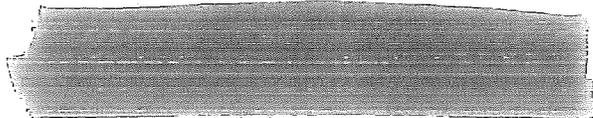


DEADLY FORCE REVIEW
OFFICER-INVOLVED SHOOTING, AUGUST 2010

DEADLY FORCE REVIEW

[REDACTED]/2011



Deadly Force Review
Suspect - [REDACTED]

Incident # [REDACTED]

Deputy [REDACTED]
Spokane County Sheriff's Office
Defensive Tactics Instructor

At the request of Sergeant [REDACTED] I reviewed this officer involved shooting incident # [REDACTED] involving Deputy [REDACTED] and [REDACTED]

Objective:

Review the incident as it pertains to defensive tactics/use of force and current training methods.

Defensive Tactics:

Overall the tactics used by Deputy [REDACTED] were good. Deputies in the Spokane County Sheriff's Office are consistently trained to respond to various levels of resistance using reasonable and necessary tactics to overcome the level of resistance they encounter. Deputies are also consistently trained to respond to a deadly threat with deadly force.

According to the investigative reports, Deputy [REDACTED] used his physical presence, verbal commands, used a baton strike, and lethal force (in order) in an attempt to control [REDACTED] and his actions during the encounter.

Lawful:

300.2 POLICY

It is the policy of this department that deputies shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the deputy at the time of the event, to effectively bring an incident under control.

Reasonableness of the force used must be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that sheriff's deputies are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation a deputy might encounter in the field, it is recognized that each deputy must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a deputy to actually sustain physical injury before applying reasonable force.

300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration.

These factors include, but are not limited to:

1) The conduct of the individual being confronted (as reasonably perceived by the deputy at the time).

- (b) Deputy/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of deputies vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the deputy under the circumstances).
- (g) Seriousness of the suspected offense or reason for contact with the individual.
- (h) Training and experience of the deputy.
- (i) Potential for injury to citizens, deputies and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

It is recognized that deputies are expected to make split-second decisions and that the amount of a deputy's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each deputy is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Deputies may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the deputy reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury. Use of deadly force is justified in the following circumstances:

- (a) A deputy may use deadly force to protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing suspect when the deputy has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the deputy reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.¹

The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Pp. 490 U. S. 396-397. We sometimes refer to them as the Graham factors.

Those factors are:

- The severity of the crime
- Whether the suspect is an immediate threat to the safety of officers or others
- Whether the suspect is actively resisting arrest
- And whether the suspect is evading arrest by flight

An officer does not have to be perfect or choose the least intrusive method to apply force. The officer need only be objectively reasonable. There are inherent limitations of officer's abilities to assess and respond to perceived threats:

- Limited time – Action beats reaction
- Limited abilities – During these circumstances officers have limited physical and mental capabilities
- Limited means – Officers do not have a reliable means to instantaneously cease a person's threatening actions
- Limited control – "Chance" plays a significant role in all human endeavors, and even though an officer's preparation, training, and planning can lessen the effects of chance, these effects cannot be reliably eliminated

Later, after *Graham v. Connor*, the courts added additional factors to determine whether the force used in a particular situation was reasonable. These additional factors included such things as:

- The number of suspects and officers involved.
- The size, age, and condition of the officer and suspect
- The duration of the action
- Previous violent history of the suspect, known by the officer at the time
- The suspect's mental or psychiatric history, known by the officer at the time
- The use of alcohol or drugs by the suspect
- The presence of innocent bystanders
- The availability of other weapons (chemical sprays, batons, tasers) ²

The investigative reports completed on the incident indicate Deputy [REDACTED] knew the following to set the objective standard:

