

Statement of Bradley Althaus

I have been a law enforcement officer for the City of Yakima WA since March 7th of 2012. I attended the Basic Law Enforcement Academy in Burien WA in 2012 after being hired with the Yakima Police Department. I have been with the Yakima SWAT team since January of 2014. I attended the WA State Basic SWAT Academy in the spring of 2014. I have also been trained as a Less Than Lethal Instructor in spring of 2015 and provide training for our SWAT team and the Yakima Police Department in the use and certification of less than lethal weapon systems. Prior to being hired with the Yakima Police Department my last place of employment was with the United States Marine Corps.

On June 10, 2016 I was assigned to patrol on the C-Blue shift, the hours of that shift are from 1600 to 0240, five days a week. I am also assigned to the SWAT Team but I was not training on that date. I was driving a Yakima Police Department issued Ford Explorer. It is black and white in color with overhead red and blue lights with Yakima Police printed on the sides and rear of the vehicle. My uniform on that date was a short sleeve uniform, dark in color, with my metal police badge, my last name printed on the front and Yakima Police patches on both arms. On my duty belt I was carrying a Glock 22 .40 cal pistol, a taser, police issued radio, tourniquet, handcuffs, flashlight and two extra Glock magazines. Each Glock magazine carries 15 rounds. I carry all of the magazines at full capacity with Yakima Police issued .40 caliber ammunition. I also carried a back-up pistol, a Kimber Solo 9mm. My back up pistol is loaded with six rounds of Yakima Police issued 9mm ammunition. I am current on my training and qualification with both firearms.

I was assigned to district nine that day, the western most district in Yakima. At or near to 1719 hours, I had received a call to assist another officer with a domestic incident in district five, a central district. As I was in route to assist I recognized that dispatch had another domestic incident, possibly a physical confrontation, in my district at 2125 S 68th Ave. The assigned officer was coming from the east side of town and I requested that they send me. I was much closer than the responding officer and the call was in my assigned district. Dispatchers on duty had me disregard my current call and sent me the call at 2125 S 68th Ave. Sgt R. Wisner, the on duty Squad B supervisor, also called in route to the call as well as Officer B. Graves, another officer assigned to Squad C. Both officers were in route code three with lights and sirens.

I started driving to the call from S 40th Ave and W Nob Hill Blvd. I was much closer than both Sgt R. Wisner and Officer B. Graves. I again read the comments of the call which stated that there were two males inside of a garage arguing. No physical fighting was witnessed but dispatch advised that neighbors in the area suspected it was a physical confrontation. Due to my closer proximity to the call and no further information to indicate a physical fight, I continued to drive to the call with no lights and sirens.

I arrived in the area of the call. I quickly checked the names attached to the call and saw that dispatch had ran two male names. I suspected that these were possibly the male subjects I would be dealing with shortly. I did not recognize the names of either male. Dispatch did not advise me of any warrants or court orders on either subject. I quickly checked my Spillman mapping system to

see the location of other arriving units. I saw that Sgt R. Wisner was almost out to the scene. As I approached the residence in my patrol car I could immediately see that the residence had two garage doors facing the street. I noticed that there was heavy damage to the left side garage door. The door was pushed out and broken. It appeared that someone had possibly attempted to drive a car out of the garage with the door closed. I relayed the information over my patrol car radio.

I was parked about two houses to the north of 2125 S 68th Ave. I stepped out of my patrol car and could hear two male voices yelling and arguing from the damaged garage. I began to get a very uneasy feeling about the situation and suspected that it was more than a verbal argument. I began to approach the damaged garage door on foot from the north.

As I approached the garage I saw Sgt R. Wisner's patrol car driving south down the street. I pointed to the damaged garage and he pulled into the driveway, in front of 2125 S 68th Ave. I was then only feet from the garage and could still hear the two males arguing. It sounded like they were speaking Spanish. The voices were yelling and sounded very tense. I began to hear a smacking sound along with the yelling. I believed the sound to be a physical fight. The door was damaged to the point that the center panels had been detached on the right side of the door. It was dark inside the garage but I could see inside through the detached panels with about a foot or two of view.

