



City of Spokane

October 18, 2011

[REDACTED]
Spokane Police Department

Dear [REDACTED]

It has come to my attention that you are in violation of Spokane Police Department Policies and Procedures and Civil Service Rules.

On 11/9/09, you entered the home of Ms. Corrie Shirkey [REDACTED] to search her home for stolen Cadillac rims. Allegations regarding violation of procedures to gain entry into Ms. Shirkey's home, wrongful or unauthorized exercise of authority and dishonesty were investigated by Internal Affairs. The Administrative Review Panel's findings were that you were in violation of:

- I. Spokane Police Department Standard 2.3 and Lexipol Disciplinary Policy 340.5 (e) as follows:
 - a. Members of the Spokane Police Department shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants and collection and preservation of evidence, and
 - b. The wrongful or unauthorized exercise of authority, and

- [REDACTED]
- III. The above are simultaneous violations of Civil Service Rules IX, Section 5 (f) and Section 5 (n) as follows:
 - a. "Has been guilty of conduct unbecoming an officer or employee of the City," and
 - b. "Has committed or has induced or has attempted to induce an officer or employee of the City, to commit an unlawful act in violation of any reasonable and lawful department or official regulation or order..."

"Spokane – Near Nature, Near Perfect"

808 W. Spokane Falls Blvd., Spokane, Washington 99201-3335
Phone: (509) 625-6250 FAX: (509) 625-6563

[REDACTED]
October 18, 2011

A Loudermill Hearing was scheduled on Thursday, October 6, 2011 to provide you with an opportunity to respond before disciplinary action was taken. Present at the hearing with you were Major Scott Stephens, Acting for Chief Kirkpatrick in conducting the hearing, Erin Jacobson, Assistant City Attorney, Heather Lowe, Human Resources Director, Gita Hatcher, Human Resources Analyst, Captain Steve Braun, Lieutenant Alan Arnzen, Major Craig Meidl, your union Attorney Hillary McClure, your personal Attorney, Mr. Chris Bugbee, and your union representatives Emie Wuthrich, John Gately, Tim Moses, and Ty Snyder.

You were provided with Garrity rights and compelled to answer the questions asked. The responses to your questions were carefully evaluated.

Allegation #1: Unlawful Entry/Search – Standard 2.3 and Policy 340.5(e)

This allegation was based on the manner in which entry was gained into the home of Ms. Corrie Shirkey on 11/19/2009. Through an analysis of the Internal Affairs (IA) investigation and the ARP review and analysis it is clear that a "ruse" was used to gain entry into the residence. The information obtained during the internal investigation was provided primarily by the witnesses that were interviewed during the course of the investigation. The pertinent facts are that the key individuals present that night were:

- a. C. Hardwick, an individual who had been taken into custody by bail bondsmen and who was familiar with [REDACTED] and who wished to assist [REDACTED] in the recovery of stolen Escalade rims.
- b. Bondsmen [REDACTED] who were there with Hardwick and agreed to meet with [REDACTED] in order to assist in the recovery of stolen rims.
- c. C. Shirkey who was the resident [REDACTED]. Shirkey was allegedly in possession of the stolen rims that Hardwick was attempting to assist [REDACTED] in recovering.
- d. [REDACTED]

[REDACTED] during the IA interview process, Mr. Hardwick indicated that he had been contacted earlier by you and although he could have been arrested at that time, you released Mr. Hardwick in exchange for his cooperation in future criminal cases. Mr. Hardwick stated that he had been advised by you that you were very interested in recovering the stolen Escalade wheels. When Mr. Hardwick was picked up by the bondsmen listed above, he convinced them to let him contact you. Mr. Hardwick arranged to meet you in the area of [REDACTED] so that an attempt could be made to recover the rims. Mr. Hardwick stated that once the group met at the [REDACTED] location a plan was developed that would allow Hardwick to gain entry into [REDACTED]. Mr. Hardwick explained that the plan called for him to go to that location, climb over the fence and then knock on the back door to gain entry. It was Mr. Hardwick's

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understanding that once he got inside, the Bondsmen would then be able to gain entry into the residence under the guise of taking him into custody. Mr. Hardwick explained

that once inside the Bondsmen and you could recover the stolen property. Mr. Hardwick stated that you were present when the plan was discussed.

A Bondsman, [REDACTED] was one of the individuals present on this occasion. His statement was similar to that of Mr. Hardwick in regards to how they came to meet you at the [REDACTED] location. [REDACTED] stated that you were very focused on recovering stolen Escalade rims. It was [REDACTED] recollection that you were "standing there when [REDACTED] came up with the little plan...his idea." [REDACTED] elaborated that he believed that you knew of the plan and "it was all cleared through him to get him in to find the wheels for the Escalade." [REDACTED] added that he and his fellow Bondsmen had no reason to go to the [REDACTED] address, other than to assist you in your attempt to recover the rims.

C. Shirkey, the resident [REDACTED] stated that on the date in question that Mr. Hardwick came to her residence and knocked on the door. She did not let him in because she knew that Bondsmen were actively looking for him. Mr. Shirkey stated that shortly after Mr. Hardwick knocked and was denied entry, you knocked on her door and asked to come in and look for Mr. Hardwick, who you believed to be inside. Ms. Shirkey said that she did not let you in and that you knocked and pounded on the door for about 15 minutes before the Bondsmen showed up. Ms. Shirkey said that a Bondsman [REDACTED] told her that neighbors had told them that Mr. Hardwick was inside and that if she did not let them in, they would force their way into the residence. Ms. Shirkey stated that she knew this was false because none of the neighbors knew Hardwick, but that she opened the door in order to prevent any property damage. Ms. Shirkey stated that you and the Bondsmen then entered her home.

[REDACTED] arrived on scene to back you and the Bondsmen. [REDACTED] stated that when he arrived there was activity on the front porch with you and the Bondsmen, but he does not recall hearing pounding or knocking on the door and was not close enough to hear the conversations that were taking place. [REDACTED] stated that he was in the residence with you when he heard what he described as "screaming and yelling and vulgarities" coming from outside of the residence. [REDACTED] went to the back of the residence and saw what he at first believed to be a struggle between two individuals. As he addressed the individuals he learned from them that the struggle was staged and that everyone was "fine". [REDACTED] stated that he was pretty "steamed" that no one had advised him of what was going on, or what their plans were. [REDACTED] also shared that it was his belief that he was there "to make sure if it goes south, there was a 'uniform' there." [REDACTED] indicated that he believed he was providing this service primarily for the Bondsmen.

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██████████ was also at the ██████████ address during portions of this incident. ██████████ involvement was minimal and it was his impression that this was essentially an effort by police to support Bondsmen in their effort to recover a wanted subject.

██████████ in response to questions at the Loudermill hearing, you responded that you were very familiar with ██████████ and that this location was a very active one for criminal activity. You stated that the Bondsmen and Mr. Hardwick had initiated contact with you and stated that they were going to the ██████████ address in an attempt to recover the stolen rims that you had expressed interest in. ██████████ you stated that you did not know what motivated them to initiate this contact but did confirm that you had previously contacted Hardwick and had released him, hoping to use him ██████████ in the future.

██████████ you confirmed that you met with Mr. Hardwick and the Bondsmen on ██████████ but you denied being a party to, or actively engaging in the planning of any ruse to gain entry into the residence. You stated that you may have been in close proximity to the Bondsmen when they made a plan, but that you did not engage in the planning process with them. During the first portion of the Loudermill Hearing conducted on 9/8/11, Ms. Hillary McClure provided information of a very similar nature. Ms. McClure stated that you may have been near the Bondsmen as they made their plan(s) with Hardwick, but that you did not participate or have knowledge of any plan.

When asked how entry was gained into ██████████ you testified that you believed that you had obtained consent from Ms. Shirkey to enter the residence. You said that you have dealt with Ms. Shirkey in the past and that you have had a good relationship with her on previous contacts. When asked why ██████████ (one of the Bondsmen) was on the front porch with you, you explained that ██████████ also had a good rapport with Ms. Shirkey. When asked a second time how entry had been gained into the residence, you again stated that you believed that you had obtained consent from Ms. Shirkey.

In assessing the merits of this portion of the allegations, I concur with ARP in its finding of **sustained misconduct** on your part. Information was provided that supports this finding in a clear and convincing manner. Two witnesses who were interviewed individually and separately provided testimonial evidence indicating that a "ruse" was used to gain entry into ██████████ Mr. Hardwick and ██████████ stated that the sole and only reason that they had gone to the ██████████ address was to assist you in the recovery of stolen rims. Both Mr. Hardwick and ██████████ stated that it was their belief that you knew of and approved of a "plan" to have Mr. Hardwick gain entry into the residence so that the Bondsmen could force their way in if necessary under the guise of recovering him on their bond. Neither Mr. Hardwick nor ██████████ indicated that you developed the plan, but both stated that you knew of and approved of it.

In her statement, Ms. Shirkey describes your attempt to gain entry into her house as an effort to locate Mr. Hardwick. Ms. Shirkey did not state that you made any mention of

[REDACTED]
October 18, 2011

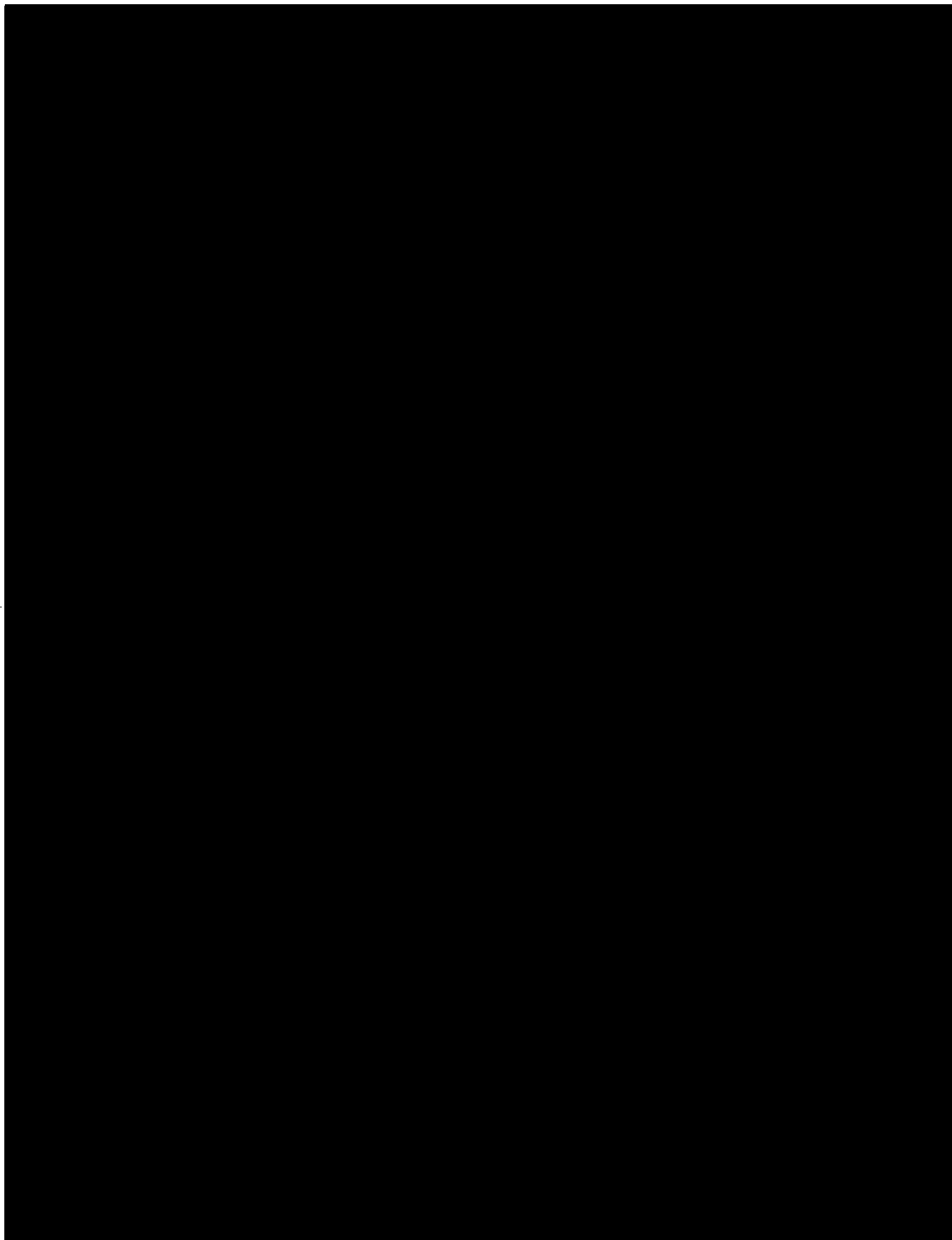
stolen rims at that time. She also stated that the Bondsman also demanded entry in order to recover Mr. Hardwick, whom she stated they claimed was in her house.

It appears as a factual matter that a "ruse" was developed and utilized on the night in question with the sole purpose of gaining entry into a residence that most likely would not have been possible utilizing other methods. Whether you planned the "ruse" or not is immaterial. What is material is that an officer of your experience and training should have reasonably known that the manipulative manner in which entry was gained into [REDACTED] was improper and a violation of Spokane Police Department policy. Your knowledge of the legal constraints placed on Bondsmen may not have been as complete as you would have liked, but it was and is, your responsibility as an officer to ensure that you have a proper knowledge base in order to execute your duties properly. In addition, your experience should have provided guidance to you in recognizing that the Bondsmen's actions on that night were not proper and that your participation was inconsistent with SPD policy. The Spokane Police Department provides patrol officers ready access to supervisors who can provide direction and advice in situations where officers need assistance. You failed to avail yourself of this option and then also failed to write a report documenting what had transpired.

Finally, [REDACTED] testimony is very persuasive, credible and lends credence to the fact that a "ruse" was used. Your subsequent entry into Ms. Shirkey's house was a direct byproduct of the ruse and therefore remains improper.

[REDACTED]

October 18, 2011



October 18, 2011

[REDACTED] you are in violation of Spokane Police Department Standard 2.3; [REDACTED] and Lexipol Disciplinary Policies 340.5 (e) [REDACTED] You are also simultaneously in violation, of Civil Service Rules IX, Section 5 (f) and Section 5 (n) as described above.

The issue of Unlawful Entry/Search is a serious breach of SPD policy and an egregious infringement upon the rights of our citizens. The SPD expects better and the citizens deserve and demand better service from our officers. It is unacceptable for members of the Spokane Police Department to engage in this type of violation of policy and a sustained finding must result in discipline commensurate with the violation.

[REDACTED] for your actions you shall be suspended (without pay) for a period of 80 hours, the dates of which will be provided to you by your supervisor. In addition you will be required to attend training in the areas of Criminal Procedures and Report Writing. In addition, you will be suspended from activities with SPD SWAT until such time as you have successfully completed your training requirements and been cleared by your chain of command as fit to participate as a specialty team member.

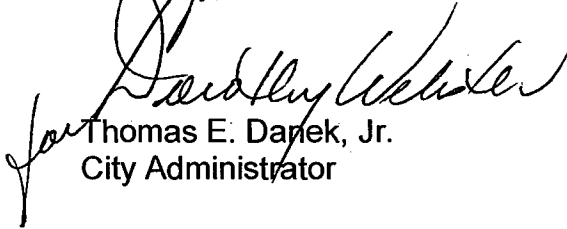
You have the right of appeal as specified in Civil Service Rule XI, Section 5 as follows:

Any employee in the classified service who has been suspended, reduced in rank or discharged as provided in Rule IX may appeal such action to the Commission. All appeals must be in writing and filed with the Secretary within 10 working days from the date of filing of such order with the Commission or from the date of service of such order on the employee, whichever is later. The Secretary shall provide a copy to the Human resources Director of any appeal so filed. Failure to file within the prescribed time shall be considered as acceptance of the action and the action shall be deemed complete.

[REDACTED]
October 18, 2011

[REDACTED] I expect you to be more careful in the future and not commit these types of errors again. This letter will remain in your Civil Service file for a minimum of three years. If during that time, there have been no further violations, you may petition to have it removed. On the other hand, if there are further issues, you may be subject to more severe disciplinary action, up to and including termination.

Sincerely,


Thomas E. Daneek, Jr.
City Administrator

c: Police Department
Evie Gies, Police Payroll
Maria Arguinzoni, Police Payroll
Erin Jacobson, Legal
Heather Lowe, Human Resources
Glenn Kibbey, Civil Service
Darcie Leonard-Chaffin, Payroll
Teresa Collins, Employee Benefits
Ernie Wuthrich, Police Guild
Gita Hatcher, HR Analyst

ACKNOWLEDGEMENT OF SERVICE

I [REDACTED] hereby acknowledge due service upon
me of the original of a letter from the City Administrator, dated
Oct 18th, 2011, on this 19th day of October, ~~2010~~ 2011

[REDACTED]

Updated August 2010

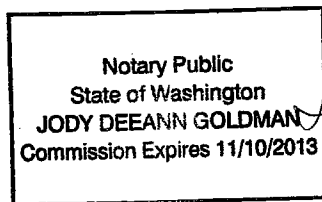
AFFIDAVIT OF SERVICE

STATE OF WASHINGTON)
) ss.
County of Spokane)

I Keith J Cummings, being first duly sworn on oath, depose and say: That I am now and at all times hereafter mentioned was a citizen of the United States and a resident of Spokane County, State of Washington, over the age of 21 years; that I served the original of a letter from the City Administrator, dated Oct 18th 2011, a true and correct copy of which is attached, upon [REDACTED] on this 19th day of October, 2011, ~~2010~~, by delivering to and leaving with him/her personally at his/her residence, located at [REDACTED], said letter.

[Signature]

SUBSCRIBED AND SWORN to before me this 20th day of October, 2011, ~~2010~~.



[Signature]
Notary Public in and for the State of Washington,
residing at Spokane

SPOKANE POLICE DEPARTMENT - INTERNAL INVESTIGATION
RIGHTS / RESPONSIBILITIES FOR ADMINISTRATIVE INTERVIEWS

Employee: [REDACTED] # _____ (Accused ☒ / Witness _____)Incident or Citation #: _____ Complainant: SPDDate/Time: 11-19-2009 Location: [REDACTED]Complaint: [REDACTED] Unlawful Entry

1. The purpose of this interview is to determine if misconduct or violations of Rules and Regulations, Policies and Procedures, Code of Ethics or any other departmental guidelines have occurred.
2. You have the right to be informed of your status regarding this investigation—whether you are the accused or a witness.
3. You have no right to remain silent. You must fully and truthfully answer all questions relating to your official duties and/or potential violations of City of Spokane or departmental Rules and Regulations; Policies and Procedures; Code of Canons and Ethics. Refusal to do so may result in subsequent disciplinary action up to and including dismissal.
4. You may have a union representative present to represent you or you may have an attorney that you have retained privately for consultation if you so desire. Reasonable time will be allowed for consultation, but you may not consult so frequently as to unduly interfere with the interview. Neither your attorney nor your union representatives may answer questions for you.
5. All answers and statements may be used in departmental administrative or disciplinary proceedings and may result in administrative action up to and including dismissal.
6. No information derived during this interview can be used in any criminal proceeding against you.
7. This investigation and interview is confidential pursuant to the Spokane Police Department Personnel Complaint Procedure Policy 1020. In order to ensure that the integrity of the investigation is preserved and that all department rules and regulations are understood and followed, you shall not discuss the allegations or investigation with anyone except your union representative(s), attorney or supervisor. You may not allow anyone else to gain access to that information without the expressed authorization of the Chief or his/her designee. Additionally, if you are the accused employee, you may only disclose to others that you are the subject of an investigation.
8. You are hereby ordered to comply with the investigation currently being conducted by _____ and to provide any written statement and answer any questions pertaining to the investigation. *(For non-SPD investigations only)*

Employee's signature _____

Date 10/6/11 Time 1130

Administered by _____

Date 10-6-11 Time 1130

As the witness/accused employee, I acknowledge receipt of formal written notification of an impending internal investigation prior to being interviewed. I further understand the cited violations will be determined once all the facts are gathered and the investigation is complete.

Employee's signature _____

Date 10/6/11 Time 1130

Original to IA file
 Copy to employee

Revision Date: October 28, 2009

CONFIDENTIAL

SPOKANE POLICE DEPARTMENT INTERNAL INVESTIGATION

ADDITIONAL

Type of Complaint: [REDACTED]

I.A. Control #:11-031

Complainant: SPD

On 9/22/11 at approximately 1530hrs I interviewed [REDACTED] in the IA office. Mr Tim Burns was present. [REDACTED] was a witness officer to IA 11-031 and was appearing without a guild representative by his own choosing. The interview was recorded however due to a problem with the recorder I was unable to retrieve and transfer the recording to the network to be transcribed. This report is my recollection of the interview.

[REDACTED] stated that he remembered the incident and described his actions when he arrived on-scene. He stated he remembers seeing the bounty hunters outside the residence at the front door when he arrived and a short time later he went inside. [REDACTED] stated there was no shouting or loud voices when he observed the bounty hunters at the front door. He said he went inside and heard a commotion outside, with someone shouting. He stated that he ran out to the backyard where the commotion was and encounter a bounty hunter (later identified as [REDACTED] and began to draw down on a subject standing in the window well. (later identified as Hardwick) [REDACTED] said that [REDACTED] then indicated that all was fine and told him about the 'ruse'. [REDACTED] stated that he thought someone was being assaulted outside and was very angry that he wasn't told about the 'ruse'.

[REDACTED] stated that [REDACTED] was already in the house when he went inside and that [REDACTED] did not follow him outside when the commotion occurred in the back yard (yelling). He stated that he never spoke with [REDACTED] about the incident but may have mentioned it to others because he was upset about not being told about ruse beforehand.


Lt. Keith Cummings

9-28-11

Internal Affairs

Cummings, Keith

From: Cummings, Keith
Sent: Friday, September 16, 2011 10:18 AM
To: [REDACTED]
Subject: Our administrative investigation

[REDACTED] these are the questions I would like to ask, I am sure there are others as well but the central issue in our investigation that I would like to have answered revolves around the planning of the ruse...I would like to know about entry into the house but the ruse issue is more important to me right now.

Thank you for your assistance.

Lt. Keith Cummings
Spokane Police
Internal Affairs

Do you remember an incident that occurred on or about Nov 19th, 2009 at [REDACTED]?

Could you describe what happened at that address?

Was [REDACTED] present?

Were any other officers present? (Who, and when did they arrive?)

***Did [REDACTED] actively participate in a discussion with you and [REDACTED] about using a ruse to gain entry into the house?

Could you describe that conversation?

Could you describe the ruse?

Did [REDACTED] contribute to the conversation? (do you remember what he said?)

Did [REDACTED] gain entry into the house? (did any other officers go into the house?)

How did he gain entry into the house?

What happened once he was inside the residence?

SPOKANE POLICE DEPARTMENT - INTERNAL INVESTIGATION
RIGHTS / RESPONSIBILITIES FOR ADMINISTRATIVE INTERVIEWS

Employee: [redacted] # _____ (Accused _____ / Witness ☒
Incident or Citation #: _____ Complainant: SPD
Date/Time: 11-19-11 Location: [redacted]
Complaint: SPD [redacted]

1. The purpose of this interview is to determine if misconduct or violations of Rules and Regulations, Policies and Procedures, Code of Ethics or any other departmental guidelines have occurred.
2. You have the right to be informed of your status regarding this investigation—whether you are the accused or a witness.
3. You have no right to remain silent. You must fully and truthfully answer all questions relating to your official duties and/or potential violations of City of Spokane or departmental Rules and Regulations; Policies and Procedures; Code of Canons and Ethics. Refusal to do so may result in subsequent disciplinary action up to and including dismissal.
4. You may have a union representative present to represent you or you may have an attorney that you have retained privately for consultation if you so desire. Reasonable time will be allowed for consultation, but you may not consult so frequently as to unduly interfere with the interview. Neither your attorney nor your union representatives may answer questions for you.
5. All answers and statements may be used in departmental administrative or disciplinary proceedings and may result in administrative action up to and including dismissal.
6. No information derived during this interview can be used in any criminal proceeding against you.
7. This investigation and interview is confidential pursuant to the Spokane Police Department Personnel Complaint Procedure Policy 1020. In order to ensure that the integrity of the investigation is preserved and that all department rules and regulations are understood and followed, you shall not discuss the allegations or investigation with anyone except your union representative(s), attorney or supervisor. You may not allow anyone else to gain access to that information without the expressed authorization of the Chief or his/her designee. Additionally, if you are the accused employee, you may only disclose to others that you are the subject of an investigation.
8. You are hereby ordered to comply with the investigation currently being conducted by _____ and to provide any written statement and answer any questions pertaining to the investigation. *(For non-SPD investigations only)*

Employee's signature [redacted] Date 9-21-11 Time 1540

Administered by [Signature] Date 9-21-11 Time _____

As the witness/accused employee, I acknowledge receipt of formal written notification of an impending internal investigation prior to being interviewed. I further understand the cited violations will be determined once all the facts are gathered and the investigation is concluded.

Employee's signature [redacted] Date 9-21-11 Time 1540

Original to IA file
Copy to employee



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. 282B-0

1110 Third Avenue
Seattle, Washington 98101

September 22, 2011

Chief Anne Kirkpatrick
Spokane Police Department
1100 W. Mallon Avenue
Spokane, WA 99260

Dear Chief Kirkpatrick:

As you know, on August 31, 2011, I received a copy of a memorandum authored by Captain Steve Braun, and signed by other Spokane Police Department officials, documenting the observations and findings of a Spokane Police Department Administrative Review Panel (ARP). This ARP was convened to assess the conduct of [REDACTED].

I have carefully reviewed the complaints, fact pattern, analysis and recommendations set forth in the ARP memorandum. I have also conferred with the United States Attorney's Office for the Eastern District of Washington regarding the facts and circumstances set forth in this memorandum. Based on this review and discussion, I have determined this matter does not warrant FBI investigation.

As always, thank you providing this information for my review. If I may be of assistance to you in this, or any other matter, please do not hesitate to contact me.

Sincerely yours,

Laura M. Laughlin
Special Agent-in-Charge

By: 
Frank M. Harrill
Supervisory Senior Resident Agent

September 1, 2011

To Whom It May Concern:

I am writing this letter on behalf of [REDACTED] an officer with the City of Spokane Police Department. I have been an assistant public defender with the Spokane County Public Defenders for close to fifteen years and have been assigned to the adult felony unit for the past twelve years.

I met [REDACTED] several years ago when he was the investigating officer on one of my cases. I filed a motion to suppress and [REDACTED] appeared to testify at that suppression hearing. He was very courteous prior to the hearing beginning and answered all my questions honestly. His truthful answers resulted in the case being dismissed. Following the hearing, [REDACTED] spoke with my investigator Troy Bunke. [REDACTED] requested that I let him know the results of the hearing and the basis for the judges ruling. My understanding was that [REDACTED] wanted to make sure that if he committed an error that resulted in suppression of the evidence he did not want to repeat that same mistake in the future. I was impressed with [REDACTED] integrity on the witness stand and his willingness to request that a defense attorney let him know if he was doing something wrong.

I have had additional cases with [REDACTED]. In each case, he showed the same professionalism and integrity. He has always been willing to return a phone call and to appear for interviews. I may not have always wanted to hear what he had to say, but what he did say was a reflection of his work ethic. If you have any questions, please feel free to contact me at (509) 477-4873 or by e-mail at Kreardon@spokanecounty.org.

Signed under penalty of perjury of the laws of the State of Washington, this 1st day of September, 2011.

Sincerely,



Kari Reardon

11/07

SPD#:07-345324

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

STATE OF WASHINGTON,

Plaintiff, NO.

vs

AFFIDAVIT FOR SEARCH WARRANT

Mueller, Kenneth R [REDACTED]/72

Arrest Warrant

[REDACTED]
SPOKANE, WA

Defendant.

[REDACTED], being first sworn on oath, deposes and says:

BACKGROUND OF AFFIANT:

Affiant is a sworn police officer for the City of Spokane and has been employed in that capacity since 1997. (Your affiant was a reserve police officer for the City of Spokane from 1990 to 1997). Your affiant has completed the Washington State Basic Law Enforcement Academy plus numerous subsequent training classes and seminars, some relating specifically to the investigation of Controlled Substance Offenses. Your affiant has been involved in writing search warrants for wanted subjects and assisting officer's in executing such warrants.

CRIME BEING INVESTIGATED: Arrest Warrant on wanted subject

SPD REPORT #:07-345324

AFFIDAVIT FOR SEARCH WARRANT FOR CONTROLLED SUBSTANCES - P. 2

CIRCUMSTANCES SUPPORTING PROBABLE CAUSE:

Over the past five to six weeks, [REDACTED] has made many attempts to contact defendant Kenneth Mueller to serve the subject with a temporary protection order, domestic violence related.

[REDACTED] has responded to [REDACTED] the residence of Mueller, attempting service of the order. On several occasions, [REDACTED] observed Muller inside; Mueller choosing not to answer the door.

About three weeks ago, [REDACTED] contacted your affiant and informed your affiant of his efforts to serve Mueller. [REDACTED] advised your affiant at that time that Mueller recently had a felony controlled substance warrant issued for his arrest. It was determined at that time if law enforcement and/or neighbors could see Mueller enter the residence or occupy, entry could be made to affect the arrest warrant. [REDACTED]

Over the past three weeks I have gone to [REDACTED] an average of two to three times a night looking for Mueller. I have also contacted several neighbors to gain assistance in watching for him. The neighbor directly to the east has called 911 on two occasions reporting lights were on in the residence. (11/20 and 11/25). When officer's arrived, no lights were illuminated. Your affiant learned from the petitioner on the order to be served, that Mueller stays in the basement. (It should be noted that all of the basement windows are boarded up).

Your affiant went to the address once last evening (11/26, 1900 hours) and again this morning (11/27, 0030 hours). Snow had been falling all night and I wanted to see if any foot prints lead to and/or from the residence. The neighbors I spoke with all advised Mueller comes and goes primarily using the back door. (North side of residence). At those times, I saw no foot prints in the snow anywhere around the residence.

Tonight (11/27) at 1634 hours I again went to the address. Although it stopped snowing early this morning I wanted to see if any visible foot prints existed. No foot prints existed

SPD # 07-345324

AFFIDAVIT FOR SEARCH WARRANT FOR CONTROLLED SUBSTANCES - P.3

in the front yard. I did observe two sets of fresh foot prints leaving the back door and returning to the back door. I carefully looked at the prints to see if Mueller could have left his yard. Mueller's yard is surrounded by a six foot chain link fence.

The foot prints travel towards the alley and stop next to the door of a fifth wheel trailer bearing WA/2863RL, located about sixty feet from his back door. The windows of that fifth wheel are all open and the trailer appears to be vacant, specifically everything being removed from it. (Not liveable). The prints return to the back door. Only those set of prints were in the back yard. The snow in the remaining areas of the back yard has not been disturbed.

Your affiant did check the alley as well as the neighbor's yards to the east and west, none of the snow was disturbed in any of those locations butting up to Mueller's fence.

Based on the fact presented and with the assistance of the snow fall, your affiant believes that defendant Mueller is currently inside his residence [REDACTED]

WHEREFORE, Your Affiant requests that a search warrant issue for the purpose of searching

Residence:, described as follows: One tan two-story residence clearly defined as [REDACTED]

Vehicle: described as follows: White 1998 Sunnybrook 5th wheel trailer bearing WA/2863RL

Person:, described as follows: Kenneth Robert Mueller born [REDACTED] 1972, a white male.

Located in the City & County of Spokane, State of Washington, and **any outbuildings or storage areas for this address,

TO SEIZE:

1) Kenneth Robert Mueller, [REDACTED] 1972.

SPD REPORT #:07-345324

AFFIDAVIT FOR SEARCH WARRANT FOR CONTROLLED SUBSTANCES - P. 4



Affiant Peace Officer

SUBSCRIBED AND SWORN TO before me this 27 day of Nov 2007

A handwritten signature in cursive script, likely belonging to the Commissioner/Judge.

COMMISSIONER/JUDGE DISTRICT/SUPERIOR
COURT, COUNTY OF SPOKANE

SPD NO.07-345324

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE
COUNTY OF SPOKANE

STATE OF WASHINGTON

Plaintiff,

NO.

vs

SEARCH WARRANT

Mueller, Kenneth R [REDACTED] 72

For Wanted Person

SPOKANE, WA

Defendants.

TO ANY PEACE OFFICER OF THE STATE OF WASHINGTON:

WHEREAS, [REDACTED] has this day signed an affidavit on oath before the undersigned, one of the District/Superior Court Commissioners/Judges in and for the County of Spokane, that he believes that defendant Mueller, a wanted person is at the residence listed below:

Residence:, described as follows: One tan two-story residence clearly defined as [REDACTED]

Vehicle: described as follows: White 1998 Sunnybrook 5th wheel trailer bearing WA/2863RL

Person:, described as follows: Kenneth Robert Mueller born [REDACTED] 1972, a white male.

SPD #:07-345324

Search Warrant - page 2

LOCATED IN SPOKANE COUNTY, TO-WIT:

City & County of Spokane, State of Washington.

WHEREAS, the undersigned finds that there is probable cause to believe said facts contained in the affidavit to be true,

THEREFORE, in the name of the State of Washington, you are commanded within ten days (not to exceed ten (10) days) to

 X enter the aforementioned residence and trailer


with the necessary & proper assistance, & there diligently search for and seize:

(1) Kenneth Robert Mueller [REDACTED] 72 a white male

The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and a receipt for the property taken. If no such person is present, the officer may post a copy of the search warrant and a receipt.

The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one (1) person other than the seizing officer. This person may be another officer.

GIVEN UNDER MY HAND THIS 27 DAY OF Nov 2007



COMMISSIONER/JUDGE, Spokane County
District/Superior Court

Time signed: 21:10

FILED

NOV 28 2007

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

Superior
DISTRICT COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

STATE OF WASHINGTON,)

Plaintiff,)

vs)

Kenneth Mueller)

Defendant.)

NO. 2007-0136

SEARCH WARRANT -
RETURN, INVENTORY AND RECEIPT

1. DATE AND TIME OF EXECUTION OF SEARCH WARRANT:

11/27/07 2150 hr

2. PREMISES AND FILES SEARCHED:

3. PERSONS PRESENT DURING EXECUTION OF SEARCH WARRANT:

4. INVENTORY LIST OF INFORMATION SEIZED:

none

5. METHOD OF ENTRY:

Ram

Seizing Officer

COPY OF RECEIPT RECEIVED:

CERTIFICATE OF RETURNEE

Recipient

I certify that on this 28 day of Nov.,
2007, at 230 (AM) (PM) the above captioned search warrant and written inventory were returned
to the District Court Judge who signed the search warrant by delivery to the Spokane County District
Court Clerk *Superior*

Neene Moran, Dep. Clerk *Superior*

McCabe, David E.

From: Wuthrich, Ernest
Sent: Tuesday, September 06, 2011 2:15 PM
To: McCabe, David E.; [REDACTED] Jacobson, Erin
Subject: RE: Confidential: FW: [REDACTED] administrative investigation

Dave,

Thank you for checking on that. Could you ask whether or not Lyle took notes during his interview of [REDACTED] on that date? He explained his normal procedure but he never said whether or not he took notes during the interview.

