

**MICHIGAN DEPARTMENT OF
STATE POLICE**

ORIGINAL INCIDENT REPORT

ORIGINAL DATE: Tue, Dec 08, 2020		INCIDENT NO: 030-0000748-20	
TIME RECEIVED: 1000		FILE CLASS: 50000	
WORK UNIT: 3RD DISTRICT HEADQUARTERS (THUMB & TRI-CITIES)		COUNTY: INGHAM	
COMPLAINANT: MSP THIRD DISTRICT SIS		TELEPHONE NO:	
ADDRESS: STREET AND NO: 4495 CORUNNA RD	CITY: FLINT	STATE: MI	ZIP CODE: 48532
INCIDENT STATUS: OPEN			

MISCONDUCT IN OFFICE - USE OF FORCE INVESTIGATION

INFORMATION:

D/F/Lt. Roti assigned a Use of Force investigation to me on Tuesday, December 8, 2020. D/F/Lt. Roti advised Trooper Surbrook, who is a canine officer assigned to the Lansing Post, is suspected of using excessive force with the deployment of his canine on a suspect following a pursuit and arrest incident. A suspect received multiple injuries from the canine deployment which lasted several minutes. The incident occurred on November 13, 2020 at approximately 11pm in the city of Lansing, Ingham County, Michigan. D/Lt/Roti advised there was a video of the incident, other officers present at the scene and a second suspect who was also arrested at the scene.

VENUE/ DATE & TIME:

INGHAM COUNTY
WILLOUGHBY RD
LANSING, MI
AT OR NEAR: LONG BLVD
ON OR AFTER: FRI, NOV 13, 2020 AT 2307

COMPLAINANT:

NAM: MSP THIRD DISTRICT SIS
BIR: RAC: ETH:
NBR: 4495 DIR: SEX: DL: /
STR: CORUNNA DOB: SSN:
SFX: ROAD HGT: ' " SI: /
CTY: FLINT ST: MI WGT: FBI:
TXH: ZIP: 48532 HAI: MNU:
TXW: [REDACTED] EYE: PR:
SMT:

PAGE: 1 of 2	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY:	REVIEWED BY:
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TROOPER SURBROOK'S POLICE REPORT OF THE INCIDENT 11-4401-20:

I obtained a copy of complaint/report 11-4401-20 which is the written report by Tpr. Surbrook of the incident. The copy was downloaded from the Michigan State Police eAics report writing system.

PATROL CAR VIDEO OF INCIDENT:

I was able to download a copy of the incident to my laptop from the Michigan State Police WatchGuard video retention system. There were two videos associated with the incident, 00:1d:96:02:21:03-41842789 and 00:1d:96:02:21:03-41842788. The use of force incident is on Video 41842789.

PRINCIPAL OF INVESTIGATION/OFFICER INVOLVED/SUSPECT:

NAM: PARKER JOHN SURBROOK

BIR: [REDACTED] RAC: [REDACTED] ETH: [REDACTED]
NBR: [REDACTED] DIR: [REDACTED] SEX: [REDACTED] DL: [REDACTED]
STR: [REDACTED] DOB: [REDACTED] SSN: [REDACTED]
SFX: [REDACTED] HGT: [REDACTED] SI: /
CTY: [REDACTED] ST: [REDACTED] WGT: [REDACTED] FBI: [REDACTED]
TXH: [REDACTED] ZIP: [REDACTED] HAI: [REDACTED] MNU: [REDACTED]
TXW: [REDACTED] EYE: [REDACTED] PR: [REDACTED]
SMT: [REDACTED]

VICTIM:

NAM: [REDACTED]
BIR: [REDACTED] RAC: [REDACTED] ETH: [REDACTED]
NBR: [REDACTED] DIR: [REDACTED] SEX: [REDACTED] DL: [REDACTED]
STR: [REDACTED] DOB: [REDACTED] SSN: [REDACTED]
SFX: [REDACTED] HGT: [REDACTED] SI: /
CTY: [REDACTED] ST: [REDACTED] WGT: [REDACTED] FBI: [REDACTED]
TXH: [REDACTED] ZIP: [REDACTED] HAI: [REDACTED] MNU: [REDACTED]
TXW: [REDACTED] EYE: [REDACTED] PR: [REDACTED]

[REDACTED] was the person who was injured from the deployment of Tpr. Surbrook's K9 named Knox.

STATUS:

OPEN PENDING REVIEW OF VIDEOS AND INTERVIEWS.

PAGE: 2 of 2	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY:	REVIEWED BY:
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**SUPPLEMENTAL INCIDENT REPORT
0001**

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Tue, Dec 08, 2020

INCIDENT NO:
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SUPPLEMENTARY DATE:
Wed, Jan 13, 2021

FILE CLASS:
50000

INCIDENT STATUS:
OPEN

MISCONDUCT IN OFFICE - USE OF FORCE INVESTIGATION

JOURNAL:

DATE	JOURNALED BY	ACTION
12-14-2020	ENTERED BY: REECE, BRIAN, 291, D/SERGEANT	ORIG REVIEWED - PENDS FURTHER INVESTIGATION - REVIEW OF VIDEO, INTERVIEW OF WITNESSES.

DETAILS OF TROOPER SURBROOK'S DASH CAM VIDEO AND AUDIO:

I reviewed Trooper Surbrook's Dash Cam videos which was downloaded from the Watchguard video recording library. There were two videos associated with this incident. The first video which is very short shows the attempted traffic stop of the suspect vehicle. The second video which is much longer contains the crash of the suspect vehicle and the officers' contact with the suspects. The following is a description of what I observed and a transcription of audio of what I heard.

VIDEO #1

The video is 1 minute 40 seconds in length. Video identification tag - 00:1d:96:02:21:03-41842788

23:03:47: The video begins and Tpr. Surbrook is driving at approximately 80mph with emergency equipment off. He is trying to catch up to the suspect vehicle. [REDACTED], driving a silver Dodge Caravan, is in front of him. In the distance, the suspect vehicle can be seen.

23:04:12: Tpr. Surbrook passes [REDACTED] to get behind the suspect vehicle, a Dodge Journey, and effect a traffic stop.

23:04:17: Tpr. Surbrook is behind the suspect vehicle and activates his emergency lights. The suspect vehicle slows down and starts to pull over to the right shoulder.

23:04:24: The suspect vehicle never stops, pulls back into the lane and accelerates at slow speed from Tpr. Surbrook. Tpr. Surbrook accelerates, passes the suspect vehicle and attempts to stop the vehicle by pulling in front of it. The suspect vehicle moves to the right to get away from Tpr. Surbrook's vehicle and accelerates past Tpr. Surbrook.

23:04:45: Tpr. Surbrook advises on the radio that the vehicle has not stop and he is pursuing it southbound on Washington at 53mph. Then, the suspect vehicle accelerates faster and begins to pull away from Tpr. Surbrook who is traveling 70mph to keep up.

PAGE:	INVESTIGATED BY:	INVESTIGATED BY:	REVIEWED BY:
1 of 16	REECE, BRIAN, 291, D/SERGEANT	REECE, BRIAN, 291, D/SERGEANT	

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ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
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23:04:54: The suspect vehicle makes an eastbound turn at an intersection, makes a wide turn and over steers trying to get back straight on the roadway. The suspect vehicle straddles the roadway and is in on-coming traffic lane. Traffic is light, and no other cars are on the roadway. The suspect vehicle accelerates again over 60mph and is pulling away from Tpr. Surbrook. Tpr. Surbrook says, "Come on [REDACTED]" to himself, hoping [REDACTED] can catch up to the suspect vehicle.

23:05:09: Tpr. Surbrook turns off his emergency and travels at approximately 70mph. The suspect vehicle is traveling faster and is pulling away from Tpr. Surbrook. [REDACTED] passes Tpr. Surbrook to catch up to the suspect vehicle. The video ends at 23:05:26.

VIDEO #2:

The video is 30 minutes and 48 seconds in length. I documented the actions and what was said from the video with corresponding approximate timestamp. Video identification tag - 00:1d:96:02:21:03-41842789.

Words spoken by subjects in the video have been highlighted in different colors which can be seen on digital viewing of the report.

Tpr. Parker Surbrook – Yellow
[REDACTED] – Green
Suspect [REDACTED] – Red
Suspect [REDACTED] – Purple
Radio Dispatch/Responding Units - Blue

23:05:12: Video and audio begins – Radio traffic is heard in the background and Tpr. Surbrook is driving eastbound on Willoughby Road at approximately 80mph and his emergency lights are off. The suspect vehicle, a Gray Dodge Durango, is in the distance pulling away from Tpr. Surbrook.

23:05:21: Tpr. Surbrook radios [REDACTED] and says, "Go ahead [REDACTED], I killed my lights and siren, so...so go ahead", instructing [REDACTED] to pass him and catch up to the suspect vehicle.

23:05:25: [REDACTED] in a silver Dodge Caravan, a undercover vehicle, passes Tpr. Surbrook on the left and pulls away from Tpr. Surbrook to catch up to the suspect vehicle.

23:05:28: Audio is turned off on the recording.

23:05:36: In the distance, the suspect vehicle veers to the left at the intersection of Willoughby and Long Blvd and crashes into a tree on the north east corner. This intersection is the entrance to the Autumn Ridge, a large apartment community.

23:05:43: The driver, [REDACTED], can be seen exiting from the driver door of the suspect vehicle. As his feet make contact with the ground, he falls to the ground. It appeared [REDACTED] was exiting the vehicle very quickly with enough force that he landed approximately 10 feet from the vehicle after he fell. [REDACTED] hip was

PAGE: 2 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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fractured from the crash which explains why [REDACTED] fell to the ground when trying to use his feet and legs. It's possible that initially [REDACTED] was attempting to run from the vehicle. Tpr Surbrook is driving towards the crash scene and he is approximately 50 yards from it. Tpr. Surbrook's emergency lights are turned on.

23:05:45: Audio returns to the recording.

23:05:48: Tpr. Surbrook and [REDACTED] arrive at the crash. [REDACTED] parks his vehicle to the far left of the suspect vehicle on the grass and Tpr. Surbrook stops and parks approximately 20 feet behind the suspect vehicle. Suspect [REDACTED] is his stomach lying on the ground.

23:05:49: Tpr. Surbrook exits the patrol vehicle and gets out K9 Knox who is in the back passenger compartment. Tpr. Surbrook says, "GO, GO, GO, GO" and deploys K9 Knox for possibly a Chase and Hold technique. As Tpr. Surbrook is saying, "Go, Go, Go" to K9 Knox, [REDACTED] is pushing his upper body up off the ground with his arms and looks around toward the Durango and then [REDACTED] lays back down on the ground.