- 1) He was lawfully parked in a closed business parking lot in an attempt to view a neighborhood on a prowler check request for continuing criminal activity.
- 2) While seated in his unmarked police car, [REDACTED] was approached by an adult male, [REDACTED], holding a firearm in his right hand. The distance was close enough that [REDACTED] was standing within feet of the open driver's window of the patrol car. [REDACTED] should have been able to see Deputy X in his uniform while seated in the patrol car.
- 3) [REDACTED] did not identify himself as the property owner.
- 4) There was a brief dialogue ([REDACTED] telling [REDACTED] to drop his weapon and move away from the car) during which Deputy [REDACTED] was able to exit his vehicle. [REDACTED] verbally identified himself as a police officer (verbal).
- 5) Deputy [REDACTED] was in plain view of [REDACTED] after exiting the patrol car. Deputy [REDACTED] was clearly identifiable while wearing a Spokane Valley Police uniform, green slacks and brown shirt with Spokane Valley Police insignia (presence).
- 6) [REDACTED] refused to drop his weapon and placed the firearm in his belt behind him (verbal).
- 7) [REDACTED] refused to comply with Deputy [REDACTED] commands to get on the ground (verbal).
- 8) There was a brief physical confrontation during which Deputy [REDACTED] struck [REDACTED] with a baton in an attempt to physically control [REDACTED].
- 9) Deputy [REDACTED] saw [REDACTED] reaching behind his back in an apparent attempt to retrieve his firearm.
- 10) Deputy [REDACTED] saw the firearm in [REDACTED] right hand as [REDACTED] arm came out from behind his back.
- 11) Deputy [REDACTED] used his firearm, firing one round, to end the threat.
- 12) The duration of the entire incident can be measured in seconds.

Deadly Force Review

Suspect - [REDACTED]

Incident # [REDACTED]

Conclusion:

The U.S. Supreme Court has held that reasonableness under the fourth amendment does not require law enforcement personnel to choose the least intrusive alternative, only a reasonable one. Following that principle, most courts have rejected arguments that the use of deadly force was not necessary because officers had less intrusive options available or it was made necessary by the actions of the officers themselves.

It is my opinion that the decision to use deadly force by Deputy [REDACTED] was reasonable, necessary, and consistent with department training to stop the threat presented by [REDACTED]. The objectively reasonable standards when evaluating the use of force under *Graham vs. Conner* were met:

1. Active resistance to the verbal commands of Deputy [REDACTED]
2. Active resistance to the physical actions of Deputy [REDACTED]
3. Immediate threat (to Deputy [REDACTED]) - [REDACTED] armed with firearm.

After reviewing this incident it is my opinion the defensive tactics utilized by Deputy [REDACTED] leading up to, and including, the use of deadly force were consistent with department training. Deputy [REDACTED] use of deadly force was objectively reasonable and necessary considering the immediate threat he encountered during the late evening hours of [REDACTED] 2010.

Deputy [REDACTED]
Spokane County Sheriff's Office
Defensive Tactics Instructor

[REDACTED], 2011

SPOKANE COUNTY SHERIFF'S OFFICE

DEADLY FORCE INCIDENT REVIEW

Patrol Procedures Perspective

[REDACTED]

Reviewer: Deputy J [REDACTED]

PURPOSE

The purpose of this review is to give a patrol procedures and tactics perspective of this deadly force incident for the improvement of department training. Although points can be made in more than one area of training, the recommendations and opinions of this review have been restricted to patrol procedures.

NOTIFICATION

Deputy [REDACTED] # [REDACTED] is a patrol deputy and was assigned to nightshift patrol on [REDACTED] 2010 at the Spokane Valley Police Department; a division of the Spokane County Sheriff's Office. During this shift, he was assigned to a patrol district as a solo deputy, wearing full uniform, and was operating a dark blue, unmarked Spokane Valley Police patrol vehicle. The vehicle was a 2006 Ford Crown Victoria Police Interceptor equipped with emergency lights in the front and back windows, and a manual spot light on the driver's side.

RESPONSE

(Note: All times listed in this review are taken from the investigative file and the CAD incident log)

23:00:47 Hours: Deputy [REDACTED] was aware of a citizen request for police prowler checks in the area of [REDACTED] Spokane Valley. Deputy [REDACTED] dispatched himself as on-scene on incident # [REDACTED]. A resident in the area had requested police to patrol the area during night hours due to recent burglaries and vehicle prowlings. Deputy [REDACTED] checked the area on [REDACTED] [REDACTED] finding nothing.

5:51 Hours: Deputy [REDACTED] then decided to park in an open commercial parking lot and remain on his prowler check. Deputy [REDACTED] backed into the gravel business parking lot at [REDACTED], [REDACTED] Spokane Valley, Washington. The parking lot is located on the south side of [REDACTED], there

were overhead light illuminating the parking lot, and the property has several [REDACTED] buildings set back from the road. This commercial property is located in a residential neighborhood with residential homes on each side.

CONTACT/TACTICS

Deputy [REDACTED] backed into the open parking lot, facing north, turned his headlights off, leaving his parking lights on, and had at least his driver's window down. Deputy [REDACTED] stated that he chose this location and his positioning to give himself a good view of vehicle and foot traffic on [REDACTED] and to remain visible in this area where police presence was requested. Additionally, he stated that this wide open location provided him with 360 degree visibility from his vehicle.

