



EAST WENATCHEE POLICE DEPT

Incident Report for 19E01784

19E01784

Nature: WARRANT **Address:** 300BLK N KANSAS AVE, EAST WENATCHEE WA 98802

Complainant: EWPD **When Reported:** 16:52:51 04/06/19

Last: EAST WENATCHEE POLICE DEPT **First:** **Mid:**

DOB: **/**/** **Dr Lic:** **Address:** 50 SIMON ST # 1; EWPD

Race: **Sex:** **Phone:** (509)884-9513 **City:** EAST WENATCHEE, WA 98802

Offense Codes

Reported: WAR Warrant Service

Observed: CSPS Cont Subst/Possess Synthetics

Additional Offense: CSPS Cont Subst/Possess Synthetics

Additional Offense: FLNE Felony Elude

Additional Offense: RIPO Obstruct/Resist Officer

Additional Offense: OBST Obstructing Justice

Involvements

Date	Type	Description	
04/06/19	Name	EAST WENATCHEE POLICE DEPT,	Complainant
04/06/19	Name	BANNING, BRIAN LEE	ARRESTED/DCPA FILED
04/06/19	Name	DICKS TOWING, 5129	TOW COMPANY
04/06/19	Offense	BANNING , BRIAN LEE : BENCH WARRANT - F	Charged With
04/06/19	Offense	POSS OF CONTROLLED SUBSTANCE - F	Charged With
04/06/19	Offense	FAIL TO OBEY POLICE OFFICER - M	Charged With
04/06/19	Offense	RESISTING ARREST - M	Charged With
04/06/19	Offense	ATTEMPT TO ELUDE - F	Charged With
04/06/19	Vehicle	WHI 2009 GMC CANYON WA	VEHICLE IMPOUNDED
04/06/19	Cad Call	16:52:51 04/06/19 WARRANT	Initiating Call
04/06/19	Cad Call	16:57:06 04/06/19 PERSONAL ASSIST	RELATED
04/08/19	Property	Tazer/Stun Equi SMART CARTRIDGES (2)	Property
04/08/19	Property	Drugs/illegal CRYSTAL METH BAG OF	Property

04/08/19 Property drugs GLASS MJ PIPE W/MJ INSIDE

Property

Narrative

STOLEN/RECOVERED/DAMAGED/VALUE:

1.

EVIDENCE:

1. JM1- bag of crystal methamphetamine (2.3gr)
2. JM2- glass marijuana pipe and marijuana

CHARGE(S):

1. Attempt to elude police vehicle
2. Unlawful possession of a controlled substance (methamphetamine)
3. Fail to cooperate/obey law enforcement officer
4. Resisting arrest

INVESTIGATOR'S NAME(S):

1. J.Marshall #5

INVESTIGATION:

On 04-06-19 at about 1649 hours, I was on patrol near 8th St NE and N Kentucky Ave. I was driving a fully marked police vehicle, equipped with lights, siren, and I was in a police uniform.

I saw via my MDC that a "Drugs" call had re-opened at 1st NE and N Nile, a known drug house in Douglas County. I read that Deputy Sanchez was investigating a vehicle, (WA/B15932F, a white 2009 GMC Canyon) that was parked out from and he stated that the registered owner, Brian Banning had an outstanding "valid warrant for his arrest". Additionally the vehicle and plate were listed in the call and I have known Banning to own and drive that vehicle. Further, I am familiar with Banning from numerous on duty contacts and know him to be a drug user, known to resist arrest, run from police, and have assaultive behavior.

The caller was reporting that the suspect vehicle (Banning's) was currently west on Grant Rd from Nile. I began driving south on Kentucky and as I approached 3rd St NE I observed Banning's vehicle at the intersection. He continued west on 3rd St NE from Kentucky. I turned onto 3rd St NE behind him and activated my emergency lights to conduct a traffic stop and arrest him for his outstanding warrant.