23:05:51 Just before K9 Knox reaches him, [REDACTED] rolls from his stomach onto his back, in the direction away from the suspect vehicle, with his arms prone out away from his body. [REDACTED] is approximately 11 feet away from the suspect vehicle.

23:05:52 Tpr. Surbrook gives K9 Knox loud commands of "STOP HIM, STOP HIM, STOP HIM, STOP HIM"

23:05:53 K9 Knox, who is not on a lead, is moving faster than Tpr. Surbrook, makes it to [REDACTED] and engages [REDACTED] near his left midsection.

23:05:53: The passenger front door begins to open and move.

23:05:54 Tpr. Surbrook makes it to [REDACTED] and K9 Knox and says to [REDACTED], "Stay on the ground motherfucker!". [REDACTED] is still in a prone position with his arms and legs extended out from his body and K9 Knox is engaging him with biting and grabbing actions.

23:05:55: [REDACTED], who is being engaged by K9 Knox, tells Tpr. Surbrook rapidly, "I'm done...I'm done". Tpr. Surbrook, says, "HEY..." looking towards Suspect #2 who is getting out of the suspect vehicle's passenger door.

23:05:56 [REDACTED] enters the camera view from the left as he moves around the front of his van. Tpr. Surbrook is to the left of [REDACTED] looking down at [REDACTED] and drawing his service weapon from his side. Tpr. Surbrook looks in the direction of the Durango, the suspect vehicle.

23:05:57 Tpr. Surbrook leaves [REDACTED] and K9 Knox and runs towards the back of the Durango to get to the passenger side where the other suspect is. Tpr. Surbrook says, "STOP HIM, STOP HIM" command to K9 Knox for K9 Knox to stay on [REDACTED].

PAGE: 3 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

23:05:58: Tpr. Surbrook makes it to the back left corner of the Durango and turns around to go back to [REDACTED] and K9 Knox. He makes it to them and then moves around [REDACTED] head and left side. Tpr. Surbrook points his service weapon with flashlight on in the direction of the Durango, K9 Knox rolls [REDACTED] to his right by engaging and pulling on [REDACTED] lower extremities. [REDACTED] stops in front of [REDACTED] Tpr. Surbrook gives the command, "Stop him" to K9 Knox in reference to [REDACTED] who is on the ground.

23:05:59: Suspect #2, who is [REDACTED], falls out of the passenger side door onto the ground right near the suspect vehicle. [REDACTED] leaves [REDACTED] and Tpr. Surbrook and runs towards suspect #2, [REDACTED]

23:06:00: Tpr. Surbrook begins to head towards [REDACTED] on the passenger side again and begins to round the back of the Durango again. Tpr. Surbrook gives the command, "Stop him" to K9 Knox in reference to [REDACTED] who is still on the ground. Tpr. Surbrook stops and goes back to [REDACTED] and K9 Knox.

23:06:00: [REDACTED] is trying to get up from knees but stumbles back to ground. He appears disoriented. [REDACTED], who is rounding the back of the suspect vehicle and is looking towards [REDACTED] who is on the ground.

23:06:02 [REDACTED] is looking in the direction of [REDACTED] and he is attempting to get up.

23:06:01: Tpr. Surbrook tells [REDACTED], "Don't move".

23:06:02: Tpr. Surbrook says, "Get on the fucking... Stop him" and then a command to K9 Knox to stay on [REDACTED] who is on the ground and not displaying physical active resistance.

23:06:03 [REDACTED] falls onto his back from his knees.

23:06:04: As Tpr. Surbrook is moving near the back of the suspect vehicle and looking at both threat areas, Tpr. Surbrook gives the command, "Stop him" to K9 Knox to stay on [REDACTED]. With service weapon drawn and covering both suspect locations, Tpr. Surbrook begins to side step and walk towards [REDACTED] by rounding the back of the Durango. [REDACTED] yells, "I got him" to Tpr. Surbrook meaning he is ok covering [REDACTED] by himself.

23:06:05: Tpr. Surbrook gives commands "Stay on him, Stay of him, Stay on him" to K9 Knox as he moves back towards [REDACTED]. Suspect [REDACTED] has his arms away from his body.

23:06:07: [REDACTED] is still trying to get up and [REDACTED] has his taser pointed at him.

23:06:09: Tpr. Surbrook, who is at [REDACTED] and K9 Knox, holsters his service weapon and takes out his handcuffs and keeps them in his left hand.

23:06:09: [REDACTED] is rolled over partially onto his side by K9 Knox, and then rolled back down onto his back by K9 Knox. [REDACTED] is proned out with his hands away from his body.

PAGE: 4 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

23:06:09: While K9 Knox is engaging him, [REDACTED] screams in pain.

23:06:10: [REDACTED] yells, "He's got me...He's got me" and screams in pain.

23:06:10: Tpr. Surbrook says to [REDACTED], "Don't move" as he moves closer to [REDACTED] and K9 Knox. [REDACTED] yells again, "He's got me, he's got me"

23:06:12: Tpr. Surbrook says to [REDACTED], "Don't move" as he makes it back to [REDACTED] left side. [REDACTED] is lying on the ground with his head pointed towards the patrol vehicle and K9 Knox engaging his lower body area. [REDACTED] says, "ok sir."

23:06:12: Tpr. Surbrook says, "Stop..." as he takes his handcuffs out to handcuff [REDACTED].

23:06:13: [REDACTED] yells, "Gun Gun Gun!"

23:06:14: Tpr. Surbrook runs from [REDACTED] to [REDACTED] and re-draws his service weapon.

23:06:15: Tpr. Surbrook, says, "Hey Don't move!" to [REDACTED].

23:06:15: [REDACTED] deploys his taser. It doesn't appear the taser is effective as [REDACTED] is still rolling around on the ground.

23:06:16: Tpr. Surbrook makes it the back of the vehicle passenger side and points his service weapon at [REDACTED]

23:06:16: [REDACTED] is rolling around on the ground.

23:06:17: Tpr. Surbrook says, "Hey put your fuckin hands up!"

23:06:19: [REDACTED] yells, "GUN GUN GUN" a second time as the suspect's handgun is on the ground near the suspect.

23:06:20: Tpr. Surbrook yells, "Don't fucking move!" to [REDACTED].

23:06:20: K9 Knox temporarily disengages from [REDACTED] and looks in the direction of Tpr. Surbrook, who is on the passenger side of the Durango, but then re-engages [REDACTED]. K9 Knox engages [REDACTED] upper back area and drags [REDACTED] body around where [REDACTED] head is facing North and legs are facing to the South.

23:06:20: [REDACTED] starts to get up on his knees.

23:06:21 Tpr. Surbrook delivers a kicking strike to [REDACTED] midsection area.

23:06:22: Tpr. Surbrook yells, "Don't move!" to [REDACTED].

23:06:23: Tpr. Surbrook yells, "Lay down" to [REDACTED]

PAGE: 5 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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23:06:23 Tpr. Surbrook delivers a second kicking strike to [REDACTED] midsection area.

23:06:24 [REDACTED] says, "Cover that guy" meaning [REDACTED]

23:06:25 Tpr. Surbrook uses his left hand to push [REDACTED] in the back. Tpr. Surbrook's handcuffs falls from his left hand. Tpr. Surbrook picks up his handcuffs and the handgun. He carries them both in his left hand. Tpr. Surbrook has his service weapon is his right hand.

23:06:26: [REDACTED] says, "I'm not moving". [REDACTED] is moving, and he is on his shins and knees with is body upright.

23:06:26 [REDACTED] says, "Cover that perp" to Tpr. Surbrook in reference to [REDACTED]

23:06:29: He says to [REDACTED], "Trying to get the fuckin gun [REDACTED]". [REDACTED] responds, "Ok...good"

23:06:31: Tpr. Surbrook begins to walk back towards [REDACTED] and K9 Knox, who is still engaged on [REDACTED]. Tpr. Surbrook points his weapon in the direction of [REDACTED]. Tpr. Surbrook tells [REDACTED], "Don't move" and tells K9 Knox, "Stay on him... Stay on him." as he walks back to them.

23:06:35: [REDACTED] rocks back and forth upright on his knees and then falls to ground on his arms. [REDACTED] continues to cover him with his already deployed taser.

23:06:36: Tpr. Surbrook puts the recovered handgun on the ground near the passenger side of [REDACTED] vehicle and in close proximity to [REDACTED] who is on the ground.

23:06:37: Tpr. Surbrook stands over [REDACTED] and K9 Knox as the dog continues to engage [REDACTED]

23:06:39: Tpr. Surbrook looks back towards Willoughby Road westbound for back up arrival.

23:06:40: Radio traffic – responding back up units are saying and trying to verify with other units the location where Tpr. Surbrook and [REDACTED] are at.

23:06:42: Tpr. Surbrook tells [REDACTED], "Don't move"

23:06:43 Tpr. Surbrook turns his back to [REDACTED] and K9 Knox and looks toward Willoughby Road again for back up. He walks towards [REDACTED] and [REDACTED], but then changes direction and walks back towards [REDACTED] and K9 Knox with his service weapon pointed in the direction of [REDACTED].

23:06:46: Tpr. Surbrook tells K9 Knox to "Stay on him". [REDACTED] makes pain noises and K9 Knox is attached and pulling on [REDACTED] near [REDACTED] upper back and left arm.

23:06:48: Tpr. Surbrook uses his radio and says, "Can we get some back down here guys?". Tpr. Surbrook's voice tone sounds stressed and frustrated.

PAGE: 6 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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23:06:51: Tpr. Surbrook walks closer to [REDACTED] and K9 Knox who is still engaged with [REDACTED].

23:06:54: [REDACTED] puts his right arm in the air after Tpr. Surbrook says, "Don't move." Tpr. Surbrook turns his back towards [REDACTED] and K9 Knox, looks toward Willoughby Road and then walks a few steps away from [REDACTED] and K9. He lowers his service weapon to his side and points it towards the ground.

23:06:56: [REDACTED] makes pain noises as K9 Knox engages him at his upper back and neck area.

23:06:58: Tpr. Surbrook uses his radio and says, "Heritage Village" to direct back up to their location. However, he is mistaken on the name of the apartment complex. The name of the complex is Autumn Ridge.

23:07:59: Tpr. Surbrook uses radio again and says, "Let's go" to responding units.

23:07:01: Tpr. Surbrook who is pacing, re-directs his attention towards [REDACTED] and K9 Knox who is still engaged with [REDACTED]. Tpr. Surbrook points his service weapon in the direction of [REDACTED] and says, "Stay on him."

23:07:04: [REDACTED] says, "I'm not moving, please get him," referring to Tpr. Surbrook to call off K9 Knox.