Thanks,
Ernie

From: McCabe, David E.
Sent: Tuesday, September 06, 2011 2:12 PM
To: Wuthrich, Ernest; [REDACTED] Jacobson, Erin
Subject: Confidential: FW: [REDACTED] administrative investigation

Here is Det. Johnston's final answer.
Dave

From: Johnston, Lyle [<mailto:LCJohnston@spokanesherriff.org>]
Sent: Tuesday, September 06, 2011 2:06 PM
To: Cummings, Keith; [REDACTED]
Cc: McCabe, David E.
Subject: RE: [REDACTED] administrative investigation

My normal procedure is to destroy my notes after completing the applicable report and having it destroyed. All my notes regarding this investigation have since been destroyed / shredded and the report stands as the only documentation on my part.

Lyle Johnston
Detective, Major Crimes
Spokane County Sheriff's Office
509-477-3191

From: Cummings, Keith [<mailto:KCummings@spokanepolice.org>]
Sent: Friday, September 02, 2011 11:16 AM
To: [REDACTED] Johnston, Lyle
Cc: McCabe, David E.
Subject: [REDACTED] administrative investigation

[REDACTED] Loudermill hearing is set for next Thursday. The Guild has requested a copy of any notes that you two may have taken during your interviews with [REDACTED]. Please forward a copy of these notes to me or Sgt McCabe as soon as you can.

Thank you for your assistance,

Lt. Keith Cummings
Internal Affairs

McCabe, David E.

From: Johnston, Lyle [LCJohnston@spokanesherriff.org]
Sent: Tuesday, September 06, 2011 2:06 PM
To: Cummings, Keith; [REDACTED]
Cc: McCabe, David E.
Subject: RE: [REDACTED] administrative investigation

My normal procedure is to destroy my notes after completing the applicable report and having it destroyed. All my notes regarding this investigation have since been destroyed / shredded and the report stands as the only documentation on my part.

Lyle Johnston

Detective, Major Crimes
Spokane County Sheriff's Office
509-477-3191

From: Cummings, Keith [mailto:KCummings@spokanepolice.org]
Sent: Friday, September 02, 2011 11:16 AM
To: [REDACTED] Johnston, Lyle
Cc: McCabe, David E.
Subject: [REDACTED] administrative investigation

[REDACTED] Loudermill hearing is set for next Thursday. The Guild has requested a copy of any notes that you two may have taken during your interviews with [REDACTED]. Please forward a copy of these notes to me or Sgt McCabe as soon as you can.

Thank you for your assistance,

Lt. Keith Cummings
Internal Affairs

CADUH -- Police

SEARCH PARAMETERS

FROM : 11/19/09 00:00
TO : 11/19/09 23:59

OFFICER ID :
***** UNIT ID: *****

--- 11/19/09 ---

/125508)
/125628
/131630
/142623
/144038
/145502
/171622
/172041
/173926
*LOGON
*RELOG
*OUTONS
*CLEAR
*REMINQ
*OUTONS
*CLEAR
*REMINQ
*LOGOFF

CADUH -- Police

JURISDICTION : ALL

09/06/11 PAGE 0001

☐ ☐

☐VEH/213
☐VEH/213

T/1

T/1

JURISDICTION : ALL

09/06/11 PAGE 0002



OFFICE OF THE CITY ATTORNEY
808 W. SPOKANE FALLS BLVD
SPOKANE, WASHINGTON 99201-3326
(509) 625-6225 TELEPHONE
(509) 625-6277 FACSIMILE

HOWARD F. DELANEY
CITY ATTORNEY

PATRICK J. DALTON
SENIOR ASSISTANT ATTORNEY

PRACTICE GROUPS

Administrative

BARBARA A. BURNS

MICHAEL J. PICCOLO

TIMOTHY E. SZAMBELAN

JIM A. BLEDSOE

Public Health and Utilities

CARRIE E. HOLTAN

TIMOTHY E. SZAMBELAN

Elizabeth Schoedel

Labor Relations

PATRICK J. DALTON

ERIN A. JACOBSON

Land Use / Real Estate

JAMES A. RICHMAN

Litigation

ROCCO N. TREPPEDI

SALVATORE J. FAGGIANO

EILEEN M. O'HARA

BRUCE E. COX

August 29, 2011

VIA FACSIMILE: (888) 667-0028

Cellco Partnership d/b/a Verizon Wireless
Attn: Custodian of Records
180 Washington Valley Road
Bedminster, NJ 07921

Re: Request for Cellular Phone Records [REDACTED]

Dear Custodian of Records:

I represent the Spokane Police Department which is seeking the records described in the enclosed Administrative Subpoena for an Internal Affairs investigation. The cell phone account was registered to and paid by the FBI. The cell phone was provided to and used by a Spokane Police Department officer as a member of a Joint Task Force on Gang-Related Activity. The officer who used the phone has requested that Internal Affairs obtain the record. The FBI no longer has a copy of the record, and – via the Spokane Agent in Charge, Frank Harrill – does not object to providing it to the Spokane Police Department.

A hearing on this matter is set for September 8, 2011 and the record sought would be introduced as evidence. Thus, we would ask that the record be produced to Sgt. David McCabe by September 7th. If you cannot make that deadline, please let me know at (509) 625-6285 or Sgt. McCabe at (509) 835-4588.

Thank you.

Sincerely,

Rocco N. Treppiedi
Assistant City Attorney

Encl.

cc: Sgt. David McCabe (with encl.)

**SPOKANE POLICE DEPARTMENT
CITY OF SPOKANE**

Administrative Subpoena

**To: Custodian of Records
Celco Partnership d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921**

Re: Cellular telephone number: [REDACTED]

**From: Anne Kirkpatrick, Chief of Police
By Sgt. David McCabe, Internal Affairs
Spokane Police Department
1100 W. Mallon Avenue
Spokane, WA 99260
Phone: (509) 835-4588
Fax: (509) 835-4551
Email: demccabe@spokanepolice.org**

You are commanded to produce the following documents or tangible things:

**Cellular telephone records, including incoming and outgoing
numbers, and duration of calls, for the period of 12:00 a.m.
November 19, 2009 to 11:59 p.m. November 19, 2009, for the
following:**

Cellular telephone number:	[REDACTED]
Account holder:	United States of America, Federal Bureau of Investigation

**Please provide the requested information or documents by Wednesday, September 7,
2011.**

The information or documents may be sent by any method agreeable to your company. However, preferable means of receipt is email: demccabe@spokanepolice.org, and/or facsimile at (509) 835-4551.

Your response to this administrative subpoena must be dated and signed by you or your designee.

As an authorized agent of the Spokane Police Department, I have authority to issue this administrative subpoena.

Date Authorized:

August 29, 2011

Authorized Agent:

Sgt. D.E. McCabe

Anne Kirkpatrick, Chief of Police
By Sgt. David McCabe, Internal Affairs
Spokane Police Department
1100 W. Mallon Avenue
Spokane, WA 99260
Phone: (509) 835-4588
Fax: (509) 835-4551
Email: demccabe@spokanepolice.org



PO BOX 4003
ACWORTH, GA 30101

Manage Your Account	Account Number	Date Due
At vzw.com/mybusinessaccount	585226424-00001	12/18/09
	Invoice Number	2320608671

KEYLINE
/2053500014/

FEDERAL BUREAU OF INVESTIGATION
C O BONNIE HAMMER
935 PENNSYLVANIA AVE NW
WASHINGTON, DC 20535-0001

Quick Bill Summary

Oct 24 - Nov 23

Previous Balance *(see back for details)*

Payments - Thank You

Adjustments

Credit Balance

Monthly Access Charges

Usage Charges

Voice

Data

Roaming

Verizon Wireless Surcharges
and Other Charges & Credits

Taxes, Governmental Surcharges & Fees

Total Current Charges

Total Charge Due by December 18, 2009

Verizon Wireless News

Change to Your Service

*This bill includes monthly access charges for your next bill cycle.

*Due to your recent plan or feature change, this bill may include adjustments to your monthly access charges.

*Usage charges are for your voice, TXT/PIX/FLIX and data usage from your last bill cycle.

Pay from Wireless	Pay on the Web	Questions:
#PMT (#768)	At vzw.com/mybusinessaccount	1.800.922.0204 or *611 from your wireless

VN



Bill Date November 23, 2009
Account Number 585226424-00001
Invoice Number 2320608671

FEDERAL BUREAU OF INVESTIGATION
C O BONNIE HAMMER
935 PENNSYLVANIA AVE NW
WASHINGTON, DC 20535-0001



Check here and fill out the back of this slip if your billing address has changed or you are adding or changing your email address.

2320608671010585226424000010327134250327133859



Invoice Number Account Number Date Due Page

2320608671 585226424-00001 12/18/09 13410 of 32311

Summary for Se 178:

Your Calling Plan

AC Business SharePlan 300
\$20.00 monthly access charge
300 monthly general allowance minutes
\$.25 per minute after allowance

M2M National Unlimited
Unlimited Mobile to Mobile

Unl Night & Weekend Min
Unlimited OFFPEAK

BlackBerry Unlimited
\$25.00 monthly access charge
Unlimited monthly kilobyte

TXT Messaging Unlimited
Unlimited monthly TXT Message

Charges

Monthly Access Charges

AC Business SharePlan 300 11/24 - 12/23
BlackBerry Unlimited 11/24 - 12/23

Usage Charges

Voice

Data

Detail for Se 178:

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
------	------	--------	------	------------	-------------	-------------	------	--------------------	--------------------------	-------



Invoice Number Account Number Date Due Page

2320608671 585226424-00001 12/18/09 13420 of 32311

Detail for Se 178: [REDACTED]

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
11/18										
11/19	9:42A	[REDACTED]	Peak	M2MAllow	Spokane VA WA	Spokane WA	1	--	--	--
11/19	9:42A	[REDACTED]	Peak	M2MAllow	Spokane VA WA	Spokane WA	1	--	--	--
11/19	9:48A	[REDACTED]	Peak	M2MAllow	Spokane VA WA	Spokane WA	2	--	--	--
11/19	10:08A	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	2	--	--	--
11/19	10:19A	[REDACTED]	Peak	M2MAllow	Spokane WA	Incoming CL	2	--	--	--
11/19	10:53A	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	2	--	--	--
11/19	11:59A	[REDACTED]	Peak	M2MAllow	Spokane WA	Incoming CL	1	--	--	--
11/19	12:41P	[REDACTED]	Peak	M2MAllow	Spokane WA	Incoming CL	2	--	--	--
11/19	12:44P	[REDACTED]	Peak	M2MAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	12:45P	[REDACTED]	Peak	M2MAllow,CallWait	Spokane WA	Incoming CL	1	--	--	--
11/19	12:47P	[REDACTED]	Peak	M2MAllow	Spokane WA	Incoming CL	1	--	--	--
11/19	12:50P	[REDACTED]	Peak	M2MAllow	Spokane WA	Incoming CL	1	--	--	--
11/19	12:51P	[REDACTED]	Peak	M2MAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	12:53P	[REDACTED]	Peak	M2MAllow	Spokane WA	Incoming CL	1	--	--	--
11/19	12:54P	[REDACTED]	Peak	M2MAllow	Spokane WA	Incoming CL	1	--	--	--
11/19	1:08P	[REDACTED]	Peak	M2MAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	1:09P	[REDACTED]	Peak	M2MAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	1:25P	[REDACTED]	Peak	M2MAllow	Spokane WA	Spokane WA	2	--	--	--
11/19	2:04P	[REDACTED]	Peak	M2MAllow	Spokane WA	Spokane WA	3	--	--	--
11/19	2:32P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	2:33P	[REDACTED]	Peak	M2MAllow	Spokane WA	Incoming CL	4	--	--	--
11/19	2:33P	[REDACTED]	Peak	PlanAllow,CallWait	Spokane WA	Incoming CL	4	--	--	--



Invoice Number Account Number Date Due Page

2320608671 585226424-00001 12/18/09 13421 of 32311

Detail for Se 178: [REDACTED]

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
11/19	2:37P	[REDACTED]	Peak	M2MAIlow,CallWait	Spokane WA	Incoming CL	2	--	--	--
11/19	2:40P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	2	--	--	--
11/19	2:44P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	2:45P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	2:46P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	2:50P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2	--	--	--
11/19	2:56P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2	--	--	--
11/19	2:58P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	2:58P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	1	--	--	--
11/19	3:07P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	2	--	--	--
11/19	3:08P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	3:11P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane WA	Voice Mail CL	1	--	--	--
11/19	3:13P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	3:25P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	3:26P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	3:27P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	3:30P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	3:30P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2	--	--	--
11/19	3:32P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	3:39P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1	--	--	--
11/19	3:45P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	2	--	--	--
11/19	3:53P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	3:56P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	3	--	--	--
11/19	4:11P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	4:11P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	4:22P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	1	--	--	--
11/19	4:24P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	2	--	--	--
11/19	4:41P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	3	--	--	--
11/19	4:44P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	4:56P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	2	--	--	--
11/19	4:57P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	1	--	--	--
11/19	4:58P	[REDACTED]	Peak	PlanAllow,CallWait	Spokane WA	Incoming CL	1	--	--	--
11/19	4:59P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	5:01P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	5:26P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	3	--	--	--
11/19	5:28P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	5:29P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1	--	--	--
11/19	5:32P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	1	--	--	--
11/19	5:57P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	3	--	--	--
11/19	6:01P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	1	--	--	--
11/19	6:31P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	6	--	--	--
11/19	6:39P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2	--	--	--
11/19	6:48P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	1	--	--	--
11/19	6:58P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	2	--	--	--
11/19	7:07P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Incoming CL	2	--	--	--



Invoice Number Account Number Date Due Page

2320608671 585226424-00001 12/18/09 13422 of 32311

Detail for Se 178: [REDACTED]

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
11/19	7:17P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Incoming CL	1	--	--	--
11/19	7:18P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	2	--	--	--
11/19	7:20P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Incoming CL	2	--	--	--
11/19	7:28P	[REDACTED]	Peak	M2MAllow	Spokane VA WA	Incoming CL	3	--	--	--
<u>11/20</u>										
<u>11/20</u>										



Invoice Number Account Number Date Due Page
0819593517 764228641-00001 Past Due 178 of 469

Summary for [REDACTED]

Your Calling Plan

Nationwide Basic SharePlan 300

\$38.45 monthly access charge

300 monthly general allowance minutes

\$.25 per minute after allowance

M2M National Unlimited

Unlimited Mobile to Mobile

Unl Night & Weekend Min

Unlimited OFFPEAK

BlackBerry Unlimited BBA

\$44.99 monthly access charge

Unlimited monthly kilobyte

Beginning on 09/02/09:

20% - Feature Discount

Beginning on 07/06/09:

17% Access Discount

Charges

Monthly Access Charges

Nationwide Basic SharePlan 300 11/26 - 12/25	38.45
17% Access Discount 11/26 - 12/25	-6.54
BlackBerry Unlimited BBA 11/26 - 12/25	44.99
20% - Feature Discount 11/26 - 12/25	-9.00
	\$67.90

Usage Charges

Voice	.00
Data	.00
	\$.00

Verizon Wireless' Surcharges

Fed Universal Service Charge	.74
Regulatory Charge	.07
Effect of City Tax	2.09
	\$2.90

Taxes, Governmental Surcharges and Fees

WA State Sales Tax	2.26
Spokane City Sales Tax	.76
	\$3.02

Total Current Charges for 509-385-3627

\$73.82

Usage Charges

Voice	Allowance	Used	Billable	Cost
SharePlan minutes	300 (shared)	325	---	---
Mobile to Mobile minutes	unlimited	637	---	---
Night/Weekend minutes	unlimited	60	---	---
Total Voice				\$.00
Data				
Kilobyte Usage kilobytes	unlimited	1023	---	---
Total Data				\$.00
Total Usage Charges				\$.00

Have more questions about your charges? Get details for all your voice and data Usage Charges at vzw.com/mybusinessaccount.

Detail for [REDACTED]

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
10/26	2:01P	[REDACTED]	Peak	PlanAllow, CallVM	Spokane VA WA	Voice Mail CL	3	---	---	---
10/26	2:04P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	4	---	---	---
10/26	2:08P	[REDACTED]	Peak	M2Mallow	Spokane VA WA	Spokane WA	10	---	---	---
10/26	4:11P	[REDACTED]	Peak	M2Mallow	Spokane WA	Spokane WA	2	---	---	---

Control #: 50000101-00012404

Order #: 474 y #: 05



Invoice Number Account Number Date Due Page
0819593517 764228641-00001 Past Due 179 of 469

Detail for [REDACTED]

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
10/26	4:22P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane WA	Voice Mail CL	1			
10/26	5:30P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
10/26	6:53P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	3			
10/26	7:12P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
10/26	7:15P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	7			
10/26	7:39P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane WA	Voice Mail CL	2			
10/26	8:36P	[REDACTED]	Peak	N&W,PlanAllow,Span	Spokane WA	Incoming CL	28			
10/26	9:47P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	5			
10/26	11:54P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	5			
10/26	11:59P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	4			
10/27	2:17P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane VA WA	Voice Mail CL	2			
10/27	2:19P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	4			
10/27	5:13P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	9			
10/27	6:57P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
10/27	7:09P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	3			
10/27	7:39P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	7			
10/28	12:30P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	1			
10/28	3:57P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	1			
10/28	6:01P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
10/28	6:03P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	3			
10/28	6:05P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	17			
10/28	6:26P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
10/28	6:40P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
10/28	6:41P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	5			
10/28	7:08P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	12			
10/28	7:26P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	7			
10/28	10:14P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	2			
10/28	11:24P	[REDACTED]	Off-Peak	N&W	Spokane WA	Spokane WA	1			
10/28	11:25P	[REDACTED]	Off-Peak	M2MAIlow,CallWait	Spokane WA	Incoming CL	1			
10/28	11:58P	[REDACTED]	Off-Peak	M2MAIlow	Spokane VA WA	Spokane WA	4			
10/29	1:20P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Incoming CL	3			
10/29	1:24P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	3			
10/29	6:21P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	7			
10/29	8:19P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
10/29	8:24P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	4			
10/29	8:28P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	6			
10/29	9:15P	[REDACTED]	Off-Peak	N&W	Spokane WA	Spokane WA	11			
10/29	10:26P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	4			
10/30	12:12A	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	5			
10/30	12:22A	[REDACTED]	Off-Peak	M2MAIlow	Spokane VA WA	Incoming CL	5			
11/02	1:34P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane VA WA	Voice Mail CL	2			
11/02	1:38P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	1			
11/02	1:39P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	11			
11/02	1:54P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	4			
11/02	2:03P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			

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Detail for [REDACTED]

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
11/02	2:49P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane WA	Voice Mail CL	1			
11/02	7:05P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	7			
11/02	7:36P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	7			
11/02	8:37P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/03	2:14P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	1			
11/03	2:32P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/03	3:17P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	1			
11/03	4:09P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	1			
11/03	5:19P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	15			
11/03	5:35P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	6			
11/03	6:20P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	2			
11/03	6:27P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/03	6:28P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/03	7:10P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	17			
11/03	7:44P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	2			
11/03	8:39P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1			
11/03	8:47P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1			
11/03	8:47P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/03	9:00P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/03	9:01P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/03	9:04P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/03	9:12P	[REDACTED]	Off-Peak	N&W	Spokane WA	Incoming CL	10			
11/03	10:45P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/03	11:05P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	3			
11/04	12:15P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	4			
11/04	12:19P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	3			
11/04	12:22P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	9			
11/04	12:31P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/04	12:31P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	7			
11/04	2:44P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/04	5:38P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/04	5:39P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
11/04	7:05P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/04	7:17P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	4			
11/04	7:23P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/04	7:57P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	23			
11/04	8:26P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane WA	Voice Mail CL	1			
11/04	9:15P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	10			
11/05	11:23A	[REDACTED]	Peak	PlanAllow,CallVM	Spokane WA	Voice Mail CL	1			
11/05	11:27A	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	4			
11/05	3:26P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	2			
11/05	4:54P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/05	4:56P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	2			
11/05	4:59P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/05	5:01P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1			

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Detail for [REDACTED]

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
11/05	5:02P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1			
11/05	5:04P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1			
11/05	5:05P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/05	5:06P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	6			
11/05	5:24P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	4			
11/05	5:40P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	3			
11/05	6:06P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	3			
11/05	6:09P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	15			
11/05	8:08P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
11/05	8:10P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	22			
11/05	8:56P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	1			
11/09	1:52P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	1			
11/09	5:27P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/09	5:29P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	16			
11/09	5:52P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/09	5:52P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	5			
11/09	5:58P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/09	5:59P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
11/09	6:26P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	7			
11/09	6:50P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	8			
11/09	7:03P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	4			
11/09	7:37P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	6			
11/09	8:41P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	7			
11/09	8:49P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	4			
11/09	9:37P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	8			
11/10	2:05P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/10	2:08P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	1			
11/10	5:17P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	9			
11/10	5:26P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/10	5:29P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	4			
11/10	5:35P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/10	5:36P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	3			
11/10	5:50P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	5			
11/10	5:55P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1			
11/10	6:00P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	6			
11/10	6:16P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	2			
11/10	7:26P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	4			
11/10	7:47P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	3			
11/10	8:28P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	15			
11/10	9:01P	[REDACTED]	Off-Peak	N&W	Spokane WA	Incoming CL	3			
11/10	9:49P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	4			
11/10	10:36P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	2			
11/10	11:43P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Moses Lake WA	1			
11/10	11:44P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	10			
11/10	11:57P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	2			

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Detail for [REDACTED]

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
11/11	12:06A	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	8			
11/11	12:16A	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/11	12:59A	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	2			
11/11	1:00A	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	3			
11/11	1:05A	[REDACTED]	Off-Peak	N&W	Spokane WA	Spokane WA	10			
11/11	1:17A	[REDACTED]	Off-Peak	N&W	Spokane WA	Spokane WA	5			
11/11	1:21A	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	4			
11/11	1:38A	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/11	1:39A	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	3			
11/12	1:17P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane VA WA	Voice Mail CL	1			
11/12	1:23P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	1			
11/12	1:27P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	1			
11/12	2:38P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/12	5:49P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	3			
11/12	5:53P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	13			
11/12	8:54P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	7			
11/12	10:35P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/12	10:36P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/12	11:01P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	12			
11/16	1:53P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	5			
11/16	2:01P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	1			
11/16	5:27P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	2			
11/16	5:30P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	11			
11/16	6:10P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/16	6:18P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	5			
11/16	6:47P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
11/16	7:53P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	1			
11/16	8:40P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	10			
11/16	8:56P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	2			
11/16	9:00P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	1			
11/16	9:07P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	3			
11/16	9:19P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	2			
11/16	9:25P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/16	9:29P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	5			
11/16	9:40P	[REDACTED]	Off-Peak	N&W	Spokane WA	Incoming CL	11			
11/16	9:51P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Spokane WA	6			
11/16	10:22P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	4			
11/16	11:51P	[REDACTED]	Off-Peak	M2MAIlow	Spokane VA WA	Incoming CL	3			
11/17	1:45P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane VA WA	Voice Mail CL	1			
11/17	1:47P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	7			
11/17	2:05P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	15			
11/17	2:20P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/17	6:43P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	1			
11/17	10:04P	[REDACTED]	Off-Peak	N&W	Spokane WA	Spokane WA	5			
11/18	1:02A	[REDACTED]	Off-Peak	N&W,CallVM	Spokane WA	Voice Mail CL	1			

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Detail for [REDACTED]

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
11/18	12:27P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	1			
11/18	12:30P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	4			
11/18	12:38P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	11			
11/18	2:39P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/18	3:02P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	1			
11/18	5:47P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1			
11/18	5:48P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
11/18	7:50P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/18	7:52P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	4			
11/18	8:39P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	13			
11/18	9:34P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	43			
11/18	10:46P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	11			
11/18	11:16P	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	3			
11/18	11:45P	[REDACTED]	Off-Peak	M2MAIlow	Spokane VA WA	Incoming CL	7			
11/19	12:58P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	1			
11/19	1:37P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	1			
11/19	2:51P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	3			
11/19	5:17P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/19	5:18P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	2			
11/19	5:22P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Incoming CL	12			
11/24	1:59P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	1			
11/24	2:01P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Incoming CL	11			
11/24	2:12P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	1			
11/24	3:57P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane WA	Voice Mail CL	1			
11/24	5:41P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	1			
11/24	5:41P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	19			
11/24	7:39P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	5			
11/25	12:21A	[REDACTED]	Off-Peak	M2MAIlow	Spokane WA	Incoming CL	2			
11/25	9:49A	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Spokane WA	22			
11/25	1:01P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1			
11/25	1:02P	[REDACTED]	Peak	PlanAllow	Spokane WA	Spokane WA	1			
11/25	1:03P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/25	1:16P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	16			
11/25	1:32P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	1			
11/25	1:33P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	2			
11/25	2:09P	[REDACTED]	Peak	PlanAllow,CallVM	Spokane WA	Voice Mail CL	1			
11/25	3:03P	[REDACTED]	Peak	M2MAIlow	Spokane WA	Spokane WA	7			
11/25	6:48P	[REDACTED]	Peak	PlanAllow	Spokane WA	Incoming CL	10			
11/25	7:02P	[REDACTED]	Peak	PlanAllow	Spokane VA WA	Spokane WA	1			
11/25	7:05P	[REDACTED]	Peak	M2MAIlow	Spokane VA WA	Incoming CL	7			

Control # 50000101-00012402
Order #: 4725 Copy #: 05

McCabe, David E.

From: McCabe, David E.
Sent: Tuesday, June 14, 2011 9:26 AM
To: All Police Commissioned
Subject: [REDACTED]

It was brought to my attention this morning that there is a belief that [REDACTED] is being investigated by our Department, but that he has not been informed of the specific allegations. [REDACTED] was a subject in a criminal investigation conducted by a team of county, city and state investigators. [REDACTED] was not the target of the investigation, and while charges will be filed against the target, the prosecutor's office has declined to charge [REDACTED]. During this criminal investigation, [REDACTED] was not told the nature of the investigation or what specific allegations there were against him. This is standard practice for a criminal investigation.

Once we learned that the prosecutor would not be filing charges against [REDACTED] IA began its investigation. After reviewing the criminal case file, I personally notified [REDACTED] of the internal affairs investigation. Further, I served him written notice that I would like to interview him. That notice contained the specific allegations that I was looking into and I also provided him with reports and CAD histories to help him prepare for the interview.

I have been keeping Guild officers up to date as to [REDACTED] status and his pending interview.

It has been a long process for [REDACTED] to be sure. I am trying to move this forward as quickly as possible, while still conducting a thorough and fair investigation.

If any of you have any questions regarding this or other IA processes, please don't hesitate to contact me.

Thank you!
Dave

Dgt. Dave McCabe
Internal Affairs
509-835-4588
demccabe@spokanepolice.org

McCabe, David E.

From: [REDACTED]
Sent: Friday, September 02, 2011 3:14 PM
To: Cummings, Keith; Johnston, Lyle
Cc: McCabe, David E.
Subject: RE: [REDACTED] administrative investigation

I looked through what I have. I am not able to locate any notes from the [REDACTED] interview. I don't think I took any.....Thanks, [REDACTED]

From: Cummings, Keith
Sent: Friday, September 02, 2011 11:16 AM
To: [REDACTED] Johnston, Lyle
Cc: McCabe, David E.
Subject: [REDACTED] administrative investigation

[REDACTED] Loudermill hearing is set for next Thursday. The Guild has requested a copy of any notes that you two may have taken during your interviews with [REDACTED] Please forward a copy of these notes to me or Sgt McCabe as soon as you can.

Thank you for your assistance,

t. Keith Cummings
internal Affairs

McCabe, David E.

From: Johnston, Lyle [LCJohnston@spokanesherriff.org]
Sent: Tuesday, August 30, 2011 1:39 PM
To: Kirkpatrick, Anne
Cc: Knezovich, Ozzie; [REDACTED] Hazel, Tony; Driscoll, Jack
Subject: [REDACTED] Investigation

Chief Kirkpatrick,

In follow up to our conversation earlier today about the [REDACTED] investigation, I had forgot to convey a couple of points and I wanted to mention. Although these situations are never pleasant to investigate, I wanted to acknowledge the professionalism and high level of cooperation I received from each of your officers that I had the privilege of interviewing. I know they each had apprehensions about being questioned in relation to a criminal matter and yet having very little knowledge as to what was being investigated. Again I appreciate their cooperation.

As to the matter at hand of a referral for criminal violations regarding [REDACTED] although the investigative team didn't find any applicable RCW violations, we are all in agreement that a potential federal violation exists for which we cannot make a referral. I am aware that both you and Sgt. Wade had conversations with the FBI about this matter, so I would defer to their judgement on any federal code violations. I would like to point out that this does have the potential of changing as the accused parties are charged in court. The case won't officially be closed until such time a disposition is reached by the courts. Until that time any of the defendants could possibly come forward with new information that could cause the prosecutor's office or the investigative team to change our position, therefore it is still my position that this is an open investigation and should be treated as such.

With that in mind I do not wish to review or have a copy of the Administrative Report as that could taint my investigation of a criminal matter should new information be presented to me and further investigation warranted.

Lyle Johnston
Detective, Major Crimes
Spokane County Sheriff's Office
509-477-3191

McCabe, David E.

From: [REDACTED]
Sent: Tuesday, August 30, 2011 11:23 AM
To: McCabe, David E.
Subject: FW: Call records for one of our Nextel Phones
Attachments: Dec 2009 Bill [REDACTED].pdf; Nov 2009 Bill [REDACTED].pdf

This is the info from Nextel and shows no use on November 19th 2009. The billing statements cover 10/21/2009 to 12/11/2009

From: Workman, Jennifer L [BMG] [REDACTED]
Sent: Tuesday, August 30, 2011 10:55 AM
To: [REDACTED]
Cc: McCabe, David E.
Subject: RE: Call records for one of our Nextel Phones

I am attaching 2 records for you to view. Because of the way the billing cycle falls the November calls were posted on the November and December statements. There was very little activity for this subscriber so I am only sending you a couple of pages. Please let me know if you need any further information.

Thank you,

Jennifer Workman [REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Tuesday, August 30, 2011 10:14 AM
To: Workman, Jennifer L [BMG]
Cc: McCabe, David E.
Subject: Call records for one of our Nextel Phones

Is it possible for you to regenerate a call record to include one of our Nextel Phones and email it to me?
The records needed are for November of 2009 on phone number [REDACTED] and direct connect number is [REDACTED]. Also this is a rush request on an internal investigation. If this is not possible could you respond back with the answer? Thank you for your time and effort.

This e-mail may contain Sprint Nextel proprietary information intended for the sole use of the recipient(s). Any use by others is prohibited. If you are not the intended recipient, please contact the sender and delete all copies of the message.

> SUBSCRIBER INFORMATIONAL REPORTS

The following reports are compiled as a courtesy to help you analyze usage trends and manage your subscriber activity.

Your Rate Plans

Plan	Services
100 Cellular Bonus Minutes	Cellular Minutes
Carrier ID: No Charge	Carrier ID
NDC Restricted	Nationwide DC RSTRCT
	Nationwide Direct Connect
Text & Numeric Paging	SMS Text Messages
Account Advantage Plus	Call Detail
	Talkgroup(SM)
	Direct Connect on Nextel
	Domestic LD Rate \$0
	Direct Connect Cross Fleet
	Anytime Minutes

Airtime Usage Detail

Plan	Incoming/Outgoing	Peak/Off Peak	Total Min:Sec	*Plan Min:Sec	Other Min:Sec	Billable Min:Sec	Total Charges
Account Advantage Plus							
Anytime Minutes	Peak	Peak	3:00	3:00			0.00
Direct Connect on Nextel	Off Peak	Off Peak	2:30	2:30			0.00
Talkgroup(SM)	Peak	Peak	482:39	482:39			0.00
Talkgroup(SM)	Off Peak	Off Peak	114:49	114:49			0.00
Total Airtime Usage Charges							\$0.00

Airtime Usage Detail includes airtime of Direct Connect on Nextel phones

*Plan Min:Sec includes Anytime minutes, Additional (Bonus) minutes, Mobile to Mobile minutes, Any Mobile Anytime minutes, Mobile to Home minutes, and Mobile to Office minutes.

For this bill period, this phone has used 00:00 Mobile to Mobile minutes, 00:00 Any Mobile Anytime, 00:00 Mobile to Home minutes, and 00:00 Mobile to Office minutes.

Talkgroup and Group Connect on Nextel Usage by Number of Participants





Number of Participants	Min:Sec Used	Multiplier	Total Min:Sec
3	1:18	3	3:54
4	0:09	4	0:36
5	0:48	5	4:00
6	3:54	6	23:24
7	7:07	7	49:49
8	8:16	8	66:08
9	20:09	9	181:20
10	15:56	10	159:19
11	0:55	11	10:05
12	1:59	12	23:48
13	1:13	13	15:49

Continued...

SUBSCRIBER CHARGES AND ADJUSTMENTS

UNIT 22

> SUBSCRIBER ACTIVITY SUMMARY

	Rate/Date	Amount
 Monthly Recurring Access Charges		
Account Advantage Plus for 11/21 - 12/20		20.00
Total Monthly Recurring Access Charges		\$20.00
 Service Discounts		
15% Access Discount		-3.00
Business Discount Nextel 24%		-4.08
Total Service Discounts		-\$7.08
 Sprint Surcharges		
* Federal - Univ Serv Assess Non-LD	3.010%	0.39
* State - B&O Fee	0.471%	0.06
* City - Utility Users Surcharge	6.000%	0.64
Total Sprint Surcharges		\$1.09
*Sprint Surcharges are rates we choose to collect from you to help defray costs imposed on us. Surcharges are not taxes or amounts we are required to collect from you by law. Surcharges may include: Federal USF, regulatory charges, administrative charges, gross receipts charges, and other charges incurred to recover costs associated with governmental programs. The amounts, and the components used to calculate Surcharge amounts, are subject to change.		
 Government Fees and Taxes		
State - Sales Tax	6.500%	0.91
State - 911 Tax		0.20
County - 911 Tax		0.50
City - Sales Tax	2.200%	0.31
Total Government Fees and Taxes		\$1.92
Total Charges for UNIT 22		\$15.93

> SUBSCRIBER ACTIVITY DETAIL

To view coverage maps and rates visit Sprint.com.

Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See Pg. 2)	Min:Sec	Usage	*Long Dis/Other	Total Charges
1	10/27	03:19P	SPOKANE, WA	Voicemail	PP/PU	1:00	0.00	0.00	0.00
2	10/27	03:20P	SPOKANE, WA	Voicemail	PP/PU	1:00	0.00	0.00	0.00
3	10/29	11:54A	SPOKANE, WA	Voicemail	PP/PU	1:00	0.00	0.00	0.00
Total Cellular Services Charges									\$0.00

*Long Distance/Other column includes any Long Distance, Directory Assistance (411), and Out of Area charges.



Sprint

Billing Period 10/21/09-11/20/09 Page 108 of 184
Invoice Date November 24, 2009 Invoice Number 338281311-096

Account/DAC Number 338281311/0001277872
Account Name SPOKANE POLICE DEPT

UNIT 22 cont.

> SUBSCRIBER INFORMATIONAL REPORTS

Talkgroup and Group Connect on Nextel Usage by Number of Participants		
Number of Participants	Min:Sec Used	Total Min:Sec
14	4:14	59:16
Total Talkgroup and Group Connect on Nextel Usage		597:28

Note: This report represents Talkgroup and Group Connect on Nextel phone calls and is organized by number of participants. It provides the total number of minutes:seconds used by each group size. To calculate total minutes:seconds, we multiply minutes:seconds used by the number of participants.



