

SPOKANE POLICE/SHERIFF ADDITIONAL REPORT

DATE: 03-21-06	TIME: 1753	CHARGE/INCIDENT: 3rd Assault On Law Enforcement	PAGE: 1 17	INCIDENT NUMBER: 060079962		
COMPLAINANT: (LAST, FIRST M.)		RACE:	SEX:	DOB:	EMP./SCHOOL:	
STREET ADDRESS:		CITY:	STATE:	ZIP:	RES. PHONE:	BUS. PHONE:
ARREST: (LAST, FIRST M.)		DOB:	LOCATION OF INCIDENT: 1712 N Division - Zrip Trip		DATE: 03-18-06	

On 031806 at approximately 1814, I was at the local North Central C.O.P.S. substation at 630 W Shannon in the City/County of Spokane, WA completing reports from earlier calls for service when I heard police dispatch advise of a call, via my police radio of a suspicious person/possible robbery incident at the Washington Trust bank located at Ruby and Indiana.

Police Dispatch advised the female complainant, later ID'd as McKenzie Murcar, was calling Police 911 to report the fact an unknown male was just seen in the area of the ATM machine at the Washington Trust Bank acting suspicious. Murcar advised she observed the male approach her at the ATM machine, causing her to become uncomfortable and drive away.

Police Dispatch stated Murcar watched as the male continued to walk to the ATM machine and began to "mess with it," causing her to think he was taking money from the machine without proper authorization.

Police Dispatch advised Murcar said she thought the male took money from the ATM machine, but then unexpectedly fled the area on foot.

Murcar stated she was following the male suspect at a distance in her vehicle, and witnessed as he ran from the ATM machine in a southbound direction on Ruby. Police Dispatch advised Murcar was maintaining visual contact with the male, and requested the Spokane Police Department respond to contact the male and determine if he had in fact stolen some money, or was merely behaving strangely.

Upon last police radio transition regarding the incident, I heard Murcar advise the male was walking against traffic southbound on Ruby from Indiana, but turned towards the direction of the White Elephant store at 1730 N Division.

I listened as one patrol unit; later ID'd as Ofc Steven Braun, began to respond to the call for service. I heard as Ofc Braun requested an additional officer respond for assistance.

As I sat at a computer work station in the substation, I witnessed as Ofc Thompson exited the North Central C.O.P.S. substation where he was located and advised he would respond to the incident to assist Ofc Braun. I heard as Ofc Thompson left, he stated he would "go help him (Ofc Braun) out."

A short time later, I heard Ofc Thompson advise over the police radio he was in the area of the incident, and had observed a male matching the description of the male suspect walk in to the ZipTrip store at 1712 N Division in the City/County of Spokane, WA.

I continued to listen via my police radio as Ofc Thompson advised he was going to contact the male at the location, and requested Ofc Braun respond to the store to assist him.

As I continued to complete my reports at the substation, I continued to monitor the police radio traffic.

I heard as Ofc Braun arrived at the Zip Trip location, he immediately said over the police radio, "He's fighting with him."

I then heard Police Dispatch immediately place an emergency call for urgent officer assistance for Ofc Thompson and Ofc Braun, at which time, I responded to the scene.

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I traveled from the C.O.P.S. substation at 630 W Shannon to the Zip Trip store at 1712 N Division along with several other officers by traveling eastbound on Shannon to Division, then southbound on Division to the Zip Trip location.

Upon arrival at approximately 1826 at the Zip Trip service station, I witnessed what appeared to be normal daily operations occurring outside the store with several different customers pumping gas at the fueling stations and attending to their vehicles.

I could not see Ofc Thompson or Ofc Braun at all upon arrival, so I ran into the convenient store via the north entrance in hopes of finding them.

As I entered the store, I witnessed the on-duty clerk standing behind the service counter assisting customers with their purchases and requests. I observed the clerk and customers were acting and behaving as if no emergency was occurring at the location, but were conducting normal daily business operations.

I observed the clerk was standing on the south side of the clerk's counter and was assisting one customer on the other side of the south counter. I witnessed as another person stood behind the first customer and was waiting patiently in line to be helped.

At one point in time as I entered the store, I felt I had responded and arrived at the wrong location and there was no police related emergency inside the store. I felt everyone inside the store at the time was calm and relaxed, causing me to question if I was at the correct location.

I observed as the clerk and the two people standing on the south side of the counter looked towards the west and in a downward direction, which made me turn my view to the area of their attention.

I could not see anything except the standing displays of merchandise inside the store. I did not hear anything either at the time as I entered the store, but observed as another officer entered the store via the west entrance and immediately looked down at the floor of the center aisle.

