



SPOKANE POLICE DEPARTMENT
OFFICE OF PROFESSIONAL ACCOUNTABILITY
TIMOTHY B. SCHWERING

Internal Affairs Report F15-039

This Internal Affairs investigation is associated with an Officer-Involved Shooting.

Spokane Investigative Regional Response Team



No Criminal Charges in May 2015 Police Shooting

SPOKANE COUNTY, February 4, 2016 – The Spokane County Prosecutor's Office

has determined that Spokane Police Officer Nicholas Spolski was justified when, on May 5, 2015, he used deadly force on Craig S. Burton. Burton was struck by a single round and survived his injuries.

On May 5, 2015, Spokane Police responded to a report of shots fired in the back yard of 5527 N. Ash in Spokane. The caller stated that Craig S. Burton had a gun in his hand, was intoxicated, and was sitting out in the back of the N. Ash address. Dispatch also informed that Burton was suicidal and wanted to commit suicide by cop. Numerous Spokane Police Officers responded to the scene.



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As officers arrived, they could hear shots being fired in the alley. One officer could see the handgun being fired above the fence behind 5527 N. Ash. Officers split into two groups and advanced toward that address from the north and south. Officer Spolski was in the group that formed to the north and advanced southbound. As officers approached, Burton entered into the alley with a firearm in his left hand. Police issued multiple commands to drop the gun. Burton did not comply. Officer Spolski fired a single round from an AR-15 rifle, striking Burton in the abdomen. Burton fell to the ground and dropped the gun. Officers called for medical and moved in to render aid pending their arrival. Burton was transported to Sacred Heart Hospital, where he made a full recovery.

At the scene, officers located a Beretta PX4 Storm .40 caliber pistol and eleven shell casings in the alley and near the driveway at 5527 N. Ash. Officer Spolski and other officers were confronted by Burton, who was armed and had been firing rounds. Burton failed to comply with orders to drop the gun.

Under these circumstances, it was reasonable for Officer Spolski to respond with deadly force. The law attaches no criminal liability when an officer acts without malice and with a good faith belief that his actions were justified. The evidence shows Officer Spolski acted with good faith and without malice, or evil intent. Therefore, criminal charges will not be pursued.