

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]

[REDACTED] interview

03-24-09 1600 hours

[REDACTED] and I met with [REDACTED]
[REDACTED]

We explained that we were with SPD Internal Affairs and were inquiring about Officer Olsen contacting her during March of 2008.

[REDACTED] said she recalled being contacted by Officer Olsen but did not make note of the incident. However she did report the incident to Judge Clark who wrote an email to Mr. Cossey. [REDACTED] said Judge Clark showed her the email she had prepared for Mr. Cossey. [REDACTED] said the email was an accurate account of what had occurred and she relayed that it was accurate to Judge Clark.

██████████ said she was alone in the #405 court room office and heard someone knocking on the court room doors. She said the doors were locked at the time. She said she often locks the doors for personal safety when alone in the office. She left her office and approached the door. She saw a male in a suit through the door window and did not recognize him at that time. She thought the male was an attorney.

██████████ unlocked the door and opened it partially. At that time the male said something to the affect of, "I need to talk about my case." As he made this statement, he took what she believed was a police badge from his pant pocket and displayed it to her. She said he held the badge in his palm with his palm facing upward displaying the badge to her.

She said the badge was metal, shiny and possibly gold in color. She did not recall if she saw any wording on the badge. Her immediate impression was that he was a police officer and he was showing her a police badge. ██████████ said she is used to dealing with law enforcement, particularly Officers coming to request signatures on search warrants. She said her first thought was, "He was a cop on official business."

Officer Olsen immediately began asking questions regarding his pending court case. ██████████ then recognized him as Officer Olsen and from her knowledge he was a suspended police officer at this time.

He told her he wanted to talk to whoever was in charge of the case. She told him that the Judicial Assistant and Judge were not there and he needed to talk to his attorney. She said he went onto complain that his attorney was doing a poor job scheduling his case and not keeping him informed. She told him that she could not help him and Officer Olsen left. She said the entire contact was approximately 1.5 minutes in length.

I asked her why she thought Officer Olsen showed her the badge. She said she felt he was trying to give the impression that he was a police officer and was attempting to gain access to the court personnel or court schedule that a normal person would not have access to.



SPOKANE COUNTY SUPERIOR COURT

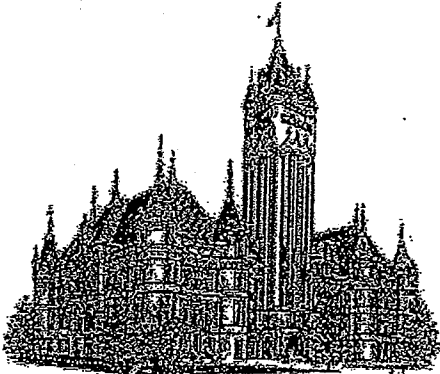
Department No. 12

ELLEN KALAMA CLARK

Judge

TRACY PILKINTON
Judicial Assistant

SPOKANE COUNTY COURTHOUSE
1116 W. BROADWAY, SPOKANE WASHINGTON 99260-0350
(509) 477-6006 • FAX (509) 477-5714
dept12@spokanecounty.org



SPOKANE COUNTY COURT HOUSE

March 14, 2008

Mr. Robert Cossey
Attorney at Law
628 ½ N Monroe
Spokane WA 99201
Fax No: 327-5610

RE: State v James Olson
SPOKANE COUNTY CAUSE NO: 07-1-01404-8

Dear Mr. Cossey:

On three occasions in the last two days, Mr. Olson has appeared in my court and asked my staff to tell him what's going on with his case. He has been told to contact you. It is inappropriate for a represented defendant to have this kind of contact with the Court and I ask that you advise Mr. Olson to discontinue this behavior.

Yesterday he flashed his badge at the court reporter, initially giving her the impression that he was a law enforcement officer here regarding a case. Instead, he began asking questions about his own case. That is also inappropriate.

Today, he left a letter for me to read. I am not reading this letter and have asked Tracy to forward it to Mr. Cossey.