I ran to this location in hopes of finding Ofc Thompson and Ofc Braun, which I did.

Upon rounding the corner of the display, I observed Ofc Thompson was sitting on a subject on the floor in the middle of the aisle way. I witnessed as Ofc Thompson was straddling a male on the floor who was laying on his back. I observed the male's feet were towards me as he laid on the floor in an west to east direction from head to toe, and Ofc Thompson was facing away from me. I witnessed Ofc Thompson was sitting on the male's torso, in what I believed to be an attempt to keep him on the floor.

As I approached Ofc Thompson and the male subject, I witnessed the male, later ID'd as Otto C Zehm (103169), repeatedly attempted to pull his legs and feet in towards Ofc Thompson and his torso in an attempt to resist Ofc Thompson and escape, or possibly assault him.

I observed as Zehm kicked and flailed his legs violently on the floor of the aisle to the point he knocked several items of merchandise off the nearby shelves and onto the floor around him.

I immediately took a position at Zehm's legs in an attempt to control them and prevent him from continuing to resist and fight Ofc Thompson.

I contacted Ofc Thompson very briefly and asked if he was all right. Ofc Thompson turned towards me and began to speak. I observed as Ofc Thompson had an exhausted look on his face and was panting for air and

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breathing extremely heavily at the time. Ofc Thompson had his mouth open as he gasped for air, and began to explain to me that he had just been assaulted by Zehm and had to violently fight with him.

I observed as Ofc Thompson spoke, he did not use his lips or move his jaw, but kept it open as if he had been injured in the face and jaw, preventing him from moving it. I pulled Ofc Thompson's face towards me in order to better inspect his mouth, at which time, Ofc Thompson told me Zehm had punched him in the face during the assault, which lead me to believe he was injured in some fashion.

At this time, several other officers arrived at the location and assisted Ofc Thompson with Zehm.

I maintained control of Zehm's upper legs by placing my left knee on Zehm's thigh and holding it to the floor. I observed as two other officers assisted controlling Zehm's feet and straighten his legs by holding his feet down to the floor and preventing him from moving them.

Myself and several other officers rolled Zehm onto his chest in order to take him into custody and place him in handcuffs.

While rolling Zehm and handcuffing him, I witnessed as Zehm blatantly fought and resisted myself and the other officers by trying to pull away and escape my hold.

I observed and heard as Zehm was rolled over, he repeatedly screamed and yelled at the top of his lungs, but would not make any formal statements or say anything. I heard as Zehm repeated the same piercing scream over and over, as if in a rhythmic fashion, but continued to not say anything to make any statements.

I witnessed as Zehm screamed, he continued to pull his legs away from me and attempted to defeat my control. I observed as myself and two other officers, Ofc Dahl and Ofc Voeller, attempted to maintain our control of Zehm's legs and feet, Zehm possessed what I immediately felt as a super-human strength. I felt Zehm lift my body up with one of his legs as I attempted to keep him on the floor of the store and begin to move it around before I was able to force it back down.

I also observed as Zehm was able to pull both Ofc Dahl and Ofc Voeller with his feet as they attempted to keep both his legs straight.

I also witnessed as Zehm was able to left his upper torso and raise the other officers as they too attempted to maintain control of his body and prevent him from continuing his assaultive and resistive behavior.

As I continued to struggle to keep Zehm's legs in one location and on the floor, Ofc Dahl requested we place Zehm in leg restraints to restrict Zehm's movement of his legs and stop him from resisting.

Ofc Dahl placed a leg restraint nylon strap around Zehm's ankles, then attached the buckle to the chain of Zehm's handcuffs according to proper application.

Once Zehm was leg restrained, I re-evaluated my role in controlling his legs and preventing him from pulling his legs towards his torso and continuing to resist. I witnessed and determined Zehm had stopped utilizing his legs in an attempt to resist myself and the other officers, allowing me to release my physical contact with Zehm and stand up. I remained in the same location next to Zehm's left side and maintained visual contact of him directly below me.

As I stood by with Zehm, I observed he continued to try to escape his restraints and resist our actions. I observed as Zehm attempted to straighten his legs and pull at his leg restraints, exerting an extreme amount of

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pressure onto the handcuffs that the restraints were buckled to. I observed Zehm's hands began to turn white as he pulled at the leg restraints and forced his handcuffs onto his hands.

As I observed Zehm, I felt he was going to force his handcuffs off his wrists by using the leg restraints to pull at his handcuffs and break the bones in his hands, allowing the handcuffs to pop off. I observed as Zehm's hands took the shape and form of the holes in the handcuffs to facilitate him in slipping the handcuffs off as he continued to forcefully pull at his leg restraints.

