



SEATTLE POLICE DEPARTMENT

GENERAL OFFENSE HARDCOPY

PUBLIC DISCLOSURE RELEASE COPY

(X-21 DISTURBANCE-OTH)

GO# 2016-74839
REFERRED -CITY ATTNY
LAW DEPT BY FOLLOW-
UP UNIT

General Offense Information

Operational Status REFERRED -CITY ATTNY LAW DEPT BY FOLLOW-UP UNIT
Reported On MAR-02-2016 (WED.) 1111
Occurred On MAR-02-2016 (WED.) 1111
Approved On MAR-02-2016 (WED.)
Approved By 5712 - GIESE, DALE J
Report Submitted By 7436 - NORTON, JAMES W_JR
Org Unit WEST PCT 2ND W - QUEEN
Address W COMMODORE WY / 27 AV W
Municipality SEATTLE
District Q Beat Q1 Grid 4049
Bias UNKNOWN
Gang Involvement UNKNOWN / POSSIBLE
Family Violence NO

Offenses (Completed/Attempted)

Offense # 1 X-21 DISTURBANCE-OTH - COMPLETED
Location STREET/HIGHWAY/ROAD/ALLEY/SIDEWALK
Suspected Of Using NOT APPLICABLE



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Related Event(s)

- 1. CP 2016-74839
- 2. GO 2015-102742

Related Person(s)

1. SUBJECT # 1 - TOOMEY, JAMES C

CASE SPECIFIC INFORMATION

Sex MALE
 Race UNKNOWN
 Date Of Birth SEP-12-1972
 Address 10202 98 ST SW
 Municipality LAKEWOOD
 State WASHINGTON
 ZIP Code 98498-
 Business (206) 786-5500
 Cellular (253) 312-1633

PERSON PARTICULARS

Occupation SECURTIY OFC.
 Employer CENTRAL SECURITY SEATTLE, WA
 Height 6'02 Weight 200 LBS.
 Build MEDIUM
 Eye Color BROWN
 Hair Color BLACK

LINKAGE FACTORS

Resident Status RESIDENT
 Age Range K - 30-49 YEARS
 Access To Firearm NO

2. SUBJECT # 2 - HARRIS, ANDREW C

CASE SPECIFIC INFORMATION

Sex MALE
 Race WHITE



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Date Of Birth AUG-13-1974
Address 2823 34 AV W **Apartment** 314
Municipality SEATTLE
State WASHINGTON
ZIP Code 98199
District Q Beat Q1 Grid 8622
Home (206) 931-0736
Business (206) 282-1608
Cellular (206) 602-4274

PERSON PARTICULARS

Occupation CLERK
Employer 76 GAS STATION 3301 W MCGRAW ST
Citizenship UNITED STATES OF AMERICA
Height 6'00 **Weight** 175 LBS.
Build SLIM
Eye Color BLUE
Hair Color BLOND OR STRAWBERRY

LINKAGE FACTORS

Resident Status RESIDENT
Age Range K - 30-49 YEARS
Access To Firearm NO

Related Business(es)

1. INVOLVED - OTHER # 1 - CENTRAL PROTECTION

Address 2332 1 AV
Municipality SEATTLE
State WASHINGTON
ZIP Code 98121
District D Beat D1 Grid 2703
Phone Number (206) 786-5500
Type BUSINESS - OTHER

Related Vehicle(s)

1. INVOLVED # 1 - 567ZKV, WA VIN# 5GRGN23U26H102032

CASE SPECIFIC INFORMATION

License Number 567ZKV



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UP UNIT

State Of Issue WASHINGTON
VIN 5GRGN23U26H102032
License Type PASSENGER CAR
Year Of Issue 2015
Type PASSENGER CAR
Make And Model HUMMER
Style 4DR AUTOMOBILE
Year 2006
Color WHITE

MASTER VEHICLE INDEX REFERENCE

License Number 567ZKV
State Of Issue WASHINGTON
License Type PASSENGER CAR
Year Of Issue 2015
Towed NO

INSURANCE INFORMATION

OWNER INFORMATION

Owner Type PERSON
Owner Role INVOLVED

2. SUSPECT VEHICLE # 2 - AXS3495, WA

CASE SPECIFIC INFORMATION

License Number AXS3495
State Of Issue WASHINGTON
Type PASSENGER CAR
Make And Model TOYOTA CELICA
Color SILVER/ALUMINUM