Deputy [REDACTED] began working on paperwork on his patrol laptop computer. Deputy [REDACTED] was aware that the business was a closed [REDACTED], and was not aware of any adjacent residences being associated with the business.

While seated in the driver's seat of his patrol vehicle, Deputy [REDACTED] noticed a glimpse of a flashlight and a person walking towards his patrol vehicle from the west, his left, approximately 30 feet away. Deputy [REDACTED] directed his attention to the unknown subject, later identified as [REDACTED], who was walking perpendicular and towards the rear of his vehicle. [REDACTED] then turned about 45 degrees to the subject's left, directly towards Deputy [REDACTED] driver's door. When [REDACTED] turned towards the driver's door of the patrol car, Deputy [REDACTED] saw a handgun in the [REDACTED] right hand, down to his side. Deputy [REDACTED] drew his side arm and gave verbal commands to [REDACTED] several times identifying himself as "Police" and ordering the subject to "Drop the gun. Drop the gun." [REDACTED] did not comply and continued walking towards Deputy [REDACTED] while stating, "I don't have to" as well as stating that he has had things stolen from him. Deputy [REDACTED] continued to order [REDACTED] to stop and to stay back. [REDACTED] stopped within two to three feet from Deputy [REDACTED] car door and still had his handgun in his right hand, down to his right side.

Deputy [REDACTED] continued his orders to [REDACTED] to drop the gun and step back multiple times. [REDACTED] then placed the handgun into his rear waistband, not complying with the order to drop the firearm. [REDACTED] then took a few steps backwards as ordered. Deputy [REDACTED] then decided to exit the vehicle while keeping his firearm pointed towards [REDACTED] ordering him to keep his hands in view, and stepped sideways and backwards in a northwestern direction, increasing distance between himself and [REDACTED]. Deputy [REDACTED] then ordered [REDACTED] to get down on the ground multiple times. [REDACTED] verbally refused, stating he was not going to get on the ground.

FORCE RESPONSE

Deputy [REDACTED] had his firearm in his right hand and drew his wooden straight baton from the holder on the left side of his belt, drawing it to his right side and striking [REDACTED] once on the area of his left knee.

23:07:15 Hours: At some point between exiting his vehicle and applying the baton strike to [REDACTED], Deputy [REDACTED] radioed that he was "Code 6," which means that he was in an emergency situation and needed additional units to respond immediately.

The baton strike caused [REDACTED] to buckle, or bend over forward partially. Deputy [REDACTED] then placed his straight baton back into the belt holder on the left side of his belt, keeping his firearm pointed at [REDACTED]. After bending over/buckling forward, [REDACTED] stood up and Deputy [REDACTED] told [REDACTED] again to get on the ground. [REDACTED] then made eye contact with Deputy [REDACTED] and reached to his rear waistband area with his right hand.

Deputy [REDACTED] saw that [REDACTED] was pulling the handgun out to his side from behind his back and Deputy [REDACTED] fired one round into [REDACTED] chest. [REDACTED] fell to the ground.

23:07:25 Hours: Deputy [REDACTED] radioed "I got shots fired, one down, shots fired." Sgt. [REDACTED] ([REDACTED]) immediately ordered dispatch to call out "Code 99" over the radio. Deputy [REDACTED] then requested medics to respond. Deputy [REDACTED] again requested medics to be dispatch and radio advised that medics were enroute.

SCENE CONTROL

23:08 Hours: 21 units from the Spokane County Sheriff's Office, Spokane Police Department, and Washington State Patrol responded to the Code 99.

23:08:19 & 23:08:38 Hours: Deputy [REDACTED] ([REDACTED]) and Deputy [REDACTED] ([REDACTED]) arrived at the scene; respectively.

Deputy [REDACTED] advised dispatch that it was safe for medics to come to the scene and gave the updated scene location of [REDACTED]. Deputy [REDACTED] also advised over the radio that there were no other outstanding or involved suspects. Sgt. [REDACTED] requested of the radio for someone to secure the area with crime scene tape.

Deputy [REDACTED] decided to begin CPR/life saving measures upon [REDACTED] and put his protective gloves on. He also requested that other deputies on scene assist in beginning CPR immediately. He asked other deputies on scene if they had a CPR mask or any "Quik Clot." He went to his patrol vehicle to locate his CPR mask. Deputy [REDACTED] ([REDACTED]) intercepted Deputy [REDACTED] and escorted him

to his patrol vehicle. Deputy [REDACTED] took Deputy [REDACTED] from the scene and drove him to the Spokane Valley Police Precinct.

