



# SPOKANE POLICE DIVISION

## CRAIG N. MEIDL CHIEF OF POLICE

### Closed Case Summary

Complaint Number: C16-008 OPO Number: N/A

Date of Complaint: 01/30/2016

Allegation: Unlawful Search – Involving an Officer and Sergeant

Chain of Command Finding: Exonerated and Sustained

Final Discipline: Document of Counseling

#### INCIDENT SYNOPSIS

An officer was asked to watch the back of the residence while Major Crimes Detectives interviewed the resident at the Public Safety Building about what happened to his missing mother. While on scene, the officer searched the garage and opened a trash can. A sergeant asked the officer to enter the garage and get the VIN from the vehicle inside. Later Major Crimes Detectives obtained a confession that indicated the body was in the trash can. A search warrant was sought and the body was recovered. The allegation was that the search was improper.

#### INVESTIGATION

Internal Affairs interviewed the involved officer and sergeant, reviewed the call history and reports.

#### ANALYSIS AND CONCLUSION

Officers are not sent to the rear of a house to "guard" it on a missing person case. It was reasonable for a seasoned officer to know that there was a specific purpose to "guarding" a house and preventing individuals from entering or tampering with potential evidence, until a search warrant could be obtained. However, a protective sweep of the garage to ensure the officer's safety from any potential ambushes as he/she is standing directly next to the garage is not unreasonable. The officer's quick glance into the refuse container to determine why it was so heavy, without manipulating any objects in the refuse container, was not done with malice or ulterior motives. Officers have encountered individuals

attempting to avoid apprehension by hiding in refuse containers and the same safety principles to sweeping the garage apply to the refuse container (which was in direct proximity to the officer). The sergeant's direction to the officer were to check the VIN on the vehicle in the garage was beyond the scope of exigent circumstances and improper. The officer was exonerated and the sergeant received a document of counseling.