

SEATTLE POLICE DEPARTMENT INCIDENT REPORT



INCIDENT
 INCIDENT AND ARREST
 ARREST ONLY

INCIDENT NUMBER
93-247409

DO NOT DISCLOSE NOT DISCUSSED DISCLOSE

HAZARD TO OFFICER

I HEREBY DECLARE THE FACTS HEREIN REPORTED BY ME ARE TRUE AND CORRECT. I UNDERSTAND THAT BY FILING A FALSE REPORT, I MAY BE SUBJECT TO CRIMINAL PROSECUTION.

DOMESTIC VIOLENCE

INCIDENT CLASSIFICATION DVPA - Assault		TOOL/WEAPON USED Hands	METHOD OF TOOL/WEAPON USE push, grab, choke	
LOCATION [REDACTED]		FIRM NAME	CENSUS 009	BEAT N6
TYPE OF PREMISE (FOR VEHICLES STATE TYPE AND WHERE PARKED)		POINT OF ENTRY		
DATE/TIME REPORTED 060493 1502	DAY OF WEEK Fri	DATE/TIME OCCURRED 060493 1500	DAY OF WEEK Fri	

EVIDENCE SUBMITTED FINGERPRINT SEARCH MADE FINGERPRINTS FOUND LAB EXAM REQUESTED DO NOT DISCLOSE

CODE	C (PERSON REPORTING, COMPLAINANT)	V (VICTIM)	W (WITNESS)	INJURED	HAS USABLE TESTIMONY
C/V	[REDACTED]			<input checked="" type="checkbox"/>	
W	[REDACTED]				

NAME (LAST, FIRST, MIDDLE) Cobain, Kurt	RACE/SEX/D.O.B. W/M/022067	HEIGHT 5-10	WEIGHT 110	HAIR Blk	EYES Blu	SKIN TONE	BUILD
ADDRESS [REDACTED] NE	HOME PHONE	WORK PHONE	WORK HOURS	OCCUPATION Lead Singer	EMPLOYER/SCHOOL		
CLOTHING, SCARS, MARKS, TATTOOS, PECULIARITIES, AKA Red Bathrobe, juice soaked white T-shirt, sweat pants						RELATIONSHIP TO VICTIM husband	
BAVCT. NO.	CHARGE DETAILS (INCLUDE ORDINANCE OR R.C.W. NUMBER AND CHARGE NARRATIVES) SMC 12A.060 (C) Assault, with intent				<input checked="" type="checkbox"/> BOOKED <input type="checkbox"/> YSC <input type="checkbox"/> KCJ #2 <input type="checkbox"/> CITED <input checked="" type="checkbox"/> KCJ #1 <input type="checkbox"/> KCJ #3		

ADDITIONAL PROPERTY (PROPERTY FORM 5.37.1 MUST BE ATTACHED) NOTHING TAKEN UNKNOWN AT TIME OF REPORT VICTIM FOLLOW-UP LEFT

ARTICLE TYPE	BRAND NAME	VALUE
<input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED	SERIAL NUMBER	OWNER APPLIED NUMBER
COLOR, SIZE, DESCRIPTION, CALIBER, BARREL LENGTH, ETC.		

11/1/93
06/12/93 0336 [Signature]

- ADDITIONAL PERSONS - CODE, NAME, RACE, SEX, D.O.B., ADDRESS, INJURY, HOSPITALIZATION, HOME AND WORK PHONES, HOURS, AND IF DISCLOSURE OF NAME IS PERMITTED
- ADDITIONAL SUSPECTS - DETAIL INFORMATION IN SAME ORDER AS SUSPECT BLOCK
- VICTIM'S INJURIES - DETAILS AND WHERE MEDICAL EXAM OCCURRED
- PROPERTY DAMAGED - DESCRIBE AND INDICATE AMOUNT OF LOSS
- PHYSICAL EVIDENCE - DETAIL WHAT AND WHERE FOUND, BY WHOM, AND DISPOSITION
- VEHICLE USED BY SUSPECT AND DISPOSITION
- NAME, ADDRESS, PHONE NUMBER OF JUVENILE'S PARENT(S)/GUARDIAN(S); NOTE IF CONTACTED AND IF INCIDENT ADJUSTED
- LIST STATEMENTS TAKEN AND DISPOSITION
- RECONSTRUCT INCIDENT AND DESCRIBE INVESTIGATION
- OUTLINE TESTIMONY OF PERSONS MARKED "HAS USABLE TESTIMONY" ON FRONT

ITEM NO	DESCRIPTION
3	Small scratch on right forearm, scratch on neck of C/V [REDACTED] (approx 8" forearm)
5a	Beretta .380, ser. D11334Y taken into safe keeping from [REDACTED] NE, entered into evidence by Officer Kyburz, 5785.
5b	Taurus .380, ser KLA69796, taken into safe keeping from [REDACTED] NE, entered into evidence by Officer Kyburz, 5785.
5c	Colt AR-15 ser. SP113805 taken into safe keeping from [REDACTED] NE, entered into evidence by Officer Kyburz, 5785.

