Patrol case number 20-019681 [*sic*]. And what we're gonna start off with I think is how were you notified of this incident?

JP: So we were dispatched through our automated dispatch system.

RS: Okay. And that is, is that like an intercom at the station or a radio?

JP: It's an intercom through the station.

RS: Okay. And what uh, how does that work? Do they provide you with information as far as what…

JP: So.

RS: …call what the call is or?

JP: Typically it's just a location of the em-of the incident as well as chief complaint, um I do not recall exactly what the chief complaint was given for this incident.

RS: Okay. And uh so you responded on is it Engine 10?

JP: Yes sir.

RS: Okay. And, so you guys responded from the station then?

JP Yes sir.

RS: And how do you guys respond to a call do, are you advised by radio as far as how to respond as for, and I'm not sure how you guys refer to it as like priority or routine or?

JP: Uh so, once we get the call um there's the dispatch information on the MDT, and then the officer makes a determination on whether or not it's a priority or a routine trans or a uh method of transport to get there.

RS: Okay. And do recall what, what it was for that call?

JP: I do not. I'm sorry.

RS: Okay no problem. And, do you recall how long it took you to, to get to the scene?

JP: My estimation, just given the distance is about five minutes, but I could be…

RS: Okay.

JP: …off on that timing.

RS: Okay. And that would've been recorded in the, in your CAD.

JP: Yes sir.

RS: Okay. Once you arrived there can you describe how you arrived, where you parked and what you observed?

JP: Uh yeah. So we arrived on I believe 90, 96th Street. Um, maybe from Ainsworth, I'm

not a hundred percent sure on the direction of our arrival. Um, Nick would know better about that cause he was driving. Um we parked back, um a little bit because there was a lot of police vehicles in the direction of where we were going. Um so we had to park probably about 50 yards away, give or take. Um, and then we approached the scene, when we were waved in by um I believe they were TPD officers um and then um when we arrived we saw um the patient on the ground, um with uh Tacoma Police around him, and then we approached and began patient care.

RS: Okay. And where, can you describe where the patient was located?

JP: Um so he was located I believe in the street. Um, I can't remember which lane or, or where exactly. Um, and he was on his, would've been his right side um with, I believe TPD officers behind him. Just with hands on his shoulder on his left. Um, and that, that's my recollection of how he was positioned. Um, I believe he was retrained uh I can't remember exactly with what. Um I don't know if it was just hands or handcuffs um I believe it might've been handcuffs. Um and he had a spit mask on. Um and that's the relative position of the patient I believe.

RS: Okay. Can you describe the patient for me?

JP: Um…

RS: As you recall.

JP: …I'd say thirties, roughly thirties, black male, um. Maybe six-two. Give or take.

RS: Okay and what was he doing at the time was he just laying still, was he moving around?

JP: He, he was laying still um, I don't believe he was moving at the time. Um, still he was still breathing. At that time. Um.

RS: Did he say anything?

JP: He said some garbled words. They're muffled garbled words but I don't recall what they were.

RS: Okay. Can you describe his breathing at the time?

JP: Um it was slow breathing. Um, from my recollection. But still um had it, had respiratory effort when we arrived.

RS: And were was your engine the first fire department or paramedic unit to arrive there?

JP: Yes sir.

RS: Okay. And so there were no other fire department personnel just.

JP: No sir.

RS: Just law enforcement officers there at the time?

JP: Yes sir.

RS: Um, did they give you any information when you arrived as far as what they had, or did you just go to work and?

JP: Not that I recall.

RS: Okay.

JP: Um we just went to work for the patient.

RS: Okay. And what, what was your, what did you do when you got to the patient? Or what was, did you make an assessment of him?

JP: Uh yes. So first we arrived we made an assessment. Laid him on his back. Um, to be able to fully assess, attached him to our monitor. Um which is a Lifepack 15 I believe. Um, and then at that time determined that we needed um advanced care. Called for an additional unit. Um, Nick began doing paramedic skills um such as starting an IV and then we got him unrestrained, um, and we just continued to, to work from there.

RS: Okay. And you described uh when you initially got there you'd um uh you said I think you did you call it labored breathing is that?

JP: Um so.

RS: I don't remember called, remember what how you described that.

JP: Yeah so he had an adequate um respiratory drive when we arrived. Um which deteriorated into labored and then ceased breathing.

RS: Okay and when you first made that assessment did he have that uh hood mask on?

JP: Yes sir.

RS: Okay. Can you describe that to me?

JP: Um it looked just like a, a mesh spit mask. Um.

RS: Okay.

JP: We have them on our rigs. I think they're, they might be cloth, they might be plastic I'm not a hundred percent sure.

RS: Okay. And so the assessment of his breathing was made while he still had that on.

JP: Yes sir.

RS: And was it, was that removed at some point and if it was…

JP: Yes sir.

RS: …by, do remember who?

JP: It was removed, uh I do not remember who removed it.

RS: Okay. Um, did his breathing change at all after the, the hood mask was removed?

JP: Um, I believe it well once we had removed it is when he actually started to slow his respiratory drive. But I believe we removed it pretty quick if I remember correctly. It was one of the first things we removed.

RS: Okay. Uh well did, and if I'm following you correctly, so his breathing got less then

after the hood sock was removed?

JP: I believe so. Um, just that, trajectory of the patient is just, he was already in that, that downward spiral.

RS: Okay.

DR: So it was do, do you believe that the change in breathing was tied to the spit sock or just?

JP: No sir.

DR: It just those two things happened (*inaudible, crosstalk, 7:46*).

JP: Uh, had, I believe they just happened around the same time.

DR: Okay.

RS: Okay. And what took place from there then?

JP: Um, so once we had him on his back, and on the monitor um I know Nick started an IV, I believe in his left, left arm. Um, and then, so I was on the head at the time, I was assisting the patient with a BVM um Bag Valve Mask with uh oxygen flowing to it. Uh and then after Nick had placed the IV, he came to the head to intubate the patient. And we had called for an additional unit um and it was around that time, between him starting the I, the time, between the time it took him to start the IV and while I was helping the patient breathe, we were able to actually observe him on the monitor brady from, or um sorry, his heart rate slowed from around 80 beats per minute down to 0 and we began CPR at that point. Um I believe I had a WS or not a WSP a uh TPD officer actually do compressions cause at the time there was just the three of us. Um, and that's about when Nick bumped me off the head, so that he could intubate the patient so that we could have a secured airway. Um, for the duration of the resuscitation effort. Um, I do not recall who started CPR I do know it was a TPD officer that um assisted us with performing compressions. Uh I don't recall who it was though.

RS: Okay. Do you recall about how long it was from when you first arrived until CPR was started?

JP: I would say between three and five minutes.

RS: Okay.

JP: But I don't know exactly. Um, I believe the documentation would show. Um, but I, I didn't write the documentation.

RS: Okay. And you had mentioned that um he was restrained and had the uh hood mask on which was…

JP: Yes sir.

RS: …taken off at some point. Uh were the restraints also taken off at some point or?

JP: They…

RS: Were they left on?

JP: …they were. Um, you're right. He was restrained I believe with handcuffs actually. Um, cause when we laid him on his back they had to remove them so that we could get access to his arms. Um, and they were removed.

RS: Did that take place about the same time as when the hood uh mask was removed?

JP: About the same time.

RS: About the same time. Okay. Uh and do you recall how long CPR was performed?

JP: Uh probably, approximately 45 minutes of CPR.

RS: Okay. And was a determination made at some point then to discontinue CPR?

JP: Um so we followed our Pierce County protocols which is following a witnessed arrest of up to 45 minutes of CPR before contact is made with base station. If there's no change in the patient's um status.

RS: Okay. And who makes that call, who actually makes the call then to discontinue?

JP: The lead paramedic.

RS: Lead paramedic does?

JP: Which would be Nick Wilson.

RS: Okay. And are, are they in contact with somebody else or do they just make that call on their own?

JP: Uh so they make that call in conjunction with the other paramedics on scene, as well as um a contact with the base station provider. Which is a medical doctor at the time would've been Madigan.

RS: Okay. Uh, were there any other patients at the scene that you either looked at or assessed or?

JP: No sir.

RS: Just the one?

JP: Just one patient.

RS: Okay.

DR: So once, once CPR ceases.

JP: Yes sir.

DR: What, what happens next?

JP: Um, so CPR ceases. We make our base station contact before we cease CPR. That way we can run by essentially what we've done for the patient, by a doctor so that if they have information or any additional treatments we can try they let us, inform us of those. And have us perform them. Um, once CPR is ceased um in an incident like this with uh PD we will you know cover the body because it's in, in a roadway. Um, but we leave the body in place um for terms of an investigation and um also because

we don't have anywhere to take it. Um, and then so after that we leave the body in the custody of whoever's on scene. Which at this point would be TPD, and then we go back in service.

DR: Did you at some point return to the scene for something else?

JP: We were contacted to return to the scene um by I cannot recall the agency. I believe it was TPD um for a temperature and then they also requested a blood draw. Um, which we did not perform.

DR: You, you didn't perform either of those?

JP: We performed the temperature, but not the blood draw.

DR: Okay.

JP: Um we contact, I believe Nick contacted either base station or our doctor to ask about the logistics of doing that whether or not it was a service we even would provide.

DR: And that temperature check was done how?

JP: Oh (*sigh*).

DR: Or would, did you, do you know? Were you the one that did it or?

JP: Uh I was the one that performed the temperature check.

DR: Mhmm.

JP: I do not recall how long that was after the initial incident of when we went back to perform that.

DR: Would that be in the, in the report CAD log?

JP: I believe it, well it's either, I do not know if it's in the report CAD log. It should not be for this incident, there will be a second CAD dispatch for that one.

DR: Okay.

JP: Of the same address.

DR: And so, just for method, how, how was that temperature taken?

JP: It was done by an axillary temperature. Um so that's under the armpit.

DR: Under the armpit with a probe style thermometer?

JP: Yep.

DR: Okay. So it's not a core temperature it's uh.

JP: No.

DR: Surface temperature.

JP: No, sir.

DR: Okay. Um, out of all the, the TPD officers and law enforcement on the scene, do you

know any of them?

JP: I do not.

DR: Just.

JP: Uh outside from seeing them occasionally but I, I'm horrible with names. Um, so I don't actually recall any of the people that were there.

DR: Sure.

JP: None of them stuck out to me as somebody I, I recognize.

DR: So, fair to say that you might occasionally interface some of them on a professional way but not personally.

JP: Yes sir.

DR: Friends or…

JP: Yes sir.

DR: …know them. Okay.

RS: Uh while you were there either time uh while you're there initially or when you came back uh, did you speak with like either any of the officers or anybody else there, did anybody provide you with further information about what had happened to take place or any details?

JP: I recall when we arrived initially, uh an officer waving us in and saying that he needed assistance, that the patient needed assistance. I don't recall the exact words.

RS: Okay.

JP: Um, I don't recall what officer it was.

RS: Okay. Alright. Um, anything else that you think uh might be important to our investigation that you either want to add to your statement or that we may have forgotten to ask you that you think is important?

JP: Nothing that I can think of at this time.

RS: Okay. I can't think of anything else.

DR: Jean, nothing?

JH: Nothing. Thank you.

DR: Okay.

RS: Okay. And Mr. Polo I'm gonna read another statement to you.

JP: Yes sir.

RS: Or read a statement to you here if you can just indicate yes or no whether you agree with it. And it says I, Jeff Polo, declare that the facts stated on this recording are true and correct to the best of my knowledge. My statement was made freely, voluntarily and without threats or promises of any kind.

JP: Yes.

RS: And would you agree with that? Okay. And if I could get a signature from you there. (*writing noise*) And Lieutenant Richmond will sign as the witness. (*writing noise*) And the time right now is 10:36 a.m. and this concludes this statement.

***Transcribed by**: Jill Byram Dist. 7 CID 43*	***Date:** October 27th, 2020*
Reviewed by: Daniel Richmond	
Signature: /S/ Daniel Richmond	***Date: November 3, 2020***

WASHINGTON STATE PATROL
Criminal Investigation Division

Victim/Witness/Suspect Statement

Interviewer:	(RS) Det. Robert Schroeder	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	9:31 a.m.
Place:	901 South Fawcett Avenue Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(MR) Marlon Ridgeway	**DOB:**	UNK

RS: This is the statement of Marlon Ridgeway. Today's date is September 22nd, 2020, time right now is 9:31 a.m. And I am Detective Schroeder with the Washington State Patrol. And this statement is being recorded at the Tacoma Fire Department, located at 901 South Fawcett Avenue in Tacoma. And there are four persons present in the room. And for purposes of voice identification would each person present, besides you Mr. Ridgeway who is giving the statement, state your name and occupation one at a time. Jean?

JH: Jean Homan, Deputy City Attorney, City of Tacoma.

RS: And Lieutenant Richmond?

DR: I'm Lieutenant Daniel Richmond, Washington State Patrol.

RS: And yeah I'm Detective Bob Schroeder. And Mr. Ridgeway, do you understand that this statement is being recorded?

MR: Yes.

RS: And do we have your permission to do so?

MR: Yes.

RS: Okay, can I get your full name and would you spell it for me please.

MR: First name's Marlon, M-A-R-L-O-N; middle name Loremas, L-O-R-E-M-A-S; last name Ridgeway, R-I-D-G-E-W-A-Y.

RS: And a work address?

MR: Is 7-2-47…

RS: Is that the 7?

MR: …South Park Avenue.

RS: Okay. And that's Tacoma?

MR: Tacoma, Washington.

RS: 9-8-4-0-8?

MR: Correct.

RS: Okay. And a work phone number for you?

MR: 2-5-3-5-9-1-5-7-1-0.

RS: Okay. And Mr. Ridgeway the reason we're talking today is uh we're investigating an incident that occurred approximately six months ago involving the Tacoma Police Department. And this is in reference to Washington State Patrol case number 20-019681 [*sic*]. And what we'll start out with uh to begin with is how were you notified of this incident, and uh do you recall which incident we are actually referring to here?

MR: Yes.

RS: Okay.

MR: Uh we were notified from our dispatch center. Uh we were in station at the time.

RS: And is that over the radio or by phone or?

MR: Over the radio.

RS: Over the radio, okay.

MR: Or, it's an intercom system in our station, so.

RS: Okay. And do they, do they provide you with any information uh up front as far as what you have, what you're going to or what?

MR: No, the initial dispatch is usually uh just a BLS um for BLS patient. And they'll tell us sick or some small details but once we get to the um fire engine we'll have a little bit more detail on our computer.

RS: Okay.

MR: About the call.

RS: And for the recording BLS is basic life support?

MR: Basic life support.

RS: Okay. And do they, does your dispatch tell you how to respond to a scene like that or do you make that um decision on your own as far as, and I don't know what you guys call it, do you call it code response, or?

MR: Uh we either go routine or priority.

RS: Okay.

MR: And the dispatch specifies whether we can go routine or priority on that um.

RS: They, they tell you which one?

MR: Yes.

RS: Okay. Do you recall which one it was?

MR: It was priority.

RS: Priority. Okay. And so you responded uh from your uh station at South, on South Park Avenue?

MR: Correct.

RS: Do you remember how far, about how far it is from there to the scene?

MR: Um, I don't recall the mile, exact mileage.

RS: Okay. Do you have an estimate, remember how, about how long it took you to get there?

MR: Uh it took us about six minutes.

RS: About six minutes, okay. And when you arrived there, what do you remember seeing, or what did you do?

MR: Um I do remember seeing a lot of police vehicles. And uh so we parked a little bit a ways. Uh back from the scene. Uh just cause we couldn't gain access, they had uh, 84th and Sheridan pretty much blocked off. Uh at the intersection there. So we were parked uh probably a 100 feet back. And then uh, once we arrived on scene we were met by an office and they told us where the patient was. So then we continued to uh grab our uh all of our gear and make our way up to the patient.

DR: I'm gonna so, uh I'm not super familiar at all with Tacoma streets. So this incident occurred at uh 96th and Ainsworth.

MR: I'm sorry, 96th.

DR: Is so, is that I just.

MR: Correct.

DR: Cause you said 84th and Sheridan is that a nearby intersection or is that a different location?

MR: It's a, it's a, they run parallel together.

DR: Okay.

MR: And yes it was 96th and Sheridan.

DR: Okay, that's where you, you so 9, you're, which side of Ainsworth are you on there then?

MR: Uh we're on the, uh Ainsworth?

DR: Yeah.

MR: I'm sorry it was on Ainsworth.

DR: Okay.

MR: I, my, my memory.

DR: No, uh it's six months ago.

MR: (*inaudible, crosstalk, 4:16*)

DR: That's fine, I just wanted to clarify so we didn't have something weird. So.

MR: Yes. It was, the incident was on 96th and Ainsworth.

DR: Okay.

MR: So.

DR: And so in relation to the intersection 96th and Ainsworth, where did Engine 10 park at then?

MR: Uh we parked uh just east of Ainsworth.

DR: Okay.

RS: And once you arrived, about how far away would you say you were from where the, the patient was or where?

MR: Uh approximately 50 yards.

RS: About 50 yards, okay. And, um, if you can go ahead describe as much as you can remember, what you saw, uh what information you got, maybe when you got there and if what, what you did from there once you arrived.

MR: Uh, so once we arrived at the patient's side, uh we noticed that he was restrained. Uh his hands and feet were restrained and he had a spit hood on um.

RS: Can you describe what you mean by restrained?

MR: Uh just his hands, were restrained behind his back.

RS: Were they in handcuffs or?

MR: I don't recall…

RS: Plastic ties?

MR: …if they were uh handcuffs or uh plastic cuffs. Uh.

RS: And his feet, can you describe how they were restrained or what position?

MR: Uh they were restrained together um.

RS: Okay.

MR: Whether they were cuffs or not I don't know (*inaudible, interference, 5:31*).

RS: Okay. Do you recall if they were like straight out were they like (*inaudible, interference, 5:34*).

MR: Uh well at the time his legs were bent.

RS: Okay. Um.

MR: But he was, he was lying supine on the ground, on his back.

RS: Okay. On his back.

MR: Yes.

RS: Okay. And can you describe the patient for me, as much as you can.

MR: Uh, his eyes were open. They, they did look up, he was gazing up. He didn't, we didn't make eye contact with us. Uh as far as verbal response. Um, his breathing was fairly shallow, so we did a very quick uh medical assessment on him. And then decided to uh call for an ALS, advanced life support unit. And got them coming. And then we asked the police to un-restrain him uh so we can do a better assessment on him and hook him up to our uh EKG. And uh, and start monitoring his vitals better.

RS: Okay. And you said that he had a spit hood on him. Can you describe how that was positioned on him?

MR: Uh, it was just over his nose and his mouth. Um wasn't covering his eyes. Uh and it just was a white, it was a white cloth spit hood.

RS: Okay. Um, you'd, you had mentioned if I uh caught it correctly that you said he was still breathing at that time?

MR: Yes.

RS: Okay. And that was still with the, the spit sock on or the, the hood on?

MR: Yes.

RS: Okay. Did he seem like he had any trouble breathing with that on?

MR: No his, his it didn't appear that he was having trouble breathing it just, his breathing was very shallow at the time, so we had, we had it removed so we could assess his breathing better.

RS: And did that change any once they removed it?

MR: No.

RS: Okay. Um, so I think you said he didn't make any statements or anything like that to.

MR: No he gave us no verbal response, he gave us no pain response.

RS: Okay. And do you, you make some kind of an uh medical or, I don't know if you call it medical assessment of him at that point is what, where to go from there is that how that, how you guys do that?

MR: Yes.

RS: And what uh what was your assessment at that point?

MR: Uh well our assessment was he wasn't responding to us uh through pain as stimuli or through verbal so that tells us he's, he's non-responsive. So that uh is going to

prompt us to start uh more advanced life care support system. Get out par uh other paramedic unit coming.

RS: Okay. And what, what does that entail as far as advanced?

MR: Uh they're, they're paramedics so they have a higher level of medical training, they, than an EMT.

RS: So they, they do that when they arrive, or do you guys start that process?

MR: We start it, we, I, I have a paramedic on my engine. So he was doing most of the medical assessment at the time. Uh I was scribing on my on our uh iPad. Um, and he, he decided that we needed a, a more advanced life support.

RS: Okay.

MR: Uh.

RS: And, and how long, how long did that go on, as far as. I understand somewhere in there CPR was started, how, do you remember how long after you arrived there?

MR: Uh after we arrived uh, I called for the medic unit then we uh asked the police department to un-restrain him, we were able to um hook him up to our EKG and all, all of our uh assessment tools on the EKG and then, watching through his, through his vitals that we saw, um, they were declining, so that's when I uh called for another unit. For CPR. And it was a matter of minutes um, between noticing his vitals were going down and us beginning CPR.

RS: And when you began CPR is it because he had lost pulse and had no breathing at that point or?

MR: His pulse was uh declining, so he was not quite pulseless yet. But it was, it was down below 50 and 30, so anything below that we'll start. Be ready to start CPR.

DR: 50 and 30 being blood pressure?

MR: Beats per minute.

DR: Beats per minute, okay.

RS: Okay. Um, anything else that you observed as far as his condition?

MR: No.

RS: Any external injuries or any injuries at all that you could uh that you noticed, or do you, do you guys assess that at that point?

MR: Not that I recall.

RS: Or?

MR: Yes but we, we didn't. I don't recall any um other injuries, obvious injuries at the time.

RS: Okay. And when CPR was started did, were you the one, one of the ones that was doing CPR or is that uh?

MR: No I was recording everything that was going in.

RS: You were recording, okay.

MR: So my uh my paramedic was uh doing CPR and our third was doing CPR which is our third person on the apparatus.

RS: Okay. And those are all from your engine?

MR: Yes.

RS: Okay. Uh, and then you said advanced life support was called, do you remember how long they it took them to get there, how long. First, how long did you have to do CPR I guess?

MR: Uh, I don't recall the exact minutes, but it was longer than usual because the paramedic unit was coming from the north end of Tacoma. So they were coming from uh, Sixth and Pearl.

RS: Okay. And any response from the patient after CPR was started um?

MR: Uh the patient had no response.

RS: No response, okay.

MR: To CPR.

DR: Um, you mentioned that uh I'm just gonna kind of back up in time here and then we're gonna go through it again from a different lens here. You get there, he's got restraints on his hands, so his hands are behind his back.

MR: Correct.

DR: I'm just I'm making statements that I believe I understood, so if I say something wrong tell me. Patient's uh hands were restrained behind his back. He has a spit hood on. And he has his feet tied together. Restrained in some manner. Correct?

MR: Correct.

DR: Okay. You, you arrive and you, you do an initial medical assessment which tells you that he has shallow breathing. Did you take a pulse at that point or did that come later when?

MR: No we took a pulse.

DR: Okay. And he had a pulse at that point?

MR: He did have a pulse.

DR: Okay. Did, do you recall ballpark what it was?

MR: I do not.

DR: Okay fair enough, that would be in your, in the report though, correct?

MR: Correct.

DR: Okay. So he has a pulse and he, he is breathing but it's shallow. You asked Tacoma

Police Department to take the uh restraints and his spit hood off, correct?

MR: Correct.

DR: Did that happen?

MR: Yes.

DR: Okay. And did that happen promptly?

MR: Yes.

DR: Okay. And so once that happened, you your, your unit your Tacoma Fire took over patient care.

MR: Correct.

DR: Your paramedic, from Engine 10 gets, gets the vitals set up or his, his monitor set up and that once we're monitoring him with the monitors, we notice that the vitals are declining, so that means the patient's getting worse, correct?

MR: Correct.

DR: Okay. And so that triggers you at some point to begin CPR.

MR: Correct.

DR: Okay. Do, was there any other medical care given besides uh CPR, I mean I assume was that a bag valve or was it uh?

MR: Yes he, well we um initiated bag valve mask.

DR: Okay.

MR: Um, and a um an OPA, oral uh insert into the mouth.

DR: Sure.

MR: Um, and then my paramedic began to start an IV and advanced uh airway. So before, before our paramedic unit showed up we had a um IV line started.

DR: Mhmm.

MR: Uh an airway started, so he was, he was um pretty much had everything set up for that. Uh for CPR and for more advanced uh life support and drug measures to be conducted.

DR: Do you guys ever, uh was there anything like an AED or anything like that used?

MR: Uh we never shocked him.

DR: Never shocked, you had one but…

MR: We had one.

DR: …it didn't ever indicate that that was the right thing.

MR: Correct.

DR: Okay. And, CPR continues at some point CPR stopped, I'm, I'm assuming.

MR: Correct.

DR: What, what was the trigger point for that?

MR: Uh CPR is stopped after 45 minutes for a witness arrest by us. So at the 45 minute mark if the patient is not responding to uh the CPR um and the drugs that we've administered uh then our paramedic calls our base station to discontinue CPR.

DR: Okay. And so you said witness arrest, you're saying cardiac arrest event.

MR: Correct.

DR: So in other words somebody saw this person go into cardiac arrest, you've provided care for 45 minutes, during that time nothing is, nothing he's not responded, nothing's gotten better.

MR: Correct.

DR: So you call the base station for what purpose, that's is there a doctor we're talking to?

MR: Yes, we're talking to a doctor who we work under uh…

DR: Okay.

MR: …for discontinuing CPR.

DR: So the doctor's making that call.

MR: Correct.

DR: Okay.

RS: Um I'm just going back a little bit. When you arrived where was the pa-where was the patient located at? As in is he on the, in the roadway, on a sidewalk, in a driveway.

MR: Uh patient was located on the road.

RS: On the roadway.

MR: Yep.

RS: In the street.

MR: Next to a sidewalk.

RS: Okay. And on which, which roadway there?

MR: Uh he was on 96th.

RS: On 96th, okay. Um, when you first observed the patient, I'm assuming since you said he was restrained he was laying on the ground then?

MR: Correct.

RS: Okay. Uh was he moving at all, or was he?

MR: The patient was not moving at all.

RS: Not moving. Was he being uh physically held down or was he just laying on the ground by himself.

MR: He was just laying on the ground.

RS: Okay. None, no, nobody else around him, holding him down anything like that?

MR: No.

RS: Okay. Um, let's see I think you've covered everything up to once CPR was stopped. And any, any contact with the patient after once CPR was stopped that you had?

MR: No.

RS: Okay. Um, let's see, while you were there um, did you happen to overhear any comments from anybody about what may have took place, or about the incident or did you overhear anything? Or did anybody talk to you about what (*inaudible, crosstalk, 16:03*).

MR: I did not hear anything.

RS: Okay.

MR: I'm pretty focused on trying to see what or listen to what my crew's saying and telling me so I can get it, have it documented as far as our documentation is, is concerned so.

DR: Sure.

RS: Okay.

MR: I don't really hear much besides what they say.

RS: Okay.

MR: It's my focus.

RS: Is there anything else that you can think of that um you think that might be important to our investigation that we may either have forgotten to ask you or that you'd like to add to your statement?

MR: I don't believe so.

RS: Okay.

DR: Um, I'm gonna throw in two more, two things really quick. Um, do you, out of all the, the Tacoma Police Department officers that were there on scene, do you know any of them personally or have a personal relationship with any of them?

MR: No.

DR: Okay. So, just professional. I mean first off, did you even recognize any of them that were there or were you?

MR: I recognized one of them.

DR: Okay. Who is that?

MR: Uh I don't even know her name, uh she's a blonde police officer, but we've, we've had…

DR: Blonde female?

MR: …blonde female police officer.

DR: Okay.

MR: Uh was there and we've run in, run a few calls with them, with her and that's the only reason why I recognize her.

DR: But you just know her professionally from calls.

MR: Professionally.

DR: Okay no, no off-duty relationship.

MR: No.

DR: Okay. Um, and then once the doctor makes the call that CPR is to stop, what was uh your, your unit's further interaction was there any or did that terminate your involvement?

MR: Uh that pretty much terminates our involvement. Uh we'll disconnect all of our uh equipment. Uh we will leave the airway in. Uh and uh the IV in and everything else is disconnected and removed at the time and then we will cover the person up with a blanket.

DR: And then you, and then you clear the scene?

MR: Then we clear the scene.

DR: Okay. Did, did Engine 10 ever come back and do, or are you aware of any Tacoma Fire Department ever doing a uh core body temperature measurement at some point later in the night?

MR: We were, we were requested to come back.

DR: Engine 10 was?

MR: Engine 10 was.

DR: Okay.

MR: To come back and uh get a temperature. We end, we did an axillary temperature.

DR: Okay.

MR: We did not do a core body temperature.

DR: And axillary is that is that a dermal skin temperature?

MR: Correct.

DR: Okay. And was that, where was that taken from? On the, on the patient's body, do you recall was it forehead, was it an ear?

MR: It was under his armpit.

DR: Under his armpit with just a, regular probe style thermometer?

MR: Correct.

DR: Okay. Okay.

RS: And just one follow-up question while you guys are there, anybody from your uh from Engine 10, were they asked to um look at any of the officers for any injuries or any, anything else other than, anybody else besides the patient you guys did CPR on?

MR: No.

RS: Okay. I can't think of anything further.

DR: I don't have anything else. Jean do you have anything you want to interject?

JH: Actually I do have just a couple of…

DR: Go ahead.

JH: …follow-up questions. Lieutenant Ridgeway, you describe the spit hood as covering the patient's nose and mouth.

MR: Correct.

JH: Um, what was it made of?

MR: Cloth.

JH: Did you have an impression of how tight the spit hood was on the patient's face?

MR: No.

JH: You, and I want to make sure I heard you correctly, you said that when the spit hood was removed, it did not change his breathing?

MR: Correct.

JH: Thank you.

DR: Thank you Jean.

RS: And Mr. Ridgeway I'm gonna read another, a statement here to you and if you can just uh indicate whether you agree with it yes or no. And it says I, Marlon Ridgeway, declare that the facts stated on this recording are true and correct to the best of my knowledge. And my statement was made freely, voluntarily and without threats or promises of any kind. And would you agree with that?

MR: Yes.

RS: Okay. And if you wouldn't mind, if I can get a signature from you right down there by the X. (*writing noise*) Thank you. And Lieutenant Richmond will sign as a witness. (*writing noise*) Okay, we have no further questions and the time right now is 9:51 a.m. and this concludes this statement.

Transcribed by: *Jill Byram Dist. 7 CID 43*	***Date:*** *October 28th, 2020*
Reviewed by: *Robert Schroeder*	
Signature: /S/ Robert Schroeder	***Date: November 3, 2020***

WASHINGTON STATE PATROL
Criminal Investigation Division

Victim/Witness/Suspect Statement

Interviewer:	(RS) Det. Robert Schroeder	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	10:40 a.m.
Place:	901 South Fawcett Avenue Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(RH) Ronald Herrera	**DOB:**	UNK

RS: This is the statement of Ronald Herrera. Today's date is September 22nd, 2020, time right now is 10:40 a.m. I am Detective Schroeder with the Washington State Patrol. And this statement is being recorded at the Tacoma Fire Department, located at 901 South Fawcett Avenue in Tacoma. And there are four persons present in the room. And for purposes of voice identification for the recording, would each person present besides you Mr. Herrera, who is giving the statement, state your name and occupation one at a time please. Jean?

JH: Jean Homan, Deputy City Attorney, City of Tacoma.

RS: Lieutenant Richmond?

DR: Lieutenant Daniel Richmond, Washington State Patrol.

RS: And Mr. Herrera, do you understand that this statement is being recorded?

RH: Yes sir.

RS: And do we have your permission to do so?

RH: Yes sir.

RS: Okay, can you give your full name and would you spell it for me please.

RH: Yes sir. First name is Ronald, last name is Herrera. R-O-N-A-L-D; last name, H-E-R-R-E-R-A.

RS: Okay. And you work out of the fire station at 4-9-0-1 South Alaska Street in Tacoma is that correct?

RH: Yes sir.

RS: Okay. And work phone is 2-5-3-5-9-1-5-7-0-8?

RH: Yes sir.

RS: Okay. And Mr. Herrera, the reason we're talking here today is the State Patrol's investigating an incident that occurred approximately six months ago now, uh involving the Tacoma Police Department. And this would been in reference to State Patrol case number 20-019681 [*sic*] and we'll start out with, first of all how were you notified of this incident or what, how did you become aware of it?

RH: Uh I was aware by just getting dispatched. By our Tacoma Fire dispatch. Um, I was laying in bed, and that's when the tones went off to go to respond.

RS: Are you at the fire station or are at, well this while you were at home?

RH: Uh I was at the fire station sir.

RS: Okay. And does that come over by radio or intercom or how does that?

RH: Yes, so it goes by both uh by radio if anybody has a radio available to them in the city and as well as at if you are at the station, which we were, um it would go over intercom.

RS: Okay. And what, what information do they provide you, or, or do they give you at the time?

RH: Uh, usually the report what they would give over for any type of dispatch is the actual specific location, and possibly who you're joining with that's already on scene. Um, they can also give you the chief complaint of the call.

RS: Okay. Do you recall if they did at in this occasion?

RH: Uh, uh yes I do. It was a CPR in progress.

RS: Okay. Um, and so you responded from the station then obviously.

RH: Yes sir.

RS: Uh, are you, and are you on an engine or an ambulance or how do?

RH: It is a Tower truck, um, also considered like a ladder company.

RS: Okay. And how far is your station then from the scene? If, just an estimate if you.

RH: It's.

RS: Or if you can estimate how long it might've taken you to get there is fine.

RH: I think uh, to get there probably less than five minutes. Uh if we're 49, 50 simple math about 42 blocks away or 44 blocks away.

RS: Okay. And when you respond, how do you, who decides how you respond? And I don't know if you call it code or priority or however you do that, did is whoever's driving make that call or are you told by your dispatch how to respond?

RH: Uh, sometimes our dispatcher would give us some suggestion, but our officer is the one that uh tells our driver. As for myself I'm the third that sits in the back.

RS: Okay. And do you recall on this situation what, how you guys responded?

RH: We, we responded priority. That's with lights and sirens.

RS: Okay. And when you arrived, can you describe how you arrived there and what you observed and where you parked and that kind of stuff?

RH: We parked uh at a distance because of all of the other vehicles that were on scene as law enforcement, and as well as Engine 10 being there. Um, and that's how we responded. We got out, uh grabbed the appropriate gear that I need for CPR calls.

RS: Okay. And you said Engine 10 was already there?

RH: Yes sir.

RS: Okay. Uh anybody else besides them? As far as fire department units, obviously there was uh law enforcement officers there, but as far as either fire department or ambulances?

RH: No sir.

RS: So you guys would've been the second fire department unit there then?

RH: Yes sir.

RS: Okay. Uh and what did you, when you first arrived there and you grabbed your gear, what did you see or what do you remember from what took place from there?

RH: I saw a lot of police officers uh I saw a lot of bystanders outside. Um, I also saw a police officer doing CPR. And I saw Engine 10 crew, the three person crew, uh performing life safety measures, on the patient.

RS: Okay. And can you describe where the patient was located at?

RH: He was by a curb at that intersection of 96th and South Ainsworth. Uh and, he was maybe about I want to say two feet from the actual curb itself, laying on the floor.

RS: Still in the roadway then?

RH: Yes sir.

RS: Okay. And can you describe what position he was in?

RH: Uh he was in a supine position. So he was laying on his back. Uh face facing the sky.

RS: Okay. And, I'm not sure if I missed it, when you guys are were, were they already performing CPR on him?

RH: Yes sir.

RS: Okay. Uh do you know about how long after Engine I'm trying to keep it straight here, Engine 10, you would've arrived?

RH: No sir.

RS: Okay. Um, so the, you said an officer and then the three person crew from Engine 10 were already performing CPR.

RH: Yes sir.

RS: What did you do from there, and what did you observe?

RH: Uh, I observed uh quality compressions uh from both sides of police and fire. I went ahead and uh assumed responsibility of starting CPR to make sure that they police officer was not fatigued, while doing that, because we have to switch every two minutes. And I observed uh, our paramedics uh that were on Engine 10 uh to try to start and IV and line on this patient. Uh also I observed other police officers um being ready to jump in to help out to perform CPR as well.

RS: Okay. Uh, so I, assuming you said over helping or assisting with CPR at some point.

RH: Yes sir.

RS: Okay. Um, any other observations you made of the patient as far as condition, anything like that, anything that stuck out in your mind?

RH: I remember the patient being sweaty. Which to me I, it wasn't raining that day. So I thought at first it was water that was on the patient uh because I kept um when I was doing CPR my hand would kind of slip a little bit until I got a towel to wipe off his chest. That's all I recall about the patient itself sir.

RS: Okay. And as you were doing CPR was the patient restrained in any way?

RH: Uh no sir.

RS: Okay.

RH: His arms were free.

RS: Okay. Um and how long did CPR go on for do you remember?

RH: I think it was over 40 minutes.

RS: Okay. And did, was at some point was the decision made to discontinue CPR or how did that take place?

RH: Yes sir our paramedic um that would be the one that would supervising the call, uh would call our base station physician, to let them know about the situation or scenario, the patient's status at this time and that call happened between the physician at the base station side and the paramedic. And we get, our orders stop once uh base station gives us direction.

RS: Okay. And once CPR was discontinued what did you do from there?

RH: Grabbed a blanket, covered the patient up for privacy. Pick up sharps that were on the floor, so that nobody gets poked. Clean up our trash. And put away the gurney. That belonged to Medic 1.

RS: Okay. And was the patient left at that location where the CPR was performed on him?

RH: Yes sir.

RS: Okay. And while you were there, did you speak with any of the officers or anybody else at the scene, or did anybody, did you overhear any comments about the, the

incident, anything like that?

RH: No sir. I did not uh hear the officer say anything. Uh all they were wanting to do was uh at that time, because we were waiting for um more units to arrive to do CPR was to help out. But I told them that we, we have it at the moment.

RS: Okay.

DR: You mentioned uh, the patient was sweaty. And you thought it was water at first. What, what uh what changed your mind to believe that it wasn't water?

RH: It was clear skies.

DR: Okay, just that it wasn't raining and there was no source for the water?

RH: Yes sir. I didn't see a bottle of water or anything around um, that would make presented that way.

DR: Do you recall what the atmospheric weather temperature weather pattern was like that evening?

RH: I don't.

DR: Okay. Do you recall if it was warm?

RH: It was warm during the time doing CPR.

DR: Right, because you're working?

RH: Yes.

DR: Okay.

RH: So I, I can't really give a…

DR: Sure.

RH: …I think that all cylinders are firing off for us on the fire side, uh meaning that when we get a call, we want to make sure that we work hard and put our best foot forward.

DR: Sure.

RH: And that um our body you know our heart rate tends to go up up.

DR: Sure you get adrenaline…

RH: During CPR so. Yeah.

DR: …and you're doing your job and I, yeah, and I guess what I'm kind of digging at in an indirect way is did it seem appropriate that the patient would be sweating, to you or, or do you have an opinion about that?

RH: I do not have an opinion about that.

DR: Okay. Very good, thank you.

RS: Um.

DR: Do you have uh, have the just the Tacoma Police officers and other police that were

on scene there, do you know any of them?

RH: No sir. I do not.

DR: So just, professional interactions on the job would be the only contact you'd be having with any of them?

RH: Yes sir.

DR: No, off duty, okay.

RS: And once you um, were completed with your duties at the scene and you left, did you ever go back to the scene at any time?

RH: No sir.

RS: Okay. So you were just there the one time?

RH: Yes sir.

RS: Okay. Um I can't think of anything else.

DR: Um, and I, you may have asked it, but I'm just going to ask just to, to miss. While during your time working on the, on the patient, did you ever notice any obvious signs of trauma or anything besides just that he was having cardiac arrest kind of symptoms. Was there any traumatic injuries or anything like that that you saw?

RH: No sir.

DR: No, okay.

RS: I don't have anything else.

DR: Jean do you have anything?

JH: Nothing.

DR: Okay.

RS: Mr. Herrera I'm gonna read a statement to you here, and if you can just indicate yes or no whether you agree with it or not. And it says, I, Ronald Herrera, declare that the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily and without threats or promises of any kind. And would you agree with that?

RH: Yes sir.

RS: Okay and if so if I can get a signature from you right there. Down there in the bottom right by your finger. Yeah you can read it over if you need to. (*writing noise*)

RH: There you go.

RS: Thank you.

RH: Oh sorry.

RS: And Lieutenant Richmond will sign as a witness. (*writing noise*) And the time right now is 10:52 a.m. and this concludes this statement.

Transcribed by: *Jill Byram Dist. 7 CID 43*	***Date:*** *October 27th, 2020*
Reviewed by: Daniel Richmond	
Signature: /S/ Daniel Richmond	***Date: November 3, 2020***

WASHINGTON STATE PATROL
Criminal Investigation Division

Witness Statement

Interviewer:	(RS) Det. Robert Schroeder	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	10:57 a.m.
Place:	901 South Fawcett Avenue Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(TJ) Tad Jackson	**DOB:**	UNK

RS: This is the statement of Tad Jackson. Today's date is September 22nd, 2020, time right now is 10:57 a.m. I am Detective Schroeder with the Washington State Patrol, and this statement is being recorded at the Tacoma Fire Department located at 901 South Fawcett Avenue in Tacoma. And there are four persons present in the room. And for purposes of voice identification for the recording, would each person present besides you Mr. Jackson, who is giving the statement, state your name and occupation one at a time please. Jean?

JH: Jean Homan, Deputy City Attorney, City of Tacoma.

RS: And Lieutenant Richmond.

DR: Lieutenant Daniel Richmond, Washington State Patrol.

RS: And Mr. Jackson, do you understand that this statement is being recorded?

TJ: Yes I do.

RS: And do we have your permission to do so?

TJ: Yes.

RS: Can I get your full name and would you spell it for me please.

TJ: Uh Tad, T-A-D; middle, middle name is Elvin, E-L-V-I-N; last name of Jackson, J-A-C-K-S-O-N.

RS: Okay. And you work out of the fire station located at 4-9-0-1 South Alaska Street in Tacoma?

TJ: Yes.

RS: Okay. And is a good work phone number for you 2-5-3-5-9-1-5-7-0-8?

TJ: Yes.

RS: Okay. And Mr. Jackson, the reason we're here talking today is the State Patrol uh has been asked to investigate an incident that involved the Tacoma Police Department, this would've occurred about six months ago. Uh 96th and Ainsworth in Tacoma. And this is in reference to State Patrol case number 20-019681 [*sic*]. And we'll start off with how were you notified of this incident?

TJ: Um uh through dispatch.

RS: Okay. And, go ahead.

TJ: We were dispatched to the call.

RS: Okay. And is that by radio, or intercom…

TJ: Yes.

RS: …at the station, how does that work?

TJ: Uh it comes over the radio frequencies into the intercom at the station.

RS: Okay. And what kind of information are you provided or are you given?

TJ: Uh, most of the time, I don't recall what it was on that one, but most of it if, if there's a CPR call then we come in, they'll, they'll call us in. They always call for two, two apparatus, whether it be a ladder an engine company, two engine companies, and then a medic unit also.

RS: Okay.

TJ: So we get, we typically we would get notified CPR in progress then they dispatch us.

RS: And is that what this call was, a CPR in progress

TJ: I don't recall which one.

RS: Okay.

TJ: What the actual dispatch said.

RS: Okay.

TJ: I, that's what I, I would think it would be. That's the usually the way it comes off. Ours, in our station we've got a reader board that actually reads out what the information is.

RS: Okay. Got it. And, you were at the station then I'm assuming.

TJ: Yes.

RS: And you guys responded from the station then.

TJ: Mhmm.

RS: Uh, do you recall about how far that is from the scene or how long it might've taken you to get from there to the scene?

TJ: Uhhhh. No it's probably, from the station once we're rolling probably five to seven

minutes to that, to that area.

RS: Okay. And do you remember how you guys responded to the scene? And as far as, and I'm not sure what the wording you guys use is like priority or routine or?

TJ: It's priority.

RS: Okay and is that something that you guys decide on your own or are you uh told by your dispatch how to re-how to respond?

TJ: No it's, it's, it's kind of left up to our discretion but we just go priority.

RS: Okay.

TJ: Anything, anything like that it's certainly priority. The other, the ones when we don't go priority is when it's like you're going to be going to stage. You know go staging somewhere. And then we'll come in quiet and stage.

RS: Okay.

TJ: And then go in.

RS: Okay. And when you arrived at the scene, can you describe what you remember seeing, what took place from there?

TJ: Uh we came in off of uh Hosmer, um, and so when we come up to 96th take we took a left which would've been heading east and then we parked um, we parked on the left hand side of the road there. And then um, when we rolled up uh Engine 10 crew was there and TPD units were there and they were actually performing CPR when we pulled up.

RS: Okay. So CPR was already in progress…

TJ: Yes.

RS: …as you arrived.

TJ: Yeah it was actually TPD officer was actually doing chest compressions when we pulled up.

RS: Okay. Uh so you were the second fire department unit then to arrive?

TJ: Yes.

RS: Okay. And what did you do from there, what did you observe.

TJ: Um, so when we, typically when we pull in on stuff if the first crew basically assigns themself [*sic*] and they start working, um, they're supposed to pass command off. And so when the second unit comes in that person's supposed to take command. Um, they didn't pass command uh when we, they rolled up so, when we come up there when I come up we got our, it's called image trend it's on an iPad, that you document all of the stuff that's happening on the call. Um, so when we arrived I went up, I picked up their iPad and I actually document all the stuff. I document if they're doing chest compressions, if they're doing medical or med intervention. I'm time stamping everything. So it's right within our, so we got like a on the iPad itself

it has a uh a program, that's just called Situation and you punch on cardiac arrest and it just pops up here's all your buttons that you're pushing. And so, what I did on the call, I'm the one that's kind of telling the medics how much time they've got before we can give meds, cause we go three to five minute intervals and so I'm let, I'm paying attention to the timelines, and letting the medics know that hey in a, in another minute you can give them (*inaudible 5:16*) if you want to do that so then they drop and they do that stuff. So I'm, I'm not actually touching the patient I'm just going down the list and, and documenting and making sure people are all staying on tasks.

RS: Okay. And is that part of the, the CAD log then, the CAD dispatch or is that a separate, report.

TJ: No it's the actual CAD dispatch that the um or the actual patient report.

RS: Okay.

TJ: All of the med stuff and all that type of stuff is the stuff that I punch in.

RS: Okay. Where was the patient located at when you arrived?

TJ: He was on the, he would've been probably westbound lane um, or the, the north, it was the westbound lane but it was the north lane. And they're um head was facing the center line, uh feet facing the sidewalk. Um, and it was just right at, there's another road that was right there on 96th, it was just about at that same intersection.

RS: So he was in the roadway?

TJ: We come in off of Hosmer, and came this way, there's another road right here, he was just right off of the side. He was in the, in the street.

RS: Okay.

TJ: Yep.

RS: Alright. And uh, you had mentioned earlier they were already doing CPR.

TJ: Mhmm.

RS: Was he restrained or anything at that point?

TJ: No.

RS: Okay. Um, and so I think you had mentioned or that you didn't actually do the CPR part you were…

TJ: No.

RS: ...you were typing in the information.

TJ: Mhmm.

RS: As, as they were.

TJ: I stand just off to the, if the patient, depending on if we're in a crowded house or on the street. The patient's head would be here, feet there, I'd stand off to the side so I'm not in the way of the person with the air. And I'm not in the way of the

compressions. I'm just kind of watching the, the scene what's going on and documenting everything as it goes, as it happens.

RS: And about how long did that go on for?

TJ: Oh I think, it was 40, 40 plus minutes I would think.

RS: Okay. And.

TJ: I don't know but that I'm, that's what uh, because if it's witnessed arrest which that would've been, we do 40 minutes if it's unwitnessed arrest we do 30 minutes by Pierce County protocol.

RS: Can you describe the difference between witnessed and unwitnessed. I'm not familiar with either.

TJ: If, if somebody is you know actively up moving around, somebody witnesses them go down, from a cardiac incident, that's a witnessed arrest. If somebody walks in and finds somebody in bed that they didn't see from the night before, and they're in a cardiac event that's an unwitnessed one.

RS: Okay.

TJ: So unwitnessed you do 30 minutes, witnessed you do 40 minutes.

RS: Okay.

TJ: By, that's right by our protocols and that's, we do 40 minutes and then we call a doctor and say this is what we've done, and they can tell us to keep on going and we can do it for an hour or more.

RS: Okay.

TJ: Um it's really up to the doctor to make that call.

RS: And how, how was that done in this situation?

TJ: Um, how was the doctor notified?

RS: Yeah or, about how, about long was CPR performed before, I understand at some point the decision was made to discontinue CPR.

TJ: Mhmm.

RS: If you can describe how that decision was made…

TJ: Um.

RS: …or?

TJ: Within our um iPads on the image trend program, you can just, there's a little tab on there that says timeline. You just click on the timeline it'll actually have everything laid out in there, when CPR was started according to the iPad, what drugs were given and then I look at it, and I and say you know we've been doing CPR for 30 minutes, we've been doing it for 40 minutes we can do whatever. And we can actually contact dispatch and say what time did whichever engine get there, and say they started CPR, and then that actually can be reflected within our report to when

the actual CPR started.

RS: Okay, and.

TJ: Cause when CPR starts you're not look, thinking about that image trend thing, you're thinking about starting to do CPR.

RS: Right

TJ: And so you, it's not uncommon to go on there and go okay you guys started five minutes ago so document it that way then it has to be reflected when we actually did start so.

RS: Okay. And was the doctor contacted then?

TJ: Uh yes.

RS: Okay.

TJ: I don't, I don't do that. The, the medic that was in charge did that.

RS: Okay. And then I'm assuming the decision at some point then was to discontinue CPR.

TJ: Yes.

RS: Okay. And what took place after that?

TJ: Um, once the, once they determined that then, we, we picked up our stuff and left, Engine 10 stayed there for I don't know, they could've stayed there for five more minutes or ten or two. I, I don't know. We pick up and leave.

RS: Okay. And once you left the scene did, was there any reason or did you ever go back at any time?

TJ: No.

RS: So you were just there the one time when?

TJ: Yep. Yep.

RS: Okay.

TJ: Just the one time.

RS: And while you were there did you um, speak with anybody like any of the officers overhear any conversations or comments about what might've taken place or what happened or anything along those lines?

TJ: Um, no. I didn't speak to, I asked the um no I did speak to somebody, I spoke to one of the TPD officers and asked if they had identification.

RS: Okay.

TJ: Because I have a blank form right now with name and stuff I have nothing on it as far as who, who we're even dealing with. And then um, and then a Pierce County Sheriff officer showed up and had uh, had an iPhone with like a program on it for uh, for uh um, finger, uh finger print and that's actually how I obtained the name of

who it was that we actually had.

RS: Okay. Do you recall who either one of those two officers were?

TJ: Mm mmm.

RS: Okay.

TJ: There was 10 there or, you know 10 probably at least 10 TPD, there was a bunch of the officers there.

RS: Okay.

TJ: And we're focus, I'm focused on the timeline of what the, what we're doing with the person.

RS: Right.

TJ: And so I'm not really looking at scene awareness around me and all that stuff at the point I'm, I'm just trying to make sure that we're make, we're hitting all of our targets for our med…

RS: Okay.

TJ: ...administration and stuff.

RS: Just for clarification, this fingerprint uh program that he had, that was the patient's fingerprint to identify the patient is that what you were?

TJ: Yes.

RS: Okay.

TJ: Yeah and that's actually how I ended up getting the name and then he had given me the, the name and a birthdate I believe it was, and then I just go on our image trend one you go to personal information, click it up and it comes up, we can do a driver's license scan, or just punch in the person's name and date of birth.

RS: Okay.

DR: Um, observations of the patient.

TJ: Mhmm.

DR: Obviously when you arrived CPR's in pros-progress so you're standing there and you're, you're taking notes on the iPad you're directing the medical traffic at that time if you will. What, did you make any observations about the condition of the patient?

TJ: Right when I walked up, cause I think I was the first one from the tower to get up to him, I come up to him and, and I would've been coming approaching him at probably like a 90 degree angle cause we were, we'd just parked down the street. Um, incredibly sweaty, wet you know like literally like physically wet it looked like the patient was wet. Um, and it was a pretty brisk morning. Or night what uh whatever time it was, the uh, cause we'd like go Gore-Tex jackets and I get hotter than heck just wearing two t-shirts, um, I had my jacket zipped up because it was

pretty cold. And, and that's what I had, when I walked up and I picked up the iPad I was I had actually mentioned to one of the guys that was standing there and was like what the, why the heck is he so wet. It literally looked like he'd just gotten out of a pond or something. From the, from like sweat. Uh, no shirt, um I thought he had like a pair of, of like uh gym trunks or something on. Um, and I still I still think that he had just that on. Um, and like I said he was yeah he was just facing the centerline basically.

RS: Okay.

TJ: That's the only thing I really, that, that stood out in my mind as why is it so cold and he's so wet.

DR: Is there, was there a mechanism for him to be wet there? I mean was it, was it raining?

TJ: No. Nope it was dry and cool.

DR: Okay. And he's sopping wet with sweat and that struck you as odd given the temperature…

TJ: Yes.

DR: …and the, okay.

TJ: Mhmm.

DR: Did you notice any trauma or injuries to him?

TJ: Didn't notice any trauma and injuries on him at all.

DR: Okay. And uh, as far as the CPR, when, when you got there, someone, TPD is doing chest compressions?

TJ: Yeah they, mhmm.

DR: And was somebody breathing, or how was that being accomplished?

TJ: I believe that uh, one of the TPD officers is doing chest compressions and one of our uh Engine 10 crew was, was trying to get the airway. Get one.

DR: Okay.

TJ: They prob, I don't know what they did in, on prior to us getting there but we end up intubating him we can stick the tube down their throat.

DR: You guys start at the, the bag valve?

TJ: Yeah.

DR: Started, okay.

TJ: Mhmm.

DR: Um, out of all the law enforcement on scene there, do you know any of them?

TJ: Uh just, passing you know from seeing them on calls. None of them personally at all.

DR: Professional relationships on calls nothing off duty no…

TJ: Nothing.

DR: …friendships, *(inaudible, crosstalk, 14:04)*.

TJ: Nothing whatsoever.

DR: Okay. Um, Bob?

RS: I can't think of anything else.

DR: Anything that you thought we were going to ask you that we didn't, or that you think is important that you have info for us?

TJ: No, we don't uh, just exactly what I said when we come in I've, I've got to focus on what I'm doing.

DR: Sure.

TJ: And, and I'm not looking at, I'm not looking things around me (*inaudible 14:31*) anything, we're just, so.

DR: Okay. Jean?

JH: Nothing.

RS: Okay. Mr. Jackson, I'm gonna read the uh end of the statement to you here and if you can just indicate yes or no whether you agree with it, or not. And it says I, Tad Jackson, declare that the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily and without threats or promises of any kind. And would you agree with that?

TJ: Yes.

RS: Okay. And if you would I'd like to get a signature from you. (*writing noise*) Okay, that should do. Thank you and Lieutenant Richmond will sign as a witness. (*writing noise*) And the time right now is 11:12 a.m. and this concludes this statement.

***Transcribed by**: Jill Byram Dist. 7 CID 43*	***Date:** November 2nd, 2020*
Reviewed by: Daniel Richmond	
Signature: /S/ Daniel Richmond	***Date: November 3, 2020***

WASHINGTON STATE PATROL
Criminal Investigation Division

Victim/Witness/Suspect Statement

Interviewer:	(RS) Det. Robert Schroeder	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	9:02 a.m.
Place:	901 South Fawcett Avenue Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(KS) Kelly Sumner	**DOB:**	UNK

RS: This is the statement of Kelly Sumner. Today's date is September 22nd, 2020, time right now is 9:02 a.m. And I am Detective Schroeder with the Washington State Patrol. And this statement is being recorded at 901 South Fawcett Avenue in Tacoma. And there are four persons present in the room. And for purposes of voice identification uh would each person besides you Mr. Sumner, uh who is giving the statement, state your name and occupation one at a time. And we'll start with you.

JH: Jean Homan, Deputy City Attorney, City of Tacoma

DR: Lieutenant Daniel Richmond, Washington State Patrol.

RS: And Mr. Sumner, do you understand that this statement is being recorded?

KS: I do.

RS: And do we have your permission to do so?

KS: You do.

RS: Okay, can you give your full name and would you spell it for us please.

KS: Uh Kelly E. Sumner.

RS: And your address and a work address is fine.

KS: Uh 49-11 uh South Alaska Street in Tacoma, Washington.

RS: Okay. And what's your occupation there?

KS: Firefighter.

RS: Okay. And the reason we're talking, and first of all this in reference, this statement is in reference to State Patrol case number 20-019682 [*sic*] and Mr. Sumner, we're just going to start out by um the incident that we're uh referring to, we're just going to

ask you how were you first notified of it?

KS: Uh we were at the station, and our tones went off. Um, and we got dispatched to the address. I can't recall whether we knew the nature of the call. Sometimes we do, sometimes we don't.

RS: Okay. And that's the station at 49-11 South Alaska Street?

KS: That's correct.

RS: Okay. About how far is that from the scene do you recall, do you have an idea of?

KS: Oh it's five miles.

RS: Okay.

KS: That's a guesstimate.

RS: Okay. And do you recall what information they gave you as far as?

KS: No I, I don't.

RS: Okay.

KS: I don't.

RS: Alright. And when you respond to or, actually how did you respond to the scene?

KS: Uh lights and sirens. So we responded in our rig the rig that I drive in tower two. Um, there's three of us on the rig and we responded lights and sirens.

RS: Okay. And I'm not familiar with the vehicles you have, is that, that an engine a ladder truck, an ambulance?

KS: It's a lad-it's a ladder truck.

RS: Ladder truck, okay.

KS: Yeah.

RS: Alright, and when you arrived what do you remember seeing or, or hearing when you got there?

KS: Um, when we arrived on scene I remember seeing Engine 10, they were the first TFD unit on the scene. Um, there were multiple uh TPD cars on scene. And uh patient on the ground and Engine 10's crew around that patient.

RS: Okay. Uh do you remember how long it took you to, to go from your station to there?

KS: Uh definitively, no.

RS: Okay.

KS: Um, but I could make a guess that it's four minutes.

RS: Okay.

KS: Somewhere in that range.

RS: Okay.

KS: Yeah.

DR: Would that be captured in the CAD logs that you have?

KS: Yeah.

DR: Okay.

KS: Yeah.

RS: Okay.

KS: Absolutely. And those are things I don't ever look at.

RS: Right.

KS: Yeah.

RS: Okay. And so you saw there were already personnel there. What, what did you do from there or what did you observe?

KS: Uh I parked the rig. Uh as the driver it's my job to try to block the scene so when we roll onto a scene I'm less interested in what's actually going on in the scene but positioning my rig such for protection of our crews. Um so as I'm parked the rig, I'm setting up lights, directional lights on the rig, my crew jumps out and then I grab a pair of gloves and uh get out of the rig and follow them to the scene.

DR: Can I interject real quick? So this, this was at uh the intersection of, do you recall the intersection?

KS: Um.

DR: Does 96th and Ainsworth sound correct?

KS: It does sound correct, yes.

DR: Okay. So can you kind of just walk us through where you put your apparatus in that?

KS: Right, so we uh came to the scene on Hosmer, heading south. And turned left onto 96th, so now I'm heading east onto 96th.

DR: Okay.

KS: And the scene was in front of us, so I parked kind of diagonally but heading east on 96th. Prior to the Ainsworth intersection.

DR: Okay so Ainsworth is up ahead of you and you…

KS: Correct.

DR: …you move to a diagonal position blocking…

KS: Yep.

DR: …the east bound lanes or?

KS: Uh correct.

DR: Okay.

KS: Correct.

RS: And did you actually uh work on the patient, or have any contact with the uh, the person that was on the ground there?

KS: Yeah Engine 10 was performing CPR uh on the patient and um whenever there is a CPR call, uh if a single company uh gets on scene and it's a CPR call, additional units are called. Uh a medic unit for sure and then a second BLS unit. So Engine 10 mo-most of the rigs in the city are BLS units. Um Engine 10 is actually an, an ALS unit because they have a medic as their third person. We're all EMTs in the city.

DR: For, for those of us that don't know acronyms as well.

KS: Sorry.

DR: BLS basic life support and then ALS is advanced life support?

KS: Advanced, correct. Right so, Engine 10 is an ALS engine um, Tower 2 is a BLS ladder company. Uh but on a CPR call you need more bodies. Cause it's a lot of work, and uh we rotate through uh every couple minutes so that nobody gets tired and good CPR is done. So, I'm assuming that's why we were attached to the call because Engine 10 got on scene, it was CPR and so they stepped up the call needing additional units. And we do that frequently in the whole south end. Tower 2 does. Um assists on CPR calls. So we, as I uh, approached the scene they were doing CPR, um the medic is getting the monitor out, getting it hooked up uh to the patient with electrodes. So you can read what's going on with the uh patient's heart. And um one of Engine 10's crew is doing compressions, and the other uh on the crew is ventilating, at the head. And so we basically begin a rotation and spell them on compressions and ventilations.

DR: Was that a bag ventilation or was that?

KS: Bag Valve Mask.

DR: Okay.

KS: Correct, yeah. So we, we fill we trade off with those two guys. Primarily whoever's doing compressions cause that's the most taxing part of it. So we'll rotate through if the medics need us to get something out of their bag we'll get it for them. Um, yeah we just assist. Basically.

RS: Okay. Where was the patient at when you arrived?

KS: Uh.

RS: As in were they in a street, on the sidewalk?

KS: Yeah the patient was on the street. Uh and I guess that would be on the west and, I believe in the west bound lane.

RS: Of which?

KS: Of 96th.

RS: Of 96th.

KS: Yeah. I don't remember if it was right in the intersection, or not. But they definitely, I believe they were in the westbound lane. Closer to the curb than the other side of the road.

RS: Okay.

KS: Yeah.

RS: And so you switched off, I think you were saying, doing CPR.

KS: Yep.

RS: Um, do you make any assessments of what you, what the patient's condition is or anything like that as, uh as you arrive or?

KS: No.

RS: Do you just focus on doing…

KS: Yeah.

RS: …doing CPR.

KS: It was really task oriented.

RS: Okay.

KS: Yeah.

RS: Okay.

KS: Um, and we're, we are very much under the direction of our highest medical authority on scene which would be that paramedic on Engine 10.

RS: Okay.

KS: Um we knew that uh a medic unit was not there at the time a medic unit had been dispatched uh and we could hear in the distance the sirens coming that the medic unit was in route.

RS: Okay.

KS: As we continued CPR.

RS: And then do they take over once they get there then?

KS: Nope. Nope. Uh as a BLS company, our primary role is CPR. Is doing compressions and doing the ventilation. Uh the paramedics uh have a lot more to do than that. They're um looking at the uh monitor determining the patient's heart rate um, determine whether we need to shock the patient, whether they have a rhythm that's shockable or nor. Uh determine what medications so they start an, an IV. Determine what medications they have to give. So they're doing all of that while the BLS crew is doing C-continuing with CPR.

RS: Okay.

DR: At the risk of oversimplifying then…

KS: Yep.

DR: …you're doing the grunt work while they're…

KS: Yeah.

DR: ...doing the more, the more…

KS: Absolutely.

DR: …technical pieces of it.

KS: No, absolutely. Yeah.

RS: And do you remember how long that went on for?

KS: Oh it'd just be a guess on my part but it's uh, you know 30 to 45 minutes.

DR: Okay.

RS: Okay.

KS: Yeah. And that's just typical when we do CPR. Yeah.

RS: And what, was that stopped then at some point or was, was the patient loaded into an ambulance or do you continue that as they're being loaded, what how did that take place?

KS: Um.

RS: If you recall.

KS: Well, we do so many of these that I, I can't recall definitely, um, I, I believe that we eventually loaded the patient onto the gurney into the back of the medic unit and they went to the hospital.

RS: Okay.

KS: I, I, but to be honest with you I can't be one hundred percent certain of that.

RS: Okay.

KS: Yeah.

DR: Is it possible the patient stayed on the scene as well?

KS: It's possible. Um, I, I don't think so on that call but again I can't be a hundred percent sure.

DR: Okay.

KS: Yeah. I purposely didn't read the medics report.

DR: Sure.

KS: Prior to this. Because I didn't want to be influenced by things I didn't remember one hundred percent.

RS: Sure.

DR: We appreciate that, that's, that's important.

KS: So. Yeah.

RS: And did that essentially end your contact then with the patient?

KS: Yeah.

RS: Okay.

KS: Yeah.

RS: And was that the only patient there?

KS: Yes. That was the only patient there.

RS: Okay. I can't think of anything else.

DR: I just want to back. I'm just gonna back…

KS: Yeah.

DR: …back up in just a little more detail on…

KS: Sure.

DR: …on uh, on, on your recollection and like I said before, it's a long time ago so.

KS: Yep.

DR: We, I understand that. Best of recollection, can you describe the status and condition of the patient when you arrived and also just give me a physical description of the patient. To the best of your recollection.

KS: Uh the best of my recollection.

DR: Yeah.

KS: Well he was a male.

DR: Okay.

KS: (*laughs*) That, that I know for sure. Um, uh his shirt was off, which the first thing we do when we're doing CPR is we take clothes off, right. Um, I can't recall whether he had his pants on or not. Um, my recollection was that he was not Caucasian.

DR: Okay.

KS: But past that I couldn't tell you whether he was African American or I couldn't be sure of that.

DR: Any notable trauma or injuries to him?

KS: Not that I noticed. No.

DR: Okay.

KS: Uh and we, obviously he's on his back. Um, so that's the only side of him that I saw.

But I didn't, I don't remember seeing any trauma to him.

DR: You mention, you mention doing bag valve, so.

KS: Yep.

DR: Uh, just to clarify, was there anything over his head or his face, was there a spit sock or anything applied to him when you got there?

KS: Uh not while, not when I was there, no.

DR: Okay. So the bag valve was on and that was being, in use when you arrived.

KS: Yes.

DR: Okay.

KS: Correct.

DR: And um, was he, at any point while you were there, conscious and making any statements?

KS: No. Mm mm.

DR: So is it fair to say he was unconscious the entire time you were there?

KS: I believe so yes.

DR: Did you ever have the opportunity to make medical assessment at all or were you simply just doing CPR?

KS: I was just a grunt. (laughs)

DR: Just a grunt. Okay.

KS: Yeah.

DR: No I appreciate that.

KS: Yeah. Yeah.

DR: Do you have anything else?

RS: I can't think of anything further.

DR: Um, something I like to always ask is, is there anything that we didn't ask you that you thought we were going to ask you or is there anything about this incident that you think we should know as the investigators?

KS: Uh no. Um, it, it was a very it was very routine CPR call.

DR: Right.

KS: Routine just because we do a lot of CPR calls.

DR: Right.

KS: So um, there, there didn't seem to be anything out of the ordinary, at all.

DR: I do have two other questions now that I'm sitting here thinking about it.

RS: Okay.

DR: Um, of the, of the Tacoma Police Department officers involved in this.

KS: Mhmm.

DR: Do you know any personally or have close relationships with any of them?

KS: No.

DR: Okay.

KS: No.

DR: Of, with any of the officers that were on scene?

KS: Say again?

DR: With any of the officers that were on scene?

KS: No, no, I don't.

DR: Okay.

KS: I don't have a close relationship with anybody on TPD.

DR: Okay. So just aside from working with them on the same calls occasionally…

KS: Yeah, that's.

DR: …in an emergency.

KS: I've seen 'em, and we chat and but that's it.

DR: Okay.

KS: Yeah.

DR: And uh during your time there, did you overhear any statements made by anybody that could be important in the investigation?

KS: No.

DR: No.

KS: I mean, pretty hyper focused on what.

DR: Right, understood.

KS: Yeah, and they typically are standing back from, from right where we are. So no I didn't overhear anything or.

DR: Okay. Anything else?

RS: I don't have anything else.

DR: Jean did you want to ask any questions before we end?

JH: No, thank you.

DR: Okay.

RS: Okay. Uh Mr. Sumner I'm gonna read a, a statement here and if you can just indicate yes or no whether or not you agree with it. And what it says is I, Kelly Sumner, declare that the facts stated on this recording are true and correct to the best of my knowledge. And my statement was made freely, voluntarily and without threats or promises of any kind. And would you agree with that?

KS: I would agree with that.

RS: Okay. And if so if I can get a signature from you…

KS: Sure.

RS: …right there. (writing noise)

DR: I'll sign as witness.

RS: Thank you.

KS: Mmm.

DR: And I will sign as witness to that. (writing noise)

RS: Okay. And the time right now is 9:17 a.m. and this concludes this statement.

***Transcribed by**: Jill Byram Dist. 7 CID 43*	***Date:** October 27th, 2020*
***Reviewed by:** Robert Schroeder*	
Signature: /S/ Robert Schroeder	***Date: November 3, 2020***

WASHINGTON STATE PATROL
Criminal Investigation Division

Witness Statement

Interviewer:	(RS) Det. Robert Schroeder	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	11:21 a.m.
Place:	901 South Fawcett Avenue Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(JB) John Brakebush	**DOB:**	UNK

RS: This is the statement of John Brakebush. Today's date is September 22nd, 2020. The time right now is 11:21 a.m. and I'm Detective Schroeder with the Washington State Patrol. And this statement's being recorded at the Tacoma Fire Department, located at 901 South Fawcett Avenue in Tacoma, Washington. And there are four persons present in the room. And for purposes of voice identification for the recording would each person present, besides you Mr. Brakebush who's giving the statement, state your name and occupation one at a time please. Jean.

JH: Jean Homan, Deputy City Attorney, city of Tacoma.

RS: And Lieutenant Richmond.

DR: Lieutenant Daniel Richmond, Washington State Patrol.

RS: And Mr. Brakebush, do you understand that this statement is being recorded?

JB: Yes.

RS: And do we have your permission to do so?

JB: Yes.

RS: Can I get your full name and would you spell it for me please?

JB: Uh my first name is John, J-O-H-N. Last name, Brakebush, B-R-A-K-E-B-U-S-H.

RS: Okay. And is work address 7-2-1-7 6th Avenue in Tacoma?

JB: Yes.

RS: Okay. And a work phone number for you 2-5-3-5-9-1-5-7-1-6?

JB: Yes.

RS: Okay. And the reason we're here uh talking today is the State Patrol is investigating

an incident that occurred uh involving the Tacoma Police Department. This would've been about six months ago. And this is in reference to State Patrol case number 20-019681 [*sic*]. And what we'll start out with is um, I'm assuming you're referring, you're familiar with the incident we're, we're speaking about right?

JB: Yes.

RS: Okay. How were you first notified of that incident?

JB: Uh we were uh dispatched from our station.

RS: Okay. And what uh, what information did they give you or did they provide you?

JB: I don't remember exactly. I think they called, just called it an ALS call with uh Engine 10, Ladder 2 on scene.

RS: Okay. And is this done over the radio or by intercom or how do you guys do that?

JB: Uh there's an intercom in the station and it comes on over that.

RS: Okay.

JB: And then we put ourselves in route with an MDC in the rig.

RS: Okay. And you guys responded from the station and I take it you were already, already at the station when the call came out?

JB: Yes.

RS: Okay. And do you recall about how far it is from there to the scene or about how long it took you?

JB: It probably, it was probably a 10 to 15 minute drive.

RS: Okay.

JB: Would be my best guess.

RS: And how did you guys respond as far as, and I'm not sure how you guys refer to it, is like priority, routine, or lights and siren or how, how do?

JB: Priority, lights and sirens. Um other than on the freeway.

RS: Okay.

JB: Then we just follow the, the, the laws.

RS: Okay. And is that a call that you make or does your dispatch tell you which um, how, how to respond?

JB: Uh dispatch usually.

RS: Okay.

JB: Tells us but there is some discretion I believe.

RS: Okay.

JB: For the officers.

RS: Okay and so you, on the freeway you don't use lights and siren or anything like that?

JB: No.

RS: Okay. And once you arrived at the scene what, what did you observe

JB: Uh I remember arriving at the scene and just seeing a lot of, there was police, there Ladder 2 and there was Engine 10 there and I just remember they were doing, they were already doing CPR on an individual.

RS: Okay. Uh so there was two other fire department vehicles there…

JB: Yes.

RS: …then along with law enforcement, okay. Where did you guys park at?

JB: We parked, I think the incident was on 96th Street, we parked on 96th west of where the individual was.

RS: Okay. And what took place from there?

JB: From there we got out, got any gear that we needed, which wasn't much because Engine 10 has a paramedic and they have that same uh gear, the same equipment that we would have. So we went over and asked what, you know what they would like from us.

RS: Okay. And I think you had indicated that they were already uh performing CPR on…

JB: Mhmm.

RS: …on a person. Where was the patient located at?

JB: They were in the street.

RS: Okay. Is it in the intersection or?

JB: I don't remember.

RS: Okay. No problem.

JB: If it was in the intersection or not.

RS: That's okay. Um, and what were your, do you recall what your initial observations of the patient, anything that uh you recall stood out?

JB: Nope. Just…

RS: Okay.

JB: …cardiac arrest.

RS: Okay. Um, do you recall if the patient was restrained at the time or?

JB: I, I don't remember.

RS: Okay. No problem. And what, what was your task or what were, what did you do once you got up to where the patient was?

JB: So we asked uh what they needed from us, and there was very little that they needed from us cause a lot of the work had already been done. And it was just ongoing CPR um, we might have gotten a couple of medications ready. But the patient was already intubated already had an IV or an IO I'm not sure which. And, so there wasn't much that we were, we were tasked with doing.

RS: Okay. And do you know how long they had been doing CPR at that point?

JB: I don't.

RS: Okay. Um, do you remember about how long after you got there how long they continued CPR for?

JB: I, I don't remember. It would be somewhat of a guess but 10 to 15 minutes would be…

RS: Okay.

JB: …but I don't know.

RS: You didn't actually assist with the CPR then, correct?

JB: No.

RS: Okay. Uh was the uh call made at some point to discontinue CPR?

JB: Yes.

RS: Okay, do you remember how that took place?

JB: It takes place with a call to our base station which at that time would've been Madigan Hospital.

RS: Okay.

JB: And you speak with a doctor, uh there to ask for, after you work for a while to either ask for advice or to terminate efforts.

RS: Okay. And is that something you would've done or somebody from your crew or you know who uh, who would've made that call?

JB: It was, was not us I, I don't remember exactly who made the call.

RS: Okay. Alright. Um, did, do you make any other, while you were there do you make any other assessments of the patient as far as any additional trauma, injuries? Did you make any observations like that?

JB: No.

RS: Okay. Um, so you're just essentially getting medications ready then if they need it.

JB: Yeah we would've, we were standing around just asking what, what they needed from us.

RS: Okay.

JB: As far as assisting goes.

RS: Okay. Um.

DR: So I just, for my clarity here. You're, you're the third arriving…

JB: Yes.

DR: ...Tacoma fire unit correct? And uh CPR's in progress. You show up and, uh if I'm, if I'm hearing this right, so tell me no if I'm wrong, you're, you're showing up to help Wilson, who's the paramedic that's currently working.

JB: Yes.

DR: You're just kind of backing him up and feeding what he needs. You're not…

JB: Yes.

DR: …taking anything over.

JB: No.

DR: Okay. Did you ever get assigned anything in particular, or was it just you were assisting him, as he was doing his function?

JB: As far as I remember just assisting him. He had most of a lot of the work done and it would've been just continuing to watch the monitor.

DR: Okay.

JB: I don't remember specifics. I say that you know I might have gotten him a medication ready that he needed

DR: Sure.

JB: Or I might've watched the monitor for, for a couple minutes to see if there were any EKG changes.

DR: Okay. Extra set of eyes for Wilson.

JB: Yes.

DR: Okay.

RS: Did you speak with anybody while you're there, whether it be any of the officers, any witnesses, or anyone there? Did you overhear any comments being made about what somebody saw or what might've taken place, or anything like that?

JB: No. I remember that right before we left a Tacoma Police Officer had asked us, was gathering names, and came over and asked before we had left the scene, asked for our names.

RS: Okay. Okay, um, let's see I can't think of anything else off hand.

DR: So just, no trauma, but that you wi-other observations of this suspect, I'm sorry, not suspect, but the, the person there that…

JB: Yeah.

DR: …you were there to treat. What, what other observations did you make at that time?

JB: I just remember the patient was in cardiac arrest…

DR: Okay.

JB: …obviously they were doing CPR and we, you know obviously saw that. Uh but other than that I don't remember seeing any trauma. I just, I, I don't remember hearing a story about what, what happened or how the patient ended up.

DR: Okay.

JB: In cardiac arrest.

DR: Uh, how is the patient attired?

JB: Uh, I don't know. I, I, I am assuming they had the shirt cut off to do CPR, that's typically what we would do. But other than that I don't know what they were wearing.

DR: Okay. Do you uh, out of all the police and fire personnel, I'm sorry the police personnel on scene, do you know any of them personally?

JB: No.

DR: Okay. So just interactions would be limited to professional, showing up at the same calls and things like that?

JB: Yes.

DR: Okay.

RS: Anything else that you can think of that uh you might think is important to our investigation that you want to add to your statement, or that maybe we forgot to ask you about that you think is important?

JB: No.

RS: Okay. I don't have anything else.

DR: No, Jean anything?

JH: Nothing.

RS: Okay. I'm gonna read a statement to you here and if you can just indicate yes or no whether or not you agree with it. And it says I, John Brakebush, declare the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily and without threats or promises of any kind. And would you agree with that?

JB: I would, yes.

RS: Okay, and if so if I can get a signature from you on the bottom there. (*writing noise*) Thank you. And Lieutenant Richmond will sign as a witness. (*writing noise*) And the time right now is 11:30 a.m. and this concludes this statement.

Transcribed by: *Jill Byram Dist. 7 CID 43*	***Date:*** *October 26th, 2020*
Reviewed by: Daniel Richmond	
Signature: /S/ Daniel Richmond	***Date: November 3, 2020***

WASHINGTON STATE PATROL
Criminal Investigation Division

Witness Statement

Interviewer:	(RS) Det. Sgt. Robert Schroeder	**Case Number:**	**20-009681**
Date:	September 22nd, 2020	**Time:**	11:34 a.m.
Place:	901 South Fawcett Avenue Tacoma, Washington	**Incident Type:**	Use of Force
Interview of:	(CR) Christopher Rady	**DOB:**	UNK

RS: This is the statement of Chris Rady. Today's date is September 22nd, 2020. Time right now is 11:34 a.m. I am Detective Schroeder with the Washington State Patrol, and this statement is being recorded at the Tacoma Fire Department, located at 901 South Fawcett Avenue in Tacoma. And there are four persons present in the room, and for purposes of voice identification and for the recording would each person present besides you Mr. Rady, who is giving the statement, uh state your name and occupation one at a time please.

JH: Jean Homan, the Deputy City Attorney, City of Tacoma.

TR: Lieutenant Richmond

DR: Lieutenant Daniel Richmond, Washington State Patrol.

RS: And Mr. Rady, do you understand that this statement is being recorded?

CR: Yes.

RS: And do we have your permission to do so?

CR: Yes.

RS: Could I get your full name and would you spell it for me please?

CR: Christopher William Rady. C-H-R-I-S-T-O-P-H-E-R, W-I-L-L-A-I-A-M, and R-A-D-Y.

RS: Okay. And your work address 7-2-1-7 6th Avenue in Tacoma?

CR: Correct.

RS: Okay. And is a good work phone number for you 2-5-3-5-9-1-5-7-1-6?

CR: Yes.

RS: Okay. And Mr. Rady, uh we're talking today about an incident that the State Patrol's investigating uh that occurred approximately six months ago involving the Tacoma Police Department. And this would've, this would be in reference to State Patrol case number 20-019681, and we'll start off with how were you notified of this incident?

CR: Uh, we were in quarters at Station 16. We got dispatched for um, I don't recall whether it was cardiac arrest at that point but we got dispatched to this call at that, at the location in the south end of Tacoma. And that's how we were notified.

RS: Okay and how was it that you were notified is it over a radio over an intercom?

CR: Yeah um, over the radio which is tied into the station so lights come on and uh speakers come on and.

RS: Okay.

CR: Dispatch you to the location.

RS: Okay. And I can't remember if you mentioned it, did they tell you what kind of a call it is or give you any information?

CR: I cannot recall whether, I believe it was cardiac arrest.

RS: Okay.

CR: But I'm, yeah.

RS: Okay and you say they give you a location. Do you recall what location they gave you?

CR: Um, I think it was off 84th and Sheridan or somewhere right around there, south 84th and Sheridan.

RS: Okay. Uh 96 and Ainsworth, does that sound?

CR: Oh! Okay. Yes.

RS: Okay. And uh so you, you respond on an engine or an ambulance then or?

CR: Uh yeah. On a medic unit.

RS: On a medic unit.

CR: Is, otherwise known as an ambulance.

RS: Okay.

CR: But we call, we call it a medic unit.

RS: Okay. And it would've been from the station then?

CR: Correct.

RS: Do you recall about how far that is, or how long it took you guys to get there?

CR: That's, it's probably about a ten minute response time from there. Um, it's at

probably 'bout five miles.

RS: Okay. And do you guys, do you recall how you guys responded and, and I don't know how you do it, does your dispatch tell you to respond priority or routine or whatever terminology you guys use?

CR: Sure yeah we respond, we would respond uh priority to that call.

RS: Okay.

CR: Um, and that, that is dictated by, by dispatch but, we would, we responded priority to that call.

RS: Okay. And once you arrived there what do you, what did you observe?

CR: So, we arrived we had um Engine 10 and Ladder 2 on scene, multiple police officers and it looked like they were doing they were working a code as we call it. A cardiac arrest call. Um, so. Engine 10 has a paramedic on board so typically we got out, we don't need a lot of our equipment they have the necessary equipment. So we walked up um to basically assist them with what they with what they needed for the call. Uh it was the cardiac arrest was well underway so um, I, I pay attention to a few things I have to make sure that, that the patient's got a good Peyton [*sic*] airway and we got that taken care of. Which we, which they did, he was already intubated. If he wasn't intubated he was just finishing up um but that was taken care of. So we pretty much asked uh the Engine 10 medic who was Nick Wilson and what, what do you need, what can we do for you. Um.

RS: Where was the patient located at when you arrived?

CR: Uh in the street. Um, I believe, uh in what would be the westbound lanes, possibly.

RS: Okay.

CR: I think so.

RS: And you said they were already in the process of performing CPR when you arrived?

CR: Correct.

RS: Okay. Uh did you make any other assessments or observation of the patient uh?

CR: Um, so yeah I go, I go through a, a series I make sure that the patient's got a good airway and then um I make sure that, as a senior lieutenant medic, it's my job to kind of make sure that everything's going the way it should and everything was going the way it should. He was hooked up to our EKG monitor, um and you could see ongoing good quality CPR um patient had an IV established, they had already given him medication so everything was going as it should be for a cardiac arrest call.

RS: Okay. Any other observations that come to mind as far as the patient?

CR: Uh it was a black male, um, fairly decent sized guy. That's, that's, that's about the only thing I noticed.

RS: Okay. Do you guys make any other uh assessments or as far as uh any other trauma

that the person might have, any other injuries, do you check for that?

CR: Sure so it's very important in our resuscitation modes to know what might've caused that. Um, so the big thing was, was this a trauma induced or something else and uh it was my understanding that it was um that all that part of the assessment had already taken place and it, there wasn't a trauma induced um. You know we can't, by trauma I mean gunshot wound, that type of trauma.

RS: Right.

CR: You know. That's all we can go, that's all we can look at.

RS: Okay.

CR: Um any obvious trauma.

RS: Okay. Um, do you recall about uh how long CPR went, went on for?

CR: I'm going to be, no, I'm, I'm not.

RS: Okay.

CR: You know we, it took us probably ten minutes to get there, um, yeah I, you know. I'm gonna guess, guess 30 minutes or more but.

RS: And at some point was it, was it uh the decision made to discontinue CPR?

CR: Uh yes. Uh, Engine, the Engine 10 medic, Nick Wilson, I believe is the one that made the phone call to um our, our base station ER physician who discussed it and then decided to terminate efforts.

RS: Okay. Was, was there any restraints on the subject when you arrived, do you recall?

CR: I don't recall.

RS: Okay. And so if I'm understanding you correctly essentially when you arrived there it was, your main duty was to or task was to assist the ones that were already there performing CPR in case they need anything is that, is that a fair?

CR: That is a fair assessment, yes.

RS: Okay. Any, anything else you did while you were there or any observations?

CR: Um, no I think that myself or my partner I know that we assisted in getting some medications um maybe even administered one I, uh, I think that, I remember either possibly what, administering epinephrine. I know we went back to the rig to get some more medicine, um, and then after the call we just assisted um resupplying Engine 10 with some of the supplies that they needed.

RS: Okay. And is, for your initial call at the scene was that the only time you were there, did you go back later on for anything?

CR: Did not go back.

RS: Okay. So once, once CPR was discontinued you left and, okay (inaudible). Okay um, I had another question I just lost.

DR: Well I just want to just kind of close the loop on that so, so Nick Wilson is, I don't know what the terminology would be, he's the lead paramedic though, he's calling the shots. You guys showed up to back him up. You're, you're a supervisor paramedic, am I understanding that right?

CR: Yeah.

DR: Is that kind of your role?

CR: Well I'm a yeah. So I'm a lieutenant on my medic unit.

DR: Okay.

CR: Um, when I show up to a scene like that, you could say that I, I would be the senior lieutenant medic in charge. But the way that those calls work is that the first arriving medic will dictate patient care.

DR: Right.

CR: Unless there's a problem, then, then, then I would super, I would intervene.

DR: So Nick is, Nick is managing it you guys are helping him.

CR: Correct.

DR: Had you as the senior guy went oh my god he's doing something wrong, you would've jumped in and corrected it but, but that was not the case.

CR: Correct.

DR: Is that what I'm understanding?

CR: That is correct.

DR: Okay.

RS: While you were there uh did you uh talk to anybody, either officers, witnesses, other fire department personnel, or overhear any conversations of what had occurred, or what the incident was about? Anything like that?

CR: Um, other than, other than somehow ascertaining that this patient was uh, you know, somehow apprehended by police prior to us arriving, other than just basically gaining that knowledge, and I, I don't even recall how that came about. I believe, I believe possibly Engine 10 um, which would be standard, standard operating. You arrive, an Engine or Company's gonna give you a little bit of what's going on with the patient.

RS: Okay.

CR: So, other than just um, you know I did, yeah just communicating with them. Getting a little bit of the, you know the nature of the call.

RS: Okay. Anything else that you can think of that uh you think might be important to our investigation that either we might've forgot to ask you or that you want add to your statement?

CR: No.

RS: Okay.

DR: Uh I just, did I, I'm not sure if I already asked or not so I'm gonna ask again. Any, any personal relationships to any of the Tacoma Police officers that were on scene, do you know any of them personally?

CR: I do not.

DR: Okay. So, you interact on a professional level at work but nobody you see off-duty, that you're friends with.

CR: Correct.

DR: Okay.

RS: Anyone have anything further.

JH: No questions.

RS: Okay. I'm gonna read a statement to you here Mr. Rady and if you could just indicate whether or not you agree with it yes or no. And it says I, Chris Rady, declare that the facts stated on this recording are true and correct to the best of my knowledge. My statement has been made freely, voluntarily and without threats or promises of any kind. And would you agree with that?

CR: I agree.

RS: Okay. And if so if I can have you, get a signature from you down on the bottom there. (*writing noise*) Okay, thank you. And Lieutenant Richmond will sign as a witness (*writing noise*). And the time right now is 11:46 a.m. and this concludes this statement.

***Transcribed by**: Jill Byram Dist. 7 CID 43*	***Date:** October 22nd, 2020*
Reviewed by: Daniel Richmond	
Signature: /S/ Daniel Richmond	***Date: November 3, 2020***

TAB 40

TACOMA FIRE/POLICE COMMUNICATIONS
20-063-02251

DIS DISPATCH
TFD TACOME FIRE DISPATCH
REC RECORDING
E10 ENGINE 10
T2 TOWER 2
M1 MEDIC 1
MAR MARLIN FROM ENGINE 10
UNK UNKNOWN
TPD TACOMA POLICE PERSONNEL

(Unintelligible)

DIS Hey, can we get you guys out to South 96th and Ainsworth for an eval?

TFD Sure. What's going on there?

DIS Yeah, looks like we are fighting with somebody there.

TFD Okay.

DIS We don't have much more than that.

TFD All right. We'll get a crew right out there.

DIS Okay. Thank you.

REC Engine 10, Channel A-2, ALS, injury, South 96th Street and Ainsworth Avenue South. Engine 10, Channel A-2, ALS, injury, South 96th Street and Ainsworth Avenue South. Time 2326.

(Unintelligible).

DIS Hey, just updating at 96th and Ainsworth. They're gonna need an ambulance as well, somebody's restrained on a backboard.

TFD All right, we'll advise our crews. Thank you.

DIS Okay, thank you.

TFD Bye.

E10 Patrol, Engine 10.

TFD Go ahead Engine 10.

E10 If you want to upgrade to ALS for excited delirium.

TFD Received Engine 10. Engine 10, ALS upgrade, 2335.

REC Medic One, Channel A-2, ALS, injury, South 96th Street and Ainsworth Avenue South. Medic One, Channel A-2, ALS, injury, South 96th Street and Ainsworth Avenue South. Time 2336.

TFD Engine 10, you have Medic One from quarters.

E10 Received, Medic One.

TFD Medic One, ALS upgrade with Engine 10 on scene for excitable delirium, 2336.

E10 (Unintelligible).

E10 Tacoma, Engine 10.

TFD Go Engine 10.

E10 Can you start another ALS company, CPR in progress.

TFD Received. We'll start, get you extra company for CPR. Engine 10, you're gonna have Tower 2 from Quarters.

E10 Received.

REC Tower 2, Channel A-2, cardiac arrest, South 96th Street and Ainsworth Avenue South. Tower 2, Channel A-02, cardiac arrest, South 96th Street and Ainsworth Avenue South. Time 2338.

T2 Received, Tower 2.

TFD Medic One, did you copy? CPR now in progress with Engine 10. Tower 2 as well.

DIS Tower 2 join Engine 10, Medic One enroute for CPR in progress. Tower 2 join Engine 10, Medic One enroute for CPR. 2320, 2339.

UNK CPR (unintelligible).

M1 Medic one, we did receive that.

DIS 2339.

E10 Engine 10, Tower 2's arriving.

T2 Medic One, Tower 2, when you do arrive, park to the South side of Tower 2. Patient is directly in front of Tower 2.

M1 Medic One received, south side.

E10 Tacoma, Engine 10, this is confirmed Signal 3. TPD will be contacting medical.

DIS Received Engine 10. Signal 3. Signal 3 called at 0019.

TPD Dispatch, hey, for the 9th and Ainsworth, did you guys get a body core temperature on the subject there or a blood sample?

DIS That I do not know, I can, I can get back to you on that.

TPD Okay, yeah, could you?

DIS Sure.

TPD Thank you, appreciate it.

DIS Okay, bye.

DIS Engine 10, could you call GFC, landline.

E-10 Received.

MAR Marlin, Engine 10.

DIS Hey Marlin, hey, police called, wanted to know if, and I talked to Medic One also about this, but did you guys record any kind of core temperature for that gentleman that passed away? Body core temperature? Do you know?

MAR Did you record a core temperature?

DIS By chance?

MAR No.

DIS Did you take any blood samples, like, anything like that? Maybe a (unintelligible).

MAR No blood samples.

DIS I'll let 'em know. No (unintelligible). All right Marlin, I appreciate it.

MAR All right.

DIS Bye, have a good night.

MAR Bye.

DIS Hey, reference the signal 3 on 96th Street, about the blood samples?

TPD Yeah.

DIS No blood samples were taken and no core temperature was taken at the time.

TPD Okay. Can they go back and do that?

DIS Yeah, I think they can. I think we have a medic that can go do that, yeah.

TPD Okay.

DIS Are you guys requesting…

TPD Thank you.

DIS them back on the scene right now?

TPD Yeah, that's…

DIS Okay.

TPD that's the request from the Lieutenant…

DIS Okay. All right.

TPD at least.

DIS Sounds, sounds good. Okay.

TPD Appreciate it.

DIS Yup.

TFD Tacoma Fire Dispatch.

JUL Hi, this is Julie with American Medical Response…

TFD Hey, …

JUL on a recorded line. How you doin'.

TFD Good.

JUL Hey, I just wanted to give you a call about the (unintelligible). I know it was a little bit ago, that we picked up from 4023 South Lawrence Street.

TFD Um-hm.

JUL We took a patient over to St. Joe's Medical Center.

TFD Okay, thank you.

JUL No problem. Thanks.

E10 Engine 10, Tacoma.

DIS Hey, this is Shawn at Dispatch. Hey, TPD, TPD is requesting you back on scene to take a core temperature and a blood sample. Yeah, I understand. I'm just telling you what TPD wants, so no…

E10 Yeah, we can, we can go back there.

DIS You wanna go back out there and then…

E10 Sure.

DIS Yeah, we'll get a medic goin' too I guess. If you guys can't do…

E10 Well, you're fine, we'll figure it out.

DIS Okay.

E10 All right.

DIS Hey, the signal 3 on 96th Street, we have Engine 10 responding back out there.

E10 E-10, can you reassign us to the previous event.

TFD Received 0039.

TACOMA FIRE REPORT

Print Date 6/4/2020 1:45 PM

INCIDENT REPORT

Incident Information

Incident Number:	X2006302257	**Location:**	S 96TH ST/AINSWORTH AVE S	**Clearing Unit:**	
Incident Type:	EMS Patient	**Common Place:**			
Final Type:	EMS Patient	**Initial Alarm Level:**	1	**Dispatcher 1:**	74645
Number of Patients:	1	**Final Alarm Level:**	1	**Dispatcher 2:**	
		Mutual Aid?			
		Catchup Event?			

	Date	Time		
Call Received E911:	3/3/2020	23:26	**Reporting Name:**	
Call Entered:	3/3/2020	23:26	**Reporting Addr:**	
Call Dispatched:	3/3/2020	23:26	**Reporting Phone:**	
1st Unit Enroute:	3/3/2020	23:26		
1st Unit Onscene:	3/3/2020	23:33		
TFD Transport:				
Transport Complete:				
Incident Closed:	3/4/2020	00:55		

Incident Reports

Report	Status	Responsible Unit
UNIT	COMPLETE	E10
UNIT	COMPLETE	M01
UNIT	COMPLETE	TWR02
INCIDENT	COMPLETE	E10
IMAGETREND	COMPLETE	E10

Incident History

Time	Sending	Action	Receiving
23:26	**tfc06**	**ENTRY**	**TFD**
TPD REQUESTING EVAL AFTER ARREST			
23:26	**$E10**	**DISPATCH**	**TFD**
E10 Dispatched			
23:28	**$E10**	**ENROUTE**	**TFD**
E10 Enroute			
23:33	**$E10**	**ARRIVE**	**TFD**
E10 Arrived Onscene			
23:34	**$M01**	**DISPATCH**	**TFD**
M01 Dispatched			
23:36	**tfc06**	**TFC**	**TFD**
EXCITED DELIRIUM PER E10/ ALS UPGRADE			
23:37	**$M01**	**ENROUTE**	**TFD**
M01 Enroute			
23:38	**$TWR02**	**DISPATCH**	**TFD**
TWR02 Dispatched			
23:39	**tfc06**	**TFC**	**TFD**
CPR NOW IN PROGRESS			
23:39	**$TWR02**	**ENROUTE**	**TFD**
TWR02 Enroute			
23:47	**$TWR02**	**ARRIVE**	**TFD**
TWR02 Arrived Onscene			
23:51	**$M01**	**ARRIVE**	**TFD**
M01 Arrived Onscene			
00:20	**tfc06**	**TFC**	**TFD**
SIGNAL 3 PER E10			
00:20	**$M01**	**AVAIL**	**TFD**
M01 Available			
00:20	**tfc06**	**TFC**	**TFD**
TPD TO CONTACT M.E. DIRECTLY			
00:21	**$TWR02**	**AVAIL**	**TFD**

TWR02 Available

Print Date: 6/4/2020 1:45 PM
Incident Number: X2006302257

Incident History

Ti	Sending	Action	Receiving
0[illegible]	$E10	AVAIL	TFD
E Available 1 MALE SIGNAL 3			
00:25	$E10	CLOSE	E10

Event Closed with Disposition: 92

X2006302257 - CPR - CARDIAC ARREST
S 96TH ST/AINSWORTH AVE S TAC

EVENT INFORMATION - X2006302257

03/04/20

Event Type	Event ID	Priority	Status	Source	DGroup	Case Numbers	Disposition Code	Terminal	Dup No.	Calltaker ID
CPR	X2006302257	0	A		TF		92,92	tfc06		5074645

AGENCY INFORMATION

Agency	Priority	DGroup	ESZ	Area	Added	Dispatched	Arrived	Closed	Close ID	Close Terminal	Event ID	Primary Unit	Situation	Comments
TFD	0	TF	140	10	03/03/20 23:26:47	03/03/20 23:26:49	03/03/20 23:33:09	03/04/20 00:55:52	50007	$E10	X2006302257	E10		

REMARKS

** LOI search completed at 03/03/20 23:26:47
TPD REQUESTING EVAL AFTER ARREST
** Recommended unit E10 for requirement TFD_ENGINE (2.0 mi)
** Recommended unit PREALERT5 for requirement AMR_PREALERT (6.6 mi)
** Recommended unit XA2D for requirement TFD_XA2 (2.3 mi)
Preempt:**System - Unit XA2D preempted automatically
Priority
** Event Type changed from INJ(2) to INJ(1) at: 03/03/20 23:35:55
** >>>> by: Marquis Pounds on terminal: tfc02
** Event Priority changed from 4 to 1 at: 03/03/20 23:35:55
** >>>> by: Marquis Pounds on terminal: tfc02
** Recommended unit M01 for requirement TFD_MEDIC (8.9 mi)
** Recommended unit PREALERT5 for requirement AMR_PREALERT (6.6 mi)
** Recommended unit XA2D for requirement TFD_XA2 (2.3 mi)
Preempt:**System - Unit XA2D preempted automatically
EXCITED DELIRIUM PER E10/ ALS UPGRADE
Priority
** Event Type changed from INJ(1) to CPR at: 03/03/20 23:38:42
** >>>> by: Sean Riley on terminal: tfc06
** Event Priority changed from 1 to 0 at: 03/03/20 23:38:43
** >>>> by: Sean Riley on terminal: tfc06
** Recommended unit TWR02 for requirement TFD_LADDER (3.1 mi)
** Recommended unit XA2D for requirement TFD_XA2 (2.3 mi)
Preempt:**System - Unit XA2D preempted automatically
CPR NOW IN PROGRESS
Priority
SIGNAL 3 PER E10
TPD TO CONTACT M.E. DIRECTLY
1 MALE SIGNAL 3
TPD REQUEST
** LOI search completed at 03/04/20 00:41:39
** Event X2006302257 has been reopened at: 03/04/20 00:41:39
** >>>> by: Sean Riley on terminal: tfc06
EVENT REOPENED / TPD REQUESTEING CORE BODY TEMP AND POSS BLOOD SAMPLE PER TPD DISPATCH
SIGNAL 3

LOCATION INFORMATION

S 96TH ST/AINSWORTH AVE S TAC

X-STREET 1: S 96TH ST
X-STREET 2: AINSWORTH AVE S

Location Choices

CALLER INFORMATION

Name:
Phone:
Address:

SUPPLEMENTAL INFORMATION

Person 0

Vehicle 0

Property 0

Contact Name 0

Incident Times 0

Gun 0

Boat 0

Incident #: X2006302257
Unit Disp: 03/03/2020 23:26:49

Report Author: Wilson, Nicholas

TFD Call Sign: E10

Fire Headquarters
901 Fawcett Ave
City of Tacoma, WA 98402
Work: (253) 591-5737

~Prehospital Care Report

Patient Information

Name: Ellis, Manuael
Address: , Not Recorded

Age: 33 Years
Gender: Male

D.O.B.: 8/28/1986
Race: Black or African American

Social Security: --

Weight: 90.7 kg

Provider Impression

Primary Impression: Medical

Secondary Impression: Medical

Narrative

Narrative: [redacted]

Medical

Past Medical History

Patient Medications

Medication	Dosage	Route
Unresponsive		

Medication Allergies

Medication Allergies
Unresponsive

Medical History: Unresponsive

Patient Condition

Unit Notified: 03/03/2020 23:26:49
Incident #: X2006302257

Patient Name: Ellis, Manuael
Patient Care Report Number: 944ba36fc1fe4ea5a6c3b9bc2fbbc5f2

Date Printed: 03/05/2020 12:25
Call #: 2848128

Complaint Type	Complaint	Duration
Chief (Primary)	Medical	

Primary Symptom: Medical
Other Symptoms: Medical

Activities

Medications

Time	Crew	Medication	Route	Dosage	Response	PTA
23:42:13	Wilson, Nicholas	Medical				
23:42:19	Wilson, Nicholas					
23:47:05	Wilson, Nicholas					
23:51:46	Wilson, Nicholas					
23:53:26	Wilson, Nicholas					
23:56:58	Wilson, Nicholas					
00:00:07	Wilson, Nicholas					
00:03:07	Wilson, Nicholas					
00:03:58	Wilson, Nicholas					
00:09:08	Wilson, Nicholas					

Procedures

Time	Crew	Name	Location	Size of Equipment	Attempts	Response	Success
23:36:53	Polo, Jeffrey	Medical					
23:37:32	Wilson, Nicholas						
23:41:11	Wilson, Nicholas						
23:41:59	Polo, Jeffrey						
23:42:08	Wilson, Nicholas						
23:45:16	Wilson, Nicholas						
00:02:20	Wilson, Nicholas						

Vitals

Time	BP	Limb	Pulse	Rhythm	Resp	Effort	SpO2	Qual	CO2	Dexi	GCS	Pain	PTA	Pt. Position
23:36:22 / 23:42:11 /	Medical													

23:46:15 /
23:51:15 /
23:56:15 /
23:57:04 /
00:00:18 /
00:02:04 /
00:02:22 /
00:08:23 /
00:11:06 /
00:45:42 /

[redacted]
Medical

GCS

Time	Eye	Motor	Verbal	Score Qualifier
23:36:22	[redacted] Medical			

EKG

Time	EKG Lead	EKG Interpretation
00:02:20	[redacted] Medical	

Call Type/Location/Disposition

Call Type: [redacted] Medical

Disposition: [redacted] Medical

Resp. Mode: Priority
Urgency: Immediate
Response: 911 Response (Scene)
Incident Address: S 96TH ST/AINSWORTH AVE S
Tacoma, WA 98444

Consultation

Date / Time -- Consult Purpose	Consult Facility -- Contact Name
03/04/2020 00:12:30 -- [redacted] Medical	[redacted] Medical

Response Times and Mileage

PSAP: 03/03/2020 23:26:18
Unit Disp.: 03/03/2020 23:26:49
Enroute: 03/03/2020 23:28:30
At Scene: 03/03/2020 23:33:09
At Patient: 03/03/2020 23:34:41
In Service: 03/04/2020 00:25:35

Incident Number: X2006302257
Call Sign: E10
Veh. #: E10

Unit Personnel

Crew Member	Level of Certification	Role
Wilson, Nicholas	Paramedic	
Polo, Jeffrey	Paramedic	
Ridgeway, Marlon	EMT-B	

Billing Information

Work Related?: No

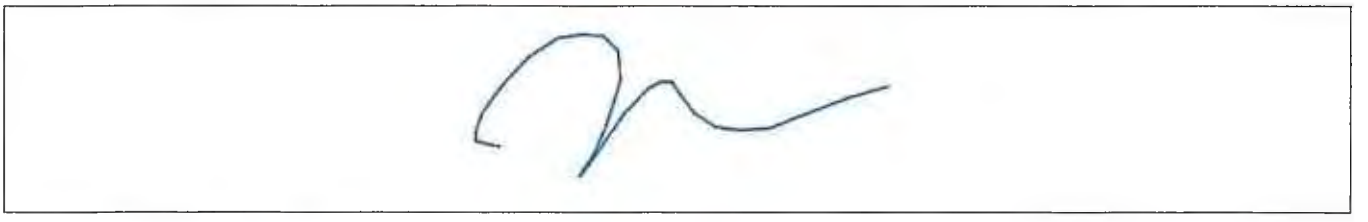
Signatures

Type of Person Signing: EMS Primary Care Provider (for this event)

Signature Reason: Report Author

Paragraph Text:

Status: Signed



Printed Name: Nicholas Wilson

Signature Date: 03/04/2020 00:46:55

ECG Waveforms

Medical Devices

Time: 03/03/2020 23:36:16
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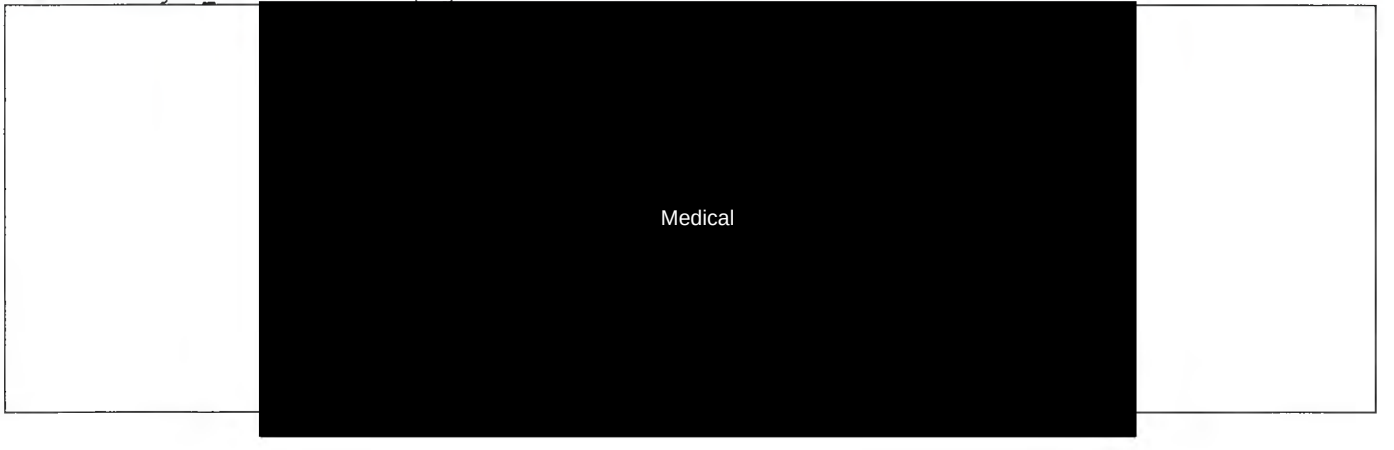

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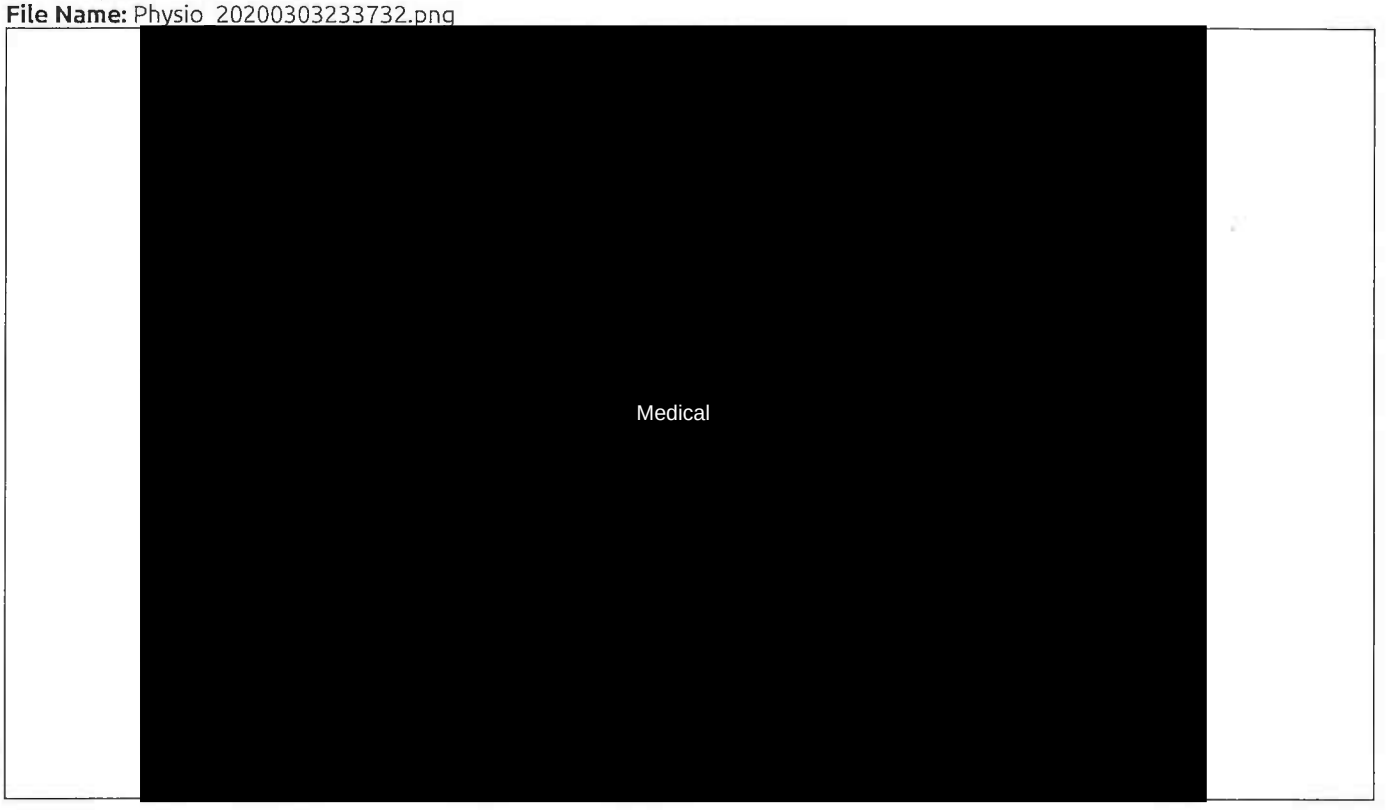

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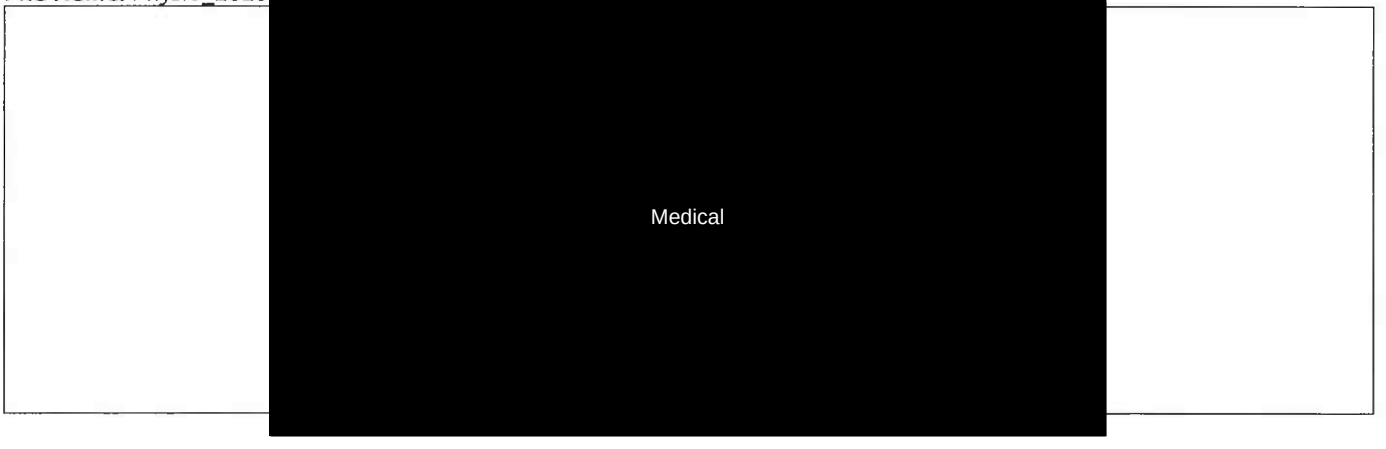

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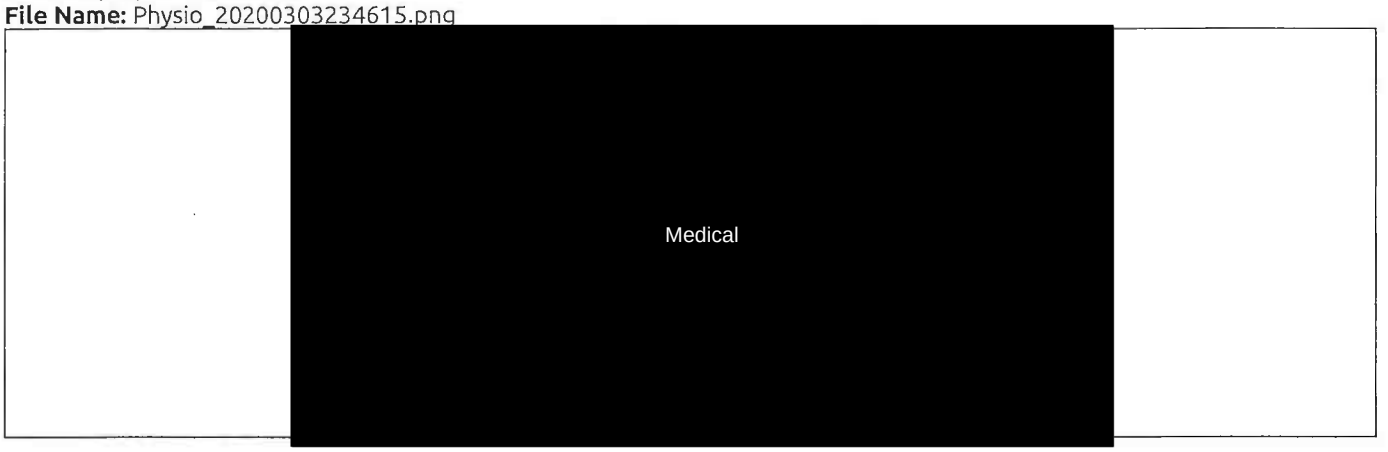

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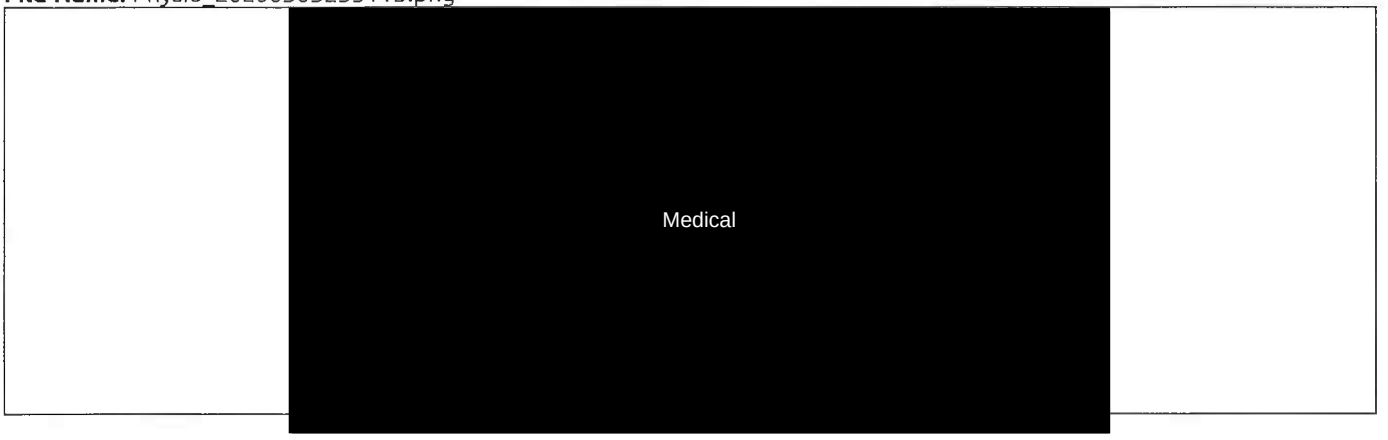

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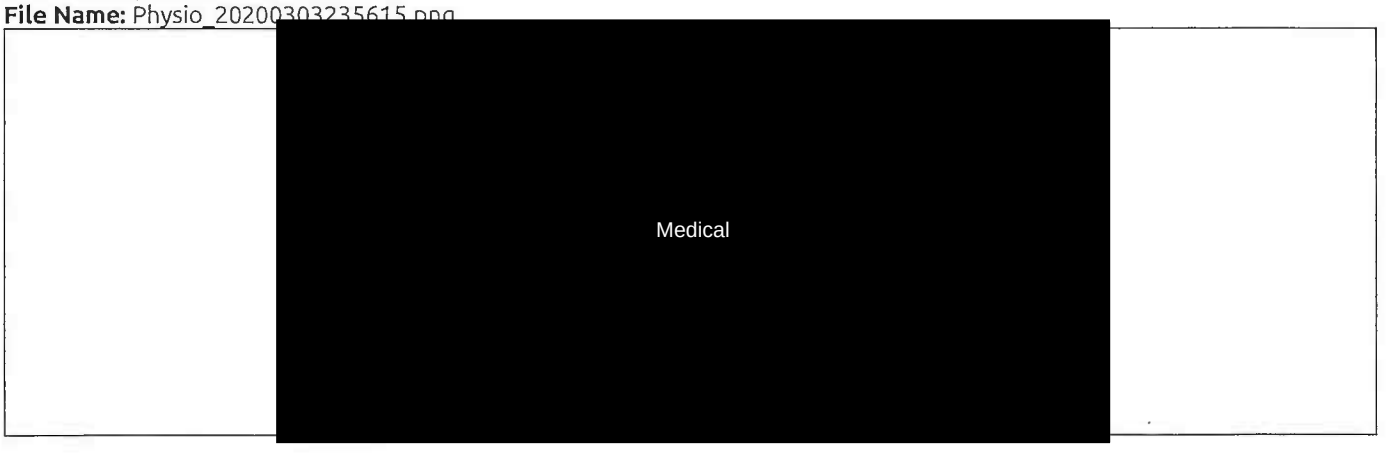

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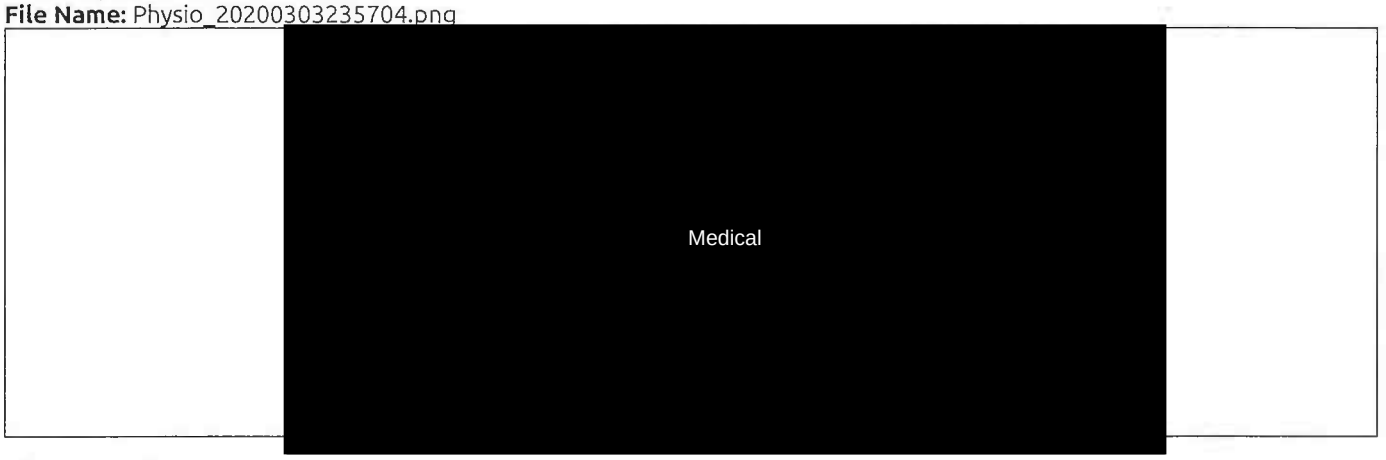

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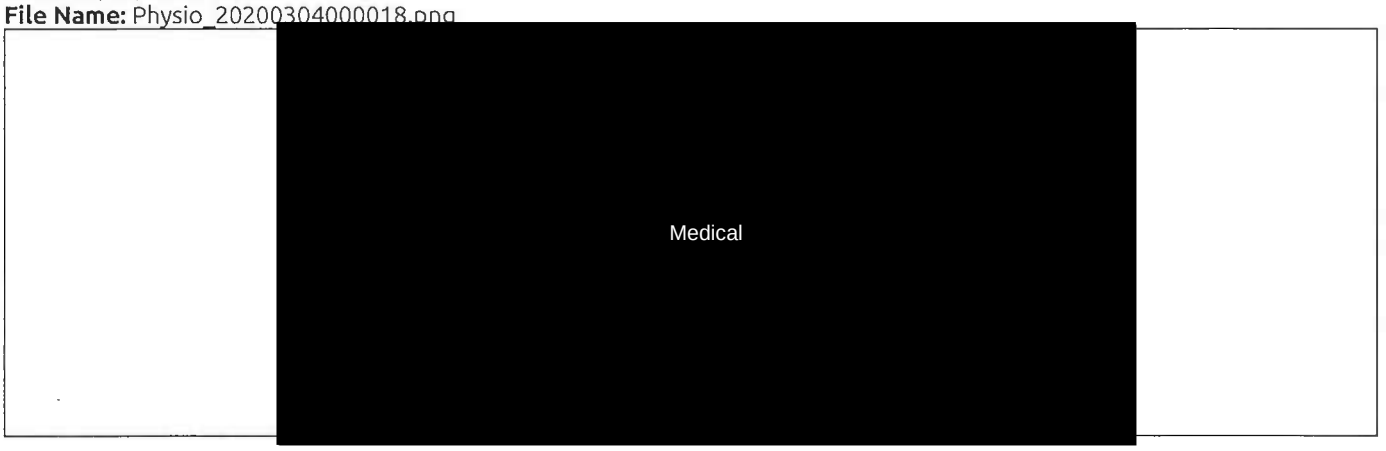

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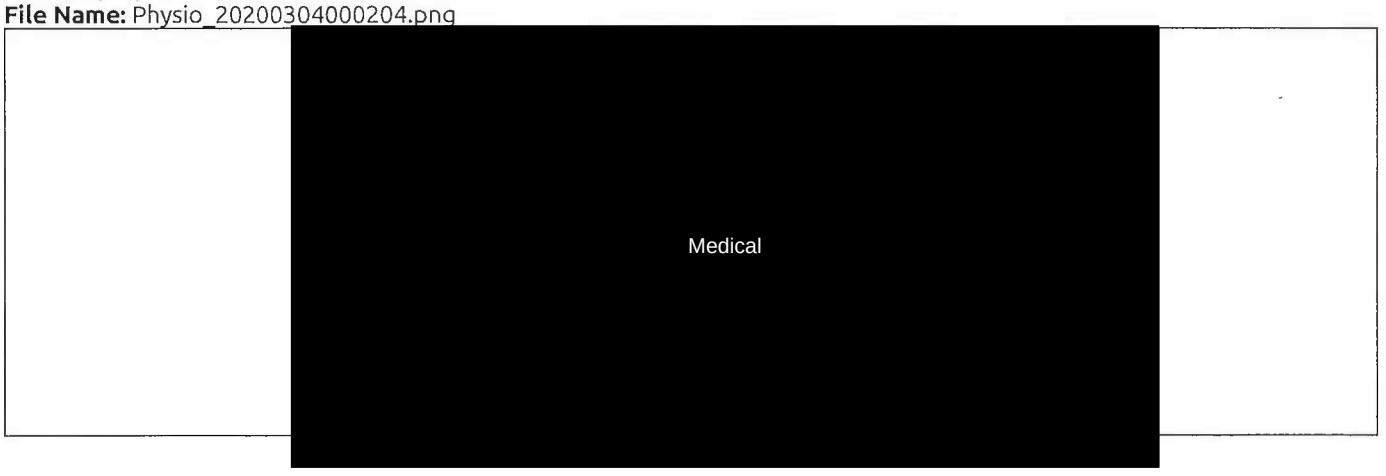

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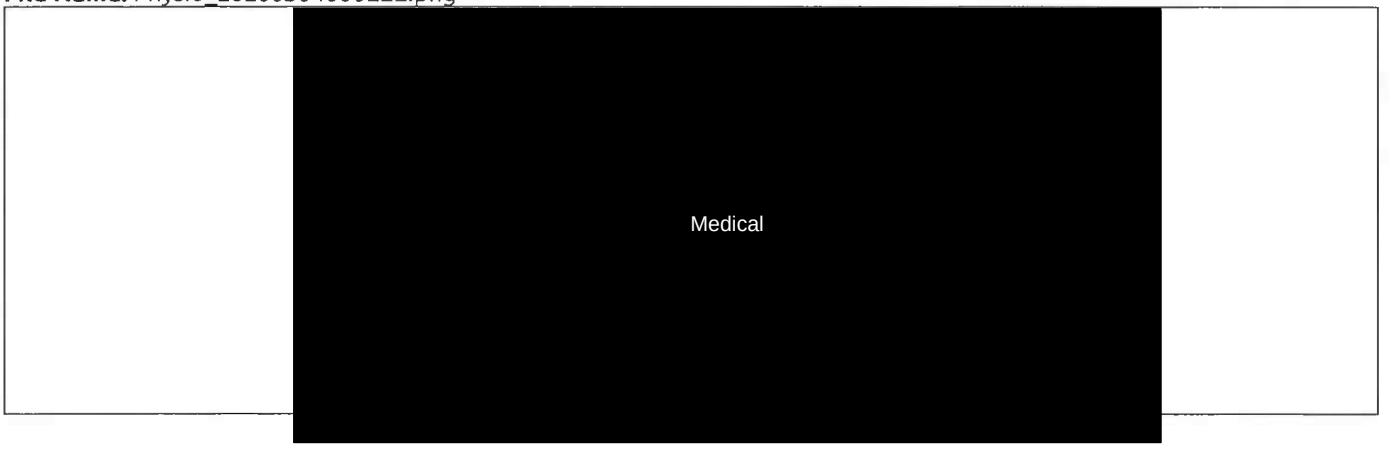

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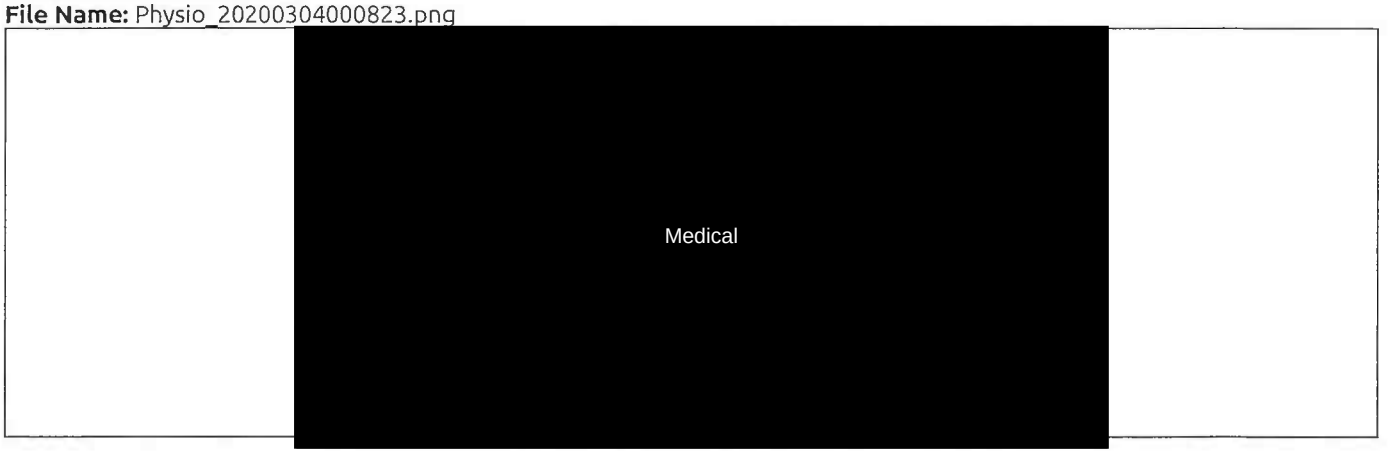

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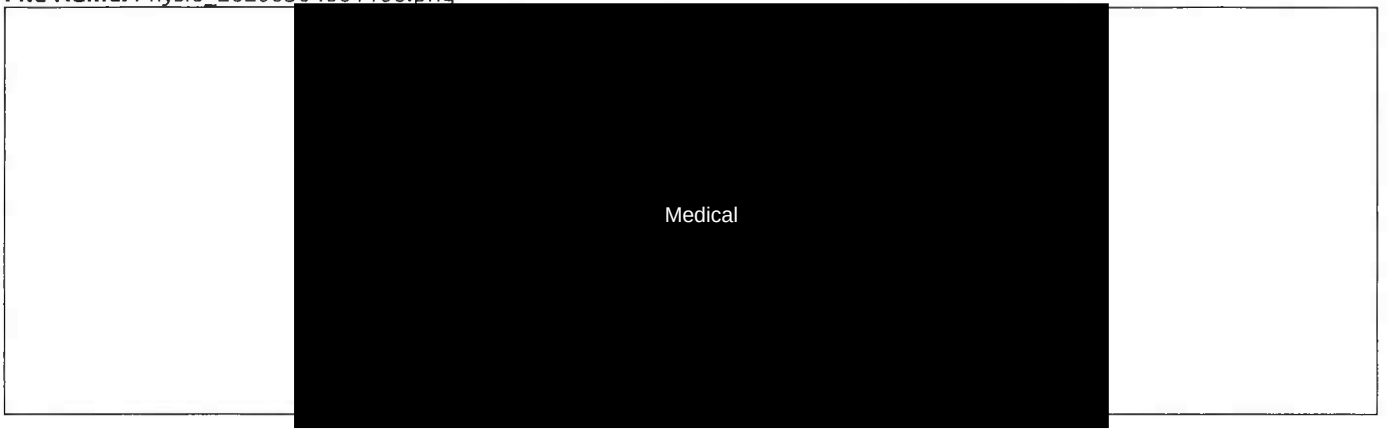


TAB 41

Autopsy Report

Autopsy Report

Autopsy Report

Autopsy Report

Autopsy Report

TOXICOLOGY LABORATORY
WASHINGTON STATE PATROL
2203 Airport Way South Suite 360 Seattle, WA 98134
(206) 262-6100 FAX No. (206) 262-6145

TOXICOLOGY TEST REPORT

Attention: Dr. Thomas B. Clark III

Agency: Pierce Co Medical Examiner

Address: 3619 Pacific Ave
Tacoma, WA 98418-7929

Tox Case #: **ST-20-02989** **Case Type:** Death Investigation **Report Date:** 4/21/2020

Agency Case #: **200519** **Subject Name:** **Manuel Ellis**

Evidence: The following evidence was submitted to the Laboratory by Jen Schaler of the Pierce Co Medical Examiner on 3/5/2020 via USPS-1st Class Mail:
(1) ST-20-02989-A: VGray, Blood - Peripheral

Drug Analysis Results:

ST-20-02989-A: Blood - Peripheral

ST-20-02989-A was tested by NMS Labs.

Please see attached report from NMS Labs

COMMENTS

Sample tested at NMS Labs. Report Date: 04/11/2020. See attached report.

All testing was performed by the Forensic Scientist listed below except as otherwise indicated. The Forensic Scientist has technically reviewed all relevant pages of testing documentation in the case record.

Examined by:

Asa Louis, BSc
Forensic Scientist 3
Date: 20200427

Reviewed by:

Brianna Peterson
Reviewer
Date: 4/28/20

RECEIVED
MAY 05 2020
BY: AP

Request ID: ST-20-02989-0001

NMS Labs
200 Welsh Road, Horsham, PA 19044-2208
Phone: (215) 657-4900 Fax: (215) 657-2972
e-mail: nms@nmslabs.com
Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory

CONFIDENTIAL

Toxicology Report

Report Issued 04/11/2020 18:00

To: **60156**
Washington State Toxicology Laboratory
2203 Airport Way Suite 360

Seattle, WA 98134

Patient Name	ELLIS, MANUEL
Patient ID	ST-20-02989
Chain	NMSCP50627
Age Not Given	**DOB** Not Given
Gender	Male
Workorder	20111012

Positive Findings:

Compound	Result	Units	Matrix Source
Ephedrine	19	ng/mL	001 - Peripheral Blood
Phenylpropanolamine	39	ng/mL	001 - Peripheral Blood
Amphetamine	54	ng/mL	001 - Peripheral Blood
Methamphetamine	2400	ng/mL	001 - Peripheral Blood

See Detailed Findings section for additional information

Testing Requested:

Analysis Code	Description
8051B	Postmortem, Basic, Blood (Forensic)

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
001	Gray Top Tube	9.25 mL	Not Given	Peripheral Blood	

All sample volumes/weights are approximations.
Specimens received on 04/02/2020.

RECEIVED
MAY 05 2020
BY: AT

Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Ephedrine	19	ng/mL	5.0	001 - Peripheral Blood	LC-MS/MS
Phenylpropanolamine	39	ng/mL	20	001 - Peripheral Blood	LC-MS/MS
Amphetamine	54	ng/mL	5.0	001 - Peripheral Blood	LC-MS/MS
Methamphetamine	2400	ng/mL	50	001 - Peripheral Blood	LC-MS/MS

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Reference Comments:

1. Amphetamine - Peripheral Blood:

   Amphetamine (Adderall, Dexedrine) is a Schedule II phenethylamine CNS-stimulant. It is used therapeutically in the treatment of narcolepsy and obesity and also in the treatment of hyperactivity in children. Amphetamine has a high potential for abuse. When used in therapy, initial doses should be small and increased gradually. In the treatment of narcolepsy, amphetamine is administered in daily divided doses of 5 to 60 mg. For obesity and children with attention deficits, usual dosage is 5 or 10 mg daily.

   Following a single oral dose of 10 mg amphetamine sulfate, a reported peak blood concentration of 40 ng/mL was reached at 2 hr. Following a single 30 mg dose to adults, an average peak plasma level of 100 ng/mL was reported at 2.5 hr. A steady-state blood level of 2000 - 3000 ng/mL was reported in an addict who consumed approximately 1000 mg daily.

   Overdose with amphetamine can produce restlessness, hyperthermia, convulsions, hallucinations, respiratory and/or cardiac failure. Reported blood concentrations in amphetamine-related fatalities ranged from 500 - 41000 ng/mL (mean, 9000 ng/mL). Amphetamine is also a metabolite of methamphetamine, benzphetamine and selegiline.

2. Ephedrine - Peripheral Blood:

   Ephedrine is a naturally occurring, active stimulant of the sympathetic nervous system that may cause bronchodilation, vasoconstriction and increased cardiac activity. The drug has mild central nervous system stimulant effects. It is found in a number of Ephedra plant species. Ephedrine is used therapeutically as a nasal decongestant and bronchodilator. A number of food supplements containing Ephedra alkaloids (that provide between 8 and 24 mg per dose) are sold as stimulants and aids for weight loss.

   Ephedrine is metabolized by the liver primarily to phenylpropanolamine (norephedrine). From 70 - 80% of an oral dose is eliminated in the 48 hour urine as the parent compound, with about 4% being present as phenylpropanolamine.

   Peak plasma concentrations 1 hour after taking a single 24 mg oral dose were reported to be 100 ng/mL; during chronic total daily 45 mg oral use in 3 equal doses, a plasma concentration of 95 ng/mL was measured at 4 hr, and 65 ng/mL at 6 hr after an additional 15 mg dose. Fatalities with ephedrine have been reported with blood concentrations that range from 3500 - 21000 ng/mL.

3. Methamphetamine - Peripheral Blood:

   d-Methamphetamine is a DEA schedule II stimulant drug capable of causing hallucinations, aggressive behavior and irrational reactions. Chemically, there are two forms (isomers) of methamphetamine: l- and d-methamphetamine. The l-isomer is used in non-prescription inhalers as a decongestant and has weak CNS-stimulatory activity. The d-isomer has been used therapeutically as an anorexigenic agent in the treatment of obesity and has potent CNS-, cardiac- and circulatory-stimulatory activity. Amphetamine and norephedrine (phenylpropanolamine) are metabolites of methamphetamine. d-Methamphetamine is an abused substance because of its stimulatory effects and is also addictive.

Reference Comments:

A peak blood concentration of methamphetamine of 20 ng/mL was reported at 2.5 hr after an oral dosage of 12.5 mg. Blood levels of 200 - 600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions.

*In this case, the level of methamphetamine determined has not been differentiated according to its isomeric forms. Differentiation of the isomers of methamphetamine is available upon request.

4. Phenylpropanolamine (Norephedrine; PPA) - Peripheral Blood:

Phenylpropanolamine is a synthetic sympathomimetic drug; potencies and pharmacological effects are approximately equivalent to ephedrine. The compound is normally available as the hydrochloride salt of the racemic mixture. Phenylpropanolamine is not a controlled substance. At one time the drug was administered orally in doses between 6 and 50 mg for use as a decongestant, often in combination with antihistamines and analgesics in 'cold' remedies. In addition, the drug was widely used as an over-the-counter (OTC) diet aid in doses between 25 and 75 mg. Phenylpropanolamine was removed from the US market beginning in November 2000 due to concerns over its cardiovascular toxicity. Phenylpropanolamine (also known as norephedrine) is a metabolite of ephedrine and a minor metabolite of amphetamine.

Reported peak plasma concentrations of phenylpropanolamine following a 50 mg dose averaged 180 ng/mL at 1 to 2 hrs. Average peak plasma concentrations of 280 ng/mL were reported 6 hrs following administration of 150 mg phenylpropanolamine in a sustained-release formulation to 6 volunteers.

Phenylpropanolamine is capable of causing dizziness, palpitations, tachycardia, nervousness, insomnia, hypertension, and cardiac arrhythmias. Single doses of 50 to 75 mg have produced anxiety, agitation, hallucinations, and tremor in susceptible persons. Slightly higher doses have caused severe headache and hypertensive crisis in a number of individuals. In one deliberate fatal overdose case, a blood concentration of 48000 ng/mL was reported.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded six (6) months from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 20111012 was electronically signed on 04/11/2020 17:07 by:

Jolene J. Bierly

Jolene J. Bierly, M.S.F.S., D-ABFT-FT
Forensic Toxicologist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acode 50010B - Amphetamines Confirmation, Blood - Peripheral Blood

-Analysis by High Performance Liquid Chromatography/ Tandem Mass Spectrometry (LC-MS/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Amphetamine	5.0 ng/mL	Methamphetamine	50 ng/mL
Ephedrine	5.0 ng/mL	Norpseudoephedrine	5.0 ng/mL
MDA	5.0 ng/mL	Phentermine	5.0 ng/mL
MDEA	5.0 ng/mL	Phenylpropanolamine	20 ng/mL
MDMA	5.0 ng/mL	Pseudoephedrine	5.0 ng/mL

Acode 8051B - Postmortem, Basic, Blood (Forensic) - Peripheral Blood

Analysis Summary and Reporting Limits:

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Amphetamines	20 ng/mL	Fentanyl / Acetyl Fentanyl	0.50 ng/mL
Barbiturates	0.040 mcg/mL	Methadone / Metabolite	25 ng/mL
Benzodiazepines	100 ng/mL	Methamphetamine / MDMA	20 ng/mL
Buprenorphine / Metabolite	0.50 ng/mL	Opiates	20 ng/mL
Cannabinoids	10 ng/mL	Oxycodone / Oxymorphone	10 ng/mL
Cocaine / Metabolites	20 ng/mL	Phencyclidine	10 ng/mL

-Analysis by Headspace Gas Chromatography (GC) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

Autopsy Report

Autopsy Report

Autopsy Report

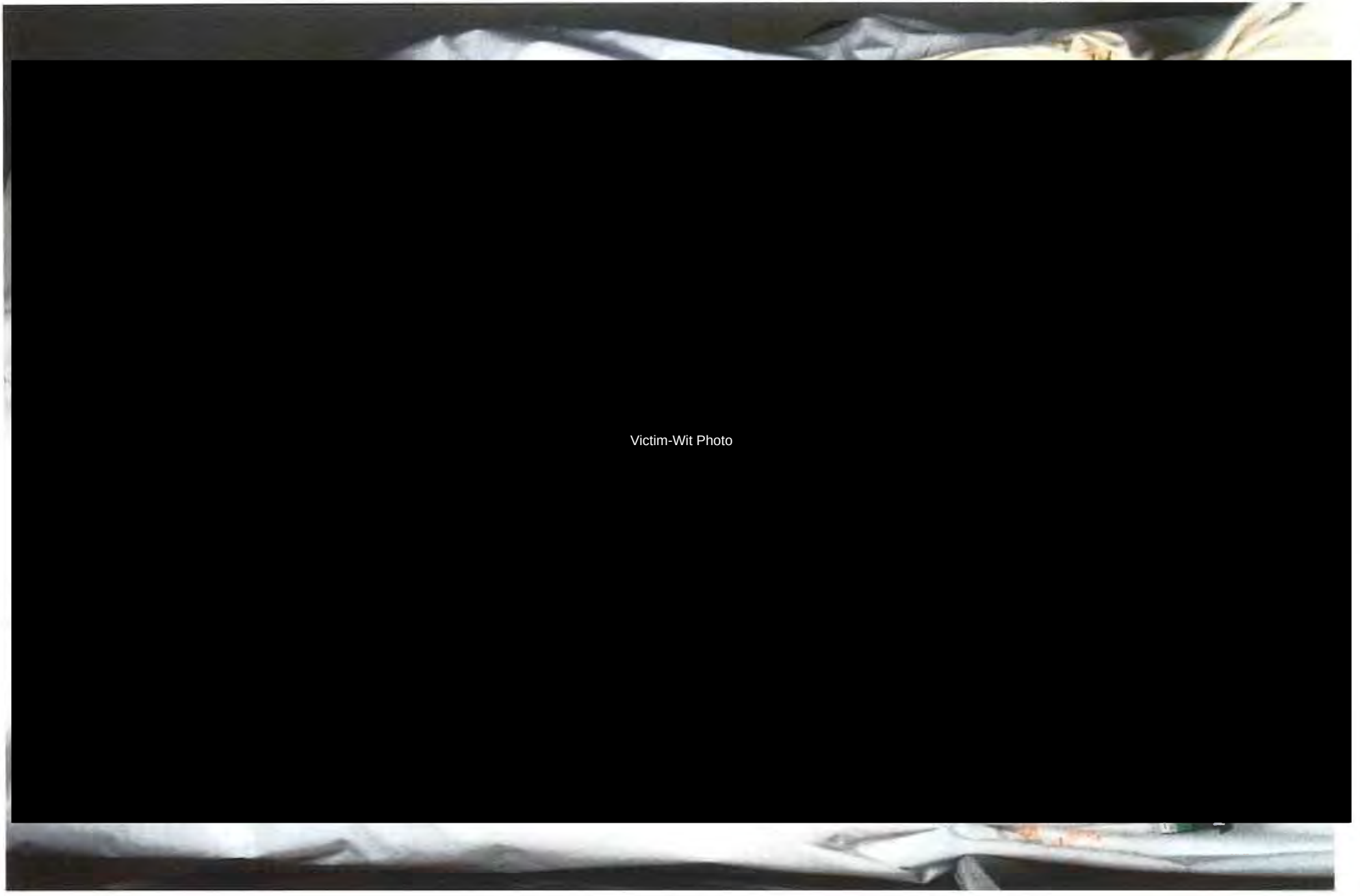
Autopsy Report

Victim-Wit Photo

Victim-Wit Photo

Victim-Wit Photo

Victim-Wit Photo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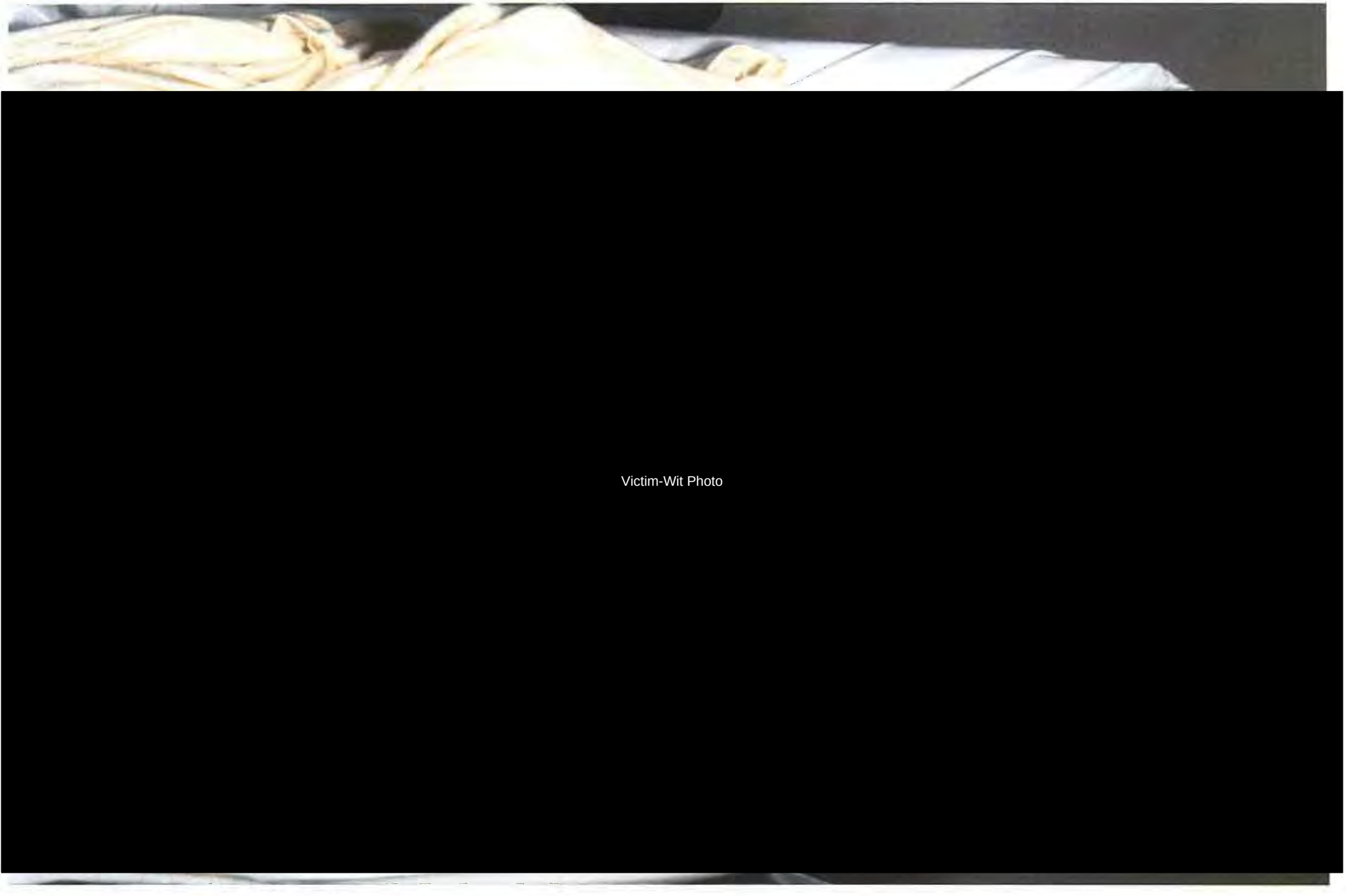
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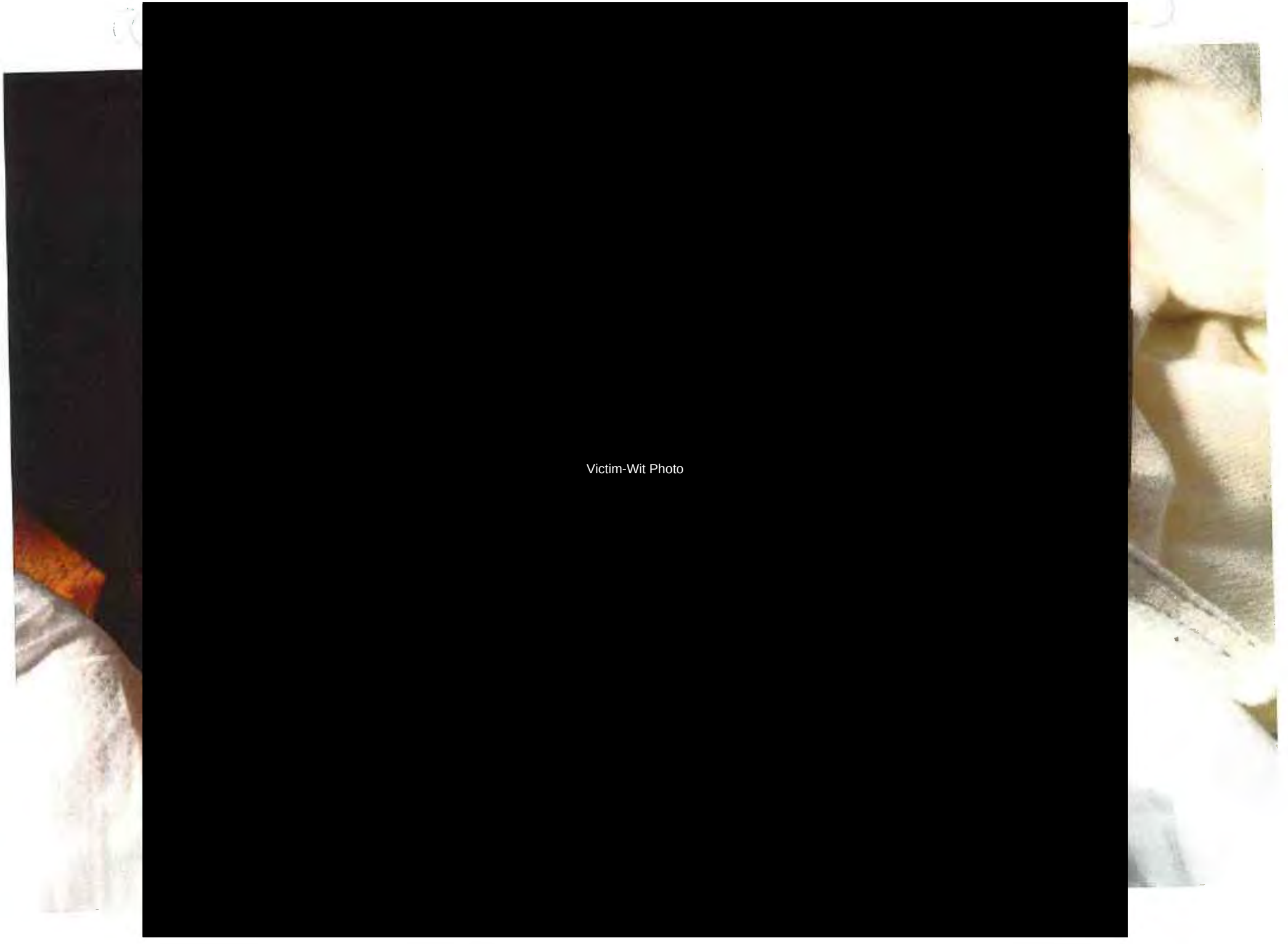
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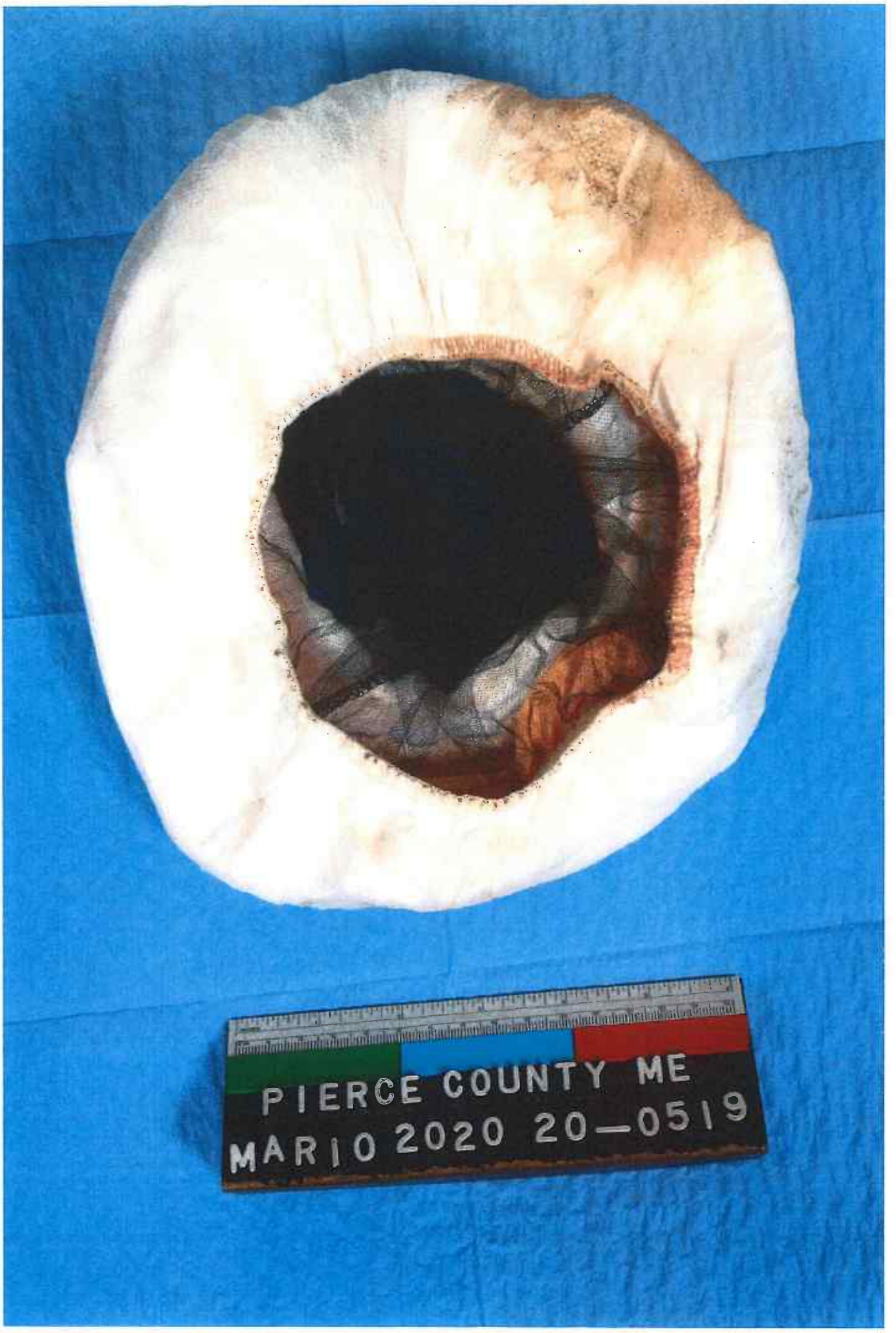
PIERCE COUNTY ME
MAR 10 2020 20—0519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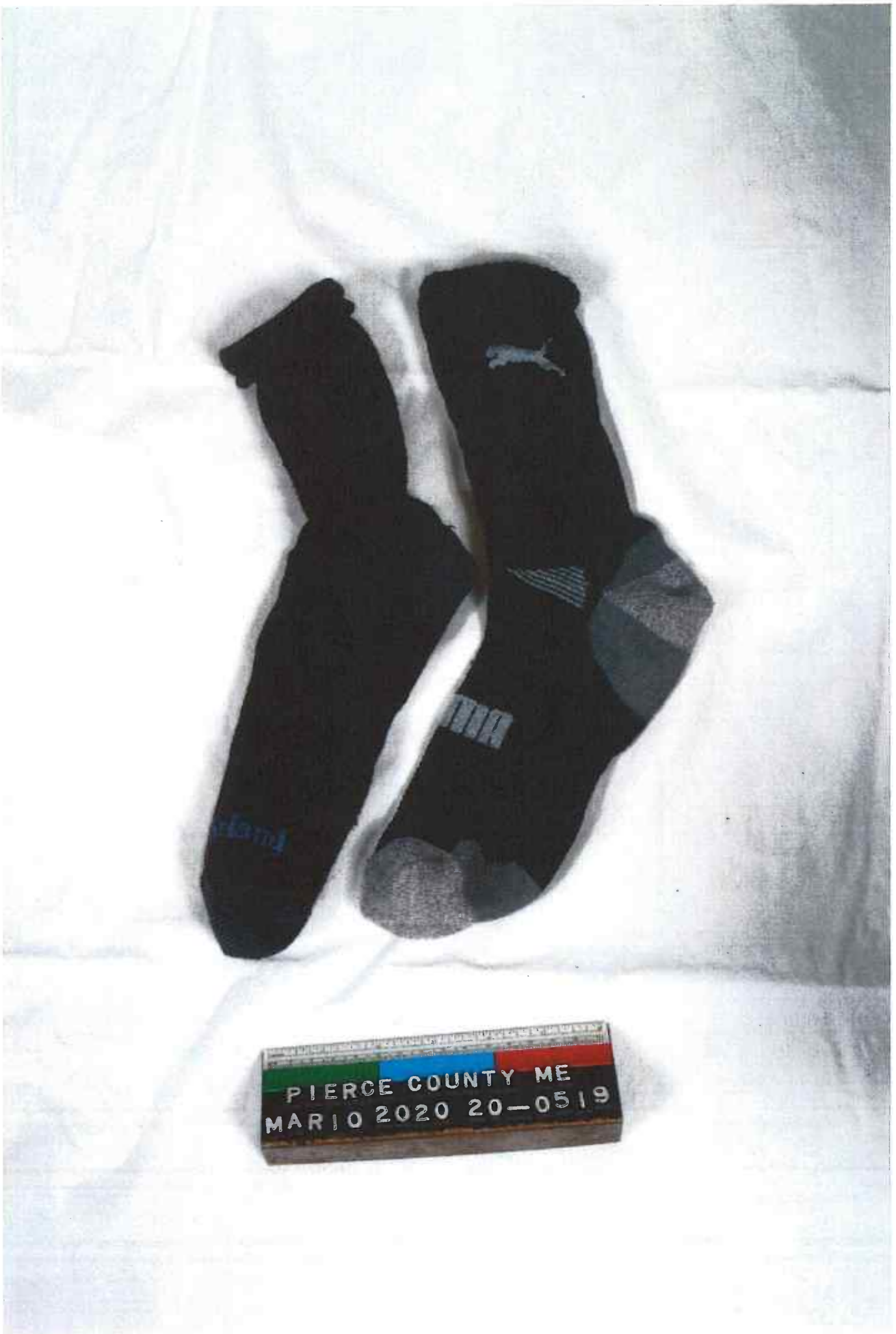
MARIO 2020 20—0519

PIERCE COUNTY ME
MAR 10 2020 20-0519


PIERCE COUNTY ME
MAR 10 2020 20-0519

PIERCE COUNTY ME
MARIO 2020 20—0519

NIKE
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NIKE
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PIERCE COUNTY ME
MAR 10 2020 20—05199

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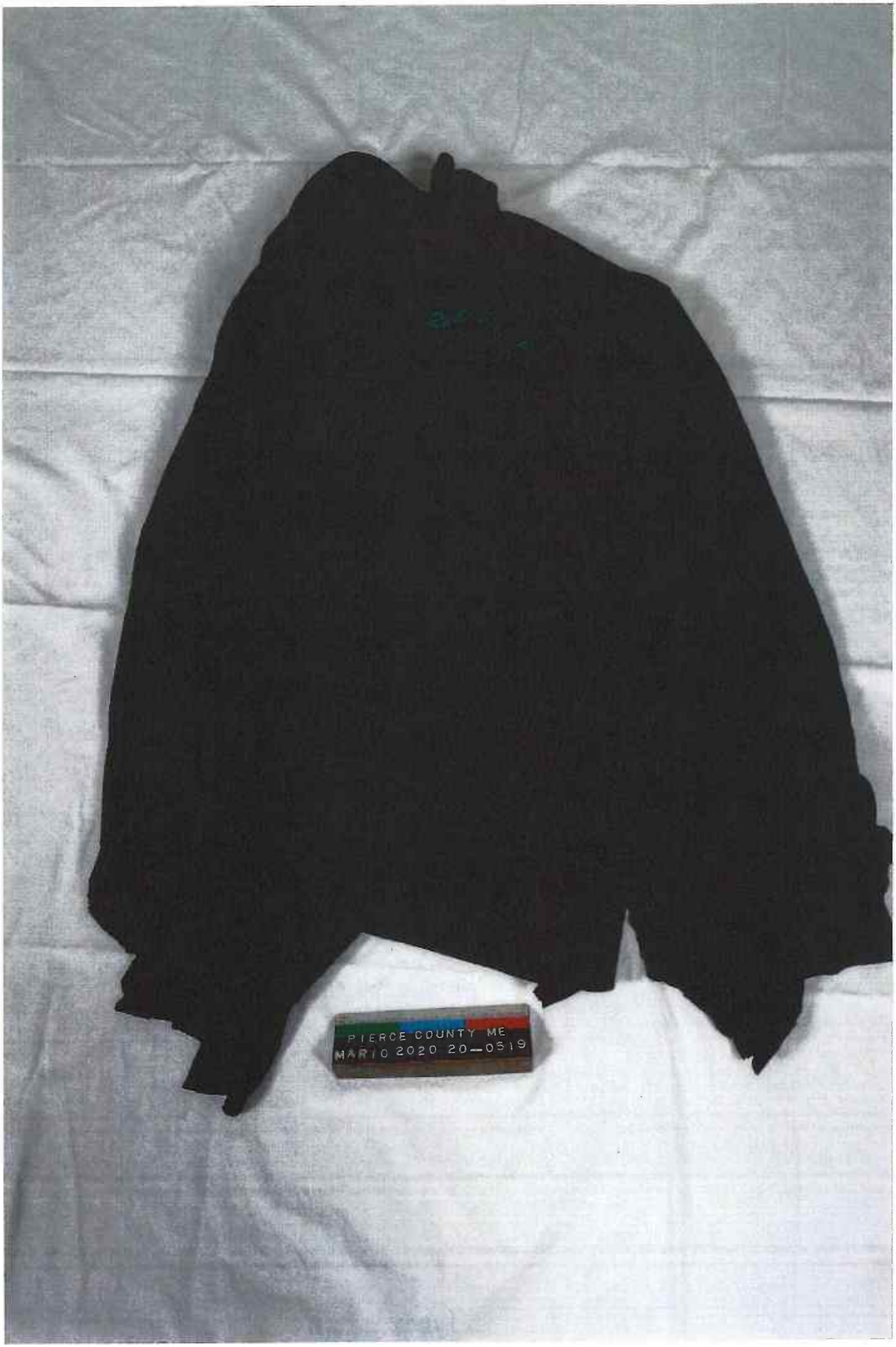
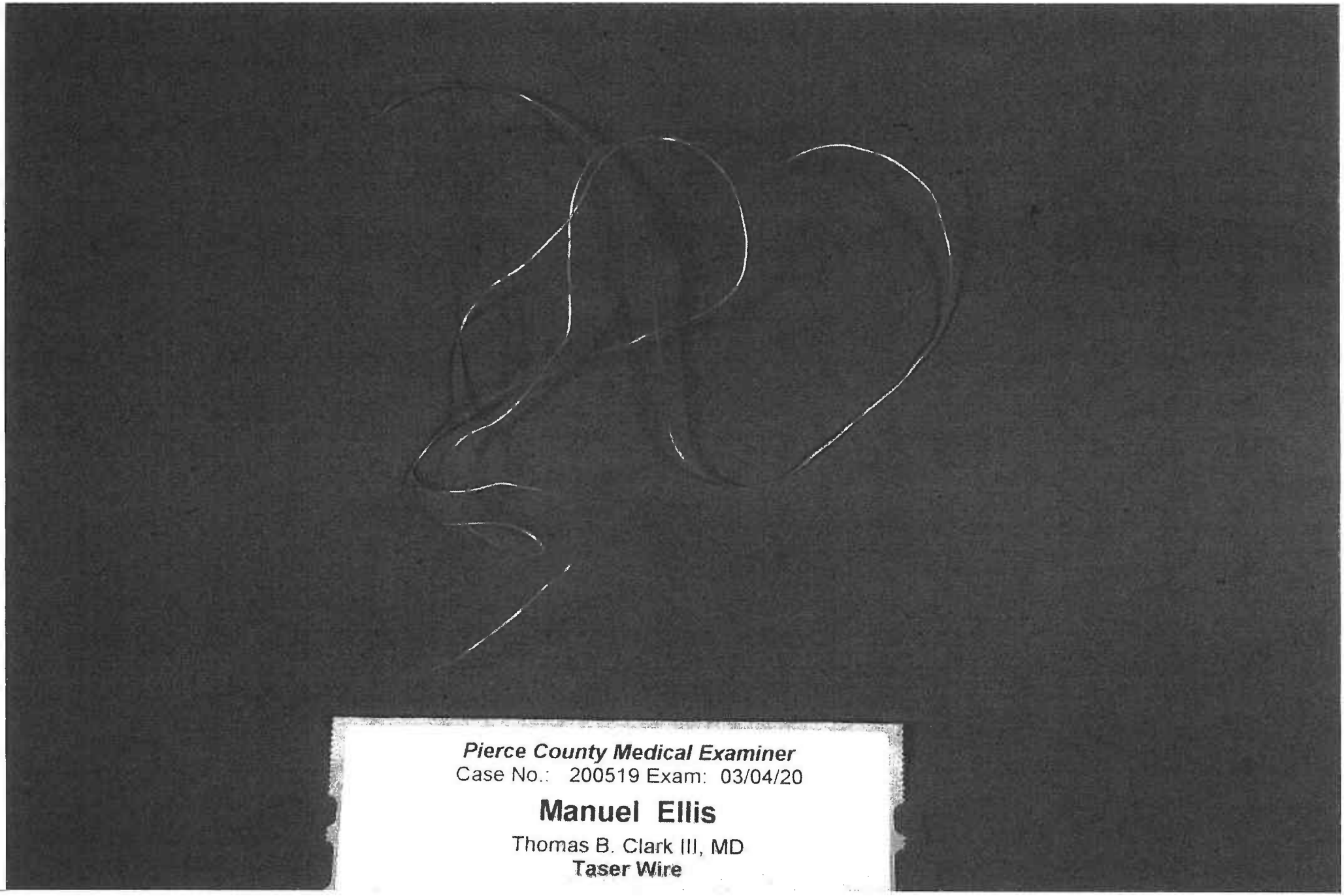
MAR 10 2020 20-0519

PIERCE COUNTY ME
MAR 10 2020 20-0519

PIERCE COUNTY ME
MAR 10 2020 20-0519


PIERCE COUNTY ME
MAR 10 2020 20-0519

Tournament
PIERCE COUNTY ME
MAR 10 2020 20-0519



Pierce County Medical Examiner
Case No.: 200519 Exam: 03/04/20

Manuel Ellis

Thomas B. Clark III, MD
Taser Wire

TAB 42

WASHINGTON STATE PATROL
Criminal Investigation Division

Interview

Interviewer:	(JR) Det. Jeff Rhue	**Case Number:**	
Date:	September 23, 2020	**Time:**	0900 hrs
Place:	Via Zoom	**Incident Type:**	
Interview of:	Dr. Thomas Clark III	**DOB:**	

Zoom began with Dr. Clark joining at 0900 hrs.

Note taking agreed upon in lieu of recording. Offer and agreement to send the notes, agreed to by Dr. Clark.

This is not an exact transcription.

1. Do you remember this particular autopsy?

I do. Law enforcement was present for the autopsy. At that time there were three autopsy technicians, believe all three were present that day. They do not track who does what among the technicians.

2. Where detectives present during the autopsy?

Law enforcement was present, no elaboration.

3. Cause of death. Hypoxia due to physical restraint.

Yes. Hypoxia is the lack of oxygen in the blood stream. Simple term, no oxygen.

4. What other circumstances do you see hypoxia as a cause of death?

Ultimately you see hypoxia in every cause of death

Relevance depends on time of death

If primary there are many causes

Airway obstruction is one, which was present in this case

There are numerous other causes, such as carbon monoxide, disease, pretty non-descript and meaningless

It is a non-specific term

5. Manner of Death. What are the classifications for manner of death?

Good question

Manner is different

Manner is determined for coding

It is determined for health department

Statutory requirement for death certificate

Only four choices, natural, homicide, accident or suicide

Or undetermined, not a real choice

Natural death does not involve external forces.

External forces arise outside body: injury, blunt force, gun shot, etc

Natural arises inside the body: old age, heart attack, stroke, etc

All drugs are external forces

External force exists and is substantial cause death to be classified as unnatural

Example: Alcohol over long period resulting in disease would be natural

Important concept to understand the difference between natural and unnatural

If at least one external force contributed significantly, must be classified as unnatural

To distinguish must consider intent

If no intent by human to harm self, no intent by another human, in other words no intent at all is accident; such as car accident, fall, drug overdose

Not all, push and fall would be exception to this rule based on intent

If intent by human to harm self it is a suicide, and doesn't matter if they intended to die, only matters that they took action that could lead to death

An important distinction, intending to die isn't required, just likely probability

Homicide intent is the same, probability

Different from prosecutor use of classification of homicide, distinction between intent that medical examiner does not have

Prosecutor might decide to prosecute a motor vehicle crash, caused by drunk driver that a Med Examiner called an accident; because driver had intent

No requirement that they match, and no correlation between the two terms, they are different

LE more experienced with prosecutor classification versus ME classification for coding purposes

6. Homicide. What is the definition?

Why called this a homicide?

Multiple factors that could have caused the death

Some listed in diagnosis on page 2, but not all

Natural disease, a dilated heart

Heart weighs 480 g, heart weight can vary depending on individual weight, but if heart is more than about 400 g it has potential to cause death all by itself

Could elaborate, but likely too much detail, related to presence of methamphetamine

The bigger the heart the more likely to cause death, there is a bell curve

When heart is too big, with every heartbeat higher chance to die

When using cocaine with large heart every heartbeat higher chance to die, cardiac dysrhythmia

Continuum, isn't possible to say at a heart weight of 600 g you are going to die, you might not, but at 600 g higher probability, all other things being equal

That is the only natural factor to consider

His heart is too big

In terms of how much, 400 is probably the lower limit, but see people with 800 g heart die of something else

Isn't possible to say whether or not heart weight was a primary factor or even a factor, because you can't detect anything after the fact in the autopsy

Nothing you can look at in terms of microscopic slides that says that heart weight caused the death

Evidence disappears at time of death

Could potentially be the cause, but not certain

Multiple external considerations present

Most obvious is methamphetamine

In Pierce County significant, methamphetamine is a common cause of death

Methamphetamine has both acute and chronic effects

Raises blood pressure, left with the equivalent of having high blood pressure for longer

Acute, can cause cardia dysrhythmia

Heart normally has pace maker, fires, firing actually is a depolarization of heart cells

Normally a balance between sodium, potassium and electrical which reverses during depolarization

Heart contracts, pumps blood, relaxes, depolarizes, and waits for next depolarization

Almost any cell in heart can become a pace maker as result of using methamphetamine or hypoxia

Methamphetamine is arrhythmogenic, and can cause an arrhythmia

Often, not always, but most of time causes ventricular… [missed this]

If another heart cell fires at same time as primary pace maker, can cause dysrhythmia

Can also prevent heart from depolarizing

Electrical shock can force depolarization of all the cells at once

A heart that is too big can do that spontaneously, which results in a heart attack

Myocardial infarction is cell death

Sudden death from heart dysrhythmia don't usually have cell death

Myocardial infarction can go on for days, and creates scar tissue

Generally classified as heart attack

Can die from cardiac dysrhythmia, but no evidence in autopsy

In this case, multiple factors that could have led to dysrhythmia

Methamphetamine concentration will be talked about and Ischemia will specifically be talked about later

Hypoxia, we know from LE experience that restraint is a cause of hypoxia when someone is agitated particularly if you constrain them and they can't breathe normally, this causes hypoxia, and can be in and of self a cause of death

Someone agitated or short of breath (for example exercise, fight) restrained, has higher potential of dying than someone not restrained

In this case, the details of restraint weren't clear at time of autopsy and keep changing

This is Problematic

The use of the spit hood has not changed, but amount of time applied does change, timeline from Sheriff Office is corrected from initial report

Factors not changing are position and restraints, Taser (can cause death but usually doesn't), handcuffed, hobbled, placed on side

Subsequently he has been told, and has notes, that decedent was placed face down, then turned to his side

Decedent was face down at least twice, don't know timing, maybe no one does

Restrained which would have produced hypoxia

Last sentence of autopsy report is important as it relates to methamphetamine

He is not claiming to be 100% correct, he fulfilled legal requirement

No regrets and would sign it again given the same factors, exactly the same way

Signed long before current social unrest began, this, and his opinion, is not related to that

7. Page 4. Heart wt 480 g. Average weight?

8. Page 4. Left ventricle wall ranges from 15-18mm. Is that normal?

9. Page 4. Lung wt Right 800g. Left 490g. Is that normal?

10. Page 4. Both lungs appeared congested. Describe that?

11. Page 5. Sections of lung show edema and focal intra-alveolar hemorrhage.

What does that mean?

Pulmonary edema, present in many if not most people who die

Non-specific

Means airway leaking fluid into the air spaces

Can happen due to fluid overload

Can get it from heart failure

Gravity post mortem

Lungs different weights, so gravity could be playing a role

If someone isn't level, fluid can run into a lung

At autopsy you can't tell

Discount pulmonary edema

A result not a contribution in this case

Can't recall if deceased had IV fluid, yes, he had IV, so could be a result of resuscitation

Hemorrhage, non-specific

Actual red blood cells pulled through walls into spaces

Same factors for edema can cause hemorrhage

Not uncommon to find small amount

This had more than usual red blood cells which made it noteworthy

Anything that causes a decrease in alveolar pressure can cause this

If you expand your chest, but something is obstructing, it increases negative pressure which can cause red blood cells to be pulled through, could cause but not necessarily in this case

Not enough of this to compromise pulmonary function

12. Page 2. Autopsy does not reveal anatomical cause of death. What does that statement mean?

13. Page 2. Methamphetamine concentration of 2400 ng/mL. What source do you use to determine that is a fatal dose?

The more methamphetamine on board the more likely dysrhythmia as result of methamphetamine

However, methamphetamine concentration, whether caused death or not is highly individual

Same methamphetamine dose can kill one and not another, whether it causes dysrhythmia is probability not absolute numbers

Methamphetamine dose increases probability of death, but one person may die and one may not

Heart cell firing would relate

Nothing you can look at autopsy to see if methamphetamine concentration caused arrhythmia

Have to remove all other causes in order to prove it

For example, 25 year old healthy person, takes methamphetamine, dies, autopsy, nothing else identified, overwhelming cause of death is methamphetamine, but not 100%

Sometimes heartbeat doesn't work right, can cause death

In case of meth, this concentration is 2400 Nano grams per liter, reported to .09 mg/L can cause death, but people have lived with more

Wide range of methamphetamine quantity use; however, most people start, the concentration we see when methamphetamine blamed, typical 1 mg/L or 1000 Nano gram per mL and this is 2400; so again, 2400 could've caused to die but not necessarily, and autopsy can't say methamphetamine one way or the other

Balancing three things that leave no evidence

14. Page 2. (Progressive hypoxia)...positioning and placement of a mask over the mouth is a significant factor, and possibly the most important factor. Why do you make that statement? What is your experience with "spit masks"?

Someone had spit hood, put over face, the timing was initially given (referring to notes)

Recollection was that decedent said he couldn't breathe, spit bag placed anyway, up to six minutes potentially was the information at time of his report

June 9th, he received new information, a call from Det Brockway, Kevin Roberts, Keith Barnes from the prosecutor's office

Dr. Clark asked if investigation team has notes from autopsy, advises need to request the notes from the case file, there are a lot of them

He made a long note on June 9th, describing phone call, arranged by Keith Barnes

Weekend before they were scheduled to give presentations, but ME was done with his report at this point, Brockway was reviewing case and discovered discrepancy on spit sock, 2327 hrs placed sock after that was new info, meaning sock was in place (sock and hood interchangeable) interpreted spit hood in place 3-5 min less than originally thought, which is different from report

Additional information that decedent moved from stomach to side at least twice (this is in notes)

ME was not asked to change report, just given additional information

Would it have changed opinion? Hadn't addressed that

Factors at time of report might have been slightly different than what he thought, but not sure, history has changed so many times not sure it is reliable at this point

Factor, short of breath, put hood over decedents head didn't change

A lot of these cases, has to call them homicide if someone is shot, but the ones where balancing drugs has called some homicides but more inclined to favor drugs, in many cases a more important factor

Had it not been for spit hood, just hog tied, not sure the answer would have been same, but since all wearing masks it makes it difficult to breathe

Air hunger, from personal experience, walking up a hill with a mask, maybe not directly applicable, but can relate current experience wearing masks to the potential impact to decedent

Mask that was used was not easily breathable, inside covered with mucus, effectively sealing it

Don't know exact application of the spit sock

Any way over the head would have compromised breathing

Reasonable degree of medical certainty is the threshold, 51%

Reasonable sure to 51% that one factor dominates others, then that is used for cause and manner of death

Reiterate that homicide does not mean officers intended to kill this individual

Even if this was his opinion he would not express or write about his opinion in the context of work

The spit hood doesn't mean the other factors weren't important

Means to a degree of 51% or more that he feels hypoxia was triggering factor

Clear hypoxia occurred due to restrained and sock over head

Without question, tied up and hood over head

Intent, for lack of better term, not his problem

Officer doing something wrong, not his issue, a job for supervisors, protocol, policy; job for prosecutor, if the officer violated any laws

Important distinction

Most people equate ME homicide classification and Prosecutor homicide the same but they are different

ME is weighing multiple factors, natural condition, methamphetamine, ischemia

Could have died from methamphetamine without police presence or anything else, however, he didn't

He died after being restrained, and after external airway obstruction

Can't be just methamphetamine, must be weighed against all other factors

If police had only handcuffed, nothing else, would've been methamphetamine

Cuffed and on the ground, but still could've been methamphetamine

On ground, cant' breathe, spit hood, covered in mucus, didn't pass air, that rises to the level of 51% or more, can't give a specific number, and doesn't have to, but does think more likely than not hypoxia is the primary factor

15. What is your understanding of Excited Delirium Syndrome?

Have we seen the Washington Post article?

Is excited delirium legitimate or made up?

That article, can send (email to Mike), made the point that history of ExDS was promulgated by LE and prosecutors

Not sure that being excited by itself is enough to kill someone

Excited as related to drugs not necessarily relevant, identifying the drugs is

He may have used the term as a last resort, historically, but in retrospect should not have used it and hasn't in more than ten years

National Association of ME, has not published a position paper on ExDS with regard to existence or non-existence

Not as accepted as once was

16. Is ExDS something that would be ever included in a medical examiners report?

Was thought to be revelation when first invented/discovered, at that time he was working in the shadow of others in a larger office and used it as others did; didn't ever believe it existed independently and still doesn't

Not surprised it came up with this case, it always does

17. Anything else about the exam/autopsy that you think is important for us to know?

I don't necessarily think that re-testing a sample is a bad idea if there is reason to think that an additional test will make a difference in interpretation. It was a bad idea for you to order the test directly, without discussing it with either me or Dr. Cline-Parhamovich, and that your doing so crosses a line. You are not in a position to interpret the result, nor to explain why it is different from the NMS result. The WSP toxicology lab serves law enforcement and medical examiners and—for the most part, keeps those roles separate. The toxicology lab should not have accepted your

request. They should have told you to discuss it with the pathologist who submitted the specimen. I am surprised that you did not state a reason for ordering the test. Finally, I don't understand the comment attributed to Dr. Couper that "it will be easier for somebody from here to testify instead of bringing somebody from Philadelphia." Neither the tox lab nor WSP has the responsibility of bringing witnesses from Philadelphia if this case goes to trial—criminal or civil. That would be a decision for the prosecutor or plaintiff. Now it is likely that both NMS and WSP toxicologists will have to testify.

Lt Dan Richmond question: Mucus, potentially obstructing, came from Mr. Ellis or prior?

Dr. Clark response: Came from Mr. Ellis, would be his assumption, still wet, believes it came from decedent

Schroeder: Nothing further

Marken: Nothing further

Dr. Clark: Open to more meetings if needed. Recommends requesting entire autopsy file and need to request entire file and notes that would have been added later. A lot of notes written since June 3rd that should be reviewed. Notes are electronic and are not on paper, must be printed from information system and provided.

Transcribed by: *Jill Byram Dist. 7 CID 43*	***Date:*** *September 23, 2020*
Reviewed by: Name of Reviewer (usually Interviewer)	
Signature:	***Date:***

Roberts, Gary J

From: Marken, Michael (WSP)
Sent: Wednesday, September 23, 2020 1:50 PM
To: Rhue, Jeff (WSP); Richmond, Daniel (WSP); Schroeder, Robert (WSP)
Subject: Fwd: Dr. Clark interview 9/23/20
Attachments: 20200610-Review of Case 200519.pptx; Police keep using 'excited delirium' to justify brutality. It's junk science. - The Washington Post.pdf

Detective Sgt. Mike Marken
O:360-654-1141
C:425-508-1048

Begin forwarded message:

From: Thomas Clark <thomas.clark@piercecountywa.gov>
Date: September 23, 2020 at 1:37:20 PM PDT
To: "Marken, Michael (WSP)" <Michael.Marken@wsp.wa.gov>
Subject: RE: Dr. Clark interview 9/23/20

WARNING: This message originated from outside the agency. Do not click links or open attachments unless you recognize the sender and are expecting the content.

Det Sgt Marken,

I have sent your request for documents to the administrative staff.

The presentation I prepared for the prosecutor's office is attached. I stopped working on it when I was told that the meeting would not take place and that it was not needed. I never did any final proofreading or polishing. It should also be noted that the document is not intended to be complete. I would have verbally fleshed out many of the points made in outline form.

I am attaching the Washington Post article that I referenced.

I disagree with a few things toward the end of the notes that I have to correct. There other places where the notes are not accurate or where the meaning is not what I intended.

I didn't say that "the National Association of Medical Examiners has not specifically commented on excited delirium." In fact, it is referenced in a number of NAME documents. What I said was that I didn't know if they had published a position paper on [the existence or nonexistence of] excited delirium.

Your notes say "Dr. Clark feels re-test of toxicology was a very bad idea." That is not what I said, and I don't necessarily think that re-testing a sample is a bad idea if there is reason to think that an additional test will make a difference in interpretation. What I said is that it was a bad idea for you to order the test directly, without discussing it with either me or Dr. Cline-Parhamovich, and that your doing so crosses a line. You are not in a position to interpret the result, nor to explain why it is different from the

NMS result. The WSP toxicology lab serves law enforcement and medical examiners and—for the most part, keeps those roles separate. The toxicology lab should not have accepted your request. They should have told you to discuss it with the pathologist who submitted the specimen. I also expressed surprise that you were not able to state a reason for ordering the test. Finally, I don't understand the comment attributed to Dr. Couper that "it will be easier for somebody from here to testify instead of bringing somebody from Philadelphia." Neither the tox lab nor WSP has the responsibility of bringing witnesses from Philadelphia if this case goes to trial—criminal or civil. That would be a decision for the prosecutor or plaintiff. Now it is likely that both NMS and WSP toxicologists will have to testify.

From: Marken, Michael (WSP) <Michael.Marken@wsp.wa.gov>
Sent: Wednesday, September 23, 2020 11:59 AM
To: Thomas Clark <thomas.clark@piercecountywa.gov>
Cc: Rhue, Jeff (WSP) <Jeff.Rhue@wsp.wa.gov>; Richmond, Daniel (WSP) <Daniel.Richmond@wsp.wa.gov>; Schroeder, Robert (WSP) <Robert.Schroeder@wsp.wa.gov>
Subject: Dr. Clark interview 9/23/20

Dr. Clark,

As you requested, I have attached a copy of notes taken during our discussion this morning. Also, per our conversation, I am formally requesting the below documents:

*The entire medical examiners file of the Manuel Ellis (DOB 08/28/86) autopsy. To include your notes, as well as any notes made by other staff after June 3rd, 2020.
*Any presentation/s you prepared for the Pierce County Prosecuting Attorney.

Please contact me should you have any questions.

Detective Sergeant Michael J. Marken
Washington State Patrol
Marysville Criminal Investigation Unit
2700 116th Street NE
Marysville, WA 98271
Office: 360-654-1141
Cell: 425-508-1048

REVIEW OF CASE 200519

OBJECTIVES

- To understand
  - Cause and manner of death
  - Purpose of death certificate
    - How it should and should not be used
  - To understand methamphetamine concentration interpretation
  - To understand what factors go into a death determination
  - To understand death determination with multiple contributing factors
  - Difference between objective findings and opinion
  - Reasonable degree of medical certainty

THE DEATH CERTIFICATE

- Demographic information
- Cause of Death
- Contributing Conditions
- Manner of Death if signed by a forensic pathologist or corner
- Purposes
  - Proof of death
  - Statistical analysis
  - Guide public policy

CAUSE OF DEATH

- A pathologic sequence of events leading to death
  - As many as four lines, each of which should be a consequence of the line above it
- May include contributing conditions

CAUSE OF DEATH EXAMPLE

- Myocardial infarction
- due to Coronary artery disease

- Contributing conditions: hypertension, hypertension, hyperlipidemia, cigarette smoking

EXTERNAL FORCE EXAMPLES

- Physical Injury
  - Blunt and sharp force
- Positional
  - Constraint
- Chemical injury
  - Drugs
- Thermal injury
  - Fires
- Electrical injury
  - Electrocution
  - Lightning

MANNER OF DEATH

- No significant external force
  - Natural
- Significant external force
  - Accident
  - Suicide
  - Homicide

NATIONAL ASSOCIATION OF MEDICAL EXAMINERS: NATURAL

- Natural deaths are due solely or nearly totally to disease and/or the aging process

NATIONAL ASSOCIATION OF MEDICAL EXAMINERS: ACCIDENT

- Accident applies when an injury or poisoning causes death and there is little or no evidence that the injury or poisoning occurred with intent to harm or cause death. In essence, the fatal outcome was unintentional.
- Examples
  - Recreational drug overdoses
  - Motor vehicle crashes

NATIONAL ASSOCIATION OF MEDICAL EXAMINERS: SUICIDE

- Suicide results from an injury or poisoning as a result of an intentional, self-inflicted act committed to do self harm or cause the death of one's self.
  - Examples
    - Intentional drug overdoses
    - Russian roulette

NATIONAL ASSOCIATION OF MEDICAL EXAMINERS: HOMICIDE

- Homicide occurs when death results from a volitional act committed by another person to cause fear, harm, or death.
- Intent to cause death is a common element but is not required for classification as homicide.
  - the classification of Homicide for the purposes of death certification is a "neutral" term and neither indicates nor implies criminal intent, which remains a determination within the province of legal processes.
- Examples
  - Russian roulette with another person holding the gun

NATIONAL ASSOCIATION OF MEDICAL EXAMINERS: UNDETERMINED

- Information pointing to one manner of death is no more compelling than one or more other competing manners of death in thorough consideration of all available information.

NATIONAL ASSOCIATION OF MEDICAL EXAMINERS: POSITIONAL RESTRAINT

- Deaths due to positional restraint induced by law enforcement personnel or to choke holds or other measures to subdue may be classified as Homicide.
- In such cases, there may not be intent to kill, but the death results from one or more intentional, volitional, potentially harmful acts directed at the decedent (without consent, of course).
- Further, there is some value to the homicide classification toward reducing the public perception that a "cover-up" is being perpetrated by the death investigation agency.

METHAMPHETAMINE

- CNS stimulant commonly used as a recreational drug
- Chronic effects
  - Mimic effects of longstanding hypertension
    - Heart enlargement, coronary artery disease
  - Addiction and other psychological effects
  - Weight loss, skin lesions, "meth mouth"
- Acute effects
  - Mood changes ranging from euphoria to psychosis
  - Violent behavior
  - Seizures, stroke
  - Death

DEATH FROM METHAMPHETAMINE

- Unpredictable, with wide variation
- Postmortem methamphetamine concentration
  - 90 – 26,000 ng/mL (0.09 – 26 mg/L) in deaths attributed to methamphetamine
  - Up to 18,000 ng/mL (18 mg/L) in deaths attributed to other causes
- Series quoted in Baselt toxicology reference
  - 35 deaths from methamphetamine-induced stroke with median 0.25 mg/L (0.01-2.9)
  - 88 deaths with average of 0.54 mg/L (56% intravenous use)
  - 13 deaths with average of 1.0 mg/L (range 0.09 – 18)

DILATED CARDIOMYOPATHY

- Numerous causes, including chronic methamphetamine abuse
- Unpredictable, but the chance of dysrhythmia and death increases with heart weight
- 480 gram heart would be considered "mild" by most
- Would be considered the cause of death absent other causes

RESTRAINT ASPHYXIA

- Position
  - Being face down causes intercostal muscles to lift substantial body weight
- Hobbling
  - Compromises normal respiratory movement
- Spit hood (or spit mask)
  - Almost certainly would cause some degree of respiratory compromise if over the nose and/or mouth
  - Oral breathing is more efficient than nasal breathing during high exercise intensity
  - Interior with substantial mucus at the time of autopsy, further reducing air flow
  - Depending on placement, could also have obstructed the nasal passages

OBJECTIVE AND SUBJECTIVE FINDINGS

- Objective findings are factual
  - Heart weight
  - Methamphetamine concentration
  - Can be used by another expert
- Historical information
  - Typically a combination of objective and subjective
- Subject findings are opinion
  - Cause and manner of death
  - Open to interpretation
- Opinion is based on the interpretation of historical information and objective findings

MULTIPLE FACTORS MAY HAVE CONTRIBUTED TO DEATH

- Heart disease
- Physical restraint
- Methamphetamine intoxication

WEIGHING MULTIPLE FACTORS

- Reasonable degree of medical certainty is as low as 51%
  - "more likely than not" according to National Association of Medical Examiners
- "I can't breathe"
  - Decedent's own statement that he was short of breath
- Progressive decline while restrained and wearing spit hood
- On arrival of EMS
  - Unconscious with minimal respiratory drive and deteriorating
  - Rapidly progressed to apnea
  - Initial sinus rhythm deteriorated into bradycardia and asystole

MY FINDINGS

- Do represent my opinion at the time I signed the report based on information available at the time
- Are correct, and in line with professional guidelines, to the best of my ability
- Subjective findings are opinion
  - A group of forensic pathologists would probably have differing ideas about how to interpret the objective and historical findings to produce an opinion for the death certificate
  - Likely that most would agree that restraint is a significant factor

MY FINDINGS

- Do not mean that I think officers intended to kill the decedent
- Should not be used as a primary determinant of job termination
  - Did the officers follow departmental policy?
- Should not be used as a primary determinant of prosecution
  - Did the officers violate the law?

