



# Office of Police Ombudsman Commission

**\*Special Meeting Notice\*/Agenda**

**November 13, 2018**

**5:30PM – 8:00PM**

**Council Chambers**

**Lower Level, City Hall**

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

## Commission Briefing Session:

5:30 – 5:45pm	1) Welcome to public	Commissioner Smith
	2) Agenda approval	Commissioner Smith
	3) Approve September 18, 2018 and October 27, 2018 meeting minutes	Commissioner Smith

## Items:

5:46 – 6:45pm	1) Public forum	Citizens signed up to speak
	2) OPO report	Bart Logue
	3) OPO 18-32 / C18-055	Bart Logue / SPD Representative

## Commission Business:

6:46 – 8:00pm	1) OPO 18-32 / C18-055 decision	Commissioners
	2) Debrief OPOC retreat	Commissioners
	3) Sub-committees	Commissioner Smith
	4) OPOC response to SPD on R18-5	Commissioner Smith
	5) OPOC response to CFJ and Mayor letters	Commissioner Smith
	6) Letters to City Council	Commissioner Smith
	7) 2019 Elections for OPOC Chair and Vice-Chair	Commissioners
	8) December meeting	Commissioner Smith
	9) Employee evaluations	Executive session

## Adjournment:

Next Ombudsman Commission meeting will be held on December 18 , 2018

The password for City of Spokane Guest Wireless access has been changed:

**Username: COS Guest**

**Password: 9Vt23P2E**

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# Office of Police Ombudsman Commission

October 27, 2018

Meeting Minutes: 5:15  
Meeting called to order at 11:40

## Attendance:

- OPOC present: Ladd Smith, Jenny Rose, James Wilburn, Jr., Elizabeth Kelley
- Legal Counsel: Dennis Hession
- OPO Staff Members present: Bart Logue, Luvimae Omana, Christina Coty
- Retreat Facilitator: Brian Corr

❖ *The OPOC engaged in open discussion on the below listed items*

## Welcome and Orientation

- Introductions/Logistics
- Agenda review
- Icebreaker activity
- Conversation Norms: How we agree to work together today

## Goals for Retreat

- What are the issues / concerns
  - Safe/better community
  - How to keep the "independent voice"
  - Assist with education and outreach
  - When impeded, how to assist asserting authority
  - Staying relevant
  - Being proactive/reactive
  - Expose passion
  - Influence and convene
- Discuss the vision and mission structure
  - Difference between non-binding resolution and the ordinance

## Commission and its Role

- Review of the position of the OPOC within the City of Spokane (municipal government)
- The role of the Commission
  - Appoint, supervise, evaluate the Ombudsman
  - Approve OPO goals, procedures and rules, Annual Report
  - Approve recommendations from the Ombudsman about police policies & training
  - Confirm or reject OPO requests for additional investigation by IA if the Ombudsman is not satisfied with the finding of the Police Chief
  - To promote public awareness of the work of the Office and the Commission to "Spokane's diverse communities and the general public about the complaint filing and investigation process";
  - Make readily available all Commission reports, recommendations, and evaluations
  - Prepare an Annual Report to the City Council
- Review of Pre-Retreat Environmental Scan

- Brian, the facilitator, surveyed random community members to test the public's awareness of the OPO/OPOC
  - People think Ombudsman is important
  - Police are seen as too heavy handed in their ongoing behavior
  - People know about the Ombudsman and know it's necessary while understanding the balance of powers
  - The community is changing and the expectation of transparency and accountability are increasing
- What should the OPOC do in order to be meaningful and/or be useful is?

### **Goals for the OPOC**

- Establish procedural process to address issues that arise
  - Determine steps the OPOC will take to elevate and issue
- Community Outreach – How do we get out to the community more and how do we get the community to be engaged with us
  - Social Media – Increase the presence and post meaningful items
  - Meeting invitations to special interest groups
  - Meeting layout – adjust this to be more public speaker friendly
  - Get information out to the community: i.e. Channel 5 Video (internal), Public Access TV (external), public interest group publications (i.e. Black Lens)
- Voice concerns of the community to the City Council
- Commission Engagement between meetings
  - Agenda Subcommittees
    - Outreach, racial disparity, Annual Report, Recommendations, Complaint Review, Other
- Support efforts of the OPO
  - Provide guidance to the OPO, especially with overcoming obstacles

### **Action items**

- Replace vacant Commissioner spot
  - Contact Councilmember Fagan and Councilmember Burke
- Change the next meeting from November 20 to November 13
  - Unanimously approved
  - Cancellation notice, special meeting notification published
- Ad-hoc subcommittee nominations at next meeting
- Written Vision/Mission statement