I would appreciate your taking control of this situation immediately. Thank you.

Very truly yours,

ELLEN KALAMA CLARK
Superior Court Judge

Cc: Larry Steinmetz (Delivered via Email)



SPOKANE COUNTY COURT HOUSE

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April 7, 2008

Mr. Robert Cossey
Attorney at Law
628 ½ N Monroe
Spokane WA 99201
Fax No: 327-5610

RE: State v James Olson
SPOKANE COUNTY CAUSE NO: 07-1-01404-8

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ELLEN KALAMA CLARK
Superior Court Judge

Cc: Larry Steinmetz (Delivered via Email)

SPOKANE COUNTY SHERIFF'S OFFICE

Additional Report

DATE: 04/07/08

CASE NO.: 07-053701

CHARGE/ INCIDENT: ASSAULT

COMPLAINANT: S.P.D.

LOCATION OF INCIDENT: 1200 W. RIVERSIDE AV, SPOKANE COUNTY, WA

SUSPECTS: OLSEN, JAMES J., WM 02/11/64

MIR:



PILKINGTON, TRACY
JUDICIAL ASST FOR SPOKANE COUNTY SUPERIOR COURT
JUDGE ELLEN KALAMA CLARK

04/07/08:

I received an email from Deputy Prosecuting Attorney (DPA) Larry Steinmetz regarding a reported incident with James Olsen. The email was a letter from Spokane County Superior Court Judge Ellen Kalama Clark. The letter indicated that on 03/13/08, Thursday, James Olsen had had some inappropriate contact with the court. The letter indicated that he reportedly flashed his badge at a court reporter and began asking questions about his own case. The letter also stated that on Friday, 03/14/08, he left a letter for the judge to read. See attached copy of the letter prepared by Judge Ellen Kalama Clark that was forwarded to Attorney Robert Cossey, James Olsen's attorney, and DPA Steinmetz.

1415 Hrs:

I contacted [REDACTED] Tracy Pilkington. [REDACTED] is the court reporter for Judge Ellen Kalama Clark and Tracy Pilkington is Judge Ellen Kalama Clark's judicial assistant.

[REDACTED] told me that on 03/13/08 after lunch, she was the only individual in the courtroom and the inside doors to the courtroom were locked. She stated James Olsen began pounding on the door and when she unlocked and opened the door to see what he wanted, he brought his hand up with his palm facing up and was holding what appeared to be a police badge, leading her to believe that he was identifying himself as a law enforcement officer. He told [REDACTED] he wanted contact with the court to determine something about his case.

Tracy Pilkington stated that Olsen then came into the courtroom on 03/14/08 several times and sat near the back of the courtroom. She stated she saw Olsen on the surveillance screen. She stated she recognized him as James Olsen. She stated she contacted him to determine what he

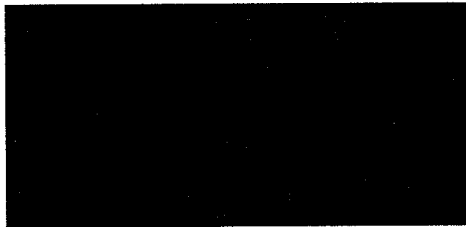
(Ricketts)

JP

needed. She stated he provided a letter to her, which he wanted her to provide to the judge. He stated he wanted to speak to the judge about what was going on with his case. Pilkington stated Olsen was upset and stated something to the effect that his attorney was not being truthful with him and was not advising him of the dates that his case was going to trial. Pilkington stated that she saw the letter Olsen had provided to her, which was about his attorney lying to him regarding the court dates. She stated that she turned the letter over to the judge; however, the judge refused to read it and requested that Pilkington forward the letter to Attorney Rob Cossey. Pilkington stated that she personally handed the letter to Attorney Rob Cossey on Monday, 03/17/08.

This investigation was previously settled with an arrest warrant requested against James Olsen and [REDACTED] has been acquitted on charges of taking a motor vehicle without owners' permission. James Olsen is pending trial for 1st degree assault and two counts of reckless endangerment.