Billing Period
11/21/09-12/20/09

Page
103 of 233

Account Number
338281311/0001277872

Invoice Number
338281311-097

Account Name
SPOKANE POLICE DEPT

Invoice Date
December 24, 2009

> SUBSCRIBER INFORMATIONAL REPORTS

The following reports are compiled as a courtesy to help you analyze usage trends and manage your subscriber activity.

Your Rate Plans

Plan	Services
100 Cellular Bonus Minutes	Cellular Minutes
Cellular ID - No Charge	Cellular ID
Text & Numeric Paging	SMS Text Messages
Account Advantage Plus	Call Detail
	Talkgroup(SM)
	Direct Connect on Nextel
	Domestic LD Rate \$0
	Direct Connect Cross Fleet
	Anytime Minutes

Airtime Usage Detail

Plan	Incoming/Outgoing	Peak/Off Peak	Total Min:Sec	*Plan Min:Sec	Other Min:Sec	Billable Min:Sec	Total Charges
Account Advantage Plus							
Anytime Minutes	Peak	10:00	7:22	10:00			0.00
Direct Connect on Nextel	Peak	143:18	0:45	7:22			0.00
Talkgroup(SM)	Peak	143:18	0:45	143:18			0.00
Talkgroup(SM)	Off Peak	0:45	0:45	0:45			0.00
Total Airtime Usage Charges							\$0.00

Airtime Usage Detail includes airtime of Direct Connect on Nextel phones

*Plan Min:Sec includes Anytime minutes, Additional (Bonus) minutes, Mobile to Mobile minutes, Any Mobile, Anytime minutes, Mobile to Home minutes, and Mobile to Office minutes.

For this bill period, this phone has used 00:00 Mobile to Mobile minutes, 00:00 Any Mobile, Anytime, 00:00 Mobile to Home minutes, and 00:00 Mobile to Office minutes.

Talkgroup and Group Connect on Nextel Usage by Number of Participants

Number of Participants	Min:Sec Used	Multiplier	Total Min:Sec
5	0:18	5	1:30
6	1:20	6	8:00
8	4:18	8	34:24
9	2:20	9	21:00
10	3:24	10	34:00
11	1:02	11	11:22
12	2:49	12	33:48
Total Talkgroup and Group Connect on Nextel Usage			144:03

Note: This report represents Talkgroup and Group Connect on Nextel phone calls and is organized by number of participants. It provides the total number of minutes:seconds used by each group size. To calculate total minutes:seconds, we multiply minutes:seconds used by the number of participants.

SUBSCRIBER CHARGES AND ADJUSTMENTS

UNIT 22

> SUBSCRIBER ACTIVITY SUMMARY

Rate/Date	Amount
Bill Monthly Recurring Access Charges	20.00
Account Advantage Plus for 12/21 - 01/20	\$20.00
Bill Service Discounts	-4.80
Business Discount Nextel 24%	-\$4.80
Bill Total Service Discounts	
Sprint Surcharges	
* Federal - Univ Serv Assess Non-LD	3.010%
* State - B&O Fee	0.471%
* City - Utility Users Surcharge	6.000%
Total Sprint Surcharges	\$1.29
*Sprint Surcharges are rates we choose to collect from you to help defray costs imposed on us. Surcharges are not taxes or amounts we are required to collect from you by law. Surcharges may include: Federal USF, regulatory charges, administrative charges, gross receipts charges, and other charges incurred to recover costs associated with governmental programs. The amounts, and the components used to calculate Surcharge amounts, are subject to change.	
Government Fees and Taxes	
State - Sales Tax	1.07
State - 911 Tax	0.20
County - 911 Tax	0.50
City - Sales Tax	0.36
Total Government Fees and Taxes	\$2.13
Total Charges for UNIT 22	\$18.62

> SUBSCRIBER ACTIVITY DETAIL

To view coverage maps and rates visit Sprint.com.

Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See pg. 2)	Min:Sec	Usage	*Long Dist./Other	Total Charges
1	11/30	08:36A	SPOKANE, WA	VoicellWall	PP/PU	2:00	0.00	0.00	0.00
2	12/01	05:47P	SPOKANE, WA		PP/PU	1:00	0.00	0.00	0.00
3	12/01	05:50P	Incoming		PP/PU	1:00	0.00	0.00	0.00
4	12/01	05:50P	SPOKANE, WA		PP/PU	4:00	0.00	0.00	0.00
5	12/01	05:58P	SPOKANE, WA		PP/PU	1:00	0.00	0.00	0.00
6	12/11	01:18P	SPOKANE, WA		PP/PU	1:00	0.00	0.00	0.00
Total Cellular Services Charges						10:00	\$0.00	\$0.00	\$0.00

*Long Distance/Other column includes any Long Distance, Directory Assistance (411), and Out of Area charges.



OFFICE OF THE CITY ATTORNEY
808 W. SPOKANE FALLS BLVD
SPOKANE, WASHINGTON 99201-3326
(509) 625-6225 TELEPHONE
(509) 625-6277 FACSIMILE

HOWARD F. DELANEY
CITY ATTORNEY

PATRICK J. DALTON
SENIOR ASSISTANT ATTORNEY

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Public Health and Utilities

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Litigation

ROCCO N. TREPPEDI

SALVATORE J. FAGGIANO

ELLEN M. O'HARA

BRUCE E. COX

August 29, 2011

VIA FACSIMILE: (888) 667-0028

Cellco Partnership d/b/a Verizon Wireless
Attn: Custodian of Records
180 Washington Valley Road
Bedminster, NJ 07921

Re: Request for Cellular Phone Records [REDACTED]

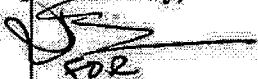
Dear Custodian of Records:

I represent the Spokane Police Department which is seeking the records described in the enclosed Administrative Subpoena for an Internal Affairs investigation. The cell phone account was registered to and paid by the FBI. The cell phone was provided to and used by a Spokane Police Department officer as a member of a Joint Task Force on Gang Related Activity. The officer who used the phone has requested that Internal Affairs obtain the record. The FBI no longer has a copy of the record, and – via the Spokane Agent in Charge, Frank Harrill – does not object to providing it to the Spokane Police Department.

A hearing on this matter is set for September 8, 2011 and the record sought would be introduced as evidence. Thus, we would ask that the record be produced to Sgt. David McCabe by September 7th. If you cannot make that deadline, please let me know at (509) 625-6285 or Sgt. McCabe at (509) 835-4588.

Thank you.

Sincerely,


Rocco N. Treppiedi
Assistant City Attorney

Encl.

cc: Sgt. David McCabe (with encl.)

**SPOKANE POLICE DEPARTMENT
CITY OF SPOKANE**

Administrative Subpoena

**To: Custodian of Records
Cellco Partnership d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921**

Re: Cellular telephone number: [REDACTED]

**From: Anne Kirkpatrick, Chief of Police
By Sgt. David McCabe, Internal Affairs
Spokane Police Department
1100 W. Mallon Avenue
Spokane, WA 99260
Phone: (509) 835-4588
Fax: (509) 835-4551
Email: demccabe@spokanepolice.org**

You are commanded to produce the following documents or tangible things:

**Cellular telephone records, including incoming and outgoing
numbers, and duration of calls, for the period of 12:00 a.m.
November 19, 2009 to 11:59 p.m. November 19, 2009, for the
following:**

Cellular telephone number:	[REDACTED]
Account holder:	United States of America, Federal Bureau of Investigation

**Please provide the requested information or documents by Wednesday, September 7,
2011.**

The information or documents may be sent by any method agreeable to your company. However, preferable means of receipt is email: demccabe@spokanepolice.org, and/or facsimile at (509) 835-4551.

Your response to this administrative subpoena must be dated and signed by you or your designee.

As an authorized agent of the Spokane Police Department, I have authority to issue this administrative subpoena.

Date Authorized:

August 29, 2011

Authorized Agent:

Sgt. D.E. McCabe

Anna Kirkpatrick, Chief of Police
By Sgt. David McCabe, Internal Affairs
Spokane Police Department
1100 W. Mallon Avenue
Spokane, WA 99260
Phone: (509) 835-4588
Fax: (509) 835-4551
Email: demccabe@spokanepolice.org

FROM DATE: 11/19/09
TO DATE: 11/19/09
TIME FROM: 00:00:00
TIME TO : 23:59:00
OPERATOR: [REDACTED]

MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: [REDACTED] OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 14:40:38 OUTPUT

TERMINAL: [REDACTED] OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 14:40:38 OUTPUT

TERMINAL: [REDACTED] OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 14:40:38 OUTPUT

TERMINAL: [REDACTED] OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 17:20:42 OUTPUT

TERMINAL: [REDACTED]
COMMAND: [REDACTED]

OPERATOR: [REDACTED]
DATE: 11/19/09

SEQUENCE: *****
TIME: 17:20:42

OUTPUT

[REDACTED]

FROM DATE: 01/01/00
TO DATE: 12/31/99
TIME FROM: 00:00:00
TIME TO : 23:59:59
OPERATOR: [REDACTED]

MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 80174
COMMAND: DATE: 11/19/09 TIME: 13:06:03 OUTPUT
11/19/09 13:06:03 TO PGL FROM PCC01:
** GEN BROADCAST **
Incident History for: #SP090392353

Entered 11/19/09 13:04:05 BY 91109 911175
Dispatched 11/19/09 13:06:00 BY PCC01 159
Enroute 11/19/09 13:06:00
Onscene

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 80183
COMMAND: DATE: 11/19/09 TIME: 13:08:10 OUTPUT
11/19/09 13:08:10 TO PGL, PG3 FROM PCC01:
BDCST
Incident History for: #SP090392350

Entered 11/19/09 13:01:20 BY 91112 30
Dispatched 11/19/09 13:08:06 BY PCC01 159
Enroute 11/19/09 13:08:06
Onscene 11/19

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 13:42:28 INPUT
TOD WAS ANNOYINGLY LOUD!

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 13:50:05 INPUT
TOD AMEN, BROTHER

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 13:42:28 OUTPUT
Your message has been sent.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000

COMMAND: DATE: 11/19/09 TIME: 13:51:37 INPUT
TO C151/YOU BY CHANCE HEADING HOME EARLY
TODAY? ITRON HAS OUR CHECK AT THE FRON
T DESK AND THEY CLOSE AT 5

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 13:51:37 OUTPUT
Your message has been sent.
LOGFIND CITY OF SPOKANE 08/25/11 PAGE 002
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:00:52 INPUT
TOD DIDN'T WE DISCUSS THIS YESTERDAY?

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:01:46 INPUT
TOD I THINK I CAN!!!

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:02:45 INPUT
TOD OR MAYBE I'M JUST HEARING MYSELF

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:01:46 OUTPUT
Your message has been sent.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:11:51 INPUT
TO B131/S ALLEY [REDACTED] E DALKE

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:11:51 OUTPUT
Your message has been sent.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 15:05:35 INPUT
TOD I THINK [REDACTED] TOOK PRIMARY

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 80910
COMMAND: DATE: 11/19/09 TIME: 15:05:11 OUTPUT
11/19/09 15:05:11 Message To: B235 From: PCC01

SORRY. I THOUGHT YOU MAY HAVE HAD COMMENTS TO ADD.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 15:59:23 INPUT
TO A212/HI COPS BACK!!

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 15:59:23 OUTPUT
Your message has been sent.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:04:04 INPUT
TO PCC02/APARENTLY NOT....I GAVE HIM AN
LOGFIND CITY OF SPOKANE 08/25/11 PAGE 003
MESSAGE LOGGING ACTIVITY DETAIL

EMPTY COFFEE CAN W/ A STRING AND SAID I
T'S A NEW "RADIO"

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:04:04 OUTPUT
Your message has been sent.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:06:19 INPUT
TO PCC02/THANKS!

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:06:19 OUTPUT
Your message has been sent.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:16:00 INPUT
TO C151/K. IF YOU CAN'T GET THERE I CAN
RUN OUT THERE ON MON OR TUES.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 16:41:21 OUTPUT

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 16:41:21 OUTPUT

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:42:17 INPUT
TO GANG3/V

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:42:17 OUTPUT
Your message has been sent.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:42:30 INPUT
TO GANG3/140YSC
LOGFIND CITY OF SPOKANE 08/25/11 PAGE 004
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:42:30 OUTPUT
Your message has been sent.

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 17:31:05 OUTPUT
11/19/09 17:31:05 Message To: PGI, PG3 From: A328

ANYBODY SEEN VEH 398?

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 81969
COMMAND: DATE: 11/19/09 TIME: 17:42:54 OUTPUT
11/19/09 17:42:54 TO PGI FROM PCC01:
** GEN BROADCAST **
Incident History for: #SP090392708

Entered 11/19/09 17:41:53 BY 91115 911178
Dispatched 11/19/09 17:42:51 BY PCC01 218
Enroute 11/19/09 17:42:51
Onscene

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 82066
COMMAND: DATE: 11/19/09 TIME: 17:56:23 OUTPUT
11/19/09 17:56:23 TO PGI FROM PCC01:

** GEN BROADCAST **
Incident History for: #SP090392714

Entered 11/19/09 17:47:37 BY 91115 911178
Dispatched 11/19/09 17:56:20 BY PCC01 802
Enroute 11/19/09 17:56:20
Onscene

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 21992
COMMAND: DATE: 11/19/09 TIME: 18:12:23 OUTPUT
11/19/09 18:12:23 Message To: B235 B236 B247 B331 B332 B343 B344 From: PCC05

IT'S "SAMMY THURSDAY" COME AND GET ONE WHILE THEY LAST:)

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 82648
COMMAND: DATE: 11/19/09 TIME: 19:27:42 OUTPUT
11/19/09 19:27:42 TO PG1 FROM PCC01:
** GEN BROADCAST **
Incident History for: #SP090392791

Entered 11/19/09 19:19:22 BY 91115 911178
Dispatched 11/19/09 19:27:39 BY PCC01 802
Enroute 11/19/09 19:27:39
Onscene
LOGFIND CITY OF SPOKANE 08/25/11 PAGE 005
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: B235 OPERATOR: [REDACTED] SEQUENCE: 22975
COMMAND: DATE: 11/19/09 TIME: 19:58:22 OUTPUT
11/19/09 19:58:22 Message To: PG1 PG3 From: SCC01

[REDACTED] SAID HE HAS PC TO ARREST JENNALEE HALL EXTORTION 1, PCS NARCS,
AND THEFT 3. PC AFFID COMPLETE AND IN [REDACTED] MAILBOX DOWNTOWN IF YOU GET HER.

FROM DATE: 01/01/00
TO DATE: 12/31/99
TIME FROM: 00:00:00
TIME TO : 23:59:59
OPERATOR: [REDACTED]

MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:52:30 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:52:31 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:54:40 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:54:40 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:54:40 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:55:10 OUTPUT

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 002
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:55:10 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:56:20 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:56:20 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:56:21 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:57:08 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 11:57:08 OUTPUT

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 003
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 11:58:26 INPUT
TO/K21/ CALL ME [REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 11:58:26 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 11:59:46 INPUT
TO/K21/ [REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 11:59:46 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****

COMMAND: [REDACTED] DATE: 11/19/09 TIME: 12:05:11 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 12:05:11 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 12:23:46 INPUT
TOD/ 11D ON FIGHT NO, SAME CAFR THOUGH,
WHITE CAVALIER WEIRD

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 79953
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 12:23:25 OUTPUT
11/19/09 12:23:25 Message To: GANG3 From: PCC01
LOGFIND CITY OF SPOKANE 08/25/11 PAGE 004
MESSAGE LOGGING ACTIVITY DETAIL

SO WAS THE FIGHT NEXT DOOR RELATED???? DISPOSITION OF IT?

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 12:23:46 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 12:28:22 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: [REDACTED] DATE: 11/19/09 TIME: 12:28:23 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:28:23 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:28:23 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:30:14 INPUT
TO/K21/ NOWHERE REALLY

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:30:14 OUTPUT
Your message has been sent.
LOGFIND CITY OF SPOKANE 08/25/11 PAGE 005
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:30:02 OUTPUT
11/19/09 12:30:02 Message To: GANG3 From: K21

WHERE ELSE ARE YOU CHECKING?

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:30:58 INPUT

TO/K21/ AHhH, NO

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:30:58 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:30:42 OUTPUT
11/19/09 12:30:42 Message To: GANG3 From: K21

SHIRKEY'S

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 79992
COMMAND: DATE: 11/19/09 TIME: 12:31:25 OUTPUT
11/19/09 12:31:25 Message To: GANG3 From: PCC01

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:33:58 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:33:58 OUTPUT

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 006
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:40:01 INPUT
TO/A115/ DUSTIN RAUCHER

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:40:01 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:42:51 INPUT
TO/B132/ WAL-MART NORTH

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:42:51 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:44:47 INPUT
TO/K21/ TRYING TO CALL YOU

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 12:44:34 OUTPUT
11/19/09 12:44:34 Message To: GANG3
From: K21

WHERE YOU GOING

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:59:19 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:59:19 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:59:20 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:59:21 OUTPUT
11/19/09 12:59:21 FROM ACCESS - DATABASE ID: NCIC FOR UNIT:
WA03204F2
NO RECORD LIC/933WRS

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:59:21 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 12:59:22 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 13:01:02 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 13:01:03 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 13:13:01 OUTPUT

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 008
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 13:13:01 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 14:01:33 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 14:01:33 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 14:01:33 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 14:01:46 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 14:18:04 OUTPUT

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 009
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 14:18:04 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:39:56 INPUT
TO/D284/ YOU BUSY

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:39:56 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:42:16 INPUT
TO/C267/ CAN YOU MEET ME AT [REDACTED] E TILSL
Y PLACE

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:42:16 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:42:50 INPUT
TO/C267/ JUST AE ME

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:42:50 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:43:10 OUTPUT
11/19/09 14:43:10 Message To: GANG3 From: C267

YEAH NO PROBLEM FROM SPRAGUE/P
ERRY

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:44:58 INPUT
TO/C267/ MAGNOLIA TILSLEY
LOGFIND CITY OF SPOKANE 08/25/11 PAGE 010
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:44:58 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:51:52 INPUT
TO/C267/ CAN YOU SEE THE BALCONY

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:51:52 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:54:25 INPUT
TO/D284/ AM I

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:54:25 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:54:09 OUTPUT
11/19/09 14:54:09 Message To: GANG3 From: D284

GETTING READY TO CLEAR

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:55:05 INPUT
TO/D284/ I FOUND ANOTHER THANKS THOUGH

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:55:05 OUTPUT
Your message has been sent.

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:56:07 INPUT
TO/C267/ SOME ATF GUYS ARE COMING, ONCE
THEY ARE SET UP ILL GO KNOCK, THEY WILL
BE IN PLAIN CLOTHES

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:56:07 OUTPUT
Your message has been sent.

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 011
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 14:55:19 OUTPUT
11/19/09 14:55:19 Message To: GANG3 From: D284

NO PROB

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 15:45:00 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 15:45:00 OUTPUT

[REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 15:45:00 OUTPUT

[REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 15:45:21 OUTPUT

[REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 15:45:21 OUTPUT

[REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 15:48:40 OUTPUT

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 012
MESSAGE LOGGING ACTIVITY DETAIL

[REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 15:48:40 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: 00000
COMMAND: DATE: 11/19/09 TIME: 16:42:17 OUTPUT
11/19/09 16:42:17 Message To: GANG3 From: B235

V

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 16:50:28 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 16:50:28 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 16:50:28 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 16:50:29 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 16:50:29 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 16:50:29 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 17:02:03 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 17:02:04 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 17:02:04 OUTPUT

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 014
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 17:02:04 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 17:02:04 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 17:02:04 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:06:17 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:06:17 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:06:18 OUTPUT

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 015
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:08:15 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:08:15 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:12:55 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:12:55 OUTPUT

[REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:19:28 OUTPUT

[REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:19:28 OUTPUT

[REDACTED]

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 016
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:19:28 OUTPUT

[REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:19:47 OUTPUT

[REDACTED]

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:21:21 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:21:21 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:24:49 OUTPUT

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:24:50 OUTPUT

LOGFIND CITY OF SPOKANE 08/25/11 PAGE 017
MESSAGE LOGGING ACTIVITY DETAIL

TERMINAL: GANG3 OPERATOR: [REDACTED] SEQUENCE: *****
COMMAND: DATE: 11/19/09 TIME: 18:24:50 OUTPUT



Spokane Police Department
Internal Investigation

CONFIDENTIAL



OPO Control #

I.A. Control #: 11-031

Complaint Type: Unlawful Entry / Use of Confidential Informants	Policy #: Standard 2.3
[Redacted]	
Complainant's Name (Last, First, Middle) SPD	Incident number 09-392622, 10-281822, 10-284467
Address _____ City _____ Zip _____	Phone (Home/Cell/Work): _____

Location of Occurrence 9508 N. Division, Sharp/Hamilton	Date Nov. '09 - 082710	Time Varied
---	----------------------------------	-----------------------

Witness Name (Last, First, Middle)	Address	City/Zip	Phone (Include Area Code)
[Redacted]			
Numerous civilians if needed			
[Redacted]			

ACCUSED EMPLOYEE(S) INVOLVED	PERS. #
[Redacted]	[Redacted]

DETAILS OF COMPLAINT (ATTACH ADDITIONAL IF NECESSARY)

<p>[Redacted] is alleged to have used an unlicensed bail recovery agent [Redacted] to arrest fugitives and make entries into locations where [Redacted] had no legal authority. [Redacted] is also alleged to have inappropriately used three different confidential funds to pay money [Redacted] in return for information provided. There are four "incidents" that will be looked at: the three above incident numbers as well as the method that [Redacted] paid [Redacted]</p>

Supervisor Receiving / Initiating Complaint Sgt. Dave McCabe	Personnel # 210	Assignment IA	Date 060711	Time 1300
How Received: <input checked="" type="checkbox"/> In person <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Ombudsman <input type="checkbox"/> Other:				
Evidence available (photos, video, audio) Reports, CAD histories				

COMPLAINT FLOW

Lt. sign & date rec'd _____
Capt. sign & date rec'd _____
Major sign & date rec'd _____

*Emailed
6-7-11
DM*

A.C. Nicks: ☐ I.A. to investigate ☐ Shift to investigate ☐ Inquiry only ☐ Mediation Date & initial: _____

Original I.A. form through chain of command to AC Nicks for determination of investigating body. Copy to I.A.

I.A. Investigation Case Flow

I.A. initial receipt from AC Nicks:

Date 6-7-11

Sent to shift: Investigating Supervisor: _____ Date _____

Shift directly back to I.A.: (Do not send up chain first) Date _____

Completed Investigation to A.C. Nicks:

Date 7-6-11 DM

A.C. Nicks:

- ☒ Send to ARP
☐ Send to COC

Date 7-6-11 July DM
Date _____

Comments _____

I.A. to ARP / COC Sup or ARP chair: CAPT. BRAUN Date 7-7-11 DM

Back to I.A. from ARP or COC:

Date 7-21-11

I.A. to AC Nicks MAS. STEPHENS Date 7-21-11

Comments To ARP

Date 7-25-11

I.A. to Ombudsman:

- ☒ Investigation complete
☐ Investigation incomplete

Comments _____

Date 7-27-11 DM

Back to I.A.:

Date 8-10-11

I.A. to A.C. Nicks (for disposition by Chief K)

Date 8-10-11 DM

Spokane Police Department

Policy Manual

Standard 2.3:

Members of the Spokane Police Department shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.

Standard 2.4:

Members of the Spokane Police Department shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

CANON THREE

Members of the Spokane Police Department shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve.

ETHICAL STANDARDS

Standard 3.1:

Members of the Spokane Police Department, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

Standard 3.2:

Members of the Spokane Police Department, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

Standard 3.3:

Members of the Spokane Police Department shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

Standard 3.4:

Members of the Spokane Police Department shall safely and effectively use equipment and material available to them.

Standard 3.5:

Members of the Spokane Police Department shall be prepared for and shall respond effectively to the demands of their office.

Spokane Police Department

Policy Manual

Disciplinary Policy 340, 3, 5

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Concealing or attempting to conceal evidence of misconduct.
- (c) Unauthorized access and/or, intentional release of designated confidential information, personnel file materials, data, forms or reports.
- (d) Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority.
- (e) The wrongful or unlawful exercise of authority.
- (f) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the department or members thereof.
- (g) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (h) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person(s).
- (i) The unauthorized use of any badge, uniform, identification card or other department equipment or property.
- (j) Accepting fee or gift: Members shall not directly or indirectly accept from any person liable to arrest, or in custody, or after discharge, or from any friend or relative of such person, any gratuity, fee, loan, or gift whatsoever.
- (k) Members shall not accept any fee, gift, or reward from any person or organization which is given to benefit the member as an individual, rather than the entire Department, when the fee, gift, or reward is given to recognize an act or deed which the member performed in the course of his/her duties. "Fee, gift, or reward" shall not include plaques, awards, or symbols of recognition, which are of slight, incidental monetary value.
- (l) Accepting product or service: Members shall not accept any product or service from merchant at a rate not offered to general customers of the merchant.
 - 1. Two exceptions exist to the above policy:
 - (a) Events/functions of an appreciative nature approved in advance, in writing, by the Chief of Police (e.g., an annual breakfast hosted by a not-for-profit organization to show support for public safety).
 - (b) Awards of a monetary value distributed in conjunction with graduation from the Washington State Criminal Justice Training Commission's Basic Law Enforcement Training Academy.
- (m) Work related dishonesty, including attempted or actual theft of department property, or the property of others.
- (n) Unauthorized removal or possession of departmental property or the property of another employee.
- (o) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.
- (p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures. This is not intended to interfere with the officers reasonable use of discretion in the enforcement of the law.

Spokane Police Department

Policy Manual

laws, the most important of which are the Constitution of the United States and the State Constitution and laws derived therefrom.

Standard 1.2:

Officers of the Spokane Police Department shall be aware of the extent of the limitation of their authority in the enforcement of the law.

Standard 1.3:

Officers of the Spokane Police Department shall diligently study principles and new enactments of the laws they enforce.

Standard 1.4:

Members of the Spokane Police Department shall be responsible for keeping abreast of current case law as applied to their duties.

Standard 1.5:

Officers of the Spokane Police Department shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

Standard 1.6:

Members of the Spokane Police Department shall respect and uphold the dignity, human rights, and constitutional rights of all persons.

CANON TWO

Members of the Spokane Police Department shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities.

ETHICAL STANDARDS

Standard 2.1:

Officers of the Spokane Police Department shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.

Standard 2.2:

Members of the Spokane Police Department shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature.

Spokane Police Department

Policy Manual

Disciplinary Policy

- (q) Misappropriation or misuse of public funds.
- (r) Exceeding lawful peace officer powers.
- (s) Unlawful gambling or unlawful betting on department premises or at any work site.
- (t) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the department.
- (u) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized.
- (v) Engaging in political activities during assigned working hours except as expressly authorized.
- (w) Violating any felony statute or any misdemeanor statute where such violation that may materially affect the employees ability to perform official duties or may be indicative of unfitness for his/her position.
- (x) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (y) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.
- (z) While on duty or in an official capacity, recommend or suggest to any person the employment or hire of a specific person as an attorney or counsel, bail bondsman, towing service, or other services with a nexus to the department.
- (aa) Members shall not serve civil process, such as Summons and Complaint or a Summons and Petition, or other civil process on a voluntary basis or for pay. This policy does not include the lawful service of orders, notices or other official documents in the performance of their duties.
- (ab) Conduct unbecoming: No member of the department shall conduct himself/herself in a disorderly manner at any time, either on or off duty, or conduct himself/herself in a manner unbecoming the conduct of a member of the City of Spokane Police Department.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

340.3.6 SAFETY

The following actions are misconduct:

- (a) Failure to observe written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- (c) Substantiated unsafe or improper driving in the course of employment.
- (d) Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

340.3.7 SECURITY

The following actions are misconduct:

McCabe, David E.

From: Burns, Tim O.
Sent: Tuesday, August 09, 2011 4:55 PM
To: Cummings, Keith
Cc: McCabe, David E.
Subject: SPD IA 11-031 Confidential

Tuesday, August 09, 2011

Lieutenant Cummings
Sergeant McCabe

RE: SPD IA 11-031
OPO #: N/A

Employee: [REDACTED]

On Wednesday, July 27, 2011 I received the completed internal affairs investigation and the Spokane Police Department Administrative Review Panel's assessment of investigation # 11-031. The investigation involves a complaint against [REDACTED] I have reviewed the completed investigation and determined that the investigation was completed in a timely, thorough and objective manner.

Respectfully,

Tim Burns
Police Ombudsman
City of Spokane
(509) 625-6742

McCabe, David E.

From: Burns, Tim O.
Sent: Tuesday, August 09, 2011 12:51 PM
To: McCabe, David E.
Subject: RE: SPD IA 11-031 Confidential

Thanks for the explanation. I am satisfied based on your explanation and response to my initial concerns expressed.

Respectfully,

Tim Burns
Police Ombudsman
City of Spokane
(509) 625-6742

From: McCabe, David E.
Sent: Tuesday, August 09, 2011 12:48 PM
To: Burns, Tim O.
Cc: Cummings, Keith
Subject: RE: SPD IA 11-031 Confidential

I guess I am not following your line of reasoning regarding the phone calls. The criminal investigators requested the phone records and determined that phone calls existed between [REDACTED] and others involved in the investigation. In the subsequent internal investigation, he admitted that he both received calls from and made calls to, [REDACTED]. Regarding the [REDACTED] incident in 2009, he initially denied getting any phone calls from bondsmen prior to the incident, but eventually admitted that he did receive a phone call from [REDACTED] the bondsman who had Chris Hardwick in custody. It was during this phone call that the meeting near the [REDACTED] address was arranged. Given the above information, I don't see what additional information that the phone records could provide -- [REDACTED]. [REDACTED] has admitted making calls to and receiving calls from others involved in the investigation.

[REDACTED]

Is there something that I am missing?

From: Burns, Tim O.
Sent: Tuesday, August 09, 2011 12:36 PM
To: McCabe, David E.
Subject: RE: SPD IA 11-031 Confidential

Sergeant McCabe thanks for your response. I understand and will all due respect disagree about the issue of phone records recognizing the questions regarding [REDACTED]

Respectfully,

Tim Burns
Police Ombudsman
City of Spokane
(509) 625-6742

From: McCabe, David E.
Sent: Tuesday, August 09, 2011 12:32 PM
To: Burns, Tim O.
Cc: Cummings, Keith
Subject: RE: SPD IA 11-031 Confidential

Mr. Burns, I believe that this investigation is thorough and complete. There may be some differences between my investigation and the criminal investigation, but our purposes were different as well. For my internal investigation, there was no need for cell phone records to either corroborate or dispute whether [REDACTED] received calls from [REDACTED] or anyone else. Also, whether the neighbor existed or not does not matter, because [REDACTED] didn't say anything about a neighbor and he knew that Hardwick was already in custody (of the bondsmen), so he still would not have had any legal authority to enter Shirkey's home and search it.

Also, [REDACTED] (it was actually [REDACTED] that [REDACTED] worked for coming out of the gang unit) knowledge of the incidents is irrelevant. The most important incident is the one at Ms. Shirkey's residence in 2009 when [REDACTED] was in the gang unit. Certainly a sergeant (or above) was aware of each incident, except for the Shirkey incident, due to our report approval process. [REDACTED] did not write a report for the Shirkey incident, but sergeants would have had to approve the search warrant for the motel and the ensuing arrest report. Another sergeant would have approved the fugitive arrest of Brian Hamblen, and [REDACTED] directed [REDACTED] to handle the vouchers in the manner that he did.

This is an investigation into the actions of one police officer for specific allegations, the fact that his supervisors did or did not know of these incidents is moot.

Thank you,
Dave

From: Burns, Tim O.
Sent: Tuesday, August 09, 2011 12:00 PM
To: McCabe, David E.
Subject: RE: SPD IA 11-031 Confidential

Thank you Sergeant McCabe: with regards to the phone records or lack there of, if [REDACTED] would have received the calls on his cell phone would they not be on [REDACTED] cell phone statement? Does the absence mean they did not occur? Can you ask [REDACTED] if he was aware of the incidents? With regard to the neighbor why wouldn't the neighbor have been identified or interviewed?

Respectfully,

Tim Burns
Police Ombudsman
City of Spokane
(509) 625-6742

From: McCabe, David E.
Sent: Tuesday, August 09, 2011 11:41 AM
To: Burns, Tim O.
Cc: Cummings, Keith
Subject: RE: SPD IA 11-031 Confidential

Mr. Burns, here are the answers to your questions:

1. [REDACTED] was assigned to the Gang Unit until mid-2010, his sergeant there was [REDACTED] I believe that his patrol sergeant from then to 2011 was [REDACTED]
2. I don't know if the sergeants were aware of these incidents (although A sergeant would have been aware of the search warrant execution, because one has to review the warrant before it is taken to the judge).
3. [REDACTED] was interviewed, [REDACTED] was not.
4. [REDACTED] told me that they did obtain [REDACTED] work cell phone records and that nothing of evidentiary value was located.
5. The neighbor was not interviewed and I'm not sure that the neighbor was even identified.

[REDACTED]

From: Burns, Tim O.
Sent: Monday, August 08, 2011 12:13 PM
To: McCabe, David E.
Subject: SPD IA 11-031 Confidential

Sergeant McCabe: having reviewed the completed internal affairs investigation involving [REDACTED] I have the following questions I would like to have answered prior to certification:

1. Who was [REDACTED] patrol Sergeant during the incidents referred to in the internal affairs investigation?
 2. Were [REDACTED] patrol supervisors aware of these incidents?
 3. Were the supervisors interviewed
 4. During [REDACTED] interview of [REDACTED] he requests copies of [REDACTED] cell phone statements. Were they obtained and if so what did they reveal?
 5. In the interview of Corrie Shirkey she states that [REDACTED] advised he knew Hardwick was inside her residence because the neighbors had called. Shirkey knew this wasn't true because none of her neighbors knew Hardwick. Was the neighbor contacted to confirm whether they called or knew who Hardwick was?
- [REDACTED]

Respectfully,

Tim Burns
Police Ombudsman
City of Spokane
(509) 625-6742

CONFIDENTIAL

SPOKANE POLICE DEPARTMENT INTERNAL INVESTIGATION

ADDITIONAL

Type of Complaint: Unlawful

I.A. Control #: _11-031_

Search/Use of CI/ [REDACTED]

Complainant: SPD

060711

and I on
Lt. Cummings completed our review of the criminal case file last week. Yesterday, I met with A/C Nicks and Chief Kirkpatrick to discuss the case. I told them that we had identified three incidents in which [REDACTED] may have acted inappropriately.

First, there is incident 09-392622. This occurred at [REDACTED] on 111909. [REDACTED] is alleged to have met with three bondsmen [REDACTED] who had Chris Hardwick in custody. [REDACTED] and Hardwick both told the criminal investigators that all five men planned a ruse using Hardwick (who was wanted) to gain entry into the residence. [REDACTED] had interest in the home because he believed that it contained stolen property. They believed that they could gain entry by having the bondsmen pretend to chase Hardwick into the home and that [REDACTED] could follow and be able to see what was in the house.

The ruse was put into action, but the homeowners would not let Hardwick inside. Instead, [REDACTED] went to the front door. It is alleged that entry was made by coercion [REDACTED] threatening Ms. Shirkey with kicking her door in) and that [REDACTED] conducted a search once inside. It is also alleged that [REDACTED] possibly with [REDACTED] knowledge, forced entry into the garage and took items from other areas of the home.

