



SPOKANE POLICE DEPARTMENT

ANNE E. KIRKPATRICK
CHIEF OF POLICE



April 14, 2009

MEDIA

RE: Olsen IA

Enclosed is a copy of the public record(s) you requested. We have released the portions of the record(s) which are not exempt from disclosure by RCW 42.56.210 and/or other statutes. Information redacted or withheld are exempt from public disclosure for the follow reason(s).

- 1. Complainant, victim or witness requested the information not be disclosed. (RCW 42.56.240).
- 2. Disclosure of the information would endanger a person's life, physical safety, or property. (RCW 42.56.240 (2)).
- 3. Record includes information non-disclosure of which is essential to effective law enforcement. (RCW 42.56.240 (1)).
- 4. Record contains information the non-disclosure of which is necessary for the protection of a person's right to privacy. (RCW 42.56.230 or RCW 42.56.240 as defined by RCW 42.56.050 **(Includes Social Security Number)**).
- 5. Record contains information on a juvenile, which is confidential, and may not be released to the public except by court order under provisions of RCW 13.50.050 and RCW 13.50.100 (4) (a) and (b).
- 6. Jail records including booking photos are protected under RCW 70.48.100.
- 7. Information protected under the Criminal Records Privacy Act, RCW 10.97.
- 8. Traffic accident reports are confidential and protected under RCW 46.52.080 and RCW 46.52.083.
- 9. Driver's or vehicle registration is protected under RCW 46.12.380.



SPOKANE POLICE DEPARTMENT

ANNE E. KIRKPATRICK
CHIEF OF POLICE



- 10. Results of toxicology or Field Sobriety Tests submitted to at the request of a police officer are protected under provisions of RCW 46.61.506 (7).
- 11. Record contains medical information protected under RCW 70.02.005 and HIPPA (45 CFR 164.502).
- 12. Reports and records of autopsies and postmortems are confidential, protected under RCW 68.50.105.
- 13. Other: 109 Wn.2d 712, COWLES PUBLISHING v. STATE PATROL

If you believe that the information furnished has been incorrectly redacted, you may file a written appeal with the Chief of Police within five (5) business days from the date of this letter. Please include your name and address, a copy of the redacted document and a copy of this letter together with a brief statement identifying the basis of the appeal. Please mail or deliver your appeal to:

Chief of Police
1100 W Mallon Ave
Spokane, WA 99260-0001

D. Michelle Loucks
Police Records Specialist
1100 W Mallon Ave
Spokane WA 99260-0001



Officer Jay Olsen
Final Findings after review of materials submitted by Officer Jay Olsen
POLICY VIOLATIONS

Upon review of the investigative file and the comments of the Guild representing Officer Olsen, I find that you have violated the following Policies:

General Rule of Conduct, X, B; Conduct Unbecoming: No member of the Department shall conduct himself/herself in a disorderly manner at any time, either on or off duty, or conduct himself/herself in a manner unbecoming the conduct of a member of the City of Spokane Police Department.

You violated this policy with the following actions:

- You chose to drive your vehicle to a bar after having consumed alcohol at home and then taking the open container of alcohol with you in your truck.
- You carried a handgun into a bar while having the intent to consume alcohol and subsequently did consume two to three additional glasses of alcohol, while being armed with a loaded firearm.
- As a vehicle passenger you failed to take any step to stop the driver of the private vehicle you occupied from the pursuit of a vehicle theft suspect through the downtown streets at speeds of approximately 45mph. Given the fact that you had consumed alcohol, you should not have pursued the car theft suspect yourself. I would expect one of my officers in this circumstance to report the theft and left the matter to on duty officers.
- From the time the vehicle pursuit was initiated and up to the time that you made personal contact with [REDACTED] you made no effort to call 911 or a supervisor. You had ample opportunity to summon proper law enforcement response at various junctures but chose not to do so.
- You had several opportunities to contact [REDACTED] near the scene of the shooting but choose to walk past him. You had critical information that should have been immediately relayed to the first responding officer you encountered but you chose instead to delay the provision of this information which could have imperiled your fellow officers.
- You engaged in law enforcement activity after consuming alcohol, specifically, you elected to chase a vehicle theft suspect which led to the use of deadly force by you.
- Your actions on the night of February 26, 2007, brought discredit to the Spokane Police Department. You were armed and affected by alcohol consumption and chose to engage in the pursuit of a suspect who committed a property crime which you failed to report as you should have and, instead, took the ill advised course of handling yourself. Your

judgment and decision-making was impaired as you chased this suspect to a point where you used deadly force. Over the past two years there have been numerous media reports about this incident. These reports have placed the Spokane Police Department in an unfavorable light. The decisions you made have directly resulted in negative publicity for this department. You have brought discredit upon the Spokane Police Department and the law enforcement profession.

- You tried to gain entrance to the chambers of the judge who was scheduled to try your criminal case in order to discuss matters which the judge was prohibited from discussing with you. In order to gain entrance you displayed something to the clerk which she believed was a police badge. You claim it was your driver's license. In the end I do not think it matters. The evidence in the record including your own statements convince me that you wanted the clerk to believe you were a police officer whether you actually flashed a badge or not.

Code of Ethics, Standard 2.2: Members of the Spokane Police Department shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature.

I can appreciate that there is a difference between mistakes of perception and intentional deception. In your case I have given you the benefit of the doubt regarding some of the allegations that the ARP believed you committed for legal standards which I am aware of but which the ARP was not. **However, a careful review of your statements to investigators together with your testimony during your criminal trial convinces me that you violated this policy with the following actions:**

- You were not candid in your dealings with [REDACTED] and [REDACTED] during the criminal investigation regarding your failure to report matters to [REDACTED] when he arrived on the scene of the incident as the first responding officer. This conduct occurred during the criminal investigation of the shooting but not the internal investigation.

FINDING

You are hereby advised that the nature of your misconduct is determined to be Improper Conduct and warrants termination from City employment. Because you have resigned, the file will be closed with the notation: resigned in-lieu-of termination.

