

Updated



Office of Police Ombudsman Commission

Agenda

July 16, 2019

6pm - 5:30PM - 7:00PM

Council Chambers

Lower Level, City Hall

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Commission Briefing Session:

| | | |
|---------------|---|-------------------|
| 5:30 – 5:35pm | 1) Welcome to Public | Commissioner Rose |
| | 2) Agenda Approval | Commissioner Rose |
| | 3) Approve May 21, 2019 Meeting Minutes | Commissioner Rose |
| | 4) Text questions for the OPOC | Commissioner Rose |

Items:

| | | |
|---------------|-----------------------|--|
| 5:36 – 7:15pm | 1) Public Forum | Citizens Signed Up to Speak |
| | 2) OPO Monthly Report | Bart Logue |
| | 3) Guest Speaker | SPD – Use of Force Policy Presentation |

Commission Business:

| | | |
|---------------|--|----------------------------|
| 7:16 – 7:30pm | 1) Annual Reports for 2018 | Commissioners Rose & Smith |
| | 2) Potential District 1 Commissioner Replacement | Commissioner Rose |
| | 3) Open Discussion Regarding Guild Letter | Commissioner Rose |
| | 4) OPO Recommendations | Commissioners |
| | 5) Commissioner Speak-Out | Commissioners |
| | 6) OPOC Meeting Dates for August and September | Commissioners |
| | 7) Other Business | Commissioners |
| | 8) Executive Session | Commissioners |

Adjournment:

The next Ombudsman Commission meeting will be held on August 20, 2019.

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

Username: COS Guest

Password: ZF78Ee7B

Text Questions to 509-258-5941

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs, and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at (509) 625-6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.



Office of Police Ombudsman Commission

Agenda
July 16, 2019
5:30PM – 7:00PM
Council Chambers
Lower Level, City Hall

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Commission Briefing Session:

| | | |
|---------------|---|-------------------|
| 5:30 – 5:35pm | 1) Welcome to Public | Commissioner Rose |
| | 2) Agenda Approval | Commissioner Rose |
| | 3) Approve May 21, 2019 Meeting Minutes | Commissioner Rose |
| | 4) Text questions for the OPOC | Commissioner Rose |

Items:

| | | |
|---------------|-----------------------|--|
| 5:36 – 7:15pm | 1) Public Forum | Citizens Signed Up to Speak |
| | 2) OPO Monthly Report | Bart Logue |
| | 3) Guest Speaker | SPD – Use of Force Policy Presentation |

Commission Business:

| | | |
|---------------|--|----------------------------|
| 7:16 – 7:30pm | 1) Annual Reports for 2018 | Commissioners Rose & Smith |
| | 2) Potential District 1 Commissioner Replacement | Commissioner Rose |
| | 3) Open Discussion Regarding Guild Letter | Commissioner Rose |
| | 4) OPO Recommendations | Commissioners |
| | 5) Commissioner Speak-Out | Commissioners |
| | 6) OPOC Meeting Dates for August and September | Commissioners |
| | 7) Other Business | Commissioners |
| | 8) Executive Session | Commissioners |

Adjournment:

The next Ombudsman Commission meeting will be held on August 20, 2019.

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

Username: **COS Guest** Password: **ZF78Ee7B**
Text Questions to **509-258-5941**

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs, and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at (509) 625-6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.



Office of Police Ombudsman Commission Minutes

May 21, 2019

Meeting Minutes: 2:15
Meeting called to order at 5:31 pm

Attendance

- OPOC Commissioners present: Ladd Smith, Jenny Rose, and James Wilburn
- OPO Commissioners absent: Elizabeth Kelley
- Legal Counsel: Dennis Hession
- OPO staff members present: Bart Logue, Luvimae Omana, and Christina Coty

Items Session

- The Agenda was unanimously approved.
- The April 16th minutes were approved.

Public Forum

- None

OPO Report

- OPO report highlights
 - 112 contacts, 8 complaints, 8 referrals, 10 OPO interviews
 - 12 cases – 10 certified, 2 returned
 - 8 special cases
 - 6 Community Events

Guest Speaker: Maj. Kevin King - SPD

- Updated Use of Force Policy discussion – 95% ready
- Policy presentation will be available shortly and will be submitted to the Ombudsman for feedback
- Heavier emphasis on Supreme Court Rulings: Graham Vs. Connor
- Disciplinary action is dependent on what the exact violation of the policy is

Guest Speaker: Bob Scales - Police Strategies

- Use of Force Dashboards update
- Showed how to navigate the dashboards
- Explained the differences in what is being reported on UOF from SPD compared to the rest of the other police departments on the system

Commissioners' Business

- Summer Plans for Community Engagement
 - Spokane Pride, National Night Out, Unity in the Community, FBH Client Fair, Gathering at the Falls
- July OPOC Meeting Update
 - Meeting will occur at the normal time – July 16th 5:30pm
- Commissioner Speak Out
 - No additional comments

- Other Business
 - Christina emailed the article from Mr. Scales discussed in his presentation to the OPOC.
 - Next couple of weeks we will finalize the OPO Annual Report
 - OPOC space created in the OPO

Motion Passes or Fails: 2

Meeting Adjourned at: 7:46PM

**Note: Minutes are summarized by staff. A video recording of the meeting is on file -
Spokane Office of Police Ombudsman Commission**

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



Office of the Police Ombudsman

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

July 16, 2019

Public Safety & Community Health Committee Report

Reporting Period: June 1-30, 2019

| Snapshot of Activities | | Monthly | Year to Date |
|---------------------------|--------------------------------------|---------|--------------|
| Community Outreach | | | |
| OPO | Total community events and meetings | 4 | 35 |
| OPOC | Community outreach / activities | 1 | 30 |
| Commendations | | 0 | 1 |
| Complaints | | | |
| | Received complaints | 8 | 50 |
| | Referred complaints | 18 | 59 |
| Contacts | | 208 | 768 |
| Case Review | | | |
| | Request for further investigation | 0 | 13 |
| | Investigations certified / concurred | 17 | 59 |
| | Declined certifications | 0 | 1 |
| | Special cases reviewed | 11 | 88 |
| Interviews | | | |
| | OPO interviews | 7 | 73 |
| | Internal Affairs interviews | 8 | 45 |
| Training | | 2 | 12 |
| Critical Incidents | | 0 | 2 |
| Mediations | | | |
| | Recommended | 0 | 3 |
| | Conducted | 0 | 3 |
| | Declined | 0 | 0 |
| Recommendations | | 0 | 0 |
| Other Activities | | 11 | 50 |
| SPD Related | Meetings / contacts | 29 | 205 |
| | Review boards | 2 | 5 |
| | Closing meetings | 0 | 2 |

1. Outreach

a) OPO

- i. Pride Events (6/8)
 - ii. Women's Leadership Luncheon (6/12)
 - iii. Jonah Project Board Meeting (6/20)
 - iv. Wedding of former complainant (6/21)
- b) **OPOC Actions** – Commissioners attended the following event
- i. Drag Queen Story Hour (6/15)

2. Commendations / Complaints

a) Received Complaints

- i. **OPO 19-43 – Harassment:** Complainant alleges that they are being harassed by the PACT team
- ii. **OPO 19-44 – Inadequate Response:** Complainant was concerned that a civil dispute that escalated to an assault and the person wasn't arrested
- iii. **OPO 19-45 – Demeanor / Inadequate Response:** Complainant alleged that the NRO in the neighborhood called at 7am and allegedly threatened to arrest them if they called the fire dept. on the neighbor again.
- iv. **OPO 19-46 – Demeanor / Inadequate Response:** Complainant wanted a trespasser on their property to be arrested for assault. The responding officer allegedly was rude and wouldn't arrest the person that assaulted the complainant
- v. **OPO 19-47 – Demeanor:** Complainant was driving and alleged an officer driving next to them rudely expressed what the speed limit was. The complainant alleges that the officer made unnecessary comments and was rude
- vi. **OPO 19-48 – Demeanor:** Prior to the complainant's arrest the officer invited them to go to a shelter that had been closed for months. When the complainant refused because it was closed, they were arrested
- vii. **OPO 19-49 – Inadequate Response / Making a False or Misleading Statement:** Complainant alleged that the officer who put out a press release, put out false information regarding a DV situation based on the suspects prior charges
- viii. **OPO 19-50 – Making a False or Misleading Statement:** Complainant alleges a reserve officer is using intimidation tactics when they come to their supervised child visits

b) Referrals

- i. **IR 19-42** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- ii. **IR 19-43** – Citizen alleges she was stalked all afternoon on the bus by SPD; SPD/IA
- iii. **IR 19-44** – Citizen has called Crime Check / 911 over 16 times with no response by SPD; SPD/IA
- iv. **IR 19-45** – Citizen requesting a Sgt. to call them back.; SPD/IA

- v. **IR 19-46** – Citizen alleges the Chief is victimizing them by ignoring the complaints they have submitted; SPD/IA
- vi. **IR 19-47** – Citizen alleges continued stalking by members of the SPD; SPD/IA
- vii. **IR 19-48** – Citizen alleges a new SPD officer is involved in stalking them; SPD/IA
- viii. **IR 19-49** – Citizen alleges that an officer is waiting for them to leave their house so they can break into it; SPD/IA
- ix. **IR 19-50** – Citizen alleges they were stalked all day by SPD, they called 911 / Crime Check and nothing was done; SPD/IA
- x. **IR 19-51** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA
- xi. **IR 19-52** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA
- xii. **ER 19-53** – Citizen alleges that they have not received any police reports since they have requested back in December; Mayors Office
- xiii. **ER 19-54** – Citizen alleges that they have not received any police reports since they have requested back in December; City Council
- xiv. **IR 19-55** – Citizen contacted Crime Check multiple times regarding a motor home parked in front of his home and would like an officer to stop by; SPD/IA
- xv. **IR 19-56** - Citizen alleges that they have not received any police reports since they have requested back in December; SPD/IA
- xvi. **IR 19-57** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA
- xvii. **ER 19-58** – Citizen had concerns about their train ticket being used previously by someone else; Amtrak police
- xviii. **IR 19-59** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA

3. Case Review

- i. **C19-030 / OPO 19-28**– Investigation certified
- ii. **C19-035 / OPO 19-31** – Investigation certified
- iii. **C19-028** – Investigation certified
- iv. **C19-006 / OPO 19-10** – Investigation certified
- v. **C19-046 / OPO 19-37** – Investigation certified
- vi. **C19-036 / OPO 19-32** – Investigation certified
- vii. **C19-017 / OPO 19-18** – Investigation certified
- viii. **C19-044 / OPO 19-38** – Investigation certified
- ix. **C19-033 / OPO 19-24** – Investigation certified
- x. **C19-024 / OPO 19-23** – Investigation certified
- xi. **C19-037** – Investigation certified
- xii. **C19-032 / OPO 19-11** – Investigation certified
- xiii. **C19-038 / OPO 19-33** – Investigation certified
- xiv. **C19-048 / OPO 19-34** – Investigation certified

- xv. **C19-047** – Investigation certified
- xvi. **C19-039** – Investigation certified
- xvii. **C19-052 / OPO 19-44** – Investigation certified

4. **Special Cases Reviewed**

- i. 5 Use of Force
- ii. 2 Pursuit
- iii. 4 Collision
- iv. 0 K9 Deployment

5. **Activities**

a) OPO staff members participated/engaged in the following other activities:

- i. PSCHC Meeting (6/3)
- ii. Meeting with City Council (6/6)
- iii. Leadership Spokane (6/7)
- iv. NACOLE Strategic Planning Committee (6/10)
- v. Collision and Pursuit Review Board (6/11)
- vi. Use of Force Review Board (6/11)
- vii. Leadership Spokane Graduation (6/13)
- viii. American Bar Association Panel – Women in Criminal Justice (6/14)
- ix. Center for Justice Meeting (6/19)
- x. IA Bi-Weekly Meeting (6/27)
- xi. Training – Know Be 4 (6/12)

b) SPD related

- i. 18 meetings/contacts with IA
- ii. 11 meetings/contacts with SPD

c) OPO met with/had contact with OPO Commissioners/staff:

- i. Commissioner Rose on (6/6)
- ii. Commissioner Smith on (6/18, 6/24, 6/26)
- iii. Commissioner Wilburn (6/20)
- iv. Commissioner Kelley (6/20, 6/24)
- v. Dennis Hession (6/6, 6/26)

d) OPO met with/had contact with City Council members/staff:

- i. Council President Stuckart (6/3, 6/4)
- ii. Council Member Stratton (6/3, 6/4)
- iii. Council Member Beggs (6/6)

6. **Next Steps**

- a. Presentation of annual reports to City Council
- b. Upcoming Trainings: United States Ombudsman Association (USOA) Annual Conference
- c. Upcoming Trainings: National Association for Civilians Oversight of Law Enforcement (NACOLE) Annual Conference



Office of the Police Ombudsman

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

June 13, 2019

Public Safety & Community Health Committee Report

Reporting Period: May 1-31, 2019

| Snapshot of Activities | | Monthly | Year to Date |
|---------------------------|--------------------------------------|---------|--------------|
| Community Outreach | | | |
| OPO | Total community events and meetings | 7 | 32 |
| OPOC | Community outreach / activities | 3 | 29 |
| Commendations | | 0 | 1 |
| Complaints | | | |
| | Received complaints | 13 | 41 |
| | Referred complaints | 7 | 41 |
| Contacts | | 116 | 560 |
| Case Review | | | |
| | Request for further investigation | 2 | 13 |
| | Investigations certified / concurred | 5 | 42 |
| | Declined certifications | 1 | 1 |
| | Special cases reviewed | 22 | 77 |
| Interviews | | | |
| | OPO interviews | 14 | 66 |
| | Internal Affairs interviews | 5 | 37 |
| Training | | 2 | 10 |
| Critical Incidents | | 0 | 2 |
| Mediations | | | |
| | Recommended | 0 | 3 |
| | Conducted | 0 | 3 |
| | Declined | 0 | 0 |
| Recommendations | | 0 | 0 |
| Other Activities | | | |
| SPD Related | Meetings / contacts | 18 | 176 |
| | Review boards | 0 | 3 |
| | Closing meetings | 0 | 2 |

1. Outreach

a) OPO

- i. Logan COPS Shop Grand Opening (5/16)
- ii. Native Project 30 Year Celebration (5/17)
- iii. OPOC Meeting (5/21)
- iv. Rise for Justice – Center for Justice (5/22)
- v. Growing the Better Way, Panel Discussion (5/22)
- vi. Board Meeting discussion with Jonah Project (5/23)
- vii. Homeless Connect Documentary (5/30)

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

- i. OPOC Meeting (5/21)
- ii. City Council study session with Police Strategies (5/22)
- iii. Chair meeting with Chief Meidl (5/31)

2. Commendations / Complaints

a) Received Complaints

- i. **OPO 19-30 – Demeanor:** Complainant stated that an SPD officer showed up at their work and accused them of a hit and run. This was done in front of customers and their co-workers.
- ii. **OPO 19-31 – Demeanor / Inadequate Response:** Complainant alleged that the officer who responded to a no contact violation didn't take time to look at evidence they were trying to provide.
- iii. **OPO 19-32 – Demeanor / Unlawful Search/Seizure:** Complainant alleges officers entered home unlawfully in response to a DV call and was inappropriately touched by officers.
- iv. **OPO 19-33 – Inadequate Response:** Complainant alleges that they had reached out to detectives regarding their home invasion case and had not received any follow up.
- v. **OPO 19-34 – Inadequate Response:** Complainant frustrated with the responding police not willing to do anything regarding an issue with their neighbor.
- vi. **OPO 19-35 – Harassment:** Complainant alleges numerous incidents of harassment have occurred to them in their business by an officer.
- vii. **OPO 19-36 – Inadequate Response:** Complainant wanted to make a report with an officer regarding an assault and was allegedly told by the officer that it wouldn't be worth their time to fill it out.
- viii. **OPO 19-37 – Inadequate Response:** Complainant had questions about whether an officer was truthful in their statements to the complainant.
- ix. **OPO 19-38 – Demeanor:** Complainant allegedly witnessed an officer antagonize female clients while searching their belongings.
- x. **OPO 19-39 – Harassment / Demeanor / Inadequate Response:** Complainant alleges that SPD officers continue to show up at their house. The last time the officer was very confrontational and explained that if they weren't allowed in, a larger police presence would arrive.

- xi. **OPO 19-40 – Demeanor / Inadequate Response:** Complainant alleged responding officers were rude and reluctant to write a report.
- xii. **OPO 19-41 – Excessive Force / Demeanor:** Complainant brought attention to an excessive force case that had gone previously unreported.
- xiii. **OPO 19-42 – Inadequate Response:** Complainant alleges police did not respond after reported gang stalking and hit and run.

b) Referrals

- i. **IR 19-35** – Bank needs SPD to return a call for fraud; SPD/IA
- ii. **ER 19-36** – Citizen wants to file criminal charges; Prosecutors Office
- iii. **ER 19-37** – Citizen requesting visitor assistance approval; Airway Heights Correction Center
- iv. **IR 19-38** – Citizen wants to complain on grammar errors on WSP report; Washington State Patrol
- v. **IR 19-39** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA
- vi. **IR 19-40** – Citizen has reported abandoned vehicles and wants SPD to check it out; SPD/IA/NRO
- vii. **IR 19-41** – Citizen had some legal questions regarding information provided to them by an SPD officer; SPD/IA

3. Case Review

- i. **C19-024 / OPO 19-23**– Requested further information
- ii. **C19-029 / OPO 19-27** – Investigation certified
- iii. **C19-028** – Requested further information
- iv. **C19-020 / OPO 19-15** – Investigation certified
- v. **C18-104 / OPO 18-66** – Declined certification, timeliness
- vi. **C19-026 / OPO 19-25** – Investigation certified
- vii. **C19-023 / OPO 19-24** – Investigation certified
- viii. **C19-027 / OPO 19-26** – Investigation certified
- ix. **C19-021 / OPO 19-20** – Investigation certified

4. Special Cases Reviewed

- i. 12 Use of Force
- ii. 3 Pursuit
- iii. 6 Collision
- iv. 1 K9 Deployment

5. Activities

- a) OPO staff members participated/engaged in the following other activities:
 - i. Leadership Spokane (5/3 & 5/9)
 - ii. Training - NACOLE Regional Conference (5/3)
 - iii. Training - Force Science Clinical Days (5/17)
 - iv. Leadership Spokane Interviews (5/22)
 - v. Police Strategies Meeting with SPD (5/22)
 - vi. City Council Study Session with Police Strategies (5/23)
- 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 Rose on (5/14, 5/21, 5/22, 5/23)
 - ii. Commissioner Smith on (5/6, 5/7, 5/13, 5/16, 5/21, 5/22, 5/23, 5/24, 5/29)
 - iii. Commissioner Wilburn (5/21, 5/22, 5/23)
 - iv. Commissioner Kelley (5/14, 5/21, 5/22, 5/23, 5/24)
 - v. Dennis Hession (5/21, 5/24, 5/28, 5/30, 5/31)
 - d) OPO met with/had contact with City Council members/staff:
 - i. Council President Stuckart (5/23, 5/29, 5/30)
 - ii. Council Member Stratton (5/23, 5/29)
 - iii. Council Member Burke (5/1, 5/23)
- 6. Next Steps**
- a. Annual Reports for OPO and OPOC

**2018 ANNUAL REPORT
OFFICE OF POLICE OMBUDSMAN COMMISSION
SPOKANE, WASHINGTON**



CONTENTS

| | |
|---|----|
| Letter from the OPOC Chair | 3 |
| Commissioners | 5 |
| Annual Report | 6 |
| Statutory Authority | 6 |
| I. Summary of OPOC Actions and Developments | 6 |
| Action #1: OPO and First Floor Space Design | 6 |
| Action #2: Officer Involved Shooting Community Impact Case..... | 7 |
| Action #3: Crime Scene Barriers | 7 |
| Action #4: Complaint against Chief Meidl | 7 |
| Action #5: OPOC review of OPO #18-32 / C18-055 | 8 |
| Action #6: Changing Spokane Municipal Code §04.32.140(b) | 8 |
| Action #7: Full-time Administrative Specialist position..... | 8 |
| II. Community Engagement | 9 |
| III. Training..... | 9 |
| IV. Recommendations and Findings | 9 |
| 2018 Recommendations..... | 10 |
| V. Evaluation of the Office of Police Ombudsman | 11 |

LETTER FROM THE OPOC CHAIR

Mayor David Condon
Council President Ben Stuckart
City Council Members
Office of Police Ombudsman
Chief Craig Meidl

The Office of Police Commission (OPOC) is pleased to share our accomplishments for 2018. The year was marked by change and growth. From January through July, the OPOC functioned with a full commission of 5 commissioners. During the month of June, Commissioner Colleen Gardner resigned. Between July and December 2018, two formal requests to replace Commissioner Gardner were made to city council members that represent northeast Spokane. To date, this commissioner position continues to remain open. While this vacancy prevented us from fully engaging with the community, we dedicated ourselves in continuing towards our Community Outreach goal.

This was a year of firsts. Mr. Logue declined to certify a case involving a citizen complaint against an SPD officer for inappropriate demeanor. It became apparent to him that Internal Affairs (IA) did not adequately investigate the citizen complaint and Mr. Logue requested a more thorough investigation. IA and Chief Meidl refused to investigate the complaint any further. Pursuant to the Spokane Municipal Code, the impasse triggered a review by the OPOC. During the September OPOC meeting, Assistant Chief Lundgren presented SPD's findings to the OPOC. Commissioners made a formal decision that directed Internal Affairs to make a further investigation by:

1. Re-interviewing the complainant.
2. Interviewing the officer involved.
3. Interviewing the two witness officers.
4. Looking for and interviewing any available independent witnesses.

To date, IA has not followed through on the OPOC's directive. Chief Meidl has subsequently questioned the OPOC's authority to review this matter.

Increasingly throughout the year, there were deep concerns about the Spokane Police Department impeding the work of the Office of Police Ombudsman, and the OPOC Examples include the following:

1. The Administrative Specialist, Christina Coty, was denied access to the IAPRO data base. Ms. Coty's access to this data base is crucial in completing her daily tasks.
2. Despite signed confidentiality agreements with all commissioners, SPD denied Commissioner James Wilburn access to cases that would help bring a better understanding of race relations between SPD and African American citizens of Spokane. SPD sent a letter to the OPOC implying that the commission was overstepping its authority. The cases were requested in May of 2018 and received in June 2019.

With these examples in mind, the OPOC filed a complaint against SPD Chief Meidl for continuous interference of the OPO's independence. Additionally, on Christmas Eve, the OPO and OPOC received a letter from Joan Butler, Chair of the Police Advisory Committee, indicating a perceived conflict of

interest with any OPOC commissioners or OPO staff continuing to attend monthly PAC meetings. The timing aligned with other areas of disagreement between SPD and OPO/OPOC. I consider this action to be a retaliatory move by SPD.

The above challenges have made it extremely difficult for the OPO and OPOC to effectively achieve the goals set forth by the Spokane Municipal Code. Collaboration between the SPD and OPO has been stymied and this impacts potential change in SPD's policies and procedures.

The year included several successes. Use of Force Dashboards was introduced and adopted by the OPOC in order to provide more transparency on the uses of force that occur in the community. Our January meeting was well attended by the Native American community. They were able to voice their anger and frustration over SPD's insensitive handling of the shooting death of Joshua Spottedhorse. At our June meeting, Chief Meidl presented a revised Use of Force Policy that emphasizes restraint and time management. During the month of October, we held an all-day OPOC/OPO retreat. This event was attended by all commissioners, all OPO staff and OPOC legal counsel. Mr. Logue was able to secure the president of NACOLE to facilitate the retreat. This was an excellent opportunity to strengthen OPO/OPOC relationships and determine our priorities as a commission.

Commissioners attended a variety of trainings including the annual NACOLE meeting in St. Petersburg, FL. Along with staff from the OPO, we attended a multitude of workshops and took opportunities to network with other commissioners around the country striving to implement best practices in police oversight.

In conclusion, despite many challenges, the OPOC is excited to move forward in a positive direction. The recommendations put forth in this report are truly a desire to help SPD become a more transparent and community oriented organization. Despite pushback from SPD in 2018, the OPOC is committed to reassuring the public that the OPOC will diligently work towards increasing the professionalism and accountability of the SPD.

Respectfully submitted,

Ladd Smith
Chair

COMMISSIONERS

Ladd Smith, Chair (August 2015 – Present)

Ladd has a B.A. in Elementary Education and an M.A. in School Administration. He has 30 years teaching experience in public education.

Jenny Rose, Vice Chair (September 2015 – Present)

Jenny has been in the education field for over 25 years. She has a B.A. in elementary education from WSU and a M.A. in Curriculum and Instruction from EWU.

Colleen Gardner (September 2017 – May 2018)

Colleen is the Chief Garry Park Neighborhood Council co-chair, the Community Assembly representative for her neighborhood, facilitator for the District 1 Leadership group, and is a member of the North South Corridor Steering Committee, The Central City Line steering committee, facilitates the Community Conversations with local law enforcement, and is an Advisory Board member of the Community Court Northeast.

James Wilburn Jr. (October 2017 – Present)

James specializes in administrative leadership with over 15 years of teaching experience. He has served as the Supervisor for Youth Initiative and Community/Parent relations with Spokane Public Schools and Adjunct Professor of Interdisciplinary Studies at Whitworth. He is currently a member of the Mayor's Advisory Council on Multi-Cultural Affairs He has also served as President for the NAACP Spokane Branch from 2008-2010.

Elizabeth Kelley (November 2017 – Present)

Elizabeth is a criminal defense lawyer with a nationwide practice focused on representing people with mental disabilities. She is co-chair of the National Center for Criminal Justice and Disability. She is the editor of *Representing People with Mental Disabilities: A Practical Guide for Criminal Defense Lawyers* published by the American Bar Association (ABA) in 2018. She serves on the Editorial Board of the ABA's *Criminal Justice Magazine*. She served three terms on the board of the National Association of Criminal Defense Lawyers (NACDL). In 2009 and 2015, she traveled to Liberia as part of a delegation sponsored by the U.N. Commission on Drugs and Crime and NACDL to train that country's criminal defense bar. She is Vice President of the Spokane Symphony and The Arc of Spokane.

Dennis P. Hession, Legal Counsel (January 2018 – Present)

Dennis is a General Counsel to the Office of the Police Ombudsman Commission. He holds a Bachelor of Arts and Juris Doctor from Gonzaga University and a Master of Laws in Taxation from the University of Florida. He has many years of civic engagement in this community and is a former Council Member, Council President and Mayor of the City of Spokane.

OFFICE OF THE POLICE OMBUDSMAN COMMISSION

Contact Information

City of Spokane
808 W. Spokane Falls Boulevard,
1st floor
Spokane, Washington 99201

Voicemail: (509) 625-6755

Fax: (509) 625-6748

opocommission@spokanecity.org
<https://my.spokanecity.org/bcc/commissions/ombudsman-commission/>
www.twitter.com/spd_ombudsman

Monthly meetings are every 3rd
Tuesday, unless otherwise indicated.

Mission

The OPOC exists to promote public confidence in the professionalism and accountability of the members of the Spokane Police Department by providing, through the Ombudsman, independent review of police actions, thoughtful policy recommendations, and ongoing community outreach. The Commission also assists the OPO in communicating with Spokane's diverse communities and the general public about the complaint filing and investigation process.

ANNUAL REPORT

STATUTORY AUTHORITY

This OPOC Annual Report is a compilation of the work performed by the OPOC in 2018. The annual report is a requirement of §04.32.150 of the Spokane Municipal Code (SMC), and includes: a summary of the activities of the OPOC's activities, findings, and recommendations during the preceding year; a summary of the OPO's recommendations for changes to the police department's policies, procedures and training during the preceding year; and an evaluation of the work of the OPO.

The report is divided into five sections to explain the various functions of the OPOC:

- I. Summary of OPOC Actions and Developments
- II. Community Engagement
- III. Training
- IV. OPO Recommendations
- V. Evaluation of the OPO

I. SUMMARY OF OPOC ACTIONS AND DEVELOPMENTS

2018 was a year of growth molded by achievements, push-backs, and multiple attempts to ignore or challenge the governing ordinance. The Commissioner position from District 1, formerly held by Commissioner Gardner, has remained vacant for over a year. In January, the OPOC retained Dennis Hession to act as their legal counsel for the 2018 year.

Commissioners remained active in the City and in the community attending over 90 events and trainings throughout the year. Commissioners held 5 regular meetings and 6 special meetings, including a retreat facilitated by Brian Corr, the president of NACOLE (National Association for Civilian Oversight of Law Enforcement). Throughout the year, Commissioners held meetings with the Ombudsman, Mayor Condon, City Council President Stuckart, Council Members, City Legal, and Police Chief Meidl.

ACTION #1: OPO AND FIRST FLOOR SPACE DESIGN

Summary: During the renovation of the first floor of City Hall, it was brought to the OPOC's attention that the Administration had plans of altering the space that would negatively impact the OPO and the services it provides to the citizens. The proposed plans included reducing the OPO's office space by half and turning the other half into a break area for employees on the first floor or a meeting room and converting the City Conference Room 1-A into two separate phone booths.

Outcome: While the renovation continued on the south side of the building, the OPO managed to retain its existing office space and its use of City Conference Room 1-A for confidential meetings.

ACTION #2: OFFICER INVOLVED SHOOTING COMMUNITY IMPACT CASE

Summary: On December 26, 2017, SPD was involved in an Officer Involved Shooting (OIS) in response to a fleeing suspect from an armed robbery. The Ombudsman, was not notified of the incident as prescribed by the Spokane Municipal Code and an ongoing practice of doing so. This OIS led to outcry from the local Native American community.

Outcome: The Ombudsman has since been notified of subsequent OIS incidents and invited to conduct a scene walkthrough. The OPOC's January 2018 meeting was the most attended in recent memory. The feedback received during the community forum portion of this meeting eventually led to SPD holding a series of community forums with the Native community at the Native Project to help bridge the gap with SPD.

ACTION #3: CRIME SCENE BARRIERS

Summary: In response to the OIS on December 26, 2017, part of the community's concern was that the deceased was left exposed in public view for an extended period of time. The OPOC reinforced to SPD the need for screens in every patrol vehicle or that every patrol officer would have access to in order to shield an exposed body of a deceased individual from the public's view.

Outcome: SPD ordered shields and received them as of April 2018. The shields are deployed when there is a scene where a body may be easily viewed by the public.

ACTION #4: COMPLAINT AGAINST CHIEF MEIDL

Summary: The OPOC filed a complaint against SPD Chief Meidl for allegedly violating Spokane Municipal Code §04.32, the OPO's governing ordinance, after the Mayor suggested this recourse to address concerns the OPO's work being hindered by the bargaining process between the City and the Spokane Police Guild. See §04.32.010(C), 04.32.030(M), and 04.32.150(B)(8). The OPOC has found SPD continuously interferes with the OPO's independence by hindering its ability to perform its duties. First, the ordinance provides OPO will have unimpeded access to all complaint and investigative files for auditing and reporting purposes. Yet OPO's Administrative Specialist continues to be denied access to IAPro, a necessary component in creating monthly reports, one of her primary responsibilities. Second, all OPOC Commissioners are charged with requesting the OPO (re)examine policy or procedure issues of concern. Commissioners need access to all available information, including body worn camera footage when asking the OPO to take action. All Commissioners signed confidentiality agreements upon joining the Commission, yet when one requested footage to review use of force cases it took almost a year for SPD to provide access.

Outcome: Complaint is pending.

ACTION #5: OPOC REVIEW OF OPO #18-32 / C18-055

Summary: This complaint was filed with the OPO as a demeanor complaint. The Ombudsman believed that the case was not investigated thoroughly or objectively and requested a more thorough investigation, including re-interviewing the citizen. Due to IA's unwillingness to conducting further interviews, there were still gaps in the case. As per the procedure laid out in SMC 04.32, the Ombudsman appealed the case to the Police Chief, but could not come to agreement on the case / investigation. Thus, per SMC 04.32.030(F), the case was presented to the Commission to make a final decision on whether further investigation was needed, whose decision would be final. During the OPOC November meeting, the Commission unanimously voted to direct Internal Affairs to investigate the complaint further through a letter to Chief Meidl. Chief Meidl responded that the OPOC did not have the authority to direct the investigation and instead directed IA to conduct a more limited investigation under his purview.

Outcome: Pending. The month following the decision on this case by the OPOC, the Police Guild filed a grievance against the OPOC alleging an Unfair Labor Practice halting any further action on this matter. The OPOC has yet to hear back from City Legal regarding this matter.

ACTION #6: CHANGING SPOKANE MUNICIPAL CODE §04.32.140(B)

Summary: The OPO recommended removing the RCW warning given to complainants when they file a complaint. This is currently provided in the SPD's complaint form and investigators advise interviewees prior to the interview. Removing the advisement is consistent with the Department of Justice's position that coming forward with a complaint should be an easy and simple process and that the widest net should be cast at intake to receive all complaints from all possible sources. In Chief Meidl's response on October 30, 2019 to the recommendation, not only did he disagree with the recommendation, he pointed out that under SMC 04.32.140(B), "The OPO shall notify complainants that they can be charged with a criminal gross misdemeanor for making a false misleading material statement pursuant to SMC 10.07.020." The OPO should have the ability to determine whether providing an advisement is necessary, if at all. As such, the OPO requested City Council amend SMC 04.32 to change "shall" to "may" notify complainants they may be charged.

Outcome: In January 2019, the City Council voted on and passed changing 04.32.140(B) from "shall" to "may." SPD also agreed to reduce the number of advisements, either on the form or at the time of interview, to no more than one.

ACTION #7: FULL-TIME ADMINISTRATIVE SPECIALIST POSITION

Summary: The OPOC Administrative Specialist position is currently a part-time (.6) position. The Commission requested that under SMC 04.32.160, the City Council shall maintain necessary

funding to appropriately staff the Office of the Police Ombudsman and the Commission. This includes adequate staff to enable the Police Ombudsman to perform required duties and responsibilities of the office as well as providing staff assistance to the Police Ombudsman Commission. This would require a budget increase of \$23,693 to make the position full-time. The Commission sent a letter requesting these funds be added to the budget and the position be adjusted accordingly.

Outcome: The position was not approved for the 2019 budget cycle. Securing a full-time position is the Ombudsman’s highest priority and the OPOC will continue to support the work on finding a path forward.

II. COMMUNITY ENGAGEMENT

Commissioners are consistently looking for ways to become engaged with the community. In 2018, Commissioners attended, participated, and presented at over 78 meetings and functions.

Some of these events included:

- The Police Advisory Committee
- Spokane Homeless Coalition
- The Bail Project
- Native Project Community Forum
- Coffee with a Cop
- Community Assembly
- MLK Center Grand Opening
- Unity in the Community
- SPD Foundation Breakfast
- SCAR Meetings
- Gathering at the Falls Powwow
- Kwanza Unity Celebration

III. TRAINING

Training opportunities continue to be an area of focus for the Commissioners. The Commission continually pursues updated training in civilian oversight including the following: NACOLE Annual conference, NACOLE Regional conference, NACOLE Webinars, Daigle Law Group – Use of Force Summit, Diversity training, and the Spokane Police Department Citizen’s Academy.

The Commissioners agreed that it was important to come together in order to focus on the most important issues in our community. This led to the OPOC retreat being held in October. From this retreat the Commissioners identified priorities and goals moving forward. The Commission used this platform to expose each person’s passion and bring attention to relevant areas in policing. The Commission also stay relevant to the community’s needs so that OPOC meetings can be a place where the community will convene to voice concerns in policing. The Commission also committed to help ensure the safety of our community; invite community groups to speak with the OPOC; ensure the Commission retains an independent voice; work with the OPO to educate and conduct outreach, be more proactive in community impact cases or issues, and continue to support the OPO’s initiatives.

IV. RECOMMENDATIONS AND FINDINGS

2018 RECOMMENDATIONS

The Ombudsman provided **5 recommendations** to SPD related to policy and/or training. The subject matter of recommendations made included:

RECOMMENDATION #1: CRIME SCENE SHIELDS

Summary: The Ombudsman recommends that SPD refresh or implement a practice of shielding bodies of the deceased at the scene of the incident. SPD should also have a policy that diverts traffic when a deceased subject may be in public view.

Status: Implemented. The Chief requested shields be ordered. As of April 2018, the shields are deployed when officers respond to a scene where a body is located in a place that may be easily viewed by the public, so long as the screens do not compromise the integrity of the crime scene.

RECOMMENDATION #2: EVIDENCE RELEASE PROCEDURE

Summary: The Ombudsman recommends that the Property Unit update the letter it sends to citizens to better identify the property at issue and update its standard operating procedures to provide citizens the option of picking up property or have the Property Unit destroy it.

Status: Partially Implemented. The form letter has been updated to include the date of the incident. However, no action is being considered on providing citizens an option on how to release or dispose of the property due to the volume of release forms Property sends out every year.

RECOMMENDATION #3: USE OF FORCE DASHBOARDS

Summary: The Ombudsman recommends SPD collaborate with the OPO in implementing Use of Force dashboards in order to provide more transparency on the uses of force that occur in the community.

Status: In Progress. Internal Affairs provided the data required to build the dashboards. SPD is also working with the contractor to provide feedback on data collected to ensure reporting is accurate and providing input for outward facing dashboards.

RECOMMENDATION #4: SAFEGUARDING BODY WORN CAMERA EVIDENCE

Summary: The Ombudsman recommends that SPD review all investigative cases that involved body worn cameras (BWC) to ensure proper safeguarding during an investigation and the prescribed retention period.

Status: Completed. The Director of Strategic Initiatives created a new category that ensures all BWC related to ongoing IA investigations are not purged in accordance to Washington State Archives records and retention schedules for IA investigations.

RECOMMENDATION #5: SWORN STATEMENT REQUIREMENT

Summary: The Ombudsman recommends SPD remove the requirement that complainants submit essentially a sworn statement with their complaint by acknowledging that making false or misleading material statement is a gross misdemeanor and investigators remove a similar advisement prior to conducting an interview.

Status: Partially Implemented. The Chief did not consider action for removing the requirement that complainants acknowledge making a false or misleading material statement but said one advisement was sufficient.

V. EVALUATION OF THE OFFICE OF POLICE OMBUDSMAN

Overall the OPOC is pleased with the performance of the OPO. Mr. Logue has a tremendous focus and strategic vision for the OPO and he has consistently displayed a depth of care about the reputation of both the OPO and the OPOC. Noteworthy in 2018, the OPO was able to take very difficult conversations about Officer Involved Shootings with the Chief of Police and change them into collaboration in updating and reforming the Spokane Police Department's Use of Force policy. The OPO was also successful in their initiative with the forthcoming Use of Force Dashboards in an effort to make use of force data more user friendly and interactive for citizens. The Police Ombudsman and Administrative Analyst attended the Spokane Police Department Reserve Academy over a 16 week period, fulfilling the training requirements set forth by SMC 04.32. The OPO has also been relentless in maintaining the authority provided to them in SMC 04.32 despite tremendous pushback and complacency of the City to that pushback.

The scope of work in the OPO has been increasing. In addition to responding to 1534 citizen contacts, the OPO conducted 187 interviews with citizens who had concerns with the SPD and had requested Ombudsman personal intervention. The Ombudsman attended and participated in 141 officer and complainant interviews in SPD; attended 302 meetings in SPD; and attended 102 public meetings with community stakeholders and community groups. The complaint process also saw a significant increase in utilization. The OPO oversaw 64 complaints against SPD brought into the OPO, and 50 Complaint Referrals to other agencies. Mr. Logue was relentless as he pursued the creation, funding, and implementation of the Administrative Analyst position. He continues in that effort as he put together well thought out and reasonable budget papers to the City Administration for 2019, which would increase the position from part-time to full-time. We urge the City to look favorably on this request.

The OPO's efforts at reforming the Spokane Police Department's Use of Force policy cannot be understated. The Police Ombudsman, along-side Chief Meidl, announced this collaboration in an unprecedented manner to the community in front of the OPOC. The OPO was instrumental in Police Chief Meidl's Use of Force policy reform initiative by serving on the Chief's policy committee. The committee was responsible for reviewing the current policy, identifying areas to update, and coming up with suggested verbiage. Further, when asked by Chief Meidl, the OPO took on the additional responsibility to craft a progressive Use of Force policy for his consideration. After an in-depth study of 100 Use of Force policies from around the country and meeting with other oversight practitioners, the OPO pieced together a policy using well informed recommendations that would greatly strengthen the proposed revised policy if utilized.

The Police Ombudsman was steadfast and determined in ensuring the OPO's access to Internal Affairs was consistently improving and focused heavily on proper complaint intake, classifications, and investigations. This caused him to be disruptive regularly as he diligently worked with Internal Affairs to improve investigations, ensure complaints were properly classified; as well as properly reviewed. Mr. Logue has performed commendably as he balanced between collaboration and pushback and has been very effective in this regard.

The Police Ombudsman has clearly shown that the mission of the OPO is his priority, and he regularly spends an inordinate amount of after-hours time ensuring tasks are completed, and completed thoroughly and properly. Mr. Logue has often had to defend his opinions and the actions of the office in public meetings; often times face to face with opposition from the police department and community members. He is steadfast in his resolve and he has proven that he will not back down no matter the intensity of the pushback from the police department. His courage and commitment to stand up for what is right no matter what defines him as an excellent Ombudsman. We look forward to working with him and continuing to strengthen the OPO in 2019.

Mayor Condon, City Administrator Sanders, Chief Meidl, Chief Lundgren, Major King, and Ombudsman Logue:

The Spokane Police Guild objects to the presence of Mr. Logue participating in interviews or certification of this investigation. Logue is the complainant in this matter. This immediately puts him in a conflicted role. Logue has opened himself to City ethics policy violations and violations of the City's Office of the Police Ombudsman policy. Specifically Logue or other OPO employees have released confidential information to media outlets. Logue specifically watched BWC video prior to any complaint being filed by anyone. Logue has accused the department of "circumventing the normal complaint process" in the media. However, it is Logue who has violated his own policy as stated in the City's Ordinance. Logue's refusal to read and understand his own applicable policy is completely his own failure. Logue's conduct brings into question his ability to serve as a fair and impartial presence to ensure a thorough complete objective investigation.

Logue has made a public records request that indicates he is carrying on his own investigation into this matter separate from the SPD's investigation. This is specifically barred in our contract. Since the City's OPO policy satisfies all requirements of our contract, Logue has also committed violations of our contract. Logue has stated in the media that watching the video in this case made him "sick to my stomach" indicating a preconceived opinion that is incompatible with being open minded in investigations.

For all these reasons the Guild demands Logue be excluded from this investigation until it is complete.

Logue's failure to exclude himself will be a basis for the Guild to object to the results of the investigation and any discipline that may result. The Guild maintains the right for further grievances and potential ULP's surrounding this investigation.

Kris Honaker

President, Spokane Police Guild

July 16, 2019

Director Jacqui MacConnell
Spokane Police Department
1100 W. Mallon Avenue
Spokane, Washington 99260

RE: R19-1 – Tracking Purged Cases from IAPro

Dear Director MacConnell,

In the past year or so, Spokane Police Department has begun the practice of purging the names of officers from complaints in IAPro if the case is categorized as Closed or an Inquiry. While I have no objection to a complaint that did not rise to the level requiring findings by the officer's Chain of Command be removed from the officer's record, complaints should still be tracked in a way that the complained upon officer can be identified. This is particularly important for looking for patterns such as for the Early Intervention System. Allegations may still be indicative of patterns of action even if no misconduct is found. If there is no record of alleged misconduct because the records are purged, there is no way to track recurring behavior. The OPO recommends SPD track purged officer names from complaints outside of IAPro.

Sincerely,

Bart Logue
Police Ombudsman
Office of the Police Ombudsman, City of Spokane

July 16, 2019

Director Jacqui MacConnell
Spokane Police Department
1100 W. Mallon Avenue
Spokane, Washington 99260

RE: R19-2 – Use of Force Reporting on Force Used Against Persons of Mistaken Identity

Dear Director MacConnell,

The OPO received and reviewed a couple of cases¹ where officers were looking for a suspect and ended up using force on a person who matched the description, but not the intended. While I understand that officers must take control of a subject before they are able to confirm or dispel their identity, SPD must track the information of the person they used force against. At a minimum, if the person comes forward with claim at a later time, it is prudent to have a record of the police contact at the time it occurred. The OPO recommends tracking the name and contact information of the person, provide the description and/or photo officers had of the suspect and the extent the unintended person matched or did not match the description, and the force used.

Sincerely,

Bart Logue
Police Ombudsman
Office of the Police Ombudsman, City of Spokane

¹ C18-088/OPO 18-56; C19-017/OPO 19-18

July 16, 2019

Director Jacqui MacConnell
Spokane Police Department
1100 W. Mallon Avenue
Spokane, Washington 99260

RE: R19-3 – Juvenile Miranda Advisements

Dear Director MacConnell,

We received a complaint, OPO 19-18/C19-017, from Heather Pierce after her son, E.P., was mistakenly identified as the person of interest to police after getting reports that a juvenile matching his description had a gun on school property. She complained the officers used excessive force on E.P. and were rude to her when she was on scene. While the concerns in her complaint has been mediated, review of the case captured her son being read his *Miranda* rights in the back of a police car while being detained. It was clear that E.P., who was eleven at the time, did not understand he was being subjected to a *Terry* stop and what that could entail. As the officers were cuffing him, he asks, “Am I arrested?...Am I seriously getting arrested?!” Beginning at 8:24 in the BWC¹, E.P. is read his *Miranda* rights after he was placed in the back seat of a police vehicle. He requests a second reading of his rights and asks the officer a clarifying question. The officer responds by asking him if he understands the rights read to him, to which he responds in the affirmative. Some discussion ensues, the officer asks if E.P. wants an attorney. E.P. responds by asking the officer, “what is an attorney?” This clearly demonstrates he did not fully understand his rights.

The Washington Courts and the United States Supreme Court recognize children are different from adults and must be treated differently in the criminal justice system.² The International Association of Chiefs of Police recognizes juveniles’ limited ability to understand their *Miranda* rights, which can require a tenth-grade level of comprehension.³ Reading comprehension and specific knowledge of vocabulary words used in these warnings is critical to a general understanding of the *Miranda* warnings.⁴

¹ ID 2018-20044022, Weapon Intimidate Tekoa 29th. Recorded on March 9, 2018 3:23PM.

² *State v. Houston-Sconiers*, 188 Wn.2d 1, 8 391 P. 3d 409 (2017) (quoting *Miller v. Alabama*, 567 U.S. 460, 480, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012)).

³ Int’l Ass’n of Chiefs of Police, *Reducing Risks: An Executive’s Guide to Effective Juvenile Interview and Interrogation* (2009).

⁴ Richard Rogers et al., *The Language of Miranda Warnings in American Jurisdictions: A Replication and Vocabulary Analysis*, 32 *Law & Hum. Behav.* (2007).

The OPO recommends Spokane Police Department create a juvenile *Miranda* advisement that minors are able to comprehend. This will help ensure juveniles understand their rights and any information a juvenile provides is preserved.

Sincerely,

Bart Logue
Police Ombudsman
Office of the Police Ombudsman, City of Spokane

July 16, 2019

Director Jacqui MacConnell
Spokane Police Department
1100 W. Mallon Avenue
Spokane, Washington 99260

RE: R19-4 – Use of Force Investigations

Dear Director MacConnell,

The OPO was made aware of a use of force case in late May that occurred in February through a local journalist, not the current mechanisms Spokane Police Department has in place. The alleged force used in this case was of a serious nature that it warranted a formal review. However, it took three months and an outside party before this case came to my attention, despite me being invited to Use of Force Review Boards.

When comparing the investigation process between administrative complaints normally investigated by Internal Affairs and more serious use of force investigations, I was surprised to learn Internal Affairs does not conduct investigations in use of force cases. Internal Affairs merely populates the file and sends it up to the officer's Chain of Command for review. Each person in the Chain of Command then provides their input on whether the use of force was in policy or not. By contrast, in administrative investigations, IA lays out the potential policy violations, conducts an investigation, and sends the investigation to the officer's Chain of Command for a finding. In uses of force, the Chain of Command only looks at whether the force used is in policy. They are not required to report other misconduct they may encounter.

In this case, there were other issues of misconduct identified by the journalist not addressed by the use of force review process. The OPO recommendation is twofold. First, Internal Affairs should conduct investigations in use of force cases. IA should identify all potential policy violations and then send it for review. Secondly, when a supervisor reviews a use of force, he or she should be required to open an investigation on other potential policy violations they may encounter during the review. This will help ensure all issues related to uses of force that warrant supervisory review are properly scrutinized.

Sincerely,

Bart Logue
Police Ombudsman
Office of the Police Ombudsman, City of Spokane



Office of Police Ombudsman Commission Minutes

May 21, 2019

Meeting Minutes: 2:15

Meeting called to order at 5:31 pm

Attendance

- OPOC Commissioners present: Ladd Smith, Jenny Rose, and James Wilburn
- OPO Commissioners absent: Elizabeth Kelley
- Legal Counsel: Dennis Hession
- OPO staff members present: Bart Logue, Luvimae Omana, and Christina Coty

Items Session

- The Agenda was unanimously approved.
- The April 16th minutes were approved.

