



Office of Police Ombudsman Commission

Meeting Agenda

May 23, 2023

5:30PM – 7:30PM

City Council Chambers

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Commission Briefing Session:

5:30 – 5:35pm	1) Welcome to the public	Commissioner Jasmin
	2) Agenda approval	Commissioner Jasmin
	3) Approve April meeting minutes	Commissioner Jasmin

Items:

5:36 – 6:15pm	1) Public forum	Citizens signed up to speak
	2) Ombudsman report from April	Bart Logue
	3) OPO Annual Report	Bart Logue / Luvimae Omana

Commission Business:

6:16 – 7:00pm	1) OPOC Annual Report	Commissioner Jasmin
	2) June / July OPOC meetings	Commissioners
	3) NACOLE Annual Conference	Commissioners
	4) Commissioner speak out	Commissioners

Adjournment:

The next Ombudsman Commission meeting will be held on June 20, 2023.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6237, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or mpiccolo@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.



Office of Police Ombudsman Commission Minutes

April 18, 2023

Meeting Minutes: 0:50

Meeting called to order at: 5:33 pm

Attendance

- OPOC Commissioners present: Jenny Rose, Luc Jasmin, Lili Navarrete
- OPOC Commissioners absent: Ladd Smith
- Legal Representation: Tim Szambelan
- OPO staff members present: Bart Logue, Luvimae Omana and Christina Coty

Briefing Session

- Agenda - Approved
- February Minutes – Approved

Items Session

- Public Forum:
 - There were no community members signed up to speak
- Ombudsman Reports
 - February and March
 - Contacts: 282, Community Meetings: 11, OPO Interviews: 18, Complaints: 8, Referrals: 6, Mediation: 1, Cases Certified: 18, Cases returned: 1, Web Cases: 8, IA Interviews: 7, SPD Review Boards: 4, Oversight Meetings: 9, Trainings: 5
- Intern Presentation – Nicholas Davis
 - Projects
 - Comparative research – Policies, General lawsuits, Case law, Conversations with oversight offices
 - Topics – Closed fist head strikes, Exceptional techniques, Nationwide response to the Tyre Nichols
 - Other – Creation of Peer Review guidelines for oversight agencies, Self-Review of Spokane office, Mediation Procedures

Commission Business

- OPOC Retreat Recap
 - Commissioner Jasmin – Was proud of our OPO and the work that is getting done. The fact that the Ombudsman is able to be objective
- OPOC Goals for 2023
 - Funding for someone like Nicholas who can dig in Analyst
 - Funding Looking at the physical space for confidentiality.
 - Working towards more independence and how that would play out
 - Marketing – have you ever heard of the OPO, what do you think about them?
- Commissioner Speak Out
 - Commissioner Rose – Have we heard anything about a replacement for Commissioner Wilburn?
 - May Meeting recommendation to move to May 23 - Approved

Motion Passes or Fails:3
Meeting Adjourned at: 6:23

**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/>

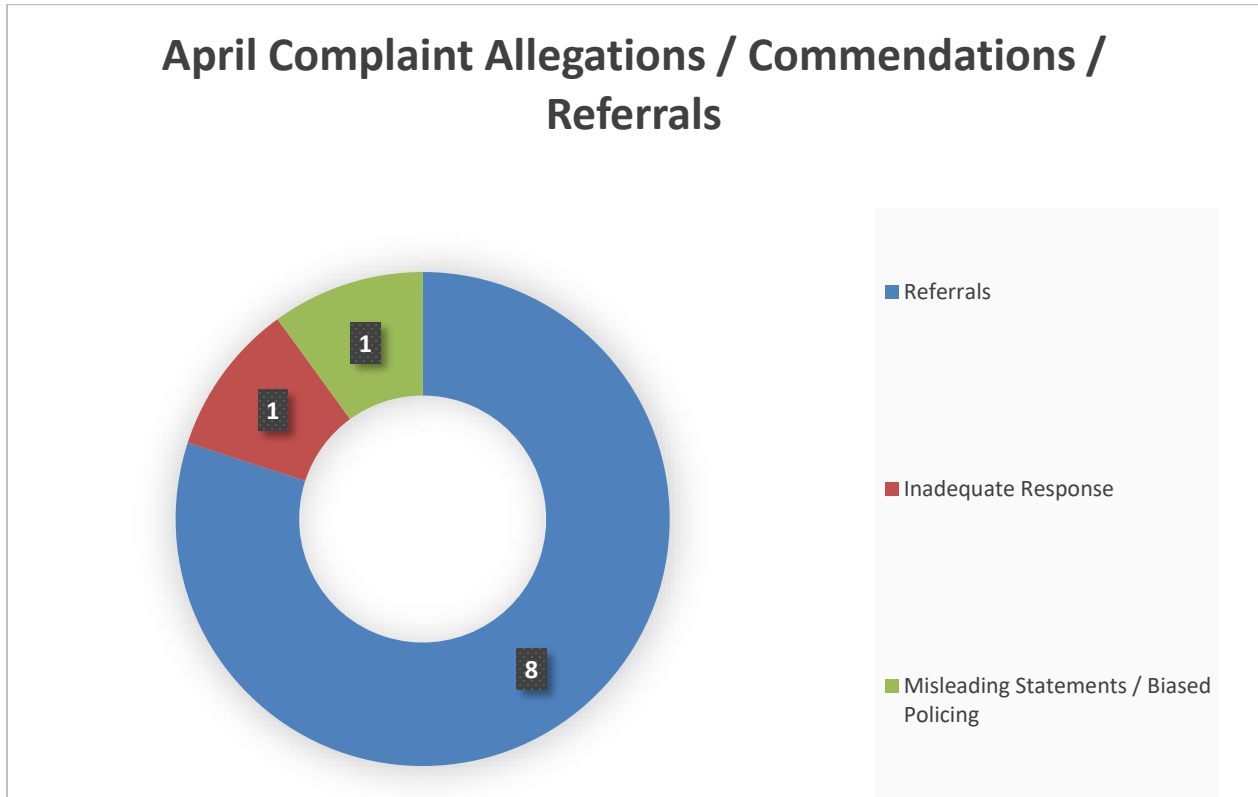


Office of the Police Ombudsman

Public Safety & Community Health Committee Report

Reporting Period: April 1 - 30, 2023

Complaints / Referrals / Contacts



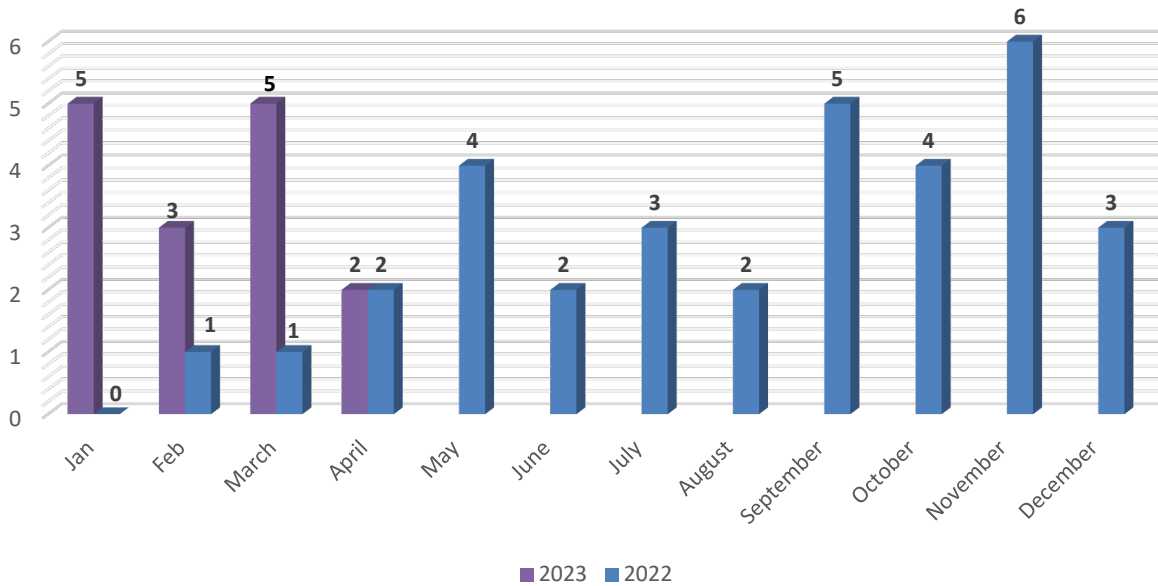
Highlights:

In April, the Office of the Police Ombudsman (OPO) submitted 2 complaints to Internal Affairs, and 8 referrals to various agencies.

Highlights include:

- OPO 23-21: A community member is concerned that an SPD Officer exhibited biased policing during protests.
- OPO 23-22: Multiple complainants have concerns regarding the SPD response to a child that was allegedly kidnapped from a day care.
- IR 23-10: A community member was frustrated that their police report regarding a theft had been closed and they had not been spoken to at all: SPD / IA
- IR 23-11: A community member was concerned about the police policy involving domestic violence and wondered if it was biased against men being the victim: SPD / IA

Complaints 2022 vs. 2023



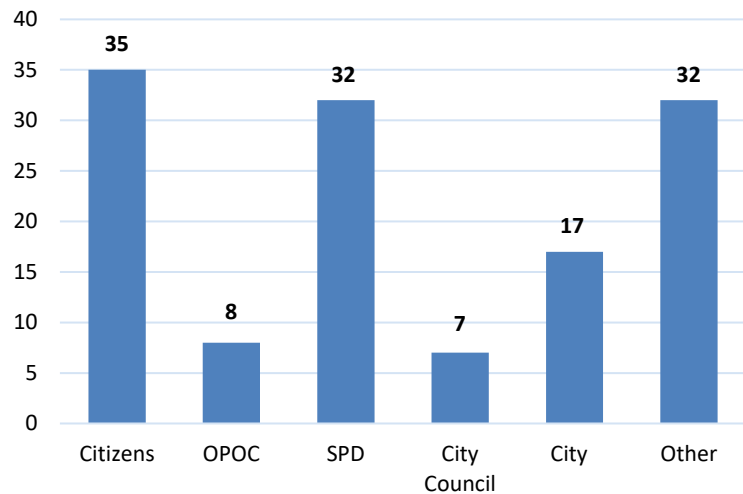
- The OPO has also submitted 6 commendations to SPD in 2023

Contacts / Oversight:

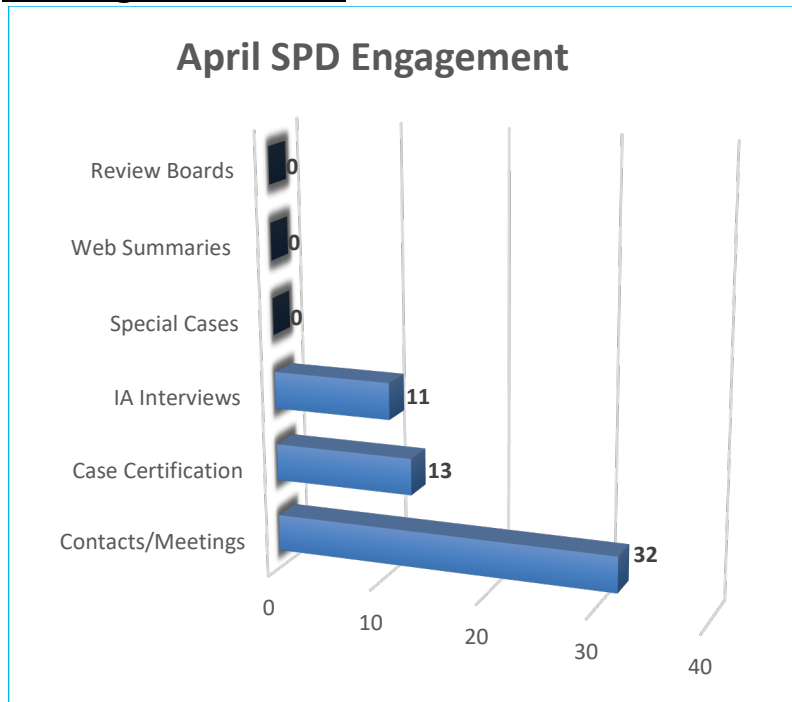
Contacts / Oversight

- 129 total contacts
- 9 OPO interviews were conducted
- 26 IA contacts
- 32 total SPD contacts

April Contacts



Oversight Activities



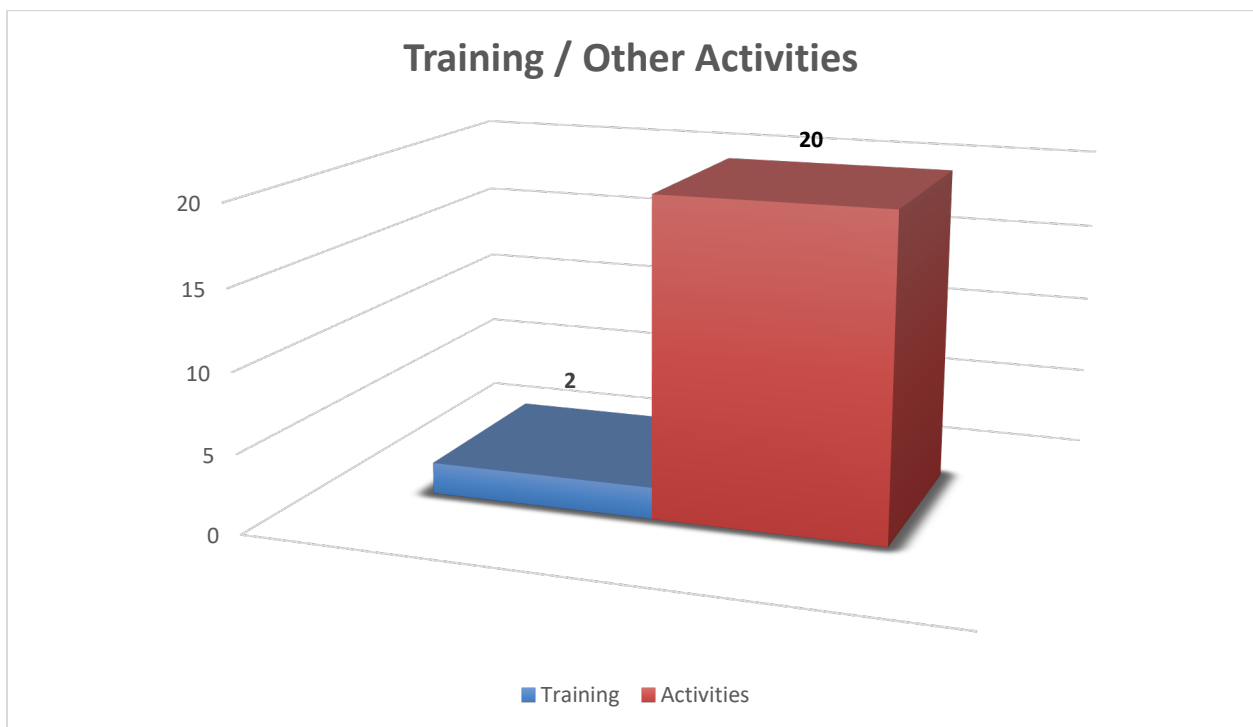
Case Work

12 – Cases certified
1 – Decline to certify – Improper Routing. SPD refused to send the case to the OPO for certification. Issue deferred to the City Administrator.
1 – Mediation conducted

Review Boards

There were no SPD Review Boards during the month of April.

Training / Other Activities



Highlights:

- Community Meetings / Events – OPOC Meeting, Leadership Retreat, Met with 2 candidates running for office, SCAR
- Other Meetings – PSCHC, Leadership Spokane Meeting, Leadership Spokane Summit, Celebrate Recovery, Women’s Outreach Event
- Oversight / Outreach – IA BiWeekly, WSCJTC Meeting, NACOLE Board Meetings, other NACOLE Meetings (2), Peer Review meeting with team NOLA, Member Support and Advocacy Committee Meeting, Presentation to United States Ombudsman Association – Public Safety Chapter, Pierce County Public Safety Council Meetings (2), Pierce County Public Safety Council Presentation
- Training – NACOLE Webinar: How the Police Became Untouchable, PRA University: Legal Update Webinar with the AGO

Upcoming:

- OPO / OPOC Annual Report
- WSCJTC Sub-Committee Meeting
- WSCJTC Committee Meeting
- Constitutional Policing Conference
- OPO, selected for presentation at NACOLE Annual Conference

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/>

2022 ANNUAL REPORT

Office of the Police Ombudsman



Contents

Table of Contents

Contents.....	2
Staff.....	3
Letter from the Ombudsman.....	4
OPO Activities	7
Training	7
Reporting	8
Closing and Policy and Procedure Reports	8
Commendations & Complaints.....	9
Commendations Received	9
Complaints Received.....	10
Comparing Complaints Over a 3-Year Period	13
Classification and Disposition of Allegations	15
Statistics of Interest	16
Critical Incidents.....	17
Recommendations	18
Update on 2021 Recommendations	18
2022 Recommendations	19
2022 Complaints Received.....	22

Staff

Bart Logue, Police Ombudsman – Bart Logue began serving in this capacity in September 2016, after previously serving as the Interim Police Ombudsman. Bart also serves as a Commissioner on the Washington State Criminal Justice Training Commission. Bart is a certified Practitioner of Oversight through the National Association for Civilian Oversight of Law Enforcement (NACOLE) and also serves on NACOLE’s Board of Directors. 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, 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

Contact Information

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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

Luc Jasmin III, *Chair*

Ladd Smith, *Vice-Chair*

Jenny Rose

Lili Navarrete

James Wilburn

Letter from the Ombudsman

May 15, 2023

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, 2022 to December 31, 2022. To begin, I would like to acknowledge that two Spokane Police Officers were shot and wounded during this last year. Other officers were fired upon. According to the National Law Enforcement Memorial Fund, 224 law enforcement officers died nationwide in the line of duty in 2022. While the OPO is grateful that Spokane officers did not add to those numbers, we give pause to consider the incredible dangers our officers face while policing our community. We also acknowledge that an SPD officer lost his life in an off-duty incident. Like our community members, our officers deserve our very best as we conduct our duties in civilian oversight of law enforcement.

During 2022, the Office of the Police Ombudsman (OPO) was contacted 1715 times, a 15% increase from 2021, but over 400 times more than pre-pandemic levels. Complaints fluctuated slightly from the previous year but match the number of complaints received in 2020 at 89. The OPO also received five community member commendations for officers during this last year. The OPO reviewed 74 cases, certifying 70 of them and declining to certify three. The OPO also offered one case for mediation. 14 cases were returned for further investigation. Oversight on Internal Affairs interviews dropped to 45 from 88 in the previous year.

As a result of one of the declined cases, the OPO conducted and reported our inaugural independent investigation as set forth under Article XVI, Section 129 in 2022. This marked a significant step forward in fulfilling the oversight mandates set forth in the charter. Per the section, the OPO shall have the following responsibilities, as well as other duties and functions established by ordinance:

1. The OPO shall actively monitor all police department internal investigations.
2. The OPO shall act as an observer to any administrative or civil investigation conducted by or on behalf of the police department when an employee of the police department is involved as a principle, 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.
3. The OPO shall independently investigate any matter necessary to fulfill its duties under Section 129(A), within the limits of the Revised Code of Washington, Washington State case law, Public Employment Relations Commission decisions, the Spokane Municipal Code, and any collective bargaining agreements in existence at the time this amendment takes effect, but only until such agreement is replaced by a successor agreement.
4. The OPO shall publish report of its finding and recommendations regarding any complaints it investigates.

Under Article 27 of the current Collective Bargaining Agreement with the Spokane Police Guild, the OPO requested the OPOC grant the scope of the independent investigation include:

1. The additional investigative steps that the OPO requested and were unfulfilled by IA in the investigation. The OPO requested that IA conduct additional interviews of persons who viewed the body worn camera footage prior to when the PRR was made by the Community Member.
2. Any training or policies regarding the dissemination of confidential information.
3. An email search of any email from a City employee or elected official to the Community Member.
4. Whether there were any conflicts of interest during the investigation.
5. Whether there was bias in the investigation.
6. Whether all witnesses and involved parties were identified.
7. The ability to pursue any other reasonable investigative leads that may present themselves during the investigation.

Through the investigative process, the OPO requested to interview 46 witnesses and conducting 31 witness interviews and one meeting with a Spokane County employee about the investigation process. We also requested IT search for relevant texts and emails from which we reviewed 4723 responsive documents. Upon completion of the investigation, the OPO annotated the process, obstacles to investigation, and pertinent facts in an Independent Investigation Closing Report. While the path to an independent investigation remains cumbersome, the progress in this year alone in fulfilling the mandates of the City Charter was significant.

Another significant step forward that occurred near the end of 2022 was that the Police Ombudsman was invited by the City Administration to bargaining sessions with the Police Guild in order to explain the OPO processes as well as talk about the OPO's strategy moving towards the future. This was the first time that the OPO has been given that opportunity.

As in previous years, the OPO will continue to work to align itself with the National Association for Civilian Oversight of Law Enforcement's (NACOLE) 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 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.

2022 proved to be significant in paving the way towards the authorities to fulfill the mandates of the City Charter. The OPO has also focused our efforts in providing recommendations that matter to both the police department and the community. Since 2020, the OPO has written 13 closing reports resulting in 53 recommendations to policy and/or training. Chief Meidl has implemented or is in the process of implementing 87% of those recommendations (46/53). In 2022, he continued to accept the majority of OPO recommendations (12/13).