CRIMES AGAINST PERSONS



kmm

(Ricketts)



SPOKANE POLICE DEPARTMENT

MEMORANDUM



TO: Howard Delaney, City Prosecutor

FROM: A/C Nicks

DATE: April 24, 2008

RE: Review of James J. Oslen Incident

Attached is an informational report involving behavior of James J. Olsen with the Spokane County Superior Court. Mr. Olsen was laid off from the Spokane Police Department on April 13, 2007, after being charged with a felony.

Mr. Olsen is no longer a City of Spokane Police Department employee. His police identification, gun, department issued badge and other City equipment was returned to the police department upon his termination.

Upon review of the attached documents it appears that Mr. Olsen used a personally owned badge to gain access to a Superior Court courtroom for the purpose of delivering a document to Judge Clark.

Chief Kirkpatrick is requesting that your office review the related documents to determine if a crime has occurred, specifically, 9A.60.045, Criminal impersonation in the second degree, or any other criminal code that may be relevant.

If you should need any further information or assistance from the police department please contact me at your convenience.

OFFICE OF THE SPOKANE CITY PROSECUTING ATTORNEY
CONFIDENTIAL MEMORANDUM

TO: [REDACTED]
FROM: H.F. DELANEY, CITY PROSECUTOR
SUBJECT: JAMES J. OLSEN – CRIMINAL IMPERSONATION – POLICE REPORT NO. 07-053701
DATE: MAY 5, 2008
CC:

CONFIDENTIALITY NOTICE

THE MATERIAL CONTAINED IN THIS MEMORANDUM IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION, INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) TO WHOM IT IS ADDRESSED, AS IS IDENTIFIED ABOVE. IF THE READER OF THIS MEMORANDUM IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR DUPLICATION OF THIS MEMORANDUM IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MEMORANDUM IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AT (509) 835-5988 AND WE WILL MAKE ARRANGEMENTS TO RETRIEVE IT. THANK YOU.

[REDACTED]

The above referenced file was transmitted to me on April 24, 2008, for the purpose of conducting a charging review. I conducted a review of the file and then tasked my Chief Assistant Prosecutor, Jim Bledsoe, with doing a parallel review of the matter to confirm my initial opinions on the case.

The contents of the file reviewed by myself and Mr. Bledsoe, included the following items:

1. Your cover letter;
2. March 14, 2008, letter from Judge Ellen Kalama Clark to Robert Cossey, Esq. (2 copies); and
3. Copy of the additional incident report (07-053701) by [REDACTED]

Once we established the fact pattern from the referral materials, Jim and I looked at the Spokane Municipal Code for some charging options. In reviewing the City's criminal impersonation ordinance, it became instantly obvious that SMC 10.07.021 is actually a close variant of the RCW 9A.60.040, Criminal Impersonation in the First Degree, a class C felony. Technically, it should simply be a municipal enactment of RCW 9A.60.045, Criminal Impersonation in the Second Degree, a gross misdemeanor. I mention this fact because while James Olsen's conduct appears to be a relatively plain violation of RCW 9A.60.045 (1), the conduct does not meet the elements of SMC 10.07.021.

9A.60.045 (1) provides as follows:

- (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;

There is little doubt that when Mr. Olsen flashed his badge to [REDACTED] in Judge Clark's courtroom that:

1. James Olsen created the impression that he was law enforcement officer, meeting the first element of criminal impersonation set forth in RCW 9A.60.045 (1)(a)(i); and
2. Did the act (flashing his badge) with intent to convey the impression that he was acting in an official capacity, thereby meeting the second element of criminal impersonation as set forth in RCW 9A.60.045(1)(a)(ii); and
3. That a reasonable person would believe Mr. Olsen was a law enforcement officer, meeting the remaining element of set forth in RCW 9A.60.045(1)(a)(ii).