The second incident is 10-281822 on 082410 at the Apple Tree Motel, 9508 N. Division. In this case, [REDACTED] gave [REDACTED] information that a wanted subject was in a room there. [REDACTED] and other officers went to the room and made contact after confirming that the wanted subject was there. There are allegations that [REDACTED] allowed [REDACTED] to

participate in the arrest, to include using his privately owned taser on the wanted subject. Additionally, [REDACTED] is alleged to have entered the motel room in the presence of officers who were securing the scene in preparation for a search warrant application. The search warrant ultimately led to the seizure of a large amount of methamphetamine, and federal charges against the wanted subject, David Hill.

Third, [REDACTED] after confirming the wanted status of a Bryan Hamblen with [REDACTED] went to the Spokane Valley and forced his way into Hamblen's apartment and took him into custody on his outstanding Idaho warrant. [REDACTED] then transported Hamblen to the City of Spokane and called [REDACTED] who transported Hamblen to jail. This is significant for two reasons. First, there was an question in the criminal investigation as to whether [REDACTED] told [REDACTED] about Hamblen and asked him to find him and take him into custody (making a bail recovery agent an agent of the police). Secondly, [REDACTED] report indicates that in April of 2010, he was aware that [REDACTED] was [REDACTED] for [REDACTED] and that he warned [REDACTED] that [REDACTED] was not licensed as a bail recovery agent or bondsman and no authority in this area of the law. If this conversation occurred, [REDACTED] should have warned [REDACTED] that he did not have the authority to make entry into private residences, or detain and transport wanted people.

In addition, I told them about three payments from three different confidential funds that [REDACTED] made to [REDACTED] in one day. We decided that we would focus the investigation for now on these four "incidents": the incident at [REDACTED] the search warrant at the Apple Tree Motel, the arrest of Bryan Hamblen and [REDACTED] payment vouchers on 082610. It was agreed that [REDACTED] would be interviewed next week if possible.

Yesterday afternoon, I spoke to both [REDACTED] and Det. Wuthrich, President of the Police Guild. I gave them each informal notice of the interview for scheduling purposes and told them that I would get a response request to them as soon as I had completed it.

061611

I interviewed [REDACTED] see attached transcript. In summary, [REDACTED] said that regarding the incident at Corrie Shirkey's residence, he did not meet with bondsmen and Chris Hardwick before going to Shirkey's residence. He denied being part of the planning of a ruse involving a fake foot pursuit. He said that [REDACTED] was with him and that "we would never allow that to happen."

Regarding the incident at the Apple Tree Motel, [REDACTED] [REDACTED] said that no one was tased and he did not allow any

bondsmen into the motel room.

Regarding the arrest of Bryan Hamblen, [REDACTED] said that [REDACTED] called him and asked if Hamblen was wanted. [REDACTED] said that [REDACTED] phoned him again later in the shift and said that he had Hamblen in custody and asked if [REDACTED] could transport him. [REDACTED] was close to where [REDACTED] and Hamblen were, so he agreed to the transport. He denied knowing anything about how or where [REDACTED] had found Hamblen.

Regarding the payment vouchers, [REDACTED] said that he spoke about using three different funds with [REDACTED], who approved that method. [REDACTED] said that it was [REDACTED] who suggested using the three funds and further, that he spoke with patrol [REDACTED] and one of the SIU sergeants about the use of their funds. As far as the amount of money, [REDACTED] explained that the \$300.00 was for both [REDACTED] [REDACTED] for information that led to a large seizure of methamphetamine.

Lt. Cummings and I agreed to brief Chief Kirkpatrick and Chief Nicks on Tuesday June 21st on the results of the interview in an effort to assist Chief Kirkpatrick with deciding whether to bring [REDACTED] back to work or keep him on administrative leave for the duration of the internal investigation.

062111

Lt. Cummings and I briefed command staff regarding the interview of [REDACTED]
[REDACTED]

Chief Kirkpatrick said that the incident at the Apple Tree motel and the Hamblen incident are adequately explained. She wanted us to continue to interview witnesses as they pertained to the [REDACTED] incident and the payment vouchers that are questionable. I was also directed to complete the investigation as soon as possible while still conducting a complete investigation. It was decided that [REDACTED] would remain on administrative leave for the duration of the investigation.

062211

I had an interview with [REDACTED] one of the bondsmen on the [REDACTED] call, set for today at 1330. He failed to show and is not answering his cell phone. I left him a message.

I also left a second message for [REDACTED] today. I have tried several phone numbers for [REDACTED] and all appear to be bad phone numbers (wrong numbers

or the numbers are now assigned to different people).

I interviewed [REDACTED], see attached. In summary, he told me that he does remember an incident on [REDACTED] in which he assisted [REDACTED]. He said that [REDACTED] called him and asked him to help look for a wanted person at the home. When [REDACTED] arrived, he met with [REDACTED] a short distance from the home while bail bond agents were making contact and looking for the bad guy. [REDACTED] said that there was a patrolman on scene who might have been [REDACTED] but no other officers were present.

[REDACTED] was not told about any ruse used to gain entry into the house and he believes that [REDACTED] and he held back with another bail bondsman until they were informed that the suspect was in custody in the back of the house. [REDACTED] said that he went in the house briefly to get the wallet of the arrested subject (only one person was arrested) and left shortly after.

[REDACTED] believes that this incident occurred in early June, 2010. He had been involved in a short standoff with another wanted subject at a south hill location immediately prior to this incident [REDACTED] and he used that incident to arrive at the date.

I also interviewed [REDACTED], see attached. In summary, [REDACTED] said that he was not involved in the call on [REDACTED] and has never been inside the house. He has heard of Chris Hardwick, but doesn't know the names of the bail agents who were involved in the call. He does not recall assisting [REDACTED] on any call in which bail agents were present.

062311

I was contacted by Craig Bulkley and Ty Snider at separate times yesterday. They each told me that [REDACTED] was requesting another interview so that he could clarify some things.

I interviewed [REDACTED] again this morning, see attached. In summary, [REDACTED] said that he has remembered some things this last week and wanted to clarify his earlier statements. He said that it is possible that [REDACTED] was not with him during the [REDACTED] incident. He and [REDACTED] have worked together for years and it is possible that he is incorrect in thinking that [REDACTED] was present.

Further, [REDACTED] said that he was called by [REDACTED] and asked to meet with him near the [REDACTED] address. [REDACTED] was accompanied by [REDACTED] another bondsman he didn't know and Hardwick. He recalls that he and [REDACTED] spoke about going to the house and the others were "jabbering on about something". [REDACTED] still adamantly denies being involved

in the planning of or participation in any ruse involving Hardwick and a fake foot pursuit.

As to the vouchers, [REDACTED] said that [REDACTED] authorized the \$300 payment to [REDACTED] and also authorized the use of the three different funds to pay for it.

We also spoke about [REDACTED] relationship with [REDACTED]. [REDACTED] explained that he has a belief that [REDACTED] does not care much for him personally, but it is a general belief and not based on any particular incident or event. [REDACTED] does not believe that this investigation is the result of any personal animosity between them and does not believe that [REDACTED] had a personal agenda when beginning this investigation.

Also today I interviewed [REDACTED] see attached. In summary, he told me that he spoke to [REDACTED] on or about 042910. He thought someone else in Targeted Crimes heard the conversation, but he doesn't know who that was. He is positive that [REDACTED] heard what he had to say because the two of them were face to face in the TCU office. [REDACTED] told me that he told [REDACTED] that he believed that [REDACTED] was operating as an unlicensed bail recovery agent and that [REDACTED] should be careful. [REDACTED] also stated that he does not have any personal animosity towards [REDACTED] and this investigation was not at all personal.

I interviewed [REDACTED] see attached. In summary, he remembers the call [REDACTED] and believes that he, [REDACTED], [REDACTED] and possibly [REDACTED] were on scene. He remembers it as a call to assist the bond agents rather than one to assist [REDACTED].

He remembers being in the living room with [REDACTED] and one of the bondsmen when he heard a commotion in the back yard. He went to the back yard and observed [REDACTED] engaged in a struggle with another male. As [REDACTED] moved in to assist, [REDACTED] told him that it was okay, it was part of the plan, that he didn't need any assistance. [REDACTED] said he became very angry that such a plan existed and he hadn't been informed of it. [REDACTED] did not see [REDACTED] reaction to the commotion, except that [REDACTED] did not follow him out of the house towards the noise.

063011

I was supposed to interview [REDACTED] yesterday, but something came up and he couldn't make it. We rescheduled for 12 pm today. I also placed another call to [REDACTED] requesting a call back and telling him that I have called his attorney, Frank Cikutovich, twice and have not had a call returned.

I also determined that Chris Hardwick is an inmate at Walla Walla Penitentiary and have started the process to request an interview with him.

██████████ failed to appear for his interview again today. I tried calling him twice, but his phone goes to voicemail, but his phone is not accepting messages.

I also heard back from Ron Jensen, a counselor at Walla Walla Penitentiary. Mr. Jensen said that he passed my message to Mr. Hardwick and he refused to meet with me.

██████████ called me at 1540 and said he was ready to meet me, that he was at the PSB. I interviewed him in the IA office with Lt. Cummings present, see attached transcript.

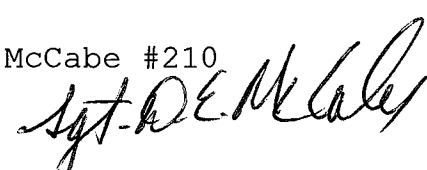
In summary, ██████████ told me that he was with ██████████ and Chris Hardwick. They had picked up Hardwick because he missed a court date. They were taking him to jail when Hardwick convinced ██████████ to call ██████████. They met ██████████ near the ██████████ address. At one point, everyone was out of their cars conversing about how to get into the ██████████ address. ██████████ said that ██████████ came up with the idea of a fake foot pursuit which would allow the bondsmen to enter the house and then ask police ██████████ for assistance and then ██████████ could enter. ██████████ was absolutely positive that ██████████ knew about the plan and that it was going to be put into play.

This interview was conducted out of the presence of the Ombudsman. Mr. Burns was in meetings in his office and ██████████ attendance had been poor. I took the opportunity to interview him without the Ombudsman present so that I could at least get the interview.

070611

I reviewed the last of the interview transcripts, prepared the case file and sent it up for review.

Sgt. Dave McCabe #210

Signature: 

CONFIDENTIAL

SPOKANE POLICE DEPARTMENT INTERNAL INVESTIGATION

ADDITIONAL

Type of Complaint: Unlawful
entry/Use of confidential
informants, [REDACTED]

I.A. Control #:11-031

Complainant: Spokane Police Department

I assisted Sgt McCabe with interviews for this investigation. On 6-24-11 I interviewed [REDACTED]. [REDACTED] is the SCSO sergeant assigned to the gang unit and worked with [REDACTED] for approximately 1 ½ years. [REDACTED] voluntarily gave an interview, none of his statements were compelled. The investigation had shown he had signed or authorized one of the [REDACTED] vouchers in question in this investigation.

On 6-30-11 I interviewed [REDACTED]. [REDACTED] was given his administrative rights and did not request a guild representative be present. [REDACTED] was interviewed because [REDACTED] stated in his initial interview that [REDACTED] had given him permission to pay [REDACTED] \$300.00 and also had requested he split the payments between the different [REDACTED] funds. During my interview with [REDACTED] he states that he does remember having a conversation with [REDACTED] about the \$300 payment but could not remember exactly if it was on or about the 26th of August. He also stated that he remembers speaking with [REDACTED] about splitting up the payments between the [REDACTED] funds.


Lt. Keith Cummings

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

DATE: 06/30/2011 TIME: 1545 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants, [REDACTED]

DM: Sergeant Dave McCabe

KC: Lieutenant Keith Cummings
[REDACTED]

DM: Okay, we're going to begin this interview; it's 3:45pm. Today's date is June 30th, 2011. Present in the room are Sergeant Dave McCabe of Police Internal Affairs, Lieutenant Keith Cummings from Internal Affairs, and [REDACTED]. [REDACTED] can I just have you spell your name and give your address please?

[REDACTED]

DM: Go ahead, address.

[REDACTED]

DM: Okay, and do you give consent for this interview to be recorded?

[REDACTED] Yes.

DM: Okay. Uh, [REDACTED] we're conducting an investigation into um, some allegations of misconduct against one of our police officers and it concerns an incident in November of 2009 um, that culminated at [REDACTED]. At the time a gal named Corrie Shirkey was living there. Do you remember that incident?

[REDACTED] Yes, I do.

DM: Okay. Um, let's just...if you can remember...just tell me what you remember about that incident as much as possible, start to finish, and then if I have any follow up questions I'll ask you the questions when we're done.

[REDACTED] Do you want me to start going all the way back to [unintelligible]?

DM: Um, yeah.

[REDACTED] Um, I was with [REDACTED]. We were looking for Christopher Hardwick. Um, we found him up by Rogers High School. Once we got him in the car he said that he had started working with [REDACTED] and asked if we could stop him by wherever he was to talk to [REDACTED] trying to keep himself out of jail. Um, so he...we let him call [REDACTED] said that he was sitting on the house [REDACTED] so when we showed up there, he had said to us that [REDACTED] said that he was waiting to see...he was looking for um, Escalade wheels, stolen Escalade wheels. Um, between [REDACTED] and him, and [REDACTED] they came up with a plan to put Christopher Hardwick down in the window well, beat on the doors if they figured Hardwick was in there, get Corrie to let the bondsmen in, that way once the bondsmen were in, PD could come in behind them and uh, search the house for the wheels. Uh, the

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

DATE: 06/30/2011 TIME: 1545 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants/ [REDACTED]

wheels weren't there. There was uh, one male in the house that went to jail on felony warrants. Um, after that we all went our own ways and dispersed and [REDACTED] kept in good contact with [REDACTED] on quite a few different matters from then on.

DM: Okay. Um, what did you guys have on Hardwick to begin with?

[REDACTED] Uh, just uh, he missed court on a bond.

DM: Okay and so when that happens, is...are you guys arresting him on his warrant or is there a stipulation in the bond contract that allows you to pick him up and...

[REDACTED] It's all of the above. Once a bondsman has you on their paperwork, they can revoke the bond at any time. If you get new charges, they can revoke the bond and that's all that's stipulated in the paperwork. Um, once they get the warrant in the mail or the fax um, at that time they have to pick him up within 60 days.

DM: Okay, so when you guys went to get Hardwick, what was your intention?

[REDACTED] He was just going straight to jail.

DM: Okay. Um, do you recall where you guys met up with [REDACTED]

[REDACTED] Uh, right there on [REDACTED] He was sitting um, approximately a block and a half back on the north side [REDACTED] in front of some duplexes.

DM: Okay.

[REDACTED] Within eyesight of Shirkey's house.

DM: Um, so were you guys all in one car?

[REDACTED] The bondsmen and Hardwick?

DM: Yeah.

[REDACTED] Yes.

DM: Okay, so it was you, and [REDACTED] and Chris Hardwick...

[REDACTED] Chris Hardwick.

DM: ...all in one car?

[REDACTED] All in one car.

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DM: Okay. Um, when you guys pulled up next to or behind or whatever with [REDACTED] how exactly did that meeting physically take place?

[REDACTED] He had been forewarned because we let Hardwick call him. Um, so we just...we all just got out and stood right there on the sidewalk next to the two cars.

DM: Okay, so were all five of you outside of the car?

[REDACTED] Uh, not at first, we left Hardwick in the car and spoke with [REDACTED] and then allowed him out and then that's when the whole thing transpired. He was un-cuffed and put down in the window well. Um, [REDACTED]...

DM: [REDACTED]

[REDACTED] ...showed up. I don't think he really quite knew the whole scoop on what was going on. Hardwick kind of moved to the window well and I had to you know, let [REDACTED] know that that was you know...I was worried the kid was going to get shot in the window well for moving, you know.

DM: Okay.

[REDACTED] And [REDACTED] didn't really have a clue to that.

DM: Were any other police officers present when you guys met with [REDACTED] before...

[REDACTED] No.

DM: ...going to the house?

[REDACTED] No.

DM: Okay. Do you recall whose idea it was to do this fake foot pursuit thing?

[REDACTED] I believe it was [REDACTED]...

DM: Okay.

[REDACTED] ...came up with the little plan.

DM: Do you remember any statements in particular that [REDACTED] made while the discussion of this plan was taking place?

[REDACTED] You know, I don't. I mean not...not anything that I want to, you know, hold myself to.

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DM: Okay, is there any doubt in your mind that [REDACTED] was aware that number one, this fake plan was being devised, and that it was going to be put into place once everybody went to the house?

[REDACTED] No, he...he knew what was up. He knew the scoop, you know.

DM: Do you know what led you to believe that he knew what was going to take place?

[REDACTED] Because he was standing there when [REDACTED] came up with the little plan, his idea.

DM: Okay.

[REDACTED] And it was...I mean it was...it was a verbal...everybody knew what was going on.

DM: Um, is it possible that [REDACTED] was talking to somebody else maybe in a...away from [REDACTED] as he's talking about this plan and he didn't know about what was going on? I mean I'm just...I don't want to put anything at all...I want you to tell me what you remember.

[REDACTED] I know that before we were done talking [REDACTED] had showed up. And I know that he had stepped over to speak with [REDACTED] but no, [REDACTED] knew what was going down. And I know it for a fact, that dude knew what was happening, because it was all cleared through him to get him in to find the wheels for the Escalade.

DM: Okay, let me ask you this. If not for [REDACTED] wanting to look for the wheels, was there any other reason that you or [REDACTED] or Chris, would've wanted to go to the house on [REDACTED]?

[REDACTED] Absolutely not. We had already been there.

DM: You had been there looking for Chris?

[REDACTED] A couple of times, yeah.

DM: There wasn't any...

[REDACTED] Because Corrie Shirkey was the indemnitor on the bond.

DM: Okay. So there wasn't any need to go pick up some personal property, or go tell Corrie that you guys had Hardwick in custody or anything else?

[REDACTED] No.

DM: Um, if Hardwick had not started talking on his way to jail, where would you guys have ended up going?

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[REDACTED] We would've went to the office, filled out his paperwork, and walked him across the street.

DM: Okay. Um, other than providing...well, let me...at the time were you employed by [REDACTED]?

[REDACTED] Um, no. Um, I haven't been employed by a bondsman for...since '03 um, because of a licensing situation, so technically I just go as a ride-along, another set of eyes and ears.

DM: Okay, who asked you to go in this case?

[REDACTED] [REDACTED]

DM: Okay and [REDACTED]?

[REDACTED] Yes.

DM: Okay. Um, outside of your connection with [REDACTED] do you know Chris Hardwick?

[REDACTED] No...no.

DM: Um, except for this day when you were part of the crew that hooked him up, have you ever talked to Chris Hardwick?

[REDACTED] No.

KC: I don't have anything.

DM: Um, do you remember how the conversation went in the car? I mean when Hardwick was talking to [REDACTED] on the phone. I understand you could only hear...

[REDACTED] Huh uh.

DM: ...one part of the conversation, but...

[REDACTED] No uh, I don't remember that. Um, I know that earlier that day there was a...must not have been too big of a deal, but a small pursuit between [REDACTED] and Hardwick. And once he finally got him pulled over at Franklin Park Mall, that's when all...working for him come about.

DM: Okay, so once he had talked to him, Hardwick agreed to work for him, or provide information...

[REDACTED] Uh huh.

DM: ...or work off charges, whatever.

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[REDACTED] And later that evening is when we showed up to the house up on Decatur, about three houses in from the corner on Perry, which belonged to a girl they called "Glow."

DM: Okay.

[REDACTED] And that's where we picked him up.

DM: Um, prior to this incident, had you ever um, met or heard about [REDACTED]?

[REDACTED] Uh, no. I didn't know [REDACTED] at all.

DM: Okay and how about since this incident, have you had any contact with him?

[REDACTED] No.

DM: Okay. Uh, is there any reason that you would have an axe to grind with [REDACTED]?

[REDACTED] No...no.

DM: Okay. He's never arrested you...

[REDACTED] Nope.

DM: ...or a family member, or a friend.

[REDACTED] Nope.

DM: Um, screwed you over on a ticket or anything like that?

[REDACTED] Nope, [unintelligible].

DM: Okay. Um, okay, I don't think that there's anything else that I can think of to ask you. Anything about this incident that I haven't asked about that you think may be important to us in any way?

[REDACTED] I don't think so.

DM: Okay.

[REDACTED] Um, no.

DM: But you're absolutely clear that at the time of the meeting, at the point where this ruse for the fake foot pursuit or whatever, the whole idea behind that was to get [REDACTED] into the house?

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[REDACTED] Yes, because we already had Hardwick. We had no reason to even want to go in the house.

DM: Okay. Um, why would...you said before that you think that the idea originated with [REDACTED]
Why do think he would...

[REDACTED] Well...

DM: ...mention something like this?

[REDACTED] ...you know, it's common knowledge that once a bondsman...Police Department cannot help the bondsman, cannot be dispatched to help the bondsmen. If the Police Department is there and once the bondsman has passed the threshold of the door, if they ask for help, then they can assist. Um, so...and other occurrences and other times years ago um, when other departments wanted someone and couldn't...our warrant works as a search warrant. If we're...if we're 100% positive somebody's in the house, we can enter the home in any way, any fashion necessary. Um, but we can also, if the door's been opened to us, we can also search the house um, especially when it's the indemnitor's home. So a lot of times if...back, years ago, they'd call us and go, "Hey, can you get us in here?" and back then we'd always assist them in helping them get in. Um...

DM: You mean police would call you in the past?

[REDACTED] Well, not like...any realm of police, from Marshals, to County, City, it didn't matter.

DM: Okay.

[REDACTED] You know, we'd...typically everybody would just try and help everybody do their job. Now, it's pretty tight and everybody has to be their own people, you know, when they're trying...they're trying to come out with the same outcome, but they want everybody to be their own little group of people and I don't know, it's kind of kicking each other in the back really.

DM: Okay. Uh, before this incident...or I guess at...during this incident, did you get any kind of indication that [REDACTED] and [REDACTED] knew each other?

[REDACTED] You know, I don't know. [REDACTED] he knows a lot of people within the departments. Um, but I don't believe he did.

DM: Okay.

[REDACTED] I think he knew someone that was close to [REDACTED] but...work wise, but I don't think he actually knew [REDACTED]

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DM: Okay. Alright, [REDACTED] I guess to wrap it up, it is your contention that um, you guys were on your way with Hardwick down to jail, [REDACTED] agreed to allow Hardwick to call [REDACTED] he agreed also to meet with [REDACTED] near this residence that he was watching. At least initially Hardwick stayed in the car, but eventually all four of you exited the car and stood with [REDACTED] outside of the cars, and had this conversation about devising a plan so that the bondsmen could enter the home [REDACTED] and then request police assistance, and then [REDACTED] could come in and look around for the stolen rims that he was looking for?

[REDACTED] Yes.

DM: Okay. Alright, I don't have anything else, [REDACTED] unless you have something?

[REDACTED] Nope.

DM: Okay, I've got 4:00pm and we'll go ahead and end the interview. Okay, it's 4:01pm and we're back on tape with [REDACTED] and um, we were just talking and [REDACTED] happened to mention uh, an incident with [REDACTED] and maybe some bad blood or something, so I just want to get that down on the record here. Um, [REDACTED] why don't you go ahead and mention what you were talking about there and...

[REDACTED] Well, there was...I was going through a divorce and the ex-wife, the favorite phone number was the Police Department. Um, and as far as I was concerned they probably just got tired of coming out, which I knew everybody that was coming to the house, and I've known [REDACTED] for years, you know. Um, [REDACTED] had come out to take a report um, used the kids as witnesses, never tried to contact me, never called me, never come up to my residence, nothing. Um, wrote it up how he seen fit. Uh, the first time it was a violation of a protection order from two blocks away and the second time was an assault DV, which amounted to the fact that I can't do my job. I can't carry a firearm, so I no longer can do my job, and that was the licensing issue that I spoke about on the first taping.

DM: Okay, so uh, you kind of feel like maybe [REDACTED] on those two domestic violence incidents, didn't give you a fair shake?

[REDACTED] No, not at all.

DM: Okay.

[REDACTED] There was no interview.

DM: Um, but at the same time, when you saw him arrive on this call, you made sure that he was aware that Hardwick was a part of the plan because you didn't want anything bad to happen between [REDACTED] and Hardwick, is that right?

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[REDACTED] Yeah, well, Hardwick had moved to the window well and [REDACTED] kind of stepped back into a ready stance and I didn't you know, the last thing I need is some dude trying to help us getting shot, so I had to inform him, you know, he's you know, part of the scoop, so then at that point he knew what was going on. I don't know how comfortable he was with it, but uh, you know, by that point he knew what was...

DM: Okay, do you have any indication that you getting involved in this or being interviewed by police has anything to do with [REDACTED]? I mean like him having a problem with you?

[REDACTED] No...no, and I just hope that there isn't one after this either.

DM: Okay. And you're bringing this up, which may or may not help this guy that works with [REDACTED] [REDACTED] is that in any way related to [REDACTED] treatment of you in the earlier domestic violence incidents?

[REDACTED] No...no.

DM: Okay.

[REDACTED] It's been four years, I mean its water under the bridge, I guess.

DM: Okay um, since the domestic violence incidents and this incident [REDACTED] have you had any other contact with [REDACTED]?

[REDACTED] No...no.

DM: Okay. Okay, we'll go ahead and end the interview at 4:05pm.

*Reviewed 7-5-11.
DM*

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KC: Lieutenant Keith Cummings
[REDACTED]

TB: Tim Burns

KC: Okay, we're now going to begin the interview. The time is 1355 hours; the date is June 30th, 2011. Present in the room are myself, Lieutenant Keith Cummings of Police Internal Affairs, [REDACTED] from the Gang Unit, and Mr. Tim Burns from the Office of the Police Ombudsman. Uh, could I have each of you acknowledge your permission to record this interview?

TB: This is Tim Burns, Police Ombudsman, you have my consent.

[REDACTED] Uh, this is [REDACTED] you have my consent.

KC: Uh, [REDACTED] could you please confirm the spelling of your last name and tell me your personnel number?

[REDACTED] It's [REDACTED] and personnel number is [REDACTED]

KC: Have you read and signed your administrative rights and responsibilities form?

[REDACTED] Yes, I did.

KC: Have you been given a copy of those rights?

[REDACTED] Yes.

KC: Okay, do you understand them?

[REDACTED] I do.

KC: Um, have you been given a written overview of the allegations in this case?

[REDACTED] No, I have not.

KC: Were you given any verbal overview of the allegations in this case?

[REDACTED] To some degree, yes.

KC: Okay. Do you understand that you are a witness officer in this investigation?

[REDACTED] Yes, I do.

KC: Are you appearing here without a Guild representative by your own choosing?

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[REDACTED] I am.

KC: The IA tracking number is 11-031. [REDACTED] the complainant is Spokane Police. [REDACTED] how long have you worked for the Police Department?

[REDACTED] Uh, just a little over 20 years.

KC: Do you have any prior law enforcement experience?

[REDACTED] Yes.

KC: Um, where was that at?

[REDACTED] Uh, Missoula Police Department in Missoula, Montana and that was four and a half years.

KC: What is your current assignment?

[REDACTED] I'm a Sergeant and one of the two supervisors for the Gang Enforcement Team.

KC: Was that your assignment as of August 2010?

[REDACTED] Yes, it was.

KC: Okay. Could you describe your duties and responsibilities in the Gang Unit?

[REDACTED] Uh, I supervise...I keep changing my numbers, but approximately 12 individuals in that unit. Uh, they comprise of both City and County officers and detectives, as well as a State Patrol detective and Federal officers, and a Department of Corrections officer.

KC: Okay um, do you authorize the payment of funds to CIs?

[REDACTED] I do.

KC: Okay, could you describe the process that you use in the Gang Unit to pay CIs for information.

[REDACTED] Um, the process is that the officer will approach and let us know...it would be either me or [REDACTED] either one will authorize. They'll approach us, say, "We want to pay this informant this amount." Um, we will actually go and get the funds and then there's a voucher process where there's uh, the officer has to fill out a voucher. It's a two...it's a carbon voucher; there's two pages to it. The front carbon has limited information uh, without the informant's signature on it. The back carbon the informant will actually sign for receipt of those funds.

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KC: Okay, now you have in front of you a number of vouchers for confidential funds used in our agency and I believe the Gang Unit. Um, you had an opportunity to look at these before we began the interview, correct?

[REDACTED] I did.

KC: Do you recognize any of these?

[REDACTED] I do.

KC: Um, what uh, what is a typical payment for a confidential informant?

[REDACTED] Out of our unit um, because we are working gangs, it's a...our typical payment for information is \$100.

KC: Have you ever authorized more than \$100?

[REDACTED] Yes.

KC: Okay, could you describe a situation where you might do that?

[REDACTED] It could be a situation where um, the informant has either provided very valuable information, maybe something on like a homicide or where they have um, done something that may put them in a little bit more peril and the payment may come in cash. Um, or there's other situations where we may move them, put them in a hotel room too. And then the federal informants that get paid, obviously the FBI handles those transactions, but those can be far more money than what we pay out of our fund.

KC: So um, regarding um, the vouchers that are in front of you um, what's unusual about them?

[REDACTED] Two vouchers in front of me um, one is the City Gang voucher and that's voucher #GET00272 that one was signed out um, by [REDACTED] on January 27th of 2010 for \$100. And the amount used was \$100 to pay a source and it looks as if the source signed that voucher. The second voucher is also out of our unit, but it appears to be a voucher used by the County um, County Sheriff's Office within our unit.

KC: Uh huh.

[REDACTED] Um, because we do have two separate confidential funds that we run out of that unit, a City fund and a County fund. That voucher is listed as #GV1072. Its date is 08/26 of '10 signed out by [REDACTED] again for the amount of \$100, and it appears to have been...uh, it appears to have been signed by uh, I assume the informant, at least in the informant line.

KC: But what would be unusual about that? Is there anything unusual about it?

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[REDACTED] These two particular vouchers I do not see as being unusual and I think the only thing that's consistent is that it's the same informant number involved.

KC: Okay.

[REDACTED] Nothing unusual about these two that I see.

KC: Well, let's cut to the chase. The other two vouchers shown are, one looks like it's from the SIU and the other one from the Patrol confidential fund, and each of them for \$100 and they're all on the same day. Um...

[REDACTED] This is true.

KC: So, my question to you earlier was, is it ever um...do you ever authorize a payment of more than \$100 to a CI, you said, "Yes," I asked circumstances. On this particular case, did you authorize a \$300 payment to a CI regarding a case that [REDACTED] was working with [REDACTED]?

[REDACTED] I do not remember authorizing a \$300 payment to a CI on this particular case.

KC: Would um...but it would not be unusual you said, to pay that much?

[REDACTED] To pay \$300 would be a little out of the ordinary, but I...it's not that it couldn't happen, but you would have to justify why.

KC: I understand on this particular case the individual got 15 years in prison because it was a significant case?

[REDACTED] That is correct.

KC: Okay. So would that be consistent with a \$300 payment, somebody that spent, or was sentenced 15 years, because...did this case go Federal?

[REDACTED] This is a Federal case. Uh, I...well I believe this is a Federal case. I know one of these cases involved was a Federal case.

KC: Okay.

[REDACTED] But I also know because I checked uh, as this investigation started, this case was ready to plead out and so I put the investigators in contact with the Federal prosecutor...

KC: Okay.

[REDACTED] ...to make sure everything was okay. So I know for a fact that this case had not been settled at the time of these vouchers.

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KC: Okay, so back to the vouchers. When somebody gets money out of the confidential fund um, is it immediately signed out by the Sergeant at that time? Do you authorize it right at that time?

[REDACTED] They have to come to the Sergeant because we get it. They don't have access to the safe to get it.

KC: Okay, so...

[REDACTED] [Unintelligible]

KC: ...a little bit un...or it's not like the process say used in SIU?

[REDACTED] That's correct.

KC: Okay, it's a little tighter would you...

[REDACTED] I would say a little bit because...

KC: Because I'm looking at this one here that it looks like [REDACTED] signed off and he signed off on it uh, what, about a week later?

[REDACTED] Uh huh.

KC: But somebody...what you're saying is somebody would've had to get him that money and then they just...they uh, approved it, signed off on the voucher a week later, is that correct?

[REDACTED] Commonly what I do is if a voucher...somebody wants money, they'll come to me, I will go get the money out of our safe, excuse me um, I will get a voucher and I'll write their name on it, and I will put, like on this particular case, \$100 out and either the date there, or I'll put the date down here so I know when it went out. I also have um, although I don't think I did it this time, I start documenting these voucher numbers as they go out so I know that they come back.

KC: Okay.

[REDACTED] So I can track them.

KC: Okay, so...so your signature down here, the authorizing signature, this is not unusual to have a date later than the date that the money went out?

[REDACTED] No. This...because the voucher goes out, the investigator goes out and does whatever they do. They contact the source, they make the payment. That voucher may sit on his desk for a few days. Um, it may into my inbox and sit for a few days and I'll grab it and I'll sign off on it.

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KC: Okay, let me put it differently. Is there any place on this form that would show that you authorized, you or [REDACTED] authorized the payment at that time?

[REDACTED] Only the fact that I would put a date on it and what's interesting on here is...

KC: Okay, the one on August is the ones that I'm...

[REDACTED] This one?

KC: Yeah.

[REDACTED] Uh, the August date, I had...this one I didn't authorize.

KC: But [REDACTED] would've, because it's out of the County fund?

[REDACTED] This is correct, so he would have had to authorize this particular fund.

KC: Okay.

[REDACTED] Now, there is another process, but commonly uh, there are some investigators, like in this particular case um, [REDACTED] name is on here, he's a County Detective.

KC: Uh huh.

[REDACTED] I believe the County has their detectives...they have like some money in their wallet that's County money. If it's an emergency, I've got to pay something or I have to do something that can be used. I have no idea if that was done in this case or not.

KC: Okay um, so did you uh, well, I think you already answered the question. You don't recall ever authorizing a \$300 payment?

[REDACTED] I don't recall authorizing a \$300 payment.

KC: In this case.

[REDACTED] And this particular voucher, I'm actually looking at that voucher, and that voucher, the SPD Patrol voucher, and then this voucher um, none of my writing is on either of those three vouchers.

KC: Yeah. Um, okay uh, did you ever have a conversation with [REDACTED] regarding a large payment to a CI in which he requested that the payment be spread out amongst several confidential funds?

[REDACTED] Yes, I did.

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KC: Could you describe that conversation?

[REDACTED] It's been so long ago. Um, he was back in patrol and he indicated to me...and it could very well be this case.

KC: Okay.

[REDACTED] Um, he indicated to me that he'd had a CI, they were able to get um, some...they were able to get a large amount of drugs and it was going to be a Federal case. And he asked um, about paying the CI more than \$100 and I believe I authorized him that he could pay him in two vouchers.

KC: Okay.

[REDACTED] But beyond that, I don't recall the specifics.

KC: So it is possible then that he interpreted that as using the three different confidential funds to pay this guy?

[REDACTED] He could have interpreted it, what I don't understand is if that is the case in this particular case, there's no City Gang voucher involved.

KC: Okay.

[REDACTED] And I would have thought it would've been the City Gang vouchers.

KC: When...okay. [REDACTED] used to work in the Gang Unit, correct?

[REDACTED] Yes, he did.

KC: Um, when he was working back there, did he at any time use the County vouchers instead of the City?

[REDACTED] All the time.

