



# Office of Police Ombudsman Commission

**\*Special Meeting Notice\*/Agenda**

**January 22, 2019**

**5:30PM – 8:00PM**

**Council Briefing Center**

**Lower Level, City Hall**

**TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE**

## Commission Briefing Session:

|               |  |                   |
|---------------|--|-------------------|
| 5:30 – 5:45pm | 1) Welcome to public                         | Commissioner Rose |
|               | 2) Agenda approval                           | Commissioner Rose |
|               | 3) Approve December 11, 2018 meeting minutes | Commissioner Rose |

## Items:

|               |   |  |
|---------------|---|--|
| 5:46 – 6:45pm | 1) Public forum   | Citizens signed up to speak<br>Luvimae Omana<br>Bart Logue |
|               | 2) Analyst brief  |  |
|               | 3) OPO report <ul style="list-style-type: none"><li>• Critical Incident</li></ul> |  |

## Commission Business:

|               |  |                      |
|---------------|--|----------------------|
| 6:46 – 8:00pm | 1) Chief Meidl's letter regarding OPOC's decision on C18-055 / OPO 18-32 | Commissioner Rose    |
|               | 2) Removal from the Public Advisory Committee                            | Commissioner Wilburn |
|               | 3) OPO Budget Update   | Commissioner Rose    |
|               | 4) Update on ordinance change  | Commissioner Rose    |
|               | 5) Commissioner Speak-Out  | Commissioners        |
|               | 6) 2019 Goals  | Commissioners        |

## Adjournment:

Next Ombudsman Commission meeting will be held on February 15 , 2019

The password for City of Spokane Guest Wireless access has been changed:

**Username: COS Guest**

**Password: qF2CFPuw**

**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 Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at (509) 625-6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [msteinolfson@spokanecity.org](mailto:msteinolfson@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

December 11, 2018

Meeting Minutes: 1:10

Meeting called to order at 5:31 pm

## Attendance

- OPOC Commissioners present: Ladd Smith, Jenny Rose, James Wilburn, Elizabeth Kelley
- Legal Counsel: Mike Piccolo
- OPO staff members present: Bart Logue, Christina Coty
- OPO staff members absent: Luvimae Omana

## Items Session

- The Agenda was unanimously approved
- The September 18<sup>th</sup> and November 13<sup>th</sup> minutes unanimously approved

## Public Forum

- No one signed up to speak

## Administrative Specialist Update

- Camp Hope update – Complaints are starting to come in from the eviction process. At meeting time there was 1 official complaint and 3 potential complaints coming in this week.
- NACOLE CPO Certification – Forms need to be filled out and turned into Christina
- Annual report – Starting to work on compiling data for the annual report. Will need to partner with the subcommittee to determine direction.

## OPO Report

- OPO report highlights
  - 110 contacts, 3 complaints, 5 Referrals, 7 OPO Interviews, and 13 IA Interviews
  - 34 meetings with SPD – including the biweekly IA/OPO meetings to ensure we are all on the same page.
  - 1 mediation conducted with very positive outcome. Mediations are time consuming but have proven to be successful, we will continue to offer these in 2019

## Commissioners' Business

- OPO 18-32 / C18-055 case update
  - Guild filed a Grievance.
    - The OPO never received an official grievance letter from the Guild. We reached out to City Legal to obtain it once we found out.
    - Ombudsman has recommended that the case be Administratively Suspended so that the 180 day time limit doesn't run out
- Complaint letter of Police Chief update
  - Letter received from the Mayor – taking this complaint very seriously
  - Interviews will be conducted by HR and City Legal
- OPOC Subcommittee assignments
  - Uses of Force involving racial disparity/mental health – Commissioner Wilburn and Commissioner Kelley
  - OPOC Annual Report – Commissioner Rose and Commissioner Smith

- OPOC Response to SPD on R18-5
  - Ordinance change requested and will be presented at the City Council meeting on December 17
- District 1 Commissioner Position
  - Commissioner Smith reached out to CM Fagan and CM Burke in July and December regarding the extended vacancy
- Commissioner Speak Out
  - Commissioner Rose – Had to pay \$438 out of her pocket to cover the cost of her substitute in order to attend NACOLE. The City said they were not going to pay to reimburse her. Commissioner Smith stated the same thing.
  - Commissioner Smith – Acknowledged that the Law Enforcement field is getting very difficult to recruit and hire for. This will continue to be a challenge as more senior officers are looking at retirement. We then have a much bigger problem.
  - Commissioner Kelley – Attended the Daigle Law Group UOF Summit at the end of November. Seminar covered community relations, UOF, emerging technology, encounters involving people with mental disabilities. She may assist, on mental health matters, in future trainings.
- OPOC Legal Counsel contract
  - Contract is an open ended contract and is still valid
- January Meeting date change
  - January 22nd – Motion Passed
- Executive Session – PAR
  - 6:21pm – 6:40pm