In 2023, 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 to ensure a continued emphasis towards independence in reporting and finding ways to expand the investigation process. We will continue to work on ensuring that proper authorities are in place which enable the ability to fulfill 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

2022	2021	Change	Highlight of Activities
1715	1452	15%	Citizen contacts
93	52	44%	Participation or attendance in community meetings and events
8	6	25%	Letters of officer appreciation / commendation
31	36	-16%	OPO generated complaints
63	64	-2%	Referrals to other agencies / departments
1	2	-100%	Cases offered to SPD for mediation
3	0	100%	Cases declined to certify
70	80	-14%	Cases certified
83	73	14%	Interviews of citizens with ongoing or potential complaints
45	88	-49%	Oversight of IA interviews
156	84	86%	Special cases reviewed
452	307	47%	Meetings with SPD
20	20	0%	SPD review boards attended

OPO CONTACTS INCREASED BY 15% IN 2022. MOST CONTACTS WERE MADE ONLINE OR OVER THE PHONE.

The OPO had various opportunities to be involved in oversight activities at the state and national level including:

- Presented on the First Amendment and Social Media at the NACOLE Annual Conference;
- Panelist at the WASPC Conference in June 2022;
- Attended Governor Inslee’s address at the Washington State Criminal Justice Training Commission: The Future of Washington State Law Enforcement Training;
- The Police Ombudsman continued to serve on several NACOLE groups including the Strategic Planning Committee, the Membership Support and Advocacy Committee, the Use of Force Working Group, and the Internal Operations Committee;
- Met with Pierce County representatives on statewide investigation/discipline standards;
- The Police Ombudsman was elected as a NACOLE board member; and
- The Police Ombudsman is a commissioner for the Governor appointed Washington State Criminal Justice Training Commission and serves as a member on the certification hearings panel.

Training

Per SMC §04.32.070(A)-(C), the Ombudsman must complete 2 ride-alongs with SPD per year. The Ombudsman completed **3 ride-alongs** on December 1, 7, and 30, 2022. The Deputy Ombudsman completed **2 ride-alongs** on November 1 and 2, 2022. The OPO attended **2 SPD In-Service training days** on April 6, 2022 (Spring In-Service) and November 2, 2022 (Fall In-Service). The OPO also attended and helped sponsor SPD Leadership training **featuring Jason Redman – Overcome; Crush Adversity with the**

Leadership Techniques of America's Toughest Warriors. The OPO also had the opportunity to present at the **SPD's Sergeants Academy.**

Non-SPD training highlights included:

- NACOLE Annual Conference and Virtual Conference
- United States Ombudsman Association Annual Conference
- IACP Law Officer Section Spring Training
- IACP Annual Conference
- Public Records Act Training
- Calibre Press: 1st Amendment Training
- Force Science: Introduction to Human Dynamics and Conflict Resolution
- The OPO attended short seminars on:
 - Situating Body Worn Cameras (BWC) within Civilian Oversight
 - Understanding Brady and Giglio and the Oversight Role
 - Regulation and Oversight
 - Attorney General Office's Public Records University

Reporting

The OPO reports monthly to the Public Safety & Community Health Committee, the Mayor, the City Council, the City Administrator and the Chief of Police. In 2022, the Ombudsman completed **1** annual report for 2020 and **12** monthly reports. Per SMC §04.32.110(C), the Ombudsman briefed City Council on March 7, 2022.

Closing and Policy and Procedure Reports

The OPO issued **4 reports** in 2022 including **3 closing reports** and **1 independent investigation closing report**. The cases below were the basis of our closing reports. The cases range from uses of force, Internal Affairs complaints, OPO generated complaints, and SPD related accidents. The OPO reports are listed below with corresponding case numbers.

1. A20-038/C20-081
2. C20-090/F20-033
3. C19-082/F19-056
4. C21-070/OPO 21-23

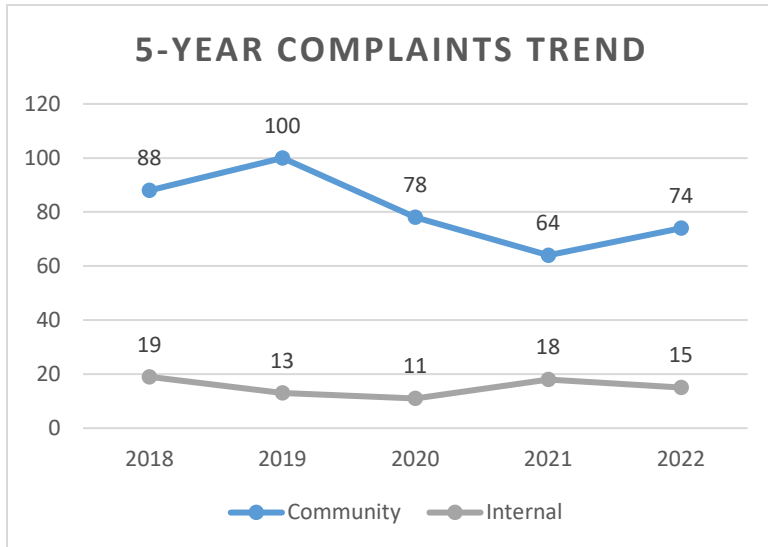
Commendations & Complaints

Commendations Received

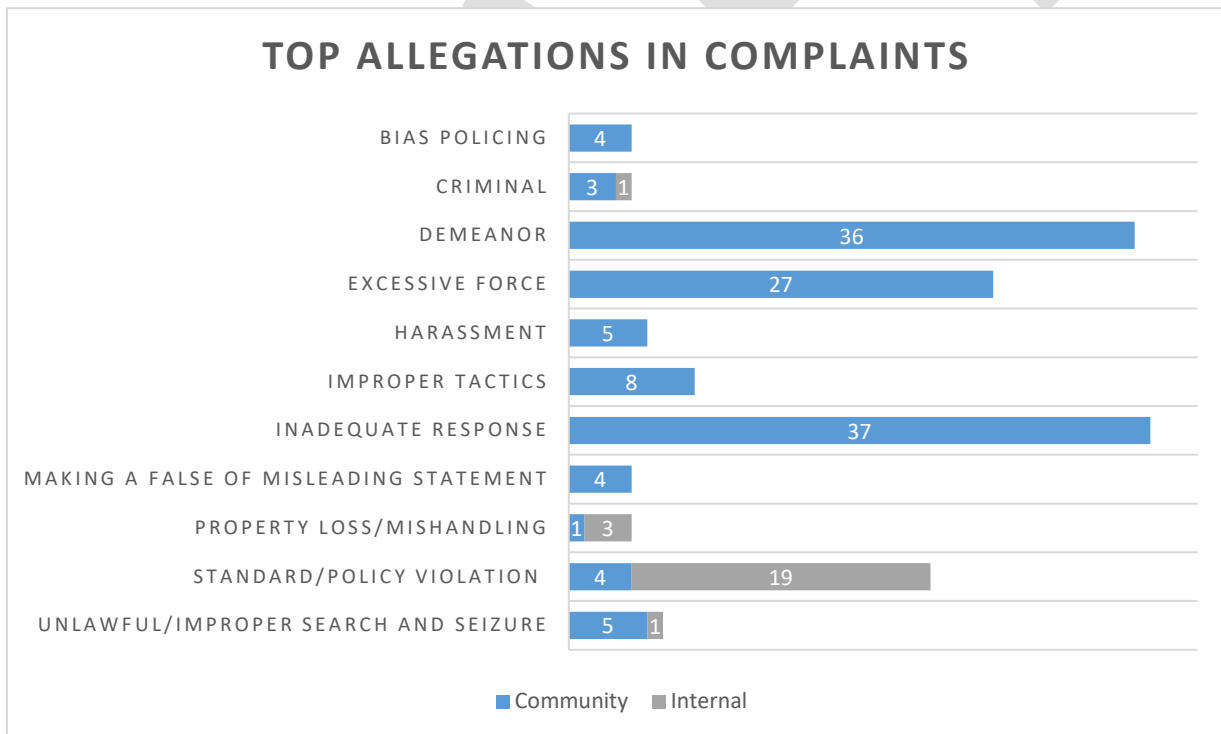
Commendations Submitted by the OPO	
1. OPO 22-02	A member of the public commended an officer for being treated respectfully at the police front desk.
2. OPO 22-11	A member of the public commended an officer for SPD's hard work in locating their car.
3. OPO 22-19	A member of the public commended an officer for transporting a little girl home from Felt's Field.
4. OPO 22-20	A member of the public commended an officer for the courteous treatment they received from an officer during a traffic stop. While the individual ended up receiving a citation, they noted the officer's positive attitude and helpfulness. The officer drove the individual home and even carried their groceries inside the house.
5. OPO 22-23	The Ombudsman commended an officer for their effort during a school issue where a juvenile could have potentially been charged with a felony. The officer went above and beyond by conducting additional work to determine the juvenile would not be charged.
6. OPO 22-32	A member of the public commended an officer for the work they did on the individual's case in 2020.
7. OPO 22-35	The Deputy Police Ombudsman commended an officer for their ride-along.
8. OPO 22-36	The Deputy Police Ombudsman commended an officer for their ride-along.
9. OPO 22-39	The Police Ombudsman commended an officer for their ride-along.
10. OPO 22-40	The Police Ombudsman commended an officer for their ride-along.
11. OPO 22-41	The Police Ombudsman commended an officer for their ride-along.

THE OPO RECEIVED 5 COMMENDATIONS FROM THE PUBLIC IN 2022 COMPARED TO 1 IN 2021.

Complaints Received



↑15% IN COMMUNITY GENERATED COMPLAINTS FROM THE PREVIOUS YEAR.



WHILE A MAJORITY OF COMMUNITY COMPLAINTS RECEIVED ALLEGE DEMEANOR AND INADEQUATE RESPONSE, EXCESSIVE FORCE ALLEGATIONS (27) HAVE ↑286% IN 2022, FROM 2021 (7).

