



# Office of Police Ombudsman Commission

Agenda  
November 17, 2020  
5:30PM – 7:00PM  
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) Approval October 20 <sup>th</sup> Minutes	Commissioner Rose

## Items:

5:36 – 6:10pm	1) Public Forum	Citizens Signed up to Speak
	2) October Monthly Report	Bart Logue
	3) San Francisco Highlight of SPD Use of Force Analysis	Luvimae Omana

## Commission Business:

6:11 – 7:00pm	1) OPO Review on the Protests Update	Commissioner Rose
	2) Budget Request Update	Commissioner Rose
	3) Commissioner Vacancies	Commissioner Rose
	4) Chair/Vice Chair Nominations	Commissioners
	5) Commissioner Speak Out	Commissioner Rose
	6) December Meeting	Commissioners

## Adjournment:

Next Ombudsman Commission meeting will be held December 15, 2020

### Join by WebEx:

<https://spokanecity.webex.com/spokanecity/j.php?MTID=mf8b04d54ec59de46c0cf8daf62ad5538>

Meeting number: 146 923 2762

Password: JxXPzVde338

### Join by phone: +1-408-418-9388 United States Toll

Access code: 146 923 2762

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# Office of Police Ombudsman Commission Minutes

October 20, 2020

Meeting Minutes: 1:15

Meeting called to order at 5:30pm

## Attendance

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

## Items Session

- Agenda approved pending a month change for the minutes
- August 18th minutes approved

## Public Forum

- None

## OPO Report

- August Report
  - 121 contacts, 0 complaints, 8 referrals, 152 OPO interviews
  - Certified 4 cases and 4 returned for further investigation in August. The returned cases were centered around the May 31<sup>st</sup> protest.
  - Discussion with the Human Rights Commissioner regarding the job duties of our office to ensure no overlap in the creation of a potential civil rights office
  - City Proclamation for National Ombuds Day created by City Council
- September Report
  - 84 contacts, 4 Complaints and 18 Referrals
  - 2 primary obstacles for the month were complaints on Corona Virus and mask compliance/enforcement by the SPD and an increase in evictions even with the Governor's Moratorium
  - NACOLE Annual Conference was completed in September
- Officer Involved Shootings
  - August 7<sup>th</sup> intersection of Crestline and Courtland Ave
    - PAC Team received information on the location of a subject wanted for a string of cellphone store armed robberies. When they moved into detain him, he displayed a firearm. Officers tried to deescalate the situation before shots were fired. Suspect expected to make a full recovery, no officers were injured.
  - September 11<sup>th</sup> Rodeway Inn – Spokane Valley
    - PAC Team investigating a report of a robbery car jacking in Airway Heights the previous day. Both AHPD and SPD had tried to pursue the suspect, but stopped pursuit due to dangerous behavior. SPD located the suspect in his vehicle in the parking lot of the Rodeway Inn. Officers instructed him to exit the vehicle and when he did he fired at officers, striking one officer. Suspect

was pronounced dead at the scene and the officer was transported to a local hospital where his condition stabilized.

- September 24<sup>th</sup> Bell Motel Hyw 2
  - PAC Team and DV Unit were investigating a DV Suspect wanted for various counts, after firing rounds into her home and pistol whipping her. While calling for additional resources, officers witnessed the suspect walking through the parking lot. Officers and the suspect exchanged words and then the officers fired their weapons. The suspect was injured and transferred to a local hospital but later died of his injuries. No officers were injured
- Shift in IA staff: new Lt. Cowles will be replacing Lt. Wohl. Sgt Wuthrich will be retiring in November and a replacement will be announced soon.

