



OFFICE OF  
POLICE OMBUDSMAN  
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April 1, 2016

**RE: OPO #16-9, Notice of Ombudsman certifying completed Internal Affairs investigation**

Dear

This correspondence serves as notice the Office of Police Ombudsman ("OPO") has reviewed and certified Internal Affairs' ("IA") completed investigation into your concern as timely, thorough, and objective, pursuant to Spokane Municipal Code §04.32.030(F).

The scope of the investigation was specific to Inadequate Response and Trespass. The following information aided in my determination:

1. Officer report was reviewed for the incident on Nov 15<sup>th</sup>. Complainant contacted police in regards to an alleged assault. The responding officer involved did a thorough preliminary investigation and determined that no crime occurred. The officer reviewed surveillance footage and contacted the alleged assailant. The officer further advised the complainant of the findings that no crime had occurred.
2. The manager of the establishment relayed to the officer that the complainant was no longer welcome in the store due to misconduct spanning almost two years.
3. The SPD Computer Aided Dispatch report was reviewed from the incident on Jan 21<sup>st</sup>. The officer responded when the complainant was refused entry by a different business. An employee being rude to a customer is not a criminal offense in which a police officer would normally write a report.
4. A private business has legal authority to exclude a person from their business. Section 10.12.050 of the Penal Code and Spokane Municipal Code C34041 apply in this case pursuant to Trespass.
5. Per the Revised Code of Washington 9A.52.010, Definition 5: "Enters or remains unlawfully." A person "enters or remains unlawfully" in or upon premises when he or she is not then licensed, invited, or otherwise privileged to so enter or remain.
6. Complainant was not available for further contact by Internal Affairs after multiple attempts.
7. Ombudsman returned the complaint investigation to Internal Affairs three times for further investigation.

If you have any follow up questions regarding this matter, I am happy to schedule a closing meeting at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Logue', written in a cursive style.

Bart Logue  
Interim Police Ombudsman