NEW INFORMATION

- Often surfaces on cases of all sorts
- Death certificates are frequently amended
- There is no time limit on amending death certificates

RECOMMENDATIONS

- New information was received concerning the duration of the spit hood application
- Case should be referred to Medical Examiner for consideration of new information
- Could consider soliciting additional opinions

The Washington Post
Democracy Dies in Darkness

Police keep using 'excited delirium' to justify brutality. It's junk science.

The "diagnosis" misappropriates medical terminology to shield officers from accountability.

By **Méabh O'Hare**, **Joshua Budhu** and **Altaf Saadi**

July 17, 2020 at 7:55 a.m. PDT

Last year, after police had placed Elijah McClain in a chokehold, then handcuffed him, paramedics injected him with a dose of ketamine, a powerful sedative. They said he "appeared to be" exhibiting signs of "excited delirium"; he subsequently went into cardiac arrest and died. Earlier this year, police officers in Tacoma, Wash., cited excited delirium in the case of another unarmed black man, Manuel Ellis, who died in custody. And as Derek Chauvin knelt on George Floyd's neck for the final moments of his life, a fellow police officer said, "I am concerned about excited delirium or whatever." This may be part of Chauvin's defense against murder charges.

Across the United States, police officers are routinely taught that excited delirium is a condition characterized by the abrupt onset of aggression and distress, typically accompanying drug abuse, often resulting in sudden death. One 2014 article from the FBI's Law Enforcement Bulletin describes "excited delirium syndrome" as "a serious and potentially deadly medical condition involving psychotic behavior, elevated temperature, and an extreme fight-or-flight response by the nervous system."

How often is excited delirium invoked? It's unclear, but in Florida at least 53 deaths in police custody were attributed to it over the past 10 years. One study showed that 11 percent of sudden unexplained deaths in police custody in Maryland from 1990 to 2004 were attributed to excited delirium. The American College of Emergency Physicians published a controversial position paper in 2009 stating its consensus that excited delirium is a valid disease, associated with a significant risk of sudden death.

But excited delirium is pseudoscience. It's not a concept recognized by the American Medical Association or the American Psychiatric Association. It isn't a valid diagnosis; it's a misappropriation of medical terminology, and it doesn't justify police violence.

While delirium is a well-recognized diagnosis frequently seen and treated by neurologists and psychiatrists, excited delirium is not. Delirium is defined in the Diagnostic and Statistical Manual of Mental Disorders as an acute, fluctuating disturbance in attention and cognition, typically provoked by an underlying medical condition such as infection, drug intoxication, a medication's adverse effects or organ failure. It can have "hyperactive" or "hypoactive" features, meaning that patients may be agitated or drowsy, or may move between these states. A typical case might be seen in an elderly man admitted to a hospital with a urinary tract infection, who over the course of a day or two becomes confused (e.g. unable to understand where he is or recognize family members) and starts sleeping throughout the day and getting agitated overnight. Delirium is not associated with sudden unexpected death.

Excited delirium, on the other hand, stems from an 1849 description by Luther V. Bell in the American Journal of Insanity. Bell

looked at 40 patients admitted with "fever and delirium" to the psychiatric facility at McLean Hospital in Boston. Proponents of the excited delirium diagnosis refer back to Bell's description as historical data, but the cases he studied did not involve deaths occurring in the span of minutes to hours, but rather two or three weeks after admission. While it is not possible to retrospectively diagnose these patients, it's likely that many of them suffered from forms of infectious or autoimmune encephalitis.

Charles V. Wetli, a forensic pathologist, first used the phrase "excited delirium" in 1985 to explain a series of sudden deaths in cocaine users, occurring primarily in police custody. Wetli also used the term to describe the deaths of 32 black women in Miami during the 1980s, proposing that a combination of cocaine use and sexual intercourse had led to their demise. He posited that, with chronic cocaine use, "the male of the species becomes psychotic and the female of the species dies in relation to sex," stating, "My gut feeling is that this is a terminal event that follows chronic use of crack cocaine affecting the nerve receptors in the brain." Later, however, police attributed the deaths to a serial killer, and evidence of asphyxia was found upon reexamination of the corpses.

Despite these shaky origins and the lack of grounding in medical science, this concept — of a febrile, agitated state often culminating in death — has persisted, advanced by law enforcement. The features of this purported condition, as listed by the American College of Emergency Physicians, betray its entanglement with law enforcement, including "bizarre behavior generating phone calls to police," "failure to respond to police presence" and "continued struggle despite restraint." Several analyses have found that the majority of deaths attributed to "excited delirium" are associated with the use of physical restraint. Some emergency-medicine doctors who are proponents of the diagnosis have been criticized for having conflicts of interest with the stun gun industry. And the manufacturer of Tasers has helped popularize this diagnosis to help attribute Taser-associated deaths to other possible causes.

The syndrome is disproportionately diagnosed among young black men, highlighting the racist undertones of the reported clinical symptoms: having "superhuman strength" and being "impervious to pain." It winds up being a convenient scapegoat cause of death after a violent confrontation. Or it becomes a justification for police aggression that may be unwarranted. There is reason to believe that it increases the risk of police encounters turning fatal. When officers are taught that traditional tactics such as "pepper spray, impact batons, joint lock maneuvers, punches and kicks" are "likely to be less effective" against suspects with excited delirium, as the American College of Emergency Physicians paper suggests, they may resort to more aggressive maneuvers, such as knee-to-neck chokeholds or hogtie restraints. According to a 2012 article published by the Force Science Institute, at one police training seminar in Illinois, a police veteran described excited delirium suspects' "imperviousness to pain" and recommended responding with force that is "fast and overwhelming, with a vascular neck restraint possibly considered as part of the package." The result can be a tragic paradox: an apparently terminal "condition" that can be treated only with the escalation of force, inevitably increasing the chances that it will be fatal.

The other justifications for this "diagnosis" also fail to pass scientific muster. Some proponents of excited delirium point to the accumulation of "heat shock protein 70" in the brains of affected individuals. But this is also seen in deaths associated with cocaine use and is not evidence of a unique diagnosis. Others cite cases of extreme responses to stimulant use and emotional duress, such as heart failure and cardiac arrest, but these cases are not associated with agitation or altered consciousness. At any rate, cardiac stress responses are much more common in older, postmenopausal women, not in younger black men, who aren't a particular risk for this kind of stress response but are disproportionately likely to be killed in police encounters.

Excited delirium implies that there is a medical condition that predisposes certain individuals, often black men, to die in police

Excited delirium implies that there is a medical condition that predisposes certain individuals, often black men, to die in police custody. It draws upon aspects of real medical conditions such as delirium, psychosis, drug intoxication and sudden cardiac death. But it manipulates them to form a broadly applicable blanket diagnosis that serves the interests of law enforcement and absolves officers of accountability.

Twitter: @MeabhOHare

@JoshuaBudhu

@AltafSaadiMD

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Before you can contribute to our community, please visit your Profile page in order to complete your profile.

Medical Definition of Hypoxia

- Medical Author: William C. Shiel Jr., MD, FACP, FACR

Privacy & Trust Info

Coronavirus COVID-19: Latest News and Information

Hypoxia: A lower-than-normal concentration of oxygen in arterial blood, as opposed to anoxia, a complete lack of blood oxygen. Hypoxia will occur with any interruption of normal respiration.

Medical Definition of Asphyxia

- Medical Author: William C. Shiel Jr., MD, FACP, FACR

Privacy & Trust Info

Coronavirus COVID-19: Latest News and Information

Asphyxia: Impaired breathing that results in severely decreased delivery of oxygen to body tissues. Asphyxia can be fatal. Choking is an example of asphyxia. Traumatic asphyxia is an uncommon cause that results from an intense compression of the chest area. Asphyxia is also known as asphyxiation.

TAB 43

TIMELINE

23:21:53- Officer Collins mic clicks trying to transmit

23:21:55- Apparent movement near front of patrol vehicle on video

23:22:03- (-26. 51) Officer Burbank's Taser deployed (adjusted from 3 mins off)

23:22:12- Pop sound on video (maybe taser) on video

23:22:13- Officer Burbank calls out 96th/Ainsworth

23:22:30- Loud growl or grunt type sound is heard on video

23:23:32- Male voice heard saying "I can't breath sir, I can't breath" on video

23:23:45- Male voice saying "Please sir" another male saying "Shut the fuck up man" on video

23:24:32- Officer Collins asks for hobbles. Officer Burbank grabbed hobbles.

23:24:38- Officers Rankine and Ford arrive assisted with hobbles. Side recovery position at some point then back to stomach. Spit sock.

23:25:19- LT Messineo said he was detained.

200514

23:34:41 hobble + cuffs removed

TIMELINE

23:25:44- Sgt Lim asked for Fire

23:32:38- Sgt Lim asked for Fire ETA

23:32:47- Sgt Lim upgraded Fire to priority when asked

23:34:41- As Fire arrived Officer Rankin could see him breathing moved him to his side. Pulse 80 BPM per Officer Rankin.

"....Pt now apneic with bradycardia which despite BVM/Airway management rapidly developed into cardiac arrest....."

23:36:53- Fire Bag Valve Mask

23:37:32- EGT

23:41:11- Manual CPR

23:45:16- Intubation

00:12:30-TOD Dr Ernst

00:46:54 -Body core temp 96.7 taken by Fire

20051

TIMELINE

23:21:53- Officer Collins mic clicks trying to transmit

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00:12:30-TOD Dr Ernst

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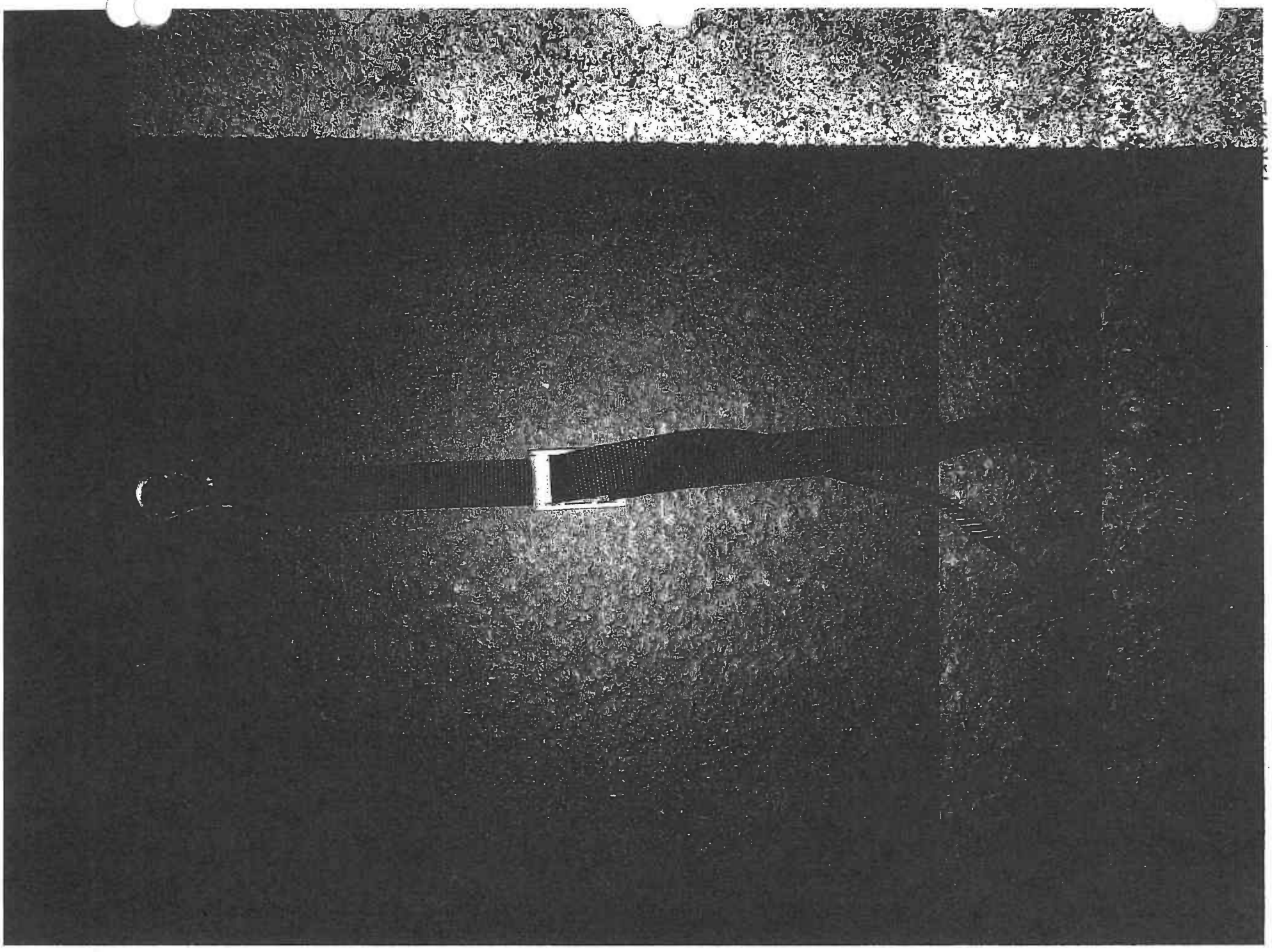

Washington State Toxicology Laboratory - Washington State Patrol

Death Investigation – Request for Analysis

2203 Airport Way S., Ste 360
Seattle, WA 98134-2027
Phone: (206) 262-6100
Fax: (206) 262-6145
e-mail: toxlab@wsp.wa.gov

Case No.: 200519 Exam: 03/04/20
Name: Manuel Ellis
33 year old M
Date of Death: 3/4/2020

Subject's Info
Name: _____ MI
Age: 33

Laboratory Use Only
Laboratory #

Date Sent: 03/04/20 Date of Death: 03/04/20
Agency Case # 200519 County PIERCE
Sent By: Name: _____ Phone: (253) 798-6494
Send Results To: Name: Dr. Clark
Agency: PIERCE COUNTY MEDICAL EXAMINER
Address: 3619 Pacific Avenue
City: Tacoma State: WA Zip: 98418-7929

Date: _____

Analyst: _____

Suspected Manner of Death: **Pending Tox:** Y ☐ N ☑
Natural ☐ Accident (non traffic) ☐ Undetermined ☐
Homicide ☐ Traffic Accident ☐ Suicide: ☐ Drug Related ☐ Other

Medical History: brief description of the incident and attach copy of the investigation report.

Death during police restraint

Drugs Suspected: list observations, drug history, prescriptions, etc.

Methamphetamine

Sample Information:

Specimen	Collected	Sent
Central Blood		
Peripheral Blood	3	1
Urine	1	
Gastric	1	
Vitreous	1	
Bile		
Liver	1	
Spleen Squeeze		
Other:		

Analysis Requested:
Blood Alcohol: ☑
Vitreous Alcohol: ☐ performed if blood is pos
Carbon Monoxide: ☐
Drug Screen: Urine ☐
Drug Screen: Blood ☑ performed if urine is pos

Other: (Specify) _____

Specimens Received:
☐ Blood ml _____
☐ Blood Peripheral ml _____
☐ Urine ml _____
☐ Vitreous ml _____
☐ Liquid _____
☑ Serum ml _____
☐ Other: Please list

Was the subject embalmed before the samples were taken? Y ☐ N ☑
State of decomposition: None ☑ Early ☐ Moderate ☐ Advanced ☐

Chain of Custody: (signature required)
From: Jen Schrader To: Washington State Toxicology Via 1st Class Mail Date: 3/4/2020
From: _____ To: _____ Date: _____
From: _____ To: _____ Date: _____
Comments:

Evidence sealed Y ☐ N ☐
☐ Box sealed
☐ Bag sealed
☐ Tubes sealed

Samples leaked Y ☐ N ☐
☐ 1st Class
☐ UPS
☐ Certified
☐ Registered
☐ Fed Ex
☐ Campus Mail
☐ Hand Delivered

Washington State Department of Health

Affidavit for Correction

This is a legal Document. Complete in ink and do not alter.

Center for Health Statistics
P.O. Box 47814
Olympia, WA 98504-7814
(360) 236-4300

STATE OFFICE USE ONLY				
State File Number	Fee Number	Initials	Date	Affidavit Number

Use the section below for requesting any changes on the record.

Record Type: ☐ **Birth** ☐ X **Death** ☐ **Marriage** ☐ **Dissolution**

Name on record:	2. Date of event	6. Place of Event: (City or County)
Manuel Elijah Ellis	03/04/2020	Tacoma, Pierce

The Record is Incorrect or Incomplete as follows:

The Record now shows:	The True fact is:
34a. Pending	34a. Respiratory arrest
34b. Blank	34b. Hypoxia
34c. Blank	34c. Physical restraint
35. Blank	35. Methamphetamine intoxication, dilated cardiomyopathy
38. Pending	38. Homicide
40. Unknown	40. No
41. Blank	41. 03/03/2020
42. Blank	42. 23:22
43. Blank	43. Public roadway
44. Blank	44. No
45. Blank	45. 96th and Ainsworth Avenue, Tacoma, Pierce, WA 98444
46. Blank	46. Physical restraint and methamphetamine intoxication
	55. 20-0519
	56. Yes

I represent the person as: ☐ **Self** ☐ **Parent** ☐ **Guardian** ☐ **Informant** ☐ **Funeral Director** X☐ **Other (Specify)**

Telephone Number: (253) 798-6494

Medical Examiner

I declare under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

Signature:	Date:	Address:
Thomas B. Clark III, M.D.	05/13/2020	Pierce County Medical Examiner 3619 Pacific Avenue, Tacoma, Washington 98418

FAXED VR 5/14/20

FILE COPY

Unofficial Death Record Abstract

This is an unofficial copy and has no legal validity.

Local File Number:	Case ID: 371919	Date Filed: 3/13/2020 11:05:00 AM	Certificate:

Legal Name First Name	Middle Name	Last Name	Suffix	Death Date
Manuel	Elijah	Ellis		03/04/2020

AKA	Sex	Age	Social Security Number	County of Death
	Male	33 Years	Social Sec No	Pierce

Birth Date	Birthplace (City, Town, or County, State or Foreign Country)	Decedent's Education
08/28/1986	Tacoma, Pierce, Washington	High School Graduate or GED co

Was decedent of Hispanic origin?	Decedent's Race(s)	Ever in Armed Forces?
No, Not Spanish/Hispanic/Latino	Black or African American	No

Residence Number and Street, City or Town, State, Zip code	Residence County	Inside City Limits?	Residence Country
Unknown, Tacoma, Washington	Pierce	Yes	UNITED STATES

Estimated time at residence	Tribal Reservation Name	Marital status at death	Surviving Spouse Name
2 Months		Never Married	

Usual Occupation	Kind of Business or Industry
Musician	Music

Father's Name	Mother's Name
Michael Edward Ellis	Marcia Denise Carter

Informant's Name	Relationship to Decedent	Informant Address
Matthew Travis Ellis	Brother	9009 Lorraine Ave S, Lakewood, WA, 98499

Place of Death, if Death occurred in a Hospital	Place of Death, if Death occurred somewhere other than in a Hospital
	Other

Facility Name (if not a facility, give number & street)	City, Town	State	Zip Code
Public Roadway-96th and Ainsworth Ave.	Tacoma	WA	98444

Method of Disposition	Place of Disposition	Place of Disposition (City, State)
Burial	MOUNTAIN VIEW MEMORIAL PARK	LAKEWOOD, WA

Name and Complete Address of Funeral Facility	Date of Disposition
Edwards Memorial Center, 3005 Bridgeport Way W, University Place, WA 98466	03/24/2020

Cause of Death

	Interval between Onset & Death
A. Pending	-
B.	
C.	
D.	

Other Significant Condition contributing to death	Autopsy?	Autopsy findings available to complete Cause of Death?
	Yes	Yes

Manner of Death	If female, Pregnancy Status	Did tobacco use contribute to death?
Pending		Unknown

Injury Date	Hour of Injury	Place of Injury	Injury at Work?	Transportation Injury

Location of Injury:

Injury Description:

Certifying Physician:	Medical Examiner/Coroner:	ME/Coroner File Number:
	Thomas B. Clark, III	20-0519

Certifier Address: 3619 Pacific Avenue, Tacoma, Washington 984187929 — Hour of Death (24 hrs): 0012

Certifier Title	Certifier Class	Date Certified	Referred to ME/Coroner?
Pierce County Medical Examiner	Medical Examiner/Coroner	03/06/2020	No

Working Copy

This is an unofficial copy and has no legal validity.

☐ NO PROPERTY OR MONEY

Pierce County Medical Examiner's Office
Personal Property & Money Form

Body Seal Tag #: N/A Date/Time: 3/4/20 0353 PCME Case #: 20-0519

Name of Deceased: Manuel Ellis

Inventoried By (Primary): Jacob Atcet (Print Name) [signature] (Signature)

Inventoried By (Secondary): Jerry Jaeger (Print Name) [signature] (Signature)

Effects:
- A ☐ Wallet
- B ☐ Social Security Card
- C ☐ Identification x ____
- D ☐ Watch
- E ☐ Cell Phone
- F ☐ Misc. Cards & Papers

Money:

☒ NONE

Currency & Coin **Total:** $_____

Inventoried by (Primary): _____

Inventoried by (Secondary): _____

Clothing:

- G ☐ Shirt x ____
- H ☒ Pants x 1
- I ☒ Sock Pair x 1
- J ☐ Coat x ____
- K ☐ Hair Tie
- L ☐ Sweater
- M ☒ Sweatshirt
- N ☒ Headwear
- O ☐ Dress
- P ☐ Underwear
- Q ☐ Brassiere
- R ☐ Skirt
- S ☒ Shorts
- T ☐ Pajamas
- U ☒ Footwear
- V ☐ Belt
- W ☐ Camisole
- X ☐ Onesie
- Y ☐ Diaper
- Z ☐ Eyeglasses

Other Effects or Clothing:

1) Taser wire 5) _____ 9) _____
2) _____ 6) _____ 10) _____
3) _____ 7) _____ 11) _____
4) _____ 8) _____ 12) _____

Disposition #1: ☐ Funeral Home ☒ Evidence ☐ Unclaimed ☐ Disposal ☐ Retention ☐ Other: _____ ☐ Agency: _____

Items released (List by Letter/Number): 1, H, I, M, S, U, N ☐ All of the above

Released by: Jerry Jaeger (Print Name) [signature] (Signature) Date: 3/4/20

Received by: See Evidence FORM (Print Name) (Signature) Time: 9:50

Disposition #2: ☐ Funeral Home ☐ Evidence ☐ Unclaimed ☐ Disposal ☐ Retention ☐ Other: _____ ☐ Agency: _____

Items released (List by Letter/Number): _____ ☐ All items not in Disposition #1

Released by: _____ (Print Name) (Signature) Date: _____

Received by: _____ (Print Name) (Signature) Time: _____

Disposition #3: ☐ Funeral Home ☐ Evidence ☐ Unclaimed ☐ Disposal ☐ Retention ☐ Other: _____ ☐ Agency: _____

Items released (List by Letter/Number): _____ ☐ All items not in Disposition #1 and #2

Released by: _____ (Print Name) (Signature) Date: _____

Received by: _____ (Print Name) (Signature) Time: _____

PCME's Copy –White Funeral Home's Copy—Yellow

Pierce County Medical Examiner's Office
Authorization to Release Remains Form

PCMEO Case Number: 20-0519

Name of decedent: Manuel Ellis

Funeral home selected: Edwards Memorial Phone #: 566-1008

Via another agency/company: _____ Phone #: _____

Name of person selecting funeral home (print name): Matthew Ellis

Relationship to the decedent of person selecting funeral home: Brother

Date selection made: 3-9-20 Time selection made: 1235

Name of M.E. staff recording selection: Myann Sale
Print Name

Signature

☐ ← *Mark here if body is unclaimed and being released to contract funeral home.*

Date selected funeral home was notified that the body is ready for release: 3/9/20

Time selected funeral home was notified that the body is ready for release: 12:40

Funeral home notification contact person (print name): Elizabeth

Name of M.E. staff notifying funeral home: Angel Tornquist
Print Name

Angel Tornquist
Signature

Medical Examiner staff member releasing the remains has directly examined the identification tag on the remains not just the label on the body bag and has verified/confirmed the identity of the remains being released. Remains released by:

Eric Tong
Print Name

3-9-20
Date

1500
Time

Eric Tong
Signature

Funeral home/transportation service receiving the remains has verified/confirmed the identity of the remains being received. Remains received by:

Elizabeth
Print Name

3-9-20
Date

1500
Time

Signature

TAB 44

TOXICOLOGY LABORATORY
WASHINGTON STATE PATROL
2203 Airport Way South Suite 360 Seattle, WA 98134
(206) 262-6100, toxlab@wsp.wa.gov, www.wsp.wa.gov/forensics/toxicology.htm

SUPPLEMENTAL TOXICOLOGY TEST REPORT for ST-20-02989-0001

Attention: Dr. Thomas B. Clark III
Agency: Pierce Co Medical Examiner
Address: 3619 Pacific Ave
Tacoma, WA 98418-7929

Tox Case #: ST-20-02989 **Case Type:** Death Investigation **Report Date:** 9/16/2020

Agency Case #: 200519 **Subject Name:** Manuel Ellis

Evidence: The following evidence was submitted to the Laboratory by Jen Schaler of the Pierce Co Medical Examiner on 3/5/2020 via USPS-1st Class Mail:
(1) ST-20-02989-A: VGray, Blood - Peripheral

Drug Analysis Results:

ST-20-02989-A: Blood - Peripheral

ST-20-02989-A was tested by Liquid Chromatography/Tandem Mass Spectrometry for amphetamines on 09/01/2020. The following result(s) was obtained:

Amphetamine	**0.030 mg/L**
Methamphetamine	**1.9 mg/L**

ST-20-02989-A was screened by Liquid Chromatography/Time of Flight Mass Spectrometry for amphetamine and methamphetamine on 09/08/2020. The following result(s) was obtained:

Amphetamine	**positive**
Methamphetamine	**positive**

(test conducted by Rebecca Flaherty, Forensic Scientist 3)

COMMENTS

All testing was performed by the Forensic Scientist listed below except as otherwise indicated. The Forensic Scientist has technically reviewed all relevant pages of testing documentation in the case record.

Examined by:

Dawn C. Sklerov
Forensic Scientist 3
Date: 9/16/20

Reviewed by:

Reviewer
Date: 9/16/2020

Request ID: ST-20-02989-0001_0001

TAB 45

Received	2532558268	Kenneth P Smith	Dec 24, 2019 10:38:26 PM	8am to 5pm
Sent	2532558268	Kenneth P Smith	Dec 24, 2019 10:39:48 PM	Copy thank you
Received	2533077419	(Unknown)	Feb 16, 2020 7:19:27 PM	This is Travis whit fern hill safe streets. I wuz going to see what r u up to Sunday 7am. W pull a gun an a friend an his kid an a church is letting me camp on there property. I think i a police officer whit us when we confrunt the pastor of what there allowing idk if your avai benboe the kid is traumatized
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Received	2535484345	(Unknown)	Jul 12, 2018 10:00:40 AM	
Received	2535484345	(Unknown)	Jul 12, 2018 10:00:58 AM	

				Look where I was at today
Received	2534057541~2537326133~2533550263~2536061813	Barton Hayes, Matthew Collins, Christopher Burbank, Donald Walkinshaw	Mar 5, 2020 2:23:38 PM	Please check your email for your interview time with the psychologist. It will be next Thur you guys are doing well.
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Received	4252898172	(Unknown)	Mar 31, 2020 12:40:35 AM	
Received	4252898172	(Unknown)	Mar 31, 2020 12:40:45 AM	
Received	4252898172	(Unknown)		*Preview of video/3gpp not supported.*

			Mar 31, 2020 12:44:43 AM	
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me but, I was involved in this. All officers are okay

https://amp.thenewstribune.com/news/local/crime/article240885381.html

Tap to load preview

Ooh my gosh that is so scary! I'm glad you are okay! Was it your car he was hitting! Thank you for letting me know! I go back to work tomorrow.

D

No Rankine, and I were the second unit in scene. It was another two man car that he attacked

Oh who was it? And was the guy super strong!? Where was the 40

D

super strong!? Where was the 40 millimeter at?

The 40mm would have done nothing to that guy. He was incredibly strong. It was Burbank and Collins.

D

Oh man! Was he a big guy ? How much officers did it take to cuff him? And oooh don't know them

I can't really go into specifics since it's under investigation. But, that article is a pretty good summary of what happened.

D

Oh okay! Did you work today? And will you be there tomorrow?

I'm on Admin leave for at least two

w

Oh man! Well at least it's like a mini vacation :) I'm happy you are okay!

I need to take you the suit case on my days off! :)

Yeah me too, that could've gone sideways real quick.

That sounds good to me, we are not going on any trips soon. I guess I will take this time to have you over for dinner since we will share the same days off 😁

Yes it could have! Very easily! So how many ppl are on admin leave?

Ooh okay, well yes that will work 😊 we are renovating our backyard! Adding steps, waterfall and redoing the rock wall! So we can have bonfires and small get togethers this su

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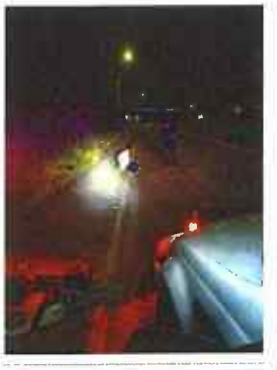

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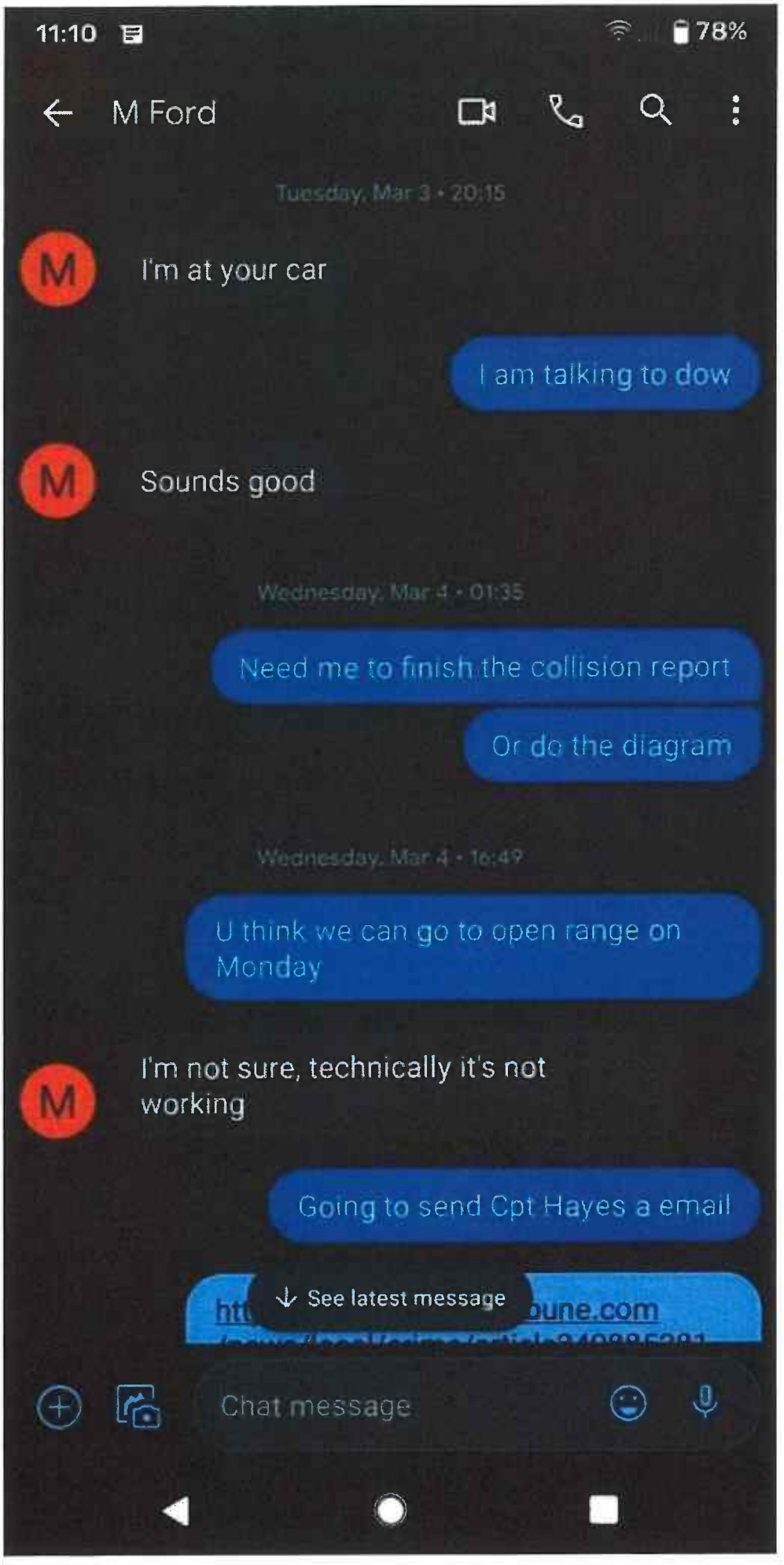
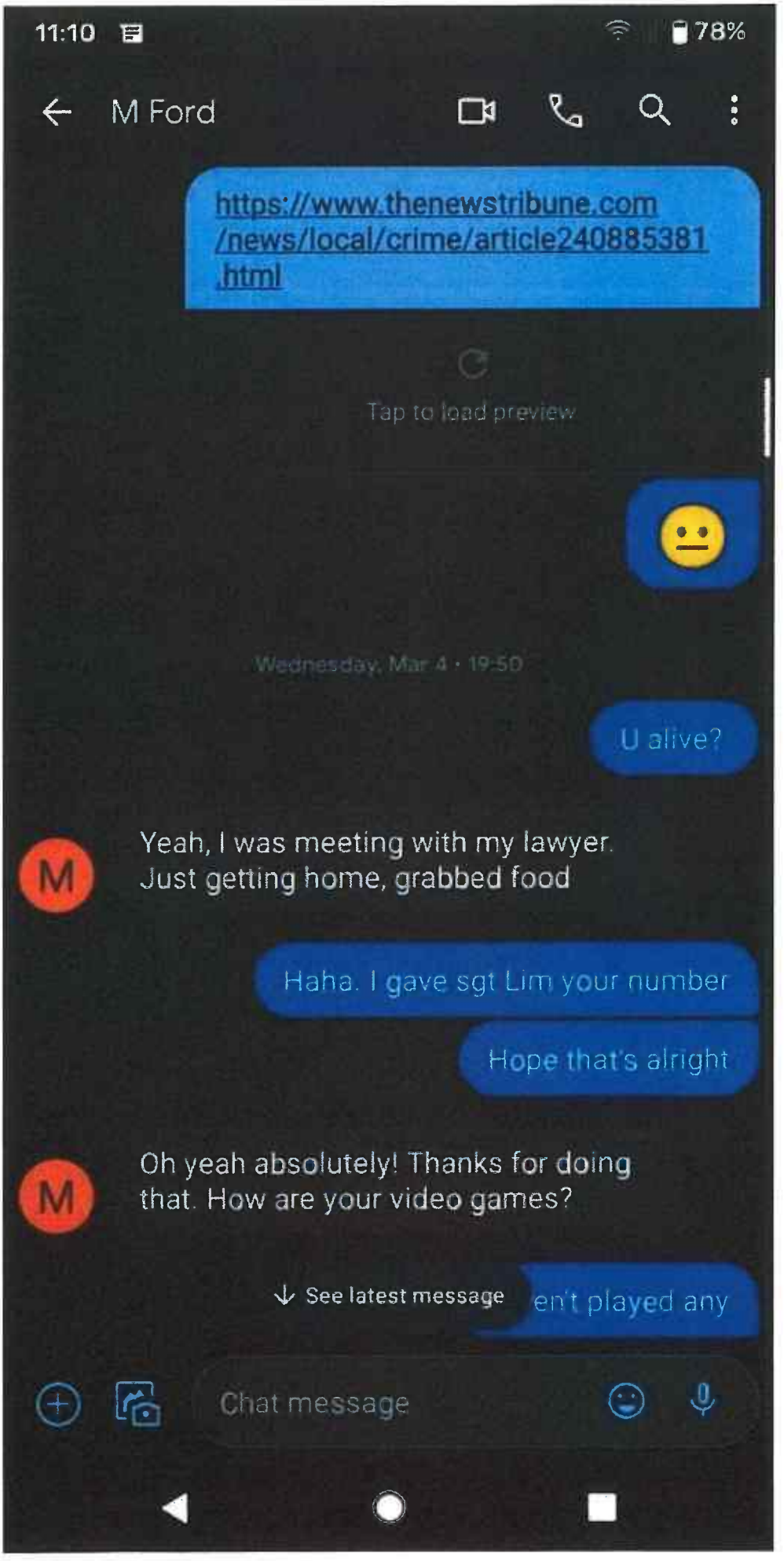
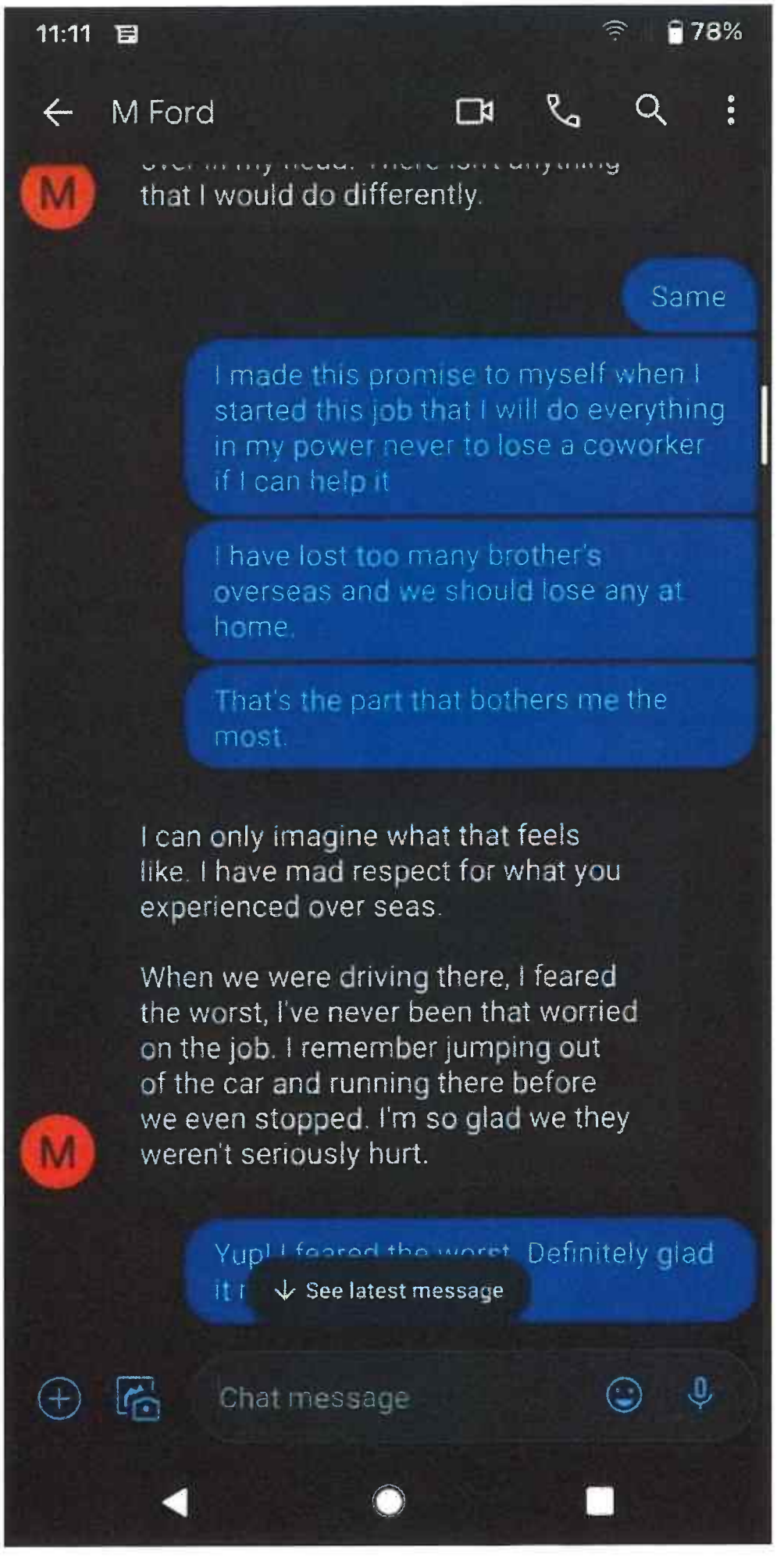

11:10
78%
M Ford
Tuesday, Mar 3 • 20:15
I'm at your car
I am talking to dow
Sounds good
Wednesday, Mar 4 • 01:35
Need me to finish the collision report
Or do the diagram
Wednesday, Mar 4 • 16:49
U think we can go to open range on Monday
I'm not sure, technically it's not working
Going to send Cpt Hayes a email
See latest message
Chat message


11:10
78%
M Ford
https://www.thenewstribune.com/news/local/crime/article240885381.html
Tap to load preview
Wednesday, Mar 4 · 19:50
U alive?
M
Yeah, I was meeting with my lawyer. Just getting home, grabbed food
Haha. I gave sgt Lim your number
Hope that's alright
M
Oh yeah absolutely! Thanks for doing that. How are your video games?
See latest message
en't played any
Chat message


11:11
78%
M Ford
that I would do differently.
Same
I made this promise to myself when I started this job that I will do everything in my power never to lose a coworker if I can help it
I have lost too many brother's overseas and we should lose any at home.
That's the part that bothers me the most.
I can only imagine what that feels like. I have mad respect for what you experienced over seas.
When we were driving there, I feared the worst, I've never been that worried on the job. I remember jumping out of the car and running there before we even stopped. I'm so glad we they weren't seriously hurt.
Definitely glad
See latest message
Chat message

How you doing?

C

Good. Sore elbow knee and jaw. You good?

Ya buddy! glad u r good

Sorry we couldn't get there sooner

Do you have Matt's number?

Never be

We couldn't get out on radio with location till he was finally almost in handcuffs

C

M

Matt Collins

View contact

Hey bud, how r u doing? Rankine

M

I'm good bro. Thanks for asking. You good ?

I am good, better than that I know you both are not hurt

M

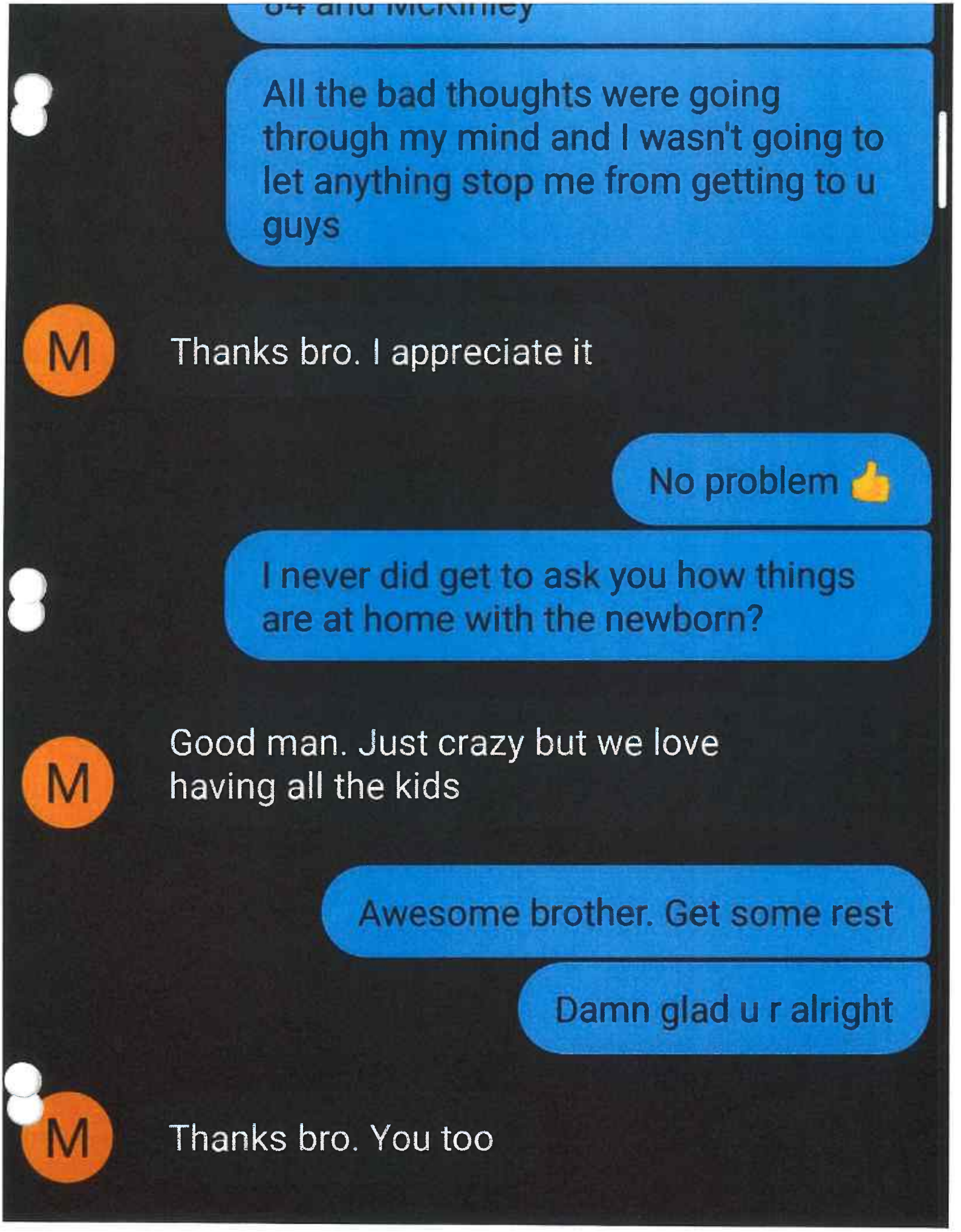
Yea we're good man. I appreciate u guys showing up so fast

I told Shane, I wish I could've been there sooner to help. Once I heard your location, I drove as fast as I could from 84 and McKinley

All the bad thoughts were going through my mind and I wasn't going to let anything stop me from getting to u guys

M

Thanks bro. I appreciate it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M
Thanks bro. I appreciate it
No problem 👍
I never did get to ask you how things are at home with the newborn?
M
Good man. Just crazy but we love having all the kids
Awesome brother. Get some rest
Damn glad u r alright
M
Thanks bro. You too

T

I am talking to dow

Sounds good

Wednesday, Mar 4 • 01:35

Need me to finish the collision report

T

Or do the diagram

Wednesday, Mar 4 • 16:49

T

U think we can go to open range on Monday

I'm not sure, technically it's not working

T

https://www.thenewstribune.com/news/local/crime/article240885381.html

Tap to load preview

T 😐

Wednesday, Mar 4 • 19:50

T U alive?

Yeah, I was meeting with my lawyer. Just getting home, grabbed food

Haha. I gave sgt Lim your number

T Hope that's alright

T

Hope that's alright

Oh yeah absolutely! Thanks for doing that. How are your video games?

Haven't played any

T

Just been chilling

I have been doing the same, chilling with Will and the dogs

Ya just been laying low mostly

I might take a trip somewhere after friday

T

I go in for a statement friday

We didn't do anything wrong and I would h[illegible]er if I

could. I would also have did what needed to be done for Burbank and Collins

That's a good idea. I give mine on Monday. I honestly replayed the call over in my head. There isn't anything that I would do differently.

Same

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Sent	2532221830	(Unknown)	Mar 4, 2020 6:45:36 PM	2535484445
Sent	2532221830	(Unknown)	Mar 4, 2020 6:46:07 PM	Correction 253-548-4345
Received	2532221830	(Unknown)	Mar 4, 2020 6:46:14 PM	Thanks
Sent	2532221830	(Unknown)	Mar 4, 2020 6:46:25 PM	Yup yup
Sent	2533776589	Gregory Rock	Mar 5, 2020 7:40:05 PM	Hey Sgt, this is my person cell # 804-516-1423
Received	2533776589	Gregory Rock	Mar 5, 2020 7:40:59 PM	Copy... mine is 253-222-3879
Sent	2533776589	Gregory Rock	Mar 5, 2020 11:34:14 PM	Awesome! Thanks for checking in
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Received	2533776589~8045161423	Gregory Rock	Jun 6, 2020 10:55:59 PM	These are the numbers the doctor will need for your OJI. I will drive the packet out to you Friday evening. Hope you are hanging in there!
Received	2533776589~8045161423	Gregory Rock	Jun 6, 2020	Sgt u can leave in my box at work I think I am going to stop by and pick up somethings

			10:57:00 PM	
Received	2533776589~8045161423	Gregory Rock	Jun 6, 2020 10:58:36 PM	Ok will do and you just fill out the yellow form. Make yourself a copy and leave me the original.
Received	2533776589~8045161423	Gregory Rock	Jun 6, 2020 10:59:17 PM	Will do

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Sent	[redacted]	(Unknown)	Mar 12, 2020 11:38:20 AM	Alright. Thanks for asking
Received	2534057541~2537326133~2534056103~2533550263	Barton Hayes, Matthew Collins, Masyih Ford, Christopher Burbank	Mar 5, 2020 2:23:38 PM	Please check your email for your interview time with the psychologist. It will be next Thursday March 12th. Hope you guys are doing well.

Received	2534057541~2537326133~2534056103~2533550263	Barton Hayes, Matthew Collins, Masyih Ford, Christopher Burbank	Mar 5, 2020 3:24:16 PM	Hello Captain Hayes, I will be there. Thank you Sir.
Received	2534057541~2537326133~2534056103~2533550263	Barton Hayes, Matthew Collins, Masyih Ford, Christopher Burbank	Mar 5, 2020 3:24:51 PM	Copy. Thanks
Sent	2534057541~2537326133~2534056103~2533550263	Barton Hayes, Matthew Collins, Masyih Ford, Christopher Burbank	Mar 5, 2020 3:29:50 PM	Tracking CPT Hayes, thanks for checking in
Received	2533776589~2532607736~2532557856~2533410724~2535484345~2532420038	Gregory Rock, Anna Brahs, Katherine Madden, Ryan Warner	Mar 31, 2020 7:20:43 PM	Turnout at ops tonight
Received	2533776589~2532607736~2532557856~2533410724~2535484345~2532420038	Gregory Rock, Anna Brahs, Katherine Madden, Ryan Warner	Mar 31, 2020 7:22:40 PM	Sounds good
Received	2533776589~2532607736~2532557856~2533410724~2535484345~2532420038	Gregory Rock, Anna Brahs, Katherine Madden, Ryan Warner	Mar 31, 2020 7:34:31 PM	Got it
Received	2537326133~2534056103~2533550263~2533891519	Matthew Collins, Masyih Ford, Christopher Burbank, Brett Beall	Jun 5, 2020 8:02:29 AM	Hey guys, it's Brett. Just wanted to reach out and let you guys know the entire second floor backs you. You guys are studs and did nothing wrong. My personal# is [redacted] Please don't hesitate to call or text. I'm here for you guys no matter what and will help in any way I can. Even if it's just kicking back around a fire with some beers talking about anything other than the current madness.
Received	2533776589~ Emp Private	Gregory Rock	Jun 6, 2020 10:55:59 PM	These are the numbers the doctor will need for your OJI. I will drive the packet out to you Friday evening. Hope you are hanging in there!
Received	2533776589~ Emp Private	Gregory Rock	Jun 6, 2020	Sgt u can leave in my box at work I think I am going to stop by and pick up somethings

				10:57:00 PM	
Received	2533776589 [redacted]		Gregory Rock	Jun 6, 2020 10:58:36 PM	Ok will do and you just fill out the yellow form. Make yourself a copy and leave me the original.
Received	2533776589 Emp Private		Gregory Rock	Jun 6, 2020 10:59:17 PM	Will do

TAB 46

Cad Incident Inquiry

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

	Incident Type	Location
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:	

	Agency	Geographic Zone	Dispatch Group	CB	District
Starting:	TPD	PN	PN	169	TA11
Ending:	TPD	PN	PN	169	TA11

	Date/Time	Unit		ID	Station
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			

Name	DOB	Phone	Location	Call Source	Contact
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	[redacted] Access-WACIC/NCIC
20171015	03:29:36	Event State Message	rc07	SS0127	[redacted] Access-WACIC/NCIC
20171015	03:29:36	Event State Message	rc07	SS0127	[redacted] Access-WACIC/NCIC

20171015	03:29:36	Event State Message	rc07	SS0127	[redacted] Access-WACIC/NCIC
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) Konschuh, 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	[redacted] Access-WACIC/NCIC
20171015	06:58:30	Event State Message	H317	TPD209799	[redacted] Access-WACIC/NCIC
20171015	06:58:30	Event State Message	H317	TPD209799	[redacted] Access-WACIC/NCIC

					[redacted] Access-WACIC/NCIC
20171015	06:58:30	Event State Message	H317	TPD209799	[redacted] Access-WACIC/NCIC
20171015	06:58:30	Event State Message	H317	TPD209799	[redacted] Access-WACIC/NCIC
20171015	06:58:31	Event State Message	H317	TPD209799	NLETS6158LEU96.IPR.. 06:58__31998 __10744_ *050I00OI1J 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

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)
Criminal Activity:					Using:	
Location Type:	Single Family Residence		Type of Security:	Deadbolts/Locks/Padlock	Tools:	Unknown
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:	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	Other	CPS	Supervisor:
	By:	City Pros. Atty.	Military	DSHS	PreTrial	

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)
Criminal Activity:					Using:	
Location Type:	Apartment		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
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)
Criminal Activity:					Using:	
Location Type:	Apartment		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
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)
Criminal Activity:	Possessing/Concealing				Using:	
Location Type:	Apartment		Type of Security:		Tools:	
Total No. of Units Entered:			Evidence Collected:			
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

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:							
DOB:		Age: **34**	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 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:	Relationship:
A1 - Shark, Philemon Jerome	Victim Was Stranger

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:

Law Enforcement Officer Killed or Assaulted Information	Type:		Justifiable Homicide Circumstances:	
	Assignment:			
	Activity:			

Victim Notes:	

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**
Address:	**821 Yakima Ave #208**		County:			Phone:	**253-272-2671**
City, State Zip:	**Tacoma, WA 98405**		Country:			Business Phone:	
Other Address:						Other Phone:	
Resident:	**Full - Time Resident**		Occupation/Grade:			Employer/School:	
SSN:						Place Of Birth:	
Driver License No:			Driver License State:			Driver License Country:	
Attire:						Complexion:	
SMT:						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 knive 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 whole 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:	

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

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)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Single Family Residence			Type of Security:	Deadbolts/Locks/Padlock	Tools:	Unknown
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.	X	Juvenile	Other	CPS	Supervisor:	
	By: AUTOMATED POLICY	City Pros. Atty.		Military	DSHS	PreTrial		

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)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Apartment			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
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)
Cargo Theft:		Criminal Activity:				Using:	
Location Type:	Apartment			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
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)
Cargo Theft:		Criminal Activity:	Possessing/Concealing			Using:	
Location Type:	Apartment			Type of Security:		Tools:	
Total No. of Units Entered:				Evidence Collected:			
Entrance Compromised:							
Entry Method:							
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:	

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

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 cased 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.

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

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

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**

Print

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

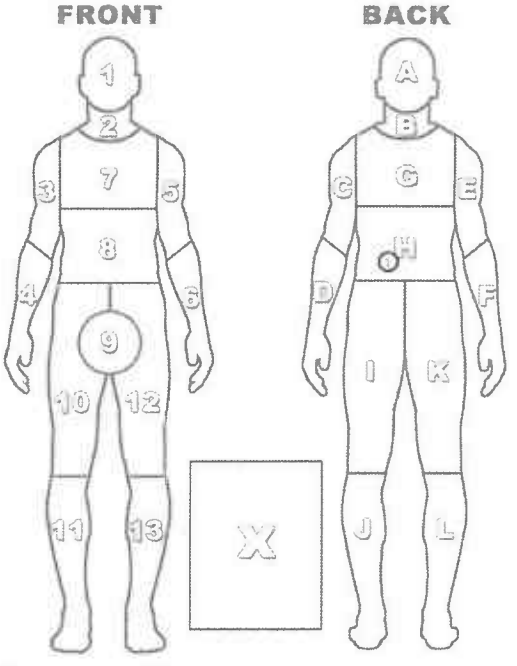
(000) 000-0000

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

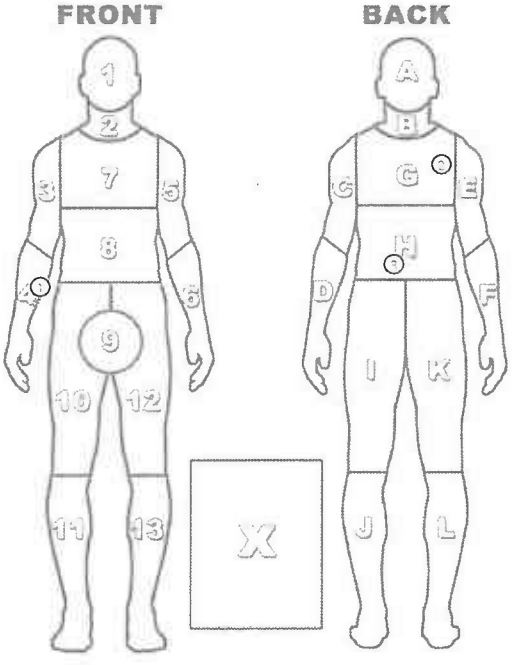
- Electronic Control Tool - Less lethal force effective: No
  Serial Number: C62012XXN
  Cartridge Number: 2

  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

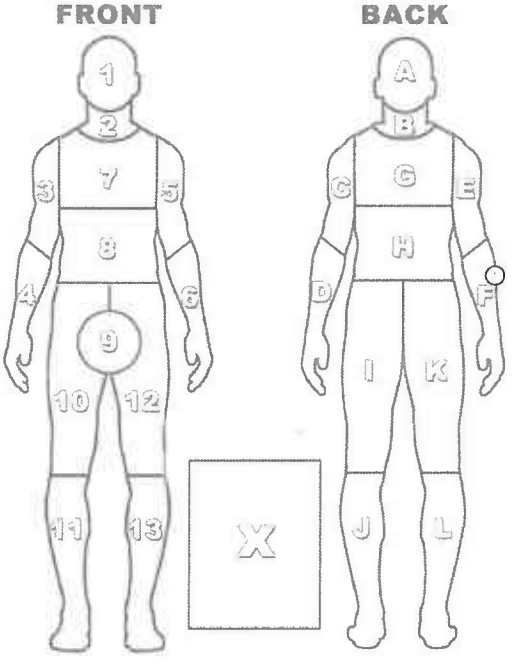
Assignment at time of incident: Officer Chief of Police/Operations Bureau/Patrol Division/Sector 4/Grave Shift A Officer - Patrol **Video Footage:** [None Entered]

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

JRSMITH

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**

483 7-15-21

Witness **Date**

SGT GJ ROBERTS 5313 7/15/21

Witness **Date**

Interview of Jeffrey R. Smith

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

July 15, 2021 – 1404 Hours

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

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

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

Smith: Yes?

Rosenquist: Is this interview being recorded with your permission?

Smith: Yes.

Rosenquist: Did you read the Compelled Interview Form?

Smith: I did.

Rosenquist: Do you understand the Compelled Interview Form?

Smith: Yes.

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

Smith: Yes.

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

Tracy: No, thank you though.

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

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

Smith: Yes.

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

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

Rosenquist: Okay. Um…

Unknown: (clearing throat)

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

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

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

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

color.

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

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

Rosenquist: Okay.

Unknown: (sniffing)

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

Roberts: No.

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

Smith: Not to my knowledge, no.

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

Smith: Correct.

Rosenquist: Kay. Gary, anything?

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

Smith: Correct.

Roberts: Thank you.

Rosenquist: I don't have anything else.

Roberts: I have nothing else.

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

Smith: Correct.

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

		the same one that was in utilization during the time you were quartermaster?
	Smith:	Correct. I never ordered replacement transport hoods while I was here until almost I, until I was nearly done with quartermaster and then I was ordered to stop ah resupplying or issuing any. But I, so I ordered a box and it's still on the counter over there. Never got…
	Roberts:	O- of, of this brand?
	Smith:	…of transport hood. Yes.
	Rosenquist:	Okay.
	Roberts:	A- h- we- were you involved with post Manny Ellis?
	Smith:	What do you mean?
	Roberts:	And, the the the the the new spit hoods?
	Smith:	Uh, yes, I was. Uh, I received communication from Lieutenant, at the time, Lieutenant Travis to um one if I was going to order transport hoods, to not order them and then if we had them, not to issue them. And I had just received a, a new box so I didn't issue it, I kept it in the quartermaster warehouse.
	Roberts:	Okay. But, you had nothing to do with the purchase of the new that's currently…
	Smith:	I did…
	Roberts:	…being issued?
	Smith:	…I was ordered by Lieutenant…
	Roberts:	Okay.
	Smith:	…Travis to order new ones. Uh…
	Roberts:	New ones being a completely different…
	Smith:	…completely different…
	Roberts:	…product?
	Smith:	…product. Correct.
	Roberts:	Did he tell you why?

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

Roberts: Okay.

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

Rosenquist: Kay.

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

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

Roberts: Thanks.

Tracy: Nothing further. Thank you.

Roberts: Kay.

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

END OF INTERVIEW/ar

TAB 48

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Officer Martese Hightower

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.

07/15/2021
Employee **Date**

483 7-15-21
Witness **Date**

Keith Roberts 5313 7/15/21
Witness **Date**

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

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

Hightower: Yes sir.

Rosenquist: Is this interview being recorded with your permission?

Hightower: Yes sir.

Rosenquist: Did you read the Compelled Interview Form?

Hightower: Yes sir.

Rosenquist: Do you understand the Compelled Interview Form?

Hightower: Yes sir.

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

Hightower: Yes sir.

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

Hightower: Yes sir.

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

Hightower: I working by myself.

Rosenquist: Okay. North end or south end?

Hightower: South end sir.

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

Hightower: Union 023.

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

Hightower: Yes sir.

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

Hightower: Yes sir.

Rosenquist: What was your impression of that?

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

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

Hightower: It seemed stressed.

Rosenquist: Okay. How so, just?

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

Rosenquist: Mm-hm.

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

Rosenquist: It's okay.

Hightower: I'm jus-...

Rosenquist: Take your time.

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

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

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

Hightower: (laughs)

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

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

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

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

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

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

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

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

Rosenquist: Okay.

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

Hightower: Yes.

Roberts: Or east of you?

Hightower: Uh, yes, there were.

Roberts: How many?

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

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

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

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

Hightower: I don't recall.

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

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

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

Hightower: Ford and Rankine.

Rosenquist: Kay.

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

Rosenquist: Kay.

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

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

Hightower: Yes sir.

Rosenquist: What was occurring?

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

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

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

Rosenquist: Remember what he was yelling?

Hightower: No, I do not sir.

Rosenquist: Was it words or was it just grunts or…?

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

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

Hightower: Handcuffs.

Rosenquist: Did you see a hobble on him?

Hightower: No I did not sir.

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

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

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

Hightower: No.

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

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

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

Hightower: No sir.

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

on him when you initially showed up.

Hightower: No sir.

Roberts: And, then you did some tasks…

Hightower: Mm-hm.

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

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

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

Hightower: No sir.

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

Hightower: I don't remember sir.

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

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

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

Hightower: No sir.

Rosenquist: Do you recall who did?

Hightower: I don't recall who did.

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

Hightower: I believe he was in prone sir.

Rosenquist: Back on his back, on his stomach?

Hightower: On his stomach.

Rosenquist: Kay.

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

Hightower: Yes.

Rosenquist: Was Fire on scene when you arrived?

Hightower: No sir.

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

Hightower: Yes.

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

Hightower: I don't remember any lights sir.

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

Hightower: Uh,…

Rosenquist: From your recollection?

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

Rosenquist: Okay. Okay. So, Fire arrives and we have statements from Pierce County's investigation that there was this discussion between TFD and Tacoma PD officers that was almost described as an argument in regards to TFD needing the restraints removed so they could treat Ellis. Do you recall witnessing any of that conversation?

Hightower: Yes.

Rosenquist: Can you elaborate on that?

Hightower: Um, I remember I don't know the specific Fire crew. I remember one of them walking up to us and um I don't remember, I don't rem-, recall which TPD officer but they had a small exchange with one of the Fire crews who possible said something smart or sarcastic..

Rosenquist: Kay.

Hightower: …um once that happened they began to tend to Ellis and then they asked for his restraints to be um taken off but they didn't elaborate that they needed 'em to be taken off. I believe he said, "I can't work like this," and we responded with, "What

do you need?"

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

Hightower: I do not.

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

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

Rosenquist: Okay.

Roberts: A- and you said sarcastic, do you do you can you elaborate on what the Fire might've said?

Hightower: Um, I don't nec- I don't necessarily know the exact um verbiage he used um or exactly what was said. Um, but it was something to the effect of, "What'd you guys do to him?" as the was walking up after being called for priority, Fire priority.

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

Hightower: I saw the handcuffs being…

Rosenquist: Do you remember who removed the handcuffs?

Hightower: No sir.

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

Hightower: I did not see the spit hood removal.

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

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

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

Hightower: No sir.

Rosenquist: So, you arrive on scene. Were you able to observe Ellis' condition when you first arrive? Responsive, non-responsive, conscious, unconscious?

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

is pretty responsive.

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

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

Rosenquist: Right.

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

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

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

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

Hightower: No sir.

Rosenquist: Kay. You observe any injuries on Ellis?

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

Rosenquist: Where did you see the blood at?

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

Rosenquist: Okay.

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

Hightower: Yes sir.

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

Hightower: Um…

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

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

Roberts: D-

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

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

Hightower: Yes sir.

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

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

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

Hightower: Uh, no sir.

Rosenquist: Okay.

Hightower: Um, I th-, yeah y- you did…

Rosenquist: Yeah…

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

Rosenquist: Okay.

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

Rosenquist: Okay.

Hightower: … chest rises.

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

Hightower: No worries.

Rosenquist: Um, there was a cell phone placed in evidence, um that we believe is Ellis' and we know it, it changed, we don't know where it was found and we know it changed hands a couple times before it finally kinda landed with County.

Hightower: Mm-hm.

Rosenquist: Um, do you recall seeing a cell phone, did you recall seeing anybody in possession of the cell phone?

Hightower: I do not, sir.

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

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

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

Hightower: No sir.

Rosenquist: And you contacted a couple of houses?

Hightower: Yes sir.

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

Hightower: No.

Rosenquist: Based on what they told you?

Hightower: Yes.

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

Hightower: Mm-hm.

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

Hightower: Um, 1437 S. 96th.

Rosenquist: Okay.

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

Rosenquist: Okay.

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

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

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

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

Hightower: Yes sir.

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

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

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

Hightower: No sir.

Rosenquist: Okay.

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

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

Roberts: Mm-hm.

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

confrontation had started.

Roberts: Thanks.

Rosenquist: I don't have anything else.

Roberts: Local?

Bradley: No questions.

Roberts: Anything else, uh, Martese?

Hightower: No sir.

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

END OF INTERVIEW/ar

TAB 49

WARNER

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Officer Ryan Warner

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.

7-15-21

Employee **Date**

1487 7/15/21

Witness **Date**

SGT ROBERTS 5313 7/15/21

Witness **Date**

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

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

Warner: Yes sir.

Rosenquist: Is this interview being recorded with your permission?

Warner: Yes sir.

Rosenquist: Did you read the Compelled Interview Form?

Warner: Yes sir.

Rosenquist: Do you understand the Compelled Interview Form?

Warner: I do, sir.

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

Warner: Yes.

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

Warner: Yes.

Rosenquist: Were you working by yourself or with you partnered…

Warner: Um.

Rosenquist: …with somebody?

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

Rosenquist: Who was your partner for that shift?

Warner: Uh, Officer Madden.

Rosenquist: Kate Madden?

Warner: Yes, on that

Rosenquist: Were you working north or south?

Warner: South end. Yeah, I just switched.

Rosenquist: Okay. When this thing started did you hear the mic clicks or dispatch ask Henry 317 if they had traffic?

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

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

Warner: I did not hear the address. Um, over just us talking, we immediately dispatched because we heard that um, dispatch the information we got from dispatch is why we self-dispatched and then we're enroute n- like immediately. But hearing from him, no.

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

Warner: Um, yeah I do actually, 'cause we, we went like all the way down Alaska Street but we were north of 56th. It was, it was a hike. Yeah, so I think we were up at 48th and 56th, but yeah.

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

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

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

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

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

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

Rosenquist: Okay.

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

Rosenquist: So, you arrive on scene…

Warner: Mm-hm…

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

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

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

Rosenquist: Do you recall what restraints were on him?

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

Rosenquist: So handcuffs…

Warner: Yes.

Rosenquist: …and leg restraints, like a hobble?

Warner: Yes.

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

Warner: I believe they were, yeah.

Rosenquist: What about the spit hood?

Warner: Ah, not at that point. No.

Rosenquist: He did not have a spit hood on?

Warner: No, no.

Rosenquist: What was his position…

Warner: Um…

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

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

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

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

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

Rosenquist: Almost jumped up while handcuffed and hobbled?

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

Rosenquist: So you saw him spitting?

Warner: Well I saw blood on his face.

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

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

Rosenquist: Okay. So…

Roberts: Ryan, John if I could…

Rosenquist: Yep.

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

Rosenquist: Yeah.

Roberts: …in the Officers?

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

Rosenquist: Was he screaming words or just sounds?

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

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

Warner: Uh…

Rosenquist: Elbows, punches, like strikes…

Warner: T-…

Rosenquist: …based on…

Warner: To Ellis?

Rosenquist: … (unintelligible)…

Warner: No, did you…

Rosenquist: (talking over each other…unintelligible)

Warner: No…

Warner: Fuck.

Warner: …no.

Rosenquist: You did not observe any strikes? Okay.

Warner: No.

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

Warner: Correct.

Rosenquist: Did you see the spit hood applied?

Warner: Yes.

Rosenquist: Who'd put the sp-…

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

Rosenquist: Yes.

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

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

Rosenquist: Okay.

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

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

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

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

Warner: I can't.

Rosenquist: Okay.

Warner: Yeah. Yep.

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

Warner: No.

Rosenquist: So they arrived after you did?

Warner: Yes.

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

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

Rosenquist: They did not have their lights on?

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

Unknown: Kay.

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

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

Warner: Mm-hm.

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

Warner: Mm-hm.

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

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

Rosenquist: He was still moving around?

Warner: Mm-hm.

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

Warner: Um…

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

Warner: Mm-hm.

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

Fire in regard to removal of the restraints?

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

Rosenquist: Who wasn't clear?

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

Rosenquist: But?

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

Rosenquist: You described the conversation as brief?

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

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

Warner: That's how I recall it.

Rosenquist: Just brief…

Warner: It was a couple seconds…

Rosenquist: Okay.

Warner: …not minutes. No.

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

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

Roberts: And we don't want you guess.

Warner: No, no.

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

Warner: Um, I remember somebody replying t- hi- to that like saying well if if you're if you're talking you should be breathing. And um, and there was some confusion about ya know like how how can we improve this ya know t- if if it's a problem, ya know fix it 'cause we kinda looked at each other but um but that's what I recall. I don't recall him saying it but um officers ya know like well if he- if he's if he's talking he should be breathing and um so it was kind of like and that led to all the status on Fire like hey where are they, yeah.

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

Warner: Uh…

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

Warner: No, I don't. No.

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

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

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

back…

Warner: Yeah.

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

Warner: Mm-hm.

Rosenquist: …until Fire got there?

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

Rosenquist: Who?

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

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

Warner: Um…

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

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

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

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

Rosenquist: Huh.

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

Rosenquist: Well just i- it's…

Warner: …or after restraints, cause its…

Rosenquist: …i- in general, I mean…

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

Rosenquist: It did.

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

Rosenquist: So did, so di-…

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

Rosenquist: …s- yeah, to be spec-…

Warner: …yeah…

Rosenquist: …so, I'll specify it.

Warner: Okay.

Rosenquist: His condition before the restraints were removed, ya know, did you, did you s- did you when you first were there did you see him breathing normally and then not breathing normally, or conscious or unconscious? Did you see any significant changes in him that raised an alarm with you that maybe…

Warner: Calm…

Rosenquist: …something was medically…

Warner: …calmness…

Rosenquist: …wrong?

Warner: …yeah, ca- he ah he was all of a sudden calm, ya know tranquil and um but that was, when that initial crew was there that's how I recall because that was um that's, that's when he said that um and I have it here, 'cause it was just a memorable thing, it was like how d- how does he know. But, he said he's gonna code soon and um and that's when that conversation of wh- what do you need took place. Um, but yeah tha- that I do remember the shift, he became calm and he was still restrained at that point and then um eh I remember him just kinda sitting back, I remember his eyes being open, I remember him blinking um and uh yeah and we just wanted the just know what we could do. Yeah, Fire was gonna show up and what they needed but they had uh one

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

Rosenquist: Okay.

Rosenquist: Gary you got anything?

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

Warner: Are you talking initially?

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

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 what I meant to say. He, he laid back like um yeah an- I again, I'm trying to paint to specific for you because what I remember is his face, his face was, was looking up s- so like this, and just he blinked, ya know, and um and I heard breath but.

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

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

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

Warner: Yeah.

Roberts: …y- you mentioned earlier he's, he's…

Warner: I, I…

Roberts: …trying to get up.

Warner: …that was initially…

Roberts: Yep.

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

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

Warner: He just calmed, yeah, just calmed and uh…

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

Warner: No.

Roberts: But still breathing?

Warner: Yeah.

Bradley: (unintelligible whispering)

Warner: Yeah, oh, so that, yeah an- and the reason why I'm not trying to get to specific o- this positioning, cause i- it did shift um he was in a recovery position for a period, I just, that, that's my, my fault…

Roberts: Yeah…

Warner: …my memory for just like a…

Roberts: A- w- was…

Warner: …position…

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

Warner: Um.

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

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

Roberts: Perfect. Thank you.

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

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

Rosenquist: Let me rephrase the question. Did you have any physical contact that would be construed as use of force?

Warner: N- no.

Rosenquist: Kay.

Roberts: Any restraint, detaining?

Warner: No, there was actually a um, literally a touch just like this on his shoulder um cause I was I kneeling like, like when you first show up and l- like ya know surely there's, there's something I can do, and then when I realized that that I don't know how to a-, there wasn't a push, it wasn't a pull, it was um ya know he's up and then he laid himself back, ya know, but it yeah just a touch, just cause ya know how ya have those memories of like you felt something but that was it cause I I didn't wanna make it worse, I didn't wanna just, ya know, how do I help.

Rosenquist: Kay.

Warner: But, um, and by that I yeah I, sorry I I I-m just still frustrated about it cause now um it's, it's like comin' back an- yeah.

Rosenquist: So, Fire get's there, the conversation about the removal of the restraints occurs…

Warner: Mm-hm.

Rosenquist: …do you remember who removed the handcuffs and or the hobble and or the spit hood?

Warner: I don't remember specifically, um I I remember leaning in with the handcuff key um but I don't know if like again maybe somebody beat me to it, cause I know everyone's gonna jump to once you get those words ya know, let's get it done. That's what I remember, the attitude about um especially when Sergeant Lim came over and said what do you need, they said it, it's too easy, get it done, it got done, quick.

Rosenquist: Good. The restraints are off,…

Warner: Yeah.

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

Warner: That was before.

Rosenquist: Before the restraints were off?

Warner: Mm-hm.

Rosenquist: Okay.

Warner: Again, to my recollection…

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

Warner: …I knew that…

Rosenquist: …occurs and then do you assist Fire at all? You report indicates that you assist with CPR.

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

Rosenquist: Okay.

Warner: But, they requested to be removed, alright cool…actually there's…okay, yeah, yeah I, I can't give ya a for sure.

Rosenquist: Okay. Gary, anything.

Roberts: Not at this point.

Rosenquist: Kay. Um, did you ever take possession of any evidentiary items or any of property belonging to Ellis while you were on scene?

Warner: No.

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

Warner: No.

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

Warner: No.

Rosenquist: A lot of these are general questions…

Warner: Yeah.

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

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

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

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

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

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

Roberts: No, and I'm not suggesting that, I just wanna know…

(talking over the top of each other)

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

Roberts: And if you refer back to the CAD…

Warner: Mm-hm.

Roberts: …you're arrival time then?

Warner: Yeah.

Roberts: 23:25:33.

Warner: Yep, I see it.

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

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

Roberts: And you're a passenger in the car…

Warner: Passenger, just hitting F7 then.

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

Warner: Mm-hm.

Roberts: …isn't meaning you're landing already?

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

Roberts: You're coming into the area more like…

Warner: …so tha- that's how I was taught, like just let your buddies hear you're close, or if you know you're gonna ya know throw gloves on or something, get out of the car, get that out of the way, let 'em know we're gonna be able to appear soon, yeah.

Roberts: So that's not an exact time of…

Warner: No.

Roberts: …when you arrived.

Warner: No.

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

Warner: Mm-hm.

Roberts: 100 yards?

Warner: From…

Rosenquist: From where Ellis was located.

Warner: Um, within a hundred yards.

Roberts: Within…

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

Rosenquist: Alright, were we're almost done. Um, did you view, view anything that occurred that you thought was inappropriate or a violation of policy by anybody.

Warner: No.

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

Warner: I don't recall seeing one.

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

Warner: Um, I remember switching two to three times with him. Um, and then when the next crew came in they um…

Roberts: And that's TFD crew?

Warner: …exactly, yeah. And then they, they were like, hey thanks. Then they took over and uh we stood by in case they needed more.

Roberts: That's all I have.

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

Roberts: Okay.

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

END OF INTERVIEW/ar

TAB 50

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Officer Wesley Schneider

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.

Wesley Schneider 7/15/21

Employee **Date**

483 7/15/21

Witness **Date**

Scott Roberts 5313 7/15/21

Witness **Date**

Interview of Wesley Schneider

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

July 15, 2021 – 2236 Hours

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

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

Unknown: On.

Unknown: Kay.

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

Schneider: Yes.

Rosenquist: Is this interview being recorded with your permission?

Schneider: Yes.

Rosenquist: Did you read the Compelled Interview Form?

Schneider: Yes.

Rosenquist: Do you understand the Compelled Interview Form?

Schneider: Yes.

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

Schneider: Yes.

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

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

Schneider: Mm-hm, yes.

Rosenquist: Were you partnered with anybody that night?

Schneider: Yes. PPO Derr.

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

Schneider: I don't recall. Yeah.

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

Schneider: Okay. Yeah.

Rosenquist: Is that your bug or…

Schneider: That's my badge number, yes.

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

Schneider: South end.

Rosenquist: Kay. So, where I'm gonna start is the radio the mic clicks and radio traffic that kinda led up to this event. Do you recall hearing those?

Schneider: Uh, I don't recall.

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

Schneider: Dispatch, I believe dispatch toned it out. Uh, officers needed help. I, I th- to the best of my knowledge, that's what I remember.

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

Schneider: Uh, no, not at the substation.

Rosenquist: Okay. Not at the substation.

Schneider: Correct.

Rosenquist: Okay. Were you…

Roberts: What substation?

Schneider: The four sub.

Rosenquist: Were you driving or passenger that night?

Schneider: I don't even recall that…

Rosenquist: Okay.

Schneider: … yeah.

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

Schneider: No.

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

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

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

Schneider: Mm-hm.

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

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

Rosenquist: Words or?

Schneider: I don't recall.

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

Schneider: I don't recall.

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

Schneider: I don't recall.

Rosenquist: Okay. Um.

Roberts: A- any idea how he was laying?

Schneider: I don't recall.

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

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

Schneider: No.

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

Schneider: I don't recall.

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

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

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

Schneider: Mm-hm.

Rosenquist: …do you know who put it on?

Schneider: I don't recall.

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

Schneider: I don't recall.

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

Schneider: Mm-hm. Yes.

Rosenquist: Yes.

Schneider: Mm-hm.

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

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

Rosenquist: How long?

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

Rosenquist: Just felt long?

Schneider: It felt like a long time.

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

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

Schneider: Mm-hm.

Rosenquist: Do you recall that at all?

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

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

Schneider: I do not recall.

Rosenquist: …quick.

Schneider: I don't recall.

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

Schneider: I don't recall.

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

Schneider: Mm-hm.

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

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

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

Schneider: No.

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

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

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

Schneider: Not that I can recall, no.

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

Schneider: He was c-…

Rosenquist: …breathing, not breathing?

Schneider: He was conscious and breathing and yelling.

Rosenquist: Okay.

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

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

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

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

Schneider: After Fire arrived.

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

Schneider: Yes.

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

Schneider: Yes.

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

Schneider: Um, yeah.

Rosenquist: Can you elaborate on that or just…

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

Rosenquist: Okay.

Schneider: Yeah.

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

Schneider: I don't recall.

Rosenquist: Okay.

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

Schneider: No.

Roberts: Words, sentences?

Schneider: I don't recall.

Rosenquist: S-…

Roberts: D-…

Rosenquist: Go ahead.

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

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

Roberts: But, on scene?

Schneider: Yes.

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

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

Roberts: Kay. Thanks.

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

Schneider: Mm-hm.

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

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

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

Schneider: No.

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

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

Rosenquist: Yes.

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

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

Schneider: No.

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

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

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

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

Rosenquist: Kay.

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

Schneider: No.

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

Schneider: Well…

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

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

Roberts: That's all I have.

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

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

Schneider: No.

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

Schneider: No.

Rosenquist: I don't have anything else.

Roberts: Nothing.

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

END OF INTERVIEW/ar

TAB 51

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Officer Anna Brahs

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.

A BRAHS 7/20/21

Employee **Date**

7/20/21

Witness **Date**

SGT C ROBERTS 5313 7/20/21

Witness **Date**

Interview of Anna Brahs

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

July 20, 2021 – 1101 Hours

Internal Affairs Control Number 21COM-0061, 21COM-0069 and 21COM-0071

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Randall Frisbie, Local 6, Treasurer; and Officer Anna Brahs

Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Anna Brahs. The date is 7/20/2021. The time is 1101 hours. Location is Internal Affairs office, Room 360, Police Headquarters. This is in reference to IA Cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs Sergeant G. J. Roberts; Detective Frisbee, Local 6, what's your position on eboard?

Frisbie: Treasurer.

Rosenquist: Treasurer; and Officer Brahs. Uh, Anna, are you aware this interview is being recorded?

Brahs: Yes.

Rosenquist: And this interview being recorded with your permission?

Brahs: Yes.

Rosenquist: Did you read the Compelled Interview Form?

Brahs: Yes.

Rosenquist: Do you understand the Compelled Interview Form?

Brahs: Yes.

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

Brahs: Yes.

Rosenquist: Alright. Prior to beginning the interview I gave you a copy of your, uh, supplemental report and you had some time to review that?

Brahs: Yes.

Rosenquist: Okay. So, Internal Affairs has been tasked to investigate the incident that resulted in the, uh, in-custody death of Manny Ellis. Um, were you partnered with anybody that night or were you solo?

Brahs: Solo.

Rosenquist: Okay. Did you hear any of the mic clicks or the radio traffic that led to the response at 96th and Ainsworth?

Brahs: Yes.

Rosenquist: Can you tell us about that?

Brahs: I don't know exactly what they were but we- I remember hearing mic clips, clicks and then eventually a location saying 96th and Ainsworth.

Rosenquist: Do you remember who called out the location?

Brahs: I don't remember.

Rosenquist: What did the voice sound like when it was called out? Was it normal, was it stressed?

Brahs: Uh, it was stressed.

Rosenquist: So I'm gonna refer to your sup report, uh, you arrived, you saw a male subject in restraints on the ground and you wrote, "the subject was…

(Background noise: Dispatch radio voice)

Rosenquist: Can you turn your radio off, please?

Brahs: Yes, I'm sorry.

Rosenquist: Uh, you mentioned the subject was still actively fighting against the restraints and officers had to hold him still so he did not hurt himself. So, let's start with the subject on the ground, what you recall about the subject on the ground as far as like his positioning, um, any restraints that were on him?

Brahs: I know he was at least in handcuffs and on his side.

Rosenquist: Did you see if had a hobble on him?

Brahs: I don't recall. I don't remember.

Rosenquist: Kay. Um, actively fighting against the restraints. What did you observe when you wrote that?

Brahs: I can't say exactly what I rem-, I j-, I, what I observed, I it's been over a year, I don't remember exactly what he was doing. I don't.

Rosenquist: Okay. So, an- hn-, we understand it's been awhile since this incident occurred, um, but we have a pretty set list of information we're trying to get from all of our witness officers so I'm gonna start workin' down that. Uh, do you recall who was already on scene when you arrived?

Brahs: I know Officer Burbank and Officer Collins were already on scene. Ford and Rankine were on scene. And then there was other officers around Mr. Ellis, I don't remember who exactly was there.

Rosenquist: Okay. When you arrived on scene, where did you park your patrol car?

Brahs: Behind the line of other patrol cars, in the middle of 96th.

Rosenquist: East or west of Ainsworth?

Brahs: West of.

Rosenquist: When you arrived, do you remember how you arrived? Was it advising Dispatch, was it doing it yourself through the MDC?

Brahs: I don't remember.

Rosenquist: Kay. So you arrive, you see Ellis on the ground as you described on his side handcuffed, uh, once you were on scene did you observe any uh physical, any use of force against Ellis and what I'm looking for is any, any strikes or counter joint?

Brahs: No.

Rosenquist: When you arrived did you j- recall whether or not Ellis had a spit hood on?

Brahs: No.

Rosenquist: And you don't recall or he didn't have one?

Brahs: I don't recall a hundred percent. I, I mean I don't.

Rosenquist: Okay.

Brahs: Yeah.

Rosenquist: Do you remember if you ever observed Ellis with a spit hood on that night?

Brahs: Yes.

Rosenquist: Do you recall who put it on?

Brahs: No.

Rosenquist: Or who took it off?

Brahs: No.

Rosenquist: How long i- if you can recall, how long was th- um amount of time between the time you arrived on scene to when you first saw the spit hood on him?

Brahs: I don't recall.

Rosenquist: Okay. G.J. do you have anything?

Roberts: Yeah. Back to your report, you, you wrote um, uh, "Officer's had to hold him still so he did not hurt himself." Can you expand on that at all?

Brahs: Um, well it says he was actively fighting against the restraints, moving around, um, his head was going towards the ground and that they had to hold him still so he wouldn't hit his head on the ground.

Roberts: Uh, d- do you remember who they are?

Brahs: No.

Roberts: You said they?

Brahs: No.

Roberts: Was anybody in particular there maintaining control, managing Ellis?

Brahs: I wasn't, I don't remember that. I don't. I was, I wasn't touching him, I wasn't there and so I don't know.

Roberts: Thank you.

Rosenquist: Was Fire on scene when you arrived?

Brahs: No.

Rosenquist: So, did you observed Fire arrive?

Brahs: Yes.

Rosenquist: Do you recall if they had, uh, their lights on?

Brahs: No.

Rosenquist: They responded w-…

Brahs: They did not.

Rosenquist: Kay. I know per witnesses have said that once Fire arrived there was a conversation between , uh Fire and our officers about uh getting the restraints removed so that they could begin to treat Ellis. Do you recall any of that?

Brahs: Yes.

Rosenquist: W- do you r- what was said?

Brahs: Fire asked if we could remove the restraints and we checked with Lim and he said yes.

Rosenquist: Once Fire made the request to have the restraints removed, what period of time elapsed between the time Fire asked to when Lim approved it and then the restraints were removed?

Brahs: It was very quick. I don't know exactly how long. I don't. It wasn't, I don't know, I don't know…

Rosenquist: Okay.

Brahs: … exactly how long cause I'm not gonna guess a time cause I don't know. I just remember it was fast.

Roberts: H- how would you describe that conversation between the Fire employee or employees and whoever was makin' the decision, was it argumentative, was it hey

can we get the restraints off?

Brahs: Was-, wasn't argumentative. Fire was very abrupt with it, saying we need to get these removed and then it was ask the supervisor cause he was restrained because he was actively fighting.

Rosenquist: When Fire asked for the restraint, restraints to be removed, do you remember what position Ellis was at the time?

Brahs: No.

Rosenquist: While you were on scene did you hear Ellis make any statements like, or similar to, "I can't breathe?"

Brahs: No.

Rosenquist: When you arrived on scene, do you recall what Ellis' condition was, and by that, responsive, non-responsive, conscious, non-conscious, was he talking, yelling, making noises?

Brahs: I know he was moving, cause he was actively fighting, I don't remember if I heard noises, yelling, anything along those lines.

Rosenquist: Did you observe any injuries on Ellis?

Brahs: Mm, not that I can remember. There might have been some blood on his face, cause that was, yeah, I think there might've been some blood on his face.

Rosenquist: Okay.

Brahs: But I don't know where it was from.

Rosenquist: Assuming that when he was moving around and struggling, he was breathing?

Brahs: Yes.

Rosenquist: Did you see whe- while you were on scene prior to Fire arriving, did you know of any changes in Ellis' condition?

Brahs: No.

Rosenquist: That he had stopped moving or stopped breathing or, was non-responsive or

unconscious?

Brahs: I didn't notice anything.

Rosenquist: Did you ever take possession of any items of evidence while you were on scene?

Brahs: No.

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

Brahs: No.

Rosenquist: Do you contact any citizen witnesses?

Brahs: No.

Rosenquist: G.J.?

Roberts: So, i- if, if I can recall correctly, you said when you initially a- arrived, you see Ellis, he's on his side…

Brahs: Mm-hm.

Roberts: …in what's known as kind of a recovery position…

Brahs: Yes.

Roberts: …did you see him moved to his stomach, to a prone position at all and how many times was he moved back and forth?

Brahs: I don't know, I don't recall him, seeing him move until, I mean Fire arrived and started working on him.

Roberts: Thank you.

Rosenquist: Uh, in regards to Fire, I know we had some officers assist with CPR, did you assist Fire at all with treating Ellis with performing CPR on him?

Brahs: No.

Rosenquist: When you're on scene did you observe anything that you thought was inappropriate or a violation of policy?

Brahs: No.

Rosenquist: Anything else that you think we should know about this incident that we haven't

talked about?

Brahs: No.

Roberts: I have nothing.

Rosenquist: I have nothing else either.

Rosenquist: Kay.

Frisbie: I have nothin'.

Rosenquist: This is Sergeant Rosenquist, it is 1113 and this is the end of the interview.

END OF INTERVIEW/ar

TAB 52

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Officer Herbert Chung

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.

7/20/21

Employee **Date**

7/20/21

Witness **Date**

7/20/21

Witness **Date**

Interview of Herbert Chung

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

July 20, 2021 – 1550 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Officer Dave Anderson, Representative, Tacoma Police Union – Local 6; and Officer Herbert Chung

Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Herbert Chung. The date is 7/20/2021. The time is 1550 hours. Location is Internal Affairs Office, Room 360, Police Headquarters. This is in reference to IA cases 21COM-0061, 21COM-0069, 21COM-0071. Present are myself; Internal Affairs, Sergeant G.J. Roberts; Officer Dave Anderson, Local 6; and Officer Chung. Officer Chung, a you aware this interview is being recorded?

Chung: Yes.

Rosenquist: Is this interview being recorded with your permission?

Chung: Yes.

Rosenquist: Did you read the Compelled Interview Form?

Chung: Yes.

Rosenquist: Do you understand the Compelled Interview Form?

Chung: Yes.

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

Chung: Yes.

Rosenquist: Kay. So, a little bit of background, Internal Affairs has been tasked to investigate the incident, uh that resulted in-custody death of Manny Ellis back on March 3rd of 2020 and you wrote the incident report, the dot one, and CAD also indicates that you were on scene so, um I'm gonna be asking you questions specific to what's in your report but we also have a list of questions that we're pretty much asking everybody just to

kinda get a bigger picture of what happened. So, we're start off, were you partnered with anybody that night, or were you by yourself?

Chung: I was by myself.

Rosenquist: Kay. Did you hear the mic clicks on the radio or dispatch asked Henry 317 which was Burbank and Collins if they had traffic?

Chung: I can't remember. I was, uh, on a traffic stop. Just clearing so I probably wasn't hearing mic clicks prior.

Rosenquist: Where was the stop at?

Chung: Um, I was at the Country Boy, 56 McKinley.

Rosenquist: And, then you responded to 96th and Ainsworth?

Chung: After I heard the shout from Burbank 96 Ainsworth.

Rosenquist: Okay. So you heard Burbank shout that out?

Chung: Yeah, I didn't hear the mic clicks though prior.

Rosenquist: But you did hear him shout out the location?

Chung: Yes.

Rosenquist: How long have you worked around Burbank?

Chung: Um, since 2018, when I was hired, uh, ending of 2018 when I was on graveyards in the south end.

Rosenquist: So long enough that you're pretty familiar with Burbank's radio traffic?

Chung: Yes.

Rosenquist: How did he sound that night when he called out 96th and Ainsworth?

Chung: Uh, it was like uh, frantic, uh, I mean, speaking for myself Burbank is probably one of the more cool, calm and collected guys. So, hearing the way he shouted out 96th and Ainsworth, you knew something was wrong. And, having just 96th and Ainsworth out of him and nothing else, uh, it was pretty troubling to hear.

Rosenquist: Okay. So, you respond to that location?

Chung: Yes.

Rosenquist: And, you arrive, when you arrived, because we're, we're trying to nail down kinda of a timeline of what happened, do you recall, did you arrive yourself over the radio or did you do it over MDC?

Chung: I'm pretty sure, I'm pretty cognizant of not being on the radio during priority traffic, so I'm, I'm pretty sure I added myself, I dispatched me and arrived myself.

Rosenquist: And, did you do that after you arrived at the location, or as you were coming into the area?

Chung: I'm pretty sure I dispatched myself as I was driving there and I'm pretty sure I arrived as I arrived.

Rosenquist: Okay. On scene or, or close…

Chung: Close…

Rosenquist: …to it?

Chung: …right. Yes.

Rosenquist: So, you arrive there, where did you park at?

Chung: I was on 96th Street. There was a plethora of cars, um, going from where, uh Burbank and Collins car was, going east on 96th, there was just a bunch of police cars parked, so I parked behind someone on 96th Street.

Rosenquist: East of Ainsworth.

Chung: East of Ainsworth.

Rosenquist: Okay. You arrive on scene, you get to where the incident with Ellis occurred, just what were your initial observations?

Chung: Uh, so the fight was over with, he was already hand cuffed, um, as I walked up, he was already in, so, military trains us a recovery position if someone's having a hard time breathing or if anything like that in a medical situation, you roll them on your right side. So, at that point he was already rolled on his right side, um, and he was

like thrashing around still. Um, I don't know how to describe it, um, I think in my report I wrote, um…

Rosenquist: Well you can re-, you can review your report while we're…

Chung: (coughs)…yeah, so he was already on his right side and it, yeah, so he was rocking back and forth, and uh, it almost appeared to me like he was trying to break free of his restraints.

Rosenquist: Okay. And at that point he had handcuffs and…

Chung: I…

Rosenquist: …a hobble on?

Chung: …he did have hobble on, um, and he was handcuffed and he was just thrashing back and forth.

Rosenquist: And the hobble application occurred prior to…

Chung: Prior to my…

Rosenquist: …y- you did not…

Chung: …arrival.

Rosenquist: …see it.

Chung: I didn't see it get put on.

Rosenquist: Okay. So, he's on his side and we, we heard a couple versions of what Ellis was doing. I, I guess kinda based on those, was he kinda doin' like a, a fish worm thing on his side, because we've also had a couple people say that he was physically on his back while handcuffed and hobbled and we're just trying to get a clear picture of, of his position.

Chung: When I got there, and just my perspective, he was already on his right side and like fish out of water, just that, like vicious, uh rocking back and forth. That's kinda like what his body was doing at the time.

Rosenquist: Did you observe him spitting at all?

Chung: He, uh, I don't know if he was spitting, there was fluids coming out of his mouth, um, that's for sure. Um, I can't remember if I saw him spit or not, but he was just yelling, I can't remember what he was yelling, but he was yelling.

Rosenquist: Words, or just more like sounds, like grunts, groans…

Chung: Um, there were words, um angry words, I can't, like I said I can't quote him on what he was saying but he was yelling.

Rosenquist: Okay. G.J. anything?

Roberts: Yeah, l-, give us a perspective of what the hobble looked like when it was on. Was it attached to the handcuff?

Chung: I can't remember.

Roberts: W- was he, was his, he's on the, on his right side…

Chung: Mm-hm.

Roberts: …are his feet drawn up to his wrists…

Chung: Uh…

Roberts: …or is he g-…

Chung: …I don't remember if his feet were up to his wrists, his legs were curled, his, from his knee joint, I guess, his feet were, uh like curled in. I don't know how far up he is capable of getting his legs up, but I don't know how f-, if it was up to his hands or, as far as his body allowed him to, um, but I do-, I can't remember the exact position of the hobble, but I do remember his legs were together. If his ankles were together and his, uh, legs were curled up a little bit.

Roberts: A- and, had you heard somebody ask for hobbles over the radio?

Chung: I can't remember, um, I think I did, but I mean it's so long, I can't remember what I heard on the radio, there was a lot of…

Roberts: A- and I only, only say that, that's…

Chung: Right.

Roberts: …what's written in your report and I'm…

Chung: Right.

Roberts: …I'm just kinda…

Chung: Yep, so I, yeah, um I don't remember who requested it but I guess, yeah, someone must've requested it and I don't remember who answered up that they had it.

Roberts: That's all.

Rosenquist: You mentioned parking behind several other patrol cars…

Chung: Mm-hm.

Rosenquist: …do you remember who was already on scene when you arrived?

Chung: Um, Collins, Burbank, Ford, Rankine. I remember seeing deputies, I don't know who they are, never met them or seen them before. There was a trooper, uh, Sergeant Lim, think Farinas, can't remember, I don't remember seeing Andy Guiardinu, but I know him and, uh, Manny are partners, so I'm pretty sure he was around, I can't remember if he was working that night.

Rosenquist: Okay. Um, so you mentioned that he was, Ellis, was handcuffed and hobbled, once you arrived, did you see any uses of force against Ellis, and what I'm specifically asking about is, um strikes or counter joint type maneuvers?

Chung: Uh, I did not.

Rosenquist: Okay. You noted in your report that, uh multiple officers were surrounding him, referring to Ellis, controlling him so he wouldn't kick anyone. Do you remember who those officers were?

Chung: Um, I believe it was, uh Ford and Rankine. They were the ones on the ground with him. Um, and then by surrounding, I mean there was like a circle of officers just kinda making sure he doesn't get up or do anything else.

Rosenquist: But as, as far as physically controlling him, it was Ford and Rankine?

Chung: Uh, yes. I remember Rankine was towards his back and I think Ford was on his front

side.

Rosenquist: Did one have upper body and one have legs or how did, were they separating kinda their responsibilities?

Chung: I, I can't remember what exactly they were doin' I just vividly remember, uh Rankine was behind him, so Rankine would be on the west side of him, so he, Manny was north south and Rankine was on the west side, Ford was on the east side of him.

Rosenquist: Okay and I think you indicated in your report that, that Ellis was facing east.

Chung: So he w-, his body was north south…

Rosenquist: Right.

Chung: …and he was facing the east…

Rosenquist: Alright.

Chung: …because he was already on his side.

Rosenquist: Okay.

Chung: So he was looking east.

Roberts: And…

Rosenquist: Sorry, go ahead Gary.

Roberts: W- when, when you say Rankine and Ford are there with him…

Chung: Mm-hm.

Roberts: …are they physically on, on the str-, a-, are their knees on the ground, or where are their knees?

Chung: Um, to my recollection, I believe both of their knees are on the ground and not on him.

Roberts: Kay. They're support…

Chung: I think…

Roberts: …ing them-

Chung: …they were just supporting him in that position, um being on his side.

Roberts: Thank you.

Rosenquist: When you arrived do you recall if there was a spit hood or spit mask on Ellis?

Chung: Um, yeah. I remember that being put on after I was there. So, I, I can't remember who put it on, but I remember, um like I said there was fluids coming out of his mouth. I can't remember, if he attempted to spit at someone, but someone requested it, I don't know who and then I remember one being put on him.

Rosenquist: Okay, but you don't recall who did it?

Chung: I don't recall who did it.

Rosenquist: Did you see the spit hood go on him?

Chung: Uh, I can't remember if I did or not. Um, my attention was kinda split.

Rosenquist: Okay. So, Ellis' condition when you arrive, um he's obviously conscious, he's thrashing around as you described, between the time you arrived on scene to when Fire arrived, were you close enough to Ellis to where you could see any changes in his condition, responsive to non-responsive, conscious to unconscious?

Chung: So he was conscious, I remember he was conscious when Fire arrived. Um, cause I remember seeing their truck. Um…

Rosenquist: And what, sorry, what indicators did you have that he was still conscious when Fire arrived?

Chung: Um, I believe he still was breathing, um I don't know if he was saying words, I can't remember that, um but I do believe he was still breathing and his eyes were open.

Rosenquist: Were they moving around or…

Chung: I, I…

Rosenquist: …was he closing them?

Chung: …wasn't looking to th-, I just remember he was still, la- last time I remember looking at the fire truck, seeing how far away it parked and then, um, looking back,

uh he was, I think s- was still breathing and his eyes were still open.

Rosenquist: Okay.

Roberts: L- a moment ago you said that your, your attention was split and we were talking about the spit hood…

Chung: Mm-hm.

Roberts: …and you didn't, we asked if you had an appl-, if you saw the application of it, you said your atten-, what was your attention split at, what were you doing?

Chung: Uh, I believe I was asking, um Matt and Shane if they were okay. Just to see if they needed any injuries treated.

Roberts: So, it wasn't like the entire time you were standing over Manny Ellis?

Chung: Right. I was, I was, I was looking, making sure, cause, uh, um to my knowledge it was Ford and Rankine making sh-, kinda supporting him, making sure he didn't like fall over or anything while on the ground. Um, and then, um I was also like um making sure Matt and Shane were okay.

Unknown: (clearing throat)

Rosenquist: So, Burbank and Collins, how were they, what were, what was their appearance to you when you were to talking to 'em?

Chung: I mean, so when I arrived and when I got to them they were out of breath, um and just kinda, i- it looked like they were like completely drained. Um, I, I re-, I think I remember Matt saying his watch broke, I don't know why I remember that but I remember he mentioned something about his watch being broken from it, the incident. Um, but yeah they were both, uh out of breath, um I think I remember Shane was like taking some deep breaths cause he was, was like he was just gas-, gassed out.

Rosenquist: Did they tell you, or did you ask them what led to the contact with Ellis?

Chung: Um, I didn't ask them. Um, I can't remember what they were saying.

Rosenquist: They were talking to somebody about…

Chung: Um…

Rosenquist: …the reason?

Chung: …Sergeant Lim was there, so I, I wasn't gonna talk over a Sergeant and try to talk to them while a Sergeant was talking to them so I, I was just, like I said my attention split to kinda watch them, make sure they were okay, and then, um keep an eye on uh Fork or Rankine with uh Ellis on the ground. Making sure that they weren't gonna, end up in another confrontation.

Rosenquist: So Fire arrives on scene, do you recall if they had their emergency equipment on or if they came in quiet?

Chung: I don't, I know I didn't hear lights and si-, I, I kn-, I can't hear lights, but I know I didn't hear sirens. Um, I can't remember if, I'm sure their lights were on but I can't remember. Um, but I know I didn't hear sirens, I just remember see them make the turn from, it might have been Yakima, um I mean, I think that's the only arterial before Ainsworth. So they mighta turned on Yakima, so I remember s-, looking down cause we re-, requested them so we were kinda all on the lookout, like where is Fire, w- are they gonna come yet and then I remember seeing them turn the corner. So, yeah, I don't remember hearing, uh sirens.

Rosenquist: You saw Ellis on his right side, and I e-, and I know you said your attention was divided, do you see him put back on his stomach at all or then back up onto his side, or do you believe he stayed on his side the entire time?

Chung: So, I only saw him in two positions. One was on his side when I got there and then the next position was when he went on his back for Fire to treat him.

Rosenquist: And did he still have the cuffs and hobble on when he was on his back or had they been removed?

Chung: They were requested to be removed and then they were removed.

Rosenquist: Kay. So, did, was he physically on his back while handcuffed and hobbled?

Chung: I don't remember seeing if he was on his back while he was handcuffed or hobbled. I d-, I don't remember, I just remember him being on his side, handcuffs came off at some point, um and then he went on his back.

Rosenquist: Did you see who, or do you know who took the restraints off?

Chung: I don't.

Rosenquist: Hobble, handcuffs?

Chung: I do-, I, yeah, I can't remember who took them off.

Rosenquist: Or the spit hood?

Chung: Uh, I don't know, no. I don't, I can't remember. I'm trying to remember, but yeah I can't remember who took it off.

Rosenquist: There was a discussion or when Fire gets there and they say we need to take the restraints off, um was there any discussion between our officers and TFD or was there any kind of delay between Fire's request to when the restraints were actually removed?

Chung: I can't remember, I, I think at that point, um I had already been tasked to keep an eye, on uh Matt because I was gonna transport him.

Rosenquist: Okay.

Roberts: Referring back to your report, um you say TFD was requested to conduct an evaluation on Ellis due to a taser being deployed during the original fight with officers, how were you aware that, that's why they were, were you there when Fire was requested?

Chung: I believe so.

Roberts: And, was that why they were requesting Fire, was just for the taser application?

Chung: I think, I can't remember who requested it, or why. But, I think I somehow came upon the knowledge that it was requested because of the taser.

Roberts: Thank you.

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

Chung: Uh, I didn't hear any of that.

Rosenquist: Did you have any contact with Ellis as far as verbal, having the conversation with him or physical contact?

Chung: I did not.

Roberts: Would, would you have heard anything in the background over the radio? Of, to the effect I can't breathe?

Chung: I, I didn't hear that.

Rosenquist: While on scene were you in possession of any items that might have eventually made their way to evidence, like a cell phone?

Chung: Me, no.

Rosenquist: Did you see anybody in possession of a phone?

Chung: Um, I can't remember.

Rosenquist: Okay. The only reason I ask we- Ellis' cell phone made it into property, and we think it passed through like three or four sets of hands, and we're just trying to, trying to nail down that chain.

Chung: Yeah. I didn't touch the cell phone…

(sound of something slamming/banging)

Chung: …I don't remember, I think I remember hearing someone having to transport it back, but I don't remember who it was or who had possession of it.

Rosenquist: Okay. So you were directed by Sergeant Lim to transport Officer Collins to the county substation?

Chung: Yes.

Rosenquist: Did you have any conversation with Officer Collins during that transport?

Chung: Uh, I don't remember. Um, I might've asked him if he was alright, but I don't remember discussing the situation with him because I knew this, it was, we already knew he was, he was already, um going through CPR, it was unsure if he was gonna survive it or not, so I just, I, I don't remember asking Matt any questions.

Rosenquist: Okay. Did you have contact with any witnesses that night?

Chung: Mm, not me. No.

Rosenquist: Did you any-, see anything while you were on scene that you were concerned about that you thought were either inappropriate and or potential policy violations from anybody?

Chung: I didn't.

Rosenquist: Anything else that you can think of in regards to this incident that I haven't asked you about, or that we haven't discussed already?

Chung: Mm, not that I can think of.

Roberts: A- and, I just have one more question from your report, um and you say from TFD's walk from their engine located at east of Ainsworth to Ellis' location, Ellis suddenly went unconscious, can you describe that to me a little bit?

Chung: So, when like I said they arrived on scene, they parked, um they didn't drive right up to us, um it might've been because the police cars were parked, I'm not sure, um but from wherever they parked to their walk up, I remember looking, seeing okay TFD is here, I remember seeing that he was still breathing, um and his eyes were open and then maybe the next time I looked back and, uh I looked back to see where Fire is, they're still walking up, I looked back again and, I think that's when, um I don't, I don't remember who said it but they're said oh, I think he stopped breathing now.

Roberts: Was there any discussion, (coughing) 'scuse me, about excited delirium at the scene?

Chung: Uh, I can't remember.

Roberts: Thanks.

Rosenquist: You commented that somebody said, "I think he stopped breathing," was that a TFD personnel or a Tacoma officer that said that?

Chung: Uh, I can't remember who it was, um there was Tacoma, County and a Trooper there so I don't know who might've said it but I think, I remember someone saying, "I think he stopped breathing now."

Rosenquist: What amount of time are we looking at, from the time that when TFD physically arrived on scene and, and parked their vehicle to when they made it to Ellis' location?

Chung: Uh, I can't estimate a time. Uh.

Rosenquist: Did they run there, did they…

Chung: They weren't…

Rosenquist: …walk?

Chung: …they weren't running, they were just casually walking, just normal whatever your, uh your normal pace of walk is, that's how they came to us.

Rosenquist: Okay.

Roberts: Nothing.

Rosenquist: I have nothing else. Union?

Anderson: No. nope.

Rosenquist: Kay. This is Sergeant Rosenquist, it is s- 1614 and this is the end of the interview.

END OF INTERVIEW/ar

TAB 53

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Officer Andy Guiardinu

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.

7/21/21

Employee **Date**

7/21/21

Witness **Date**

2/21/21

Witness **Date**

Interview of Andy Guiardinu

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

July 21, 2021 – 1101 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Henry Betts, Vice President, Tacoma Police Union – Local 6; and Officer Andy Guiardinu

Rosenquist: We are on. This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Andy Guiardinu. The date is July 21st 2021. The time is 1101 hours. Location is Internal Affairs Office, Room 360, Police Headquarters. This is in reference to Internal Affair case numbers 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Officer Guiardinu, sorry, and Detective Betts, un, Vice President of Local 6. This interview is being recorded with your permission?

Guiardinu: Yep.

Rosenquist: Did you read the Compelled Interview Form?

Guiardinu: Yes.

Rosenquist: Do you understand the Compelled Interview Form?

Guiardinu: Yes.

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

Guiardinu: Yes.

Roberts: And you may need to speak up, just a little more.

Guiardinu: Okay.

Roberts: Normal voice.

Guiardinu: Yeah. (laughs)

Rosenquist: Alright. So, Internal Affairs has been tasked to investigate, uh the incident that resulted in the in-custody death of Manny Ellis. So, we're gonna be asking you some

questions specific to what is in your supplemental report, which we provided you a copy of and you can refer to during the interview. But we also have a list of questions that we're asking everybody, just trying to get kind of a better idea of what happened that night.

Guiardinu: Kay.

Rosenquist: So, let's start with, were you partnered with anybody that night?

Guiardinu: Yes.

Rosenquist: Who were you partnered with?

Guiardinu: Um, Armando Farinas.

Rosenquist: Kay. Did you hear the initial mic clicks and Dispatch asking, uh Burbank and Collins if they had radio traffic?

Guiardinu: Yes.

Rosenquist: Can you just describe that?

Guiardinu: I mean, it was just that it, they'd just recently came off a traffic stop and, and nothing was coming through. It was just um, it sounded like someone was like touching the mic rather than speaking to it. Um, but that's it, that's all that came out so initially we thought it was related to the traffic stop.

Rosenquist: Did you hear Officer Burbank call out 96th and Ainsworth?

Guiardinu: Well, not initially. He'd, the first few, um mic clicks, if I remember right, there was no, nothing coming out and then eventually, u- um we knew the general area of what they were at because they'd just got done with a traffic stop. So we started going that way and, and then eventually he was able to kind of scream a little bit and put that 96th and Ainsworth.

Rosenquist: Kay. You said…

Guiardinu: …that said 96.

Rosenquist: …you said, scream. So, the way he transmitted the location was different than how

he normally transmits on the radio?

Guiardinu: Right. Yeah, right. It was very quick and, and kind of like out of breath, yeah.

Rosenquist: Okay. Where did you respond from?

Guiardinu: I think if I remember right we were either at 38 and Pacific or 34 and Pacific, as, as far as possible.

Rosenquist: Okay. (laughing)

Guiardinu: Pretty much, yeah.

Rosenquist: Alright. So, you arrive on scene…

Guiardinu: Mm-hm.

Rosenquist: …do you recall where you initially parked your patrol car in relationship to 96th and Ainsworth and where the incident with Ellis occurred?

Guiardinu: To the east, yeah.

Rosenquist: On 96th?

Guiardinu: On 96th, yeah.

Rosenquist: How far away, do you remember?

Guiardinu: Um, I don't, I don't, I mean, yeah, I don't. Yeah, I do not, no.

Rosenquist: When you arrived, do you recall if that was done, if you put yourself arriving over the radio to Dispatch or if you used the MDC?

Guiardinu: Probably not the radio, but I don't remember cause obviously we have a priority, um radio traffic going but I don't remember I was too moving the MDC.

Rosenquist: Were you passenger or driver that night?

Guiardinu: I believe I was passenger, but I don't know if I put it in my report. Yeah, I didn't.

Roberts: In your report, you say, "I stationed my patrol vehicle westbound from the intersection to block," I'm, disregard.

Guiardinu: Okay, yeah, no.

Roberts: Disregard.

Guiardinu: Okay, I'm sorry.

Rosenquist: So, you arrive on scene.

Guiardinu: Mm-hm.

Rosenquist: You get out of your patrol car, what's your initial observations as you're approaching the location where Ellis was?

Guiardinu: Um, there were already officers that beat us there, um on the scene. He was already detained, um and then I didn't, I, I just kinda check on, on M- um Shane and Matt. Make sure they were okay and then immediately like a few seconds after Lim was on the scene and, and then he told us to do something else.

Rosenquist: Okay. So obviously Burbank, Collins, Rankine and Ford were already there.

Guiardinu: Yeah.

Rosenquist: Do you remember who else was there when you arrived?

Guiardinu: S- I don't, I mean, it was, we were either the third or fourth car on scene, me and Farinas.

Rosenquist: Okay.

Guiardinu: Yeah, so it's either those four, maybe someone else but I don't remember.

Rosenquist: Um, you said you'd, you'd contacted Shane and Matt, wh- Burbank, Officers Burbank and Collins…

Guiardinu: Mm-hm.

Rosenquist: …how were they?

Guiardinu: Um, well out of breath, but nothing that I can remember was like just didn't know or ya know seemed like they were in a struggle as some, ya know, but that's it.

Rosenquist: Did you recall if either one of them had any injuries?

Guiardinu: I think, y- I remember Matt complaining about his elbow, maybe, yeah his elbow I think, yeah.

Rosenquist: So you arrive and Ellis is on the ground detained…

Guiardinu: Mm-hm.

Rosenquist: …do you remember how he was restrained?

Guiardinu: He was face down. And, I don't remember who was holding him down, um but I remember he was still like spittin' at whoever was there and that's why, ya know, the spit hood was put on him afterwards, or few seconds later.

Rosenquist: So, did he have handcuffs on?

Guiardinu: Yeah, yeah.

Rosenquist: Did you observe the hobble?

Guiardinu: I, right when we showed up, when we got on scene, I did not. No. There, I don't think there was hobble. I don't think so.

Rosenquist: Eventually, one was applied then…

Guiardinu: Right.

Rosenquist: …did you s-, did you see the hobble application?

Guiardinu: I did not.

Rosenquist: Kay. What was his, how was he resisting or what was his level of resistance at that point? Ellis'.

Guiardinu: I just remember him, still but kinda like pushing people off of him and the spit, I remember the spittin' cause he kept spittin on people.

Rosenquist: So he was handcuffed, how w-, how was he able to push people off of him or away from him.

Guiardinu: W- A- I mean, like ya know when you hold someone down right and…

Rosenquist: Yeah,

Guiardinu: …I mean…

Rosenquist: …b-, was he twisting, is he using his shoulders, over

Guiardinu: …yeah, twisting legs, flip ya know kinda like fish out of the water type. Yeah.

Rosenquist: Okay.

Guiardinu: Yeah just pushing off the ground with his knee or, yeah…

Rosenquist: And he was spitting at the officers?

Guiardinu: Yeah, I jus-, I, I do remember that the whole spittin' and ya know..

Rosenquist: Okay.

Guiardinu: …I almost feel like flopping around.

Rosenquist: Gary?

Roberts: No.

Rosenquist: So, the spit hood, per your sup report, a preness is the one you put it on…

Guiardinu: Mm-hm.

Rosenquist: …you observed the application?

Guiardinu: Uh-uh. No.

Rosenquist: While you were on scene did you hear Ellis make any comments like, "I can't breathe," or anything similar to that?

Guiardinu: Nope, I did not.

Rosenquist: So you said initially Ellis was on his stomach?

Guiardinu: Yes.

Rosenquist: During the time that you were on scene did you ever see his position change?

Guiardinu: No cause it was briefly for me cause I arrive ya know and as soon as like few seconds later I was kinda standing not doing anything and ya know things needs to be done, right. So I immediately start looking for cameras, I remember looking for houses with maybe camera that could capture the incident and it's kinda like spread out intersection so there's houses on both north and south so I remember just walking away and started looking, checking cameras.

Rosenquist: Okay, so you weren't with the group that was around Ellis the entire…

Guiardinu: No, no,…

Rosenquist: …time?

Guiardinu: …I just, arrived saw the initial, um ya know take of it, he's detained, there's people with him, and I look around, think what's next for me to do…

Rosenquist: Okay.

Guiardinu: …well, maybe this, started looking for cameras and um, cause this, but this point, I mean, the whole street was already blocked, kay so we're ya know it's a border line essentially with all agencies so they were, you can see the lights coming from all directions.

Rosenquist: After you arrived on scene when Ellis was handcuffed, were there any additional uses of force, applied against Ellis, and I'm talking specifically to strikes, either punches or elbows or anything like that?

Guiardinu: I didn't see any.

Rosenquist: Was Fire on scene when you arrived?

Guiardinu: Uh-uh.

Rosenquist: Did you observe Fire arrive?

Guiardinu: Yeah.

Rosenquist: Was their response, did it appear to be routine or priority and by that, did they have their siren and lights on or were they running routine?

Guiardinu: They, they did have the siren but I remember Lim had it, or someone got on the radio, multiple times asking hey is priority coming, I mean is Fire coming, cause we needed him, we needed, we need them priority. So it was a, it was a i- a fair amount of time that we waited for them to show up.

Rosenquist: Do you know why they needed Fire priority?

Guiardinu: I think it w-, I mean I d-, s-…

Rosenquist: Let me, let me re-ask…

Guiardinu: …yeah, yeah.

Rosenquist: Were you in proximity to Ellis or did you observe his condition worsen or degrade

from the time that you arrived on scene?

Guiardinu: No, I did not. I went and like I said checked for cameras…

Rosenquist: Okay.

Guiardinu: …and when I came back he was, um he was unconscious, I would assume ya know and, and, and then priority, I mean, Fire was called priority. Fire has been called probably already at this point because ya know y- y- you got injuries, um from probably both Matt and I know, I remember Matt was complaining about his elbow and um but yeah they'd it, it was a ya know decent amount of time I would say, from the time that um whoever called for Fire until they showed up, but they did, they did show up with lights and sirens.

Rosenquist: Okay. Gary?

Roberts: I- go back to the spit hood for me. Do you know where your partner, Farinas, obtained the spit hood? Does he carry one in his pocket?

Guiardinu: I- in the car.

Roberts: So it would have been in the car. So he would've, you made some initial observations of…

Guiardinu: Mm-hm.

Roberts: …Ellis…

Guiardinu: Mm-hm.

Roberts: …and were you with Farinas when he goes back to the car for a spit hood?

Guiardinu: I did not go back to his car, to the, the spit hood.

Roberts: W- was that, did he, d- e- explain to me h- how long he was there before he went back to the spit hood?

Guiardinu: It was very quick, as soon as we get there, he's already detained, and, and I remember initially seeing him like spittin' stealing, flopping and spittin', pushing people off of him and someone yell, "I need a spit hood," so I think Manny ran back

to the car got the spit hood. I, I know I don't carry a spit, I didn't carry a spit hood other-…

Roberts: But it would have been some time after you arrived, it wasn't initially when you arrived…

Guiardinu: No.

Roberts: …it would've been…

Guiardinu: No.

Roberts: …going forward an- and again you didn't recall how far back you parked from the intersection?

Guiardinu: I don't recall, but can't, I mean, wasn't that far.

Roberts: Wasn't that far, but…

Guiardinu: Yeah.

Roberts: …you guys weren't the first cars at the scene?

Guiardinu: We were the first car, we were, we were the second car from the we- from the east.

Roberts: Okay.

Guiardinu: So, essentially we were the first car besides Matt and Shane coming from the east. I do remember that cause, Ford and Rankine, they came from the west on 96th.

Roberts: And that's your recollection?

Guiardinu: Yeah, that's what I remember, so.

Rosenquist: So Fire arrives and then they asked for the restrains to be removed, did you, were you near Ellis at all or were you still looking at houses when Fire arrived and that conversation occurred?

Guiardinu: I don't, I don't remember that conversation.

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

Guiardinu: I didn't no, yeah.

Rosenquist: Did you have any contact with Ellis?

Guiardinu: Uh-uh.

Rosenquist: You assist Fire at all with the treatment of Ellis? I know we had some guys…

Guiardinu: Yeah, no…

Rosenquist: …do some CPR?

Guiardinu: …no.

Rosenquist: So I do, I wanna go back to your report real quick, uh second paragraph, where you wrote, "the subject," referring to Ellis, "was alert and breathing," um what were your observations that you based that on?

Guiardinu: Well, I mean by his movement. Ya know he was still pushing people off of him…

Rosenquist: Active…

Guiardinu: …and spittin' yeah…

Rosenquist: …resistant and assaultive…

Guiardinu: …and right, right.

Rosenquist: …okay. While you were on scene did you ever, um come into possession of any items of evidence like uh taser cartridge, taser wires, cell phone?

Guiardinu: I don't remember.

Rosenquist: So your report indicates that you transported Officer Burbank to the Sheriff's Department station, um at the direction of Sergeant Lim.

Guiardinu: Mm-hm.

Rosenquist: Did you have any conversations with Officer Burbank during that transport?

Guiardinu: About?

Rosenquist: The incident, what had occurred, or what led up to it?

Guiardinu: Uh, yeah, of course.

Rosenquist: What were their conversations?

Guiardinu: Well, I mean, just kinda described what happened. The, ya know, we they were just sitting at the light and, and the guy just approaches them and start banging on the

		window and then they open the door and then immediately the fights on.
Rosenquist:		Was he specific as to what he meant by the fight was on?
Guiardinu:		No, it was kind of ya know it was, it was just kinda like that's what happened.
Rosenquist:		Did they, did he discuss at all, um what led up to the contact?
Guiardinu:		He said something a- about a, um he was in the middle of the road maybe and then he saw them and ran towards the police officer or the police car.
Rosenquist:		Okay.
A		Mm-hm.
Roberts:		So, I- I back to, uh uh when you're here, uh the initial radio sounds, eh, I, I believe earlier you just said he was on the radio and, and do you remember he who he is when you heard somebody yell 96 and Ainsworth?
Guiardinu:		Right, yeah well I mean yeah it's only a few of us per squad so you, you get to..
Roberts:		Wh- who…
Guiardinu:		… recognize people's ha- I mean people's voice…
Roberts:		So so..
Guiardinu:		…or I…
Roberts:		…who was it?
Guiardinu:		Shane. Burbank.
Roberts:		Thank you.
Guiardinu:		Yeah. Yeah.
Rosenquist:		You mentioned earlier that, um because there was this group around Ellis, you went and looked for cameras…
Guiardinu:		Mm-hm.
Rosenquist:		…did you actually make contact with any witnesses or residences…
Guiardinu:		I knocked…
Rosenquist:		…residents in the area?

Guiardinu: …on a couple. I remember knocking on doors, no one opened, no one um opening a door and but I didn't see any cameras so I only knock on a few doors.

Rosenquist: Okay.

Guiardinu: Yeah, like I never found any cameras or anything so.

(sound of a clunk)

Rosenquist: While you were on scene, did you observe anything by any of our officers that you felt were inappropriate or violations of policy?

Guiardinu: Not that I can, not that I can think of or remember.

Roberts: A- and if we didn't, did you ever at any time hear anybody say to the effect of that Manny has said he couldn't breathe?

Guiardinu: I did not.

Roberts: That's all.

Rosenquist: Anything else about this incident that you think we should know about that we haven't asked you about or discussed here today?

Guiardinu: I mean, ya know my, uh involvement was pretty limited, uh we were very far away like I said, we were either ya know three four or three eight and Pacific which is ya know so many blocks away, um yeah so by the time I get it, I, we got there he was already detained and, and then that was it.

Rosenquist: Okay.

Guiardinu: Yeah.

Rosenquist: I asked you earlier, if you'd re-, um witnessed the restraints, like the handcuffs and hobbles being removed, did you see who removed the spit hood from Ellis?

Guiardinu: I did not.

Rosenquist: Okay. Gary?

Roberts: That's all.

Rosenquist: Kay. I don't have anything else.

B: Andy, do you speak another language?

Guiardinu: I do.

B: What's the other language you speak?

Guiardinu: Spanish.

B: Little bit of an accent.

Guiardinu: Oh, yeah of course.

B: Your English is great, but…

Guiardinu: Yeah, yeah.

B: Was English your primary language?

Guiardinu: No, no I came, I came here in, I was in sixth.

B: Okay. Um, just th- the accents a little bit there but it's really clear and…

Guiardinu: Yeah.

B: …I just wanted to, for the record…

Guiardinu: Yeah.

B: …put it on there so that people if they review this later they know that.

Guiardinu: Okay. Yeah.

B: Yeah.

Guiardinu: Yeah, absolutely.

B: Yep.

Rosenquist: Union's good?

B: Yeah, we're good.

Rosenquist: Kay. This is Sergeant Rosenquist, it is 1121 and this is the end of the interview.

END OF INTERVIEW/ar

TAB 54

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Officer Daniel Derr

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.

D.M.D 07/21/21

Employee **Date**

#483 7/21/21

Witness **Date**

SGT G. Roberts 5313 7/21/21

Witness **Date**

Interview of Daniel Derr

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

July 21, 2021 – 1354 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Officer Dave Anderson, Representative, Tacoma Police Union – Local 6; and Officer Daniel Derr

Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Daniel Derr. The date is July 21st 2021. The time is 1354 hours. Location is Internal Affairs Office, Room 360, Police Headquarters. This is in reference to Internal Affairs cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Officer Derr; and Officer Dave Anderson, Representative for Local 6. Are you aware this interview is being recorded?

Derr: Yes sir.

Rosenquist: Is this interview being recorded with your permission?

Derr: Yes.

Rosenquist: Did you read the Compelled Interview Form?

Derr: Yes.

Rosenquist: Do you understand the Compelled Interview Form?

Derr: Yes.

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

Derr: Yes.

Rosenquist: Okay. Uh, Internal Affairs has been tasked to investigate the incident that resulted in the in-custody death of Manny Ellis back on March 3rd of 2020 and you, you were on scene for that?

Derr: Yes I was.

Rosenquist: Were you working by yourself or were you partnered with somebody?

Derr: I was partnered with, uh Officer Schneider.

Rosenquist: Who was driving and who was passenger?

Derr: I was passenger and Officer Schneider was driving.

Rosenquist: Kay. So this thing, this incident kinda began with, uh some radio traffic, some mic clicks, and Dispatch asking, um Henry 317 if they had traffic. Do you remember hearing any of that?

Derr: I do, yeah. All I remember, I don't know how many times Dispatch asked, or called for them and then I recognized Officer Burbank get on the radio and just say 96 and Ainsworth. Then that was the only transmission.

Rosenquist: What was, how did Burbank sound on the radio during that transmission?

Derr: Uh, well I know he-, him and Officer Collins rode together a lot and they were a very reliable car so it was very out of the ordinary, just to hear a location and w- mic clicks. Uh, without them being on an assigned call, and it was just very fast, the transmission was just the location and then seemed kinda desperate, I guess. W-

Rosenquist: A- abnormal from his usual re-…

Derr: Very abnormal from that car, yes.

Rosenquist: Okay. Do you recall where you were at when you started responding to 96th and Ainsworth?

Derr: I think we were in the area of five six and Portland.

Rosenquist: Okay. So you respond then you arrive, do you remember where you initially parked the patrol car at?

Derr: I wanna say we were on the west side of the incident, the intersection. Cause I remember, uh walking past, um Manny Ellis when he was handcuffed on the ground.

Rosenquist: Okay.

Derr: But, I remember we took up the east side of the intersection for a perimeter after but

I, I'm pretty sure we parked on the west side.

Rosenquist: There's no arrival time listed for you in CAD. Did you try to arrive over the, arrive over the air or?

Derr: I don't remember.

Rosenquist: Okay. So you arrive on scene. Other than Burbank, Collins, Rankine and Ford which we know were already there…

Derr: Mm-hm.

Rosenquist: …was there any other officers on scene?

Derr: I don't remember at this time.

Rosenquist: So you arrive, y- you already mentioned earlier that you'd walked past Ellis who was on the ground, so le-, let's get kinda specific with, to your observations of Ellis. He's on the ground, what's his position on the ground?

Derr: I think he was on his stomach at the time.

Rosenquist: And was he restrained?

Derr: He was, he was in handcuffs.

Rosenquist: Do you recall if he was in a hobble as well?

Derr: I don't recall.

Rosenquist: We know that a hobble was eventually applied on him, did you s- see a hobble application, just not recall seeing a hobble on…?

Derr: I remember somebody called for one on the radio and…

Rosenquist: And would that have been while you were still enroute to the call?

Derr: I th-, I don't remember.

Rosenquist: Okay.

Derr: I just remember hearing on the radio, if someone has hobble, can they bring it. Something along those lines.

Rosenquist: So, Ellis is on his stomach…

Derr: Mm-hm.

Rosenquist: …handcuffed.

Derr: Mm-hm.

Rosenquist: Uh, is he moving around at all, is he resisting at all?

Derr: I remember when I looked down at him I, there were a couple officers with him. I don't remember what they were doing, er, er what officers were cause I went to, um Officer Collins and Burbank right away to see they needed anything. I remember him making like a growling noise and kinda spitting blood. I don't know if that was a result of him growling or what, but I, I do remember that.

Rosenquist: You don't recall who was with Ellis at that time?

Derr: I don't, no.

Rosenquist: Was he spitting blood, just to spit blood or did it appear that he was trying to spit at people that were around him?

Derr: I don't remember, I just remember he was on his stomach, and he was, he was looking to the side and he was making growling noises and just, it sounded like he's spitting and there was liquid coming out of his mouth that looked dark.

Rosenquist: Like blood?

Derr: Mm-hm.

Rosenquist: Could you tell how much blood it was?

Derr: It didn't look like a real lot. It just looked like it, ya get a bloody lip or tongue or something and you're spittin' out some blood from it.

Rosenquist: Okay. Um, you said you contacted Burbank and Collins, how were they?

Derr: I remember going to Officer Collins and he looked exhausted and I've never seen Matt like that, um and as I walked up to him, he just sat on the bumper of his car and just, was just trying to catch his breath and he was just, I remember him being red in the face like he was exhausted. Um, and I remember Officer Burbank, he, he looked

tired, he didn't look as tired as Officer Collins and he was kinda just pacin' around the front of the car.

Rosenquist: Did you observe any injuries on either of them?

Derr: No, not anything obvious.

Rosenquist: Did they discuss the incident with you at that time, about what had led to their contact with Ellis, or what had happened prior to the other officers arriving?

Derr: I remember them saying he attacked the car or something along those lines, I don't remember the exact quote, but they, it was something of that nature that he attacked the car, and then they started fighting with him.

Rosenquist: Okay. So, y- y- you contacted Burbank and Collins, did you go back to Ellis' location after that?

Derr: I didn't, no.

Rosenquist: What did you do after that while you were on scene?

Derr: I just stayed over by the car with, with Matt and Shane. And then I think as the Fire Department came in we started to, um, we started to block 96th and then after that I started going to, um houses in the area to see if there were any Ring cam or anybody had witnessed anything.

Rosenquist: So you, Fire hadn't arrived yet when you arrived?

Derr: They didn't.

Rosenquist: When they were coming into the area, did you notice if they were responding priority, which would be lights and sirens or routine without anything on?

Derr: I don't remember, I feel like I remember 'em, they stopped at the intersection of 96th and McKinley to go through the lights. That's all I remember.

Rosenquist: McKinley?

Derr: Er, I'm sorry, it would be 96th and Yakima.

Rosenquist: Okay.

Derr: Yep. Sorry.

Rosenquist: Cause they came from their station at like 74th and Yakima, so.

Rosenquist: While Ellis was on the ground handcuffed, did you see any uses of force, uses of force against him and, uh I'm speaking specifically to any, um strikes or punches?

Derr: No.

Rosenquist: Okay. Did you ever observe Ellis in a position other than being on his stomach?

Derr: Yes. I do remember, I think it was Officer Burbank w-, instructed the officers over there to roll him to his side. And I remember him just saying roll him to his side to a recovery position.

Rosenquist: Do you remember who those officers were that moved him to the recovery position?

Derr: I don't remember, no.

Rosenquist: Okay.

Roberts: Y- you said that, uh, uh you were with Officer Collins and Burbank and Collins, I believe, was sittin' on the bumper…

Derr: Mm-hm.

Roberts: …the push-bar of his, of his vehicle?

Derr: Yes sir.

Roberts: How far is that away from where Ellis is lying in the street?

Derr: I would estimate 25 to 38 feet.

Roberts: And are there, is there any obstructions there other than people standing in the way, is, uh there's no other cars in front of that is there?

Derr: Not that I remember.

Roberts: Thank you.

Rosenquist: Did you ever see a spit hood on Ellis?

Derr: No.

Rosenquist: You never saw one applied or taken off?

Derr: Nope, none.

Rosenquist: So Fire arrives and other witnesses said there was a conversation between Fire and the TPD Officers about needing to get Ellis' restraints removed for treatment.

Derr: Mm-hm.

Rosenquist: Would you have been within ear shot of that conversation or do you recall hearing it?

Derr: I remember hearing it. Um, I, I, I don't n- remember the conversation between the officers and the Fire Department though.

Rosenquist: How, ya know, a time frame or was it quick between the time when Fire requested the restraints to be removed to when they were actually removed, if you saw them being removed?

Derr: I don't remember.

Rosenquist: Okay.

Roberts: A- and you described it as conversation, I mean I, you're within ear shot of it, is that what it sounds like, a discussion, conversation or is it an argument?

Derr: Uh, I, I really can't remember, I remember Fire, uh one of the firefighters said, "we need him outta restraints," and I, I really wasn't paying attention to much so what was goin' on 'cause there were, there was a group of people around him at that time and I just didn't go back over there.

Roberts: But it wasn't a long lengthy length of time?

Derr: No, it didn't seem like.

Roberts: Before the Fire says hey we need him outta restraints and th- th- th- there's no delay…

Derr: No, I mean I didn't…

Roberts: …other than our…

Derr: …hear any arguing about it or anything, um, no.

Roberts: Thanks.

Rosenquist: Did you anyone from Fire make a comment that he's gonna code soon or he's gonna code?

Derr: No.

Rosenquist: Okay. While you were there, did you ever hear Ellis make a statement of, "I can't breathe," or anything similar to that?

Derr: No.

Rosenquist: Did you ever hear any officers comment to anybody else on scene that Ellis had complained of having breathing issues?

Derr: No.

Rosenquist: So you arrive there, he, he's on his stomach, he's moving around, and I know you were with Collins and Burbank, you were able t-, Ellis' condition when you arrived? Responsive, non-responsive, conscious, not conscious?

Derr: He was conscious, or appeared to be, and i-, he was just growling and tha-, that was it. I didn't, I didn't hear him say anything else.

Rosenquist: Okay. Did you notice whether or not there was a, a decline in his condition between when you arrived to when Fire arrived on scene?

Derr: No but I, I also don't think I was close enough to him.

Rosenquist: Okay. Yeah, some of these questions we're asking everybody so…

Derr: Okay.

Rosenquist: …ya know, did you have any contact with Ellis either verbally or physically?

Derr: No, I didn't.

Rosenquist: While you were on scene did you, um take possession of any items that eventually made it into evidence, like taser cartridge, taser wires, a cell phone?

Derr: Mm-hm. Both of those.

Rosenquist: Okay. Can you explain that?

Derr: Yep. So, somebody had placed it in a Ziploc bag, the, the taser prongs in a, in a

Ziploc bag and Ellis' cell phone, I they were on the hood of, uh Schneider's car and when we moved his car to block the street we threw them up on the dash of the car. Um, and then I later turned them over to, to the Sheriff's Department when they were holding perimeter.

Rosenquist: Do you know who put them in the bag?

Derr: I don't.

Rosenquist: And, or who put them on the patrol car?

Derr: Uh-uh. (indicating negative response)

Rosenquist: You just found 'em there?

Derr: Yep.

Rosenquist: Okay.

Derr: Yeah, when I, I don't know if it was when I got there or when I was just off to the side, somebody put 'em in a bag. They were all bundled up already and everything.

Rosenquist: Okay.

Roberts: Th- the taser wires?

Derr: The taser wires.

Roberts: How 'bout the cell phone? Is that separate?

Derr: Mm. I think it was just on top of the bag with it.

Rosenquist: Ya good for now?

Roberts: Yeah.

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

Derr: Nope.

Rosenquist: You note in your report that you, you contacted a witness with, last name is Seaman…

Derr: Mm-hm.

Rosenquist: …um, they heard sounds of an argument and heard a popping sound. So, whatever

they witnessed, was it only audible, they didn't visually see anything?

Derr: Correct.

Rosenquist: Kay. Did they say anything else about what they heard?

Derr: Nope. That was, I remember I think Seaman was Gary's daughter, or some relation…

Rosenquist: Okay.

Derr: …and that was the house directly in front of, um where this went down.

Rosenquist: To the north?

Derr: To the north. Yep. And, uh I remember I knocked on the front door, there's a sign or something out on the front so you can't go to the front door, so I went around to the sliding glass, and that's when, I believe it was the male, Gary, came out and said that he didn't hear anything 'cause I, I, I forget if he was sleeping or what and then Seaman came out and she I, I think she said she had headphones on her, she was watching TV or something and she heard arguing and the popping sound.

Rosenquist: What did you think the popping sound was?

Derr: Me?

Rosenquist: Yes.

Derr: I don't know.

Rosenquist: Just wondering if maybe the ECT…

Derr: Possibly the taser..

Rosenquist: …I'm just, I'm just…

Derr: …was my thought…

Rosenquist: …asking.

Derr: …yeah, but.

Rosenquist: Any other observations, um while you were on scene that we haven't talked to you about, you thinks relevant to what we're looking at?

Derr: No. I mean it, the whole, the whole call was, was odd to me. Uh, coming from those two officers. Just the, how desperate everything sounded and how quick the radio transmissions were and they just weren't typically a, a two officer car that just went out on stuff without calling out or anything, so.

Rosenquist: Uh, any concerns or observations of our officers on scene that where you thought you saw something that you felt was maybe inappropriate or a policy violation?

Derr: No.

Rosenquist: Overall, did, there was a, I don't know if treatments the right word, a monitoring of Ellis while he was detained?

Derr: Yeah, from what I saw.

Rosenquist: Okay.

Roberts: And, did you see him being moved to the recovery position and back to his prone or just the one time?

Derr: I remember that moving to the s-, moving him to his side and I, I'm not a hundred percent certain but I thought he was still in that position when Fire arrived.

Rosenquist: In the recovery position?

Derr: Mm-hm. On his side.

Rosenquist: Kay.

Roberts: And, and more administratively, so you're, the first report you wrote was a dot six…

Derr: Yep.

Roberts: …and then you wrote a dot forty-eight is what it turned up to be.

Derr: Mm-hm.

Roberts: A- and I don't have with the, it real access, but what's, there's big date difference in that, why would there be a big date difference?

Derr: Uh, Chief Wade told me to write it.

Roberts: And was that specific to the cell phone and…

Derr: To the property.

Roberts: …some of the property? Thanks.

Rosenquist: Do you know if that request came from Pierce County?

Derr: I don't know. He called me at home and told me to write it when I come to work.

Rosenquist: Okay.

Roberts: That's all I have.

Rosenquist: I don't have anything else.

Anderson: Awesome.

Rosenquist: Union? Officer Derr do you have anything else.

Derr: I don't have anything.

Rosenquist: Okay. This is Sergeant Rosenquist, it is 1412 and this is the end of the interview.

END OF INTERVIEW/ar

TAB 55

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Officer Ron Komarovsky

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.

Komarovsky 7-28-2021

Employee **Date**

1483 7/28/21

Witness **Date**

Sgt GJ Roberts 5313 7/29/21

Witness **Date**

Interview of Ron Komarovsky

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

July 28, 2021 – 1404 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Randall Frisbie, Representative, Tacoma Police Union – Local 6; and Officer Ron Komarovsky

Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Ron Komarovsky. Date is July 28th 2021. Time is 1404 hours. Location is Internal Affairs Office, Room 360, Police Headquarters. This is in reference to IA cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Detective Frisbee, Local 6, and Officer Komarovsky. Ron, are you aware this interview is being recorded?

Komarovsky: Yes sir.

Rosenquist: Is this interview being recorded with your permission?

Komarovsky: It is.

Rosenquist: Did you read the Compelled Interview Form?

Komarovsky: I did.

Rosenquist: Do you understand the Compelled Interview Form?

Komarovsky: Yes sir.

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

Komarovsky: Yes sir.

Rosenquist: Kay. So, Internal Affairs has been tasked to investigate the incident that resulted in the in-custody death of Manny Ellis, um, we're gonna be asking you questions specific to the supplemental report that you wrote but we also have kind of a general list of questions that we're asking everybody to just try to get as much information we can and get a better picture of kinda what happened that night.

Komarovsky: Understood.

Rosenquist: So, prior to you responding to 96th and Ainsworth, did you hear the mic clicks or the radio traffic that led to the response at 96th and Ainsworth?

Komarovsky: Yes, sir.

Rosenquist: Can you just tell me what you heard?

Komarovsky: Uh, as my report states, I, uh, heard that unit the Henry H-317 which is Officers Burbank and Collins yell out 96 and Ainsworth and then heard the radio microphone clicks and further unreadable yelling.

Rosenquist: Do you know which officer yelled 96th and Ainsworth?

Komarovsky: I, I couldn't tell ya.

Rosenquist: You're swing shift, right?

Komarovsky: Correct.

Rosenquist: And they're graveyard?

Komarovsky: Correct.

Rosenquist: Okay. Do you remember where you were at when you heard it?

Komarovsky: Yeah, I was uh, parked at the, uh, three sector substation.

Rosenquist: So, you go enroute from the sub, you arrive at the location, do you remember where you parked at in relation to the intersection?

Komarovsky: Uh, I was parked just, uh, west on 96th Street just west of Ainsworth.

Rosenquist: Kay. You arrive on scene, what were your initial observations? And again, you can refer to your report.

Komarovsky: I don't really have a personal recollection, it's been about 17 months, but I can read my report. I observed that the, uh, subject or Mr. Ellis was on the ground, on his back/his side, uh, the subject was already handcuffed and his legs were also restrained behind his back. I observed that another officer was trying to keep him on the ground as he was very tensed up and it appeared he was trying to move. I assisted

an officer by placing my knees, hands, and body weight on the subjects legs and held 'em there to prevent the subject from further moving, injuring himself and or other officers.

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

Komarovsky: I don't recall.

Rosenquist: Do you know who the officers were that were trying to keep him on the ground?

Komarovsky: I don't remember.

Rosenquist: So, in your report you note that you assisted an officer by placing your, uh, knees, hands, body weight on Ellis' legs and held them there, do you know how long you were on Ellis' legs for?

Komarovsky: I don't have a specific time frame but to the best of my recollection it was a very short period of time.

Rosenquist: Okay.

Roberts: And d- during that time Ron, is he, is Ellis on his back, side? Yeah, I know you have back slash slide, side in your report, h- how are, d- explain to me how that would, what that looks like?

Komarovsky: Yeah, I don't recall whether he was specifically on his back or the side, I, I can only reference my report. It's been 17 months, so.

Roberts: A-, and as you're on his legs, do you recall i-, in what position he's in?

Komarovsky: I don't remember, I just recall putting my body weight on his legs near his knee area and just holding him there.

Roberts: Knees down to the ankle or knees?

Komarovsky: Just around the knee area to the best of my recollection. It could be a little above, could be a little below, I just don't specifically recall.

Roberts: And, and it can you describe his moving at all?

Komarovsky: Uh, to the best of my recollection, I recall that he was kicking, ya know tensing up

his muscles, actively kicking, uh, that's really the only thing I recall.

Roberts: Thank you.

Rosenquist: After you arrived on scene, did you see any, um, uses of force against Ellis, specifically, uh, any strikes?

Komarovsky: No. Not to my recollection.

Rosenquist: So th-, there was handcuffs on Ellis, there was a hobble, do you recall seeing a spit hood on him?

Komarovsky: I don't recall.

Rosenquist: When you arrived? Do, or do you not recall seeing a spit hood on him at all during the entire incident?

Komarovsky: I, I don't recall. I can't say I paid attention to his head, I was really focused on his legs when I was there.

Rosenquist: When you were on his legs, do you remember who else was helping pin him to the ground or restrain him?

Komarovsky: I do not.

Rosenquist: Do you recall what the position of his legs were when the hobble was on?

Komarovsky: I don't recall.

Rosenquist: Fire was uh, not on scene yet when you arrived?

Komarovsky: No.

Rosenquist: Did you observed Fire arrive?

Komarovsky: Uh, I, I left and then when I came back like 30 minutes later, they were there.

Rosenquist: Okay.

Komarovsky: And it could be a little more than 30 minutes but a significant period of time later.

Rosenquist: So, Fire hadn't arrived y-, yet when you left the first time?

Komarovsky: Correct.

Rosenquist: So you didn't, did you see, you didn't see the removal of the handcuffs or the hobble

or this, this…

Komarovsky: Did not.

Rosenquist: …the spit mask? Okay.

Roberts: So, so take me back to you're on his legs, somebody else you're, y-, kinda holding him down, what makes you get up and leave? You ultimately, you leave the scene?

Komarovsky: Correct. Uh, I observed that there were many officers on scene already and uh, I believe somebody actually relieved me, I don't remember who it was, and this is already after my shift, and so I went back home.

Roberts: A-, a-, and real quick you're at the three sector substation, would you have taken South Hosmer there?

Komarovsky: I took Alaska.

Roberts: You took Alaska. But Alaska doesn't go through to 96th.

Komarovsky: No, we took some, uh, turns, I don't recall wh-, the specific route, I recall taking Alaska as far as possible.

Roberts: Okay.

Komarovsky: And I was following Sergeant, uh, G. Rock.

Roberts: Okay. Cause you don't ha-, a-, and I guess I'm gettin' to you don't have a arrival time in dispatch on the CAD? U-, uh, ya covered it in your report.

Komarovsky: Yeah, and, and it may be because I, uh, I just, I was really trying to get there really fast and they were actively fighting with one I wouldn't be going to the area and trying to disrupt their priority traffic.

Roberts: But, eh, best to your re-, recollection you arrived right behind Sergeant Rock?

Komarovsky: Correct.

Roberts: Thank you.

Rosenquist: While you were on scene did you hear Ellis say, "I can't breathe," or anything similar to that?

Komarovsky: No, not to recollection.

Rosenquist: What was his condition when you were relieved and you left? Was he still thrashing around or moving or had he had calmed down?

Komarovsky: I don't specifically recall, uh, but he was alive and appeared well.

Rosenquist: Other than putting your weight on his legs, did you have any other contact with him?

Komarovsky: No.

Rosenquist: And…

Komarovsky: Jus-, just my body weight.

Rosenquist: Any communications with him?

Komarovsky: No.

Rosenquist: Okay.

Komarovsky: Or not to my recollection, maybe I, I usually tell suspects like this to hey take it easy, try to de-escalate, but I don't specifically recall if I had said anything to him.

Roberts: Were you there for a rather short period of time?

Komarovsky: Correct.

Roberts: I mean, can you put a number to it?

Komarovsky: Ya know I don't know. Usually hectic scenes like this things feel like forever so I, i-, it was a very short period of time.

Roberts: How long do you think you stayed, uh, assisting keep M-, e-, Ellis down?

Komarovsky: Uh, I, I would say probably less than ten minutes.

Roberts: Less than ten minutes, and…

Komarovsky: And again that's just an estimate, I.

Roberts: U-, understood. And then as you're done with that period of time, do you leave or do you go about any tasks?

Komarovsky: Uh, one second. So, as my report says I cleared the scene and responded back to the three sector substation, finished my report and then I, I went home.

Roberts: Cause, cause your shift ends at 2300?

Komarovsky: Correct.

Roberts: And this was just before or just after?

Komarovsky: It was just after and if, if you want me to tell ya, I'll tell you why I was there a l- little longer is, uh, I was, uh, stopped at 74 and TMB and a guy was doing burnouts so I stopped him and gave him a reckless driving citation and so that I submit and write my arrest report. That's why I was there past my shift.

Roberts: Thank you.

Rosenquist: Your report, you wrote, "I assisted other officers with rolling the subject Ellis onto his stomach," do you recall why the, his position was changed?

Komarovsky: I do not.

Roberts: D- do you recall his condition when he was rolled onto his stomach?

Komarovsky: I do not.

Rosenquist: Was he still on his stomach when you left?

Komarovsky: I don't recall.

Rosenquist: Were you in possession of any items of evidence, like the taser cartridge or wires or a cell phone while you were on scene?

Komarovsky: No.

Rosenquist: While you were on scene did you have any concerns about anything you observed, anything you thought was inappropriate or a policy violation?

Komarovsky: Not to my recollection.

Roberts: I have nothing.

Rosenquist: You observe any injuries?

Komarovsky: I don't recall.

Rosenquist: Did you see any blood coming from Ellis' mouth at all.

Komarovsky: I don't remember, again, my attention was focused on his legs and what I was doing.

Rosenquist: Okay. I don't have anything else. Okay

Unknown: Nothing.

Rosenquist: Uh, it's Sergeant Rosenquist, it is 1416 and this is the end of the interview.

END OF INTERVIEW/ar

TAB 56

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Officer Katherine Madden

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.

7.28.21

Employee **Date**

7/28/21

Witness **Date**

SGT GJ ROBERTS 5713 7/29/21

Witness **Date**

Interview of Kate Madden

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

July 28, 2021 – 1527 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Randall Frisbie, Representative, Tacoma Police Union – Local 6; and Officer Kate Madden

Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Kate Madden. The date is July 28th 2021. Time is 1527 hours. Location is IA Office, Room 360, Police Headquarters. This is in reference to IA cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Detective Frisbee, Local 6, and Officer Madden. Kate, are you aware this interview is being recorded?

Madden: Yes.

Rosenquist: Is this interview being recorded with your permission?

Madden: Yes.

Rosenquist: Did you read the Compelled Interview Form?

Madden: Yes.

Rosenquist: Do you understand the Compelled Interview Form?

Madden: Yes.

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

Madden: Yes.

Rosenquist: Okay. Internal Affairs has been tasked to investigate the incident that resulted in the in-custody death of Manny Ellis and we're gonna ask you some questions specific to what was in your supp report, but also just some general questions 'cause we're trying to get a better idea of just kinda what happened that night. So, um, you were there that night, were you a solo car or were you working with somebody?

Madden: A Henry car.

Rosenquist: Who were you with?

Madden: Ryan Warner.

Rosenquist: Do you know what your call sign was?

Madden: I drove, but I bel-, I don't remember.

Rosenquist: Henry 205. So…

Madden: Okay.

Rosenquist: …who, who's bug number is that?

Madden: Not…, mine.

Rosenquist: That's yours?

Madden: Yes.

Rosenquist: Okay. When this incident started, uh, there were some, some mic clicks over the radio. Do you recall hearing those?

Madden: Yes.

Rosenquist: Can you just, kinda go through the radio traffic you heard, you heard, y-, that led to your response to 96th and Ainsworth?

Madden: Ryan and I were talking and we heard mic clicks and then somebody say 96 and Ainsworth, and we stopped our conversation and I said, "Was that Shane, or was that Matt, who was that?" and then radio was trying to confirm what was goin' on and him and I both were like, "Did he say 96th and Ainsworth?" and we just turned our lights on and.

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

Madden: Uh, f-, mm, 48 and Alaska –ish, I believe we were on Alaska.

Rosenquist: Okay. Could you tell whether it was Burbank or Collins?

Madden: No.

Rosenquist: Okay. So, you're enroute, you arrive, do you remember where you parked your

patrol car at?

Madden: I was on, uh, 96th Street about 200 feet west of Ainsworth, facing east.

Rosenquist: Kay. We know obviously that Burbank, Collins, Rankine and Ford were already on scene…

Madden: Mm-hm.

Rosenquist: …do you recall if there was anybody else on scene when you arrived?

Madden: Not spe-, um, not specifically. Everybody was showin' up at the same time. So we were all jumping out of our cars. I don't remember exactly who got there, either right before, right after us.

Rosenquist: Okay.

Madden: And I, yeah. I couldn't say specifically names.

Rosenquist: Okay. You arrive, you go to where the incident's occurring with Ellis. What were your observations when you got there?

Madden: Ellis was, uh, belly down in the road, on the north side of the road, on 96, I mean in the intersection so…

Rosenquist: Okay.

Madden: …um, he was handcuffed and hi-, he was already hobbled.

Rosenquist: Do you recall if the hobble was attached to the handcuffs or not?

Madden: I don't remember.

Rosenquist: Do you remember his leg position?

Madden: His legs were like at a 90 degree, like behind, they were behind him.

Rosenquist: Okay.

Madden: Yes.

Rosenquist: Okay.

Madden: I-, so belly down, hands behind his back and then his thighs were on the ground just like a, trying to paint picture, thighs were on the ground and knees up.

Rosenquist: Okay. And what else did you see?

Madden: I remember Burbank and Collins out of breath. Like, gasping for air, as they w-, they were not, at that time they were not touching Ellis anymore. They had been relieved by all the other officers that had arrived, but I specifically remember how out of breath they were.

Rosenquist: Did you have any contact with Collins or Burbank?

Madden: No.

Rosenquist: No conversations with them at all?

Madden: Huh-mm. (indicating negative response)

Rosenquist: S- so they're away from Ellis, do you remember who was in contact with Ellis, or who was controlling him at that point?

Madden: Rankine.

Rosenquist: And, what was Rankine's position on Ellis? What was Rankine doing?

Madden: He, so Ellis was still trying to flip over. He wouldn't stay on his belly, he kept trying to flip over and was screaming.

Rosenquist: And can you describe how he was trying to flip over?

Madden: I mean, just trying to roll ya know, trying to get off of his belly kind of like, um, how would you describe it, um, like rocking back and forth…

Rosenquist: Mm-hm.

Madden: …off his shoulders trying to flip over, screaming.

Rosenquist: So like rocking on his shoulders side to side or…

Madden: Mm-hm. Side to side.

Rosenquist: Okay.

Madden: Yes. Um, and Tim was, uh, what's the technical, I mean, he had his knee in the center of his back. So like prone handcuffing position.

Rosenquist: Do you remember which knee?

Madden: No.

Rosenquist: Okay. Remember where the other knee was?

Madden: No.

Rosenquist: You said Ellis was screaming. We've heard everything from grunts to groans, was he saying any words you, do you recall? Was it just sounds?

Madden: I don't remember any words specifically. Mostly yelling, just like ahhhh, ahhhh.

Rosenquist: Okay. Gary, anything?

Roberts: Yeah, er-, earlier you said Ellis' position in handcuffs, hobble applied, his thighs were on the ground with his knees up?

Madden: Mm-hm.

Roberts: Or are his knees, is he bent at the knees?

Madden: Bent at the knees.

Roberts: So his i-, his knees aren't off the ground?

Madden: Correct. Correct.

Roberts: And there's no arch in his back?

Madden: No.

Roberts: Just on his belly. Thank you.

Rosenquist: So when you got there, he's handcuffed, he's hobbled. Do you observe any uses of force against Ellis at that time, um, and what I'm asking specifically if you were strikes or punches?

Madden: No.

Rosenquist: Was Ellis eventually, was his position changed by Rankine or anybody else on scene?

Madden: Yes. He was then put lateral recumbent on his side facing east.

Rosenquist: And by that, so do your remember what side he was on?

Madden: He was on his right side.

Rosenquist: How did he get into that position?

Madden: We rolled him, w-, m-, I do-, I couldn't tell you a timeframe of how long, um, but when he stopped screaming and stopped fighting and flailing, we then rolled him to his side.

Rosenquist: And when you say "we," you?

Madden: Rankine, me, I couldn't specifically tell you what other officers assisted in rolling him.

Rosenquist: Okay. Um, real quick, on your report, um, you wrote, "…on arrival subject was aldy-, already restrained by officers on scene. The subject was still flailing and attempting to roll over while screaming. I assisted in holding the subjects legs still so he was not able to roll over." Can you describe how he was holding, how you were holding Ellis' legs?

Madden: From what I remember, I had my right knee on his thigh and then his, his calf like came over my leg…

Rosenquist: Okay.

Madden: …if that makes sense.

Rosenquist: Do you know how long you were in that position for with him?

Madden: No, no.

Roberts: W-, what leg would you have been on?

Madden: His right.

Roberts: Was, was somebody on the other leg?

Madden: I don't remember.

Rosenquist: It, you mentioned earlier that he was on his stomach and then he was rolled onto his side, what caused that to happen?

Madden: He stopped flailing, stopped screaming. So it was, it, I mean nothing more than he stopped fighting, so we rolled him.

Rosenquist: Was there any kind of conversation or did a specific officer say, "Okay, he's not struggling anymore, we can put him on his side?"

Madden: They, I do remember that conversation. I don't remember who said something, but it was more, it was uh, ya know he had quieted down, he stopped fighting so much, we, everybody that was holding him down kinda started to, ya know as they stop fighting, you don't use as much pressure, so we all kinda started to back off and then I don't remember who it was, but somebody said let's put him on his side and so we just rolled him.

Rosenquist: When that happened, did he have a spit hood on yet?

Madden: When he was rolled to his side?

Rosenquist: Yes.

Madden: I can't remember. I can't remember.

Rosenquist: Did you ever eventually see a spit hood on Ellis?

Madden: Yes. I did. I, uh, it wasn't on very long because by when he was screaming, somebody said grab a spit hood, um, and it was placed on his head and then, I can't remember if it was remo-, I can't remember at what point it was removed or how long it was on.

Rosenquist: Do you remember who put it on?

Madden: Manny. Farinas, sorry.

Rosenquist: Do you know where he obtained a spit hood from?

Madden: My car.

Rosenquist: Okay. So it was your, was it your spit hood or was it Ryan's?

Madden: It was mine, we were in my car that night. Ryan asked if I had a spit hood in my car 'cause they were asking for one. I said yes, I said it's behind the passenger, you know you put 'em between bars in the window. I said it's on passenger side, back seat. He grabbed it and he pulled it out and I remember him saying, "I've never put

one of these on before. Is there a front or a back?" or whatever. And, Manny Farinas said, "I'll put it on. I've put 'em on before."

Rosenquist: And, was that a department issued spit hood?

Madden: Yes.

Rosenquist: So you said that it, you're recall is that the spit hood was not on for that long of a period of time?

Madden: Correct.

Rosenquist: How long, if you can recall, do you think it was on Ellis for?

Madden: I, I honestly could not even give, time was…

Rosenquist: Understood.

Madden: …i-, irrelevant.

Rosenquist: Fire was not there yet when you arrived?

Madden: Correct.

Rosenquist: So did you observe Fire arrive?

Madden: Yes.

Rosenquist: Do you recall if they arrived routine or priority?

Madden: There were no lights on, 'cause we did know that they were there until they walked up. They arrived from the east and were facing west behind a bunch of patrol cars, um, and they walked to us i-, in front of me 'cause I was facing east. So they walked towards us just with their backs and we were like, it was uh, oh, Fire's finally here sort of, we didn't know, we did not hear any lights or siren or them coming.

Rosenquist: I got some questions about Fire but GJ do you got anything before I start?

Roberts: When the spit hood was put on, was there a reason for putting the spit hood on?

Madden: The yelling and screaming, um, there had been talk about trying to get him in a car because he was so loud, let's get this guy out of the street sort of thing and it was let's put a spit hood on so he's not, as he's screaming so loud and then of course we

never ended up moving him cause we were still waiting for Fire, but.

Roberts: W-, was he bleeding on the mouth, anything like that that you remember?

Madden: I don't remember but his, I was at his legs, not his face.

Roberts: So you wouldn't have seen him spitting or anything like that?

Madden: Uh-uh (negative response).

Rosenquist: Did you hear any officers commenting about him spitting?

Madden: Not that I reme-, I don't remember if anybody had said, and at that time, uh, Shane and Matt were away so they ya know didn't say if they, if he had tried to spit on them or anything.

Rosenquist: Okay. Did you observe any injuries on Ellis?

Madden: No.

Rosenquist: Kay. Fire arrives, um, we've been told that there was a, a conversation or discussion, uh, between our personnel from Tacoma and Fire about needing the restraints removed.

Madden: Mm-hm.

Rosenquist: Do you recall that conversation?

Madden: Mm-hm. Yes. Um, I didn't catch any of their names so I couldn't say names of the firefighters, but when they walked up the first thing, or one of the first things they said is, "What do you expect us to do?" and we were like, help him, I, what do you mean? And, um, one of the firefighters kind of snapped, "Well we can't do anything with those restraints on." And we were all lookin' at each other, we're like this guy just overcame four officers. Sarge, we were lookin' for a Sarge to say we're not taking these restraints off without hi-, without them, somebody giving us permission 'cause we were like, ya know he just fought off four people. And the firefighter snapped back, "Well there's like 20 of you standing around, can't you guys hold him down? Take the restraints off." And we were all kinda lookin' at each other, and

that's when so-, uh, somebody called for, um, Sergeant Lim and I don't remember who it was and Lim came over and the firefighter was still pretty agitated and Lim very calmly was like what do you need from us? And he said, "Take the restraints off." And Lim looked at us and we looked at him still wait we were like we want permission to take these off. He said if Fire says take 'em off, take 'em off. And then everything came off.

Rosenquist: Do you know how long that interaction lasted?

Madden: Twenty, thirty seconds maybe. It was quick. I mean it was quick from they walked up to when we were like, I don't think you guys realize what this guy just did to four of our guys and then we took 'em right off.

Rosenquist: Do you know who took off the restraints?

Madden: No. No.

Rosenquist: Do you know who took the spit hood off?

Madden: No.

Rosenquist: Kay. What was Ellis' position when Fire arrived and when the conversation about the restraints needing to be removed was occurring?

Madden: He, at that time was still on his side and then when we had to take the restraints off we put him back on his belly to have access to both of his hands and then took everything off when he was on, when he was face down again.

Rosenquist: How long was he face down for that time?

Madden: Oh ge-, not long, not long.

Rosenquist: And was his position changed from being on his belly so Fire could treat him or what happened after that?

Madden: As soon, as soon as the restraints were off you mean?

Rosenquist: Yes.

Madden: Then he was flipped right onto his back.

Rosenquist: Okay.

Madden: And they then immediately started medical feeling for a pulse and all that stuff.

Rosenquist: Okay. While you were there, did you hear Ellis say anything like, "I can't breathe." or anything similar to that?

Madden: No.

Roberts: W-, was there any conversation amongst the officers that he had, that Ellis had mentioned anything about not being able to breathe?

Madden: Not that I remember. No.

Roberts: What, when Fire arrived and that conversation was goin' on, where were you?

Madden: Still, um, I wasn't holding, I was, I didn't have any pressure on him anymore cause he had stopped fighting, but I was standing on the west side of him near his back legs.

Rosenquist: Is that the same side that Rankine was on?

Madden: No, Rankine was across from me.

Rosenquist: And when you mean across?

Madden: Oh, I'm sorry, uh, he was on the east side of Ellis facing west and I was on the west side facing east.

Rosenquist: Okay.

Roberts: And are you the only two?

Madden: No, I me-, everybody was standing, every-, I mean I don't want to say everybody because I can't remember exactly names…

Roberts: But, but holding him down?

Madden: …and who was on the scene. No there was a l-, there was more than just the two of us…

Unknown: Okay.

Madden: … holding him down.

Rosenquist: Do you recall, I think we already asked who else was holding him down…

Madden: Yeah.

Rosenquist: …with you?

Madden: I don't remember. Everybody was movin' around, taking turns, trying to move around and…

Unknown: (unintelligible)

Madden: … figure out what to do next.

Unknown: (unintelligible)

Madden: (Laughs) Yeah. (Laughs)

Rosenquist: So obviously, ya know, based on your observations, the, the rocking back and forth on his shoulders, Ellis was conscious when you arrived on scene?

Madden: Yes.

Rosenquist: Did you notice any, any change in his condition between the time you arrived and when Fire got there?

Madden: Yes, by the time Fire got there, he'd, we'd all stopped restraining him cause he was no longer rocking or screaming.

Rosenquist: Physically restraining him but he was still in cuffs…

Madden: Correct.

Rosenquist: …and hobbles?

Madden: Correct. Yes. Yes. But at that time he had stopped yelling and by the time Fire arrived he was no longer screaming and no longer fighting the restraints.

Rosenquist: Do you know what his condition was when Fire arrived and I guess what I'm ask-, what I'm getting to is, d- do you know if he was still if he was conscious, unconscious, responsive, non-responsive?

Madden: He was non-responsive. Conscious versus n-, unconscious I couldn't say until Fire was like startin' to do sternum rubs and stuff like that and th-, at that point he was

non-responsive but, um, un-, I mean unresponsive to outside stimulus by the time Fire arrived, yes. But I did not feel for a pulse or check breathing cause I was at his legs.

Rosenquist: Okay.

Madden: So I could not answer that.

Rosenquist: Was the change in Ellis' conditions, was it concerning to you at all, I mean were you aware that maybe there was an issue with his breathing or just his well being at the time?

Madden: We, yes, that's why we asked Fire to, many times, to come priority because we were, everybody was goin' why isn't Fire here is this excited delirium, why isn't Fire here, why isn't Fire here, why isn't Fire here.

Rosenquist: Who brought up the excited delirium? Or was it just kind of a consensus, or j-…

Madden: It was a consensus. Everybody kinda started lookin' at each other and we were goin' is this excited delirium, do you think this is excited delirium, and then of course, we weren't the first one's on scene so then we're asking, um, Ford and Rankine because Collins and, um, Shane were already in a car they had been removed from the scene, um, but we were asking them more questions. Do you guys think its excited delirium? How was he when you got here? And they were like, yeah we, probably. Where's Fire, where's Fire, where's Fire?

Rosenquist: So, Fire's there, the restraints removed, Fire starts treating him.

Madden: Mm-hm.

Rosenquist: What, what did you see then?

Madden: They checked, they did a sternum rub, tried to get a response out of him, ya know cut clothes off and then, um, started CPR because they said that they didn't have a pulse. The medic at his head, said, "I don't have a pulse, somebody start chest compressions." And then a, one of the other firefighters they were starting IVs and

starting to work on getting drugs into him and stuff like that and one of the firefighters was doing CPR, doing chest compressions, um, and at that point, uh, there was only three of 'em, so they were runnin' around trying to get everything handled and at that time then Rankine and, um, Warner took over chest compressions to give that, so that firefighter could help with the IV and everything like that.

Rosenquist: And you mentioned in your report that you assisted in holding the, the IV bag for Fire?

Madden: Yes, so after they got an IV started that was on his, uh, left arm, then one of the firefighters was trying to drop drugs and hold the bag and I just asked, "Do you want me to hold that?' and he was like, "Oh my gosh, that would be great." So then I hold the I-, held the IV bag while he was pushing drugs.

Rosenquist: Okay. Gary?

Roberts: Nothing right now.

Rosenquist: So, just real quick on Ellis' position. When you arrived he was on his, he was on his stomach…

Madden: Mm-hm.

Rosenquist: …he stops resisting, he's rolled onto his side…

Madden: Mm-hm.

Rosenquist: …and he stayed there until Fire arrived on scene and asked for the restraints to be removed…

Madden: Mm-hm.

Rosenquist: …and then he was rolled back on his stomach, restraints removed, then placed on his back?

Madden: Correct.

Rosenquist: Okay. While you were there did you, um, come into possession of any evidentiary items like a taser cartridge, wire, or cell phone?

Madden: No.

Rosenquist: You contact any witnesses?

Madden: No.

Rosenquist: Did you transport any of the officers away from the scene?

Madden: No.

Rosenquist: You assisted in completing the crime scene log?

Madden: Correct. Yes. I started the crime scene log and then, uh, since Ryan and I were the only two-man car, we were relieved pretty quick to start taking calls again.

Rosenquist: Okay. Back when I, I was asking you about Ellis' condition before Fire arrived, could you tell if he was still breathing?

Madden: No. Not from where I was standing.

Rosenquist: Okay. Gary, anything?

Roberts: So Ellis is on his side in the recovery position, is he moved to his stomach at all prior to Fire arriving and wanting them removed? Is there any moving him back and forth?

Madden: Not that I remember.

Roberts: Are, are you on his legs or at his side for that, uh, the majority of that time?

Madden: Yeah. I stayed, I don't remember if I ever walked away and walked back up, I don't remember. I just remember staying on that same side of the leg that I was holding down, his right leg on the west side of him.

Roberts: And, and is Rankine with you that, most of that time?

Madden: Yes.

Roberts: And is, is he in any position putting any pressure on Ellis, uh, at all? D-…

Madden: W-…

Roberts: …when he's on his side?

Madden: Not that I remember.

Roberts: And is, is he in more of a po-, he being Rankine, is Rankine in a position where he's

holding, maintaining that, that recovery position. Is that how you guys are?

Madden: Yes. Yes.

Roberts: Just…

Madden: So I don't remember, I don't remember if he had any amount of pressure on him but he was at his chest head area, further up the torso than I was, um, and from, I can't remember if he, who was the one that made sure he didn't roll. I can't remember.

Roberts: And roll back onto his stomach or roll…

Madden: Yeah, roll, ya know just the weight of the body. I can't remember who was helping and assist making sure he stayed on his side.

Roberts: Other than Rankine, and, and yourself?

Madden: Well, correct, but I, what I'm saying is I can't remember if Rankine was touching him when he was on his side making sure he stayed upright or if Ellis stayed upright on his own.

Roberts: Okay.

Madden: I can't remember that.

Roberts: Thank you.

Rosenquist: When you were on scene did you observe anything that you thought was inappropriate or a violation of policy by our officers?

Madden: No.

Roberts: Nothing.

Rosenquist: I don't have anything else. Detective Frisbie do you have anything?

Frisbie: Nope. No I do not.

Rosenquist: Okay. This is Sergeant Rosenquist. It is 1554 and this is the end of the interview.

END OF INTERVIEW/ar

TAB 57

TACOMA POLICE DEPARTMENT
INTERNAL AFFAIRS SECTION
MEMORANDUM TO FILE

SUBJECT: 21COM-0061; Correction to IA Transcription of Sergeant Greg Rock

FROM: Lieutenant Gary J. Roberts

DATE: December 14, 2022

On December 13, 2022, I was contacted via email by Attorney Jesse Williams. Mr. Williams represents Sergeant Rock on this matter.

Mr. Williams made me aware that a response Sergeant Rock gave during his recorded interview with IA on July 29, 2021 was missing from the transcription. I reviewed the transcription and confirmed Sergeant Rock's response to a question asked by IA Sergeant John Rosenquist was missing from the text. I reviewed the audio recording from the interview and noted Sergeant Rock's response was clear and understandable.

The text missing was at the top of page 6, from line 1 and followed a series of questions asked by Sergeant Rosenquist from page 5. For context, the line of questions with responses are as follows;

Page 5, Line 16-26

Rosenquist: *And how was Rankine holding him down at that point?*

Rock: *He was just on his, uh, Rankine was beside him, was not on top of him and he just kind of had his, his hands, um, kinda towards his lower back, mid-back area. Um, it didn't look like he had, uh, to me, um, what I saw a ton of pressure on him or anything like that.*

Rosenquist: *Was Ellis still on his stomach?*

Rock: *I think at that point he was still on his stomach.*

Rosenquist: *So how long was Ellis on his stomach while handcuffed and hobbled?*

Page 6, Line 1-12

Rock: *(Missing Text)*

Rosenquist: *Okay. Was there any talk among people on scene about excited delirium or concerns about Ellis' condition, that it was deteriorating?*

Rock: *Uh, not right away it wasn't and, um, obviously, uh, towards the end, um, there was some conversation at some point about it, but initially, um, that wasn't the thought 'cause he was moving around, he was yelling, thrashing around, um, and then, I think the thought was that he just calmed down, um and then in between that he would, uh, let out like a, kinda get hyped up again, let out a, a growl, um, more than anything else or a, a loud grunt, um, so I don't think initially the*

thought was, um, excited delirium, um, until, uh, maybe a, a little bit further on. Um, clearly, uh the thought, w- uh, personal thought, um, under the influence of drugs or, or something. Um, but I don't know if excited delirium was talked about early on or not.

After reviewing the audio from this interview, I determined Sergeant Rock's missing response from page 6, line 1 was as follows;

Page 6, Line 1

Rock: *Ooh, gosh... I'd be taking a guess. I'd say maybe, um... oh, boy, maybe f... five... five minutes, 10 minutes, somewhere in that area.*

The matter was discussed internally. Additionally, I called and spoke to Sergeant Rock to verify and confirm Mr. Williams was his attorney.

On December 14, 2022, at around 1000 hours, Mr. Williams called my office and we spoke about the authentication process of the transcription. I confirmed with him that Sergeant Rock had no part in the verification of the transcription and that it appeared to be an error by either Sergeant Rosenquist or myself when one of us verified the transcription.

An Addendum to the original transcript was completed and placed into the ongoing investigation, 21COM-0061. Since 21COM-0069 and 21COM0071 were completed investigations, the addendum was not placed in those files.

_____

Lieutenant Gary J. Roberts
Internal Affairs

Interview of Greg Rock
Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters
July 29, 2021 – 0900 Hours
Internal Affairs Control Number 22COM-0061
PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Randall Frisbie, Representative, Tacoma Police Union Local 6; and Sergeant Greg Rock

ADDENDUM TO ORIGINAL TRANSCRIPT

The below transcription is a portion of the original recording that had been inadvertently left off the transcript. This begins with Sergeant Rock's response to a question by Sergeant Rosenquist. The response below is transcribed for Page 6, Line 1 of the original document. The recording begins at marker 8:22 after Sergeant Rosenquist asks him, "So how long was Ellis on his stomach while handcuffed and hobbled?"

Rock: Ooh, gosh… I'd be taking a guess. I'd say maybe, um… oh, boy, maybe f… five… five minutes, 10 minutes, somewhere in that area.

END OF ADDENDUM/man

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Sergeant Gregory Rock

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.

Greg Rock 7/29/21
Employee **Date**

[illegible] 7/29/21
Witness **Date**

Sgt G J Roberts 5313 7/29/21
Witness **Date**

Interview of Greg Rock

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

July 29, 2021 – 0900 Hours

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

PARTICIPANT: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Randall Frisbie, Representative, Tacoma Police Union – Local 6; and Sergeant Greg Rock

Rosenquist: We're on. This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Sergeant Greg Rock. The date is July 29th 2021. Time is 0900 hours. Location is IA Office, Room 360, Police Headquarters. This is in reference to IA case numbers 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Detective Frisbee, Local 6, and Sergeant Rock. Greg, are you aware this interview is being recorded?

Rock: I do.

Rosenquist: Is this interview being recorded with your permission?

Rock: It is.

Rosenquist: Did you read the Compelled Interview Form?

Rock: I did.

Rosenquist: Do you understand that you're compelled t-, do you understand that you're compelled to answer all questions truthfully?

Rock: Yes.

Rosenquist: Alright. Internal Affairs has been tasked to investigate the incident that resulted in the in-custody death of Manny Ellis back on March 3rd of 2020, um, we're gonna be asking you some questions specific to the supplemental report that you wrote, which you have a copy of and you can review during the interview, um, but we also have a list of questions we're just asking everybody to just try to get a better idea of, of what occurred and answers some, some questions. So, you were on scene that night?

Rock: Correct.

Rosenquist: So, I'm gonna refer to your sup report, uh, where you wrote on 3/3/2020 at around 2322 hours, "I, Sergeant Rock, heard Henry 317, PPO Collins and Burbank, call for priority backup in the area of S. 96th and Ainsworth." Can you elaborate on that?

Rock: Uh, it started out you could hear, uh, mic clicks, uh, consistent with somebody, um, maybe, uh, in a struggle, um, but didn't know who it was or where it was at and then, um, uh, a little while later I think they got out, "96th and Ainsworth," um, and at some point maybe a, a call for priority backup. So, I headed that direction.

Rosenquist: When, could you tell which officer it was that called the location?

Rock: Uh, I don't remember.

Rosenquist: Do Collins and Burbank, when the incident occurred you were a graveyard Sergeant?

Rock: Yes.

Rosenquist: Were they work-, did they work directly for you?

Rock: No, they worked for Sergeant Lim.

Rosenquist: Okay. What was just the tenor of the voice when they called out the location?

Rock: Uh, it seemed like, uh, an emergency for sure.

Rosenquist: Not normal, routine?

Rock: No. No.

Rosenquist: Where were you at when this occurred, when you heard the radio?

Rock: I was off of, oh gosh I think I was in the area off, uh, 72nd maybe and, um, it could've even been 38th and, uh, Alaska right there.

Rosenquist: So, you respond to 96th and Ainsworth?

Rock: Yep.

Rosenquist: What are your observations when you arrive on scene? And again, you can refer to your report.

Rock: Yes, so I get on scene, uh, Mr. Ellis is handcuffed and hobbled, um, and he's yelling

and, uh, kind of moving from side to side, um, in a manner kind of thrashing himself around when I get there originally.

Rosenquist: And according to your report, when you arrive Ellis was initially on his stomach?

Rock: Correct.

Rosenquist: Was the hobble attached to the handcuffs?

Rock: I'm not sure. I don't, uh, I don't recall for sure exactly. I just remember that his legs were up and, um, that he was hobbled and, and handcuffed.

Rosenquist: Were they up at like a 90-degree angle from his thighs or were they bent more back towards his back or did you observe any bowing of Ellis because of the hobbles?

Rock: No, I didn't see, uh, bowing or anything like that, um, I don't remember how far forward his legs actually, um, were or whether it was a 90 or a little bit past a 90.

Rosenquist: Okay. Was h-…

Rock: Or, or, even less than that, I just don't, I just remember…

Rosenquist: You st-, you don't recall his angle?

Rock: Right. Right.

Rosenquist: You mentioned yelling, uh, was it words, was he saying anything, was it grunts, groans?

Rock: Uh, at that point he's just, uh, I don't remember necessarily words, just him yelling. Um, just yelling at, at the top of lungs. Um, but I don't recall any words or anything like that.

Rosenquist: You said, "Rocking?"

Rock: Yeah, kinda from shoulder to shoulder almost, uh, trying to, to, cause at that point the officers like had their, their hands on him, kinda holding him there, trying to keep him from, um, getting loose. It was almost, uh, in an attempt to, to get away, to, uh, to get away from the officers.

Rosenquist: Who were the officers that were holding him down?

Rock: That was, uh, Officer Ford, Rankine, Burbank and Collins.

Rosenquist: The initial four that were on scene?

Rock: Right.

Rosenquist: How were they holding him down, what were their positions?

Rock: Uh, when I was there, uh, they were kind of off to the side of 'em and, and just kinda holding, uh, two at the shoulders and then two down, uh, towards the leg area, is what I…

Rosenquist: Do y-…

Rock: …recall seeing.

Rosenquist: Do you remember who, who was where?

Rock: I don't.

Rosenquist: The officers that were holding the shoulders, were they like a knee on a shoulder, a knee on the back? Do…

Rock: No, no…

Rosenquist: …you recall?

Rock: …it was at that point just with the, their arms kind of holding, holding him in place is what I recall. Not,…

Rosenquist: Is…

Rock: …not knee on, uh, the back or anything like that.

Rosenquist: So their hands was the only thing in contact with Ellis at that point?

Rock: At that point, correct.

Rosenquist: Okay.

Roberts: W- was his thrashing around moving the officers, was it that much of a struggle or were they…

Rock: Yeah, they're, they were working to, to keep him in place there, um, i- it's not like he was calmly moving from side to side, I mean he was thrashing his body around.

Rosenquist: After you arrived and you observed him handcuffed and hobbled were there any additional uses of force against Ellis? Strikes, hits?

Rock: No.

Rosenquist: Alright, I'm gonna refer back to your report, your report again. You wrote, "After a while Ellis began to calm down, at this time only Officer Rankine was holding him down. He then began to make a grunting or growling type sound. Ellis then became silent. Officer's rolled the male onto his side.

Unknown: (cough)

Rosenquist: So, you said initially it was Burbank, Collins, Ford and Ranking were…

Rock: Right.

Rosenquist: …and then, we get to just Rankine?

Rock: Yes.

Rosenquist: How did that happen or what occurred to result in it going from four officers to one?

Rock: Um, uh, with the understanding I'm doing other stuff to, making sure that we've secured off the, the roadway, um, I picked up some taser wires and then gave them to Officer Derr, um, in between doing stuff, but it seemed that, uh, Mr. Ellis had just calmed down, um, a little bit and so it wasn't necessary to have, um, the other three officers holding him at that point.

Rosenquist: And how was Rankine holding him down at that point?

Rock: He was just on his, uh, Rankine was beside him, was not on top of him and he just kind of had his, his hands, um, kinda towards his lower back, mid-back area. Um, it didn't look like he had, uh, to me, um, what I saw a ton of pressure on him or anything like that.

Rosenquist: Was Ellis still on his stomach?

Rock: I think at that point he was still on his stomach.

Rosenquist: So how long was Ellis on his stomach while handcuffed and hobbled?

Rock:

Rosenquist: Okay. Was there any talk among people on scene about excited delirium or concerns about Ellis' condition, that it was deteriorating?

Rock: Uh, not right away it wasn't and, um, obviously, uh, towards the end, um, there was some conversation at some point about it, but initially, um, that wasn't the thought 'cause he was moving around, he was yelling, thrashing around, um, and then, I think the thought was that he just calmed down, um and then in between that he would, uh, let out like a, kinda get hyped up again, let out a, a growl, um, more than anything else or a, a loud grunt, um, so I don't think initially the thought was, um, excited delirium, um, until, uh, maybe a, a little bit further on. Um, clearly, uh the thought, w- uh, personal thought, um, under the influence of drugs or, or something. Um, but I don't know if excited delirium was talked about early on or not.

Rosenquist: What was the catalyst or the reason that Ellis was eventually rolled onto his side?

Rock: Uh, I think he started to, again I wasn't right over him the entire time, but I think, uh, he started to, um, become a little bit more lethargic and so at that point I think the thought was let's get him to a recovery position, um, and so they rolled him on to his side.

Rosenquist: Do you remember who rolled him?

Rock: I, I'd be guessing.

Rosenquist: Okay.

Rock: I would be guessing.

Rosenquist: Did Ellis have spit hood on when you arrived?

Rock: You know it's funny, I the entire time that I was there, um, and obviously I've read that he had a, a spit hood on or hood it, heard it in the, but I don't recall him ever having one on. Um, I, I just don't.

Rosenquist: Okay.

Rock: I'm not saying that I, I want to be clear, I'm not saying he didn't' have one on....

Rosenquist: No, I, no I, we're...

Rock: I just, I just don't recall one.

Rosenquist: We're asking you about something that occurred seventeen months ago...

Rock: Right.

Rosenquist: ...we understand that. So we don't want you to...

Rock: Right.

Rosenquist: ...ya know, we want you to answer the questions based on what you know not what you think happened, or what you read in the news, or, or anything else, so, we're, we're, I think we're all on the same page for that.

Rock: Okay.

Rosenquist: Gary?

Roberts: Y- you mentioned y- that Ellis is rolled onto his side eventually...

Rock: Mm-hm.

Roberts: ...does he remain on his side until Fire comes, or is there some moving him back and forth?

Rock: Uh, let me see if I mentioned that here, um, sh- sh- sh-, yeah, I'm not sure if they moved him, uh, back and forth or not or if he remained on his, on his side.

Roberts: Okay. A- and in your report you say, "...after a while Ellis began to calm down, at this time only Officer Rankine was holding him down." Can you explain what you mean by holding him down?

Rock: Yeah, he, uh, kinda like I said before, Officer Rankine, um, w- was beside him, he wasn't on top of him and he had one hand, as far as I can remember, kind of on his lower back, and um, one hand more up towards ya know his side, mid-back, um, didn't appear he had much pressure on him at that point, um, he was just basically, uh, there, what appeared to me, um, to make sure that if he started thrashing again

that, um, he could control him.

Roberts: A- and what, where on the body of Ellis is, is Rankine?

Rock: He, so he's on his, he's not on, um, Mr. Ellis' body, he's off to the side of his body.

Roberts: Thank you.

Rock: On his, on his right hand side, um, kinda kneeling down beside him with just his hands, um.

Roberts: And is he on the chest side or the back side of Ellis?

Rock: So he would be on the, um, back side of, of Ellis.

Roberts: And is, is Ellis moving at all at that point or just calmed down and?

Rock: Yeah, I think, uh, uh, we're talking about when he's, when it's just him…

Roberts: Rankine.

Rock: Yeah, I don't, uh, he, he wasn't thrashing anymore at that point I, I could say that. I don't know if he was moving some or, or not.

Roberts: Yep.

Rosenquist: While on scene did you ever hear Ellis say specifically, "I can't breathe," or anything similar to that?

Rock: I did not.

Roberts: H- h- on the radio while you were enroute or driving, did you ever hear anything like that?

Rock: I did not.

Rosenquist: So, Fire arrives on scene, we've heard different variations of a conversation between TFD personnel and Tacoma PD personnel in regards to getting the restraints off of Ellis so they can treat him. It, it's been described as, as a short argument to just a discussion to where the restraints were being removed or to where we've had some people tell us that they had, they got authorization from Sergeant Lim before the restraints were removed for Fire. Do you recall any of that conversation or how that

interaction occurred?

Rock: No, I wasn't, uh, right there when, uh, when that conversation occurred. I was actually, um kind of off, uh, to the side. There was, I think a couple of, uh, Pierce County Deputies there and then Sergeant Lim was kind of between, uh, myself and um, where the Fire department patrol officers were, um, and uh, I remember Sergeant Lim turning around and saying, um, to somebody, yeah, go ahead and, um, take the hobbles off or, or something like that to, um, but I didn't hear any arguing between um, Tacoma PD or Fire personnel.

Rosenquist: Did you observe the restraints being removed?

Rock: Mm, I was th-, I, I mean at best…

Rosenquist: Do you recall who removed the restraints?

Rock: I do not.

Rosenquist: Kay. And obviously based on your earlier answer, I was gonna ask the same question about the spit hood, but you don't recall one being on him so?

Rock: Yeah.

Rosenquist: Do you know what Ellis' condition was when Fire arrived?

Rock: Uh, I.

Rosenquist: Ya know, um, kinda conscious, unconscious, responsive, non-responsive?

Rock: Yeah, I, uh, I know that, uh, when they a lot, when they arrived he was still alive at that point, um, but that wasn't…

Rosenquist: And that was based on ob- what observations?

Rock: Uh, just the officers on scene, um, nobody had said hey he's, he's not breathing or, or anything like that, um, and so um, he was, he was still alive when they arrived on scene.

Rosenquist: So that's not necessarily like based on your observations, it's kind of almost a secondary thing where you're just taking input from other officers that they're not

alerting you to an issue so the…

Rock: Right.

Rosenquist: … assumption is that he's okay?

Rock: Right. Right.

Rosenquist: When Fire arrived do you recall if they were responding priority with lights and or sirens or if their response was routine?

Rock: I don't, uh, I don't remember how they arrived as far as lights or s- anything like that but, um, I know that it took a long time for them to get there. It seemed like an extremely long time and then once they arrived on scene, um, they just walked up really slow, they kinda parked aways away to the, um, to the east and then, um, walked up really slow.

Rosenquist: Okay. Initially Sergeant Lim requested medical aid for an eval. We've had a couple people tell us probably because of the taser deployment…

Rock: Mm-hm.

Rosenquist: …and then eventually he asked for Fire to, er, h- he asked for an ETA and essentially for them to kinda step it up. Do you know what, what happened to cause that?

Rock: Uh, so again initially nobody thought that Mr. Ellis was going to pass away, um, he's yelling and, and thrashing around, um, I, I can't speak for Sergeant Lim, but I imagine, um, what happened is, is that, uh, he started to, um, become a little bit more lethargic and so he's saying hey we need 'em to, to step it up, what's the, um, what's the hold up here. It seemed to be an awful long time that we'd been, been waiting.

Roberts: W- was there a particular officer that you recall who mighta been near Ellis monitoring him?

Rock: Uh, I remember, um, Officer Rankine, um, being there and then at some point Officer Warner was there, um, trying to, I mean there were a lot of officers on scene, um, so I don't.

Roberts: A- and was, was help, uh, Rankine doing anything medically, monitoring?

Rock: Uh, so he did end up, let me make sure, I, I think uh, yeah Rankine was he one that was making sure that he was okay and, and um, kinda, kind of just monitoring him in general and, um, again I don't wanna be wrong and, and take a guess, ya know, ya asked who, who rolled 'em on his side, um, I think it was Officer Rankine, but I, again, I don't wanna say that for sure with it being so long ago.

Roberts: And…

Rock: And, later there were officers that, um, that gave Mr. Ellis CPR.

Roberts: Do you remember who that was?

Rock: Uh, it says PPO Rankine and Warner were the ones that provided him CPR.

Roberts: A- and back to your arrival, uh, so in CAD it shows you arriving, y- you arrived and parked west of the intersection?

Rock: Right.

Roberts: And per the CAD you arrived 23:25:22?

S Mm-hm.

Roberts: And that would be per CAD, you indicating so on your computer?

Rock: Yeah, I think cause I'm getting close I just hit the arrived button so that uh, ya know it's not something where I have to stop. Um, this is obviously an emergency, we have officers, uh, struggling with somebody, um, so I think I, I hit that button as I'm just a little bit away but just pulling up to the scene, basically.

Roberts: So again, y- tha- 25:22 is not you are at the scene, it's you're, you're aways off, you're just…

Rock: Right.

Roberts: …in a moment where you can…

Rock: Right.

Roberts: …put yourself at the scene?

Rock: Right.

Roberts: I, I don't think we've talked about your observations of Burbank and Collins when you arrive.

Rock: W-

Roberts: Explain to, th- there, so they're monitoring and they're around holding uh, uh, Ellis down…

Rock: Mm-hm.

Roberts: … with Ford and Rankine…

Rock: Mm-hm.

Roberts: …w- how, what, what's your observations of them?

Rock: Uh, they look tired. They looked out of breath and, uh, tired, um, but they didn't seem, I, I, they weren't uh, screaming at Mr. Ellis or, or anything like that or, or even really, uh, in a, in a dialogue that I can remember, um with Mr. Ellis. They just seemed like, uh, they were kind of winded and out of breath.