**Motion Passes or Fails: 3**

**Meeting Adjourned at: 6:42PM**

**Note: Minutes are summarized by staff. A video 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**

808 W. Spokane Falls Blvd.  
 Spokane, WA 99201  
 509.625.6742 / spdombudsman.org

January 22, 2019

**Public Safety & Community Health Committee Report**

Reporting Period: December 1-31, 2018

| Snapshot of Activities    |                                      | Monthly | Year to Date |
|---------------------------|--------------------------------------|---------|--------------|
| <b>Community Outreach</b> |                                      |         |              |
| OPO                       | Total community events and meetings  | 3       | 102          |
| OPOC                      | Community outreach / activities      | 5       | 90           |
| <b>Commendations</b>      |                                      | 1       | 4            |
| <b>Complaints</b>         |                                      |         |              |
|                           | Received complaints                  | 6       | 66           |
|                           | Referred complaints                  | 5       | 51           |
| <b>Contacts</b>           |                                      | 108     | 1534         |
| <b>Case Review</b>        |                                      |         |              |
|                           | Request for further investigation    | 2       | 14           |
|                           | Investigations certified / concurred | 6       | 63           |
|                           | Declined certifications              | 0       | 4            |
|                           | Special cases reviewed               | 17      | 178          |
| <b>Interviews</b>         |                                      |         |              |
|                           | OPO interviews                       | 17      | 187          |
|                           | IA interviews                        | 6       | 141          |
| <b>Training</b>           |                                      | 1       | 36           |
| <b>Critical Incidents</b> |                                      | 0       | 1            |
| <b>Mediations</b>         |                                      |         |              |
|                           | Conducted                            | 0       | 3            |
|                           | Declined                             | 0       | 1            |
| <b>Recommendations</b>    |                                      | 0       | 5            |
| <b>Other Activities</b>   |                                      |         |              |
| SPD Related               | Meetings / contacts                  | 23      | 302          |
|                           | Review boards                        | 0       | 35           |
|                           | Closing meeting                      | 0       | 1            |

## 1. Outreach

### a) OPO

- i. OPOC meeting (12/11)
- ii. City Council strategic briefing session (12/17)
- iii. Kwanzaa Unity celebration (12/26)

### b) OPOC Actions – Commissioners attended the following events, some events were attended by multiple Commissioners:

- i. Spark Central (12/10)
- ii. OPOC meeting (12/11)
- iii. Spokane International Academy – SIA fundraiser (12/13)
- iv. SIA Board Meeting (12/17)
- v. Kwanzaa Unity celebration (12/26)

## 2. Commendations / Complaints

### a) **Commendation:** Officer Cedeño for the Ombudsman's ride along.

### b) **Received Complaints**

- i. **OPO 18-63 – False Arrest / Inadequate Response:** Complainant was arrested by the officers without conducting a proper investigation.
- ii. **OPO 18-64 – Traffic / Driving:** Complainant witnessed a patrol vehicle in north Spokane speeding, switching lanes, with emergency lights on. Concerned because of hazardous weather conditions and how abruptly the lights were turned off and the officer joined the flow of traffic.
- iii. **OPO 18-65 – Demeanor:** Complainant contacted the police desk regarding the law on video recording an officer while on duty. The desk officer confirmed the law but was rude and when complainant had more questions the officer hung up.
- iv. **OPO 18-66 – Demeanor:** Complainant was pulled over for speeding and was disrespected, belittled and mocked by the officer.
- v. **OPO 18-67 – Inadequate Response:** Complainant called SPD for assistance. Upon arrival, complainant was taken to a hospital for evaluation. Concerns were never addressed.
- vi. **OPO 18-69<sup>1</sup> – Inadequate Response:** Complainant called SPD for assistance with neighbors. The complainant was then arrested and concerns were never addressed.

### c) **Referred Complaints** <sup>2</sup>

- i. **IR 18-49** – Citizen would like more information regarding a sibling's death.
- ii. **IR 18-50** – Complaint about a vehicle being impounded and the status of his arrest.
- iii. **ER 18-51** – Spokane County Sheriff's Office (SCSO); Complaint regarding the circumstances around a citizen's booking into the jail.

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<sup>1</sup> OPO 18-68 was purged from the system, number has not been reassigned.

<sup>2</sup> IR, internal referral, means the OPO referred a concern or complaint to another unit within the Spokane Police Department. ER, external referral, means the OPO referred a concern or complaint outside of SPD.

- iv. **ER 18-52** – SCSO; Complaint regarding the circumstances around a citizen's booking into the jail.
- v. **ER 18-53** – Parks Department, Negative interaction with park rangers.

### 3. Case Review

- a) C18-056 / OPO 18-19 – Investigation certified
- b) C18-079 / OPO 18-38 – Request for further investigation
- c) C18-068 / OPO 18-39 – Investigation certified
- d) C18-064 / OPO 18-37 – Investigation certified
- e) C18-102 / OPO 18-64 – Investigation certified
- f) C18-077 / OPO 18-49 – Investigation certified
- g) C18-090 / OPO 18-57 – Request for further investigation
- h) C18-070 / OPO 18-42 – Investigation certified

### 4. Special Cases Reviewed

- i. 7 Use of Force
- ii. 0 Pursuit
- iii. 3 Collision
- iv. 7 K9 Deployment

### 5. Activities

- a) OPO staff members participated/engaged in the following other activities:
  - i. PSCHC meeting (12/3)
  - ii. Leadership Spokane Gala planning (12/3, 12/4, 12/6, 12/26)
  - iii. NACOLE Strategic Planning Committee (12/4)
  - iv. Ride Along (12/18)
- b) SPD related
  - i. 13 meetings/contacts with IA
  - ii. 10 meetings/contacts with SPD
- c) OPO met with/had contact with OPO Commissioners/staff:
  - i. Commissioner Kelley on 12/3
  - ii. Commissioner Kelley on 12/4
  - iii. Commissioner Kelley on 12/5
  - iv. OPOC Legal Counsel Hession on 12/6
  - v. Commissioner Wilburn on 12/19
  - vi. OPOC Legal Counsel Hession on 12/20
  - vii. Commissioner Smith on 12/27
- d) OPO met with/had contact with City Council members/staff:
  - i. Council Member Beggs on 12/3
  - ii. Council Member Stuckart on 12/6
  - iii. Council Member Stratton on 12/6
  - iv. Council Member Fagan on 12/26
  - v. Council Member Beggs on 12/26

### 6. Next Steps

- a. Annual Reports for OPO and OPOC



**SPOKANE POLICE DIVISION**  
**CHIEF OF POLICE**  
**CRAIG N. MEIDL**

December 24, 2018

Office of Police Ombudsman Commission  
Commissioners Ladd (Chair), Kelley, Wilburn and Rose  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201

RE: Referral of OPO C18-055 to Spokane Police Department for further investigation

Dear Commissioners,

I am in receipt of your correspondence directing further investigation regarding SPD complaint #C18-55 dated November 13, 2018. In the letter, you outlined four specific concerns. Those concerns include: (1) It is unusual for IA to arrive at findings in a case and conduct officer interviews off the record; (2) IA failed to attach purported email correspondence with the officer; (3) IA failed to interview the officer regarding the complaint; (4) the citizen made alleged demeanor concerns in his interview with Lt. Stevens that he (Stevens) did not investigate.

On December 18, 2018, I requested a meeting with Chair Smith, as the information provided in the letter is not entirely in line with what occurred in this incidence or lacks context. It is my goal to provide clarifying information regarding the four concerns mentioned above.

Regarding the first concern, it is established practice for Internal Affairs staff to intake all complaints brought to their attention and investigate allegations of misconduct. In this instance, the 'demeanor category' allegations from the complainant against the officer in the vehicle did not rise to the level of misconduct. The investigator took the additional step of calling the complainant for a second interview to determine if there was more information that would rise to the level of misconduct according to SPD policies and procedures. In the course of attempting to narrow down which specific officer was involved, the accused officer was able to determine he was the one being investigated for the demeanor complaint. This officer subsequently sent an unsolicited email with his statement of what had occurred (attached). Though there were minor differences in their versions, the second phone call still did not reveal any policy or procedure violations against this accused officer, and the unsolicited statement from the officer outlining his version of what had occurred confirmed there was no misconduct (whether the statements are reviewed separately or together). Briefly activating the vehicle's horn and telling an individual at a protest who approached a police vehicle (either leaning against the vehicle with a cane as the officer stated, or getting within six inches as the complainant stated) that if he intentionally damaged a police vehicle he would be taken to jail, simply does not rise to the level of misconduct. I am in complete support of our officers giving individuals a warning against damaging property else they will be taken to jail.