### **Commissioners' Business**

- Presentation of Annual Reports to City Council – Commissioner Rose
  - Presented the report in their work study session in October.
    - Focused on the budget for the FTE position where it received positive feedback from the council.
    - Would like to have the annual reports completed earlier in the year for 2020
- May 31<sup>st</sup> Protest Closing Report – Commissioners Rose
  - The Chief informed Mr. Logue that the Police Guild filed a grievance over the report
  - This has slowed down the progress and the Guild is waiting on a meeting with the City Administration
- Commissioner Vacancies – Commissioner Rose
  - Reminded Council Member Cathcart and Council Member Burke about the Commissioner follow up. They have selected a commissioner and they are starting the process.
  - Council Member Kinnear and Council Member Wilkerson are still finding an applicants
- Commissioner Speak out –
  - Commissioner Wilburn – Was planning a citywide Kwanza event but the SRHD informed him that it would not be approved.
  - Commissioner Smith – He is moving to a different home but it should not impact his position with him being appointed by the Mayor. Wants to let the OPO that he fully supports all that we are doing especially keeping things going during this time of Covid.
  - Commissioner Rose – Wishes that we had more time to get the Proclamation into the media to pick it up.
- Executive Session – 6:23pm – 6:45pm at the latest
  - To discuss Bart Logue PAR

**Motion Passes or Fails: 2**

**Meeting Adjourned at: 6:53pm**

**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**

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 Spokane, WA 99201  
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November 17, 2020

**Public Safety & Community Health Committee Report**

Reporting Period: October 1-31, 2020

Snapshot of Activities		Monthly	Year to Date
<b>Community Outreach</b>			
OPO	Total community events and meetings	6	54
OPOC	Community outreach / activities	1	28
<b>Contacts</b>		<b>85</b>	<b>1073</b>
<b>Commendations</b>		<b>0</b>	<b>6</b>
<b>Complaints</b>			
	Received complaints	3	46
	Referred complaints	5	97
<b>Case Review</b>			
	Request for further investigation	2	20
	Investigations certified / concurred	14	59
	Declined certifications	0	0
	Special cases reviewed	16	137
<b>Interviews</b>			
	OPO interviews	14	118
	Internal Affairs interviews	2	47
<b>Training</b>		<b>2</b>	<b>77</b>
<b>Critical Incidents</b>		<b>0</b>	<b>3</b>
<b>Mediations</b>			
	Recommended	0	1
	Conducted	0	1
	Declined	0	0
<b>Recommendations</b>		<b>0</b>	<b>0</b>
<b>Other Activities</b>			
SPD Related	Meetings / contacts	35	293
	Review boards / D-ARP's	0	15
	Closing meetings	0	0

## 1. Outreach

### a) OPO

- i. Leadership Spokane Governance Day (10/1)
- ii. Presentation of the OPO & OPOC Annual Reports at City Council meeting (10/6)
- iii. Leadership Spokane Executive Board Meeting (10/13)
- iv. Jonah Project Board Meeting (10/15)
- v. OPOC Meeting (10/20)
- vi. Leadership Spokane Storytelling event featuring Camp Stix (10/21)

### b) OPOC

- i. OPOC Meeting (10/20)

## 2. Commendations / Complaints / Referrals

### a) Complaints

- i. **OPO 20-46** – Inadequate Response: Complainant alleges that responding officers to a DV call made an arrest without listening to statements from both sides.
- ii. **OPO 20-51** – Biased Policing / Demeanor: Complainant alleges that their significant other is being harassed and racially profiled by an SPD officer.
- iii. **OPO 20-52** – Demeanor / False Arrest: Complainant alleges that they were arrested falsely and accused of DUI when they weren't driving.

### b) Referrals

- i. **IR 20-92** – Citizen has tried to have an officer return their call regarding their case and has not received a call back; SPD/IA
- ii. **IR 20-93** – Concerned about an officer allegedly stalking them; SPD/IA
- iii. **IR 20-94** – Concerned with the specifics regarding Limited Commission Officers and the limits of their authority
- iv. **IR 20-96** – Concerned about an officer allegedly stalking them; SPD/IA
- v. **IR 20-97** – Concerned about an officer allegedly stalking them; SPD/IA