Sincerely,

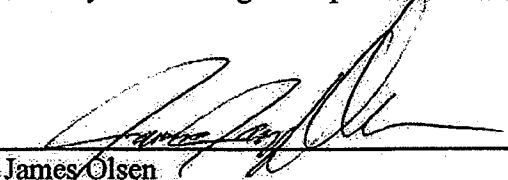


Anne Kirkpatrick, Chief of Police

April 13, 009

Date


I hereby acknowledge receipt of notification:



James Olsen

4-13-09

Date



April 13, 2009
Anne Kirkpatrick,
Chief of Police
Spokane Police Department
1100 West Mallon
Spokane, Washington 99260

RE: Letter of Resignation

Dear Chief Kirkpatrick,

Please accept this letter as my resignation from the Spokane Police Department effective close of business today. As you know, I was scheduled for a Loudermill hearing this morning and, at the request of Guild Attorney Chris Vick, we agreed to continue the hearing so that I could consider both the charges and my response.

After much reflection, I have concluded that I cannot continue as a police officer for the City of Spokane. While I was off duty at the time the events occurred that caused the Department to initiate the internal investigation against me and while, at no time, did I exercise my police powers on the evening of February 26, 2007, it is clear to me that some of my actions that night did not reflect well on either myself or the Spokane Police Department. I should not have taken a firearm to a place where I would be drinking and, even though the force I used that night was justified, I should have immediately called either 911 or the Department so that resources could have been immediately marshaled to both investigate the shooting and to apprehend the suspect who placed me in fear of my life and who, I believed, was armed with a gun.

I testified as to my personal concerns about reporting the shooting to Sergeant Fertakis, and while they were of great concern to me personally, I now realize that the safety of my fellow officers as well as the public should have taken precedence over my personal concerns. I did not report the incident as I should have and for that I am sorry. By the same token, I should have been forthright and explained my avoidance of Sergeant Fertakis on the evening of the incident to the major crimes detectives. I am humiliated to have been outed in the manner that I was and that alone would have made it difficult for me to continue on here as a police officer. But I know that my duty as a police officer was more important than my personal feelings or the concerns about my career.

While I did not fully appreciate that my attempt to discuss the timing of my case schedule directly with Judge Clark was improper at the time I did it and while I did not intend to portray myself as a police officer to Judge Clark's clerk, I can see, in retrospect, that she

could easily have interpreted my having displayed my drivers license to her in the manner that I did, as having conveyed the impression that I was acting as a police officer. To the extent that this incident caused the Department to have to discuss things with either the Court or the prosecutor's office, I am sorry.

At the end of the day, I think that I owe it to my fellow officers as well as the City that has been my employer for eighteen years to not prolong this matter any longer and to resign so that we all can move on with our lives.

Respectfully,

A handwritten signature in cursive script, appearing to read "Jay Olsen", with the date "4/13/09" written below it.

Jay Olsen

cc: Christopher Vick
Robert Cossey
Ernie Wuthrich

accepted 4/13/09

A handwritten signature in cursive script, appearing to read "Ernie Wuthrich".



SPOKANE POLICE DEPARTMENT



LOUDERMILL HEARING NOTICE

April 6, 2009

Senior Police Officer James Olsen
Spokane Police Department

RE: Internal Affairs investigation # 07-005 of James Olsen

Dear Officer Olsen:

The purpose of this letter is to notify you of your right to a Loudermill hearing. During the Loudermill hearing you may bring to my attention any information, or mitigating factors, that you believe should be taken into consideration before I make a final determination in this matter.

CONDUCT

This incident began at approximately 2330 hr, on February 26, 2007, when you left your home and drove to Dempsey's bar. You were armed with your off-duty/personal Glock handgun and had consumed half of an alcohol drink prior to leaving your residence, and then you continued to consume alcohol, specifically Diet Pepsi and whiskey, from a plastic cup while driving to Dempsey's Bar. While at Dempsey's Bar you consumed additional alcohol, approximately three Diet Coke with whiskey (Jack Daniels) mixed drinks. These were larger than normal drinks as they were in beer glasses instead of the smaller mixed drink glasses. You stated that you also had been [REDACTED] an over the counter medication, however, you had not taken any on this date.

[REDACTED] was the bartender and served you. He stated that he has known you for approximately three to four years and was aware that you are a police officer. [REDACTED] served approximately two to three drinks to you. He said that he "free poured" the drinks, which means that they typically contain more alcohol than normal. He does this for all of the people that he knows and sees frequently.

You were also served a round of drinks by [REDACTED] is a Dempsey's employee and assists with bartending duties. He served you a Coke and whiskey drink in a tall glass, and he free poured the whiskey.

You stayed at the bar until approximately 0230 hr. You left with [REDACTED] and went to her vehicle. [REDACTED] then drove you to your vehicle, which was parked on Lincoln Street at First Ave. While visiting with [REDACTED] you fell asleep. It appears that [REDACTED] took your keys and started your vehicle without your knowledge. While you and [REDACTED] were in her car, someone had stolen your vehicle. You alleged that [REDACTED] was the vehicle theft suspect

You then directed [REDACTED] to follow your truck. When you reached the area of 1200 W. Riverside Ave, the suspect stopped and fled from your stolen vehicle. You pursued the suspect on foot until you lost sight of him near Riverside Ave. and Cedar Str. (approximately 2-blocks from where the foot pursuit began). During this time, [REDACTED] left her vehicle and drove after you in your vehicle. She picked you up near Cedar Str. and Main Ave. While driving back to her vehicle, [REDACTED] was observed near some bushes on Riverside Ave., between Cedar and Maple streets. You engaged in a foot pursuit with [REDACTED] [REDACTED] jumped over the guardrail and went northbound down the embankment. You pursued him.

While chasing [REDACTED] down the hill, you stated that you believed [REDACTED] had a gun based upon [REDACTED] actions. [REDACTED] reportedly turned toward you in a manner suggesting that he was armed with a weapon. You stated that you feared for your life and "returned fire". Once [REDACTED] was no longer a threat you stated that you allowed him to run away.

A series of gunshots occurred during this incident. A total of five shots were fired from your weapon. The shots occurred at two distinctly different locations. At least one shot was fired from the top of the hill, as determined from a found shell casing, and at least two other shots were fired from approximately forty-feet down hill from the area of the found single casing, as determined by found shell casings. It is unknown where the additional two shots were fired from as no other casings were found and only two spent bullets were located. Evidence indicates that one of the bullets hit a Ponderosa Pine tree and then struck [REDACTED] in the head. A second bullet was found in the residence located at [REDACTED]

According to your statement, your purpose in pursuing [REDACTED] was to stop and detain him. When [REDACTED] first fled from the truck you reportedly shouted "Dude, I just want to talk." As [REDACTED] fled, you yelled, "No, stop." After [REDACTED] jumped over the guardrail, you yelled, "Stop, get down." You stated that you yelled this two or three times. At no time did you identify yourself as a police officer, although all of your actions were that of an officer attempting to detain or make an arrest.