KC: Okay, so that would...this would not be unusual?

[REDACTED] This is not unusual at all.

KC: Okay. Okay um, how long did you work with [REDACTED]?

[REDACTED] In the Gang Unit?

KC: Yeah.

Transcribed by Kiley Friesen

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[REDACTED]

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[REDACTED] I can't remember how long I had him. Was it a year, year and a half?

KC: Okay, well, how would you describe his work ethic?

[REDACTED] Impeccable.

KC: Um...

[REDACTED] He's very, very hard working.

KC: Okay. When did uh, when did he leave the Gang Unit?

[REDACTED] I'd have to go back and check my books.

KC: Okay um, did you ever have the opportunity to observe him contact people in the field?

[REDACTED] Yes.

KC: Okay. Could you describe um, what a contact, a typical contact would look like? Let me rephrase that. Um, did [REDACTED] receive any complaints when he was back in the Gang Unit?

[REDACTED] I believe I handled one complaint over the phone when he first came in and it was a demeanor or a...I think he was trying to locate someone on a warrant and he had talked to two or three times, either a girlfriend, or a mom, or a relative and I'm sorry, it's a little bit vague because it's a while ago. And I talked to her over the phone about it, and basically handled the complaint via phone.

KC: Okay so um...

[REDACTED] And it was something to the effect of he keeps coming back looking for this person and he's not here, he needs to leave me alone.

KC: Okay. Um, did you ever have contact with [REDACTED] after he left the Gang Unit? Did he still continue to do any work with your unit?

[REDACTED] For a while he still had access to the office um, I don't know if we really used him much after he went back to patrol.

KC: Okay, but when he was there, did you um, did your unit ever utilize a ruse in order to get information or get into a house?

[REDACTED] Well, I know over the years I've used ruses, but I don't know. I don't remember.

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KC: Do you ever recall utilizing a ruse with [REDACTED]?

[REDACTED] Like dress him as a UPS guy or something like that?

KC: Anything.

[REDACTED] Uh, no, I don't recall.

KC: Okay. Um, all these other questions are redundant then. Okay, would it be unusual for a member of the Gang Unit or somebody that came out of there um, to utilize a ruse in order to gain information or get into somebody's house?

[REDACTED] I don't think it would be...I believe it has happened, but that ruse had better be well scripted because obviously you're dealing with a search or seizure issue depending on the ruse and what you're doing.

KC: Did you ever have to counsel [REDACTED] regarding the use of a ruse?

[REDACTED] No.

KC: Okay. I don't have any other questions. Tim, do you?

TB: Uh, Lieutenant, just a couple, please.

KC: Uh huh.

TB: Since we're talking about ruses, if some...one of your subordinates was going to use a ruse, would it be normal for them to share that with you as their supervisor before that was implemented, or would it be something they would just do spontaneously?

[REDACTED] Most of the time I would say yes, you would talk to a supervisor about using a ruse, with the exception of maybe a common ruse, such as uh, you may think that somebody's growing marijuana in a house and the ruse would be a picture of your dog, go knock on the door, "Have you seen my puppy?" Enough to make contact at the door, but to actually go inside the house, no um, that...once you cross that threshold, you're looking at a whole different level of search and seizure rights, and security rights, so um, and commonly a ruse would be used...I think it's a very limited amount of time you'd use a ruse.

KC: Would you say that using a ruse would be more along the lines to confirm information that you might already have or to...or to try and gain it?

[REDACTED] Well, it could be both really. And [unintelligible]...

KC: I was thinking of my own experience.

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[REDACTED] In the essence...and I always...when I think of ruses I think of about two different kinds. One would be the marijuana, try to get the odor of marijuana ruse that I just talked about. The other one would be, you know, I've got a guy whose got a warrant uh, I want to get him to come out, I want to take him safely, so you drive up and you make it look like maybe you ran into his car. You go knock on the door and say, "Hey, buddy. I just ran into your car. Can you come look?" "Yeah, I'll come out." "Oh, you've got a warrant," arrest the guy and you're done.

KC: Okay.

[REDACTED] Um, so quite frankly the majority of the ruses that I can think of would deal with circumstances to maybe get someone to come out of their residence as opposed to the officer going into the residence.

KC: Okay.

TB: Okay.

[REDACTED] Does that make sense?

KC: Yeah.

TB: Absolutely. So now, in the event a ruse was going to be used and as a supervisor you weren't made aware of it for the reasons we've now discussed, would it be common that after the fact the officers that had used that would make you as their supervisor aware that that had been an instance, or would it be documented in the police report as having been part of the strategy that was used?

[REDACTED] Depending on the circumstances um, I may or may not need to be notified, but if you're going to use a ruse, you've got to put it in your report.

TB: Okay, thank you. Would it um, I want to go back to the vouchers for just a moment. During...and you've been in your current assignment for how many years?

[REDACTED] Five years.

TB: Five years...going into that assignment were you ever provided as a supervisor, or did you as a supervisor provide to any of your subordinates any level of training that related directly to the use of the voucher and how that would work, or did you receive training yourself?

[REDACTED] Well, I worked in SIU as a Detective for several years, so I've used a lot of vouchers. Um, we've had some informal discussion on how to fill out the vouchers. In fact, we transitioned this particular voucher uh, we made some changes. If this is the SIU voucher, and I don't know for sure if it is anymore, but it looks very similar to one, we made some changes on our vouchers and I don't know exactly when we did, but I do know that I made...we talked about filling out the

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vouchers before and what I needed. And if you look even on this voucher here, I would get the vouchers brought back to me and I may fill in little things, like I wrote in gangs, I know that's my writing. Um, so they've been talked to a little bit about how to fill out vouchers. The detectives in the unit um, have been doing vouchers for a long time, where the patrol officers such as [REDACTED] had rotated in and out and they were commonly with a detective when they do the vouchers in fact.

KC: Hang on one sec...another officer [unintelligible].

[REDACTED] Yeah uh, [REDACTED] looks like he signed that one off. Um...

KC: [REDACTED]

[REDACTED] on that one, [REDACTED] on that one, and [REDACTED] on that one. I have never worked with [REDACTED] he's never worked in my unit. Um, and these were...

KC: [Unintelligible]

[REDACTED] ...later in the year vouchers, so...

TB: Okay. So would you suggest that as these vouchers were used, they would've been pursuant to, or in conjunction with, and acceptable for the level of training and conversations you had with the subordinates in the unit? I guess my question is, would these be...do these meet...as a supervisor, do these meet your expectations and needs, and would they be acceptable?

[REDACTED] Um, other than some minor little changes, actually that one's...that one's in pretty good standing I would say. These look like uh...these look like they have the information used fairly well. So, yes, I guess the answer would be yes.

TB: Okay. And then I apologize for bouncing back, but my final question would be, with regard to ruses, if you were going to use a ruse, would you use that with um, bounty hunters or bonds people to do that, or is that something that um, would be solely incorporated within your unit, or within law enforcement?

[REDACTED] I don't think I have ever worked with a bounty hunter um, that I'm aware of. Um, primarily a ruse is something that you would want to plan within people...within your own unit. That's my opinion. Um, and it also depends on what the end game is and where you want to go because you also have to look at the safety of the officers involved in the ruse, you have to look at how it's going to impact or affect the public, and if you're going to do something more complex, unless it's immediate, I want to have it planned.

TB: Thank you, Sergeant. Lieutenant, that's all I have.

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KC: Okay, and then just one final question. [REDACTED] have you ever had any training on the authority of bond agents?

[REDACTED] Not that I remember.

KC: Okay. Um, anything else you want to add? Anything that we're leaving out that you want to...

[REDACTED] Uh, not that I can think of at this time.

KC: Okay um, that will conclude the interview. The time is 1422 hours.

*Reviewed
7-6-11
KAC [signature]*

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

DATE: 06/23/2011 TIME: 1330 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants, [REDACTED]

DM: Sergeant Dave McCabe
[REDACTED]

TB: Tim Burns

DM: Okay, we're going to begin this interview. It is 1:30pm; today's date is June 23rd, 2011. Present in the room are Sergeant Dave McCabe of Police Internal Affairs, [REDACTED] from Patrol, and Mr. Tim Burns from the Office of the Police Ombudsman. [REDACTED] do I have your permission to record this interview?

[REDACTED] Yes.

DM: Would you please confirm the spelling of your last name and tell me your personnel number?

[REDACTED]

DM: Have you read and signed your administrative rights and responsibilities form?

[REDACTED] Yes.

DM: Were you given a chance to get a copy of those rights?

[REDACTED] Yes.

DM: Do you understand your rights?

[REDACTED] Yes.

DM: Uh, have you been given a written overview of the allegations in this case?

[REDACTED] Uh, yes.

DM: That'd be the attachment to the email I sent you.

[REDACTED] Yes.

DM: Um, do you understand that you are a witness officer in this investigation?

[REDACTED] Yes.

DM: And are you appearing here without a Guild representative by your own choosing?

[REDACTED] Yes.

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DATE: 06/23/2011 TIME: 1330 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants/ [REDACTED]

DM: The Internal Affairs tracking number is 11-031. The allegation is Unlawful Search and Use of Confidential Informants, which would be a Violation of Ethical Standard 2.3, [REDACTED]

[REDACTED] The complainant is Spokane Police Department. [REDACTED] how long have you been with the department?

[REDACTED] 13 years.

DM: Do you have any prior law enforcement experience?

[REDACTED] No.

DM: Uh, do you remember what your assignment was on November 19th, 2009?

[REDACTED] Patrol.

DM: Okay. What shift were you working then?

[REDACTED] Swing.

DM: Do you recall an incident at [REDACTED] involving [REDACTED]?

[REDACTED] I do.

DM: What do you remember about the call?

[REDACTED] Oh, I think I was just called to go there to assist and when I got there, I can't...I think I was telling the detectives, I don't remember if when I got there if they were already inside or not, but I do remember ending up in the living room and [REDACTED] was in there along with the...I believe a bail agent, and then some people who either resided at the house or were just there at the time.

DM: Okay. Um, can you just kind of walk me through the call from when you got there to when you left?

[REDACTED] Yeah, I got on scene and I think I first contacted [REDACTED] and it was either [REDACTED]...I think [REDACTED] was with him. We were standing on the corner and there was activity at the front door with some of the bail agents and then [REDACTED] And then when I had gone inside and made sure everything was stable in there, and I was back outside just kind of wandering back and forth and the thing I remember most about that incident was with the bail agents. They failed to inform me that they were setting up a foot chase with...I don't know if it was [REDACTED] who got them to the house or not, but I heard screaming and yelling, and vulgarities and ran out to where that was going on and was about to get involved and the one bail agent was like, "No, no, no. This is just staged." And I was rather furious with them for not

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telling me that they were going to stage this because it sounded like somebody was being stabbed out back with the screaming going on.

DM: Okay.

[REDACTED] And that's the main thing that I really remember about that call.

DM: Um, what part of the residence were you in when you heard that happening outside?

[REDACTED] Living room.

DM: Do you know where [REDACTED] was when you heard that?

[REDACTED] If I recall correctly he was standing in the living room as well.

DM: Do you know what his reaction was to the commotion in the backyard?

[REDACTED] No, because as soon as I heard it I went screaming outside.

DM: Do you have any idea whether he was in on the staged foot pursuit, anything...that he knew about prior?

[REDACTED] That I do not know.

DM: Okay. Um, are you sure that [REDACTED] was there?

[REDACTED] I don't remember if it was [REDACTED] Somebody was standing there with [REDACTED] and I cannot remember. For some reason I'm thinking he was, but it might not have been.

DM: Okay. But you're pretty sure that it was [REDACTED] that was there?

[REDACTED] Yeah.

DM: Okay. Um, where...when you got outside and...what exactly did you see in the backyard?

[REDACTED] Well, I got out to the backyard in the alley and this bail agent was grabbing...it looked like he was struggling with this individual and that's when I was ready to...I might have started to un-holster my firearm just because I wasn't certain yet what was going on. And that's when he was like, "No, no, no, no. It's fine. I'm fine."

DM: Okay.

[REDACTED] When I knew that that was all baloney I walked away before I got too angry with them and...

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DM: Okay.

[REDACTED] ...said something.

DM: So you knew right away who...or that that guy was a bail recovery agent?

[REDACTED] Yeah, because I've seen him on several prior incidents.

DM: Do you know what his name was?

[REDACTED] You know, the detectives reminded me. It was not [REDACTED] it was his short, squat partner um...

DM: [REDACTED]?

[REDACTED] Yes.

DM: Okay. Um, and do you know who the guy that he was faking the foot pursuit with was, who that was?

[REDACTED] I don't even remember. I guess he'd been hiding in a window well at first as part of their little game they were playing.

DM: Okay. Um, could you tell whose call this was? Were you assisting [REDACTED] on something that he was doing or was it more of a call to assist the bail bond guys?

[REDACTED] As I recollect it was more the bail bond guys. We've been called because of them many times. I haven't read the CAD report to refresh, but I just knew I was called there to assist.

DM: And when you got there, did you get a chance to get a briefing from anybody telling you what the plan was going to be or what everybody was doing there?

[REDACTED] I don't recall being told much of anything, other than here they are and here I am to make sure if it goes south there's a uniform there.

DM: Okay. Did you ever talk to [REDACTED] about the call or what had happened and your frustrations?

[REDACTED] I don't recall specifically talking to him. I may have said something to [REDACTED] as I was leaving because I was pretty steamed about it. And just kind of got out of there once they had who they were looking for, or whatever they had accomplished.

DM: Okay. Do you remember how that conversation went with [REDACTED] and what his reaction was?

[REDACTED] Honestly, I don't remember.

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DM: Okay. Mr. Burns, do you have any questions?

TB: Just a couple, please. Officer, were you...was...did anybody at any time that you recall, ever explain to you the reason for the staged foot pursuit?

[REDACTED] No.

TB: Okay and I guess my last question is um, a bail agent was inside the house, if I understand you correctly.

[REDACTED] Yes.

TB: Okay, was...would there have been a reason that you would know why there would be a bail agent in the house, or the officer for that matter, either or?

[REDACTED] That I would know why?

TB: Right.

[REDACTED] Well, my assumption is that they were there contacting somebody with a warrant or a bail jumper.

TB: Okay. Nobody was in custody then when you got there?

[REDACTED] When I got there, no. And actually the foot pursuit had been staged because this guy, [REDACTED]..if he in fact was [REDACTED] didn't want whoever was wanted to know he dined them out, basically.

TB: Okay, thank you.

[REDACTED] Yeah.

DM: Um, when you went out to the backyard um, was the other guy that [REDACTED] was dealing with, was...had he been handcuffed, or...

[REDACTED] I think [REDACTED] was...had handcuffed him just to make it more legit. And I don't know if he...

DM: But he wasn't handcuffed prior to that that you're aware of?

[REDACTED] Not that I'm aware of, no.

DM: Okay. I think that's all I've got, [REDACTED] Is there anything you want to mention for the record that we haven't already talked about?

[REDACTED] No.

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DM: Okay. Then I have 1:39pm and we'll go ahead and end the interview.

*Reviewed 7-6-11.
DM*

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DATE: 06/23/2011 TIME: 1030 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants, [REDACTED]

DM: Sergeant Dave McCabe

KC: Lieutenant Keith Cummings
[REDACTED]

DM: Okay, we're going to begin this interview. It's 10:30am; today's date is June 23rd, 2011. Present in the room are Sergeant Dave McCabe of Police Internal Affairs, along with Lieutenant Keith Cummings, and [REDACTED] from Targeted Crimes. [REDACTED] do I have your permission to record this interview?

[REDACTED] Yes, you do.

DM: Would you please confirm the spelling of your last name and tell me your personnel number?

[REDACTED]

DM: Have you read and signed your administrative rights and responsibilities form?

[REDACTED] Yes, I have.

DM: Were you given a chance to get a copy of those rights?

[REDACTED] Yes, I have.

DM: Do you understand your rights?

[REDACTED] Yes, I do.

DM: Were you given a written overview of the allegations in this case?

[REDACTED] Yes, I was.

DM: And do you understand that you are a witness officer in this investigation?

[REDACTED] I do.

DM: And are you appearing here without a Guild representative by your own choosing?

[REDACTED] I am.

DM: The Internal Affairs tracking number is 11-031. The allegation is Unlawful Search and Use of Confidential Informants, which would be a Violation of Ethical Standard 2.3, [REDACTED]
[REDACTED] The complainant is the Spokane Police Department. [REDACTED] how long have you worked for the department?

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[REDACTED] Since 1991.

DM: Do you have any prior law enforcement experience?

[REDACTED] I was a jailer for five years prior to that.

DM: And what's your current assignment?

[REDACTED] I'm in the detectives' unit uh, Targeted Crimes.

DM: Okay. And what was your um, assignment in 2010?

[REDACTED] I was in the Targeted Crimes Unit.

DM: Okay. At some point uh, do you remember having a conversation with [REDACTED] regarding [REDACTED]?

[REDACTED] Yes, I do.

DM: Do you recall when that was?

[REDACTED] I recall it being the day after a subject by the name of Dustin Rauscher was arrested and I believe it was in...I believe it was 04/29 of 2010.

DM: Okay.

KC: Can I clarify something?

DM: Sure.

KC: Was that when he jumped out of the, what like the second or third story window? Was that that one?

[REDACTED] No, that was Cephas Parham.

KC: Okay, wrong guy. Sorry.

DM: Um, how did that conversation with [REDACTED] take place?

[REDACTED] I was in my office and he came in looking for [REDACTED] and uh, advised me that he had arrested Dustin Rauscher the previous evening.

DM: Okay. Uh, do you remember as specifically as possible what was said?

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[REDACTED] Not that I would feel comfortable saying it. Um, I remember him coming in and advising that he was...that he had arrested Dustin Rauscher. I remember him saying he was looking for [REDACTED] and I know that him and [REDACTED] had been communicating back and forth about looking for Dustin Rauscher. I remember telling him that uh, that I'd been looking into [REDACTED] and that it was my suspicion that he was using [REDACTED]..or not...I knew that he was probably using [REDACTED] Um, I advised him, basically wanting to give him forewarning that...that I suspected that [REDACTED] wasn't a licensed recovery agent and that he may want to investigate that on his own.

DM: Okay. Um, do you know how you knew that...or suspected that [REDACTED] was using [REDACTED]?

[REDACTED] No.

DM: Okay. Um, do you remember what [REDACTED] reaction was when you told him that?

[REDACTED] I do.

DM: What?

[REDACTED] Uh, I would characterize it as um, an arrogant dismissal. Um, he acknowledged that he heard me as he was walking away, he waved his arms in the air and made some comment about uh, "We got him" or something along those lines. Um, and then didn't engage in further conversation with me.

DM: Okay um, was that the only time that you have spoken to [REDACTED] about [REDACTED]?

[REDACTED] The only time that I made any recollection of it.

DM: Okay.

[REDACTED] Or made any significant note of it.

DM: Had you ever um, told anyone else in the Gang Unit about [REDACTED] and your suspicions?

[REDACTED] I did, but I don't recall...when I started looking into him uh, I asked people if they had used him and I don't...I don't remember specifically when or who I talked to. Uh, I do remember talking to [REDACTED] and was referred to [REDACTED]

DM: Okay. Now at the time you had this conversation, did you just suspect or had you confirmed by that point that [REDACTED] was unlicensed?

[REDACTED] I had not specifically confirmed it until I got a notification from Department of Licensing.

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DM: Okay and at any point did you notify either your chain of command or anyone else in an effort to make sure that the Gang Unit was aware that he had a problem with his license, or was not licensed?

[REDACTED] I've kept [REDACTED] appraised of it, yes. And I know that he's kept [REDACTED] appraised of it.

DM: Okay.

[REDACTED] As far as warning any other police personnel, I don't know if they did. I don't know that I did either...

DM: Okay.

[REDACTED] Initially.

DM: Do you know that there was any conversation between your chain of command and that of the Gang Unit to make sure that their chain of command was aware?

[REDACTED] I don't know.

DM: Okay. Um, there's all kinds of things going around, lots of rumors, about um, the personal relationship you have, or the lack thereof, with [REDACTED] and whether or not this investigation may be the result of a vendetta or anything. Would you like to expound on what you've heard and what you believe the truth to be?

[REDACTED] No.

DM: Do you feel...well um, was this...[REDACTED] becoming involved in this investigation, was that in any way a result of any personal animosity between the two of you?

[REDACTED] No.

DM: Um, has there ever been...I mean, it's not required that we like everybody that we work with, or that everybody that works in this Police Department...I mean beyond maybe a personal um, dislike which happens from time to time, has there been anything, any incidents between you and [REDACTED] that would lead to bad blood or anything more than a personal dislike?

[REDACTED] In my opinion?

DM: Yeah.

[REDACTED] No.

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DM: Okay. Lieutenant, do you have anything?

KC: I don't think so.

DM: [REDACTED] anything you want to mention that we haven't already talked about?

[REDACTED] Um, no. I mean, I think we need to address this personal issue that [REDACTED] and I have. Any issues he and I have had have been over the years and have ebbed and tide, in my opinion. Uh, we've had discussions about some things that he has done, but those were settled after we had those discussions, in my opinion. I think that the rumors that you're talking about are being perpetuated by a couple of people and uh, in my opinion, they're doing it in a mudslinging effort to assist their friend. Um, so no, it was never brought up before this and the only time it was ever brought up since this is by two specific people. Um, so, I don't...

DM: Okay.

[REDACTED] I think it would be inappropriate to address it because it's, in my opinion, BS on their part. [REDACTED] hasn't confronted me with this. I've heard that he has said this to these other people, but other than that, no.

KC: Okay, we need to know who those people are then.

[REDACTED] Um, well, [REDACTED] is one of them and uh, I had heard second hand that...well um, [REDACTED] asked me if that were the case and uh, in more of a flippan kind of way.

DM: [REDACTED] asked you if this investigation was a result of your dislike for [REDACTED]?

[REDACTED] Right.

DM: Okay.

[REDACTED] So uh, I've had discussions with both of those people and have made it clear to them that that isn't the case. And there's been no...I mean my relationship with [REDACTED] began when he was a Reserve here. And I've always considered him my friend. I mean there's been some uh, issues that have come up with him that I've discussed with him, but nothing that would cause me to do this, no. And the investigation wasn't centered towards [REDACTED] it was centered towards [REDACTED] And then some things came up and in an effort to protect myself, I went to my Sergeant and told him what I had learned. So nothing was brought up about [REDACTED] or anything like that until uh, down the road in the investigation.

DM: Okay.

[REDACTED] Does that make it clear?

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KC: Uh huh.

DM: It does.

KC: Actually, I do have one other thing.

DM: Yeah.

KC: Um, you had said that when you talked to um, [REDACTED] regarding [REDACTED] and his lack of a license that he acknowledged your statement and then I can't remember your exact words, but you know, kind of waved you off um, how do you know that he acknowledged your statement? I mean, was he looking at you? Was there an exchange? Because if he was walking away...

[REDACTED] I was sitting at my desk and as he came in, I stood up and you know...

KC: Uh huh.

[REDACTED] ...the configuration of the desks in that office.

KC: Yeah.

[REDACTED] I stood up, I think to get something off the printer or to go do something, or whatever I was doing, he came into the room and we had this discussion. He was looking for you know, [REDACTED] Um, we had the discussion and then he turned around and walked away. When I told him this, we were face to face and um, I don't have any other way to characterize it than his normal behavior when you tell him something. It's, "Ah, whatever" you know, and walks off uh, raising his hands in the air. So there was no question he knew exactly what I said, he knew exactly what the message was.

DM: Do you know if anybody else was in the room and would've heard that conversation?

[REDACTED] I don't know. I mean I thought that [REDACTED] was in the room with me when I told him that, [REDACTED] Uh, he says that he wasn't, so I thought there was somebody else in there, but I can't say who for sure who it was.

DM: Okay. Okay, anything else you want to get down, [REDACTED]?

[REDACTED] No.

DM: Okay. I've got 10:44am and we'll end the interview.

*Reviewed Hall
DM*

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COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants [REDACTED]

DM: Sergeant Dave McCabe

KC: Lieutenant Keith Cummings

JG: John Gately

TS: Ty Snider

TB: Tim Burns

DM: Okay, we're going to begin this interview; it's 9:00. Today's date is June 23rd, 2011 and I guess this is an interview requested by [REDACTED] as a follow up to the interview he gave last Thursday. Is that right, [REDACTED]

[REDACTED] That's correct.

DM: Okay. And just before we get going uh, this morning um...well, actually, I emailed you um, a copy of the response request [REDACTED] is that right?

[REDACTED] Yes.

DM: And then this morning I had you sign another copy of um, your administrative rights with the [REDACTED] allegation added, is that right?

[REDACTED] That's correct.

DM: Okay. Uh, so if we can just go around the room and get consent to record; this is Dave McCabe from Police Internal Affairs and you have my consent.

KC: Uh, Lieutenant Cummings, Internal Affairs. You have my consent.

JG: John Gately, Spokane Police Guild. You have my consent.

[REDACTED] [REDACTED] Police Officer. You have my consent.

TS: Ty Snider, Spokane Police Guild. You have my consent.

TB: Tim Burns, Police Ombudsman, and you have my consent.

DM: Alright, [REDACTED] It's your show.

[REDACTED] Uh, in this past week after the interview, I had done some recollection and first of all I want to say that I've worked with [REDACTED] for a long time and we've gone on many, many calls together, which prompted me in thinking you know, I think I told you guys last week this [REDACTED] address was real busy and I started to formulate on what did I generate there, what happened there, what kind of calls. Stolen cars, I think we talked about the stolen rims and uh, the incident surrounding the [REDACTED] address. And I mean it was from 2009 and back in January when I

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was first interviewed by [REDACTED] and Johnston, [REDACTED] name just popped into my mind and I was confused at that time and it had always stuck in my mind. Uh, thinking about it this past week, still confused about it. Uh, thinking of all the times I've been over there, maybe had a conversation with him about it, you know, maybe we had talked about it. If [REDACTED] wasn't there, he wasn't there. You know, I'm trying to...trying to answer...you know, I'm trying to answer these questions with best of my knowledge because it was so long ago. I'm not trying to mislead anybody on anything. During this week, I also remembered a little bit more about the incident itself.

DM: Okay.

[REDACTED] Uh, earlier in that day, I had...I developed PC on this Chris Hardwick and then I think it was the week before. And again, I don't have any of the reports or anything on that, but Hardwick...reference the stolen vehicle, Hardwick was uh, listed as a suspect in stealing the vehicle from the impound lot.

DM: Okay.

[REDACTED] Uh, some other stuff came up in that period of time and patrol had stopped him that day of the [REDACTED] incident. And I went up and I interviewed Hardwick and I told him that I had probable cause for a residential burglary. It didn't have anything to do with the [REDACTED] call, happened somewhere else in the city. We got on the rim...I recollect being on you know, "Hey you're also being named as a suspect in these stolen rims." Uh, I let him go. Later on that day uh, somewhere along the lines, the bail bondsmen had picked him up. What prompted me of that is one of your questions that you said you know, "Was Hardwick handcuffed?" I do remember him being in their custody. I don't remember if he was handcuffed, but [REDACTED] the bail bonds guy had called me. That's how I ended up over at the [REDACTED] address. Uh, discussed...he had a rapport with Corrie Shirkey. Chris Hardwick was listed that his...that was his release address for his bond. And again, I don't know how they...I guess you can give any address you want. Uh, so [REDACTED] and I went, and Corrie came out. I asked for search consent, went in, and I...you know, I thought an officer was with me. Uh, I know [REDACTED] did go in, looked for the rims, went back out to the garage uh, and I think [REDACTED] had arrived at that time. But I wasn't sure where he was because we had somebody with a warrant, had a guy with a warrant. Went out, garage is kind of a shamble, kind of a, you know, piece of garbage, typical detached garage in the back, just looked in there, no rims. Uh, I think there was something said about noticing any damage. I didn't notice any damage; nobody complained of any damage, and then pretty much headed on out of there. I uh, you know, being in 2009 all the...I mean you guys know me. I go out and I love to contact tons of people, all the time. That's what I do, and you know, sometimes I might get upside down on some of the different incidences. You know, last week, maybe I was, you know, speculating, trying to remember this incident because it was so long ago, and maybe I was just speculating to try to, you know, fill in the gaps or fill in the blanks, if you will. Uh, again, I was trying to answer the questions to the best I can, and I'm not trying to mislead anybody.

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DM: Okay. Um, when you met with [REDACTED]...I guess, are you saying that you wouldn't have gone to the house that day if not for [REDACTED] calling you?

[REDACTED] Yes. I...and I don't have those reports and I thought, thinking back...yesterday I was thinking back that...that uh, when they scooped up Hardwick, because I had the charges on him, and it was the typical, "I'll do whatever I can to work off charges." And that's kind of what our, you know, our goal was in the Gang Unit, you know. Work...kind of go from the small fish to a big fish, I guess if you will. And I think the conversation was Hardwick says those rims are in the house, but you guys know me, I write lots of search warrants. I didn't have enough to write a search warrant, so consent would've been the only other thing. And with [REDACTED] you know, stating he had a rapport with Shirkey, why not try, and I mean, Shirkey gave me consent.

DM: Did you meet just with [REDACTED] or was there anybody else therewith him?

[REDACTED] There was the...I mean there was the group. And that's the first time I'd ever ran into [REDACTED] And then we talked about some other guy that I didn't know or had never seen.

DM: Okay.

[REDACTED] So, looking at the CAD, I mean I wasn't...I was not there by myself. And looking at the CAD you know, and when you're in the Gang Unit, at that time, I mean we would check out all the time and never check out on CAD. I just happened to be in a patrol car, the Gang patrol car and just put myself out there.

DM: Okay.

[REDACTED] So...

DM: When you met with [REDACTED] and the other bondsmen, was Hardwick with them?

[REDACTED] He was, but I don't know if he was handcuffed and that's where I recollected this week, is they had him. They picked him up, but I don't know if they had him on a bond, or however they do stuff, but they had Hardwick.

DM: Okay. And I guess I'm going to consider that if he was with the bondsmen, he was probably in custody. I mean I can't imagine why he would be running around with these guys if not in custody. But um, do you know how he would have...well, let me ask you this. Do you know anything about him getting contacted by [REDACTED] in the back yard of the house [REDACTED]?

[REDACTED] I don't. In my interview...and one thing I do recollect, in my interview I uh...back in January, I think I told them that there was some kind of a commotion, yelling or something in the backyard. I was inside, I had no idea what was going on outside.

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DM: Okay. Do you know um, and just to clarify, during that meeting that you had with [REDACTED] the other bondsman whose name you don't know, and Hardwick, was there any talk of using a ruse involving a fake foot pursuit in an effort to get inside the house [REDACTED]?

[REDACTED] I don't remember any particulars about jibber-jabber and crap that was going on. My focus was with [REDACTED] talking about Corrie, okay? You know, if they were talking about that, there was no endorsement and there was no authorization to do any of that.

DM: Okay and I don't want it to seem like I'm hammering you here, but...

[REDACTED] Huh uh.

DM: ...I think really this is the crux of this whole deal here. Um, if the bondsmen already had Hardwick in custody, I can't see a reason for them to want to go to the house. The only interest the house would've been your interest in trying to locate the stolen Cadillac rims.

[REDACTED] Yeah, they wanted the rims. I mean they wanted the rims and Hardwick you know, being faced with charges, and Shirkey knew. I mean I had probable cause on her for trafficking in the stolen rims because she had pawned them. Hardwick saying, "Oh...I'm you know, they're there. The rims are there." Okay, another little bit that I recollect was Hardwick didn't want anybody to know that he was telling me the rims...you know, the typical, "I don't want them to think I'm a snitch."

DM: Yeah.

[REDACTED] The rims were there. So, yeah, went up to the front, Hardwick was not on the front and uh, the...[REDACTED] wasn't on the front. There were two of us, or three of us, and I still want to think there was an officer there, but I could be wrong. And uh, when Shirkey came out, asked for the consent and went in.

DM: Okay. I'm still...

KC: We're trying to get to the crux of this ruse.

DM: Yeah.

KC: Because...

[REDACTED] Okay.

KC: ...even [REDACTED] mentioned it.

[REDACTED] Okay.

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DM: Because he...in uh, [REDACTED] interview he said um, he goes into the backyard. I think he was inside the residence with you, he hears a commotion in the backyard. He goes to the backyard and sees um, Hardwick I think involved in a struggle with one of the bondsmen. And he tries to address Hardwick and the bondsman says, "No, no, no, no, he's with us. It's part of the plan."

[REDACTED] That could've been part of their plan.

DM: And [REDACTED] didn't...

[REDACTED] Okay.

DM: ...know anything about...

[REDACTED] Okay.

DM: ...what was going on.

[REDACTED] Honestly, that could've been part of their plan, okay, after [REDACTED] and I left. There was no endorsement or authorization...if she would not have come to the door, or said, "I'm not giving you consent" I would've left.

DM: Okay.

[REDACTED] Just like I do 100 times.

DM: One last question on this, so...and if you didn't know about it and wouldn't have endorsed it I guess, what would the purpose have been for the bondsmen to come up with this ruse to gain entry to the house since they already had Hardwick in custody and they didn't need to get back in there? You're the one that wanted to get in the house to look for the rims. So what reason would they have for coming up with this ruse?

[REDACTED] I have no idea. In order to protect Hardwick from acting like a snitch? I don't know. I honestly don't know.

DM: [Unintelligible]

[REDACTED] And you know those guys would jibber-jabber and you know, I'm dealing with [REDACTED]

DM: Okay. Um, in dealing with [REDACTED] were you...how did that meeting occur? Two blocks east or west of the house?

[REDACTED] I just remember we were...where is it [REDACTED] we were like on the next block west like mid-block.

DM: Okay.

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[REDACTED] Or mid to the end of the block.

DM: And were they all in a car, or how did the meeting take place there?

[REDACTED] I had my patrol car and I think they had a couple...I think [REDACTED] had a car, but I can't remember. I think they had two cars there.

DM: Okay, did you go talk to them in their car, or did somebody get out of the car and come talk to you?

[REDACTED] [REDACTED] and I, I think were out of the...we got out of the car, so...

DM: Okay. Um, do you remember any incidents [REDACTED] where you called [REDACTED] and he came and assisted you?

[REDACTED] He was familiar with that address and I could have. I specifically when I saw his name on here, I'm like thinking, well, maybe [REDACTED] was the one that was there [REDACTED] He could have. I don't specifically remember [REDACTED] coming.

DM: Do you remember any other incidents where you've been on [REDACTED] and had bail bonds agents with you?

[REDACTED] This was the only time that I remember.

DM: Okay.

[REDACTED] Yeah.

DM: Um, knowing that there were other...at least [REDACTED] with you there on scene um, did he arrive before or after the meeting that you had with [REDACTED]?

[REDACTED] I don't remember. I'm speculating he came after because we...I had the warrant guy, or the warrant guy. I'm just speculating on that, I can't remember if he was there when he pulled up and we were talking.

DM: Okay. Um, something that I didn't really get into in the first interview was um, there's a rumor that there's some bad blood between you and [REDACTED] Um, do you want to explain whether that's true or not, or whether you think that had a part to play in this investigation?

[REDACTED] I worked with [REDACTED] in the Gang Unit and I, you know, reading this uh, when [REDACTED] left he was upset with people. I don't know if he was personally upset with me. Uh, I didn't have a lot of...I don't remember if at all having any conversations with [REDACTED] after he left the Gang Unit. And when you say in here you know, in 2010, when in 2010? I mean, do you have a date or do you have a time? I had an interview with [REDACTED] and Johnston in January.