23:07:04: [REDACTED] is on his hands and knees and tries to get up. [REDACTED] says, "Hey Hey Hey" and pushes him back down with his right hand. His taser is in his left hand. [REDACTED] checks [REDACTED] for more weapons with his right hand.

23:07:05: Radio traffic from dispatch and units advise priority back up is needed.

23:07:06: Tpr. Surbrook walks back up to [REDACTED] and K9 Knox who is still engaged with [REDACTED]

23:07:06: Tpr. Surbrook says, "Don't move" to [REDACTED] says "(inaudible)...in my face."

23:07:09: Tpr. Surbrook turns his back towards [REDACTED] and K9 Knox and walks away from them using his flashlight on his service weapon to search where he put the recovered handgun on the ground.

23:07:11: [REDACTED] says, "please sir" to Tpr. Surbrook.

23:07:13 Tpr. Surbrook draws his attention back to [REDACTED] and K9 Knox who is still engaged and walks up to them.

23:07:15: Tpr. Surbrook says, "Do not move" to [REDACTED]

23:07:17: Surbrook says to K9 Knox, "Good boy Stay on him".

23:07: 18 [REDACTED] says, "Sir!" pleading with Tpr. Surbrook.

23:07:19: Tpr. Surbrook commands K9 Knox, "Stay on him" in reference to [REDACTED].

PAGE: 7 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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23:07:20 Tpr. Surbrook looks back towards Willoughby Road while standing near [REDACTED] and K9 who is still engaged.

23:07:21: Tpr. Surbrook use the radio and says, "Let's go guys, step it up" to the responding back up.

23:07:22: [REDACTED] shouts and says, "I'm not moving" to Tpr. Surbrook.

23:07:22: Tpr. Surbrook draws his attention back to [REDACTED] and K9 who is still engaged. He points his service weapon in the direction of [REDACTED]

23:07:24: Tpr. Surbrook picks up the recovered handgun, puts his handcuffs on the ground and puts the recovered handgun into [REDACTED] vehicle by the front passenger door.

23:07:27: [REDACTED] shouts again, "I'm not moving sir" to Tpr. Surbrook.

23:07:29: [REDACTED] holsters his taser.

23:07:30: Tpr. Surbrook walks back to [REDACTED] and K9 who is still engaged. A responding back up unit asks, "where you at?".

23:07:31: Tpr Surbrook responds in a condescending, frustrated tone on the radio to the unit asking and says, "Where the hell are you at...(inaudible)?"

23:07:34: [REDACTED] says, "I'm not moving." and yells, "Sir?"

23:07:34: [REDACTED] begins to handcuff [REDACTED]

23:07:36: Tpr. Surbrook commands K9 Knox to, "Stay on him" in reference to [REDACTED] is not resisting or fighting.

23:07:36: Radio traffic says, "They're coming" in reference to back up is on the way.

23:07:37: Tpr. Surbrook tells [REDACTED], "Don't move".

23:07:39: [REDACTED] pleading with Tpr. Surbrook again says, "Please sir he's on my face".

23:07:40: Tpr. Surbrook responds to [REDACTED] by saying, "I don't care."

23:07:41: [REDACTED] says again, "I'm not moving sir, I'm not moving".

23:07:44: Tpr. Surbrook asks, "[REDACTED] do you got him?" referring to if [REDACTED] has [REDACTED] under control.

23:07:45: [REDACTED] finishes handcuffing [REDACTED] and says, "I got security over here. He's handcuffed".

PAGE: 8 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0001

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

23:07:49: [REDACTED] says, "Please sir my legs are tore up, you got me. Sir?"

23:07:51: Tpr. Surbrook says, "Stay on him" to K9 Knox.

23:07:53: [REDACTED] says, "Please sir, please sir, Please I'm begging you sir, please sir, please, please sir...please."

23:08:00: Tpr. Surbrook looks back towards Willoughby Road westbound.

23:08:06: Tpr. Surbrook looks back towards Willoughby Road several times and brings his attention back to [REDACTED] and K9 Knox who is still engaged on [REDACTED]. Tpr. Surbrook continues to point his service weapon in the direction of [REDACTED].

23:08:08: Tpr. Surbrook says, "Stay on him, good boy"

23:08:11: [REDACTED] says, "that is so cold sir."

23:08:12: [REDACTED] says, "(inaudible)...Please sir, I'm down sir."

23:08:14: Tpr. Surbrook says over the radio, "How far out gentlemen?"

23:08:16: [REDACTED] says, "I'm not moving sir."

23:08:20: Radio traffic says, "[REDACTED], you got the entire world heading your way right now."

23:08:22: While pointing his service weapon in the direction of the suspect, Tpr. Surbrook looks away from [REDACTED] and towards Willoughby Road. He uses his radio and says, "Yes I understand that the posse was right here...we still have one outstanding, the dog attached, waiting to secure him." In the background [REDACTED] is heard saying "Come on sir"

23:08:31: [REDACTED] says, "C'mon sir...He's trying to choke me, Sir, please, please stop please???" referring to K9 Knox. [REDACTED] says, "Stop please"

23:08:35: Radio traffic of responding units says, "I'm coming right now, right there".

23:08:36: [REDACTED] says, "Sir?" and Tpr. Surbrook responds, "Good boy, stay" to K9 Knox as K9 Knox is still engaging [REDACTED].

23:08:38: [REDACTED] says, "Sir he's choking me" referring to K9 Knox. Tpr. Surbrook responds with the command, "Stay" to K9 Knox who continues to engage [REDACTED]

23:08:41: [REDACTED] says, "Sir he's choking me sir... that's is so cold, sir.... Sir he's choking..."

PAGE: 9 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0001

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

23:08:45: While standing above [REDACTED] and K9 at gunpoint, Tpr. Surbrook looks back towards Willoughby Road.

23:08:47: Tpr. Surbrook responds, "I don't care."

23:08:49: Tpr. Surbrook yells at [REDACTED], "Don't move". It doesn't appear [REDACTED] is moving. K9 Knox is still engaging [REDACTED]. It doesn't appear that [REDACTED] isn't making any aggressive movements toward the K9 and only physically reacting to being pulled and grabbed by K9 Knox.

23:08:51: [REDACTED] says, "I can't do this sir." and he is screaming in a frightened or painful way.

23:08:52: Tpr. Surbrook says, "Don't move".

23:08:55: [REDACTED] says, "Sir, (inaudible) He's hurting...sir (inaudible)"

23:08:55: While standing above [REDACTED] and K9 at gunpoint, Tpr. Surbrook looks back towards Willoughby Road.

23:08:58: Tpr. Surbrook says, "Don't move" to [REDACTED] is pleading and says, "Sir...sir" for relief from the K9.

23:09:00: While standing above [REDACTED] and K9 Knox at gunpoint, Tpr. Surbrook looks back towards Willoughby Road.

23:09: Tpr. Surbrook says, "Don't move" to [REDACTED] says, "Please sir... please sir" for the dog to stop.

23:09:04: While standing above [REDACTED] and K9 Knox, Tpr. Surbrook looks back towards Willoughby Road.

23:09:05: Tpr. Surbrook says to [REDACTED], "Yes....don't move".

23:09:06: [REDACTED] says, "Please sir"

23:09:07: The first back up officer, a state trooper sergeant, Sgt. John Faccio, in uniform, arrives in camera view. Tpr. Surbrook shouts to him, "Let's go". The trooper runs towards Tpr. Surbrook, [REDACTED] and K9 Knox.

23:09:09: [REDACTED] says, "Please sir"

23:09:10: Tpr. Surbrook says, "Don't move" to [REDACTED]

23:09:12: As the assisting sergeant makes it to Tpr. Surbrook, Tpr. Surbrook ask him, "Are you good?"

PAGE: 10 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0001

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

23:09:15: Before the assisting sergeant can take out his service weapon to be at the ready, Tpr. Surbrook begins to physically handcuff [REDACTED] K9 Knox is also still attached (holding) and pulling at [REDACTED] in the lower body area. Tpr. Surbrook says, "Don't move". [REDACTED] says, "Yes sir". Tpr. Surbrook says, "Roll over, put your over hand behind your back". [REDACTED] says, "Yes sir, I can't move my leg sir, my leg is broken, my right leg is broken." [REDACTED] is laying on his back. Trooper Surbrook grabs [REDACTED] right arm and rolls [REDACTED] to the right onto his stomach. Tpr. Surbrook doesn't have handcuffs (his set is on the ground where the recovered gun was temporarily set) and borrows a set from the assisting sergeant. Tpr. Surbrook says, "Alright we got an ambulance coming". [REDACTED] says, "I can't believe you doing me bold face, got me butt naked out here".

23:09:33: [REDACTED] is handcuffed with his arms behind his back.

23:09:35: Tpr. Surbrook says, "Suspect stand still" and gives K9 Knox the command, "Out...Out" to detach from [REDACTED]. Tpr. Surbrook pulls K9 Knox off [REDACTED] by the collar and K9 Knox lets [REDACTED] go. Additional back up officers continue to arrive.

23:09:37: Tpr. Surbrook escorts K9 Knox by the collar to the patrol vehicle and says, "Good boy, God damn time, holy shit, good boy good boy" and then radios to responding units, "alright...slow it down their all in custody" and then he tells K9 Knox again, "Good boy."

After [REDACTED] is in custody, he is left on the ground and he can be heard screaming in pain. Tpr. Surbrook instructs responding back up officers to do a good search on him as he has not been searched up to this point.

23:11:42: Tpr. Surbrook advises radio that there has been a "bite" incident with one of the suspects and a taser deployment on the second suspect.

23:12:24: An officer asks Tpr. Surbrook if he's okay and Tpr. Surbrook responds, "I'm ok...it just took a while."

23:13:18: A officer tells Tpr. Surbrook that he was trying to get there as soon as they could. Tpr. Surbrook says, "It's bad dude..he's jumping out with a gun on him (suspect #2) [REDACTED] is tasing him as he's gettin'....tryin' like, [REDACTED] is calling gun, gun, gun....dog is....he's out here (pointing to the area where suspect #1 was on the ground)...dog is yanking him...I just let the dog on him until he got them secured."

23:14:31: Tpr. Surbrook explains to another officer that he has to call "Cardenas" in reference to the deployment of K9 Knox.

23:14:37: Tpr. Surbrook explains to the officer how the incident occurred. "um...this is...how it goes down...they crash out...I already cut my stuff (emergency lights)...I'm way down the road...so...he bails...I see him bailing...he's getting out...he's trying to take off running...boom...send the dog...dog engages... [REDACTED] starts yelling gun, gun, gun...he's getting out with a gun on him... [REDACTED] pops and tases him...I leave the dog on him engaged...then come over here...help [REDACTED] secure the gun...put in passenger seat". The officer says suspect [REDACTED] is saying he didn't have a gun. Tpr. Surbrook responds, "He had that thing on him as he...it fell out...he was laying under it...him when [REDACTED] gettin' him."