[REDACTED] was one of the first officers to arrive in the area of the shooting. As he came into the area he spotted your truck driving the wrong way (N/B) on Monroe Street, which is near the crime scene. He made a stop on the vehicle and contacted the driver, [REDACTED] While conducting the stop he noticed a white male walk westbound past the location of the stop. He made a mental note of this person's clothing and physical characteristics. This person was wearing a red jacket with the hood up over his head. This person made no attempt to identify himself or contact officers. [REDACTED] left the scene of the vehicle stop and searched for you. He walked up the hill looking for you and he believes he would have seen you come down the hill had you been on the hillside at that time. Later, while at the Major Crimes Office, [REDACTED] identified you as the person who walked past him during the vehicle stop. [REDACTED] said that he is 99.9% certain it was you.

However, during your initial interview with [REDACTED] and [REDACTED] on 02/28/07, and again on 03/12/07 when you were at the crime scene with [REDACTED] you stated that you did not walk by [REDACTED] while he was out of his car on the traffic stop. You also denied ever being "lit-up" by [REDACTED] flashlight. In trial under oath, you stated, "The worst person in the world was actually in that car as they were pulling up. It was [REDACTED] and I was able to see him." [REDACTED] testified you were within 30 feet of him when you walked by him, to which you partially agreed with. You stated in court that when you saw [REDACTED] you crossed Main Street from south to north and stood by a pole and fire hydrant and watched the traffic stop. You then moved to the south side of the street. Later on in further testimony, you answered a question posed by your attorney, Cossey, about making phone calls in which you said, "I did. I ended up after walking past [REDACTED] I ended up calling [REDACTED]"

It should be noted that during the pursuit of the vehicle and also while in foot pursuit of [REDACTED] you were in possession of your cell phone, but, at no time did you make an effort to call 911 or Police Radio. However, phone records indicate that you made four calls to [REDACTED] phone, one call to attorney Mel Champagne and another call to [REDACTED]. It should also be noted that during interviews with [REDACTED] and [REDACTED] you denied making multiple calls from your cell phone.

Another fact with significance is that all of the officers that you had contact with stated that you had noticeable alcohol on your breath. You also had the appearance of intoxication to include, red, bloodshot, droopy and watery eyes, and slurred speech. A voluntary blood draw was submitted by you at 0925 hr. The results of the blood-alcohol test were [REDACTED] and using retrograde extrapolation, your blood alcohol level at 0330 hr. was between [REDACTED]. These results indicate that you were legally intoxicated during the time of the vehicle pursuit, the foot pursuit and the subsequent shooting.

On April 13, 2007, you were arrested for First Degree Assault and Reckless Endangerment. You were then placed on unpaid layoff status pending the outcome of the criminal charges and trial. You were served a letter that stated, "With this layoff status, you are separated from the Spokane Police Department. You will have no police authority and you have no access to any police facility, equipment, etc." You acknowledged receipt of this letter with your signature.

On March 13, 2008 you went to [REDACTED] court room to find out about your case. The courtroom door was locked so you knocked on the door and Court Reporter, [REDACTED] responded and partially opened the door. Her statement was that you displayed a police badge; you took it out of your pocket and held it in an upright position in the palm of your hand. [REDACTED] said the badge was metal, shiny and possibly gold in color. Her immediate impression was that you were identifying yourself as a police officer. In your IA interview, you denied displaying a badge and said you showed her your driver license. [REDACTED] describes with specificity the metal badge and the motion used to display the badge. Your statement during the IA interview is unbelievable.

On March 13, 2009, you were acquitted by a jury of First Degree Assault and Reckless Endangerment. On March 16, 2009, you were placed on paid administrative leave pending the outcome of the Internal Affairs investigation.

POLICY VIOLATIONS

Upon review of the investigative file I find that you have violated the following Policies:

General Rule of Conduct, X, B; Conduct Unbecoming: No member of the Department shall conduct himself/herself in a disorderly manner at any time, either on or off duty, or conduct himself/herself in a manner unbecoming the conduct of a member of the City of Spokane Police Department.

You violated this policy with the following actions:

- You chose to drive your vehicle to a bar after having consumed alcohol at home and then taking the open container of alcohol with you in your truck.
- You carried a handgun into a bar while having the intent to consume alcohol and subsequently did consume two to three additional glasses of alcohol, while being armed with a loaded firearm.
- As a vehicle passenger you reportedly directed the pursuit of a vehicle theft suspect through the downtown streets at speeds of approximately 45mph and then continued the pursuit on foot. These actions were clearly that of an officer attempting to exercise police authority.
- From the time the vehicle pursuit was initiated and up to the time that you made personal contact with [REDACTED] you made no effort to call 911 or a supervisor. You did, however, make four calls to [REDACTED], one call to Attorney Mel Champagne and one call to [REDACTED]. You had ample opportunity to summon proper law enforcement response but chose not to do so.
- You had several opportunities to contact [REDACTED] near the scene of the shooting but choose to walk past him. You had critical information that should have been immediately relayed to responding officers but you chose not to contact him and provide this information.
- You engaged in law enforcement activity while legally intoxicated, specifically, pursuit of a vehicle theft suspect which led to the use of deadly force by you. Your blood-alcohol level at the time of the pursuit and shooting was between [REDACTED] blood alcohol content.
- Your actions on the night of February 26, 2007, brought discredit to the Spokane Police Department. You were armed and affected by alcohol consumption and chose to engage in the pursuit of a suspect who committed a property crime. Your judgment and decision-making was impaired as you chased this suspect to a point where you used deadly force. Over the past two years there have been numerous media reports about this incident. These reports have placed the Spokane Police Department in an unfavorable light. The decisions you made have directly resulted in negative publicity for this department. You have brought discredit upon the Spokane Police Department and the law enforcement profession.

Code of Ethics, Standard 2.2: Members of the Spokane Police Department shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature.

You violated this policy with the following actions:

- You made untruthful statements to [REDACTED] and [REDACTED] during the criminal investigation regarding walking by [REDACTED] when he was on the scene of the shooting investigation.
- Your statements regarding how many phone calls you made after the suspect ran down the hill and before you made contact with police were untruthful.
- You were untruthful about showing a badge to [REDACTED]. In your IA interview, you denied displaying a badge and said you showed her your driver license. Your statement during the IA interview is unbelievable.
- You provided two versions of how and when that plastic cup containing alcohol got into your vehicle.