MASTER VEHICLE INDEX REFERENCE

License Number AXS3495
State Of Issue WASHINGTON
Towed NO

INSURANCE INFORMATION

OWNER INFORMATION

Owner Type PERSON



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Owner Role SUSPECT VEHICLE



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Related Text Page(s)

Document NARRATIVE

Author 7436 - NORTON, JAMES W_JR

Subject NARRATIVE

Related Date/Time MAR-02-2016 (WED.) 1249

[TT_VERSION 1.0]

[GENERAL OFFENSE INITIAL INVESTIGATION NARRATIVE]

1 BACK-UP OFFICERS(S): (NAMES, SERIAL #'s, AND ROLES IN INCIDENT)

[OFC Yahia and OFC Poblocki Screened by SGT Giese]

2 CHARGES: []

CHARGE DESCRIPTION:

[Assault]

3 ARREST SCREENED BY: (SUPERVISOR'S NAME AND SERIAL)

[]

4 PHOTO(S) TAKEN? []

IF SO, []UPLOADED TO DEMS, OR []ICV USED

5 RECORDED STATEMENT(S) TAKEN? []

IF SO, []UPLOADED TO DEMS, OR []ICV USED

6 DIGITAL IN-CAR VIDEO(S) UPLOADED? [Y] FLAGGED? [N]

IF NO, []

RECORDING OFFICER(S): []

7 DNA / FORENSIC EVIDENCE SUBMITTED? []

8 FINGERPRINTS:

FINGERPRINTS SEARCH MADE? []

FINGERPRINT EVIDENCE OR CARDS SUBMITTED? []

ANALYSIS REQUEST SUBMITTED? []

COMPARISON REQUEST SUBMITTED? []

9 FELONY ALERT PACKET SUBMITTED? []

OFFICER SUBMITTING: []

FOLLOW-UP UNIT DESTINATION: []

10 USE OF FORCE REPORT SUBMITTED? []

USE OF FORCE SCREENED BY (SUPERVISOR'S NAME AND SERIAL):



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[]

11 LIST ALL HARDCOPY PAPERWORK SUBMITTED:

- [] ARREST REFERRAL TRACKING SHEET (Crisis Solution Center)
[] CRIMINAL TRESPASS WARNING 5.34.1
[] DUI PACKET
[] DV SUPPLEMENTALS
[] IDENTITY and MAIL THEFT (Photocopy of Recovered ID or Mail)
[] INVENTORY SEARCH FORM
[] MENTAL HEALTH CONTACT REPORT
[] PARK EXCLUSION
[] TOW IMPOUND RECORD
[] VEHICLE REPORT
[] WRITTEN STATEMENTS (Required on Felony Arr, Juvenile Crime, DV Incident)
[] OTHER (Describe in Box Below)

[]

12 VICTIM(S) INJURIES: SFD Responded? [Y]

[for Andrew C Harris who was "pepper spayed"]

13 INCIDENTAL PROPERTY DAMAGE: (DESCRIPTION AND VALUE)

[]

14 VEHICLE IMPOUNDED? []

STORAGE LOCATION: []

15 INITIAL INCIDENT DESCRIPTION / NARRATIVE:

[***ICAV Advised and Used***

On March 2, 2016 I was dispatched to a call of a possible assault located at the intersection of 27th Ave W/W Commodore Way. I arrived at the above said location with OFC Yahia and observed subject Andrew C Harris in handcuffs and being treated by Seattle Fire E41 for exposure to pepper spray. Sub/Harris eyes were bloodshot and watery and he appeared to be in pain. I then contacted subject James C Toomey of "Central Protection" who was near his vehicle WA 567ZKV.

According to Sub/Toomey he was in the above area "patrolling" when he was flagged down by two unknown people who he believed worked in the area. The two unknown people explained to Sub/Toomey that there was a person (Sub/Harris) parked in a vehicle (WA AXS3495) and possibly doing narcotics.

The two unknown people asked Sub/Toomey if he could do anything about it. Sub/Toomey then drove his vehicle and observed Sub/Harris sleeping in the above vehicle. Sub/Toomey stated he was concerned for Sub/Harris welfare and attempted to wake him up by knocking on the window. As Sub/Harris awoke the two got into a verbal argument and Sub/Toomey then got into his vehicle and drove up the street northbound and called 911 to report the suspicious incident. A few minutes later Sub/Harris drove his vehicle up behind Sub/Toomey and parked.