Roberts: Thanks.

Rosenquist: Did you observe any injuries on Ellis?

Rock: I did not. Not that I recall.

Rosenquist: Did you happen to notice if he was bleeding from his mouth at all?

Rock: Mm, uh, god I don't, I don't remember that, that's not to say that…

Rosenquist: Right. Right.

Rock: …he wasn't. I just don't remember it.

Rosenquist: Some of our witnesses said that Ellis was spitting. Do you have any recollection of that?

Rock: I never, myself, saw him spit, but again, I wasn't standing right over um…

Rosenquist: Right.

Rock: …Mr. Ellis…

Rosenquist: Right.

Rock: …so.

Rosenquist: Did you have any contact with Ellis either verbal or physical?

Rock: I did not.

Rosenquist: And you mentioned earlier that you were given some taser wires?

Rock: Yes.

Rosenquist: Um, anything else like a taser cartridge or a cell phone?

Rock: Uh, no cell phone but I think I what I did was um, collected up the taser wires. Again, um, didn't think this was gonna be, uh, in-custody death or anything like that so, um, normal procedures to collect the, uh, taser wires, which I did. Not the cell phone and then I gave 'em to, I believe it was PPO, uh, Derr.

Rosenquist: Okay. Did you happen t-, did you put, put 'em in a bag and put the bag on top of a patrol car?

Rock: I did not put 'em in a bag. I, I, uh, collected 'em up and I think it was with the cartridge and the wires and gave them to uh, PPO Derr and um, I'm guessin' ya know, I, I don't know what happened to 'em from there.

Rosenquist: Okay. And, your report didn't indicate so, but I just wanted to make sure you did not transport any of the officers away from the incident for their interviews later?

Rock: I did not.

Rosenquist: Did you have any contact with any witnesses?

Rock: Uh, no I did not. I, uh, I talked to officers and had them go and start to what, what we'd call canvas. Knock on doors, look for video, things of that, that nature but I did not do that myself.

Rosenquist: While you were on scene did you overhear any conversations as to what initiated the contact between Ellis and Officers Burbank and Collins?

Rock: Yeah, I uh, I heard that, um, they were stopped at the light and um, to the, what

would be the, the south side of the intersection there, um, they saw Mr. Ellis hittin' on a, a vehicle and attempting to get in, um, that vehicle took off and then Mr. Ellis, um, approached them and at some point either started, uh, punchin' at the car, um, punchin' towards them and, um, that's my recollection of, of basically how the interaction took place.

Rosenquist: And as part of that conversation do you hear them discussing what happened during the fight with Ellis?

Rock: Uh, I did not.

Rosenquist: Okay.

Roberts: W- when…

Unknown: (cough)

Roberts: …you gathering up the, the, the taser cartridge, were the taser probes had they already been removed?

Rock: Yes.

Roberts: Did, did you see the removal of the, them all?

Rock: I, I did not.

Rosenquist: So this is one of the questions we've been asking everybody, um, but as a Supervisor I, I think it's probably a little more pertinent. While on scene, did you view anything by any Tacoma PD officers that you felt were inappropriate or may have constituted a policy violation?

Rock: No, I didn't see any policy violations when I was there.

Rosenquist: Anything you think we should know about this incident that we haven't uh, asked you about or discussed.

Rock: No. No.

Rosenquist: Okay. Um, we are gonna show you um, a video from one of the houses. Just, we kinda wanna confir-, it's not great, it's a little bit pixelated but you were there, so we

kinda wanna try to get an idea of exactly who was positioned around Ellis at that particular time.

Rock: Kay.

Rosenquist: So.

Roberts: And, and so this is a cell phone video from a, a neighbor and uh, just to set it up uh, it, it, it's at approximately 23:32:05 hours…

Rock: Uh-huh.

Roberts: …and uh, it show's you and several officers around uh, Mr. Ellis…

Rock: Okay.

Roberts: …is, is on the ground, uh, like, like John said, not perfect. I'll let it run, it'll cycle through and uh, uh, our intent is for you to kind of narrate it a little bit.

Rock: Okay.

Roberts: If you can. So, so again you're standing here. Ellis is down here. **(Video Playing)**

Rock: Uh-huh.

Roberts: And I'll play it, uh, uh, get me back the beginning. I'll just let it run through.

(period of silence)

Roberts: So, so this would be Rankine here?

Rock: Uh, yeah.

Roberts: And are, are you able to see what position Ellis is in?

Rock: Uh, I cannot tell.

Roberts: Okay. And then I don't want you to guess...

Rock: Yeah. I, I.

Roberts: …based off the video. I was hoping it would spark a recollection.

Rock: Yeah.

(period of silence)

Rock: Yeah, I can't tell but at this point um, I, I don't know exactly um…

Rosenquist: This is before Fire arrived…

Rock: Okay.

Rosenquist: …if that helps.

Rock: Okay. Yeah, at that point I think it's, uh, waiting for Fire to arrive, waiting for them to, um, to get here and uh, obviously, uh, Mr. Ellis is, is still alive and, um, it appears that he might even be moving around a little bit. And so, uh, ya know one of the deals things is, is if somebody's breathing, uh, moving around, um, we have limited training ya know of first aid, CPR, things of that nature, um, move them to a, a position um, of recovery which eh, was done once, once he started to um, become a little bit more lethargic but, um, if Mr. Ellis is, is breathing and has a pulse not gonna give CPR at that point.

Rosenquist: Prior to Fire arriving, was there any conversation about removing the hobble or any other restraints?

Rock: I don't know. I don't recall that um, that, that conversation was had.

Rosenquist: Okay.

Roberts: A- and I'll just go on record and describe the video, cell phone video from Miss White, one of two, so we know what to refer back to later. Thanks.

Rock: Mm-hm.

Roberts: Uh, great.

Rosenquist: I don't have anything else.

Roberts: No, Greg anything else we haven't asked you about that might help us?

Rock: No, I, I don't think so. It's uh, um, kinda like I said, it's one of those, uh, situations where um, when you arrive you don't think that the outcome is going to be what it ended up being, um, ya know you go to these type of calls quite often, um, with people that, that are, um, either under the influence or, or um, just acting irrational and uh, usually the outcome is different with the same actions from the officers.

Rosenquist: Union, do you have anything?

Frisbie: Nothing.

Roberts: That's all.

Rosenquist: Okay.

Unknown: (throat clearing)

Rosenquist: This is Sergeant Rosenquist, it is 9:30 and this is the end of the interview.

END OF INTERVIEW/ar

TAB 58

INTERNAL AFFAIRS COMPELLED INTERVIEW

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

Employee/Witness: Sergeant Michael Lim

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.

8-3-21

Employee **Date**

8-3-21

Witness **Date**

SGT G J Roberts 5217 8/3/21

Witness **Date**

Interview of Michael Lim

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

August 3, 2021 – 1002 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Henry Betts, Representative, Tacoma Police Union – Local 6; Nicole Robbins, Representing Sergeant Lim, and Sergeant Michael Lim

Rosenquist: We are all on. This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Sergeant Mike Lim. The date is August 3rd 2021. Time is 1002 hours. Location is IA Office, Room 360, Police Headquarters. This is in reference to IA cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Detective Betts, Vice President, Local 6, and Nicole Robbins, representing Sergeant Lim. Mike, is this interview being recorded with your permission?

Lim: Yes.

Rosenquist: Did you read the Compelled Interview Form?

Lim: Yes.

Rosenquist: Do you understand the Compelled Interview Form?

Lim: Yes.

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

Lim: Yes.

Rosenquist: Okay. So, Internal Affairs has been tasked to investigate the in-custody death of Manny Ellis from the incident that occurred on March 3rd…

Unknown: (clearing throat)

Rosenquist: …of 2020 and I'm gonna refer to your supplemental report, um, where you wrote that at 2322 hours…

Unknown: (clearing throat)

Rosenquist: …you heard over the radio an officer yell location 96th and Ainsworth. Do you recall who that officer was?

Lim: Yes.

Rosenquist: Who was it?

Lim: Well it was the Henry call, Henry 317.

Rosenquist: Do you know if it was Officer Burbank or Collins?

Lim: No.

Rosenquist: Okay. Were you their, are you, were you their direct supervisor that night?

Lim: Yes.

Rosenquist: How long had they worked for you?

Lim: Uh, probably just a couple years.

Rosenquist: Okay. So you hear the officer call out 96th and Ainsworth. What was the…

(bang)

Rosenquist: …I guess the tenor of the transmission? Did it sound like normal radio traffic?

Lim: No.

Rosenquist: How was it different?

Lim: When I heard, um, the initial transmission, I didn-, I didn't clearly hear the location. I heard mic clicks after that and then dispatch confirmed the location as South 96th and Ainsworth.

Rosenquist: Okay. And did you respond?

Lim: Yes.

Rosenquist: Did you hear any of the radio traffic between Dispatch and Officers Burbank and Collins prior to your arrival? And again, you can refer to your report if you need to.

Lim: No.

Rosenquist: Do you recall where you responded from?

Lim: Yes. Approximately area of South 76th and Tacoma Mall Boulevard.

Rosenquist: Okay. You arrive on scene, what are your initial observations?

Lim: When I arrived on scene, I observed multiple, multiple officers, uh, taking a subject into custody.

Rosenquist: Who were those officers?

Lim: I observed Officers Collins, Burbank, Ford and Rankine.

Rosenquist: And it, and this is from the CAD at…

Unknown: (clearing throat)

Rosenquist: …23:24:35, you advised from your vehicle radio that they're still fighting with him, did you recall making that transmission and…

Lim: Yes.

Rosenquist: …were you driving into the scene or were you stopped at that time?

Lim: I don't, I believe I was in the process of stopping or had just stopped.

Rosenquist: How far away from you, were you when you observed that?

Lim: I would say approximately within 30 feet or so.

Rosenquist: Okay. How were the officers holding Ellis down?

Lim: Officers Ford and Rankine were near his, Mr. Ellis' legs and feet area, and Officers Collins and Burbank were on both sides of his upper body.

Rosenquist: Were they holding him down with their hands, were they laying on top of him?

Lim: It appeared that they were holding down with their hands on his arms.

Rosenquist: And legs?

Lim: Officer, Officers Ford and Rankine were near his legs.

Rosenquist: A- and how were they holding his legs down, or trying to hold his legs down?

Lim: Uh, d- with their hands.

Rosenquist: With their hands, okay.

Lim: Right.

Rosenquist: During that time, and I'm speaking specifically to when you arrived to before Ellis

was handcuffed, did you observe any strikes, elbows, punches, anything like that?

Lim: No.

Rosenquist: Gary, do you have anything yet?

Roberts: Mike, where did you park?

Lim: I approached from the west. So, I was going from the west to the east on 96th Street. So I was to the west of their location when I stopped.

Roberts: And about 30 feet is what you said, maybe a cars length?

Lim: Give or take, yes.

Roberts: From where they're holding E-, Mr. Ellis down?

Lim: Uh, yes.

Roberts: Thank you.

Rosenquist: I'm gonna refer to your report, um, the paragraph, I observed that the subject, Ellis, who was Ellis, was on his stomach with the top of his head facing south and I saw that the subject was handcuffed but was attempting to kick his legs around. At one point I observed the subject nearly get up on his knees. He appeared to have extraordinary strength, give the fact that multiple officers were trying to hold him down.

Unknown: (clearing throat)

Rosenquist: Where was the incident with Ellis occurring in relation to where Burbank and Collins patrol car was?

Lim: I believe it was in front of their patrol car.

Rosenquist: Do you remember the distance roughly?

Lim: No. Probably within feet, several feet…

Rosenquist: Okay.

Lim: …or so.

Rosenquist: S- did you observe them place handcuffs on Ellis?

Lim: N-…

Rosenquist: Or, was he already handcuffed when you arrived?

Lim: He was already handcuffed when I got out of the car and ran up to them.

Rosenquist: So, earlier when you said he was, they were still fighting with him, at that point do you know if Ellis was handcuffed already?

Lim: I don't.

Rosenquist: Okay. Can you kind of elaborate on what you, you meant by, um, kick his legs around?

Lim: So when he was on the ground, I observed Mr. Ellis literally kickin' his legs and then bringing his, uh, knees up almost in a bucking motion.

Rosenquist: Could you tell if he was kicking, flailing, or if he was directing his kick toward the officers?

Lim: It appeared that he was kickin' his leg toward the officers.

Rosenquist: Okay. So based on that, you're re-, referring to the Department's…

Unknown: (clearing throat)

Rosenquist: …use of force policy. What level of resistance do you believe Ellis was presenting at that time?

Lim: Assaultive.

Rosenquist: Kay. While this was going on, did you hear Ellis say anything, was any words or was he making noises?

Lim: Uh, I don't recall him make, saying any words.

Rosenquist: Okay. Gary anything?

Roberts: Di- did you see the officer retrieve the hobble?

Lim: No, I recall, no.

Roberts: W- an, an he was, uh, Mr. Ellis was not hobbled or was hobbled when you showed up?

Lim: When I showed up, he was not.

Roberts: Eventually he was?

Lim: Yes.

Roberts: And did you see that process take place?

Lim: No.

Rosenquist: You didn't see the application of the hobble, did you see the hobble on Ellis?

Lim: I saw the leg restraints on him at some point.

Rosenquist: Do you recall if they were attached to his handcuffs?

Lim: I don't recall, no.

Rosenquist: In your report, you mentioned extraordinary strength and sweating profusely, did that lead you to any beliefs about Ellis's condition at the time?

Lim: As far as?

Rosenquist: Well later in your report you mention potential excited delirium.

Lim: Yes.

Rosenquist: In th-, uh, was that determination based off of the strength he was presenting while the officers were trying to hold him down and the sweating?

Lim: No, not solely based on…

Rosenquist: What else?

Lim: …that. Uh, well later when I obtained more information, um, uh, Officer Collins and Burbank.

Rosenquist: And that was during your conversation with them?

Lim: Yes.

Rosenquist: Okay. At around 23:25:20 you broadcast from your portable radio…

Unknown: (sniffing)

Rosenquist: …you advised…

Unknown: (clearing throat)

Rosenquist: …incoming slow, uh, in the background there is what we believe to be a male voice that says, "I can't breathe," and that was said at least once, maybe twice. Did you hear Ellis say, "I can't breathe?"

Lim: No.

Rosenquist: Did you ever hear Ellis say, "I can't breathe," while you were on scene?

Lim: No.

Rosenquist: Anything similar to, "I can't breathe?"

Lim: No.

Roberts: D-, do you know where in proximity to Mr. Ellis you are when you're making the transmission about "incoming can slow?"

Lim: Yes, I was near him.

Roberts: Near, as in?

Lim: Near, within a couple of feet.

Rosenquist: Do you wanna play it or do you think its gonna do any good?

Roberts: I think we're fine.

Rosenquist: Okay. Alright, again I'm gonna refer to your report, uh, "I advised Dispatch at approximately 2325 hours that we need TFD to respond to the scene immediately to medical assess the subject [Ellis]. Based on the subjects actions I believed that he could possibly be under a state of excited delirium. I also requested an ambulance to the scene and then TFD…

Unknown: (sneezing, coughing)

Rosenquist: …arrives in beginning, and began rendering medical aid to the subject." So at 23:25:48 you requested Fire for an eval, was that specific because you knew that there was a use of force that had been applied to Ellis, was it excited delirium or the potential of it or was it a combination of both, or?

Lim: No, it would be the first that there was some type of use of force likely that occurred.

Rosenquist: And per our policy, when we have an application of force like that Fire has to come and evaluate…

Lim: It's a-, yes.

Rosenquist: …the individual? About 90 seconds later you got on the air and you a-, requested an ambulance for a strap down, did you observe any kind of changes in Ellis' condition during that time, or was it the request for an ambulance simply because you knew he was gonna have to be strapped down for transport?

Lim: Correct.

Rosenquist: So no, you didn't observe any changes in his condition during…

Lim: No.

Rosenquist: …that time?

Lim: No.

Rosenquist: Okay. At some point during the incident, a spit hood was applied on Ellis, do you recall seeing one on him?

Lim: I do not, no.

Rosenquist: So you don't know who put it on?

Lim: No.

Rosenquist: Kay.

Robbins: Can I clarify something?

Rosenquist: Sure.

Robbins: You don't know who put it on him at the time of the event, is that correct?

Lim: Correct.

Robbins: But you later learned who applied it. Is that right or no?

Lim: Yes, wait, uh, uh…

Rosenquist: Yeah, and that's, I asked specifically because…

Lim: (unintelligible)

Rosenquist: …I, I know…

Unknown: (clearing throat)

Rosenquist: …we all know our witnesses have learned things over time…

Robbins: Sure.

Rosenquist: …and that's why I'm asking s-, I wanna be clear just like you said, specifically what he knew at the time.

Robbins: Perfect, I just wanna make sure the record's clear.

Unknown: (clearing throat)

Rosenquist: So just…

Robbins: (laughing)

Rosenquist: …to clarify, you did not observe who put the spit hood on Ellis at the scene?

Lim: Correct.

Rosenquist: Did you observe any spa-, spent taser wires or taser cartridge at the scene?

Lim: Uh, I don't recall if I saw 'em at the scene.

Rosenquist: Okay. So a few of these questions are gonna be kinda more general. So, from the time you arrived on scene, to when Fire arrived to treat Ellis, what was his position during that time period? Did the position change at all?

Unknown: (sniffing)

Lim: Yes.

Rosenquist: Can you elaborate on that?

Lim: When I saw him, uh, he was in a recovery position on his side.

Rosenquist: K-, w-, when you first got there he was on his stomach?

Lim: Correct.

Rosenquist: Do you know when he was moved to his side, or why that occurred?

Lim: No, I don't know when it occurred, um, but I know later when I went back over to him he was in a recovery position on his side.

Rosenquist: So you didn't observe him being moved onto his side?

Lim: No.

Rosenquist: Okay. Did he stay on his side until Fire arrived or were, was there any more changes in his position?

Lim: Um, I, I don't know. Tha-, I wasn't with, physically there next to him the entire time.

Rosenquist: So you, with that answer can you kind of explain why you weren't with Ellis the whole time? What…

Lim: Yes.

Rosenquist: …else were you doing?

Lim: Yes. So, other roles that I was doing were, uh, getting the initial statement from Officers Collins and Burbank away from Mr. Ellis. And my, my role at that time was to, um, perform a supervisors use of force based on information I had up to that point. Um, and I also coordinated with other incoming units to start contacting potential witnesses within the area. Uh, contact every residence within eye shot of the scene to see if anyone had observed or heard anything and to obtain any possible video, if there were any, for my, uh, supervisor's use of force, assuming that I was gonna perform one.

Rosenquist: Okay. Gary anything?

Roberts: Were you aware that the ECT application had been made?

Lim: Yes.

Roberts: How were you aware of that?

Lim: Officer Burbank advised.

Roberts: Thanks.

Unknown: (clearing throat)

Rosenquist: While Ellis was o- o- on his side in the recovery position, do you recall who was maintaining control of him or monitoring him?

Lim: No, I don't.

Rosenquist: Were you with Ellis for a long enough period of time or close enough to where you were able to ser-, observe his condition while waiting for Fire to arrive, responsive, non-responsive, still breathing?

Lim: No.

Rosenquist: Did any officers voice a concern that Ellis' condition was deteriorating…

Lim: No.

Rosenquist: …prior to Fire's arrival?

Lim: No.

Rosenquist: Did you have any verbal or physical contact with Ellis?

Lim: Yes.

Rosenquist: Can you explain?

Lim: Part of the supervisor's use of force process, after I initially spoke with Officers Collins and Burbank, uh, part of my role was to contact the subject involved to get a statement, attempt to get a statement from him, that's when I went over and contacted Mr. Ellis. He was in a recovery position on his side at the time, I attempted to ask him questions and I didn't get any verbal response from him. Um, and that was the end of that interaction.

Rosenquist: Did he have the spit hood on when you went to talk to him?

Lim: I don't believe he did. Not that I recall.

Rosenquist: Okay. Do you remember any officers on scene commenting that Ellis was spitting or spitting at them?

Lim: Yes.

Rosenquist: Do, do you recall who made that comment?

Lim: No, I just r- recall hearing in the background that a spit hood was needed because he was spitting.

Rosenquist: Okay. Do you remember how long you were on scene before you tried to have that conversation with Ellis?

Lim: No, I don't.

Rosenquist: Did you try to have that conversation with Ellis before or after you had contact with Collins and Burbank?

Lim: After.

Rosenquist: After?

Lim: Yes.

Rosenquist: Okay. This is a little farther down my question list, but I think I'm gonna get to it now…

Unknown: (clearing throat)

Rosenquist: …you contact Officers Collins and Burbank to get a synopsis of what happened, did you observe any injuries on either of them?

Lim: I didn't observe any obvious signs of trauma, no.

Rosenquist: What was their just, kinda condition overall?

Lim: U- both of them were breathing heavily, um, almost in a state of shock about what just occurred, um, as if they had just engaged in a physical altercation with somebody.

Rosenquist: Did they give you an explanation as to what led to their contact with Ellis and the initial fight with him? And again, you can refer to your report if you need to.

Lim: Yes, they did.

Rosenquist: Can you elaborate on that?

Lim: Yes. Um…

Rosenquist: Go ahead.

L …with Officer…

Rosenquist: …what, what they told you about it.

Lim: …individually, with Officer Burbank and Collins?

Rosenquist: Did you talk to them individually?

Lim: Yes.

Rosenquist: Then let's start with Burbank.

Lim: Okay. Um, Burbank advised me that they were sitting in the same patrol car at the intersection of South 96th and Ainsworth, um, when they first observed Mr. Ellis to the south of them. And, they observed some, uh, suspicious activity with him attempting to, appeared like he was attempting to get into a passing car. That's what drew their attention to him. At some point Mr. Ellis made his way over to where Officer Burbank was sitting and punched the passenger side of the window where Officer Burbank was at and that's when they both exited the vehicle and Mr. Ellis, uh, immediately began swinging punches on both of them.

Rosenquist: Okay. And you said you contacted them individually, were their, were they far enough away, would they have heard what each other was telling you or were they separate…

Unknown: (unintelligible)

Rosenquist: …far enough that it was completely independent?

Lim: I think there, they were within the same area…

Rosenquist: Okay,

Lim: …but I spoke to them individually.

Rosenquist: Okay. What did Collins tell you?

Lim: Uh, he, he advised me of the same version of events.

Rosenquist: Nothing different?

Lim: No, not as far as the initial…

Rosenquist: Initial.

Lim: …reason…

Rosenquist: Okay.

Lim: …why they got out of their vehicle.

Rosenquist: Gary?

Roberts: I, I need to go back, uh, y- extraordinary strength, comment…

Unknown: (clearing throat)

Roberts: …uh, can, can you expand on wa- what kinda extraordinary strength when you're first showin' up at the scene?

Lim: Yes. What, uh, by that I meant when I first arrived on scene, notice there were four officers there attempting to, uh, secure Mr. Ellis and even with that he was able to move his body, or buck up his body to a position to where his knees were, um, were brought forward underneath his body. And to me, it'd appear that someone was able to do that with four individuals attempting to detain him that, um, you would have to have significant amount of strength to do so.

Roberts: A- and when you attempted to have a, your supervisory conversation with Mr. Ellis…

Lim: Yes.

Roberts: …what was his condition at that point?

Lim: Again, he was in a recovery position on his side and when I attempted to speak with him, uh, he just appeared calm.

Roberts: Not in distress?

Lim: At that, no.

Rosenquist: Good?

Roberts: Mm.

Rosenquist: Fire…

Unknown: (clearing throat)

Rosenquist: …you requested Fire and…

Unknown: (clearing throat)

Rosenquist: …one of the consistent themes is, we've heard is that it, at least it took a while for Fire to get there. And I know y-, you broadcast, you asked for an ETA…

Lim: Yes.

Rosenquist: …do you recall how long it took Fire to get on scene?

Lim: Not the exact minute, um, but it appeared to be at least, at least ten minutes or so.

Rosenquist: Do you recall if they were, they had their lights and sirens on or if they came in routine with their lights and sirens off?

Lim: I don't recall.

Rosenquist: Okay.

Unknown: (clearing throat, sniffing)

Rosenquist: Fire gets there…

Unknown: (clearing throat)

Rosenquist: …and it's been described to us as either anywhere from just a conversation to almost an argument, between TFD and our, Tacoma PD personnel as far as getting the restraints removed. Did you hear any of that conversation between Fire personnel and the officers that were with Ellis?

Lim: Not the initial conversation, no.

Rosenquist: What did you hear?

Lim: I was called over to their location, this is after Fire had arrived, and, uh, I was asked by a, I don't recall which officer, asked me if it was okay to remove the handcuffs from Mr. Ellis and I indicated yes.

Rosenquist: And the reason for that was so that Fire could treat him?

Lim: Yes.

Rosenquist: Did you witness the removal of the restraints, the hobble, the leg restraint, the handcuffs?

Lim: I don't, I don't remember.

Rosenquist: Okay.

Lim: Uh, yeah.

Rosenquist: Do you recall if you remembered seeing the spit hood being removed from Ellis?

Lim: No, I don't remember that.

Rosenquist: Did you observe any injuries on Ellis?

Lim: No obvious signs of trauma, no.

Rosenquist: Specifically any bleeding from the, his mouth or face area?

Lim: I don't recall if he had some, um, bleeding or road rash on his face.

Rosenquist: So you don't recall seeing anything that would have prohibited the use of a spit hood on him?

Lim: No.

Rosenquist: Okay. So you wrote in your report, "the subject soon became unresponsive as he was beating, being treated by TFD. I then observed TFD begin to perform CPR on the subject for some time." Do you know if Ellis was still responsive when Fire arrived?

Lim: I don't know cause I wasn't there with him…

Rosenquist: Okay.

Lim: …I mean when Fire initially arrived.

Rosenquist: Okay. Gary?

Unknown: (sniffing, clearing throat)

Roberts: That, that conversation you had with Collins and Burbank where they tell you about the, the what led up to their altercation, how long had you been on scene when, when that mighta taken place?

Lim: The initial conversation was probably shortly after I arrived.

Roberts: Had you l- y- so you arrive at, uh, 23:24…

Unknown: (clearing throat)

Roberts: …and 35 seconds, uh, you say incoming can slow…

Unknown: (sniffing)

Roberts: …and 23:25 and 20 seconds, is, is it in that time frame, or is it after maybe before when you ask for Fire or, or is it after that part any…

Lim: It, it was after that part.

Roberts: Somewhere maybe, when you're asking for an ETA on Fire, I mean later on in that, in y-?

Lim: Yes, I, uh, believe was before I asked for the ETA.

Roberts: And you didn't stay on scene the entire time, you eventually left?

Lim: Later I did, yes.

Roberts: Did you stay, how long did you stay?

Lim: I stayed until I was advised that I needed to coordinate the transportation of Officers Burbank and Collins to the Pierce County precinct.

Roberts: And then you, so you went to the Pierce County precinct?

Lim: As well, yes.

Roberts: Did you ever have any physical contact with Ellis?

Lim: No, we-, when I went to attempt to talk to him, I may have put my hand on his shoulder to, to speak with him.

Roberts: But, but nothing trying to help him get into handcuffs, anything like that?

Lim: No, he was already, believe he was already in handcuffs by the time I was physically up there.

Roberts: Thanks.

Rosenquist: While you were on scene did you come into possession of any items of evidence like the taser wires, taser cartridge or a cell phone? And the reason I'm asking is we have some evidentiary items that we're still trying to kinda figure out the chain of who recovered 'em, where they recovered, and how they eventually made it to County.

Lim: Uh, I, I don't recall ever…

Rosenquist: Okay.

Lim: …handling them. No.

Rosenquist: And you mentioned earlier that you were directed to arrange the transport of the officers…

Unknown: (clearing throat)

Rosenquist: …away from the scene. Who directed you to do that?

Lim: Uh, Lt. Mueller.

Rosenquist: And, did you personally transport any of the officers away from the scene or did you assign that to other?

Lim: I assigned both officers to be transported by separate officers in separate cars.

Rosenquist: Do you have any con-, did you have contact with any witnesses while you were on scene?

Lim: No.

Rosenquist: Did you observe anything while you were on scene that were, that concerned you, that you felt constituted a violation of policy by anybody?

Lim: No.

Roberts: I have nothing.

Rosenquist: Anything, uh, else you think we should know about that we haven't discussed about this incident today?

Lim: No.

Rosenquist: Detective Betts?

Betts: Sergeant Lim, you talked a little bit, there was a little bit of talking about could you hear certain things, uh, can you describe just a little bit of when you arrive, what was going on with the noise in the scene? Were there other things occurring, or other things you would hear besides just radio traffic, or just one person's voice, just a

1		little bit about what it mighta sounded like for those of us that weren't there?
2	Lim:	Yeah, there, there are multiple units responding to the scene, and so you could hear
3		things like sirens in the background and other just outdoor noises.
4	Betts:	Verbal commands or any other off-, anybody else talking or other verbals going on at
5		all?
6	Lim:	There may have been, I don't recall exactly what may have been said.
7	Betts:	Kay.
8	Unknown:	(clearing throat)
9	Roberts:	M- Mike did you observe the fire department arrive?
10	Lim:	Uh, y-, I didn't observe when they initially arrive, um, cause I think they park down
11		the street. I observed 'em walking into the scene.
12	Roberts:	You didn't see a big fire engine with lights and sirens goin'?
13	Lim:	I, I don't re- remember. I don't recall seeing the lights or hearing their sirens when
14		they arrived.
15	Rosenquist:	I don't have anything else.
16	Robbins:	I have just a couple, sorry.
17	Rosenquist:	It's okay.
18	Robbins:	Uh, when did this incident happen, I know they said at the beginning, but when was
19		it?
20	Roberts:	March 3rd 2020.
21	Robbins:	Thursday, a significant amount of time has passed since this incident occurred?
22	Lim:	Yes.
23	Robbins:	And that, uh, your ability to recall a specificity has been hampered due to that time
24		delay?
25	Lim:	Yes.
26	Robbins:	Okay. And a couple questions were asked about kind of the noises and everything

going on at the scene, how did you get to the scene? How did you respond, lights and siren?

Lim: Yes.

Robbins: And, did all officers that respond to the scene come with lights and sirens going to your knowledge?

Lim: Yes.

Robbins: Okay. But it's pretty chaotic with multiple vehicles, multiple lights and sirens and multiple people in the area?

Lim: Yes.

Robbins: Okay. You mentioned you had a, attempted to have a brief conversation with Mr. Ellis, did you ever hear any gurgling sounds coming from Mr. Ellis?

Lim: No.

Robbins: Any agonal breathing?

Lim: No.

Robbins: Any signs of medical distress at all?

Lim: No.

Robbins: When you tried to speak with him and he didn't respond, what were you thinking about his lack of response?

Lim: That he was simply just ignoring me.

Robbins: Okay. So no indication that he needed medical assistance at that point?

Lim: No.

Robbins: Okay. And the conversations that you had with the officers, um, where were they with respect to the location of where Mr. Ellis was?

Lim: They were, they were more toward the rear of their patrol car. Um.

Robbins: Your conversation?

Lim: Yes.

Robbins: Okay. So, could you approximate how many feet you are away from Mr. Ellis?

Lim: Maybe at least 20 feet or so.

Robbins: More than a car length?

Lim: Yes.

Robbins: Okay. And your attention at that point was focused on your conversation?

Lim: Yes.

Robbins: Okay. And when you heard, um, you, you made mention that you heard something about spitting and I don't recall exactly you said, where were you when you heard either the request for a spit hood or that he was spitting? Were you at the back of the car having the conversations, or were you up near Mr. Ellis?

Lim: I don't re-, I don't recall…

Robbins: Okay.

Lim: …exactly where I was at.

Robbins: Okay.

Rosenquist: Alright. This is Sergeant Rosenquist. It is 1036 and this is the end of the interview.

END OF INTERVIEW/ar

TAB 59

INTERNAL AFFAIRS COMPELLED INTERVIEW

I/A CONTROL NUMBERS: 21COM-0061, 21C0M-0069, 21COM-0071

Employee/Witness: Officer Armando Farinas

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.

8/18/21

Employee **Date**

8/18/21

Witness **Date**

8/18/21

Witness **Date**

Memorandum to File
IA Investigations #21COM-0061 and 21COM-0071

On August 18, 2021, TPD IA conducted an interview with Officer Armando Farinas. During his interview, Officer Farinas disclosed that the department issued spit hood he used on Manuel Ellis was obtained from his patrol vehicle. Officer Farinas was shown a packaged spit hood and an unpackaged spit hood that IA obtained from TPD Quartermaster Zach Cain, believed to be the same type he used on Ellis. Officer Farinas thought the packaging on the spit hood he used had different color printing. Officer Farinas said he had a similar department issued spit hood to the one he used on Ellis in his patrol vehicle. Officer Farinas' patrol vehicle had been parked at TPD HQ since he was placed on Administrative Leave. Officer Farinas thought his assigned vehicle was #2896.

Upon completion of the interview, Sergeant Rosenquist advised A/C Scruggs of the spit hood issue and it was determined that we would recover the spit hood from Officer Farinas' patrol vehicle. Officer Cain was consulted and it was determined that Officer Farinas' assigned vehicle was #2891 and not #2896. Officer Cain gave us access to Officer Farinas' vehicle, (parked along the east fence near the Quartermaster area). I recovered a single, unopened Safariland Tranzport Hood spit hood from the rear passenger side floor. I noted the printing on the package was blue and some of the hood's visible material was light green. I noted a date printed on the label was 2009. When I unpackaged the spit hood, it did not appear to be the same model as what was used on Ellis.

Sergeant GJ Roberts
TPD Internal Affairs
August 18, 2021

Interview of Armando Farinas

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

August 18, 2021 – 1106 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Henry Betts, Representative, Tacoma Police Union – Local 6; Ryan Lufkin, Attorney, Representing Officer Farinas, and Officer Armando Farinas

Rosenquist: This one is on. We're on. This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Armando Farinas. The date is August 18th 2021. Time is 1106 hours. Location is IA Office, Room 360, Police Headquarters. This is in reference to IA cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant Roberts; Detective Betts, Vice President, Local 6, Ryan Lufkin, attorney representing Officer Farinas and Officer Farinas. Officer Farinas are you aware this interview is being recorded?

Farinas: Yes.

Rosenquist: Is this interview being recorded with your permission?

Farinas: Yes.

Rosenquist: Did you read the Compelled Interview Form?

Farinas: Yes.

Rosenquist: Do you understand the Compelled Interview Form?

Farinas: Yes.

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

Farinas: Yes.

Rosenquist: Okay. So Internal Affairs has been tasked to investigate, uh, the incident involving the, uh, in-custody death of Manny Ellis back on March 3rd of 2020. You were on scene there, so let's start with, were you partnered with anybody that night?

Farinas: Yes.

Rosenquist: Who were you partnered with?

Farinas: Uh, Officer Guiardinu.

Rosenquist: And, what led you to respond to 96th and Ainsworth?

Farinas: Uh, radio traffic and the calls for assistance.

Rosenquist: So, in the radio traffic, did you hear the initial mic clicks?

Farinas: Yes.

Rosenquist: And, dispatch asking Henry 317 if they had traffic?

Farinas: Yes. And asking for a location as well.

Rosenquist: And wasn't a lo-, a location eventually broadcast?

Farinas: Eventually, it was 96th and Ainsworth, I believe, if I recall.

Rosenquist: Who broadcasted that? Do you recall?

Farinas: I think it was Burbank, Officer Burbank.

Rosenquist: And, you recall hearing it on the radio?

Farinas: Yes.

Rosenquist: What was the tenor of the broadcast?

Farinas: Uh, can you clarify?

Rosenquist: Normal, I mean was it normal, did he sound stressed…

Farinas: No, he sounded very flustered and like they were in an active fight.

Rosenquist: And then you responded?

Farinas: Correct.

Rosenquist: Do you remember where you responded from?

Farinas: Uh, 38 and Pacific. The Jackson's, we were at the gas station there.

Rosenquist: Okay. So you arrive and I'm gonna refer to your report which we have a, provided you a copy and you have, um, "Upon arrival there's a black male subject laying face down in handcuffs, which also had a hobble connected to them. The subject was alert

and breathing and had blood on his face and coming from him mouth." Were the handcuffs and leg restraints already on Ellis when you arrived or did you observe those being applied?

Farinas: No, they were already on him when I arrived.

Rosenquist: You wrote that Ellis was alert and breathing. What were your observations that led to that determination?

Farinas: Um, while he was in restraints, he was still actively trying to fight. He was make-, making growling noises, not saying any words, just making crazy noises and.

Rosenquist: How was he actively trying to fight?

Farinas: Uh, wiggling around on the ground, trying to just, uh, he was basically just like writhing around, like…

Rosenquist: What. Okay, what was his position on the ground when this was occurring?

Farinas: He was on his stomach with his hands behind his back and his legs attached…

Rosenquist: To..

Farinas: …with the hobbles.

Rosenquist: With the hobble.

Farinas: Correct.

Rosenquist: Was anybody trying to physically restrain him?

Farinas: Yes.

Rosenquist: While he was doing this?

Farinas: Yes.

Rosenquist: Do you recall who?

Farinas: Uh, Rankine was on his back and Ford was on his legs.

Rosenquist: Can you describe Rankine's position on Ellis' back?

Farinas: Mm, he was kneeling on his back, kind of like maybe off towards his shoulder and then Ford was sit, basically sitting on his legs as they were folded up.

Rosenquist: Okay. So, if Ford was, so was Ford sitting on Ellis's thighs or you said as folded up, more like on his shins?

Farinas: It would be on his shins with his hands on his ankles.

Rosenquist: Okay. And do you recall what the positioning of Rankine's knees were?

Farinas: Uh, one knee up and then one knee on his back.

Rosenquist: And when you say up, up on his shoulder blade or like up, pointing towards the air.

Farinas: Like up pointing towards his air, like he was bracing himself with his opposing foot while applying pressure to Ellis' back with his leg.

Rosenquist: Okay.

Roberts: A- and that's trying to keep him from actively struggling against the restraints?

Farinas: Correct. He was still trying to get away from 'em. He was still trying to get out of the restraints and he was still fighting with the two of them.

Roberts: A-, and put things in context, you haven't seen that report in almost a year and some months since…

Farinas: Correct…

Roberts: …you wrote that?

Farinas: …the first time I've seen this report has, was two weeks prior to this interview right now, so.

Roberts: And, and have you seen videos on any of this…

Farinas: No.

Roberts: And, have you given any previous interviews?

Farinas: No, no.

Roberts: And, and so Officer Ford has the legs of Manny up bent at the knees?

Farinas: Correct.

Roberts: Is he actually sitting on his legs or is he using his arms…

Farinas: He's kinda squatting down, with his hands on his ankles pushing his knees or

pushing his legs his, his heels to his backside to try…

Roberts: He's not sitting on…

Farinas: No, no. He's controlling him with his weight, position…

Roberts: And is there slack in the hobble restraint?

Farinas: Yes.

Roberts: And is there no, is there any arch in Ellis' back.

Farinas: No. He's pretty flat, um, the hobbles weren't ran all the way to the cuffs so there was space between the hands and the feet when that, when I was there. From what I saw.

Rosenquist: Can you explain what, when you said that the hobble wasn't ran all the way to the cuffs?

Farinas: Yeah, typically when you hobble somebody you pull, you loop it through the cuffs and then you pull the hobbles all the way tight until the heels and the feet are touching the hands that are in handcuffs and then kind of, like you said, bends the body but that was not the case.

Rosenquist: Okay cause I think they, they cinched the ankles and then they took what I guess would be a like the lead with the carabineer…

Farinas: Mm-hm.

Rosenquist: …so, do you recall how much of a lead there was off of the ankles to the handcuffs?

Farinas: I would say probably 36 to 48 inches.

Rosenquist: So three to four feet?

Farinas: Yeah, not, it wasn't, it wasn't tight like two or one foot, it was pretty loose.

Rosenquist: Okay. And Sergeant Roberts asked earlier about bowing, what about his thighs? Were his thighs off the ground or was, were they flat as, cause you said he'd, he was pretty flat.

Farinas: Yeah, he was pretty flat. His thighs, yeah, his thighs weren't off the ground.

Rosenquist: Okay. You also noted that Ellis had, uh, blood on his face and coming from his

mouth?

Farinas: Correct.

Rosenquist: Actively bleeding? Dried, could you tell?

Farinas: Actively.

Rosenquist: How much?

Farinas: Um, quite a bit. I didn't know if he had bit the inside of his mouth or maybe bit his tongue or, but there was a lot of blood coming out and around his mouth.

Rosenquist: What about, was there any blood coming from his nose as well?

Farinas: I can't recall.

Roberts: Bu-, when you say a lot of blood, was he leaving a puddle of blood on the ground?

Farinas: Um, a si-, a small puddle. Enough to, enough to be worried about getting contaminated. Like enough to get off of his person onto other people.

Roberts: And when you say a small amount of, size of a dime?

Farinas: Mm, more than that. Probably like the size of a hockey puck, was a small pool.

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

Farinas: Uh, yes. It was Collins, Burbank, Ford and Rankine and then me and my partner were five and six.

Rosenquist: Was anybody else on scene?

Farinas: Uh, after we got there multiple people showed up.

Rosenquist: Do you remember any county deputies already being on scene when you got there?

Farinas: No.

Rosenquist: So, I'm gonna again refer to your report, uh, you wrote, "…due to his assaultive behavior I placed a spit hood over the subjects head to protect everyone on scene from a possible exposure." So, can you describe what you described as Ellis' assaultive behavior?

Farinas: Trying to escape the restraints, uh, wiggling around violently, um, spitting, making

crazy noises, not obeying commands.

Rosenquist: What kind of commands were, was he being given?

Farinas: Like stop resisting, relax.

Rosenquist: Do you remember who was giving those?

Farinas: No, can't recall.

Rosenquist: And when you say "wiggling" can you kind of give a better description of exactly what he is trying to do?

Farinas: He's trying to get out of the restraints and away from us?

Rosenquist: Okay.

Farinas: Escape arrest.

Rosenquist: And spitting. Was he targeting officers? Can you describe that?

Farinas: No, um, I mean he was looking towards me, in my direction while he was on his stomach looking at me spitting. Not, he didn't get any blood on me. He didn't get close enough to spit on me but that's when it became a problem to protect everybody on scene from an exposure, so.

Rosenquist: How far away for you, from him were you?

Farinas: Like three feet maybe.

Rosenquist: Okay.

Farinas: Two, three feet.

Rosenquist: So how did the subject of putting a spit hood on Ellis on come up?

Farinas: Um, an officer on scene called for one, but I can't recall who it was.

Rosenquist: Okay.

Farinas: So, I ran, there was enough people assisting at that point in restraining Ellis, so I ran back to my car and grabbed a hood.

Rosenquist: So you went back to your car and got a hood?

Farinas: Correct.

Rosenquist: Was the hood still on, in the, the packaging and the wrapper?

Farinas: Yes.

Rosenquist: And then what happened?

Farinas: I went back over there and placed the hood over Ellis' face.

Rosenquist: What was Ellis' position when you put the spit hood on him?

Farinas: Same position, on his stomach, face down.

Rosenquist: How much time do you think elapsed from when you arrived to when you eventually put the spit hood on him?

Farinas: Maybe 90 seconds.

Rosenquist: Okay.

Farinas: Pretty quick.

Rosenquist: Okay. Gary do you have anything?

Roberts: Yep. Wh-, who's driving the car? You or Andy?

Farinas: Me.

Roberts: So, do you remember how you arrived in your vehicle?

Farinas: Yeah. Um, so we came all the way from 38th. We went south on Pacific and then, uh, west on 96th and then we parked behind, it was Shane and Burbank's SUV, Rankine and Ford's car and then we parked right behind them just east of, uh, Ainsworth on 96th.

Roberts: A-, and would you have arrived on the radio or would you have arrived just by hitting the MDS?

Farinas: Uh, I can't recall with a situation like that, ya know, when we're responding for an officer needs help call, I don't know if I arrived myself on the radio or the MDS but my main priority was getting out and making sure the officers were safe.

Roberts: And y-, you mentioned that you went back to your car and got the spit hood?

Farinas: Correct.

Roberts: Where in your car would you keep the spit hood?

Farinas: I keep two in my car at all times, uh, both in the rear passenger door in between the bars on the window.

Roberts: Thank you.

Rosenquist: Prior to putting the spit hood on Ellis, did you observe that Ellis was having difficulty breathing, wheezing, gurgling?

Farinas: No. He was, like I said, like making some like aggressive growling noises and still resisting.

Rosenquist: What, where on our use of force continuum, were you described what he was doing?

Farinas: Uh, actively resisting.

Rosenquist: Kay. Once the spit hood was applied, was there any changes in Ellis' condition, to his breathing?

Farinas: About two minutes after the spit hood was applied I'd say, um, uh, two minutes is a rough estimate. It's not a definite but, uh, he stopped moving. He kind of came down and relaxed and his breathing went to normal and then he stopped breathing completely.

Rosenquist: While the spit hood was still on him?

Farinas: Correct.

Rosenquist: And how did you know he had stopped breathing?

Farinas: I believe Rankine said he stopped breathing, or…

Rosenquist: What. Okay, what was Rankine, was Rankine monitoring Ellis?

Farinas: Yeah, Ford and Rankine were primarily the people with him, like with Ellis. Like I said I showed up, put the hood on and then walked away. Like didn't walk away but just stepped back cause there's too many people there already, so I didn't want to get in the way.

Rosenquist: So you put it on, it was on for a couple minutes and Rankine said that he had stopped

breathing?

Farinas: Yeah, he s-, I believe he did say, yeah.

Rosenquist: Okay.

Farinas: Something's wrong, he's not moving. The, to that effect. He'd said something's wrong.

Rosenquist: Okay.

Farinas: So at this point we had already called for Fire too, so we're waiting for Fire and then like I said he stopped, just stopped moving.

Rosenquist: Okay. While you were on scene did you ever hear Ellis state, "I can't breathe," or anything similar to that?

Farinas: No.

Rosenquist: When this initiated, there was a broadcast over the radio by Sergeant Lim, where he was telling and saying incoming could slow and in the background you could hear a voice say, "I can't breathe, I can't breathe," do you recall hearing that on the radio at all?

Farinas: No.

Rosenquist: Prior to Rankine saying that there was some type of issue with Ellis, that he had stopped moving, did you observe any signs of Ellis was in any kind of medical distress at all?

Farinas: No, to me I thought he just gave up resisting and started coming down and relaxing because I've been in this situation with multiple subjects before, where, where they get wound up you end up having to use force and then they eventually just relax and the chaos is over.

Rosenquist: Kay, Gary anything?

Roberts: So, y-, y-, you said earlier that you'd been on scene for several seconds before you went back and got the spit hood?

Farinas: Correct.

Roberts: So your arrival time in CAD is 23:27 and 17, um, uh, seconds, so you say about 90 seconds later you would've went back and got the, the spit hood?

Farinas: Yeah, somewhere in that timeframe, correct.

Roberts: And that's why I was asking you kinda how you arrived…

Farinas: Yeah.

Roberts: …uh, trying to pinpoint a timeframe of, uh, when that spit hood got applied.

Farinas: Correct. It was early.

Roberts: And at that time when you applied it, Ellis is still face down?

Farinas: Correct.

Roberts: Ford on his, uh, uh, controlling his ankles, if you will, in a hobble, and Rankine, uh, ah, at the upper torso?

Farinas: Correct.

Roberts: Did that position change at all?

Farinas: Uh, not until he stopped moving and then once he stopped moving that's when, um, Ford and Rankine, I don't know who decided to do it, but they rolled him onto his side into a, like a modified recovery position.

Roberts: And, and about how long after he, eh, Ellis, uh, uh, kinda stopped moving do you think that took place?

Farinas: W-, do you mean like after the hood, or?

Roberts: A-, after he, when, when, when there were signs that he was no longer struggling, was he…

Farinas: Oh, when did shift him?

Roberts: Yeah.

Farinas: Immediately. Yeah.

Roberts: Thank you.

Rosenquist: Earlier you, you talked about the reason for the spit hood application being that he w-, he was spitting blood, do you recall hearing or being involved in any kinda conversation where it was discussed that a spit hood should be put on him because he was yelling and making noise?

Farinas: No. That wouldn't, they, I mean a hood wouldn't even stop noise anyways, it's thinner than paper.

Rosenquist: Okay. Um, we just wanna confirm, so we have one in the packaging and one out and for the record I'm showing Officer Farinas a copy of, of the transport hood, one in packaging and one in out. Is this the, like the one or is it the one that you re-, got from your vehicle?

Farinas: Similar to this but it has blue writing on it, so I don't know if it's an older model of this exact one, uh…

Rosenquist: Okay.

Farinas: …but the one I had, did have blue writing on it, um, I believe I still have another one in my vehicle, if I recall, so, I'm pretty sure this is it but the writing just looks different.

Rosenquist: Okay.

Farinas: Yeah, it would be like blue up here and then like red down here.

Rosenquist: Okay. Um, and this is the spit hood that's out of the packaging?

Farinas: Correct.

Rosenquist: Is this, is this the, the type of hood that you placed on him or is it different?

Farinas: Uh, it looks very similar. Yeah. Yeah.

Unknown: (unintelligible)

Rosenquist: It's okay. So prior to the incident with Ellis, had you jus-, jus-, uh, applied a spit hood before?

Farinas: Yes.

Rosenquist: How many times do you think?

Farinas: Uh, a couple and it was for spitting subjects in the back of, uh, my patrol vehicle after they were in custody.

Rosenquist: Any medical issues with those individuals?

Farinas: No.

Rosenquist: So just confirming, after the spit hood was applied on Ellis, Rankine and Ford or just Rankine, were kinda monitoring his condition?

Farinas: Correct.

Rosenquist: Both?

Farinas: Both, w-, it, well and then Sergeant Lim was there also…

Rosenquist: Okay.

Farinas: …so. And at that point, I had stepped back.

Rosenquist: So once Rankine observes that there's an issue with Ellis, and Ellis is placed on his side, was Ellis' position changed from that at all between when he was put on his side to when Fire arrived?

Farinas: No.

Rosenquist: He remained on his side…

Farinas: I believe so, yes.

Rosenquist: Were you in the area the whole time, cause you said you'd put the hood on then you stepped away a little bit?

Farinas: Yeah, by that time Sergeant Lim had instructed me and my partner to each grab Burbank and to grab Collins and to go back to our vehicle with them.

Rosenquist: Okay.

Farinas: Um, and then there was, there had to have been twenty or thirty officers there and I couldn't, they're circled around, so I couldn't see through that at any point from there on after.

Rosenquist: And, that portion of the incident with Burbank and Collins, did that occur prior to Fire's arrival?

Farinas: Yes.

Rosenquist: So you didn't observe Ellis' position change?

Farinas: No. Uh, yeah, as soon as he was put into his recovery position and I grabbed Burbank and went back to my vehicle, that's the rest that I saw. All is I remember seeing is Fire arriving which felt like it took forever and then I watched them work on him through, ya know, from afar I watched them perform medical aid on him and then that was it.

Rosenquist: Okay. Have you received any training from the Department on the application of a spit hood?

Farinas: No.

Rosenquist: Have you received training from any other sources…

Farinas: No.

Rosenquist: …in regards to putting a spit hood on somebody?

Farinas: No.

Rosenquist: Do you remember how you originally obtained a spit hood?

Farinas: Uh, I was given it, it was given to me by the, uh, front desk when I first got hired.

Rosenquist: Okay.

Farinas: Yeah.

Roberts: So, it's issued to you by the Department.

Farinas: Yeah. Yeah. And then every time you use one you just replenish it at the front desk.

Rosenquist: You have anything yet? So, I wanna talk about the packaging on the spit hood and it lists conditions for use and the first one is do not use this product unless a prisoner is under control and restrained. And you believe that Ellis was under control and restrained?

Farinas: Correct.

Rosenquist: Wearer must be under constant visual supervision and should never be left unattended. And as you stated earlier, Rankine was monitoring?

Farinas: Yeah, at no point was he out, out of our custody.

Rosenquist: Do not use on anyone that is vomiting, having difficulty breathing or is bleeding profusely from the area around the mouth or nose. And we have no information from anybody or indication that he was, he was vomiting, um, but obviously we do that he was having difficulty breathing. You said earlier that you never heard Ellis say, "I can't breathe," or anything similar?

Farinas: Correct.

Rosenquist: Did anybody advise that he was having breathing difficulties or that there was an issue with his breathing…

Farinas: Not that I…

Rosenquist: …while you were on scene?

Farinas: Not that I'm aware of.

Rosenquist: So you had no knowledge at all that Ellis was having a breathing problem?

Farinas: No. I, I wasn't, uh, I mean I was, after I put the hood on, like I said, I stepped away and that was the extent of my contact there. I didn't render medical aid, I didn't help like keep him in custody, like I did what the senior officer asked and then I stepped back so I didn't, I wo-, really wasn't paying attention to Ellis or what else was really goin' on on the scene 'cause it was pretty chaotic and…

Rosenquist: Who...

Farinas: …there was people everywhere.

Rosenquist: …who was the senior officer?

Farinas: I can't recall.

Rosenquist: But you know that they were senior to you?

Farinas: Yeah. Well I mean I'm pretty young so everybody has time on me here.

Rosenquist: Okay. So just wanna confirm, you had no knowledge that there was a breathing ithu, issue with Ellis prior to the application of the spit hood?

Farinas: Correct.

Rosenquist: Kay. The bleeding, you described it as a hockey puck size and it was ac-, he was actively bleeding when you arrived. Was he actively bleeding when you put the spit hood on?

Farinas: Uh, there was blood around and in his mouth, correct. And that's why it was place on him, so he didn't contaminate anybody with any blood borne pathogens or, ya know, transmittable diseases.

Rosenquist: Conditions for use say bleeding profusely from the area around the mouth or nose, would you have described that bleeding as profusely?

Farinas: No.

Rosenquist: Was there ever a thought that his bleeding from the mouth and the spit hood would present an issue?

Farinas: No.

Rosenquist: The other conditions for use are remove prisoner's jewelry and eyewear. Any jewelry or eyewear in play?

Farinas: I don't believe so.

Rosenquist: Or difficulty applying due to large size head?

Farinas: No, it went on fairly, fairly easily.

Rosenquist: Kay. Gary?

Roberts: Nothing.

Rosenquist: So based on the conditions of use, do you believe that the application of the spit hood was within essentially the warnings that were listed on the packaging material?

Farinas: Correct.

Roberts: A-, and you're coming to the scene fairly late?

Farinas: Yes.

Roberts: Did anybody say, don't put the spit hood on?

Farinas: No. No, I just remember somebody calling for one, because multiple people were trying to help, uh, either render medical aid or secure the subject and I wanted to protect everybody and, ya know, I did what I did, so, ya know, at the end of the day I don't want anybody getting sick or hurt or, ya know, I, I especially don't want to get some disease from a blood borne pathogen so I, I felt it was necessary and in everybody's best interest to stay protected.

Roberts: Thank you.

Rosenquist: Was there any reaction by Ellis right after you put the spit hood onto him?

Farinas: No, he was still just making like grunting noises and, and ya know writhing around.

Rosenquist: Okay.

Farinas: Uh, eh, w-, well a bit after and then that's when he stopped.

Rosenquist: Okay.

Roberts: A-, and are you saying "riding" around?

Farinas: Wri-, writhing, like wiggling, like, like I said trying to still escape restraints and..

Roberts: I-, i-…

Farinas: …resist.

Roberts: For transcription and I didn't know, didn't catch what you said…

Farinas: Yeah, correct.

Roberts: …so, thank you.

Farinas: Okay, sorry.

Rosenquist: Other than Ellis being physically held down, did you observe an-, any other uses of force and what I'm specifically asking about are, um, strikes, any punches, anything like that?

Farinas: No.

Rosenquist: So you mentioned earlier that it seemed like it took to Fire arrive. Do you know how long it took?

Farinas: Uh, if I had to ballpark it would, it would definitely, I would say between 8 and probably 12 minutes and we called for 'em priority three times.

Rosenquist: Do you recall who called priority for them?

Farinas: I know Lim called priority once, um, but I don't know who else called the, the next couple times but I do remember specifically saying to people on scene, "Fire needs to hurry up, they are taking forever."

Rosenquist: And, why was, why would you have, why were you advising of that?

Farinas: Because we had a subject that just fought with the police, um, was in our custody, and it was a use of force so after every use of force we have to get it cleared through Fire but due to his actions and the fact that he stopped moving, we needed a priority response to render the correct aid for him.

Rosenquist: So, would it be fair to say that you, were you more concerned once Rankine said he had stopped moving and that there might be a problem and he was rolled onto his side?

Farinas: Correct, that would be when we upped it to a priority response.

Rosenquist: Okay. Did you observe Fire arrive?

Farinas: Yes.

Rosenquist: Do you recall if they had their lights and or sirens on when they arrived?

Farinas: They did not and they came in from the east and they parked about probably a city block or a city block and a half away and, uh, they just took, legitimately took forever when they got there and it took quite a while when they were on scene, they just walked towards us very slowly when we were frantically telling them, "Hey, get over here."

Rosenquist: So, Fire walks in, uh, we've been told that there was a conversation between Fire and the officers on the scene…

Farinas: Correct.

Rosenquist: …in regards to the removal of the restraints.

Farinas: Correct.

Rosenquist: Can you walk me through that conversation, what you heard, how long it…

Farinas: Uh,…

Rosenquist: …lasted?

Farinas: …um, (whispering) am I allowed to use foul language?

Roberts: Certainly, we're, we're not…

Rosenquist: Yes…

Roberts: …we're not grading for the…

Farinas: …okay. I specifically remember one of the young, younger firefighters, I don't know how old he is exactly, just looks like a younger, um, white male with blonde hair, the first thing he said to us when we walked up is, "What the fuck did you do to him?" That was his exact words and then, um, I remember him telling us to li-, literally, "…get him the fuck out of these handcuffs. What the fuck are you guys doing?" and, uh, then there was an argument between, not an argument just a disagreement on, I don't know who it was between but I remember somebody saying from afar, they were like hey, we got these cuffs on him, we got him under control now, we don't wanna let him back out and have him, you know, act back up, but then Fire insisted that we took the handcuffs off of him.

Rosenquist: And eventually the decision was made to take the restraints off, restraints off?

Farinas: Correct.

Rosenquist: What position was Ellis in while this conversation was occurring?

Farinas: Still in a recovery position, I believe.

Rosenquist: And, do you recall how long this conversation occurred for?

Farinas: It was, once they walked up, once they saw the severity of what, what, ya know, the, the state of, um, Ellis, they kinda picked up their pace so it was probably like a 30, maybe 15 to 30, second conversation of hey, get these cuffs off, like no we're not going to or, ya know, a verbal spat. It was quick.

Rosenquist: Do you remember who took the handcuffs and hobble off of Ellis?

Farinas: No.

Rosenquist: Do you remember what Ellis' position was when the restraints were being removed?

Farinas: He was still on his side when the restraints were removed and as soon as they were off that's when they flipped him onto his back and started rendering aid to him.

Rosenquist: Do you know who removed the spit hood from Ellis?

Farinas: No.

Rosenquist: So Fire gets there, the restraints are removed, what was your observations of Ellis' condition at that point?

Farinas: Well, I mean, like…

Rosenquist: Could you tell…

Farinas: …I said…

Rosenquist: …if he was conscious or unconscious?

Farinas: He was unconscious, they started CPR immediately.

Rosenquist: Okay. Gary do you have anything?

Roberts: Did the uh, was it continually Ford and Rankine that are monitoring or holding onto Ellis or did that change at any time that you noticed?

Farinas: I, I mean, I that's all I s-, I can recall. There was mul-, like I said though, there was, I mean, two minutes after we got there, there was probably 20 to 30 officers there, all different agencies, so.

Rosenquist: Okay. In your report, uh, you mentioned, "At this time I was handed, a gathered up

the spent taser cartridge from assisting officer on scene. I had been notified that the cartridge was, was used to subdue the subject." Do you remember who you got it from?

Farinas: Uh, Sergeant Lim.

Rosenquist: And what did you do with it once you got it?

Farinas: Placed it in my car immediately. In my trunk.

Rosenquist: And, do you know what happened to, from your trunk moving forward?

Farinas: Yeah, it was locked in my trunk for the remainder of the evening until I made it to headquarters after the liaison deal was done for me at, uh, Pierce County's building and then I booked it into evidence.

Rosenquist: Okay.

Farinas: So, it never left my chain, it never left my, my trunk. It's secured, it's locked all the time.

Rosenquist: Okay. Not including the actual placing of the spit hood on Ellis, did you have any other physical contact with him?

Farinas: No.

Rosenquist: You never assisted in, in holding him down to the ground…

Farinas: No.

Rosenquist: …or restraining him?

Farinas: No.

Rosenquist: Okay. And you mentioned earlier that you had been, been tasked by Sergeant Lim to transport one or both of the officers away from the scene.

Farinas: Um, I was directly handling, uh, uh, Burbank and then my partner had Matt Collins, uh, but I believe we did ride in the same car back to HQ and then that's when we split and they got into, uh, Andy's car I believe, or somebody else's car, and then we all ended up at Pierce County's.

Rosenquist: Okay, so who, who did you drive to the Pierce County station?

Farinas: Shane.

Rosenquist: During that time, did you have any conversation with Officer Burbank about what occurred?

Farinas: No.

Rosenquist: Had you been directed by Sergeant Lim in regards to that?

Farinas: Yes. I had.

Rosenquist: What was Sergeant Lim's direction?

Farinas: Do not speak to him.

Rosenquist: Kay. Prior to being asked by Sergeant Lim to do that, did you have any contact with Officers Burbank or Collins at the scene?

Farinas: Uh, yes. As soon as I showed up, I just checked on 'em to make sure they were okay.

Rosenquist: Did you have any kind of conversation with them at all about what…

Farinas: No…

Rosenquist: …had occurred?

Farinas: …they were, they were pretty, they were pretty, ya know, they were pretty tired and you could tell they were flustered so I was just making sure they were all right and they didn't need medical aid and then that was the extent of the conversation.

Rosenquist: Okay. Did you observe any injuries on either of them while you were in contact with them?

Farinas: No. I mean their uniforms were definitely messed up though and dirty for sure. Like, they didn't look like, I mean, they were just in a fight, so…

Rosenquist: Okay.

Farinas: …they looked, ya know, out of sorts.

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

Farinas: Oh, no. I don't believe there was, like, oddly enough there was a bunch of homes

there, nobody came outside while I was there, um, no cars really drove by.

Roberts: A-, at any time, while you were at the scene, was there any conversations going around of, of what precipitated the contact with Ellis between, uh, uh, Officer Collins and Burbank?

Farinas: Oh, like, uh, like the reason, like the reason for the contact?

Roberts: Yeah.

Farinas: No, I, no, I didn't, no.

Rosenquist: Going back, real quick, so I, I forgot to ask this, when Rankine kind of alerted people that he had stopped moving and that maybe there was an issue with Ellis and he was rolled onto his side, was there any conversation among the officers about either removing the spit hood or removing the restraints?

Farinas: No, not that I recall.

Rosenquist: Do you think it would have been practical at that point to remove?

Farinas: I, I wasn't close enough. I wasn't the lead on that, that call or contact, so, ya know, I was instructed to do what I was instructed to do by my Sergeant and I followed my orders.

Rosenquist: Which were?

Farinas: Grab Shane and go back to your car.

Rosenquist: Okay.

Roberts: And you mentioned earlier, i-, in and in your report, that, uh, you secured the taser wires. Were the probes on it or just the wires?

Farinas: Uh, I believe the probes were attached to the cartridge and the cartridge was already in a big, uh, plastic bag and that's what was handed to me. I didn't ga-, I didn't physically gather it up.

Rosenquist: Did you observe anything on scene that you felt was inappropriate or violations of policy by any Department personnel?

Farinas: No.

Roberts: We going to video?

Rosenquist: Yep.

Roberts: So, we're gonna go into a video. Does anybody need a break?

Lufkin: Um, I don't need a break so much as if I we could just take two minutes off record to chat for a second and then come back?

Roberts: You betcha.

Rosenquist: Okay.

Roberts: We'll, we'll, we'll go off record. We'll put this on.

Lufkin: You guys can set up your tech and then.

Rosenquist: It's, yeah, it's ready here. So…

Unknown: Okay.

Rosenquist: …it is 1143 and we're going off tape.

Rosenquist: Bought or. This is Sergeant Rosenquist. We're back on tape. It is 1148. Um, just confirming, uh, Officer Farinas you're still aware this is being recorded?

Farinas: Correct.

Rosenquist: Being recorded with your permission?

Farinas: Correct.

Rosenquist: Real quick, you mentioned that you had another spit hood in your patrol car, do you know, is, has your patrol car been reassigned? Do you know? Or, do you even know where it's at?

Farinas: Somebody told me it was taped up. Somebody told me it was given to somebody else. Somebody told me it was in the shop. So.

Rosenquist: Do you remember what you patrol car number was?

Farinas: 2896, I believe. It's brand new car so I'm pretty sure it's 2896.

Rosenquist: Okay. Alright. When you said that you, you had got the spit hood from your car, um,

we had another officer that said that they got it from their partner's car. Brought it to the scene, took it out of the packaging, was fumbling with it and had difficulty and that you took it from them and said, "I've put this on before, give it to me I'll take care of it." Does that sound familiar at all?

Farinas: No, not at all.

Rosenquist: Okay. Your recollection is you went to your car, you got it, you brought it back, you put it on?

Farinas: Somebody instructed somebody to get it, so I got it, and I put it on.

Rosenquist: Okay. Video?

Roberts: Yeah, so put this in perspective, this is, uh, uh, a video, it's, uh, titled, uh, cell phone video of a, A. White. Ms. White one of two and the timeframe of this is 23:32:and 05 so it's prior to Fire arriving, uh, and y-, it, it appears, right, by time that you would've been on scene for roughly five minutes.

Farinas: Oh.

Roberts: Uh, so, I don't know if you're in this video, but we just wanna get some information if you have it…

Farinas: Okay.

Roberts: …from this video. And I'll play it, I'll loop it through, it'll loop, uh, if you want me to stop it, s-, I'll stop it. Uh, I'll, I'll let it continue to loop through cause you'll pick up different things, uh, as we play it. So.

Farinas: Yeah, I think that's actually me back there to the right, if I'm not mistaken. But, not standing there in the pack, like off behind the pack.

Roberts: Okay, and I'll, I'll freeze it here real quick. Uh, you're thinking one of these over here?

Farinas: Correct.

Roberts: Okay. My thought when I initially saw this was you may be right here? But, I'm

thinking this one?

Farinas: Mm, no that, that, no I don't think that's me.

Roberts: Okay.

Farinas: I left…

Roberts: Again I, I know it's…

Farinas: ... that looks like…

Roberts: pixelated and grainy. Well there's two females on scene…

Farinas: Yeah, that person looks like they have a pony tail.

Lufkin: Can you get closer?

Roberts: Yeah, if you want to stand up, you certainly can. Uh, the two females are Anna Brahs and uh, uh, Kate Madden and I believe Kate Madden is down here at Manny Ellis' uh, uh, lower extremities, here, on her knees and, uh,…

Farinas: Okay, yeah, no I…

Roberts: …and Anna Brahs would be in front of this individual there you see her right here.

Farinas: Yeah, it looks like that person has like long hair. I did not have long hair at…

Unknown: Okay.

Farinas: …prior to getting put on leave I did not have long hair.

Unknown: Okay.

Unknown: (laughing)

Roberts: So, wa-

Farinas: I do have long hair now.

Unknown: (laughing)

Roberts: So, wa-, a-, an-, and that's kinda what I, I saw was, uh, the hair and the hat and…

Farinas: Yeah, no I, I typically had like if anybody, if you'd knew me before this, I typically had a, like a pretty military hair cut.

Unknown: (laughing)

Roberts: So, information we're trying to gather here is from this video, if you were there at this time, uh,…

Farinas: Yeah, that's my vehicle, actually. The third one, behind…

Roberts: This one…

Farinas: …behind the vic, yeah.

Roberts: So, would you have any recollection from this, as to, and this would be, uh, Officer Rankine?

Farinas: Yeah, so, back to the point of when you were asking me, um, like position shifts or who was on him, or who did what, or did anybody instruct to take them, the, uh, mask off, I told you I was outside the pack and afar and that's why I'm pretty confident that that's me.

Roberts: That, that one of these here…

Farinas: Yes, correct.

Roberts: …is. In, a-, an-, and it looks like you're in front of the uh, uh…

Farinas: And like I said, there was a circle of people blocking him and there's a circle of people blocking him there.

Roberts: …and, and this car, this vehicle, SUV vehicle, would be Officer Burbank…

Farinas: Uh…

Roberts: …and Collins?

Farinas: …yes, yep.

Roberts: And so this is Officer Rankine here, uh, this would be Ellis…

Farinas: Okay.

Roberts: …uh, it appears to us…

Unknown: (coughing)

Roberts: …the spit hood is on but I, I was, I'm looking for information, if you can tell me, uh, if this spurs any r-, sparks any recollection as to Ellis' positioning…

Farinas: Uh…

Roberts: …anything like that. I'll loop it back through so…

Farinas: Yeah….

Roberts: …you can…

Farinas: …no, just, this is, what I remember is being the person in front of that SUV while there's a circle of people around him. So, ya know, that does reaffirm my positioning on my statement of being out of the circle of people that are dealing with him.

Roberts: And not necessarily looking through the people and…

Farinas: Yeah…

Roberts: ….seeing…

Farinas: …no. I just gave everybody their space and they were gonna do, what they were gonna do, um, ya know, I wasn't the, the lead officer on this contact so I just did what was asked of me and assisted where I needed to assist.

Roberts: Thank you.

Rosenquist: Anything else?

Roberts: Not from the video unless, uh, uh,

Rosenquist: So, the allegation is unsatisfactory performance, do you believe your application of spit, putting the spit hood on Ellis acknowledging that he had been, you observed blood coming from his mouth, do you believe that application was unsatisfactory?

Farinas: Absolutely not.

Rosenquist: Why?

Farinas: Because I was protecting everybody on scene. And, if that's wrong then I guess it's unsatisfactory. So, if the protection of our officers from blood borne pathogens or disease is wrong, then go ahead and label it unsatisfactory, but in my heart and what I believe is I was doing my job to protect everybody and myself and the fire department and himself.

Rosenquist: We don't have anything else. Union?

Betts: Yeah, I have a couple. Um, Sergeant Rosenquist showed you a, the spit hood and we talked a little bit about puttin' that on. There's a section of that that is, uh, like a black see through kinda mesh and there's a section that's a white, uh, not as transparent…

Roberts: It's a drape.

Betts: …yeah, like a drape and it's not as, uh, transparent. When you applied that, could you see Manny Ellis's face?

Farinas: Yes, his eyes, nose and the top of his mouth. So you…

Betts: Yeah.

Farinas: …the top of the hood, correct.

Betts: Through the mesh portion?

Farinas: Through the, through the mesh, yes.

Betts: Okay.

Farinas: Yeah.

Betts: And, uh, Sergeant Rosenquist asked you a few questions and kinda gettin' started about describing positions of people, Officer Ford and Officer Rankine, when you arrived and we kinda talked about who was where, but you also said that, uh, Mr. Ellis was still struggling, so those positions were they fluid and there was movement there. We described them as kind of static but was there still movement and fluidity to that?

Farinas: Correct, correct. The positioning was provided to, ya know, subdue the subject into custody.

Betts: At this point, how long had you been an officer?

Farinas: Commissioned or non? Non-commissioned as well, or is?

Betts: Just commissioned?

Farinas: Uh…

Betts: For Tacoma or commissioned?

Farinas: February of 2018, uh, the 14th of February 2018 is when I was commissioned. So I been on for two months and so, or two years and a month.

Betts: Two years and a month?

Farinas: Correct.

Betts: On your squad, were you considered like the junior guy, if you will?

Farinas: Yes.

Betts: Okay. I think that's all that I have.

Rosenquist: I have a follow up to that, to one of your questions. The positioning of Rankine and Ford on Ellis, do you believe that their positioning was consistent with training and appropriate given the level of resistance that Ellis was displaying?

Farinas: Yes.

Rosenquist: It was appropriate?

Farinas: The actions taken were necessary to affect the arrest, yes.

Roberts: Nothing.

Rosenquist: Do you have anything you want to add that we haven't talked about or you think we should know about?

Lufkin: I have a couple questions.

Rosenquist: Okay.

Lufkin: Um, did you make your own, independent choice to put the spit hood on the individual or were you following instructions from more senior persons?

Farinas: Um, I mean I wasn't ordered, but once it was brought up, I did make the decision and assess it and say, yeah, well yeah, he's bleeding all o-, yeah he's trying to spit so this is probably the best solution to protect everybody.

Lufkin: And you don't recall who said to go get the spit hood?

Farinas: No.

Lufkin: At the time, was it just you, we- y-, you mentioned that you were number five and six on the scene, so at the time was it just the six of you or at the time had more people arrived?

Farinas: No, shortly after our arrival cars were comin' in one after the other. So it was…

Lufkin: At the time you heard the officer ask for the spit hood that's when a lot…

Farinas: …it was an additional, yeah it was not part of the six.

Lufkin: Okay.

Farinas: …it was.

Lufkin: And, you mentioned that you hadn't received any training on the application of the spit hood. Were there any policies in place at the time that instructed you on how to…

Farinas: No.

Lufkin: …put the spit on or what you should do to assess?

Farinas: No.

Lufkin: Okay. Um, and was that a subject that was covered in any other type of training, academy or otherwise that you received before being hired on?

Farinas: No.

Lufkin: I don't have anything else. Thanks.

Roberts: H-, medical emergencies, had you received any training on medical emergencies?

Farinas: Um, like CPR, uh, yeah, that's, ya know, we do CPR in, uh, first aid and that's uh, the ex-, wound packing at the range and application of tourniquets.

Roberts: Thanks.

Rosenquist: I don't have anything else. It is noon and this is the end of the interview.

END OF INTERVIEW/ar

TAB 60

INTERNAL AFFAIRS COMPELLED INTERVIEW

I/A CONTROL NUMBERS: 21COM-0061, 21C0M-0069, 21COM-0071

Employee/Witness: Officer Masyih Ford

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.

[signature] 051 08-24-2021

Employee **Date**

[signature] 8/24/21

Witness **Date**

SGT G J Robert B 5313 8/24/21

Witness **Date**

Interview of Masyih Ford

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

August 24, 2021 – 1257 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Henry Betts, Representative, Tacoma Police Union – Local 6; Mark Makler, Attorney, Representing Officer Ford, and Officer Masyih Ford

Rosenquist: Okay. We are on tape. This is Internal Affairs Sergeant Rosenquist. This is the IA interview of Officer Masyih Ford. Date is August 24th 2021. Time is 1257 hours. Location is IA Office, Room 360, Police Headquarters. This is in reference to IA cases 21COM-0061, 21COM-0069, and 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Detective Henry Betts, Vice President, Local 6, Mark Makler, attorney for Officer Ford and Officer Ford. Officer Ford, are you aware this interview is being recorded?

Ford: Yes, I am.

Rosenquist: Is this interview being recorded with your permission?

Ford: Yes, it is.

Rosenquist: Did you re-, read the Compelled Interview Form?

Ford: Yes, I did.

Rosenquist: Do you understand the Compelled Interview Form?

Ford: Yes, I do understand it.

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

Ford: Yes, sir.

Rosenquist: Okay. Mr. Makler you wanted to get on the record before we started?

Makler: I did. I appreciate it. Um, the Compelled Interview Form that you're referencing had, um, a number four that I expressed some concerns about given the fact that, um, there was currently a pending criminal prosecution involving three Tacoma police

officers. I expect that, um, number four may in fact not be, um, accurate because statements and interviews from witness officers and others involved may in fact be disclosed to the involved parties in that. So I wanted to make sure that, um, the record reflects that Masyih was aware of that and that we discussed it before we signed it.

Rosenquist: Okay.

Makler: Thank you.

Rosenquist: March 3rd 2020, um, as you're aware of Internal Affairs has been tasked to investigate the incident involving the in custody death of Manny Ellis. We're gonna go, we're not gonna completely redo your tran-, your transcript statement to Pierce County, but we are gonna ask some questions about it, some refreshers. So, when we served you with notification we also gave you a copy of your transcribed interview that you did with Pierce County, so first off, um, do you have anything you want to add or clarify in regard to that statement?

Ford: No sir, I do not.

Rosenquist: Kay. So this pretty much started, uh, for you when you heard the mic clicks?

Ford: Yes sir, it did.

Rosenquist: So, can you walk me through that?

Ford: Through the?

Rosenquist: Just hearing the radio traffic and what led you to, um, go enroute to 96th and Ainsworth?

Ford: Absolutely. So, my partner, Timothy Rankine, and I were in the area of 84 and, (unintelligible) Pacific and McKinley and we heard a mic click. Which is, it happens some, our mics are lapel mics so sometimes we bump them accidently but this one was weird because, uh, Dispatch said, uh, "Henry 317, do you have traffic," and there was nothing. And then there were additional mic clicks and typically when

there's a mic click it's followed up with a I like for his mic (unintelligible) I'll quietly say, "Henry 031, no problems," um, "accidental." That didn't happen that night, so it kinda like peaked our interest cause I remember we backed them on a traffic stop at around like 96th and A Street.

Rosenquist: And when we say "who" we and, who was Henry 317 that night?

Ford: Uh, Officer Burbank and Officer Collins.

Rosenquist: Okay.

Ford: So we knew they weren't on a call because we had just cleared a traffic stop with them a few moments before we heard the mics clicks. So we were like that's kinda weird, what's going on and then shortly after that we, I heard, uh, Shane or Officer Burbank scream 96th and Ainsworth.

Rosenquist: And you went enroute?

Ford: Yes, we did, uh…

Rosenquist: Okay.

Ford: …Timothy was driving, Officer Rankine was driving.

Rosenquist: So, you're enroute, you arrive there and, um, I'm gonna refer to your s-, your statement, um, you arrive, you're approaching them and, "I see, I see this guy like lifting up, like Shane's on his back or Shane, Officer Burbank's on his back and Officer Collins has his legs and he's pushing them off, I didn't even think he was in handcuffs yet." How close were you when you initially saw them struggling?

Ford: I'd say maybe six patrol car lengths.

Rosenquist: And are you approaching them as you're observing this?

Ford: We are approaching them in the vehicle, yes…

Rosenquist: You're vehicle…

Ford: …from the east.

Rosenquist: Okay, so you're still in the patrol car when you're seeing this?

Ford: Yes.

Rosenquist: Okay. Were you able to see what Burbank's position on top of Ellis was?

Ford: Um, from what I recall, he was on his back struggling with him.

Rosenquist: Sitting on his back, a knee on his back, do you recall?

Ford: No, I don't, not, not specifically. I just remember him like on his back. But I don't remember exactly what position he was in.

Rosenquist: Okay. What about pushing them off, can you describe that?

Ford: So, he was like, oh I'm trying to figure out how I'm supposed to describe this, almost like Shane's on his 'er Officer Burbank's on his back and he's like moving them across the street, like kinda going southbound like towards Ainsworth type and I didn't think he was in handcuffs 'cause of the way he was like ab-, able to like move them across the street.

Rosenquist: So, was Ellis on his stomach at this time?

Ford: Yes, he was.

Rosenquist: So this might help you a little bit, other witnesses have described what Ellis was doing is almost being like a worm.

Ford: Yes, that's, that's accurate, yes.

Roberts: H-, how far do you think he was moving the officers?

Ford: I'd say maybe a couple feet, but I can't be exact.

Roberts: A couple feet?

Ford: He was not stationary, I'll say that like I was like it was pretty shocking to see him move him across the street like that.

Rosenquist: So and Officer Collins is on Ellis' legs, does he have control of them?

Ford: No he does not. Like Ellis is still kicking and I remember running up to them and I see like, okay, Sh-, Officer Burbank has his, his, uh, top half and his legs are just flying out of control like he's kicking at, um, Officer Collins. So what I did is I was

like alright I gotta get this guys legs under control so he wouldn't kick me in the face and I remember like grabbing, I think it was his left leg and trying to like push it down towards his butt but I, I couldn't do it like I was, I could not push it by myself so I remember Collins helping me push his leg, wrap one on top of the other we were able to push it down and a position of control so we're not getting kicked in the face.

Rosenquist: So you were forcing his legs to the ground? Toward…

Ford: To his butt…

Rosenquist: …toward his…

Ford: …to his butt. Yes.

Rosenquist: To his butt. Okay, I'm sorry. Um, did you ever observe any strikes…

Ford: No.

Rosenquist: …on Ellis from, from Collins or Burbank?

Ford: No I did not.

Rosenquist: At this point, what level of resistance do you believe Ellis was presenting?

Ford: Active resistance, I'd say borderline combative but…

Rosenquist: Assaultive?

Ford: Assaultive, yes.

Rosenquist: So, you described how you guys, you crossed Ellis' legs and you pushed them towards his, his back or his butt, were they held in that position until the leg restraint was applied?

Ford: Yes sir.

Rosenquist: Do you know how long you held them in that position for?

Ford: It felt like, uh, I'm not exactly sure. I just remember another office-, I remember Collins asking for hobbles and Matt 'er, Officer Rankine and I carry, we don't carry those. So I was like I don't have any of those, um, but I remember another officer arrived on scene who had hobble restraints and they were applied.

Rosenquist: Do you remember who arrived with the hobbles?

Ford: I know it was a County Deputy…

Rosenquist: Okay.

Ford: …who had them.

Rosenquist: So, the hobbles on scene now, you're still holding Ellis' leg towards his, his back or butt, can you describe how the hobble was applied? The leg restraint was applied?

Ford: Um, from what I remember, it like, they, it was wrapped around his ankles, secured that way and then they went down like under the handcuff and back through and then it cl-, I think the l-, hobble was clipped onto itself. So it was like…

Rosenquist: Around the, the handcuffs?

Ford: Y-, so they went, so the handcuff, it went under the handcuff, around out through back, back to the string and then connected.

Rosenquist: Okay.

Ford: And it kinda held his legs up like this, so this is his body, his legs are up like this.

Rosenquist: About a 90 degree angle?

Ford: Yes.

Rosenquist: Once its wrapped around the ankles, how much of a, of a lead, I guess, was left to go from the ankle to the handcuff?

Ford: I'm not sure exactly. So you're asking how much, of the…

Rosenquist: So once, once it's connected to the ankles and you got the strap that's left to connect to the handcuff from the ankle, how long was that piece, re-, remaining piece, do you know?

Ford: Uh, I ca-, I have no idea.

Rosenquist: Okay.

Makler: Sergeant, can I clarify something, for…

Rosenquist: Sure.

Makler: …for a second. Um, can we, can, can you guys ask him about his knowledge about the leg restraints and training with them? If you think…

Rosenquist: It's on my, it's on my list.

Makler: Okay. Alright.

Rosenquist: I'm gonna get there.

Makler: Thank you.

Rosenquist: You said the County Deputy brought the hobble?

Ford: Yes sir.

Rosenquist: Okay, 'cause we-, we'd have information it was, it was Officer Burbank that retrieve 'em from his patrol car.

Ford: Uh…

Rosenquist: And I'm not, and I just when I say that, I'm not saying that you're, I want to make it perfectly clear I'm just asking for what you recall, so if what you recall is the deputy bringing it, that's fine. I just want to make sure that we're on the same page.

Ford: Got it.

Rosenquist: Okay. So w-, you believe it was a County that…

Ford: I do believe it was a…

Rosenquist: Okay.

Ford: …County Deputy, yes.

Rosenquist: Now you'd mentioned earlier in your statement that you don't carry a hobble?

Ford: No, I do not.

Rosenquist: Do you have any training in the application of a hobble?

Ford: No, I do not.

Rosenquist: Never received training from your academy time?

Ford: No sir.

Rosenquist: Or the Department?

Ford: No sir.

Rosenquist: Okay. What did you do before you were hired from, by Tacoma PD?

Ford: I was a Pierce Transit Department Public Safety Officer.

Rosenquist: And, you never carried a hobble when you were doing that?

Ford: No I did not.

Rosenquist: Okay. Gary?

Roberts: I-, In your statement with the County, you mentioned that th-, uh, a-, a-, and I, don't want, don't quote me when you said it but at some point you have, uh, you mention how your pulse per minutes is…

Ford: Oh, my heart rate.

Roberts: …there's, y-, heart rate…

Ford: Yes.

Roberts: …where did you get that information from?

Ford: So I wear a fit bit.

Roberts: Thank you.

Ford: That's where I got it from.

Rosenquist: When Ellis was kicking would you describe as more of a flailing, just kicking to kick, or do you believe that he was targeting the officers that were on scene with the kicks.

Ford: H-, I reme-, I'd describe it as flailing.

Rosenquist: Okay. When you arrived at their location, was Ellis already in handcuffs?

Ford: Yes sir.

Rosenquist: So later in, in your statement, you, you described Ellis as thrashing around, is that that worm-like motion that we discussed earlier?

Ford: Yes.

Rosenquist: Kay. So w-, when the leg restraint was being applied, you had control of his legs or

one leg and Collins was assisting?

Ford: Yes, that's correct.

Rosenquist: Who was controlling Ellis' upper body while this was occurring?

Ford: Uh, Officer Burbank and Officer Rankine.

Rosenquist: How were they controlling him?

Ford: I can't say specifically because my focal point was really on controlling his legs.

Rosenquist: Okay. You mentioned that Ellis' legs were about a 90 degree angle, did you notice if Ellis was bowed at all or his thighs had been picked up off the ground from the hobble being attached to the handcuffs?

Ford: I don't recall that, no.

Rosenquist: Kay. So the hobble's applied, Ellis is still on his stomach?

Ford: Yes sir.

Rosenquist: And, you said that Ellis stated, "I can't breathe."

Ford: That is correct.

Rosenquist: How long had the hobble been on for when that statement was made?

Ford: Uh, I'd say a moment or two.

Rosenquist: And, what was the response to that statement being made?

Ford: I mean, he's rolling him on his side in the recovery position.

Rosenquist: Who initiated that? Do you recall?

Ford: It was kind of a group effort, I'd say. Like I remember Rankine was on h-, like was controlling his upper body and like I remember we just rolled him over but I don't remember much discussion about let's do it, jus' kinda like did yo-, it was just done.

Rosenquist: And again, you don't recall how Rankine was controlling his upper body.

Ford: No, I do not, sir.

Rosenquist: So he says, "I can't breathe." You said, you described as it a group effort. So do you believe, or did you get any indication of the people on scene that they also heard it?

Ford: Yes, I remember someone saying, "If you can talk, you can breathe."

Rosenquist: Okay. So…

Roberts: W-…

Rosenquist: Go ahead.

Roberts: Was that being said sarcastically or was that a reassurance? How, how was the, I know you can't say what the other officer meant but how did you understand that?

Ford: Mm, I kinda took it sarcastically to be honest.

Roberts: A-, after the hobble was in, in place…

Ford: Yes sir?

Roberts: …what were some additional observations you made of, of, of Mr. Ellis? Did he immediately calm down, did he continue to say, "I can't breathe." Did he thrash more?

Ford: I remember him starting to calm down at that point and it, it became apparent that he needed to get off his stomach when he said, "I can't breathe." And that's…

Roberts: And that, and that was done?

Ford: Yes sir.

Roberts: Thank you.

Rosenquist: How many times did he say it?

Ford: I only remember the one time.

Rosenquist: The one time. So he, he s-, Ellis says, "I can't breathe," the decision is made to put him on his side…

Ford: Yes.

Rosenquist: …did he remain in that position until Fire arrived or was he moved at all?

Ford: I believe he was rolled back onto his stomach again and then back onto his, into the recovery position.

Rosenquist: Do you know what led to him being rolled back onto his stomach?

Ford: He started to thrash again.

Rosenquist: And by thrashing, can you…

Ford: Like moving his legs, kinda like moving, it, yeah he just started thrashing again and then.

Rosenquist: And then? So who, who made the decision to put him back on his stomach?

Ford: Officer Rankine.

Rosenquist: And how long did he remain on his stomach the second time?

Ford: I don't believe it was for that long but I can't remember an exact timeline of how long he was on his stomach.

Rosenquist: Okay. What occurred or what observations led to him, led to Ellis being rolled back onto his side the second time?

Ford: He stopped thrashing around.

Rosenquist: And while this was going on, were you having any communication with him?

Ford: Yes, so I was like, "Hey man, just relax, you need to breathe, calm down, we've got Fire coming to you, just relax," like just stop resisting. I just tried to ask him to focus on me, um, at that point when he was in the recovery position I went from behind him to in front of him and I'm looking at him in the eye. I'm like, "Hey man, just relaxed. This is over, just calm down." And, it was like he was looking at me but he wasn't looking at me if that makes sense. And it wasn't the thousand yard stare it was just kinda like, it didn't look like he was comprehending what I was saying.

Rosenquist: Okay. So he's, so Ellis is placed back onto his side, so this is, is the second time, do you know what his condition was at that time? Responsive, unresponsive, I mean you said he was looking at you, was he communication with you at all?

Ford: No.

Rosenquist: Was he still screaming or'd he, or had he gone quiet?

Ford: He'd gone quiet.

Rosenquist: Could you tell if he was still breathing?

Ford: His chest was moving up and down.

Rosenquist: Gary?

Roberts: Nothing right now.

Rosenquist: At this point, Ellis, so Ellis has been rolled onto his side for the second time, other than you, is anybody assisting in controlling him or monitoring Ellis?

Ford: Monitoring how?

Rosenquist: Just that he's not rolling back over to his stomach or that he's still breathing or just his general welfare?

Ford: Uh, Officer Rankine 'll was the one that. Officer Rankine was still behind him like supporting him in the recovery position.

Rosenquist: So, y-, you put your hands out so was Officer Rankine putting pressure on Ellis or was he just holding to prevent him from either rolling onto his back or stomach?

Ford: I believe he was holding him from making sure that he stayed in the recovery position so…

Rosenquist: Okay.

Ford: …he couldn't roll back…

Rosenquist: So he stayed in, in that position?

Ford: And I remember, I believe I had my hand on like his thigh, I'm like, "Hey man, just relax, chill, calm down, breathe."

Rosenquist: You had mentioned seeing the taser wires from Ellis…

Ford: Yes.

Rosenquist: …were the probes in him when you saw the wires?

Ford: Yes sir.

Rosenquist: Did you remove the probes?

Ford: Yes I did.

Rosenquist: Okay. And then you rolled them up and?

Ford: Put them into a Ziploc bag.

Rosenquist: And gave them to?

Ford: Sergeant Rock.

Rosenquist: Kay. So at this point, Ellis is on his side for the second time, is he responsive or non-responsive?

Ford: Non-responsive.

Rosenquist: Was there any conversation amongst the officers there about taking him out of restraints or was there a concern that he would start fighting again?

Ford: Oh I was absolutely concerned he would start fighting again.

Rosenquist: Even though he was non-responsive?

Ford: Yes.

Rosenquist: Can you explain that?

Ford: So like sometimes there's breaks in the fight or like feigned compliance but like I was like we just fought with that dude and he overpowered four of us, if we take him out of the restraints right now it's just gonna, the fight is gonna ki-, kick right back on.

Rosenquist: Okay. So, I'm gonna have some questions for you now, um, in regards to the spit hood because in your interview with Pierce County, they never asked you about it.

Ford: Okay.

Rosenquist: Do you recall if Ellis was spitting?

Ford: No I do not.

Rosenquist: Be-, is, because you didn't see him do it or because you were down on his legs and focused on that?

Ford: So, I was on his legs and focused on that but when he was in the recovery position, I was in front of him looking at him in the face and then during that time he did not try

to spit on me or anything that I recall.

Rosenquist: Then do you know what led to the spit hood being applied?

Ford: No I do not.

Rosenquist: So when you're sitting and he's on his side, you're sitting in front of him, he did not have the spit hood on at that time?

Ford: No.

Rosenquist: Did you see the spit hood applied to him? To Ellis?

Ford: Not that I recall, no sir.

Rosenquist: Gary?

Roberts: When, after the, the initial time that Ellis is moved to the recovery position, and what started him, what, what, what prompted you, you and Rankine, if that's who was holding him, to put him back in, on his stomach?

Ford: Um, him thrashing around.

Roberts: Thrashing around. When he's on his stomach at that time, are you guys applying pressure to him?

Ford: I did not, no.

Roberts: Could you tell if Rankine was?

Ford: I could not.

Roberts: So is he still, even though he's on his stomach, he's still thrashing around so the amount of pressure isn't holding him down?

Ford: No, I don't know if I can, no.

Roberts: And then he's, h-, is he a-, once h-, the thrashing stops, is he put back into the recovery position?

Ford: Yes sir.

Roberts: Thanks.

Rosenquist: And once he's placed in the recovery position a second time, he remains there until

Fire arrives?

Ford: Yes, I believe so, yes. Cause it was a break from when, when Fire arrived, they arrived very far away. And I was kinda waving them on with my flashlight, come over here like we need you guys over here now, and so I had to run over and get them…

Roberts: H-…

Ford: …and bring them back.\

Roberts: How far did…

Rosenquist: …Fire park, from the scene?

Ford: I'd say maybe three house lengths away, cause it was like it was sea of patrol cars like from all directions, mostly from the east, so they didn't have the clearest path to get there but there was a path for our, the Fire truck to come through and they stopped at the end of the patrol cars.

Rosenquist: Do you recall what Fire's response was? If it was routine or priority?

Ford: It was routine.

Rosenquist: They did not have lights or siren on?

Ford: No they did not.

Rosenquist: Fire arrives, they get to the scene, and there was a conversation between Fire and our guys in regards to the removal of the restraints. Were you present for that conversation?

Ford: Yes.

Rosenquist: Tell me about it?

Ford: So they said, "Hey we're gonna need him out of restraints, um, so we can work on him," and I was like, "Just so you guys know, we just finished fighting with him, he's incredibly strong so, when you take him out we should be ready for a fight," so they're like, "Okay, well we understand now. We need him out of the restraints." So

he was taken out of the restraints and each like s-, several officers grabbed like one arm, another arm and both of his legs.

Rosenquist: And, so, what was, so Ellis was on his back, w-, once the straints, restraints were removed?

Ford: That is correct.

Rosenquist: Do you recall who removed the restraints? Did you assist in removing them?

Ford: No.

Rosenquist: Okay. You don't recall who did?

Ford: I don't recall. I don't recall, no. I remember someone's, when the ha-, when the rest-, when the hobble came off and the handcuffs came off, the handcuffs were like left on the ground. I grabbed those and held onto them and I wouldn't use them as a weapon against us.

Rosenquist: Were you, so once the restraints were removed, were you restraining any portion of Ellis at that point?

Ford: No I was not. Kinda like was able to finally take a breath.

Rosenquist: Do you recall who was restraining him at that point?

Ford: No I don't, sorry.

Rosenquist: How much, were they having to put a lot of force on him to hold him down or was he still?

Ford: He didn't look to be actively fighting anymore at that point.

Rosenquist: Was he responsive at all?

Ford: No.

Rosenquist: Could you tell if he was still breathing?

Ford: Yes I could like his chest was still moving like you know when you talk to someone you just got done fighting with like, they're like they'll be cussing at you or screaming at you, he wasn't doing that he was just kinda there, just kinda limp.

Rosenquist: Okay.

Roberts: What's your observations of Burbank and Collins when you, as you and Rankine kinda start taking over controlling Ellis?

Ford: They looked beat, tired, gassed, they looked like they'd just been in a knock down, drag out fight. They were completely out of energy.

Roberts: D-, Did, did ya ever, did you see any injuries?

Ford: I remember Collins faces was super red and Shane was really out of breath.

Roberts: Did they just kinda wander off or what, what happ-, how did that take place?

Ford: I remember at some point, once we had, uh, Mr. Ellis under control, they like walked away and then there was just me and Officer Rankine controlling him.

Roberts: Were, were other officers arriving at that, by that time?

Ford: Yes.

Roberts: Wh-, at any time, uh, uh, I guess what and, and when were you ever aware of a reason for the contact with Mr. Ellis?

Ford: No, I was not.

Roberts: D-, eh, while you're at the scene there and, and kind of doing some collateral duties, are you ever, do you ever become aware of what the contact might have been?

Ford: No.

Roberts: Thanks.

Rosenquist: Video?

Roberts: Yeah, we can, I'll make them certainly go on to a video. It's a cell phone video by, uh, uh, a neighbor Ayana White, y-, you mighta contact her, uh, regarding Vivint video.

Ford: Okay.

Roberts: Well she takes cell phone video, uh, and let me uh, get goin here, I will put this in perspective. I'm gonna pause it here since it started and go back to the beginning.

Uh, this is cell phone video from Ms. White. It's one of two, uh, and that's the title of it that we've, the file name we've given it. Uh, roughly a 15 second video, so I'll just loop it through, um, it is several officers standing around. You can see Officer Rankine at the, the head area of, of Ellis. Uh, I believe, uh, you're standing kinda in the background and uh, Kate Madden, Officer Madden is controlling the legs at this time. And this video would be, uh, in, in, in time this is, uh, 23:32 and, and 5 seconds.

Ford: Okay.

Roberts: Uh, all things plus or minus a couple. So I'll play it, I'll loop I through, we'll watch it a couple times here just loop through it, I've muted it 'cause there's nothing of relevance for dot-, for audio, but, uh, here it is. And if you wanna stand up, uh, beside you certainly can and, and go close or I, I believe this is you in the background.

Ford: That looks like me.

Roberts: And again I'll just pinpoint a couple people that I do know. Uh, so, Sergeant Rock would be here.

Ford: Okay.

Roberts: These are the two County Deputies, uh, a Lieutenant and a Sergeant, uh, I think you'll see i-, e-, this I believe is Kate Madden, uh, Rankine is kneeling here, a-, and this is Ellis. You see the what resembles the spit hood to me and his yellow, uh, uh, uh, uh track pants. Um, and, and I guess if, if you could help me, what I'm looking for is a determination on into what position Ellis is here, so I'll keep continue running it. And again, I'm hoping that if, th-, it sparks any recollection I-, i-, if you can't tell from the video then, uh, and this would be prior to Fire's arrival, obviously, um, and Fire wouldn't arrive for depending on what time you go by.

Ford: I can't really tell what position he's in at that point.

Roberts: A-, it's all finished, 23:34:41 is when they are at the patient, uh, in perpsect-, so several, several minutes from now, before Fire arrives. And if you can't tell that's fine, I was hoping that maybe you had some recollection of this timeframe, putting you back there at the scene.

Makler: Did he say Fire arrived at, uh, 23:41?

Roberts: Uh, that's when they're care report, i-, it's a, a when the care report says they are with the patient and, uh, 23:34 and 41 seconds.

Makler: Oh, 34, okay thank you.

Ford: So this is 23:34 and they, they…

Roberts: No, no, no, no, no…

Ford: …(unintelligible) car…

Roberts: …this is, this is roughly, what'd I say, 23…

Makler: 32 ish,

Roberts: …yeah, 23:32 and 05 seconds.

Makler: Kay.

Roberts: So Fire wouldn't be there for roughly another, uh, at wouldn't be at the patient for another six minutes. Now they arrive on scene and how long it takes them to walk up and what not and…

Ford: Okay.

Roberts: …then they arrive at, uh, per CAD at a different time, so and, and if you can't tell, you can't tell, uh, uh, uh…

Ford: I really can't tell if (unintelligible)…

Roberts: Perfect. Thanks.

Rosenquist: Other than moving Ellis to the recovery position, could anything else had been done at the scene prior to Fire's arrival that would have alleviated his breathing issue?

Ford: No sir, I don't believe there could've been.

Rosenquist: Okay.

Roberts: Was, was there talk at the scene about excited delirium?

Ford: Yes sir there was.

Roberts: What, what, what was the, the talk?

Ford: So once there was a break in the fight and I was looking, like looking at him in the face, I'm like okay he's unresponsive, this is just kind of weird. I remember, I recall like, so like, he was super strong, he really wasn't listening to verbal commands, like he was kinda like screaming and grunting and like the only thing that I remember him saying that was coherent was, "I can't breathe." I was like, could this be exc-, like could this be excited delirium, I don't know, like I'm not an expert or anything on that but I was just like this guy went from fighting with all his might to unresponsive like…

(sound of snap or clap)

Ford: …so I remember asking Timmy, I was like Timmy is he really warm and Timmy said, "Yes, he's really hot," I'm like huh, then I was like I remember looking up at Sergeant Lim and I was like I think this maybe excited delirium. And then I remember him calling for Fire to step it up or something like that again.

Roberts: A-, and so that, that, that conversation with Sergeant Lim was, Fire had already been called?

Ford: Yes.

Roberts: So it was sometime…

Ford: After.

Roberts: …after that?

Ford: Yes sir.

Roberts: What, you said that, uh, uh, Ellis was grunting. What, what…

Ford: It was kind of like a Errrrrrr, like just kinda like a, like when you're really str-, like

straining like dead lift or like lift really heavy weight. It was kinda like that.

Roberts: A-, and could you tell was it just agonal at best, or was it still, did it, did he still seem to be resisting against the r-, the restraints?

Ford: Pretty much up until he was rolled back on sto-, on his uh, side, yes.

Roberts: Yes, what? I…

Ford: Yes, meaning like he was struggling against the restraints and like and then he was rolled onto his….

Roberts: Thanks.

Ford: …back onto his side.

Rosenquist: And just for clarification, that's the second time that he was put onto his side?

Ford: Yes.

Rosenquist: You'd mentioned, uh, in your earlier answer, verbal commands. What were some of the verbal commands that Ellis was getting and do you recall who gave them?

Ford: I remember I was, I think I was doing most of the talking. I was like, "Hey man, you need to breathe, relax, like you're gonna be okay, like the Fi-, the Fire Department's coming."

Rosenquist: Any commands about ya know, stop resisting, stop moving, anything like that?

Ford: Not that I remember, no. I was just trying to get him to calm down.

Rosenquist: Okay.

Roberts: H-, you were partnered with Rankine that night?

Ford: Yes sir.

Roberts: How long had you partnered with him?

Ford: At that time? Oh, let's see here. I think we started November of 2019 as partners.

Roberts: Ha-, had y-, you and Officer Rankine ever experienced any other subject with this kind of resistance?

Ford: Yes.

Roberts: H-, any details or how, how many times roughly?

Ford: Um, it was actually right after we got back from admin leave for this incident. We, 'er, we met a guy, um…

Roberts: So it would've been after?

Ford: After, yes.

Roberts: Okay. Uh, w-, we won't continue ourselves with, with after. Talking about prior to, anything like that?

Ford: Nothing.

Roberts: Had you ever experienced anything like that in the past…

Ford: Yes.

Roberts: …either, either between with TPD or, or the, uh, with the Transit?

Ford: With Transit, I did, yes sir.

Roberts: Um, and I think you made mention of it a little bit in your statement with County?

Ford: Yes sir.

Roberts: And you'd also had some training in it?

Ford: Yes, I did.

Roberts: D-, are you aware of any training that Rankine might've been to?

Ford: Um, other than the academy, um, I'm not sure of any.

Makler: Sergeant when you're talking about trainings?

Roberts: With excited delirium…

Makler: Okay. Thank you (laughing).

Roberts: …and for those extreme medical, uh, uh, uh, issues. Thanks

Ford: Thank you sir.

Rosenquist: Other than grabbing Ellis's legs and pushing it towards his body, you didn't no strikes, you never deployed a tool?

Ford: No sir.

Rosenquist: Kay.

Roberts: And at that p-, time that the hobble was used, the hobble appeared to be reasonable?

Ford: Yes, sir, it did.

Roberts: Based on Mr. Ellis' level of resistance.

Ford: Absolutely. Based upon this.

Rosenquist: So do you believe the physical force you deployed against Ellis was outside of Department policy?

Ford: No. I believe what we did was reasonable to keep him under control.

Rosenquist: I don't have anything else.

Roberts: W-, While you were on scene, did you observe anything that appeared unreasonable or outside of policy?

Ford: No I did not, sir.

Roberts: By any officer?

Ford: No.

Roberts: I don't have anything.

Rosenquist: Union?

Betts: At different times we've talked about a resistance level. How strong when we, when you described the worm and the thrashing, how strong was the resistance you felt and (unintelligible) Mr. Ellis when you dealt with him?

Ford: It was incredibly strong. Like I, I took, I remember when I was trying to get his leg into a position of control, it took everything I had, legs, my arm, my bodyweight and it still was not enough to get that leg to go down. It took both Collins' and I's combined strength to get him into that like to get his legs under control. So it was, it was a lot.

Roberts: A-, and you're tired at the end of this?

Ford: Yes, I am.

Betts: Uh, we talked a little bit about if you saw the spit hood applied and you did not, was there a time period between when you arrived and when you left the scene or cleared the scene that you did not have immediate contact with Ellis. Where you were not in his immediate vicinity?

Ford: Yes.

Betts: A lot of time or…

Ford: I'm not sure exactly but…

Betts: Okay. But there were times where you were not in his immediate vicinity.

Ford: Yes, to the best of my recall.

Betts: That's all I got.

Rosenquist: Mr. Makler, do you have anything?

Makler: Do you mind if we take a little break, step out somewhere, I wanna talk to my client here for a second before we, I may have a couple clarifying or follow-up questions. Can we take a little break for a few?

Rosenquist: We can.

Makler: Thank you.

Rosenquist: Alright, it is 1337 and we are off air.

Rosenquist: I'm back on.

Makler: Hold on. And I'm back on.

Rosenquist: Okay. Uh, this is Sergeant Rosenquist, it is 1342 we're back on the recorder and uh, Officer Ford confirming that you're aware that this interview is still begin recorded.

Ford: Yes, sir, I am.

Rosenquist: And still being recorded with your permission?

Ford: Yes sir, it is.

Rosenquist: Okay, Makler?

Makler: Thank you. Um, Officer Ford, y-, you're, because of the way you partner with

Officer Rankine, you also have a regular interactions with Officers Burbank and Collins and so I want you, have you, how would you describe what you observed in terms of Burbank and Collins based on your history with them and the level of exhaustion or used the term gassed, tired, fatigued, uh, in relation to other times you've interacted with them and there's been force used? Can you explain that to the Sergeants please?

Ford: Absolutely, so I was on, uh, Officer Collins and Officer Burbank's squad for a short time after I was done with training and we've had our fair s-, we've had our, we've used force together and it was always done and they were, it was done in a calm manner that was consistent with policy all the, every time. But, like, I've never seen them tired after a fight. Like I've never seen them like gasping for air or just like physically exhausted and when I got there and saw that, that was shocking to me 'cause they c-, both of the, when it comes to using force and like fighting, like those are the, those are the guys I look up to, cause I'm like okay, well if they can handle it then we're good to go but they met some resistance that they could not handle on their own and that was something I had never seen before.

Roberts: How about the level of resistance for yourself?

Ford: It was a lot, like I've never had to struggle to put someone's legs into a position of control. I've done that multiple time on patrol and I, I could not do it by myself. I couldn't. I tried. I had, I had, (unintelligible) in the year, where you get those legs under control is when Collins and I put our combined strength together, which is not something I've really experienced.

Roberts: Local.

Betts: Nothing else.

Makler: Nothing from me, thank you.

Roberts: So, Masyih is there anything we haven't asked you that could put things in

perspective for us?

Ford: Uh…

Roberts: Regarding the incident?

Ford: Can you ask the question one more time sir?

Roberts: I-, is there anything we haven't asked you or touched upon that, that you want to reflect on or give us information about regarding anything that you observed that night or e-, experienced?

Ford: Not that I can think of.

Roberts: That, that may help us better expand our investigation?

Ford: Not that I can think of, sir.

Rosenquist: Okay. This is Sergeant Rosenquist. It is 1345 and we are off tape.

END OF INTERVIEW/ar

TAB 61

INTERNAL AFFAIRS COMPELLED INTERVIEW

I/A CONTROL NUMBERS: 21COM-0061, 21C0M-0069, 21COM-0071

Employee/Witness: Officer Timothy Rankine

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.

8-25-21

Employee **Date**

8/25/21

Witness **Date**

SGT GJ ROBERTS 595 8/25/21

Witness **Date**

Interview of Timothy Rankine

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

August 25, 2021 – 1101 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Henry Betts, Representative, Tacoma Police Union – Local 6; Anne Bremner, Attorney, Representing Officer Rankine, and Officer Timothy Rankine

Rosenquist: Kay. We're on tape. This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Tim Rankine. The date is August 25th 2021. Time is 1101 hours. Location is IA Office, Room 360, Police Headquarters. This is in reference to IA case numbers 21COM-0061, 21COM-0069, and 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Detective Henry Betts, Vice President, Local 6, Officer Rankine, and Anne Bremner, attorney representing Officer Rankine. Officer Rankine, are you aware this interview is being recorded?

Rankine: Yes, Sarge.

Rosenquist: Is this interview being recorded with your permission?

Rankine: Yes, Sarge.

Rosenquist: Did you read the Compelled Interview Form?

Rankine: Yes, Sarge.

Rosenquist: Do you understand the Compelled Interview Form?

Rankine: Yes, Sarge.

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

Rankine: Yes, Sarge.

Rosenquist: Okay.

Bremner: And just note, um, o-, on the sufficiency of the Garrit-, Garrity warning, just note an objection but given the warning, um, I've, i-, I've indicated to my client that he

should participate.

Rosenquist: Kay. So before I start going into the questioning, um, there's one thing I, I wanna bring up. In your transcribed statement from with Pierce County, there were a couple like really long answers that you gave, I mean like two and a half pages of just the transcription, so there may be times where you answer a questions where I'm gonna interrupt you because there's, I'm gonna wanna try to clarify something or I'm gonna follow up question that I don't wanna I, I get lost because of a long answer, just so you're aware of it.

Rankine: Sounds good.

Rosenquist: Kay. So…

Bremner: (coughing)

Rosenquist: …when we provided you with your paperwork we gave you a copy of your transcribed statement, um, from the Sheriff's Department. I don't know if you'd seen, seen it prior to that or not, um, but I know you've had it, um, and I don't know if you reviewed it or not but, um, do you have anything you want to add or clarify from your statement before we start asking our questions?

Rankine: No.

Rosenquist: Okay.

Roberts: And, Tim, you haven't given any other interviews since the Pierce County interview?

Rankine: No.

Rosenquist: And the interview you did with Pierce County occurred on March 6th and just so that we know, there was, eventually there was some video, some cell phone video that came out on the incident with Ellis…

Rankine: Kay.

Rosenquist: …but between the incident on March 3rd and when you gave your interview on

March 6th, you did not see any video of the incident at all?

Rankine: No.

Rosenquist: Okay. So, let's start. That night you were with Officer Ford?

Rankine: Yes.

Rosenquist: And, you responded to 96th and Ainsworth?

Rankine: Yes.

Rosenquist: Start walking us through, um, kind of the how and why you responded there.

Rankine: Um, we responded because there was, uh, mic clicks over the radio. Um, and Dispatch informed us that it was, uh, Henry 317, which we just was on a traffic stop with them. Uh, so we had the general idea of where they were coming from.

Rosenquist: And, who was Henry 317?

Rankine: Henry 317 was Officer Burbank and Officer Collins.

Rosenquist: And, how did you eventually know to respond to 96th and Ainsworth?

Rankine: Uh, eventually after a few mic clicks, I don't know the exact number, um, I pretty sure it was Officer Burbank that came on the radio, uh, yelling out for a 96th and Ainsworth. Basically just a location.

Rosenquist: And, when you say "yelling," actually yelling?

Rankine: Uh, I wouldn't say, to be exact it was more of a panicked voice. Uh, it was more like, uh, they were in the middle of a fight or something bad was happening and all he could get out was 96th and Ainsworth, in a panic.

Rosenquist: Okay, not as just a regular standard transmission?

Rankine: Yeah. Not that he like he was yelling, like a position of authority, it was more of a panic kinda outburst.

Rosenquist: Okay. So you're driving to the location, do you recall where you were when you first observed their patrol car stopped at 96th and Ainsworth. And, when I re-, say their pro-, their patrol car, Burbank and Collins patrol car?

Rankine: I, I do. It was when we first made the right off of Pacific onto nine, 96th, um, so we were by the seven eleven that's right on 96th and Pacific. Um, that's when I saw their car in the distance. Um, and it was just their patrol car was in the middle of the road, um, none of their emergency flashers were on and only their back ambers were lit.

Rosenquist: So you were able to see their patrol car at 96th and Ainsworth…

Rankine: Yep.

Rosenquist: …from 96th and Pacific?

Rankine: Yep.

Rosenquist: Okay. As you're approaching their location, were you able to observe them struggling with somebody?

Rankine: No. Oh, no, the only time I got to see him, cause I remember asking Ford numerous times if he could see him, um, cause I was just trying to focus on driving, uh, the only time I could see 'em was when we got pretty close to 'em, maybe two, three blocks away before we were able to see 'em and I basically I moved my car off to the right side of the road, um, and that's when Ford advised me that he saw them in front of their patrol car.

Rosenquist: Okay. So you arrive, you get out of your car, your patrol car, what do you see?

Rankine: Uh, I see a black male subject that was laying, so they were like, the officers and the subject were about ten, fifteen feet in front of the car, um, they're kinda lit up by their headlights of the patrol vehicle, um, black male subject was laying proned out on the floor. Uh, Officer Burbank was on top of his back and Officer Collins was trying to secure his legs.

Rosenquist: What, how were they trying to secure him?

Rankine: Uh, well Officer Burbank was straddling his back and then I think from my statement it from what I recall is he was kind of sitting on him like the way I described was like he was riding a horse, um, so both his legs were draped over his

arms…

Bremner: (coughing)

Rankine: … and sitted pointed in the same direction as where the subjects head was pointed.

Rosenquist: Okay.

Rankine: Which is sou-, s-, it was south direction, um, and then Officer Collins was struggling trying to secure, uh, the subjects legs by trying to wrap both his arms around his legs. The subject was kicking violently.

Rosenquist: Okay. Um, real quick, jus- you can, if you need to, during this you can refer to your statement if you want to and, um, we, we know the subject is Ellis so if, if you want to choose to use his name instead of subject, that's fine as well.

Rankine: Kay.

Rosenquist: So, what level of resistance was Ellis presenting at that time?

Rankine: He was, I mean, um, from…

Rosenquist: Using our use of force policy.

Rankine: …for 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.

Rosenquist: Okay.

Roberts: I-, in your, your statement and, and you can look at it if you need to, um, i-, y-, it reads that, uh, uh, "…straddling upper torso, almost like riding a horse, which both hands pressed on his, on his upper body and then I saw Officer Collins try and secure both his legs and his legs were kicked out almost like in a prone position." Whose legs?

Rankine: Uh, when I was talking about the kicked out part, that was uh, I was talking about Officer Collins' legs.

Roberts: So can you describe to me how Officer Collins' is, is proned out on these…

Rankine: So…

Roberts: …legs?

Rankine: …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.

Roberts: Thank you.

Rosenquist: You mentioned that Ellis', you've used the word wiggle. Can you kind of elaborate on that?

Rankine: 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.

Rosenquist: Yeah. The reason I ask is that, that worm comment has been pretty consistent in this from, from people so I'm just trying to kinda dial down what everybody's version of, of…

Rankine: Yeah.

Rosenquist: …a worm is. When you first get to their location, could you tell if Ellis was handcuffed yet?

Rankine: I cannot.

Rosenquist: Were you able to make a determination any time after that, whether or not he had already been handcuffed or that, if he had been placed in handcuffs after you had arrived?

Rankine: I was only able to tell that he was in handcuffs after we got, uh, um, side by side with

Officer Burbank and Collins and we started assisting securing Ellis. Um, Officer Ford had, we had, I had helped Officer Ford secure one of, of his right leg, Ellis' right leg, um, and then I was making my way up to help Officer Burbank secure his torso. Um, but as I was making my up, I checked to see if he was handcuffed 'cause I was unsure if he was handcuffed and I noticed, I observed, that his, he was in fact handcuffed, um, so I just made sure, with the help of Officer Ford, to make sure that the handcuffs were secured so that he was not able to break free from the handcuffs…

Rosenquist: So…

Rankine: …while we're transitioning.

Rosenquist: Okay. Sorry to, so this, up to this point, all this resistive behavior and assaultive behavior that you're describing by Ellis was occurring after the handcuffs had been applied?

Rankine: I, you talking…

Rosenquist: So when, when you're walking up to the scene and you're describing him…

Rankine: Mm-hm.

Rosenquist: …he's, he's kicking, he's bucking…

Rankine: Mm-hm.

Rosenquist: …was he, do you know whether or not he was already handcuffed?

Rankine: No.

Rosenquist: Okay. I think you've answered this already, but I, I just wanna confirm it, the kicking that Ellis was doing, was it a, a flailing kicking at random or do you believe he was targeting one or both of the officers?

Rankine: 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.

Rosenquist: Did you, do you know if he made contact with Collins or did Officer Collins give off any n-, ki-, any indication that he'd been kicked?

Rankine: I, I don't know.

Rosenquist: Okay. So you noticed the taser wires, did you remove the probes from Ellis?

Rankine: I did.

Rosenquist: Both of them?

Rankine: Yes.

Rosenquist: Do you remember their location on him?

Rankine: Um…

Rosenquist: And again, you can refer to your statement if you need to.

Rankine: …I think, according to my statement, um, one of 'em was on his jacket, uh, left side of his jacket.

Rosenquist: Okay.

Rankine: Yep. One of the probes was embedded to his jacket that he was wearing and the second probe was located around his left chest area.

Rosenquist: Okay. So you're talking about you're, that he's still resisting. You place a right knee on his right shoulder and then left knee in the lower back, securing his right arm. So is that kinda like a bar arm, where you're getting the arm like a counter-joint strike getting control of it?

Rankine: Y-, it's more trapping his arm so he couldn't break free of it. Um, my knee was on the ground and, if you're referring to the point where we pulled out the probes, he was already rolled over to his side, um, and I just put my knee to trap one of his arms so that he couldn't break free.

Rosenquist: Okay.

Roberts: And, and up to this point, you still don't know why Burbank or Collins has contacted this individual?

Rankine: Right.

Roberts: At some point you see a Glock magazine somewhere?

Rankine: Right. This was earlier on when we, when I was first was trasit-, transitioning up, uh, to his upper torso. Um, and when I, we were checking the handcuffs to make sure they were secure.

Roberts: I-, is there a concern about the magazine?

Rankine: It was, um, we were unsure whose, whose it was and why it was sitting on this individual. Um, we didn't know if it came from the individual, we didn't know if it came from the other officers and I, per my statement and my recollection of it, I remember Officer Ford asking about it, um, and because no one answered, Officer Ford, I jus' remember exactly that Officer Ford just took it and threw it off to the side, just so it would be out of our way.

Unknown: (coughing)

Roberts: I, I, I think we need to d-, kinda discuss, uh, uh, "…at that point in time I kicked out my ankles so I almost seat-, like in a seated position," I, I, I wanna get a better description of what that is?

Rankine: Okay. Um…

Roberts: A-, and I, I believe that's kinda where we're at?

Rosenquist: Mm-hm.

Rankine: Basically…

Rosenquist: Yes it is.

Rankine: …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.

Roberts: Does that help?

Rosenquist: It does. Um, so, so I guess with, when I viewed that, I, you have, it's described in

your report as, "…right knee over the top of his thi-, of his spine, just below the base of his neck, left knee middle of spine or, or lower back." And you kicked your ankles out, so did you, did you, and I'll try to explain it, did you flair them out so that your, your lower legs were more like parallel to the street you were applying pressure against more of his torso, does that make sense?

Rankine: Yes. It, it, it makes sense. Um,…

Rosenquist: Is that an accurate description of what you did?

Rankine: Y-, kind of.

Rosenquist: Okay.

Rankine: 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.

Rosenquist: Okay.

Rankine: Um, so my shin, um, ends up resting on Ellis' back.

Rosenquist: As opposed to just more of your knee?

Rankine: Right.

Rosenquist: Okay. Think we're, are we good with that?

Rankine: Yep.

Roberts: Yes.

Rosenquist: Okay. How was, y-, you put in your report that, "…Ellis was pulling all four of us across the roadway." Can you elaborate on that? Was that that worm type motion that y-…

Rankine: Right. It was, it's the worm-type motion, um…

Bremner: (coughing)

Rankine: …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.

Rosenquist: Okay. As this is occurring, is he being given any commands by anybody?

Rankine: I am, I was giving commands. I was telling him to calm down.

Rosenquist: Was anybody else giving him commands?

Rankine: No.

Rosenquist: How exactly was he able to buck Burbank off?

Rankine: 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.

Rosenquist: Okay.

Roberts: H-, how far, how, how, how far do you think he was moving you, the group of officers?

Rankine: I, I, 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.

Roberts: Thank you.

Rosenquist: So I, I wanna read one of your st-, um, something from your statement and I wanna clarify whether or not it, this was before or after the leg restraint hobble had been applied. You're talking about how Ellis was throwing all four of us around, "…I thought we could have handled this guy. I had doubts that this individual could have,

if he was not properly restrained and properly ha-, held down, could've seriously hurt us." Was that prior to the hobble being applied?

Rankine: That was prior to the hobble.

Rosenquist: So even with Ellis being handcuffed, you believe that Ellis presented that much of a threat to you guys?

Rankine: Yes.

Rosenquist: Can you just explain…

Rankine: That statement…

Rosenquist: …your thought, your thought process on that?

Rankine: …right. 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.

Rosenquist: Do you believe if he had gotten up to his feet that he would have presented a threat?

Rankine: I do.

Rosenquist: So eventually you note in your statement that Ellis says, "I can't breathe, I can't breathe." Do you recall that?

Rankine: I do.

Rosenquist: And, your response was something to the effect of, "If you're talking to me, you can breathe just fine." Other than his statement at that time, were there any indications coming from him or any observations from you that he was having any breath-, breathing difficulties?

Rankine: No.

Rosenquist: Was he still presenting any resistance at this time?

Rankine: Yes.

Rosenquist: So, I don't wanna, I don't wanna put words in your mouth, but it would be fair to say that based on his resistance, the fact that he's still struggling, that you believed he was still, still able to breathe okay?

Rankine: Yes.

Rosenquist: Kay.

Rankine: 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."

Rosenquist: And at that, this point, this was still prior to the leg restaint-…

Rankine: Yes.

Rosenquist: …restraint being applied?

Rankine: Yes. This was, the timeframe was this was when Burbank already had been bucked off and it was only me on his upper torso.

Rosenquist: Okay.

Roberts: Did you mention anything about, "If you can talk to me, you can breathe?"

Rankine: I did.

Roberts: I-, if, in about that same timeframe?

Rankine: It, it's only when he said, "I can't breathe."…

Roberts: And,…

Rankine: …that I was saying…

Roberts: and what's the, what's, are, are ya having a conver-, thinking you're having a conversation with this guy?

Rankine: Yes. Um, from what I remembered and from my statement, um, 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.

Roberts: So, so was it more of a reassuring, "Hey, if you can talk to me, you're breathing."

Rankine: Yes.

Roberts: Or was it something sarcastic?

Rankine: No, it was more of a reassuring.

Rosenquist: You're talking about applying pressure to Ellis, was the amount of pressure, or do you think the amount of pressure could have affected his breathing at that time?

Rankine: Not from my training and experience. I do not think so.

Rosenquist: Okay. So, let's, the hobble application, understanding that the hobble was placed around his ankles, and, and were, were down around his legs and you were up on his upper torso at that point still, correct?

Rankine: Mm-hm.

Rosenquist: Do you re-, what do you recall from the hobble application?

Rankine: I don't remember who put it on there. I remember seeing the hobble, um, I think it's more close to a dog leash than a hobble, um, it was just a, I think, according to my statement it's like a silver carabineer with a flat black rope. That's all I remember. I don't remember who placed it on there or where it came from.

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

Rankine: I don't recall it.

Rosenquist: Okay. And I know you've said you don't recall if, um, but we have a couple kinda just general questions that we've asked everyone about the hobble…

Rankine: Kay.

Rosenquist: …is once it was applied, do you recall the position of Ellis' legs? Were they at like at a 90 degree angle, were they bent more towards his body?

Rankine: I do not. I was solely focused on controlling his upper body so I did not have the chance to look at it.

Rosenquist: Okay. He wasn't bowed or his thighs lifted off the ground by it?

Rankine: I don't know.

Rosenquist: Okay. So once the hobble is applied, did you ever hear Ellis say, "I can't breathe?"

Rankine: No.

Rosenquist: So he's on, and correct me if I'm wrong, he's handcuffed and hobbled, he's still on his, Ellis is still on his stomach at this point…

Rankine: Right.

Rosenquist: …do you recall the timeframe between when the hobble was applied to when Ellis was rolled onto his side?

Rankine: I can't give you an exact estimate. Maybe a few seconds to maybe a minute, two minutes but I think it's closer to a minute. It was pretty quick.

Rosenquist: Okay. And do you, who assisted in putting, rolling Ellis onto his side? Do you recall?

Rankine: I don't remember.

Rosenquist: Did you assist with it?

Rankine: I assisted a bit, cause I made, I made the decis-, decision, um, because after hobbles were placed that even if he was to ac-, to resist us we could still get control him better when he's on his side still.

Rosenquist: Than on his?

Rankine: Than on his back. Or, on his chest.

Rosenquist: Okay. On his stomach, chest area? Okay.

Roberts: Wh-, what's your observations of Ellis prior to rolling him onto his, uh, uh, once he's hobbled and prior to him, rolling him to the recovery position?

Rankine: He was still resisting but he wasn't resisting as much once the hobbles went on.

Roberts: Is, is he saying anything to ya?

Rankine: No, he's not.

Roberts: And how could you tell he's resisting?

Rankine: He's still was trying to do a little bit of the, the wiggle motion, um, like I previously described, but he wasn't doing it as much, uh, or as violently as he was before.

Rosenquist: Up to this point, to where he was rolled onto his side, any indications or observations that he was in medical distress?

Rankine: No.

Rosenquist: Did you observe any injuries to Ellis?

Rankine: The only injuries I noted, um, per my statement, um, was his head was bleeding, with the, his forehead area was bleeding and then his hands were ple-, pretty bloody, uh, I couldn't really tell what it was s-, cut up and then he was sweating profusely. That's, that's it.

Rosenquist: Did you notice any bleeding from his mouth or nose area?

Rankine: I don't remember exactly.

Rosenquist: Okay. So, eventually Ellis was rolled back onto his stomach.

Rankine: Yes.

Rosenquist: What led to that happening?

Rankine: 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.

Rosenquist: You know, and again, I, y-, you know you've said you don't remember exact times, rough idea on how long Ellis was on his side for before that bucking started again?

Rankine: Couple of minutes, was best guess.

Rosenquist: Was he given any commands at all during that time? Was anybody talking to him?

Rankine: No. I think I was monitoring his pulse, that was about it.

Rosenquist: Okay. So he starts the bucking again and he's rolled back onto his stomach…

Rankine: Yep.

Rosenquist: …who was trying to, who was assisting you in trying to control him at that point?

Rankine: I don't know, I was…

Bremner: (coughing)

Rankine: …controlling his upper body, but I don't know who else was controlling the bottom part of him.

Rosenquist: And, did he stay in that position on his stomach, I believe, almost until Fire arrived?

Rankine: N-, I wouldn't say so, 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.

Rosenquist: So how long was E-, do you believe Ellis was on his stomach the second time?

Rankine: Couple seconds to maybe, maybe a minute or two.

Rosenquist: And, was anybody applying pressure or physically holding him down at that point?

Rankine: 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 down his right shoulder.

Rosenquist: Okay. And you see Fire starting to come into the area and at that point he's rolled onto his side…

Rankine: Right.

Rosenquist: …again?

Rankine: Right.

Rosenquist: Okay.

Roberts: And when you say you're pinning down his shoulder, h-, how are you pinning it down?

Rankine: Uh, just putting my knee, uh, towards the, his right shoulder blade, um, jus- holding him there.

Roberts: What's the position of your left knee?

Rankine: Uh, honestly, I, I don't remember.

Roberts: Wha-, would it be on the ground or would it be somewhere in contact with Ellis?

Rankine: Possibly on the ground, possibly contact with, I, I don't know.

Roberts: Thanks.

Rosenquist: You'd mentioned earlier taking his pulse, and you described the pulse as about 80 bits, 80 beats per minute, normal but that you thought it was weird?

Rankine: Yes.

Rosenquist: Can you elaborate on that?

Rankine: Yes. I…

Bremner: (coughing)

Rankine: …um, 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.

Rosenquist: Could you tell what his, how his breathing was at that time?

Rankine: 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.

Rosenquist: So up to the point that you saw Fire arriving, you didn't see any indications that there was a medical issue with him?

Rankine: No.

Rosenquist: Kay. So Fire arrives on scene and there was a discussion, almost described as an argument, between our officers and Fire in regards to the removal of the restraints. Do you recall that conversation?

Rankine: I do.

Rosenquist: Can you walk me through it?

Rankine: Um, so it's with the, I think it was like the head firefighter, uh, a guy by the name, I remember his name tag very well, Wilson. 'Cause I remember I was looking directly at him, uh, and I asked him, when they first got there, I asked him what they needed. They said they needed him on his back. So we assisted him, rolled him over to his back, then we jus…

Rosenquist: A-, and real quick, when he was roll-, when Ellis was rolled onto his back, did he still have the handcuffs and hobbles on it?

Rankine: Yes.

Rosenquist: Okay, go on.

Rankine: And then Fire had asked us to take off his handcuffs and his hobbles because they needed to start an IV. And remember Sergeant Lim at that point in time was standing right next to me and I looked to Sergeant Lim, and I asked him if that was okay. And I explained to the firefighter that he had just fought four officers, that the potential risks of him regaining his energy or his strength when we take of the hobbles and the handcuffs could be pretty bad for us. Um, as in he could just end up fighting all of us again. Um, but it was a very quick conversation and Sergeant Lim gave me approval and he said, I remember right, he said something along the lines of, "Give them whatever they need," and we just instantly took off the handcuffs and hobbles.

Rosenquist: How quick was that conversation?

Rankine: Seconds. It wasn't even a argument, it wasn't a huge debate.

Rosenquist: And Ellis was on his back…

Rankine: Yes.

Rosenquist: …during this? Was he repos-, was Ellis repositioned before the restraints were taken off?

Rankine: He was repositioned to his side so we could take off the handcuffs and hobbles.

Rosenquist: And who took off the restraints?

Rankine: I don't know. I assisted in it, but I don't know exactly.

Rosenquist: Okay. So, one of the things that Pierce County never brought up in their interview with you was the spit hood. Did you ever see a spit hood on Ellis?

Rankine: I don't, I don't remember seeing it. I never requested it. I don't carry one, I don't know about it. So, I don't know who put it on there.

Rosenquist: Did you ever see Ellis spitting or hear anybody comment about Ellis spitting?

Rankine: When he was on his side the first time after we did our weapons sweep and we removed taser probes and before he started struggling with us, he was spitting.

Rosenquist: Was he, s-, si-, it's kinda the same question I asked about his legs, was he spitting to spit or do you think he was spitting to target officers with it?

Rankine: I think he was spitting to spit.

Rosenquist: Okay. Did you notice any blood coming from his mouth during that time?

Rankine: No.

Rosenquist: And jus-, you never, did you ever hear anybody ask for a spit hood?

Rankine: No.

Rosenquist: And…

Rankine: It was hard for me to see his face because I was on his back so he was facing away from me.

Rosenquist: Okay.

Rankine: So, I could just see the spit coming out from his like coming from him but other than that I couldn't see his face.

Rosenquist: Okay. A-, and again like before, I'm gonna have some general questions. So, you never saw a spit hood on his head?

Rankine: I don't remember seeing one, no.

Rosenquist: So you would, you didn't see the application of it?

Rankine: I did not.

Rosenquist: Okay. Do you remember if he still had a spit hood on when you were taking the restraints off?

Rankine: I don't.

Rosenquist: Okay. So Fire's arrived, the restraints are being removed, were you able to, do you know what Ellis' condition was at that point? Responsive, non-responsive, breathing?

Rankine: 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.

Rosenquist: Okay. Was this prior to the bag, breathing…

Rankine: Yes.

Rosenquist: …bag being, being placed on him by Fire?

Rankine: Yes.

Rosenquist: You assist Fire at all with…

Rankine: I did.

Rosenquist: …first aid?

Rankine: With CPR.

Rosenquist: Do you know how long you did it for?

Rankine: I couldn't tell you.

Rosenquist: Did you do just one cycle or multiple?

Rankine: Multiple cycles. Uh, Officer Ward, from what I remember and from my statement, uh, Offic-, Officer War was the first one to start and I relieved him after a couple minutes to a few minutes and then I just carried on CPR till Medic One got there. And Medic One got there pretty late.

Rosenquist: Okay.

Unknown: (slam)

Rosenquist: During your contact with Ellis, d-, were there any strikes involved? Elbows, punches?

Rankine: No.

Rosenquist: You didn't deploy any tools on him?

Rankine: No.

Rosenquist: Kay.

Roberts: Nothing.

Rosenquist: Did you see any strikes by anybody else?

Rankine: No.

Rosenquist: It was just physical force, counter joint kind of the grappling?

Rankine: It's 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…

Rosenquist: Okay.

Rankine: …that's it.

Rosenquist: Did you have any contact with Officer Burbank or Collins at the scene?

Rankine: No. Besides talking to them about positioning on his body that, that was the only thing we had…

Rosenquist: Nothing about the reason for contact originally? Did you have, observe any injuries on either of them?

Rankine: Um, per my statement, I do remember Officer Burbank and Collins talking to Sergeant Lim about it. I don't know exactly what the injury was, I just remember they were kinda just looking over each other and they were kinda showing Sergeant Lim, I think Officer Burbank was showing Sergeant Lim the left side of his face.

That was, that's all.

Rosenquist: Okay. Video?

Roberts: So, show you a video of, um, the video's titled, "Cell Phone Video from Ms. White" and it's one of two. It's a fifteen second video.

Rankine: Kay.

Roberts: It, uh, uh, the timeframe is about 23:32 and 05 seconds. It's prior to Fire being there and if everything works properly. And I will run it through as often as you want. I can slow it down, we'll let it, we'll let it, uh. So, I will just…

Unknown: (sneezing)

Roberts: …start it and pause it. So, this is the scene, uh, of, that is Burbank and Collins' SUV and you'll see a, a group of officers here…

Rankine: Mm-hm.

Roberts: …you're gonna be kneeling, uh, uh, uh, near this area at the, the, the upper torso head of Ellis, um, and I'll just let it play through a couple of times here so we get more into it.

Rankine: Kay.

Roberts: And if you want to stand up you certainly can get closer to it, um. I will pause it now, uh, so, so this is you?

Rankine: Yep.

Roberts: This is Ellis, this would be this, uh, it appears to me to be a spit hood, uh, he's, he's lying with his head to the south, his feet up to the north there, uh, Sergeant Rock, I believe it's gonna be, uh, Kate Madden is at the feet or the, the lower end uh, uh, I'm, I'm, my question to you is, can you describe your positioning and the positioning of Ellis at this point, and I'll run it through it again. And if you want I can slow it down so it runs a little bit slower. So let's do that. A-, and are you able to describe your positioning at all?

Rankine: 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.

Roberts: So, so Ellis is in the recovery position here?

Rankine: Yes.

Roberts: Uh, uh, and your knees are basically preventing him from rolling back either onto his back…

Rankine: Right.

Roberts: …and if you your hands are on him at all, they're making sure he doesn't roll forward…

Rankine: Right.

Roberts: …onto his, into the prone again.

Rankine: Right.

Roberts: John?

Rosenquist: I, I just have one question and it's not necessarily related to the video. You talked about the positioning of your knees on, on either Ellis' shoulders or middle, lower back. At any time this inci-, during this incident did you ever put your knee directly on the back of Ellis' neck?

Rankine: No.

Rosenquist: Kay.

Roberts: I-, in this portion of the video is Ellis doing anything, saying anything, is he, um, making any noises, any sounds, are you monitoring his breathing at this point?

Rankine: I can't say exactly, but from this video it looks like he's just kinda laying there.

Roberts: Nothing that you recall?

Rankine: Nothing that…

Roberts: Trying to spark a memory.

Rankine: No.

Roberts: Okay.

Rosenquist: Couple of questions on Fire's response. I know you're on top of Ellis, but did you see Fire coming into the area?

Rankine: I did.

Rosenquist: Do you recall how we r-, they were responding?

Rankine: Yes.

Rosenquist: Routine or priority?

Rankine: They were responding routine.

Rosenquist: You did not observe lights or sirens on?

Rankine: No.

Rosenquist: How far away did they park from the scene when they stopped?

Rankine: Pretty far. Uh, they were probably four or five cars behind my patrol vehicle.

Rosenquist: To the east?

Rankine: Yes.

Rosenquist: And then they walked in?

Rankine: Yes.

Rosenquist: Okay.

Rankine: I wouldn't say walk, more like a stroll.

Rosenquist: Okay.

Rankine: They had no, um, per my statement, and from I remember this very well, uh, I remember them turning from Pacific onto 96th and no lights and sirens were on and they was slowly driving down the road. I remember Sergeant Lim asking Dispatch what's the ET on Fire and telling Fire they need to step it up which I'm not a firefighter so I don't know what their thought process is with how they respond but you see a, I think at that point in time when Fire had turned that corner they probably

would have seen ten cop cars parked in that one area which usually means something serious is happening in my thought process, um, they still carried on, no lights and sirens, drove up, parked, was three, three of, three firefighters in Engine 10. They got out, slowly walked and say how can we help you.

Rosenquist: Okay. So I just, I wanna, I asked you about this earlier but I just wanna make sure that we're on the same page as far as your streets cause you kept referring to Pacific Avenue, and the reason I'm asking this now is because the, Engine 10 responded from their station which is at 70, is it 73rd or 74th

Roberts: And Park.

Rosenquist: …and Park. So, according to them, they made the westbound turn onto 96th off of Yakima. Not Pacific. That's why I'm bringing it up.

Rankine: Kay. Yeah, that might be true, but from where I was sitting, it seemed like they were turning from Pacific.

Rosenquist: Okay.

Rankine: Cause, it from Pacific down towards Ainsworth, uh, it's kind of a little gradual slope.

Rosenquist: Okay.

Roberts: And, and while you're controlling Ellis, is anybody talking around you about maybe a medical condition, uh, excited delirium, anything like that.

Rankine: I didn't hear it. I was solely focused on maintaining control of Ellis.

Roberts: And when you say mainto-, maintaining control, why are you trying to maintain control of him?

Rankine: Just, didn't want him to gain strength back or get that second burst of energy where he starts fighting us and us and catch us off guard.

Roberts: Thanks.

Rosenquist: Union, do you have anything?

Betts: Um, we jumped around a little bit on kind of the order of events. I wanna see if I

have this correct. If I understand it right, you get there, he's fi-, Ellis is fighting, at some point after that round of fighting and you go from legs to torso to how he calms down, you roll him over, he begins fighting again, he gets rolled back over to his chest.

Rankine: Right.

Betts: At some point, he calms down, then he gets rolled to the recovery position again.

Rankine: Right.

Betts: Uh, I just wanna make sure that that timeline is correct on…

Rankine: Yep.

Betts: …okay, and now you've talked about keeping pressure on him and we've discussed a bunch of your other statement and you said, uh, he fought with all four of you and that the pressure you applied to him, had you not applied that pressure what do you believe would have occurred?

Rankine: He'd have gotten free, broken away from our grasp.

Betts: Okay. And after there was no more struggling, the pressure was removed and he was rolled to side?

Rankine: Yes.

Betts: Kay. On the verbal commands, you stated I think that you were talking to him and trying to calm him down and you were giving commands…

Rankine: Right.

Betts: …and other people were not, it was mostly you speaking?

Rankine: Yes.

Betts: Uh, in your law enforcement, or even prior to that with the other careers you have were you ever taught that when multiple officers are dealing with a subject, it is beneficial to have only one talker?

Rankine: Yes.

Betts: And that's from your training?

Rankine: Yes.

Betts: Do you remember why that is?

Rankine: It makes more sense. It's more concise, um….

Betts: Okay.

Rankine: …it's not all garbled.

Betts: You referred to your statement quite a bit, your statement was given March 6th. Is that right?

Rankine: Yes.

Betts: And that was, uh, very close in time to the date the incident?

Rankine: Yes.

Betts: And now it's been 18 months.

Rankine: Yes.

Betts: Do you believe your statement is more likely to be better than your memory now, 18 months later?

Rankine: Yes.

Betts: Is that why you're referring to it?

Rankine: Yes.

Betts: That's all I have.

Bremner: Nothing further.

Rosenquist: Are we good?

Roberts: Is there anything you want to add?

Rankine: Nope.

Rosenquist: Do you believe the force you used against Ellis in this incident was reasonable, within Department policy?

Rankine: Yes.

Rosenquist: Do you believe you violated any Department policies at all during this incident?

Rankine: No.

Rosenquist: Did you observe any actions by any other Tacoma PD officers that violated policy?

Rankine: No.

Rosenquist: Kay. This is Sergeant Rosenquist. It is 1152 and we are off tape.

END OF INTERVIEW/ar

TAB 62

INTERNAL AFFAIRS COMPELLED INTERVIEW

I/A CONTROL NUMBERS: 21COM-0061, 21C0M-0069, 21COM-0071

Employee/Witness: Officer Matthew Collins

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.

08/27/2021
Employee **Date**

483 8/27/2021
Witness **Date**

SGT BJ ROBERTS 5913 8/27/2021
Witness **Date**

Interview of Matthew Collins

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

August 27, 2021 – 1456 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Henry Betts, Representative, Tacoma Police Union – Local 6; Jared Ausserer, Attorney, Representing Officer Collins, and Officer Matthew Collins

Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Matt Collins. The date is August 27th 2021. Time is 1456 hours. Location is IA Office, Room 360, Police Headquarters. This is in reference to IA cases 21COM-0061, 21COM-0069, and 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Detective Henry Betts, Vice President, Local 6, Officer Collins and Jared Ausserer…

Ausserer: Ausserer.

Rosenquist: …Okay. Uh, attorney representing Officer Collins. Matt, are you aware this interview is being recorded?

Collins: I am.

Rosenquist: Is this interview being recorded with your permission?

Collins: It is.

Rosenquist: Did you read the Compelled Interview Form?

Collins: I was explained it, yes.

Rosenquist: Do you understand the Compelled Interview Form?

Collins: I do.

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

Collins: I do.

Rosenquist: So prior to this, um, you were provided a copy of your transcribed statement from the Pierce County Sheriff's Department. Do have anything you want to add or clarify

to that before we start?

Collins: No sir.

Rosenquist: Kay. So this incident occurred on March 3rd and the interview that you conducted with Pierce County occurred on March 9th. Prior to your interview with Pierce County Sheriff's Department, did you have an opportunity to see any videos or photos related to the incident with Ellis?

Collins: No sir.

Rosenquist: I'm assuming that since then you've seen videos either news, social media, few other means?

Collins: I have.

Rosenquist: Okay. So when we're asking you questions today, if, if it's something that you recall from something you saw after the ninth, just clarify that in your answer so we can differentiate between what you've learned since you gave your interview, compared to what you knew at the time you were doing your interview with Pierce County. Does that make sense?

Collins: It does. It may be a little hard to do after 18 months but…

Rosenquist: Agreed.

Collins: …I'll do my best.

Rosenquist: Agreed.

Collins: Yeah.

Roberts: A-, and Matt have you given any other formal interviews?

Collins: Um, no sir.

Rosenquist: So March 3rd, 2020, you were partnered with Officer Burbank?

Collins: Correct.

Rosenquist: You were driving that night?

Collins: Yes.

Rosenquist: And, your patrol car?

Collins: Yes.

Rosenquist: And your call sign was Henry 317?

Collins: Correct.

Rosenquist: You're stopped at 96th and Ainsworth. Tell me about your observations that led to the contact with Ellis?

Collins: So we're stopped, um, we're facing westbound at that T-intersection and there was a car that had a green left and was turning and there was a, what we now know as Ellis, was at the passenger seat, or the passenger side standing up facing away from us and he l-, had his hand on the handle. We couldn't really tell what's happening, but the car was kinda slowly turning left and trying to avoid him and eventually took off and it left him in the middle of the inter-, intersection.

Rosenquist: When you said the vehicle took off, did it take off at a normal speed or did it take off at a higher rate, or do anything to give any indication to you that he was, the driver was concerned or worried about Ellis?

Collins: To be honest with you, my focus was on him at that point, not the car, so I'm not, I don't recollect.

Rosenquist: Okay. So how did you direct him over to the patrol car?

Collins: Well at that point after that, he's standing in the middle of the intersection now and I just opened my window and said, "Hey, come here."

Rosenquist: And, he, you described it as jogged over to the patrol car?

Collins: Mm-hm.

Rosenquist: You noted "abnormally close," can you elaborate on that?

Collins: Uh, yeah I, I almost, uh, it just, he came, ya know if you're coming to talk to someone from their window there's just a, a normal distance that you would talk, um, but he came almost with his chest up to my window. Which seemed, right away,

seemed out of place to me.

Rosenquist: And you noted that his, his eyes are super wide, sweating all over on the top of his head and then he says something to the effect off, "I got warrants" or "we need to talk" or "I need help" or…

Collins: Yeah.

Rosenquist: So you directed him over to the curb?

Collins: Yes.

Rosenquist: When you did that, what was kinda your mindset of what was going on? I mean was this, social contact, community caretaking based on his opin-, appearance? What, where were you going with the contact at that point?

Collins: I thought it was gonna be, kinda of a 4-1-4 kinda situation, uh, drug situation where we'd end up, ya know, just calling the Fire Department. Um, that was my initial kinda thoughts.

Rosenquist: And, for those of, that are gonna review this that aren't familiar what 4-1-4 means?

Collins: Just means that kind of a mental, um, uh, s-, they're just not quite, they might have some sort of mental, um, I don't know, a disability but, um…

Rosenquist: Mental health?

Collins: …mental health kinda issue, yeah. Thank you.

Rosenquist: Yep.

Roberts: A-, and I don't wanna jump ahead, but you, direct him to the curb,…

Collins: Yes sir.

Roberts: …does he ever make it to the curb or the sidewalk on the…

Collins: He does not.

Roberts: …northend?

Collins: No sir.

Roberts: Thank you.

Rosenquist: So you indicated in your statement that you were about ready to call out your location, out with one and you realized somethings wrong, that you described Ellis as being fixated on your partner, Officer Burbank. Can you kinda just elaborate, explain what you mean by that?

Collins: Yeah. So, as soon as I told him, um, "Alright just go over to the curb and I'll call this out, and I'll be with you in a minute." And he started walking, he just, his gaze fixated on Burbank and he just walked really slowly around the car, staring at him the whole time and his hands were down below the hood of the car so I had the radio but I didn't make the call 'cause I'm not, I knew something was up, and his demeanor, the way he was looking at Burbank, everything, I knew something was about to happen. So it kinda froze me for a second.

Rosenquist: Were you able to tell if he had anything in his hands when he walked up to the patrol car?

Collins: He had a bag, he had a bag of something.

Rosenquist: Okay.

Roberts: It, you took the ra-, radio mic from the vehicle it tha…

Collins: I did.

Roberts: What's Burbank doing at this time?

Collins: Um, I'm not sure, I think he was just sitting in the seat next to me. I think we're both just trying to process at this time. What, what are we dealing with right here, what's going on.

Rosenquist: So Ellis makes it over to the passenger window and you indicate that there's some talk, some conversation and then you hear Ellis say something to the effect of, "I'm gonna punch you in the face?"

Collins: Yes.

Rosenquist: Do you recall any of the other co-, conversation they had or just that portion?

Collins: I could barely hear it. It was really low and they were talking through Burbank's window was down a little bit and they were talking through that and I, all I heard was, "Maybe I'll just punch you in the face," or "I'm gonna punch you in the face," or something like that.

Rosenquist: Do you recall how far down the window was at that point?

Collins: Um, uh, ya know, I don't. I don't but I know that he said, I know Burbank said, "Well, I'll just roll the window up then," and then started to roll the window up. But it was, it wa-, musta been at mid-height.

Rosenquist: Okay.

Collins: But, I don't firmly recall.

Rosenquist: Do you remember the position of the window when Ellis started punching it?

Collins: Uh, I don't.

Rosenquist: How many times do you think he hit it?

Collins: Well after, um, once or twice, I was out of the car running to the other side of the car, so I didn't wait very long, I mean as soon as, soon as I saw his intentions and he started punching, …

Rosenquist: How hard was he hitting it?

Collins: Pretty hard. I thought he was gonna break the window.

Rosenquist: Do you know if he threw anything, if Ellis threw anything at the window.

Collins: I do not know that.

Rosenquist: Did he have anything in his hands while he was punching the window?

Collins: I imagine he probably had the same bag that he had, whatever was in his hands when he approached my car.

Rosenquist: Okay.

Roberts: And is he punching the window knuckles first, could you tell, open hand?

Collins: I could not tell. I saw him up there and then I just saw his body language and heard

the hit and then I was out running around the car.

Roberts: A-, and as that's going on, are you making any observations of Burbank?

Collins: Not until I got around the car. But at that point, no. As soon as I saw that I was out and going.

Roberts: And had you turned the amber lights on yet in th-

Collins: I think my, I think my had my flashers on at the point. Once he came up to me and said, "We need to talk," I believe I turned my flashers on.

Rosenquist: And-, I had asked you earlier when Ellis was approaching your card kinda what your thought process was, was ya know, community caretaking or what you were planning on doing, did that change once Ellis threatened to punch Burbank and then punched the window?

Collins: Well absolutely, I mean, no matter what I wanna do, which we wanna help them, we wanna get them to facilities or whatever, w-, if he's assaultive, we've gotta get him in handcuffs before we can do anything. So, as soon as he starts trying to punch the window out, I no longer can just drive away or just sit there and wait for him to see how long he's gonna assault my partner.

Rosenquist: So you felt it necessary at that time to detain Ellis?

Collins: Absolutely.

Rosenquist: So you get out of the patrol car. You mentioned that Ellis contacted you and picked you up and threw you down. Where did that occur in relation to the patrol car?

Collins: So, um, the patrol is facing west, my door is open, and Ellis is over here on the passenger's side. I ran around and when I got around the vehicle, it looked like he and, and Burbank were fighting over the door. Burbank's trying to keep it close and he's like kinda pulling it open. And then he turned around to me and he grabbed me and he threw me to the front of the patrol car. So I went on my back basically where the headlights shine…

Rosenquist: Okay.

Collins: …in the front of the car.

Rosenquist: Alright, so, um, what I'm gonna show you is this is an ortho from when Pierce County processed the scene…

Collins: Mm-hm.

Rosenquist: …and there's a couple things that we want you to, um, kinda circle and just number number one through four, um, the first one being in the intersection. So this is your patrol car…

Collins: Okay.

Rosenquist: …right there, um, that's Ellis' body there…

Collins: Okay.

Rosenquist: …just roughly where in the intersection to the best of your recollection, was Ellis standing?

Collins: Um, if that's the centerline, he was probably right about here.

Rosenquist: Okay. Can you jus, uh, just put a circle there and number it one?

Collins: So I'm guessing this is the centerline.

Rosenquist: Okay.

Collins: So probably somewhere in there.

Rosenquist: Okay. And, um, number two, you said Ellis came right up to your driver's side?

Collins: Yes.

Rosenquist: Yeah, go ahead and circle that and then do the same for number three. So that would be number two, where he was at your door…

Collins: Okay.

Rosenquist: …and then number three will be where he first made contact with you and picked you up.

Collins: Okay, it was, um, maybe, maybe here.

Rosenquist: And, so he threw you towards the front, which would have been westbound?

Collins: Right into the middle of the headlights pretty much like ri-, right there in front…

Rosenquist: Right.

Collins: …of the patrol car.

Rosenquist: Right in front of the car?

Collins: Mm-hm.

Rosenquist: Okay. Alright.

Roberts: I think there's a fourth one, correct?

Rosenquist: Yeah, I was gonna wait until we get a little farther into the incident, um, it's gonna come up real quick here. So, he grabs you by your vest carrier, picks you up, throws you and at what point do you see Ellis and Officer Burbank engaged?

Collins: So I, I hit my back and I think I rolled backwards and I kinda got up expecting him to be charging me, but he was now back on Burbank, they were engaged.

Rosenquist: Okay and that's number four. Can you indicate…

Collins: Well that's gonna be…

Rosenquist: …where they were?

Collins: I don't know. I, I think it was just right outside the door, maybe…

Rosenquist: Okay.

Collins: …here.

Rosenquist: And can you describe, wh…, let me go back. You were on your back, you rolled, did you see who approached who, whether Burbank went to Ellis or Ellis went to Burbank?

Collins: It looked to me like, cause at that point I'm running towards the two of them, it looked to me like Shane was backpedaling and trying to get away and Ellis was going at him.

Rosenquist: Can you describe the fight, what was occurring?

Collins: Uh, ya know, at that point honestly it was like, I mean I was running as, at a dead sprint. I got up and I was running at a dead sprint because, uh, the situation felt very serious to me. I never had someone engage us like that back and forth, um, so I thought Burbank's life could be in danger so I wasn't, I mean I just s-, sprinted and re-engaged him as fast as I could.

Rosenquist: Okay. Was there any opportunity or was Ellis was given any verbal commands during this initial part of the confrontation?

Collins: Um, not by me, he was not, I don't recall, I don't know if Burbank did or not.

Rosenquist: Okay, but not by you?

Collins: No.

Rosenquist: Did you feel that you had time to give him any verbal commands?

Collins: I don't, I didn't.

Rosenquist: Okay. So you talk about the y-, you're observing the fight between Officer Burbank and Ellis and you get to the location, immediately grab Ellis and take him to the ground, ending up on top of him. What was Ellis' position at that time?

Collins: When we got on the ground?

Rosenquist: Yes.

Collins: So his, initially, his back was on the ground and I was m-, in like a mount position over him, around his waist, above him.

Rosenquist: Okay. And, what happened while you were in that mount position?

Collins: So he's reaching his hands up to me, at me, and kinda grabbing at my gear and I started to strike him.

Rosenquist: What did you strike him with?

Collins: My elbow.

Rosenquist: And where were you striking him at?

Collins: In the face.

Rosenquist: Do you recall how many times you struck him?

Collins: Um, I don't, I don't maybe three to five times.

Rosenquist: Did he ever make contact with you at all with a punch or an elbow or anything?

Collins: Um, ya know, it was, with the initial part of getting him down was such a scuffle, um, that I didn't recall it in the time, but when I woke up the next morning, my jaw was completely sore like I had been hit in the jaw.

Rosenquist: How come you went straight to the head, with your impacts?

Collins: Well, there's, there was no target at all so when I got on top, so I'm a grappler, so I want him to, the best way I can control someone is if they turn their back to me so I'm just trying to get him to turn away from me. The na-, the natural reaction of someone when you do that is to turn their face and protect their body and then that way I can get on his back and control him and get him in handcuffs.

Rosenquist: Okay.

Collins: And there was no target to hit his body because the way I'm mounted over him all that is there is arms and head and he's reaching up at me so the only thing I can do is over the top of his arms.

Rosenquist: And, based on the Department's use of force policy, what level of resistance is Ellis presenting at this time?

Collins: He's assaultive.

Rosenquist: While this was going on, prior to this, were you aware that Burbank had, it's been described to us as, checked Ellis with the door when he opened it?

Collins: I didn't, was not aware of that.

Rosenquist: Okay. So when you were talking about how you were mounted on top of Ellis and Ellis is on his back, how did it transition from that to where you were positioned behind Ellis right before you attempted the LVNR?

Collins: So he basically did a sit up, lunged up, his entire body and si-, sat me up off of him

and then I just stepped off with my foot, stepped around and got his back.

Rosenquist: Okay. So you decide to attempt the LVNR, how long into that application were you when you saw Officer Burbank with the taser and it was deployed?

Collins: Um, 'til I noticed him it was probably only a few seconds. And at that point I was just then trying to hold him as a target and protect my face from behind Ellis' head so I didn't get a probe to the face.

Rosenquist: Okay. You got anything, Gary?

Roberts: No.

Rosenquist: Okay, um, we're gonna have some questions on the LVNR, so for people that are gonna listen to this interview can you describe what an LVNR is?

Collins: Yeah, the Lateral, uh, Vascular Neck Restraint is where you're, you can cut off the, temporarily cut off the blood supply of both carotid arteries for a short time, it only takes a few seconds and then the subject can lose consciousness quick enough to be handcuffed and then regain consciousness.

Rosenquist: And, how long were you applying the LVNR for, before you came off of it.

Collins: I never actually applied it. I got into position and I was holding him and if you, so if you go around someone's chin and the bone structure and you start squeezing you're just gonna completely tire yourself out, waste your time, and so, and then they can also bite you. And then if you go low, you're not gonna, it's gonna be a pain compliance thing which in someone in his condition, pain does nothing. So I was trying to get it positioned correctly which is, with my hand, all of my bicep on one side and my forearm on the other side and by the time I started to get into position, I saw Burbank and saw his taser out and knew I didn't need to do it.

Rosenquist: Okay. Uh, real quick, pain compliance, did it appear that anything was having an impact on Ellis?

Collins: Absolutely not.

Roberts: A-, and just so we're, we're aware wh-, later when we read this and transcribe it, you say your bicep on one side and your forearm on the other side, what exactly are you pointing to?

Collins: On the sides of their neck, sir.

Roberts: Thank you.

Rosenquist: Where did you, have you had training in an LVNR application?

Collins: Yes, lots.

Rosenquist: Where at?

Collins: I've grappled for over 15 years so at different Jujitsu schools and in the military I was a trainer for Second Ranger Battalion for our fight team.

Rosenquist: Did you ever receive LVNR training while employed with Tacoma PD?

Collins: I didn't because we were actually in the middle of, um, we were asked by the Department to develop the policy for it and we were in the middle of developing it to actually put it out. So it never got, it was never official.

Rosenquist: Okay.

Roberts: H-, how about it, uh, the basic law enforcement academy or the e-, equivalency?

Collins: At the, at the basic law enforcement academy your Department had to ask for you to do it when I was going through so that wasn't an option for us to, 'cause Tacama didn't ask for it.

Roberts: And, and how about, uh, I, I think we may get into it later, but, how about training for your, uh, control tactics instructor, anything there?

Collins: Uh, no we did not do it there.

Rosenquist: So, going back to the military, how many times do you think you've applied an LVNR?

Collins: Thousands.

Rosenquist: And have you ever had anybody have a serious injury or die from it?

Collins: Never.

Rosenquist: So back in March in 2020 when this occurred, there was nothing in the Department's use of force policy, um, regarding an LVNR? C-, based on your control tactics instructor and training, where, well based on the policy that you were developing, where, where was the LVNR going to fit in within the Department's use of force policy?

Collins: So we had two provisions in the policy. One was that if you had outside training that would apply and was reasonable, you could use it. Um, and I, I told the Pierce County investigators, ya know, Burbank and I we got into an incident with an individual on PCP a few years back and got into a six minute fight in a room and it was, it was bad and looking back, knowing pain did nothing, I knew in my mind if I dealt with someone at that level of strength, at the level of intoxication, I would have to do that to end it. Because you can't, our brains can't keep up with that kind of, um, that did, they jus' don't feel pain, they don't get tired, it's just, it's like dealing with a robot.

Rosenquist: So on, on the policy that you were working on, was, were there any requirements that needed to be met? What level of resistance did the person have to be showing in o-, would that would've allowed one?

Collins: Assaultive.

Rosenquist: Assaultive? Okay. Do you have anything else on the LVNR?

Roberts: W-, what's your concern, the longer, uh, uh, uh, an engagement like that takes place?

Collins: My concern is, is, uh, getting tired, um, and also having to, um, ya know, like I said with, with narcotics at that level, and when you're dealing with someone like that, you just can't match them strength for strength, um, it's not like an endurance game where I can, ya know, I'm in better shape than you, it's, it, you're dealing with, their, their mind isn't quite there so I'm concerned if it goes too long, I'm not gonna be

able to keep up with this guy and he's gonna either draw my weapon and kill me or kill my partner or kill a citizen.

Roberts: Thanks.

Rosenquist: Okay. Uh, I was gonna bring this up a little later in the interview but since we've been talking about it, I'm gonna do it now. The incident that you mentioned to Pierce County, the prior incident, um, I'm gonna show you a dot one and a dot two from Tacoma PD case number 1728800241. It was an incident that occurred at the St. James Apartments with you and Officer Burbank.

Collins: Yes.

Rosenquist: Is this the incident that you referred to? You can take a minute and review the reports if you need to.

Collins: I remember the guy's name. It was, uh, Philemon Shark. Yep. Philemon Jerome Shark. This is the one I referenced.

Rosenquist: Okay. And I just, we were both comfortable that was it, we just wanted to make sure…

Collins: Yes, sir.

Rosenquist: …that's the one that you referenced.

Collins: That's the one.

Rosenquist: So Officer Burbank deploys his taser, what happens with Ellis?

Collins: Um, so like I said, I'm, I have my face kinda shielded behind his head and I'm holding on and once I, I waited until I felt him lock up and as soon as I did, I grabbed his arm and then Shane transitioned and grabbed his other arm and went to cuffing.

Rosenquist: And was that successful?

Collins: We were able to get int-, into cuffs and it was successful and it seemed like it was over. He came back to, um, I don't remember if he said anything but then he started bucking again.

Rosenquist: But this was after he was cuffed?

Collins: Yes.

Rosenquist: Do you know how many times Officer Burbank deployed his taser?

Collins: I have no idea.

Rosenquist: Okay. So you said y-, in your statement he's, he k-, he k-, he kind of comes back up again, um, I jus-, we're not talking about his consciousness or unconsciousness, we're talking about his ability to resist?

Collins: Yes.

Rosenquist: Okay.

Collins: Yes, his fit actually physically like trying to get up.

Rosenquist: Did he ever get up?

Collins: Um, not once we got him down.

Rosenquist: And what position was he in at that point?

Collins: So when he's cuffed he is, um, he's facedown still.

Rosenquist: Okay. Other than the time where Ellis was on his back and you were mounted on top of him and you were striking his head, was there any other e-, times during this incident where you were striking him?

Collins: No.

Rosenquist: Or, was it a kind of, as you described, grappling from that point on?

Collins: It was all grappling from that point on. From my side.

Rosenquist: Okay. And it's, so we're clear, I'm asking specifically about your actions here.

Collins: Yeah.

Rosenquist: Nobody else's. So Ellis was able, you were able to get Ellis into handcuffs before anybody else was on scene?

Collins: I believe so.

Rosenquist: Okay.

Collins: I believe so.

Rosenquist: Do you recall who was next on scene?

Collins: It was either, um, Rankine and Ford or Sergeant Lim, actually it mighta been the Pierce County Deputies. I'm not, I'm not sure.

Rosenquist: Okay.

Collins: Once I looked up it seemed like, 'cause then once we got him cuffed and then I switched to his legs, 'cause his legs were flying around so I kinda folded his legs over one foot behind the crook of one knee and then pushed his other leg over so he couldn't put his feet underneath him and stand up. I switched to that, my focus was all down. I'm just trying to keep his legs down so he can't stand up and then by the time I looked up it seemed like there was lots of cops there.

Rosenquist: So Ellis is on his stomach…

Collins: Mm-hm.

Rosenquist: …you were controlling his legs. Was Officer Burbank controlling upper body?

Collins: Uh, yes.

Rosenquist: So describe the resistance that Ellis is presenting at that time while he's, he's on his stomach and handcuffed?

Collins: So, if you can think about the position I described it, he's trying to basically, I guess, flex his quads to straighten his legs from me, which would then allow him to put them underneath his body and stand up. Which now we're in traffic, he's handcuffed in the middle of the street, so I'm holding his legs down and keeping him down.

Rosenquist: Was Ellis, with his legs, do you think he was trying to escape or kick you?

Collins: I'm not sure.

Rosenquist: Okay.

Collins: Y-, yeah, I'm not sure. Whether he was trying to kick me or run into traffic, I assessed both those as the same issue that I can't let happen, so.

Rosenquist: Okay. The hobbles, how did, um, the leg restraints come into play? How did that happen?

Collins: Um, I don't recollect who put them on, but, uh, we were calling for them 'cause we couldn't control him. Everybody kept hearing that, hey, someone get hobbles, someone get hobbles, and then someone grabbed 'em.

Rosenquist: Y-, you don't know who applied 'em?

Collins: I don't.

Rosenquist: Did you see the application of it?

Collins: I saw them go on the feet, yes, 'cause I'm still holding them.

Rosenquist: Can you describe the application?

Collins: I just saw the, so I'm still looking down the ground, I'm pinning his legs. Once I saw the, the, ya know the loop of the hobbles go over his ankles that, then people took over for me and that ended my involvement.

Rosenquist: Were you still on his legs when it was a-, the hobble was attached to the handcuffs?

Collins: Uh, no, once the hobbles got on I, uh, I believe I got replaced.

Rosenquist: Just on r-, just on the ankles?

Collins: 'Cause there was other people at that point. There was people kinda standing all around us.

Rosenquist: Do you know who assisted putting his legs or ankles in the hobbles?

Collins: I don't recollect that.

Rosenquist: Okay.

Roberts: And Matt at this time would you consider it stabilized?

Collins: Um, well, I mean, once you get the hobbles on you're pretty much stabilized but until that point.

Roberts: But is there still a level of resistance that Ellis is presenting?

Collins: Ya know to be honest with you, I, once I got relieved, I was completely exhausted at

that point and I was done. I walked away from it and then everybody else kinda was, um, gathered around and I, I, I don't know.

Roberts: So, so I, I understand that but how 'bout w-, prior to the, the hobbles being applied. Is he, is that, would you call that stabilized yet?

Collins: Oh, absolutely not.

Roberts: And there's a point while the hobbles are being applied, is it stabilized yet?

Collins: No.

Roberts: Is it immediately once those hobbles are applied, is it stabilized?

Collins: I mean I would say that just from a, not from something I observed, but just in, ya know, common sense of once hobbles are on it's pretty hard to do anything.

Roberts: But at that time you, you left?

Collins: Correct.

Roberts: Okay. Thanks.

Rosenquist: When you left the area of where Ellis was at, where did you go?

Collins: Um, back towards my patrol car.

Rosenquist: And at that point you didn't have any more contact with Ellis?

Collins: No.

Rosenquist: So I do, I have a couple more questions on the hobble, but i-, it's questions that we've asked everybody, so i-, if you didn't see it, if you don't recall it that's fine, um, do you recall the angle that Ellis' legs were at once the hobble was applied and attached to the handcuffs?

Collins: I don't.

Rosenquist: Did you notice if Ellis was bowed or his thighs picked up off the ground?

Collins: I, I don't…

Rosenquist: Kay.

Collins: …I don't recall.

Rosenquist: So Ellis is handcuffed and hobbled and he's on his stomach when you, when you walked away?

Collins: Yes.

Rosenquist: Did you recall seeing Ellis placed onto his side?

Collins: Yes.

Rosenquist: Do you know how long he was on his stomach for before being placed onto his side?

Collins: I don't but I know that as soon as we started to walk away, like the moment we got up from actually detaining him, I heard Burbank say, "Let's get him in the recover position," to the other guys.

Rosenquist: So while not knowing the amount of time would it be safe to say that it was fairly quick?

Collins: I would say it's very quick, yes.

Rosenquist: And that, so that was done kind of at the direction of Officer Burbank?

Collins: Yes.

Rosenquist: So Ellis is on his side and…

Collins: Yep.

Rosenquist: …if you weren't, if you weren't observing what was going on, um, that's fine, did you, did Ellis start resisting or trying to kick against the restraints while he was on his side?

Collins: I don't recall, I didn't see that.

Rosenquist: Did you ever see Ellis put back onto his stomach?

Collins: No.

Rosenquist: Kay. So, in your, in your statement you put, "I walked away from it at that point and there was a bunch of other people on top of him." Can you elaborate on that? Were they on top of, physically on top of him, were they using their hands to hold him, can you explain that?

Collins: Um, I just remember that, um, Masyih and, uh, Ford and, and Rankine were, had taken over control and there was Pierce County Deputies there and I, I don't recall actually, no. I mean I just know that there was a lot of people around him.

Rosenquist: Okay.

Collins: I wasn't concerned about him doing anything at that point. I knew that it was under control.

Rosenquist: Okay. G.J.?

Roberts: And you're, you're pretty gassed, winded, at…

Collins: Yes.

Roberts: …at that point?

Collins: Yes.

Roberts: Had anybody asked for medical aid yet? Still too early in the, in the encounter?

Collins: Um, somebody did. Somebody said, it mighta been Sergeant Lim, right away said, "Let's get medical aid started," and I think Burbank did as well, if I remember right. But I heard it a few times.

Roberts: And that happened?

Collins: Yes. It felt like it took a long time for that to happen but it, it got there.

Rosenquist: During your struggle with Ellis, was there a time where you could've called for medical aid?

Collins: No. In fact, uh, there was a few times I tried to just call out our location and as s-, soon as I got to my mic he grabbed me or grabbed my gear or grabbed my face, something so I'd immediately have to go back to him. I thought I got out a couple times but apparently it, from what I heard, I did not. I was trying to call out our location.

Rosenquist: No, we, it was, uh, Burbank that eventually called it out. The spit hood. Did you see the spit hood applied to Ellis?

Collins: Um, I saw it on him at one point, but I didn't see it actually put on. Like I remember looking back and seeing in on.

Rosenquist: Do you know why it was put on?

Collins: I heard it pretty much as soon as we got off, I heard people saying he was spitting on them.

Rosenquist: Okay. And just, I wanna make sure, you didn't see who applied it?

Collins: I did not.

Rosenquist: Okay. Do you have any idea how long it was on for?

Collins: I don't.

Rosenquist: Okay. So you didn't, and I just, you didn't see the application so you don't know what Ellis' position was when it was put on or anything like that?

Collins: Well I do know when I saw him with it on he was still on his side…

Rosenquist: Okay.

Collins: …facing back towards the car.

Rosenquist: Which would be east?

Collins: East.

Rosenquist: Okay. During the incident with Ellis, did you ever hear him state, "I can't breathe," or anything similar to that?

Collins: I didn't recall him call or any statements at all.

Rosenquist: Do you know whose hobble was used that night.

Collins: I, I actually the only reason I do is because a Pierce County guy came and Detective got it out of my car, eventually. But I didn't even know it was, it was mine from my car.

Rosenquist: And is that something, ya know this, it kinda gets back to what we said at the beginning, is this something that you, you figured out after…

Collins: Yes.

Rosenquist: …your interview with Pierce County?

Collins: Yes.

Rosenquist: And, how did you obtain the hobble?

Collins: Um, it was given to me by a Sergeant somewhere on the shift, I don't remember which Sergeant but, um, they were kinda handed out but we hardly ever used 'em so I didn't even realize that I had one in my car.

Rosenquist: So was it Department issued…

Collins: Yes.

Rosenquist: …or did you believe it was issued to you by the Department?

Collins: It was Department issued, yes.

Rosenquist: Have you received any training in the application of the hobble?

Collins: No.

Rosenquist: Not basic academy, not from the Department?

Collins: Um, I don't think the academy covered it but I know that the Department did not.

Rosenquist: And you, you said earlier that you, you hardly ever used it?

Collins: Correct.

Rosenquist: Had you used it prior to this incident?

Collins: I had, um, given them to a couple officers. I act-, actually never have applied them myself, I don't think. No, ya know what, I helped put them on, we had a guy one time at McDonald's, he tried to run someone over with a car and he was experiencing a drug episode and I helped put 'em on but they weren't mine.

Rosenquist: Okay.

Collins: So I saw the application of them.

Rosenquist: That's it?

Collins: That's it.

Rosenquist: Okay. During your contact with Ellis, did you observe any signs that he was in any

kinda of medical distress?

Collins: Um, I mean, I, I remember thinking that he was excited delirium be-, because of the manner in which he approached my car, his eyes, his sweating, 'cause it was cold that night, he was just like covered in sweat and then his strength. It just, everything kinda lined up and the moment he threw me, I remember just thinking like, I got excited delirium on my hands.

Rosenquist: Okay.

Collins: That was as much of a medical situation as I thought and we wa-, ya know, I always wanna help somebody but we kinda gotta stop them from attacking us before I can do that so they gotta be in handcuffs.

Rosenquist: Did you ever, uh, observe Ellis having any kinda respiratory issues during your contact with him?

Collins: Oh, no.

Rosenquist: Kay. You touched on this a little bit earlier in the interview but I, um, I wanna ask you about your response to a question near the end of your interview with Pierce County and you were asked if Ellis was trying to get away from you or attack you. And you talked about that he was coming at you, he was coming at Shane, Officer Burbank, and that there were multiple times, just going back and forth, that, between the two of us, you described Ellis as pressing the fight, never trying to disengage. Can you elaborate on that or add to that at all?

Collins: Absolutely, so you know everytime that I've been in like a quote, unquote fight, what police would call a fight, in the job, it's usually someone that's trying to get away. So it's usually, it's a scuffle, there pushing you and then they're immediately running. Ellis, when I came around, so first of all, he started the aggression because, ya know, we, we don't even know what we have, we're here to just help this guy. He starts the aggression by trying to break my passenger side window and pull my

partner out, so that's number one. Then he throws me and then when I get up I expect him to either be coming at me or running and he's going back at Burbank, so he had plenty of time after throwing me to take off down the street. I mean, Burbank was still all the way back by the car, he coulda split the houses, he coulda done a lot of things but he didn't. He went back to Burbank and then back to me so there was multiple chances where he showed me his intention and he had plenty of room to get away if he needed to.

Rosenquist: So once he throws you onto the street, how far did he have to go to reach Burbank?

Collins: I, I, fffft, maybe, um, ya know, from the front of the car to just at the door level, so whatever that would be, five or six feet.

Rosenquist: Okay.

Roberts: W-, when he throws you, are, are you injured in any way?

Collins: Yeah, I hit my elbows, uh, really hard and they just got scraped up but nothing.

Roberts: A-, and you hit your elbows on what?

Collins: On the s-, on the street.

Roberts: Thanks.

Rosenquist: Other than your elbows, do you have any other injuries?

Collins: Uh, my knees were really banged up and then my jaw was sore but aside from that.

Rosenquist: Do you know if Officer Burbank was injured at all?

Collins: I don't know.

Rosenquist: Did you observe any injuries to Ellis?

Collins: Yeah, I observed a couple, um, small lacerations on his face.

Rosenquist: And those were the result of?

Collins: I imagine the strikes from the ground.

Rosenquist: Okay.

Roberts: But you don't know that…

Collins: I don't know that.

Roberts: …they could also be as he's face down on the ground with the asphalt?

Collins: True.

Rosenquist: Videos?

Roberts: So, we're gonna jump into some videos, so do we take a break real quick?

Rosenquist: Yeah do you guys wanna take a break first? We're 42 minutes in.

Collins: I'm good if you're good.

Ausserer: I'm good.

Betts: I'm good. Yeah.

Rosenquist: Okay.

Betts: Yep.

Rosenquist: Henry do you have anything you wanna bring up now or do you want to wait until we're done?

Betts: It might make more sense. I have a couple, if we run both of those now before we start the video.

Rosenquist: Then le-, then let's go ahead and do it.

Betts: Okay. Uh, Matt, going back, we talked a little bit about when Ellis goes to the ground you're able to get into a mount…

Collins: Yes.

Betts: …and you answered a couple of questions about that and you were saying that he's reaching up at you and the recorder can't see it but you were demonstrating, you were reaching up toward your neck, was he grabbing your neck?

Collins: Uh…

Betts: Or y-, you said gear at one point or you tried to use the radio and there was some fighting their hand, fighting with that, but did he get into your neck area 'cause you're showing that?

Collins: Uh, I believe he did. I mean, I just remember hands everywhere, um, all over my gear, up towards my face, on my mic.

Betts: Okay. You also talked about when you're in that mount position on top of him and he's on the ground that that, uh, stopped with you describing him sitting up and just pushing you off?

Collins: Correct.

Betts: You talked about grappling and a lot of other things that you've done, is that normal to be able to just sit up and push somebody off a mounted position?

Collins: Absolutely not. Especially not someone like me, 230 pounds on top of you.

Betts: Did that signa-, was that of significance to you? Did that tell you something?

Collins: Absolutely.

Betts: What did you gather from that happening that?

Collins: I mean it was the same thing as, you know I, I was getting concerned 'cause it was the same thing as when he threw me, it w-, nothing was having effect and his strength, he was just overwhelming, overwhelming me with his strength pretty much.

Betts: Okay. Uh, we talked a little bit about the use of force policy and LVNR specifically, uh, along with some strikes and whatnot, as part of that policy that, as you understand it, is there a section of the policy that you're familiar with that discusses the use of other tactics, not listed specifically by name in that policy?

Collins: Yes.

Betts: What, uh, when is it okay to use those other tactics or what are some of the requirements for that?

Collins: When the subjects assaultive and when it's reasonable and necessary.

Betts: Um, lastly we've talked a little bit about your statement, your previous statement with County, we talked about like that there was a, a bunch of other officers on him and that phrase of "on him", uh, do you use that in terms, not necessarily as

physically on him but meaning that there's other people that are prepared to take care of this problem or that can assist if needed?

Collins: Yeah, no, I, I'm sorry when I say that, I don't mean physically on him, I just mean it's my job and Shane's job when we're the only cops dealing with this person and now when there's other police officers who relieved us, they're on him…

Betts: Yeah.

Collins: …like, they've got him so now I can relinquish my responsibility a little bit.

Betts: Okay. That's all I had for follow up so far.

Rosenquist: Kay. Do you have anything?

Ausserer: No, thank you.

Rosenquist: Kay. Real quick, with, um, the ortho photo, if you could just circle where he threw you and then just sign and date somewhere down the bottom, we can put that away and be done with it.

Collins: So that's number five?

Rosenquist: Yeah.

Collins: Okay.

Rosenquist: Thank you.

Roberts: Matt, is, a couple questions that I have before we get into the videos. Are, are you aware at any time of other people in the area?

Collins: Um, I remember, um, when we finally got him tased, and we were able to transition to his arms, I remember someone screaming at me from a car and then I also remember someone behind me saying, "Hey, are you guys okay? Do you need any help? You need me to call the cops?"

Roberts: And, when you leave Ellis to the other officers, do you have contact with a supervisor?

Collins: Uh, Sergeant Lim, yes, he did talk to us.

Roberts: What's your conversation with Sergeant Lim?

Collins: He said to me, um, well it took a while because there was other officers on the scene and then eventually Fire showed up, um, and then after Fire was there for a while then all of a sudden, once they started doing CPR, maybe five minutes into them being there, Sergeant Lim came up to me, I wasn't aware of what was happening, he said, "Hey, they're doing CPR right now, I don't know what's going on, but just in case why don't you just sit in your car and just don't say anything to anybody 'cause I don't know what's gonna happen."

Roberts: H-, had, had you ever mentioned to Sergeant Lim what took place, what precipitated the encounter?

Collins: Um, I remember saying to him, 'cause it was just so crazy and he just kinda looked at us like what happened, and I, and I was like, "Man, he just attacked us," or something to that effect.

Roberts: A-, and did, would you have gone into specific details at that time or just?

Collins: I don't believe so, no sir, I don't know.

Roberts: Okay. Thanks.

Unknown: (whispering)…water, some Kleenex

Roberts: Which one do you wanna start with, uh…

Rosenquist: McDowell one and two.

Roberts: So, so we're gonna start here with, uh, uh, video that for our reference for later it's titled Cellphone from Ms. McDowell Part 1 or 1 of 2. To put this in a timeframe, this is at approximately 23:21 hours and 46 seconds and I will let this play and I will, uh, uh, let it loop through, it's a very quick video, um, and I can certainly slow it down if you need to move closer I'll try to get it as large as I can, so…

Collins: Kay.

Roberts: …with all these, i-, it starts in the play mode right away so bear with me. I'm just

gonna pause it there and I'll go back to the beginning and then let me go the full screen. I-, if it tur-, helps turning off the lights we can certainly do that um, so this is cell phone video again from a vehicle, uh, that's behind you and uh, a-, at this point are you able to narrate what's ou-, what's, what's being seen there?

Collins: Well, can you play it and then, then…

Roberts: You want me to play it first?

Collins: Yeah.

Roberts: Okay. Let me mute it initially cause I don't think that there's much that we need to hear.

(extended silence) 49:14 – 50:18

Roberts: So, so I think what John and I are after more than, uh, uh, anything here, let me pause that and go back to the beginning. Um, let me do this real quick, let me slow it down a speed here. So, as I play it a little slower, this is you, correct?

Collins: Yes.

Roberts: And, let me back it up to see where you come from. This would be you.

Collins: Yep.

Roberts: And somehow now you are behind, uh, Mr. Ellis and Burbank…

Collins: Yeah.

Roberts: ….any, any, h-, how do you get behind them? Is that, is that what portion of that encounter are y-, are we at here?

Collins: So that's gotta be after I was thrown and then he and Burbank were engaged and then I came back.

Roberts: Kay and let me, let me just play that through now and I'll just play the first, I think it's the first ten seconds or so where, before it goes to the center console so. And then Burbank steps away.

Collins: Yep, and then I got in the mounted position on top of him.

Roberts: John?

Rosenquist: And just confirming, when this video starts, Ellis had already engaged you once with the, essentially the, the, almost the body slam in front of the car…

Collins: Mm-hm.

Rosenquist: …and with Burbank?

Collins: Yes.

Rosenquist: Okay.

Roberts: A-, and he never makes it to that sidewalk?

Collins: Uh, no, he did not. Yeah so that would be after he's come to the window, he started punching the window, I go to him, he throws me back, then him and Burbank have a scuffle and then I get re-engaged, so that's starting at that, I guess my second engagement of him.

Roberts: John, anything?

Rosenquist: No.

Betts: It's not crystal clear, but, uh, Sarge do you, Sergeant Roberts you said that Burbank steps away and to me it looks more like, uh…

Roberts: He's thrown away?

Betts: …Ellis is kicked, uh, Ellis kicks Burbank out of scene, this, a minor discrepancy there, but, and I'm not an expert on the video but it, uh…

Rosenquist: Somehow distance is created between Ellis…

Betts: Yeah.

Rosenquist: …and Burbank.

Betts: And Ellis' legs appear to be up near Burbank…

Rosenquist: Extended out towards him.

Betts: …correct.

Roberts: Right.

Betts: Right.

Roberts: A-, and the reason we know it's, who's who there, is because Burbank when he comes back into the scene, he's now armed with his tasers out, so, um, anything else on this? Anything else Matt?

Collins: No sir.

Roberts: So, we'll go to McDowell, uh, uh, and again this is gonna be the, her second video, uh, and this is cell phone video from Ms. McDowell, part two, and this would be at 23:22:30 seconds. Um, as she's, had maneuvered around your vehicle westbound and, uh, is now passing, uh, the engagement so…

Collins: Kay.

Roberts: …again, bear with me as I start this up. Uh, it starts in the run mode b-, and, and, uh, I wanna get the full screen.

(extended silence) 54:10 – 54:48

Roberts: And again, that's, that's a rather quick video, I will stop it, go back to the beginning. I will unmute it here because there is some, some vocabulary or some, some conversation that, uh, we wanna discuss here.

(Video audio begins, not transcribed in this document) 55:04 – 55:20

Roberts: So, is Ellis controlled at that point?

Collins: No. No, cause I'm telling him to put his hands behind his back, so.

Roberts: And, and there's several times that you're telling him to put his hands behind his…

Collins: Mm-hm.

Roberts: …back.

Collins: Mm-hm.

(Video audio begins again, not transcribed in this document) 55:37 – 55:56

Roberts: John?

Rosenquist: When the car is driving around, somebody says something to the effect of, "You're

going to get it again." Do you know what context that's said in?

Collins: Um, I imagine he's maybe saying about the taser, but that would just be a guess.

Rosenquist: Okay.

Collins: Maybe get another ride…

Rosenquist: Okay.

Collins: …so the probes are in 'em.

Roberts: And you're thinking that's Burbank?

Collins: Yes.

Roberts: That say's you're gonna get it again?

Collins: Yeah, I had, I didn't have my taser out, so.

Rosenquist: I don't have anything else on this video.

Roberts: Kay. Henry?

Betts: Nothing.

Ausserer: No, thank you.

Roberts: So, different perspective of, uh, and this next video will be, uh, from the south looking north and it is, uh, real close in that proximity in time to where that vehicle is passing you and, and that encounter where you and, uh, Burbank are over Ellis, telling him to put his hands behind his back and this one is uh, uh, a cell phone video from Mr. Cowden and this would be at 23:21 and 56 seconds.

Collins: Kay.

Rosenquist: You'll actually see the video, in this video the car that drove past. And there's no sound on this.

(extended silence) 57:32 – 58:29

Roberts: And that would be the passing cars that we, that took the, the initial video that we saw.

Collins: Mm-hm.

Roberts: So, this shows some of your application or that attempted application of that LVNR, so let me, uh, slow it down a little bit.

(extended silence) 58:47 – 58:57

Roberts: And Matt, if you wanna explain anything?

(extended silence) 59:00 – 59:04

Collins: So, it looked like he was trying to get back up towards Burbank and then

(extended silence) 59:08 – 59:13

Collins: Burbank's got his taser out, you can see the wires there, I would be swiping the wires.

Roberts: And when you're saying, "He's swiping the wires," we're talking about Ellis?

Collins: That's when I felt, that's when I felt him lock up when I released and I switched to his arm.

Roberts: When you released the LVNR, it, but it's the taser that's having the effect?

Collins: Yes.

Roberts: A-, and let me pause it real quick, you, you s-, talk about swiping the wires, what's your concern there?

Collins: So, if someone, some people that have dealt with police a lot when you tase them, they'll just swipe the wires, like this, and they just rip the taser probes right out, make them ineffective.

(extended silence) 1:00:04 – 1:00:16

Roberts: And again, looking at this, there's still a level of resistance that…

Collins: Oh yeah. Yeah, he was, it was still taking everything we had to hold him to the ground.

Roberts: And he's not handcuffed?

Collins: It doesn't, no, no cause once we got him handcuffed I switched to his legs, I'm pretty sure.

Rosenquist: Matt, where were you positioning your knee at times? Was it on the back of Ellis' neck?

Collins: No.

Rosenquist: The back? Do you recall where?

Collins: You want to try and center it on, on their back, or in between their shoulder blades to keep, keep them from leveraging up. The head actually really doesn't really do anything for you, so I, I never do that. Cause that gives you all your leverage in your hips to stand up. If your heads down, it doesn't do anything. Appears to me like Ellis is swiping the wires right there.

(extended silence) 01:01:04 – 01:01:30

Collins: Looks like my knee is in his shou-, in his what would be his, I guess, left shoulder, cause I'm trying to just completely go for that arm cause Burbank's got the other one.

(extended silence) 01:01:39 – 01:01:43

Roberts: And again his resistance kind of throws Burbank off, off of him.

Collins: Yeah. I remember being amazed by how strong his movements were just kinda shucking us off as we were trying to hold him down.

01:02:00 – 01:02:10

Rosenquist: Alright, anything else from the video?

Unknown: Nope.

Unknown: (whispering)…the lights.

Roberts: We still good, do we need a break?

Unknown: We're good.

Unknown: Good.

Unknown: Good to go.

Roberts: So, the last video is a, a merged, uh, uh, cell phone video or not cell phone video,

doorbell ring video, it's called it's Vivint, the Vivint Ring video if you'll, you'll hear it talked about. Uh, and this is a copy that's been merged together. It's taken several 30 second blurbs, if you will, or, or files and they've been, uh, uh, s-, strung together. Uh, and, uh, this one is called Vivint Doorbell Videos, all merged and this starts at about 23:21 and 47 seconds. So, a second after, uh, the cell phone video that, uh, uh, cell phone video one from McDowell. And in the merged file that I'll open up here, uh, it's been merged from prior to the encounter. So there's about 30 seconds of nothing that we're interested in so I'll have to zip forward and then the encounter is just there. So it's just the limitations of the system didn't capture everything, just that there's an encounter, uh, or vehicles in front of it. So, just to put that in perspective when you open up the file. And bear with me, again, and pause them. Let me start and I'm gonna zip forward to about the 29 second because again the files are roughly 30 seconds. So, it's gonna start. Again, this is your vehicle with the hazards on…

Collins: Oh, okay.

Roberts: …right here. This would be that vehicle behind you, uh, that took the first cell phone video that we watched, the McDowell video and this would be significant other of McDowell, so they are acquaintances here. Uh, and I will have the video on, the audio on, because there's some things audio wise we wanna listen to and get ya, uh, uh, your narrative on. So, initially, let me just play, y-, y-, you don't see any of your encounter. It's pixelated so we, we're not able to see that, so, let me just run it. I, I'll run it for about two minutes and 18 sec-. Do we wanna show the transcription? Do we have the transcription?

Rosenquist: No. Do we wanna go off tape real quick and go grab it?

Roberts: Um, it, it may help.

Rosenquist: Okay, help.

Roberts: Let's, let's do that. Let's take a break before we get into this one and we…

Unknown: Okay.

Unknown: Okay.

Roberts: We'll go grab the transcription to…

Rosenquist: This is Sergeant Rosenquist. It is 1600 and we are going off tape.

Rosenquist: It. This is Sergeant Rosenquist. It is 1604 hours. We are back on tape. Officer Collins, um, confirm this interview is still being recorded with your permission?

Collins: It is.

Rosenquist: Alright. Uh, we put a transcript, uh, in front of you and this is a transcript of what it can be heard on the merged Vivint video that Sergeant Roberts described earlier.

Roberts: And, and just so you're aware, this is a transcription that the Internal Affairs office has put together, uh, based on a State Patrol video that they, that they produced…

Collins: Okay.

Roberts: …or merged together, so, uh, it's difficult to follow. The transcription may help a little bit but there's a lot of yelling and screaming, uh, and not necessarily from the encounter itself, the encounter between the police and Ellis but between, uh, uh, Ms. McDowell and Mr. Lowery in the following vehicles, so…

Collins: Mm-kay.

Roberts: …l-, let's just run it through real quick and, and play it and listen to the (unintelligible), unfortunately volume has to go very high and uh, so, we'll just play it and again this is from about the 30 second mark.

(Video audio begins, not transcribed in this document) 01:06:41 – 01:08:50

Roberts: And I'll end it there at about the, uh, 2:36 mark or so. So, couple things we're interested in. Um, at about the 1:16 mark, and I'll go back to it. I want you to pay attention to what's being said here, and I, I maybe you can put it in context, maybe you can recall who's saying it…

Collins: Mm-hm.

Roberts: …and it's on that, uh, uh, sheet it would be, uh, uh, it's the, the, the, it's a growl and "try again." It should have a time next to it two sic-, one, 1:16.

Collins: Mm.

Rosenquist: Uh, let's just play it and…

Roberts: Okay.

Rosenquist: …listen to it and see.

Collins: Okay, I gotcha.

(Video audio begins, not transcribed in this document) 01:09:56 – 01:10:06

Roberts: I can go back?

Collins: No I, what, what do you, what're you asking me?

