

# WASHINGTON STATE PATROL

## CRIMINAL INVESTIGATIVE DIVISION

### Investigative Report

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<b>File Title</b>	<b>Detective Sergeant</b>	<b>Case Number</b>
Use of Force	M.J. Marken	14-011536
<b>Subjects</b>		<b>Other Case Number</b>
(O)Shepherd, Adley E. (Code 1/76		FPL 14-7-0049
(V)Durden-Bosley, Miyekko (Code 1/91)	Seattle Police Department	14-199378

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### Synopsis

On June 22, 2014, at approximately 2:07 am, Seattle Police Department Communications received a 911 call from [Code 2] [Code 2] reported that her son, [Code 2] had received a cellular phone call from a female subject (later identified as Miyekko Durden-Bosley). The female indicated that she was enroute the [Code 2] residence to fight with [Code 2]. Seattle Police Department Officer Adley E. Shepherd responded to the [Code 2] residence. Durden-Bosley arrived at the residence and was contacted by Officer Shepherd. As a result of their interaction, Durden-Bosley was taken into custody and handcuffed. While being placed in the rear of Off. Shepherds patrol vehicle, Durden-Bosley kicked out at Off. Shepherd. Off. Shepherd responded by punching Durden-Bosley once, which resulted in multiple fractures to the right side of her face. The Seattle Police Department requested that the Washington State Patrol evaluate Off. Shepherds actions to determine whether or not they were reasonable and necessary.

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### Details

On June 22, 2014, at approximately 2:07 am, Seattle Police Department Communications received a 911 call from [Code 2] [Code 2] reported that her son, [Code 2] had received a cellular phone call from a female subject (later identified as Miyekko Durden-Bosley). The female indicated that she was enroute the [Code 2] residence [Code 2] 48<sup>th</sup> Avenue South, Seattle) to fight with [Code 2]. Seattle Police Department Officers Michael Griffin, Adley Shepherd and Rory Smith responded to the residence.

Upon arriving at the [Code 2] residence, Off. Shepherd contacted [Code 2] who was seated in the front yard, near the sidewalk. Off. Shepherd conversed with [Code 2] and attempted gather information surrounding the 911 call. [Code 2] indicated that he and Durden-Bosley were at a party earlier in the evening. [Code 2] stated that they began arguing and he left. While in the presence of his mother, he received a cellular phone call from Durden-Bosley. [Code 2] stated that she called him a "Bitch ass nigga." As Off. Shepherd was speaking with [Code 2] he [Code 2] received another call from Durden-Bosley.

While Off. Shepherd was speaking with **Code 2** Miyekko Durden-Bosley walked past the residence on 48<sup>th</sup> Avenue South<sup>1</sup>. When **Code 2** was asked by Off. Griffin if the female walking past the **Code 2** residence was Durden-Bosley, **Code 2** stated that it was not her.

After concluding his conversation with **Code 2** Off. Shepherd exited the residence and returned to the sidewalk outside. While there, he and Off. Griffin were approached by Durden-Bosley. When interviewed<sup>2</sup>, Off. Griffin indicated that Durden-Bosley appeared highly intoxicated. As documented by Off. Shepherds In-Car Video<sup>3</sup>, he commented that Durden-Bosley was, "Loaded."

As Off. Shepherd conversed with Durden-Bosley, she became increasingly agitated. Off. Shepherd attempted to escort her to the front of his patrol vehicle and she pulled away. Durden-Bosley repeatedly denied making any threats to harm **Code 2**. In the background of the video, **Code 2** can be heard yelling. After attempting to calm **Code 2** Off. Shepherd stated, "My patience is done," "Somebody is going to jail." Off. Shepherd, with the assistance of Off. Griffin, attempted to place handcuffs on Durden-Bosley. Off. Shepherd then advised Durden-Bosley she was under arrest. Durden-Bosley repeatedly stated she, "Did not make a threat." Note: Off.'s Shepherd and Griffin both indicated that Durden-Bosley had made threats to harm **Code 2**.

As Off. Shepherd attempted to place the handcuffed Durden-Bosley in the rear of his patrol vehicle, she stated, "I swear I am going to sue you guys." Off. Shepherd requested that Durden-Bosley "please" get in his patrol car. Off. Griffin then attempted to explain to Durden-Bosley what was going to happen. Off. Shepherd requested that Durden-Bosley "deescalate". He then attempts to place her in the rear of the vehicle. While seated, Durden-Bosley exclaimed, "You fucking bitch," then kicked out at Off. Shepherd.