In contrast SMC 10.07.021 provides as follows:

Section 10.07.021 Criminal Impersonation

A. No person may with intent to defraud another or for any other unlawful purpose:

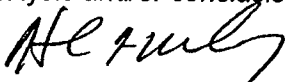
1. assume a false identity and do an act in his assumed character, or
2. pretend to be a representative of some person or organization or public servant and do an act in his pretended capacity.

B. The penalty for violation of this section is a fine not to exceed five thousand dollars, or imprisonment for not more than one year, or both such fine and imprisonment.

Although it is possible to stretch the analysis of Mr. Olsen's showing a badge to gain admittance to the courtroom to arguably fit the elements of SMC10.07.021, proving he did so with the "intent to defraud" and that he "did an act in his pretended capacity" is far more problematic than proving the elements of 9A.60.045 (1).

As you know, this office cannot prosecute crimes charged under the Revised Code of Washington. As such, if the SPD elects to pursue charging Mr. Olsen for his behavior, the matter will have to be referred to the Spokane County Prosecuting Attorney for a charging decision and ultimate prosecution of the case.

Please do not hesitate to contact me if you have any questions or concerns regarding our analysis and/or conclusion regarding this matter.



HOWARD F. DELANEY
City Prosecuting Attorney
Office of the City Prosecuting Attorney
909 W. Mallon
Spokane, WA 99201
(509) 835-5988
FAX (509) 835-5927
hdelaney@spokanecity.org

**SPOKANE POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARD
TAPE TRANSCRIPTION**

I.A. CASE #: 07-005

DATE/TIME: 03-24-09; 1707 hrs

COMPLAINANT: Spokane Police Department

**COMPLAINT: General Rules of Conduct X.B. Conduct Unbecoming
General Rules of Conduct V. Arrests
General Rules of Conduct XIX. C. Laws-Ordinances, Members to
Conform to
Policy POL030A: Authority and Jurisdiction, page 4 of 4
Policy POL300L: Firearms, B. Off Duty, Page 3 of 4
Code of Ethics, Standard 4.9, "Conduct themselves in a manner
which does not discredit"
Code of Ethics, Standard 2.2, "Shall truthfully report"
RCW 9A.76.175, Making a false of misleading statement to a
public servant
RCW 9A.60.045, Criminal Impersonation in the Second Degree**

All right we're beginning this interview. The time is 5:07 p.m. The date is March 24, 2009. Present in the room are [REDACTED] of the Spokane Police Department Internal Affairs and [REDACTED] currently assigned to the Special Investigations Unit.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] - [REDACTED] do I have your permission to record this interview?

[REDACTED] - Yes.

[REDACTED] - Have you read and signed your Administrative Rights form?

[REDACTED] - Yes.

[REDACTED] - Have you...do you understand those Rights?

[REDACTED] - Yes.

[REDACTED] - Do you understand that you are a witness in this investigation?

[REDACTED] - Yes.

[REDACTED] - Are you appearing here without a Guild representative by your own choosing?

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█ - Yes.

█ - The I.A. complaint number is 07-005. The complainant is the Spokane Police Department and the complaint is for conduct unbecoming along with other policy violations. █ how long have you worked for the Spokane Police Department?

█ - Uh twenty-four and almost a half years.

█ - And how many years as a supervisor?

█ - Uh let's see...seven plus,

█ - Uhm from what time to what time did you...period did you supervise Officer Olsen - approximately?

█ - Uh...I haven't looked at my exact records, █ but I think it was about five years.

█ - And were you supervising him in February of 2007?

█ - No.

█ - And when did you stop supervising him?

█ - Uh...would've been probably mid-January of 2007.

█ - Now on February 20...

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█ - Sixth.

█ - 6th, 2007 did you come in...or did you respond to the call involving Officer Olsen?

█ - Yes I did.

█ - Okay, can you tell me uh what you did when you responded to that call?

█ - Yes uh it was a call of a shooting down in Peaceful Valley...somewhere out east. And I uh came driving eastbound...or sorry...westbound on Main from Lincoln. At that point I saw what turned out to be Olsen's pickup drive the wrong way northbound in the...in the uh southbound one-way of Monroe there and then make uh...if I remember my report...it was a...a fast westbound turn onto Main and start down the hill. The same way I was going.

