



Office of Police Ombudsman Commission

Meeting Agenda
July 21, 2020
5:30PM – 7:30PM
WebEx Meeting

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 June 11 th Minutes	Commissioner Rose
	4) Update to June Vote	Commissioner Rose

Items:

5:36 – 6:00pm	1) Public Forum	Citizens Signed Up to Speak
	2) Monthly Report	Bart Logue

Commission Business:

6:00 – 6:45pm	1) Annual Reports	Commissioner Rose
	2) Commissioner Vacancies / Reappointments	Commissioner Rose
	3) Commissioner Speak Out	Commissioner Rose
	4) Employee PAR	Executive Session

Adjournment:

The next Ombudsman Commission meeting will be held on August 18, 2020.

WEBX Meeting Information:

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Meeting number (access code): 146 728 4939

Meeting password: JEBkpXh9J22

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Office of Police Ombudsman Commission Minutes

June 11, 2020

Meeting Minutes: 1:22

Meeting called to order at 5:30pm

Attendance

- OPOC Commissioners present: Ladd Smith, Jenny Rose, James Wilburn, Blaine Holman and Elizabeth Kelley
- Legal Counsel: David Bingaman
- OPO staff members present: Bart Logue, Luvimae Omana and Christina Coty

Items Session

- Agenda: Approved - Unanimous
- February 18th minutes: Approved - Unanimous
- OPOC Legal Counsel contract Vote: Approved - Unanimous

Public Forum

- Anwar Peace –He noticed while reading the closing report published by the OPO that there was no K9 policy for SPD only guidelines.

OPO Closing Report for C19-040 / Recommendations

- The OPO put this report out as an after action to critically look at the specific incident that occurred in February of 2019 and offer recommendations.
 - High Risk Vehicle Stop: Driver exited the vehicle; passenger got into the driver's seat and led the officers on a high-speed chase. Upon termination of the chase, officers used a K9 to get the subject out of the vehicle, while it appears the subject was surrendering.
 - During review of the Use of Force case, two supervisors found the Use of Force to be outside of policy.
 - The writing of this report led to 23 Recommendations to the Spokane Police Department.

Commissioners' Business

- OPO Closing Report Discussion – Commissioners
 - What do the SPD consider an exceptional technique? How is that determined?
 - Would like to see more reports of this fashion.
- Vote to Approve the 23 Recommendations
 - 4 votes to approve and 1 abstention
- Commissioner Speak Out
 - Commissioner Holman – Concerns with the Police Guild contract not wanting oversight. Encourages all City Council Members to vote no on the contract due to the lack of oversight.
 - Commissioner Smith – Concerned that the Police Guild are not interested in any sort of accountability or transparency with the community. They are trying to weaken what the citizens voted for in 2013.
 - Commissioner Wilburn – The Police Guild doesn't tell us what to do. That is what they have been doing and it's not right

- Commissioner Rose – The citizens voted for independent oversight and that is not what they are getting now. If the Police Guild truly wants change, they need to focus on the areas that truly matter, not the oversight.
- Commissioner Kelley – This contract is deeply and profoundly out of step with the rest of the nation and the world for that matter. It could not have come at a worse time.
- OPOC Statement
 - Would like to ensure that there is a statement from the OPOC on the FB page.
 - Vote to have Commissioner Rose write a statement for the OPOC – Approved Unanimous

Motion Passes or Fails: 5

Meeting Adjourned at: 6:52pm

**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 21, 2020

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	5	40
OPOC	Community outreach / activities	2	25
Contacts		214	650
Commendations		5	6
Complaints			
	Received complaints	18	33
	Referred complaints	14	54
Case Review			
	Request for further investigation	0	10
	Investigations certified / concurred	4	39
	Declined certifications	0	0
	Special cases reviewed	23	92
Interviews			
	OPO interviews	34	64
	Internal Affairs interviews	11	27
Training		3	38
Critical Incidents		0	0
Mediations			
	Recommended	0	1
	Conducted	0	1
	Declined	0	0
Recommendations		0	0
Other Activities			
SPD Related	Meetings / contacts	22	164
	Review boards / D-ARP's	2	10
	Closing meetings	0	0

1. Outreach

a) OPO

- i. Jonah Project (6/4)
- ii. OPOC Meeting (6/10)
- iii. NAACP Monthly Meeting (6/18)
- iv. Leadership 2020 Event (6/22)
- v. City Council Study Session – Presenter (6/23)

b) OPOC Actions

- i. OPOC Meeting (6/10)
- ii. Protest Regarding the Police Guild Contract (6/29)

2. Commendations / Complaints

a) Received Complaints

- i. **OPO 20-17 – Commendation:** Handling of the Protests and Riots.
- ii. **OPO 20-18 – Commendation:** Officer who helped them during a car accident.
- iii. **OPO 20-19 – Excessive Force:** Concerning tactics (knee on neck) used during an arrest. (3 Complainants)
- iv. **OPO 20-20 – Demeanor / Excessive Force:** Responding officer to a DV allegedly arrested a non-involved individual for using profanity at the officer.
- v. **OPO 20-21 – Demeanor / Harassment:** Concerns with harassment of an NRO over nearly daily check-ins.
- vi. **OPO 20-22 – Excessive Force:** While peacefully protesting, was shot with tear gas. When complainant asked for assistance to get out of the area, was knocked to the ground and was arrested.
- vii. **OPO 20-23 – Demeanor / Excessive Force:** Witnessed officers laughing, shooting rubber bullets, and shooting tear gas through traffic during peaceful protests.
- viii. **OPO 20-24 – Criminal / Policy Violation:** Complainant alleges they were hit by an SPD vehicle, going the wrong way, while walking to their car after the protest. The vehicle did not stop and the complainant sustained a broken ankle.
- ix. **OPO 20-25 – Inadequate Response / Abuse of Authority:** Concerned with how SPD handled the protest and subsequent riot. (11 Complainants)
- x. **OPO 20-26 – Demeanor / Improper Tactics:** Citizen allegedly observed officers refusing to give badge numbers and an officer who put his finger on the trigger of his weapon as a threat.
- xi. **OPO 20-27 – Inadequate Response:** Their ex was not arrested for violating a No Contact Order (NCO) upon their release from jail.
- xii. **OPO 20-28 – Inadequate Response / Excessive Force:** After requesting assistance from the police in locating their son at the end of the protest, complainant witnessed that the SPD did not give a warning prior to

shooting tear gas into a peaceful crowd. The complainant was also shot with a rubber bullet.

- xiii. **OPO 20-29 – Commendation:** Was happy with police response to the protest / riots and wanted to offer their support.
- xiv. **OPO 20-30 – Demeanor / Inadequate Response:** Responding officers to a DV assault were allegedly rude and dismissive of the victim.
- xv. **OPO 20-31 – Demeanor / Inadequate Response:** After watching BWC footage of them making a noise complaint to officers during a Church at Planned Parenthood sermon, witnessed the officers dismissing their complaint. Then provided their complaint to the Church.
- xvi. **OPO 20-32 – Criminal / Property Loss / Mishandling:** After being arrested, their property was not returned to them, including cash, cell phone, wallet and keys.
- xvii. **OPO 20-33 – Commendation:** Was happy with police response to the protest / riot and wanted to offer their support.
- xviii. **OPO 20-34 – Traffic:** Concerned with the amount of officers continually speeding down the road to the police academy.
- xix. **OPO 20-35 – Policy Violation:** Concerned with the amount of officers allegedly supporting a local business that was making racially insensitive comments on social media.
- xx. **OPO 20-36 – Inadequate Response:** Citizen who could not speak English, was not offered a translator during a DV call and they ended up being charged with 4th degree assault.
- xxi. **OPO 20-37 – Inadequate Response:** Police officers responded to the wrong apartment for a DV call, but continued to question them anyway.
- xxii. **OPO 20-38 – Commendation:** Located community members stolen vehicle.
- xxiii. **OPO 20-39 – Inadequate Response / Policy Violation:** Concerned that the responding officer did not arrest or cite the people who held a shoplifter at gunpoint. (6 Complainants)

b) Referrals

- i. **ER 20-41** – Concerned with offensive posts online from a deputy; SCSO
- ii. **ER 20-42** – Concerned with offensive posts online from a deputy; SCSO
- iii. **ER 20-43** – Citizen was allegedly pulled over and searched for no reason; SCSO
- iv. **IR 20-44** – Concerned about Conceal Carry Permits not being available; SPD Deputy Director
- v. **ER 20-45** – Concerned about mother’s Long Term Care facility; Long Term Care Ombudsman
- vi. **IR 20-46** – Concerned over allegedly racist police officers not being fired; SPD / IA
- vii. **ER 20-47** – Concerned with Deputies taking property; SCSO
- viii. **ER 20-48** – Concerned with Sheriff Knezovich bringing Killology teacher to Spokane; SCSO

- ix. **ER 20-49** – Concerned with comments made on social media by Police Chief Meidl; Human Resources
- x. **ER 20-50** – Concerned with comments made on social media by Police Chief Meidl; Human Resources
- xi. **ER 20-51** – Witness to a traffic accident who gave their information to an officer, was concerned that the officer gave his personal information to a person involved in the accident; SCSO
- xii. **ER 20-52** – Concerned over an interaction with Deputies while their vehicle was broken down in a parking lot; SCSO
- xiii. **ER 20-53** – Believes their property tax is too high; County Assessor
- xiv. **IR 20-54** – Believes that the Chief of Police is using a false identity; SPD/IA

3. Case Review

- i. **C20-051 / OPO 20-34** – Investigation certified
- ii. **C20-040 / OPO 20-20** – Admin Suspend / Concur
- iii. **C20-020 / OPO 20-08** – Investigation certified
- iv. **C20-038 / OPO 20-19** – Investigation certified

4. Special Cases Reviewed

- i. 13 Use of Force
- ii. 2 K9
- iii. 7 Collisions
- iv. 0 Pursuits

5. Activities

- a) OPO staff members participated/engaged in the following other activities:
 - i. PSCHC Meeting (6/1)
 - ii. NACOLE Strategic Planning Committee (6/3)
 - iii. Leadership Spokane Board Retreat (6/19)
 - iv. PSCHC Meeting (6/29)
 - v. Training – Daigle Law Group Internal Affairs Class (6/4)
 - vi. Training – Racial Justice and Police Reform (6/15)
 - vii. Training Security Information Awareness (6/18)
- b) SPD related
 - i. 16 meetings/contacts with IA
 - ii. 6 meetings/contacts with SPD
- c) OPO met with/had contact with OPO Commissioners/staff:
 - i. Commissioner Rose on (6/3 x2, 6/8, 6/10 x2, 6/11 x3, 6/12, 6/15, 6/17 x2, 6/26, 6/29)
 - ii. Commissioner Holman on (6/10, 6/11)
 - iii. Commissioner Smith on (6/10, 6/11 x2)
 - iv. Commissioner Wilburn on (6/10, 6/11)
 - v. Commissioner Kelley on (6/10, 6/11)
 - vi. OPOC Legal – Bingaman on (6/10)
- d) OPO met with/had contact with City Council:
 - i. Council Member Stratton on (6/1 x2, 6/25)

- ii. Council Member Burke on (6/1 x2, 6/2 x4, 6/24)
- iii. Council President Beggs on (6/4, 6/5, 6/8, 6/10, 6/10, 6/11, 6/19 x2, 6/23, 6/24, 6/25)
- iv. Council Member Wilkerson (6/11)

6. **Next Steps**

- a. Annual Reports for 2019

2019 ANNUAL REPORT

Office of the Police Ombudsman



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STAFF

Bart Logue, Police Ombudsman – Bart Logue began serving in this capacity in September 2016, after serving as the Interim Police Ombudsman. Bart is a Certified Practitioner of Oversight through the National Association for Civilian Oversight of Law Enforcement (NACOLE). Bart has a Master of Forensic Sciences from National University and a Master of National Security Affairs from the Naval Postgraduate School. Bart is a graduate of the Federal Bureau of Investigation National Academy, Session 239, and is also a certified Advanced Force Science Specialist.

Luvimae Omana, Analyst / Deputy Police Ombudsman – 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. Luvimae is also a certified Advanced Force Science Specialist.

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.

OFFICE OF THE POLICE OMBUDSMAN

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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

Jenny Rose, *Chair*

Ladd Smith, *Vice-Chair*

Blaine Holman

Elizabeth Kelley

James Wilburn

LETTER FROM THE OMBUDSMAN

July 21, 2020

Mayor Nadine Woodward
Council President Breean Beggs
City Council Members
Office of the Police Ombudsman Commissioners
Chief Craig Meidl

This report covers the period from January 1, 2019 through December 31, 2019. Oversight efforts in 2019 saw both successes and challenges. Community member utilization of the Office of the Police Ombudsman (OPO) continued to average over 100 community member contacts per month. The OPO was pleased to see the Spokane Police Department (SPD) publish an update to its Use of Force Policy, after significant collaboration in 2018. Upon review of the newly published policy, the OPO made a recommendation to reestablish the previously mandated process of referring force reviews to Internal Affairs (IA) for investigation if a supervisor felt that the force utilized may have fallen out of policy. SPD followed through and provided that update to the Use of Force policy as well. The OPO continued to face 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 OPO continued to see a rise in oversight activities in 2019. This year saw a 20% increase in OPO generated community complaints and a 216% increase for OPO generated referrals. The OPO also saw a rise in Letters of Appreciation for officers in the police department. Community member contacts with the OPO continued to be substantially higher for the past two years and complaint intakes have more than doubled over the last two years. Interviews with community members, while 19% lower than last year, continued at a rate of over a 500% increase from 2017. The OPO also conducted 3 successful complaint mediations last year. The OPO and IA continued the practice of meeting on a bi-weekly basis to discuss ongoing cases and meetings with SPD averaged over 30 per month.

The abilities of the OPO to conduct oversight work free from attempts of undue influence, maintain OPO independence, and ensure unimpeded access to all complaint and investigative files continues to be a challenge. In 2020, I look forward to working with the Administration and City Council in a collaborative effort to align SMC §04.32 with the City Charter Article XVI, §129 in order to provide the OPO with the authority to independently investigate any matter necessary to fulfill its duties; publish reports which reflect the independent views of the OPO with findings; and ensure the independence of the office will not be infringed upon.

These issues are not unique to Spokane. The National Association for Civilian Oversight of Law Enforcement (NACOLE) has a forthcoming publication of what they consider to be basic principles for effective oversight. Included among them are independence, clearly defined and adequate jurisdiction and authority, adequate funding and operational resources, and public reporting and authority. Below is a synopsis regarding why NACOLE believes these principles are the building blocks for effective oversight:

1. Independence is one of the most important and defining concepts of civilian oversight. In the broadest sense, it means an absence of real or perceived influence. To maintain legitimacy,

the agency must be able to demonstrate its independence from law enforcement, especially in the face of high-profile issues.

2. When an agency does not have clearly defined and adequate jurisdiction and authority to perform its mission, it simply cannot be effective. Stakeholders must ensure the level of authority of an oversight agency has in relation to its core oversight functions permits the agency to successfully perform its duties to the greatest degree possible and without limitation.
3. Allocating adequate funding and operational resources are necessary to ensure that work is being performed thoroughly, timely, and at a high level of competency. Political stakeholders must ensure support for civilian oversight includes a sustained commitment to provide adequate and necessary resources. Civilian oversight agencies must have adequate training on a regular basis, perform outreach, and disseminate public reports and other outreach materials in order to be effective.
4. Issuing public reports is critical to an agency's credibility because it is an effective tool in bringing transparency to a historically opaque process. Reports provide a unique opportunity for the public to learn about misconduct complaints and other areas of the law enforcement agency that serves the community.

The OPO is focused on opportunities to increase community visibility into incidents of concern last year. As such, we took a significant step forward in establishing our reporting efforts. SMC §04.32.030 provides authority for the OPO to publish closing reports on a case once it has been certified by the Police Ombudsman and the Chief of Police has made a final determination in the matter. Reporting efforts are solely meant to further discussion on aspects of an incident that could be improved upon for future incidents of a similar nature. As we looked to establish a reporting system and write a closing report on C19-040, the OPO used public records to conduct a review of officer reports, body worn camera (BWC) video footage, chain of command reviews, the IA investigation, the Administrative Review Panel (ARP) memorandum, and the SPD press conference regarding a case to ensure that all information would be fully releasable to the public. While this approach was time consuming and unwieldy, it provided the opportunity to robustly analyze the incident for policy and procedure recommendations that can result in improved police performance through their eventual implementation.