Banning immediately accelerated and did not stop. He turned onto N Kansas at a high rate of speed going wide into the oncoming lane and then pulling into his

driveway at [REDACTED] 1G-Personal Info [REDACTED] at a high rate of speed leaving yaw marks in the driveway. I advised RiverCom that I was attempting to stop the vehicle and that the driver was bailing.

As the truck stopped Banning immediately exited and ran east on the north side of the house through a dog run into the back yard. I was a few feet behind him and verbally identified myself as police and told him to stop that he was under arrest.

Banning looked back at me several times. I noticed that he was wearing a jacket (turned out to be a full zip sweatshirt) and that he was holding his hands near his front waist area. Banning ran through a small fence knocking it down continuing through the backyard east bound.

We approached the rear gate, a six foot fence and I was about 6-10 feet behind Banning. As he began to climb the fence I attempted to grab him. Banning fell to the ground I drew my taser and told him to stay down. Banning got up and immediately placed his left hand in his left front pocket. I discharged my taser with no effect. I immediately discharged the second cartridge which appeared to have the desired effect as Banning fell to the ground.

After the initial deployment Banning immediately reached his hand back into his pocket. Fearing that he had a weapon, I deployed an additional cycle while giving him verbal commands to not place his hands in his pocket. Banning stopped for a second and as I was attempting to give back up units directions to my location he rolled to his side and reached into his sweatshirt/waist area again. Because I was alone, had not yet checked Banning for weapons, known him to have prior history of assaults, and that he was known felon I maintained my distance and gave verbal commands. He continued to reach into his waist area and I deployed another cycle from my taser which giving verbal commands for him to stop reaching. I also advised him that if he reached again he maybe shot.

Deputy English and Sgt Garcia arrived on scene in plain clothes. I continued to hold cover on Banning with the taser while English handcuffed Banning. Sgt. Mott arrived on scene as the on scene supervisor. They took Banning to the nearest exit of the yard and secured him while I back tracked through he yard to retrieve some of my gear that fell and secure the vehicles.

Ofc Virnig arrived on scene and took over the impound of Banning's vehicle at my request. I contacted Banning, Sgt Mott and Ofc Leyde on the other side of the block. Lifeline arrived to check Banning as a result of the taser deployments. Banning was looked at on scene and stated verbally that he was not injured.

Sgt. Mott advised me that they located a bag of suspected crystal methamphetamine in Banning's waist band area and that he found a glass marijuana

pipe in his front left pocket. Ofc Leyde advised he read Banning his Miranda warnings. I asked Banning why he ran and he stated he knew about his warrant. He told me that he did not see me attempt to stop him until we were in the driveway. When asked why he ran he stated the warrant.

I asked Banning why he was reaching in his pocket and he told me that he was attempting to get rid of the drugs. He then asked me not to charge him with the methamphetamine.

Sgt Mott collected the taser probes and stated he would place those into property as required. I collected the methamphetamine (JM1) and the marijuana pipe with marijuana inside (JM2) and placed them into EW property. The crystal substance was field tested and showed positive for methamphetamine. A picture of the drugs and positive test was taken and added to the PD server.

Ofc Callabrero transported Banning to CCRJ at my request so I could process my evidence. I advised him to book him on the warrant only until I had the drugs tested.

Based on the above investigation I believe that there is probable cause to charge Banning with attempting to elude a police vehicle, unlawful possession of a controlled substance, failing to obey/cooperate with a law enforcement officer, and resisting arrest; in that after being given a visual signal to stop by a law enforcement officer Banning operated his vehicle in a manner that showed a wanton and willful disregard for the safety of others, then failed to stop and identify himself and comply with my traffic investigation by exiting the vehicle and running, then after being given a verbal command that he was under arrest he continued to flee by running, jumping fences, and refusing to not reach into his pockets as ordered.