23:10 Hours: Deputy [REDACTED] advised via radio that the scene was secure, reiterated that one suspect was down, and requested medics to expedite their response with advanced life support (ALS). Sgt. [REDACTED] requested that radio dispatch three SIRT units to the scene.

23:12 Hours: Deputy [REDACTED] ([REDACTED]) arrived and advised via radio that he had established the entry control point to the east at [REDACTED] and [REDACTED].

23:12-23:15 Hours: Spokane Valley Fire Paramedics arrived on scene during this time frame.

23:15 Hours: Deputy [REDACTED] advised via radio that CPR had commenced upon [REDACTED].

23:16 Hours: Deputy [REDACTED] ([REDACTED]) advised via radio that he was at the entry control point and that he had started the crime scene log.

23:27 Hours: Spokane Valley Fire Paramedics pronounced [REDACTED] dead at the scene.

RECOMMENDATIONS FOR TRAINING

NOTIFICATION: No recommendations.

RESPONSE: No recommendations.

CONTACT/TACTICS: Deputy [REDACTED] kept a 360 degree awareness while sitting in his patrol vehicle. Deputy [REDACTED] saw an unidentified, unknown suspect walking towards him from an angle where the suspect had the advantage in approach. Deputy [REDACTED] immediately saw the suspect had a handgun in his right hand, he decided to unholster his firearm, and gave verbal commands to the suspect from his seated position in the vehicle. It is recommended that when seated in a vehicle and encountering an unknown person approaching their vehicle, a deputy should attempt to exit his/her vehicle to confront the subject.

In this situation, Deputy [REDACTED] decided that remaining in his vehicle and confronting the approaching armed suspect was safer due to having to divert his attention, even briefly, to open the door to exit the vehicle and/or radio for stance. As a result, the suspect was able to close the distance and come within only a few feet of Deputy [REDACTED] sitting in his vehicle. Additionally, it can be argued that a suspect with a handgun at his/her side can raise and fire before an officer can react and fire upon the suspect. Thus, it is reasonable to consider

that a deadly force situation existed before the armed suspect was able to get within two to three feet from Deputy [REDACTED] car door.

Another option to consider in increasing distance when being approached by an unknown subject while seated in a vehicle is to drive the vehicle further away if the situation and geographical outlay of the location allow. However, extreme caution should be used with this decision with respect to the type of weapon and the distance between the deputy and the suspect(s).

Although the suspect placed his firearm in his waistband, he was still a threat as Deputy [REDACTED] had ordered him repeatedly to drop the firearm on the ground. Deputy [REDACTED] perceived that the firearm no longer being in the suspect's hand gave him time and opportunity to exit his vehicle and gain an increased tactical advantage over the suspect.

After applying a baton strike to the suspect, Deputy [REDACTED] radioed that his status was "Code 6." Within seconds of advising "Code 6," the suspect reached to his rear waistband and pulled his handgun out and Deputy [REDACTED] shot the suspect once in the chest. Deputy [REDACTED] then immediately upgraded his status via radio to "Shots fired." SCSO Lexipol Policy 316.1.1(d) defines "Code 6" as:

"Backup needed, this is a suspected emergency or a violent situation is developing."

Also, the SCSO Field Guide defines "Code 6" as:

"I need assistance now."

In contrast, policy 316.1.1(e) defines "Code 99" as:

"Backup is needed immediately. This is an emergency."

In addition, the SCSO Field Guide defines "Code 99" as:

"Immediate response needed, life or death situation."

Although the time between advising "Code 6" and "Shots fired" was only ten seconds, per policy and recommended patrol procedures, Deputy [REDACTED] was actually "Code 99," not "Code 6."

FORCE RESPONSE: Deputy [REDACTED] gave the suspect numerous orders to get on the ground and the suspect refused. Deputy [REDACTED] with his firearm still pointed at the suspect, then drew his baton and struck the suspect once across his left leg to gain compliance. The suspect then produced his weapon from his waistband while facing Deputy [REDACTED] and while in close proximity to him. Deputy [REDACTED]

██████████ then used deadly force, firing one round from his firearm into the suspect's chest.

