

SHOREWOOD POLICE DEPARTMENT

REPORT

July 1, 2005

In the Matter Of Use of Force to Effect Arrest (05-013936)

To David M. Banaszynski

Chief of Police

Sir:

Officers were dispatched to 1900 E. Capitol Dr., Apt. 104, the afternoon of Monday, June 27, 2005, to investigate a report from a resident at that apartment building that her boyfriend was attempting to commit suicide by hanging himself in the bathroom of her apartment. The caller, Brooke A. GAINNEY (F/W 11/21/81), was reported by dispatchers to be nearly hysterical, and had run out of her apartment and down the hallway to call police.

Officers Lenda, Preston and Walton, Det. Walls and I all responded to the building. Officers Lenda and Preston met the complainant and checked the apartment for the boyfriend, Robin C. SPANGLER (M/W 02/11/80). He was not found in the apartment. SPANGLER had reportedly attempted to hang himself with his belt. SPANGLER reportedly uses drugs, and had used drugs earlier that day. According to GAINNEY, Robin had told her that he had nothing to live for and had said several times that he wanted to kill himself. He also was reported to have used a "stun gun" he possessed against himself. SPANGLER reportedly also does not like police and has a history of fighting with police.

A search of the apartment turned up the stun gun and two knives. Also found still in the apartment was the belt and some drug paraphernalia. Common areas of the building interior were subsequently checked for SPANGLER, also with negative results. He had apparently left the building. A description was broadcast, indicating that he was believed to be wearing an olive

green T-shirt and blue jeans. While officers were still at the building with the complainant, SPANGLER called her on the telephone, but would not divulge his location. (It was later learned that he had used a pay phone at the Walgreens drug store at 4081 N. Oakland Ave.)

Shortly after officers left the apartment building, GAINEY again called the police and reported that SPANGLER had returned and had been in the hallway outside the apartment door, and was now wearing a white, long-sleeved shirt. GAINEY also reported that the electrical power in her apartment had been cut off. As officers responded, GAINEY reported that SPANGLER had fled from the area of the apartment door to an unknown location.

CSO George Bishop had also responded to the area, and reported to officers via radio that he observed a subject believed to be SPANGLER on the roof of the apartment building. Officer Preston and Detective Walls entered the building, proceeded to the stairway leading to the roof, and began their ascent to the roof. Upon arrival on the roof, they observed SPANGLER crouched behind a chimney and over what appeared to be a geologist's-type pick hammer, some cables and wire (a pair of jumper cables and some coaxial wire), and a bladed-type knife or tool (a putty or spackling knife). As Officer Preston approached the subject and ordered him to show his hands to her, he became verbally abusive and profane and refused to comply. As she drew closer, he reportedly stood, thrust his empty hands out and lunged in her direction. He then stood defiantly with his hands clenched into fists. With Detective Walls alongside, Officer Preston repeatedly ordered SPANGLER to turn and place his hands behind him. With his refusing to comply, Walls and Preston then grabbed hold of him and directed him down to the roof's surface.

When CSO Bishop observed the struggle which ensued when the officers attempted to gain control of the subject, he announced over his radio that "she's (Preston) fighting with him."

Officer Lenda, already on his way to the roof, joined Officer Preston and Det. Walls in the attempt to subdue SPANGLER, who was violently resisting, even after having been directed to the roof. Det. Walls said that he withdrew the expandable baton from Preston's duty belt and directed a strike from the closed baton to the subject's back. While this enabled the officers to get one of the subject's hands behind his back, SPANGLER continued to twist and turn and resist with his free hand. Officer Preston managed to get one of his hands handcuffed. Officer Lenda then pulled his Taser from its holster and directed two drive stuns directly to the subject. The first had little or no effect, but after the second was delivered, Officer Preston was able to cuff the free hand.

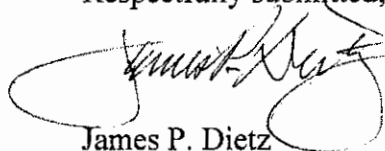
Officer Walton and I also had run to the roof upon hearing of the subject fighting with officers. As Walton reached the officers and SPANGLER, the latter was still physically uncooperative and resisting attempts to search his person. SPANGLER was brought back to his feet and held against a brick chimney while attempts were made to search him. He several times pushed himself back off the chimney with his head, chest and body, and had to be redirected to the chimney. I observed that SPANGLER had a cut on his forehead and was bleeding. He also was barefoot, with his sandals lying next to other items on the roof. I also observed that a trickle of blood along the outside of his right foot. SPANGLER was argumentative, combative, and profane the whole time, and repeatedly screamed that he would sue all the officers and wanted all their names and badge numbers.