**Motion Passes or Fails: 1**

**Meeting Adjourned at: 4:45PM**

**Note: Minutes are summarized by staff.**

<https://my.spokanecity.org/bcc/commissions/ombudsman-commission/>

**COMMUNITY INPUT SIGN-UP SHEET**  
**CITY OF SPOKANE OFFICE OF POLICE OMBUDSMAN COMMISSION MEETING**  
**11/13/2018**

Community Input shall be for a period not to exceed thirty (30) minutes unless extended by the Chair. **Each speaker will be limited to five (5) minutes.** If you wish to speak during the Community Input time period, please sign-up below

NAME	ORGANIZATION	RESIDENT of SPOKANE?	PHONE/E-MAIL (optional - for follow up, if needed)
1. Please Print <i>David Brookbank</i> Please Print	<i>Spokane Socialist Alternative</i>	Circle one: <input checked="" type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:
2. Please Print		Circle one: Yes <input type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:
3. Please Print		Circle one: Yes <input type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:
4. Please Print		Circle one: Yes <input type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:
5. Please Print		Circle one: Yes <input type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:
6. Please Print		Circle one: Yes <input type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:
7. Please Print		Circle one: Yes <input type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:
8. Please Print		Circle one: Yes <input type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:
9. Please Print		Circle one: Yes <input type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:
10. Please Print		Circle one: Yes <input type="radio"/> Yes <input type="radio"/> No	Phone: E-mail:



**Office of the Police Ombudsman**

808 W. Spokane Falls Blvd.  
 Spokane, WA 99201  
 509.625.6742 / spdombudsman.org

November 13, 2018

**Public Safety & Community Health Committee Report**

Reporting Period: October 1-31, 2018

Snapshot of Activities		Monthly	Year to Date
<b>Community Outreach</b>			
OPO	Total Community Events and Meetings	5	97
OPOC	Community Outreach / Activities	2	74
<b>Commendations</b>		0	2
<b>Complaints</b>			
	Received Complaints	6	57
	Referred Complaints	2	41
<b>Contacts</b>		71	1316
<b>Case Review</b>			
	Request for Further Investigation	2	8
	Investigations Certified / Concurred	9	46
	Declined Certifications	0	4
	Special Cases Reviewed	8	147
<b>Interviews</b>			
	OPO Interviews	6	163
	IA Interviews	19	122
<b>Training</b>		5	33
<b>Critical Incidents</b>		0	1
<b>Mediations</b>			
	Conducted	0	2
	Declined	0	1
<b>Recommendations</b>		0	5
<b>Other Activities</b>			
SPD Related	Meetings / Contacts	16	242
	Review Boards	3	33
	Closing Meeting	0	1

## 1. Outreach

### a) OPO

- i. COPS Volunteer Dinner (10/25)
- ii. Meeting regarding Service Animals/ADA/WLAD – (10/11)
- iii. Meeting with Mr. Larsen – Complaint OPO 18-32 (10/18)
- iv. Meeting with Cam Zorrozuza – Center for Justice (10/24)
- v. OPOC Retreat (10/27)

### b) OPOC Actions – Commissioners attended the following events, some events were attended by multiple Commissioners:

- i. NACOLE (9/30-10/4)
- ii. OPOC Retreat (10/27)

## 2. Commendations / Complaints

### a) Received

- i. **OPO 18-47 – Demeanor:** Complainant called Crime Check to report a hit and run. When the officer returned the phone call, the complainant stated he was short and described as rude.
- ii. **OPO 18-54 – Computer Misuse:** Complainant stated she had been communicating with an officer on a dating site. Complainant alleges that the officer used the SPD computers to obtain personal information about her.
- iii. **OPO 18-55 – Inadequate Response:** Complainant has called Crime Check numerous times regarding a violation on a protection order. She has been told that unless she has proof of the violation nothing will be done.
- iv. **OPO 18-56 – Excessive Force / Demeanor:** Complainant alleges he had been taken down and had guns drawn on him because he matched a suspect the officers were looking for.
- v. **OPO 18-57 – Inadequate Response / Demeanor:** Complainant was assaulted and police were called. Complainant was made to feel like he was in the wrong.
- vi. **OPO 18-59 – Inadequate Response:** Complainant has contacted their NRO multiple times regarding drug activity in their area. No calls have been returned.

### b) Referred

- i. **IR 18-42** – Complaint regarding mental health and homelessness in Spokane – City Council
- ii. **IR 18-43** – Complaint about lack of response in an adult care facility – Lt. Stevens

## 3. Case Review

- a) C18-031 – Investigation Certified
- b) C18-040 / OPO 18-21 – Request further investigation/ Investigation Certified
- c) C18-047 – Investigation Certified
- d) C18-060 – Investigation Certified
- e) C18-065 – Investigation Certified
- f) C18-067 – Investigation Certified

- g) C18-071 / OPO 18-43 – Investigation Certified
- h) C18-072 / OPO 18-44 – Requested further investigation
- i) C18-075 / OPO 18-48 – Investigation Certified
- j) C18-090 – Investigation Certified

**4. Special Cases Reviewed**

- i. 3 Use of Force
- ii. 1 Pursuit
- iii. 2 Collision
- iv. 2 K9 Deployment

**5. Activities**

- a) OPO staff members participated/engaged in the following other activities:
  - i. NACOLE (9/29 – 10/4)
  - ii. IACP (10/5-10/9)
  - iii. SCSO Citizens Academy (10/8, 10/15, 10/22, 10/29)
  - iv. Fall 2018 Speaker Series at Gonzaga School of Leadership (10/10)
  - v. Leadership Spokane Kaiser Aluminum Tour (10/17)
  - vi. Leadership Spokane Avista Dam Tour (10/25)
  - vii. Leadership Spokane Alumni Meeting (10/25)
  - viii. Leadership Spokane Gala Planning (10/11, 10/15, 10/22,
- b) SPD related
  - i. 6 meetings/contacts with IA
  - ii. 12 meetings/contacts with SPD
- c) OPO met with/had contact with OPO Commissioners/Staff:
  - i. Commissioner Smith on 10/10
  - ii. Commissioner Rose on 10/10
  - iii. Commissioner Smith on 10/11
  - iv. Commissioner Smith on 10/18
  - v. Commissioner Rose on 10/18
  - vi. OPOC Legal Counsel Hession on 10/23
  - vii. Commissioner Wilburn on 10/25
  - viii. Commissioner Kelley on 10/25
  - ix. Commissioner Smith on 10/25
  - x. Commissioner Rose on 10/25
  - xi. Commissioner Smith on 10/31
- d) OPO met with/had contact with City Council members/staff:
  - i. Council Staff Oberst 10/9
  - ii. Council President Stuckart 10/25
  - iii. Council Member Fagan 10/25

**6. Next Steps**

- a. End of year wrap up
- b. Budget Follow-up for FT Administrative Specialist Position

Thank you for the email Chief. The best that I can do is to try to get Internal Affairs to give you the most complete and accurate picture possible so that you can make a decision.

In this instance, proper conduct, unfounded, or exonerated would have been appropriate findings (although I don't believe SPD currently uses proper conduct) by the chain of command. To shelve a case as an inquiry or suspended (and this case has been classified as both) never gets to that finding.

I stand by my decision for not certifying this case as I do not believe it was investigated thoroughly or objectively.

I will discuss this case with the OPOC to determine if I will request further action from Internal Affairs. I'm not sure this case is recoverable from an objectivity standpoint, so it is very possible that I will not request further action. I will have the OPOC perform their function though before I make that determination.

At this point, you have already paid more attention to this case than if it had followed a normal path, so I am also not sure if there would be any additional impact for the citizen if further action were to be completed. This would only leave the investigative process that I have issue with. As indicated from my email below, I will look to best practices for investigations from DOJ reports. I generally do not insist on everything in every investigation, but if I sense a trend, I will not certify them.

Again, thank you for your time and attention given to this matter.

Best,  
Bart

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On Sun, Sep 30, 2018 at 8:47 PM -0400, "Meidl, Craig" <[cmeidl@spokanepolice.org](mailto:cmeidl@spokanepolice.org)> wrote:

Mr. Logue

In reviewing the information related to the complaint, including the telephone recording conducted by [REDACTED] to clarify details, I do not find behavior that rises to the level of misconduct. Using a stern voice to caution someone about damaging a police vehicle, or honking a horn to signal to them to step further away from the vehicle, does not rise to the level of misconduct. The complainant indicated he was 6 inches away from the vehicle (his perspective). The officer was on a special detail for Congresswoman McMorris-Rodgers surrounded by a crowd of people.

Even when not considering further information provided by the Ofc. [REDACTED], I do not find misconduct by Ofc. [REDACTED] in this narrow set of circumstances. With the unsolicited email provided by Ofc. [REDACTED], it is my belief that Ofc. [REDACTED] acted appropriately in protecting city-owned property from damage.



I do believe the follow-up comments by the other officer(s), regarding the initial statement by Ofc. [REDACTED] statement being a "promise" and not a threat, was inflammatory and does not represent the best of SPD.

I concur with the Inquiry classification regarding Ofc. [REDACTED] and will direct IA to have the supervisor(s) of the other officers review the engagement with the complainant and how they could have responded in a more professional manner.

Thank you,  
Craig

**Craig Meidl** | Spokane Police Department | Chief of Police  
509.625.4215 | [cmeidl@spokanepolice.org](mailto:cmeidl@spokanepolice.org)

**From:** Logue, Bart  
**Sent:** Tuesday, September 18, 2018 1:12 PM  
**To:** Meidl, Craig <[cmeidl@spokanepolice.org](mailto:cmeidl@spokanepolice.org)>  
**Cc:** MacConnell, Jacqui <[jmacconnell@spokanepolice.org](mailto:jmacconnell@spokanepolice.org)>; Stevens, Barton <[bstevens@spokanepolice.org](mailto:bstevens@spokanepolice.org)>; Griffin, John <[jgriffin@spokanepolice.org](mailto:jgriffin@spokanepolice.org)>  
**Subject:** FW: C18-055

Chief,

I'll stand by on this. As is, I will not certify it. Once you decide your final thoughts on it, I will decide whether to appeal it to the OPOC. In the meantime, I believe the 5 day clock does not apply to this case any longer.

Best,  
Bart

**From:** Stevens, Barton  
**Sent:** Tuesday, September 18, 2018 12:08 PM  
**To:** MacConnell, Jacqui <[jmacconnell@spokanepolice.org](mailto:jmacconnell@spokanepolice.org)>; Logue, Bart <[blogue@spokanecity.org](mailto:blogue@spokanecity.org)>  
**Subject:** RE: C18-055

Done. It's been sent back to the OPO.

Bart

Lt. Bart Stevens | Internal Affairs | Spokane Police Department  
(509) 622-5828 | Cell – (509) 435-6072

[bstevens@spokanepolice.org](mailto:bstevens@spokanepolice.org)

**From:** MacConnell, Jacqui  
**Sent:** Tuesday, September 18, 2018 12:05 PM  
**To:** Logue, Bart <[blogue@spokanecity.org](mailto:blogue@spokanecity.org)>  
**Cc:** Stevens, Barton <[bstevens@spokanepolice.org](mailto:bstevens@spokanepolice.org)>  
**Subject:** RE: C18-055

Bart,

We are going to pull this investigation back because it was sent to you as an Administratively Suspended investigation. We need to send it to you for either certification / declination as an Inquiry.

Just wanted to let you know why it was getting pulled back and then re-sent to you.

Jacqui

**From:** Logue, Bart  
**Sent:** Friday, September 14, 2018 1:25 PM  
**To:** MacConnell, Jacqui <[jmacconnell@spokanepolice.org](mailto:jmacconnell@spokanepolice.org)>  
**Cc:** Stevens, Barton <[bstevens@spokanepolice.org](mailto:bstevens@spokanepolice.org)>  
**Subject:** Re: C18-055

Hi Jacqui,

I simply disagree. So I will stand by my non certification note in this case.

While not the "crime of the century" by any means, the complaint was about rudeness and not about police procedures. My chat with the Chief will simply focus on whether or not that is the image he wants from his police department. An inquiry or admin suspend will not provide him the information necessary.

Again, this isn't a case that I will push and push, I simply will not certify the investigation in this case. It is up to you with what you want to do with it after that. While the SMC allows me to appeal to the Chief, and I will do that on Monday, it also allows me to appeal to the OPOC. However, I'm not sure I will ever think this case was investigated in an objective manner, and I don't think that would be changed with further investigation, so I am not leaning towards appealing it to the Commission.

My briefing points to the Commission will follow the points made in my email last week.

Thanks for taking a look and I hope you have a great weekend as well.

Best,  
Bart

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On Fri, Sep 14, 2018 at 12:58 PM -0700, "MacConnell, Jacqui" <[jmacconnell@spokanepolice.org](mailto:jmacconnell@spokanepolice.org)> wrote:

Bart,

I looked this case over and I listened to the conversation with Mr. [REDACTED]. I am happy to discuss further with you next week. I would classify it as an "inquiry" rather than administratively suspend it.

I believe this is the one that you want to discuss with the Chief Monday as well so we can always talk after that.

Have a nice weekend!

Jacqui

**From:** Logue, Bart

**Sent:** Tuesday, September 11, 2018 4:45 PM

**To:** Stevens, Barton <[bstevens@spokanepolice.org](mailto:bstevens@spokanepolice.org)>

**Cc:** MacConnell, Jacqui <[jmacconnell@spokanepolice.org](mailto:jmacconnell@spokanepolice.org)>; Omana, Luvimae <[lomana@spokanecity.org](mailto:lomana@spokanecity.org)>

**Subject:** C18-055

Lt Stevens,

This is where I am at on this one. I've tried to call you a couple of times this afternoon. This is what I am proposing to put into Blue Team at this point:

I cannot certify this investigation nor agree that it should be administratively suspended. Several reasons: it is unusual for IA to arrive at findings in cases, it is unusual for IA to not conduct officer interviews on the record; email correspondence has not been attached, nor has any interview with the officer informing him about the complaint that he responded to. The citizen did present specific demeanor concerns during his conversation with [REDACTED] and on his complaint form.

It is my opinion that there has been a general unwillingness to conduct an impartial investigation in this case, as such I decline to certify it based upon thoroughness and objectiveness.

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I believe that citizen complaints should be investigated in their entirety, both for the protection of the citizen but also for the protection of the officer and the department. I understand your perception that this complaint does not rise to the level of a complaint, but it is my opinion that Chief Meidl cares that his officers treat citizens professionally. If not a policy violation, it certainly does not seem to be a necessary interaction and at the very least it was an inflammatory action to a citizen expressing what he believes to be his constitutional rights, which led to the concerned citizen filing a complaint. Normally, we rely on the Chain of Command to make findings in cases after we do our best to parse out the specifics in the case and back it up with appropriate evidence.

