

Case File Summary
Internal Affairs Case Number 21COM-0061

Complainant: Chief Avery L. Moore

Incident Date & Time: March 3, 2020, at 2322 hours (11:22 p.m.)

Location: 1400 (Ainsworth) South 96th Street, Tacoma

Related Case Numbers: TPD and PCSD: 2006302251
WSP: 20009681
PCMEO: 20-0519

Related TPD IA Case Numbers: 20UOF-0025, 21COM-0069 and 21COM-0071

Involved Officers and Allegations: Officer C. Shane Burbank - Conformance to Laws P1.1.6.A.02 and Use of Force P3.1, and Courtesy P1.1.6.A.17
Officer Matthew Collins - Conformance to Laws P1.1.6.A.02, Use of Force P3.1, and Courtesy P1.1.6.A.17
Officer Timothy Rankine - Conformance to Laws P1.1.6.A.02 and Use of Force P3.1

Involved Citizen: Manuel Ellis

TPD Officer Witnesses: Sergeants: Mike Lim and Greg Rock
Officers: Masyih Ford; Armando Farinas; J.R. Smith; Herbert Chung; Ryan Warner; Ron Komarovskiy; Wesley Schneider; Anna Brahs; Martese Hightower; Daniel Derr; Andy Guiardinu; Kate Madden

Other Police Agencies Witnesses: PCSD: Lieutenant Anthony Messineo and Detective Sergeant Gary Sanders
WSP: Trooper K.C. Jones
Lakewood PD: Anthony Bucat

Tacoma Fire Department: Nicholas Wilson; Jeff Polo; Marlon Ridgeway- (Engine 10)
Tad Jackson; Kelly Sumner; Ronald Herrera- (Tower 2)
John Brakebush; Chris Rady- (Medic 1)

Citizen Witnesses: Sara McDowell; Keyon Lowery; Seth Cowden; Shad Hayes; Aiyana White; Kennett Ashford-White; James Malang; Joe White

Type of Incident: Use of Force – In-Custody Death Investigation

Criminal Investigators: PCSD: Detective Sergeant Byron Brockway
WSP: Detective J.N. Rhue
State AG’s Office – Assistant AG Kent Liu

Internal Affairs Investigators: Sergeant Gary J. Roberts and Sergeant John Rosenquist (Ret)

SYNOPSIS

On Tuesday, March 3, 2020, at approximately 2322 hours (11:22 p.m.), Tacoma Police Department Officers Matthew Collins and Chris Burbank were on duty in a marked Tacoma Police vehicle and patrolling as a two-person car. At the intersection of South 96th Street and Ainsworth Avenue, they encountered Manuel Ellis, a pedestrian, after they observed Manuel Ellis attempt to gain entry into a vehicle that was in the intersection. During the contact, a struggle between the officers and Manuel Ellis occurred while the officers attempted to take Manuel Ellis into custody.

Numerous officers responded to the scene from various agencies, including Tacoma Police Department (TPD) Officers Masyih Ford and Timothy Rankine. Manuel Ellis was handcuffed behind the back and eventually a hobble restraint was used on his legs and attached to the handcuffs that had already been placed on Manuel Ellis. A spit hood was also placed on Manuel Ellis by Officer Armando Farinas after officers requested a spit hood due to Manuel Ellis spitting.

Per the CAD, at 23:25:44, Tacoma Fire/EMS were called to the scene by Sergeant Michael Lim. Officer Rankine kept control of and managed Manuel Ellis' condition on the ground while waiting for Tacoma Fire/EMS. Tacoma Fire/EMS arrived at 23:34:06. Manuel Ellis went into respiratory arrest and at approximately 23:41:11, his condition deteriorated into cardiac arrest. Despite resuscitative efforts, Manuel Ellis died at the scene. Tacoma Fire/EMS noted the confirmation of his time of death as 00:12:30.

TPD command staff and Internal Affairs were notified by scene commander Lieutenant Jennifer Mueller of the incident. TPD initiated the callout of the Pierce County Sheriff's Department's Independent Investigation Team, (IIT) who responded and took over the investigation. Involved officers were transported from the scene to Sheriff Department offices where they were processed and some interviewed by IIT investigators. Other officers gave statements to the IIT on later dates.

In late May 2020, the Pierce County Medical Examiner released his findings. The Medical Examiner's report indicates Manuel Ellis' cause of death was "hypoxia due to physical restraint." Other significant conditions noted in the Medical Examiner's report were methamphetamine intoxication and dilated cardiomyopathy. The manner of death was classified as Homicide by Dr. Thomas Clark III, the Pierce County Medical Examiner.

At the time the incident occurred, the case was investigated by the IIT. As their investigation developed, it was determined that members of the Pierce County Sheriff's Department (PCSD) were actively involved in the encounter with Manuel Ellis, and on June 17, 2020, Governor Jay Inslee requested the Washington State Patrol (WSP) take over the independent investigation.

The State Attorney General's Office was involved in the investigation, and on May 27, 2021, criminal charges were filed against Officers Collins, Burbank and Rankine regarding the death of Manuel Ellis.

There are two related Internal Affairs investigations related to this investigation – TPD IA #21COM-0069 regarding the actions of Officer Ford, and #21COM-0071 regarding the actions of Officer Farinas.

This investigation (21COM-0061) is specific to the allegations against Officer Burbank, Officer Collins and Officer Rankine.

INVESTIGATION

TAB 1

This tab contains the Case File Summary.

TAB 2

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

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

TAB 3

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

- The South Sound 911 (SS911) Computer Aided Dispatch (CAD) Incident Inquiry. *Note on Timestamps:* Time stamps entered into the CAD are delayed several seconds due to being typed into the CAD system by a SS911 dispatcher. However, exact time stamps of radio transmissions or "mic clicks" are captured by the computer system at the precise time they are made. Those time stamps are found in the SS911 "CALL DETAILS" radio log spreadsheet. TPD IA used the precise time for their TPD Radio Call Transcription and Details document.
- The SS911 South Primary radio channel CALL DETAILS LOG spreadsheet.
- A transcription of radio and dispatch traffic for case 2006302251 produced by PCSD and found in their case file noted as "FINAL TPD RADIO TRAFFIC." TPD IA added a "From PCSD Investigation" watermark to this document to show it came from the PCSD investigation. *This document contains several noted inaccuracies and missing information that TPD IA corrected in their "TPD Radio Call Transcription and Details" document.*
- A document titled "TPD Radio Call Transcription and Details" created by TPD IA that combines transcription from SS911 audio files with times and assigned radio details from the SS911 TPD South Primary radio channel CALL DETAILS LOG. TPD IA noted some missing information and inaccuracies with the radio transcriptions done by PCSD in their investigation. Some of those inaccuracies made it into the PCSD and the WSP PowerPoint presentations. This document by TPD IA clarifies inaccuracies and missing details of what was said on the radio, who said it, and when.
 - An example of missing information from the PCSD radio transcription is seen throughout the document. The investigation does not identify speakers of radio dialog and uses "Unidentified Speaker" in the transcription. Using the SS911 Call Details Log, TPD IA was able to identify the speakers. An example of an inaccurate transcription is noted in a response to Officer Collins asking for someone to bring a set of hobbles. In the PCSD document, they attribute the response to Sergeant Lim, to the effect of, we're all out of hobbles. TPD IA notes that it was Officer Farinas that responds to Officer Collins' radio request by saying, "349, I have hobbles."

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

Select CAD Times & Entries:

- 23:22:28 hours:** *Initial Event entered into CAD by SS911; Location S 96th St / Ainsworth Ave. Shows H317, Officer Collins and Officer Burbank Dispatched-Call Source = Officer*
- 23:22:33 hours:** *Remark entered into CAD by SS911; H317 --- Mic Clicks, Yelled Loc (Location)*
- 23:22:42 hours:** *Remark entered into CAD by SS911; ACB (All Car Broadcast)*
- 23:22:44 hours:** *Remark entered into CAD by SS911; H317 --- Unreadable*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TAB 4

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

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

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

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

TAB 5

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

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

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

TAB 6

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

- Detective Sergeant Byron Brockway was the lead investigator for Pierce County’s Independent Investigation Team (IIT) for this investigation.
- Detective Sergeant Brockway was called out to investigate the incident. He arrived to the scene at around 0138 hours on March 4, 2020. This report summarizes his investigation at the scene, initial assignments he gave other PCSD detectives assisting him, investigative leads he tracked, and contacts/interviews, etc., he conducted from when the incident occurred to around March 12, 2020, including but not limited to:
 - Initial contact with Aiyana White regarding the Vivint Doorbell video
 - Attending the autopsy of Ellis
 - Contacts with Ellis’ family
 - Transcription of Tacoma Fire Department (TFD) dispatch
 - Contacts and interviews made regarding gathering background information on Ellis; Kimberly Mayes and her husband, Cedrick Armstrong (managers of the house program where Ellis lived); and Odel Williams (a former housemate of Ellis)
- This report also includes the following summaries of officer and actual citizen witness interviews Detective Sergeant Brockway conducted:
 - On March 5, 2020, Shad Hayes (Tab 16)
 - On March 6, 2020, Officer Burbank (Tab 12)

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

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

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

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

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

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

TAB 7

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

- .1 – Reported by PPO Herbert Chung
 - Officer Chung wrote in his report that he “responded to S 96th St/S Ainsworth Av for officers (H317) sounding in distress while yelling out their location on the radio. An unknown trouble call was generated, resulting in multiple priority responses by officers around the city. Prior to my arrival, Sgt Lim (S092) advised units to slow their response, as PPO COLLINS and PPO BURBANK (H317) had one subject detained. They requested a hobble from responding units due to the subject being non-compliant and combative. Upon arrival, I observed the subject (later identified as O/ELLIS) laying on the North side of the intersection of S 96th St/S Ainsworth, in front of H317's patrol vehicle. O/ELLIS was laying on his right side facing East, in handcuffs and a hobble. O/ELLIS was yelling while rocking his body back and forth, appearing to try and break free of his restraints. Multiple officers were surrounding him, controlling him so he wouldn't kick anyone. TFD was requested to conduct an evaluation on O/ELLIS due to a taser being deployed during the original fight with officers. When TFD arrived on scene, O/ELLIS was still conscious and breathing. From TFD's walk from their engine located East of S Ainsworth to O/ELLIS's location, O/ELLIS suddenly went unconscious. TFD began CPR for approximately 40 minutes, attempting to revive him.”
 - Per Sergeant Lim's request, Officer Chung transported Officer Collins from the scene to a PCSD Substation to be processed. Officer Chung returned to the scene and provided traffic control for the IIT investigation.
- .2 – Reported by PPO Ryan Warner
 - Officer Warner wrote, “On 3/3/2020, PPO Madden and I (as a two-man patrol unit) responded to S 96th and S Ainsworth to assist TPD officers actively fighting a subject. No other information was relayed due to the activity on scene. We arrived at approximately 2325 hours. I observed a male subject, later identified as O/MANUEL ELLIS, lying on his back detained in hand/foot restraints. O/ELLIS was breathing heavily and shouting. He appeared to be pulling at the restraints. TFD arrived at approximately 2334 hours and requested the restraints to be removed. At this time I moved closer to O/ELLIS to assist TFD as they began administering aid. I heard TFD say "he will code soon" and PPO Rankine and I asked what we could do. Per TFD request, I began CPR on O/ELLIS, switching off with PPO Rankine as necessary. O/ELLIS appeared unconscious at this point. We continued the CPR until more TFD showed up and took over all aid efforts within a few minutes. I cleared the scene shortly after O/ELLIS was pronounced deceased on scene and a crime scene log was established by PPO Madden.”
- .3 – Reported by PPO Ron Komarovsky
 - Officer Komarovsky wrote in part, “I heard Tacoma unit H317 (Officers Burbank and Collins) yell out 96 and Ainsworth, followed on by radio microphone clicks and further unreadable yelling. Based on training and experience, I believed that unit H317 was in a potentially dangerous situation and needed priority back up. I responded priority to S 96 and S Ainsworth. I was traveling behind unit S171 (Sgt G. Rock). Behind me, was unit U285 (Officer Brahs). I arrived on scene right behind unit S171. I observed the subject on the ground, on his back/side. The subject was already handcuffed and his legs were also restrained, behind his back. I observed that another officer was trying to keep him on the ground as he was very tensed up and it appeared was trying to move. I assisted that officer by placing my knees, hands and body weight on the subjects legs and held

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

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

- .4 – Reported by PPO Armando Farinas

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

- .5 – Reported by PPO Wesley Schneider

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

- .6 – Reported by PPO Daniel Derr

- Officer Derr wrote in part that he, *“was working as a two officer patrol vehicle with Officer Schneider when we were dispatched to assist Officer Collins and Officer Burbank with an unknown trouble in the area of S. 96th St/S. Ainsworth. Prior to arriving on scene, dispatch was informed that there was one subject detained. When we arrived, I immediately noticed a black male handcuffed and laying on the ground in the westbound travel lanes of S. 96th St. The subject was making a groaning sound and was surrounded by several officers. TFD then arrived on scene and began treating the subject. I then contacted the residence of 1443 S. 96th St...For the remainder of my time on scene, I assisted in scene security.”*
 - Officer Derr contacted two persons at 1443 S. 96th. Neither person saw anything related to this incident. One person heard the sounds of an argument outside and heard what was described as a “popping” sound.

- .7 – Reported by PPO Anna Brahs

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

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

- .8 – Reported by PPO Martese Hightower

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

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

- .9 – Reported by PPO Andy Guiardinu

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

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

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

- .10 – Reported by Sergeant Gregory Rock

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

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

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

- Sergeant Lim notified Lieutenant Mueller (the shift commander) of the incident, and she responded to the scene.
 - Sergeant Lim assigned officers to canvass the neighborhood for possible witnesses.
 - Sergeant Lim coordinated transporting involved officers to the PCSD for processing. He went there as well and separated the officers in different rooms while they waited for union representatives and peer support. He advised the officers not to discuss the incident.
- .44 – Reported by Captain (Ret.) Barton Hayes
 - Captain Hayes wrote, *“I am currently the Patrol Commander for the Tacoma Police Department. I have held this position for over three years. On 3-4-2020 at approx. 1208 AM, I received a phone call from Lt. Mueller regarding an in custody death. At the time, Lt. Mueller was the on duty night shift commander for Tacoma PD. Shortly after receiving the phone call from Lt. Mueller, I notified Assistant Chief Shawn Gustason of the incident*

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

- .46 – Reported by PPO Katherine Madden

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

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

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

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

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

- .48 – Reported by PPO Daniel Derr
 - Officer Derr wrote, “*This supplemental report is in addition to 2006302251.6. On the night of the involved incident, I was riding as a two-officer patrol vehicle with Officer Schneider. During this time, I had taken possession of the cell phone located on A/ELLIS and the involved Taser prongs after they were placed on Officer Schneider's patrol vehicle. I do not recall what Officer placed the property on the patrol vehicle. The above property remained in my possession throughout my time on scene. The property was later transferred to an on scene Pierce County Deputy. I do not recall the Deputy's name or badge number.*”
- Memo to File – Reported by Lieutenant Chris Karl
 - Lieutenant Karl was not at the scene when the incident occurred. He responded to the scene as part of TPD Internal Affairs. This report was written at the request of WSP during their investigation.
- Memo to File – Reported by Sergeant Gary J. Roberts
 - Sergeant Roberts was not at the scene when the incident occurred. He responded to the scene as part of TPD Internal Affairs. This report was written at the request of WSP during their investigation.

TAB 8

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

- .12 – Reported by PCSD Detective Jesse Hotz
 - Took part in the interviews of PCSD Lieutenant Messineo and PCSD Detective Sergeant Sanders.
- .13 – Reported by PCSD Detective Alexa Moss
 - Initially responded to the scene at 96th and Ainsworth. Assigned the task to assist PCSD Forensic Investigation Manager Wilkins with photographing and processing Officer Collins, Officer Burbank, Officer Ford and Officer Rankine at the Parkland-Spanaway Sheriff’s Precinct (PSSP).
 - Noted in the report injuries and damaged property of Officer Collins and Officer Burbank.
 - A pair of gloves Officer Rankine had been wearing were taken as evidence.
 - The Tasers (ECT or CEW) belonging to the officers were collected as evidence.
- .14 – Reported by PCSD Forensic Investigation Manager Steven Wilkins
 - Initially responded to the scene at 96th and Ainsworth. Took forensic photographs of the scene.
 - At the scene, Lieutenant Messineo gave Wilkins custody of a cell phone and Electronic Benefits Transfer (EBT) card belonging to Ellis. Lieutenant Messineo said the items were given to him by TPD Officer Derr.
 - Went to the PSSP and forensically processed the involved TPD officers and PCSD Lieutenant Messineo and Detective Sergeant Sanders.
 - Collected the TPD officers’ Tasers and Officer Rankin’s gloves.

- Placed the collected evidence into property.
- .15 – Reported by PCSD Detective Sergeant James Loeffelholz
 - Responded to the scene. Was tasked with scene documentation.
 - Detective Loeffelholz noted in part, *“At some point, I heard from an unknown TPD Officer that Manuel had closed the passenger door on the Officer that was trying to get out of the vehicle on that side. I looked at the door to see if there was anything damaged or noticeable. I could see some smears on the window and back part of the door frame. There was also an unknown white looking substance smeared on the window. Directly below the door was a box of powdered donuts that were smashed. It is unknown if the white stuff on the window is from the donuts. I did not see anything else or any damage to the passenger door of the patrol vehicle.”*
 - Saw the spit hood used on Ellis. Noted in part, *“There was a white fabric material and black mesh item directly underneath his [Ellis’] head. I was shown an identical item later by TPD Officer Chung. That item is Tacoma’s standard issue “spit mask”, used to place on the head of subjects that are in custody and attempting to spit on Officers.”*
 - Attempted to verify where Ellis purchased the water and donuts from. Wrote in part, *“Based on the water bottle and box of donuts I thought it could be possible that Manuel had made a recent purchase at a nearby store. The only stores I know that are open late in the evening and close by are both 7-11 stores. One is on 96th and Pacific Ave, the other 96th and Hosmer. I went to both stores and spoke to the clerks, who did not have access to the camera systems. I left my business card asking if they could pass them on to the managers when they arrived for work. As of 3-5-20, at 1330 hours I have not heard from either store manager.*
- .16 – Reported by PCSD Detective Sergeant Thomas Catey
 - Initially responded to the 96th and Ainsworth scene.
 - Took part in the interviews of PCSD Lieutenant Messineo and PCSD Detective Sergeant Sanders at PSSP. Summarized their interviews in this report.
- .17 – Reported by PCSD Detective Patrick DosRemedios
 - Responded to the PSSP and assisted Detective Moss.
 - Assisted Detective Catey on March 4 and March 5 with canvassing the neighborhood looking for witnesses.
- .18 – Reported by PCSD Forensic Investigator Steven Mell
 - Responded to the scene at 96th and Ainsworth.
 - Documents laser scanning the area “Faro” and photographing the scene.
 - Collected as evidence a pair of gloves found near Ellis against the curb.
- .19 – Reported by PCSD Forensic Investigation Manager Steven Wilkins
 - This report is only to correct a Taser serial number to X00-349664. Item # MC10.
- .20 – Reported by PCSD Detective Franz Helmcke
 - Among other tasks, this report documented Detective Helmcke’s efforts regarding his contact with Aiyana White and Joe White regarding acquiring the Vivint Doorbell videos.
 - Joe White emailed the videos to Detective Helmcke.
 - Detective Helmcke documented in detail what is seen and heard on the 19 Vivint video clips he received from Joe White. He explained the video file names and the time the Vivint system used. *“The files were automatically named by the service provider, Vivint. The file names include the date and start time of the video (Note: time is stated in Universal Time Code [UTC] which is 8 hours ahead of local time). Example: the first video named “Vivint-Doorbell-2020-Mar-04-065606.mp4” is converted to 03-03-2020*

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

- .22 – Reported by PCSD Detective Franz Helmcke
 - This report was generated by Detective Helmcke regarding his petitioning the court and being granted a search warrant related to obtaining Vivint videos directly from the company. He obtained a link from Vivint and secured the videos.
- .23 – Reported by PCSD Detective Franz Helmcke
 - This report was generated by Detective Helmcke on March 26, 2020, regarding items collected by the Medical Examiner that Detective Helmcke checked out of property so he could have them photographed by Forensic Investigator Mell. Items were clothing, Taser wire/cartridge, and spit hood. After processing, items were booked back into property.
- .25 – Reported by PCSD Forensic Investigator Steven Mell
 - Documented Forensic Investigator Mell’s photographing Ellis’ clothing, etc., with Detective Helmcke on March 26, 2020.
- .26 – Reported by PCSD Detective Sergeant Byron Brockway
 - Documented updating and fixing typographical errors regarding statements from Officer Collins and Officer Rankine.
- .27 – Reported by PCSD Detective Sergeant Byron Brockway
 - Documented investigative leads from the May 27, 2020, time frame including his contact with staff at Pierce County Alliance (PCA) regarding Ellis’ treatment records via warrant and attempts to contact Mendel Everson.
- .28 – Reported by PCSD Detective Franz Helmcke
 - This report documented the search warrant service for Ellis’ treatment records from the PCA. Also documents his going to the Pierce County Property Room on June 2, 2020, to view and photograph the spit sock used on Ellis.
- .29 – Reported by PCSD Detective Sergeant Byron Brockway
 - This report is from the June 2, 2020, time frame. Detective Sergeant Brockway documented receiving a call from a member of the Ellis family and being advised about the release of Ellis’ cause of death. Detective Sergeant Brockway called the Medical Examiner’s Office and was told the results had only been sent to the Prosecutor’s Office and himself. Detective Sergeant Brockway located the results sent to him via interoffice mail and noted the results in this report.
- .30 – Reported by PCSD Detective Richard Folden
 - This report was created to document details discovered in Ellis’ treatment records obtained via warrant from the PCA.
- .31 – Reported by PCSD Detective Franz Helmcke
 - Created to document contact with Tacoma Fire during the investigation and obtaining the audio recording of radio/dispatch and fire/medic units’ Pre-Hospital Patient Care Report; additionally, to note a request with TFD for CAD information.
- .32 – Reported by PCSD Detective Franz Helmcke
 - Documented June 4, 2020, Detective Helmcke being advised cell phone video of the incident was being posted to social media. He reviewed and downloaded the videos for evidence and recognized that it was recorded from the vehicle seen in the Vivint doorbell video he had previously viewed. These videos are the Sara McDowell videos; however,

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

- .33 – Reported by PCSD Detective Jesse Hotz
 - Documented additional neighborhood canvassing done on June 7, 2020.
- .34 – Reported by PCSD Detective Sergeant Byron Brockway
 - In general, Sergeant Brockway documented a PCSD media release sent on June 4, 2020, to identify the occupants of the two vehicles behind the Police SUV at 96th and Ainsworth seen in the Vivint doorbell video. He documented the discovery of the cell phone videos taken at the scene and attempted to contact the person that took the videos. On June 7, 2020, Detective Sergeant Brockway learned that Sara McDowell did a CNN interview regarding her taking the videos. Sergeant Brockway attempted to locate her locally.
- .35 – Reported by PCSD Detective Richard Folden
 - This report is a summary of an interview with Aiyana White on June 7, 2020, and obtaining two cell phone videos she took of the incident from her home at 1438 South 96th.
- .36 – Reported by PCSD Detective Franz Helmcke
 - Detective Helmcke assisted in the June 7, 2020, interview of Aiyana White. Detective Helmcke received the two cell phone videos from White, and he documented what is seen on the videos. He wrote in part, *“Neither of the videos show the actual physical altercation between the officers and Manuel Ellis, but only the aftermath.”* Detective Helmcke also noted being tasked with downloading the CNN interview of Sara McDowell and re-canvassing the area around the scene on June 7, 2020.
- .37 – Reported by PCSD Detective Sergeant Thomas Catey
 - Detailed re-canvassing the neighborhood around the scene on June 7, 2020.
- .38 – Reported by PCSD Detective Patrick DosRemedios
 - Detective DosRemedios summarized a June 8, 2020, interview of Kimberly Lux, an acquaintance of Ellis via treatment group.
- .39 – Reported by PCSD Detective Franz Helmcke
 - From the June 8, 2020, time frame. Documented Sara McDowell not making herself available for an interview. Also documented the two news-related interviews Sara McDowell did – CNN and KIRO 7. Detective Helmcke noted that both interviews were transcribed and added quotes from those interviews.
- .40 – Reported by PCSD Detective Richard Folden
 - Documented and summarized a June 8, 2020, interview of Kennett Ashford-White.
- .41 – Reported by PCSD Detective Franz Helmcke
 - Documented receiving a copy of the State Patrol’s response to the incident on March 3, 2020. Noted that their call to back up TPD was given report #2020030300002993, and only WSP Trooper K.C. Jones made it to the scene. Detective Helmcke detailed what Trooper Jones wrote in his WSP report on the incident.
- .42 – Reported by PCSD Detective Richard Folden
 - Documented contacting the office of James Bible on June 8, 2020, seeking assistance in contacting Sara McDowell. Documented additional attempts to contact Sara McDowell and Keyon Lowery. When Lowery was located, no statement was obtained.
 - Noted he contacted Mendel Everson who declined to be interviewed. Everson said he and Ellis parted ways on March 3, 2020, at around 2130 hours.

- .43 – Reported by PCSD Detective Sergeant Byron Brockway
 - In this report, Sergeant Brockway noted updating the time line he created of the incident, Officer Farinas’ arrival time, and transmission from Sergeant Lim where “I can’t breathe” was heard. On June 9, 2020, he contacted Dr. Clark, only to find out by Dr. Clark that he was no longer the Medical Examiner.
- .45 – Reported by PCSD Sergeant Jason Youngman
 - Sergeant Youngman went to the scene on March 3, 2020, at the request of Lieutenant Messineo and brought a fingerprint scanner to identify Ellis. When he arrived, TFD was performing CPR on Ellis. He spoke to Lieutenant Messineo and suggested a body core temperature and blood sample be obtained from Ellis.

TAB 9

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

- Supplemental Report 2006302251.21 written by the Pierce County Medical Examiner’s Office.
- A Property Report listing items placed into property by the Pierce County Medical Examiner’s Office.
 - Items included a blood card, a fingerprint card, Ellis’ clothing, Taser wire, and the spit hood.

TAB 10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Also contained within this tab are the following:

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

TAB 11

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Also contained within this tab are the following:

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

TAB 12

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

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

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

Officer Burbank was asked what initiated the incident.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

First Taser deployment:

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

Second Taser Deployment:

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

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

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

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

Third Taser Deployment:

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

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

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

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

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

Officer Burbank described the hobble deployment on Ellis:

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

Officer Burbank described the hobble used on Ellis:

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

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

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

Officer Burbank observed that several officers were still restraining Ellis.

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

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

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

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

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

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

Officer Burbank was asked about his injuries.

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

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

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

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

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

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

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

TAB 13

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

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

Officer Collins described the beginning of the incident.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer Collins was asked about his injuries.

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

Officer Collins did not recognize Ellis from any previous calls.

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

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

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

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

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

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

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

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

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

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

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

Officer Collins was asked about his strikes to Ellis.

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

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

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

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

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

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

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

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

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

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

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

TAB 14

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

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

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

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

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

Officer Rankine talked about his concern after hearing Officer Burbank on the radio, *"His voice, I had never heard it that, in that tone of voice before. It sounded super stressed, almost kind of in like a panic kind of voice. In my mind, instantly when I heard that voice I wasn't sure what was going on. I thought maybe he was in a foot pursuit, but I remember I had been in foot pursuits with Officer Burbank in the, in the past and he's cool, calm, collected, very good at calling out his location even in a foot pursuit. So that immediately did not sit right with me and my partner."*

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

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

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

Officer Rankine described his observations after exiting his patrol car.

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

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

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

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

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

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

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

Officer Rankine added, *"So as I transitioned to help Officer Burbank with the torso, I placed my right knee on his right shoulder area and then my left knee on his lower back and securing his right arm, because he still was violently thrashing around. As I was doing that Officer Burbank moved off of him and the individual did, I would say, I can't remember exactly but almost like a bucking move that tossed Officer Burbank off of him pretty violently. I remember seeing Officer Burbank roll on the ground towards like the left side of his body. And that's when I jumped, I moved my, all my weight to the middle of his body, securing my right knee over the top of his spine just below the base of his neck and then my left knee in the middle of his spine, on his lower back. At that point and time, I kicked my ankles out so I was almost in like a seated position on this individual. I was attempting to secure his left arm now, as this individual was still tryin' to violently thrash around. As this was going on I remembered this subject was, he was making really strange animal grunting noises. And I thought that was super weird and, but even before like I could even control his whole entire torso, I remember all four of us grabbing onto this individual and as he violently, the subject violently thrashed around I remember he was doing almost like a, like a, like a wiggle, like a worm. And as he was doing that he was pulling all four of us across the roadway. It, I, I remembered thinkin' to myself that I was like, I kind of was in this situation where I didn't really know what to do. One of the thoughts that came to my head was this might not really end well for all of us if this one individual can take all four of us and move us even though he was in handcuffs."*

Officer Rankine added, *"So once I was seated on the subject's back, placing my weight, like distributing my weight evenly across his torso, one of the things I thought was really weird was the first time I actually heard this subject even speak and the first thing he said to me was I can't breathe, I can't breathe. But*

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

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

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

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

Officer Rankine described what occurred after the Taser probes had been removed, *"Once, once we had removed the probes he was, the subject was still laying on his right side. I was trying to talk to the individual but as I was tryin' to talk to him he violently started thrashing all over again so I instructed the Officers to roll, roll him back on his stomach as we applied, reapplied pressure on him just to hold him down."*

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

Officer Rankine commented on Fire's response.

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

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

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

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

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

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

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

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

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

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

Officer Rankine was asked about his first aid training.

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

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

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

Officer Rankine was asked by Keith Barnes (Pierce County Prosecutor’s Office Investigator) if he used any force while sitting on/restraining Ellis, he stated, *“No.”*

Officer Rankine confirmed he did not deploy any weapons, to include his Taser.

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

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

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

TAB 15

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

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

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

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

Officer Ford described their response to 96th and Ainsworth.

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

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

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

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

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

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

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

Officer Ford observed Sergeant Lim request Fire.

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

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

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

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

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

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

Officer Ford did not recognize Ellis from any previous contacts.

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

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

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

TAB 16

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

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

Hayes was asked what he heard when the incident occurred.

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

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

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

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

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

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

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

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

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

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

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

TAB 17

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

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

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

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

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

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

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

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

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

TAB 18

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

Ashford-White lives at 1438 96th Street South.

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

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

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

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

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

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

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

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

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

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

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

Ashford-White continued to discuss the altercation.

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

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

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

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

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

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

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

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

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

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

TAB 19

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

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

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

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

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

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

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

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

TAB 20

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

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

- The AXON Taser download was conducted by TPD Officer Eric Chell. The report was generated on March 10, 2021. The 3x “Fire” events noted on the form occurred on March 3, 2020. The times noted were: 23:25:03; 23:25:26 and 23:25:51. The Duration of each event showed as 5 seconds.
- A Tacoma Police Department Training Roster.
 - Officer Burbank conducted 2019 ECT Re-Certification Training on September 12, 2019. The training was 1 hour and instructed by in-house TPD instructors.
- A Washington State Patrol Crime Laboratory Report regarding the examination of Officer Chris Burbank’s Department-issued ECT and Taser wire.
 - The examination was requested by WSP Detective Sergeant Marken during the WSP investigation. Brian Smelser, a Forensic Scientist, examined the Taser.

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

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

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

TAB 21

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

- The product specifications sheet.
- Forensic photos of the spit hood after it was removed from its evidence packaging. There is dried blood visible in the photos.
- An email dated October 16, 2020, from Deputy City of Tacoma Attorney, Police Legal Advisor Mike Smith, to Washington State Patrol Criminal Investigations Division Lieutenant Ryan Durbin. In the email, Mike Smith advised Lieutenant Durbin of the following: *“At the time of the incident TPD did not have a written training plan or policy for the spit hood/sock. A policy/procedure is currently in development.”*
- Memo to File dated July 20, 2021, reference Internal Affairs receiving a spit hood that was still in its packaging from the Department’s Quartermaster. The spit hood is the same model used during the Ellis incident. The packaging contains a list of the following conditions for use.
 - DO NOT USE this product unless prisoner is under control and restrained
 - Wearer must be under constant visual supervision and should NEVER be left unattended
 - DO NOT USE on anyone that is vomiting, having difficulty breathing, or is bleeding profusely from the area around the mouth or nose
 - Remove prisoner’s jewelry and eyewear before application
 - If there is difficulty applying due to a large size head, discontinue use
- There is also an email chain between Jacqueline Franklin from the Attorney General’s Office and a Safariland LLC representative, Allen Miller. This email chain was sent as part of the PDR response TPD IA received from the AG’s Office. There are some redactions noted in the chain. This email is provided since TPD IA was not able to locate a similar (orange fabric) spit hood from our Quartermaster that was used in this incident. Allen Miller confirmed that the mask is the same mask, but the orange fabric used on the hood was a “short term material swap” and not available to provide to the AG’s Office.

TAB 22

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

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

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

TAB 23

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

- Matthew Collins
- Chris Burbank
- Timothy Rankine

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

TAB 24

This tab contains the Property Reports for case 2006302251.

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

TAB 25

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

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

TAB 26

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

TAB 27

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The first video is titled “Cell Phone Video from Ms. McDowell (1 of 2).” The video begins around 23:21:46 hours, and it runs about 37 seconds. In general, the video starts with Officer Collins’ back toward the camera along the passenger side front of the patrol vehicle, moving to where Ellis and Officer Burbank are physically engaged in a struggle near the front right of the patrol vehicle.
 - The audio from this video was transcribed by TPD IA. In general, the audio from this segment is Sara McDowell and Keyon Lowery shouting at the officers regarding what they see occurring and of Sara McDowell yelling at Lowery.
- The second video is titled “Cell Phone Video from Ms. McDowell (2 of 2).” The video begins around 23:22:34 hours, and it runs about 15 seconds. In general, the video is of McDowell driving past the officers and Ellis. Ellis is on the ground with the officers struggling with him. Officer Burbank is seen with his ECT in his right hand.
 - The audio from this video was transcribed by TPD IA. In general, the audio from this segment is of an officer (unknown which officer is giving the verbal commands) telling Ellis to put his hands behind his back.

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

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

TAB 28

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

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

TAB 29

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

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

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

Scene photos:

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

TAB 30

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

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

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

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

TAB 31

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

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

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

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

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

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

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

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

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

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

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

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

TAB 32

This tab contains multiple Washington State Patrol Investigative Logs.

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

TAB 33

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

This tab also contains two additional documents.

