



SPOKANE POLICE DIVISION

CRAIG N. MEIDL
CHIEF OF POLICE

Closed Case Summary

Complaint Number: C18-044 OPO Number: 18-24
Date of Complaint: 7/10/2018
Allegation: Improper Search/Seizure, Demeanor and Excessive Force
Chain of Command Finding: Multiple
Final Discipline: Document of Counseling

INCIDENT SYNOPSIS

Spokane Police officers contacted the complainant as a passenger in a vehicle on a traffic stop. One officer demanded the passenger show his ID. He also demanded that the man get out of the car. The officer told him he was arresting him for Obstruction and a DUI warrant. When the complainant did not get out of the car, the officers removed him from the car and used force to arrest him.

COMPLAINT

The allegations against the officers consisted of Improper Search/Seizure, Demeanor, and Excessive Force.

INVESTIGATION

The Internal Affairs investigator reviewed available documentation about the case, including police reports, photographs, and body worn camera video. Interviews were conducted with the involved officers, driver, and passenger of the vehicle.

The investigation showed that the first officer was within policy and following state law when he made the traffic stop. The vehicle displayed fictitious 2018 tabs, as the vehicle registration had expired in August of 2016. He contacted the driver, who admitted he did not have a valid driver's license, but gave an identification card. While the officer was speaking with the driver, the front seat passenger leaned over and verbally made contact with the first officer several times. Once the first officer identified the driver and got his identification card, he asked him who the front passenger was. The driver gave him the name of the complainant, which he ran through police radio. Radio later alerted the officer that the complainant had a misdemeanor DUI warrant for his arrest.

The second officer's initial actions of asking the passenger for ID was not reasonable under the circumstances. Due to case law, officers cannot routinely ask passengers for identification on a motor vehicle stop. Additional investigation is needed before officers can ask passengers for ID and it is only allowed in certain circumstances. For example, when the officer has reasonable suspicion that the passenger committed a crime or an infraction, or if the passenger is a witness to a crime. Once the second

officer observed an open container of alcohol, he did have the proper authority to demand identification from the complainant, but his initial reasoning for demanding ID was flawed.

As far as the demeanor allegation, the investigation showed that one of the officers exhibited a calm and professional demeanor while the second officer was clearly frustrated. Additionally, the second officer taunted the complainant later in the call, saying, “You should have took that opportunity to leave when you had, huh?” The chain of command concluded that the officer’s statement was not professional and seemed to indicate an emotional response.

There was not any evidence to support an excessive force allegation. The chain of command noted that the complainant actively resisted the arrest for his valid DUI warrant. The decision by officers to take him to the ground to perform prone handcuffing was reasonable and within policy. The complainant also stated that he did not believe that the force was excessive but thought it was unnecessary.

ANALYSIS AND CONCLUSION

The first officer was Exonerated on all allegations.

The second officer who demanded the passenger show his ID was determined to be Sustained on Improper Seizure and Sustained on Demeanor, and Exonerated on Excessive Force. The officer received a document of counseling as a sanction, and Criminal Procedures training about when an officer can demand or request identification.