The majority of your conversation with Mr. [REDACTED] was about how difficult it would be to find out who the officer was. After an additional investigative step, you were able to do that. I don't understand why we wouldn't then formalize an interview with the officer.

The Department of Justice has repeatedly hit departments for misclassification and for doing pre-interview of officers to come to the conclusions of a case.

From my 2016 Annual Report:

*"DOJ Findings in Investigation of Baltimore Police Department*

In DOJ's report on Baltimore Police Department (BPD)<sup>[1]</sup>, it found the department lacked meaningful accountability systems to deter misconduct. BPD did not consistently classify, investigate, adjudicate, and document complaints of misconduct according to its own policies and accepted law enforcement standards. Instead, BPD personnel sometimes discouraged complaints from being filed, misclassified complaints to minimize the apparent severity, and frequently conducted little or no investigation. I found indications of all these issues as I conducted my review of the 2015 backlog cases in SPD. The most widespread practice found was misclassification of complaints as Inquiries or Administratively Suspended leading to no findings or chain of command reviews.

*Case Classification*

Administrative closures, combined with a failure to ensure complaints are appropriately classified, undermine the system of accountability and contribute to the perception shared by officers and community members that discipline is inconsistent and arbitrary. According to the DOJ, BPD investigators only nominally accepted complaints and supervisors often "administratively closed" them with minimal investigation. DOJ reviewed five years' worth of investigated complaints in BPD and found that supervisors suspended 33% of allegations and administratively closed 43% of alleged policy violations without taking disciplinary action. Cases were administratively closed without conducting interviews, without reviewing a single incident report, without making an effort to contact the complainant, while some cases were classified solely for the purpose of "administrative tracking," or found them not sustained after minimal, if any, investigation.

In my review of the 118 backlog of cases previously investigated by SPD without a Police Ombudsman in place, I found several cases that included little or no investigation and non-objective interviews with citizens and officers. Because most of the cases were outside 180 days from their filings and could not be utilized for or result in discipline, the cases were not reopened but reviewed for policy and training recommendations and reporting purposes. Of the complaints IA investigated in 2015 through February 5, 2016, I declined to certify 17 of those cases. Of them, 12 cases were declined for a lack of thoroughness; 2 cases were declined

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<sup>[1]</sup> Department of Justice Civil Rights Division, *Investigation on the Baltimore Police Department* <https://www.justice.gov/opa/file/883366/download> (August 10, 2016) (last visited April 28, 2017).

for a lack of thoroughness and objectivity; 1 case was declined for objectivity; and 2 cases were declined due to administrative errors made by IA.

DOJ found BPD allowed investigations to be cursorily administratively closed if they were deemed not “serious” enough to warrant a full investigation. Officers interviewed in BPD believed it was appropriate to administratively close a complaint when the complainant withdrew his or her complaint or could not be reached. Others believed “complaints” that fail to allege a “real” violation of BPD should be administratively closed. I found all of these beliefs to be prevalent in SPD.

The percent of allegations of misconduct against SPD from the community investigations that were not reviewed by the chain of command in 2015 was significantly higher than BPD. In Spokane, 82% of community allegations against SPD did not receive a chain of command review. When contrasted with Internal Allegations, only 6% did not receive a chain of command review. These figures include both Inquiries and Administratively Suspended cases. In comparison, BPD suspended 33% of allegations and administratively closed 43% of alleged policy violations over a five year period. In 2015, only 19% of allegations of misconduct from the community were sent for chain of command review in SPD<sup>[2]</sup>. After I brought this to the attention of then Assistant Chief Meidl through a formal recommendation, a change was made in how complaints would be classified. In 2016, 43% of allegations from the community received a chain of command review. This represents an increase of 24% of allegations reviewed from 2015 to 2016.

#### *DOJ Findings in Investigation of Chicago Police Department*

In its report on Chicago Police Department (CPD)<sup>[3]</sup>, the DOJ found serious investigative flaws that prevented objective fact finding. Several cases showed investigators expressly discouraging civilians from filing complaints, sometimes mocking or humiliating them in the process. In 2015, the Spokane Police Department had several cases in which the complainants dropped their complaint during the course of the investigation or even in the initial interview. There were several cases which did not have audio recordings of the citizen’s desire to drop the complaint and it was only noted in the IA Summary.

#### *Witness and Officer Interviews*

In CPD, witnesses and accused officers were frequently not interviewed at all. Officer questioning was often cursory and aimed at eliciting favorable statements justifying the officer’s actions, rather than seeking the truth. Leading questions were used in favor of the officer. CPD appeared to apply a standard that favored officers when evaluating statements made by complainants and officers. Investigators generally discredited or discounted evidence that contradicted the officer’s account. Investigators also failed to follow up with probing questions, which compromised officer interviews by failing to probe beyond reports the accused officer already provided.

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<sup>[2]</sup> Due to rounding, the numbers add up to 101%.