The deadly force was effective and the suspect fell to the ground, incapacitated, and the suspect's firearm fell to the ground beside him. Furthermore, the suspect had refused to disarm himself as ordered and still had the firearm in his waistband and quickly accessible. Thus, selecting to use a less-lethal force option, the wooden straight baton, would be discouraged in this situation. It would be recommended in future training that the firearm be the only applicable force option given this specific circumstance. (See the defensive tactics and firearms trainers' reviews for more specific recommendations regarding the use of the baton and firearm in this incident.)

SCENE CONTROL: Deputy ██████████ immediately radioed for medics to respond to the scene; twice. He attempted to provide life saving measures to the suspect as soon as assisting deputy arrived on-scene. An assisting deputy quickly escorted Deputy ██████████ away from the scene and back to the precinct. Several other deputies arrived within two minutes and secured the crime scene. A single entry/exit control point was quickly established by responding deputies and a crime scene log was started without delay. The shift supervisor arriving on-scene acted as incident commander directed resources via radio. It is suggested for future training that the Incident Commander advise over the radio "I am the Incident Commander" as soon as possible to avoid confusion and to increase crime scene organization. No other recommendations.

OTHER CONSIDERATIONS: None.

Reviewer Biographies

Deputy ██████████:

Deputy ██████████ currently serves as a Deputy Sheriff for the Spokane County Sheriff's Office with over 12 years of law enforcement experience. He has worked as a patrol officer, SWAT operator, and detective with the ██████████ Police Department, ██████████ from 1998 to 2005. Deputy ██████████ currently works as a patrol deputy and has been a field training officer with the Spokane County Sheriff's Office for the past five years. He is also a patrol procedures instructor and criminal procedures instructor for the Sheriff's Office. Deputy ██████████ holds a general instructor certification from the Washington State Criminal Justice Training Commission and currently instructs the state Field Training Officer academy. Deputy ██████████ has served as a patrol procedures expert on the Spokane County Sheriff's Deadly Force Review Board and has provided review for three officer involved shooting incidents since 2008. He holds a Bachelor's degree from the ██████████ ██████████.



Deadly Use of Force Review
Case Number [REDACTED]
Firearms Perspective



1. Objective:

- a. Review of the incident as it pertains to firearms, firearms tactics, and current training model. The review included the entire case file of [REDACTED] ([REDACTED]) shooting that was provided to me by Sgt. [REDACTED] of the Spokane County Sheriff's Office Training Division. The goals of the review are:
 - i. To ask primary questions and findings of those questions.
 - ii. Look at the tactics used and/or deployed and were those tactics successful.
 - iii. What was the outcome, what was learned, and considerations for changes OR reinforcement of current training.

2. Questions and Findings:

- a. Was the decision to deploy a firearm in this incident consistent with departmental training? **YES**
 - i. The deputy was confronted by a male, unknown to him and approaching with a weapon in hand.
 - ii. After putting his gun away, the suspect, then obtained it again and was in the process of bringing the gun from behind him to the front.
- b. Was the decision to deploy a handgun in this incident consistent with departmental training? **Yes**
 - i. Based on the environment and circumstances in which this incident took place, the Handgun was the most readily available and appropriate weapon to access.
 - ii. The deputy was seated in his vehicle doing administrative tasks, when an unidentified male was approaching him with a weapon.
 - iii. The handgun is considered a "Defensive Weapon", the incident as it unfolded was "Defensive" in nature by the Deputy's account.
- c. Was the decision to fire at the suspect consistent with departmental training? **Yes**
 - i. The suspect had accessed his weapon for a second time and was in the process of bringing it out from behind him.
 - ii. The deputy stated he was in fear for his life as he saw the butt of the gun coming around.
- d. Was the goal of stopping the threat met? **Yes**
 - i. [REDACTED] fired one round to the center of mass, striking [REDACTED] in the chest, thus stopping the threat.
- e. Were proper firearms tactics deployed in this incident? **Yes**

Tactics used/deployed and were they successful? **Yes**

- a. [REDACTED] draws and addresses a male approaching him from the rear/side at a distance of around 30ft with a gun in hand. He draws his sidearm and brings it to the direction of the suspect.
- b. [REDACTED] gives verbal commands to the approaching male to stop and to drop the gun as the suspect approaches.
- c. The suspect does not comply with orders from [REDACTED] and walks up to [REDACTED] vehicle while [REDACTED] is still seated.
- d. The suspect eventually places his weapon in his rear waistband and backs up from [REDACTED] window.
- e. [REDACTED] exits his vehicle and continues with his commands to the suspect. With no compliance [REDACTED] delivers a baton strike (see Defensive Tactics review).
- f. Upon completion of the baton strike, suspect draws a weapon from his rear waistband and attempts to bring the weapon towards [REDACTED], where [REDACTED] in turn draws and fires one round center mass.
- g. [REDACTED] assessed the need for follow-up rounds and makes the decision one round had stopped his threat.
- h. [REDACTED] covers the suspect at gun point until more units arrive.