Rosenquist: Do we know who said that?

Collins: What it said, "Go around them?"

Roberts: No, no.

Rosenquist: No. The growl, "…try again?'

(Video audio begins, not transcribed in this document) 01:10:23 – 01:10:29

Collins: I don't know. I don't know.

Rosenquist: Okay.

Roberts: And so the, the next thing we're after is that, about the two minute mark and, uh, you're gonna hear a, a soft-spoken voice, um, uh, you're gonna hear what I believe is Burbank, uh, speaking with a witness, Shad Hayes, who is, uh, here in his vide-, her in the video, uh, out on the sidewalk and Shad Hayes is the one that's saying, "Hey, you guys need help?" Uh, and Burbank responds to him, "No, we got people coming," or whatever the, uh, the, the…

Unknown: Kay.

Roberts: …the transcription says there and, and I believe it to be Burbank that says that only because he mentions that in his statement with the County. What we're listening for

here is, it appears to be Ellis saying he can't breathe and somebody saying, "Shut the fuck up, man." So let me play that, and I think it's up loud enough where we should be able to hear.

Rosenquist: Hope so, it's not getting any louder.

(Video audio begins, not transcribed in this document) 01:12:03 – 01:12:19

Roberts: Any, any idea who's saying it?

Collins: So, what I'm hearing is not that he's saying, he's saying something else, I don't hear, "I can't breathe," right there.

Roberts: Play it one more time.

(Video audio begins, not transcribed in this document)

Collins: I mean, it sounds like they're just talking. I will tell you if, I, I've ridden with Burbank for awhile, and known him for a long time, I don't think I've ever jus- heard him, heard him say the "F" word. So, if it was somebody, it was probably me. I don't recall saying that, but from that video, I do not hear him saying, "I can't breathe," and me telling him to, "Shut the F up," uh, but I hear some mumbling.

Roberts: Okay. John?

Rosenquist: Can we go back, um,..

Roberts: Yep.

Rosenquist: …to the beginning and play it one more time?

Roberts: Uh, let me go to the 30 second…

Rosenquist: Yeah.

Roberts: …what happens is it, it like it, it's, the system, the, the recording system is just seeing motion and turns on so they took the first 30 seconds prior to that anything was captured and it has nothing to do with it so let me go to about 24 so y-…

(Video audio begins, not transcribed in this document) 01:13:43 -

Roberts: …it goes, you'll see. There's nothing there and all of a sudden something is there.

(Video audio playing, not transcribed in this document) – 01:15:06

Rosenquist: You can stop it.

Collins: Yeah, I hear the, I hear the point where he says, "I can't breathe," but the time from that to the time to, "Shut the F up," was not, it wasn't immediate, that was other stuff said it sounds like to me.

Roberts: Yeah, no, that was uh, uh, a separate e-, uh, a separate…

Collins: Okay.

Rosenquist: Yeah, and I wasn't, when I wanted to replay it one more time, I didn't, I wasn't trying to connect those two.

Collins: Okay.

Rosenquist: You have no recollection of hearing him say, "I can't breathe?"

Collins: I don't.

Rosenquist: Okay.

Roberts: Henry?

Betts: Nothing, nothing.

Ausserer: Thanks.

Rosenquist: So I know w-, we've covered a lot of stuff, um, is there anything else that you think we should be aware of that we haven't asked you about or that you haven't discussed with us?

Collins: Nothing from my end sir. No…

Rosenquist: Okay.

Collins: …I've.

Rosenquist: So, i-, with you're, probably with control tactics and you talked about working on the LVNR policy that was, that was kind of in process, um, do you believe you have a pretty good understanding of the Department's use of force policy?

Collins: I do, at least before it was changed, yes.

Rosenquist: Let me rephrase. You had a good understanding of the use of force policy that was in place when this incident occurred on March 3rd 20 of 20?

Collins: Yes sir.

Rosenquist: Based on your knowledge of the use of force policy, do you believe you violated the Department's use of force policy?

Collins: Absolutely not.

Rosenquist: And you don't specifically recall telling Ellis to, "Shut the fuck up?"

Collins: I don't.

Rosenquist: Okay.

Collins: But like I said, if it's between Shane and I, uh, um, I don't h-, think I've ever heard Shane say the F word.

Rosenquist: Kay. Would that be a violation of the Department's courtesy policy, if that was said?

Collins: It would be.

Rosenquist: Did you observe anything during the incident that indicated anybody violated any policies at all.

Collins: Mm, not if, besides my swearing, sir.

Rosenquist: Kay. I don't have anything else.

Roberts: I have nothing else.

Betts: Have you ever had the occasion in which policies have exceptions to 'em for things like when you're in dramatic fights for things like courtesy?

Collins: Um, I would hope that he would use common sense to know that if you're in a life and death fight, that things are said, but I mean the policy I understand is, that's what it's for.

Unknown: Okay.

Rosenquist: Matt, do you have anything else?

Collins: No sir.

Ausserer: Nothing.

Rosenquist: Okay. This is Sergeant Rosenquist. It is 1616 and this is the end of the interview.

END OF INTERVIEW/ar

#1. Where did you observe Ellis contacting the vehicle/attempting to get into the vehicle?

#2. Where did Ellis arrive at the driver's side of the patrol car?

#3. Where were you when Ellis picked you up and threw you to the ground?

#4. Where were Burbank and Ellis when you observed them fighting?

Any additional locations on we should be aware of?

08/27/2021

TAB 63

INTERNAL AFFAIRS COMPELLED INTERVIEW

I/A CONTROL NUMBER: 21COM-0061, 21C0M-0069, 21COM-0071

Employee/Witness: Officer Christopher Burbank

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.

	08-31-2021
Employee	**Date**
483	8/31/21
Witness	**Date**
SGT CJ ROBERTS 5313	8/31/21
Witness	**Date**

Interview of Christopher Shane Burbank

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

August 31, 2021 – 1059 Hours

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

PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs; Detective Henry Betts, Representative, Tacoma Police Union – Local 6; Wayne Fricke, Attorney, Representing Officer Burbank, and Officer Christopher Shane Burbank

Rosenquist: Kay. We're on the air. This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of Officer Christopher Burbank. The date is August 31st 2021. Time is 1059 hours. Location is IA Office, Room 360, Police Headquarters. This is in reference to IA cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts; Detective Henry Betts, Vice President, Local 6, Officer Burbank, and Wayne Fricke, attorney representing Officer Burbank. Shane, are you aware this interview is being recorded?

Burbank: Yes.

Rosenquist: Is this interview being recorded with your permission?

Burbank: Yes.

Rosenquist: Did you read the Compelled Interview Form?

Burbank: I did.

Rosenquist: Do you understand the Compelled Interview Form?

Burbank: Yes.

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

Burbank: Yes.

Rosenquist: Okay. Uh, a couple kinda housekeeping issues, um, prior to the interview today, you were given a copy of your transcribed statement, uh, from your interview with Pierce County Sheriff's Department. Uh, do you have anything you want to add or clarify in regards to that statement?

Burbank: No.

Rosenquist: So the incident occurred on March 3rd 2020, your interview occurred, uh, three days late on March 6th. Between March 3rd and March 6, did you observe any videos and or photos related to your incident with Manuel Ellis?

Burbank: None at all, no.

Rosenquist: Kay. Understanding this happened 17 months ago now, um, obviously because of the court proceedings I'm sure that there's things that you've become aware of since you did your interview.

Burbank: Right.

Rosenquist: Um, so in, during the interview and answering questions, if you do bring something up that you learned after your interview with Pierce County, just clarify that that's where you learned that from.

Burbank: Okay.

Rosenquist: If that makes sense?

Burbank: Yeah, it does.

Rosenquist: Kay. So March 3rd 2020 you were partnered with Officer Collins. Your call sign was Henry 317?

Burbank: Yes.

Rosenquist: And you were using Officer Collins' patrol car that night?

Burbank: Yes.

Rosenquist: Kay. You're at 96th and Ainsworth. Describe your observations that led to your contact with Ellis.

Burbank: Um, we were stopped at the intersection. It was a red light intersection. Uh, we were at the very front at the, uh, stop bar. Um, waiting for the light to turn green. We were heading, what direction is that, west towards like Hosmer Street, I think that's westbound. Um, and there was a vehicle stopped at the intersection on Ainsworth

waiting to make a left, west turn onto 96th. Um, and right about the time it started to actually make that turn, um, a gentleman ran into the intersection, like stopped the vehicle from moving and then ran to the, uh, passenger side door and started like ripping at the door handle, trying to open the passenger door.

Rosenquist: And, did that vehicle eventually drive off? Did the subject get in the vehicle?

Burbank: Uh, he, he didn't get in. The vehicle kinda s-, just kinda kept going, trying to get away from him it looked like and then eventually just turned and then kept going on, uh, down, uh 96th Street westbound.

Rosenquist: In your statement, you described the vehicle as "speeding off." Um, did it drive off at a normal rate, did it drive off in a manner that might've led you to believe that it was trying to get away from the individual that was trying to open the door?

Burbank: I believe it was trying to get away from that person, like it didn't know that person. That was my impression at the time.

Rosenquist: Okay. So when Ellis starts approaching your patrol car, did he start for the patrol car before or after Collins had rolled down the window and kind of verbally connected with him?

Burbank: I, I don't remember that part. I just remember he started coming towards our vehicle.

Rosenquist: Can you describe him coming towards the patrol car?

Burbank: Yeah. Uh, he was kind of quick, I don't know if it was at a run, um, or like a jog, but it was like quickly coming towards our car. He was trying to close that distance quick.

Rosenquist: And how close did he come to the patrol car?

Burbank: Um, from what I recall, he came straight up to the pa-, uh, the driver's door where Collins was. Like right up onto the window.

Rosenquist: Did you observe i-, if Ellis had anything in his hand anything in his hands when he approached the patrol car?

Burbank: Um, he was carrying some type of bag. I'm not sure what was in there. I think it was a plastic bag and I think maybe some water or something. Like a jug of water.

Rosenquist: Okay. What was the conversation between Collins and Ellis?

Burbank: Um, it just, I remember Ellis was like very, trying to think of the right word is, just it, hyper aware…

Rosenquist: You can re-, you can…

Burbank: Okay.

Rosenquist: … refer to your statement…

Burbank: Okay.

Rosenquist: …during the interview if you need to. I…

Burbank: Yeah.

Rosenquist: …shoulda mentioned that earlier. Sorry.

Burbank: Yeah, right here, in, in my, uh, interview I st-, I used the term "hyper vigilant." He w-, he was like that, kind of almost like pacing back and forth and kind of like darting his eyes around looking around.

Rosenquist: Okay.

Burbank: And, um, he extremely sweaty and he said something about he had warrants and needed help. And was just kind of, uh, very hyper vigilant.

Rosenquist: And this is while he was at the driver's door?

Burbank: That was at the driver's door, yes.

Rosenquist: Were you concerned, based on your observations? Were there any kind of alarms or warning bells going off?

Burbank: Oh yeah, its, that wasn't normal behavior I didn't felt like he was in a intersection, trying to open a car door, um, and then he was sweating. I remember it was cold that night, uh, sweating profusely, and then most people don't run up to our cars, in my experience, and say, "I have warrants."

Rosenquist: Okay.

Burbank: It's just not a common occurrence in my experience.

Rosenquist: Okay. At that point in the contact, um, where did you feel you were at, uh, like reasonable suspicion where you need to just stop and detain Ellis or were you community caretaking function because he was asking for help?

Burbank: I think at that point I f-, not sure, I think at that point it was more of community caretaking 'cause I don't know if he has warrants or not. That's not, but, you can tell me you have warrants, that don't mean anything, I don't even know who you are, um, but something wasn't right. Just the fact that he was in the intersection stopping traffic and then approaching our car in that sweaty manner and just, it just didn't seem right.

Rosenquist: Okay. So Officer Collins directed Ellis over to the sidewalk. Did Ellis ever make it to the sidewalk?

Burbank: No.

Rosenquist: So Ellis begins walking around the front of the patrol car?

Burbank: Yes.

Rosenquist: Go ahead and walk us through what happened next.

Burbank: So as he's walking around the front of the patrol car, instead of going directly to the sidewalk, he kind of focuses in on me and comes directly to my passenger side window. Um, I put the window down slightly so I could tell him, "Hey, go to the sidewalk so we can pull over and help you. We're stopped in the roadway, can you just go the sidewalk and we'll, we'll get out and help you." Uh, he said something to the effect of, um, "It's really hot. I just need to cool down. I need to sit down for a few days," and then immediately says, "I'm gonna punch you in the fuckin' face," out of nowhere and he starts to rear back and hit the, so I start put the window up really quick and he starts striking the, uh, the window I'm at several times with his

fists. What I thought to be as hard as he could.

Rosenquist: Do you recall how many times he struck it?

Burbank: Um, I think I said in my statement, let's see, I said in the statement probably two or three times. It was at least two or three times. It was several times very hard.

Rosenquist: Did he strike the window or did he strike, um, the frame around the window?

Burbank: I believe it was the window, um, actually I'm certain it was the window.

Rosenquist: And when you said it was down slightly, uh, halfway, not quite halfway?

Burbank: Um, I can't recall exactly but I know I didn't put it all the way down. I would never let someone approach my car window and put my window all the way down.

Rosenquist: Okay. Was the window all the way up when it was struck or was it still going up?

Burbank: Um, I don't re-…

Rosenquist: If you recall.

Burbank: …I don't recall.

Rosenquist: Okay. Gary.

Roberts: Yeah, uh, have you given any other interviews since your, uh, March 6th 2000 interview with the County?

Burbank: Not at all.

Roberts: Ha-, have you seen any videos since then?

Burbank: I have seen, um, small clips of videos probably last summer, um, but…

Roberts: But…

Burbank: …other than that…

Roberts: … just through media?

Burbank: …media, media, yeah.

Roberts: And, when you and, and Officer Collins initially see Ellis in the middle of the intersection there and the car drives away,…

Burbank: Mm-hm.

Roberts: …does Officer Collins call Ellis over, does he say anything while Ellis is still out in the middle of the intersection?

Burbank: I don't remember if he did or not. I can't recall if he did.

Roberts: Thank you.

Rosenquist: E-, earlier you mentioned that, um, Ellis was carrying a jug of water and like a grocery sack,…

Burbank: Mm-hm.

Rosenquist: …what did he do with those items prior to striking the patrol car.

Burbank: I don't recall exactly, but I believe he actually dropped them on the ground. From what I recall, he had a empty closed fist when he was striking the windows, I don't think anything was actually in his hand.

Rosenquist: Did he ever throw anything at the patrol car?

Burbank: Not that I'm aware of, no.

Rosenquist: Okay. So earlier I asked you kinda where you were at in the con-, contact with Ellis when he was at the driver's side. Reasonable suspicion where you were gonna stop and detain him, community caretaking, um, and you indicated at that point you thought it was more of a community caretaking contact. Did that change once…

Burbank: Oh…

Rosenquist: …the threat was and he punched the window?

Burbank: …yes. Then he was attempting to assault me at that point and needed to be detained.

Rosenquist: So, are you at the reasonable suspicion or are you probable cause at this point?

Burbank: At that point I'm, I have probable cause that he is attack-, he's, he's made the verbal threat to assault me and he's, uh, actively attempting to assault me at that point.

Rosenquist: Okay. So, he makes the threat, he punches the window, what happens next?

Burbank: Um, after he had struck the window a couple times, it didn't break, um, he immediately went to grab the door handle and, I can't remember if the door was, I'm

pretty sure I reached down and made sure the door was locked real quick and I just started holding onto the door so he didn't rip, try to rip the door open 'cause he, after he got ahold of the door handle he started actually trying to pull the door open.

Rosenquist: And, obviously, you mentioned in your statement that you felt he was a threat towards you if he would have been able to get the door open?

Burbank: Oh yes. A hundred percent because I was seated in the patrol car with a seatbelt on, I'm right handed, um, and I can't defend myself sitting in the patrol car with my left hand.

Rosenquist: Gary?

Roberts: Are, are you observing anything that Officer Collins is doing at this time?

Burbank: No. At that point my whole concern was jus-, I had all my attention holding that door.

Rosenquist: So the door's locked, he's not able to get in, what happens next?

Burbank: Um, the next thing I'm aware of, Officer Collins had went ar-, had exited the vehicle and went around the front of the vehicle and had made some type of verbal contact with him that got his attention, 'cause he kind of lost his focus on the door and focused back towards the front of the vehicle where Officer Collins was.

Rosenquist: Did you see any physical contact between Officer Collins and Ellis at that point?

Burbank: No, not at all.

Rosenquist: So Ellis focuses on Collins…

Burbank: Mm-hm.

Rosenquist: …and in your statement you indicated that you opened the door to just strike Ellis and divert, I believe you did describe, to divert his attention away from Collins?

Burbank: Right, because he had, he had turned to f-, I remember he had, when he lost focus to the door he had turned to actually focus on Collins and kinda squared up like he was ready to fight him at that point. I knew that I needed to get out of the vehicle with

him standing at the vehicle so I had to push the door open which also would cause him to, I guess, kind of lose that focus on Collins for a second.

Rosenquist: Okay. So you said "squared up"…

Burbank: Right.

Rosenquist: …um, any other indicators that you observed on Ellis?

Burbank: Not that I recall. I don't recall hearing him say anything 'cause I know the window was up, the door was still shut but just that focus on Collins that he had squared up like he was ready to fight him.

Rosenquist: So, based on our Department's use of force policy, where would you put Ellis at right now in the continuum?

Burbank: He was at assaultive behavior at that point.

Rosenquist: Okay. So, you hit Ellis with the door. Did Ellis fall to the ground, did he go down to a knee? How did he react to that?

Burbank: He didn't go to the ground, I know he did not go to the ground. I don't even think he went to a knee. I think he just kind of more bumped off of it and then I was able to get out of the door.

Rosenquist: Okay.

Burbank: I don't think it was that effective at all actually.

Rosenquist: And do you recall where Officer Collins was when that door check occurred?

Burbank: He was still a the front of the vehicle as I, I don't know though. 'Cause that was, I didn't see him, uh, eh, at that moment.

Rosenquist: Okay. So the door check occurs…

Burbank: Mm-hm.

Rosenquist: …you were able to exit the patrol car…

Burbank: Yes.

Rosenquist: …what happens next?

Burbank: Um, I start to exit the vehicle and I realize the car is still running so I reached back in and actually physically lock the doors cause we had the vehicle running with a rifle in there and another rifle in the back so I didn't want the, um, Ellis to get I guess access to anything in the vehicle.

Rosenquist: And once you completed that, what did you observe?

Burbank: Um, by that time, check my report real quick, as though they were, they were in some type of physical contact at the f-, kinda the front of the vehicle around the like, I guess, the front right passengers, or the front right tire, or the front right headlight.

Rosenquist: Okay. S-, I'm gonna, this is from page six of your statement, um, "Once I'm able to get the door locked and exit, I'm not exactly sure, I don't recall if Officer Collins and the suspect were already on the ground or I know they were in some type of contact with each other. Kind of wrestling around and I'm not, I don't recall if they were still up on their feet but they were already on the ground." So, can you clarify that? Were, were they on their feet, were they on the ground? Do you recall?

Burbank: I don't recall, it was such a tangled mess, ag-, it was just like they were in physical contact with each other. It was, I don't recall them being clean on the ground but I don't recall them being on their feet at the same time. It was just like them together in front of the ve-, like at the, the corner of the vehicle.

Rosenquist: Okay. How did they disengage from each other?

Burbank: I know that, what I do recall was Officer Collins was, kinda had Ellis like wrapped up, trying to pull him to the ground at one point and Ellis was just striking, like Collins repeatedly with just like both hands while Officer Collins was trying to like pull him to the ground.

Rosenquist: So were they face to face at this point?

Burbank: I don't recall, I believe they were face to face 'cause I know Ellis' back was kind of against the vehicle and so Collins couldn't have been behind him so he was either off

kind of to his side or to his front.

Rosenquist: Okay. Okay. Um, real quick, I'm gonna show you what this is, this is a, a forensics image that Pierce County completed during their investigation and, um, there's some spots here that I want you to circle and number on the map, um, I, I think we're, ya know, we've gotten to number four where you first, well, uh, that's gonna be where you made contact but, um, ya know, I just number one where you first saw Ellis trying to contact the vehicle…

Burbank: Kay.

Rosenquist: …number two, um, mark where he was on the driver's side of the patrol car, and then number three and four, just so we're all on the same page…

Burbank: Just circle and then, then…

Rosenquist: …yeah,

Burbank: …number it…

Rosenquist: …yeah, just…

Burbank: Okay.

Rosenquist: … yeah, just put a circle and number it.

Burbank: Alright, I would say, roughly the first one is right, I mean, without that vehicle there to have in complete contact it would be probably in this area, right here at the intersection as the vehicle is trying to make this turn…

Rosenquist: Okay.

Burbank: …for number one, it's not completely accurate but in that general area. And then at the, he was directly at the driver's side of the window…

Rosenquist: Okay.

Burbank: …for number two. If you can read that, number two…

Rosenquist: Yeah.

Burbank: …number three, I would estimate somewhere right here, just around that front right

tire, front right headlight area…

Rosenquist: Kay.

Burbank: …for their, their contact. And right there at number four is when I first, or number three number and number four would be the exact same place.

Rosenquist: Okay.

Burbank: So I'll just write a four next to it…

Rosenquist: Okay.

Burbank: …is where I made initial contact with Ellis as well.

Rosenquist: Okay. And if you just want to sign and date it real quick…

Burbank: Yes.

Rosenquist: …then you'll be done with that. So real quick, based off of this, between your number one and number two, Ellis had to cover a pretty significant distance to get to the patrol car. How far do you think that was?

Burbank: Um, without seeing the intersection I'd, thirty, forty feet out. I really don't know. I can't estimate it without seeing that intersection. It's been quite a while since I've been through there.

Rosenquist: Okay. So you're seeing the confrontation between Collins and Ellis, they're face to face, and you describe Officer Collins as trying to wrap Ellis up?

Burbank: That's what I, I recall, yeah. He was like mainly trying to pull him to the ground.

Rosenquist: And then, how did they disengage? I know I already asked you that but, how did they break up?

Burbank: It, when I saw, um, Officer Collins struggling to pull Ellis to the ground and Ellis just striking him repeatedly.

Rosenquist: Where was he hitting Collins at?

Burbank: He k-, kind of everywhere it looked like. He was just like wild strikes. I'm not sure if anything was connecting good, I just know that he was swinging pretty much what

I'd remember is fast and as hard as he could at Collins. Um, and I do recall Collins trying to reach for the radio and saying "fighting." I remember him saying that and I thought he was trying to get out on the radio and said "fighting." And it was around that area and that around that time, um, at that point I started trying to pull Ellis off of Collins and I also started striking at Ellis.

Rosenquist: Where were you striking Ellis at?

Burbank: Just anywhere I could. Um, he was throwing wild strikes, I was trying not to get struck as well, um, I can't remember if I put it in my report, for my, uh, first interview. Yeah, is said I was just delivering strikes to his body. Just anywhere that I could strike at that point.

Rosenquist: Do you recall what you were striking him with?

Burbank: Just my fist.

Rosenquist: Okay.

Burbank: Yeah, my…

Rosenquist: So i-…

Burbank: …my, my impact tool was actually in the, uh, vehicle. I have a straight baton that was in the vehicle…

Rosenquist: Okay.

Burbank: …um, and I was just using a closed right fist.

Rosenquist: Okay. Gary?

Roberts: There's a moment of time where you're not, uh, where you're moving to lock the car. You're not observing Collins and Ellis…

Burbank: Correct…

Roberts: …correct?

Burbank: … I don't, I don't, I did not see their initial first contact with each other. I don't know how that happened. I just know that it happened after I had struck Ellis with

the car.

Roberts: Thanks.

Rosenquist: So you're striking Ellis. Is Officer Collins striking him as well or did they separate?

Burbank: I don't know if he's striking him, um, cause I believe at that point he was still just mainly just kinda trying to maintain or pull him to the ground, um, and that's when I started striking at Ellis trying to break him off of, uh, Collins, um, once I started striking at Ellis it kinda looked like he had lost focus on and then kinda focused on me. He like directed his attention to me, is what I'd describe it as.

Rosenquist: Okay, so just continue the confrontation.

Burbank: Um, once he kind of focused on me, I re-, well I realized my strikes weren't being effective. This guy seemed very strong, nothing was working strike wise on this guy, um, I was gonna try to deploy my taser see if that had any effect but I knew I couldn't deploy it right there 'cause y-, we were right on top of each other. So I actually turned and try to break and get some distance between myself and Ellis to actually draw my taser out so I could get a shot off on him and have some type of spread with the probes, um, I ran I'd estimate probably 10 to maybe 15 feet away from the vehicle, like into the intersection trying to get that distance so I could get my taser out. Um, thinking maybe, "alright if he breaks off of Collins and he takes off, he takes off," um, but as I got the intersection it kinda turned over my, my shoulder he was right on top of me, Ellis was physically chasing me into the street.

Unknown: (coughing)

Burbank: And he was right on top of me.

Rosenquist: And what happened then?

Burbank: Um, we came into contact and I tried to kinda turn and defend myself, think I may have tried to strike at him but he was right on top of me and struck me and I went to the ground.

Rosenquist: When this occurred, do you remember where Officer Collins was at?

Burbank: No. I, I assume he was still probably around the front of the vehicle but I'm not sure.

Rosenquist: Okay.

Burbank: 'Cause my focus was trying to get Ellis off of him and then trying to get that distance and to get my taser out.

Rosenquist: So you and Ellis reengage…

Burbank: Mm-hm.

Rosenquist: …at that point, you're striking him again?

Burbank: I think. I don't know if I'm striking him but I'm trying to just defend myself at this point. I'm just kinda turned and just like, he's just right on top of me.

Rosenquist: And was he striking you?

Burbank: Yes.

Rosenquist: Where w-…

Burbank: He's like…

Rosenquist: …where was…

Burbank: …he was like…

Rosenquist: …where was he?

Burbank: …like kinda like flailing right on top of me.

Rosenquist: Where was his hitting you at?

Burbank: Anywhere he could.

Rosenquist: Where were you hit?

Burbank: Um, I don't recall exactly, need to, if I just stated in the interview. Said he was just kinda swinging wildly but he, I distinctly remember getting hit one time in the face. Like in the mouth area at that point.

Rosenquist: Okay. So you and Ellis are face to face at this point?

Burbank: I wouldn't even say, well we were face to face but it was not like on our feet, it was

like…

(banging sound)

Burbank: …contact and then I was on the ground.

Rosenquist: Okay. Did Ellis ever get on top of you or were you able to get back up?

Burbank: No, he did not get on top of me.

Rosenquist: And did Collins reengage then?

Burbank: Um, when I w-, got back up and kind of got my bearings, um, cause I'd went to the ground, Collins, I believe Collins was on top of Ellis at that time, I'm not exactly sure if Ellis went to the ground when he struck, when we came into contact, or if Collins took him to the ground.

Rosenquist: What was their position at that point?

Burbank: Um, from what I recall, Ellis was on his back and, uh, Collins was kind of on top him, mounted and like striking him.

Rosenquist: Do you recall what he was being s-, what he was using to strike him?

Burbank: I believe it was, uh, his right forearm or maybe his elbow.

Rosenquist: Do you remember how many times?

Burbank: Uh, several. I'm not sure. I don't recall the exact number.

Rosenquist: Okay.

Burbank: There were several strikes.

Rosenquist: Okay.

Roberts: D-, do you have your taser out at this point?

Burbank: No, I don't believe I never even got it out, I don't believe. But I don't, I don't recall. I don't think I had time to d-, to deploy it yet.

Roberts: Thanks.

Rosenquist: And neither of you were able to get on, out on the radio at this point?

Burbank: Before that, Collins had tried to get on the radio, like I had said, he had said

"fighting." I remember him saying "fighting" like he would say on the radio. I don't know if he keyed out, I don't really know if he got ahold of it but the way he said it, it was like he was calling that on the radio, "fighting."

Rosenquist: Okay.

Burbank: Um, but at that point I had not been on the radio, no.

Rosenquist: Okay. So Collins is on top of Ellis, um, you described a mounted position, striking him…

Burbank: Right.

Rosenquist: …what happened after that?

Burbank: Um, take a look at this real quick, when he was striking, uh,…

Unknown: (clearing throat)

Burbank: … Ellis,…

Unknown: (clearing throat)

Burbank: …I came back in and actually tried to kinda grab his legs and maybe control his lower body as well 'cause I know he was flailing around…

Unknown: (clearing throat)

Burbank: …while…

Unknown: (clearing throat)

Burbank: …while, um, Collins was on top of him.

Rosenquist: And at this point Ellis is on his back?

Burbank: Yes.

Rosenquist: Was Ellis able to get up off the ground or partially off the ground?

Burbank: He eventually was, I, I do recall he was able to get, somehow he was to get off the ground, 'cause it, shortly after that, Officer Collins was actually behind Ellis at that point.

Rosenquist: Do you know how that transition occurred?

Burbank: Um, I don't recall off the top of my head. Let me look through this. I don't recall the exact transition but my interview I'd stated that he had just h-, he regained his footing and Officer Collins had got to his back. I don't…

Rosenquist: Okay.

Burbank: …recall it specifically.

Rosenquist: And one thing I kinda forgot to ask at the beginning of this is verbal commands. Are y-, are you or Collins giving Ellis any verbal commands?

Burbank: I know at some point I was telling him to put his hands behind his back trying to handcuff him, I, it was just so fast, I don't recall my exact commands at all…

Rosenquist: That's…

Burbank: … but I know there were verbal commands given during this.

Rosenquist: And, did Ellis respond to those at all?

Burbank: No, he was not responsive to anything. It was more just like a growling or like a aggressive scream from him the entire time.

Rosenquist: Okay. So Collins is able to get behind Ellis at this point?

Burbank: Yes.

Rosenquist: And you describe what you believe to be Collins doing an LVNR application?

Burbank: It looked like Collins was attempting to place an LVNR on Ellis, yes.

Rosenquist: And just for people that are gonna review this later, what's your understanding of what an LVNR is?

Burbank: Um, it just a, it's a neck restraint that, um, affects the blood flow to the brain that can momentarily, I guess, incapacitate someone so they can be handcuffed and, um, put under control.

Rosenquist: Did you see that result in your observations of Ellis?

Burbank: No, not at all. He still looked like he was trying to throw Matt off and, I, buck Collins off while he was attempting to apply this LVNR.

Rosenquist: And, is that when, was that you're first taser application at that point?

Burbank: Yes, um, I'd, I got to my feet during that time and was able to draw my taser, or had my taser, um, and when I finally had a shot, or like a good target presented to me at one point Ellis kind of opened up, I guess his torso area, that's when I deployed the taser.

Rosenquist: And what was the result of that application?

Burbank: It was effective. He immediately kinda like we got that, uh, incapacitation effect of, that we were looking for with the taser deployment.

Rosenquist: And, did you try to do anything with Ellis while he was under the effect of the taser?

Burbank: At that point Officer Collins had physical control of him. I assumed he was trying to get him over, I d-, I don't know, I just had the taser, uh, but it had stopped that, it had stopped like that im-, that assaultive, ya know, behavior that he was having, um, but as soon as that sec-, that uh, cycle was over, he had gained like that strength back I guess, there was, he was back to, ya know, kinda bucking and throwing Collins around.

Rosenquist: So did you, did you end the cycle on your own or did you do the, the full five second?

Burbank: I believe, I believe I did the full five sec-, second cycle. I don't recall…

Rosenquist: Okay.

Burbank: …ending the cycle early at all.

Rosenquist: Once the cycle ends, Ellis?

Burbank: He's kind of, he's like he, he's kind of regained that strength and starts to get to his feet again.

Rosenquist: And, that led to another application?

Burbank: Yes. I gave him a second application at w-, at which point Officer Collins, we were able to get him kind of on his stomach into more of a handcuffing position during the

application.

Rosenquist: And what was, Ellis is on his stomach, what was your position on Ellis at that point?

Burbank: I don't recall that point when I, 'cause when I deployed the taser that second time, I didn't have any physical contact with him but once he was in a like prone handcuffing position that's when I went to control like lowered his lower body. I kind of wrapped his legs up with my legs on the ground.

Rosenquist: And did Officer Collins have Ellis' upper body?

Burbank: I believe so, yes.

Rosenquist: Do you recall where, how Officer Collins was controlling Ellis' upper body?

Burbank: No, I don't. Let me look through my interview really quick. Uh, I'd stated that, um, I was focused on trying to pull his right arm out from under his body and Officer Collins was co-, trying to control his left arm. Cause at tha-, when he initially went to the ground, when we got him in that handcuffing position, he had went down with both arms directly under him, like pinned under his body.

Rosenquist: When this occurred did you ever see Officer Collins put a knee on Ellis' neck, on the back of Ellis' neck.

Burbank: No, not at all. Not, I was so focused on controlling his arms.

Rosenquist: Okay. So Ellis is on his stomach, he's got his hands tucked underneath him…

Burbank: Right.

Rosenquist: …you're still trying to handcuff him…

Burbank: Right.

Rosenquist: …what happens next?

Burbank: Um, he's, seems like he's got that, like I'd mentioned earlier, that strength like he was almost like, almost able to buck us both off of him trying to control him, um…

Rosenquist: How was he trying to buck you off?

Burbank: Well, I guess just kinda like throw his body backwards, does that make se-, if that

makes sense, kinda like a horse or somethin' I can't really…

Rosenquist: So, a word we've heard in a lot of these interviews is "a worm."

Burbank: Oh, that, that would make sense, yeah. Kind of, I guess, shift his body weight front to rear kind of that motion, I guess.

Rosenquist: Okay.

Burbank: Um, I know he was also trying to kick his legs cause I had, I recalled actually wrapping, trying to wrap his legs up with mi-, like kinda pin his legs between mine, I guess my thighs would be the.

Rosenquist: So, you described Ellis as kicking, was this, was he kicking to try to get away or was he targeting his kicks to assault you?

Burbank: They were just, they were wild flailing, Um, I don't think he was trying to get away at any point, um, the entire time that we were in contact with him, I never felt he was trying to evade us. My contact with, he w-, coming at me that initial contact after he'd broke away from Collins, I just, I don't think he was ever trying to get away. I think if anything he was trying to get to his feet to continue assaulting us.

Rosenquist: So do you think, was there ever an opportunity during your contact with Ellis where he had the opportunity to flee from you?

Burbank: Multiple times. Yes.

Rosenquist: Okay. So back to second taser application, Ellis is on his stomach, he's tucked in, you're still trying to handcuff him.

Burbank: Right.

Rosenquist: What happens next?

Burbank: I remember the, uh, the first we were able to get his left hand in a handcuff the quickest. That was the first handcuff we were able to get on a left hand. His right arm was still tucked un-, under him for a significant amount of time. Um, I end up, I know I deployed the taser again, trying to, uh, get that compliance, get that hand out

from under him.

Rosenquist: Eventually you were able to get Ellis into handcuffs?

Burbank: Yes.

Rosenquist: Were you and Officer Collins the only one there when the handcuffs were applied or at that time had anybody else arrived?

Burbank: No, as far as I re-, I was aware we were the only ones there. I don't recall anyone else being there when the handcuffs were applied.

Rosenquist: Okay, so Ellis is handcuffed, is he still on his stomach at this point?

Burbank: Yes.

Rosenquist: What is your position on him at that point?

Burbank: I am mo-, I'm still kinda that straddled around like I guess his butt, trying to pin his legs.

Rosenquist: And what's Officer Collins position?

Burbank: I, I don't recall at that point.

Rosenquist: And, did you maintain that position until other officers were on scene?

Burbank: I, I believe I did. The first officer I remember showing up on scene was, uh, Sergeant Lim, cause I remember we were facing south, we were kind of in the intersection facing south at that point, down towards, um, down Ainsworth Road. Um, and I remember the first car I recall was Sergeant Lim pulling up from, coming from west to east and him running over and I r-, I specifically remember him running up and trying to like grab Ellis almost like he didn't think he was handcuffed yet. Like him grabbing to try to force his hand behind his back to our handcuff, but I said, I remember saying, "No, he's cuffed," and I just kind of rolled off of him at that point.

Rosenquist: Okay. This is gonna sound like a weird question, but, how did you know it was Sergeant Lim?

Burbank: I just recall his silver SUV and car number. That's the first thing I remember seeing

cause I know he's, he was, uh, he's our supervisor, he had that same car since I've worked for him and I just remember his silver SUV pulling up and seeing the car number.

Rosenquist: Okay, any chance that it was a County Sergeant and not Sergeant Lim or are you positive it was Sergeant Lim?

Burbank: I'm, at the time I was pretty sure it was Sergeant Lim. That's the first person I remember…

Rosenquist: Okay.

Burbank: …having any contact with.

Rosenquist: Okay. Gary?

Roberts: C-, Could anybody have been with him?

Burbank: With, in Sergeant Lim's car?

Roberts: With Sergeant Lim when they came or when Sergeant Lim…

Burbank: Nobody woulda been in his vehicle but if someone arrived at the same time as him I don't know, but I, if they did I don't recall it, I just remember focusing, seeing Sergeant Lim and being glad that someone was there to help.

Roberts: Thanks.

Rosenquist: So at this point Ellis is still on his stomach?

Burbank: Um, when Sergeant Lim arrives? Yes.

Rosenquist: How did the hobble come into play?

Burbank: Um, he was, after being handcuffed, um, he was still violently kicking, uh, flailing around, kicking his legs, um, I think there was an officer, maybe two officers, I'm not sure who, I was actually still trying to control his legs at that point from kicking, um, someone had asked about a hobble. I'm not sure who. And I remember someone ran up and said they didn't have hobbles, someone had been looking for hobbles, they didn't have 'em, and I knew that we had hobbles in our car so I went and got the

hobbles out of our glove box and brought 'em back.

Rosenquist: So when you leave Ellis to go retrieve the hobble, who is left at the scene controlling Ellis?

Burbank: I, I don't know if his leg, um, like I said I remember Sergeant Lim, he was the first officer I remember being there, but I kind of got that relief from him for a second and got u-, ya know, left that contact with Ellis. The next thing I know there was numerous officers there. I'm not sure who all was there.

Rosenquist: Okay. You retrieved the hobble, you bring it back. Can you describe the application of it?

Burbank: Uh, yeah, we, um, I remember Sergeant Lim helping me control his legs so we could get the hobble wrapped around his ankles. Cause I, I r-, I specifically remember Sergeant Lim on the right side of Ellis hol-, trying to control his legs so we could get the hobbles wrapped around his ankles.

Rosenquist: So once the hobble is wrapped around his ankles, what ha-, how did you finish the hobbling process?

Burbank: Um, we, uh, re-, secured them to his handcuffs.

Rosenquist: So once the legs were secure, how much of the hobble to you have left. I mean, the way I've asked it in the past is, is the lead. How much do have coming from the ankles to the end of the hobble?

Burbank: I, I don't know, it's might be, I, I, I don't know. I, I couldn't give you a measurement.

Rosenquist: Okay the hobble's attached to the handcuffs…

Burbank: Yes.

Rosenquist: …what was the position of Ellis' legs at that point? Were they 90 degree angle, were they bent towards his, his back?

Burbank: Oh, oh, um, I, I, I get it. Um, I would estimate probably a 90 degree angle just kind

of like a, like just bent 90 degrees. That I know that the hobbles weren't pulled like tightly up, like h-, h-, up like ankles to his feet, uh, that wasn't…

Rosenquist: Okay, s-, so was he bowed at all?

Burbank: I don't recall his exact position. Cause it, once they were applied, I was kind of away.

Rosenquist: Okay. Okay. Gary?

Roberts: A-, and you mentioned, uh, ankle to his feet, did you mean ankle to his hands?

Burbank: Yeah, yeah, yes. Sorry. Ankle to hands.

Roberts: Are ya gonna get into training at all?

Rosenquist: You can.

Roberts: So, the hobble i-, that's in Officer Collins' vehicle…

Burbank: Mm-hm.

Roberts: …h-, is that issued to him? How, how…

Burbank: I believe it is, um, I just recall me and Officer Collins had been partners for several years, three maybe going on four years at this point and I remember that hobble being in his first issued patrol car of seven forty. Um, I always assumed it was a issued piece of equipment.

Roberts: Kay. H-, have you guys used it before?

Burbank: Um, yes, I've been at several scenes where hobbles have been used, yes.

Roberts: H-, have you been trained on the use of the hobble by the Department at all?

Burbank: Not that I recall, no.

Roberts: Thanks.

Rosenquist: Training, um, Sergeant Roberts asked you about Department, did you receive any training in applying a hobble at the academy?

Burbank: Not that I recall no.

Rosenquist: So just, you have no recollection of having any specific training related to a hobble

application at all?

Burbank: I can't remember any, no.

Rosenquist: Okay. So after Ellis is hobbled, um, you wrote in part that Ellis started to turn his head and tried to spit at officers?

Burbank: Yes.

Rosenquist: Can you explain that?

Burbank: Yeah, I remember he was still on his stomach and he was looking backwards trying to spit at officer that were around him. Like I said, there were several officers at that point, um, all ov-, all around and he was just trying to spit on officers.

Rosenquist: Did you observe any blood coming from Ellis' mouth at that point?

Burbank: No, not at that point, no.

Rosenquist: So, to the best of your knowledge, it was just saliva that he was…

Burbank: Yeah, I believe it was just saliva.

Rosenquist: Do you know who asked for the spit hood?

Burbank: No I don't recall. I re-, I do recall someone mentioned the spit hood and I went to our car to see if we had one, I looked through our car and we didn't have any.

Rosenquist: Do you recall who eventually put a spit hood on Ellis?

Burbank: No, I didn't find out until months later who actually did.

Rosenquist: Okay and that was, just so we're clear, this is kinda what we got into at the beginning of the interview…

Burbank: Right.

Rosenquist: …so you found out who put it on but it was after your interview?

Burbank: It was probably like December of last year that I found out, probably six months or more out.

Rosenquist: Okay. So let's, let's focus on what, on what you knew at the time….

Burbank: Okay.

Rosenquist: …you did your interview with County. At that, you did, you didn't recall who put it on at that time?

Burbank: No, I had no idea.

Rosenquist: Do you recall Ellis' position when it was put on him?

Burbank: Not when it was put on him, when it was put on him I wasn't present, um, after, after he was restrained with the hobbles, I was, there was so many officers, I was so smoked from that, uh, altercation with him I was kind of away from him for the majority of that time.

Rosenquist: S-, so once the hobble was applied, did you have any more contact with Ellis or were you pretty much done at that point?

Burbank: I remember one more contact, uh, several minutes later where he was in a, um, I guess a recovery position on his side and my, um, my hat that I was w-, my patrol hat I was actually wearing that night had came off, I didn't realize it, but it was under, had been under his body. When he was rolled over it was actually under his body, my patrol hat.

Rosenquist: Okay. Do you know how long he was on his stomach while handcuffed and hobbled before he was put in a recovery position?

Burbank: No, I have, I have no idea.

Rosenquist: Do you recall if he was ever placed back onto his stomach again?

Burbank: I don't know if he was, um, I do recall at one point when I found my hat, I said, "Make sure he stays in a recov-," I'd walked over and I said, whoever was tending to him I said, "Make sure he stays in a recovery positions or you can, it can help with position."

Rosenquist: When you went back to recover your hat, did you observe what Ellis' condition was?

Burbank: Um, he had the spit hood on and I think that's when I saw a little bit of blood like maybe in the spit mask and around his mouth, um, but he seemed to be just laying

there quietly, just looking around. I remember his eyes just kinda looking around, just laying there.

Rosenquist: So, responsive?

Burbank: From what I could tell, yeah. I didn't like engage with him but he appeared…

Rosenquist: Correct.

Burbank: …to be responsive, yes.

Rosenquist: And breathing?

Burbank: Appeared to be, yes.

Rosenquist: Okay.

Burbank: He didn't appear to be in any type of distress that I could see.

Rosenquist: Okay.

Roberts: Y-, you mentioned that, uh, uh, you were smoked?

Burbank: Yes.

Roberts: What's the term "smoked" mean?

Burbank: I was extremely just I was out of breath, I was out strength, that, that fight I estimate it last, I probably two to four minutes from start to finish and I was, I had nothing left in me to f-, I couldn't fight somebody else like that again right there, if that makes sense.

Roberts: Yes. And, and did you have any concerns at the time of the spit hood, uh, being applied? Did it seem appropriate?

Burbank: It, yes, it seemed appropriate, um, he was spitting at officers.

Rosenquist: In your statement there's a couple comments after the, the spit hood. You stated that "there's still several officers restraining the suspect." How were they restraining Ellis?

Burbank: Um, maybe the wording "restraining," they were just more with him, I don't think no one would be pinning him down, more just kind of controlling any movement he

had. I don't, I think restraining might not be the best word for that.

Rosenquist: Okay. You also said, "After I had been relieved, like I said, there were several officers kind of contained, restraining him and keeping him on the ground."

Burbank: Right.

Rosenquist: So you're, you're telling me is, they weren't physically putting pressure on him to keep him on the ground?

Burbank: Not that I recall. I recall when he was on his side, um, people being with him and just kind of, just with him I guess. And when I say restrain I mean just kind of controlling him, if that makes sense? Not physically laying on top of him. There would be no need for that.

Rosenquist: So, would controlling him through presence?

Burbank: That, that makes more sense that the word "restraining" does.

Rosenquist: And do you remember who at that point was kind of, who was with Ellis or who was monitoring him?

Burbank: I have no clue. Like I said there was, a-, by this point there was probably in my estimation ten to twenty officers there.

Rosenquist: Okay.

Burbank: So many officers there, I'm not sure who was even on scene.

Rosenquist: During your contact with Ellis, did you hear, ever hear him state, "I can't breathe," or anything similar?

Burbank: No, I did not.

Rosenquist: Kay. So, Ellis is on his side, Fire arrives…

Burbank: Right.

Rosenquist: …did you assist Fire at all?

Burbank: When Fire got there, uh, I had been sitting in the patrol car, uh, I guess taking, ya know, catching my breath, drinking water. I saw Fire when they actually got up to

Ellis on foot, um, I went back to help cause I thought that we would have to probably maybe take him out of restraints if those hobbles, if we were gonna put him like on a four point restraint on like one of the gurney's or something. So I went up there to help any way I could.

Rosenquist: And you assisted in the removal of the restraints?

Burbank: Yes.

Rosenquist: Do you recall what Ellis' condition was at that point?

Burbank: No, I was just, I helped pull the restraints off of him, uh, I flipped the, they, uh, restraints, take 'em off of his ankles and the I just kind of stepped back out of the way and let Fire kind of do their thing. I have no idea what was going on with him.

Rosenquist: Do you recall Ellis' position when the restraints were being removed?

Burbank: No I don't I would assume probably on his side for us to actually access them.

Rosenquist: Okay. Were you present for any of the conversation between the officers that were monitoring Ellis and Fire? We've been told that there was a discussion, almost an argument, over the removal of the restraints?

Burbank: I got there, there was some back and forth, um, I'm not exactly sure what was said. I know that Fire had said something about the restraints and then someone said, I, I, I don't recall, I just remember there was some type of back and forth. I'm not sure exactly what it was or who it was between.

Rosenquist: Okay.

Burbank: And I remember, I think it was Sergeant Lim said, "Removed the restraints," and that's we removed the restraints.

Rosenquist: Okay.

Roberts: It was, was it a long delay?

Burbank: Not that I recall. It couldn't have been more than a few seconds cause I got up there, Fire was up there and then we were taking the restraints off.

Roberts: And, and do you recall who, who called Fire? Who called for medical aid?

Burbank: Uh, I have no idea.

Roberts: Was it you?

Burbank: I wasn't me, no.

Roberts: Were you ever in a position that you could call for medical aid?

Burbank: No, I got out on my radio one time, um, before any help arrived and that was, I remember, putting out 96th and Ainswor-, Ainsworth on the radio and that was the only radio traffic I ever got out.

Roberts: Once, once the scene with Ellis was somewhat stabilized, did you call for medical aid?

Burbank: I did not. Someone else did at some point but I believe it was pretty quick, but it was after there was officers there present with us.

Rosenquist: So you were already aware that medical aid had been requested?

Burbank: Yes, I knew medical aid was requested and I recall, um, the radio traffic asking, I think it was for a four-point restraint as well based on his actions.

Rosenquist: Okay.

Burbank: But I don't recall who said it or when exactly that was said.

Rosenquist: You'd mentioned seeing blood inside the spit hood that was on Ellis. Did you observe any injuries at all to Ellis during this incident?

Burbank: No, uh, I didn't look h-, look him over, if that make sense, um, we were just, we were there trying to, uh, restrain him and then once we were relieved I was, like I didn't have much contact with him.

Rosenquist: Did you have any injuries?

Burbank: Um, I, I remember I had scraped, I think, I can't, let me look through, I remember I had got something photographed, I think I had scraped my knee when I went to the ground and the next day my shoulder had actually hurt pretty bad, I think from when

I went to the ground, uh, but I didn't get checked out medically, no.

Rosenquist: Okay. Did Officer Collins have any injuries?

Burbank: Um, I believe he had some type of, um, some scrapes on his maybe his arms or elbows, I'm not certain.

Rosenquist: Okay.

Burbank: And I remember his watch had been like shattered.

Rosenquist: Okay.

Roberts: Do you know who removed the spit hood?

Burbank: I do not.

Roberts: And I don't know if it was asked.

Rosenquist: No, I didn't.

Roberts: What, uh, when the restraints were removed from, uh, Ellis, do you, do you recall his condition?

Burbank: No, I, I, like I said, I would not have, after the hobbles were removed, I stepped back and I went back to our patrol car and just sat.

Roberts: Was he resistant at all to the removal of the…

Burbank: I don't, I don't recall him being resistive.

Roberts: And do you, do you remember who you were assisting?

Burbank: Um, there was so many officers, I remembered Sergeant Lim saying take the hobbles off, I believe it was Sergeant Lim, but there was so many officer, I, I couldn't tell ya who all was there.

Roberts: Thanks.

Rosenquist: We have some photos we wanna show 'em and the videos.

Burbank: Yep.

Rosenquist: Do we want to push through or do you guys wanna take a break or do you wanna some input before we take a break, how do you wanna do it?

Betts: Yeah, can I go back and…

Rosenquist: Yep.

Betts: …cover one or two things?

Rosenquist: Yeah.

Betts: Um, kinda most recently, uh, well, I know we're calling you Shane but it's Chris Burbank but you go by Shane, right?

Burbank: Right.

Betts: Okay. Uh, we were just talking about your injuries, do you recall having a, a, a bloody lip or a bloody mouth at all, being worried about an injury inside your mouth?

Burbank: I do, I remember, uh, tasting blood in my mouth, um, and I had, I remember Sergeant Lim actually, I asked him to look in my mouth with his flashlight, see if I had any cuts or lacerations or anything in my mouth.

Betts: And did that persist for some time? I know you were later at the County substation, did that feeling of maybe an injury to your mouth persist for a while?

Burbank: I, I, I don't remember. I just, I remember having that pain I believe it was in my, my knee from when I had went to the ground. I can't remember if my knee now or my elbow it's been so long.

Betts: Okay. Um, and now kinda going back to the beginning, when you were initially with the initial contact with Ellis, uh, you talked about when he came around the car and then he changed focus and you used the term "squared up" a lot…

Burbank: Right.

Betts: …uh, when he turned to face, uh, Officer Collins and as you're explaining that to Sergeant Rosenquist, you're showing us, you're clenching both of your fists…

Burbank: Right.

Betts: …when you're showing us that. Is that, uh, what Ellis did or you're, you're

describing it but I'm seeing your mannerisms where you're showing it to us. Is that what he did…

Burbank: Yes.

Betts: …or are you just…

Burbank: When I, when I, when I, when I use the term "squared up" um, very common to see that when someone's about to fight you I guess in this line of work and they'll usually square their chest up to you, uh, clench their fists, that type of behavior.

Betts: And that's what you saw that night?

Burbank: Yes.

Betts: Okay. Um, after that, there was a, a little bit of a contact before him when you described Collins as "trying to get Ellis to the ground and Ellis is throwing punches at Collins" and you demonstrated, uh, kind of a wrapping motion with your arms. Do remember Collins being wrapped around him with the arms?

Burbank: I don't re-, I don't re, it was so fast and fluid at that point, it was just like them like tangled up and I remember just, uh, Ellis just striking, just repeatedly at Collins.

Betts: Yeah. Okay. Um, I know you talked about the first person that you saw arriving was Sergeant Lim.

Burbank: Right.

Betts: In other portions of this, we've talked about kind of this, this fight taking place and you're not sure where even Collins was during portions of the fight…

Burbank: Right.

Betts: …the first person you remember seeing a-, added to you and Collins is Sergeant Lim…

Burbank: Yes.

Betts: ….is it possible other people could have been arriving that you didn't see?

Burbank: Um, I later found out that, uh, Rankine and Ford were actually the first ones there

and then I again later found out that I guess two officers from County were there as well. I was completely unaware of that I just remember being focused on restraining, uh, Ellis and then seeing Sergeant Lim's car arrive and park next to me.

Betts: And real quick, I think Sergeant Roberts already kind of, uh, reiterated this but I want to make sure, uh, when the hobble's applied and the hobble goes from the ankles to the handcuffs, you said, "ankles to feet" but you meant where the, the ankles close to the handcuffs and the hands and I believe what you said is they were not?

Burbank: Right.

Betts: Okay. Maybe a 90 degree angle as you remember it?

Burbank: As much as it could be a 90 degree angle, I'm not sure the length of the hobble itself but it was, cause the way that a hobble works to, to have it fully restraining the ankles there, you've got the full length of that hobble still left with the clip at the end and it was, so it was the full length of whatever was left.

Betts: Okay. Um, you described Mr. Ellis actually grabbing your door handle and pulling on the door handle?

Burbank: Yes.

Betts: And then later you said that after the fight and you kind of are relieved from other officers, you went and sat in the patrol vehicle?

Burbank: Yes.

Betts: You sat back in your own seat at your own patrol vehicle?

Burbank: Yes.

Betts: The door was closed, I'm assuming you opened it with the door handle?

Burbank: Yes.

Betts: Okay. That's all I have of what we've done so far.

Rosenquist: Okay.

Betts: I don't if, yeah, Mr. Fricke's? Maybe a quick break and then we go on with

Roberts: L-…

Betts: … photos and videos?

Roberts: …let me a-, l-, i-, is there a point during this encounter with Ellis where you become fearful?

Burbank: Well, yes, um, this might sound crazy but me and, me and Collins had been partners, like I said, for three or four years. I knew Collins has a strong, uh, background in wrestling, uh, like a Jujitsu thing, um, I've never seen anybody able, and we've been in a lot of altercations together. I've never seen anyone able to overpower Collins, ever, in all the altr-, altercations we've been in. To see him struggling with Ellis initially when I was able to get out of the vehicle and lock it and Ellis is overpowering and striking him, that scared me. 'Cause if, if Matt's losing a fight, I'm gonna lose that fight, um, and I think I became the most fearful is when he broke away from Collins and I was trying to create that distance, instead of him fleeing, he came after me. I've never had that happen. Ten years at that time in law enforcement, I've never had anyone physically chase me down. That's not, that's not someone trying to evade, that's someone trying to hurt me, and that was very scary.

Roberts: Thanks.

Rosenquist: We ready for break then?

Betts: Yeah, quick break?

Rosenquist: Okay. This is Sergeant Rosenquist. It is 1157, we are off tape.

Rosenquist: This is Sergeant Rosenquist, it is 1203. We're back on tape. Uh, Shane confirming that you're aware this interview is still being recorded?

Burbank: Yes.

Rosenquist: And, being recorded with your permission?

Burbank: Yes.

Rosenquist: Okay, um, we're gonna show you some photos and then we also have some videos…

Burbank: Kay.

Rosenquist: …we're gonna show you as well. So, we'll start with the photos. So, these are all taken by Pierce County Sheriff's Forensics and this photo is of 96th and Ainsworth, facing west and it shows this passenger side of the patrol car and that's, uh, Officer Collins patrol car, and couple things I want to point out is, um, next to the curb. Does that look like the water bottle? You can stand up and take a look if you want or we can zoom in if we need to.

Burbank: It looks like a water bottle, but can't say specifically that's the one he had in his hand that night. I don't recall.

Rosenquist: Okay. And, do you know what the item here is at the bottom of the patrol car on the ground?

Burbank: It looks like, uh, I recall him having some kind of like doughnuts or something, possibly the, like the doughnut box or somethin'.

Rosenquist: Okay. Go ahead and, let's just get to the close up. That's another photo just of the passenger side of the patrol car with the, the box right underneath of it.

Burbank: Okay, yep.

Rosenquist: So, the photo I'm sha-, gonna show you now, it's a close up of your passenger window and when County took this, they didn't take any samples and this is why I asked you earlier if Ellis had thrown anything at the car, um, we're not sure if this is powdered sugar off of the doughnuts, but it appears that something made contact with your window and given the striations, the window more likely than not was going up when it, the substance made contact with it. I mean, do you recall s-, ever seeing anything on his hands or anything attached to the window?

Burbank: No. I just remember him striking it with a fist several time. That's all I recall.

Rosenquist: Okay. Alright.

Burbank: After this, if I can clarify though, after this picture was ta-, or before, I guess before this picture was taken, I had been in the car for quite some time and may have put the window up or down several times for someone comin' to speak to me, 'cause like I said between the time I was relieved and Fire got there, I was in the car for like extended period of time.

Rosenquist: Okay. So just for, just to clarify, so it's likely you moved the window up and down between the times where Ellis punched it to when it would've been photographed by County?

Burbank: Yeah, I can't specifically remember, but I do recall being in the car for an extended period of time and people were coming up to check on me, um, periodically so I know I was speaking to people.

Rosenquist: So any idea…

Burbank: So it's possible…

Rosenquist: …any idea what that substance is or how it got there?

Burbank: No, I've…

Rosenquist: Okay.

Burbank: …I don't remember seeing it.

Rosenquist: Okay.

Roberts: Do you remember stepping on the, the, the box of doughnuts by chance?

Burbank: No, not that I remember.

Roberts: Or, if you did, I, I. We gonna go onto videos?

Rosenquist: Yep.

Roberts: So, we'll start with, um, video from Ms. McDowell, one of two.

Burbank: Mm-hm.

Roberts: And, uh, cell phone video from Ms. McDowell, part one and this is in time reference at 23:21:46 is when this video, uh, in a, in a time span when it starts.

Burbank: Okay.

Roberts: So let me, uh, stop it here. Size it. And try to go back to it. So, that's how the video starts the first frame of it…

Burbank: Okay.

Roberts: …um, and I'll let it run. Uh, it'll, it'll, it's a 37 second video so let me mute it because, uh, what's being said is not important in this instance. We'll just run it a couple times, let it play through.

(extended silence) 01:03:01 – 01:03:50

Rosenquist: We can slow it down on the next cycle too if you want us to?

Burbank: Yeah, let me see the beginning next time. It's just hard to kinda see.

(extended silence) 01:03:57 – 01:04:25

Roberts: Let me go back to the beginning now that I've increased the speed a little bit.

(extended silence) 01:04:30 –…

Unknown: (coughing) 01:05:14

…01:05:49

Roberts: So, we're at the beginning of the video again, are, are, are you able to narrate any of that? Are you aware of who this officer with his back…

Burbank: Can't really tell…

Roberts: …could it be Collins?

Burbank: …I believe it's Collins just based off his stature.

Roberts: And if I play, we'll, we'll concentrate on this first, uh, 'bout twelve seconds. So…

Burbank: Okay, yeah, so that's gotta be Collins. That's me, that's right as I, um, Ellis had kinda chased me down and made contact with me. And this is me falling out of, kind of I guess, camera view.

Roberts: And, and any idea how Collins got behind you?

Burbank: No, I just, I was under the impression he was still like back here towards the car and

I went that way and that's when, uh, Ellis had actually, ya know, chased me to the intersection.

(extended silence) 01:06:48 – 01:07:05

Roberts: And, and when you're reengaging you'll come back with your taser in hand.

Burbank: Okay, yeah, I do have my taser.

Roberts: And that's about what we get out of that video.

Burbank: Okay.

Roberts: John?

Rosenquist: So, obviously this video doesn't show Ellis in the middle of the intersection or approaching the driver side of the patrol car or punching your window…

Burbank: Right.

Rosenquist: …what occurred in your contact with Ellis prior to the beginning of this video?

Burbank: Wh-, what, what do you,

Rosenquist: It's the, as far as the physical confrontation involving you and Officer Collins and Ellis?

Burbank: Before this video?

Rosenquist: Yes.

Burbank: So this is after, um, this is after Ellis had started punching the window, this is after he had tried to open my door, this is after he and Collins were in that physical confrontation towards the right front of the car, um, this is after I had attempted to pull him off of Collins and that's, this is right where, this is kinda where Ellis had chased me away from the car and made contact with me.

Rosenquist: Okay, can you play it forward a little bit? And, and I'll tell you when to pause it.

Roberts: Let me see if, doing it one more.

Rosenquist: So that's, okay. Go ahead stop. So is that where, around this time, we're about three seconds into it, where you talked about Officer Collins being mounted?

Burbank: Yeah, I believe this, this is right here where Officer Collins mounted on Ellis and was striking him.

Rosenquist: Okay.

(extended silence) 01:09:17 – 01:09:34

Rosenquist: I don't have anything else on this one.

Roberts: Henry?

Betts: Nope.

Roberts: Kay. So we'll, we'll bring this into the second part of that video, uh, there's a pause, uh, inadvertently stopped recording and, uh, video from, uh, Ms. McDowell, two of two. This is, uh, at 23:22 and 30 seconds.

(extended silence) 01:10:05 – 01:10:23

Roberts: And I, I'm gonna just leave it muted initially…

Burbank: Okay.

Roberts: …just so we

(extended silence) 01:10:27 – 01:10:53

Roberts: I'm gonna unmute it and play it.

Burbank: Kay.

Unknown: (coughing)

(video audio begins, not transcribed for this document) 01:11:05 – 01:11:33

Roberts: And, you're right handed?

Burbank: Yes.

Roberts: Taser is in your right hand, I think you can see the, uh, maybe not the taser but the, the, uh, in the right hand there in the red dot, uh…

Burbank: Yes.

Roberts: …the indicator. Is Ellis in, being controlled yet?

Burbank: No, this is before he was in handcuffs. This was while trying to handcuff him.

Roberts: And, and is that you telling him to put his hands behind his back, if you can hear?

Burbank: Yes, that's, that's me trying to control his, I guess his lower body and then also pull his, uh, right arm out from under him.

Roberts: John?

Rosenquist: So, based on what we talked about earlier, is this video show the time between your second and third taser application?

Burbank: I, I don't recall exactly the, the length of time between those applications, um, I just know that it took several applications before we could actually get him in handcuffs. I can't recall the exact…

Rosenquist: Okay.

Burbank: …timeframe.

Rosenquist: And, just to clarify, was it you or Officer Collins that was giving him commands to, to put his arms behind his back?

Burbank: I think it was both of us. If you play it again, I believe it l-, may have been both of us.

Rosenquist: And there was also, before we play it again, there was a warning about doing it, doing it again. I don't remember the exact verbiage. Was that a warning to Ellis that if he didn't comply…

Burbank: I would deploy the taser again, yes.

Rosenquist: Okay.

(video audio begins, not transcribed for this document) 01:13:21 – 01:13:42

Roberts: When you finally get him, Mr. Ellis there in handcuffs, a-, a-, you indicate that you, and I don't wanna put wods, words in your mouth but I believe you have to put this taser down?

Burbank: Right.

Roberts: And at this point you still have the taser in hand…

Burbank: Right.

Roberts: …so, he's not in handcuffs yet?

Burbank: He's not in handcuffs 'cause I specifically remember after we actually got him in handcuffs, I pulled the, uh, cartridge off, threw it towards the curb and ended up securing it in my pants pocket. After he was fully in handcuffs.

Roberts: So are you still, you were still, after he was in handcuffs?

Burbank: After he was in handcuffs. Yeah, yeah, at this point he was not in handcuffs.

Roberts: John?

Rosenquist: Nothing.

Unknown: Mm.

Betts: Nothing.

Roberts: Wayne?

Fricke: Nope.

Roberts: Anything else you ne-, you would like to add to that?

Burbank: No.

Roberts: Go to the Vivint…

Rosenquist: Uh…

Roberts: …video?

Rosenquist: …no. No, no, um, Cowden.

Roberts: Oh, Cowden. And, uh, so this would be, uh, a different perspective, different angle.

Burbank: Kay.

Roberts: Pretty much of that second video we just watched…

Burbank: Mm-kay.

Roberts: …to where, where, uh, i-, it initiates basically with Collins attempting the LVNR.

Burbank: Okay.

Roberts: And this is video from, uh, uh, Mr. Cowden. The timeframe it starts at 23:21 and 56

seconds.

Roberts: Let me pause it and start it again. And there is no audio to this one.

Burbank: Kay.

(extended silence) 01:15:35 – 01:16:37

Roberts: Tha-, that would appear to be the first taser application.

Burbank: Yeah, right, this was the first time I deployed the taser, somewhere in this clip. I don't, I'm not sure if it's actually caught on camera. It looks like it mighta been between that…

Roberts: 'Cause now you see the wires.

Burbank: Right. As I recall I was just waiting for an actual open target to en-, deploy the taser.

(extended silence) 01:17:03 – 01:17:37

Roberts: And, doesn't appear at any time that he's ever, that Mr. Ellis is ever controlled or detained?

Burbank: No, not at all.

Roberts: Never handcuffed?

Burbank: No.

Roberts: John?

Rosenquist: I don't have anything.

Roberts: And that was nothing from the Henry or Wayne. Anything else you'd like to add, uh, regarding this video?

Burbank: No.

Roberts: So, the next video we'll get into is the doorbell video from across the street. It's the, it's titled the Vivint video all merged orig 1438, uh, South 96th is where the address is that this is being taken from and the timeframe that this starts where the officers are engaged with, uh, uh, Mr. Ellis is 23:21 and 47 seconds. So, let me set this up a little bit. So there is audio in this one and, uh, let me just start by saying that this was

all merged. They recovered eighteen or so, 30 second snippets of video from this doorbell camera the first 30 seconds contain nothing other than movement in front of the house prior to, uh, the engagement with, uh, the officers and Mr. Ellis. So we're gonna go to about the 28:07, uh, seconds and we'll start from there. Your cars will just appear uh, and we're gonna let the audio play in this a couple times so you can kinda adjust your ears.

Rosenquist: Kay.

Burbank: Yep.

Rosenquist: Before we start, um, this is a transcription of what we were able to get from the video, um, you can read that and follow along if you want. We are gonna have, uh, a couple questions about some statements that were specifically said in there.

Burbank: Okay.

Roberts: And, we're just gonna start to play here.

(video audio begins, not transcribed for this document) 01:20:00 – 01:22:06

Roberts: A-, and we'll stop there at about the 02:34 and I'll go back to the beginning just to put things in perspective here. So, this would be the vehicle here, uh, the Sara McDowell video was, was, uh, uh, uh, videotaped from this perspective, uh, she is alone in this car and she is being followed by her significant other with, uh, their children…

Burbank: Mm-hm.

Roberts: …and so the hollering you hear hollering back and forth is her hollering at him…

Burbank: Okay.

Roberts: …and I think somewhere in there you mentioned hearing.

Burbank: I remember when we were, um, attempting to get him in handcuffs or somewhere around the front of the car, um, there was yelling somewhere behind our car. I never knew what it was from or.

Roberts: And then eventually, uh, there's a gentleman that comes out of, uh, this home, th-, the offhand the address, uh, his name is Shad Hayes and he's the one that you, uh, that asks you if you need help.

Burbank: Right.

Roberts: And I believe it's you that says…

Burbank: I said, "No, we've got people coming." Cause by that point I believe I could hear sirens and maybe even see lights coming down 96th.

Roberts: And, and again the confrontation is not captured there. It's some pixelated images…

Burbank: Right.

Roberts: …if you look in front of the uh, uh, the amber light there when it goes off and on, you don't see any of the, uh, uh, encounter taking place. John?

Rosenquist: Um, no let's just go up to about, probably about 01:15, 01:16.

Roberts: So, we're interested in a portion of the video…

Burbank: Mm-hm.

Roberts: …at about the 01:16 mark and, uh, you can follow it there. There, there should be a mark next to what's being said. And I'll play it. I'll play it a couple of times.

(video audio begins, not transcribed for this document) 01:24:18 – 01:24:30

Rosenquist: Do you know who said, "Try again."

Burbank: No, I can't tell what that is.

Rosenquist: It wasn't you?

Burbank: Not that I recall. No.

Roberts: Could it have been Officer Collins?

Burbank: It doesn't sound like him at all. But, I, like I said I, just this is the first time I've ever heard this. I don't recall this at all.

(video audio begins, not transcribed for this document) 01:24:52 – 01:24:57

Burbank: That doesn't sound like Collins to me, no.

Rosenquist: Any chance it was Ellis?

Burbank: I, I can't say yes or no either way.

Rosenquist: Alright.

Burbank: But it doesn't sound like me at all and it doesn't sound like Collins.

Rosenquist: Okay. About 01:46 probably. 01:45, 01:46

Unknown: Okay.

Roberts: For?

Rosenquist: "I can't breathe."

(video audio begins, not transcribed for this document) 01:25:32 – 01:25:51

Rosenquist: Earlier I asked you if, if you had ever heard him say, "I can't breathe," or…

Burbank: Right.

Rosenquist: …anything similar and just confirming you never heard that?

Burbank: No, I don't recall hearing him say that…

Rosenquist: Okay.

Burbank: …during that fight, no.

(video audio begins, not transcribed for this document) 01:26:08 – 01:26:30

Rosenquist: So this is specific to the courtesy allegation.

Burbank: Right.

Rosenquist: Um, it, it sounds like somebody may have told Ellis to "shut the fuck up."

Burbank: Right.

Rosenquist: Did you say that?

Burbank: I don't recall ever saying that, no.

Rosenquist: Do you recall hearing it?

Burbank: I don't recall hearing it, no.

Roberts: And that's your voice talking to Shad Hayes, correct?

Burbank: Yes, I was the one yelling at Shad Hayes. Cause I remember hearing someone yell

from like, I never even saw 'em, I just heard it come from like behind our patrol car someone asking if we needed help and that's when I said, "No, we, we've got people coming," or something similar to that.

Rosenquist: So you don't know who said "shut the fuck up" or in what context it was said?

Burbank: No, I don't recall ever hearing that while there.

Rosenquist: Okay.

Roberts: Anything else?

Rosenquist: Not on the videos, no.

Roberts: Henry?

Betts: Just, uh, for the record, you guys h-, we talk about these videos and we give timestamps?

Roberts: Yeah.

Betts: Are they just the times that are listed on those videos or are these all?

Roberts: So, so the timestamps where I tell you that times they start are kind of approximations based on in this case the Vivint video, gives ya a reference of when it started. Now, we're also talking about a timestamp which is the running time of the video itself. This video goes on for nine minutes and, uh, for where there's nothing past a certain point, um, so yeah we're taking a couple of times and timestamps…

Betts: Yeah.

Roberts: …the running time of the video.

Fricke: Just to be clear, the video goes on for 9:21, I guess for according to the timestamp but that's just the merged videos which are each, what 29 seconds each?

Roberts: Roughly, yeah.

Fricke: And there's missing gaps with…

Roberts: There, there's, yeah, there's a missing gap of, uh, from 23:25:07 through 23:41:21 where the Vivint does not capture any…

Fricke: A-, and there's obviously missing videos whether it's 29 seconds, 58 seconds, add the 29 seconds time…

Roberts: Yeah, they don't loop…

Fricke: …because those cars magically appear. Where as all the motions of the other cars are shown going to and fro. Do you know why those are missing?

Roberts: I'm just gonna tell you that my understanding of the system itself, uh, is the limitation of the system, uh, the owner of the system says that, uh, it's based off movement. Sometimes cars reflections, their paints will make it start. But, you're right in this case it, the, the first v-…

Fricke: The video shows…

Roberts: …video…

Fricke: … they're driving from to, to fro.

Roberts: Yeah, so several cars and then, uh, so that was the first, uh, uh, uh, video file prior to anything of the officers being shown. So,

Fricke: Mm-hm.

Roberts: …and which is, which is actually, um, several minutes…

Fricke: Right. So how many minutes, there's like several minutes between the first 29 seconds and the beginning of…

Roberts: Yeah, it's quite a long time.

Fricke: …yeah…

Roberts: Yeah.

Fricke: ….which would have included lead up.

Roberts: Right, right and the Vivint picture, or the Vivint video, does not capture any of, uh, any, any of allega-, alleged, uh, behavior of Ellis prior…

Fricke: Right.

Roberts: …to that. Correct.

Betts: Thank you.

Rosenquist: I don't have anything else on the video. Couple of follow up questions. In Officer Collins' statement he said that he was picked up by Ellis and slammed to the street. Did you see that?

Burbank: No, if that happened, that happened when I was back, I guess probably locking the door or something. I, if that was the initial contact with him, that's what I didn't see.

Rosenquist: Okay and just so we're clear, you're not saying it didn't happen and you're just saying you didn't observe it?

Burbank: Correct.

Rosenquist: Kay. We've covered a ton today, um, is there anything you wanna add that you think we should know about that we haven't asked you about or talked to you about?

Burbank: No, I don't believe so.

Rosenquist: Kay. Do you believe you violated the Department's use of force policy during the incident with Ellis?

Burbank: No, I don't.

Rosenquist: Do you believe you violated the Department's courtesy policy during your contact with Ellis?

Burbank: Not at all.

Rosenquist: Did you observe anything during the incident, by anybody, that you believe violated Department policy?

Burbank: No. Not, not that I witnessed no.

Rosenquist: Kay.

Roberts: Nothing.

Betts: Nothing.

Fricke: No thank you.

Rosenquist: Okay. This is Sergeant Rosenquist. It is 1237 and we are off tape.

END OF INTERVIEW/ar

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Victim-Wit Photo

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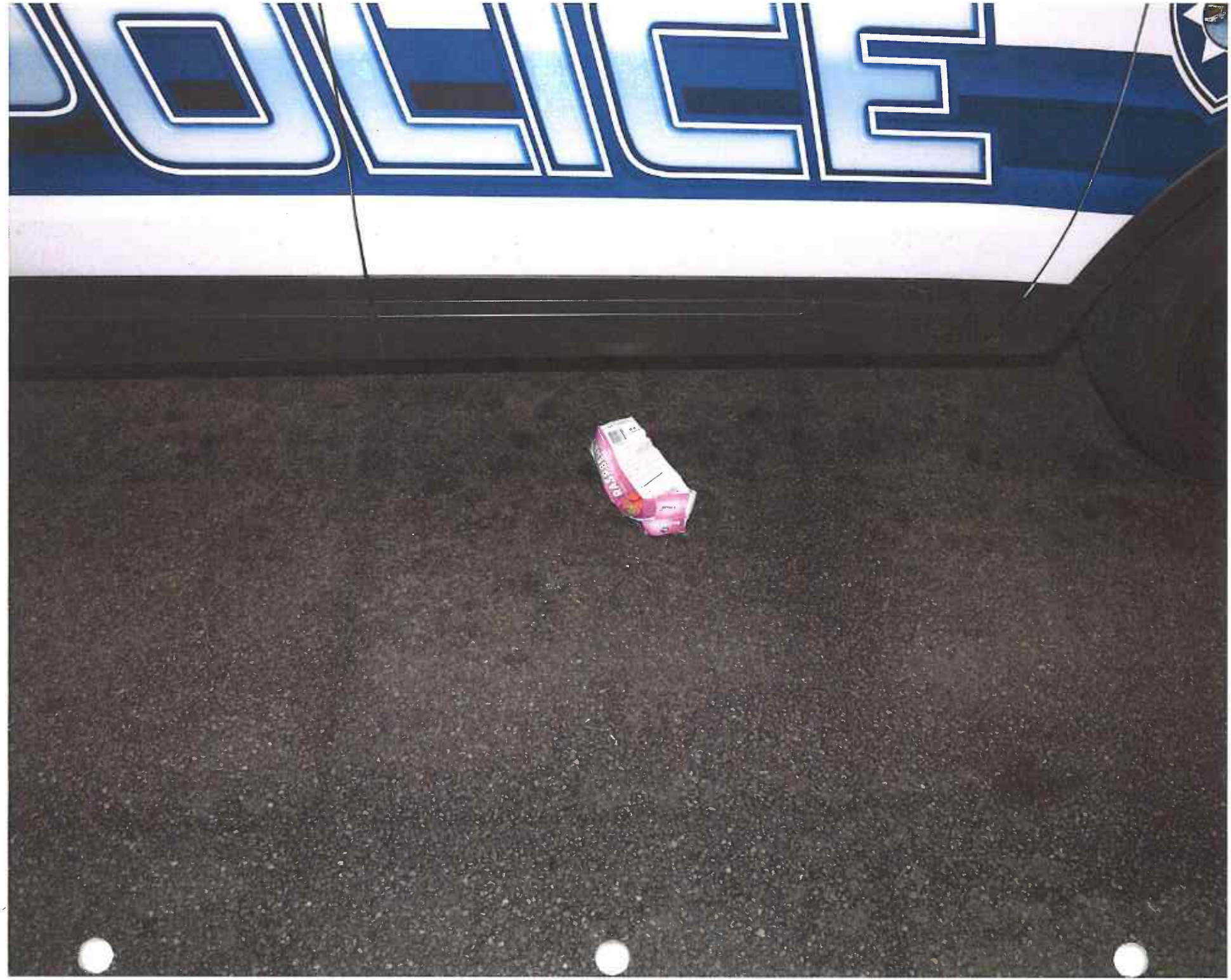
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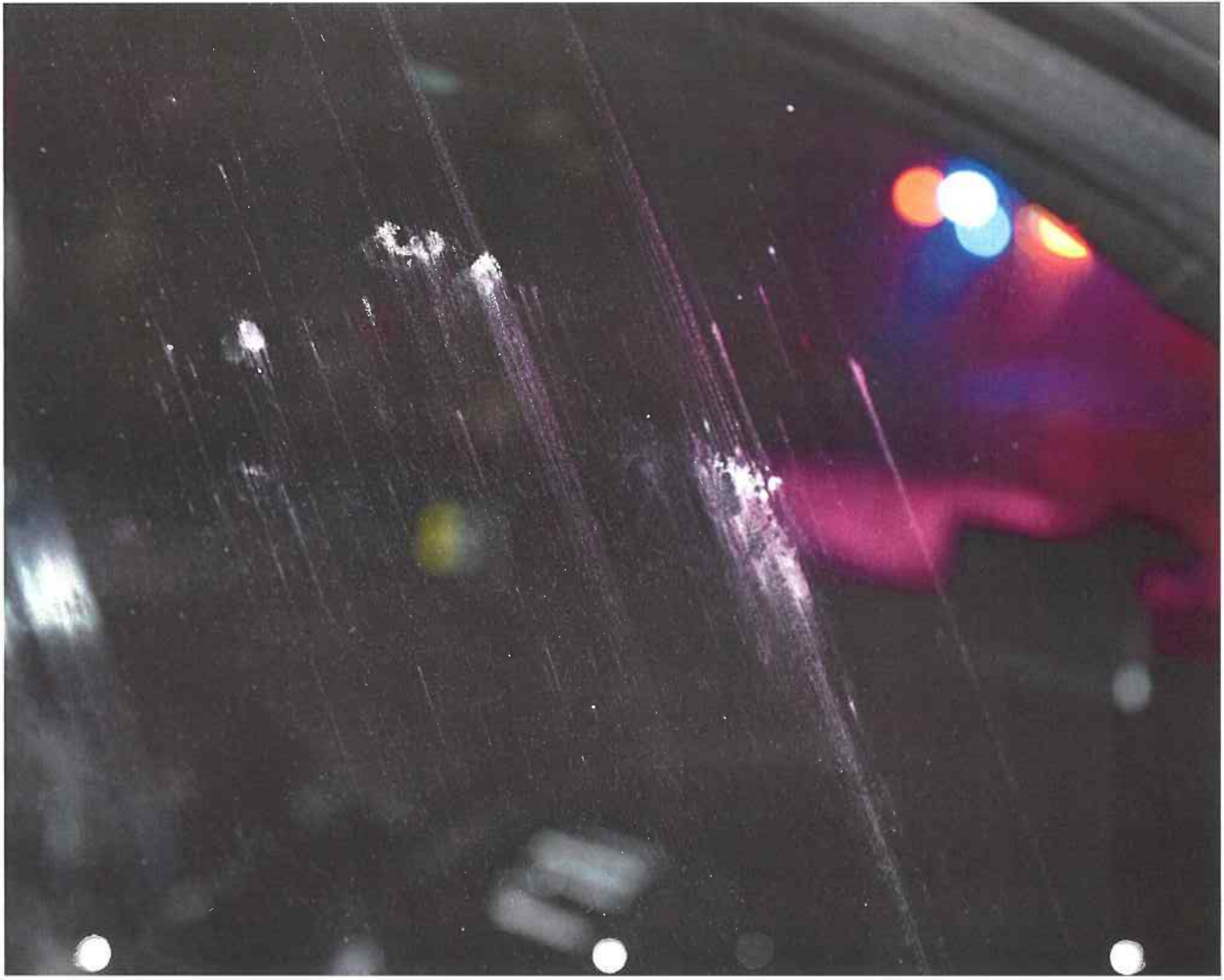


#1. Where did you observe Ellis contacting the vehicle/attempting to get into the vehicle?

#2. Where did Ellis arrive at the driver's side of the patrol car?

#3. Where did you observe Collins and Ellis on the ground/wrestling with each other?

#4. Where were you when you first made physical contact with Ellis?

Any additional locations on we should be aware of?

08·31·2021

TAB 64

P3.1.4 ACTIVE RESISTANT-COMPLIANCE TECHNIQUES *CALEA 1.3.1, 1.3.4, 1.3.5, 1.3.7*

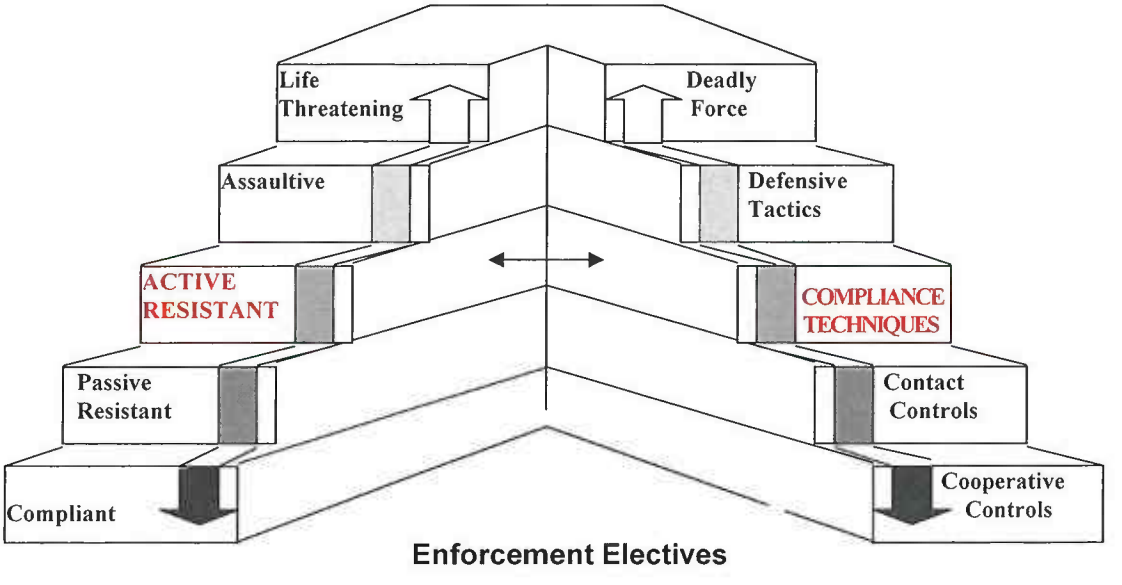
A) Definitions

Active Resistant – The use of physical effort or mechanical resistance in achieving and/or maintaining noncompliance. Active Resistance is not the sole determinant of an Officer's use of force. The Officer must consider the following factors when making a force elective decision:

- The severity of the crime
- Whether the suspect posed an immediate threat to the safety of officers or others
- Whether the suspect is actively resisting
- Whether the suspect is attempting to evade arrest by flight

Compliance Techniques – Tactical procedures and tools designed to be deployed upon actively resistant subjects who employ physical force or mechanical resistance to enhance resistance or non-compliance.

FORCE MODEL



Subject Actions ***Reasonable Officer Response***

B) Enforcement Electives

Enforcement electives are those ***tools***, ***tactics*** and techniques made available at each level of ***force*** application. Regarding ***compliance techniques***, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model.

- ***All Cooperative Control Enforcement Electives***
- ***All Contact Control Enforcement Electives***
- Electronic Control Tool (ECT) application, see Section C below
- Control Techniques
- Lateral Vascular Neck Restraint
- Neuro-Muscular Controls
- OC/Chemical Application
- Leverage Tools
- Arrest Tactics
- Restraint Devices
- ***Canine Search Deployment***
- Takedown Techniques

C) ECT Application Guidelines

The Electronic Control Tool is one of the options available to officers when confronted with enforcement electives in the field. ECTs, like the baton, OC spray or contact enforcement electives, are not effective in every situation. Personnel must assess the effectiveness of each application and determine whether further applications are warranted or if a different tactic should be employed. Review of the use of the ECT will be made considering the totality of circumstances surrounding the incident. An ECT will not be used against an actively resistant subject in the following situations:

- When the officer knows a subject has come in contact with flammable liquids or is in a flammable atmosphere
- When the subject is in a position where a fall may cause substantial injury or death
- Punitively for purposes of coercion, or in an unjustified manner
- When a prisoner is handcuffed
- To escort or jab individuals
- To awaken unconscious or intoxicated individuals
- When the subject is visibly pregnant, unless deadly force is the only other option

The ECT should not be used in the following circumstances (unless there are compelling reasons to do so which can be clearly articulated):

- When the subject is operating a motor vehicle that is moving or not in park
- When the subject is holding a firearm
- When the subject is at the extremes of age or physically disabled
- In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or civilians, as necessary

D) Special Instructions *CALEA 1.3.5*

1) OC/Chemical Post-Application Procedures:

- Advise subject that OC/Chemical has been applied and assistance will be rendered
- Request qualified medical assistance or transport to an appropriate location for assistance
- If not available, rinse eyes and nose with fresh water
- Expose to fresh air
- Area should be ventilated
- If subject exhibits respiratory distress, transport immediately to a hospital for treatment

2) OC/chemical application used against an animal shall not be considered a *reportable use of force.*

3) ECT Post-Application Procedures: *CALEA 1.3.5*

The subject should first be handcuffed and controlled before any removal of the probes is attempted. Once that has been accomplished, you should do the following:

- Glove up using disposable gloves.
- Use one hand to stabilize the subject's body. While keeping this hand several inches away from the probe impact site, with the other hand grasp the body of the probe and quickly "pluck" the probe from the impact site.
- Have the Tacoma Fire Department (TFD) respond to the scene to medically screen the subject for any injuries. NOTE: TFD will not respond to remove the probes. Make sure to inform TFD if the subject is showing any signs of excited delirium.
- If the probes are in a sensitive area (such as face, neck or groin) removal should only be attempted by medical personnel.

4) ECT application used against an animal shall be considered a *reportable use of force.*

5) In order to avoid negative results with our K-9s, officers should not deploy an ECT when a K-9 contact is in progress or imminent. The only exception is if the K-9 handler specifically directs the officer to deploy an ECT.

6) **Lateral Vascular Neck Restraint (LVNR) Post-Application Procedures:**
The subject should first be handcuffed before any Post-Application procedures are applied. Once this is accomplished, you should do the following:

- Check the subject for consciousness. If unconscious, Check subject's breathing and pulse. When properly applied LVNR can cause the subject to go unconscious, if no pulse or breathing is detected initiate immediate CPR.
- If subject is unconscious but breathing and pulse are detected request the Tacoma Fire Department (TFD) respond to the scene to medically screen the subject for any injuries. Any subject who loses consciousness must be transported to a hospital for medical clearance prior to booking or release.
- If unconsciousness occurs, an officer will observe the subject for a two-hour period prior to release to jail staff.
- A copy of medical clearance form shall be provided to jail staff at the time of booking and LVNR application will be noted on their booking form.

7) **LVNR technique which applies pressure to the lateral sides of the neck and restricts blood flow to and from the brain shall not be considered a use of deadly force. "Bar arm" type chokes that compress the airway and other structures of the front part of the neck shall be considered a use of deadly force.**

E) **Duties and Responsibilities**

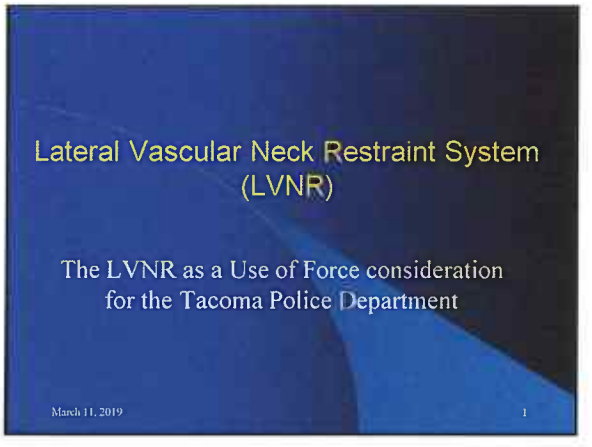
1) **Officer Responsibilities** *CALEA 1.3.6*
- Initiate Post-Application procedures, if necessary
- Notify immediate Supervisor
- Refer to actions in the Incident Report Narrative
- Look for, identify and document all visible injuries
- Inquire of, and document, complaints of non-visible injuries

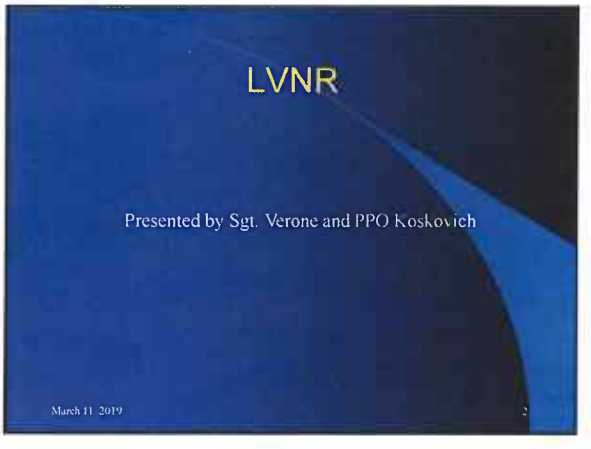
2) **Supervisor Responsibilities** *CALEA 1.3.7*
- Respond to the scene and/or hospital
- Investigate and review the use of force incident
- Report findings in Blue Team and forward through chain of command for review

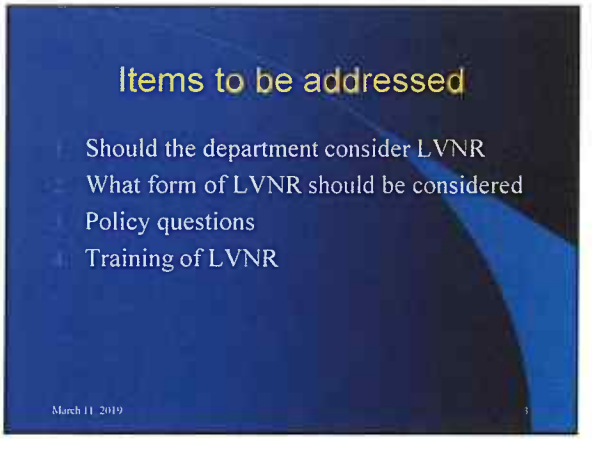
(Refer to Blue Team UOF/Pursuit/MVC Process)

3) **Chain of Command Responsibilities** *CALEA 1.3.7*
- Review Blue Team
- Make comments, if necessary

(Refer to Blue Team UOF/Pursuit/MVC Process)


Lateral Vascular Neck Restraint System
(LVNR)
The LVNR as a Use of Force consideration
for the Tacoma Police Department
March 11, 2019
1


LVNR
Presented by Sgt. Verone and PPO Koskovich
March 11 2019
2


Items to be addressed
1. Should the department consider LVNR
2. What form of LVNR should be considered
3. Policy questions
4. Training of LVNR
March 11 2019
3

Briefing Outline

1. What is LVNR
2. Creation and Development
3. Research
4. Policy considerations
5. Training considerations

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What is LVNR?

- LVNR impedes the flow of blood to and from the brain

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What is LVNR

- LVNR is NOT a Choke
- Chokeholds restrict the airway
- A true choke has the potential for airway damage and serious injury is greatly increased

March 11, 2019

CREATION AND DEVELOPMENT OF LVNR/VNR

- INTRODUCED AS A LAW ENFORCEMENT CONTROL METHOD BY JAMES LINDELL IN 1970 FOR THE KCPD
- DEVELOPED FROM JUDO TECHNIQUES (SHIME WAZA)

March 11, 2019

Variations of LVNR

1. LVNR (original)
2. VNR (modified LVNR)
3. Carotid Restraint

March 11, 2019

LVNR Statistics

133 years of vascular neck restraint used in Judo with no deaths or serious injuries to practitioners or competitors

Kansas City PD:

- From 1970-2004
  - LVNR used 165,000 times
  - In 1991, one death blamed on LVNR

March 11, 2019

- The subject that died in 1991 was a 6-6" 290 pound schizophrenic male that died after fighting with police.
- The ME stated that the cause of death was asphyxiation
- Further review confirmed the cause of death BUT attributed it to pressure on the subject's back by officers. NOT the LVNR

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LVNR is SAFE

- NLETC data
- Czarnecki, NLETC 2000
- Rossen, Arch Neurol Psych 1943
- Reay, FBI Law Enforcement Bulletin 19
- Reay DT, Eisele JW Am J Forensic Med Pathol 1986 Jun 7(2) 177
- Koiwai EK, J Forensic Sci 1987
- Denk, Z Rechtsmed 1988
- Syncope A videometric analysis of 56 episodes of transient cerebral hypoxia
- Analysis of the Human Strangulation Experiments Comparison to +GZ-Induced Loss of Consciousness

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VNR Research and Conclusions

- *Safety of Shime-Waza* (Choking) in Judo, Eichi Koiwai, M.D., 1987
  - Study of airway chokes and carotid holds in judo competition
  - No fatalities in decades of judo competition
  - No long term harmful effects

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VNR Research and Conclusions

- *Acute Arrest of Cerebral Circulation in Man*; Rossen, Kabat and Anderson, 1943
  - Mental patients underwent fast compression of neck arterial and venous structures using an inflatable cuff around the neck.
  - No harmful effects for compressions up to 100 seconds.
  - No long term side effects.

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Deadly Force

- LVNR is not deadly force
  - It is usually found at the Active Resistance level for the Use of Force Continuum.
  - Some agencies also list it within the Passive Resistant level.
- LVNR is safe

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Agencies using LVNR

- Statewide 35
- Pierce County SO
- Lakewood PD

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Tacoma Police Control Tactics Cadre

- Item #1: The CT cadre would recommend the department consider the LVNR, specifically the Carotid Restraint version.

Why Carotid Restraint? Item #2

- It is as safe as the LVNR
- It is more modern
- It is more flexible in terms of building a policy and procedure
- It is more flexible in terms of training and applying it in the field
- Backed by medical research

Item 3: Policy considerations

- What level of force would the Carotid Restraint be utilized?
- The CT cadre requests consideration for it to be added at the Active Resistant level of Use of Force.
- A rough draft policy has been submitted to the ASB chain of command.

Item 4: Training of Carotid Restraint

Training/Hours

Instructors
1. Certification 16
2. Recertification Triennial

Officers
1. Certification 5
2. Recertification Biannual

Equipment/Costs

Equipment required None

Costs:
1. Instructor Class $400/student
2. Officers In-Service Training

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QUESTIONS?

Thank you

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Options for Certification

- Lateral Vascular Neck Restraint (LVNR)
- Carotid Restraint Training Institute (CRTI)
- CJTC (VNR)
- Gracie Survival Tactics (VNR)

Lateral Vascular Neck Restraint (LVNR)

- Developed by Jim Lindell (Kansas City) in 1970, in use since 1979
- Term "LVNR" patented in 1984
- No Deaths associated with the LVNR in over 175,000 documented applications
- Technique has not been updated since 1970
- Proper application is based on the bilateral compression of the carotid arteries

LVNR Pro's and Con's

- Pro's:
  - Most recognized name in relation to law enforcement neck restraint techniques
  - Most documented applications with no associated deaths
- Con's:
  - Has not been updated since 1970
  - Any deviation from the patented LVNR system will result in non compliance and liability concerns
  - LVNR has rarely defended or testified on behalf of departments in litigation
  - Law Enforcement agencies nationally are trending away from the LVNR system
  - Very rigid system

LVNR- Cost, Certification, Recertification

- Certification= 16 hours
- Cost= $525
- Recertification= Every 3 years
- Cost= $250

- Training center is located in Kansas City (NLETC)
- NLETC was founded in 1981
- Unknown number of agencies currently utilizing the LVNR system

Carotid Restraint Training Institute

- Developed in 2013 to create expert bilateral vascular restraint instructors and professionally trained end-users at the agency level
- California based company under Boydd Products
- Since 2013 CRTI has trained over 700 instructors and 200 agencies nationwide
- Backed by modern research and most recent studies by Dr. Jamie Mitchell on Vascular Neck Restraints
- Focusing on full body controlling, providing more spinal cord protection and limiting neck manipulation

Carotid Restraint Training Institute

- Washington State agencies utilizing CRTI:
  - Vancouver PD
  - Battle Ground PD
- Out of State Notable Agencies Utilizing CRTI:
  - LA County
  - Las Vegas Metro PD
  - San Diego PD/County
  - California Highway Patrol
  - Virginia Beach PD
  - San Francisco PD
  - Reno PD
  - Idaho Department of Corrections

CRTI Pro's and Con's

- Pro's:
  - Utilized nationwide
  - Course provides CRTI certified instructor certificate, with the ability to certify within agency only
  - Backed by most recent studies
  - Focusing on proper and safe application, primarily from a ground position to limit the suspect mobility, preventing the technique from being altered
  - No associated deaths related to the application of VNR
- Con's:
  - Very little local adoption of the system with Washington State
  - Newly developed in 2013

CRTI- Cost, Certification, Recertification

- Certification= 16 hours
- Cost= $399
- Recertification= 3 years
- Cost= $399

- CPTI instructors will travel to us, provided we host a course
- Host agency receives 2 free slots per 12 students

CJTC-VNR (Cost, Certification, Recertification)

- CJTC teaches the Vascular Neck Restraint

Certification= 24 hours
Prerequisites= 80 hours CJTC Control Tactics Instructor Course
Cost= $275
Recertification= Every 3 years (8 hours)
Cost= $125

CJTC Pro's and Con's

- Pro's:
  - Easy access to state instructors and facility
  - Local expert testimony
  - Over 50 local agencies utilizing VNR via CJTC
- Cons:
  - Very few classes available yearly
  - Prerequisites required to obtain certification
  - 2 weeks to obtain required instructor certification

Gracie Survival Tactics-VNR

- Gracie Jiu-Jitsu, also known as Brazilian Jiu-Jitsu or BJJ, was developed by Helio Gracie. Beginning in the 1920's, Helio began his journey of tailoring the system to use various principles, such as leverage and distance management, to defeat opponents who were almost twice as large as him and much more athletic.
- Gracie Jiu-Jitsu gives someone a realistic chance against a larger more athletic opponent. The Gracie Family extracted the simplest and most effective techniques to address the most common threat situations facing law enforcement professionals.
- For more than 20 years GST has been taught to hundreds of law enforcement agencies (Local, State, and Federal), and the program continues to evolve every single day based on the feedback from those who put themselves in harm's way every day and night.

Gracie Survival Tactics Pro's

- Pro's:
  - Gracie Survival Tactics (GST) is a revolutionary defensive tactics system based on Gracie Jiu-Jitsu that incorporates time-tested techniques into an easy-to-learn system designed to help officers humanely prevail against larger and stronger opponents
  - Constantly evolving
  - Backed by most recent studies and research via Dr. Jamie Mitchell
  - Provides an entire Defensive Tactics curriculum and program, not only VNR certification
  - Subject matter expert testimony if allegations arise from GST
  - Nationally and internationally recognized
  - Seattle PD is the regional host agency for GST

GST Con's

- Con's:
  - Does not offer an individual VNR certification
  - 5 day full instructor certification

GST- Cost, Certification, Recertification

- Certification= 5 days
- Cost= $895
- Recertification= Every 18 months (only to maintain SME testimony) 5 days
- Cost= $715

- Instructor Certification allows end-user certification within agency
- Recertification frequency is due to constantly changing and evolving techniques to include case law and best practices

Recommendation

- All systems teach some bilateral compression to the carotid arteries. However LVNR is a portable system and team that is extremely restrictive in their techniques and application.
- The end result of the techniques remains the same regardless of what term is being used to describe it. VNR is a generalized term to describe compression placed on the carotid arteries to restrict blood flow
- System Recommendation:
  - If Only a VNR instructor certification is intended- Carotid Restraint Training Institute (CRTI)
  - If wanting a certification that incorporates VNR and backed by an entire sustainable DT program- Grant survival Tactics

Information

- VNR has NEVER been deemed deadly force by 5th circuit court or the Supreme Court. Because of the extremely low probability of serious physical injury, VNR/VNP should not be deemed deadly force

TAB 65

Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

CRIMINAL JUSTICE DIVISION

REPORT OF INVESTIGATION - SUPPLEMENTAL

Date:	May 5, 2021
Case Name:	Manuel Ellis Death Investigation
Investigator:	D. S. Heitzman
Date Prepared:	June 2, 2021

INTERVIEW OF DETECTIVE SERGEANT BYRON BROCKWAY

Wednesday, May 5, 2021 / 0900hrs

SAAG Patty Eakes, AAG Kent Liu and I interviewed Det. Sgt. Brockway about his work on this case. We conducted this interview at the AGO Tacoma Office. We did not record this interview. The following is a summary of the interview.

Det. Sgt. Brockway was called out from home by dispatch. The information that he received from dispatch was the TPD had been in a struggle at 96th St S. and S. Ainsworth. The person involved was Tasered, hobbled, and was now deceased. He had talked with Lt. Messineo by phone on the way to the scene. He had learned that Lt. Messineo and Det. Sgt. Sanders had both responded when the call came out.

Through a secure server in the field, Det. Sgt. Brockway was able to access the radio traffic recordings. He later had them transcribed.

He arrived at the scene at 0138, per his report. It was cold and windy at the scene. There were a couple of TPD officers blocking the intersection. Lt. Muller was there as well as someone from TPD Internal Affairs, maybe Gary Roberts. It was not a crowded scene. He does not believe that any fire or medical personnel were at the scene. The body was still there.

Det. Sgt. Brockway was asked what his initial observations were. He noted the patrol car, the body, and how the scene was contained. Brockway had parked to the east of the scene and walked in on foot. The scene had been taped off.

Brockway talked with Lt. Messineo first. He learned that a fingerprint scanner had been used to identify the deceased. He was told a body core temperature had been obtained, and Taser probes were collected.

He did not recall getting information about how the contact with Ellis had started. He did hear that Ellis had tried a car door, but he was not sure when he heard that.

Det. Sgt. Brockway is part of the Officer Involved Shooting Team. He was put in charge of this case while he was on the way. He did not know who from TPD was in charge at the scene. He did not talk to TPD that much. He basically interacted with Lt. Messineo, Det. Sgt. Loeffelholz, Det. Catey, Det. Hotz and Det. Moss. He was not sure who arrived first.

According to Lt. Messineo, Ellis was not yet handcuffed when he arrived. Det. Sgt. Brockway did not remember if Messineo used the words "agonal breathing" or "snorting" to describe Ellis's breathing.

Brockway thought that PCSD does issue hobbles. He was not sure about spit masks. He was last in patrol in 2010 or 2011. He believed that hobbles are part of the use of force training they receive.

The briefing with Lt. Messineo lasted about 5 to 10 minutes. Det. Sgt. Brockway took notes during this time, which he retained. (He stated that he would get them to us.)

Following the briefing he made assignments. Det. Sgt. Leoffelholz was going to handle the scene. Detectives Catey, Moss and Dos Remedios were assigned to assist in processing the involved officers at the Spanaway Pct.

Asked if he gave directions to Mell and Wilkins, Det. Sgt. Brockway said that they may have talked some. Loeffelholz documented the scene. Det. Sgt. Brockway did examine the body when the ME arrived. He did not disturb or touch it until then.

Det. Sgt. Brockway referred to his report to tell us his observations about the body. Ellis was on his back. There was a black sweatshirt, medical debris and other clothing. The spit hood was off and back behind Ellis's head.

Det. Sgt. Brockway did not see a hobble at the scene. He learned a couple days later through interviews that the hobble was in Collins's car. He did not search the police vehicle. That would

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have been up to Loeffelholz. He sent Det. Peterson to photograph it the hobble. The hobble was not taken into evidence because he thought a photograph was sufficient.

The spit hood was bagged as evidence. He had never seen one like the one placed on Ellis. He remembered that it was black at the top. He was unsure if the spit hood went to the ME. It eventually came to PCSD. The spit hoods he had seen in the past were full mesh and tannish in color. He had seen the same type of hobble that was in Collins's car before.

Brockway did not remember seeing a cell phone at the scene.

When he was at the autopsy he saw that Ellis had abrasions on his face.

Brockway saw the gallon water bottle and donuts at the scene from a distance. He did not remember if there was a label on the water bottle. The box of donuts was creased, he did not know if it had been opened. He could not tell if the box had been stepped on. He did not see any donuts. He did not see any powder on the ground. There was a white substance on the window which was photographed. He just noticed that it was white. He did not obtain a sample for testing.

Brockway was asked why a sample was not taken. He did not know. He was asked what happed to the water and the donut box. He said that they were photographed. He said that he did not have a good answer as to why they were not collected as evidence. He did not remember if he was aware of any significance for those items while at the scene. He learned about these items during the interviews with Officer Burbank and Officer Collins.

Brockway did not recall a bag or a receipt. He was not sure what had been related because the scene was close to a garbage bin.

Investigator Wilkins went to photograph the involved officers.

Asked if he had other observations of the scene, Brockway said no.

Det. Sgt. Brockway did not speak to any TPD officers as to what they saw. He thought he saw Sgt. Lim and verified everyone from TPD wrote reports.

Det. Sgt. Brockway took part in canvassing the neighborhood. He did a lot of door knocking, but not many of the doors knocked on elicited an answer.

He did not recall if Lt. Messineo talked about Ellis saying that he couldn't breathe. He did not recall if he was told when Ellis had been moved to the recovery position.

In DT training they talked about putting a detainee on their side if they were hobbled.

Brockway was asked if Lt. Messineo told him when the hobble was removed. Brockway said that during his interview, Messineo said it was around the time that fire arrived. He thought that Lt. Messineo did say something about excited delirium during his interview. Brockway did not remember if Messineo said anything about excited delirium during the initial briefing.

Fire had been asked to come back to the scene prior to Det. Sgt. Brockway arriving. Brockway learned that from Lt. Messineo.

It had been the decision of Det. Sgt. Loeffelholz to release the patrol vehicle. At the time he thought that photos were enough. Brockway did not see any damage to the vehicle that might have occurred from someone hitting the vehicle.

Nothing stood out during the autopsy. There were no broken bones, or other indication of mechanism of injury on Ellis. The Taser probes had been removed from Ellis. Brockway believed that Dr. Clark looked at the spit hood at the autopsy. Det. Helmke had gone down latter for photos. A substance was seen on the spit hood. Brockway did not have any other recollections of the exam of the spit hood or what Dr. Clark said about it. He was later asked for a timeline from Dr. Clark. This was the first time Brockway had been asked by an ME for a timeline.

This timeline was prepared from interviews, radio transmissions. Brockway listened to PCSD dispatch, TPD dispatch, Fire communications. He also used the time stamps from the Vivint video, as well as the Taser records. (When it was armed and when it was fired.) Brockway also saw dispatch sheets.

Brockway listened to the recordings and they were transcribed. He went over them with Det. Helmke and Det. Holder. They helped build the power point timeline. He did some triple checking.

Det. Helmke had been directed to go through the Vivint video that was obtained through a search warrant.

Det. Sgt. Brockway was asked about the adjustment to the timeline. There was an initial timeline made on March 20. Later he listened to radio transmissions and could hear Ellis say "I can't breathe" during one of Sgt. Lim's transmissions. He said that he looked through the transmissions of the time when Officer Farinas arrived. He had been going through everything and backtracking. He did not talk with Officer Farinas. It was noted on CAD when Farinas arrived. Brockway was not able to tell from the interviews when the spit hood was placed on Ellis's head. Farinas was audible heard arriving at 2327:17. It was determined that the spit hood was placed on later than was initially thought. This information was passed on to Dr. Clark.

Brockway passed on the fire records to Dr. Clark. He did not think that he passed transcripts to Dr. Clark.

Dr. Clark had asked how long Ellis had been in the prone position and the recovery position. Rankine would have been the closest. Brockway did not believe he knew exactly.

Burbank had talked about being on top of Ellis. Brockway did not know if it was ascertained how long he had been on Burbank. He did not remember if he provided information about Burbank being on top of Ellis to Dr. Clark.

When asked how long Rankine had been on top of Ellis, Brockway sad he would have to review the interview.

Det. Sgt. Loeffelholz had been assigned to check on getting the video from 7-Eleven. He did not know what happened in that regard.

Brockway was present during all four officer interviews. There was no pre-interview discussion with the officers. The officers did not bring notes to the interview. Brockway did not observe any injuries on any of the four officers.

Brockway was present during the interviews with Cedric Armstrong and Kimberly Mays. He did view the room Manny and Mendel shared. A couple photos were taken of the room. There was a to-do list and it looked like Ellis had been playing video games.

There might have been a cell phone in the room. Brockway would need to review the photo.

He watched a recording of Ellis playing drums on a phone. He was not sure if the recording was from the night before the incident.

There was nothing unusual noted about the room.

Cedric Armstrong did not talk about any security video he may have had in the house. Cedric did tell him Manny would have been able to exit the lower level without Cedric knowing about it.

Brockway did not know if "The Jungle" was ever mentioned while he was at Cedric and Kimberly's house.

Brockway did attempt to locate Mendel. He talked with Mendel's mom on the phone. She did not want Brockway's contact information. Det. Holden later reached Mendel. Mendel didn't want to talk. Brockway was not present for this contact.

Det. Sgt. Brockway did not talk with any of the other residents of the house. He recalled there was someone else living downstairs, and a younger guy in the house. The only person from the house he talked to was the one lady who called.

Brockway said that following the media release, they did not receive any calls about the case. Some media releases on this case included still photos of the vehicles that had been at the scene at the time. Following the release of those still shots, the video came out, but not as a result of the PCSD media releases. The stills were posted on either Twitter or Facebook. The posts may have included video from the Vivint video.

Brockway was not sure if PCSD conducted training on restraints and positional asphyxia. Perhaps in DT.

Det. Brockway was not sure if the involved officers were asked if they had spoken with each other since the incident. He did not know if the officers got directions to not speak with each other. The officers were separated from each other at the precinct. The officer interviews were conducted at different times. The attorneys had requested that the interviews be recorded with audio only, and not video. Det. Sgt. Sanders and Lt. Messineo both consented to have their interviews video recorded. Brockway did not think that Collins or Burbank talked about the spit hood. He was not sure whether he listened to dispatch prior to the interviews of the officers. Rankine and Ford did talk about the spit hood.

PCSD had put out a press release trying to identify the car Ellis allegedly tried to open in the intersection. No one came forward as a result of the press releases. They tried to locate video to the west of the incident. Brockway was not sure where he had received the information that the driver of that vehicle may have been female. Outside of Collins and Burbank, there was no other information about that car.

There would have been more to do on this case. Prior to the new video coming out, they were still attempting to contact the occupants of the two vehicles.

The PowerPoint was prepared for the Prosecutor, Administration and ME. Brockway believes that WSP asked for everything.

End of Report.

Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

CRIMINAL JUSTICE DIVISION

REPORT OF INVESTIGATION - SUPPLEMENTAL

Date: May 24, 2021

Case Name: Manuel Ellis Death Investigation

Investigator: D. S. Heitzman

Date Prepared: May 25, 2021

INTERVIEW OF Lt. James Loeffelholz

Monday, May 24, 2021 1300hrs

SAAG Patty Eakes, AAG Kent Liu and I interviewed Lt. Loeffelholz via Zoom. This interview was not recorded. The following is a summary of that interview:

On 3/3/2021 Loeffelholz was a Detective Sergeant assigned as one of the Homicide supervisors at PCSD. He only wrote one report regarding this incident. That report is dated 3/5/2020.

Lt. Loeffelholz believed that when he was called out, it was from the Everbridge system PCSD uses. It is a PC automated system where the information can be typed in and a voice message is generated and passed on. The system lets the supervisor know who is responding.

The information received on this incident was that it was an in-custody death. Lt. Loeffelholz was not sure if he talked with anyone on the way to the call or not. It takes him about an hour to get to most places in the County if he is called out from home. When he arrived at the scene, it was determined that Det. Sgt. Brockway would be the lead on the call as Lt. Loeffelholz had been assigned previous cases.

Lt. Loeffelholz would not have signed the crime scene log until he crossed the taped off area. He thought that dispatch would have a more accurate time of when he actually arrived on scene.

Investigators Mell and Wilkins were on scene when he arrived. He saw the TPD patrol car at the intersection. Ellis's body was on the street to the west of the patrol car. Lt. Loeffelholz did not remember how many LE personnel were there. There were patrol cars blocking the intersection from the south, east and west. Det. Sergeants Catey, Brockway and Sanders were present, as was Lt. Messineo. There were maybe eight or so officers standing around.

Lt. Messineo provided a briefing after the investigators were all on scene. Lt. Messineo had arrived at the end of the incident. There was a person still fighting who had been hobbled. This person (Ellis) had started snoring and groaning, and was moved to a recovery position, then aid was called. Lt. Messineo had not elaborated on the snoring or groaning.

When asked if Lt. Messineo had used the term "agonal breathing" describing Ellis's condition, Lt. Messineo said "not that I recall".

It was Lt. Loeffelholz's memory was that it was the officers on scene who had placed Ellis in the recovery position.

Lt. Loeffelholz said he thought he was told that Ellis had attacked the car. He did not think that came from Lt. Messineo. Lt. Loeffelholz said that he heard from an unknown TPD officer in passing that the officer on the passenger side had attempted to open the door, and Ellis closed the door.

By the time that Lt. Loeffleholz arrived on the scene, all the involved TPD officers had been remove from the scene.

In examining the passenger door of the patrol car, there were smears on the outside of the window, and the back (rear) side of the door/window frame. There was white stuff within the smear. There was a box of donuts on the ground below the passenger door.

Lt. Loeffelholz said that he did not do a whole lot on this case. He did read his report before talking with us, but he had not looked over any of the photographs.

AAG Liu shared his screen and showed Lt. Loeffelholz a photo taken of the patrol vehicle that showed a horizontal line of white material. His impression was that was from material collecting on the part of the window when the window was rolled down. He had not made any judgements about the striations on the window, other than the window had been going up or down at the time.

Lt. Loeffelholz was asked why he had not asked that the material on the window to be processed. He said that he did not know if the crime lab has the capability to determine what it was. He asked Forensics to photograph the box of donuts. He did not recall if he asked them to collect them as evidence. He does not know what eventually happened to them. Lt. Loeffelholz stated that this would have been his responsibility. He has not recently looked at the evidence sheets to see what was booked into evidence.

Lt. Loeffelholz did not see any damage to the door of the patrol vehicle. He was asked to describe the water bottle at the scene. He said that it was a larger rectangular bottle, and looked like it had skidded on the ground. He thought that it had recently been purchased and that it had not been opened. He had not picked up the water bottle. Lt. Loeffelholz did not know if he asked Forensics to collect the water bottle as evidence.

Lt. Loeffelholz did not recall any green wire at the scene. He did see a Taser wire that was underneath Ellis. He was not aware of any cell phones at the scene. He added that sometimes the scene investigators will act independently.

The spit hood that had been used was under Ellis's head. At first, Lt. Loeffelholz did not know what it was. He asked someone at the scene and was told that it was a spit hood. None of the spithood was still attached to Ellis's head. Officer Chung obtained a spit hood from out of his patrol car. (Officer Chung had been parked to the east at the time, providing scene security.) This mask looked identical to the one that was recovered from under Ellis's head. He recalled that it was made of a couple of different materials and was white. He did not see any tags on the spit hood Officer Chung showed him. He had been told this was Tacoma PD issue. He said that he did not look at the interior of the spit hood and did not know the color of the material on the interior.

Lt. Loeffelholz did not think that PCSD issued spit hoods and did not think that he had seen them at other scenes. He did not see what Officer Chung did with the spit hood after showing it to him.

Lt. Loeffelholz had heard that a hobble was used. He did not see one that night. He had heard, maybe from Det. Sgt. Brockway, that the hobble had been taken off Ellis and returned to a car with an officer.

Lt. Loeffelholz said that it appeared to him that the water and donuts might have been recently purchased. He went to two of the 7-Eleven stores in the area. He spoke with the clerks at both stores. He could not remember what the clerks looked like, their gender or their ethnicity. He did not receive any call back from either of the stores. He passed this information on to Det. Sgt. Brockway. He did not discuss the case or pass on any information

about Ellis to the 7-Eleven clerks; he had just asked that the managers call him. He did not notice if the stores had security cameras.

In the early hours of the morning following the incident, Lt. Loeffelholz canvassed at one residence. There was no answer at that house. Lt. Loeffelholz had then left.

Lt. Loeffelholz did not attend the autopsy or the interview any of the involved officers. He did not see any damage to the patrol car. He did not recall if he saw a brownish plastic bag, similar to what would be from a store.

He said that based on the information they had at the time. At the time, there was no reason to impound or search the patrol car involved.

Lt. Loeffelholz said that he was pretty positive he was told the hobble had come from a different patrol vehicle, not the patrol vehicle at the scene.

Lt. Loeffelholz did not recall if Sgt. Lim from TPD was on scene when he was there. He briefly watched the ME investigator process the body.

End of Report

Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

CRIMINAL JUSTICE DIVISION

REPORT OF INVESTIGATION

Case Name: Manuel Ellis Death Investigation

Investigator: D.S. Heitzman

Date Prepared: 5/15/21

INTERVIEW OF INVESTIGATOR STEVEN MELL

Wednesday, April 14, 2021 / 0900hrs

SAAG Patty Eakes, AAG Kent Liu and I interviewed Inv. Steven Mell at the Tacoma AGO. The interview was not recorded. The following is a summary of what Inv. Mell told us.

Inv. Mell advised that he had reviewed his report the other day.

Inv. Mell arrived on scene shortly before Inv. Wilkins. The scene was taped off when he arrived. The patrol car was facing westbound. Inv. Mell first spoke with Lt. Messineo who gave him a brief synopsis of the incident. . Inv. Wilkins showed up about 15 minutes or so later. At the time, Lt. Messineo was the ranking Sheriff's Dept official. There were other officers still arriving at the time. Inv. Mell did not recall if there were any aid unit personnel still on scene. There was no one viewing or attending the body at the time. Prior to responding, he had been told by dispatch that this was an in-custody situation with TPD.

Lt. Messineo told Inv. Mell that the officers had been stopped for that light at the intersection, and that Ellis had been walking in and out of the intersection, and started making comments to the officers. The incident had then escalated. Lt. Messineo did not give any specific insight on where he had received the information. No notes were written about this information. Inv. Mell had then waited for Inv. Wilkins to arrive. He received the green light to start processing the scene about 30 min later. Inv. Mell did not talk with any of the involved officers.

A TPD officer had commented about having the hobble. Inv. Mell told this officer; whoever removed the hobble from the scene should book it into evidence. Inv. Mell did not catch the officer's name. He described this officer as a white male officer with a dark complexion, late 30's 5-10 with shorter hair, in full uniform.

Inv. Mell did not know any of the officers who had been involved. He did not believe any of the officers pictured in the news was the one who had discussed the hobble with him. He did not talk with any other Tacoma PD officers. Inv. Mell's main contact while he was processing was Sgt. Loeffelholz from PCSD. Inv. Mell was unable to determine who was in charge at TPD.

Inv. Mell said that it was hard to say how many people were on scene. He thought there may have been five to six there at first, but it quickly grew to well over ten.

Inv. Mell said that there might have been a fire engine on Ainsworth when he arrived. He believed that he saw Sgt. Sanders well into his work at the scene.

Once Inv. Wilkins and Inv. Mell got the green light to start processing the scene, Wilkins began to photograph and video tape the scene. Inv. Mell set up and ran the FARO scanner. Inv. Wilkins was later called away from the scene to assist with processing the involved officers.

Inv. Mell took photos of the car, and photos of Ellis's body after the ME did their assessment. He also collected the gloves that were lying against the curb.

Officers were mostly behind the crime scene tape, occasionally one would come inside the tape. No one went into the patrol car while he was processing.

Inv. Mell said that he was not sure if someone was keeping a crime scene log, although this is usually done.

Inv. Mell took perspective photos. He was asked to be sure to photograph the box of donuts on the passenger side of the patrol car. He was told that Ellis had thrown the donuts at the car. He thought this information came from Det. Sgt. Leoffelholz.

The observations he had of the scene included Ellis's body, the donut box, the patrol car, the gloves up against the curb and a water bottle next to the garbage bin.

Inv. Mell said that he had been told that Ellis had made contact with the patrol vehicle. He heard that Ellis had first approached the driver side. The window had been down initially, but was rolled up. Ellis had then gone to the passenger side.

Inv. Mell said that he remembered seeing at least one window down slightly down, but he could not remember which window it was.

Inv. Mell had been told the donuts had been thrown. He was asked to get photos of the windows. He did not swab the window that had something smeared against it. He thought that the smear on the passenger side window came from a hand going down the window, or from the window moving. He did not think that he picked up the box of donuts. He did not recall if the box was open or not. He did not know if there was powder from the donuts on the ground or on the box. There was no analysis done of any possible powder and no observation as to whether the box of donuts had been stepped on. The donuts were a perishable item.

Inv. Mell said that there may have been a briefing prior to processing the scene.

The unit was understaffed at the time that this incident occurred. Inv. Wilkins was the manager. Usually there are five investigators.

Inv. Mell was directed to collect the gloves that were against the curb. He did not know the significance of the gloves. He thought that the donuts were discussed. He was not sure about the water bottle. He said that they may have stood the water bottle up. He did not remember if the bottle had a label on it or not.

Inv. Mell was asked about a green wire looking item. He thought that he remembered it, but is not sure what it was. It had looked to him like it had been there a while. Inv. Mell did not recall if he saw a plastic bag or a receipt.

Inv. Mell said that as he was wrapping up the scan, he was told by Inv. Wilkins that Wilkins was going to go photograph the involved officers. Inv. Wilkins told him he had shot videos and taken overview photos. Inv. Mell was asked by Wilkins to take additional photos of the patrol car.

Inv. Mell was asked if there were any backpacks at the scene. He said that he did not remember what all was right next Ellis's body.

Inv. Mell was asked what else had drawn his attention at the scene. He said that once the ME arrived and the blanket was removed from the body, he saw markings on the wrist and ankles, which would have supported the information that a hobble was used.

Inv. Mell did not recall seeing any damage to the front passenger window. When asked if there were any prints on the door, he said that he did not recall.

Inv. Mell said that he and Inv. Wilkins do not use black gloves. He said that he uses blue or purple.

Inv. Mell saw abrasions on Ellis's face and knuckles. He did take photos of the injuries with a small scale. He did not attend the autopsy.

Inv. Mell did not recall any powder inside the vehicle. He did not remember anything about a cell phone or other person property of Ellis's personal property other than was at the body. He believed there was a Taser wire, and that someone from TPD had picked up and bagged other Taser evidence.

After the autopsy, Det. Holden asked Inv. Mell to photograph Ellis's clothing. He did not recall any unusual about the clothing.

Inv. Mell said that nothing was said to him about anyone getting back in the patrol car after the incident.

The powder on the front passenger looked very much like powdered sugar to Inv. Mell. It did not strike him as being meth. He believed that the driver side window was partially open when he was on scene, but could be wrong.

Inv. Mell did not take any daylight photos.

End of report.

Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

CRIMINAL JUSTICE DIVISION

REPORT OF INVESTIGATION

Date: 4/14/2021

Case Name: Manuel Ellis Death Investigation

Investigator: D. Heitzman

Date Prepared: 5/15/2021 – 5/23/2021

INTERVIEW OF STEVEN WILKINS

Wednesday, April 14, 2021 / 1025hrs

SAAG Patty Eakes, AAG Kent Liu and I interviewed PCSD Inv. Steven Wilkins at the Tacoma Office of the AGO. The interview was not recorded. The following is a summary of that interview:

When Inv. Wilkins was called out for this case he first went to the office and picked up the scanner. When he arrived at the scene, the area around the TPD car involved had been cordoned off. He spoke with Lt. Messineo who gave him a brief rundown of the information he had. There were a handful of law enforcement officers around, but Inv. Wilkins did not recall how many. He was advised this was an in-custody death involving Tacoma PD. Inv. Wilkins did not speak with any Tacoma PD officers at the scene. Later in the investigation, he had gone to the PCSD Spanaway Pct to take photos of the involved officers and document the condition of their weapons. None of the officers talked about what had occurred.

After arriving on scene, it was decided that Inv. Mell would operate the scanner. Inv. Wilkins started photos and a video of the scene. He was sometimes behind Inv. Mell, filming where Mell was not scanning.

At the time Inv. Wilkins arrived, there were no fire vehicles on scene. The victim was lying on his back in the road, with a medical sheet over him. He noted the police vehicle and items strewn around. There were several trashcans nearby.

When he was at the scene, Inv. Wilkins did not know who the involved officers were.

Inv. Wilkins took overview photos of the victim and the TPD car from different angles. He said that the donuts at the scene were discussed afterward. In his discussions, it was assumed some things were trash. He did not remember purposely taking photos of the donuts. No one directed his attention to the donuts.

Inv. Wilkins had been told that Ellis had banged on the passenger side window, and the hood of the patrol car. Inv. Wilkins was later told the significance of the donuts after the fact during a briefing when he learned that Ellis had them in his hand while he was banging on the car.

While at the scene, Inv. Wilkins had looked for dents on the passenger side door, hood and fender area. He did not see any damage.

When the sheet was removed from the body, he took more photos and looked for evidence of the use of restraints.

Inv. Wilkins had heard that Ellis had been banging on the car, and the officers got out and confronted him. Inv. Wilkins thought that it was TPD detectives who had been talking about that. Inv. Wilkins did not know where Ellis had been banging on the car.

Initially Inv. Mell was running the scanner. Inv. Wilkins did not remember a water bottle, did not specifically remember black gloves.

PCSD was not able to get any other Crime Scene Investigators to respond. Inv. Wilkins was reassigned to go photograph the involved officers. They usually try to have at least two Crime Scene Investigators at the scene. He did not remember who asked him to go to the precinct. He was at the scene for approximately an hour.

Inv. Wilkins does keep notebooks with basic information only, nothing about the scene. He still has those notebooks. Inv. Wilkins did not recall Det. Sgt. Brockway being at the scene while he was there. Any evidence (at the scene) would have been handled by Inv. Mell.

Inv. Wilkins was at the Spanaway Precinct for a couple of hours. He took a series of photographs and documented the conditions of the involved officers' weapons. He did not know the involved Tacoma officers. The officers did not discuss the incident. Photos were taken of the Tasers. He may have taken a Taser and cartridges as evidence.

He did not recall if any of the officers had injuries. The demeanor of the officers seemed professional and above board. There was a PCSD detective that was present as well.

This process took a couple of hours. Inv. Wilkins did not receive any updates from Inv. Mell during that time. He did not recall if he booked any evidence. He did not return to the scene.

Inv. Wilkins said that that he thought they talked about going back to the scene several days later.

He said that he had looked at the patrol car with a flashlight and did not see any distinguishable prints. He did not see anything that would help. There was no discussion with detectives about processing the vehicle while he was on the scene.

He did not recall if there were any plastic bags associated with the scene or any personal property of Ellis. He did not remember anything about any store videos.

While Inv. Wilkins was at the front passenger window of the patrol car, he did not remember smelling anything. He noted that he was sick at the time and was not able to smell. He also looked across the hood of the patrol car with an opaque light and did not see anything of note.

End of report.

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TAB 66

Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

CRIMINAL JUSTICE DIVISION

REPORT OF INVESTIGATION - SUPPLEMENTAL

Case Name: MANUEL ELLIS DEATH INVESTIGATION

Investigator: D.S. Heitzman

Date Prepared: 3/31/2021

INTERVIEW OF SETH COWDEN

Monday, March 8, 2021 / 1400hrs

AAG Kent Lui, SAAG Patty Eakes and I interviewed Seth Cowden at the Tacoma Office of the AGO. Attorney James Bible was present during the interview. During the interview, Seth was given the opportunity to view the video he recorded from his phone. This interview was not recorded. The following is a summary prepared from notes taken during the interview:

On the night of the incident, Seth was working at his job delivering pizzas. He had just delivered an order and was taking the route back to the store. Seth first noticed the patrol vehicle after he (Seth) had stopped at the light. The light would have been green for the officers, who were already stopped. Seth said that he saw Manny as well. At the time, Manny was ahead of the police vehicle, by the blue trash can on the sidewalk, but he later ended up in the street. Seth said this was the cans closest to the police car.

Seth said that he never really saw what initiated the incident. Manny was walking at first. Something seemed to cause Manny to go to the cop car. Seth said that when he saw that something was happening, he looked down at this phone, to start recording it. This is when the officers were opening their car doors. The police door was slammed into Manny, and he turned away. The officers then started running after Manny.

Seth did not recall seeing the initial contact. He saw Manny get checked with the car door. As soon as the doors started opening, it was then that Seth looked down at his phone.

Seth said that he can't really tell if Manny was fighting. At the time that Seth pulled up, Manny was not doing anything aggressive. Seth does not think that Manny had anything in his hands.

When the passenger car door opened, Manny got moved. Seth first saw the driver getting out. He did not hear anything until the end. He heard Manny yelling "ah" when he drove past. As Seth was videoing, he saw the officers use the Taser.

Seth said that he saw that Manny was black and that one officer was white. He was not sure about the race of the other officer. Seth said that at one point Manny seemed like a rag doll. He also saw Manny kicking his legs. Right before Manny was tased, it looked like one officer had Manny in a full nelson. During parts of the struggle, Manny stopped moving, but then started kicking again. At the end of the video, Seth is moving out of the intersection.

Seth said that it had been a busy night at work, and that he had to get back to work. He drove back toward the intersection several times and found it blocked off.

Seth said that he kept the video. He sent it to some friends, then his phone broke. A friend told him the video had been posted somewhere else. Jack Sipes (sp?) is a friend that Seth sent the video to a couple of days before Seth reached out to Mr. Bible. He later saw an article in the News Tribune. Seth said that video was posted on Reddit, but he was not sure when. He said that it was posted after he got the video back from Jack Sipes and after his interview with James Bible. Seth said that he recorded the video through snapchat offline. He also transferred the video through snapchat. He sent it on a group chat, and to a couple of individuals. It was returned to him on text. He has tried to access it again from Snapchat, but doesn't have the passwords.

Seth said that he did not form an opinion as to who was at fault. He did not know one way or another. He said that he did not see Manny do anything wrong.

Seth said that he did not see Manny in the intersection. He said that he pulled up to the intersection right before the other witness pulled up.

Seth said that he heard screaming, but couldn't hear what was said. Manny was kicking his legs, but not at officers. He was not able to strike anyone, only use his legs.

Seth works out of the 84th and Pacific store. When he returned, he talked with his manager, Jayden Bennett about the incident. Bennett was not interested, as the store was very busy.

Seth said that we can contact him directly if needed.

End of Report

Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

CRIMINAL JUSTICE DIVISION

REPORT OF INVESTIGATION -SUPPLEMENTAL

Case Name: Manuel Ellis Death Investigation

Investigator: D.S. Heitzman

Date Prepared: 3/31/2021

INTERVIEW OF SARA MCDOWELL

Wednesday, March 3, 2021 / 1300hrs

SAAG Patty Eakes, AAG Kent Liu and I interviewed Sara McDowell at the Tacoma Office (AGO) Attorney James Bible, who is representing the family of the deceased, Manuel Ellis, was also present. The interview was not recorded. The following is a summary of Ms. McDowell's account:

Sara was driving on 96th Ave E toward her sister's apartment. She and the father of her daughters, Keyon Lowry, had just had to leave their residence. Lowry was in the car behind her. As she approached Ainsworth, Sara noticed the police car at the intersection. The light was red. She did not think that she had been following any vehicles at the time. When the traffic light turned green, the patrol car remained at the light. Sara thought that the light remained red for about 30 seconds. She noticed Ellis (she referred to him as Manny) walking her direction. At first she could not tell if there were one or two officers in the police car. Nothing occurred while the light was red.

When the traffic light turned green, Manny walked over towards the car, then appeared to turn to walk away. As he did so, the passenger side of the patrol car opened quickly and knocked Manny down. (At this point in the interview, Sara was shown a photo of the scene). Sara thought that Manny was initially by the telephone pole on the sidewalk, walking from in front of the patrol car toward the rear. When the door hit Manny, he stumbled, but did not fall all the way to the ground. The driver officer then turned on the emergency lights and got

out. She said that the driver officer flipped or slammed Manny. The passenger officer came out of the car and started punching Manny in the face. Manny was tackled and then Sara couldn't see them.

Sara said that when she pulled around their car to continue, she could then see that both of the officers were on top of Manny. She heard them tell him to put his hands behind him. They seemed to be holding Manny's hands down.

Sara said that while she was behind the patrol car, she yelled at them because she did not see Manny do anything wrong and she was scared for Manny. At the time she did not see Manny carrying anything. She did not see any weird behavior on Manny's part. When he walked to the car, he took maybe five steps toward it. It appeared Manny was talking to someone in the car at the passenger side for about 10 seconds from within a couple feet of the car. From her point of view, it looked like a normal conversation. She could not see any officers while Manny was near the car.

Sara described the door strike to Manny as a quick strike. She said that the (passenger) officer got out quickly and got on top of Manny. Sara said that she did not see Manny touch the patrol car. She did not see any backpack.

When the incident started, Sara's cell phone was in the consul of her car. She said that her video did not include the passenger door of the patrol car opening, or the driver officer running from the driver side. Sara thought that it was about minute from the time that she pulled up behind the patrol car until she started recording.

Sara said that she did not ever see Manny in the intersection. She said there were no other cars in the intersection. Sara said that Manny did not chase the officers while she was there. It did not look to her that Manny was fighting or resisting, it looked to Sara that Manny was just "taking it".

The only time that Sara heard anything from Manny was when she was pulling around the car, and she heard a faint "help". It looked to Sara that Manny was looking at her at the time. As she drove around the patrol car, she saw the officers squirming on top of Manny.

Sara said that she accidently stopped recording for about 10 to 15 seconds.

Sara said that when she looked away, she was concerned the Keyon was going to get involved. She said that Keyon had said, "Hey, he just hit him". Sara said that Keyon was just the type to help.

Sara was asked to describe the body positions of the officers. She said that one was on Manny, holding his shoulder down. One had a knee on Manny's back. One of them was holding one of Manny's hands down.

Sara did not see a Taser at the beginning of the incident. As she was driving around the patrol car, one of the officers had a Taser. Manny was told by one of the officers to put his hands behind him or he would Taser him again.

Sara said that after she drove through the intersection, she continued to her sister's place and dropped her daughters off. She drove back to the scene about five minutes later without Keyon to see what was being done. By that time traffic was blocked and she had to follow the directions of the officers there. Sara did not notice which police agencies were at the scene. She did see a fire rig on this return trip.

Keyon stayed at Sara's sister's place. Sara and Keyon talked about the incident when she got home. Sara said that she has not talked with Seth Cowen about this incident.

Sara said that she did not remember any neighbors standing around while she was at the scene.

She said that she had showed her mom the video about a week later. She also showed, Holly, a family friend, as well as her sister. She said that she wanted to report it the next day, however she learned then that her best friend had died, and all her focus went there. Sara never really went back to the incident, but on June 3 or June 4 she read an article about the incident which mentioned 96th and Ainsworth. Until then she had no idea that Manny had died. She had not posted anything at that point. She said that what the police had said in the news did not match what she had seen the night of the incident.

Sara said that she had not heard Manny say, "I can't breathe". She only heard the officers say to put his hands behind him. She did not see any other officers as she was leaving. Sara said that Keyon did not film anything.

Sara said that the phone she has is an I-phone.

End of report.

WAAG0045691

Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

CRIMINAL JUSTICE DIVISION

REPORT OF INVESTIGATION - SUPPLEMENTAL

Case Name: Manuel Ellis Death Investigation

Investigator: D.S. Heitzman

Date Prepared: 3/31/21

INTERVIEW OF KEYON LOWRY

MONDAY, MARCH 8, 2021 / 1230hrs

AAG Kent Lui, SAAG Patty Eakes and I interviewed Keyon Lowry at the AGO in Tacoma. Attorney James Bible was present during the interview. This interview was not recorded. The following is a summary of what Keyon said.

Keyon stated that he had not taken any videos of the incident. At the time, Keyon and Sara had had a disagreement with the people they were staying with and had to move out. They were heading to Sara's sister's place heading from Pacific Ave, just past the 7 Eleven. They had been staying on E Wright off of Portland Ave. At the time, he both of their daughters were in the car with him. As Keyon was approaching the intersection, he saw that the cop car was just stopped in the street. There were no police lights on at the time. He said that he saw a man walking his direction. (Keyon referred to this man as "Manny") Keyon did not hear anything at the time. It appeared to him the police were getting Manny's attention. He described the way the man was walking as normal.

Keyon saw the passenger door of the police car fly open, then the passenger in the police vehicle was on top of Manny. Keyon then saw the lights on the top of the police car turn on, and the driver went to assist. When Keyon saw what happened, he said that he opened the

car door and yelled, "you are in the wrong". He said that he had never had to tell the police that before. He said that what he saw was not professional.

Keyon said that he had been about a car length behind Sara, who was driving the car in front of him. There was no vehicle behind him. Keyon said that Sara yelled at him to get back in the car.

When Keyon first saw Manny walking his direction, he was walking across the driveway, which is on the intersection, as the traffic signal was turning green. Keyon said that the traffic light was red when he first stopped. It turned green about 15 seconds later.

Keyon described Manny as walking casually as he walked toward the police car. Manny was not waving his hands. Keyon said that there was nothing in Manny's hands. It appeared to Keyon that the officers had gotten Manny's attention. He could not hear anything said, but it appeared to him that Manny's demeanor was casual as he approached. Manny did not get all the way to the car and did not touch the car. As Manny was facing the door, the door opened, and knocked him to the ground. Manny started to get up. Keyon said that Manny trying to get back up was the start of the video Sara filmed. The passenger cop was immediately on top of Manny. The driver cop was already getting out of police car. Keyon said that it was the door handle part of the door that hit or "clipped" Manny when it opened.

Keyon said that he was able to see Manny on the ground. At that point, Keyon wanted to get out of the car, and he wanted to help. That is why Sara yelled at him.

Keyon said that Manny did not look sweaty, but casual. He did not see Manny punch or throw the officers. After the officers were on top of him, it appeared that Manny could not do anything, and it did not look like he was trying to do anything. Keyon did not see or hear anything that involved a Taser. He said that he did see the officers punching Manny.

Keyon said that he thinks that he had the radio on in the car the car he was driving. He was driving a Kia Optima 4 door.

Keyon said that as he was driving past, he thought that the officers were looking guilty, and looking around. He said that one of them was talking with Manny. As he drove by he was not sure whether Manny was no his stomach, or on his back. Manny appeared stiff at the time.

After driving past the incident, both he and Sara went to the Arreo Apartments were Sara's sister lives. Sara then left by herself to return to the scene because she wanted to see what was going on. Keyon said that the did not talk about doing anything in regards to what they saw. The figured that Manny was going to jail.

Keyon said that he later heard that people said that Manny had snacks, but he didn't.

Keyon did not hear the door hit Manny, but he saw it. He then heard grunting, which sounded like people fighting. The grunts seemed louder from Manny. It sounded like the grunts coming from Manny were more distressed.

Keyon said that he has not had any contact with Manny's family, he has only gone through Mr. Bible. He has not talked with the people that have the ring video.

Keyon did not see any other cars leaving the area, before or after he and Sara drove through the intersection. He said that he only saw the two officers, and that the two officers there appeared to have it handled. Keyon did not see any other civilians at the scene, or neighbors watching out their windows.

It was about a three-minute drive to Sara's sister's place from the scene.

When Keyon was shown photos of the scene, he was confused as to why Manny was so far in front of the patrol car where he had seen Manny go down on the ground.

END OF REPORT.

Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

CRIMINAL JUSTICE DIVISION

REPORT OF INVESTIGATION - SUPPLEMENTAL

Case Name: Manuel Ellis Death Investigation

Investigator: D.S. Heitzman

Date Prepared: 4/1/2021

INTERVIEW OF SHAD HAYES

Wednesday, March 17, 2021 / 0930hrs

SAAG Patty Eakes and I interviewed Shad Hayes at Mr. Doug's Restaurant in Yelm. The interview was not recorded. The following is a summary of what Shad Hayes told us based on notes that I took during the interview:

On the night of the incident, Shad was staying at the home of his friend, Troy. Troy was out of town at the time. The bedroom that Shad was staying in was in the NE corner of the house. From his room he was only able to see the reflection from the police car lights. There is a wooden fence in front of the house. There are apparently a lot of car crashes at that intersection.

Shad went outside to the sidewalk. He saw the police cruiser then saw the officers attempting to subdue someone. They were already on the ground when he first saw them. He heard the officers say, you need to comply, stop fighting. The person was throwing the officers around pretty good. The officers looked like they were trying to hold the person on the ground. Shad said that he thought that the officers might get hurt. Shad said that he asked if they needed a hand, and an officer responded that backup was on the way. Shad said that the officer sounded winded.

Shad said that he did not get close enough to see what the person was wearing. He heard struggling, and the officers yelling. He did not hear or see a woman yelling. There was one car at the intersection that was northbound. That car turned westbound in front of the SUV.

Shad said that he saw the backing officers arrive in a Crown Vic (Ford Crown Victoria). The backing officers moved quickly to help the first officers there. Shad went back inside after that.

Shad said that he was never close enough to see what anyone had in their hands. Shad said that he was outside watching for only about five minutes. He thought that the officers in the Crown Vic were white. He could not see the race of the first two officers, or the person they were struggling with at the time. He learned who they were trying to subdue only later through Facebook and the news. Shad said that he did not post anything about the incident on Facebook.

Shad did not see anything in the road. He did not see any evidence. Shad said that he did not hear anyone ask for help. He did not hear anyone in distress.

Shad said that he heard more than one officer yell, "comply"

Shad was shown a picture of the scene. He though that it looked about where he last saw the struggle.

Shad said that he does not know the neighbors there, and did not talk about the incident with anyone in the area.

Shad told us that he was an MP in the Army for a brief period of time in the mid 1980s. He had not gotten closer partly because he did not want the officers to mistake him for being associated with the person they were trying to subdue.

End of Report.

TAB 67

Recorded Interview of Nicolas Wilson

March 25, 2021

In Re:)
MANUAL ELLIS,)
)

Verbatim Transcript from Recorded Interview
of NICOLAS WILSON

March 25, 2021

Individuals present:
Kent Liu, assistant attorney general
Patty Eakes, Special AG
David Heitzman, Investigator with attorney general
Daniel Clark, Forensics
Allyson Hinzman, President of Local 31
Jean Homan, Deputy city attorney, Tacoma

TRANSCRIBED BY: Grace Hitchman, AAERT, CET-663

KENT LIU: All right. Let's start again. My name is Kent Liu. I'm an assistant attorney general.

THOMAS CLARK: Thomas Clark, forensic pathologist and medical consultant.

DAVID HEITZMAN: David Heitzman, investigator with the attorney general's office.

PATTY EAKES: Patty Eakes. I'm the special AG on the case.

ALYSON HINZMAN: Alyson Hinzman, president of local 31.

NICOLAS WILSON: Nicolas Wilson, firefighter, paramedic, Tacoma Fire.

JEAN HOMAN: And Jean Homan, deputy city attorney.

This is to confirm that this interview is being audiorecorded with everyone's consent. Correct?

GROUP: That's correct. Thank you.

PATTY EAKES: I think we're just going to kind of start and maybe people will ask questions at different times.

But nice to meet you. Thank you for coming in. Are you a paramedic? Is that right?

NICOLAS WILSON: Correct.

PATTY EAKES: Okay. Great. And how long have you been with Tacoma Fire?

NICOLAS WILSON: Been with them for ten years.

PATTY EAKES: Okay. Great. And you know -- have you had a chance to look at anything before you came today? Did you have a chance to read your statement or the --

NICOLAS WILSON: I did. I read through my statement and my pre-hospital care report.

PATTY EAKES: Okay. Great. I think really this interview today is just an opportunity for us to talk to you and kind of flesh out some issues that weren't covered by the state patrol about kind of specific observations. So maybe we can just start by -- you can tell us what you remember about when you arrived, what the condition of Mr. Ellis was.

NICOLAS WILSON: In addition to my comments prior?

PATTY EAKES: Oh, actually if we could just cover all of it again, that would be great.

NICOLAS WILSON: Okay. I can read to you my comments, if you would like.

PATTY EAKES: Do you want to read them from the pre-hospital care report or from your statement or what?

NICOLAS WILSON: I think both. So upon arrival you would like information?

PATTY EAKES: Yeah. Just kind of, you know, what was your observation of him when you arrived.

Let me ask you first, do you have a very clear memory of this?

NICOLAS WILSON: Well, it's been over a year now.
PATTY EAKES: Yeah.
NICOLAS WILSON: I think the greatest recollection was in September when we --
PATTY EAKES: Okay. Okay.
NICOLAS WILSON: That's going -- I have this to go on. Yeah.
So 33-year-old male, unconscious, unresponsive. Minimal respiratory drive and deteriorating. Supine on the ground, I believe.
PATTY EAKES: Okay. And -- all right. So when you say he was supine on the ground. Do you -- and you said I believe. Do you remember --
NICOLAS WILSON: I don't recall whether he was lying on his back, on his side, or some combination.
PATTY EAKES: Okay. Are you sure that he wasn't on his stomach?
NICOLAS WILSON: He was not on his stomach.
PATTY EAKES: Okay. So he's either on his back or on his side?
NICOLAS WILSON: Correct. His face and chest were visible --
PATTY EAKES: Okay. Great. And how was he -- if he was on his side, were the other -- were there any Tacoma police officers around him at all?

NICOLAS WILSON: The scene was -- there were several police officers on scene.
PATTY EAKES: Okay. How --
NICOLAS WILSON: Multiple.
PATTY EAKES: And just kind of, can you describe where they were in relation to Mr. Ellis?
NICOLAS WILSON: They were near him. I don't recall specifics on that.
PATTY EAKES: Okay.
NICOLAS WILSON: Can't give you a definitive answer on that.
PATTY EAKES: Okay. Do you remember at all whether anybody was touching him? Any of the officers were touching him at all?
NICOLAS WILSON: I believe in my first deposition -- it states an officer perhaps was holding him? But --
(Pause)
Yeah. There might have been an officer holding him from behind.
PATTY EAKES: And do you remember -- I mean --
NICOLAS WILSON: I don't --
PATTY EAKES: Do you have any clear recollection now about whether or not somebody -- any officer was holding him or touching him in any way?
NICOLAS WILSON: I don't have any clear recollection

of that.

PATTY EAKES: Okay. When you say holding him from behind, what do you mean by that?

NICOLAS WILSON: Like I said, the specifics of it -- when we ride on scene, our first priority is to make sure the scene is safe to approach the patient. The scene was safe with multiple officers on scene. My initial goal is to assess the patient and go from there. So scene is safe in that sense, my focus is essentially all on the patient at that point.

PATTY EAKES: Okay. And describe what you remember about what his appearance was. Like was he restrained? Did he have a spit hood on? Just tell me what your best memory is of him.

NICOLAS WILSON: Yeah. And -- say it multiple times -- I think they asked a number of times about the spit hood. Spit hood was in place over his lower face. He was in handcuffs and I believe lower extremity restraints. We immediately asked for the extremity restraints to be removed and removed his spit hood.

PATTY EAKES: Okay.

NICOLAS WILSON: And removed clothing so we could (indiscernible)

PATTY EAKES: Okay. And did you -- you said lower extremity restraints. Is that something you've seen before?

Or do you know what those are?
NICOLAS WILSON: Yeah. Ankles.
PATTY EAKES: Okay. Like hog-tied?
NICOLAS WILSON: I wouldn't call it hog-tied. It was a specific term that's used for -- but I don't have that on the top of my head.
PATTY EAKES: Describe -- are his legs bent back up towards, like, his hands? Or -- I'm just trying to get an understanding --
NICOLAS WILSON: (indiscernible) I cannot recall.
PATTY EAKES: You don't recall what kind of position he was in?
NICOLAS WILSON: What position his knees were in, I don't recall.
PATTY EAKES: Okay. All right. So are you not sure if they were out in front of him or if they were behind him when you -- (indiscernible) do you remember that at all?
NICOLAS WILSON: My guess is that he was either on his side or on his back or contorted. But arms are definitely behind him. Handcuffed.
PATTY EAKES: Okay. And is the first thing you asked to do is have his restraints removed? Or do you assess him first before you do that?
NICOLAS WILSON: Everything happens consecutively. I'm assessing as I'm approaching the patient. You know, his

restraints, those again inhibit our ability to render care, so we ask for those to be removed from the patient if it's safe to do so, and that was done.

PATTY EAKES: Okay. Was there any resistance or pushback from the officers about removing his restraints?

NICOLAS WILSON: I don't recall.

PATTY EAKES: Is that -- could you tell at that point as you're kind of assessing him as you walk up whether he's alert, conscious?

NICOLAS WILSON: He was -- like I stated, he was unconscious and unresponsive.

PATTY EAKES: Okay. So from the first time you saw him he was unconscious and unresponsive.

NICOLAS WILSON: Correct.

PATTY EAKES: Okay. And I take it that means he's not talking to you or making any --

NICOLAS WILSON: Unconscious, unresponsive.

PATTY EAKES: Okay. Did he ever say anything? Make any noises?

NICOLAS WILSON: He was unconscious and unresponsive.

PATTY EAKES: Throughout. Okay.

NICOLAS WILSON: Correct.

PATTY EAKES: Sorry.

NICOLAS WILSON: That's a pretty encompassing

statement, unconscious and unresponsive.
PATTY EAKES: Okay. All right. And so then tell me what happens after you first see him and then you -- did you remove his clothes right away too? Or did you start -- let me back up. What did you observe about his breathing when you got there?
NICOLAS WILSON: It was deteriorating, agonal at best.
PATTY EAKES: And what do you -- what does agonal mean to you?
NICOLAS WILSON: Not conducive with life.
PATTY EAKES: Okay. And was that apparent as soon as you got there? Or did it change over the time you began evaluating him?
NICOLAS WILSON: That was very apparent.
PATTY EAKES: What do you mean by that when you say it was very apparent?
NICOLAS WILSON: It means it was apparent. It was obvious.
PATTY EAKES: Okay. And did you have an impression then when you first evaluated him about whether or not -- about the likelihood that he could survive? That he was going to live?
NICOLAS WILSON: Typically somebody in that state of respiratory compromise -- if aggressive management, so the

condition is -- not rendered effectively and quickly, can deteriorate very quickly. So our -- we were able to remove the spit hood. Began ventilating him and had him on our monitor, which is a Lifepack 15. Which we found him in a bradycardic rhythm that was deteriorating.

PATTY EAKES: Okay. Is there -- I don't know what the protocol is or if there's any protocol about, why don't you put him in the truck or the ambulance or take him to the hospital versus rendering care there?

NICOLAS WILSON: We're a fire engine.

PATTY EAKES: Oh, yeah, okay.

NICOLAS WILSON: So --

PATTY EAKES: So you can't really take him from there.

NICOLAS WILSON: The benefit was that we are an ALS fire engine in the south end of Tacoma.

PATTY EAKES: Okay.

NICOLAS WILSON: And so this call being (indiscernible) means we're at the -- one of the furthest south points in the city.

PATTY EAKES: Uh-huh.

NICOLAS WILSON: So we're running away from everybody every time we go on a call, so it puts us at greater distance from an actual transport unit.

PATTY EAKES: Oh, I see. Okay. So there's --

sounds like there wasn't an option other than to render care right there. Or that's the best thing for him.

NICOLAS WILSON: Absolutely. Aggressive early management.

PATTY EAKES: Okay. And then -- that's something -- you put a bag on him to assist his breathing?

NICOLAS WILSON: BVM, so it was a mechanical bag that you squeeze, put a seal over the face.

PATTY EAKES: Okay. Okay. And how long do you think you had been there before you put the BVM on?

NICOLAS WILSON: It was initial -- everything happens consecutively and some thing happen at the same time.

PATTY EAKES: Okay. Sorry. Feel free to jump in with any questions.

UNIDENTIFIED MALE SPEAKER: I've got a question, Mr. Wilson. Do you recall how the spit mask was positioned on the patient? Any specific recollection on that?

NICOLAS WILSON: Over his lower face.

UNIDENTIFIED MALE SPEAKER: Lower face. So what does lower face mean? Is that the nose? The mouth? Or just the mouth?

NICOLAS WILSON: Somewhere in this region between the nose and chin.

UNIDENTIFIED MALE SPEAKER: Okay. Do you recall

whether the nose was covered by the face mask?
NICOLAS WILSON: I don't recall the specifics. Just that it was in that general area and it was quickly removed.
UNIDENTIFIED MALE SPEAKER: Do you remember what the face mask or the spit mask itself looked like?
NICOLAS WILSON: Spit hood. It's a very common -- commonly used piece of equipment in the medical industry.
UNIDENTIFIED MALE SPEAKER: Any specific recollection of whether there was, like, a mesh part of it? And then whether there's, like, you know --
NICOLAS WILSON: Typically the entire spit hood is mesh.
UNIDENTIFIED MALE SPEAKER: Okay. Do you at this point have any independent recollection of what that spit hood looked like that night?
NICOLAS WILSON: No.
UNIDENTIFIED MALE SPEAKER: Okay. When you arrived, did you see anyone attending to the patient?
NICOLAS WILSON: I don't recall specifics of that.
UNIDENTIFIED MALE SPEAKER: Okay. And are you able to give us an indication of -- you said that there were officers standing around. Do you recall who of -- were there any officers that was closest to the patient or what their position was?
NICOLAS WILSON: Elaborate.

UNIDENTIFIED MALE SPEAKER: Sure. When you say the were several officers -- several people standing around, are you talking about actually physically standing around? Or were they sort of down low towards where the patient was?

NICOLAS WILSON: I'm referring to officers on scene.

UNIDENTIFIED MALE SPEAKER: On the scene. Okay. Do you recall how many officers?

NICOLAS WILSON: I don't.

UNIDENTIFIED MALE SPEAKER: It was multiple.

UNIDENTIFIED MALE SPEAKER: Multiple? More then ten? Less than ten?

NICOLAS WILSON: Like I said, my focus is on the patient. I felt that the Tacoma police and fire presence was appropriate for my safety and my crew's safety.

UNIDENTIFIED MALE SPEAKER: Okay. So did you feel safe at that point then as you're approaching the patient?

NICOLAS WILSON: It's always in the back of your head, right? Safety, because things go sideways. But I did feel safe at that point.

UNIDENTIFIED MALE SPEAKER: Typically when you arrive on scene and there's a patient and there's people around, do you try to get some information on what happened to the patient?

NICOLAS WILSON: Absolutely.

UNIDENTIFIED MALE SPEAKER: Okay. Did you --

NICOLAS WILSON: And that's while you're approaching -- usually you are met by somebody that can give you a quick rundown of what you're walking into. You're not walking in blind.

UNIDENTIFIED MALE SPEAKER: Okay.

NICOLAS WILSON: Would you like me to read from my report what I was aware of prior to --

UNIDENTIFIED MALE SPEAKER: I -- no. We have the report. But just sort of your independent recollection. Do you recall, you know, do you recall the person that you -- I mean, you did speak to someone I take it?

NICOLAS WILSON: Yeah. We have a professional working relationship with TPD. Most of the time we're not on a first name basis.

UNIDENTIFIED MALE SPEAKER: Okay.

NICOLAS WILSON: We do our job. They do their job. We call them for help. They call us for help. We're there to help.

UNIDENTIFIED MALE SPEAKER: Okay. Do you recall who it was that you spoke to --

NICOLAS WILSON: I do not.

UNIDENTIFIED MALE SPEAKER: Okay. And the information that you were provided is what's contained in your report?

NICOLAS WILSON: Correct.

UNIDENTIFIED MALE SPEAKER: Do you have any other recall of what was -- any other information that was provided to you that wasn't included --

NICOLAS WILSON: I have no further information from my report or the (indiscernible) position in that regard.

UNIDENTIFIED MALE SPEAKER: Okay.

PATTY EAKES: So in looking at your report, it says in the third line under the narrative, that patient supine on ground in handcuffs and with restrained extremities times four and multiple TPD officers assisting/restraining. I mean, I -- assisting and restraining obviously are two different things. Can you distinguish or can you tell me what you meant by that?

NICOLAS WILSON: I believe all the TPD officers on scene were assisting in the control of the scene ensuring that it's safe. But no, not every single officer on scene was next to the patient.

PATTY EAKES: Okay. Were there some that were restraining him?

NICOLAS WILSON: Like I answered earlier, that's the vague --

PATTY EAKES: A vague memory?

NICOLAS WILSON: Yeah.

PATTY EAKES: Okay. I just wasn't sure because of the way it was written --

NICOLAS WILSON: Right. I see that now.
PATTY EAKES: -- if you had any specific memory about that. And then you wrote per TPD, patient charging vehicles and was apparent threat. Patient tased and restrained, then went limp. Is that -- do you know -- get that information from one officer or --
NICOLAS WILSON: No, that's multiple officers as you approach.
PATTY EAKES: Okay. Just people kind of as you're walking up giving you a little background?
NICOLAS WILSON: Correct. Because you're using your eyes, ears, you're listening to what is being said, trying to gather information.
PATTY EAKES: Okay. So I take it you can't say who specifically might have told you that rendition of it?
NICOLAS WILSON: I wish I could.
PATTY EAKES: Okay. All right. And then the next one says prior to going limp was very strong, difficult to restrain, subdue. So is that just the kind of background information, I'll call it, that you gathered from --
NICOLAS WILSON: Correct. All of that is --
PATTY EAKES: (indiscernible) Okay. So did you put hands on Mr. Ellis right away? I mean, would you touch him as you're trying to render -- as you're giving him aid?
NICOLAS WILSON: To assess?

PATTY EAKES: Uh-huh.
NICOLAS WILSON: Absolutely.
PATTY EAKES: Okay. Can you -- what do you remember about how he felt in terms of his skin? Temperature --
NICOLAS WILSON: Skin was cool and clammy.
PATTY EAKES: Okay. And what if anything does that indicate to you as a paramedic?
NICOLAS WILSON: Being diaphoretic and you're sweaty, right? Perhaps something prior just happened where he exerted force and he was under exertion prior to our arrival.
PATTY EAKES: That's what cool and clammy tells you?
NICOLAS WILSON: Correct.
PATTY EAKES: Okay. Explain -- can you explain that to me, sir? I don't think I understood --
NICOLAS WILSON: I don't think I understand what you're trying to ask.
PATTY EAKES: No, I'm just trying to understand what -- when you say cool and clammy, what if anything does that tell you about his condition?
NICOLAS WILSON: Well, if you just got done running a mile or more, right?
PATTY EAKES: Uh-huh.
NICOLAS WILSON: You'd be sweaty. That kind of thing.

PATTY EAKES: Okay. So is clammy consistent with sweaty? I just wasn't sure it would be the same thing.
NICOLAS WILSON: It can if --
PATTY EAKES: -- versus --
NICOLAS WILSON: It's on the way, yeah.
PATTY EAKES: -- it's on the way to? Okay. Did the skin feel hot at all?
NICOLAS WILSON: It was a March night. Very cold outside.
PATTY EAKES: Okay.
NICOLAS WILSON: And we do have gloves on.
PATTY EAKES: Okay. So either you don't know or it was cold out or --
NICOLAS WILSON: Correct.
PATTY EAKES: Okay.
UNIDENTIFIED MALE SPEAKER: Mr. Wilson, you were working with jeff Polo that night? Is that correct?
NICOLAS WILSON: (indiscernible) our third. He was the third person on the engine that night.
UNIDENTIFIED MALE SPEAKER: Oh, okay. Who was the other --
NICOLAS WILSON: Marlon Ridgeway, Lieutenant.
UNIDENTIFIED MALE SPEAKER: Did you -- did the three of you all arrive at the same time or approach the patient at the same time?

NICOLAS WILSON: We all arrived in the same vehicle and approached on foot.

UNIDENTIFIED MALE SPEAKER: Okay. And as you approach on foot, were all three of you together or were you the first person to the patient?

NICOLAS WILSON: You know as time passes, those specific details fade. So I can't speak to specifics on who was actually first and second and third. But it's my recollection we all arrive to the patient and began rendering care.

UNIDENTIFIED MALE SPEAKER: Do you have a recollection of requesting the officers to remove the restraints?

NICOLAS WILSON: Right. We asked the restraints be removed.

UNIDENTIFIED MALE SPEAKER: Yeah.

NICOLAS WILSON: And that was accomplished.

UNIDENTIFIED MALE SPEAKER: Okay. That was you that made the request? Or was it Jeff or Marlon that did that?

NICOLAS WILSON: I believe it was Marlon and myself.

UNIDENTIFIED MALE SPEAKER: Okay. There's some indication from other reports that there may have been some pushback from TPD regarding restraints. Do you recall any of -- do you recall that?

NICOLAS WILSON: I asked for the restraints removed

and I continued care.
UNIDENTIFIED MALE SPEAKER: Okay. Do you recall receiving any pushback while -- we don't know if it's safe to do that. Do you recall any conversation with TPD about that?
NICOLAS WILSON: I don't recall specifics of that.
PATTY EAKES: Mr. Wilson, when was -- this pre-hospital care report, you authored it. Is that right? That's what I see?
NICOLAS WILSON: Correct.
PATTY EAKES: And when would you have prepared this in relation to when you went out on the call?
NICOLAS WILSON: That night.
PATTY EAKES: Okay. So you would, like, go back to the station and do it? Or have -- can you just walk me through the mechanics of how you get it done?
NICOLAS WILSON: Yeah. So we use an iPad --
PATTY EAKES: Uh-huh.
NICOLAS WILSON: -- on scene. We have somebody scribing if that's available. All three of us were needed immediately to perform care. So until other resources arrived, nothing is being documented, and everything is done from memory.
PATTY EAKES: Okay. And then do you go back and kind of fill it out? Or do you just do it all in the field?

NICOLAS WILSON: We typically try to do as much as we can in the field while waiting for -- for whatever reason -- if we're still on scene, we do as much as we can. On returning to the station, the report is completed and submitted.

PATTY EAKES: Okay. And so do you do that, like, before you go out on the next call typically?

NICOLAS WILSON: Hopefully. We're pretty busy down in the south end, so if you don't stay on top of it, things pile up, but --

PATTY EAKES: Okay. And if Mr. Ellis had been making noises or somehow, I don't know, talking in any way, is that something you would have reported?

NICOLAS WILSON: That would have been documented. The Glasgow coma scale was 1, 1, 1. Which means no purposeful movement, no eye movement, no discernible sounds whatsoever.

PATTY EAKES: Okay. That's what -- I wondered what that meant. That's what the GC--

NICOLAS WILSON: GCS.

PATTY EAKES: GCS 1, 1, 1 means?

NICOLAS WILSON: Correct.

PATTY EAKES: Okay. So you would have documented if there was anything at all that he had --

NICOLAS WILSON: Any gurgling, any purposeful

movements, any complaints. All we had to go on was his presentation and what was stated from the officers.

PATTY EAKES: Okay.

NICOLAS WILSON: No medical history, no prior history.

PATTY EAKES: Yeah.

NICOLAS WILSON: (indiscernible) in the dark.

PATTY EAKES: And the condition that he was when you saw him, does that -- does it tell you anything based on your experience about how long he might have been without air or had difficulty breathing?

NICOLAS WILSON: Does not. Some people can decline faster than others. Depending on cardiac output prior to, and there's -- there are many variables that come into play with that.

PATTY EAKES: Okay. If -- if somebody had said that he was fine and that he only became unconscious or unresponsive as the firefighters were walking over to render aid, is that consistent? Or would that be consistent with your experience?

NICOLAS WILSON: It's a huge spectrum.

PATTY EAKES: Okay. So it sounds like it could be, but --

NICOLAS WILSON: Right. I can't speak to the fact on any of that.

PATTY EAKES: Okay.
NICOLAS WILSON: Alert and oriented I know is what we get and what we see.
PATTY EAKES: Okay.
NICOLAS WILSON: So that's the nature of the industry that we work in.
PATTY EAKES: Yeah.
NICOLAS WILSON: The conditions we work upon.
PATTY EAKES: Okay. After the GCS you have AO times zero. Can you just walk us through what that means?
NICOLAS WILSON: Alert and oriented. So he is not alert and oriented --
PATTY EAKES: Okay.
NICOLAS WILSON: -- to person, place, time, or event.
PATTY EAKES: Okay. And I think you said his pupils were fixed and dilated. Again, does that signify anything to you?
NICOLAS WILSON: That hypoxia, perhaps declining respiratory drive and that led to hypoxia.
PATTY EAKES: Okay. And the airway with moderate amount of secretions. Is that significant from a medical standpoint for you as you're --
NICOLAS WILSON: For me it would explain why the spit hood was in place perhaps. I'm just noting what I

visually see.
PATTY EAKES: Okay. I just didn't know if it meant anything in terms of your assessment of likely --
(simultaneous conversation)
NICOLAS WILSON: There was no emesis, so -- there was no emesis and essentially just moderate amounts of secretions and trace of blood, so...
PATTY EAKES: Okay. All right.
UNIDENTIFIED MALE SPEAKER: What's emesis?
NICOLAS WILSON: Emesis is, like, vomit.
PATTY EAKES: And you put chest apnea. What does that mean?
NICOLAS WILSON: Not breathing. No visible chest rise.
PATTY EAKES: Okay. And was that from the moment you got there? No visible chest rise?
NICOLAS WILSON: Agonal respirations with deteriorating drive, and then agonal -- or, sorry, apnea.
UNIDENTIFIED MALE SPEAKER: Mr. Wilson, this is Dr. Clark. First, I'm sympathetic because it's more than a year passing. It's been that for me too, and I know it's hard to remember.
But when you describe agonal respirations, can you talk a little bit more about what you mean? Like is it normal respirations that aren't occurring very frequently?

Or is it shallow ineffective respirations that are occurring sporadically?

NICOLAS WILSON: It's sporadic if occurring at all.

UNIDENTIFIED MALE SPEAKER: If at all. So it -- you're talking about the true agonal respirations, the last of the brainstem reflexes that is still trying to force somebody to breathe, but they're not breathing.

NICOLAS WILSON: Yeah.

UNIDENTIFIED MALE SPEAKER: Okay. And I have some questions on the time keeping. And I don't want to appear tedious, but the timing is really important in understanding this case. And I'm wondering, what is the source of the time that you use in the EMR? Is it coming directly from the iPad which is getting it from Verizon? Or is there something else that I'm missing?

NICOLAS WILSON: As far as what time?

UNIDENTIFIED MALE SPEAKER: The time stamps that are in your record. Where do they come from?

NICOLAS WILSON: So our CAD data gives us our dispatch time, rig placement when it's entered. So, like, our -- when the call is received, when the call is dispatched, when we're en route, when we're on scene, when we're available. Everything else is done either from memory or as a time stamp when it's done. So --

UNIDENTIFIED MALE SPEAKER: Is there any way to tell

the difference --
NICOLAS WILSON: No.
UNIDENTIFIED MALE SPEAKER: -- in your record?
NICOLAS WILSON: No. Not to my knowledge. So...
UNIDENTIFIED MALE SPEAKER: Because some of the -- the times are very specific to the second, for example, when CPR started. And I just don't understand where that is coming from. Is it because you have a scribe that's typing in CPR started?
UNIDENTIFIED FEMALE SPEAKER: It's a program. So they automatically generate hour, minute, second mark. So whenever you hit it, it automatically is generating that second piece.
UNIDENTIFIED MALE SPEAKER: Okay.
UNIDENTIFIED FEMALE SPEAKER: They're not entering the (indiscernible) second. It is completely computer generated.
UNIDENTIFIED MALE SPEAKER: Okay. That's what I was thinking. So when somebody is holding the iPad -- and you as the paramedic are probably giving the orders and telling them what to write. Is that correct?
NICOLAS WILSON: Correct.
UNIDENTIFIED MALE SPEAKER: So you --
NICOLAS WILSON: My goal is not to scribe. It's to treat. So when I'm doing the treatments I say, okay, the

person scribing has to be aware. And here in a chaotic scene, those things get missed and it's -- so it's time stamped at a later time. But -- does that help clarify anything?

UNIDENTIFIED MALE SPEAKER: It's different from what you said.

NICOLAS WILSON: No, it's --

UNIDENTIFIED FEMALE SPEAKER: It's not -- what he's trying to say is you go back from memory and you enter it based on sequence of events. And you hit a time stamp button. But it's not time stamped as you're making it as where we are stamping a thing in time. It's a feature that's used in our program that's a time stamp feature.

UNIDENTIFIED MALE SPEAKER: Okay. So if you look at the time stamps in this record, would it be correct to say that most of those time stamps are later than the actual event happened?

UNIDENTIFIED FEMALE SPEAKER: Well, everything is going to have a delay because you're doing it afterwards. And depending on how many resources were available at his scene, if all three members of his crew were --

NICOLAS WILSON: Yeah.

UNIDENTIFIED FEMALE SPEAKER: Treating the patient, you're not to have that extra personnel to be hitting that time stamp button. So at that point they're going to need

to go back after care and enter what they think is the best kind of area for them to hit the time amount. But, again, it's not an exact, aside from the data that's received from our CAD. Which would be more precise.

UNIDENTIFIED MALE SPEAKER: Okay. And that's the same CAD police are using.

UNIDENTIFIED FEMALE SPEAKER: Correct.

UNIDENTIFIED MALE SPEAKER: So in your program, when you get the final product, which is your record, and it has a bunch of time stamps to the second, some of those may be realtime -- if the EMT typed epi, that would stamp it then. But if you need to go back in and insert something in between two real ones, it might have a not real time.

UNIDENTIFIED FEMALE SPEAKER: That's correct.

PATTY EAKES: And the scribe might be putting in epi after he has actually already put the epi in. Is that right?

UNIDENTIFIED FEMALE SPEAKER: Right.

UNIDENTIFIED MALE SPEAKER: And is there any way to tell the difference? The ones that were entered in real time versus the ones that were entered later?

UNIDENTIFIED FEMALE SPEAKER: At the personnel level, at his level, he does not have access to that. That would need to come from our technology department. And I don't know if that's something that they have access to.

UNIDENTIFIED MALE SPEAKER: Okay.
UNIDENTIFIED FEMALE SPEAKER: But it would be behind the scenes with programming.
UNIDENTIFIED MALE SPEAKER: Okay. But theoretically, there is probably a difference between them, and it could be established.
UNIDENTIFIED FEMALE SPEAKER: Possibly. That would be something for our IT department.
UNIDENTIFIED MALE SPEAKER: Okay. And how does the scribing work? You -- the three of you are there and you're all busy. So it looked to me from reading your record that Ridgeway was probably the first recorder and then Jackson was second and probably became the primary recorder. Is that correct?
NICOLAS WILSON: (indiscernible) common practice.
UNIDENTIFIED MALE SPEAKER: So at first when you're all three worried about saving a life, nobody's got the iPad.
NICOLAS WILSON: That's secondary.
UNIDENTIFIED MALE SPEAKER: Yeah, right.
NICOLAS WILSON: The life is the most important thing.
UNIDENTIFIED MALE SPEAKER: All right. When somebody's free, somebody picks up the iPad and starts entering stuff.

NICOLAS WILSON: Right. At least we have the resources in our city to have everybody on scene that we needed to effectively render care and document at the same time. But the simple fact of the matter is that's not the reality (indiscernible).

UNIDENTIFIED MALE SPEAKER: Okay.

NICOLAS WILSON: So to the best of our knowledge, these times are accurate and input as precisely as we can.

UNIDENTIFIED MALE SPEAKER: Okay. That makes sense.

NICOLAS WILSON: And as quickly as we can. That's where the documentation aspect comes in. That's why we like to complete these reports as soon as possible so that everything is memorialized. If it's on the radio -- it's recorded at CC, it's memorialized. But these reports aren't memorialized until we produce them.

UNIDENTIFIED MALE SPEAKER: So the time on the CAD that shows when you actually got out of your truck, that's going to be generate -- the system generated that.

NICOLAS WILSON: Our CAD program, the officer pushes a button on the touch screen and that's when that time is recorded. So sometimes the rig pulls up, it takes them a second and then they push it. So even then, it's -- I mean, you're talking about seconds here, but nothing is precise and exactly. It's done to the best of our human capability.

UNIDENTIFIED MALE SPEAKER: Okay. Do you want me to

go ahead or --
PATTY EAKES: Let me just ask one quick question.
UNIDENTIFIED MALE SPEAKER: Of course.
PATTY EAKES: But on page 3 of your report -- so I noticed that in the response times and mileage it says at scene 2333:09 but then at patient 2334:41. Which seems like a significant amount of gap. Is that accurate or --
NICOLAS WILSON: In my personal opinion, that's very quick. To take half a block --
PATTY EAKES: Oh, is it?
NICOLAS WILSON: -- to a block. The scope of the scene was rather large.
PATTY EAKES: Okay.
NICOLAS WILSON: And we have a very large fire engine.
PATTY EAKES: Uh-huh.
NICOLAS WILSON: So to drive through is nearly impossible.
PATTY EAKES: Okay.
NICOLAS WILSON: So we have to exit the vehicle, go to a compartment, grab any necessary gear that we think is appropriate for the call, and then carry that gear to where it is most effective.
PATTY EAKES: Okay. So these --
(simultaneous conversation)

NICOLAS WILSON: -- actually moving very quickly.
PATTY EAKES: Okay. And so -- and that's probably pretty accurate then that you would --
NICOLAS WILSON: Yeah. We arrived at patient's side. That's one that's ready to go and marked.
PATTY EAKES: Okay. So it would be recorded right away --
NICOLAS WILSON: Right.
PATTY EAKES: -- and be accurate.
NICOLAS WILSON: Correct.
PATTY EAKES: Okay. That's what I wondered. Go ahead, Doctor.
UNIDENTIFIED MALE SPEAKER: Well, about the Glasgow coma score n the fixed and dilated pupils, the combination of 1 1 1 and fixed and dilated pupils has a strong suggestion of a diagnosis of brain death. Would you agree with that?
NICOLAS WILSON: I don't know the condition of his brain.
UNIDENTIFIED MALE SPEAKER: Yeah. The combination of fixed and dilated pupils, agonal respirations, and no response -- fixed and dilated pupils can happen for other reasons but the combination -- and I don't know exactly what the accuracy and what the precision of that combination would be, but it's probably pretty high.

NICOLAS WILSON: Is that your medical opinion?
UNIDENTIFIED MALE SPEAKER: That would be a medical opinion. But I want to know how you would react to that. Would you have expected to be able -- and you have a lot of experience in the field seeing people who are going to recover and seeing people who don't recover. Which category would you have put him in when you first saw him?
NICOLAS WILSON: Very critical patient with potential to deteriorate very quickly. And not recover.
UNIDENTIFIED MALE SPEAKER: Okay.
NICOLAS WILSON: Which -- we are even more aggressive in that manner to resuscitate.
UNIDENTIFIED MALE SPEAKER: Which I appreciate. I wasn't (indiscernible) --
NICOLAS WILSON: I think we are very good at what we do --
UNIDENTIFIED MALE SPEAKER: Yeah. I think the same thing --
NICOLAS WILSON: -- and it's because we are so aggressive in our treatments when necessary. This was a necessary instance where care was needed rapidly and aggressively, and it was provided as such.
UNIDENTIFIED MALE SPEAKER: Okay. I'm sure you are aware that there are discrepancies in the description of breathing between -- well, among the EMTs. For example, Mr.

Polo said the breathing was slow but with respiratory effort. And in his interview he said he had an adequate respiratory drive when we arrived --

UNIDENTIFIED FEMALE SPEAKER: And Mr. Wilson is not aware of what occurred in others' interviews. He can speak to what he --

NICOLAS WILSON: Yeah.

UNIDENTIFIED FEMALE SPEAKER: -- observed --

UNIDENTIFIED MALE SPEAKER: Okay.

UNIDENTIFIED FEMALE SPEAKER: -- the patient himself and how he treated that patient, but he's not going to speak to what others observed and --

UNIDENTIFIED MALE SPEAKER: Okay. But then just saying that there is a discrepancy, is there anything you can think of that would explain a discrepancy in one person saying that he's breathing and another person saying that he's not?

NICOLAS WILSON: No. It's his opinion of what he sees.

UNIDENTIFIED MALE SPEAKER: Yeah. And I understand. I've been at these scenes. I understand that it's noisy. It's confusing. It's dark. So I understand all of that. But it just concerns me to know which is correct, not that anybody did anything wrong, but with their different --

NICOLAS WILSON: Regardless of the perception of

respiratory drive in that manner, he was able to tolerate OPA and a BPM. And the outcome was the same. He received the same care that he would have received right away. So it matters, but the treatment on him did not change in that regard.

UNIDENTIFIED MALE SPEAKER: No. I -- I understand that.

NICOLAS WILSON: So (indiscernible) fixated on that, I don't see it.

UNIDENTIFIED MALE SPEAKER: It isn't for that reason. It's to understand the time line. And that's different from the medical therapy goal.

So another discrepancy that I'm concerned about was that --

UNIDENTIFIED MALE SPEAKER: Can we take a break for a minute, please?

PATTY EAKES: Sure.

DAVID HEITZMAN: This is David Heitzman. The time is 10:47 hours. I'm going to be stopping the tape.

(Short break)

DAVID HEITZMAN: This is David Heitzman. We're back on tape. The time is 10:57.

UNIDENTIFIED MALE SPEAKER: Okay. I think this is the last thing I have. It's kind of back to the question of his skin condition. Would you describe it as actually wet?

NICOLAS WILSON: I can't elaborate further than what's in the document.
UNIDENTIFIED MALE SPEAKER: But clammy to me means not wet but as you said, starting to get wet. And that would be different from actually soaking wet.
NICOLAS WILSON: Right.
UNIDENTIFIED MALE SPEAKER: And --
NICOLAS WILSON: Again, it's difficult to ascertain secondary to heavy bulky clothing, dark night, chaotic scene. It's a quick -- very quick assessment with gloves on, full PPE.
UNIDENTIFIED MALE SPEAKER: Was the clothing that you took off of him wet?
NICOLAS WILSON: I don't recall the specific clothing that we even cut off.
UNIDENTIFIED MALE SPEAKER: Okay. And the last question about water. Was it actually raining or dry when you arrived?
NICOLAS WILSON: I don't believe it was raining.
UNIDENTIFIED MALE SPEAKER: Okay. Do you remember if it had been raining?
NICOLAS WILSON: I don't recall.
UNIDENTIFIED MALE SPEAKER: Your report says TPD officers believe patient is suffering from excited delirium. And you also had a single sentence that looked like an

impression, cardiac arrest secondary to excited delirium. Is that an independent conclusion? Or was that just a recap of what the officers had told you when you got there?

NICOLAS WILSON: You know, I'm simply a pre-hospital paramedic in the field. Based on the information given to me prior to our patient contact and the patient presentation, it is in my professional opinion that that is the most likely diagnosis of what has transpired.

UNIDENTIFIED MALE SPEAKER: Okay. So it's based -- can you tell me what it is based on? The opinion?

NICOLAS WILSON: I believe I just did. The information that I acquire and is given to me and how the patient presents.

UNIDENTIFIED MALE SPEAKER: Okay.

NICOLAS WILSON: And the subsequent outcome. Cardiac arrest because his heart stopped. Excited delirium because of information given to me by the officers and his presentation.

UNIDENTIFIED MALE SPEAKER: Okay.

PATTY EAKES: Have you had experience with excited delirium before?

NICOLAS WILSON: I have.

PATTY EAKES: Okay. Can you give me an idea of, like, how often you've seen that? How many times --

NICOLAS WILSON: 17 years' worth.

PATTY EAKES: Does it happen -- I have no idea if it happens very often or --
NICOLAS WILSON: It -- everything comes in waves for us and it's based sugar on what shift you're on sometimes. I don't know the pattern or the frequency.
PATTY EAKES: Okay.
NICOLAS WILSON: But it's something we're aware of, we train for, and we treat aggressively.
PATTY EAKES: Okay. And have you seen people die as -- secondary to excited delirium?
NICOLAS WILSON: Yes.
PATTY EAKES: Any idea how many times?
NICOLAS WILSON: No.
PATTY EAKES: Okay. And you said his presentation, you know, the excited delirium was based on what the officers said and the presentation of the patient. What was it about Mr. Ellis that from your medical standpoint was consistent with excited delirium?
NICOLAS WILSON: Somebody who has been characterized -- he was in an agitated state. There was an interaction between him and the officers as described. And how the patient presented and subsequent cardiac arrest. So respiratory arrest prior to that.
PATTY EAKES: Okay. So understand kind of -- I'm going to try to winnow this out here -- make sense. And if

it doesn't, just tell me. Kind of putting aside what the officers told you, from his physical standpoint when you get there and treated him, as if you knew nothing, was there anything about his physical condition that you said, ah, excited delirium, consistent with my training.

NICOLAS WILSON: If I just had no officers on scene.

PATTY EAKES: Correct.

NICOLAS WILSON: And it was just my crew and this patient laying in the road.

PATTY EAKES: Uh-huh.

NICOLAS WILSON: It's difficult to ascertain, like, that would be -- I -- (indiscernible) stab in the dark. We're trying to treat a patient based on what we think it's going to be, but ultimately we treat via the ACLS algorithm and go from there.

PATTY EAKES: Okay. I was just trying to understand if there was anything about his symptoms that somehow in your mind was consistent with excited delirium if you put aside the descriptions that you -- does that make sense?

NICOLAS WILSON: Correct. It's the events leading up to the cardiac arrest that -- and you can have excited delirium, be sedated or calm down, and survive.

PATTY EAKES: Uh-huh.

NICOLAS WILSON: It's when it progresses past a point of no return that it equates to death.

PATTY EAKES: Okay.
NICOLAS WILSON: And, again, that time line is different for everybody. There's hundreds of variables that play a role way beyond my pay grade.
PATTY EAKES: Okay. All right.
UNIDENTIFIED MALE SPEAKER: In your initial assessment you talked about the pulse as being very slow, bradycardia. Do you know -- do you have a threshold at which you would say the pulse is bradycardic?
NICOLAS WILSON: 60 beats a minute.
UNIDENTIFIED MALE SPEAKER: Okay.
NICOLAS WILSON: Is the definition of bradycardia, less than.
UNIDENTIFIED MALE SPEAKER: And the first EKG or the first rhythm strip that you did showed sinus rhythm, and it was probably slightly faster than that. But I'm wondering what you would think of the theory that you might have been feeling only some of the pulses at that point. You actually wrote --
NICOLAS WILSON: Mechanical capture versus electrical capture.
UNIDENTIFIED MALE SPEAKER: Yeah.
NICOLAS WILSON: Correct. That's difficult to ascertain also. I have what I see on the monitor. I have what I can palp, but my hands have to be doing other things

that are more important, like aggressively managing the airway and trying to avoid subsequent cardiac arrest. So I get an initial impression, that's what I stick with. We have a very small monitor, so if you wiggle a wire it's, you know --

(simultaneous conversation)

UNIDENTIFIED MALE SPEAKER: Does it automatically submit the rhythm strip to the --

NICOLAS WILSON: Everything was in the patient care report.

UNIDENTIFIED FEMALE SPEAKER: And it's also good to know that the rhythm strips that you see in this report are much more clear than what he sees in the field on his screen.

UNIDENTIFIED MALE SPEAKER: That's actually very cool, to have the machine to show it to you and then prints it for you.

NICOLAS WILSON: Yeah.

UNIDENTIFIED MALE SPEAKER: But when you -- were you ever at any point feeling his pulse and watching the screen? At the same time?

NICOLAS WILSON: Prior to initiating CPR, absolutely. My level of suspicion is heightened not only by the fact that he's not breathing on his own, but now we have an EKG that's slowing, which will result in a subsequent

asystole, which is absolutely not conducive with life. So I would like to avoid asystole, keep his heart beating, hopefully aggressive airway management can do that. IV access, IV therapies, all these things take time, and they have to happen sequentially and very quickly. Yeah.

This was not the outcome I wanted with this patient. It's hard for us to walk away and leave a patient in the middle of the road, right? For the ME to come and take them -- I don't know.

UNIDENTIFIED MALE SPEAKER: Yeah, I know. I've seen that and I understand that.

When you wrote PEA, can you just talk for a minute about what the factors were that you were considering that led you to that conclusion?

NICOLAS WILSON: When you have electrical activity on the monitor but no mechanical palpable pulse, it's what you call pulseless electronic activity.

UNIDENTIFIED MALE SPEAKER: Right. At some point the pulse you were feeling disappeared altogether and you still had electrical activity on the monitor. Is that what you're saying?

NICOLAS WILSON: That's what I believe I recall.

UNIDENTIFIED MALE SPEAKER: That's also what

(simultaneous conversation)

NICOLAS WILSON: -- long time ago. I don't remember

the exact down to the second of the call. I just know that he deteriorated, we lost pulses, CPR was started.

UNIDENTIFIED MALE SPEAKER: Okay.

NICOLAS WILSON: Intubated. IV therapy, push epi seven times, (indiscernible) bicarb. We had one shockable rhythm and lidocaine after that.

UNIDENTIFIED MALE SPEAKER: Is there anything else you can think of that would contribute to our understanding of the initial rhythms that you were seeing? Okay.

NICOLAS WILSON: I can't elaborate anymore on that. It would be guessing and stabbing in the dark, and I don't think it would be --

UNIDENTIFIED MALE SPEAKER: Yeah. Well the most important one is obviously the first one that you saw on the screen.

NICOLAS WILSON: Right.

UNIDENTIFIED MALE SPEAKER: That was pretty clearly sinus rhythm. I know you've already said that, but I just want to make sure I understand. At the time you saw that, you were still monitoring his actual pulse also, and so you actually noticed -- you saw a discrepancy between what you were feeling and what you were seeing on the screen. You weren't feeling a pulse, yet you were seeing electrical activity.

NICOLAS WILSON: I think I described that there's

only three of us on the engine.
UNIDENTIFIED MALE SPEAKER: Yes.
NICOLAS WILSON: And we have ten things that have to happen. If we had an extra person to stand there with their finger on the pulse, that would be ideal, because then we would know instantly.
UNIDENTIFIED MALE SPEAKER: Yeah.
NICOLAS WILSON: As the rhythm slows, I become incredibly more concerned and will continue to recheck and check. And once it's gone, it's either extreme hypotension or it's just PEA.
UNIDENTIFIED MALE SPEAKER: No. I get it. And I'm not saying you should have had somebody feeling the pulse. I'm just trying to figure out --
NICOLAS WILSON: I understand that.
UNIDENTIFIED MALE SPEAKER: -- if you did have somebody feeling the --
NICOLAS WILSON: I'm just trying to convey the conditions with which we end every day working.
UNIDENTIFIED MALE SPEAKER: Well, I've seen them. I understand. But would you say that you could document -- or do you remember that there was a discrepancy that would be called PEA? You were looking at a rhythm yet you're not feeling a pulse? I couldn't tell that from the record.
NICOLAS WILSON: I can go through and look at some

of these rhythm strips. Because I believe throughout the CPR events, there were times when he was in PEA but did not have a pulse.

UNIDENTIFIED MALE SPEAKER: I'm sorry. What's PEA?

NICOLAS WILSON: Pulseless electrical activity. It's when the heart rate has electrical activity but it doesn't have a mechanical --

UNIDENTIFIED MALE SPEAKER: Okay. Gotcha. Thank you.

NICOLAS WILSON: And so it's treated as an event requiring CPR. So we can try to mechanically squeeze the heart and do chest compressions.

PATTY EAKES: Were you the only one who was checking the pulse? Or were the other two who were with you checking pulses?

NICOLAS WILSON: I don't recall who checked pulses. Perhaps somebody else also had checked the pulse multiple times. It's something were all very concerned of. If you have a free hand, typically try to find a pulse, femoral or carotid or --

PATTY EAKES: Okay. I was going to ask where it was, the carotid and where else?

NICOLAS WILSON: Femoral.

PATTY EAKES: Oh, femoral. Okay. Got it.

NICOLAS WILSON: Those two come right off, and if

you have a good pulse, sometimes you can feel it there.
PATTY EAKES: Okay.
NICOLAS WILSON: Anything more distal it's harder to reach and feel.
PATTY EAKES: Did he ever -- when you were checking pulses have a pulse of 80?
NICOLAS WILSON: I don't recall the rate of his pulse beyond -- what are you referring to?
PATTY EAKES: I didn't see it in here, but what I'm asking --
NICOLAS WILSON: Why does 80 come to mind is my question.
PATTY EAKES: Because of other information that we have from somebody else and that's -- do you remember an 80?
NICOLAS WILSON: No.
PATTY EAKES: And is 80 normal? Or where does that fall from your perspective?
NICOLAS WILSON: 80 would be within normal limits.
PATTY EAKES: Okay. Sorry. Go ahead.
NICOLAS WILSON: If it's a mechanical pulse, right? Otherwise it's PEA, which means zero.
PATTY EAKES: Yeah.
NICOLAS WILSON: So there's a difference between electrical and mechanical. So what you see isn't always what you're getting mechanically.

PATTY EAKES: Okay. And did you -- do you record anywhere in this program other than the description that you gave a pulse at a specific point in time?

NICOLAS WILSON: I believe there's vital sets throughout. In the report. Along with end tidal CO2, respiratory rate --

PATTY EAKES: I must be missing it. What page is it on?

NICOLAS WILSON: I believe it's page 3. Page 2 to page 3. All recorded vitals --

PATTY EAKES: Oh, the rates of the vitals --

NICOLAS WILSON: -- show a pulse of 0 and respirations of 0. And he was not breathing on his own, nor was the heart beating adequately. The first document is vital signs at 2342.

PATTY EAKES: Okay.

UNIDENTIFIED MALE SPEAKER: Nick, do you remember how the initial call came out?