The arguing continued and I could make out a man in a wheel chair. He was backed up directly in front of the broken garage door in his wheel chair. His back was to us as he sat in the wheel chair. I could see the man's hands come up in front of him in a protective posture and I could see something being swung at him. I could hear the sounds of the assault coming from the garage. I could not tell if the object was a hand or another physical object. It appeared obvious that the man in the wheel chair was being assaulted at that moment. I pounded on the garage door with my fist. I announced my presence as a Police Officer. I cannot recall the exact verbiage used. Sgt Wisner advised me "He is hitting him!" I received no acknowledgement from inside the garage. It grew silent for a brief moment and then I heard more yelling. I began to fear the man in the wheel chair was in very real danger and I had already witnessed him being hit.

Sgt Wisner then got out of his patrol car and approached the garage next to me. I grabbed the broken panel of the garage door and pulled it back another few feet. This gave me enough room to enter the garage. I drew my pistol and entered the garage. I entered directly behind the victim male in the wheel chair. As my eyes adjusted to the changing light I could see a man standing a few feet away from the victim, at about the middle of the garage. I do not recall exactly what the suspect male was wearing but only recall him being of Hispanic descent, 40 to 50s years of age and wearing a shirt and pants. There was a white four door car to my immediate left and an SUV to my right about five feet away. Both vehicles had been backed into the garage. The suspect male was standing in between the two cars, about five to eight feet away from me as I moved around the male victim in the wheel chair. Fearing that the male victim may be further assaulted I had placed myself in front of him.

As I did this the suspect male yelled at me and had an angry look to his face. It appeared that it was something in Spanish and I did not understand him. I had my pistol pointed at him and was giving him commands stating "Show me your hands!" As he yelled at me he lifted his shirt and

looked down. I could see a clearly visible pistol in the front of his waist band. It had a wooden handle and appeared to be a revolver. As he lowered his shirt he brought his hands down to his side, in close proximity to the gun. I yelled at him telling him to turn away from me and put his hands up. I was within four to five feet of him. He did not comply with my orders. I then grabbed at his hands with my left hand, attempting to keep him from reaching for the gun in his waistband. He pulled away from me. I kept myself in a bladed stance with my gun drawn to my right armpit, furthest away from the suspect. I grabbed him by the arm and threw him into the SUV on the right side of the garage. I attempted to face him towards the car but he would not turn around. I yelled at Sgt R. Wisner saying "He has a gun!" I saw out of the corner of my eye that Sgt R. Wisner was at the front of the white car, on the left side of the victim male, about ten to fifteen feet away from me. I heard him say "Where is it at!" and I realized he could not see the gun in his waist line. I told Sgt R. Wisner the gun was in his waistband. I threw my left shoulder into the suspect male pushing him harder into the SUV. I yelled at him attempting to gain compliance requesting he put his hands up.

He resisted me and would not face away from me. He was yelling at me and I felt his hands reaching for his waist line. I attempted to move his hands away with my left hand. I still had my gun in my right hand pointed at his chest in a bladed stance. I was attempting to put myself in between the suspect and the victim as I was in fear he was going to try and shoot the victim. As I felt the suspects hands move towards his waist line I stepped back, still keeping my left hand on his in an attempt to stop him from getting the gun. I realized that the suspect male was attempting to access the gun to shoot me or possibly the victim. To stop his attempts to reach the firearm I then fired two shots at the suspect.

