



SPOKANE POLICE DEPARTMENT



# MEMORANDUM

## CONFIDENTIAL – ADMINISTRATIVE REVIEW PANEL Minority Report

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) General Rules of Conduct 4) Policy and Code of Ethics violations

**COMPLAINANT:** Spokane Police Department: [REDACTED]  
**OCCURRED:** 02/25/2007, 02/26/2007, 03/13/2008  
**LOCATION:** Various within the City of Spokane  
**EMPLOYEE:** James Olsen

On 04/01/2008, an Administrative Review Panel was held to discuss this case. Present were: [REDACTED]

**ANALYSIS:** By [REDACTED]

**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.*

The ARP members all agreed that James Olsen made false and/or misleading statements to the criminal and I.A. investigators concerning at the very least, walking by [REDACTED] and the phone calls which he made directly after the shooting.

The ARP was not unanimous about the materiality of these statements and therefore whether it is a violation of law. The majority indicated that the false or misleading statements were not relied upon by the detectives to complete the investigation.

Additionally they assert that walking by [REDACTED] and making several phone calls to someone other than the authorities, did not alter or change the outcome of the investigation. The Majority further said that the detectives did not rely on these statements to develop probable cause to charge Olsen.

In fact the investigators clearly viewed that Olsen was not telling the truth, as they charged him with 1<sup>st</sup> Degree Assault. The above inconsistencies were part of that decision making process, and the investigators pursued these particular false statements tenaciously.

The fact that Olsen did not call 911 or police at any time during this incident and instead chose to call an attorney and his female friend, a potential witness to the incident, is very material. These are the not the actions of a veteran, seasoned officer, but more consistent of an individual who's judgment was impaired and who was aware of having committed a crime and/or violation of policy. In fact Olsen admitted that he was aware that he had violated policy.

His actions in avoiding [REDACTED] are more consistent with avoiding contact with police until his story was straight and/or an attempt to cover the truth, than a veteran officer seeking to notify his superiors of a shooting. A seasoned officer, who was comfortable with his actions, would likely have called 911 early on in the incident. He would not have spent some 16 minutes without contacting police, calling instead an attorney and his female friend. A reasonable officer would have made himself known immediately to arriving officers and informed them of the potential danger of a possibly armed and maybe wounded person.

While I believe that the false and misleading statements are material, as per RCW 9A.76.175 and therefore a violation of this law, I think the probability of prosecution on this charge is low. Veracity is a critical quality for law enforcement officers to possess. James Olsen during the course of this incident and its investigation has obfuscated and misdirected the investigation at several points. This action is not consistent with the high level of honesty required for a Spokane Police officer.

[REDACTED]

TO:



FROM: Spokane Police Department Internal Affairs

DATE:

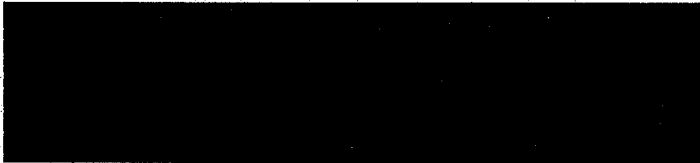
4/2/09

RE:

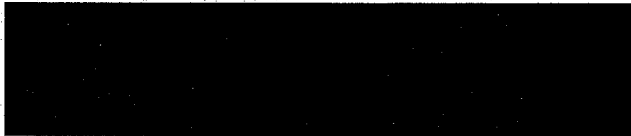
Protective Order; Access to Internal Affairs File

Pursuit to the agreement between the City of Spokane and the Spokane Police Guild, Article 24, Section E, Paragraph 11, you are hereby given access to the Internal Affairs file # 07-005. You shall not discuss this case, nor allow anyone else to gain access to the information contained in the file. The only exception to the above statement is your supervisor, union representative, and/or attorney. You are instructed to make your representative aware of the terms of this order and to ensure that they abide by these terms.

I have read and understand the terms and conditions of the above Protective Order.

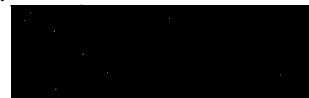


04-02-09  
Date



4/2/09  
Date

Hand delivered 3 copies  
4/2/09



# **CONFIDENTIAL**

## **SPOKANE POLICE DEPARTMENT INTERNAL INVESTIGATION**

### **ADDITIONAL**

Type of Complaint:

I.A. Control #:07-005

Conduct Unbecoming General Rule  
X, B.

Arrests: General Rule V.

Laws-Ordinances: General Rule  
XIX, C

Policy: POL030A, POL300L

Canons and Ethics Violations  
2.2, 4.9

RCW 9A.76.175

RCW 9A.60.045

Complainant: SPD- [REDACTED]

03-26-09 0900 hours

I spoke with [REDACTED] He informed me that he would be the  
ARP author for IA complaint #07-005. He asked me to deliver a  
set of photographs reference this case to him.

1330 hours

I hand delivered a 3 ring binder of photographs to [REDACTED]

1600 hours

I received the court transcripts for Jay Olsen's testimony from  
03-11-09 from Court Reporter, Tammy McMasters. She gave me  
permission to make additional copies of the transcript for  
internal dept use.

1700 hours

I made copies and delivered the transcripts, along with several  
interviews to the members of the ARP panel and [REDACTED] to  
review.

03-27-09 to 03-30-09

I reviewed Olsen's court transcripts.

03-30-09 at 1300 hours

██████████ and I interviewed Jay Olsen, see attached transcript.

During the interview, Jay Olsen said no one had witnessed the conversation he had with the Court Reporter; however he had discussed this incident with Mr. Cossey and his assistant, Keely Chapman a few days later.

Following he interview I called Ms. Keely Chapman, 628 ½ Monroe #204 Spokane, WA 723-7171.

She said she remembered the conversation with Jay Olsen. She said it was many months ago and at that time Olsen denied showing the Court Reporter his badge. She said Olsen told them that he did not currently have a badge and all badges had been surrendered to the police dept.

03-31-09 at 0830 hours I interviewed ██████████ see attached witness statement.

03-31-09 at 1000 hours, I delivered the completed investigation to ██████████ the members of the ARP panel.

