

SPOKANE POLICE

Torr. Ubcenaga

FF ADDITIONAL REPORT

DATE: 03-18-06	TIME: 1825	CHARGE/INCIDENT: Third Degree Assau	PAGE: <i>114</i>		INCIDENT NUMBER: 06-79962
COMPLAINANT: (LAST, FIRST M.)			RACE:	SEX:	DOB:
STREET ADDRESS:		CITY:	STATE:	ZIP:	RES. PHONE:
ARREST: (LAST, FIRST M.)		DOB:	LOCATION OF INCIDENT: 1712 N Division		DATE: 03-21-06

On 03-18-06 at approximately 1825 hrs, I was at North Central Cops Station writing reports and eating dinner. I was working Swing Shift, assigned to the south side. I was wearing a fully marked police uniform that patrol wears. My radio was on south channel #3. At approximately 1825 hrs, several officers got up and started racing for the door. I was advised that Channel #1 had put out a Code 6, which is an emergency call for assistance from an officer. I did not know at this time what assistance the officers needed or what type of call they were on. In my experience when an officer puts out a code 6, he or she needs immediate help due to a situation that has put them or someone else in extreme danger of being physically hurt.

I followed several police vehicles eastbound on Shannon. Due to the nature of the call for assistance we were responding with a code response I had switched channels and pulled up a North Side Unit Status to determine the address of the incident. It showed 1712 N Division (Zip Trip). The Cops Station I was coming from was located at 630 W Shannon. The incident I was responding to was approximately six blocks to the east and three blocks to the south. I pulled into the Zip Trip parking lot and parked my vehicle on the North West side of the building. There were several police vehicles on scene when I arrived. I entered the building through the North door.

When I came into the building I observed Officers trying to restrain a male (later identified as Otto Zehm) in the middle of the aisle. The aisle was directly in front of the West doors. I noticed Officers Thompson and Braun off to the side. They both appeared exhausted and fatigued. Officer Thompson and Braun had been the officers to originally contact the male, and it was obvious that they were exhausted from trying to control the male. Additional officers had taken over for Officer Braun and Thompson.

I could also see several customers standing around the counter behind us watching what was happening. It appeared as if the sales clerk was still conducting business while officers were struggling with Zehm. At one point I asked to have the customers removed and the doors locked. This was to ensure officers could deal with Zehm without outside interference. Other Officers behind me that were not involved directly with Zehm dealt with this issue. I did not talk to any of the customers or anyone that was working at the store at the time.

Zehm was on the floor and I could see Officer Raleigh holding down Zehm's legs. I could not see Zehm's upper body or face area. Zehm's legs were not kicking out at this time but his upper torso area was bucking up and down despite several large officers using their body weight to hold him down. There were several Officers dealing with him and I could only see the backs of the Officers. I could not see what the Officers were doing other than attempting to control Zehm. I asked Officer Raleigh if he needed any help and he said he was fine at the time. I stood to the bottom of Zehm's feet on the north side of the aisle.

Zehm was yelling and screaming when I arrived. I did not hear Zehm yelling any coherent words. This was not a scream of help or a scream of pain, but more of crazed yell. I was advised that Zehm had been TASED prior to my arrival, despite the application of the TASER Zehm was still combative in that there were multiple officers attempting to control his upper body and he was unresponsive to control measures and exhibiting no threshold of pain. Zehm was handcuffed (DL). It appeared obvious that Zehm was either under the influence of

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SPOKANE POLICE/SHERIFF ADDITIONAL REPORT

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some type of mind-altering substance or emotionally disturbed. I have been with the Spokane Police Department for almost six years and prior to this I worked for the Spokane Sheriff's Department as a Corrections Officer at the Spokane County Jail for over five years. During this time I dealt with numerous people on mind-altering substances and dealt with subjects with emotionally disturbed issues. Based on my experience dealing with these individuals, I believed Zehm to fit into this category. For his safety and well being we requested that medics respond to evaluate his condition.

Despite being handcuffed Zehm was still trashing around violently despite officers using body force to keep him in the prone position. Zehm was not compliant to officer's instructions. Officers were ordering him not to fight and to quit resisting. In order to control Zehm it was determined to place leg restraints. Leg restraints are applied when handcuffs are insufficient to control the subject. Neither handcuffs nor leg restraints alter the subjects violent tendencies they merely offer a level of control. At this time, I assisted in securing Zehm's legs so that the leg restraints could be applied. The leg restraints were placed on Zehm and I crossed his feet and bent his legs towards his buttocks so Officers could attach the restraints to the handcuffs. Zehm was trying to kick his legs back at this time. Again he was showing strength and pain levels beyond what a normal person should have. It took several officers to bend his leg to be placed into the restraints. Once the leg restraints were attached to the handcuffs, I stopped applying pressure and let go. I stood up and took a step back at this time. Zehm was in the prone position with his feet together and tension on the restraints, however his torso was flat to the ground and was not arched. The officers had released Zehm with the hope that the leg restraints and the handcuffs would be sufficient to control him at this time.