PAGE: 11 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0001

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

Tpr. Surbrook advises the other officers to search the area for a second gun possibly thrown out from the vehicle before it crashed.

23:16:32: Another officer asks Tpr. Surbrook if he is ok. Tpr. Surbrook explains, "think we got a guy getting out with a gun on [REDACTED]"

23:17:46: Tpr. Surbrook's body mic is turned off, however the mic inside the patrol is on and records the periodic radio traffic.

23:19:26: Paramedics arrive, treat [REDACTED], load him on stretcher and subsequently transport him away.

23:35:35: Tpr. Surbrook is on the phone and get in the patrol vehicle. The audio mic in the car picks up the conversation of the call which was already in progress. Tpr. Surbrook begins to drive away from the scene. Tpr. Surbrook says, "it was a good bite... [REDACTED] ...do you know who [REDACTED] is? LPD...about 22 years....he's on our undercover squad...we're sitting on MLK near like Jolly...there is a underground poker ring...and" The recording ends.

REVIEW OF [REDACTED] BODY CAM FOOTAGE:

[REDACTED] body cam footage captures more detailed voice interactions that were between [REDACTED], Suspect #2 - [REDACTED] and Tpr. Surbrook.

Video starts at 23:05:34 timestamp.

There is no audio at first. [REDACTED] is driving and arriving at the crash. He gets out of his vehicle and the camera captures suspect [REDACTED] on his back on the ground with his arms extended out with his hands visible. K9 Knox is engaging [REDACTED] at [REDACTED] left side.

[REDACTED] runs around to the passenger side of the suspect vehicle, Dodge Durango, where suspect #2 - [REDACTED] is getting out of the passenger door. At 23:06:04, the audio begins and Tpr. Surbrook can be heard yelling "Stop him...stay on him, (etc.)".

[REDACTED] is out of the vehicle and on the ground on his hands and knees. [REDACTED] tells [REDACTED], "Don't move". [REDACTED] tells [REDACTED], "Taser...police". [REDACTED] is unsteady and falls over onto his back. [REDACTED] sees a black handgun on the ground under [REDACTED] and yells, "GUN, GUN, GUN". At the same time, [REDACTED] is trying to get up onto his feet. [REDACTED] deploys his taser which he is holding in his right hand. [REDACTED] falls over again. [REDACTED] tells [REDACTED] to put his hands up. [REDACTED] yells, "Gun, Gun, Gun" again. Tpr. Surbrook makes it to them to assist. [REDACTED] is trying to get up again by getting to his hands and knees. Tpr. Surbrook delivers two kicking strikes to the suspect. One strike is delivered to the side chest area and the second kick is delivered to the right side of the face. [REDACTED] never fully goes to his stomach from the strikes and stays on his knees and hands. Tpr. Surbrook recovers the black handgun that is on the ground. After Tpr. Surbrook leaves to go closer to Suspect #1, [REDACTED]

PAGE: 12 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0001

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

tells suspect #2 – [REDACTED], do not move and to lie on the ground. [REDACTED] handcuffs suspect #2 at the timestamped mark of 23:07:41. When Tpr. Surbrook ask if he is ok, [REDACTED] tells Tpr. Surbrook that he has “security over here” and the suspect is handcuffed. Back up officers arrive and [REDACTED] tells them to assist Tpr. Surbrook as he ([REDACTED]) is all set.

[REDACTED] advises [REDACTED] that he is under arrest for possession of a gun. He checks on [REDACTED] injuries (neck, leg) and suggest to [REDACTED] to stay in the best comfortable position until EMS arrives.

[REDACTED] gives information to responding officers of how they can help at the scene and the status [REDACTED] including possession of a gun, the taser deployment and the suspect’s injuries.

[REDACTED] locks his vehicle after being told the recovered handgun was placed in his vehicle. When EMS arrives, he advises EMS of [REDACTED] injuries.

[REDACTED] video ends when he requests to have a confidential conversation with [REDACTED]. The video ends at 23:23:03 timestamp.

REVIEW OF POLICE RADIO TRAFFIC:

I requested the police radio traffic and CAD Report from Ingham County Dispatch reference this incident. I received the radio traffic on December 21, 2020 and the CAD report on January 8, 2021. Both were emailed to me by Erica Foress of Ingham County Dispatch.

The following is a summary of the radio traffic:

Unit [REDACTED] radios Dispatch that they need back up assistance at Willoughby and Washington. A male dispatcher radios to all cars that [REDACTED] is needed at Willoughby and Washington. Several units including units 44, 31 and 1173 advise they will respond. A officer calls on the radio that the location is Heritage Village right off of Willoughby. Central Dispatch repeats the new location.

On another channel, a unit ask for cross streets of where the backup is needed. The female dispatcher advises Willoughby and Washington. The female dispatcher then radios a supervisor for a mutual aid request to send units from another jurisdiction who are close to the scene. The supervisor grants permission and the dispatcher send units 50 and 58 to assist.

An officer radios dispatch and advises the scene is closer to Gunn Road. The male dispatcher repeats the new location. [REDACTED]

The female dispatcher advises the Delhi units that the scene is closer to Willoughby and Gunn Roads.

A unit advises they are on the west side entrance of Autumn Ridge. The female dispatch advises the units that the suspects are in custody, slow it down and continue to the scene. Units acknowledge her radio traffic. The

PAGE: 13 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0001

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

male dispatcher receives the same information from a unit at the scene and advises other responding units to slow down but continue.

Unit 1104 requests EMS for a suspect complaining a broken leg.

Tpr. Surbrook, K911, also advises dispatch that suspects are in custody and EMS is needed for both suspects as one had a taser deployment and the other had a bite from the K9.

The rest of the radio traffic covers traffic control, reporting that a fire hydrant was struck by the suspect vehicle, wrecker response, the suspects were transport to McLaren Hospital by EMS and additional units who responded to the scene to assist.

WITNESS/OFFICER [REDACTED] – OFFICER ON SCENE WITH TROOPER SURBROOK:

NAM: [REDACTED]
BIR: [REDACTED] RAC: [REDACTED] ETH: [REDACTED]
NBR: 120 DIR: W SEX: [REDACTED] DL: /
STR: MICHIGAN DOB: [REDACTED] SSN: [REDACTED]
SFX: AVENUE HGT: ' " SI: /
CTY: LANSING ST: MI WGT: [REDACTED] FBI: [REDACTED]
TXH: ZIP: 48933 HAI: [REDACTED] MNU: [REDACTED]
TXW: EYE: [REDACTED] PR: [REDACTED]

On January 14, 2021, I contacted Sgt. Lacrosse of Lansing Police Department and requested a formal interview with [REDACTED]. I advised [REDACTED] was a witness in this investigation. I was contacted later in the afternoon by Attorney Patrick O'Keefe who advised he was representing [REDACTED] and they would contact me at a later time about an interview.

WITNESS/TROOPER CARDENAS – TRAINER/K9 HANDLER:

NAM: DAVID CARDENAS
BIR: [REDACTED] RAC: [REDACTED] ETH: [REDACTED]
NBR: 7150 DIR: [REDACTED] SEX: [REDACTED] DL: /
STR: HARRIS DOB: [REDACTED] SSN: [REDACTED]
SFX: DRIVE HGT: ' " SI: /
CTY: DIMONDALE ST: MI WGT: [REDACTED] FBI: [REDACTED]
TXH: ZIP: 48821 HAI: [REDACTED] MNU: [REDACTED]
TXW: EYE: [REDACTED] PR: [REDACTED]
SMT: [REDACTED]

Trooper Cardenas is a Michigan State Police K9 handler and trainer. In situations where the sections command staff is unavailable, other K9 handlers are instructed to contact him to report K9 deployments and bits. On January 13, 2021, I interviewed Trooper Cardenas by telephone. Trooper Cardenas received a call from Trooper Surbrook on the night of the incident. Trooper Surbrook advised he had a "bite" incident where

PAGE: 14 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0001

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

his dog was deployed on a suspect who was running away. Trooper Cardenas advised Trooper Surbrook to report the incident to Lt. Maki who was available.

WITNESS/LT. MAKI – COMMANDER OF MSP K9 UNIT:

NAM: RYAN MAKI
BIR: RAC: [REDACTED] ETH: /
NBR: 7150 DIR: SEX: [REDACTED] DL: /
STR: HARRIS DOB: ' ' SSN: /
SFX: DRIVE HGT: ' ' SI: /
CTY: DIMONDALE ST: MI WGT: FBI:
TXH: ZIP: 48821 HAI: MNU:
TXW: EYE: PR:

Lt. Ryan Maki is the section commander of the Michigan State Police K9 Unit. All dog bites are subsequently reported to him through chain of command and by policy. Sgt. David Yount, the direct supervisor in the unit, was on leave on the night of this incident so reporting of bites and deployments would defer to Lt. Maki. Trooper Surbrook called Lt. Maki to report the canine deployment and bite. I interviewed Lt. Maki by telephone on January 12, 2021.

Lt. Maki advised he received a phone call from Trooper Surbrook on November 13, 2020 at approximately 11:30pm. Trooper Surbrook advised him of the deployment of K9 Knox and of the bite that had occurred. Trooper Surbrook said that he deployed K9 Knox to perform a chase and hold on a suspect who had fled on foot from a vehicle after it crash. Trooper Surbrook stated the incident started as the suspect vehicle was at an illegal activity spot and the occupants were possibly armed. A traffic stop was attempted but the vehicle fled from him. He terminated the vehicle pursuit however the vehicle crashed shortly thereafter.

Lt. Maki reviewed Trooper Surbrook’s Canine written report. Canine Handlers are required to immediately complete a Canine Unit report, in addition to the police report, when the canine is deployed. Tpr. Surbrook completed canine report CAN-5629-20 for the deployment. He submitted it on Saturday morning, November 14, at 5:19 a.m. Lt. Maki reviewed it and sent it back to Tpr. Surbrook because it lacked some information. Tpr. Surbrook revised the report and re-submitted it later that morning. Lt. Maki reviewed the report on Saturday evening. He approved the report and sent it to F/Lt. Bahlau, his supervisor, for his review and approval. F/Lt. Bahlau reviewed the report and responded to Lt. Maki at 7:03pm Saturday evening. F/Lt. Bahlau stated that the deployment appeared to be within policy.

