



Office of Police Ombudsman Commission

Agenda
June 15, 2021
5:30PM – 7:30PM
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 Smith |
| | 2) Agenda Approval | Commissioner Smith |
| | 3) OPOC Legal Contract | Commissioner Smith |
| | 4) Approve May 18 th Minutes | Commissioner Smith |

Items:

| | | |
|---------------|--------------------------|-----------------------------|
| 5:36 – 6:15pm | 1) Public Forum | Citizens Signed Up to Speak |
| | 2) OPO Monthly Report | Bart Logue |
| | 3) Ellis Case Discussion | Luvimae Omana |
| | 4) OPO Closing Reports | Bart Logue / Luvimae Omana |

Commission Business:

| | | |
|---------------|---|--------------------|
| 6:16 – 7:30pm | 1) Police Guild Contract Discussion | Commissioners |
| | 2) OPO Recommendations | Commissioner Smith |
| | 3) Training: NACOLE Annual Conference and Ride-Alongs | Commissioner Smith |
| | 4) Community Round Table Updates | Commissioners |
| | 5) Commissioner Speak Out | Commissioners |
| | 6) July Meeting Date Change | Commissioner Smith |
| | 7) Executive Session | Commissioners |

Adjournment:

The next Ombudsman Commission meeting will be held on July 20, 2021.

Join by WebEx:

Meeting link: <https://spokanecity.webex.com/spokanecity/j.php?MTID=m96b1ed41efaa1836c56ef8cd0bf17302>

Meeting number: 146 173 6754

Password: jHMtdqHb932

Join by phone:

+1-408-418-9388

Access code: 146 173 6754

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Office of Police Ombudsman Commission Minutes

May 18th, 2021

Meeting Minutes: 1:21

Meeting called to order at 5:40pm

Attendance

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

Briefing Session

- Agenda approved
- March 23rd and April 13th minutes approved

Items Session

- Public Forum – No one signed up to speak
- OPO Monthly Report
 - Deputy Ombudsman training on interviews and case work
 - HR Deputy Ombudsman position description
 - Meetings with Chief Meidl re: Guild Grievance to May 31st Protest report and a way forward.

Commissioners' Business

- Guild Grievance Update
 - It's in limbo right now. It seems that the Guild has flushed out any concerns that they may have and that we are close to being ready.
- Deputy Ombudsman Position Update
 - Commissioner Smith met with the City HR representative, Amber Richards to discuss the progress. They are hoping to have a mid-summer approval.
- Reporting Process Overview
 - Changes to the Police Guild contract and the requirements for reports being written by the OPO. There are 7 report options. 1 is required and 6 are optional (Required Report: After a mediation. Optional Reports: Complaints we received at the OPO but decided not to send to IA, when the OPOC directs an independent investigation for an existing IA investigation, OPO Independent Investigations (IA notifies OPO in writing that there will be no investigation and it is a complaint of a serious nature), Closing Report on a complaint (after the complaint is certified), Policy and Procedure Report, Policy and Procedure report from Review Boards
 - The process will take 3 weeks to a month to get to the OPOC
 - 8 potential cases that have been identified including: Taser utilization on a juvenile; collision of a police vehicle by an off-duty officer; requesting of a same sex police officer for body search; and theft of a police vehicle while keys were left inside
- OPO Recommendation R21-01
 - Duty to intervene – Several links from various LEO agencies around the country.

- This policy recommendation was originally researched and written by the Ombudsman for submission to NACOLE as part of an effort to create a model use of force policy.
- It has been updated to include some of the mandated reforms becoming law in Washington
- Unanimously Approved
- Chief Meidl Vimeo Review
 - In the video Chief Meidl addressed an article and concerns that are circulating stating that Spokane is ranked #3 in the country most violent police cities.
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 - The question being asked of the citizens is to just trust the SPD but we are not hearing much about how they are working to reduce the numbers
 - Commissioner Jasmin: Only focusing on the Black population is problematic considering that the Black population only represents 2% in Spokane
 - Commissioner Wilburn: Thinks it would be best to wait to act until there is a federal law instated.
- Commissioner Speakout
 - Commissioner Wilburn: Would like to see our Law Enforcement be a more friendly force with the community. The concern that the Black community has for their safety from Law Enforcement is deeply ingrained and will take a long time to repair.
 - Commissioner Jasmin: Appreciates all the hard work that the OPO puts into the reports and he agreed with Commissioner Wilburns statements.

Motion Passes or Fails: 4

Meeting Adjourned at: 7:05pm

**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/>

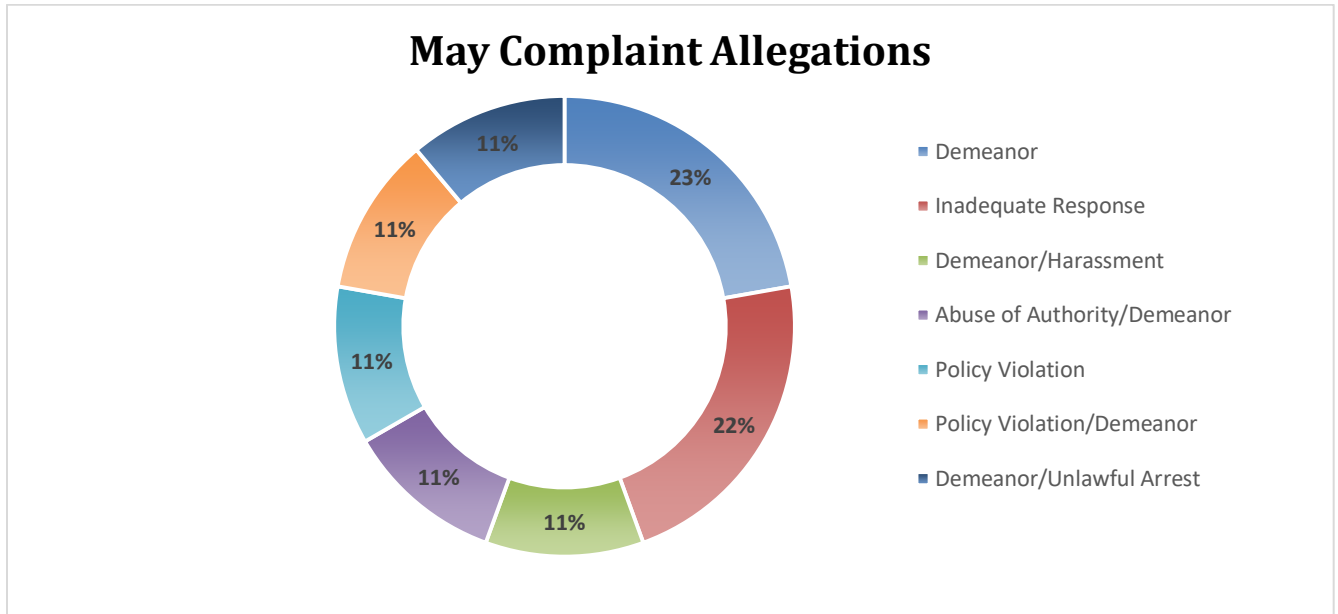


Office of the Police Ombudsman

Public Safety & Community Health Committee Report

Reporting Period: May 1-31, 2021

Complaints/Referrals/Contacts

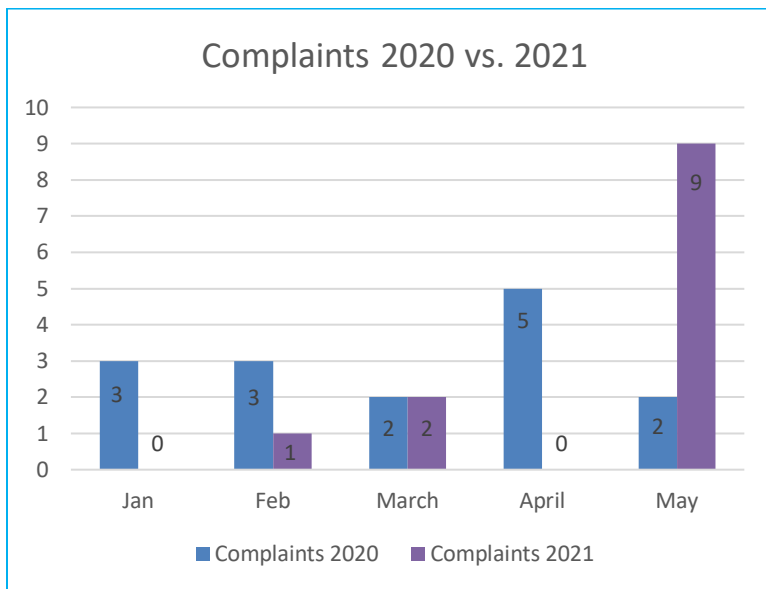


Highlights:

In May, the OPO received 9 complaints and made 1 referral to the Director of Strategic Initiatives

Examples include:

- IR 21-27: A community member from another state reached out requesting SPD Patches for her daughter who was collecting them for a program called Blue Wives Matter. They help support the families of fallen officers. The patches are sent to the children of fallen officers so they never feel like their fallen parent has been forgotten.
- OPO 21-05: A complaint came into the OPO via phone. The complainant was frustrated that the person who assaulted them was not arrested. The complainant also allegedly heard the officer say that they didn't want to do paperwork.
