



SPOKANE POLICE DIVISION

CRAIG N. MEIDL
CHIEF OF POLICE

Closed Case Summary

Complaint Number: C18-055 OPO Number: 18-32
Date of Complaint: 7/31/2018
Allegation: Demeanor
Chain of Command Finding: Inquiry
Final Discipline: Not Applicable

INCIDENT SYNOPSIS

The complainant was attending a Cathy McMorris-Rodgers rally as a protester. He was standing near a vehicle. The driver (who was an officer) honked at him, rolled down the window, and allegedly stated, "If you damage this vehicle, you are going to jail." The complainant then told two other officers at the protest that an officer had threatened jail time if he damaged the vehicle. The officers allegedly said, "That wasn't a threat, that was a promise."

COMPLAINT

The complainant filed a complaint because he felt officers were very rude to him and asserting their power. He was not touching the vehicle and there was no reason for them to make comments like that. He felt that the officer acted as "the judge, jury, all three aspects: law enforcement, law maker, and the judge and jury and every aspect of the government."

INVESTIGATION

Internal Affairs learned that the interaction took place while several officers were assigned to provide general security during a protest/demonstration at a Cathy McMorris-Rodgers rally. The aforementioned interaction occurred while the involved officer was stationed in the Dignitary Protection vehicle and was dressed in plain clothes. This caused some question in the mind of some protesters as to who the officer was, and which organization he represented. The complainant advised that he was standing within six inches of the vehicle. The officer said the complainant was leaning up against the vehicle and rubbing some sort of stick on the paint of the vehicle. The officer stated there were about 30 protesters around his vehicle yelling at him. His attempt to get the complainant to step away from his vehicle by honking the horn and waving him on did not work. He rolled down the window and told him in a stern voice that if he intentionally damaged the vehicle, he would be arrested.

Except some minor differences, particularly whether the complainant was touching the vehicle, both the complainant and officer gave similar accounts of the interaction. The complainant did not like the stern way

in which the officer advised him of being arrested if he were to intentionally damage the vehicle. Considering the officer's statement of other protesters yelling at him, and given the location of the complainant in relation to the officer, it would have been likely necessary for the officer to raise his voice considerably in order for the complainant to hear him. The complainant did not articulate any inappropriate statements or language used by the officer. He demonstrated on the phone the tone of how the officer communicated to him rather than to describe it. It was not in a discourteous manner but in an urgent or stern manner.

Although the complainant was unhappy with the officer's comment, the officer was in a position where he was performing a specific dignitary detail and was surrounded by approximately 30 angry protesters. The officer maintained that the complainant had been leaning on his vehicle and rubbing a cane/walking stick on the paint of the vehicle. The officer said that he told the individual, in a stern voice, "Sir, if you intentionally damage this vehicle, you will be arrested." It is reasonable that the officer would speak to the complainant in a stern voice, given the circumstances of this entire event. The officer needed to conduct his duties of dignitary protection and ensure his vehicle could be mobile at any given moment, to preserve safety. Speaking in a stern voice is not a policy violation and the complainant gave no description that could be construed to be anything other than stern. The officer telling the complainant that he would be arrested if he damaged the vehicle was appropriate. The officer had a responsibility to keep himself safe and his vehicle free from damage from "angry" protesters. After the interaction with complainant, the desired effect occurred, as the complainant moved away from the vehicle and there were no other interactions with him.

ANALYSIS AND CONCLUSION

Internal Affairs recommended closing the complaint as an Inquiry. The Police Ombudsman requested further investigation and declined to certify the investigation as thorough or objective. Chief Meidl agreed with Internal Affairs to close the complaint as an Inquiry. The Office of the Police Ombudsman Commission (OPOC) then contacted Chief Meidl, requesting further investigation. Chief Meidl notified the OPOC that Internal Affairs would not conduct further investigation against the involved officer as the investigation had already showed no misconduct. However, he would direct Internal Affairs to investigate a second complaint by the complainant, made against several other officers. Additional interviews were conducted under C18-107. Assistant Chief Lundgren directed Internal Affairs to close the C18-055 complaint as an Inquiry.