NICOLAS WILSON: Do you have the CAD data?

UNIDENTIFIED FEMALE SPEAKER: I didn't print out the CAD for you.

NICOLAS WILSON: That's in our CAD. That's memorialized.

UNIDENTIFIED MALE SPEAKER: Okay. Okay. Do you --

(indiscernible voices)

UNIDENTIFIED MALE SPEAKER: So I --
NICOLAS WILSON: TPD request for evaluation after arrest.
UNIDENTIFIED MALE SPEAKER: Okay.
NICOLAS WILSON: Is what our initial dispatch was.
UNIDENTIFIED MALE SPEAKER: I'm sorry. Say it once more?
NICOLAS WILSON: TPD requesting evaluation after arrest.
UNIDENTIFIED MALE SPEAKER: Oh, okay.
NICOLAS WILSON: So Tacoma Police Department requesting evaluation of somebody under arrest.
UNIDENTIFIED MALE SPEAKER: Was there any indication on the initial call of the status of the patient?
NICOLAS WILSON: Again, I sit in the driver's seat. I don't have that laptop in front of me.
UNIDENTIFIED MALE SPEAKER: Gotcha.
NICOLAS WILSON: I'm not aware of any of that knowledge.
UNIDENTIFIED MALE SPEAKER: Okay. So you drove that night?
NICOLAS WILSON: Correct.
(indiscernible)
UNIDENTIFIED MALE SPEAKER: Oh, okay. Gotcha.
NICOLAS WILSON: We upgraded the -- yeah, 2336 I

believe we were already -- okay. So it was upgraded -- for Engine 10 -- no, we were on scene at 2333. So within minutes of being on scene, it was updated and we had other companies assigned to our call with us.

UNIDENTIFIED MALE SPEAKER: Okay. Good. So was the initial response, was that a priority response or was that routine?

NICOLAS WILSON: I don't recall. Most of our calls are priority.

UNIDENTIFIED MALE SPEAKER: Sure. When you -- how far away did you have to park, would you guess, to the scene?

NICOLAS WILSON: I would estimate half a block to a block.

UNIDENTIFIED MALE SPEAKER: Okay. Did -- do you remember if any of the Tacoma police came up to your truck to give you an update or --

NICOLAS WILSON: Typically we're met by an officer at our rig.

UNIDENTIFIED MALE SPEAKER: Okay. Do you --

NICOLAS WILSON: They acknowledge our existence and --

UNIDENTIFIED MALE SPEAKER: Okay. Do you remember if anybody came up to you that night or not?

NICOLAS WILSON: I believe there were multiple

officers in our vicinity approaching us and explaining what was going on.

UNIDENTIFIED MALE SPEAKER: Okay.

NICOLAS WILSON: That's where you get my first few statements about TPD officers state.

UNIDENTIFIED MALE SPEAKER: Okay. Do you remember if there was any -- any requests for you to hustle or hurry faster or --

NICOLAS WILSON: I think it's a given that we can infer from voice or from request.

UNIDENTIFIED MALE SPEAKER: Okay. The spit hood that was on the patient at the time when you got there, does Tacoma Fire use anything similar to that?

NICOLAS WILSON: We carry spit hoods, correct.

UNIDENTIFIED MALE SPEAKER: Okay. Is it similar to the ones that -- what you saw? Do you remember?

NICOLAS WILSON: To the best of my recollection, they've very similar.

UNIDENTIFIED MALE SPEAKER: Okay. And what sort of medical issues would you use it for in your work?

NICOLAS WILSON: Typically they're used for somebody who's biting, spitting, snarling, to avoid an exposure potentially, to keep spit contained with them. Yeah. We're often spit on, and people try to bite us. People in agitated states under the influence of unknown substances --

UNIDENTIFIED MALE SPEAKER: Sure.
NICOLAS WILSON: -- do extraordinary things.
UNIDENTIFIED MALE SPEAKER: Did any of the Tacoma officers give you any specifics on any vitals at all?
NICOLAS WILSON: I don't know. I don't believe they're trained in that regard.
UNIDENTIFIED MALE SPEAKER: Sure.
NICOLAS WILSON: (indiscernible)
UNIDENTIFIED MALE SPEAKER: Okay. Gotcha.
PATTY EAKES: When other -- I'll call it backup -- other units arrive to assist you guys, you called for an ALS --
NICOLAS WILSON: Advanced life support, ALS.
PATTY EAKES: Okay. Is there -- at that point was there any thought about transporting him to a hospital or anything or maybe --
NICOLAS WILSON: Absolutely. He has a pulse, then we're -- absolutely we're transporting him.
PATTY EAKES: Okay. If he doesn't have a pulse, then you don't transmit --
NICOLAS WILSON: In most cases. In most cases we're almost a mobile ICU. We have everything we need --
PATTY EAKES: Uh-huh.
NICOLAS WILSON: -- to render advanced care on scene. So the goal is to treat and stabilize and transport

accordingly. Very dangerous to do these things in the back of an ambulance or a medic unit at high speeds on the road. I have personally been in vehicles that have been T-boned, hit -- very small space. So right there, stabilize, treat, transport --

PATTY EAKES: Okay. And so --

NICOLAS WILSON: -- is the goal.

PATTY EAKES: If he's never stabilized or in this case never resuscitated --

NICOLAS WILSON: Correct. If the pulses are lost and they're never regained, the cardiac arrest is ran as is. Also, in trying to transport somebody, there's a delay in care because this patient now has to be moved from the ground to a gurney with either no or ineffective CPR being performed until the patient is back into the medic unit. And so that gap in care is very detrimental to the patient's outcome. So from studies and common practice, this is now a common practice.

PATTY EAKES: Okay. Did you ever see a cell phone in any vicinity of Mr. Ellis?

NICOLAS WILSON: Not to my knowledge.

PATTY EAKES: What about an EBT card?

NICOLAS WILSON: Not to my knowledge.

PATTY EAKES: Did you ever see any personal effects of his?

NICOLAS WILSON: My focus is on the patient.
PATTY EAKES: Okay. Nothing you would have paid attention to --
NICOLAS WILSON: He had clothes.
PATTY EAKES: He had clothes.
NICOLAS WILSON: Correct. I didn't search his pockets.
PATTY EAKES: Okay.
NICOLAS WILSON: Not my prerogative.
UNIDENTIFIED MALE SPEAKER: Nick, do you remember who it was that cut off his clothing?
NICOLAS WILSON: I believe it was myself or Polo. We were both at the head and at the patient's side. So...and the spit hood and the clothing was removed consecutively. I don't remember specifics on that. I wish I did.
UNIDENTIFIED MALE SPEAKER: Was it by -- was the spit hood removed by TPD or by you guys?
NICOLAS WILSON: I believe it was us. TFD.
PATTY EAKES: I know you were asked to go back and take a core body temperature, which I understand was just maybe a thermometer under the armpit? Is that right?
NICOLAS WILSON: Correct. That was a very odd request.
PATTY EAKES: Why is it odd?

NICOLAS WILSON: In 17 years I've never been asked to get a core temperature on a deceased patient that's been released.

PATTY EAKES: Okay. Did -- I mean, do you have an opinion as to how reliable that is?

NICOLAS WILSON: I don't. It's not something that's common practice for us --

PATTY EAKES: Okay.

NICOLAS WILSON: -- to perform, nor do I have knowledge on that procedure.

PATTY EAKES: Okay.

UNIDENTIFIED MALE SPEAKER: You were asked to do a blood draw too, right?

NICOLAS WILSON: I -- I don't recall specifics, but it would not -- perhaps.

UNIDENTIFIED MALE SPEAKER: That's an unusual request?

NICOLAS WILSON: For a deceased person, correct.

UNIDENTIFIED MALE SPEAKER: Okay. And in your experience, you've never been asked to do that?

NICOLAS WILSON: Correct.

UNIDENTIFIED MALE SPEAKER: Do you know why they wanted a temperature? Did they tell you why? Or just ask you to do it.

NICOLAS WILSON: I don't believe they gave me a

reason.
PATTY EAKES: And I think you covered this, but I just want to make sure. Other than what's written in your report about what information you got about what preceded you getting there, do you have any memories of anything else that anyone told you, meaning TPD, about what occurred prior to your arrival?
NICOLAS WILSON: I do not.
PATTY EAKES: Okay. So what's in here, meaning your statement, the pre-hospital care report is that it? Is that what you remember?
NICOLAS WILSON: Correct. That's the summation of information that I recall.
PATTY EAKES: Okay.
NICOLAS WILSON: If I had more information, I would have put it in the report.
PATTY EAKES: Okay.
NICOLAS WILSON: Yeah.
PATTY EAKES: Were you ever told that any of the officers were injured or that they might need medical aid?
NICOLAS WILSON: Not to my knowledge.
PATTY EAKES: Were you -- never asked to treat any of them?
NICOLAS WILSON: Not to my knowledge.
PATTY EAKES: Okay. Do you have any information at

all, hear anything at the scene or anything that would have been important to you as to whether or not anybody had been pressing on Mr. Ellis when he was on the ground? Meaning putting body weight on him?

NICOLAS WILSON: Other than CPR?

PATTY EAKES: Other than CPR. Yeah, sorry.

NICOLAS WILSON: Not to my -- that information I do not have.

PATTY EAKES: Okay. Never heard anybody talk about it, never saw anything?

NICOLAS WILSON: Correct.

PATTY EAKES: Okay.

UNIDENTIFIED MALE SPEAKER: Who all did CPR at the beginning?

NICOLAS WILSON: Oh, man. Everybody. That's -- you're supposed to rotate providers every two minutes. You're most effective for about 90 seconds, and then you start to taper off. So any CPR beyond two minutes is essentially --

UNIDENTIFIED MALE SPEAKER: Okay. So everybody, just meaning your crew on your truck?

NICOLAS WILSON: Correct. My crew. I believe some TPD officers might have assisted with CPR. They wanted very much to help a citizen in Tacoma. It's not uncommon for them to assist with CPR.

UNIDENTIFIED MALE SPEAKER: But as far as you know you didn't --
NICOLAS WILSON: They're welcome --
UNIDENTIFIED MALE SPEAKER: Sorry.
NICOLAS WILSON: Sorry. It's a welcomed benefit.
UNIDENTIFIED MALE SPEAKER: They didn't do it before you directed them to.
NICOLAS WILSON: What's that?
UNIDENTIFIED MALE SPEAKER: Nobody had done CPR on the body before you got there.
NICOLAS WILSON: Not to my knowledge.
UNIDENTIFIED MALE SPEAKER: Okay.
PATTY EAKES: And just for my edification in terms of -- the other people that were there with you. You're a paramedic.
NICOLAS WILSON: Correct.
PATTY EAKES: Is Ridgeway, the Lieutenant, is he a paramedic?
NICOLAS WILSON: He's an emergency medical technician. That's a basic (indiscernible)
PATTY EAKES: Okay. And what about Polo?
NICOLAS WILSON: Jeff Polo has been through paramedic school and I believe is temp promoted to paramedic now.
UNIDENTIFIED FEMALE SPEAKER: At that time he was an

EMT.

PATTY EAKES: He was an EMT at the time? Okay. And what about Ted Jackson?

NICOLAS WILSON: He is an EMT basic.

PATTY EAKES: Okay. So you're the paramedic. The rest of them are essentially EMTs.

NICOLAS WILSON: Correct.

PATTY EAKES: Okay. And does that mean that you're kind of the lead medical person in terms of determining --

NICOLAS WILSON: On EMS calls, yeah.

PATTY EAKES: And it looked like -- did you guys use a defibrillator? If I can say it right.

NICOLAS WILSON: So it --

PATTY EAKES: Especially with the mask on.

NICOLAS WILSON: My brand model is Lifepack 15.

PATTY EAKES: Uh-huh.

NICOLAS WILSON: It has many capabilities, and one of them is to defibrillate. So we charged --

PATTY EAKES: Okay.

(simultaneous conversation)

NICOLAS WILSON: -- we discern that it's a rhythm appropriate for defibrillation, the monitor is charged appropriately, then that shock is delivered.

PATTY EAKES: Okay.

NICOLAS WILSON: I believe there was one shock

delivered.
PATTY EAKES: Okay. And why only one?
NICOLAS WILSON: It's the only rhythm that presented appropriate for defibrillation. The rest of the rhythms that presented were not.
PATTY EAKES: Okay.
NICOLAS WILSON: Essentially if it's a fib fibrillation or a pulseless V tach, those are the two rhythms we defibrillate in cardiac arrest.
PATTY EAKES: Okay.
NICOLAS WILSON: Contrary to what you see on TV.
PATTY EAKES: Yeah.
NICOLAS WILSON: Okay?
PATTY EAKES: Got it. Okay. All right. Other -- anyone else have any other questions? Dr. Clark? Is there anything that we haven't asked you about that -- and I know it's a year ago, but I just want to make sure we're covering what you think we should know that you have memories of. That we didn't talk about?
NICOLAS WILSON: I don't. I just wish we could have made a difference. Maybe things could have gone differently.
PATTY EAKES: Yeah.
NICOLAS WILSON: In the whole history of everything.
PATTY EAKES: Yeah. Well, thank you for your time.

You can see -- we had your statement, but we just had a lot more specific questions around some of these issues. So I appreciate you talking to us again. And obviously we'll have a recording of all of it and an opportunity to look at it later if you ever want to. So thank you for your time.

NICOLAS WILSON: Thank you for your time.

PATTY EAKES: Thank you.

UNIDENTIFIED FEMALE SPEAKER: Okay.

It's 11:20 and we are stopping the recording for the interview of paramedic Nick Wilson.

C E R T I F I C A T E

STATE OF WASHINGTON)
COUNTY OF KING)

I, the undersigned, under my commission in and for the State of Washington, do hereby certify that the foregoing audiotape, videotape, and/or hearing was transcribed under my direction as a transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability; and that I am not a relative or employee or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of April, 2021.

/s/Grace Hitchman

Grace Hitchman, AAERT, CET-663
In and for the State of Washington,
residing at Seattle.
Certification expires May 16, 2021

Recorded Interview of Jeff Polo

March 25, 2021

In Re:)
MANUAL ELLIS,)
)

Verbatim Transcript from Recorded Interview
of JEFF POLO

March 25, 2021

Individuals present:
Kent Liu, assistant attorney general
Patty Eakes, Special AG
David Heitzman, Investigator with attorney general
Daniel Clark, Forensics
Allyson Hinzman, President of Local 31
Jean Homan, Deputy city attorney, Tacoma

TRANSCRIBED BY: Grace Hitchman, AAERT, CET-663

PATTY EAKES: Okay. So today is March 25, 2021. We have started the recording for firefighter Jeff Polo. If everybody in the room could please introduce themselves for the recording, that would be appreciated.

KENT LIU: Kent Liu, Assistant Attorney General.

THOMAS CLARK: Forensic pathologist.

DAVID HEITZMAN: Investigator with the attorney general's office.

PATTY EAKES: Special AG.

ALLYSON HINZMAN: Allyson Hinzman, President of Local 31.

JEFF POLO: Firefighter, Tacoma Fire.

JEAN HOMAN: Jean Homan, Deputy City Attorney.

And I am recording for the record that everyone has consented to us audiorecording today's interview.

PATTY EAKES: Good morning, Mr. Polo. Thanks for coming in and chatting with us.

JEFF POLO: Good morning.

PATTY EAKES: Did you have an opportunity to look at the tape recorded statement you gave previously?

JEFF POLO: Briefly.

PATTY EAKES: Briefly? Okay, great. And I know that we have this report called the pre-hospital care report that I believe paramedic Wilson completed.

JEFF POLO: Yes, ma'am.

PATTY EAKES: Did -- is this something that you see at the time that he's finishing it up? Or is this just his report?

JEFF POLO: So that's the report for the incident, and he writes that. And I don't review it.

PATTY EAKES: And you what?

JEFF POLO: I don't review it.

PATTY EAKES: You don't review it. Okay. So I take it you haven't reviewed this for purposes of --

JEFF POLO: No, ma'am.

PATTY EAKES: Okay. So when you were interviewed by the state patrol, did you look at anything in advance of talking to them to, like, refresh your memory? Or were you just kind of going off --

JEFF POLO: I just went off memory.

PATTY EAKES: You just went off memory? Okay. And I know it's been a long time, just over a year. So can you just give us an idea of how, you know, how good your memory is or not good? Or, you know, just kind of give us a general idea of what you recall?

JEFF POLO: Fairly well. I mean, the recorded statement from previous is about what I remember.

PATTY EAKES: Okay.

JEFF POLO: I don't think I missed anything in that, so...

PATTY EAKES: Okay. And I understand now you have maybe completed your paramedic training and --
JEFF POLO: I had completed it prior to this -- this event.
PATTY EAKES: Okay. So tell me about that. When did you complete your paramedic training?
JEFF POLO: That would have been March of 2020.
PATTY EAKES: Okay. So right --
JEFF POLO: '19? 2019.
UNIDENTIFIED SPEAKER: Oh, '19.
JEFF POLO: Yeah.
PATTY EAKES: Okay. So you had your paramedic certification but had you just not been promoted yet --
JEFF POLO: Uh, yes ma'am.
PATTY EAKES: Okay. For about a year before? Okay.
JEFF POLO: Yes.
PATTY EAKES: All right. So we're kind of just, you know, kind of trying to get the best recollections that you have. And I kind of went through your statement, so I'm going to ask you some of those -- just some specific questions. But also, you know, feel free to kind of tip in.
But why don't you just give us an idea of what you remember, like, from the time you arrived at the call --
JEFF POLO: So, like I said, my recorded statement I feel like pretty much covers my memory of that.

PATTY EAKES: Okay.
JEFF POLO: And we arrived. We performed our patient care as documented in both my previous statement and obviously in the patient care report. I don't really have anything to add.
PATTY EAKES: Okay. Do you remember if when you first got there, if any specific TPD officers came up and had any contact with you, like, even before you got to the patient?
JEFF POLO: Nothing specific. No, ma'am. I'm sorry, I don't recall.
PATTY EAKES: Okay.
JEFF POLO: And if there was, I don't -- I don't recall any -- I don't actually know any of their names.
PATTY EAKES: Okay.
JEFF POLO: We see them on a regular basis but, you know --
PATTY EAKES: And when you say you see them on a regular basis, do yo

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

In Re the Marriage of:)
SERV WAHAN,)
)

v.	) King County Superior Court) No. 14-3-02103-1 SEA
SHARMILA AHMED,	)
Respondent.	)

Verbatim Transcript from Recorded Proceedings
Before The Honorable KATHRYN FIELDS

January 8, 2018
King County Courthouse
Seattle, Washington

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TRANSCRIBED BY: Grace Hitchman, AAERT, CET-663

(The Honorable Kathryn Fields presiding)
(Monday, January 8, 2018)
--o0o--u just mean Tacoma PD generally? Or do you mean these specific officers?

JEFF POLO: Just generally. They call us for calls and then we have interactions with the officers at that point, but I don't have any interaction beyond that.

PATTY EAKES: Okay. Do you have any memory of the folks that were at this particular call? If they were people you had seen before or knew before?

JEFF POLO: No, ma'am.

PATTY EAKES: Okay. I know there's a lot of them --

JEFF POLO: Yeah.

PATTY EAKES: -- but I wasn't sure. Okay.

In your statement at Page 3, you said that Mr. Ellis was on his right side with TPD officers behind him. Hands on the shoulder to his left. That sounds like a pretty specific memory. Do you have a specific memory of that?

JEFF POLO: Just that on our approach, he was on his side and the officers were behind him holding -- like keeping him on his side with their hands so that he didn't fall forward or backwards.

PATTY EAKES: Okay. And do you remember if he was restrained?

JEFF POLO: I believe he was in handcuffs.

PATTY EAKES: And other than handcuffs, do you remember if there was anything restraining any other part of his body?

JEFF POLO: No. I don't remember.

PATTY EAKES: Okay. So when you think of, like, as your best view as you walk up to him, do you see his legs out in front of him? Do you see his -- do you remember seeing his legs? I mean, I know you said he's on his side.

JEFF POLO: I just remember him laying on his side. I believe his legs were extended out.

PATTY EAKES: Okay.

JEFF POLO: So just like a fish basically.

PATTY EAKES: Okay. And -- but people were kind of holding him on his side?

JEFF POLO: Just keeping him from falling over onto his face or falling back onto his hands.

PATTY EAKES: Okay. And do you recall, did he appear to be conscious at all? Or what do you recall about what his condition was?

JEFF POLO: I don't recall if he was conscious at that time. I think he was -- he was still breathing at that time, but I don't recall if he had any conscious movements or anything while he was like that.

PATTY EAKES: And tell me -- I know you said in your statement that he was breathing at that time. What's that

-- I mean, how could you tell he was breathing? What was that based on, that observation?

JEFF POLO: Just that he had chest rise and fall and air movement.

PATTY EAKES: Okay.

JEFF POLO: As we approached.

PATTY EAKES: Okay. And you could see that as you approached him? Could you tell if the officers that you said were kind of holding him, was anyone putting pressure on him? Or could you tell?

JEFF POLO: Not that I could tell.

PATTY EAKES: And was it one officer or more than one officer who was holding him?

JEFF POLO: I believe it was two. But I don't have direct recollection of whether it was two or three or --

PATTY EAKES: Okay --

JEFF POLO: -- I think there was at least two.

PATTY EAKES: All right. And where do you remember them in relation to his body?

JEFF POLO: So upper back and buttocks. So, like, around the hips and back.

PATTY EAKES: Okay. Any recollection of a description of either of those officers?

JEFF POLO: I'm sorry, I don't recall.

PATTY EAKES: Okay. And not gender, race, anything

like that?
JEFF POLO: I don't recall. All I saw was two officers, and then I looked at the patient.
PATTY EAKES: Okay. And I'm going to ask you specific questions -- perfectly fine if you don't remember. I'm just trying to make sure I get the whole knowledge of what you have. Okay.
JEFF POLO: Yeah.
PATTY EAKES: And your report -- the tape recorded statement also says that -- you said he was breathing and he was saying garbled words. Can you tell me about that? That's, I think, also on Page 3.
JEFF POLO: Yeah. So the -- I remember him making sounds. Whether they were words or not, I don't recall so much.
PATTY EAKES: Okay.
JEFF POLO: And that was just, I believe, when we laid him flat.
PATTY EAKES: You -- okay.
JEFF POLO: So when we arrived they had him on his side, and we laid him flat to begin assessment.
PATTY EAKES: Uh-huh.
JEFF POLO: He made noises. Whether or not they were words or not can be up for interpretation.
PATTY EAKES: Okay. Could it have been -- I mean,

do you know what agonal breathing is?
JEFF POLO: It's possible.
PATTY EAKES: It could have been that?
JEFF POLO: I can't say for sure.
PATTY EAKES: Okay. I'm just trying to discern, do you think it was, like, intentional? Or was it, you know, an involuntary thing associated with his condition?
JEFF POLO: I can't say for sure on that. That's not something I'm qualified to determine, whether his intent was to say something or not.
PATTY EAKES: Okay.
JEFF POLO: Outside of my --
UNIDENTIFIED MALE SPEAKER: Did the breathing concern you? And what I mean by that is did you look at him and think, oh, he's breathing okay? Or that's a problem and we may need to address that?
JEFF POLO: That's a problem and we need to address that.
UNIDENTIFIED MALE SPEAKER: Okay.
PATTY EAKES: Is that another way of saying did he appear to be in respiratory distress?
JEFF POLO: He appeared to be in a condition of needing assistance. Whether that was breathing or however, he needed assistance one way or another.
PATTY EAKES: Okay.

UNIDENTIFIED MALE SPEAKER: So is that the point at which you were making the decision about using a mask?

JEFF POLO: Yes. Yes, sir.

UNIDENTIFIED MALE SPEAKER: Okay. In terms of, like, as you're -- as you're walking up -- I know there are three of you, right? Are you all together? Or is one ahead of the other? Or how does that work?

JEFF POLO: It's -- it can vary. The driver is normally a little bit behind because they're putting their gloves on. The third and the officer had the opportunity to put their gloves on while en route.

PATTY EAKES: Uh-huh.

JEFF POLO: And then the driver -- the third needs to get the equipment from the rig, so it's kind of an incident by incident.

PATTY EAKES: Okay. Do you remember here, was paramedic Wilson in front of you? Behind you? I'm just wondering, like, who's, like, first to the body or the -- to Mr. Ellis.

JEFF POLO: I'm sorry. I don't recall.

PATTY EAKES: Okay.

UNIDENTIFIED MALE SPEAKER: Did the three of you have specific jobs like, you know, you're going to focus on one thing and another one knows they're going to focus on another thing? Or do you just all do what needs to be done?

JEFF POLO: Nothing -- yeah, nothing written in stone in terms of what needs to be done, because every incident is approached as a dynamic situation. So it's not like you have a specific job going into it. More like we approach, assess, and then things get assigned as we're finding a need for things.

UNIDENTIFIED MALE SPEAKER: How long had the three of you worked together?

JEFF POLO: I think about six months at this point.

UNIDENTIFIED MALE SPEAKER: Had you developed, like, a routine of what each of you would do when you arrived on the scene?

JEFF POLO: Yeah. There's a general routine that, I mean, obviously Lieutenant Ridgeway is going to be doing the charting at first while paramedic Wilson and myself are doing more of an assessment at the time just so that's documented as we do it. And then as the third, it's my job to normally begin getting vital signs, and then paramedic Wilson to assess if there's a further need of other things. But our situation is just a little bit different with me having completed paramedic school prior to this event.

UNIDENTIFIED MALE SPEAKER: How did that change things then?

JEFF POLO: It just changes things in terms of there's more assessment going on between me and Nick as more

of a collaborative rather than necessarily what would be common for a paramedic and a firefighter. If that makes sense.

UNIDENTIFIED MALE SPEAKER: Was that the approach that night that you could recall?

JEFF POLO: Not that I recall. At that point I was still fairly new, so -- but not that I recall.

PATTY EAKES: I mean, did you feel like paramedic Wilson was kind of the lead? Were you looking to him? Or was it --

JEFF POLO: A hundred percent. I mean, that's his position under the -- he's in charge.

PATTY EAKES: Okay.

JEFF POLO: His decision is final.

PATTY EAKES: Okay.

JEFF POLO: On those types of things, yeah.

PATTY EAKES: And if -- this report that he wrote -- and I know you didn't rely on it -- if it's -- if there's things that aren't necessarily fully consistent with what you recall, do you have an opinion as to whether or not what he puts in here should control? Or do you -- have you thought about that?

JEFF POLO: So I would say that that is written the night of the incident.

PATTY EAKES: Uh-huh.

JEFF POLO: And any of my statements are taken a year after the incident.
PATTY EAKES: Okay.
JEFF POLO: So mine's recollection of something that happens over a year ago. I mean, I've done a thousand calls since then.
PATTY EAKES: Sure.
JEFF POLO: So, I mean, I might be having memory from other instances in the same area that are similar that creep in and distort my recollection of these events.
PATTY EAKES: Okay.
JEFF POLO: So I would say that the report that's written and documented is going to be the best, most accurate account of the thing that occurred.
PATTY EAKES: Okay. And that's this document called a pre-hospital care report?
JEFF POLO: Yes, ma'am.
PATTY EAKES: That has, like, the printouts of the sinus -- or the EKG --
JEFF POLO: Yes, ma'am.
PATTY EAKES: -- yeah, strips.
JEFF POLO: By TFC policy, those are completed the day of the event.
PATTY EAKES: Okay. Okay. That's helpful to know. Did you -- do you recall being given any information about,

like, what had happened prior to you guys arriving and how Mr. Ellis, you know, how he ended up in this situation?

JEFF POLO: Just what was in the CAD report. The night of -- just that we were going to assist TPD. That was our first and only dispatch, was that we were doing a TPD assist.

PATTY EAKES: Okay.

JEFF POLO: I don't -- I don't recall getting any other information from anybody at the -- on scene.

PATTY EAKES: Even on scene?

JEFF POLO: Not that I recall.

PATTY EAKES: Okay.

JEFF POLO: I mean, I know I've gotten information since; this is a very high profile case. But nothing at the time.

PATTY EAKES: Yeah. Would it have been important to you -- is it important for you in terms of assessing what's happening with the patient to understand what preceded the person in the -- getting into the condition they are when you see them?

JEFF POLO: I think our focus is more on the immediate problem of what is occurring.

PATTY EAKES: Okay.

JEFF POLO: I think knowledge of how they got there is important to determine and help direct care, but the

immediate problem that was there was -- that was what needed to be fixed.

PATTY EAKES: Okay. Is it possible that officers were volunteering what happened but it just -- you don't need to remember? Or it wasn't important to you? Or do you think that you just weren't being given any information about what happened?

UNIDENTIFIED FEMALE SPEAKER: So his role on the rig isn't to obtain third party information. His role is patient care.

PATTY EAKES: Okay.

UNIDENTIFIED FEMALE SPEAKER: So that would have primarily been done by Lieutenant Ridgeway or paramedic Wilson, because that's their role of -- Lieutenant Ridgeway overall (indiscernible) what's going on and paramedic Wilson overall assessing what -- their treatment plan for the patient. But in his role, he's much more focused on -- very focused patient only.

PATTY EAKES: Okay.

UNIDENTIFIED FEMALE SPEAKER: So he's not going to get distracted with other things in the surroundings.

PATTY EAKES: Great. Thank you, that's helpful. Okay. Good.

UNIDENTIFIED MALE SPEAKER: Did any of the officers, before you got to the patient, did any of the officers ask

you to step it up or hurry after you get out of the truck?
JEFF POLO: Not that I recall.
UNIDENTIFIED MALE SPEAKER: Okay.
JEFF POLO: Sorry.
UNIDENTIFIED MALE SPEAKER: Yeah, in your interview you said when you guys arrived, you were waved in by TPD officers. Was this sort of a casual wave like, over here? Was it an urgent wave?
JEFF POLO: More of just an over here type of -- this is where we're at.
UNIDENTIFIED MALE SPEAKER: Okay.
PATTY EAKES: Is that the way you're usually waved in? Or do you sometimes get the come on, hurry up, right here? Or --
JEFF POLO: I don't think there is much of a difference between either. More of -- there's a lot of patrol cars and a lot of activity moving around, and it's kind of like hey, your patient is over here.
PATTY EAKES: Okay. At Page 4 of the statement you gave, you said when you described him that he had adequate respiratory drive and then deteriorated into labored and ceased breathing. Tell me what you mean by that when you say adequate respiratory drive.
JEFF POLO: So that would be he was initiating breaths that seemed to be of an adequate nature at the time.

I don't remember -- I don't remember saying that in the first place, but, yeah, that would be what I would describe as adequate respiratory drive.

PATTY EAKES: Okay. And is that, like, when he is still on his side? Or is that when you got him down on his back? Or what?

JEFF POLO: So this would be like a first initial approach type of thing. So this is from a couple feet away looking and being, like, it looks like he's still breathing, versus that man isn't breathing.

PATTY EAKES: Okay.

JEFF POLO: So this is a 10 feet away as I'm approaching, what's my initial assessment. It would be like he might still be breathing. We'll go assess closer and see if it's adequate or not.

PATTY EAKES: And so then when you said deteriorated into labored and diffuse breathing, like, can you give me an idea of, like, how long he went from that first impression to, okay, he's not breathing?

JEFF POLO: Maybe a minute or two.

PATTY EAKES: Okay.

JEFF POLO: Maybe as much as three. Total -- that's a total guess, an estimate.

PATTY EAKES: Okay. Do you recall if you guys bagged him right away with the PVM?

JEFF POLO: I -- I can't recall. Sorry.
PATTY EAKES: Okay. There was also a discussion in there about the spit hood and the removal of the spit hood, kind of at page 4 and the top of page 5.
JEFF POLO: Uh-huh.
PATTY EAKES: Did you -- it was kind of an exchange about whether or not it affected his breathing. Do you have an impression of whether or not his breathing was impacted by the removal of the spit hood?
JEFF POLO: I know we removed it. I don't remember who removed it. I know it got removed pretty early on. It might have even been the first thing removed. And that was kind of when it started to note -- when we really started to note his breathing was on a decline.
PATTY EAKES: Okay.
JEFF POLO: That was why we were removing it in the first place, was so that we could have access to PVM.
PATTY EAKES: And when you finished kind of doing the initial assessment of him, did you have an impression of this guy could make it, we could save him? Or this guy is probably not going to make it?
JEFF POLO: Too early to tell.
PATTY EAKES: Okay.
JEFF POLO: Yeah.
PATTY EAKES: There's nothing about his condition

that tells you he's either too gone or not gone?
JEFF POLO: No. I mean, he's obviously in a sick spiral. And whether or not he's going to respond to treatment or not is -- I couldn't say definitively one way or the other.
PATTY EAKES: Okay.
JEFF POLO: He needed assistance, and that's what we provide.
PATTY EAKES: I think also in your statement, and I think it's at the bottom of 4 and top of 5 -- and I can look for it. Well, I -- kind of in the middle of the page about Line 19. Sorry (indiscernible) difficult with (indiscernible)
JEFF POLO: Which page? Page 5?
PATTY EAKES: Page 5. Sorry.
JEFF POLO: Yes.
PATTY EAKES: You said his heart rate slowed from around 80 beats per minute down to 0, and you began CPR.
JEFF POLO: Uh-huh.
PATTY EAKES: I guess -- I'm not sure I saw anywhere that 80 beats per minute was documented. Is that -- where would that be?
JEFF POLO: So the monitor keeps a continual record of the heart rate.
PATTY EAKES: Uh-huh.

JEFF POLO: But in the report it only picks certain times and -- to do actually reports. So I don't know where you would need to go to get that. I believe -- I don't know. But I know the monitor tracks the whole call.

PATTY EAKES: Okay.

JEFF POLO: And then when it puts up his vitals, it has a determined algorithm on when it actually picks which numbers and when it puts them out.

UNIDENTIFIED FEMALE SPEAKER: Okay. Is that -- the vitals section shows pulse and respiration right?

JEFF POLO: Uh-huh.

UNIDENTIFIED FEMALE SPEAKER: Pulse always showed 0. But you're saying it would have been 80 at one point?

JEFF POLO: I don't know. I can just say what we saw on our monitor was a moment when we first put him on was at 80 and then spiraled down. And I don't know when or where that would be in the report.

UNIDENTIFIED MALE SPEAKER: So your 80 could have been referring only to electrical activity?

JEFF POLO: Totally possible.

UNIDENTIFIED MALE SPEAKER: Okay.

JEFF POLO: Whether or not I know --

UNIDENTIFIED MALE SPEAKER: That would actually make sense.

UNIDENTIFIED FEMALE SPEAKER: Well, and let's not

set on the 80 number because, again, he's not the author of this report. He's not the ALS provider on the scene. That's paramedic Wilson, because he's focused on providing care. And really helping determine sick or not sick, do we need to treat, rather than focusing really on does this patient have vitals X, Y, and Z. That's what paramedic Wilson did.

PATTY EAKES: Okay. I just wanted to make sure, because you did use the number 80, and so I wasn't sure kind of where that came from. That's why I was trying --

JEFF POLO: Yeah. I know at some point looked up and on it it was an 80 in the corner.

PATTY EAKES: Okay. But it could have been the electrical activity.

JEFF POLO: It's also possible that it could have been a number of things, because they don't -- the monitor can measure static air and get a heart rate at times. So...

PATTY EAKES: Okay. Is that another way of saying it may not be that reliable in terms of what you --

UNIDENTIFIED FEMALE SPEAKER: No. That's not --

JEFF POLO: No. What I'm trying to say is that it may not be -- it may not be in the report as 80, and that's just what I recall seeing on the monitor at some point.

PATTY EAKES: Okay.

JEFF POLO: Said a year later.

PATTY EAKES: Yeah.
UNIDENTIFIED MALE SPEAKER: Did you take a mechanical pulse or --
JEFF POLO: I believe paramedic Wilson did.
UNIDENTIFIED MALE SPEAKER: Okay.
JEFF POLO: I was focused on airway.
UNIDENTIFIED MALE SPEAKER: If I'm hearing you correctly, you were saying that the 80 on the screen was something you saw --
UNIDENTIFIED FEMALE SPEAKER: He's saying he doesn't know if that's what he saw for sure, because he's focused on patient care. And so focusing on that number of 80 is not something that he can speak directly to, because he's not the medic on scene nor is he the author of the report or in charge of the ALS equipment.
JEFF POLO: Yeah. I was -- I'm literally going off of --
UNIDENTIFIED MALE SPEAKER: But he's not --
(simultaneous conversation)
UNIDENTIFIED MALE SPEAKER: I just want to establish that that probably was an electrical observation and not a --
UNIDENTIFIED FEMALE SPEAKER: He's not able to speak to that as that was not his role on the scene.
UNIDENTIFIED MALE SPEAKER: Okay.

UNIDENTIFIED FEMALE SPEAKER: His role is firefighter on the scene.

UNIDENTIFIED MALE SPEAKER: Jeff, when you're on the scene, do you recall getting information from any of the officers? Could that information, like, what the beats per minute, have come from one of the officers?

JEFF POLO: I mean, it's totally possible. I don't -- like I said, this is a long time ago for specific memories.

UNIDENTIFIED MALE SPEAKER: Yeah. You mentioned you saw two officers holding him. Did you see anyone attending to him? Did they look like they were attending to him or just holding him?

JEFF POLO: I don't recall. I mean, we're walking up from 50, 60 feet away.

PATTY EAKES: Okay. We covered you don't remember hearing any statements from any specific officer about what happened.

JEFF POLO: I do not.

PATTY EAKES: Okay. Do you remember ever seeing a cell phone? Mr. Ellis's cell phone?

JEFF POLO: I do not.

PATTY EAKES: What about an EBT card?

JEFF POLO: I don't remember seeing any of that stuff.

PATTY EAKES: Okay. Do you remember any personal property or anything that looked like it might be evidence at the scene, so to speak?
JEFF POLO: No.
PATTY EAKES: Okay. And you said you were focused on his airway?
JEFF POLO: Uh-huh.
PATTY EAKES: So were you up by his head?
JEFF POLO: Yeah.
PATTY EAKES: Okay. And did you actually touch his body?
JEFF POLO: Yes.
PATTY EAKES: Tell me what you remember about the temperature of his body or the feel of his body?
JEFF POLO: I don't -- I don't recall anything specific. Nothing stands out.
PATTY EAKES: Okay.
JEFF POLO: I know it was cold at night.
PATTY EAKES: Do you remember, I mean, would it have stood out if he was unusually hot, for example? Do you remember whether he felt, you know, hot to the touch?
JEFF POLO: I don't know if I would have noticed, to be honest. We wear nitrile gloves, and I already have poor sensation of whether or not I feel hot and cold, so...
PATTY EAKES: Okay. What about the feeling of his

skin? Was it wet, clammy, dry? Do you remember anything about his skin?

JEFF POLO: No.

PATTY EAKES: Is that hard to do with your gloves on too?

JEFF POLO: No. I just don't remember. Like I said, I don't remember anything specific standing out, but...

PATTY EAKES: Okay. And I think you were one of the -- or did you go back when they did the temperature check?

JEFF POLO: Yeah.

PATTY EAKES: Okay. And I think I read in your statement that you actually performed that temperature check?

JEFF POLO: Yes.

PATTY EAKES: How did you do that?

JEFF POLO: An axillary temperature probe underneath the arm.

PATTY EAKES: Okay. So just a regular thermometer under the armpit?

JEFF POLO: Yeah. Just a regular thermometer.

PATTY EAKES: Okay. I think in your statement you said that one of the officers initially kind of flagged you down and kind of directed you to where Mr. Ellis was. Do you have any memory of a physical description of that

officer?
JEFF POLO: No. Sorry.
PATTY EAKES: Okay.
UNIDENTIFIED MALE SPEAKER: Any recall, physical description of the two -- the officers that were with the patient?
JEFF POLO: Sorry. It's just a -- I'm sorry. I know.
UNIDENTIFIED MALE SPEAKER: No difference in recalling different size between the two of them or...
JEFF POLO: They were being (indiscernible)
UNIDENTIFIED MALE SPEAKER: Okay. Got it.
UNIDENTIFIED MALE SPEAKER: I think you already did this, but you did it at different times so I wanted to put the two different things together in my mind. And that is your initial observation of respiration when you thought he had an adequate respiratory drive, as you put in your statement. But you said also that that was from a distance. And that you wouldn't, I mean, you didn't use the word confident so I'll just ask. How confident would you be on that statement?
JEFF POLO: He had an -- I mean --
UNIDENTIFIED MALE SPEAKER: That he had an adequate respiratory drive.
JEFF POLO: I would say my confidence is 50/50.

UNIDENTIFIED MALE SPEAKER: Okay.
JEFF POLO: Like I said, this is maybe a thousand calls back in the dark at night.
PATTY EAKES: Yeah.
UNIDENTIFIED MALE SPEAKER: Jeff, do you recall having a conversation with TPD officers about removing the restraints?
JEFF POLO: I know there was -- we were trying to remove the restraints and asking for them to be removed, but I don't recall, like, having a heated conversation. Like I said, I'm at the head of the patient focused on airway. So I know I didn't have a conversation with anybody about it. That was not where I was focused.
UNIDENTIFIED MALE SPEAKER: Do you recall hearing a conversation about it?
JEFF POLO: I recall hearing I think Marlon asked for them to be removed.
UNIDENTIFIED MALE SPEAKER: Okay.
JEFF POLO: That's all I remember hearing.
UNIDENTIFIED MALE SPEAKER: Okay. Do you recall any response from -- what the response was from TPD?
JEFF POLO: I don't -- I don't recall. I just know that they got removed at some point. They were removed shortly after that.
UNIDENTIFIED MALE SPEAKER: Okay. Do you know how

long it took after the request was made before --
JEFF POLO: I don't. I'm sorry.
PATTY EAKES: Based on the condition that you saw Mr. Ellis when you first got there, did you have any concerns that he was a threat to you or to any of the paramedics?
JEFF POLO: At the time when we first saw him?
PATTY EAKES: Yeah.
JEFF POLO: No.
PATTY EAKES: Okay. Why not?
JEFF POLO: He was surrounded by approximately 15 officers, 15, 20 officers who had secured the scene. And he was, like I said, on his side, not making any motion at that point, threatening or not. And had officers at least with him. So, no, I didn't feel he was a threat at the time.
PATTY EAKES: Okay. Was there anything that he was doing, meaning Mr. Ellis, that signified to you that he was capable of getting up, assaulting you, attacking you, or anything like that?
JEFF POLO: Not at that time, no.
PATTY EAKES: Okay. Were you aware or ever told that any of the officers were injured or needed medical treatment?
JEFF POLO: Not that I recall. No. Not that I remember.

PATTY EAKES: Okay. And other than kind of, you know, focusing obviously exclusively it sounds like on Mr. Ellis, which is I understand your job, did you ever, even after CPR had been discontinued and he had been declared, did you then have any conversations with any of the TPD officers about any aspect of the call?

JEFF POLO: I did not, no. I was putting our bags and stuff back in service and getting ready for our next call.

PATTY EAKES: Okay.

JEFF POLO: So no.

UNIDENTIFIED MALE SPEAKER: Jeff, was the request to take a body temperature -- core body temperature, is that a typical request? Or is that an unusual request?

JEFF POLO: It was the first one I've had.

UNIDENTIFIED MALE SPEAKER: In how many years?

JEFF POLO: Five. So...

PATTY EAKES: I'm sorry. I apologize because we just interviewed somebody else, so if I already asked this question -- but have you had experience with excited delirium?

JEFF POLO: Well, I suppose I would have to ask how you -- what do you mean by experience?

PATTY EAKES: Have you been to other calls where you believe somebody was suffering -- or their condition was a

result of excited delirium?
JEFF POLO: We have -- I have been on other calls where we have treated for excited delirium, but that's not something that -- so we never get, like, a diagnosis, definitive diagnosis from the hospital so that I can say for sure.
PATTY EAKES: Yeah.
JEFF POLO: No.
PATTY EAKES: Okay. Do you get training on excited delirium?
JEFF POLO: Yes, ma'am.
PATTY EAKES: Okay. And did -- do you remember anyone talking about excited delirium? Any of the TPD officers talking about excited delirium that night?
JEFF POLO: Not that I recall.
PATTY EAKES: Is there -- based on what you know about excited delirium, was there anything about Mr. Ellis's physical condition that suggested to you excited delirium?
JEFF POLO: So knowing what the history or what the previous actions were now, I would say yes. At the time, he was a candidate for it, but whether or not he was exhibiting signs and symptoms was unknown.
PATTY EAKES: Okay. Let me just unpack that a little bit. You mean based on what you've seen in the media?

JEFF POLO: Well, like I said, things that have happened since --

PATTY EAKES: Uh-huh.

JEFF POLO: -- have given the implication that that might be what happened. But, like I said, we never get a definitive talk or diagnosis or anything beyond what the media says.

PATTY EAKES: Okay.

JEFF POLO: So I don't know for in the moment. He might have been, he might not have been. And that's always a thought on the table when we approach patients that have had police contact that we're as told agitated.

PATTY EAKES: Okay.

JEFF POLO: So any time we're going to assist TPD for a patient that we know is agitated, that's the hook I -- well maybe keep it in the back of your mind as a thought of I might be treating this at this point tonight.

PATTY EAKES: Okay. And did you remember -- do you remember someone telling you he was agitated when you were the the scene that night? Or is that information you kind of got after the fact?

JEFF POLO: Between those two, maybe, maybe not. I don't know.

PATTY EAKES: Okay. But there was -- and you're the medical expert in terms of excited delirium, but was there

anything about, like, as you assessed him that you said, oh, this thing tells me maybe excited delirium? Or anything of that nature?

JEFF POLO: I would just say that the amount of officers around with the general, you know, being restrained, typically leans to a very agitated person at the time.

PATTY EAKES: Okay.

JEFF POLO: So I would say it's definitely higher up on my things I needed to rule out or consider than lower.

PATTY EAKES: Sure.

UNIDENTIFIED MALE SPEAKER: Do you remember if your response after being dispatched was priority or routine?

JEFF POLO: I do not.

UNIDENTIFIED MALE SPEAKER: Okay.

PATTY EAKES: Okay. Is there anything we haven't asked you about, any memories that you have, understanding this is a year ago --

JEFF POLO: Yeah.

PATTY EAKES: -- that we haven't talked about that you think we should know?

JEFF POLO: I don't have anything to add. Like I said, this is my statement from a couple months ago and then you have (indiscernible) patient, so --

UNIDENTIFIED FEMALE SPEAKER: May I ask a clarifying

question?
PATTY EAKES: Sure.
UNIDENTIFIED FEMALE SPEAKER: In your first statement, you said that his heart rate went from 80 beats per minute to 0. To your recollection, was your understanding of 80 beats per minute ever based upon a mechanical recording of his pulse?
JEFF POLO: Not to my recollection.
UNIDENTIFIED FEMALE SPEAKER: Thank you.
JEFF POLO: And, like I said, 50/50.
UNIDENTIFIED FEMALE SPEAKER:
UNIDENTIFIED FEMALE SPEAKER: Got it.
PATTY EAKES: Okay. Anyone else? Okay. Thank you very much for your time. We really appreciate it.
It's 11:55 and I'm stopping the recorder.

C E R T I F I C A T E

STATE OF WASHINGTON)
COUNTY OF KING)

I, the undersigned, under my commission in and for the State of Washington, do hereby certify that the foregoing audiotape, videotape, and/or hearing was transcribed under my direction as a transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability; and that I am not a relative or employee or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of April, 2021.

/s/Grace Hitchman

Grace Hitchman, AAERT, CET-663
In and for the State of Washington,
residing at Seattle.
Certification expires May 16, 2021

Recorded Interview of Marlon Ridgeway

March 25, 2021

In Re:)
MANUAL ELLIS,)
)

Verbatim Transcript from Recorded Interview
of MARLON RIDGEWAY

March 25, 2021

Individuals present:
Kent Liu, assistant attorney general
Patty Eakes, Special AG
David Heitzman, Investigator with attorney general
Daniel Clark, Forensics
Allyson Hinzman, President of Local 31
Jean Homan, Deputy city attorney, Tacoma

TRANSCRIBED BY: Grace Hitchman, AAERT, CET-663

UNIDENTIFIED FEMALE SPEAKER: Okay. Today is March 25. It's about 5 minutes after 12 and we are audio recording the interview of Marlon Ridgeway.

If everyone could identify themselves for the recording?

KENT LIU: Kent Liu, Assistant Attorney General

THOMAS CLARK: Thomas Clark, Forensic pathologist.

DAVE HEITZMAN: Dave Heitzman, investigator with the attorney general's office.

PATTY EAKES: Patty Eakes, Special AG.

ALYSON HINZMAN: Alyson Hinzman, President of Local 31.

MARLON RIDGEWAY: Marlon Ridgeway, Lieutenant Tacoma Fire Department.

JEAN HOMAN: And Jean Homan, Deputy city attorney.

And I am confirming for the recording that everyone has consented to record today's interview.

PATTY EAKES: Thank you, Lieutenant Ridgeway, for meeting with us. And I know you provided a statement previously. Did you get a chance to look at it before you --

MARLON RIDGEWAY: I did.

PATTY EAKES: Okay. Great. Well, we just wanted to have a chance to speak with you directly and kind of ask some follow-up questions but also just kind of get your best

recollection of this call.

And I have asked this before, but this pre-hospital care report that was prepared by paramedic Wilson? Did you read this or -- at any point?

MARLON RIDGEWAY: I've read through it, yes.

PATTY EAKES: Okay. Before today or?

MARLON RIDGEWAY: Before today, yes.

PATTY EAKES: Okay. And what about at the time it's prepared. Do you look at it then?

MARLON RIDGEWAY: No.

PATTY EAKES: Okay. Did you look at it just in preparation for your meeting with the state patrol?

MARLON RIDGEWAY: Yes.

PATTY EAKES: Okay. And I'm sorry, did you say you looked at it again in preparation for today?

MARLON RIDGEWAY: No, I did not look at it today.

PATTY EAKES: You did not. Okay. Great. And was there anything that you can recall when you read it that was consistent, inconsistent with anything you recalled?

MARLON RIDGEWAY: No.

PATTY EAKES: And I have a terrible question, because now I don't know which one (indiscernible) I apologize.

MARLON RIDGEWAY: No, I did not see -- recognize any inconsistencies or anything.

PATTY EAKES: Okay, great. And did it reflect what you remembered about this incident?
MARLON RIDGEWAY: Yes.
PATTY EAKES: Can you just give us an idea of, like, how good your memory is about -- I know this is a year ago and you have probably had a ton of calls since then -- but how good is your memory of this event?
MARLON RIDGEWAY: Not very good at all.
PATTY EAKES: Okay. Well, let's just kind of walk through. Perhaps you can just kind of tell us what you remember about arriving at the call. I know that you were with Polo and Wilson, right?
MARLON RIDGEWAY: Uh-huh.
PATTY EAKES: But can you just kind of tell us what you remember about walking -- arriving, and then walk us through what you saw?
MARLON RIDGEWAY: Sure. Upon arrival, we noticed that police had the whole intersection blocked off, so we parked a little ways away. Gathered our gear and walked up to the scene. And then upon arrival at the patient, paramedic Wilson and Polo did their assessment. And I have the information board, so I'm putting times in and listening to what their needs are requesting for appropriate units to the scene, so whatever they were doing. After their assessment, we had dispatched other units if necessary.

PATTY EAKES: Okay.
MARLON RIDGEWAY: So --
PATTY EAKES: And so it sounds like when you said -- did you have the iPad? Is that what it is?
MARLON RIDGEWAY: Yes.
PATTY EAKES: Okay. And is it preprogrammed, as I understand it, with the form or something that you kind of use to --
MARLON RIDGEWAY: Yeah. It's a standard medical form.
PATTY EAKES: And were you the scribe then the whole time? Or were you hands on with Mr. Ellis?
MARLON RIDGEWAY: I was the scribe for most of the time, and then once Tower 2 showed up, I handed it to them. They knew we needed assistance doing other things, so --
PATTY EAKES: Okay. And do you remember who specifically you handed the scribe duties off to?
MARLON RIDGEWAY: Lieutenant Jackson.
PATTY EAKES: Okay. So up until that time, are you kind of recording in realtime as things are happening?
MARLON RIDGEWAY: As best I can, yes.
PATTY EAKES: Okay.
MARLON RIDGEWAY: (indiscernible) other things.
PATTY EAKES: And do you have any specific role with respect to the patient in terms of, you know, rendering --

okay. You're just -- your job is to have the iPad and record whats happening?

MARLON RIDGEWAY: Yes. Uh-huh.

PATTY EAKES: Okay. And assist the paramedics it sounds like?

MARLON RIDGEWAY: Correct.

PATTY EAKES: Did you make any observations of Mr. Ellis's condition when you first got there?

MARLON RIDGEWAY: Not that I recall.

PATTY EAKES: Okay. Are the paramedics, like, calling out information to you or something as they're kind of assessing or --

MARLON RIDGEWAY: Uh-huh.

PATTY EAKES: -- like -- they are? Can you just --

UNIDENTIFIED FEMALE SPEAKER: Is that a yes?

PATTY EAKES: Yeah, I'm sorry. I'll --

UNIDENTIFIED FEMALE SPEAKER: That's okay. Lieutenant, I'm going to ask you to say yes instead of mm-hmm, because later we won't remember or understand what you meant.

MARLON RIDGEWAY: Okay.

PATTY EAKES: So my question again was --

MARLON RIDGEWAY: Yes.

PATTY EAKES: Yes? The paramedics are calling out their observations?

MARLON RIDGEWAY: Yes.
PATTY EAKES: Okay. And just walk us through, if you would, kind of what you're scribing and how you're doing it in relation to what they're actually doing to treat the patient.
MARLON RIDGEWAY: Well, initially they're doing initial assessment, whether it's for appropriate resources for ALS or BLS come in. So when he requested for an ALS unit, I assumed that this person is not doing well. So they're calling out skin vitals. They're calling out breathing -- I mean, his respirations are pretty shallow. He's got a weak, thready pulse, things like that. And so I'm in charge of getting the appropriate resources going once he makes those assessment calls.
PATTY EAKES: Okay. And as they're calling those things out, like, you know, labored breathing or whatever, is there some -- on the program is there something like, you have to check boxes? Or are you actually typing it in? Or --
MARLON RIDGEWAY: It's a push button box. If I can even get to it at that time. Usually we'll go back and fill things in that we can't fill in afterwards.
PATTY EAKES: Okay.
MARLON RIDGEWAY: If we don't get to it at that time. Mark times appropriately and things like that.

PATTY EAKES: So it's not necessarily that as you call it out you're saying --
MARLON RIDGEWAY: No.
PATTY EAKES: -- pupils are fixed and dilated and you're hitting a button.
MARLON RIDGEWAY: Right.
PATTY EAKES: Okay. You may go back and do it?
MARLON RIDGEWAY: Sometimes you can, but if thing are happening so fast, sometimes you have to mark other things prior to that so they don't -- everything doesn't get in there the exact time that they say it.
PATTY EAKES: And you said they called for the advanced life support?
MARLON RIDGEWAY: Correct.
PATTY EAKES: Is that what it's called? Okay. And what was the other one? B-L --
MARLON RIDGEWAY: Basic life support.
PATTY EAKES: Basic life support. Okay. And does that just tell you how critical a patient is?
MARLON RIDGEWAY: Correct.
PATTY EAKES: Okay. And then are you responsible for arranging for additional units to arrive, the advanced life support unit to arrive?
MARLON RIDGEWAY: Correct. Yes.
PATTY EAKES: Okay. And do you do that from the

iPad or do you --
MARLON RIDGEWAY: No, I make the call on the radio.
PATTY EAKES: Okay.
MARLON RIDGEWAY: To our dispatch.
PATTY EAKES: But actually still standing there next to the patient?
MARLON RIDGEWAY: Mm-hmm.
PATTY EAKES: Okay. Did you ever actually lay hands in any way on Mr. Ellis?
MARLON RIDGEWAY: No.
PATTY EAKES: Okay. What do you remember about where the TPD officers were when you arrived?
MARLON RIDGEWAY: To the best of my recollection they were just standing around him.
PATTY EAKES: And how many? Do you remember?
MARLON RIDGEWAY: I don't recall.
PATTY EAKES: And what was the position of Mr. Ellis that you recall?
MARLON RIDGEWAY: He was lying on his back facing up. And his knees were twisted to the side, the left hand side, so he was -- they were on the ground.
PATTY EAKES: Okay. But they were pulled up behind him?
MARLON RIDGEWAY: No, he was just -- they weren't pulled up behind him. They were just bent.

PATTY EAKES: Okay. So he's laying on his back but his legs are bent out to the side?
MARLON RIDGEWAY: Yes. His legs were lying on their side, on the left side, to my best recollection.
PATTY EAKES: Do you recall -- okay. Do you recall if his legs were restrained?
MARLON RIDGEWAY: No.
PATTY EAKES: No, you don't recall?
MARLON RIDGEWAY: I don't recall.
PATTY EAKES: Okay. Do you recall any discussion about asking TPD to unrestrain him?
MARLON RIDGEWAY: Yes.
PATTY EAKES: And who made that request?
MARLON RIDGEWAY: My paramedic looked at me and requested. Said we need these restraints removed. And then I requested the TPD that we need the restraints removed.
PATTY EAKES: And what response did you get from TPD when you asked them to remove the restraint?
MARLON RIDGEWAY: They removed the restraints.
PATTY EAKES: Was there any discussion or do you recall anybody having any, I'll call it pushback, or raising any safety concern?
MARLON RIDGEWAY: I do not.
PATTY EAKES: You --
MARLON RIDGEWAY: No.

PATTY EAKES: Okay. So your memory is that they removed them. How quickly were his restraints removed after you guys arrived?

MARLON RIDGEWAY: Pretty quickly. They, I mean, as soon as we assessed that he needed -- we needed to assess him better and requested them to take them off, they took them off. So --

PATTY EAKES: Okay. And do you remember if it was one officer who took them off? More than one officer?

MARLON RIDGEWAY: I don't remember the number.

PATTY EAKES: Okay. And what do you remember from what the paramedics described? Like how would you describe Mr. Ellis's condition based on what they were saying?

MARLON RIDGEWAY: Can you repeat the question?

PATTY EAKES: Sure. I mean, what do you remember based on hearing the paramedic's assessment? What was your impression or thought about what condition Mr. Ellis was in when you got there?

MARLON RIDGEWAY: I knew that he was -- he needed help. I mean, he wasn't breathing appropriately. And his pulse rate wasn't adequate with sustaining life, so he wasn't doing well.

PATTY EAKES: Okay. Did you have an impression at that point as to whether or not he was dying or whether or not he could survive?

MARLON RIDGEWAY: No, I did not have an impression.
PATTY EAKES: So it sounds like you had -- you were aware that he couldn't breathe. So he's having difficulty breathing and his heart is not functioning properly. Is that right?
MARLON RIDGEWAY: It wasn't necessarily difficulty breathing. He was just not breathing adequately to sustain life.
PATTY EAKES: Okay. Do you -- are you familiar with the term agonal breathing?
MARLON RIDGEWAY: Uh-huh.
PATTY EAKES: Is -- do you recall --
MARLON RIDGEWAY: Sorry, yes.
PATTY EAKES: -- do you recall -- sorry. Good correction.
Do you recall -- did you observe any agonal breathing by Mr. Ellis?
MARLON RIDGEWAY: I did not personally.
PATTY EAKES: Okay.
UNIDENTIFIED MALE SPEAKER: Do you mean that to say that he did not have? Or he might have and you didn't observe it? Or you just didn't see it at all?
MARLON RIDGEWAY: He might have but I didn't observe it.
UNIDENTIFIED MALE SPEAKER: Okay.

PATTY EAKES: Okay. And so tell us -- after, you know, they did the initial assessment they're calling things out. They ask for advanced life support. What's your role then and what are you doing, Lieutenant? After you call for that aid?

MARLON RIDGEWAY: Just continue to help my crew with whatever they need. If they need equipment, just assisting them. And then just making sure that everything is as entered as I can.

PATTY EAKES: Okay.

MARLON RIDGEWAY: And then if we needed any more additional resources, I need to be ready to call for them.

PATTY EAKES: Sorry. I'm just looking back at my notes. Jump in anybody.

UNIDENTIFIED MALE SPEAKER: Lieutenant, you mentioned that when you first arrived on the scene, you saw a bunch of TPD officers standing around. Could you at that point see the patient?

MARLON RIDGEWAY: Yes.

UNIDENTIFIED MALE SPEAKER: Okay. And could you at that point see whether any -- anyone was with the patient or tending to the patient?

MARLON RIDGEWAY: As far as TPD?

UNIDENTIFIED MALE SPEAKER: Yeah. Or anyone else.

MARLON RIDGEWAY: Anyone? No. Nobody was tending

to the patient.
UNIDENTIFIED MALE SPEAKER: Okay. So just TPD officers standing around, patient on the ground and on his back.
MARLON RIDGEWAY: Correct.
UNIDENTIFIED MALE SPEAKER: You indicated his legs were bent to the left. Was it a 90 -- what angle was it at? Do you recall?
MARLON RIDGEWAY: I -- to the best of my recollection, they were just bent over to the left-hand side of his body.
UNIDENTIFIED MALE SPEAKER: Do you recall a spit hood on the patient?
MARLON RIDGEWAY: Yes.
UNIDENTIFIED MALE SPEAKER: Do you recall what that looked like?
MARLON RIDGEWAY: Just a white cloth over his mouth and nose.
UNIDENTIFIED MALE SPEAKER: And did you notice how it was positioned on the patient?
MARLON RIDGEWAY: Like I said, it was just over his mouth and his nose.
UNIDENTIFIED MALE SPEAKER: Okay. Did someone remove the mask at some point?
MARLON RIDGEWAY: Yes.

UNIDENTIFIED MALE SPEAKER: Do you recall who did that?
MARLON RIDGEWAY: I do not recall who did that.
PATTY EAKES: Could you see Mr. Ellis's eyes?
MARLON RIDGEWAY: Yes.
PATTY EAKES: Do you recall if they were open or closed?
MARLON RIDGEWAY: They were open.
PATTY EAKES: And, I mean, based on them being open, did it tell you then, did he appear to be alert? Awake? Or they were just open?
MARLON RIDGEWAY: They were just open.
UNIDENTIFIED MALE SPEAKER: Did you -- do you recall making any observations whether you could see his chest rise and fall at that point?
MARLON RIDGEWAY: I do not.
PATTY EAKES: Did you get any information at all, anyone from TPD tell you anything about what had happened to, you know, lead up to the situation where you guys are responding?
MARLON RIDGEWAY: No.
PATTY EAKES: Is that something you typically want to know? Or?
MARLON RIDGEWAY: Um, not really.
PATTY EAKES: Why not?

MARLON RIDGEWAY: It's just -- our focus is on patient care.
PATTY EAKES: Okay.
MARLON RIDGEWAY: And so whatever happened prior is not that important to me. My -- you know, our focus is on getting the appropriate care and the appropriate destination where they need to be.
PATTY EAKES: And you described the officers as kind of standing around, Mr. Ellis was lying on the ground. Can you give us any further description of, like, when you say standing around, are they just chatting? Are they looking at him? Are they -- you know, do they look to be making sure he doesn't get up? Can you, I mean, do you have any sort of description you can give of what they're doing?
MARLON RIDGEWAY: I remember they -- they weren't chatting. They were standing there like keeping an eye -- like you're keeping an eye on somebody making sure that they're not doing what you don't want them to do.
PATTY EAKES: Okay. And do you remember about how many of them were standing around?
MARLON RIDGEWAY: I do not.
PATTY EAKES: Do you know about what distance they were from him?
MARLON RIDGEWAY: Two to three feet away.
PATTY EAKES: And from the time that you arrived at

the call until the time that you departed, did it appear to you that Mr. Ellis ever intentionally moved on his own?

MARLON RIDGEWAY: No, he did not.

PATTY EAKES: Did he ever appear to you to be conscious?

MARLON RIDGEWAY: No.

PATTY EAKES: He never regained consciousness?

MARLON RIDGEWAY: No.

PATTY EAKES: Did he ever say anything?

MARLON RIDGEWAY: No.

PATTY EAKES: Did he ever make any noises?

MARLON RIDGEWAY: No.

UNIDENTIFIED MALE SPEAKER: Lieutenant, during your statement, you indicated that his pulse was declining and was down below 50 and 30. Do you recall what -- how you obtained that information?

MARLON RIDGEWAY: That was on our Lifepack 15 monitor. And I just -- I just happened to look over after they put the pole lead on. And so that's when I started thinking about other resources to call and other units to help in case they started CPR.

UNIDENTIFIED MALE SPEAKER: And was it -- were you monitoring then the --

MARLON RIDGEWAY: No.

UNIDENTIFIED MALE SPEAKER: Okay.

MARLON RIDGEWAY: I just happened to look over.
UNIDENTIFIED MALE SPEAKER: Oh.
PATTY EAKES: But is that, like, right as they hooked him up to it? Is that the initial reading?
MARLON RIDGEWAY: No. He had been hooked up to it for a little bit before.
PATTY EAKES: Okay.
UNIDENTIFIED MALE SPEAKER: Was anything ever called out to you what the beats per minute was when he was initially hooked up?
MARLON RIDGEWAY: No.
UNIDENTIFIED MALE SPEAKER: Okay.
UNIDENTIFIED MALE SPEAKER: Based on prior discussion -- but I think I have a pretty good idea of how the time line happened that you record for events in your medical records -- but when you -- can you look at that list of times and figure out which ones were entered in real time and which ones you went back and interspersed later?
MARLON RIDGEWAY: No.
UNIDENTIFIED MALE SPEAKER: Okay. When you go back and add an event later that you have to fill in, how do you pick the time that goes on that event?
MARLON RIDGEWAY: You just -- you pick it with -- in sequence with how the events on the call went.
UNIDENTIFIED MALE SPEAKER: So your goal in that

case is to make it show up in order?
MARLON RIDGEWAY: Correct.
UNIDENTIFIED MALE SPEAKER: But do you put any -- I mean, is there any effort to make the time accurate as best you remember? Or is the goal simply to make it fit in between the other events that are there?
MARLON RIDGEWAY: No, you try to make it as accurate as you can.
UNIDENTIFIED MALE SPEAKER: But it's from memory.
MARLON RIDGEWAY: Correct.
PATTY EAKES: And so at what point do you do that? I'm just trying to understand. So you first get there, there's a lot going on. It sounds like you can't necessarily record everything right away. Like at what point do you go back and try to recreate?
MARLON RIDGEWAY: So in this case, the paramedic completes the report. So I didn't have anything to do with -- usually on ALS calls, they go back and make sure everything is -- because they're the ones writing the report. So I don't touch anything on it after I hand it to them.
PATTY EAKES: Okay. So whatever you recorded, and if you missed something, you wouldn't have been the guy going back --
MARLON RIDGEWAY: No.

PATTY EAKES: -- to put anything in?
MARLON RIDGEWAY: No.
PATTY EAKES: Okay. And the advanced life support team, what do they do that you guys couldn't do? Or why call them?
MARLON RIDGEWAY: Well, first of all, they're a transporting unit. Plus, they're additional resources with medications and training.
PATTY EAKES: Okay. Do they have medications that you guys don't have --
MARLON RIDGEWAY: No.
PATTY EAKES: -- you wouldn't have on the engine?
MARLON RIDGEWAY: No.
PATTY EAKES: No they -- but they just have more?
MARLON RIDGEWAY: Yes.
PATTY EAKES: Okay. Okay. And meaning they could transport him -- if you managed to get a pulse --
MARLON RIDGEWAY: Correct.
PATTY EAKES: They would be able to take him to the hospital?
MARLON RIDGEWAY: Correct.
PATTY EAKES: Okay. Other than the reference to 50, 30 in the report, do you ever recall seeing any other -- any other number in terms of his pulse?
MARLON RIDGEWAY: I do not.

UNIDENTIFIED MALE SPEAKER: Lieutenant, what do you -- on this occasion when you approached, do you recall talking to any officers to get a briefing on why the patient is in the condition he is? Or --
MARLON RIDGEWAY: I don't.
UNIDENTIFIED MALE SPEAKER: Okay. Did you recall whether Polo or Wilson spoke to the --
MARLON RIDGEWAY: I do not.
UNIDENTIFIED MALE SPEAKER: But you yourself did not speak to an officer at that scene?
MARLON RIDGEWAY: No.
UNIDENTIFIED MALE SPEAKER: Okay.
UNIDENTIFIED MALE SPEAKER: Did you see any external trauma on the patient at that time?
MARLON RIDGEWAY: Not that I can recall.
UNIDENTIFIED MALE SPEAKER: Okay. Do you recall how the response went? If it was priority or routine?
MARLON RIDGEWAY: Priority.
UNIDENTIFIED MALE SPEAKER: Okay.
PATTY EAKES: Is that recorded anywhere in terms of the records?
MARLON RIDGEWAY: Yes. All of our --
PATTY EAKES: I mean, that it was priority as opposed to routine? Is that documented somewhere?
UNIDENTIFIED FEMALE SPEAKER: It should be in the

CAD --
MARLON RIDGEWAY: Should be in the CAD.
PATTY EAKES: Is there on -- this being the CAD?
UNIDENTIFIED MALE SPEAKER: It's in the CAD.
PATTY EAKES: It says priority in the CAD?
UNIDENTIFIED MALE SPEAKER: It was changed to priority.
UNIDENTIFIED MALE SPEAKER: So priority would be like siren and --
MARLON RIDGEWAY: Correct.
UNIDENTIFIED MALE SPEAKER: The spit mask that was on, are those similar to --
UNIDENTIFIED FEMALE SPEAKER: It's not on --
(simultaneous conversation)
PATTY EAKES: Okay. That's what I was trying to figure out --
UNIDENTIFIED MALE SPEAKER: Tacoma Fire uses?
UNIDENTIFIED FEMALE SPEAKER: Usually when we see our CAD report --
MARLON RIDGEWAY: I don't believe so.
UNIDENTIFIED FEMALE SPEAKER: -- it documents how they responded.
(simultaneous conversation)
UNIDENTIFIED MALE SPEAKER: Did it look like the spit mask was used properly or not --

(simultaneous conversation)
UNIDENTIFIED FEMALE SPEAKER: Forces you to --
UNIDENTIFIED MALE SPEAKER: When you saw it?
MARLON RIDGEWAY: Yes.
UNIDENTIFIED MALE SPEAKER: It's a (indiscernible) CAD.
PATTY EAKES: I'm sorry, did --
UNIDENTIFIED MALE SPEAKER: It's in the law enforcement CAD.
PATTY EAKES: Oh, right, okay. But it's not on the TFD one.
UNIDENTIFIED FEMALE SPEAKER: No. But --
PATTY EAKES: Okay. Sorry, I didn't mean to interrupt. Go ahead.
UNIDENTIFIED MALE SPEAKER: Say -- no, I'm sorry.
UNIDENTIFIED MALE SPEAKER: I'm good, thank you.
UNIDENTIFIED MALE SPEAKER: So when you -- when he was -- when the patient was -- when you first observed him and you said he was on his back, so his hands were actually behind him?
MARLON RIDGEWAY: Correct.
UNIDENTIFIED MALE SPEAKER: And he's lying in a supine position, hands behind him, knees to the side. And he was -- he was unattended, all the officers are standing around?

MARLON RIDGEWAY: Correct.
UNIDENTIFIED MALE SPEAKER: Okay.
PATTY EAKES: Was there at any time that you saw -- did you ever see or hear that Mr. Ellis had a pulse of 80?
MARLON RIDGEWAY: I don't recall any of that.
PATTY EAKES: Okay.
MARLON RIDGEWAY: Anything like that.
PATTY EAKES: And did you ever see a cell phone that may have belonged to Mr. Ellis at the scene? Do you have any memory of a cell phone or any discussion of a cell phone?
MARLON RIDGEWAY: I have no memory of a cell phone.
PATTY EAKES: Okay. What about an EBT card?
MARLON RIDGEWAY: No.
PATTY EAKES: No? Any personal property at all of Mr. Ellis's that you recall?
MARLON RIDGEWAY: No.
UNIDENTIFIED MALE SPEAKER: Was there any water bottles nearby? Do you remember?
MARLON RIDGEWAY: I don't recall if there was.
PATTY EAKES: While you were scribing, you know, they were attending to the patient, did you ever -- do you recall hearing any of the Tacoma police officers making any statements at all about what had occurred?
MARLON RIDGEWAY: No, I do not.

PATTY EAKES: I think at page 6 of your statement you said that -- essentially, I -- I think I read it as I think you called for a medic unit even before you asked for the police to remove the restraints. And I'm just trying to understand the sequence there. Do you recall if you called for the additional advanced life support group before you even had him unrestrained?

MARLON RIDGEWAY: I believe I did, yes. I called as soon my paramedic asked me to call for one.

PATTY EAKES: Okay. And that's even before he's unrestrained.

UNIDENTIFIED FEMALE SPEAKER: Is that yes?

MARLON RIDGEWAY: Yes.

UNIDENTIFIED FEMALE SPEAKER: Thank you.

PATTY EAKES: Yeah, thanks, Jean.

MARLON RIDGEWAY: Sorry.

PATTY EAKES: Do you guys have other questions? Is there anything we haven't asked you about, Lieutenant Ridgeway, that you think we should know? Any memories you have of this that we haven't covered?

MARLON RIDGEWAY: I don't believe so. No.

PATTY EAKES: Okay. All right. Well, thank you. We appreciate your time in meeting with us and clarifying --

MARLON RIDGEWAY: Thank you.

PATTY EAKES: -- issues for us. Thanks.

UNIDENTIFIED FEMALE SPEAKER: The time is 12:30 and I'm stopping the recording.

C E R T I F I C A T E

STATE OF WASHINGTON)
COUNTY OF KING)

I, the undersigned, under my commission in and for the State of Washington, do hereby certify that the foregoing audiotape, videotape, and/or hearing was transcribed under my direction as a transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability; and that I am not a relative or employee or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of April, 2021.

/s/Grace Hitchman

Grace Hitchman, AAERT, CET-663
In and for the State of Washington,
residing at Seattle.
Certification expires May 16, 2021

TAB 68

Memorandum to File

IA Investigation #21COM-0061

Witness Samuel Cowden Declines IA Interview

As part of this investigation, I made contact with witness Samuel Cowden to request an interview. On September 21, 2021, I called and spoke to Samuel @ (253) 579-8797. Samuel told me he was working long hours but was willing to set up an interview. I gave him my direct IA phone number and the IA email address as he suggested that he send me his work schedule in order to find a time the interview could be done. Samuel requested we meet with him at his workplace to conduct the interview due to his long hours. Several days went by without any update from Samuel.

On September 30, 2021 at around 0900 hours, I called and spoke to Samuel. Samuel apologized for not getting in touch with me, reiterated he was working long hours and declined to be interviewed at that time.

Sergeant GJ Roberts
TPD Internal Affairs
September 30, 2021

Memorandum to File

IA Investigation #21COM-0061

Witnesses Sara McDowell and Keyon Lowery Decline IA Interviews

As part of this investigation, I made various attempts to contact witnesses Sara McDowell and Keyon Lowery to request interviews. On September 23, 2021, I called and spoke to McDowell's sister, Sadie Christenson @ (253) 307-5397. I asked Sadie to contact Sara on my behalf and pass on my phone number and the message that I was trying to get in contact with her regarding this matter. Sadie was receptive to my request. Additionally, I asked Sadie if she would pass on my request to Keyon as well. Sadie said she would.

On September 28, 2021 at around 1025 hours, I received a phone call from Sara McDowell to my office phone. I advised Sara of my investigation and we spoke about her providing a voluntary interview. At that time, Sara declined to be interviewed for this investigation. Sara said she had already given her statement to TPD. Sara said she spoke the day prior with Keyon and he was declining to be interviewed as well. I requested Sara have Keyon call my office so I could hear the declination from him.

On September 29, 2021, I left an additional voice message on the (253) 906-3249 phone number I had for Keyon to contact my office. Additionally, I called Sadie to confirm she passed on my request to Keyon. Sadie confirmed she passed on my message directly to Keyon. She was aware that Sara and Keyon had said they declined to be interviewed.

As of the completion of this case file, I have not heard from Keyon. Based on information from Sara and Sadie, Keyon is declining to be interviewed on this matter.

Sergeant GJ Roberts
TPD Internal Affairs
October 7, 2021

TAB 69

TACOMA POLICE DEPARTMENT

Use of Force **Sub-Section 3.1**

Sets forth the Tacoma Police Department's Use of Force Policy

Donald Ramsdell, Chief of Police

P3.1 USE OF FORCE POLICY

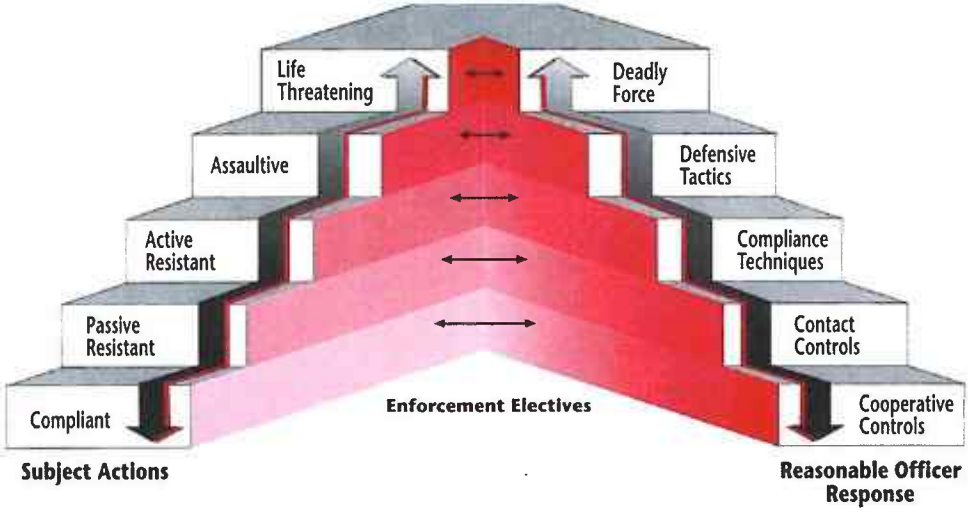
CALEA 1.3.1, 1.3.2, 1.3.4 *(R 08/2017)*

This policy shall establish the professional philosophy of the Tacoma Police Department relative to proper use of force in the performance of service to the community. Officers of the Tacoma Police Department may use ***force*** when ***necessary***, and shall use only that ***force*** which is reasonable. All ***force*** applications shall be in conformity with the statutes and Constitutions of the United States and the State of Washington. All commissioned Tacoma Police employees are authorized to use force as defined by RCW 9A.16.020.

Limited commission Officers, i.e., Animal Control and Compliance Officers (ACCO), use of force authority post-application is identical to that of fully commissioned Officers and shall be applicable according to the restrictions of the approved tools and training authorized for their use.

Force usage shall be consistent with the Tacoma Police Department's Integrated Force Management program founded upon the Department's ***use of force*** model.

FORCE MODEL



The Department's ***use of force*** model is designed to proportionally align Officer's use of ***force*** with subject actions. This model also allows for escalation, stabilization and de-escalation, as the subject's actions change. Although this model is in an escalating progression, all ***tools*** and techniques need not be used and/or exhausted prior to moving to a higher or lower level. Circumstances will dictate response.

During the course of interaction with the public, an Officer may encounter all types of responses from ***compliant*** interaction, to ***life threatening***. ***Enforcement electives*** relating to subject actions make available ***tactics***, techniques and ***tools*** based on ***reasonable Officer*** response. Based on training and the reasonable risk assessment of the circumstances, Officers may respond to subject actions in order to gain compliance and control situations. Timing is an important element of the risk assessment process and is demonstrated by the Officer's response to the actions of the subject, measured in terms of immediacy and necessity.

Members of the Department must generally employ the ***tools***, ***tactics,*** and ***timing*** of ***force*** application consistent with the model's directions and departmental training modules. This model, while requiring the Officers to maintain ***controlled superiority*** over a subject, supports the practice of ***progressive application of force*** as part of a continuous

risk assessment process. Risk is assessed objectively based on the on-scene ***reasonable Officer's*** perspective taking into account the facts and circumstances of the particular situation that are known to the Officer.

Due to the fact that Officer-citizen confrontations occur in environments that are potentially unpredictable and are tense, uncertain and rapidly evolving, Officers may use ***tools*** and ***tactics*** outside the parameters of departmental training. All such applications of ***force*** shall meet the same standard of reasonableness as those which have been previously identified and approved. No distinction shall be made relative to the age of the suspect regarding the use of force. Reasonable ***timing*** and ***tactics*** shall be the determining factors.

When situations are reasonably stabilized, application of ***force*** must proportionally de-escalate or cease in accordance with the subject actions, when control is gained or threat is removed.

3.1.1 USE OF FORCE GENERAL DEFINITIONS *CALEA 1.3.2, 1.3.6*

The following definitions are for terms used throughout Use of Force policy and found in bold, italicized letters.

- ***Attack Defense*** – Forceful countermeasures to a life threatening subject to gain or regain control.
- ***Authorized Emergency Vehicle*** – Any police department vehicle used in the performance of duties equipped with audible signals and visible lights.
- ***Blue Team*** – Used for documenting ***Reportable Use of Force.***
- ***Canine Search Deployment*** – Application of the police canine as a search tool for either persons or evidence.
- ***Controlled Superiority Principle*** – Principle that an Officer must always maintain balanced, controlled superiority over a subject's level of non-compliance.
- ***Directed Canine Deployment*** – Application of the police canine as a tool of defense or apprehension.
- ***Draw and Direct*** – The forceful display of a tool by a police Officer to gain compliance or to de-escalate and stabilize a subject.
- ***Enforcement Elective*** – Tools, tactics and timing parameters available at each level of force application.
- ***Force*** – Any effort toward detention or control.
- ***Force Continuum*** – Progression of risk assessment, including escalation, stabilization and de-escalation, relating to proportional force application correlating subject actions and reasonable Officer response.
- ***Imminent Danger*** – A danger that is threatening, menacing, impending, proximate or immediate in nature. Imminent danger is the threat as perceived by the on-scene reasonable Officer.
- ***Integrated Force Management*** – The systematic alignment of policy, training, practice, supervision, and review of all force-related issues and practices.
- ***Mechanical Assistance*** – Use of any effort to further noncompliance or resistance.
- ***Necessary*** – means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended. RCW 9A.16.010.
- ***Neuro-Muscular Control*** – The isolation of a particular joint and leveraging it in an attempt to force the joint to move past its normal range of motion usually causing pain and compliance. Types of neuro-muscular controls are armbars, small joint manipulation, wristlocks, etc.
- ***Personal Weapon*** – Use of body parts to gain or regain control.
- ***Progressive Application of Force*** – Patterned cause and effect relationship of logic and law that correlates subject action and Officer Response.
- ***Qualified Medical Assistance*** – Shall include members of any county or municipal fire department, ambulance service or health care facility who are employed to apply and/or administer first aid treatment.
- ***Reasonable Officer Standard*** – Standard of professional conduct relating to force application based on training, experience, facts and perceptions known to the Officer at the time. The Reasonable Officer Standard is based on the Objective Reasonableness Standard.
- ***Objective Reasonableness Standard*** – The courts use a balancing test consisting of a citizen's right to be secure against unreasonable seizures and the need for government intrusion on those rights (law enforcement). In other words, the force used by an officer must be balanced against the heinousness of a person's activities and the threat they pose.
- ***Reportable Use of Force*** – is defined as any incident where, under the color of authority, a Tacoma Police Officer employs a contact control (where injury occurs) tool, (excluding Draw and Direct), or any physical ***force*** to:
  - Compel a non-compliant person to obey direction
  - Overcome resistance during arrest or detention
  - Defend self or another from an aggressive action by a suspect
- ***Serious Bodily Injury*** – Bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.
- ***Tactics*** – Application of the tools.

- ***Timing*** – When the proper force is used by degree and design.
- ***Tool*** – Any device, mechanical means or strategy used in the application of force.
- ***Unintended Fatality*** – A fatality resulting from the application of any force not intended to be lethal in nature.

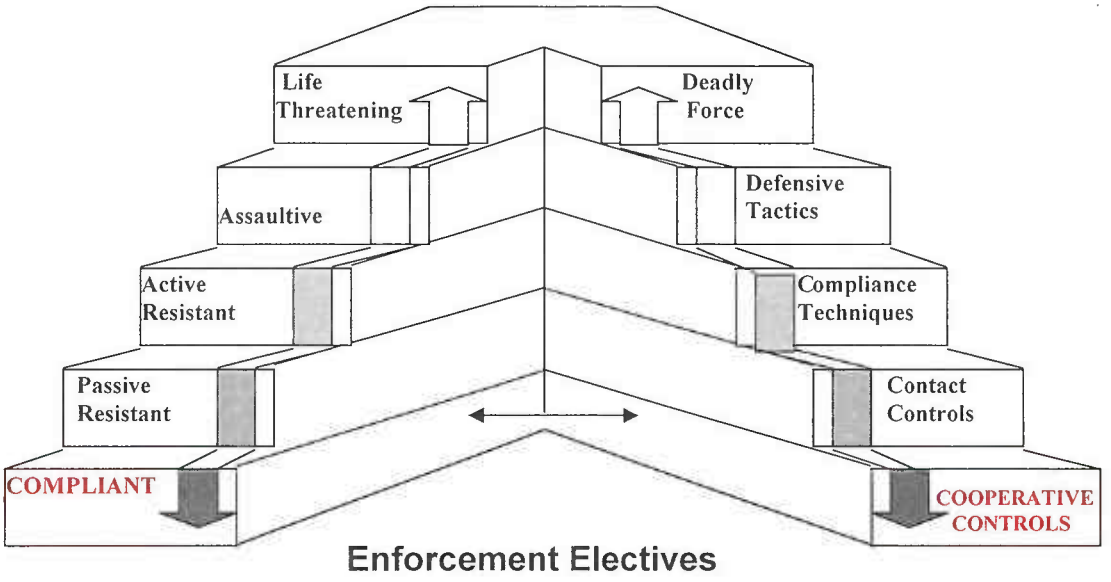
USE OF FORCE – PROCEDURES:

P3.1.2 COMPLIANT-COOPERATIVE CONTROLS *CALEA 1.3.1*

A) **Definitions**

- ***Compliant*** – Cooperative response to lawful commands.
- ***Cooperative Controls*** – Fundamentals of professional training designed to be employed with compliant subjects that capitalize on the acceptance of authority to gain cooperation and control.

FORCE MODEL



Subject Actions

Reasonable Officer Response

B) **Enforcement Elective**

Enforcement electives are those ***tools***, ***tactics*** and techniques made available at each level of force application. Regarding cooperative controls, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model:

- Mental Preparation
- Spatial Positioning
- Communication Skills
- Handcuffing Technique
- Search Techniques
- Opposite Sex Searches
- Frisk Techniques
- Escort Controls
- Transport Controls
- Arrest Tactics
- ***Draw and Direct***

C) Duties and Responsibilities

Officer Responsibilities:

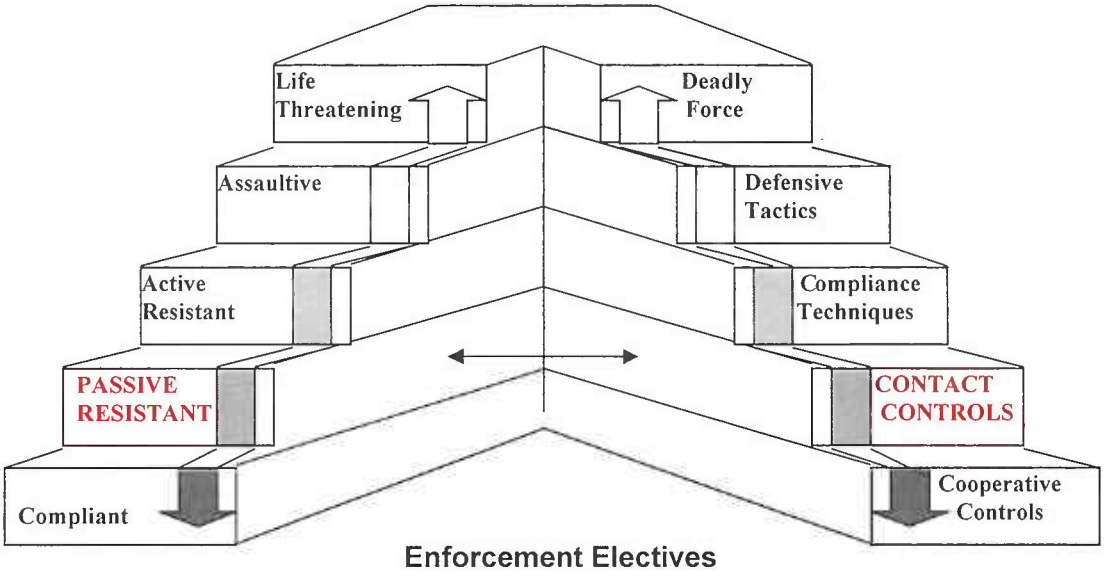
- Refer to actions in the Incident Report Narrative, if applicable
- ***Draw and Direct*** techniques used to de-escalate subjects and gain control shall not be a ***reportable use of force***

P3.1.3 PASSIVE RESISTANT-CONTACT CONTROLS *CALEA 1.3.1, 1.3.7*

A) Definitions

- ***Passive Resistant*** – Non-compliance to lawful authority without physical or ***mechanical resistance***
- ***Contact Controls*** – Tactical skills designed to be deployed upon ***passively resistant*** subjects to proportionally gain control and cooperation

FORCE MODEL



Subject Actions

Reasonable Officer Response

B) Enforcement Electives

Enforcement electives are those ***tools***, ***tactics*** and techniques made available at each level of ***force*** application. Regarding ***contact controls***, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force management program and ***use of force*** model.

- ***All Cooperative Control Enforcement Electives***
- Advanced Communication Skills
- ***Contact Controls***
- Arrest Tactics

C) Duties and Responsibilities:

1) Officer Responsibilities *CALEA 1.3.6*

- If necessary, request ***qualified medical assistance*** for treatment
- Notify immediate Supervisor
- Refer to actions in the Incident Report Narrative
- Look for, identify and document all visible injuries
- Inquire of, and document, complaints of non-visible injuries

2) Supervisor Responsibilities *CALEA 1.3.7*

- If injuries result, respond to the scene and/or hospital
- Investigate and review the use of force incident
- Report findings in Blue Team and forward through chain of command for review

(Refer to Blue Team UOF/Pursuit/MVC Process)

3) **Chain of Command Responsibilities** *CALEA 1.3.7*
   - Review Blue Team
   - Make comments if necessary

   (Refer to Blue Team UOF/Pursuit/MVC Process)

P3.1.4 ACTIVE RESISTANT-COMPLIANCE TECHNIQUES *CALEA 1.3.1, 1.3.4, 1.3.5, 1.3.7*

A) Definitions

Active Resistant – The use of physical effort or mechanical resistance in achieving and/or maintaining noncompliance. Active Resistance is not the sole determinant of an Officer's use of force. The Officer must consider the following factors when making a force elective decision:

- The severity of the crime
- Whether the suspect posed an immediate threat to the safety of officers or others
- Whether the suspect is actively resisting
- Whether the suspect is attempting to evade arrest by flight

Compliance Techniques – Tactical procedures and tools designed to be deployed upon actively resistant subjects who employ physical force or mechanical resistance to enhance resistance or non-compliance.

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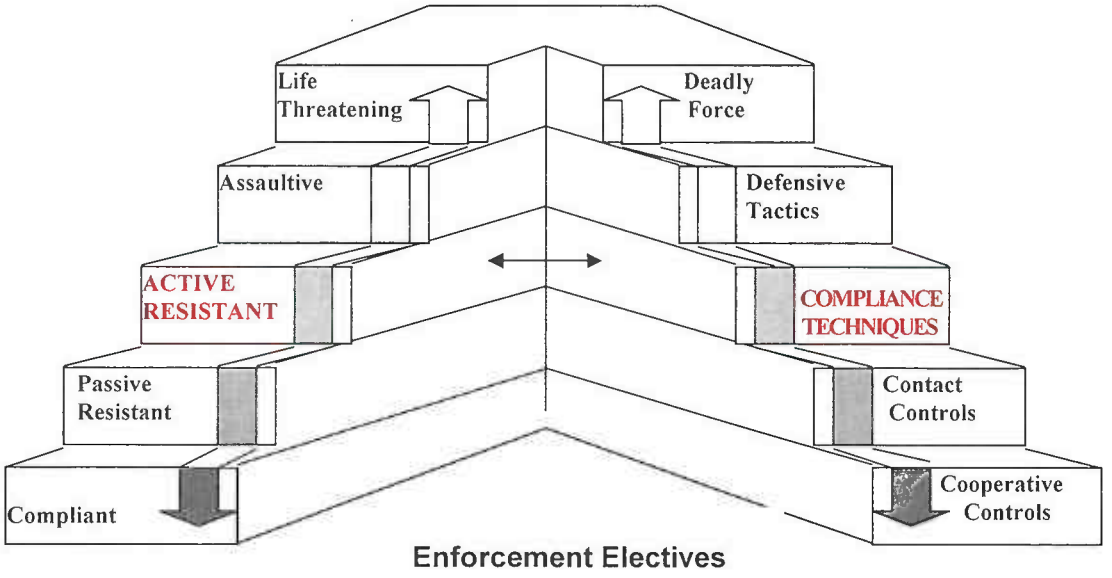

Subject Actions ***Reasonable Officer Response***

B) Enforcement Electives

Enforcement electives are those ***tools***, ***tactics*** and techniques made available at each level of ***force*** application. Regarding ***compliance techniques***, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model.

- ***All Cooperative Control Enforcement Electives***
- ***All Contact Control Enforcement Electives***
- Electronic Control Tool (ECT) application, see Section C below
- Control Techniques
- Neuro-Muscular Controls
- OC/Chemical Application
- Leverage Tools
- Arrest Tactics
- Restraint Devices

- *Canine Search Deployment*
- Takedown Techniques

C) ECT Application Guidelines

The Electronic Control Tool is one of the options available to officers when confronted with enforcement electives in the field. ECTs, like the baton, OC spray or contact enforcement electives, are not effective in every situation. Personnel must assess the effectiveness of each application and determine whether further applications are warranted or if a different tactic should be employed. Review of the use of the ECT will be made considering the totality of circumstances surrounding the incident. An ECT will not be used against an actively resistant subject in the following situations:

- When the officer knows a subject has come in contact with flammable liquids or is in a flammable atmosphere
- When the subject is in a position where a fall may cause substantial injury or death
- Punitively for purposes of coercion, or in an unjustified manner
- When a prisoner is handcuffed
- To escort or jab individuals
- To awaken unconscious or intoxicated individuals
- When the subject is visibly pregnant, unless deadly force is the only other option

The ECT should not be used in the following circumstances (unless there are compelling reasons to do so which can be clearly articulated):

- When the subject is operating a motor vehicle that is moving or not in park
- When the subject is holding a firearm
- When the subject is at the extremes of age or physically disabled
- In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or civilians, as necessary

D) Special Instructions *CALEA 1.3.5*

1) OC/Chemical Post-Application Procedures:

- Advise subject that OC/Chemical has been applied and assistance will be rendered
- Request qualified medical assistance or transport to an appropriate location for assistance
- If not available, rinse eyes and nose with fresh water
- Expose to fresh air
- Area should be ventilated
- If subject exhibits respiratory distress, transport immediately to a hospital for treatment

2) OC/chemical application used against an animal shall not be considered a *reportable use of force.*

3) ECT Post-Application Procedures: *CALEA 1.3.5*

The subject should first be handcuffed and controlled before any removal of the probes is attempted. Once that has been accomplished, you should do the following:

- Glove up using disposable gloves.
- Use one hand to stabilize the subject's body. While keeping this hand several inches away from the probe impact site, with the other hand grasp the body of the probe and quickly "pluck" the probe from the impact site.
- Have the Tacoma Fire Department (TFD) respond to the scene to medically screen the subject for any injuries. NOTE: TFD will not respond to remove the probes. Make sure to inform TFD if the subject is showing any signs of excited delirium.
- If the probes are in a sensitive area (such as face, neck or groin) removal should only be attempted by medical personnel.

4) ECT application used against an animal shall be considered a *reportable use of force.*

5) In order to avoid negative results with our K-9s, officers should not deploy an ECT when a K-9 contact is in progress or imminent. The only exception is if the K-9 handler specifically directs the officer to deploy an ECT.

E) **Duties and Responsibilities**

1) **Officer Responsibilities** *CALEA 1.3.6*

- Initiate Post-Application procedures, if necessary
- Notify immediate Supervisor
- Look for, identify and document all visible injuries
- Inquire of, and document, complaints of non-visible injuries
- Refer to actions in the Incident Report Narrative
- Download ECT data (refer to Procedures Manual, Electronic Control Tool Download Procedure)

2) **Supervisor Responsibilities** *CALEA 1.3.7*

- Respond to the scene and/or hospital
- Investigate and review the use of force incident
- Report findings in Blue Team and forward through chain of command for review, include ECT download as an attachment in the Blue Team report (Refer to Blue Team UOF/Pursuit/MVC Process)

3) **Chain of Command Responsibilities** *CALEA 1.3.7*

- Review Blue Team
- Make comments, if necessary

(Refer to Blue Team UOF/Pursuit/MVC Process)

P3.1.5 ASSAULTIVE-DEFENSIVE TACTICS *CALEA 1.3.1, 1.3.4, 1.3.5, 1.3.7*

A) **Definitions**

- ***Assaultive*** – Non-compliance perceived as, or resulting in, an actual assault on an individual or Officer. The scope and severity of the attack would support the reasonable assumption that the actions would not result in death or ***serious bodily injury***.
- ***Defensive Tactics*** – Tools and tactics designed to be deployed upon the ***assaultive*** subject.

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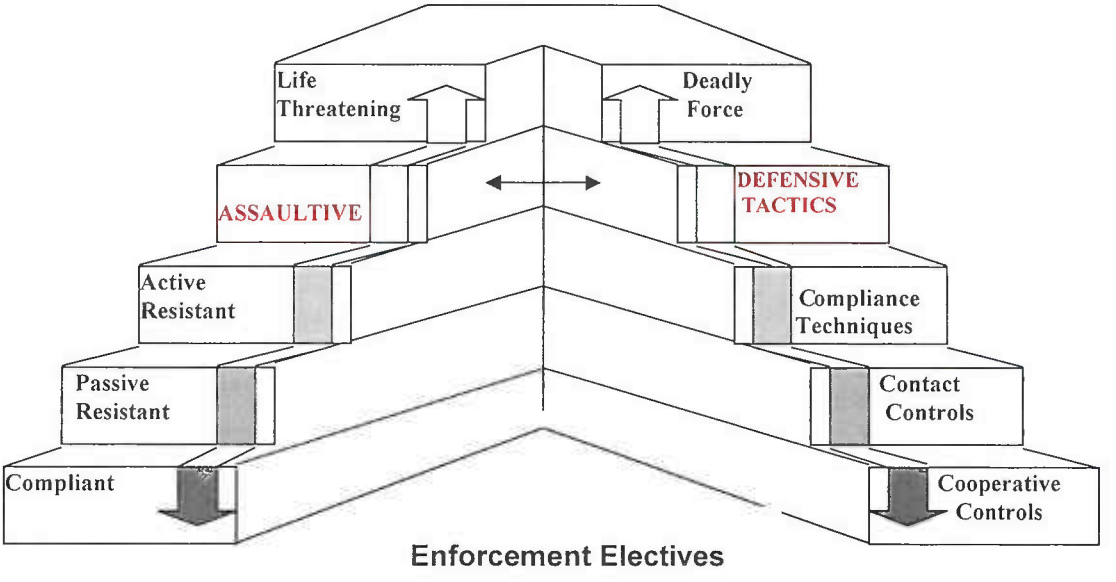

B) **Enforcement Electives**

Enforcement electives are those ***tools, tactics*** and techniques made available at each level of force application. Regarding ***defensive tactics***, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model.

- ***All Cooperative Control Enforcement Electives***
- ***All Contact Control Enforcement Electives***
- ***All Compliance Techniques Enforcement Electives***

- ***Personal Weapons*** Defenses
- Impact ***Tools***
- Arrest Tactics
- ***Directed Canine Deployment***

C) **Special Instructions**

1) ***Impact Tools Post-Application Procedures:***
   - Inspect impacted area for any visible injury
   - If visible, photograph injury
   - If necessary, request or transport for medical aid

2) ***Defensive Tactics*** **used against an animal shall be considered** ***reportable use of force.***

D) **Duties and Responsibilities**

Any Officer who applies ***defensive tactics*** shall, as soon as practical, comply with the following procedures and assume listed responsibilities:

1) **Officer Responsibilities** *CALEA 1.3.6*
   - Initiate Post-Application procedures, if necessary
   - Notify immediate Supervisor
   - Refer to actions in the Incident Report Narrative
   - Look for, identify and document all visible injuries
   - Inquire of and document complaints of non-visible injuries

2) **Supervisor Responsibilities** *CALEA 1.3.7*
   - Respond to the scene and/or hospital
   - Investigate and review the use of force incident
   - Report findings in Blue Team and forward through chain of command for review

   (Refer to Blue Team UOF/Pursuit/MVC Process)

3) **Chain of Command Responsibilities** *CALEA 1.3.7*
   - Review Blue Team
   - Make comments if necessary

   (Refer to Blue Team UOF/Pursuit/MVC Process)

P3.1.6 LIFE THREATENING – DEADLY FORCE *CALEA 1.2.2, 1.3.1, 1.3.2, 1.3.5, 1.3.7*

A) **Definitions**

- ***Life Threatening*** – Reasonable perception that the actions of an individual would likely cause death or ***serious bodily injury*** to an individual or Officer.
- ***Deadly Force*** – The use of any ***force*** that is likely to cause death or ***serious bodily injury.*** Deadly force does not include ***force*** that is not likely to cause death or ***serious bodily injury*** but unexpectedly results in death or ***serious bodily injury***. Designed to be employed with a ***life threatening*** subject.

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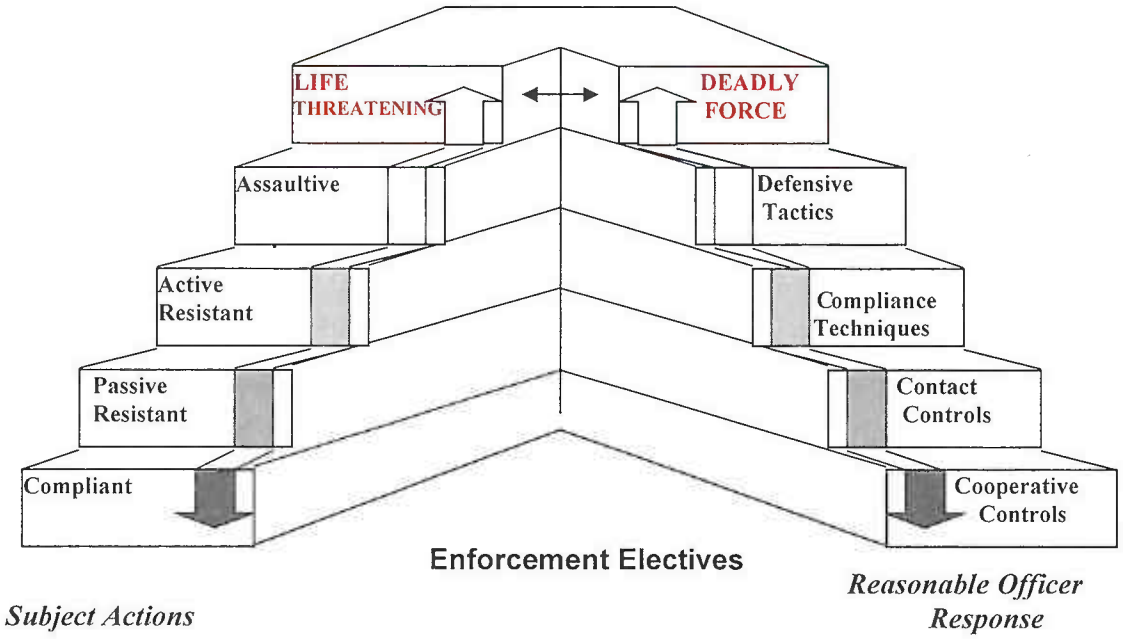

B) Principles of Deadly Force Application *CALEA 1.3.2*

The Tacoma Police Department recognizes and respects the value of all human life. Procedures and training are designed to resolve confrontations prior to escalation to the point ***deadly force*** may be applied. During the performance of their duties and as a last resort, Officers may apply ***deadly force*** when confronted with an ***imminent danger*** of death or ***serious bodily injury*** to protect themselves or others.

Officers are not required to place themselves or others in immediate danger of death or ***serious bodily injury*** before using ***deadly force***. The necessity to use ***deadly force*** arises when there is no reasonable alternative to using such force and, without it, the Officers or others would face imminent danger of death or ***serious bodily injury.***

C) Enforcement Electives

Enforcement electives are those ***tools, tactics*** and techniques made available at each level of ***force*** application. Regarding ***deadly force***, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model.

- ***All Cooperative Controls Enforcement Electives***
- ***All Contact Controls Enforcement Electives***
- ***All Compliance Techniques Enforcement Electives***
- ***All Defensive Tactics Enforcement Electives***
- ***Attack Defense***
- Ramming
- Firearm Techniques
- Arrest Tactics

D) Duties and Responsibilities

1) Officer Responsibilities *CALEA 1.3.5, 1.3.6*

- If necessary, request ***qualified medical assistance*** for treatment
- Notify immediate Supervisor
- Refer to actions in the Incident Report Narrative
- Look for, identify and document all visible injuries
- Inquire of, and document, complaints of non-visible injuries

2) Supervisor Responsibilities *CALEA 1.3.7*

- Respond to the scene and/or hospital

- Notify the shift commander and ensure IA is advised
- Internal Affairs shall be responsible for completing the entry into Blue Team and forwarding through the employee's chain of command for review when deadly force was used against a person or an animal
- Follow procedure outlined in P3.4, Deadly Force Investigations

3) **Chain of Command Responsibilities** *CALEA 1.3.7*
   - Review Blue Team
   - Make comments, if necessary

   (Refer to Blue Team UOF/Pursuit/MVC Process)

E) **Special Instructions**
- Warning shots shall not be used. *CALEA 1.3.3*
- ***Deadly force*** should not be used against a subject in a moving vehicle unless it is necessary to protect against ***imminent danger*** to the life of the Officer or others. *CALEA 1.3.2*
- ***Deadly Force*** used against an animal shall be a ***reportable use of force;*** however, the responsibility for the completion of the Blue Team entry rests with Internal Affairs.
- When a law enforcement Officer is pursuing a fleeing suspect, he/she may use deadly force only to prevent escape if the Officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the Officer or others.
- Self-defense, defense of another, and ***imminent danger*** of death or serious bodily injury shall be the only policy guideline for the application of ***deadly force***.

P3.1.7 USE OF FORCE REPORTING POLICY *CALEA 1.3.6, 1.3.7*

The Tacoma Police Department considers the application of necessary ***force*** a professional responsibility and is accountable for all aspects of training, practice, supervision, and review regarding the use of ***force***. The reporting procedure set forth herein shall be to account for applications of reportable use of ***force*** and provide a review process for training. This training reporting addresses the ***tools, tactics*** and ***timing of force*** application and provides a statistical basis for policy review.

The Supervisory review of ***force*** applications shall be the determining factor in evaluating appropriateness and necessity. The investigating Supervisor shall make a preliminary determination as to whether ***force*** was applied within Department guidelines. The quantitative reporting of ***force*** applications entered into Blue Team for training purposes shall not be used in the investigative process where disciplinary sanctions may result.

As articulated in P3.1, Use of Force, all applications of ***force*** shall meet the standard of reasonableness as determined by the circumstances the Officer encounters.

P3.1.8 APPLICATION *CALEA 1.3.6, 1.3.7*

A) The following processes regarding use of ***force*** shall provide guidance in reporting. These are outlined according to the Officer response to subject actions based upon the Department's ***use of force*** model.

1) ***Cooperative controls*** shall be described in the narrative section of the Incident Report when written. When a ***draw and direct*** technique involving a ***tool*** is employed (without actual application) to de-escalate or gain compliance, a **Use of Force report shall not be required.**
2) ***Contact controls*** shall be described in the narrative section of the Incident Report. Officer(s) who use ***contact controls*** where injury occurs shall contact a Supervisor, and the Supervisor shall make an entry into Blue Team as a Use of Force.
3) ***Compliance techniques*** shall be described in the narrative section of the Incident Report. Officer(s) who use ***compliance techniques*** shall contact a Supervisor and the Supervisor shall make an entry into Blue Team as a Use of Force.
4) ***Defensive tactics*** shall be described in the narrative section of the Incident Report. Officer(s) who use ***defensive tactics*** shall contact a Supervisor and the Supervisor shall make an entry into Blue Team as a Use of Force.
5) ***Deadly force*** shall be described in the narrative section of the Incident Report. Officer(s) who use deadly force shall contact a Supervisor. Internal Affairs will complete a Blue Team Use of Force entry when the deadly force was used against a person or an animal.

NOTE: Due to the significant impact on personnel and resources, investigations of deadly force applications shall be addressed specifically in P3.4, Deadly Force Investigations.

B) Use of Force Reporting Instructions

The Use of Force Reporting is intended to quantify applications of ***force*** and provide specific training correction for those ***tools, tactics*** and techniques which are applied unsuccessfully or incorrectly. The reporting is also intended to allow Supervisors an opportunity to identify training issues and assess skills and ***tools***.

A ***reportable use of force*** is defined as any incident where, under the color of authority, a Tacoma Police Officer employs a ***contact control*** (where injury occurs) tool, (excluding ***Draw and Direct)*** or any physical force to:

- Compel a non-compliant person to obey their direction
- Overcome active resistance during an arrest or detention
- Defend self or another from an aggressive action by a suspect

Officers who employ a reportable use of force shall specify those actions within the narrative section of the report. Additionally, if the Officer wishes to (and if warranted) make specific training recommendations regarding tool effectiveness and training proficiency, the Officer should collaborate with the Supervisor so the aforementioned can be included in the comments section of the Blue Team entry.

In situations where multiple Officers apply the same techniques, ***tactics*** and/or ***tools*** that constitute a ***reportable use of force***, Supervisors shall complete one entry into Blue Team for each subject (addressing all appropriate sections) regardless of how many officers are involved.

- Supervisors shall conduct a review regarding applications of ***force*** and shall complete the entry in Blue Team. Training deficiencies and/or concerns should be identified in the comments section.

(Refer to Blue Team UOF/Pursuit/MVC Process)

The Administrative Services Bureau is responsible for collating the information obtained from the electronic use of force reporting system. If no training issue is identified, the information shall be collected and the data retained according to Washington State records retention laws. If a training issue is identified either by the Officer, the reviewing Supervisor or training personnel, the Training Section shall, within 60 days, construct a corrective training plan for specific skill improvement and implement, with the affected Officer, as soon as is reasonably practical.

Training Section staff shall be responsible for making corrective recommendations to training modules and for improving individual Officer's proficiencies.

Reference Guide:

Use of Force Policy	P3.1
Use of Force Definitions	P3.1.1
Compliant – Cooperative Controls	P3.1.2
Passive Resistant – Contact Controls	P3.1.3
Active Resistant – Compliance Techniques	P3.1.4
Assaultive – Defense Tactics	P3.1.5
Life Threatening – Deadly Force	P3.1.6
Use of Force Reporting Policy	P3.1.7
Use of Force Reporting Application	P3.1.8
Vehicle Operations	P3.2
Canine Operations	P3.3
Deadly Force Investigations	P3.4
Deadly Force Review Board	P3.5

Training References:

Bryan V McPherson 9th Circuit Court.pdf

TACOMA POLICE DEPARTMENT PROCEDURES MANUAL

08/2017 (4)
Reviewed 2017
CALEA 1.3.1, 1.3.2, 1.3.3, 1.3.6, 1.3.7

USE OF FORCE

This policy shall establish the professional philosophy of the Tacoma Police Department relative to proper use of force in the performance of service to the community. Officers of the Tacoma Police Department may use ***force*** when ***necessary***, and shall use only that ***force*** which is reasonable. All ***force*** applications shall be in conformity with the statutes and Constitutions of the United States and the State of Washington. All commissioned Tacoma Police employees are authorized to use force as defined by RCW 9A.16.020.

Limited commission Officers, i.e., Animal Control and Compliance Officers (ACCO) use of force authority post application is identical to that of fully commissioned Officers and shall be applicable according to the restrictions of the approved tools and training authorized for their use.

Force usage shall be consistent with the Tacoma Police Department's Integrated Force Management program founded upon the Department's ***use of force*** model.

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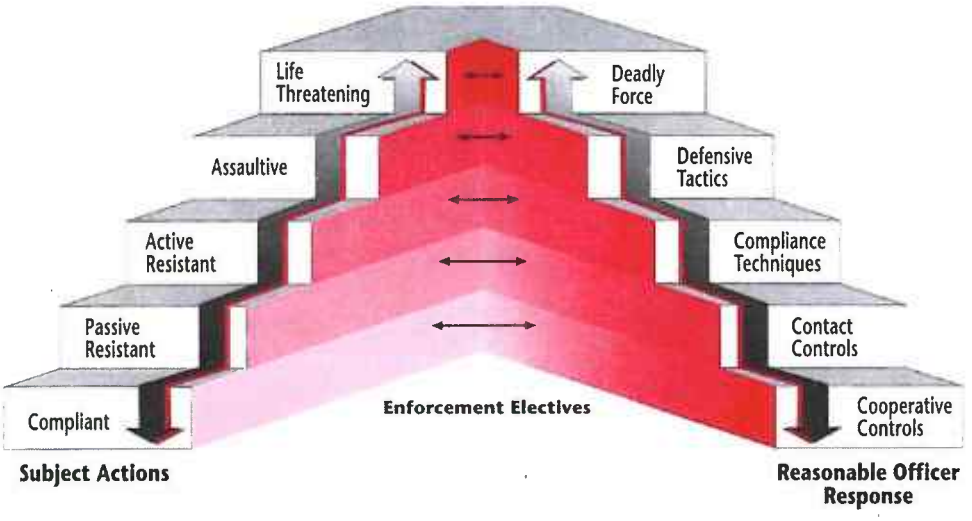

The Department's ***use of force*** model is designed to proportionally align Officer's use of ***force*** with subject actions. This model also allows for escalation, stabilization, and de-escalation, as the subject's actions change. Although this model is in an escalating progression, all ***tools*** and techniques need not be used and/or exhausted prior to moving to a higher or lower level. Circumstances will dictate response.

During the course of interaction with the public, an Officer may encounter all types of responses from ***compliant*** interaction, to ***life threatening***. ***Enforcement electives*** relating to subject actions make available ***tactics***, techniques, and ***tools*** based on ***reasonable Officer*** response. Based on training and the reasonable risk assessment of the circumstances, Officers may respond to subject actions in order to gain compliance and control situations. Timing is an important element of the risk assessment process and is demonstrated by the Officer's response to the actions of the subject, measured in terms of immediacy and necessity.

Members of the Department must generally employ the ***tools***, ***tactics***, and ***timing*** of ***force*** application consistent with the model's directions and departmental training modules. This model, while requiring the Officers to maintain ***controlled superiority*** over a subject, supports the practice of ***progressive application of force*** as part of a continuous risk assessment process. Risk is assessed objectively based on the on-scene ***reasonable Officer's*** perspective taking into account the facts and circumstances of the particular situation that are known to the Officer.

Due to the fact that Officer/citizen confrontations occur in environments that are potentially unpredictable and are tense, uncertain and rapidly evolving, Officers may use ***tools*** and ***tactics*** outside the parameters of departmental training. All such applications of ***force*** shall meet the same standard of reasonableness as those which have been previously identified and approved. No distinction shall be made relative to the age of the suspect regarding the use of force. Reasonable ***timing*** and ***tactics*** shall be the determining factors.

When situations are reasonably stabilized, application of ***force*** must proportionally de-escalate or cease in accordance with the subject actions, when control is gained, or threat is removed.

A) General Definitions *CALEA 1.3.2*

The following definitions are for terms used throughout Use of Force policy and found in bold, italicized letters.

- ***Attack Defense*** – Forceful countermeasures to a life threatening subject to gain or regain control.
- ***Authorized Emergency Vehicle*** – Any police department vehicle used in the performance of duties equipped with audible signals and visible lights.
- ***Blue Team*** – Used for documenting ***Reportable Use of Force.***
- ***Canine Search Deployment*** – Application of the police canine as a search tool for either persons or evidence.
- ***Controlled Superiority Principle*** – Principle that an Officer must always maintain balanced, controlled superiority over a subject's level of non-compliance.
- ***Directed Canine Deployment*** – Application of the police canine as a tool of defense or apprehension.
- ***Draw and Direct*** – The forceful display of a tool by a police officer to gain compliance or to de-escalate and stabilize a subject.
- ***Enforcement Elective*** – Tools, tactics, and timing parameters available at each level of force application.
- ***Force*** – Any effort toward detention or control.
- ***Force Continuum*** – Progression of risk assessment including escalation, stabilization and de-escalation relating to proportional force application, correlating subject actions and reasonable Officer response.
- ***Imminent Danger*** – A danger that is threatening, menacing, impending, proximate or immediate in nature. Imminent danger is the threat as perceived by the on-scene reasonable Officer.

- ***Integrated Force Management©*** - The systematic alignment of policy, training, practice, supervision, and review of all force-related issues and practices.
- ***Mechanical Assistance*** – Use of any effort to further noncompliance or resistance.
- ***Necessary*** – means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended. RCW 9A.16.010.
- ***Neuro-Muscular Control*** – The isolation of a particular joint and leveraging it in an attempt to force the joint to move past its normal range of motion usually causing pain and compliance. Types of neuro-muscular controls are armbars, small joint manipulation, wristlocks, etc.
- ***Personal Weapon*** – Use of body parts to gain or regain control.
- ***Progressive Application of Force*** – Patterned cause and effect relationship of logic and law that correlates subject action and Officer Response.
- ***Qualified Medical Assistance*** – Shall include members of any county or municipal fire department, ambulance service or health care facility, who are employed to apply and/or administer first aid treatment.
- ***Reasonable Officer Standard*** – Standard of professional conduct relating to force application based on training, experience, facts and perceptions known to the Officer at the time.
- ***Reportable Use of Force*** – Defined as any incident where, under the color of authority, a Tacoma Police Officer employs a contact control (where injury occurs) tool, (excluding Draw and Direct), or any physical ***force*** to:
  - Compel a non-compliant person to obey direction
  - Overcome resistance during arrest or detention
  - Defend self or another from an aggressive action by a suspect
- ***Serious Bodily Injury*** – Bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.
- ***Tactics*** – Application of the tools.
- ***Timing*** – When the proper force is used by degree and design.
- ***Tool*** – Any device, mechanical means or strategy used in the application of force.
- ***Unintended Fatality*** – A fatality resulting from the application of any force not intended to be lethal in nature.

B) Compliant – Cooperative Controls *CALEA 1.3.1*

1) Definitions

Compliant – Cooperative response to lawful commands.

Cooperative Controls – Fundamentals of professional training designed to be employed with compliant subjects that capitalize on the acceptance of authority to gain cooperation and control.

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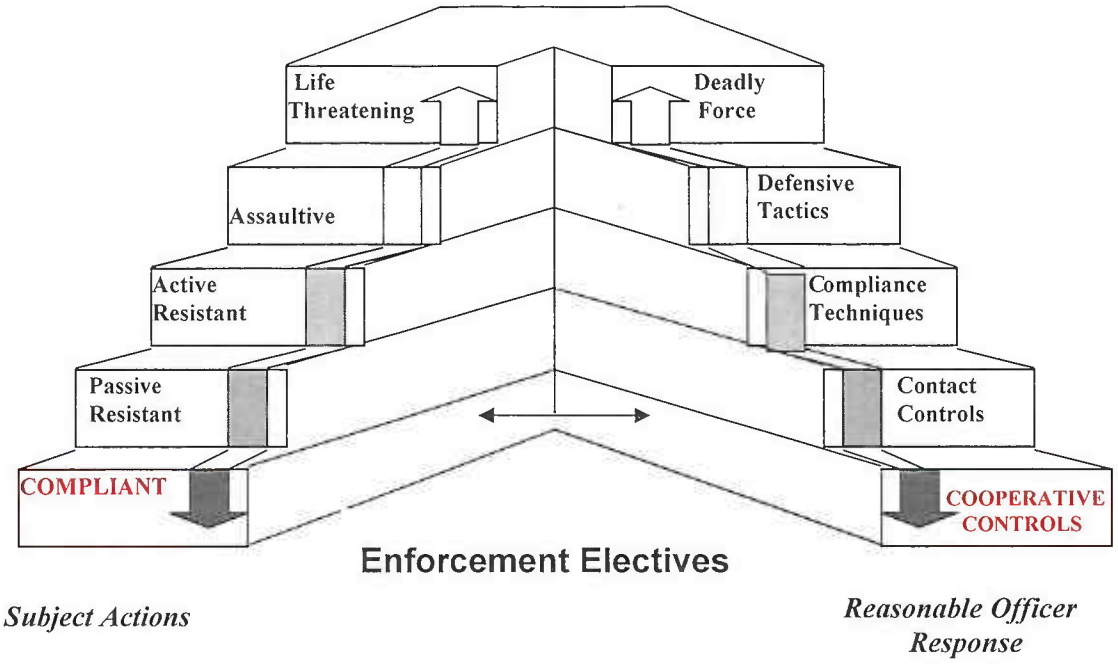

2) Enforcement Elective

Enforcement electives are those ***tools***, ***tactics***, and techniques made available at each level of force application. Regarding cooperative controls, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model:

- Mental Preparation
- Spatial Positioning
- Communication Skills
- Handcuffing Technique
- Search Techniques
- Opposite Sex Searches
- Frisk Techniques
- Escort Controls
- Transport Controls
- Arrest Tactics
- ***Draw and Direct***

3) Duties and Responsibilities

Officer Responsibilities:

- Refer to actions in the Incident Report narrative, if applicable
- ***Draw and Direct*** techniques used to de-escalate subjects and gain control shall not be a ***reportable use of force***

C) Passive Resistant – Contact Controls *CALEA 1.3.1*

1) Definitions

Passive Resistant – Non-compliance to lawful authority without physical or ***mechanical resistance***

Contact Controls – Tactical skills designed to be deployed upon ***passively resistant*** subjects to proportionally gain control and cooperation

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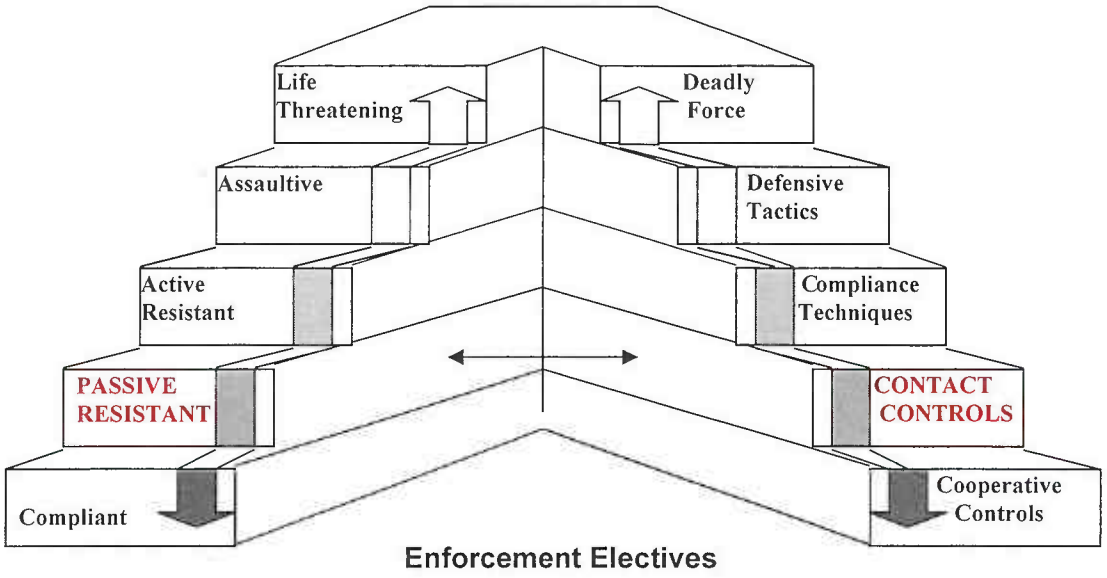


2) Enforcement Electives

Enforcement electives are those ***tools***, ***tactics*** and techniques made available at each level of ***force*** application. Regarding ***contact controls***, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model.

- ***All Cooperative Controls Enforcement Electives***
- Advanced Communication Skills
- ***Contact Controls***
- Arrest Tactics

3) Duties and Responsibilities

a) Officer Responsibilities *CALEA 1.3.6*

- If necessary, request ***qualified medical assistance*** for treatment
- Notify immediate supervisor
- Refer to actions in the Incident Report narrative
- Look for, identify and document all visible injuries
- Inquire of, and document complaints of, non-visible injuries

b) Supervisor Responsibilities *CALEA 1.3.7*

- If injuries result, respond to the scene and/or hospital
- Investigate and review the use of force incident
- Report findings in Blue Team and forward through chain of command for review (refer to Blue Team UOF/Pursuit/MVC Process)

c) Chain of Command Responsibilities *CALEA 1.3.7*

- Review Blue Team
- Make comments, if necessary (refer to Blue Team UOF/Pursuit/MVC Process)
- Forward to Support Services Division for processing

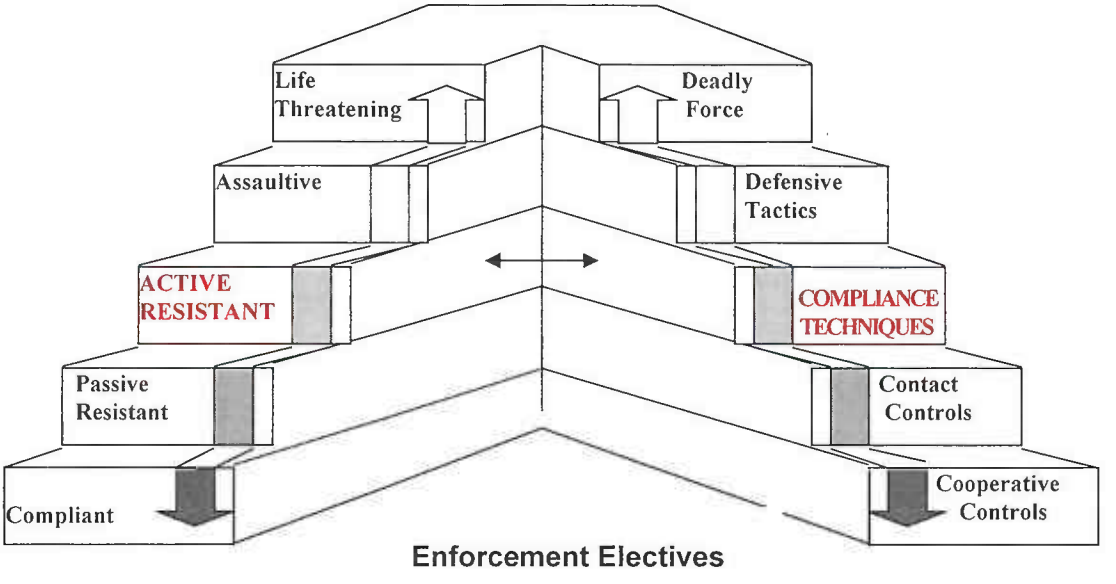
D) Active Resistant - Compliance Techniques *CALEA 1.3.1*

1) Definitions

Active Resistant – Use of physical effort or mechanical resistance in achieving and/or maintaining non-compliance

Compliance Techniques – Tactical procedures and tools designed to be deployed upon actively resistant subjects who employ physical force or mechanical resistance to enhance resistance or non-compliance.

FORCE MODEL



Subject Actions ***Reasonable Officer Response***

2) Enforcement Electives

Enforcement electives are those ***tools***, ***tactics*** and techniques made available at each level of ***force*** application. Regarding ***compliance techniques***, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model.

- ***All Cooperative Controls Enforcement Electives***
- ***All Contact Controls Enforcement Electives***
- Electronic Control Tool (ECT) application
- Control Techniques
- Neuro-Muscular Controls
- OC/Chemical Application
- Leverage Tools
- Arrest Tactics
- Restraint Devices
- ***Canine Search Deployment***
- Takedown Techniques

3) Special Instructions
   a) OC/Chemical Post Application Procedures:
      - Advise subject that OC/Chemical has been applied and assistance will be rendered
      - Request qualified medical assistance or transport to an appropriate location for assistance
      - If not available, rinse eyes and nose with fresh water
      - Expose to fresh air
      - Area should be ventilated
      - If subject exhibits respiratory distress, transport immediately to a hospital for treatment

   b) OC/chemical application used against an animal shall not be considered a ***reportable use of force.***

   c) ECT Post Application Procedures:
      The subject should first be handcuffed and controlled before any removal of the probes is attempted. Once that has been accomplished, you should do the following:
      - Glove up using disposable gloves.
      - Use one hand to stabilize the subject's body. Keeping this hand several inches away from the probe impact site with the other hand, grasp the body of the probe and quickly "pluck" the probe from the impact site.
      - Have the Tacoma Fire Department (TFD) respond to the scene to medically screen the subject for any injuries.

      NOTE: TFD will not respond to remove the probes. Make sure to inform TFD if the subject is showing any signs of excited delirium
      - If the probes are in a sensitive area (such as face, neck or groin), removal should only be attempted by medical personnel.

   d) ECT application used against an animal shall be considered a ***reportable use of force.***

   e) In order to avoid negative results with our canines, officers should not deploy an ECT when a K-9 contact is in progress or imminent. The only exception is if the K-9 handler specifically directs the officer to deploy an ECT.

4) Duties and Responsibilities
   a) Officer Responsibilities *CALEA 1.3.6*
      - Initiate Post Application procedures, if necessary
      - Notify immediate Supervisor
      - Look for, identify and document all visible injuries
      - Inquire of, and document complaints of, non-visible injuries
      - Refer to actions in the Incident Report narrative
      - Download ECT data (refer to Procedures Manual, Electronic Control Tool Download Procedure)

   b) Supervisor Responsibilities *CALEA 1.3.7*
      - Respond to the scene and/or hospital
      - Investigate and review the use of force incident

- Report findings in Blue Team and forward through chain of command for review, include ECT download as an attachment in the Blue Team report (refer to Blue Team UOF/Pursuit/MVC Process)

c) Chain of Command Responsibilities *CALEA 1.3.7*
- Review Blue Team
- Make comments, if necessary (refer to Blue Team UOF/Pursuit/MVC Process)

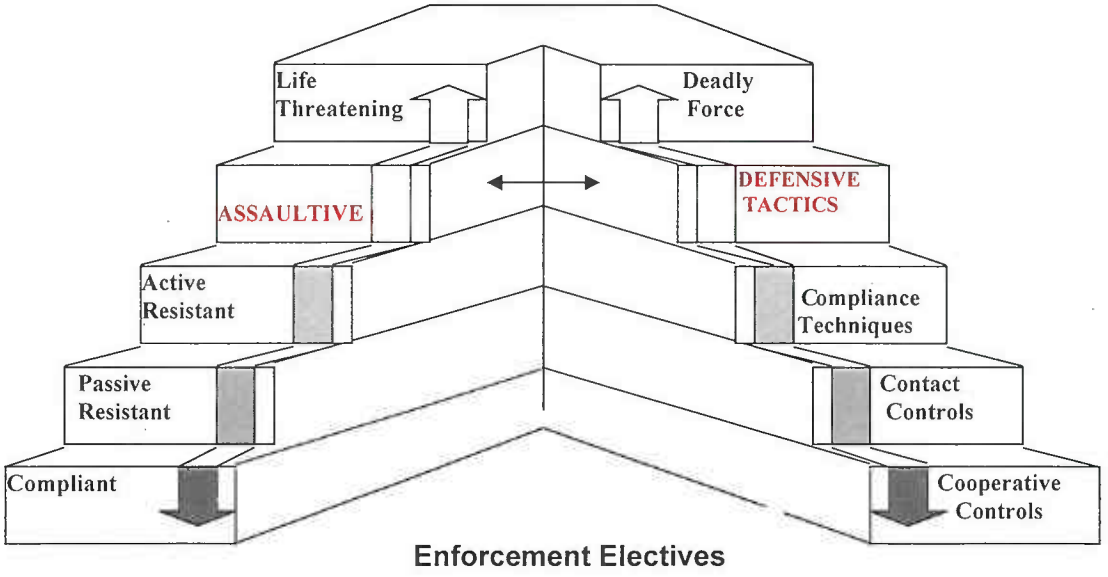
E) Assaultive -Defensive Tactics *CALEA 1.3.1* *(R 10/2008)*

1) Definitions

Assaultive – Non-compliance perceived as, or resulting in, an actual assault on an individual or Officer. The scope and severity of the attack would support the reasonable assumption that the actions would not result in death or ***serious bodily injury***.

Defensive Tactics – Tools and tactics designed to be deployed upon the ***assaultive*** subject.

FORCE MODEL



2) Enforcement Electives

Enforcement electives are those ***tools, tactics*** and techniques made available at each level of force application. Regarding ***defensive tactics***, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model.

- ***All Cooperative Control Enforcement Electives***
- ***All Contact Controls Enforcement Electives***
- ***All Compliance Techniques Enforcement Electives***
- ***Personal Weapons*** Defenses
- Impact ***Tools***
- Arrest Tactics

- ***Directed Canine Deployment***

3) Special Instructions
   a) Impact Tools Post Application Procedures:
      - Inspect impacted area for any visible injury
      - If visible, photograph injury
      - If necessary, request or transport for medical aid
      -
   b) ***Defensive Tactics*** **used against an animal shall be considered** ***reportable use of force.***

4) Duties and Responsibilities

Any Officer who applies ***defensive tactics*** shall, as soon as practical, comply with the following procedures and assume listed responsibilities:

a) Officer Responsibilities *CALEA 1.3.6*
   - Initiate Post Application procedures, if necessary
   - Notify immediate supervisor
   - Refer to actions in the Incident Report narrative
   - Look for, identify and document all visible injuries
   - Inquire of, and document complaints of, non-visible injuries

b) Supervisor Responsibilities *CALEA 1.3.7*
   - Respond to the scene and/or hospital
   - Investigate and review the use of force incident
   - Report findings in Blue Team and forward through chain of command for review (refer to Blue Team UOF/Pursuit/MVC Process)

c) Chain of Command Responsibilities *CALEA 1.3.7*
   - Review Blue Team
   - Make comments, if necessary (refer to Blue Team UOF/Pursuit/MVC Process)

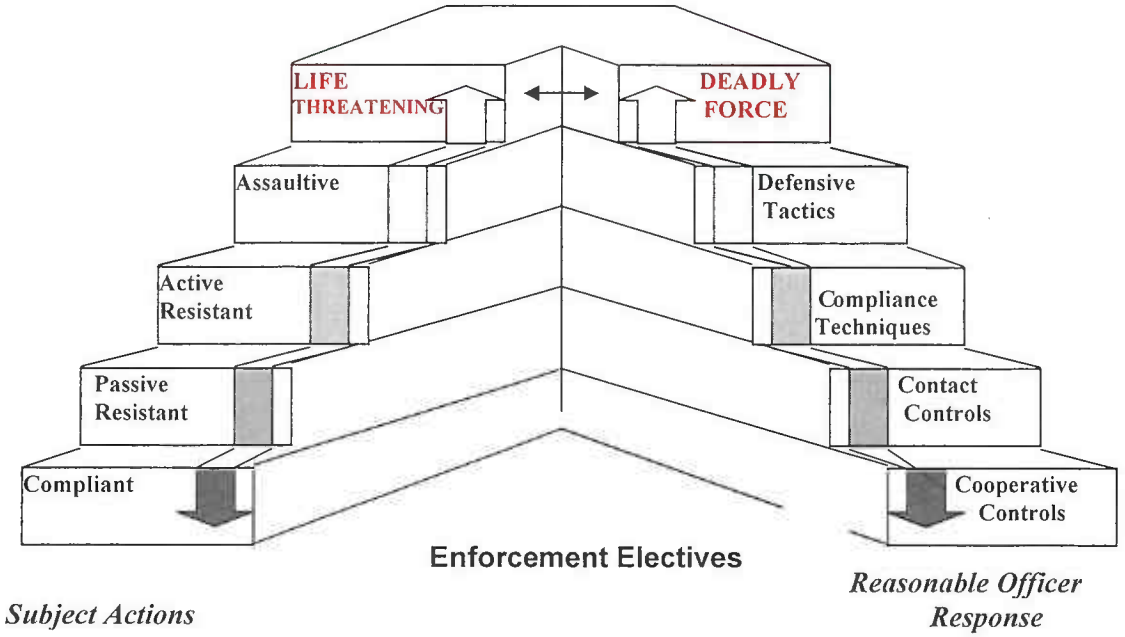
F) Life Threatening – Deadly Force *CALEA 1.3.1, 1.2.2*

1) Definitions

Life Threatening – Reasonable perception that the actions of an individual would likely cause death or ***serious bodily injury*** to an individual or Officer.

Deadly Force – The use of any ***force*** that is likely to cause death or ***serious bodily injury.*** Deadly force does not include ***force*** that is not likely to cause death or ***serious bodily injury*** but unexpectedly results in death or ***serious bodily injury***. Designed to be employed with a ***life threatening*** subject.

FORCE MODEL



2) Principles of Deadly Force Application *CALEA 1.3.2*

The Tacoma Police Department recognizes and respects the value of all human life. Procedures and training are designed to resolve confrontations prior to escalation to the point ***deadly force*** may be applied. During the performance of their duties and as a last resort, Officers may apply ***deadly force*** when confronted with an ***imminent danger*** of death or ***serious bodily injury*** to protect themselves or others.

Officers are not required to place themselves or others in immediate danger of death or ***serious bodily injury*** before using ***deadly force***. The necessity to use ***deadly force*** arises when there is no reasonable alternative to using such force and without it the Officers or others would face imminent danger of death or ***serious bodily injury.***

3) Enforcement Electives

Enforcement electives are those ***tools, tactics*** and techniques made available at each level of ***force*** application. Regarding ***deadly force***, the following ***enforcement electives*** are consistent with the Tacoma Police Department's Integrated Force Management program and ***use of force*** model.

- ***All Cooperative Controls Enforcement Electives***
- ***All Contact Controls Enforcement Electives***
- ***All Compliance Techniques Enforcement Electives***
- ***All Defensive Tactics Enforcement Electives***
- ***Attack Defense***
- Ramming
- Firearm Techniques
- Arrest Tactics

4) Duties and Responsibilities
   a) Officer Responsibilities *CALEA 1.3.6*
      - If necessary, request ***qualified medical assistance*** for treatment
      - Notify immediate Supervisor
      - Refer to actions in the Incident Report narrative
      - Look for, identify and document all visible injuries
      - Inquire of, and document complaints of, non-visible injuries

   b) Supervisor Responsibilities *CALEA 1.3.7*
      - Respond to the scene and/or hospital.
      - Notify the Shift Commander and ensure IA is advised
      - Internal Affairs shall be responsible for completing the entry into Blue Team and forwarding through the employee's chain of command for review when deadly force was used against a person or an animal
      - Follow procedure outlined in P3.4, Deadly Force Investigations.

   c) Chain of Command Responsibilities *CALEA 1.3.7*
      - Review Blue Team
      - Make comments, if necessary (refer to Blue Team UOF/Pursuit/MVC Process)

5) Special Instructions
   - Warning shots shall not be used. *CALEA 1.3.3*
   - ***Deadly force*** should not be used against a subject in a moving vehicle unless it is necessary to protect against ***imminent danger*** to the life of the Officer or others. *CALEA 1.3.2*
   - ***Deadly Force*** used against an animal shall be a ***reportable use of force***; however, the responsibility for the completion of the Blue Team entry rests with Internal Affairs.
   - When a law enforcement Officer is pursuing a fleeing suspect, he/she may use deadly force only to prevent escape if the Officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the Officer or others.
   - Self-defense, defense of another, and ***imminent danger*** of death or serious bodily injury shall be the only policy guideline for the application of ***deadly force***.

G) Use of Force Reporting *CALEA 1.3.6*

The Tacoma Police Department considers the application of necessary ***force*** a professional responsibility and is accountable for all aspects of training, practice, supervision and review regarding the use of ***force***. The reporting procedure set forth herein shall be to account for applications of reportable use of ***force*** and provide a review process for training. This training reporting addresses the ***tools, tactics*** and ***timing of force*** application and provides a statistical basis for policy review.

The supervisory review of ***force*** applications shall be the determining factor in evaluating appropriateness and necessity. The investigating supervisor shall make a preliminary determination as to whether ***force*** was applied within Department guidelines. The quantitative reporting of ***force*** applications entered into Blue Team for training purposes shall not be used in the investigative process where disciplinary sanctions may result.

As articulated in P3.1, Use of Force, all applications of ***force*** shall meet the standard of reasonableness as determined by the circumstances the Officer encounters.

1) Application *CALEA 1.3.6*

The following processes regarding use of ***force*** shall provide guidance in reporting. These are outlined according to the Officer response to subject actions based upon the Department's ***use of force*** model.

- ***Cooperative controls*** shall be described in the narrative section of the Incident Report when written. When a ***draw and direct*** technique involving a ***tool*** is employed (without actual application) to de-escalate or gain compliance, a **Use of Force report shall not be required.**
- ***Contact controls*** shall be described in the narrative section of the Incident Report. Officers who use ***contact controls*** where injury occurs shall contact a Supervisor, and the Supervisor shall make an entry into Blue Team as a Use of Force.
- ***Compliance techniques*** shall be described in the narrative section of the Incident Report. Officers who use compliance techniques shall contact a Supervisor, and the Supervisor shall make an entry into Blue Team as a Use of Force.
- ***Defensive tactics*** shall be described in the narrative section of the Incident Report. Officers who use ***defensive tactics*** shall contact a Supervisor, and the Supervisor shall make an entry into Blue Team as a Use of Force.
- ***Deadly force*** shall be described in the narrative section of the Incident Report. Officers who use deadly force shall contact a Supervisor. Internal Affairs will complete a Blue Team Use of Force entry when the deadly force was used against a person or an animal.

NOTE: Due to the significant impact on personnel and resources, investigations of deadly force applications shall be addressed specifically in P3.4, Deadly Force Investigations.

2) Use of Force Reporting Instructions

The Use of Force Reporting is intended to quantify applications of ***force*** and provide specific training correction for those ***tools, tactics*** and techniques which are applied unsuccessfully or incorrectly. The reporting is also intended to allow supervisors an opportunity to identify training issues and assess skills and ***tools***.

A ***reportable use of force*** is defined as any incident where, under the color of authority, a Tacoma Police Officer employs a ***contact control*** (where injury occurs) tool, (excluding ***Draw and Direct***), or any physical force to:

- Compel a non-compliant person to obey their direction
- Overcome active resistance during an arrest or detention
- Defend self or another from an aggressive action by a suspect

Officers who employ a reportable use of force shall specify those actions within the narrative section of the report. Additionally, if the Officer wishes to (and if warranted) make specific training recommendations regarding tool effectiveness and training proficiency, the Officer should collaborate with the supervisor so the aforementioned can be included in the comments section of the Blue Team entry.

In situations where multiple Officers apply the same techniques, ***tactics*** and/or ***tools*** that constitute a ***reportable use of force***, Supervisors shall complete one entry into Blue Team

for each subject (addressing all appropriate sections) regardless of how many officers are involved.

Supervisors shall conduct a review regarding applications of ***force*** and shall complete the entry in Blue Team. Training deficiencies and/or concerns should be identified in the comments section. (Refer to Blue Team UOF/Pursuit/MVC Process.)

The Administrative Services Bureau is responsible for collating the information obtained from the electronic use of force reporting system. If no training issue is identified, the information shall be collected and the data retained according to Washington State records retention laws. If a training issue is identified either by the Officer, the reviewing supervisor or training personnel, the Training Section shall, within 60 days, construct a corrective training plan for specific skill improvement, and implement with the affected Officer as soon as is reasonably practical.

Training Section staff shall be responsible for making corrective recommendations to training modules and for improving individual Officer's proficiencies.

H) Reference Guide:

Use of Force Policy	P3.1
Use of Force Definitions	P3.1.1
Compliant – Cooperative Controls	P3.1.2
Passive Resistant – Contact Controls	P3.1.3
Active Resistant – Compliance Techniques	P3.1.4
Assaultive – Defense Tactics	P3.1.5
Life Threatening – Deadly Force	P3.1.6
Use of Force Reporting Policy	P3.1.7
Use of Force Reporting Application	P3.1.8
Vehicle Operations	P3.2
Canine Operations	P3.3
Deadly Force Investigations	P3.4
Deadly Force Review Board	P3.5

TACOMA POLICE DEPARTMENT

Use of Force Sub-Section 3.4

Sets Forth the Tacoma Police Department's Use of Force Deadly Force Investigations

Donald Ramsdell, Chief of Police

PURPOSE: *This policy shall establish the professional philosophy of the Tacoma Police Department relative to the investigation of deadly force applications in the performance of service to the community.*

P3.4 DEADLY FORCE INVESTIGATIONS *CALEA 1.3.8* *(R 05/2013)*

The Tacoma Police Department recognizes that trauma can occur when Officers are involved in incidents wherein they either use, or become victims of, deadly force. It is the policy of the Department to assist Officers in recognizing and dealing with trauma to minimize its negative effects.

A basic assumption in the investigation of deadly force application by a Police Officer in the line of duty is that no criminal act has been committed by the Officer. If an investigation indicates that a criminal act may have been committed, the Officer will be read his/her Miranda Rights and accorded all constitutional rights and protections.

The review of deadly force shall examine the reasonableness of Officer response judged from the circumstances faced by the Officer at the time. Additional review shall be given to departmental training and policy issues.

The following provide guidance to Department members for handling incidents wherein Officers have applied deadly force, or faced imminent serious bodily injury or death.

P3.4.1 ON-SCENE APPLICATION *(R 08/2017)*

NOTE: Interviews of the Officer involved, beyond the initial walk-through, as well as written reports and taped statements, shall be conducted in accordance with governing contractual language. Any compelled statement shall be afforded all legal protections.

A) Officer applying *deadly force*

- Initiate post application procedures per P3.1
- Maintain scene integrity, if practical
- Retain weapon(s) until replacement weapon is issued

B) On-Scene Officers

- Provide assistance to the Officer(s) involved
- Maintain scene integrity, if applicable
- Identify any witnesses

C) Responding Officers

- Provide first aid, summon medical aid as needed
- Protect the scene and prevent destruction of evidence
- Ensure that a supervisor has been requested
- Provide needed assistance to the Officer(s) involved in the deadly force application
- First responding Officer will be primary and will complete the Incident Report, unless otherwise designated by the operations supervisor
- Establish and complete the crime scene log
- Locate and identify witnesses

D) Operations Supervisors

- Respond to the scene.
- Stabilize the situation.
- Ensure the integrity of the scene.

- Relief of related responsibilities for Officers involved in the application of deadly force on scene, as soon as practical.
- Ensure that Forensics personnel are responding.
- Ensure the notification of the following:
  - On-Duty Shift Commander
  - CID Lieutenant and CID Homicide/Assaults Sergeant, per established Investigations Bureau Procedures, Functions, Investigative Call-Out Procedures
  - Public Information Officer
  - Chain of command of Officer involved
  - Internal Affairs personnel
  - Union President or designee
  - Department Psychologist ***(notification of incident only, not call-out)***
  - Peer Support Supervisor
  - Department Chaplain
- Ensure that the Officer involved is provided with an alternate service weapon, if applicable.
- Ensure that all witnesses (Police and civilians) are kept separated and are transported to the appropriate Police facility for formal statements.
- Ensure that a Critical Incident Liaison Officer (CILO) is assigned to each Officer involved in the application of deadly force at the earliest reasonable time.
- Ensure that all Officers involved in the investigation, but not in the actual application of deadly force, complete their reports prior to dismissal.
- Treat the Officer(s) involved in the application of deadly force as potential victims of Post-Traumatic Stress and/or other psychological trauma, and coordinate with the Shift Commander to ensure that sufficient personnel are available to support the Officer involved and to assist the CID Investigative Team in completing a thorough investigation.
- If the Officer is injured, a second Operations supervisor will respond to the hospital. This supervisor will support the Officer and family members and protect evidence, including the Officer's weapon. If the Officer is unconscious, seriously injured or critically or fatally injured, the supervisor will advise the chain of command and emergency contact procedures can be initiated, per instructions on the emergency contact card. The second supervisor will ensure that the appropriate casualty reports are written.
- Complete a supplementary report.
- Complete the Supervisor's Report of Incident or Injury form, if applicable.

E) Shift Commander

- Assume responsibility for the overall investigation until relieved by the CID Lieutenant
- Ensure that emergency contact notifications are made if the Officer is seriously, critically, or fatally injured
- Make appropriate notifications, i.e., Chief of Police, City Manager, etc.

F) Forensic Specialists

- Photograph the scene
- Photograph injuries
- Photograph the Officer involved, depicting clothing/equipment *CALEA 52.2.6*
- Measure and diagram scene
- Videotape scene, if applicable
- Collect evidence at direction of CID Detectives
- Perform other forensic services, per the needs of individual cases

G) Criminal Investigations Division (CID) Lieutenant

- Chain of command respond to the scene
- Ensure that sufficient investigative personnel are provided

H) Homicide/Assault Sergeant

- **Any Use of Force with Life Threatening Injuries or Death** – If an officer uses force against the person of another, independent of the level of force, where either death occurs or life threatening injuries are sustained, CID detectives, Internal Affairs investigators, investigators from the Pierce County Prosecutor's Office as well as the Medical Examiner's Office will be involved.

- **Deadly Force Resulting in Death** – If an officer uses deadly force against the person of another that results in death, CID detectives, Internal Affairs investigators, investigators from the Pierce County Prosecutor's Office as well as the Medical Examiner's Office will be involved.

I) **Detectives**

- Respond to the scene unless otherwise directed
- Interview all witnesses (departmental and civilian)
- Document the condition of the scene
- Direct the collection of evidence by the Forensic Specialist(s)
- Secure all weapons involved in the application of deadly force and ensure that they are properly collected
- Canvass the neighborhood for witnesses and/or evidence
- Conduct taped statements of Officers involved in the application of deadly force
- Other investigative tasks as assigned

J) **Internal Affairs (IA)**

Respond to the scene of all applications of deadly force, with the sole exception of unintentional discharges on the firing line during firearms training and/or qualification which result in no injuries to persons or damage to property (such incidents shall be classified as firearms training incidents and handled at the discretion of the Range Master or supervising authority).

- Act as the primary investigative agent if the application of deadly force was unintentional, resulted in no injuries, and there was no crime involved
- In all other applications of deadly force, IA will coordinate its investigation with the CID Detective Team, and CID will have primary investigative responsibility
- Investigate aspects of departmental policies, procedures and training
- Prepare case for review by the Use of Deadly Force Review Board
- May investigate applications of deadly force used against an animal (See special instructions in P3.4.7)
- Complete the Blue Team entry in all cases where deadly force was used

K) **Critical Incident Liaison Officer (CILO)**

A CILO will be assigned to each Officer involved in the application of deadly force, or whom faced imminent death or serious bodily injury. The Officer may choose the CILO as long as the chosen Officer is reasonably available. The CILO will be an uninvolved party to the application of deadly force and will:

- Keep the involved Officer insulated from the media and from unnecessary contacts by Department personnel
- Transport involved Officer from the scene
- Make contact with the involved Officer's family, if necessary

NOTE: The CILO is not to be confused with the functions of a trained Peer Support Officer and does not have confidentiality privileges.

L) **Public Information Officer**

- Will respond to the scene
- Assume responsibility for central dissemination of information
- Coordinate with the CID Sergeant to obtain the best information available
- Conduct all media briefings

After the initial investigation has revealed sufficient facts to make a preliminary decision as to whether the use of deadly force by the Officer(s) was within departmental guidelines, the Chief of Police will make a public statement to the media concerning what determination the facts support. If the Chief of Police is unavailable, the designated Assistant Chief will make this statement.

M) **Union Representative (by agreement)**

- Union president (or designee) will ensure that the Officer involved receives all contractual and constitutional rights and protections
- Will consult with the Officer(s) involved as to the timing of giving statements

P3.4.2 POST INCIDENT *CALEA 1.3.8* *(R 08/2017)*

A) **Interviews**

- Department members involved in the application of deadly force shall be allowed to consult with a union representative and/or an attorney prior to being required to give a formal statement to the CID Detectives about the application of deadly force.
- A union representative and a Department representative (Shift Commander) may mutually agree to a time when the Department member will give a statement about the application of deadly force

- The Department allows the Officer involved in an application of deadly force to have a representative of their choosing present during the giving of the detailed statement in an effort to aid the Officer through the stressful situation.
- The absence or unavailability of a particular individual will not be grounds to delay the investigation.
- All formal interviews with Officers involved in the application of deadly force will be recorded and then transcribed.
- IA representatives will not be present during the CID Detective's interview of the Officer involved in the application of deadly force. If necessary, IA may conduct an interview at a later time.

B) Officer Involved Responsibilities

- Will be placed on administrative leave or assigned administrative duties whenever a death or serious injury occurs subsequent to a use of force applied in an official capacity *CALEA 1.3.8*
- Submit to a mandatory evaluation with the departmental psychologist
- Give taped statement at agreed upon time
- May be returned to regular duty only upon approval of the Chief of Police *CALEA 1.3.8*
- Complete appropriate reports when contractually provided for
- Complete firearms confidence training
- May request critical incident stress debriefing

C) On Scene Officers

- Complete a Supplemental Report detailing actions and observations
- May request critical incident stress debriefing
- Assist as directed by scene supervisor

D) Psychologist

- Conduct mandatory evaluation of each Officer directly involved in an application of deadly force.
- The only communication to the Department will strictly be a recommendation as to whether the Officer is fit or unfit to return to regular duty
- Acquaint the Officer involved with aspects of post-shooting trauma, when applicable.

E) Division Commander ***(of involved Officer(s) after they have completed the CID interview)***

- Contact the departmental Psychologist to set a date and time for the involved Officer(s) to conduct a return-to-work interview
- Contact the Range Sergeant to set a date and time for the involved Officer(s) to conduct a firearms confidence session

F) Range

If the application of deadly force involved the use of a firearm, the Officer will report to the Training Section prior to returning to regular duty for:

- *Firearms Confidence Training* - this training will not be conducted for scoring purposes, (and focuses on re-acclimating the Officer to the background and accompanying sounds and activities of the weapon being discharged).

The Range will issue a replacement weapon if the Officer's weapon remains in evidence or is otherwise unavailable.

G) Critical Incident Stress Management (CISM)

- All personnel involved in the application of deadly force and the investigation of the incident may be required to attend a CISM session.

H) Finance Section

- Replace the Officer's damaged or lost equipment as soon as practical
- Ensure that appropriate reports and paperwork regarding damaged or lost equipment are completed

I) Training Section Review

- Review the Blue Team entry to determine possible individual or Department-wide training needs
- Implement needed training

J) **Deadly Force Review Board**

- Will be convened by the appropriate Bureau Commander in a timely manner
- May require the involved Officer to appear and provide testimony
- Make findings and issue recommendations to the Chief

P3.4.3 OUTSIDE AGENCY APPLICATION OF DEADLY FORCE IN THE CITY OF TACOMA

- The Tacoma Police Department has primary jurisdiction
- CID will investigate all applications of deadly force within the City of Tacoma limits, including those by Officers of other agencies
- The Tacoma Police Department will coordinate with the other agency so that they will be able to conduct their investigations with the least amount of disruption
- Shift Commander to be notified and coordinate with other agency

P3.4.4 TPD OFFICER APPLICATION OF DEADLY FORCE OUTSIDE THE CITY OF TACOMA

A) **On Duty**

- Officer involved will immediately notify the agency of jurisdiction and contact an on-duty Tacoma Police Supervisor and initiate post-application procedures
- The supervisor will notify the Shift Commander, IA, and the union president (or designee)
- IA will respond to the scene and conduct their investigation with the agency of jurisdiction
- A CID representative will also be available to respond to assist in the investigation and provide a liaison with the agency of jurisdiction, if requested by the investigating agency or the Officer involved

B) **Off Duty**

- Involved Officer(s) will immediately notify the agency of jurisdiction and an on-duty Tacoma Police supervisor, and initiate post-application procedures
- Handle per P3.4.3 of this Policy if incident is within City of Tacoma limits
- Handle per P3.4.4 of this policy if incident occurred outside of City of Tacoma limits

P3.4.5 UNINTENDED FATALITIES *CALEA 1.3.6(b), 1.3.8*

- Deadly force does not include force that is not likely to cause death or ***serious bodily injury*** but unexpectedly results in death or serious bodily injury
- ***Unintended fatalities*** shall be investigated and handled with the same thoroughness as an application of deadly force, with CID having primary investigative responsibility and IA responding as per section P3.4.1.J of this policy. Officers involved in applications of less than deadly force which unexpectedly result in fatalities will be treated in the same manner as Officers involved in applications of ***deadly force.***

P3.4.6 TPD OFFICERS ON SCENE AT APPLICATION OF DEADLY FORCE BY OUTSIDE AGENCY

- Notify on-duty Tacoma Police Supervisor
- Provide necessary assistance
- Complete appropriate reports

P3.4.7 USE OF DEADLY FORCE AGAINST ANIMALS

Internal Affairs shall be notified and determine if response is required. Shift Commander will be notified and shall determine investigative needs.

P3.4.8 REFERENCE GUIDE

Definitions	P3.1.1
Use of Force Policy	P3.1
Life Threatening – Deadly Force	P3.1.6
Vehicle Operations	P3.2
Canine Operations	P3.3
Use of Force Reporting Policy	P3.1.7
Critical Incident Liaison Officer (CILO)	P3.4.1k
Emergency Notification For TPD Employees	P2.5
Deadly Force Review Board	P3.5
CISM	P4.4.1
Peer Support	P4.4.2
Peer Support Team	P4.4.3
Investigative Call-Out Procedure	CID Handbook
Collective Bargaining Agreements	Local #6 and Local #26

TACOMA POLICE DEPARTMENT PROCEDURES MANUAL

08/2017 (6)
Reviewed 2017
CALEA 1.3.6(b), 1.3.8, 52.2.6

USE OF FORCE - DEADLY FORCE INVESTIGATIONS

PURPOSE: *This policy shall establish the professional philosophy of the Tacoma Police Department relative to the investigation of deadly force applications in the performance of service to the community.*

The Tacoma Police Department recognizes that trauma can occur when Officers are involved in incidents wherein they either use, or become victims of, deadly force. It is the policy of the Department to assist Officers in recognizing and dealing with trauma to minimize its negative effects.

A basic assumption in the investigation of deadly force application by a Police Officer in the line of duty is that no criminal act has been committed by the Officer. If an investigation indicates that a criminal act may have been committed, the Officer will be read his/her Miranda Rights and accorded all constitutional rights and protections.

The review of deadly force shall examine the reasonableness of Officer response judged from the circumstances faced by the Officer at the time. Additional review shall be given to departmental training and policy issues.

The following provide guidance to Department members for handling incidents wherein Officers have applied deadly force or faced imminent serious bodily injury or death.

A) ON-SCENE APPLICATION

NOTE*: Interviews of the Officer involved, beyond the initial walk-through, as well as written reports and taped statements shall be conducted in accordance with governing contractual language. Any compelled statement shall be afforded all legal protections.*

1) Officer applying ***deadly*** *force*
   - Initiate post application procedures per P3.1
   - Maintain scene integrity, if practical
   - Retain weapon(s) until replacement weapon is issued

2) **On Scene Officers**
   - Provide assistance to the Officer(s) involved
   - Maintain scene integrity, if applicable
   - Identify any witnesses

3) **Responding Officers**
   - Provide first aid, summon medical aid as needed
   - Protect the scene and prevent destruction of evidence
   - Ensure that a supervisor has been requested

- Provide needed assistance to the Officer(s) involved in the deadly force application
- First responding Officer will be primary and will complete the Incident Report, unless otherwise designated by the Operations Supervisor
- Establish and complete the crime scene log
- Locate and identify witnesses

4) **Operations Supervisors**
   - Respond to the scene.
   - Stabilize the situation.
   - Ensure the integrity of the scene.
   - Relief of related responsibilities for Officers involved in the application of deadly force on scene, as soon as practical.
   - Ensure that Forensics personnel are responding.
   - Ensure the notification of the following:
     - On-duty Shift Commander
     - CID Lieutenant and CID Homicide/Assaults Sergeant, per established Investigations Bureau Procedures, Functions, Investigative Call-Out Procedures
     - Public Information Officer
     - Chain of command of Officer involved
     - Internal Affairs personnel
     - Union President or designee
     - Department Psychologist ***(Notification of incident only, not call-out)***
     - Peer Support Supervisor
     - Department Chaplain
   - Ensure that the Officer involved is provided with an alternate service weapon, if applicable.
   - Ensure that all witnesses (Police and civilians) are kept separated and are transported to the appropriate Police facility for formal statements.
   - Ensure that a Critical Incident Liaison Officer (CILO) is assigned to each Officer involved in the application of deadly force at the earliest reasonable time.
   - Ensure that all Officers involved in the investigation, but not in the actual application of deadly force, complete their reports prior to dismissal.
   - Treat the Officer(s) involved in the application of deadly force as potential victims of Post Traumatic Stress and/or other psychological trauma, and coordinate with the Shift Commander to ensure that sufficient personnel are available to support the Officer involved and to assist the CID Investigative Team in completing a thorough investigation.
   - If the Officer is injured, a second Operations Supervisor will respond to the hospital. This Supervisor will support the Officer and family members and protect evidence, including the Officer's weapon. If the Officer is unconscious, seriously injured or critically or fatally injured, the Supervisor will advise the chain of command and emergency contact procedures can be initiated, per instructions on the emergency contact card. The second Supervisor will ensure that the appropriate casualty reports are written.
   - Complete a supplementary report.
   - Complete the Supervisor's Report of Incident or Injury form, if applicable.

5) **Shift Commander**
   - Assume responsibility for the overall investigation

- Ensure that emergency contact notifications are made if the Officer is seriously, critically or fatally injured
- Make appropriate notifications, i.e., Chief of Police, City Manager, etc.

6) **Forensic Specialists**
   - Photograph the scene
   - Photograph injuries
   - Photograph the Officer involved, depicting uniform/clothing *CALEA 52.2.6*
   - Measure and diagram scene
   - Videotape scene, if applicable
   - Collect evidence at direction of CID Detectives
   - Perform other forensic services, per the needs of individual cases

7) **Criminal Investigations Division (CID) Lieutenant**
   - Chain of command respond to the scene
   - Ensure that sufficient investigative personnel are provided

8) **Homicide/Assault Sergeant**
   - **Any Use of Force w/ Life Threatening Injuries or Death** – If an officer uses force against the person of another, independent of the level of force, where either death occurs or life threatening injuries are sustained, CID detectives, Internal Affairs investigators, investigators from the Pierce County Prosecutor's Office as well as the Medical Examiner's Office will be involved.
   - **Deadly Force Resulting in Death** – If an officer uses deadly force against the person of another that results in death, CID detectives, Internal Affairs investigators, investigators from the Pierce County Prosecutor's Office as well as the Medical Examiner's Office will be involved.

9) **Detectives**
   - Respond to the scene unless otherwise directed
   - Interview all witnesses (departmental and civilian)
   - Document the condition of the scene
   - Direct the collection of evidence by the Forensic Specialist(s)
   - Secure all weapons involved in the application of deadly force and ensure that they are properly collected
   - Canvass the neighborhood for witnesses and/or evidence
   - Conduct taped statements of Officers involved in the application of deadly force
   - Other investigative tasks as assigned

10) **Internal Affairs (IA)**

Respond to the scene of all applications of deadly force, with the sole exception of unintentional discharges on the firing line during firearms training and/or qualification which result in no injuries to persons or damage to property (such incidents shall be classified as firearms training incidents and handled at the discretion of the Range Master or supervising authority).

- Act as the primary investigative agent if the application of deadly force was unintentional, resulted in no injuries, and there was no crime involved.
- In all other applications of deadly force, IA will coordinate its investigation with the CID Detective Team, and CID will have primary investigative responsibility.
- Investigate aspects of departmental policies, procedures and training.

- Prepare case for review by the Use of Deadly Force Review Board.
- May investigate applications of deadly force used against an animal. (See special instructions in P3.4.7.)
- Complete a Blue Team entry in all cases where deadly force was used.

11) Critical Incident Liaison Officer (CILO)

A CILO will be assigned to each Officer involved in the application of deadly force, or who faces imminent death or serious bodily injury. The Officer may choose the CILO as long as the chosen Officer is reasonably available. The CILO will be an uninvolved party to the application of deadly force and will:

- Keep the involved Officer insulated from the media and from unnecessary contacts by Department personnel
- Transport involved Officer from the scene
- Make contact with the involved Officer's family, if necessary

NOTE: The CILO is not to be confused with the functions of a trained Peer Support Officer and does not have confidentiality privileges.

12) Public Information Officer

- Will respond to the scene
- Assume responsibility for central dissemination of information
- Coordinate with the CID Sergeant to obtain the best information available
- Conduct all media briefings

After the initial investigation has revealed sufficient fact to make a preliminary decision as to whether the use of deadly force by the Officer(s) was within departmental guidelines, the Chief of Police will make a public statement to the media concerning what determination the facts support. If the Chief of Police is unavailable, the designated Assistant Chief will make this statement.

13) Union Representative (by agreement)

- Union president (or designee) will ensure that the Officer involved receives all contractual and constitutional rights and protections
- Will consult with the Officer(s) involved as to the timing of giving statements

B) POST INCIDENT

1) Interviews

- Department members involved in the application of deadly force shall be allowed to consult with a union representative and/or an attorney prior to being required to give a formal statement to the CID Detectives about the application of deadly force.
- A union representative and a Department representative (Shift Commander) may mutually agree to a time when the Department member will give a statement about the application of deadly force.
- The Department allows the Officer involved in an application of deadly force to have a representative of their choosing present during the giving of the detailed statement in an effort to aid the Officer through the stressful situation.
- The absence or unavailability of a particular individual will not be grounds to delay the investigation.
- All formal interviews with Officers involved in the application of deadly force will be recorded and then transcribed.

- IA representatives will not be present during the CID Detective's interview of the Officer involved in the application of deadly force. If necessary, IA may conduct an interview at a later time.

2) **Officer Involved Responsibilities**
   - Will be placed on administrative leave or assigned administrative duties whenever a death or serious injury occurs subsequent to a use of force applied in an official capacity. *CALEA 1.3.8*
   - Submit to a mandatory evaluation with the departmental psychologist.
   - Give taped statement at agreed upon time.
   - May be returned to regular duty only upon approval of the Chief of Police.
   - Complete appropriate reports when contractually provided for.
   - Complete firearms confidence training.
   - May request critical incident stress debriefing.

3) **On Scene Officers**
   - Complete a Supplemental Report detailing actions and observations
   - May request critical incident stress debriefing
   - Assist as directed by scene supervisor

4) **Psychologist**
   - Conduct mandatory evaluation of each Officer directly involved in an application of deadly force
   - The only communication to the Department will strictly be a recommendation as to whether the Officer is fit or unfit to return to regular duty
   - Acquaint the Officer involved with aspects of post-shooting trauma, when applicable

5) **Division Commander** ***(of involved Officer(s) after they have completed the CID interview)***
   - Contact the departmental Psychologist to set a date and time for the involved Officer(s) to conduct a return-to-work interview
   - Contact the Range Sergeant to set a date and time for the involved Officer(s) to conduct a firearms confidence session

6) **Range**

If the application of deadly force involved the use of a firearm, the Officer will report to the Training Section prior to returning to regular duty for:

- *Firearms Confidence Training* – this training will not be conducted for scoring purposes, (and focuses on re-acclimating the Officer to the background and accompanying sounds and activities of the weapon being discharged).

The Range will issue a replacement weapon if the Officer's weapon remains in evidence or is otherwise unavailable.

7) **Critical Incident Stress Management (CISM)**
   - All personnel involved in the application of deadly force and the investigation of the incident may be required to attend a CISM session.

8) **Finance Section**
   - Replace the Officer's damaged or lost equipment as soon as practical

- Ensure that appropriate reports and paperwork regarding damaged or lost equipment are completed

9) **Training Section Review**
   - Review the Blue Team entry to determine possible individual or Department-wide training needs
   - Implement needed training

10) **Deadly Force Review Board**
   - Will be convened by the appropriate Bureau Commander in a timely manner
   - May require the involved Officer to appear and provide testimony
   - Make findings and issue recommendations to the Chief

C) Outside Agency Application of Deadly Force in the City of Tacoma
- The Tacoma Police Department has primary jurisdiction
- CID will investigate all applications of deadly force within the City of Tacoma limits, including those by Officers of other agencies
- The Tacoma Police Department will coordinate with the other agency so that they will be able to conduct their investigations with the least amount of disruption
- Shift commander to be notified and coordinate with other agency

D) TPD Officer Application of Deadly Force outside the City of Tacoma

1) **On Duty**
   - Officer involved will immediately notify the agency of jurisdiction and contact an on-duty Tacoma Police Supervisor and initiate post application procedures
   - The Supervisor will notify the Shift Commander, IA, and the union president (or designee)
   - IA will respond to the scene and conduct their investigation with the agency of jurisdiction
   - A CID representative will also be available to respond to assist in the investigation and provide a liaison with the agency of jurisdiction, if requested by the investigating agency or the Officer involved

2) **Off Duty**
   - Involved Officer(s) will immediately notify the agency of jurisdiction and an on-duty Tacoma Police Supervisor, and initiate post application procedures
   - Handle per P3.4.3 of this Policy if incident is within City of Tacoma limits
   - Handle per P3.4.4 of this policy if incident occurred outside of City of Tacoma limits

E) Unintended Fatalities
- Deadly force does not include force that is not likely to cause death or ***serious bodily injury*** but unexpectedly results in death or serious bodily injury
- ***Unintended fatalities*** shall be investigated and handled with the same thoroughness as an application of deadly force, with CID having primary investigative responsibility and IA responding as per section P3.4.1(J) of this policy. Officers involved in applications of less than deadly force which unexpectedly result in fatalities will be treated in the same manner as Officers involved in applications of ***deadly force.***

F) TPD Officers on Scene at Application of Deadly Force by Outside Agency
- Notify on-duty Tacoma Police Supervisor

- Provide necessary assistance
- Complete appropriate reports

G) Use of Deadly Force against Animals

Internal Affairs shall be notified and determine if response is required. The Shift Commander will be notified and shall determine investigative needs.

H) Reference Guide

Definitions	P3.1.1
Use of Force Policy	P3.1
Life Threatening – Deadly Force	P3.1.6
Vehicle Operations	P3.2
Canine Operations	P3.3
Electronic Use of Force Report (EUF)	P3.1.7
Critical Incident Liaison Officer (CILO)	P3.4.1 (K)
Emergency Notification For TPD Employees	P2.5
Deadly Force Review Board	P3.5
CISM	P4.4.1
Peer Support	P4.4.2
Peer Support Team	P4.4.3
Investigative Call-Out Procedure	CID Handbook
Collective Bargaining Agreements	Local #6 and Local #26

TACOMA POLICE DEPARTMENT

Use of Force Sub-Section 3.5

Sets forth the Tacoma Police Department's Use of Force Deadly Force Review

Donald Ramsdell, Chief of Police

PURPOSE: *This policy shall establish the professional philosophy of the Tacoma Police Department relative to the review of applications of deadly force by its Officers.*

P3.5 DEADLY FORCE REVIEW BOARD *CALEA 1.3.7* *(R 08/2017)*

The Tacoma Police Department recognizes the need to review thoroughly all applications of ***deadly force*** by its Officers. The primary purpose of the Board shall be to review the investigation and determine if the application of ***deadly force*** was within Department policy. The Board may also examine significant training and equipment issues. The Board shall report its findings to the Chief of Police. These findings may include recommendations to further investigate certain aspects of the attendant circumstances.

P3.5.1 DEPARTMENTAL REVIEW BOARD MEMBERS *CALEA 1.3.7*

The Board will consist of six voting members and a non-voting chairperson. The six voting members will consist of two management representatives, two union representatives, and two members of the community.

- The ASB Assistant Chief of Police will serve as Chair of the Board. The Chair of the Board will be responsible, with the assistance of staff, for coordinating Board activity.
- The management representatives will consist of the Bureau and Division Commanders of the Officer who applied deadly force. If several Officers from different Bureaus apply ***deadly force*** during the same incident, the commander of the Bureau with the most Officers involved will attend, and the Division Commander not assigned to the above Bureau Commander will attend.
- The community representatives will consist of two citizens – one selected from the specific sector where the deadly force incident occurred and one selected at-large. The City's Human Resources Director will make the selection of the citizen members.
- The union representatives will consist of two union members appointed by the Tacoma Police Union bargaining unit of the involved Officer.

P3.5.2 BUREAU LEVEL REVIEW BOARD

The Chair may elect to convene a Bureau-level Review Board when it is determined to be in the best interest of the Department. The Bureau-level review shall consist of the following personnel:

- The Bureau Commander of the involved Officer(s)
- The Division Commander of the Support Services Division
- The Division Commander of the involved Officer
- A member selected by the Tacoma Police Union bargaining unit of the involved Officer

Applications of ***deadly force*** cited as examples of when a Bureau-level review may be appropriate are as follows:

- Non-injurious firearms training activities
- Non-injurious unintentional discharges *CALEA 1.3.6(a)*
- Deadly force directed at animals

P3.5.3 PROCEEDINGS AND FINDINGS *CALEA 1.3.7*

- The Chair shall call a meeting of the Board in a timely manner after each application of ***deadly force*** by an Officer.
- The Board may require the involved Officer or other Department personnel to appear and provide testimony. A Critical Incident Liaison Officer (CILO) of their choice during testimony may accompany the involved Officer to the Board. The CILO will not provide testimony nor question the Board members about the proceedings.
- The Board will make findings of fact and conclusions as to the circumstances surrounding applications of ***deadly force***.
- The Board will use those findings as a basis to examine whether policies, procedures, practices or training might be improved to better protect Officers and reduce the need to apply ***deadly force***.

- If the findings indicate that an application of ***deadly force*** was not within departmental guidelines, one of the following steps will be taken upon approval of the Chief of Police:
  - If a violation of law or Department rules or regulations is indicated, the matter shall be referred to the Internal Affairs Section and processed in accordance with the Department's disciplinary procedures.
  - If an incident is clearly due to improper training, the matter will be referred to the Commander of the Support Services Division so that proper retraining can be conducted.
  - If the application of ***deadly force*** was unintentional, a recommendation will be made as to whether or not discipline or corrective training is necessary.
  - Three reports will be prepared for submittal to the Chief of Police. Each of the three represented groups – management, labor, and the community – will prepare a separate report on their findings and recommendation. After review of the reports, the Chief will render a decision on the use of ***deadly force***.

P3.5.4 PUBLIC DISCLOSURE

The findings of the Board, along with a determination by the Chief as to whether or not the application of ***deadly force*** was justified under rules and procedures pertaining to the use of ***force***, will be made available to the public, subject to the laws of the State of Washington regarding public disclosure, and rights of privacy as determined by the City Attorney. The disclosed findings shall consist of the conclusion of the Review Board as to whether the force was "Reasonable," "Not Reasonable," or "Unintentional." Any specific recommendations pertaining to policy issues and training may be included. The entire investigation material shall not be released.

P3.5.5 INTERNAL AFFAIRS (IA)

- Receive the recommendations of the Board.
- Will ensure that each recommendation is forwarded to the respective Division Commander for action.
- Upon completion of the recommendations, IA will receive from each responsible Division Commander a document delineating how the recommendation was satisfied.
- A complete file of all reports, documents, findings and written response to recommendation, following a review by the Chief of Police, shall be made a part of the file relating to the incident in the Internal Affairs section.

Special Instructions

At the Board's option, it may file with the Chief of Police a separate report which would include comments, opinions, and general recommendations intended to assist the Chief in making a final decision on the matter.

This report may be treated as confidential by the Chief, at his/her option.

The Board may file minority/majority reports where the decisions are not unanimous.

P3.5.6 REFERENCE GUIDE

Definitions	P3.1.1
Use of Force	P3.1
Life Threatening – Deadly Force	P3.1.6
Vehicle Operations	P3.2
Canine Operations	P3.3
Use of Force Reporting Policy	P3.1.7
Deadly Force Investigations	P3.4
Public Disclosure Law	RCW 42.56

TACOMA POLICE DEPARTMENT PROCEDURES MANUAL

08/2017 (3)
Reviewed 2017
CALEA 1.3.6(a), 1.3.7

USE OF FORCE - DEADLY FORCE REVIEW BOARD

PURPOSE: *This policy shall establish the professional philosophy of the Tacoma Police Department relative to the review of applications of deadly force by its Officers.*

The Tacoma Police Department recognizes the need to review thoroughly all applications of ***deadly force*** by its Officers. The primary purpose of the Board shall be to review the investigation and determine if the application of ***deadly force*** was within Department policy. The Board may also examine significant training and equipment issues. The Board shall report its findings to the Chief of Police. These findings may include recommendations to further investigate certain aspects of the attendant circumstances.

A) DEPARTMENTAL REVIEW BOARD MEMBERS

The Board will consist of six voting members and a non-voting chairperson. The six voting members will consist of two management representatives, two union representatives, and two members of the community.

- The ASB Assistant Chief of Police will serve as Chair of the Board. The Chair of the Board will be responsible, with the assistance of staff, for coordinating Board activity.
- The management representatives will consist of the Bureau and Division Commanders of the Officer who applied deadly force. If several Officers from different Bureaus apply ***deadly force*** during the same incident, the commander of the Bureau with the most Officers involved will attend, and the Division Commander not assigned to the above Bureau Commander will attend.
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- The Board will use those findings as a basis to examine whether policies, procedures, practices or training might be improved to better protect Officers and reduce the need to apply ***deadly force***.
- If the findings indicate that an application of ***deadly force*** was not within departmental guidelines, one of the following steps will be taken upon approval of the Chief of Police:
    - If a violation of law or Department rules or regulations is indicated, the matter shall be referred to the Internal Affairs section and processed in accordance with the Department's disciplinary procedures.
    - If an incident is clearly due to improper training, the matter will be referred to the Commander of the Support Services Division so that proper retraining can be conducted.
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D) PUBLIC DISCLOSURE

The findings of the Board, along with a determination by the Chief as to whether or not the application of ***deadly force*** was justified under rules and procedures pertaining to the use of ***force***, will be made available to the public, subject to the laws of the State of Washington regarding public disclosure, and rights of privacy as determined by the City Attorney. The disclosed findings shall consist of the conclusion of the Review Board as to whether the force was "Reasonable," "Not Reasonable," or "Unintentional." Any specific recommendations pertaining to policy issues and training may be included. The entire investigation material shall not be released.

E) INTERNAL AFFAIRS (IA)

- Receive the recommendations of the Board.
- Will ensure that each recommendation is forwarded to the respective Division Commander for action.
- Upon completion of the recommendations, IA will receive from each responsible Division Commander a document delineating how the recommendation was satisfied.

- A complete file of all reports, documents, findings and written response to recommendation, following a review by the Chief of Police, shall be made a part of the file relating to the incident in the Internal Affairs Section.

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Deadly Force Investigations	P3.4
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TACOMA POLICE DEPARTMENT

Professional Standards Sub-Section 1.1

Sets forth the Vision, Mission, and Values of the Tacoma Police Department

Donald Ramsdell, Chief of Police

Philosophy: *CALEA 1.1.2* The purpose of this policy is to ensure that agency members are aware of the actions and attitudes expected of them and to provide the public with a general standard by which agency and individual performance can be measured. These professional standards become our Canon of Ethics and the professional expectations of all Tacoma Police Department members. All members will receive biennial training regarding ethics in general, as well as our Department Canon of Ethics. (See P1.1.1 through P1.1.6)

P1.1.1 VISION *CALEA 1.1.2* *(N 03/2010)*

A vision is the ultimate desired, and constantly pursued, outcome of an organization's strategic processes. Our vision focuses organizational efforts.

The vision of the Tacoma Police Department is that our ***citizens share increasing perceptions of safety and decreasing preoccupation with crime.*** These will be accomplished by:

- Annually decreasing crime rates
- Annual external/internal surveys for re-assessing priorities and satisfaction
- Applying strategic leadership to improve upon and exceed our strategic processes
- Utilizing comprehensive approaches to crime management
- Employee development and succession planning to effectively accomplish strategic objectives
- Citizens rewarding policing successes with increased funding
- Utilizing the accreditation process to serve as the internal catalyst and external validation

P1.1.2 MISSION *CALEA 1.1.2, 12.2.1(a)* *(R 01/2007)*

To create a safe and secure environment in which to live, work, and visit by working together with the community, enforcing the law in a fair and impartial manner, preserving the peace and order in our neighborhoods, and safeguarding our constitutional guarantees.

P1.1.3 VALUES *CALEA 1.1.2, 12.2.1(a)* *(N 03/2010)*

The Tacoma Police Department is a value-driven agency which demonstrates its core values through professional dedication, conduct, and service. Our core values serve as guiding principles and our successes will not be achieved by merely proclaiming our values, but by consistently modeling them. The following establish the standards of Professional Ethics and personal integrity for all members of the Tacoma Police Department:

- ***Act with Integrity*** – *We believe that acting honorably is the foundation of everything we do and the basis of public trust. We earn credibility by doing the right thing, being open and honest, and actively living our core values.*

  Demonstration of this value includes actively modeling our core values and being truthful with unmitigated honesty. We will maintain and foster a professional decorum in communications and behavior while acting in the official capacity of a Tacoma Police Department member.

- ***Respect for Our Employees and Citizens*** – *We are guided by the principle that every individual has dignity and worth. We are committed to show respect and compassion for the citizens we serve as well as for the men and women of our Department. We show consideration for all individuals by treating everyone fairly, listening and seeking to understand all viewpoints, and appreciating diversity.*

- ***Service to Our Community*** – *We are dedicated to the ideal of providing the highest quality of professional law enforcement service to our community. We strive to be a proactive, trusted partner with our community with the goal of enhancing the quality of life for our citizens.*

- ***Accountability for our Actions and Results*** *CALEA 11.3.2 – We hold ourselves accountable to the highest ideals of professionalism, ethics, and competency at every level of the Department. We take responsibility for our performance and our actions and are willing to admit our mistakes.*

  Every member of the Department is a leader and although responsibilities vary, accountability remains constant. The principles of leadership and the value of accountability are inseparable. As leaders, we are accountable for our own actions, those of our subordinates and to the citizens we serve.

- ***Team for the Common Good*** *– We understand the strength of cooperation and collaboration, and that our success depends on our ability to perform together as one cohesive team. We are dedicated to creating a positive environment which fosters camaraderie for the common good.*

  Through applying the principles of teamwork with our internal and external partners, we can best realize our departmental vision. We strive to maintain positive working relationships and promote success. We value the subordination of personal agendas for the good of departmental interest.

- ***Innovate to Better Serve*** *– We encourage new ideas that support the fulfillment of our mission. We value input that challenges our current ways of doing business in order to better deliver our services.*

  Through continuous improvement and innovation, we strive for personal, professional, and organizational excellence. In the on-going pursuit of high performance, we encourage, support, and recognize reasoned professional innovation as a means of accomplishing the vision of our Department. We value reasoned risk-taking when balanced with responsible resource management. We value the principle of change as it challenges the status quo and seeks to constantly improve departmental operations.

- ***Reverence for the Law*** *– We demonstrate reverence for the law by personally modeling law abiding behavior. We are empowered in the judicious application of authority by using discretion in the best interest of the individual and the community at large. We will honorably perform our duties and exercise prudence in the use of our authority and power.*

P1.1.4 OFFICE OF THE CHIEF OF POLICE *CALEA 1.1.2, 12.1.1* *(N 01/2010)*

The Office of the Chief of Police is created and empowered by Tacoma Municipal Code (TMC) 7.02.010. The Chief of Police presides over and governs all matters related to the Tacoma Police Department which is established by TMC 1.06.070. The Revised Code of Washington, 35.22.280 (34) and 35.22.280 (35), grants specific powers to enact and enforce ordinances within the City of Tacoma. Article XI, §11 of the Washington State Constitution grants to cities the authority to make and enforce within its limits local regulations as are not in conflict with state laws.

In addition to legally mandated functions, the Office of the Chief of Police symbolizes the sacred trust the public places in the consent to being policed. It endures as an inspiration to equitable treatment, public accountability, and organizational trust; and therefore, serves as the foundation of all departmental values and expectations. The Office of the Chief of Police provides functional sustainability to all City of Tacoma law enforcement matters.

Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence. Therefore, the Tacoma Police Department, under the leadership of the Chief of Police, shall: work to improve, then preserve, the public approval of our actions; perpetuate the willing cooperation of the public; increase the degree of public cooperation through the dignified application of force; seek and preserve public favor not by catering to public opinion but by constantly demonstrating absolute impartial service; use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice, and warning are found to be insufficient; direct our action strictly towards our functions and never appear to usurp the powers of the judiciary; and, evaluate police efficiency as the absence of crime and disorder, not the visible evidence of police action in dealing with it.

P1.1.5 THE CHIEF OF POLICE *CALEA 1.1.2* *(N 01/2010)*

The Chief of Police, as an individual, is responsible for modeling professional accountability and value-centered leadership. This individual bears more than an executive responsibility to administrate all departmental matters. Additionally, the Chief of Police shall champion strategic processes that promote mutual purpose as identified in the Vision, Mission, and Values.

The role of the Chief of Police is to develop values, philosophies, principles, policies and strategies that are supported by the community and the Department and that afford the Department the capacity to fulfill its agreed upon mission. Accordingly, the following identify these responsibilities:

- View the organization as a total entity operating in a larger environmental setting
- Accurately assess the climate of the organization and the community
- Establish a vision and clearly define the mission and goals based on today's needs and future forecasts
- Recognize and adapt the Department to internal and external forces for change
- Formulate and update the on-going overall strategies of the Department on an as-needed basis
- Establish goals for implementing Department values, philosophies, and principles that provide for an improved quality of life in the community and in the work place
- Assure a structure and systems that address departmental and community needs; define management objectives, responsibilities, authority; measure performance; and utilize feedback to enhance results
- Establish mechanisms that recruit the most competent personnel to join the Department team; increase the competence of all employees; develop and promote our own personnel to higher levels of responsibility; recognize employee and team contributions to the organization's success
- Provide an atmosphere that encourages teamwork and mutual support recognizing that achievement of Department goals is a higher priority than a self-centered work product
- Establish a climate that facilitates an open sharing of information and resources while encouraging creative and responsible risk-taking with accountability
- Assure and hold employees accountable to standards of conduct and performance that have foundations in sustained professional excellence regardless of adverse internal or external conditions
- Achieve within the governmental systems, to the extent possible, provision of the resources necessary to accomplish Department objectives (in terms of personnel, operating expenses, equipment, and capital assets)

P1.1.6 PROFESSIONAL EXPECTATIONS *CALEA 1.1.2, 22.2.7, 26.1.1* *(R 09/2016)*

It is not the Department's intent to interfere with or constrain the freedoms, privacy, and liberties of members. Discipline may only be imposed where there is a nexus or relationship between the conduct and the duties, rank, assignment, or responsibilities of the member, whether on or off duty, or in or out of uniform. All Tacoma Police members must be fully aware of the ethical responsibilities of their position and strive constantly to model the highest possible standards of professional policing. No single standard of core values can conceivably address every potential situation which may confront members of our Department. A general understanding and respect for the Department values which guide our agency, coupled with an individual commitment to making well informed judgments rooted in our agency values, are the foundation upon which individual and departmental integrity is built and maintained.

Tacoma Police members shall regard the discharge of official duties as a public trust. By diligent study and constant attention to self-improvement, members shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships strive for effective leadership and positive public influence in matters affecting public safety. Members shall appreciate the importance and responsibility of their office, and hold law enforcement work to be an honorable profession rendering valuable service. A component of this valuable service is protection of confidential information.

Tacoma Police members, mindful of their responsibility to the entire community, shall deal with individuals of the community in a manner calculated to instill respect for its law and its police service. Tacoma Police members shall conduct their professional duties in a manner that shall inspire confidence and trust. Tacoma Police members shall be mindful of their special identification by the public as upholders of the law.

A) Professional Conduct and Behavior *CALEA 1.1.2, 12.1.3, 12.2.1, 22.2.7, 26.1.1*

1) Violation of Rules

Members shall not violate or aid and abet any violation of any Policy, Procedure, or Directive of the Department, whether stated in this Policy or elsewhere.

2) 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
- 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.

3) **Unbecoming Conduct**
Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Unbecoming conduct shall include that which brings the Department into disrepute or reflects discredit upon the individual as a member of the Department, or that which impairs the operation or efficiency of the Department or member.

4) **Immoral Conduct**
Officers shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession. Officers shall not participate in any activity involving moral turpitude, which reflects on their performance as law enforcement Officers or causes the Department to be brought into disrepute.

5) **Insubordination**
All personnel shall promptly obey any lawful order of a superior Officer, whether operational or administrative in nature. This will include orders relayed from a superior Officer by an Officer of the same or lesser rank.

At all times, all personnel shall show proper respect toward superiors. Behavior which is demeaning personally, or which detracts from the authority of a superior, shall be considered insubordinate. Such behavior may be conveyed by language or action. Verbal insubordination may be conveyed by rude, offensive, or abusive remarks. Nonverbal insubordination may be conveyed by indifference, insolence, rude gestures, or failure to follow an order to completion.

6) **Conflicting or Illegal Orders**
Members who are given an otherwise proper order which is in conflict with a previous order, rule, regulation, or directive shall respectfully inform the superior Officer issuing the order of the conflict. If the superior Officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior Officer. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.

Members shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, members shall request the issuing Officer to clarify the order or to confer with higher authority.

7) **Truthfulness**
All members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department which may be asked of them by the Chief, his/her designee, or a superior Officer.

8) **Abuse of Process**
Officers shall not make false accusations of a criminal or traffic charge.

9) **Abuse of Position**
Members shall not use their official position or official identification cards or badges for:
- Personal or financial gain
- Obtaining privileges not otherwise available to them except in the performance of duty
- Avoiding consequences of illegal acts

Members shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.

Members shall not authorize the use of their names, photographs, or official titles which identify them as members of the Police Department, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief.

- No member shall receive remuneration for an engagement or appearance as a representative of the Police Department without the approval of the Chief of Police

10) Intervention

Officers shall not interfere with cases being handled by other Officers of the Department or by any other governmental agency unless:

- Ordered to intervene by a superior Officer
- The intervening Officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action
- Performance of their normally assigned duties (i.e., narcotics) creates such interference

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.