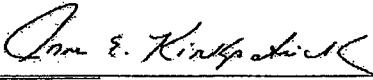
FINDING

You are hereby advised that the nature of your misconduct is determined to be Improper Conduct and warrants termination from City employment. My intent to terminate your employment is based on the aforementioned violations.

Pursuant to City policy, you have the right to respond to these listed violations. If you desire to offer any mitigating circumstances, you must present them to me at your Loudermill hearing scheduled for **Monday, April 13, 2009, at 10:30 A.M.** Your presence at this hearing is voluntary. If you intend to not attend this hearing, contact Carla Stamatoplos at 625-4063.

In the event that I proceed with your termination of employment, the City will provide you with written notice.

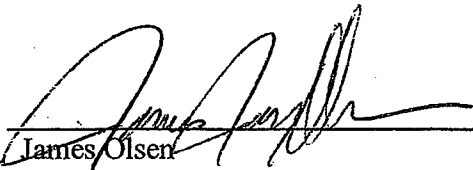
Sincerely,


Anne Kirkpatrick, Chief of Police

April 6, 2009

Date

I hereby acknowledge receipt of notification:


James Olsen

04-06-09

Date



SPOKANE POLICE DEPARTMENT



April 7, 2009

Senior Police Officer James Olsen
Spokane Police Department

RE: Amendment to Loudermill Hearing notice of April 6, 2009
Internal Affairs Investigation #07-005 of James Olsen

Dear Officer Olsen:

The purpose of this letter is to put you on notice that I will be considering an additional factor in the Loudermill Hearing scheduled for Monday April, 13, 2009. Specifically I will be considering that your actions associated with showing a badge to [REDACTED] in order to gain access to [REDACTED] courtroom in March of 2008, constitutes a violation of **General Rule of Conduct X, B; Conduct Unbecoming.**

Access was granted to you because after seeing the badge, [REDACTED] thought "He was a cop on official business". Your contact for the purposes of "I need to talk about my case" prompted [REDACTED] to tell [REDACTED] who in turn contacted your attorney to put him on notice that the contact was inappropriate. That behavior, in addition to supporting a violation of **Code of Ethics, Standard 2.2: Untruthfulness** also constitutes a violation of **General Rule of Conduct X, B; Conduct Unbecoming.**

Sincerely,

April 7, 2009

Anne Kirkpatrick, Chief of Police

James Olsen

4-7-09

Date



SPOKANE POLICE DEPARTMENT

MEMORANDUM



CONFIDENTIAL – ADMINISTRATIVE REVIEW PANEL

I.A. # 07-005

Incident # 07-053701

COMPLAINT: Allegation of 1) RCW 9A.76.175, Making a false statement to a public servant 2) RCW 9A.60.045, Criminal Impersonation in the Second Degree 3) SMC 16.61.519 Open Container in Vehicle 4) General rules of Conduct 5) Policy and Code of Ethics violation

COMPLAINANT: Spokane Police Department; [REDACTED]
OCCURRED: 02/25/07, 02/26/07 and 03/13/08
LOCATION: Various
EMPLOYEE: Officer Jay Olsen

On 04/01/09, an Administrative Review Panel was held to discuss this case. Present were:

[REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]
 [REDACTED]

At 0945 hours, on April 1, 2009, an Administrative Review Panel was conducted on the above matter.

COMPLAINT:

On February 25, 2007 and into the early morning hours of February 26, 2007, Officer Olsen engaged in off duty activity which was in violation of Spokane Police Department's policy and procedures. Those policy and procedures were: Conduct unbecoming an officer, Conduct regarding making arrests off-duty, Conduct regarding members conforming to laws-ordinances, Members authority and jurisdiction, Off-duty firearms violations, Failure to notify a supervisor after a discharge of a weapon, Members bringing discredit to the Spokane Police Department. In subsequent interviews following the initial incident Officer James Olsen made false statements to investigators.

On March 13, 2008 James Olsen criminally impersonated an officer to gain access to a locked court room to inquire about his up coming criminal case.

FACT PATTERN:

This fact pattern is derived from statements made to the criminal investigators, court transcripts and Internal Affairs interviews.

On February 25, 2007 plans were made between James Olsen and a friend of his, [REDACTED] to meet at Dempsey's Bar at or near midnight. Olsen stated he had about ½ drink of diet Coke and whiskey in a plastic cup at his home prior to leaving for the bar around 11:30 pm on the 25th. Olsen stated to the investigators that the remaining drink he took with him in his truck as he drove to Dempsey's Bar. During Olsen's trial, his testimony under oath was that the plastic cup containing an alcoholic drink was left in his truck from early that day while he was unpacking from a ski vacation. Olsen also stated when he left his house he was armed with his off-duty/personal Glock semi-automatic hand gun.

Olsen arrived at Dempsey's Bar sometime between 11:30 pm and midnight and waited at the bar for [REDACTED]. Olsen stated he took his handgun into Dempsey's and was carrying it on his belt concealing it by his over-coat. Olsen stated he is armed between 90 to 100 percent of the time when he is out in public off-duty. While he was waiting for [REDACTED] he had one or two drinks that the bartender "free poured" into a taller than normal drinking glass. Olsen stated the drinks were no stronger then a standard "measured" single shot drink, but as least one of the bartenders [REDACTED] stated these drinks tend to be a little more then a standard drink. [REDACTED] arrived about an hour after Olsen and the two of them had another round of drinks. A second bartender, [REDACTED] stated he was not sure if he poured drinks for Olsen and [REDACTED] but he also "free pours" his drinks for regulars. Both of these bartenders have known Olsen for three to four years from his visits to Dempsey's. [REDACTED] and Olsen stayed at the bar until 2:30 am on the 26th, during that time Olsen consumed three to four whiskey and diet Coke drinks "free poured" into tall glasses. [REDACTED] stated while they were at the bar she did observe the handgun Olsen was carrying on his waist when he pulled his coat up to show her how fat he was getting.