As I watched Zehm pull at his handcuffs, I felt he was going to remove both cuffs from his hands and escape the restraint. Myself and another officer watching Zehm discussed the possibility and felt if no action was taken to prevent this from occurring, Zehm would be successful and become resistive and assaultive once more.

I applied a second set of handcuffs to Zehm's wrists above the original set, which I ensured were securely attached to both his wrists.

I further observed as Zehm applied such extreme tension on the nylon strap of the leg restraints, he was able to loosen the restraint and provide his feet two to four additional inches of travel and movement in the restraint.

I observed as several other officers knelt down to Zehm and removed the leg restraint buckle from the handcuff chain. I witnessed as the officers re-wrapped the nylon strap around Zehm's ankles and through the center between his legs, then re-buckled the clasp to the chain of the handcuffs, per proper application technique.

I stood by with Zehm in the aisle way along with Ofc Voeller, Ofc Dahl, and Ofc Uberuaga, as several other officers on scene requested Fire and Medical personnel respond to evaluate Zehm and began to secure the scene.

Ofc Thompson advised prior to leaving Zehm, he had applied a Taser application, which he stated had no effect on Zehm. I observed as Zehm laid on the floor, he had several small gauge Taser wires wrapped around his body and legs, consistent with Ofc Thompson stating he had applied the Taser.

At this time, I began to inspect Zehm for any injuries from the Taser application and determine if the Taser had made sufficient contact to perform effective.

As I began to inspect Zehm, I observed one Taser probe had penetrated the outside of Zehm's black leather coat approximately one to two inches from the left main zipper opening of the coat and approximately eight to twelve inches from the bottom.

I continued to inspect Zehm and found another Taser probe had penetrated the flesh in the middle of Zehm's chest, but did not have any wire attached to the head of the probe.

Upon locating the Taser probes, I began to search Zehm's person for any possible weapons. I removed the contents of Zehm's rear pants pockets, left jacket pockets and left front pants pockets of his person. I found Zehm had numerous [REDACTED]

I was unable to locate or remove any weapons upon completing my search, but witnessed as another

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officer searched another area of Zehm's person, he/she removed a clear plastic water squirt gun in the shape of a handgun.

As I remained with Zehm and searched his person, I heard as he continued to scream and yell at the top of his lungs inside the store. I heard Zehm repeat the same tone and pitch in his scream, over and over as he laid on the floor.

At one point, Zehm stopped screaming and began to relax and calm himself. Zehm laid on the ground and made the unexpected statement, "I just wanted a Snickers."

A short time later, I observed as members of the Spokane City Fire Department arrived at the location and entered the store via the west entrance.

Another officer met the fire personnel at the entrance and briefed them regarding the incident. The fire personnel were advised Zehm had received a Taser application, and were requested to treat Zehm for any possible injuries from the application and remove the probes.

I observed as one fire employee approached Zehm's right shoulder and rolled him onto his left side. I witnessed as several officers assisted the fire employee pull Zehm over in order to access the Taser probe, but Zehm began to resist and tense his body.

Zehm began to move his legs and position himself in order to gain better control of his body, forcing me to again move down to the floor and gain physical control of his legs.

I witnessed as the fire employee removed the Taser probe from Zehm's body and discarded it on the store floor. The fire personnel then stepped back away from Zehm and myself and the other officers attending to Zehm rolled him back onto his chest and released our control of him.

I released my physical contact and control of Zehm at this time and stood back up in the aisle way.

I asked the fire personnel if they would conduct a very basic medical evaluation on Zehm by taking his vitals. Upon asking the fire personnel, they stated they would not take Zehm's vitals since he was handcuffed, and if I wanted to pursue any treatment or evaluation, I would have to un-restrain Zehm and remove the handcuffs.

At this time, I observed as Zehm began to raise his head off the floor and look around the immediate area at the officers and fire personnel standing around. I witnessed Zehm's mouth was covered in wet blood and had blood around his lips and cheeks. I witnessed Zehm also had blood in his mouth, which was dripping down to his chin.

I heard as Zehm began to scream again and yell out-loud as he looked around the room.

Based on Zehm's prior actions/behavior and current temperament, I felt Zehm was going to continue his assaultive demeanor and utilize anything at hand in order to do so. I was concerned Zehm would begin to utilize the saliva and fresh blood in his mouth to assault myself or the other officers standing near him by spitting on them.

In order to prevent Zehm from continuing his resistive, assaultive and unruly behavior and possible utilize the saliva and fresh blood in this mouth to spit on me or the other officers, I asked the fire personnel if they had a mask or face shield I could place over Zehm's mouth to prevent him from spitting.