I certify (declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (RCW 9A.72.085)

Investigating Officer
J.Marshall #5

Date
04-06-19

Approved by

Date

Supplement

STOLEN/RECOVERED/DAMAGED/VALUE:

1. None

EVIDENCE:

1. Taser Cartridges/Probes

CHARGE(S):

1. None

INVESTIGATOR'S NAME(S):

1. R.Mott 1D7

INVESTIGATION:

On 04/06/19 at approximately 1650 hours, I was patrolling the city as the on duty shift supervisor. I heard radio traffic from Sgt. Marshall that he was attempting to stop a vehicle which was fleeing from him. I was a few blocks away and activated my patrol vehicle's lights and sirens and proceeded to Sgt. Marshall's location. Sgt. Marshall was in a foot pursuit and was giving directions to responding units. As I was traveling south on N. Kansas I observed several patrol vehicles responding from the Grant Road and 3rd St. area. Sgt. Marshall advised those units to respond to 3rd St. NE and I responded to Sgt. Marshall's patrol vehicle to secure it.

After securing Sgt. Marshall's patrol vehicle I proceeded to the sound of Sgt. Marshall giving verbal commands. I observed several open gates and items dropped from Sgt. Marshall's duty belt. I located Sgt. Marshall near a building on the west side of a large chain link fence. Sgt. Marshall had his taser in his hand and I observed a DCSO deputy and two plain clothes individuals placing a subject in handcuffs. The plain clothes individuals turned out to be Deputy English and Sgt. Garcia.

The gate was secured by a large chain, so I climbed over the fence to get access to the subject and assist with detaining the subject. Ofc. Leyde was searching the subject known to me as Brian Banning from previous law enforcement contacts. As Ofc. Leyde was searching Brian I observed what looked to be a rolled up plastic bag in the band of his underwear on his left side. Ofc. Leyde placed the baggie and a glass smoking pipe on the ground next to Brian and continued to search him. Ofc. Leyde completed his search and walked Brian to his patrol car.

Sgt. Marshall removed his two spent taser cartridges and went back to his vehicle and collect his belongings. I gathered up the cartridges and located two probes that had not been affective. While Brian was being searched I had observed one taser probe had been imbedded in his buttocks. I asking Rivercom to dispatch aid to our location to check out Brian. I picked up a pipe used to smoke marijuana and observed half of the bowl contained burnt marijuana and the other half contained unburnt marijuana. I also picked up the plastic bag that appeared to contain a white crystal substance which appeared to me based upon my training and experience to be meth. I walked all these items to Ofc. Leyde's patrol car and placed them in a plastic bag.

Ofc. Leyde had advised Brian of his Miranda warnings and was attempting to get water for Brian to drink while waiting for the ambulance to arrive. I retrieved my patrol car and spoke to Brian about what took place. I asked Brian if he had felt the effects of the taser device and he stated he had. I asked Brian if there was any pain associated with the deployment and he stated he had pain when he sat down, which was the probe in his buttocks. I asked Brian if he felt pain anywhere else and he stated no. I asked Brian why he had run and he stated he knew he had a warrant. I asked Brian if he had any weapons or was what he kept reaching for just the baggie. Brian stated he had no weapons and he was trying to ditch the baggie.

Aid arrived a short time later and pulled the single probe from Brian and checked his blood pressure. Brian was cleared by aid and was able to be booked into jail. I asked Brian again if there was any additional pain and if he felt another probe in his skin and he stated he did not and only one probe appeared to have penetrated his skin. The second probe was not located on Brian's person. I checked the area he had been taken into custody, and could not located the final probe. It appears as though he may have been caught up in the wires which completed the circuit and allowed the taser to be affective.

I handed over the items collected from Brian to Sgt. Marshall and maintained the taser cartridges. I left the incident and booked the items into evidence as Brain was being booked into jail on his warrant. This concluded my involvement with this incident.

See Sgt. Marshall's report for further information.