In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance:

- Repeated poor evaluation or a written record of repeated infractions of rules, regulations, directives, or orders of the Department.

12) Associations

Members shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the members.

13) Identification *CALEA 22.2.7(a)(b)(c)*

Members shall carry their badges and photo identification cards on their persons while on duty, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name, I.D. number and/or Department issued photo I.D. card to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of Police duties or is authorized by proper authority.

In accordance with Criminal Justice Information System security policy guidelines, if any individual besides Police Department personnel requires proximity card access inside any Police Department facility (being able to come and go without an escort) they must be fingerprinted and pass a background examination. The Administrative Support Services Captain or his/her designee will maintain a Security Clearance file listing all individuals which have been cleared to access the inside of Police Department facilities and are allowed to remain unescorted. The Washington State Patrol will audit the Security Clearance file every three years to ensure compliance.

14) Non-Discrimination Policy

Members will endeavor to ensure that Police services provided by the Department are available to all persons in the community on an equal basis without regard to a person's race, religion, gender, ethnicity, age, disability, politics, national origin, sexual orientation or other personal characteristics or view points.

No member shall deny access to Police service, or provide a lower level of Police service than is reasonable by the Department to any person based solely on any personal characteristics or viewpoints.

No member shall engage in the practice of race-based profiling or any other type of discrimination within the scope of their daily contact with individuals in the community or anyone driving or moving about the city streets or neighborhoods.

15) Citizen Complaints

Officers shall courteously and promptly record in writing any complaint made by a citizen against any Officer or the Department. Officers may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any Officer or the Department. Officers shall follow established departmental procedures for processing complaints.

16) Requests for Assistance

When any person applies for assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedures.

17) Courtesy

Members shall be courteous to the public. Members shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, members shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race religion, politics, national origin, lifestyle, or similar personal characteristics.

18) Reporting for Duty

Members shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

19) Fictitious Illness or Injury Reports

Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.

20) Sleeping on Duty

Members shall remain awake while on duty. If unable to do so, they shall so report to their supervisor, who shall determine the proper course of action.

21) Leaving Duty Post

Members shall remain at their assigned post and/or within their districts. When, in the performance of their duties, it becomes necessary to leave an assignment, SS911 Communications shall be notified. When that absence will involve a substantial time or distance, a supervisor will be consulted.

Members shall not leave their assigned duty post or district during a tour of duty except when authorized by proper authority.

22) Meals

Officers shall be permitted to suspend patrol or other assigned activity subject to immediate call at all times, for the purpose of having meals during their tour of duty, but only for such period of time, and at such time and places as are consistent with duty requirements.

23) Dissemination of Information *(R 04/20/2012)*

Members shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures. Members shall not divulge the identity of persons giving confidential information

in criminal matters except as authorized by proper authority and applicable state, local and federal law. Department members responding to non-criminal matters (i.e., neighborhood disputes) will keep the identity of the reporting party confidential whenever possible to the extent allowable by law.

24) Disclosure of Information before Trial

Members shall not disclose information to any defense attorney or legal counsel before trial of subject without prior permission of prosecuting attorney or superior Officer.

25) Compromises

Members shall not take part in making or negotiating any compromise or arrangements for any criminal or any persons with a view of permitting such criminal or other person to escape the penalty of the law; nor shall they seek to obtain any continuance of any trial in court or otherwise interfere with the course of justice, unless specifically required in the performance of their duties (e.g., developing informants).

26) Posting Bail or Bond

Members shall not, except as a private citizen, post bond or furnish bail for any person arrested for a crime.

27) Gifts, Gratuities, Bribes, or Rewards

Members shall not solicit or accept from any person, business or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the members or the Department, if it may reasonably be inferred that the person, business or organization:

- Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty.
- Has an interest, which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

Members working off duty for another authorized employer may accept any benefit normally provided by that employer to all of its employees.

28) Rewards

Members shall not accept any reward for the detection or apprehension of any criminal or unauthorized military absentee, or the recovery of any stolen or lost articles, except upon special order of the City Council.

29) Alcoholic Beverages and Drugs in Police Installations

Members shall not store or bring into any Police facility or vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except those, which are held as evidence or used during investigative procedures.

30) Use of Alcohol on Duty or in Uniform

- Members shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior Officer.
- Members shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.

31) Use of Alcohol Off-Duty

Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Department or renders the members unfit to report for their next regular tour of duty.

32) Possession and Use of Drugs

Members shall not possess or use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment of members by a physician or dentist.

33) Use of Tobacco

Members may use tobacco in a prudent manner that would not be offensive to the general public. Members will avoid use when it is discourteous, impedes job performance, or detracts from the public image. Smoking, to include electronic cigarettes, is prohibited in all Police Department facilities and vehicles. Division Commanders may allow exceptions for undercover vehicles, as necessary, to maintain an undercover role. Members are required to adhere to the City Smoking Policy 3.10 while on City properties.

Electronic Cigarette is defined as: an electronic or battery-operated device which resembles smoking, which can be used to deliver nicotine or other substances to the person inhaling from the device including, but not

limited to, an e-cigarette, electronic vaping device, personal vaporizer, electronic nicotine delivery system, or any other device that simulates smoking.

34) Employment Activities while on Sick Leave

No Department employee shall engage in any profession, trade, or occupation for pay or as a volunteer, including any type of military service or duty, while on sick leave without prior approval of the Chief of Police.

35) Return to Work following Sick Leave

On return to work following use of sick leave, employees will not work in any off-duty capacity prior to completing one work shift. This applies to physical injury as well as sick leave usage for family illness and the death of a family member. Employees will complete one work shift following sick leave usage prior to working off-duty at any City or public facility (Tacoma Dome, Public Works/Dump, Tacoma School District).

36) Confinement while on Sick Leave

While on sick leave, employees may leave their place of convalescence; however, the Chief of Police or his designee shall be notified if the employees' absence from their place of convalescence is to exceed 24 hours. Exceptions to this would be visits to the doctor or related medical activity.

P1.1.7 OATHS OF OFFICE

(R 10/2010)

Commissioned Oath *CALEA 1.1.1*

The individual Oath of Office constitutes each Officers personal commitment to the Vision, Mission, and Values of the Tacoma Police Department. In addition, the oath represents the delegated empowerment to fulfill all departmental duties. Officers commit to the ideal of serving the community with the highest of professional standards. The Oath of Office must be administered to all commissioned personnel, prior to assuming such status. The following oath shall be administered by the Chief of Police or commissioned designee:

"I, (state your name), do solemnly swear or affirm that I will uphold, protect, and defend the Constitution and laws of the United States of America, the State of Washington and ordinances of the City of Tacoma; that I will diligently strive to serve with the highest standards of professional ethics and personal integrity, and I will honorably uphold departmental values and perform the duties of the Office of (fill in the blank) in and for the City of Tacoma, so help me God.

"Subscribed and sworn by me at Tacoma, Washington, this ____ day of _____ 20___."

Promotional/Appointment Oath

The following oath shall be administered to promoted/appointed personnel by the Chief of Police or commissioned designee.

"I, (state your name), do re-affirm that I will uphold, protect, and defend the Constitution and laws of the United States of America, the State of Washington and ordinances of the City of Tacoma; that I will diligently strive to serve with the highest standards of professional ethics and personal integrity, and I will honorably uphold departmental values and perform the duties of the Office of (fill in the blank) in and for the City of Tacoma, so help me God.

"Subscribed and sworn by me at Tacoma, Washington, this ____ day of _____ 20___."

TACOMA POLICE DEPARTMENT
PROCEDURES MANUAL

06/2016(8) Ref.: P4.2.2(B)
Reviewed 2013
CALEA 70.1.1, 70.1.2, 70.1.3, 70.1.4, 70.1.5, 70.1.6(a)(b)(c)(d)(e), 70.1.7(a)(b)(c), 70.1.8, 70.2.1, 70.3.1, 70.3.2, 70.3.3 N/A by function , 70.4.1, 70.4.2, 70.5.1

TRANSPORTATION - DETAINEE

For the purposes of this procedure, detainee shall be defined as, "A person in the custody of agency personnel and whose freedom of movement is at the will of agency personnel."

A) Search of Detainees and Transport Vehicle *(CALEA 70.1.1, 70.1.2)*

- Officers must thoroughly examine their vehicles and thoroughly search the detainee area before starting their tour of duty.
- Prior to detainee transportation, the transporting Officer will:
  - Search the area where the detainee will be seated
  - Conduct a field search of the detainee to detect and remove any weapons, evidence, or contraband. Never assume a search was made by another Officer.
  - Inform South Sound 911 (SS911) Dispatch of the vehicle's odometer reading and the location from where the detainee is being transported
- If the arresting Officer feels an object which may be (or may contain) evidence of a crime, whether or not it is the crime for which the detainee is arrested, the Officer may remove and inspect the object, e.g., narcotics.
- If the object is (or contains) contraband or evidence of other crimes, the detainee shall be arrested and charged with that crime.
- If the detainee is a female, the search will normally be limited to her purse and its contents and outer garments such as coat, hat, and shoes.
- If a more complete field search is believed necessary, a commissioned female Police Officer should be called to the scene to conduct the search.
- Under exigent circumstances, a female detainee may be searched by a male Officer at the scene if a female Officer is not available. The Officer will use the appropriate back of hand search technique and have a witness present.

B) Arriving at the Destination *(CALEA 70.1.2, 70.1.6(a)(b)(c)(d)(e))*

Upon arrival at the destination, the transporting Officer shall:

- Search the vehicle for any items left by the detainees.
- Inform SS911 Dispatch of the vehicle's odometer reading, thus documenting both mileage and time.
- Comply with the rules of that facility to include:
  - Secure firearms in a gun locker or in the trunk of the police vehicle ***before*** the detainee exits the vehicle.
  - Leave restraints on the detainee unless otherwise directed by the receiving personnel.
  - Provide necessary completed documentation to the receiving personnel.
  - Provide any special information to the receiving personnel concerning any potential medical or security risk.
- Document the transfer of custody of the detainee in the incident report or MDS.

C) Transportation Vehicle *(CALEA 70.1.3, 70.4.1, 70.4.2)*

Vehicles Equipped with Safety Barriers

Whenever possible, detainee will be transported in marked patrol cars equipped with a safety barrier between the front and rear compartments. All marked patrol vehicles and some unmarked vehicles have had the rear door locks modified to prevent the door from being opened from the inside. The rear windows have been modified so that they may only be controlled by the vehicle driver and only roll down approximately half way. Many vehicles also have safety barriers added to the rear door windows.

- Seating Location of Detainee – The prisoner in the rear of the vehicle should be under observation at all times. Therefore, if a one-officer unit is transporting the detainee, the detainee shall be seated in the rear passenger side of the vehicle.

Vehicles ***Not*** Equipped with Safety Barriers

The lack of a safety barrier creates additional safety concerns for an Officer transporting a detainee. If a transport vehicle not equipped with a safety barrier is to be used to conduct a transport of a detainee, Officers shall adhere to the below described practices:

- One Detainee – Two Officers will be present during the transport. The detainee shall be seated in the back passenger seat. The second Officer will be seated in the rear seat behind the Officer driving the vehicle.
- Two Detainees – If it becomes necessary to transport two or more detainees, a vehicle with a safety barrier will be used.

D) Transportation Details *(CALEA 70.1.8, 70.2.1)*

1) Handcuffing Arrestee During Transportation
   - All arrestees shall be handcuffed with their hands behind their backs during transportation.
   - Exceptions: An Officer may make an exception if circumstances are such that the Officer's safety would not be jeopardized. In these rare circumstances, factors for consideration may include but not be limited to:
     - Advanced age
     - Physical injury or disability
   - In such instances, alternative methods of safely restraining the arrestee should be employed. These methods may include:
     - The use of two or more pair of handcuffs
     - The use of "flex cuffs"
   - An arrestee in a wheelchair or one who uses walking aids may require the use of a police van or the assistance of an ambulance. It should not be assumed that restraining devices are not required on physically disable arrestees.
   - Arrestees should not be transported "un-cuffed" unless at least two officers conduct the transport.
2) Leg Restraints

   When an Officer has a reasonable belief that the arrestee is likely to, or has caused damage to, the transport vehicle or is posing a threat to themselves or others, leg restraints may be utilized. Arrestees will not be transported in a "hog-tied" position or face down. When leg restraints become necessary, a second Officer will ride with or

follow the transporting vehicle to augment the safety of the arrestee and the transporting Officer.

3) Seatbelts
It is intended that all detainees being transported in a passenger-style patrol vehicle wear a seatbelt; however, if the detainee is combative, or for reasons of safety, the Officer in charge of the detainee has the option to not place the detainee in a seatbelt system. If seatbelts are not worn by detainees, Officers should be prepared to substantiate why the belts were not worn by the detainees.

E) Special Transportation Situations *(CALEA 70.1.4, 70.1.8, 70.5.1(a), 70.5.1(b), 70.5.1(c))*

- The primary duty of the transporting Officer is the safe delivery of the detainee. When transporting a detainee, Officers should not be diverted to any other law enforcement activity unless the risk to the third party is both clear and grave, and the risk to the detainee is minimal. The Officer will resume the transport as soon as reasonably possible.
- Safety aspects of the transport function require that the detainee's right to communicate with attorneys and others will not normally be exercised during the period that the detainee is being transported.
- If the detainee being transported is considered an unusual security risk, the Officers must notify the receiving agency or court so that they may take additional security measures.
- When transporting a detainee from one facility to another, the transporting Officer is responsible for verifying the detainee's identity before accepting custody. Officers shall confirm the detainee's identity by comparing the physical appearance of the detainee with facility records, checking ID bracelets or cards or any other method assuring the correct identity of the detainee to be transported.
- The following documentation shall accompany a detainee being transported to another facility:
  - Commitment papers, warrants or information on warrants, medical records, prescriptions (if applicable), or personal property.
  - Additional information concerning a detainee's risk of suicide, escape or other potential security risks shall also accompany the detainee, when applicable.

F) **Escape of Detainee** *(CALEA 70.1.7(a)(b)(c))*

The escape of a detainee requires immediate action but should never unnecessarily jeopardize the safety of an Officer.

- Notification: An Officer shall immediately notify SS911 Dispatch and a Patrol Supervisor of the escape. The Officer should provide location of the escape and the last known direction of travel of the detainee, as well as any other information that may assist in the capture of the escapee. If in another jurisdiction, the Officer shall ensure the jurisdiction is notified of the escape and assist that jurisdiction in any way authorized. Officers shall take immediate steps to arrest the escapee, if possible.
- Report: The involved Officer shall complete an Incident Report documenting the escape.
- Further Actions:

- A search for the escapee will be made as soon as possible. Additional units shall be requested to establish a perimeter and conduct this search. This search will be coordinated by the transporting Officer or an on-duty Supervisor.
- A review will be conducted by the Division Commander of the involved personnel to include recommendations which may consist of, but are not limited to, training, equipment or procedural changes.

G) Ill, Injured or Medical Problems *(CALEA 70.1.6, 70.2.1, 70.3.2)*

If a detainee becomes sick or is injured, the arresting Officer should seek medical attention as soon as possible. An Officer may provide transportation to a medical facility or request a medical response to the Officer's location at their discretion and the nature of the complaint. While being transported, a sick or injured detainee should remain handcuffed unless the handcuffs would further compound the injuries or inhibit the administration of medical aid. If the individual is non-ambulatory or disabled in some way, an ambulance will be requested for transportation to a medical facility. An Officer should accompany the individual in the ambulance during the transportation.

When arrested persons are ill, injured, or have medical problems which would indicate a need for medical attention, they should be treated prior to booking. Any of the following criteria should be considered as sufficient to warrant treatment prior to booking:

- Unconsciousness
- Injury which appears to a prudent person to require medical attention
- Symptoms of shock
- Intoxication to such a degree that the arrestee is incapable of comprehending reasonable instructions
- Obvious signs of any type of illness
- Medical alert conditions claimed or identified by means of cards, bracelets, necklaces or any other means (i.e., diabetes, epilepsy, respiratory problems, heart condition, etc.)

Such persons should be taken to a hospital emergency room for examination and/or treatment. If medical examination changes the factors involved in the arrest, the subject may be released. If examination does not change the factors involved in the arrest, the subject may then be booked or appropriate measures taken to confine him/her at the hospital.

Documentation

Whenever arrested persons are ill or injured, or claim to be ill or injured, this injury or illness, even when apparently minor in nature, should be noted and referred to in the Incident Report. This information should contain the extent of injury(s) or illness, treatment and cause (in the event of an injury).

Detainees who are taken for immediate treatment should be closely monitored. Opportunities for escape, suicide, and assault on hospital personnel or the transporting Officer should be guarded against, and will be more prevalent if the prisoner is unrestrained and/or out of sight. If restraints should be removed for treatment, caution should be exercised while the prisoner is unfettered. Only under unusual circumstances such as x-ray, etc., will the prisoner be allowed out of the transporting Officer's sight.

H) Hospital Hold *(CALEA 70.1.6)*

1) Hospital Hold Request Forms

TPD Hold Request forms (PD 079) are used when an arrested person or child abuse victim is hospitalized. The TPD Hold Request form will be used in conjunction with an Incident Report. The Officer signing the form is responsible for completing the Incident Report. A comments section is provided on the Hold Request form, to alert concerned personnel of any unusual circumstances, i.e., violent person, hostile parents, etc.

2) Hospital Guard

To assure the safety of the Officer, hospital staff and the patient, the hospital guard will implement the following procedures:

a) Hospital Guard – Preparation and Duties

Prior to reporting for guard duty at the hospital, the designated guard Officer will report to an Operations Supervisor to ascertain the following:

- Hospital, room number, subject's name, injury, and, if applicable, criminal charge
- Prior history (suicidal, aggressive behavior, escape risk, etc.)
- If a victim or witness is guarded, the nature of possible threats or hazards involved, and suspect information
- Division or Section responsible for follow-up investigation
- If guarding a prisoner, known associates of the prisoner or outstanding suspects, if any
- Authorized visitors

b) The Hospital Guard Officer On Duty Shall:

- Thoroughly brief the oncoming Officer of problems experienced by previous guards.
- Maintain security and safety of the patient at all times.
- Take measures to secure a prisoner who poses a danger to others or is an escape risk. Restraints will be used when feasible or necessary, and the hospital staff notified.
- The Officer will keep the patient in sight at all times (except when requested to wait outside the door by hospital staff).
- If the Officer must leave the area for a short period of time when guarding a prisoner, the prisoner will be placed in leg restraints and at least one hand secured to the bed, and the hospital staff notified. Discretion must be used in relation to the prisoner's condition and injuries.

3) All Breaks and Shift Reliefs Will Be Handled Through the Operations Office.

4) Visitors – Prisoners and Suspects

All visitors for hospitalized prisoners or suspects will be authorized by the Lieutenant or Sergeant of the Major Crimes or Violent Crimes Sections or, in their absence, the Patrol Lieutenant.

- A "No Visitors" policy will be maintained unless exceptions are made by authorized persons listed above.

- Visitors, when allowed, will be required to present valid photo identification.
- Visitors must comply with a pat-down search upon request of the Officer on guard.
- The Officer will note the visitor's full name, address and phone number, and maintain a written record of visitors to be forwarded to CID when the prisoner is released from the hospital.
- Visitors will be told to make no physical contact with prisoners.
- No money, property, clothing or other items will be given to or exchanged by the prisoner. No packages or miscellaneous objects will accompany a visitor into the prisoner's room.
- Visitors must comply with normal hospital visiting hours and policies.
- Only one visitor at a time should be allowed in the room, with the guard Officer in viewing distance.
- Attorneys will be allowed reasonable access to their clients but must comply with the criteria above. The hospital guard Officer will remain in discreet viewing distance during these visits to maintain security. Attorneys may bring legal papers into the prisoner's room but if they wish to bring a briefcase or other package, it may be subject to search by the Officer.

5) Visitors - Guarded Victims and Witnesses

Visitor guidelines for hospitalized victims and witnesses will be less stringent than those for prisoners and suspects. Officers on guard should remain vigilant for suspicious circumstances and persons.

- Visitors will be required to present valid photo identification.
- Visitors must comply with a pat-down search upon request of the Officer on duty.
- The Officer will note the visitor's full name, address and phone number, and maintain a written record of visitors to be forwarded to CID when the victim/witness is released from the hospital.
- The Officer may use discretion as to the number of visitors allowed in the room at a time.
- Visitors must comply with established hospital visiting hours and policies.
- Visits will normally be restricted to immediate family members.

6) Telephone Use

The Lieutenant or Sergeant of the Major Crimes or Violent Crimes Section will establish a phone use policy.

7) Hospital Guard Information

All information provided by the hospital guard Officer will be documented on a Memoranda Report (PD 033) and posted in the Operations Office.

- The Memoranda Report will be completed by the Division/Section in charge of the follow-up case. The Memoranda Report will include information detailing visitation and telephone policies.
- A copy of the Memoranda Report will be given to the on-duty Patrol Lieutenant and to the Operations Sergeants.

Officers are reminded to report unusual circumstances or developments to an Operations Sergeant. More stringent control measures may be imposed by the Officer depending on the situation but should be reported to an Operations Sergeant as soon as possible.

NOTE: Tacoma Police Officers shall not transport detainees to funerals, to visit the ill, attend a will reading, or any other personal function. The court of jurisdiction may issue a temporary release for detainees, if appropriate. *(CALEA 70.3.3)*

APPENDIX

INCIDENT TIMELINE

IA CASES: 21COM-0061, 21COM-0069 AND 21COM-0071

23:11
- Ellis @ the 7-11 96th and Steele - AG PC

23:19:48
- H317 Cleared Traffic Stop - CAD

23:21
- Ellis Contacted by H317 - AG PC

23:21:40
- Begin AG's Timeline

23:21:46
- McDowell Begins Video #1 - AG PC

23:21:47
- 1st Vivint Video file of Event-Last Vivint file prior to ends @22:56:36

23:21:53
- H317 Collins Mic Click

23:21:56
- Cowden Begins Video - AG PC

23:22:03
- Burbank ECT #1

23:22:03
- McDowell Says Stop Hitting Him...

23:22:06
- H317 Collins Mic Click

23:22:13
- Burbank Able to Radio Location

23:22:23
- McDowell ends first video

23:22:26
- Burbank ECT #2

23:22:30
- Loud Growl/ Grunting - Try Again/ Vivint

23:22:30
- McDowell & Lowery Start to Drive off
- McDowell begins video #2

23:22:51
- Burbank ECT #3

23:22:55
- Cowden Drives Away

23:23:09
- Derr & Schneider Enroute via CAD

23:23:20
- Shad Hayes Outside - Vivint

23:23:25
- I Can't Breathe Sir X2 - Vivint (23:23:32 per PCSD Power-Point)

23:23:45
- Can't Breathe Sir- Shut the Fuck Up Man - Vivint

23:23:58
- H317 and Shad Hayes Only - Vivint

23:24:19
- Rankine & Ford Arrive - CAD

23:24:31
- Rankine & Ford Exit Car - Vivint

23:24:32
- Collins Asks for Hobble Via Radio

23:24:35
- Lim Arrives - Car Radio

23:24:42
- PCSD Messineo Arrives

23:24:46
- Lim - Says Still Fighting with One - Car Radio

23:24:49
- I Can't Breathe - Vivint

23:24:52
- PCSD Sanders Arrives

23:24:58
- Can't Breathe, Can't Breathe Sir - Vivint

23:25:07 thru 23:41:21
- No Vivint Video

23:25:19
- PCSD Messineo Cancel Beeper

23:25:20
- Lim Slow Incoming - I Can't Breathe X2

23:25:22
- Rock Arrives - CAD

23:25:23
- Estimate of Komarovsky Arrival

23:25:26
- LKWD Bucat Arrives-CAD

23:25:33
- Madden & Warner Arrive

23:25:37
- Brahs Arrives-CAD

23:25:44
- Lim Requests TFD to Start for EVAL

23:26:07
- Chung Arrives

23:26:36
- PCSD Langlow Arrives

23:26:49
- TFD E10 Dispatch

23:27:01
- WSP Jones Arrives

23:27:17
- Farinas & Guiardinu Arrive

23:27:29
- Lim Request Amblnce to Strp Down

23:28:08
- Hightower Arrives

23:28:17
- Dispatch Says TFD Advised

23:28:30
- TFD E10 Enroute - TFD Care RPT

23:32:05
- A. White Video #1 - Ellis' in Recovery Position

23:32:38
- Lim Requests ETA for TFD

23:32:47
- Lim Request TFD Upgrade Response

23:33:09
- TFD E10 Arrives - TFD Care RPT

23:33:34
- WSP Jones Clears

23:34:06
- TFD Arrival per CAD

23:34:41
- TFD w/Ellis - TFD Care RPT

23:36:16
- Elect-cardio Monitor Power On

23:36:53
- Resp Basic - Bag Valve Mask

23:37:32
- Elect-cardio Monitoring

23:41:11
- Cardia - CPR Manual

23:41:59
- Resp. Basic - OPA

23:42:08
- Vascular Access - IV Extremity

23:45:02
- A. White Video #2 - CPR

23:45:16
- Intubation - Orotracheal - Direct

00:12:30
- Confirm of Death

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Entry	H	M	S	Note	Source
1	**23**	**11**		Ellis purchases doughnuts and water at the 96/Steele 7-11	Attorney General's Decloration for Determination of Probable Cause
2	21	19	48	H317 (Burbank/Collins) cleared their traffic stop at 96th and A	2006302234 CAD
3	**23**	**21**		Ellis is contacted by Collins and Burbank	Attorney General's Decloration for Determination of Probable Cause
4	**23**	**21**	**40**	Beginning of AG's chronological timeline	Attorney General's Decloration for Determination of Probable Cause
5	**23**	**21**	**46**	Sara McDowell begins recording video #1	Attorney General's Decloration for Determination of Probable Cause
6	**23**	**21**	**47**	First VIVINT video begins recording	PCSD Investigation/VIVANT warrant
7	**23**	**21**	**53**	H317 (Burbank/Collins) mic click	Per SS911 Call Details list, broadcast was from Collins' portable radio (TPD 317)
8	**23**	**21**	**56**	Samuel Cowden begins recording video	Attorney General's Decloration for Determination of Probable Cause
9	**23**	**22**	**3**	PPO Burbank ECT deployment 1 of 3	AXON Taser download (time adjusted 3 minutes from sync)
10	**23**	**22**	**3**	Female (Sara McDowell) saying 'stop. Oh my God, stop hitting him…just arrest him.'	PCSD PowerPoint
11	**23**	**22**	**6**	H317 (Burbank/Collins) mic click	Per SS911 Call Details list, broadcast was from Collins' portable radio (TPD 317)
12	**23**	**22**	**13**	Officer Burbank is able to callout their location of 96 and Ainsworth	Per SS911 Call Details list, broadcast was from Burbank's' portable radio (TPD 236)
13	**23**	**22**	**26**	PPO Burbank ECT deployment 2 of 3	AXON Taser download (time adjusted 3 minutes from sync)
14	**23**	**22**	**30**	Loud growl/grunt heard - VIVINT video	PCSD PowerPoint
15	**23**	**22**	**30**	Sara McDowell and Keyon Lowery begin driving around the scene	Attorney General's Decloration for Determination of Probable Cause
16	**23**	**22**	**51**	PPO Burbank ECT deployment 3 of 3	AXON Taser download (time adjusted 3 minutes from sync)
17	**23**	**22**	**55**	Cowden drives way from the scene	
18	**23**	**23**	**20**	VIVINT video from White residence shows only patrol car and posibly Shad Hayes standing outside/no cars behind patrol car	PCSD Investigation/VIVANT warrant
19	**23**	**23**	**25**	I can't breathe sir, I can't breathe - VIVINT video (this is likely the same as listed below, with a different time/source)	Attorney General's Decloration for Determination of Probable Cause
20	**23**	**23**	**32**	I can't breathe sir, I can't breathe - VIVINT video (this is likely the same as listed above, with a different time/source)	PCSD PowerPoint
21	**23**	**23**	**45**	Male voice, "please sir", another male voice "shut the fuck up man" - VIVINT video	PCSD PowerPoint
22	**23**	**23**	**58**	VIVINT video from White residence shows only patrol car and posibly Shad Hayes standing outside/no cars behind patrol car	PCSD Invetigation/VIVANT warrant
23	**23**	**24**	**19**	PPOs Ford and Rankine arrive	2006302251 CAD
24	**23**	**24**	**31**	PPO Rankine exits patrol car - VIVINT video	Attorney General's Decloration for Determination of Probable Cause
25	**23**	**24**	**32**	PPO Collins requests a hobble	Per SS911 Call Details list, broadcast was from Collins' portable radio (TPD 317)
26	**23**	**24**	**35**	S092 (Lim) arrives	Per SS911 Call Details list, broadcast was from Lim's vehicle radio (TPD 092v)
27	**23**	**24**	**42**	PCSD 035 (Messineo) arrives	Per SS911 East Primary Radio Traffic
28	**23**	**24**	**46**	S092 (Lim) advises they're still fighting with him	Per SS911 Call Details list, broadcast was from Lim's vehicle radio (TPD 092v)
29	**23**	**24**	**49**	I can't breathe - VIVINT video	Attorney General's Decloration for Determination of Probable Cause
30	**23**	**24**	**52**	PCSD 160 (Sanders) arrives	Per SS911 East Primary Radio Traffic
31	**23**	**24**	**58**	Can't breathe, can't breathe sir - VIVINT video	Attorney General's Decloration for Determination of Probable Cause
32	**23**	**25**	**19**	Cancel the beeper, he's detained	Per SS911 Call Details list, broadcast was made from PCSD portable radio 076 (035 Messineo)
33	**23**	**25**	**20**	Slow incoming, background - I can't breathe, maybe 2x	Per SS911 Call Details list, broadcast was from Lim's portable radio (TPD 092)
34	**23**	**25**	**22**	S171 (Rock) arrives	2006302251 CAD
35	**23**	**25**	**26**	K933(Bucat) arrives	2006302251 CAD
36	**23**	**25**	**33**	H205 (Madden/Warner) arrives	2006302251 CAD
37	**23**	**25**	**37**	U285 (Brahs) arrives	2006302251 CAD
38	**23**	**25**	**44**	S092 (Lim) requests Fire (TFD) start for an eval	Per SS911 Call Details list, broadcast was from Lim's portable radio (TPD 092)
39	**23**	**26**	**7**	U078 (Chung) arrives	2006302251 CAD
40	**23**	**26**	**36**	PCSD 512 (Langlow) arrives	2006302251 CAD
41	**23**	**26**	**49**	TFD Engine 10 is dispatched to 96th and Ainsworth (TPD REQUESTING EVAL AFTER ARREST)	TFD Prehospital Care Report
42	**23**	**27**	**1**	WSP Tropper Jones arrives	WSP Incident Details
43	**23**	**27**	**17**	H349 (Guiardinu/Farinas) arrives *(Absolute earliest time the spit hood could have been applied to Ellis)*	Per SS911 Call Details list, broadcast was from Farinas' portable radio (TPD 349)
44	**23**	**27**	**29**	S092 (Lim) requests an amublance, strap down	Per SS911 Call Details list, broadcast was from Lim's portable radio (TPD 092)
45	**23**	**28**	**8**	U023 (Hightower) arrives	2006302251 CAD
46	**23**	**28**	**17**	Dispatch advised TFD was notified (assuming this in response to the restained comment)	2006302251 CAD
47	**23**	**28**	**30**	TFD enroute (Engine 10)	TFD Prehospital Care Report
48	**23**	**32**	**5**	White begins cell phone video #1	
49	**23**	**32**	**38**	S092 requests an ETA for fire (TFD)	Per SS911 Call Details list, broadcast was from Lim's portable radio (TPD 092)
50	**23**	**32**	**47**	S092 (Lim) request fire to upgrade (assuming upgraing they're reponse, routine to priority?)	Per SS911 Call Details list, broadcast was from Lim's portable radio (TPD 092)
51	**23**	**33**	**9**	TFD Engine 10 arrives.	TFD Prehospital Care Report
52	**23**	**33**	**34**	WSP Trooper Jones clears	WSP Incident Details
53	**23**	**34**	**6**	TFD arriving (Engine 10)	2006302251 CAD
54	**23**	**34**	**9**	End of AG's chronlogical timeline	Attorney General's Decloration for Determination of Probable Cause
55	**23**	**34**	**41**	TFD arrives at patient	TFD Prehospital Care Report
56	**23**	**36**	**16**	Electrocardiographic Monitoring powered on	TFD Prehospital Care Report
57	**23**	**36**	**53**	Respiratory Basic - Bag Valve Mask *(Absolute latest time the spit hood could have ben removed from Ellis)*	TFD Prehospital Care Report
58	**23**	**37**	**32**	Electrocardiographic Monitoring	TFD Prehospital Care Report
59	**23**	**41**	**11**	Cardiac - CPR, Manual	TFD Prehospital Care Report
60	**23**	**41**	**59**	Respiratory - Basic - Oropharyngeal Airway (OPA)	TFD Prehospital Care Report
61	**23**	**42**	**8**	Vascular Access - IV - Extremity	TFD Prehospital Care Report
62	**23**	**45**	**2**	White beghins cell phone video #2	
63	**23**	**45**	**16**	Intubation - Orotracheal - Direct	TFD Prehospital Care Report
64	**23**	**47**		TFD Tower 2 arrives	TFD Incident Report
65	**23**	**51**		TFD Medic 1 arrives	TFD Incident Report
66	**0**	**12**	**30**	Confirmation of Death	TFD Prehospital Care Report

COURT TRANSCRIPTS

MATTHEW COLLINS

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TAB 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, vs. CHRISTOPHER S. BURBANK, MATTHEW COLLINS, TIMOTHY RANKINE, Defendants.	)	SUPERIOR COURT NO. 21-1-01286-6 NO. 21-1-01287-4 NO. 21-1-01288-2

VERBATIM TRANSCRIPT OF PROCEEDINGS
Morning session
Excerpt of Matthew Collins, Volume 1 of 2

December 4, 2023
Pierce County Superior Court
Tacoma, Washington
Before the
HONORABLE BRYAN E. CHUSHCOFF

A P P E A R A N C E S

Attorneys for Plaintiff:

Lori Nicolavo
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Patty Eakes

Attorneys for Defendants:

Timothy Rankine:
Anne Bremner
Mark Conrad

Christopher Burbank:
Brett Purtzer
Wayne Fricke

Matthew Collins:
Jared Ausserer
Casey Arbenz

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Official Court Reporter,
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BE IT REMEMBERED that on Monday, December 4, 2023, the above-captioned cause came on duly for hearing before the **HONORABLE BRYAN E. CHUSHCOFF**, Judge of the Superior Court in and for the County of Pierce, State of Washington; the following proceedings were had, to wit:

<<<<<< >>>>>>

I N D E X
12/4/2023

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MATTHEW COLLINS	
Direct Examination by Mr. Ausserer	3

MR. AUSSERER: Defense calls Matthew Collins.

THE COURT: Please come forward to right about here and raise your right hand to be sworn.

MATTHEW COLLINS, having been duly sworn by the Court, testified as follows:

THE COURT: Thank you very much. Please have a seat right there. Please state your name and please spell your name.

(The witness took the stand.)

THE WITNESS: My name is it Matthew Collins, M-A-T-T-H-E-W, C-O-L-L-I-N-S.

THE COURT: When you're ready, Mr. Ausserer.

MR. AUSSERER: Thank you, Judge.

DIRECT EXAMINATION

BY MR. AUSSERER:

Q. Good morning, Mr. Collins.

A. Good morning.

Q. How are you?

A. I am all right.

Q. Are you married?

A. Yes, sir.

Q. How long have you been married?

A. Almost 15 years.

Q. Have kids?

A. Four kids.

Q. What are the ages of your kids?

A. My daughter just turned 12 this weekend, and then the boys are 10, 6, and 3.

Q. All right. So if your youngest son is 3, was he born at the time of this incident?

A. He was a few months old. He was born January 12th of 2020.

Q. All right. And did you grow up around here?

A. No. My dad was in the military, so I moved every couple years of my life, pretty much.

Q. All right. And go to college around here?

A. I did. Well, I went to the University of Oregon.

Q. All right. I'm sorry about that. When did you go to the University of Oregon?

A. '01 to '06.

Q. And so when you said you moved around, can you tell us just from a 3,000-foot view what that looked like? Where did you move around to and how often?

A. So I was born in Germany on a military base there. We lived in Central America and Panama after the U.S. went in there, and Fayetteville, North Carolina, Arizona, kind of all over. We moved about every two to three years.

Q. How did you end up either at the University of Oregon or up here in Washington, whichever was first?

A. So my mom's from Roseburg, and my parents met at

Oregon State. So when my dad got out of the military and retired, they ended up back in Oregon and...

Q. So did you graduate high school in Oregon, then?

A. I did.

Q. And then to the University of Oregon?

A. Yes.

Q. Okay. And at some point, did you enter the military?

A. I did.

Q. Can you tell us when in this timeline we're talking about you entered the military.

A. So in the summer of 2006, September 11th, I enlisted in the military.

Q. Was that -- that would have been after the University of Oregon?

A. Yes. I graduated in August of 2006, it was a summer school, and then a month later I enlisted in the military.

Q. Why did you enlist in the military?

A. In my freshman year of college, my dad, I'll never forgot, gave me a call and told me to turn the TV on. And I turned it on and watched the planes go in the towers.

MS. EAKES: Your Honor, I am going to object to the relevance of this and hearsay.

THE COURT: Sustained.

Q. (By Mr. Ausserer) Did you enter the military after 9-11?

A. I did.

Q. Okay. And when you enrolled in the military, what was your assignment?

MS. EAKES: Again, I'm going to object to the relevance of this.

THE COURT: What did you say?

MR. AUSSERER: His assignment in the military. Judge, It's going to go to his --

THE COURT: I'll allow this briefly.

MR. AUSSERER: -- hand-to-hand combat, Judge.

THE COURT: I'll allow this briefly, if you don't bog down into too much detail.

MR. AUSSERER: Understood, Judge.

A. So I was in infantry, 2nd ranger at the time.

Q. What's that?

A. So we're a special operations unit, and we're kind of one of the frontline infantry units for the military.

Q. As part of your training, did you receive training in hand-to-hand combat and/or grappling or dealing with combative opponents?

A. Yes, sir, I did.

Q. Describe that for us.

A. Well, it was kind of a daily -- you know, as a

ranger, you're either training with firearms or you're training with your hands. But I mean, it was something we did every day.

Q. Okay. And how long did you serve in the military before you moved on?

A. Just under eight years.

Q. Okay. And once you completed that eight years, what was your next employment?

A. So right away I got out and I started working construction. I was working for a framing company, building schools here in Washington, and then eventually got hired on by Tacoma Police.

Q. Why Tacoma Police? Is that where you applied, or is that where you wanted to work?

A. That's where I applied. But my wife and I had -- you know, we had gotten out of the military and we had settled and bought a home in Tacoma. And we loved Tacoma, so that's where we wanted to stay and raise a family.

Q. All right. Why did you decide to become a cop?

A. I mean, I think from the time that I was little I kind of -- I had a heart for kind of bullied kids, weak people who can't protect themselves, and so I just -- I just always had that in my system. And a police officer is a direct representation of that, so that's...

Q. Did your experience in the military lend itself to

becoming a police officer?

A. Absolutely.

Q. How so?

A. Well, I mean, for a police officer, you really want people who've dealt with a lot of high stress, dangerous situations because, you know, when you go out into the public and you face these things, you want people who can think through situations and be calm and make rational decisions, and, you know, there's no way to give someone that kind of experience that you learn real world when your life is on the line. It's irreplaceable to actual experience. So I think that there's nothing better for police officers to have but military experience.

Q. Okay. And so when did you -- when did you become a police officer?

A. In 2015. I think it was June 15th, 2015, when I was hired.

Q. Okay. And did you go through -- we've heard a lot of about basic law enforcement and the training and all the stuff in order to become a police officer. I assume you went through all that?

A. Yes, sir.

Q. And was that in 2015 as well?

A. It was.

Q. Okay. We heard some information from Officer Ford

about, kind of, your reputation. Were you the president of your class?

A. I was.

Q. What does that mean?

A. It just means you -- you helped control the class on a leadership level. You make sure everybody gets to the right place at the right time, has all their gear, and you just kind of -- you're a middleman between the instructors and the class.

Q. And how many, I guess I'll call them cadets, are in that class?

A. I don't remember. I think it was somewhere around 50, but I am not totally sure.

Q. Okay. All right. And we heard some information, at least, that you were involved as a defensive tactics instructor?

A. I was.

Q. When did you become involved in that?

A. I think that was around -- I'm not totally sure, but I think it was around 2017, something like that.

Q. And can you tell the jury what a defensive tactics instructor is.

A. Yeah. So defensive tactics is just kind of what we call our hand-to-hand training at Tacoma. Largely what we do is we teach, you know, cuffing, dealing with violent

subjects, and we put officers -- we create situational arenas for officers. And then we make them go in there and make decisions, and we kind of grade them, judge them on that, and help them progress.

Q. What was your role as an instructor? Did you actually train these folks, or what was your involvement?

A. I did train them, yes.

Q. And does training include kind of an academic discussion, or is it practical application?

A. Practical application.

Q. So tell us what that looks like.

A. So for instance, like with cuffing, you heard Sergeant Nielsen come, the use-of-force expert, and talk about the three kinds of cuffing. The last kind, high-risk cuffing, that's more of a situational description. High risk, he used, you know, a stolen vehicle traffic stop, and that person is now being compliant because other officers have their firearms drawn and they're directing them at that person.

But the technique of cuffing is the same in high risk as it is in noncompliant. It's the same motions. So basically, there's two kinds when it comes to technique, noncompliant and compliant cuffing. So that was a big thing. I mean, you heard Sergeant Nielsen say that at the academy you train that thousands of times because a large

part of the job, the whole part of the job, is getting people in handcuffs so that we can then deal with the rest of the situation after. But we're only there because somebody needs to go in handcuffs, usually.

Q. Okay. And how long were you a defense tactics instructor?

A. I think I said since 2017, so whenever, you know, three years.

Q. All right. And does part of that include training on how to control a subject prior to the application of the handcuffs?

A. Yes, it does.

Q. And what's the distinction between those two, because we've talked about control and we've talked about restraint. Are those the same things?

A. So I guess control and restraint could be considered the same things, but you -- you know, from the moment, obviously, best case scenario is we just, you know, hand someone our handcuffs and they put the handcuffs on. We don't want to do any of that. But obviously, people don't want to go to jail, and they don't want to deal with the police.

So it starts with very soft tactics where you're just, like, talking to them and you're like, Hey, look, you're going to jail today. Put your hands behind your

back. And people will usually comply, and you put their hands behind their back and there's kind of an easy, low, use-of-force cuffing that happens.

And that progresses and progresses as resistance progresses. And what I was taught, and what normally is taught, is that putting them on the ground is a necessary, because up on your feet, it's very dynamic. People are very dynamic. We have lots of weapons on ourselves. We don't know what that person has that we're contacting, so the safest thing is to take them off their feet, on the ground. And now I can start to manipulate the arms, and then the hands get in the handcuffs. And you kind of break things down in that manner. So that's the way in which I talk from.

Q. So in circumstances where there's resistance from the subject of being placed in handcuffs, do you have to control their body and their hands and arms first?

A. A hundred percent.

Q. What happens if you don't?

A. You can't get the handcuffs on. It's impossible.

Q. Okay. We've heard a lot about placement of knees and pressure on individuals who are in the prone position. Is that part of the control tactics training that you taught at Tacoma Police Department?

A. Absolutely.

Q. Is it necessary at times to place knees or weight on a prone individual in order to gain control and cuff them?

A. Not only is it necessary, I think it's the only thing that you can do.

Q. What do you mean by that?

A. Well, again, it's very difficult to get someone, no matter what their size, into handcuffs. And especially when you start talking about people on strong drugs where their strength increases and they're not feeling pain and they're not listening to normal commands, it's a very difficult thing to do. So I think your question is why specifically knee on the back?

Q. Yeah.

A. So again, it's -- you've got to isolate their arms. So the more the person can move, if I can move my feet, if I can move my hips, if I have a lot of mobility, it's very difficult to take you. Because as soon as I grab your arm, you're just turning and facing me, and we're just going to dance in the street. So I have to start manipulating your body, get you down on the ground, get you flat.

Now I can take your feet out of the game and I'm just dealing with your upper body. Then I put my knee across the back. And now I isolate the upper body, and I can just work on the arms. So you kind of, again, piece by piece when you're breaking it down.

Q. And kind of the process that you've talked about in the training that you've discussed implementing at TPD, do you use that on a daily basis when you're on patrol?

A. Yes.

Q. So let's talk about patrol, then. What were your duties at Tacoma Police Department following your hire in 2015?

A. I was a defensive tactics instructor. I was a firearms instructor. I was on the SWAT team, and I was a shield instructor, which was a new tool that we had received. But most of my duties were patrol.

So Officer Burbank and I worked together in what we call the 4 Sector, which is the east side of Tacoma, and we work graveyard shifts. So we started at 8:00 P.M. at night, and if everything went well, we finished at 6:00 in the morning. And, you know, on a -- basically, you show up and there's a list of calls that have been pending from swing shift, and you pick up what you can, answer the calls.

And then if you have time when -- there's always a time at graveyard about midnight when things die down with calls, and then we would kind of go to high crime areas and drive around so that if there was a crime happening, we could be right there.

Q. You talked about being a partner with Officer Burbank. Were you and Officer Burbank partners from the time

that you were hired at TPD, or was it sometime after 2015?

A. No. Most officers in Tacoma work as single-officer cars, especially new officers. So I worked as a solo officer for quite a while. And then when I got transferred, I was in the 3 Sector, which is the southwest portion of Tacoma that goes all the way to Lakewood. When I worked in the 3 sector, I was a solo officer and then came and worked with Officer Burbank in the 4.

Q. Can you estimate when that would have been year-wise for the jury?

A. He's a lot better with dates than I am, but I think it was --

Q. Let me ask it a different way. How long were you partners with Officer Burbank?

A. I think it was about three years.

Q. And you described -- I think you said the 4 Sector?

A. Yes.

Q. Were you always partners with Officer Burbank on the 4 Sector?

A. For the most part. He was a training officer as well, so whenever we would get new people, they would send him to train them, and then I would ride solo or ride with one of my other squad mates. But for the most part, we were always together.

Q. Okay. For us regular folks, what's the 4 Sector

like?

A. Well, it's -- it is the highest crime area of Tacoma.

Q. And what are the -- when we say 4 Sector, are there geographical boundaries of that?

A. Yes. So the 4 Sector -- and it's been over three years, so it goes -- basically our western boundary is Hosmer, and then it will go all the way to the county, out to Portland. And it kind of goes out a little bit east of Portland, but that's mostly county territory.

THE COURT: You're referring to Portland Avenue?

THE WITNESS: Portland Avenue, yes, sir.

A. And then the southern border is 96th, where we were on this incident. And then county kind of is below us on 96th. There's a few areas where we kind of dip down, but for the most part, that's the boundary. And then 38th on the north end.

Q. (By Mr. Ausserer) And I think you've described it as a high crime kind of sector. Tell us what you mean by high crime and what kind of crime.

A. Well, I mean, first of all, Hosmer Street was crazy when we were there. I mean, there's anything you can think of. There's a lot of shootings, prostitution, drugs is rampant. And not just in the 4 Sector, but everywhere in Tacoma, as people know who are from here. But I mean,

domestic violence is probably the number one call we go to. A lot of times, unfortunately, drugs are involved in that as well. But I mean, gosh, we had carjackings. We constantly had stolen vehicles all the time. And --

Q. And was that more -- I'm sorry.

A. Sorry.

Q. Was that more prevalent during your shift or during the dayshift?

A. I think everything -- every shift kind of had its own thing. But there's definitely a night life in Tacoma that -- there's a whole other world that happens after hours, so it was -- it was -- it was its own thing for sure.

Q. And Officer Collins, can you describe for the jury your experience dealing, as a patrol officer, with individuals who are suffering from mental health issues. Was that a regular thing? And if so, what does that look like?

A. It is a regular thing. I mean, unfortunately, you know, almost every night we get a call -- for instance, like, we have a transient male in the 7-11. He's kicking over all the stands and throwing things at the employees.

So we show up and, again, it -- you know, is this person experiencing a mental health crisis, probably, maybe, but our job, again, first, is we got to get them in handcuffs because there's other people in the store a lot of the time. We got whatever mom with her kids in the back.

We've got the employees who are scared, that called us because they were scared. So first thing is get them contained. And then we have resources after that to help people, but first thing is to get them in cuffs.

Q. We heard from both Mr. Ryan and Mr. Nielsen that a patrol officer in that situation or any of these situations has to first control the scene to make it safe; is that your training as well?

A. Absolutely. Absolutely.

Q. For the reasons you just discussed?

A. Yes, sir.

Q. How about -- I think I know the answer to this. But describe for the jury the frequency with which you would deal with individuals who were high on illegal drugs during the course of your patrol.

A. Constantly. All night.

Q. Does the fact that a subject is suffering from mental health and/or high on illegal drugs affect how you deal with the individual when you come into contact with them?

A. I mean, it does once we can make it safe, absolutely. Once -- once we can -- because another aspect to both mental health and drugs is -- and a big thing about this is people don't think clearly. So you're not making good decisions. You're not thinking about your future. You're

not thinking about going to jail. So the first thing we've got to do is stop you from hurting yourself, hurting someone in the community, or us, right, so we've got to get you in handcuffs. So that's number one always.

Q. And it sounds like, correct me if I am wrong, this is a daily occurrence on patrol, dealing with those sorts of individuals?

A. Absolutely.

Q. On a day-to-day basis?

A. Yes, sir.

Q. Have you been recognized for your dealing with those sorts of folks during the course of your employment at TPD?

MS. EAKES: Your Honor, I'm going to object as to relevance.

THE COURT: Sustained.

Q. (By Mr. Ausserer) Well, did you receive the Medal of Merit?

A. I did.

MS. EAKES: Your Honor, same objection to relevance.

THE COURT: Objection sustained.

MS. EAKES: Move to strike.

THE COURT: The jury will disregard the question of counsel.

Q. (By Mr. Ausserer) Ever been disciplined for use-of-force violations?

A. Never once.

MS. EAKES: Again, I'm going to object to relevance.

THE COURT: Sustained.

Q. (By Mr. Ausserer) Officer Collins, has the death of Manuel Ellis affected you?

A. Absolutely.

Q. How so?

MS. EAKES: Your Honor, I'm going to object on relevance.

THE COURT: Overruled. You may answer.

Q. (By Mr. Ausserer) How has the death of the subject you came into contact with affected you, Officer Collins?

A. I mean, for police officers, it's the worst thing that can happen. I mean, you know, in this case, undoubtedly, Manny was in the wrong. But at the end of the day, his mother lost a child and his sister lost a brother. And human life is a precious thing, so obviously it's -- you know, it's a weight we bear as police officers when we go out and we step into this stuff every single night. But it's the worst possible outcome.

Q. Well, let's talk about what happened leading up to your contact with Mr. Ellis. Do you remember being on patrol

with Officer Burbank around 11:00 on March 3rd of 2020?

A. I do.

Q. Tell the jury where you were on patrol that evening.

A. Again, we were kind of floating around 96th Street, and I think we were headed to Hosmer in the first place and did a traffic stop at 96th and A, I believe.

Q. Okay. All right. And do you recall that traffic stop at 96th and Ainsworth?

A. Vaguely. I remember it was two black females who had --

THE COURT: You said 96th and Ainsworth.

MR. AUSSERER: I'm sorry. A Street. Sorry, Judge.

A. Two black females with warrants, I believe, but they had their car -- they had, like, a headlight out as -- the windshield was all shattered, so yeah.

Q. (By Mr. Ausserer) I'm going to show you with the Court's permission what's been marked as State's Exhibit 13.

MR. AUSSERER: Is that okay, Judge?

THE COURT: Proceed.

MR. AUSSERER: Thank you.

Q. (By Mr. Ausserer) Do you recognize State's 13?

A. I do.

Q. What's State's 13?

A. It's a CAD printout from that traffic stop.

Q. Okay. I'm going to ask you some specific information about that traffic stop. And if you need to refer to that to refresh your memory for anything, just let me know; okay?

A. Okay.

Q. You had indicated that you thought that there were two African-American females in that car?

A. Yes.

Q. Is that independent recollection or how do you know that?

A. That is independent recollection. I'm not sure if it's in here or not.

Q. Okay. Do you know what time you contacted that vehicle?

A. So it looks like we called it out at 23:15, 59 seconds.

Q. Let's be clear about what that means. When you say we called out, what is a callout in this context?

A. So it can change a little bit, specifically how it works, but a lot of times it's just, you know, if one -- so we rode a partner car, so if one of us saw a traffic stop, then you'd pick up the mic and you're calling, Hey, we're going to be on traffic at 96 and A, here's the plate. Then they'll send it to your computer screen. That's -- you're

actually dispatched at that time, but you can call it before they send you.

Q. Why don't you tell the jury, because I assume most of us don't know, but do you have what's called an MDT in your car?

A. I do.

Q. What's an MDT?

A. The computer.

Q. The mobile data?

A. Yeah.

Q. So when you say you call it out, do you do that with a radio on the computer or --

A. You can change it. You can actually do it from the computer. You can just, like, click traffic stop and put in the information. But I'm pretty sure we usually always called it out on the radio.

Q. Any independent recollection on how you or Officer Burbank called it out on the contact before you came into contact with Mr. Ellis?

A. I think I just called it on the car mic and just picked it up and called.

Q. Let's talk about that. Is there a microphone in the car?

A. There is.

Q. What does that look like and where is it located?

A. So I think you might have seen it in the pictures, it's just right there on the center console. It's just a hand mic that has a little clicker on it.

Q. So on one of the exhibits that we saw, I saw -- maybe it was a yellow-colored, kind of like -- looked like a walkie-talkie or something like that. Is that what you're talking about?

A. Yes, sir, I am.

Q. Is that mounted in the vehicle?

A. It's got, like, a magnet mount on it, just sticks on the center console.

Q. For instance, if you were to call in this A Street contact, you would pick that up and say what?

A. Just say Henry 317 traffic, 96 and Ainsworth, here's the vehicle -- or 96 and A, excuse me. A, Adam.

Q. So you contact this vehicle on 96 and A. Describe that contact for us, if you recall.

A. It was pretty fast. I remember we approached the vehicle and the driver was immediately in tears and said she had warrants and she couldn't take care of it. But she told us the story about what she was doing to take care of it. And she wasn't driving her vehicle, it was someone else's. So we just told them, have a good night, take care of your warrants.

Q. And was that vehicle registered to a Mr. Bogans?

A. I believe it was, from my memory.

Q. Would that refresh your memory by looking at the CAD report?

A. Yeah, I see it right here.

Q. And so in the CAD report, do either you or Officer Burbank indicate who the registered vehicle -- who it's registered to so that dispatch knows that information?

A. When you run the plate, when you run someone's license plate, a DMV registration pops up on your screen. So it shows registered owner, it shows warrants involved in the vehicle and then...

Q. Okay. And we heard from Officer Ford that Officer Ford and Officer Rankine drove by during the course of this stop. Do you remember that happening?

A. Yes.

Q. Did they actually stop and participate, or did they just drive by?

A. I feel like they just -- if I remember right, they just drove up and we kind of gave them the thumbs up like we're good.

Q. Everything's okay? All right. How long would you estimate you were at that traffic contact with the lady in Mr. Bogans' car?

A. Not long.

Q. Okay.

A. It was pretty quick.

Q. Well, we heard from Grant Fredericks, I think maybe the first day of this trial, about an entry in the CAD report about when that was cleared. Do you remember Mr. Fredericks talking about that?

MS. EAKES: Your Honor, I'm going to object to leading.

THE COURT: It's foundational. I'll allow it.

MR. AUSSERER: May I proceed, Judge?

THE COURT: Go ahead.

MR. AUSSERER: Thank you.

Q. (By Mr. Ausserer) Look in the CAD report. When was that stop cleared?

A. 23:19 and 48 seconds.

Q. All right. And there was some discussion from Mr. Fredericks about a minute and 12 seconds from the time that was cleared to the time the Vivint camera activated. Do you remember him testifying about that?

A. I do.

Q. Why don't you tell the jury what the clearing process is when you contact somebody before it's entered into the CAD.

A. Yeah. So when we -- in the 4 Sector, at least I can speak for, when we did traffic stops, the common practice how we did it was you got to think you're getting out,

possibly, in a high crime area, and you're doing a traffic stop. So now people are seeing where you're at, people are walking by your car. And whenever we're done, if we can, we leave immediately and we clear away from the scene. Nobody gets back in their car and starts typing, because you could be a target at that point.

Q. Well, how does the clearing entry get into the CAD?

A. So again, you can -- like if we had to get out of the car really quick, we could just call it and say, Hey, we're clear from the traffic, now we're on this. Or you can clear it just by clicking a button on your computer in the car.

Q. All right. And so what was your practice, you and Officer Burbank's practice, when clearing a call in this high crime area?

A. So immediately, we get out of the area. We'd start driving, and then whoever was the passenger would enter notes, enter, you know, wants and warrants or whatever, and then put a disposition of how we cleared it.

Q. Was that Officer Burbank in this case?

A. It was. He was the passenger.

Q. Where did you guys drive to for Officer Burbank to enter that information into the computer?

A. Well, I was just heading to Hosmer Street from the stop. That was our destination from the beginning. So he

was still clearing as we encountered Mr. Ellis.

Q. And when you say still clearing, is he on the MDT at that time?

A. Yeah. He's typing down -- typing on the computer.

Q. So when it says cleared at one time, again?

A. It says closing time 12:19 and 48 seconds.

Q. So is Officer Burbank doing that as you're sitting at the red light at 96th and Ainsworth?

A. Yes.

Q. So the minute and 12 seconds that Mr. Fredericks talked about is occurring while you are at that stoplight?

A. Correct.

MS. EAKES: Your Honor, I'm going to object. This is leading and argumentative.

THE COURT: I will sustain that.

Q. (By Mr. Ausserer) Just so I'm clear, was it cleared at the time that it has there at the stoplight?

A. It was.

Q. Okay. All right. Before we get to what happens once you're sitting at that stoplight, are you trained on dealing with individuals who exhibit symptomology of what is labeled as excited delirium?

A. I had a class during the academy on it.

Q. What are the symptoms associated with an individual who may have, I guess they call it agitated delirium now, but

that symptomology?

A. Right. Yeah, so I guess the accepted term now is agitated or aggravated delirium instead of excited. So essentially, it's always drugs. It involves delusions, extreme strength, a lot of high body temperature, rapid heart rate, and then sudden death.

Q. Is your training that that's -- can turn into a medical crisis?

A. Oh, yeah.

Q. And are there things that you're supposed to do once you restrain or control somebody who is exhibiting those things?

A. Yes.

Q. What?

A. Best practice is to -- well, obviously, best would be not to restrain them. If we could have them just sit there and be calm, that would be ideal. But to just limit the amount of pressure you're putting on them as much as reasonable and to get them medical aid.

Q. As soon as possible?

A. As soon as possible, yeah.

Q. And why is that?

A. Well, you know, I think that there's a lot with -- I mean, like, you can tell from the last descriptor of it, sudden death. There's a lot of question marks with it. And

the best practice that I've seen -- I've heard of, I guess, that works is when the fire department can administer ketamine to calm that person's heart rate down, because their heart is just spiking out of control.

Q. Okay. We'll talk about that in a minute as well. Do you actually have experience, practical experience, dealing with people who are exhibiting the same symptomology that you just described?

A. Once.

Q. Tell us about that.

A. So I reference that in my interview with Pierce County deputies, but that happened -- so there was a night that Officer Burbank and I got asked to work in the 1 Sector, which is downtown, which is where we are right now. There was people sick or something and they needed a two-officer car to come up. So we came up here and we got a call from the St. James Apartments, which is right next to the jail, right up here on Yakima. And it was a single elderly lady who lived in this apartment, and she called just terrified, because in those apartments -- they're old-school apartments and they have on the floor -- there like a brass, like, box that you can open. And it's the mailman, you can put the mail in there and close it, and the person inside their apartment can open it up and grab the mail.

Well, this guy was -- she heard someone trying to

get into her house or into her apartment. She calls us. And she looks out the peephole and she can see his feet dangling out of that little box, and he's trying to break through her side. So she locks herself in the bathroom and calls the police and gets us there.

Q. Did you have contact with this individual?

A. We did.

Q. And did this individual exhibit the symptomology that you've described associated with excited delirium?

A. He did.

Q. Tell us what happened.

A. As soon as we got there, she said that the apartment across the hallway from hers was vacant and that he couldn't get in and heard her on the phone, and she told him, I'm calling the police. He kicks the door in and goes in that vacant apartment.

Q. Did you contact him?

A. We did.

Q. Tell us what happened.

A. So we opened the door and it was an empty, dark apartment, and he was sitting in the back against the window. And I'll never forget, because he was sucking on one of those suckers that has, like, a scorpion in the sucker. And he was just sitting there, and I could see -- from the light from the window behind him, I could see it. And he was just

looking at us, sucking on this sucker.

Q. And did you attempt to arrest this individual?

A. We did. We said, Hey, man, you're trespassing. Come on out here. You're under arrest.

Q. And so tell us about your experience trying to arrest an individual exhibiting the symptomology associated with excited delirium.

A. So just to get to the point of this, eventually, it progressed. It was like a six-minute fight. I think other officers -- luckily, the lady who called had heard us fighting and she called 911 again and said, Hey, I think these cops are in trouble. You need to get people here. Because we couldn't get to our radios again. But it was -- it was one of the scariest experiences I've ever had, but the strength of this guy -- and he was probably very small. He was probably 150 pounds, kind of skinny. But he was whispering to us the whole time that he was going to kill us, and he was throwing me around with -- had all my body weight on one arm and just slamming me into the wall and throwing me around. And at one point, I kneed him in his groin as hard as I possibly could and he started laughing.

Q. Okay. And so were you able to restrain or control this individual?

A. Eventually, we were.

Q. Okay. And that experience, has that informed you

on how you would move or deal with those types of individuals moving forward?

A. Yes. So, you know, one of the things that -- again, why you want experience coming to a situation that you're involved in is you kind of -- you know, as an officer, you create this Rolodex of all these experiences that you're collecting along the way. And I remember that one, I went back through and I was thinking about it, because I mean, we were -- again, it was confusing because this guy is unarmed, but he's going for our guns the entire time. He's trying to reach for our sidearms, and I'm starting to -- nothing's working.

And I remember when I kneed him and that happened, I started thinking, I'm going to have to shoot this guy. And obviously, again, that is the last thing in the world you want to do. And so as I thought about it, I realized that an LVNR is the best thing for these people because they're not -- you don't feel pain when you're under this kind of -- it's not rational. You're not -- you know, you get hit, it's not a rational reaction like you would have. You don't feel pain. You don't feel yourself getting tired, so you can keep going and going and going. And you're extremely strong.

So this guy, I delivered multiple strikes. It's like, how many -- do I just keep striking him, keep striking

him, keep striking him forever? Like, I'm just going to hurt him, injure him. The best way is to cut off that blood flow temporarily and make him unconscious and get him in handcuffs. Again, restrain him.

Q. When you say "this guy," we're still talking about the individual at the --

A. At the St. James Apartments, yes.

Q. Okay. So that -- it sounds like -- did that experience inform you on how to deal with similarly situated individuals moving forward?

A. Directly, yes.

Q. Okay. And you discussed an LVNR; is that the Lateral Vascular Neck Restraint?

A. Yes, sir.

Q. We heard a lot about that. What is that?

A. So again, the LVNR, it's a move that's done where -- so you have to be facing the same direction as someone, and then you use your forearm to cut off one carotid and your biceps to cut off the other carotid. And you temporarily stop the blood. You heard testimony that -- I think it was Dr. Mitchell who said it cuts off the jugulars and attacks oxygen. So the jugulars are veins. They're moving deoxygenated blood away from your brain. The carotids are pumping oxygenated blood up. So you stop the carotids and there's no oxygen. Because to attack oxygen is foolish

because you -- you know, I knew guys who could hold their breath for over six minutes that I worked with in the military. You don't attack oxygen, but -- and also, you create damage, damage their throat, the muscles in their neck. So again, it pinpoints on those carotids, stops that blood, causes unconsciousness, and then the blood immediately returns once you've stopped.

Q. So we heard Officer Nielsen indicate that it took seven to nine seconds with an appropriate application. Is that your training as well?

A. Yes, that sounds right.

Q. And he said it would result in a 15- to 20-second period of unconsciousness. Is that your training as well?

A. That sounds correct.

Q. So Jack Ryan suggested to this jury that you had to get some sort of certification to use this. Have you ever heard of such a thing?

A. I know that there is some departments that do this. But again, that's -- so that's the kind of things that happens within government that is actually detrimental, because what they do is -- LVNR is a company. And so they trademarked this, and then they come in and they work with departments and say, These guys need to get certified. And so then if you want to get certified, basically you go to, like, a two-hour course, the guy says this is what it is,

here's how you do it. You practice it. Now you're certified. For me, I've been grappling for almost 20 years at this point, so this was just...

Q. Let's talk about that. Is this something that you learned as part of your grappling experience?

A. Oh, yeah.

Q. Tell us about your grappling experience. I know you talked about hand-to-hand combat in the military. When you're saying grappling, is that something that's different than that or built off of that? Tell us what you mean by your 20-years' experience.

A. So after high school, I got into Brazilian jiu-jitsu and submission wrestling. The reason people kind of call it grappling is it's usually -- it's not wrestling for a pin, it's grappling to either a joint lock or a submission.

Q. And you said you've been doing that for 20 years?

A. Uh-huh.

Q. Competitively?

A. Yes.

Q. When I say competitively, what does that mean to you?

A. Well, I started doing tournaments when I was young, and then again in the military we did tournaments kind of within the military and within the three ranger battalions.

So I ended up coaching our competitive team.

Q. And we heard Mr. Nielsen say that you seemed proficient in ground control grappling. Is that based on your grappling training or something else?

A. Yeah, I did it -- I mean, that was my pastime, so...

Q. So with respect to the LVNR, when did you first learn first the appropriate application of that?

A. So that's one of the very first things that the school I went to taught. It's kind of like the base move that was done.

Q. And how many times do you think you've applied that or participated in practicing application of that?

A. Hundreds if not thousands.

Q. We're going to talk about that in a minute, because I think you described the appropriate position of your body relative to the person you're applying it to. What's the significance of the positioning of your body relative to that subject?

A. So yeah, if you're not, you know, behind someone, if you start to get to the side, now you have -- you can block one carotid, but not the second. Without two, if you have one supplying blood, there's no choke there.

Q. No benefit from that?

A. No benefit from that.

Q. We'll talk about that in a second; okay?

So you're at 96th and Ainsworth and Officer Burbank is entering the information in the MDT. What, if anything, is your attention drawn to?

A. So in the northbound lane on Ainsworth, there was a sedan that was trying to turn left and I saw who I now know as Mr. Ellis at the passenger door, trying to work the passenger door open.

Q. So are you stopped in the lane of travel at the red light going, I guess, through the intersection?

A. Yes, sir.

Q. So would the other lane of travel have had a green light at that point in time?

A. So the turning traffic off of Ainsworth would have a green light, yes.

Q. Okay. So you're sitting there and you see Mr. Ellis in the intersection. What's going through your mind at that point?

A. So as I stated in my statement, I'm trying to figure this out. So one thing to understand is on the east side of Tacoma, this was not that crazy of a thing. I mean, there's stuff happening all the time in the street, everywhere, really. But I didn't know, you know, was this a domestic violence thing where somebody got kicked out of a car? Is this guy trying to get a ride? Is this -- who

knows, carjacking? Could be anything.

Q. So as you're seeing this transpire, are you contemplating contacting Mr. Ellis? What's an appropriate response from you at that point in time?

A. Yeah. So I'm immediately trying to develop what we have here. I remember I picked up the mic and I'm watching this, and then as I'm trying to figure it out, the car just takes off, westbound.

Q. Can you describe that car for us.

A. I believe from my description it was like a gray or silver sedan, kind of like a Chrysler 300, Charger-type body.

Q. And what, if anything, did Mr. Ellis do once that car turned left headed west?

A. He just kind of stayed standing there in the middle of the intersection.

Q. And what's your thought process at that point in time?

A. Well, now I got a guy standing in the middle of an intersection, who was involved in something, but now he's just standing there and he's right in the middle of a green light where cars are moving north to west.

Q. So what, if any, action do you take at that point in time?

A. I rolled down my window and I said, Hey, man, what are you doing?

Q. How far away are you from Mr. Ellis when you do that?

A. I don't know, maybe 50 feet or something like that.

Q. And tell the jury what, if any, observations did you make about his person, meaning if you recall what he was wearing, if he has any objects in his hands, those sorts of things.

A. I don't recall what he was wearing, but I do know he had a bag, had like a grocery bag in his hand.

Q. Forgive me. I didn't catch what you said. What did you say to him?

A. I said something to the effect of like, Hey, man, what are you doing? Come here.

Q. Okay.

A. Yeah.

Q. And what was Mr. Ellis's response?

A. He just immediately started jogging over to the car.

Q. Are you still at the stop bar at the intersection?

A. Yes.

Q. Had the light turned green at this point?

A. I don't know. I was just staying focused on him, so yeah.

Q. All right. Are you still in the driver seat of the patrol car?

A. Yes.

Q. So describe Mr. Ellis, his interaction with you as he comes up to the vehicle.

A. Yeah, so then he -- he comes strangely close to the vehicle. Like, not an average distance. He kind of is right up on it. And so I backed up. I was like, Whoa, what's going on?

Q. Can you describe for the jury Mr. Ellis's appearance when he was that close to you.

A. Yeah. So he -- I immediately knew something was wrong. His eyes were super wide and he was sweating profusely, and it was -- it was a cold night.

Q. March 3rd, 2020, do you remember approximately what the temperature was?

A. I don't, but I was wearing my beanie at the time and I never wore that unless it was really cold, so...

Q. So Mr. Ellis gets up close to you, and what happens once he's in that location of the driver's side of the patrol vehicle?

A. Yeah, so then he gets up to the patrol vehicle, the window, and he says something like, I got to talk. I'm having a bad night. I got warrants.

Q. Okay.

A. And I said, All right, man. Calm down, go sit on the sidewalk and we'll call this out.

Q. Okay. And at that point in time, what's your process? What are you thinking you're dealing with, and what is your next step?

A. So I was going to call it out that we had a subject that said he had warrants, and we were going to check on wants and warrants, because that doesn't always mean that. We've regularly gotten people who said that, we run them, they have no warrants, and they were like, Look, man, I'm just cold. I just need some food. They just say something like that to us. So we still have to investigate, see what's going on. So I was going to pull into that driveway that you see that's kind of just north of where we're at.

Q. Why did you ask him to go sit on the curb or go to the curb?

A. He's in the middle of the road at this point, and you know, I'm super uncomfortable because he's right up on my window and it just didn't seem right.

Q. You said that you had planned to pull into that driveway that we see at the intersection in the photographs?

A. Uh-huh.

Q. Why would you do that as opposed to just stay where you are or pull off into the bike lane?

A. Because we can't obstruct traffic. You know, we've got to get out of the way of normal people getting to work and doing their things, and there's no reason to be out there

in the middle of the street putting ourselves in danger if we don't have to.

Q. Would you ever make a contact in the middle of the lane of travel at the stop bar?

A. Not if we didn't have to.

Q. So you said you were about to call it in. Why didn't you call it in?

A. Yeah, so part of calling stuff in is -- it's not only you need to be accurate for dispatch, but like for us on the east side it's really important because we have all of the cops kind of floating around. When they hear us call something out, it tells them, do I need to go there or are they fine and I just do my own thing. So I'm trying to get an accurate description of what's going on.

So at first I see Manny at the car. I have kind of already explained the process I'm going through. I'm like, what is this? Is this DV? Does he know these people? Is this a random person? Then this person takes off, so now I have no victim. Now I have a guy standing in the street, so I call him over.

And if he just ran away at that point, we would have just kept driving. We didn't really have anything. But he comes to us. Now he looks to be under the influence of narcotics, sweating profusely, eyes are really wide. He's saying he has warrants. So now I'm like, okay. Well,

I'm going to call out. We got a guy. We're going to check wants and warrants. So now I've kind of moved onto another thought process. But then when he started walking around the car, I immediately knew we were in trouble.

Q. Let me slow you down. So you didn't call that in immediately?

A. No.

Q. Why not?

A. Again, I mean, I'm trying to put out an accurate description of what's going on and this situation has just changed multiple times within a very short distance. So I'm trying to be accurate.

Q. And so you said something seemed off when he got around to the front of the vehicle. Tell the jury what happened.

A. So as soon as he started walking, because I -- remember I told him to go to the sidewalk and get off the road. And if you remember from the pictures, it's quite a distance. I mean, there's a space between us and the bike lane, then there's the bike lane, then there's the sidewalk. And as soon as he starts walking around, he just fixates on Officer Burbank.

And the way he is looking, you know, part of being a police officer, we read people's body language and their eyes for a living. That's what we do. Because one minute I

can be talking to a person who just is having a bad day and you stopped on traffic or someone who's trying to kill us. The range is huge, so you get really quick on picking up on cues. His body language, the way he was looking at Officer Burbank, concerned me greatly when he started --

Q. At this point in time, do you know if he's got a firearm?

A. I don't.

Q. Do you know if he's armed?

A. I don't.

Q. You said that how he was fixated on your partner caused you great concern. Why?

A. Because there's a way that -- like I said, you know, you get used to body language. You get used to studying people. And there's a way that people look at you when you're about to be in a fight.

Q. Okay. And are you and Officer Burbank in a position to defend yourselves if Mr. Ellis has a firearm at that time?

A. No.

Q. What are your options?

A. Well, I don't want to know. If he had a firearm, it's nothing but bad from there.

Q. So you see him fixate on Officer Collins. When did he first become fixated on Officer -- I'm sorry, Officer

Burbank. When we did he first -- so you say, Go to the curb. I assume he walks around to the front part of the vehicle?

A. Yeah.

Q. How far does he get before you notice that he's locked onto Officer Burbank?

A. Right to the hood. Right when he gets to the hood, he starts looking at him through the glass. And then he's, like, strangely close to the car as he comes around the side.

Q. So what do you do at this point?

A. So at this point now, now it's changed again. Now I don't know what's going to happen. And I'm watching him, and there's a brief interchange where they kind of say something, and then all of a sudden he starts punching the window.

Q. So is there a reason you didn't pick up the mic and call it in at that point?

A. I mean, in hindsight, knowing that he didn't have a gun and knowing the circumstances that I do now, I wish I did. I wish I had said, 96th and Ainsworth, fighting 1, because then there would have been cops there like that and maybe it would have been a different outcome.

Q. Okay.

A. But you know, from my training and experience, you know, when you get -- so first of all, when somebody attacks you like that -- you heard Sergeant Nielsen talk about

controlled superiority. When someone initiates and you're sitting in a car or something like that, now they are in control. They've started this contact. They're dictating this contact.

And so my first instinct is to take back control of that. With my grappling experience that means -- we do this all the time, I get people on the ground, get them in handcuffs, now we can talk. So my first thought is get him down, get him in handcuffs, and figure out what's going on.

Q. Okay. And so what do you do when you see or hear -- I guess you said you saw him punching the window or heard some exchange?

A. Yeah.

Q. What do you do at that point?

A. I immediately get out and sprint around the car to contact him.

Q. Tell the jury what happens as you get to the front of the vehicle.

A. As soon as I get to the front of the vehicle, he takes his focus off of Burbank and comes right at me and grabs me by my vest and picks me up and throws me backwards into the intersection.

Q. Ever experience anything like that before?

A. Never.

Q. We heard testimony about Officer Burbank using his

door to strike Mr. Ellis. Did you even see that?

A. No.

Q. Do you know when that occurred?

A. No.

Q. Where was your focus at that point in time?

A. On Mr. Ellis.

Q. So he grabs you and lifts you up into the intersection. What's going through your head?

A. Yeah, it was immediately when I felt that strength, so I think I -- I was probably already taking the cues of when he came to the door and I saw his eyes and I say the sweating. But when he picked me up and threw me, my mind replayed right back to the St. James Apartments, and I knew we were dealing with someone in a similar state.

Q. Okay. And so you land on -- I assume you land on your back?

A. Yeah. I think I landed, like, on my back, my neck, and I rolled backwards and got right back up.

Q. We saw some photographs during the State's case of some injuries to the back of your elbows. Did you sustain those injuries during that interaction?

A. I'm not sure. I mean, I assume so.

Q. When you're grappling with Mr. Ellis, was there any point in time in which you would have been on your back and sustained those sorts of injuries from the pavement?

A. No.

Q. All right. So he throws you to the intersection. Where are you relative to the police patrol vehicle at that point?

A. So when he throws me, I'm like basically right in front of the hood of the car.

Q. And what do you hear or see next?

A. So the next moments are really -- I mean, what I remember it as kind of like if you see, like, a GoPro camera, like, going down a -- downhill and it's just shaking. So I hit my back, I roll, I run up. He's kind of coming back at me, and I immediately am trying to close the distance and take him to the ground. So there was a lot of interchanges of me trying to drag him down to the ground and get a takedown on him, and he's just kind of swinging wildly and stuff is just flying.

Q. And you described it in your interview that the jury heard as a melee?

A. Yeah.

Q. Are you getting punched, kicked? What's happening?

A. I mean, I was -- so when you -- one of the benefits to grappling is when you close that distance and I get my head in tight, it's harder to hit people. But there was a couple of times where he snuck through and did hit me, and I could feel him just flailing.

Q. And as you engaged in the manner you just indicated, are you able to see where Officer Burbank is while this is happening?

A. No.

Q. Are you focused at all on where Officer Burbank is?

A. No.

Q. Why?

A. You know, if he comes into the picture and I see him, then great. But I don't know -- honestly, I don't know what's happened there, and so that's not my -- I have to treat this like I am the only person here.

Q. Well, you heard Officer Burbank's description when they played his interview for the jury of multiple up-and-down situations with Mr. Ellis. Is that what you recall?

A. Yes, I do.

Q. How long does that interchange -- well, strike that.

At some point during the exchange, in your interview you indicate that you're able to gain, I'll call it superiority position, on his torso?

A. Yeah.

Q. How long did this altercation go on before you were able to gain that position on Mr. Ellis?

A. I think we were at a couple of minutes by then.

Q. Okay. And tell us about -- we'll watch the video in a second, but I want you to tell us what happens as you're able to gain the superiority position on his torso.

A. Yeah, so that would be like what you call a mount position, so I'm on top of him. He immediately is kind of coming up, trying to take me over backwards, so I'm elbowing him, trying to push him back down to the ground. Because, again, I want to pin him, turn him, and start manipulating his arms to put him in handcuffs. So I am elbowing him, trying to drive him back down to the ground.

Q. What's the desired effect on an individual in Mr. Ellis's position when you are delivering those elbows? What are you trying to do?

A. Yeah, so, I mean, ideally for me is someone completely turns their back and faces the ground. That's kind of the natural reaction. I mean, if you get elbowed in the face, that's going to be number one. Or like Sergeant Nielsen said, you kind of turtle. You turn on your side and you protect yourself. I mean, as soon as you do that, you've put yourself in the perfect place for me to put two hands on one of your arms and start the cuffing you process.

Q. So is that use of force intended to de-escalate the situation?

A. It is.

Q. How so?

A. I mean, again, you've got to meet that force, stop it. We have got to move to cuffing somehow. So if somebody is swinging wildly at me and trying to push me backwards, for me, just trying to catch one of his harms and put him in handcuffs, that's not a viable option. So I've got to regain the initiative of this. I've got to get him on the defense. And like I said, ideally, he flips around, faces the ground, and then maybe we can start ending this right now.

Q. Okay. We're going to get through the rest of the altercation with Mr. Ellis, but you've seen Ms. McDowell's videos?

A. Yes.

Q. In the first video, we see it appears to show you on Mr. Ellis's torso. Is that the period of time that you just described?

A. Yes.

Q. All right. And so did she -- was she able to capture the essence of the interaction between you and Mr. Ellis or just catch the tail end of it?

MS. EAKES: Your Honor, I'm going to object to this is argumentative and lack of foundation.

THE COURT: Overruled. You may answer.

A. Yeah. I mean, that's -- that's right in the middle of it, maybe towards the end, but...

Q. (By Mr. Ausserer) Okay. So you described that --

both in your statement and I think just now, that as you're delivering those elbow strikes from that superiority position, Mr. Ellis doesn't do the things that you're hoping he does?

A. Right.

Q. What does he do?

A. So instead, he just keeps swinging wildly, and he lunges up at me towards my face, and basically, he is about to push me over.

Q. What do you do in response to that?

A. So then the only thing I can do is kind of let him have his way. So I get up, and then now he kind of passes me and now he's facing towards Ainsworth, essentially. And that's when you see Mr. Cowden's video pick up, and I'm now behind him.

Q. All right. So how much time are we talking about passing between when you're delivering the elbow strikes to where you end up in the perspective that Mr. Cowden was able to document?

A. I mean, in my mind, it was instantaneous. Like, it seemed right away.

Q. Okay. All right. So explain what is going through your mind as you end up in the position that you just described. What's the next option for you?

A. So right away, as soon as I'm starting to elbow him

and he kind of comes up through me, right away I'm thinking, I got to LVNR him. We got to put this guy out so we can get him in handcuffs. And so that's immediately what I'm trying to start doing. So he's kind of passing me, I'm going to put him in the LVNR, and it's at that point, like I say in my statement, now I see Officer Burbank back in the picture and he has his Taser out. I could see the red lights right on him.

Q. Okay. You just indicated that you said that in your statement. When did you make your statement relative to this incident?

A. When?

Q. Yeah.

A. Was it on the 6th or -- I think it was a few days after.

Q. Is that standard?

A. Yes.

Q. Okay. And at the time you made that statement, did you know there was any video that documented exactly what you did?

A. No.

Q. Did you have an expectation that there might be video documenting the entirety of your interaction given that this occurred in a residential neighborhood?

A. Oh, yeah. A well-lit street like that, and

everyone's got cameras in Tacoma. I'm assuming that there was.

Q. Okay. But you didn't know at that point in time that there was video?

A. No.

Q. So you had indicated that you, in your mind, went to the Rolodex of applications of the LVNR.

A. Uh-huh.

Q. Describe your attempts to apply that and why it was unsuccessful.

A. So, you know, so I started to apply the LVNR, and then we started to come to the ground. But when I see Officer Burbank and Manny and I go to the ground, he's now in a position where -- and I can walk you through the video and show you. But you know, if you picture a person -- so Manny is kind of laying on his side facing you guys and I'm kind of laying on top of him like this, so our shoulders are perpendicular to each other and we need them parallel for me to do that. So now I'm kind of on his side. But once I saw Burbank with that Taser, I knew that was the more effective option and so I was going to just hold him until that Taser took effect.

Q. If I understand, you're behind Mr. Ellis. Where is Officer Burbank relative to you when you see the Taser?

A. So he's in front of us, so he's -- so you got the

car, you've got me and Manny on the ground, and then Burbank is standing up, facing us, with his Taser out.

Q. We're probably going to take our morning break here in a second, but before we do, was your position relative to Mr. Ellis before you saw Officer Burbank with the Taser conducive to application of the LVNR?

A. I could have made it work, yes.

Q. Okay. Why did you stop?

A. Because I saw Officer Burbank with the Taser.

Q. I think we're going to take our morning recess, but would it be beneficial to demonstrate for the jury how to appropriately apply the LVNR and why you didn't do it afterwards?

A. Sure.

MR. AUSSERER: Judge, I don't know if this is a good time to break.

THE COURT: Okay. We'll take our morning recess, ladies and gentlemen, for 15 minutes. Please do not discuss the case among yourselves or with anyone else, and do not permit anyone to discuss the case with you or in your presence.

(The jury left the courtroom.)

THE COURT: Okay. Anything anybody wants to take up at this point? If not, we'll be at break.

MR. AUSSERER: Thank you, Judge.

MS. BREMNER: Thank you, Your Honor.

(Recess.)

THE COURT: Welcome back, everybody. Please be seated. Are we ready for the jury? Great. Let's have the jury.

(The jury entered the courtroom.)

THE COURT: All right. Welcome back, everybody. Please be seated. You may resume when we're ready, Mr. Ausserer.

MR. AUSSERER: Thank you, Judge.

Q. (By Mr. Ausserer) Before we get to kind of a demonstration on the application of LVNR and the application of this circumstance, do you remember last week when Ms. Nicolavo was asking Sergeant Nielsen about probable cause to arrest, based on the video, the level of offenses? Do you remember her asking those questions?

A. I do.

Q. Did you have probable cause to arrest for more than a misdemeanor at the time you contacted Mr. Ellis?

A. Oh, yes.

Q. Tell the jury what offenses you had probable cause to arrest Mr. Ellis for.

A. So from the moment he started striking the window to try and break it, that's a felony assault on a police officer. And then when I ran around to apprehend him and he

threw me, that's a second count of felony assault on a police officer.

Q. And what's your level of concern once Mr. Ellis is able to throw you into the intersection?

A. I mean, I was very concerned.

Q. For what?

A. Well, first of all, if someone's able to -- you know, we struggle with strong people all the time, big guys. I've wrestled with big, strong guys. There's a difference when someone lifts you up like a child and throws you. And, you know, the main -- the real concern in these situations comes in and it's sometimes hard for nonpolice officers to grasp. You know, I mentioned in my statement how people usually, you know, quote/unquote, fight the police because they don't want to get arrested, so you catch someone doing something wrong, they don't want to get arrested and they do just enough resistance to create space and then they run. That's normally what we see.

But when somebody's aggressing on you over and over again, we have to assume the worst, that they're trying to kill us. And the bottom line is -- you know, especially for us, you know, even if -- there's plenty of instances. There was an officer in King County killed by a naked man in an intersection --

MS. EAKES: Your Honor, I'll object to the

relevance and move to strike.

THE COURT: Overruled. You may continue.

A. So, you know, just for one, not to mention the knives and the other weapons in our kit, I mean, our firearms, you heard Ms. Bremner allude to the Glock pistols. There's no external safety on a Glock. So there's nothing -- there's no switch you have to find, there's nothing that you have to know. If you grab my Glock, you can shoot it. It is a 5-pound of trigger pull away from that trigger going off. So as soon as you're -- we have a saying. It's my gun until someone starts reaching it and we're both grabbing, now it's our gun. So then it's just who has it; right? So once someone starts aggressing on us like this, these are the things that have to go through our heads when we have to immediately restrain that person, like, yesterday, because it's very dangerous.

Q. (By Mr. Ausserer) All right. Now, you've discussed in the application of the LVNR positioning. Would it help to explain to the jury what you were trying to do and how it's applied by demonstrating?

A. Sure.

MR. AUSSERER: And with the Court's permission, I'd ask that -- to allow Mr. Arbenz to come up -- because I don't want to deal with it -- and allow Officer Collins to demonstrate and explain to the jury what he's trying to do

and the positioning of the body necessary to do it.

THE COURT: Any objection?

MS. EAKES: I defer to the Court, but we would object.

THE COURT: That's sort of a foot on each side of the line.

MS. EAKES: I'm being practical, Your Honor.

THE COURT: Okay. Proceed.

A. Okay. And so the LVNR, again, so you have your two carotid arteries that lie on either side pumping oxygenated blood up to your head. So for me to do this correctly, I need to be facing the same direction as the person. If I'm on the side, I'm only getting one side of someone and I can't occlude the other side. But from the back, your elbow is in line, then you go around and I'm blocking both sides, and I grab my biceps and the other hand will go behind the head and I'll just go down and forward and you just temporarily stop that and then they'll go out, put them in cuffs, the blood starts pumping again, and you go right back to it.

Q. (By Mr. Ausserer) And Officer Collins, in order for it to be effective, how long do you have to apply it in that position you just demonstrated?

A. I think it varies, you know, but at least 5, 6 seconds.

Q. Okay. And in the video -- we're going to watch the

video in just a minute, it doesn't appear as though your left arm ever gets to the back of Mr. Ellis's head. Were you able to get into the position to apply it?

A. No.

Q. Why?

A. Well, I relinquished the position when I saw Officer Burbank, but kind of how we fell, you know, we're both falling and I'm behind him and I'm getting it, now I see the Taser. Now when we hit the ground, I immediately am kind of on his side. So, again, I'm in this kind of orientation to him, so Manny's facing the video at the time, and I'm on top of him here. So from here, I can't get to here, so I have to start working, which I could have done, but, again, I saw that Taser.

Q. Let me ask you this. You heard a couple of experts for the State, including Mr. Ryan, indicate that you had your hand on the front of Ellis' throat choking him. Did that ever occur?

A. No. That's ridiculous. No.

Q. Would that be an effective control technique in the situation that we saw?

A. No. That's amateur stuff from people who are just showing aggression and are just trying to hurt somebody, but first of all, you'd see marks right away, so -- because we're very tender here. You damage the stuff around people's

necks. So you would see that right away, number one, and it's completely ineffective, number two.

Q. Go ahead and have a seat. Thank you.

So when we left off -- I'll let you get situated. So before we broke, you were telling us or describing for us what you saw when Officer Burbank displayed the Taser.

A. Yes.

Q. Okay. So at that point, are you behind Mr. Ellis?

A. Yeah. So I'm behind him dragging him to the ground as I see that.

Q. Okay. And was that the first time that you recall seeing Officer Burbank during this altercation?

A. It is.

Q. Okay. And so what was your response to seeing the Taser? What effect did that have on what you were doing to Mr. Ellis?

A. Yeah. I mean, I didn't want to get -- so they have little barbs, as you probably heard a few times now, but there's little barbs that shoot out of them and I didn't want to get shot in the face, so at that point, holding, I'm kind of trying to shield myself.

Q. And are you still in contact with Mr. Ellis when the Taser application makes contact?

A. Yes.

Q. Can you feel it?

A. You can feel -- what I felt was that you feel lockup and you feel the muscles get really tight and stiff. That's how it kind of manifests.

Q. All right. So tell the jury what happened after you felt that first Taser application.

A. Yeah. So, again, you can see it on the video, but I'm holding him, and once I feel that Taser stop his active resistance, I immediately transfer to his left arm and now I'm just controlling his left arm. So now it's going to be Burbank's job to control the right arm and my job on the left arm.

Q. We'll watch the video in a second, but on the video it appears as though you're kind of cradling his head. Why were you doing that?

A. I'll have to watch the video to see exactly what you're talking about, but yeah. I'm not quite sure.

Q. Let me ask it a different way. What's the desired effect of the Taser?

A. Well, you get lockup and then the subject goes limp.

Q. Okay. So did you feel lockup initially?

A. I did.

Q. Did you feel Mr. Ellis go limp?

A. I did.

Q. And so when he went limp, tell us what you did and

why you did it.

A. Yeah. So I immediately started putting him into a cuffing position. So I think I know what you're talking about the cradling of his head. I didn't realize I was doing it at the time. Probably just to keep his head from slamming on the cement, but I had one hand on his head and I roll his body so he's facedown so I can start moving to a cuffing position.

Q. Okay.

A. Because you can't cuff him like this. I need him like this so I can start working his hands.

Q. All right. And so were you able to get him in the prone -- I'll call it the prone position on his stomach?

A. Yes.

Q. So tell us what you did once you were able to get him into that position.

A. So as soon as I got him into prone, I moved into our non-compliant cuffing position. There's two main ones, but the one where my knee and shin goes across the shoulder kind of at a 45 towards the person's spine.

Q. And were you able get your knee into that location?

A. Yes. Momentarily.

Q. What happened once you got into that location?

A. Well, you can see from the video -- I never recall him saying, "try it again," but when he starts fighting, now

we're in a dynamic situation and I'm trying to keep my knee there, but I'm also trying to keep him to the ground, but obviously it's hard when somebody's flailing and bucking.

Q. But Grant Fredericks testified that you put your knee on the back of his head; did you ever know that?

A. No.

Q. All right. In fact, in the video, can you see Mr. Ellis's sweatshirt sticking out from underneath your knee?

A. Yes.

Q. Did he have a design on the back of that sweat shirt?

A. I didn't realize it until they showed the clothes in court, but he had, like, a -- almost like a Native American kind of totem pole symbol on his back that was white. In the video you can see the white of that design with my knee on his back.

Q. Okay. So you had indicated that you didn't hear him say, "try it again," but that he became combative at that point?

A. Yes.

Q. I guess the Taser wears off at that point. What happens?

A. So from there, you know, it's hard to describe play by play what happened, but, essentially, from there, we had

him in a good spot where I mainly had control of that left arm, Burbank had a control of that right arm, and from that point, it was kind of just a process of slowly -- you know, because that's -- again, that's exactly what we want. We want to get you to the ground. We want to get you facedown, prone, then we want to start working those arms, so we were there, and so then it's just a matter of time until we get the handcuffs on.

Q. All right. Was he still resistant with the application of the handcuffs?

A. Yeah.

Q. Okay. So describe what he was doing and how he was resisting.

A. I mean, he was trying to stand up the whole time, he was trying to rip his hands apart, he was kind of kicking and spitting both directions, as you can see on the video.

Q. All right. Can you let him stand up in that situation?

A. No.

Q. Why not?

A. Well, again, you know, so from -- it starts back up where I'm on top and I'm throwing elbows. Then he pushes through me and stands up. So now we've been through a few different interactions of him aggressing on police officers, and now he's coming right back to where Burbank is. If he

gets away from me before I drive him down, he's going right back at Officer Burbank.

So again, we're now progressing down the line. It's getting more and more serious. As these things go, we don't have the option of just saying, okay, we're done. Have a nice night. This guy has to go. He's a danger to the public, he's a danger to himself and to us, right, so he has to go in cuffs. We could be progressing towards a lethal situation at this point where we're using a firearm.

Q. So after that first Taser application, it sounds like you were not able to apply the handcuffs?

A. No.

Q. Were there other Taser applications, if you recall?

A. Just from the video, seeing it here in court, I can see where you can see where at times he's giving him more rise with the Taser.

Q. But as you sit here now or before you saw that, did you have any sort of independent recollection about how many Taser applications were necessary?

A. No.

Q. Okay. All right. You described a little bit about the process prior to getting the cuffs applied to Mr. Ellis.

How long did that take once you were in the -- the position you just described?

A. I mean, maybe another two minutes or so.

Q. Eventually, were you able to get the cuffs applied?
A. Yes.
Q. And was that after -- well, I guess you don't know -- the third Taser application?
A. It could be.
Q. Okay. Once you got the cuffs applied, tell us what happened.
A. So then as soon as we got the cuffs applied, he started scooting his knees up underneath himself and trying to stand up.
Q. And we saw some, I'll call it, road rash marks on his legs in the photographs. Is that consistent with what you're describing?
A. I suppose.
Q. Okay. All right. And so if you have the cuffs applied and he's on -- I assume still on his stomach?
A. Yes.
Q. Where are you situated?
A. So as soon as the cuffs are applied and he's trying to stand up, I then go move to his legs so that he can't stand up. So I immediately start grabbing his legs and what I'm trying to do is crisscross them, so if you put someone's foot in the crook of their knee, then I only have to fight one leg and I can put all my weight on that leg, and that would keep him from getting underneath himself to stand up.

Q. Was that effective?

A. I mean, he didn't stand up.

Q. Was he still attempting to get away from you?

A. He was, yeah.

Q. We heard Sergeant Nielsen talking about observing, I guess, your proficiency in grappling in the video. Did you use your body to try to keep and restrain and hold Mr. Ellis in a position until backup could get there?

A. Absolutely.

Q. So he described putting your legs around his legs. What's the point of that, or around his hips?

A. Grappling's all about your hips, and so it's just a way to immobilize. You throw that over and then people can't explode and buck with their hips, so it's just another way of control.

Q. Okay. And at least the portions of the video we've seen, the only strikes thrown were at that first McDowell video. Did you throw any strikes at Mr. Ellis after what we saw in the video?

A. No.

Q. Why not?

A. It wasn't necessary.

Q. All right. Did Officer Burbank deliver any strikes after what we saw in that first McDowell video?

A. No, not that I know of.

Q. So you're -- got a leg in his crook of his knee, where is Officer Burbank?

A. So he had the handcuffs on and so Officer Burbank was basically kind of straddling his hips. Because you got to imagine anatomically, someone with their hands behind their back, you're not going to sit on their hands or over their hands, you sit behind them. It kind of places you on the hips of somebody.

Q. In your statement that the jury heard, I think you said, he's sitting on him, or something along those lines. What do you mean by that?

A. I mean, that was a poor choice of words. I -- you know, I thought that -- you know, at the time, you got to understand when we were getting interviewed, I didn't think in my wildest nightmares that the State would come after us for wrongdoing in this. I thought we were explaining a terrible, tragic situation that happened. And so I would have been very precise in my wording. But if you just think rationally anatomically about that, there's no -- he would be sitting behind his hands. He has to be because he also says he's pressing his hands together because he's seen people break handcuffs, so in order to press his hands together, he's got to be behind, lower than the hands.

Q. So when you say behind, like if I have my hands behind my back, are you saying, like, on the buttocks portion

of his body?

A. Correct. That was exactly what I'm saying.

Q. All right. Could you squeeze the hands in the manner that you described if you're sitting on this -- I guess the upper torso?

A. That would just be -- I mean, someone easily bucking you right off.

Q. Okay.

A. You have no leverage from that position.

Q. All right. So with Officer Burbank sitting on the lower torso it sounds like you've got one leg of Mr. Ellis?

A. It depends on what time you're talking about, because he was constantly kind of kicking and flailing, but I just kept working to that position where, again, I'm trying to cross his leg, put it in the prone, and then put his other leg over and place all my weight down on that leg that's on top.

Q. Okay. At some point are you running out of gas?

A. Oh, yeah.

Q. Where in this sequence?

A. It's hard to say. You know, you get so focused in a fight of that seriousness and magnitude. I don't remember thinking that at all, but as soon as we were relieved by Ford and Rankine and Sergeant Lim, I remember getting up and, like, my hands started to kind of curl, you know, if you grip

a lot like that, the fatigue will cause your hands to curl up and you kind of feel the lactic acid in the forearms, and that's the first time and I was like, man.

Q. Well, let's talk about before those guys get there. How long were you in that position with Officer Burbank on his buttocks area and you on the leg before Rankine and Ford get there? Because they're the first ones that get there; right?

A. Yeah. I think it was fairly quick.

Q. Okay.

A. I think it was very quick.

Q. Okay. So tell us what happened once they get there.

A. So Ford and Rankine show up, and again, so my -- my positioning, now I'm looking straight down at the street and have his leg and I'm looking straight down. All my focus was facing down, so I'm not sure who was doing what, but I know that they basically replaced us and then I remembered hearing Sergeant Lim there, and then we were off.

Q. Before you got off, did you ask for hobbles?

A. Yes.

Q. First off, why did you ask for hobbles?

A. Yeah, so, again, if you handcuff somebody -- so first of all, especially someone in this state, if someone's under a high amount of narcotics and they're not thinking

straight, they're not making rational decisions, if you put them at a position of disadvantage with their hands behind their back, that is very, very dangerous. So we -- in the academy, we have to watch a video of this controlled superiority. And in the video, it's in San Diego, cops lose control of a suspect with his hands behind his back, runs across the freeway and gets killed by an automobile. Not only that, but if he goes up, we have to keep him down. So if he goes up, then I have to take him back down, now with his hands behind his back, now he could break something in his face, he could -- brain damage, who knows, but it's not good because you're coming from a high position coming down with no way to protect yourself.

Q. Well, we heard the State's expert, Jack Ryan, say just turn him over on his side and lay on his feet?

Is that a practical application?

A. No, it's not.

Q. Why not?

A. I mean, it would be great if he just laid there, but the whole point of the story is that he wasn't compliant. And if he was on his side -- you have to have something to stop the movement against; right? So when they're prone, now I can put pressure down against an unmovable object, the street, to stop him from moving. But if it doesn't have something to stop it, then we're back to square one, fighting

his legs.

Q. Okay. So we heard Officer Ford testify that he grabbed one leg and you had the other; do you remember that?

A. I don't remember specifically. I know he, at some point, came to help me. I remember when I looked and got up, Ford was there.

Q. Okay. Do you remember making the request for hobbles?

A. I do.

Q. Okay. And how long did it take for -- once you requested the hobbles for someone to produce them?

A. It seemed like 20, 30 seconds, something like that.

Q. Do you remember who got them?

A. I don't. I know now from testimony that it was Officer Burbank, but I didn't know at the time.

Q. No independent recollection of that?

A. Huh-uh.

Q. Did you see them get applied?

A. I -- kind of. Because I'm facing down, I saw the loop go over the feet and then -- yes. So yes, I did see them.

Q. Okay.

A. Yeah.

Q. What did you do once they were applied?

A. I was off and I stood up at that point, and then

there was so many other officers there, there was at least three sergeants on scene right there, and so we just kind of -- you know, police work is a team event always. There's almost nothing we do from start to finish; in fact, as a two-officer car, Officer Burbank and I, you know, they put us two-officer because we kind of handle the most dangerous situations. And as soon as you do, it was very regular that when we arrest somebody, we hand them off to other people as soon as they're in handcuffs. They take them to jail, they take them to the hospital to get treated, or whatever. So yeah, we were relieved. Sergeant Lim wanted to talk to us and say, what happened? Because nobody knew at that point what went on.

Q. Okay. We'll talk about that in a second.

So in Mr. Liu's opening, he said that you choked Mr. Ellis unconscious three times. Did that ever happen?

A. No.

Q. You said that you looked up and there were several officers there. Was Sergeant Lim there when the hobbles were applied or when you stood up?

A. I believe he was, yes.

Q. Who was Sergeant Lim to you?

A. He was my supervisor.

Q. What does that mean?

A. He's in control of our squad of officers. He was

the one who -- he's next up in the chain of command.

Q. And so once he's on scene, is he now in charge of the scene or are you still in charge of the scene?

A. He's in charge of the scene.

Q. And once you relieve Mr. Ellis to other officers, who's responsible for Mr. Ellis?

A. I mean, every officer is responsible who's directly in contact with him.

Q. Okay. But if you are not in contact, are you still responsible for him?

A. No.

Q. Was it your understanding that Sergeant Lim was responsible for the scene and other officers responsible for --

MS. EAKES: I'm going to object to the leading nature.

MR. AUSSERER: I'll just rephrase, Judge. It's not that complicated.

THE COURT: Okay.

Q. (By Mr. Ausserer) Who was in charge of the scene once you were off?

A. Well, definitely one of the sergeants that were there.

Q. And who was in charge of Mr. Ellis once you were off?

A. Whoever was in contact with him.

Q. Did you have the authority to go intervene with Sergeant Lim?

A. No.

Q. Once you stood up, where did you go?

A. So originally, I just walked back towards the car, in the front of the car, and that's where Sergeant Lim eventually interviewed us and kind of just said what happened, guys? Give me a rundown.

Q. Well, let me slow you down real quick. You said the car. What car are you talking about?

A. Our car. Our vehicle.

Q. The patrol car that's at the stop bar at the intersection?

A. Yes.

Q. Okay. I'm going to go back to that in a second.

You heard Ms. McDowell and Mr. Cowden say that you, I guess, attacked Mr. Ellis when he was walking down the sidewalk. Did that happen?

A. Absolutely not.

Q. If you were going to contact somebody walking down the sidewalk, would you leave your car in the middle of the intersection?

A. No.

Q. Why not?

A. Again, I mean, if you're obstructing traffic, it doesn't make any sense. If you're -- if you're going to contact someone, you'd pull off the road.

Q. Okay. All right. You said that Sergeant Lim contacts you at the front of the patrol vehicle. Is there a discussion about what led to the interaction between you and Mr. Ellis?

A. Yes.

Q. Was Mr. Ellis still alive at the time?

A. Yes.

Q. Did you have any reason to think Mr. Ellis was going to die?

A. No.

Q. Did you tell him what happened?

A. Yes.

Q. Did you tell him that Mr. Ellis attacked the patrol vehicle?

A. Yes.

Q. That he threw you?

A. Yes.

MS. EAKES: Your Honor, again, I'm going to object to the leading nature of the questions.

THE COURT: That is leading. New question.

MR. AUSSERER: Understood, Judge.

Q. (By Mr. Ausserer) Did you provide a description of

Mr. Ellis's contact with you?

A. I did.

Q. All right. After having a discussion with Sergeant Lim, what happened next?

A. So Sergeant Lim -- I'm not sure what Sergeant Lim did, but I eventually went to the back of our patrol car and I was waiting for Fire to show up so I could give them a rundown of what we were dealing with.

Q. Okay. And how long do you think you were in that position?

A. I mean, I'm not sure how long. I mean, you know, I was trying to collect myself and trying to figure out what in the world just happened.

Q. Where was Officer Burbank?

A. I only know from being here and hearing his statement that he eventually went back and got his magazines and I think his hat, but I'm not sure specifically.

Q. At some point did one of you go back into the patrol vehicle?

A. Yeah. So I don't know when Burbank did, but I know that at some point, once Fire was there, Sergeant Lim contacted us and was like, hey, guys, I don't know -- you know, why don't you guys sit in your car. It's looking pretty serious now.

Q. Meaning they may have to treat this as an officer

use-of-force case?

A. Exactly.

Q. Is there a procedure in place when there is an officer-involved use of force with a subject?

A. Yes.

Q. All right. And was that followed once Mr. Ellis passed?

A. Yes.

Q. Okay. I think you had indicated that you had contacted Fire. Tell us how you contacted Fire.

A. So they always park a little bit a ways from the scene and walk in. They have to double make sure that everything's safe because they have no way to protect themselves, so they parked a ways back from my car and I just approached them and Lieutenant Wilson, who testified, I don't think he was a Lieutenant at the time, but he was the first one out of the vehicle and he was moving up to the scene, and so I just kind of gave a rundown as best I could.

Q. All right. And why did you indicate to him that you thought that Mr. Ellis might be suffering from excited delirium?

A. Because it's a serious condition and we know that sudden death is part of the -- one of the symptomology pieces to that.

Q. Okay. I assume you didn't call for medical aid?

A. No.

Q. Why not?

A. Because I heard Sergeant Lim call it.

Q. When did you hear Sergeant Lim calling for medical aid?

A. It seemed immediately as soon as hobbles were on, but I think from the timeline that the State provided, it looked like 12 seconds from the time he was detained.

Q. And when you say -- what are you talking about the timeline the State provided? Are you talking about exhibits that were admitted during the course of the trial?

A. There was an exhibit that was just a white sheet that showed arrival times of officers, and -- yeah.

Q. Okay. And so is it your recollection that that brief period is when he contacted aid?

A. Yeah because it was immediately when I stood up.

Q. And if he contacted aid, do you then have to then contact aid yourself?

A. No. That wouldn't make any sense.

Q. Why not?

A. It's just redundant. They make a call to Fire and is very busy and has a lot to do, and so they're going to respond when they can respond. It doesn't matter how many times that we've asked them to.

Q. Okay. Once you were relieved from Mr. Ellis, did

you have any other contact with Mr. Ellis?

A. No.

Q. Meaning physical contact, I guess.

A. No.

Q. There's information that Officer Farinas applied a spit sock. Did you have anything to do with that?

A. No, I didn't.

Q. Were you present when that occurred?

A. I heard him spitting and I heard officers talking about it, but I wasn't ever sure other than saying it was Farinas, but I didn't see who it was.

Q. Okay. Once Mr. Ellis was hobbled and handcuffed, did you apply any downward pressure on his torso?

A. No.

Q. You've had an opportunity, Officer Collins, to observe the video evidence during the course of the trial; right?

A. Yes, sir.

Q. In the video, at least the Vivint video, we can hear Mr. Ellis saying he can't breathe, I think, twice. Did you hear that on the video?

A. On the video I did.

Q. Did you hear it that night?

A. No.

Q. How could you not have heard it that night if we

heard it on the Vivint video?

A. In extreme stress situations like that, you have what's called auditory exclusion -- I mean, I didn't even report that I said put your hands behind your back or that Sara McDowell was yelling at us. I didn't hear her yelling at us. So I get very focused in those situations and I was focusing on his hands, and I was focused on getting him in handcuffs, and I didn't hear any of that.

Q. Okay. In your statement that you gave a couple days later, you also didn't indicate that you heard Mr. Ellis say, "try it again." Did you hear that?

A. I did not.

Q. On at least in Mr. Liu's opening that indicated that one of the officers said, "Shut the fuck up." Do you remember that happening?

A. Investigators asked me about that. It was unclear as to where in the timeline that happened. And I told them if it had happened when Burbank and I were there, it was me because I've never heard Burbank cuss on a consultation. He's like the most professional officer in Tacoma PD. And so I said if we were the only ones there then it was me, but I don't have an independent recollection of saying that.

Q. So just so I understand, you don't remember saying that?

A. No, I don't.

Q. But if one of the two of you did, it would have been you?

A. Yeah.

Q. Do you know if any other officers were present when that was said?

A. I don't know.

MR. AUSSERER: With the Court's permission, I'm going to ask that we publish Exhibit 20, which was Ms. McDowell's first video, and I would ask that Officer Collins be permitted to move around to the monitor to explain what we're seeing.

THE COURT: That's fine.

MR. AUSSERER: Thank you, Judge.

THE COURT: It's actually 20B; right?

MR. AUSSERER: 20 is the first video.

THE COURT: I'm sorry. You're right. Proceed.

MR. AUSSERER: Thank you, Judge.

Q. (By Mr. Ausserer) Can you orient yourself to this? Can you show us which officer is you when you look at the video?

A. So I'm the one with my back to you here, and you can't really -- you can't see Burbank, but he's on the other side of us.

Q. Let me ask you this, Officer Collins: When you made your statement on the 9th of March, did you know this

existed?

A. No.

Q. Did you know this would show part of the altercation between you and Mr. Ellis?

A. No.

Q. All right. What I think I would want Shawn to do is hit play. I want you to watch it and then I'm going to ask you a couple of questions; okay?

A. Okay.

MR. AUSSERER: Could you just hit play.

(Exhibit 20 was played.)

MR. AUSSERER: You can pause it now.

Q. (By Mr. Ausserer) All right. So that was the total footage captured on at least the first clip between the officers and Mr. Ellis; is that right?

A. From what I know.

Q. What do we see happening in that clip?

A. So in the beginning, you can see -- and Officer Burbank describes it perfectly in his statement, but it looks like -- so he's being kind of chased into the intersection and then there's some sort of fast interaction that's happened between him and Mr. Ellis, but you can't tell what. And then they both go to the ground. Burbank is at the front of the car and Mr. Ellis is towards the sidewalk. And then I get in the mount position on top of him.

Q. All right. And so when you were testifying earlier this morning, you indicated that in that mount position, you delivered several elbows to Mr. Ellis?

A. Correct.

Q. Is that what we see in that video?

A. Yep.

Q. Okay. Aside from those elbow strikes, did you ever strike Mr. Ellis?

A. Not once.

MR. AUSSERER: Can we have 21, please.

Q. (By Mr. Ausserer) And while they're pulling that up, Officer Collins, 21 is the video -- the second video when she was driving by. And actually, before we get there, Officer Collins, do you see items in the roadway both here and here? I'm looking right in front of the dumpsters there.

A. I do.

Q. Do you know what those are?

A. It looks like that -- that plastic grocery bag and then that's the bottle of water there.

Q. Were those the items that Mr. Ellis had in his hand when he first walked up to the vehicle?

A. What I -- I recollect is the bag. I didn't see anything else one way or the other.

Q. So I'm going to ask Shawn to hit play.

(Exhibit 21 was played.)

MR. AUSSERER: Go ahead and stop, please.

Q. (By Mr. Ausserer) Which of those officers were you relative to Mr. Ellis?

A. I was the one towards me.

Q. Behind him?

A. Behind him, yeah.

Q. How did you get in that location?

A. I mean, somewhere in the struggle there of trying to get him in cuffs, he must have turned on his side. I don't know specifically how I got to there, but somewhere in that...

Q. That was a bad question. I meant from the first video that we saw in Exhibit 20 where you're on top of him to the, what, the 12 seconds later that we see that perspective, how did the three of you end up in that location?

A. Yeah. So -- so I'm on him delivering elbow strikes. He lunges up at my face and starts to stand up, so I let him go and I went around behind him and I start to put on the LVNR, and then he falls to the ground. Now we're facing, like, a southwestern direction, kind of towards Hosmer and Ainsworth.

Q. Okay.

A. And so I'm kind of laying on his side, then Burbank is employing the Taser, and by that point, I think, I've already moved to his hand, I'm controlling his hand, which

you saw in the end of the Cowden video.

Q. We'll get there in a second.

A. All right. So I'm controlling his hand, Burbank's controlling his other hand, and somewhere he started struggling again and now we're -- we're kind of back to he's on his side, on -- it's a -- he's on his side, I'm behind him, and Burbank is in front of him.

Q. So what we saw right before this clip ended, it appeared as though you had one knee on the ground; is that what you recall?

A. Yeah. That's what it looks like, yeah.

Q. Where was your other knee?

A. I was standing on my foot or it was on the ground on the other side of him.

Q. And is Mr. Ellis complying with your repeated requests to put his hands behind his back?

A. I don't remember saying that, but it doesn't appear so, because otherwise, I would have just put him in handcuffs.

Q. Well, is that your voice that we hear saying --

A. That's my voice, yeah.

MR. AUSSERER: And if we could rewind it just a little bit. Just hit play one more time, please.

(Exhibit 21 was played.)

MR. AUSSERER: Pause it there.

Q. (By Mr. Ausserer) Can you see your knee on the ground?

A. I do.

Q. Could you point it out to the jury. And you said your other knee might be on the floor. What makes you think that?

A. You can see right here from the angle. You can see my foot like this.

Q. And can you show us where Mr. Ellis's head is.

A. It looks like that's the top of his head right there.

Q. And which way was his head facing?

A. Westbound.

Q. And you had indicated to us that you were trying to gain control of an arm. Can you see that in the video?

A. I mean, not necessarily. It's pretty dark, but that's the only thing to be doing in a situation where we're trying to handcuff him.

Q. Can you show us where Officer Burbank is relative to you in the video.

A. So this is -- that's his foot, so he's got one leg up like this, and that's his hand right there.

Q. And can you see the red light from the Taser on the cement?

A. Yes, it's right there.

Q. Thank you. You can go ahead and sit down -- or no. Wait. I'm almost done.

MR. AUSSERER: Can we get 546, please.

Q. (By Mr. Ausserer) As we're orienting 546, 546 is a portion of the synchronized timeline that Grant Fredericks created for this case; do you remember seeing that during the course of the trial?

A. Yes.

Q. All right. And I think Mr. Fredericks' testimony was that this started playing 112 seconds after your clear appears in the CAD report that's Plaintiff's Exhibit 13.

A. Correct.

Q. Okay. So when Ms. Smith hits play, I want you to listen to what's happening and then I'll have her pause that; okay?

A. Okay.

(Exhibit 546 was played.)

MR. AUSSERER: We're going to pause it there.

Q. (By Mr. Ausserer) All right. Can you hear the struggle between you and Mr. Ellis as this starts recording?

A. Yes.

Q. How long do you think you were struggling with Mr. Ellis before this part, if you know?

A. I mean, judging by where her video picks up, probably a couple of minutes.

Q. Okay. Is that consistent with what Ms. Mallang testified hearing for --

A. Yes.

Q. -- about --

MS. EAKES: Your Honor, object. Argumentative.

THE COURT: Well, it's not argumentative, but it is leading.

MR. AUSSERER: I'll rephrase.

Q. (By Mr. Ausserer) You heard Ms. Mallang testify about a one-minute-and-15 to two-minute time period where she heard struggling outside. Would that have been this time period that we're talking about?

MS. EAKES: Your Honor, I'm going to object. Lacks foundation, argumentative.

THE COURT: Overruled. You may answer.

A. Yes, sir, that's correct.

MR. AUSSERER: Ms. Smith, can you hit play again?

Q. (By Mr. Ausserer) What we're going to see is Mr. Cowden's video on the middle here. I want you to watch that, watch the interaction, and then I'm going to ask you some questions about that.

(Exhibit 546 was played.)

MR. AUSSERER: Go ahead and pause it right there. Thank you.

Q. (By Mr. Ausserer) Do you see Ms. McDowell's

vehicle now going past Mr. Cowden's vehicle?

A. I do.

Q. Okay. Does that appear to line up with what we just saw in the previous exhibit from her camera?

A. Yeah.

Q. You've heard it described by some State's experts that Mr. Ellis might be exhibiting air hunger during that interaction. Is that what you experienced?

A. I've never heard that term until this trial, but, again, I mean, he's not exhibiting someone who's not able to breathe. He's fighting us. So we can deal with the air thing after we get him into handcuffs, but until we do that, we're still in the same spot.

Q. Go ahead and have a seat.

If you had heard Mr. Ellis say, "I can't breathe," would it have changed what you were obligated to do in detaining and restraining him?

A. No.

Q. How come?

A. Well, because, again, we have to put you in handcuffs first so that you can't hurt yourself, anyone in the public, or us. So we have to get you in handcuffs and then we can deal with medical issues after that.

Q. Did you hear the sounds that Mr. Ellis was making in those videos?

A. I did.

Q. Did you hear him making those sounds the night this occurred?

A. I can remember a couple times, like when he lunged up in my face, he was making similar sounds.

Q. Was he speaking to you at that point in time?

A. I don't remember hearing any words.

Q. Let me ask you this: Did you and Officer Burbank attack Mr. Ellis?

A. No.

Q. Were your actions responsive to his or was he responsive to you?

A. We were responsive to him.

Q. Was there anything else that you think you could have done with a lesser degree of force to restrain and control Mr. Ellis?

A. No.

Q. Okay.

MR. AUSSERER: Thank you, Judge. That's all I have.

THE COURT: We've got five minutes. Do you want to start? I've got a meeting, actually, that it might be best that you start at 1:30 rather than breaking it up. So we'll recess at this time.

Ladies and gentlemen, please do not discuss the

case amongst yourselves or with anyone else. Please do not permit anyone to discuss the case with you or in your presence. And, of course, avoid reports in the media or elsewhere on the subject of this trial.

(The jury left the courtroom.)

THE COURT: Okay. We're at break.

(Luncheon recess.)

REPORTER'S CERTIFICATE

I, Jessica Sanford, Certified Court Reporter, certify that I am the official court reporter for Department 4 in the Superior Court of the State of Washington in and for the County of Pierce; that on 12/4/2023, I was present and reported all of the proceedings in State of Washington, Plaintiff, vs, Matthew Collins, Cause No. 21-101287-4, State of Washington vs. Christopher Burbank, Cause No. 21-1-01286-6, State of Washington vs. Timothy Rankine, Cause No. 21-1-01288-2. I further certify that the foregoing 108 pages contain a true and accurate reproduction of the proceedings transcribed.

/S/ Jessica Sanford
Jessica Sanford, RPR, CCR 2371

TAB 2

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,	)	
Plaintiff,	)	Superior Court
vs.	)	Nos.
CHRISTOPHER SHANE BURBANK,	)	21-1-01286-6
MATTHEW J. COLLINS,	)	21-1-01287-4
TIMOTHY EUGENE RANKINE,	)	21-1-01288-2
Defendants.	)	

VERBATIM TRANSCRIPT OF PROCEEDINGS
Afternoon Session

December 4, 2023
Pierce County Superior Court
Tacoma, Washington
Before the
HONORABLE BRYAN CHUSHCOFF

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T A B L E O F C O N T E N T S

Monday, December 4, 2023

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BE IT REMEMBERED that on Monday, December 4, 2023, the above-captioned cause came on duly for hearing before the **HONORABLE BRYAN CHUSHCOFF**, Judge of the Superior Court in and for the County of Pierce, State of Washington; the following proceedings were had, to wit:

<<<<<< >>>>>

THE COURT: Welcome back, everybody. Please be seated.

MS. BREMNER: Good afternoon, Your Honor.

THE COURT: Good afternoon. Before we have the jury back, have you guys worked out the arrangements on this?

MS. NICOLAVO: Mr. Conrad and I are going to meet. Instead of keeping the jury waiting, we're going to meet on it. I've reviewed it and discussed what we can come to terms on.

THE COURT: So you guys are going to do that after today's session?

MR. CONRAD: Sure. I'm available. I can do it after today's session.

THE COURT: Okay. Good. Glad you guys are working on it. Okay. Let's have the jury.

(Jury enters courtroom.)

THE COURT: Welcome back, everybody. Please be seated.

Okay. Cross-examination, Ms. Eakes.

MS. EAKES: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. EAKES:

Q. Good afternoon, Mr. Collins.

A. Good afternoon, Ms. Eakes.

Q. Now, you testified this morning that if it was just you and Officer Burbank at the scene and someone said "Shut the fuck up, man," that would have been you; is that right?

A. Yes, ma'am.

Q. Corey, could you play 612, please?

Now, Officer Collins, you recall this is one of the Vivint clips; is that right?

A. Looks like it.

Q. And you would agree that you are the only officers at the scene, you and Officer Burbank; is that right?

A. At this time, yes.

Q. All right. I'm going to have it played, and I want you to listen to it and I want you to listen all the way to the end where we can hear "Shut the fuck up, man," okay?

(Exhibit 612 played.)

A. Okay.

Q. Did you hear that, Officer Collins?

A. I did.

Q. And did you hear Mr. Ellis say right before you

responded -- well, first of all, was that you who responded "Shut the fuck up, man"?

A. Again, I don't remember saying that, but if it's only Officer Burbank and I there, then I would say that's me, yes.

Q. And you can't recognize your own voice when you hear that now?

A. No, not from here.

Q. All right. And you would agree that when you said that to Mr. Ellis, it was because he had said something to you, correct?

A. I mean, again, I don't remember saying it, but that would be the usual reason for a response, yes.

Q. You wouldn't tell him to "shut the fuck up" unless he had said something to you, correct?

A. Or just talking in general when he's not complying and putting his hands behind his back like we are asking him to do.

Q. So it's your testimony that even if it was just his non-compliance as opposed to saying something, you would tell him to "shut the fuck up"?

A. It's my testimony that anything that somebody would say to us, until they're compliant and putting their hands behind their back, is irrelevant to me.

Q. But it would be in response to him saying

something, correct?

A. I would assume.

Q. And did you hear Mr. Ellis say "breathe, sir" or "please, sir," right before that?

A. I couldn't make that out.

Q. If it's your testimony that you didn't hear him say that -- why don't we play that again?

(Video played.)

A. I heard the first part very clearly.

Q. We'll play just the very bottom part.

A. Okay.

(Exhibit 612 played.)

Q. Did you hear it there?

A. Can you play it one more time?

(Exhibit 612 played.)

Q. Did you hear that "breathe, sir"?

A. It's possible.

Q. Okay. And you're saying that you didn't hear that at the time?

A. No, ma'am.

Q. Now, you would agree that you were hands on with Mr. Ellis at that point, correct?

A. Yes.

Q. You were physically touching his body?

A. Yes.

Q. As was Officer Burbank, correct?

A. I assume. I can't see it from here, but yes.

Q. Based on what you know about the sequence of things, Officer Burbank was with you the entire time, correct?

A. Yes, but as you note from the video, there's times he's up pointing his taser and I'm the only one with hands on Manny Ellis.

Q. At this point you would agree that Mr. Ellis was in handcuffs, wasn't he?

A. Well, where in the sequence? I don't know if he was in handcuffs at this point. I don't know that.

Q. Okay. Well, did you hear Mr. Hayes ask if he needed any help?

A. Yes.

Q. All right. So let's play that part again.

(Exhibit 612 played.)

And who was that who responded that said we've got some backup coming.

A. That sounds like Burbank.

Q. And do you recall Officer Burbank saying that?

A. No, not independently.

Q. You actually did recall when you were speaking to the Pierce County investigators on March 9, 2020, didn't you?

A. I recall Mr. Hayes asking us if we needed him to

help us.

Q. All right. And in fact, you remembered in some detail a description of Mr. Hayes, correct?

A. Yes.

Q. And you recalled him asking you if you needed any help, correct?

A. Yes, ma'am.

Q. And you indicated that you had told him that the police were coming, correct?

A. I didn't -- I don't know if I said that. But I know that was said, "the police were coming."

MS. EAKES: May I approach, Your Honor, with Exhibit 59-A?

THE COURT: Sure.

BY MS. EAKES:

Q. I'm handing you what's been marked as State's 59-A. Do you recognize that as the transcript of the interview that you gave to the Pierce County Sheriff's Office on March 9, 2020?

A. I do.

Q. And so that was six days after this incident; is that right?

A. That sounds correct.

Q. All right. And if you want to take a look at page 19.

A. Okay.

Q. And you were asked about whether or not you recalled any other civilians around, correct, other than the lady that turned, do you remember being asked that?

A. Yes.

Q. And you said, "There was one of the homeowners, I kept hearing them say, 'Are you guys okay? Do you need help? Do you need me to call 911?'" Do you recall saying that?

A. Yes.

Q. And you also gave a description of him, did you not?

A. Mm-hmm, I did.

Q. And you said that "He was a big Caucasian male, bald head, and he just kind of came out and was like, 'are you guys all right? What's going on?'" Do you recall that?

A. Yes, I do.

Q. All right. So in fact, you did hear -- you did hear Mr. Hayes, that we just heard on 612, ask about whether or not you needed any help, correct?

A. And I replied that I did. But what you asked me is, did I tell him that police were coming, and I said I didn't know if I said that or Burbank.

Q. Take a look at your statement. Does it say whether or not you told him?

A. Is it on 19 as well?

Q. Yes.

A. I said, "But once we finally had him in cuffs we said, 'We're okay. Police are coming.'" So we were finally able to address him. We didn't both address him. So I'm not sure. I don't know if it matters which one of us said that to him, but I'm not sure that I said it.

Q. So Mr. Ellis was in cuffs at this point when he said, "I can't breathe," and you said, "Shut the fuck up," correct?

MR. CONRAD: I'm going to object. That's not the testimony.

MR. AUSSERER: Object. That's not -- all.

MR. PURTZER: Objection.

THE COURT: I am going to sustain the objection.

MR. CONRAD: Move to strike Ms. Eakes' comment.

THE COURT: Jury will disregard.

BY MS. EAKES:

Q. Well, let's go back and listen to it. Let's go back and listen to 612, please.

(Exhibit 612 played.)

You can stop it.

So at that point, then, Mr. Hayes had asked "Do you guys need some help," and you think Officer Burbank responded that you had -- that you already had somebody coming, correct?

MR. PURTZER: Your Honor, this has been asked and answered. This is the third time.

THE COURT: Overruled. You may answer.

THE WITNESS: Can you restate it?

BY MS. EAKES:

Q. Sure. At the point that Mr. Hayes asked if you needed help, Mr. Ellis was already in handcuffs, correct?

A. I don't know that.

Q. Did you just look at your statement where you said at page 19, lines 20 and 21, "But when we finally had him in cuffs we said, 'Hey, we're okay. There's police coming,'" isn't that what you said?

A. Yes.

Q. And you said, "So we were finally able to address him when it was over," correct?

A. You're asking specifically about the statement that was made and whether he was in cuffs, and I'm not sure -- I don't have a recollection of whether he was or was not. It doesn't say that here.

Q. Okay. Well, after Mr. Hayes asked whether or not you needed assistance is actually when Mr. Ellis -- it was after that that you said "Shut the fuck up." Correct?

MR. AUSSERER: Your Honor, I'm going to object. That's not what he said.

MS. EAKES: Well, we can listen to it, and I can

have you actually look at Exhibit 18-A as well.

THE COURT: I will let the question stand. You may answer.

BY MS. EAKES:

Q. Is that right?

A. Repeat your question, please.

Q. Sure. Mr. Hayes asked you, "You guys need some help?" And you responded or Officer Burbank responded, "Oh, we got somebody coming," correct?

A. Yes.

Q. And it was after that that you said, "Shut the fuck up, man." Correct?

A. Yes.

Q. All right. So you did hear Mr. Hayes, but you're saying you didn't hear Mr. Ellis say "I can't breathe" right before you said "Shut the fuck up, man," is that your testimony?

MR. CONRAD: I am going to object.

THE COURT: Overruled.

THE WITNESS: At that point, I was holding on to his legs and he was trying to kick me off, so that was where my focus was, but I was looking to the side as I was holding his legs, so that's how I noticed Mr. Hayes approached us. But as far as the sequence of when he asked me that, when somebody answered him, I don't know that I could draw that

from my statement or what you're saying here.

BY MS. EAKES:

Q. Let me show you what has been marked --

MS. EAKES: May I approach, Your Honor?

THE COURT: Sure.

BY MS. EAKES:

Q. And you have seen this transcript, haven't you, Mr. Collins?

A. I believe so. This is from your audio expert.

Q. This is the transcript of the synched audio, correct?

A. Looks like it, yes, ma'am.

Q. All right. Why don't you take a look at page 4, the top of page 4.

A. (Witness complies.)

Q. Actually, why don't we start at the bottom of page 3. Do you see at 23:23:28, Mr. Ellis says, "Can't breathe, sir. Can't breathe," the first time that we just heard it on 612. Do you see that?

A. 23:23?

Q. 28.

A. Okay. I see that.

Q. Is it your testimony that you didn't hear Mr. Ellis, what we can hear on that audio, that he said he can't breathe, "Can't breathe, sir"?

A. Yes --

MR. AUSSERER: I'm going to object. This has been asked and answered.

THE COURT: Overruled.

THE WITNESS: I never heard him say that, ma'am.

BY MS. EAKES:

Q. All right. And then you see at the top of page 4, bottom of page 3, it just shows a tone and something unintelligible?

A. Uh-huh.

Q. Yes?

A. Yes, ma'am.

Q. And then at the top of page 4, you see it has Shad Hayes at 23:23:37 saying, "You guys need some help," correct?

A. I'm sorry, one more time where that one is.

Q. Sure. At the very top line on page 4.

A. Yes, okay.

Q. Mr. Hayes says at 23:23:37, "You guys need some help," correct?

A. Yes.

Q. And at 23:23:39 Officer Burbank apparently replies, "Oh, we got somebody coming," correct?

A. Okay.

Q. Correct?

A. Yes.

Q. And it's after that that you then make the comment of "Shut the fuck up"?

A. According to this, yes.

Q. Now, but it's your testimony you never heard any of those statements by Mr. Ellis that he said he couldn't breathe; is that right?

A. Correct.

MR. PURTZER: Your Honor, again, object, asked and answered.

THE COURT: Overruled.

BY MS. EAKES:

Q. Is that right?

A. Yes, ma'am.

MS. BREMNER: Join.

BY MS. EAKES:

Q. Now, after Mr. Ellis said that the first two times is when you then asked for hobbles; is that correct?

A. Yes.

Q. And by that time, Officers Rankine and Burbank were there -- Rankine and Ford were there; is that right?

A. I would need to see that timeline, but I think they were, if I remember correctly.

Q. All right. If you want to take a look again at Exhibit 18-A on page 4 just a few lines down, do you see "TPD

88," which is Officer Rankine?

A. Yes.

Q. At 23:24:22.

A. Right.

Q. And he says, "Show me with 307," correct?

A. Yes.

Q. And so he would have been present, correct?

A. Well, yeah, that's when said he arrived. So within seconds, I asked for hobbles. So whether he was right there, I'm not a hundred percent sure, because I was again looking down at the street at that point.

Q. All right. And you would say that according to this transcript, at 23:24:33 you asked for hobbles, correct?

A. Correct.

Q. And that would have been 11 seconds after Officer Rankine said that he was arriving, correct?

A. Correct.

Q. Why don't we play 614, please.

MR. CONRAD: Judge, I'm going to object at this point, because it's zoomed out so you can't see the time that's supposed to be going at this point, so I ask that it's not zoomed out so we can actually see the time frame as to when the officers are arriving.

THE COURT: Is this 18-A again?

MS. EAKES: This is 614.

MR. CONRAD: And it has a time frame in the upper right-hand corner. They can zoom in, but let's see the actual time frame of when they're arriving on scene.

MS. EAKES: It doesn't have a time on it on 614.

MR. CONRAD: Well, my 614 did.

THE COURT: Is this zoomed in at all?

MS. EAKES: It's not zoomed in.

BY MS. EAKES:

Q. And you recognize Exhibit 614 as when Defendant Rankine and Mr. Ford arrived, correct?

A. Looks like it, yes, ma'am.

Q. All right. And if we can play 614.

(Exhibit 614 played.)

And did you hear Mr. Ellis say that he couldn't breathe there?

A. No.

Q. You didn't hear it at all?

A. No.

Q. Can we go back and play that, please.

(Exhibit 614 played.)

Q. Do you hear that behind the siren?

A. It's unintelligible. I can hear yelling.

Q. And Officer Collins, you still were in contact with Mr. Ellis at that point, correct?

A. Well, it's hard to say, because as soon as he was

hobbled, I was not in contact, I moved away from him.

Q. Well, you heard Officer Ford say that Mr. Ellis said he couldn't breathe for the first time after the hobbles were applied, correct?

A. Correct, and I was not with him after the hobbles were applied.

Q. So when Officer Ford said that you were present when Mr. Ellis said he couldn't breathe, you were not, is that your testimony?

A. Yes. Well, at that instance. You just played me another instance where he said it where I was there that I did not hear.

Q. Well, there were no other officers that appear to be present at this time, correct, on 614?

A. On the video you just played?

Q. Yes, other than Officers Rankine and Ford?

A. No, it looks like there's a lot of officers there.

Q. And why do you say there are a lot of officers there?

A. Well, if you watch the video again, you see Sergeant -- because, again, Sergeant Lim, he was there within seconds of Ford and Rankine. He was right on top of them. And then Messineo and Sanders from the county were there pretty much simultaneously, so everyone kind of was there.

Q. All right. Okay. Well, let's play 614 through.

(Exhibit 614 played.)

A. Sergeant Lim. There's another car, I don't know who that is, and then Messineo and Sanders had come from south to north on Ainsworth. So there's multiple -- I think it was 12 maybe there by that time.

Q. Okay. And you heard Mr. Ellis saying "I can't breathe." "I can't breathe, sir"?

A. I hear him saying something, but I can't tell you what it is at that point.

Q. Can you play that very end there. You're saying you can't hear him say there that "I can't breathe"?

A. I can't understand what that is saying, no, ma'am.

Q. Okay. Let's play it again.

(Exhibit 614 played.)

Q. And you didn't hear that?

A. I mean, now that you're saying it, I think I can hear it.

Q. And you're saying at the time, even though you were still present with Mr. Ellis, you couldn't hear it; is that right?

A. I don't know that I was present at this point.

Q. Okay. Well, tell us -- so you're saying at this point when we can hear Mr. Ellis saying "I can't breathe" that you had already stepped away?

A. I mean, literally as soon as the hobbles were

placed on, I was off and Officer Burbank and I were walking back toward the car. And as you can hear, the street is flooded with sirens, the beeper's still going off on our radio headset, Sergeant Lim is talking to us. There's a lot going on. So from this zoomed-out view from this camera, especially early on, I can hear what you're asking me to hear. But in there, I can't hear. It sounds like he's saying something, but I can't tell you definitively what that is.

Q. So it's your testimony that you stepped away so quickly that you never heard Mr. Ellis on those other occasions say that he couldn't breathe; is that right?

A. I never heard him say "I can't breathe."

Q. Never heard him?

A. No.

Q. And so are you saying that at this point that Sergeant Lim was there, he had already been hobbled, and then you had walked away; is that your testimony?

A. I was moving away, yes.

Q. All right. Let's -- was that all the way through 614? All right. Let's play 659.

(Exhibit 659 played.)

Q. You can hear Mr. Ellis saying he can't breathe there, can't you?

A. I can hear something there.

Q. Are you saying you can't hear it be said "I can't breathe"?

A. I can hear "breathe" in there for sure. Now you're asking me over and over again and listening in a courtroom over and over again, it's much different clarity than on the street, I can tell you that.

Q. Let's listen to it again.

THE COURT: This is Exhibit 659?

MS. EAKES: 659.

THE COURT: Has this been admitted?

MS. EAKES: Yes. This is from the dispatch, Your Honor.

THE COURT: Is it a subpart of something that's been admitted already or was this separately?

MS. EAKES: It was admitted separately.

JUDICIAL ASSISTANT: Yes, it is, on October 17th.

THE COURT: Okay. Go ahead.

MS. EAKES: Okay. Can you play it again?

(Exhibit 659 played.)

Q. And that actually came over the dispatch, do you recall hearing evidence of that?

A. In this courtroom, yes.

Q. And you can hear on there Sergeant Lim saying, "Slow incoming," did you hear that?

A. Is that what he says? Can you play it back?

Q. Sure.

A. It could be "slow incoming."

Q. And "slow incoming" means that basically the situation's at least under control in terms of new officers coming in, correct?

A. Yeah, it's so other officers, when they're flying to the scene, because they still have this mic clicks and beepers call that they're coming to, so he's saying you guys don't need to come here in emergency response.

Q. Right. Because it's under control, correct?

A. To the other officers.

Q. He's telling the other officers it's under control, correct?

A. No, he's saying we don't need additional. Not necessarily that it's under control, no.

Q. Are you saying it wasn't under control at that point?

A. That was his call. Again, I was -- I was just trying to hang on for dear life to Manny's legs at this point, and then the hobbles get off and I'm off, and Sergeant Lim made that call, so you'd have to ask him.

Q. Well, you wouldn't have walked away from Mr. Ellis if you didn't think he was under control, would you?

A. Once the hobbles were placed on, I was replaced. There was other officers. There was no need for me to stay

there at that point, in my mind.

Q. So you're saying he wasn't under control, or he was under control when the hobbles were placed on him?

A. Well, I don't know that he was under control, but we had him restrained. Those are two different things.

Q. So as soon as the hobbles are placed, you're saying that you stepped away; is that right?

A. That's correct.

Q. All right. And again, you said you didn't hear that time when Mr. Ellis said that he couldn't breathe, correct?

A. I told you I didn't hear it one time.

Q. I'm sorry?

A. I didn't hear him say that one time.

Q. You did not hear him say that one time?

A. I did not.

Q. And I take it you never relayed to any of the other officers that Mr. Ellis was saying he couldn't breathe?

A. No, because I didn't hear him say it.

Q. So when you heard Officer Ford testify that he heard Mr. Ellis say he couldn't breathe when you and Officer Burbank were there, you didn't actually hear it though, correct?

A. No, I did not.

Q. And it's your testimony that even though you can

hear Shad Hayes, you somehow had auditory exclusion as to everything else Mr. Ellis said about not being able to breathe?

A. I believe I testified to seeing Mr. Hayes and then noticing him. So at that point we finally had him in handcuffs, now I'm just holding the legs and I'm looking to the side, so I was able to see him approach us.

Q. Well, you did tell the Pierce County Investigators what he said, correct?

A. Can you point me back to the page and I'll read it?

Q. Sure. Page 19.

A. Yeah, "There was a homeowner, I kept hearing him say, 'Are you guys okay? Do you need help. Do you need me to call 911?'"

Q. You did hear him say that, correct?

A. According to this, yes.

Q. And you remember that, don't you, now?

A. I remember seeing him, yes.

Q. You recall hearing him say that?

MR. CONRAD: Objection, asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: The one thing is, it's hard when -- you know, I have my independent recollection, which is we told them everything we know when we gave this statement.

But as you sit in the courtroom and you hear other people testify and you're listening to videos and you guys are playing the video over and over and over again, I'm trying to remember what I remembered at the time. So I'm answering you as honestly as I can in this.

Q. At the time that you gave this statement, you would agree that the events were freshest in your mind on March 9th?

A. Yes, ma'am, that's correct.

Q. And you were attempting to provide all of the information that you had; is that right?

A. That's right.

Q. And at that time, you clearly remembered Mr. Hayes saying, "Do you need any help," correct?

A. Yes.

Q. But nowhere in this statement that you gave to the Pierce County Sheriff's Office did you admit that Mr. Ellis had said that he couldn't breathe, correct?

A. Yeah, because I didn't hear him.

Q. So wasn't there, but you did recall Mr. Hayes, correct?

A. Yes, because I was looking at him.

Q. Now, you testified earlier today about your experience as a police officer, correct?

A. Yes, ma'am.

Q. And in addition to the time that you've been on the Tacoma Police Department, you also were in the military, correct?

A. That is correct.

Q. And as a result of both being trained as an officer as well as in the military, you received a lot of training with respect to first aid, correct?

A. We did have a lot of battlefield-specific medical training at the time.

Q. Well, you were combat trauma medical trained, you took that?

A. I did.

Q. And in addition to that, you were actually certified as an EMT in 2013, correct?

A. That is correct.

Q. So you understood from your medical, from your EMT training and your combat training, and the training you received through Tacoma Police Department and the CJTC, that when someone has a breathing issue, that's a serious issue, correct?

A. It can be, yes, ma'am.

Q. And you say "it can be," you need to at least find out whether it is, correct?

A. Absolutely.

Q. And that's something that you have to look for

whenever you're having contact with people, correct?

A. Well, I mean, it's not something that I'm just going to randomly ask every person. But if I'm aware of something and it's something I can address if they're not fighting me, if they're not resisting arrest and it's something I can address, one hundred percent.

Q. Even if they're fighting you and resisting arrest, you still have to take care to make sure that their medical needs are met, correct?

A. Ideally, yes. But if I know it at the time -- I mean, if you're in a fight for your life, your priority is getting handcuffs on a person and protecting yourself. You're not really concerned about the things they're saying because I've had people call "time-out" before in the middle of a fight. I've had people say, "I'm not resisting, I'm not resisting" while they punch me. I mean, the amount of stuff you hear you kind of get used to just focussing on what you need to do first, and then we can talk to them and address their medical needs or whatever else they need from us.

Q. But after they're secure, you have to address their medical needs, correct?

A. Absolutely.

Q. All right. And you would agree that you do have a caretaking function to people that are in your custody; is that right?

A. Every officer has a caretaking function, yes, ma'am.

Q. And your training also included lessons on emergencies like breathing problems, correct?

A. I don't recall any specific training on that.

Q. And you did receive training at Tacoma Police as well as at the CJTC, correct?

A. Training?

Q. Yes.

A. Just in general training?

Q. Yes.

A. Yes, oh yeah.

Q. You receive a lot of training as police officers, correct?

A. Not so much when you become a police officer because, unfortunately, the time needed on the street, it's hard to pull officers away. So we get as much as we can, but it's not extensive.

Q. Well, you agree that you had at least 1500 hours of training between the CJTC and the time that you were with Tacoma Police, correct?

A. I'm assuming you got that from records, so I'm going to trust you on that, but I don't know the hours.

Q. Okay. Well, we'll take a look at Exhibit 64. Handing you what's been marked as Exhibit 64, do you

recognize that as your training materials or your training summary roster?

A. I've never seen this before.

Q. Do you doubt that it's for you?

A. Well, that's my name.

Q. Right. It says "Employee: Matthew J. Collins."

A. It does.

Q. And it's dated June 20th?

A. It is.

Q. And total 1534 hours of training; is that right?

A. Yes.

Q. And does this sound about consistent with your memory of the training?

A. Oh, I would have no idea. This course was 1534, ma'am.

Q. Well, you understand that the basic law enforcement training is 720 hours, correct?

A. Yes.

Q. So the rest of this training, the 1500 hours would have been while you were a Tacoma police officer, right?

A. Yes, I assume. Maybe courses they send me to also. I don't know if they include that.

Q. And you received training in first aid, correct?

A. As much as we would do as far as I recollect with first aid would be, you know, like if we did a taser class,

maybe talk about measures you would take after administering a taser to somebody. Or in like a firearm's class, we would talk about applying a tourniquet, stopping severe hemorrhaging, things of that nature. But I don't recall actual, like, what I would consider a classic first aid class.

Q. All right. Well, why don't you take a look at page 2 of that document under "general law enforcement," you see it says "first aid and CPR, 25.3 hours of training."

A. We did do a CPR certification class, that is correct.

Q. So you did receive at least 23.5 hours of first aid training, correct?

A. I think every officer has to be CPR certified, yes.

Q. And you also received 16 hours of CIT training, correct?

A. What page are you looking at, ma'am?

Q. Take a look at page 4.

A. You said "CIT"?

Q. 16 hours of CIT, crisis intervention team.

MR. CONRAD: I'm going to object as to foundation on this document.

THE COURT: He said he's never seen it before. So it's authentication.

MS. EAKES: Your Honor, we can certainly tie it up

later. We received it from the Tacoma Police Department.

MR. CONRAD: I'm going to object to a speaking objection.

MS. EAKES: It's a printout regarding his training, Your Honor. This is my copy, but I'll hand it up.

THE COURT: Objection is sustained.

BY MS. EAKES:

Q. Do you have a memory of how many hours you've received of training, Officer Collins?

A. No, ma'am, I do not.

Q. Would you agree that you were trained in a variety of topics including deescalation?

A. We talk about deescalation, yeah, we've seen videos on it. I don't know what you specifically mean. That's a broad subject.

Q. Have you been trained on ground defense?

A. Ground defense, like defensive tactics?

Q. Yes.

A. Yes, ma'am.

Q. And you've been trained on mental health training?

A. Yes.

Q. And you've been trained on use-of-force training, correct?

A. Oh, yes.

Q. Now, you said that you acknowledge that every

officer has a duty to ensure the safety of a person who is in their custody, correct?

A. Yes, ma'am.

Q. And that's because the person can't take care of themselves, correct?

A. Correct.

Q. And you would agree that it's important to listen to somebody who's in your custody to what they're telling you about their medical situation?

A. Absolutely.

Q. And you would agree that it's important to respond to what they say about what their medical -- if they're having a medical issue?

A. Definitely, once they stop attacking you, absolutely.

Q. And after -- and you would agree that it's your responsibility, once you take somebody into your custody, to attend to their health, right?

A. Yes.

Q. And to summon any necessary medical care, correct?

A. Yes, ma'am.

Q. And you never contacted fire that night, correct?

A. No. I did.

Q. And you testified that Sergeant Lim contacted fire. Is that the reason why you didn't contact fire?

A. I'm sorry, I contacted them in person when they arrived. Sergeant Lim did make the call over the radio, yes, ma'am.

Q. But you didn't contact them in advance of their arrival, correct?

A. No, he called within -- I think it was -- if we can pull the exhibit back up. It was within 12 seconds by the time Manny was finally restrained in hobbles and cuffs, and so there's no reason to call again once he's already called.

Q. Okay. So it's your testimony that it was Sergeant Lim who called for fire; is that right?

A. That's what I believe from the records.

Q. Well, do you have an independent memory of that?

A. I didn't know if it was Burbank or Sergeant Lim or who, but I knew that they were called.

Q. Okay. Because you did initially say that it might have been Burbank that called for fire, or you did, correct?

A. It could have been, yeah.

Q. But you never -- in terms of fire being called, you would agree actually it was dispatch who asked whether or not fire needed to be called, correct?

A. Oh, I don't know that at all, ma'am. I don't think that's the case.

Q. Why don't you take a look at Exhibit 18-A and take a look at page 5.

MR. CONRAD: I'm going to ask for the instruction that accompanies 18-A for illustrative purposes.

THE COURT: Well, you're asking him about his personal knowledge of that night, that's why he's on the stand. Now you're asking him to say what's in some other report that he had nothing to do with making.

MS. EAKES: Well, Your Honor, I am asking him about --

THE COURT: I don't think that bears on his personal knowledge.

MS. EAKES: Well, it bears on his testimony that it was only 12 seconds, and it was Sergeant Lim that called for fire. So I'm permitted to impeach him or ask him about who actually called for fire here.

THE COURT: Well, you're talking about dispatch asking him.

MS. EAKES: Correct.

THE COURT: My understanding is dispatch asked Lim for it and Lim said "yes." I don't know whether you say they asked for it or Lim asked for it or it's the same thing.

MS. EAKES: That's what I'm asking, Your Honor, I'm asking about that.

THE COURT: You're asking about who said it first, dispatch or Sergeant Lim? Or maybe it was Officer Burbank,

because he said he wasn't sure who said it. It doesn't go to his personal knowledge. He wasn't on the call.

BY MS. EAKES:

Q. Do you have a memory as to who actually called for fire?

A. Not from the night of the event, no, ma'am.

Q. Now, you were trained on excited delirium, that you should treat it as a medical emergency, correct?

A. Yes, ma'am.

Q. And prior to fire's arrival, you never told fire that Mr. Ellis -- you thought Mr. Ellis had excited delirium, did you?

A. Prior to their arrival?

Q. Correct.

A. No. When they arrived, I told them.

Q. Correct. You didn't contact them in advance and let them know that you thought he had excited delirium, did you?

A. I didn't contact them.

Q. In fact, you didn't tell anybody else at the scene that you thought he had excited delirium, did you?

A. I don't recall if I did or not.

Q. You certainly didn't say anything about it in your statement, did you?

A. I don't know. If you let me look at it, I'll

check. But I'm not sure if I said that to someone on the scene or not.

Q. Do you have a memory of telling anybody at the scene that you thought Mr. Ellis had excited delirium?

A. Not independent recollection, no.

Q. And you would agree that it would be important for fire to know, wouldn't you, that Mr. Ellis -- that you thought that Mr. Ellis had excited delirium, correct?

A. Yeah, that's why I told them, yes, ma'am.

Q. And it might affect the pace at which they responded to the call, would you agree?

A. I don't know, because I don't know what fire had on their plate that night.

Q. Can you think of any reason why you wouldn't want to tell fire before they actually come out at the start that you think that this is somebody who has excited delirium?

A. Well, I think also you kind of have to look at the situation, ma'am, where this is not something like right away we understand it's excited delirium. I mean, this is -- you know, I have my initial interaction with Manny at the window when he runs up to the car and the things I'm witnessing there, and then I have the strength that I'm seeing when he pick s me up off my feet and throws me. Then we have kind of like his interaction, how he's acting throughout the whole arrest.

So he finally gets -- it's not like I just know right away and I'm explaining this. It's -- this is -- I'm putting this together, and by the time I'm walking behind the patrol car waiting for fire to show up, it's starting to click what we dealt with. But I can't just like -- I wish I just had a brain where I just knew that instant, but unfortunately that's not how it works.

Q. But it's your testimony that you did know or you did believe he had excited delirium before fire arrived, correct?

A. Yes.

Q. And you're saying, even as you walked to the back of the car, you knew at that point that he had excited delirium?

A. I don't know at what point, you know, it became clear to me, but at some point it did.

Q. And you didn't try to alert fire before their actual arrival at the scene?

A. No, I did not.

Q. And you would agree that you were also trained at the police academy and at Tacoma about prone positioning, correct?

A. Yes.

Q. And you're taught that the prone position is a transitory position?

A. I don't think I've ever heard that terminology.

Q. You've never been taught that it's a transitory position?

A. No.

Q. Well, you've been taught that you shouldn't leave someone in the prone position once they're restrained, haven't you?

A. I don't think I've been taught that, but that's pretty common sense. We don't leave people in the prone when we don't have to. Usually, when someone's cuffed, you put them in your car or on their bum on the sidewalk. It's kind of common sense.

Q. And it's common sense because you know that it can lead to restricting their breathing, correct?

A. It's uncomfortable, and it's just unnatural to leave someone face down. It's just not something that we do.

Q. And you would agree that you understood from your training that it could make someone panic to be left on their stomach also, right?

A. No, I didn't learn that from my training.

Q. Were you trained that you shouldn't put weight on someone who is restrained and prone on the ground?

A. No.

Q. You never received that training?

A. No.

Q. So the training that Mr. Nielsen talked about and that Jack Ryan talked about you never received?

A. Mr. Nielsen never said that we received training to never put weight on someone's back once they were restrained, I don't think. That's not what I recall him saying.

Q. You don't recall him saying that?

A. I don't recall him saying that, no.

Q. And when Jack Ryan testified, you disagreed that -- you disagree that you were taught that you shouldn't put weight on someone who's restrained in the prone position?

MR. AUSSERER: Your Honor, I am going to object to commenting on another witness.

THE COURT: Sustained.

BY MS. EAKES:

Q. Were you never taught that?

A. I was never taught that, no.

Q. You were aware that there's a danger of positional asphyxia resulting in somebody's death, correct?

A. Yes.

Q. And in fact, you even understood that Tacoma Police had a policy that you couldn't transport somebody when they're in a hogtied prone position, correct?

A. I'm not sure if I knew that was a policy, but it makes complete sense.

Q. And you're aware that there are dangers associated

with having someone in a hogtied position, correct?

A. We never do hogties, but if you're talking about use of the hobbles, I think with everything there is a danger. I mean, you put a person in a handcuffs, you can dislocate their shoulder.

Q. I'm talking about having the hobble connected to somebody's handcuffs.

A. That's the only way that I understood that a hobble was used.

Q. So it's your testimony that you've never used a hobble without connecting it to somebody's handcuffs?

A. I've only seen it one other time and it was connected.

Q. And as part of your training as a police officer, you're trained to deal with people in crisis?

A. Yes, ma'am.

Q. And people with mental illnesses?

A. Oh, yes.

Q. And it sounds like people on drugs?

A. Yes.

Q. And it's your testimony that you frequently encounter people on drugs; is that right?

A. Unfortunately, yes, ma'am.

Q. Now, you understood also as part of your training about the use-of-force standards, correct?

A. Oh, yes.

Q. And at the time of this incident, you were trained that you can only use force when it's necessary to achieve a lawful purpose, correct?

A. I think that's always the standard, yes, ma'am.

Q. And you knew you could only use reasonable force?

A. Yes.

Q. And if someone -- once someone's under law enforcement control, unreasonable uses of force should cease, correct?

A. Yes.

Q. And as a TPD officer, you were never trained in the LVNR, were you?

A. Not specifically at TPD, no.

Q. And in fact, when you went to the Basic Law Enforcement Academy, you weren't permitted to be trained in the LVNR, correct?

A. Well, it's not so much that, it's -- again, LVNR is a company. So they sent, like, a contractor to the academy and your department, from how I understood it, could pay for you to go to this class. But Tacoma did not pay for people to go to that class, if that's what you're asking me.

Q. So Tacoma did not allow you to be trained on the LVNR when you were at the academy?

A. They didn't allow us to go to that class. They

didn't pay for us to go to that class.

Q. In fact, the TPD policies don't actually refer to the LVNR at all, do they, use of use-of-force policy?

A. No, but it opens up to training outside of the department that you use if you find it reasonable and necessary.

Q. And my question is: The TPD policies don't actually have any reference to an LVNR, do they?

A. No. We were writing it at the time of this incident for TPD, but I don't think it was the word or the term of "LVNR" was in the policy itself at the time.

Q. And is it your testimony that you were part of writing the policies on LVNR?

A. I wasn't part of it, but I was part of the cadre, I was part of the defensive tactics cadre, so I knew that was something we were going to work on.

Q. But the TPD policies didn't mention LVNR at the time of this incident, correct?

A. I don't think they mentioned it, no.

Q. Now, you're aware of what proactive policing is, correct?

A. Yes, ma'am.

Q. And in fact, TPD encourages proactive policing?

A. That's correct.

Q. Proactive policing means you don't just respond to

calls, but that you actually go out and you try to make contacts with people to determine whether or not there's any criminal activity, correct?

A. Not necessarily contact with people. It's kind of like how I was describing to Mr. Ausserer. When we go down to Hosmer Street, you look and you see -- like, unfortunately, there's so much crime on that street, you may just see someone start getting assaulted or someone trying to grab someone's purse. And by us not sitting at the station and waiting, but being there on the street and being proactively looking for a crime, that's kind of more what that's addressing. But as far as, we didn't go around making social contacts with people.

Q. But you'd arrest people or stop people for, like, bicycle helmet violations, correct?

A. Yes.

Q. And that would be a form of proactive policing?

A. Yes, ma'am.

Q. And you would use that contact to run someone's name for warrants, for example, correct?

A. That did happen.

Q. And you could stop people that you saw on the street and chat with them and get their name, correct?

A. If there was a reason. If there was a legal reason to stop somebody. You have to have a legal reason to stop

somebody.

Q. And other kinds of proactive policing include things like headlights being out, correct?

A. I mean, that's a traffic violation. But I would think that's more of a traffic violation, so you're not in accordance with the state traffic laws at that point.

Q. And Tacoma -- you actually received encouragement from Tacoma Police to engage in proactive policing, correct?

A. I don't know if it was ever explicitly stated, but that was definitely something that we always talked about.

Q. Well, you were praised in some of your reviews for being a proactive officer?

A. I'm not aware of that independently.

Q. You don't recall seeing that in any of your reviews?

A. It could have happened. I don't remember. It's been three years since I've even been at the department so I'm not sure about my reviews.

Q. Now, I want to ask you about -- you testified this morning about a prior police stop -- a prior stop that you had prior to encountering Mr. Ellis. Do you recall that?

A. The traffic stop?

Q. Yes.

A. Yes, ma'am.

Q. And if I heard you correctly, you testified today

that that stop involved two black women; is that right?

A. That's right.

Q. And that one of them was crying?

A. Yes.

Q. And she said she had a warrant?

A. Yes.

Q. And you even added that you said they had a broken windshield; is that correct?

A. Yeah. They had, like, trash bag windows where when your windows are broken and you just put up trash bags and you tape them up over the window.

Q. So it wasn't the windshield that was broken, it was the side windows?

A. I think the windshield was cracked, but there was side windows that had trash bags for the windows.

Q. And you testified that you didn't run them for warrants, correct?

A. Yeah, I don't think we ran them. It would show up if we ran them on that CAD report. It would add them to the call.

Q. And you didn't issue any tickets, correct?

A. We did not.

Q. Now, when you gave your statement back on March 9, 2020, you were asked about whether or not there was a prior stop, correct?

A. Correct.

Q. And in fact, you said that you didn't remember the prior stop?

A. Yeah, that's right.

Q. And if you want to take a look at Exhibit 56 -- or 59-A, page 16, starting at line 22.

A. Okay.

Q. And read up through page 17 at line 7.

You would agree that you were asked specifically about this about whether or not there was a prior stop and you indicated that you didn't remember it, correct?

A. Yeah, I mean, at the time of -- you have to understand, this was such a traumatic, crazy incident, that definitely at the time of this, this was all I could think about for well over a year.

Q. So again, back in March of 2020, March 9, 2020, you told the officers you didn't remember anything about the call, correct?

A. Yeah, I don't think that was pertinent for our interview. I think they just offhandedly asked me.

Q. So you told them you didn't remember anything about a prior stop, correct?

A. Yes.

Q. Now, you were shown a CAD from that prior stop, correct?

A. Yes.

Q. I'll show you what's been marked as Exhibit 13. This is the CAD related to that prior stop, correct?

A. Yes.

Q. And you would agree that there's nothing on that CAD that indicates that these were two black women that you stopped, correct?

A. Yes.

Q. And so is it your testimony that you never even ran them to find out what the warrants were?

A. Yes, that's right.

Q. You never bothered to check? It could have been any kind of warrant, correct?

A. No, because I remember she had a legitimate story when she told us exactly what was going on. She was driving her friend's car. She just needed to go to the store. She had a real story, and we wanted to cut her a break.

Q. But you did run the plate, correct?

A. Looks like it, yes, ma'am.

Q. And you ran the name of a Robert Boggan, correct, B-o-g-g-a-n?

A. Well, that's who the DMV has as the registered owner. So when you run a vehicle, it will then attach whoever is the registered owner of the vehicle.

Q. So you ran it and you discovered that the car

didn't actually belong to these two women either, correct?

A. Correct.

Q. So there's nothing, however, on this CAD that says anything at all about this being two black women, one of whom was crying and saying that they had warrants, correct?

A. Correct, that was from my independent recollection.

Q. That you had some time after this incident, correct, or after March 9th?

A. Yeah, after I was -- you know, Mr. Ausserer showed me all the paperwork, and I looked through it and I had time to not be in this interview talking about this incident, yeah, there was a lot more that I remembered.

Q. What's the other materials that Mr. Ausserer showed you that related to this incident?

MR. AUSSERER: Your Honor, I'm going to object.

THE COURT: Sustained.

BY MS. EAKES:

Q. Well, you said something refreshed your memory. What did you look at that refreshed your memory?

A. This right here, this CAD report.

Q. The CAD report that doesn't have any mention of the two black women?

A. No, but it mentions the vehicle, and I just remembered the incident and it kind of got me back into that situation.

Q. All right. I want to talk about the incident with Mr. Ellis. Now, you testified this morning that you were sitting at the intersection clearing this prior stop, correct?

A. Correct.

Q. And you would agree, you never said that to Pierce County back in 2020, did you?

A. I wasn't asked.

Q. Well, they asked you about a prior stop, didn't they?

A. They didn't ask me about when he was clearing it.

Q. You said you didn't remember anything about it, correct?

A. Well, he was typing on the computer. There's only one reason to do that, you ran the information. I remember when we were looking at Manny, I looked over, and he's still typing, looking down, and I'm like, what's going on?

Q. You'd agree you didn't say any of that to Pierce County, to the Sheriff's Office, correct?

A. It wasn't pertinent at the time.

Q. And they asked you questions about the entire incident and how it transpired, correct?

A. They never asked about whether we were clearing a traffic stop.

Q. Did they ask you how it was that you came to be in

contact with Mr. Ellis?

A. Yes.

Q. And you never said anything about you sitting at this light clearing a stop, correct?

A. I don't think I mentioned clearing a stop. Again, that wasn't relevant. They were just talking about Manny at the time.

Q. So you're saying you remembered it at the time, but you chose not to tell Pierce County about it; is that your testimony?

MR. CONRAD: Objection. Argumentative.

MR. AUSSERER: That's not what he said.

THE COURT: Overruled.

You may answer.

THE WITNESS: For instance, if I'm in a situation -- you can look at any one of my reports. Say I'm in a situation where I'm struggling with someone in a convenience store, am I fighting in the chip aisle? Maybe. But did I write that in the report, no, because it's not pertinent to what's going on. So then if you were to ask me, were you fighting in a pile of chips? I would say, yeah, I was. Well, why didn't you write that in the report? I mean, it's just certain things where that wasn't even an issue at the time.

You have to remember, ma'am, when we were getting

interviewed, I had no idea that this would be looked at as our wrongdoing. To us, this was a very clearcut situation. Tragic, but it was clear cut.

And when we were explaining this, I didn't even think to go into that kind of detail to protect myself for some reason. It did not occur to me in the slightest.

Q. Mr. Collins, you knew at the time that you gave this statement that Mr. Ellis had died, correct?

A. Absolutely.

Q. And you understood that this was a use-of-force investigation?

A. Yes.

Q. And there was an investigation into his death, correct?

A. Yes.

Q. And you didn't tell them anything about how you were sitting at the light clearing the prior stop, correct?

A. I did say we were sitting at the light, but they didn't ask about the stop for me to tell them.

Q. Understood. You didn't tell them about anything purportedly about clearing this prior stop at the light, correct?

MR. PURTZER: It's been asked and answered multiple times.

THE COURT: I'll sustain the objection at this

point.

BY MS. EAKES:

Q. Now, according to your statement, you saw Mr. Ellis for the first time when he was out already in the intersection, correct?

A. Correct.

Q. So you didn't see him run out of nowhere into the intersection, correct?

A. I did not.

Q. And you never saw him waving his hands to stop the car, correct?

A. No, I did not.

Q. When you saw him, he was already in the intersection?

A. He was at the door of the vehicle. He was either at the front corner panel or at the door by the time I saw him.

Q. And you say that he was trying to open the passenger door; is that right?

A. That's what it appeared from my vantage point, yes.

Q. And it was late at night?

A. It was. I mean, it was 11:20 something, but that's a well-lit intersection.

Q. It was late at night?

A. 11:20, yes, ma'am.

Q. And you thought it was a carjacking is what you told Pierce County, correct?

A. That's not what I said.

Q. You thought it could be a carjacking, correct?

A. You want me to read the statement?

Q. Yes, you want to take a look?

A. Can you tell me which page, please?

Q. Yes. Page 7 to 8, starting at line 21 on page 7.

A. Line what now?

Q. Page 7.

A. What line?

Q. Line 21. You said, "So at this point, I didn't know what we were viewing. I didn't know if this was a domestic violence thing. Maybe this guy got --"

MR. AUSSERER: I'm going to object. This is improper impeachment. Have him refresh his memory like he asked.

THE COURT: Well, I haven't heard anything about a carjacking yet. You asked him, didn't you tell them that it was a carjacking? And he says, I don't think so. Let's read the statement. So seems to me he's inviting Ms. Eakes to read the statement.

BY MS. EAKES:

Q. And you said, "Maybe this guy got kicked out of a car. Maybe he's trying to car jack it," correct?

A. "I don't know." Yeah, it says it right there.

Q. You said after that, "I don't know." But you said it could be a carjacking, correct?

A. Your question to me, ma'am, was, "you thought you were viewing a carjacking." That's much different -- if I knew it was going to be a carjacking, that's going to be a much different situation. But I was trying to explain the mental process I was going through and things I was checking off in my mind.

Q. All right. And just going back to this issue of Officer Burbank purportedly clearing the call, in fact, you were asked to describe what happened, correct?

A. Yes.

Q. And you described that you were travelling westbound on 96th, correct?

A. Let me follow along with you. Where are you right now?

Q. On page 7.

THE COURT: Well, let me just --

MR. AUSSERER: This is improper impeachment.

THE COURT: It isn't.

If you're going to ask him what happened, ask him what happened. If there's an inconsistency with his statement, then fine. But this is not a quiz about what he exactly he told the officers a couple days later.

MS. EAKES: Understood, Your Honor. I asked him about whether or not --

BY MS. EAKES:

Q. It's your testimony that you came to the light and Officer Burbank was clearing the prior call, correct?

MR. PURTZER: Your Honor, that's been asked and answered multiple times.

THE COURT: I think Ms. Eakes is trying to regain her bearings, but I'll allow her to ask the question.

BY MS. EAKES:

Q. Is that right?

A. He was still typing on the computer.

Q. And when you were giving your statement on March 9th to the Sheriff's office, you didn't mention that, correct?

A. I think that's the same point you were going over, yes, ma'am.

Q. And in fact, you described it as, "So once we came to the stoplight, I stopped facing westbound. I looked over and there was some sort of disturbance happening. There was a black male in the middle of the intersection." Correct?

THE COURT: We're just going to read this thing again? I thought we already went through this.

MS. EAKES: I just did.

THE COURT: No. No. No.

We're going to have our recess at this time, ladies and gentlemen. Please do not discuss the case.

(Jury excused.)

THE COURT: Couple of things here. I don't know if the improper impeachment issue applies here where you're talking about a statement by a party. A statement by the party itself is evidence. It's already been played and listened to by the jury and they've had this statement that they read along with.

My concern is that you're simply reading the statement back to him and saying, this is what happened, this is what happened, this is what happened. That's not -- they've already heard the testimony. They already heard the recording.

If you want to ask him what his recollection is about stuff, that's fine. And if he says something different from that, that'd be fine too. And then maybe you can impeach him. But just to read it to him all over again, which it's already been played and read to the jury, what's the point of that?

MS. EAKES: Well, Your Honor, maybe I was doing it ineffectively, but I thought I was impeaching him with respect to his prior statements.

THE COURT: Well, you were reading him his prior statement. How are you impeaching him about it?

MS. EAKES: Because he had previously said something different, Your Honor.

THE COURT: Well, I think he's explained at least some of that that you seem to be going back over about the entry into the computer and why it isn't in the statement, which is not inconsistent with the statement. It is just omitted from the statement and he's explained why that might be.

So I don't know if that's really impeachment either. Although if it's an important omission, I mean, that could be impeachment, sure.

But we are going over, it sounds like, line by line over this statement, which really just becomes a mental test about what was in the statement. If you wanted him to memorize it and read it back, I suppose that would be one thing, but it's already been played to the jury, it's already been read to the jury. To go over it again in this fashion is just simply reintroducing your evidence again.

If you want to ask him questions, fine, if they're related to the event obviously, and we'll see what his answers are and then we'll see if there's reason to bring this statement back up again. Otherwise, we're just repeating the same stuff over and over again.

So that strikes me as cumulative and not genuine cross-examination. So that's kind of where I'm coming from.

I can sense it's a statement by a party opponent. I can see where the substance comes in. That's why it's already come in.

MS. EAKES: Correct.

THE COURT: So it's not really an impeachment issue. We are just bounding this same rug twice.

MR. AUSSERER: You use impeachment because she's trying to point out something different than what he's testified to.

THE COURT: I understand that. And if she's using it for impeachment, that would be one thing. She isn't using it for impeachment. She's using it to read it all over again.

MR. AUSSERER: Understood. But I'm attempting to avoid speaking objections. My issue is when I object, Ms. Eakes just keeps on going as if she doesn't hear us.

THE COURT: That's the reason why I kind of stopped. I thought we made a ruling. I thought it was understood, and we went right back to it immediately. And so I thought maybe it'd be useful to have this moment to sort of see where everybody's at and to be sure Ms. Eakes understands what the nature of the ruling is and why.

MS. EAKES: Your Honor, can I ask, the Court sustained the objection to the documents that we received from the Tacoma Police Department showing what his training

is. Obviously, we can have someone here from Tacoma to testify about what the training documents are, but I'm not certain why the Court would sustain an objection to a document we provided in discovery, he's had it, and it clearly relates to his time. We asked for it from Tacoma.

THE COURT: Well, it seems to me a couple things that are potentially problems, since you asked me.

He took a class. For instance, you were talking about a first aid class. He called it a CPR class. The document says first aid/CPR.

So you kind of were talking past each other because he didn't see it as a first aid class, he saw it as a CPR class. If you read the whole description, there might have been some understanding.

But the problem is, if I talk to you about being a lawyer, you took an evidence class? Yeah, I took an evidence class. You know everything that's in there? Everything? Probably not. So saying the title of a particular class doesn't tell me much about anything.

MS. EAKES: Well, I had the documents that showed that they were talking about things like breathing problems, but the Court cut me off because you wouldn't let me quiz him about it. He knows what those things are, Your Honor. It goes directly to his credibility and the fact that he's had significant training about these topics is significant.

THE COURT: He said he's never seen this particular document.

MS. EAKES: It doesn't matter whether he saw that particular document. If he's had training --

THE COURT: Well, you're saying he's familiar with this training?

MS. EAKES: He's familiar with what his training was, Your Honor.

THE COURT: You're going to tell me -- there's a variety of training.

This is five and a half pages, a bunch of stuff online. This is just one page. This is another page. There's the back side of it. This tells me what? This is a computer and technology class.

MS. EAKES: I wasn't asking him about that. I asked him about deescalation. I asked him about mental health, and I asked him about the training that's relevant to this case.

THE COURT: Did he deny taking deescalation classes?

MS. EAKES: But I'm entitled to ask him about the number of hours and the Court sustained the objection with respect to the number of hours that are on there. That's significant.

THE COURT: This is a summary report citing the

individual classes. We don't know in the deescalation training, I don't know what that consisted of. This is a one-line deal. And you asked about CIT, I assume you're talking about the crisis intervention team.

MS. EAKES: Crisis intervention training.

THE COURT: Well, it says "team." There's another one here, "critical thinking."

MS. EAKES: To understand, the Court's not saying that the document is not authentic, but you don't think it's fair cross-examination because we can't both put on what his training is and I can't ask him about the document that shows that he had training?

THE COURT: You asked him about his training. Was there anything where he denied it? He can tell you what the training is. I don't know how many hours in a -- how many hours did you have in evidence class? Right? Plenty.

MS. EAKES: I'm not on trial, Your Honor. Sorry. I went to school in 1989. So I'm sorry, I don't remember how many hours I had. But I think it's a fair question to somebody.

THE COURT: Was it a course you took for an hour a day for four or five days a week for a semester or even for a year?

But my point is, the 2.25 hours on this doesn't tell me much about anything about a particular line. And

it's not a point about something that is particularly in dispute, is it?

MS. EAKES: Well, I disagree, but again, this is cross-examination, Your Honor. Not the Court deciding --

THE COURT: What's in dispute has to do with what's relevant and what's cumulative and what's a waste of time.

And if he denied having any training like that at all, then maybe we'd be there. But at the moment, does he a have a responsibility to care for any of his suspects, he says yes.

MS. EAKES: He denied that he knows that he's been trained not to put weight on the back of someone who is in the prone position.

THE COURT: Does that document say anywhere on there that he was trained on that?

MS. EAKES: No, but I can call Russ Hicks to testify about that. That's what Russ Hicks will testify about, and that he was trained that the prone position was a transitory position.

THE COURT: Well, anyway, you got my ruling.

MR. CONRAD: Judge, can I address one other issue?

THE COURT: Go ahead, Mr. Conrad.

MR. CONRAD: So one of my concerns is 18-A as well as the transcripts have been admitted for illustrative

purposes only. There's an instruction that accompanies those exhibits. I think we've gotten a little bit loose with use of illustrative exhibits as substantive evidence now.

I mean, the oral statement or the recording is what the substantive evidence is. That's what the instruction says. And I think the State's using not only 18-A as substantive evidence, but as well, the statements of the officers. It is not the best evidence.

THE COURT: I think what they're doing is fine and it's practical. Do you want them to queue you up the recording and play it back each time?

MR. CONRAD: No, but I think at the very least there needs to be some instruction as to the illustrative nature of 18-A.

THE COURT: They've already received that instruction.

MR. CONRAD: Okay. Understood.

THE COURT: All right. We're at recess.

(Proceedings at recess.)

THE COURT: Welcome back, everybody. Please be seated. Are we ready for the jury? I'll take that as a yes.

(Jury enters courtroom.)

THE COURT: Welcome back, everybody. Please be

seated.

Ms. Eakes, continue when you're ready.

MS. EAKES: Thank you.

BY MS. EAKES:

Q. Mr. Collins, you were talking about when you initially saw Mr. Ellis he was in the intersection, correct?

A. Yes, ma'am.

Q. And you thought it could be a domestic violence?

A. I didn't know what it could be, but --

Q. You told the Pierce County Sheriff's Office that you thought it could be a domestic violence, correct?

A. Again, same answer, ma'am. I think I listed a few things. My first instance was I didn't know what I was viewing, and then I rambled off some things that I thought could have been applicable.

Q. And the things you rambled off were a carjacking, correct?

A. That was one of them.

Q. Or domestic violence, correct?

A. Yes.

Q. Or that he had been put out of the car, correct?

A. Correct.

Q. And you would agree that you had no idea at that point whether or not Mr. Ellis was armed, correct?

A. I did not.

Q. And in fact, he had on a bulky sweatshirt?

A. He did.

Q. And you didn't radio in at that point that you were having contact with somebody, did you?

A. No.

Q. And you didn't turn on your emergency lights?

A. No, there was no reason to.

Q. And you didn't get out of your car?

A. No, ma'am.

Q. And you said "there was no reason to." So even though you saw something that you thought could be a domestic violence or carjacking, you didn't think there was any reason to turn on your emergency lights?

MR. PURTZER: Object to the form of the question. She is taking it completely out of context to what he had said. There's no relevance.

THE COURT: I don't know where this is going. He said the car drove away.

MS. EAKES: I'll ask another question.

THE COURT: So he didn't know what had happened. That's what he said, I'm not sure what was happening.

BY MS. EAKES:

Q. Well, you knew that Mr. Ellis was still out in the middle of an intersection, correct?

A. After the car left, correct.

Q. Where there were cars, correct?

A. I mean, I assume -- there wasn't a car at the time, but that's where the cars would go. That's why I called him out of the intersection.

Q. There were other cars on 96th, correct?

A. Not at the time.

Q. And there were other cars that could be turning on Ainsworth, correct?

A. That's definitely possible, yes, ma'am.

Q. And did you realize that Mr. Ellis could be in danger of getting hit by a car?

A. Yes.

Q. And you didn't turn on your emergency lights?

A. I'm not sure how that would stop him from getting hit by a car, ma'am.

Q. So you didn't turn on the emergency lights because it wouldn't help him getting hit by a car?

A. No. So you have to be careful when you're an officer when you turn your emergency lights on and the way you seize people. So where we're at right now with this -- with Manny, he's in the street, there's this car turning, so we have a possible crime. So this is kind of where you start to get what they call a Terry stop. But then once the car takes off, that's our potential victim. They're gone. They don't want our help. They're gone. So now that crime is

over.

Now, we have a Terry stop, which means we can talk to them and kind of investigate, there's something suspicious going on.

Again, like I stated before to Mr. Ausserer, if he had ran off at that time, we would have said, "Have a nice night," because it wasn't enough.

So if I was to turn my lights off, I'm essentially seizing that man and that would be improper use of force.

Q. Well, turning on your lights might also protect him from getting hit by a car in the intersection, correct?

A. I'm not sure how that would happen.

Q. You don't think that turning on your lights would help him if another car were to come?

MR. PURTZER: Objection to the question.

THE COURT: I'll sustain the objection.

BY MS. EAKES:

Q. Now, you're trained not to call a civilian over to your car, particularly if they're acting aggressively, right?

A. I don't think that's ever specific. I mean that's common sense, but he wasn't aggressive at the time I called him over.

Q. Well, you're trained to get out of your car before you make contact with civilians, aren't you?

A. No.

Q. You're not trained on that?

A. Every situation is different. There's no real hard absolutes because everything is kind of evolving and different in the streets, so you kind of deal with things on a case-by-case basis.

Q. Are you generally trained that it's dangerous to sit in your car and have contact with unknown subjects?

A. I mean, I think that's probably good practice, yes.

Q. And you're trained on that, correct?

A. I'm not sure I was ever trained on that, that I was specifically trained, but I think that's probably, like I said, best practice for police, yes.

Q. Because you could be a sitting duck in your car, correct?

A. You can be.

Q. And you can't defend yourself from somebody if they walk up to your car door and they have a gun and you're sitting in the car, correct?

A. Correct.

Q. And that's why officers get out of their car before they have contact with civilians, correct?

A. Again, it's situationally dependent, so you're using a very kind of vague open -- I mean, sometimes officers get out of the car. Sometimes officers stay in their car. It's literally different every situation.

Q. And sometimes you get out of your car when you're having contact with an unknown subject, correct?
A. Yes, ma'am.
Q. And it's your testimony that even though you didn't know Mr. Ellis, that you stayed in your car; is that right?
A. That's correct.
Q. And you called him over to your window, correct?
A. Yes.
Q. And you didn't know if he had a weapon?
A. I did not.
Q. And you didn't recognize him?
A. I did not.
Q. And you never interacted with him before?
A. No, I did not.
Q. You didn't know anything at all about his personal history, correct?
A. I knew nothing.
Q. In fact, you had no idea if he lived in the neighborhood or if he was just passing through, right?
A. That's correct, ma'am.
Q. And you didn't know whether or not he was on drugs?
A. Well, I had a strong suspicion once he got to my window and I observed some things that was definitely not what you normally observe someone like.
Q. But before you called him over to your window, you

had no idea if he was on drugs, correct?

A. No, I couldn't know that from that distance.

Q. But it's your testimony that you rolled down your window and called him over, said, "Hey, come over here to my car," correct?

A. That's correct.

Q. Correct?

A. Yes, ma'am.

Q. And he responded, right?

A. He did.

Q. So obviously he followed your command, correct?

A. Yes.

Q. And he came straight over to the window; is that right?

A. He did.

Q. And it's your testimony that he said something to the effect of "I've got warrants"; is that right?

A. That's right.

Q. And you've became aware that Mr. Ellis didn't actually have any warrants, correct?

A. It was my understanding he was pending a robbery 2 day in court, so I think maybe he thought that that was happening, but I don't know if he had any active warrants. I think he did not.

Q. My question is, he did not have any active

warrants, correct?

A. I don't think it was active at the time.

Q. And in the terms of your comment about he's pending a robbery 2, you learned about that in the course of this case, correct?

A. That is correct.

Q. You did not know that on that night?

A. I did not.

Q. So it's your testimony that Mr. Ellis said, "I have warrants," even though he didn't have a warrant, correct?

A. Yes, I guess that is correct.

Q. And you said that he came up really close to the car, and it sounds like it was sufficient to concern you, correct?

A. He was definitely on it.

Q. And you still didn't radio in?

A. No, ma'am, I still didn't know what he had at that point.

Q. And you still didn't flip on your lights?

A. I actually don't remember when I turned the ambers on. It might have been right when I contacted him. But we kind of keep our hand on the control for the car, and it's something you just kind of start doing second nature. So I don't even recall turning the ambers on, but at some point I flipped the switch to amber. So whether that was right when

I called him or right when he came to the window, I'm not sure of the exact moment.

Q. But you didn't get out of the car, even though you were concerned about him coming up to the window so closely, correct?

A. That's correct.

Q. And you said that at that point you said to Mr. Ellis, "Go sit over on the curb," correct, or something to that effect?

A. "The sidewalk," I think I said.

Q. And Mr. Ellis never actually went all the way over to the sidewalk, did he?

A. No, ma'am.

Q. And it's your testimony, that instead, he started walking around the car, correct?

A. Correct.

Q. And I think you said on direct this morning that as he was at the hood of the car, you saw him fixating on your partner, Officer Burbank, correct?

A. Yes, ma'am.

Q. But even at that point, you didn't call in, correct?

A. Correct.

Q. And in fact, you can call radio and just say, "96th and Ainsworth with unknown subject," correct?

A. Well, yeah, I mean in hindsight, there's a million things I could have said. But like I was explaining to Mr. Ausserer, it's kind of the mental process, because I want to be very accurate, because again, I didn't know if I was witnessing a crime at first. And then he comes to me and I don't know, you know, if this is a medical thing, does he actually have warrants, so I'm processing that. And then he turns it into, okay, now he's fixating on my partner and this is about to get violent. So I'm just trying to process this in my brain and call it out clearly because I want my fellow squad mates to also know do we need help or are we good.

Q. Well, you're trained that your radio is a lifeline, correct?

A. I think so.

Q. And that that's how dispatch or your fellow officers know where you are, correct?

A. Absolutely.

Q. And that's why you radio in your locations, correct?

A. Yes.

Q. And you didn't radio in "96th and Ainsworth," did you?

A. I did not, unfortunately.

Q. Even though you then saw Mr. Ellis, what you said, fixating on your partner, correct?

A. Yes.

Q. And you still didn't get out of the car at that point?

A. No, ma'am.

Q. And you still didn't flip on your lights?

A. I never put the blue and reds on. The ambers were on for the time.

Q. And you said that he then walked over to Officer Burbank, correct?

A. Correct.

Q. And you saw Officer Burbank roll down his window?

A. Yes.

Q. And you heard a conversation between Officer Burbank and Mr. Ellis, correct?

A. Yes.

Q. And in your statement to Pierce County Sheriff's Office, you said that Mr. Ellis said something about threatening to punch Officer Burbank in the face, correct?

A. That is correct.

Q. And even at that point, you didn't radio in, correct?

A. Well, pretty much the instant he said that, he started punching the window, so it all kind of happened like that.

Q. Well, first Officer Burbank had to roll up his

window, correct?

A. He started -- I think he started to roll up his window, but it was like, I mean, everything happened within milliseconds, we're talking.

Q. And the statement that you gave to Pierce County Sheriff's Office, you said that Officer Burbank rolled up his window and then Mr. Ellis started punching the window, correct?

A. Again, I think he started to roll up the window. I don't think it ever got all the way up.

Q. How far down was the window?

A. I think it was maybe, you know, half way.

Q. And it's your testimony that even at the threat of a punch, you didn't get out of the car?

A. No. No. My testimony is, as soon as he started to punch the window, I immediately sprinted out of the side of the car and tried to approach him.

Q. But you didn't call it in?

A. No.

Q. Is that right?

A. That's right.

Q. All right. And you said that after -- how many times did Mr. Ellis punch the car window?

A. I'm not sure. I'm not sure. As soon as the first strike happened, I was out of the car running.

Q. Do you know how hard he punched the window?
A. I mean, what do you mean "how hard"?
Q. Did you see how hard he punched the window?
A. Like I said, as soon as he hit the first one, it looked like a full punch to me, very hard and as soon as the first one hit, it was hard and I was out and running. I wasn't watching him.
Q. And you say you got out of the car and you ran around to the passenger side; is that correct?
A. Correct.
Q. To the front of the passenger side; is that right?
A. I didn't quite make it all the way to the passenger side, but I was headed that way, yes, ma'am.
Q. Now, according to you, at that point, you say that Mr. Ellis turned around and basically picked you up and threw you; is that right?
A. That's correct.
Q. And you never said anything in your statement and you didn't see Officer Burbank door check Mr. Ellis?
A. I did not.
Q. So you never saw Mr. Ellis get hit by Officer Burbank's door?
A. I did not.
Q. And is it your testimony you never saw Mr. Ellis stumble forward or fall forward onto the ground?

A. He didn't fall forward on the ground at that point.

Q. So in terms of what you saw, Mr. Ellis never had that interaction of being door checked with Officer Burbank, correct?

A. He might have been, but he wasn't on the ground is what I'm saying.

Q. But you didn't see it?

A. I didn't see the door check, no, ma'am.

Q. And you never said anything about it to Pierce County, correct?

A. I didn't see.

MR. PURTZER: I object. He said he didn't see it.

THE COURT: I'll permit it.

BY MS. EAKES:

Q. Did you say it to Pierce County Sheriff's Office?

A. I didn't see it, ma'am.

Q. So you didn't say it either?

A. Because I did not see it, no.

Q. And you say that Mr. Ellis picked you up all the way off the ground; is that right?

A. Kind of like a shove backwards and I left my feet and went back on my back into the middle of the intersection.

Q. And you said that you literally were off your feet, correct?

A. That is correct.

Q. And you would agree that if someone was there watching, they would have seen that, correct?

A. Yes, I assume they would.

Q. Would have been obvious to anybody who was watching?

A. If they were there, yes.

Q. And you said in your statement that that was when you realized that Mr. Ellis had "superhuman strength"; is that right?

A. That would qualify, yes, ma'am.

Q. And is that the term that you used "superhuman strength"?

A. I think it was.

Q. And that's a term that you learned in your excited delirium training, correct?

A. I mean, I probably learned that as a kid, but maybe it was in the excited delirium training.

Q. Well, isn't that one of the things that you're trained as a police officer that someone might have excited delirium if they have superhuman strength?

A. It probably says "extreme strength" or "abnormal strength." I don't know the direct wording of what it says in the training.

Q. But you've trained that to say when someone has excited delirium, that they might have extreme strength as

superhuman strength?

A. Yes, ma'am. Yes, ma'am.

Q. Now, according to your statement, you said that -- or your testimony -- at that point you said that you jumped onto Mr. Ellis, is that right, after you got back up?

A. So, I believe in my statement it's described as -- I described it as a melee, because when I hit, I rolled backwards and I immediately charged forward again, and then it was just really violent, you know, a lot going on up and down. And it wasn't very clear until -- the next clear point for me was when I mounted him and started to strike him, which is where I start picking up right where McDowell's video starts.

Q. And your statement to Pierce County Sheriff's Office, you never said anything about after he threw you into the intersection that you rolled backwards, did you?

A. I'm not sure if it was asked, but...

Q. Did you say it?

A. Was it asked?

Q. Did you say it? You were describing the events, correct?

A. I would only answer the questions they asked, ma'am, so if it wasn't asked, then I probably didn't answer it.

Q. Well, isn't most of your statement just a

narrative? They didn't really ask you any questions?

A. They did, yeah, they just let me talk.

Q. Right. And you didn't say anything about having rolled backwards, did you?

A. I mean, I definitely didn't just lay there.

Q. And you didn't say anything about having charged forward at Mr. Ellis, did you?

A. No. Maybe I said "close the distance" or I don't know what wording I used.

Q. Now, you said that Ms. McDowell's video picked up when you were mounted on Mr. Ellis; is that right?

A. Well, it was actually when he's chasing Officer Burbank kind of toward the intersection and they're fighting in the intersection over there.

Q. Well, all right. Well, let's look at Exhibit 440, please.

This is the video of Ms. McDowell's that you're talking about, correct?

A. It is, ma'am.

Q. And this is the stabilized and magnified one, correct?

A. If you say so.

Q. All right. Let's go ahead and play it.

(Video played.)

MS. EAKES: You can stop it there.

BY MS. EAKES:

Q. When it first opens, you would agree that Officer Burbank is picking up Mr. Ellis and slamming him to the ground?

A. No, ma'am, I would not agree to that.

Q. Let's go to exhibit 439, please, which is the PDF. And you've heard the testimony of Grant Fredericks about the PDFs, right?

A. I heard a lot of things from him, yes, ma'am.

MS. EAKES: Sorry, I meant 441.

THE WITNESS: Ms. Eakes, if you're willing to provide me with Officer Burbank's testimony, I'll be able to walk you through this video.

BY MS. EAKES:

Q. I'll just ask you some questions about this. I'm not asking you about Officer Burbank's testimony or his statement that he gave.

A. All right.

Q. So taking a look at 440 -- and why don't we just kind of run through it.

THE COURT: This is 441.

BY MS. EAKES:

Q. 441. Excuse me. This is the PDF.

(Video playing.)

And do you see Mr. Ellis's leg there going up?

A. I do.

Q. And do you see Officer Burbank's arm underneath his leg?

A. It looks like it, yes, ma'am.

Q. Okay. Keep going.

And you see Mr. Ellis being slammed down to the ground?

A. Oh, no. I see Officer Burbank's arm going like this, and that's why he flies back onto his back on the front side of the vehicle, which is what Ms. Mallang described.

Q. All right. Let's go forward.

And you see Mr. Ellis on the ground, correct?

A. Yep. And he kicks Officer Burbank, and then Officer Burbank falls to his back in front of the patrol vehicle and that's the point I mount.

Q. And you can see Officer Burbank's hand still standing up there, correct? Do you see his hand there with the little yellow arrow?

A. I'm not sure what that is, but I see the yellow arrow for sure.

Q. Do you recall the testimony of Grant Fredericks tracking of Officer Burbank's hands?

A. Yes, ma'am, I remember him.

Q. And he testified that that was Officer Burbank's hand. You would agree Officer Burbank was not on the ground?

MR. PURTZER: Object to the form of the question. She's testifying.

THE COURT: Well, you're looking at the video, and you shouldn't compare his testimony to another witness like that. But you know, if you play that back, you can tell it's the hand. I don't think there's anything complicated about it.

THE WITNESS: Yes, ma'am.

THE COURT: The question is, did Burbank fall on the ground? Is that the question?

BY MS. EAKES:

Q. Yeah, you would agree in this part of the video that Officer Burbank is not on the ground, correct?

A. Well, you can't see his body.

Q. Can you play it forward and then back?

(Video playing.)

A. In his testimony -- see, he disappears, in his testimony, he said he went to the ground --

MS. EAKES: Your Honor, I'm going to object that this is non-responsive.

MR. PURTZER: She asked the question --

MS. EAKES: He's talking about Officer Burbank's statements as responsive.

MR. PURTZER: She asked the question and she did not like the answer.

THE COURT: Yes, it is, under the circumstances of how you asked this question.

BY MS. EAKES:

Q. That's fine. Why don't you go ahead and tell us what Officer Burbank's said because we can listen to his testimony.

MR. PURTZER: Object.

MR. CONRAD: I'm going to object.