<sup>[3]</sup> Department of Justice Civil Rights Division and United States Attorney’s Office Northern District of Illinois, *Investigation on the Chicago Police Department* <https://www.justice.gov/opa/file/925846/download> (January 13, 2017) (last visited April 28, 2017).

In my review of the backlog of 2015 cases in SPD, I came across several examples of the above tactics. In fact, there were several instances where IA justified the officers' actions when there were no interviews with the officer at all. Further, there were several interviews where the investigator displayed a favorable bias toward the officer, losing objectivity. There was also a pattern of disproportionate length of interviews and questions of complainants as compared to officers. However, when I noticed a technique that I did not like, I was able to bring it to the attention of current IA leadership and they made efforts to implement change. This resulted in an invitation for OPO to participate in complainant and witness interviews in addition to officer interviews. OPO presence added a layer of oversight and I have not since witnessed the behavior described above in current cases. Chief Meidl and IA have also agreed to audit the 2015 cases to look for indications of problematic behaviors of investigators to ensure they will not continue into the future."

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I'm happy to discuss further if you would like.

**Bart Logue**, Police Ombudsman  
Office of Police Ombudsman  
808 W. Spokane Falls Boulevard, Spokane, WA 99201-3342  
509.625.6743 | fax 509.625.6748 | [blogue@spokanecity.org](mailto:blogue@spokanecity.org)

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OFFICE OF POLICE  
OMBUDSMAN COMMISSION  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201  
509.625.6755 (VOICEMAIL ONLY)  
FAX 509.625.6748

November 13, 2018

Mayor David Condon  
808 W. Spokane Falls Blvd.  
Spokane, Washington 99201

**RE: Complaint against Chief Meidl**

Dear Mayor Condon,

In reference to your letter to the Center for Justice dated October 15, 2018, we are raising our concerns to you about Spokane Police Department (SPD) impeding the work of the Office of the Police Ombudsman (OPO). We, the Office of the Police Ombudsman Commission (OPOC), believe SPD Chief Craig Meidl is in violation of Spokane Municipal Code §04.32, the Office of the Police Ombudsman's governing ordinance, specifically §04.32.010(C), 04.32.030(M), and 04.32.150(B)(8).

We are concerned with SPD's continuous interference with the OPO's independence. The citizens of Spokane voted to create meaningful civilian oversight of SPD. SMC §04.32.010(C) says, "no person shall attempt to unduly influence or undermine the independence of the police ombudsman, or any employee of the OPO, in the performance of the duties and responsibilities set forth in this chapter." Yet, SPD has hindered the work of the OPO in several ways (emphasis added).

First, OPO's Administrative Specialist, Christina Coty is being denied access to the IAPro database, a necessary component of completing monthly reports, one of her primary responsibilities. SMC §04.32.030(M) provides, "the OPO will have unimpeded access to all complaint and investigative files from OPO Involved investigations for auditing and reporting purposes." Ms. Coty is responsible for double checking the numbers on complaints entered and cases certified as part of her administrative functions. The data Ms. Coty reviews as part of her function is housed in IAPro. As you know, OPO's complaints have already doubled. To date, the OPO has filed 60 citizen complaints with Internal Affairs. In 2017, it filed 30 total complaints. More instances have come up where unnecessary steps had to be undertaken to get around Ms. Coty's lack of access to IAPro. For instance, in order to complete a report, another member of the OPO with access had to come into the office to log into IAPro and verify a case number. SPD argues Ms. Coty's access must be bargained. However, historical precedence has provided the OPO staff with access to IAPro. Historically, employees of the OPO responsible for complaints had access to this database without question and without being subject to negotiation. Rebekah Tuno had access to IA Pro and Luvimae Omana was provided access instantly without question upon gaining employment. Ms. Coty completed all requirements SPD set forth to receive access. It has been six months and there is no resolution in sight. Citing this as an issue that must be negotiated is contrary to the historical precedence of OPO access and only serves as a means for SPD to impede the OPO's independence and access to investigative files. See SMC §04.32.010, 04.32.030(M), Spokane Police Guild Collective Bargaining Agreement (CBA) Art 27(m).

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EMAIL: [SPDOmbudsman@spokanecity.org](mailto:SPDOmbudsman@spokanecity.org)

[www.facebook.com/SPDOmbudsman](http://www.facebook.com/SPDOmbudsman) • [www.twitter.com/SPD\\_ombudsman](http://www.twitter.com/SPD_ombudsman)

Second, we each have signed a confidentiality agreement with SPD and should have access to police records that help us in the performance of our duties but have been denied. SMC §04.32.150(B)(8) provides, the Commission shall request the OPO examine or re-examine specific non-disciplinary policy or procedure issues." In May 2018, the OPO decided to review 2016 use of force cases against African Americans for policy and training recommendation purposes. Since Commissioner Wilburn is passionate about race relation issues, particularly between SPD and the African American community, he was interested in studying this issue with the OPO. The OPO requested the cases from SPD and was met with denial. We have provided all assurances to safeguard SPD's case files by signing a confidentiality agreement. While SPD has provided the Police Ombudsman with the unredacted files, they have insisted Commissioner Wilburn only view redacted files. It has been six months and we still have not received redacted use of force files. Unnecessary administrative delay despite confidentiality agreements on file only serves to impede OPO's work and undermines OPOC's function. See SMC §04.32.010, 04.32.150.

