



**OFFICE OF THE
POLICE OMBUDSMAN COMMISSION
2021 ANNUAL REPORT**



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POLICE OMBUDSMAN COMMISSION**



CONTENTS

Letter from the OPOC Chair	3
I. Summary of OPOC Actions and Developments	5
II. Community Engagement	6
III. Training	6
IV. Recommendations and Findings	6
V. Evaluation of the OPO	10

COMMISSIONERS

Ladd Smith (August 2015 – Present), Chair

Ladd is currently 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.

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.

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.

Luc Jasmin III (September 2020 – Present)

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.

David Bingaman, Legal Counsel (May 2020 – May 2021)

David is General Counsel to the Office of Police Ombudsman Commission. He is the owner of the Northwest Corporate Counsel law firm where he provides city-attorney services to municipalities and general-counsel services to businesses.

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

February 2022

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

Overall, 2021 saw the Office of Police Ombudsman (OPO) operate under a theme of strengthening police oversight. No longer is Spokane's OPO a small office with limited abilities in police oversight. The OPOC is also expanding their reach as Commissioner Wilburn was selected as a member of the Special Advisory Group to the Washington State Attorney General's Office for use of force data collection.

The OPO staff continues its pursuit of professional training. At the helm is Police Ombudsman, Bart Logue. In 2021, Mr. Logue attended trainings and seminars, whether in person, or virtually, to stay current in police oversight best practices. Nationally, Mr. Logue is also involved with the National Association of Civilian Oversight of Law Enforcement (NACOLE) as a member of several committees. On the state level, Governor Jay Inslee appointed Mr. Logue to the Washington State Criminal Justice Training Commission for his role in police oversight. The Deputy Police Ombudsman, Luvimae Omana, attended the Use of Force Summit put on by the Daigle Law Group in November 2021. This training highlights emerging use of force issues law enforcement faces. The Administrative Specialist, Christina Coty, attended the Reid Advanced Interviews and Interrogation course to assist in her interviewing skills.

In March 2021, the Spokane Police Guild came to the end of a long and drawn-out contract negotiation of the Collective Bargaining Agreement (CBA) with the City of Spokane. With the passage of the contract in early spring, Luvimae Omana's position as Deputy Police Ombudsman could no longer be ignored by the City and the Police Guild. Ms. Omana was already performing the duties of Deputy Police Ombudsman to some capacity since the Office of the Police Ombudsman Commission (OPOC) promoted her in October 2019. The passage of the contract allowed Ms. Omana to take on oversight tasks related to the police department that were previously off limits.

It became apparent that current salary allocations for both the Police Ombudsman and the Deputy Police Ombudsman position were outdated. Since the last time the OPO pay scale was determined, there have been numerous advancements in responsibilities. For instance, viewing body worn camera footage or reviewing cases as part of review board membership with the police department. The OPOC advocated for an increase in salaries to make the OPO competitive with other oversight agencies when staffing its office. Upon completion of a series of negotiations between Human Resources (HR) and the OPOC, HR agreed to reclassify the salaries of both the Deputy Police Ombudsman and the Police Ombudsman.

Thanks to City Council's approved funding in 2020, Christina Coty, the Administrative Specialist, worked full-time in 2021. This change allows Ms. Coty to adeptly handle OPOC and OPO matters. She routinely handles contacts with community members and determines the best method to assist individuals with their needs. David Bingaman continued from the previous year as the OPOC's Legal Counsel. However, Mr. Bingaman resigned from the position in May. The OPOC has posted the position in various places but we have yet to find a replacement.

Unlike previous years, the OPOC operated with all five commissioner seats filled. Having a fully seated commission certainly provided a variety of backgrounds, experience, and talents to the OPOC. In December, the Spokane City Council allocated full funding to restore OPOC commissioner training to pre-pandemic levels for the 2022 calendar year. Ensuring new commissioners can attend national conferences and police oversight training such as NACOLE is essential to a commission comprised of volunteers and is a high priority for the commission.

The OPOC conducted nine regular or special meetings during the year. Due to continued COVID-19 surges, all OPOC meetings were conducted virtually. Guest speakers at different OPOC meetings included Council President Breean Beggs, SPD Chief Meidl, and Assistant Chief Lundgren. Throughout 2021, the OPOC approved 17 recommendations from a series of nine OPO Closing Reports.