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

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

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

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

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

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

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

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

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

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

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

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

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

TAB 34

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

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

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

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

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

TAB 35

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

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

McDowell detailed the following:

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

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

Later in the interview, McDowell described the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TAB 36

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TAB 37

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TAB 38

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

- Within the WSP investigation, the video interviews are located in sub-folders: 100_Digital (1)> 10_Audio> From Attorney Dermer> Files 1 and Files 2.
 - There are two video interviews in the “Files 1” folder. They are titled “Ms. McDowell (part 1)” and “Ms. McDowell (part 2).”

- There are two interviews in the “Files 2” folder. They are titled “Mr. Cowden” and “Mr. Lowery.”
- The beginning of those video interviews have been screenshot, and the screenshots are included for reference only. The videos have been uploaded to IAPro for review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TAB 39

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

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

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

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

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

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

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

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

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

Wilson does not know who removed the spit hood.

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

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

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

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

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

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

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

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

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

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

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

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

Polo described the assessment of Ellis.

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

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

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

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

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

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

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

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

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

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

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

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

Tad Jackson confirmed he responded to 96th and Ainsworth.

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

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

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

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

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

Medic 1: John Brakebush and Christopher Rady.

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

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

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

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

TAB 40

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

- A transcription detailing the communications between South Sound 911 and Tacoma Fire dispatch and subsequent communications between the Fire units and Fire dispatch.
- Tacoma Fire Department Incident Report that documents the dispatch and arrival times of the Tacoma Fire units that responded to South 96th and Ainsworth.
 - Tacoma Fire Engine 10 was dispatched at 2326 hours, was en route at 2328 hours, and arrived at 2333 hours.
- A Tacoma Fire event information page.
- A Tacoma Fire Pre-Hospital Care Report.

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

TAB 41

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

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

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

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

Also contained within the report are the following:

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

TAB 42

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

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

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

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

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

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

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

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

- Heart disease
- Physical restraint
- Methamphetamine intoxication

TAB 43

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

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

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

TAB 44

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

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

TAB 45

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

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

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

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

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

TAB 46

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

The included documents are:

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

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

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

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

TAB 47

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

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

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

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

Spit Hood

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

Hobble

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

TAB 48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TAB 49

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TAB 50

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

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

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

- Officer Schneider could not recall what Ellis was yelling.

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

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

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

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

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

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

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

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

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

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

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

Officer Schneider did not transport any Officers from the scene.

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

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

TAB 51

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

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

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

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

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

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

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

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

Officer Brahs did not transport any officer from the scene.

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

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

TAB 52

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer Chung confirmed he did not hear Ellis say, *“I can’t breathe.”*

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

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

TAB 53

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer Guiardinu confirmed Fire was not on scene when he arrived on scene.

- Fire had their siren on when they arrived.
- Officer Guiardinu said Sergeant Lim, or someone else, asked multiple times on the radio about Fire coming and that Fire was needed priority.

- Officer Guiardinu described Fire's response time, *"So it was a, it was a i- a fair amount of time that we waited for them to show up."*

Officer Guiardinu was asked if he observed Ellis' condition worsening or degrading, resulting in Fire being requested priority, *"No, I did not. I went and like I said checked for cameras..."* Officer Guiardinu added that Ellis was unconscious when he returned to the scene.

Officer Guiardinu was asked about the spit hood.

- Officer Farinas obtained the spit hood from their patrol car, adding, *"It was very quick, as soon as we get there, he's already detained, and, and I remember initially seeing him like spittin' stealing, flopping and spittin', pushing people off of him and someone yell, "I need a spit hood," so I think Manny ran back to the car got the spit hood. I, I know I don't carry a spit, I didn't carry a spit hood other-..."*

Officer Guiardinu did not recall the conversation between Fire and the officers in regards to the removal of the restraints. Officer Guiardinu did not witness the restraints or the spit hood being removed from Ellis.

Officer Guiardinu confirmed he did not have any contact with Ellis.

Officer Guiardinu confirmed he transported Officer Burbank from the scene. Officer Guiardinu was asked about any conversations he had with Officer Burbank during the transport, *"Well, I mean, just kinda described what happened. The, ya know, we they were just sitting at the light and, and the guy just approaches them and start banging on the window and then they open the door and then immediately the fights on."*

Officer Guiardinu was asked if Officer Burbank talked about what led to the contact with Ellis, *"He said something a- about a, um he was in the middle of the road maybe and then he saw them and ran towards the police officer or the police car."*

Officer Guiardinu was asked if he observed anything that he felt was inappropriate or violations of policy, he stated, *"Not that I can, not that I can think of or remember."*

TAB 54

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

- On the night of this incident, Officer Derr was a two-officer car with Officer Wesley Schneider (H356). The 356 number designator is Officer Schneider's badge number.
- Officer Derr said he was the passenger officer while Officer Schneider was the driver.
- Per the radio log, H356 used their car radio at 23:22:58 hours but only transmitted "356." The next radio transmission was Dispatch advising to keep the radio open for H317. Per the CAD, H356 put themselves "Enroute" to the incident at 23:23:09 hours. There is no arrival time in CAD for them. CAD shows them as "Available" at 03:48:37 hours.
- Officer Derr said he recalled hearing mic clicks and Officer Burbank's voice on the radio giving out the location. He said in part, *"All I remember, I don't know how many times Dispatch asked, or called for them and then I recognized Officer Burbank get on the radio and just say 96 and Ainsworth. Then that was the only transmission."* When asked how Officer Burbank sounded on the radio, Officer Derr said, in part, that Officer Burbank *"and Officer Collins rode together a lot and they were a very reliable car so it was very out of the ordinary, just to hear a location and w- mic clicks. Uh, without them being on an assigned call, and it was just very fast, the transmission was just the location and then seemed kinda desperate, I guess."* Adding that it was *"Very abnormal"* from Officer Burbank and Officer Collins.

- Officer Derr said he thought he and Officer Schneider responded from the area of 56th and Portland Avenue. When asked where they parked at the scene, Officer Derr said in part, *“I wanna say we were on the west side of the incident, the intersection.”*
- TFD was not on scene when Officer Derr arrived.

Officer Derr was asked about his observations of Ellis upon his arrival. Officer Derr said in part, *“I think he was on his stomach at the time.”* Regarding the restraints he saw on Ellis, Officer Derr said about Ellis, *“He was, he was in handcuffs.”*

- Officer Derr was asked if Ellis was hobbled when he arrived. Officer Derr said he did not recall. Officer Derr said, *“I just remember hearing on the radio, if someone has hobble, can they bring it. Something along those lines.”* Officer Derr did not recall if he was on scene or en route to the scene when he heard the request for a hobble.
- When asked if he ever saw a spit hood on Ellis, Officer Derr said, *“No.”*
- Officer Derr was asked if Ellis was moving around or resisting when he arrived. Officer Derr said, *“I remember when I looked down at him I, there were a couple officers with him. I don’t remember what they were doing, er, er what officers were cause I went to, um Officer Collins and Burbank right away to see they needed anything. I remember him making like a growling noise and kinda spitting blood. I don’t know if that was a result of him growling or what, but I, I do remember that.”* Officer Derr said he did not recall the officers that were with Ellis.
- When asked if Ellis was spitting blood just to spit blood or did it appear that he was trying to spit at people that were around him, Officer Derr stated, *“I don’t remember, I just remember he was on his stomach, and he was, he was looking to the side and he was making growling noises and just, it sounded like he’s spitting and there was liquid coming out of his mouth that looked dark.”* When asked how much blood Ellis was spitting, Officer Derr said, *“It didn’t look like a real lot. It just looked like it, ya get a bloody lip or tongue or something and you’re spittin’ out some blood from it.”*
- Officer Derr was asked if he ever saw any uses of force applied to Ellis. He said, *“No.”*
- Officer Derr described Ellis’ condition. He said of Ellis, *“He was conscious, or appeared to be, and i-, he was just growling and tha-, that was it. I didn’t, I didn’t hear him say anything else.”*
- When asked if Ellis’ condition changed over time, Officer Derr said, *“No but I, I also don’t think I was close enough to him.”*

Officer Derr was asked if he ever saw Ellis in any other position other than on his stomach, and Officer Derr said, *“Yes. I do remember, I think it was Officer Burbank w-, instructed the officers over there to roll him to his side. And I remember him just saying roll him to his side to a recovery position.”*

- Officer Derr did not recall what officers were tending to Ellis.

Officer Derr said that he contacted Officer Collins and Officer Burbank when he arrived. When asked how they were, Officer Derr said, *“I remember going to Officer Collins and he looked exhausted and I’ve never seen Matt like that, um and as I walked up to him, he just sat on the bumper of his car and just, was just trying to catch his breath and he was just, I remember him being red in the face like he was exhausted. Um, and I remember Officer Burbank, he, he looked tired, he didn’t look as tired as Officer Collins and he was kinda just pacin’ around the front of the car.”*

- Officer Derr did not see any obvious injuries to Officer Collins or Officer Burbank.
- Officer Derr said he stayed with Officer Collins and Officer Burbank by their vehicle. He added, *“And then I think as the Fire Department came in we started to, um, we started to block 96th and then after that I started going to, um houses in the area to see if there were any Ring cam or anybody had witnessed anything.”*

Officer Derr was asked about TFD's response to the scene. Officer Derr said in part, *"I feel like I remember 'em, they stopped at the intersection of 96th and McKinley to go through the lights. That's all I remember."* It was clarified that he saw TFD at the 96th and Yakima intersection.

- Officer Derr was asked if he heard a conversation between Fire and the TPD Officers about needing to get Ellis' restraints removed for treatment. Officer Derr said he recalled some of the conversation. He said in part, *"I remember Fire, uh one of the firefighters said, 'we need him outta restraints,' and I, I really wasn't paying attention to much so what was goin' on 'cause there were, there was a group of people around him at that time and I just didn't go back over there."*
 - When asked if the conversation was long, Officer Derr said, *"No, it didn't seem like."* From what Officer Derr recalled, the conversation did not delay getting Ellis out of restraints and he did not *"hear any arguing about it or anything."*

Officer Derr said he never heard Ellis make any statements to the effect he could not breathe.

- Officer Derr said he never heard any officer comment to anyone on scene that Ellis had complained of having breathing issues.

Officer Derr did not have any verbal or physical contact with Ellis.

Officer Derr was asked about the cell phone and Taser property he possessed as evidence. He stated in part, *"So, somebody had placed it in a Ziploc bag, the, the taser prongs in a, in a Ziploc bag and Ellis' cell phone, I they were on the hood of, uh Schneider's car and when we moved his car to block the street we threw them up on the dash of the car. Um, and then I later turned them over to, to the Sheriff's Department when they were holding perimeter."*

- Officer Derr did not know who put the items on Officer Schneider's vehicle.
- Officer Derr was asked about why he wrote two separate reports with an extended period of time between the two reports. Officer Derr said he wrote the second report because *"Uh, Chief Wade told me to write it."* The second report was requested to address the property (Taser and cell phone) Officer Derr possessed at the scene. Other than being told to write the report by Chief Wade, Officer Derr did not know which agency made the request for the second report.

Officer Derr did not transport any Officers from the scene.

Officer Derr said he contacted witnesses at a residence nearby.

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

TAB 55

This tab contains the transcribed Internal Affairs interview of Officer Ron Komarovsky. The interview occurred on July 28, 2021. Officer Komarovsky was given his case report to review prior to the interview.

Officer Komarovsky confirmed he heard Henry-317, Officers Burbank and Collins, yell out "96 and Ainsworth" over the radio, and additional mic clicks and yelling over the radio.

- Officer Komarovsky did not know if it was Officer Burbank or Officer Collins who called out the location.
- Officer Komarovsky was at the Sector 3 substation when he responded to 96th and Ainsworth.
- After arriving, he parked on 96th Street, just west of Ainsworth.
- Later in the interview, Officer Komarovsky said he arrived just after Sergeant Rock. Per CAD, Sergeant Rock's arrival time was 23:25:22 hours.

Officer Komarovsky was asked about his initial observations after arriving.

- Officer Komarovsky said he did not really have a personal recollection of the incident as it occurred 17 months ago, and referred to his report.
- Ellis was on the ground, either on his back or side.
- Ellis was in handcuffs with his legs restrained behind his back.
- An unknown officer was trying to keep Ellis on the ground as it appeared Ellis was tensing up and trying to move.
- Officer Komarovsky assisted the unknown officer by placing his knees, hands, and body weight on Ellis' legs to prevent Ellis from moving.
- Officer Komarovsky did not recall how long he maintained control of Ellis' legs. Later in the interview, Officer Komarovsky said it was probably less than 10 minutes.
- Officer Komarovsky did not have any additional contact with Ellis.

Officer Komarovsky was asked to describe Ellis' moving, *"Uh, to the best of my recollection, I recall that he was kicking, ya know tensing up his muscles, actively kicking, uh, that's really the only thing I recall."*

Officer Komarovsky confirmed he did not observe any strikes against Ellis.

Officer Komarovsky did not recall seeing a spit hood on Ellis.

Officer Komarovsky did not recall the position of Ellis' legs while hobbled.

Officer Komarovsky confirmed Fire was not on scene when he arrived and that he cleared the incident prior to Fire's arrival. Officer Komarovsky returned to the scene around 30 minutes later.

Officer Komarovsky was not present when the restraints and/or spit hood were removed from Ellis.

Officer Komarovsky was asked about leaving the scene, *"Correct. Uh, I observed that there were many officers on scene already and uh, I believe somebody actually relieved me, I don't remember who it was, and this is already after my shift, and so I went back home."* Later in the interview, Officer Komarovsky said he returned to the substation to finish a reckless driving report.

Officer Komarovsky did not recall hearing Ellis say, "I can't breathe," or anything similar.

Officer Komarovsky was asked about Ellis' condition when he left the scene, *"I don't specifically recall, uh, but he was alive and appeared well."*

Officer Komarovsky was asked about a specific line in his report where he wrote, *"I assisted other officers with rolling the subject Ellis onto his stomach."* Officer Komarovsky was asked if he recalled why Ellis' position was changed, he stated, *"I do not"*; nor does Officer Komarovsky recall what Ellis' condition was when Ellis was rolled onto his side.

Officer Komarovsky did not recall seeing any injuries on Ellis or if there was blood coming from Ellis' mouth.

Officer Komarovsky was asked if he observed anything that he thought was inappropriate or a violation of policy, he stated, *"Not to my recollection."*

TAB 56

This tab contains the transcribed Internal Affairs interview of Officer Katherine Madden. The interview occurred on July 28, 2021. Officer Madden was given her case report to review prior to the interview.

Officer Madden was partnered with Officer Warner when the incident with Ellis occurred. Their call sign was Henry-205. Officer Madden was driving; Officer Warner the passenger.

Officer Madden talked about the mic clicks, *“Ryan and I were talking and we heard mic clicks and then somebody say 96 and Ainsworth, and we stopped our conversation and I said, “Was that Shane, or was that Matt, who was that?” and then radio was trying to confirm what was goin’ on and him and I both were like, “Did he say 96th and Ainsworth?” and we just turned our lights on and.”*

- They responded from the area of 48th and Alaska.
- Per the CAD, H205 arrived on scene at 23:25:33 hours via their car computer.
- Officer Madden does not know if it was Officer Burbank or Officer Collins that called out the location.
- After arriving, they parked on 96th Street, 200 feet west of Ainsworth.
- Other than Officers Burbank, Collins, Rankine and Ford, Officer Madden did not recall who was on scene prior to her arrival.

Officer Madden was asked about her observations after arriving.

- Ellis was on his stomach, on the north side of 96th Street, in the intersection.
- Ellis was already in handcuffs and hobbled.
- Officer Madden did not recall if the hobble had been attached to the handcuffs.
- Officer Madden believes Ellis’ legs were bent at the knee, at a 90-degree angle.

Officer Madden described Ellis’ position, *“I-, so belly down, hands behind his back and then his thighs were on the ground just like a, trying to paint picture, thighs were on the ground and knees up.”* Later in the interview, Officer Madden confirmed she did not observe any arch in Ellis’s back, nor did she observe any strikes to Ellis while on scene.

Officer Madden described Officer Burbank and Officer Collins as out of breath and gasping for air.

- Officer Burbank and Officer Collins were no longer in contact with Ellis as they had been relieved by other officers.
- Officer Madden confirmed she did not have any contact with Officer Burbank or Officer Collins.

Officer Madden was asked who was controlling Ellis since Officers Burbank and Collins were no longer in contact with Ellis, she stated, *“Rankine.”*

- Officer Madden observed Ellis still trying to flip over from his stomach position and was screaming.
- Officer Madden said Ellis was rocking back and forth on his shoulders trying to flip over, adding that Ellis was also screaming.

Officer Madden confirmed Officer Rankine had a knee on Ellis’ back, *“Yes. Um, and Tim was, uh, what’s the technical, I mean, he had his knee in the center of his back. So like prone handcuffing position.”* Officer Madden did not recall which knee Officer Rankine was using or the position of his other knee.

Officer Madden confirmed that Ellis was rolled onto his right side. Officer Madden was asked how Ellis was placed into that position, *“We rolled him, w-, m-, I do-, I couldn’t tell you a timeframe of how long, um, but when he stopped screaming and stopped fighting and flailing, we then rolled him to his side.”* Officer Madden confirmed she and other officers assisted Officer Rankine in placing Ellis on his side.

Later in the interview, Officer Madden was asked what caused Ellis to be rolled onto his side, *“He stopped flailing, stopped screaming. So it was, it, I mean nothing more than he stopped fighting, so we rolled him.”* Officer Madden was asked if there was a conversation about rolling Ellis onto his side, she confirmed there was, *“They, I do remember that conversation. I don’t remember who said something, but it was more, it was uh, ya know he had quieted down, he stopped fighting so much, we, everybody that was holding him down kinda started to, ya know as they stop fighting, you don’t use as much*

pressure, so we all kinda started to back off and then I don't remember who it was, but somebody said let's put him on his side and so we just rolled him."

Officer Madden confirmed she assisted in holding Ellis' right leg by placing her right knee on his thigh. Officer Madden did not recall the length of time she held Ellis' leg.

Officer Madden was asked if she observed a spit hood on Ellis. She confirmed she did, *"Yes. I did. I, uh, it wasn't on very long because by when he was screaming, somebody said grab a spit hood, um, and it was placed on his head and then, I can't remember if it was remo-, I can't remember at what point it was removed or how long it was on."*

Officer Madden was asked if she knew where the spit hood was obtained. She confirmed she did, *"It was mine, we were in my car that night. Ryan asked if I had a spit hood in my car 'cause they were asking for one. I said yes, I said it's behind the passenger, you know you put 'em between bars in the window. I said it's on passenger side, back seat. He grabbed it and he pulled it out and I remember him saying, 'I've never put one of these on before. Is there a front or a back?' or whatever. And, Manny Farinas said, 'I'll put it on. I've put 'em on before.'"*

- Officer Madden confirmed the spit hood that was placed on Ellis was a Department-issued spit hood.

Later in the interview, Officer Madden was asked why the spit hood was placed on Ellis, *"The yelling and screaming, um, there had been talk about trying to get him in a car because he was so loud, let's get this guy out of the street sort of thing and it was let's put a spit hood on so he's not, as he's screaming so loud and then of course we never ended up moving him cause we were still waiting for Fire, but."*

- Officer Madden was asked if she observed Ellis bleeding from his mouth, spitting, or any injuries on Ellis. She said she did not, that she was at Ellis' legs, not his face.
- Officer Madden did not recall any officers commenting on Ellis spitting.

Officer Madden confirmed Fire was not on scene when she arrived and described their arrival, *"There were no lights on, 'cause we did know that they were there until they walked up. They arrived from the east and were facing west behind a bunch of patrol cars, um, and they walked to us i-, in front of me 'cause I was facing east. So they walked towards us just with their backs and we were like, it was uh, oh, Fire's finally here sort of, we didn't know, we did not hear any lights or siren or them coming."*

Officer Madden was asked about the conversation between Fire and Tacoma PD in regards to the removal of the restraints from Ellis, *"Mm-hm. Yes. Um, I didn't catch any of their names so I couldn't say names of the firefighters, but when they walked up the first thing, or one of the first things they said is, 'What do you expect us to do?' and we were like, help him, I, what do you mean? And, um, one of the firefighters kind of snapped, 'Well we can't do anything with those restraints on.' And we were all lookin' at each other, we're like this guy just overcame four officers. Sarge, we were lookin' for a Sarge to say we're not taking these restraints off without hi-, without them, somebody giving us permission 'cause we were like, ya know he just fought off four people. And the firefighter snapped back, 'Well there's like 20 of you standing around, can't you guys hold him down? Take the restraints off.' And we were all kinda lookin' at each other, and that's when so-, uh, somebody called for, um, Sergeant Lim and I don't remember who it was and Lim came over and the firefighter was still pretty agitated and Lim very calmly was like what do you need from us? And he said, 'Take the restraints off.' And Lim looked at us and we looked at him still wait we were like we want permission to take these off. He said if Fire says take 'em off, take 'em off. And then everything came off."*

- Officer Madden believes the discussion lasted 20 to 30 seconds.
- Officer Madden did not recall who removed the restraints or the spit hood.

Officer Madden was asked about Ellis' position when the discussion between Fire and Tacoma PD occurred, *"He, at that time was still on his side and then when we had to take the restraints off we put him back on his belly to have access to both of his hands and then took everything off when he was on, when he was face down again."*

- When asked how long Ellis was on his stomach for when the restraints were removed, Officer Madden said *"Oh ge-, not long, not long."*
- Officer Madden said Ellis was rolled onto his back as soon as the restraints were removed.
- While Ellis was still on his side, Officer Madden said she was positioned west of Ellis, near his legs, while Officer Rankine was east of Ellis, facing west, near Ellis' upper torso.
- Officer Madden said there were more than her and Rankine holding Ellis down but did not recall who.

Officer Madden was asked if she heard Ellis state, *"I can't breathe,"* or anything similar. She stated, *"No."* Officer Madden was asked if there was any conversation among the officers that Ellis had mentioned anything about not being able to breathe, *"Not that I remember. No."*

Officer Madden was asked if she observed a change in Ellis' condition between the times she arrived to when Fire arrived. She acknowledged she did, *"Yes, by the time Fire got there, he'd, we'd all stopped restraining him cause he was no longer rocking or screaming."*

Officer Madden confirmed Ellis was still handcuffed and hobbled, *"Correct. Yes. Yes. But at that time he had stopped yelling and by the time Fire arrived he was no longer screaming and no longer fighting the restraints."*

Officer Madden was asked about Ellis' condition when Fire arrived. She described Ellis as non-responsive, *"He was non-responsive. Conscious versus n-, unconscious I couldn't say until Fire was like startin' to do sternum rubs and stuff like that and th-, at that point he was non-responsive but, um, un-, I mean unresponsive to outside stimulus by the time Fire arrived, yes. But I did not feel for a pulse or check breathing cause I was at his legs."*

Officer Madden was asked if she was concerned about Ellis' condition; if she was aware there was an issue with his breathing or well-being. She confirmed she was, *"We, yes, that's why we asked Fire to, many times, to come priority because we were, everybody was goin' why isn't Fire here is this excited delirium, why isn't Fire here, why isn't Fire here, why isn't Fire here."*

Officer Madden was asked who brought up excited delirium or if it was a consensus among the officers, *"It was a consensus. Everybody kinda started lookin' at each other and we were goin' is this excited delirium, do you think this is excited delirium, and then of course, we weren't the first one's on scene so then we're asking, um, Ford and Rankine because Collins and, um, Shane were already in a car they had been removed from the scene, um, but we were asking them more questions. Do you guys think its excited delirium? How was he when you got here? And they were like, yeah we, probably. Where's Fire, where's Fire, where's Fire?"*

Officer Madden observed Fire begin CPR because Ellis did not have a pulse.

- Officer Madden observed Officers Rankine and Warner assist with CPR.
- Officer Madden assisted Fire by holding the IV bag.

At the end of the interview, Officer Madden was asked to confirm Ellis' positions while she was on scene.

- Ellis was on his stomach when Officer Madden arrived.
- Ellis was rolled to a recovery position on his right side.
- Officer Madden believes Ellis remained on his side until Fire arrived.

- Officer Madden was asked if there was any moving of Ellis back and forth (side to stomach/stomach to side), and she stated, *“Not that I remember.”*
- Officer Madden did not know if Officer Rankine was using any pressure to maintain Ellis in the recovery position or if Ellis remained on his side on his own.

Officer Madden was asked if she observed anything that she felt was inappropriate or a violation of policy by the officers, she stated, *“No.”*

TAB 57

This tab contains the transcribed Internal Affairs interview of Sergeant Greg Rock. The interview occurred on July 29, 2021. Sergeant Rock was given his case report to review prior to the interview.

- The night of this incident, Sergeant Rock was a Patrol Supervisor in the Three Sector. His call sign was S171. He was not the direct supervisor of Officer Burbank or Officer Collins.
- Per the CAD, S171 arrived himself on scene at 23:25:22 hours via his car computer.
- Sergeant Rock recalled hearing the mic clicks on the radio and an officer saying the location, 96th and Ainsworth. He did not know which officer gave the location on the radio. When asked what the tenor in the officer’s voice was, Sergeant Rock said, *“it seemed like, uh, an emergency for sure.”*
- TFD was not on scene when Sergeant Rock arrived.
- Sergeant Rock did not have any verbal or physical contact with Ellis.
- During the interview, Sergeant Rock was shown the cell phone video titled, *“Cell Phone Video from Ms. White (1 of 2).”*

Sergeant Rock was asked about his observations of Ellis upon his arrival. Sergeant Rock said, *“Mr. Ellis is handcuffed and hobbled, um, and he’s yelling and, uh, kind of moving from side to side, um, in a manner kind of thrashing himself around when I get there originally.”* Sergeant Rock said that Ellis was on his stomach at that point. When asked about how long Ellis was on his stomach Sergeant Rock said, *“Ooh gosh, I’d be takin’ a guess, I’d say maybe, um, oh boy, maybe five, five minute, ten minutes, somewhere in that area.”*

- When asked if the hobble was attached to the handcuffs, Sergeant Rock said, *“I’m not sure. I don’t, uh, I don’t recall for sure exactly. I just remember that his legs were up and, um, that he was hobbled and, and handcuffed.”* Sergeant Rock was asked if Ellis was bowed because of the hobble, and he replied in part, *“No, I didn’t see, uh, bowing or anything like that, um, I don’t remember how far forward his legs actually, um, were or whether it was a 90 or a little bit past a 90.”* *“Or, or, even less than that, I just don’t, I just remember...”*
- When asked to describe what Ellis was yelling, Sergeant Rock stated, *“Uh, at that point he’s just, uh, I don’t remember necessarily words, just him yelling. Um, just yelling at, at the top of lungs. Um, but I don’t recall any words or anything like that.”*
- Sergeant Rock described how Ellis was moving. He said, in part, Ellis was moving, *“kinda from shoulder to shoulder almost, uh, trying to, to, cause at that point the officers like had their, their hands on him, kinda holding him there, trying to keep him from, um, getting loose. It was almost, uh, in an attempt to, to get away, to, uh, to get away from the officers.”* When asked if his thrashing around was moving the officers and was it that much of a struggle, Sergeant Rock stated, *“Yeah, they’re, they were working to, to keep him in place there, um, i- it’s not like he was calmly moving from side to side, I mean he was thrashing his body around.”*
- Sergeant Rock said when he arrived, he observed Officer Collins, Officer Burbank, Officer Ford and Officer Rankine holding Ellis down. He said, *“Uh, when I was there, uh, they were kind of off to the side of ‘em and, and just kinda holding, uh, two at the shoulders and then two down, uh, towards the leg area, is what I...”* Sergeant Rock confirmed that the officers were just using

hands at that point to hold Ellis in place and that there was not a “knee on, uh, the back or anything like that.”

- Sergeant Rock was asked what occurred that resulted in only Officer Rankine being needed to hold Ellis in place. Sergeant Rock said, “Um, uh, with the understanding I’m doing other stuff to, making sure that we’ve secured off the, the roadway, um, I picked up some taser wires and then gave them to Officer Derr, um, in between doing stuff, but it seemed that, uh, Mr. Ellis had just calmed down, um, a little bit and so it wasn’t necessary to have, um, the other three officers holding him at that point.”
- Sergeant Rock said that initially when only Officer Rankine was holding Ellis in place, Ellis was still on his stomach. When asked how Officer Rankine was holding Ellis down, Sergeant Rock said, “He was just on his, uh, Rankine was beside him, was not on top of him and he just kind of had his, his hands, um, kinda towards his lower back, mid-back area. Um, it didn’t look like he had, uh, to me, um, what I saw a ton of pressure on him or anything like that.” Later in the interview, Sergeant Rock further described how Officer Rankine was holding Ellis down stating, “Officer Rankine, um, w- was beside him, he wasn’t on top of him and he had one hand, as far as I can remember, kind of on his lower back, and um, one hand more up towards ya know his side, mid-back, um, didn’t appear he had much pressure on him at that point, um, he was just basically, uh, there, what appeared to me, um, to make sure that if he started thrashing again that, um, he could control him.” Sergeant Rock said that Officer Rankine was off the back side of Ellis holding him with just his hands.
- When asked why Ellis was eventually rolled onto his side, Sergeant Rock stated, “Uh, I think he started to, again I wasn’t right over him the entire time, but I think, uh, he started to, um, become a little bit more lethargic and so at that point I think the thought was let’s get him to a recovery position, um, and so they rolled him on to his side.” Sergeant Rock did not recall who rolled Ellis into the recovery position or if he remained in that position from that point on until TFD arrived.
- Sergeant Rock was asked if he observed Ellis bleeding from the mouth. He stated in part, “I don’t remember that, that’s not to say that...he wasn’t. I just don’t remember it.”
- Sergeant Rock said he never saw Ellis spit but acknowledged he was not “standing right over him.”
- Sergeant Rock was asked if he saw a spit hood on Ellis when he arrived. Sergeant Rock said, “You know it’s funny, I the entire time that I was there, um, and obviously I’ve read that he had a, a spit hood on or hood it, heard it in the, but I don’t recall him ever having one on. Um, I, I just don’t.”
- Sergeant Rock was asked if Officer Rankine was doing anything medically or monitoring Ellis while he was holding him. Sergeant Rock stated, “Uh, so he did end up, let me make sure, I, I think uh, yeah Rankine was he one that was making sure that he was okay and, and um, kinda, kind of just monitoring him in general and, um, again I don’t wanna be wrong and, and take a guess, ya know, ya asked who, who rolled ‘em on his side, um, I think it was Officer Rankine, but I, again, I don’t wanna say that for sure with it being so long ago.”

Regarding observations Sergeant Rock made of Officer Collins and Officer Burbank when he arrived at the scene, Sergeant Rock stated, “Uh, they look tired. They looked out of breath and, uh, tired, um, but they didn’t seem, I, I, they weren’t uh, screaming at Mr. Ellis or, or anything like that or, or even really, uh, in a, in a dialogue that I can remember, um with Mr. Ellis. They just seemed like, uh, they were kind of winded and out of breath.”

Sergeant Rock was asked if there was any talk among people on scene about excited delirium or concerns about Ellis’ condition deteriorating. Sergeant Rock stated, “Uh, not right away it wasn’t and, um, obviously, uh, towards the end, um, there was some conversation at some point about it, but initially, um, that wasn’t the thought ‘cause he was moving around, he was yelling, thrashing around, um, and then, I think the thought was that he just calmed down, um and then in between that he would, uh, let out like a, kinda get hyped up again, let out a, a growl, um, more than anything else or a, a loud grunt, um,

so I don't think initially the thought was, um, excited delirium, um, until, uh, maybe a, a little bit further on. Um, clearly, uh the thought, w- uh, personal thought, um, under the influence of drugs or, or something. Um, but I don't know if excited delirium was talked about early on or not."

Sergeant Rock was asked if he ever heard Ellis say specifically, "I can't breathe," or anything similar to that while he was at the scene. Sergeant Rock responded, *"I did not."* Sergeant Rock also confirmed he did not hear anything to that effect over the radio.

Sergeant Rock was asked if he overheard any of the conversation between TFD and TPD officers regarding the need to have the restraints removed from Ellis to treat him. Sergeant Rock said in part, *"No, I wasn't, uh, right there when, uh, when that conversation occurred."* *"I remember Sergeant Lim turning around and saying, um, to somebody, yeah, go ahead and, um, take the hobbles off or, or something like that to, um, but I didn't hear any arguing between um, Tacoma PD or Fire personnel."*

- Sergeant Rock did not recall who took off the restraints.
- When asked to describe Ellis' condition when TFD arrived, Sergeant Rock acknowledged that nobody on scene made any statements alerting him about any issue with Ellis, so he assumed Ellis was alive at that point.
- Sergeant Rock did not recall if TFD responded to the scene priority with emergency lights but noted *"that it took a long time for them to get there. It seemed like an extremely long time and then once they arrived on scene, um, they just walked up really slow, they kinda parked aways away to the, um, to the east and then, um, walked up really slow."*
- Sergeant Rock was asked if he knew what happened at the scene that caused Sergeant Lim to upgrade the response of TFD. He replied, *"Uh, so again initially nobody thought that Mr. Ellis was going to pass away, um, he's yelling and, and thrashing around, um, I, I can't speak for Sergeant Lim, but I imagine, um, what happened is, is that, uh, he started to, um, become a little bit more lethargic and so he's saying hey we need 'em to, to step it up, what's the, um, what's the hold up here. It seemed to be an awful long time that we'd been, been waiting."*

When asked if he had anything to add that was not asked during the interview, Sergeant Rock added, *"No, I, I don't think so. It's uh, um, kinda like I said, it's one of those, uh, situations where um, when you arrive you don't think that the outcome is going to be what it ended up being, um, ya know you go to these type of calls quite often, um, with people that, that are, um, either under the influence or, or um, just acting irrational and uh, usually the outcome is different with the same actions from the officers."*

Sergeant Rock was shown cell phone video from Aiyana White. He narrated the video in part by saying, *"Okay. Yeah, at that point I think it's, uh, waiting for Fire to arrive, waiting for them to, um, to get here and uh, obviously, uh, Mr. Ellis is, is still alive and, um, it appears that he might even be moving around a little bit. And so, uh, ya know one of the deals things is, is if somebody's breathing, uh, moving around, um, we have limited training ya know of first aid, CPR, things of that nature, um, move them to a, a position um, of recovery which eh, was done once, once he started to um, become a little bit more lethargic but, um, if Mr. Ellis is, is breathing and has a pulse not gonna give CPR at that point."* Sergeant Rock was not able to say what position Ellis was being held in.

Sergeant Rock did not contact any witnesses at the scene. He did not transport any officers away from the scene.