█ - And what call were you responding to at the time?

█ - Uh it was a shooting at █

█ - Okay what'd you do next?

█ - Uhm the uh...I remember hearing over the radio that the suspect had described the vehicle as a...what he thought was a 1970's pickup. So I saw the vehicle that went the

wrong way northbound on Monroe and then westbound on Main was also a...a pickup although it was much newer than a '70's but uh I figured it was too coincidental

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especially with the...with the quick drive and the wrong...one-way and all that and the
time proximity to the shooting so I...I stopped the pickup at the bottom of the hill at about
1300 W. Main.

█ - When you stopped that truck did you immediately put out your stop over the air?

█ - Yes.

█ - As you were pulling over the vehicle?

█ - Yes.

█ - Okay, what'd you do next?

█ - As I exited my car I immed...immediately noticed uh...what turned out to be Olsen
walking eastbound on Main on the south side of the street. He uhm had a...a thick coat
on...puffy coat with a hood over his head. Uhm...and I recognized the...later the color of
the jeans and all that. But anyway he...he looks over at me. Uh the hood was partially
obscuring his face...and I could see the...like...I guess it would be the right half of his face
as he walked past and then continued eastbound.

█ - And were you stopping that car in the shoulder area or the uh...?

█ - Well it's actually the uh...that street is uh...it's got a funky uh...uh
rail...guardrail...not a guardrail...but like a...a barrier there because it drops down.

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There's...part of the street had dropped down just prior to where I'd stopped so it's actually like a...almost like a...a rock wall kind of a thing.

█ - And you stopped the vehicle east of that divider?

█ - Uh no it's...I'll show you right here. As you come down Main this uh...I can't remember...(unintelligible) Main I guess it drops down onto Cedar...

█ Uh huh...

█ ...but he's con...or correction...she continued on the actual Main St. So I parked right here, uh, like the map (unintelligible) approximate location of James Olsen's truck. That...that appears to be accurate where that red dot is.

█ - Okay so you pretty much stopped her in the westbound lane of traffic?

█ - Yes.

█ - And Olsen passed you on the south sidewalk?

█ - Uhm...I don't re...I don't think it was...uh there might be a sidewalk there. But I remember it bein' about twenty to twenty...thirty feet from me walking eastbound.

█ - Anything about his behavior seem unusual to you?

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█ - No uhm just his...you know because of the shooting and all tha...or the call and all that I didn't...I shot my flashlight at him and uh so I further illuminated his features and uh that sort of thing. But I hadn't contacted people...or the gal in the truck yet so I kinda disregarded him, uhm, because I wasn't sure what I had in the pickup yet.

Unintelligible

█ - Okay so he's walkin' past you about the same time you're contacting the driver, is that right?

█ - Well actually it was before. As soon as I...like I say, █ as soon as I got out...exited my car...I'm gettin' out of the car with the door open...I see the individual walking. So I stand up with my flashlight in my hand and I light him up as I stand up out of...immediately after exiting my door.

█ - Okay. So he continues eastbound and you contact the driver?

█ - Yes.

█ - When you stopped that car did you have your emergency light on?

█ - Yes.

█ - Your headlights on?

█ - Yes.

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█ - When the person was walking by were the lighting conditions such that you had to have your flashlight on to see him or was there enough ambient light to see him?

█ - Uh...it was kinda dark down there but I mean there was enough ambient light but the...the flashlight helped just...again I just was mainly checking for the hands and that kind of thing...safety...officer safety.

█ - You think there's any possibility that that person walking by could not have noticed you, the police car, and you shining the light at them?

█ - Oh no; no way.

█ - Okay. You contact the driver, what...what's said there?