In reviewing Off. Shepherds In-Car Video, it is unclear if Durden-Bosleys foot came into contact with Off. Shepherd. Off. Shepherds In-Car Video was provided to both the Federal Bureau of Investigation and Forensic Video Solutions. Despite enhancement by the FBI, contact with Off. Shepherds head or body was not observed on the video.

After Durden-Bosley kicked at Off. Shepherd, his body recoiled. Afterward, he states, "She kicked me." He then enters the rear of the patrol vehicle and punches Durden-Bosley once in the face with his right hand. Durden-Bosley then states repeatedly, "I'll give you that," "It's cool." Off. Shepherd requested that a supervisor be advised. He orders Durden-Bosley, "Don't kick, do not kick." Off. Shepherd is then observed rubbing his chin in view of the patrol vehicles rear facing camera. While conversing with Off. Griffin, Off. Shepherd states, "My jaw is jacked."

<sup>1</sup> Refer to Section 14, Officer Rory Smith, #6721 In-Car Video.

<sup>2</sup> Refer to Section 11e, page 2, line 25, Officer Michael Griffin interview.

<sup>3</sup> Refer to Section 14, Officer Adley Shepherd, #6849 In-Car Video.

After the altercation, Durden-Bosley was transferred to the rear of Off. Griffins patrol vehicle. While there, she was treated by Firefighter Rodrick Porter of the Seattle Fire Department. She was then transported to Harborview Medical Center in Seattle by American Medical Response for treatment. Note: Photographs taken at the scene by Sergeant Roger Rusness immediately after the incident, clearly showed that Durden-Bosleys right eye sustained trauma. Photographs taken on June 27, 2014, also showed significant trauma.

Off. Shepherd was treated at the scene by Lieutenant Mike McGregor of the Seattle Fire Department. He was transported from the scene by an aid car belonging to the Seattle Fire Department, to Harborview Medical Center in Seattle for further treatment. A Seattle Fire Department Incident Report indicated that Off. Shepherd complained of soreness in his jaw and shooting pain in his face while being treated.

A review of Miyekko Durden-Bosleys Harborview Medical Center records, indicated that she suffered mildly displaced fractures of her right medial orbital wall and right orbital floor.

After being treated at Harborview Medical Center, Durden-Bosley was transported to the King County Jail and booked for Assault.

A search warrant was obtained to examine the Harborview Medical Center records of Off. Shepherd. The records did not reveal any obvious injury.

Off. Shepherd did not work his assigned shift on the evening of June 22, 2014.

On June 23, 2014, Officer Adley E. Shepherd was relieved of duty by Lt. Steven Strand and placed on home assignment.

At the request of the Washington State Patrol, Mr. Robert M. Bragg Jr., (Fitness and Force Training Program Manager, Washington State Criminal Justice Training Commission), was asked to evaluate the actions of Officer Adley E. Shepherd during the arrest of Miyekko Durden-Bosley.

Utilizing materials provided by the Washington State Patrol, Mr. Bragg arrived at the following opinion: *“Officer Shepherd’s demeanor and handling of the situation immediately up to the assault by Ms. Miyekko Durden-Bosley were calm and respectful and appeared to follow the LEED model set forth in SPD dictum. However, following the assault he acted in a way inconsistent with the training and policy by not using the time and resources available to him. As a result he unnecessarily placed himself in greater danger and caused unnecessary and foreseeable injury to the handcuffed suspect<sup>4</sup>.”*

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<sup>4</sup> Refer to Page 7, Use of Force Opinion, Mr. Robert M. Bragg, Washington State Criminal Justice Training Commission.

Under penalty of perjury under the laws of the State of Washington, I certify that the forgoing is true and correct. Signed by me this 14<sup>th</sup> day of October, 2014, in Snohomish County, Washington.



Detective Sergeant Michael J. Marken #270WSP

**Redaction Code 1** - Dates of Birth - RCW 42.56.240(1) & RCW 42.56.050

Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nonproduction of which is essential for the protection of any person's right to privacy.

**Redaction Code 2** - Identity of Witness, Complainant, or Victim - RCW 42.56.240(2)

Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies.