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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ESTATE OF OTTO ZEHM, deceased, and
ANN ZEHM, in her personal capacity and
as representative of the Estate of Otto
Zehm,

NO. CV-09-80-LRS

Plaintiffs,

DECLARATION OF
ERIN RALEIGH

v.

CITY OF SPOKANE, JIM NICKS, KARL
THOMPSON, STEVEN BRAUN, ZACK
DAHLE, ERIN RALEIGH, DAN TOROK,
RON VOELLER, JASON UBERAGA, and
THERESA FERGUSON, each in their
personal and representative capacities,

Defendants.

I, ERIN RALEIGH, declare under penalty of perjury, that the following is true
and correct.

1. I make the following declaration based upon my own personal
knowledge.

DECLARATION OF ERIN RALEIGH - 1

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1 2. I am employed as a police officer for the City of Spokane Police
2 Department (SPD). I currently hold the rank of Senior Patrol Officer. I have been
3 an SPD officer since 1998.

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5 3. I am named as a defendant in this lawsuit.

6 4. On March 18, 2006, I responded to an emergency call for backup
7 from two police officers at a ZipTrip store on North Division Street in Spokane. I
8 was among the first backup officers to arrive. When I got into the store, three
9 other officers were already struggling with the suspect who was on the floor. I
10 assisted in the efforts to try to obtain control of the suspect. It took several
11 additional officers to do so, as two of the officers (Thompson and Braun) appeared
12 to be exhausted and were removed from the apprehension as additional backup
13 arrived, and we finally obtained physical control of each of the suspect's limbs.

14
15 5. The suspect, later identified as Otto Zehm, was very strong and had
16 exceptional endurance. After he was handcuffed, he continued to fight against our
17 efforts to keep him under control and detained, which caused us to apply leg
18 restraints to Mr. Zehm. Even after he was leg restrained, he was kicking against
19 the straps so hard that he was pulling his hands through the handcuffs, and we
20 had to apply a second set of handcuffs to him. This is the only time in my entire
21 career as a law enforcement officer that I have seen the necessity to actually apply
22 a second set of handcuffs.

23
24 6. Since Mr. Zehm was leg restrained, I continued to monitor Mr. Zehm
25 while we awaited the arrival of medical assistance. At one point, I asked

1 paramedics for a mask to prevent Mr. Zehm from spitting on us. A plastic mask
2 was provided to me, which I placed on Mr. Zehm's face. I continued to monitor
3 Mr. Zehm while he had the mask on. At one point in time, he stopped breathing
4 and we immediately called the paramedics to our position, and I helped remove
5 the restraints from Mr. Zehm so he could be treated. During the course of their
6 treatment, the paramedics noted that his heart had also stopped. They attempted
7 to resuscitate him. Ultimately, Mr. Zehm died two days later at the hospital.
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10 7. I learned from the news media and the City Attorney's Office that the
11 family for Mr. Zehm was alleging that he died due to the actions of the officers at
12 the scene that night. I was informed that the City would represent me in any
13 claim or lawsuit brought against me, and that they would provide the services of
14 the City Attorney's Office to represent me in that regard.
15

16 8. I have worked with Assistant City Attorney Rocco Treppiedi on several
17 occasions during the course of this claim and current lawsuit.
18

19 9. I have been subpoenaed twice to testify before a Federal Grand Jury
20 that was investigating the incident. Each time I was subpoenaed, I appeared as
21 directed and testified truthfully.
22

23 10. When I testified the first time, I was questioned by prosecutor Tim
24 Durkin under oath in the Grand Jury room about my contacts with my attorney,
25 Mr. Treppiedi, in the City Attorney's Office. I was questioned about what material
26 I had reviewed with him, and what we had talked about.
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1 11. The second time I was subpoenaed was in June, 2009. While I was
2 under subpoena and waiting to testify, I was called into a private conference room
3 in the U.S. Attorney's Office other than where the Grand Jury proceeding
4 occurred. The federal investigators closed the doors behind us. The meeting and
5 questioning by them was both intimidating and inappropriate. In essence, what
6 they were telling me was, tell us what we want to know "or you're going down with
7 the sinking ship."
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10 12. They tried to influence my testimony to be more in opposition to Karl
11 Thompson. The sense I got was they wanted me to say Karl Thompson was out of
12 control and that he used force which was inappropriate for the circumstances. I
13 told them that I could not comment on his use of force because I was not there
14 during the times they were discussing, and that I could only comment/testify on
15 what I knew and what I saw. They continued to press me on what information I
16 had about Karl Thompson using force on Mr. Zehm's head. I considered their
17 actions to be persistent and inappropriate. Their questioning was very
18 opinionated and they did not seem interested in what I knew or observed.
19 Instead, it was clear they had an agenda and were not seeking the truth. They
20 were not objective and continually tried to lead me.
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24 13. The investigators inferred they had evidence to substantiate a
25 particular point, and that if I testify in support of their evidence, I could clear my
26 name of any wrongdoing. I told them that I didn't know what they were talking
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1 about. And that I would simply answer whatever questions were posed to me
2 truthfully.

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4 14. I am not aware of a gag order from SPD to prevent me from speaking
5 to an attorney of my choice or the Office of the City Attorney.

6 15. I object to a stay of this matter. I want to gather all facts necessary to
7 defend myself and to bring a motion to dismiss. I want to clear my name from the
8 allegations alleged against me in this lawsuit as soon as possible.

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10 DATED this 18 day of September, 2009.

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12 
13 ERIN RALEIGH

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2009, I electronically filed the foregoing "Declaration of Erin Raleigh" with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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