Lt. Maki advised the information given to him from his phone conversation with Trooper Surbrook and Surbrook’s written report led him to believe the suspect had ran on foot and that K9 Knox was deployed to perform the chase and hold to stop the suspect as he was running. Lt. Maki has since reviewed the video of the incident. Lt. Maki advised it shows the driver exiting the vehicle but not running away on foot. Lt. Maki advised based on the video, Trooper Surbrook’s report doesn’t document what happens on the video completely. The report lacks significant details of the incident including suspect’s actions, Trooper Surbrook’s action, observed details by Trooper Surbrook and possible reasoning for actions.

PAGE: 15 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0001

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Wed, Jan 13, 2021	FILE CLASS: 50000

WITNESS/SUSPECT #2/FRONT SEAT PASSENGER OF SUSPECT VEHICLE:

NAM: [REDACTED]
BIR: [REDACTED] RAC: [REDACTED] ETH: [REDACTED]
NBR: [REDACTED] DIR: [REDACTED] SEX: [REDACTED] SSN: [REDACTED]
SFX: [REDACTED] HGT: [REDACTED] SI: [REDACTED]
CTY: [REDACTED] WGT: [REDACTED] FBI: [REDACTED]
TXH: [REDACTED] HAI: [REDACTED] MNU: [REDACTED]
TXW: [REDACTED] EYE: [REDACTED] PR: [REDACTED]

[REDACTED] was the front seat passenger of the suspect vehicle that fled from Trooper Surbrook. The suspect vehicle ultimately crash into a tree after the pursuit was terminated. [REDACTED] exited the vehicle, fell on the ground and was confronted by [REDACTED] observed a handgun under [REDACTED]

[REDACTED] ignored loud commands from [REDACTED] and Trooper Surbrook to get on the ground. [REDACTED] was tasered by [REDACTED] and kicked by Trooper Surbrook as he was not following commands and had a handgun under him. The handgun was recovered off the ground by Trooper Surbrook. [REDACTED] was able to handcuff [REDACTED] by himself.

On January 14, 2021, I attempted to locate [REDACTED] at his listed address of [REDACTED]. A young lady identified herself as an old girlfriend of [REDACTED] and that he didn't live at the address anymore.

I also attempted to contact [REDACTED] by a phone number listed in the report. There was no answer and I left a message.

EXTERNAL DOCUMENTS:

Ingham County CAD Report

STATUS:

OPEN

PAGE: 16 of 16	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0002

ORIGINAL DATE:
Tue, Dec 08, 2020

SUPPLEMENTARY DATE:
Tue, Jan 26, 2021

INCIDENT NO:
030-0000748-20

FILE CLASS:
50000

INCIDENT STATUS:
OPEN

MISCONDUCT IN OFFICE - USE OF FORCE INVESTIGATION

JOURNAL:

DATE	JOURNALED BY	ACTION
01-14-2021	ENTERED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED SUPP #1 - PENDS INTERVIEW WITH [REDACTED] AND REVIEW OF DEPLOYMENT OF CANINE - CHASE AND HOLD

PHOTOGRAPHS OF SCENE:

On January 8, 2021, I sent a request to MSP Professional Standards if they had any photographs from the incident. I was forwarded eight (8) photographs of the scene the night of the incident. The photographs mostly depict the suspect vehicle and the damage to it from the crash. The photos were taken by an officer on scene.

DAYTIME PHOTOS OF SCENE:

On January 14, 2021, I took several daytime photos of the scene. The photos have been uploaded to the crime scene depository.

SUSPECT/USE OF FORCE RECEIPT - POSSIBLE VICTIM:

NAM: [REDACTED]
BIR: [REDACTED] RAC: [REDACTED] ETH: [REDACTED]
NBR: [REDACTED] DOB: [REDACTED] SSN: [REDACTED]
SFX: [REDACTED] HGT: [REDACTED] FBI: [REDACTED]
TXH: [REDACTED] ZIP: [REDACTED] HAI: [REDACTED] PR: [REDACTED]
SMT: [REDACTED]

[REDACTED] last known address is in Portland, Oregon. I didn't have a phone number for [REDACTED]. I called [REDACTED] to ask him for [REDACTED] phone number, however he never answered or returned my messages. I went to Lansing to [REDACTED] last known address, but he didn't live there anymore. After some intel searching, I located a phone number [REDACTED] for [REDACTED] and called him on January 22, 2021. I left a message. On January 26, 2021, I sent another message to [REDACTED] phone asking him to call me. Within a few minutes, [REDACTED] called me. I interviewed [REDACTED] over the telephone.

PAGE: 1 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

I advised [REDACTED] that I was conducting a criminal investigation into the actions of Trooper Surbrook deploying the K9 dog on him. The following is a summary of what [REDACTED] told me.

[REDACTED] stated that after he hit the tree, he opened the door of the car and tried to get out. When his left leg hit the ground, he fell to the ground. He said he could not walk. [REDACTED] stated he didn't run. He said the dog jumped right on him. The dog bit him on his private parts first. [REDACTED] said he rolled over and then the dog bit his upper parts of his legs near his pelvic areas on the left and right sides and also the left side of his ribs. The dog then bit his left arm on the bicep and forearm area. [REDACTED] stated the dog also pulled him across the ground. [REDACTED] stated he wasn't resisting and asked the trooper to get the dog off of him. He stated he had his arms out and he was screaming. He asked the trooper to please get the dog off of him again. [REDACTED] was scared the dog was going to continue to cause him injuries.

[REDACTED] stated the trooper left to go to the passenger who was on the other side of the car. The dog stopped and appeared it was going to follow the trooper. The trooper told the dog to get back on him. The dog came back and grabbed his left arm. The dog shook his left arm back and forth. The dog then tore off [REDACTED] black hoodie. The dog then began licking [REDACTED] wounds in his left arm. [REDACTED] stated he couldn't remember how exactly the dog was gotten off of him. [REDACTED] stated the timeframe was about 10 minutes from when the dog first got on him until the dog was taken off of him.

[REDACTED] was wearing camo green Army fatigue cargo pants, a black t-shirt, and a hooded black sweatshirt with his employer name "Organ Genetics" on the sleeve. He was wearing black hiking boots. All the clothes had blood on them. The hospital staff asked him if he wanted them and he said no because they were torn up and had blood on them. The clothes were thrown away.

[REDACTED] right hip was injured from the car crash. He was transferred to Sparrow Hospital where he stayed for approximately a week before he was released. He received staples from surgery to repair his hip.

[REDACTED] stated he had bite injuries to the following areas on his body: Head – top left side, left shoulder blade area, left arm bicep and forearm, left side rib area, left and right side of pelvic bone area, genitals and the top of the thighs.

The hospital staff treated the bite injuries with antibiotics and topical ointments.

[REDACTED] stated he took pictures of his injuries and I requested that he send me the pictures. The pictures were eventually sent to me by his ex-girlfriend [REDACTED] who had taken the pictures with her phone.

FURTHER OBSERVATIONS OF K9 KNOX'S DEPLOYMENT AND ENGAGEMENT:

After getting more information from [REDACTED], I reviewed the dash cam video of the incident to document more details.

At 23:05:53, the initial physical contact is made by K9 Knox on [REDACTED] left side. [REDACTED] is lying on his back with arms spread out to his side.

At 23:05:56, K9 Knox moves to [REDACTED] middle section/genital area and engages. [REDACTED] appears to react to this engagement and rolls to the right where he is now on his stomach.

PAGE: 2 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

At 23:05:59, K9 Knox engages [REDACTED] left middle section area when [REDACTED] was rolling over. K9 Knox is engaging [REDACTED] left side multiple times.

At 23:06:08, [REDACTED] rolls his right side off the ground, yells to Trooper Surbrook that the dog has him, and [REDACTED] acknowledges to Trooper Surbrook that he is not moving. [REDACTED] rolls back down onto his stomach. [REDACTED] is complying with Trooper Surbrook's commands of not moving.

At 23:06:13, [REDACTED] yells "Gun, Gun, Gun" meaning he sees a suspect's gun and the suspect has access or possession of the firearm. Trooper Surbrook runs to assist him as the situation calls for priority assistance.

K9 Knox continues to engage [REDACTED] by biting and grabbing the left midsection area and back of [REDACTED]

At 23:06:19, [REDACTED] yells "Gun, Gun, Gun" a second time and K9 Knox disengages from [REDACTED] and starts to look and locate Trooper Surbrook. As K9 Knox takes one or two steps towards, Trooper Surbrook, who is on the other side of the car with suspect [REDACTED] and [REDACTED], Trooper Surbrook yells, "Don't move" to suspect [REDACTED] and K9 Knox turns around and re-engages [REDACTED] around his head area and then grabs the hoodie of his sweatshirt.

At 23:06:25, K9 Knox who has [REDACTED] by his hoodie, drags [REDACTED] in a circle motion from right to left and turns [REDACTED] around.

At 23:06:37, Trooper Surbrook has control of the suspect's handgun ([REDACTED]) and has returned to [REDACTED] and K9 Knox. Trooper Surbrook is giving K9 Knox commands to stay on [REDACTED]. It appears K9 Knox has a hold of the hood of [REDACTED] sweatshirt.

At 23:07:37, K9 Knox is tearing [REDACTED] sweatshirt that he is wearing and is standing over the top of [REDACTED] face. [REDACTED] tells Trooper Surbrook that K9 Knox is on his face and Trooper Surbrook tells [REDACTED] that he doesn't care.

At 23:07:52, Trooper Surbrook tells K9 Knox to, "Stay on him ([REDACTED])". K9 Knox continues to engage and tear [REDACTED] sweatshirt in the upper area of [REDACTED] body (head, left shoulder area).

At 23:08:50, As Trooper Surbrook has been giving commands and encouragement to K9 Knox to stay engaged on [REDACTED] for the last minute, Trooper Surbrook tells [REDACTED], "Don't move". K9 Knox moves to [REDACTED] left arm and left midsection area and engages. [REDACTED] pleads with Trooper Surbrook to get the dog off of him and Trooper Surbrook says, "I don't care" again.

At 23:08:57, it appears K9 Knox could be licking [REDACTED] left arm as described by [REDACTED].

At 23:09:18, the backup officer, Sgt. John Faccio, arrives to assist Trooper Surbrook. Trooper Surbrook has Sgt. Faccio cover him while he goes to handcuff [REDACTED]. Sgt. Faccio gets his service weapon out at the ready position. Trooper Surbrook grabs [REDACTED] arm for handcuffing and rolls him over onto his stomach. K9 Knox who possibly has been licking [REDACTED], re-engages [REDACTED] left midsection area. It appears K9 Knox is grabbing and pulling on [REDACTED] clothing as [REDACTED] is talking to Trooper Surbrook.

PAGE: 3 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
-------------------------	--	--	---------------------

MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

At 23:09:37, [REDACTED] is handcuffed and Trooper Surbrook gives two release commands to K9 Knox as he pulls K9 Knox from [REDACTED]. K9 Knox releases [REDACTED] clothing from a bite hold.