Sergeant Rock was asked if he collected any evidence at the scene. He stated, *"Uh, no cell phone but I think I what I did was um, collected up the taser wires. Again, um, didn't think this was gonna be, uh, in-custody death or anything like that so, um, normal procedures to collect the, uh, taser wires, which I did. Not the cell phone and then I gave 'em to, I believe it was PPO, uh, Derr."*

When asked if he observed anything at the scene he felt was inappropriate or a violation of policy, Sergeant Rock stated, *"No, I didn't see any policy violations when I was there."*

TAB 58

This tab contains the transcribed Internal Affairs interview of Sergeant Michael Lim. The interview occurred on August 3, 2021. Sergeant Lim was given his case report to review prior to the interview.

Sergeant Lim confirmed he heard Henry-317 (Officers Burbank and Collins) yell the location of 96th and Ainsworth.

- Sergeant Lim does not know which officer called out the location.
- Sergeant Lim heard mic clicks after the location had been called out.
- Sergeant Lim confirmed he was Officers Burbank and Collins immediate supervisor when the incident with Ellis occurred.
- Sergeant Lim responded from the area of 76th and Tacoma Mall Boulevard.
- Sergeant Lim arrived and parked to the west of Ellis and the officers.

After arriving, Sergeant Lim observed multiple officers taking a subject (Ellis) into custody.

- Sergeant Lim identified the officers as Officers Collins, Burbank, Ford and Rankine.
- Sergeant Lim was asked about his radio transmission that occurred at 23:24:35 from his vehicle radio where he advised Dispatch the officers were still fighting with Ellis. Sergeant Lim confirmed he had just arrived and was either in the process of stopping his patrol car or had stopped his patrol car, maybe 30 feet from where the officers were fighting with Ellis.
- Sergeant Lim described the officers' positions on Ellis; Officers Ford and Rankine were at Ellis' leg and feet area while Officers Collins and Burbank were on both sides of Ellis' upper body.
- Sergeant Lim said it appeared the officers were using their hands on Ellis' arms and legs to hold him down, as opposed to laying on top of Ellis.
- Sergeant Lim did not observe any strikes to Ellis.

Sergeant Lim was asked about his initial observations as documented in his supplemental report.

- Ellis was positioned on his stomach with his head to the south.
- Ellis was handcuffed but was trying to kick his legs around. At one point, Ellis almost managed to get up on his knees.
- Sergeant Lim documented his belief that Ellis had extraordinary strength, as Ellis almost made it to his knees with multiple officers trying to hold him down.
- Sergeant Lim said the struggle with Ellis occurred several feet in front of Officer Burbank and Officer Collins' patrol car.
- Sergeant Lim confirmed he did not see the handcuff application to Ellis, that Ellis had already been placed in handcuffs before he arrived at their location.

Sergeant Lim was to elaborate on his observations of Ellis kicking his legs, *"So when he was on the ground, I observed Mr. Ellis literally kickin' his legs and then bringing his, uh, knees up almost in a bucking motion."* Sergeant Lim was asked if Ellis appeared to be kicking like he was flailing or if he was directing his kicks toward the officers, *"It appeared that he was kickin' his leg toward the officers."* Sergeant Lim was asked what level of resistance Ellis was presenting. He stated, *"Assaultive."*

Sergeant Lim confirmed Ellis was not hobbled when he arrived but was eventually placed in a hobble.

- Sergeant Lim did not recall who retrieved the hobble.
- Sergeant Lim did not witness the hobble application.
- Sergeant Lim did not recall if the hobble had been attached to the handcuffs.

In his supplemental report, Sergeant Lim mentioned that Ellis had extraordinary strength and that Ellis was sweating profusely. In addition to the strength and sweating exhibited by Ellis, along with his

conversations with Officers Collins and Burbank, Sergeant Lim documented his belief that Ellis could be under a state of excited delirium.

Sergeant Lim was asked about his radio broadcast that occurred at 23:25:20 from his portable radio where he advised that incoming units could slow, and a male could be heard in the background stating, *"I can't breathe."*

- Sergeant Lim denied hearing Ellis state, *"I can't breathe,"* during his radio transmission.
- Sergeant Lim was asked if he ever heard Ellis state, *"I can't breathe,"* while he was on scene. He stated, *"No."*
- Sergeant Lim believes he was within a couple of feet of Ellis when he made the radio broadcast.

Sergeant Lim was asked about his radio transmission that occurred at 23:25:44 when he requested medical aid for an evaluation. Sergeant Lim confirmed the medical aid request was made due to the application of force against Ellis, per Department Policy.

Around 90 seconds later (23:27:29), Sergeant Lim requested an ambulance for a strap-down. Sergeant Lim was asked if the ambulance/strap-down request was made because there was a change in Ellis' condition or was it because he knew Ellis would need to be strapped down for transport. Sergeant Lim confirmed it was only because he believed Ellis would need to be strapped down for transport.

Sergeant Lim did not recall seeing a spit hood on Ellis, therefore he does not know who applied the spit hood to Ellis.

Sergeant Lim confirmed Ellis was on his stomach when he arrived but had been placed on his side sometime during the incident. Sergeant Lim does not know when Ellis was placed into a recovery position on his side. Sergeant Lim does not know what position Ellis was in when Fire arrived on scene, advising he was not next to Ellis the entire time, citing his supervisory duties while on scene, *"Yes. So, other roles that I was doing were, uh, getting the initial statement from Officers Collins and Burbank away from Mr. Ellis. And my, my role at that time was to, um, perform a supervisor's use of force based on information I had up to that point. Um, and I also coordinated with other incoming units to start contacting potential witnesses within the area. Uh, contact every residence within eye shot of the scene to see if anyone had observed or heard anything and to obtain any possible video, if there were any, for my, uh, supervisor's use of force, assuming that I was gonna perform one."*

- Sergeant Lim confirmed he was not in a position to observe Ellis' condition; if Ellis was responsive, non-responsive or breathing.

Sergeant Lim confirmed he was aware of an ECT (Taser) application against Ellis through his conversation with Officer Burbank.

Sergeant Lim did not recall which officer was maintaining control of and/or monitoring Ellis.

Sergeant Lim was asked if any officers expressed a concern that Ellis' condition was deteriorating. He stated, *"No."*

Sergeant Lim confirmed he had verbal and physical contact with Ellis, *"Part of the supervisor's use of force process, after I initially spoke with Officers Collins and Burbank, uh, part of my role was to contact the subject involved to get a statement, attempt to get a statement from him, that's when I went over and contacted Mr. Ellis. He was in a recovery position on his side at the time, I attempted to ask him questions and I didn't get any verbal response from him. Um, and that was the end of that interaction."*

- Sergeant Lim did not recall if there was a spit hood on Ellis when the above contact occurred.
- Later in the interview, Sergeant Lim said Ellis did not appear to be in distress when he contacted him, adding that Ellis was in the recovery position.

Sergeant Lim was asked if he remembered any officers commenting that Ellis was spitting or spitting at them, he confirmed he heard a comment, but did not recall who made it, *“No, I just r- recall hearing in the background that a spit hood was needed because he was spitting.”*

Sergeant discussed his contact with Officers Burbank and Collins.

- Sergeant Lim did not observe any obvious signs of trauma to either officer.
- Sergeant Lim described his observations of them, *“U- both of them were breathing heavily, um, almost in a state of shock about what just occurred, um, as if they had just engaged in a physical altercation with somebody.”*

Sergeant Lim was asked if they provided an explanation of what led to their contact with Ellis. He confirmed they did, starting with what Officer Burbank explained to him, *“Okay. Um, Burbank advised me that they were sitting in the same patrol car at the intersection of South 96th and Ainsworth, um, when they first observed Mr. Ellis to the south of them. And, they observed some, uh, suspicious activity with him attempting to, appeared like he was attempting to get into a passing car. That’s what drew their attention to him. At some point Mr. Ellis made his way over to where Officer Burbank was sitting and punched the passenger side of the window where Officer Burbank was at and that’s when they both exited the vehicle and Mr. Ellis, uh, immediately began swinging punches on both of them.”* Sergeant Lim advised Officer Collins provided a similar statement.

Sergeant Lim was asked about Fire’s response.

- Sergeant Lim believes Fire’s response time was around 10 minutes.
- He did not recall if Fire responded routine or priority.
- Sergeant Lim did not hear the conversation but was called over to the scene by someone. He was asked if the handcuffs could be removed so Fire could treat Ellis, and he authorized the removal of the handcuffs.
- Sergeant Lim did not recall if he observed the restraints being removed from Ellis.
- Sergeant Lim did not observe any obvious signs of trauma to Ellis.
- Sergeant Lim did not recall if Ellis was bleeding from his mouth or face.
- Sergeant Lim was not with Ellis when Fire arrived and did not know what Ellis’ condition was when Fire arrived.

Sergeant Lim was asked if he recalled seeing anything that would have prohibited the use of a spit hood on Ellis. He stated, *“No.”*

Sergeant Lim confirmed he remained on scene until he was directed by Lieutenant Mueller to coordinate the transportation of Officers Burbank and Collins from the scene to the Pierce County precinct, confirming he went to the precinct as well.

Sergeant Lim was asked if, while on scene, he observed anything that concerned him or constituted a violation of policy by anyone. He stated, *“No.”*

Sergeant Lim was asked about his observations of Ellis while in contact with him.

- Sergeant Lim confirmed he did not hear any gurgling sounds or agonal breathing from Ellis.
- He did not observe any signs of medical distress from Ellis, and there was no indication that Ellis needed medical assistance.
- Sergeant Lim believed Ellis was ignoring him when he attempted contact.

TAB 59

This tab contains the transcribed Internal Affairs interview of Officer Armando Farinas. The interview occurred on August 18, 2021. Officer Farinas was given his case report to review prior to the interview.

Officer Farinas confirmed he was partnered with Officer Guiardinu on March 3, 2020.

- Officer Farinas confirmed he heard the mic clicks and Dispatch asking Henry-317 (Burbank/Collins) if they had traffic and for a location.
- Officer Farinas heard, who he believes was Officer Burbank, call out, “96th and Ainsworth.”
- Officer Farinas was asked if Officer Burbank sounded normal or stressed, “*No, he sounded very flustered and like they were in an active fight.*”
- Officer Farinas said they responded from the Jackson’s gas station, 38th and Pacific.
- Later in the interview, Officer Farinas said they parked just east of 96th and Ainsworth after their arrival and likely arrived themselves over the MDS.

Officer Farinas was referred to his report where he described his initial observations of a Black male lying face down while handcuffed and hobbled.

- Officer Farinas confirmed the handcuffs and hobble had already been applied prior to his arrival.

Officer Farinas was asked about his observations that led to his belief that Ellis was alert and breathing, “*Um, while he was in restraints, he was still actively trying to fight. He was make-, making growling noises, not saying any words, just making crazy noises and.*”

When asked how Ellis was actively trying to fight, he stated, “*Uh, wiggling around on the ground, trying to just, uh, he was basically just like writhing around, like...*” “*He was on his stomach with his hands behind his back and his legs attached...*” “*...with the hobbles.*”

Officer Farinas was asked if anyone was restraining Ellis while this was occurring. He confirmed there was, “*Uh, Rankine was on his back and Ford was on his legs.*”

- Officer Farinas described Officer Rankine’s and Officer Ford’s positions on Ellis, “*Mm, he was kneeling on his back, kind of like maybe off towards his shoulder and then Ford was sit, basically sitting on his legs as they were folded up.*”
- Officer Ford was kneeling down, controlling Ellis’ legs by holding his ankles and pushing them towards his backside (toward the handcuffs).
- Officer Rankine had one knee on Ellis’ back applying pressure while bracing himself with his other foot.

Near the end of the interview, Officer Farinas was asked if Officer Rankine and Officer Ford’s position was consistent with training and appropriate given the level of resistance Ellis was displaying. He stated, “*Yes.*” Adding, “*The actions taken were necessary to affect the arrest, yes.*”

Officer Farinas was asked if Ellis was still struggling against the restraints. He confirmed he was, “*Correct. He was still trying to get away from ‘em. He was still trying to get out of the restraints and he was still fighting with the two of them.*”

Officer Farinas was asked about the hobble and Ellis’ position while hobbled.

- Officer Farinas confirmed there was slack in the hobble, and that the hobble was not run all the way to the handcuffs.
- He described Ellis as “pretty flat.” He did not observe any arch in Ellis’ back or Ellis’ thighs off the ground.

Officer Farinas was asked to explain what he meant when he talked about how the hobble was not run all the way to the handcuffs, “*Yeah, typically when you hobble somebody you pull, you loop it through the cuffs and then you pull the hobbles all the way tight until the heels and the feet are touching the hands that are in handcuffs and then kind of, like you said, bends the body but that was not the case.*”

Officer Farinas described the hobble as cinched around Ellis' ankles, the lead had a carabineer (that connected to the handcuffs) with a lead of 36 to 48 inches coming off the ankles.

Officer Farinas was asked about Ellis bleeding from his mouth.

- Officer Farinas confirmed that Ellis was actively bleeding from his mouth.
- When asked to describe how much Ellis was bleeding, he stated, *"Um, quite a bit. I didn't know if he had bit the inside of his mouth or maybe bit his tongue or, but there was a lot of blood coming out and around his mouth."*
- He did not recall if Ellis was bleeding from his nose.
- Officer Farinas was asked if Ellis left a puddle of blood on the ground, *"Um, a si-, a small puddle. Enough to, enough to be worried about getting contaminated. Like enough to get off of his person onto other people,"* describing it as a small pool; the size of a hockey puck.

Officer Farinas was referred to his report, specifically where he wrote, "due to his assaultive behavior I placed a spit hood over the subjects head to protect everyone on scene from a possible exposure."

Officer Farinas was asked to describe Ellis' assaultive behavior, *"Trying to escape the restraints, uh, wiggling around violently, um, spitting, making crazy noises, not obeying commands."*

- Officer Farinas was asked about the commands being given to Ellis, *"Like stop resisting, relax."* He did not recall who was giving the commands.
- When asked about "wiggling," Officer Farinas said, *"He's trying to get out of the restraints and away from us?" "Escape."*

Officer Farinas was asked about Ellis spitting, if he was targeting officers, *"No, um, I mean he was looking towards me, in my direction while he was on his stomach looking at me spitting. Not, he didn't get any blood on me. He didn't get close enough to spit on me but that's when it became a problem to protect everybody on scene from an exposure, so."*

- Officer Farinas believes he was 2 to 3 feet from Ellis when this was occurring.

Officer Farinas was asked how the subject of putting a spit hood on Ellis came up, *"Um, an officer on scene called for one, but I can't recall who it was."*

- There were enough officers with Ellis to control him.
- He ran to his patrol car, obtained a hood, removed it from its packaging, and placed the spit hood over Ellis' face.
- Officer Farinas confirmed Ellis was still on his stomach, face down, when the spit hood was placed on him.
- Officer Farinas believed he was on scene for around 90 seconds before the spit hood was applied to Ellis.

Later in the interview, Officer Farinas was asked about a witness officer's statement that Officer Farinas obtained the spit hood that was applied to Ellis from another officer because the officer was having difficulties applying the spit hood, and that he (Farinas) said something like, *"I've put this on before, give it to me I'll take care of it."* Officer Farinas denied that occurred, reiterating that he obtained the spit hood that was applied to Ellis from his patrol car.

Officer Farinas was asked if he observed Ellis having difficulty breathing, wheezing, or gurgling prior to the spit hood application, *"No. He was, like I said, like making some like aggressive growling noises and still resisting."* Officer Farinas described Ellis as being "Actively Resistant" when the spit hood was applied.

Officer Farinas was asked if there were any changes to Ellis' condition once the spit hood was applied, *"About two minutes after the spit hood was applied I'd say, um, uh, two minutes is a rough estimate. It's*

not a definite but, uh, he stopped moving. He kind of came down and relaxed and his breathing went to normal and then he stopped breathing completely.”

- Officer Farinas confirmed the spit hood was still on Ellis.
- When asked how he knew Ellis had stopped breathing, *“I believe Rankine said he stopped breathing, or...”*
- Officer Farinas was asked if Officer Rankine was monitoring Ellis, *“Yeah, Ford and Rankine were primarily the people with him, like with Ellis. Like I said I showed up, put the hood on and then walked away. Like didn’t walk away but just stepped back cause there’s too many people there already, so I didn’t want to get in the way.”*

Officer Farinas was asked, “So you put it on, it was on for a couple minutes and Rankine said that he had stopped breathing?” Officer Farinas stated, *“Yeah, he s-, I believe he did say, yeah.”* *“Something’s wrong, he’s not moving. The, to that effect. He’d said something’s wrong.”*

- Officer Farinas was aware that Fire had already been requested, *“So at this point we had already called for Fire too, so we’re waiting for Fire and then like I said he stopped, just stopped moving.”*

Officer Farinas was asked if he heard Ellis state, “I can’t breathe,” or anything similar while he was on scene. He stated, *“No.”* Officer Farinas was asked if he heard the statement, *“I can’t breathe. I can’t breathe,”* over the radio when Sergeant Lim broadcast that incoming could slow. He stated, *“No.”*

Officer Farinas was asked if he observed any signs that Ellis was in any kind of medical distress prior to Officer Rankine advising there was an issue, *“No, to me I thought he just gave up resisting and started coming down and relaxing because I’ve been in this situation with multiple subjects before, where, where they get wound up you end up having to use force and then they eventually just relax and the chaos is over.”*

Officer Farinas was asked if Ellis’ position ever changed during the incident. He confirmed it did, *“Uh, not until he stopped moving and then once he stopped moving that’s when, um, Ford and Rankine, I don’t know who decided to do it, but they rolled him onto his side into a, like a modified recovery position.”*

- Officer Farinas was asked when Ellis was rolled to his side in relation to when Ellis stopped moving. Officer Farinas described it as *“immediately.”*

Later in the interview, Officer Farinas was asked if there were any conversations about removing the spit hood and/or restraints after Officer Rankine advised that Ellis had stopped moving, that there might have been an issue with Ellis, *“No, not that I recall.”* Officer Farinas was asked if it would have been practical to remove the spit hood and/or restraints at that point, *“I, I wasn’t close enough. I wasn’t the lead on that, that call or contact, so, ya know, I was instructed to do what I was instructed to do by my Sergeant and I followed my orders.”* Officer Farinas confirmed his orders were to get with Officer Burbank and get him back to his (Farinas’) patrol car.

Later in the interview, Officer Farinas was asked if Ellis’ position changed from the time he was placed on his side to when Fire arrived. He stated, *“No.”* Officer Farinas also acknowledged that he was not observing Ellis during the entire time, *“No. Uh, yeah, as soon as he was put into his recovery position and I grabbed Burbank and went back to my vehicle, that’s the rest that I saw. All is I remember seeing is Fire arriving which felt like it took forever and then I watched them work on him through, ya know, from afar I watched them perform medical aid on him and then that was it.”*

Officer Farinas was asked about any training he has received on the application of a spit hood.

- Officer Farinas confirmed he has never received training from the Department or any other sources.
- Officer Farinas was asked how he originally obtained the spit hood, *“Uh, I was given it, it was given to me by the, uh, front desk when I first got hired.”*
- Officer Farinas confirmed it was issued by the Department, *“Yeah. Yeah. And then every time you use one you just replenish it at the front desk.”*

Officer Farinas was asked if there was any conversation about placing a spit hood on Ellis because he was yelling and making noise (this is reference to the statement by Officer Madden during her Internal Affairs interview). Officer Farinas stated, *“No. That wouldn’t, they, I mean a hood wouldn’t even stop noise anyways, it’s thinner than paper.”*

Officer Farinas was shown a TranZport spit hood that was still in its packaging and an identical spit hood that had been removed from its packaging (both obtained from the Department’s Quartermaster). Officer Farinas believed the spit hood that was still in its packaging was similar but advised the spit hood he retrieved from his patrol car had blue-colored writing on it (the spit hood that was still in its packaging contained black-colored writing on it). Officer Farinas described the spit hood that was removed from its packaging as “very similar” to the spit hood that was used on Ellis.

Officer Farinas confirmed he has deployed a spit hood a couple times prior on individuals who were spitting in the back of his patrol car and never had a medical issue during those occurrences.

Officer Farinas was asked about the Conditions of Use printed on the packaging of the spit hood.

- Do not use this product unless a prisoner is under control and restrained.
 - Officer Farinas confirmed that Ellis was under control and restrained.
- Wearer must be under constant visual supervision and should never be left unattended.
 - Officer Farinas confirmed Officer Rankine was monitoring Ellis’ condition and that Ellis was never out of their custody.
- Do not use on anyone that is vomiting, having difficulty breathing or is bleeding profusely from the area around the mouth or nose.
 - There has been no information obtained during the investigation that Ellis was vomiting.
 - Earlier in the interview, Officer Farinas advised he never heard Ellis say, *“I can’t breathe,”* or anything similar. Officer Farinas was asked if anyone advised that Ellis was having breathing difficulties. He confirmed no one did, *“Not that I’m aware of.”*
 - Officer Farinas confirmed that he had no knowledge of any breathing issues with Ellis prior to the application of the spit hood.
 - Officer Farinas confirmed there was blood around Ellis’ mouth when he applied the spit hood, *“Uh, there was blood around and in his mouth, correct. And that’s why it was place on him, so he didn’t contaminate anybody with any blood borne pathogens or, ya know, transmittable diseases.”*
 - Officer Farinas was specifically asked about profuse bleeding from the area around the mouth and nose and if he would have described the bleeding as “profusely.” He stated, *“No.”*
 - Officer Farinas was asked, *“Was there ever a thought that his bleeding from the mouth and the spit hood would present an issue?”* He replied, *“No.”*

Officer Farinas does not believe there was any jewelry and or/eyewear present, nor was there any difficulty in applying it to Ellis due to a large size head.

Officer Farinas was asked if the application of the spit hood on Ellis was within the warnings listed on the packaging materials. He stated, *“Correct.”*

Officer Farinas was asked if anyone told him not to put the spit hood on, *“No. No, I just remember somebody calling for one, because multiple people were trying to help, uh, either render medical aid or secure the subject and I wanted to protect everybody and, ya know, I did what I did, so, ya know, at the end of the day I don’t want anybody getting sick or hurt or, ya know, I, I especially don’t want to get some disease from a blood borne pathogen so I, I felt it was necessary and in everybody’s best interest to stay protected.”*

Officer Farinas confirmed Ellis continued to make grunting noises and was writhing around after the spit hood had been applied. When asked to explain “writhing around,” he stated, *“Wri-, writhing, like wiggling, like, like I said trying to still escape restraints and...” “...resist.”*

Officer Farinas confirmed he did not observe any punches and/or strikes to Ellis while on scene.

Officer Farinas was asked about Fire’s response.

- Fire’s response time was 8 to 12 minutes.
- He believes they were requested priority three times, at least once by Sergeant Lim.
- He recalled telling other officers on scene, *“Fire needs to hurry up, they are taking forever.”*
- Officer Farinas was asked why he made the above statement, *“Because we had a subject that just fought with the police, um, was in our custody, and it was a use of force so after every use of force we have to get it cleared through Fire but due to his actions and the fact that he stopped moving, we needed a priority response to render the correct aid for him.”*
- Officer Farinas was asked, *“So, would it be fair to say that you, were you more concerned once Rankine said he had stopped moving and that there might be a problem and he was rolled onto his side?”* Officer Farinas responded, *“Correct, that would be when we upped it to a priority response.”*
- Officer Farinas confirmed he observed Fire arrive, without lights or sirens, stating, *“They did not and they came in from the east and they parked about probably a city block or a city block and a half away and, uh, they just took, legitimately took forever when they got there and it took quite a while when they were on scene, they just walked towards us very slowly when we were frantically telling them, “Hey, get over here.””*
- Officer Farinas was asked about the conversation that occurred between Fire and the officers in regard to the removal of the restraints from Ellis, *“...okay. I specifically remember one of the young, younger firefighters, I don’t know how old he is exactly, just looks like a younger, um, white male with blonde hair, the first thing he said to us when we walked up is, “What the fuck did you do to him?” That was his exact words and then, um, I remember him telling us to li-, literally, “...get him the fuck out of these handcuffs. What the fuck are you guys doing?” and, uh, then there was an argument between, not an argument just a disagreement on, I don’t know who it was between but I remember somebody saying from afar, they were like hey, we got these cuffs on him, we got him under control now, we don’t wanna let him back out and have him, you know, act back up, but then Fire insisted that we took the handcuffs off of him.”*
- Officer Farinas believes Ellis was still in the recovery position while the conversation occurred and believes the conversation lasted 15 to 30 seconds.

Officer Farinas does not recall who removed the restraints from Ellis, adding that Ellis was still on his side when the restraints were removed.

Officer Farinas was asked about Ellis’ condition when the restraints were removed, *“He was unconscious, they started CPR immediately.”*

Officer Farinas confirmed he was given a spent Taser cartridge by Sergeant Lim. Officer Farinas placed the spent cartridge in the trunk of his patrol car where it remained until he removed it and placed it into evidence at headquarters.

Officer Farinas advised that he did not have any physical contact with Ellis, with the exception of the spit hood application.

Officer Farinas confirmed he transported Officer Burbank to the Pierce County substation and did not communicate with him, per Sergeant Lim's direction.

Officer Farinas did not have a conversation with Officers Burbank and/or Collins while on scene or observe any injuries to Officers Burbank and/or Collins. He described their uniforms as "messed up and dirty."

Officer Farinas was asked if he observed anything that he believed was a violation of Department Policy. He stated, "No."

Officer Farinas was shown a cell phone video from the incident, specifically the first of two cell phone videos from A. White. Other than pointing out Officer Burbank and Officer Collins' patrol car, Officer Farinas did not provide any additional information about what was occurring in the video.

Officer Farinas was asked, "So, the allegation is unsatisfactory performance, do you believe your application of spit, putting the spit hood on Ellis acknowledging that he had been, you observed blood coming from his mouth, do you believe that application was unsatisfactory?" Officer Farinas stated, "*Absolutely not.*" When asked why, Officer Farinas stated, "*Because I was protecting everybody on scene. And, if that's wrong then I guess it's unsatisfactory. So, if the protection of our officers from blood borne pathogens or disease is wrong, then go ahead and label it unsatisfactory, but in my heart and what I believe is I was doing my job to protect everybody and myself and the fire department and himself.*"

Officer Farinas was asked if he could see Ellis' face after the spit hood had been applied. He advised he could see Ellis' eyes, nose and the top of his mouth through the mesh portion of the hood.

Officer Farinas was asked if it was an independent choice to put the spit hood on Ellis or if he was following instructions from a more senior person, "*Um, I mean I wasn't ordered, but once it was brought up, I did make the decision and assess it and say, yeah, well yeah, he's bleeding all o-, yeah he's trying to spit so this is probably the best solution to protect everybody.*"

Officer Farinas confirmed there were no policies in place when the incident occurred related to the application of a spit hood.

During the interview, Officer Farinas advised he always kept two spit hoods in his patrol car.

(It was determined through the fleet vehicle assignment spreadsheet that Officer Farinas is assigned patrol car 2891. After consulting with Assistant Chief Scruggs, it was determined that Internal Affairs would enter into patrol car 2891 in an attempt to locate the remaining spit hood. An older model TranZport hood was located that was green in color and configured differently from the spit hood that was deployed on Ellis. See Memo to File by Sergeant G.J. Roberts within this tab.)

TAB 60

This tab contains the transcribed Internal Affairs interview of Officer Masyih Ford. The interview occurred on August 24, 2021. Officer Ford was provided a copy of his transcribed interview with the Pierce County Sheriff's Department prior to the interview.

Officer Ford confirmed he was partnered with Officer Rankine on March 3, 2020.

- While on 84th between Pacific Avenue and McKinley Avenue they heard several mic clicks, Dispatch ask Henry-317 (Officers Burbank and Collins) if they had traffic, and eventually Officer Burbank "scream 96th and Ainsworth."

- While approaching the scene in their patrol car, Officer Ford observed Officer Burbank on Ellis' back and Officer Collins trying to control Ellis' legs. Officer Ford did not recall Officer Burbank's position on Ellis' back.

Officer Ford confirmed Ellis was on his stomach, describing Ellis as trying to push Officers Burbank and Collins off of him, *"So, he was like, oh I'm trying to figure out how I'm supposed to describe this, almost like Shane's on his 'er Officer Burbank's on his back and he's like moving them across the street, like kinda going southbound like towards Ainsworth type and I didn't think he was in handcuffs 'cause of the way he was like ab-, able to like move them across the street."*

Officer Ford was asked if Officer Collins was controlling Ellis' legs, he confirmed he was not, *"No he does not. Like Ellis is still kicking and I remember running up to them and I see like, okay, Sh-, Officer Burbank has his, his, uh, top half and his legs are just flying out of control like he's kicking at, um, Officer Collins. So what I did is I was like alright I gotta get this guys legs under control so he wouldn't kick me in the face and I remember like grabbing, I think it was his left leg and trying to like push it down towards his butt but I, I couldn't do it like I was, I could not push it by myself so I remember Collins helping me push his leg, wrap one on top of the other we were able to push it down and a position of control so we're not getting kicked in the face."*

Later in the interview Officer Ford was asked about Ellis' kicking, specifically if he believed Ellis was flailing with his kicks or was targeting the officers, *"H-, I reme-, I'd describe it as flailing."*

Officer Ford described Ellis' level of resistance as Active Resistance, borderline combative/assaultive.

Officer Ford confirmed he assisted Officer Collins in pushing Ellis' lower legs towards Ellis' back, where they were held until the hobble was applied.

- Officer Ford did not recall how long he and Officer Collins held Ellis' legs prior to the hobble application.
- Officer Ford confirmed he does not carry a hobble.
- Officer Ford believes the hobble that was used on Ellis was brought to the scene by a Pierce County Deputy.
- Officers Burbank and Rankine were gaining control of Ellis' upper body while he and Officer Collins were gaining control of Ellis' legs.

Officer Ford was asked how the hobble was applied to Ellis, *"Um, from what I remember, it like, they, it was wrapped around his ankles, secured that way and then they went down like under the handcuff and back through and then it cl-, I think the l-, hobble was clipped onto itself. So it was like..."* *"Y-, so they went, so the handcuff, it went under the handcuff, around out through back, back to the string and then connected."*

- Officer Ford confirmed the hobble was attached to the handcuffs that had already been placed on Ellis.
- Officer Ford did not recall how long the section of hobble was between Ellis' ankles and the handcuffs.
- When asked if Ellis' legs were around a 90-degree angle, he stated, *"Yes."*
- Later in the interview, Officer Ford was asked if he observed if Ellis' body was bowed or if Ellis' thighs were lifted from the ground as a result of the hobble application, *"I don't recall that, no."*
- Officer Ford confirmed Ellis was on his stomach when the hobble was applied.

Officer Ford confirmed his earlier statement that he does not carry a hobble. Officer Ford added that he has never received training on applying a hobble from the Department and/or during his time at the academy.

Prior to being hired by the Tacoma Police Department, Officer Ford worked as a Public Safety Officer for Pierce Transit and confirmed he did not carry and/or receive any training related to a hobble while employed there.

Officer Ford confirmed he heard Ellis state, *"I can't breathe."*

- The statement was made "a moment or two" after the hobble application.
- When asked if there was a response to the statement, Officer Ford confirmed there was, that Ellis was rolled onto his side, into a recovery position.
- Later in the interview, Officer Ford confirmed he only heard Ellis say, *"I can't breathe,"* one time during the incident.

Officer Ford was asked who initiated the decision to roll Ellis into the recovery position, *"It was kind of a group effort, I'd say. Like I remember Rankine was on h-, like was controlling his upper body and like I remember we just rolled him over but I don't remember much discussion about let's do it, jus' kinda like did yo-, it was just done."*

Officer Ford was asked if there were any indications that the other officers on scene heard Ellis state, "I can't breathe." He confirmed there was, that someone said, *"If you can talk, you can breathe."* Officer Ford was asked if he believes the statement was made sarcastically or for reassurance, *"Mm, I kinda took it sarcastically to be honest."*

Officer Ford was asked if Ellis remained on his side until Fire arrived, *"I believe he was rolled back onto his stomach again and then back onto his, into the recovery position."*

- Officer Ford confirmed Ellis was rolled back onto his stomach because he started thrashing again while he was still on his side.
- Officer Rankine was the officer that made the decision to place Ellis back onto his stomach.
- Officer Ford did not recall how long Ellis was on his stomach the second time, stating *"I don't believe it was for that long but I can't remember an exact timeline of how long he was on his stomach."*
- Officer Ford confirmed Ellis was rolled back onto his side when he stopped thrashing around.
- Later in the interview, Officer Ford described Ellis as struggling against the restraints.

Officer Ford was asked if he was communicating with Ellis while this was occurring, he confirmed he was, *"Yes, so I was like, "Hey man, just relax, you need to breathe, calm down, we've got Fire coming to you, just relax," like just stop resisting. I just tried to ask him to focus on me, um, at that point when he was in the recovery position I went from behind him to in front of him and I'm looking at him in the eye. I'm like, "Hey man, just relaxed. This is over, just calm down." And, it was like he was looking at me but he wasn't looking at me if that makes sense. And it wasn't the thousand yard stare it was just kinda like, it didn't look like he was comprehending what I was saying."*

Officer Ford was asked about Ellis' condition after being placed on his side the second time.

- Officer Ford did not have any communication with Ellis, stating, *"He'd gone quiet."*
- Officer Ford was asked if Ellis was still breathing, *"His chest was moving up and down."*
- Officer Ford was in front of Ellis while Officer Rankine was behind Ellis.
- Officer Ford was asked if Officer Rankine was putting pressure on Ellis or if he was holding Ellis to prevent Ellis from rolling onto his back or stomach, *"I believe he was holding him from making sure that he stayed in the recovery position so..."* Officer Ford added, *"And I remember, I believe I had my hand on like his thigh, I'm like, "Hey man, just relax, chill, calm down, breathe."*
- Later in the interview, Officer Ford confirmed he was not putting pressure on Ellis while Ellis was on his stomach the second time. He does not know if Officer Rankine was applying pressure or not.

- Later in the interview, Officer Ford was asked if Ellis was responsive or non-responsive while on his side the second time. Officer Ford stated, *“Non-responsive.”*
- Later in the interview, Officer Ford said he believes that after Ellis was placed on his side a second time, he remained in that position until Fire arrived.

Officer Ford confirmed he observed Taser wires coming from Ellis.

- Officer Ford said he removed the probes from Ellis, placed them in a zip-lock bag, and gave them to Sergeant Rock.

Officer Ford was asked if there was any conversation about taking Ellis out of restraints or if there was a concern that Ellis would start fighting again, he stated, *“Oh I was absolutely concerned he would start fighting again.”* Officer Ford was asked to explain this even though Ellis was non-responsive, *“So like sometimes there’s breaks in the fight or like feigned compliance but like I was like we just fought with that dude and he overpowered four of us, if we take him out of the restraints right now it’s just gonna, the fight is gonna ki-, kick right back on.”*

Officer Ford was asked several questions about the spit hood being applied to Ellis.