I was advised Zehm had assaulted other officers and he was under arrest for Third Degree Assault. I assisted in searching Zehm incident to arrest. In Zehm's front right coat pocket I found a clear plastic squirt gun. I placed this item in a clear plastic property bag. I removed items from Zehm's right coat pocket and the right front pant pocket. Zehm was still struggling and being uncooperative as I was trying to search him. Some of the items taken out of his pockets were placed on the counter to the side of me for expediency. Some change had fallen onto the ground during the search that was in his pocket. Once Zehm was searched, I placed these items in the property bag. Some of the change may have been left on the floor. I determined that Officers could pick up the items as soon as Zehm was moved. This prevented any injury that may have been caused by having officers so close to Zehm as he struggled.

Zehm was violently pulling his arms while simultaneously pulling down with his feet. It appeared Zehm was trying to break out of the restraints. Zehm continued to spraradically yell out as he was trying break the restraints. Zehm was applying so much pressure from pulling his hands up and pulling his feet and legs down that the leg restraint strap was stretching. I have applied leg restraints on numerous occasions and I have never seen restraints stretched in the manner that Zehm was doing. Zehm impervious to pain and demonstrated a high level of strength. Zehm stretched the strap so much that he had enough room to start kicking his legs around. With the restraints loose he could harm himself or others.

The restraints were taken off of the handcuffs and re-applied around the feet. We attempted to

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bend Zehm's legs back to his buttocks to attach the restraints. Zehm kept his legs straight and would not bend his legs. Zehm was instructed several times to bend his legs but he would not comply. I had a hold of Zehm's right leg and Officer Dahle had control of his left leg. Both Officer Dahle and I were trying to bend his legs back to fasten the leg restraints. Zehm was tensing up and kicking out with his leg, keeping it straight prohibiting me from bending it back. I had a hold of the leg area around the right foot and pulled back as I applied pressure with my right knee into the back portion of Zehm's leg behind his knee. I was trying to get the leg to bend and secure it before Zehm kicked anyone or harmed himself. I brought my knee down on the back of Zehm's right knee one to two times. I was finally able to bend the leg at this time with a tremendous amount of effort. Zehm's was placed back into the leg restraints. Again, his feet were controlled and his hands were cuffed. He was proned on the ground with no tension on his torso.

Once the leg restraints were securely fastened, I let go and took a step back. Zehm continued to pull his arms and hands and pull his legs and feet in the opposite direction in an attempt to break out of the restraints. Zehm would yell out as he was exerting pressure against the restraints. Again, Zehm began stretching the leg restraint strap, giving his legs and feet more room to kick around. Zehm was pulling and kicking to the point that I thought he would literally pull his hands off of his arms. This time the leg restraints were not taken off, so that we wouldn't have to fight him any more than necessary. Officers were able to shorten the strap, by simply wrapping the excess around his foot inhibiting Zehm's ability to move around.

Zehm was pulling so hard with his arms and feet that the handcuffs were starting to slip down below his wrist. Zehm still did not appear to feel any pain from his struggles and it appeared as if he could pull the handcuffs off. It was determined to place a second pair of handcuffs on Zehm incase he slipped the first pair off. A second pair of handcuffs was placed on Zehm. I have never had to place a second pair of handcuffs on a subject nor have I ever heard of any officers having to apply a second pair of cuffs in case the subject breaks free of them by methodically and violently pulling his hands down through the cuffs.

Medics finally responded to the scene. When they walked in the door, Zehm was screaming at the top of his lungs and moving the upper portion of his body around. They were advised that Zehm had been TASED. They were advised of the situation and of Zehm's behavior since officer contact. Officer Raleigh asked if they would take Zehm's vitals as he was exhibiting all the symptoms of manic exhaustive syndrome. One of the medics said they would if the handcuffs were taken off. Not only was this impractical but dangerous to the officers, medics and Zehm. I have been on multiple calls where violent subjects were treated without having to remove restraints. One of the medics on scene advised that we should transport Zehm rather than by ambulance. Some time while the medics were on scene, I did observe one of the medics remove a TASER probe from Zehm's abdomen. This probe was dropped onto the floor and was not picked up at this time. This is the only action I remember the medics taking prior to when Zehm stopped breathing.

Only once during the incident did I hear Zehm say anything coherent. Zehm was struggling against the restraints and then he suddenly stopped. I heard him say something to the effect of, "All I wanted was a

Snickers." As soon as he said this Zehm started laughing. This laugh was a high piercing maniacal

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disturbing laugh.

I was standing to the rear of Zehm. Zehm was lying on his stomach with handcuffs and leg restraints on. No officer was on Zehm or holding him down in anyway. Zehm had stopped trying to pull against the restraints. Several Officers noticed at the same time that Zehm did not appear to be breathing. Zehm's face was turning a purple color at this time. Medics were still on scene at this time. The handcuffs were taken off and the leg restraints were cut off of Zehm to expedite medic's ability to treat him. I assisted in turning Zehm onto his back. The medics began to treat Zehm at this time. An ambulance arrived and transported Zehm to the hospital. Once Zehm was taken out by the medics the area in the store was classified as a crime scene. I did not pick up anything off of the floor or the shelf. I left the property bag on the shelf where I had placed it earlier.

Once Zehm was transported to the hospital, I left the store and waited in the parking lot. The area was secured and taped off. I opened the west door once to see if Officers inside needed anything but I did not enter the store again.

At approximately 1940 hrs, I transported Officer Braun to the Public Safety building where Detectives contacted us. I stayed at the Public Safety Building until 2330 hrs.

RK 664

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