4. **Outcome, what was learned and considerations for changes OR reinforcement of current training**

- a. [REDACTED] reacts to his perceived deadly threat and meets force with force by drawing his sidearm and engages in verbal commands consistent with departmental training.
- b. He engages the threat until the threat disappears as per training, which in this case is one round.

Comments/Questions: [REDACTED] responded according to our training practices.

Potential training opportunities:

- Using a patrol vehicle to exit dangerous encounters if tactically appropriate
- Creating distance from the threat by driving away
- Utilizing your patrol vehicle as a weapon

5. Submitted By: Deputy [REDACTED] # [REDACTED] Firearms Instructor

Note: This evaluation is not written to second guess the actions of the deputies on that day, in the rapidly developing violent situation, with deadly force being involved. It should be noted that I feel the deputies acted professionally, bravely and used the necessary force to stop the immediate threat they were presented with. They were justified in their actions and should not be second guessed on their decision. We as a department would be remiss, however, if we did not review this incident so that others may learn from it, training be developed from it, and/or remedial training be given so that mistakes, if any, are not repeated. If for no other reason, it is designed to reinforce proper techniques and decision making of our deputies.

Spokane County Sheriff's Office Deadly Force Review Board

Case # [REDACTED] Suspect [REDACTED]

Date of incident: [REDACTED] 2010

Deputies involved: [REDACTED]

Review completed by: Deputy [REDACTED] # [REDACTED] 2011

Scope of review: Firearms, ammunition and associated equipment use and function.

Facts of the case:

Deputy [REDACTED] was assigned to Patrol and working in a Cpl vehicle, unit [REDACTED] with WA license [REDACTED]. [REDACTED] was equipped with a department issued Glock [REDACTED] pistol while the vehicle was equipped with a [REDACTED] 590A1 12ga shotgun and [REDACTED] carbine.

Deputy [REDACTED] fired 1 round from his Glock, striking [REDACTED] in the center of the chest. [REDACTED] was pronounced dead at the scene by responding medics. The only weapon fired was [REDACTED] Glock [REDACTED]. No long guns were fired.

Weapon Serial numbers:

Glock [REDACTED] .45acp pistol [REDACTED] (Frame) [REDACTED] (Slide/Barrel)
[REDACTED] 12ga shotgun [REDACTED] Marked [REDACTED]
[REDACTED] Tactical Carbine [REDACTED] Marked [REDACTED]
(Def [REDACTED] report lists [REDACTED] which does not exist in our inventory)

Department issued ammunition:

Pistol: [REDACTED] .45acp [REDACTED] 230 grain GDHP ([REDACTED] Hollow Point)
[REDACTED] Part # [REDACTED]
Carbine: [REDACTED] .223 55gr PSP (Pointed soft point)
[REDACTED] Part # [REDACTED]
Shotgun: [REDACTED] 12ga Flite Control Wad 9-pellet 00Buck
[REDACTED] Part # [REDACTED]

Evidence:

[REDACTED] pistol and spare magazines were collected during the investigation. Both spare magazines were found fully loaded with [REDACTED] rounds each of [REDACTED] ammunition. The pistol was found with a loaded chamber and a magazine containing [REDACTED] rounds of [REDACTED] ammunition. A fired cartridge case collected at the scene (Evidence item #19) shows to be a nickel plated brass cartridge case stamped [REDACTED] "45 AUTO" similar to all other cartridge cases in [REDACTED] magazines and pistol. The primer of the recovered case shows signs of [REDACTED] contact from a striker type firing pin, consistent with Glock firearms. A WSP forensic comparison of evidence item #19 and known fired cartridge cases from [REDACTED] pistol confirmed evidence item #19 had been fired from [REDACTED] pistol.

Evidence Continued:

The fired bullet recovered from [redacted] body at autopsy (Evidence item #30) was forensically compared by WSP as well. Although the recovered bullet had consistent marks and rifling patterns of bullets fired from Glock .45 auto pistols, it could not be confirmed as being fired from [redacted] Glock. The bullet was determined to be a [redacted] consistent with .45 auto caliber.