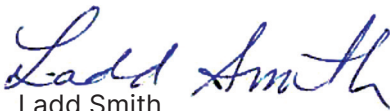
The year certainly had its challenges. With the ratification of the police contract in 2021, the Spokane Police Guild can hamstring the OPO from being a completely independent oversight body. For example, OPO closing reports are limited in breadth and scope.

Another challenge that became insurmountable was the inability to have a proper OPO review of SPD's handling of the May 31, 2020, George Floyd protests and rioting event. With many other cities able to review police handling of protests, SPD and the city will only allow a limited review of police documentation. However, the CBA prohibits the OPO from providing their opinion on the matter. The OPOC has publicly stated their disappointment in not allowing for a review.

As previously stated, COVID-19 continued to affect the way the OPOC conducted business and held public meetings. All OPOC meetings continued virtually. As such, face to face community engagement continues to be difficult, but the OPOC was able to attend Unity in the Community and a few other community events in a face-to-face setting.

As Chair of the Office of Police Ombudsman Commission in 2021, I found it to be a year of firsts and a year of growth on several fronts. The OPOC is poised for a successful 2022!

Respectfully submitted,



Ladd Smith

Chair

2020 ANNUAL REPORT

STATUTORY AUTHORITY

This OPOC Annual Report is a compilation of the work performed by the OPOC in 2021. 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

2021 continued to experience challenges by a global pandemic that kept the world working remotely for most of the year. However, 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, in the state, and in Spokane last summer. OPOC Commissioner Jenny Rose provided testimony in support of SB5436 (2021-2022 Regular Session). This bill concerns 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."

The OPOC welcomed Lili Navarrete to fill the vacancy in District 2. The OPOC did not have legal counsel after the term for the previous counsel expired. The OPOC continues to operate without counsel and is relying on City Legal while awaiting applicants.

The global pandemic prevented Commissioners from being as active in the City and in the community due to the required social distancing and cancellation of public gatherings. Commissioners held 7 regular meetings and 2 special meetings. Throughout the year, Commissioners held virtual meetings with the Ombudsman, City Council President Beggs, Council Members, Assistant Chief Lundgren and Police Chief Meidl.

UPDATE ON PREVIOUS OPOC ACTIONS

UPDATE #1: Deputy Police Ombudsman Position

Summary: In October, 2019, the OPOC voted unanimously to promote the Analyst to the Deputy Ombudsman.

Outcome: Completed – After many meetings with City Legal, and City Human Resources the employee promotion has been established through the system and back pay has been issued.

2021 OPOC ACTIONS

ACTION #1: Approve OPO Recommendations To SPD

1. June OPOC meeting
 - a. F20-033/C20-090/OPO 20-59
 - i. R21-02
 - ii. R21-03
 - iii. R21-04
 - iv. R21-05
 - b. A20-038/C20-081
 - i. R21-06
 - ii. R21-07
 - iii. R21-08
2. August OPOC meeting
 - a. F20-028
 - i. R21-09
 - ii. R21-10
 - b. F20-049/A20-042/P20-014
 - i. R21-11
 - ii. R21-12
 - c. C21-017/C21-030/OPO 21-09 – Mediation Report
3. October OPOC meeting
 - a. F20-052
 - i. R21-013
 - ii. R21-14
 - b. F20-045
 - i. R21-15
4. November OPOC meeting
 - a. F21-004
 - i. R21-16
 - b. C21-002
 - i. R21-17

ACTION #2: Office of the Police Ombudsman Commission Training Budget Restoration

The Commissioners sent letters to the City Administration and the City Council requesting funds for the OPOC training travel budget be restored to pre-pandemic budget levels.

II. COMMUNITY ENGAGEMENT

In 2021, Commissioners continued to face obstacles engaging in the community due to COVID-19 pandemic limitations; with, 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 2021 were limited. The Commission was able to attend the NACOLE (National Association of Civilian Oversight over Law Enforcement) Annual Conference via 32 one and a half hour webinars on demand over three months. One Commissioner was able to attend the in-person NACOLE Annual Conference in Tucson in December.

IV. RECOMMENDATIONS AND FINDINGS

2021 RECOMMENDATIONS

The Ombudsman provided 17 recommendations to SPD related to policy and/or training. The subject matter of the recommendations and the Chief's response are:

Recommendation R21-01: The OPO recommends changing duty to intervene policy to include suggested language to be in compliance with new state laws and NACOLE best practices.

Chief's response: Implemented.

The Spokane Police Department updated many policies in July 2021 related to police reform legislation passed by the State. Based on language in Senate Bill 5066, we modified our Use of Force policy (301) as it relates to the "duty to intervene and to render aid". We did incorporate portions of your suggested language into our updated policy. Senate Bill 5066 had significant input from the community and legal departments throughout the state. For that reason, we also used language directly from the Senate Bill.

Also I am pleased to report that the Spokane Police Department has been accepted into the Active Bystandership for Law Enforcement (ABLE) Project, Georgetown University Law Center's national training and support initiative for U.S. law enforcement agencies committed to building a culture that prepares officers to successfully intervene to prevent harm and create a law enforcement culture that supports peer intervention. The department received letters of support for participation in ABLE from Kiantha Duncan (Spokane NAACP) and Freda Gandy (Martin Luther King Jr. Community Center). We will be providing this training to the entire department during our 2022 May/June in-service.

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

Chief's response: Not implemented.

The practice of taking complaints from attorneys who may be representing a client regarding a lawsuit or claim for damages was modified based on direction from our City's Legal Department. Attorneys who are attempting to contact Internal Affairs (or any other SPD unit) should, as a matter of course, be directed to contact City Legal. If City Legal feels it is appropriate for Internal Affairs (or other unit) to contact the attorney in question, they will advise. Based on guidance from City Legal, these will need to be evaluated on a case-by-case basis.

Based on conversations between our offices, we will ensure policy is updated to reflect this practice.

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

Chief's response: Implemented.

The Internal Affairs SOP currently states, "Interviews, telephonic or in person, will be recorded by the interviewer to capture the exact wording of questions and responses. Transcripts can later be generated from recorded statements, if necessary. If it is not possible to record the interview, the supervisor needs to indicate the reason in their IA Additional". As a result of your conversations with Lt. Cowles, he immediately modified the practice of Internal Affairs to include the advisement at the onset of conversations. We have updated the IA SOP to formalize this practice.

Recommendation R21-04: The OPO recommends SPD reinforce its policy to ensure that de-escalation, both in practice and review, includes a tactical review of the de-escalation techniques that are applied prior to a use of force. SPD should also consider implementing officer feedback from the Use of Force Review Board which includes other techniques which could have been considered, if any were identified. The OPO is willing to provide specific policy language in this regard if requested.

Chief's response: Implemented.

Suggestions from this recommendation have been added to the template for use during SPD's monthly Use of Force Review Board (UOFRB) analyses. The areas of review are: Chain of Command issues, tactical plan (approach, cover, concealment, containment, verbal communication, etc.), tactical review of the deescalation techniques that are applied prior to a use of force, training, warning of impending force application, demeanor, report writing (completeness, etc.), proper tool/equipment selection if applicable, Policy/SOP considerations, post-care/First Aid, PAT care (if appropriate) and Action Items. The UOFRB has and will discuss other tactics that may have been appropriate for the situation as well, even when uses of force were determined to be compliant with policy.

Prior to legislation passed in 2021, officers utilized a template for Graham statements when writing an incident report documenting a use of force. That template has been expanded to address reasonable care factors such as:

When possible, exhaust available and appropriate de-escalation tactics prior to using force.

When using physical force, use the least amount of force necessary to overcome resistance under the circumstances.

Terminate the use of physical force as soon as the necessity for such force ends.

When possible, use available and appropriate less lethal alternatives before using deadly force.

Make less lethal alternatives issued to the officers reasonably available for their use.

When articulating the use of force in a report, officers will use a Graham/Reasonable Care statement that will involve the following:

Crime

Imminent Threat of Bodily Injury

Resistance

De-escalation Tactics

Least Amount of Force Necessary (when applicable to the incident) Termination of Force (when applicable to the incident)

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

Chief's response: Implemented.

Policy 308.7.3 provides deployment considerations for the 40 mm "Blue Nose" less-lethal munition. Considerations for deployment include distance and angle to target, type of munitions employed, type and thickness of subject's clothing, the subject's proximity to others, the location of the subject, the subject's physicals (age, pregnancy, weight, etc.), and whether the subject's actions dictated the need for an immediate response and the use of control devices were appropriate.

Policy 308.8.6 provides the Special Deployment Considerations for the Taser which includes individuals who are known to be pregnant; elderly individuals or obvious juveniles; individuals with obviously low body mass; individuals who are handcuffed or otherwise restrained; individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray; and individuals whose position or activity may result in collateral injury.

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

Chief's response: Not implemented.

The analyses conducted during Collision Pursuit Review Boards (CPRB) currently touch on topics such as training, demeanor, report writing, Policy/SOP, and post-care/First-Aid. The Department considers the officer's driving behavior immediately prior to the collision and whether the driving behavior was a direct or proximate cause of the collision itself. If there is misconduct unrelated to the proximate cause of the collision, it is addressed in a separate Internal Affairs investigation.

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.

We are currently working with our City's Safety Coordinator and Risk Management company in order to determine if there are any policy changes that we need to address.

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: Partially implemented; In progress.

Effective 2022, the Administrative Captain will send an e-mail to "all police" each year reminding those assigned a take-home vehicle to review Policy 706. Additionally, this policy will be attached to the e-mail.

SPD is in the process of updating the policy to include guidance on the terms "readily available" and "limited personal use."

Recommendation R21-9: As previously recommended in Closing Report C19-040, recommendation #2, I recommend SPD either update the function of their review boards to critically analyze officer's tactical conduct and make findings or enhance the chain of command review function of categorical uses of force that examine an officer's tactics and uses of force that result in specific findings.

Chief's response: Implemented.

All uses of force are reviewed for compliance to SPD policy through the Chain of Command with a final determination of appropriateness made by the Chief's office. Each review has its own unique set of circumstances and requires a critical examination surrounding all elements of the use of force. Ideally, most items that need to be addressed are addressed through the Chain of Command. The monthly Use of Force Review Board provides an additional level of review for each incident to ensure that the Chain of Command has captured relevant information and data, and to address other areas important and relevant to SPD and the community, including Chain of Command review issues, tactical planning (approach, cover, concealment, containment, verbal communication, etc.), tactical review of the de-escalation techniques that are applied prior to a use of force, training, warning of impending force application, demeanor, report writing (completeness, etc.), proper tool/equipment selection if applicable, Policy/SOP considerations, postcare/First Aid, PAT care (if appropriate) and any other relevant action items.

Recommendation R21-10: As previously recommended in Closing Report C19-040 recommendation #10, I recommend SPD create a standard format and procedures for supervisors to utilize when conducting chain of command reviews.

Chief's response: Implemented.

PD established a standard format that includes the following:

Incident #

Date

Involved Officer

Reviewing Supervisor

BWC Footage of Incident: Yes or No

If yes, BWC Officer's Name

Incident Summary

Officer Interview not documented in police reports Subject(s) interview not documented in police reports

Witness interview not documented in police reports Any relevant clarifying information and observations

Sergeant Findings

Recommended Finding

All supervisors have been instructed to use the format that has been provided.

Recommendation R21-11: I recommend that SPD reevaluate the circumstances in which a pursuit may be authorized to eliminate ambiguity for officers and ensure strict compliance with the provisions of HB 1054. SPD should also ensure an evaluation of the factors leading up to the pursuit to determine if a pursuit may have been avoidable similar to a use of force.

Chief's response: Implemented.

The Spokane Police Department revised its policy pursuant to House Bill 1054 in July 2021. Sections that were updated pursuant to State legislation include SPD Policy 314.2.1, which explains the definition of a "vehicle pursuit" and under what circumstances officers may initiate a pursuit, and SPD Policy 314.2.2, which details when officers shall terminate a pursuit.

The Training Director who chairs the Collision and Pursuit Review Board (CPRB) has been notified to include circumstances prior to the pursuit to determine if other tactics were available that may have allowed the subject to be taken into custody prior to the pursuit, thus avoiding a pursuit altogether.

Recommendation R21-12: As previously recommended in Closing Report C19-040, recommendation #8, I recommend SPD consider reducing or removing exceptional techniques from its policies, manuals, guidelines, and other guiding documents and training to reduce department liability. SPD should also consider listing every tactic or device that an officer can use in utilizing force that the Department explicitly approves.

Chief's response: Partially Implemented.

Pursuant to State legislation passed in 2021, SPD's Use of Force policy was modified, and the term "exceptional technique" was removed. Approved tactics and devices are listed in the Defensive Tactics manual.