## 3. Case Review

- i. **C20-039/OPO 20-21** – Investigation certified
- ii. **C20-057/OPO 20-39** – Investigation certified
- iii. **C20-046/OPO 20-26** – Investigation certified
- iv. **C20-042/OPO 20-23** – Investigation certified
- v. **C20-041/OPO 20-22** – Investigation certified
- vi. **C20-066/OPO 20-43** – Investigation certified
- vii. **C20-072** – Investigation certified
- viii. **C20-044/OPO 20-25** – Investigation certified
- ix. **C20-075/OPO 20-49** – Investigation certified
- x. **C20-070/OPO 20-46** – Returned for further investigation / Investigation certified
- xi. **C20-047/OPO 20-28** – Investigation certified
- xii. **C20-071** – Investigation certified
- xiii. **C20-067** – Investigation certified
- xiv. **C20-065** – Returned for further investigation

xv. **C20-076/OPO 20-50** – Investigation certified

**4. Special Cases Reviewed**

- i. 9 Use of Force
- ii. 2 K9
- iii. 3 Collisions
- iv. 2 Pursuits

**5. Activities**

- a) OPO staff members participated/engaged in the following other activities:
  - i. Public Safety and Community Health Committee Meeting (10/5)
  - ii. Taskforce Meeting (10/9)
  - iii. Leadership 2020 (10/15)
  - iv. Leadership Spokane Gala Connect (10/16)
  - v. Leadership Spokane Gala Committee meeting (10/29)
  - vi. Training – In Service Training (10/14)
  - vii. Training – NACOLE Webinar Approaches to Handling Protests and Riots (10/20)
- b) SPD related
  - i. 28 meetings/contacts with IA
  - ii. 7 meetings/contacts with SPD
- c) OPO met with/had contact with OPO Commissioners/staff:
  - i. Commissioner Rose on (10/1, 10/12, 10/20 x3, 10/22)
  - ii. Commissioner Smith on (10/20 x2)
  - iii. Commissioner Wilburn on (10/20 x2)
- d) OPO met with/had contact with City Council:
  - The OPO thanks City Council for the Proclamation for Ombuds Day
    - i. Council President Beggs (10/6)
    - ii. Council Member Wilkerson (10/6)
    - iii. Council Member Stratton (10/6)
    - iv. Council Member Kinnear (10/6)
    - v. Council Member Mumm (10/6)
    - vi. Council Member Burke (10/6)
    - vii. Council Member Cathcart (10/6)
    - viii. Council Staff Hannahlee Allers (10/4)

**6. Next Steps**

- a. Budget for 2021
- b. OPO & OPOC 2020 Annual Report

The practices of other innovative police departments can be instructive. For example, the Spokane (Washington) Police Department (Spokane) goes beyond simply counting incidents by analyzing use-of-force data to gain greater insight into how its officers use force. Exhibit 18 shows Spokane's analysis of justification of force, proportionality of force, and how proportionality relates to subject and officer injury. This analysis is a risk management tool for internal use and a transparency tool as it provides greater context to the public.

### **Exhibit 18: The Spokane Police Department analyzes its data to gain insights and identify trends in the complex relationships among subject resistance, justification for using force, and level of force used.**

The police department of Spokane, Washington, uses **force justification analysis** to determine the risk that a use-of-force incident was necessary and a **force factor analysis** to determine the risk that the use-of-force was excessive.

**Force justification** combines four factors identified by the U. S. Supreme Court as contributing to justified use of force. A low rating indicates an incident with a (1) non-serious crime and a subject with low level of (2) resistance and (3) threat who (4) did not attempt to flee.

13% of Spokane's incidents had low force justification scores over six years.

**Force factor** is a score based on the proportionality of force to resistance. (15% of Spokane's incidents had a high force factor.) Scoring incidents in this way leads to insights into outcomes such as injuries resulting from incidents:

	<b>Low</b> <i>(Less force than resistance)</i>	<b>Medium</b>	<b>High</b> <i>(More force than resistance)</i>
<b>Subject injuries</b>	<b>61%</b>	<b>80%</b>	<b>93%</b>
<b>Officer injuries</b>	<b>26%</b>	<b>17%</b>	<b>3%</b>