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DM: No, the conversation that I refer to is um, [REDACTED] report said it happened on or about April 29th, 2010. When he was just into his looking up things about [REDACTED] and realizing that...or he had found out that [REDACTED] was not a licensed bond agent and he thought he was probably out doing a whole bunch of things that he didn't have the authority to do, and he'd heard that he was working with you, either [REDACTED] or just somebody that you worked with frequently. And he says he had a conversation with you where he told you this in an effort to protect you from getting caught up in something with [REDACTED]

[REDACTED] I remember no conversations about that.

DM: Okay.

[REDACTED] And...I mean, he could've talked to somebody else I worked with in the Gang Unit. I mean I was with [REDACTED] and who was...who came in... [REDACTED]

DM: Yeah. He's very specific in his report.

[REDACTED] Well...

DM: The conversation was with you. And I think it was actually because you had come into the detective's office to do something else, maybe to talk to [REDACTED] and he saw you and he brought this up because he was working on the investigation. Okay, so I just want to be clear...

[REDACTED] It was posed...can I?

DM: Go ahead, yeah.

[REDACTED] It was posed to me by Johnston in the interview in January and uh, "Were you aware of [REDACTED] not having a license?" Okay, no. When I met with Bugbee in April, Bugbee told me, "Yeah, he didn't have a license." So, that's really when I knew he didn't have a license.

DM: Okay.

[REDACTED] If [REDACTED] would have talked to me and told me that, I wouldn't have used the guy. I mean it's you know, it's somebody looking out for somebody.

DM: Okay. Um, so I just want to be clear, are you aware of any bad blood between you and [REDACTED] or do you believe that there's any reason that um, you got wrapped up in this investigation because of some agenda that [REDACTED] had against you?

[REDACTED] I don't believe he had an agenda. I don't think [REDACTED] really cared for me. I've felt that for a long time, so we'll let the chips lie there I guess.

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DM: Okay, but outside of maybe a personality dislike um, I just want to be clear because this could end up being a contention within the Department overall. I mean, this rumor's been going around that this investigation was started because [REDACTED] didn't like you. I mean do you have any concerns that anything like that happened, or any belief that that's the way...

[REDACTED] I have a few. I mean, I have a few.

DM: Well, that's what this is for. So, if you have some...

[REDACTED] Okay.

DM: ...share them.

[REDACTED] I...and again, we're prohibited from keeping books and writing notes down and stuff like that. Somebody had told me that uh, and I don't know who it was, that...that uh, and now I got to think. I don't want to speculate. I want to think back and be correct. Uh, I was in the Gang Unit...that uh, if I'm using this character, I better be aware. But it didn't come from [REDACTED] And so then...and I don't...I couldn't even tell you what period of time that was. So then when this comes up in uh, January, you can't help to think, it's like, okay. What have I done to make him mad, first of all? What plays through my head was, was he upset with me because he got removed from the Gang Unit? If he got removed, or he got asked to leave, I don't know. All that stuff goes through your mind.

KC: When you say "this character," are you referring to [REDACTED] then?

[REDACTED] That's who I'm referring to, yeah.

KC: Okay.

DM: So somebody...

[REDACTED] But I...

DM: Somebody you can't remember warned you about [REDACTED]..

[REDACTED] Not warned me, warned me that [REDACTED] hates the guy, or dislikes the guy.

DM: Okay.

[REDACTED] Okay. It could've been [REDACTED] So then when this comes up in January you guys, okay, well one of my first thoughts uh, and I don't know if it was with Ty, it's like okay, well how long have they known that this guy has just been a crap ball? Because they certainly didn't come and say anything to me, and I said that back in January. [REDACTED] never said anything to me about it. How long has he known? I talked to Chris Bugbee about that. It's like how long have they known? I

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mean if they had come and talked to me and told me, "This guy's a shit ball, stay away from him. Do whatever."

DM: Okay.

[REDACTED] It's no different than [REDACTED] out there that we use in the Gang Unit or the Drug Unit that are out committing crimes and we stop them and, "Hey, I'm working for so-and-so. I'm working for Ty." I call up Ty, "Yeah, Ty. Yeah, give him a break, whatever. Work on this, this, this" okay. Somebody...if I call Ty and say, "This guy's just an absolute jerk. This is what he's doing. Let's re-think using him." Okay, great.

DM: Um...

[REDACTED] That's the frustrating part for me.

DM: Okay, so to wrap...I have a question I want to ask, but I want to get this one wrapped up. Um, so regarding the relationship with you and [REDACTED] it sounds like that there was a lot of conjecture there, maybe based on the fact that you have an impression that [REDACTED] doesn't like you, doesn't personally care for you. But do you have any personal knowledge of any bad blood, I mean anything that [REDACTED] has done to you, or um, any arguments you may have had, or anything like that could lead somebody to believe that there's a personal motive behind this investigation?

[REDACTED] No. I try to get along with everybody.

DM: Okay.

[REDACTED] I like...I come...you guys know, I come to work and I mentally prepared. And when I get here, I'll be honest, sorry Tim, I light my hair on fire. And I like to go out and do it. Okay, I'm not here to piss you off. I'm not here to piss [REDACTED] off. If somebody doesn't like me, that's okay. It's not a big deal. Kill them with kindness.

DM: Okay. Um, getting back to [REDACTED] and when you signed him up um, what have you been trained as far as [REDACTED] sign up procedure as far as doing uh, a background investigation, or what checks need to be done in an effort to sign someone up [REDACTED]?

[REDACTED] This was...we weren't going to use him for drug buys, or gun buys, or anything like that. It was for information for payments. And back in the Gang Unit, there's not a very...when I was in the Gang Unit, there wasn't a very streamlined of doing it and I would, you know, "Hey, [REDACTED] I want to sign this guy up", "[REDACTED] I want to sign this guy up." Well, if we're going to pay him, you got to...you know, he's got to sign the form and put it, you know, put it in the file. That's what I did, you know.

DM: Okay.

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[REDACTED] Fill out the form...I mean, it wasn't drug buys, I mean, there was no spend a day on this is how you sign up [REDACTED].

DM: Did um, you do any kind of background check on him at the time you signed him up [REDACTED]?

[REDACTED] I might have...I don't know, I don't have the file. I might have ran a Triple I and thrown it in there.

DM: Okay. Were you aware of his um, I guess whether or not he was a convicted felon at the time you signed him up?

[REDACTED] Yeah, I think he told me that.

DM: Okay.

[REDACTED] So...and then I think...I think I ran a Triple I. I was pretty good about doing that on the few [REDACTED] that I signed up.

DM: Um, did you know anything about his um, having been a bond agent in Idaho, but no longer being able to be a bond agent in Idaho?

[REDACTED] No.

DM: Okay. Okay um, how about the vouchers, [REDACTED] Anything different you want to add on the vouchers?

[REDACTED] Yeah...yeah.

DM: Go ahead.

[REDACTED] I talked to Ty about it today. I looked through those vouchers on that stuff that you had sent me.

DM: Uh huh.

[REDACTED] And I think none came out of the patrol box. One came from SIU, one came from our Gang Unit, and then [REDACTED] picked up the case from the County and I think [REDACTED] pitched in \$100. [REDACTED] took that case and ran it federal. So I think that's kind of how it was, and it was you know, take copies, put it in the file.

DM: Okay. Was um, [REDACTED] assigned to the Gang Unit during this time?

[REDACTED] He was not.

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DM: He's your witness officer as the signature on I think all three of the vouchers. Why would he have been the witness officer?

[REDACTED] I was back on patrol then. So, when those payment vouchers went out, I was assigned to patrol and you have to have a witness there and [REDACTED] was available. You know, you run through the list. "Hey, meet me over here. I gotta have a witness."

DM: Um, and it's your, I guess explanation for the three different vouchers, that that's the way that [REDACTED] wanted you to complete this process. That he knew the complainant, or [REDACTED] was going to get a total of \$300?

[REDACTED] I went to him because it was [REDACTED] And I don't remember the specifics of it, but it was like, "Hey, these guys are deserving of maybe \$100-\$150 each." And then the plan was, you know, \$100 from, you know...could I get \$100 from, you know...talking to [REDACTED] sometimes you know, sometimes the conversations would go...on this specific one, I don't really remember, but it was like...and that's where I remembered, I think [REDACTED] pitched in \$100 because he had [REDACTED] name on the voucher. This was a pretty good drug bust, and that...it might have been [REDACTED] how about \$100 from you, and we'll get \$100 from SIU. And then it'll be \$150 for both of them. Take copies and put them in the file. I mean he had to hand me the vouchers and the money.

DM: Okay, but it's your contention that [REDACTED] was aware that it was going to be a payout of a total of \$300 to these guys...

[REDACTED] I recollect that he did, yeah.

KC: For [REDACTED]? I just want to clarify this, but...

[REDACTED] Well, [REDACTED] worked together.

KC: Because I think it only shows [REDACTED] number.

[REDACTED] It is. He signed for all the money and they had evenly between them split it up, so... [REDACTED] was not signed up [REDACTED] at that time.

KC: Okay, so...

[REDACTED] [Unintelligible]

KC: Okay, so you're saying the \$300 was for two people?

[REDACTED] Yeah.

KC: Not just one.

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[REDACTED] Yeah.

KC: But the paperwork shows that it went just to one person?

[REDACTED] Just to one, yeah.

KC: Okay.

DM: Alright.

?: [Unintelligible]

KC: No um, have you ever taken money out of three different voucher accounts before?

[REDACTED] No.

KC: So...I mean that's...that's where I'm stumbling on this one...

[REDACTED] Right.

KC: ...quite frankly.

[REDACTED] Right.

KC: Because if you know nothing about how this works, it looks like you're being deceptive. You know, because when I worked back in the narcotics unit, you know, I didn't have any problem you know, guys paying [REDACTED] you know, \$100-\$200, or whatever.

[REDACTED] Right.

KC: But when it started to creep up there a little bit you know...

[REDACTED] Sure.

KC: ...you wanted to make sure the supervisor knew. So, when you look at this, that \$100 from three different accounts. And you're saying that actually there's \$200 from one account?

[REDACTED] Well, there was \$100 from SIU.

KC: Okay.

[REDACTED] Got that from [REDACTED] gave me the voucher for \$100, and then I remember, I think [REDACTED]...that did not come out of the patrol, it came from [REDACTED] the County side of the Gang.

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KC: Okay...okay, so two of them...and I didn't actually chase the voucher numbers back to which account, but...

[REDACTED] Right...right. And...and Keith, if I'm being deceptive, I...

KC: No, I...just on the surface when you look at it, it just...it looks weird.

[REDACTED] But I wouldn't have had to take...I would've taken copies maybe and just given SIU back theirs and [REDACTED] back his and [REDACTED] back his, but back there it was like, you know, somebody along the line, maybe it was [REDACTED] maybe it was [REDACTED], it's like, always take copies of these uh, vouchers anytime you pay, just the voucher that he signs and that you sign, then you give them the money, and put it in the [REDACTED] file. And I told [REDACTED] I will get copies of all these and I will put it in the [REDACTED] file, and that's where they all were.

KC: Okay. I don't have anything else.

DM: Okay, Mr. Burns, do you have any questions?

TB: No, I don't. Thank you, Sergeant.

DM: John?

JG: Obviously the added charge on the bottom here. [REDACTED] says he informed you that Corey is not a licensed bondsman, is that correct? Or did I get the name [unintelligible]...

DM: [REDACTED]

KC: [REDACTED]

JG: [REDACTED] is not. Do you know if he told anybody else in your unit?

[REDACTED] He could've had me mixed up. That's why I was thinking, you know, I worked with [REDACTED] back there, I worked with [REDACTED] back there.

JG: But did he...as far as you're knowledge, did he go to the supervisor and say, "This guy is dirty, we should not be using him [REDACTED] for our department."

[REDACTED] No knowledge of that.

JG: So the Sergeants, or the leadership in that unit did not come down to you and give you...say, "You can't use this guy"?

[REDACTED] Right.

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DATE: 06/23/2011 TIME: 0900 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants/ [REDACTED]

JG: So you don't know if [REDACTED] expressed the concern over this guy's legitimacy or not to anybody above his rank?

[REDACTED] Correct.

JG: Okay. That's all I have.

DM: Okay. Ty?

TS: Let's see here. Um, and so these events were over two years ago?

[REDACTED] Correct.

DM: Well almost...I think right about...the address [REDACTED] that incident occurred about a year and a half ago.

KC: I think it was August or something.

DM: It was uh...

KC: August 26th.

DM: November 19th, 2009 and then uh, the Maple Tree and the Brian Hamblen incident both occurred in August of 2010.

KC: Right.

TS: Okay. Um, so how many times had you gone to that address approximately?

[REDACTED] I want to say in that five week period that I was reflecting on it this week, it was...I mean it was...it was one of the things on the paper route when I'd get out in the gang car. You know, I have 10 drug houses; it's like running the paper route. I'd go by [REDACTED] I'd go by here, I'd go by there, I'd go by there. Contacts over there, I mean I generated like four or five reports in a four or five week period. I mean it was just...it was busy. I mean it was just...

DM: Okay, but going and checking on your favorite houses, would that mean that you would stop by and actually try to make contact every time, or just to drive by to see what activity is going on?

[REDACTED] Drive by to see activity, and try to get stops, and I mean there were stolen cars showing up, you know. And you guys know, it's like fishing, some day when you're driving down the street, the fish runs in front of you and you hook them with the stolen car, so...

DM: Okay.

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COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants, [REDACTED]

TS: Were you given any training on uh, the background...doing backgrounds [REDACTED] and that kind of stuff?

[REDACTED] No.

TS: Uh, what was your reasoning for dividing up the vouchers? I mean what was your motive um, trying to split it up?

[REDACTED] You mean split them up?

TS: As far as getting \$100 from different accounts?

[REDACTED] Well, I recollected I know that...I rec...as I remember and I know going to [REDACTED] saying you know, \$300, [REDACTED] would be you know, be like [unintelligible]. So, idea was planned that you know, what if I get \$100 from SIU you know, or \$100 from you, and then [REDACTED] took the case, and I think that's where [REDACTED] was instituting \$100. So, [REDACTED] thought it was an excellent case and I mean it was worthy of it. You know, I'd been back to patrol for...I'd been, you know, I got sent back to patrol out of the Gang Unit, I'd been out a month and you strike a nice thing like that. I was pretty...it was exciting.

KC: [REDACTED] works for the County or the feds?

[REDACTED] He's County.

TS: County.

KC: County, okay.

TS: [REDACTED]

[REDACTED] yeah.

TS: And what was the adjudication on that case? What happened in that case?

[REDACTED] Uh, that guy uh, pled to 15 years and got sentenced last Wednesday, the day before our interview.

TS: Okay.

[REDACTED] That was the Apple Tree guy.

DM: Um, so in your answer to Ty's question, did [REDACTED] know that you wanted to pay him...pay out \$300 for the information in this case?

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[REDACTED] I remember telling him that's what I wanted to pay him.

KC: To two different people.

DM: But I mean you just...the answer that you gave to Ty made it sound like "I want to pay him \$300, but if I go to [REDACTED] he's going to have a cow if I ask for that amount of money, so I'm only going to ask him for \$100, I'll get another \$100 from SIU, and then..."

[REDACTED] No, I told him...

DM: I want to be clear here.

[REDACTED] We talked about the plan. I mean we talked about the plan.

DM: So Sergeant...

[REDACTED] My recollection is he knew.

DM: Okay.

[REDACTED] That this is the way it was going, and that the copies...the copies need to go in the file. Uh, and just thinking back a little bit, I had one of those vouchers uh, in my...I don't remember where it was...had it, but he would send me emails, "Hey, I need that other voucher. I need that other voucher." And I finally sent it to him...that he was going out of town, and a week later I inter-officed it, sent back to him, "Hey, that voucher's on its way back" so...

DM: Okay.

TS: So he was aware that you wanted to pay him \$300...so for the...so [REDACTED] was aware that you wanted to pay him \$300?

[REDACTED] Yes.

TS: But would like they only get \$100 from him, from his account, and that you'd get the money elsewhere for the other \$200? And he was okay with that?

[REDACTED] Correct.

TS: Okay.

KC: And so I understand the accounts, you actually have one from the Gang Unit City and then one from the Gang Unit County, correct? So you actually have two separate...

[REDACTED] Yeah.

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KC: ...confidential funds?

[REDACTED] Yeah, and I...the reason why we...well, you brought it up, but I made a note on it today, is that one had [REDACTED] on it.

KC: Uh huh.

[REDACTED] You know, [REDACTED] was like yeah [unintelligible].

KC: And you're positive another \$100 didn't come out of the patrol account? Because I remember [REDACTED] that...you know a while ago you were...you had come to me saying that you'd paid out \$100 and...

[REDACTED] Yeah.

KC: ...and the patrol account was short, so I had to re...

[REDACTED] It was really short. That was when...okay, we're talking about this David Hill guy at the Apple Tree.

TS: Uh huh.

[REDACTED] That was when we got Hill the second time, two weeks later.

KC: Okay.

[REDACTED] From a totally different individual says, "David Hill's going to have a car with a gun and a bunch of dope and \$15,000 cash in it." That's where that went.

KC: Okay.

[REDACTED] That was more clear and then when I...you know, I got ahold of [REDACTED]..

KC: I figured it was [unintelligible]...

[REDACTED] ...let's give this guy \$100 and then you and I went to the patrol unit, or the patrol box and it was all...

KC: Yeah.

[REDACTED] It was all screwed up.

KC: It's not now, but...

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[REDACTED] Did you fix it?

KC: Yeah, I did. Um, I want to...I just...I want to kind of wrap one more thing up and that is with the ruse. So if I can just kind of summarize what I heard from you. Regarding the ruse on the [REDACTED] address, you do not recall any planning prior to...when you were in the house for those stolen rims, you do not recall any planning of a ruse for a...you know, like a foot...fake foot pursuit?

[REDACTED] I don't remember a ruse. I remember those guys were jabbering about you know, how to try to get into that address.

KC: When you say "those guys," who specifically?

[REDACTED] I'm talking about like that [REDACTED] and that other guy. And [REDACTED] and I...I was just focused on going up. I'm not using any ruse to you know, boot a door down. I'm not going to do that, there's no way. I'm either going to get consent, or get enough info to write a warrant.

KC: When you say "[REDACTED] and that other guy," would it have been [REDACTED]

DM: [REDACTED]

[REDACTED] Yeah.

KC: Was Hardwick also present?

[REDACTED] I don't remember if he was still in the vehicle or if he was out of it.

KC: Because he was obviously out of the vehicle when...when [REDACTED] was there.

[REDACTED] Yeah, he could've got out of the vehicle because I'm sure [REDACTED]...you know, and I don't want to speculate, but [REDACTED] came after [REDACTED] and I had gone up, or he was showing up.

KC: Okay.

[REDACTED] Because we had a warrant.

KC: Okay. Well, you had an arrest warrant, not a search warrant?

[REDACTED] Arrest warrant, yeah. Arrest warrant, I'm sorry.

KC: Okay.

[REDACTED] Yeah.

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DM: [REDACTED] it looks like you wrote something down there, do you have something?

JG: Just, one of the things for you, is you.. [REDACTED] requested this meeting, would you have been calling for another follow up interview?

DM: No.

JG: With the added allegation?

DM: Well...

KC: It's possible.

DM: It's possible. We had several other interviews to conduct and we may have had to do a follow up after we completed those interviews.

JG: Because my concern is adding an allegation, but then not interviewing on that allegation.

DM: And it um...the allegation stems from, like I told [REDACTED] on the first interview, there are two independent witnesses that said the planning for this ruse took place, that the ruse was put in motion, and that [REDACTED] was a part of the planning for the ruse. But [REDACTED] says he wasn't so, between that and [REDACTED] contention that the conversation with [REDACTED] never happened [REDACTED]

[REDACTED] Um, and so of course we would've had to do these other follow up interviews and then we may have had to come back to [REDACTED] for a follow up depending on what occurred in those interviews.

JG: Okay.

DM: Anything form anybody else? [REDACTED] anything you want to add that we haven't already mentioned?

[REDACTED] I do not.

DM: Okay.

[REDACTED] Thanks for letting me come back in.

DM: You're welcome. Its 9:37 and we'll go ahead and end this interview.

*Reviewed 6-30-11,
DM*

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DATE: 06/24/2011 TIME: 1137 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants/ [REDACTED]

KC: Lieutenant Keith Cummings
[REDACTED]

TB: Tim Burns

KC: Okay, we're going to begin the interview; the time is 1137 hours on 06/24/2011. Uh, present in the room is Lieutenant Keith Cummings from Police Internal Affairs and [REDACTED] and that's spelled [REDACTED] correct?

[REDACTED] Yes.

KC: Um, also joining us by phone is Mr. Tim Burns from the Office of the Police Ombudsman. So could I get each of you to acknowledge your permission to record this interview?

[REDACTED] Yes, you may. This is [REDACTED]

TB: This is Tim Burns, Police Ombudsman; you have my consent.

[REDACTED] And [REDACTED]..well, we just confirmed the spelling of your name. Um, also, you understand that you are a witness officer in our administrative investigation and that you are voluntarily giving a statement, is that correct?

[REDACTED] Yes.

KC: Okay. The IA tracking number is 11-031. The allegation is Unlawful Entry, Improper Use of Confidential Informants, [REDACTED] The complainant is the Assistant Chief Nicks. Uh, [REDACTED] how long have you worked for the Spokane County Sheriffs Office?

[REDACTED] Um, it will be 16 years in September.

KC: Uh, do you have any prior law enforcement experience?

[REDACTED] Um, just internships and working around the Police Department for about a year and a half, two years before that.

KC: Okay, what is your current assignment?

[REDACTED] I'm the supervisor of the Spokane Bomb Squad as well as the Spokane Violent Crime Gang Enforcement Team.

KC: Is that often referred to as the Gang Unit?

[REDACTED] Correct, yes.

KC: Okay. Uh, was that your assignment in August of 2010?

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[REDACTED] Yes.

KC: Okay. Uh, have you ever worked with [REDACTED]?

[REDACTED] Yes.

KC: Could you describe your working relationship you had with [REDACTED]?

[REDACTED] Well, I've known [REDACTED] since he was a Reserve Officer here. Um, back when I got started he was a Reserve Officer and then um, the only other professional relationship I had was when he was assigned to our unit um, as one of two patrol officers from the SPD.

KC: And what were the dates of that assignment thereabouts?

[REDACTED] Um, I think it was...I think he came in '09. Um, him and [REDACTED] replaced two other guys that were in there from the City. I'm drawing a blank. One of them is a corporal now. Uh, [REDACTED] and [REDACTED] and they rotated out I think in '09. And the other guys came in in '10, or in '09. I'm not positive [unintelligible].

KC: Okay, so you worked with them in the Gang Unit for what, a year? Two years?

[REDACTED] Yeah, a couple years.

KC: Okay. Um, how would you describe his work ethic?

[REDACTED] Um, [REDACTED] is one of those guys that I would never have to worry about if he was working or not. Um, he had a very, very strong work ethic um, which is one of the reasons we chose him is because we need people that are professional and um, because we work in an office that sometimes has to deal with...um, people have misperceptions about a Gang Unit. They think that we target certain groups, or [unintelligible] on certain people, and that's not the case. And so we need people that are going to help us...the community understand that mission, rather than work against us and cause more issues than not. Um, I knew that when [REDACTED] and [REDACTED] would go out on the road, they'd come back with very good statistics. They'd go out and arrest a lot of guys. They knew a lot of people on the street just from experience. Um, [REDACTED] has an ability to...he kind of has a steel trap for memory, you know, being able to remember faces and names and where people live and that definitely assisted us in working gangs because these guys are so [unintelligible]. And understanding that network of where they live on the street was very helpful for us.

KC: Okay, so did you have the opportunity to observe [REDACTED] when he contacted people in the field?

[REDACTED] Yes.

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KC: And that relationship or that...your observations were, if you could explain.

[REDACTED] Uh, his interactions with the public were always professional um, and he had a way to diffuse situations.

KC: Uh huh.

[REDACTED] That showed his experience and his ability to use his mouth you know, which is something that we definitely appreciate, especially in our unit. We have very few uses of force in our unit or complaints and that's for a reason. It's because we select people that are going to help fulfill the mission, not distract it, I guess.

KC: So you were not his direct supervisor, but a supervisor in the unit?

[REDACTED] Correct. The way our...the way the supervision of our unit works because it's a joint unit, is that um, when it comes to internal matters, you know, as far as requesting days off, signing overtime slips for an individual um, that type of administrative work would fall to the individual's supervisor. Because we have...we don't just have the City Police in there, we also have the Sheriff's Office, and we have Department of Corrections, Washington State Patrol, Border Patrol, FBI, ATF, and we have this conglomeration of people in the unit on a daily basis. And the way it works is that those personnel matters generally fall back on the supervisors. Like the Department of Corrections person assigned to our unit would go back to his supervisor to have OT slips, and leave slips signed, and that kind of thing.

KC: Okay.

[REDACTED] Same with each of us, they'd go to their respective supervisors. My guys for the Sheriff's Office would come to me. However, when we're out on an operation um, people in the unit understand that [REDACTED] and I...[REDACTED] the other Sergeant um, have the ability to supervise anybody and it doesn't matter which badge you're wearing that day.

KC: Okay, so if you were to say receive a complaint about a behavior, or demeanor, or whatever, would you actually be in a position to take the complaint, or would it immediately go to [REDACTED]?

[REDACTED] Well, I guess I don't really know because we haven't really ever gotten one.

KC: You haven't really ever gotten one, okay, well that's...

[REDACTED] So...but I think if [REDACTED] was working...let's say...let's do a hypothetical. If it was a City officer when we're out in the field and a citizen wanted to make a complaint about that officer's performance or whatever he did, and I was the only one working, I would probably come down and talk with the person and see if...

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KC: Okay, but you haven't had...

[REDACTED] I haven't had to do that.

KC: Okay.

[REDACTED] So we would probably...if [REDACTED] was working we would have him go. If he wasn't, then I would probably head down there and start to deal with it.

KC: But you haven't had them, so that's a moot point anyway.

[REDACTED] Right.

KC: Okay. Have you ever had contact with [REDACTED] with work related events after he left the Gang Unit?

[REDACTED] After he left um, I think when he...because they were pulled out I think halfway...I think last summer, beginning of last summer.

KC: Thereabouts.

[REDACTED] Is when they went back to patrol because the grant expired.

KC: Uh huh.

[REDACTED] Um, I mean we definitely had contact with [REDACTED] Um, you know because he was still out you know, working gang cases. You know, as far as trying to work the gangsters that he knew about on the road and other criminal elements and he knew the kind of cases we currently have going, you know, because he'd been there for a while, so he knew what we were looking for and we definitely would communicate.

KC: Okay.

[REDACTED] Not...and I say that more on a [unintelligible]. He would communicate with the unit, where myself as a supervisor, I don't work cases so I just knew guys would talk with him about stuff.

KC: Okay, well, as far as your contact with him, could you describe any contacts with him since he left the Gang Unit.

[REDACTED] Um, I think we might have ran into him in the road a couple of times, but I can't remember a specific you know, sit down, chit chat kind of stuff. He'd stop in the office every once in a while and you know, talk with guys.

KC: Did he ever use confidential funds after he left the unit?

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[REDACTED] I don't know. Not without having a look at the record. I...

KC: Okay, well we'll get back to that when the...um, what about...did you ever utilize like a rouse when you were contacting individuals in the field?

[REDACTED] A rouse?

KC: Yeah.

[REDACTED] Sure.

KC: Okay, could you um...could you describe a rouse that you might have used with [REDACTED] in the past? Short notice here, but let's see if you can remember.

[REDACTED] I can't think of any. I mean if there was something to spur my memory if you're talking about a specific incident.

KC: Okay, instead of...okay, instead of [REDACTED] just...could you describe, just for the record what a typical rouse would look like. Or how would you go about using.

[REDACTED] I guess what context are you talking about? To buy drugs, or to make an arrest and try to locate someone, or...?

KC: Get information say from a residence.

[REDACTED] Um, well, I mean one rouse we've used is if we know an individual is staying at a location um, and I mean I think other people have used it. I've learned it from other people, you know, use the lost dog. You knock on the door, "Hey, I'm looking for my lost dog" and see if the wanted subject happens to answer the door about it. Um, you know, rather than trying and call the SWAT Team and make a big thing of it. Um, if you have information that yeah, I think John Smith is in that house and he has a warrant um, you know, go up and knock on the door. And if...and go up perhaps not all marked up in police gear because they probably aren't going to answer the door. And then you know, we're trying to keep the situation diffused and so, I mean, in a general basis I guess you could call that a rouse, but I don't really know exactly what you're after.

KC: Okay, did...well um, did you ever work with bail recovery agents?

[REDACTED] Did I?

KC: Did the unit itself?

[REDACTED] Um, I heard of one. One guy that had provided information in the past...

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KC: And who was that?

[REDACTED] ...but we didn't really use him operationally. It was more of an information...I don't remember the guy's name. Um, he was the guy that got shot at up by I think Wal-Mart by one of our gangsters a while ago. Um, if you said his name I'd probably be able to confirm what his name was, but...

KC: Okay, so if you didn't have a lot of contact with him, you wouldn't have used him on operations very often.

[REDACTED] Well, it would depend. I mean I wouldn't say we wouldn't have use him, but I don't think that it ever came up...we never had the opportunity...

KC: Okay.

[REDACTED] ...to use one, so...

KC: Alright um...

[REDACTED] On an operational basis. But there's lots of people out there that provide information.

KC: And bond recovery agents are...okay.

[REDACTED] Both paid and unpaid. You've got, you know...you've got bail bondsmen, people working rental car companies, I mean there's all kinds of you know, people on the street that when you work in an undercover capacity you try to utilize a source of information to gather information about criminal enterprise. And that, you know, that's part of what, you know, what we do is we try to utilize information from people to find out you know, what's going on in crime.

KC: Okay.

[REDACTED] So...

KC: Were you aware of any bond agents that were paid confidential informants?

[REDACTED] That were paid?

KC: Yeah.

[REDACTED] I'm not sure.

KC: Okay.

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[REDACTED] I mean I...see we...I don't think so, but like I said, we have a process for using CIs and most of the time, like we talked about on the phone earlier, when somebody...when one of my officers comes and requests reimbursement for payment, on the County side we issue funds, we call them petty cash funds um, to the officers. The City doesn't necessarily do that. So sometimes they would come and request you know, "Hey, I'd like to go pay my informant this many dollars for this information." And 95% of the time, [REDACTED] there, he would issue the money. Every once in a while, I would have to do it um, or vice versa, [REDACTED] would for me. And we have...

KC: So would you ever know if one of the people in the unit were saying, "Hey, I want to go pay my informant"...

[REDACTED] Right.

KC: Would you know who that informant is, or they're just going to say, "I'm paying an informant" and you give them petty cash?

[REDACTED] Well, they would have um, their informant number listed on the sheet...

KC: Okay.

[REDACTED] ...that would correspond and I could check on that if I wanted to, but I mean, I didn't check their file every time I paid them because sometimes you know...

KC: Okay, so one of your regular duties within the unit was to um, authorize the payment of funds?

[REDACTED] Correct.

KC: Or, okay. Now, with respect to getting funds for a CI, would [REDACTED] be in a position after he left the Gang Unit to request funds for such a payment?

[REDACTED] I believe so.

KC: Okay, do you recall ever authorizing any payment for a payment to a CI for [REDACTED]?

[REDACTED] After he left?

KC: Yeah.

[REDACTED] Possibly.

KC: Okay.

[REDACTED] But I mean if there's a specific you're talking about, I mean I could probably...

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KC: Well, I know this is a...I'm trying to drill down to that point.

[REDACTED] Okay.

KC: Um, a typical payment for a CI would be...would involve the officer coming in and asking for the funds, or would they have access to them, or how does that process work?

[REDACTED] Well, they don't have access to it. The two...the County detectives have access to their funds that they're issued, their petty cash funds.

KC: Okay, they're issued X-number of dollars...

[REDACTED] Exactly and they have that so that they can...and that's audited. I audit that and make sure they still have their funds, you know, on a regular basis. And so um...but like with the City officers, generally they would come and ask for funds um, before or after...you know, it just depends on how much it was. Maybe they had \$50 and they paid them with that money and ask for reimbursement. Um, I think [REDACTED] actually issued money to [REDACTED] petty cash, but I...you know, [REDACTED] no longer in our unit so obviously he doesn't...

KC: Yeah, okay. Um, now I'm aware of how that process works.

[REDACTED] Okay.

KC: So, okay um, how much would a typical payment be for a CI?

[REDACTED] Well, it depends on what they did or what they were able to provide.

KC: What's the...typically the least amount of money you would pay?

[REDACTED] Um, in our unit, it depends. I mean we don't pay them \$100 every day. [Unintelligible]

KC: No, I mean \$25, \$50, what's...

[REDACTED] I don't think we've ever paid anybody under \$50.

KC: Okay. What um...

[REDACTED] Mostly because of the people they're dealing with. You know, there's a higher level of violence.

KC: Okay.

[REDACTED] They're very savvy with trying to identify them, so there's a higher risk involved with the people we deal with.

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COMPLAINT: Unlawful Entry/Use of Confidential Informants/ [REDACTED]

KC: Would it be fair to characterize a typical payment as \$100?

[REDACTED] It depends on what it's for. We've paid informants more than that um, based on outcome. You know, if it was a...

KC: Say it was a significant case and you had oh, a pound or two of meth and it resulted in a 15 year sentence for the individual. What would that be worth? And it was a valued target, if you will.

[REDACTED] Um, I would say several hundred dollars.

KC: Could you characterize several hundred dollars as \$300? \$200?

[REDACTED] I would say \$300, yeah. We've paid informants that much.

KC: Okay, now if you were to say...

[REDACTED] But let me...can I clarify something?

KC: Absolutely.

[REDACTED] Um, what we don't do is ever tell our informants, "If you go find a guy, we're going to pay you this much."

KC: Understood.

[REDACTED] And we absolutely do not negotiate with them. Um, in fact, we've had CIs in the past specifically that the control officers calls and says, "Hey, he's willing to do this guy for this much." And I'll tell that control officer we're done using that CI, or he better get him straightened out because we're not selling cars and widgets here. It's not negotiated. You know um, we just don't do that.

KC: Okay.

[REDACTED] Because then it becomes a big conflict of interest in an already tenuous relationship, so to speak.

KC: Does your policy require that a payment to a CI um, be paid only if the CI is signed up, if you will, as an informant?

[REDACTED] Yes.

KC: Have there ever been instances in the past where a payment has been made to a CI who was not signed up?

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COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants/

Well, I guess to qualify, to say "signed up," there's actually...there's a...almost like a...

KC: Like a contract.

...technicality.

KC: Yeah.

There...if someone is providing information and not doing anything operational...

KC: Uh huh.

...there's two big differences there. Because we have informants that are source Intel informants only and they very flat out told us they will never go out and buy drugs, or buy firearms, or ever testify in court. But they provide...they are so involved in a particular criminal enterprise that they are able to provide specific information that is useful to law enforcement. We will pay those folks. Generally those long term sources, and I'm talking people we've used for years and years, are signed up; even though we're not going to use them operationally. That...when you say "sign up" generally what we refer to on that is, if someone's going out operationally and going to buy drugs, or buy firearms, or get right in the mix with the guys at our direction and are acting as an agent, when it gets to that level, yes, they need to be signed up on our form. And they go through a list of questions...

