

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

I.A. CASE #: 07-005

DATE/TIME: 03-30-09; 1312 hours

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**

█ – Okay. And skipping ahead to March 13th, 2008, there was a report that you went to Judge Clark's courtroom and knocked on the door and had contact with their court clerk.

JO – I...

█ – Do you remember that?

JO – I had contact with a female in there. I couldn't tell you if it was a court clerk, a bailiff or a steno. But there was a female that I did contact, there, yes.

█ – Did you display a badge to her?

JO – No I did not. Uhm the courtroom doors were locked. And I knocked on the door. It was during regular business hours, Monday through Friday, could not tell you which day without a calendar right this moment. Knocked on the doors; uhm I went ahead...when I saw somebody there I did show them my driver's license so they knew who was there. But just like that through the window so that that way if they were gonna open the door to talk to me they would know who I was and I wasn't a derelict walking down the hall or I wasn't somebody that would be a threat in any way, shape, or form. I had no police ID, I had no badge. It had been surrendered to uhm █

█ – Did she ask to see your ID?

JO – No she did not I did it as a...a gesture because the door was locked and there was nobody else in the courtroom at that point.

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█ – Now her position is that you did display a...a badge to her that she thought was a police badge. Any thought on...on that?

JO – I'm assuming she just looked at a black wallet, saw a driver's license and assumed...I was clean cut...probably displaying a badge or something but I wasn't. I didn't.

█ – Okay.

JO – This is exactly the wallet, this is exactly the ID. It hasn't changed.

█ – And you don't have...

JO – I've had the same wallet...no. This is where the badge goes. There is no badge in here. I bought this the day after I graduated from the academy and it's been sewn back together two times.

█ – Uhm...

JO – Also if I wanted to add information for you I was contacted by my attorney about the incident and he stated not to worry about it. He did mention something that she thought I showed ID and I said I didn't. And I told him that. Uhm I tried to contact him today after reading uhm the...what's the form called that we're discussing today?

█ – Uh...

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JO – Request for Information...Response Request. After looking at that and reading it and trying to figure out what possibly could have occurred to make that be one of the responses or one of the questions...uhm thought about it, thought about it...that's the only time I ever contacted anybody. Uhm I tried to contact my attorney today but he's out of the country. Uhm however at the time he said there was no problem; I did not need to worry about it. I explained to him I did not have police ID at time. If there's any way that you guys could contact him now of course he can verify that. And I'm assuming, because he does have some rapport with the judge, that uhm he probably did convey that to her at that time too. I'm assuming that.

█ – Is that Mr. Cossey?

JO – That's Mr. Cossey and the judge was uhm Judge Clark, I believe. And she was going to be my judge however what happened is is her husband ended up taking..becoming ill and so that was one of the reasons things got changed and I didn't end up having her as my judge for the entire trial.

█ – Okay. Well it's been about an hour. Why don't we take a break? I'm about wrapped up so let's take a ten minute break and we can come back after that. Okay. The time is now 2:17 p.m.

█ – Okay we're back on tape here. The time is now 2:31 p.m. Uhm while we were off tape, Jay, you mentioned that maybe Keely from Rob Cossey's office might be a person

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to contact who could at least say that you had called there to discuss this incident with judges...Judge Clark's courtroom.

JO – Actually she was present when uhm Mr. Cossey...I believe she was present when Mr. Cossey told me about the incident and we discussed it at that time. This has been over a year ago and both her and Cossey said it was not a problem and I believe she was present in his office at that point. Both of them were my primary attorney; she left the firm, now she came back as a private contactor so she is representing me again in reference to the lawsuit.

█ – And I already know the answer but was anybody else present in that courtroom besides you and the person that you spoke with?

JO – No the courtroom was empty. It was during business hours, however.

█ – Well that's all the questions I have. █ anything?

█ – Along those lines with the uh...the interaction you had with the court clerk...her name's █...she identified you as a police officer. She knew you were a police officer. Do you know how she would've gotten that information?

JO – I was in her courtroom.

█ Before the incident or after the incident?

JO – I...I believe we were in there for our 3.5 hearings prior to that.

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█ – Okay.

JO – So...

█ – That...that may be how she knew you were a police officer?

JO – Right. And maybe she didn't recognize me at first, then saw my ID and then just assumed I was there for other police business, even though they would have the knowledge that I was on Administrative leave and not currently a police officer.

█ – Okay. Do you have any personally owned badges? I know when I graduated from the academy I bought my own badge. Do you have any of those?

JO – I have the one but that's currently with the captain at this point. And that's why I just have my wallet. I've never changed my wallet since then.

█ – Okay. So you don't have any badges, either department issued or personally purchased?

JO – No.

█ – Okay.

JO – None.