- Officer Ford did not recall Ellis spitting, did not know what led to the spit hood being applied, did not see the application of the spit hood, and did not know who applied it.

Officer Ford was asked about Fire’s arrival.

- Officer Ford left the area where Ellis was, *“Yes, I believe so, yes. Cause it was a break from when, when Fire arrived, they arrived very far away. And I was kinda waving them on with my flashlight, come over here like we need you guys over here now, and so I had to run over and get them...”* *“and bring them back.”*
- Officer Ford described Fire’s response as routine, advising Fire did not have their lights and/or sirens activated.

Officer Ford was asked if he was present for the conversation between Fire and the officers in regards to the restraint removal. He confirmed he was, *“So they said, “Hey we’re gonna need him out of restraints, um, so we can work on him,” and I was like, “Just so you guys know, we just finished fighting with him, he’s incredibly strong so, when you take him out we should be ready for a fight,” so they’re like, “Okay, well we understand now. We need him out of the restraints.” So he was taken out of the restraints and each like s-, several officers grabbed like one arm, another arm and both of his legs.”*

- Officer Ford did not assist in removing the restraints and did not recall who did.
- Officer Ford did not recall who was restraining Ellis after the restraints were removed.
- Officer Ford said Ellis was not actively fighting anymore and was not responsive.
- Officer Ford was asked if he could tell if Ellis was still breathing, *“Yes I could like his chest was still moving like you know when you talk to someone you just got done fighting with like, they’re like they’ll be cussing at you or screaming at you, he wasn’t doing that he was just kinda there, just kinda limp.”*

Officer Ford was asked about his observations of Officers Burbank and Collins, *“They looked beat, tired, gassed, they looked like they’d just been in a knock down, drag out fight. They were completely out of energy.”*

- Officer Ford confirmed that he and Officer Rankine took over control of Ellis from Officers Burbank and Collins.

Officer Ford was shown a video from the scene, “Cell Phone Video from Ms. White (1 of 2).”

- Officer Ford was unable to determine Ellis’ position on the ground when the video was recorded.

Officer Ford was asked, “Other than moving Ellis to the recovery position, could anything else had been done at the scene prior to Fire’s arrival that would have alleviated his breathing issue? He stated, “*No sir, I don’t believe there could’ve been.*”

Officer Ford was asked if there was any conversation about excited delirium. He confirmed there was, “*So once there was a break in the fight and I was looking, like looking at him in the face, I’m like okay he’s unresponsive, this is just kind of weird. I remember, I recall like, so like, he was super strong, he really wasn’t listening to verbal commands, like he was kinda like screaming and grunting and like the only thing that I remember him saying that was coherent was, “I can’t breathe.” I was like, could this be exc-, like could this be excited delirium, I don’t know, like I’m not an expert or anything on that but I was just like this guy went from fighting with all his might to unresponsive like...*” “*...so I remember asking Timmy, I was like Timmy is he really warm and Timmy said, “Yes, he’s really hot,” I’m like huh, then I was like I remember looking up at Sergeant Lim and I was like I think this maybe excited delirium. And then I remember him calling for Fire to step it up or something like that again.*”

- Officer Ford confirmed Fire had already been requested prior to the excited delirium conversation.

Officer Ford was asked if he Ellis was given any verbal commands like stop resisting or stop moving. Officer Ford did not recall hearing that and referred to his earlier statement about telling Ellis to calm down.

Officer Ford confirmed that he never deployed any strikes or tools against Ellis.

Officer Ford was asked if the use of the hobble on Ellis appeared to be reasonable, “*Yes, sir, it did.*” Officer Ford based this belief on the level of resistance presented by Ellis.

Officer Ford was asked “So do you believe the physical force you deployed against Ellis was outside of Department Policy?” Officer Ford stated, “*No. I believe what we did was reasonable to keep him under control.*”

Officer Ford said he did not observe anything he believed to be unreasonable or outside of policy while on scene.

Officer Ford was asked about the level of resistance presented by Ellis and the strength of the resistance during the incident, “*It was incredibly strong. Like I, I took, I remember when I was trying to get his leg into a position of control, it took everything I had, legs, my arm, my bodyweight and it still was not enough to get that leg to go down. It took both Collins’ and I’s combined strength to get him into that like to get his legs under control. So it was, it was a lot.*”

Later in the interview, Officer Ford was asked about Ellis’ level of resistance, “*It was a lot, like I’ve never had to struggle to put someone’s legs into a position of control. I’ve done that multiple time on patrol and I, I could not do it by myself. I couldn’t. I tried. I had, I had, (unintelligible) in the year, where you get those legs under control is when Collins and I put our combined strength together, which is not something I’ve really experienced.*”

Officer Ford was asked about his experience in working with Officers Burbank and Collins when force has been used, “*Absolutely, so I was on, uh, Officer Collins and Officer Burbank’s squad for a short time after I was done with training and we’ve had our fair s-, we’ve had our, we’ve used force together and it was always done and they were, it was done in a calm manner that was consistent with policy all the, every time. But, like, I’ve never seen them tired after a fight. Like I’ve never seen them like gasping for air or just like physically exhausted and when I got there and saw that, that was shocking to me ‘cause they c-, both of the, when it comes to using force and like fighting, like those are the, those are the guys I look up to, cause I’m like okay, well if they can handle it then we’re good to go but they met some resistance that they could not handle on their own and that was something I had never seen before.*”

TAB 61

This tab contains the transcribed Internal Affairs interview of Officer Timothy Rankine. The interview occurred on August 25, 2021. Officer Rankine was given a copy of his transcribed interview with the PCSD to review prior to the interview. Attorney Ann Bremner was Officer Rankine's legal counsel for this interview.

- The night of this incident, Officer Rankine was a two-officer car with Officer Masyih Ford. Their radio Call sign was Henry-031, (H031). The 031 number designator is Officer Ford's badge number.
- Officer Rankine was the driver of the patrol vehicle while Officer Ford was the passenger officer.
- Per the CAD, H031 "Arrived" themselves on their mobile computer at the incident scene at 23:24:19 hours. Per the Vivint Doorbell video, Officers Rankine and Ford are seen exiting their patrol vehicle to assist at approximately 23:24:31 hours.
- Officer Rankine and Officer Ford were the first officers to arrive to physically assist Officer Burbank and Officer Collins with detaining Ellis.

Officer Rankine was asked about how and why he responded to 96th and Ainsworth. He said in part, *"we responded because there was, uh, mic clicks over the radio. Um, and Dispatch informed us that it was, uh, Henry 317, which we just was on a traffic stop with them. Uh, so we had the general idea of where they were coming from."* Officer Rankine continued, *"Uh, eventually after a few mic clicks, I don't know the exact number, um, I pretty sure it was Officer Burbank that came on the radio, uh, yelling out for a 96th and Ainsworth. Basically just a location."* When Officer Rankine was asked to clarify Officer Burbank 'yelling' on the radio, he stated, *"Uh, I wouldn't say, to be exact it was more of a panicked voice. Uh, it was more like, uh, they were in the middle of a fight or something bad was happening and all he could get out was 96th and Ainsworth, in a panic."* Adding, *"Yeah. Not that he like he was yelling, like a position of authority, it was more of a panic kinda outburst."*

Officer Rankine was asked about where he was when he first observed H317's patrol vehicle. He said *"It was when we first made the right off of Pacific onto nine, 96th, um, so we were by the seven eleven that's right on 96th and Pacific. Um, that's when I saw their car in the distance. Um, and it was just their patrol car was in the middle of the road, um, none of their emergency flashers were on and only their back ambers were lit."*

- When asked if he was able to see H317 struggling with someone as they drove, Officer Rankine said in part, *"the only time I could see 'em was when we got pretty close to 'em, maybe two, three blocks away before we were able to see 'em and I basically I moved my car off to the right side of the road, um, and that's when Ford advised me that he saw them in front of their patrol car."*

Officer Rankine was asked about his observations when he exited his patrol vehicle. Officer Rankine said, *"Uh, I see a black male subject that was laying, so they were like, the officers and the subject were about ten, fifteen feet in front of the car, um, they're kinda lit up by their headlights of the patrol vehicle, um, black male subject was laying prone on the floor. Uh, Officer Burbank was on top of his back and Officer Collins was trying to secure his legs."* When asked about how Officer Burbank and Officer Collins were trying to secure Ellis, Officer Rankine said, *"Uh, well Officer Burbank was straddling his back and then I think from my statement it from what I recall is he was kind of sitting on him like the way I described was like he was riding a horse, um, so both his legs were draped over his arms...and sitted pointed in the same direction as where the subjects head was pointed...Which is sou-, s-, it was south direction, um, and then Officer Collins was struggling trying to secure, uh, the subjects legs by trying to wrap both his arms around his legs. The subject was kicking violently."*

Officer Rankine was asked to elaborate on statements he made from his PCSD interview regarding his initial observations of the struggle between Officer Burbank, Officer Collins and Ellis. He said in part, *"Officer Collins was basically, for lack of a better term, mo-, mirroring Ellis' le-, uh, position. So he, he*

was facing the same direction as, uh, Officer Burbank and Ellis, um, he was trying to secure both his legs, uh, with both his arms, um, and Ellis was kicking violently, so, Officer Collins kicked out both his legs to get in a prone position to get lower, um, so that Ellis could not kick him.

- When asked about the level of resistance (based on the Department’s Use of Force Policy) he observed Ellis presenting when he first arrived on scene, Officer Rankine said in part, *“using our use of force policy, actively resisting, um, and when you looked at Collins and the way he was kicking Collins, I would say almost to the point where he was assaultive.”*
- When asked if the kicking that Ellis was doing was flailing at random or if he believed Ellis was targeting one or both of the officers, Officer Rankine said, *“I think he was targeting specifically Officer Collins, um, from what I remember is he was kicking violently towards Officer Collins’ face, um, that’s why Officer Collins got in a prone position to get low-, as low as possible to secure his legs.”* Officer Rankine did not know if Ellis actually kicked Officer Collins.

Officer Rankine could not tell if Ellis was handcuffed when he initially arrived to assist. When asked about when he was able to determine if Ellis was handcuffed, Officer Rankine said, *“I was only able to tell that he was in handcuffs after we got, uh, um, side by side with Officer Burbank and Collins and we started assisting securing Ellis. Um, Officer Ford had, we had, I had helped Officer Ford secure one of, of his right leg, Ellis’ right leg, um, and then I was making my way up to help Officer Burbank secure his torso. Um, but as I was making my up, I checked to see if he was handcuffed ‘cause I was unsure if he was handcuffed and I noticed, I observed, that his, he was in fact handcuffed, um, so I just made sure, with the help of Officer Ford, to make sure that the handcuffs were secured so that he was not able to break free from the handcuffs...while we’re transitioning.”*

- While Officer Rankine and Officer Ford were ensuring the handcuffs on Ellis were secure, a loose Glock pistol magazine was located. The pistol magazine was a concern. Officer Rankine said in part, we *“didn’t know if it came from the individual, we didn’t know if it came from the other officers.”* Officer Rankine said he recalled Officer Ford asking about the pistol magazine and that, *“because no one answered, Officer Ford, I jus’ remember exactly that Officer Ford just took it and threw it off to the side, just so it would be out of our way.”*
- Officer Rankine noticed the Taser wires during this point in time.

Officer Rankine was asked to elaborate on a statement he made during his interview with the PCSD regarding Ellis pulling all four officers across the roadway as they struggled to control him. Additionally, Officer Rankine elaborated on the term “wiggle” used to describe Ellis’ movements in the struggle. Officer Rankine said, *“I mean it’s kinda how I describe it, but the way I describe it’s like a wiggle, kinda like a worm, like he was trying to just lift his upper body and his lower body, um, basically like he was trying to stand up, um, on us and that’s the best way I can describe it. Like he was just trying to move forward and backwards trying to just shake us off of him.”*

Officer Rankine also said in part, *“it’s the worm-type motion, um...but this is after he had bucked off Burbank and then Burbank had repositioned himself to gain control of his left torso area, um, and all four of us basically I had the right side of Ellis’ upper body, Burbank had the left side of the upper body, and then Ford was on the right leg and Officer Collins was on the left leg and all four of us were in the prone position, hanging on to him just trying to maintain control of him as he was trying to wiggle his way across the road.”*

- When asked how Ellis “bucked off” Officer Burbank, Officer Rankine said, *“I, he just kinda did a, he almost, I think he, I can’t say exactly but I think he got up towards his knee and just kinda to-, tossed his torso up and Burbank was in the process of transitioning up to his left side, um, it just kinda caught him at the right time and Burbank just rolled off of the side. Officer Rankine was asked to better describe his statement from the PCSD interview regarding his actions once*

Officer Burbank had been bucked off the upper torso, and it was just him securing the torso of Ellis.

Specifically, *“And that’s when I jumped, I moved my, all my weight to the middle of his body, securing my right knee over the top of his spine just below the base of his neck and then my left knee in the middle of his spine, on his lower back. At that point and time, I kicked my ankles out so I was almost in like a seated position on this individual.”*

- Officer Rankine described it in part, *“Basically...it’s the kneeling position with just your ankles kind of rolled under you, um, so you could put more pressure on. Um, don’t only where y-, from my statement to describe it is, it’s almost like you’re in a kneeling, seated position.”* After additional clarification on the description, Officer Rankine added, *“Um, for me the way I usually do the kneeling position when it comes to jus-, to arrestees or subjects, uh, I usually stay on my feet, so I stay or like sit on my ankles, um, if I need to apply more pressure, I tuck my, I basically roll my ankles in...so my shin, um, ends up resting on Ellis’ back.”*
- When asked how far Ellis managed to move the four officers, Officer Rankine stated in part, *“I can’t say exactly, um, if I was to guess, probably a few feet, um, the only thing I can think of is when we first got there and, and I explain in my statement that Collins was in a prone position trying to secure his legs, uh majority part of Collins’ body was on the curb, um, when he was dragging us across the roadway, both Ford and Collins their whole entire body was now on the roadway.”*
- Officer Rankine recalled giving Ellis commands to *“calm down”* during this time. He said no one else was giving commands.
- Officer Rankine was asked to clarify a statement from his interview with PCSD regarding how Ellis was throwing all four officers around, and Officer Rankine was having concerns that if Ellis was not properly restrained and properly held down, officers could have seriously been hurt. Officer Rankine confirmed that concern was prior to the hobble being applied. When asked if he believed that even with handcuffs on, Ellis presented that much of a threat to the officers, Officer Rankine replied, *“Yes.”* When asked to explain his thought process, Officer Rankine said in part, *“That statement was, was basically my initial thoughts after he started dragging us across the roadway. Um, I just, in my mind, I, I didn’t know what else to do, um, with the individual if he was, if four of us could not hold him down and control him, I didn’t know what else to do so that was my thought process in my statement.”* When asked if he believed Ellis would have presented a threat if Ellis was able to get to his feet, Officer Rankine stated, *“I do.”*

Officer Rankine was asked about a statement he made during his PCSD interview regarding Ellis saying, *“I can’t breathe, I can’t breathe.”* And Officer Rankine’s response to Ellis was to the effect of, *“If you’re talking to me, you can breathe just fine.”* Officer Rankine acknowledged Ellis was still resisting and struggling when those statements were made. Officer Rankine said, *“I think, my next statement that was said, uh, right after my response to him that, “I can’t breathe,” was on the lines of, “If you calm down, I will release some pressure off of you.”* Officer Rankine acknowledged that other than Ellis’ statement, there was no indication coming from Ellis or any observation he made that indicated Ellis was having breathing difficulties. Officer Rankine confirmed that this was still prior to the hobble device being applied and in the time frame of when Officer Burbank *“already had been bucked off and it was only me on his upper torso.”* Officer Rankine added in part, *“one thing I noted was that it was very weird, um, when he said, “I can’t breathe,” it wasn’t in a panicked voice, it was just like I was just having a regular conversation like from me to you, um, it was very calm, monotone, “I can’t breathe, I can’t breathe,” and then I responded.”* When asked if his response to Ellis to the effect of *“if you can talk to me, you can breathe”* was meant to be sarcastic or of a reassuring nature, Officer Rankine said, *“No, it was more of a reassuring.”*

- When asked if the amount of pressure he was applying to Ellis at this point could have affected Ellis’ breathing, Officer Rankine said, *“Not from my training and experience. I do not think so.”*

Officer Rankine was asked about what he recalled regarding the application of the hobble restraint. He stated, *"I don't remember who put it on there. I remember seeing the hobble, um, I think it's more close to a dog leash than a hobble, um, it was just a, I think, according to my statement it's like a silver carabineer with a flat black rope. That's all I remember. I don't remember who placed it on there or where it came from."*

- Officer Rankine did not recall if the hobble was connected to the handcuffs.
- Officer Rankine was asked about the position of Ellis' legs once the hobble was applied, if his legs were bent at a 90-degree angle or bent more toward his body.

Officer Rankine said in part, *"I was solely focused on controlling his upper body so I did not have the chance to look at it."* When asked if there was any bow in Ellis' body or if Ellis' thighs were lifted off the ground, Officer Rankine said, *"I don't know."*

- Officer Rankine was asked if once the hobble was applied he ever heard Ellis say, "I can't breathe." Officer Rankine replied, *"No."*
- Officer Rankine was asked what his observations were of Ellis once the hobble had been applied and prior to Ellis being moved into the recovery position. He said, *"He was still resisting but he wasn't resisting as much once the hobbles went on."* When asked how he could tell Ellis was resisting, Officer Rankine said, *"He's still was trying to do a little bit of the, the wiggle motion, um, like I previously described, but he wasn't doing it as much, uh, or as violently as he was before."*
- Officer Rankine was asked if Ellis was saying anything to him during this time, and Officer Rankine said, *"No, he's not."*

Once the hobble had been applied, Ellis was still positioned on his stomach. Officer Rankine assisted putting Ellis into the recovery position but did not recall who else helped. Officer Rankine said in part, *"I made, I made the decis-, decision, um, because after hobbles were placed that even if he was to ac-, to resist us we could still get control him better when he's on his side still."* When asked to give a time frame between the hobble being applied and when Ellis was rolled onto his side into a recovery position, Officer Rankine stated, *"I can't give you an exact estimate. Maybe a few seconds to maybe a minute, two minutes but I think it's closer to a minute. It was pretty quick."*

- Officer Rankine was asked if there were any indications that Ellis was in medical distress, and he stated, *"No."*
- When asked if he observed any injuries to Ellis, Officer Rankine stated, *"The only injuries I noted, um, per my statement, um, was his head was bleeding, with the, his forehead area was bleeding and then his hands were ple-, pretty bloody, uh, I couldn't really tell what it was s-, cut up and then he was sweating profusely. That's, that's it."* When asked if he noticed any bleeding from Ellis' nose or mouth, Officer Rankine said, *"I don't remember exactly."*

Officer Rankine said that he removed the Taser probes from Ellis. He said that one Taser probe was embedded to Ellis' jacket and the other was located around the left chest area.

- Officer Rankine clarified his position when he removed the Taser probes. He said in part it was, *"more trapping his arm so he couldn't break free of it. Um, my knee was on the ground and, if you're referring to the point where we pulled out the probes, he was already rolled over to his side, um, and I just put my knee to trap one of his arms so that he couldn't break free."*

Officer Rankine was questioned about what led to Ellis being rolled from the recovery position to his stomach. Officer Rankine replied, *"He started, um, when he was rolled over his side and he was hobbled, he started bucking pretty hard all over again and we were having a hard time, uh, maintaining control of him, uh, that's when I made the decision to roll him back over his stomach."*

- Officer Rankine was asked about how long Ellis had been on his side in the recovery position before he bucked again and was placed back on his stomach. Officer Rankine said, *“Couple of minutes, was best guess.”* Officer Rankine said no one was giving any commands to Ellis at this time and that he was *“monitoring”* Ellis’ pulse.”

Later in the interview, Officer Rankine was asked to elaborate on monitoring Ellis’ pulse. Officer Rankine said in part, *“I remember just making a note of it and even just ye-, like saying out loud was, “That’s weird,” and everyone just kinda looked at me and it was like his pulse is normal which is 80 beats, he just had been in a fight with four of us and was struggling with us for a few minutes to however long, um, and usually if anyone’s doing that, guessing your heart rate should be in the 120, 130 range, um, but his pulse was normal, 80, like he was just resting.”*

- Regarding Ellis’ breathing, Officer Rankine said, *“I remember looking at his, when he was rolled over to his side, I remember monitoring his chest, and he seemed like he was breathing just fine.”*
- Officer Rankine said during this point in time, *“he was controlling his upper body, but I don’t know who else was controlling the bottom part of him.”* When asked if anybody was applying pressure or physically holding Ellis down, Officer Rankine said, *“I was the only one that was applying pressure but it was to his right shoulder and, and that’s about it. I kinda just pinning down his right shoulder.”* When asked to explain how he was “pinning” the shoulder, Officer Rankine stated, *“Uh, just putting my knee, uh, towards the, his right shoulder blade, um, just holding him there.”* When asked to describe the position of his left knee, Officer Rankine said, *“Uh, honestly, I, I don’t remember...Possibly on the ground, possibly contact with, I, I don’t know.”*
- When asked how long he thought Ellis remained on his stomach during this period, Officer Rankine stated, *“Couple seconds to maybe, maybe a minute or two.”* Officer Rankine also stated that in part, *“I mean, he was rolled back over, um, per my recollection through my statement, uh, right as we saw Fire was coming towards us, so whe-, right as they turned onto Pacific.”* Later in the interview, it was brought up that TFD would have turned onto South 96th from South Yakima. Officer Rankine stated, *“Yeah, that might be true, but from where I was sitting, it seemed like they were turning from Pacific.”*
- When asked if he saw any medical issue with Ellis up to the point of seeing TFD arriving, Officer Rankine said, *“No.”*

Ellis remained in the recovery position until TFD arrived at Ellis’ location. Officer Rankine said that from what he observed, TFD responded *“routine.”* Officer Rankine recalled his conversation with a firefighter named “Wilson.” He said in part, *“so it’s with the, I think it was like the head firefighter, uh, a guy by the name, I remember his name tag very well, Wilson. ‘Cause I remember I was looking directly at him, uh, and I asked him, when they first got there, I asked him what they needed. They said they needed him on his back. So we assisted him, rolled him over to his back, then we jus...”*

- It was confirmed that Ellis was still in handcuffs and hobble at this point when he was rolled to his back.
- Officer Rankine continued talking about the interaction with TFD stating, *“And then Fire had asked us to take off his handcuffs and his hobbles because they needed to start an IV. And remember Sergeant Lim at that point in time was standing right next to me and I looked to Sergeant Lim, and I asked him if that was okay. And I explained to the firefighter that he had just fought four officers, that the potential risks of him regaining his energy or his strength when we take of the hobbles and the handcuffs could be pretty bad for us. Um, as in he could just end up fighting all of us again. Um, but it was a very quick conversation and Sergeant Lim gave me approval and he said, I remember right, he said something along the lines of, “Give them whatever they need,” and we just instantly took off the handcuffs and hobbles.”*

- When asked about how quick the conversation was regarding the removal of the restraints, Officer Rankine stated, *“Seconds. It wasn’t even a argument, it wasn’t a huge debate.”*
- Officer Rankine said Ellis was repositioned from his back to his side so the restraints could be removed. Officer Rankine said he *“assisted”* with the removal of the restraints but did not know who else helped.
- When asked about Ellis’ condition (responsive, non-responsive, breathing) once the restraints were removed, Officer Rankine said, *“He was breathing on his own, um, I could see, like his eyes were wide open and he was looking around, um, responsive. I, I don’t know. Fire wasn’t really asking him too many questions. Fire was more talking to us than talking to him, um, but he was breathing on his own.”*
- Officer Rankine confirmed he assisted TFD with performing *“Multiple cycles”* of CPR on Ellis.

The subject of the spit hood was not brought up during the interview with the PCSD. Officer Rankine was asked about the spit hood during our interview. When asked if he ever saw the spit hood on Ellis, Officer Rankine stated, *“I don’t, I don’t remember seeing it. I never requested it. I don’t carry one, I don’t know about it. So, I don’t know who put it on there.”*

- When asked if he ever saw Ellis spitting or heard anybody comment about Ellis spitting, Officer Rankine said, *“When he was on his side the first time after we did our weapons sweep and we removed taser probes and before he started struggling with us, he was spitting.”* When asked if he thought Ellis was targeting officers with spit or just spitting, Officer Rankine said, *“I think he was spitting to spit.”*
- When asked if he remembered if Ellis still had the spit hood on when the restraints were removed, Officer Rankine said, *“I don’t.”*

Officer Rankine did not see any officers striking Ellis when he was there. He said the physical force used while he was there was, *“more a control hold more than anything else. Uh, for all f-, four of us, um, the rest of and the other officers come th-, there was, we were just trying to control of him and hold him down...”*

When asked if he heard any officer at the scene discussing medical conditions or excited delirium, Officer Rankine said, *“I didn’t hear it. I was solely focused on maintaining control of Ellis.”*

Officer Rankine was shown the cell phone video by Aiyana White, titled, *“Cell Phone Video from Ms. White 1 of 2.”* Officer Rankine was asked to describe his position seen in the video. Officer Rankine said, *“Yeah, I think this is what I w-, you, uh, what you guys were asking about, um, when he was on his side, um, my knee was basically trapping one of his arms and his, the other knee was just on the ground just trying to gain control of his one of his arms.”*

- Officer Rankine confirmed that the video shows Ellis in the recovery position, and he is positioned behind Ellis preventing Ellis from rolling onto his back or stomach.

Detective Betts asked Officer Rankine what he believed Ellis would have done had pressure not been applied to hold Ellis down. Officer Rankine stated, *“He’d have gotten free, broken away from our grasp.”* Detective Betts confirmed with Officer Rankine that after there was no more struggling, the pressure was removed and Ellis was rolled to side. Officer Rankine replied, *“Yes.”*

When asked if he believed the force he used against Ellis was reasonable and within Department Policy, Officer Rankine replied, *“Yes.”*

When asked if he believed he violated any Department Policy during this incident, Officer Rankine replied, *“No.”*

When asked if he observed any action by any TPD officer at the scene that violated policy, Officer Rankine replied, *“No.”*

TAB 62

This tab contains the transcribed Internal Affairs interview of Officer Matthew Collins. The interview occurred on August 27, 2021. Officer Collins was provided a copy of his transcribed interview with the Pierce County Sheriff's Department prior to the interview.

- Officer Collins confirmed he was partnered with Officer Burbank on March 3, 2020, that he was driving his assigned patrol car, and that their call sign was Henry-317.

They were stopped at 96th and Ainsworth, facing westbound when they observed a subject, now known as Ellis, at the passenger side of a vehicle that was turning left (westbound) onto 96th Street. The vehicle turned slowly to avoid Ellis and eventually drove off, leaving Ellis in the middle of the intersection.

Officer Collins said he opened his window and told Ellis, *"Hey, come here."*

- Officer Collins described Ellis as jogging towards the patrol car and standing abnormally close to the patrol car.
- Officer Collins confirmed he observed that Ellis' eyes were "super wide" and he was sweating, in addition to Ellis advising he had warrants.
- Officer Collins confirmed he directed Ellis to the curb.

Officer Collins was asked what his mindset was when directing Ellis to the curb – social contact or maybe community caretaking. He stated, *"I thought it was gonna be, kinda of a 4-1-4 kinda situation, uh, drug situation where we'd end up, ya know, just calling the Fire Department. Um, that was my initial kinda thoughts."*

- Officer Collins confirmed that Ellis never made it to the curb as directed.

Officer Collins was asked about his statement where he discussed how he was about ready to notify Dispatch of their location and that they were out with one but did not because he realized something was wrong, *"Yeah. So, as soon as I told him, um, "Alright just go over to the curb and I'll call this out, and I'll be with you in a minute." And he started walking, he just, his gaze fixated on Burbank and he just walked really slowly around the car, staring at him the whole time and his hands were down below the hood of the car so I had the radio but I didn't make the call 'cause I'm not, I knew something was up, and his demeanor, the way he was looking at Burbank, everything, I knew something was about to happen. So it kinda froze me for a second."*

- Officer Collins said Ellis had a bag of something in his hands when he walked up to the patrol car.
- Ellis arrived at the passenger door where Officer Burbank was seated, and after some conversation that he could not hear, he heard Ellis say something to the effect of, *"Maybe I'll just punch you in the face,"* or, *"I'm gonna punch you in the face,"* to Officer Burbank.

Officer Collins did not recall the position of the window when Ellis began hitting it. Officer Collins was asked how many times Ellis struck the window, *"Well after, um, once or twice, I was out of the car running to the other side of the car, so I didn't wait very long, I mean as soon as, soon as I saw his intentions and he started punching,..."* Officer Collins added that he thought Ellis was punching the window hard enough to break it.

- Officer Collins believes he activated the amber flashing lights on the patrol car.

Officer Collins was referred to an earlier question during the interview, specifically what his mindset was during the initial contact with Ellis and if that changed after Ellis threatened to punch Officer Burbank and punched the window. He confirmed it did, *"Well absolutely, I mean, no matter what I wanna do, which we wanna help them, we wanna get them to facilities or whatever, w-, if he's assaultive, we've gotta get him in handcuffs before we can do anything. So, as soon as he starts trying to punch the*

window out, I no longer can just drive away or just sit there and wait for him to see how long he's gonna assault my partner."

- Officer Collins confirmed he believed it was necessary to detain Ellis.

Officer Collins was asked about his statement that Ellis picked him up and threw him down, *"So, um, the patrol is facing west, my door is open, and Ellis is over here on the passenger's side. I ran around and when I got around the vehicle, it looked like he and, and Burbank were fighting over the door. Burbank's trying to keep it close and he's like kinda pulling it open. And then he turned around to me and he grabbed me and he threw me to the front of the patrol car. So I went on my back basically where the headlights shine..."* *"in the front of the car."*

- Later in the interview, Officer Collins said he landed on his back and elbows, scraping them. Officer Collins also said his knees were banged up from the incident.

At this point in the interview, Officer Collins was shown an ortho-type photo created by Pierce County Forensics and asked to mark the following locations on the photo.

- #1. Where did you observe Ellis contacting the vehicle/attempting to get into the vehicle?
 - Officer Collins placed the location in the middle of Ainsworth in the eastbound lane of travel on South 96th.
- #2. Where did Ellis arrive at the driver's side of the patrol car?
 - Officer Collins placed the location right at the driver's door of the patrol car.
- #3. Where were you when Ellis picked you up and threw you to the ground?
 - Officer Collins placed the location at the front/passenger side wheel.
- #4. Where were Officer Burbank and Ellis when you first observed them fighting?
 - Officer Collins placed the location at the pillar between the passenger doors, a few feet north of the patrol car.
- A 5th mark was added, the location where Officer Collins believes he landed after being thrown by Ellis.
 - Officer Collins marked the location at the front of the patrol car a few feet in front of the passenger side headlight.

Officer Collins signed and dated the photo, it is included within this tab.

Officer Collins was asked about being thrown to the ground, *"So I, I hit my back and I think I rolled backwards and I kinda got up expecting him to be charging me, but he was now back on Burbank, they were engaged."*

Officer Collins was asked if he was able to see who approached who, if Officer Burbank approached Ellis or if Ellis approached Officer Burbank, *"It looked to me like, cause at that point I'm running towards the two of them, it looked to me like Shane was backpedaling and trying to get away and Ellis was going at him."* Later in the interview, Officer Collins said Ellis would have had to cover 5 to 6 feet to reach Officer Burbank.

Officer Collins was asked what was occurring, what he was observing, *"Uh, ya know, at that point honestly it was like, I mean I was running as, at a dead sprint. I got up and I was running at a dead sprint because, uh, the situation felt very serious to me. I never had someone engage us like that back and forth, um, so I thought Burbank's life could be in danger so I wasn't, I mean I just s-, sprinted and re-engaged him as fast as I could."*

Officer Collins did not give Ellis any verbal commands, adding he did not believe he had any time to give commands.

Officer Collins was asked about his statement where he discussed taking Ellis to the ground.

- Officer Collins advised that Ellis was on his back while he was in a mount position above Ellis' waist.
- Officer Collins said Ellis was reaching his hands up and grabbing at his gear (while explaining this, Officer Collins was visibly putting his hands near his neck and where the top of his vest carrier would be located).
- Officer Collins confirmed he struck Ellis in the face three to five times with his elbow.
- Officer Collins did not recall being struck or punched by Ellis, but added his jaw was sore when he woke up the next morning.
- Later in the interview, Officer Collins said the only time he struck Ellis was when he was in the mount position on top of him.

Officer Collins was asked why he went straight to Ellis' head with his impacts, *"Well, there's, there was no target at all so when I got on top, so I'm a grappler, so I want him to, the best way I can control someone is if they turn their back to me so I'm just trying to get him to turn away from me. The natural reaction of someone when you do that is to turn their face and protect their body and then that way I can get on his back and control him and get him in handcuffs."*

Officer Collins added, *"And there was no target to hit his body because the way I'm mounted over him all that is there is arms and head and he's reaching up at me so the only thing I can do is over the top of his arms."*

- Officer Collins was asked what level of resistance Ellis was presenting. He advised "assaultive."

Officer Collins was unaware of the "door check" to Ellis by Officer Burbank.

Officer Collins was asked how their position changed from where he was in a mount on top of Ellis to how he ended up behind Ellis prior to the attempted LVNR application, *"So he basically did a sit up, lunged up, his entire body and sat me up off of him and then I just stepped off with my foot, stepped around and got his back."* Later in the interview, Officer Collins was asked if it was normal to sit up and push someone off a mounted position, *"Absolutely not. Especially not someone like me, 230 pounds on top of you."* Officer Collins was asked if that was significant to him. He confirmed it was, describing Ellis' strength as "overwhelming."

Officer Collins was asked to explain what an LVNR is, *"Yeah, the Lateral, uh, Vascular Neck Restraint is where you're, you can cut off the, temporarily cut off the blood supply of both carotid arteries for a short time, it only takes a few seconds and then the subject can lose consciousness quick enough to be handcuffed and then regain consciousness."*

Officer Collins was asked how long he applied the LVNR for before coming off of it, *"I never actually applied it. I got into position and I was holding him and if you, so if you go around someone's chin and the bone structure and you start squeezing you're just gonna completely tire yourself out, waste your time, and so, and then they can also bite you. And then if you go low, you're not gonna, it's gonna be a pain compliance thing which in someone in his condition, pain does nothing. So I was trying to get it positioned correctly which is, with my hand, all of my bicep on one side and my forearm on the other side and by the time I started to get into position, I saw Burbank and saw his taser out and knew I didn't need to do it."*

Officer Collins was asked about pain compliance as it related to Ellis, since he mentioned pain compliance in his prior answer, specifically, if anything was having an impact on Ellis. He stated, *"Absolutely not."*

Officer Collins was asked about his training in regards to the LVNR, *“I’ve grappled for over 15 years so at different Jujitsu schools and in the military I was a trainer for Second Ranger Battalion for our fight team.”*

- Officer Collins confirmed he never received LVNR training while in the academy or from the Tacoma PD.
- When the incident with Ellis occurred, Officer Collins was a member of the Department’s Controlled Tactics Cadre.
- Officer Collins advised he was involved in developing an LVNR policy for TPD, but it was never official.
- Officer Collins was asked how many times he has applied an LVNR. He stated, *“Thousands.”* Officer Collins said none of the applications resulted in a serious injury or death.