SPD relies heavily on the 1989 U.S. Supreme Court case *Graham versus Connor*, which reads in part:

"Determining whether the force used to effect a particular seizure is "reasonable" under the Fourth Amendment requires a careful balancing of "the nature and quality of the intrusion on the individual's Fourth Amendment interests" against the countervailing governmental interests at stake. *Id.*, at 8, quoting *United States v. Place*, 462 U.S. 696, 703 (1983). Our Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it. See *Terry v. Ohio*, 392 U.S., at 22 -27. Because "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," (emphasis added) *Bell v. Wolfish*, 441 U.S. 520, 559 (1979), however, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. See *Tennessee v. Garner*, 471 U.S., at 8 -9 (the question is "whether the totality of the circumstances justify[es] a particular sort of ... seizure").

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. See *Terry v. Ohio*, *supra*, at 20-22. The Fourth Amendment is not violated by an arrest based on probable cause, even though the wrong person is arrested, *Hill v. California*, 401 U.S. 797 (1971), nor by the mistaken execution of a valid search warrant on the wrong premises, *Maryland v. Garrison*, 480 U.S. 79 (1987). With respect to a claim of excessive force, the same standard of reasonableness at the moment applies: "Not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers," *Johnson v. Glick*, 481 F.2d, at 1033, violates the Fourth Amendment. The calculus of reasonableness must embody [490 U.S. 386, 397] allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.

SCOTUS recognized 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 taught 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).

We are willing to work with your office to determine a method to accurately track this "other" category.

Recommendation R21-13: As previously recommended in Closing Report C19-040 recommendation #10, I recommend SPD create a standard format and procedures for supervisors to utilize when conducting chain of command reviews.

Chief's response: Implemented.

As noted in the response to R21-10, we have developed a standard form with that includes the following:

Incident #

Date

Involved Officer

Reviewing Supervisor

BWC Footage of Incident: Yes or No

If yes, BWC Officer's Name

Incident Summary

Officer Interview not documented in police reports Subject(s) interview not documented in police reports

Witness interview not documented in police reports Any relevant clarifying information and observations

Sergeant Findings

Recommended Finding

All supervisors have been instructed to use the format that has been provided.

Recommendation R21-14: A requirement that officer's carefully monitor the subject for abnormal breathing when a subject states they cannot breathe during a physical encounter with the police and document any actions taken by an officer to assess the subject's medical condition in a police report.

Chief's response: Implemented.

Recommendation R21-15: I recommend SPD require the UOFRB formalize its tactical analysis as previously recommended in the C19-040 Closing Report, Recommendation #2. The UOFRB should also respond formally to any request made to conduct a review. This memorializes the analysis the board conducts and closes the loop with the department leaders on outcomes on requests they make to evaluate critical cases.

Chief's response: Implemented.

I am in support of this recommendation and have directed the UOFRB to respond formally to a request made to conduct a specific review.

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: In progress.

We will be including this training in future Sergeant Academies and will train on this during the March Sergeant monthly training, as well as the March Senior Staff meeting.

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: In progress.

The Department typically holds three in-service sessions for the entire agency each year. The sessions for 2022 have been established. I will direct SPD's Training Unit to add this to training topics for 2023, and additionally explore training material that can be covered at upcoming roll calls.

V. EVALUATION OF THE OPO

The OPO commends the OPO's performance through another year of the COVID-19 pandemic. The OPO has previously noted Mr. Logue's leadership for having a tremendous focus and strategic vision that has moved the OPO forward since his arrival. Mr. Logue's leadership was critical to navigating the second year of the pandemic while staying engaged with the work in police reform. Despite limited opportunities to meet in person, the OPO became more engaged. Most notably, Mr. Logue was appointed by Governor Inslee to the Washington State Criminal Justice Training Commission (CJTC) for his knowledge of police oversight as part of a new governing body at the state level created by the Legislature. Mr. Logue and his staff have also continued their involvement with NACOLE at the national level, joined work groups to create recommendations to address racial disproportionality in the criminal justice system, and provided testimony on use of force at the state level.

The police reform legislation passed in Washington State placed new requirements on how police departments interact with members of the public. While we credit the police department for the positive steps they've taken

to implement the legislative changes, we also want to recognize that several pieces of the reform legislation included several recommendations the OPO made several years ago to SPD. For instance, the OPO worked with SPD in 2018 to update its Use of Force Policy to create a de-escalation policy. The enacted legislation requires officers to de-escalate before resorting to force. The OPO's report on C19-040 has also brought about significant change to how SPD employs K-9s which mirrors legislative changes. Mr. Logue also wrote model policy language for Duty to Intervene for NACOLE.