The long guns were checked at the scene and found to both have empty chambers with loaded magazines. The carbine had a loaded magazine in the weapon containing [redacted] rounds of rifle ammunition (Correct number). A second magazine was found in the driver's door pocket again containing [redacted] rounds of rifle ammunition. The shotgun had [redacted] rounds of ammunition removed from the magazine and another [redacted] removed from the stock (Correct number). No photos exist of either weapon's actual ammunition, nor is there a written description in Det. [redacted] or Det. [redacted] report as to the type or manufacturer of ammunition discovered with either weapon.

On [redacted], 2010, I assisted WSP Forensic Scientist, [redacted] with fired cartridge case ejection patterning using [redacted] pistol, magazine and additional [redacted] .45acp ammunition. Two strings of 10 rounds were fired. I fired the pistol individually while [redacted] marked the initial landing spot of each ejected cartridge case. The pistol performed as designed and I did not notice an unusually heavy trigger pull. A forensic report completed earlier by [redacted] indicated an 8lb trigger pull.

Maintenance Records:

All three weapons were within policy concerning maintenance intervals. Copies of the weapon files are included as part of this report.

[redacted] pistol frame was replaced on [redacted] 2010 as part of a Dept. wide frame exchange. The frames came from Glock Inc. with the standard 5.5lb trigger components installed. The [redacted], 2010 inspection does not note heavier trigger components installed in the gun.

| Serial Number | Manufacturer | Model | Last Name | First | Personnel # | Quantity | Issue Date | Last Service |
|---------------|--------------|------------|-----------|---------------------|------------------------------|----------|-----------------|-----------------|
| [redacted] | Glock | [redacted] | Property | Evidence | [redacted] | 1 | [redacted]/2010 | [redacted]/2010 |
| [redacted] | [redacted] | [redacted] | Patrol | | VP Cpl 3 Unjt. [redacted] | 1 | [redacted]/2007 | [redacted] 2010 |
| [redacted] 09 | [redacted] | Tactical | Patrol | VP Cpl # [redacted] | VP Cpl 3 | 1 | [redacted] 2006 | [redacted] 2010 |

Handgun and ammunition performance:

The handgun worked as designed and the ammunition also appeared to work as designed. The bullet did expand and was retained inside [REDACTED] body. The ammunition fired appears to be Dept. issued [REDACTED]

Carbine and ammunition performance:

No determination if the carbine was loaded with Dept. issued ammunition.

Shotgun and ammunition performance:

No determination if the shotgun was loaded with Dept. issued ammunition.

Medical Information:

Photos and a written report of the autopsy are part of the case file. X-rays are mentioned as part of the Medical Examiner's report but were not included in the case file.

[REDACTED]

Conclusion: The firearms Dep. [REDACTED] was equipped with were within policy concerning Make/Model and maintenance. [REDACTED] pistol worked as designed. Forensic Scientist [REDACTED] report of trigger pull weight being 8lbs is surprising. There is no record of the weapon having any alterations or repairs other than a new frame [REDACTED], 2010 as part of a department wide frame exchange. The frames came from Glock Inc. with all internal components installed. I did not notice any heavier than standard trigger pull when assisting [REDACTED] in the cartridge case patterning.

The handgun ammunition fired was within policy and performed as designed. Advertised penetration depths of 13" for bare gelatin and up to 14 1/2" for IWBA heavy clothing appears consistent with the result here. These results are also consistent with FBI Defensive Systems Unit recommendations.

Recommendations:

- Continued use of [REDACTED] handgun ammunition
- Previous recommendations are still suggested to include during the initial investigation, a firearms expert be included to help gather and document pertinent information concerning ballistic performance and ammunition used.
- Verification of the trigger components installed in [REDACTED] pistol prior to re-issue.

Spokane County Sheriff's Office
Colt AR-15/M16 Weapon Inspection / Repair Log

| | | | |
|--------------|-------------------------|---------------------|-----------------------------|
| Date 2/10 | Issued To [REDACTED] | Model [REDACTED] | Serial Number [REDACTED] |
|--------------|-------------------------|---------------------|-----------------------------|

Complaint or request for repairs: ANNUAL Date last cleaned/inspected: [REDACTED] / 2006

Field Strip Exam Pass / Fail

Notes:

Upper Receiver Assembly Group

Pass Fail

Pass Fail

Barrel Assembly

| | | |
|--|--|--|
| Barrel Nut Security (35 Ft. Pounds) | | |
| Barrel: Rifling & Crown | | |
| Barrel Extension: Locking lugs & Chamber | | |
| Feed Ramps: Alignment & free of burrs | | |
| Compensator | | |
| Gas Tube: Pin & Alignment | | |
| Sling mount: Ring or swivel | | |
| Front Sight Base: Taper pins, front sight & detent | | |