After Olsen and [REDACTED] left Dempsey they walked to [REDACTED] vehicle which was parked on First Avenue just to the west of Dempsey's Bar. [REDACTED] talked Olsen into allowing her to give him a ride to his truck which was parked facing northbound on Lincoln Street between First Avenue and Sprague Avenue. They pulled up behind his truck and stated to talk while still in [REDACTED] car. At some point Olsen drifted off to sleep while holding his truck keys in his hand or lap. [REDACTED] thought it would be a good idea if she started and warmed Olsen's truck up for him while he slept. She took the keys from Olsen without him waking and started the truck. She said she was unfamiliar with the locking mechanism of his truck's door so she did not want to shut the driver's door completely so she left it slightly ajar. A short time later she saw brake lights come on from the truck and saw a silhouette of a figure in the driver's seat. The truck started to proceed northbound on Lincoln Street.

[REDACTED] said she elbowed Olsen in the chest to wake him up and told him someone had just stolen his truck. Olsen stated he was asleep prior to [REDACTED] hitting him in the chest and telling him

his truck was being stolen. Olsen stated he was extremely confused about what was going on. He knew he had locked his truck and had the keys with him, so the only thing he could figure out was that the thief had broken his window to gain entry. Olsen said also adding to the confusion was a hysterical and out of control [REDACTED] trying to follow the stolen truck. At one point Olsen told her to calm down and back off of the truck because he thought she was getting too close and did not want to cause an accident. They followed the truck northbound on Lincoln then westbound on Main, then southbound on Monroe and then westbound on Riverside. Olsen estimated their speeds at approximately 45 MPH. The truck pulled over in a canted position (nose into the curb and the tail end into the traffic lane) in the 1200 block of west Riverside Avenue. Olsen estimated the entire chase/follow lasted between 30 and 45 seconds. Once the truck came to a stop the suspect exited out the driver's door and started to walk quickly westbound on the sidewalk. Olsen exited the passenger's door of [REDACTED] vehicle and started to walk after the suspect. Olsen yelled to the suspect that he just wanted to talk to him, but the suspect then started to run. Olsen stated he never identified himself as a police officer because he wanted to try to use a "ruse" to try to get him to stop. He thought if he had initially told him he was a police officer he would have undoubtedly run from him. Olsen stated he started to run after the suspect for a short distance but lost him as the suspect went around a corner.

Olsen said he was on Cedar Street when he lost him and was walking back to Riverside when he saw [REDACTED] driving his truck. [REDACTED] said she parked her car after Olsen jumped out and got into Olsen's truck because of the way it was parked. Olsen got into the passenger's side of the truck and they were heading back to [REDACTED] car when [REDACTED] spotted the suspect coming out of some bushes on the south side of Riverside. She yelled to Olsen who saw the suspect running northbound across Riverside Avenue. Olsen said he recognized the clothing of the person as the same as the suspect who stole his truck. Olsen jumped out of the truck and pursued the suspect over a fence/guardrail on the north side of Riverside and over a steep embankment that leads down to Peaceful Valley. While on this hill Olsen stated the suspect turned on him twice in a threatening manner that would indicate to Olsen he had a gun. Olsen initially stated he fired four shots at the suspect, but once his ammunition rounds were counted he said he fired twice when the suspect initially turned on him and then three more shots the second time the suspect turned. The suspect, [REDACTED] disputes Olsen's claims of firing in self defense. The criminal investigators were able to find four out of the five shell casings and those were found in two different locations on the side of the hill.

Olsen stated the suspect continued to run downhill and once there was enough distance between them that he no longer felt threatened he stopped firing and did not continue to chase him. Olsen stayed on the hill trying to gain his wits about him when he noticed emergency vehicle coming into the area. He started to walk downhill in a northeasterly direction and saw police officers initiating a traffic stop on his pickup which was now down in Peaceful Valley on Main Street.

[REDACTED] stated after Olsen ran after the suspect she turned the truck around and parked it next to the railing they both went over. She got out of the truck and peered over the embankment. She initially saw Olsen but then lost sight of both of them. She said she heard only one shot from the area and stayed on top of the hill on Riverside until she saw fire trucks and other emergency vehicle responding to the area of Peaceful Valley. [REDACTED] said she then got back into Olsen's

truck and tried to drive down to the area but was stopped by [REDACTED] as she drove westbound on Main Street.

[REDACTED] stated he saw a pickup truck driving the wrong way on Monroe and then turn westbound on Main. Police radio broadcasted a mid-70's pickup truck as a possible suspect vehicle, so a traffic stop was made. As [REDACTED] was contacting the lone female driver he saw a male walk by him with a red coat and with the hood pulled up. [REDACTED] used his flashlight to try to identify this person but was unable to do so. The subject continued to walk eastbound from his location and [REDACTED] focused his attention on the driver who was crying at the time. Once [REDACTED] learned Olsen owned the truck and the involvement of [REDACTED] he started to coordinate a search for Officer Olsen. It was not until [REDACTED] saw Olsen in the Major Crimes Office later that morning that he recognized Olsen as the person who walked by him. [REDACTED] said he was 99.9 percent sure it was James Olsen who walked by him while he was on the traffic stop.

On two different interviews with [REDACTED] Olsen stated he did not walk by [REDACTED] while he was out of his car on the traffic stop. Olsen also denied ever being "lit-up" by [REDACTED] flashlight. In trial under oath, Olsen stated, "The worst person in the world was actually in that car as they were pulling up. It was [REDACTED] and I was able to see him." [REDACTED] testified Olsen was 30 feet from him when he walked by him to which Olsen partially agreed with. Olsen stated in court that when he saw [REDACTED] he crossed Main Street from south to north and stood by a pole and fire hydrant and watched the traffic stop. He then moved his position to the south side of the street. Later on in further testimony, Olsen in answering a question posed by his attorney, Cossey about making phone calls said, "I did. I ended up after walking past [REDACTED] I ended up calling [REDACTED]"

The first call that came into 911 was at 0343 hours from [REDACTED] stating, "Male says he was shot." At 0359 hours CAD logs that "Olsen is back at the stop", which was the time that Olsen made contact with [REDACTED]. Approximately sixteen minutes elapsed from the time [REDACTED] entered the house at [REDACTED] and Olsen made verbal contact with officers on scene. Olsen was asked by investigators if he made any phone calls for help or called 911 during this time and Olsen stated he did not. Olsen told investigators he tried to make a phone call to an attorney friend, [REDACTED] but the call went unanswered. Olsen never stated he made any additional calls. [REDACTED] obtained phone records which revealed Olsen had tried to make four calls to [REDACTED] and two calls to [REDACTED] during that time frame.