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Sub/Harris then exited his vehicle and walked up to Sub/Toomey and attempted to open the driver side door while Sub/Toomey was still in his vehicle. Sub/Toomey exited his vehicle and Sub/Harris attempted to grab Sub/Toomey. Sub/Toomey stated he, "slapped" Sub/Harris arms away. At this point Sub/Harris retreated to his vehicle and Sub/Toomey followed and the two continued verbally arguing. While at Sub/Harris vehicle Sub/Toomey stated that Sub/Harris again tried to grab him. At this point Sub/Toomey used his pepper spray on Sub/Harris striking him in the face. Sub/Toomey then pushed Sub/Harris onto the hood of Sub/Harris vehicle and put him in handcuffs. Sub/Toomey then called 911 to report the incident.

OFC Yahia removed the handcuffs from Sub/Harris and we escorted him to the front of my vehicle. I could see Sub/Harris very red face and watery eyes. At first he had a hard time speaking as he was still recovering from the effects of the pepper spray.

According to Sub/Harris he was indeed contacted by Sub/Toomey who informed him he was illegally parked (which he wasn't) and that Sub/Toomey has no legal authority to do this. This up Sub/Harris and he got into a verbal argument with Sub/Toomey/ He observed Sub/Toomey move his vehicle and he stated he moved his vehicle in behind Sub/Toomey and parked. As Sub/Harris got out of his vehicle, Sub/Toomey also got out of his vehicle. The two met at Sub/Toomey's vehicle and continued arguing. Sub/Harris got his phone out his phone and attempted to record the incident. Sub/Toomey then slapped the phone out Sub/Harris. The phone hit the ground and broke apart and ended up underneath Sub/Toomey vehicle. Sub/Harris then got down on the ground to try nd retrieve the broken pieces of the phone. Sub/Toomey then "pepper sprayed" Sub/Harris in the face. Sub/Harris got to his feet and retreated to his vehicle. Sub/Toomey followed him and continued sparring him. Once both parties made it Sub/Harris vehicle, Sub/Toomey actually dropped his peopper spray canister inside Sub/Harris vehicle. Sub/Harris reached in and gave it back to Sub/Toomey. Sub/Toomey then grabbed Sub/Harris and pushed him onto the hood of Sub/Harris vehicle and put him in handcuffs.

During my investigation I asked Sub/Toomey if he was in fear for his safety why did he follow Sub/Harris back to his vehicle when as both subjects have stated that Sub/Harris was clearly retreating. He did not have an answer.

OFC Yahia and I observed the broken pieces of the phone underneath Sub/Toomey's vehicle. OFC Yahia actually saw the face part of the phone near the right front tire and the battery directly underneath.

I also noticed in the history of the Central Protection vehicle there was a disturbance involving Cnetral Protection employees and Sub/Harris in a seperate incident (15-102742).

SFD left the scene and Sub/Harris did not appear to have lasting injuries at this time.

SGT Giese arrived at the scene and screened the incident.



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OFC Poblocki checked nearby buildings and their were no witnesses or video footage of the incident. Sub/Toomey stated that his company does not have recording equipment.

I provided a business card to both parties with the case number and my information.]

I hereby declare (certify) under penalty of perjury under the laws of the State of Washington that this report is true and correct to the best of my knowledge and belief (RCW 9A.72.085)

Electronically signed:

NORTON, JAMES W_JR

Date:

Mar-02-2016

Place: Seattle, WA



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Related Attachment - DOCUMENT

Description STATEMENT OF JAMES TOOMEY
Reference Number

James Toomey
 POLICE INCIDENT REPORT
 MARCH 03RD 2016

RECEIVED BY:
 2016 MAR -7 PM 2:54
 DATA CENTER

TO: KING COUNTY PROSECUTOR
 Reporting Police officer Norton # 7436
 Case # 16-74839

My name is James Toomey and I work for Central Protection Security Company. I am currently contracted by the City of Magnolia to conduct a security patrol 3-days per week. During my security patrol they have instructed me to patrol the entire City of Magnolia and look for any suspicious vehicles/RV's and follow all deliveries made by UPS/FEDEX etc to make sure no one is following to steal packages. They also have me checking homes of residents who are gone on vacation, making sure their home is secure.

When I witness anything suspicious during my patrols I call it into 911. On March 03rd 2016 an incident had happened where I had called police twice, but when the police arrived I was so shook-up that I don't believe I had explained everything and they never had me write a police/ incident report to file. So I would like to give a copy of my "Security Incident report" that I wrote right after this incident had happened. A copy was given to the Magnolia Patrol executive director who is the one whom is in charge of the City of Magnolia's contract with Central Protection. Plus of course my Company "Central Protection also has a copy of the incident. Below I have copy and pasted my incident report so you will be able to fully understand as to exactly what had happened.