- OPO 21-07: A complaint came into the OPO via email. The complainant was submitting on behalf of a homeless man who had allegedly been harassed by various SPD officers.
- OPO 21-08: A complaint came into the OPO via email. SPD went to the complainant's residence. When the complainant stated they would need a warrant to enter, they allegedly entered the residence anyway and the complainant was arrested for obstructing.
- OPO 21-09: A complaint came into the OPO via email. The complainant alleges that an officer lied to their supervisor in order to make an arrest. The allegations were also included in a written report.



YTD Complaint Comparison

The OPO saw a steady intake of complaints in May 2021 (9) compared to May 2020 (2).

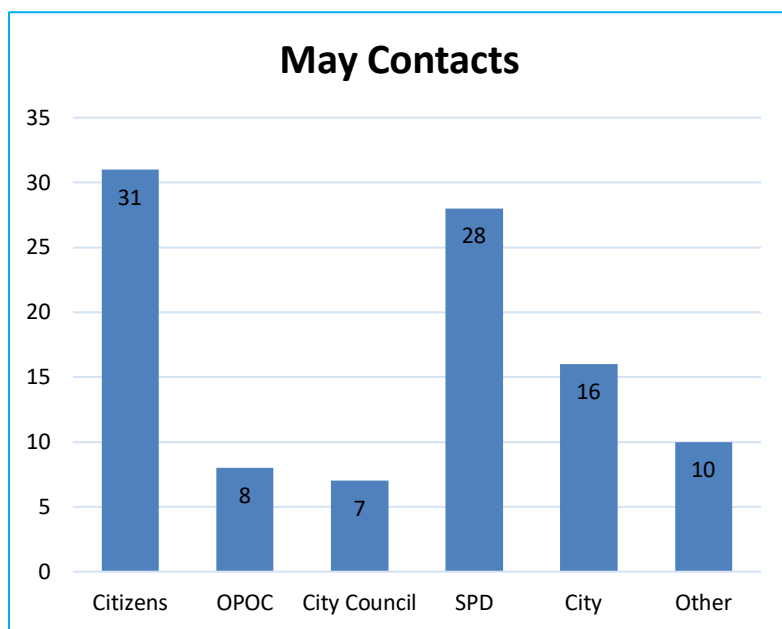
Overall complaints are down YTD (12) Compared to 2020 (15).

Contacts/Oversight:

- Chief Meidl agreed to begin meeting monthly, instead of Quarterly with the OPO
- Interviews increased substantially during the month of May from previous months
- The OPO had numerous meetings with City Legal and SPD regarding closing reports

Contacts/Oversight

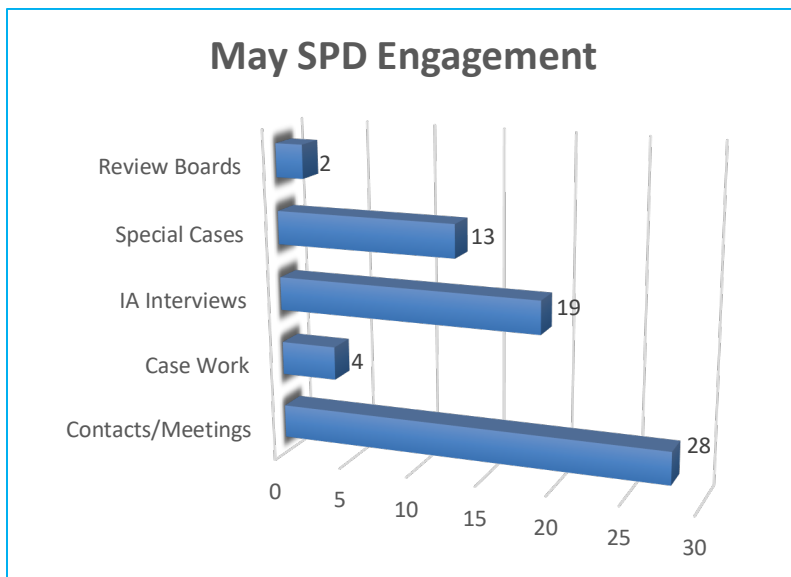
- 97 total contacts
- 12 community member interviews were conducted
- Attended 19 IA Interviews
- 28 total SPD contacts
- 18 IA contacts



Oversight Activities

Highlights:

- The OPO completed 2 closing reports which were sent to City Legal for review.
- The OPO attended 2 review boards during the month of May – Use of Force Review Board and Collision and Pursuit Review Board
- The OPO attended the Internal Affairs Bi-Weekly meetings
- The OPO requested and attended a meeting with Director MacConnell and Lt Wohl regarding Take Home Vehicles
- The Police Ombudsman sent a request for mediation on a complaint to Chief Meidl. The request was approved.