The 27 excessive force allegations were comprised of 19 complaints from the community. For the allegations that were Closed, the OPO agreed IA's closed classifications were proper. Under the SPD Personnel Complaints Policy, an investigation may be closed if an allegation of misconduct is disproved upon initial review (i.e. body worn camera footage or other evidence clearly disprove an allegation) or the IA Lieutenant and Police Ombudsman, upon review of a complaint, may agree to the finding of 'Closed' for instances where both agree that an allegation is Unfounded, Exonerated, Not Sustained, or Training Failure concurrent to the Ombudsman's certification of timely, thorough, and objective.¹ The findings on the allegations include:

- 4 – Administratively Suspended
- 16 – Closed
- 4 – Exonerated
- 3 – TBD

Most of the internal complaints fell under "Standard/Policy Violation." This includes SPD standards and policies that are not frequently alleged. In 2022, the standards and policies alleged include:

- SPD Standard 2.3 – Following standard legal practices for interrogation, arrest/detention, searches, seizures, informants, evidence preservation and collection;
- City Policy 6.10.3 – Records created related to City business;
- SPD Policy 1050.2(A) – Nepotism and conflicting relationships;
- SPD Policy 340.3.5(h) – Falsification of work related records;
- SPD Policy 340.3.5(g) – Knowingly making a malicious statement to harm/destroy the reputation/authority of the department;
- SPD Policy 340.3.5(x) – Violating any felony/misdemeanor statute where such violation affects the employee's ability to perform duties;
- SPD Standard 4.9 – Conduct self so as not to discredit law enforcement or SPD
- SPD Policy 502.3.1 – Reporting traffic collisions involving SPD vehicles;
- City Policy ADMIN 0620-05-056 5.2.1(a)&(b) – Misuse any internet / intranet access privileges;
- SPD Policy Violation 340.3.2(m) – Engaging in on-duty sexual relations; and
- SPD Policy 703 – Body worn camera violation.

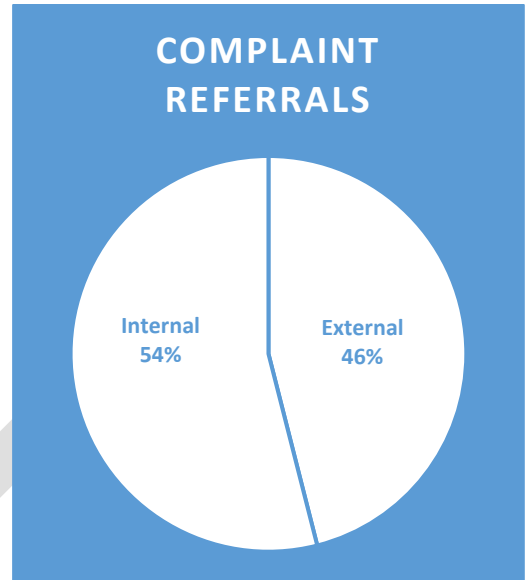
Referrals

The OPO made **63 referrals** in 2022. 30 referrals were external and 33 were internal. 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.

External referrals were made to:

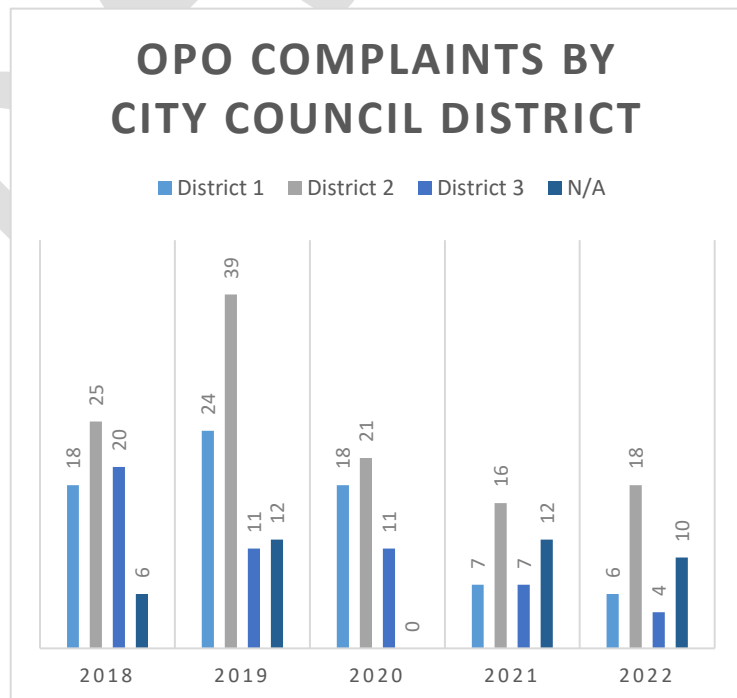
¹ Spokane Police Department Policy Manual Policy 1020.1.1 (Closed Category), version updated March 24, 2023.

1. Spokane County Detention Services
2. 311
3. Concealed Pistol License
4. Washington State Medical Ombudsman
5. Police Records
6. Spokane County Sheriff's Office, Internal Affairs
7. Code Enforcement
8. Office of Civil Rights
9. Spokane Regional Emergency Communications



REFERRALS WERE SLIGHTLY DOWN 6% IN 2022. THE REFERRALS CONTINUED TO COME FROM MORE VARIED MEMBERS OF THE PUBLIC, RATHER THAN A SMALLER NUMBER OF INDIVIDUALS WHO MADE UP A SIGNIFICANT NUMBER OF REFERRALS.

DISTRICT 2, WHICH INCLUDES THE DOWNTOWN CORE AREA, CONTINUED TO GENERATE THE MOST COMPLAINTS.

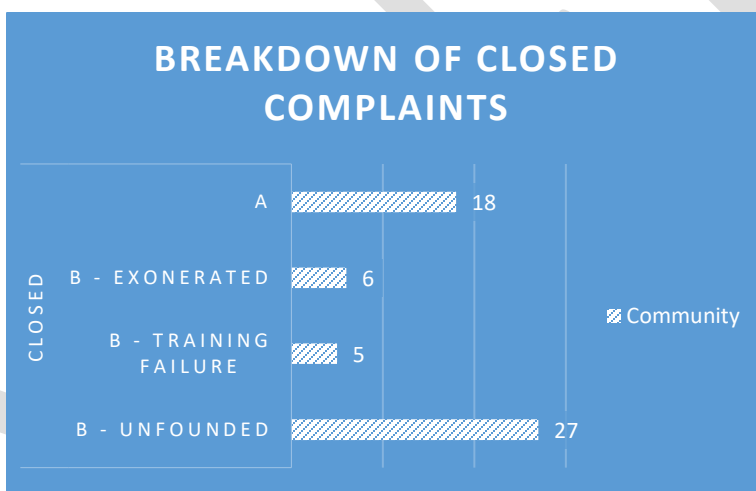


Comparing Complaints Over a 3-Year Period

3 Year Comparison of Community Complaints	2020	2021	2022 ²
Inquiry / Suspended / Closed	63%	73%	78%
Unfounded / Exonerated / Not Sustained	17%	0%	8%
Sustained	5%	0%	1%

In 2022, community-based complaints increased by 16%. Of those community-based complaints, 78% of allegations raised did not rise to the level of a full IA investigation. This is a steady increase from 2020, up 5% from 2021. These categories include those classified as “Inquiry,” “Closed,” and “Administratively Suspended.”

Of all community complaints, “Inquiry” made up 15%, “Closed” made up 39% and “Administratively Suspended” made up 24% of all allegations made in complaints. The remaining allegations were mediated or classified as a “Training/Policy Failure.”

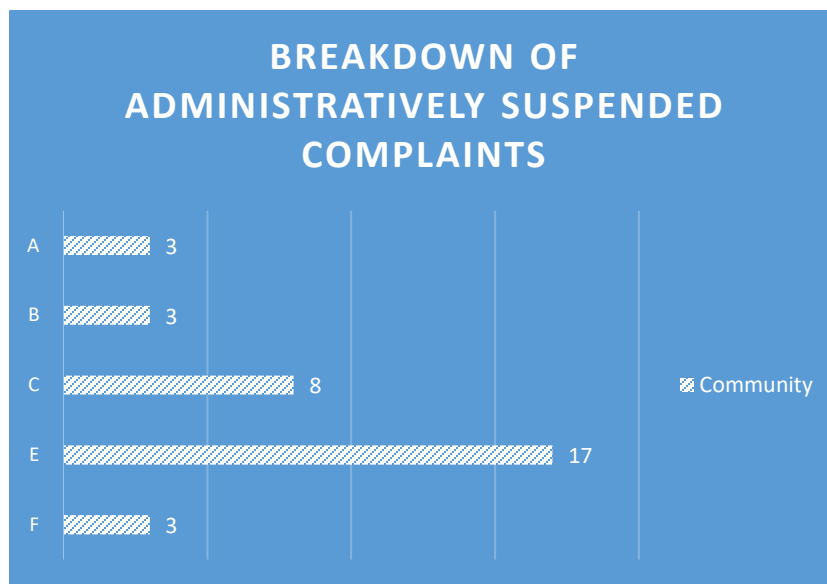


The “Closed” category was the most used classification with 56 of the total 143 community allegations. The usage of the “Closed” category increased by 87%. SPD’s Personnel Complaints Policy 1020 allows for investigations to be classified as closed if they meet one or more of the following reasons in the table below.

Closed Subcategories
A – An allegation of misconduct that is disproved upon initial review (i.e. BWC footage or other evidence clearly disproves an allegation); and/or
B – The IA Lieutenant and Police Ombudsman, upon review of a complaint, may agree to the finding of ‘Closed’ for instances where both agree an allegation is Unfounded, Exonerated, Not Sustained, or Training Failure concurrent to the Ombudsman’s certification of timely, thorough, and objective.

² This accounts for 87% of all community findings as of March 31, 2023. The remaining findings rounded to the nearest whole number include: Mediation 2% and TBD 10%.

87% of closed complaints were disproven upon initial review or upon further investigation, both the IA Lieutenant and the OPO agreed that the allegations were unfounded. This illustrates how despite the serious nature of some allegations made, most complaints received do not rise to the level of a policy violation.



34 of the 143 allegations were classified as “Administratively Suspended.” This is a 33% decrease from 2021. However, the decrease in the use of this category is offset by the increase in Closed cases. All allegations suspended cited to a specific subcategory. This is a practice the OPO began reporting on in 2020 to provide more information on why cases are suspended. The subcategories are defined in the table below.

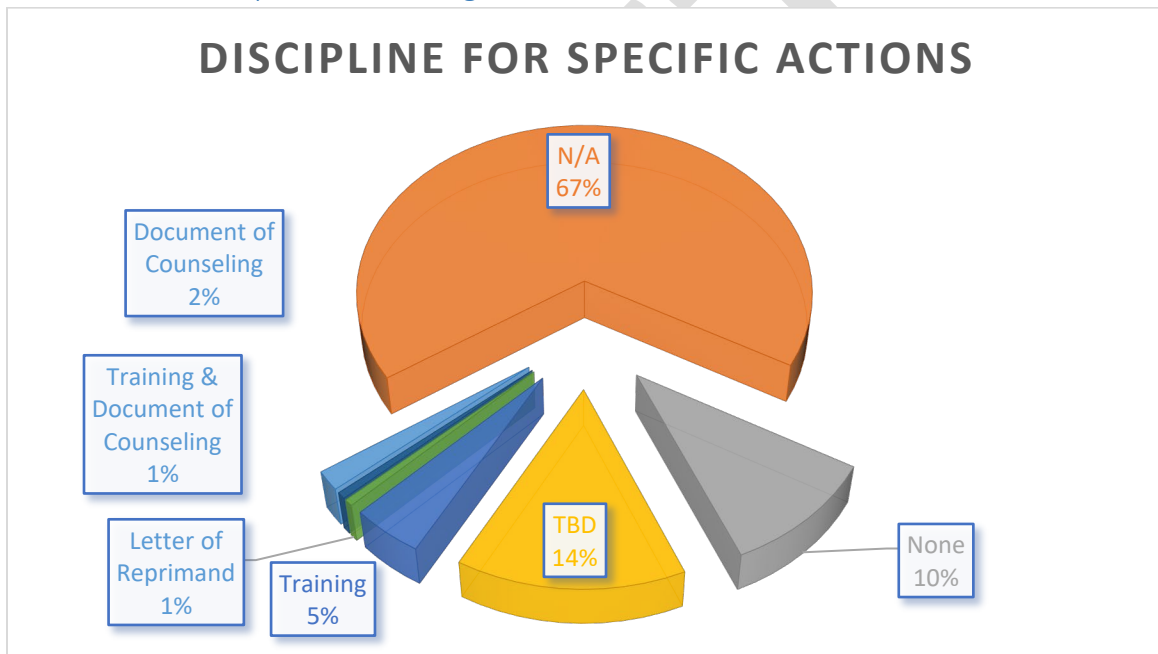
Administratively Suspended Subcategories
A – complainant refuses to cooperate
B – complainant is unavailable and further contact is necessary to proceed
C – complaint involves pending criminal prosecution
D – complaint involves civil suit or claim for damages has been filed with the City
E – minor allegation sent to the officer’s supervisor for informal follow-up
F – all reasonable investigative leads were exhausted, and no evidence of wrongdoing was uncovered

50% of allegations classified as Administratively Suspended were under subsection E. The number of subsection E decreased from 2021, from 21 to 17, but a higher percentage of allegations that were Administratively Suspended were sent to a supervisor for informal follow-up. These complaints were suspended due to allegations being minor in nature and sent to the employee’s supervisor for informal follow-up.

3 Year Comparison of Internal Complaints	2020	2021	2022 ³
Inquiry / Suspended /Closed	14%	22%	31%
Unfounded / Exonerated / Not Sustained	23%	15%	21%
Sustained	36%	37%	7%

Internal complaints decreased 16% compared to 2021. It is difficult to identify significance in trends in complaint outcomes with 24% of allegations still to be determined. However, the number of complaints that were found in favor of the officer went up 6% and those against the officer fell 30%.

Classification and Disposition of Allegations



Notwithstanding 14% of allegations are still TBD, 13% of all complaints in 2022 received a Chain of Command review. This is up 3% from 2021. Of the complaints the Chain of Command reviewed, they found 3% of allegations to be Unfounded, Exonerated, or Not Sustained, with 1% as a Training/Policy failure.

The Chain of Command sustained 2% of all allegations. This is a slight decrease of 1% compared to 2021. Of the sustained allegations, discipline issued includes: 2% document of counseling, 1% training and document of counseling, 1% letter of reprimand, and 5% training.

Of the cases that are still TBD, the allegations include: Demeanor, Failure to Identify as an Officer, Computer Misuse Violation, Excessive Force, Bias Policing, Inadequate Response, Harassment, Criminal - Policy 340.3.5 (x) Violating any felony/misdemeanor statute where such violation affects the employee's ability to perform duties, and Making a False or Misleading Statement.

³ This accounts for 59% of all internal findings as of March 31, 2023. The remaining findings rounded to the nearest whole number are TBD 24% and Training/Policy Failure 17%.

Statistics of Interest

	2020	2021	2022 ⁴	Change from Previous Year
Non-Deadly Use of Force	71	66	80	↑21%
Critical Incidents	3	2	5	↑ average
Pursuits	14	13	11	↓15%
Preventable Collisions	17	31 ⁵	29	↓6%
Calls for Service	100,468	94,300	99,751 ⁶	↑6%

The statistics of interest increased in non-deadly use of force and critical incidents declined in pursuits and preventable collisions. Calls for service was added as a statistic of interest since we began tracking this information last year. This may be due to easing of the pandemic.

A possible explanation for the increase of non-deadly force is legislative changes in 2021 and 2022. The effects of the legislative changes are yet to be determined.

2022 experienced above average officer critical incidents. Critical incidents increased by 150%. However, since critical incidents are typically low numbers, slight changes are exaggerated in percentages. Measuring critical incidents as above or below average is a more accurate indicator of the trend in the number of critical incidents. Since 2011, SPD has had an average of four officer involved shootings per year. In 2022, SPD was involved in five critical incidents.

SPD is still in the process of reviewing cases from 2022 as of the date this report was written. The data points were obtained from IAPro and an unofficial count kept by IA and may differ from the final statistics the department may publish.

⁴ This information was current as of the date this report was written on April 5, 2023.

⁵ The 2022 Annual Report listed 16 preventable collisions, but cases reviews were still ongoing at the time of reporting.

⁶ There were 32,664 officer-initiated contacts of the total calls for service.

Critical Incidents

SPD officers were involved in a total of **5 critical incidents**. Under SMC 04.32.040, SPD shall notify the Ombudsman to observe any administrative or civil investigation conducted by or on behalf of the Department. Due to the passage of I-940 in 2018, IA is no longer allowed on-scene once the designated investigating agency under the Spokane Independent Investigative Response (SIIR) Team arrives. Previously an IA sergeant or the lieutenant would brief the Police Ombudsman on-scene. Since the passage of I-940, the Police Ombudsman's brief has been reduced to a phone call and SPD's media release. The OPO is navigating how to receive information to remain in compliance with the SMC. The summary below is generated from information obtained from SPD and the SIIR Team media releases.

Date	Location	Race	Status	Summary
1/24/2022	2400 block of East Desmet Avenue 99202	Native Hawaiian / Pacific Islander	Deceased	The caller reported a woman was outside saying her child was dead and people were screaming. Additional 911 calls were received indicating a domestic violence incident was taking place and at least one person appeared injured. Officers responded to the location and encountered a male holding a knife to a small child. Several moments later an officer involved shooting occurred. The toddler was not physically injured.
8/3/2022	500 block of East 3 rd Avenue 99202	White	Deceased	SPD located the suspects' vehicle and followed; two of the three suspects fled on foot but were apprehended by officers. The suspect vehicle crashed, the remaining suspect remained in the vehicle and exchanged gunfire with officers on scene. The suspect barricaded himself in the vehicle for several hours. When he exited the vehicle, he refused to follow commands and was still armed. Officers fired their weapons striking the suspect. Suspect was pronounced dead at the scene.
9/4/2022	2900 block of South Cedar Street 99217	White	Deceased	SPD had been notified that a person who had been served with an anti-harassment order was outside the complainant's residence an AR-15 type weapon. Officers encountered the suspect and an officer involved

				shooting took place. The suspect was transported to a local hospital and was later deceased.
10/16/2022	100 block of South Cedar Street 99201	Hispanic	Survived	SPD was made aware of a suspect wanted in connection with drug charges witnessed in a vehicle at 1st Ave and Cedar St. When officers approached the vehicle the suspect emerged and started shooting at officers, striking an officer in the head with gunfire. Officers returned fire striking the suspect. The suspect was transported to a local hospital where they survived.
12/4/2022	N Morton and E Illinois 99207	White	Survived	SPD responded to a suspicious vehicle call. When they arrived a male with a gun in his hand started approaching the officers. After giving numerous commands to drop the weapon an officer fired a single round at the male. The suspect fled on foot and dropped the weapon which turned out to be a replica gun. It is unknown if the suspect was injured as the officers were unable to locate him.

Recommendations

[Update on 2021 Recommendations](#)

The OPO has not received any updates on the recommendations listed below as “In Progress” in the 2020 Annual Report. The following are updates from the 2021 Annual Report:

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).

Chief’s response: In progress.

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.

Chief’s response: Completed.

Recommendation R21-16: I recommend SPD train its supervisors to get in the habit of initiating an IA complaint when they identify potential policy violations and then clearly define the allegations of misconduct being reviewed as previously recommended in the C19-040 Closing Report, Recommendation #9.

Chief's response: Completed.

Recommendation R21-17: As officers regularly respond to traumatic events, I recommend SPD provide Trauma Informed Interview Training to all officers in an appropriate upcoming training event.

Chief's response: Partially implemented. SPD provided training in December 2022 to sergeants and are still working out scheduling a session for in-service.

2022 Recommendations

The OPO made **13 recommendations** to SPD in 2022 through reports issued. The following is a summary of the recommendations and SPD's responses if not fully implemented. To view SPD's full responses and corresponding OPO reports, please visit <https://my.spokanecity.org/opo/documents/closing-reports/>.

Response to Recommendations	Count
Implemented	8
<ol style="list-style-type: none">Subject Matter Expert Documentation of Analysis/Assessment (R22-01) – Subject Matter Experts should be required to document any assessment and analysis they provide and recommendations as a matter of policy. This will support any officer or supervisor that relies on this assessment and adds a level of accountability to the SME's evaluations.Case Study (R22-02) – To improve future analysis, the OPO recommends SPD use the reasoning in this case as a case study to determine the type of analysis that supervisors, administrative review panels, and review boards are expected to conduct.ARP and IA Identify and Incorporate Disputed Facts (R22-03) – The OPO recommends that the ARP or IA identify disputed facts and incorporate disputed facts as part of their analysis. The OPO previously recommended to SPD in C19-040, Recommendation #1 that IA Investigators should identify disputed facts and provide available evidence for both sides of the dispute, document them clearly so the designated person can make fully informed determinations on how to view the facts.Evaluate Intent in Use of Force (R22-04) – The OPO recommends SPD carefully consider an officer's intent when evaluating any use of force incident.Dissenting Opinion and Further Investigation (R22-05) – The OPO recommends any department review include a dissenting opinion if a review feels like their opinion or concerns have not been addressed by the majority. Further, if a member of the ARP or Chain of Command review feels the IA investigation did not address an issue in its investigation, the ARP or reviewer should send the issue back to IA for further investigation.Update Review Board Function / Enhance Chain of Command Function (R22-07) – As previously recommended in C19-040, Recommendation #2 and R21-09, the OPO recommends SPD either update the function of the review boards to critically analyze the officer's tactical conduct and make findings like LVMPD and/or enhance the Chain of Command function of the categorical uses of force like LAPD that examine an officer's tactics and uses of force that result in specific findings.Release of Body Worn Camera Footage (R22-11) – The OPO recommends SPD reconsider Recommendation #23 from C19-040 where the OPO recommended SPD	