Olsen was transported from the scene by officers to the Spokane Police Major Crimes Office. He was read his constitutional rights. He decided not to waive his rights and did not give a voluntary statement that morning. Olsen voluntarily submitted to blood/alcohol test which indicated a blood/alcohol of [REDACTED] at 0925 hours on the 26th. Using retrograde extrapolation, his blood alcohol at 0330 hours was between [REDACTED]. All of the officers who had contact with Olsen that morning noticed alcohol on his breath, red bloodshot, watery and droopy eyes and slurred speech. Officer Olsen was placed on paid administrative leave that same day, February 26, 2007. The letter states, "Your police powers are suspended; therefore you are directed to turn in your duty weapon, police identification, commission card and all badges." Officer Olsen signed this document

On April 13, 2007 Olsen was arrested for First Degree Assault and Reckless Endangerment and was then placed on unpaid layoff status. The letter states, "With this layoff status, you are separated from the Spokane Police Department. You will have no police authority and you have no access to any police facility, equipment, etc." James Olsen signed this document.

On March 13, 2008, James Olsen produced a police badge at a locked court room door to gain entry. [REDACTED] is the court reporter for [REDACTED] courtroom and was in her office when she heard someone knocking on the locked courtroom door. She went to the door and saw a male in a suit through the door window. She partially opened the door and the male told her he needed to talk about his case. As he made this statement he took out what appeared to [REDACTED] to be a metal police badge from his pocket and showed her. [REDACTED] immediate impression was that he was a police officer there on law enforcement business. After they spoke for a few minutes she realized it was James Olsen and he was there talking about his case. According to [REDACTED] Olsen was at her courtroom three times during March 13th and 14th asking questions about his case and giving a letter to [REDACTED] to read. It is believed he only showed a badge during one of those appearances.

On March 13, 2009 James Olsen was acquitted by a jury of First Degree Assault and Reckless Endangerment. On March 16, 2009 James Olsen was placed back on paid administrative leave.

ANALYSIS :

Below is listed the policies and laws that James Olsen has allegedly violated:

General Rules of Conduct X.B. Conduct unbecoming:

No member of the Department shall conduct himself/herself in a disorderly manner at any time, either on or off duty, or conduct himself/herself in a manner unbecoming the conduct of a member of the City of Spokane Police Department.

- James Olsen chose to carry his personal handgun after he had already consumed alcohol in his residence and knew he was going to a bar to consume greater quantities of alcohol
- James Olsen chose to drive to Dempsey's Bar with an open container of an alcoholic drink and gave two versions of how and when that plastic cup with alcohol got into his vehicle..
- James Olsen chose to carry his personal gun into Dempsey's Bar instead of securing it in his personal vehicle or leaving it at home.
- James Olsen, after having consumed two to three additional glasses of alcohol chose to pursue a vehicle theft suspect through residential areas and down a steep embankment.
- James Olsen chose not to ever contact 911 or a supervisor, and did not contact police officers until after more than 16 minutes had elapsed from the final discharge of his weapon.
- James Olsen chose to be less than forthcoming with information during the criminal investigation.
- James Olsen chose to use a police badge knowing he had no police authority or powers at the time to gain entry and cooperation of the Courts regarding his criminal case.

- James Olsen chose not to be truthful in his Internal Affairs interview

General Rules of Conduct V. ARRESTS

Officers are authorized at all times to enforce the criminal statutes of the State of Washington and the ordinances of the City of Spokane, and shall be ready to respond promptly to any call such responsibility entails, and perform faithfully any task it may demand, regardless of whether at the particular time he/she is on or off duty. This does not mean that an officer must take police action in any and all neighborhood quarrels, domestic troubles, etc. There is a definite dividing line between the situations that he/she can handle and the situations that he/she must handle. An off-duty officer shall respond if the situation is of an emergency nature that cannot wait for the arrival of an on-duty officer.

The second half of this rule of conduct is what is of particular interest to ARP. This rule does not say you must take action if you are a police officer and off duty, there is a "dividing line" as to when you have to take action. In this case Olsen had been drinking to a point of him being between a [REDACTED] and even he admitted he was affected by the alcohol and would not let someone in his patrol car that had a blood/alcohol of [REDACTED] and above. Olsen was also pursuing a suspect involved in a property theft, even though it was his property. Given those circumstances listed above, ARP believes it would have been prudent to initially call this crime into 911 or police radio and allow on duty law enforcement officers to handle this event. But given the totality of the events as they unfolded it is conceivable to ARP that during the initial phase of the theft of his truck, Olsen was confused as to what was happening. There were multiple functions Olsen was trying to accomplish as they chased after the truck and unfortunately calling 911 was not one of them. The truck came to an abrupt stop and the suspect quickly exited the vehicle and started walking/running down the street. ARP understands events were still happening in rapid succession and calling for help may not have been practical at this time. It is when Olsen loses sight of the suspect and is walking back to Riverside Avenue that ARP believes he had enough information and time to do one of two things, either notify law enforcement and wait for on duty officers, or go home and decide the next day what course of action he wanted to pursue. ARP believes to have continued the chase after seeing the suspect run across the street was an error in judgment by Olsen

General Rules of Conduct XIX. LAWS – ORDINANCES

C. Members to conform to: *Members shall be required to conform to and abide by the policies and procedures of the Police Department, the ordinances of the City of Spokane and County of Spokane, and the laws of the State of Washington and of the United States of America*

The following are the policies; ordinances and State laws that ARP believes Olsen did not conform to or abide by. Further explanation will be given when that particular policy or law is addressed.