MR. AUSSERER: Object.

MR. CONRAD: And I would move to strike the commentary.

THE COURT: Counsel, confine your questions to questions and no other extraneous remarks.

BY MS. EAKES:

Q. I'll go back and ask you.

Can you play it back, please.

(Video playing.)

You can see Officer Burbank standing up, correct?

A. Yes, ma'am.

Q. And you see him taking Mr. Ellis to the ground, correct?

A. I'm not sure how --

Q. Stop there.

A. I see this with my eyes and I understand what you're describing but that is not what's happening. He's

just like his -- the reason I said to look at his statement is because I don't know what he's seeing, but when I read his statement for the first time in court, he describes this perfectly in his statement, and what he says is, they collide and they're twisting and then he goes to the ground. And you can see in this video his arm go like this and then all the sudden -- are you saying he just retreats back to the front of the car? He says he's kicked back, which is exactly what I see on this video.

Q. Let's go forward.

(Video playing.)

Let's stop right there. You would agree that Officer Burbank's leg is right here, he's standing up, correct?

A. Point that out again, please.

Q. Yes, Officer Burbank's leg is right here and he's standing up, correct?

A. Yes.

Q. And Mr. Ellis is lying on the ground, correct?

A. Correct.

Q. On his back or on the back and side, correct?

A. Correct.

MS. EAKES: Okay. And why don't you go back a little bit and then go forward.

(Video playing.)

THE WITNESS: Let me get a pointer really quick.

BY MS. EAKES:

Q. And you would agree -- let me ask you the question. Officer Burbank is still standing up, correct?

A. He is.

Q. And Mr. Ellis has a foot -- his feet are off the ground, correct?

A. There's one foot on the ground and there's one foot that looks like it's controlled by Officer Burbank's arm.

Q. And Officer Burbank's arm is underneath Mr. Ellis's leg, correct?

A. It would appear so.

Q. And he's lifting him up in a takedown move, correct?

A. That's not -- if you continue to play it like in a freeze-frame, I guess you could get to that. But if you play the video and pause it for a second, you'll see his upper body twists as he's getting thrown that way. So if you want to do that, you can play it and pause it.

Q. Play it forward?

(Video playing.)

A. Pause it. Okay, you can see his hand is moving this way, and now he's getting thrown and then you can you can see Mr. Ellis kick him and he appears off the screen.

Q. Let's go forward then.

(Video playing.)

A. Goes back.

Q. And you see that Mr. Ellis is on the ground, correct?

A. He is.

Q. And Officer Burbank is still standing up, correct?

A. Yes, ma'am.

Q. All right. Now we see Officer Burbank then move out of the scene, correct?

A. Well, he doesn't move out, he gets kicked out. See, here's the feet and he extends his body. And is it -- I don't understand. Are you saying that he just ran to the front of the car?

Q. I'm asking you questions, Officer Collins.

A. I just don't understand.

Q. I know you want to argue about what's on the video.

MR. PURTZER: Objection, Your Honor.

MR. AUSSERER: Objection.

MR. CONRAD: Objection to the extraneous comments.

MS. EAKES: Well, Your Honor, I'm just asking him questions about it.

THE COURT: He's trying to describe that Mr. Burbank lost his balance and was thrown in that direction, and every time gets to that point you stop it. Stop interrupting his testimony and let him describe this

from beginning to the end, and then you can ask whatever questions you want and without future commentary.

BY MS. EAKES:

Q. Officer Collins, is Mr. Burbank standing up at that point?

A. Is that him there now? It looks like he's still standing.

Q. He's still standing, correct?

A. As far as I can tell, yes, ma'am.

Q. And as he goes out of this screen, he's still standing, correct?

A. I don't know.

Q. Well, would you agree that there's no -- you can't see anything on the video to suggest that Officer Burbank is lying on the ground?

A. That's true. I just see the car, ma'am.

Q. And you can't see Officer Burbank; is that right?

A. That's right.

Q. You can take your seat again.

Now, this is the point at which you come in and mount Mr. Ellis; is that right?

A. Yes, ma'am, that's correct.

Q. All right. And let's go back to Exhibit 440, please. And if you can play it forward.

(Video playing.)

If you could back up just a little bit there.

And that's the part you're talking about where Mr. Ellis is -- you're mounted on him and you're striking him, correct?

A. Yes, ma'am.

Q. And isn't it correct that you said that he was swinging wildly at you at that point, correct?

A. Yes, and kind of, like, reaching up at me.

Q. But he was swinging wildly, that's what you told Pierce County, correct?

A. Yes, ma'am.

Q. All right. Let's go back to 441, the PDF, please. And if you could play it forward, please. Would you agree that there's nothing in this video that shows Mr. Ellis swinging wildly at you?

(Video playing.)

A. Well, it's very hard to see what's going on. All I can see is the white of my hand as my arm goes up to strike him.

Q. Let's go back to 440, and if you could just play it slowly, Corey, please.

(Video playing.)

You can't see Mr. Ellis swinging wildly at you, can you in that video?

A. I mean, you can't see much of anything, no, ma'am.

Q. You would agree it doesn't show him swinging wildly at you, correct?

A. I would agree it doesn't show much of anything, like I said, ma'am.

Q. Now, you testified that Mr. Ellis -- or you said to Pierce County that nothing was affecting Mr. Ellis; is that correct, in terms of the punches to him?

A. Unfortunately, that is correct.

Q. And you can hear him on this video, and I don't know, there might be a better one, 443, is that right, in terms of the sound that Mr. Ellis is making when you're striking him?

A. Yes, ma'am.

Q. If we could play 443.

(Video playing.)

Let me stop you right there, first of all. 546. Okay. First of all, you told Pierce County that after Mr. Ellis said that he was going to punch Officer Burbank in the face, he never said anything else that you understood, right?

A. That's correct.

Q. And in fact, you said that he only made animal noises and that he was growling; is that correct?

A. That is correct.

Q. And let's listen at 546.

(Video played.)

Stop it there. Actually, I think it's Exhibit 440 that's magnified and stabilized.

Do you hear Mr. Ellis responding when you're striking him?

A. In this I can.

Q. In that video?

A. In this video.

Q. And was that the animal noises that you were talking about that Mr. Ellis was making?

A. That's some of it, yes.

Q. Why don't we play that, then.

(Video playing.)

So Mr. Ellis crying out, that's what you call animal noises?

A. That sounds more like crying out in that video, so that must not have been the moment I was talking about.

Q. And you also say Mr. Ellis was growling; is that correct?

A. That is correct.

Q. Now, during the interview that you had with the Pierce County Sheriff's Office, you never said anything about another civilian Sara McDowell being at the scene, did you?

A. I didn't hear her, no, ma'am.

Q. So it's your testimony you never heard Ms. McDowell

when she was screaming?

A. That's correct, ma'am.

Q. And you heard it on the video, maybe we can play Exhibit 20.

(Video playing.)

Is it your testimony that you never heard Ms. McDowell say any of those things?

A. That is correct.

Q. And you never heard Mr. Lowery either?

A. No, ma'am.

Q. Now, in your statement to Pierce County, you described your reasoning with respect to why you thought you needed to use LVNR on Mr. Ellis; is that correct?

A. That is correct.

Q. And is it true that you told Pierce County that part of what you were concerned about is that you couldn't even see Officer Burbank at that time and so you weren't sure if he was unconscious; is that right?

A. That is true.

Q. And you felt like applying the LVNR was your only option to get him under control; is that right?

A. I thought it was the best option.

Q. All right. Let's take a look at Exhibit 440. I want to identify the point at which you say that you couldn't see Officer Burbank. So could you see Officer Burbank at

this time, in Exhibit 20?

A. Yeah, I think it's as soon as he gets kicked by Manny back in front of the car, from that point I didn't know where he was at that point until Manny started to stand up again and I'm getting behind him, so I'm in that period. So I didn't know what had happened there.

Q. So in Exhibit 220 -- or excuse me, in Exhibit 20, Ms. McDowell's first video, you could see Officer Burbank, correct?

A. Yes. So, from here.

Q. And let's take a look at Exhibit 438 then, Mr. Cowden's video. And you can stop it there.

(Video playing.)

Now, this is the point at which you were using the LVNR on Mr. Ellis, correct?

A. I wasn't using the LVNR. I was starting to position myself to get into it, yes, ma'am.

Q. And you can see, if you can just back up a little bit there, you're actually pulling him backwards with a hold around his neck, correct?

A. Yes, getting in position for the LVNR, yes, ma'am.

Q. And you would agree that Officer Burbank was right there in front of you at that point, correct?

A. I saw him once I had those taser lights in my eyes, yes, ma'am.

Q. So you did see him before you actually finished the LVNR, correct?

A. Just as I said on my statement, yes, ma'am.

Q. Let's go ahead and play it forward in slow, please.

(Video playing.)

So Officer Burbank was right there at that point, correct?

A. When I saw him, yes.

Q. Once you were already in the position of the LVNR?

A. Once we started to fall on our sides and I saw the taser out, that's when I noticed Officer Burbank.

Q. Now, is it your testimony that Mr. Ellis did not lose consciousness as a result of the LVNR?

A. I mean, an LVNR was never placed on him, so that wouldn't work. But it was my feeling when I was waiting for the taser to take effect that the taser took appropriate effect, and that's why I didn't move to cuff him from that position.

Q. Let's go ahead and play that one forward again until we see Mr. Ellis drop his head down.

(Video playing.)

And you see Mr. Ellis, you still have your arm around his neck, correct?

A. Can you play it back, ma'am, the point you're asking me?

Q. Sure.

(Video played.)

A. So I'm cradling is head right there. My arm is not around his neck. You can see I'm kind of in front of his face.

Q. You still have your arm around Mr. Ellis's neck, correct?

A. Yes, ma'am. But as you can see, you see how he's facing us and I'm on top of him like this, I'm not getting this side of his neck that's facing me.

Q. Can you play just a little bit further back from before that, please.

(Video played.)

And you see at that point that Mr. Ellis drops down onto the ground, his head does, correct?

A. Yes, right when the taser application is finished. When the taser application kind of goes grey, that's right when I transition to cuffing, as I stated.

Q. And you would agree that Mr. Ellis was not moving at that point, correct?

A. He was not.

Q. And was he unconscious?

A. I'm not sure what he was. If he was exhausted, if the taser hurt and he was done, I don't know, but I wasn't waiting to figure it out.

Q. And he wasn't moving?

A. Not for that split second, no.

Q. And long enough for you be to be able to flip him over onto his stomach, correct?

A. Yes.

Q. And you never told Pierce County Sheriff's Office that you put your knee on Mr. Ellis's head, did you?

A. I didn't put my knee on his head.

Q. So it's your testimony that you never put your knee on his head or on his neck?

A. No, ma'am. So if -- now, when you play something and stop a still and he's fighting and I'm trying to maintain position on him, if my knee slips to his neck, that happens. But what we need to understand from combat is, that's an amateur move. That is what like a big brother does to a little brother trying to hurt him. There is nothing effective about that.

If you do that, the person has the entire leverage of their body and all they have to do is hit their knee off of your head and they're back in the fight. The only thing that makes sense is to pin the middle of their body or their hips, which is what I was trying to accomplish the whole time, but everything is not easy when someone's fighting and kicking.

Q. So you don't think that the video shows that you

have your knee on Mr. Ellis's head and on his neck?

A. I'm sure you could pause it at a point that looks like that, but that's not what I'm doing.

Q. And you said you never put your knee on his head or his neck?

A. Same answer, ma'am.

Q. Now, you also talked in your statement about the fact that Mr. Ellis was tased a second time, correct?

A. Yes.

Q. And that was after you had already put him over onto his stomach, correct?

A. So with taser application is, once the probes are in, the only person who's really going to know is effectively the guy holding the taser, because they can read -- they administer the taser. So all I can kind of go by is feel. So after the first one took effect and I move to cuffing, from that point I'm just on that arm until this is -- he's cuffed. So I'm not sure when Officer Burbank hit his taser button or not, but if that's what you're asking, the specifics, I do not know.

Q. Well, you did talk about him being hit with a second round from a taser, correct?

A. I know he was hit with at least two others.

Q. Right. And so you did feel or saw that there was a taser, a second taser application to Mr. Ellis, correct?

A. I'm not sure I said I felt it, but I know -- like I said, I know there was more than one.

Q. All right. Well, why don't you take a look at Exhibit 59-A, at page 11. And again, this is the statement that you gave to the Pierce County Sheriff's Office.

A. What line are you looking at, Ms. Eakes?

Q. Page 11 at line 11.

A. Yeah, and it says, "I feel Shane give him another round from the taser."

Q. So you did feel that there was another round from the taser correct?

A. Yeah. "His body locks back up, we start to move eventually" yes.

Q. And you said that his body locked up and you started to move in and you eventually got him into cuffs, correct?

A. That is correct.

Q. All right. If we could play 443 at the third taser application.

(Video playing.)

Is it your testimony that you don't recall that there was a third taser application?

A. I mean, again, it's hard to say whether I got that from in this trial. Did I say it in here in the report, I don't know. But again, I'm focused only on cuffing, so

whether Officer Burbank is administering taser rounds, I'm not sure, but you can tell that from his download 23:22:59.

Q. From the download from his taser?

A. Yeah, right here.

Q. So what you said in your statement to Pierce County was that you only accounted for two taser applications, correct?

A. That's possible, yes.

Q. And you're saying now that you don't know whether or not there was a third taser shot used on Mr. Ellis?

A. Is it in my statement? Are you referring to my statement right now?

Q. I'm asking what you recall.

A. Like I said, as soon as I got to that arm, my only job was to get him into handcuffs, which is all I was focused on.

Q. And you were able to get him into handcuffs after the second taser application, correct?

A. I'm not sure if it was the second or third or how many, but we eventually got him into handcuffs.

Q. Now, you were not treated by the medics for any injuries that night, were you?

A. No, ma'am.

Q. And you didn't -- your suit that you were wearing, didn't have any tears in it, correct?

A. It did not.

Q. Or any damage to your uniform?

A. I don't think it did.

Q. Now, you talked earlier about incidences where other people had gone for your weapon. You never claimed that Mr. Ellis had gone for your weapon, did you?

A. No, he didn't at the time of the fight, no.

Q. He never went to your weapon, did he?

A. Not that I know.

Q. And he never threatened to kill you?

A. No. Again, I didn't hear any verbal intelligible words.

Q. And he didn't threaten to assault you; is that right?

A. Well, he didn't need to threaten me because he punched me and threw me, so he acted it out, so he didn't need to make the threat, I guess.

Q. He never verbally threatened you, right?

A. Again, I had no intelligible words.

Q. Now, is it your testimony that there were a series of kind of up and down movements with Mr. Ellis, where you were up and then back down on the ground?

A. That is correct.

Q. And the up parts, you would say were not shown on the video, correct?

A. I think it's been established there's a couple minutes not on video, yes, ma'am.

Q. And any up times that you say happened are not on video, correct?

A. Well, I think Ms. McDowell's video starts when I'm up, and then I go down to the mount position, and then Cowden's video starts and Manny and I are both up and then we go down, so that would be two of the up and down probably referenced.

Q. Well, the video doesn't show -- Ms. McDowell's video doesn't show Mr. Ellis up when you're on him, does it?

A. It shows him up with Officer Burbank.

Q. Now, you talked about you remained at the scene, correct, until fire arrived and even after; is that right?

A. Yes, ma'am.

Q. I think you said that after the hobbles were applied, you went back and stood at the front bumper of your car; is that right?

A. Yeah, so we kind of were like in the front, we went behind the car at one point, or at least I did, so when specifically you're talking about, I don't know.

Q. And you would agree that when you're at the front bumper of the car, you can see where Mr. Ellis is, correct?

A. No. At that point, I mean, there was probably 15 maybe 20-plus officers there, so there was literally, I mean,

a crowd. It was kind of -- if you look at Ms. Mallang's second video, that's what it looked like very quick.

Q. And you're saying it was like that from right after you stepped out, that there were people blocking?

A. So from the moment I got up and kind of started to move away and talk to people, within seconds when I looked back and I started -- because I remember hearing "He's spitting on people. Someone get a spit hood." And I look back and I couldn't even see him at that point, he was kind of swallowed up kind of by everyone standing and the lights were on.

Q. You were close enough to hear somebody say he was spitting, correct?

A. Yes.

Q. And you never saw Mr. Ellis spitting, did you?

A. I never saw him spitting.

Q. And Mr. Ellis remained on the ground the entire time after the hobbles were on him, correct?

A. I didn't view him, so I'm not sure.

Q. You never saw him again after you put the hobbles on him?

A. I did not. Well, I might have looked through -- I think at one point I looked through the crowd and saw, you know, parts of him but, no, I wasn't viewing him in the manner that you're asking.

Q. And you don't know who said that he was spitting?
A. I don't.
Q. And you don't know who got the spit hood?
A. I do now, but I didn't at the time.
Q. And you were aware, were you not, that a spit hood had been put on him, correct?
A. I heard it asked for.
Q. You heard someone ask for the spit hood?
A. I heard someone asked for it, yeah, I mean, I knew it was coming.
Q. And didn't you know that it was put on him?
A. I don't recall if at the time I knew or not, but I knew it was coming to be put on him.
Q. And you would agree it took a long time for fire to arrive; is that right?
A. I mean, I don't know specifically how long it took. I know they do the best they can every night. They're very busy in Tacoma.
Q. You don't dispute that it took about nine minutes for fire to get there?
A. You have the records, ma'am, I'll trust you.
Q. Well, you've heard the testimony correct?
A. Yes.
Q. Does that seem about right?
A. It's possible.

Q. Did you think it was a long time?

A. I don't remember independently thinking that.

Q. Now, you didn't perform any kind of first aid on Mr. Ellis?

A. No.

Q. And you said you ran and spoke to the fire department, to Lieutenant Wilson, where did you speak to him at?

A. Behind my vehicle some distance. So they parked, I don't know, maybe it was a half a block back, maybe a little bit more, and I just approached them at their rig.

Q. So you approached them before they ever got to Mr. Ellis; is that right?

A. That's correct.

Q. And you never actually walked up while they were treating Mr. Ellis; is that your testimony?

A. Yes, ma'am, I did not.

Q. And was Officer Burbank with you the entire time after you stepped away from Mr. Ellis?

A. Not the entire time, no. I was alone when I approached fire. And I heard from his statement that he went back and eventually and retrieved those handgun magazines, which I think turned out to be his, and his hat maybe. So there was a period there where we were not together.

Q. Do you recall, other than what you read in Officer

Burbank's statement, what do you recall about where Officer Burbank was after you stepped away?

A. I remember at one point we were getting interviewed by Sergeant Lim in front of the vehicle, and then at another point, we were in the car together after -- I think that was after fire arrived. But I don't independently recall where he was the entire time.

Q. And you didn't go into the car until after fire had arrived, correct?

A. I'm not a hundred percent -- yeah, no, that would be correct because I was behind the vehicle and approached them and I think after that I was in the vehicle.

Q. And when Sergeant Lim was asking you questions about what had happened, you were there, you were talking with Officer Burbank, correct?

A. When Sergeant Lim was asking me questions?

Q. Yes, when he was asking you guys what happened?

A. When I was talking to Sergeant Lim, is that what you're asking?

Q. You were both present?

A. We were both present.

Q. All right. You weren't separated?

A. No.

Q. So from the time that Mr. Ellis was put into hobbles, he remained on the ground the entire time, correct?

A. Again, I don't know that, ma'am.

Q. Do you have any reason to believe he wasn't on the ground?

A. Well, I've heard other testimony --

MR. PURTZER: Objection.

MR. AUSSERER: Objection to speculation. He said he doesn't know.

THE COURT: You may answer. Overruled.

THE WITNESS: Again, I heard testimony that he was continuing to fight, so I don't know what that looked like because I wasn't viewing it, so I don't want to answer.

BY MS. EAKES:

Q. So you're saying if he continued to fight, you never saw it?

A. That is correct.

Q. You never saw him off the ground, did you?

A. Not once he was hobbled, I didn't.

Q. And you never removed the handcuffs from him?

A. No.

Q. And you never removed the hobbles from him?

A. No, ma'am.

Q. And after Mr. Ellis was in the hobble and the handcuffs -- well, once he was in the handcuffs, he never struck you, did he?

A. No, he did not.

Q. And he never spit at you, did he?
A. He did not spit at me.
Q. And Mr. Ellis wasn't out in the eastbound lane of traffic, was he?
A. I don't think so, maybe not quite that far.
Q. He remained in front of the patrol car essentially, correct?
A. I think he did.
Q. And you never saw him wiggling or trying to get himself out into the street, did you?
A. Oh, yeah, I mean, well, so again, after he was handcuffed, he immediately started to stand up and that's kind of that motion we're talking about, his hips going up, he's on his knees and then as he flattens out he's getting further out, and so he's up on his knees he's going down, so that's why I'm just holding his legs at that point.
Q. And did he move out into the eastbound lane of traffic?
A. I don't think we made it into the eastbound lane of traffic.
Q. After Officers Rankine and Ford arrived, Mr. Ellis, from what you saw, never moved out into the lane of traffic, did he?
A. Again, I couldn't really see him, ma'am, because there was tons of people there by then.

Q. And at the point that you walked away, what officers were there when you claimed you walked away?

A. There was a lot. I remember --

Q. Who do you remember?

A. I remember two county officers and I remember Sergeant Lim, I remember Ford and Rankine. And then there was other people there, because I remember walking by people, but I don't remember faces. And then once I looked at the CAD, there was so many officers, I don't know.

Q. Is it your testimony that all of those officers were there before you stepped back to your patrol car?

A. Well, I don't know if they all were there. There was definitely other officers there. Sergeant Lim was there. Messineo and Sanders were there, Ford and Rankine were there for sure. I don't know about who else I can name.

Q. So at that point that you stepped back, you say after Mr. Ellis was hobbled, to your patrol car, Ford Rankine, Sanders, Messineo and Lim were there; is that right?

A. At a minimum.

Q. At a minimum?

A. Yes, ma'am.

Q. So there were five other officers present?

A. Yes, ma'am.

MS. EAKES: If I could have just a moment.

BY MS. EAKES:

Q. You talked this morning about a case, an incident that you said informed how you handled Mr. Ellis on this occasion, correct?

A. That is correct.

Q. And that was an incident at the Saint James Apartments; is that right?

A. Yes, ma'am.

Q. And according to your testimony, the individual was in one of the empty apartments, correct?

A. Correct.

Q. And there had been a woman who reported a concern about him?

A. Yes.

Q. Something to do with her mail flap?

A. Yes.

Q. Is that correct?

A. Yes.

Q. And according to you, that individual was about 150 pounds, I think you said, he was a little guy?

A. He was small, yeah. He was smaller.

Q. And you say that he was whispering to you that he was going to kill you throughout?

A. Among other creepy things, yes.

Q. And you said you had to put him in an LVNR; is that right?

A. No, I did not put him in an LVNR. That's where -- see, what I was trying to explain is, that's where I realized that's what has to happen in that situation because people under that amount of narcotics, they're not making rational decisions, they can't feel pain, they can't feel themselves get tired, so you're just going to injure them repeatedly, so the safest thing for them and the officer I came to was the LVNR. That's where I learned that, is what I was saying.

Q. And did you use the LVNR on people who you claim had excited delirium after that occasion?

A. So the only two people I've ever encountered at this magnitude was that man in that apartment and Mr. Ellis the night of the incident.

Q. And that was in 2017, wasn't it?

A. I don't recall what the date was.

Q. And you said there that you thought that the individual had excited delirium, correct?

A. I did.

Q. And you wrote a report about that incident, didn't you?

A. Yes, I did.

Q. And do you recall that in the report that you wrote, you never said anything about the individual having excited delirium, did you?

A. No, I wasn't -- I don't think it was pertinent.

Q. You didn't write anything at all about it, did you?
A. No.
Q. And in fact, you described the individual -- you didn't describe any threats by the individual, did you, that he threatened to kill you?
A. I don't remember independently my report from back then.
Q. I can show it to you.
A. Okay.
MS. EAKES: If I could have this marked as Exhibit 77.
BY MS. EAKES:
Q. Handing you what's been marked as Exhibit 77, do you recognize that as the report that you wrote back on October 15, 2017, about the incident at the Saint James Apartments?
A. Yes, ma'am.
Q. And Officer Burbank was there as well, correct?
A. He was, yes.
Q. And this involved a man by the name of Filimon Jerome Shark?
A. Filimon Shark, yes.
Q. And you would agree that the description that you put of him in this report is that he was six feet tall and 200 pounds, correct?

A. Sounds like that's what it is.

Q. You want to look at the report that you wrote. That's what I've handed you.

A. Can you maybe point me to the point in the report where that would be.

Q. Sure. Take a look at page 2, Arrestee A-1.

A. I'm sorry, are you looking on the booking form? So you're looking not on the actual written report?

Q. I'm looking at what I've handed you as Exhibit 77. It says page 1 of 12, and it's on page 2 of 12.

A. Oh, okay. Yeah, so like when this stuff goes in, you know, this is like off of a driver's license. This is not -- so probably years of drugs. He was not 200 pounds.

Q. So even though you listed him as 6 feet tall and 200 pounds you're saying he was actually only about 150 pounds?

A. Again, I didn't list him. So when you do these official reports, you kind of type in someone's birthday, name and everything, and then they get loaded up as to what the DMV from the state of Washington has them as, but they don't keep up on these guys as they continue to change throughout the years. I mean, I think my license says I'm 200 pounds.

Q. Did you prepare this report?

A. I did.

Q. Okay. And if you take a look at your report, your narrative at page 11, you don't describe Mr. Shark as threatening to kill you, whispering that he was threatening to kill you, do you?

A. Sorry. Give me a second. I want to read this. I said -- I'm going to read through some of this because there's a lot here.

"While he was saying this, I identified a black weapon holster sticking out underneath Shark's coat on his right hip" --

THE COURT: Slow down.

THE WITNESS: "It was right after this, I noticed Shark became assaultive by standing up, attempting to pull his arms downward towards his waistline while driving them towards us -- his weight towards us. All the while, A-1 Shark was staring at me with the same distant and calm glance" --

MR. CONRAD: Officer Collins, can you slow down, please.

THE WITNESS: I'm sorry. I'll repeat that. "It was right after noticing that A-1 Shark became assaultive by standing up and attempting to pull his arms downwards towards his waistline while driving them towards us -- his weight towards us. All the while A-1 Shark was staring at me with the same distant and calm glance and began to

whisper to me."

Q. And he said, "Is your partner a rookie? He feels like it."--

A. -- "he feels like it."

Q. Correct? And then you wrote that he said, "You know how he easily I could hurt you guys," correct?

A. Yeah.

Q. And above that, you wrote that when you had reached out to grab him, he became actively resistant stating in a distant whisper, "No, I don't think so," correct?

A. Yes, ma'am.

Q. You don't have anything else in here about threats that he whispered to you that he was going to kill you, does it?

THE COURT: Well, that's what he was looking for, Ms. Eakes.

THE WITNESS: No, ma'am. I think this goes back to our original conversation about, you know, there's no need when I write a report to write every single -- unless it's pertinent. If we know a timeline is pertinent, then I'll write exactly what's going on based on a timeline. If I know what he says is pertinent, he's already made threats, so to me, I've already covered that. So to cover everything he said, it just wouldn't be necessary.

Q. And you didn't include anything in this report

about Mr. Shark purportedly having excited delirium, correct?

A. I don't think I did. We tased him, he said, "Oh, yeah, that feels good."

Q. You would agree it would be a pertinent fact that you thought this person had excited delirium, correct?

A. If we think he's entering a medical emergency, absolutely. So if he starts sweating profusely and going comatosed, then, yes, this is very dangerous very quick.

Q. So is it your testimony that even though you say he had excited delirium, you didn't think it was pertinent at the time?

A. Yes. There's different stages of it, yes, ma'am.

MS. EAKES: If I could have just a moment.

THE COURT: Sure.

MS. EAKES: That's all I have. Thank you.

THE COURT: Okay. It's about three minutes to 4:00, so we'll take our break for the day. Please do not discuss this case among yourselves or with anyone else. Please do not report on this case to social media or otherwise.

(Jury excused.)

THE COURT: We're at break.

(Proceedings at recess.)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

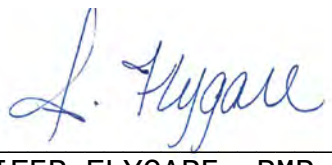
STATE OF WASHINGTON,	)	
Plaintiff,	)	Superior Court Nos.
vs.	)	
CHRISTOPHER SHANE BURBANK,	)	21-1-01286-6
MATTHEW J. COLLINS,	)	21-1-01287-4
TIMOTHY EUGENE RANKINE,	)	21-1-01288-2
Defendants.	)	

REPORTER'S CERTIFICATE

STATE OF WASHINGTON)
) ss
COUNTY OF PIERCE)

I, Jennifer Flygare, Official Court Reporter in the State of Washington, County of Pierce, do hereby certify that the forgoing transcript is a full, true, and accurate transcript of the proceedings and testimony taken in the matter of the above-entitled cause.

Dated this 4th day of December 2023



JENNIFER FLYGARE, RMR, CRR
Official Court Reporter

TAB 3

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, vs. CHRISTOPHER S. BURBANK, MATTHEW COLLINS, TIMOTHY RANKINE, Defendants.	)	SUPERIOR COURT NO. 21-1-01286-6 NO. 21-1-01287-4 NO. 21-1-01288-2

VERBATIM TRANSCRIPT OF PROCEEDINGS
Morning session

December 5, 2023
Pierce County Superior Court
Tacoma, Washington
Before the
HONORABLE BRYAN E. CHUSHCOFF

A P P E A R A N C E S

Attorneys for Plaintiff:

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Patty Eakes

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Anne Bremner
Mark Conrad

Christopher Burbank:
Brett Purtzer
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BE IT REMEMBERED that on Tuesday, December 5, 2023, the above-captioned cause came on duly for hearing before the **HONORABLE BRYAN E. CHUSHCOFF**, Judge of the Superior Court in and for the County of Pierce, State of Washington; the following proceedings were had, to wit:

<<<<<< >>>>>>

I N D E X
12/5/2023

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TIMOTHY RANKINE

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THE COURT: Good morning, everyone. Welcome. Please be seated. Well, it's my understanding we are still missing a juror, so we can't get started yet. But I thought maybe we could take the time to talk about these medical records exhibits. Have you guys made any progress about this conversation?

MR. CONRAD: Some progress. At least I think we know where we disagree and -- well, where we disagree.

THE COURT: Keep talking. Is there anything you agree on? Maybe let's start there. How's that?

MR. CONRAD: I don't know. I think that's a question better suited for the State, because the State knows what I'm proposing. I don't think -- in all honesty, I'm not sure, Judge. I don't think there's a single record that they're agreeing to, but maybe I'm wrong.

MS. NICOLAVO: I think a little bit more accurate description would be that the State understands the purpose for which the Defense wants them in. The State will continue with a standing objection to that purpose. But recognizing the Court's prior comments on the records, we are prepared to discuss what would be admissible based on the Court's prior comments. And with that, when Mr. Conrad was before the Court last time, and I had the transcript from that, he indicated that the

highlighted versions were what he wanted in.

When we met yesterday, he told me, well, those were the important parts, but he wants more in than what's highlighted. So when I had initially gone through it, I went through it with the understanding that the highlighting is what he wanted in and what our objection would be to that but what we anticipate the Court's ruling would be on it. And after last night's meeting, it looks like he wants more than that in.

There's a couple of things that the State would want to add to a few of the records, and I think Mr. Conrad, for the most part, agrees to those few paragraphs. But from the State's perspective, Your Honor, I recognize he wants in the auditory hallucinations, the methamphetamine use, some of the chest pain, and some of the schizophrenia, and, you know, he has multiple exhibits addressing those issues, and I don't understand why we can't have two or three which address that. And it provides for the corroborating of the Defense theory, and it satisfies what's been requested.

And as the Court noted, the more and more you keep going through the same thing here, it does get to be cumulative. I recognize that you said that wasn't the proper objection that you would likely rule it under, but how many times do we have to hear that he's been using meth since he was, you know, a teenager and that he used it

routinely?

He has the records from 2019. Well, first, I think we could exclude 2004. The Court specifically said on the record last time that you didn't see any relevance to that one. Defense didn't have the transcript, but it's on page 7 --

THE COURT: Which exhibit number?

MS. NICOLAVO: 2004. I guess it would be 2004A, on page 17 of your transcript. You had gone through it and said you didn't see any relevance to it, which the State agrees with.

THE COURT: There was this business here about him having a foot injury. A gunshot wound, I guess, to his foot or to his leg. It wasn't clear what that was all about.

MR. CONRAD: I'm fine with redacting that.

THE COURT: She wants to eliminate. Is there something in it that you wanted?

MR. CONRAD: Yes, Your Honor.

THE COURT: What is it that you want?

MR. CONRAD: It's on Bates stamp Rankine Medical Expert 4429. It says, Manuel Elijah Ellis --

THE COURT: Wait a minute. Hold on. Okay. 4429, uh-huh.

MR. CONRAD: That last paragraph there.

THE COURT: What do you want about this, the

auditory hallucinations?

MR. CONRAD: Yeah. And that it's tied to methamphetamine use.

THE COURT: Then what about the rest of that paragraph?

MR. CONRAD: There's one other thing within this, 4433.

THE COURT: You're moving to another page. What about the rest of that paragraph that we were just looking at, 4429?

MR. CONRAD: I mean, if the State wants to redact that his foot's swollen and red and all that stuff, I don't have any objection to that.

MS. NICOLAVO: And Your Honor, from the State's position, there hasn't been any testimony regarding this. This is from July 25th of 2015. There's -- it's documented in records later, which have similar information which we've actually heard testimony from, and when he goes to the uncontrolled hypertension, again, there hasn't been any testimony regarding that that ties it to anything. It's just putting records in front of the jury without it being --

MR. CONRAD: That's not true.

THE COURT: What about the 4433? That's what you want, the uncontrolled hypertension?

MR. CONRAD: Yeah.

MS. NICOLAVO: I believe that's what he wants.

MR. CONRAD: I ended cross-examination, I think, with the majority of their experts by saying, Mr. Ellis had uncontrolled hypertension; correct? And they'd say yes. And I'd say, Do you see people die with uncontrolled hypertension? They'd say yes. He had cardiomyopathy? Yes. Do you see people die with cardiomyopathy? Yes.

MS. NICOLAVO: I don't believe this record was utilized for that, but I could be mistaken on that. But even if it was, he has that in the record and nobody disputed it.

MR. CONRAD: But you said no one disputed it.

MS. NICOLAVO: Well, uncontrolled hypertension.

THE COURT: We could spend five hours going through it at this pace.

MR. CONRAD: I mean, the State could waive it, but I've given notice of these records a long time ago. Pursuant to the statute, the State waives any objection that they have to them, to the admissibility of them. So it really should just be a discussion between the Court and the Defense at this point, but the State keeps interjecting themselves into the conversation, which I understand.

THE COURT: Well, I'm going to let them do that for a while longer. Maybe until the case is over.

MS. NICOLAVO: Your Honor, I guess from the State's perspective also, and as I mentioned earlier, there are records that are more recent that contain similar information. I mean, if you look at Exhibit 984, for example, where it goes through his schizoaffective disorder and again, recognizing the State has a standing objection, I'm just going through it for the purpose of trying to get there.

THE COURT: I understand.

MS. NICOLAVO: You look at this and he wants dim 3, and, you know, that's going to be consistent with what the Court previously stated is going to be admissible.

The State's position is the first paragraph should be redacted for dim 1, dim 2 should be added, dim 3 Defense gets. Which --

THE COURT: I mean, I --

MS. NICOLAVO: -- could ask --

THE COURT: I --

MS. NICOLAVO: When you --

THE COURT: You're looking -- I don't have 984, so.

MS. NICOLAVO: Maybe it's 984A.

THE COURT: 984A. Okay.

MS. NICOLAVO: I apologize. I have these listed based on what was sent.

So he's -- essentially, it's giving him the information that he wants regarding the meth use, the psychosis.

MR. CONRAD: But the difference is, is that we're talking about this being a recurrent issue over a period of time, and that's why the State doesn't want the multiple instances of it that show this is a recurrent, ongoing issue. Because then they're able to argue, oh, because it happens on this one time as if it's some unexpected instance, when we know this is an ongoing issue since -- dating back to 2015.

THE COURT: Well, I think I know how I'm going to resolve this.

MR. CONRAD: Okay.

THE COURT: You already know from our last conversation that there's several items in here that need to be redacted further.

MR. CONRAD: Correct.

THE COURT: Make those redactions.

MR. CONRAD: Yes, Your Honor.

THE COURT: You, on the other hand, need to make whatever redactions you think are important, and then I'll choose.

MS. NICOLAVO: Sounds good, Your Honor, thank you.

MR. CONRAD: Okay.

THE COURT: Okay. Thanks. That'll speed things up a bit.

MS. NICOLAVO: Your Honor, I did provide defense counsel -- we went through them yesterday and this morning, exactly what areas were being redacted, so we'll do the full redactions for the Court. Do you want them marked so you can see what we're redacting, or do you want them blacked out? I guess my point is, when the Court reviews it, do you want to be able to see what our proposal is for what we're taking out versus you're getting it like this and you don't know what it is?

THE COURT: Well, presumably, I've got this, and if they haven't blacked it out, then I can compare it with that. So that should make your job a little easier.

MS. NICOLAVO: Great. Thank you.

MR. CONRAD: Understood.

THE COURT: Okay.

Well, I'm not sure if we got our last juror here yet, but before we get started with that, there's a couple of things, or at least a thing, I want to talk about. We've had a conversation a little bit about courtroom decorum and so on from time to time during the course of this trial. It does seem to me that people are letting their impulses get the best of them. I'm increasingly hearing little murmurs or whatever, based on one thing or another that's either

testified to or a ruling from me or otherwise. And I don't much mind that, particularly if there's no jury present, because I can take whatever criticisms are of me and I'm going to ignore whatever cheerleading there might be for one side or the other, although it certainly looks bad no matter what.

But if the jurors can hear these remarks, it's potentially affecting their deliberations and their outcome and their decision-making, and that's a problem. So we've got to keep it to yourselves. If you've got a problem about that, well, I'm sorry. If it continues, we may have to remove people from the courtroom. That's not the thing I want to do, so fair warning. One.

Number two, it's come to me, some information, that there has been some emotional feelings outside the courtroom in between people and people letting their emotions run on this. And I've had too many times where people get angry about something and words go back and forth between people and the next thing you know, egos get in the way and nobody wants to back down, and the next thing you know, this thing escalates into something really serious and somebody gets hurt.

Obviously, I can't control your behavior outside the courtroom. But I do want everybody to stay safe. And I can imagine, too, that anything that's said outside the

courtroom can be brought into this courtroom in the sense of the emotions of it and so on. And we don't need any more of that than we have already.

So I would urge you all to be circumspect of what you say, you know, cautious, keep it to yourself. If you have emotions about this thing, you may express them elsewhere but not in the presence of the folks who are going to potentially take offense at it. And that goes for both sides. So -- because it just wrangles people up and the next thing you know, we have another tragic event, which I say we don't need. So hopefully, that will be taken to heart and we won't have additional problems with it.

Did you send Hannah to go check on the jury?

THE CLERK: She was going to and then deliver paperwork from something this morning. And here she is. Are they all here?

THE COURT: We're still missing a juror?

MS. HANNAH: Yes.

THE COURT: Mrs. Winnie, make an inquiry. I think you know who that might be. See what you can do and find out what the status is on the jury.

So we'll be at break until at least -- at least for a few more minutes until we figure out what's going on with the other juror. Thank you.

(Recess.)

THE COURT: Okay. Welcome back, everybody. Please be seated. I believe our juror is here now, so we can resume.

MR. AUSSERER: Can Officer Collins retake the stand, Judge?

THE COURT: Yes. I believe it's Mr. Purtzer or Mr. Fricke's examination.

MR. PURTZER: Yes, Judge.

(The witness resumed the stand.)

(The jury entered the courtroom.)

THE COURT: Okay. Welcome back, everybody. Please be seated. Okay. Cross-examine. Mr. Purtzer, when you're ready.

MR. PURTZER: Your Honor, thank you. Cue up Exhibit 440, please.

CROSS-EXAMINATION

BY MR. PURTZER:

Q. Officer, good morning. How are you?

A. Good morning, sir.

Q. We want to take a look at Exhibit 440, which is the first McDowell video, and just had a couple of questions regarding that.

A. Yes, sir.

MR. PURTZER: If you could roll this until we see the flash next to the police car. Go back to where you see

the first flash about two seconds in.

THE COURT: Flash? Are you talking about the police light? What kind of -- flash from what?

MR. PURTZER: We're going to get to that, Judge.

THE COURT: Well, where is that -- where in the -- where would we be looking for this thing?

MR. PURTZER: If you could go up, just forward just a tad from that section. Right there.

Q. (By Mr. Purtzer) Officer, that is what, depicted in the video?

A. Well --

THE COURT: Are you talking about the sort of light there in the middle of the picture?

MR. PURTZER: Correct.

Q. (By Mr. Purtzer) The light right there.

A. It's hard to tell here whether it's a hand or a hand and a Taser, but I know from -- I think further in this video, you can clearly see a Taser out.

Q. You were asked yesterday -- well, you were suggested to that Officer Burbank attacked Mr. Ellis; correct?

A. Correct.

Q. Based upon the training that you've received and that Officer Burbank has received, would that have been appropriate to attack a person with a Taser in your hand?

A. No, sir.

Q. Why is that?

A. So in Taser training, you have to gain distance to pull the Taser out. It's kind of like how I talked about with your firearm. Because it's mine from this distance, but once we're close, wrestling, and I take it out, it's ours.

So in our Taser training in Tacoma, if -- we're taught if somebody gets control of your Taser, you're to lethally engage them through firearms, because now they can make you incapacitated with your Taser, essentially, grab your firearm, and now they're a threat to the public.

So in our training, if somebody gets our Taser, we have to engage with them with the firearm. So absolutely not. You have to have distance before you use a tool like that.

Q. All right. And shortly after, in this video, we actually see Officer Burbank using the Taser on Mr. Ellis; correct?

A. Yes, sir.

MR. PURTZER: Thank you. That's all the questions I have.

MR. CONRAD: I don't have any questions, Judge.

THE COURT: Any redirect?

MR. AUSSERER: I have some questions, Judge.

THE COURT: Go ahead, Mr. Ausserer.

REDIRECT EXAMINATION

BY MR. AUSSERER:

Q. Good morning, Officer Collins. How are you?

A. Good morning, Mr. Ausserer. I'm all right.

Q. I want to work back from Ms. Eakes' cross-examination yesterday through some areas that she touched on; okay?

A. Okay.

Q. So she left off yesterday with Exhibit 77, and with the Court's permission, I'm going to approach you with Exhibit 77; okay?

MR. AUSSERER: Is that okay, Judge?

THE COURT: Yes.

Q. (By Mr. Ausserer) What's 77?

A. 77 is the incident report from the St. James Apartments that we talked about.

Q. And Ms. Eakes yesterday had you look through 77 to address the weight of Philman Shark; do you remember that?

A. I do, yes, sir.

Q. Because your testimony yesterday was that he was about 150 pounds, and in the document it says 200 pounds; do you remember that line of questioning?

A. I do.

Q. All right. At the bottom of Exhibit 77, are there Bates stamps?

A. There is.

Q. Do you know what a Bates stamp is?

A. Yes, sir, I do.

Q. What's a Bates stamp?

A. It's a cataloging system for documents so that you know you have the complete issue of the documents.

Q. And what's the Bates stamp on Exhibit 77?

A. Washington Attorney -- and so it's WAAG 0036296.

Q. And do you know what WAAG stands for?

A. Washington Assistant Attorney General.

Q. Do you know how those numbers are put on there and why they're put on there?

A. They're put on when you request documents from the Attorney General's Office. So they stamp them so you know you're getting the completion of what they have.

Q. So that means that was provided to us from Ms. Eakes; right?

A. Yes, sir.

Q. Is that the entirety of the incident report in 77 related to this incident?

A. It is not.

Q. How many pages is Exhibit 77?

A. So what I have goes through the last three of 296 up until 307.

Q. All right. Is 77 the DOT 1 report that you

created?

A. It is.

Q. What's a DOT 1 report?

A. So any -- any incident where you have multiple officers, the lead officer, whoever is taking control of the case, will have the DOT 1. It's like the main report. And anyone else who's writing has DOT 2s, 3s, 4s, whatever is next. So Burbank and I would switch off, and whatever -- if the call was that I would -- just me in charge of it, then I would kind of cover the main probable cause for arrest and so on.

Q. All right. And how many pages is your DOT 1 report?

A. The actual -- without the CAD information or from the whole thing?

Q. Just 77 that Ms. Eakes decided she was going to show you.

A. So again, she gave me last three of 296 through 307.

Q. And is that the 12 pages that are associated with your DOT 1 report only?

A. Yes.

Q. Are there other reports associated, documenting your interaction with Mr. Shark?

A. Yes, sir.

Q. Were you provided those by Ms. Eakes?
A. No, sir.
Q. Why not?
A. I do not know.
MS. EAKES: Your Honor, I'm going to object.
THE COURT: Sustained.
Q. (By Mr. Ausserer) Well, with the Court's permission, I'm going to hand you what's been marked as 2755.
THE COURT: Proceed.
Q. (By Mr. Ausserer) What's 2755, Officer Collins?
A. So this looks like the full incident report that includes my report. So it goes through, again, 296 in the beginning through 320 at the end.
Q. And are those all Bates stamps and provided by the Washington Attorney General's Office?
A. Yes, sir, they are.
Q. Are they sequential from Exhibit 77 through the rest of the reports associated with the contact with Mr. Shark?
A. They are sequential, but they stop -- they stop, basically, where the CAD incident inquiry picks up.
Q. What else is included in 2755 other than 77, which was provided by Ms. Eakes?
A. So again, it's got the CAD incident inquiry. It's got my report -- or Officer Burbank's report, I mean. And

it's got a use of force supervisor report.

Q. All associated with the contact with Mr. Shark in 2017?

A. Yes, sir.

Q. Yesterday, Ms. Eakes suggested that your testimony that he weighed 150 pounds was not accurate because of the entry in page 2 of your report. Can you tell us how you got that information for page 2 of your report?

A. Yeah. So again, that's -- you know, when all of us get our driver's license, they ask you for your weight and everything, and that's what the weight is by the DOL. We don't actually weigh people when we arrest them. So whether or not they weigh exactly what their DOL says is dependent on a lot of things.

Q. All right. And in your report, the 77 that Ms. Eakes showed you yesterday, was there any documentation that Mr. Shark appeared to be under the influence of any sort of narcotic?

A. In what she gave me yesterday?

Q. Yes.

A. Yes. So I talked about his behavior, and then he was also found with heroin and other, I think, drug needles maybe, possibly. He had a kit with a bunch of stuff in it.

Q. With your training and experience, does the use of heroin affect an individual's weight?

A. It does.

Q. How so?

A. Well, I mean, they don't take care of themselves. They don't eat properly, and they tend to get very skinny, emaciated.

Q. All right. And did Mr. Shark appear to be under the influence of heroin when you contacted him?

A. Not when I contacted him, he didn't.

Q. Ms. Eakes suggested in Exhibit 77 that there's no documentation that Mr. Shark whispered anything towards you and Mr. Burbank. Do you remember that line of questioning?

MS. EAKES: Your Honor, I'm going to object that that misstates the questions that I had asked.

THE COURT: I think it was having to do with whispering a death threat.

Q. (By Mr. Ausserer) Did you -- does your 77 that she provided you document that he whispered threats towards you and Officer Burbank?

A. May I refer to it?

Q. Sure. If it would refresh your memory.

A. So your question, again, was directly, does my report reference threats to me? Is that what you asked me?

Q. Right. So Ms. Eakes suggested that you didn't document these threats that you testified to. Does your report actually document those threats?

A. It does.

Q. And can you read those to the jury, please.

A. Okay. So starting in the middle of the last paragraph on 306. It was right after noticing this that Arrestee 1 Shark became assaultive, while standing up into us and attempting to pull his arms downward towards the waistline, while driving his weight towards us. All the while, Arrestee 1 Shark was staring at me with the same distant and calm glance and began to whisper to me, Hey, is your partner a rookie? He feels like it. Shark then said, You know how easily I could hurt you guys? At this point, I had control of A1 Shark's arm to stop me --

Q. Well, go ahead and stop right there.

So there was a couple of things that you put in quotation marks in your report. Why did you do that?

A. Because that's directly what the subject said.

Q. All right. And so what were the quotes that you attributed to Mr. Shark?

A. You know how easily I could hurt you guys, and I think that might be the only one.

Q. All right. And in the DOT 2 report authored by your partner at the time, Officer Burbank, does he put in quotes things that were whispered, threats towards you from Mr. Shark? I'll direct your attention to page 405, Bates stamp 36319, from the Washington Attorney General's Office.

A. Give me one second, please.
Q. Of course.
A. Yes. At the bottom of --
Q. First off, before you read it, does it indicate that he's whispering these threats to you as you testified to yesterday?
A. Yes, sir.
Q. What does he whisper to you and Officer Burbank?
A. How close he is to killing us and wanted to be sure we were ready to die.
Q. Consistent with what you told the jury on direct examination?
A. I believe so, yes.
Q. Yesterday, Ms. Eakes questioned you about the number of times you reported Mr. Ellis being tased when you were interviewed by Sergeant Brockway on March 9th of 2020; do you remember that line of questioning?
A. I do.
Q. With the Court's permission, I'm going to hand you what's been marked as Plaintiff's 59A.
THE COURT: Proceed.
Q. (By Mr. Ausserer) What's 59A?
A. 59A is that transcript of the meeting with Pierce County Sheriff's Office.
Q. If I can have you turn to page 10 of 59A.

A. Okay.

Q. And start at line 25 at the bottom. Do you see that?

A. Yes.

Q. Turn to page 11. Through line 14, read that to yourself real quick. Do you recall Ms. Eakes asking you portions of those paragraphs yesterday?

A. I do.

Q. Was that the entirety of your statement that she asked you about yesterday about how many times the Taser was applied in this case?

A. No.

Q. Why don't you go ahead and read from page 10, line 25, through page 11, line 14, for us.

A. So at that point I came off the LVNR. I push him down, facedown, and I move to his left arm. And I tell Shane, Grab his right arm. So Shane goes to the right arm. But at this point, you feel the Taser -- we tried to cuff him under power, but you feel the Taser lose that effect and the guy comes back to. And he starts growling again and his hands start kind of hulking away from us. So at this point, my entire body is around -- I have both arms wrapped around his arm, and I'm just clenched on his arm, trying to move it to his back, and he's fighting us. And I feel Shane give him another round from the Taser. So there's another cycle of

the Taser that happens. His body locks up, we start to move in, and eventually, we get him into handcuffs from here.

Q. At any point during your statement, did you indicate that there was one or two Taser applications?

A. It sounds like I said there was two.

Q. Did you say eventually you were able to control him after the Taser applications?

A. I did.

Q. All right. Consistent with what you told us on direct examination?

A. Yes.

Q. Do you recall the line of questioning yesterday when Ms. Eakes suggested that you could have gotten out of the car as Mr. Ellis was in the intersection?

A. I do.

Q. Would you ever get out of the car and walk into the intersection in that circumstance?

A. In that particular circumstance, no.

Q. Why not?

A. Because I didn't really have anything, again, and so he might have just run off. And there was just no reason for me to get out at that point.

Q. Would you ever leave your car in the middle of an intersection while you're out of the vehicle?

A. Not unless it was an emergency.

MS. EAKES: Objection, leading.

THE COURT: It is leading, Counsel.

Q. (By Mr. Ausserer) Is there -- well, have you ever left your car in that situation?

A. Not that I recall.

Q. Is there a reason you wouldn't do that?

A. Well, first of all, it's just blocking traffic. Again, it's unnecessary. It's creating another hazard for other pedestrians. But it just doesn't make any sense to do that.

Q. Understood. Yesterday, Ms. Eakes questioned you during that same line of questioning why you didn't activate your emergency lights in that situation; do you remember that line of questioning?

A. I do.

Q. Is that appropriate at all?

A. Not at all.

Q. Why not?

A. That's an illegal seizure.

Q. Why is it illegal?

A. Because I didn't have a crime. I mean, you -- once -- like I was explaining yesterday, once you activate the lights to a citizen, if they start -- you're telling them they're understood arrest. So you have to have a lawful arrest reason to do that at that point.

Q. What would happen if you had performed that illegal procedure as Ms. Eakes suggested?

MS. EAKES: Your Honor, I'm going to object. It's argumentative.

THE COURT: Overruled.

MS. EAKES: And speculation.

THE COURT: I'll allow this.

A. How so?

Q. (By Mr. Ausserer) Well, can you just perform illegal maneuvers whenever you want because the prosecutor suggests it's an option?

A. Absolutely not.

MS. EAKES: Object, misleading and argumentative.

THE COURT: I'll allow it to stand.

A. I wouldn't deserve to be a police officer. I wouldn't want to be abusing my power.

Q. (By Mr. Ausserer) Yet, yesterday, Ms. Eakes suggested that you told Sergeant Brockway, in this line of questioning about activating your lights, that there was a carjacking; right? Do you remember that?

A. Yes.

Q. Turn to page 7 of 59A, please. And I want you to review lines 12 through the bottom of page 7 and the first line on page 8.

A. Okay.

Q. Is that the area of the interview with Sergeant Brockway on March 9th where you're discussing what you think you're seeing in the intersection before you have contact with Mr. Ellis?

A. It is.

Q. All right. And why don't you go ahead and read lines 12 through the first line of page 8.

A. Okay. So once we came to the stoplight, I was stopped, facing westbound. And I looked over and there was some sort of disturbance happening where there was a black male in the center of the intersection. His back was faced to me, and there was a vehicle turning west onto 96th Street from Ainsworth. And he was at the passenger door, working the handle, and the vehicle was kind of trying to turn left. It slowly moved around him without hitting him, and then it took off.

So at this point, I didn't know what we were doing. I didn't know if this was a domestic violence thing, maybe this guy got kicked out of a car, maybe he was trying to car jack it, I don't know. I didn't know. But at this point, now this gentleman is just standing in the middle of the intersection and just right out in the middle.

Q. All right. Kind of three times that you said you don't know what was happening out in that intersection; is that right?

A. That's right.

Q. And if you don't know what's happening out in the intersection, what are your limitations as an officer at that point?

A. Well, I mean, I have to know what I'm looking at, what -- if I'm dealing with a crime or not.

Q. Okay. And is that consistent with what you told the jury on direct examination yesterday about --

MS. EAKES: Your Honor, I'm going to object as argumentative.

THE COURT: Sustained.

MS. EAKES: Move to strike counsel's comment.

THE COURT: I've sustained the objection.

Q. (By Mr. Ausserer) So if you didn't know what was happening out in the intersection, it is appropriate to activate your emergency lights?

A. No, sir.

Q. Yesterday, Ms. Eakes challenged your testimony about clearing the previous stop at 96th and A; do you remember that line of questioning?

A. I do.

Q. And she suggested that you didn't articulate that in your March 9th interview with Detective Brockway; is that right?

A. That's right.

Q. Did you have any idea at the time you made the statement that that was an issue in this case?

A. No, I did not.

Q. Did you have any idea that the State would suggest that it limited the time you would have interacted with Mr. Ellis?

MS. EAKES: Your Honor, I'm going to object --

A. Certainly not.

MS. EAKES: -- as to leading and argumentative.

THE COURT: Sustained as to leading.

Q. (By Mr. Ausserer) Was that of any significance at the time that you gave this interview on March 9th?

A. It was not.

Q. Did anybody ask you about where you cleared the stop on March 9th?

A. They did not.

Q. Did anybody ask you how you cleared the stop?

A. No, sir.

Q. If they had, would you have explained it to them?

A. Yes.

Q. Is that your practice?

A. Yes.

Q. At the time you gave this statement, had you received any materials from Mr. Fredericks limiting the time frame?

A. No, I did not.

MS. EAKES: I'm going to object -- withdraw.

THE COURT: Answer stands.

Q. (By Mr. Ausserer) Yesterday, Ms. Eakes challenged your use of the LVNR under the use-of-force policy by the Tacoma Police Department; do you remember that line of questioning?

A. Yes, sir, I do.

MR. AUSSERER: Can we pull up Exhibit 301, please. May I approach the witness with the hard copy of 301.

THE COURT: Yes.

Q. (By Mr. Ausserer) Officer Collins, what's 301 --

A. 301 is our Tacoma Police Department procedural manual on the use of force.

Q. All right. Yesterday, Ms. Eakes said that TPD doesn't authorize an LVNR; is that accurate?

MS. EAKES: Your Honor, I'm going to object that that misstates the question that I asked. I asked whether it referenced it.

THE COURT: I'll allow the question to stand.

Q. (By Mr. Ausserer) Do you remember that line of questioning?

A. I do.

Q. And she, Ms. Eakes, suggested it's not referenced in your use of force; right?

A. Correct.

Q. And not allowable under TPD policy; right?

MS. EAKES: Your Honor, I'm going to object again. That's a mischaracterization of what I asked, and it's argumentative.

THE COURT: I'll allow the question.

Q. (By Mr. Ausserer) Why don't you read for us paragraphs 2 and 3 on page 2 of 13 of Exhibit 301?

A. 2 and 3?

Q. Yes, please.

A. Members of the department must generally employ the tools, tactics, and timing of force application consistent with the models, direction, and departmental training modules. This model, while requiring the officers to maintain controlled superiority over a subject, supports the practice of progressive application of force as part of the continuous risk assessment process.

Risk is assessed objectively based on the on-scene reasonable officer's perspective, taking into account the facts and circumstances of the particular situation that are known to the officer.

Due to the fact that the officer/citizen confrontations occur in environments that are potentially unpredictable and are tense, uncertain, and rapidly evolving, officers may use tools and tactics outside the

parameters of departmental training. All such applications of force shall meet the same standard of reasonableness as those which have been previously identified and approved. No distinction shall be made relative to the age of a suspect regarding the use of force. Reasonable timing and tactics shall be the determining factors.

Q. So does the policy explicitly allow you to go outside of TPD training?

A. It does.

Q. And your training with respect to the LVNR, was that outside the scope of TPD?

A. It was.

Q. And did you think that was reasonable given what you were faced with with Mr. Ellis?

A. Absolutely.

Q. Consistent with this policy?

A. Yes, sir.

Q. Yesterday, Ms. Eakes asked you many, many questions about failing to report hearing Mr. Ellis say he can't breathe; do you remember those questions?

A. I do.

Q. Did you hear Mr. Ellis say he couldn't breathe?

A. I did not.

Q. How are you supposed to report something that you didn't hear?

MS. EAKES: Your Honor, I'm going to object. That's argumentative.

THE COURT: Sustained.

Q. (By Mr. Ausserer) How would you report something if you couldn't hear what something was said?

MS. EAKES: Same objection, Your Honor.

THE COURT: Sustained.

Q. (By Mr. Ausserer) Can you report something you didn't hear?

MS. EAKES: Same objection, Your Honor.

THE COURT: Sustained.

MR. AUSSERER: Understood.

THE COURT: Let's move on.

Q. (By Mr. Ausserer) Ms. Eakes asked you questions about independently calling for medical aid based on statements from Mr. Ellis that you said you didn't hear; do you remember that line of questioning?

A. Yes, sir.

Q. Under what circumstance would you independently call for aid when your sergeant is on scene and already contacted for aid?

A. If I was not aware that Fire was en route already, then that would be a reason.

Q. And Ms. Eakes asked you about not reporting that Mr. Ellis said he couldn't breathe; do you remember that line

of questioning?

A. I do.

Q. Did you report whether or not you heard Mr. Ellis say, Try it again?

A. No, I did not.

Q. Why did you not report that?

A. I don't remember him saying that.

Q. Did you report that you told Mr. Ellis to put his hands behind his back four times without compliance?

A. I did not.

Q. Why did you not report that?

A. I don't remember saying that either.

Q. Did you report hearing Sarah McDowell screaming on scene?

A. I didn't hear her.

Q. So you didn't report that either?

A. No, sir.

Q. So did you report only the things that you recalled and heard?

A. Yes.

Q. Ms. Eakes suggested you didn't report to Fire your concerns about excited delirium; do you remember her asking those questions?

A. Yes.

Q. Turn to page 13.

MS. EAKES: Your Honor, I'm going to object to that misstates the questions that I asked him. I asked him about other people there, not about Fire.

THE COURT: Well, that's not true, Judge.

MS. EAKES: Well, I have the transcript.

THE COURT: I'll let the question stand.

Q. (By Mr. Ausserer) Do you remember that line of questioning about filling out the report, excited delirium?

A. Yes, sir, I do.

Q. Turn to page 13 of 59A, please.

A. I'm there.

Q. Lines 5 through 12.

A. Would you like me to read it out loud?

Q. Sure. Is that what you said to Sergeant Brockway on March 9th shortly after this incident?

A. Yes.

Q. Go ahead and read it.

A. When Fire arrived, I went up to the guys to give them a rundown and just said, you know, that I had time to kind of process what had just happened by then and I said, Hey, this is -- I don't know what's going on, but I think this guy might be excited delirium. Like, he's just kind of freakish strength and he wasn't speaking to us. He wasn't -- he was just out of control. That's what I told them.

Q. Are you referring in your interview with Sergeant

Brockway what you told Lieutenant Wilson on the scene?

A. I believe it was who's now Lieutenant Wilson, yes. He wasn't a lieutenant then.

Q. Had you heard Mr. Ellis say, I can't breathe, as suggested by Ms. Eakes, would it have changed how you handled restraining and controlling him?

A. No, I couldn't have changed that.

Q. Why?

A. Because, again, I mean, it goes back to our whole discussion yesterday, but we have to restrain him first. And if he's now in this state of mind and is standing up with handcuffs instead of a disadvantaged position, we have to keep him down on the ground. So at that point, we can either put a bunch of officers on top of him to keep him down or we can place him in hobbles so he can't stand up, so...

Q. Had you heard him say, I can't breathe, when would have been the appropriate time to do something about it?

A. I mean, right away.

Q. Once he's hobbled?

A. Yes.

Q. And in your interview on the 9th, didn't you report that as soon as he was hobbled, someone said turn him on -- recovery position?

MS. EAKES: Your Honor, I'm going to object again to leading.

THE COURT: I'll permit this. Overruled.

A. Yeah. I believe Officer Burbank instructed people to put him on his side.

Q. (By Mr. Ausserer) And did you report that on March 9th?

A. I did.

Q. Yesterday, Ms. Eakes had you refer to 18A. With the Court's permission, I'm going to hand you back 18A. Do you remember what 18A is?

A. Yeah. That's the audio transcript from their audio expert.

Q. And Ms. Eakes asked you specifically about the time frames in which it references where Officer -- according to this document, Officer said, Shut the fuck up, man. Do you see that on page 4 of 6?

A. Yes.

Q. And what time, at least according to this document that was used for illustrative purposes only, does it indicate that that was said?

A. 23:23 and 42 seconds.

Q. All right. And Ms. Eakes suggested that was related to Mr. Ellis saying he can't breathe. On page 3 of 6, what time does it document that Mr. Ellis said he can't breathe?

A. 23:23:28.

Q. So how long after Mr. Ellis says he can't breathe is the statement, Shut the fuck up, man?

A. From 23:23:28 to 42. I'll let you do the math on that.

Q. So at least 14 seconds?

A. Yes, sir.

Q. Between the "I can't breathe" and "Shut the fuck up," how many unintelligibles are attributed to Mr. Ellis?

A. Sorry. I'm getting lost here.

Q. That's okay.

A. How many unintelligibles? You've got one, two, three.

Q. Any idea -- any recollection as you sit here what shut the F up was relative to?

A. No, I don't remember saying that.

Q. Lastly, Ms. Eakes asked you, and I wrote it down, quote, "You were praised in your review when discussing proactive policing." Do you remember that line of questioning?

A. I do.

Q. That is not all you were praised in, is it?

A. No, sir.

Q. Have you had accommodations and praise for your use of force as an officer?

A. Yes.

MS. EAKES: Your Honor, I'm going to object that this is not relevant and outside the -- I asked him only about the proactive policing.

MR. AUSSERER: She's opened the door by asking him about his praise.

MS. EAKES: Your Honor, this obviously was related to the proactive policing. It's not relevant as to other things.

THE COURT: Overruled. You may proceed.

Q. (By Mr. Ausserer) Have you been praised for your police work at TPD?

A. Yes, sir, I have.

Q. How many commendations have you received for your work at TPD?

A. I'm not sure.

Q. How many related to de-escalation and use of force?

A. I know one for certain, but I'm not sure of any other.

Q. Did you receive the Medal of Merit?

A. I did.

MS. EAKES: Your Honor, I'm going to object. This isn't relevant, and it's outside the scope.

MR. AUSSERER: She opened the door, Judge.

THE COURT: We'll excuse the jury and have a conversation about this. Ladies and gentlemen, please do

not discuss the case.

(The jury left the courtroom.)

MS. EAKES: Your Honor, my objection --

THE COURT: Everybody can be seated.

MS. EAKES: Yesterday, I asked one question about whether or not it was true that he was praised in his performance evaluation for his proactive policing. It was discrete to that issue. The idea that Mr. Ausserer can say, Well, you used the word praise and you talked about and you asked about a specific thing, that somehow opens the door to all his other commendations is simply -- it's not relevant and it's not accurate. And it's -- certainly, I didn't open the door with respect to any of his other things.

I also do have one other issue I want to raise about 18A and the way that it's being used in light of the way the Court reconfigured it.

THE COURT: I'm sorry?

MS. EAKES: I have another issue with respect to 18A that I want to raise also.

THE COURT: Okay.

MR. AUSSERER: Judge, she chose to ask about praise related to on-work duty in a fashion that fit her theory of the case. She doesn't get to limit his praise and commendations by saying it was only with respect to proactive policing. I asked those things on direct

examination. Ms. Eakes objected, then went into it on her own. She chose to do that. I now get to follow up on his praise for that limited scope as she suggested, because that's not accurate. And I might say --

THE COURT: What you're saying is that she -- you're claiming that she suggested that he would have been more zealous for proactive policing because he was rewarded for it?

MR. AUSSERER: That's what the suggestion is, Judge.

THE COURT: And you're saying there's more to it than that?

MR. AUSSERER: It's not just proactive policing. In fact, the Medal of Merit, I think the Court probably knows based on argument, was in fact awarded for de-escalation of somebody who comes at somebody with a knife that Officer Collins disarms and de-escalates. So that's exactly consistent with what I just asked him, that the State tried to limit in the use of their questions.

THE COURT: I think you tried to go into it on direct and I wouldn't let you do it.

MR. AUSSERER: Correct. Because the State objected to it.

MS. EAKES: Your Honor, I mean, it's apples and oranges. I mean, the issue of whether or not he was praised

for proactive policing, and that's all I asked him about, is not related to whether or not he received commendations for some other de-escalation. There's no connection between those two things.

Proactive policing is simply going out and causing things to happen by making contacts with people and developing criminal activity as a result of it. That's what the testimony has been, and that's what proactive policing is about.

THE COURT: Right. But when you tie it to the idea that he's received benefit from doing that, you're saying that he had an incentive to be aggressive about that. And what Mr. Ausserer is suggesting is he also had an incentive to de-escalate problems and so on because he got praised for that and awarded for that. And so that counters this idea that the only thing he would get praised for is being an aggressive officer.

MS. EAKES: Well, that wasn't -- what I was suggesting in terms of the proactive policing was that he had been recognized for that, that he was being proactive.

THE COURT: Right. But the point is, though, it leaves -- whether that was your intention or not, it leaves the jury with that potential inference.

MS. EAKES: This is just character evidence. But I understand that the Court is going to let it in with

respect to Officer Collins. But, I mean, I just note that -- I mean, it's --

THE COURT: The reason you understand that now is because now you -- the logic of it has certainly been made apparent.

MS. EAKES: I would disagree. I believe and I'm very practical about where the Court's going, and I can -- I hear what the Court's saying about it.

THE COURT: You're announcing these rulings before I make them.

MS. EAKES: Well, you pretty much just said how you're going to rule, so maybe I was jumping ahead to what --

THE COURT: I didn't say that. What I do, if you haven't caught on by now, is I -- there's a kind of devil's advocate thing here. I mean, I try to say, well, here's the argument that's being made, show me where it's wrong. And when you do, then you win; right? But if you don't, then you've got a problem. So we have to -- so we go through that, and I do that to both sides.

That's my style. Sometimes lawyers don't like it because they sometimes think I'm being aggressive towards them personally, and I'm not. I'm trying to get at the ideas or the principles which they're trying to advance. And sometimes they advance principles that are not really

consistent with logic or rules of evidence or otherwise, and sometimes they do. And I've got to sort that out.

So yeah, I tend to think that under the circumstances, he's entitled to go there. So you said you had another issue with respect to 18A.

MS. EAKES: I do. And You know, Your Honor, this has been the issue from the beginning with the way the Court decided to limit what was on a 18A. Counsel's now using 18A to basically say that Mr. Ellis didn't say he can't breathe, when he knows -- right before the "shut the fuck up." When he knows that the evidence and what the transcript said, it said 23:23:41, Mr. Ellis, and you made us change it to Unintelligible, said, Can't breathe. And that's what I played yesterday. And then comes the comment of shut the fuck up.

Now he's using this to say, well, these are just unintelligible, and the time he said shut the fuck up was from a previous time. And I just think that that's deceptive in light of what the Court did in terms of changing the transcript. Obviously, if the Court said at the time --

THE COURT: I don't have 18A. Can you get it?

MR. AUSSERER: Hand that to the judge, please.

THE COURT: Thank you.

MS. EAKES: You recall at this time that the Court

said we're not going to allow it in the transcript because you couldn't hear it sufficiently or there was dispute about whether or not how strongly Mr. Hallimore could do it, and so you made us change that one comment to "unintelligible" even though 18, which I'm happy to show the Court, showed that he had made the comment about he can't breathe.

MR. AUSSERER: Well, the context that Ms. Eakes fails to point out to the Court is that that was corresponding to the e-mail from Mr. Hallimore saying, I can't understand what it is, but if your office agrees to what it says, I'll add it in there. And then the Court said, Yeah, we're not doing that because I can't hear it. And he played it for you 30 times in the court and you still couldn't hear it. It says "unintelligible" according to the Court, so what I did was actually consistent with the Court's ruling and the finding and not disingenuous or misleading.

MS. EAKES: Your Honor, there was obviously dispute as to whether or not that was said. I can't find the first binder, but I'll hand up to the Court what we have marked as 18. And I think that, you know, 18, obviously, the comment was in there --

THE COURT: Was that the little clip that you played yesterday?

MR. AUSSERER: Repeatedly. No, that's --

MS. EAKES: One of the clips I played yesterday.

MR. AUSSERER: Where you could hear "breathe" is what the actual testimony was. Or "please."

THE COURT: Well, there was one that was really short and I questioned for a moment whether it had been admitted or not.

MS. EAKES: No. That was 659. That was the dispatch that you also took out, which was at the following -- that was at 23:25:21.

THE COURT: Well, that's after this, anyway.

MS. EAKES: Correct. It was after that.

THE COURT: So we have the 23:23:28. I guess I'll just use the last two numbers. 28, which is "can't breathe." Then we've got Mr. Ellis at 31, which is three seconds later. And are you talking about that one or are you talking about the next one?

MS. EAKES: No, I'm talking about the next one, right above "shut the fuck up, man." 23:23:41.

THE COURT: Okay. And you played that one yesterday, too?

MR. AUSSERER: She did, repeatedly.

MS. EAKES: I played all of that sequence. That was Exhibit 612.

THE COURT: I don't know what to tell you except you can use cross-examination. I mean, your expert couldn't

tell after going over it and going over it and going over it and going over it. And I couldn't tell.

MS. EAKES: Well, I think that the record is --

THE COURT: You may be able to say, Listen, ladies and gentlemen, it's there. Listen to it. And one might even come back and say, It's so difficult to hear. How can you say that that's what he's responding to, even if it's true? As opposed to the fact that he's saying something when he's now engaged in a conversation with Mr. Haze, or at least somebody is, because it says, Mr. Haze, do you guys need some help? Officer at 37 seconds. 39 seconds, Officer -- doesn't say which one, Oh, we got somebody coming. 41, another two seconds later, unintelligible. And 42, we have the "shut the fuck up, man" statement by an officer that Mr. Collins is saying is probably him.

MS. EAKES: Again, I just think that -- well, the Court's not going to do anything about it. I just think it's not fair to use that when he knows what it said and that it was taken out and changed by the Court to "unintelligible."

MR. AUSSERER: She knows what it said.

(Multiple speakers.)

THE REPORTER: I can't take more than two speakers at once.

THE COURT: When he knows it's not true is I think

your point. And I guess I would say I don't know that anybody knows whether it's true or not. The jury can make their own determination. You can say, Hey, listen, he says it here. And of course they could still believe, well, even if he did, it could have been just -- from the point of view of the officer when he said it, it could have been just noise or he could have said that and was telling him, as your position is, that he was telling him to shut up about that. Or it could be that it was just like a noise that he couldn't hear or you thought maybe he was making noise so he couldn't hear Mr. Haze. Again, I don't know. It's all kind of possibilities there, and you're certainly entitled to ask the jury, isn't it true that if you listen to this, you can hear that he's saying that and then he immediately afterward says, Shut the fuck up, man. But whether or not that was -- I think we're all agreed that it's Mr. Ellis's voice. What he said at that point in time is in dispute, and it could be you're right and it could be you're not. So I don't know that that makes much difference.

So here's 18A back. And as I say, when you go on redirect -- or recross, you can ask him about it again if you want. All right. Let's have the jury back.

(The jury entered the courtroom.)

THE COURT: Okay. Welcome back, everybody. Please be seated. Okay. Objection is overruled. You may

continue.

Q. (By Mr. Ausserer) Before we excused the jury, I asked you about receiving the Medal of Merit. When did you receive the Medal of Merit?

A. I don't recall the day. I think it was around 2018, '17.

Q. What's the Medal of Merit?

A. It's a commendation for police officers that falls somewhere under the -- it's the -- I think the third highest. Medal of Honor, Medal of Valor, Medal of Merit.

Q. What did you receive the Medal of Merit for in this case?

A. Officer Burbank and I were responding to a strong-arm robbery at the 76 station on 84th and Hosmer street. And in that scenario, the clerk -- guy jumped over the counter and beat him up and then had taken cigarettes and some money, I think, and then the guy left. So we were there taking the report, and while we were there, Officer Burbank kind of was walking to the back of the store while he was talking to dispatch, running records. I was interviewing the clerk, and the assailant came back. And now he was armed with a 15-inch butcher knife. He had it raised over his head, and he was coming at me, telling me to kill him.

Q. So what did you do?

A. We were able to basically -- at the end of the

story, we were able, when he turned his back, to get him safely in custody without hurting him.

Q. And did both you and Officer Burbank receive the Medal of Merit for de-escalating that circumstance?

A. We did.

MR. AUSSERER: Thank you. That's all I have, Judge.

THE COURT: Recross?

MS. EAKES: Just a couple of questions.

RECROSS-EXAMINATION

BY MS. EAKES:

Q. Officer Collins, is it your testimony that it's lawful for a pedestrian to be out in the middle of an intersection in the middle of the night?

A. It depends on the circumstances. I mean, they could be crossing the road, but not just standing there.

Q. It wouldn't be; correct?

A. No. But it's not a seizable offense. I couldn't just go run out and arrest someone for that.

Q. And it's your testimony that it's to a seizure just to put on your lights; is that right?

A. It can be, yes, ma'am.

Q. And you were asked about the St. James report. Do you recall yesterday when you testified, you explained to the jury that that St. James incident is the reason why you knew

you had to use an LVNR against Mr. Ellis; correct?

A. That is correct.

Q. And you explained that the individual in St. James was out of control; correct?

A. Yes.

Q. And that you had to punch him multiple times. And you realized that you could just keep punching him, but you weren't going to get him to stop; correct?

A. I'm not sure punching, but striking him, because I know I did other strikes, yes.

Q. Okay. And you also said that you then kneed him in the groin as hard as you possibly could; correct?

A. Yes, ma'am.

Q. And you've looked at the report from St. James; correct?

A. The specific parts that I've been asked about.

Q. You didn't review the rest of it?

A. I didn't read it all.

Q. There's actually no reference in that report at all to you striking Mr. Shark, is there?

A. I don't know if there is or not.

Q. Why don't I show it to you again.

A. Okay.

Q. Handing you what's been marked as Defense 2755.

A. A second to read through it, ma'am.

It's not specifically referenced, no.

Q. There's no reference at all to you striking Mr. Shark; correct?

A. There is not.

Q. And there's no reference in that report to you kneeing Mr. Shark in the groin as hard as you could?

A. That would be the same as striking. No.

Q. There's no mention of you striking him or kneeing him in the groin; correct?

A. No, ma'am.

MS. EAKES: If I could have just a moment.

That's all I have. Thank you.

THE COURT: Mr. Purtzer?

MR. PURTZER: Yes, thank you, Judge.

RECROSS-EXAMINATION

BY MR. PURTZER:

Q. Officer, some more questions regarding the event there at the apartments. You talked earlier in both your direct examination and cross-examination regarding various levels of uses of force; correct?

A. Yes, sir.

Q. And striking a person is a use of force; correct?

A. It is.

Q. And you use your elbows, you use fists, you've kneed persons. And that is a level of use of force?

A. It is.

Q. All right. Taser is a level of use of force as well, is it not?

A. It is.

Q. Where is the Taser in relation to the strikes?

A. It's lower than strikes.

Q. So strikes is higher than Taser?

A. Strikes, you deal with assaultive subjects, so that's a step up. Taser, in Tacoma's use of force, is actively resisting, so it's a step down.

Q. So you had struck the person, it didn't work; correct?

A. Yes, sir.

Q. And he was responding, apparently, to the strikes he's receiving?

A. Yes.

Q. How was he responding?

A. By telling us to do it more and laughing and threatening us.

Q. You did ultimately tase him, though; correct?

A. I did.

Q. How many times did you tase the individual?

A. I think three times.

Q. Why don't you take a look at Exhibit 77 on the last page, pages 11 and 12.

A. Does it specifically say here or do I need to --

Q. Well, take a look at the last paragraph -- actually, the last four lines of page 11 and the top part of page 12. And I need to ask you a couple of questions regarding that.

THE COURT: This is the incident at the apartment complex with Mr. Shark?

MR. PURTZER: Yes. Exhibit 77.

A. Okay.

Q. (By Mr. Purtzer) So does that refresh your memory about the number of times you tased Mr. Shark?

A. Yes.

Q. How many times did you tase him?

A. Three times.

Q. Well, doesn't it reference that you tased him twice and then you hit him with the ARC switch three separate times?

A. Yeah. I mean, it depends on how you're asking about it. So in this sense, because we were in such a close fight, I did what's called a staple. So you can fire your Taser cartridge and then fire a second Taser cartridge to make your spread, and then hit the Arc button on your Taser to actually tase. So if you ask me maybe how many times I tased.

Q. Okay. So how many times did you tase him?

A. So it says here three times, until he finally dropped to the floor.

Q. What was the response that he gave to you upon being tased?

A. He said, Oh, yeah, that feels good.

Q. Ultimately, though, you were able to cuff him?

A. Yes, sir.

Q. How was he cuffed?

A. How was he cuffed?

Q. Yes.

A. So this was another -- so it says after getting him to the floor, we finally placed him in handcuffs. Soon after dropping to the floor, additional officers arrived at the scene to assist in detention. This was another incident, much like the night of Manny Ellis's incident, where we were fighting for over six minutes at this point. So by the time the officers relieved us, we literally just rolled out and there was, like, five or six officers involved at that point.

Q. What did those officers do when they arrived?

A. They hobbled him, from what I understand.

Q. So he was not only cuffed, but he was hobbled?

A. That's what I understand.

Q. Consistent with respect to what Mr. Ellis --

A. Yes, sir.

Q. And then after he was actually taken away to the

jail, are you aware of how Mr. Shark responded once he was there at the jail?

A. Yes.

Q. How did he respond once he was at the jail?

A. Yeah. It was bizarre. So as soon as we finally got him hobbled and then he calmed down. So then the hobbles were removed. We placed him in our car, and he wouldn't say a word to us. We took him to the jail. And I remember we asked for additional corrections officers because we had just been in this huge fight with him, and he's just totally calm, won't say a word to us. And he gets to the booking table at the jail, and as soon as those cuffs come off, he starts fighting the entire jail staff. And I think it took -- I mean, there was at least five correctional officers and people were tasing and it was wild. But we were out of it by then.

Q. All right. And you testified yesterday about the reason why a person remains cuffed at the scene; correct?

A. I believe so, yes.

Q. To control the individual?

A. Yes.

Q. Once the cuffs are removed, the individual is no longer in control?

A. Absolutely, yes.

Q. Is this an example of an individual who is in

perfect harmony with the officers but then becomes uncuffed and is completely chaotic?

A. Absolutely.

Q. And is that why you have did what you did with respect to Mr. Ellis?

A. Yes, sir.

MR. PURTZER: Thank you. Nothing further.

MR. CONRAD: I have a couple brief follow-up, Your Honor.

THE COURT: Go ahead, Mr. Conrad.

RECROSS-EXAMINATION

BY MR. CONRAD:

Q. So about this incident with Mr. Shark, the initial call came out from Shirley; is that right?

A. That's what it looks like, sir.

Q. I'm not going to try and pronounce her last name. But she is 68 years old, it indicates here. She lived in that apartment complex?

A. Yes, sir.

Q. And according to DOL, she weighed about 100 pounds; is that right?

A. Yes, sir.

Q. She said that she woke up at 2:00 in the morning and heard her front door -- someone at her front door; is that right?

A. That's right.

Q. And said she looked through her peephole and she didn't recognize the person that was standing at her front door, and the person was jiggling the door handle at that point?

A. That's correct.

Q. And that was Mr. Shark at her door, trying to get in --

A. That is right.

Q. -- at 2:00 in the morning for this lady living at that apartment?

A. Yes, sir.

Q. And then about -- well, 911 had responded, but he had left the -- Mr. Shark had left the location?

A. Yes.

Q. And about an hour later, at 3:00, he returned to her door; is that right?

A. That's right.

Q. Okay. And then he started walking through the hallway, and he fit through an 18-x-18-inch metal door mail slot; is that right?

A. That's what I was trying to explain about those old school, little box slots on the bottom of the St. James' apartment doors.

Q. And he was able to crawl through that mail slot

into that vacant apartment down the hallway?

A. Yes, sir.

Q. And then you guys actually found the mail slot inside with him when you guys went in there?

A. Yes, sir.

Q. And when you made contact with him, you said that he -- right away you indicate in your report that he appeared to be under the influence of some type of narcotic; right?

A. Yes.

Q. I mean, that's what you write in your report back in 2017?

A. Yes, sir.

Q. And that he's just staring at you with this blank look on his face is what you also write?

A. That's correct.

Q. And he says to you all, What are you doing here?

A. Yes.

Q. And he started to grow in aggression towards you all, and then you discuss, again, trying to detain him in handcuffs. And he kept that distant stare towards you throughout that time period, you indicate in your report?

A. That's right.

Q. And one of the things that you also noticed during this is that he had a black weapons holster sticking out underneath?

A. Yes.

Q. Why did you include that in your report?

A. Because once that struggle is happening, we have to assume he's going for a firearm that's in that holster.

Q. Okay. You later learn that actually, he didn't have a firearm on him. There was like some USB charger or something like that?

A. Correct.

Q. But you took that into account during your struggle with him?

A. Yes.

Q. You even discussed being unable to just -- you're grabbing one of his arms and being unable to hold on to even just one of his arms, you yourself?

A. Yes.

Q. All right. And in this report, you actually quote Mr. Shark as saying after you -- after you used a Taser on him, you quote him as saying, Oh, yeah, that feels good, and explanation points after your case note?

A. Yes, sir.

Q. Okay. And in Mr. Burbank's report, he includes a couple of additional details as well; right?

A. He does.

Q. And he says that also, Mr. Shark is saying, when you guys are trying to take him into custody and he's being

tased, he says, Keep doing it, you'll love it, and other oddities is how he explains it; is that right?

A. That's correct.

Q. You talked about this Rolodex of experiences that you've had as a police officer that inform your training and experience, and this is one of them; is that right?

A. This was a pivotal one, yes.

Q. I wonder what would have happened to that lady that lived in that apartment had Mr. Shark --

THE COURT: Hold on. Hold on. Is there a question here instead of a comment?

MR. CONRAD: I don't have any other questions.

THE COURT: Okay. Mr. Ausserer?

MR. AUSSERER: Nothing further. Thank you, Judge.

THE COURT: Ms. Eakes?

MS. EAKES: Nothing further.

THE COURT: Mr. Purtzer?

MR. PURTZER: No. Thank you, Judge.

THE COURT: You may step down.

(The witness left the stand.)

THE COURT: Thank you. Okay. We'll take our morning recess now for 15 minutes. Ladies and gentlemen, please do not discuss the case among yourselves or with anyone else, and please avoid any reports in the media, social or otherwise, on the subject of this trial.

(The jury left the courtroom.)

MR. FRICKE: Your Honor, I just want to make sure if we could make -- if the Court could break, like, right at 12:00, because I arranged to have a phone court hearing in Alaska, which they set over the noon hour so that we didn't interrupt the court proceedings here. So it's at 12:15 and I need to get back to my office.

THE COURT: We'll try to do that.

MS. EAKES: Can we ask who's coming next?

THE COURT: You can ask. Is there another non-defendant witness in the area?

MR. CONRAD: No, Judge.

MS. EAKES: Okay. Thanks.

THE COURT: That should be a clue. All right. We're at break.

(Recess.)

THE COURT: Welcome back, everybody. Before we proceed, we have another issue that came up that I want to talk to you about. One of the jurors informed our staff that he had inadvertently heard something on the news and/or saw something on the news, also heard, I think, anyway, about this case; that it only lasted for a few moments before it went to a commercial, wanted to let us know about it.

I asked Mrs. Winnie to inquire more specifically

about it, and I believe he thought it was on KIRO television, and my understanding is that he did hear something about the trial. I got the impression it wasn't much, but some.

I don't know if you want to inquire of this juror anything more about it than that. I don't know whether it impacts their view of the case in any way, but we can have them come out. And I did have Mrs. Winnie inform the juror, you know, we want to make sure that you don't say anything to any of the other jurors, and this juror informed us that that had not happened and would not happen, so that was good.

I also had Mrs. Winnie inform him that we may want to talk with him about this. So he's prepared for that if it happens. Anybody want to question the juror?

Mr. Fricke.

MR. FRICKE: I think certainly we need to know, however you do it, that he could set whatever he heard aside and reach a decision. That's the only issue as far as I'm concerned.

THE COURT: Sure. It's an issue you want me to bring him out to find that out?

MR. AUSSERER: I don't, Judge. The fact that he self-reported this and complied with the request from the Court gave me assurance he's going to do what the

instructions tell him to do.

THE COURT: How does the State feel?

MS. EAKES: If the Defense doesn't think it's necessary then we don't think it's necessary.

THE COURT: Mr. Fricke, what do you -- you really -- so do you want me to bring him out or not?

MR. FRICKE: No, I said I don't really care how you do it, but, you know --

THE COURT: Well, by --

MR. FRICKE: -- I'm always cautious when it comes to those things. Obviously, I've always taken a position that to know is better than not to know.

THE COURT: Well, by saying I don't care how you do it suggests that you want me to do something to find out whether or not, in my view, it impacts his view of the trial, and I don't know that that's an appropriate rule for me, so I guess the question is, if you want me to bring the juror out, I'll do it. If you don't --

MR. FRICKE: I don't have any desire to ask him questions specifically.

THE COURT: Well, I can ask the questions if that's what you're concerned about. And usually, what I would do is ask the questions and then ask counsel if they have any questions after I've completed mine. But you may not want me to ask him anything so. Everybody so far says

no except you, Mr. Fricke --

MR. FRICKE: I know, and I --

THE COURT: -- and I respect that. It's -- I don't -- I give you the tyranny of the majority, but you can go your own way. What do you want to do?

MR. FRICKE: I've certainly been consistent in my positions on it and they have as well, so I guess I'll remain consistent and just ask that you ask the question can you set it aside and leave it at that. I'm assuming he's going to say yes, or she, whoever it is, and --

THE COURT: So you do want me to bring the juror out?

MR. FRICKE: For that very limited purpose.

THE COURT: I will ask a number of questions. After I do so, I'll ask each party, starting with the State, whether they have any questions for the juror as well. And so I don't know where this might go.

MS. EAKES: What other questions is the Court intending to ask?

THE COURT: Basically confirming what we already know, to some extent, which is you did self-report that there was an issue, that you heard something on the news, confirm what the source of the news was, as I said, my understanding is Channel 7, but he might tell me something else. Ask him if what he learned -- you know, I'm sure

trying to get some idea how much information, how long the duration of the report was that he heard or saw, and ask him certainly to what extent he thinks it would impact his ability to be an impartial juror here and influence his decision, if at all, and confirm that he hasn't talked to other jurors about it.

MS. EAKES: Is the Court then intending to ask him about the content of what he heard?

THE COURT: I wasn't going to. Does anybody want me to?

MS. BREMNER: No, Your Honor.

MS. EAKES: If the Defense doesn't want to. I'm trying to get the parameters of what the Court's going to ask so that we're clear. If the defense doesn't want that.

THE COURT: Well, somebody else could ask it, conceivably. As I say, once I am finished with my questions, I'll ask counsel if they want to ask any particular questions that might be raised by the answers that have been given, and if they do, I'm not going to necessarily have carte blanche of everything you might ask, but chances are you will ask something that will be fine and then who knows where it will go?

MR. FRICKE: I don't think we have any intention of asking that question.

THE COURT: Okay. Well, all right. My

understanding is this is Juror No. 12, so would you have the Juror come in.

(Discussion held off the record.)

(Juror 12 entered the courtroom.)

THE COURT: Welcome back. Please be seated, everyone. Juror 12, welcome. First of all, you're not in trouble. It probably feels a little like going to the principal's office. Don't feel that way.

You reported to our staff that you heard something on the news report on the subject of this trial, and first of all, I want to let you know reporting that to us was the right thing to do, so by definition, you're not in trouble. So I want to discuss just a couple of questions about that.

First of all, what was the source of the news story that you --

JUROR 12: The source of the news?

THE COURT: Yeah. Was it a television, newspaper?

JUROR 12: It was KIRO Channel 7, TV.

THE COURT: Television. Now did it happen that this happened that you happened to hear this report?

JUROR 12: I turned on the TV and it was on. It was on, that was the first thing that came on. I was watching football. I -- the only thing I -- I was watching football the day before, and when I turned it on it was on, and I was just going to the Monday Night Football game and I

caught the end of the report.

THE COURT: Okay. The end of the report. So that would ask my other question, is how long a period of time do you think you were able to hear the report?

JUROR 12: It was the very end -- it was the very end of the report and it moved on --

THE COURT: Sure. So did this go on for two minutes, 20 seconds?

JUROR 12: 20 seconds, if that.

THE COURT: And then it ended because it went to a commercial break or you changed the channel?

JUROR 12: It just ended because I think it went to another news topic but I went to watch Monday night Football after that.

THE COURT: Okay. Is there anything about -- I don't want you to necessarily tell us what you heard, but is there anything that you heard that you think would affect your ability to be impartial in this case?

JUROR 12: No.

THE COURT: Would you be able to disregard that report if it was somehow contrary to the evidence in our case?

JUROR 12: Would I be able to disregard that report if it was --

THE COURT: Yeah. If there's evidence in the case

that's different from whatever you heard on the report, would you credit just the evidence you've heard in the courtroom or would you credit this news report?

JUROR 12: Oh, no. Yeah. Just -- just what I hear here. That doesn't hold any weight.

THE COURT: Okay. So.

JUROR 12: So what I --

THE COURT: All right. Now, did you talk to any of the other jurors about what you heard?

JUROR 12: No.

THE COURT: Okay. Do any of the lawyers have a question, starting with the State? Do you have any questions for Juror 12?

MS. EAKES: The State doesn't have any questions. Thank you.

MR. FRICKE: No, Your Honor.

MR. AUSSERER: No, Your Honor. Thank you.

MS. BREMNER: No. Thank you.

THE COURT: All right. Juror 12, thank you very much. We're going to send you back in the jury deliberation room for a minute and then we're going to bring everybody back in. Thank you.

(Juror 12 left the courtroom.)

THE COURT: Anybody have any comment about Juror 12, whether it's appropriate to have the juror

continue in the case or not?

MR. FRICKE: No issues, Your Honor.

MR. AUSSERER: No objection to continuing.

MS. BREMNER: No issues, Your Honor.

THE COURT: State?

MS. EAKES: No concern.

THE COURT: Okay. So let's have the jury.

Who is the next witness?

MR. CONRAD: We'll call Officer Rankine to the stand.

(The jury entered the courtroom.)

THE COURT: Welcome back, everybody. Please be seated. Okay. The defense's next witness.

MR. CONRAD: We call Officer Rankine to the stand.

THE COURT: Please come up to right about here and raise your right hand to be sworn.

TIMOTHY RANKINE, having been duly sworn by the Court, testified as follows:

THE COURT: Thank you very much. Please have a seat right there. Please state your name and please spell your name.

(The witness took the stand.)

THE WITNESS: First name Timothy, T-I-M-O-T-H-Y, last name Rankine, R-A-N-K-I-N-E.

THE COURT: Thank you much. Mr. Conrad.

MR. CONRAD: Sure.

DIRECT EXAMINATION

BY MR. CONRAD:

Q. Good morning.

A. Good morning, sir.

Q. Caught you at a bad moment. Ready to go?

A. Good to go.

Q. All right. So I want to talk about some background questions first about you. So I'm going to ask you where you were originally born.

A. I was born in Singapore.

Q. Okay. And what year were you born?

A. 1988.

Q. Okay. And how long did you live in Singapore for?

A. Since I was born until I was about 13.

Q. Okay. And who -- I mean who from your family is from Singapore?

A. My sisters and my mom.

Q. Okay. And how many sisters do you have?

A. I have two sisters that are biological, the other two are stepsisters.

Q. Could you pull the microphone a little bit closer to you?

A. (Witness complies.)

Q. Okay. So how long did you live in Singapore for?

A. Thirteen years.

Q. So from the time you were born until you were 13 years old?

A. Yes, sir.

Q. And what did your mom do for work?

A. She was a single mom, so she did many jobs.

Q. Okay. And why did you guys leave Singapore?

A. My mom remarried to my stepdad and he's American, and he decided to adopt us and move to the U.S.

Q. Okay. And where did you guys move to in the United States?

A. The first place we lived at was Atlanta, Georgia.

Q. And did you attend school in Atlanta?

A. I did.

Q. What grades?

A. I started out in middle school, I think it was 7th grade.

Q. What was it like moving from Singapore to Atlanta, Georgia?

A. It definitely was quite different. I think I grew up a little bit different than most Americans did. I have -- yeah. I talk differently, I dress differently when I first moved over, so I wasn't really treated super nice.

Q. What about, so was English your first language?

A. Kind of. Chinese and English is predominantly

spoken in Singapore.

Q. How is your Chinese?

A. Now? Kind of rusty.

Q. You still speak Chinese at home?

A. Yeah, at times with my family.

Q. With your mom?

A. Yes, with my mom.

Q. Okay. And so you're talking about being in Atlanta. Did you attend high school?

A. I did.

Q. Where did you attend high school?

A. That's in -- I did some years in Arizona and some years in Virginia.

Q. Okay. And what about any schooling after high school?

A. I did some college in Arizona.

Q. Okay. And did you finish college?

A. I did not.

Q. Why not?

A. I think for me, college was, I have thought, would give me purpose. I was playing a collegiate sport, but I didn't really find the purpose in it. I wanted to do something more with my life, enjoy the freedoms and rights that were given to me when I first moved over here. I was proud to be American, so I joined the military, but without

my parents knowing.

Q. Without your parents knowing?

A. Without my parents knowing.

Q. Did that get you in some trouble?

A. They found out when I graduated basic and I sent them an invitation card.

Q. Okay. How was that conversation?

A. I mean --

MS. EAKES: I'm going to object to the relevance of this.

THE COURT: Sustained.

MR. CONRAD: Okay.

Q. (By Mr. Conrad) So how long were you in the military for?

A. Just shy of six years.

Q. Okay. And were you honorably discharged?

A. Yes.

Q. And what brought you to Washington State?

A. I was stationed out here at Fort Lewis at the time in 2011 and I just stayed after I got out of the Army.

Q. And are you married?

A. I am.

Q. And how long have you been married for?

A. Just over a year.

Q. How long have you known her?

A. I say ten years, but that might be wrong.

Q. Okay. You guys have a couple of dogs together; right?

A. We do.

MS. EAKES: Your Honor, I'm going to object to the relevance.

THE COURT: Sustained.

Q. (By Mr. Conrad) So you were talking about being in Washington State. I want to talk about when you first applied to become a police officer; do you remember when that was?

A. I think it was back in 2018 sometime.

Q. Okay. And what brought you to apply to be a police officer?

A. I think for me, it was a career change, for one, but when I was in the military out here, I spent a lot of time in Tacoma. I lived in Tacoma when I was in the military out here, so for me, I kind of wanted to give back to the community, you know, I didn't -- being a cop, you meet people at their worst time and I also know Tacoma was full of crime and I was trying to help with mitigating crime.

Q. Okay. And do you remember how much you earned as a police officer?

MS. EAKES: Objection, relevance.

THE COURT: Sustained.

Q. (By Mr. Conrad) I want to ask you about the night of March 3, 2020.

How long had you been a police officer at that time?

A. I think just over a year.

Q. Okay. When did you graduate the academy?

A. January 2019.

Q. January 2019?

A. Yes.

Q. And take us -- tell the jury -- take us through kind of after graduating what the next steps are.

A. So with Tacoma, after you graduate from the academy, you go through a bunch of classroom portions, a bunch of trainings before you start your FTO program, which is field training officer program. That's when you start actually patrolling the streets with a training officer, and that lasts about four months or so.

Q. Okay. And the FTO program, is that part of that we talked -- I think you heard testimony about probationary period?

A. The FTO is part of it.

Q. Okay. And who were some of your training officers?

A. I had quite a few, but Officer Burbank was one of them.

Q. Okay. And so tell us about the probationary patrol

period. How long is that?

A. It's a year.

Q. And what is that?

A. So probation officers, when you first start out, you are put on a one-year probation period. As new officers, there's -- actually, any police officers -- it's quite a bit of a learning curve, so when you're on probation, it's for other officers to assess you and make sure you can follow the laws, do all the policies and procedures properly, and basically be a safe officer without any risks to anyone else.

Q. And do you remember when your probationary period ended?

A. I think it was January 2020.

Q. Okay. So about a month prior to this incident?

A. Yes.

Q. Okay. And we've heard about the area that you patrolled on the night of the incident. Is that an area that you had been patrolling for a period of time?

A. Not really. When I was in the FTO program with Officer Burbank, I was in the Sector 3, which is what I patrol, so only after I got off FTO I was placed in the Sector 3, so I was only there for a few months.

Q. In Sector 3 for a few months?

A. Sector 3 for a few months.

Q. Am I right in thinking that the area where this

incident happened is sector 4?

A. It's shared. So with Tacoma Sector 3 and Sector 4, because the crime rate we just call it the South End. Sector 3 and Sector 4 officers comingle. We go to each other's calls, for the most part, so that area is -- I think it's Sector 3, to be exact.

Q. Okay. And so that's the area that you were patrolling on March 3, 2020?

A. Yes.

Q. Which shift were you working?

A. Graveyard.

Q. What hours is that again?

A. 8:00 p.m. to 6:00 a.m.

Q. And how long had you been working that shift for?

A. Few months, after I got off the FTO program.

Q. That's when you first started working graveyard?

A. Yeah.

Q. And did you have a partner that night?

A. I did.

Q. Was that Officer Ford?

A. It was.

Q. How long had you guys been partners at that time?

A. Three months so far.

Q. How old were you on March 3, 2020?

A. Thirty-one.

Q. All right. And I want to ask about kind of walking through -- the jury -- walk the jury through kind of this -- this incident from telling us about this prior stop that you had backed up Officer Burbank and Officer Collins at.

So can you describe to us kind of your involvement in that traffic stop?

A. So that traffic stop, it's not uncommon for other officers to back officers on traffic stops. It's quite common, especially in the south end.

I think by the time we got there, I had stopped the car because I was driving that night. I think Officer Collins was the one that gave me a thumbs up, and we stopped, and then we just kept going because they were about to clear that call.

Q. Okay. And so what did you do after you had left that scene?

A. After that we start patrolling the area, so I -- this was, I think, 96th and A Street, A, Adam, Street. I started heading north on A, Adam, Street.

Q. Okay. And so we've heard about these mic clicks. Do you remember what you were doing directly prior to hearing these mic clicks?

A. Yeah. When we were on A, Adam, Street, we observed, I would say, two younger white females that were kind of standing, like, off the sidewalk. A Street is kind

of a really dark street that's not really, like, any apartments. It's like the backside of all the businesses, so it's -- they were kind of out of place, but a vehicle had stopped, it was a black Mercedes with super tinted windows, the girls just kind of jumped in the car really quickly and the car took off so we just started following the car before the mic clicks started.

Q. What was your concern about what was going on?

A. We had -- I mean, we -- besides the car just speeding off on A Street, we were wondering what was going on and the two females weren't really dressed for the weather. It was 40 degrees out, windy, and they weren't wearing jackets or pants or anything of that sort, so we were trying to figure out what was going on.

Q. And then is it at that time that you hear these mic clicks?

A. I think we followed it for, like, maybe half a block before we started hearing mic clicks.

Q. Okay. Tell us about what you remember about first hearing these mic clicks.

A. So I think it's been told before that, like, the mic click is not uncommon. We call it accidental mic click. Someone accidently hits our hand mics. We actually, like, bump it or you hit it and it will go off. So the first one usually we kind of disregard it because I think Officer Ford,

someone had come on the air and said, accidental, or something of that sorts, but this night the mic clicks kept going, three, four, and dispatch said 317, which is Officer Burbank and Officer Collins' call sign and just had backed them up on a traffic stop and there was no response.

So at this time, I think it was maybe, you know, like five, ten miles per hour, I was going pretty slow, just because we were trying to listen to what's going on. I turned up the car radio, we each had our headset, ear piece from our radio on our heads so we could hear all of it. The mic clicks just kept going up to five or six mic clicks before dispatch asked them one more time, Henry 317, do you have traffic? And then no -- nothing came over the radio. And then finally, Officer Burbank came on the radio and just screamed out his location, 96th and Ainsworth.

Q. Had you ever heard Officer Burbank scream out a location like that before?

A. I had not.

Q. And had you ever Bur -- had you been working with Burbank and Collins?

A. I had.

Q. You guys had been working the graveyard shift together?

A. Yes.

Q. Had you ever heard multiple mic clicks from him

like that?

A. No. I have never heard any mic clicks like that.

Q. Okay. Like as a police officer's?

A. As in my little time as a police officer, I never heard any mic clicks like that.

Q. Okay. And so what is the -- I mean, what's going through your mind at that point when you're hearing that?

A. I think Officer Ford and I, I think we both -- you know, we knew was a physical altercation just because of the frequency of the mic clicks, how many mic clicks. To me, as a new officer, it signifies someone was trying to go for their hand mic to call something out, but they are unable to. So Officer Ford and I, we thought the worst. We thought -- yeah.

Q. So what's your reaction?

A. I think at this point in time I was at South 84th Street and, like, McKinley. I made a U-turn, activating my lights and made a U-turn really quickly, and I started heading as quickly as I could to 96th and Ainsworth.

Q. Did you have your emergency lights going?

A. Yes. And sirens.

Q. Are you and Ford saying anything to each other on your way there?

A. I think there was a little bit of discussion back and forth about what's going on, but I think for the most

part, we were trying to keep quiet to listen to what all is happening over the radio.

Q. Okay. And so walk us through kind of when you get on to 96th. What's next?

A. Yeah. So the route we took from 86th and McKinley, I made a left-hand turn heading southbound on Pacific Avenue and a right-hand turn heading westbound on 96th.

From Pacific and 96th area, if you're going down towards Ainsworth, you can -- the elevation is slightly higher, so you can actually see all the way to the other intersection of 96th and Ainsworth. That's when I observed Officer Collins' car -- what I thought was Officer Collins's car.

Q. Okay. Where did you observe it?

A. It was stopped at the intersection, which is weird. That's not a good police practice that's taught to us. It's just stopped in the intersection with just its yellow ambers on.

Q. Is that how we've seen it in the photos?

A. Yes.

Q. So it's in that same position when you first see it?

A. Yes.

Q. Does it ever move from that position?

A. No.

Q. Okay. And so you're headed down 96th. What direction are you headed down 96th?

A. Westbound.

Q. Okay. Westbound, and you see the vehicle up ahead of you; is that right?

A. Right.

Q. And can you see anyone in the vehicle at that point?

A. No. I think me and Officer Ford -- I kept asking Officer Ford if he could see anyone. The whole situation is just unsettling. You don't hear mic clicks and then see a vehicle in this kind of a position in the middle of the roadway, it just doesn't make a lot of sense to us, so I just -- as we kept driving, I kept asking Officer Ford if he saw any of the officers.

Q. Okay. And at one point, were you able to see anyone?

A. I think we were, I'm guesstimating, three or four blocks or so, but I had moved, basically, closer, moved my car over closer to the curb so we both kind of had a line of sight just past the patrol vehicle. I saw three subjects. They were 10, 15 feet in front of patrol vehicle that's stopped at the intersection.

Q. Did you make out who was who or what positioning they were in?

A. I could not at that time.

Q. Okay. And so what do you guys do next?

A. I think before even the car stopped, Officer Ford kind of jumped out of the car and he started running. I stopped the car and quickly as I could called out on my car radio that I was with Henry 317 and then I took off running after Officer Ford.

Q. Okay. And what do you see when you first get on scene?

A. So when I first get on scene, what I see about 10, 15 feet in front of me, is now -- well, we now know it's Manuel Ellis, so Mr. Ellis, he's facedown in the prone position. Officer Collins is also in the prone position trying to secure his legs while he is kicking backwards at Officer Collins. I described it as violent, but -- and then Officer Burbank is kind of over his, like, hips/butt area with his hands kind of pressing down on Mr. Ellis' back. And I think in my statement the only way I can describe it is literally watching Mr. Ellis buck back and forth and Officer Burbank looked like he was just riding a wild horse.

Q. Officer Burbank is essentially straddling Mr. Ellis at that point?

A. Yes.

Q. His knees on either side?

A. Yes.

Q. And Collins is behind him holding onto his legs, is that right, or attempting to?

A. Yes.

Q. Okay. And what do you and Officer Ford do next?

A. As we were running up, I think I was the first one to address both the other officers. I yelled out, What do you guys need? And I know that's when Officer Collins responded on the radio, We need hobbles. And I explained to them that, I don't have hobbles. I don't carry it, and so I just kind of made a plan to secure his legs with Officer Ford.

Q. And have you ever used hobbles before?

A. I've never.

Q. Okay. And where is Officer Ford, then, if you remember?

A. I think he was maybe a couple paces in front of me.

Q. Okay.

A. But I got caught up to him pretty quick.

Q. What's he starting to do?

A. I think at this point in time, Officer Collins transitioned to his left leg and I helped hold Ellis's right leg so that Officer Ford could also get down in the prone position and secure his right leg.

Q. Okay. And where are you at this point in relation?

A. I'm still behind Mr. Ellis, like by his waist.

Q. Okay. And we're talking about this now, but how -- I mean, how quickly are these things occurring?

A. Fast.

Q. Okay. And what if anything was kind of unsettling about seeing Officer Collins and Officer Burbank struggling with Mr. Ellis?

A. Well, one, Officer Burbank is -- you know, he was my training officer, so like Ford said, both of them are, like, the go-to, two-man car in the south. Everyone wanted to be like them. So when me and Ford partnered up, we tried to mimic ourselves as best we could to them because it was -- Officer Ford said it correctly. There was nothing they couldn't do. They handled every single call very well, very professional, you know, like, it just dawned on me when Officer Collins was testifying, I've never heard Officer Burbank actually curse. I think that's quite remarkable.

You know, I know Officer Burbank and Collins, we connected on the military front just because we all were in the military, we all did very similar jobs, so that's something we definitely connected on.

I know Officer Burbank has told me when he was in the military, all the stuff he did, and he was put in for the bronze heart of valor. That's not something that --

MS. EAKES: Your Honor, I'm going to object to the hearsay and relevance.

THE COURT: Your objection comes pretty late. I'll let the answer continue, but let's move on to a new question.

MR. CONRAD: Understood.

Q. (By Mr. Conrad) So seeing them, these experienced officers, struggling with Mr. Ellis obviously plays a factor in what you're seeing?

A. Yes.

Q. So you were talking about Officer Ford being on one of Mr. Ellis's legs and Officer Collins, is he on the other leg as well?

A. He -- Officer Collins is on the left leg, Officer Ford's on the right leg.

Q. Okay. And what are you doing at that point?

A. After it's -- after we -- I helped secure both legs, I was on the right side of Mr. Ellis. The way he was thrashing about with Officer Collins and Officer Burbank, it did not appear to me at all that he was handcuffed. So the first thing I thought about was we got to get this guy in cuffs. So as I transitioned up his body, I started off kind of working up his leg to where his hands are, and that's when I noticed that he was actually handcuffed. And right below his handcuffed, kind by his waistline area was a Glock magazine. Being around a little bit of firearms, you can identify a Glock magazine pretty easily.

Q. And you talk about that in your statement with detectives; right?

A. I did.

Q. Why did you mention that?

A. I was concerned. We didn't know who it belonged to. It was just kind of laying by where his hands are where he's handcuffed, so we don't know if Mr. Ellis was armed at that time.

Q. Okay. And so you noticed that Mr. Ellis was handcuffed at that point in time and so what do you remember doing then?

A. Yes. At that time I was -- I made sure that -- because he was handcuffed, I wanted to make sure that he wasn't going to break out of his cuffs or just make sure that they were double-locked. With handcuffs, you double-lock them so they don't cinch down on people. It also gives it, like, just some extra security so they won't come apart, and as I was doing that, Officer Ford grabbed the Glock magazine and just yelled out, Whose magazine is this? And no one responded. And then I just saw him throw it off to the side.

Q. And what do you remember Burbank doing, if anything?

A. Officer Burbank was asking for help at that point in time.

Q. And what did you do in response to that?

A. I told him that, I'm on my way up, or, I got you.

Q. Okay. And so what did you do at that point?

A. When I started helping Officer Burbank, I kind of situated myself on the right side of his torso. I think I had just placed my right knee under his right shoulder, I formulated a plan with Officer Burbank that I was going to take the right side of his body, of Ellis's torso, and Officer Burbank was going to take the left side of Mr. Ellis's torso.

Q. And is it just the four of you there on scene at this point?

A. Yes.

Q. Okay.

A. I think Sergeant Lim gets there pretty quick after.

Q. And so do you know whether officers are on their way? Can you hear --

A. I can hear the sirens.

Q. Okay. And so what's the goal in, I guess, taking those points of contact with Mr. Ellis?

A. I think in my head I was just trying to think of how is the best way to control Mr. Ellis when he's thrashing around like the way he was as kind of just splitting his body into four different parts and holding four different points on him.

Q. Okay. And what happens to -- what do you remember

happening to Officer Burbank at that point?

A. Right after we made our plan, Officer Burbank, I see him start to get off Mr. Ellis like the way he was positioned on Mr. Ellis and then I see Mr. Ellis just kind of buck his chest up and then next thing I see is Officer Burbank goes tumbling into the street, like just front and left side of Mr. Ellis, and that's at the point in time where I had to move myself on top of Mr. Ellis.

Q. And is that what you're describing in your report there?

A. Yes.

Q. Or I guess in your interview?

A. Yes.

Q. And so tell us about kind of your positioning at that point and what your goal is.

A. So when I just watched Officer Burbank get bucked off, the only thing I think in my statement, I say I just jumped on top of him and placed both my knees, basically, centerline of his back, so on the spine one, my left knee on his lower back, my right knee in between the shoulder blade. I think I was more specific about it in my statement saying it was like his spine base of his neck area, and I also describe it as moving all my weight, but I don't think you can move on your weight with multiple points of contact on the ground.

Q. And what -- what's your concern about Officer Burbank getting bucked off of him?

A. Just how strong Mr. Ellis was to just simply kind of jerk his chest off the ground and buck an officer off of him.

Q. Did you think that Mr. Ellis was going to get up?

A. There was a -- there was a fear that he was going to get up.

Q. Okay.

THE COURT: We're going to break now.

MR. CONRAD: Sure.

THE COURT: Mr. Fricke got a call he's got to make here, it's about 2 minutes to noon, so we'll take our break now.

So ladies and gentlemen, please do not discuss the case amongst yourselves or with anyone else. Please do not allow anyone to discuss the case with you or in your presence and please do not watch any media or news reports about the trial. We'll see you back at 1:15.

(The jury left the courtroom.)

(Luncheon recess.)

REPORTER'S CERTIFICATE

I, Jessica Sanford, Certified Court Reporter, certify that I am the official court reporter for Department 4 in the Superior Court of the State of Washington in and for the County of Pierce; that on 12/5/2023, I was present and reported all of the proceedings in State of Washington, Plaintiff, vs, Matthew Collins, Cause No. 21-101287-4, State of Washington vs. Christopher Burbank, Cause No. 21-1-01286-6, State of Washington vs. Timothy Rankine, Cause No. 21-1-01288-2. I further certify that the foregoing 94 pages contain a true and accurate reproduction of the proceedings transcribed.

/S/ Jessica Sanford
Jessica Sanford, RPR, CCR 2371

COURT TRANSCRIPTS

TIMOTHY RANKINE

Back side of page

TAB 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, vs. CHRISTOPHER S. BURBANK, MATTHEW COLLINS, TIMOTHY RANKINE, Defendants.	)	SUPERIOR COURT NO. 21-1-01286-6 NO. 21-1-01287-4 NO. 21-1-01288-2

VERBATIM TRANSCRIPT OF PROCEEDINGS
Morning session

December 5, 2023
Pierce County Superior Court
Tacoma, Washington
Before the
HONORABLE BRYAN E. CHUSHCOFF

A P P E A R A N C E S

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BE IT REMEMBERED that on Tuesday, December 5, 2023, the above-captioned cause came on duly for hearing before the **HONORABLE BRYAN E. CHUSHCOFF**, Judge of the Superior Court in and for the County of Pierce, State of Washington; the following proceedings were had, to wit:

<<<<<< >>>>>>

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12/5/2023

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THE COURT: Good morning, everyone. Welcome. Please be seated. Well, it's my understanding we are still missing a juror, so we can't get started yet. But I thought maybe we could take the time to talk about these medical records exhibits. Have you guys made any progress about this conversation?

MR. CONRAD: Some progress. At least I think we know where we disagree and -- well, where we disagree.

THE COURT: Keep talking. Is there anything you agree on? Maybe let's start there. How's that?

MR. CONRAD: I don't know. I think that's a question better suited for the State, because the State knows what I'm proposing. I don't think -- in all honesty, I'm not sure, Judge. I don't think there's a single record that they're agreeing to, but maybe I'm wrong.

MS. NICOLAVO: I think a little bit more accurate description would be that the State understands the purpose for which the Defense wants them in. The State will continue with a standing objection to that purpose. But recognizing the Court's prior comments on the records, we are prepared to discuss what would be admissible based on the Court's prior comments. And with that, when Mr. Conrad was before the Court last time, and I had the transcript from that, he indicated that the

highlighted versions were what he wanted in.

When we met yesterday, he told me, well, those were the important parts, but he wants more in than what's highlighted. So when I had initially gone through it, I went through it with the understanding that the highlighting is what he wanted in and what our objection would be to that but what we anticipate the Court's ruling would be on it. And after last night's meeting, it looks like he wants more than that in.

There's a couple of things that the State would want to add to a few of the records, and I think Mr. Conrad, for the most part, agrees to those few paragraphs. But from the State's perspective, Your Honor, I recognize he wants in the auditory hallucinations, the methamphetamine use, some of the chest pain, and some of the schizophrenia, and, you know, he has multiple exhibits addressing those issues, and I don't understand why we can't have two or three which address that. And it provides for the corroborating of the Defense theory, and it satisfies what's been requested.

And as the Court noted, the more and more you keep going through the same thing here, it does get to be cumulative. I recognize that you said that wasn't the proper objection that you would likely rule it under, but how many times do we have to hear that he's been using meth since he was, you know, a teenager and that he used it

routinely?

He has the records from 2019. Well, first, I think we could exclude 2004. The Court specifically said on the record last time that you didn't see any relevance to that one. Defense didn't have the transcript, but it's on page 7 --

THE COURT: Which exhibit number?

MS. NICOLAVO: 2004. I guess it would be 2004A, on page 17 of your transcript. You had gone through it and said you didn't see any relevance to it, which the State agrees with.

THE COURT: There was this business here about him having a foot injury. A gunshot wound, I guess, to his foot or to his leg. It wasn't clear what that was all about.

MR. CONRAD: I'm fine with redacting that.

THE COURT: She wants to eliminate. Is there something in it that you wanted?

MR. CONRAD: Yes, Your Honor.

THE COURT: What is it that you want?

MR. CONRAD: It's on Bates stamp Rankine Medical Expert 4429. It says, Manuel Elijah Ellis --

THE COURT: Wait a minute. Hold on. Okay. 4429, uh-huh.

MR. CONRAD: That last paragraph there.

THE COURT: What do you want about this, the

auditory hallucinations?

MR. CONRAD: Yeah. And that it's tied to methamphetamine use.

THE COURT: Then what about the rest of that paragraph?

MR. CONRAD: There's one other thing within this, 4433.

THE COURT: You're moving to another page. What about the rest of that paragraph that we were just looking at, 4429?

MR. CONRAD: I mean, if the State wants to redact that his foot's swollen and red and all that stuff, I don't have any objection to that.

MS. NICOLAVO: And Your Honor, from the State's position, there hasn't been any testimony regarding this. This is from July 25th of 2015. There's -- it's documented in records later, which have similar information which we've actually heard testimony from, and when he goes to the uncontrolled hypertension, again, there hasn't been any testimony regarding that that ties it to anything. It's just putting records in front of the jury without it being --

MR. CONRAD: That's not true.

THE COURT: What about the 4433? That's what you want, the uncontrolled hypertension?

MR. CONRAD: Yeah.

MS. NICOLAVO: I believe that's what he wants.

MR. CONRAD: I ended cross-examination, I think, with the majority of their experts by saying, Mr. Ellis had uncontrolled hypertension; correct? And they'd say yes. And I'd say, Do you see people die with uncontrolled hypertension? They'd say yes. He had cardiomyopathy? Yes. Do you see people die with cardiomyopathy? Yes.

MS. NICOLAVO: I don't believe this record was utilized for that, but I could be mistaken on that. But even if it was, he has that in the record and nobody disputed it.

MR. CONRAD: But you said no one disputed it.

MS. NICOLAVO: Well, uncontrolled hypertension.

THE COURT: We could spend five hours going through it at this pace.

MR. CONRAD: I mean, the State could waive it, but I've given notice of these records a long time ago. Pursuant to the statute, the State waives any objection that they have to them, to the admissibility of them. So it really should just be a discussion between the Court and the Defense at this point, but the State keeps interjecting themselves into the conversation, which I understand.

THE COURT: Well, I'm going to let them do that for a while longer. Maybe until the case is over.

MS. NICOLAVO: Your Honor, I guess from the State's perspective also, and as I mentioned earlier, there are records that are more recent that contain similar information. I mean, if you look at Exhibit 984, for example, where it goes through his schizoaffective disorder and again, recognizing the State has a standing objection, I'm just going through it for the purpose of trying to get there.

THE COURT: I understand.

MS. NICOLAVO: You look at this and he wants dim 3, and, you know, that's going to be consistent with what the Court previously stated is going to be admissible.

The State's position is the first paragraph should be redacted for dim 1, dim 2 should be added, dim 3 Defense gets. Which --

THE COURT: I mean, I --

MS. NICOLAVO: -- could ask --

THE COURT: I --

MS. NICOLAVO: When you --

THE COURT: You're looking -- I don't have 984, so.

MS. NICOLAVO: Maybe it's 984A.

THE COURT: 984A. Okay.

MS. NICOLAVO: I apologize. I have these listed based on what was sent.

So he's -- essentially, it's giving him the information that he wants regarding the meth use, the psychosis.

MR. CONRAD: But the difference is, is that we're talking about this being a recurrent issue over a period of time, and that's why the State doesn't want the multiple instances of it that show this is a recurrent, ongoing issue. Because then they're able to argue, oh, because it happens on this one time as if it's some unexpected instance, when we know this is an ongoing issue since -- dating back to 2015.

THE COURT: Well, I think I know how I'm going to resolve this.

MR. CONRAD: Okay.

THE COURT: You already know from our last conversation that there's several items in here that need to be redacted further.

MR. CONRAD: Correct.

THE COURT: Make those redactions.

MR. CONRAD: Yes, Your Honor.

THE COURT: You, on the other hand, need to make whatever redactions you think are important, and then I'll choose.

MS. NICOLAVO: Sounds good, Your Honor, thank you.

MR. CONRAD: Okay.

THE COURT: Okay. Thanks. That'll speed things up a bit.

MS. NICOLAVO: Your Honor, I did provide defense counsel -- we went through them yesterday and this morning, exactly what areas were being redacted, so we'll do the full redactions for the Court. Do you want them marked so you can see what we're redacting, or do you want them blacked out? I guess my point is, when the Court reviews it, do you want to be able to see what our proposal is for what we're taking out versus you're getting it like this and you don't know what it is?

THE COURT: Well, presumably, I've got this, and if they haven't blacked it out, then I can compare it with that. So that should make your job a little easier.

MS. NICOLAVO: Great. Thank you.

MR. CONRAD: Understood.

THE COURT: Okay.

Well, I'm not sure if we got our last juror here yet, but before we get started with that, there's a couple of things, or at least a thing, I want to talk about. We've had a conversation a little bit about courtroom decorum and so on from time to time during the course of this trial. It does seem to me that people are letting their impulses get the best of them. I'm increasingly hearing little murmurs or whatever, based on one thing or another that's either

testified to or a ruling from me or otherwise. And I don't much mind that, particularly if there's no jury present, because I can take whatever criticisms are of me and I'm going to ignore whatever cheerleading there might be for one side or the other, although it certainly looks bad no matter what.

But if the jurors can hear these remarks, it's potentially affecting their deliberations and their outcome and their decision-making, and that's a problem. So we've got to keep it to yourselves. If you've got a problem about that, well, I'm sorry. If it continues, we may have to remove people from the courtroom. That's not the thing I want to do, so fair warning. One.

Number two, it's come to me, some information, that there has been some emotional feelings outside the courtroom in between people and people letting their emotions run on this. And I've had too many times where people get angry about something and words go back and forth between people and the next thing you know, egos get in the way and nobody wants to back down, and the next thing you know, this thing escalates into something really serious and somebody gets hurt.

Obviously, I can't control your behavior outside the courtroom. But I do want everybody to stay safe. And I can imagine, too, that anything that's said outside the

courtroom can be brought into this courtroom in the sense of the emotions of it and so on. And we don't need any more of that than we have already.

So I would urge you all to be circumspect of what you say, you know, cautious, keep it to yourself. If you have emotions about this thing, you may express them elsewhere but not in the presence of the folks who are going to potentially take offense at it. And that goes for both sides. So -- because it just wrangles people up and the next thing you know, we have another tragic event, which I say we don't need. So hopefully, that will be taken to heart and we won't have additional problems with it.

Did you send Hannah to go check on the jury?

THE CLERK: She was going to and then deliver paperwork from something this morning. And here she is. Are they all here?

THE COURT: We're still missing a juror?

MS. HANNAH: Yes.

THE COURT: Mrs. Winnie, make an inquiry. I think you know who that might be. See what you can do and find out what the status is on the jury.

So we'll be at break until at least -- at least for a few more minutes until we figure out what's going on with the other juror. Thank you.

(Recess.)

THE COURT: Okay. Welcome back, everybody. Please be seated. I believe our juror is here now, so we can resume.

MR. AUSSERER: Can Officer Collins retake the stand, Judge?

THE COURT: Yes. I believe it's Mr. Purtzer or Mr. Fricke's examination.

MR. PURTZER: Yes, Judge.

(The witness resumed the stand.)

(The jury entered the courtroom.)

THE COURT: Okay. Welcome back, everybody. Please be seated. Okay. Cross-examine. Mr. Purtzer, when you're ready.

MR. PURTZER: Your Honor, thank you. Cue up Exhibit 440, please.

CROSS-EXAMINATION

BY MR. PURTZER:

Q. Officer, good morning. How are you?

A. Good morning, sir.

Q. We want to take a look at Exhibit 440, which is the first McDowell video, and just had a couple of questions regarding that.

A. Yes, sir.

MR. PURTZER: If you could roll this until we see the flash next to the police car. Go back to where you see

the first flash about two seconds in.

THE COURT: Flash? Are you talking about the police light? What kind of -- flash from what?

MR. PURTZER: We're going to get to that, Judge.

THE COURT: Well, where is that -- where in the -- where would we be looking for this thing?

MR. PURTZER: If you could go up, just forward just a tad from that section. Right there.

Q. (By Mr. Purtzer) Officer, that is what, depicted in the video?

A. Well --

THE COURT: Are you talking about the sort of light there in the middle of the picture?

MR. PURTZER: Correct.

Q. (By Mr. Purtzer) The light right there.

A. It's hard to tell here whether it's a hand or a hand and a Taser, but I know from -- I think further in this video, you can clearly see a Taser out.

Q. You were asked yesterday -- well, you were suggested to that Officer Burbank attacked Mr. Ellis; correct?

A. Correct.

Q. Based upon the training that you've received and that Officer Burbank has received, would that have been appropriate to attack a person with a Taser in your hand?

A. No, sir.

Q. Why is that?

A. So in Taser training, you have to gain distance to pull the Taser out. It's kind of like how I talked about with your firearm. Because it's mine from this distance, but once we're close, wrestling, and I take it out, it's ours.

So in our Taser training in Tacoma, if -- we're taught if somebody gets control of your Taser, you're to lethally engage them through firearms, because now they can make you incapacitated with your Taser, essentially, grab your firearm, and now they're a threat to the public.

So in our training, if somebody gets our Taser, we have to engage with them with the firearm. So absolutely not. You have to have distance before you use a tool like that.

Q. All right. And shortly after, in this video, we actually see Officer Burbank using the Taser on Mr. Ellis; correct?

A. Yes, sir.

MR. PURTZER: Thank you. That's all the questions I have.

MR. CONRAD: I don't have any questions, Judge.

THE COURT: Any redirect?

MR. AUSSERER: I have some questions, Judge.

THE COURT: Go ahead, Mr. Ausserer.

REDIRECT EXAMINATION

BY MR. AUSSERER:

Q. Good morning, Officer Collins. How are you?

A. Good morning, Mr. Ausserer. I'm all right.

Q. I want to work back from Ms. Eakes' cross-examination yesterday through some areas that she touched on; okay?

A. Okay.

Q. So she left off yesterday with Exhibit 77, and with the Court's permission, I'm going to approach you with Exhibit 77; okay?

MR. AUSSERER: Is that okay, Judge?

THE COURT: Yes.

Q. (By Mr. Ausserer) What's 77?

A. 77 is the incident report from the St. James Apartments that we talked about.

Q. And Ms. Eakes yesterday had you look through 77 to address the weight of Philman Shark; do you remember that?

A. I do, yes, sir.

Q. Because your testimony yesterday was that he was about 150 pounds, and in the document it says 200 pounds; do you remember that line of questioning?

A. I do.

Q. All right. At the bottom of Exhibit 77, are there Bates stamps?

A. There is.

Q. Do you know what a Bates stamp is?

A. Yes, sir, I do.

Q. What's a Bates stamp?

A. It's a cataloging system for documents so that you know you have the complete issue of the documents.

Q. And what's the Bates stamp on Exhibit 77?

A. Washington Attorney -- and so it's WAAG 0036296.

Q. And do you know what WAAG stands for?

A. Washington Assistant Attorney General.

Q. Do you know how those numbers are put on there and why they're put on there?

A. They're put on when you request documents from the Attorney General's Office. So they stamp them so you know you're getting the completion of what they have.

Q. So that means that was provided to us from Ms. Eakes; right?

A. Yes, sir.

Q. Is that the entirety of the incident report in 77 related to this incident?

A. It is not.

Q. How many pages is Exhibit 77?

A. So what I have goes through the last three of 296 up until 307.

Q. All right. Is 77 the DOT 1 report that you

created?

A. It is.

Q. What's a DOT 1 report?

A. So any -- any incident where you have multiple officers, the lead officer, whoever is taking control of the case, will have the DOT 1. It's like the main report. And anyone else who's writing has DOT 2s, 3s, 4s, whatever is next. So Burbank and I would switch off, and whatever -- if the call was that I would -- just me in charge of it, then I would kind of cover the main probable cause for arrest and so on.

Q. All right. And how many pages is your DOT 1 report?

A. The actual -- without the CAD information or from the whole thing?

Q. Just 77 that Ms. Eakes decided she was going to show you.

A. So again, she gave me last three of 296 through 307.

Q. And is that the 12 pages that are associated with your DOT 1 report only?

A. Yes.

Q. Are there other reports associated, documenting your interaction with Mr. Shark?

A. Yes, sir.

Q. Were you provided those by Ms. Eakes?
A. No, sir.
Q. Why not?
A. I do not know.
MS. EAKES: Your Honor, I'm going to object.
THE COURT: Sustained.
Q. (By Mr. Ausserer) Well, with the Court's permission, I'm going to hand you what's been marked as 2755.
THE COURT: Proceed.
Q. (By Mr. Ausserer) What's 2755, Officer Collins?
A. So this looks like the full incident report that includes my report. So it goes through, again, 296 in the beginning through 320 at the end.
Q. And are those all Bates stamps and provided by the Washington Attorney General's Office?
A. Yes, sir, they are.
Q. Are they sequential from Exhibit 77 through the rest of the reports associated with the contact with Mr. Shark?
A. They are sequential, but they stop -- they stop, basically, where the CAD incident inquiry picks up.
Q. What else is included in 2755 other than 77, which was provided by Ms. Eakes?
A. So again, it's got the CAD incident inquiry. It's got my report -- or Officer Burbank's report, I mean. And

it's got a use of force supervisor report.

Q. All associated with the contact with Mr. Shark in 2017?

A. Yes, sir.

Q. Yesterday, Ms. Eakes suggested that your testimony that he weighed 150 pounds was not accurate because of the entry in page 2 of your report. Can you tell us how you got that information for page 2 of your report?

A. Yeah. So again, that's -- you know, when all of us get our driver's license, they ask you for your weight and everything, and that's what the weight is by the DOL. We don't actually weigh people when we arrest them. So whether or not they weigh exactly what their DOL says is dependent on a lot of things.

Q. All right. And in your report, the 77 that Ms. Eakes showed you yesterday, was there any documentation that Mr. Shark appeared to be under the influence of any sort of narcotic?

A. In what she gave me yesterday?

Q. Yes.

A. Yes. So I talked about his behavior, and then he was also found with heroin and other, I think, drug needles maybe, possibly. He had a kit with a bunch of stuff in it.

Q. With your training and experience, does the use of heroin affect an individual's weight?

A. It does.

Q. How so?

A. Well, I mean, they don't take care of themselves. They don't eat properly, and they tend to get very skinny, emaciated.

Q. All right. And did Mr. Shark appear to be under the influence of heroin when you contacted him?

A. Not when I contacted him, he didn't.

Q. Ms. Eakes suggested in Exhibit 77 that there's no documentation that Mr. Shark whispered anything towards you and Mr. Burbank. Do you remember that line of questioning?

MS. EAKES: Your Honor, I'm going to object that that misstates the questions that I had asked.

THE COURT: I think it was having to do with whispering a death threat.

Q. (By Mr. Ausserer) Did you -- does your 77 that she provided you document that he whispered threats towards you and Officer Burbank?

A. May I refer to it?

Q. Sure. If it would refresh your memory.

A. So your question, again, was directly, does my report reference threats to me? Is that what you asked me?

Q. Right. So Ms. Eakes suggested that you didn't document these threats that you testified to. Does your report actually document those threats?

A. It does.

Q. And can you read those to the jury, please.

A. Okay. So starting in the middle of the last paragraph on 306. It was right after noticing this that Arrestee 1 Shark became assaultive, while standing up into us and attempting to pull his arms downward towards the waistline, while driving his weight towards us. All the while, Arrestee 1 Shark was staring at me with the same distant and calm glance and began to whisper to me, Hey, is your partner a rookie? He feels like it. Shark then said, You know how easily I could hurt you guys? At this point, I had control of A1 Shark's arm to stop me --

Q. Well, go ahead and stop right there.

So there was a couple of things that you put in quotation marks in your report. Why did you do that?

A. Because that's directly what the subject said.

Q. All right. And so what were the quotes that you attributed to Mr. Shark?

A. You know how easily I could hurt you guys, and I think that might be the only one.

Q. All right. And in the DOT 2 report authored by your partner at the time, Officer Burbank, does he put in quotes things that were whispered, threats towards you from Mr. Shark? I'll direct your attention to page 405, Bates stamp 36319, from the Washington Attorney General's Office.

A. Give me one second, please.
Q. Of course.
A. Yes. At the bottom of --
Q. First off, before you read it, does it indicate that he's whispering these threats to you as you testified to yesterday?
A. Yes, sir.
Q. What does he whisper to you and Officer Burbank?
A. How close he is to killing us and wanted to be sure we were ready to die.
Q. Consistent with what you told the jury on direct examination?
A. I believe so, yes.
Q. Yesterday, Ms. Eakes questioned you about the number of times you reported Mr. Ellis being tased when you were interviewed by Sergeant Brockway on March 9th of 2020; do you remember that line of questioning?
A. I do.
Q. With the Court's permission, I'm going to hand you what's been marked as Plaintiff's 59A.
THE COURT: Proceed.
Q. (By Mr. Ausserer) What's 59A?
A. 59A is that transcript of the meeting with Pierce County Sheriff's Office.
Q. If I can have you turn to page 10 of 59A.

A. Okay.

Q. And start at line 25 at the bottom. Do you see that?

A. Yes.

Q. Turn to page 11. Through line 14, read that to yourself real quick. Do you recall Ms. Eakes asking you portions of those paragraphs yesterday?

A. I do.

Q. Was that the entirety of your statement that she asked you about yesterday about how many times the Taser was applied in this case?

A. No.

Q. Why don't you go ahead and read from page 10, line 25, through page 11, line 14, for us.

A. So at that point I came off the LVNR. I push him down, facedown, and I move to his left arm. And I tell Shane, Grab his right arm. So Shane goes to the right arm. But at this point, you feel the Taser -- we tried to cuff him under power, but you feel the Taser lose that effect and the guy comes back to. And he starts growling again and his hands start kind of hulking away from us. So at this point, my entire body is around -- I have both arms wrapped around his arm, and I'm just clenched on his arm, trying to move it to his back, and he's fighting us. And I feel Shane give him another round from the Taser. So there's another cycle of

the Taser that happens. His body locks up, we start to move in, and eventually, we get him into handcuffs from here.

Q. At any point during your statement, did you indicate that there was one or two Taser applications?

A. It sounds like I said there was two.

Q. Did you say eventually you were able to control him after the Taser applications?

A. I did.

Q. All right. Consistent with what you told us on direct examination?

A. Yes.

Q. Do you recall the line of questioning yesterday when Ms. Eakes suggested that you could have gotten out of the car as Mr. Ellis was in the intersection?

A. I do.

Q. Would you ever get out of the car and walk into the intersection in that circumstance?

A. In that particular circumstance, no.

Q. Why not?

A. Because I didn't really have anything, again, and so he might have just run off. And there was just no reason for me to get out at that point.

Q. Would you ever leave your car in the middle of an intersection while you're out of the vehicle?

A. Not unless it was an emergency.

MS. EAKES: Objection, leading.

THE COURT: It is leading, Counsel.

Q. (By Mr. Ausserer) Is there -- well, have you ever left your car in that situation?

A. Not that I recall.

Q. Is there a reason you wouldn't do that?

A. Well, first of all, it's just blocking traffic. Again, it's unnecessary. It's creating another hazard for other pedestrians. But it just doesn't make any sense to do that.

Q. Understood. Yesterday, Ms. Eakes questioned you during that same line of questioning why you didn't activate your emergency lights in that situation; do you remember that line of questioning?

A. I do.

Q. Is that appropriate at all?

A. Not at all.

Q. Why not?

A. That's an illegal seizure.

Q. Why is it illegal?

A. Because I didn't have a crime. I mean, you -- once -- like I was explaining yesterday, once you activate the lights to a citizen, if they start -- you're telling them they're understood arrest. So you have to have a lawful arrest reason to do that at that point.

Q. What would happen if you had performed that illegal procedure as Ms. Eakes suggested?

MS. EAKES: Your Honor, I'm going to object. It's argumentative.

THE COURT: Overruled.

MS. EAKES: And speculation.

THE COURT: I'll allow this.

A. How so?

Q. (By Mr. Ausserer) Well, can you just perform illegal maneuvers whenever you want because the prosecutor suggests it's an option?

A. Absolutely not.

MS. EAKES: Object, misleading and argumentative.

THE COURT: I'll allow it to stand.

A. I wouldn't deserve to be a police officer. I wouldn't want to be abusing my power.

Q. (By Mr. Ausserer) Yet, yesterday, Ms. Eakes suggested that you told Sergeant Brockway, in this line of questioning about activating your lights, that there was a carjacking; right? Do you remember that?

A. Yes.

Q. Turn to page 7 of 59A, please. And I want you to review lines 12 through the bottom of page 7 and the first line on page 8.

A. Okay.

Q. Is that the area of the interview with Sergeant Brockway on March 9th where you're discussing what you think you're seeing in the intersection before you have contact with Mr. Ellis?

A. It is.

Q. All right. And why don't you go ahead and read lines 12 through the first line of page 8.

A. Okay. So once we came to the stoplight, I was stopped, facing westbound. And I looked over and there was some sort of disturbance happening where there was a black male in the center of the intersection. His back was faced to me, and there was a vehicle turning west onto 96th Street from Ainsworth. And he was at the passenger door, working the handle, and the vehicle was kind of trying to turn left. It slowly moved around him without hitting him, and then it took off.

So at this point, I didn't know what we were doing. I didn't know if this was a domestic violence thing, maybe this guy got kicked out of a car, maybe he was trying to car jack it, I don't know. I didn't know. But at this point, now this gentleman is just standing in the middle of the intersection and just right out in the middle.

Q. All right. Kind of three times that you said you don't know what was happening out in that intersection; is that right?

A. That's right.

Q. And if you don't know what's happening out in the intersection, what are your limitations as an officer at that point?

A. Well, I mean, I have to know what I'm looking at, what -- if I'm dealing with a crime or not.

Q. Okay. And is that consistent with what you told the jury on direct examination yesterday about --

MS. EAKES: Your Honor, I'm going to object as argumentative.

THE COURT: Sustained.

MS. EAKES: Move to strike counsel's comment.

THE COURT: I've sustained the objection.

Q. (By Mr. Ausserer) So if you didn't know what was happening out in the intersection, it is appropriate to activate your emergency lights?

A. No, sir.

Q. Yesterday, Ms. Eakes challenged your testimony about clearing the previous stop at 96th and A; do you remember that line of questioning?

A. I do.

Q. And she suggested that you didn't articulate that in your March 9th interview with Detective Brockway; is that right?

A. That's right.

Q. Did you have any idea at the time you made the statement that that was an issue in this case?

A. No, I did not.

Q. Did you have any idea that the State would suggest that it limited the time you would have interacted with Mr. Ellis?

MS. EAKES: Your Honor, I'm going to object --

A. Certainly not.

MS. EAKES: -- as to leading and argumentative.

THE COURT: Sustained as to leading.

Q. (By Mr. Ausserer) Was that of any significance at the time that you gave this interview on March 9th?

A. It was not.

Q. Did anybody ask you about where you cleared the stop on March 9th?

A. They did not.

Q. Did anybody ask you how you cleared the stop?

A. No, sir.

Q. If they had, would you have explained it to them?

A. Yes.

Q. Is that your practice?

A. Yes.

Q. At the time you gave this statement, had you received any materials from Mr. Fredericks limiting the time frame?

A. No, I did not.

MS. EAKES: I'm going to object -- withdraw.

THE COURT: Answer stands.

Q. (By Mr. Ausserer) Yesterday, Ms. Eakes challenged your use of the LVNR under the use-of-force policy by the Tacoma Police Department; do you remember that line of questioning?

A. Yes, sir, I do.

MR. AUSSERER: Can we pull up Exhibit 301, please. May I approach the witness with the hard copy of 301.

THE COURT: Yes.

Q. (By Mr. Ausserer) Officer Collins, what's 301 --

A. 301 is our Tacoma Police Department procedural manual on the use of force.

Q. All right. Yesterday, Ms. Eakes said that TPD doesn't authorize an LVNR; is that accurate?

MS. EAKES: Your Honor, I'm going to object that that misstates the question that I asked. I asked whether it referenced it.

THE COURT: I'll allow the question to stand.

Q. (By Mr. Ausserer) Do you remember that line of questioning?

A. I do.

Q. And she, Ms. Eakes, suggested it's not referenced in your use of force; right?

A. Correct.

Q. And not allowable under TPD policy; right?

MS. EAKES: Your Honor, I'm going to object again. That's a mischaracterization of what I asked, and it's argumentative.

THE COURT: I'll allow the question.

Q. (By Mr. Ausserer) Why don't you read for us paragraphs 2 and 3 on page 2 of 13 of Exhibit 301?

A. 2 and 3?

Q. Yes, please.

A. Members of the department must generally employ the tools, tactics, and timing of force application consistent with the models, direction, and departmental training modules. This model, while requiring the officers to maintain controlled superiority over a subject, supports the practice of progressive application of force as part of the continuous risk assessment process.

Risk is assessed objectively based on the on-scene reasonable officer's perspective, taking into account the facts and circumstances of the particular situation that are known to the officer.

Due to the fact that the officer/citizen confrontations occur in environments that are potentially unpredictable and are tense, uncertain, and rapidly evolving, officers may use tools and tactics outside the

parameters of departmental training. All such applications of force shall meet the same standard of reasonableness as those which have been previously identified and approved. No distinction shall be made relative to the age of a suspect regarding the use of force. Reasonable timing and tactics shall be the determining factors.

Q. So does the policy explicitly allow you to go outside of TPD training?

A. It does.

Q. And your training with respect to the LVNR, was that outside the scope of TPD?

A. It was.

Q. And did you think that was reasonable given what you were faced with with Mr. Ellis?

A. Absolutely.

Q. Consistent with this policy?

A. Yes, sir.

Q. Yesterday, Ms. Eakes asked you many, many questions about failing to report hearing Mr. Ellis say he can't breathe; do you remember those questions?

A. I do.

Q. Did you hear Mr. Ellis say he couldn't breathe?

A. I did not.

Q. How are you supposed to report something that you didn't hear?

MS. EAKES: Your Honor, I'm going to object. That's argumentative.

THE COURT: Sustained.

Q. (By Mr. Ausserer) How would you report something if you couldn't hear what something was said?

MS. EAKES: Same objection, Your Honor.

THE COURT: Sustained.

Q. (By Mr. Ausserer) Can you report something you didn't hear?

MS. EAKES: Same objection, Your Honor.

THE COURT: Sustained.

MR. AUSSERER: Understood.

THE COURT: Let's move on.

Q. (By Mr. Ausserer) Ms. Eakes asked you questions about independently calling for medical aid based on statements from Mr. Ellis that you said you didn't hear; do you remember that line of questioning?

A. Yes, sir.

Q. Under what circumstance would you independently call for aid when your sergeant is on scene and already contacted for aid?

A. If I was not aware that Fire was en route already, then that would be a reason.

Q. And Ms. Eakes asked you about not reporting that Mr. Ellis said he couldn't breathe; do you remember that line

of questioning?

A. I do.

Q. Did you report whether or not you heard Mr. Ellis say, Try it again?

A. No, I did not.

Q. Why did you not report that?

A. I don't remember him saying that.

Q. Did you report that you told Mr. Ellis to put his hands behind his back four times without compliance?

A. I did not.

Q. Why did you not report that?

A. I don't remember saying that either.

Q. Did you report hearing Sarah McDowell screaming on scene?

A. I didn't hear her.

Q. So you didn't report that either?

A. No, sir.

Q. So did you report only the things that you recalled and heard?

A. Yes.

Q. Ms. Eakes suggested you didn't report to Fire your concerns about excited delirium; do you remember her asking those questions?

A. Yes.

Q. Turn to page 13.

MS. EAKES: Your Honor, I'm going to object to that misstates the questions that I asked him. I asked him about other people there, not about Fire.

THE COURT: Well, that's not true, Judge.

MS. EAKES: Well, I have the transcript.

THE COURT: I'll let the question stand.

Q. (By Mr. Ausserer) Do you remember that line of questioning about filling out the report, excited delirium?

A. Yes, sir, I do.

Q. Turn to page 13 of 59A, please.

A. I'm there.

Q. Lines 5 through 12.

A. Would you like me to read it out loud?

Q. Sure. Is that what you said to Sergeant Brockway on March 9th shortly after this incident?

A. Yes.

Q. Go ahead and read it.

A. When Fire arrived, I went up to the guys to give them a rundown and just said, you know, that I had time to kind of process what had just happened by then and I said, Hey, this is -- I don't know what's going on, but I think this guy might be excited delirium. Like, he's just kind of freakish strength and he wasn't speaking to us. He wasn't -- he was just out of control. That's what I told them.

Q. Are you referring in your interview with Sergeant

Brockway what you told Lieutenant Wilson on the scene?

A. I believe it was who's now Lieutenant Wilson, yes. He wasn't a lieutenant then.

Q. Had you heard Mr. Ellis say, I can't breathe, as suggested by Ms. Eakes, would it have changed how you handled restraining and controlling him?

A. No, I couldn't have changed that.

Q. Why?

A. Because, again, I mean, it goes back to our whole discussion yesterday, but we have to restrain him first. And if he's now in this state of mind and is standing up with handcuffs instead of a disadvantaged position, we have to keep him down on the ground. So at that point, we can either put a bunch of officers on top of him to keep him down or we can place him in hobbles so he can't stand up, so...

Q. Had you heard him say, I can't breathe, when would have been the appropriate time to do something about it?

A. I mean, right away.

Q. Once he's hobbled?

A. Yes.

Q. And in your interview on the 9th, didn't you report that as soon as he was hobbled, someone said turn him on -- recovery position?

MS. EAKES: Your Honor, I'm going to object again to leading.

THE COURT: I'll permit this. Overruled.

A. Yeah. I believe Officer Burbank instructed people to put him on his side.

Q. (By Mr. Ausserer) And did you report that on March 9th?

A. I did.

Q. Yesterday, Ms. Eakes had you refer to 18A. With the Court's permission, I'm going to hand you back 18A. Do you remember what 18A is?

A. Yeah. That's the audio transcript from their audio expert.

Q. And Ms. Eakes asked you specifically about the time frames in which it references where Officer -- according to this document, Officer said, Shut the fuck up, man. Do you see that on page 4 of 6?

A. Yes.

Q. And what time, at least according to this document that was used for illustrative purposes only, does it indicate that that was said?

A. 23:23 and 42 seconds.

Q. All right. And Ms. Eakes suggested that was related to Mr. Ellis saying he can't breathe. On page 3 of 6, what time does it document that Mr. Ellis said he can't breathe?

A. 23:23:28.

Q. So how long after Mr. Ellis says he can't breathe is the statement, Shut the fuck up, man?

A. From 23:23:28 to 42. I'll let you do the math on that.

Q. So at least 14 seconds?

A. Yes, sir.

Q. Between the "I can't breathe" and "Shut the fuck up," how many unintelligibles are attributed to Mr. Ellis?

A. Sorry. I'm getting lost here.

Q. That's okay.

A. How many unintelligibles? You've got one, two, three.

Q. Any idea -- any recollection as you sit here what shut the F up was relative to?

A. No, I don't remember saying that.

Q. Lastly, Ms. Eakes asked you, and I wrote it down, quote, "You were praised in your review when discussing proactive policing." Do you remember that line of questioning?

A. I do.

Q. That is not all you were praised in, is it?

A. No, sir.

Q. Have you had accommodations and praise for your use of force as an officer?

A. Yes.

MS. EAKES: Your Honor, I'm going to object that this is not relevant and outside the -- I asked him only about the proactive policing.

MR. AUSSERER: She's opened the door by asking him about his praise.

MS. EAKES: Your Honor, this obviously was related to the proactive policing. It's not relevant as to other things.

THE COURT: Overruled. You may proceed.

Q. (By Mr. Ausserer) Have you been praised for your police work at TPD?

A. Yes, sir, I have.

Q. How many commendations have you received for your work at TPD?

A. I'm not sure.

Q. How many related to de-escalation and use of force?

A. I know one for certain, but I'm not sure of any other.

Q. Did you receive the Medal of Merit?

A. I did.

MS. EAKES: Your Honor, I'm going to object. This isn't relevant, and it's outside the scope.

MR. AUSSERER: She opened the door, Judge.

THE COURT: We'll excuse the jury and have a conversation about this. Ladies and gentlemen, please do

not discuss the case.

(The jury left the courtroom.)

MS. EAKES: Your Honor, my objection --

THE COURT: Everybody can be seated.

MS. EAKES: Yesterday, I asked one question about whether or not it was true that he was praised in his performance evaluation for his proactive policing. It was discrete to that issue. The idea that Mr. Ausserer can say, Well, you used the word praise and you talked about and you asked about a specific thing, that somehow opens the door to all his other commendations is simply -- it's not relevant and it's not accurate. And it's -- certainly, I didn't open the door with respect to any of his other things.

I also do have one other issue I want to raise about 18A and the way that it's being used in light of the way the Court reconfigured it.

THE COURT: I'm sorry?

MS. EAKES: I have another issue with respect to 18A that I want to raise also.

THE COURT: Okay.

MR. AUSSERER: Judge, she chose to ask about praise related to on-work duty in a fashion that fit her theory of the case. She doesn't get to limit his praise and commendations by saying it was only with respect to proactive policing. I asked those things on direct

examination. Ms. Eakes objected, then went into it on her own. She chose to do that. I now get to follow up on his praise for that limited scope as she suggested, because that's not accurate. And I might say --

THE COURT: What you're saying is that she -- you're claiming that she suggested that he would have been more zealous for proactive policing because he was rewarded for it?

MR. AUSSERER: That's what the suggestion is, Judge.

THE COURT: And you're saying there's more to it than that?

MR. AUSSERER: It's not just proactive policing. In fact, the Medal of Merit, I think the Court probably knows based on argument, was in fact awarded for de-escalation of somebody who comes at somebody with a knife that Officer Collins disarms and de-escalates. So that's exactly consistent with what I just asked him, that the State tried to limit in the use of their questions.

THE COURT: I think you tried to go into it on direct and I wouldn't let you do it.

MR. AUSSERER: Correct. Because the State objected to it.

MS. EAKES: Your Honor, I mean, it's apples and oranges. I mean, the issue of whether or not he was praised

for proactive policing, and that's all I asked him about, is not related to whether or not he received commendations for some other de-escalation. There's no connection between those two things.

Proactive policing is simply going out and causing things to happen by making contacts with people and developing criminal activity as a result of it. That's what the testimony has been, and that's what proactive policing is about.

THE COURT: Right. But when you tie it to the idea that he's received benefit from doing that, you're saying that he had an incentive to be aggressive about that. And what Mr. Ausserer is suggesting is he also had an incentive to de-escalate problems and so on because he got praised for that and awarded for that. And so that counters this idea that the only thing he would get praised for is being an aggressive officer.

MS. EAKES: Well, that wasn't -- what I was suggesting in terms of the proactive policing was that he had been recognized for that, that he was being proactive.

THE COURT: Right. But the point is, though, it leaves -- whether that was your intention or not, it leaves the jury with that potential inference.

MS. EAKES: This is just character evidence. But I understand that the Court is going to let it in with

respect to Officer Collins. But, I mean, I just note that -- I mean, it's --

THE COURT: The reason you understand that now is because now you -- the logic of it has certainly been made apparent.

MS. EAKES: I would disagree. I believe and I'm very practical about where the Court's going, and I can -- I hear what the Court's saying about it.

THE COURT: You're announcing these rulings before I make them.

MS. EAKES: Well, you pretty much just said how you're going to rule, so maybe I was jumping ahead to what --

THE COURT: I didn't say that. What I do, if you haven't caught on by now, is I -- there's a kind of devil's advocate thing here. I mean, I try to say, well, here's the argument that's being made, show me where it's wrong. And when you do, then you win; right? But if you don't, then you've got a problem. So we have to -- so we go through that, and I do that to both sides.

That's my style. Sometimes lawyers don't like it because they sometimes think I'm being aggressive towards them personally, and I'm not. I'm trying to get at the ideas or the principles which they're trying to advance. And sometimes they advance principles that are not really

consistent with logic or rules of evidence or otherwise, and sometimes they do. And I've got to sort that out.

So yeah, I tend to think that under the circumstances, he's entitled to go there. So you said you had another issue with respect to 18A.

MS. EAKES: I do. And You know, Your Honor, this has been the issue from the beginning with the way the Court decided to limit what was on a 18A. Counsel's now using 18A to basically say that Mr. Ellis didn't say he can't breathe, when he knows -- right before the "shut the fuck up." When he knows that the evidence and what the transcript said, it said 23:23:41, Mr. Ellis, and you made us change it to Unintelligible, said, Can't breathe. And that's what I played yesterday. And then comes the comment of shut the fuck up.

Now he's using this to say, well, these are just unintelligible, and the time he said shut the fuck up was from a previous time. And I just think that that's deceptive in light of what the Court did in terms of changing the transcript. Obviously, if the Court said at the time --

THE COURT: I don't have 18A. Can you get it?

MR. AUSSERER: Hand that to the judge, please.

THE COURT: Thank you.

MS. EAKES: You recall at this time that the Court

said we're not going to allow it in the transcript because you couldn't hear it sufficiently or there was dispute about whether or not how strongly Mr. Hallimore could do it, and so you made us change that one comment to "unintelligible" even though 18, which I'm happy to show the Court, showed that he had made the comment about he can't breathe.

MR. AUSSERER: Well, the context that Ms. Eakes fails to point out to the Court is that that was corresponding to the e-mail from Mr. Hallimore saying, I can't understand what it is, but if your office agrees to what it says, I'll add it in there. And then the Court said, Yeah, we're not doing that because I can't hear it. And he played it for you 30 times in the court and you still couldn't hear it. It says "unintelligible" according to the Court, so what I did was actually consistent with the Court's ruling and the finding and not disingenuous or misleading.

MS. EAKES: Your Honor, there was obviously dispute as to whether or not that was said. I can't find the first binder, but I'll hand up to the Court what we have marked as 18. And I think that, you know, 18, obviously, the comment was in there --

THE COURT: Was that the little clip that you played yesterday?

MR. AUSSERER: Repeatedly. No, that's --

MS. EAKES: One of the clips I played yesterday.

MR. AUSSERER: Where you could hear "breathe" is what the actual testimony was. Or "please."

THE COURT: Well, there was one that was really short and I questioned for a moment whether it had been admitted or not.

MS. EAKES: No. That was 659. That was the dispatch that you also took out, which was at the following -- that was at 23:25:21.

THE COURT: Well, that's after this, anyway.

MS. EAKES: Correct. It was after that.

THE COURT: So we have the 23:23:28. I guess I'll just use the last two numbers. 28, which is "can't breathe." Then we've got Mr. Ellis at 31, which is three seconds later. And are you talking about that one or are you talking about the next one?

MS. EAKES: No, I'm talking about the next one, right above "shut the fuck up, man." 23:23:41.

THE COURT: Okay. And you played that one yesterday, too?

MR. AUSSERER: She did, repeatedly.

MS. EAKES: I played all of that sequence. That was Exhibit 612.

THE COURT: I don't know what to tell you except you can use cross-examination. I mean, your expert couldn't

tell after going over it and going over it and going over it and going over it. And I couldn't tell.

MS. EAKES: Well, I think that the record is --

THE COURT: You may be able to say, Listen, ladies and gentlemen, it's there. Listen to it. And one might even come back and say, It's so difficult to hear. How can you say that that's what he's responding to, even if it's true? As opposed to the fact that he's saying something when he's now engaged in a conversation with Mr. Haze, or at least somebody is, because it says, Mr. Haze, do you guys need some help? Officer at 37 seconds. 39 seconds, Officer -- doesn't say which one, Oh, we got somebody coming. 41, another two seconds later, unintelligible. And 42, we have the "shut the fuck up, man" statement by an officer that Mr. Collins is saying is probably him.

MS. EAKES: Again, I just think that -- well, the Court's not going to do anything about it. I just think it's not fair to use that when he knows what it said and that it was taken out and changed by the Court to "unintelligible."

MR. AUSSERER: She knows what it said.

(Multiple speakers.)

THE REPORTER: I can't take more than two speakers at once.

THE COURT: When he knows it's not true is I think

your point. And I guess I would say I don't know that anybody knows whether it's true or not. The jury can make their own determination. You can say, Hey, listen, he says it here. And of course they could still believe, well, even if he did, it could have been just -- from the point of view of the officer when he said it, it could have been just noise or he could have said that and was telling him, as your position is, that he was telling him to shut up about that. Or it could be that it was just like a noise that he couldn't hear or you thought maybe he was making noise so he couldn't hear Mr. Haze. Again, I don't know. It's all kind of possibilities there, and you're certainly entitled to ask the jury, isn't it true that if you listen to this, you can hear that he's saying that and then he immediately afterward says, Shut the fuck up, man. But whether or not that was -- I think we're all agreed that it's Mr. Ellis's voice. What he said at that point in time is in dispute, and it could be you're right and it could be you're not. So I don't know that that makes much difference.

So here's 18A back. And as I say, when you go on redirect -- or recross, you can ask him about it again if you want. All right. Let's have the jury back.

(The jury entered the courtroom.)

THE COURT: Okay. Welcome back, everybody. Please be seated. Okay. Objection is overruled. You may

continue.

Q. (By Mr. Ausserer) Before we excused the jury, I asked you about receiving the Medal of Merit. When did you receive the Medal of Merit?

A. I don't recall the day. I think it was around 2018, '17.

Q. What's the Medal of Merit?

A. It's a commendation for police officers that falls somewhere under the -- it's the -- I think the third highest. Medal of Honor, Medal of Valor, Medal of Merit.

Q. What did you receive the Medal of Merit for in this case?

A. Officer Burbank and I were responding to a strong-arm robbery at the 76 station on 84th and Hosmer street. And in that scenario, the clerk -- guy jumped over the counter and beat him up and then had taken cigarettes and some money, I think, and then the guy left. So we were there taking the report, and while we were there, Officer Burbank kind of was walking to the back of the store while he was talking to dispatch, running records. I was interviewing the clerk, and the assailant came back. And now he was armed with a 15-inch butcher knife. He had it raised over his head, and he was coming at me, telling me to kill him.

Q. So what did you do?

A. We were able to basically -- at the end of the

story, we were able, when he turned his back, to get him safely in custody without hurting him.

Q. And did both you and Officer Burbank receive the Medal of Merit for de-escalating that circumstance?

A. We did.

MR. AUSSERER: Thank you. That's all I have, Judge.

THE COURT: Recross?

MS. EAKES: Just a couple of questions.

RECROSS-EXAMINATION

BY MS. EAKES:

Q. Officer Collins, is it your testimony that it's lawful for a pedestrian to be out in the middle of an intersection in the middle of the night?

A. It depends on the circumstances. I mean, they could be crossing the road, but not just standing there.

Q. It wouldn't be; correct?

A. No. But it's not a seizable offense. I couldn't just go run out and arrest someone for that.

Q. And it's your testimony that it's to a seizure just to put on your lights; is that right?

A. It can be, yes, ma'am.

Q. And you were asked about the St. James report. Do you recall yesterday when you testified, you explained to the jury that that St. James incident is the reason why you knew

you had to use an LVNR against Mr. Ellis; correct?

A. That is correct.

Q. And you explained that the individual in St. James was out of control; correct?

A. Yes.

Q. And that you had to punch him multiple times. And you realized that you could just keep punching him, but you weren't going to get him to stop; correct?

A. I'm not sure punching, but striking him, because I know I did other strikes, yes.

Q. Okay. And you also said that you then kneed him in the groin as hard as you possibly could; correct?

A. Yes, ma'am.

Q. And you've looked at the report from St. James; correct?

A. The specific parts that I've been asked about.

Q. You didn't review the rest of it?

A. I didn't read it all.

Q. There's actually no reference in that report at all to you striking Mr. Shark, is there?

A. I don't know if there is or not.

Q. Why don't I show it to you again.

A. Okay.

Q. Handing you what's been marked as Defense 2755.

A. A second to read through it, ma'am.

It's not specifically referenced, no.

Q. There's no reference at all to you striking Mr. Shark; correct?

A. There is not.

Q. And there's no reference in that report to you kneeing Mr. Shark in the groin as hard as you could?

A. That would be the same as striking. No.

Q. There's no mention of you striking him or kneeing him in the groin; correct?

A. No, ma'am.

MS. EAKES: If I could have just a moment.

That's all I have. Thank you.

THE COURT: Mr. Purtzer?

MR. PURTZER: Yes, thank you, Judge.

RECROSS-EXAMINATION

BY MR. PURTZER:

Q. Officer, some more questions regarding the event there at the apartments. You talked earlier in both your direct examination and cross-examination regarding various levels of uses of force; correct?

A. Yes, sir.

Q. And striking a person is a use of force; correct?

A. It is.

Q. And you use your elbows, you use fists, you've kneed persons. And that is a level of use of force?

A. It is.

Q. All right. Taser is a level of use of force as well, is it not?

A. It is.

Q. Where is the Taser in relation to the strikes?

A. It's lower than strikes.

Q. So strikes is higher than Taser?

A. Strikes, you deal with assaultive subjects, so that's a step up. Taser, in Tacoma's use of force, is actively resisting, so it's a step down.

Q. So you had struck the person, it didn't work; correct?

A. Yes, sir.

Q. And he was responding, apparently, to the strikes he's receiving?

A. Yes.

Q. How was he responding?

A. By telling us to do it more and laughing and threatening us.

Q. You did ultimately tase him, though; correct?

A. I did.

Q. How many times did you tase the individual?

A. I think three times.

Q. Why don't you take a look at Exhibit 77 on the last page, pages 11 and 12.

A. Does it specifically say here or do I need to --

Q. Well, take a look at the last paragraph -- actually, the last four lines of page 11 and the top part of page 12. And I need to ask you a couple of questions regarding that.

THE COURT: This is the incident at the apartment complex with Mr. Shark?

MR. PURTZER: Yes. Exhibit 77.

A. Okay.

Q. (By Mr. Purtzer) So does that refresh your memory about the number of times you tased Mr. Shark?

A. Yes.

Q. How many times did you tase him?

A. Three times.

Q. Well, doesn't it reference that you tased him twice and then you hit him with the ARC switch three separate times?

A. Yeah. I mean, it depends on how you're asking about it. So in this sense, because we were in such a close fight, I did what's called a staple. So you can fire your Taser cartridge and then fire a second Taser cartridge to make your spread, and then hit the Arc button on your Taser to actually tase. So if you ask me maybe how many times I tased.

Q. Okay. So how many times did you tase him?

A. So it says here three times, until he finally dropped to the floor.

Q. What was the response that he gave to you upon being tased?

A. He said, Oh, yeah, that feels good.

Q. Ultimately, though, you were able to cuff him?

A. Yes, sir.

Q. How was he cuffed?

A. How was he cuffed?

Q. Yes.

A. So this was another -- so it says after getting him to the floor, we finally placed him in handcuffs. Soon after dropping to the floor, additional officers arrived at the scene to assist in detention. This was another incident, much like the night of Manny Ellis's incident, where we were fighting for over six minutes at this point. So by the time the officers relieved us, we literally just rolled out and there was, like, five or six officers involved at that point.

Q. What did those officers do when they arrived?

A. They hobbled him, from what I understand.

Q. So he was not only cuffed, but he was hobbled?

A. That's what I understand.

Q. Consistent with respect to what Mr. Ellis --

A. Yes, sir.

Q. And then after he was actually taken away to the

jail, are you aware of how Mr. Shark responded once he was there at the jail?

A. Yes.

Q. How did he respond once he was at the jail?

A. Yeah. It was bizarre. So as soon as we finally got him hobbled and then he calmed down. So then the hobbles were removed. We placed him in our car, and he wouldn't say a word to us. We took him to the jail. And I remember we asked for additional corrections officers because we had just been in this huge fight with him, and he's just totally calm, won't say a word to us. And he gets to the booking table at the jail, and as soon as those cuffs come off, he starts fighting the entire jail staff. And I think it took -- I mean, there was at least five correctional officers and people were tasing and it was wild. But we were out of it by then.

Q. All right. And you testified yesterday about the reason why a person remains cuffed at the scene; correct?

A. I believe so, yes.

Q. To control the individual?

A. Yes.

Q. Once the cuffs are removed, the individual is no longer in control?

A. Absolutely, yes.

Q. Is this an example of an individual who is in

perfect harmony with the officers but then becomes uncuffed and is completely chaotic?

A. Absolutely.

Q. And is that why you have did what you did with respect to Mr. Ellis?

A. Yes, sir.

MR. PURTZER: Thank you. Nothing further.

MR. CONRAD: I have a couple brief follow-up, Your Honor.

THE COURT: Go ahead, Mr. Conrad.

RECROSS-EXAMINATION

BY MR. CONRAD:

Q. So about this incident with Mr. Shark, the initial call came out from Shirley; is that right?

A. That's what it looks like, sir.

Q. I'm not going to try and pronounce her last name. But she is 68 years old, it indicates here. She lived in that apartment complex?

A. Yes, sir.

Q. And according to DOL, she weighed about 100 pounds; is that right?

A. Yes, sir.

Q. She said that she woke up at 2:00 in the morning and heard her front door -- someone at her front door; is that right?

A. That's right.

Q. And said she looked through her peephole and she didn't recognize the person that was standing at her front door, and the person was jiggling the door handle at that point?

A. That's correct.

Q. And that was Mr. Shark at her door, trying to get in --

A. That is right.

Q. -- at 2:00 in the morning for this lady living at that apartment?

A. Yes, sir.

Q. And then about -- well, 911 had responded, but he had left the -- Mr. Shark had left the location?

A. Yes.

Q. And about an hour later, at 3:00, he returned to her door; is that right?

A. That's right.

Q. Okay. And then he started walking through the hallway, and he fit through an 18-x-18-inch metal door mail slot; is that right?

A. That's what I was trying to explain about those old school, little box slots on the bottom of the St. James' apartment doors.

Q. And he was able to crawl through that mail slot

into that vacant apartment down the hallway?

A. Yes, sir.

Q. And then you guys actually found the mail slot inside with him when you guys went in there?

A. Yes, sir.

Q. And when you made contact with him, you said that he -- right away you indicate in your report that he appeared to be under the influence of some type of narcotic; right?

A. Yes.

Q. I mean, that's what you write in your report back in 2017?

A. Yes, sir.

Q. And that he's just staring at you with this blank look on his face is what you also write?

A. That's correct.

Q. And he says to you all, What are you doing here?

A. Yes.

Q. And he started to grow in aggression towards you all, and then you discuss, again, trying to detain him in handcuffs. And he kept that distant stare towards you throughout that time period, you indicate in your report?

A. That's right.

Q. And one of the things that you also noticed during this is that he had a black weapons holster sticking out underneath?

A. Yes.

Q. Why did you include that in your report?

A. Because once that struggle is happening, we have to assume he's going for a firearm that's in that holster.

Q. Okay. You later learn that actually, he didn't have a firearm on him. There was like some USB charger or something like that?

A. Correct.

Q. But you took that into account during your struggle with him?

A. Yes.

Q. You even discussed being unable to just -- you're grabbing one of his arms and being unable to hold on to even just one of his arms, you yourself?

A. Yes.

Q. All right. And in this report, you actually quote Mr. Shark as saying after you -- after you used a Taser on him, you quote him as saying, Oh, yeah, that feels good, and explanation points after your case note?

A. Yes, sir.

Q. Okay. And in Mr. Burbank's report, he includes a couple of additional details as well; right?

A. He does.

Q. And he says that also, Mr. Shark is saying, when you guys are trying to take him into custody and he's being

tased, he says, Keep doing it, you'll love it, and other oddities is how he explains it; is that right?

A. That's correct.

Q. You talked about this Rolodex of experiences that you've had as a police officer that inform your training and experience, and this is one of them; is that right?

A. This was a pivotal one, yes.

Q. I wonder what would have happened to that lady that lived in that apartment had Mr. Shark --

THE COURT: Hold on. Hold on. Is there a question here instead of a comment?

MR. CONRAD: I don't have any other questions.

THE COURT: Okay. Mr. Ausserer?

MR. AUSSERER: Nothing further. Thank you, Judge.

THE COURT: Ms. Eakes?

MS. EAKES: Nothing further.

THE COURT: Mr. Purtzer?

MR. PURTZER: No. Thank you, Judge.

THE COURT: You may step down.

(The witness left the stand.)

THE COURT: Thank you. Okay. We'll take our morning recess now for 15 minutes. Ladies and gentlemen, please do not discuss the case among yourselves or with anyone else, and please avoid any reports in the media, social or otherwise, on the subject of this trial.

(The jury left the courtroom.)

MR. FRICKE: Your Honor, I just want to make sure if we could make -- if the Court could break, like, right at 12:00, because I arranged to have a phone court hearing in Alaska, which they set over the noon hour so that we didn't interrupt the court proceedings here. So it's at 12:15 and I need to get back to my office.

THE COURT: We'll try to do that.

MS. EAKES: Can we ask who's coming next?

THE COURT: You can ask. Is there another non-defendant witness in the area?

MR. CONRAD: No, Judge.

MS. EAKES: Okay. Thanks.

THE COURT: That should be a clue. All right. We're at break.

(Recess.)

THE COURT: Welcome back, everybody. Before we proceed, we have another issue that came up that I want to talk to you about. One of the jurors informed our staff that he had inadvertently heard something on the news and/or saw something on the news, also heard, I think, anyway, about this case; that it only lasted for a few moments before it went to a commercial, wanted to let us know about it.

I asked Mrs. Winnie to inquire more specifically

about it, and I believe he thought it was on KIRO television, and my understanding is that he did hear something about the trial. I got the impression it wasn't much, but some.

I don't know if you want to inquire of this juror anything more about it than that. I don't know whether it impacts their view of the case in any way, but we can have them come out. And I did have Mrs. Winnie inform the juror, you know, we want to make sure that you don't say anything to any of the other jurors, and this juror informed us that that had not happened and would not happen, so that was good.

I also had Mrs. Winnie inform him that we may want to talk with him about this. So he's prepared for that if it happens. Anybody want to question the juror?

Mr. Fricke.

MR. FRICKE: I think certainly we need to know, however you do it, that he could set whatever he heard aside and reach a decision. That's the only issue as far as I'm concerned.

THE COURT: Sure. It's an issue you want me to bring him out to find that out?

MR. AUSSERER: I don't, Judge. The fact that he self-reported this and complied with the request from the Court gave me assurance he's going to do what the

instructions tell him to do.

THE COURT: How does the State feel?

MS. EAKES: If the Defense doesn't think it's necessary then we don't think it's necessary.

THE COURT: Mr. Fricke, what do you -- you really -- so do you want me to bring him out or not?

MR. FRICKE: No, I said I don't really care how you do it, but, you know --

THE COURT: Well, by --

MR. FRICKE: -- I'm always cautious when it comes to those things. Obviously, I've always taken a position that to know is better than not to know.

THE COURT: Well, by saying I don't care how you do it suggests that you want me to do something to find out whether or not, in my view, it impacts his view of the trial, and I don't know that that's an appropriate rule for me, so I guess the question is, if you want me to bring the juror out, I'll do it. If you don't --

MR. FRICKE: I don't have any desire to ask him questions specifically.

THE COURT: Well, I can ask the questions if that's what you're concerned about. And usually, what I would do is ask the questions and then ask counsel if they have any questions after I've completed mine. But you may not want me to ask him anything so. Everybody so far says

no except you, Mr. Fricke --

MR. FRICKE: I know, and I --

THE COURT: -- and I respect that. It's -- I don't -- I give you the tyranny of the majority, but you can go your own way. What do you want to do?

MR. FRICKE: I've certainly been consistent in my positions on it and they have as well, so I guess I'll remain consistent and just ask that you ask the question can you set it aside and leave it at that. I'm assuming he's going to say yes, or she, whoever it is, and --

THE COURT: So you do want me to bring the juror out?

MR. FRICKE: For that very limited purpose.

THE COURT: I will ask a number of questions. After I do so, I'll ask each party, starting with the State, whether they have any questions for the juror as well. And so I don't know where this might go.

MS. EAKES: What other questions is the Court intending to ask?

THE COURT: Basically confirming what we already know, to some extent, which is you did self-report that there was an issue, that you heard something on the news, confirm what the source of the news was, as I said, my understanding is Channel 7, but he might tell me something else. Ask him if what he learned -- you know, I'm sure

trying to get some idea how much information, how long the duration of the report was that he heard or saw, and ask him certainly to what extent he thinks it would impact his ability to be an impartial juror here and influence his decision, if at all, and confirm that he hasn't talked to other jurors about it.

MS. EAKES: Is the Court then intending to ask him about the content of what he heard?

THE COURT: I wasn't going to. Does anybody want me to?

MS. BREMNER: No, Your Honor.

MS. EAKES: If the Defense doesn't want to. I'm trying to get the parameters of what the Court's going to ask so that we're clear. If the defense doesn't want that.

THE COURT: Well, somebody else could ask it, conceivably. As I say, once I am finished with my questions, I'll ask counsel if they want to ask any particular questions that might be raised by the answers that have been given, and if they do, I'm not going to necessarily have carte blanche of everything you might ask, but chances are you will ask something that will be fine and then who knows where it will go?

MR. FRICKE: I don't think we have any intention of asking that question.

THE COURT: Okay. Well, all right. My

understanding is this is Juror No. 12, so would you have the Juror come in.

(Discussion held off the record.)

(Juror 12 entered the courtroom.)

THE COURT: Welcome back. Please be seated, everyone. Juror 12, welcome. First of all, you're not in trouble. It probably feels a little like going to the principal's office. Don't feel that way.

You reported to our staff that you heard something on the news report on the subject of this trial, and first of all, I want to let you know reporting that to us was the right thing to do, so by definition, you're not in trouble. So I want to discuss just a couple of questions about that.

First of all, what was the source of the news story that you --

JUROR 12: The source of the news?

THE COURT: Yeah. Was it a television, newspaper?

JUROR 12: It was KIRO Channel 7, TV.

THE COURT: Television. Now did it happen that this happened that you happened to hear this report?

JUROR 12: I turned on the TV and it was on. It was on, that was the first thing that came on. I was watching football. I -- the only thing I -- I was watching football the day before, and when I turned it on it was on, and I was just going to the Monday Night Football game and I

caught the end of the report.

THE COURT: Okay. The end of the report. So that would ask my other question, is how long a period of time do you think you were able to hear the report?

JUROR 12: It was the very end -- it was the very end of the report and it moved on --

THE COURT: Sure. So did this go on for two minutes, 20 seconds?

JUROR 12: 20 seconds, if that.

THE COURT: And then it ended because it went to a commercial break or you changed the channel?

JUROR 12: It just ended because I think it went to another news topic but I went to watch Monday night Football after that.

THE COURT: Okay. Is there anything about -- I don't want you to necessarily tell us what you heard, but is there anything that you heard that you think would affect your ability to be impartial in this case?

JUROR 12: No.

THE COURT: Would you be able to disregard that report if it was somehow contrary to the evidence in our case?

JUROR 12: Would I be able to disregard that report if it was --

THE COURT: Yeah. If there's evidence in the case

that's different from whatever you heard on the report, would you credit just the evidence you've heard in the courtroom or would you credit this news report?

JUROR 12: Oh, no. Yeah. Just -- just what I hear here. That doesn't hold any weight.

THE COURT: Okay. So.

JUROR 12: So what I --

THE COURT: All right. Now, did you talk to any of the other jurors about what you heard?

JUROR 12: No.

THE COURT: Okay. Do any of the lawyers have a question, starting with the State? Do you have any questions for Juror 12?

MS. EAKES: The State doesn't have any questions. Thank you.

MR. FRICKE: No, Your Honor.

MR. AUSSERER: No, Your Honor. Thank you.

MS. BREMNER: No. Thank you.

THE COURT: All right. Juror 12, thank you very much. We're going to send you back in the jury deliberation room for a minute and then we're going to bring everybody back in. Thank you.

(Juror 12 left the courtroom.)

THE COURT: Anybody have any comment about Juror 12, whether it's appropriate to have the juror

continue in the case or not?

MR. FRICKE: No issues, Your Honor.

MR. AUSSERER: No objection to continuing.

MS. BREMNER: No issues, Your Honor.

THE COURT: State?

MS. EAKES: No concern.

THE COURT: Okay. So let's have the jury.

Who is the next witness?

MR. CONRAD: We'll call Officer Rankine to the stand.

(The jury entered the courtroom.)

THE COURT: Welcome back, everybody. Please be seated. Okay. The defense's next witness.

MR. CONRAD: We call Officer Rankine to the stand.

THE COURT: Please come up to right about here and raise your right hand to be sworn.

TIMOTHY RANKINE, having been duly sworn by the Court, testified as follows:

THE COURT: Thank you very much. Please have a seat right there. Please state your name and please spell your name.

(The witness took the stand.)

THE WITNESS: First name Timothy, T-I-M-O-T-H-Y, last name Rankine, R-A-N-K-I-N-E.

THE COURT: Thank you much. Mr. Conrad.

MR. CONRAD: Sure.

DIRECT EXAMINATION

BY MR. CONRAD:

Q. Good morning.

A. Good morning, sir.

Q. Caught you at a bad moment. Ready to go?

A. Good to go.

Q. All right. So I want to talk about some background questions first about you. So I'm going to ask you where you were originally born.

A. I was born in Singapore.

Q. Okay. And what year were you born?

A. 1988.

Q. Okay. And how long did you live in Singapore for?

A. Since I was born until I was about 13.

Q. Okay. And who -- I mean who from your family is from Singapore?

A. My sisters and my mom.

Q. Okay. And how many sisters do you have?

A. I have two sisters that are biological, the other two are stepsisters.

Q. Could you pull the microphone a little bit closer to you?

A. (Witness complies.)

Q. Okay. So how long did you live in Singapore for?

A. Thirteen years.

Q. So from the time you were born until you were 13 years old?

A. Yes, sir.

Q. And what did your mom do for work?

A. She was a single mom, so she did many jobs.

Q. Okay. And why did you guys leave Singapore?

A. My mom remarried to my stepdad and he's American, and he decided to adopt us and move to the U.S.

Q. Okay. And where did you guys move to in the United States?

A. The first place we lived at was Atlanta, Georgia.

Q. And did you attend school in Atlanta?

A. I did.

Q. What grades?

A. I started out in middle school, I think it was 7th grade.

Q. What was it like moving from Singapore to Atlanta, Georgia?

A. It definitely was quite different. I think I grew up a little bit different than most Americans did. I have -- yeah. I talk differently, I dress differently when I first moved over, so I wasn't really treated super nice.

Q. What about, so was English your first language?

A. Kind of. Chinese and English is predominantly

spoken in Singapore.

Q. How is your Chinese?

A. Now? Kind of rusty.

Q. You still speak Chinese at home?

A. Yeah, at times with my family.

Q. With your mom?

A. Yes, with my mom.

Q. Okay. And so you're talking about being in Atlanta. Did you attend high school?

A. I did.

Q. Where did you attend high school?

A. That's in -- I did some years in Arizona and some years in Virginia.

Q. Okay. And what about any schooling after high school?

A. I did some college in Arizona.

Q. Okay. And did you finish college?

A. I did not.

Q. Why not?

A. I think for me, college was, I have thought, would give me purpose. I was playing a collegiate sport, but I didn't really find the purpose in it. I wanted to do something more with my life, enjoy the freedoms and rights that were given to me when I first moved over here. I was proud to be American, so I joined the military, but without

my parents knowing.

Q. Without your parents knowing?

A. Without my parents knowing.

Q. Did that get you in some trouble?

A. They found out when I graduated basic and I sent them an invitation card.

Q. Okay. How was that conversation?

A. I mean --

MS. EAKES: I'm going to object to the relevance of this.

THE COURT: Sustained.

MR. CONRAD: Okay.

Q. (By Mr. Conrad) So how long were you in the military for?

A. Just shy of six years.

Q. Okay. And were you honorably discharged?

A. Yes.

Q. And what brought you to Washington State?

A. I was stationed out here at Fort Lewis at the time in 2011 and I just stayed after I got out of the Army.

Q. And are you married?

A. I am.

Q. And how long have you been married for?

A. Just over a year.

Q. How long have you known her?

A. I say ten years, but that might be wrong.

Q. Okay. You guys have a couple of dogs together; right?

A. We do.

MS. EAKES: Your Honor, I'm going to object to the relevance.

THE COURT: Sustained.

Q. (By Mr. Conrad) So you were talking about being in Washington State. I want to talk about when you first applied to become a police officer; do you remember when that was?

A. I think it was back in 2018 sometime.

Q. Okay. And what brought you to apply to be a police officer?

A. I think for me, it was a career change, for one, but when I was in the military out here, I spent a lot of time in Tacoma. I lived in Tacoma when I was in the military out here, so for me, I kind of wanted to give back to the community, you know, I didn't -- being a cop, you meet people at their worst time and I also know Tacoma was full of crime and I was trying to help with mitigating crime.

Q. Okay. And do you remember how much you earned as a police officer?

MS. EAKES: Objection, relevance.

THE COURT: Sustained.

Q. (By Mr. Conrad) I want to ask you about the night of March 3, 2020.

How long had you been a police officer at that time?

A. I think just over a year.

Q. Okay. When did you graduate the academy?

A. January 2019.

Q. January 2019?

A. Yes.

Q. And take us -- tell the jury -- take us through kind of after graduating what the next steps are.

A. So with Tacoma, after you graduate from the academy, you go through a bunch of classroom portions, a bunch of trainings before you start your FTO program, which is field training officer program. That's when you start actually patrolling the streets with a training officer, and that lasts about four months or so.

Q. Okay. And the FTO program, is that part of that we talked -- I think you heard testimony about probationary period?

A. The FTO is part of it.

Q. Okay. And who were some of your training officers?

A. I had quite a few, but Officer Burbank was one of them.

Q. Okay. And so tell us about the probationary patrol

period. How long is that?

A. It's a year.

Q. And what is that?

A. So probation officers, when you first start out, you are put on a one-year probation period. As new officers, there's -- actually, any police officers -- it's quite a bit of a learning curve, so when you're on probation, it's for other officers to assess you and make sure you can follow the laws, do all the policies and procedures properly, and basically be a safe officer without any risks to anyone else.

Q. And do you remember when your probationary period ended?

A. I think it was January 2020.

Q. Okay. So about a month prior to this incident?

A. Yes.

Q. Okay. And we've heard about the area that you patrolled on the night of the incident. Is that an area that you had been patrolling for a period of time?

A. Not really. When I was in the FTO program with Officer Burbank, I was in the Sector 3, which is what I patrol, so only after I got off FTO I was placed in the Sector 3, so I was only there for a few months.

Q. In Sector 3 for a few months?

A. Sector 3 for a few months.

Q. Am I right in thinking that the area where this

incident happened is sector 4?

A. It's shared. So with Tacoma Sector 3 and Sector 4, because the crime rate we just call it the South End. Sector 3 and Sector 4 officers comingle. We go to each other's calls, for the most part, so that area is -- I think it's Sector 3, to be exact.

Q. Okay. And so that's the area that you were patrolling on March 3, 2020?

A. Yes.

Q. Which shift were you working?

A. Graveyard.

Q. What hours is that again?

A. 8:00 p.m. to 6:00 a.m.

Q. And how long had you been working that shift for?

A. Few months, after I got off the FTO program.

Q. That's when you first started working graveyard?

A. Yeah.

Q. And did you have a partner that night?

A. I did.

Q. Was that Officer Ford?

A. It was.

Q. How long had you guys been partners at that time?

A. Three months so far.

Q. How old were you on March 3, 2020?

A. Thirty-one.

Q. All right. And I want to ask about kind of walking through -- the jury -- walk the jury through kind of this -- this incident from telling us about this prior stop that you had backed up Officer Burbank and Officer Collins at.

So can you describe to us kind of your involvement in that traffic stop?

A. So that traffic stop, it's not uncommon for other officers to back officers on traffic stops. It's quite common, especially in the south end.

I think by the time we got there, I had stopped the car because I was driving that night. I think Officer Collins was the one that gave me a thumbs up, and we stopped, and then we just kept going because they were about to clear that call.

Q. Okay. And so what did you do after you had left that scene?

A. After that we start patrolling the area, so I -- this was, I think, 96th and A Street, A, Adam, Street. I started heading north on A, Adam, Street.

Q. Okay. And so we've heard about these mic clicks. Do you remember what you were doing directly prior to hearing these mic clicks?

A. Yeah. When we were on A, Adam, Street, we observed, I would say, two younger white females that were kind of standing, like, off the sidewalk. A Street is kind

of a really dark street that's not really, like, any apartments. It's like the backside of all the businesses, so it's -- they were kind of out of place, but a vehicle had stopped, it was a black Mercedes with super tinted windows, the girls just kind of jumped in the car really quickly and the car took off so we just started following the car before the mic clicks started.

Q. What was your concern about what was going on?

A. We had -- I mean, we -- besides the car just speeding off on A Street, we were wondering what was going on and the two females weren't really dressed for the weather. It was 40 degrees out, windy, and they weren't wearing jackets or pants or anything of that sort, so we were trying to figure out what was going on.

Q. And then is it at that time that you hear these mic clicks?

A. I think we followed it for, like, maybe half a block before we started hearing mic clicks.

Q. Okay. Tell us about what you remember about first hearing these mic clicks.

A. So I think it's been told before that, like, the mic click is not uncommon. We call it accidental mic click. Someone accidently hits our hand mics. We actually, like, bump it or you hit it and it will go off. So the first one usually we kind of disregard it because I think Officer Ford,

someone had come on the air and said, accidental, or something of that sorts, but this night the mic clicks kept going, three, four, and dispatch said 317, which is Officer Burbank and Officer Collins' call sign and just had backed them up on a traffic stop and there was no response.

So at this time, I think it was maybe, you know, like five, ten miles per hour, I was going pretty slow, just because we were trying to listen to what's going on. I turned up the car radio, we each had our headset, ear piece from our radio on our heads so we could hear all of it. The mic clicks just kept going up to five or six mic clicks before dispatch asked them one more time, Henry 317, do you have traffic? And then no -- nothing came over the radio. And then finally, Officer Burbank came on the radio and just screamed out his location, 96th and Ainsworth.

Q. Had you ever heard Officer Burbank scream out a location like that before?

A. I had not.

Q. And had you ever Bur -- had you been working with Burbank and Collins?

A. I had.

Q. You guys had been working the graveyard shift together?

A. Yes.

Q. Had you ever heard multiple mic clicks from him

like that?

A. No. I have never heard any mic clicks like that.

Q. Okay. Like as a police officer's?

A. As in my little time as a police officer, I never heard any mic clicks like that.

Q. Okay. And so what is the -- I mean, what's going through your mind at that point when you're hearing that?

A. I think Officer Ford and I, I think we both -- you know, we knew was a physical altercation just because of the frequency of the mic clicks, how many mic clicks. To me, as a new officer, it signifies someone was trying to go for their hand mic to call something out, but they are unable to. So Officer Ford and I, we thought the worst. We thought -- yeah.

Q. So what's your reaction?

A. I think at this point in time I was at South 84th Street and, like, McKinley. I made a U-turn, activating my lights and made a U-turn really quickly, and I started heading as quickly as I could to 96th and Ainsworth.

Q. Did you have your emergency lights going?

A. Yes. And sirens.

Q. Are you and Ford saying anything to each other on your way there?

A. I think there was a little bit of discussion back and forth about what's going on, but I think for the most

part, we were trying to keep quiet to listen to what all is happening over the radio.

Q. Okay. And so walk us through kind of when you get on to 96th. What's next?

A. Yeah. So the route we took from 86th and McKinley, I made a left-hand turn heading southbound on Pacific Avenue and a right-hand turn heading westbound on 96th.

From Pacific and 96th area, if you're going down towards Ainsworth, you can -- the elevation is slightly higher, so you can actually see all the way to the other intersection of 96th and Ainsworth. That's when I observed Officer Collins' car -- what I thought was Officer Collins's car.

Q. Okay. Where did you observe it?

A. It was stopped at the intersection, which is weird. That's not a good police practice that's taught to us. It's just stopped in the intersection with just its yellow ambers on.

Q. Is that how we've seen it in the photos?

A. Yes.

Q. So it's in that same position when you first see it?

A. Yes.

Q. Does it ever move from that position?

A. No.

Q. Okay. And so you're headed down 96th. What direction are you headed down 96th?

A. Westbound.

Q. Okay. Westbound, and you see the vehicle up ahead of you; is that right?

A. Right.

Q. And can you see anyone in the vehicle at that point?

A. No. I think me and Officer Ford -- I kept asking Officer Ford if he could see anyone. The whole situation is just unsettling. You don't hear mic clicks and then see a vehicle in this kind of a position in the middle of the roadway, it just doesn't make a lot of sense to us, so I just -- as we kept driving, I kept asking Officer Ford if he saw any of the officers.

Q. Okay. And at one point, were you able to see anyone?

A. I think we were, I'm guesstimating, three or four blocks or so, but I had moved, basically, closer, moved my car over closer to the curb so we both kind of had a line of sight just past the patrol vehicle. I saw three subjects. They were 10, 15 feet in front of patrol vehicle that's stopped at the intersection.

Q. Did you make out who was who or what positioning they were in?

A. I could not at that time.

Q. Okay. And so what do you guys do next?

A. I think before even the car stopped, Officer Ford kind of jumped out of the car and he started running. I stopped the car and quickly as I could called out on my car radio that I was with Henry 317 and then I took off running after Officer Ford.

Q. Okay. And what do you see when you first get on scene?

A. So when I first get on scene, what I see about 10, 15 feet in front of me, is now -- well, we now know it's Manuel Ellis, so Mr. Ellis, he's facedown in the prone position. Officer Collins is also in the prone position trying to secure his legs while he is kicking backwards at Officer Collins. I described it as violent, but -- and then Officer Burbank is kind of over his, like, hips/butt area with his hands kind of pressing down on Mr. Ellis' back. And I think in my statement the only way I can describe it is literally watching Mr. Ellis buck back and forth and Officer Burbank looked like he was just riding a wild horse.