Bolt Assembly Group

| | | |
|----------------------------|--|--|
| Bolt Carrier | | |
| Gas Key Security | | |
| Gas Tube/Key entrance | | |
| Firing Pin Retainer Pin in | | |

Firing Pin Assembly

| | | |
|-----------------------------|--|--|
| Large collar M16 Small AR15 | | |
| Firing pin protrusion test | | |
| Base chipped or cupped | | |

Bolt Assembly

| | | |
|---|--|--|
| Bolt: General condition | | |
| Bolt Face: Free of pitting | | |
| Bolt/Gas Rings: Tension Test | | |
| Locking Lugs: Check for cracks | | |
| Ejector: Free Movement & Full Return | | |
| Ejector Pin: Check for clearance | | |
| Cam Pin Hole: Cracks & check taper | | |
| Extractor Pin | | |
| Extractor: Claw & reinforcement rib | | |
| Extractor Spring & Insert. Blue 20" Black 16" | | |

Upper Receiver Assembly

| | | |
|---|--|--|
| Overall Condition | | |
| Dust Cover Assembly | | |
| Forward Assist Assembly | | |
| Rear Sights: Security & Tritium Inserts | | |
| Removable Carry Handle: Clamp & Nuts | | |
| Charging Handle | | |
| Handguards | | |

Notes:

Lower Receiver Assembly Group

Pass Fail

Pass Fail

| | | |
|---|--|--|
| Stock Grip: w/ screw & lockwasher | | |
| Stock Assembly | | |
| Slide Down & Pivot Pins | | |
| Trigger Guard: Roll pin & detent | | |
| Slide Stop Assembly: Free movement | | |
| Magazine Catch | | |
| Safety Selector | | |
| Slide Stop Spring | | |
| Slide Stop 3.8oz Carbine or regular rifle 5.2oz | | |
| Slide Stop w/ J Spring: .170 Semi .155 Auto | | |
| Slide Stop Spring | | |
| Slide Stop/Trigger/Auto Sear sear surface | | |

Trigger .170 Semi .155 Auto

| | | |
|----------------------------------|--|--|
| Trigger spring | | |
| Disconnect spring (Heavier semi) | | |
| Trigger/Hammer sear surface | | |
| Auto Sear | | |
| Auto Sear Pin | | |
| Auto Sear Spring | | |
| Receiver extension | | |
| Receiver end plate: Staked | | |
| Buffer retainer pin secure | | |
| Disconnect(s) | | |
| Disconnect Spring(s) | | |

Function Test

Pass Fail

Pass Fail

Control System: Hold trigger to engage bolt then rotate safety from fire to stop hammer should disconnect to trigger & repeat 5x

| | |
|---|--|
| ✓ | |
|---|--|

Full Auto Fire Control System: Same function test for Semi-Auto. Check Auto fire as soon as bolt moves into battery while selector on "Auto."

| | |
|----|--|
| NA | |
|----|--|

**Spokane County Sheriff's Office
Mossberg 500/590 Weapon Inspection/Repair Log**

| | | | |
|------|------------|------------|---------------|
| Date | Issued To | Model | Serial Number |
| 2/10 | [REDACTED] | [REDACTED] | [REDACTED] |

Complaint or request for repairs: Annual Date last cleaned/inspected: [REDACTED] 2006

Basic Weapon

Pass Repair Comments

| | | | |
|---|---|--|--|
| Barrel Assembly (crown, front sight, bore, chamber, extractor cuts, mag tube band) | ✓ | | |
| Magazine Tube (tube, threads, side sling adapter, spring, follower, magazine cap) | ✓ | | |
| Receiver (ejector & screw, mag tube threads, safety, rear sight) | ✓ | | |
| Trigger Group (action release, disconnect, sear, hammer) | ✓ | | |
| Bolt Assembly (firing pin & spring, extractors & extractor springs) | ✓ | | |
| Interior Components (Elevator, cartridge stop, cartridge interrupter, bolt slide, action slide assembly) | ✓ | | |
| Buttstock/Pistol Grip (Secure, Speed Feed, pad & screws. Sling mounts) | ✓ | | |
| Notes: | | | |

Function Test

Pass Repair Comments

| | | | |
|----------------------------------|---|--|----|
| Function of Safety | ✓ | | |
| General Function of Parts | ✓ | | |
| Clearance | | | OK |
| Fire | | | OK |

Armorer's Signature: [REDACTED]