There continued to be substantial pushback on the OPO last year, particularly surrounding the case previously mentioned. These pushback attempts clearly infringed upon the independence and authorities of the OPO, even requesting Mayor Condon to intervene and remove the Police Ombudsman from the case. Outside of this, for the second year, the OPO and the OPOC forwarded budget requests to the Administration and the City Council to consider increasing our Administrative Specialist from part-time to full-time status. These requests continue to be unfunded, despite the significant increase in the workload of the OPO over the last two years.

In 2020, I will continue working towards ensuring the independence of the OPO as well as obtaining adequate staff and resources to meet the growing demands of police oversight. I pledge to work with the City in order to ensure that proper legal and labor safeguards are in place to ensure that the work of the OPO will not be inappropriately infringed upon and that employees of the OPO are treated with dignity and respect, particularly by those who challenge the mandates placed upon our office. I look forward to further engagement with Chief Meidl as we work to ensure greater accountability of the complaint process and transparency of incidents which impact community trust.

Respectfully Submitted,

Bart Logue

OPO ACTIVITIES

2019	2018	2017	Highlight of Activities
1294	1534	955	Citizen contacts
61	102	116	Participation or attendance in community meetings and events
8	5	4	Letters of officer appreciation / commendation
77	64	30	OPO generated complaints
158	50	54	Referrals to other agencies / departments
3	4	3	Cases offered to SPD for mediation
1	2	18	Cases Ombudsman declined to certify
152	187	29	Interviews of citizens with ongoing or potential complaints
65	141	72	Oversight of IA interviews
203	178	179	Special cases reviewed
379	302	257	Meetings with SPD
20	35	20	SPD review boards attended

TRAINING

Per Spokane Municipal Code (SMC) §04.32.070(A)-(C), The Ombudsman went on 2 ride-alongs with SPD, and attended the Spokane Police Department Spring In-Service.

Other highlights include:

- NACOLE Annual Conference
- NACOLE Regional Conference
- US Ombudsman Association Conference
- International Association of Chiefs of Police Annual Conference
- Daigle Law Group's Conducting Proper and Effective Investigations
- Forensic Video Solutions Investigating Course

Other training and activities:

- The Police Ombudsman joined the NACOLE Strategic Planning Committee which is responsible for planning future training opportunities to be presented to NACOLE members
- The Deputy Police Ombudsman was certified as an Advanced Force Science Specialist with the Force Science Institute
- Short seminars on:
 - Dealing with Difficult and Unreasonable Complainants
 - Administrative Investigations and Demonstrating Your Value
 - Understanding Affinity Groups as a Strategy to Advance Race Equity
 - Strategies for Conducting Compelled Interviews with Officers
 - False Confessions, Interrogations, and In-Custody Interviewing
 - Law Enforcement Interaction with Individuals with Developmental Disorders
 - Finding the Leader in You
 - Active Shooter Course

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 2019, the Ombudsman completed 1 annual report for 2018 and 12 monthly reports. Per SMC §04.32.110(C), the Ombudsman briefed City Council on September 9, 2019.

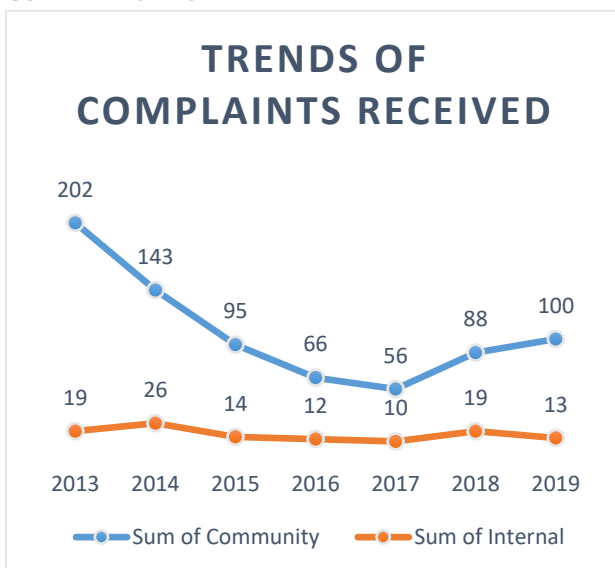
COMPLAINTS

COMMENDATIONS RECEIVED

1) A homeless individual commended an officer's encouragement in finding housing
2) A citizen involved in a car accident commended how officers handled the incident
3) A complainant commended the kindness received in an officer's follow up
4) A citizen received a traffic infraction from an officer but commended the professionalism and friendliness the officer displayed during their interaction
5) A citizen commended three officers for their helpfulness in responding to a stolen vehicle issue
6) Ride along letter of appreciation
7) Ride along letter of appreciation
8) Ride along letter of appreciation

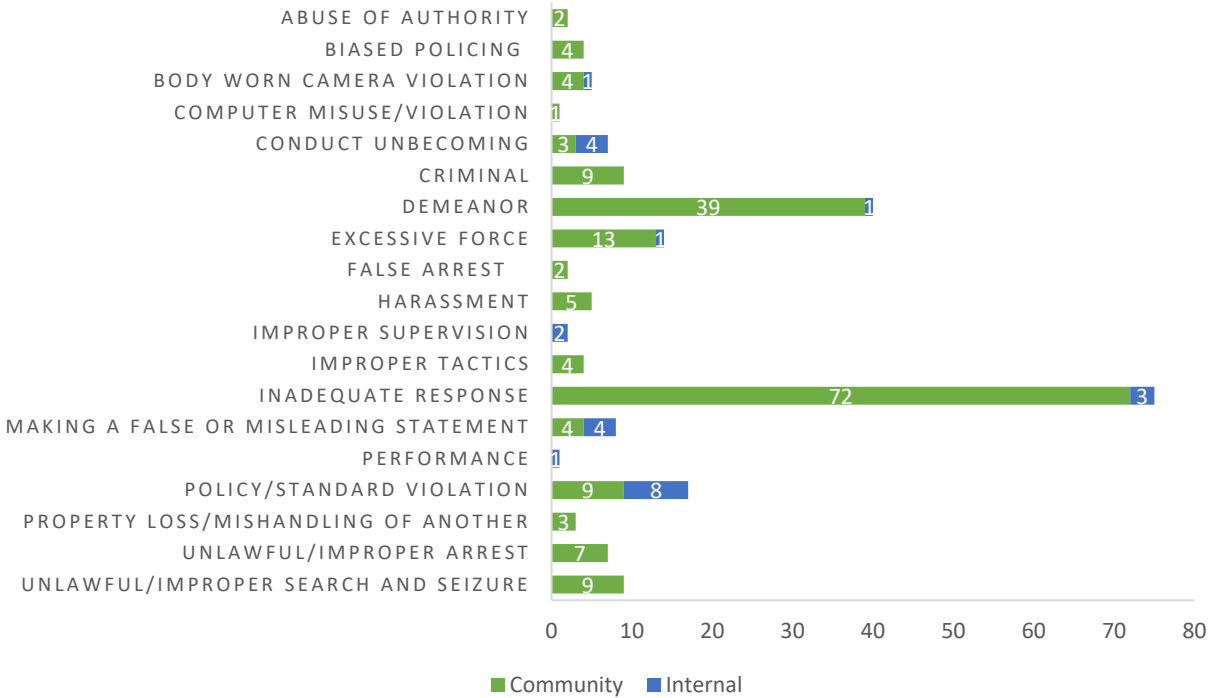
THE OPO SUBMITTED THE MOST NUMBER OF COMMENDATIONS FOR SPD OFFICERS IN 2019. 5 COMMENDATIONS WERE FROM COMMUNITY MEMBERS AND 3 WERE DIRECTLY FROM THE OPO.

COMPLAINTS RECEIVED



COMPLAINTS ON SPD OFFICERS FROM THE COMMUNITY INCREASED BY 14% FROM THE PREVIOUS YEAR. COMPLAINTS IN 2019 WERE THE HIGHEST NUMBER OF COMPLAINTS SINCE 2014.

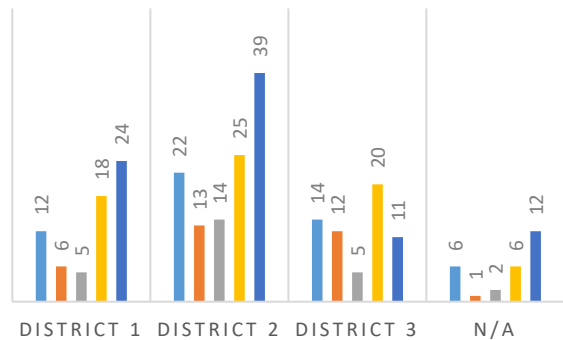
WHAT WERE OFFICERS COMPLAINED ON?



SIMILAR TO 2018, THE COMMUNITY FILED THE MOST COMPLAINTS ON INADEQUATE RESPONSE AND DEMEANOR.

COMPLAINTS BY CITY COUNCIL DISTRICT

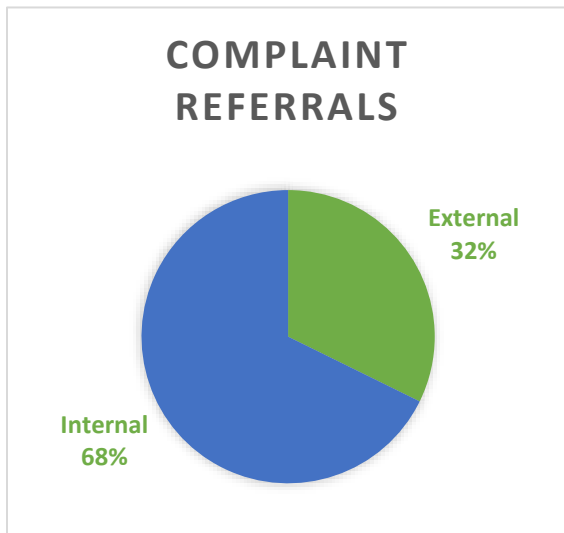
2015 2016 2017 2018 2019



DISTRICT 2, WHICH INCLUDES THE DOWNTOWN CORE AREA, RECEIVED THE MOST NUMBER OF COMPLAINTS SIMILAR TO PREVIOUS YEARS.

*The N/A category includes commendations and complaints that either took place on numerous instances in various locations or involved an SPD response to an area outside of the City boundary.

REFERRALS



REFERRALS INCREASED 216% FROM 2018 PRIMARILY DUE TO A SIGNIFICANT NUMBER OF COMPLAINTS FROM A FEW COMPLAINANTS. 2 COMPLAINANTS COMPRISED 65 REFERRALS.

External Referrals	
911	Mayor's Office
Aberdeen Police Department	Parking Enforcement
Airway Heights Correction Center	Parks & Recreation
Amtrak Police	Police Records
SCSO Citizen Advisory and Review Board	Prosecutor's Office
Center for Justice	River Park Square
City Council	Spokane County Sheriff's Office
Code Enforcement	Spokane County Jail
Crime Check	Spokane Schools
Detention Services	Spokane Valley
Grays Harbor Sheriff's Department	Tribal Law Enforcement
Human Resources	Washington State Patrol

The OPO made **158 referrals** in 2019. 51 referrals were external and 107 were internal. Excluding the repeat complainants, the OPO still made 93 referrals total in 2019. OPO began publishing data on referrals made in 2017. The OPO made 54 referrals in 2017 and 50 referrals in 2018. Internal referrals refer to inquiries or concerns to other areas in the Police Department outside of Internal Affairs, while External Referrals refer to all other referrals made. Repeat complaints from the same individual on similar incidents were also forwarded as referrals for review instead of artificially inflating the number of complaints against SPD.

COMPARING COMPLAINTS OVER A 3-YEAR PERIOD

3-Year Comparison of Community Complaints	2017	2018	2019
Inquiry / Suspended / Closed	38%	38%	68%
Unfounded / Exonerated / Not Sustained	42%	42%	20%
Sustained	4%	10%	4%

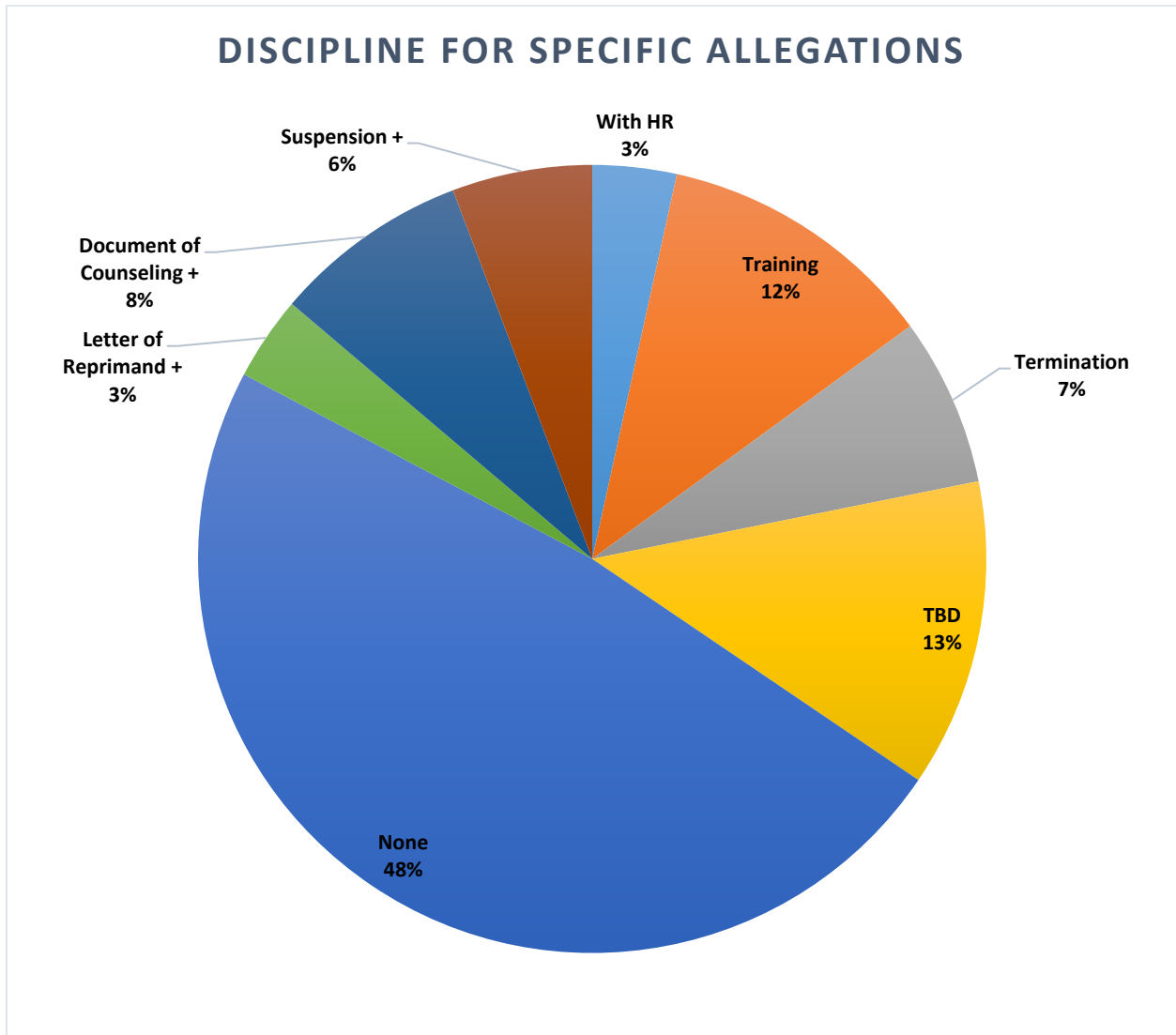
3-Year Comparison of Internal Complaints	2017	2018	2019
Inquiry / Suspended / Closed	38%	11%	28%
Unfounded / Exonerated / Not Sustained	0%	21%	16%
Sustained	13%	68%	56%

2019 SAW A 30% INCREASE IN COMMUNITY COMPLAINTS CATEGORIZED AS AN INQUIRY, SUSPENDED, OR CLOSED UPON AN INITIAL INVESTIGATION. THERE WAS A 28% DECREASE IN COMPLAINTS THAT RECEIVED A CHAIN OF COMMAND REVIEW.

In 2019, the OPO observed IA's practice of sending 5 cases to an officer's supervisor to recommend training and/or mentoring even though they had been closed as an Inquiry or Administratively Suspended. When a case is classified as an Inquiry or Closed, the issue being complained upon does not rise to the level of a policy violation and the Department does not require further action after the initial review. The OPO commends SPD for recognizing opportunities to use an incident for a supervisor to informally but directly mentor an officer. Some of the issues addressed include:

- Minor demeanor concern more appropriately handled by the direct supervisor;
- Application of RCW and how to interact with child victims;
- Discussing when writing a police report versus Computer Aided Dispatch notes are appropriate documentation;
- Discussing importance of evidence collection; and
- Considering alternative measures to avoid potentially dangerous encounters with innocent people while officers are conducting an investigation.

INTERNAL COMPLAINTS SAW A 17% INCREASE IN THE INQUIRY, SUSPENDED, OR CLOSED CATEGORY. CHAIN OF COMMAND REVIEWS SLIGHTLY DECREASED FROM 89% TO 72%.



Of all complaints received, 29% received a Chain of Command review. This does not include 5% of allegations that are TBD. Of the complaints the Chain of Command reviewed, they found 48% of allegations to be Unfounded or Exonerated in the cases they reviewed. Of the sustained allegations, 36% received some form of discipline. This includes: 12% training, 7% Termination, 3% Letter of Reprimand / Letter of Reprimand and Training, 8% Document of Counseling / Document of Counseling and Training, and 6% that include a Suspension of some type. Suspension issued varied from 40-hours suspension to 1-day suspension without pay, and suspension

36% OF ALLEGATIONS REVIEWED BY THE CHAIN OF COMMAND RECEIVED SOME TYPE OF DISCIPLINE. WHILE 48% OF ALLEGATIONS REVIEWED WERE FOUND TO BE UNFOUNDED OR EXONERATED.

held in abeyance – an unusual form of suspension that is not administered unless some condition is met.

Two officers were terminated as a result of an internal complaint. The first complaint alleged Making a False or Misleading Statement. The second complaint alleged Conduct Unbecoming, Demeanor, Excessive Force, Inadequate Response, and Making a False or Misleading Statement.

HR is investigating 1 internal complaint filed in November 2019. The complaint is comprised of 3 allegations against a supervisor for promoting a culture of excessive force. The outcome of 2 cases received from the community are still to be determined (TBD). The first case is pending a criminal case. The complaint alleges Abuse of Authority, Body Worn Camera Violation, Computer Misuse/Violation, Criminal, and Policy/Standard Violation. The second case alleges Conduct Unbecoming, Demeanor, and Excessive Force.

STATISTICS OF INTEREST

	2018	2019	Change
Non-Deadly Use of Force	113	117	↑4%
Critical Incidents¹	1	5	↑400%
Pursuits	28 ²	30	↑7%
Preventable Collisions	22	23	↑5%

The statistics of interest reflect an increase in each category. However, the numbers are relatively similar to 2018. Critical incidents increased by 400% but 2018 saw a lower number of critical incidents. Additionally, the number of incidents are so low any increase greatly impacts the percent change.

¹ Previously reported as “Officer Involved Shooting.” Officer involved shootings are encompassed in Critical Incidents. See Critical Incident section for more information.

² OPO previously reported SPD pursuits in 2018 as 27. The number of pursuits was updated to 28 after publishing the 2018 Annual Report.

CRITICAL INCIDENTS

SPD officers were involved in a total of **5 critical incidents**. Four of the incidents were officer involved shootings. One incident resulted in the subject's death after contact with officers. A critical incident occurs when a SPD employee is involved as a principal, victim, witness, or custodial officer, where death or serious bodily injury results or where deadly force was used regardless of whether any injury or death resulted. SPD shall notify the Ombudsman to observe any administrative or civil investigation conducted by or on behalf of the Department. See SMC 04.32.040.

Date	Location	Race	Status	Incident Type	Summary
1/7/19	600 W. Montgomery	White	Deceased	Officer involved shooting	Officers responded to a report of a male firing a gun at neighbors. Shortly after arriving on scene, officers reported hearing what they believed to be shots coming from the suspect's house. Officers arrived on scene and confronted the subject on a residential driveway. The officers believed the subject was holding a short barreled shotgun and ordered him to drop it and surrender. The subject did not comply and instead walked toward the residence. An officer fired his service weapon and struck the subject. The subject was pronounced dead on scene.
1/23/19	3000 N. Monroe	Black	Deceased	Officer involved shooting	Officers responded to reports of a suspect threatening citizens with a handgun. Officers located the suspect armed with what appeared to be a knife. The suspect refused commands and did not respond to de-escalation attempts. The suspect closed distance on the officers with what appeared to be a knife and officers fired their service weapon striking the suspect.
7/6/19	6 th and Maple	Black	Survived	Officer involved shooting	An officer was engaged in a foot pursuit of a suspect with a felony warrant. During the pursuit, the suspect pointed his weapon at the officer and the officer returned fire at the suspect but did not strike him. A nearby citizen tipped off another officer of the suspect's whereabouts and officers were able to take the suspect into custody without incident.
9/7/19	907 E. Euclid	White	Deceased	Resulting death	Officers responded to a report of a male who sustained significant self-inflicted injuries and was fading in and out of consciousness. Officers used force to gain entry into a locked bathroom. The subject physically resisted medics' attempts to render aid, so officers deployed their TASER to restrain the subject and administer first aid. The subject was pronounced dead during medical transport to the hospital.
10/23/19	3400 E. Garnett	White	Deceased	Officer involved shooting	An officer responded to a call of a suicidal male armed with a firearm. The officer commanded the subject to drop the gun but did not comply and instead turned toward the officer and pointed the gun at the officer. The officer fired his service weapon striking the subject. The male was pronounced deceased at the scene.

RECOMMENDATIONS

UPDATES ON 2018 RECOMMENDATIONS

Use of Force dashboards to increase transparency on the uses of force that occur in the community. Completed. The dashboards are available at my.spokanecity.org/opo/analysis/. The OPO, in conjunction with SPD, has agreed to provide yearly updates to uses of force for the public dashboards.

2019 RECOMMENDATIONS

The Ombudsman provided **4 recommendations** to SPD related to policy and/or training. The recommendations included:

Recommendation #1: Juvenile Miranda Advisements

Summary: The Ombudsman recommended that SPD create a policy for juvenile *Miranda* advisements, or at a minimum, ensure officers take extra steps to ensure that minors comprehend the advisement. Additionally, this will help preserve any information officers obtain from the minor in a court setting.

Status: In progress. SPD has drafted modified language in Policy 324, *Temporary Custody of Juveniles*, which adds a section on Juvenile Miranda Warnings. The Department affirmed they will disseminate new Constitutional Rights cards that have both adult and juvenile warnings pending the availability of new Constitutional Rights cards. The juvenile warnings provides juveniles with simpler language that are easier to understand.

Recommendation #2: Use of Force Reporting Used Against Persons of Mistaken Identity

Summary: The Ombudsman recommended a non-involved supervisor review cases where officers mistakenly use force against an innocent individual. The supervisor should contact the individual involved to determine whether further documentation of the use of force is necessary.

Status: Partially implemented. SPD's previously updated Use of Force policy requires that, "Unless otherwise provided in policy, all force used by an officer shall be promptly, completely, and accurately documented." SPD authored a Training Bulletin in January 2020 to address what officers are required to document when force is used on a subject based on a matching suspect description but was not the suspect involved.

Recommendation #3: Reportable Uses of Force

Summary: The Ombudsman recommended SPD update its use of force reporting methodology to include reporting on any physical force that was used to overcome any level of resistance. This would align SPD with other police departments' standards on reporting force. This recommendation was made by an independent contractor hired by the OPO, Police Strategies LLC. They consulted with OPO and SPD to analyze SPD data from 2013-2018 and found SPD documents lower levels of force in their reports but does not consider it a "reportable use of force" for statistical purposes.

Status: Partially in progress/partially not implemented. SPD conducted a review of other Washington state law enforcement agencies including Spokane County Sheriff's Office/Spokane Valley Police Department, Tacoma, Seattle, King County Sheriff's Office, Richland, Everett, Pasco, Bellevue, Bellingham, Auburn, Kennewick, Kirkland, and Snohomish County Sheriff's Office. SPD looked at how these agencies tracked: routine handcuffing; control holds; takedowns; pointing a firearm; displaying a

less lethal device; requirement to report neck restraints, Level II strikes, TASER, OC, baton 40mm, K9, etc.; and animal discharge. SPD determined its current use of force reporting policy was made after considering resources and the level of government intrusion. SPD is exploring the ability to track incidents measured by Police Strategies LLC and will keep the OPO updated on the progress of this issue.

