



SPOKANE POLICE DEPARTMENT

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CHIEF OF POLICE

Closed Case Summary

Complaint Number: C20-030 OPO Number: N/A
Date of Complaint: 4/9/2020
Allegation: Excessive Force, False Arrest, Theft and Improper Search and Seizure
Chain of Command Finding: Multiple
Final Discipline: Document of Counseling

INCIDENT SYNOPSIS

The complaint came out of an incident where officers were dispatched to a domestic standby call. When the officers arrived, they contacted the complainant. She refused to let her ex-roommate into the residence and threw a hammer at him, striking him in the foot. The responding officers had probable cause to charge the complainant with Assault 4th-DV. During the arrest she resisted and control techniques were used.

COMPLAINT

The complainant alleged that the police arrested her and in doing so, broke ribs, took documents from her home all without a warrant and that police sent behavior health out to her home to make it look like she is "crazy." The official allegations were of Excessive Force, False Arrest, Theft, and Improper Search and Seizure.

INVESTIGATION

Internal Affairs investigators reviewed incident reports and officers' bodyworn camera video. Bodyworn camera refuted the first three allegations of Excessive Force, False Arrest, and Theft. There was no indication that any officer involved used a control technique which would have caused or did cause the injuries originally alleged by the complainant. Officers advised the complainant that she was under arrest and moved to place her under arrest. She resisted unlawfully and was detained following level 1 control techniques in a standing position. There was no indication that officers committed theft. As far as unlawful arrest, probable cause existed for the charges levied against the complainant. The witness had a visible injury, an officer witnessed the assault, and a hammer was collected as evidence of the crime.

However, the investigation revealed a criminal procedure issue regarding an unlawful entry or order to exit the residence. BWC showed that officers did not articulate exigent circumstances for unlawful entry or giving an order to exit the residence. The officers ordered the suspect out of the residence based upon probable cause. Additionally, officers had entered the curtilage of the residence without a warrant, and

the officer in training did not identify any exigent circumstance to justify these actions. The two veteran officers also did not note any exigent circumstance in their reports.

The chain of command noted that domestic violence incidents can be challenging for the investigating officers. The legislature has directed law enforcement to take certain actions that are designed to reduce or eliminate the risk of further or escalating violence. One long-standing mandate is that officers make a custodial arrest if they have probable cause for a domestic violence assault. The officers were attempting to comply with this requirement but failed to recognize the need to identify any exigent circumstances to justify their actions.

ANALYSIS AND CONCLUSION

The allegations of Excessive Force, False Arrest, and Theft were Unfounded. The allegation of Improper Search and Seizure was Sustained for all officers. The involved officers received a Documentation of Counseling and additional training on Criminal Procedures.