Officer Collins was asked about the LVNR policy that was being developed, specifically where the LVNR was going to fit within the Department’s Use of Force Policy, *“So we had two provisions in the policy. One was that if you had outside training that would apply and was reasonable, you could use it.*

Um, and I, I told the Pierce County investigators, ya know, Burbank and I we got into an incident with an individual on PCP a few years back and got into a six minute fight in a room and it was, it was bad and looking back, knowing pain did nothing, I knew in my mind if I dealt with someone at that level of strength, at the level of intoxication, I would have to do that to end it. Because you can’t, our brains can’t keep up with that kind of, um, that did, they jus’ don’t feel pain, they don’t get tired, it’s just, it’s like dealing with a robot.”

- Officer Collins also referred to this incident during his interview with the Pierce County Sheriff’s Department. Later in the interview, Officer Collins confirmed the above mentioned incident was documented under Tacoma PD case #1728800214. See Tab 46 for additional information.

Officer Collins confirmed the level of resistance that would have allowed an LVNR application in the policy was *“Assaultive.”*

Documents related to the development of the LVNR policy mentioned by Officer Collins are contained within Tab 64. It should be noted, the LVNR policy was never implemented by the Tacoma Police Department.

Officer Collins was asked if there was a concern about the length of engagement, he confirmed he was, *“My concern is, is, uh, getting tired, um, and also having to, um, ya know, like I said with, with narcotics at that level, and when you’re dealing with someone like that, you just can’t match them strength for strength, um, it’s not like an endurance game where I can, ya know, I’m in better shape than you, it’s, it, you’re dealing with, their, their mind isn’t quite there so I’m concerned if it goes too long, I’m not gonna be able to keep up with this guy and he’s gonna either draw my weapon and kill me or kill my partner or kill a citizen.”*

Officer Collins was asked what occurred after Officer Burbank deployed his Taser on Ellis, *“Um, so like I said, I’m, I have my face kinda shielded behind his head and I’m holding on and once I, I waited until I felt him lock up and as soon as I did, I grabbed his arm and then Shane transitioned and grabbed his other arm and went to cuffing.”*

- Officer Collins confirmed they were able to place Ellis into handcuffs.
- Ellis continued to resist once the Taser cycle ended.
- Officer Collins had no idea how many times Officer Burbank deployed his Taser against Ellis.
- Officer Collins confirmed Ellis was face down after being handcuffed.

Officer Collins was asked who arrived on scene next. He believed it was either Officers Ford and Rankine or the Pierce County Deputies.

Officer Collins described moving to Ellis' legs and attempting to control them, *"Once I looked up it seemed like, 'cause then once we got him cuffed and then I switched to his legs, 'cause his legs were flying around so I kinda folded his legs over one foot behind the crook of one knee and then pushed his other leg over so he couldn't put his feet underneath him and stand up. I switched to that, my focus was all down. I'm just trying to keep his legs down so he can't stand up and then by the time I looked up it seemed like there was lots of cops there."*

- Officer Collins confirmed Ellis was still on his stomach.
- Officer Burbank was attempting to control Ellis' upper body.

Officer Collins described Ellis' resistance, *"So, if you can think about the position I described it, he's trying to basically, I guess, flex his quads to straighten his legs from me, which would then allow him to put them underneath his body and stand up. Which now we're in traffic, he's handcuffed in the middle of the street, so I'm holding his legs down and keeping him down."*

Officer Collins was asked if he believes Ellis was trying to escape or if Ellis was trying to kick him, *"Y-, yeah, I'm not sure. Whether he was trying to kick me or run into traffic, I assessed both those as the same issue that I can't let happen, so."*

Officer Collins was asked about the hobble application.

- Someone requested hobbles because they were unable to control Ellis.
- Officer Collins does not know who applied the hobble or who assisted in the application, but recalled it being placed around Ellis' ankles.
- Officer Collins did not recall the hobble being attached to the handcuffs.
- Officer Collins confirmed the incident was not stabilized until the hobble had been applied to Ellis.
- Officer Collins said he dis-engaged from Ellis during the hobble application, that he went to his patrol car and did not have any additional contact with Ellis.
- Officer Collins did not recall the angle of Ellis legs after the hobble application, if Ellis was bowed or if Ellis' thighs were lifted from the ground.
- Officer Collins confirmed Ellis was still on his stomach when he walked away from him.

Later in the interview, Officer Collins advised he was not aware his hobble had been used until the PCSD retrieved it from his patrol car.

- Officer Collins said the hobble was given to him by a Sergeant and believed it was issued to him by the Department.
- Officer Collins advised he has not received any training in the application of a hobble, during the academy or from the Department.

Officer Collins was asked how long Ellis was on his stomach for, *"I don't but I know that as soon as we started to walk away, like the moment we got up from actually detaining him, I heard Burbank say, 'Let's get him in the recover position, to the other guys.'" Officer Collins believes Ellis was moved to his side "very quickly" at the direction of Officer Burbank.*

- Officer Collins did not see Ellis kicking against the restraints.
- Officer Collins did not observe Ellis being rolled back onto his stomach.
- Officers Rankine and Ford had taken control of Ellis from him and Officer Burbank.
- Officer Collins was aware that medical aid was already en route and that it had been requested by Sergeant Lim. He believes Officer Burbank requested it as well.

Officer Collins was asked if there was an opportunity to request medical aid during the struggle with Ellis, *"No. In fact, uh, there was a few times I tried to just call out our location and as s-, soon as I got*

to my mic he grabbed me or grabbed my gear or grabbed my face, something so I'd immediately have to go back to him. I thought I got out a couple times but apparently it, from what I heard, I did not. I was trying to call out our location."

Officer Collins was asked about the spit hood.

- As soon as he left Ellis, he heard people saying that Ellis was spitting.
- He did not see the application of the spit hood and does not know who applied it.
- He observed the spit hood on Ellis while Ellis was on his side.

Officer Collins was asked if he observed any signs of medical duress from Ellis, *"Um, I mean, I, I remember thinking that he was excited delirium be-, because of the manner in which he approached my car, his eyes, his sweating, 'cause it was cold that night, he was just like covered in sweat and then his strength. It just, everything kinda lined up and the moment he threw me, I remember just thinking like, I got excited delirium on my hands."* Officer Collins added, *"That was as much of a medical situation as I thought and we wa-, ya know, I always wanna help somebody but we kinda gotta stop them from attacking us before I can do that so they gotta be in handcuffs."*

- Officer Collins was not aware of any respiratory issues with Ellis during his contact with him.

Officer Collins was asked about a statement he made during his interview with Pierce County, specifically where he discussed how Ellis was pressing the fight, that Ellis never tried to disengage, *"Absolutely, so you know everytime that I've been in like a quote, unquote fight, what police would call a fight, in the job, it's usually someone that's trying to get away. So it's usually, it's a scuffle, there pushing you and then they're immediately running. Ellis, when I came around, so first of all, he started the aggression because, ya know, we, we don't even know what we have, we're here to just help this guy. He starts the aggression by trying to break my passenger side window and pull my partner out, so that's number one. Then he throws me and then when I get up I expect him to either be coming at me or running and he's going back at Burbank, so he had plenty of time after throwing me to take off down the street. I mean, Burbank was still all the way back by the car, he coulda split the houses, he coulda done a lot of things but he didn't. He went back to Burbank and then back to me so there was multiple chances where he showed me his intention and he had plenty of room to get away if he needed to."*

Officer Collins observed some small lacerations on Ellis' face, likely from the strikes received while on the ground or from the street when he was face down.

At this point in the interview, Officer Collins was shown 4 videos.

- Cell Phone Video from Ms. McDowell (1 of 2).
- Cell Phone Video from Ms. McDowell (2 of 2).
- Cell Phone Video from Cowden.
- Vivint Doorbell Videos All Merged.

Cell Phone Video from Ms. McDowell (1 of 2):

- The video was played for Officer Collins.
- Officer Collins confirmed he was the officer with his back to the camera when the video started.
- Officer Collins said Ellis had already picked him up and thrown him to the ground and engaged with Officer Burbank prior to the beginning of the video.

Cell Phone Video from Ms. McDowell (2 of 2):

- The video was played for Officer Collins.
- Officer Collins confirmed Officer Burbank was directing Ellis to put his hands behind his back.
- Officer Collins was asked about the phrase, *"You're going to get it again."* He guessed it was Officer Burbank referring to another Taser deployment against Ellis.

Cell Phone Video from Cowden:

- The video was played for Officer Collins.
- Officer Collins confirmed he was positioned behind Ellis, with Officer Burbank in front of Ellis.
- Officer Collins was asked about the positioning on his knees, specifically if he ever placed a knee on the back of Ellis' neck. He stated, "No."

Officer Collins added, "You want to try and center it on, on their back, or in between their shoulder blades to keep, keep them from leveraging up. The head actually really doesn't really do anything for you, so I, I never do that. Cause that gives you all your leverage in your hips to stand up. If your heads down, it doesn't do anything. Appears to me like Ellis is swiping the wires right there."

- Officer Collins commented that it appeared Ellis was swiping at the Taser wires in an attempt to remove or break them.

Vivint Doorbell Videos All Merged.

- The video was played for Officer Collins, who was also provided a transcription prepared by Internal Affairs. The transcription is contained within Tab 27.
- Officer Collins was asked who growled and yelled, "try again. (at 1:16 in the video)" Officer Collins does not know who made the statement.
- "I can't breathe sir, I can't breathe," is heard is heard at 1:44/1:45. Officer Collins did not recall ever hearing Ellis state, "I can't breathe," or anything similar.
- Officer Collins was asked who said, "shut the fuck up." (1:58)?
 - Officer Collins stated, "I mean, it sounds like they're just talking. I will tell you if, I, I've ridden with Burbank for awhile, and known him for a long time, I don't think I've ever jus- heard him, heard him say the "F" word. So, if it was somebody, it was probably me. I don't recall saying that, but from that video, I do not hear him saying, "I can't breathe," and me telling him to, "Shut the F up," uh, but I hear some mumbling."

Officer Collins was asked if he has a good understanding of the Department's Use of Force Policy that was in place when the incident occurred. Officer Collins indicated he did, "Yes sir."

Officer Collins was asked, "Based on your knowledge of the Use of Force Policy, do you believe you violated the Department's Use of Force Policy?" Officer Collins stated, "Absolutely not."

Officer Collins did not recall telling Ellis to "shut the fuck up," adding, "But like I said, if it's between Shane and I, uh, um, I don't h-, think I've ever heard Shane say the F word."

Officer Collins was asked if it would be a violation of the Department's Courtesy Policy if it was said. He stated, "It would be."

Officer Collins was asked if he observed anything that violated policy. He stated, "Mm, not if, besides my swearing, sir."

Officer Collins was asked, "Have you ever had the occasion in which policies have exceptions to 'em for things like when you're in dramatic fights for things like courtesy?" and responded by stating, "Um, I would hope that he would use common sense to know that if you're in a life and death fight, that things are said, but I mean the policy I understand is, that's what it's for."

TAB 63

This tab contains the transcribed Internal Affairs interview of Officer Christopher (Shane) Burbank. The interview occurred on August 31, 2021. Officer Burbank was given a copy of his transcribed interview with the PCSD to review prior to the interview. Attorney Wayne Fricke was Officer Burbank's legal counsel for this interview.

- The night of this incident, Officer Burbank was a two-officer car with Officer Matthew Collins. Their radio Call sign was Henry-317, (H317). The 317 number designator is Officer Collins' badge number.
- Officer Collins was the driver of the patrol vehicle while Officer Burbank was the passenger officer. They were using Officer Collins' assigned vehicle.
- Officer Burbank used his portable radio at 23:22:13 hours and was able to broadcast where he and Officer Collins were located, 96th and Ainsworth.

Officer Burbank gave the following description of his observations that led up to the encounter with Ellis.

Officer Burbank said, *"Um, we were stopped at the intersection. It was a red light intersection. Uh, we were at the very front at the, uh, stop bar. Um, waiting for the light to turn green. We were heading, what direction is that, west towards like Hosmer Street, I think that's westbound. Um, and there was a vehicle stopped at the intersection on Ainsworth waiting to make a left, west turn onto 96th. Um, and right about the time it started to actually make that turn, um, a gentleman ran into the intersection, like stopped the vehicle from moving and then ran to the, uh, passenger side door and started like ripping at the door handle, trying to open the passenger door."*

- Officer Burbank confirmed Ellis did not get into the unknown vehicle and the vehicle *"just kinda kept going, trying to get away from him it looked like and then eventually just turned and then kept going on, uh, down, uh 96th Street westbound."*
- Officer Burbank said his *"impression at the time"* was the unknown vehicle was trying to get away from Ellis. That the driver/vehicle did not know Ellis.

Officer Burbank was asked about Ellis approaching their patrol vehicle. When asked if Ellis started toward their patrol vehicle before or after Officer Collins rolled down his window and engaged Ellis, Officer Burbank stated, *"I, I don't remember that part. I just remember he started coming towards our vehicle."* Officer Burbank was later asked to clarify if Officer Collins called Ellis to the patrol vehicle or said anything to Ellis while Ellis was in the middle of the intersection. Officer Burbank said, *"I don't remember if he did or not. I can't recall if he did."*

- Officer Burbank described how Ellis came to the patrol vehicle. He said in part, Ellis *"was kind of quick, I don't know if it was at a run, um, or like a jog, but it was like quickly coming towards our car. He was trying to close that distance quick."*
- From what Officer Burbank recalled, Ellis *"came straight up to the pa-, uh, the driver's door where Collins was. Like right up onto the window."*
- Officer Burbank said he recalled Ellis *"was carrying some type of bag. I'm not sure what was in there. I think it was a plastic bag and I think maybe some water or something. Like a jug of water."*

Officer Burbank was asked about the initial conversation Ellis had with Officer Collins. Officer Burbank said in part, *"I remember Ellis was like very, trying to think of the right word is, just it, hyper aware..."*

- Officer Burbank referred to his transcribed interview with PCSD and added, *"I used the term 'hyper vigilant.' He w-, he was like that, kind of almost like pacing back and forth and kind of like darting his eyes around looking around...And, um, he extremely sweaty and he said something about he had warrants and needed help. And was just kind of, uh, very hyper vigilant."*
- When asked if he had concerns regarding Ellis' behavior, Officer Burbank stated, *"Oh yeah, its, that wasn't normal behavior I didn't felt like he was in a intersection, trying to open a car door, um, and then he was sweating. I remember it was cold that night, uh, sweating profusely, and then most people don't run up to our cars, in my experience, and say, 'I have warrants.'" "It's just not a common occurrence in my experience."*

- When asked what he felt his enforcement options were with Ellis at that point of the encounter, Officer Burbank said, *“I think at that point I f-, not sure, I think at that point it was more of community caretaking ‘cause I don’t know if he has warrants or not. That’s not, but, you can tell me you have warrants, that don’t mean anything, I don’t even know who you are, um, but something wasn’t right. Just the fact that he was in the intersection stopping traffic and then approaching our car in that sweaty manner and just, it just didn’t seem right.”*

At that point, Officer Collins directed Ellis over to the sidewalk. Officer Burbank said Ellis did not make it to the sidewalk. Officer Burbank was asked to describe what Ellis did as he was walking in front of the patrol vehicle.

Officer Burbank said, *“So as he’s walking around the front of the patrol car, instead of going directly to the sidewalk, he kind of focuses in on me and comes directly to my passenger side window. Um, I put the window down slightly so I could tell him, “Hey, go to the sidewalk so we can pull over and help you. We’re stopped in the roadway, can you just go the sidewalk and we’ll, we’ll get out and help you.” Uh, he said something to the effect of, um, “It’s really hot. I just need to cool down. I need to sit down for a few days,” and then immediately says, “I’m gonna punch you in the fuckin’ face,” out of nowhere and he starts to rear back and hit the, so I start put the window up really quick and he starts striking the, uh, the window I’m at several times with his fists. What I thought to be as hard as he could.”*

- When asked how many times Ellis struck his window, Officer Burbank said, *“Um, I think I said in my statement, let’s see, I said in the statement probably two or three times. It was at least two or three times. It was several times very hard.”*
- Officer Burbank was *“certain”* Ellis struck the window and not the window frame.
- When asked how far the window was rolled down, Officer Burbank said, *“Um, I can’t recall exactly but I know I didn’t put it all the way down. I would never let someone approach my car window and put my window all the way down.”*
- Officer Burbank did not recall if the passenger window was all the way up or going up when Ellis began striking it.
 - Note: Later in the interview, Officer Burbank commented on forensic images he was shown of the patrol vehicle’s passenger side window from the scene and asked to specifically address the unknown white substance and other markings on the window. Officer Burbank advised the interviewers that after his physical encounter with Ellis was over and other officers were at the scene keeping Ellis detained, Officer Burbank went back to the patrol vehicle and sat in the passenger seat to recover with the door closed. Officer Burbank stated while he sat in the patrol vehicle, several officers came to the patrol vehicle’s passenger door and asked him how he was doing. Officer Burbank said he rolled the window up and down several times to converse with the officers. Officer Burbank rolling the window up and down to speak with other officers at the scene more than likely altered the way the window appeared immediately after it was struck by Ellis.
- Officer Burbank was asked what Ellis did with the grocery sack and jug of water before he stuck the window. Officer Burbank stated, *“I don’t recall exactly, but I believe he actually dropped them on the ground. From what I recall, he had a empty closed fist when he was striking the windows, I don’t think anything was actually in his hand.”*
- Officer Burbank was asked if Ellis threw any items at the vehicle, and he replied, *“Not that I’m aware of, no.”*

At this point in the interview, Officer Burbank was asked if his enforcement options of Ellis had changed since Ellis punched the window and threatened him. Officer Burbank stated, *“...yes. Then he was attempting to assault me at that point and needed to be detained.”*

- When questioned further, Officer Burbank added, *“At that point I’m, I have probable cause that he is attack-, he’s, he’s made the verbal threat to assault me and he’s, uh, actively attempting to assault me at that point.”*

Officer Burbank was asked to continue describing what occurred after Ellis made the threat and punched the window. Officer Burbank stated, *“Um, after he had struck the window a couple times, it didn’t break, um, he immediately went to grab the door handle and, I can’t remember if the door was, I’m pretty sure I reached down and made sure the door was locked real quick and I just started holding onto the door so he didn’t rip, try to rip the door open ‘cause he, after he got ahold of the door handle he started actually trying to pull the door open.”*

- Officer Burbank was asked if he felt Ellis was a threat to him if Ellis could get the door open. Officer Burbank stated, *“Oh yes. A hundred percent because I was seated in the patrol car with a seatbelt on, I’m right handed, um, and I can’t defend myself sitting in the patrol car with my left hand.”*
- When asked if he was able to see what Officer Collins was doing at this point, Officer Burbank stated, *“No. At that point my whole concern was jus-, I had all my attention holding that door.”*

Officer Burbank was asked to continue with his account of events. Officer Burbank said, *“Um, the next thing I’m aware of, Officer Collins had went ar-, had exited the vehicle and went around the front of the vehicle and had made some type of verbal contact with him [Ellis] that got his attention, ‘cause he kind of lost his focus on the door and focused back towards the front of the vehicle where Officer Collins was.”*

- When asked if he saw any of the initial physical contact between Ellis and Officer Collins, Officer Burbank said, *“No. Not at all.”* Later in the interview, Officer Burbank confirmed there was a moment of time when he was exiting and locking the patrol vehicle that he was not observing Ellis and Officer Collins. Officer Burbank added in part, *“I did not see their initial first contact with each other. I don’t know how that happened. I just know that it happened after I had struck Ellis with the car.”*
 - Officer Burbank was later asked specifically if he observed what Officer Collins referenced in his interviews regarding Officer Collins’ initial physical encounter with Ellis, that Ellis picked him (Officer Collins) up and slammed him to the street. Officer Burbank said, *“No, if that happened, that happened when I was back, I guess probably locking the door or something. I, if that was the initial contact with him, that’s what I didn’t see.”* It was clarified with Officer Burbank that he was not saying Officer Collins’ description of that portion of the encounter did not occur, rather Officer Burbank was not in a position to observe it.
- Officer Burbank was asked to elaborate from his PCSD interview statement regarding hitting Ellis with the passenger door. Officer Burbank said, *“Right, because he had, he had turned to f-, I remember he had, when he lost focus to the door he had turned to actually focus on Collins and kinda squared up like he was ready to fight him at that point. I knew that I needed to get out of the vehicle with him standing at the vehicle so I had to push the door open which also would cause him to, I guess, kind of lose that focus on Collins for a second.”*
- Officer Burbank was asked about the term “squared up” and if he observed other pre-attack indicators from Ellis. He stated, *“Not that I recall. I don’t recall hearing him say anything ‘cause I know the window was up, the door was still shut but just that focus on Collins that he had squared up like he was ready to fight him.”* Later in the interview, Detective Betts came back to this point with Officer Burbank. Detective Betts had noticed that as Officer Burbank answered the question about pre-attack indicators, Officer Burbank was clenching his fists. Detective Betts asked Officer Burbank if clenching his fists was something Ellis was doing as he squared up with Officer Collins and Officer Burbank said, *“Yes.”* Adding, *“When I, when I, when I, when I use*

the term “squared up” um, very common to see that when someone’s about to fight you I guess in this line of work and they’ll usually square their chest up to you, uh, clench their fists, that type of behavior.”

- At this point of the encounter, Officer Burbank put Ellis at “*assaultive behavior*” based on TPD’s force continuum.
- When asked about Ellis’ reaction to getting hit with the passenger door, Officer Burbank said, “*He didn’t go to the ground, I know he did not go to the ground. I don’t even think he went to a knee. I think he just kind of more bumped off of it and then I was able to get out of the door...I don’t think it was that effective at all actually.*”
- When asked about where Officer Collins was when Ellis was hit with the door, Officer Burbank said, “*He was still a the front of the vehicle as I, I don’t know though. ‘Cause that was, I didn’t see him, uh, eh, at that moment.*”

Officer Burbank was asked to continue with his account of events after striking Ellis with the vehicle door. Officer Burbank said, “*Um, I start to exit the vehicle and I realize the car is still running so I reached back in and actually physically lock the doors cause we had the vehicle running with a rifle in there and another rifle in the back so I didn’t want the, um, Ellis to get I guess access to anything in the vehicle.*” Officer Burbank continued from the point of securing the patrol vehicle. He said, “*Um, by that time, check my report real quick, as though they were, they were in some type of physical contact at the f-, kinda the front of the vehicle around the like, I guess, the front right passengers, or the front right tire, or the front right headlight.*”

- Officer Burbank was asked to clarify a statement he made during his interview with PCSO, specifically, “*Once I’m able to get the door locked and exit, I’m not exactly sure, I don’t recall if Officer Collins and the suspect were already on the ground or I know they were in some type of contact with each other. Kind of wrestling around and I’m not, I don’t recall if they were still up on their feet but they were already on the ground.*” Officer Burbank was asked to clarify if Officer Collins and Ellis were on their feet or on the ground. He said, “*I don’t recall, it was such a tangled mess, ag-, it was just like they were in physical contact with each other. It was, I don’t recall them being clean on the ground but I don’t recall them being on their feet at the same time. It was just like them together in front of the ve-, like at the, the corner of the vehicle.*”
- When asked how they disengaged from each other, Officer Burbank stated, “*I know that, what I do recall was Officer Collins was, kinda had Ellis like wrapped up, trying to pull him to the ground at one point and Ellis was just striking, like Collins repeatedly with just like both hands while Officer Collins was trying to like pull him to the ground.*” Officer Burbank said Ellis was hitting Officer Collins, “*kind of everywhere it looked like. He was just like wild strikes. I’m not sure if anything was connecting good, I just know that he was swinging pretty much what I’d remember is fast and as hard as he could at Collins. Um, and I do recall Collins trying to reach for the radio and saying “fighting.” I remember him saying that and I thought he was trying to get out on the radio and said “fighting.” And it was around that area and that around that time, um, at that point I started trying to pull Ellis off of Collins and I also started striking at Ellis.*” Officer Burbank was asked about where he was striking Ellis. He said, he was using his closed fists and striking Ellis “*Just anywhere I could. Um, he was throwing wild strikes, I was trying not to get struck as well, um, I can’t remember if I put it in my report, for my, uh, first interview. Yeah, is said I was just delivering strikes to his body. Just anywhere that I could strike at that point.*”
- Officer Burbank was asked if Officer Collins was striking Ellis at this time or did Officer Collins separate from Ellis. Officer Burbank said, “*I don’t know if he’s striking him, um, cause I believe at that point he was still just mainly just kinda trying to maintain or pull him to the ground, um, and that’s when I started striking at Ellis trying to break him off of, uh, Collins, um, once I started striking at Ellis it kinda looked like he had lost focus on and then kinda focused on me. He like directed his attention to me, is what I’d describe it as.*”

Officer Burbank continued with his account of the physical encounter with Ellis. *“Um, once he kind of focused on me, I re-, well I realized my strikes weren’t being effective. This guy seemed very strong, nothing was working strike wise on this guy, um, I was gonna try to deploy my taser see if that had any effect but I knew I couldn’t deploy it right there ‘cause y-, we were right on top of each other. So I actually turned and try to break and get some distance between myself and Ellis to actually draw my taser out so I could get a shot off on him and have some type of spread with the probes, um, I ran I’d estimate probably 10 to maybe 15 feet away from the vehicle, like into the intersection trying to get that distance so I could get my taser out. Um, thinking maybe, “alright if he breaks off of Collins and he takes off, he takes off,” um, but as I got the intersection it kinda turned over my, my shoulder he was right on top of me, Ellis was physically chasing me into the street. And he was right on top of me...Um, we came into contact and I tried to kinda turn and defend myself, think I may have tried to strike at him but he was right on top of me and struck me and I went to the ground.”*

- When asked if he recalled where Officer Collins was during this point, Officer Burbank said, *“No. I, I assume he was still probably around the front of the vehicle but I’m not sure... ‘Cause my focus was trying to get Ellis off of him and then trying to get that distance and to get my taser out.”*
- Asked if he was striking Ellis as he and Ellis reengaged, Officer Burbank said, *“I think. I don’t know if I’m striking him but I’m trying to just defend myself at this point. I’m just kinda turned and just like, he’s just right on top of me.”*
- Asked if Ellis was striking him at this point, Officer Burbank said, *“Yes.”* Asked where Ellis hit him, Officer Burbank stated in part, *“like kinda like flailing right on top of me.”* When pressed to answer where Ellis hit him, Officer Burbank said, *“Anywhere he could.”* Asked again, Officer Burbank stated, *“Um, I don’t recall exactly, need to, if I just stated in the interview. Said he was just kinda swinging wildly but he, I distinctly remember getting hit one time in the face. Like in the mouth area at that point.”*
- Officer Burbank was asked if he and Ellis were face to face at this point of the encounter. Officer Burbank said, *“I wouldn’t even say, well we were face to face but it was not like on our feet, it was like...contact and then I was on the ground.”*
- Officer Burbank said Ellis did not get on top of him.

Officer Burbank was asked if Officer Collins reengaged Ellis during this point of the encounter. Officer Burbank said, *“Um, when I w-, got back up and kind of got my bearings, um, cause I’d went to the ground, Collins, I believe Collins was on top of Ellis at that time, I’m not exactly sure if Ellis went to the ground when he struck, when we came into contact, or if Collins took him to the ground.”*

- When asked to describe Ellis and Officer Collins’ position, Officer Burbank said, *“Um, from what I recall, Ellis was on his back and, uh, Collins was kind of on top him, mounted and like striking him.”*
- Officer Burbank believed Officer Collins was using *“his right forearm or maybe his elbow”* to strike Ellis.
- Officer Burbank did not recall the exact number of strikes by Officer Collins but said *“There were several strikes.”*
- Officer Burbank said he reengaged during this point and *“came back in and actually tried to kinda grab his legs and maybe control his lower body as well ‘cause I know he was flailing around...while...while, um, Collins was on top of him.”*
- Officer Burbank was asked if Ellis was able to get off the ground, and he stated, *“He eventually was, I, I do recall he was able to get, somehow he was to get off the ground, ‘cause it, shortly after that, Officer Collins was actually behind Ellis at that point.”* When asked how that transition occurred, Officer Burbank said in part, *“I don’t recall the exact transition but my interview I’d stated that he had just h-, he regained his footing and Officer Collins had got to his back. I don’t...recall it specifically.”*

Officer Burbank was asked if he had his Taser out at this time. *He said No, I don't believe I never even got it out, I don't believe. But I don't, I don't recall. I don't think I had time to d-, to deploy it yet.*"

When asked about using the radio during this point of the encounter, Officer Burbank said in part, *"Collins had tried to get on the radio, like I had said, he had said "fighting." I remember him saying "fighting" like he would say on the radio. I don't know if he keyed out, I don't really know if he got ahold of it but the way he said it, it was like he was calling that on the radio, "fighting."...Um, but at that point I had not been on the radio, no."*

Officer Burbank was asked about giving verbal commands to Ellis during this time and how Ellis responded to those commands.

Officer Burbank said, *"I know at some point I was telling him to put his hands behind his back trying to handcuff him, I, it was just so fast, I don't recall my exact commands at all...but I know there were verbal commands given during this."* Officer Burbank said Ellis' response was, *"he was not responsive to anything. It was more just like a growling or like a aggressive scream from him the entire time."*

At this point of the encounter with Ellis, Officer Collins was behind Ellis. Officer Burbank was asked to describe what he saw Officer Collins attempting. Officer Burbank said in part, *"It looked like Collins was attempting to place an LVNR on Ellis."* Officer Burbank was asked to give his understanding of the Lateral Vascular Neck Restraint, (LVNR). He said, *"Um, it just a, it's a neck restraint that, um, affects the blood flow to the brain that can momentarily, I guess, incapacitate someone so they can be handcuffed and, um, put under control."* When he was asked if those were the results he observed with Ellis, Officer Burbank stated, *"No, not at all. He still looked like he was trying to throw Matt off and, I, buck Collins off while he was attempting to apply this LVNR."*

Officer Burbank was asked about this point of the encounter and his first Taser application. He said in part, *"I'd, I got to my feet during that time and was able to draw my taser, or had my taser, um, and when I finally had a shot, or like a good target presented to me at one point Ellis kind of opened up, I guess his torso area, that's when I deployed the taser."*

- Officer Burbank discussed the results of the first Taser application. He said, *"It was effective. He immediately kinda like we got that, uh, incapacitation effect of, that we were looking for with the taser deployment."*
- When asked about what took place while Ellis was under the Taser's effect, Officer Burbank said, *"At that point Officer Collins had physical control of him. I assumed he was trying to get him over, I d-, I don't know, I just had the taser, uh, but it had stopped that, it had stopped like that im-, that assaultive, ya know, behavior that he was having, um, but as soon as that sec-, that uh, cycle was over, he had gained like that strength back I guess, there was, he was back to, ya know, kinda bucking and throwing Collins around."*
- Officer Burbank believed the first Taser application was a full 5-second cycle.
- Once the cycle ended, Officer Burbank said Ellis, *"He's kind of, he's like he, he's kind of regained that strength and starts to get to his feet again."*

The second and third Taser applications: Ellis regaining his strength and starting to get to his feet again led to a second Taser application by Officer Burbank. Officer Burbank said in part, *"I gave him a second application at w-, at which point Officer Collins, we were able to get him kind of on his stomach into more of a handcuffing position during the application."*

- Officer Burbank was asked about his positioning during this time. He said, *"I don't recall that point when I, 'cause when I deployed the taser that second time, I didn't have any physical contact with him but once he was in a like prone handcuffing position that's when I went to control like lowered his lower body. I kind of wrapped his legs up with my legs on the ground."*
- Asked if he recalled Officer Collins' positioning during this time, Officer Burbank said, *"No, I don't. Let me look through my interview really quick. Uh, I'd stated that, um, I was focused on"*

trying to pull his right arm out from under his body and Officer Collins was co-, trying to control his left arm. Cause at tha-, when he initially went to the ground, when we got him in that handcuffing position, he had went down with both arms directly under him, like pinned under his body.”

- Officer Burbank described trying to handcuff Ellis with Ellis’ hand tucked underneath his body. He said in part, Ellis *“seems like he’s got that, like I’d mentioned earlier, that strength like he was almost like, almost able to buck us both off of him trying to control him, um....”*

Asked how Ellis was trying to buck, Officer Burbank said in part, *“Well, I guess just kinda like throw his body backwards, does that make se-, if that makes sense, kinda like a horse or somethin’ I can’t really...”* *“Um, I know he was also trying to kick his legs cause I had, I recalled actually wrapping, trying to wrap his legs up with mi-, like kinda pin his legs between mine, I guess my thighs would be the. When asked if Ellis was kicking to assault officers or if he was kicking to get away, Officer Burbank said, “They were just, they were wild flailing, Um, I don’t think he was trying to get away at any point, um, the entire time that we were in contact with him, I never felt he was trying to evade us. My contact with, he w-, coming at me that initial contact after he’d broke away from Collins, I just, I don’t think he was ever trying to get away. I think if anything he was trying to get to his feet to continue assaulting us.”*

- When asked if there was ever opportunity for Ellis to flee during the encounter, Officer Burbank said, *“Multiple times. Yes.”*
- Officer Burbank continued to describe attempting to handcuff Ellis. *“I remember the, uh, the first we were able to get his left hand in a handcuff the quickest. That was the first handcuff we were able to get on a left hand. His right arm was still tucked un-, under him for a significant amount of time. Um, I end up, I know I deployed the taser again, trying to, uh, get that compliance, get that hand out from under him.”*

Eventually, Officer Burbank and Officer Collins were able to get Ellis into handcuffs. As far as Officer Burbank was aware, he and Officer Collins were the only officers on scene during that time. Officer Burbank said Ellis was still on his stomach at that point. When asked what his position was, Officer Burbank said, *“I am mo-, I’m still kinda that straddled around like I guess his butt, trying to pin his legs.”* Officer Burbank did not recall what Officer Collins’ position was.