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Moments later, a fire department employee returned to the store and provided me with a rubber face masked used to provide breaths to CPR patients. I observed the facemask was cone shaped to form fit over the subjects mouth and nasal passage with a elastic strap attached to both side to place around the head. I witnessed the mask had a hole, approximately the size of a nickel in the center of the mask where a medical provider would attach an air balloon to provide respirations to the patient. I observed this mask the fire personnel provided would allow Zehm to continue to breath via the large hole, but would prevent him from spitting on myself and the other officers by covering his mouth.

I successfully placed the mask over Zehm's head as he was looking around and had his head raised and placed the rubber portion over his mouth.

Upon placing the mask on Zehm, he immediately began to react and yell and scream. I observed as Zehm began to violently move his head and lower torso back and forth in what appeared to be an attempt to remove the mask. Zehm raised his upper torso and arched his back in such a manner he was able to look straight out in front of himself.

Due to Zehm's erratic and violent actions, myself and several other officers moved down to the floor a third time in an attempt to physically maintain control of Zehm and stop his aggressive behavior.

I observed Ofc Uberuaga gained control of Zehm's upper body around his neck area while I gained control of Zehm's body in the area of his lower torso. I placed my knee in the small of Zehm's lower back and held him to the floor. I continued to hear as Zehm yelled and scream at the top of his lungs in rhythmic fashion, but never made any statements of any sort or said anything.

After a very short time, Zehm began to relax and calm himself on the floor. Zehm still had the rubber mask on his face and had stopped screaming, which allowed me to physically released my control of him and stand back up at his side.

I maintained visual observation of Zehm as he remained on the floor, and witnessed as his continued to breathe and take normal breaths. I watched as Zehm's breathing began to fade and become more and more faint in his lower abdomen, to the point I bent down and pulled Zehm's shirt up. Ofc Uberuaga and I rolled Zehm onto his left side to check if he was still breathing. I witnessed Zehm's face was discolored and had turned purple at the time and he had stopped breathing.

Ofc Uberuaga and I immediately physically released Zehm and stood back up. I yelled for the fire personnel to return and stated that Zehm had stopped breathing. I asked the fire personnel to respond back to Zehm and provide immediately medical attention. I observed as the fire personnel walked back over to Zehm from the northwest corner of the store, checked Zehm for any pulse or respirations, then requested I remove the handcuffs and leg restraints.

Another officer used a pocket knife to cut the nylon leg restraint strap from Zehm and release his legs while I removed the two sets of handcuffs from Zehm's wrists.

Upon removing all the restraints, a fire employee removed Zehm's leather coat from his body and threw in the aisle way. The fire employee then cut Zehm's t-shirt from his body and discarded it in the aisle way as well.

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I observed as Zehm was then rolled onto his back in the middle of the aisle and the fire personnel began to treat him and perform CPR.

I observed as the fire and medical personnel assisted and treated Zehm, I never observed him move once they began CPR.

A short time later during Zehm's emergency treatment, Zehm was loaded into an American Medical Response ambulance and transported to a local hospital for further treatment.

At this time, since Zehm was removed from the scene by ambulance and had stopped breathing while on the floor, I secured the outer perimeter of the Zip Trip location with police crime scene tape to protect the location.

I removed my patrol vehicle, Spokane Police Department Fleet Patrol Vehicle #377, along with one another patrol vehicle from the interior of the crime scene to assist the responding investigators access the location.

I was then instructed by Sgt Torok, who was also on scene, to maintain crime scene security on the south side of the Zip Trip business to ensure no unauthorized persons enter the scene.

During my security detail at the location, I re-contacted the American Medical Response personnel who had returned to the scene to retrieve a vehicle. I collected their names, which were as follows: Ronald J Buckingham (091565), Aaron M Jaramillo (020881) and Michael J Stuss (021178).

After a short time at the location, I was instructed per Sgt Torok to respond to the Spokane City/County Public Safety Building to contact a Major Crimes investigator regarding to the incident.

At 2047 on 031806, I responded to the Spokane City/County Public Safety Building where I contacted Det Ferguson along with several other investigators and complied with their instructions and requests pursuant to the investigation.

I completed this report at a later date and time.

It should be noted, during the course of the physical altercation with Zehm on the floor of the Zip Trip store, I observed the male clerk of the store walk within five to ten feet of my location on Zehm to my east and hold what appeared to be a cellular telephone in front of his person at chest level. It appeared the clerk was capturing a photograph with his cellular telephone as he held it in front of himself.

I then observed as the same male clerk walked around my location to the west side of the aisle and again held what appeared to be a cellular telephone at chest level in front of his person. It again appeared the clerk captured another photograph of the area were I was located with Zehm.

Erin Raleigh #605
E253-2P-T5

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