Lastly, we take issue with your assertion that the Center for Justice somehow represents the OPO in your response to the Center's letter. The OPO's legal counsel is Tim Szambelan in the City Attorney's office. The Center for Justice is a stakeholder in the community. Police accountability is one of the Center's core principles. It follows that they are interested in issues that concern the OPO.

We understand that our concerns are related to the Spokane Police Guild and bargaining issues. However, negotiations between SPD and the City should in no way impede the work and access the OPO is entitled to complete its charge under SMC §04.32. Since Chief Meidl is the senior most official in SPD who has refused to provide OPO the access that has already been bargained, we are filing our complaint against him. We hereby request a formal investigation into these allegations.

Sincerely,

  
\_\_\_\_\_  
Ladd Smith, Chair

ABSENT  
\_\_\_\_\_  
Jenny Rose, Commissioner

  
\_\_\_\_\_  
James Wilburn, Jr., Commissioner

  
\_\_\_\_\_  
Elizabeth Kelley, Commissioner

cc: Bart Logue, Police Ombudsman





**OFFICE OF POLICE  
OMBUDSMAN COMMISSION**  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201  
509.625.6755 (VOICEMAIL ONLY)  
FAX 509.625.6748

November 13, 2018

City of Spokane City Council  
Spokane City Hall  
808 W. Spokane Falls Blvd.  
Spokane, Washington 99201

**RE: Full-time Administrative Specialist position**

Dear City Council Members,

As decisions on the 2019 budget are being finalized in the coming days, we, the Office of the Police Ombudsman Commission (OPOC), request your continued support of the Police Ombudsman's highest budget priority – establish the Administrative Specialist position as a full-time position. The position currently exists as a part-time employee (.6). The Police Ombudsman has requested \$23,693.00 from the Administration in his 2019 Budget Allocation Request to make the position a full-time position.

Our governing ordinance provides, "the City Council shall maintain necessary funding to appropriately staff the Office of the Police Ombudsman and the Commission, including adequate staff to enable the Police Ombudsman to perform the required duties and responsibilities of the office as well as providing staff assistance to the Police Ombudsman Commission." See Spokane Municipal Code §04.32.160. A year ago, you amended the budget ordinance to secure the funding necessary to create the Administrative Specialist position. See Ordinance Number C35512 (passed on June 26, 2017). Through this action, we believe you are in agreement that this position functions to ensure the OPOC receives timely logistical and administrative support, while providing staff support to the Office of the Police Ombudsman (OPO). This position also helps reduce the burden placed upon the OPO. This past year, Internal Affairs (IA) has generally complied with the Police Ombudsman's request to include him in every citizen and officer interview of complaints filed by citizens. Increased IA interviews, coupled with watching body worn camera videos, and more thorough investigations have greatly impacted the Police Ombudsman's ability to fulfill the requirements of SMC 04.32 outside of the complaint process. The Police Ombudsman and members of the OPO staff regularly work deep into the evening hours to fulfill their responsibilities in a diligent manner.

**WWW.SPDOPOC.ORG**

EMAIL: [SPDOOMBUDSMAN@SPOKANECITY.ORG](mailto:SPDOOMBUDSMAN@SPOKANECITY.ORG)

[WWW.FACEBOOK.COM/SPDOOMBUDSMAN](http://WWW.FACEBOOK.COM/SPDOOMBUDSMAN) • [WWW.TWITTER.COM/SPD\\_OMBUDSMAN](http://WWW.TWITTER.COM/SPD_OMBUDSMAN)

Currently, the Administrative Specialist provides support to our Commission and is the primary point of contact for complaint intake and processing in the OPO. Complaints have more than doubled in 2018. Providing citizens with an empathetic listening ear combined with the increased volume of complaints has made complaint intake a much larger portion of the job. However, the Administrative Specialist also performs administrative reporting functions for the OPOC, case management, managing social media, participate in community outreach, and other administrative functions. The workload would be difficult even for a full-time employee, but the OPO is only allotted a twenty-four (24) hours a week to complete it.

The Police Ombudsman continues to experience a shortfall in administrative support for the office. Due to the continuously evolving and increasing work load in providing police oversight, we believe that the City Council should strongly consider converting the Administrative Specialist from a part-time employee (.6) to a full-time position. This would begin to solve the Police Ombudsman's current concerns with a lack of administrative support for the office.

The OPO's successes in meeting its staffing goals are largely a result of the budgetary commitment provided by the City Council. While we have not yet achieved all of our desires, you have provided a path forward for the difficult work in front of us; ensuring the OPO is properly established and funded for oversight in Spokane. It is of the utmost importance to retain the current staffing levels in the OPO. Thank you for your consideration on this very important matter.