Officer Burbank was asked if he maintained that position on Ellis until other officers arrived. He stated, *“I, I believe I did. The first officer I remember showing up on scene was, uh, Sergeant Lim, cause I remember we were facing south, we were kind of in the intersection facing south at that point, down towards, um, down Ainsworth Road. Um, and I remember the first car I recall was Sergeant Lim pulling up from, coming from west to east and him running over and I r-, I specifically remember him running up and trying to like grab Ellis almost like he didn’t think he was handcuffed yet. Like him grabbing to try to force his hand behind his back to our handcuff, but I said, I remember saying, “No, he’s cuffed,” and I just kind of rolled off of him at that point.”*

- When asked how he knew it was Sergeant Lim that arrived, Officer Burbank stated, *“I just recall his silver SUV and car number. That’s the first thing I remember seeing cause I know he’s, he was, uh, he’s our supervisor, he had that same car since I’ve worked for him and I just remember his silver SUV pulling up and seeing the car number.”* When asked if there was any chance it was a PCSD Sergeant he saw arriving and not Sergeant Lim, Officer Burbank stated in part, *“at the time I was pretty sure it was Sergeant Lim. That’s the first person I remember...having any contact with.”*

(Investigator Note: By timestamp and other interviews, Sergeant Lim would not have been present during the application of the leg restraints. It was most likely PCSD Sergeant Sanders.)

Later in the interview, Detective Betts asked Officer Burbank if it was possible that other officers arrived before Sergeant Lim and he was not aware of their presence. Officer Burbank said, *“Um, I later found*

out that, uh, Rankine and Ford were actually the first ones there and then I again later found out that I guess two officers from County were there as well. I was completely unaware of that I just remember being focused on restraining, uh, Ellis and then seeing Sergeant Lim's car arrive and park next to me." Officer Burbank confirmed that Ellis was still on his stomach when additional officers arrived. Officer Burbank was asked about the application of the hobble device and what led up to the use of that. Officer Burbank stated, "Um, he was, after being handcuffed, um, he was still violently kicking, uh, flailing around, kicking his legs, um, I think there was an officer, maybe two officers, I'm not sure who, I was actually still trying to control his legs at that point from kicking, um, someone had asked about a hobble. I'm not sure who. And I remember someone ran up and said they didn't have hobbles, someone had been looking for hobbles, they didn't have 'em, and I knew that we had hobbles in our car so I went and got the hobbles out of our glove box and brought 'em back."

- When asked who was controlling Ellis while he left to retrieve the hobble, Officer Burbank said, "I, I don't know if his leg, um, like I said I remember Sergeant Lim, he was the first officer I remember being there, but I kind of got that relief from him for a second and got u-, ya know, left that contact with Ellis. The next thing I know there was numerous officers there. I'm not sure who all was there."
- Officer Burbank was asked to describe the application of the hobble on Ellis. He said, "Uh, yeah, we, um, I remember Sergeant Lim helping me control his legs so we could get the hobble wrapped around his ankles. Cause I, I r-, I specifically remember Sergeant Lim on the right side of Ellis hol-, trying to control his legs so we could get the hobbles wrapped around his ankles."
- When asked how the application process was completed, Officer Burbank said, "Um, we, uh, re-, secured them to his handcuffs."
- Although he did not recall the exact position of Ellis' legs, Officer Burbank estimated once the hobble was applied, Ellis' legs were bent at a "90 degree angle."
- When asked if the hobble used was Department-issued, Officer Burbank said, "I believe it is, um, I just recall me and Officer Collins had been partners for several years, three maybe going on four years at this point and I remember that hobble being in his first issued patrol car of seven forty. Um, I always assumed it was a issued piece of equipment."
- Officer Burbank said he has used the hobble device on other subjects in the past. He said he has not received any Department or outside source training on the application of the hobble.

Officer Burbank was asked to explain a statement from his interview with the PCSD regarding Ellis spitting at officers. Officer Burbank said, "Yeah, I remember he was still on his stomach and he was looking backwards trying to spit at officer that were around him. Like I said, there were several officers at that point, um, all ov-, all around and he was just trying to spit on officers."

- Officer Burbank did not recall seeing any blood around Ellis' mouth at that point.
- Officer Burbank was asked if he knew who asked for a spit hood. Officer Burbank said, "No I don't recall. I re-, I do recall someone mentioned the spit hood and I went to our car to see if we had one, I looked through our car and we didn't have any."
- At the time the spit hood was applied, Officer Burbank did not know who applied it.
- When asked if he knew Ellis' position when the spit hood was applied, Officer Burbank said, "Not when it was put on him, when it was put on him I wasn't present, um, after, after he was restrained with the hobbles, I was, there was so many officers, I was so smoked from that, uh, altercation with him I was kind of away from him for the majority of that time." Officer Burbank was later asked what he meant by the term "smoked." Officer Burbank stated, "I was extremely just I was out of breath, I was out strength, that, that fight I estimate it last, I probably two to four minutes from start to finish and I was, I had nothing left in me to f-, I couldn't fight somebody else like that again right there, if that makes sense."
- When asked if the spit hood application seemed appropriate, Officer Burbank said, "It, yes, it seemed appropriate, um, he was spitting at officers."

Officer Burbank was asked to clarify a statement from his interview with PCSD regarding his use of the term “restraining” when describing other officers with Ellis. Officer Burbank said, *“Um, maybe the wording “restraining,” they were just more with him, I don’t think no one would be pinning him down, more just kind of controlling any movement he had. I don’t, I think restraining might not be the best word for that.”*

Officer Burbank said he recalled Ellis, *“on his side, um, people being with him and just kind of, just with him I guess. And when I say restrain I mean just kind of controlling him, if that makes sense? Not physically laying on top of him. There would be no need for that.”*

- When asked if he recalled who was with Ellis during this time, Officer Burbank said, *“I have no clue. Like I said there was, a-, by this point there was probably in my estimation ten to twenty officers there.”*

Officer Burbank was asked if he had any more contact with Ellis. Officer Burbank said in part, *“several minutes later where he was in a, um, I guess a recovery position on his side and my, um, my hat that I was w-, my patrol hat I was actually wearing that night had came off, I didn’t realize it, but it was under, had been under his body. When he was rolled over it was actually under his body, my patrol hat.”*

- Officer Burbank said he had no idea of how long Ellis was on his stomach after being handcuffed and hobbled before he was placed in a recovery position.
- When asked if he recalled Ellis ever being placed back on his stomach from the recovery position, he stated, *“I don’t know if he was, um, I do recall at one point when I found my hat, I said, “Make sure he stays in a recov-,” I’d walked over and I said, whoever was tending to him I said, “Make sure he stays in a recovery positions or you can, it can help with position.”*
- Officer Burbank was asked what Ellis’ condition was when he returned and collected his patrol hat. Officer Burbank said, *“Um, he had the spit hood on and I think that’s when I saw a little bit of blood like maybe in the spit mask and around his mouth, um, but he seemed to be just laying there quietly, just looking around. I remember his eyes just kinda looking around, just laying there.”*
 - Officer Burbank said he did not engage Ellis but Ellis *“appeared to be responsive,”* appeared to be breathing and Ellis, *“didn’t appear to be in any type of distress that I could see.”*

Officer Burbank was asked if, during his contact with Ellis, he ever heard Ellis state, “I can’t breathe,” or anything similar. Officer Burbank said, *“No, I did not.”*

Officer Burbank was asked if he was ever in a position to request medical aid for Ellis. He said in part, *“No.”* When asked if he called for medical aid once the scene was somewhat stabilized, he replied, *“I did not. Someone else did at some point but I believe it was pretty quick, but it was after there was officers there present with us.”*

- Officer Burbank was asked if he assisted TFD when they arrived. He said, *“When Fire got there, uh, I had been sitting in the patrol car, uh, I guess taking, ya know, catching my breath, drinking water. I saw Fire when they actually got up to Ellis on foot, um, I went back to help cause I thought that we would have to probably maybe take him out of restraints if those hobbles, if we were gonna put him like on a four point restraint on like one of the gurney’s or something. So I went up there to help any way I could.”*
 - Officer Burbank confirmed he assisted in removing the restraints from Ellis. When asked if he recalled Ellis’ condition at that time, Officer Burbank stated, *“No, I was just, I helped pull the restraints off of him, uh, I flipped the, they, uh, restraints, take ‘em off of his ankles and the I just kind of stepped back out of the way and let Fire kind of do their thing. I have no idea what was going on with him.”*

- When asked if he recalled Ellis' position when the restraints were removed, Officer Burbank stated, *"No I don't I would assume probably on his side for us to actually access them."*
- Officer Burbank was asked if he was present for the conversation between TFD and officers regarding the removal of the restraints from Ellis that had been described by some as almost an argument. Officer Burbank said, *"I got there, there was some back and forth, um, I'm not exactly sure what was said. I know that Fire had said something about the restraints and then someone said, I, I, I don't recall, I just remember there was some type of back and forth. I'm not sure exactly what it was or who it was between... And I remember, I think it was Sergeant Lim said, "Removed the restraints," and that's we removed the restraints."* When asked if the conversation caused a delay, Officer Burbank said, *"Not that I recall. It couldn't have been more than a few seconds cause I got up there, Fire was up there and then we were taking the restraints off."*
- Officer Burbank was not aware who removed the spit hood.
- When asked if he recalled Ellis' condition when the restraints were removed, Officer Burbank said, *"No, I, I, like I said, I would not have, after the hobbles were removed, I stepped back and I went back to our patrol car and just sat."*
- Asked if he saw any injuries to Ellis, Officer Burbank said, *"No, uh, I didn't look h-, look him over, if that make sense, um, we were just, we were there trying to, uh, restrain him and then once we were relieved I was, like I didn't have much contact with him."*

Officer Burbank was asked if he sustained injuries during the encounter with Ellis. Officer Burbank said, *"Um, I, I remember I had scraped, I think, I can't, let me look through, I remember I had got something photographed, I think I had scraped my knee when I went to the ground and the next day my shoulder had actually hurt pretty bad, I think from when I went to the ground, uh, but I didn't get checked out medically, no."* Later in the interview, Detective Betts asked about an injury to Officer Burbank's mouth. Officer Burbank recalled the injury at that time, saying, *"I do, I remember, uh, tasting blood in my mouth, um, and I had, I remember Sergeant Lim actually, I asked him to look in my mouth with his flashlight, see if I had any cuts or lacerations or anything in my mouth."* Detective Betts asked Officer Burbank if that injury persisted, and Officer Burbank said, *"I, I, I don't remember. I just, I remember having that pain I believe it was in my, my knee from when I had went to the ground. I can't remember if my knee now or my elbow it's been so long."*

When asked if Officer Collins had any injuries, Officer Burbank stated, *"Um, I believe he had some type of, um, some scrapes on his maybe his arms or elbows, I'm not certain...And I remember his watch had been like shattered."*

Officer Burbank was shown a series of Forensic images. Officer Burbank was asked about the box of doughnuts and the water bottle seen in the images. Regarding the water bottle, Officer Burbank said in part, *"It looks like a water bottle, but can't say specifically that's the one he had in his hand that night."* Regarding the box of doughnuts, Officer Burbank recalled Ellis, *"having some kind of like doughnuts or something, possibly the, like the doughnut box or somethin'."* Officer Burbank did not recall if he could have stepped on the box of doughnuts or not. Regarding the images of the passenger side window, Officer Burbank did not know what the substance was on the window or how it got there. He remembered Ellis striking the window with his fist several times. Officer Burbank confirmed that he sat in the car after the encounter and rolled the window up and down to speak with officers that checked in on him, as noted earlier in this summary. The images are placed in this tab for reference.

During the interview, Officer Burbank was shown an ortho-type photo created by Pierce County Forensics and asked to mark the following locations on the photo:

- #1. Where did you observe Ellis contacting the vehicle/attempting to get into the vehicle?
 - Officer Burbank placed the location in the middle of Ainsworth in the eastbound lane of travel on South 96th.

- #2. Where did Ellis arrive at the driver's side of the patrol car?
 - Officer Burbank placed the location right at the driver's door of the patrol car.
- #3. Where did you observed Collins and Ellis on the ground/wrestling with each other?
 - Officer Burbank placed the location at the front/passenger wheel.
- #4. Where were you when you first made physical contact with Ellis?
 - Officer Burbank placed the location at the same area as #3.

Officer Burbank signed and dated the photo, it is included within this tab.

Regarding the Cell Phone Video from Ms. McDowell, 1 of 2. Officer Burbank confirmed that as the video starts, Officer Collins is the officer with his back to the camera.

Officer Burbank said, *"Okay, yeah, so that's gotta be Collins. That's me, that's right as I, um, Ellis had kinda chased me down and made contact with me. And this is me falling out of, kind of I guess, camera view."* When asked if he was aware of how Officer Collins got in that position behind or to the east of him and Ellis (the initial frame of the video), Officer Burbank said, *"No, I just, I was under the impression he was still like back here towards the car and I went that way and that's when, uh, Ellis had actually, ya know, chased me to the intersection."* Officer Burbank confirmed he is the officer holding the Taser in that video.

- Officer Burbank was asked what occurred in the contact with Ellis prior to the beginning of the video. Officer Burbank stated, *"So this is after, um, this is after Ellis had started punching the window, this is after he had tried to open my door, this is after he and Collins were in that physical confrontation towards the right front of the car, um, this is after I had attempted to pull him off of Collins and that's, this is right where, this is kinda where Ellis had chased me away from the car and made contact with me."*

Regarding the Cell Phone Video from Ms. McDowell, 2 of 2. Officer Burbank confirmed he is the officer with the Taser displayed. Officer Burbank was asked if Ellis was being controlled at that point. Officer Burbank said, *"No, this is before he was in handcuffs. This was while trying to handcuff him."* Officer Burbank added, *"Yes, that's, that's me trying to control his, I guess his lower body and then also pull his, uh, right arm out from under him."* When asked if this was between his second and third Taser application, Officer Burbank said, *"I, I don't recall exactly the, the length of time between those applications, um, I just know that it took several applications before we could actually get him in handcuffs. I can't recall the exact...timeframe."* Officer Burbank was asked who was giving the verbal commands to Ellis, and he stated, *"I think it was both of us. If you play it again, I believe it l-, may have been both of us."* Officer Burbank confirmed that he gave the warning to Ellis, telling Ellis to comply or he would deploy the Taser again.

- Officer Burbank expanded on the video being at a point in time where Ellis was not in handcuffs. He said, *"He's not in handcuffs 'cause I specifically remember after we actually got him in handcuffs, I pulled the, uh, cartridge off, threw it towards the curb and ended up securing it in my pants pocket. After he was fully in handcuffs."*

Regarding the Cell Phone Video from Mr. Cowden, during the portion where Officer Collins is attempting the LVNR, Officer Burbank said he was *"just waiting for an actual open target to en-, deploy the taser."* Officer Burbank confirmed that the video does not show Ellis ever fully controlled or handcuffed.

Regarding the Vivint Doorbell All Merged Video, Officer Burbank was given a copy of the audio transcription to review. Officer Burbank confirmed it was him responding to Shad Hayes that they did not need help, that backup was coming. He confirmed hearing someone yelling from behind their patrol vehicle. He said he never knew who it was from, (Sara McDowell and Keyon Lowery). Regarding someone growling and saying, "Try again," Officer Burbank was not aware who said it. He did not recall

saying it and said it did not sound like Officer Collins. Officer Burbank said it was the “*first time*” he had heard that being said. When asked if it could have been Ellis saying that, Officer Burbank said, “*I can’t say yes or no either way... But it doesn’t sound like me at all and it doesn’t sound like Collins.*” After playing the video several times, Officer Burbank was asked if he ever heard Ellis saying, “I can’t breathe,” or anything similar to that during the encounter. Officer Burbank said, “*No, I don’t recall hearing him say that...during that fight, no.*”

- Regarding the Courtesy allegation and an officer heard saying, “Shut the fuck up man.” Officer Burbank was asked if he said it. Officer Burbank stated, “*I don’t recall ever saying that, no.*” When asked if he recalled hearing it at the scene, Officer Burbank stated, “*I don’t recall hearing it, no.*”
- Attorney Wayne Fricke brought up the notable gap in the Vivint video where no video files were recorded. Specifically, video files prior to the officers encountering Ellis.

Officer Burbank was asked if there was a time during this encounter with Ellis where he became fearful. Officer Burbank stated, “*Well, yes, um, this might sound crazy but me and, me and Collins had been partners, like I said, for three or four years. I knew Collins has a strong, uh, background in wrestling, uh, like a Jujitsu thing, um, I’ve never seen anybody able, and we’ve been in a lot of altercations together. I’ve never seen anyone able to overpower Collins, ever, in all the altr-, altercations we’ve been in. To see him struggling with Ellis initially when I was able to get out of the vehicle and lock it and Ellis is overpowering and striking him, that scared me. ‘Cause if, if Matt’s losing a fight, I’m gonna lose that fight, um, and I think I became the most fearful is when he broke away from Collins and I was trying to create that distance, instead of him fleeing, he came after me. I’ve never had that happen. Ten years at that time in law enforcement, I’ve never had anyone physically chase me down. That’s not, that’s not someone trying to evade, that’s someone trying to hurt me, and that was very scary.*”

When asked if he believed he violated the Department’s Use of Force Policy during the incident with Ellis, Officer Burbank replied, “*No, I don’t.*”

When asked if he believed he violated the Department’s Courtesy Policy during this incident, Officer Burbank replied, “*Not at all.*”

When asked if he observed anything at the scene that he believed violated Department Policy, Officer Burbank replied, “*No. Not that I witnessed no.*”

TAB 64

This tab contains documents related to a draft development of a Lateral Vascular Neck Restraint (LVNR) policy and procedure by TPD Training. The development and LVNR draft policy was discussed by Officer Collins during his TPD IA interview and obtained from the TPD Training Sergeant by TPD IA.

This policy was not implemented by TPD. The documents are:

- A draft, not implemented Use of Force Policy P3.14. The policy listed the LVNR as a compliance technique.
- A PowerPoint presentation titled *Lateral Vascular Neck Restraint System* “The LVNR as a Use of Force consideration for the Tacoma Police Department,” dated March 11, 2019.
- A PowerPoint presentation on LVNR certification options and information.

TAB 65

This tab contains summaries of interviews conducted by the Attorney General’s Office of the following members of the Pierce County Sheriff’s Independent Investigation Team (IIT): Detective Sergeant Byron Brockway; Forensic Investigator Steven Mell; Forensic Investigation Manager Steven Wilkins; Lieutenant James Loeffelholz.

- These IIT members responded to the March 3, 2020 death investigation scene at 96th and South Ainsworth.
- The documents were part of a PDR request TPD IA received from the AG's Office. The interviews were not audio recorded or transcribed by the AG's Office.
- The summaries were written by Investigator D.S. Heitzman.

The interview of Detective Sergeant Byron Brockway was conducted on May 5, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

Det. Sgt. Brockway did not see a hobble at the scene. He learned a couple days later through interviews that the hobble was in Collins's car. He did not search the police vehicle. That would have been up to Loeffelholz. He sent Det. Peterson to photograph it the hobble. The hobble was not taken into evidence because he thought a photograph was sufficient.

The spit hood was bagged as evidence. He had never seen one like the one placed on Ellis. He remembered that it was black at the top. He was unsure if the spit hood went to the ME. It eventually came to PCSD. The spit hoods he had seen in the past were full mesh and tannish in color. He had seen the same type of hobble that was in Collins's car before.

Brockway did not remember seeing a cell phone at the scene.

When he was at the autopsy he saw that Ellis had abrasions on his face.

Brockway saw the gallon water bottle and donuts at the scene from a distance. He did not remember if there was a label on the water bottle. The box of donuts was creased, he did not know if it had been opened. He could not tell if the box had been stepped on. He did not see any donuts. He did not see any powder on the ground. There was a white substance on the window which was photographed. He just noticed that it was white. He did not obtain a sample for testing. Brockway was asked why a sample was not taken. He did not know. He was asked what happened to the water and the donut box. He said that they were photographed. He said that he did not have a good answer as to why they were not collected as evidence. He did not remember if he was aware of any significance for those items while at the scene. He learned about these items during the interviews with Officer Burbank and Officer Collins. Brockway did not recall a bag or a receipt. He was not sure what had been related because the scene was close to a garbage bin.

Det. Sgt. Brockway was asked about the adjustment to the timeline. There was an initial timeline made on March 20. Later he listened to radio transmissions and could hear Ellis say "I can't breathe" during one of Sgt. Lim's transmissions. He said that he looked through the transmissions of the time when Officer Farinas arrived. He had been going through everything and backtracking. He did not talk with Officer Farinas. It was noted on CAD when Farinas arrived. Brockway was not able to tell from the interviews when the spit hood was placed on Ellis's head. Farinas was audible heard arriving at 2327:17. It was determined that the spit hood was placed on later than was initially thought. This information was passed on to Dr. Clark.

Dr. Clark had asked how long Ellis had been in the prone position and the recovery position. Rankine would have been the closest. Brockway did not believe he knew exactly. Burbank had talked about being on top of Ellis. Brockway did not know if it was ascertained how long he had been on Burbank. He did not remember if he provided information about Burbank being on top of Ellis to Dr. Clark. When asked how long Rankine had been on top of Ellis, Brockway said he would have to review the interview.

Det. Sgt. Loeffelholz had been assigned to check on getting the video from 7-Eleven. He did not know what happened in that regard.

Brockway was present during the interviews with Cedric Armstrong and Kimberly Mays. He did view the room Manny and Mendel shared. A couple photos were taken of the room. There was a to-do list and it looked like Ellis had been playing video games.

Brockway did attempt to locate Mendel. He talked with Mendel's mom on the phone. She did not want Brockway's contact information. Det. Holden later reached Mendel. Mendel didn't want to talk. Brockway was not present for this contact.

Brockway did not think that Collins or Burbank talked about the spit hood. He was not sure whether he listened to dispatch prior to the interviews of the officers. Rankine and Ford did talk about the spit hood.

PCSD had put out a press release trying to identify the car Ellis allegedly tried to open in the intersection. No one came forward as a result of the press releases. They tried to locate video to the west of the incident. Brockway was not sure where he had received the information that the driver of that vehicle may have been female. Outside of Collins and Burbank, there was no other information about that car.

The interview of Lieutenant James Loeffelholz was conducted on May 24, 2021. Lieutenant Loeffelholz was a Detective Sergeant at the time of the incident. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

Lt. Messineo provided a briefing after the investigators were all on scene. Lt. Messineo had arrived at the end of the incident. There was a person still fighting who had been hobbled. This person (Ellis) had started snoring and groaning, and was moved to a recovery position, then aid was called. Lt. Messineo had not elaborated on the snoring or groaning. When asked if Lt. Messineo had used the term "agonal breathing" describing Ellis's condition, Lt. Messineo [sic] said "not that I recall".

It was Lt. Loeffelholz's memory was that it was the officers on scene who had placed Ellis in the recovery position.

Lt. Loeffelholz said he thought he was told that Ellis had attacked the car. He did not think that came from Lt. Messineo. Lt. Loeffelholz said that he heard from an unknown TPD officer in passing that the officer on the passenger side had attempted to open the door, and Ellis closed the door. By the time that Lt. Loeffelholz arrived on the scene, all the involved TPD officers had been removed from the scene. In examining the passenger door of the patrol car, there were smears on the outside of the window, and the back (rear) side of the door/window frame. There was white stuff within the smear. There was a box of donuts on the ground below the passenger door.

AAG Liu shared his screen and showed Lt. Loeffelholz a photo taken of the patrol vehicle that showed a horizontal line of white material. His impression was that was from material collecting on the part of the window when the window was rolled down. He had not made any judgements about the striations on the window, other than the window had been going up or down at the time. Lt. Loeffelholz was asked why he had not asked that the material on the window to be processed. He said that he did not know if the crime lab has the capability to determine what it was. He asked Forensics to photograph the box of donuts. He did not recall if he asked them to collect them as evidence. He does not know what eventually happened to them. Lt. Loeffelholz stated that this would have been his responsibility. He has not recently looked at the evidence sheets to see what was booked into evidence. Lt. Loeffelholz did not see any damage to the door of the patrol vehicle. He was asked to describe the water bottle at the scene. He said that it was a larger rectangular bottle, and looked like it had skidded on the ground. He thought that it

had recently been purchased and that it had not been opened. He had not picked up the water bottle. Lt. Loeffelholz did not know if he asked Forensics to collect the water bottle as evidence.

The spit hood that had been used was under Ellis's head. At first, Lt. Loeffelholz did not know what it was.

He asked someone at the scene and was told that it was a spit hood. None of the spithood was still attached to Ellis's head. Officer Chung obtained a spit hood from out of his patrol car. (Officer Chung had been parked to the east at the time, providing scene security.) This mask looked identical to the one that was recovered from under Ellis's head. He recalled that it was made of a couple of different materials and was white. He did not see any tags on the spit hood Officer Chung showed him. He had been told this was Tacoma PD issue. He said that he did not look at the interior of the spit hood and did not know the color of the material on the interior.

Lt. Loeffelholz had heard that a hobble was used. He did not see one that night. He had heard, maybe from Det. Sgt. Brockway, that the hobble had been taken off Ellis and returned to a car with an officer. Lt. Loeffelholz said that it appeared to him that the water and donuts might have been recently purchased.

He went to two of the 7-Eleven stores in the area. He spoke with the clerks at both stores. He could not remember what the clerks looked like, their gender or their ethnicity. He did not receive any call back from either of the stores. He passed this information on to Det. Sgt. Brockway. He did not discuss the case or pass on any information WAAG0045095 Page 4 of 4 about Ellis to the 7-Eleven clerks; he had just asked that the managers call him. He did not notice if the stores had security cameras.

The interview of Forensic Investigator Steven Mell was conducted on April 14, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

Inv. Mell arrived on scene shortly before Inv. Wilkins. The scene was taped off when he arrived. The patrol car was facing westbound. Inv. Mell first spoke with Lt. Messineo who gave him a brief synopsis of the incident.

Lt. Messineo told Inv. Mell that the officers had been stopped for that light at the intersection, and that Ellis had been walking in and out of the intersection, and started making comments to the officers. The incident had then escalated. Lt. Messineo did not give any specific insight on where he had received the information. Inv. Mell did not talk with any of the involved officers.

A TPD officer had commented about having the hobble. Inv. Mell told this officer; whoever removed the hobble from the scene should book it into evidence. Inv. Mell did not catch the officer's name. He described this officer as a white male officer with a dark complexion, late 30's 5-10 with shorter hair, in full uniform.

Inv. Mell took photos of the car, and photos of Ellis's body after the ME did their assessment. He also collected the gloves that were lying against the curb.

Inv. Mell took perspective photos. He was asked to be sure to photograph the box of donuts on the passenger side of the patrol car. He was told that Ellis had thrown the donuts at the car. He thought this information came from Det. Sgt. Loeffelholz. The observations he had of the scene included Ellis's body, the donut box, the patrol car, the gloves up against the curb and a water bottle next to the garbage bin. Inv. Mell said that he had been told that Ellis had made contact with the patrol vehicle. He heard that Ellis had first approached the driver side. The window had been down initially, but was rolled up. Ellis had then gone to the passenger side. Inv. Mell said that he remembered seeing at least one window down slightly down, but he could not remember which window it was.

Inv. Mell had been told the donuts had been thrown. He was asked to get photos of the windows. He did not swab the window that had something smeared against it. He thought that the smear on the passenger side window came from a hand going down the window, or from the window moving. He did not think that he picked up the box of donuts. He did not recall if the box was open or not. He did not know if there was powder from the donuts on the ground or on the box. There was no analysis done of any possible powder and no observation as to whether the box of donuts had been stepped on. The donuts were a perishable item.

Inv. Mell was directed to collect the gloves that were against the curb. He did not know the significance of the gloves. He thought that the donuts were discussed. He was not sure about the water bottle. He said that they may have stood the water bottle up. He did not remember if the bottle had a label on it or not.

Inv. Mell was asked what else had drawn his attention at the scene. He said that once the ME arrived and the blanket was removed from the body, he saw markings on the wrist and ankles, which would have supported the information that a hobble was used.

Inv. Mell did not recall any powder inside the vehicle. He did not remember anything about a cell phone or other person property of Ellis's personal property other than was at the body. He believed there was a Taser wire, and that someone from TPD had picked up and bagged other Taser evidence.

The powder on the front passenger looked very much like powdered sugar to Inv. Mell. It did not strike him as being meth. He believed that the driver side window was partially open when he was on scene, but could be wrong.

The interview of Forensic Investigation Manager Steven Wilkins was conducted on April 14, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

Inv. Wilkins took overview photos of the victim and the TPD car from different angles. He said that the donuts at the scene were discussed afterward. In his discussions, it was assumed some things were trash. He did not remember purposely taking photos of the donuts. No one directed his attention to the donuts. Inv. Wilkins had been told that Ellis had banged on the passenger side window, and the hood of the patrol car. Inv. Wilkins was later told the significance of the donuts after the fact during a briefing when he learned that Ellis had them in his hand while he was banging on the car. While at the scene, Inv. Wilkins had looked for dents on the passenger side door, hood and fender area. He did not see any damage.

Inv. Wilkins was at the Spanaway Precinct for a couple of hours. He took a series of photographs and documented the conditions of the involved officers' weapons. He did not know the involved Tacoma officers. The officers did not discuss the incident. Photos were taken of the Tasers. He may have taken a Taser and cartridges as evidence. WAAG0045082 Page 3 of 3 He did not recall if any of the officers had injuries. The demeanor of the officers seemed professional and above board. There was a PCSD detective that was present as well.

While Inv. Wilkins was at the front passenger window of the patrol car, he did not remember smelling anything. He noted that he was sick at the time and was not able to smell. He also looked across the hood of the patrol car with an opaque light and did not see anything of note.

TAB 66

This tab contains summaries of interviews conducted by the Attorney General's Office of the following witnesses: Seth Cowden; Sara McDowell; Keyon Lowery; Shad Hayes.

- The documents were part of a PDR request TPD IA received from the AG's Office. The interviews were not audio recorded or transcribed by the AG's Office.
- The summaries were written by Investigator D.S. Heitzman.

The interview of Seth Cowden was conducted on March 8, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

On the night of the incident, Seth was working at his job delivering pizzas. He had just delivered an order and was taking the route back to the store.

Seth first noticed the patrol vehicle after he (Seth) had stopped at the light. The light would have been green for the officers, who were already stopped. Seth said that he saw Manny as well. At the time, Manny was ahead of the police vehicle, by the blue trash can on the sidewalk, but he later ended up in the street. Seth said this was the cans closest to the police car.

Seth said that he never really saw what initiated the incident. Manny was walking at first. Something seemed to cause Manny to go to the cop car. Seth said that when he saw that something was happening, he looked down at this phone, to start recording it. This is when the officers were opening their car doors. The police door was slammed into Manny, and he turned away. The officers then started running after Manny.

Seth did not recall seeing the initial contact. He saw Manny get checked with the car door. As soon as the doors started opening, it was then that Seth looked down at his phone. Seth said that he can't really tell if Manny was fighting. At the time that Seth pulled up, Manny was not doing anything aggressive. Seth does not think that Manny had anything in his hands. When the passenger car door opened, Manny got moved. Seth first saw the driver getting out. He did not hear anything until the end. He heard Manny yelling "ah" when he drove past. As Seth was videoing, he saw the officers use the Taser.

Seth said that at one point Manny seemed like a rag doll. He also saw Manny kicking his legs. Right before Manny was tased, it looked like one officer had Manny in a full nelson. During parts of the struggle, Manny stopped moving, but then started kicking again. At the end of the video, Seth is moving out of the intersection.

Seth said that he did not form an opinion as to who was at fault. He did not know one way or another. He said that he did not see Manny do anything wrong. Seth said that he did not see Manny in the intersection. He said that he pulled up to the intersection right before the other witness pulled up. Seth said that he heard screaming, but couldn't hear what was said. Manny was kicking his legs, but not at officers. He was not able to strike anyone, only use his legs.

The interview of Sara McDowell was conducted on March 3, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

Sara was driving on 96th Ave E toward her sister's apartment. She and the father of her daughters, Keyon Lowry, had just had to leave their residence. Lowry was in the car behind her. As she approached Ainsworth, Sara noticed the police car at the intersection. The light was red. She did not think that she had been following any vehicles at the time. When the traffic light turned green, the patrol car remained at the light. Sara thought that the light remained red for about 30 seconds. She noticed Ellis (she referred to him as Manny) walking her direction. At first she could not tell if there were one or two officers in the police car. Nothing occurred while the light was red. When the traffic light turned green, Manny walked over towards the car, then appeared to turn to walk away. As he did so, the passenger side of the patrol car opened quickly and knocked Manny down. (At this point in the interview, Sara was shown a photo of the scene). Sara thought that Manny was initially by the telephone pole on the sidewalk, walking from in front of the patrol car toward the rear. When the door hit Manny, he stumbled, but did not fall all the way to the ground. The driver officer then turned on the emergency lights and got out. She said that the driver officer flipped or slammed Manny. The passenger officer came out of the car and started punching Manny in the face. Manny was tackled and then Sara couldn't see them.

Sara said that when she pulled around their car to continue, she could then see that both of the officers were on top of Manny. She heard them tell him to put his hands behind him. They seemed to be holding Manny's hands down. Sara said that while she was behind the patrol car, she yelled at them because she did not see Manny do anything wrong and she was scared for Manny. At the time she did not see Manny carrying anything. She did not see any weird behavior on Manny's part. When he walked to the car, he took maybe five steps toward it.

It appeared Manny was talking to someone in the car at the passenger side for about 10 seconds from within a couple feet of the car. From her point of view, it looked like a normal conversation. She could not see any officers while Manny was near the car. Sara described the door strike to Manny as a quick strike. She said that the (passenger) officer got out quickly and got on top of Manny. Sara said that she did not see Manny touch the patrol car.

When the incident started, Sara's cell phone was in the consul of her car. She said that her video did not include the passenger door of the patrol car opening, or the driver officer running from the driver side. Sara thought that it was about minute from the time that she pulled up behind the patrol car until she started recording. Sara said that she did not ever see Manny in the intersection.

She said there were no other cars in the intersection. Sara said that Manny did not chase the officers while she was there. It did not look to her that Manny was fighting or resisting, it looked to Sara that Manny was just "taking it".

Sara said that she accidentally stopped recording for about 10 to 15 seconds.

Sara was asked to describe the body positions of the officers. She said that one was on Manny, holding his shoulder down. One had a knee on Manny's back. One of them was holding one of Manny's hands down. Sara did not see a Taser at the beginning of the incident. As she was driving around the patrol car, one of the officers had a Taser. Manny was told by one of the officers to put his hands behind him or he would Taser him again.

Sara said that she had not heard Manny say, "I can't breathe". She only heard the officers say to put his hands behind him. She did not see any other officers as she was leaving.

The interview of Keyon Lowery was conducted on March 8, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman's summary of that interview.