█ - Uh I contacted a female named █ driving. She was crying. And uhm she advised me that uh Jay Olsen owned the truck I'd just stopped and he had been chasing a male. So right about that time as I was...as I was...as she was saying that █ my backup, had stopped his police car and he was comin' forward. Uhm so I asked him to uh...well pretty much asked him to take over the interview with her uh and I stood by uhm while she told him that uh Officer Olsen chased a male from approximately 1200 W. Riverside down the embankment above us and she points up to the uh south, which would be up towards Riverside...uhm 1200 W Riverside...that he'd chased the male down the embankment above us to the...to approximately 1200 W Main where we were and then she pointed up the embankment. Uhm still...I went down there before the trial...looks real similar; dark, uh some scrub trees. You can see...I guess they're...they

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got leaves on 'em or whatever there. But there's kind of a steep lot down the hill...or a steep bank I should say.

█ - So when you're talkin' to her and then standing by with █ did you notice what happened to the person who walked by you?

█ - I did not.

█ - So to the best of your knowledge he continued eastbound up the street?

█ - Yes. There was a...there were two backhoes █ to the uh...or a track hoe I think it was...a couple of tractors that were parked right off of Main St just to...I guess it would just be to the east...uh east end of that lot.

█ - Okay.

█ - And...anyway so he could...he...he had places to go is what I'm indicating.

█ - Okay.

█ - My personal belief is that he went over behind those tractors.

█ - And how far were those tractors from your traffic stop?

█ - Uh I would...I'd say probably uh...hundred, hundred fifty feet probably.

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█ - So when █ told you this had happened with Olsen did she say anything about shots being fired?

█ - Uh...sh...at that point I...I did not hear anything like that. But...so what I did █ was uh...I was fearing for Olsen's safety. I...I thought he was probably up on the hillside up there. Could've been up there on the hillside injured. Uh so I immediately notified radio that this was on Officer Olsen's truck and that uh...basically what I had. And that uh...also...as I started walkin' across...uh left █ there to continue the interview and I con...I went across the lot to the south. As I got across...was gonna cross the street █ showed up and uh I told him Hey Olsen might be up here. Uhm...just you know...or Olsen was involved and he could be up here injured so we need to look for him. So I continued pretty much to the south up the...up the embankment. I should say more towards the east end of that great big vacant area and then █ walked across more...he...I don't believe he came up the hill...he continued more across to the...the west...I guess the southwest end of that vacant lot lookin' for Olsen. I also uh...soon as I had █ start helpin' me look for Olsen I got on the uh...on the radio to radio and asked them to call him on his cell phone because I knew in the several years that we've worked together that Olsen usually carries a cell phone with him. And uh didn't take too long for radio to call me back and advise me that the phone went...went right to voice mail or straight to voice mail.

█ - Okay so when you left lookin' from the stop did you leave...uhm...just on foot?

█ - Yes.

█ - Did █ leave on foot or did he drive his vehicle onto that lot?

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█ - He left on foot.

█ - Did anybody else pull in that lot with their vehicle?

█ - Not that I recall. No just he and I. And actually about the time I got to...I was lookin' ...you know I was checkin' with my flashlight lookin' for...uh for Olsen...and as I got just about all the way up to Riverside █ came over the radio and advised that Olsen had ...had...had arrived down at the scene of my stop.

█ - And you said you had safety concerns for Olsen?

█ - Oh yes. Yeah I thought he might've been hurt up on the hillside.

█ - Now if Olsen had been in that field area or up on that hillside and he was moving to the north do you think you would've seen him?

█ - Yes.

█ - Do you think there was any way that while you and █ were heading south checkin' that area he could've walked passed you to the north and...and uh you not notice him?

█ - Uhm yes. Because I was...well as you can see that...that uh lot is...is pretty long. It's actually...I don't know...a couple blocks I guess you'd say long if you...you actually measure the distance on it. So you know my...my intention as I walked through the lot was...was focused...you know...a hundred eighty degrees to my front, not behind me. So

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after I crossed into the lot and you know, went a hundred feet or so in he...I don't know he...he could've come back from...from the east I guess, sure.