Public Forum

- None

OPO Report

- OPO report highlights
 - 112 contacts, 8 complaints, 8 referrals, 10 OPO interviews
 - 12 cases – 10 certified, 2 returned
 - 8 special cases
 - 6 Community Events

Guest Speaker: Maj. Kevin King - SPD

- Updated Use of Force Policy discussion – 95% ready
- Policy presentation will be available shortly and will be submitted to the Ombudsman for feedback
- Heavier emphasis on Supreme Court Rulings: Graham Vs. Connor
- Disciplinary action is dependent on what the exact violation of the policy is

Guest Speaker: Bob Scales - Police Strategies

- Use of Force Dashboards update
- Showed how to navigate the dashboards
- Explained the differences in what is being reported on UOF from SPD compared to the rest of the other police departments on the system

Commissioners' Business

- Summer Plans for Community Engagement
 - Spokane Pride, National Night Out, Unity in the Community, FBH Client Fair, Gathering at the Falls
- July OPOC Meeting Update
 - Meeting will occur at the normal time – July 16th 5:30pm
- Commissioner Speak Out
 - No additional comments

- Other Business
 - Christina emailed the article from Mr. Scales discussed in his presentation to the OPOC.
 - Next couple of weeks we will finalize the OPO Annual Report
 - OPOC space created in the OPO

Motion Passes or Fails: 2

Meeting Adjourned at: 7:46PM

**Note: Minutes are summarized by staff. A video recording of the meeting is on file -
Spokane Office of Police Ombudsman Commission**

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



Office of the Police Ombudsman

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

June 13, 2019

Public Safety & Community Health Committee Report

Reporting Period: May 1-31, 2019

| Snapshot of Activities | | Monthly | Year to Date |
|---------------------------|--------------------------------------|---------|--------------|
| Community Outreach | | | |
| OPO | Total community events and meetings | 7 | 32 |
| OPOC | Community outreach / activities | 3 | 29 |
| Commendations | | 0 | 1 |
| Complaints | | | |
| | Received complaints | 13 | 41 |
| | Referred complaints | 7 | 41 |
| Contacts | | 116 | 560 |
| Case Review | | | |
| | Request for further investigation | 2 | 13 |
| | Investigations certified / concurred | 5 | 42 |
| | Declined certifications | 1 | 1 |
| | Special cases reviewed | 22 | 77 |
| Interviews | | | |
| | OPO interviews | 14 | 66 |
| | Internal Affairs interviews | 5 | 37 |
| Training | | 2 | 10 |
| Critical Incidents | | 0 | 2 |
| Mediations | | | |
| | Recommended | 0 | 3 |
| | Conducted | 0 | 3 |
| | Declined | 0 | 0 |
| Recommendations | | 0 | 0 |
| Other Activities | | | |
| SPD Related | Meetings / contacts | 18 | 176 |
| | Review boards | 0 | 3 |
| | Closing meetings | 0 | 2 |

1. Outreach

a) OPO

- i. Logan COPS Shop Grand Opening (5/16)
- ii. Native Project 30 Year Celebration (5/17)
- iii. OPOC Meeting (5/21)
- iv. Rise for Justice – Center for Justice (5/22)
- v. Growing the Better Way, Panel Discussion (5/22)
- vi. Board Meeting discussion with Jonah Project (5/23)
- vii. Homeless Connect Documentary (5/30)

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

- i. OPOC Meeting (5/21)
- ii. City Council study session with Police Strategies (5/22)
- iii. Chair meeting with Chief Meidl (5/31)

2. Commendations / Complaints

a) Received Complaints

- i. **OPO 19-30 – Demeanor:** Complainant stated that an SPD officer showed up at their work and accused them of a hit and run. This was done in front of customers and their co-workers.
- ii. **OPO 19-31 – Demeanor / Inadequate Response:** Complainant alleged that the officer who responded to a no contact violation didn't take time to look at evidence they were trying to provide.
- iii. **OPO 19-32 – Demeanor / Unlawful Search/Seizure:** Complainant alleges officers entered home unlawfully in response to a DV call and was inappropriately touched by officers.
- iv. **OPO 19-33 – Inadequate Response:** Complainant alleges that they had reached out to detectives regarding their home invasion case and had not received any follow up.
- v. **OPO 19-34 – Inadequate Response:** Complainant frustrated with the responding police not willing to do anything regarding an issue with their neighbor.
- vi. **OPO 19-35 – Harassment:** Complainant alleges numerous incidents of harassment have occurred to them in their business by an officer.
- vii. **OPO 19-36 – Inadequate Response:** Complainant wanted to make a report with an officer regarding an assault and was allegedly told by the officer that it wouldn't be worth their time to fill it out.
- viii. **OPO 19-37 – Inadequate Response:** Complainant had questions about whether an officer was truthful in their statements to the complainant.
- ix. **OPO 19-38 – Demeanor:** Complainant allegedly witnessed an officer antagonize female clients while searching their belongings.
- x. **OPO 19-39 – Harassment / Demeanor / Inadequate Response:** Complainant alleges that SPD officers continue to show up at their house. The last time the officer was very confrontational and explained that if they weren't allowed in, a larger police presence would arrive.

- xi. **OPO 19-40 – Demeanor / Inadequate Response:** Complainant alleged responding officers were rude and reluctant to write a report.
- xii. **OPO 19-41 – Excessive Force / Demeanor:** Complainant brought attention to an excessive force case that had gone previously unreported.
- xiii. **OPO 19-42 – Inadequate Response:** Complainant alleges police did not respond after reported gang stalking and hit and run.

b) Referrals

- i. **IR 19-35** – Bank needs SPD to return a call for fraud; SPD/IA
- ii. **ER 19-36** – Citizen wants to file criminal charges; Prosecutors Office
- iii. **ER 19-37** – Citizen requesting visitor assistance approval; Airway Heights Correction Center
- iv. **IR 19-38** – Citizen wants to complain on grammar errors on WSP report; Washington State Patrol
- v. **IR 19-39** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA
- vi. **IR 19-40** – Citizen has reported abandoned vehicles and wants SPD to check it out; SPD/IA/NRO
- vii. **IR 19-41** – Citizen had some legal questions regarding information provided to them by an SPD officer; SPD/IA

3. Case Review

- i. **C19-024 / OPO 19-23**– Requested further information
- ii. **C19-029 / OPO 19-27** – Investigation certified
- iii. **C19-028** – Requested further information
- iv. **C19-020 / OPO 19-15** – Investigation certified
- v. **C18-104 / OPO 18-66** – Declined certification, timeliness
- vi. **C19-026 / OPO 19-25** – Investigation certified
- vii. **C19-023 / OPO 19-24** – Investigation certified
- viii. **C19-027 / OPO 19-26** – Investigation certified
- ix. **C19-021 / OPO 19-20** – Investigation certified

4. Special Cases Reviewed

- i. **12** Use of Force
- ii. **3** Pursuit
- iii. **6** Collision
- iv. **1** K9 Deployment

5. Activities

a) OPO staff members participated/engaged in the following other activities:

- i. Leadership Spokane (5/3 & 5/9)
- ii. Training - NACOLE Regional Conference (5/3)
- iii. Training - Force Science Clinical Days (5/17)
- iv. Leadership Spokane Interviews (5/22)
- v. Police Strategies Meeting with SPD (5/22)
- vi. City Council Study Session with Police Strategies (5/23)

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 Rose on (5/14, 5/21, 5/22, 5/23)
 - ii. Commissioner Smith on (5/6, 5/7, 5/13, 5/16, 5/21, 5/22, 5/23, 5/24, 5/29)
 - iii. Commissioner Wilburn (5/21, 5/22, 5/23)
 - iv. Commissioner Kelley (5/14, 5/21, 5/22 5/23, 5/24)
 - v. Dennis Hession (5/21, 5/24, 5/28, 5/30, 5/31)
 - d) OPO met with/had contact with City Council members/staff:
 - i. Council President Stuckart (5/23, 5/29, 5/30)
 - ii. Council Member Stratton (5/23, 5/29)
 - iii. Council Member Burke (5/1, 5/23)
- 6. Next Steps**
- a. Annual Reports for OPO and OPOC



Office of the Police Ombudsman

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

July 16, 2019

Public Safety & Community Health Committee Report

Reporting Period: June 1-30, 2019

| Snapshot of Activities | | Monthly | Year to Date |
|---------------------------|--------------------------------------|---------|--------------|
| Community Outreach | | | |
| OPO | Total community events and meetings | 4 | 35 |
| OPOC | Community outreach / activities | 1 | 30 |
| Commendations | | 0 | 1 |
| Complaints | | | |
| | Received complaints | 8 | 50 |
| | Referred complaints | 18 | 59 |
| Contacts | | 208 | 768 |
| Case Review | | | |
| | Request for further investigation | 0 | 13 |
| | Investigations certified / concurred | 17 | 59 |
| | Declined certifications | 0 | 1 |
| | Special cases reviewed | 11 | 88 |
| Interviews | | | |
| | OPO interviews | 7 | 73 |
| | Internal Affairs interviews | 8 | 45 |
| Training | | 2 | 12 |
| Critical Incidents | | 0 | 2 |
| Mediations | | | |
| | Recommended | 0 | 3 |
| | Conducted | 0 | 3 |
| | Declined | 0 | 0 |
| Recommendations | | 0 | 0 |
| Other Activities | | 11 | 50 |
| SPD Related | Meetings / contacts | 29 | 205 |
| | Review boards | 2 | 5 |
| | Closing meetings | 0 | 2 |

1. Outreach

a) OPO

- i. Pride Events (6/8)
 - ii. Women's Leadership Luncheon (6/12)
 - iii. Jonah Project Board Meeting (6/20)
 - iv. Wedding of former complainant (6/21)
- b) **OPO Actions** – Commissioners attended the following event
- i. Drag Queen Story Hour (6/15)

2. Commendations / Complaints

a) Received Complaints

- i. **OPO 19-43 – Harassment:** Complainant alleges that they are being harassed by the PACT team
- ii. **OPO 19-44 – Inadequate Response:** Complainant was concerned that a civil dispute that escalated to an assault and the person wasn't arrested
- iii. **OPO 19-45 – Demeanor / Inadequate Response:** Complainant alleged that the NRO in the neighborhood called at 7am and allegedly threatened to arrest them if they called the fire dept. on the neighbor again.
- iv. **OPO 19-46 – Demeanor / Inadequate Response:** Complainant wanted a trespasser on their property to be arrested for assault. The responding officer allegedly was rude and wouldn't arrest the person that assaulted the complainant
- v. **OPO 19-47 – Demeanor:** Complainant was driving and alleged an officer driving next to them rudely expressed what the speed limit was. The complainant alleges that the officer made unnecessary comments and was rude
- vi. **OPO 19-48 – Demeanor:** Prior to the complainant's arrest the officer invited them to go to a shelter that had been closed for months. When the complainant refused because it was closed, they were arrested
- vii. **OPO 19-49 – Inadequate Response / Making a False or Misleading Statement:** Complainant alleged that the officer who put out a press release, put out false information regarding a DV situation based on the suspects prior charges
- viii. **OPO 19-50 – Making a False or Misleading Statement:** Complainant alleges a reserve officer is using intimidation tactics when they come to their supervised child visits

b) Referrals

- i. **IR 19-42** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- ii. **IR 19-43** – Citizen alleges she was stalked all afternoon on the bus by SPD; SPD/IA
- iii. **IR 19-44** – Citizen has called Crime Check / 911 over 16 times with no response by SPD; SPD/IA
- iv. **IR 19-45** – Citizen requesting a Sgt. to call them back.; SPD/IA

- v. **IR 19-46** – Citizen alleges the Chief is victimizing them by ignoring the complaints they have submitted; SPD/IA
- vi. **IR 19-47** – Citizen alleges continued stalking by members of the SPD; SPD/IA
- vii. **IR 19-48** – Citizen alleges a new SPD officer is involved in stalking them; SPD/IA
- viii. **IR 19-49** – Citizen alleges that an officer is waiting for them to leave their house so they can break into it; SPD/IA
- ix. **IR 19-50** – Citizen alleges they were stalked all day by SPD, they called 911 / Crime Check and nothing was done; SPD/IA
- x. **IR 19-51** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA
- xi. **IR 19-52** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA
- xii. **ER 19-53** – Citizen alleges that they have not received any police reports since they have requested back in December; Mayors Office
- xiii. **ER 19-54** – Citizen alleges that they have not received any police reports since they have requested back in December; City Council
- xiv. **IR 19-55** – Citizen contacted Crime Check multiple times regarding a motor home parked in front of his home and would like an officer to stop by; SPD/IA
- xv. **IR 19-56** - Citizen alleges that they have not received any police reports since they have requested back in December; SPD/IA
- xvi. **IR 19-57** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA
- xvii. **ER 19-58** – Citizen had concerns about their train ticket being used previously by someone else; Amtrak police
- xviii. **IR 19-59** – Citizen alleges their home is being broken into and they are being stalked by SPD; SPD/IA

3. Case Review

- i. **C19-030 / OPO 19-28**– Investigation certified
- ii. **C19-035 / OPO 19-31** – Investigation certified
- iii. **C19-028** – Investigation certified
- iv. **C19-006 / OPO 19-10** – Investigation certified
- v. **C19-046 / OPO 19-37** – Investigation certified
- vi. **C19-036 / OPO 19-32** – Investigation certified
- vii. **C19-017 / OPO 19-18** – Investigation certified
- viii. **C19-044 / OPO 19-38** – Investigation certified
- ix. **C19-033 / OPO 19-24** – Investigation certified
- x. **C19-024 / OPO 19-23** – Investigation certified
- xi. **C19-037** – Investigation certified
- xii. **C19-032 / OPO 19-11** – Investigation certified
- xiii. **C19-038 / OPO 19-33** – Investigation certified
- xiv. **C19-048 / OPO 19-34** – Investigation certified

- xv. **C19-047** – Investigation certified
- xvi. **C19-039** – Investigation certified
- xvii. **C19-052 / OPO 19-44** – Investigation certified

4. **Special Cases Reviewed**

- i. **5** Use of Force
- ii. **2** Pursuit
- iii. **4** Collision
- iv. **0** K9 Deployment

5. **Activities**

- a) OPO staff members participated/engaged in the following other activities:
 - i. PSCHC Meeting (6/3)
 - ii. Meeting with City Council (6/6)
 - iii. Leadership Spokane (6/7)
 - iv. NACOLE Strategic Planning Committee (6/10)
 - v. Collision and Pursuit Review Board (6/11)
 - vi. Use of Force Review Board (6/11)
 - vii. Leadership Spokane Graduation (6/13)
 - viii. American Bar Association Panel – Women in Criminal Justice (6/14)
 - ix. Center for Justice Meeting (6/19)
 - x. IA Bi-Weekly Meeting (6/27)
 - xi. Training – Know Be 4 (6/12)
- b) SPD related
 - i. **18** meetings/contacts with IA
 - ii. **11** meetings/contacts with SPD
- c) OPO met with/had contact with OPO Commissioners/staff:
 - i. Commissioner Rose on (6/6)
 - ii. Commissioner Smith on (6/18, 6/24, 6/26)
 - iii. Commissioner Wilburn (6/20)
 - iv. Commissioner Kelley (6/20, 6/24)
 - v. Dennis Hession (6/6, 6/26)
- d) OPO met with/had contact with City Council members/staff:
 - i. Council President Stuckart (6/3, 6/4)
 - ii. Council Member Stratton (6/3, 6/4)
 - iii. Council Member Beggs (6/6)

6. **Next Steps**

- a. Presentation of annual reports to City Council
- b. Upcoming Trainings: United States Ombudsman Association (USOA) Annual Conference
- c. Upcoming Trainings: National Association for Civilians Oversight of Law Enforcement (NACOLE) Annual Conference

**2018 ANNUAL REPORT
OFFICE OF POLICE OMBUDSMAN COMMISSION
SPOKANE, WASHINGTON**



CONTENTS

| | |
|---|----|
| Letter from the OPOC Chair..... | 3 |
| Commissioners | 5 |
| Annual Report..... | 6 |
| Statutory Authority..... | 6 |
| I. Summary of OPOC Actions and Developments | 6 |
| Action #1: OPO and First Floor Space Design | 6 |
| Action #2: Officer Involved Shooting Community Impact Case..... | 7 |
| Action #3: Crime Scene Barriers | 7 |
| Action #4: Complaint against Chief Meidl | 7 |
| Action #5: OPOC review of OPO #18-32 / C18-055 | 8 |
| Action #6: Changing Spokane Municipal Code §04.32.140(b)..... | 8 |
| Action #7: Full-time Administrative Specialist position | 8 |
| II. Community Engagement | 9 |
| III. Training..... | 9 |
| IV. Recommendations and Findings | 9 |
| 2018 Recommendations..... | 10 |
| V. Evaluation of the Office of Police Ombudsman..... | 11 |

LETTER FROM THE OPOC CHAIR

Mayor David Condon
Council President Ben Stuckart
City Council Members
Office of Police Ombudsman
Chief Craig Meidl

The Office of Police Commission (OPOC) is pleased to share our accomplishments for 2018. The year was marked by change and growth. From January through July, the OPOC functioned with a full commission of 5 commissioners. During the month of June, Commissioner Colleen Gardner resigned. Between July and December 2018, two formal requests to replace Commissioner Gardner were made to city council members that represent northeast Spokane. To date, this commissioner position continues to remain open. While this vacancy prevented us from fully engaging with the community, we dedicated ourselves in continuing towards our Community Outreach goal.

This was a year of firsts. Mr. Logue declined to certify a case involving a citizen complaint against an SPD officer for inappropriate demeanor. It became apparent to him that Internal Affairs (IA) did not adequately investigate the citizen complaint and Mr. Logue requested a more thorough investigation. IA and Chief Meidl refused to investigate the complaint any further. Pursuant to the Spokane Municipal Code, the impasse triggered a review by the OPOC. During the September OPOC meeting, Assistant Chief Lundgren presented SPD's findings to the OPOC. Commissioners made a formal decision that directed Internal Affairs to make a further investigation by:

1. Re-interviewing the complainant.
2. Interviewing the officer involved.
3. Interviewing the two witness officers.
4. Looking for and interviewing any available independent witnesses.

To date, IA has not followed through on the OPOC's directive. Chief Meidl has subsequently questioned the OPOC's authority to review this matter.

Increasingly throughout the year, there were deep concerns about the Spokane Police Department impeding the work of the Office of Police Ombudsman, and the OPOC Examples include the following:

1. The Administrative Specialist, Christina Coty, was denied access to the IAPro data base. Ms. Coty's access to this data base is crucial in completing her daily tasks.
2. Despite signed confidentiality agreements with all commissioners, SPD denied Commissioner James Wilburn access to cases that would help bring a better understanding of race relations between SPD and African American citizens of Spokane. SPD sent a letter to the OPOC implying that the commission was overstepping its authority. The cases were requested in May of 2018 and received in June 2019.

With these examples in mind, the OPOC filed a complaint against SPD Chief Meidl for continuous interference of the OPO's independence. Additionally, on Christmas Eve, the OPO and OPOC received a letter from Joan Butler, Chair of the Police Advisory Committee, indicating a perceived conflict of

interest with any OPOC commissioners or OPO staff continuing to attend monthly PAC meetings. The timing aligned with other areas of disagreement between SPD and OPO/OPOC. I consider this action to be a retaliatory move by SPD.