At the time, he both of their daughters were in the car with him. As Keyon was approaching the intersection, he saw that the cop car was just stopped in the street. There were no police lights on at the time. He said that he saw a man walking his direction. (Keyon referred to this man as "Manny") Keyon did not hear anything at the time. It appeared to him the police were getting Manny's attention. He described the way the man was walking as normal. Keyon saw the passenger door of the police car fly open, then the passenger in the police vehicle was on top of Manny. Keyon then saw the lights on the top of the police car turn on, and the driver went to assist. When Keyon saw what happened, he said that he opened the WAAG0045086 Page 2 of 3 car door and yelled, "you are in the wrong". He said that he had never had to tell the police that before. He said that what he saw was not professional. Keyon said that he had been about a car length behind Sara, who was driving the car in front of him. There was no vehicle behind him. Keyon said that Sara yelled at him to get back in the car.

When Keyon first saw Manny walking his direction, he was walking across the driveway, which is on the intersection, as the traffic signal was turning green. Keyon said that the traffic light was red when he first stopped. It turned green about 15 seconds later. Keyon described Manny as walking casually as he walked toward the police car. Manny was not waving his hands. Keyon said that there was nothing in Manny's hands. It appeared to Keyon that the officers had gotten Manny's attention. He could not hear anything said, but it appeared to him that Manny's demeanor was casual as he approached. Manny did not get all the way to the car and did not touch the car. As Manny was facing the door, the door opened, and knocked him to the ground. Manny started to get up. Keyon said that Manny trying to get

back up was the start of the video Sara filmed. The passenger cop was immediately on top of Manny. The driver cop was already getting out of police car.

Keyon said that it was the door handle part of the door that hit or “clipped” Manny when it opened.

Keyon said that Manny did not look sweaty, but casual. He did not see Manny punch or throw the officers. After the officers were on top of him, it appeared that Manny could not do anything, and it did not look like he was trying to do anything. Keyon did not see or hear anything that involved a Taser. He said that he did see the officers punching Manny.

Keyon said that as he was driving past, he thought that the officers were looking guilty, and looking around. He said that one of them was talking with Manny. As he drove by he was not sure whether Manny was on his stomach, or on his back. Manny appeared stiff at the time.

Keyon did not hear the door hit Manny, but he saw it. He then heard grunting, which sounded like people fighting. The grunts seemed louder from Manny. It sounded like the grunts coming from Manny were more distressed.

Keyon did not see any other cars leaving the area, before or after he and Sara drove through the intersection. He said that he only saw the two officers, and that the two officers there appeared to have it handled.

When Keyon was shown photos of the scene, he was confused as to why Manny was so far in front of the patrol car where he had seen Manny go down on the ground.

The interview of Shad Hayes was conducted on March 17, 2021. The following are excerpts taken directly from Investigator D.S. Heitzman’s summary of that interview.

On the night of the incident, Shad was staying at the home of his friend, Troy. The bedroom that Shad was staying in was in the NE corner of the house. From his room he was only able to see the reflection from the police car lights.

Shad went outside to the sidewalk. He saw the police cruiser then saw the officers attempting to subdue someone. They were already on the ground when he first saw them. He heard the officers say, you need to comply, stop fighting. The person was throwing the officers around pretty good. The officers looked like they were trying to hold the person on the ground. Shad said that he thought that the officers might get hurt. Shad said that he asked if they needed a hand, and an officer responded that backup was on the way. Shad said that the officer sounded winded.

Shad said that he saw the backing officers arrive in a Crown Vic (Ford Crown Victoria). The backing officers moved quickly to help the first officers there. Shad went back inside after that. Shad said that he was never close enough to see what anyone had in their hands. Shad said that he was outside watching for only about five minutes.

Shad did not see anything in the road. He did not see any evidence. Shad said that he did not hear anyone ask for help. He did not hear anyone in distress. Shad said that he heard more than one officer yell, “comply”

TAB 67

This tab contains transcribed interviews conducted by the Attorney General’s Office of Tacoma Fire Department Engine 10 members Nicholas Wilson, Jeff Polo and Marlon Ridgeway. These interviews were conducted on March 25, 2021.

- Present for the interviews were members of the AG’s investigation team, TFD Local 31 representative, and City of Tacoma Deputy City Attorney Jean Homan.
- The transcripts of these second interviews of TFD Engine 10 personnel were part of a PDR request TPD IA received from the AG’s Office.

The interview of TFD Paramedic Nicholas Wilson:

- In preparation for the interview with the AG's Office, Paramedic Wilson said he had reviewed a previous statement and the Pre-hospital Care Report.
- When asked if he had a very clear memory of the incident, Paramedic Wilson stated, *"Well, it's been over a year now."* He added in part, *"I think the greatest recollection was in September,"* when he gave his first interview with WSP.

Paramedic Wilson was asked what his observation was of Ellis when he arrived at the scene. Paramedic Wilson stated in part, *"So 33-year-old male, unconscious, unresponsive. Minimal respiratory drive and deteriorating. Supine on the ground, I believe."*

- Paramedic Wilson was asked to clarify his answer of "I believe." Paramedic Wilson replied, *"I don't recall whether he was lying on his back, on his side, or some combination."* When he was asked, "Are you sure he wasn't on his stomach?" Paramedic responded, *"He was not on his stomach."* Paramedic Wilson confirmed Ellis' face and chest were visible.
- When asked if Ellis was on his side, whether there were any officers around him, Paramedic Wilson stated, *"The scene was -- there were several police officers on scene."* "Multiple." When asked to describe where the officers were in relation to Ellis he stated, *"They were near him. I don't recall specifics on that."* When asked if he remembered if any of the officers were touching Ellis, Paramedic Wilson said, *"I believe in my first deposition -- it states an officer perhaps was holding him? But -- Yeah. There might have been an officer holding him from behind."* When asked to confirm if he had any "clear recollection now" of whether or not any officer was holding him or touching him in any way, Paramedic Wilson said, *"I don't have any clear recollection of that."* When asked to clarify what he meant when he said "holding him from behind," Paramedic Wilson stated, *"Like I said, the specifics of it --when we ride on scene, our first priority is to make sure the scene is safe to approach the patient. The scene was safe with multiple officers on scene. My initial goal is to assess the patient and go from there. So scene is safe in that sense, my focus is essentially all on the patient at that point."*
- Paramedic Wilson was asked to describe what he remembered about Ellis' appearance. Like was he restrained? Did he have a spit hood on? Paramedic Wilson stated in part, *"Yeah. And -- say it multiple times -- I think they asked a number of times about the spit hood. Spit hood was in place over his lower face. He was in handcuffs and I believe lower extremity restraints. We immediately asked for the extremity restraints to be removed and removed his spit hood. And removed clothing so we could..."* When asked if he had seen the lower restraints before or if he knew what they were, Paramedic Wilson stated, *"Yeah. Ankles."* When the interviewer used the term "like hog-tied" to describe the lower restraints, Paramedic Wilson stated, *"I wouldn't call it hog-tied. It was a specific term that's used for -- but I don't have that on the top of my head."*
 - Paramedic Wilson was asked to describe how Ellis' knees were bent. He stated, *"I cannot recall."*

Paramedic Wilson was asked if the first thing he asked was to have Ellis' restraints removed or did he make an assessment of Ellis before he asked, and he replied, *"Everything happens consecutively. I'm assessing as I'm approaching the patient. You know, his restraints, those again inhibit our ability to render care, so we ask for those to be removed from the patient if it's safe to do so, and that was done."*

- When asked if there was any resistance from the officers about the removal of restraints, Paramedic Wilson stated, *"I don't recall."* When asked a second time later in the interview about any recollection he had regarding pushback by TPD about the removal of the restraints, he replied again, *"I don't recall specifics of that."*

Paramedic Wilson was asked if Ellis was alert and conscience when he first approached Ellis. Paramedic Wilson stated, *“He was -- like I stated, he was unconscious and unresponsive,”* and that Ellis remained unconscious and unresponsive throughout.

Asked about his assessment of Ellis breathing when he arrived, Paramedic Wilson said, *“It was deteriorating, agonal at best.”*

- Paramedic Wilson was asked what he meant by agonal breathing, and he stated, *“Not conducive with life.”*
- When asked if the agonal breathing was apparent as soon as he arrived or if it changed over time, Paramedic Wilson stated, *“That was very apparent.”*
- When asked if he had an impression when he first evaluated Ellis about the likelihood that he could survive, Paramedic Wilson said, *“Typically somebody in that state of respiratory compromise -- if aggressive management, so the condition is -- not rendered effectively and quickly, can deteriorate very quickly. So our -- we were able to remove the spit hood. Began ventilating him and had him on our monitor, which is a Lifepack 15. Which we found him in a bradycardic rhythm that was deteriorating.”*
 - Paramedic Wilson was asked why Ellis was not put in the truck or an ambulance and taken to the hospital. Paramedic Wilson stated that his unit was *“a fire engine.”* He added, *“The benefit was that we are an ALS fire engine in the south end of Tacoma.”* And that the best treatment for Ellis was *“Aggressive early management.”*
 - Paramedic Wilson was asked about using a defibrillator and described one of the capabilities of the Lifepack 15 as being the ability to defibrillate the patient. He believed Ellis was shocked once during the treatment. When asked why only once, Paramedic Wilson stated, *“It's the only rhythm that presented appropriate for defibrillation. The rest of the rhythms that presented were not...Essentially if it's a fib fibrillation or a pulseless V tach, those are the two rhythms we defibrillate in cardiac arrest.”*
- When asked when the BVM/mechanical breathing bag was placed on Ellis, Paramedic Wilson said *“It was initial -- everything happens consecutively and some thing happen at the same time.”*
 - Paramedic Wilson was asked about the spit hood and its positioning on Ellis. Paramedic Wilson made the following statements:
 - The spit hood was placed *“Over his lower face.”*
 - *“Somewhere in this region between the nose and chin.”*
 - That the, *“Spit hood. It's a very common -- commonly used piece of equipment in the medical industry.”* Paramedic Wilson could not describe the particular spit hood used on Ellis.
 - When asked if he recalled whether the nose was covered by the face mask, he stated, *“I don't recall the specifics. Just that it was in that general area and it was quickly removed.”*
 - When asked later during the interview if he recalled who took the spit hood off of Ellis, Paramedic Wilson said, *“I believe it was us. TFD.”*

Paramedic Wilson was asked about information he wrote on the Pre-Hospital Care Report regarding what he was told by police about the encounter with Ellis. Specifically, *“per TPD, patient charging vehicles and was apparent threat. Patient tased and restrained, then went limp.”*

- Paramedic Wilson said he obtained the information at the scene from *“multiple officers as you approach,”* but he could not say specifically who told him.

Paramedic Wilson was asked if he placed his hands on Ellis *“right away”* in order to assess his condition. Paramedic Wilson replied, *“Absolutely.”*

- When asked what he remembered about how Ellis felt in terms of his skin and temperature. He replied, *“Skin was cool and clammy.”* When asked what that indicated to him as a paramedic, Paramedic Wilson said, *“Being diaphoretic and you're sweaty, right? Perhaps something prior just happened where he exerted force and he was under exertion prior to our arrival.”* Paramedic Wilson was asked to clarify what the term “cool and clammy” told him of Ellis’ condition. He stated, *“Well, if you just got done running a mile or more, right? You'd be sweaty. That kind of thing.”* Paramedic Wilson was asked if Ellis’ skin felt hot. Paramedic Wilson stated, *“It was a March night. Very cold outside. And we do have gloves on.”*

Paramedic Wilson confirmed he was the author of Ellis’ Pre-Hospital Care Report. He confirmed the report was prepared *“That night.”* He was questioned about some of what he wrote on the report and how specific times of when observations and treatments occur are noted in the report.

- When asked to walk them through the mechanics of how that report is created, he stated in part, *“So we use an iPad -- on scene. We have somebody scribing if that's available. All three of us were needed immediately to perform care. So until other resources arrived, nothing is being documented, and everything is done from memory.”*
 - Regarding time stamps noted in the report, it was determined: The report is a computer program so the program generates the hour, minute and second mark. There could still be a time delay of when something occurs and when the scribe actually enters it into the program. If the paramedic creating the report needs to go back later and record from their memory when a treatment occurred, they base when it occurred on the sequence of events and the time stamp is created. At the user level, there is no way of telling what time stamps were created in real time as the events unfolded from time stamps entered later from memory.
- Asked if he would have documented on the report if Ellis was making noises or talking, Paramedic Wilson stated, *“That would have been documented. The Glasgow coma scale was 1, 1, 1. Which means no purposeful movement, no eye movement, no discernible sounds whatsoever.”* Paramedic Wilson confirmed the Glasgow Coma Scale (noted as GCS on the report) is specific to *“Any gurgling, any purposeful movements, any complaints.”*
 - When asked later in the interview if he would agree that the combination of 1 1 1 on the Glasgow Coma Scale and fixed and dilated pupils was a strong suggestion of a diagnosis of brain death, Paramedic Wilson stated, *“I don't know the condition of his brain.”* Paramedic Wilson questioned if that was the “medical opinion” of the interviewer. When asked if when he first saw Ellis, Ellis was in the category of those that recover or those patients that do not recover, Paramedic Wilson said Ellis was a *“Very critical patient with potential to deteriorate very quickly. And not recover... Which -- we are even more aggressive in that manner to resuscitate.”*
- When asked whether the condition that Ellis was in when Paramedic Wilson observed him indicated about how long he might have been without air or had difficulty breathing, Paramedic Wilson said, *“Does not. Some people can decline faster than others. Depending on cardiac output prior to, and there's -- there are many variables that come into play with that.”*
 - When asked if that would be consistent with his experience if somebody had said that Ellis was fine and that he only became unconscious or unresponsive as the firefighters were walking over to render aid, Paramedic Wilson said in part, *“It's a huge spectrum.”* *“I can't speak to the fact on any of that.”*
- Paramedic Wilson was asked to explain a portion of the report “AO x0.” He explained the meaning as *“Alert and oriented. So he is not alert and oriented -- to person, place, time, or event.”*

- Paramedic Wilson was asked to explain what Ellis' pupils being 'fixed and dilated' signified to him. He said, *"That hypoxia, perhaps declining respiratory drive and that led to hypoxia."*
- Paramedic Wilson was asked to explain what was significant from a medical standpoint about the note "airway with moderate secretions." He stated, *"For me it would explain why the spit hood was in place perhaps. I'm just noting what I visually see."* He added later in part, *"there was no emesis [vomit] and essentially just moderate amounts of secretions and trace of blood, so..."*
- Paramedic Wilson was asked to explain what he meant by "chest apnea." He stated, *"Not breathing. No visible chest rise."*

When asked if that observation was from the moment he arrived at the scene, Paramedic Wilson stated, *"Agonal respirations with deteriorating drive, and then agonal -- or, sorry, apnea."* Asked to describe "agonal respirations," Paramedic Wilson said *"It's sporadic if occurring at all."*

- Regarding Engine 10's time of arrival at the scene of 23:33:09 hours and the time stamp from the report that shows them actually with the patient at 23:34:41 hours. Paramedic Wilson was asked about that seeming to be a significant gap of time and if it was accurate. He stated in part, it was accurate and *"In my personal opinion, that's very quick."*
- Paramedic Wilson was asked if there was anything he could think of that would explain a discrepancy in one person saying that Ellis was breathing and another person saying that he is not? Paramedic Wilson stated, *"No. It's his opinion of what he sees."*
- Paramedic Wilson was asked about his report, specifically where it mentioned TPD officers believing the patient was suffering from excited delirium and if under the Provider Impression section "cardiac arrest secondary to excited delirium" was Paramedic Wilson's independent conclusion "Or was that just a recap of what the officers had told you when you got there?" Paramedic Wilson stated, *"You know, I'm simply a pre-hospital paramedic in the field. Based on the information given to me prior to our patient contact and the patient presentation, it is in my professional opinion that that is the most likely diagnosis of what has transpired."* When asked to further explain the opinion Paramedic Wilson stated, *"I believe I just did. The information that I acquire and is given to me and how the patient presents. And the subsequent outcome. Cardiac arrest because his heart stopped. Excited delirium because of information given to me by the officers and his presentation."*

Paramedic Wilson was asked if he had experienced "excited delirium" before, and he said he had. When asked how many times, Paramedic Wilson stated, *"17 years' worth."* Paramedic Wilson was not able to give the specific pattern or frequency of persons he has encountered suffering from excited delirium but said it is *"something we're aware of, we train for, and we treat aggressively."*

- When asked if he had seen people die secondary to excited delirium, Paramedic Wilson said he had but could not give a number to. When asked what it was about Ellis, from a medical standpoint, was consistent with excited delirium, Paramedic Wilson said, *"Somebody who has been characterized -- he was in an agitated state. There was an interaction between him and the officers as described. And how the patient presented and subsequent cardiac arrest. So respiratory arrest prior to that."*

Paramedic Wilson was asked if he had any information from the scene as to whether or not anybody had been pressing or putting body weight on Ellis while Ellis was on the ground. Paramedic Wilson stated, *"Not to my -- that information I do not have."*

The interview of TFD Firefighter Jeff Polo:

- At the time of this incident, Polo had completed his paramedic certification but had not received the promotion.

- Firefighter Polo said he briefly reviewed his statement from the WSP interview in preparation for the AG interview.
- Firefighter Polo was asked about the Pre-Hospital Care Report completed by Paramedic Wilson. Firefighter Polo said the report was done by Paramedic Wilson for the incident and *“I don’t review it.”* Firefighter Polo admitted he had not reviewed the Pre-Hospital Care Report for the AG’s interview.

When questioned about what he reviewed when he gave his previous interview with the WSP, Firefighter Polo said, *“I just went off memory.”* When asked to give a general idea of what he recalled about the incident, Firefighter Polo said he recalled the event, *“Fairly well. I mean, the recorded statement from previous is about what I remember... I don't think I missed anything in that, so...”*

- Regarding the Pre-Hospital Care Report, Firefighter Polo stated, *“I would say that the report that's written and documented is going to be the best, most accurate account of the thing that occurred.”*

Firefighter Polo confirmed his statement from his WSP interview that when TFD arrived, Ellis *“was on his side and the officers were behind him holding -- like keeping him on his side with their hands so that he didn't fall forward or backwards.”* Firefighter Polo said he could not tell if anyone was applying pressure to hold Ellis on his side.

- Firefighter Polo said he believed *“it was two”* officers holding Ellis on his side adding, *“But I don't have direct recollection of whether it was two or three or--”*
- Firefighter Polo said the two officers holding Ellis were positioned, *“So upper back and buttocks. So, like, around the hips and back.”* He was not able to give a description of those officers.
- Firefighter Polo believed Ellis was in handcuffs when they arrived but did not remember if there were other restraints.
- Firefighter Polo was asked about Ellis’ condition. Firefighter Polo said, *“I don't recall if he was conscious at that time. I think he was -- he was still breathing at that time, but I don't recall if he had any conscious movements or anything while he was like that.”* When asked how he could tell Ellis was breathing, Firefighter Polo said, *“Just that he had chest rise and fall and air movement.”*
- Firefighter Polo did not recall the order of how he, Lieutenant Ridgeway and Paramedic Wilson first walked into the scene to treat Ellis.
- When asked about the routine of what his crew would do on a particular scene, Firefighter Polo said, *“There's a general routine that, I mean, obviously Lieutenant Ridgeway is going to be doing the charting at first while paramedic Wilson and myself are doing more of an assessment at the time just so that's documented as we do it. And then as the third, it's my job to normally begin getting vital signs, and then paramedic Wilson to assess if there's a further need of other things. But our situation is just a little bit different with me having completed paramedic school prior to this event.”* In response to how that changed things, Firefighter Polo stated, *“It just changes things in terms of there's more assessment going on between me and Nick as more of a collaborative rather than necessarily what would be common for a paramedic and a firefighter. If that makes sense.”*
 - When asked if that was the approach with the treatment of Ellis, Firefighter Polo said, *“Not that I recall. At that point I was still fairly new, so -- but not that I recall.”* Firefighter Polo confirmed that for this incident, Paramedic Wilson was the *“in charge.”*

Firefighter Polo was asked about a statement from his WSP interview regarding hearing Ellis saying garbled words. Firefighter Polo said in part, *“I remember him making sounds. Whether they were words or not, I don't recall so much. And that was just, I believe, when we laid him flat. So when we arrived they had him on his side, and we laid him flat to begin assessment. He made noises. Whether or not they were words or not can be up for interpretation.”*

- When asked if the sounds Ellis made could have been agonal breathing, Firefighter Polo said, *“It’s possible.”*
- When asked to clarify if the sounds were intentional or an “involuntary thing associated with his condition,” Firefighter Polo stated, *“I can’t say for sure on that. That’s not something I’m qualified to determine, whether his intent was to say something or not.”* When asked if Ellis’ breathing concerned him, Firefighter Polo said the breathing was *“a problem and we need to address that.”*
 - When asked if that was another way of saying Ellis did appear to be in respiratory distress, Firefighter Polo said, *“He appeared to be in a condition of needing assistance. Whether that was breathing or however, he needed assistance one way or another.”* Firefighter Polo confirmed it was that point where the mask was used to assist Ellis with breathing.

When asked if he recalled being given information about what led up the incident with TPD and Ellis, Firefighter Polo stated, *“Just what was in the CAD report. The night of -- just that we were going to assist TPD. That was our first and only dispatch, was that we were doing a TPD assist.”*

- Firefighter Polo said he did not recall getting additional information at the scene. When asked if additional information would have been important to know, Firefighter Polo said in part, *“I think our focus is more on the immediate problem of what is occurring...I think knowledge of how they got there is important to determine and help direct care, but the immediate problem that was there was -- that was what needed to be fixed.”*

Firefighter Polo was asked to clarify a statement from his WSP interview regarding his observation of Ellis having adequate respiratory drive and then deteriorated into labored and ceased breathing. Firefighter Polo stated, *“So that would be he was initiating breaths that seemed to be of an adequate nature at the time. I don’t remember -- I don’t remember saying that in the first place, but, yeah, that would be what I would describe as adequate respiratory drive.”*

- When asked when those observations were made, Firefighter Polo said in part, *“So this would be like a first initial approach type of thing. So this is from a couple feet away looking and being, like, it looks like he’s still breathing, versus that man isn’t breathing...So this is a 10 feet away as I’m 13 approaching, what’s my initial assessment. It would be like he might still be breathing. We’ll go assess closer and see if it’s adequate or not.”*
- When asked to give a timeframe of Ellis going from breathing to not breathing, Firefighter Polo stated, *“Maybe a minute or two...Maybe as much as three. Total -- that’s a total guess, an estimate.”*
- When asked if Ellis was bagged with the PMV mask right away, Firefighter Polo said he could not recall.

Firefighter Polo was asked about the spit hood used on Ellis. When asked if he had an impression of whether or not Ellis’ breathing was impacted by the removal of the spit hood, Firefighter Polo stated, *“I know we removed it. I don’t remember who removed it. I know it got removed pretty early on. It might have even been the first thing removed. And that was kind of when it started to note -- when we really started to note his breathing was on a decline. That was why we were removing it in the first place, was so that we could have access to PVM.”*

Firefighter Polo was asked if after their initial assessment of Ellis, he had an impression of whether or not Ellis was going to make it. He replied that at that point it was *“too early to tell.”* After the question was asked regarding there being nothing about Ellis’ condition that told Firefighter Polo Ellis is either too gone or not gone, Firefighter Polo stated, *“No. I mean, he’s obviously in a sick spiral. And whether or not he’s going to respond to treatment or not is -- I couldn’t say definitively one way or the other. He needed assistance, and that’s what we provide.”*

Firefighter Polo was asked about a statement from his WSP interview regarding Ellis' heart rate slowing from around 80 beats per minute down to 0, and beginning CPR. The question was where Firefighter Polo gained the information that Ellis had a heart rate of 80 since Patty Eakes said she did not see it documented anywhere. Firefighter Polo responded in part, *"So the monitor keeps a continual record of the heart rate. But in the report it only picks certain times and -- to do actually reports. So I don't know where you would need to go to get that. I believe -- I don't know. But I know the monitor tracks the whole call...And then when it puts up his vitals, it has a determined algorithm on when it actually picks which numbers and when it puts them out."*

- Firefighter Polo was asked again about where the heart rate of 80 came from since in the vital section of the Pre-Hospital Care Report only a heartrate of 0 is noted. Firefighter Polo stated, *"I don't know. I can just say what we saw on our monitor was a moment when we first put him on was at 80 and then spiraled down. And I don't know when or where that would be in the report."*
- Another interviewer questioned whether the 80 heart rate Firefighter Polo noted could have been "electrical activity." Firefighter Polo said that was *"Totally possible."* After an "unidentified" speaker clarified that Firefighter Polo was not the "author" of the Pre-Hospital Care report, Firefighter Polo said in part, *"I know at some point looked up and on it it was an 80 in the corner."* When Patty Eakes stated the 80 he saw could have been "electrical activity," Firefighter Polo responded by saying, *"It's also possible that it could have been a number of things, because they don't -- the monitor can measure static air and get a heart rate at times. So..."* Firefighter Polo added, near the end of the discussion regarding where the 80 heart rate came from, by stating in part, *"it may not be in the report as 80, and that's just what I recall seeing on the monitor at some point."*
 - Additional discussion regarding what Firefighter Polo could "speak directly" to regarding heart rate became an issue during the interview between "unidentified" speakers since his role at the scene was of a firefighter and not in charge of ALS equipment or the author of the report.
- When asked if the information regarding Ellis' heartrate could have come from officers at the scene, Firefighter Polo stated, *"I mean, it's totally possible. I don't -- like I said, this is a long time ago for specific memories."*
- It was determined that Firefighter Polo's focus was Ellis' airway.

Firefighter Polo said he did not remember seeing Ellis' cell phone or EBT card at the scene.

Firefighter Polo confirmed E10 was called back to the scene to check Ellis' temperature. He said he performed the temperature check by an axillary temperature probe under the arm with just a regular thermometer.

Firefighter Polo was asked about the removal of the restraints on Ellis. When asked about a conversation with TPD officers regarding the removal of the restraints, Firefighter Polo stated, *"I know there was -- we were trying to remove the restraints and asking for them to be removed, but I don't recall, like, having a heated conversation. Like I said, I'm at the head of the patient focused on airway. So I know I didn't have a conversation with anybody about it. That was not where I was focused."*

When asked what he recalled about TPD's response to having the restraints removed, Firefighter Polo stated, *"I don't -- I don't recall. I just know that they got removed at some point. They were removed shortly after that."* Firefighter Polo could not give an estimate of how long it took from the request being made before the restraints were removed.

- Firefighter Polo was asked if he had any concerns when he first arrived at the scene that Ellis was a threat and why not.

Firefighter Polo said, *“No... He was surrounded by approximately 15 officers, 15, 20 officers who had secured the scene. And he was, like I said, on his side, not making any motion at that point, threatening or not. And had officers at least with him. So, no, I didn't feel he was a threat at the time.”*

- Firefighter Polo was asked if there was anything that Ellis was doing that signified he was capable of getting up and attacking. Firefighter Polo stated, *“Not at that time, no.”*

Firefighter Polo was asked if he had been on calls regarding someone suffering from excited delirium. He stated, *“We have -- I have been on other calls where we have treated for excited delirium, but that's not something that -- so we never get, like, a diagnosis, definitive diagnosis from the hospital so that I can say for sure.”*

- Firefighter Polo has received training on excited delirium.
- When asked if he remembered anyone talking about excited delirium regarding Ellis, Firefighter Polo stated, *“Not that I recall.”* When asked if there was anything at the scene that suggested excited delirium might be a consideration, Firefighter Polo said, *“I would just say that the amount of officers around with the general, you know, being restrained, typically leans to a very agitated person at the time. So I would say it's definitely higher up on my things I needed to rule out or consider than lower.”*

The interview of TFD Lieutenant Marlon Ridgeway:

Lieutenant Ridgeway was asked about the Pre-Hospital Care Report completed for Ellis. He said he reviewed the Pre-Hospital Care Report for his interview with WSP but not in preparation for his interview with the AG's Office. Lieutenant Ridgeway said the report reflected what he remembered of the incident but his overall recollection of the event was *“Not very good at all.”*

Lieutenant Ridgeway was asked about Engine 10's response to the scene. He said it was priority and their response was noted in the CAD.

Lieutenant Ridgeway was asked about arriving at the scene and what he saw. Lieutenant Ridgeway said, *“Sure. Upon arrival, we noticed that police had the whole intersection blocked off, so we parked a little ways away. Gathered our gear and walked up to the scene. And then upon arrival at the patient, paramedic Wilson and Polo did their assessment. And I have the information board, so I'm putting times in and listening to what their needs are requesting for appropriate units to the scene, so whatever they were doing. After their assessment, we had dispatched other units if necessary.”*

Lieutenant Ridgeway was asked about his role at the scene. He said he was the scribe for most of the time, putting pertinent treatment/observation information into the iPad (the program that creates the Pre-Hospital Care Report). Once an additional TFD unit arrived, (Tower 2) Lieutenant Ridgeway handed the scribe duties to Lieutenant Jackson. Lieutenant Ridgeway was asked about the time stamps on the Pre-Hospital Care Report. He said that best they can, treatment/observation information is input into the system in real time as they are being assessed or identified and called out by the paramedics. Oftentimes, however, multiple things are occurring so fast they may need to go back later and input data to the best of their recollection of when it occurred. Time stamps noted might not be exact.

- Lieutenant Ridgeway confirmed that it is the paramedic's responsibility to complete the Pre-Hospital Care Report. If information was missed, the paramedic completes the report by inputting the data from memory.
- Lieutenant Ridgeway confirmed he never actually put a hand on Ellis.

Lieutenant Ridgeway was asked what he remembered about where the TPD officers were when he arrived. He said *“To the best of my recollection they were just standing around him.”* When asked what the position of Ellis was, Lieutenant Ridgeway stated, *“He was lying on his back facing up. And his knees were twisted to the side, the left hand side, so he was -- they were on the ground.”* Lieutenant Ridgeway confirmed Ellis' legs *“weren't pulled up behind him. They were just bent.”*

- Lieutenant Ridgeway did not recall how many officers were around Ellis. He described what the officers were doing by saying, *“I remember they -- they weren't chatting. They were standing there like keeping an eye -- like you're keeping an eye on somebody making sure that they're not doing what you don't want them to do.”*

Lieutenant Ridgeway was asked if he recalled any discussion about asking TPD to remove the restraints from Ellis. Lieutenant Ridgeway confirmed he recalled the request. He said his paramedic *“looked at me and requested. Said we need these restraints removed. And then I requested the TPD that we need the restraints removed.”* When asked what TPD’s response was, Lieutenant Ridgeway said, *“They removed the restraints.”* When asked if he recalled there being any “pushback” from TPD regarding a safety concern, Lieutenant Ridgeway replied, *“I do not.”* When asked how quickly the restraints were removed after they arrived, Lieutenant Ridgeway said, *“Pretty quickly. They, I mean, as soon as we assessed that he needed -- we needed to assess him better and requested them to take them off, they took them off.”*

- Lieutenant Ridgeway did not recall how many officers removed the restraints.

Lieutenant Ridgeway was asked about Ellis’ condition when he got to the scene. Lieutenant Ridgeway said, *“I knew that he was -- he needed help. I mean, he wasn't breathing appropriately. And his pulse rate wasn't adequate with sustaining life, so he wasn't doing well.”*

- When asked if he had an impression at that point as to whether or not he was dying or whether or not he could survive, Lieutenant Ridgeway said, *“No, I did not have an impression.”*
- Patty Eakes responded by stating *“So, it sounds like you had, you were aware that he couldn't breathe. So he's having difficulty breathing and his heart is not functioning properly. Is that right.”* Lieutenant Ridgeway clarified his response, *“It wasn't necessarily difficulty breathing. He was just not breathing adequately to sustain life.”*
- Lieutenant Ridgeway was aware of the term “agonal breathing.” Lieutenant Ridgeway said he did not, *“personally”* observe “agonal breathing” with Ellis. When asked to clarify his response whether Ellis did not have agonal breathing or he might have had it and Lieutenant Ridgeway did not observe it, Lieutenant Ridgeway stated, *“He might have but I didn't observe it.”*
- Lieutenant Ridgeway was asked if anyone from TPD was tending to Ellis when he first arrived, and he stated, *“Anyone? No. Nobody was tending to the patient.”*
- In response to questions, Lieutenant Ridgeway said from the time he arrived to the time he departed the scene, Ellis did not appear to ever intentionally move on his own, did not appear to be conscious, never said anything, and never made any noises.
- Lieutenant Ridgeway was asked if at any time he saw or heard that Ellis had a pulse rate of 80. Lieutenant Ridgeway said, *“I don't recall any of that.”*

When asked about a statement (from his prior WSP interview) he made regarding Ellis’ pulse declining and being down below 50 and 30, Lieutenant Ridgeway said he obtained that information when he *“just happened”* to look at the Lifepack 15 (used to monitor patient vital signs) after it was connected to Ellis. Lieutenant Ridgeway responded to additional questions by confirming he was not continually monitoring the Lifepack 15, that those readings were not made right as Ellis was hooked up to the monitor, but after Ellis had been hooked up to the Lifepack 15 *“for a little bit before”* he made those readings.

When asked if anything was ever called out to him regarding Ellis’ pulse rate when Ellis was initially hooked up to the LifePack 15, Lieutenant Ridgeway said, *“No.”*

Lieutenant Ridgeway was asked about the spit hood. He said he recalled the spit hood being on Ellis. He said the spit hood was *“white cloth over his mouth and nose.”*

- Lieutenant Ridgeway recalled someone requesting the spit hood be removed but did not recall who made the request.
- Lieutenant Ridgeway recalled seeing Ellis' eyes open.
- Lieutenant Ridgeway did not recall making any observations about seeing Ellis' chest rise and fall.
- When asked if it appeared the spit hood was used properly, Lieutenant Ridgeway stated, "Yes."

When asked if he received information from TPD about what took place with Ellis, he stated, "No." When asked if that was something he would typically want to know, he replied "Um, not really." When asked why not, Lieutenant Ridgeway said, "It's just -- our focus is on patient care. And so whatever happened prior is not that important to me. My -- you know, our focus is on getting the appropriate care and the appropriate destination where they need to be."

TAB 68

This tab contains Memoranda to File regarding citizen witnesses that declined to be interviewed by Tacoma Police Internal Affairs.

- Seth Cowden
- Sara McDowell
- Keyon Lowrey

TAB 69

This tab contains 2020 TPD Policies and Procedures.

APPENDIX

The Appendix contains Event Timelines and the Superior Court transcriptions of Officer Rankine and Officer Collins.

SUMMARY

On March 3, 2002, at around 2311 hours, Manuel Ellis purchased a box of doughnuts and a container of water from the 7-Eleven store located at 9517 South Steele Street.