I certify (declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (RCW 9A.72.085)

Investigating Officer R.Mott 1D7

Date 04/07/19

Approved by

Date

Vehicles

Vehicle Number:**190006****License Plate:** B15932F**State:** WA**Vehicle Year:** 2009**License Type:** TK Truck**Expires:** 12/13/19**VIN:** 1GTDT13E6981212
78**Make:** GMC General
Motors Corp**Model:** CANYON**Color:** WHI /**Doors:** 0**Vehicle Type:** PU Pick up**Value:** \$0.00**Owner:****Last:** BANNING **First:** BRIAN **Mid:** LEE**DOB:** 06/05/82 **Address:** 1G-Personal Info**Race:** W **Sex:** M **Phone:** () - **City:** 1G-Personal Info

Vehicles

Agency:**Date Recov/Rcvd:** **/**/****Officer:****Area:****UCR Status:****Wrecker Service:** TIM***Local****Storage Location:****Status:****Status Date:** **/**/****Release Date:** **/**/****Comments:**MODEL/CANYON PU

Property**Property Number:** 1900445 **Item:** Tazer/Stun Equi **Brand:** SMART**Total Value:** \$0.00 **Owner:** **Model:** CARTRIDGES (2)**Serial:****Property Number:** 1900446 **Item:** Drugs/illegal **Brand:** CRYSTAL METH**Total Value:** \$0.00 **Owner:** BANNING BRIAN LEE 41781 **Model:** BAG OF**Serial:****Property Number:** 1900447 **Item:** drugs **Brand:** GLASS MJ PIPE**Total Value:** \$0.00 **Owner:** BANNING BRIAN LEE 41781 **Model:** W/MJ INSIDE**Serial:**

Name Involvements:**ARRESTED/DCPA FILED :** 41781**Last:** BANNING **First:** BRIAN **Mid:** LEE**DOB:** 06/05/82 **Address:** 1G-Personal Info**Race:** W **Sex:** M **Phone:** () - **City:** 1G-Personal Info

TOW COMPANY : DICKS**Last:** DICKS **TOWING First:** **Mid:****DOB:** **/**/** **Address:** 110 THURSTON ST**Race:** **Sex:** **Phone:** (509)663-1623 **City:** WENATCHEE, WA 98801

Complainant : EWPD**Last:** EAST WENATCHEE POLICE DEPT **First:** **Mid:****DOB:** **/**/** **Address:** 50 SIMON ST # 1; EWPD**Race:** **Sex:** **Phone:** (509)884-9513 **City:** EAST WENATCHEE, WA 98802

Redaction Log

Total Number of Redactions in Document: 5

Redaction Reasons by Page

Page	Reason	Description	Occurrences
3	1G-Personal Info	Personal Information and or Invasion of Privacy - A record used to prove identity, age, address, or other information required to apply a a driver's license is exempt from public inspection and copying. Or, (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. RCW 42.56.230(7)(a); 42.56.590)10)(a)(i)(F); 42.56.505	1
7	1G-Personal Info	Personal Information and or Invasion of Privacy - A record used to prove identity, age, address, or other information required to apply a a driver's license is exempt from public inspection and copying. Or, (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. RCW 42.56.230(7)(a); 42.56.590)10)(a)(i)(F); 42.56.505	2
8	1G-Personal Info	Personal Information and or Invasion of Privacy - A record used to prove identity, age, address, or other information required to apply a a driver's license is exempt from public inspection and copying. Or, (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. RCW 42.56.230(7)(a); 42.56.590)10)(a)(i)(F); 42.56.505	2

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
1G-Personal Info	Personal Information and or Invasion of Privacy - A record used to prove identity, age, address, or other information required to apply a a driver's license is exempt from public inspection and copying. Or, (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. RCW 42.56.230(7)(a); 42.56.590)10)(a)(i)(F); 42.56.505	3(1) 7(2) 8(2)