- Carrying a firearm after consuming alcohol
- Having an open container of alcohol in his vehicle
- Carrying a firearm into an establishment where drinking by the member will likely occur
- Failure to notify a supervisor in a timely manner
- Failure to be truthful during interviews

- Making false or misleading statements to a public servant
- Impersonating a police officer

Policy POL030A: Authority and Jurisdiction page 4 of 4

1. *Spokane police officers are cautioned against acting unless it is absolutely necessary, especially when they do not have access to systems designed to ensure their safety.*
2. *Spokane police officers are cautioned against making any sort of vehicle stop or pursuit when they are in a private or non-police vehicle.*
3. *Spokane police officers shall refrain from exercising off-duty or extraterritorial authority when they have consumed alcoholic beverages or prescription medications which may impair reflexes, performance, and/or judgment when exercising police authority.*

ARP will examine each of these points separately:

1. Ultimately this was a property crime involving an off duty officer that had been drinking. Olsen did not have appropriate police equipment with him at the time, this includes a portable police radio, flashlight, handcuffs, police vehicle, etc. The piece of equipment he did have with him was his cell phone and he failed to use that. Olsen was riding in civilian's vehicle and did not have direct control of the vehicle. The vehicle was pursuing/chasing the stolen truck at approximately 45 MPH. At one point Olsen did tell the driver to "back off" the vehicle, but never told the driver to stop pursuing the truck. Olsen is the trained occupant of this car and should have known the dangers of trying to chase another vehicle in a private car at 45 MPH in the downtown corridor with a civilian driver who had been drinking. If he had told the driver to stop and she refused that would be one thing, but he never told her that so ARP does not know if she would have stopped or not. ARP does not believe Olsen or the driver was chasing the stolen truck to try to initiate a stop on it. The suspect in the truck pulled over on his own accord and was not forced to do so by the actions of the vehicle Olsen was an occupant in.
2. Olsen by his own admission stated he had ½ of an alcoholic drinks in a large plastic cup at home and three additional alcoholic drinks that were in tall glasses at the bar. Under oath Olsen stated he was affected by those drinks and stated his judgment was affected some by those drinks. A voluntary blood draw was done on Olsen at 0925 on 02/26/07 which showed a blood/alcohol level of [REDACTED] using retrograde extrapolation it would place Olsen's blood/alcohol at somewhere between [REDACTED] during this event.

Policy POL300L Firearms B. Off-Duty, page 3 of 4

- B. *OFF-DUTY Officers are encouraged, but not required, to carry a Department approved handgun, along with their police badge, identification, and handcuffs, whenever they are off duty but within the corporate limits of Spokane. When carrying their handgun off-duty, officers shall have their police badge and identification with them. Officers are allowed, by virtue of their commission, to carry authorized firearms anywhere within the state of Washington. Officers are reminded that they*

will use good judgment in this regard. Each officer shall carry his/her off-duty handgun concealed, and shall not expose it unnecessarily. An officer shall not carry a department issued handgun/firearm to a place or event where he/she anticipates consuming alcohol. Each officer is responsible for the security of his/her handgun, and shall not store a handgun in unsecured glove compartments, lockers, athletic bags, or other temporary storage facilities

ARP believes Olsen did have a department approved firearm and ammunition and had his badge and identification with him that night. The IA interview revealed Olsen did not have handcuffs with him. It is unclear to ARP what Olsen's plans were if the suspect had stopped when he directed him to. The policy further states that an off duty officer is expected to use good judgment in the locations he takes that firearm. ARP believes Olsen did not exercise good judgment in his decision to carry the firearm into Dempsey's Bar since he did anticipate consuming additional alcohol that night. Even though Olsen's firearm was briefly seen by his friend at the bar, ARP feels that the weapon for the most part was concealed and not exposed unnecessarily. Based on Olsen's statements ARP believe this is a common practice for Olsen to carry his firearm into a drinking establishment and consume alcohol. Olsen stated he carries his off duty firearm with him 90 to 100 percent of the time. Both bartenders at Dempsey have stated they have known Olsen for three to four years and that he is a regular at their bar.

Policy PRO800L Use of Force page 3 of 8

6) FIREARM

- ◆ *As soon as safe to do so, gain control of suspect and apply restraints if applicable.*
- ◆ *Request medical aid.*
- ◆ *If possible, provide first aid.*
- ◆ *Notify a supervisor, who will respond to the scene and prepare a supplemental report.*
- ◆ *Protect the scene.*
- ◆ *Provide documentation as required in reporting use of force.*
- ◆ *If applicable, follow procedures outlined in 'Use of Force – Great Bodily Harm or Death' (Section II.D).*

ARP believes Olsen failed to do two crucial things during his encounter with ██████████ Olsen testified that as he was chasing ██████████ down the hill his police training kicked in and he thought about stepping off line and making himself a moving target as a survival technique. Also taught at most training scenarios is that once you draw your weapon you identify yourself as a police officer. There may have not been enough time the first time ██████████ turned on Olsen, but once those shots were fired the identification should have been made prior to the second volley

of shots. The second crucial thing Olsen failed to do is stated in the policy above. Once the deadly force encounter is over you notify a supervisor. From the time of Olsen's last shots to the time he finally contacted an officer is over sixteen minutes. ARP understands that for a police officer involved in a shooting it would take a few minutes to gain your wits back, but Olsen had over sixteen minutes to process what had just happened. ARP notes that Olsen during that time frame was able to think clearly enough to try to call [REDACTED] four times and his personal attorney twice. There was an opportunity for Olsen to contact a supervisor [REDACTED] but he chose not to do so and thus placing his fellow officers at risk trying to transverse that hillside at night looking for him or a possible outstanding armed suspect.

Policy and Procedures Code of Ethics Standard 2.2

Members of the Spokane Police Department shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature

ARP believes there are three separate topics/issues that Olsen was not truthful about with investigators during both the criminal and internal investigations.

1. Olsen's statements regarding walking by [REDACTED] while he was out of his vehicle contacting [REDACTED]. In [REDACTED] additional he is recording almost verbatim the questions and answers during the interview [REDACTED] conducted with Olsen on 02/28/07. [REDACTED] asks Olsen, "Do you recall walking by [REDACTED] when he was talking to [REDACTED] in your truck?" Olsen answers, "No. I didn't see him when I went to the truck prior to contacting [REDACTED]" [REDACTED] reported that you walked by him with your hood up." Olsen, "I saw him drive by. I didn't walk by. I don't recall being lit up. I remember [REDACTED] going south with a flashlight after the stop." On 03/12/07 while Olsen was at the scene with detectives, [REDACTED] writes in his report, "I asked him again if he was sure he didn't walk by [REDACTED] during the traffic stop. He said he was sure. He stated that must be important because you have asked me several times." Under oath Olsen stated, "The worst person in the world was actually in the car as they were pulling up. It was [REDACTED] and I was able to see him." He further states, "I did. I ended up after walking past [REDACTED] I ended up calling [REDACTED]" Later on still under oath answering Pros. Steinmetz's question, Olsen blamed the conflicting statements he made as a matter of semantics as to the direction he walked by [REDACTED] in a west to east direction or a south to north direction. During the IA interview it took numerous questions and pages of transcript for Olsen to basically say the question about seeing [REDACTED] was not a very good question (for the detectives to ask) and he was confused and should have answered the question more slowly, but his intent was not to deceive. ARP believes Olsen was untruthful in his statements to investigators
2. Olsen's statements regarding how many phone calls he made after [REDACTED] ran down the hill and before he made contact with police are less than truthful. On 02/28/07 [REDACTED] asks Olsen if he had his cell phone on him and he said he did. [REDACTED] asks Olsen if he called for help and Olsen said no. Olsen never said he called anyone else during that time frame. On 03/12/07 [REDACTED] asks