<p>update its Policy 703.11, Release of Body Camera Videos to maintain compliance with case law on public record requests that involve internal investigation records.</p> <p>8. Influence of IA Investigation Process (R22-13) – Case updates should be solely between IA and the Chief/Designee. No other party should be allowed to influence or direct IA investigations. The Chief should withhold decisions on findings until investigations are complete and should direct IA investigators to give their best efforts in investigations regardless of where the information takes them.</p>	
<p>In Progress</p> <p>1. Prohibition of Striking Handcuffed Subjects (R22-06) – The OPO recommends SPD update its policy to unambiguously prohibit allowing striking handcuffed subjects, with a few caveats. Force against handcuffed persons should be deemed significant and immediate notification of the Chief/Command duty officer should be made detailing the facts.</p> <p>Chief’s Response The Spokane Police Department discourages the striking of handcuffed prisoners. If officers strike a handcuffed subject, immediate notification will be made to an on-duty supervisor who will review the facts of the use of force to ensure a complete and thorough investigation occurs.</p> <p>Policy 308 will be updated to include this notification requirement.</p> <p>2. Requests for Public Records (R22-09) – All requests for data and/or records that are not publicly or readily available from the public should go through the Public Records Request system. Further, it would be beneficial to sit down with the City Clerk’s Office to determine up front when requests do not need to go through the PRR process as well as agreeing when a case-by-case basis advisement is appropriate.</p> <p>Chief’s Response Overwhelmingly public records requests are referred to Police Records for processing. However, in the interests of transparency there are times when the Spokane Police Department may facilitate the sharing of information that is not law enforcement protected outside of the public records request system. For example, there are times when generalized information or information that is shared publicly in other realms, for example crime trends, may be shared outside of the public records request system. If some of this generalized information had to go through a formal Public Records Request system, it would be contrary to community engagement efforts. Those releasing this type of information are expected to follow all appropriate laws related to redaction of sensitive or confidential information.</p> <p>The City Administrator has advised that he will work with Legal and the City Clerk’s Office to review this recommendation and possible implementation.</p> <p>3. Universal Policy and Disclosure Agreement for All City Employees (R22-12) – The City should consider establishing a policy and disclosure agreement for all employees, which outlines what is releasable to the public and provides guidance to employees on when it is necessary to utilize the public records request process.</p>	<p>3</p>

<p>Chief's Response The Spokane Police Department does not have purview over other City departments and is not able to implement this proposal. The City Administrator has advised that he will work with Legal and the City Clerk's Office to review this recommendation and possible implementation.</p>	
<p>Partially Implemented</p> <p>When a Criminal Investigation is Releasable for Public Records Requests (R22-10) – The OPO recommends SPD define in policy that the “bulk of the investigation is complete” is when SPD sends a case to the Prosecutor’s Office for review or when an investigation reaches a logical conclusion and is not referred to the Prosecutor’s Office. Further, SPD should require Records Clerks, subject matter experts, and employees who respond to PRRs are trained on Department policy and ensure that all responsive records are captured.</p> <p>Chief's Response The Spokane Police Department follows the Washington Supreme Court’s 2013 ruling in <i>Sargent v. Seattle</i> that open and active criminal investigations are exempt from public disclosure until the case has been referred to the prosecutor for charging or are no longer being investigated.</p> <p>Spokane Police Department employees will complete a Field In-Service Training (FIT) once a year regarding public records requests.</p>	<p>1</p>
<p>Not implemented</p> <p>Remove Exceptional Techniques from Policy Manual (R22-08) – The OPO recommends SPD remove the use of exceptional techniques from its policy manual. In the alternative, the Defensive Tactics Manual and policy should list the department’s expectations of what constitutes thorough documentation.</p> <p>Chief's Response Pursuant to State legislation passed in 2021, SPD’s Use of Force policy was modified, and the term “exceptional technique” was removed from our Use of Force policy (301). “Exceptional technique” is still mentioned in our Control Devices and Techniques policy (308). Approved tactics and devices are listed in the Defensive Tactics manual.</p> <p>SPD relies heavily on <i>Graham v. Connor</i> where the Court recognizes that uses of force in “tense, dynamic and rapidly evolving” situations are not capable of “precise definition or mechanical application”, though all Washington State law enforcement officers and deputies receive a handful of tactics endorsed by the Criminal Justice Training Commission. The ultimate assessment of the legality and policy-compliance for a use of force is the “reasonable officer” standard, for reasons highlighted by SCOTUS. The number of appropriate tactics or techniques an officer may use that would fall under the “reasonable officer” standard are limitless. The “exceptional</p>	<p>1</p>

<p>technique” category was designed to capture techniques outside the limited tactics taught by CJTC (whether those tactics were in compliance with policy or not). Similar to the other categorical uses of force formally tracked by SPD (e.g., TASER, OC-10, baton, strikes, less-lethal, canine deployment, pointing a firearm, etc.), SPD developed a category to track uses of force that are “not capable of precise definition” (e.g., fit in one of the specific categories of use of force that we track, as noted above).</p> <p>As stated in our 2021 response, we are willing to work with your office to determine a method to accurately track this “other” category when we transition to Axon Standards from our current reporting system.</p>	
<p>Total responses received:</p>	<p>13</p>

2022 Complaints Received

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OPO #	IA #	District	Allegation(s)	Days		OPO		Finding(s)	Subsection	Sanction
				Investigated	Date Filed	Certification				
22-01	C22-008	2	Inadequate Response	31	02/16/22	3/30/2022	Inquiry		N/A	
22-01	C22-008	2	Demeanor	31	02/16/22	3/30/2022	Inquiry		N/A	
22-02	N/A	N/A	Commendation							
22-03	C22-015	2	Traffic/Driving	37	3/15/22	5/4/22	Inquiry		N/A	
22-04	C22-012	2	Making a False or Misleading Statement	38	3/17/22	5/9/22	Closed	A	N/A	
22-05	C22-017	1	Excessive Force	58	3/13/22	6/1/22	Exonerated		N/A	
22-05	C22-017	1	Unlawful/Improper Search and Seizure	58	3/13/22	6/1/22	Exonerated		N/A	
22-05	C22-017	1	Excessive Force	58	3/13/22	6/1/22	Exonerated		N/A	
22-05	C22-017	1	Unlawful/Improper Search and Seizure	58	3/13/22	6/1/22	Exonerated		N/A	
22-05	C22-017	1	Excessive Force	58	3/13/22	6/1/22	Exonerated		N/A	
22-05	C22-017	1	Unlawful/Improper Search and Seizure	58	3/13/22	6/1/22	Exonerated		N/A	
22-06	C22-024	3	Demeanor	58	4/25/22	7/13/22	Administratively Suspended	E	N/A	
22-07	C22-026	2	Demeanor	43	5/3/22	6/30/22	Inquiry		N/A	
22-07	C22-026	2	Inadequate Response	43	5/3/22	6/30/22	Inquiry		N/A	
22-08	C22-032	3	Inadequate Response	122	5/25/22	11/10/22	Inquiry		N/A	
22-08	C22-032	3	Demeanor	122	5/25/22	11/10/22	Inquiry		N/A	
22-08	C22-032	3	Inadequate Response	122	5/25/22	11/10/22	Inquiry		N/A	
22-08	C22-032	3	Demeanor	122	5/25/22	11/10/22	Inquiry		N/A	
22-09	C22-030	2	Inadequate Response	104	5/18/22	10/10/22	Closed	B - Unfounded	N/A	
22-09	C22-030	2	Demeanor	104	5/18/22	10/10/22	Closed	B - Unfounded	N/A	
22-10	C22-033	2	Inadequate Response	111	5/26/22	10/27/22	Inquiry		N/A	
22-10	C22-033	2	Demeanor	111	5/26/22	10/27/22	Inquiry		N/A	
22-10	C22-033	2	Inadequate Response	111	5/26/22	10/27/22	Inquiry		N/A	

OPO #	IA #	District	Allegation(s)	Days		OPO		Finding(s)	Subsection	Sanction
				Investigated	Date Filed	Certification				
22-10	C22-033	2	Demeanor	111	5/26/22	10/27/22	Inquiry		N/A	
22-11	N/A		Commendation							
22-12	C22-034	1	Demeanor	53	6/7/22	8/18/22	Inquiry		N/A	
22-13	C22-038	2	Excessive Force	14	6/29/22	7/18/22	Administratively Suspended	C	N/A	
22-14	C22-040	3	Demeanor	65	7/7/22	10/5/22	Inquiry		N/A	
22-15	C22-044	2	Harassment	161	7/20/22	3/1/23	Closed	B - Unfounded	N/A	
22-16	C22-048	2	Harassment	121	7/21/22	1/5/23	Administratively Suspended	B	N/A	
22-16	C22-048	2	Harassment	121	7/21/22	1/5/23	Administratively Suspended	B	N/A	
22-17	C22-053	1	Inadequate Response	130	8/10/22	2/7/23	Closed	B - Unfounded	N/A	
22-18	C22-056	1	Inadequate Response	91	8/25/22	12/29/22	Administratively Suspended	E	N/A	
22-18	C22-056	1	Inadequate Response	91	8/25/22	12/29/22	Administratively Suspended	E	N/A	
22-19	N/A	N/A	Commendation							
22-20	N/A	N/A	Commendation							
22-21	C22-059	2	Inadequate Response	102	9/20/22	2/8/23	Closed	A	N/A	
22-21	C22-059	2	Inadequate Response	102	9/20/22	2/8/23	Closed	A	N/A	
22-22	C22-060	2	Demeanor	9	9/23/22	10/5/22	Administratively Suspended	F	N/A	
22-22	C22-060	2	Inadequate Response	9	9/23/22	10/5/22	Administratively Suspended	F	N/A	
22-23	N/A	N/A	Commendation							
22-24	C22-065	2	Inadequate Response	77	10/11/22	1/25/2023	Administratively Suspended	E	N/A	
22-25	C22-066	2	Demeanor	119	10/17/22	3/30/23	TBD		N/A	

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
22-25	C22-066	2	Failure to Identify as Officer	TBD	10/17/22	3/30/23	TBD		N/A
22-26	C22-068	2	Inadequate Response	8	10/18/22	10/27/22	Closed	B - Unfounded	N/A
22-26	C22-068	2	Making a False or Misleading Statement	8	10/18/22	10/27/22	Closed	B - Unfounded	N/A
22-27	C22-035	N/A	Unlawful/Improper Search and Seizure	104	5/28/22	10/20/22	Mediation		N/A
22-27	C22-035	N/A	Unlawful/Improper Search and Seizure	104	5/28/22	10/20/22	Mediation		N/A
22-28	C22-071	1	Demeanor	66	11/2/22	2/1/23	Inquiry		N/A
22-28	C22-071	1	Inadequate Response	66	11/2/22	2/1/23	Inquiry		N/A
22-29	C22-075	N/A	Traffic/Driving	8	11/8/22	11/17/22	Administratively Suspended	E	N/A
22-30	C22-076	3	Demeanor	TBD	11/15/22	TBD	Mediation		TBD
22-31	C22-079	2	Inadequate Response	TBD	11/23/22	TBD	TBD		TBD
22-31	C22-079	2	Bias Policing	TBD	11/23/22	TBD	TBD		TBD
22-32	N/A	N/A	Commendation	0					
22-33	C22-080	1	Inadequate Response	TBD	11/29/22	TBD	TBD		TBD
22-34	C22-083	2	Excessive Force	28	12/12/22	1/18/23	Administratively Suspended	A	N/A
22-35	N/A	N/A	Commendation						
22-36	N/A	N/A	Commendation	0					
22-37	C22-085	2	Harassment	TBD	12/11/22	TBD	TBD		TBD
22-37	C22-085	2	Demeanor	TBD	12/11/22	TBD	TBD		TBD
22-38	C22-084	2	Demeanor	2	12/14/22	12/15/22	Administratively Suspended	C	N/A
22-38	C22-084	2	Demeanor	2	12/14/22	12/15/22	Administratively Suspended	C	N/A
22-39	N/A	N/A	Commendation						
22-40	N/A	N/A	Commendation						

