



OFFICE OF  
POLICE OMBUDSMAN  
221 N. WALL SUITE 238 (Old Car Barn)  
SPOKANE, WASHINGTON 99201  
(509) 625-6742  
FAX (509) 625-6748  
www.SPDOmbudsman.org

## OFFICE OF POLICE OMBUDSMAN CLOSING REPORT (SMC 04.32.030(L))

OPO # N/A | IA # 11-003

### The Situation

On January 1, 2011 at approximately 1:26 am (New Years Eve) Spokane Police Officers responded to a man with a gun call at a local bar. Officers had just completed handling a similar call at a different location where shots were reported to have been fired. Officers were unable to locate the suspect or any damage. In both calls the suspect had a similar description.

Upon arrival at the second call location officers located a person a few blocks from the bar who matched the description of the man with a gun in both calls.

As officers attempted to contact the suspect they were interfered with by two individuals who were ultimately arrested by officers for obstruction. The 2 individuals who were arrested did not know each other.

### The Complaint

The Complainant advised that they were struck in the chest with the butt of a rifle for no reason by an officer who had responded to the man with a gun call.

### The Complaint Investigation

4 officers, 3 witnesses (known by the complainant), and the Complainant were interviewed regarding the complaint. The Police Ombudsman participated in the interviewing of all involved parties.

Medical records and photographs of the injury were provided by the Complainant.

An **Excessive Force** complaint was filed by the Complainant with the Internal Affairs Unit on January 18, 2011. The investigation was completed on March 3, 2011. The investigation was received by the Administrative Review Panel on March 7, 2011. The Administrative Review Panel completed their review of the investigation on March 24, 2011. The investigation was certified by the Office of Police Ombudsman on March 29, 2011.

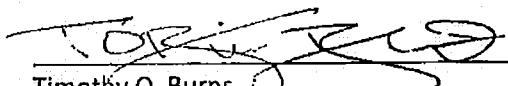
The investigation revealed that the officer who was forced to confront the complainant due to the complainant's interference was in possession of a patrol rifle at the time of incident. The injury reported by the Complainant was inconsistent with the type of injury

the complainant would have received had the complainant been struck with the butt of the gun the officer was carrying at the time of incident.

**Office of Police Ombudsman Analysis/Conclusion**

The involved officers performed within the scope of policies, procedures and training. The Complainant's consumption of alcoholic beverage impaired the complainant's decision making process.

There are no recommendations regarding this incident.

  
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Timothy O. Burns  
Police Ombudsman

April 6, 2011  
Date

- This letter constitutes the final action that will occur regarding the complaint received by the City of Spokane, Office of Police Ombudsman. Further, the Police Ombudsman does not have any authority for discipline or exoneration based on the investigation conducted in this matter. None of the contents contained in the final report should be viewed as to any recommendation involving possible discipline or exoneration in the matter.