The above challenges have made it extremely difficult for the OPO and OPOC to effectively achieve the goals set forth by the Spokane Municipal Code. Collaboration between the SPD and OPO has been stymied and this impacts potential change in SPD's policies and procedures.

The year included several successes. Use of Force Dashboards was introduced and adopted by the OPOC in order to provide more transparency on the uses of force that occur in the community. Our January meeting was well attended by the Native American community. They were able to voice their anger and frustration over SPD's insensitive handling of the shooting death of Joshua Spottedhorse. At our June meeting, Chief Meidl presented a revised Use of Force Policy that emphasizes restraint and time management. During the month of October, we held an all-day OPOC/OPO retreat. This event was attended by all commissioners, all OPO staff and OPOC legal counsel. Mr. Logue was able to secure the president of NACOLE to facilitate the retreat. This was an excellent opportunity to strengthen OPO/OPOC relationships and determine our priorities as a commission.

Commissioners attended a variety of trainings including the annual NACOLE meeting in St. Petersburg, FL. Along with staff from the OPO, we attended a multitude of workshops and took opportunities to network with other commissioners around the country striving to implement best practices in police oversight.

In conclusion, despite many challenges, the OPOC is excited to move forward in a positive direction. The recommendations put forth in this report are truly a desire to help SPD become a more transparent and community oriented organization. Despite pushback from SPD in 2018, the OPOC is committed to reassuring the public that the OPOC will diligently work towards increasing the professionalism and accountability of the SPD.

Respectfully submitted,

Ladd Smith
Chair

COMMISSIONERS

Ladd Smith, Chair (August 2015 – Present)

Ladd has a B.A. in Elementary Education and an M.A. in School Administration. He has 30 years teaching experience in public education.

Jenny Rose, Vice Chair (September 2015 – Present)

Jenny has been in the education field for over 25 years. She has a B.A. in elementary education from WSU and a M.A. in Curriculum and Instruction from EWU.

Colleen Gardner (September 2017 – May 2018)

Colleen is the Chief Garry Park Neighborhood Council co-chair, the Community Assembly representative for her neighborhood, facilitator for the District 1 Leadership group, and is a member of the North South Corridor Steering Committee, The Central City Line steering committee, facilitates the Community Conversations with local law enforcement, and is an Advisory Board member of the Community Court Northeast.

James Wilburn Jr. (October 2017 – Present)

James specializes in administrative leadership with over 15 years of teaching experience. He has served as the Supervisor for Youth Initiative and Community/Parent relations with Spokane Public Schools and Adjunct Professor of Interdisciplinary Studies at Whitworth. He is currently a member of the Mayor's Advisory Council on Multi-Cultural Affairs He has also served as President for the NAACP Spokane Branch from 2008-2010.

Elizabeth Kelley (November 2017 – Present)

Elizabeth is a criminal defense lawyer with a nationwide practice focused on representing people with mental disabilities. She is co-chair of the National Center for Criminal Justice and Disability. She is the editor of *Representing People with Mental Disabilities: A Practical Guide for Criminal Defense Lawyers* published by the American Bar Association (ABA) in 2018. She serves on the Editorial Board of the ABA's *Criminal Justice Magazine*. She served three terms on the board of the National Association of Criminal Defense Lawyers (NACDL). In 2009 and 2015, she traveled to Liberia as part of a delegation sponsored by the U.N. Commission on Drugs and Crime and NACDL to train that country's criminal defense bar. She is Vice President of the Spokane Symphony and The Arc of Spokane.

Dennis P. Hession, Legal Counsel (January 2018 – Present)

Dennis is a General Counsel to the Office of the Police Ombudsman Commission. He holds a Bachelor of Arts and Juris Doctor from Gonzaga University and a Master of Laws in Taxation from the University of Florida. He has many years of civic engagement in this community and is a former Council Member, Council President and Mayor of the City of Spokane.

OFFICE OF THE POLICE OMBUDSMAN COMMISSION

Contact Information

City of Spokane
808 W. Spokane Falls Boulevard,
1st floor
Spokane, Washington 99201

Voicemail: (509) 625-6755

Fax: (509) 625-6748

opocommission@spokanecity.org
<https://my.spokanecity.org/bcc/commissions/ombudsman-commission/>
www.twitter.com/spd_ombudsman

Monthly meetings are every 3rd
Tuesday, unless otherwise indicated.

Mission

The OPOC exists to promote public confidence in the professionalism and accountability of the members of the Spokane Police Department by providing, through the Ombudsman, independent review of police actions, thoughtful policy recommendations, and ongoing community outreach. The Commission also assists the OPO in communicating with Spokane's diverse communities and the general public about the complaint filing and investigation process.

ANNUAL REPORT

STATUTORY AUTHORITY

This OPOC Annual Report is a compilation of the work performed by the OPOC in 2018. The annual report is a requirement of §04.32.150 of the Spokane Municipal Code (SMC), and includes: a summary of the activities of the OPOC's activities, findings, and recommendations during the preceding year; a summary of the OPO's recommendations for changes to the police department's policies, procedures and training during the preceding year; and an evaluation of the work of the OPO.

The report is divided into five sections to explain the various functions of the OPOC:

- I. Summary of OPOC Actions and Developments
- II. Community Engagement
- III. Training
- IV. OPO Recommendations
- V. Evaluation of the OPO

I. SUMMARY OF OPOC ACTIONS AND DEVELOPMENTS

2018 was a year of growth molded by achievements, push-backs, and multiple attempts to ignore or challenge the governing ordinance. The Commissioner position from District 1, formerly held by Commissioner Gardner, has remained vacant for over a year. In January, the OPOC retained Dennis Hession to act as their legal counsel for the 2018 year.

Commissioners remained active in the City and in the community attending over 90 events and trainings throughout the year. Commissioners held 5 regular meetings and 6 special meetings, including a retreat facilitated by Brian Corr, the president of NACOLE (National Association for Civilian Oversight of Law Enforcement). Throughout the year, Commissioners held meetings with the Ombudsman, Mayor Condon, City Council President Stuckart, Council Members, City Legal, and Police Chief Meidl.

ACTION #1: OPO AND FIRST FLOOR SPACE DESIGN

Summary: During the renovation of the first floor of City Hall, it was brought to the OPOC's attention that the Administration had plans of altering the space that would negatively impact the OPO and the services it provides to the citizens. The proposed plans included reducing the OPO's office space by half and turning the other half into a break area for employees on the first floor or a meeting room and converting the City Conference Room 1-A into two separate phone booths.

Outcome: While the renovation continued on the south side of the building, the OPO managed to retain its existing office space and its use of City Conference Room 1-A for confidential meetings.

ACTION #2: OFFICER INVOLVED SHOOTING COMMUNITY IMPACT CASE

Summary: On December 26, 2017, SPD was involved in an Officer Involved Shooting (OIS) in response to a fleeing suspect from an armed robbery. The Ombudsman, was not notified of the incident as prescribed by the Spokane Municipal Code and an ongoing practice of doing so. This OIS led to outcry from the local Native American community.

Outcome: The Ombudsman has since been notified of subsequent OIS incidents and invited to conduct a scene walkthrough. The OPOC's January 2018 meeting was the most attended in recent memory. The feedback received during the community forum portion of this meeting eventually led to SPD holding a series of community forums with the Native community at the Native Project to help bridge the gap with SPD.

ACTION #3: CRIME SCENE BARRIERS

Summary: In response to the OIS on December 26, 2017, part of the community's concern was that the deceased was left exposed in public view for an extended period of time. The OPOC reinforced to SPD the need for screens in every patrol vehicle or that every patrol officer would have access to in order to shield an exposed body of a deceased individual from the public's view.

Outcome: SPD ordered shields and received them as of April 2018. The shields are deployed when there is a scene where a body may be easily viewed by the public.

ACTION #4: COMPLAINT AGAINST CHIEF MEIDL

Summary: The OPOC filed a complaint against SPD Chief Meidl for allegedly violating Spokane Municipal Code §04.32, the OPO's governing ordinance, after the Mayor suggested this recourse to address concerns the OPO's work being hindered by the bargaining process between the City and the Spokane Police Guild. See §04.32.010(C), 04.32.030(M), and 04.32.150(B)(8). The OPOC has found SPD continuously interferes with the OPO's independence by hindering its ability to perform its duties. First, the ordinance provides OPO will have unimpeded access to all complaint and investigative files for auditing and reporting purposes. Yet OPO's Administrative Specialist continues to be denied access to IAPro, a necessary component in creating monthly reports, one of her primary responsibilities. Second, all OPOC Commissioners are charged with requesting the OPO (re)examine policy or procedure issues of concern. Commissioners need access to all available information, including body worn camera footage when asking the OPO to take action. All Commissioners signed confidentiality agreements upon joining the Commission, yet when one requested footage to review use of force cases it took almost a year for SPD to provide access.

Outcome: Complaint is pending.

ACTION #5: OPOC REVIEW OF OPO #18-32 / C18-055

Summary: This complaint was filed with the OPO as a demeanor complaint. The Ombudsman believed that the case was not investigated thoroughly or objectively and requested a more thorough investigation, including re-interviewing the citizen. Due to IA's unwillingness to conducting further interviews, there were still gaps in the case. As per the procedure laid out in SMC 04.32, the Ombudsman appealed the case to the Police Chief, but could not come to agreement on the case / investigation. Thus, per SMC 04.32.030(F), the case was presented to the Commission to make a final decision on whether further investigation was needed, whose decision would be final. During the OPOC November meeting, the Commission unanimously voted to direct Internal Affairs to investigate the complaint further through a letter to Chief Meidl. Chief Meidl responded that the OPOC did not have the authority to direct the investigation and instead directed IA to conduct a more limited investigation under his purview.

Outcome: Pending. The month following the decision on this case by the OPOC, the Police Guild filed a grievance against the OPOC alleging an Unfair Labor Practice halting any further action on this matter. The OPOC has yet to hear back from City Legal regarding this matter.

ACTION #6: CHANGING SPOKANE MUNICIPAL CODE §04.32.140(B)

Summary: The OPO recommended removing the RCW warning given to complainants when they file a complaint. This is currently provided in the SPD's complaint form and investigators advise interviewees prior to the interview. Removing the advisement is consistent with the Department of Justice's position that coming forward with a complaint should be an easy and simple process and that the widest net should be cast at intake to receive all complaints from all possible sources. In Chief Meidl's response on October 30, 2019 to the recommendation, not only did he disagree with the recommendation, he pointed out that under SMC 04.32.140(B), "The OPO shall notify complainants that they can be charged with a criminal gross misdemeanor for making a false misleading material statement pursuant to SMC 10.07.020." The OPO should have the ability to determine whether providing an advisement is necessary, if at all. As such, the OPO requested City Council amend SMC 04.32 to change "shall" to "may" notify complainants they may be charged.

Outcome: In January 2019, the City Council voted on and passed changing 04.32.140(B) from "shall" to "may." SPD also agreed to reduce the number of advisements, either on the form or at the time of interview, to no more than one.

ACTION #7: FULL-TIME ADMINISTRATIVE SPECIALIST POSITION

Summary: The OPOC Administrative Specialist position is currently a part-time (.6) position. The Commission requested that under SMC 04.32.160, the City Council shall maintain necessary

funding to appropriately staff the Office of the Police Ombudsman and the Commission. This includes adequate staff to enable the Police Ombudsman to perform required duties and responsibilities of the office as well as providing staff assistance to the Police Ombudsman Commission. This would require a budget increase of \$23,693 to make the position full-time. The Commission sent a letter requesting these funds be added to the budget and the position be adjusted accordingly.

Outcome: The position was not approved for the 2019 budget cycle. Securing a full-time position is the Ombudsman’s highest priority and the OPOC will continue to support the work on finding a path forward.

II. COMMUNITY ENGAGEMENT

Commissioners are consistently looking for ways to become engaged with the community. In 2018, Commissioners attended, participated, and presented at over 78 meetings and functions.

Some of these events included:

- The Police Advisory Committee
- Spokane Homeless Coalition
- The Bail Project
- Native Project Community Forum
- Coffee with a Cop
- Community Assembly
- MLK Center Grand Opening
- Unity in the Community
- SPD Foundation Breakfast
- SCAR Meetings
- Gathering at the Falls Powwow
- Kwanza Unity Celebration

III. TRAINING

Training opportunities continue to be an area of focus for the Commissioners. The Commission continually pursues updated training in civilian oversight including the following: NACOLE Annual conference, NACOLE Regional conference, NACOLE Webinars, Daigle Law Group – Use of Force Summit, Diversity training, and the Spokane Police Department Citizen’s Academy.

The Commissioners agreed that it was important to come together in order to focus on the most important issues in our community. This led to the OPOC retreat being held in October. From this retreat the Commissioners identified priorities and goals moving forward. The Commission used this platform to expose each person’s passion and bring attention to relevant areas in policing. The Commission also stay relevant to the community’s needs so that OPOC meetings can be a place where the community will convene to voice concerns in policing. The Commission also committed to help ensure the safety of our community; invite community groups to speak with the OPOC; ensure the Commission retains an independent voice; work with the OPO to educate and conduct outreach, be more proactive in community impact cases or issues, and continue to support the OPO’s initiatives.

IV. RECOMMENDATIONS AND FINDINGS

2018 RECOMMENDATIONS

The Ombudsman provided **5 recommendations** to SPD related to policy and/or training. The subject matter of recommendations made included:

RECOMMENDATION #1: CRIME SCENE SHIELDS

Summary: The Ombudsman recommends that SPD refresh or implement a practice of shielding bodies of the deceased at the scene of the incident. SPD should also have a policy that diverts traffic when a deceased subject may be in public view.

Status: Implemented. The Chief requested shields be ordered. As of April 2018, the shields are deployed when officers respond to a scene where a body is located in a place that may be easily viewed by the public, so long as the screens do not compromise the integrity of the crime scene.

RECOMMENDATION #2: EVIDENCE RELEASE PROCEDURE

Summary: The Ombudsman recommends that the Property Unit update the letter it sends to citizens to better identify the property at issue and update its standard operating procedures to provide citizens the option of picking up property or have the Property Unit destroy it.

Status: Partially Implemented. The form letter has been updated to include the date of the incident. However, no action is being considered on providing citizens an option on how to release or dispose of the property due to the volume of release forms Property sends out every year.

RECOMMENDATION #3: USE OF FORCE DASHBOARDS

Summary: The Ombudsman recommends SPD collaborate with the OPO in implementing Use of Force dashboards in order to provide more transparency on the uses of force that occur in the community.

Status: In Progress. Internal Affairs provided the data required to build the dashboards. SPD is also working with the contractor to provide feedback on data collected to ensure reporting is accurate and providing input for outward facing dashboards.

RECOMMENDATION #4: SAFEGUARDING BODY WORN CAMERA EVIDENCE

Summary: The Ombudsman recommends that SPD review all investigative cases that involved body worn cameras (BWC) to ensure proper safeguarding during an investigation and the prescribed retention period.

Status: Completed. The Director of Strategic Initiatives created a new category that ensures all BWC related to ongoing IA investigations are not purged in accordance to Washington State Archives records and retention schedules for IA investigations.

RECOMMENDATION #5: SWORN STATEMENT REQUIREMENT

Summary: The Ombudsman recommends SPD remove the requirement that complainants submit essentially a sworn statement with their complaint by acknowledging that making false or misleading material statement is a gross misdemeanor and investigators remove a similar advisement prior to conducting an interview.

Status: Partially Implemented. The Chief did not consider action for removing the requirement that complainants acknowledge making a false or misleading material statement but said one advisement was sufficient.

V. EVALUATION OF THE OFFICE OF POLICE OMBUDSMAN

Overall the OPOC is pleased with the performance of the OPO. Mr. Logue has a tremendous focus and strategic vision for the OPO and he has consistently displayed a depth of care about the reputation of both the OPO and the OPOC. Noteworthy in 2018, the OPO was able to take very difficult conversations about Officer Involved Shootings with the Chief of Police and change them into collaboration in updating and reforming the Spokane Police Department's Use of Force policy. The OPO was also successful in their initiative with the forthcoming Use of Force Dashboards in an effort to make use of force data more user friendly and interactive for citizens. The Police Ombudsman and Administrative Analyst attended the Spokane Police Department Reserve Academy over a 16 week period, fulfilling the training requirements set forth by SMC 04.32. The OPO has also been relentless in maintaining the authority provided to them in SMC 04.32 despite tremendous pushback and complacency of the City to that pushback.

The scope of work in the OPO has been increasing. In addition to responding to 1534 citizen contacts, the OPO conducted 187 interviews with citizens who had concerns with the SPD and had requested Ombudsman personal intervention. The Ombudsman attended and participated in 141 officer and complainant interviews in SPD; attended 302 meetings in SPD; and attended 102 public meetings with community stakeholders and community groups. The complaint process also saw a significant increase in utilization. The OPO oversaw 64 complaints against SPD brought into the OPO, and 50 Complaint Referrals to other agencies. Mr. Logue was relentless as he pursued the creation, funding, and implementation of the Administrative Analyst position. He continues in that effort as he put together well thought out and reasonable budget papers to the City Administration for 2019, which would increase the position from part-time to full-time. We urge the City to look favorably on this request.

The OPO's efforts at reforming the Spokane Police Department's Use of Force policy cannot be understated. The Police Ombudsman, along-side Chief Meidl, announced this collaboration in an unprecedented manner to the community in front of the OPOC. The OPO was instrumental in Police Chief Meidl's Use of Force policy reform initiative by serving on the Chief's policy committee. The committee was responsible for reviewing the current policy, identifying areas to update, and coming up with suggested verbiage. Further, when asked by Chief Meidl, the OPO took on the additional responsibility to craft a progressive Use of Force policy for his consideration. After an in-depth study of 100 Use of Force policies from around the country and meeting with other oversight practitioners, the OPO pieced together a policy using well informed recommendations that would greatly strengthen the proposed revised policy if utilized.

The Police Ombudsman was steadfast and determined in ensuring the OPO's access to Internal Affairs was consistently improving and focused heavily on proper complaint intake, classifications, and investigations. This caused him to be disruptive regularly as he diligently worked with Internal Affairs to improve investigations, ensure complaints were properly classified; as well as properly reviewed. Mr. Logue has performed commendably as he balanced between collaboration and pushback and has been very effective in this regard.

The Police Ombudsman has clearly shown that the mission of the OPO is his priority, and he regularly spends an inordinate amount of after-hours time ensuring tasks are completed, and completed thoroughly and properly. Mr. Logue has often had to defend his opinions and the actions of the office in public meetings; often times face to face with opposition from the police department and community members. He is steadfast in his resolve and he has proven that he will not back down no matter the intensity of the pushback from the police department. His courage and commitment to stand up for what is right no matter what defines him as an excellent Ombudsman. We look forward to working with him and continuing to strengthen the OPO in 2019.

OFFICE OF THE POLICE OMBUDSMAN

2018 Annual Report



CONTENTS

| | |
|---|----|
| Letter from the Ombudsman..... | 2 |
| Staff & Contact Information | 5 |
| Activities | 6 |
| Training..... | 6 |
| Reporting | 6 |
| Complaints..... | 7 |
| Received Complaints | 7 |
| Referrals..... | 8 |
| Classification and Disposition of Allegations | 8 |
| Statistics of Interest..... | 10 |
| Critical Incidents | 10 |
| Recommendations..... | 10 |
| Updates on 2017 Recommendations | 10 |
| 2018 Recommendations..... | 11 |
| Complaints Received | 13 |

LETTER FROM THE OMBUDSMAN

July 10, 2019

Mayor David Condon
Council President Ben Stuckart
City Council Members
Office of Police Ombudsman Commissioners
Chief Craig Meidl

This report covers the period from January 1, 2018 through December 31, 2018. Oversight efforts in 2018 saw both successes and challenges. Community member utilization of the Office of the Police Ombudsman (OPO) greatly increased. The OPO was also able to collaborate with the Spokane Police Department (SPD) on an update to its Use of Force Policy as well as the Police Force Analysis System (Use of Force Dashboards). The OPO also faced major hurdles that still lack resolution sharing a common theme, the inability to enforce compliance with the governing ordinance, Spokane Municipal Code (SMC) §04.32. The abilities to conduct OPO work free from attempts of undue influence, maintain OPO independence, and ensure OPO unimpeded access to all complaint and investigative files were repeatedly challenged last year.

The OPO saw a rise in oversight in 2018. Citizen contacts with the OPO increased by 60% over last year and complaint intakes more than doubled. One of the most significant increases made were interviews with community members regarding ongoing or potential complaints which rose by over 500%. Mediated complaints held steady with a slight increase and the OPO and Internal Affairs (IA) are looking for more opportunities to utilize this approach in the upcoming year. The OPO and IA established a better process of coordination between our offices; meeting on a bi-weekly basis to discuss ongoing cases. Additionally, oversight of IA interviews almost doubled.

In late 2017, Chief Meidl appeared before the Office of the Police Ombudsman Commission (OPOC) to announce a collaborative effort between SPD and the OPO to reform SPD's use of force policy. The OPO were members of the Use of Force Policy Review Committee created by the police department. Additionally, the Chief asked the OPO to research and deliver a progressive use of force policy for his consideration. In doing so, the OPO studied approximately 100 use of force policies currently in place around the country, looking at progressive policing policies, tactics, and procedures to see if there was a way to impact the actions and planning which occur leading up to a use of force. This effort at reform is still underway. In May, the OPO in agreement with the Chief, contracted with Police Strategies, LLC from Seattle for their Police Force Analysis System in order to create interactive dashboards that empower the public to use police data to analyze force used. This effort is nearing completion and has required collaboration throughout the process. I recognize that opportunities of this significance are rare in the world of civilian police oversight, and I look forward to working closely with SPD on impactful endeavors in 2019.

In 2018, the OPO enjoyed a consistent relationship with IA and we had numerous robust discussions on how to proceed with cases. The quality of Internal Affairs investigations has steadily improved and chain of command reviews of community complaints have continued to increase. The OPO continued to utilize an Internal Referral program for lack of service types of complaints and have

sent them to the appropriate departments for follow-up instead of classifying them as inquiries and closing them which has resulted in increased customer service.

This better working relationship is evidenced by my only declining to certify two cases, compared to eighteen from the previous year. In one of the cases I declined to certify, Assistant Chief Lundgren and I presented the case to the Office of the Police Ombudsman Commission to determine whether further investigation was required. This was the first time an investigation has required the OPOC to make the final determination. After the presentations, the OPOC directed IA to conduct additional investigation pursuant to their authority in SMC §04.32.030(F). The investigation was halted when the Chief and the Spokane Police Guild (one of SPD's Unions) objected saying this was outside the OPOC's authority. The Chief ignored the OPOC's direction and directed a partial re-investigation. He also acknowledged in a letter to the OPOC that the case could have been investigated better.

The OPO endured numerous obstacles to oversight efforts in 2018, which included:

- Denied access for the Administrative Specialist to reporting systems despite the authority given in SMC §04.32.070(M)
- Hampered access to Commissioners to video files which impeded an Ombudsman initiative to study SPD use of force cases specifically regarding persons of color
- Significant disagreement between the OPO and SPD regarding how difficult it should be for a citizen to file a complaint
- Diminished OPO impactful participation in review mechanisms of use of force, pursuit, and collision cases
- Removal of the OPO and the OPOC from the Police Advisory Committee (PAC)
- Significant reduction in formal access to Chief Meidl and a seeming elimination of informal access to the Chief
- Delays in data submission for the Use of Force Analysis System; and
- Resistance to OPO staff attending Deadly Force Review Board's (DFRB) in the absence of the Ombudsman.

Outside of OPO Staff attending the DFRB (which Chief Meidl resolved), there proved to be little to no mechanisms of resolution or means to enforce the ordinance when the OPOC, community partners, and/or I called out these issues as potential violations of SMC §04.32. Mayor Condon, in a letter alongside Chief Meidl, suggested the appropriate avenue would be to file a complaint against Chief Meidl that Human Resources would investigate. The OPOC filed such a complaint in November 2018 which has yet to have a determination. These issues remain largely unresolved.

I again reiterate that a significant step forward in future ordinance revisions would be to give the ability to the OPO to write reports, if I feel a report would be impactful. There are times when the community is looking for answers that the OPO readily has, yet the OPO is prohibited from speaking openly on these matters. In 2019, I look forward to working with City Council in a collaborative effort to align SMC 04.32 with the City Charter and to provide the OPO with the authority to independently investigate any matter necessary to fulfill its duties; in addition to give authority to the OPO to publish reports which reflect the independent views of the OPO as provided by Article XVI, §129(C) of the City Charter.

As expressed earlier, the workload in the OPO has significantly increased. The OPO continues to face budgetary issues in trying to get our Administrative Specialist from part-time to full time status. Despite this, the OPO is grateful to the City Council for its continued support in enacting our mission.

City Council members have always provided a listening ear to the unfolding challenges we face and fully supported our use of force dashboards initiative. The City Administration provided the OPO requested funding for an increase to our training budget as well as provided increases for administrative expenses. Increased funding was significant and indicates a growing awareness and appreciation of the concerns that the OPO is appropriately staffed and resourced to fulfill the requirements of Spokane Municipal Code (SMC) §04.32. In 2019, I look forward to submitting proposals, with the OPOC's guidance, to request the Administrative Specialist position be increased to a full-time position and requesting funding to cover existing employee benefits deficiencies. A request for a community outreach position has been tabled under the priority of increasing the Administrative Specialist position to full-time.

In 2019, I will continue my efforts to push SPD towards greater transparency and public accountability, beginning with the implementation of the Force Analysis System. I look forward to establishing mechanisms with the Spokane Police Department which will provide the OPO with more timely insight into ongoing cases and investigations of critical incidents; engaging in robust communication efforts as we work to re-establish trust; and continuing to work towards greater accountability of the complaint process.

Respectfully Submitted,

Bart Logue
Police Ombudsman

STAFF & CONTACT INFORMATION

Bart Logue, Police Ombudsman – Bart Logue began serving in this capacity in February 2016. Bart retired from the United States Marine Corps after more than 25 years of active service. Career highlights included accreditation as a Military Diplomat and serving as the Marine Attaché and American Legation United States Naval Attaché to Amman, Jordan, and serving as the Provost Marshal (Chief of Police) for MCAS Beaufort and MCRD Parris Island, South Carolina.

Luvimae Omana, Analyst – Luvimae Omana has dual degrees in Business Administration and Political Science from the University of California, Riverside and a *Juris Doctorate* from Gonzaga University School of Law. Luvimae is licensed to practice law in Washington.

Christina Coty, Administrative Specialist – Christina began working at the City of Spokane in 2015 for the ITSD department in contract procurement. Prior to her work at the City of Spokane she worked for Sony Electronics as a Regional Sales Manager managing the retail store operations in Southern California.

Tim Szambelan, OPO Attorney – Tim works in the Civil Division of the City Attorney's Office and currently represents the Ombudsman Office and other departments within the City of Spokane. Tim is licensed to practice law in Washington and Arizona.

Interns

Scott Richter, Eastern Washington University

Jayden Reynolds, Eastern Washington University

Kelsey Scott, Eastern Washington University

OFFICE OF THE POLICE OMBUDSMAN

Contact Information

City of Spokane
808 W. Spokane Falls Boulevard,
1st floor
Spokane, Washington 99201

Phone: (509) 625-6742

Fax: (509) 625-6748

spdombudsman@spokanecity.org

www.spdombudsman.org

www.twitter.com/spd_ombudsman

Mission

The Office of Police Ombudsman exists to promote public confidence in the professionalism and accountability of the members of the Spokane Police Department by providing independent review of police actions, thoughtful policy recommendations, and ongoing community outreach.

Office of the Police Ombudsman

Commission

Ladd Smith, *Chair*

Colleen Gardner, *Vice-Chair (Resigned May 18)*

Elizabeth Kelley

Jenny Rose, *Vice-Chair*

James Wilburn

ACTIVITIES

| 2017 | 2018 | Change | Highlight of Activities |
|------|------|--------|--|
| 955 | 1534 | +60% | Citizen contacts |
| 116 | 102 | -12% | Participation or attendance in community meetings and events |
| 4 | 5 | +25% | Letters of officer appreciation/commendation |
| 30 | 64 | +113% | OPO generated complaints |
| 54 | 50 | -7% | Referrals to other agencies / departments |
| 3 | 4 | +33% | Cases offered to SPD for mediation |
| 18 | 1 | -94% | Cases Ombudsman declined to certify |
| 29 | 187 | +545% | Interviews of citizens with ongoing or potential complaints |
| 72 | 141 | +96% | Oversight of IA interviews |
| 179 | 178 | -1% | Special cases reviewed |
| 257 | 302 | +18% | Meetings with SPD |
| 20 | 35 | +75% | SPD review boards attended |

TRAINING

Per Spokane Municipal Code (SMC) §04.32.070(C), highlights include:

- Spokane Police Department Reserve Academy
- NACOLE Annual Conference
- US Ombudsman Association Conference
- International Association of Chiefs of Police Annual Conference
- Daigle Law Group's Conducting Proper and Effective Investigations

The Ombudsman went on 2 ride-alongs with SPD, completed the Spring Reserve Academy, and attended Spring EVOC In-Service per SMC §04.32.070(A)-(C).

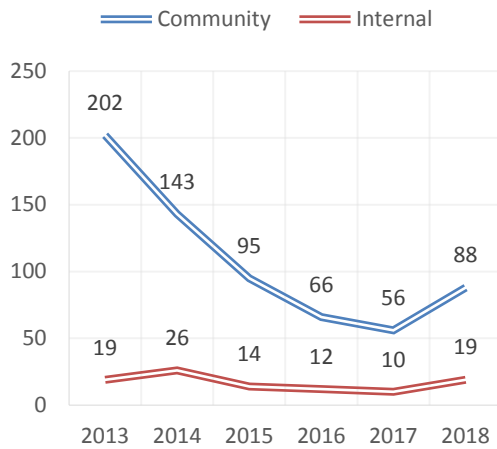
REPORTING

The OPO reports, on a monthly basis, to the Public Safety & Community Health Committee, the Mayor, the City Council, the City Administrator and the Chief of Police. In 2017, the Ombudsman completed 1 annual report for 2017 and 12 monthly reports. Per SMC §04.32.110(C), the Ombudsman briefed City Council on February 12, 2018.

COMPLAINTS

RECEIVED COMPLAINTS

TREND OF COMPLAINTS RECEIVED



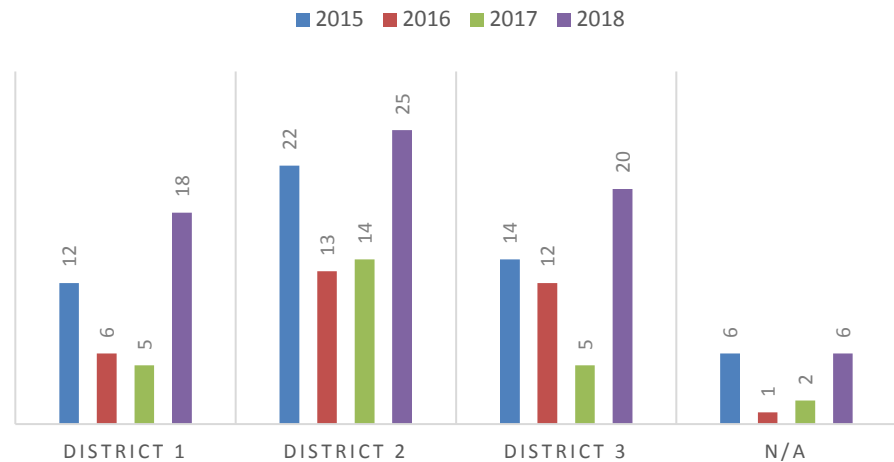
2018 saw an uptick in complaints received by both the OPO and Internal Affairs. Both offices saw a total of 107 complaints, 88 from the community and 19 filed internally. The OPO received 5 commendations and 63 complaints.

Types of Commendations Received

- 1) Police presentation at East Central Community Center
- 2) Positive encounter during a traffic stop
- 3) Bike Bait tactics
- 4) Ride along
- 5) Ride along

District 2 received the most complaints, similar to 2017. The N/A category includes commendations and numbers that were not assigned.

OPO COMPLAINTS BY CITY COUNCIL DISTRICT



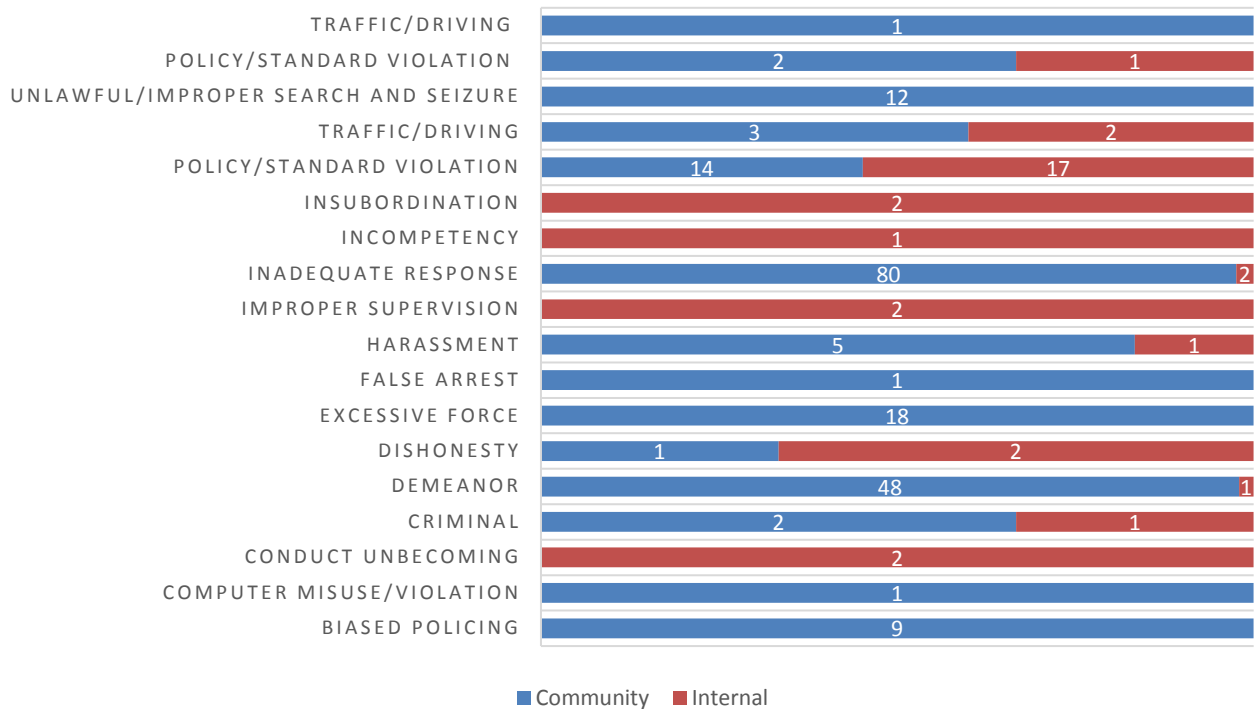
REFERRALS

| External Referrals Made | |
|------------------------------------|--|
| American Medical Response Dispatch | Mayor's Office |
| Center for Justice | Parks Department |
| City Council | US Marshal's Office |
| Code Enforcement | Washington State Department of Corrections |
| Crime Check | Washington State Patrol |
| Lincoln County Sheriff | Downtown Partnership's Clean Team |
| Long Term Care Ombudsman | Spokane County Sheriff's Office |
| Marshal's Office | Spokane Valley Police Department |

The OPO made 50 total complaints of complaints received outside its jurisdiction. 52% (26) were external and 48% (24) were referred to Internal Affairs.

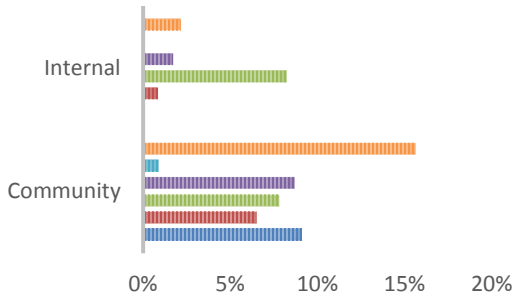
CLASSIFICATION AND DISPOSITION OF ALLEGATIONS

WHAT WERE OFFICERS COMPLAINED ON?



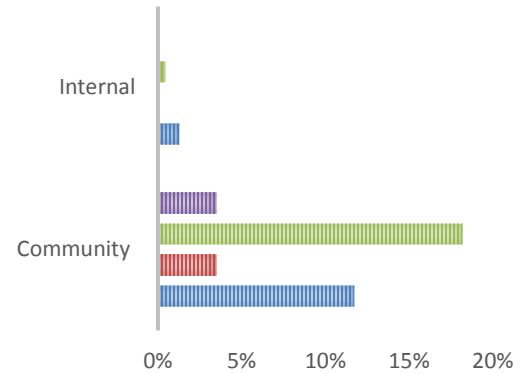
Inadequate Response and Demeanor remain what officers were complained upon the most by the community, while internal complaints mostly fell under the Policy/Standard Violation category.

CHAIN OF COMMAND REVIEW



| | Community | Internal |
|-------------------------|-----------|----------|
| Unfounded | 16% | 2% |
| Training/Policy Failure | 1% | 0% |
| TBD | 9% | 2% |
| Sustained | 8% | 8% |
| Not Sustained | 6% | 1% |
| Exonerated | 9% | 0% |

NO CHAIN OF COMMAND REVIEW



| | Community | Internal |
|----------------------------|-----------|----------|
| Mediation | 3% | 0% |
| Inquiry | 18% | 0% |
| Closed | 3% | 0% |
| Administratively Suspended | 12% | 1% |

Complaints that are classified as an Inquiry, Administratively Suspended, Mediated, or Closed at the Internal Affairs level are not reviewed by the Chain of Command. The remaining complaints are sent by IA to the officer's Chain of Command for review and determination of findings.

STATISTICS OF INTEREST

| | 2017 | 2018 | Change |
|---|-----------------|------|------------------|
| Non-Deadly Use of Force | 109 | 113 | ↑8% ¹ |
| Deadly Use of Force (Critical Incidents) | 7 | 1 | ↓ 86% |
| Pursuits | 25 ² | 27 | ↑8% |
| Preventable Collisions | 25 ³ | 22 | ↓ 12% |

CRITICAL INCIDENTS

SPD officers were involved in a total of **1 officer involved shooting**. On March 12, 2018 a County Deputy and mental health workers were going to evict a tenant of an apartment complex in Hillyard. Upon entering the apartment, the suspect was observed sitting in the area of a couch. The suspect began reaching under a blanket covering what the Deputy/Officer(s) believed to be a weapon. Several commands were given, but those commands were ignored.

RECOMMENDATIONS

UPDATES ON 2017 RECOMMENDATIONS

- | | |
|--|--|
| <p>1) Uniform policy for complaints generated through a public records request</p> | <p>Ongoing. Policy 1020 has been updated, but this portion was not included in it yet as the details are still being worked through.</p> |
| <p>2) SPD should reestablish the practice of posting IA cases and BWC on IA's web page.</p> | <p>Not being implemented. SPD has made progress on posting summaries to the website. They have implemented a process wherein the investigator completes a summary when the case is complete to facilitate posting in a timelier manner.</p> |
| <p>1) OPO and SPD should collaborate on</p> | <p>Partially implemented. The OPO served on the</p> |

¹ While the incidents of use of force increased from the previous year, the total interactions SPD officers had with citizens (calls for service and officer initiated) were 170,170, a 10% increase from 2017. Use of force accounted for .06% of all citizen interactions.

² 2 pursuits involving 4 officers were found to be out of compliance with policy.

³ Of total collisions, 25 were found to be preventable; 21 were non-preventable; and 7 were legal interventions that were in compliance with policy.

updating SPD's Use of Force policy to reflect the most progressive technique in de-escalation and tactical considerations.

Use of Force Policy Committee. Chief Meidl also asked the OPO to draft a second progressive policy for his consideration. The OPO completed a study of 100 active police use of force policies in the United States in this effort.

2018 RECOMMENDATIONS

The Ombudsman provided **5 recommendations** to SPD related to policy and/or training. The subject matter of recommendations made included:

RECOMMENDATION #1: CRIME SCENE SHIELDS

Summary: The Ombudsman recommends that SPD refresh or implement a practice of shielding bodies of the deceased at the scene of the incident. SPD should also have a policy that diverts traffic when a deceased subject may be in public view.

Status: Implemented. The Chief requested shields be ordered. As of April 2018, the shields are deployed when officers respond to a scene where a body is located in a place that may be easily viewed by the public, so long as the screens do not compromise the integrity of the crime scene.

RECOMMENDATION #2: EVIDENCE RELEASE PROCEDURE

Summary: The Ombudsman recommends that the Property Unit update the letter it sends to citizens to better identify the property at issue and update its standard operating procedures to provide citizens the option of picking up property or have the Property Unit destroy it.

Status: Partially Implemented. The form letter has been updated to include the date of the incident. However, no action is being considered on providing citizens an option on how to release or dispose of the property due to the volume of release forms Property sends out every year.

RECOMMENDATION #3: USE OF FORCE DASHBOARDS

Summary: The Ombudsman recommends SPD collaborate with the OPO in implementing Use of Force dashboards in order to provide more transparency on the uses of force that occur in the community.

Status: In Progress. Internal Affairs provided the data required to build the dashboards. SPD is also working with the contractor to provide feedback on data collected to ensure reporting is accurate and providing input for outward facing dashboards.

RECOMMENDATION #4: SAFEGUARDING BODY WORN CAMERA EVIDENCE

Summary: The Ombudsman recommends that SPD review all investigative cases that involved body worn cameras (BWC) to ensure proper safeguarding during an investigation and the prescribed retention period.

Status: Completed. The Director of Strategic Initiatives created a new category that ensures all BWC related to ongoing IA investigations are not purged in accordance to Washington State Archives records and retention schedules for IA investigations.

RECOMMENDATION #5: SWORN STATEMENT REQUIREMENT

Summary: The Ombudsman recommends SPD remove the requirement that complainants submit essentially a sworn statement with their complaint by acknowledging that making false or misleading material statement is a gross misdemeanor and investigators remove a similar advisement prior to conducting an interview.

Status: Partially Implemented. The Chief did not consider action for removing the requirement that complainants acknowledge making a false or misleading material statement but said one advisement was sufficient. In Chief Meidl's response on October 30, 2019 to the recommendation, he pointed out that under SMC 04.32.140(B), "The OPO shall notify complainants that they can be charged with a criminal gross misdemeanor for making a false misleading material statement pursuant to SMC 10.07.020." The OPO should have the ability to determine whether providing an advisement is necessary, if at all. As such, the OPO requested City Council amend SMC 04.32 to change "shall" to "may" notify complainants they may be charged.

Outcome: In January 2019, the City Council voted on and passed changing 04.32.140(B) from "shall" to "may." SPD agreed to reduce the number of advisements, either on the form or at the time of interview.

COMPLAINTS RECEIVED

| OPO | City Council District | Allegation(s) | Complaint Summary | Days Investigated | Status | Ombudsman Findings | Chief's Findings | Officer Discipline |
|-------------|-----------------------|---|---|-------------------|----------------------------|--------------------|------------------|--------------------|
| 18-1 | | | Commendation #1 | | | | | |
| 18-2 | 2 | Inadequate Response | Complainant alleges Internal Affairs refused to open an investigation into complaint. Citizen was contacted by an officer from the citizen's precinct regarding the complaint. Citizen disputes the conclusion reached by the officer. | 37 | Administratively Suspended | Concur | N/A | N/A |
| 18-3 | N/A | Policy Violation | Complainant alleges an officer made numerous statements to the citizen that were in violation of SPD policy 340.3.5(f). | 55 | Administratively Suspended | Concur | N/A | N/A |
| 18-4 | 2 | Harassment | Complainant alleges a supervising officer sent six police officers and a mental health professional to the citizen's residence as retaliation from filing a previous complaint. | 33 | Administratively Suspended | Concur | N/A | N/A |
| 18-5 | 1 | Excessive Force / Unlawful/Improper Search and Seizure / Demeanor | Complainant alleges an officer used excessive force in executing an arrest warrant. At the time of arrest, the citizen was in a vehicle. The officer broke the window and dragged the citizen out of the car. The citizen also heard the officers laughing as they watched the arrest on their cell phones. | 93 | Administratively Suspended | Concur | N/A | N/A |
| 18-6 | 3 | Inadequate Response / Demeanor | Complainant alleges lack of response from assigned Neighborhood Resource Officer (NRO). | 60 | Administratively Suspended | Concur | N/A | N/A |

| | | | | | | | | |
|--------------|-----|--|--|-----|---------------------------------|-----------|--|--|
| 18-7 | 3 | Unlawful/Improper Search and Seizure / Inadequate Response | Police were called to Zip Trip due to an aggressive employee. The complainant was a bystander who called the police to report the employee. The complainant alleges being unlawfully detained and request made to press charges was dismissed. | 141 | Closed | Certified | Officer 1 - Inadequate Response, Sustained / Officer 2 - Inadequate Response, Sustained / Officer 3 - Inadequate Response, Sustained; Unlawful/Improper Search and Seizure, Unfounded / Officer 4 - Inadequate Response, Sustained / Officer 5 - Inadequate Response, Sustained / Officer 6 - Inadequate Response, Sustained | Officer 1 - verbal counseling / Officer 2 - verbal counseling / Officer 3 - document of counseling / Officer 4 - verbal counseling / Officer 5 - verbal counseling / Officer 6 - verbal counseling |
| 18-8 | N/A | N/A | Complainant alleges being cut off by an exempt vehicle. | N/A | Referred to SCSSO | N/A | N/A | N/A |
| 18-9 | 3 | Inadequate Response | Complainant alleges the police have not investigated the theft of the citizen's belongings because it "wasn't a big crime" and the evidence provided was "just circumstantial." | 26 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-10 | 2 | Harassment | Complainant alleges being stalked, followed, and harassed by SPD over two hundred times over the last two years but has never been stopped or cited. | 32 | Administratively Suspended | Concur | N/A | N/A |
| 18-11 | 3 | Demeanor | Complainant was in the Public Safety Building and requested to speak with the person in charge of the Records Department. The complainant alleges the officer came out from behind the glass in a very aggressive fashion, with hands on the hand cuff case, while asking what the problem was. The complainant says the officer was rude, interrupted while complainant was communicating | 125 | Closed | Certified | Unfounded | None |

| | | | | | | | | |
|--------------|---|--------------------------------|--|----|---------------------------------|-----------|-----------|------|
| | | | concern, and shoved a complaint form at the citizen. Complainant says the officer provided accurate information but demeanor was disrespectful and curt. | | | | | |
| 18-12 | 2 | Demeanor / Inadequate Response | Complainant reports a man was assaulted and robbed at the Amtrak Station. The man appears impaired due to medical conditions. Complainant says the police treated the man as if he were drunk, told him to clean himself up, and he was scaring people. Complainant says police only made the situation worse. | 30 | Administratively Suspended | Concur | N/A | N/A |
| 18-13 | 2 | Inadequate Response | Citizen was a victim of vehicle prowling while at work at Deaconess Hospital. Citizen discovered items missing from vehicle and reported it to Crime Check. Crime check was referred to an officer at SPD. The citizen attempted to contact the officer on at least five instances but has not received any follow up from the officer or SPD. | 52 | Closed | Certified | Unfounded | None |
| 18-14 | | | <i>Commendation #2</i> | | | | | |
| 18-15 | 3 | Inadequate Response | Citizen was in a vehicle accident. Both parties and a witness called 911 and Crime Check. They were told the police would not respond because it was not blocking the roadway and there were no injuries involved. | 51 | Closed as Investigative Inquiry | Certified | N/A | N/A |

| | | | | | | | | |
|--------------|---|--------------------------------|--|----|---------------------------------|-----------|---|-------------------------------|
| 18-16 | 3 | Inadequate Response | Complainant called 911 to request police response after discovering home was broken into. Complainant says an officer responded after midnight. While the officer was courteous, he/she was not willing to speak with potential witnesses and did not receive assistance after discovering the thief used the citizen's bank card. | 94 | Closed | Certified | Not Sustained | None |
| 18-17 | 2 | Inadequate Response | Complainant is a landlord whose tenants have been experiencing repeated break-ins and prowling. Complainant and tenants have repeatedly contacted 911 and Crime Check but have not received police response. | 32 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-18 | 2 | Wrongful Exercise of Authority | Complainant reports meeting with an SPD official and was caught off guard by other attendees in the meeting, was interrogated, and portions of the interaction were not captured on the audio recorder. | 87 | Closed | Certified | N/A | N/A |
| 18-19 | 2 | Demeanor | Complainant was stopped by an officer while riding a bicycle. Complainant says the officer yelled at the complainant for not having the right of way. They had an argumentative encounter. The complainant says the officer accused the complainant of not having brakes, and then badgered the complainant for not having a middle name. The officer also threatened to take the complainant to the hospital for mental evaluation. | 43 | Closed | Certified | Demeanor, Sustained; Policy/Standard Violation, Sustained | Letter of Reprimand; Training |

| | | | | | | | | |
|-------|---|---|--|-----|--------|-----------|--|--|
| 18-20 | 3 | Excessive Force / Inadequate Response / Bias Policing / Policy/Standard Violation | Complainant and family have ongoing dispute with neighbors that resulted in several individuals being physically attacked. Complainant was the only party involved who was arrested. Complainant feels singled out because of family relations. In the weeks following the incident, the complainant called for police service and received minimal or no police response. | 125 | Closed | Certified | Officer 1 - Excessive Force, Unfounded; Inadequate Response, Not Sustained; Bias Policing, Unfounded / Officer 2 - Bias Policing, Unfounded; Inadequate Response, Not Sustained / Officer 3 - Bias Policing, Unfounded; Inadequate Response, Sustained / Officer 4 - Inadequate Response, Not Sustained; Bias Policing, Unfounded / Officer 5 - Excessive Force, Unfounded; Policy/Standard Violation, Other Sustained; Bias Policing, Unfounded; Inadequate Response, Not Sustained / Officer 6 - Inadequate Response, Not Sustained; Bias Policing, Unfounded / Officer 7 - Inadequate Response, Not Sustained; Bias Policing, Unfounded | Officer 1 - none / Officer 2 - none / Officer 3 - document of counseling / Officer 4 - none / Officer 5 - document of counseling / Officer 6 - none / Officer 7 - none |
|-------|---|---|--|-----|--------|-----------|--|--|

| | | | | | | | | |
|--------------|---|--------------------------------|--|-----|---------------------------------|-----------|-----|-----|
| 18-21 | 3 | Demeanor / Inadequate Response | Complainant sent an email complaint to SPD in the past year but has received no follow up. Complainant spoke with an officer about the complaints at the Public Safety Building. Complainant says the officer's reply was short, uncaring, and did not attempt to do anything to assist. When the complainant requested the officer look up the case numbers related to the complaints, the officer referred the complainant to the OPO. | 125 | Administratively Suspended | Certified | N/A | N/A |
| 18-22 | 3 | Demeanor | Police were sent to complainant's home while having a mental health crisis. Complainant was handcuffed and sat outside while only wearing underwear. Complainant requested twice that police allow complainant put on clothes, both requests were denied. As complainant was strapped to a gurney, complainant requested medication be retrieved to help the complainant calm down. This request was also denied. | 38 | Mediated | Concur | N/A | N/A |
| 18-23 | 3 | Demeanor/ Inadequate Response | Complainant has ongoing dispute with neighbor and has called for police services on multiple occasions, but has not received any response. Further, officers banged on complainant's door around 2-3am to take a sex crimes report, but had the wrong address. Officers left without offering an apology. | 26 | Closed as Investigative Inquiry | Certified | N/A | N/A |