KC: But for somebody that's operational?

Yes.

KC: Okay. Would it be unusual then, to have a case where a significant amount of money is paid for the information and the understanding...well, I don't like the way I'm wording the question here. Have you ever been aware of a payment made to a CI who was going to share that money with somebody else as well?

That was going to give it to someone else?

KC: Right.

Not necessarily.

KC: Would that be something that you would authorize or...?

Well, the way...the way I look at it is, is if we're paying an informant, we're paying that informant. And typically informants don't tell other people they're working. On occasion they do, especially in an instance we...you know, we've had one of these recently where you have an instance where you arrest the husband and the wife for dealing narcotics. Now, they live in the

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same house, they share the same bed. They're probably...when the husband decides to work for us in order to work off charges, or they're...

KC: Okay.

[REDACTED] You know, the wife's probably going to know.

KC: Okay, yeah, I understand.

[REDACTED] But generally, most people don't tell others...

KC: What they're doing.

[REDACTED] ...what they're doing, you know for...

KC: Counterproductive.

[REDACTED] Exactly, for fear of being labeled a snitch. And so if we pay an informant, what he does with that money is up to him. Obviously we'd rather him not use it illegally...

KC: Right, okay.

[REDACTED] ...or do anything, but we don't have any control and that's...

KC: Okay, just a couple other questions then, [REDACTED] Um, so from your experience a payment as much as \$300 would not be unusual, correct?

[REDACTED] No.

KC: Depending on...okay. Would you consider it unusual if a single CI was paid from three different confidential sources? Like \$100 out of this confidential fund, \$100 out of another one, and \$100 out of a third one; two of which come out of your office.

[REDACTED] I could see where...especially out of our office, splitting a payment if it mutually benefits both sides. I could see where that could happen. I don't know any other specific times that that's happened.

KC: Well, the specific time I'm talking about, and I can show you the vouchers, was from August 26th of last year.

[REDACTED] Okay.

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KC: It showed [REDACTED] checking out um, let me get back to them here. Okay, this is one of them right here. It would be \$100...um, just for the benefit of Mr. Burns. Tim, I'm showing [REDACTED] the...a copy of the voucher that came from the Gang Unit.

TB: Okay, thanks.

KC: Okay, and so this would be...it says checked out \$100 on...and now here's the informant number um, well this is a different one, sorry. Let me get back to the 26th there. Okay, here we go. Also out of the Gang Unit.

[REDACTED] Uh huh.

KC: Um, same CI.

[REDACTED] And this is a Sheriff's Office one.

KC: Okay, that would be from the Sheriff's Office...

[REDACTED] Right.

KC: ...confidential fund.

[REDACTED] Right. That's the number I assigned to it.

KC: Okay.

[REDACTED] And I approved that one.

KC: Right. And then this one would be...well, that's from the SPD patrol on the same day and here's another...[recording ends]. Okay, we had some technical difficulties with the recorder; the time is now 12:00 straight up. Um, I was showing [REDACTED] vouchers that came from the Gang Unit as well as SPD Patrol. The question posed is, would this be unusual to access money from three different confidential funds sources to pay one individual?

[REDACTED] [Unintelligible]

KC: And why would that be?

[REDACTED] Why would it be...?

KC: Why is that unusual? What...I mean the standard practice would be...

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[REDACTED] Well, I guess it depends on the sources and um, you know, if it was more than you know, we could allow, you know, we just can't afford that much, or you know, whatever the circumstances are. Um, I wouldn't say it's a regular occurrence, but...

KC: Okay.

[REDACTED] I wouldn't say it's...I wouldn't say it's improper based on its face given the potential outcomes of the information, you know, what you're paying for. And if the...like we talked about earlier, if the potential outcomes were significant such as, federal defendant, 15 years, a significant seizure, etc., etc., then I could see where a \$300 payment would be okay.

KC: Okay. On the 26th here, do you recall this specific event at all?

[REDACTED] Well, I remember filling out the voucher, or you know...

KC: Signing [unintelligible].

[REDACTED] You know, obviously I signed it, so...

KC: Um, were you aware that it was only part of a larger payment?

[REDACTED] I think I found out later.

KC: When you say you found out later, when?

[REDACTED] Well, because [REDACTED] gave me the uh...because I put [REDACTED] name down because he was the County officer on there and so um, I don't remember when I found out, but I think I was talking with [REDACTED] and it came up that oh you paid him too, okay cool. You know, and there was no warning flag I guess, because um, because I was aware of the case [unintelligible].

KC: Was [REDACTED] also involved in uh, the...determining this amount of money to be paid to this individual? Were you aware of that?

[REDACTED] I don't.

KC: Okay, well I can talk to him about that. But uh, when you say you found out later, how much later?

[REDACTED] I don't recall.

KC: Okay. Um, that's all the questions I have regarding this. Do you have anything else you want to add then?

[REDACTED] I'll probably think of something later.

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KC: Probably think of something later, well, we can talk again later. Uh, Mr. Burns, do you have any questions for [REDACTED]?

TB: Uh, no, sir, I do not. Thank you.

KC: Okay, well this will conclude the interview. The time is now 12:02pm.

*Reviewed
6-30-11
KAC*

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I.A. CASE #: 11-031

DATE: 06/22/2011 TIME: 1535 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants/ [REDACTED]

DM: Sergeant Dave McCabe
[REDACTED]

TB: Tim Burns

DM: Okay, we're going to begin this interview; the time is 3:52pm and it's June 22nd, 2011. Present in the room are Sergeant Dave McCabe of Police Internal Affairs, [REDACTED] from Patrol, and Mr. Tim Burns from the Office of the Police Ombudsman. [REDACTED] do I have your permission to record this interview?

[REDACTED] Yes.

DM: Would you please confirm the spelling of your last name and tell me your personnel number?

[REDACTED]

DM: Have you read and signed your administrative rights and responsibilities form?

[REDACTED] Yes.

DM: Were you given a chance to get a copy of those rights?

[REDACTED] Yes.

DM: Do you understand your rights?

[REDACTED] Yes.

DM: Were you given a written overview of the allegations in this case?

[REDACTED] Yes.

DM: Do you understand that you are a witness officer in this investigation?

[REDACTED] Yes.

DM: And are you appearing here without a Lieutenant and Captain's Association representative by your own choosing?

[REDACTED] Yes.

DM: The Internal Affairs tracking number is 11-031. The allegation is Unlawful Search and Use of Confidential Informants, which would be a Violation of Ethical Standard 2.3; [REDACTED]
[REDACTED] The complainant is the Spokane Police Department. [REDACTED] how long have you worked for the Department?

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COMPLAINT: Unlawful Entry/Use of Confidential Informants, [REDACTED]

[REDACTED] Uh, 23 years.

DM: Do you have any prior law enforcement experience?

[REDACTED] Uh, just King County for the academy...three months.

DM: Okay. And what's your current assignment?

[REDACTED] Uh, Lieutenant for swing shift patrol.

DM: And what was your assignment on Thursday, November 19th, 2009?

[REDACTED] Uh, patrol.

DM: On that day, do you recall assisting [REDACTED] um, with a call at [REDACTED]?

[REDACTED] No.

DM: Do you know anybody named Corrie Shirkey?

[REDACTED] Just from being interviewed now with the County during the criminal phase, but...

DM: Okay. Do you recall ever having been to that residence?

[REDACTED] I knew it was a...I don't know, hot spot, or whatever, back you know, years ago, but um, not actually being there or anything, so...

DM: Okay. So you've never been inside?

[REDACTED] Not that I remember, no.

DM: Before this investigation began, did you know the names [REDACTED]
[REDACTED] or Chris Hardwick?

[REDACTED] Hardwick, I knew that name just from our intelligence flyers and stuff, but none of the other names.

DM: Okay, have you ever personally dealt with Hardwick?

[REDACTED] Uh, I don't know for sure if I had, so...

DM: Do you remember any calls that you've been on with [REDACTED] that involved any of the above named people?

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[REDACTED] No.

DM: And so just to be clear um, it is your recollection that you have never gone to [REDACTED] and assisted not only [REDACTED] but anybody else with a call at that residence?

[REDACTED] No.

DM: And you've never been inside the residence?

[REDACTED] No.

DM: Was there ever a time that you assisted [REDACTED] with um, follow up since you've been promoted to Lieutenant?

[REDACTED] Since I've been promoted um, oh yeah, I've been on calls with him I'm sure. But you know I...it'd be just patrol type calls. Um...

DM: Nothing that he would've generated on his own while he was in the Gang Unit?

[REDACTED] No. Because I believe...well, in 2009 I was working power shift patrol and I'm assuming he was still in the Gang Unit and I think those guys work days.

DM: Okay.

[REDACTED] And so my shift started later in the day, that's why I was kind of puzzled by this.

DM: Okay. Mr. Burns, do you have any questions?

TB: Uh, just two, please. Lieutenant, do you recall ever working with this Officer involving uh, bounty hunters being present on a scene?

[REDACTED] No.

TB: No, okay. And if you had been involved, would there be some sort of a paper trail from a CAD report or something that would indicate your presence?

[REDACTED] Yes.

TB: Thank you, that's all I have, Lieutenant. Thank you, Sergeant.

DM: [REDACTED] is there anything you want to add for the record that we haven't already talked about?

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COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants, [REDACTED]

[REDACTED] No, I mean everything you know, I'm assuming you guys have copies of the criminal part of this. When I got interviewed by the County you know, again just to confirm with you guys that when I first got a call from Lyle, the County Detective, I was out at the RV show and he started asking me about this call and I had no idea then about it. Uh, you know, and I told him I called [REDACTED] right afterwards and said, "What's the deal with this call? It doesn't sound familiar." And he uh, thought I was with him there and I said, "No, I wasn't there. It doesn't sound familiar." And then you know, obviously told the County and the State Patrol Sergeant when they asked me, confirmed again, said, "Pull my unit history or any other you know, information" and um, you know, I told them the only other bounty hunters that I've ever remembered being around was just within the last year when there was a guy that jumped out a window over here off of uh, Mallon and there was a couple bounty hunters that showed up there, but Targeted Crimes was actually working that case and I was telling patrol, or working nights, and went there and they asked who those guys were and I couldn't even tell you who those bounty hunters were. I knew that's what they were because they came up you know, to the apartment. But that was the only other time and then there was a call on Bridgeport um, same thing. You know, they asked me about a Trooper that was working that deal and it was just you know, the same thing and it sounds like that was a separate, you know, a separate deal. But other than that uh, I was just as puzzled the first night that I got the call from Lyle, so...

DM: Okay. Then we'll go ahead and end the interview and it's 3:58pm.

*Reviewed 6-30-11,
DM*

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DATE: 06/22/2011 TIME: 1535 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants/ [REDACTED]

DM: Sergeant Dave McCabe
[REDACTED]

TB: Tim Burns

DM: Okay, we're going to begin this interview. The time is 3:35pm; today's date is June 22nd, 2011. Present in the room are Sergeant Dave McCabe of Police Internal Affairs, [REDACTED] [REDACTED] from Major Crimes, and Mr. Tim Burns from the Office of the Police Ombudsman. [REDACTED] do I have your permission to record this interview?

[REDACTED] Yes.

DM: Would you please confirm the spelling of your last name and tell me your personnel number.

[REDACTED]

DM: Have you read and signed your administrative rights and responsibilities form?

[REDACTED] Yes.

DM: Were you given a chance to get a copy of those rights?

[REDACTED] That I just signed, yes.

DM: Yeah. Do you understand your rights?

[REDACTED] Yes.

DM: Have you been given a written overview of the allegations in this case?

[REDACTED] Yes.

DM: And do you understand that you are a witness officer in this investigation?

[REDACTED] Yes.

DM: Are you appearing here without a Guild representative by your own choosing?

[REDACTED] Yes.

DM: The Internal Affairs tracking number is 11-031. The allegation is Unlawful Search and Use of Confidential Informants, which would be a Violation of Ethical Standard 2.3; [REDACTED] [REDACTED] The complainant is Spokane Police Department. [REDACTED] how long have you worked for the Police Department?

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COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants [REDACTED]

[REDACTED] It was 20 years in April.

DM: Do you have any prior law enforcement experience?

[REDACTED] No.

DM: What's your current assignment?

[REDACTED] Detective with Major Crimes.

DM: What was your assignment on November 19th, 2009?

[REDACTED] With the Gang Unit.

DM: Okay. On that day, do you remember being at [REDACTED] assisting [REDACTED] on an incident?

[REDACTED] On that date, no.

DM: Okay. Um, do you remember ever being at the house?

[REDACTED] I've been to that house a couple of times. Probably in the 2009 time period prior to that date I believe.

DM: Okay. Were any of those instances with [REDACTED]?

[REDACTED] Uh, one time it was, yes.

DM: Okay. On the incident where you were there with [REDACTED], do you recall what the nature of your contact was?

[REDACTED] I was uh...the reason I remember the incident with [REDACTED] is I was out on a...trying to arrest a guy on a rendering warrant for [REDACTED] on a homicide. And there was a mini standoff and I believe the guy we were going after was Eric Burton. I believe I confirmed that on the computer, the arrest with Burton. That's why I recall this incident because I was heading home...wanting to head home and [REDACTED] called me and asked me to swing by the [REDACTED] address, he was looking for some wanted guy. Um, so I remember going to the address uh, parking off to the east, about a block to the east of the residence and just kind of hanging out down to the east and there was some bonds guys there or something, bounty hunters. And they were...some of them were already up at the house and there was another guy talking to [REDACTED] Um, and I don't know who we were looking for or who he was looking for. Um, the only names I know I think associated with that house are like Corrie Shirkey or something like that; um, and maybe Walter Styer. And I know Styer had another residence nearby and we

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were kind of hunting some wanted guys over that time period that were frequenting those addresses.

DM: Okay. Do you recall any other police officers being on scene during that incident?

[REDACTED] I want to say...I do recall a patrolman that showed up and parked in the street there off to the east and looking at the complaint here, I believe it was [REDACTED]

DM: Okay. Was [REDACTED]...do you recall [REDACTED] being there at all?

[REDACTED] No.

DM: Okay. Um, do you know who Chris Hardwick is?

[REDACTED] I know the name just through the job.

DM: Okay, but you wouldn't...would you recognize him if you saw him?

[REDACTED] Perhaps. I have a vision of a guy that was arrested there that day, um...

DM: That was going to be my next question.

[REDACTED] I don't...

DM: Did you happen to see him at the house that day?

[REDACTED] I did.

DM: Okay.

[REDACTED] A guy that they had arrested out of the house um, I want to say like he had kind of like your hair or so...like I said, if you showed me a picture of him I might recognize him.

DM: Okay. Um...

[REDACTED] I didn't know him as Chris Hardwick though. I couldn't tell you what Chris Hardwick looks like.

DM: When you arrived, had they already made contact at the house?

[REDACTED] Um, I'm not sure exactly what was going on. I know that um, the bounty hunters...my understanding was the bounty hunters were trying to make contact at the house.

DM: Okay. Um...

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[REDACTED] And they had some guys in the back and out front. And then like I said, another guy...there was like three, four of them or so.

DM: So was it your impression that it was more of a bounty hunter operation as opposed to something that [REDACTED] was doing?

[REDACTED] Um, they obviously were the ones going up there making contact. We were standing down the block. Um, again, I wasn't...I was down the block with [REDACTED] I believe, at the time. And then we kind of eased up after we heard that they had somebody.

DM: Um...

[REDACTED] Out back or something like that, or...I'm not sure where they had him.

DM: Would you be positive that [REDACTED] was not on scene?

[REDACTED] I wouldn't be positive, no. I don't recall seeing him there. I recall a police unit, a marked police unit out front in the road. And like I said, I thought that was [REDACTED] today I think that.

DM: Okay. Were you aware of any plans by the bail bondsmen to fake a foot pursuit um, with Hardwick in an effort to gain entry into the residence?

[REDACTED] Um, I...no.

DM: Did you know...

[REDACTED] That doesn't...

DM: ...anything about Hardwick already being in custody before the bondsmen went to the house on [REDACTED]?

[REDACTED] Again, I don't know if the incident involved Hardwick at all. I don't know who it was. My understanding was there was one guy arrested and uh, that was it.

DM: Okay. Styer was arrested on a misdemeanor warrant I think.

[REDACTED] Oh.

DM: During this incident. So as far as you know, there was only one person arrested from the residence?

[REDACTED] Yeah, that's my recollection. And there was a...one female maybe present, or maybe two females present.

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COMPLAINANT: SPD

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DM: Okay.

[REDACTED] I can't recall.

DM: Other than him calling and asking you to assist him there, do you remember any other conversations that you had with [REDACTED] about um, that incident?

[REDACTED] That day?

DM: Yeah, either later day or since then.

[REDACTED] Uh, no. Um, like I said, I was kind of in a hurry to get home and I was like alright, I'll swing by. And like I said, I got there and the bounty guys were there.

DM: Okay.

[REDACTED] And I think before they...anybody...I was the first one to clear because it's like alright, they got their guy, I'm getting out of here, and headed home.

DM: And just to clarify, it's your recollection that you were kind of hanging out down the block a bit with [REDACTED] while the bounty hunters did their thing at the house?

[REDACTED] Yeah, there was a point where I did go into the house and it was...I was asked to look for this guy's wallet or something like that. His personal belongings or something, I think it was a wallet we were looking for.

DM: Okay. Um, was there any point before entry to the house was made where [REDACTED] was on the porch with the bondsmen as they were trying to gain entry?

[REDACTED] I don't recall that, no.

DM: Okay. Do you recall how entry was gained? Did the bondsmen have to boot the door? Was consent gained?

[REDACTED] I'm not sure. I don't think they booted a door. Uh, I don't recall that.

DM: Okay.

[REDACTED] Um, I think they got the guy out the back door or something like that.

DM: Would you say that...I mean do you remember if [REDACTED] stayed with you up until the time entry was made? Or do you know...do you remember enough about the incident to say?

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COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants, [REDACTED]

[REDACTED] I thought he did. Um, again, like I said, I remember standing down the block. We kind of eased up when we heard that they had somebody out back or something like that. So went up to the...probably a neighboring yard or whatever, and stood in the neighbor's yard to the east.

DM: Okay.

[REDACTED] And I thought [REDACTED] was with me.

DM: Okay, would anybody else have been with you? Do you guys work partners in the Gang Unit?

[REDACTED] No, I was by myself I'm sure. The time that I'm recalling going to this address um, I was by myself and I don't know who was with [REDACTED] If [REDACTED] he was by himself as well, I'm not sure.

DM: But the only other officer you saw on scene was probably [REDACTED]?

[REDACTED] I...yeah, it was a patrol guy. Like I said, a uniformed guy. Um, and I want to say it was [REDACTED] but I can't say for sure.

DM: Okay. Mr. Burns, do you have any questions?

TB: Uh, just a couple, please, Detective. How did you become aware...that I'm assuming from what you said that the bounty hunters actually had somebody in custody or did law enforcement?

[REDACTED] Well, there was a...the bounty hunters did because the guy kind of like I said, was staying down the block...one guy was down the block with us and uh, he heard his guy saying they got a guy or something...

TB: Okay, so...

[REDACTED] ...and so he told us that they had a guy out back or something.

TB: So you heard from another bounty hunter that was in proximity to you?

[REDACTED] Yes.

TB: Okay. And I guess my only other question I'd have, Detective, was...I'm confused. Was this a law enforcement action, or was this a bounty hunter action that law enforcement was requested to stand by and support?

[REDACTED] Uh, my guess is that bounty hunters were obviously looking for the guy so we were there to support them. That was my understanding.

TB: And is that...is that a standard practice?

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COMPLAINT: Unlawful Entry/Use of Confidential Informants, [REDACTED]

[REDACTED] I know over the years not many times, but I guess since being in the Gang Unit, I've assisted bounty hunters on occasion and in patrol it seemed like back in the day we assisted them quite a bit more often back then. I know I did.

TB: Okay. Alright...that's all I have. Thank you, Detective. Thank you, Sergeant.

DM: [REDACTED] anything you want to get on the record that we haven't already talked about?

[REDACTED] I don't think so, no.

DM: Okay. I've got 3:46 and we'll go ahead and end the interview.

*Reviewed 6/30/11,
DM.*

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

DATE: 06/16/2011 TIME: 1401 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants

DM: Sergeant Dave McCabe

KC: Lieutenant Keith Cummings

CB: Craig Bulkley

TS: Ty Snider

HM: Hillary McClure

TB: Tim Burns

DM: Okay, we're going to begin this interview; its 2:01pm. Today's date is June 16th, 2011. This is Sergeant Dave McCabe from Police Internal Affairs and with us by phone is Mr. Tim Burns from the Office of the Police Ombudsman. Mr. Burns, can I get voice ID and consent to record?

TB: Yes, this is Tim Burns speaking and you have my consent.

DM: Okay. And if we could just go around the room and get voice ID and consent to record?

KC: Uh, Lieutenant Keith Cummings, Internal Affairs. You have my consent.

CB: Craig Bulkley, Spokane Police Guild, and you have my consent to record.

[REDACTED] and you have my consent to record.

HM: Hillary McClure, Attorney for the Guild. You have my consent.

TS: Ty Snider, Spokane Police Guild, and you have my consent.

DM: [REDACTED] would you please confirm the spelling of your last name and tell me your personnel number?

DM: Have you read and signed your administrative rights and responsibilities form?

[REDACTED] Yes, I have.

DM: Were you given a copy of those rights?

[REDACTED] Yes.

DM: Do you understand your rights?

[REDACTED] Yes.

DM: Hillary, at some point you're going to jump in here. Do you want to just do that now?

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HM: So you don't have to read the entire form?

DM: No, we are not going to read the entire form into the record, so...

HM: Okay, so just so we understand that [REDACTED] is here, he is being ordered to answer your questions, and his failure to do so could lead to discipline up to and including termination.

DM: That is correct.

HM: Thank you.

DM: [REDACTED] do you understand your administrative rights?

[REDACTED] Yes.

DM: Were you given a written overview of the allegations in this case?

[REDACTED] Yes.

DM: And do you understand that you are the accused officer in this investigation?

[REDACTED] Yes.

DM: The Internal Affairs tracking number is 11-031. The allegation is Unlawful Entry and Use of Confidential Informants. Both are covered by Ethical Standard 2.3 and Policy 340.3.5 (e). The complainant is Assistant Chief Nicks. [REDACTED] how long have you worked for the Police Department?

[REDACTED] Since March of 1997.

DM: Do you have any prior law enforcement experience?

[REDACTED] I was a Reserve Officer for the City of Spokane from 1990 to 1996.

DM: Are you on any specialty teams?

[REDACTED] I am not.

DM: Uh, say from the period of November 2009 to September 2010, were you on any specialty teams then?

[REDACTED] I was on the Gang Enforcement Team until June of 2010.

DM: Okay.

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■ Then I was reassigned to Patrol in July.

DM: And what's your current assignment?

■ Uh, Team 12, power shift.

DM: Okay. Okay, let's start with the incident that occurred at Corrie Shirkey's house and I think that incident number is 09-392622. Do you remember that incident?

■ I do.

DM: Okay. What led you to Shirkey's residence? And before you answer that ■ um, Corrie is spelled C-O-R-R-I-E, and Shirkey is S-H-I-R-K-E-Y. So ■ what led you to Shirkey's residence?

■ Um, that address at ■ had been the subject of quite a bit of criminal activity for a period of time.

DM: Okay, and so on November 19th of 2009, you went there why?

■ I had developed a couple cases, recovered a stolen car, and developed some suspect information, and had talked to Ms. Shirkey about some...specifically some Cadillac rims. That evening uh, went over there uh, and I was...there were some bail bonds people that were there too, and what I recollect was meeting a young man ■ from the bail bonds company. Uh, we went there, ■ was there, it was time...the opportunity arose when we spoke with Ms. Shirkey.

DM: Okay, so what specifically led you to the house on that day?

■ Well...

DM: Were you looking for the rims, or were you looking for something else?

■ I was looking for the rims.

DM: Okay. Um, was anybody there else...any other officers besides ■?

■ He's the only one I remember being there.

DM: And did you meet with anybody prior to going to the residence?

■ I believe I spoke with ■ uh, I don't know his last name; from the bail bonds company.

DM: Would that be ■?

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■ Yes.

DM: Okay. And where did you meet with him?

■ Uh, I think we met with him just down the street.

DM: And was he by himself when you met with him?

■ No, he was with a couple of other people.

DM: And do you know who they were?

■ I don't remember one of the guys. Uh, the other individual was ■

DM: Okay. And what was your purpose of meeting with them prior to going to the house?

■ Well, I don't remember why. If they were there for...to talk to Chris Hardwick, that part of it I just...I'm having a hard time remembering why they were there. Uh, I had spoke to Hardwick earlier in the day and I don't have those...the reports or anything on that. And it was about the rims. The car had been stolen and...from a car yard and the people wanted the rims back.

DM: Okay. So what happened when you got to the house?

■ Uh, I remember that ■ and I, and ■ were on the porch.

DM: Okay.

■ And Shirkey had come out and I had asked her for consent to look for the rims. That was the only thing I was looking for was the rims. I had had uh, and again without having that specific stolen recovery report with me, was she had pawned the rims and I believed I had a charge of maybe Trafficking in Stolen Property on her. So I had asked her for consent. If I recollect correctly uh, Hardwick had told me earlier in the day, or the day before, that he thought the rims were still at Shirkey's after they had been [unintelligible] pawned and then I think she went and got them, and uh, that the rims were at the ■ residence.

DM: Okay. Um, so if you were going there looking for the rims, what were the bondsmen going there for?

■ They...they had some...they had Hardwick on something. And I don't specifically remember what it was.

DM: Okay. Um, so who was running the show when you got there? Was it your contact with Shirkey, or was it the bondsmen's contact with Shirkey?

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■ I don't remember. I remember ■ had had a rapport with Shirkey and I think the reason why he might have been there was that uh, that that's where Hardwick listed his bond address.

DM: Okay.

KC: So I make sure I understand, Hardwick said that he lived there ■?

■ I think he...I don't know if he ever said he lived there, but he listed that as his bond address.

DM: So you and ■ and ■ were on the front porch and do you know where ■ went?

■ He went in the back.

DM: Okay, and there was...

■ He...

DM: ...one other bondsman with them, or do you know that for sure?

■ I think there was, but I don't know who he was, or where he was, so...

DM: Um, did Shirkey open up immediately or did it take some pounding on the door for her to come to the door?

■ I don't remember.

DM: Okay.

■ I...she ended up coming out onto the porch.

DM: Um, who was doing the talking from the outside of the door? Was it you or ■?

■ I don't remember.

DM: Do you recall any threats that the door would be booted if it wasn't opened?

■ I do not recall any threats on booting a door.

DM: Were you able to get inside the residence?

■ Corrie came out and uh, at the time the opportunity arose that I asked her for consent and it was the looking for the rims to try to settle the rim case.

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DM: Okay. Um, was it just verbal consent?

Verbal, yeah...yeah. I think. Like I said, I don't have the case file, but I remember it was...I recollect it was verbal.

DM: I can't remember the case law off the top of my head, but um, for consent searches on residences um, there are additional warnings that we need to give them?

KC: Ferrier.

DM: Yeah, Ferrier warnings.

Yeah, we were outside on the porch.

DM: Do you recall that Ferrier was given?

I asked her for the consent...I remember the consent. I don't remember if it was Ferrier or particulars.

DM: Okay.

It was the conversation came up about the rims and the consent to put the rim case to rest.

DM: Okay, assume for a minute, knowing that you don't remember what was said at the door, but assuming that um, [REDACTED] was at the door um, threatening to boot the door if she didn't open it, do you know what authority [REDACTED] would've had to boot the door?

No.

DM: So once inside, what happened?

Uh, [REDACTED] and I walked around uh, looked. I mean, just rims...the rims were pretty big and I couldn't tell you how long we were in there, but we looked for the rims and we didn't see anything.

DM: Was it...I'm not even familiar with the building. Is it a house, apartment building...?

It's a house converted to apartments.

DM: Okay. And you only searched which floors?

[REDACTED]

DM: Okay. And did you have access to the entire unit?

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■ Yeah, we walked around and I think, if I remember right, that I told Corrie just come around with us.

DM: Okay. Um, did you search the garage?

■ I remember that ■ and I walked out to the garage and I believe Corrie was with us.

DM: Did you notice anything about the door that you used to enter the garage?

■ I did not.

DM: Could you tell if um, anybody had forcibly entered or opened that door?

■ No.

DM: Prior to you getting there.

■ No.

DM: And is ■ the only other officer for the entire incident that you know of showed up?

■ Yes. I... ■ came. When we...when we came in there was a guy I recognized, Walter Styer, and nobody knew he had had a warrant and uh, ■ came and took him, but I don't think ■ ever came through with ■ and I.

DM: And I don't want to seem like I'm asking this again, but this is the more specific question I should've asked. Other than ■ and now ■ were there any other officers not listed in the CAD report that showed up on scene?

■ I don't remember any other officers.

DM: Um, do you know who from the bail bondsmen entered the house?

■ I thought it was just ■ with ■ and I.

DM: And do you know under what authority he would've been able to enter the house?

■ I don't. I mean...

DM: Assuming that you got consent and this was a police operation, what would've allowed ■ to enter a private residence?

■ Uh, I think Hardwick being on bond maybe. I don't know.

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DM: Um, did you know that Shirkey um, said that items were stolen from her house during this incident?

■ I don't recollect any of that. She had given me a few calls from time to time trying to help with the rim...with the rim recovery. She was looking at some charges and so we had conversed back and forth on the phone a few times, but I don't recollect anything being complained about being stolen.

DM: Okay. Um, have you heard anything about ■ and um, another bondsman named ■ seeing ■ with property that he said he'd taken from the house?

■ I have no idea about that.

DM: And you've already said you know who ■ is; do you know who ■ is?

■ I don't know who ■ is.

DM: Um, and regarding the bondsman, what is your understanding of um, what their authority and what their powers are?

■ I don't...

DM: I mean, specifically as it relates to um, forcibly taking someone into custody or forcibly entering a residence?

■ I don't have any training or anything on that.

DM: Okay. And how long before this incident had you known ■?

■ That...looking back, that was I think the first time I'd ever met ■

DM: Okay.

■ I don't think I knew him before that. And ■ I had talked to a couple times and I don't remember specifically when or where.

DM: Um, how did you guys get together? Who called who prior to going over to the place?

■ I have...I can't remember. It was so long ago. I don't remember...I don't remember.

DM: Do you have his number, ■ number?

■ I had ■ number.

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DM: Okay.

■ Yeah.

DM: And would he have had your number?

■ I think he would've, yes.

DM: Okay. At the time of this incident, did you have any reason to doubt that they were licensed, legitimate bond agents?

■ Doubt?

DM: Did you have any reason to doubt that they were licensed and legitimate?

■ No, I thought they were licensed and legitimate.

DM: Um, there's been an allegation made that um, the bond agents actually already had Hardwick in custody with them when they met with you prior to going over to the house. Is it possible that Hardwick was in the meeting that you mentioned that you had with ■?

■ He...no, I don't remember him being there.

DM: Okay.

■ No.

DM: During that meeting um, were any...was there any talk about setting up a ruse in an effort to gain entry into the residence?

■ No. I mean, ■ was with me. It was a...I don't remember any specific talk about setting up anything fakey because I wouldn't do that.

DM: Okay. The allegation is that the bondsmen had already found Hardwick, arrest...or I guess they have the power to arrest. They were en route to jail when he wanted them to call you because he had agreed to work with you earlier in the day when you had talked to him. Um, and that you agreed to meet them a couple blocks east of Shirley's residence and that this ruse was planned to set up a fake foot pursuit so that Hardwick would run into the house with bail bond agents in pursuit, you could follow and assist, and therefore gain entry into the house.

■ and I would never allow that.

DM: Did you ever see Hardwick during this incident?

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■ I think I saw...I want to say I saw him after it was...we were leaving. We were clearing out of there.

DM: Where did you see him?

■ He was...I think he was out on the street by one of the bail bonds vehicles.

DM: Okay, was he wanted at the time?

■ I don't...he was not wanted. I had probable cause on a burglary that I'd talked to him about earlier in the day.

DM: Okay and you had agreed to let that PC slide in exchange for him working for you?

■ Yeah, if he was going to try to work some charges off.

DM: Ultimately, how was this incident concluded?

■ Uh, there was...I don't think there was any other action taken. The case was closed on it.

DM: Okay. Did you write a report?

■ I can't remember writing a report reference that specific follow-up information. If I, you know, had that...the case file on the rims and all that stuff there could be a report in there. I don't remember a report.

DM: Um, would there have been a report if the CAD shows that you cleared 1D?

■ There could've been.

DM: Um, regarding ■ um, at some point did you formally sign him up ■
■?

■ Yes.

DM: When?

■ I don't...I don't remember when.

DM: Can you give me approximately? I'm not looking for an exact day, but...if this incident was on November 19th of 2009, he was not...that was the first time you said you'd met him.

■ I think that was the first time I'd met him.

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DM: So how long after that would you say you signed him up?

■ I have no clue. I don't have any idea when I signed him up.

DM: Okay. Um, what was he going to do for you and that would be done in exchange for what?

■ Well, he just would provide information on wanted people.

DM: Okay and what would he get in return?

■ Well uh, I think the first time that I had signed him up he had found somebody that the Gang Unit went out and chased. And I had spoken to ■ about paying him and just fill out the form. I was...we weren't using him for...going to use him for drug buys. It was more of just ■ So ■ said fill out the forms, give him a ■ number and make a file.

DM: Okay. Um, when...or I...did you ever stop using him ■?

■ Oh there was periods of time I never...yeah, I never...I mean how do you answer that. I didn't use him every single day.

DM: No, I understand that, but...

■ Okay.

DM: Um, this last January when you were still working on patrol um, was he still someone who was acting ■ for you? Even though you may not have had contact with him every day?

■ No, he was...I mean he was talking to all kinds of other different officers. I kind of...you know, when I got back to patrol, I...yeah, no. I didn't really use him, no.

DM: Okay.

■ So...

DM: So when would you say you stopped using him ■?

■ Oh, it was probably September maybe.

DM: Okay.

■ Right in there.

DM: Um, at some point after you signed him up ■ did you learn that he was not a licensed bail bond agent?

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■ I never knew he was an unlicensed bail bonds agent.

DM: Okay. Um, did you ever have a conversation with ■ where he warned you that ■ was not licensed and that you should be careful when you used him?

■ No.

DM: Okay. Did you ever have any conversations with ■ about whether he was licensed or what his authority...what authority he had?

■ No, never talked to him about that.

DM: Okay uh, moving forward to August 24th, 2010, a search warrant that you did at the Apple Tree.

■ Correct.

DM: Are you familiar with that?

■ Yes.

DM: Okay. Um, what led you to the Apple Tree?

■ Uh, ■ had called me and asked me if I was looking for a guy named David Hill.

DM: Okay. ■ is who?

■ He works for the bail bonds company too. I...it's a weird last name. I can't think of his last name.

DM: Okay, but it... ■

■ Yes.

DM: Okay. And I don't think I've spelled the name. It's ■ Um, so ■ called asking if you were looking for him.

■ Correct.

DM: Why...do you know what would've made them think that you were looking for him?

■ He's just a typical...he was a typical ■ He was always calling about people, wanted...you looking for this guy, you looking for that guy. I had received information on Hill from several other sources prior to that and Hill was not a local guy, but he was selling a lot of stuff in the area. He was from Ritzville or somewhere.

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DM: So at the time that [REDACTED] called, were you looking for Hill?