As has been the practice at SPD for decades, allegations (especially those confirmed via a second interview of the complainant and an unsolicited written statement from the officer of what had occurred) that do not rise to the level of misconduct are categorized as an 'Inquiry'. This is not a new process and therefore is not unusual, uncommon or any different than what is and has occurred in many different situations where a complainant is unhappy with an interaction. Unfortunately the nature of being a police officer entrusted with enforcing the law is that people are sometimes unhappy with the outcome. If the allegation does not violate a policy, it is typically categorized as an Inquiry. All complaints are reviewed to ensure we are meeting the standards of SPD and the expectations of the community.

Regarding (2) and the failure to attach purported email correspondence from the officer, that is an easy fix and I am happy to attach it to this current correspondence for your review.

Regarding (3), IA failure to interview the officer regarding the complaint, the officer provided an unsolicited statement that outlined what had occurred. It is not uncommon in an Inquiry that an officer is not interviewed if no policy or procedure violations are outlined by the complainant. In this incident, the officer did provide an unsolicited statement that gave sufficient information to determine what his actions were and that they were not outside policy.

Regarding (4), the complainant made a second Demeanor complaint accusation against several officers regarding his first contact with the initial officer. I have directed IA to investigate that as a possible Demeanor complaint.

In the aforementioned correspondence from the OPOC, members of the Commission reference SMC 04.32.030(F). This section must be taken into context of the entire ordinance, which grants the OPO and the OPOC Commission their authority under law (SMC Chapter 04.32).

Under Section 04.32.030 Functions and Duties, the ordinance outlines:

"Section 04.32.030 Functions and Duties

The functions and duties of the OPO are as follows:

The OPO will actively monitor all police department OPO Involved Investigations as provided herein."

Under Section 04.32.020 Definitions, an OPO Involved Investigation is defined. This definitions states:

L. "OPO Involved Investigation" means an IA investigation where the complaint giving rise to the investigation, whether made to the police department or the OPO, is a complaint of a serious matter (complaints that could lead to suspension, demotion or discharge) involving allegations that an employee either improperly used force or improperly/inappropriately interacted with citizens."



The complaint in question has been investigated (as evidenced by the recorded phone calls, reports submitted by IA, and written statement from the officer). Further questioning (for a third time) the complainant will not provide a different outcome. Conceivably witnesses provide information that corroborates or refutes statements provided by the complaining party. Even were we to take the complainant's statements as fact, there is no misconduct to corroborate or refute.

This ordinance was crafted by the City Council and passed into law after much deliberation. It is important to note that the language was specific in the scope of authority given to the Office of Police Ombudsman and the

Commission, and limited to those complaints of a "serious matter". I must assume that the City Council was reasonable and intentional when they limited the scope of authority of the OPO and OPOC to "serious matters", and were deliberate in the avoidance of using "all matters". A Demeanor complaint under the allegations brought forward does not rise to the level of "serious matter" (with the definition of "serious matter" being a matter that could lead to a property right infringement, specifically suspension, demotion or discharge).

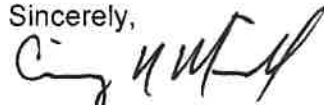
I am cognizant of Seattle Police Officers Guild v. City of Seattle, Decision 9957 (PECB 2008). Though that case was specific to redacted files, the underlying premise established by PERC was that changing the scope of civilian oversight is not appropriate outside bargaining. I have an ethical obligation to ensure I am following the laws and ordinances of the State of Washington and City of Spokane. Allowing the OPO and OPOC authority over investigations that are not OPO-involved would be a violation of what the City Council has legislated and PERC has weighed in on.

I do have concerns regarding allegations surrounding the second contact the complainant had with officers and have directed Internal Affairs to investigate the allegation brought forward by the complainant surrounding this second contact. Though this second contact was not referenced in the follow-up phone call between Lt. Stevens and the complainant, the initial statements warrant further investigation.

I apologize for the length of this response; though I had requested a meeting with the Chair to discuss this specific complaint in person, I appreciate that there was hesitancy due to a separate issue involving the OPOC and the Chief's Office.

We would be happy to discuss further if there are any questions or concerns we can clarify, and I look forward to continuing our work on these issues.

