



SPOKANE POLICE DEPARTMENT

CHIEF OF POLICE

CRAIG N. MEIDL

Closed Case Summary

Complaint Number: C23-014 OPO Number: 23-12

Date of Complaint: 2/17/2023

Allegation: Excessive Force and Fail to Report

Chain of Command Finding: Multiple

Final Discipline: Written Reprimand

INCIDENT SYNOPSIS:

SPD Officers reported to a person with a weapon call at a retail store. Several callers reported a male armed with a gun inside a store. Officers responded and entered the location, believing the armed male posed a threat to the employees and customers in the store. An SPD Sergeant and Officers encountered a person matching the description of the suspect and forcibly detained the person. Officers then realized that person was not the actual suspect. The actual suspect was also detained. The by-stander who was initially detained spoke to an SPD Lieutenant about the incident.

COMPLAINT:

The by-stander who was initially detained alleged that the SPD Sergeant used excessive force by kicking him to the ground.

INVESTIGATION:

The investigator viewed body worn camera footage and security camera footage. The investigator reviewed written reports and interviewed the complainant, the SPD Sergeant, and the SPD Lieutenant present at the scene.

ANALYSIS AND CONCLUSION:

The Administrative Review Panel concluded that given the information available to the SPD Sergeant and officers who initially entered the store, the force used against the by-stander was reasonable and within policy. While the by-stander was not actually the suspect, the layout of the store, the limited information provided, the by-stander's physical description, and the by-stander's perceived lack of compliance made it reasonable for the officers to use force to detain him. Excessive Force – Unfounded.



The investigation further concluded that the SPD Lieutenant at the scene was told about the use of force which included the SPD Sergeant using his foot to kick the by-stander to a prone position so he could be handcuffed. This kick constituted a reviewable use of force. The SPD Lieutenant failed to complete a use of force report. The force used was documented in officers' reports and body worn camera footage, however a separate use of force report is required by SPD Policy to ensure such uses of force are reviewed for policy adherence. Fail to report use of force – Sustained.

The investigation also raised questions about whether the SPD Lieutenant failed to file a complaint on behalf of the by-stander. The investigation concluded that the by-stander did not communicate his desire to file a complaint to the Lieutenant. The by-stander (complainant) later filed a report through the Office of the Police Ombudsman, a method the Lieutenant offered to him. Fail to report complaint – Not Sustained.