Recommendation #4: Use of Force Policy Concern

Summary: The Ombudsman recommended SPD re-implement a section from the previous Use of Force Policy, *Referral to Internal Affairs*, which required Internal Affairs be notified when a supervisor is concerned a violation may have occurred and that the supervisor initiate an IA complaint. This would allow for a thorough and objective investigation by IA.

Status: Implemented. SPD updated its policy so that when a supervisor observes conduct that could rise to the level of misconduct, the supervisor shall initiate a complaint with IA.

2019 COMPLAINTS RECEIVED

For a detailed summary of complaints the OPO received in 2019, please visit our webpage at <https://my.spokanecity.org/opo/complaints/2019/>.

OPO	City Council District	Allegation(s)	Days Investigated	Receipt Date	Date Ombudsman Review Completed	Status	Ombudsman Findings (concur/not concur)	Chief's Findings	Officer Discipline
19-1	2	Demeanor / False Arrest	14	3/3/2019	3/21/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-2	2	Demeanor	22	1/2/2019	1/31/2019	Closed	Certified	N/A	N/A
19-3	N/A	Not assigned	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19-4	2	Demeanor / Inadequate Response	50	1/23/2019	4/2/2019	Administratively Suspended	Concur	N/A	Training
19-5	3	Inadequate Response	6	1/23/2019	1/30/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-6	2	Demeanor / Inadequate Response	38	1/28/2019	3/20/2019	Mediated	Concur	N/A	N/A
19-7	2	Policy Violation	22	1/29/2019	2/27/2019	Closed	Concur	N/A	N/A
19-8	2	Inadequate Response	25	1/30/2019	3/5/2019	Administratively Suspended	Concur	N/A	N/A
19-9	1	Inadequate Response / Harassment	74	1/14/2019	4/25/2019	Administratively Suspended	Concur	N/A	N/A
19-10	1	Inadequate Response	103	1/14/2019	6/5/2019	Administratively Suspended	Concur	N/A	N/A

OPO	City Council District	Allegation(s)	Days Investigated	Receipt Date	Date Ombudsman Review Completed	Status	Ombudsman Findings (concur/not concur)	Chief's Findings	Officer Discipline
19-11	1	*Inadequate Response / Demeanor ³	36	4/25/2019	6/13/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-12	1	Inadequate Response / Excessive Force	41	2/5/2019	4/2/2019	Completed	Certified	Unfounded / Exonerated	None
19-13	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19-14	1	*Inadequate Response / Demeanor	44	2/13/2019	4/15/2019	Completed	Certified	Sustained	Document of Counseling
19-15	2	Inadequate Response	45	2/12/2019	4/15/2019	Completed	Certified	Unfounded	N/A
19-16	2	Inadequate Response	22	3/6/2019	4/4/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-17	1	Inadequate Response / Demeanor	29	3/6/2019	4/15/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-18	2	Demeanor / Excessive Force	328	3/6/2018	6/6/2019	Mediated	Concur	N/A	N/A
19-19	3	Excessive Force	42	3/7/2019	5/3/2019	Completed	Certified	Unfounded	N/A
19-20	2	Demeanor / Inadequate Response	52	3/13/2019	5/23/2019	Completed	Certified	Unfounded	N/A
19-21	2	Commendation	N/A	3/19/2019	N/A	N/A	N/A	N/A	N/A

³ Asterisk denotes the allegation filed by the OPO listed differs from the final allegation categorized by Internal Affairs.

OPO	City Council District	Allegation(s)	Days Investigated	Receipt Date	Date Ombudsman Review Completed	Status	Ombudsman Findings (concur/not concur)	Chief's Findings	Officer Discipline
19-22	N/A	Policy 447.2.3 Violation / Standard 1.5 Violation / BWC Policy Violation	125	3/13/2019	9/3/2019	Completed	Certified	Unfounded on Policy 447.2.3 Violation / Unfounded on Standard 1.5 Violation / Sustained on BWC Violation	Document of Counseling
19-23	1	Biased Policing	50	4/3/2019	6/11/2019	Completed	Certified	Unfounded	N/A
19-24	1	Demeanor / Inadequate Response	37	4/3/2019	5/23/2019	Completed	Certified	Unfounded	N/A
19-25	2	Demeanor / Biased Policing	45	4/8/2019	6/7/2019	Completed	Certified	Unfounded / Exonerated	N/A
19-26	2	Policy Violation / Inadequate Response	14	4/11/2019	4/30/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-27	2	Demeanor	20	4/17/2019	5/14/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-28	2	*Demeanor / Inadequate Response / False Arrest	32	4/23/2019	6/5/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-29	2	*Demeanor / Inadequate Response	35	4/25/2019	6/12/2019	Closed as Investigative Inquiry	Certified	N/A	N/A

OPO	City Council District	Allegation(s)	Days Investigated	Receipt Date	Date Ombudsman Review Completed	Status	Ombudsman Findings (concur/not concur)	Chief's Findings	Officer Discipline
19-30	2	Demeanor	63	5/1/2019	7/26/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-31	3	Demeanor / Inadequate Response	25	5/2/2019	6/5/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-32	2	*Demeanor / Unlawful Search/Seizure	29	5/2/2019	6/11/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-33	3	Inadequate Response	33	5/4/2019	6/19/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-34	1	Inadequate Response	24	5/23/2019	6/25/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-35	1	*Harassment	87	5/14/2019	9/11/2019	Unfounded	Certified	N/A	N/A
19-36	2	*Inadequate Response	68	5/14/2019	8/15/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-37	3	Inadequate Response	16	5/20/2019	6/10/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-38	2	Demeanor	15	5/21/2019	6/10/2019	Administratively Suspended	Concur	N/A	N/A
19-39	2	Harassment / Demeanor / Inadequate Response	51	5/22/2019	7/31/2019	Closed as Investigative Inquiry	Certified	N/A	N/A

OPO	City Council District	Allegation(s)	Days Investigated	Receipt Date	Date Ombudsman Review Completed	Status	Ombudsman Findings (concur/not concur)	Chief's Findings	Officer Discipline
19-40	2	Demeanor / Inadequate Response	54	5/24/2019	8/7/2019	Administratively Suspended	Concur	N/A	Training
19-41	2	Officer 1: Excessive Force / BWC Violation; Officer 2: Excessive Force / Policy Violation / Demeanor / BWC Violation; Officer 3: Excessive Force	80	5/23/2019	9/11/2019	Completed	Certified	Officer 1: Exonerated / Sustained; Officer 2: Exonerated / Exonerated / Sustained / Sustained; Officer 3: Exonerated	Officer 1: None / DOC; Officer 2: None / None / 1 Day Suspension / 1 Day Suspension if policy violated in 12 month period; Officer 3: None
19-42	1	Inadequate Response	18	5/23/2019	6/17/2019	Administratively Suspended	Concur	N/A	N/A
19-43	1	Harassment	31	6/4/2019	7/16/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-44	2	Inadequate Response	9	6/6/2019	6/18/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-45	2	Demeanor	48	6/11/2019	8/15/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-46	3	Demeanor / Inadequate Response	112	6/12/2019	11/14/2019	Closed as Investigative Inquiry	Certified	N/A	N/A

OPO	City Council District	Allegation(s)	Days Investigated	Receipt Date	Date Ombudsman Review Completed	Status	Ombudsman Findings (concur/not concur)	Chief's Findings	Officer Discipline
19-47	3	Demeanor	13	6/13/2019	7/1/2019	Administratively Suspended	Concur	N/A	N/A
19-48	2	*Demeanor	13	6/24/2019	7/10/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-49	2	Inadequate Response / Making a false or Misleading Statement	40	6/21/2019	8/15/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-50	1	*Making a False or Misleading Statement	56	6/24/2019	9/9/2019	Completed	Certified	Unfounded	N/A
19-51	2	Making a false or Misleading Statement	15	7/9/2019	7/29/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-52	1	Inadequate Response	13	7/11/2019	7/29/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-53	2	*Violation of Civil Rights	87	7/24/2019	11/21/2019	Closed	Concur	N/A	N/A
19-54	2	Inadequate Response	7	8/7/2019	8/15/2019	Closed as Investigative Inquiry	Certified	N/A	N/A

OPO	City Council District	Allegation(s)	Days Investigated	Receipt Date	Date Ombudsman Review Completed	Status	Ombudsman Findings (concur/not concur)	Chief's Findings	Officer Discipline
19-55	2	Demeanor	27	8/7/2019	9/12/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-56	3	Inadequate Response	45	8/15/2019	10/16/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-57	2	*False Arrest/Racial Bias	36	8/20/2019	10/8/2019	Administratively Suspended	Concur	N/A	N/A
19-58	3	Property Loss/Mishandling of Another	54	9/5/2019	11/19/2019	Closed	Concur	N/A	N/A
19-59	N/A	N/A	N/A	9/10/2019	N/A	N/A	N/A	N/A	N/A
19-60	1	Demeanor / Inadequate Response	28	8/27/2019	10/3/2019	Closed	Concur	N/A	N/A
19-61	3	Demeanor	70	9/5/2019	12/11/2019	Closed	Concur	N/A	N/A
19-62	1	Inadequate Response	57	9/10/2019	11/27/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-63	1	Inadequate Response	55	9/12/2019	11/27/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-64	2	Inadequate Response	41	9/24/2019	11/19/2019	Closed	Concur	N/A	N/A
19-65	1	Inadequate Response / Demeanor	41	10/1/2019	11/26/2019	Closed as Investigative Inquiry	Concur	N/A	N/A
19-66	2	Demeanor	41	10/1/2019	11/26/2019	Closed	Concur	N/A	N/A

OPO	City Council District	Allegation(s)	Days Investigated	Receipt Date	Date Ombudsman Review Completed	Status	Ombudsman Findings (concur/not concur)	Chief's Findings	Officer Discipline
19-67	1	Inadequate Response	15	10/2/2019	10/22/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-68	1	*Demeanor	36	10/8/2019	11/26/2019	Closed	Concur	N/A	N/A
19-69	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19-70	1	Inadequate Response	36	10/23/2019	12/11/2019	Closed	Concur	N/A	N/A
19-71	2	Inadequate Response	28	10/29/2019	12/5/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-72	1	Inadequate Response	31	10/23/2019	12/4/2019	Closed as Investigative Inquiry	Certified	N/A	N/A
19-73	2	Demeanor	36	10/30/2019	12/18/2019	Administratively Suspended	Concur	N/A	N/A
19-74	1	Inadequate Response	28	11/4/2019	12/11/2019	Closed	Concur	N/A	N/A
19-75	2	Demeanor	-222	11/12/2019	1/6/2019	Administratively Suspended	Concur	N/A	N/A
19-76	1	Demeanor	17	11/12/2019	12/4/2019	Administratively Suspended	Concur	N/A	N/A
19-77	3	Inadequate Response	34	11/20/2019	1/6/2020	Administratively Suspended	Concur	N/A	N/A
19-78	NA	Commendation	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19-79	2	Inadequate Response	33	11/21/2019	1/6/2020	Closed as Investigative Inquiry	Certified	N/A	N/A
19-80	N/A	Not Assigned	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19-81	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A	N/A

OPO	City Council District	Allegation(s)	Days Investigated	Receipt Date	Date Ombudsman Review Completed	Status	Ombudsman Findings (concur/not concur)	Chief's Findings	Officer Discipline
19-82	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19-83	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19-84	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19-85	2	Inadequate Response / Demeanor	37	12/18/2019	2/6/2020	Closed as Investigative Inquiry	Certified	N/A	N/A
19-86	County	Improper Tactics / Demeanor	1	1/23/2020	1/23/2020	Administratively Suspended / Inquiry	Concur / Certified	N/A	Training / N/A

**2019 ANNUAL REPORT
OFFICE OF POLICE OMBUDSMAN COMMISSION
SPOKANE, WASHINGTON**



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LETTER FROM THE OPOC CHAIR

Mayor Woodward
Council President Breean Beggs
City Council Members
Office of Police Ombudsman
Chief Craig Meidl

The Office of Police Commission (OPOC) is proud to share our actions and accomplishments for 2019.

- 1) The OPOC welcomed our newest commissioner, Blaine Holman, after waiting a year for this vacancy to be filled. We currently are full with five commissioners.
- 2) We voted unanimously to extend the contract of Bart Logue – our current Ombudsman.
- 3) The OPOC also voted unanimously to promote the Analyst to Deputy Police Ombudsmen. After requesting HR to reclassify this position – the new Director of HR is reinvigorating this process.
- 4) Training and community engagements were the top priorities of all commissioners. You can read further in this report about some of our training and community events!
- 5) Mr. Logue provided four recommendations to SPD related to policy and/or training in which the commissioners voted unanimously to approve. These recommendations are also included in this report.

As with most volunteer commissions – there are challenges. Some of our challenges in 2019 were actually with Human Resources (HR), Spokane Police Guild and Chief Meidl which is very sad because as an independent oversight entity of the City of Spokane – we should be working together!

In November of 2018 – **we filed a complaint** with HR regarding Chief Meidl because Mayor Condon said it was the appropriate avenue to grieve our concerns over the Police Guild interfering with the Office of Police Ombudsman (OPO). We had two issues that the Police Guild did not want to happen:

- 1) Our Administrative Specialist was denied access to the software required to perform her duties.
- 2) SPD denied access to records the Police Ombudsman requested in order to study along with an OPOC commissioner the use-of-force cases against African-Americans. All parties had signed a non-disclosure agreement so there should have been no concern.

In late 2019, over a year later, we received a response to the complaint which was basically nothing. Despite months of delays and emails to HR asking for updates, **no full and complete investigation was ever conducted.**

In 2018, the OPO and SPD presented its first case to the Commission where the Police Ombudsman believed further investigation must occur for the case to receive certification but Chief Meidl disagreed. SMC §04.32 provides that when such disagreement arises, the OPOC would make the final decision on whether further investigation by IA is required. ***The Commissioners unanimously voted to direct IA to investigate further.*** The Chief responded by saying the OPOC did not have the authority to direct the investigation and instead ordered a more limited investigation under his purview. By the end of 2019, no action has been taken to make sure the language in this ordinance is followed.

One of our biggest challenges is to have our **Administrative Specialist position FULLY funded**. As in the past, the OPOC fully supported the OPO's budget request to fund the Administrative Specialist position full-time due to increasing workload for the past two years. The OPOC has written to members of City Council to encourage their support of the OPO's budget initiatives! We have yet to receive requested funding despite our enabling ordinance. SMC §04.32.160 says, "The city council shall maintain funding necessary to appropriately staff the OPO and OPOC...to perform required duties and responsibilities...as well as providing staff assistance." The ordinance conveys the spirit of independence by requiring city council to maintain proper funding for the OPO.

As you can see – there have been numerous instances where the City of Spokane has failed to implement what the ordinance requires. We were forced to file a complaint against the Chief because **there is no appropriate venue for the OPO or the OPOC to raise objections when the Police Guild and others attempt to interfere with our work**. We need an enforcement mechanism to enforce proper action.

In 2020, the OPOC will continue to engage in community conversations, honor those who work with us and challenge us and fully support the work of our ombudsman, Mr. Logue and the staff at the Office of Police Ombudsman, Ms. Omana and Ms. Coty. We look forward to a great year!

Respectfully submitted,

Jenny Rose
Chair

COMMISSIONERS

Jenny Rose, Chair, (September 2015 – Present)

Jenny has been in the public education field for over 29 years as a teacher. She served eight years as President of the Spokane Education Association and represented over 3,000 members--employees of Spokane Public Schools. Jenny chaired the Washington Education Association Human & Civil Rights Committee for nine years advocating for diversity in public education.

Blaine Holman (July 2019 – Present)

Blaine has a B.S in Sociology from the University of Idaho and a B.S. in Paramedicine from Lewis and Clark State College. Blaine is also a member of the Spokane Association of Realtors.

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 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.

Ladd Smith (September 2015 – Present), *Vice Chair*

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

Dennis P. Hession, Legal Counsel (January 2018 – December 2019)

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

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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 2019. 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

2019 was a year of growth molded by achievements, push-backs, and multiple attempts which challenged our governing ordinance. Commissioner Blaine Holman was appointed to fill the empty Commissioner position from District 1. In January, the OPOC retained Dennis Hession to act as their legal counsel for the 2019 year.