| | | | | | | | | |
|--------------|---|--|--|-----|---------------------------------|-----------|---|---|
| 18-24 | 2 | Excessive Force / Demeanor / Unlawful/Improper Search and Seizure | Complainant was a passenger in a vehicle stopped by officers. Complainant alleges the officers told them they were being stopped as part of a routine traffic stop and that vehicle tabs were expired. The second officer approached the complainant and requested to see identification. The second officer ran the complainant's record and found a warrant out for arrest. The officer arrested the complainant for obstruction and resisting arrest. When the complainant refused to exit the vehicle, officers snatched and body slammed the complainant against the ground. While handcuffed, the complainant says another officer placed a knee on the side of the complainant's face. The complainant asked for a supervisor but no one arrived. | 123 | Closed | Certified | Officer 1 - Excessive Force, Exonerated; Demeanor, Exonerated; Unlawful/Improper Search and Seizure, Exonerated / Officer 2 - Excessive Force, Exonerated; Demeanor, Sustained; Unlawful/Improper Search and Seizure, Sustained | Officer 1 - None / Officer 2 - Document of Counseling; Training |
| 18-25 | 2 | Inadequate Response | Complainant is a local business owner who has faced issues with homeless people leaving needles and human feces on the business property. Complainant says police only come one in fifty times they're called and nothing happens. The most recent incident was on the morning complaint was made. Complainant is scared for self and employees. | 13 | Closed as Investigative Inquiry | Certified | N/A | N/A |

| | | | | | | | | |
|--------------|---|--------------------------------------|---|-----|---------------------------------|-----------|--|------|
| 18-26 | 2 | Inadequate Response | Complainant alleges son is being targeted as a nuisance by a local business due to a mental illness and as a result the police haven't done anything to assist him. Complainant says a man threatened to shoot the son in front of officers, but they did nothing. In another incident, while the son was crossing the street, he was hit by a car (driven by the same man who previously threatened to shoot him). When the police arrived, officers told the son pedestrians don't always have the right of way and should stay out of the center of the road. The suspect was not cited for either incident. | 123 | Closed | Certified | Exonerated | None |
| 18-27 | 1 | Unlawful/Improper Search and Seizure | Complainant's spouse was a passenger in a vehicle stopped by officers. The driver and one of the passengers was arrested. The complainant's spouse was not arrested but the spouse's keys were confiscated by an officer. | 25 | Administratively Suspended | Concur | N/A | N/A |
| 18-28 | 1 | Demeanor / Inadequate Response | Complainant was involved in a domestic violence incident with spouse. Complainant requested medical attention but never received any. The responding officers were rude and condescending. When the complainant was describing injuries sustained to an officer, the officer responded with eye rolling and sarcasm. Complainant says officers called injuries suffered were fabricated and asked why the complainant hasn't left the relationship. | 180 | Closed | Certified | Demeanor, Exonerated; Inadequate Response, Unfounded | None |
| 18-29 | 2 | Inadequate Response | Complainant was trespassed from a community center due to service animal being disruptive and not on leash. Complainant offered to get leash from | 162 | Closed as Investigative Inquiry | Certified | N/A | N/A |

| | | | | | | | | |
|--------------|---|---------------------|--|-----|---|-----------|-----|-----|
| | | | the car and return, but the officer trespassed without conducting an investigation. | | | | | |
| 18-30 | 1 | Inadequate Response | Complainant has called Crime Check every day for seven days to report a camper parked on the street. Crime Check always says they'll send police but they have not arrived. Complainant reports the campers bathe and launder clothes on the splash pad in Glass Park. | 9 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-31 | 1 | Inadequate Response | Complainant's vehicle was stolen. Complainant says SPD called the wrong number when the vehicle was recovered, took it off the stolen vehicle list before it was recovered, and as a result Idaho police could not assist when the vehicle was located in Idaho. Further, when an officer found the suspect in possession with the vehicle, the officer did not arrest. Complainant seeks restitution from the suspect through the Prosecutor, but has been denied because the suspect was never arrested. | 19 | Administratively Suspended | Concur | N/A | N/A |
| 18-32 | 2 | Demeanor | Complainant was protesting outside of a Cathy McMorris rally. Complainant came approximately six inches from the bumper of a black SUV when the driver honked at him. The driver rolled down the window and said, "If you damage this vehicle, you are going to jail." The complainant pointed out the vehicle to officers and they said, "that wasn't a threat, that was a promise." | 136 | Pending Guild grievance letter to City; SPD Closed as Inquiry | Declined | N/A | N/A |

| | | | | | | | | |
|--------------|---|--------------------------------|--|-----|------------------------------------|-----------|---|---|
| 18-33 | 2 | Demeanor | Complainant was protesting outside of the Spokane Club and invited officers present to carry political signs. The officers declined saying they must remain neutral. Officers then asked the complainant to stand outside the pillars located out front on the sidewalk. Complainant says the officers' demeanor and interactions were not neutral. | 37 | Closed as an Investigative Inquiry | Certified | N/A | N/A |
| 18-34 | 3 | Demeanor | Complainant was routed to SPD through 311. The interaction with the officer was very poor and the officer was rude and disrespectful. | 180 | Closed | Certified | Not Sustained | None |
| 18-35 | 1 | Inadequate Response | Complainant's property was stolen. Complainant called Crime Check to request a police response. Crime Check informed the complainant that they could offer him an incident number but that SPD will not respond to a property crime. The complainant declined the incident number saying, what's the point of an incident number if the police won't come. | 25 | Closed as an Investigative Inquiry | Certified | N/A | N/A |
| 18-36 | 1 | Inadequate Response | Complainant alleges being ignored on multiple attempts to contact the assigned Neighborhood Resource Officer. | 102 | Closed as an Investigative Inquiry | Certified | N/A | N/A |
| 18-37 | 2 | Inadequate Response / Demeanor | Complainant and roommate got into an argument that resulted in a physical altercation and damage to the complainant's television. Complainant called the police to press charges. When the officers arrived, one of the officers yelled at the complainant. The officer said he/she would not let the charges go through. | 103 | Closed | Certified | Officer 1 - Inadequate Response, Training Failure / Officer 2 - Inadequate Response, Training Failure; Demeanor, Exonerated | Officer 1 – Training / Officer 2 – Training |

| | | | | | | | | |
|--------------|---|--------------------------------|---|-----|------------------------------------|-----------|------------|------|
| 18-38 | 2 | Inadequate Response / Demeanor | Complainant called Crime Check, after dialing 911 wouldn't work, after being threatened and feared for his/her life. Crime Check wanted to get all of the complainant's information before dispatching officers. It took over 25 minutes for police to respond. When officers arrived they treated the complainant as if he/she were the suspect. Officers assured the complainant they had an officer looking for the suspect, but the complainant later learned no officer was searching. | 118 | Closed as an Investigative Inquiry | Certified | N/A | N/A |
| 18-39 | 3 | Demeanor | Complainant was pulled over in a traffic stop. Complainant's vehicle was impounded due to a passenger having a warrant issued against him/her. Complainant contacted the officers' supervisor on when the car may be picked up. The supervisor was rude and not helpful. | 175 | Closed | Certified | Exonerated | None |

| | | | | | | | | |
|--------------|---|--------------------------------|---|-----|---------------------------------|-----------|-----|-----|
| 18-40 | 3 | Inadequate Response / Demeanor | Complainant is a landlord who evicted tenants from property. Neighbors reported that when the tenants vacated, they took furniture and appliances furnished by the landlord and vandalized the property. Complainant says police didn't show up to an active theft, but hours later after the fact. Complainant entered the property and requested police assistance to remove a squatter. Crime Check said the police were too busy. The complainant called Crime Check again to get an incident number, the officer complained upon responded. Complainant says the officer was argumentative, didn't want to look at documents establishing ownership, and the officer automatically believed the tenants. | 150 | Closed | Certified | N/A | N/A |
| 18-41 | 3 | Inadequate Response | Complainant reported an ongoing assault and requested police assistance. Police didn't show up until the following day. | 11 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-42 | 3 | Inadequate Response | Complainant's firearm was stolen and pawned. The firearm was reported to be returned to the owner, but the complainant has yet to recover the firearm. Complainant called the detective assigned to the case numerous times but has not received any follow up. | 91 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-43 | 1 | Inadequate Response | Complainant was in a car accident and the officers who responded did not accurately detail witness statements and the narrative of the incident was extremely vague with inaccurate wording. | 36 | Closed as Investigative Inquiry | Certified | N/A | N/A |

| | | | | | | | | |
|--------------|---|--------------------------------|--|-----|---------------------------------|-----------|--|------|
| 18-44 | 1 | Policy Violation | Complainant alleges violation of First Amendment rights. An officer ordered the complainant to remove tents used to protest and demonstrate the need for new camps for the homeless. | 57 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-45 | 3 | Inadequate Response / Demeanor | Complainant called for police assistance following an altercation with a squatter in an abandoned apartment building. Responding officer took the squatter's statement but was not interested in taking the complainant's statement. Instead the officer accused the complainant of harassing behavior. | 159 | Closed | Certified | Inadequate Response, Exonerated; Demeanor, Unfounded | None |
| 18-46 | 1 | Inadequate Response | Complainant says that due to SPD's slow response time, an individual was subjected to continued assault. | 180 | Closed | Certified | Exonerated | None |
| 18-47 | 1 | Traffic/Driving | Complainant witnessed an officer commit a hit and run. When complainant reported it to Crime Check he/she received several calls from officers. Complainant felt accused of lying. | 117 | Closed | Certified | Exonerated | None |
| 18-48 | 1 | Inadequate Response | Complainant found a homeless man sleeping in his/her carport. Complainant asked the homeless man to move but he wouldn't. Complainant called Crime Check who said someone would be over. Police response didn't arrive until 12 hours later. | 28 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-49 | 1 | Harassment | Complainant is a business owner who has encountered the complained upon officer when enforcing code violations. While the complainant has not received any code violations regarding the liquor license, complainant feels harassed by the officer. In one instance, the officer even threatened the complainant's life. | 180 | Closed | Certified | Unfounded | None |

| | | | | | | | | |
|--------------|---|--|---|-----|---------------------------------|-----------|--|---|
| 18-50 | 2 | Inadequate Response | Complainant reported suspicious activity behind office building to Crime Check numerous times. Complainant has also contacted the designated NRO and left at least two voicemails but has not received a call back. | 50 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-51 | 1 | Inadequate Response | Complainant is a business owner whose store got vandalized. Complainant used social media and the media to gather information on the suspects. Information was provided to SPD yet nothing was done in a timely fashion. | 112 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-52 | 1 | Inadequate Response | Complainant is a landlord who had tenants evicted. After tenants were evicted, they tried to return unlawfully. Responding officers allowed tenants back into garage to collect possessions. However, complainant contends the garage also included the complainant's property. | 41 | Closed | Certified | N/A | N/A |
| 18-53 | 3 | Inadequate Response / Demeanor | Complainant is continuously harassed by neighbors. Police response doesn't sufficiently address issues. | 144 | Closed | Certified | Officer 1 – Inadequate Response, Unfounded / Officer 2 – Inadequate Response, Unfounded; Demeanor, Unfounded / Officer 3 – Demeanor, Unfounded / Officer 4 – Inadequate Response, Unfounded; Demeanor, Unfounded | Officer 1 – None / Officer 2 – None / Officer 3 – None / Officer 4 – None |
| 18-54 | 2 | Policy Violation / Computer Misuse/Violation | Complainant began speaking to an officer on the Tinder dating application. Complainant alleges the officer used department resources to learn personal information. | 132 | Closed | Certified | Unfounded | None |

| | | | | | | | | |
|-------|---|--------------------------------|--|-----|---------------------------------|-----------|---|-------------------------------------|
| 18-55 | 1 | Inadequate Response | Complainant has a protection order against spouse. Every time the complainant calls to request police response, Crime Check/911 provide an incident number but no police response. Complainant says police told her if there is no video or picture of spouse violating the order, they won't do anything. | 108 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-56 | 3 | Excessive Force / Demeanor | Complainant was walking down the street with a hoodie and headphones when officers ran toward him with a rifle drawn and yelling at the complainant to stop. Complainant was thrown to the ground. | 161 | Closed | Certified | Officer 1 – Demeanor, Unfounded; Excessive Force, Exonerated / Officer 2 – Demeanor, Unfounded; Excessive Force, Exonerated | Officer 1 – None / Officer 2 – None |
| 18-57 | 2 | Inadequate Response / Demeanor | Complainant was assaulted. When police arrived, they did not address the issues they were called for. Complainant was made to feel in the wrong rather than as the victim. | 63 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-58 | | | <i>Commendation #3</i> | | | | | |
| 18-59 | 2 | Inadequate Response | Complainant has witnessed drug dealers on street and reported it to Crime Check, 911 & NRO directly. Complainant has received no response. | 72 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-60 | 2 | Demeanor | Officer followed up with complainant on the phone after complainant reported being "charged" at by landlord. Officer told the complainant he/she was wasting the officer's time and officer hung up on him/her. | 43 | Closed | Certified | Not Sustained | None |

| | | | | | | | | |
|--------------|---|---|---|-----|---------------------------------|-----------|-----------|----------------------------------|
| 18-61 | 2 | Inadequate Response | Complainant called 911 after being assaulted by sibling. The responding officer did not ask to see wounds and asked roommate if the complainant was exaggerating. Officer then told the complainant he/she was overreacting, after he/she was dragged by a vehicle. Complainant further reported to the officer that the sibling is armed, wearing a bulletproof vest, and has made threats to kill. But because he/she could not list the specific weapons, the officer said nothing could be done. Two days later the sibling was involved in an armed robbery. Complainant feels dismissed and that the robbery could have been prevented. | 184 | Closed | Certified | Sustained | Document of Counseling; Training |
| 18-62 | 1 | Harassment | Complainant alleges an officer continuously pulls over his/her work trucks without reason. | 8 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-63 | 3 | Unlawful/Improper Search and Seizure / Inadequate Response / False Arrest | Complainant called the police for DV by significant other. Complainant says officers assumed he/she was wrong instead of talking about it. | 35 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-64 | 1 | Driving | Complainant witnessed an officer speeding, changing lanes without signaling and with lights on to get through an intersection. | 16 | Administratively Suspended | Concur | N/A | N/A |
| 18-65 | 2 | Demeanor | Complainant contacted the police desk regarding the law on video recording an officer while on duty. The desk officer confirmed the law but was rude and when complainant had more questions the officer hung up. | 97 | Administratively Suspended | Concur | N/A | N/A |

| | | | | | | | | |
|--------------|---|---------------------------------------|--|-----|---------------------------------|-----------|-----------|-------------------|
| 18-66 | 2 | Demeanor | Complainant was pulled over for speeding and was treated with disrespect, belittled and mocked by the officer. | 182 | Closed | Declined | Sustained | Verbal Counseling |
| 18-67 | 3 | Inadequate Response | Complainant called SPD for assistance. Upon arrival complainant was taken to a hospital for evaluation. Concerns were never addressed. | 44 | Closed as Investigative Inquiry | Certified | N/A | N/A |
| 18-68 | | | <i>Commendation #4</i> | | | | | |
| 18-69 | 2 | Excessive Force / Inadequate Response | Complainant called SPD for assistance with neighbors. The complainant was then arrested and concerns were never addressed. | 22 | Administratively Suspended | Certified | N/A | N/A |
| 18-70 | | | <i>Commendation #5</i> | | | | | |

Mayor Condon, City Administrator Sanders, Chief Meidl, Chief Lundgren, Major King, and Ombudsman Logue:

The Spokane Police Guild objects to the presence of Mr. Logue participating in interviews or certification of this investigation. Logue is the complainant in this matter. This immediately puts him in a conflicted role. Logue has opened himself to City ethics policy violations and violations of the City's Office of the Police Ombudsman policy. Specifically Logue or other OPO employees have released confidential information to media outlets. Logue specifically watched BWC video prior to any complaint being filed by anyone. Logue has accused the department of "circumventing the normal complaint process" in the media. However, it is Logue who has violated his own policy as stated in the City's Ordinance. Logue's refusal to read and understand his own applicable policy is completely his own failure. Logue's conduct brings into question his ability to serve as a fair and impartial presence to ensure a thorough complete objective investigation.

Logue has made a public records request that indicates he is carrying on his own investigation into this matter separate from the SPD's investigation. This is specifically barred in our contract. Since the City's OPO policy satisfies all requirements of our contract, Logue has also committed violations of our contract. Logue has stated in the media that watching the video in this case made him "sick to my stomach" indicating a preconceived opinion that is incompatible with being open minded in investigations.

For all these reasons the Guild demands Logue be excluded from this investigation until it is complete.

Logue's failure to exclude himself will be a basis for the Guild to object to the results of the investigation and any discipline that may result. The Guild maintains the right for further grievances and potential ULP's surrounding this investigation.

Kris Honaker

President, Spokane Police Guild