SEARCH WARRANT FOR [REDACTED] MEDICAL RECORDS:

On January 27, 2021, I completed an affidavit and search warrant to obtain [REDACTED] medical records from McLaren Greater Lansing Hospital and Sparrow Hospital.

The affidavit and search warrant were reviewed by APA Michael Cheltenham of the Ingham County Prosecutor Office. I swore to the affidavit and search warrant and it was authorized by Magistrate Laura Millmore, Ingham County District Court.

On January 29, 2021 at approximately 2pm, I served the warrant on Sparrow Hospital Health Information Management, 1215 East Michigan Ave. Lansing MI 48912. I was given a CD that contained the records.

On the same day, I served the warrant on McLaren Greater Lansing Medical Records Department 401 W. Greenlawn Ave. Lansing MI 48910. Their system was down. The records were later provided on February 2, 2021 for pick up and by email.

REVIEW OF INJURIES IN MEDICAL RECORDS:

McLaren Greater Lansing Hospital:

The first hospital [REDACTED] was taken to by ambulance from the crash scene was McLaren Greater Lansing Hospital. The medical records state the following:

From page 4, it shows that [REDACTED] was admitted to the emergency room at 12:20am on November 14, 2020. In triage, the chief complaint was described as "running from police, hit tree head on approx..30pmh. Extensive damage to vehicle. [REDACTED]"

On page 8 under History of Present Illness, it states, "[REDACTED]"

On page 9 under Physical Exam, [REDACTED]

On the bottom of page 9 and top of page 10 under Medical Decision Making, it reads, "[REDACTED]"

PAGE: 4 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

On page 25, there is a diagram of a person to list the areas of injuries. The following types of injuries and complaints are noted: [REDACTED]

Sparrow Hospital:

On November 14, 2021 at 4am, [REDACTED] was transferred to Sparrow Hospital [REDACTED]

The medical records state the following on page 4 under Problem List: [REDACTED]

The medical records state the following on Page 4 under Arrival complaint: [REDACTED]

The medical records state the following on Page 5 under Diagnoses: [REDACTED]

PHOTOGRAPHS OF INJURIES:

Photographs of [REDACTED] injuries were taken on two occasions. Trooper Surbrook took three (3) photographs, two (2) of [REDACTED] left arm area and one (1) photo of [REDACTED] right side midsection area the night of the incident when [REDACTED] was at the hospital.

On November 15, 2020, [REDACTED] girlfriend, [REDACTED], took several photos of the injuries when [REDACTED] was at Sparrow Hospital. [REDACTED] stated she took eight (8) photographs and two photographs were accidentally erased off her phone. These lost photographs were of injuries to [REDACTED] head and to his genitals. The remaining six (6) photographs were of [REDACTED] left arm, neck, and left and right of his midsection.

WITNESS [REDACTED]:

NAM: [REDACTED]
BIR: [REDACTED]
NBR: [REDACTED] DIR: [REDACTED]
STR: [REDACTED]
SFX: [REDACTED]
CTY: [REDACTED] ST: [REDACTED]
TXH: [REDACTED] ZIP: [REDACTED]
TXW: [REDACTED]
CT: [REDACTED]

RAC: [REDACTED] ETH: [REDACTED]
SEX: [REDACTED] DL: /
DOB: [REDACTED] SSN: [REDACTED]
HGT: [REDACTED] SI: /
WGT: [REDACTED] FBI: [REDACTED]
HAI: [REDACTED] MNU: [REDACTED]
EYE: [REDACTED] PR: [REDACTED]

PAGE: 5 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

[REDACTED]

[REDACTED]

BACK UP UNITS WHO RESPONDED TO SCENE:

The Ingham County 911 Dispatch CAD report advised the call for assistance was received at 23:07:38 for [REDACTED], VCI. This call for assistance was approximately two (2) minutes after the suspect vehicle had crashed (23:05:48) and Trooper Surbrook and [REDACTED] were in contact with the suspects.

After the call for priority assistance was received approximately 14 marked patrol units responded to assist. Most of the officers were from the Lansing Police Department with a few officers from the Ingham County Sheriff Office – Delhi Division. MSP Sgt. John Faccio, Call sign [REDACTED], who was working with VCI that evening, was the first to arrive and assist. He arrived at 23:09:07. Shortly thereafter, other VCI officers and additional marked units arrived to assist at the scene and with traffic.

REVIEW OF TIME SYNCHRONICATION OF VIDEOS AND DISPATCH RECORDINGS:

I compared Trooper Surbrook's dash cam video and [REDACTED] body cam video time recording to see if they had the same time as the incidents occurred. The times were in sync with each other. The time recordings of Ingham County Dispatch CAD Report appears to be in sync with the times of the videos also.

INTERVIEW [REDACTED]:

[REDACTED] retained attorney counsel Patrick O'Keefe through his police union. I contacted O'Keefe on January 26, 2021 and requested an interview with [REDACTED]. After conferring with [REDACTED], O'Keefe advised they were not going to do an interview at this time.

WITNESS INTERVIEW/MICHIGAN STATE POLICE - SUPERVISOR AND LEAD TRAINER OF CANINE UNIT:

NAM: DAVID YOUNT
BIR: RAC: [REDACTED] ETH: [REDACTED]
NBR: 7150 DIR: SEX: [REDACTED] DL: /
STR: HARRIS DOB: [REDACTED] SSN: [REDACTED]
SFX: DRIVE HGT: ' " SI: /
CTY: DIMONDALE ST: MI WGT: [REDACTED] FBI: [REDACTED]
TXH: ZIP: 48821 HAI: [REDACTED] MNU: [REDACTED]
TXW: EYE: [REDACTED] PR: [REDACTED]

PAGE: 7 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

SMT:

On Monday, February 1, 2021, I interviewed Sgt. David Yount, Michigan State Police Canine Unit supervisor and lead trainer, at Third District Headquarters. Lt. Maki, commander of the canine unit, advised Sgt. Yount has the most knowledge and training of anyone in the unit. Sgt. Yount was interviewed to give a statement on Trooper Surbrook's actions as a K9 handler in this incident.

Sgt. Yount has been employed with the Michigan State Police for 25 years. He started as a trooper in 1995 and in 1999 he became a canine handler. He has been with the canine unit for the last twenty one (21) years. During his time in the unit, he was the commander for eight (8) years. He has been to approximately fifteen (15) canine training classes and seminars including national and international events to include field training with US Special Operation Teams from US Military Units, US Marine Corps MARSOC/Naval Special Warfare/Army Btn Rangers and Foreign Special Forces (New Zealand/Germany/France/Australia). Also he was appointed as judge for national and international teams for certifications through American Canine Association.

Sgt. Yount explained the training Michigan State Police K9 teams (handler and canine) receive and the policies that govern K9 handlers actions. Sgt. Yount gave me copies of their training manual. Sgt. Yount also advised K9 Handler's policies are described in the Michigan State Police Official Order #18.

Sgt. Yount advised Trooper Surbrook's training was up to date at the time of the incident. The canine handlers have designated training days once per week and the unit evaluates canine handlers and their dogs twice per year for annual certification. The certification covers the Chase and Hold technique which is part of Aggression training. The dog is taught to chase down a fleeing subject, bite the subject, hold the subject with the bite and then release the subject when commanded by the handler. Additionally, the canine team must successfully perform False Run, Recall and Call By techniques where the dog does not bite and return to the handler upon command.

We reviewed the Dash Cam Video from Trooper Surbrook's patrol vehicle and the body cam footage from [REDACTED]. Sgt. Yount advised the initial deployment of K9 Knox by Trooper Surbrook on [REDACTED] was within department training and policy. The suspect, [REDACTED], was a suspected felon by fleeing from police in a vehicle and suspected in possession of a firearm. Sgt. Yount advised it appeared to him that the suspect was fleeing on foot from the vehicle as Trooper Surbrook approached the scene. Sgt. Yount advised Trooper Surbrook could have been reacting to the circumstances he last observed, suspect exiting the vehicle, as he was getting K9 Knox out of the patrol vehicle and then releasing K9 Knox to perform a Chase and Hold on the subject. From the video, as Trooper Surbrook is deploying K9 Knox, the subject is moving on the ground and pushes up off the ground which could be interpreted as a fleeing and active resistance. It is also possible that Trooper Surbrook saw the suspect trying to get up off the ground and interpreting the action as also trying to flee or possibly set up an ambush to assault the officers.

Sgt. Yount advised after the initial deployment of K9 Knox, that it was within policy and training for Trooper Surbrook to command and keep K9 Knox deployed on suspect [REDACTED] until the second suspect, [REDACTED], was handcuffed.

PAGE: 8 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

Sgt. Yount explained the circumstances which include the following: prior resistance of the suspects who fled from the traffic stop which would indicate a reasonableness to expect more resistance, a suspect did attempt to flee on foot, the suspects are both possibly armed, one is confirmed as armed during contact, the number of officers on scene at the time which is two, the number of suspects which is not totality known as the suspect vehicle hasn't been properly cleared, the distance and vision obstruction (suspect vehicle) between the two suspects and Trooper Surbrook having to assist [REDACTED] with the active resistant, armed second suspect ([REDACTED]). Sgt. Yount explained this would allow Trooper Surbrook in this instance to keep K9 Knox deployed on suspect [REDACTED].

Sgt. Yount advised after the second suspect [REDACTED] was handcuffed that Trooper Surbrook had options to secure/handcuff [REDACTED]. Sgt. Yount advised that Trooper Surbrook should have attempted to coordinate with [REDACTED] to get suspect [REDACTED] handcuffed after [REDACTED] was handcuffed. [REDACTED]

[REDACTED]. These actions allow for the safest manner to handcuff the suspect and protect the officers.

Another option Trooper Surbrook had [REDACTED].

The last option Trooper Surbrook had to secure [REDACTED] in handcuffs was to [REDACTED].

[REDACTED].

Sgt. Yount advised the following things could have influenced why Trooper Surbrook continued to leave K9 Knox deployed on suspect [REDACTED]. Trooper Surbrook observed K9 Knox not injuring [REDACTED] even though K9 Knox was grabbing onto [REDACTED] clothing, Trooper Surbrook knows that K9 Knox is not a "hard" dog (meaning he is not a canine that bites hard and is overly aggressive), he observed K9 Knox licking [REDACTED] wounds and not biting [REDACTED], the vehicle had not been cleared and canine K9 Knox was providing a distraction to the suspect, the passenger was also non-compliant and was armed, Trooper Surbrook was working with a dedicated unit of officers that were working in close proximity to him and they should be arriving soon to assist with handcuffing and [REDACTED] hadn't been searched for weapons. Trooper Surbrook called to check ETA several times and it sounded like they were going to arrive quicker than they did.

