



Photo by James Richman

OFFICE OF THE POLICE OMBUDSMAN COMMISSION 2019 ANNUAL REPORT



OFFICE OF THE
POLICE OMBUDSMAN COMMISSION



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OFFICE OF THE POLICE OMBUDSMAN COMMISSION

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Monthly meetings 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.



LETTER FROM THE OPOC CHAIR

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,


Jenny Rose
Chair

COMMISSIONERS

Jenny Rose (September 2015 – Present), Chair

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

Ladd Smith (September 2015 – Present), Vice Chair

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

Blaine Holman (July 2019 – Present)

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

Elizabeth Kelley (November 2017 – Present)

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

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.

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

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

ANNUAL REPORT

STATUTORY AUTHORITY

This OPOC Annual Report is a compilation of the work performed by the OPOC in 2019. The annual report is a requirement of §04.32.150 of the Spokane Municipal Code (SMC), and includes: a summary of the activities of the OPOC's activities, findings, and recommendations during the preceding year; a summary of the OPO's recommendations for changes to the police department's policies, procedures and training during the preceding year; and an evaluation of the work of the OPO.

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

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

I. SUMMARY OF OPOC ACTIONS AND DEVELOPMENTS

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

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



UPDATE ON PREVIOUS OPOC ACTIONS

UPDATE #1: COMPLAINT AGAINST CHIEF MEIDL

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

Outcome: Unresolved.

UPDATE #2: OPOC REVIEW OF OPO #18-32 / C18-055

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

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

2019 OPOC ACTIONS

ACTION #1: OMBUDSMAN CONTRACT RENEWAL

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

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

ACTION #2: DEPUTY POLICE OMBUDSMAN POSITION

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

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

ACTION #3: THANK YOU TO ASSET MANAGEMENT

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

Outcome: Not applicable.

ACTION #4: FULL-TIME ADMINISTRATIVE SPECIALIST POSITION

Summary: The OPOC Administrative Specialist position is currently a part-time (.6) position. The Commission requested that under SMC 04.32.160, the City Council shall maintain necessary funding to appropriately staff the Office of the Police Ombudsman and the Commission. This includes adequate staff to enable the Police Ombudsman to perform required duties and responsibilities of the office as well as providing staff assistance to the Police Ombudsman Commission. This would require a budget increase of \$28,535 to make the position full-time. The Commission sent a letter requesting these funds be added to the budget and the position be adjusted accordingly.

Outcome: The position was not approved for the 2020 budget cycle. Securing a full-time position is the Ombudsman's highest priority and the OPOC will continue to support the work on finding a path forward.

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

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

Outcome: No resolution.

II. COMMUNITY ENGAGEMENT

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

Some of these events included:

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

III. TRAINING

Training opportunities continue to be an area of focus for the Commissioners. The Commission continually pursues updated training in civilian oversight including the following: NACOLE Annual conference, NACOLE Regional conference, NACOLE Webinars, Diversity training, and a workshop on “Why Race Matters.”

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

IV. RECOMMENDATIONS AND FINDINGS

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

Recommendation #1: Juvenile Miranda Advisements

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

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

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

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

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

Recommendation #3: Reportable Uses of Force

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

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

Recommendation #4: Use of Force Policy Concern

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

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

V. EVALUATION OF THE OFFICE OF POLICE OMBUDSMAN

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

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

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

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

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

The Police Ombudsman has exceptionally carried out the mission of the OPO despite numerous setbacks and challenges. Mr. Logue is steadfast in his resolve and has proven that he will not back down no matter the intensity of the pushback from the police department. His courage and commitment to stand up for what is right no matter what defines him as an excellent Ombudsman. We look forward to working with Mr. Logue, Ms. Omana and Ms. Coty to continue to strengthen the OPO and OPOC in 2020.

FAQ Office of Police Ombudsman Frequently Asked Questions

1. What do I do if I'm stopped by the police?

The ACLU of Washington State has created a publication with tips on how to handle a police encounter. The handy wallet-sized "What to do if You're Stopped by the Police" card can be printed and carried with you or you can view the information in a larger format. This can be found on our website or at our office.

2. How do I file a complaint?

You can file a complaint in writing, via fax, online or by visiting our office in person.

3. Is there a time limit?

The Office of Police Ombudsman has adopted a one-year statute of limitations and must receive complaints within twelve months of the alleged misconduct.

4. Is there a cost involved?

There is no charge for using the services of the Office of Police Ombudsman.

5. Can I compliment an officer?

Yes, you can file a commendation in writing, via fax, online or by visiting our office in person.

6. How is the investigation handled?

When you contact our office, details of your complaint will be received by the Ombudsman and forwarded within 3 days to the Internal Affairs Unit of Spokane Police Department for investigation. After a timely, thorough and objective investigation by the police department, the investigation will be returned to the Ombudsman to certify within 5 days of receipt that the report is thorough and objective. Once certified, the report is returned to the Office of the Chief of Police for disposition.

This process is outlined in the Office of Police Ombudsman Complaint Flow Chart, which can be found online.

7. Will I know the results?

Yes. You will be contacted in writing by the Ombudsman or the Chief of Police once the investigation is completed.

8. What problems does the Ombudsman deal with?

If you feel an employee of the Spokane Police Department did not treat you properly or violated a policy, you may contact our office with your concerns.

9. Are there matters that cannot be investigated?

The Ombudsman has jurisdiction regarding the City of Spokane Police Department and cannot investigate complaints outside this jurisdiction.

10. Can the Ombudsman get my charges dropped?

The Ombudsman's office cannot give legal advice or assist with a person's criminal defense.

11. What if I have a concern or want to ask a question?

The OPO is ready to answer any question a person might have about Spokane Police Department activities.

12. What if I have already filed a complaint with the Spokane Police Department?

If you filed a complaint with the Spokane Police Department before contacting the Office of Police Ombudsman, we ask that you wait until the Police Department has completed their investigation into your complaint. Once you receive notice that the Police Department has closed your case and if you are not satisfied with the outcome of their investigation, you may contact the Office of Police Ombudsman to discuss your concerns.



City of Spokane Office of Police Ombudsman

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