█ - Well if he was at that construction equipment...is that what you're sayin', he was...?

█ - Well that's what I think. I mean I...I don't have anything to base that up...back that up...but that's the only real... 'cause it...there's a big vacant parking lot there, as you can

see, uhm just past where the...the uh track hoe and all that stuff was. See where the number 1300 is there...

█ - Uh huh.

█ - ...on Main? That's right about just to the south of us where the backhoe...track hoes were. And I think if you look at the crime scene photos the next day it shows the...the construction equipment sittin' in that spot.

█ - Okay.

█ - And there's no leaves on the trees. It was like a...they're like...

█ - Yeah. How about this road area? If he had left the top of the hill and walked down this road...?

█ - Oh yeah that...that's right about where I...where I went across on that road.

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█ - Okay, so if he had walked down that road northbound do you think you would've seen him?

█ - Oh yeah.

█ - Now how many minutes would it take...or did it take you to walk from the traffic stop up to the top of the hill?

█ - Oh, due to the darkness and looking with my flashlight uhm I believe it was about five to eight minutes, right in there.

█ - And how many minutes did it take you to walk back from the top of the hill back to the traffic stop would you estimate?

█ - Uh...hum...have to estimate...I'd probably say a couple...three minutes maybe.

█ - Okay. So when you learned that he was back at the stop is that when you went back to the traffic stop?

█ - Yes.

█ - Did you notice Officer Olsen there?

█ - Yes.

█ - Did you recognize him as the person who had passed you?

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█ - When I saw him he was standin'...I couldn't see his jeans completely...he was standin' on the other side of uh...of uh...it was █ car. I think █ had showed up. So that...█...a couple other officers were talkin' to him on the other side of the car. I guess it would be the north side of Olsen's...or correction...the backup car. So I thought...I thought to myself, "That looks...that looks like the guy that passed me when I was walkin'." Well then later on when I went back up to the uhm...I went back up to the Major Crimes area after I was allowed to clear the scene...to check on Olsen and see what he was doin'...he was uh...I think he was in the sergeant's office. I think there was a...█ or sombod...some union people in there and when I saw him with, you know, the color of the jeans, the coat, uh, with the hood, the whole thing then I...it just...it just hit me like...that was the guy, no doubt in my mind. And he admitted it at the trial...my understanding is he admitted he walked by me.

█ - So you said you were uh...in your report here...99.9 percent sure that it was him that walked by you?

█ - Uh...in my report here? Uhm lets see, what do I say here? It says uhm... "After I saw Officer Olsen's clothing, unshaven face I realize he was the male described above, the one that passed me on the stop." Then I did docu...also documented that I went to the station to check on officers in the major Crimes area, saw Officer Olsen, spoke with him briefly...he was thick...slurred his speech and smelled noticeably of intoxicants.

█ - Okay. It may have been in a different interview that you gave...

█ - Yeah, yeah. I think I remember that one.

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█ - Okay. So are you confident, though, it was him that walked by you?

█ - Oh yeah. I replayed it in my mind numer...dozens of times and I have no doubt, as I testified in trial too.

█ - Uh what would you describe his level of intoxication to be?

█ - Oh I would say at least moderately intoxicated.

█ - And you had contact with him at the Major Crimes office?

█ Yes and uhm the area there smelled strongly of alcoholic beverages.

█ - Now I know that uh █...or not █ I'm sorry...Jay Olsen worked for you for a period of time. Uhm, can you describe any problems you had with him as an employee?

█ - Yes. Uh...his...his performance deteriorated throughout our uh...he was on my team...I believe it was five years. It was at least four but I think it was five. But his performance deteriorated. And what I mean by that is uh he seemed to have got...he had gotten real lazy. He wasn't uh...he wasn't answering for calls and uh other...there'd be calls holding, he wouldn't take 'em. And I...he was callin' in sick. You know he started doin' the Monday-Friday thing where it's like, "Oh, come on." He wasn't offering any explanations, you know, like most employees would come in and would've been, you know, sayin' I got this, I'm really sick with this or something. He never said anything. But my...uh I...I was hearing a lot of complaints from other team members and other

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officers that uhm they thought Olsen was a slacker and not performing his duties and that sort of thing.