Sgt. Yount explained Trooper Surbrook was not trained to handcuff the suspect himself while the canine was on the suspect, [REDACTED]. Trooper Surbrook handcuffed [REDACTED] himself while K9 Knox was attached and the third officer, Michigan State Police Sgt. John Faccio, covered him. Sgt. Yount explained Trooper Surbrook

PAGE: 9 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

should have physically held K9 Knox by the collar, allow Sgt. Faccio to gain control of one of the suspect's arms and then he (Trooper Surbrook) command K9 Knox to release [REDACTED] from the hold.

Sgt. Yount explained also that Trooper Surbrook failed to perform some officer safety tactics. [REDACTED]

Sgt. Yount advised that Trooper Surbrook completed the Michigan State Police Basic Canine School in June 2017. K9 Knox is Trooper Surbrook second assigned canine. K9 Knox was acquired by the Michigan State Police when he was approximately 1 year old. Trooper Surbrook is Knox's first handler. They have been a canine team since May 2019. Sgt. Yount stated this incident is the first time there has been an issue with Trooper Surbrook and K9 Knox.

Sgt. Yount reviewed the pictures of [REDACTED] injuries. He advised that the injuries were consistent with the canine performing a Chase and Hold. He advised the injuries didn't appear to be egregious as the injuries didn't have excessive tearing of the skin and the injuries didn't require stitches.

TROOPER PARKER SURBROOK - POLICE TRAINING AND EXPERIENCE SNAPSHOT:

- Eight (8) years of experience as a Michigan State Police trooper
 - o October 2012 - Graduated from the Michigan State Police 123rd Recruit School
 - o 19 week training program
- Three (3) years of experience as a Michigan State Police Canine Handler
 - o June 2017 – Graduated from the Michigan State Police Basic Canine School
 - o 14 Week Intense training program

INTERVIEW TROOPER PARKER SURBROOK:

Trooper Surbrook retained attorney counsel Patrick O'Keefe through the Michigan State Police Trooper Union. I contacted O'Keefe on February 1, 2021 and requested an interview with Trooper Surbrook. After conferring with Surbrook, O'Keefe advised they were not going to do an interview at this time.

REVIEW OF TROOPER SURBROOK'S STATEMENTS AND REPORTS REFERENCE THE DEPLOYMENT OF K9 KNOX:

Trooper Surbrook advised his supervision verbally and in reports that he initially deployed K9 Knox to stop a fleeing felon from fleeing on foot.

FROM MSP Report 11-4401-20:

The driver was fleeing from the front driver door and MSP K9 Knox was deployed and performed a chase and hold. MSP Report 11-4401-20, Page 1, Summary, Paragraph 2.

PAGE: 10 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

The driver of the vehicle attempted to flee on foot and I deployed my canine Knox who engaged him and held him until Officer [REDACTED] and I could apprehend the front seat passenger who also attempted to exit the vehicle. MSP Report 11-4401-20, Page 3, Traffic Stop, Paragraph 3.

Upon arriving at the intersection of Willoughby and Long Blvd I observed the driver's door open and the driver exiting on foot. I put my vehicle in park and deployed K9 Knox in the direction of the driver and he engaged him. MSP Report 11-4401-20, Page 4, VEHICLE DISABLED/K9 DEPLOYED/USE OF FORCE, Paragraph 1.

FROM MSP Report CAN-5629-20:

The driver of the vehicle listed below as [REDACTED] attempted to flee from the driver's door and K9 Knox was deployed in a chase and hold manner. Knox was able to perform a chase and hold successfully and the driver was taken into custody without incident. MSP Report CAN-5629-20, Page 1, Summary, Paragraph 1.

As I exited my patrol vehicle, I deployed canine Knox on the driver without making announcements. This was done out of concern for the safety of the officers on scene and tactical positional advantage it gave all officers if both subjects were armed with weapons. Once K9 was deployed he performed a chase and hold on the driver until he could be taken into custody without incident. MSP Report CAN-5629-20, Page 2, Traffic Stop/Deployment, Paragraph 2.

Trooper Surbrook's reporting of leaving K9 Knox deployed on [REDACTED] before and after the second suspect [REDACTED] is handcuffed has less details.

MSP Report 11-4401-20:

The driver of the vehicle attempted to flee on foot and I deployed my canine Knox who engaged him and held him until [REDACTED] and I could apprehend the front seat passenger who also attempted to exit the vehicle. MSP Report 11-4401-20, Page 3, Traffic Stop, Paragraph 3.

MSP Report CAN-5629-20:

As I exited my patrol vehicle, I deployed canine Knox on the driver without making announcements. This was done out of concern for the safety of the officers on scene [REDACTED]. Once K9 was deployed he performed a chase and hold on the driver until he could be taken into custody without incident. MSP Report CAN-5629-20, Page 2, Traffic Stop/Deployment, Paragraph 2.

Trooper Surbrook gives further information about his actions verbally to backup officers on his reasoning and intent to keep K9 Knox deployed. This information is recorded on the video dash cam from his patrol vehicle.

"It's bad dude..he's jumping out with a gun on him (suspect #2) [REDACTED] is tasing him as he's gettin'....tryin' like, [REDACTED] is calling gun, gun, gun....dog is....he's out here (pointing to the area where suspect #1 was on the ground)...dog is yanking him...I just let the dog on him until he got them secured." MSP Dash Cam Video, Time 23:13:18.

PAGE: 11 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

“um...this is...how it goes down...they crash out...I already cut my stuff (emergency lights)...I’m way down the road...so...he bails...I see him bailing...he’s getting out...he’s trying to take off running...boom...send the dog...dog engages... starts yelling gun, gun, gun...he’s getting out with a gun on him pops and tases him...I leave the dog on him engaged...then come over here...help secure the gun...put in passenger seat.” MSP Dash Cam Video, Time 23:14:37

TROOPER SURBROOK’S REVIEW OF WATCHGUARD DASH CAM VIDEO:

The WatchGuard dash cam video recording system in Trooper Surbrook’s patrol vehicle downloads videos from the patrol vehicle to the online library through an internet signal. Recorded videos can be accessed and viewed by troopers as part of their investigation, for report writing and to document things that weren’t observed initially during an incident.

Trooper Surbrook viewed the dash cam recording of this incident numerous times on November 14, 2020. The WatchGuard system has a log on who accesses the videos. I reviewed the log and the log stated Trooper Surbrook accessed the video of this incident on November 14 at 5:06am, 5:32am, 5:39am,6:43am, 6:49am, 6:54am, 7:16pm, 7:27am, 8:27am, 1:31pm, 1:38pm and 4:14pm.

MICHIGAN STATE POLICE USE OF FORCE POLICY DOCUMENTATION:

The Michigan State Police Official Order #7 states, “All incidents in which an enforcement member uses force greater than officer presence, verbal direction, or compliant handcuffing shall be documented by completing a Blue Team Use of Force Incident Report.” The Blue Team report, which documents use of force, was not completed by Trooper Surbrook. Trooper Surbrook did complete a Vehicle Pursuit Blue Team report and it was been added as an external document to this report.

TROOPER SURBROOK TAKEN OUT OF SERVICE-STANDARD PROCTOCOL AFTER K9 BITE:

After a deployment of a Michigan State Police canine that results in a bite, it is standard protocol the canine team is taken out of service, so the deployment can be reviewed by the unit’s supervision and chain of command. The review consists of the information verbally given by the handler and a written canine unit report. Lt. Maki, MSP Canine Unit Commander, advised me of steps that were taken to review this incident.

Trooper Surbrook notified Lt. Maki of the incident via telephone on Friday, November 13, 2020, sometime around 11:20 p.m. Trooper Surbrook was taken out of service at that time. Lt. Maki Immediately sent an email to F/Lt. Brian Bahlau, Section Commander, notifying him of the incident. This email was sent at 11:30 p.m.

Trooper Surbrook sent Lt. Maki his incident report on Saturday, November 14, at 5:19 a.m. by email and Lt. Maki reviewed it when I woke up that morning. After reviewing the written canine report, Lt. Maki requested that Trooper Surbrook add additional information to the report. Trooper Surbrook resubmitted to Lt. Maki later that morning. Lt. Maki recalled that Trooper Surbrook left his home for the day and accidentally locked the narrative on the report. For that reason, Lt. Maki could not access the report until later that evening when Trooper Surbrook returned home and released the narrative lock. Once Lt. Maki reviewed the report, it was sent to F/Lt. Bahlau and he also reviewed it. F/Lt. Bahlau subsequently sent Lt. Maki an email at 7:03 p.m., notifying him that the deployment appeared to be within policy, and it was at that time that Trooper Surbrook

PAGE: 12 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

was placed back into service. The video of this incident had not been reviewed by Lt. Maki and canine unit's upper command.

Lt. Maki sent me a copy of the initially submitted report that he sent back Trooper Surbrook to add more detail to.

Trooper Surbrook was subsequently taken out service again in connection with this investigation.

MICHIGAN STATE POLICE – DEPARTMENT POLICY – USE OF CANINE-OFFICAL ORDER #18:

The Michigan State Police department policy for use of canine is written in the Michigan State Police Official Orders #18 Section 6.1.

The parts of the policy that do and could relate to this incident are sub-sections Letter F, CHASE AND HOLD, and Letter G, HANDLER AND CANINE PROTECTION. The following are the policies of these sub-section letters.

F. Chase and Hold

- (1) The canines are taught to chase a fleeing person on command and to hold the subject until the handler arrives and orders the subject released. This deployment action shall be limited to felony suspects where circumstances present an imminent danger to personnel and shall be in accordance with this Order.
- (2) Canine team deployments shall not be authorized unless hard hand control is appropriate, and the department's use of intermediate weapons is followed. The deployment of a canine is not considered fatal force.

G. Handler and Canine Protection

Tracking canines are taught to defend themselves and their handlers. However, the canines shall only be used for personal defense in situations where the likelihood of serious injury to the officer or other person is imminent.

MICHIGAN STATE POLICE USE OF FORCE POLICY:

The following are excerpts from the Michigan State Police Use of Force written policy:

7.1.1. OBJECTIVELY REASONABLE USE OF FORCE

- A. Under the Fourth Amendment of the United States Constitution, a law enforcement officer may only use such force as is "objectively reasonable" under all of the circumstances. The standard that courts will use to examine whether the use of force is constitutional was first set forth in *Graham v. Connor*, 490 U.S. 386 (1989), and expanded by subsequent court cases. The reasonableness of a particular use of force must be judged from the perspective of a reasonable law enforcement officer on the scene at the moment the force was used, rather than with 20/20 vision of hindsight. The reasonableness must account for the fact that law enforcement officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.