Commissioners remained active in the City and in the community attending over 45 events and trainings throughout the year. Commissioners held 8 regular meetings and 1 special meetings. Throughout the year, Commissioners held meetings with the Ombudsman, Mayor Condon, City Council President Stuckart, Council Members, City Legal, the Human Resources Director, and Police Chief Meidl.

UPDATE ON PREVIOUS OPOC ACTIONS

UPDATE #1: 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). SPD continuously interferes with the OPO's independence by hindering its ability to perform its duties. First, the ordinance provides the OPO will have unimpeded access to all complaint and investigative files for auditing and reporting purposes. Yet, the 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 an 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: Unresolved.

UPDATE #2: 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.

2019 OPOC ACTIONS

ACTION #1: OMBUDSMAN CONTRACT RENEWAL

Summary: The OPOC conducted a yearly evaluation on the Police Ombudsman and voted on whether to renew his contract for another three-year term.

Outcome: The Commissioners unanimously voted to extend the Police Ombudsman's contract.

ACTION #2: DEPUTY POLICE OMBUDSMAN POSITION

Summary: The OPOC voted to promote the Analyst to Deputy Police Ombudsman.

Outcome: The Commissioners unanimously voted in favor of the promotion.

ACTION #3: THANK YOU TO ASSET MANAGEMENT

Summary: The OPOC wanted to express sincere appreciation for how seriously the Asset Management Director treated a potential security issue the OPO faced in their workspace configuration after encountering a citizen that posed a potential risk. The Director made himself immediately available to the Police Ombudsman and his staff to discuss the issue and came up with a low-cost solution.

Outcome: Not applicable.

ACTION #4: 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 \$28,535 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 2020 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.

ACTION #5: REQUEST FOR HR FOLLOW-UP ON RECLASSIFYING THE ANALYST TO DEPUTY POLICE OMBUDSMAN

Summary: Following the OPOC's unanimous vote in support of changing the Analyst position to the Deputy Police Ombudsman position in the October 15, 2019 meeting, the Commission Chair requested the Human Resources Director's assistance in reclassifying the position.

Outcome: No resolution.

II. COMMUNITY ENGAGEMENT

Commissioners are consistently looking for ways to become engaged with the community. In 2019, Commissioners attended, participated, and presented at over 46 meetings and functions.

Some of these events included:

- House of Charity
- Martin Luther King Jr. March and Celebration
- Black History Presentations at Local Schools
- Courageous Conversations Series
- NAACP Meetings and Trainings
- ACLU
- SCAR Meetings
- Native Project
- Drag Queen Story Hour
- SPD Community Appreciation Day
- National Night Out
- Unity in the Community

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, Diversity training, and a workshop on “Why Race Matters.”

Commissioners identified priorities and goals moving forward in their previous retreat. They continued to use their platform to stay relevant to the community’s needs by inviting a guest speaker from the community or someone with expertise in an issue related to policing or oversight to present at OPOC meetings. The Commission maintained a commitment to speaking out on important issues, discussing community impact cases or issues, and continue to support the OPO’s initiatives.

IV. RECOMMENDATIONS AND FINDINGS

2019 RECOMMENDATIONS

The Ombudsman provided **4 recommendations** to SPD related to policy and/or training. The subject matter of recommendations made included:

Recommendation #1: Juvenile Miranda Advisements

Summary: The Ombudsman recommended that SPD create a policy for juvenile *Miranda* advisements, or at a minimum, ensure officers take extra steps to ensure that minors comprehend the advisement. Additionally, this will help preserve any information officers obtain from the minor in a court setting.

Status: Completed. SPD has modified language in Policy 324, *Temporary Custody of Juveniles*, which adds a section on Juvenile Miranda Warnings. The Department affirmed they will disseminate new

Constitutional Rights cards that have both adult and juvenile warnings. The juvenile warnings provides juveniles with simpler language that is easier to understand.

Recommendation #2: Use of Force Reporting Used Against Persons of Mistaken Identity

Summary: The Ombudsman recommended a non-involved supervisor review cases where officers mistakenly use force against an innocent individual. The supervisor should contact the individual involved to determine whether further documentation of the use of force is necessary.

Status: Partially implemented. SPD's previously updated Use of Force policy requires that, "Unless otherwise provided in policy, all force used by an officer shall be promptly, completely, and accurately documented." SPD authored a Training Bulletin in January 2020 to address what officers are required to document when force is used on a subject based on a matching suspect description but was not the suspect involved.

Recommendation #3: Reportable Uses of Force

Summary: The Ombudsman recommended SPD update its use of force reporting methodology to include reporting on any physical force that was used to overcome any level of resistance. This would align SPD with other police departments' standards on reporting force. This recommendation was made by an independent contractor hired by the OPO, Police Strategies LLC. They consulted with OPO and SPD to analyze SPD data from 2013-2018 and found SPD documents lower levels of force in their reports but does not consider it a "reportable use of force" for statistical purposes.

Status: Partially in progress/partially not implemented. SPD conducted a review of other Washington state law enforcement agencies including Spokane County Sheriff's Office/Spokane Valley Police Department, Tacoma, Seattle, King County Sheriff's Office, Richland, Everett, Pasco, Bellevue, Bellingham, Auburn, Kennewick, Kirkland, and Snohomish County Sheriff's Office. SPD looked at how these agencies tracked: routine handcuffing; control holds; takedowns; pointing a firearm; displaying a less lethal device; requirement to report neck restraints, Level II strikes, TASER, OC, baton 40mm, K9, etc.; and animal discharge. SPD determined its current use of force reporting policy was made after considering resources and the level of government intrusion. SPD is exploring the ability to track incidents measured by Police Strategies LLC and will keep the OPO updated on the progress of this issue.

Recommendation #4: Use of Force Policy Concern

Summary: The Ombudsman recommended SPD re-implement a section from the previous Use of Force Policy, *Referral to Internal Affairs*, which required Internal Affairs be notified when a supervisor is concerned a violation may have occurred and that the supervisor initiate an IA complaint. This would allow for a thorough and objective investigation by IA.

Status: Implemented. SPD updated its policy so that when a supervisor observes conduct that could rise to the level of misconduct, the supervisor shall initiate a complaint with IA.

V. EVALUATION OF THE OFFICE OF POLICE OMBUDSMAN

Overall, the OPOC is very pleased with the performance of the OPO as the scope of work in the OPO continues to increase.

- 1) The OPO received 1294 citizen contacts and generated 77 complaints, and over 150 referrals.
- 2) Mr. Logue offered four mediations and has provided oversight of 141 Internal Affairs interviews, often attending by phone when out of town or off-duty hours.
- 3) Complaints and referrals increased by almost 400% since Mr. Logue's arrival. The office has been able to maintain and even increase the service provided to citizens as priorities were shifted within the office.
- 4) There were 187 customer interviews in 2019 representing a 500% increase over 2018. This is largely due to the efforts of Ms. Coty. Despite being part-time, Ms. Coty, the Administrative Specialist, sets an exemplary example of an employee dedicated to the mission of the office and the Commission.

The OPO continues to look for ways to recommend changes to the police department through a careful review of incidents in Spokane, complaints made to the OPO, and/or maintaining strategic vision on incidents of community interest around the country. Nationally, Mr. Logue took the initiative to become more engaged with oversight for two years now by serving as a member of the NACOLE (National Association for Civilian Oversight of Law Enforcement) Strategic Planning Committee.

The OPO continues to improve their training and skills in order to provide a depth of insight which has continuously been relied upon, especially this last year as we worked on updating SPD's Use of Force Policy. The OPO spent hundreds of hours researching progressive Use of Force policies across the country and reviewing Department of Justice consent decrees for best practices that are applicable to Spokane.

Ms. Omana, the Analyst, completed the Spring 2019 Force Science Advanced Specialist Course. The program spanned 18 weeks from January through May. The program prescribed students study scholarly journal articles, engage in peer review, submit questions, attend class every two weeks, complete a group project presentation on course materials, and conduct a use of force case analysis based on human performance factors. While this is not a requirement for her current position, it helped increase her expertise as she continues working in civilian oversight and continues to provide in-depth analysis on police uses of force.

The Police Ombudsman has exceptionally carried out the mission of the OPO despite numerous setbacks and challenges. Mr. Logue is steadfast in his resolve and 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 Mr. Logue, Ms. Omana and Ms. Coty to continue to strengthen the OPO and OPOC in 2020.