The scope of work in the OPO has remained steady compared to 2020. The OPO responded to 1452 citizen contacts, conducted 73 interviews with community members with ongoing or potential complaints. The Ombudsman and the Deputy Ombudsman attended and participated in 88 officer and complainant interviews in SPD; attended 307 meetings in SPD; and attended 20 SPD review boards. The OPO oversaw 34 complaints against SPD brought into the OPO with oversight of 82 total complaints, and 23 complaint referrals to other agencies. The OPOC rejuvenated getting HR to officially reclassify the Deputy Police Ombudsman position. Mr. Logue facilitated and supported the OPOC's efforts to implement the position reclassification. Without his efforts, it would have been difficult for the OPOC to successfully negotiate with the City. He continues in that effort as he submitted budget requests to the City Administration for 2022 to restore the OPOC and OPO training budget to pre-pandemic levels, which City Council granted at the end of 2021.

The OPO took on writing closing reports in 2021. Writing closing reports is a function the community has wanted the OPO to be able to do since the inception of the OPO through independent investigations. However, the CBAs after establishing the OPO have not allowed for closing reports. This changed with the latest CBA that was passed in March 2021. From March through December, the OPO issued nine reports with 17 recommendations. The OPO thoughtfully selected cases the public may find illuminating in areas they would not otherwise know about. For instance, the OPO wrote a closing report on an officer who got into an accident in their department issued vehicle while off-duty. In other jurisdictions, officers have been held liable for any damages resulting from the accident. In Spokane, the officer was not held liable despite their vehicle being totaled and removed from service. The OPO also tackled a TASER application on a juvenile in a mental health crisis. Many members of the community expect officers to call a person from the Behavioral Health Unit to handle all these types of calls. However, the agreement between agencies still makes the officer the primary point of contact and the individual from the mental health agency facilitates after a person is secured by officers.

Mr. Logue consistently looks for ways to enhance each person's capabilities in the OPO. He has also sought out and provided opportunity for the Administrative Specialist to become more adept at interviewing by sending her to the Basic and Advanced Reid Interviewing and Interrogation Techniques training held locally. This was done to enhance Ms. Coty's already excellent abilities in conducting on the spot complainant interviews when the phone rings. Ms. Coty by far handles most community member contacts that come into the office as well as most community member interviews. She maintains resident knowledge on each case and referral that comes in and regularly supplies requested details to both Mr. Logue and Ms. Omana. Ms. Coty has revamped the monthly report into a more user-friendly document and continues to look for ways to enhance the report. Ms. Coty has never missed a deadline for the OPOC maintaining their compliance with the Open Public Meetings Act and ensures that Commissioners are well informed regarding items of interest in the OPO.

Mr. Logue has also mentored the Deputy Police Ombudsman as she navigates new responsibilities given in fulfilling all the roles and expectations of the Police Ombudsman. The Deputy Police Ombudsman has proven to be a stalwart in the office. This last year, Ms. Omana has performed superbly as she has become the primary OPO representative to Use of Force, Collision, and Pursuit review boards. Over the past several years, she has become a specialist in police use of force and provides keen and sometimes unpopular feedback in review boards comprised mostly of SPD officers. She has also used these experiences to choose cases for review in closing reports as well as research recommendations for policy and procedure refinement to the police department. This year, Ms. Omana was authorized by the collective bargaining agreement to function as the police ombudsman in his absence and fully participate in all roles and authority given to the OPO. In this capacity, 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. Her ability to handle these difficult situations has surpassed the OPOC and the Police Ombudsman's expectations for what could be reasonably accomplished in a single year. Ms. Omana served as the Acting Police Ombudsman several times in 2021 without issue and with the full backing of the OPOC.

Ms. Omana has contributed significantly to the success of the OPO. Her willingness to step into uncomfortable situations is noteworthy and her ability to take on new responsibilities which are skillsets in themselves is extraordinary. Ms. Coty also continues to impress. Her care and concern for community members is evident by the time she gives each one. Her ability to handle intake interviews is impressive considering she had no previous background in interviewing. She can parse out pertinent details which enables prompt classification decisions, contributing significantly to maintaining the very fast pace of the workflow. Overall, the OPOC is pleased with Mr. Logue's performance in another year at the helm of the OPO. He continued to execute the office's mission. He is steadfast in his resolve and he has proven that he will not back down in the face of 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.

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.



Office of Police Ombudsman

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