Case Work

- 4 cases certified
- 1 request for mediation was sent to Chief Meidl

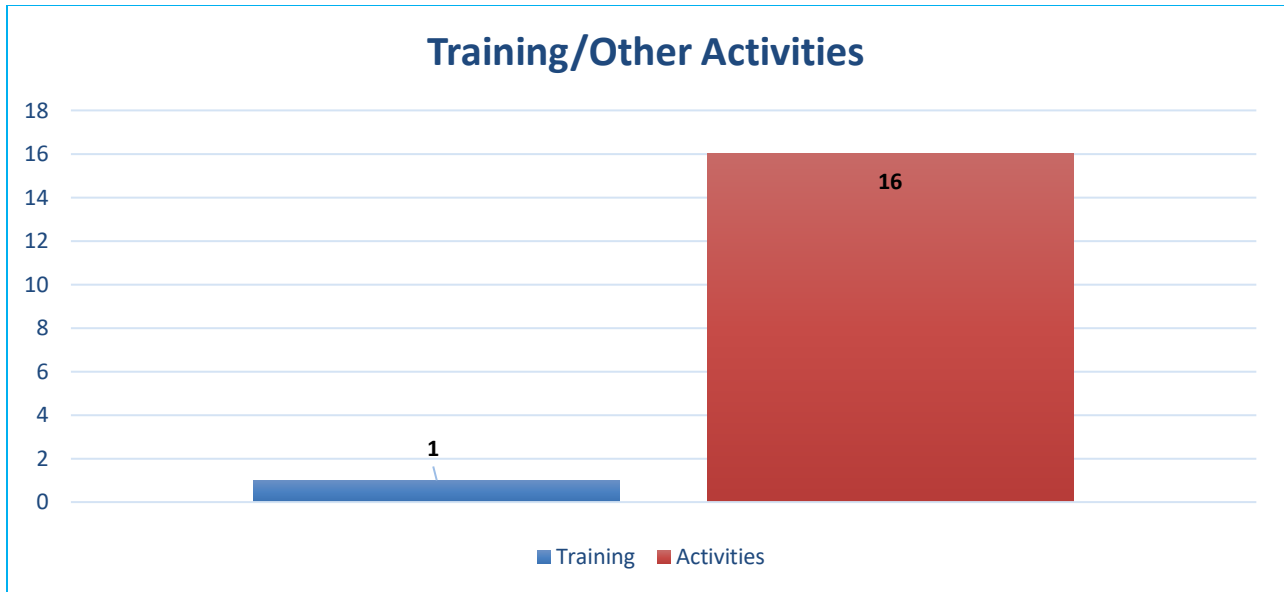
Special Cases

- Use of Force – 3
- K9 - 3
- Collision – 7
- Pursuit – 0

Training/Other Activities

Highlights:

- City Meetings – PSCHC Meeting, Mayors Quarterly Meeting
- Oversight – OPOC monthly meeting, NACOLE Use of Force Working Group, NACOLE Strategic Planning Committee, NACOLE Peer to Peer Subcommittee, Task force 2.0 Policing and Alternatives to Policing subcommittee
- Other Community Meetings – Leadership Spokane Executive Board meeting, Leadership 2021 meeting, Jonah Project Meeting, Leadership Spokane Social Committee meeting, Leadership Round Table, Volunteered at a Celebrate Recovery event



Upcoming

- The OPO will be presenting 2 closing reports utilizing the new format specified in the Police Guild Contract
- The OPO is working through the review requirements for the Closing Reports with the Police Guild
- The OPO review of May 31st SPD protest response on hold pending City action on Guild Grievance

Office of the Police Ombudsman Commission Meeting:

Held virtually, the 3rd Tuesday of every month at 5:30pm

Agendas and meeting recordings can be found at:

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

Summary of Recommendations

Recommendation R21-02: The OPO recommends SPD maintain and not expand its current policy of Administratively Suspending complaints in which a lawsuit or claim for damages has been filed to include not investigating matters which may lead to a lawsuit or claim for damages. IA Investigators should fully investigate complaints it receives independent of potential lawsuits or future claims for damages until the complainant indicates or IA learns a lawsuit or claim for damages has already been filed.

Recommendation R21-03: The OPO recommends IA formalize its practice of advising individuals the call is being recorded at the onset of a conversation before any substantive discussion occurs by requiring it in the IA SOP. If providing an advisement was overlooked, the investigator should provide the advisement immediately after they realize it had been omitted.

Recommendation R21-04: The OPO recommends SPD reinforce its commitment to de-escalation both in practice and review, especially with the Use of Force Review Board. SPD should also consider implementing officer feedback from the Review Board which includes other techniques which could have been considered, if any were identified. SPD already has a thorough de-escalation policy, however the interpretation and enforcement of it should be consistent with SPD's stated value of using force only when necessary.

Recommendation R21-05: The OPO recommends SPD specify in its policy the restrictions or considerations an officer should consider when a TASER or 40 mm Blue Nose Launcher is deployed and if a 40 mm Blue Nose Launcher is encouraged, discouraged, or prohibited as a force option for juveniles.

Summary of Recommendations

Recommendation R21-06: The OPO recommends SPD include as part of its evaluation of whether collisions are preventable or non-preventable, the totality of the circumstances to include tactical considerations, similar to force applications, which include the officer's actions leading up to a collision rather than just the officer's actions at the moment the collision occurs.

Recommendation R21-07: The OPO recommends the department work with risk management to evaluate liability in collisions and ensure it is clearly spelled out in policy 706.2.2(D).

Recommendation R21-08: The OPO recommends the department clearly define the expectations of "Readily Available" and "Limited Personal Use" in policy to ensure officers know exactly what is allowed when taking home a city-owned vehicle. The officers assigned a take home vehicle should also acknowledge their responsibilities for this unique privilege annually.

DRAFT