PAGE: 13 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

- B. Reasonableness will be determined by balancing the nature and quality of the intrusions with the countervailing governmental interests. The question is whether the law enforcement officer's actions are objectively reasonable in light of the facts and circumstances confronting the officer. Objective factors will determine the reasonableness of force including, but not limited to, the severity of the crime, whether the suspect poses an immediate threat to the safety of the law enforcement officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- C. Enforcement members shall only use force which is objectively reasonable under the totality of the facts and circumstances to overcome a subject's resistance, to make an arrest, or maintain proper custody of a prisoner, when a resisting subject de-escalates his/her resistance, the enforcement member shall also de-escalate the amount of force used proportionately.

MICHIGAN STATE POLICE GUIDE FOR USE OF FORCE:

The Michigan State Police use the Michigan Commission of Law Enforcement Standards Training Guide of Subject Control Continuum for the escalation and de-escalation of subject control. The information is given as a general guide for officers to use in situations. The guide states that an officer response must be objectively reasonable to the perceived threat posed by the subject. Additionally, the guide gives the following information to keep in mind and to consider:

TOTALITY OF CIRCUMSTANCES

The question is whether the officer's actions are "objectively reasonable" in light of all the facts and circumstances confronting the officer at the time the force is used.

CIRCUMSTANTIAL CONSIDERATIONS

(List is not all inclusive)

Type of crime committed or attempted; relative size/stature of subject(s); exigent conditions: number of officers on scene, number of subjects involved, and availability of back-up; reaction time; relative strength; subject(s) access to weapons; subject(s) under the influence of alcohol or drugs; exceptional abilities/skills of suspect(s) (e.g., martial arts); injury to, or exhaustion of, the officer; weather or terrain conditions; immediacy of danger; distance from the subject; special knowledge (e.g., subject's prior history of violence), etc.

CIRCUMSTANCES AFFECTING THE ENTIRE INCIDENT:

The following facts are circumstances that I observed affecting the entire incident. This is not an all-inclusive list however the list will contain most circumstances previous documented in the report.

1. The situation was rapidly evolving.
2. There was reduced lighting (Incident occurred at night).
3. Suspect(s) resisted officer's attempt for a traffic stop, Flee and Elude.

PAGE: 14 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

4. The suspect vehicle crashed into a tree.
5. Possibly armed and later confirmed armed suspect.
6. Suspected Driver of vehicle, suspect #1 [REDACTED], appeared to attempt to flee on foot.
7. K9 Knox was deployed to perform a Chase and Hold on suspect [REDACTED].
8. Armed suspect, suspect #2 [REDACTED], ignoring commands.
9. Taser deployed on suspect #2 [REDACTED] was ineffective.
10. At least two (2) suspects at scene.
11. Two (2) officers at scene.
12. The suspect vehicle couldn't be properly cleared until additional officers arrived.
13. Officers were working with a dedicated unit (VCI) with numerous officers that were monitoring dedicated radio channel/talk group [REDACTED]
14. Additional back up officers are possibly thought to be close.
15. [REDACTED]
16. [REDACTED]
17. Ingham County Dispatch wasn't notified of the incident and the need for back up until 23:07:38. The vehicle crashed at 23:05:48. This is an approximate two minute delay and possibly could have slowed down the response time of back up units.
18. There was confusion on where the officers were. The first location for assistance that was radioed to Ingham County Dispatch was Willoughby and Washington. This location was approximately 1 mile where the officers actually were. This could have delayed response time of backup units.
19. Trooper Surbrook radioed the wrong apartment complex name (Heritage Village) for his location. They were at Autumn Ridge. This could have delayed response time of backup units.
20. Trooper Surbrook had to assist [REDACTED] with suspect #2 [REDACTED] as he was armed. This separated Trooper Surbrook from K9 Knox and suspect #1 [REDACTED]

PAGE: 15 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT 0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

- 21. There were physical barriers and distance between where both suspects were at the scene.
- 22. It took approximately 3 minutes and 20 seconds for the first back-up officer to arrive on scene after the suspect vehicle crashed.
- 23. K9 Knox is not a "hard" dog (meaning he is not a canine that bites hard and is overly aggressive).
- 24. K9 Knox was licking the suspect's wounds and not biting the suspect at times.
- 25. K9 Knox was tearing the suspect's clothes opposed to biting the suspect.
- 26. Trooper Surbrook appears to be frustrated that backup is taking a long time to arrive.
- 27. Trooper Surbrook did not explore other trained tactical options to handcuff [REDACTED]

USE OF FORCE – DEPLOYMENT OF K9 KNOX:

This incident's criminal investigation revolves around the deployment of police K9 Knox by Trooper Surbrook on suspect [REDACTED]. The United States legal courts have advised excessive force are situations where law enforcement officers exceed the amount of force necessary against another person in an attempt to defuse a situation or to protect others or themselves from danger or harm.

The initial deployment of K9 Knox was deemed within Michigan State Police canine training and policies and experiences by Sgt. Yount. This could mean the initial deployment was reasonable. The circumstances that cover this situation include the suspects had resisted officers by fleeing and eluding in a vehicle which would give an officer reason to believe they would resist more, [REDACTED] was possibly armed, [REDACTED] was a suspected felon and it appeared that [REDACTED] was attempting to flee on foot.

The deployment of K9 Knox from the initial deployment to the handcuffing of the second suspect was considered within the Michigan State Police canine training and policies and experiences by Sgt. Yount. This could mean this deployment time frame was reasonable. The circumstances that apply in this situation include that the second suspect is armed and needs to be taken into custody immediately, there are only two officers on scene, there are distances and obstructions between the two suspects' physical locations and the situation is rapidly evolving.

[REDACTED]

[REDACTED]

PAGE: 16 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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MICHIGAN DEPARTMENT OF STATE POLICE

SUPPLEMENTAL INCIDENT REPORT
0002

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

Surbrook

[REDACTED]

During the one (1) minute and fifty (50) seconds that K9 Knox was deployed on [REDACTED] after [REDACTED] was handcuffed, Trooper Surbrook commanded K9 Knox to "Stay on him" two (2) times, he turned his back to [REDACTED] two (2) times, he used the radio one (1) time and [REDACTED] pleaded and asked for Trooper Surbrook to get the dog off of him at least five (5) times. Trooper Surbrook acknowledged to [REDACTED] that K9 Knox was on top of him by saying, "I don't care" that the K9 is on him.

During the timeframe, K9 Knox makes multiple biting motions towards [REDACTED] including grabbing and tearing [REDACTED] shirt and making biting motions to [REDACTED] left side. Most of [REDACTED] speech tone during the timeframe is controlled as he is asking Trooper Surbrook to call off K9 Knox. K9 Knox is either tearing [REDACTED] clothing or licking at his wounds during the controlled speech. [REDACTED]

However there is one time at 23:08:50 where [REDACTED] speech tone is excited and uncontrolled as he yells out. [REDACTED]

In this instance, K9 Knox quickly moved from being over [REDACTED] head to [REDACTED] left side. K9 Knox then aggressively made biting motions towards [REDACTED] left side. It is possible that K9 Knox is biting [REDACTED] as he went to establish a hold. It's also possible that K9 Knox is just grabbing the clothing. K9 Knox can be seen pulling [REDACTED] as he has [REDACTED] clothing in his mouth.

MSP AUDIO VIDEO UNIT ASSIST:

I contacted and requested a cropped and zoomed segment of the canine deployment activity from Trooper Surbrook's dash cam video. D/Tpr. Batchelor produced a side by side video using the shortened segment and area of interest. This video will help review the canine deployment activity. The video was placed into property. D/Tpr. Batchelor report number is AVU-33-21.

PROSECUTOR REVIEW:

The investigation will be submitted to the Ingham County Prosecutor Office for review.

PROPERTY:

SEIZED BY: D/SGT BRIAN REECE

Prop 0001 -Type: RECORDING AUDIO/VISUAL Qty: 1 Article Type: DVD (digital video disc) Brand: Model: Serial #: Misc #: OAN: Value: \$0.00 Recovered Value: \$0.00

Descrp: DVD CONTAINING DASH CAM VIDEO, BODY CAM VIDEO, INGHAM CO DISPATCH RADIO TRAFFIC, PHOTOS, AND EXTERNAL DOCUMENTS

Obtained From: G4495 CORUNNA RD

07 - FLINT TWP, MI 48532

25 - GENESEE,

DOWNLOADED INFO TO DVD

Date/Time Recovered: 02/10/2021

PAGE: 17 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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**MICHIGAN DEPARTMENT OF
STATE POLICE**

**SUPPLEMENTAL INCIDENT REPORT
0002**

ORIGINAL DATE: Tue, Dec 08, 2020	INCIDENT NO: 030-0000748-20
SUPPLEMENTARY DATE: Tue, Jan 26, 2021	FILE CLASS: 50000

SEIZED BY: D/SGT BRIAN REECE

Prop 0002 -Type: RECORDING AUDIO/VISUAL Qty: 1 Article Type: DVD (digital video disc) Brand: Model:
Serial #: Misc #: OAN: Value: \$0.00 Recovered Value: \$0.00

Descrp: DVD CREATED BY MSP AVU D/TPR. BATCHELOR - CONTAINS SIDE BY SIDE ZOOM IMAGE OF
DASH CAM VIDEO

Obtained From: G4495 CORUNNA RD

07 - FLINT TWP, MI 48532

25 - GENESEE,

RECEIVED FROM D/TPR BATCHELOR

Date/Time Recovered: 02/10/2021

EXTERNAL DOCUMENTS:

MSP Report 11-4401-20 – Tpr. Surbrook Report

MSP Report CAN-5620-20 Tpr. Surbrook Canine Unit Report

MSP Report CAN-5620-20 Tpr. Surbrook Canine Unit Report (First submitted)

Lansing PD Report 20-51911843 [REDACTED] Report

MSP Report AVU-33-21

MCOLES Subject Control Continuum

Michigan State Police Canine Unit – Canine Basic Training Manual

Michigan State Police Canine Unit Policy and Evaluation Standards

Trooper Surbrook Principles of Conditioning Test 2017

Letter from Sparrow Hospital of Receipt of Search Warrant

Return and Tabulation from Search Warrant for Medical Records

[REDACTED] Medical Records – Sparrow Hospital

[REDACTED] Medical Records – McLaren Greater Lansing Hospital

MSP Blue Team Vehicle Pursuit Form – Tpr. Surbrook

MSP Daily Activity Log – Tpr. Surbrook

UD-10 Traffic Crash Form

WatchGuard Video Access Log

STATUS:

OPEN

PAGE: 18 of 18	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	INVESTIGATED BY: REECE, BRIAN, 291, D/SERGEANT	REVIEWED BY:
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