Q. Officer Burbank is essentially straddling Mr. Ellis at that point?

A. Yes.

Q. His knees on either side?

A. Yes.

Q. And Collins is behind him holding onto his legs, is that right, or attempting to?

A. Yes.

Q. Okay. And what do you and Officer Ford do next?

A. As we were running up, I think I was the first one to address both the other officers. I yelled out, What do you guys need? And I know that's when Officer Collins responded on the radio, We need hobbles. And I explained to them that, I don't have hobbles. I don't carry it, and so I just kind of made a plan to secure his legs with Officer Ford.

Q. And have you ever used hobbles before?

A. I've never.

Q. Okay. And where is Officer Ford, then, if you remember?

A. I think he was maybe a couple paces in front of me.

Q. Okay.

A. But I got caught up to him pretty quick.

Q. What's he starting to do?

A. I think at this point in time, Officer Collins transitioned to his left leg and I helped hold Ellis's right leg so that Officer Ford could also get down in the prone position and secure his right leg.

Q. Okay. And where are you at this point in relation?

A. I'm still behind Mr. Ellis, like by his waist.

Q. Okay. And we're talking about this now, but how -- I mean, how quickly are these things occurring?

A. Fast.

Q. Okay. And what if anything was kind of unsettling about seeing Officer Collins and Officer Burbank struggling with Mr. Ellis?

A. Well, one, Officer Burbank is -- you know, he was my training officer, so like Ford said, both of them are, like, the go-to, two-man car in the south. Everyone wanted to be like them. So when me and Ford partnered up, we tried to mimic ourselves as best we could to them because it was -- Officer Ford said it correctly. There was nothing they couldn't do. They handled every single call very well, very professional, you know, like, it just dawned on me when Officer Collins was testifying, I've never heard Officer Burbank actually curse. I think that's quite remarkable.

You know, I know Officer Burbank and Collins, we connected on the military front just because we all were in the military, we all did very similar jobs, so that's something we definitely connected on.

I know Officer Burbank has told me when he was in the military, all the stuff he did, and he was put in for the bronze heart of valor. That's not something that --

MS. EAKES: Your Honor, I'm going to object to the hearsay and relevance.

THE COURT: Your objection comes pretty late. I'll let the answer continue, but let's move on to a new question.

MR. CONRAD: Understood.

Q. (By Mr. Conrad) So seeing them, these experienced officers, struggling with Mr. Ellis obviously plays a factor in what you're seeing?

A. Yes.

Q. So you were talking about Officer Ford being on one of Mr. Ellis's legs and Officer Collins, is he on the other leg as well?

A. He -- Officer Collins is on the left leg, Officer Ford's on the right leg.

Q. Okay. And what are you doing at that point?

A. After it's -- after we -- I helped secure both legs, I was on the right side of Mr. Ellis. The way he was thrashing about with Officer Collins and Officer Burbank, it did not appear to me at all that he was handcuffed. So the first thing I thought about was we got to get this guy in cuffs. So as I transitioned up his body, I started off kind of working up his leg to where his hands are, and that's when I noticed that he was actually handcuffed. And right below his handcuffed, kind by his waistline area was a Glock magazine. Being around a little bit of firearms, you can identify a Glock magazine pretty easily.

Q. And you talk about that in your statement with detectives; right?

A. I did.

Q. Why did you mention that?

A. I was concerned. We didn't know who it belonged to. It was just kind of laying by where his hands are where he's handcuffed, so we don't know if Mr. Ellis was armed at that time.

Q. Okay. And so you noticed that Mr. Ellis was handcuffed at that point in time and so what do you remember doing then?

A. Yes. At that time I was -- I made sure that -- because he was handcuffed, I wanted to make sure that he wasn't going to break out of his cuffs or just make sure that they were double-locked. With handcuffs, you double-lock them so they don't cinch down on people. It also gives it, like, just some extra security so they won't come apart, and as I was doing that, Officer Ford grabbed the Glock magazine and just yelled out, Whose magazine is this? And no one responded. And then I just saw him throw it off to the side.

Q. And what do you remember Burbank doing, if anything?

A. Officer Burbank was asking for help at that point in time.

Q. And what did you do in response to that?

A. I told him that, I'm on my way up, or, I got you.

Q. Okay. And so what did you do at that point?

A. When I started helping Officer Burbank, I kind of situated myself on the right side of his torso. I think I had just placed my right knee under his right shoulder, I formulated a plan with Officer Burbank that I was going to take the right side of his body, of Ellis's torso, and Officer Burbank was going to take the left side of Mr. Ellis's torso.

Q. And is it just the four of you there on scene at this point?

A. Yes.

Q. Okay.

A. I think Sergeant Lim gets there pretty quick after.

Q. And so do you know whether officers are on their way? Can you hear --

A. I can hear the sirens.

Q. Okay. And so what's the goal in, I guess, taking those points of contact with Mr. Ellis?

A. I think in my head I was just trying to think of how is the best way to control Mr. Ellis when he's thrashing around like the way he was as kind of just splitting his body into four different parts and holding four different points on him.

Q. Okay. And what happens to -- what do you remember

happening to Officer Burbank at that point?

A. Right after we made our plan, Officer Burbank, I see him start to get off Mr. Ellis like the way he was positioned on Mr. Ellis and then I see Mr. Ellis just kind of buck his chest up and then next thing I see is Officer Burbank goes tumbling into the street, like just front and left side of Mr. Ellis, and that's at the point in time where I had to move myself on top of Mr. Ellis.

Q. And is that what you're describing in your report there?

A. Yes.

Q. Or I guess in your interview?

A. Yes.

Q. And so tell us about kind of your positioning at that point and what your goal is.

A. So when I just watched Officer Burbank get bucked off, the only thing I think in my statement, I say I just jumped on top of him and placed both my knees, basically, centerline of his back, so on the spine one, my left knee on his lower back, my right knee in between the shoulder blade. I think I was more specific about it in my statement saying it was like his spine base of his neck area, and I also describe it as moving all my weight, but I don't think you can move on your weight with multiple points of contact on the ground.

Q. And what -- what's your concern about Officer Burbank getting bucked off of him?

A. Just how strong Mr. Ellis was to just simply kind of jerk his chest off the ground and buck an officer off of him.

Q. Did you think that Mr. Ellis was going to get up?

A. There was a -- there was a fear that he was going to get up.

Q. Okay.

THE COURT: We're going to break now.

MR. CONRAD: Sure.

THE COURT: Mr. Fricke got a call he's got to make here, it's about 2 minutes to noon, so we'll take our break now.

So ladies and gentlemen, please do not discuss the case amongst yourselves or with anyone else. Please do not allow anyone to discuss the case with you or in your presence and please do not watch any media or news reports about the trial. We'll see you back at 1:15.

(The jury left the courtroom.)

(Luncheon recess.)

REPORTER'S CERTIFICATE

I, Jessica Sanford, Certified Court Reporter, certify that I am the official court reporter for Department 4 in the Superior Court of the State of Washington in and for the County of Pierce; that on 12/5/2023, I was present and reported all of the proceedings in State of Washington, Plaintiff, vs, Matthew Collins, Cause No. 21-101287-4, State of Washington vs. Christopher Burbank, Cause No. 21-1-01286-6, State of Washington vs. Timothy Rankine, Cause No. 21-1-01288-2. I further certify that the foregoing 94 pages contain a true and accurate reproduction of the proceedings transcribed.

/S/ Jessica Sanford
Jessica Sanford, RPR, CCR 2371

TAB 2

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,	)	
Plaintiff,	)	Superior Court
vs.	)	Nos.
CHRISTOPHER SHANE BURBANK,	)	21-1-01286-6
MATTHEW J. COLLINS,	)	21-1-01287-4
TIMOTHY EUGENE RANKINE,	)	21-1-01288-2
Defendants.	)	

VERBATIM TRANSCRIPT OF PROCEEDINGS
Officer Rankine Trial Testimony
Volume 2 of 3
Afternoon Session

December 5, 2023
Pierce County Superior Court
Tacoma, Washington
Before the
HONORABLE BRYAN CHUSHCOFF

Jennifer L. Flygare, RMR, CRR #2156
Official Court Reporter
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T A B L E O F C O N T E N T S

Tuesday, December 5, 2023

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BE IT REMEMBERED that on Tuesday, December 5, 2023, the above-captioned cause came on duly for hearing before the **HONORABLE BRYAN CHUSHCOFF**, Judge of the Superior Court in and for the County of Pierce, State of Washington; the following proceedings were had, to wit:

<<<<<< >>>>>

THE COURT: Welcome back, everybody. Please be seated.

Are we ready to resume?

MR. CONRAD: Yes, Your Honor.

MR. PURTZER: Yes, Your Honor.

THE COURT: All right. Let's have the jury.

(Jury enters courtroom.)

THE COURT: Welcome back, everyone. Please be seated.

Okay. Mr. Conrad, continue when you're ready.

DIRECT EXAMINATION (Resumed)

BY MR. CONRAD:

Q. So Officer Rankine, before we broke for lunch, we were talking about this moment in this interaction where Officer Burbank gets bucked off of Mr. Ellis and you're describing your actions.

I want to ask you, would it be helpful to illustrate -- or demonstrate, I mean, to the jury where you are in relation to Mr. Ellis and what your positioning is?

A. Yes.

Q. Okay. And with the Judge's permission, I'd ask that he be able to demonstrate what he's doing in that moment.

THE COURT: State have any --

MS. EAKES: I'm not sure what the demonstration is. They can describe what it is.

THE COURT: I'm not sure exactly either. Can you describe a little more what you have in mind? The witness is going to be brought down from the stand?

MR. CONRAD: Yes.

THE COURT: And demonstrate on an imaginary body?

MR. CONRAD: No, on me.

THE COURT: Oh, on you. State is supposing and gathering its thought before it answers.

MR. CONRAD: Much like Mr. Nielsen did, it'd be a demonstration like that.

MS. EAKES: Mr. Conrad's going to be asking the questions at the same time?

THE COURT: I imagine --

MS. EAKES: I'll defer to the Court.

THE COURT: Proceed.

If you're on the floor, Mr. Conrad, you're going to have to speak up.

MR. CONRAD: I can do that.

THE COURT: You want a lapel microphone?

MR. CONRAD: Sure.

MR. PURTZER: Mr. Conrad. I could volunteer to be the subject.

THE COURT: Well, it's your deal, Mr. Conrad, if you want a volunteer from Mr. Purtzer, that's fine. If not, that's fine too.

MR. CONRAD: That's okay. Not at this point. And if the jury needs -- they know already.

THE COURT: These guys are complete veterans. So they'll do whatever they need to do.

MR. CONRAD: Sure.

By MR. CONRAD:

Q. Well, all right. Can you first show to the jury what you remember the positioning of Officer Collins and Officer Burbank in relation to Mr. Ellis when you first arrived, like where everyone's located.

A. Okay.

Q. And just have me -- I will be Mr. Ellis in this situation.

A. Okay. If you just lay down either way. I can kind of describe it.

Q. Okay.

A. Probably scoot forward this way a little bit.

Q. Like this?

A. Yeah.

So what I was describing when I was testifying, when I first came on the scene, Officer Collins was positioned on Mr. Ellis's back legs here. Pretty sure he was talking about how he testified he had his legs criss-crossed and his knee this way. And what I saw was Officer Collins was in the prone position holding his legs like this.

Q. And what is Mr. Ellis doing while he's trying to --

A. He's just thrashing around kicking his legs backwards. Basically, he was trying to grab -- trying to break free of the grasp from Officer Collins, from what it appeared to me.

Q. Okay. And then where is Officer Burbank?

A. Officer Burbank, from what I remember, was kind of like straddling him like this and had his hands somewhere in this area.

Q. Like this?

A. Yeah.

Q. Okay. And when you come into the picture, where are you?

A. So like I described, I helped Officer Ford secure his right leg, so at this point in time I think both their legs were up. Both Officer Collins and Officer Ford were down on the ground, prone position, holding both hands on his

legs. I had -- made my way over here. That's when I noticed he had his handcuffs on his hands and then a Glock magazine was somewhere sitting around here.

I think at this point Burbank had moved. Like, he was more sitted (sic) up, and he asked for help. And then when I first came and contacted Mr. Ellis, I put my right leg on his shoulder in this fashion, and Burbank is somewhere in this vicinity over here, and that's when I saw -- well, I described it in my statement as a wiggle worm.

There's no other way to describe it besides Mr. Ellis was slamming his head on the ground, rolling his shoulder forward, picking his chest up, scooting his knees under him, and then thrusting forward, while all four of us had control of his body. And he was kind of -- I think in my statement I described it as he was just dragging us along the road.

Q. And where do you -- can you describe to us or show us where does -- where do you go when you see Officer Burbank get bucked off of him?

A. So Officer Burbank is on his torso. Mr. Ellis does an upward thrust/buck motion, as I call it. I see Officer Collins kind of roll off the left shoulder over this way and that's when -- in my statement, I say I jumped on top of him, but really it's just a figure of speech. I don't

mean I actually jumped. I just move my right leg to the center of his shoulder and my left knee to his lower back like this.

Q. And why are you doing that?

A. Because the way we're taught is we want to control the center line of someone. It's the most secure position to control someone's, basically, body movement. And doing this just kind of secures the center line right on his back, gives him space in the middle of his back.

Q. And you also describe kicking your ankles out at one point as well, right?

A. Yeah, at this point in time, he's bucking pretty hard, and he's basically -- he was trying to lift me off the ground. So I feel -- I just feel myself just going up and down quite a bit. So I talk about kicking out my feet, and I say like it's a seated position, because I don't really know how else to describe it, but simply it's here like this, and I go from basically seated on the heel, basically like seated on my feet instead.

Q. Okay. And where is Officer Burbank at that point, do you remember?

A. I don't remember at this point in time.

Q. Did you ever have your knee on his neck at that point?

A. No. There's no point -- you can't control someone

from their neck. I'm not trying to hurt Mr. Ellis. I'm just trying to control him.

Q. Okay. And are you making commands to him during that time?

A. Yeah, the whole entire since I've been there, I think I've said to him numerous times, "relax," "stop struggling," "stop fighting," and I think Officer Ford too was repeating that at the same time.

Q. And where's Officer Ford at this time?

A. He's still on his right leg, Mr. Ellis's right leg.

Q. Okay. And it's just the four of you present at that time?

A. Yes.

Q. Okay. And I think you described in your statement that you were waiting for other officers to arrive?

A. Right. And I think what I said in my statement is we sat there until other officers could get there.

I have weird speaking mannerisms. I didn't mean like we actually sat there, as we, you know, as we sit around waiting for people kind of deal. But yeah, we just waited in various positions until other officers could get there.

Q. Okay. And thank you. You can have a seat.

So one of the things I want to ask about as well is what was Mr. Ellis saying, if anything, at this point?

A. So as we waited for officers, from what I remember, is that at some point in time, and I remember it pretty specific because, you know, it was a bit confused on what was going on.

I remember Mr. Ellis was thrashing around pretty, I would say, pretty violently. He was trying to lift me off the ground. And then I remember looking down at him and he turned his head to his left and he said, "I can't breathe," but in a very calm like everyday kind of calm conversation voice.

Q. Okay. And what did you do in reaction to that?

A. Well, when he first said it, I didn't know who it was coming from, because until that time the only thing I've heard Mr. Ellis say was absolutely nothing. All I heard him do or, I guess, say is make -- I think in the way I describe it as like animalistic noises, just grunting a lot. And to me that sounded like (demonstrating). Just a lot of that since the time I got there.

Q. Was he doing that even while afterwards, like, after hobbles were put on?

A. Yes. He continued to do that for quite a while.

Q. So what did you do in response to hearing Mr. Ellis say, "I can't breathe"?

A. So when he said "I can't breathe" the first time, in my head the first thing -- I was a bit confused. I didn't

say it out loud, but I was just thinking who said it, and what is happening kind of deal.

And then he said it again, and that's when I noticed it was actually Mr. Ellis that said it. And the only response at that point in time that I could think of is if you could talk to me, you can breathe, but if you stop struggling and you calm down, I'll relieve some pressure off of you.

Q. And did you go to do that?

A. I did. I tried.

Q. Okay. And what was his reaction to you doing that?

A. So after he said that, he just got kind of quiet. His head still was facing, like, to the left of his body. I moved my right knee from the middle of his upper back towards his right shoulder. And I think my knee just touched his right shoulder before he started thrashing around all over again and I have to reposition myself back to the original position where I have the center line of his body.

Q. What did you think he was trying to do when he was thrashing around?

A. I thought he was trying to get up.

Q. And what's the risk of having him stand up?

A. Well, the only thing -- when I got to the scene, the only thing I know is that he was in a physical altercation with two officers. From what I saw when I first

got there, the struggle he was putting up with the two officers was very unsettling.

I found the Glock pistol mag on his lower back when I was basically making my checks.

So if he stood up, I didn't know if the fight was still on. I didn't know if he was armed. There was many factors, and the risk was way high for him to stand up.

Q. And you're talking about a period of time until other officers could arrive, right?

A. Yes.

Q. So tell me about what you remember in terms of when officers arrive?

A. I just remember vaguely that there was numerous cars that came and you could hear everyone kind of just slamming their brakes, get out of their cars really quickly and run over to us.

I know at some point in time, I heard Sergeant Lim on scene. But when I looked back towards his feet, there was five, six, officers holding onto his feet, and I saw what I think has been described in court as the hobbles that were used on Mr. Ellis.

Q. And what were you doing while the hobbles were being placed on him?

A. So while the hobbles are being placed on, it's just counterintuitive, like, I have to move off of his back and

just kind of put my hands on his back so that they are able to grab his legs and lift it off the ground to put the strap around his legs and then attach it to his hands.

Q. Do you know how quickly the hobbles were placed after other officers arrived on scene?

A. I couldn't tell you.

Q. And do you know who put the hobbles on at all?

A. I don't. There was numerous officers. I think in my statement I describe what the hobbles look like, but because I was dealing with Mr. Ellis still thrashing around, that my focus was strictly on him.

Q. Did is seem like a long period of time or short period of time?

A. Short. I would say short.

Q. After other officers arrived?

A. Right.

Q. Between him -- well, from officers arriving to him being placed in hobbles?

A. Yes.

Q. And so what did you do after Mr. Ellis was placed in hobbles?

A. So once he was placed in hobbles, I think Officer Ford testified to it too, Officer Ford stated he was more in control. I would say the same thing. Like, he was controllable. I wouldn't say he was under control. He was

still thrashing around pretty hard.

I remember specifically he was kicking his legs back from that 90-degree angle pretty hard trying to almost like snap the hobble. But --

Q. Are you saying anything in reaction?

A. The whole entire time, I think numerous officers kept telling him to calm down, relax, breathe.

Q. Okay. And so again, what do you do after Mr. Ellis is placed in hobbles?

A. So once he was placed in hobbles, you know, a very short time, I can't specifically tell you, but he had stopped thrashing around. At that point in time there were other officers by me, and I instructed them to roll him into the recovery position, which is that side lateral position that it's been called.

Q. And what did you start doing once he was in the recovery position in terms of --

A. The first thing, just because of the Glock mag that I found earlier, I made sure to do a very thorough weapons sweep on Mr. Ellis. So do you want me to go into detail about that?

Q. Yeah, can you describe what you were doing? Well, can you show the jury what you were doing?

MR. CONRAD: If that's all right , Judge, can he step down?

THE COURT: Sure.

By MR. CONRAD:

Q. So where do you want me?

A. On the side. Face the jury.

Q. Hands behind my back?

A. Yeah.

Q. Feet up?

A. Yep.

Q. So every officer does weapons sweeps differently. There's a basic standard, and then we kind of do what we feel is best for us to not miss weapons.

I always start with the waistline. I kind of sweep from one end to the other end, and then the next thing I do is I check the front pockets. I usually use my backhand to sweep the front pockets. There's a lot of risks of, like, needles in pockets and stuff, so you don't want to just stick your hands in pockets to check them because you could get stuck. And if you get stuck by a dirty needle, it's a bad day for us.

So I usually sweep with my backhand, and then I do a little squirm, almost like a little scrunch on the pockets. And once I check both sides doing it the same way, I do it down the leg. And with Mr. Ellis, it went all the way down to where his ankles are. Sweep that. Then I do the other leg, and then I sweep that. And then I start on

the back side of his waistband and I'll sweep that, go up his body.

And at this time, I observe -- I had previously already observed the taser wires. I didn't know really where the taser probes were, but this is where I observed one taser probe was around the center chest area and the other taser probe was kind of just embedded in his jacket, kind of up here on his, like, left chest area.

But once I sweep the waistband and work my way up, sweep both his arms, and then after that -- I didn't find any weapons on him. I knew he was clear of any weapons.

Then I transitioned to medical gloves because when I'm taking out taser probes, there's always a potential for blood being on there. I don't want it to be on the gloves that I use all the time, which is like a cloth material. So I transitioned to my medical gloves. I think Officer Ford at this time was in front of me.

I removed the taser probes and checked him. You always got to make sure that the barbs are still intact, because if not, then they'll be embedded in them and then fire has to take them out. But took the taser probes out. Gave the taser probes to Officer Ford. We had like a -- we call them, like, evidence bags. They are just like big Ziploc bags where he stored it and I think handed it off to someone else.

Q. Can I ask you a quick question?

A. Yes.

Q. So Officer Ford testified that he thought he took the taser probes out.

A. It was definitely a joint effort.

Q. All right. So you guys are there together?

A. Yeah.

Q. Okay. So you take the taser probes out. You give them to Officer Ford. And what do you do next? What do you remember doing next?

A. So, yeah, after I gave the taser probes up, I just kind of looked just -- just looked Mr. Ellis up and down looking for any sort of injuries, anything, because at that point in time, I still don't know what really happened. I just know, you know, what I just happened upon the scene. I noticed when, you know, I was doing a weapons sweep, his knuckles were really bloody, he had a lot of blood on his hands.

When I was looking on his face, he had abrasions around his eye, eyebrows and his checks, and he was bleeding from his face. Not terribly, just a little bit of blood, but enough for me to observe injuries on his face.

From that point in time, I think Officer Ford was talking to him, telling him to calm down, and I was telling him to calm down, and a short period after that --

Q. Did you notice anything else about him? I think in your statement you mention --

A. Yeah, he was very sweaty. And I didn't know it -- at that time, he was in the first recovery position. I didn't know it at that time until I retrieved -- when I get my medical gloves -- I left my gloves on him and then I retrieved them later, and they were just completely soaked.

And then I think back on when I was looking at his face, he just had beads of sweat come off his head. He was just sweating profusely. And the only thing I could make out was the gloves that I had on, the only reason why they were soaking wet was because of him, because the only time my gloves were on was to touch him.

Q. And why are you checking him at this point?

A. Because we have a duty to care, you know, I want to make sure he's okay. I want to make sure if he had any significant injuries, that we already had fire started at that point in time. I think I thought Officer Ford had called for fire, but now I know it's Sergeant Lim. And I think in my statement I state that by policy, when the taser's applied, we have to call the fire to check them out no matter what, so...

Q. Okay. And at some point, you describe Mr. Ellis going back into the prone position?

A. Correct.

Q. And can you tell the jury, describe to them why and what was happening.

A. Yeah, I think we were telling him to calm down. We were trying to talk to him. Mr. Ellis isn't really -- besides the "I can't breathe," he didn't communicate in any other way to us besides the grunting and growling noises that he was making.

So I was trying to talk to him just to see how he was doing, and right as he was doing that, he started thrashing around again by kicking his legs back kind of how I described when he was in the prone position. Basically, he was kicking his legs back, yeah, like he was trying to -- what it appeared to me was that he was trying to break the hobbles.

He was kicking his legs back. He was rocking back and forth quite violently. And to me, it almost seemed like he wanted to be on his stomach. He kept rolling forward towards his stomach. I was thinking I was stopping him from rolling him to his stomach.

So I instructed the other officers that are around me to just put him back on his stomach, because in this position, it's very hard to control him. Like, he's basically balancing on his shoulder. I can only hold him this much. I don't know any other way to hold a person in a recovery position. So I thought it was best to put him back

in the prone position and reapply pressure.

Q. Okay. And so show, for the jury, what you're doing in that moment then?

A. So we just roll you back over in the prone position and reapply pressure. Like I said, when he was in hobbles, he's definitely more under control. He wasn't -- even though he wasn't thrashing around anymore, I didn't have the fear that he was going to stand up anymore. So I was basically just trying to hold him there so he doesn't hurt himself, and he's just -- yeah, he just doesn't hurt himself.

So when I describe it in my statement, I put my left knee on the lower of his middle back here and then my right knee is kind of by his shoulder blade in this position.

Q. And how much pressure are you putting on him at this point?

A. Not a lot. I'm -- literally the only pressure I am putting on him is just to control him. And when he's not thrashing around as hard, I basically modulate my pressure from putting pressure on my left knee and rolling back towards my right knee.

Q. Okay. And do you remember how long he remains in this position for or when you move him out of this position?

A. A very short time.

Q. Okay. And what do you remember happening when you

moved him out of this position?

A. So after --

Q. So what do you remember happening when you moved him back into the recovery position?

A. Yeah, I moved him back -- well, I instructed other officers to move him back into the recovery position. A lot of hills there. He wasn't -- like, he was still making like a low kind of growl, but he wasn't thrashing around. He wasn't saying anything.

At one point in time, I asked Officer Ford what his eyes were doing, and I think Officer Ford responded that his eyes were just open. And that was the first time I actually had a chance -- it was almost like, you know, I wish I could have just kept him in the recovery position the first time because if I was able to, then I probably would have done a pulse check on him. But because that didn't happen, when I got a chance to roll him back into the recovery position the second time, I did a pulse check on him.

Q. Okay. And how did you check his pulse?

A. So the way I do it, I do a 30 second kind of take from him. I check my watch. I do 30 seconds, counting his pulse out, multiply it by two, that gives me his pulse. I wait about a minute or two -- really I give it some time before I check his pulse again. And then when I checked his

pulse at this point in time, I mean, he's -- to me, it was very weird because his pulse read about 80 beats per minute, and he had just been fighting us, thrashing around, you know, exerting himself, making the noises, but his pulse was 80, which is -- I think I'm sitting here now and my pulse is about 80.

Q. Did you make any statements in reaction to taking his pulse?

A. Yeah, I think I said out loud to the other officers that it's weird his pulse is 80.

Q. And why are you taking his pulse?

A. To check on him. Make sure he's okay.

Q. Okay. And if you hadn't felt a pulse, what would you have done?

A. Probably immediately started CPR.

Q. And did it appear to you that he was breathing at this time?

A. Yes. So from the recovery position, I was watching his chest a lot, making sure his chest was rising and falling.

Q. Okay. And in your statement, you talk about fire arriving at a certain point. Can you describe to us the moment that you saw fire and what you were doing at that point?

A. Yeah. So when we rolled him into the recovery

position the second time, Mr. Ellis's head was facing southbound towards Ainsworth and I was behind him. So I was looking eastbound up 96th.

In my statement, I describe fire arriving, but I actually watched fire turn from Pacific down to 96th and just kind of make its way down to us. That's when he was already in the recovery position.

Q. And describe to us what occurs after fire arrives on scene.

A. So I remember fire -- well, Lieutenant Wilson now, he was one of the first people to come up on scene. I remember looking at his jacket and seeing his last name "Wilson."

I asked him, "What do you need from us?" And he said, "I need him on his back." So we rotated Mr. Ellis on his back, with his legs off to the side kind of like how Lieutenant Wilson was describing when he first came on scene.

Q. And we heard some testimony about there being a discussion about removal of the restraints at that point.

A. Yes.

Q. Can you tell us about that discussion?

A. Yeah. I think I was just voicing -- one, Sergeant Lim was in control of the scene and he, at this point in time, was standing right beside me. So one, he was

in control of the scene. If I was to do anything, I was to clear it with Sergeant Lim just because he controlled the scene and he's my superior.

And two, I wanted to voice it to fire that, hey, we just fought this guy, you want him out of cuffs and hobbles, there's a potential he could just fight all over again. So I wanted to voice that concern to fire to let them know that there's a potential that he could start fighting again.

Q. And how long did that conversation take?

A. Seconds.

Q. Okay. Was Mr. Ellis eventually taken out of restraints?

A. Yes, once Sergeant Lim gave us the okay to take him out of handcuffs and hobbles, we did it.

Q. And did you help at all or did you help at all the fire department care for Mr. Ellis?

A. Yes. I think it was Officer Warner and I, we just kind of kneeled next to Mr. Ellis while he was being treated by fire. I remember numerous times -- they only had three people on scene. I know they called for additional fire units to arrive on scene, but I kept asking "what do you need from us," and then eventually he asked us to start CPR on Mr. Ellis.

Q. Did you do that?

A. Yes.

Q. And you talked in your statement about some of the training that you've had in terms of medical training from the military. Can you describe to us kind of what that training is?

A. Yeah. I think everyone that goes to the Army goes to through like combat lifesaver courses. I've taken TCCC, which is Tactical Casualty Combat Care, but it's all trauma related, like bullet wounds, missing an arm. It's more stopping bleeding than anything else.

Q. Are you a paramedic at all?

A. No, not even close.

Q. Did you ever look at becoming a paramedic?

A. Yes. I think it's like 2000 hours, but I didn't have time for 2000 hours of paramedic school.

Q. Okay. I want to show you a couple of videos. If we can pull up Exhibit 22, please.

Judge, I believe this has already been admitted into evidence.

Can you see 22?

A. I can.

MR. CONRAD: Judge, is it okay if Officer Rankine gets up so he can point to the jury what we're seeing here?

THE COURT: That's fine.

////

BY MR. CONRAD:

Q. And if you can go ahead and play it and, Officer Rankine, just let us know when you want us to stop.

(Video playing.)

A. I mean, you could stop it right there. So at this point in time, I think in the timeline too, I identify it as this is the second time Mr. Ellis was rolled into the recovery position. That officer that's kind of kneeling behind him is me.

Q. Okay. And --

A. And Officer Ford is right behind me.

Q. And do you remember if there were any other officers that were assisting you at this point?

A. I don't. There was so many officers there, I don't exactly know who was beside me.

Q. Well, let me ask you this: Were there any other officers at any point assisting you in restraining Mr. Ellis?

A. I know Officer Madden was to my left a couple times helping restrain his legs.

Q. And how was she doing that?

A. I couldn't tell you. I just know that she restrained his legs at some point in time.

Q. Okay. And if we could just play through that whole video.

(Video playing.)

And based on your memory and review of this video, are you kneeling on Mr. Ellis at this point?

A. No. He's in the recovery position. I'm just kneeling behind him.

Q. Okay. And the other video I wanted to publish is Exhibit 23.

MR. CONRAD: Judge, I believe this has been admitted as well.

THE COURT: I think so. Let me check. 23 is fine.

MR. CONRAD: If we can publish that, please, for the jury. And go ahead and click "play."

(Exhibit 23 played.)

BY MR. CONRAD:

Q. Can you tell at all if you're in this video?

A. Yeah, I can tell.

Q. Can we pause it, please?

A. The officer doing CPR is me. When fire had asked us to do CPR, Officer Warner was the first one to start on CPR. He did it for approximately two minutes and then I took over until the rest of the fire department could get there. So whenever Medic 1 got there, I would say couple minutes to a few minutes. So that guy that's doing the CPR motion, that's me.

Q. I think that's all the questions I have about this

video. You can have a seat. Thank you.

A. Okay.

Q. Just a couple of last questions for you here, Officer Rankine. So based on the actions that you took that night, did you believe -- do you believe that any of the amount of force that you used would have harmed or killed Mr. Ellis?

A. No.

Q. Why not?

A. It was -- I mean, since I've got on scene, there was no intent to harm Mr. Ellis. A lot of the things I did was simply just to control Mr. Ellis. When we were doing CPR on him, I've seen many people come back from that. You know, no.

Q. And how has this case affected you?

A. That's a tough question. How has it not? That's probably a better question. I mean, the loss of life is tragic no matter who it is. So you know, Officer Collins talked about that. This whole incident was tragic. I don't think any of us sitting here thought he was going to die that night, but it happened. On a personal level, it's completely changed my life. I mean, yeah, I don't know.

MR. CONRAD: I don't have anything else.

Thank you, Officer.

THE COURT: Okay. Ms. Eakes, cross-examination.

CROSS-EXAMINATION

BY MS. EAKES:

Q. Good afternoon, Mr. Rankine.

A. Afternoon, ma'am.

Q. Now, you admit that Mr. Ellis told you that he couldn't breathe, correct?

A. Yes.

Q. And if I understand you correctly, he told you at least twice?

A. Yes.

Q. And on both of those occasions, did you respond with, "If you're talking to me, you're breathing just fine"?

A. No.

Q. Just once?

A. Just once.

Q. So the first time you didn't respond at all; is that right?

A. Yes.

Q. And according to you, that happened when Mr. Ellis was not yet in hobbles?

A. Yes.

Q. Yes, he was not in hobbles?

A. He was not in hobbles.

Q. All right. So then Officer Burbank was there, correct?

A. Possibly, yeah. I don't know where he was positioned. I think it was a pretty short period after he'd just been bucked off Mr. Ellis.

Q. Officer Collins was there?

A. I would assume so. I don't know. I couldn't tell.

Q. Well, you can certainly -- they didn't walk away before Mr. Ellis was in hobbles, did they?

A. I couldn't tell you. I was very focused on Mr. Ellis.

Q. So is it your testimony now that the officers -- you may have had -- you and Officer Ford were left alone to deal with Mr. Ellis before he was put into hobbles?

A. That's not what I'm saying. I'm saying that I don't know where the other officers were, because I wasn't paying attention to that because I was paying attention to Mr. Ellis.

Q. Well, you said that Mr. Ellis -- Officer Collins was on one of his legs, correct?

A. Right.

Q. And Officer Ford was on the other leg?

A. Right.

Q. And that you and Officer Burbank were controlling his upper body, correct?

A. Initially, until we got bucked off.

Q. Okay. And so you're saying you didn't see if

Officer Collins was still there at the time that Mr. Ellis said that he couldn't breathe?

A. I couldn't tell you, because like I think I described in my testimony, I was looking down at Mr. Ellis when he said, "I can't breathe."

Q. And just so that we're clear, you said that it was in a very calm normal voice, right?

A. Yes.

Q. So he didn't shout it?

A. No.

Q. So he didn't sound panicked?

A. No.

Q. Or pleading?

A. No.

Q. And he said it twice?

A. Yes.

Q. Why don't we play 614. And this was shortly after you arrived on scene, correct?

A. Sure. I don't know the exact time.

Q. Well, how long had you been on scene before Mr. Ellis said that he couldn't breathe?

A. Between the time I arrived on scene until hobbles got put on him, so I don't know, short bit of time.

Q. So you're saying that the statement was made between the time you arrived and the time the hobbles were

put on, correct?

A. Before the hobbles were put on.

Q. And how long was it before the hobbles were put on?

A. I don't know.

Q. You have no idea how long after you arrived before the hobbles were put on?

MR. PURTZER: Your Honor, object, it's argumentative.

THE COURT: Sustained.

BY MS. EAKES:

Q. Do you know how long it was before the hobbles were put on?

A. I don't. I don't know.

MR. PURTZER: Judge, it's been asked and answered. He doesn't know.

THE COURT: He did answer he doesn't know.

BY MS. EAKES:

Q. Okay. Well, let's look at Exhibit 614. That's your car, correct?

A. Yes.

Q. And if we could play it, please.

(Exhibit 614 played.)

Is that the time that you heard Mr. Ellis say he couldn't breathe?

A. I don't know. That's not what it sounded like.

Q. All right. And what about the first time on there, did you hear -- right before the second -- the two times that he said "I can't breathe," did you hear the earlier time?

A. I did not.

Q. But that's not how it sounded to you?

A. No.

Q. So what we hear on this audio is not the "I can't breathe" that you heard?

A. I don't think so.

Q. At this point, did you hear that time when Mr. Ellis said he couldn't breathe?

THE COURT: You mean right now on the video?

MS. EAKES: No. I should have asked a better question.

BY MS. EAKES:

Q. At the time you were there, did you hear that time that we can hear on the audio that Mr. Ellis said "I can't breathe"?

MR. CONRAD: Object to the characterization "we can hear."

THE COURT: "We can hear on the audio," I'm not sure which audio you're talking about. I don't mind the question. I think it's ambiguous.

BY MS. EAKES:

Q. What we just listened to, you heard Mr. Ellis say

"I can't breathe" twice, correct?

A. I don't know if I heard that.

MS. EAKES: Okay. If you could just play the last part of it, Corey, please.

(Exhibit 614 played.)

BY MS. EAKES:

Q. Did you hear that?

A. I hear someone screaming kind of. I don't know -- I can't make out what is being said.

Q. So you can't hear Mr. Ellis say "I can't breathe" there?

A. I don't hear it.

Q. You don't hear him say that?

A. I don't hear it.

Q. On either time?

A. I don't hear it on this video.

Q. All right. And so if we could -- and there was another time that you're aware of that Mr. Ellis said he couldn't breathe, correct?

MR. PURTZER: Your Honor, object. He didn't say he could hear it the first time, so he's not sure of it the second time.

THE COURT: I'm not sure he's not saying it's not on that video. I think he's saying I can't make it out on that video. It didn't sound like that to me that night. So

it could be that is the same video. I don't know.

BY MS. EAKES:

Q. Well, let's clarify that, Officer Rankine, if I can. The Judge is saying that you're saying that might be it, but you couldn't make it out; is that your testimony?

A. I'm saying that that's not what it sounded like from what I recall.

Q. Okay. So --

A. And I can't hear in the video.

Q. You can't hear it on the video, and what you recall was not anything that sounded like what's on the video; is that correct?

A. Yes.

Q. All right. If we could play 659, please.

(Exhibit 659 played.)

BY MS. EAKES:

Q. Can you hear Mr. Ellis say "I can't breathe" there?

A. If you say he says that, I don't hear it. I hear something. I hear something.

Q. Okay. We'll play it again.

(Exhibit 659 played.)

And you can't hear him say "I can't breathe"?

A. I don't hear that. I hear "breathe," but I don't hear -- people haven't clarified this. That's coming from dispatch radio, right?

Q. Correct. You can hear Sergeant Lim in the background on it?

A. Right. Was that echo from a feedback, because too many radios that are there together tend to cause a feedback, so it's like an echo.

Q. Did you hear Mr. Ellis say "breathe" in that recording that we just listened to?

A. I heard someone say "breathe."

Q. And do you have any reason to think it's someone other than Mr. Ellis?

A. No, I guess.

Q. I'm sorry?

A. No.

Q. So you have no reason to think that that's not Mr. Ellis who said "can't breathe," correct?

MR. PURTZER: Your Honor, object.

MR. CONRAD: I'm going to object to this line of questioning. It's not a hearing test.

THE COURT: He said he could hear the word "breathe."

BY MS. EAKES:

Q. You have no reason to think that it's not Mr. Ellis that said the word "breathe," correct?

MR. PURTZER: Object to the form of the question.

THE COURT: Overruled.

You may answer.

THE WITNESS: If you say so. I don't know who says it. I just hear "breathe."

BY MS. EAKES:

Q. And did you hear it that night?

A. I did.

Q. You did not?

A. I did. I think I've testified I've heard him say "I can't breathe."

Q. That time. I'm asking you about the time that you just heard on 659. Did you hear that that night?

A. I did not hear it that night.

MR. PURTZER: Object to the form of the question. She's trying to put in a time when he heard something. She's saying is that the time you heard it. He doesn't know when he heard it.

THE COURT: He can say that. Overruled.

BY MS. EAKES:

Q. All right. So the time that we just listened to on 659, you never heard that on the night of this incident, correct?

A. Correct.

Q. And I take it that the voice that you say Mr. Ellis used wasn't that voice, correct, wasn't that tone?

A. It's hard to tell. Like I said, it sounds more

like an echo than anything else.

Q. Was his tone loud like that when you heard him say "I can't breathe"?

A. No. When he said it to me, it was a calm voice, just like I'm talking to you now.

Q. And how long was it between the first time he said "I can't breathe" and the second time that he said "I can't breathe"?

A. Seconds.

Q. And do you have any idea how many seconds?

A. I have no idea.

Q. But there was a pause between the two statements; is that right?

A. Yes.

Q. And where was Officer Ford when that happened?

A. I don't know.

Q. And Mr. Ellis was handcuffed at that point; is that right?

A. Yes.

Q. But you said he wasn't in hobbles?

A. Yes.

Q. Now, a minute ago you talked about how Mr. Burbank was positioned on Mr. Ellis when you first arrived, do you recall that?

A. Yes.

Q. And do you recall saying that Mr. Burbank was on Mr. Ellis's hips; is that right?

A. I don't understand.

Q. You said that he was positioned, when you first arrived, over Mr. Ellis's hips or his buttocks area, correct?

A. Are you asking me what I just testified to?

Q. Yes.

A. Yes.

Q. All right. But that's not what you said back in March of 2020, correct?

A. I think I said his back, like his lower back.

Q. All right. Well, actually, didn't you say that it was his upper back. Would you like me to show you your statement?

A. Yes, please.

Q. I'm handing you what's been marked as 65-A. If you could take a look at page 9, line 6, starting at line 6. Didn't you say on March 6, 2020, that when you arrived, "Officer Burbank was on top of his upper torso, straddling his upper torso almost like riding a horse with both of his hands pressed down on his body"?

MR. CONRAD: No, that's not what it reads. It's "upper body."

MS. EAKES: I'm sorry, "his upper body."

THE WITNESS: That's what it says in the

statement.

BY MS. EAKES:

Q. And that's your statement, correct? That's what you said on March 6, 2020?

A. Right. But when I say "upper torso" as in, I mean, what I described is what I recalled.

Q. You didn't say anywhere in that statement that Officer Burbank was on his hips, did you?

A. I think I should clarify "upper torso" doesn't mean "upper back." It means torso.

Q. From his hips up, correct, to his neck?

A. Yep.

Q. That would be your torso?

A. Yes.

Q. And you don't say he's on his hips, do you?

A. I don't. I say "upper torso."

Q. You say he was on his upper torso, correct?

A. Yes.

Q. Now, I want to talk about when you say the hobbles were put on, and you did a demonstration here and was showing where Officer Burbank was and where Officer Collins were. At that point, Mr. Ellis was not in the hobbles, correct?

A. Correct.

Q. But according to the statement that you gave back in March of 2020, as soon as you arrived Mr. Collins asked

you for hobbles, correct?

A. Right.

Q. And how long did it take before the hobbles were there with Mr. Ellis?

A. I don't know.

Q. Can you give us your best estimate of how long it was before the hobbles came on the scene?

A. I couldn't. I mean, I think it's been testified to in a physical altercation time is very vague. A short fight can feel like forever. So I don't know.

Q. But the hobbles were not on Mr. Ellis for some period of time after you arrived, correct?

A. Correct.

Q. And when you described Officer Burbank purportedly being bucked off of Mr. Ellis, hobbles were not on at that point, correct?

A. Correct.

Q. And it was the four of you holding down Mr. Ellis at that point, correct? The four of --

A. Before he gets bucked off?

Q. Before the hobbles were put on.

A. Officer Burbank gets bucked off at some point in time before the hobbles get put on.

Q. And what happens to Officer Burbank after he gets bucked off? Where does he go?

A. I don't know.

Q. You have no idea what happens to him?

A. I just see him roll out of the picture.

Q. And then you never see him again?

A. I don't see him again.

Q. At all throughout the rest of the interaction?

MR. CONRAD: Is she asking about his memory of it?

THE COURT: She's asking about his memory of it.

THE WITNESS: I don't recall that. I don't recall seeing Officer Burbank again besides standing by the patrol car talking to Sergeant Lim after he's hobbled.

BY MS. EAKES:

Q. So you remember Officer Burbank being on Mr. Ellis's back, being bucked off, rolls away, and then you don't see him again until he's standing in front of the patrol car with Sergeant Lim and Mr. Collins; is that your testimony?

A. That's what I recall.

Q. And you have no idea who actually put the hobbles on?

A. I have no idea.

Q. Do you have any reason to doubt it was Officer Burbank if he says he put the hobbles on?

A. No.

Q. You were just saying you didn't see anybody?

A. I didn't see anybody. I saw the hobbles. I can describe the hobbles, which I did in my statement, but I didn't see who put it on or how it was attached to his handcuff.

Q. So you do remember what the hobbles actually looked like?

A. Yes.

Q. And where did they come from?

A. I have no clue. I think in the course of this trial, I learned that Officer Burbank was the one that retrieved it.

THE COURT: We're interested in your memory of that night.

THE WITNESS: I don't know where. At that night, I did not know where it came from.

BY MS. EAKES:

Q. But you do recall, or you were able to specifically describe what the hobbles looked like, right?

A. Right. I described it as a dog leash.

Q. As a dog leash?

A. Yes.

Q. Now, when you were doing the demonstration -- let me back up.

After you heard Mr. Ellis say he couldn't breathe twice, did you ever say anything else to him besides, "If

you're talking to me, you can breathe."

A. Yeah, it's a full sentence. I said, "If you can talk to me, you can breathe. But if you stop struggling with us and you calm down, I will relieve some pressure off of you."

Q. So you didn't immediately move off of Mr. Ellis when he said that, correct?

A. I attempted to.

Q. But you didn't immediately move off, you told him if he stopped struggling, correct?

A. I attempted to move off of him.

Q. You were on Mr. Ellis at the time that he said "I can't breathe," correct?

A. Yes.

Q. You had both of your knees on Mr. Ellis's back, correct?

A. Yes.

Q. When he said that?

A. Yes.

Q. And you say that your sentence was also that if he stopped moving, that you would take your knees off of him, correct?

A. Correct. And I think also described he gets quiet, and that's when I attempted to move my right knee.

Q. Okay. And then Mr. Ellis started to thrash again,

you said, correct?

A. Right.

Q. And at this point Mr. Ellis is still not in hobbles?

A. No.

Q. And so you put your knee back on his right shoulder, correct?

A. In the middle of his upper back.

Q. All right. And you put your left knee in the middle of his lower back, correct?

A. Yes.

Q. So you had both of your knees in the middle of his back on the ground?

A. Yes.

Q. And was it after that point that the hobbles were put on?

A. Some point after that.

Q. Now, you never followed up with Mr. Ellis and said, "Are you able to breathe," did you?

A. No. I watched him -- I watched his chest rise and fall.

Q. But you never asked him, "Are you okay? Are you able to breathe?"

A. Mr. Ellis wasn't talking to anyone.

Q. But did you ask him, Officer?

A. I did not.

Q. And you never told Sergeant Lim that Mr. Ellis had said he couldn't breathe, did you?

A. I did not.

Q. And you didn't tell any of the other officers who arrived that Mr. Ellis had told you twice that he couldn't breathe, did you?

A. I did not.

Q. And you never told fire when they arrived that Mr. Ellis had told you twice that he couldn't breathe, did you?

A. I did not. I was just busy trying to help fire.

Q. You would agree it's important for fire to know if Mr. Ellis couldn't breathe, right?

A. I think hindsight is 20/20, I would agree to that statement.

Q. You would agree that fire needs to understand what the situation is so that they can appropriately treat him, correct?

A. I think, according to Lieutenant Wilson's testimony, they started bagging him pretty quick when he got there.

Q. So are you saying you didn't think you needed to tell him about Mr. Ellis saying he couldn't breathe?

A. If he's -- I think in my mind, if he's getting air

and he's getting bagged, I think if I had just told him at that point in time that he stated previously that he can't breathe, I don't really know what it would have changed.

Q. Okay. So you didn't think it was an important enough fact to tell them that Mr. Ellis said he couldn't breathe?

MR. PURTZER: Asked and answered.

MR. CONRAD: Objection, argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: Like I said, he started bagging him pretty quick. So even if I said he can't breathe, I don't know how they would have changed anything. Fire was already treating him with a bag.

BY MS. EAKES:

Q. So my question is, did you think it didn't matter, is that what you're saying? You didn't think there was any need to tell them that he said he couldn't breathe?

MR. PURTZER: Your Honor, again, asked and answered.

THE COURT: Overruled.

THE WITNESS: I guess. I don't know.

BY MS. EAKES:

Q. According to you, other than Mr. Ellis saying very calmly in a calm voice that he couldn't breathe, twice, he

never said anything else, correct?

A. Yes.

Q. So he never responded to any of the other comments that you made to him, correct?

A. Can you -- comments as in telling him to calm down?

Q. You described how you were trying to talk to Mr. Ellis. He never responded, did he?

A. No.

Q. And he never responded to anything that Officer Ford said, correct?

A. I think as well Officer Ford testified to.

Q. Well, you saw him, didn't you? Did you see him respond to anything Officer Ford said?

A. Not that I recall.

Q. So after that one statement, he never verbally said anything, correct?

A. No.

Q. And in fact, your description of him was that the only thing he did was make really strange animal grunting noises, correct?

A. Yes.

Q. Now, there were 18, 20 officers at this scene; is that right?

A. I agree.

Q. Correct?

A. Yes.

Q. And I think at one point you described it as the entire south end was there, correct?

A. If you show me. It's in my statement.

Q. Do you remember all the officers that were there?

A. I remember there was quite a few officers that were there.

Q. And those officers were all armed; is that right?

A. Armed as in carrying a firearm?

Q. Correct.

A. Yes.

Q. And they're all trained?

A. Yes.

Q. And they were there and could assist with Mr. Ellis, correct?

A. I don't know how to answer that.

Q. Well, they were there and there was no reason why they couldn't assist you with Mr. Ellis, is there?

A. I guess they could have, yes.

Q. Okay. You could have asked them to help you, right?

A. In the recovery position, I don't --

Q. If you wanted to release Mr. Ellis from the hobble and sit him up, you could have asked the other officers to help you, correct?

A. I don't think that was a viable option.

Q. Could you have asked them to help you?

A. I would not have released him out of the hobbles. Just like I kind of explained to Tacoma Fire, that we had just fought him and my reservations of taking him out of hobbles and handcuffs, so I don't think my reservations of taking him out of restraints would have changed.

Q. Well, is it your opinion that all those officers that were there, that you guys couldn't have all together controlled Mr. Ellis if you took him out of hobbles?

MR. CONRAD: Object. Relevance.

THE COURT: Sustained.

BY MS. EAKES:

Q. You could have taken him out of hobbles and had the other officers help restrain him, correct?

MR. PURTZER: Your Honor, again, object as to relevance.

THE COURT: Sustained.

BY MS. EAKES:

Q. The other officers that were there included Officer Farinas, correct?

A. Yes, he was on scene.

Q. And did you tell Officer Farinas that Mr. Ellis said he couldn't breathe, before he put the spit hood on him?

A. I did not.

Q. And in fact, you didn't say anything at all about a spit hood in your statement to Tacoma police, correct -- or excuse me, your statement to the Pierce County Sheriff's Office?

A. I don't believe so.

Q. Do you not remember that there was a spit hood put on Mr. Ellis?

A. I don't remember. I know now, but I don't know back then.

Q. Well, you were in physical contact with Mr. Ellis the entire time from the time you arrived until fire took over, correct?

A. Yes.

Q. And it's your testimony that you don't remember ever seeing a spit hood put on Mr. Ellis?

A. I know it was applied. I don't know who put it on or who asked for it.

Q. Did you see it get applied?

A. I think I saw it when fire started treating him.

Q. Did you see it before fire started treating him?

A. No.

Q. You never saw a spit hood on Mr. Ellis even when you were holding him to the ground?

MR. CONRAD: I'm going to object. Ambiguous.

THE COURT: Overruled.

THE WITNESS: I don't. Yeah. I don't understand what you're asking me.

BY MS. EAKES:

Q. Officer Rankine, you said that you had Mr. Ellis -- you were in physical contact with him from the time you arrived until the time fire took over, correct?

A. Right.

Q. You never walked away from him?

A. Right.

Q. You never -- you were always in physical contact with him, correct?

A. Yes.

Q. And is it your testimony that you never saw a spit hood being applied or put on Mr. Ellis?

MR. PURTZER: Asked and answered, Your Honor.

THE COURT: Overruled.

THE WITNESS: I saw the spit hood.

BY MS. EAKES:

Q. You saw the spit hood when fire arrived, you said?

A. Right.

Q. Did you see the spit hood before fire arrived?

A. No.

Q. So when you were looking at his face and at his eyes and checking his carotid artery for his pulse, you didn't notice that a spit hood was on him?

A. Didn't. I did not notice it.

Q. And you did check for his pulse in his carotid on his neck?

A. I did.

Q. And you said that you looked in his eyes?

A. I didn't look in his eyes, I asked Officer Ford about it.

Q. And you never looked personally into Mr. Ellis's eyes?

A. No.

Q. So you don't know if his eyes were open or closed?

A. Officer Ford --

Q. Other than what Officer Ford told you, do you personally know?

A. No.

Q. And you never checked personally?

A. Officer Ford is my partner, so I would trust what he said.

Q. When you arrived at the scene, you were never told that Mr. Ellis had already said that he couldn't breathe, correct?

A. I didn't hear that question.

Q. Sure. Officer Collins and Officer Burbank never told you that Mr. Ellis said he couldn't breathe, did they?

A. They did not.

Q. Once the hobble was on Mr. Ellis, you would agree that he couldn't get up and run, could he?

A. I agree.

Q. And he really had no use of his legs, correct?

A. I don't know that.

Q. Well, he couldn't use his legs to kick at you, for example, could he?

A. He was -- I think I described him as kicking back against the hobbles.

Q. Only to the length of the hobble, correct?

A. Yeah. Sure.

Q. He didn't have full kicking range of his feet, correct?

A. Agree.

Q. And he never -- from all the time that you were at the scene, he never had the ability to use his hands, correct?

MR. CONRAD: I'm going to object, characterization.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, because he was in handcuffs.

BY MS. EAKES:

Q. He was in handcuffs from the time that you arrived, correct?

A. After I found out he was in handcuffs, I mean when I first got there, I didn't know he was in handcuffs.

Q. But he was, wasn't he?

A. Yes.

Q. You just didn't see it right away, correct?

A. I didn't see it right away.

Q. Right. And so you never saw him strike at Officer Burbank, did you?

A. I did not.

Q. You never saw him strike at Officer Collins?

A. I did not.

THE COURT: Are you talking about hands?

MS. EAKES: With his hands.

BY MS. EAKES:

Q. Did he strike Officer Collins with any other part of his body?

A. I don't believe so.

Q. And he didn't strike at Officer Burbank with any other part of his body, did he?

A. No.

Q. And at some point, after the hobbles went on, Mr. Ellis stopped moving, correct?

A. Stopped moving.

Q. He stopped thrashing or moving around, didn't he?

A. Yeah, for a brief period of time, so we would roll

him into the recovery position.

Q. Well, he wasn't moving and thrashing around the entire time until fire got there, was he?

A. I don't understand the question.

Q. I'm asking about Mr. Ellis's movements before fire got there. There was a period of time where Mr. Ellis wasn't moving at all before fire arrived, correct?

A. I think he was in the first recovery position, started thrashing around again, then I rolled him back into the prone position, and when he stopped thrashing around, we rolled him back into the recovery position for the second time.

Q. And you moved him back into the recovery position because he wasn't moving, correct?

A. No. His body was -- when we moved him into the recovery position the second time, it took multiple officers to roll him back into the recovery position because he was tense, his body was tense.

Q. And you say his body was tense when you moved him into recovery --

A. Yes.

Q. -- the second time?

A. Yes.

Q. And that's not something that you ever told the Pierce County Sheriff's Office, is it, when you were

interviewed by them on March 6, 2020?

A. That's my independent recollection.

Q. So you didn't tell the Sheriff's Office that, correct?

A. I did not.

Q. And you said that he was --

THE COURT: We're just past our normal break here. So we'll take our afternoon recess at this time.

Ladies and gentlemen, please do not discuss this case amongst yourselves or with anyone else.

(Jury excused.)

THE COURT: Okay. We're at break.

(Proceedings at recess.)

THE COURT: Welcome back, everybody. Please be seated.

Are we ready for the jury?

MR. CONRAD: Yes, Judge.

THE COURT: Ms. Eakes, are you ready?

MS. EAKES: I'm ready.

(Jury enters courtroom.)

THE COURT: Welcome back, everybody. Please be seated.

Ms. Eakes, continue when you're ready.

MS. EAKES: Thank you.

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BY MS. EAKES:

Q. Mr. Rankine, is it fair to say you assumed the care of Mr. Ellis on March 3, 2020?

A. Yes.

Q. And in fact, when Sergeant Lim arrived, you told Sergeant Lim, "I got this," correct?

A. Sergeant Lim was still in control of the scene. I meant when I stated "I got this," as in I was going to do my best with Mr. Ellis.

Q. Okay. You were telling Sergeant Lim that you were going to be taking care of Mr. Ellis, "you got this" as it relates to Mr. Ellis, correct?

A. Yes.

Q. And when fire arrived, you said a moment ago that Mr. Ellis, when you moved him into the recovery position the second time, that he was tensing his body; is that right?

A. He was tense.

Q. He was tense. And that's not something you said in your statement to Pierce County, correct?

A. I don't recall. If you show me it.

Q. Okay.

THE COURT: Would you put the lapel microphone back on. Thank you.

BY MS. EAKES:

Q. Now, you said earlier that you were checking

Mr. Ellis's pulse; is that correct?

A. Yes.

Q. And that was after you moved him into the recovery position for the second time?

A. Yes, ma'am.

Q. And so when fire arrived, what was Mr. Ellis's condition from what you saw?

A. Are you asking me what I observed from Mr. Ellis?

Q. Yes. What did you observe about his physical condition when fire arrived?

A. His eyes was open and he was still breathing because I was watching his chest rise and fall.

Q. All right. And was he responsive?

A. He -- I don't know how -- I don't recall that.

Q. You don't recall if his -- and that's when fire walked up?

A. He didn't really talk to us, so when you say "responsive," as in was he talking to us?

Q. He hadn't responded at all to anything, correct?

A. Right.

Q. So when fire arrives, and I'm talking about when fire arrives at Mr. Ellis's side, is it your testimony that Mr. Ellis was breathing, that his chest was rising and falling?

A. Yes.

Q. And that his eyes were open?
A. Yes.
Q. So he wasn't -- well, you know what the Glasgow Coma Scale is, correct?
A. I don't.
Q. So it's your testimony that he wasn't non-responsive or was he? Was he unconscious, is a better question?
A. I would not -- there's no way I could tell that.
Q. You couldn't tell that he was unconscious?
A. His eyes were open and he was breathing.
Q. And you actually have had a fair amount of medical training, correct?
A. In trauma care.
Q. And you talked about in your statement about the fact that you actually learned in trauma care even how to put cricks in somebody's neck when they stop breathing, correct?
A. Yes.
Q. And you were also trained at the State Patrol or, excuse me, at the justice center on first aid, correct?
A. You would have to show me. I don't recall that.
Q. You don't recall when you were in the Basic Law Enforcement Academy that you received training on first aid?
A. I was taught first aid, if that's what you are talking about. Just basic first aid, if that's what you're

talking about.

Q. Yes.

A. Yes.

Q. And did you also have first aid training when you were at Tacoma Police Department?

A. Yes, as in like tourniquets and bandages.

Q. So did you never learn about breathing issues?

A. I picked it up from time to time, but don't know specifically if any of the first aid training that I received from Tacoma or BLEA on breathing issues.

Q. Well, you would agree that you've certainly understood that if someone was having difficulty breathing, that's a medical emergency, correct?

A. I agree.

Q. And that if someone was having difficulty breathing, you need to move them into a position where they can breathe, correct?

A. Which is the reason why I moved him into the recovery position.

Q. You moved him into the recovery position because you knew that there was a risk if he was in the prone position of positional asphyxia, correct?

MR. PURTZER: Your Honor, I object, it's argumentative.

THE COURT: Overruled. You can tell us why you

did that.

THE WITNESS: I'm using the recovery position because from my medical -- little bit of medical training I've had, that is the best position to put someone who is not struggling and is not doing anything. It's just easy for the body to recover in the recovery position.

BY MS. EAKES:

Q. So the only reason to move somebody into the recovery position is if they are not struggling?

A. No. It's also for breathing, like we talked about.

Q. Okay. So you understood that you move somebody into the recovery position when they're having difficulty breathing, correct?

A. Yes.

Q. And you were trained on positional asphyxiation at the Basic Law Enforcement Academy, weren't you?

A. In regards to multiple officers piling on top of an individual for a long period of time.

Q. So is it your testimony that the only thing you learned at the Basic Law Enforcement Academy is that you shouldn't have multiple officers on somebody at the same time?

A. I think the way they describe it, it's like quite a few officers are laying on top of an individual.

Q. Did you understand that putting pressure or keeping

someone in the prone position could lead to positional asphyxiation?

A. I mean, I think in the course of this trial, I think I've learned that.

Q. Is it your testimony that prior to this trial, you never learned that there was a risk of positional asphyxiation by keeping someone in a prone position with weight on them?

A. Are you referring back to positional asphyxia from BLEA?

Q. I'm asking what you knew before you came to this trial, sir.

THE COURT: Well, you're asking about what he knew on March 3, 2020.

MS. EAKES: That's fair.

BY MS. EAKES:

Q. At the time of Mr. Ellis's death, did you know that leaving somebody -- or had you been trained that leaving somebody in the prone position with weight on them could lead to positional asphyxiation?

A. With multiple officers on him, yes.

Q. And at the time of Mr. Ellis's death, you weighed about 200 pounds; is that right?

A. I believe so.

Q. And you're 6-foot-2; is that correct?

A. Yes.

Q. Now, you talked about Mr. Ellis slamming his head into the ground. You never said that to the Pierce County Sheriff's Office, did you?

A. I don't recall. I think I was describing kind of the wiggle worm motion.

Q. But you never said anything about Mr. Ellis slamming his head into the ground, did you?

A. I don't recall. But I think I was describing the wiggle worm.

Q. Again, you didn't say anything about him slamming his head into the ground, correct?

MR. PURTZER: Objection. Asked and answered.

THE COURT: You may answer.

THE WITNESS: No.

BY MS. EAKES:

Q. And you would agree that the best way to prevent Mr. Ellis from slamming his head into the ground was to get him off the ground, right?

A. Yes.

Q. He can't slam his head into the ground then, correct?

A. I agree.

Q. Did you ever hear agonal breathing from Mr. Ellis?

A. No.

Q. Did you ever have any reason to believe that Mr. Ellis had stopped breathing?

A. No.

Q. Now, in your statement that you gave on March 3rd -- first of all, you told Pierce County that you had a very detailed memory of the events, correct?

A. If I did, I believe you.

Q. And you recall you even remember the finite detail of the handcuffs and what kind of handcuffs they were, and the hobble.

A. Can you show me where I said that.

Q. Sure. You can take a look at your statement. I think you have it up there. Take a look at page 35, last full page, at line 13. Does that refresh your memory that you told Pierce County that you remember most of it fairly clearly and the finite detail of the handcuffs and what kind of handcuffs were they and the hobble? Do you recall saying that?

A. That's what it says in the statement.

Q. And you would agree that your memory was freshest back on March 3, 2020, about this incident?

A. I agree.

Q. Now, in your statement that you gave, you talked about the fact that when you first arrived, you and Officer Burbank made a plan about how to attack holding down

Mr. Ellis on his torso, correct?

A. Yes.

Q. And you told -- and you'd agreed that you would take the right side of Mr. Ellis's torso to hold him down, correct?

A. Yes.

Q. And Mr. Burbank would take the left side of Mr. Ellis's torso to hold him down, correct?

A. Yes.

Q. And you described at that time that you placed your right knee on Mr. Ellis's right shoulder and your left knee in his lower back; is that right?

A. That's what I said.

Q. And you had both of your knees on Mr. Ellis, right?

A. I think at the point in time, Burbank was still straddling Mr. Ellis, so I don't know how my left knee would have been able -- I think it was in the direction of his lower back, but I don't think it was actually on his lower back.

Q. Okay. So are you saying that at the point that you went hands on and put your knee on Mr. Ellis's right shoulder, Officer Burbank was still sitting on Mr. Ellis's torso?

A. I think I just said "straddling his torso."

Q. And when you say "straddling his torso," he was

putting weight on Mr. Ellis, wasn't he?

MR. PURTZER: Object to the form, Your Honor.

THE COURT: Overruled. You may answer.

THE WITNESS: I wouldn't know that.

BY MS. EAKES:

Q. Well, he was holding Mr. Ellis down, wasn't he, Officer?

A. He was placing pressure on him, yes.

Q. Okay. So he was putting weight on him to press him down to the ground, correct?

A. I think that's not a fair characterization of what I just said.

Q. Well, when you put your -- you took over the right side; what did Officer Burbank do?

A. We made a plan. We had hadn't enacted the plan because it's such a dynamic situation. So we had made the plan. Officer Burbank was still straddling his torso, and that's when he was trying to get off of Mr. Ellis and Mr. Ellis bucked.

Q. Okay. So Officer Burbank never actually kind of took the left side of Mr. Ellis's body; is that right?

A. Not what I recall. That's right, yes, I don't recall him taking the left side.

Q. And you said when Mr. Ellis bucked, that he actually threw Officer Burbank off and that he rolled off

onto the ground; is that right?

A. Yes.

Q. And you said he was to have the left side of Mr. Ellis's body; is that right?

A. Yes.

Q. And you heard the statement of Officer Burbank in this trial, didn't you?

A. I did.

Q. And you would agree, he doesn't say anything about being bucked off of Mr. Ellis and rolling to the ground after you and Officer Ford arrived?

A. I don't recall. You'd have to show me it.

Q. You don't recall whether he said that or not?

A. Yeah, I don't recall him saying that.

Q. And you never heard -- you heard Officer Collins testifying, correct?

A. Yes.

Q. And you didn't hear him say anything about Officer Burbank being bucked off and rolling on the ground after you and Officer Ford arrived, did you?

A. Correct.

Q. And you heard Officer Ford testify?

A. Yes.

Q. And you never heard Officer Ford describe Mr. Burbank being bucked off and falling or rolling onto the

ground after you and Officer Ford arrived, correct?

A. Correct. But I don't know if they would be able to see it because they both were prone behind Mr. Ellis.

Q. Well, they were certainly looking at Mr. Ellis, so they were in contact with Mr. Ellis, correct?

A. Possibly. From what I remember from my recollection of it was they both had their heads kind of tucked away so they wouldn't get kicked.

Q. So you're saying that you don't think that they could see it because they weren't looking up?

A. I don't know for a fact, but that was the position I saw them in.

Q. And you said that at that point is when you jumped and moved all of your weight to the middle of Mr. Ellis's body, correct?

A. Yes.

Q. And you took your knee then, your right knee and put it over the top of his spine just below the base of his neck, right?

A. Yes.

Q. And then your left knee was in the middle of his spine on his lower back?

A. Yes.

Q. And I think you described yourself as being almost in a seated position on Mr. Ellis, correct?

A. Right.

Q. And that you had kicked out your ankles?

A. Kicked out my feet, yes.

Q. You described it as kicking out your ankles; is that right?

A. Yes.

Q. Was it after this point when you were fully on Mr. Ellis, the top of his spine, middle of his spine, near his neck and in the middle of his back that Mr. Ellis said he couldn't breathe?

A. Yes.

Q. That was the point at which he said it?

A. Yes. After I took control of his upper torso, yes.

Q. And it was after that, then, that you said Mr. Ellis got quiet; is that right?

A. After he said "I can't breathe."

Q. After he said he couldn't breathe?

A. Yes.

Q. And that's when you started to reposition one of your knees, correct?

A. Yes.

Q. But you described him as violently thrashing again?

A. Yes, ma'am.

Q. And what was happening with his legs with Officer Collins and Officer Ford on his legs?

A. I don't know. I didn't look back that way.

Q. Well, you were facing -- as I understand it, aren't you facing the direction of -- are you facing west or east when you're on him?

A. I was facing east, more south.

Q. And you're saying you just never looked at who was at his feet?

A. It was such a dynamic situation, ma'am, all I was trying to do was control his upper torso, so I didn't have time to look at what the other officers were doing.

Q. So you put your knee back in the middle of his spine, right, near his neck?

A. I think that's not -- back in between his shoulder blades is, I think, the way I would characterize it.

Q. So it was lower than what the position was before where it was near his neck; is that right?

A. It was never near his neck.

Q. Well, you actually described it as being at the base of his neck, right?

A. Top of spine, base of his neck.

Q. Okay. And that's where you put your knee back to?

A. Yeah, describing his upper back.

Q. Was it not until after the weapons check -- well, the next time you rolled him -- the first time you rolled him to recovery then was to do a weapons check, right?

A. Weapons sweep, yes, ma'am.

Q. And you didn't move him to recovery to address his issue of saying he couldn't breathe, correct?

A. I was getting to that.

Q. But you didn't move him to that position at that point when he said he couldn't breathe, correct?

A. I could not have.

Q. And you didn't, did you?

A. The way he was struggling, I could not move him into the recovery position.

Q. And you didn't, did you?

A. Did not.

Q. And even though there were four officers there?

A. Yes.

Q. Were there any other officers that had arrived by that point?

A. I think Sergeant Lim was there.

Q. So there were five officers there when Mr. Ellis said he couldn't breathe?

MR. PURTZER: Objection, Your Honor. It's argumentative.

THE COURT: I'll allow this. Overruled.

THE WITNESS: I don't know how many officers were there when he said it. I heard it. I think Officer Ford testified that he heard it.

BY MS. EAKES:

Q. Okay. So you're not sure if Sergeant Lim was there when Mr. Ellis said it?

A. I am not sure. I don't recall that.

Q. But there were at least four of you there, correct?

A. I would assume so, yes.

Q. Yourself, Burbank, Collins, and Ford?

A. Assume so, yes.

Q. All right. And you said that when you did the weapons sweep, then Mr. Ellis began to violently thrash around again; is that right?

A. Yes.

Q. Now, at that point Mr. Ellis is in the hobble, isn't he?

A. Yes.

Q. And you would agree, he couldn't get out of -- he couldn't stand up at that point, could he?

A. I agree.

Q. And he couldn't use his hands or his legs?

A. I agree.

Q. So when you say that he's violently thrashing around, I think you described he was pulling at the hobble, but he couldn't really go anywhere, could he?

A. Correct.

Q. But you made the decision then to roll him back

onto his stomach and to get back on his back, correct?

A. Yes. At that time, I felt that was the most best way to control Mr. Ellis.

Q. And at that point, you put your knee right around his shoulder blade, correct?

A. Correct.

Q. And you put the left knee in the middle of his back again?

A. Yes. I think I was referring to his lower back.

Q. And you put pressure on him because you said he was struggling; is that right?

A. Enough pressure just to hold him still.

Q. Now, you would agree there was already concern from other officers about the fact that Mr. Ellis -- that the fire department was taking such a long time to get there, correct?

A. I think from my statement, that's later on.

Q. Okay. Well, why don't you take a look at your statement at page 18.

A. (Witness complies.)

Q. And if you look at the bottom of 18, starting at 19, you said, "But so once we had rolled him back over on his stomach and applied -- reapplied pressure to him just to hold him down until fire could get there, I remember him -- Sergeant Lim getting on the radio and asking, 'What's fire's ETA to our location' and dispatch responding with 'I'll

check.' At the same time, I can't remember which TPD officer was the one that said this, but he said something along the lines of 'Of all times fire was to run priority, they're not running priority now'"; is that right?

A. That's correct.

Q. So there was a discussion about fire taking a long time to arrive, correct, when you moved him back into the prone position?

A. Yes.

Q. And then your description of fire arriving is that you said they did not arrive with any sort of priority, correct?

A. I think I described watching them turn from Pacific and driving down without any lights on.

Q. And you said "It was almost like an everyday cruise to our location," correct?

A. Yes.

Q. And at that point when you first saw them, they did not have their lights and sirens on, correct?

A. Yes.

Q. And this entire time, Mr. Ellis remained in the hobble, correct?

A. Yes.

Q. Now, isn't it true that when Pierce County asked you about how long Mr. Ellis had been on his stomach and

hobbled, you said that you couldn't estimate, right?

A. You would have to show it to me.

Q. All right. Take a look at page 31. Do you recall, at line 17, Lieutenant Brockway said, "So it sounds like he was on his stomach during the hobble for a time, rolled to his right side, and then back down to stomach and then back to the right side again -- to the right again; is that right?" And you answered, "Yeah."

And then he said, "Okay. And this may be hard to estimate, any idea how long he's -- he's on his stomach hobbled?" And your response was, "I couldn't tell you." Do you recall that?

A. Yes.

Q. Now, after Mr. Ellis was hobbled, you would agree that he was more compliant, correct?

A. Yes.

Q. But you also claim that after Mr. Ellis was hobbled, he had been kicking you off; is that correct?

A. I don't recall saying that.

Q. All right. Why don't you take a look at page 33. At line 6, do you recall as part of your answer, you said "He was slightly more compliant once we got hobbles on him"?

MR. CONRAD: If she's going to refresh his recollection, I think that's fine. But he said he can't recall, so he should be able to review it and then answer

the question.

THE COURT: Why don't you let him take a look at it first.

MS. EAKES: That's fine.

BY MS. EAKES:

Q. You can take a look at it, starting at page 33, line 6.

MR. CONRAD: Well, it starts at 32, line 23.

THE COURT: You want hi to read that?

MS. EAKES: That's fine, if you want to start there.

THE COURT: So please look at page 32, line 23, did you say?

MR. CONRAD: Correct.

BY MS. EAKES:

Q. Let me know when you're done reviewing it.

A. I am.

Q. And isn't it true that you told Pierce County that "Even after Mr. Ellis was hobbled while he was slightly more compliant, he was still able to wiggle and he would just kind of kick us off of him pretty easily."

A. Yes, and I think it's describing before he was even rolled back in the second recovery position.

Q. And Investigator Barns asked you, "Even while hobbled?" And you said, "Yeah," correct?

A. Yes.

Q. So it's your testimony that even after he was hobbled, he was kicking you off pretty easily off of him?

A. He was very, very strong.

Q. So is that "yes," he was kicking you off of him after he was hobbled?

A. Yes.

Q. Now, at some point you became aware that Officer Lim -- or Sergeant Lim was talking to Officers Burbank and Collins over by their car, correct?

A. Yes.

Q. And you could actually see them, correct?

A. Yes, ma'am.

Q. And you could hear what they were talking about?

A. I couldn't hear them, but I could see Officer Burbank was kind of showing Sergeant Lim, I think it was, the right side of his face.

Q. Okay. Well, didn't you say you were able to hear them?

A. I may have. I may have misspoke, because they were pretty far away from me.

Q. All right. Well, you said at the time, in March of 2020, that they walked over to the patrol car, correct?

A. Can you show me where it is?

Q. Sure. Take a look at page 15. Is it correct that

you told Pierce County that they walked over to the front of the patrol car, correct?

A. Which line are you talking about?

Q. If you look at line 8 on page 15, you said, "And I remember he went to go talk to Officer Burbank --"

MR. CONRAD: Again, is she just going to read from the statement.

MS. EAKES: Well, Your Honor, this is substantive evidence.

MR. CONRAD: For impeachment, you don't get to just read it.

THE COURT: It's already been introduced as substantive evidence. But you asked him a question and then he asked essentially to refresh his recollection about it. And then you go ahead and provide the answer. See if it refreshes his recollection or not.

BY MS. EAKES:

Q. Does that refresh your recollection, Officer Rankine?

THE COURT: Does that refresh your recollection of what you told Pierce County Sheriff's Office on that day? Does that refresh your --

THE WITNESS: It does.

THE COURT: Okay. So what happened?

////

BY MS. EAKES:

Q. And you told officer --

THE COURT: Well, hold on. You're just reading it again. Ask him the basic question about that event instead of just reading it to him.

MS. EAKES: I wasn't going to read it, Your Honor. I was going to ask a question.

THE COURT: Sounded like you were reading, you were looking down at the page.

MS. EAKES: Only to refresh my memory.

THE COURT: If I was wrong, that's fine. Go ahead and ask your question.

BY MS. EAKES:

Q. Mr. Rankine, you told Pierce County that Officer -- excuse me, Sergeant Lim walked over to the front of the patrol car with Officer Burbank and Officer Collins, correct?

THE COURT: How is that asking him the question about it as opposed to just saying -- instead of essentially reading it to him? How is that different, Ms. Eakes?

MS. EAKES: Well, Your Honor, I think that it's cross-examination I'm allowed to -- I believe I was entitled to ask him what that was.

THE COURT: You can ask him about the sequence of events and then we'll see what he says. If he says something different from that, that's fine. But that's how

this is done, you know. We've gotten away from that repeatedly by everybody in this case. I have an objection now about it, repeated objections about it, so I got to deal with it.

BY MS. EAKES:

Q. Did you hear what was being said at the car?

A. In my statement, I think I state that I heard it.

Q. And what did you hear them say?

A. Can we just read off of this?

Q. Sure, if that refreshes your memory.

A. "And I remember he went to go talk to Officer Burbank and Officer Collins in front of the patrol vehicle. I remember Burbank just -- his -- both of their -- just their uniforms were kind of disforming. I remember Burbank's hat was almost off his head. I remember both of them looking at each other and looking at each other's faces and I overheard what they were telling Sergeant Lim, that they both had been struck in the face by the subject. I remember Officer Burbank showing Sergeant Lim kind of the left side of his mouth where he had been struck."

Q. Okay. And it was after that that you then told the officers to turn Mr. Ellis onto his side; is that right?

A. Correct.

Q. Now, you were asked questions on direct examination about when fire arrived, and Mr. Ellis was restrained at that

time, correct?

A. When fire arrived, was Mr. Ellis restrained at that time?

Q. Yes.

A. Yes.

Q. And in fact, you were asked by the firefighter to roll him onto his back, correct?

A. Yes.

Q. While he was hobbled or he had the hobbles and the handcuffs connected, correct?

A. Yes.

Q. And it was after you moved him onto his back that fire cut off his clothes?

A. I believe so.

Q. And then they attached the leads or the heart monitor to him, correct?

A. I believe so, yes.

Q. And it was after that that fire asked that Mr. Ellis be taken out of cuffs and out of the hobble, correct?

A. I don't recall, you'd have to show me.

Q. Take a look at page 20 and 21.

A. Okay.

Q. And do you recall that fire asked you to take him out of the handcuffs and out of the hobble?

A. Yes.

Q. And that was because they said that they needed to put an IV in him or else he was going to code, correct?

A. Yes.

Q. And you didn't immediately remove the restraints; you wanted to check with Sergeant Lim first, correct?

A. Yes.

Q. And then you checked with Sergeant Lim, but you also told the firefighters that you fought with Mr. Ellis for a long period of time, correct?

A. Yes.

Q. Now, in fact, the time that you were there, Mr. Ellis was never off the ground, was he?

A. No.

Q. He was always prone on the ground, correct?

A. I think in my statement I'm describing -- I think you're referring to the fight. I'm describing the whole entire struggle with Mr. Ellis as the fight.

Q. And I'm asking you, from the time you were there struggling, Mr. Ellis was never up on his feet, was he?

A. No.

Q. He was always on the ground, correct?

A. Yes.

Q. And he was always at least in handcuffs, correct?

A. Yes.

Q. And you didn't see what happened prior to your arrival there, correct?

A. No.

Q. And then only after Sergeant Lim gave the go ahead, did you remove him from the restraints, correct?

A. Yes.

Q. And you can't recall who removed him from the restraints?

A. I think it was multiple officers. It was me and a couple other officers.

Q. Do you remember if Officer Burbank assisted in removing the hobble?

A. I don't recall.

Q. Officer Rankine, would you agree that when Mr. Ellis -- when you rolled him back to his stomach, after you did the sweep for weapons, he wasn't a threat to you, was he?

A. I would agree.

Q. I mean, he couldn't use his arms or his legs, correct?

A. Agree.

Q. So the purpose of pinning him to the ground or putting weight back on him was not to protect him from the officers, correct -- or I should say that better. Not to protect the officers?

A. Correct.

Q. And you would agree there weren't any other civilians around?

A. I wouldn't know that answer.

Q. Did you see any other civilians around?

A. I wasn't looking around that much.

Q. You weren't concerned that Mr. Ellis was a threat to other people, were you?

A. At that time, I don't think so.

Q. Did you also have training in the academy about excited delirium?

A. Yes.

Q. And you learned that excited delirium is a medical crisis; is that right?

A. Yes.

Q. And you agree that you were taught that it was important not to put weight on someone who might have excited delirium? Were you taught that?

A. I don't recall.

Q. Do you recall being taught that, in fact, you should -- best practice would be not to restrain somebody who has excited delirium?

A. I don't recall that.

Q. So your training, though, was that it was a medical emergency, correct?

A. Yes.

Q. And you should get the person medical aid immediately, correct?

A. Yes. For risk of sudden death, yes.

Q. Now, you would agree that you've also received training on use of force in the academy?

A. Yes.

Q. And that you're only to use force if it's necessary?

A. Yes.

Q. And that deciding whether it's necessary also includes considering whether there are reasonable alternatives to force that exist, correct?

A. Yes.

Q. And you would agree that putting pressure on Mr. Ellis's body was a use of force?

A. Yes.

Q. And you also learned in terms of force that you need to deescalate if the subject deescalates, correct?

A. Correct.

Q. And that you need to stop using force if it's no longer necessary, correct?

A. Yes.

Q. And you would agree that once Mr. Ellis was in hobbles with it connected to his handcuffs, he was no longer

a threat, correct?

MR. CONRAD: I'm going to object. Asked and answered.

THE COURT: It has been. More than once. Sustain the objection now.

MS. EAKES: If I could have just a moment.

I don't have anything further. Thank you.

THE COURT: Okay. Mr. Purtzer.

MR. PURTZER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. PURTZER:

Q. Officer, good afternoon. You've been on the stand for a couple of hours today describing what occurred back on March 3rd, of 2020.

From the time that you arrived there at the scene on that evening until the time that fire took control and started rendering aid to Mr. Ellis, how much time did that take?

A. During what I learned during the course of the trial or what I knew back then?

Q. What you knew back then.

A. I don't know back then.

Q. Throughout the various aspects or the treatment that you provided to Mr. Ellis, were you following your training that you'd received just a short period of time --

A. As best as I could.

Q. And you were asked questions just a few minutes ago about the deescalation techniques that are to be used in a situation where use of force is being applied, correct?

A. Yes.

Q. And when Mr. Ellis was not struggling, you were not resisting him, correct?

A. Yes, sir.

Q. You had him on his side, correct?

A. Yes, sir.

Q. He started to thrash around again?

A. Yes, sir.

Q. And you put him back down into the prone position?

A. Yes, sir.

Q. Correct? And you talked to him throughout the entire time that you were there, correct?

A. Yes.

Q. And throughout that time, you said, "Don't resist," "relax," "breathe, throughout the period of time you were with Mr. Ellis?

A. Yes.

Q. And was that consistent throughout the time that you were with him?

A. Yes.

Q. When you initially arrived there with Officer Ford,

you saw Officer Burbank and Officer Collins struggling with Mr. Ellis, correct?

A. Yes.

Q. And he was basically thrashing the two of them, correct?

A. Yes.

Q. Such that you didn't realize that there was any handcuffs on Mr. Ellis at the time that you initially arrived there?

A. Yes.

Q. When you arrived, you saw that there was actually handcuffs on his back behind him, correct?

A. Yes.

Q. And you saw that Officer Collins had one leg?

A. Yes.

Q. And was trying to restrain that, correct?

A. Yes.

Q. Officer Ford then tried to restrain the other leg?

A. Yes.

Q. And the two of them are working as hard as they possibly can to stop him from moving around, correct?

A. Yes.

Q. Then you went to the side of Mr. Ellis and stayed on the right side of him?

A. Yes, sir.

Q. And you said that at that point in time, it was Officer Burbank that was straddled over him, correct?

A. Yes.

Q. Had his hands on top of Mr. Ellis's hands, correct?

A. Yes.

Q. And his hands were in front of him. He wasn't sitting on his hands, was he?

A. No, he was not.

Q. And so he was back on the lower, on the buttocks of Mr. Ellis?

A. That's what I recall, yes.

Q. And you were on the side of him, the right side?

A. Right.

Q. And then Officer Burbank got bucked off as Mr. Ellis is thrashing around?

A. Yes.

Q. And then your focus was then on Mr. Ellis to try to restrain him from moving around, correct?

A. Yes.

Q. From that point forward, until you saw Officer Burbank speaking with Officer Lim -- or Sergeant Lim, did you see Officer Burbank at any point in time?

A. Besides that point, no, I don't recall it.

Q. And with respect to the hobbling, you don't know who did that specifically?

A. I don't.

Q. There were numerous officers that responded to the mic clicks and Officer Collins screaming up "96th and Ainsworth"?

A. Right.

Q. And so there was a tremendous amount of officers that were in the area at that point in time trying to stop Mr. Ellis, correct?

A. Right.

Q. And eventually, he was restrained and not only with the handcuffs, but also with the hobbles, correct?

A. Yes, sir.

Q. All right. And then you then would do the -- put pressure on him, take pressure off, so long as Mr. Ellis was complying with the requirements that you submitted to him?

A. Yes, sir.

Q. And at that point in time, the treatment and the use of force that was used, is that what you had been trained to use?

A. Yes, sir.

Q. And then Sergeant Lim came over and you asked him permission to uncuff Mr. Ellis when medical asked for him to be uncuffed, correct?

A. Yes, sir.

Q. And why was that?

A. Because of the fight and how long he struggled with us, I was worried about the firefighters, I was worried that he could possibly start struggling with us again. And then on top of that, Sergeant Lim was in charge of the scene; I wanted to make sure that it's cleared through him.

Q. And is that part of your training as well, to listen to a superior officer with respect to these types of situations?

A. Yes.

MR. PURTZER: Thank you, Officer, nothing further.

THE COURT: Mr. Ausserer.

MR. AUSSERER: Thank you, Judge.

CROSS-EXAMINATION

BY MR. AUSSERER:

Q. Good afternoon, Officer Rankine.

A. Good afternoon, sir.

Q. How you doing?

A. Great.

Q. The way you described hearing Mr. Ellis say he couldn't breathe, I think twice, if I understood your both direct and cross, was in a calm normal voice?

A. Yes, sir.

Q. And if I understand, you're not sure who else would have heard that; is that right?

A. Yes.

Q. But we know at least Officer Ford is present when that happens?

A. Yes.

Q. Officer Burbank is present?

A. I would assume so.

Q. Okay. You didn't see him --

A. I didn't see him.

Q. -- relative to that statement; is that fair?

A. Yes.

Q. And Officer Collins is still present?

A. I would assume so, yes.

Q. And again, you didn't see him when that statement was made?

A. I didn't.

Q. All right. And Ms. Eakes asked you repeatedly, "Had you told any other officers about Mr. Ellis saying he couldn't breathe," right?

A. Yes.

Q. Well, Masyih Ford didn't tell any other officers that he heard him say he couldn't breathe either, did he?

A. Yes.

MS. EAKES: Your Honor, I'm going to object, it's argumentative.

THE COURT: I think it's very analogous to the question you asked him about what Officer Ford said or

didn't say.

MS. EAKES: I guess, based on his personal knowledge.

THE COURT: Well, you asked him about how Ford testified.

MS. EAKES: Understood.

THE COURT: So was Mr. Ausserer.

BY MR. AUSSERER:

Q. Right. Mr. Ford testified that he heard what you heard, right?

A. Yes.

Q. In fact, he was offended at your response that "if you can talk, you can breathe," right?

A. Yes, sir.

Q. So he heard what you heard?

A. Yes.

Q. Didn't tell anybody on scene, including medics that he heard that either, did he?

A. I don't believe so.

Q. In fact, Sergeant Lim is present when that occurs; is that right?

A. I assume so.

Q. Well, Ms. Eakes played you dispatch and suggested on dispatch we can hear it, right?

A. Yeah, I mean, I couldn't make out what was being

said over that radio.

Q. Well, let's assume what Ms. Eakes said is true and that's Mr. Ellis in the background saying he can't breathe. Sergeant Lim is the one on the radio, right?

A. Yes.

Q. Sergeant Lim didn't tell anybody he heard that either, did he?

A. Not that I know of.

Q. He didn't tell medics that he heard that either?

A. Not that I know of.

Q. In fact, can we put, with the Court's permission, 898, please, which has been admitted, Judge?

THE COURT: I believe it has. Let me check.

MR. AUSSERER: It's the timeline.

THE COURT: Well, which --

MR. AUSSERER: Good question. The responding officers based on the CAD, Judge.

THE COURT: I believe it was admitted for illustrative purposes. Sure.

BY MR. AUSSERER:

Q. All right. Do you see that in front of you, Officer Rankine?

A. Yes, sir.

Q. And that indicates that within 25 seconds of your arrival, Sergeant Lim is there; is that right?

A. Yes, sir.

Q. And six seconds after Sergeant Lim arrives, Sergeant Messineo from Pierce County Sheriff's arrived, right?

A. Yes.

Q. Do you recall seeing Pierce County Sheriff's deputies on scene as well?

A. I don't.

Q. Okay. You're aware they arrived?

A. Yes.

Q. Including Derek Sanders at, you know, 23:25:04 from Pierce County, right?

A. Yes, sir.

Q. And then at 23:25:22, that's Sergeant Rock, isn't it?

A. Yes.

Q. Who is Sergeant Rock?

A. Sergeant Rock is my immediate supervisor.

Q. He's your sergeant, correct?

A. Yes.

Q. Of your sector?

A. Yes.

Q. And he's on scene within -- I'm bad at math -- but less than a minute after Sergeant Lim, which was 25 seconds after you got there, right?

A. Yes.

Q. And then we also know that K.C. Jones is from the Washington State Patrol, right?

A. Yes.

Q. And he arrives at 23:26:58, right?

A. Yes.

Q. Do you know who Officer Bucat is?

A. I think he was the Lakewood cop.

Q. From the fourth agency before fire is there, right?

A. Right.

Q. Officer, did any one of these individuals from any one of these four agencies intervene with what you were doing with Mr. Ellis?

A. No one did.

Q. In fact, we've heard that K.C. Jones from Washington State Patrol, at least through the State's experts, observed Mr. Ellis smashing his face into the ground. Is that what you were talking about when he was thrashing his self around?

A. I don't know. It could be similar, but I don't know how else to describe it besides he was just trying to wiggle worm and described it as best as I could.

Q. Okay. And Officer Farinas, you now know, applied the spit hood, right?

A. Yes.

Q. And Officer Farinas did not arrive on scene for more than three minutes after you arrived, is that right, according to the CAD?

A. Yes.

Q. Do you know when he applied the spit hood relative to his arrival?

A. I don't.

Q. Do you know who was present when he applied the spit hood?

A. I don't.

Q. But what you do know is that once hobbles were applied, Officer Collins was relieved from contact with Mr. Ellis, right?

A. Yes.

Q. And if I understand your testimony, he was not present at any other point in time -- strike that.

He didn't have any further contact, physical contact with Mr. Ellis after the hobbles were applied; is that right?

A. Yes. I don't recall any.

Q. All right. Ms. Eakes asked you on cross-examination whether all these other officers that were present were armed. Do you remember that?

A. Yes.

Q. And she asked you if they could have at that point

in time removed the restraints from Mr. Ellis so that he could breathe. Do you remember that question?

A. Yes.

Q. That would be a violation of every policy related to this sort of incident; is that right?

A. I believe so.

Q. Is that part of any sort of training relative to restraining an individual who's combative?

A. No.

Q. In fact, she suggested that once Mr. Ellis says he can't breathe, you should have done something different. Do you remember that?

A. Yes.

Q. In fact, your training is, you can't do something different because you have to control and restrain Mr. Ellis until aid can get there to treat him, right?

A. Correct.

Q. So was it a reasonable alternative to remove the cuffs and have him stand up like Ms. Eakes suggested?

A. No.

Q. Under what circumstance would you remove the cuffs and lift Mr. Ellis up so he could stand up?

A. I couldn't tell you, but definitely not this incident.

Q. That's not an option, is it?

A. No.

Q. That's not a reasonable alternative as she suggested, is it?

A. No.

Q. In fact, all you can do until aid gets there is mediate your use of force with the level of resistance that Mr. Ellis is exhibiting, correct?

A. Yes, sir.

Q. Is that what you did?

A. Yes, sir.

Q. Ms. Eakes suggested that you could have performed some sort of first aid or medical treatment to Mr. Ellis before aid got there. Do you remember that line of questioning?

A. Yes, sir.

Q. Do you have the equipment to perform medical treatment on Mr. Ellis in that circumstance?

A. No.

Q. In fact, you can't do that, can you?

A. No.

Q. Because then you'd be liable for any injury that resulted from Mr. Ellis and your treatment of him, right?

A. Yes, sir.

Q. And that would be against policy as well?

A. Yes, sir.

Q. So was that a reasonable alternative to what you had made on March 3, 2020?

A. No, sir.

Q. In fact, do you even have a bag to assist in breathing?

A. No.

Q. What sort of medical devices do you have at your disposal that you could use on somebody in that situation?

A. I think in your car it's just like a standard, like, Walmart first-aid kit. I built my own trauma kit in, like, tourniquets and wound packing stuff.

Q. These hindsight suggestions by Ms. Eakes, were those available to you at the time this occurred?

MS. EAKES: Object. This is argumentative, Your Honor.

THE COURT: Overruled. You may answer.

THE WITNESS: This situation is so dynamic, that what she suggested, it did not appear -- it did not make much sense to me at that time.

BY MR. AUSSERER:

Q. Specific to Officer Collins, he's relieved once the hobbles are applied, at least as far as you know; is that right?

A. Yeah.

Q. Didn't see him contact Mr. Ellis again?

A. No.

Q. And once the hobbles were applied, Mr. Ellis was alive, right?

A. Yes.

Q. He was breathing?

A. Yes.

Q. He had a pulse?

A. Yes.

Q. No indication that death was imminent, right?

A. No.

Q. In fact, none of these officers who came after my client was relieved intervened to treat Mr. Ellis, right?

A. I don't believe so.

Q. No indication that he was going to die?

A. No.

Q. In fact, Mr. Ellis is alive for more than 30 minutes after Officer Collins has contact with him; is that right?

A. I believe so, yes.

MR. AUSSERER: Thank you. That's all I have, Judge.

THE COURT: Assume you've got some more.

MR. CONRAD: Yes, Your Honor.

THE COURT: Well, it's after 4 o'clock, so we'll have to recess for the evening. Please do not discuss this

case amongst yourselves or with anybody else. And do not view anything in the media, social or otherwise, on the subject of this trial. Thank you.

(Jury excused.)

THE COURT: Okay. We're at break. See you guys tomorrow.

(Proceedings at recess.)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

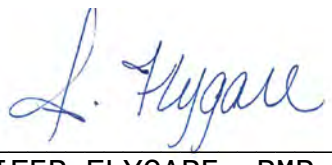
STATE OF WASHINGTON,	)	
Plaintiff,	)	Superior Court Nos.
vs.	)	
CHRISTOPHER SHANE BURBANK,	)	21-1-01286-6
MATTHEW J. COLLINS,	)	21-1-01287-4
TIMOTHY EUGENE RANKINE,	)	21-1-01288-2
Defendants.	)	

REPORTER'S CERTIFICATE

STATE OF WASHINGTON)
) ss
COUNTY OF PIERCE)

I, Jennifer Flygare, Official Court Reporter in the State of Washington, County of Pierce, do hereby certify that the forgoing transcript is a full, true, and accurate transcript of the proceedings and testimony taken in the matter of the above-entitled cause.

Dated this 5th day of December 2023



JENNIFER FLYGARE, RMR, CRR
Official Court Reporter

TAB 3

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, vs. CHRISTOPHER S. BURBANK, MATTHEW COLLINS, TIMOTHY RANKINE, Defendants.	)	SUPERIOR COURT NO. 21-1-01286-6 NO. 21-1-01287-4 NO. 21-1-01288-2

VERBATIM TRANSCRIPT OF PROCEEDINGS
Morning session

December 6, 2023
Pierce County Superior Court
Tacoma, Washington
Before the
HONORABLE BRYAN E. CHUSHCOFF

A P P E A R A N C E S

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BE IT REMEMBERED that on Wednesday, December 6, 2023, the above-captioned cause came on duly for hearing before the **HONORABLE BRYAN E. CHUSHCOFF**, Judge of the Superior Court in and for the County of Pierce, State of Washington; the following proceedings were had, to wit:

<<<<<< >>>>>>

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12/6/2023

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THE COURT: Good morning, everybody. Please be seated. Okay. I think we are back on redirect with Mr. Rankine.

MR. CONRAD: We are.

THE COURT: Are we ready for the jury, everybody?

MR. PURTZER: Yes, Your Honor.

THE COURT: Okay. Let's have the jury.

(The witness resumed the stand.)

(The jury entered the courtroom.)

THE COURT: Welcome back, everybody. Please be seated. Okay. Redirect examination, Mr. Conrad.

MR. CONRAD: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. CONRAD:

Q. Good morning, Officer Rankine.

A. Good morning.

Q. I just have a couple of follow-up questions for you.

So yesterday, Mr. Purtzer asked you kind of the timing of certain things, whether you could remember the timing of certain things of -- I think he specifically asked you about how long you were on scene until Fire arrived; do you remember being asked those questions?

A. Yes.

Q. And you indicated that you didn't know; right?

A. Yes.

Q. And why is that?

A. The situation with Mr. Ellis was very stressful. It was very dynamic. It's hard to judge the time by that time.

Q. Okay. So you didn't want to guess a time; right?

A. Right.

Q. And I want to see if there are some exhibits that we can take you through to try and establish some time frames. Are you familiar with a CAD report?

A. Yes, sir.

Q. Okay. Tell the jury what a CAD report is.

A. So a CAD report is basically like an electronic generated copy that dispatch makes. Anything from radio calls to inputs from dispatch, to our inputs, it all gets populated on one report so we can see via time stamp what everything -- what all is going on.

Q. Okay. So I'm going to hand you what's been marked as Exhibit 17. And can you take a look at that document for a second. Is that the CAD report in this case for this matter?

A. Yes, it is.

Q. Okay. And how can you tell that?

A. It has the location, the incident number, the time and the date of when it happened.

Q. Okay. And so tell us about some of the information and how it gets input in there.

A. So, like -- I think I said just now, there's many ways you can input it. It's every time we key up our hand mics or our radio mics, it populates through dispatch. Dispatch can also input information in. Yeah, there's many ways. Our in-car computer, we can input stuff in CAD as well.

Q. Is that something you-all rely upon as well?

A. Yes.

Q. Okay. And is Exhibit 17 a fair and accurate depiction or fair and accurate document for the CAD report in this case?

A. Yes.

MR. CONRAD: Your Honor, I'm going to move for admission of Exhibit 17 at this point.

THE COURT: Any objection?

MS. EAKES: Could I have just a moment?

THE COURT: Sure.

MS. EAKES: Your Honor, we do object. It contains hearsay and issues with respect to the timing on it.

THE COURT: With respect to timing?

MS. EAKES: Some of the times on it in terms of the accuracy of the times for the reasons that Mr. Rankine just stated.

THE COURT: Well, in order to start this, I think we're going to have a conversation outside the presence of the jury. Sorry, ladies and gentlemen. I'm going to excuse you for a few minutes while we have this talk.

(The jury left the courtroom.)

THE COURT: Well, I have to say that this is a -- this CAD report is a little different format than I'm used to seeing. I gather there's no issue as to authenticity or anything.

MS. EAKES: No, Your Honor. But my -- I didn't want to say it in front of the jury so I said hearsay, but for example, it contains criminal history information, run information, with respect to Mr. Ellis. It wouldn't otherwise be admissible. You can see it starting on page 3, among other things, so page 4.

THE COURT: There are a number of redactions here. These are just -- these are identifiers; right?

MR. CONRAD: Correct.

MS. EAKES: That's my understanding.

MR. CONRAD: And I have no objection to redacting that portion of the CAD as well. And the timeline that's been shown to the jury multiple times is as an illustrative exhibit, is that -- I think it's 896; is that right? That, timeline, 898. And that's built off of this CAD time; like, this is computer-generated by dispatch.

MS. EAKES: I also wanted to clarify is Mr. Conrad offering this as substantive purposes as opposed to for illustrative purposes?

THE COURT: I think he's offering for substantive purposes.

MR. CONRAD: I am. I think it needs to go back with the jury because it has the actual time frames for the jury. Right now, all the jury has is illustrative exhibits for time frames.

THE COURT: The hearsay stuff we can take out. I don't have much problem with that. But you said you have an issue with the times?

MS. EAKES: Yes, Your Honor, as -- just like we did when we established on 898, which was the illustrative, its' misleading to say that these times necessarily correspond, for example, to when a particular person arrives and that's because it just depends on how the information is entered. So you'll see on here there are a number of people who were at the scene, for example, didn't put in the time that they arrived, and that we know that they were there. Other people who didn't put in that they arrived until later. People who came and went, et cetera. So there's just a lot of information in here that isn't necessarily representative of who was at the scene at what particular time. So that's also a concern from the State's

perspective.

MR. CONRAD: And I don't disagree with that, and, actually, that's going to be my next line of questioning, to illustrate that the time that they input something into the CAD doesn't necessarily correspond to the time frame that the person is on scene.

THE COURT: I think that's already been testified to. I don't mind you asking him again, I suppose, have you guys taken a look at Exhibit 898 to see whether or not you can admit it substantively? Would that solve the problem?

MR. CONRAD: It might, but there is -- within 898, that just shows the arrival time of various officers. I don't have any issue with admitting 898 as substantive as well, but there are other time frames in there that are contained in the CAD that aren't contained in the 898, like, when Fire is called. When they're updated. I mean, that's not hearsay.

MS. EAKES: Well, Your Honor, I'd also note a couple of things.

First of all, I think that there's a lot of information on here about after the incident.

THE COURT: I'm sorry. About after the incident?

MS. EAKES: After the incident, right, after Mr. Ellis is dead and a variety of other things that were kind of followed up on that aren't relevant to these. But

also, the --

THE COURT: Where does that start?

MS. EAKES: Essentially, on page 3, Mr. Ellis was declared dead no later than 12:02. So you'll see Jason Youngman arrives. He's arriving with a fingerprint scanner, but he's actually already, you know, being treated with respect to -- by Fire.

I'd also just note that, I mean, the Court did sustain the prior objection when I offered the CAD for the stop, the prior stop, Exhibit No. 13, that -- and as I understood it, the Court was concerned about this issue about whether or not the information contained on a CAD is necessarily fully accurate. And that's the objection to 898 as well. I mean, again, you saw how it's being used. I mean, we used it specifically to show just what CAD entries said about what time people arrived, in fact, there are three people on there that aren't even listed on the CAD, as I just noted, and then defense has been suggesting that certain people showed up at certain times, using that repeatedly to say Sergeant Lim was there at this particular time. And, again, it doesn't necessarily reflect that Sergeant Lim was there at that particular time. He can say he's arrived as he's driving up and before he actually comes to the incident. Other people, you know, for example, Miseneo and Sanders, I believe they show much later that

they arrived, but based on, you know, some of the testimony, they would have arrived before, or at least what they've said in prior statements, they arrived before Sergeant Lim did.

So there's just a lot of information that I think is not accurate in the CAD in terms of what the actual facts are for the jury.

MR. CONRAD: Well, if my memory's correct, they were trying to -- they showed it to a witness, Officer Ford, who wasn't familiar with it, hadn't seen it and hadn't reviewed it, so that was the issue with offering it at that point.

MS. EAKES: Well, I don't -- I don't believe that's true.

THE COURT: Exhibit 13 did come up during the testimony of Officer Ford.

MS. EAKES: It did. But -- and he said that was the CAD related to the prior incident, to the prior stop, and he read through some times from it, he recognized it, no different than Officer Rankine in terms of what his knowledge would be about a CAD, so, I mean, there's no different foundation.

THE COURT: One of the things that was different there was it wasn't a stop that Officer Ford was at.

MS. EAKES: It was.

THE COURT: Well, he showed up.

MS. EAKES: Right, but that's -- the CAD entry was about that. That's what I was asking him about, was the time that they arrived and that they cleared, and he said that they did arrive, they didn't get out of the car, they saw Officer Collins and Officer Burbank kind of give them the thumbs up and said that it was okay, that they didn't need any backup, and so they drove on. And that's what he testified about.

MR. CONRAD: And Judge, I'm fine with further redactions as to the -- like, the event marks regarding the license inquiries, I mean, I think that can all be out. I don't know if the State's proposing other redactions to it.

THE COURT: Well, there's a whole bunch of stuff on the bottom of, I guess it's the third page, it's 23028, all these citation things that are in there.

MS. EAKES: Yeah. Those should all be out. I agree.

THE COURT: 230302 goes on for over a page. I'm not sure what else would be here. All right. Well, I'll -- hearsay should be redacted about that. The rest of it can come in for whatever it's worth.

MS. EAKES: Will the Court reconsider, then, on Exhibit 13?

THE COURT: We'll have to come up again and go

through what Exhibit 13's about. I don't remember all of the ins and outs of that particular deal. That was on November 15th, after all, so three weeks ago.

MS. EAKES: I can hand that up to the Court. In terms of -- in terms of 13, we can show the Court. It's exactly the same thing. It just happens to relate to the prior stop.

I'll hand this up to the Court.

THE COURT: Anyway, Exhibit 17 can be admitted subject to further redaction.

MS. EAKES: And is the Court going to redact to that entry at -- on page 3, everything else after that is out?

THE COURT: I wasn't saying that. I was saying that particular entry is out. I don't know about the rest of it.

MS. EAKES: Well, the rest of it is not related -- I mean, it's all, again, things that happen and remarks Mr. Ellis already died.

THE COURT: Well, the question I guess -- it may still be relevant, I suppose, I don't know.

MR. CONRAD: Judge, did you want -- I have a copy you could mark up and indicate where you want us to redact as well.

THE COURT: Well, the question, I guess, what do

you at this point, Mr. Conrad, at line page 23030, after that long entry which we talked about being redacted, is there anything after that that you think is pertinent to this case? If it's not then I suppose we should eliminate it.

MR. CONRAD: Well, it just shows, I guess, what's being communicated, at least via the CAD, in terms of them shutting down all directions of Ainsworth, it indicates there's a request for a body core temp to have people go back and take that, I don't -- I mean, I'm not opposed to redacting the rest of it or just removing those pages.

THE COURT: Well, if you don't mind removing them, they want them removed, why don't we remove them? Is there anything else on here -- there's a number of things that may matter.

MR. CONRAD: I mean, I do see certain things that I think have been testified to as well, so they clearly matter.

THE COURT: I noticed at page -- I'll call it 32, the last two digits, this might be hearsay, I don't know, but it's near the bottom. It says vent remark per TFD, time of death 00:20. It might be hearsay. I don't know. But anyway, if that's the case, then we would --

MS. EAKES: Your Honor, there's a lot of these other entries that are just not -- I'm unclear in any way

related after that. So if you look on 33, you've got this Shandon Wright Wade, Paul's, you've got Officers Dur and Schneider being apparently dispatched to something there, you've got --

THE COURT: Well, it tells them that they were no longer part of this incident.

MS. EAKES: Well, that's actually not clear, I think, because there's all these other -- I mean, we don't know what these things are. There's another location, 3701 South Pine Street, TPD headquarters, I think it's confusing with respect to what any of that relates to after that entry on page 3.

THE COURT: I don't know. You mean -- I don't know that anybody cares about it at this point, because I'm not hearing you complain about it, Mr. Conrad. So are we talking about everything to the middle of 28 is in and everything after that is out?

MR. CONRAD: I guess that works for me. I mean, unless there's specific -- I'd prefer to do just to specific redactions so it's a complete document so it shows the seriousness of this nature, right, so that when detectives are responding, it gives context to all of the testimony.

THE COURT: Well, what? I mean, to some extent, I don't know how much anybody can make heads or tails of this.

MR. CONRAD: Okay.

THE COURT: For instance, it may be confusing by maybe the nature of the event, but if I'm looking at page 31, and I'm near the middle of the page at 4755 (time), it says, event remark LT 9-body temple 96.7 40 minutes after TOD, time of death of Mr. Ellis. Now, I don't know if it's supposed to be 40 minutes earlier than that, which would be 7:55, but then we have this other time of death, which is 00:20 that we talked about earlier business on the next page, which may be inconsistent with each other. It may be, with some explanation it would make some sense, but it seems confusing. I don't know. Then that remark comes up again at an hour and 28:18, higher up on page 32 where the reading says again, it says, 96.7 degrees 40 minutes after time of death.

MR. CONRAD: Okay.

THE COURT: I don't know. Tell me why you need any of the rest of the -- otherwise --

MR. CONRAD: For purposes of what I intend on doing on redirect, I don't.

THE COURT: All right. Well, okay. So if we cut it off there at --

MR. CONRAD: 02:23 event marker, from there, redact down and remove the other pages?

THE COURT: Yep.

MR. CONRAD: Okay.

THE COURT: That should solve the hearsay issue too, I think.

So subject to that redaction, are we ready for the jury to come back?

MR. CONRAD: I'm ready.

THE COURT: Let's have the jury.

MS. EAKES: Is the Court going to indicate that it's admitted in a redacted form?

THE COURT: Yes. Do the either of the defendants have a comment about this?

MR. PURTZER: No objection, Judge.

MR. AUSSERER: Sounds good.

(The jury entered the courtroom.)

THE COURT: Okay. Welcome back, everyone. Please be seated. I limited the last couple of pages or so of the source, which is Exhibit 17, which is very problematic, although once those redactions are made, Exhibit 17 is admitted. Proceed. I did say 17, didn't I?

MR. CONRAD: You did.

Q. (By Mr. Conrad) So Officer, we're talking about kind of timing of certain things and you have Exhibit 17 in front of you?

A. Yes.

MR. CONRAD: Judge, with your permission, I just want to publish the second page of that.

THE COURT: That's fine.

MR. CONRAD: Okay. Can we do that, Shawn?

Q. (By Mr. Conrad) Okay. So there's a number of entries contained on here; is that right?

A. Yes, sir.

Q. And can you explain to the jury what, I guess, these different columns are and the entries in them and how it indicates who's entering the information specifically?

A. Yeah. So if you look at the far left --

MR. CONRAD: Sorry.

Juge, with your permission, can Officer Rankine stand up and then show the jury with this?

THE COURT: You need to move the screen and tilt it.

A. So far left -- I'll start left to right. Far left here is the date, so 2020-03-03, just the date, that's the time stamp when everything's inputted, that gives you basically dispatch en route, kind of gives you what the activity is. Call signs, so Henry 031, that's my call sign with Officer Ford that gives us our Fire here, and it kind of gives us, like, our badge number up here. So.

Q. And so when it indicates Henry 031 in this column, like we see here, does that indicate who's entering that information?

A. That would be us entering information.

Q. What about if it shows this PD 02?

A. PD 02 would be dispatch. They all have different designations, but PD 02 is usually the south primary dispatch.

Q. So that's one of the dispatchers entering that information?

A. Yes.

Q. How do they do that?

A. Either it's called out on the radio or it's -- or, yeah. Usually, it's called out on the radio and they input it in.

Q. Okay. So for example, if you're saying to dispatch that you are arriving on scene through your radio, through your mic, and we saw PD 02, that would mean that the dispatcher is entering that based on your callout over the radio?

A. Yes.

Q. But if they say that it was Henry 031, that would be you entering that information on your computer in the car?

A. Right.

Q. Okay. And so one of the things -- can you indicate here -- does it indicate here where it shows you -- what time frame it shows you arriving at scene?

A. It's right there. This is when I believe Officer Ford, in our in-car computer, hits "arrive," that he

had a two-person car. We usually "arrive" on the computer and then "arrive" over the radio. So that's him inputting it in the car before he jumps out of the car.

Q. And does that mean that that's the actual time that you are getting there?

A. That's us -- we're pulling up on the scene.

Q. Okay. And so that's 23:24:19?

A. Yes.

Q. Okay. And I think that's all I have for this exhibit at this time. If you could stay standing, though, for a second?

A. Sure.

MR. CONRAD: And Judge, with your permission I'd like to publish Exhibit 434. I believe it's already been admitted.

THE COURT: I think so, too, but I'll make sure. 434 is admitted.

MR. CONRAD: Okay.

THE COURT: You may proceed.

MR. CONRAD: Thank you.

Q. (By Mr. Conrad) And if we do play it through, the jury has already heard that there's a time stamp up in the upper left-hand corner; right?

A. Correct.

Q. That indicates the time that's running pursuant to

the State's expert in this video?

A. Right.

Q. And can you stop it at the time frame that you see you and Officer Ford arriving on scene.

(Exhibit 434 was played.)

MR. CONRAD: Can you go -- I just want to speed this up. So can you go to 23:24:34? That's fine. You can just play it right there.

(Exhibit 434 was played.)

MR. CONRAD: Pause it right now.

Q. (By Mr. Conrad) So is that you?

A. That is my car and that is me running out of the car.

Q. So that's at 23:24:36, according to the State's video?

A. Yes, it is.

MR. CONRAD: With the Court's permission, I'd actually ask, write -- if it's okay, if we could write down a couple of time frames on the white board?

THE COURT: Sure. Not on this particular.

MR. CONRAD: Sorry. On this piece of paper.

THE COURT: Those were the drawings that Mr. Louis made. You could remove those if you want to leave that somewhere so it's not in front of your client.

Q. (By Mr. Conrad) Is that accurate?

A. Yes.

Q. All right. And then next I want to ask about if you keep playing, can you stop it and let us know when you see other officers arriving on scene.

(Exhibit 434 was played.)

A. Right there. I think the first car pulls up kind of in that intersection over there, and then two other cars pull up and kind of block off the intersection.

Q. Okay. And what's the time frame there?

A. 23:24:54.

Q. Is that accurate?

A. Yes.

Q. Do you know who those officers are that are arriving on scene?

A. I think -- according to the CAD, I think Sergeant Lim, Lieutenant Messineo, and Sergeant Sanders.

Q. Okay. Next I want to show you the prehospital care report.

MR. CONRAD: And Judge, this has already been admitted into evidence as well.

MR. AUSSERER: What's the exhibit number?

MR. CONRAD: It's 24.

Q. (By Mr. Conrad) Can you take a look at that?

THE COURT: 24 has been admitted.

Q. (By Mr. Conrad) If you look at the second page

there, I believe -- third page. What's the time that's indicated as Fire arriving at scene?

A. It says 23:33:09, according to this.

Q. What does it indicate, on scene?

A. Yes.

Q. And you indicated that you believe this is Sergeant Lim?

A. Yes.

Q. Or Lieutenant --

A. It's Sergeant Lim.

Q. So from the time period that you arrive on scene to the time that Fire arrives on scene, given this information, are you able to tell us how long -- are you now able to answer Mr. Purtzer's questions about how long you were on scene? I know the math is difficult, but an estimate.

A. Eight minutes, thirty-some seconds, maybe.

Q. Okay.

A. Approximately.

Q. Around eight minutes, thirty-some seconds; is that right?

A. Yes.

Q. So given this additional information, you're able to ascertain how long you were on scene now?

A. Yes.

Q. Obviously, if I asked you that question without

this information, you wouldn't know?

A. I wouldn't know.

Q. Next I want to ask you about the CAD again. I can take that back from you.

What does it indicate on the CAD of when dispatch is told that you have someone that -- that one is detained.

A. It looks like it's a dispatch input at 23:25:25.

Q. 23:25?

A. Yes. 25.

Q. And what does it indicate?

A. One detained.

Q. And what does it mean, one detained?

A. I think in this particular incident, I think this is when hobbles are placed on Mr. Ellis.

Q. And so when we asked you about how much time had gone by between the time that you arrived and the time that hobbles are placed on, you weren't able to specifically tell us that?

A. No.

Q. When you look at the CAD and you look at this information, the videos that we have now, does that help you in ascertaining what the time frame is?

A. Yes.

Q. So what is the time frame between when it's indicated that one is detained and the time of your arrival?

A. Less than one minute.

Q. Okay. So why don't I indicate, then, rough estimate so you don't have to do math (writing); right?

A. Yes.

Q. So again, when you're telling detectives about all the actions that you're taking, you're talking about a time frame that's taking about a minute in time, roughly?

A. Yes.

Q. Based on the information that we now know?

A. Yes.

Q. And after Mr. Ellis was placed in the hobbles, how quickly was he placed into the recovery position?

A. Very quick.

Q. And how long did he remain in that position?

A. Quite a while. I think for most of the time.

Q. And do you remember specifically when he was placed back into the prone position?

A. Not off the top of my head.

Q. It was sometime prior to Fire's arrival; is that right?

A. Yes.

Q. How long did he remain in that prone position?

A. Very little time.

Q. And how much pressure were you putting on him when you put him back into that prone position?

A. Only enough pressure to control him. I would say it's a reasonable amount of pressure. My pressure fluctuated with his struggle with us, and if he wasn't struggling, he was in the recovery position. When he was struggling, I put pressure just to control him, not to press him into the ground, just to control him.

Q. And how -- did the fact that he was hobbled at that time frame when you placed him in the prone position play a factor into that as well?

A. Yeah. When he's hobbled, he was easy -- and I think I stated yesterday, he was easy to control. He wasn't doing that wiggle worm any long -- anymore, so for me, only one knee was needed to actually just kind of control him. I didn't need to put both of my knees on his back; just one knee to control his body.

Q. And are you able to manipulate how much pressure you're putting on him by changing where you're placing weight?

A. Yes. With my right knee being on the ground, kind of close to his shoulder blade area, I can modulate pressure back and forth, kind of what I demonstrated yesterday.

Q. I want to show you one other jury -- one other exhibit as well with the Court's permission, Exhibit 435.

MR. CONRAD: Judge, I believe this has been admitted as well.

THE COURT: It has.

MR. CONRAD: And could you pause it there. Actually, can you go back to the beginning, Ms. English, and play it one more time for us and pause it right there. Okay.

Q. (By Mr. Conrad) And are you familiar with this video?

A. I am.

Q. That's the Ms. Mallang, formally known as Ms. White's video; is that correct?

A. Correct.

Q. That's the one we went through on direct examination?

A. Correct.

Q. And based on your view of this video, and your memory of the event, what position is Mr. Ellis in at this point?

A. He would be in the recovery position at this point.

Q. And what's your position in relation to him?

A. I think in this video it actually shows me -- I have no contact on him, I'm just kind of kneeling behind him. I think my hands are actually on my thighs and I'm just looking at him and then looking around.

Q. Okay. And what's the time frame here?

A. 23:32:06.

Q. So you know at this time that Mr. Ellis is at least back in the recovery position; correct?

A. Yes, sir.

Q. And in relation to when Fire arrives, that's roughly how long?

A. I think, according to the dispatch, it says they were on scene at 23:33-and-some seconds.

Q. Okay. So this movement of putting him in prone and back to recovery has already occurred at this point?

A. Yes.

Q. And did you have any of this information available to you at the time that you did interviews with the detectives of Pierce County?

A. No.

Q. Had anyone shown you any of this information?

A. No.

Q. Okay. I think you can have a seat now. Thanks.

I want to ask you about a couple of questions that were posed to you on cross-examination --

A. Okay.

Q. -- about the hobbles. Have you ever used a hobble before?

A. No.

Q. Had you ever carried hobbles in your vehicle leading up to this incident?

A. No.

Q. And had you ever dealt with an individual that had been placed into hobbles?

A. No.

Q. Did you ever ask for or request hobbles in this case?

A. No.

Q. Next I want to ask you about the spit hood. And I believe on cross-examination you said that you recall the spit hood; right?

A. Yes.

Q. But you don't recall at what point it was placed on Mr. Ellis?

A. I don't. It's very vague.

Q. Part of -- were you ever asked about that during your interview with detectives?

A. I was not.

Q. And how does that contribute to your ability to remember when it was placed on him?

A. I barely remember it at the scene just because the scene was just so dynamic and because I wasn't asked during the interview, yeah. I didn't have any recollection and it's pretty vague.

Q. How many years has it been since this incident?

A. Three-and-a-half years, going on four.

Q. Have you ever used a spit hood before?
A. I have not.
Q. Have you ever carried a spit hood in your car?
A. I do not.
Q. Have you ever been trained on the use of a spit hood?
A. I have not.
Q. Have you ever been trained on the use of a hobble?
A. No.
Q. Have you ever dealt with an individual that had a spit hood on them?
A. No.
Q. Did you ask or request for the spit hood in this case?
A. No.
Q. Last couple of questions here I have for you, Officer. I want to talk to you about -- I talked to you about Sergeant Lim being on scene, Sergeant Rock was on scene as well; is that right?
A. Yes, sir.
Q. And Ms. Eakes actually asked you in cross-examination about multiple other officers being on scene at this point, I think she estimated anywhere from 13 to 20 officers?
A. Yes, sir.

Q. Where in the seniority ranks were you amongst those other officers?

A. I think I was one of the most junior officers on the scene.

Q. And if you had been doing something that was not in line with policy or training, would you have expected another more experienced officer to help you out?

MS. EAKES: Your Honor, I'm going to object. This calls for speculation.

THE COURT: Overruled. You may answer.

A. Absolutely.

Q. (By Mr. Conrad) And did anyone at any point help you or correct you in what you were trying to do?

A. No.

Q. And we talked about your partner, Officer Ford?

A. Yes.

Q. Is he more senior than you?

A. He is.

Q. And can you describe to the jury what it means to be partners with someone on scene, how you coordinate?

A. Well, me and Officer Ford, we worked very well together. During this whole incident he was right there, right by my side. So if there was anything I was doing inappropriate, if Officer Ford saw it, he would have spoke to me about this and I would have corrected it.

Q. And Officer Collins testified, and he used this word, "Rolodex of experiences;" do you remember that?

A. Yes.

Q. I'm going to ask you about your Rolodex of experiences as a police officer.

A. Okay.

Q. Prior to this incident, had you ever dealt with anyone that you believed might be experiencing excited delirium?

A. No.

Q. Had you ever dealt with anyone in a situation specifically like this?

A. No. Absolutely not. I -- this call, I've never had a call where multiple agencies showed up. Four agencies showing up is -- yeah, it was the first time for me.

Q. And in the eight minutes that you were there prior to Fire arriving, did you do your best?

A. I did.

Q. How many times did you place Mr. Ellis in the recovery position?

A. Twice. And I think I previously testified I tried to keep him in the recovery position as much as I could.

Q. Did you check him for injuries?

A. I did.

Q. Did you reassure him, with Officer Ford, to keep

breathing, to remain calm?

MS. EAKES: Your Honor, I'm going to object to the leading nature.

THE COURT: It's leading.

Q. (By Mr. Conrad) What did you and Officer Ford say to Mr. Ellis during the time period that you were there?

A. We kept telling him to relax, calm down, stop fighting, just breathe.

Q. Did you take his pulse?

A. I did.

Q. How many times?

A. Twice.

Q. Did you remove the Taser probes from him?

A. I did.

Q. Did you ever punch Mr. Ellis?

A. No.

Q. Did you ever kick Mr. Ellis?

A. No.

Q. Did you ever hit him in any way?

A. No. That would have been inappropriate.

Q. Did you ever cuss at Mr. Ellis?

A. No.

Q. And when Fire arrived on scene, I want to ask you about what you stated in your statement. This is State's Exhibit 65A. Can you turn to page 19.

A. Okay.

Q. Sorry. Page 20.

A. Okay.

Q. Line 17. I want you to take a look at it, refresh your recollection, and I'm going to ask you a question about it.

A. Okay.

Q. When Fire arrived, what was the first thing that you told them in response to their next to Mr. Ellis?

A. What do you need from us?

MR. CONRAD: I don't have any further questions. Thank you.

THE COURT: Recross?

RECROSS-EXAMINATION

BY MS. EAKES:

Q. Thank you.

Mr. Rankine, you gave a statement about this case on March 6, 2020; correct?

A. Yes, ma'am.

Q. And you knew at that time that Mr. Ellis had died; right?

A. Yes, I did.

Q. And you understood that this was a death investigation into what had happened to Mr. Ellis on March 3, 2020; correct?

A. Yes.

Q. And you had three days to be able to consider and counsel before you went in for this interview; correct?

A. Can you -- counsel? I don't know what that means.

Q. You had other people with you in the interview; correct?

MR. CONRAD: I'm going to object, Your Honor, and I'm going to ask to be heard.

THE COURT: Okay. Ladies and gentlemen, please excuse us, please do not discuss the case.

(The jury left the courtroom.)

THE COURT: Go ahead, Mr. Conrad.

MR. CONRAD: I'm a bit perplexed, Judge. I don't know what counsel -- I mean, counsel has now indicated -- I think she's violated at least two motions in limine, one is not to comment on their right to remain silent during the period of time it took them three days to come back and give interviews, and she's now commented on that. Three days, that he had time to seek counsel, to comment on his right to an attorney as well, which was another motion in limine, and then she's starting to go down that line of questioning that says, well, there was other people there with you at the interview. I mean, I'm shocked that we've made it this far into this trial and now we're going to create a mistrial in this scenario, because that's what I'm going to ask this

Court for at this point given the comments of counsel.

UNIDENTIFIED SPEAKER: Your Honor, can we get their mics on?

THE COURT: I think they're on.

MS. EAKES: Your Honor, I was not asking him about his right to counsel. I was asking him about the fact that counsel suggested that somehow, when the statement was given by Mr. Rankine that he didn't understand the importance of it that he didn't have time to consider all the facts that were given. And what I'm simply establishing is that Mr. Rankine knew that this was a death investigation. He knew it was being done by an outside agency, which is what I was going to ask him, that he gave the statement days after this particular incident, and he did have union representation there. I mean, he's not -- the suggestion that somehow he gave this statement without really understanding the importance of it or without having time to consider the facts or understand the gravity of it, I think, is misleading. And that's all I'm asking about.

THE COURT: Well, you used the word "counsel."

MS. EAKES: I believe what I was trying to ask him was whether or not he had time to consider and counsel himself before he was giving the statements.

THE COURT: Not counsel himself.

MS. EAKES: Well, that's what I was asking, Your

Honor.

THE COURT: Counsel means others assisted him in how to respond is what you --

MS. EAKES: Well, I asked him a second question. Then I asked him about whether or not somebody else was present; if he had other -- someone else with him.

MR. CONRAD: What was the intent -- I mean, where were you going with that?

MS. EAKES: That he had the union present with him.

MR. CONRAD: But why --

THE COURT: Why does it --

MR. CONRAD: That's a --

MS. EAKES: Why --

MR. CONRAD: -- motion in limine. If you needed to bring it up --

MS. EAKES: It's not a motion in limine with respect to having the union be present.

MR. CONRAD: Having a union attorney present there?

MS. EAKES: I didn't ask him about an attorney.

MR. CONRAD: But you just asked him about counsel.

MS. EAKES: I asked him if he had time to consider --

(Multiple speakers.)

MR. CONRAD: It's absolutely inappropriate.

THE COURT: Hold on, Mr. Conrad. Let Ms. Eakes continue.

MS. EAKES: I was asking him whether or not he had time to consider his actions and counsel himself before he gave his statement.

THE COURT: It wasn't counsel himself --

MS. EAKES: Well, Your Honor --

THE COURT: -- Ms. Eakes, with all due respect. It was not --

MS. EAKES: -- that's what I was attempting to ask him and I didn't ask him about having a lawyer. I understand that you can't say that, but then I was asking him whether or not somebody else was present. We can see in the transcript and they can hear from the recording that there were multiple people present. And again, I'm only addressing the issue --

THE COURT: Didn't we specifically redact those names and stuff?

MS. EAKES: No, we didn't redact the names, we redacted that it was a lawyer, but there were other people present when he's giving his statement. That's the issue.

THE COURT: Well, can I take a look at Exhibit 55A?

MR. CONRAD: 65A.

MS. EAKES: 65A.

THE WITNESS: Here you go.

THE COURT: Thank you. Is this the copy that we gave to --

MS. EAKES: Yes.

THE COURT: -- jurors?

MS. EAKES: Yes. This is the one that was given to them.

THE COURT: Mr. Meyers's status is not identified on that.

MS. EAKES: Correct.

THE COURT: Does he ask any questions?

MS. EAKES: He does.

THE COURT: Yes, he does. Well, he just says for the record his name.

MS. EAKES: Well, actually, he asks some questions later.

THE COURT: Does he?

MS. EAKES: Yes, he does.

THE COURT: I don't see where Meyers asks any questions. Maybe he did. You guys are more familiar with this.

MR. CONRAD: I mean, Judge, what does that matter? He has not indicated --

THE COURT: I --

MR. CONRAD: -- there's an attorney.

THE COURT: -- I understand.

(Multiple speakers.)

THE COURT: Hold on just a second.

MR. CONRAD: I'm sorry, Judge. I'm upset. And I think I have every reason to be.

THE COURT: I can understand that. My predecessor in this job was a guy named Tom Swaize, and Tom had a remarkable capacity for calming everybody in the courtroom when they got all worked up. I wish I had that now.

Anyway, one of the excellent things about Judge Swaize. Okay. Continue, Ms. Eakes. Do you have -- if you have more to say.

MS. EAKES: Your Honor, I think I've explained what I was asking about and the reason why I was asking about it.

THE COURT: The reason -- explain to me the reason why.

MS. EAKES: I'm asking about the impression that was left by counsel that Mr. Rankine, when he gave the statement, somehow didn't understand the seriousness of it or didn't have all of the information. In fact, he even asked him whether or not anyone had shown him any of the documents related to it. And again, I mean, he -- I wasn't going there, but, I mean, personally, I think he opened the

door with respect to the fact that he consulted with a lawyer. I mean, we don't know what documents he was shown and it's -- you know, to ask him and suggest that somehow he didn't actually have any information before he gave the statement, I think, is misleading.

THE COURT: How is it misleading if you don't know what he was shown?

MS. EAKES: Well, you're using this to -- as a sword and a shield; right? You know he has counsel, you know that he is prepared for it. We have every reason to believe that he had information, at least from the CAD before he gave that, or I'd be surprised if he didn't, and then to suggest that, you know, somehow he went in there without any knowledge about what had happened or didn't understand the seriousness of it is what I'm attempting to ask about.

THE COURT: So if a defendant talks to the police about an event and it happens that he's made the statement to the police after he's talked to his lawyer, would it then be appropriate to mention, after he's testified about all this, by the way, you talked to a lawyer before you talked to the police? Would that be appropriate?

MS. EAKES: No. That's not what I was asking him.

THE COURT: No, but I'm just asking for myself. Would that be okay?

MS. EAKES: No. Not to ask him about it in front of a jury.

THE COURT: You couldn't do that, could you?

MS. EAKES: Right.

THE COURT: I am wondering how much different this is. Mr. Ausserer, you're now standing. Did you have something?

MR. AUSSERER: Well, Judge, I'm at a loss because if Ms. Eakes actually believed what she's now saying, she would have asked to excuse the jury and address this outside the presence of the jury. She's a prosecutor who has an obligation to protect the constitutional rights of this defendant, this defendant, and that defendant. You don't get up in front of a jury and suggest that you spoke to counsel and then try to convince this Court, I'm not talking about speaking to an attorney. That's -- I'm trying to choose my words carefully. That's not credible, Judge.

Ms. Eakes wants a mistrial because she doesn't like how this case has gone, and that's exactly what she just tried to do in front of this jury.

THE COURT: So you think this was a deliberate attempt at --

MR. AUSSERER: Absolutely, 100 percent flagrant and ill-intentioned. You don't stand up and say, you had the right to counsel. You spoke to counsel.

MS. EAKES: I didn't say that.
MR. AUSSERER: You absolutely did.
MS. EAKES: I did not say that.
THE COURT: You came awful close to that.
MS. EAKES: Well, Your Honor, that's --
(Multiple speakers.)
MR. AUSSERER: Well, let's read the transcript back.
MS. EAKES: That's not what I asked and I wasn't intending to ask that.
MR. PURTZER: Let's read it back, Judge.
MR. CONRAD: Let's read it back, Judge.
THE COURT: Well, hold on. One thing at a time. If we're going to have it read back, you can't keep talking because the reporter --
MR. AUSSERER: Me or you?
THE COURT: None of us. Because then the reporter can't do all these things at one time. Jessica's magical, nearly, but not that magical.
MS. EAKES: And there's simply --
THE COURT: I'll simply ask Jessica to try to retrieve the part where Ms. Eakes uses the word "counsel."
THE REPORTER: Can we be off the record?
THE COURT: We can be off the record.
(The reporter read back at page 33, lines 6 - 12.)

THE COURT: You had three days and counsel.

MS. EAKES: I said to consider and counsel before, and I believe -- there's a question after that, as I recall.

MR. CONRAD: And then the next question is, and there were more people at the -- insinuating that --

THE COURT: Yeah. Okay. At -- I do think there's a violation of one of the orders in limine with respect to the presence of Mr. Meyers in terms of his status. If they don't know, before we took the pains to keep from the jury, now they do know that he was counseled, so I think that's a problem.

Now, what should I do about it? Are all the defendants asking for a mistrial?

MR. AUSSERER: I'm asking for a dismissal, Judge.

THE COURT: Well, we're not going to do that. Your argument is it is an intentional.

MR. AUSSERER: Absolutely intentional, Judge, and if it wasn't, she would have asked to be heard outside the presence of the jury like every prosecutor who's tried more than one case would have done.

THE COURT: Anyway, Mr. Fricke, and Mr. Purtzer, what's your client's position?

MR. PURTZER: Judge, we'll join in with them. It's -- I mean, enough's been said, but we will join in the motion.

MR. AUSSERER: I oppose a mistrial, Judge, from my client's perspective.

THE COURT: You oppose a mistrial?

MR. AUSSERER: Absolutely.

THE COURT: But you want a dismissal?

MR. AUSSERER: We'll let the jury decide. Dismissal for my client, and if you're going to deny that motion, we want to proceed with this panel.

THE COURT: If I -- if I don't grant a mistrial and I don't dismiss it, then yes, we proceed to the jury.

MR. AUSSERER: Yes.

THE COURT: So anyway, you're not asking for a mistrial?

MR. AUSSERER: No.

THE COURT: You're asking for a dismissal?

MR. AUSSERER: Yes, sir.

THE COURT: Basis of --

MR. PURTZER: Judge, one second.

THE COURT: Yes.

MR. PURTZER: Judge, we have -- we will join with Mr. Ausserer and Mr. Arbenz. We don't want a mistrial. The Court should clearly grant a mistrial for Officer Rankine.

THE COURT: You also think it's intentional?

MR. PURTZER: Oh, there's no question. There's zero question. Zero question.

THE COURT: You want to say anything else about it.

MR. PURTZER: There's nothing more to say.

THE COURT: Then I'm not going to omit it.

Mr. Conrad, anything else?

MR. CONRAD: I mean, I think it's a blatant violation. Just as Mr. Ausserer says, you know, if she didn't want to do that in front of the jury she would have taken it up outside the presence and raised, the issue with the Court. And this Court has commented on that multiple times.

When we were doing motions in limine, when we were preparing for this case, you indicated to counsel that if we think that a door's been opened, the appropriate thing to do is to take it up outside the presence of the jury. You specifically said that, Judge. At least I've been listening.

THE COURT: I've said it more than once.

MR. CONRAD: And so counsel knows that. Ms. Eakes knows that. And if she felt that the door was opened, she should have followed this Court's instructions.

But I agree with Mr. Ausserer. If she doesn't want a mistrial, she wants to just commit misconduct blatantly, intentionally, otherwise -- I mean, her explanation doesn't make any sense. It doesn't even pass

the smell test. To counsel himself? I mean, what -- counsel himself, that doesn't make any sense. And it's a -- the Court's found that it's a violation of the motion in limine and I'm going to ask for a dismissal.

THE COURT: So you don't want a mistrial either? Because you said you wanted a mistrial.

MR. CONRAD: I have to speak with my client, who is currently on the stand. I can't make that decision.

THE COURT: Well, I'll tell you what. We'll take our morning recess at this time, let the jury know, and you'll have an opportunity to consult.

(Recess.)

THE COURT: Welcome back, everybody. Please be seated. Okay, Mr. Conrad. Have you made a decision?

MR. CONRAD: So what I want to state, we're going to move for dismissal under 8.3 for misconduct.

THE COURT: So you're not asking for a mistrial?

MR. CONRAD: Well, I would be if the Court's inclined to find that --

THE COURT: Is this a negotiation?

MR. CONRAD: Well, I guess I'm wondering if the Court's going to find whether this was made in ill intent.

THE COURT: You've got to make your motion.

MR. CONRAD: Well, I'm going to start with a motion to dismiss under 8.3 for misconduct.

THE COURT: All right. So we've got a motion to dismiss from everybody, but not a motion for a mistrial, and two defendants saying we don't want a mistrial, I think. Okay. Ms. Eakes, your response.

MS. EAKES: Your Honor, I've already stated both questions, at worst, you've got one word that the jury heard based on what the court reporter read back of "counsel." And I can certainly go back. It's not any -- as I've already indicated, it was not my intent to ask about whether or not he had a lawyer, it wasn't my intent to try to suggest that he did, I was simply trying to respond to the issue of whether or not he had time to consider before he gave his statement, and he understood the seriousness of the incident at the time that he gave his statement. Those were my questions.

It's certainly not a violation that -- or an issue that the State believes would result in any sort of a dismissal. In the long course of things, it's unlikely the jury even understood the one word or what it means the same way that lawyers would. So -- and I'd offer that, you know, one way to cure is I can go back and say, you know, I had a poor choice of words. When you gave your statement three days later, you had time to think about it before you gave your statement. That's essentially all I was trying to ask him, and that would address it, or the Court, obviously,

could consider whether or not you wanted to give some sort of other curative instruction. But I don't think there's any basis to dismiss the case based on that single word.

THE COURT: Okay. Well.

MR. ARBENZ: Your Honor, can I just add something quickly?

THE COURT: Oh, sure.

MR. ARBENZ: Just for the record, counsel mentioned rule 8.3, but there's also RPC 3.8, which discusses the role of a prosecutor to be administrator of justice and not simply an advocate; that this responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence.

That's their duty, Your Honor. They took an oath as prosecutors to make sure that these gentlemen received a fair trial, and by overstepping procedural rights or commenting on them to obtain a guilty verdict is simply wrong and it's a violation of our rules of ethics.

Now, you'll recall Ms. Nicolavo asked about what one of our experts, whether they were being paid by PORAC, which also was a clear violation of what is established rules of evidence relating to collateral sources. And it's cumulative, the actions of the State here. Now they're losing this trial and they want a mistrial, and they're

putting us in the Hobson's choice either asking for something that's actually probably to our detriment or, you know, having to do it all over again. And that's not fair, Your Honor.

We're winning the case, they know it, and they did this on purpose, just like they did it with the PORAC argument earlier, PORAC statement.

MS. EAKES: I understand that obviously counsel has to take their position. There's no basis for the Court to conclude, nor is it true that the State in any way wants a mistrial in this case, nor was making any sort of effort to undermined our obligations as prosecutors. And I think that as the Court has seen, we have tried to present the evidence as fairly and straightforward as possible without any attempts to in any way violate the defendants' constitutional rights.

So I think we take that very seriously as the State, and we have attempted to conduct ourselves in that way and only put on the testimony in the most straightforward way possible.

So, I mean, the idea that somehow they're winning this case, I guess that's their perception. But obviously, all we want is for the jury to be able to make the decision with respect to the evidence.

THE COURT: Well --

MR. PURTZER: Your Honor, if I --

THE COURT: I'm sorry. You guys keep jumping up here.

MR. PURTZER: Final -- final word here. You know, Judge, the idea whenever you come into any type of a case and you start with a level playing field and you work from there. It doesn't always work that way, but that's what obviously we need to look at.

The criminal rules set forth the procedures to follow for both sides, and they also give the Court some latitude with regard to how to address particular issues when they arise.

This is one of those issues. 8.3 sets forth that the Court has the discretion and the authority to dismiss prosecutions if there's been a violation. There couldn't be probably a clearer violation of the motions in limine than what occurred here just now. I mean, it is ludicrous to suggest that the question was not asked for a particular purpose. It's simply ludicrous. It wasn't even close to what counsel asked for purposes of dealing with Mr. Rankine regarding did you know there was a video that existed. He simply had no idea. He simply recounted what the events were.

8.3(b) talks about the Court's motion to dismiss the prosecution and what the Court needs to show and/or has

shown to it that there's been a prejudice to the rights of the accused which materially affected the accused's right to a fair trial. And the idea is well, is it a fair trial.

When you throw in these gratuitous remarks, not only what counsel did previously with respect to Ms. Nicolavo in this reference regarding the payment, but for purposes of addressing that you had counsel before you met with these folks is simply wrong. It's prejudicial, and there's really no other word that you can use.

The Court has the authority and the ability to dismiss the charge. What it does to the defense is it puts us in the Hobson's choice when we are clearly in the right here. Do we ask for a mistrial, give the State a chance to reload and try this thing over again, or do we keep on going knowing we've got this taint on the case? That's not fair to the defense in any fashion. It's not fair to the defendants collectively because it was tried collectively.

So the damage that occurs to one individual, it impugns everybody. And so the Court has the discretion and the authority to dismiss a prosecution when you have that type of an arena that occurs as we have in this particular case.

And so Judge, we respectfully urge, pursuant to 8.3(b), that the Court exercises its discretion and understand -- it's a significant -- it's a tremendously

significant matter. But it's nothing that the defense brought. It's something that the State brought and the State has the responsibility to prosecute the case fairly, and that has not happened.

So, Judge, I ask you on behalf of Officer Burbank and also Officers Collins and Rankine that the Court dismiss the case pursuant to 8.3(b).

THE COURT: Well, can I ask you and Mr. Ausserer and I guess Mr. Arbenz, too, since he's spoken on this, how would misconduct as to Mr. Rankine's statement prejudice your clients?

MR. AUSSERER: Because all the Court needs to do is think back to the redactions on our client's statements, the same exact scenario is present. So the inference is all these guys had counsel. My client was interviewed on March 9, three days after Officer Rankine. We have the same redactions that were handed out that are in Officer Rankine's. How do you unring the bell that you're suggesting that these officers had days to seek counsel, other people were present, we redacted that in the transcripts, and then I asked that question specifically. That applies to Officer Burbank and it applies to Officer Collins just as it applies to Officer Rankine.

THE COURT: It's a bigger leap on the facts, though.

MR. AUSSERER: Well, but it's still -- they joined these cases. It prejudices this entire defense. Now, it certainly prejudices Officer Rankine more than Officer Collins, but there's no question there's prejudice to my client at all. I mean, now the jury's heard "counsel" and that there are other people present. Well, they heard this about the "counsel" comment, same circumstance with my client only three days later. So they're going to go back and go, well, if Mr. Rankine had counsel, so did Officer Collins, so did Officer Burbank. In fact, when we played the audio, we deleted out attorney Staropoli as it related to my client, so they know there's a redaction.

If the Court recalls the placing of my client's statement, Attorney Staropoli actually asked questions, intervened, and so now they know he has an attorney present who's inserted himself into the interview. And I think the State wants them to believe that he's directed this interview with six days of preparation to craft my client's explanation of what occurred that just happened to match up identically with the video evidence that's later produced. So I don't know how it doesn't implicate Officer Collins.

THE COURT: Well, of course, I think it's been well-established that the video evidence wasn't available to anybody.

MR. PURTZER: Right.

THE COURT: Or even known about, maybe even at that point in time, maybe. Maybe the Vivint video was known to Detective Brockway, but I don't think any of the other stuff was, certainly. We know that.

Well, okay. During -- I guess I'd say a couple things. One, there's been a couple of comments like this on both sides of this case. You mentioned the one by Ms. Nicolavo earlier and that was wrong, I agree, and said so at the time. We also had the comment, I don't know if it was Mr. Bol or Mr. Wolfe from the Pierce County Sheriff's Office about after the 2019 event, Mr. Ellis was still alive and you dealt with him. That was really gratuitous and out of line, and I'm not sure what that was a product of, but I don't think at that point in the stage you could say the State was trying, angling for a mistrial.

The reason for the rule about this, to some extent, in terms of having a dismissal instead of a mistrial, the idea of it is that if the State is in a situation where they've got a likelihood of not prevailing, the Court, of course, has to find this, but my thinking is that if the State feels like they're not going to prevail in something and they kind of want a do-over, well, they can't just say, We're going to dismiss the charges and refile because jeopardy is attached and double-jeopardy will apply, and they couldn't refile.

So the argument by the defense is, in those circumstances, that the State intentionally does some kind of misconduct in order that the Court will declare a mistrial so they can get their do-over without jeopardy attachment. And if the State does that or the Court believes that the State has done that, the Court should say what it is. I mean, you're trying to evade the constitutional right about double jeopardy.

Now, I mentioned the idea that there had been some remarks on both sides. I think we gave Mr. Arbenz a shot for saying something previously, too. I've done this kind of stuff for a long time, both as judge and lawyer, and when we're nearly three months into a trial, I appreciate that emotions get high and tempers get short and patience gets short. And we all get a little bit testy here.

It's possible that the use of the word "counsel" in the circumstances was a misstatement by Ms. Eakes, but it just seems to me so -- that he was trying to counsel himself, I just think that's not credible. I don't think that's what happened here, and I do think she mentioned "counsel" because in the spirit of the moment, she got -- trying to make a point and substantially -- I said in general, I guess I point out she went too far. And so yes, I do think it was a violation of the order in limine, but all errors do not make a mistrial nor a dismissal. I don't

think she did it for the purpose of achieving a dismissal. I don't -- because of that, I don't think there's any reason -- or to achieve a mistrial. And for that reason, I don't think there's any reason for the Court to think the State did this in order to get a do-over, and therefore, evade the consequences of the due process requirements of the Constitution. So I don't think a dismissal is justified, and that was pretty apparent to me immediately, just the way -- how this happened in the moment. But it was a little more than misspeaking, certainly.

Then the question is, no one's asked me for a mistrial, maybe -- although it sounds like Mr. Conrad is hoping to keep one in his pocket. Are you making a motion for a mistrial or not?

MR. CONRAD: I'd ask to reserve on that at this point. I'm trying to do my homework and look at the case law, and I want to make an informed decision.

If the Court's not going to dismiss at this time then I'd ask to be heard maybe at a later date on that so I can look at the case law and we can make an informed decision. At the very least, I'd ask for sanctions under 8.3.

THE COURT: What kind of sanctions are you talking about?

MR. CONRAD: I'd ask that the State -- I'd ask

that the State forfeit the remainder of their cross-examination and not be allowed to add the additional lesser included of manslaughter in the second degree.

THE COURT: I don't think those are appropriate remedies. You want me to instruct the jury in some way to disregard the --

MR. CONRAD: I don't. Want to stay far away from this area. I don't think it's even appropriate to start talking about you had three days to think about this because, again, it implies --

THE COURT: She's already gotten that in. The question was is you did this. When did you do this interview, this was the date, that was three days later. So that's in. I can't change that. Those are the facts. I'm not going to edit the truth here.

MR. CONRAD: I understand. Well, I'd ask to reserve ruling on the mistrial issue so that we can brief it.

THE COURT: Well, I'm not sure you can do that or not. I think you kind of have to make your motion or not. But if you don't want to make it at this time, I'm not going to force you to. It may have some impact on whether or not we grant it.

MR. CONRAD: Understood.

THE COURT: You know, you just kind of --

MR. CONRAD: Well, I don't think that there shouldn't be any remedy in this scenario; right?

MR. PURTZER: Your Honor, if I might jump in, I'd ask that we take a recess until 1:30 and come back and address it.

THE COURT: Well, I'm not going to do that either. Well, I'm not hearing a motion, so I'm not going to move forward to have a discussion about that.

MR. CONRAD: So can I have -- can I -- can we take one other brief recess for 5, 10 minutes so I can talk to my client about this decision?

THE COURT: We took a break for over 15 minutes so you could do just that.

MR. CONRAD: Can I have another five minutes for it, please, Judge?

THE COURT: I'll give you 30 seconds because this hasn't -- it's not like this is anything new. We talked about this now.

MR. CONRAD: Okay.

THE COURT: It's time to make a decision or not.

(Brief pause in proceedings.)

THE COURT: Okay. Time is up.

MR. CONRAD: Judge, I'll make the motion at this point for a mistrial.

THE COURT: Any additional comments you care to

make in support of your motion?

MR. CONRAD: Well, my read of the case law is that the Court can declare a mistrial without us requesting it if the Court feels that it's appropriate, and the Court's alluded to this as well, that if the Court feels that the prosecution is putting us in the predicament of essentially trying to retry this case or accepting a case that could be prejudiced, then it amounts to government misconduct. I don't think it needs to be intentional or even in bad faith for it to --

THE COURT: Well, I'll grant you, some mistakes are more serious than others and it doesn't have to be intentional misconduct for the Court to dismiss a case, I'll grant you that. But intentional misconduct for a dismissal is a suggestion that it was intentional to get a dismissal to evade the due process rights. That was a point I think Mr. Ausserer was making when he made his motion for dismissal in the first instance. I've already dealt with that.

But anyway, continue. I wanted to -- if I was unclear, I wanted to make that more clear. Anyway, so you made your motion for a mistrial. Anything else you want to add?

MR. CONRAD: No.

THE COURT: Nothing else? Okay. Ms. Eakes.

MS. EAKES: Your Honor, I think I've already stated before, but just the Court -- as the Court knows, we're ten weeks into this trial. The jury's been hearing evidence for ten weeks, and, you know, a single inadvertent word or, you know, in this particular case at this particular juncture does not warrant any sort of a mistrial. I think it could easily be cured to the extent the Court thinks it needs to be cured.

I would just say that most people, they don't know what "counsel" means in terms of it's not like I said "lawyer." I mean, where most jurors and lay people might understand it --

THE COURT: I have to say, I think I've used the word "counsel" multiple times in the course of this trial. Jurors would have heard that, and there's clearly referencing the lawyers in the case, I mean --

MS. EAKES: So --

THE COURT: -- it certainly does have two meanings, but in the context here, it seems to me it could only be a reference to a lawyer. But anyway, go ahead and -- I've already made that ruling.

MS. EAKES: Yes, and -- you have, but for those reasons, Your Honor, I don't think it warrants any sort of a mistrial in the case.

THE COURT: Okay. Well, there's a natural sort of

human emotional response where -- that says we've been down this so many weeks and months, we've done so much effort here, let's just get to the finish, and it seems to me that's a very dangerous way to think about this. Rather, you have to look at it and say, how serious is this in terms of whether or not the defense is actually getting -- has had an opportunity for a fair trial impaired, and any error that touches upon the implication of a constitutional right is often considered on its face prejudicial.

But I do think here that the mistake was not calculated to try to get a mistrial, one. Two, it was sort of nipped in the bud by the motion that was made here. It didn't get to be so serious that I think that the defense has had a -- is likely to have an unfair trial if we proceed with this. And I have offered another remedy, like instructing the jury, which the defense has declined, I think, and I understand the reason why they declined it because they don't want to emphasize the error that much more, which only you can and sometimes exacerbate the error. So defense sometimes feels under the circumstances like this, that they're helpless at this.

And I keep in mind as well this: Which when we talk about the error of sort of saying how much time do you have to -- we've spent on this already and we don't want to say just toss that over. But if the error's bad enough,

we'll do that if that's what we have to do. I'm not happy about it, certainly.

One also keeps in mind the idea that somebody situated as the defendants are here, have a huge financial stake and nothing else never mind their liberty interest, which is, obviously -- a huge financial stake in not having to redo this trial now. They could lose counsel. They could have to hire new counsel because of things like that. And that would certainly be deleterious to any defendant and all the more reason why it's important for us to cooperate to try to avoid any other errors in this case.

But I don't regard this one as serious enough to justify a mistrial because I don't think the defense is so seriously prejudiced. An instruction to the jury might considered -- be considered curative and I would give one if the defense requested it. I'm not -- I am understanding that they do not want one, so I'm not going to give one over their objection. So with that, I'll deny the motion.

MR. CONRAD: Judge, my only remaining comments are, then, I think we should move away from this topic. Obviously, the question of whether he understood the serious nature of the investigation has been already -- that point has been made. But to then start asking questions, again, eliciting that, you know, he had three days to think about it or anything regarding --

THE COURT: Well, I would hope we wouldn't go to the three days because, again, we've already done it and it would be cumulative, although it is cross-examination. She also managed to elicit that Mr. Rankine knew that Mr. Ellis had passed at the time he gave the interview. All that stuff stays in.

MR. CONRAD: That's fine. I just --

THE COURT: I'm not -- I guess you'll have to go on a case-by-case basis and we'll see what the question is. If it's objectionable I'll sustain it. If it's not, I won't.

All right. Let's have the jury back. And Officer Rankine, if you would please retake the stand.

(The witness resumed the stand.)

(The jury entered the courtroom.)

THE COURT: Okay. Welcome back, everybody. Please be seated. Okay. That objection is sustained. Please ask a new question, Ms. Eakes.

Q. (By Ms. Eakes) So Mr. Rankine, at the time you gave your statement to the Pierce County Sheriff's Office, you understood that they were investigating the circumstances of Mr. Ellis's death; correct?

A. Yes.

Q. And you understand -- they specifically asked you how long Mr. Ellis was prone; correct?

A. I believe so. You'd have to show me.

Q. If you want to take a look -- do you have your statement there?

A. I don't.

MS. EAKES: Does the Court still have the statement?

THE COURT: No. Wait a minute. Maybe I do. Hold on a second. I'm sorry.

Q. (By Ms. Eakes) Handing you back what's been marked as 65A, if you want to turn to page 31, at line 17 you were asked by Lieutenant Brockway, So it sounds like he was on his stomach during the hobble for a time --

A. I'm not there yet. Can you give me a second?

THE COURT: You said page 31?

MS. EAKES: Page 31, line 17.

Q. (By Ms. Eakes) So it sounds like he was on his stomach during the hobble for a time, rolled to his right side, and then back down to stomach, and then back to the right again --

MR. AUSSERER: Your Honor --

Q. (By Ms. Eakes) -- is that right?

MR. AUSSERER: -- I'm going to object. Ms Eakes is reading from --

THE COURT: Well, he ask her to point out to him where in the transcript it talks about that, so Ms. Eakes is

fine doing this.

Q. (By Ms. Eakes) And you answered, Yeah. Correct?

A. Yes.

Q. And then he asked you, Okay. And any -- and this may be hard to estimate, any idea how long he's on his stomach hobbled? And you replied, I couldn't tell you. Correct?

A. Yes.

Q. And that's what you said back on March 6, 2020; correct?

A. Yes, as in I don't have a specific time. I can't give you minutes and seconds of how long Mr. Ellis was in a certain position. But my independent recollection of it was that he was in the recovery position a majority of the time.

Q. But you didn't say that in the March of 2020, did you?

A. It wasn't asked in that sense, and I took it as --

Q. You didn't say it; correct?

A. I didn't.

Q. You said you couldn't tell him; correct?

A. I couldn't tell him specifically minutes and seconds.

Q. All right. You were also asked in the statement specifically about your actions in terms of putting pressure on Mr. Ellis; correct? And you described what you were

doing; correct?

A. I believe so.

Q. And in fact, if you take a look at page 19, you said to them, but you were talking about the --

A. Can I get there?

Q. -- the fire department -- at line 11, you said, but they were already, I don't know, just a few blocks away from us, which I thought was really strange, you know, for Fire to pull up on a scene and see numerous cop cars there and then they just kind of rolling up all slow, like, to our scene.

So at that point in time, I still had control of the guy's upper body. My right knee was around the right shoulder blade of him and my left knee was on the middle of his back still. He was not thrashing around as much anymore. His head was turned to the left of his body. I did notice that his breathing was still the same. Was breathing his -- I could see the chest -- his chest rise and fall. And as Fire was getting there, I made the decision to roll him back on the subject's right side again just because from my medical training and experience, that was the best position to put someone in. It's like the recovery position is what they call it. Correct.

A. Correct. And what I'm trying to describe in the statement when it's been recorded is that I see Fire turning from Pacific and coming down the hill, and I rotated him into

the recovery position.

Q. And then you were asked about the time that Fire arrived at Mr. Ellis or at the scene; correct? Do you recall that?

A. Yes.

Q. And you wrote up there, or your counsel wrote up there, that Fire arrived at 23:33:09; correct?

A. Yes.

Q. And you were asked to read that from Exhibit 24?

A. I believe so.

Q. If we could take a look at Exhibit 24 again. If you want to take a look at page 3 and if you could blowup the section that says response times and mileage, what time does Fire say that they actually arrived at Ellis's side?

A. 23:34:41.

Q. Okay. So let's put that up there. 23 -- what is it, 34?

A. 41.

Q. So that's actually the time that Fire was in contact with Mr. Ellis; right?

A. I believe yes. That was testified to, yes.

Q. All right. So in terms of the eight-and-a-half minutes that didn't take into account the minute and 30 seconds that it took for them to actually get to Mr. Ellis and take care of him; correct?

A. Correct, but I don't know how I would have been able to control that.

Q. Now, you were asked about the CAD --

MR. CONRAD: Judge, could we move the easel so the jury can see my client?

MS. EAKES: Sure.

MR. CONRAD: Thank you, Ms. Eakes.

Q. (By Ms. Eakes) Now, you were asked some questions on cross about the prior stop -- or excuse me -- on redirect, I believe, or one of the other crosses. Could you take a look at what's been marked as Exhibit 13. Handing you what's been marked as Exhibit 13.

MR. CONRAD: Judge, I think that's beyond the scope. I never asked any questions about the prior stop.

THE COURT: I don't know what you're going to ask, but go ahead and ask your question.

Q. (By Ms. Eakes) This is the CAD that relates to the prior stop that you backed up Officers Ford -- or excuse me -- Officers Collins and Burbank on; correct?

A. Yes.

Q. And that contains the same kind of information that is Exhibit 17; is that right?

A. Yes, I believe so.

Q. And it's recorded in the same way?

A. I believe so.

Q. And this is something that you rely on as officers; correct?

A. Yes.

Q. And in fact, this CAD documents what time you cleared the scene with respect to the back-up call, the prior stop; correct?

A. Are you asking me what time I cleared this traffic stop?

Q. Does it have the time on it that you cleared the traffic stop?

THE COURT: I believe this was testified to by Officer Ford. This time.

MS. EAKES: Yes.

THE COURT: So why are we doing that again, especially since counsel claims it's outside the scope?

MS. EAKES: Just asking whether it contains that time. I wasn't going to ask him about the time, but I would offer Exhibit 13.

THE COURT: Well, yes, you are. Anyway.

Is there an objection to that?

MR. CONRAD: I don't have any objection to that.

MR. AUSSERER: No objection, Judge.

MR. PURTZER: No objection.

THE COURT: All right. 13 is admitted.

MS. EAKES: Thank you.

Q. (By Ms. Eakes) And that does contain the time -- the time that you listed that you had cleared that prior stop; correct?

A. I did not clear that stop, so I would believe, yes, it is listed on here.

Q. Okay. You were asked questions yesterday by defense counsel for Collins about how it would violate policy to remove the handcuffs from Mr. Ellis; do you recall those questions?

A. Yes.

Q. And you said that it would; correct?

A. Yes.

Q. Do you understand the questions I was asking you were about whether you could have released the hobble from the handcuffs, meaning just keep the hobble on, but release it from the handcuffs?

A. I don't really know how the hobbles work, so I don't -- I couldn't answer that question.

Q. You didn't know how to release the hobbles from the handcuffs?

A. I mean, I could have, but that could have defeated the purpose of the hobble, so I don't know.

Q. Okay. Well, his feet would still be bound; correct?

A. I don't know how it works.

Q. Did you see that the hobble was wrapped around his feet in order to keep his feet from being able to move?

A. I did not see. I think I explained in my testimony I did not see the hobble being applied. I saw the hobble, but I don't know how it's used.

Q. Right. But when the hobble was on Mr. Ellis, did you see that it was cinching his feet together?

A. No, I did not.

Q. You never saw that?

A. I never looked back to his feet.

Q. Well, you would agree that there's nothing in the TPD policies that would have prohibited you from releasing the hobbles from the handcuffs, is there?

MR. PURTZER: Objection, relevance, Your Honor.

THE COURT: Well --

MR. PURTZER: It's factually not accurate, so I'm not sure.

THE COURT: I don't know. The -- I don't know -- it's already been testified to, and maybe there's a dispute about this, but I don't think so, but the word "hobbles" doesn't appear anywhere in the policy; right? So by definition, it's not going to say anything about it. Am I missing something?

So the issue was is there something in the policy which says there are some extra policy kinds of steps that

officers can take; right? That's another aspect of this, but that wouldn't be in the policy, and that would presumably be one of these things. So I'm not sure it's a fair question. Obviously, by definition, it wouldn't be in the policy. Am I missing something.

MS. EAKES: I'm responding to the questions that were asked about the policy violations yesterday, and that's what I'm asking to establish, Your Honor.

THE COURT: And you can. But with respect to actually talking about what's in that policy, you can ask him about what would be wrong about that and so on, or what he meant by it when he responded to the question, but specifically asking him about the policy it seems to me misleading and unfair to the witness.

MS. EAKES: Okay.

THE COURT: But you can ask about this in other ways.

Q. (By Ms. Eakes) There was no reason why you can't release the hobble from the handcuffs, was there?

A. I think that got answered yesterday. There was fear and risk that he may start fighting again.

Q. Even after Mr. Ellis had stopped responding to you?

A. When you say "stop responding" as in he did not really talk to us the whole entire time, so.

Q. Correct. And he didn't move? He wasn't moving at

a certain point; correct?

MR. PURTZER: Your Honor, this is asked and answered on her first cross.

THE COURT: I'll allow this. At a certain point, I'm not sure what you mean by that because you did say there was a time where he stayed calm and then started struggling again. Do you mean after that?

MS. EAKES: Yes.

THE COURT: You can ask him -- narrow it down to after that and I think that would make some sense.

Q. (By Ms. Eakes) Well, let me ask you a better question.

Is there any reason you couldn't have taken the hobbles and connected them to the front to Ellis's handcuffs instead of behind him?

A. I don't think that's possible. I don't know how that would work if his hands are behind his back, you can't.

Q. Could you have moved the handcuffs to the front?

A. It's not something I have ever done.

Q. So is it your testimony that because you're not familiar with the hobbles, you're not -- you weren't able to think of other ways that you could have changed the hobble around?

MR. PURTZER: Object to the form of the question, Judge.

THE COURT: Well, his answer was not with the hobbles specifically. He was saying how do you move somebody who's been handcuffed behind their back to their front. I think the only way to do that is to unhandcuff them; right? And I think what he's saying is his experiences he doesn't do that or hasn't done that. That's independent of the hobble. If you want to ask him about the hobbling, too, that's fine.

Q. (By Ms. Eakes) In terms of your testimony, do you recall being asked by Mr. Burbank or Mr. Collins' counsel whether or not Mr. Ellis was alive for 30 minutes after his client helped restrain him? Do you recall being ask about that?

A. Yes.

Q. And you said that he was; correct?

A. Yes.

Q. And you would agree that Fire arrived at Mr. Ellis's side at 23:34:41?

A. Yes.

Q. And it was only moments after they arrived that they told you that Mr. Ellis was going to code; correct?

A. Code as in?

Q. Did they tell you he was going to code?

A. Yes.

Q. And you understood that to mean that he could die;

correct?

A. Possibly.

Q. He was at least going to need CPR; correct?

A. Yes.

Q. You understood at that point that Mr. Ellis's health was -- or his ability to survive was -- he was in critical condition; correct?

A. I think what Lieutenant Wilson testified that his medical status was declining.

Q. And I'm not asking you about Lieutenant Wilson's testimony, I'm asking about what you recall.

A. That's what I recall.

Q. Do you --

A. His medical status --

Q. Did you understand --

A. -- was declining, yes.

Q. You understood that Mr. Ellis was in critical condition when Fire arrived; correct?

MR. PURTZER: Your Honor, object. It's been asked and answered.

THE COURT: It misstates his answer. He said that he understood it to be that he was declining and you've restated it is your testimony this, which is not what he said.

Q. (By Ms. Eakes) Is it your understanding that only

his condition was declining and that he wasn't in critical condition?

A. I don't know what you mean by "critical condition."

Q. Now, you were asked by Officer Burbank's counsel about how you were talking to Mr. Ellis throughout the contact with him; correct?

A. Yes.

Q. And that you were checking on his well-being?

A. Yes.

Q. But he never responded to you; correct?

A. Besides the I can't breathe, no.

Q. During all of the times that you were speaking with him, you never noticed that he was wearing a spit hood on his head; correct?

A. I think I previously testified I know the spit hood was put on him at some point in time, it's just very vague in my memory of when and who put it on.

Q. But didn't you testify yesterday that you didn't notice the spit hood until Fire was treating him?

A. That would be consistent with what I just said, as in it's vague when the time is.

Q. Okay. It was after Fire arrived?

A. Yes.

MS. EAKES: If I could have just a moment. That's all. Thank you.

MR. PURTZER: I have no further questions.

THE COURT: Mr. Ausserer.

MR. AUSSERER: I have to ask a couple of questions, Judge. Sorry.

RECROSS-EXAMINATION

BY MR. AUSSERER:

Q. Good morning. How are you?

A. Good, sir.

Q. Ms. Eakes just suggested now additional alternatives to what she suggested yesterday; right?

A. Yes.

Q. Using hindsight, that's not allowed under case law; right?

A. Yes.

MS. EAKES: Your Honor, I'm going to object because that's argumentative.

THE COURT: You asked for an opinion of the law about this, so I'll sustain the objection.

MR. AUSSERER: Understood.

Q. (By Mr. Ausserer) Is what she just suggested -- and when I say that, meaning to detach the hobbles from the cuffs that are behind the back, uncuff Mr. Ellis, recuff him in the front, and then attach the hobble chord to the front -- a reasonable alternative in this situation?

A. At that time, no.

Q. Have you ever seen anybody do that?
A. No.
Q. Have you ever been trained that that's even a viable option?
A. No.
Q. Are there greater risks to Mr. Ellis, to the officers, and to the community if you were to do what Ms. Eakes just suggested you do?
A. Absolutely.
Q. What could happen?
A. He could fall once you take him out of the handcuffs. I've had multiple people just start fighting once they're out of handcuffs. I mean, it's...
Q. I want to follow up on the timeline Ms. Eakes wrote in. She added 23:25:25 as to when Lieutenant Wilson arrived on scene. Do you remember her adding that to the timeline?
MS. EAKES: Your Honor, I'm going to object to that's not what I wrote.
THE COURT: Well, it was at the patient.
MR. AUSSERER: Oh, sorry
MS. EAKES: Well, that's not the right time he cited.
MR. AUSSERER: I'm sorry.
Q. (By Mr. Ausserer) it's 23:34:31.
MS. EAKES: 41.

Q. (By Mr. Ausserer) I'm old. 41. Do you remember her asking those questions? She added an additional minute or so to the time frame?

A. Yes, sir.

Q. From the time Fire arrived, meaning at the location, to the time a medic got to Mr. Ellis; right?

A. Yes, sir.

Q. If I understood your testimony when Mr. Conrad was asking you questions, you turned him over into the recovery position when you saw that truck coming down off of Pacific Avenue; right?

A. Yes, sir.

Q. So she's just added another minute of time in which you had him in recovery prior to Lieutenant Wilson getting there; isn't that right?

MS. EAKES: Your Honor, I'm going to object that that's argumentative.

Q. (By Mr. Ausserer) Well, that's actually accurate; right?

A. Yes, sir.

Q. Then she asked you about whether or not it was accurate to suggest or answer yesterday to my question that Mr. Ellis was alive for more than a half an hour after Officer Collins was relieved; do you remember me asking you that?

A. Yes, sir.

Q. You agreed with that?

A. Yes, sir.

Q. It's actually longer than that, isn't it? Because he was pronounced dead at 12:20 in the morning, wasn't he?

A. Yes, sir.

Q. Not when medics arrived at 23:34:41?

A. Yes, sir.

MR. AUSSERER: I don't have anything else, Judge.

MR. CONRAD: Is it my turn, Judge?

THE COURT: Give me just a second here. Okay. Go ahead, Mr. Conrad.

REDIRECT EXAMINATION

BY MR. CONRAD:

Q. Officer Rankine, who did you ask for permission to remove the cuffs after Fire had arrived on scene?

A. Sergeant Lim.

MR. CONRAD: No further questions.

THE COURT: Any further cross?

MS. EAKES: No, thank you.

MR. PURTZER: Nothing for me. Thank you.

THE COURT: Mr. Ausserer?

MR. AUSSERER: Nothing. Thank you, Judge.

THE COURT: You may step down. Thank you.

(The witness left the stand.)

THE COURT: Next witness.

MR. PURTZER: Your Honor, we need to bring up a matter outside the presence of the jury before we...

THE COURT: It's about nine minutes to noon, so we'll probably break for lunch as well, so we'll see you back later.

Please do not discuss the case amongst yourselves or with anyone else. Please do not permit anyone to discuss the case with you or in your presence. Please do not video report on in the media on this matter.

(The jury left the courtroom.)

THE COURT: Mr. Purtzer.

MR. PURTZER: Your Honor, thank you. It's our turn to put on Officer Burbank. We are not going to do so. I think the judge has to ask him certain questions regarding his decision in order to testify or not.

THE COURT: Well, Officer Burbank, you realize you have a right to testify at this trial?

THE DEFENDANT: I do, Your Honor.

THE COURT: Of course, you have a right to present other evidence as well.

THE DEFENDANT: I do, Your Honor.

THE COURT: And other evidence has been presented already.

THE DEFENDANT: Yes, Your Honor.

THE COURT: Some by other defendants, some by the State. Have you any questions about your providing testimony in this case with your lawyers?

THE DEFENDANT: Excuse me, Your Honor. I didn't understand that.

THE COURT: Have you discussed this issue about whether you should testify or not with your lawyers?

THE DEFENDANT: Yes, I have, Your Honor.

THE COURT: Do you have any questions about it?

THE DEFENDANT: I do not.

THE COURT: Do you feel like you understand your rights and you understand what the circumstances and what the consequences would be of your potential failing to testify?

THE DEFENDANT: I do, Your Honor.

THE COURT: And compared it with your actually testifying?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And having all that in mind, is it your desire not to testify in this case?

THE DEFENDANT: That's correct, Your Honor.

THE COURT: Either counsel wish to make any kind of additional statement of what the circumstances are here?

MR. FRICKE: No, Your Honor.

MR. PURTZER: No, Your Honor.

THE COURT: Okay. So does that mean that Officer Burbank is going to rest?

MR. PURTZER: That's correct.

THE COURT: How about Officer Collins?

MR. AUSSERER: With the exception of the outstanding issues of the medical records, Mr. Collins will be resting.

MR. PURTZER: Same with Officer Burbank.

THE COURT: We have this issue about medical records. Mr. Conrad?

MR. CONRAD: Same position.

THE COURT: So no other witnesses for any of the other defendants either?

MR. AUSSERER: No, Judge.

MR. CONRAD: Well, here comes my Colombo moment. I guess I'm -- I'm inquiring of whether the State intends on putting forth any type of rebuttal case.

THE COURT: They'll let you know once you rest.

MR. CONRAD: I mean, I was looking at the case law on this, but because I haven't dealt with this issue before, I think I've had one case where there was rebuttal. Would the defense be entitled to a surrebuttal, then, if there were new issues brought up?

THE COURT: Yes.

MR. CONRAD: Then with that I don't think that we

intend on calling other witnesses other than dealing with the medical record issue.

THE COURT: Is the state going to have any rebuttal?

MS. EAKES: I'd like to have the lunch hour, at least, and actually would like to have the Court's ruling with respect to medical records, too, before we.

THE COURT: Well, I think some of them are coming in. My understanding is Ms. Nicolavo got a new redacted version of this from Mr. Conrad this morning and wanted to go through that before she was ready to discuss it; is that right, Ms. Nicolavo?

MS. NICOLAVO: Your Honor, I do have those to go through in addition to I have a redacted version that we're doing that is going to be ready in 10 minutes to print up to provide to the court.

THE COURT: Well let's assume for just a moment that we're not going to have any rebuttal. What should we do now with respect to the jury? It's Wednesday at noon, we still got jury instructions to talk about and so on.

I don't know if we're going to be able to get this all done by tomorrow morning. So should we recess as far as the jury is concerned until Monday morning? Is that what people think we ought to do? I'm getting a nod yes from Mr. Ausserer.

MR. AUSSERER: (Shakes head.)

THE COURT: Ms. Nicolavo seems to think that, too, just based on nods.

MR. FRICKE: We are agreeable to that, and think it's appropriate.

THE COURT: Ms. Eakes?

MS. EAKES: Same. I think it's going to take a while to iron out the jury instructions, et cetera.

THE COURT: Okay. Then the only question is am I going to bring them in here for the next five minutes so you guys can say you're going to rest subject to these documents that they haven't seen yet.

MR. AUSSERER: Then they wouldn't have to come back this afternoon.

THE COURT: I think we're giving them lunch.

THE CLERK: They've already got it. They're eating it now.

THE COURT: Are you going to be ready to make a decision about -- assuming that's all they're going to have, are you going to be making a decision now about rebuttal? Because otherwise, I'm not going to send them home.

MS. EAKES: Well, first of all, I don't think we'd have any rebuttal witnesses today, so you could send them home.

THE COURT: Then the question is do I send them

home until Monday or tomorrow?

MS. EAKES: I guess the only thing, I guess I would say is that we kind of somewhat -- we'd like to know what the Court's going to do in terms of which records are going to come in, but we can make a decision --

THE COURT: Does that make a difference to your rebuttal?

MS. EAKES: -- after lunch --

THE COURT: I mean, I know you want to know that, I mean, I want to know it, too.

MS. EAKES: Sure.

THE COURT: There's not going -- hold on a second. There's not going to be any additional testimony as to the medical records; right?

MR. CONRAD: I don't see how the medical records would be something new or unexpected.

THE COURT: Bear with me for a moment, Mr. Conrad, and answer my question. You're not going to have any additional testimony associated with the medical records?

MR. CONRAD: Correct.

THE COURT: Now you can sit down.

So Ms. Eakes, understanding that, you know what the medical records are. I mean, I'm just trying to be courteous to the jury. I don't really have a dog in this fight. If you want to call somebody else, it's completely

fine with me. I just don't want to waste their time. If we can send them home, then that would be great. If we can't because we have another witness this afternoon or even tomorrow morning, if you're going to call somebody and you know they're going to be available tomorrow, then that's great. But just let, me know. That's all.

MS. EAKES: I want to let you know and I don't want the jury to be around, I just need a little time to talk with the team. That's all I'm asking. I mean, I hate to make them stay over lunch, but I mean, maybe we could even come back at 1:00 or, I mean, I just need a little bit of time to confer, so...

MR. AUSSERER: Judge, we could just rest at 1:30 in front of the jury --

THE COURT: I guess they're getting lunch anyways, so I guess we'll do that.

MR. CONRAD: When would we deal with the medical records prior? I thought we were going to deal with them prior to resting.

THE COURT: Well, you are, but in the sense that we're going to let the jury know that subject to these medical records being admitted, and there's going to be some admitted, I think that's pretty clear, but which ones and to what extent, we don't know yet.

MS. EAKES: And the jury is going to just be told

that these exhibits have been admitted; correct? There's no reading or presentation of them in any way?

THE COURT: That's my expectation. The only time they would kind of come up in terms of being discussed at that point would be in closing argument.

MS. EAKES: Right.

THE COURT: Which they might. So when we come back at 1:30, you can tell us if you're going to have rebuttal, we'll let them rest on the record subject to these medical records. And meanwhile, during the lunch hour you actually work out the details as to the medical records, that would please me no end.

MS. NICOLAVO: We won't.

MS. EAKES: Someone's pessimistic back there.

THE COURT: No way, that's not going to happen. The judge will be disappointed yet again.

So at least resolve to try to figure out what rebuttal thing you're going to have and let us know what that is at 1:30 and we'll let the -- the jurors have been gone for lunch already.

THE COURT: So we'll be back at 1:30.

MS. BREMNER: 1:00 or 1:30, Your Honor? I'm sorry.

THE COURT: 1:30.

(Luncheon recess.)

REPORTER'S CERTIFICATE

I, Jessica Sanford, Certified Court Reporter, certify that I am the official court reporter for Department 4 in the Superior Court of the State of Washington in and for the County of Pierce; that on 12/6/2023, I was present and reported all of the proceedings in State of Washington, Plaintiff, vs, Matthew Collins, Cause No. 21-101287-4, State of Washington vs. Christopher Burbank, Cause No. 21-1-01286-6, State of Washington vs. Timothy Rankine, Cause No. 21-1-01288-2. I further certify that the foregoing 89 pages contain a true and accurate reproduction of the proceedings transcribed.

/S/ Jessica Sanford
Jessica Sanford, RPR, CCR 2371

Redaction Log

Total Number of Redactions in Document: 41

Redaction Reasons by Page

Page	Reason	Description	Occurrences
269	Access-WACIC/NCIC	WA Access Database-WACIC/NCIC- It is exempt from disclosure under RCW 42.56.070 and 28 USC § 534, see also 28 CFR 20.38, and RCW 43.43.710. The nondisclosure of this information, and compliance with state and federal law, is essential to effective law enforcement and to preserve the subject person's right to privacy. Records contain information directly obtained from the Washington Crime Information Center (WACIC) system, which is a centralized index of criminal justice information associated with the National Crime Information Center (NCIC) available to Federal, state, and local law enforcement and other criminal justice agencies for law enforcement purposes. Information obtained from ACCESS-WACIC/NCIC is restricted to law enforcement use pursuant to federal law. It may not be disseminated except to criminal justice agencies.	2
269	Drivers License No	Driver's Licenses Numbers - These records contain driver's license numbers protected from disclosure to prevent identity theft and have been redacted per the following citations: RCW 42.56.230(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law; RCW 9.35.005 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Financial information" means any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit: (a) Account numbers and balances; (b) Transactional information concerning an account; and (c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.	6

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339	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
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368	Autopsy Report	Autopsy Report. RCW 42.56.070, RCW 68.50.105, and RCW 42.56.240(1) collectively provide that an autopsy report compiled by law enforcement in its investigation is confidential unless requested by the decedent's personal representative, family member, or the other individuals identified in RCW 68.50.105. For that reason, the identified autopsy report has been withheld. If the requestor meets one of the exceptions provided by RCW 68.50.105, please provide clarification and the Public Records Administrator will reconsider application of this exemption.	1

Redaction Log

Redaction Reasons by Exemption

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Access-WACIC/NCIC	WA Access Database-WACIC/NCIC- It is exempt from disclosure under RCW 42.56.070 and 28 USC § 534, see also 28 CFR 20.38, and RCW 43.43.710. The nondisclosure of this information, and compliance with state and federal law, is essential to effective law enforcement and to preserve the subject person's right to privacy. Records contain information directly obtained from the Washington Crime Information Center (WACIC) system, which is a centralized index of criminal justice information associated with the National Crime Information Center (NCIC) available to Federal, state, and local law enforcement and other criminal justice agencies for law enforcement purposes. Information obtained from ACCESS-WACIC/NCIC is restricted to law enforcement use pursuant to federal law. It may not be disseminated except to criminal justice agencies.	269(2) 270(1) 271(1)
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Reason	Description	Pages (Count)
Drivers License No	Driver’s Licenses Numbers - These records contain driver’s license numbers protected from disclosure to prevent identity theft and have been redacted per the following citations: RCW 42.56.230(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law; RCW 9.35.005 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Financial information" means any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit: (a) Account numbers and balances; (b) Transactional information concerning an account; and (c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.	269(6) 271(3) 273(4) 274(4) 272(4)
Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	339(1) 340(1) 341(1) 342(1) 343(1) 344(1) 345(1) 346(1) 347(1) 348(1) 349(1) 350(1) 351(1) 352(1) 367(1)

Redaction Log

Total Number of Redactions in Document: 86

Redaction Reasons by Page

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230	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
231	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
232	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1

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Redaction Log

Page	Reason	Description	Occurrences
233	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
234	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
235	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1

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Redaction Log

Page	Reason	Description	Occurrences
236	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
237	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
238	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), “Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient’s written authorization. A patient’s written authorization must conform to the authorization.” RCW 42.56.360(2), “Chapter 70.02 RCW applies to public inspection and copying of health care information.”	1(1) 2(1) 3(1) 4(1) 5(1) 6(1) 7(1) 8(1) 9(1) 10(1) 11(1) 12(1) 13(1) 14(1) 15(1) 16(1) 17(1) 18(1) 19(1) 20(1) 21(1) 22(1) 23(1) 24(1) 25(1) 26(1) 27(1) 28(1) 29(1) 30(1) 31(1) 32(1) 33(1) 34(1) 35(1) 36(1) 37(1) 38(1) 39(1) 40(1) 41(1) 42(1) 43(1)
Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	57(1) 58(1) 59(1) 60(1) 61(1) 62(1) 63(1) 64(1) 65(1) 66(1) 67(1) 68(1) 69(1) 70(1) 71(1) 72(1) 73(1)

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Redaction Log

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Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	74(1) 75(1) 76(1) 77(1) 78(1) 79(1) 80(1) 81(1) 82(1) 83(1) 84(1) 85(1) 86(1) 87(1) 88(1) 89(1) 90(1) 91(1) 92(1) 93(1) 94(1) 95(1) 96(1) 97(1) 98(1) 99(1) 100(1) 101(1) 102(1) 103(1) 104(1) 105(1) 106(1) 107(1) 108(1) 109(1) 110(1) 111(1) 112(1) 113(1) 114(1) 117(1) 118(1) 119(1) 139(1) 140(1) 213(1) 214(1) 216(1) 220(1) 223(1) 224(1) 225(1) 226(1) 227(1) 228(1) 229(1) 230(1) 231(1) 232(1) 233(1) 234(1) 235(1) 236(1)

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Redaction Log

Total Number of Redactions in Document: 60

Redaction Reasons by Page

Page	Reason	Description	Occurrences
182	Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), "Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization." RCW 42.56.360(2), "Chapter 70.02 RCW applies to public inspection and copying of health care information."	3
183	Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), "Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization." RCW 42.56.360(2), "Chapter 70.02 RCW applies to public inspection and copying of health care information."	6
184	Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), "Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization." RCW 42.56.360(2), "Chapter 70.02 RCW applies to public inspection and copying of health care information."	7

Redaction Log

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185	Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), "Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization." RCW 42.56.360(2), "Chapter 70.02 RCW applies to public inspection and copying of health care information."	1
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187	Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), "Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization." RCW 42.56.360(2), "Chapter 70.02 RCW applies to public inspection and copying of health care information."	3

Redaction Log

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188	Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), "Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization." RCW 42.56.360(2), "Chapter 70.02 RCW applies to public inspection and copying of health care information."	3
189	Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), "Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization." RCW 42.56.360(2), "Chapter 70.02 RCW applies to public inspection and copying of health care information."	2
190	Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), "Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization." RCW 42.56.360(2), "Chapter 70.02 RCW applies to public inspection and copying of health care information."	2

Redaction Log

Page	Reason	Description	Occurrences
192	Autopsy Report	Autopsy Report. RCW 42.56.070, RCW 68.50.105, and RCW 42.56.240(1) collectively provide that an autopsy report compiled by law enforcement in its investigation is confidential unless requested by the decedent's personal representative, family member, or the other individuals identified in RCW 68.50.105. For that reason, the identified autopsy report has been withheld. If the requestor meets one of the exceptions provided by RCW 68.50.105, please provide clarification and the Public Records Administrator will reconsider application of this exemption.	1
193	Autopsy Report	Autopsy Report. RCW 42.56.070, RCW 68.50.105, and RCW 42.56.240(1) collectively provide that an autopsy report compiled by law enforcement in its investigation is confidential unless requested by the decedent's personal representative, family member, or the other individuals identified in RCW 68.50.105. For that reason, the identified autopsy report has been withheld. If the requestor meets one of the exceptions provided by RCW 68.50.105, please provide clarification and the Public Records Administrator will reconsider application of this exemption.	1
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204	Autopsy Report	Autopsy Report. RCW 42.56.070, RCW 68.50.105, and RCW 42.56.240(1) collectively provide that an autopsy report compiled by law enforcement in its investigation is confidential unless requested by the decedent's personal representative, family member, or the other individuals identified in RCW 68.50.105. For that reason, the identified autopsy report has been withheld. If the requestor meets one of the exceptions provided by RCW 68.50.105, please provide clarification and the Public Records Administrator will reconsider application of this exemption.	1

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207	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
208	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1

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Page	Reason	Description	Occurrences
209	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
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280	Social Sec No	Social Security Number. This document contains a person’s social security number, which is exempt from public disclosure under RCW 42.56.230(5), RCW 42.56.070, and 42 USC 405. Social security numbers have therefore been redacted from the identified document.	1

Redaction Log

Page	Reason	Description	Occurrences
291	Emp Private Info	EMPLOYEE PRIVATE INFORMATION – These records contain private information of an employee or volunteer of the agency maintained in personnel files, public employment related records or volunteer rosters protected from disclosure and have been redacted per the following citations: RCW 42.56.230(2) – "Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy." RCW 42.56.250(3) – "The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency." RCW 42.56.250(8) – "Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030."	1

Redaction Log

Page	Reason	Description	Occurrences
300	Emp Private Info	EMPLOYEE PRIVATE INFORMATION – These records contain private information of an employee or volunteer of the agency maintained in personnel files, public employment related records or volunteer rosters protected from disclosure and have been redacted per the following citations: RCW 42.56.230(2) – "Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy." RCW 42.56.250(3) – "The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency." RCW 42.56.250(8) – "Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030."	1

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Redaction Log

Page	Reason	Description	Occurrences
320	Access-WACIC/NCIC	WA Access Database-WACIC/NCIC- It is exempt from disclosure under RCW 42.56.070 and 28 USC § 534, see also 28 CFR 20.38, and RCW 43.43.710. The nondisclosure of this information, and compliance with state and federal law, is essential to effective law enforcement and to preserve the subject person's right to privacy. Records contain information directly obtained from the Washington Crime Information Center (WACIC) system, which is a centralized index of criminal justice information associated with the National Crime Information Center (NCIC) available to Federal, state, and local law enforcement and other criminal justice agencies for law enforcement purposes. Information obtained from ACCESS-WACIC/NCIC is restricted to law enforcement use pursuant to federal law. It may not be disseminated except to criminal justice agencies.	3
321	Access-WACIC/NCIC	WA Access Database-WACIC/NCIC- It is exempt from disclosure under RCW 42.56.070 and 28 USC § 534, see also 28 CFR 20.38, and RCW 43.43.710. The nondisclosure of this information, and compliance with state and federal law, is essential to effective law enforcement and to preserve the subject person's right to privacy. Records contain information directly obtained from the Washington Crime Information Center (WACIC) system, which is a centralized index of criminal justice information associated with the National Crime Information Center (NCIC) available to Federal, state, and local law enforcement and other criminal justice agencies for law enforcement purposes. Information obtained from ACCESS-WACIC/NCIC is restricted to law enforcement use pursuant to federal law. It may not be disseminated except to criminal justice agencies.	4

Redaction Log

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322	Access-WACIC/NCIC	WA Access Database-WACIC/NCIC- It is exempt from disclosure under RCW 42.56.070 and 28 USC § 534, see also 28 CFR 20.38, and RCW 43.43.710. The nondisclosure of this information, and compliance with state and federal law, is essential to effective law enforcement and to preserve the subject person's right to privacy. Records contain information directly obtained from the Washington Crime Information Center (WACIC) system, which is a centralized index of criminal justice information associated with the National Crime Information Center (NCIC) available to Federal, state, and local law enforcement and other criminal justice agencies for law enforcement purposes. Information obtained from ACCESS-WACIC/NCIC is restricted to law enforcement use pursuant to federal law. It may not be disseminated except to criminal justice agencies.	3
325	Drivers License No	Driver's Licenses Numbers - These records contain driver's license numbers protected from disclosure to prevent identity theft and have been redacted per the following citations: RCW 42.56.230(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law; RCW 9.35.005 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Financial information" means any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit: (a) Account numbers and balances; (b) Transactional information concerning an account; and (c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.	1

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
Access-WACIC/NCIC	WA Access Database-WACIC/NCIC- It is exempt from disclosure under RCW 42.56.070 and 28 USC § 534, see also 28 CFR 20.38, and RCW 43.43.710. The nondisclosure of this information, and compliance with state and federal law, is essential to effective law enforcement and to preserve the subject person's right to privacy. Records contain information directly obtained from the Washington Crime Information Center (WACIC) system, which is a centralized index of criminal justice information associated with the National Crime Information Center (NCIC) available to Federal, state, and local law enforcement and other criminal justice agencies for law enforcement purposes. Information obtained from ACCESS-WACIC/NCIC is restricted to law enforcement use pursuant to federal law. It may not be disseminated except to criminal justice agencies.	320(3) 321(4) 322(3)
Autopsy Report	Autopsy Report. RCW 42.56.070, RCW 68.50.105, and RCW 42.56.240(1) collectively provide that an autopsy report compiled by law enforcement in its investigation is confidential unless requested by the decedent's personal representative, family member, or the other individuals identified in RCW 68.50.105. For that reason, the identified autopsy report has been withheld. If the requestor meets one of the exceptions provided by RCW 68.50.105, please provide clarification and the Public Records Administrator will reconsider application of this exemption.	192(1) 193(1) 194(1) 195(1) 196(1) 202(1) 203(1) 204(1) 205(1)

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Drivers License No	Driver’s Licenses Numbers - These records contain driver’s license numbers protected from disclosure to prevent identity theft and have been redacted per the following citations: RCW 42.56.230(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law; RCW 9.35.005 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Financial information" means any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit: (a) Account numbers and balances; (b) Transactional information concerning an account; and (c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.	325(1)

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Reason	Description	Pages (Count)
Emp Private Info	EMPLOYEE PRIVATE INFORMATION – These records contain private information of an employee or volunteer of the agency maintained in personnel files, public employment related records or volunteer rosters protected from disclosure and have been redacted per the following citations: RCW 42.56.230(2) – "Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy." RCW 42.56.250(3) – "The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency." RCW 42.56.250(8) – "Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030."	313(1) 300(1) 291(1)
Medical	MEDICAL– These records contain medical information as it relates to diagnosis and treatment protected from disclosure and have been redacted or withheld in their entirety per the following citations: RCW 70.02.020(1), "Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization." RCW 42.56.360(2), "Chapter 70.02 RCW applies to public inspection and copying of health care information."	182(3) 183(6) 184(7) 185(1) 186(2) 187(3) 188(3) 189(2) 190(2)

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Reason	Description	Pages (Count)
Social Sec No	Social Security Number. This document contains a person's social security number, which is exempt from public disclosure under RCW 42.56.230(5), RCW 42.56.070, and 42 USC 405. Social security numbers have therefore been redacted from the identified document.	280(1)
Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	207(1) 208(1) 209(1) 210(1) 211(1) 212(1) 213(1)

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Total Number of Redactions in Document: 3

Redaction Reasons by Page

Page	Reason	Description	Occurrences
272	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
326	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1
333	Victim-Wit Photo	VICTIM AND/OR WITNESS - These records consisting of photographs of graphic nature of a victim of an accident and the non-disclosure of which is necessary for the protection of the crime victim and family have been withheld in their entirety based on the following citations: . RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;	1

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