My pistol was pointed at the suspect's chest and was an estimated three feet from his chest, or within arms distance. I fired the shots as I was in the bladed stance with my pistol in proximity to my right arm pit. I realized my shots had hit the suspect as I could see a puff in the back upper left shoulder of his shirt. I realized this was one of my bullets exiting his body. The suspect immediately became calm and fell towards me. I gave him verbal commands to get on the ground. He fell face first to the ground and I followed him down, still attempting to gain control of his hands. I holstered my pistol as he hit the ground. I grabbed both of his hands as he lay face down on the floor of the garage. I heard Sgt R. Wisner yell "Shots Fired!" into his radio. He soon after requested an ambulance. I told him he had two gunshot wounds to the chest. I handcuffed the suspect male with both hands behind his back. I then rolled him to his side and removed the gun from his waistband. It was a revolver with a wooden handle and about a five inch barrel. The gun appeared to be loaded. I began to shake slightly as I attempted to release the cylinder to unload the gun. I could not find the cylinder to unload the gun. At this point Officer B. Graves arrived and I handed him the suspect's gun. I told him it was still loaded and I could not find the cylinder lock. Officer B. Graves took the gun from me to secure it.

I returned to the suspect whom was still handcuffed lying on the floor. I could see blood on his chest and his back. I yelled at Sgt R. Wisner to get a medical kit. I could hear the victim male in the wheel chair start to cry. He was rocking back and forth in the chair as he was crying, saying "Oh my brother!" I then realized that the two males were brothers. I lifted up the suspect male's shirt. His breathing was already becoming labored. I was telling him to breath and that an ambulance was on the way. I began to put pressure on his wounds with my hands. I found an

entry wound on the right side of his chest near his nipple. I found another entry wound near the upper chest closer to the collar bone. I found a possible exit wound on his upper back near the shoulder. Sgt Wisner returned with the medical kit. I told him to find a plastic piece to put over the wounds and protect from air being entered into the wound. Due to the amount of blood I was not able to apply any dressings effectively. I had Sgt Wisner put pressure on one of the wounds with his hands and I applied pressure on the other wound. I felt for a pulse but could not find one.

YCSO Deputy G. Bazan arrived on scene with another deputy asking if they could help. Officer S. Grant also arrived. I told them the house was not yet secure and they moved inside to secure the house. We again asked for an ambulance over the radio and dispatch advised they were in route. Medical personnel then arrived and I released pressure letting medical personal take over. I walked out of the garage.

As I went outside I was contacted by Sgt Moore. He directed me towards the ambulance and asked if I was OK. I said yes. It was at this point that I realized I had not turned on my COBAN microphone. I turned it on then. I also noticed my radio lapel microphone had also been knocked off of my shirt sometime during the struggle. Sgt Moore asked me questions off of a card. He asked how many rounds I had fired. I told him two. He asked in what direction they were fired. I told him in a south or southwest direction. He asked who or what they were fired at. I told him the suspect. He asked if there were any outstanding suspects. I told him no. Sgt Moore then took photos of the blood on my hands and arms, as well as the blood on my pants.

I went back around the ambulance and spoke with medical personal. They asked if I was hurt and I said no. They documented small scrapes on my forearms. I advised they were probably from fighting with the suspect.

After this I was transported from the scene by Sgt R. Sanchez. He transported me back to the station and remained with me until I had spoken with detectives. I spoke with Detective K. Kays and Detective K. Hampton. They did not ask me anything about the incident but only asked if I was OK. I told them I was OK. They requested that I remove my duty firearm and I did. It was placed on a large sheet of white paper along with my two other duty magazines and my back up weapon. While at the station I was briefed by Sgt I. Cavin of the process that will be taken to investigate the shooting. While at the station I was not questioned by any detectives or administration personal of details of the shooting.

I was given a temporary sidearm prior to leaving the station. I was also given back my back up weapon prior to leaving. Detectives requested I leave my patrol car at the station and I was transported back to my residence by Detective K. Hampton and K. Kays. They did not ask me any details of the incident. Once at my residence they requested that I remove my boots, uniform pants and uniform shirt for evidence. They were provided with these items. I had no further contact that night with detectives or department personal.

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