



# SPOKANE POLICE DIVISION

## CRAIG N. MEIDL CHIEF OF POLICE

### Closed Case Summary

Complaint Number: C16-043 OPO Number: N/A

Date of Complaint: 6/12/2016

Allegation: Unlawful Entry and Inadequate Response

Chain of Command Finding: Exonerated

Final Discipline: Not Applicable

#### INCIDENT SYNOPSIS

The complainant called police to report a neighbor dispute. He stated the officer that responded entered his residence uninvited during contact with police. He called later and spoke with the officer's sergeant and demanded that he arrest the officer. The complainant called again later to file an official complaint against the officer for entering his residence and the sergeant for not arresting the officer.

#### INVESTIGATION

The encounter with the complainant was very brief and entirely captured on body camera video. The video lasts 3 minutes and 22 seconds and shows the officer knocking on the door, the complainant's father answer the door and the officer asked to speak to the complainant. The father left the door open to get the complainant. The officer asked if he could come in, as he was approaching the threshold of the door. A response from the father was not audible on the video, but he was walking away from the officer when he asked. The officer appeared to have just stepped inside the threshold of the door when the complainant said not to let him in the house. The complainant was coming from around a corner just in sight of the body camera when he said this. The officer retreated back onto the porch when it was clear he was not welcome into the house.

A sergeant attempted to contact the complainant and recorded his phone conversation on his body camera. The body camera footage lasted almost 7 minutes, ending with the complainant hanging up on the sergeant. The content of the conversation consists of the complainant making accusations against the officer for Trespassing, and the sergeant trying to explain the officer safety concerns.

### ANALYSIS AND CONCLUSION

While it did not appear the complainant's father may have verbally responded to the officer's request to enter the residence, his body language did not appear to prohibit it. It is not an abnormal social custom to enter the threshold of a residence under these circumstances (called by the complainant, who resides at this location). Upon being directed to exit the residence, the officer immediately stepped outside. He briefly placed his foot in the door out of concern for his safety, but removed it shortly afterwards. Officers are forced to make split second decisions and the officer was clearly concerned by the complainant ordering him outside and attempting to shut the door. The complainant was exercising his legal rights, this did not take away from the very unusual behavior and aroused the officer's concerns, who was present at the complainant's request. Under these circumstances, including the prompt removal of his foot, there is no policy violation.

There was no cause for the sergeant to take a complaint against the officer, and certainly no crime was committed by the officer.