Once controlled and searched, SPANGLER was escorted, in custody, from the roof by Officers Lenda and Walton to Officer Lenda's squad. I directed the officers to transport SPANGLER immediately to Columbia Hospital for an exam and physical evaluation following the reported Taser use, and to obtain first aid for the observed superficial cuts and scrapes, and

prior to any transport to the Mental Health Complex or CJF. It was subsequently learned after his visit to the hospital and medical clearance there that SPANGLER had

I was informed by officers on the scene of the usage of the force as described above, and based upon my observations of the subject's resistance continuing after I had arrived as well as his behavior and actions prior to that, I found that the use of this force had been warranted, was appropriate, and was consistent with department policy, state law and accepted practice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James P. Dietz", written over a circular stamp or mark.

James P. Dietz
Lieutenant

SHOREWOOD POLICE DEPARTMENT
3936 N MURRAY AV
SHOREWOOD, WISCONSIN 53211
(414)847-2610

INCIDENT REPORT

Incident #: 05-013936

When Reported: 16:23:22 06/27/05

How Received: Telephone

Agency: SHOREWOOD POLICE DEPARTMENT

Nature: Suicide Attempt

Offense Codes: ED Emergency Detention

Location of Incident: 1900 E CAPITOL DR;#104
SHOREWOOD, WI 53211

Disposition: Clrd Adlt, Arst (On on 06/29/05

Occurred Between 16:23:08 06/27/05 and 16:23:08 06/27/05

Responsible Officer: G LENDA

Supervisor: mjs545

NARRATIVE:

ON MON, 06/28/05 AT APPROXIMATELY 4:00PM, A ROBIN C SPANGLER TOLD HIS LIVE-IN GIRLFRIEND, BROOKE A GAINNEY, THAT HE WANTED TO KILL HIMSELF. SPANGLER TRIED TO HARM HIMSELF BY HANGING HIMSELF WITH HIS LEATHER BELT. SPLANGLER WAS LATER LOCATED ON THE ROOF OF THE APARTMENT AND RESISTED BEING TAKEN INTO CUSTODY. SPANGELR WAS CONVEYED TO COLUMBIA HOSPITAL AND TO THE MCMH COMPLEX FOR OBSERVATION.

Incident #: 05-013936

COMPLAINANTS/REPORTING PERSONS:

NAME: GAINNEY, BROOKE A.	Name Number: 56694
Race: W Sex: F DOB: 11/21/81	Name Description: Complainant
Height: 5'07" Weight: 125 Hair: BRO Eyes: BRO	
Address: 1900 E CAPITOL DR; #104, SHOREWOOD, WI 53211	
Home Phone: (414)271-0377	Work Phone: () -

WITNESSES:

NAME: JONES, DAVID A.	Name Number: 69042
Race: W Sex: M DOB: 02/23/66	Name Description: Witness
Height: ' " Weight: 0 Hair: Eyes:	
Address: 3955 N MURRAY AV; #806, SHOREWOOD, WI 53211	
Home Phone: (414)915-2157	Work Phone: () -

VICTIMS:

NAME: SPANGLER, ROBIN C.	Name Number: 69117
Race: W Sex: M DOB: 02/11/80	Name Description: VICTIM
Height: 5'09" Weight: 200 Hair: BRO Eyes: BRO	
Address: 1900 E CAPITOL DR; #104, SHOREWOOD, WI 53211	
Home Phone: (414)241-0377	Work Phone: () -

PROPERTY INFORMATION:

Item Type: Belt	Property Number: 8673
Item/Brand:	Model:
Serial Number:	Color: BLK /
Characteristics:	
Quantity: 1	Meas: Total Value: 0.00
Owner:	Owner ID Number:

Comments: SEIZED: BLACK LEATHER BELT

Item Type: Gun	Property Number: 8674
Item/Brand: STUN MASTER	Model: 100-5
Serial Number:	Color: /
Characteristics:	
Quantity: 1	Meas: Total Value: 0.00
Owner:	Owner ID Number:

Comments: SEIZED: STUN MASTER 100-5 GUN

Incident #: 05-013936

Item Type: Knife	Property Number: 8675
Item/Brand:	Model:
Serial Number:	Color: /
Characteristics:	
Quantity: 1	Meas: Total Value: 0.00
Owner:	Owner ID Number:

Comments: SEIZED: FOLDING KNIFE

Item Type: Box Cutter	Property Number: 8676
Item/Brand:	Model:
Serial Number:	Color: /
Characteristics:	
Quantity: 1	Meas: Total Value: 0.00
Owner:	Owner ID Number:

Comments: SEIZED: BOX CUTTER

Item Type: Hammer	Property Number: 8677
Item/Brand:	Model:
Serial Number:	Color: /
Characteristics:	
Quantity: 1	Meas: Total Value: 0.00
Owner:	Owner ID Number:

Comments: SEIZED: PICK HAMMER

Item Type: Tools	Property Number: 8678
Item/Brand:	Model:
Serial Number:	Color: /
Characteristics:	
Quantity: 2	Meas: Total Value: 0.00
Owner:	Owner ID Number:

Comments: SEIZED: WORK TOOLS

Item Type: Cable	Property Number: 8679
Item/Brand:	Model:
Serial Number:	Color: /
Characteristics:	
Quantity: 1	Meas: Total Value: 0.00
Owner:	Owner ID Number:

Comments: SEIZED: CABLES

Item Type: Paraphernalia	Property Number: 8680
Item/Brand: ONE HITTERS	Model:
Serial Number:	Color: /
Characteristics:	
Quantity: 2	Meas: Total Value: 0.00
Owner:	Owner ID Number:

Comments: SEIZED: ONE HITTERS USED TO SMOKE MARIJUANA

Incident #: 05-013936

SUPPLEMENTAL NARRATIVE:

On Monday June 27, 2005 at approximately 5:00pm I, Detective John T Walls, responded with Officer Preston to the roof of 1900 E Capitol Dr to check for a suicidal subject. We found the subject sitting down behind a brick chimney and he had a cut on his forehead. Officer Preston was in uniform and I was in plain clothes with my police badge hanging from my neck so that it was in plain view. The subject, Robin C Spangler m/w, 2/11/80, has a history of fighting with the police.

As Officer Preston was giving Spangler an order to show his hands I observed a pick hammer and a tool with a bladed edge laying approximately 2" next to Spangler. When Preston ordered him to show his hands, he suddenly screamed and threw his hands out into view. He was then ordered to turn around at which time he said, "Fuck you, ya, fucking pig" and he stood up and had his fists clenched. Preston and I then directed him to the ground at which time he continued to resist. He was ordered several times to place his hands behind his back and was told to stop resisting several times and he would not comply with my orders. Because he was combative I drew Officer Preston's baton from her belt and gave a focused strike with it in a closed position, to the side of his back area along the rib cage. At that time we were able to get one hand behind his back and he was still resisting. Officer Lenda arrived on the scene and used his Taser in the stun position on Spangler and we were able to finally get him handcuffed. I recovered both weapons that he was armed with and a section of coaxial cable that he was sitting on. He told his girlfriend that we was going to hang himself. He was taken into custody by Officers Lenda and Walton.

Detective John T Walls #532

Incident #: 05-013936

SUPPLEMENTAL NARRATIVE:

On Monday, 06-28-05, at approximately 4:00PM, I, Shorewood Police Officer Gary Lenda, and Shorewood Police Officer Christine Preston, were dispatched to 1900 E. Capitol Dr. #104 for a subject attempting to kill himself.

Upon arrival I spoke with the caller, a Brooke A. Gainey (F/W 11-21-81). She stated that her live-in boyfriend, Robin C. Spangler (M/W 02-11-80), had just tried to hang himself in the bathroom with a belt. He also told her several times that he wanted to kill himself and had nothing to live for. She did not know if he was still in the apartment. Gainey also stated that Spangler uses narcotics and may be armed with a stun gun and/or knives. Officer Preston and I then checked the apartment for him. He was not located. I also provided a description of Spangler for other Officers.

In the apartment I located the stun gun. The black leather belt was located in the bathroom. Also removed from the apartment were a folding knife and a box cutter type knife. In plain view on the floor next to the coffee table was a metal one hitter and wooden one hitter, which are used to smoke marijuana. Several pictures were taken of the items before they were inventoried.

Gainey stated that Spangler was very depressed and was accusing her of cheating on him. They have been together for approximately 2 years. He then put the stun gun to himself. He went in the bathroom and attempted to hang himself with the belt. Gainey forced open the door and stopped him. While at the apartment Spangler called but would not provide his location.

Officer Preston and I then checked the apartment complex and did not locate Spangler. We then returned to the Shorewood Police Department to drop off the property recovered from the apartment. A short time later Gainey was calling dispatch that Spangler was outside the apartment door. Spangler also cut the power off to the apartment. We responded back and Spangler again fled. While setting up a perimeter around the apartment complex, CSO George Bishop saw Spangler on top of the apartment roof.

Officer Preston and Detective John Walls went to the roof area. They found Spangler (See attached reports). I then heard over the radio Spangler was fighting. I ran up to the roof. While running to their location on the roof, I heard Det. Walls yelling orders at Spangler to stop resisting and place his hands behind his back. When I arrived Spangler was on the ground physically resisting. Det. Walls was giving strikes to Spangler with a closed baton. Officer Preston had one hand handcuffed and was attempting to get the other one. I then used my Taser on Spangler in the stun position on his back area. It was not working as he was still not complying. I then used the Taser on the calf area of his leg. I was also yelling at Spangler to stop resisting. We were then finally able to control him and place him into custody. It should be noted that all Officers, besides Det. Walls were in full uniform with nametags and badges affixed to them.

Officer Kelvin Walton and I then escorted Spangler from the roof to my marked squad. I conveyed him then to Columbia Hospital for medical treatment.

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He was treated and conveyed to the Shorewood Police Department. It should be noted that Spangler had oxycontin, cocaine, and other narcotics in his system. I then conveyed him to the Milwaukee County Mental Health Complex for observation.

Shorewood Police Officer Gary Lenda

Incident #: 05-013936

SUPPLEMENTAL NARRATIVE:

On Monday June 27, 2005 at approximately 4:00PM I, Officer Christine Preston, and Officer Gary Lenda were dispatched to 1900 E. Capitol Drive #104 for a subject attempting to kill himself.

P.O. Lenda spoke with the complainant, BROOKE A. GAINNEY (F/W 11-21-81), who stated that her live in boyfriend, ROBIN C. SPANGLER (M/W 02-11-80), had attempted to hang himself and that she did not know if he was still in the apartment. P.O. Lenda and I searched the apartment and the apartment building for SPANGLER with negative results. GAINNEY advised us that SPANGLER abuses illegal drugs and Oxycontin, and that she did not know if he had any weapons on him. She did tell us that he owns a stun gun and had used it on himself shortly before we arrived, however the stun gun was found in the apartment. GAINNEY was advised to contact Police if SPANGLER returned.

A short time after we left GAINNEY'S apartment, dispatch advised that she had called back and stated that SPANGLER was outside the apartment door attempting to get in and that her electricity had been turned off. We were advised before our arrival that SPANGLER had fled. While we were setting up a perimeter, CSO George Bishop advised that he saw SPANGLER on the roof of the building.

Detective Walls and I entered the building and walked up the stairs to the roof to look for SPANGLER. I was in full uniform and Detective Walls was in plainclothes with his badge showing. We searched the roof and found SPANGLER sitting on the roof behind a brick chimney. We were advised earlier that SPANGLER had a history of fighting with the police and I was unsure if he had any weapons on him. I drew my service weapon and pointed it at SPANGLER and ordered him to show his hands. I observed a tool with a sharp edge laying next to SPANGLER and there were cables and a handle of a tool or weapon underneath him that I was unable to get a full view of. When ordered to show his hands, SPANGLER screamed and quickly threw his hands out in front of him.

I then ordered SPANGLER to stand up and turn around and he did not comply and screamed profanities at Detective Walls and I. When he did stand up he had his fists clenched. After continuing to not comply with commands, Detective Walls and I directed him to the ground. SPANGLER continued to resist and would not place his hands behind his back, he was continually ordered to do so. I was able to get his right hand handcuffed, but he kept resisting and pulling his left hand away and trying to get up. Detective Walls drew my baton from my duty belt and struck SPANGLER in the back in an attempt for him to stop resisting. P.O. Lenda and Walton arrived on scene and SPANGLER was continuing to resist, despite officers comands. P.O. Lenda then used the Taser in the stun position in an attempt to gain compliance over SPANGLER. I was finally able to get SPANGLER'S left hand handcuffed and take him into custody. P.O. Lenda and P.O. Walton searched SPANGLER and transported him to Columbia Hospital for medical attention and then to Milwaukee County Mental Health for evaluation.

Reporting Officer Christine Preston #598
Shorewood Police Department
06-29-05