(INCIDENT REPORT 911 Police & Fire department)

While beginning patrol through 27th street I was flagged down by two males in a car with reflective vests on - (Assuming workers from one of the Companies back here off of 27th) They pointed down and informed me of an Old Silver Toyota had been parked on the side by Commodore for several hours and a white male inside possibly smoking some sort of drugs out of a glass bubble pipe.

I thanked them for the information and told them I would check it out. I immediately saw the vehicle when I turned on 27th side of the street "27th " before hitting Commodore. I drove past it several times attempting to see who was inside and what they were doing.
 The vehicle unfortunately had tinted windows - So tinted that I couldn't see inside while driving past. So I ended up driving behind the vehicle and took pictures of the license plate and make of vehicle.
 It was a Silver Toyota Celica License plate # AXS3495
 After taking the pictures I got out to investigate who was inside the vehicle and what they were doing. I got out and walked up to the driver's side window, I immediately saw a white male with blankets over him and what looked like some sort of glass pipe.
 I knocked on the window and said, "Sir Hello, Sir are you okay? At first the male didn't move at all, and I



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thought to myself hopefully he didn't overdose or something. So I continued to knock and yell out, " Hello sir, are you okay, hello?"

I then got worried about the male because no matter how many times I knocked or called out to him he never even moved. So now I was worried if he was even alive. So I figured to try to see if his driver's side door was unlocked and attempting to do a Health & Welfare check on the male but right as I grabbed the door handle he jumped up and came to and gave me the finger and told me to " FUCK OFF and told me to leave him alone!" I then informed him that the people from the businesses had reported you and want you to leave because they stated that they saw you doing drugs and you've been here for several hours. That's the only reason I am even checking on you, because the City of Magnolia has contracted security to patrol the entire City and to investigate any suspicious RV's or vehicles. Plus I was very concerned about your welfare because you didn't move at all.

He didn't care nor listen to me he just continued to give me the "finger" while cussing me out. So I left and walked back to my patrol vehicle and called 911.

911 Operator asked if I would be waiting or in the area when Officers arrive. I said, Yes I'm patrolling but will still be in the area if needed.

I then left and drove up 27th a couple blocks and parked on the side while updating my report. I continued to watch the Silver Toyota from my Rear view mirror.

All of a sudden the male started pulling around and raced up directly behind me. I immediately got scared about what he was about to do. As he was walking up to my driver's side door he was yelling and cursing saying, " MOTHER FUCKERS I'VE FUCKING HAD IT YOU MOTHER FUCKERS HARASSING ME!" As he was yelling this he grabbed my door and ripped it open and started to grab me pulling me out while cursing me I then knocked his hands away from me and pulled out my pepper spray and started to spray his face. I was in complete fear for my life at this moment. He then stumbled towards his vehicle and then turned towards me yelling and screaming again attempting to grab me. I pepper sprayed him again and turned him around to handcuff him.

I handcuffed him and called 911 again. This time to update them that now the suspicious male that I had just reported to police just several minutes ago drove up behind me and ripped open my door and attacked me. I informed them that I had pepper sprayed him and currently have him in handcuffs.

911 operator sent Fire Department to clean the pepper spray off the males face and sent Police officers. Fire Department arrived on scene and asked what had happened. They washed the males face off and then we all waited for police officers to arrive.

Police officers finally arrived after about a 35 min wait. They asked me as to what happened, after I explained they walked over and interviewed the male. The Police officers then explained to me that they have called their supervisor to come down, because it was my word against his word, and the male in question was stating completely different things. Officers said, "It was a He said/She said incident.

Officer Norton # 7436
Case # 16-74839

The Police Supervisor stated to the male and I that we were free to go and they are not arresting anyone and they were just going to turn this report into the King County prosecutor to see if anything would be filed. Before leaving scene I was informed that the male is homeless and lives in his vehicle and currently works at the Shell Gas Station in Magnolia directly across from the Starbucks off of McGraw.

I left scene and made contact with Executive Director of Magnolia Patrol Joe Villarino & Central Protection Security Manager Denis.

RECEIVED BY:
DATA CENTER
MAR -7 PM 2:00



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*** END OF HARDCOPY ***