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
22-41	N/A	N/A	Commendation						

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**2022 ANNUAL REPORT
OFFICE OF POLICE OMBUDSMAN COMMISSION
SPOKANE, WASHINGTON**



Table of Contents

LETTER FROM THE OPOC CHAIR	3
I. SUMMARY OF OPOC ACTIONS AND DEVELOPMENTS	6
II. COMMUNITY ENGAGEMENT	8
III. TRAINING	8
IV. RECOMMENDATIONS AND FINDINGS	8
V. EVALUATION OF THE OPO	11

DRAFT

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

The Office of the Police Ombudsman Commission (OPOC) continued expanding our reach in 2022 by exercising untested authorities provided by our ordinance and charter. The OPOC has the authority to determine whether to authorize an independent investigation but is a cumbersome process. The Office of the Police Ombudsman (OPO) and the Spokane Police Department (SPD) usually reach an agreement when a complaint is filed. However, after an impasse with the Chief regarding the thoroughness of the Internal Affairs (IA) investigation into a complaint, the OPO requested we authorize an independent investigation into the matters SPD refused to investigate in the complaint investigation. We authorized the first OPO independent investigation in June and accepted the OPO's recommendations in their Closing Report in December 2022.

We are proud of the work the Police Ombudsman and Deputy Police Ombudsman did to produce the report on this investigation. They faced many obstacles in the investigative process but were able to find workarounds to deliver a final product that answered the Complainant's concerns and brought as much transparency as possible to the matter. A fully authorized and empowered Ombudsman office would have the ability to ask for anything necessary to investigate the matter with complete compliance from the City. However, the OPO faced a lack of ability to compel interviews from pertinent witnesses and lacked the statutory authority to compel all documents that fell within the parameters of the investigation. In this case, the Administration did not interfere and provided the OPO access to the materials requested. However, the OPO was unable to interview key personnel with information pertinent to the investigation despite their employment with the city. At least one of them was not a police officer and had no Collective Bargaining Agreement stating they did not have to participate. The OPO's City Legal representative strongly discouraged pushing the issue further.

The OPOC approved 13 recommendations for policy and training from the OPO's closing reports in 2022. One of the changes under the most recent Collective Bargaining Agreement is that the OPO must send their report to the Police Guild to review for potential contract violations prior to public release. While we have concerns this infringes on independence, this process has allowed for regular discourse between the OPO and the Police Guild which has improved the relationship between the Guild and the OPO/OPOC.

The OPOC continued to expand our base of knowledge by attending the NACOLE Annual Conference and by holding our second retreat for Commissioners that was facilitated by NACOLE. The retreat helped the Commission share our goals with each other and shape the direction of the Commission.

Looking forward to 2023, the OPOC will continue to support the OPO's quest for true independence. We will also revive our pursuit of a proper OPO workspace so that it provides confidentiality and additional security. Lastly, we acknowledge the workload undertaken by the OPO and support and encourage the OPO to formally request an additional Full Time Employee dedicated to an analyst position. An example of this is the reduction of complaint closing reports produced while the office was working on the investigation. The OPO is working far beyond capacity and will greatly benefit from additional staff to assist with research, analysis, and reports as the office continues to provide professional oversight of the Spokane Police Department.

Respectfully Submitted,

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COMMISSIONERS

Luc Jasmin III (September 2020 – Present), *Chair*
Luc is the owner of Parkview Early Learning Center in Spokane County. Luc began his career in the public school system and decided to transition to early childhood education. Growing up as a first-generation Haitian- American has really propelled him to understand and focus on equity, racial bias, and cultural differences. He is also invested in protecting small businesses by mitigating the economic strain they face on a regular basis.

Jenny Rose (September 2015 – Present), *Vice Chair*
Jenny recently retired from teaching after being in the education field for almost 30 years. She also served eight years as President of the Spokane Education Association. She has a B.A. in elementary education from WSU and a M.A. in Curriculum and Instruction from EWU.

Ladd Smith (August 2015 – Present)
Ladd recently retired from teaching after being an elementary teacher and has over 30 years in public education. He has a B.A. in Elementary Education and an M.A. in School Administration.

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.

Lili Navarrete (January 2021 - Present)
Lili was born and raised in Mexico City. She has been living in Spokane for 33 years. She is also a Commissioner on Hispanic Affairs for Washington State and the Director for Social Justice at the Hispanic Business and Professionals Association.

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.

STATUTORY AUTHORITY

This OPOC Annual Report is a compilation of the work performed by the OPOC in 2022. The annual report is a requirement of §04.32.150 of the Spokane Municipal Code (SMC), and includes a summary of the OPOC’s activities, findings, and recommendations; the OPOC’s community engagement; the OPO’s recommendations for changes to the police department’s policies, procedures and training; 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

2022 continued to experience the challenges created by a global pandemic that kept many people working remotely for most of the year. However, during this time, the Washington State legislature enacted some of the most progressive police accountability laws in the country following the protests and civil unrest we saw across the country following the death of George Floyd. OPOC Commissioner Jenny Rose provided testimony in support of SB5436 (2021-2022 Regular Session). This bill concerned collective bargaining over the content of reports by ombuds and selection of their staff who oversee law enforcement personnel. Commissioner Rose also wrote a guest blog piece for the ACLU called, “Police Oversight in Spokane, Washington.”

Governor Inslee did not end the state of emergency in Washington until October 31, 2022. While restrictions were loosened, the OPO and the OPOC still worked within the restrictions that had been imposed on the state by the Governor. With the support from the City of Spokane administration, the OPOC was able to hold a combination of 5 regular meetings and 4 special meetings, utilizing a hybrid format of in-person and virtual options for the meetings. Throughout the year, Commissioners also held hybrid meetings with the Ombudsman, City Council President Beggs, Council Members, Assistant Chief Lundgren and Police Chief Meidl.

UPDATE ON PREVIOUS OPOC ACTIONS

UPDATE #1: OPOC 2022 Budget

Summary: In October 2021, the OPOC voted unanimously to request City Council restore the OPOC budget be restored to the pre-Covid pandemic levels. This was to allow the OPOC

to participate in trainings pertaining to civilian oversight.

Outcome: Completed – After discussions with City Council members, the OPOC budget was restored to pre-pandemic levels.

2021 OPOC ACTIONS

ACTION #1: Approve OPO Recommendations to SPD

1. June OPOC meeting
 - a. C19-082/F19-056¹
 - i. R22-01
 - ii. R22-02
 - iii. R22-03
 - iv. R22-04
 - v. R22-05
 - vi. R22-06
 - vii. R22-07
 - viii. R22-08
2. December OPOC meeting
 - a. C21-070/OPO 21-33
 - i. R22-09
 - ii. R22-10
 - iii. R22-11
 - iv. R22-12
 - v. R22-13

Action #2: OPOC voted to have the OPO conduct an independent investigation

During the April 2022 OPOC meeting, the OPO briefed a case that they had declined to certify; C21-070 / OPO 21-33. The OPO presented information on the case and the reason an investigation was requested. The Police Department also provided information regarding their decision.

The OPOC voted unanimously to authorize the OPO to conduct an independent investigation regarding the circumstances alleged in the complaint C21-070 / OPO 21-33.

¹ For more information, see Recommendations and Findings section.

Action #3: OPOC voted to renew the Ombudsman’s contract

Prior to voting on renewing the Ombudsman’s contract, The OPOC conducted a yearly evaluation on the Police Ombudsman and gave the public an opportunity to make comment during the August OPOC meeting.

The OPOC voted unanimously to renew the Ombudsman’s contract for an additional 3 years.

II. COMMUNITY ENGAGEMENT

In 2022, Commissioners continued to face obstacles engaging in the community due to many events and meetings being cancelled. As the restrictions of COVID-19 started to lessen, the Commissioners were able to attend Unity in the Community and SPD’s Faith and Blue event. Commissioners continued to attend virtual meetings with various community groups.

III. TRAINING

While training opportunities in civilian oversight continue to be an area of focus for the Commissioners, the opportunities during 2022 continued to be limited. Four Commissioners attended the NACOLE (National Association of Civilian Oversight over Law Enforcement) Annual Conference in Fort Worth, Texas. In September, one Commissioner attended the NACOLE Annual Conference virtually by completing 3 Days of 8-hour webinars on demand over one month. During the month of the November, the OPOC arranged a strategic planning/training retreat that was facilitated by the Executive Director and a Board Member of NACOLE.

IV. RECOMMENDATIONS AND FINDINGS

The OPO made **13 recommendations** to SPD in 2022 through reports issued. The following is a summary of the recommendations and SPD’s responses if not fully implemented. To view SPD’s full responses and corresponding OPO reports, please visit <https://my.spokanecity.org/opo/documents/closing-reports/>.