PRIMARY OFFICER M Roskind	SERIAL 5735	UNIT 422	SECONDARY OFFICER R Kyburz	SERIAL 5785	UNIT 422	APPROVING OFFICER [Signature]	SERIAL 2992
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93-247409-56

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER

93-24409

ITEM OR ENTRY

CONTINUATION SHEET

(1) INCIDENT AND ARREST (2) FOLLOW-UP (3) TRAFFIC INCIDENT CASE SUMMARY

UNIT FILE NUMBER

5d Magazines from 5a, 5b and 5c taken into safe keeping from [REDACTED] by Officer Kyburz, entered into evidence by Officer Kyburz 5785.

9 C/V [REDACTED] stated that S/Kurt Cobain and she had gotten into an argument over guns in the household. C/V [REDACTED] stated that she threw a glass of juice into S/Kurt's face and that S/Kurt pushed her in turn. C/V [REDACTED] pushed S/Kurt back, at which time S/Kurt pushed C/V [REDACTED] to the floor and began choking her, leaving a scratch. C/V [REDACTED] stated when R/O first arrived that S/Kurt had cut her forearm with a piece of glass, leaving a scratch which was approximately eight inches long. Later C/V [REDACTED] stated that she had self-inflicted the scratch to her forearm, when it became apparent that C/V Kurt was going to be arrested. R/O arrived to find scratch marks on C/V [REDACTED] and juice all over C/V Kurt, supporting their story. W/[REDACTED] witnessed the assault and confirms [REDACTED] original story. C/V Kurt was determined to be the primary aggressor and was arrested for DVPA assault. Sgt Monta responded to the scene and screened the arrest. C/V Kurt was transported to North Precinct and booked into King County Jail.

**Both parties declined medical attention at the scene.

INVESTIGATING OFFICER	SERIAL	UNIT	INVESTIGATING OFFICER	SERIAL	UNIT	APPROVING OFFICER
M. [REDACTED]	5735	422	R. Kyburz	5785	422	[Signature]

FILING DECLINE MEMORANDUM

Date: September 9, 1993
To: Court Unit/Major - C.I.D. *Get Family*
From: Trish Nellermoe
Law Department, Criminal Division
1414 Dexter Horton Building
Telephone 684-7757, Fax 684-4648

IDENTIFIED BY [initials]
U. 20993, 1902 S: 589

RE: Suspect Kurt Cobain

USE IN LIEU OF ORIGINAL

Date of Incident: June 4, 1993

I have declined the case for the following reasons:

- There is insufficient evidence of a crime to file this case.
I need additional investigation of information (see comments below).
- While there is sufficient evidence of a crime, the facts of this case do not justify filing criminal charges.
- Other reasons (see comments below).

Comments:

After reviewing this case with Ted Inkley, Director of the Criminal Division, we have decided not to file charges. In order to prove an assault, the City must prove that the defendant intentionally assaulted the victim causing bodily injury. We must also prove the absence of self defense. We are unable to prove these elements for several reasons.

First, the victim, [redacted] will testify that nothing happened, contrary to the police report. Additionally, the 911 tape is probably not admissible because it neither describes an assault nor do her hearsay statements fall under an exception to the hearsay rule. Most notably, her statements do not fall under the excited utterance exception

Court Unit/Officer Roskind 5735/422

September 9, 1993

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because her speech gives no indication that she was under the stress of a startling event such as an assault. She is not crying on the tape, nor is she yelling or speaking quickly. Also, she explained her injury to the officers on the scene as being self-inflicted. Thus, [REDACTED] testimony, her statements to the police and her statements to the 911 operator would not assist in proving an assault.

Second, the independent witness did not see the beginning of the altercation because it occurred in the kitchen. She only saw the end of the scuffle when it moved into the hallway. This, in conjunction with [REDACTED] testimony, makes it unlikely that we can disprove a self-defense claim.

Thus, we are unable to prove that an assault causing bodily injury occurred and that there was an absence of self defense. As such, the City declines to file charges.

cc: Ted Inkley
Sheila Hargesheimer
Officer Roskind 5735/422