Olsen if called anyone else and he replied, "I called my attorney". ██████ asked if there was anyone else he called and Olsen said he did not. Obtained phone records reveal Olsen called ██████ four times and his attorney twice. When Olsen was questioned about this in his IA interview his statement was that when the detectives asked about phone calls he said, "yes I'd made some phone calls". When ██████ quoted exactly what his response was to the detectives, Olsen said he forgot at the time that he had made other phone calls. ██████ who has been a Major Crimes detective for 11 years, stated in his IA interview that he thought Olsen was being intentionally deceptive about the phone calls. ARP also believes Olsen was intentionally deceptive about who he called and the number of times he called.

3. On March 13, 2008 Olsen went to ██████ court room to find out about his case. The courtroom door was locked so he knocked on the door and Court Reporter, ██████ responded and partially opened the door. Her statement was the individual displayed a police badge that he took out of his pocket and held it in an upright position in the palm of his hand. ██████ said the badge was metal, shiny and possibly gold in color. Her immediate impression was that he was a police officer. Olsen in his IA interviewed denied displaying a badge and said he showed her his driver license. He said he had given his badges to ██████ In fact this author has custody of two of Olsen's badges, one being a wallet badge. ██████ describes with specificity the badge and the motion used to display the badge. She stated her immediate impression was that Olsen was law enforcement. That would not have happened if she was looking at a driver's license. ARP believes Olsen did display a badge to gain cooperation from the courts about his case and therefore lied during his IA interview.

Policy and Procedures Code of Ethics Standard 4.9

Members of the Spokane Police Department shall at all times conduct themselves in a manner which does not discredit the law enforcement profession or the Spokane Police Department.

ARP believes the decisions Olsen made on the night of February 26, 2007 did bring discredit to the Spokane Police Department. He was armed and affected by alcohol consumption and chasing a suspect who committed a property crime. His judgment and decision-making was impaired and he chose to chase this suspect to a point where he felt he had to use deadly force. Over the past two years there have been numerous media reports on this night that continue to this day. Ninety percent of those reports have placed the Spokane Police Department in an unfavorable light. The decisions Olsen made that night have directly resulted in negative publicity for this department .

RCW 9A.76.175, Making False or misleading statements to a public servant

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or

oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

With regards to the TMVWOOP and the shooting investigation, ARP believes Olsen did make false or misleading statements during this criminal and internal investigation but does not believe those statements rise to a "material" level that the detective had to rely on to complete this investigation. The fact that he walked by [REDACTED] and made several phone calls he didn't reveal did not alter or change the outcome of the investigation. The detectives did not have to rely on these statements to develop probable cause to charge either Olsen or [REDACTED]. With regards to criminal impersonation, ARP believes Olsen did lie to [REDACTED] about key elements in this crime i.e. he didn't display a badge or identify himself as a police officer. The fact that this statement was derived under Garrity makes criminal prosecution impossible.

RCW 9A.60.045, Criminal Impersonation in the Second Degree

(1) A person is guilty of criminal impersonation in the second degree if the person:

(a)(i) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and

(ii) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer; or

(b) Falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity.

(2) Criminal impersonation in the second degree is a gross misdemeanor

On April 13, 2007 James Olsen was placed on unpaid layoff status with the City of Spokane. Olsen signed the document which stated, "With this layoff status, you are separated from the Spokane Police Department. You will have no police authority and you have no access to any facility, equipment, etc." On March 13, 2008 this order was still in effect when James Olsen went to the courtroom of [REDACTED]

On March 31, 2009 an Internal Affairs interview was conducted with James Olsen. Olsen was given his administrative rights which he signed. In that interview Olsen denied he displayed a police badge to [REDACTED]. He stated he displayed his driver's license that was inside his badge wallet and that she may have mistook the empty black badge holder as a police badge. The detailed description [REDACTED] gave of the badge and the fact that she instantly knew Olsen was a police officer because of the badge, makes her more believably to ARP than James Olsen. Given that premises ARP agrees with the conclusions of City Prosecutor Howard Delaney.

- James Olsen created the impression that he was a law enforcement officer

- Did the act of displaying his or a badge with intent to convey the impression that he was acting in an official capacity
- That a reasonable person would believe Mr. Olsen was a law enforcement officer.

ARP believes the elements of Criminal Impersonation in the Second Degree have been met and probable cause exists. As to the likelihood of prosecuting this case since compelled statements were taken from James Olsen, ARP makes no recommendation.

CONCLUSION

In the analysis of each of the violations ARP has written its conclusions. In summary, ARP believes Olsen made a series of bad decisions and exhibited poor judgment that ultimately lead to Olsen using deadly force against [REDACTED] on February 26, 2007.

FINDING

As to the allegation of:

- | | |
|--|-----------------------|
| • General Rules of Conduct X, B. Conduct Unbecoming | Improper |
| • General Rules of Conduct V, Arrests | Improper |
| • General Rules of Conduct XIX, C. Laws/Ordinances | Improper |
| • Policy POL030A: Authority and Jurisdiction page 4 of 4 | Improper |
| • Policy POL: Firearms B. Off Duty, page 3 of 4 | Improper |
| • Procedure PRO800L: Notifying Supervisor page 3 of 8 | Improper |
| • Code of Ethics, Standard 2.2: Truthfully Reporting | Improper |
| • Code of Ethics, Standard 4.9: Conduct not to Discredit | Improper |
| • SMC 16.61.519: Open Container in Vehicle | P.C. Exist |
| • RCW 9A.76.175: Making False Statements | P.C. Does Not Exist * |
| • RCW 9A.60.045: Criminal Impersonation Second Degree | P.C. Exist |

*There will be a minority opinion written about this violation by [REDACTED]

RECOMMENDATIONS

Termination