Response to Recommendations	Count
Implemented <ol style="list-style-type: none">Subject Matter Expert Documentation of Analysis/Assessment (R22-01) – Subject Matter Experts should be required to document any assessment and analysis they provide and recommendations as a matter of policy. This will support any officer or supervisor that relies on this assessment and adds a level of accountability to the SME’s evaluations.Case Study (R22-02) – To improve future analysis, the OPO recommends SPD use the reasoning in this case as a case study to determine the type of analysis that	8

<p>supervisors, administrative review panels, and review boards are expected to conduct.</p> <ol style="list-style-type: none"> 3. ARP and IA Identify and Incorporate Disputed Facts (R22-03) – The OPO recommends that the ARP or IA identify disputed facts and incorporate disputed facts as part of their analysis. The OPO previously recommended to SPD in C19-040, Recommendation #1 that IA Investigators should identify disputed facts and provide available evidence for both sides of the dispute, document them clearly so the designated person can make fully informed determinations on how to view the facts. 4. Evaluate Intent in Use of Force (R22-04) – The OPO recommends SPD carefully consider an officer’s intent when evaluating any use of force incident. 5. Dissenting Opinion and Further Investigation (R22-05) – The OPO recommends any department review include a dissenting opinion if a review feels like their opinion or concerns have not been addressed by the majority. Further, if a member of the ARP or Chain of Command review feels the IA investigation did not address an issue in its investigation, the ARP or reviewer should send the issue back to IA for further investigation. 6. Update Review Board Function / Enhance Chain of Command Function (R22-07) – As previously recommended in C19-040, Recommendation #2 and R21-09, the OPO recommends SPD either update the function of the review boards to critically analyze the officer’s tactical conduct and make findings like LVMPD and/or enhance the Chain of Command function of the categorical uses of force like LAPD that examine an officer’s tactics and uses of force that result in specific findings. 7. Release of Body Worn Camera Footage (R22-11) – The OPO recommends SPD reconsider Recommendation #23 from C19-040 where the OPO recommended SPD update its Policy 703.11, Release of Body Camera Videos to maintain compliance with case law on public record requests that involve internal investigation records. 8. Influence of IA Investigation Process (R22-13) – Case updates should be solely between IA and the Chief/Designee. No other party should be allowed to influence or direct IA investigations. The Chief should withhold decisions on findings until investigations are complete and should direct IA investigators to give their best efforts in investigations regardless of where the information takes them. 	
<p>In Progress</p> <ol style="list-style-type: none"> 1. Prohibition of Striking Handcuffed Subjects (R22-06) – The OPO recommends SPD update its policy to unambiguously prohibit allowing striking handcuffed subjects, with a few caveats. Force against handcuffed persons should be deemed significant and immediate notification of the Chief/Command duty officer should be made detailing the facts. <p>Chief’s Response The Spokane Police Department discourages the striking of handcuffed prisoners. If officers strike a handcuffed subject, immediate notification will be made to an on-duty supervisor who will review the facts of the use of force to ensure a complete and thorough investigation occurs.</p> <p>Policy 308 will be updated to include this notification requirement.</p> <ol style="list-style-type: none"> 2. Requests for Public Records (R22-09) – All requests for data and/or records that are not publicly or readily available from the public should go through the Public Records 	<p>3</p>

Request system. Further, it would be beneficial to sit down with the City Clerk's Office to determine up front when requests do not need to go through the PRR process as well as agreeing when a case-by-case basis advisement is appropriate.

Chief's Response

Overwhelmingly public records requests are referred to Police Records for processing. However, in the interests of transparency there are times when the Spokane Police Department may facilitate the sharing of information that is not law enforcement protected outside of the public records request system. For example, there are times when generalized information or information that is shared publicly in other realms, for example crime trends, may be shared outside of the public records request system. If some of this generalized information had to go through a formal Public Records Request system, it would be contrary to community engagement efforts. Those releasing this type of information are expected to follow all appropriate laws related to redaction of sensitive or confidential information.

The City Administrator has advised that he will work with Legal and the City Clerk's Office to review this recommendation and possible implementation.

- 3. **Universal Policy and Disclosure Agreement for All City Employees (R22-12)** – The City should consider establishing a policy and disclosure agreement for all employees, which outlines what is releasable to the public and provides guidance to employees on when it is necessary to utilize the public records request process.

Chief's Response

The Spokane Police Department does not have purview over other City departments and is not able to implement this proposal. The City Administrator has advised that he will work with Legal and the City Clerk's Office to review this recommendation and possible implementation.

Partially Implemented

1

When a Criminal Investigation is Releasable for Public Records Requests (R22-10) – The OPO recommends SPD define in policy that the "bulk of the investigation is complete" is when SPD sends a case to the Prosecutor's Office for review or when an investigation reaches a logical conclusion and is not referred to the Prosecutor's Office. Further, SPD should require Records Clerks, subject matter experts, and employees who respond to PRRs are trained on Department policy and ensure that all responsive records are captured.

Chief's Response

The Spokane Police Department follows the Washington Supreme Court's 2013 ruling in *Sargent v. Seattle* that open and active criminal investigations are exempt from public disclosure until the case has been referred to the prosecutor for charging or are no longer being investigated.

Spokane Police Department employees will complete a Field In-Service Training (FIT) once a year regarding public records requests.

<p>Not implemented</p> <p>Remove Exceptional Techniques from Policy Manual (R22-08) – The OPO recommends SPD remove the use of exceptional techniques from its policy manual. In the alternative, the Defensive Tactics Manual and policy should list the department’s expectations of what constitutes thorough documentation.</p> <p>Chief’s Response Pursuant to State legislation passed in 2021, SPD’s Use of Force policy was modified, and the term “exceptional technique” was removed from our Use of Force policy (301). “Exceptional technique” is still mentioned in our Control Devices and Techniques policy (308). Approved tactics and devices are listed in the Defensive Tactics manual.</p> <p>SPD relies heavily on <i>Graham v. Connor</i> where the Court recognizes that uses of force in “tense, dynamic and rapidly evolving” situations are not capable of “precise definition or mechanical application”, though all Washington State law enforcement officers and deputies receive a handful of tactics endorsed by the Criminal Justice Training Commission. The ultimate assessment of the legality and policy-compliance for a use of force is the “reasonable officer” standard, for reasons highlighted by SCOTUS. The number of appropriate tactics or techniques an officer may use that would fall under the “reasonable officer” standard are limitless. The “exceptional technique” category was designed to capture techniques outside the limited tactics taught by CJTC (whether those tactics were in compliance with policy or not). Similar to the other categorical uses of force formally tracked by SPD (e.g., TASER, OC-10, baton, strikes, less-lethal, canine deployment, pointing a firearm, etc.), SPD developed a category to track uses of force that are “not capable of precise definition” (e.g., fit in one of the specific categories of use of force that we track, as noted above).</p> <p>As stated in our 2021 response, we are willing to work with your office to determine a method to accurately track this “other” category when we transition to Axon Standards from our current reporting system.</p>	<p>1</p>
<p>Total responses received:</p>	<p>13</p>

V. EVALUATION OF THE OPO

The OPOC recognizes the OPO’s efforts in 2022 to successfully conduct its first independent investigation at our direction. We would like to commend the OPO’s efforts in conducting this investigation while maintaining their regular functions and duties for the office. The OPOC authorized the independent investigation in June 2022. The OPO requested to interview 46 witnesses, conducted 31 witness interviews, and reviewed over 4,500 responsive documents related to this case. The OPO produced its report in December 2022. We note that the OPO has minimal staff to undertake the duties and functions assigned to them in their everyday work, but we were

impressed by their ability to conduct an independent investigation on top of their daily functions. The OPOC supports the expansion of the OPO staff to include an Analyst position. This would help ensure the continued progress and bandwidth in report writing.

The OPOC continues to support the OPO's quest for independence. Despite the OPO's extensive work on the independent investigation, their report on the matter highlights several shortcomings in the reporting and investigative mandates. First and foremost, the OPO does not have the ability to compel testimony. The OPO had to rely on requesting interviews and subsequent secondary and tertiary notice of requests to convince witnesses to participate. They had no recourse when a key witness declined to be interviewed or if they agreed to the interview but declined to answer specific questions. The OPO still does not have the ability to opine or make findings in their reports. They are also restricted from using names, despite Washington having public records laws that lean on the side of disclosure of documents, including names that were omitted.

The OPO's engagement with community members increased in 2022. The OPO responded to 1715 contacts and conducted 83 interviews with community members with ongoing or potential complaints. The Ombudsman and the Deputy Ombudsman attended and participated in 45 officer and complainant interviews in SPD; attended 452 meetings in SPD; and attended 20 SPD review boards. The OPO oversaw 31 complaints against SPD brought through the OPO with oversight of 89 total complaints, and 29 complaint referrals to other agencies. The OPO has continued to stay engaged with oversight efforts on a statewide and national level.

The OPO continued writing closing reports in 2022. The OPO tackled fewer cases, but the cases had more complex issues. The OPO issued two reports, a policy and procedure report and an independent investigation closing report with a total of 13 recommendations. The OPO's independent investigation resulted from an impasse between the OPO and the Chief over a submitted complaint. The OPO requested to conduct the additional investigation that IA refused to conduct and investigated reasonable leads they discovered. The OPO's independent investigation started as a complaint on a potential inappropriate disclosure of body worn camera footage or information about such footage. The OPO's subsequent report uncovered concerns about public records, when records are releasable to the public, disclosure policies, and interference with the Internal Affairs investigation process. The OPO also issues closing reports on cases with opportunities to improve policy and training. In one case, an officer kicked a handcuffed subject in the groin. The use of force warranted enough concern that the case was referred to an outside agency for investigation. The Prosecutor's Office later declined to prosecute the case. This case was also unusual because the case was submitted for arbitration. The OPO's closing report highlighted the issues in that case and called for SPD's Administrative Review Panel to be more critical in their

reviews.

Mr. Logue continues to provide exceptional police oversight as the Police Ombudsman. He continues to impress with his abilities to navigate through complex issues that have not been previously attempted. Mr. Logue proved his investigative abilities and remarkable commitment to provide the best possible investigation and report despite major obstacles. Mr. Logue has tremendous vision for the OPO and has shown tenacity and perseverance as he continues to push the office forward. Mr. Logue provided instruction in general session on police officer rights and the First Amendment at the NACOLE conference in Dallas. Mr. Logue was elected to the Board of Directors for NACOLE at the national level and also continues to serve as a commissioner on the Washington State Criminal Justice Training Commission.

Ms. Omana continues to shine as the Deputy Police Ombudsman as she navigates the responsibilities of the Police Ombudsman. Ms. Omana has proven adept at investigation review, participation in interviews, and most importantly standing firm when required on cases where there is significant disagreement regarding what the scope of the investigation should be. Ms. Omana continues to be the primary OPO representative to Use of Force, Collision, and Pursuit review boards. She has used these experiences to identify cases that are candidates for closing reports cases for review in forthcoming closing reports. Ms. Omana also served as the acting Police Ombudsman without issue in the summer of 2022 while the Ombudsman was unavailable.

Ms. Coty also continued to ensure smooth operation of OPOC meetings, provided community members excellent customer service, and has continued to seek opportunities to excel in her areas of specialty. She achieves a delicate balance of providing a listening ear to sometimes frustrated community members while parsing out relevant complaint information. She has also taken initiatives to streamline the data reporting process for monthly and annual reports and regularly audits the OPO and OPOC budget. Ms. Coty ensures the OPOC maintains their compliance with the Open Public Meetings Act and ensures that Commissioners are well informed regarding items of interest in the OPO. Ms. Coty also successfully planned the OPOC's second retreat. It was no small feat to coordinate all the Commissioners' schedules with the facilitator's schedule.

Overall, the OPOC is pleased with Mr. Logue's leadership in the OPO for 2022. He continued to push the OPO forward into uncharted waters and lead the progress in police oversight in Spokane despite hurdles along the way.