[REDACTED] He was wanted.

DM: Okay. Do you remember what for?

[REDACTED] He had a manufacturing warrant out of Adams County.

DM: Okay. And when you told...I assume you told [REDACTED] that he was wanted. What happened next?

[REDACTED] I don't remember...he asked me if he was...I remember he asked if we were looking for him and I said, "Yeah" and so uh, [REDACTED] thought he was staying at the Apple Tree with Haley Smith, a gal named Haley Smith.

DM: Okay and what did you do with the information?

[REDACTED] I grabbed some officers and we went up there and I had confirmed that Smith was in the room.

DM: Okay. Was Smith wanted?

[REDACTED] I do not remember, but I want to say she was not wanted at that time.

DM: Okay. Um, who were the other officers that you grabbed to go with you?

[REDACTED] I remember [REDACTED] and...[unintelligible] [REDACTED] and then [REDACTED] and [REDACTED]. I think [REDACTED] so a couple K-9s.

DM: Um, and so I assume you went and sat up on the room in an effort to either gain entry or wait for Hill to come out?

[REDACTED] That's exactly what we did.

DM: Okay. And when you sat up on the room was [REDACTED] or any other bond agents present?

[REDACTED] Yeah, they were...they kind of stood down, kind of behind us.

DM: Okay. Was it just [REDACTED] and this [REDACTED] guy, or were there any others?

[REDACTED] That was it, yeah; those two guys.

DM: Uh, so at some point somebody comes out of the room and according to the reports, [REDACTED] recognizes Hill inside the room.

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█ Correct.

DM: Um, and so Hill and Sitton are arrested and um, what happened with David Hill, how he was arrested?

█ I remember...and again, I didn't look at █ report. He came up and as he came up to greet █, █ said, "There's a bunch of people in this room" so I kind of side stepped just inside the door past Hill and if I remember Hill tried to maybe bull his way out the door and I got everybody else laid out and secured.

DM: Okay. Do you know if █ had any issues with taking Hill into custody?

█ Not that I knew of.

DM: How far away were you from █ and Hill during that arrest?

█ Boy, inside the door. That first guy was there, my back was to them. I'm going to guess 10 feet maybe. Maybe a little bit more.

DM: Do you know what █ were doing when entry was made to the room?

█ I do not.

DM: Did either one of them participate in the arrest of either Sitton or Hill?

█ I don't...not Sitton. I arrested Sitton.

DM: Okay. Were you aware of whether or not █ tased anybody on scene?

█ No.

DM: Did either of the bondsmen make entry into the motel room?

█ When we cleared...when we went and cleared the uh...█ and I cleared it real quick because Hill had a bunch of cash and drugs on him. And so, we cleared the room, removed everybody, I moved the little table outside and started writing the search warrant.

DM: Okay, so did any of the bondsmen make entry into the room?

█ They might have come in. I guess when we turned around and left, they might have been standing right inside that area right there.

DM: Right inside what area?

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■ The...just as you step inside the door. I think there were other officers there too and it was just everybody out and let's write a warrant.

DM: Okay. What authority would've allowed the bondsmen to make entry into somebody's private motel room?

■ I don't know.

DM: Um, was it a distraction having these guys so close to what you guys were doing? Or...I mean was it something that you had done with them in the past? I mean allowed them to get that close to a police operation?

■ No. Uh, I guess in a way I trusted them. I didn't...yeah, no they were not in the way.

DM: Do you know where ■ and ■ were when entry was made into the room?

■ I don't. I thought ■...they were outside I think.

DM: Um, what's the setup, is there um...was there a window on the back or out of the bathroom or something? Or was there only the one way in and out of the room?

■ I think there was only one way in. I don't remember any other windows.

DM: Okay. So all the officers that were there would've been right around the front of the...

■ Yeah.

DM: ...unit, okay.

■ Right.

DM: And ultimately how was that incident concluded?

■ Uh, wrote the search warrant uh, entered. Pretty much everything was on the bed. Uh, I photographed everything. Uh, went through her purse, I think she had a purse that was in the...in the um, bathroom and photographed it, logged it, and away we went; left all the appropriate paperwork.

DM: Okay.

■ And then, yeah. ■ from the Feds took the case.

DM: Do you know how ■ found out that Hill was at the Apple Tree?

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■ I don't. I...there was some connection to Haley Smith. That's all I recollect on that.

DM: Okay. Uh, okay, how about the arrest of Brian Hamblen on August 27th, 2010. Um, do you remember if you brought Hamblen to ■ attention, or if he brought him to your attention?

HM: I'm sorry, just so that I can keep up. The Hamblen arrest, is that the 284467?

DM: Yeah, sorry. That would be...yeah, the search warrant at the Apple Tree would've been 10-281822. And then the Hamblen arrest is 10-284467.

HM: Thank you.

DM: So, do you remember, did you tell ■ you were looking for Hamblen or did he call you about Hamblen?

■ He called me. I didn't know who Hamblen was from anybody.

DM: When he called you, did you check Hamblen's name?

■ Yeah, like when ■ call, that was kind of the normal procedure for me.

DM: Do you remember um, what you found with your name check?

■
DM: Okay, do you recall from where?

■ if I recollect, yeah. I looked at the report.

DM: And do you remember what you told...I assume you had a conversation with ■ about the warrant. Do you remember what you told him?

■ I...he...if I recollect right, he knew about the warrant. And there was not a lot of big discussion about the warrant itself.

DM: Okay. Um, now I assume at this point, because you haven't said anything otherwise, that you still believed ■ to be a licensed and legitimate bond agent, right?

■ I never knew he was unlicensed.

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DM: Okay. So um, did you have um, any idea whether or not the warrant being from out of state would've made a difference as to [REDACTED] authority in the State of Washington to execute an Idaho warrant?

[REDACTED] No, I assumed that it was...that he was one of their bail...their bond guys. I'd never heard of Hamblen.

DM: Okay. And how did you become aware that [REDACTED] uh, had Hamblen?

[REDACTED] I think there was a conversation there. He wanted his trooper buddies to meet him and book this guy, but jail was just...never took long. I'll book him, he's got a confirmed warrant.

DM: Okay. And did you ever have any...ever talk to him about the circumstances of Hamblen's detention?

[REDACTED] I did not.

DM: How he came to find him?

[REDACTED] No, I did not.

DM: In the report you wrote um, regarding this arrest, you said you were flagged over by [REDACTED] who had Hamblen in custody. Um, why did you write that as opposed to what really had occurred?

[REDACTED] I was just keeping the report simple. It was one of...it was a last minute, hey the...if I remember right, the trooper guys aren't going to take this guy. Okay, I'm here uh, I remember I was going to the bathroom at the uh, at the COPS Logan and here we are.

DM: Okay, almost done; moving on to incident number four here. It doesn't actually have an incident number. This is regarding the vouchers for the payments to [REDACTED] Um, do you recall roughly how many times you made payment to [REDACTED]?

[REDACTED] I made...it was two different incidences. Uh, and then this one in particular was based on the David Hill drug arrest.

DM: Okay. Um, the thing that I'm wondering about is, there are three vouchers all dated August 26th, 2010. Uh, each of them for \$100, paid [REDACTED] for information that led to a large meth seizure. Um, I guess my question is, were those three all for the same incident?

[REDACTED] Yes.

DM: Okay. Why did you end up using three separate funds instead of just using a single fund?

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█ I'd gotten ahold of █ and told him about it. Uh, and there was some conversation in there between those few days where the Feds were going to take this case and I kind of explained to █ I said, "This is a huge patrol bust. I mean, not only did these guys just come up with it, but I'd been receiving information from other people about David Hill being a big drug dealer. I would like to see █." and at that time you know, █ was like you know, \$100 - max \$150. That's the way it was in the Gang Unit and uh, I thought that these guys were deserving of \$100 - \$150 each and I don't specifically remember how the conversations went, but maybe we could split it up with SIU, the Gang Unit and Patrol. So the last conversation was, when the forms were signed, make sure all the copies are in the █ file.

DM: Okay. Was Chuck █?

█ He was not █ He did not have █ number.

DM: Okay. So who authorized um, using the three separate funds?

█ Well, I spoke with █ initially. Uh, which...and that was okay, and then we went to...and then when I met █ for the Patrol, as Keith learned, the Patrol money was pretty screwed up at that time. And then I can't remember if I talked to █ and █ about it. They knew that this was a pretty good sized drug bust and that...

DM: Right.

█ ...we would, you know, split it up. And the last standing...the last order was make sure all those copies get in the █ file.

DM: Okay. But I still don't...I just want to be specific here. Are you saying that █ authorized the \$300 out of three separate funds, or did he only authorize \$100 out of the Gang Unit fund and you had to go get approval from somebody else for the other two funds?

█ No, we talked about splitting it up three ways.

DM: Okay. I'm...what was the conversation regarding why it had to be three separate funds as opposed to...because I'm sure the Gang Unit had all kinds of money that they could've taken out [unintelligible]?

█ I have no idea. I have no idea. When I was back there, there was times we'd get funds from...to pay this from FBI, from this from...from uh, from the County, from this from the DEA. I didn't ask, it was just maybe that's the way he wanted to split it up.

DM: Okay.

█ I mean, as long as I got the copies back in the file.

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

DATE: 06/16/2011 TIME: 1401 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants

DM: Okay. Lieutenant?

KC: Yeah, actually um, [REDACTED] on this \$100 from the Patrol account, I remember the Patrol confidential fund was a mess. And I recall one incident where we talked where you had actually had \$100 that you had paid out of your own pocket. Was this that incident?

[REDACTED] I don't...I don't think this was the incident. On that, I don't remember.

KC: Because the timing seems about right.

[REDACTED] Yeah, it was in there. It was...I remember you and I had talked that, hey, if this PACT thing is going to work and I remember when [REDACTED] and I opened up the patrol box money and it said it was supposed to have so much money in here, and as you know Keith, there was hardly any money in there. And it was...there was a lot of money that was unaccounted for. And that's when I remember you took it...or you and [REDACTED] took it upon yourself to get this straightened out, so...

KC: So you don't remember exactly when this incident whether or not you paid...

[REDACTED] No.

KC: Okay.

[REDACTED] No.

KC: Um, sorry for the delay here. I wrote a bunch of notes; I'm trying to remember what else I wanted to clarify.

DM: Go ahead, while you're checking. Mr. Burns, I just want to make sure you're still with us?

TB: I am. Thank you.

DM: Okay.

KC: Okay um, oh, have you ever paid anybody \$300 or more for information?

[REDACTED] I don't recall in the past.

KC: That's a significant amount of money, so I just...

[REDACTED] Yeah, I don't recall in the past. I mean I've been in operations when we were in the Gang Unit where we paid people, you know, pretty decent money.

KC: Okay uh, but in your role as a gang investigator, you don't remember paying that much either?

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

DATE: 06/16/2011 TIME: 1401 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants

■ I do not.

KC: Okay.

■ I want to say \$200 was the top, maybe.

KC: Is it because you felt comfortable at that amount or the Sergeant felt comfortable at that amount?

■ Well, we always had to go through the Sergeant, so...

KC: Okay. And the patrol one you went through ■?

■ Yes.

KC: And in the SIU fund you went through...

■ I can't remember if it was ■.

KC: Or ■ okay.

■ But I told them that...what was...that we were doing three different things and that we were...

KC: [Unintelligible]

■ That I would make sure that all the copies got in the file.

KC: Okay, so...

■ That was the big thing was make sure the copy got in the file.

KC: You had already told ■ and ■ what was going on with this?

■ Yeah, one of the two, yeah.

KC: Okay. Um, I think you...I think that's all I have.

DM: Okay. ■ one follow up. You mentioned that you had paid ■ on two separate occasions. Do you recall what the other occasion was and how much you paid him?

■ I think it was \$100. I think the copy is in this file that you sent me.

DM: Okay. And those were the only two times between these four vouchers that you paid him?

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

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COMPLAINT: Unlawful Entry/Use of Confidential Informants

█ Yes.

DM: Okay.

█ And all those copies, as I explained, are put in the file.

DM: Okay. Mr. Burns, do you have any questions?

TB: Uh, no, Sergeant, I do not. Thank you.

DM: Craig?

CB: Would it be possible to take a break real quick before I formulate?

DM: Yeah, we can take a break. It's 2:41pm and we'll go ahead and go off tape. Okay, it is 3:00pm and we're back on record. Um, before we move on to get some follow up questions um, █ I just want to let you know that I can't find any evidence that █ was on this call on █ with you. And um, there are two separate witness interviews in the criminal case file that say that Hardwick was already in custody with the bail bondsmen when he met with you.

█ Okay.

DM: Prior to going to █.

█ Okay.

DM: And um, that this ruse was done up um, to fake the foot pursuit in an effort to try to gain entry into the house. So, I just wanted to lay that out and make sure that there isn't some more time that needs to be thought about or...

█ He was...

DM: Anything else that needs to be remembered, or...

█ Nope, █ was with me.

DM: Um...

█ And I didn't go into that house █ alone.

DM: Alone meaning there were other officers there?

█ I had...yeah. I had █ with me, so...

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

DATE: 06/16/2011 TIME: 1401 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants

DM: Um, just to be sure, you did not see Chris Hardwick until after this incident, is what you're saying. Is that right?

█ That's what I remember.

DM: When you saw him out on the street.

█ I remember, yeah.

DM: Do you know anything about um, █ happening upon him in a back window well of the house when █ arrived and thinking he was actually a bad guy and drawing down on him?

█ I do not, no.

DM: Okay. Craig?

CB: Um, █ I just need you clarify a couple of things for me. Can you tell me what the demeanor of the female at the front door was at the █ address when you contacted her?

█ I remember that she was...she was calm and wasn't wound up.

CB: Did you think she was intimidated at all, or was she comfortable?

█ I felt like she was comfortable.

CB: Okay. How much training have you had in the bail bonds authority in the State of Washington?

█ None.

CB: Is there a termination form that you know of for a CI in the Spokane Police Department Policy Manual?

█ There is none.

CB: So there is no end of a termination as a CI that you know of?

█ Not that I know of.

CB: Uh, in the hotel um, in your report it reports that you have that he "bulled...attempted to bull past █" Uh, is that a possibility of why the bail bondsmen could've been standing up on the loft and helping maybe assist if they saw him trying to wrestle with █?

█ Yes, they could have.

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

DATE: 06/16/2011 TIME: 1401 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants

CB: When did you become aware of [REDACTED] not being a certified bail bondsman in the State of Washington?

[REDACTED] Um, I...my first, or my second meeting with my attorney Chris Bugbee back in April.

CB: Okay. Uh, did you invite any of the bail bondsmen into the hotel?

[REDACTED] I did not.

CB: Uh, does your report state that Hamblen was actually under arrest on the Hamilton incident? Does your report actually state that he was under arrest with the bail bondsman?

[REDACTED] It does not.

CB: Um, and did the bail bondsman actually wave you over on Hamilton, or how did you become aware of him?

[REDACTED] Yes, he did.

CB: Any other contact with him, the bail bondsman, before that waving over?

[REDACTED] No. On the phone, talked to him on the phone, yeah.

CB: Okay. I have no further questions.

DM: Ty?

TS: No further questions.

DM: Hillary?

HM: No.

DM: Okay. Keith, anything else from you?

KC: No.

DM: Tim, one more time, any questions or anything from you?

TB: No, thank you, Sergeant.

DM: Okay. [REDACTED] anything we haven't already talked about that you want to get down for the record?

TAPE TRANSCRIPTION

I.A. CASE #: 11-031

DATE: 06/16/2011 TIME: 1401 hours

COMPLAINANT: SPD

COMPLAINT: Unlawful Entry/Use of Confidential Informants

■ No.

DM: Okay. Then I have 3:03pm and we'll go ahead and end the interview.

*Revised
6-22-11
DM*

McCabe, David E.

From: System Administrator
To: Scalise, Frank; Stephens, Scott; Torok, Dan
Sent: Tuesday, June 07, 2011 1:39 PM
Subject: Delivered: Confidential: FW: Attached Image

Your message

To: Torok, Dan; Scalise, Frank; Stephens, Scott
Cc: Burns, Tim O.
Subject: Confidential: FW: Attached Image
Sent: 6/7/2011 1:39 PM

was delivered to the following recipient(s):

Scalise, Frank on 6/7/2011 1:39 PM
Stephens, Scott on 6/7/2011 1:39 PM
Torok, Dan on 6/7/2011 1:39 PM

McCabe, David E.

From: System Administrator
To: Burns, Tim O.
Sent: Tuesday, June 07, 2011 1:39 PM
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Your message

To: Torok, Dan; Scalise, Frank; Stephens, Scott
Cc: Burns, Tim O.
Subject: Confidential: FW: Attached Image
Sent: 6/7/2011 1:39 PM

was delivered to the following recipient(s):

Burns, Tim O. on 6/7/2011 1:39 PM



SPOKANE POLICE DEPARTMENT

INTERNAL INVESTIGATION

RESPONSE REQUEST



TO: _____ DATE: June 7, 2011

FROM: Sgt. Dave McCabe #210 I.A. CONTROL # 11-031

Internal Affairs is presently conducting an investigation into certain allegations of misconduct. These allegations stem from an incident that occurred on:

Date/Time: Nov. 2009 – Sept. 2010 At: Appletree Motel, Spokane, Wa.

Complainant: SPD – A/C Nicks

Case or Citation Number: 09-392622, 10-281822, 10-284467

Complaint: Unlawful Search/Use of CI's (Ethical Standard 2.3 and Policy 340.3.5)

Summary of Complaint: _____ is alleged to have used an unlicensed bail recovery agent _____ to arrest fugitives and make entries into locations where _____ had no legal authority. _____ is also alleged to have inappropriately used 3 different _____ funds to pay money _____ in return for information provided. There are four incidents that will be looked at: the above referenced incident numbers plus the method which _____

Personnel Involved

Personnel as Witnesses

Please call 835-4588 or e-mail the IA sergeant to schedule your interview.

The interview will be conducted at the Public Safety Building. Interviews will normally be conducted during your duty shift.

All internal investigations will be conducted in accordance with Department Policy 1020. While the Internal Affairs investigator will advise you of a number of your administrative rights/responsibilities, you are encouraged to review the policy prior to contacting the Internal Affairs Office.

Until either the investigation has been certified by the Ombudsman as complete or has otherwise been closed by City authorities, you shall not discuss the allegations or the investigation, nor allow anyone else to gain access to that information, without the express authorization of the Chief of Police or his/her designee. The accused employee, however, may discuss the matter with his/her supervisor, collective bargaining unit representative and/or his/her attorney without prior consultation with the Chief or his/her designee.

Meidl, Craig

From: Kirkpatrick, Anne
Sent: Sunday, January 23, 2011 5:56 PM
To: All Police; Verner, Mary; Danek, Thomas; Feist, Marlene
Subject: Administrative Leave

All,

Effective immediately, I have placed [REDACTED] on paid administrative leave pending a criminal and administrative investigation.

A criminal investigation began with [REDACTED] an unlicensed bounty hunter. The investigation evolved to the point where [REDACTED] is now subject to a criminal and administrative investigation. The conditions placed upon [REDACTED] during the period of administrative leave are to ensure that both [REDACTED] and the department are protected while these processes are carried out in both the criminal and internal forums. They do not in and of themselves constitute any disciplinary action nor do they imply any presumptions of guilt.

We recognize that many officers have had contact with [REDACTED] in the past. At this time, for your protection, all commissioned officers are ordered not have any contact with [REDACTED]

As a reminder, per SPD policy, members are forbidden to discuss this case with any persons or potential witnesses involved in this case.

Chief Kirkpatrick

Meidl, Craig

From: Nicks, Jim
Sent: Monday, January 24, 2011 8:27 AM
To: SPD Command Staff; Stamatoplos, Carla; Tucker, Gayle; Meidl, Craig
Subject: Admin Leave - Criminal & Admin Invest.doc
Attachments: Admin Leave - Criminal & Admin Invest.doc

An updated Admin Letter for criminal/admin invest. For your files should you need a copy.



SPOKANE POLICE DEPARTMENT



TO:



FROM: Police Chief Anne Kirkpatrick

DATE: January 23, 2011

RE: Administrative Leave--Pending Investigation
Internal Affairs Control No. _____

Effective immediately, and pursuant to possible criminal and internal charges against you, you are hereby placed on paid administrative leave. Your working hours will be from 8:00 a.m. to 4:00 p.m. Monday through Friday. During those hours you will be available at all times by pager number or cell phone. During the hours you are on call and on administrative leave, you will be required to make yourself available when needed. The following are specific conditions pertaining to your administrative leave status:

1. You will surrender your badge, identification card, and departmental weapon immediately upon being served with this notice.
2. You are forbidden to exercise any police authority or powers during the time you are on paid administrative leave.
3. You are prohibited from being in or around the Public Safety complex/Police Department and any other Spokane police facilities including C.O.P.S. shops unless it is for the specific and narrow purpose of being in contact by pre-appointment with your union representative, by directive or with permission from this office, or because you have been asked to appear by the prosecutor's office.
4. You are forbidden to use or access in any way the CAD/RMS system or any other police information systems or files.
5. You are also forbidden to discuss this case with other departmental employees with the exception of your union representative and are forbidden to discuss this case with any persons or potential witnesses involved in this case.

Administrative Leave

Internal Affairs Control No. _____

January 23, 2011

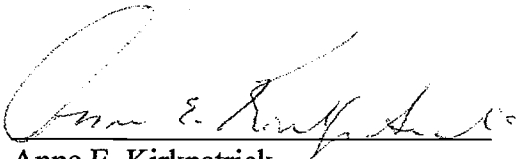
Page Two

6. If the need arises for you to be beyond pager range during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday, it is important that you prearrange that with the Office of the Chief. Otherwise, our failure to be able to contact you in a timely manner via the issued pager will be considered as a violation of these conditions.

The above conditions have been placed upon you during the period of administrative leave to ensure that both you and the department are protected while these processes are carried out in both the criminal and internal forums. They do not in and of themselves constitute any disciplinary action nor do they imply any presumptions of guilt. They are, however, a direct and written order; and any failure to comply completely with them would be considered an act of gross insubordination, making you liable for disciplinary action up to and including immediate termination from police service.

Pager Number 0741

Cell Phone Number _____



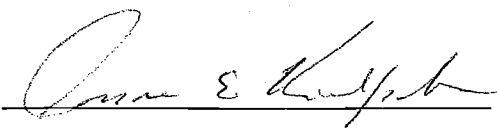
Anne E. Kirkpatrick
Chief of Police

I have read the above document and acknowledge receipt of it.

(officer name)

1/20/11
Date

I have served this document on Officer _____



1710 hrs.

1-23-2011
Date

McCabe, David E.

From: postmaster@spokanecity.org
Sent: Tuesday, June 07, 2011 1:53 PM
To: McCabe, David E.
Subject: Delivery Status Notification (Relay)
Attachments: ATT3037106.txt; Confidential: [REDACTED] Paperwork

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

[REDACTED]

SPOKANE POLICE DEPARTMENT - INTERNAL INVESTIGATION
RIGHTS / RESPONSIBILITIES FOR ADMINISTRATIVE INTERVIEWS

Employee: [REDACTED] # [REDACTED] (Accused _____ / Witness ☒)Incident or Citation #: _____ Complainant: SPDDate/Time: 6-30-11 Location: SPD IA

Complaint: _____

1. The purpose of this interview is to determine if misconduct or violations of Rules and Regulations, Policies and Procedures, Code of Ethics or any other departmental guidelines have occurred.
2. You have the right to be informed of your status regarding this investigation—whether you are the accused or a witness.
3. You have no right to remain silent. You must fully and truthfully answer all questions relating to your official duties and/or potential violations of City of Spokane or departmental Rules and Regulations; Policies and Procedures; Code of Canons and Ethics. Refusal to do so may result in subsequent disciplinary action up to and including dismissal.
4. You may have a union representative present to represent you or you may have an attorney that you have retained privately for consultation if you so desire. Reasonable time will be allowed for consultation, but you may not consult so frequently as to unduly interfere with the interview. Neither your attorney nor your union representatives may answer questions for you.
5. All answers and statements may be used in departmental administrative or disciplinary proceedings and may result in administrative action up to and including dismissal.
6. No information derived during this interview can be used in any criminal proceeding against you.
7. This investigation and interview is confidential pursuant to the Spokane Police Department Personnel Complaint Procedure Policy 1020. In order to ensure that the integrity of the investigation is preserved and that all department rules and regulations are understood and followed, you shall not discuss the allegations or investigation with anyone except your union representative(s), attorney or supervisor. You may not allow anyone else to gain access to that information without the expressed authorization of the Chief or his/her designee. Additionally, if you are the accused employee, you may only disclose to others that you are the subject of an investigation.
8. You are hereby ordered to comply with the investigation currently being conducted by _____ and to provide any written statement and answer any questions pertaining to the investigation. *(For non-SPD investigations only)*

Employee's signature _____

Date 6/30/11 Time 1345

Administered by _____

Date 6-30-11 Time 1350

As the witness/accused employee, I acknowledge receipt of formal written notification of an impending internal investigation prior to being interviewed. I further understand the cited violations will be determined once all the facts are gathered and the investigation is completed.

Employee's signature _____ Date 6/30/11 Time 1345

Original to IA file
Copy to employee

Revision Date: October 28, 2009

SPOKANE POLICE DEPARTMENT - INTERNAL INVESTIGATION
RIGHTS / RESPONSIBILITIES FOR ADMINISTRATIVE INTERVIEWS

Employee: [REDACTED] # [REDACTED] (Accused ____ / Witness X)Incident or Citation #: 09-392622 Complainant: SPDDate/Time: 111909 Location: [REDACTED]Complaint: Unlawful Search/Use of CI's (Policy 340.3.5 (e) and Standard 2.3) [REDACTED]
[REDACTED]

1. The purpose of this interview is to determine if misconduct or violations of Rules and Regulations, Policies and Procedures, Code of Ethics or any other departmental guidelines have occurred.
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8. You are hereby ordered to comply with the investigation currently being conducted by _____ and to provide any written statement and answer any questions pertaining to the investigation. *(For non-SPD investigations only)*

Employee's signature

Date 6-23-11 Time 1330

Administered by

Date 6-23-11 Time 1330

As the witness/accused employee, I acknowledge receipt of formal written notification of an impending internal investigation prior to being interviewed. I further understand the cited violations will be determined once all the facts are gathered and the investigation is concluded.

Employee's signature

Date 6-23-11 Time 1330

Original to IA file
Copy to employee

Revision Date: October 28, 2009

SPOKANE POLICE DEPARTMENT - INTERNAL INVESTIGATION
RIGHTS / RESPONSIBILITIES FOR ADMINISTRATIVE INTERVIEWS

Employee: [REDACTED] # [REDACTED] (Accused ____ / Witness X)
 Incident or Citation #: 09-392622 Complainant: SPD
 Date/Time: 111909 Location: [REDACTED]
 Complaint: Unlawful Search/Use of CI's (Policy 340.3.5 (e) and Standard 2.3) [REDACTED]
 [REDACTED]

1. The purpose of this interview is to determine if misconduct or violations of Rules and Regulations, Policies and Procedures, Code of Ethics or any other departmental guidelines have occurred.
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8. You are hereby ordered to comply with the investigation currently being conducted by _____ and to provide any written statement and answer any questions pertaining to the investigation. *(For non-SPD investigations only)* [REDACTED]

Employee's signature [REDACTED]

Date 062311 Time 1030

Administered by

Sgt. D.E. McClellanDate 10-23-11 Time 1030

As the witness/accused employee, I acknowledge receipt of formal written notification of an impending internal investigation prior to being interviewed. I further understand the cited violations will be determined once all the facts are gathered and the investigation is concluded.

Employee's signature [REDACTED]

Date 062311 Time 1030

Original to IA file
Copy to employee

Revision Date: October 28, 2009

SPOKANE POLICE DEPARTMENT - INTERNAL INVESTIGATION
RIGHTS / RESPONSIBILITIES FOR ADMINISTRATIVE INTERVIEWS

Employee: [REDACTED] # [REDACTED] (Accused X / Witness)Incident or Citation #: 09-392622 Complainant: SPDDate/Time: 111909

Location: [REDACTED]

Complaint: Unlawful Search/Use of CI's (Policy 340.3.5 (e) and Standard 2.3) [REDACTED]
[REDACTED]

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Employee's signature

Date 062311 Time 0900

Administered by

Date 062311 Time 0900

As the witness/accused employee, I acknowledge receipt of formal written notification of an impending internal investigation prior to being interviewed. I further understand the cited violations will be determined once all the facts are gathered and the in [REDACTED]

Employee's signature

Date 062311 Time 0900

Original to IA file
Copy to employee

Revision Date: October 28, 2009

**SPOKANE POLICE DEPARTMENT - INTERNAL INVESTIGATION
RIGHTS / RESPONSIBILITIES FOR ADMINISTRATIVE INTERVIEWS**

Employee: [REDACTED] # [REDACTED] (Accused ____ / Witness X)Incident or Citation #: 09-392622 Complainant: SPDDate/Time: 111909 Location: [REDACTED]Complaint: Unlawful Search/Use of CI's (Policy 340.3.5 (e) and Standard 2.3) [REDACTED]
[REDACTED]

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5. All answers and statements may be used in departmental administrative or disciplinary proceedings and may result in administrative action up to and including dismissal.
6. No information derived during this interview can be used in any criminal proceeding against you.
7. This investigation and interview is confidential pursuant to the Spokane Police Department Personnel Complaint Procedure Policy 1020. In order to ensure that the integrity of the investigation is preserved and that all department rules and regulations are understood and followed, you shall not discuss the allegations or investigation with anyone except your union representative(s), attorney or supervisor. You may not allow anyone else to gain access to that information without the expressed authorization of the Chief or his/her designee. Additionally, if you are the accused employee, you may only disclose to others that you are the subject of an investigation.
8. You are hereby ordered to comply with the investigation currently being conducted by _____ and to provide any written statement and answer any questions pertaining to the investigation. *(For non-SPD investigations only)*

Employee's signature [REDACTED]

Date 6/22/11 Time 1551Administered by [Signature]Date 6-22-11 Time 1551

As the witness/accused employee, I acknowledge receipt of formal written notification of an impending internal investigation prior to being interviewed. I further understand the cited violations will be determined once all the facts are gathered and the investigation is concluded.

Employee's signature [REDACTED]

Date 6/22/11 Time 1551

Original to IA file
Copy to employee

Revision Date: October 28, 2009

SPOKANE POLICE DEPARTMENT - INTERNAL INVESTIGATION
RIGHTS / RESPONSIBILITIES FOR ADMINISTRATIVE INTERVIEWS

Employee: [REDACTED] # [REDACTED] (Accused _____ / Witness X)Incident or Citation #: 09-392622 Complainant: SPDDate/Time: 111909

Location: [REDACTED]

Complaint: Unlawful Search/Use of CI's (Policy 340.3.5 (e) and Standard 2.3) [REDACTED]
[REDACTED]

1. The purpose of this interview is to determine if misconduct or violations of Rules and Regulations, Policies and Procedures, Code of Ethics or any other departmental guidelines have occurred.
2. You have the right to be informed of your status regarding this investigation—whether you are the accused or a witness.
3. You have no right to remain silent. You must fully and truthfully answer all questions relating to your official duties and/or potential violations of City of Spokane or departmental Rules and Regulations; Policies and Procedures; Code of Canons and Ethics. Refusal to do so may result in subsequent disciplinary action up to and including dismissal.
4. You may have a union representative present to represent you or you may have an attorney that you have retained privately for consultation if you so desire. Reasonable time will be allowed for consultation, but you may not consult so frequently as to unduly interfere with the interview. Neither your attorney nor your union representatives may answer questions for you.
5. All answers and statements may be used in departmental administrative or disciplinary proceedings and may result in administrative action up to and including dismissal.
6. No information derived during this interview can be used in any criminal proceeding against you.
7. This investigation and interview is confidential pursuant to the Spokane Police Department Personnel Complaint Procedure Policy 1020. In order to ensure that the integrity of the investigation is preserved and that all department rules and regulations are understood and followed, you shall not discuss the allegations or investigation with anyone except your union representative(s), attorney or supervisor. You may not allow anyone else to gain access to that information without the expressed authorization of the Chief or his/her designee. Additionally, if you are the accused employee, you may only disclose to others that you are the subject of an investigation.
8. You are hereby ordered to comply with the investigation currently being conducted by _____ and to provide any written statement and answer any questions pertaining to the investigation. *(For non-SPD investigations only)*

Employee's signature [REDACTED]

Date 6/22/11 Time 3:34 pmAdministered by [Signature]Date 6-22-11 Time 3:34 pm

As the witness/accused employee, I acknowledge receipt of formal written notification of an impending internal investigation prior to being interviewed. I further understand the cited violations will be determined once all the facts are gathered and the

Employee's signature [REDACTED] Date 6/22/11 Time 3:34 pm

Original to IA file
Copy to employee

Revision Date: October 28, 2009



SPOKANE POLICE DEPARTMENT

SCOTT A. STEPHENS
INTERIM CHIEF OF POLICE



4/11/2012

Ron Wright
505 W. Riverside #900
Spokane, WA 99201

RE: IA11-031

Enclosed is a copy of the public record(s) you requested. We have released the portions of the record(s) which are not exempt from disclosure by RCW 42.56.210 and/or other statutes. Information redacted or withheld are exempt from public disclosure for the following reason(s):

- ☐ 1. Complainant, victim or witness requested the information not be disclosed. (RCW 42.56.240).
- ☐ 2. Disclosure of the information would endanger a person's life, physical safety or property. (RCW 42.56.240 (2)).
- ☒ 3. Record includes information non-disclosure of which is essential to effective law enforcement. (RCW 42.56.240 (1)).
- ☒ 4. Record contains information the non-disclosure of which is necessary for the protection of a person's right to privacy. (RCW 42.56.230 or RCW 42.56.240 as defined by RCW 42.56.050). **(Includes Social Security Number)**.
- ☐ 5. Record contains information on a juvenile, which is confidential, and may not be released to the public except by court order under provisions of RCW 13.50.050 and RCW 13.50.100 (4) (a) and (b).
- ☐ 6. Jail records, including booking photos, are protected under RCW 70.48.100.
- ☐ 7. Information protected under the Criminal Records Privacy Act (RCW 10.97).
- ☐ 8. Traffic accident reports are confidential and protected under RCW 46.52.080 and RCW 46.52.083.
- ☐ 9. Driver's or vehicle registration is protected under RCW 46.12.380.



SPOKANE POLICE DEPARTMENT

SCOTT A. STEPHENS
INTERIM CHIEF OF POLICE



- ☐ 10. Credit card number, debit card number, electronic check number, card expiration date or bank/other financial account number (RCW 42.56.230(4)).
- ☐ 11. Record contains medical information protected under RCW 70.02.005 and HIPPA (45 CFR 164.502).
- ☐ 12. Reports and records of autopsies and postmortems are confidential and protected under RCW 68.50.105.
- ☒ 13. Other: 109 Wn.2d 712, COWLES PUBLISHING v. STATE PATROL, 42.56.280

If you believe that the information furnished has been incorrectly redacted, you may file a written appeal with the Chief of Police within five (5) business days from the date of this letter. Please include your name and address, a copy of the redacted document and a copy of this letter, together with a brief statement identifying the basis of the appeal. Please mail or deliver your appeal to:

Chief of Police
1100 W Mallon Av
Spokane WA 99260-0001

kmf
Spokane Police Department
1100 W Mallon Av
Spokane WA 99260-0001