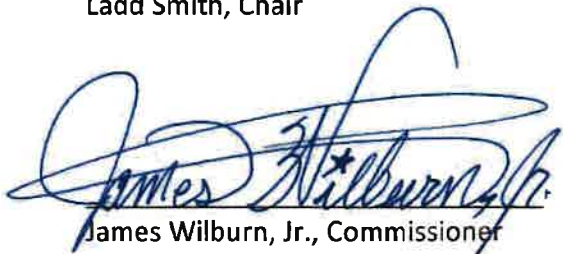
Sincerely,



Ladd Smith, Chair

ABSENT

Jenny Rose, Commissioner



James Wilburn, Jr., Commissioner



Elizabeth Kelley, Commissioner

cc: Bart Logue, Police Ombudsman



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OMBUDSMAN COMMISSION  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201  
509.625.6755 (VOICE/MAIL ONLY)  
FAX 509.625.6748

November 13, 2018

City of Spokane City Council  
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808 W. Spokane Falls Blvd.  
Spokane, Washington 99201

**RE: Changing Spokane Municipal Code §04.32.140(B)**

Dear City Council Members,

We, the Office of the Police Ombudsman Commission (OPOC), request you consider changing the Office of the Police Ombudsman's (OPO) governing ordinance so that OPO may, rather than shall, notify complainants that they can be charged with a misdemeanor when filing a citizen complaint. This would update the ordinance to be consistent with the OPO's current complaint intake process. The OPO has changed their process to make it easier for citizens to bring complaints forward by no longer providing advisements that citizens may be charged with a crime for making false statements in their complaints.

On September 18, 2018, the OPO sent policy recommendation 18-5 to Chief Meidl (see attached). In it the OPO recommended the Spokane Police Department (SPD) remove the requirement that citizens must sign complaints after acknowledging that making false or misleading statements to a public servant is guilty of a gross misdemeanor. Citizens are provided the same warning again verbally at the beginning of a citizen interview. This practice has led to arrests of complainants in the past. To minimize this type of intimidation, the Ombudsman has requested to be involved with interviews of complainants, if possible. On October 30, 2018, Chief Meidl responded to the OPO's recommendation (see attached). Chief Meidl made the point, among other things, that not only will they not remove the warning, but emphasized that the OPO must also reinstitute providing the warning based on the section of the ordinance mentioned above.

Historically, it has been the practice of both SPD and the OPO to provide the advisements to citizens on the complaint form. Spokane Municipal Code §04.32.140(B) provides, "The employees of the OPO are considered public servants for the purposes of SMC 10.07.020 [Making a False or Misleading Statement to a Public Servant (Revised Code of Washington 9A.76.175)]. Any person who knowingly makes a false or misleading material statement to the OPO is subject to criminal sanctions in SMC 10.07.020. The OPO shall notify complainants that they be charged with a criminal gross misdemeanor for making a false or misleading material statement pursuant to SMC 10.07.020" (emphasis added). It is important to note that this section makes providing false statements to a public servant a crime, but does not require that a complainant must be provided such advisement.

[WWW.SPDOPOC.ORG](http://WWW.SPDOPOC.ORG)

EMAIL: [SPDOMBUDSMAN@SPOKANECITY.ORG](mailto:SPDOMBUDSMAN@SPOKANECITY.ORG)

[WWW.FACEBOOK.COM/SPDOMBUDSMAN](http://WWW.FACEBOOK.COM/SPDOMBUDSMAN) • [WWW.TWITTER.COM/SPD\\_OMBUDSMAN](http://WWW.TWITTER.COM/SPD_OMBUDSMAN)


However, after attending training on how to reduce police liability and how to manage difficult complainants, both course instructors believed progressive policing and best practices do not support warning citizens they may be charged with a crime for false statements. It creates a chilling effect on complainants coming forward, when we as a city should strive to cast the widest net to hear the concerns in the community. The OPO researched best practices and found that DOJ's reports on Ferguson and Chicago, the DOJ's COPS program, and the International Association of Chiefs of Police (IACP) all support the view that citizens do not need to be advised of this, nor does the advisement need to be given beforehand under the RCW. Ultimately, the police have the authority to arrest a person, regardless of whether a warning was given. As such, the OPO has stopped the practice of requiring citizens to sign their written complaints in order to acknowledge the SMC advisement. The OPO has removed the advisement completely from their complaint form.

We believe the ordinance should be consistent with the OPO's practice of not providing the advisements. This is in keeping with best practices, DOJ recommendations, and the IACP. Therefore, we recommend City Council change SMC 04.32.140(B) to make the advisements optional rather than prescriptive.

Sincerely,

  
Ladd Smith, Chair

ABSENT  
\_\_\_\_\_  
Jenny Rose, Commissioner

  
James Wilburn, Jr., Commissioner

  
Elizabeth Kelley, Commissioner

cc: Bart Logue, Police Ombudsman