█ Now did you take actions as a supervisor to correct that type of behavior?

█ - Yes.

█ - Okay, what did you do?

█ - Well I...I spoke to him you now verbally, counseled him, I gave him uh...documented you know performance issues on his evaluations and also I think it was 2006...I finally uh along with...I believe it was...█ I can't remember...but anyway we got his FTO pay taken away from him because the counseling...the verbal counseling...the documentation...written documentation wasn't hittin' him so we finally tried to hit him in his pocketbook. That was my idea, is to try to get him to square him away. And I also uhm...I don't remember if it was the end of 2...one of the...one of the...either 2005 or 2006 one of those evaluations I documented in there the he...I really felt he needed a change of pace...to go...to have to go to another shift...preferably the day shift or swing shift...for his own well-being.

█ - Did you ever make recommendations to have him terminated?

█ - Uhm no.

█ - Ever make recommendations to have him suspended?

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■ - No.

■ - Is there any sort of problem you've had with him personally or professionally that would cause you to want to fabricate him walking by...

■ - Uh no.

■ - ...that traffic stop? Did you fabricate him walking by the traffic stop?

■ - No. Like I said he had...he admitted it in court so...

■ - Anything else you want to add before...regarding this that we haven't touched on?

■ - Uh no I just...you know the only thing that really bothered me, ■ is...you know like I said I've thought about it numerous times and it...it just bugged me that he never...he never uh...I mean I've turned down...I would've been happy to help the guy out but he never...I mean did nothin' but be evasive so...I thought...that...that's always kind of bugged me why, you know so...I've never had a chance to talk to him about it and I probably never will but...that's it.

■ - Okay. ■?

■ - Do you uh...do you believe Jay was on the hill when you left the traffic stop to look for him?

■ - No.

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█ – Okay, how come?

█ – Uhm...just because the direction he was goin' and like I said those...those trees are mainly...uh what'd you call 'em...I can't remember what they call 'em...deciduous trees where the leaves fall off so it...it wasn't like he was...could've been...you know obscured behind the bushes or anything like that. Plus the direction he walked by me...uh like I said the only real cover he would've had...or concealment...would've been those...that...those tractors and stuff. And that the...as you can see on the map there's a great big vacant lot there...or not vacant lot...parking lot and I would've seen some...I would've seen somebody there.

█ – If...lets say if you would not have seen him as he's walking towards Main, who...you were walking on the hill with who else?

█ – Uhm...lets see what...you see where that...again where that gravel road is that runs north-south?

█ – Yes.

█ – That's basically...from what I recall I was goin' that way shinin' my flashlight as well, you know, lookin' for Olsen. And █ came across.. █ parked...uhm I believe to the east...of the...where that road exists on...gravel road exits onto Main. So we were like right in the vicinity of...you know...and again it's...that bottom part is flat so I guess I'm...I don't see how we could've missed him.

█ – Okay. So...

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█ - In fact I even yelled over to...I mean █...he and I didn't talk this close. I yelled over to him as he exited his car, "Hey we need to look for Olsen." So whoever was in that area, you know, he would've heard that as well I would...I would think. But...

█ - Okay. So from where you were at on your traffic stop to where the shooting occurred on the side of the hill...you walked directly towards and up the hill; he was walking down...or at some point he had to get down to Main...

█ - Yes.

█ - ...do you have any idea how he could've done that without seeing you and approaching you or you seeing him?

█ - Oh like I said...opinion is he was already at the bottom of the hill.

█ - He was...okay.

█ - Yeah. Yeah I mean I...I...I've no doubt in my mind that he was already...he was already down there and I have no doubt in my mind he was calling █ to try to get him out of there.

█ - Okay.

█ - Okay. Well thank you █ We'll go off the record here at 5:30 p.m.

█ - Okay.