At 2319 hours, Officers Burbank and Collins cleared a traffic stop at 96th and A Street.

It is believed Manuel Ellis was walking back to his residence located at 1815 102nd Street South. At around 2321 hours, Officers Burbank and Collins reported they were stopped facing westbound on South 96th Street at Ainsworth Avenue when they observed Manuel Ellis in the middle of the intersection of South 96th and Ainsworth. They reported Manuel Ellis blocked a car that was attempting a westbound turn onto South 96th Street from Ainsworth. They also reported that Manuel Ellis attempted to gain entry into the vehicle by attempting to open the passenger door. Officers Burbank and Collins reported the vehicle sped away from Manuel Ellis westbound on South 96th. Officers Burbank and Collins believed they observed either a possible attempted carjacking or a disturbance, possibly a domestic violence situation.

During their investigations, both the Pierce County Sheriff's Department and the Washington State Patrol unsuccessfully attempted to locate and/or contact the driver of the vehicle Manuel Ellis reportedly attempted to contact.

Officers Burbank and Collins initiated contact with Manuel Ellis by calling out to him from their patrol car. They reported that Manuel Ellis ran up to the driver's side of their patrol car and stated he needed help and had warrants. Officer Collins reported Manuel Ellis' eyes were wide open and that he was sweating. Officers Burbank and Collins reported Manuel Ellis was holding a bag and some water.

Officer Collins reported he directed Manuel Ellis toward the curb along the north side of Ainsworth Avenue. Officers Burbank and Collins reported Manuel Ellis walked around the front of the patrol car. Instead of walking to the curb as directed, he walked to the front passenger door where he threatened to assault Officer Burbank. He punched the front passenger window of their patrol car while Officer Burbank was still seated in the patrol car, and attempted to open Officer Burbank's passenger door.

Officer Collins reported he exited the driver's side of the patrol car and started walking around the front of the patrol car to Manuel Ellis' location. Officer Burbank reported he observed Manuel Ellis focusing on Officer Collins and opened the passenger door with the intent of hitting Manuel Ellis with the door to draw his attention away from Officer Collins. Officer Burbank reported he did not believe hitting Manuel Ellis with the door had any effect, and Manuel Ellis continued to move toward Officer Collins. Officer Collins reported Manuel Ellis picked him up by his external police vest and threw him to the ground. Officer Collins reported he landed on the ground in front of the patrol car's headlight. During his Internal Affairs interview, Officer Burbank reported he did not see Manuel Ellis throwing Officer Collins to the ground as it would have occurred near the front of the patrol vehicle, likely when Officer Burbank was exiting and locking the patrol vehicle.

Officer Collins reported he got up and observed Officer Burbank backpedaling from Manuel Ellis who was going toward Officer Burbank. During his Internal Affairs interview, Officer Collins confirmed the cell phone video from McDowell (1 of 2) started after he had been thrown to the ground and the initial contact between Officer Burbank and Manuel Ellis had already occurred. The cell phone video from McDowell (1 of 2) has a run time of about 37 seconds. There is about a 7-second time span when McDowell stopped recording to before she started recording her second cell phone video (2 of 2). Her second video had a run time of about 15 seconds.

Officer Collins reported he re-engaged Manuel Ellis, resulting in Manuel Ellis being on his back with Officer Collins in a mounted position on top of Manuel Ellis. Officer Collins reported that Manuel Ellis was grabbing at his external vest carrier near his neck, and he responded by striking Manuel Ellis three to five times in the face and head with elbow strikes. Officer Collins reported Manuel Ellis' face/head was the only target area available to him, and he was trying to force a reaction from Manuel Ellis to turn away from the strikes, onto his stomach, and into a handcuffing position.

Officer Collins reported Manuel Ellis was able to lunge up and dismount him, resulting in Officer Collins assuming a position behind Manuel Ellis. This is near the time when Samuel Cowden's cell phone video begins and when Sarah McDowell's second video (2 of 2) also begins. As this was occurring, Officer Burbank was preparing to deploy his ECT (Electronic Control Tool) against Manuel Ellis.

Samuel Cowden's cell phone video shows Officer Collins kneeling behind Manuel Ellis, placing his right arm around Manuel Ellis' neck. The cell phone video from Cowden has a run time of about 59 seconds. Officer Collins confirmed, during his initial interview with the Pierce County Sheriff's Department and during his interview with Internal Affairs, that he was preparing to apply a Lateral Vascular Neck Restraint (LVNR) against Manuel Ellis when he observed Officer Burbank with his ECT pointed at Manuel Ellis. Officer Collins reported he discontinued the LVNR when Officer Burbank deployed his ECT, resulting in Manuel Ellis locking up. Officers Burbank and Collins both reported they attempted to place Manuel Ellis in handcuffs while he was locked up from the ECT application. Officer Collins reported he was concerned because Manuel Ellis appeared to be trying to swipe the Taser probes or break the wires with his arms. Officer Burbank reported he deployed his ECT three to four times during the incident with Manuel Ellis before they were able to successfully place Manuel Ellis into handcuffs. Officer Burbank's ECT was downloaded. The download confirmed that Officer Burbank deployed his ECT three times. Officers Burbank and Collins both reported that Manuel Ellis continued to resist after the handcuffs had been applied. The download of Officer Burbank's ECT showed the following times of each ECT application: 23:22:03, 23:22:26, and 23:22:51. Each ECT application was a 5-second duration.

During the struggle, Officer Collins attempted to notify Dispatch of their location and what was occurring (mic clicks at 23:21:53 and 23:22:06). This resulted in multiple mic clicks and Dispatch asking Henry-317 if they had traffic. Eventually, Officer Burbank was able to advise Dispatch of only their location by broadcasting “96th and Ainsworth” (23:22:13). Multiple witness officers describe Officer Burbank as yelling or screaming the location during the radio transmission. No other details of Henry-317’s situation were known by the responding units. This resulted in a priority backup to South 96th and Ainsworth where approximately 17 officers from multiple agencies responded.

There were multiple civilian witnesses to the incident involving Officers Burbank and Collins and Manuel Ellis that were interviewed during the investigation by either the Pierce County Sheriff’s Department, the Washington State Patrol and/or the Washington State Attorney General’s Office. The witnesses included Sara McDowell, Keyon Lowery, Samuel Cowden, Shad Hayes, Aiyana White, and Kennett Ashford-White. Internal Affairs reviewed the interviews and determined that Sara McDowell, Keyon Lowery and Samuel Cowden needed to be re-interviewed to obtain additional information. Sara McDowell, Keyon Lowery and Samuel Cowden all declined the interview request from Internal Affairs.

Sara McDowell was driving her vehicle westbound on South 96th Street and stopped directly behind Officers Burbank and Collins’ patrol car. Keyon Lowery, who has children in common with Sara McDowell, was following Sara McDowell in a separate vehicle and stopped behind Sara McDowell’s vehicle.

During the investigation, Sara McDowell was interviewed by the Washington State Patrol, the Washington State Attorney General’s Office and James Bible, the attorney representing Manuel Ellis and the Ellis Estate. Sara McDowell also provided interviews to CNN and KIRO 7. Sara McDowell declined an interview request during the Internal Affairs investigation.

Sara McDowell reported she was on scene 30 to 40 seconds before she began recording video with her cell phone. Sara McDowell observed Manuel Ellis walking on the sidewalk and then toward Officers Burbank and Collins’ patrol car. She did not observe anything in Manuel Ellis’ hands. Sara McDowell believes there was a conversation between Manuel Ellis and the officers that lasted 10 to 15 seconds until he turned around and away from the patrol car. Sara McDowell reported that Manuel Ellis did not strike or touch the patrol car. Sara McDowell observed the passenger door of the patrol car open and hit Manuel Ellis, knocking him down to his knees. As this was occurring, the driver (Officer Collins) turned on the patrol vehicle’s lights, exited the patrol car, ran around the patrol car, and flipped or slammed Manuel Ellis to the ground. Sara McDowell reported the passenger officer (Officer Burbank) slammed Manuel Ellis to the ground and was punching him in the face. Sara McDowell reported that Manuel Ellis was blocking his face to protect himself, and Manuel Ellis was not hitting back. Sara McDowell observed the officers flip Manuel Ellis onto the ground, with the driver officer (Officer Collins) holding Manuel Ellis while the passenger officer (Officer Burbank) was standing with a Taser. Sara McDowell reported that Manuel Ellis was Tased off and on for a minute.

Sara McDowell began driving around the incident and heard an officer tell Manuel Ellis to put his hands behind his back or I’ll do it again. The Internal Affairs investigation determined this was Officer Burbank giving Manuel Ellis verbal commands to put his hands behind his back and that he would deploy his ECT again if Manuel Ellis did not comply. Sara McDowell observed an officer with his whole body on Manuel Ellis, holding Manuel Ellis down. During her interview with the Washington State Patrol, Sara McDowell described Manuel Ellis as struggling, but not trying to fight back.

Officers Burbank and Collins were the only officers on scene with Manuel Ellis when Sara McDowell drove out of the area.

Sara McDowell reported in June 2020, she read about the incident online and said it was a lie because Manuel Ellis never hit a patrol car and never tried to break into a car that was on the road. Sara McDowell reported she never observed anything in Manuel Ellis’ hands. Sara McDowell contacted Manuel Ellis’

sister, Monet Carter-Mixon and provided her with the two cell phone videos because she was scared of law enforcement.

Keyon Lowery did not observe Manuel Ellis carrying anything. Keyon Lowery observed Manuel Ellis on the sidewalk and then walk toward the patrol car. Manuel Ellis appeared to have a conversation and turned away from the patrol car. Keyon Lowery reported the passenger door flung open and struck Manuel Ellis, knocking him to the ground. The officer exited the patrol car and got on top of Manuel Ellis. Keyon Lowery reported the officers were “wailing” on Manuel Ellis, adding they did not need to be hitting Manuel Ellis because he did not observe Manuel Ellis do anything wrong. Keyon Lowery reported that Manuel Ellis was not close enough to the patrol car to touch it, but close enough to get clipped by the door. Keyon Lowery observed an officer with a Taser but did not see it used. Keyon Lowery does not believe the officers were trying to arrest Manuel Ellis or that Manuel Ellis was fighting back against the officers.

When Keyon Lowery drove out of the area, the only officers that were on scene were Officers Burbank and Collins.

Samuel Cowden was working for Domino’s Pizza and was returning to his store from a delivery when he was northbound on Ainsworth and stopped at South 96th Street to turn eastbound.

Samuel Cowden reported he observed the patrol car stopped at the intersection. Samuel Cowden observed Manuel Ellis facing the same direction as the patrol car (westbound) when the patrol car’s passenger door opened. He observed Manuel Ellis falling toward the front of the patrol car. Samuel Cowden acknowledged that he did not see the door hit Manuel Ellis. Samuel Cowden observed both officers exit the patrol car, and one officer flipped Manuel Ellis around. Samuel Cowden reported that around this time, he looked down to get his cell phone to start recording. Samuel Cowden reported that a “brawl” ensued. Samuel Cowden said Manuel Ellis was screaming as he was on the ground. Samuel Cowden confirmed there was an officer behind Manuel Ellis with a lock on him, describing it as a full nelson, with Manuel Ellis having his hands straight up. Samuel Cowden observed the Taser being deployed, probably twice, as he observed wires coming from the Taser. Samuel Cowden reported the officers were trying to put Manuel Ellis’ hands behind his back or behind his head. Samuel Cowden reported there was a point during the incident where he believed Manuel Ellis was unconscious because he had been choked. Samuel Cowden reported an officer choked Manuel Ellis while Manuel Ellis was on the ground.

When Samuel Cowden drove out of the area, the only officers that were on scene were Officers Burbank and Collins.

Sara McDowell, Keyon Lowery and Samuel Cowden all reported they never observed Manuel Ellis carrying any items.

Forensic photos taken by the Pierce County Sheriff’s Department documented a large container of water against the north curb of 96th Street, west of Officer Collins’ patrol car, and a crushed box of doughnuts directly below the front passenger door of Officer Collins’ patrol car. Forensic photos also documented a white powdery substance on the front passenger window that Manuel Ellis reportedly hit. The container of water, the box of doughnuts were not collected by the IIT as evidence. The white powdery substance was not processed, collected or analyzed by the IIT. There are striations indicating the window was likely moved after the powdery substance was on the window. During his Internal Affairs interview, Officer Burbank reported he returned to his patrol car after Manuel Ellis had been placed in the hobble/leg restraint. While in the patrol car, officers contacted him to see how he was doing and that he rolled the window up and down during the contacts.

Shad Hayes was interviewed by the Pierce County Sheriff’s Department and the Washington State Attorney General’s Office. Shad Hayes was in his bedroom watching TV when he saw flashing lights coming through his window. He went outside and observed a patrol car at the traffic light and two officers

trying to subdue Manuel Ellis in the middle of the intersection. Shad Hayes described Manuel Ellis as “throwing them around pretty good.” Shad Hayes was able to ask one of the officers if they needed help, and Officer Burbank responded that they did not. Shad Hayes reported the officers were trying to get Manuel Ellis to place his hands behind his back and that Manuel Ellis was trying to get up and fight while face down on the street. Shad Hayes believes Manuel Ellis was trying to get away. Shad Hayes believes he heard one of the officers state, “Comply.” Shad Hayes reported he did not observe any “blows” exchanged between Manuel Ellis and the officers. Shad Hayes directed traffic around the incident and went back into his residence once backup (Officers Ford and Rankine) arrived.

Aiyana White and Kennett Ashford-White lived at the home with the Vivint security system that captured some of the encounter. Additionally, Aiyana White recorded two videos with her cell phone.

Aiyana White reported she observed Manuel Ellis trying to get away from the officers by twisting from them and being shoved to the ground. Aiyana White heard someone in cars behind the patrol car yelling at the officers. The individuals yelling were Sara McDowell and Keyon Lowery. Aiyana White confirmed she heard Manuel Ellis state he could not breathe three to four times after Manuel Ellis was on the ground. Aiyana White reported she observed an officer throw punches but did not see Manuel Ellis attempt to punch an officer. Aiyana White confirmed she heard a Taser being used; she believes five to six times.

Kennett Ashford-White reported he could hear a woman outside yelling something like “don’t punch him, just arrest him.” The individual Kennett Ashford-White heard was Sara McDowell yelling at Officers Burbank and Collins. Kennett Ashford-White reported he observed an altercation where the officers placed Manuel Ellis on the ground from a kneeling position. Kennett Ashford-White reported he heard a Taser deployed three to four times. Kennett Ashford-White reported the officers were trying to handcuff Manuel Ellis and described the officers as being manhandled by Manuel Ellis. He described Manuel Ellis, while face down, lifting up two officers with body armor on. Kennett Ashford-White did not observe any strikes to Manuel Ellis by the officers. Kennett Ashford-White confirmed he heard Manuel Ellis say he could not breathe. Kennett Ashford-White did not believe the force used by the officers was excessive.

None of the videos reviewed as part of this investigation appeared capture the entire encounter with Manuel Ellis.

Officers Ford and Rankine were the first two Tacoma PD officers to arrive (23:24:19) at South 96th and Ainsworth to assist Officers Burbank and Collins. They arrived almost simultaneously with Pierce County Sheriff’s Department (PCSD) Lieutenant Messineo (arrived at 23:24:42) and Detective Sergeant Sanders (arrived at 23:24:52), who were both working off duty in the area of South 96th and Ainsworth and responded to assist.

As they arrived in the area, Officers Ford and Rankine observed Officers Burbank and Collins fighting with Manuel Ellis, struggling to place Manuel Ellis into custody.

Officers Ford and Rankine assisted Officers Burbank and Collins in controlling Manuel Ellis and observed Manuel Ellis had already been placed in handcuffs. Manuel Ellis continued to struggle, to include kicking his legs while they were trying to physically and verbally control him. Officer Rankine described Manuel Ellis’ kicking as being active resistant, almost assaultive.

Due to Manuel Ellis’ resistance, it was determined a hobble/leg restraint would be applied to Manuel Ellis. At 23:24:32, Officer Collins requested a hobble over the radio. At 23:24:46, Sergeant Lim arrived and advised over the radio that they are still fighting with one.

At 23:25:20, Sergeant Lim advised over the radio that incoming units can slow. During the transmission, Manuel Ellis can be heard in the background stating, “*I can’t breathe, I can’t breathe.*” At 23:25:44, Sergeant Lim contacted Dispatch and requested TFD for an evaluation. During his Internal Affairs

interview, Sergeant Lim confirmed the request for an evaluation was due to his knowledge that an ECT had been deployed against Manuel Ellis, not because of any medical issues with Manuel Ellis. Sergeant Lim denied hearing Manuel Ellis state, "*I can't breathe,*" during his radio transmission.

Officer Ford reported he assisted in controlling Manuel Ellis' legs by crossing them at the ankles and forcing Manuel Ellis' lower legs toward his back by bending them at the knee. Officer Ford was assisted by Officer Collins and Detective Sergeant Sanders (PCSD) in controlling Manuel Ellis' legs due to the level of strength and resistance presented by Manuel Ellis. Both Officer Collins and Detective Sergeant Sanders provided a similar statement about controlling Manuel Ellis' legs during the hobble/leg restraint application during their interviews. While this was occurring, Officer Rankine and Officer Burbank were attempting to control Manuel Ellis' upper body. As Officer Burbank was repositioning himself, Manuel Ellis was able to buck up, and Officer Burbank was thrown off to the side.

The hobble/leg restraint deployed on Manuel Ellis was obtained by Officer Burbank from the glove box of Officer Collins' patrol car. The hobble/leg restraint was applied to Manuel Ellis by placing the hobble/leg restraint around Manuel Ellis' ankles, cinching the hobble/leg restraint to secure Manuel Ellis' ankles together, and completing the application by securing the end of the hobble/leg restraint to the handcuffs that had already been placed on Manuel Ellis. Other than Officer Burbank directing other officers to place Manuel Ellis into a recovery position on his side, Officers Burbank and Collins discontinued their contact with Manuel Ellis once the hobble/leg restraint had been applied. Both Officers Burbank and Collins reported they were physically exhausted by the encounter with Manuel Ellis and went to their patrol car to recover. Officer Ford reported that he and Officer Rankine had taken over the responsibility of maintaining control of Manuel Ellis from Officers Burbank and Collins.

Multiple on-scene officers were asked if they observed Manuel Ellis' legs bent more than 90 degrees, and/or if Manuel Ellis' thighs were pulled off the ground and/or if they observed any bowing to Manuel Ellis as a result of the hobble/leg restraint application. None of the officers interviewed observed anything that would indicate Manuel Ellis was bowed from the hobble/leg restraint application.

Manuel Ellis was recorded multiple times stating variations of "I can't breathe" by a Vivint doorbell camera. They were recorded at 23:25:25, 23:23:45, 23:24:49, and 23:24:58. These are in addition to when Manuel Ellis stated, "*I can't breathe, I can't breathe,*" during Sergeant Lim's radio transmission at 23:25:20.

Officer Ford confirmed he heard Manuel Ellis state, "*I can't breathe,*" describing it as being said "a moment or two" after the hobble/leg restraint application. Officer Ford confirmed Manuel Ellis was placed on his right side, in a recovery position, shortly after Manuel Ellis stated he could not breathe. Officer Rankine said he did not recall hearing Manuel Ellis state, "*I can't breathe,*" after the hobble/leg restraint application. Officer Rankine reported that Manuel Ellis was placed on his side, in a recovery position, around a minute after the hobble/leg restraint was applied.

Officer Rankine also confirmed he heard Manuel Ellis state, "*I can't breathe, I can't breathe,*" and responded by telling Manuel Ellis something to the effect of, "if you can talk you can breathe." Officer Rankine reported he was not observing any breathing difficulties when this occurred, adding that Manuel Ellis was still resisting when it was said. During his Internal Affairs interview, Officer Rankine was asked if the statement was made as a reassurance to Manuel Ellis or as something sarcastic. Officer Rankine said it was more reassuring. Officer Ford was asked a similar question during his Internal Affairs interview. Officer Ford believes the statement about talking and breathing was sarcastic.

Officers Ford and Rankine both reported that Manuel Ellis began thrashing and struggling against the restraints while in the recovery position. This resulted in Manuel Ellis being rolled back onto his stomach. While Manuel Ellis was on his stomach, multiple officers reported that Manuel Ellis was spitting. Some stated Manuel Ellis was spitting blood; some believed Manuel Ellis was targeting officers when he was spitting. Officer Farinas reported he observed Manuel Ellis spitting. Officer Farinas

reported someone requested a spit hood. Officer Farinas retrieved a Department-issued spit hood from his patrol car, removed it from its packaging, and placed the spit hood over Manuel Ellis' head. Officer Farinas confirmed that Manuel Ellis was still on his stomach when the spit hood was applied. Officer Farinas also reported he observed blood coming from Manuel Ellis' mouth prior to the spit hood application.

At the time of the spit hood application, Manuel Ellis was lying on his stomach, restrained with handcuffs and a hobble/leg restraint.

Officer Rankine reported Manuel Ellis was rolled back into the previous recovery position on his right side after he stopped thrashing around and struggling against the restraints. Witness officers confirmed Manuel Ellis was rolled back onto his side once Manuel Ellis calmed down. Officers Ford and Rankine reported Manuel Ellis remained on his side until Fire arrived. Cell phone video #1 by Aiyana White taken at around 23:32:05 appears to show Manuel Ellis lying on the ground, likely with the spit hood still applied on his head. During his Internal Affairs interview, Officer Rankine was shown the cell phone video and reported that Manuel Ellis was on his side in the recovery position. The cell phone video also shows Officer Rankine kneeling beside Manuel Ellis at the upper back while Officer Madden is kneeling beside Manuel Ellis' legs, with several officers standing in close proximity to Manuel Ellis.

During the Internal Affairs investigation, Officer Madden and Officer Komarovsky both reported they assisted in physically restraining Manuel Ellis' legs.

Officer Ford reported that sometime from when Manuel Ellis was rolled onto his side the second time to when Fire responded, Manuel Ellis became non-responsive. Officer Ford reported he observed Manuel Ellis' chest moving up and down and that Manuel Ellis was breathing. Officer Rankine was monitoring Manuel Ellis' pulse, reporting that Manuel Ellis had a pulse of 80 beats per minute (BPM).

Officer Rankine felt that Manuel Ellis' pulse rate was "weird" given that he had just been involved in an extended struggle with officers. Officer Rankine reported he would have expected Manuel Ellis' pulse to be in the 120 to 130 BPM range, instead of 80 BPM.

At 23:24:35, Sergeant Lim advised over the radio that he arrived, and he requested Fire for an evaluation at 23:25:44. The first Tacoma Fire Department unit, Engine 10, was dispatched at 23:26:49 and en route at 23:28:30, arriving at 23:34:06. TFD arrived at Manuel Ellis' side to begin treatment at 23:34:41.

Officer Ford reported that he met TFD after they parked and directed them to Manuel Ellis' location. Officer Ford did not have any additional contact with Manuel Ellis once Fire arrived at Ellis' location.

Officer Rankine was still with Manuel Ellis when Fire arrived at their location. Officer Rankine reported the first Firefighter on scene was named Wilson (Nicholas Wilson TFD Firefighter/Paramedic). Nicholas Wilson advised that Manuel Ellis needed to be placed on his back, and Manuel Ellis was rolled onto his back. Officer Rankine confirmed that Manuel Ellis was still restrained in handcuffs and the hobble/leg restraint when this occurred. Nicholas Wilson advised the restraints needed to be removed from Manuel Ellis. Officer Rankine described a conversation about the restraint removal as lasting "seconds" as he explained to Nicholas Wilson how officers had fought with Manuel Ellis. Officer Rankine sought approval from Sergeant Lim prior to removing the restraints. Sergeant Lim approved the removal, and the handcuffs and hobble/leg restraint were removed. Officer Rankine reported that Manuel Ellis was rolled to his side, and he assisted in removing the handcuffs and hobble/leg restraint. None of the witness officers reported they removed the spit hood from Manuel Ellis. It is believed the spit hood was removed from Manuel Ellis by a member of TFD, likely just prior to TFD attaching a bag valve mask to Manuel Ellis, occurring at 23:36:53.

Nicholas Wilson reported Manuel Ellis' pulse was weak and slow. Nicholas Wilson described Manuel Ellis' breathing as agonal respirations with a deteriorating respiratory drive. Nicholas Wilson reported that Manuel Ellis needed to be mechanically ventilated. Nicholas Wilson also reported that once Manuel

Ellis was connected to a monitor, he was able to determine that Manuel Ellis' rhythm was decreasing and advised that CPR needed to be started. CPR was initiated at 23:41:11. Officers Rankine and Warner assisted TFD personnel in performing CPR on Ellis until they were relieved by additional TFD personnel. Cell phone video from Ms. White (2 of 2) recorded an officer performing CPR on Manuel Ellis.

Per the Tacoma Fire/EMS Prehospital Care Report and the Medical Examiner, Manuel Ellis was pronounced deceased at 00:12:30 on March 4, 2020. The CAD reports the time of death as being "0020". The CAD is not accurate. In the WSP investigation summary, WSP Detective J.N. Rhue indicated the time of death was "12:30 a.m. on March 4th." This is not accurate. The Tacoma Fire/EMS Prehospital Care Report should be considered the most reliable source for this information.

The Pierce County Sheriff's Department Independent Investigation Team conducted the initial investigation into the in-custody death of Manuel Ellis.

In May 2020, the Pierce County Medical Examiner, Dr. Thomas Clark III, ruled Manuel Ellis' death as a homicide, listing the cause of death as "Hypoxia due to physical restraint," with "methamphetamine intoxication and dilated cardiomyopathy" as other significant conditions. In his opinion, Dr. Clark specifically mentioned the mask, or spit hood, as a significant factor, writing in part, "*Thus it is likely that progressive hypoxia as a result of physical restraint, positioning and the placement of a mask over the mouth is a significant factor, and possibly the most important factor. Death, therefore, is certified as being due to hypoxia as a result of physical restraint with contributing conditions of methamphetamine intoxication and a dilated heart. It is unlikely that this death would have occurred due to physical restraint alone, without the contributing conditions. Furthermore, an argument could be made that the extremely high methamphetamine concentration should be considered the primary factor.*"

Around the middle of June 2020, the Washington State Patrol assumed the investigation into the in-custody death of Manuel Ellis, in part because Pierce County Sheriff's Department Detective Sergeant Sanders assisted in physically controlling Manuel Ellis during the hobble/leg restraint application.

It was also determined the Washington State Attorney General's Office would be tasked with reviewing the investigation and determining if any criminal charges would be filed.

On May 27, 2021, the Washington State Attorney General's Office filed a Declaration for Determination of Probable Cause, charging the following officers:

- Officer Burbank
 - Murder in the Second Degree
 - Manslaughter in the First Degree
- Officer Collins
 - Murder in the Second Degree
 - Manslaughter in the First Degree
- Officer Rankine
 - Manslaughter in the First Degree

Part of the Internal Affairs investigation focused on the spit hood that was applied to Manuel Ellis by Officer Farinas and the hobble/leg restraint and Lateral Vascular Neck Restraint (LVNR) that was applied to Manuel Ellis by Officer Collins that was recorded on Samuel Cowden's cell phone video.

When the incident occurred on March 3, 2020, the Tacoma Police Department did not have any policies and/or procedures guiding the application of a spit hood, post-application procedures, and/or reporting requirements. The Tacoma Police Department did not provide any training related to a spit hood.

When the incident occurred on March 3, 2020, the Tacoma Police Department did not issue a hobble/leg restraint to officers. The only reference to a hobble/leg restraint in the Department's Policies and Procedures is within TRANSPORTATION – DETAINEE, D.2, which states in part, "Arrestees will not be transported in a 'hog-tied' position or face down." A hobble/leg restraint was not part of the Department's Use of Force Policy, nor were there any policies and/or procedures guiding the application of a hobble/leg restraint, post-application procedures, and/or reporting requirements. The Tacoma Police Department did not provide any training related to a hobble/leg restraint.

During their Internal Affairs interviews, Officer Burbank, Officer Collins and Officer Rankine all stated they do not believe they violated the Tacoma Police Department's Use of Force Policy during the incident with Manuel Ellis.

During their interviews Officers Burbank and Collins believed they had reasonable suspicion to contact Manuel Ellis based on their observations of him blocking the car and attempting to gain entry into it. Officer Collins believed their contact with Manuel Ellis was going to be a mental health and/or drug-related contact where they would call Fire.

During their interviews, Officers Burbank and Collins described Manuel Ellis as the primary aggressor. This was based on Manuel Ellis threatening to assault Officer Burbank, punching the passenger window of the patrol car while Officer Burbank was still seated in the vehicle, and attempting to open the passenger door of the patrol car. Officer Burbank believed Manuel Ellis was going to assault him and locked the passenger door to prevent Manuel Ellis from gaining access to him.

Officers Burbank and Collins then believed Manuel Ellis needed to be detained. Officer Collins reported he exited the patrol car and contacted Manuel Ellis. Officer Collins reported Manuel Ellis picked him up by his exterior vest, threw him to the ground, and then assaulted Officer Burbank. Officer Collins noted Manuel Ellis had time to disengage and flee from them after he threw him to the ground and prior to assaulting Officer Burbank.

Officers Burbank and Collins both described deploying physical strikes with fists and elbows against Manuel Ellis to counter Manuel Ellis' assaultive behavior toward them. Officers Burbank and Collins both denied using an impact tool against Manuel Ellis. There are no witnesses that reported an impact tool was utilized against Manuel Ellis or any additional strikes to Manuel Ellis after he was placed in handcuffs.

Officer Collins confirmed he was preparing to apply an LVNR to Manuel Ellis, citing a concern that he was not going to be able to keep up with Manuel Ellis if it was a prolonged confrontation.

When the incident occurred on March 3, 2020, the Use of Force Policies and Procedures that were in effect did not contain any references to neck restraints, neither authorizing neck restraints nor prohibiting neck restraints. The Department did not provide any training on the application of a Lateral Vascular Neck Restraint.

When the incident occurred on March 3, 2020, the Tacoma Police Department was in the process of developing a potential Policy/Procedure related to the Lateral Vascular Neck Restraint, and Officer Collins was involved in the development of the Policy/Procedure. The Policy/Procedure was never approved by Chief Ramsdell and was not part of the Department's Policies and Procedures.

Officer Burbank confirmed he deployed his Taser three to four times against Manuel Ellis in an attempt to detain him. Officer Burbank's Taser was downloaded after the incident and confirmed Officer Burbank deployed his Taser three times. Each deployment was a full 5-second deployment with 28 seconds between the end of the first deployment and the beginning of the second deployment, and 20 seconds between the end of the second deployment and the beginning of the third deployment.

Officers Burbank and Collins were able to place Manuel Ellis into handcuffs after the Taser deployments. While handcuffed, Manuel Ellis continued to be actively resistant and assaultive toward them by kicking his legs and feet at them. A hobble/leg restraint was placed on Manuel Ellis to prevent him from kicking at the officers and to gain better control of him.

Multiple Tacoma Police Department Officers arrived on scene along with a Detective Sergeant and a Lieutenant from the Pierce County Sheriff's Department, a Trooper from the Washington State Patrol, and an Officer from the Lakewood Police Department, and reported Manuel Ellis was struggling against the handcuffs and the hobble/leg restraint.

Two civilian witnesses, Shad Hayes and Kennett Ashford-White, observed Manuel Ellis struggling with Officers Burbank and Collins. During his interview, Shad Hayes described Manuel Ellis as "throwin' 'em around pretty good" and asking the officers if they needed help. Kennett Ashford-White observed Officers Burbank and Collins trying to handcuff and control Manuel Ellis and described the officers as being manhandled by Manuel Ellis. Kennett Ashford-White added he knows the officer's kit (external vest carrier) is not a light thing and that Manuel Ellis was able to lift two people wearing body armor.

Witness officers described how Manuel Ellis was placed onto his side into a recovery position after the hobble/leg restraint had been applied. Witness officers also described how Manuel Ellis continued to resist, resulting in Manuel Ellis being placed back onto his stomach until he stopped resisting, and was placed back onto his side into a recovery position. When Manuel Ellis was placed on his stomach a second time, Officer Rankine believes he was on his stomach for a minute or two. Officer Rankine reported he was applying pressure to Manuel Ellis' right shoulder, pinning it down. Officer Rankine denied putting his knee directly on the back of Manuel Ellis' neck.

Sara McDowell, Keyon Lowery and Samuel Cowden are civilian witnesses who were on scene and witnessed part of the fight between Manuel Ellis and Officers Burbank and Collins. All three left the area while the fight was continuing. All three believe the force deployed against Manuel Ellis by Officers Burbank and Collins was excessive and/or unnecessary based on their observations.

The Courtesy allegation is related to a comment that was recorded on a surveillance video. During the investigation, the Vivint surveillance videos were reviewed. During one of the videos, at 23:23:45, Manuel Ellis stated, "*Can't breathe sir.*" A voice responded by telling Manuel Ellis, "*shut the fuck up man.*" There were only two officers on scene when this occurred – Officer Burbank and Officer Collins. During his Internal Affairs interview, Officer Burbank denied stating, "*shut the fuck up man.*" During his Internal Affairs interview, Officer Collins reported that he did not recall stating, "*shut the fuck up man,*" adding he did not think he has ever heard Officer Burbank say the "F" word and that if anyone said it, it was probably him (Officer Collins).

The criminal trial began on September 18, 2023.

As part of this investigation, Internal Affairs obtained court transcripts of testimony by Officer Collins and Officer Rankine. Officer Burbank did not testify. Opposing expert witnesses and other witness testimony was not reviewed.

In general, Officer Collins' testimony in court was consistent with previous statements he made to the IIT and Internal Affairs; how the encounter began, his use of force and his general observations. He indicated it was most likely him that was heard on the Vivint video telling Manuel Ellis, shut the fuck up man since it was only, he and Officer Burbank there at the time. Also of note, Officer Collins suggested that the encounter with Manuel Ellis as noted on various timelines could have begun over a minute earlier than previously thought.

Likewise with Officer Rankine, in general, Officer Rankine's testimony in court was similar to previous statements he made to the IIT and Internal Affairs with no material differences.

On December 21, 2023, the jury returned with the following verdicts.

- Officer Burbank:
 - Murder in the Second Degree- Not Guilty
 - Manslaughter in the First Degree- Not Guilty

- Officer Collins:
 - Murder in the Second Degree- Not Guilty
 - Manslaughter in the First Degree- Not Guilty

- Officer Rankine:
 - Manslaughter in the First Degree- Not Guilty

LT GJ ROBERTS #313

Lieutenant Gary J. Roberts
Internal Affairs Section

Asst. Chief C. Haskins

Assistant Chief Crystal Young-Haskins
Administrative Services Bureau