Sincerely,



Craig Meidl  
Chief of Police

**Meidl, Craig**

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**From:** [REDACTED]  
**Sent:** Monday, September 10, 2018 4:55 PM  
**To:** Stevens, Barton; Tilley, Ronald  
**Subject:** IA complaint

Lt,

I just spoke with Sgt. Tilley regarding the gentleman who filed a complaint against my demeanor at the Kathy McMorris Rodgers Event at the Spokane Club. I would like to take a moment to explain the situation and what was said in order to add context. At the time I had the interaction with the male, my vehicle was surrounded by approximately 30 angry protesters who believed that my vehicle was responsible for transporting Cathy Mc Morris Rodgers. (The vehicle is not marked as a Police vehicle and I was wearing a suit and tie.) As I sat minding my own business, the angry protesters continued to scream insults and demeaning personal attacks at me. (I just ignored them.) At one point a transient looking male walked up and began leaning on the front passenger side of my vehicle near the front tire. The male was rubbing his cane/walking stick on the paint of the vehicle and kept leaning down towards the tire. My concerns were two fold.

1. I felt the male was purposely attempting to damage the vehicle by scratching the paint and was possibly attempting to stab my front tire, thus disabling the vehicle so that we could not leave with our principal Kathy McMorris Rodgers.)
2. I was concerned that the male would be in the way if I had to hastily leave the area and could possibly be struck.

I briefly honked my horn and waved the male away from the vehicle. An elderly woman standing nearby smiled (I smiled back) and she walked over to the male and told the man not to lean on my vehicle. The male looked at me with disgust and leaned back down on the front of the vehicle, again moving his cane back and forth in a way which could cause damage to the paint. I rolled down the passenger side window and announced with a stern voice, "Sir, if you purposely damage this vehicle you will be arrested." The male moved away from my vehicle and there was no other interactions between us.

The other protesters eventually lost interest in me and moved back towards the building with their bullhorn.

At no time did I use profanity or demean the male in any way, and my course of action was successful in moving the male away from the vehicle, thus defusing the situation.

Please let me know if you have any questions-

Thank You- Officer [REDACTED]

# Employer Acts Unlawfully In Changing Scope Of Civilian Oversight Of Police Department

April 1, 2008

| No Comments

In 1999, the Seattle, Washington City Council adopted the Office of Professional Accountability (OPA), which was granted an independent review authority to audit, examine, and review arrest records and contacts between Seattle police officers and civilians. The examinations were based upon citizen complaints, and were a reaction to the claims of certain citizen groups that they had been harassed by the police.

In 2000, the City and the Seattle Police Officers Guild agreed through the collective bargaining process to certain changes in OPA and Department-wide internal investigation procedures, and to a three-member panel review system for OPA decisions.

During the summer of 2005, it became evident that some civilian review supporters, unhappy with the Police Chief, OPA, and the Mayor, began to plan a revised City ordinance which would enlarge OPA's authority by allowing review of "un-redacted" disciplinary files. When the City Council began to consider an ordinance allowing access to un-redacted files, the Guild's attorney sent a letter to the City alerting them to rumors that the ordinance was being considered and promising that the Guild would file an unfair labor practice complaint if no bargaining took place.

In spite of the Guild's threats, on May 30, 2006, the City Council passed a new ordinance that would allow the OPA review board to have access to un-redacted departmental and OPA files. The Guild responded with an unfair labor practice complaint alleging that the City had unilaterally changed a mandatory subject of bargaining.

An Administrative Law Judge (ALJ) for Washington's Public Employment Relations Commission agreed. The ALJ concluded "that the ordinance impacted a mandatory subject for bargaining, and especially the potential for discipline of bargaining unit members. The topic of redacted files for the police review boards impacts closely on the working conditions of the employees, since there is a clear potential for scrutiny and discipline by their employer."

The ALJ ordered the City "to rescind the un-redacted file and confidentiality/indemnification rules contained in the ordinance."

*Seattle Police Offices Guild v. City of Seattle*, Decision 9957 (PECB 2008).

## Coty, Christina

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**From:** Napolitano, Angie  
**Sent:** Monday, December 24, 2018 10:30 AM  
**To:** Logue, Bart; Omana, Luvimae; MEDIA Wilburn; Spokane Schools James; Coty, Christina  
**Cc:** MEDIA Joan Butler  
**Subject:** PAC membership conflict of interest

SENDING ON BEHALF OF JOAN BUTLER:

Dear Bart, James, and Luvimae,

After some thoughtful consideration, I have come to believe that it is a conflict of interest to have members of the Ombudsman's Office and/or Commission as members of the Police Advisory Committee. The Police Advisory Committee's sole purpose is to serve as the sounding board for the Chief of Police and it is not possible to have thoughtful discussions with the Chief when members of the Ombudsman's Office and/or Commission are present.

Therefore, in order to eliminate the conflict of interest concerns, we will be removing you from the PAC membership. Of course, you are always welcome and encouraged to attend the quarterly public meetings to share your expertise and opinions.

Many thanks for all the time and energy you have generously given to the group.

Joan Butler  
PAC Chair.